

From: [Suzanne Scallon](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#)
Cc: [Suzanne Scallon](#)
Subject: Against Potala Village as designed
Date: Monday, April 30, 2012 8:55:10 AM

Good morning!

Although I have written many times and made my opinion heard to the Council, I understand that you are voting Tomorrow night on the Moratorium which is about to expire.

Again I would like to say that I am adamantly against Potala Village as designed as a high density living community. I stand in alliance with other concerned Kirkland residents that all share the same concerns as noted below.

Please do not let the developer have the chance to submit a building permit because your Planning Commission has not returned a recommendation to the Council. We do not want the developer to have a chance to be "vested" in this process. Please take immediate action to make this stop.

Residential Market" is the lowest impact commercial land use in Kirkland, behind Urban Center (e.g., Totem Lake), Commercial Center (e.g., Juanita Village), and Neighborhood Center (e.g., Houghton Market area). Note that none of these have ultra-high density residential.

Zoning should result in "a very small building/center" (says the Comp Plan).

The Comp Plan says that this zone should focus on pedestrian-oriented businesses, not those with high volume traffic impacts.

Zoning table is still missing controls on residential building scale.

Zoning table is still missing controls on residential building design.

Zoning table is still missing controls on residential building density. (Every parcel within nearly 1/2 mile is a maximum of 12 dwelling units per acre. There is no limit on the BN zoned property at Lake and 10th Ave. S.)

Zoning must ensure that buildings are integrated into the neighborhood

Zoning should restrict uses to those that are identified as acceptable in the "Residential Market" definition. Current Zoning Table allows uses including large schools rather than retail or service businesses for the neighborhood.

Traffic impacts on our major waterfront arterial are not addressed as required by the Comp Plan.

Zoning must ensure transition area between any intense uses and the surrounding family homes and low density condos.

Thank you for continuing to listen to your concerned citizens and upholding the integrity of Kirkland!
Suzanne Scallon
Marsh Commons Resident
10103 NE 66th Lane
425.922.7107

Jeremy McMahan

From: patrick barthe [patrickbarthe@msn.com]
Sent: Friday, March 30, 2012 11:21 AM
To: Amy Walen
Cc: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller; Patrick Barthe
Subject: Potala Development: Density and allowable businesses

Dear Mrs. Walen & City Officials:

I am writing with respect to the Residential Market / lowest intensity commercial designation as I hope you will thoroughly consider the ingress and egress issues clearly identified as limiting factors in the Comprehensive Plan.

First of all, it is very important to note that in the entire city (new and annexed) there are only two areas identified for this very low intensity use called residential market. Reading the comprehensive plan, and every neighborhood plan, these are specifically identified for this very "limited commercial" due to ingress and egress issues. No other property in the whole city mentions ingress and egress trouble. Just these two sites which are on the same block and both along the Boulevard bounded by the Lake to the west and a mostly residential side street.

The ingress and egress limit to development can only be achieved if both of the following are met.

The Land Use Chart needs to be changed regarding allowed businesses for BN. This is just for BN that have been identified as residential market and thus very low intensity. Vehicle-intensive businesses should be specifically noted as not allowed in the BN-Res Mkt for this reason. This is currently accomplished in the Comprehensive Plan, however the Land Use Chart allows things like drive thru businesses (auto intensive) and large churches or schools (also auto intensive). So that there does not continue to be a conflict between the CP and the zoning, the chart must be better aligned with the plan for this subset of BN properties.

The residential density MUST be capped to a reasonable level. You cannot provide for only "limited commercial" or "low intensity" or protect the issues around ingress and egress without a residential density cap. You just cannot hold the line on limited ingress and egress without this cap. This is exactly why all properties along the boulevard had their caps reduced in 1977.

Thank you for taking the time to understand my concerns as a resident of the neighborhood for over 10 years.

Patrick Barthe
Resident of 10+ Years at Park Bay Condos
10108 NE 68th Street
Kirkland, WA 98033

From: [Jack Arndt](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); jpasal@kirklandwa.gov; ktripett@kirklandwa.gov; [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#)
Subject: BN - Residential Market
Date: Sunday, April 29, 2012 7:11:08 PM

To All Concern:

I am the President of View Pointe HOA, located on Lake Washington Blvd.NE. We represent 10 homeowners who voted many of you into office. We refer to the BN-Residential Market which many of our homeowners have voiced to having a complete review in passed e-mails on the BN.

We request that the moratorium continues and be entered in the public record in your meeting of May 1,2012.

Many of the issues have not been addressed, all issues must be addressed and dealt with clearly prior to moratorium being lifted. If the moratorium is lifted now, the Council hasn't taken any action or changed anything that in effect has a negative impact of the citizens of Kirkland.

We urge the Council to step up and make a good decision on the future of Kirkland and not to bend under the pressure/influence of developers. Keep the moratorium in place until a complete review has taken place on all the issues!!

Sincerely,

Jack Arndt
View Pointe Board President

From: Uwkkkg@aol.com
To: [Jeremy McMahan](#)
Subject: BN Moratorium - Review Packet
Date: Monday, April 30, 2012 12:33:05 PM
Attachments: [ForCityCouncilMay12012\[1\].pdf](#)

Good Morning Mr. McMahan:

I am sending you a packet that was previously given to Planning Commission as it documents deliberate decisions made by Kirkland's Growth Management Subcommittee, former planning commissions and former City Councils. I hope that you might find it useful.

I did not go back and attach the documentation shown recently wherein the GM subcommittee and planning commission and Council had inserted housing into the Residential Markets and then deliberately removed it. That was sent on a recent occasion.

I am sending this email to every city council member and Kurt Triplett, Robin Jenkinson, Eric Shields, Jeremy McMahan. I am concerned if I send it all of the addressees in one "bulk" delivery that it will bounce. My comments and the attachments will be exactly the same in each email.

Thanks for your thoughtful consideration. Please extend the moratorium and help us get the zoning for Residential Markets that has been expected since 1995.

Please let me know if I can supply you with full documents or any other materials you find helpful.

Respectfully,
Karen Levenson

From: uwkkg@aol.com
To: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Dave Asher](#); [Bob Sternoff](#); [Toby Nixon](#); [Kurt Triplett](#); [Robin Jenkinson](#)
Cc: [Eric Shields](#); [Jeremy McMahan](#); [Janet Jonson](#); [Kathi Anderson](#)
Subject: BN Moratorium Extension
Date: Wednesday, May 02, 2012 9:09:39 AM

Dear Mayor McBride, Deputy Mayor Marchione, City Councilmembers, City Manager and City Attorney:

Thank you for carefully weighing the pros and cons of whether to extend the BN moratorium. I found the council member arguments on each side to be thoughtful. Even when I did not agree with the perspective stated by some council members, I could still clearly follow the thought process. I am sure others also found the debate equally informative and balanced.

I am pleased, as are others, that the work that has been started will not be prematurely stopped and that any development, or developer, will not be able to vest until all the questions are asked and answered.

Thank you for providing the time for all questions to be reviewed and looked at in depth. A rush to the finish line would have resulted in insufficient time to work carefully and methodically.

Respectfully,
Karen Levenson

From: [One Neighborhood](#)
To: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Dave Asher](#); [Bob Sternoff](#); [Toby Nixon](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: BN Moratorium From Sharon & Arlyn Nelson on Behalf of "One Neighborhood Block"
Date: Monday, April 30, 2012 10:11:09 PM

The following is being submitted to you on behalf of Sharon and Arlyn Nelson and on behalf of the newly forming neighborhood group "One Neighborhood Block" which represents the interests of the Kirkland residents living between 10th Ave S (to the north) and NE 64th St (to the south) and between "the Boulevard and Lakeview Dr." This area is about half multifamily homes and the balance are low to medium density condominiums. This block has the only two "Residential Market - Commercial" properties in Kirkland.

=====

My name is Sharon Nelson and my husband, Arlyn, and I live at 6736 Lake Washington Blvd in Kirkland. We are speaking on behalf of "One Neighborhood Block" – a group of local neighbors deeply concerned about the direction the city may be taking with regard to the Comprehensive Plan and high-density/zoning issues. We're shocked as to what appears to be a devastating plan for our area.

Living on the 'Blvd', we *experience* what traffic has become with daily difficulty getting in and out of our driveway. At times, cars are at a virtual stand-still and we have even walked to town faster than the cars could drive! Guest parking is nearly impossible during summer months.

Our boulevard and parks are positive and unique attractions. Where can you go today to enjoy lake activities, views, walking, bicycling, jogging, etc. like we have here? So why would the city allow more cars and density in an already overloaded, high-traffic area?

One of our neighbors did their due-diligence before purchasing their home by asking the city about any future developing near them only to find out that now it could be directly opposite from what they were originally told. They feel betrayed by the city and are heart-sick and angry. We, too, experienced something similar and could now have a high-density building practically next door when we understood it was zoned for **Neighborhood Business**. Many of the homes/condos around us are worth well over a million dollars and risk losing value with this type of structure across the street or next door.

All due respect, but there appears to be a lack of 'vision' as to what our city should/could be. Kirkland has such great potential but any appropriate vision seems to be lacking. With our lake and park amenities, it could be so much more. Now, we face the possibility of ruining the waterfront and close-in areas by inappropriate development. We HAVE a GOOD master plan -just enforce it as you should with our Zoning Code?

Please consider our position. We are NOT against development and would LOVE to see Kirkland thrive, but put high-density in areas where appropriate. **Listen to your**

constituents, not developers who benefit from city mistakes.

The wrong decision now could be tragic for our city but may also set the stage for more negative uprisings. Now is the time for the city to LISTEN to their residents and LISTEN well.

In a nutshell, here are our concerns:

- "One Neighborhood Block" would like to establish "standing" for any future hearings and go on record with our concerns.
- Please extend the moratorium for an additional 6 months. We would be supportive of an earlier termination of the moratorium if the work of aligning the zoning of Residential Markets with the Comp Plan is achieved prior to that.
- The Comprehensive Plan of Kirkland clearly states that ALL development may only be approved if it is in compliance with that Plan.
- The zoning changes that are required by the Comprehensive Plan for Residential Market/Neighborhood Business are still not in place.

We want what is best for the city of Kirkland both now and for the future. Now is the time to set things right so we can go forward with proper guidelines.

Thank you

From: Uwkgg@aol.com
To: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Dave Asher](#); [Bob Sternoff](#); [Toby Nixon](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#); [Janet Jonson](#)
Subject: BN Reasonable size, scale & DENSITY: Need not be miniature, but cant be enormous
Date: Monday, April 30, 2012 12:38:46 PM

Hi all

Just a quick note to make sure that I am not confusing you. While it is felt by many that housing density was specifically removed from allowed uses, there seems to be other information that I believe has most locals OK with reasonable size, scale and density... just not enormous, out of scale buildings and not extremely high density. Reasonable size, reasonable scale, blend with neighborhood and reasonable density.

Please extend the moratorium and lets work at getting something that is appropriate built for the BN-Residential Market properties.

Thanks again,
Karen Levenson

From: [Sherman, Madeleine](#)
To: qwalen@kirklandwa.gov; [Doreen Marchione](#); [Eric Shields](#); [Mike Miller](#); [Teresa Swan](#); [Bob Sternoff](#); [Andrew Held](#); [Byron Katsuyama](#); [Dave Asher](#); [Glenn Peterson](#); [Jay Arnold](#); [Kurt Triplett](#); [Penny Sweet](#); [Joan McBride](#); [C Ray Allshouse](#); tnbcon@kirklandwa.gov; [Jeremy McMahan](#); [Jon Pascal](#)
Cc: gramburns@msn.com; shirleysidis@comcast.net
Subject: BN Zones
Date: Sunday, April 29, 2012 6:51:57 PM

The purpose of this email is to request an extension on the moratorium on BN zones.

Our streets cannot support the increase in traffic that 143 units on Lake St and State St. will create. Please DO NOT DESTROY the charm and beauty of Kirkland. Unlimited density would be harmful to the beauty of our city where people of all ages can stroll along the lakes edge enjoying our beautiful location.

Madeleine Sherman

Madeleine Sherman

425-636-8163 (residence)

425 495-5897 (cell)

From: [Chuck Pilcher](#)
To: [Eric Shields](#)
Cc: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C Ray Allshouse](#); [Andrew Held](#)
Subject: BN Zoning History & Rationale
Date: Wednesday, May 02, 2012 4:02:22 PM

Eric,

For a year now we have been debating Kirkland Zoning Code Section 40 (BN Zones). During that time, I have never heard anyone explain the planning rationale that would intentionally place unlimited residential density in BN zones.

If unlimited residential density were a planning goal for our BN zones, it seems to me that more than one word in the Zoning Code would have addressed the issue. (The one word is "None" under the column "Minimum Lot Size" in Zoning table 40.10.100.)

You've been here throughout the period in question for any Zoning Code changes. Would you please explain to me the rationale used by the Planning Commission if it intentionally included unlimited residential density in a BN Zone? Those zones are clearly defined as a place for "Neighborhood Business," so why would the PC put ultra-high density "stacked dwelling units" right in the middle of single-family and medium-density residential neighborhoods?

Chuck Pilcher
chuck@bourlandweb.com
206-915-8593

From: [Chuck Pilcher](#)
To: [Eric Shields](#)
Cc: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#)
Subject: BN Zoning History & Rationale
Date: Wednesday, May 09, 2012 8:09:11 AM

Folks:

I still haven't heard back from a single person (except Janet Jonson acknowledging receipt) on this email from last week. But that doesn't surprise me one bit, because we all know that **there is no logical answer** to this. We've all been sitting on first base for a year. The City screwed up. Let's admit it and move on.

Chuck Pilcher
chuck@bourlandweb.com
206-915-8593

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You've been here throughout the period in question for any Zoning Code changes. Would you please explain to me the rationale used by the Planning Commission if it intentionally included unlimited residential density in a BN Zone? Those zones are clearly defined as a place for "Neighborhood Business," so why would the PC put ultra-high density "stacked dwelling units" right in the middle of single-family and medium-density residential neighborhoods?

Chuck Pilcher
chuck@bourlandweb.com
206-915-8593

From: [Laura Loomis](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Nancy Cox](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C Ray Allshouse](#); [Andrew Held](#)
Subject: BN ZONING MORATORIUM
Date: Friday, April 27, 2012 3:52:05 PM

April 27,2012

RE: BN Zoning Moratorium

Dear City Manager, City Council Members, Planning Department members, and Planning Commission members,

You were elected or appointed to protect, grow, and maintain our beautiful city and I want to commend you for doing a great job. A Comprehensive Plan was adopted to guide you in making development decisions now and in the future. You are the gatekeepers of this plan and are in charge of its upkeep and enforcement.

Currently, the BN Zones don't align with the Comprehensive plan and are being examined by the Planning Commission to ensure they do. We wish to establish standing to request an extension of the BN Zoning Moratorium for another six months to ensure there is time to align the current BN Zoning with the city's Comprehensive Plan. This plan clearly states that all city approvals and actions may only be given if they are fully supported by the Comprehensive Plan. This hasn't as yet been achieved. The City Council is the only body with the power and authority to ensure this happens.

We do support an early termination of the moratorium when alignment is achieved between the zoning of Residential Markets and the Comprehensive Plan. Here is a list of items that currently deviate from the Comprehensive Plan and must be addressed and resolved before a moratorium is lifted:

- A transition area between more intense uses and surrounding family residences and low density condominiums/apartments is missing in the current zoning and conflicts with the Comp. Plan.
- We want Zoning that limits Residential Market residential density to either zero, as indicated in the Land Use and Economic Development charters, or twelve units per acre as documented in the Neighborhood Plan. You don't put a whale in a rowboat or a huge development in a low density Neighborhood. Neither fits!
- The Comp. Plan discourages apartments in the neighborhood block that contains the two Residential Markets - this conflicts with the current Zoning.
- Still unresolved is zoning implementing Comp. Plan language that restricts traffic ingress and egress to Residential Market sites.
- Current zoning charts allow uses that are not compatible with neighborhood use - like large schools. Businesses that are acceptable in Neighborhood Markets should be defined.
- The current zoning does not meet the requirement of the Comp. Plan that buildings are integrated into the neighborhood and are residential in scale and design.
- The current zoning still allows for large vehicle intensive businesses with no limits. The Comp. Plan calls for a "very small building/center" and the lowest in hierarchy commercial - Residential Market.

These are common sense items and it makes sense to resolve them. You recently made a really good decision about parking in Kirkland. Another good decision is to take the time to ensure BN Zones and Commercial zoning matches the Comprehensive plan for our city. The Planning Commission is doing a great job with this and needs the time, direction and resources to complete their work. This will avoid lots of costly litigation, expensive studies and hearings and will give everyone a clear understanding of where and how developments may be constructed.

There currently exists a large group of concerned Kirkland citizens that want the BN Zones and Residential Markets to align with the Comprehensive Plan. These are residents that don't necessarily wish to attend City Council meetings, but are ready and willing to take this matter to the Hearings Board. We are confident however that you will put whales where they belong.

Best regards,

Charles and Laura Loomis
100 10th Avenue South
Kirkland, WA 98033

From: [Chuck Pilcher](#)
To: [Eric Shields](#)
Cc: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C Ray Allshouse](#); [Andrew Held](#); [Robin Jenkinson](#); [Atis Freimanis](#); [Chuck Pilcher](#); [Shawn Greene](#); [Charles & Laura Loomis](#); [Chuck Greene](#); [Peter W. Powell](#); [Maureen Kelly](#); [Karen Levenson](#); [Robin Herberger](#); [Jack Rogers](#); [Cynthia Glaser](#); [Tom Grimm](#)
Subject: BN Zoning
Date: Wednesday, May 09, 2012 7:59:26 AM

Eric,

Please pass this note on to the Inova folks.

Thanks again for a very helpful meeting last night.

I woke up this morning thinking again of the Kidd Valley block in Lakeview. It is zoned PR 3.6 (Professional Office Residential). My "common language" understanding of this implies a much more purposeful and thoughtful land use for both office and residential than is stated for BN zones. It actually calls out the detail for the residential density on that block. AND IT MAKES SENSE, especially when one looks at the detail in PR Zoning Table 25.10.020 and the language of the Lakeview Neighborhood Plan.

If the same thought had been given to our BN zones in Moss Bay and South Rose Hill, we would not be in this mess. If we were to have the same Zoning Table language for our BN zone as Lakeview got for the much more commercial Kidd Valley Block, I'd be happy.

When is the City going to admit that this is just a simple unintentional human error that failed to bring the Zoning Code into compliance with the Comprehensive Plan? I'm sure we are all getting tired of making and hearing the same arguments over and over and over, but I see no way out of this mess for the City without such an admission. Then you can let the chips fall where they may. If it turns out that a plaintiff can prove damages in court, that is why we as a City have the equivalent of malpractice insurance.

You folks have got to do the right thing and own up to your mistakes. The sooner you do, the sooner we can put this fiasco in the rear view mirror.

Chuck Pilcher
chuck@bourlandweb.com
206-915-8593

From: [Jack Arndt](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#); [Robin Jenkinson](#); [Paul Stewart](#)
Cc: [Bruce M. Pym](#); [stew.rogers](#); [celiapym@aol.com](#); [george.fouch](#); [blawler@sociuslaw.com](#); [mann@gendlermann.com](#)
Subject: BN-Zoning Response to City Council Recommendation - May 15,2012.
Date: Wednesday, May 16, 2012 2:57:45 PM

Mayor McBride, Deputy Mayor Marchione, Council Members Walen and Sweet.

It's too bad we have elected you as members of our city council who view your opinions over the expertise of your planning department, of other council members and the residents of Kirkland who have voiced their concerns clearly. You showed a lack of leadership and vision last night by making the recommendation to move away from a residential plan to a neighborhood/ business mixed use with a higher density level.

You were unable to ask the hard questions which is dealing with the traffic congestion, parking flow to Lake Washington Blvd, decrease property values and dealing with the negatives a plan with a higher density creates. You need solutions to these issues.

Mayor McBride, your action also showed a lack of leadership in how you ran the questions your planning department was asking, you should have reviewed the entire scope of the document versus answering questions as they came. Your direction resulted in making decisions in a vacuum and having your members back-tracking on previous answers. You cannot just make up zoning requirements as you go along, especially in areas which you have no expertise just your opinion. As Mr. Asher stated, the action taken last night "just screwed the residents of Kirkland".

The citizens are lucky to have Council Members Nixon, Sternoff, and Asher who were asking the hard questions, getting the facts and in the end supported the recommendation to move forward with a residential plan. A plan that supports the community voice, minimizing traffic issues, protecting individual property values and the long term vision/mission of Kirkland. I wish we had more leaders on our council who supported common sense and really understood all the complex issues before making a recommendation.

Mr. Shields, since this is your area of expertise, I hope with a 3 to 4 vote,(which was a recommendation only) the Planning Commission and Department exercise the leadership and authority in moving forward with a residential zoning plan as supported by Council Members Nixon, Sternoff, and Asher.

The decision made on the above reflects Kirkland's long term future and cannot be changed, let's make sure we take the time to think thru the issues. Which is in line with our mission statement and the citizens of Kirkland.

Sincerely,

Jack Arndt

Jeremy McMahan

From: Nancy Boehme [giles.nancy@comcast.net]
Sent: Sunday, April 01, 2012 6:40 PM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller
Subject: Commercial BN Zoning at Lake st and 10th Ave S.
Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

As a resident of Moss Bay for the past 20 years, I am shocked about the potential development of the property at 10th Ave S and Lake Street.

If you read the description of BN, it is supposed to be the lowest intensity commercial use in Kirkland. It should be “business”, not residential, should be built to a scale similar to the surrounding neighborhood as it says in the comprehensive plan. That scale is single family and medium-density residential in these areas.

Please, do what is right and enforce the guidelines of a BN property.

Thank you,
Nancy Boehme
135 10th Ave S
Kirkland WA 98033

Jeremy McMahan

From: LetterToKPC@aol.com
Sent: Wednesday, March 07, 2012 8:33 AM
To: Andrew Held; Byron Katsuyama; C Ray Allshouse; Eric Shields; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller; Tennysonkk@aol.com; Jeremy McMahan
Subject: Re: Richard B & Charles T To: J Arnold & KPC
Follow Up Flag: Follow up
Flag Status: Flagged

Two different citizen letters have been entered below in order to provide fewer emails to the commission
=====

Controlling appropriate density and usage is what zoning is for. "Unlimited" is not zoning but a failure of government.
Richard Bready

====

Please disallow ANY ZONING REGULATIONS PROVIDING FOR UNLIMITED RESIDENTIAL DENSITY in Kirkland's residential neighborhoods including NEIGHBORHOOD BUSINESS ZONES or RESIDENTIAL MARKET areas.
Charles Telford

Mar 7, 2012

Jeremy McMahan

From: Tim Brewer [tugboattimbo@hotmail.com]
Sent: Friday, March 30, 2012 9:38 AM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Penny Sweet; Doreen Marchione; awalend@kirklandwa.gov; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Mike Miller; Andrew Held; C Ray Allshouse
Subject: Potala Village Project

Dear City of Kirkland Officials:

I am writing with respect to the Potala Village Project on Lake Washington Blvd in the Moss Bay/Lakeview neighborhoods. As a Kirkland resident, I take joy in my daily walks along Lake Washington Blvd from near downtown Kirkland to Carillon Point. I pass by the empty lot where the Rotary Club used to sell Christmas trees every year until this year and have noticed the project sign for Portala Village at Lk Wash Bvd & 10th Ave. S. Now that I have read the details of the Potala Village Project, I cannot fathom how it ever passed Kirkland City zoning, density and traffic ordinances. I have been keeping abreast of the meetings and City review of this Project and am pleased that this Project is getting a thorough review. The Project would not fit in with existing surrounding homes and low level, low density apartments. The neighborhood is a residential area of both single family homes and low density apartments. A mixed commercial/residential development of the size of the Potala Village Project does not belong in that location! Besides, the traffic that this project would generate during and after completion would make LK Washington Blvd a bigger traffic nightmare during morning, evening and weekend rush hours than it currently is! The traffic congestion that would be created by this Project would be horrendous and damage the scenic character of Lake Washington Blvd and the Kirkland waterfront! Kirkland has lots of empty apartments available and 1,000's of sq ft of retail and office space currently available without adding to the glut on the market. I notice this every day I walk...."for rent" signs and empty offices! This area of Lake Washington Blvd should be a residential area, NOT a commercial area... AND residential density should be capped at a reasonable level to minimize traffic problems along this key vehicle artery of Kirkland. So let's protect Kirkland's wonderful lakefront beauty and not add an unnecessary and out of place, high density multi-purpose building right on Lk Washington Blvd among single family homes and low density apartment buildings! I appreciate the opportunity to express my views as a Kirkland resident.

Sincerely,

Tim Brewer

Jeremy McMahan

From: LetterToKPC@aol.com
Sent: Wednesday, March 07, 2012 11:03 AM
To: Andrew Held; Byron Katsuyama; C Ray Allshouse; Eric Shields; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller; Tennysonkk@aol.com; Jeremy McMahan
Subject: Re: J Milodragovich & Nathan Brooling To: J Arnold & KPC

Follow Up Flag: Follow up
Flag Status: Flagged

My husband and I are residents of Kirkland's Moss Bay neighborhood. We are very concerned about the 143-unit apartment complex currently proposed by Dargey Enterprises. While we are generally in favor of full beneficial use of property, we are concerned that the proposed development is unlike any other in the neighborhood in terms of size, scale and bulk. This neighborhood cannot absorb the impacts of a project of this scope —**especially a project this dense**. Neither the Comprehensive Plan nor the neighborhood's residents anticipated a building like the one proposed.

First, we are concerned with the bulk of the proposed building. It is at odds with the entirety of the surrounding neighborhood. This is not the downtown corridor; it's a residential area on Lake Street surrounded by single family lots and low density condos. Although the land use may be within the letter of the zoning code, it far exceeds the general scope of the existing neighborhood developments. To suddenly allow 143 new apartments at a density of 116 units per acre of land is completely at odds with the character of the surrounding neighborhood.

We are also concerned that the City has no knowledge of whether there are existing contamination issues on the parcels proposed for development. When I spoke with Teresa Swan and other planners at City Hall, nobody was able to answer whether there were contamination issues due to the current dry cleaning operation and/or the potential past filling station. Has the developer been required to provide such documentation? Will the City be able to monitor soil quality and pollutants issues during the construction?

We are also concerned about the effects of removing all of the existing vegetation on the parcels, the timing of which is likely to coincide with the wet season. This may lead to instable slopes, groundwater flow issues, and similar concerns. We are not convinced the developer has adequately examined the likely issues that will result from this development. Moreover, we do not believe the developer has adequately addressed the noise impacts on the surrounding neighborhood, both during the construction phase (i.e., dump trucks hauling material in and out of the site for some time) and once the project is complete. In addition, the combined total disruption to City – both its residents and its natural environment – from this development and the massive 520 project far exceeds any marginal gains.

Finally, as the parents of a small child, my husband and I are very concerned about the prospect of increased use of 10th Avenue South. Although the developer's traffic study claims that cars exiting the Potala development will be able to enter traffic to head south on Lake Street, we believe that in practice most cars will turn right, take an immediate right onto 10th Avenue South, and then cut over on Lakeview Drive, thereby bypassing the usual backup on Lake Street approaching Carillon Point. 10th Avenue S. is not a main arterial, is not designed to handle heavy traffic flows, and is an emergency through-way. During morning and afternoon hours, the resulting traffic diversion would put drivers directly in the path of Lakeview Elementary students walking to and from school. Many of the Lakeview Elementary students cross at the uncontrolled State/10th Avenue S. intersection, as well as at the stoplight on block to the south.

Thank you,

Janelle & Nathan Brooling

Jeremy McMahan

From: Barbara Canterbury [bjcanterbury@yahoo.com]
Sent: Monday, April 02, 2012 5:48 PM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller
Subject: Help the residents of Kirkland

Stop the building madness PLEASE!!
Kirkland needs a building density cap and build structures only if they are in proportion to the neighborhood.

Regards,

Barbara Canterbury
Canterbury Associates
Computer Training and Consulting
MOS Certified Word Expert
206 621-7012
bjcanterbury@yahoo.com
www.canterburyassociates.com

From: [Mark Miller \(STB\)](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#)
Subject: Concern of increased high occupancy dwellings and congestion in Kirkland
Date: Monday, April 30, 2012 12:47:58 PM

To Council, Planning Commission, City Manager, City Attorney and Planning Director and others whom it may concern,

Over the last few years the congestion and traffic in Kirkland has increased significantly. In my opinion this is mostly due to the continued growth in high occupancy dwellings and allowance of smaller homes on smaller lots. The proposed high occupancy development on Lake Washington Blvd. (at Lake Street at 10th Avenue South.) is a perfect example of the type of dwelling the City is continuing to consider that will negatively impact (ruin might be a good word) the lifestyle Kirkland is known for and that many of us (the current residents) love very much.

Not being a planning expert or real estate person it is hard to know exactly what to ask for and I apologize if my language is not precise or correct for this issue. However, as a Resident of Kirkland, I ask that you take the appropriate actions to prevent ultra high density residential developments from being allowed and/or built in a residential use area – especially on Lk. Washington Blvd. which is already crowded – and construct planning guidance that only allows developments/uses that do not have such a negative impact on traffic flow, do not increase density/occupancy as much as the current development does and actually improves our beautiful Blvd. and City vs. detracts from it.

In summary huge/high occupancy developments just do not belong in residential neighborhoods, especially along Kirkland's signature boulevard, there are too many there already and it is incredibly crowded. Further growth should be limited to prevent negative environmental, lifestyle and traffic impacts. Thank you for taking the time to hear from a resident.

Mark Miller
Pierpointe Condominium Unit Owner

From: [Arzu Forough](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#)
Subject: concerned Kirkland resident asking for your consideration
Date: Monday, April 30, 2012 8:52:18 AM

Honorable Kirkland City Council members,
 My family and I are long time residents of Kirkland and and are extremely concerned about the adverse impact of the Portola project. I'm writing to ask you to please consider the following:

- "Residential Market" is the lowest impact commercial land use in Kirkland, behind Urban Center (e.g., Totem Lake), Commercial Center (e.g., Juanita Village), and Neighborhood Center (e.g., Houghton Market area). Please note none of these have **ultra-high density residential**.
- Zoning should result in "a **very small building/center**" (says the Comp Plan).
- The Comp Plan says that this zone should focus on **pedestrian-oriented businesses**, not those with high volume traffic impacts.
- Zoning table is still missing controls on residential building **scale**.
- Zoning table is still missing controls on residential building **design**.
- Zoning table is still missing controls on residential building **density**. (Every parcel within nearly 1/2 mile is a maximum of **12 dwelling units per acre**. There is **no limit** on the BN zoned property at Lake and 10th Ave. S.)
- Zoning must ensure that buildings are integrated into the neighborhood
- Zoning should restrict uses to those that are identified as acceptable in the "Residential Market" definition. Current Zoning Table allows uses including large schools rather than retail or service businesses for the neighborhood.
- Traffic impacts on our major waterfront arterial are not addressed as required by the Comp Plan.
- Zoning must ensure transition area between any intense uses and the surrounding family homes and low density condos.

Thank you very much for your consideration,
 Arzu Forough
 1610 2nd St.
 Kirkland WA 98033

Help with insurance, Medicaid, and education:
<http://www.washingtonautismadvocacy.org/family/>

For timely reply post confidential insurance /Medicaid questions to:
<http://health.groups.yahoo.com/group/Washington-Autism-Advocacy/>

Autism News on Facebook:
<http://www.facebook.com/groups/45749564291/>

Jeremy McMahan

From: LetterToKPC@aol.com
Sent: Wednesday, March 07, 2012 11:14 AM
To: LetterToKPC@aol.com; Andrew Held; Byron Katsuyama; C Ray Allshouse; Eric Shields; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller; Tennysonkk@aol.com; Jeremy McMahan
Subject: From: 8 Kirkland Citizens To: J Arnold & KPC
Follow Up Flag: Follow up
Flag Status: Flagged

Attached is from the eight citizens below
=====

Dear City Staff,

We are single family residents living within several hundred feet of the proposed Potala Village development. This is to record our objection to the development as it has been proposed to date.

Please address the following in the EIS:

Scale/design:

Lower height.

A scale of two buildings vs. one large mass building.

Breaking up the façade with variation of scale and design elements.

Uses that require neighborhood retail/services.

Environmental:

The site has held a gas station and cleaners and is close to the lake and potential ground water. Ensure negative environmental impacts can be completely mitigated.

Traffic:

This development will add significant traffic and parking to Lake Washington Boulevard but more importantly to 10th Avenue South. Our single family neighborhood is serviced solely by 10th. Through traffic has been a habitual problem for years. "Cut-through" traffic has required speed bumps. Parking overflow from surrounding multifamily already impacts street use. Left turns out of this Project onto the Boulevard are problematic at best. If there is development that cannot be accessed easily by commercial frontage streets, parking and traffic will further burden 10th. Please require an accurate, honest and fair transportation study to address these impacts.

There are many better examples than Potala Village of more respectable neighborhood service/commercial developments throughout the Northwest stretching from Capitol Hill to Vancouver B.C.

Respectfully submitted,

Charles and Tyler Core
925 Second /Street South
Kirkland, WA 98033

Jeremy and Leah Meadows
931 Second Street South
Kirkland, WA 98033

Thatcher and Karen Mathewson
910 Second Street South

Kirkland, WA 98033

Wade and Barbara Binford
916 Second Street South
Kirkland, WA 98033

Jeremy McMahan

From: Steve Cullen [steve@cullens.org]
Sent: Thursday, March 15, 2012 11:39 AM
To: Jay Arnold; Mike Miller; C Ray Allshouse; Byron Katsuyama; George Pressley; Glenn Peterson; Karen Tennyson; tennysonkk@aol.com; Andrew Held; Jon Pascal; Eric Shields; Jeremy McMahan; ktriplett@kirlandwa.gov
Cc: Steve Cullen
Subject: BN-Residential Market

Follow Up Flag: Follow up
Flag Status: Flagged

I am sending this email to request that the subject of "BN-Residential Market" be part of the Planning Commission's agenda at its March 22nd meeting. I feel very strongly that this topic warrants additional review and discussion.

I've been following closely the developments associated with the proposed Potala project. Like many people in the general area, I appreciate and applaud the actions of the Planning Commission to date, notably the decision to have multiple buildings instead of one monolithic structure.

There remains a big concern about density...a situation where, on a proportional basis, those lots will have many times the number of units vis-à-vis everything around it. This is hugely out of keeping with the neighborhood and would change the character of the area forever. Everything else in the vicinity is limited to 12 units per acre, or less. I feel very strongly that this development should NOT have unlimited density.

The process will benefit from the continued attention of the Planning Commission, along with additional input from affected parties, before the matter goes to public hearing.

Regards,

Steve Cullen

Steve Cullen
Cell: 206-605-7232
Email: steve@cullens.org

Jeremy McMahan

From: Eric Shields
Sent: Tuesday, March 06, 2012 7:01 PM
To: Jeremy McMahan
Subject: FW: From: Steve Cullen To: J Arnold & KPC

Follow Up Flag: Follow up
Flag Status: Flagged

Not sure I sent you this one yet.

Eric Shields

From: LetterToKPC@aol.com [<mailto:LetterToKPC@aol.com>]
Sent: Tuesday, March 06, 2012 2:40 PM
To: Andrew Held; Byron Katsuyama; C Ray Allshouse; Eric Shields; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller; Tennysonkk@aol.com
Subject: From: Steve Cullen To: J Arnold & KPC

Steve Cullen
 President, Highland House HOA
 945 1st Street S, Unit 102
 Kirkland, WA 98033

I am pleased to hear that you will be including the following in the review - Height, Bulk, Scale, Residential Density, Traffic, Parking, Wildlife, Environmental Remediation and Construction impacts. Many of these are items that I previously commented on.

It seems that Kirkland has a fiduciary duty to evaluate the proposal thoroughly to ensure that development that happens is done in a coordinated fashion, consistent with plans and is not piecemeal and haphazard yielding negative impact.

Compatibility with Neighborhood should include things from the Environmental checklist **a)** Properties to the north and south are medium density condos 12/acre max, **b)** properties to the East and West that are low density single family homes, **c)** 10 times the density of anything around, **d)** 10 times the physical size of anything around, **e)** less modulated than anything around, **f)** more impervious surface than anything around, **g)** shading impact on neighboring SFH, **h)** noise impact of nearly 50 eastern units on neighboring properties within 20 feet, **i)** light impact from nearly 50 eastern units on neighboring properties within 20 feet, **j)** public view obstruction from the west, east, and somewhat north and south, **k)** private view obstruction (as SEPA protected) from numerous residences more landward, **l)** impact on local parks.

Please note that the city maintains a document called City Profile. It states that densities are as high as 69 units per acre in CBD and the neighborhoods have densities as high as 19 per acre in Moss Bay This project is 116 per acre as proposed

In summary, the review of this project and its impacts are important to me and to many of the Kirkland residents, including many who use Lake Washington Blvd and Lake Street and may not live here.

Thank you for your time and for your commitment to providing a detailed consideration of all the impacts.

Sincerely,

Steve Cullen

Jeremy McMahan

From: jrogers407@comcast.net
Sent: Saturday, March 31, 2012 3:26 PM
To: Robin Jenkinson; ktriplett@kirklandwa.com; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse

Dear council, commission members and city officials:

This missive to you is regarding the Potala project. While I desire not to be redundant, I am sure you have heard many of these entreaties before. This is my adopted city and I like it here. I wish to be fair and see the city prosper. I have to say, however that the scope and size of this project leaves me breathless. By any logical and reasonable measure this proposal does not fit this neighborhood. In researching the data I can see that this area is zoned as 12 units per acre (as a result of a previous lawsuit) and the comprehensive plan agrees. What is left to debate.? If there is such a thing as "spot zoning" this would appear to be it. I ask that you respect this city, its burgeoning traffic problems by making sure that Potala, if it is built, be consistent with this city's needs as opposed to a builder who will, no doubt, build and leave. Unlimited development should not be proposed, nevermind, allowed. Thank you for your consideration.

Katie J Davidson
1025 Lake St S.
Kirkland Wa 98033

Jeremy McMahan

From: Eric Shields
Sent: Tuesday, March 06, 2012 10:51 AM
To: Jeremy McMahan; Teresa Swan
Subject: FW: From: K Davidson To: J Arnold & KPC

Follow Up Flag: Follow up
Flag Status: Flagged

Eric Shields

From: LetterToKPC@aol.com [<mailto:LetterToKPC@aol.com>]
Sent: Tuesday, March 06, 2012 10:07 AM
To: Andrew Held; Byron Katsuyama; C Ray Allshouse; Eric Shields; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller; Tennysonkk@aol.com
Subject: From: K Davidson To: J Arnold & KPC

CONCERNS regarding building over leased and owned land and "fit" re: Size and Density
=====

I am requesting that the Planning Commission please review the BN designation for the Potala project. Allowing the project to proceed when one building occupies two pieces of land, one leased, looks like a potential problem for buyers down the road. Moreover, this project does not fit in this community of other-zoned homes and apartments.

Katie J Davidson

Jeremy McMahan

From: Ginnie DeForest [ginniedeforest@yahoo.com]
Sent: Thursday, March 15, 2012 10:56 AM
To: Jay Arnold; Mike Miller; C Ray Allshouse; Byron Katsuyama; George Pressley; Glenn Peterson; Karen Tennyson; Andrew Held; Jon Pascal; Eric Shields; Jeremy McMahan; Kurt Triplett
Cc: Karen Levenson
Subject: BN-Residential Market

Follow Up Flag: Follow up
Flag Status: Flagged

Please put this topic for discussion on your March 22 meeting agenda. My biggest concern is unlimited density- there should be a cap related to the building(s) in proportion to lot size

While I appreciate your work so far and the idea of making Potala Village break one huge building into 4 smaller ones, there is still more to be done to make this project or any other similar ones neighborhood friendly.

Thanks for you attention,
Virginia DeForest
945 1st St. So., #101
Kirkland 98033

Jeremy McMahan

From: Ginnie DeForest [ginniedeforest@yahoo.com]
Sent: Monday, April 02, 2012 3:29 PM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Andrew Held; C Ray Allshouse; Mike Miller
Subject: BN zoning for property at 10th Ave. S. and Lake Washington Blvd

To City Council and Planning Commission

I understand you will be meeting tomorrow evening to study zoning issues relating to density and ingress/egress. I have concerns about both, and hope you will more clearly define this BN zone and make it conform to the language and intent expressed in the Comprehensive Plans for Moss Bay and Lakeview Neighborhoods which this property sits between.

A cap on residential density and limits to the type of businesses allowed in this zoning are badly needed. This would require changes to the Land Use Chart so that only low vehicle intensive businesses are allowed. This BN area should be identified as residential market and thus very low density.

After considering these issues, I hope you will make the above changes so that development will truly serve and blend with the neighborhood.

Thanks for your attention,
Virginia DeForest
945 1st St. So., #101
Kirkland 98033

From: [Peggy S.](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#); [Robin Jenkinson](#)
Subject: Density Cap is Critical
Date: Sunday, May 13, 2012 8:34:29 PM

Hello Kirkland Officials,

I can not make the meeting Tuesday night, so I am writing to you to plead for a density cap...stop Potlatch Village once and for all so that Kirkland will continue to a beautiful lake-side city that offers an unmatched relaxed quality of life.

I feel that unlimited density is *inappropriate* for the vacant lot (Michael's Dry Cleaners) location, from both a traffic and neighborhood aesthetic standpoint.

Our Lake Washington boulevard area cannot support this increase in traffic not to mention that the character and charm of the waterfront boulevard will be changed forever.

As you know, our lake front area can barely with stand the current amount of traffic, this will only increase to the point that those of us living in the lake front area will suffer a significant decrease in quality of life. We have all chosen to live in Kirkland for it's charm and quality of life.

Thank you in advance for your consideration!

Cheers,

Peggy Schulz

From: [Laureen Miki](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#); [Robin Jenkinson](#)
Subject: Density
Date: Sunday, May 13, 2012 5:19:51 PM

I know there's a meeting on Tuesday evening regarding whether or not to set density limits in downtown Kirkland.

There absolutely is a need to set limits. To not do so, is to change the charm of the city in unalterable ways. And the boulevard is already maxed out with traffic.

I know that more residents = more dollars, but a city retains its charm and is a destination for visitors BECAUSE city officials made the harder choice of saying "no" in order to retain character.

Thanks for listening.

Laureen Miki

From: [Robert Gemmell](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#); [Robin Jenkinson](#)
Subject: Development density
Date: Monday, May 14, 2012 10:09:48 AM

Kirkland City Council, Kirkland Planning Commission and Kirkland City Administration:

Please put in place some firm limits on business and residential density for those areas designated for mixed use development. We live at 6424 Lake Wash. Bl. NE and a proposed business/residential project just north of us would greatly add to the congestion on this very busy thoroughfare.

Kirkland is a delightful area with a very pleasant mix of young apt. dwellers and we somewhat older ladies and gents. Let's not have another congested, impersonal Bellevue.

Thank you for your consideration.

Robert J. Gemmell
Phyllis P. Gemmell

From: [Robin Herberger](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C Ray Allshouse](#); [Andrew Held](#); [Robin Jenkinson](#)
Subject: DON'T BE DENSE
Date: Monday, May 14, 2012 4:44:52 PM

Dear City Officials:

So, let me get this straight. The City's response to over a year of listening to and reading about community outrage and activism, and meeting with the many constituents who are in opposition to the one-off, super high density, out-of-character-and-scale behemoth, traffic-jam inducing apartment/office complex in the middle of a residential area and along Kirkland's lakefront gateway to the City is . . . to put a HIGHER INTENSITY designation on the table for the BN zone on the Boulevard? Seriously? THAT'S the response. THAT'S something you will be considering Tuesday night? THAT'S an issue on which you want your political reputations judged, and think you will get re-elected?

Is this some ham-handed psychological ploy? Dangling a threat of the possibility of a grocery store or drug store or some other "Neighborhood Center" commercial enterprise in our faces, so that Lobsang Dargey's apartment/office complex will look better in comparison, and then we will thank our lucky stars that we'd have Potala Village for a neighbor instead of Rite-Aid or Applebee's or Potala Hooters?

Here is the nub of my gist, the take-away for the Council as it deliberates:

- 1) WE NEED A DENSITY CAP: A BN zone density cap in a residential area is essential. In your hearts and in your minds, you know this to be true, as most of you have said as much in your public comments: a) "In this case we have such a unique and extraordinary situation with this case which doesn't make any sense to me in the first place how this place was zoned. I truly believe that there was never an intention to allow for unlimited density in zoning this property. I don't believe the City intended to do it that way. I believe that this is what we discovered in this process." – Council member Penny Sweet b) "There are times when things don't look quite right, and this is one of those that needs to be look at." – Council member Bob Sternoff
- 2) TRAFFIC: Regarding traffic impacts, let's throw caution to the wind and use some common sense, shall we? I know that you know how horrendous traffic along the Boulevard can be. I know, that you know, that we know, that you know how horrendous traffic along the Boulevard can be. Also that traffic studies can be manipulated to support a bogus argument. Common sense, AND LIVING IN KIRKLAND FOR PETE'S SAKE, tell you that imposing the "Village on the Corner" with 143 households, an office complex, and 316 parking stalls with ONE DRIVEWAY onto Lake St. S/LWB will cause tremendous traffic and safety problems for the

community and for visitors. Not only will the community suffer, but many potential visitors will come to think that it's just not worth the hassle to get to downtown Kirkland if it takes them a half hour to get from Carillon Point to all the shops and restaurants.

- 3) Enact the LOWEST INTENSITY COMMERCIAL USE for Residential Market, which is what the BN site on the Boulevard is zoned for. Why would you re-do the Comprehensive Plan instead of enacting changes that have already been looked at and seriously considered? Why would you even contemplate such a blatant surrender of your duty to protect Kirkland's quality of life to accommodate one developer, and not simply oversee the smaller change of enacting the proper use of a Residential Market? There is an obvious imbalance between the two "choices."
- 4) Is it worth turning yourselves into pretzels or Cirque du Soleil contortionists to serve the purpose and interest of one developer at the expense of the common good of the community and its visitors?

If you are seriously considering UPZONING this BN site to a "Neighborhood Center," you will be poking a sharp stick in the eye of the community, and there will be consequences – political consequences for every Council member who votes for such an outrageous, perverted use of those properties. If you approve unlimited density and Potala Village on the BN zone goes up, Lobsang Dargey would then own the building (for a year or two), but in the mind of the community YOU would own the decision to put it there. And when people sit, and sit, and sit in their cars doing the Boulevard Crawl past Kirkland Aqua or Potala Village or Potala Hooters, who do you think they will blame – some developer most have never heard of, or those who made the decision for the City?

However, despite what appear to be "all odds," I remain hopeful that Council members will weigh the options carefully and respectfully, and make the right decision for the City and for the people you represent. Please do the right thing, and vote to cap residential density for BN zones in residential neighborhoods – and cap it at 12-25 units per acre, which is historical and compatible with its surroundings. Thank you.

Robin Herberger
6401 Lake Washington Blvd., NE
Kirkland, WA

From: [Claudi Wilson](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#)
Subject: extend moratorium
Date: Monday, April 30, 2012 12:19:32 PM

PLEASE extend the 6 month moratorium of BN zoned properties.
As a 32 year resident of Kirkland, I am afraid the proposed high density apartment building Potala would adversely change the look and feel of Kirkland's lakefront boulevard forever. I am concerned about the high density, the accompanying traffic congestion and the total lack of design quality. This proposed building does not belong in Kirkland!

thank you for your attention
Claudi Wilson

From: [Claudi Wilson](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#)
Subject: extend moratorium
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thank you for your attention
Claudi Wilson

From: [Ginnie DeForest](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#)
Subject: Extend the moratorium on BN zoning and correct certain zoning deficiencies
Date: Monday, April 30, 2012 11:59:02 AM
Attachments: [Potala Zoning. To City Council and Staff.4-1-2012.doc](#)

I strongly urge you to extend the zoning moratorium in order to take time to address inconsistencies between the zoning and the Comprehensive Plan.

Attached is testimony I hope to give at the May1 public hearing. It includes a list of issues that need to be addressed to make the zoning conform to the Comprehensive Plan.

To City Council and Staff
 From Ginnie DeForest
 945 1st St. So., #101
 Kirkland 98033
ginniedeforest@yahoo.com
 425-739-0730

I plan to be at the May 1st public hearing and to speak if possible. However, if not, please consider this in lieu of testimony to establish my standing as a concerned citizen on the issues surrounding the Potala development in my neighborhood and the definition and zoning for Residential Market/Neighborhood Business.

My overall concern is that zoning and development permits should conform to the Comprehensive Plan, a document which is usually arrived at with great effort by elected officials, staff and citizens and represents the community vision underlying development. There are many issues where currently the zoning does not live up to the Comprehensive Plan. It will take time to resolve these inconsistencies and therefore I STRONGLY URGE THAT YOU EXTEND THE MORATORIUM on BN ZONING so this important work can be done and done right.

The following are points that need attention. Please read and address them in your work.

- “Residential Market “ is/should be the lowest impact commercial land use in Kirkland, lower than Urban Center (e.g. Totem Lake), Commercial Center (e.g. Juanita Village) and Neighborhood Center (e.g. Houghton Market area), none of which have high density residential.
- Zoning should result in “a very small building/center” according to the Comprehensive Plan.
- The Comprehensive Plan says that this zone should focus on pedestrian-oriented businesses, not those with high volume traffic impacts.
- The zoning table is still missing controls on residential building design.
- The zoning table is still missing controls on residential building density. Every parcel within nearly a ½ mile is a maximum of 12 dwelling units per acre. There is no such limit on the BN zoned property at Lake and 10th Ave. So.
- Zoning should ensure that buildings are integrated into the neighborhood.
- Zoning should restrict uses to those that are identified as acceptable in the “Residential Market” definition. The current Zoning Table allows some large uses rather than retail or service businesses for the neighborhood.
- Traffic impacts are not addressed as required by the Comprehensive Plan including limits to ingress and egress to minimize those impacts.
- Zoning should ensure transition area between any intense uses and the surrounding family homes and low density condos.

Thank you for your consideration and attention to these issues.

From: [Ginnie DeForest](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#)
Subject: Extend the moratorium on BN zoning and correct certain zoning deficiencies
Date: Monday, April 30, 2012 11:59:02 AM
Attachments: [Potala Zoning. To City Council and Staff.4-1-2012.doc](#)

I strongly urge you to extend the zoning moratorium in order to take time to address inconsistencies between the zoning and the Comprehensive Plan.

Attached is testimony I hope to give at the May1 public hearing. It includes a list of issues that need to be addressed to make the zoning conform to the Comprehensive Plan.

To City Council and Staff
 From Ginnie DeForest
 945 1st St. So., #101
 Kirkland 98033
ginniedeforest@yahoo.com
 425-739-0730

I plan to be at the May 1st public hearing and to speak if possible. However, if not, please consider this in lieu of testimony to establish my standing as a concerned citizen on the issues surrounding the Potala development in my neighborhood and the definition and zoning for Residential Market/Neighborhood Business.

My overall concern is that zoning and development permits should conform to the Comprehensive Plan, a document which is usually arrived at with great effort by elected officials, staff and citizens and represents the community vision underlying development. There are many issues where currently the zoning does not live up to the Comprehensive Plan. It will take time to resolve these inconsistencies and therefore I STRONGLY URGE THAT YOU EXTEND THE MORATORIUM on BN ZONING so this important work can be done and done right.

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Thank you for your consideration and attention to these issues.

From: [Linda Kollack](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#)
Subject: Extend the moratorium!
Date: Monday, April 30, 2012 11:52:17 AM

Dear City Council:

It is imperative that you control the density of the downtown Kirkland area. I have looked at buying a residence/ condo along Lake Washington Blvd, but I will look elsewhere if the city continues to allow unlimited density. The streets are already full with traffic and congestion and even worse on a nice day. Parking is impossible for residents and businesses.

My daughter is a resident in the core Kirkland area and on a nice day, it's already difficult to get to her house.

Please preserve the beauty and integrity of Lake Washington Blvd and what space is left in the business and residential core of Kirkland. You would be preserving a cherished way of life. As a lifelong resident of the eastside, I implore you to restrict unlimited growth and density in that area.

Regards,

Linda Kollack

Sent from my iPad
Linda Kollack - Travel Advisor
Stellar Travel - A Virtuoso Agency
425-747-1900 | 800-445-3265 | 425-586-4519
linda@stellartravel.com

From: [Linda Kollack](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#)
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linda@stellartravel.com

From: [Mark Miller \(STB\)](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#); [Robin Jenkinson](#)
Subject: Feedback re: Potala Village Development
Date: Tuesday, May 15, 2012 1:35:09 PM

To Whom It May Concern,

It is my understanding that the Council is being asked if they would like a Density limit on/and to consider UPZONING the area at 10th Avenue and Lake Street in Kirkland at a meeting tonight. Unfortunately I am unable to attend in person to express my concerns over this so wanted to express this via e-mail instead.

The boulevard is already far too crowded and we need lower/residential density limits – **not** higher limits. Please vote and/or take other appropriate actions to prevent high density residential or commercial developments from being built on Lake Washington and thereby increasing the already bad traffic and ruining the quality of life on Lake Washington Blvd. and in Kirkland.

Thank you for your time,

Mark Miller

Jeremy McMahan

From: jkfoster756@frontier.com
Sent: Thursday, March 15, 2012 2:22 PM
To: Jay Arnold; Mike Miller; Byron Katsuyama; George Pressley; Glenn Peterson; Karen Tennyson; Andrew Held; Jon Pascal; Eric Shields; Jeremy McMahan; Kurt Triplett
Cc: uwkkg@aol.com
Subject: BN - Residential Market discussion for March 12th Meeting.....

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Friends of Kirkland,

As a concerned citizen living in the neighborhood of 10th St & Lake WA Blvd., I truly appreciate the progress the Planning commission has made on this property. It was great to scale back one huge building to four smaller ones on this property.

I am still concerned regarding the density. It's needs to be in keeping with the neighborhood. Properties previously evaluated for development were limited to 12 units per acre. Higher density would ruin the neighborhood in regards to traffic, parking, and the general feel and look of the area.

We need to keep Kirkland small scale and attractive. No high rises and density needed. Larger cities such as Bellevue are where people should think of moving or buying property if that is what they desire. We need to keep Kirkland different and unique and maintain the look and feel of a friendly small town on the lake.

Thank you for your attention to this matter.

Joan Foster
756 State St. #A
Kirkland, WA 98033

Jeremy McMahan

From: jkfoster756@frontier.com
Sent: Thursday, March 29, 2012 1:30 PM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Jmcbridge@kirklandwa.gov; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Bkatsuy@kirklandwa.gov; Glenn Peterson; Jon Pascal; Andrew Held; Caalshouse@kirklandwa.gov; Mike Miller
Cc: uwkkg@aol.com
Subject: Density development of property at Lk Wa Blvd & 10th St...

Dear Friends:

Lake Washington Blvd. is like the front entry to our community from the south and west. It is a lovely drive along the lake for residents and visitors alike. We would like to keep it that way. Having a very large high density building at the corner of Lk WA Blvd & 10th St. would be very distracting and cause a lot of problems for the neighborhood.

The problem is not some retail business and new residents, it is the scope of the development. It is way out of scale from the other apts. and condos in that location. There is already much traffic on Lk WA Blvd and that density would definitely increase the congestion. The project needs to sit back some from the street to be landscaped similar to the other buildings in the area. Having four buildings spaced with open areas is much better than the one huge building but please keep the density in line with other complexes in that neighborhood.

The goal should be to keep Kirkland a beautiful, liveable, non-congested city for new and old residents alike.

Thanks for your attention to this matter.

Joan Foster
756 State St. #A
Kirkland, WA 98033

Jeremy McMahan

From: Atis Freimanis [atisfreimanis@yahoo.com]
Sent: Wednesday, March 28, 2012 7:53 PM
To: Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller
Cc: Eric Shields; Jeremy McMahan
Subject: Affordable housing can be hindered by unlimited density

Members of the Planning Commission,

It is my understanding that some planning commission members are contemplating unlimited density as a means to promote affordable housing. Unfortunately, the more likely outcome is that having no density caps will tend to have the exact opposite effect.

If as a developer I am granted unlimited density, my only motivator is "**whatever the market will bear**". This provides no mechanism to make (small) dwellings less expensive than other dwellings in the same area. If I can charge high rents I most assuredly will.

On the other hand, if my ability to gain increased density depends directly on providing affordable housing, I have a clear incentive to do so.

For example, a developer who can build at 12 units per acre will have a clear profit incentive to add 3 more units per acre of affordable housing if he is allowed to expand from 12 units to 18 units provided 3 of the additional units are explicitly for affordable housing.

Only a mechanism that mandates affordable housing guarantees affordable housing. Otherwise market pressures will always drift towards "whatever the market will bear"

There are effective ways to promote affordable housing, however removing density caps is not one of them.

Respectfully,

Atis Freimanis
10108 NE 68th St #4
Kirkland WA 98033

Jeremy McMahan

From: Atis Freimanis [atisfreimanis@yahoo.com]
Sent: Thursday, March 08, 2012 4:50 PM
To: Jeremy McMahan
Subject: RE: Planning Commission Meeting - March 8th at 7:00 pm
Attachments: Guidelimes_for_BN_Zones_in_Residential_Areas.pptx; revisions matrix1
_with_neighbor_comments.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Jeremy,

I mistakenly sent you an early version that does not reflect 60% max lot coverage which we will be providing examples of from other cities. Other than that one change in both documents, the presentation is the same (see attached)

My apologies for any confusion this might create.

Atis

--- On Fri, 3/9/12, Jeremy McMahan <JMcmahan@kirklandwa.gov> wrote:

From: Jeremy McMahan <JMcmahan@kirklandwa.gov>
Subject: RE: Planning Commission Meeting - March 8th at 7:00 pm
To: "Atis Freimanis" <atisfreimanis@yahoo.com>
Date: Friday, March 9, 2012, 12:06 AM

Done. See you tonight.

Jeremy McMahan

Planning Supervisor

City of Kirkland

jmcmahan@kirklandwa.gov

425.587.3229

From: Atis Freimanis [mailto:atisfreimanis@yahoo.com]
Sent: Thursday, March 08, 2012 3:56 PM
To: Jeremy McMahan
Subject: RE: Planning Commission Meeting - March 8th at 7:00 pm

Jeremy,

Attached are the PowerPoint slides and updated MS Word document reflecting neighbor recommendations in purple. If you are able to forward these to the planning commission prior to tonight's meeting it would help as a reference when I speak during the public comment period and during their deliberations.

Thanks in advance for your efforts to host the debate.

Atis Freimanis

--- On **Mon, 3/5/12**, **Jeremy McMahan** <JMcMahan@kirklandwa.gov> wrote:

From: Jeremy McMahan <JMcMahan@kirklandwa.gov>
Subject: RE: Planning Commission Meeting - March 8th at 7:00 pm
To: "Atis Freimanis" <atisfreimanis@yahoo.com>
Date: Monday, March 5, 2012, 7:57 PM

Hi Atis – below is the conversion table of densities from the Comprehensive Plan Land Use Element. I think you will find this helpful to translate units/acre to units/square foot.

I am attaching my Word document of the development standards matrix for your use. Let me know if you run into any additional questions.

Table LU-3 below provides a range of residential densities described in the Comprehensive Plan with comparable zoning classifications.

Table LU-3
Residential Densities and Comparable Zones

General Residential Densities	Residential Densities as Specified in Comprehensive Plan in Units per Net Acres (d/a)	Comparable Zoning Classification
GREENBELT/URBAN SEPARATOR	Up to 1 d/a	RSA – 1
LOW DENSITY	Up to 1 d/a	RS – 35,000, RSX – 35,000
	Up to 3 d/a	RS – 12,500, RSX – 12,500
	4 – 5 d/a	RS – 8,500, RSX – 8,500, RS – 7,200, RSX – 7,200, RSA – 4
	6 d/a	RS – 7,200, RSX – 7,200, RSA – 6
	7 d/a	RS – 6,300
	8 – 9 d/a	RS – 5,000, RSX – 5,000, RSA – 8
MEDIUM DENSITY	8 – 9 d/a	RM – 5,000, RMA – 5,000
	10 – 14 d/a	RM – 3,600, RMA – 3,600
HIGH DENSITY	15 – 18 d/a	RM – 2,400, RMA – 2,400
	19 – 24 d/a	RM – 1,800, RMA – 1,800

Higher unit per acre counts may occur within each classification if developed under the City's PUD, innovative or affordable housing programs.

Jeremy McMahan

Planning Supervisor

City of Kirkland

jmcmahan@kirklandwa.gov

425.587.3229

From: Atis Freimanis [<mailto:atisfreimanis@yahoo.com>]

Sent: Monday, March 05, 2012 11:09 AM

To: Jeremy McMahan

Subject: Re: Planning Commission Meeting - March 8th at 7:00 pm

Jeremy,

Thank you for the information. I am working on inputs that would reflect additional recommendations.

Can you provide a mapping of how your alternate formula for calculating density limits maps to existing densities of properties surrounding the BN family of zones? (eg. 12 units per acre = 1/xxxx sq ft. etc.) I am trying to relate density limit recommendations in reference to surrounding properties for all BN family of zones

Also, can you provide a table to map your Medium density 1/3600 sq ft. and High density (1/2,400, 1/1,800, 1/900) numbers map to current units/acre which some people are more familiar with.

Lastly, is it possible to get a copy of the Table 2 attachment "development standards for Neighborhood Business family of zones" in its raw format (Excel? Powerpoint?) so that I might more easily add recommendations in Green to supplement the existing Red (PC) and Blue (staff) recommendations.

Thanks in advance for your assistance.

Atis Freimanis

--- On Fri, 3/2/12, Jeremy McMahan <JMcMahan@kirklandwa.gov> wrote:

From: Jeremy McMahan <JMcMahan@kirklandwa.gov>
Subject: Planning Commission Meeting - March 8th at 7:00 pm
To: "lobsang@pathamerica.com" <lobsang@pathamerica.com>, "Lin, Edward C. (Eddie) (Perkins Coie)" <ELin@perkinscoie.com>, "Wilson, Kristine (Perkins Coie)" <KRWilson@perkinscoie.com>, "Uwkkkg@aol.com" <Uwkkkg@aol.com>, "atisfreimanis@yahoo.com" <atisfreimanis@yahoo.com>, "Chuck Pilcher" <chuck@bourlandweb.com>
Date: Friday, March 2, 2012, 9:56 PM

Greetings,

The Planning Commission packet for next Thursday's meeting has just been posted online. Please feel free to call if you have any questions.

Agenda Items:

1. Commercial Codes KZC Amendments, File No. ZON11-00042
2. 2012 Miscellaneous Zoning Code Amendments, File No. ZON12-00002
3. Proposed 2012-2014 Planning Work Program, File No. MIS09-00010

The Agenda and Meeting Packets are available [here](#).

Jeremy McMahan

Planning Supervisor

City of Kirkland

jmcmahan@kirklandwa.gov

425.587.3229

Kirkland Residents Key Concerns Regarding Zoning Regulations for Commercial Zones in Residential Neighborhoods

- - -

March 8th , 2012

Commercial means commercial

- - -

In cases where residential is a primary objective, properties should be rezoned residential and built as residential

- - -

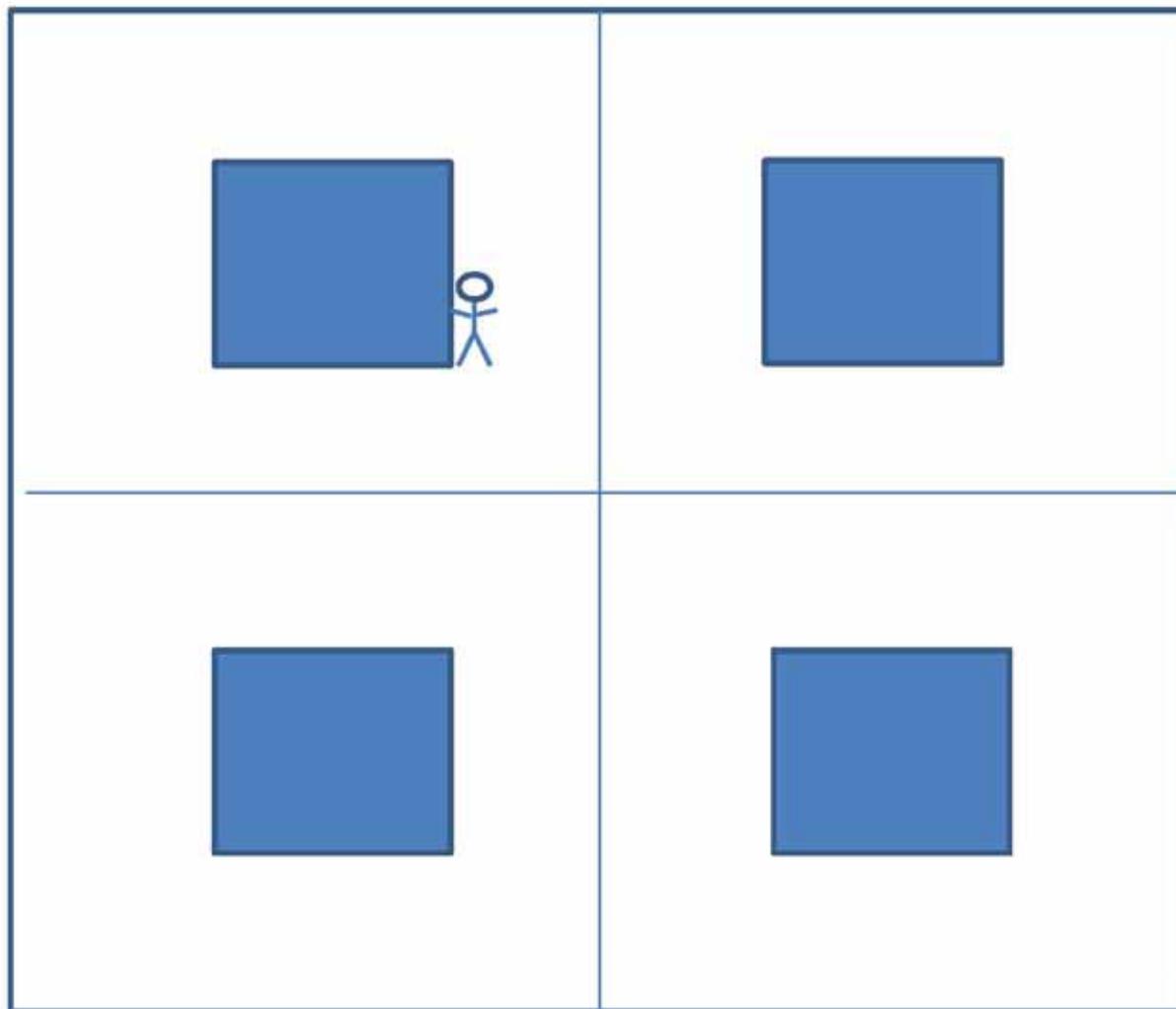
It is unacceptable to use commercial properties as a means to game the system and build what are effectively residential developments

Objective #1: Primary use of commercial zones MUST be commercial.

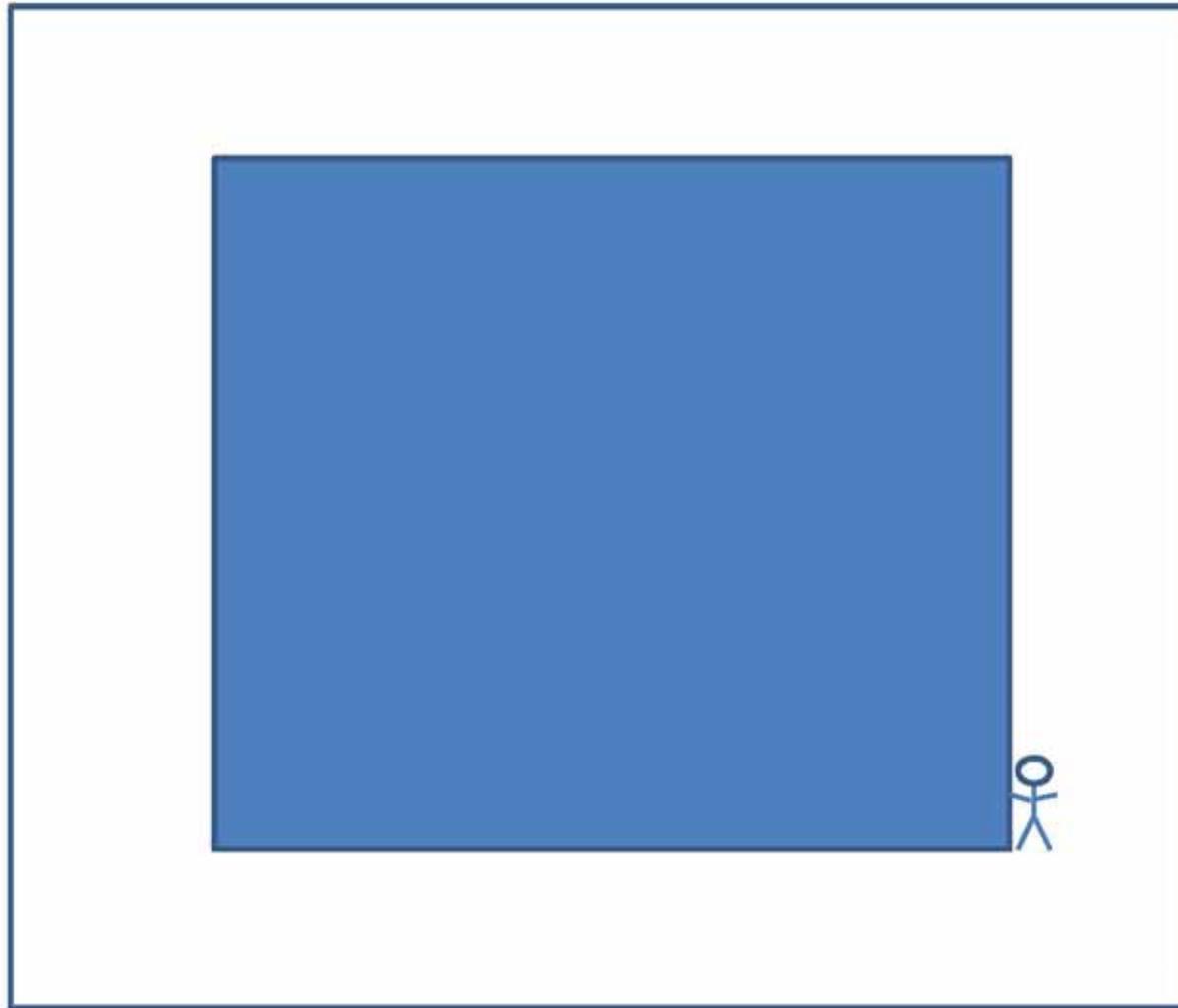
Guideline: Minimum 51% (better 60%) of the entire project must be commercial

Measure of Success: Casual observer will perceive the development to be commercial, not residential

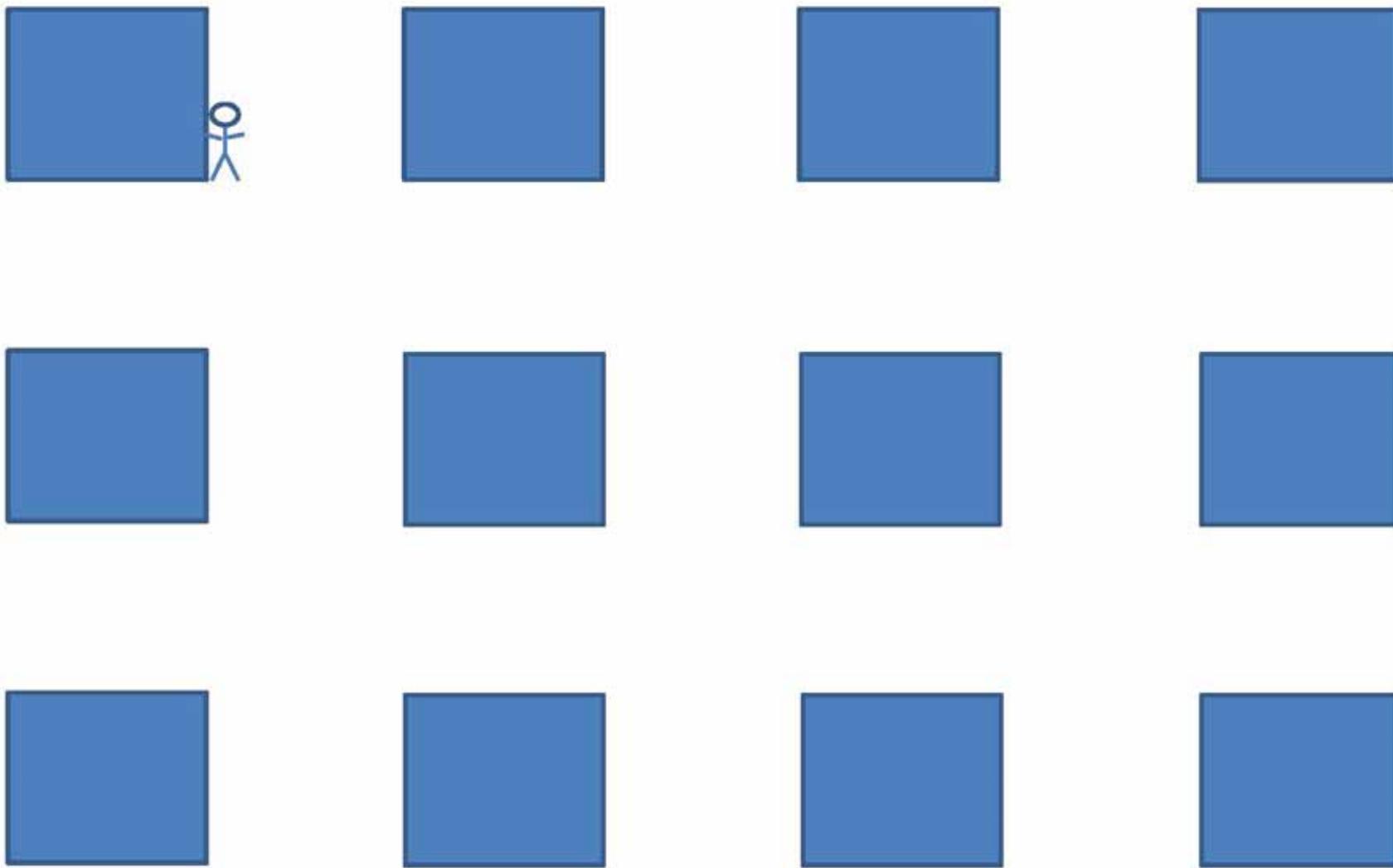
Issue #2: In cases where zero lot line adjustments are allowed, use of setbacks and height limits alone allows a virtually unlimited building size that is out of proportion with the neighborhood



This example represents four 10x10 buildings with 10 ft. setbacks – 400 sq ft total



Removing the lot lines allows a single structure more than twice the area (900 sq ft)



Using only setbacks allows virtually unlimited building size as overall area grows – bad idea!



Unlimited building sizes quickly become out of character with the neighborhood

Objective #2: Ensure buildings are in proportion with neighborhoods

Guideline: Single building volume (bulk) not to exceed largest neighboring structure

Measure of Success: No individual building exceeds largest neighboring structure
160,000 cubic feet maximum

Objective #3: Ensure densities are in proportion with neighborhoods

Guideline: Maximum 1.5 times lowest zoned surrounding density

Measure of Success: Project density is not out of scale with surrounding properties

Use of only setbacks, height, building envelope etc. to control density is insufficient

- - -

A value of "none" for BN zone density limits is NOT acceptable

Development Standards for Neighborhood Business Family of Zones

(key differences between zones are **bolded**, Planning Commission recommendations from 2/23 are shown in red, staff recommendations are shown in blue neighbors in purple)

	BN (current)	BN (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Residential Density	None	No change 1.5 times lowest zoned surrounding density (1/2400)	None	No change 1.5 times lowest zoned surrounding density (1/2400)	None	Revert to prior County max (1 unit/2,400 sf rather than 16 units/acre) 1.5 times lowest zoned surrounding density (1/2400)	None	No change	<ul style="list-style-type: none"> None Medium density (1 unit per 3,600 sf) High density (1/2,400¹, 1/1,800, 1/900²)
Minimum Commercial Floor Area	75% of ground floor	Minimum commercial frontage Minimum 51% of entire project	75% of ground floor	Minimum commercial frontage Minimum 51% of entire project	75% of ground floor	Residential square feet not to exceed 50% of the site's total square feet of floor area Minimum 51% of entire project	75% of ground floor	Minimum commercial frontage	<ul style="list-style-type: none"> No change Minimum commercial FAR Maximum residential FAR as percentage of commercial provided Minimum commercial frontage
Residential on Ground Floor of Structure	Prohibited	Prohibited, allow lobby Revisit for residential behind minimum comm. frontage	Prohibited	Prohibited, allow lobby Revisit for residential behind minimum comm. frontage	Prohibited	Allow, subject to 50% requirement above	Prohibited	Allow behind commercial frontage	<ul style="list-style-type: none"> No change Allow subject to commercial requirements
Commercial Orientation	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk 	<ul style="list-style-type: none"> No change Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk
Maximum Floor Area Ratio (FAR)	None	No change	<ul style="list-style-type: none"> No change Maximum x% (similar to single family bulk limits) 						

¹ Similar to King County NB zone

² King County density adopted for BC 1 & BC 2 zones

Maximum Height	30'	30' above ABE Max 3 stories above street	30'	30' above ABE Max 3 stories above street	35'	No change	30'	No change	<ul style="list-style-type: none"> No change Measure from street level (like CBD) Cap # of stories Lower
Maximum Lot Coverage	80%	No change 60%	80%	No change 60%	80%	No change	80%	No change	<ul style="list-style-type: none"> No change 60% (similar to medium density zones) 70% (similar to office zones)

	BN (current)	BN (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Required Yards¹	20' front ² 10' side & rear	<ul style="list-style-type: none"> 10' for ground floor commercial story No change to front for 2nd & 3rd stories Additional 5' per story where adjoining residential 10' side & rear for all uses 	20' front 10' side & rear	<ul style="list-style-type: none"> 10' for ground floor commercial story No change to front for 2nd & 3rd stories Additional 5' per story where adjoining residential 10' side & rear for all uses 	10' front 10' side & rear	No change to front 10' side & rear for all uses	20' front 10' side & rear	No change	<ul style="list-style-type: none"> No change 0' (similar to ped. oriented business districts) 10' (similar to BNA) Reduce for ground floor only (similar to CBD 3 & 7) Make office and retail consistent Increase
Land Use Buffer	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	15' for all commercial uses adjoining residential	Retail=20' adjoining SF, 15' adjoining MF Office=20' adjoining SF, 5' adjoining MF ³	15' for all commercial uses adjoining residential	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	15' for all commercial uses adjoining residential	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	15' for all commercial uses adjoining residential	<ul style="list-style-type: none"> No change Make Retail & Office buffers consistent to allow change in use of tenant spaces <ul style="list-style-type: none"> Increase office to 15' Decrease retail to 5'
Maximum Retail/Restaurant Store Size	10,000 s.f. per establishment	5,000-9,000 (find examples of neighborhood services) 4,000 per establishment	10,000 s.f. per establishment	No change	10,000 s.f. per establishment, excludes grocery, drug, hardware...	No change	4,000 s.f. per establishment	No change	<ul style="list-style-type: none"> No change 4,000 s.f. (similar to MSC 2 zone) 3,000 s.f (similar to RM zone) <p><i>Examples:</i></p> <ul style="list-style-type: none"> • Totem Lake Rite Aid = 11,000 s.f. • Brown Bag Café = 4,900 s.f. • Super 24 = 3,100 s.f. • Spud's – 1,500 s.f.
Use Limitations	Use Zone Charts	Prohibit non-pedestrian oriented uses	Use Zone Charts	No change	Use Zone Charts	No change	Limited in Use Zone Charts	No change	<ul style="list-style-type: none"> No change Prohibit non-pedestrian oriented⁴ <ul style="list-style-type: none"> Vehicle service station Drive-thru Limit office uses

¹ Note that office has 5' minimum side (15' combined)

² Required yard along Lake St S or LWB increased 2' for each 1' that the structure exceeds 25' (applies to RM along Boulevard as well)

³ 20' landscaped berm/topographic change required by (1) suffix

⁴ These uses are prohibited in the MSC 2 zone

	BN (current)	BN (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Maximum Building Length¹	None	Determine if addressed through design guidelines or regulations	None	Determine if addressed through design guidelines or regulations	None	Determine if addressed through design guidelines or regulations	See design guidelines	No change	<ul style="list-style-type: none"> No change Maximum 120' Maximum 70' Maximum 50'
Maximum Building Size	None	Determine if addressed through design guidelines or regulations Max building volume not to exceed largest surrounding building-160,000 cubic feet	None	Determine if addressed through design guidelines or regulations Max building volume not to exceed largest surrounding building – 160,000 cubic feet	None	Determine if addressed through design guidelines or regulations	See design guidelines	No change	<ul style="list-style-type: none"> No change Select a desirable size (this type of regulation is not currently in use in Kirkland)
Review Process	None	Design Review, bring back Design Guidelines/regulations for MSC 2 for consideration	Process IIA	Design Review, bring back Design Guidelines/regulations for MSC 2 for consideration Incorporate Comp Plan criteria into special regulations	None	Design Review, bring back Design Guidelines/regulations for MSC 2 for consideration	Administrative Design Review	No change	<ul style="list-style-type: none"> None Zoning Permit (with established standards & criteria) <ul style="list-style-type: none"> Process I Process IIA Process IIB Design Review (with established guidelines/regulations) <ul style="list-style-type: none"> Administrative Design Review Board

¹ Used in Design Regulations. Depending on Business District, regulations may require full building separation, a significant modulation break, or change in building definition and materials

Development Standards for Neighborhood Business Family of Zones

*(key differences between zones are **bolded**, Planning Commission recommendations from 2/23 are shown in red, staff recommendations are shown in blue neighbors in purple)*

	BN (current)	BN (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Residential Density	None	No change 1.5 times lowest zoned surrounding density (1/2400)	None	No change 1.5 times lowest zoned surrounding density (1/2400)	None	Revert to prior County max (1 unit/2,400 sf rather than 16 units/acre) 1.5 times lowest zoned surrounding density (1/2400)	None	No change	<ul style="list-style-type: none"> None Medium density (1 unit per 3,600 sf) High density (1/2,400¹, 1/1,800, 1/900²)
Minimum Commercial Floor Area	75% of ground floor	Minimum commercial frontage Minimum 51% of entire project	75% of ground floor	Minimum commercial frontage Minimum 51% of entire project	75% of ground floor	Residential square feet not to exceed 50% of the site's total square feet of floor area Minimum 51% of entire project	75% of ground floor	Minimum commercial frontage	<ul style="list-style-type: none"> No change Minimum commercial FAR Maximum residential FAR as percentage of commercial provided Minimum commercial frontage
Residential on Ground Floor of Structure	Prohibited	Prohibited, allow lobby Revisit for residential behind minimum comm. frontage	Prohibited	Prohibited, allow lobby Revisit for residential behind minimum comm. frontage	Prohibited	Allow, subject to 50% requirement above	Prohibited	Allow behind commercial frontage	<ul style="list-style-type: none"> No change Allow subject to commercial requirements
Commercial Orientation	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk 	<ul style="list-style-type: none"> No change Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk
Maximum Floor Area Ratio (FAR)	None	No change	<ul style="list-style-type: none"> No change Maximum x% (similar to single family bulk limits) 						

¹ Similar to King County NB zone

² King County density adopted for BC 1 & BC 2 zones

Maximum Height	30'	30' above ABE Max 3 stories above street	30'	30' above ABE Max 3 stories above street	35'	No change	30'	No change	<ul style="list-style-type: none"> No change Measure from street level (like CBD) Cap # of stories Lower
Maximum Lot Coverage	80%	No change 60%	80%	No change 60%	80%	No change	80%	No change	<ul style="list-style-type: none"> No change 60% (similar to medium density zones) 70% (similar to office zones)

Development Standards for Neighborhood Business Family of Zones (cont.)

	BN (current)	BN (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Required Yards³	20' front ⁴ 10' side & rear	<ul style="list-style-type: none"> 10' for ground floor commercial story No change to front for 2nd & 3rd stories Additional 5' per story where adjoining residential 10' side & rear for all uses 	20' front 10' side & rear	<ul style="list-style-type: none"> 10' for ground floor commercial story No change to front for 2nd & 3rd stories Additional 5' per story where adjoining residential 10' side & rear for all uses 	10' front 10' side & rear	No change to front 10' side & rear for all uses	20' front 10' side & rear	No change	<ul style="list-style-type: none"> No change 0' (similar to ped. oriented business districts) 10' (similar to BNA) Reduce for ground floor only (similar to CBD 3 & 7) Make office and retail consistent Increase
Land Use Buffer	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	15' for all commercial uses adjoining residential	Retail=20' adjoining SF, 15' adjoining MF Office=20' adjoining SF, 5' adjoining MF ⁵	15' for all commercial uses adjoining residential	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	15' for all commercial uses adjoining residential	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	15' for all commercial uses adjoining residential	<ul style="list-style-type: none"> No change Make Retail & Office buffers consistent to allow change in use of tenant spaces <ul style="list-style-type: none"> Increase office to 15' Decrease retail to 5'
Maximum Retail/Restaurant Store Size	10,000 s.f. per establishment	5,000-9,000 (find examples of neighborhood services) 4,000 per establishment	10,000 s.f. per establishment	No change	10,000 s.f. per establishment, excludes grocery, drug, hardware...	No change	4,000 s.f. per establishment	No change	<ul style="list-style-type: none"> No change 4,000 s.f. (similar to MSC 2 zone) 3,000 s.f. (similar to RM zone) <p><i>Examples:</i></p> <ul style="list-style-type: none"> Totem Lake Rite Aid = 11,000 s.f. Brown Bag Café = 4,900 s.f. Super 24 = 3,100 s.f. Spud's – 1,500 s.f.
Use Limitations	Use Zone Charts	Prohibit non-pedestrian oriented uses	Use Zone Charts	No change	Use Zone Charts	No change	Limited in Use Zone Charts	No change	<ul style="list-style-type: none"> No change Prohibit non-pedestrian oriented⁶ <ul style="list-style-type: none"> Vehicle service station Drive-thru Limit office uses

³ Note that office has 5' minimum side (15' combined)

⁴ Required yard along Lake St S or LWB increased 2' for each 1' that the structure exceeds 25' (applies to RM along Boulevard as well)

⁵ 20' landscaped berm/topographic change required by (1) suffix

⁶ These uses are prohibited in the MSC 2 zone

Development Standards for Neighborhood Business Family of Zones (cont.)

	BN (current)	BN (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Maximum Building Length⁷	None	Determine if addressed through design guidelines or regulations	None	Determine if addressed through design guidelines or regulations	None	Determine if addressed through design guidelines or regulations	See design guidelines	No change	<ul style="list-style-type: none"> • No change • Maximum 120' • Maximum 70' • Maximum 50'
Maximum Building Size	None	Determine if addressed through design guidelines or regulations Max building volume not to exceed largest surrounding building-160,000 cubic feet	None	Determine if addressed through design guidelines or regulations Max building volume not to exceed largest surrounding building – 160,000 cubic feet	None	Determine if addressed through design guidelines or regulations	See design guidelines	No change	<ul style="list-style-type: none"> • No change • Select a desirable size (this type of regulation is not currently in use in Kirkland)
Review Process	None	Design Review, bring back Design Guidelines/regulations for MSC 2 for consideration	Process IIA	Design Review, bring back Design Guidelines/regulations for MSC 2 for consideration Incorporate Comp Plan criteria into special regulations	None	Design Review, bring back Design Guidelines/regulations for MSC 2 for consideration	Administrative Design Review	No change	<ul style="list-style-type: none"> • None • Zoning Permit (with established standards & criteria) <ul style="list-style-type: none"> ○ Process I ○ Process IIA ○ Process IIB • Design Review (with established guidelines/regulations) <ul style="list-style-type: none"> ○ Administrative ○ Design Review Board

⁷ Used in Design Regulations. Depending on Business District, regulations may require full building separation, a significant modulation break, or change in building definition and materials

Ground Floor Commercial Development Standards for Community Business (BC) Family of Zones

	BC (current)	BC (amendments)	BCX (current)	BCX (amendments)	BC 1 (current)	BC 1 (amendments)	BC 2 (current)	BC 2 (amendments)	Options
Minimum Commercial Floor Area	75% of ground floor	defer	75% of ground floor	Minimum commercial FAR of 20% for new mixed use	75% of ground floor	Minimum commercial FAR of 20% for new mixed use	75% of ground floor	Minimum commercial FAR of 20% for new mixed use	<ul style="list-style-type: none"> No change Minimum commercial FAR Maximum residential FAR as percentage of commercial provided Minimum commercial frontage
Residential on Ground Floor of Structure	Prohibited	defer	Prohibited	Allowed, but must have intervening commercial frontage along street	Prohibited	Allowed, but must have intervening commercial frontage along street	Prohibited	Allowed, but must have intervening commercial frontage along street	<ul style="list-style-type: none"> No change Allow subject to commercial requirements
Commercial Orientation	Toward arterial or sidewalk	defer	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk 	<ul style="list-style-type: none"> No change Minimum ground floor height (13'-15') Specify commercial floor to be at grade with street/sidewalk

From: [Janet Jonson](#) on behalf of [Joan McBride](#)
To: [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#); [Teresa Swan](#); [Kathi Anderson](#); [Cheri Aldred](#)
Cc: [Janet Jonson](#)
Subject: FW:
Date: Tuesday, May 15, 2012 4:10:28 PM

Janet Jonson

City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

From: [Claudi Wilson \[mailto:claudi.wilson@yahoo.com\]](mailto:claudi.wilson@yahoo.com)
Sent: Sunday, May 13, 2012 4:04 PM
To: Amy Walen; Doreen Marchione; Dave Asher; Penny Sweet; Toby Nixon; Joan McBride; Bob Sternoff
Subject:

We absolutely need to have a density cap in place. Lake Washington Blvd. cannot accommodate any more traffic congestion. We are going to lose the quality of life that makes Kirkland such a great place to live.

Claudi Wilson
over 32 year Kirkland resident

From: [Eric Shields](#)
To: [Jeremy McMahan](#); [Teresa Swan](#)
Subject: FW: BN: Just in.. Letter from Attorney Brian Lawler
Date: Wednesday, May 16, 2012 8:32:33 AM

Eric Shields

-----Original Message-----

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
 Sent: Tuesday, May 15, 2012 8:31 PM
 To: uwkkg@aol.com; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Kurt Triplett; Robin Jenkinson; Eric Shields
 Subject: Re: BN: Just in.. Letter from Attorney Brian Lawler

Bad

-----Original Message-----

From: uwkkg <uwkkg@aol.com>
 To: Uwkkg <Uwkkg@aol.com>; jmcbride <jmcbride@kirklandwa.gov>; dmarchione <dmarchione@kirklandwa.gov>; psweet <psweet@kirklandwa.gov>; awalen <awalen@kirklandwa.gov>; dasher <dasher@kirklandwa.gov>; bsternoff <bsternoff@kirklandwa.gov>; tnixon <tnixon@kirklandwa.gov>; ktriplett <ktriplett@kirklandwa.gov>; rjenkinson <rjenkinson@kirklandwa.gov>; eshields <eshields@kirklandwa.gov>
 Sent: Tue, May 15, 2012 8:19 pm
 Subject: Re: BN: Just in.. Letter from Attorney Brian Lawler

At this moment the newly introduced Neighborhood center is 100% out of line and contrary to the direction that GMA planning is supposed to take. There were years of study that went into residential rakes...

How in the world do you justify overturning years of study in a brief 10 minute discussion

-----Original Message-----

From: Uwkkg <Uwkkg@aol.com>
 To: jmcbride <jmcbride@kirklandwa.gov>; dmarchione <dmarchione@kirklandwa.gov>; psweet <psweet@kirklandwa.gov>; awalen <awalen@kirklandwa.gov>; dasher <dasher@kirklandwa.gov>; bsternoff <bsternoff@kirklandwa.gov>; tnixon <tnixon@kirklandwa.gov>; ktriplett <ktriplett@kirklandwa.gov>; rjenkinson <rjenkinson@kirklandwa.gov>; eshields <eshields@kirklandwa.gov>
 Cc: uwkkg <uwkkg@aol.com>
 Sent: Tue, May 15, 2012 1:21 pm
 Subject: BN: Just in.. Letter from Attorney Brian Lawler

Honorable Mayor, Deputy Mayor and Council members:

Sorry for the late delivery of this letter. Once the City Council packet gets published, our attorney Brian Lawler, needs time to review the materials, consider the facts, and get comments to you.

Please know that the large number of neighbors and other citizens working with Mr. Lawler all want development to take place on the corner of Lake St S and 10th Ave S.

We just want the city to get what the GMA planning process (and involvement of all stakeholders) determined would be appropriate.

Karen Levenson

From: [Eric Shields](#)
To: [Jeremy McMahan](#); [Teresa Swan](#)
Subject: FW: Comment on the Potala Village project
Date: Monday, May 21, 2012 8:25:28 AM

FYI. This letter is addressed to the Potala "project" but perhaps it should be forwarded to the PC regarding its discussion on regulations.

Eric Shields

-----Original Message-----

From: Jeffrey J. Early [<mailto:jeffrey@jeffreyearly.com>]
Sent: Sunday, May 20, 2012 7:45 PM
To: Eric Shields
Subject: Comment on the Potala Village project

Eric Shields,

I am writing to voice my opinion in favor of Kirkland taking on higher density with the Potala Village project. Increased density and mixed use development increases walkability and livability, while density restrictions only serve to drive up costs (as demand for housing outstrips supply) and restrict transportation choices. Yes, the character of Kirkland will continue to change as it always has, but this is a favorable direction.

My only reservation is that the City of Kirkland is falling behind in its support of a diverse set of transportation options. Wider sidewalks, more separated bike lanes, and higher capacity transit are needed now more than ever. These choices are essentially to a livable, sustainable city in the coming decades.

Thanks for listening,
Jeffrey J. Early, PhD
Kirkland Resident

From: [Janet Jonson](#)
To: [City Council](#)
Cc: [Kurt Triplett](#); [Marilynne Beard](#); [Eric Shields](#); [Jeremy McMahan](#); [Teresa Swan](#)
Subject: FW: Density drama plays on.
Date: Thursday, May 17, 2012 8:43:17 AM

Council: Mr. Style has been informed we have received his correspondence and is fully aware that it will be forwarded to Council and staff. Thank you. JJ

Janet Jonson

City Manager's Office
 City of Kirkland
 123 5th Avenue
 Kirkland, WA 98033
 425-587-3007
 425-587-3019 fax
jjonson@kirklandwa.gov

From: RLSTYLE@aol.com [mailto:RLSTYLE@aol.com]
Sent: Wednesday, May 16, 2012 9:47 PM
To: kirklandviews@gmail.com; editor@kirklandreporter.com; editor@eastsidesun.com; City Council
Cc: Uwkkg@aol.com; chuck@bourlandweb.com; jrogers407@comcast.net; bettyknutson@frontier.com
Subject: Density drama plays on.

Tuesday's density drama on NB zoning.

The Council was supposed to answer questions from the Planning Commission as to what to do with the BN zoning on Lake Street/Lake Washington Blvd, NE. A few Councilmembers knew what they wanted and how to get their point across.

Councilmember Walen didn't know how to express herself. She was trying to be political correct. In doing so, she babbled and could not convince fellow Councilmember much less the public as to what she wanted. One had to guess where's she coming from.

Councilmember Sternoff knew what he was talking about but failed to influence other female Councilmembers that what he had to say had meaning. The vote to change the commercial zoning on Lake Street was a 4 to 3 decision with all the female Councilmembers voting the same way. It suggests there were clandestine phone calls made between Councilmembers and maybe staff trying to influence decisions. So much for Councilmember Nixon's favorite subject: transparency.

As one who deals with Growth Management Act (GMA), Sternoff might as well said nothing. He consistently fails to hold other Councilmember accountable for not implementing elements of the GMA that would help prevent degradation of our quality of life.

Mayor McBride is good at degrading our quality of life. She went on a rampage stating

that she loved density, the same density that has created the traffic jams we now live with and will get worse if she succeeds. As someone who is supposed to protect our quality of life, she is a dismal failure. She has help.

Councilmember Sweet said that she has experienced traffic jams getting to downtown Kirkland where her business is located. No wonder she doesn't want the Concurrency Provision of the GMA to reduce the number of cars in downtown. Some planners say what's one more car on the already crowded highway? The GMA addresses that problem and demands that transportation Level of Service not be degraded and improvements made over a 6 year period through the Capital Improvement Plan. Evidently Councilmember Sweet doesn't care about the quality of life for the rest of us as long as she's allowed to be part of that traffic jam. Evidently she loves it and doesn't want it to go away.

Councilmember Nixon had a prepared comment. At least it included a provision that neighborhood commercial should be acceptable to the existent neighborhood and be consistent with what's already been built. He should be reminded that zoning was created in Ohio in the early 1900's to protect family homes. We need it now more than ever.

Councilmember Asher also needed to be firm about what the Planning Commission should consider. He should have reinforced the City Mission statement that requires each Councilmember preserve and not degrade our quality of life.

Councilmember Marchione echoed Councilmember Walen's babble. Both of them think that the City's need are more important than citizen's needs.

Much of the zoning discussion revolved around the term Mixed Use and where is it appropriate? Again, supporting it equally throughout all neighborhoods is nonsense. Houghton enjoys horses. Are we to require all neighborhoods to zone for horses? Are all neighborhoods required to accommodate industry, manufacturing, and affordable housing?

That's a bunch of bull. The Council cannot even support what it takes to make Totem Lake a viable business district. Mixed use is fine provided it's compatible with existing land uses and acceptable to the neighborhood. The City of Kirkland already has mixed uses within its boundaries and doesn't need to degrade the quality of life in neighborhoods throughout the entire city to get it.

Robert L. Style
6735 Lake Washington Blvd, NE
Kirkland, WA 98033
425-827-0216

From: [Janet Jonson](#) on behalf of [Joan McBride](#)
To: [Teresa Swan](#); [Jeremy McMahan](#); [Kathi Anderson](#); [Cheri Aldred](#)
Subject: FW: Just in.. Letter from Attorney Brian Lawler
Date: Tuesday, May 15, 2012 1:33:37 PM
Attachments: [LettertoCityofKirkland\(May15,2012\).pdf](#)

Janet Jonson

City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

From: Uwkkg@aol.com [mailto:Uwkkg@aol.com]
Sent: Tuesday, May 15, 2012 1:22 PM
To: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Kurt Triplett; Robin Jenkinson; Eric Shields
Cc: uwkkg@aol.com
Subject: BN: Just in.. Letter from Attorney Brian Lawler

Honorable Mayor, Deputy Mayor and Council members:

Sorry for the late delivery of this letter. Once the City Council packet gets published, our attorney Brian Lawler, needs time to review the materials, consider the facts, and get comments to you.

Please know that the large number of neighbors and other citizens working with Mr. Lawler all want development to take place on the corner of Lake St S and 10th Ave S.

We just want the city to get what the GMA planning process (and involvement of all stakeholders) determined would be appropriate.

Karen Levenson



May 15, 2012

BY ELECTRONIC MAIL

City of Kirkland
City Council Members
123 5th Avenue
Kirkland, WA 98033

Re: Kirkland BZ Zoning

Dear Mayor McBride, Deputy Mayor Marchione, and Honorable Council Members:

I write to you again on behalf numerous neighbors and citizens of Kirkland on the BN Zone planning process.

The goal of these citizens has been a straightforward and genuine interest in achieving the goal of the Comprehensive Plan in a manner that will provide for development of parcels identified for BN-Residential Market Commercial in a manner that is compatible with both the City's Plan and with the neighborhood character as required by your Plan. The focus of my clients is simply a zoning text alignment issue and not a project specific issue.

In contrast, a certain developer, proposing "Potlatch Village" or "Kirkland Aqua," on a BN-Residential Market site, through a support team, advocates for specific decisions which seem project specific. We refer here to the newly revised, but still massively scaled, project specific renditions from the developer. This behavior is disingenuous. When the developer claims that its proposal is no larger than what is currently in the area, of course the local residents, whose structures are built to 30% lot coverage, are going to point out that the developer's proposal with 80% lot coverage is simply not a fair comparison. When existing projects that are three stories tall are claimed by the developer to be four stories tall, citizens roll their eyes and react angrily to such misstatements. For planning purposes, we ask that you not rely on pictures and illustrations that misrepresent the current neighborhood.

Let me clearly state the position of my clients. A project, even if built with the same residential density as the surrounding properties, will likely be a bit bigger than the surrounding properties as it will also include some businesses providing neighborhood goods and services as

City of Kirkland
 May 15, 2012
 Page 2

is understood by the usual and customary meaning of "Neighborhood Business" and as are approved uses in the Comprehensive Plan.

It is essential that the zoning text for Residential Market—Commercial be articulated as instructed by the Implementing Strategies Chapter of the Comprehensive Plan. It is also imperative that the zoning text carry out the provisions of the Comprehensive Plan that require compatibility, transition zones, and respect of privacy and impacts to adjoining lower density uses.

It is a bit shocking to my clients to see staff's new inquiry about potentially changing this well-studied area (with documented vehicular ingress and egress challenges) to the higher intensity commercial designation of "Neighborhood Center." This would not only create greater incompatibilities, it would be ill-conceived and has not been subject to the same in-depth review as was the Residential Market designation and its assigned locations.

On behalf of my clients I encourage you to do the right thing for Kirkland. We join the applicant's attorney in asking you to focus on the zoning text work that is in front of you (to fully implement the Residential Market commercial designation). We ask you to avoid the "cart before the horse" approach of the developer's support and advocacy team, which put forward spurious renditions and misleading comparisons in the hope of eliciting decisions that are made to accommodate a project rather than the normal, GMA mandated process which first determines the Comprehensive Plan, then articulates the plan through development regulations, and only then evaluates a project when the other pieces are intact.

Thank you for all of the work you have done to date on behalf of the citizens of Kirkland. We encourage you to continue to look out for the well being of Kirkland's neighborhoods, and we encourage you to ignore the tactics and false representations of some representatives of the developer.

Very truly yours,



for Brian E. Lawler

cc: City Manager, Kurt Triplett (*via email*)
 City Attorney, Robin Jenkinson (*via email*)
 Planning Director, Eric Shields (*via email*)
 City Planning Commission (*via email*)

From: [Eric Shields](#)
To: [Jeremy McMahan](#); [Teresa Swan](#)
Subject: FW: Neighborhood Ctr never requested by planning commission
Date: Wednesday, May 16, 2012 8:33:51 AM

Eric Shields

-----Original Message-----

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
 Sent: Tuesday, May 15, 2012 9:32 PM
 To: uwkkg@aol.com; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Kurt Triplett; Robin Jenkinson; Eric Shields
 Subject: Re: Neighborhood Ctr never requested by planning commission

This seems very odd

Idea of replacing Residential market with NEIGHBORHHOD Center just surfaced in the Council packet on Friday at 5pm... It was not requested by the Planning commission who unanimously (on tape) felt Residential Market was the proper designation. The City Council never requested this change (on tape). All of a sudden this change is introduced by staff on Friday afternoon.... they don't alert the Listserv folks until

24 hours in advance The "parties of record" are not noticed... the "interested parties" are not noticed.

There are process requirements and please show us how they were followed... We contend that they were not.

Ms Sweet mentions a developer who may believe something about his property and what he was told but hundreds of neighbors were told otherwise about that property and the restrictions on the development when they bought and decided to add to development of their place.

Miscarriage of justice and favoring one owner vs long time owners...

Hundreds of them.. May it work out well for each of you... It did not work out for those of us that asked similar questions as the developer.

Some of you just turned against us in favor of someone who admits to receiving restrictions on development through his architect at the beginning.

Karen Levenson

-----Original Message-----

From: uwkkg <uwkkg@aol.com>
 To: uwkkg <uwkkg@aol.com>; jmcbride <jmcbride@kirklandwa.gov>; dmarchione <dmarchione@kirklandwa.gov>; psweet <psweet@kirklandwa.gov>; awalen <awalen@kirklandwa.gov>; dasher <dasher@kirklandwa.gov>; bsternoff <bsternoff@kirklandwa.gov>; tnixon <tnixon@kirklandwa.gov>; ktriplett <ktriplett@kirklandwa.gov>; rjenkinson <rjenkinson@kirklandwa.gov>; eshields <eshields@kirklandwa.gov>
 Sent: Tue, May 15, 2012 8:39 pm
 Subject: Neighborhood Ctr never requested by planning commission

For the record planning commission was unanimous in supporting Res Mkt ... The idea of neighborhood center did not come from them or from council ... It was just introduced in council packet from staff on Friday!!! What the.....?????

-----Original Message-----

From: uwkkg <uwkkg@aol.com>
To: uwkkg <uwkkg@aol.com>; jmcbride <jmcbride@kirklandwa.gov>; dmarchione <dmarchione@kirklandwa.gov>; psweet <psweet@kirklandwa.gov>; awalen <awalen@kirklandwa.gov>; dasher <dasher@kirklandwa.gov>; bsternoff <bsternoff@kirklandwa.gov>; tnixon <tnixon@kirklandwa.gov>; ktriplett <ktriplett@kirklandwa.gov>; rjenkinson <rjenkinson@kirklandwa.gov>; eshields <eshields@kirklandwa.gov>
Sent: Tue, May 15, 2012 8:36 pm
Subject: Re: BN: Just in.. Letter from Attorney Brian Lawler

Totally against the directional imperative of GMA... You cannot change a comp plan designation for a project...

By the way .. The developer has admitted that he was told 12 per -acre ...

Why in the world do you change a comp plan designation in a 10 minute discussion....??? Try to explain this to the GMHB ... Where is the process???

And BTW ... The city did not send notice before yesterday!!!!

-----Original Message-----

From: uwkkg <uwkkg@aol.com>
To: Uwkkkg <Uwkkkg@aol.com>; jmcbride <jmcbride@kirklandwa.gov>; dmarchione <dmarchione@kirklandwa.gov>; psweet <psweet@kirklandwa.gov>; awalen <awalen@kirklandwa.gov>; dasher <dasher@kirklandwa.gov>; bsternoff <bsternoff@kirklandwa.gov>; tnixon <tnixon@kirklandwa.gov>; ktriplett <ktriplett@kirklandwa.gov>; rjenkinson <rjenkinson@kirklandwa.gov>; eshields <eshields@kirklandwa.gov>
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To: jmcbride <jmcbride@kirklandwa.gov>; dmarchione <dmarchione@kirklandwa.gov>; psweet <psweet@kirklandwa.gov>; awalen <awalen@kirklandwa.gov>; dasher <dasher@kirklandwa.gov>; bsternoff <bsternoff@kirklandwa.gov>; tnixon <tnixon@kirklandwa.gov>; ktriplett <ktriplett@kirklandwa.gov>; rjenkinson <rjenkinson@kirklandwa.gov>; eshields <eshields@kirklandwa.gov>
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Karen Levenson

From: [Eric Shields](#)
To: [Jeremy McMahan](#); [Teresa Swan](#)
Subject: FW: Neighborhood Ctr never requested by planning commission
Date: Wednesday, May 16, 2012 8:32:50 AM

Eric Shields

-----Original Message-----

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
 Sent: Tuesday, May 15, 2012 8:40 PM
 To: uwkkg@aol.com; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Kurt Triplett; Robin Jenkinson; Eric Shields
 Subject: Neighborhood Ctr never requested by planning commission

For the record planning commission was unanimous in supporting Res Mkt ... The idea of neighborhood center did not come from ther or from council ... It was just introduced in council packet from staff on Friday!!! What the.....?????

-----Original Message-----

From: uwkkg <uwkkg@aol.com>
 To: uwkkg <uwkkg@aol.com>; jmcbride <jmcbride@kirklandwa.gov>; dmarchione <dmarchione@kirklandwa.gov>; psweet <psweet@kirklandwa.gov>; awalen <awalen@kirklandwa.gov>; dasher <dasher@kirklandwa.gov>; bsternoff <bsternoff@kirklandwa.gov>; tnixon <tnixon@kirklandwa.gov>; ktriplett <ktriplett@kirklandwa.gov>; rjenkinson <rjenkinson@kirklandwa.gov>; eshields <eshields@kirklandwa.gov>
 Sent: Tue, May 15, 2012 8:36 pm
 Subject: Re: BN: Just in.. Letter from Attorney Brian Lawler

Totally against the directional imperative of GMA... You cannot change a comp plan designation for a project...

By the way .. The developer has admitted that he was told 12 per -acre ...

Why in the world do you change a comp plan designation in a 10 minute discussion....??? Try to explain this to the GMHB ... Where is the process???

And BTW ... The city did not send notice before yesterday!!!!

-----Original Message-----

From: uwkkg <uwkkg@aol.com>
 To: Uwkkkg <Uwkkkg@aol.com>; jmcbride <jmcbride@kirklandwa.gov>; dmarchione <dmarchione@kirklandwa.gov>; psweet <psweet@kirklandwa.gov>; awalen <awalen@kirklandwa.gov>; dasher <dasher@kirklandwa.gov>; bsternoff <bsternoff@kirklandwa.gov>; tnixon <tnixon@kirklandwa.gov>; ktriplett <ktriplett@kirklandwa.gov>; rjenkinson <rjenkinson@kirklandwa.gov>; eshields <eshields@kirklandwa.gov>
 Sent: Tue, May 15, 2012 8:19 pm
 Subject: Re: BN: Just in.. Letter from Attorney Brian Lawler

At this moment the newly introduced Neighborhood center is 100% out of line and contrary to the direction that GMA planning is supposed to take. There were years of study that went into residential rakes...

How in the world do you justify overturning years of study in a brief 10 minute discussion

-----Original Message-----

From: Uwkkkg <Uwkkkg@aol.com>

To: jmcbride <jmcbride@kirklandwa.gov>; dmarchione <dmarchione@kirklandwa.gov>; psweet <psweet@kirklandwa.gov>; awalen <awalen@kirklandwa.gov>; dasher <dasher@kirklandwa.gov>; bsternoff <bsternoff@kirklandwa.gov>; tnixon <tnixon@kirklandwa.gov>; ktriplett <ktriplett@kirklandwa.gov>; rjenkinson <rjenkinson@kirklandwa.gov>; eshields <eshields@kirklandwa.gov>

Cc: uwkkkg <uwkkkg@aol.com>

Sent: Tue, May 15, 2012 1:21 pm

Subject: BN: Just in.. Letter from Attorney Brian Lawler

Honorable Mayor, Deputy Mayor and Council members:

Sorry for the late delivery of this letter. Once the City Council packet gets published, our attorney Brian Lawler, needs time to review the materials, consider the facts, and get comments to you.

Please know that the large number of neighbors and other citizens working with Mr. Lawler all want development to take place on the corner of Lake St S and 10th Ave S.

We just want the city to get what the GMA planning process (and involvement of all stakeholders) determined would be appropriate.

Karen Levenson

From: [Eric Shields](#)
To: [Jeremy McMahan](#); [Teresa Swan](#)
Subject: FW: Parking for our parks
Date: Monday, May 14, 2012 8:59:33 AM

[Eric Shields](#)

From: Chuck Pilcher [mailto:chuck@bourlandweb.com]
Sent: Sunday, May 13, 2012 4:17 PM
To: City Council; Eric Shields; Deborah Munkberg; Jon Pascal; Andrew Held; Jay Arnold
Cc: Karen Levenson
Subject: Parking for our parks

Re: Potala Village

It's Sunday, but it isn't even summer yet. Here's a photo of what the parking situation is for Houghton Beach Park, soon to be Doris Cooper Park at Houghton Beach, God rest her soul.

Any day the sun is out, especially after school is out, cars park up NE 58th, 59th, 60th and 62nd Streets all the way to the BNSF tracks, and even further into the side street at the top of NE 62nd St. not visible in the attached photo. We're not complaining, just pointing out that a LOT of cars use side streets to access our beaches on sunny days.

And it will get worse if we add the overflow from Potala onto streets like 10th Avenue South for those visiting Marsh Park and Brink Park.

Oh, BTW, all the parking along LWB is already full, or people wouldn't be willing to climb the steep hill back to their car 3 blocks away from their destination.

Houston, we have a problem. Don't make it worse.

Chuck Pilcher
chuck@bourlandweb.com
206-915-8593

PHOTO: NE 62nd STREET, 4:15 PM, MAY 13, 2012.



From: [Janet Jonson](#)
To: [City Council](#)
Cc: [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#); [Teresa Swan](#); [Kathi Anderson](#); [Cheri Aldred](#)
Subject: FW: Please extend the Moratorium on BN zones
Date: Tuesday, May 01, 2012 4:07:22 PM

Council: Mr. Freimanis is aware that his correspondence has been received, forwarded to Council and staff, and will become part of the public hearing item # 9.a. on tonight's agenda. Thank you. JJ

Janet Jonson

City Manager's Office
 City of Kirkland
 123 5th Avenue
 Kirkland, WA 98033
 425-587-3007
 425-587-3019 fax
jjonson@kirklandwa.gov

From: Atis Freimanis [mailto:atisfreimanis@yahoo.com]
Sent: Tuesday, May 01, 2012 3:53 PM
To: City Council
Subject: Please extend the Moratorium on BN zones

Dear council members,

I am writing to urge you to extend the current moratorium on BN zones based on the fact that the work to realign the zoning to match the comprehensive plan has not yet completed.

The purpose of the moratorium was to take a step back and consider whether or not the current definitions that apply to these zones are consistent with the comprehensive plan and indeed in the best interests of the city. To date no chnges have been made, so by definition, the work is not complete. I am requesting that the moratorium be extended for another 6 months, with the understanding that it can be revoked at any time once the BN zones have been brought into accordance with the Comprehensive Plan.

The below list outlines some of the missiing items:

- still missing zoning that will create a lowest in hierarchy commercial "Res Mkt"
- still missing zoning that will result in "A VERY SMALL BUILDING/Center,"
- still missing zoning that focuses businesses on local pedestrian traffic as the ZONING still allows for vehicle intensive businesses including large schools, large businesses, etc without limits
- still missng zoning that provides for building that is residential in scale
- still missing zoning that provides for building that is residential in design
- still missing zoning that will ensure that buildings are integrated into the neighborhood
- still missing zoning that restricts uses to those that are identified as acceptable uses in the Residential Market definition (current zoning charts allow many uses that are not neighborhood serving retail or serive businesses. Many of the businesses allowed in zoning

chart (like large schools) would bring hundreds of cars to the site and likely would be most concentrated during rush hour.

- still missing zoning that will implement the Comp Plan language that will restrict traffic ingress and egress to the Residential Market sites
- still missing zoning that limits the Residential Market density to either zero (as indicated in the Land Use and Economic Development chapters) or 12 per acre as documented in the neighborhood plan
- still missing zoning that discourages apartments in the neighborhood block that contains the two residential markets
- still missing zoning that ensures transition area between more intense uses and the surrounding family homes and low density condos
- still missing zoning that provides for compatible uses

I am writing this letter to establish standing for any current or future proceedings related to BN zones in the city of Kirkland. Given that I live directly adjacent to one of these BN zones, I would be directly and negatively impacted by any development that is inconsistent with the Comprehensive Plan.

Please extend the moratorium to allow sufficient time for the planning commission to align the zoning with what is outlined in the Comprehensive Plan.

Respectfully,

Atis Freimanis
10108 NE 68th St Apt 4
Kirkland WA, 98033

From: [Eric Shields](#)
To: [Teresa Swan](#); [Jeremy McMahan](#)
Subject: FW: Portola and BN zoning
Date: Thursday, May 03, 2012 9:17:58 AM

[Eric Shields](#)

From: shirley-at-home@comcast.net [mailto:shirley-at-home@comcast.net]
Sent: Wednesday, May 02, 2012 8:48 AM
To: Eric Shields
Subject: Portola and BN zoning

Good Morning Eric,
I was pleased to read that the City Council approved extension of the moratorium. Attendees made some good points in their presentations. One consideration became very clear in their comments, as well as in the information provided by the legal counsel for Portola.

Some of the zoning that now exists was put into place without benefit of an overall plan and/or with taking into consideration long term planning goals for the City. Clearly maintaining property values, ensuring a positive community environment, and having an infrastructure to support and sustain the City are key values of Kirkland residents. Just because there was an oversight or omission in designating zoning at some previous point in time does not mean that the City, and the residents, cannot make positive changes to that zoning.

The Portola project threatens all the values that make Kirkland a unique and special community. Moreover, having lived in the Bridle Trails area for 15 years before moving to downtown Kirkland, I was equally concerned about the BN zoning near 70th and 132nd. The increasingly congested traffic in that area was one reason I moved 10 years ago. If a "Portola-type" project developed on that parcel, the effect would be as devastating as the proposed Portola project.

While we all recognize that growth and development will happen, I urge the Planning Commission and the Council to ensure that changes in the zoning have the potential to positively impact the community in terms of property values, life style, and infrastructure.

Thank you,
Shirley Miller

From: [Eric Shields](#)
To: [Teresa Swan](#); [Jeremy McMahan](#)
Subject: FW: Potala Village: Parking and Driveways
Date: Friday, May 18, 2012 8:14:38 AM
Attachments: [image001.png](#)

[Eric Shields](#)

From: Chuck Pilcher [mailto:chuck@bourlandweb.com]
Sent: Thursday, May 17, 2012 5:49 PM
To: David Godfrey
Cc: Eric Shields; Rob Jammerman; Kurt Triplett; Jay Arnold; Jon Pascal
Subject: Potala Village: Parking and Driveways

David,

As you may know, I am on the leadership team for over 500 Kirkland residents interested in mitigating the impact of the Potala Village project proposed for Lake Street and 10th Avenue South. This morning I did a walking assessment of the driveways and parking (ingress/egress) issues that currently exist on Lake Street & Lake Washington Boulevard, to ascertain the potential impact of adding a 316 car parking garage to the boulevard. I'm sure you are aware that such a garage would be the second largest single garage in Kirkland, with only the Library garage being bigger at 420 spaces. (Correct me if I'm wrong.) And for comparison, 316 vehicles is about the capacity of the west lot at Totem Lake Shopping Center.

What I found this morning is in the chart below. Estimates have been used when actual counts were not feasible, and they may be higher or lower than actuals.

Along LWB & Lake Street between Carillon Point and 4th Avenue South

- There are a total of 42 residential driveways that enter LWB/Lake St., 18 on the East side and 24 on the West (waterfront) side.
- There are a total of 663 residential parking spaces using those 42 driveways, 263 on the East side and 400 on the West (waterfront) side.
- The average East side driveway handles 14.6 cars each.
- The average West side driveway handles 16.7 cars each.
- The maximum is ~ 56 cars coming out of Pleasant Bay Apartments adjacent to Potala Village on the East side.

Potala will have 316 cars using a single driveway:

- If completed as planned, 32.2% of all residential traffic accessing the Boulevard will be the result of Potala Village.
- This is an additional 47.6% of the current residential vehicular access onto both the East and West sides of Lake Street/LWB.
- This is an additional 120% of the current traffic on just the East side of LWB/Lake St., more than double the current usage.
- All of this additional usage will be via a single Potala driveway near 10th Avenue South.

- So, while currently 42 residential driveways now handle 663 cars (about 15 per access point), a single residential driveway is proposed to handle 316 cars, nearly 20 times the average volume of existing access points.

In view of the Pre-Submittal work that your department did on Potala in December, 2009, and December, 2010 (cases PRE09-00072 & PRE10-00062). At the first meeting the applicant was told that, because driveways onto Arterial type streets should be limited wherever possible, Public Works recommends that all access be via 10th St. So. That apparently was not feasible for several reasons we both acknowledge, so at the second meeting, there were no driveway restrictions mentioned, apparently because the applicant further refined the design of the project that satisfied the Transportation Engineer to allow access onto Lake Street So.

Given that current residents along the boulevard cannot get out of their driveways during rush hour, this looks to me like a recipe for road rage.

I'd be interested in your thoughts, now that this has become such a controversy between the citizens, the Council and the Planning Commission.

Chuck Pilcher

chuck@bourlandweb.com

206-915-8593

Parking and Driveway Count - Lake Washington Boulevard & Lake Street, from Carillon Point to 4th Avenue So					
Driveway Address	Name	# of Parking Stalls	Driveway Address	Name	# of Parking Stalls
East Side of Street			West Side of Street		
	1 Carillon Point	-15		Pebble Beach	22
	(Apt./Condo)	32	6207		2
	(Home)	3	6209/11		-2
6216		1	6215		-2
6314		-2		Shorehouse	44
	Sunset Shores	24	6333	Wash. Shores II	-30
6424		-20	6363	Pierpointe	6
6440		-12	6401	Wash. Shores I	-30
	Marsh Commons	NA	6413		1
6620		-16		Bayshore	30
6714		-9	6427		2
6736		-15	6501	Marsh Place	12
	Pleasant Bay	-56	6721/1025		9
?	(Apt./Condo)	4	1015		2
820/26/32		13	1011		2
818		-6		Waterford	-12
?	(Apt./Condo)	11	925	Waters Edge	-15
410	Sundown Apts.	-24	905	Waters Edge	-15
			827	Sunset	30
			807		30
			733		-40
			515		-30
				? (Apt. Bldg.)	10
				? (Home)	2
Total		263	Total		400

From: [Janet Jonson](#)
To: [City Council](#)
Cc: [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#); [Teresa Swan](#)
Subject: FW: Proposed Potala Village Project
Date: Wednesday, May 02, 2012 2:54:18 PM

Council: Forwarding this email per request from Pamela and Robert Miller. Thank you. JJ

Janet Jonson

City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

From: pamiller [<mailto:pamiller@blarg.net>]
Sent: Wednesday, May 02, 2012 12:42 PM
To: Teresa Swan
Cc: Eric Shields; Kurt Triplett
Subject: Proposed Potala Village Project

We wish to voice our objections to the development of Potala Village. The negative impact of such a mega development should be obvious. The zoning density is way beyond even Kirkland's own guidelines. Traffic is impossible already without it.

Please relay this message to all members of Kirkland City Council on our behalf.

Thank you,

Pamela and Robert Miller
4546 Lake Washington Blvd NE
Kirkland, Washington 98033 7627
pamiller@blarg.net

From: [Janet Jonson](#)
To: [Eric Shields](#); [Jeremy McMahan](#); [Teresa Swan](#)
Subject: FW: Public Hearing Comments BN Zoning
Date: Tuesday, May 01, 2012 2:45:46 PM

Fyi.

JJ

Janet Jonson

City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

From: Lori Isch [<mailto:lori.isch@usa.net>]
Sent: Tuesday, May 01, 2012 12:38 PM
To: Janet Jonson
Subject: RE: Public Hearing Comments BN Zoning

Thank you. Please update my email for the City Council record with the Note:

Note: I am a member of the One Block Neighborhood, and I would appreciate my comments being considered in context as resident who shares the block with the proposed development.

I've update my email below.

Thanks!
Lori Isch

----- Original Message -----

Received: 03:47 PM PDT, 04/30/2012
From: Joan McBride <JMcBride@kirklandwa.gov>
To: "'lori.isch@usa.net'" <lori.isch@usa.net>
Subject: RE: Public Hearing Comments BN Zoning

Thank you for your correspondence to the Kirkland City Council, Planning Commission, and staff. As you know, the public hearing on the moratorium is item # 9.a. on the May 1st Council meeting agenda. Thank you again.

JJ

Janet Jonson

City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

425-587-3007
 425-587-3019 fax
jjonson@kirklandwa.gov

From: Lori Isch [<mailto:lori.isch@usa.net>]

Sent: Sunday, April 29, 2012 7:16 PM

To: Amy Walen; Byron Katsuyama; Doreen Marchione; Dave Asher; Eric Shields; Glenn Peterson; Jeremy McMahan; Jay Arnold; Jon Pascal; Kurt Triplett; Mike Miller; Penny Sweet; Toby Nixon; Teresa Swan; Joan McBride; Bob Sternoff; C Ray Allshouse; Andrew Held

Subject: Public Hearing Comments BN Zoning

Please consider these comments and enter them into the public record for the hearing on extending BN Moratorium.

Note: I am a member of the One Block Neighborhood, and I would appreciate my comments being considered in context as resident who shares the block with the proposed development. Personally, I am very concerned about the already maxed-out traffic flow along Lake Washington Boulevard. I have seen no plans as to how to mitigate and increase the traffic volume expected with a high density development. I don't understand how any area can have no density limits, this seems to be a big gap with the previous planning. Also, it does not seem that this gap was brought to the forefront during the recent and extensive planning meetings/process for the updated Lakeview Neighborhood Plan. So, the moratorium should be extended to address these gaps in the zoning and the planning process.

REQUEST:

During the past 6 months, Council, Planning, City Staff and the public have been engaged in much discussion about the lack of zoning to fully implement the Comprehensive Plan for the Residential Market Commercial designation. These Residential Market properties were identified and given a definition long before any project was proposed and was approved by Ordinance in 1995 and several times since.

I want to express great appreciation for the examination of the issues by the planning commission and also the Council's expressed interest in making sure that Kirkland develops the way we intend it to. To this end, since City Council has not had the chance to actually vote in any zoning text changes that would finally implement the Plan, it would seem that the only appropriate course of action would be to extend the moratorium (likely for 6 months with an earlier removal of moratorium if the zoning use charts are appropriately updated prior).

Rather than repeating arguments that you've already heard, I will simply list the areas of the Comprehensive Plan that are not yet implemented:

- still missing zoning that will create a lowest in hierarchy commercial "Residential Market"
- still missing zoning that will result in "A VERY SMALL BUILDING/Center,"

- still missing zoning that focuses businesses on local pedestrian traffic as the ZONING still allows for vehicle intensive businesses including large schools, large businesses, etc without limits
- still missing zoning that provides for building that is residential in scale
- still missing zoning that provides for building that is residential in design
- still missing zoning that will ensure that buildings are integrated into the neighborhood
- still missing zoning that restricts uses to those that are identified as acceptable uses in the Residential Market definition (current zoning charts allow many uses that are not neighborhood serving retail or service businesses. Many of the businesses allowed in zoning chart (like large schools) would bring hundreds of cars to the site and likely would be most concentrated during rush hour.
- still missing zoning that will implement the Comp Plan language that will restrict traffic ingress and egress to the Residential Market sites
- still missing zoning that limits the Residential Market density to either zero (as indicated in the Land Use and Economic Development chapters) or 12 per acre as documented in the neighborhood plan
- still missing zoning that discourages apartments in the neighborhood block that contains the two residential markets
- still missing zoning that ensures transition area between more intense uses and the surrounding family homes and low density condos
- still missing zoning that provides for compatible uses

I am asking you not remove the moratorium until these issues are addressed and are built into the new zoning text.

Lori Isch, Lakeview Neighborhood Association

10116 NE 64th Street

lori.isch@usa.net

From: [Eric Shields](#)
To: [Jeremy McMahan](#); [Teresa Swan](#)
Subject: FW: re
Date: Wednesday, May 23, 2012 8:43:53 AM

Eric Shields

-----Original Message-----

From: Robert Gemmell [<mailto:rjgemmell5@gmail.com>]
Sent: Wednesday, May 23, 2012 8:37 AM
To: Planning Commissioners
Subject: re

Kirkland Planning Commission:

My wife and I would like you to carefully consider the Potala development application. The proposed, commercial ventures are too broad, and there is virtually no market research study to support them. The current very small businesses on the site are marginally successful and at least two prior small restaurants have failed there - even with adequate parking. There is no reason to think adding more small business to the site would be successful - particularly, with questionable parking availability.

The proposed high density residential compound is far too large and inappropriate for the site. Lake Wash. Bl. NE is only a two lane street - it is the only non-freeway thoroughfare connecting Bellevue with Juanita and other communities north of Kirkland, and is already badly congested mornings and late afternoons. Adding another large source of traffic at a major congestion point is just not sensible.

Adding busses is no answer - they already avoid the street because of congestion, and to try and add them back at this late date to serve Potala is not sensible.

Last, at the recent City Council meeting there was reference to an "implied contract" with the developer. There is a zoning designation for the site, not a contract, and that designation does not give a developer unlimited rights as to types, sizes and number of commercial enterprises, nor does it give him unlimited rights as to size and density of the residences. Those decisions are left to you, the Planning Commission. You and your consultants can far better judge a development appropriate for the site in question. Please exercise your good judgement and approve a development more appropriate for the site - one that the community can support.

I once chaired a joint City/County Advisory commission in Sonoma Valley, CA, whose task was to review residential and commercial developments and recommend changes where appropriate. On occasion, we too had a governing board attempt to unduly affect our decisions, so I can appreciate your challenge. There are just occasions, however, where you have to ignore such interference and do what you know is right. Please consider what is right for the proposed Potala development site.

Thank you for your consideration.

Robert & Phyllis Gemmell
6424 Lake Wash. Bl. NE, #11
Kirkland

From: [Janet Jonson](#)
To: [City Council](#)
Cc: [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#); [Teresa Swan](#)
Subject: FW: Slides from last night's council meeting
Date: Wednesday, May 16, 2012 1:30:38 PM
Attachments: [Setbacks alone not sufficient.pptx](#)

Council: Mr. Freimanis is aware that we have received his email and will forward it along with the attachment to Council and staff. Thank you. JJ

Janet Jonson

City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

From: Atis Freimanis [mailto:atisfreimanis@yahoo.com]
Sent: Wednesday, May 16, 2012 8:54 AM
To: City Council
Subject: Slides from last night's council meeting

Dear city council,

Attached are the slides I presented during the "items from the audience" section of last night's council meeting. Note the input in purple (Slides 10-12) reflecting how to assign density proportional to surrounding properties. This allows the same mechanism to be used in both high and low density areas, since the BNx zone density is mapped to whatever surrounds it.

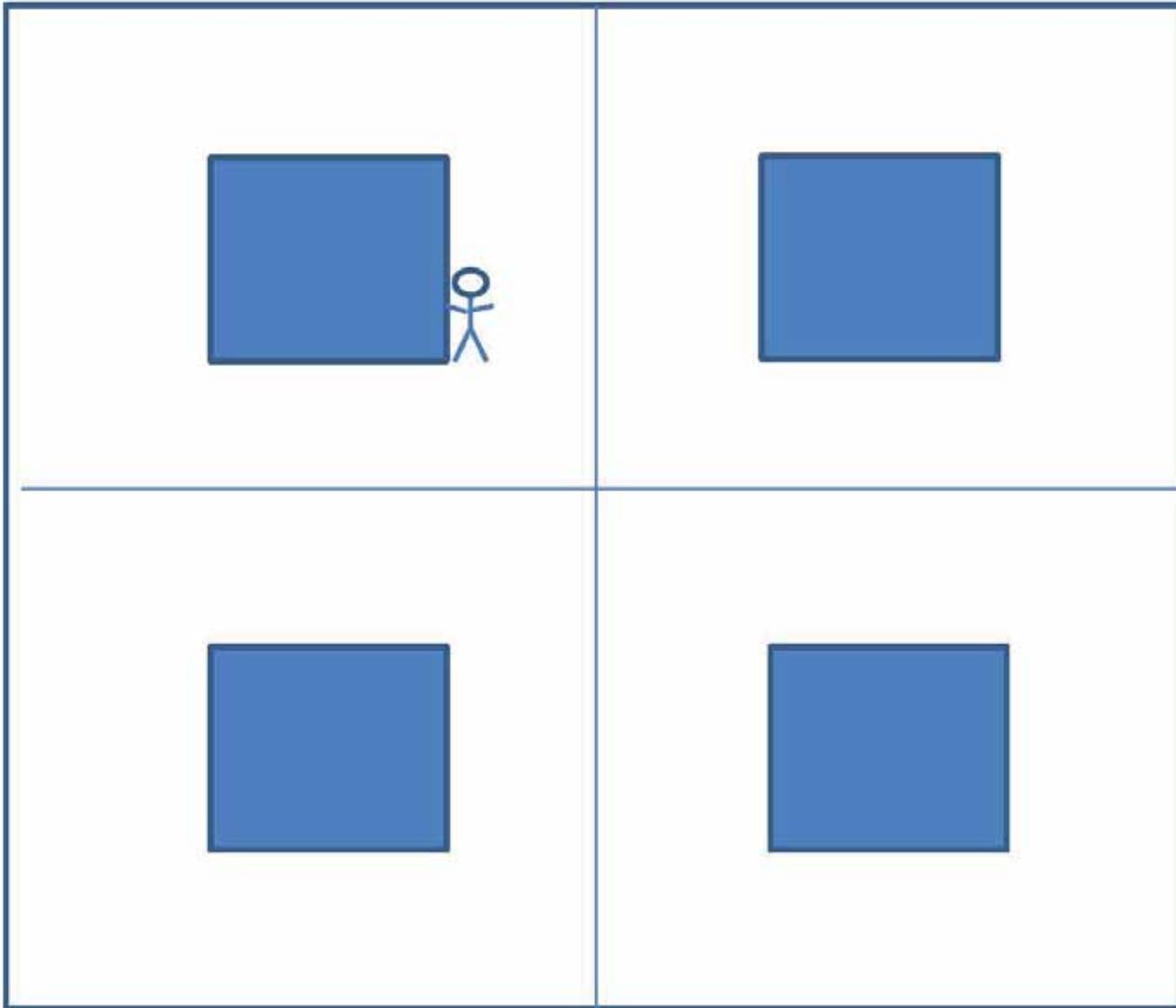
Atis Freimanis
10108 NE 68th St. Unit 4
Kirkland WA 98033

Problems with using only setbacks to limit density

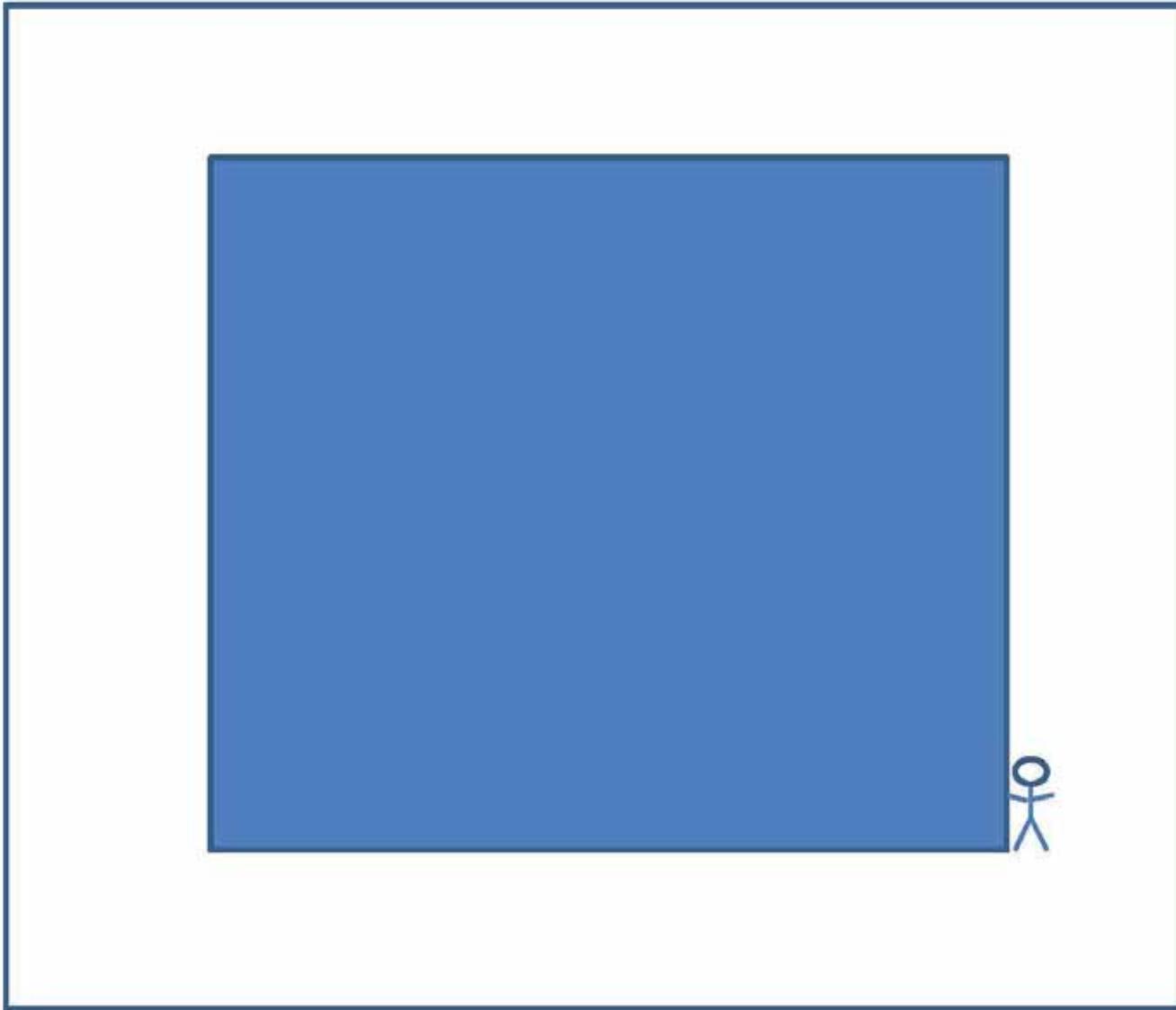
- - -

May 15th , 2012

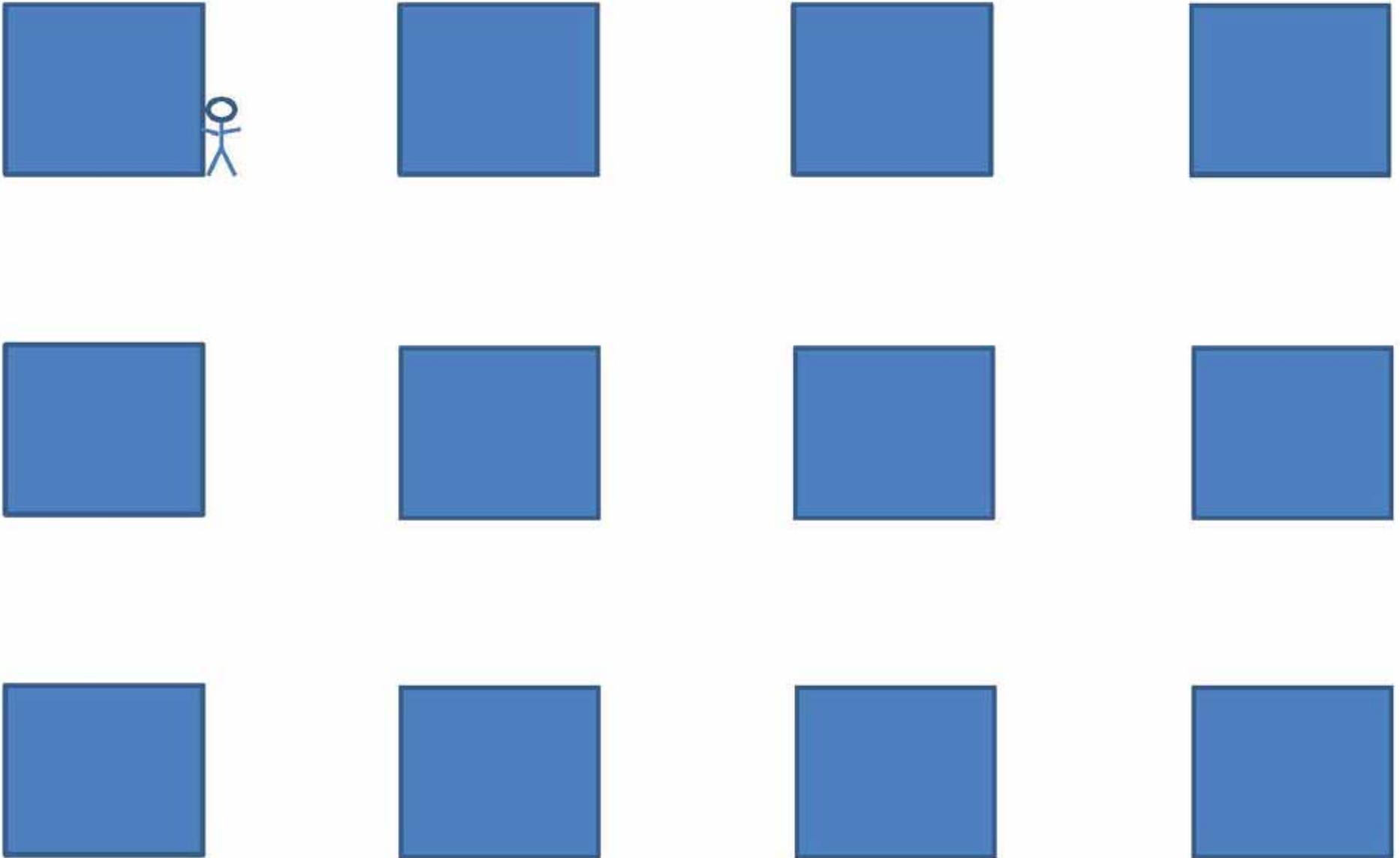
Issue: In cases where zero lot line adjustments are allowed, use of setbacks and height limits alone allows a virtually unlimited building size that is out of proportion with the neighborhood



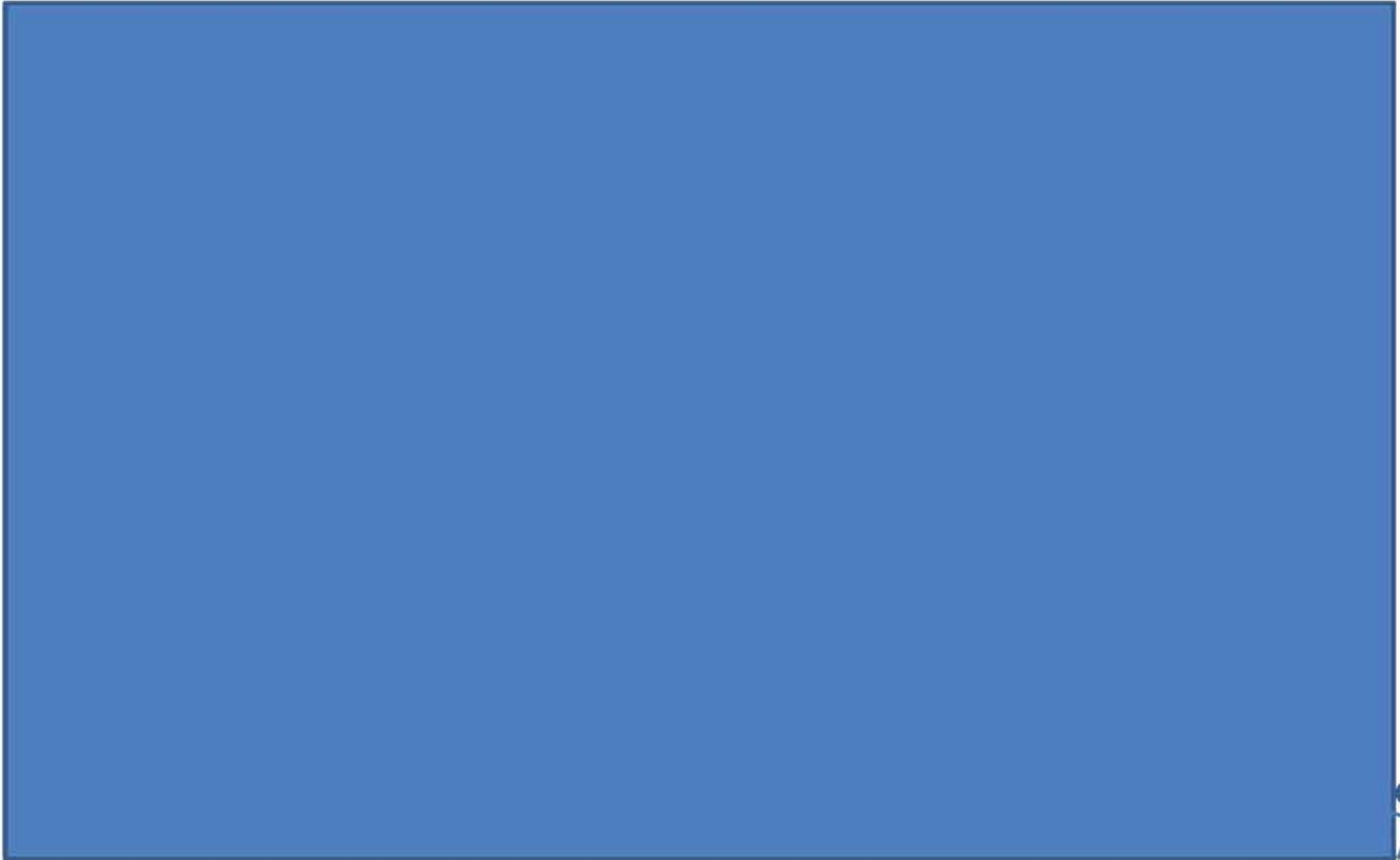
This example represents four 10x10 buildings with 10 ft. setbacks – 400 sq ft total



Removing the lot lines allows a single structure more than twice the area (900 sq ft)



Using only setbacks allows virtually unlimited building size as overall area grows – bad idea!



Unlimited building sizes quickly become out of character with the neighborhood

Objective: Ensure buildings are in proportion with neighborhoods

Guideline: Single building volume (bulk) not to exceed largest neighboring structure

Measure of Success: No individual building exceeds largest neighboring structure
160,000 cubic feet maximum

Objective: Ensure densities are in proportion with neighborhoods

Guideline: Maximum 1.5 times lowest zoned surrounding density

Measure of Success: Project density is not out of scale with surrounding properties

Use of only setbacks, height, building envelope etc. to control density is insufficient

- - -

A value of “none” for zone density limits is NOT acceptable since setbacks alone cannot effectively limit density

Development Standards for Neighborhood Business Family of Zones Attachment 6

*(key differences between zones are **bolded**, Planning Commission recommendations from 2/23 are shown in red, staff recommendations are shown in blue neighbors in purple)*

	BN (current)	BN (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Residential Density	None	No change 1.5 times lowest zoned surrounding density (1/2400)	None	No change 1.5 times lowest zoned surrounding density (1/2400)	None	Revert to prior County max (1 unit/2,400 sf rather than 16 units/acre) 1.5 times lowest zoned surrounding density (1/2400)	None	No change	<ul style="list-style-type: none"> • None • Medium density (1 unit per 3,600 sf) • High density (1/2,400¹, 1/1,800, 1/900²)
Minimum Commercial Floor Area	75% of ground floor	Minimum commercial frontage Minimum 51% of entire project	75% of ground floor	Minimum commercial frontage Minimum 51% of entire project	75% of ground floor	Residential square feet not to exceed 50% of the site's total square feet of floor area Minimum 51% of entire project	75% of ground floor	Minimum commercial frontage	<ul style="list-style-type: none"> • No change • Minimum commercial FAR • Maximum residential FAR as percentage of commercial provided • Minimum commercial frontage
Residential on Ground Floor of Structure	Prohibited	Prohibited, allow lobby Revisit for residential behind minimum comm. frontage	Prohibited	Prohibited, allow lobby Revisit for residential behind minimum comm. frontage	Prohibited	Allow, subject to 50% requirement above	Prohibited	Allow behind commercial frontage	<ul style="list-style-type: none"> • No change • Allow subject to commercial requirements
Commercial Orientation	Toward arterial or sidewalk	<ul style="list-style-type: none"> • Toward arterial or sidewalk • Minimum 13' ground floor height • Specify commercial floor to be at grade with street/sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> • Toward arterial or sidewalk • Minimum 13' ground floor height • Specify commercial floor to be at grade with street/sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> • Toward arterial or sidewalk • Minimum 13' ground floor height • Specify commercial floor to be at grade with street/sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> • Toward arterial or sidewalk • Minimum 13' ground floor height • Specify commercial floor to be at grade with street/sidewalk 	<ul style="list-style-type: none"> • No change • Minimum 13' ground floor height • Specify commercial floor to be at grade with street/sidewalk
Maximum Floor Area Ratio (FAR)	None	No change	<ul style="list-style-type: none"> • No change • Maximum x% (similar to single family bulk limits) 						

¹ Similar to King County NB zone
² King County density adopted for BC 1 & BC 2 zones

Maximum Height	30'	30' above ABE Max 3 stories above street	30'	30' above ABE Max 3 stories above street	35'	No change	30'	No change	<ul style="list-style-type: none"> No change Measure from street level (like CBD) Cap # of stories Lower
Maximum Lot Coverage	80%	No change 60%	80%	No change 60%	80%	No change	80%	No change	<ul style="list-style-type: none"> No change 60% (similar to medium density zones) 70% (similar to office zones)

	BN (current)	BN (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Required Yards¹	20' front ² 10' side & rear	<ul style="list-style-type: none"> 10' for ground floor commercial story No change to front for 2nd & 3rd stories Additional 5' per story where adjoining residential 10' side & rear for all uses 	20' front 10' side & rear	<ul style="list-style-type: none"> 10' for ground floor commercial story No change to front for 2nd & 3rd stories Additional 5' per story where adjoining residential 10' side & rear for all uses 	10' front 10' side & rear	No change to front 10' side & rear for all uses	20' front 10' side & rear	No change	<ul style="list-style-type: none"> No change 0' (similar to ped. oriented business districts) 10' (similar to BNA) Reduce for ground floor only (similar to CBD 3 & 7) Make office and retail consistent Increase
Land Use Buffer	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	15' for all commercial uses adjoining residential	Retail=20' adjoining SF, 15' adjoining MF Office=20' adjoining SF, 5' adjoining MF ³	15' for all commercial uses adjoining residential	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	15' for all commercial uses adjoining residential	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	15' for all commercial uses adjoining residential	<ul style="list-style-type: none"> No change Make Retail & Office buffers consistent to allow change in use of tenant spaces <ul style="list-style-type: none"> Increase office to 15' Decrease retail to 5'
Maximum Retail/Restaurant Store Size	10,000 s.f. per establishment	5,000-9,000 (find examples of neighborhood services) 4,000 per establishment	10,000 s.f. per establishment	No change	10,000 s.f. per establishment, excludes grocery, drug, hardware...	No change	4,000 s.f. per establishment	No change	<ul style="list-style-type: none"> No change 4,000 s.f. (similar to MSC 2 zone) 3,000 s.f (similar to RM zone) <p><i>Examples:</i></p> <ul style="list-style-type: none"> Totem Lake Rite Aid = 11,000 s.f. Brown Bag Café = 4,900 s.f. Super 24 = 3,100 s.f. Spud's – 1,500 s.f.
Use Limitations	Use Zone Charts	Prohibit non-pedestrian oriented uses	Use Zone Charts	No change	Use Zone Charts	No change	Limited in Use Zone Charts	No change	<ul style="list-style-type: none"> No change Prohibit non-pedestrian oriented⁴ <ul style="list-style-type: none"> Vehicle service station Drive-thru Limit office uses

¹ Note that office has 5' minimum side (15' combined)

² Required yard along Lake St S or LWB increased 2' for each 1' that the structure exceeds 25' (applies to RM along Boulevard as well)

³ 20' landscaped berm/topographic change required by (1) suffix

⁴ These uses are prohibited in the MSC 2 zone

Attachment 6

	BN (current)	BN (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Maximum Building Length¹	None	Determine if addressed through design guidelines or regulations	None	Determine if addressed through design guidelines or regulations	None	Determine if addressed through design guidelines or regulations	See design guidelines	No change	<ul style="list-style-type: none"> No change Maximum 120' Maximum 70' Maximum 50'
Maximum Building Size	None	Determine if addressed through design guidelines or regulations Max building volume not to exceed largest surrounding building-160,000 cubic feet	None	Determine if addressed through design guidelines or regulations Max building volume not to exceed largest surrounding building – 160,000 cubic feet	None	Determine if addressed through design guidelines or regulations	See design guidelines	No change	<ul style="list-style-type: none"> No change Select a desirable size (this type of regulation is not currently in use in Kirkland)
Review Process	None	Design Review, bring back Design Guidelines/regulations for MSC 2 for consideration	Process IIA	Design Review, bring back Design Guidelines/regulations for MSC 2 for consideration Incorporate Comp Plan criteria into special regulations	None	Design Review, bring back Design Guidelines/regulations for MSC 2 for consideration	Administrative Design Review	No change	<ul style="list-style-type: none"> None Zoning Permit (with established standards & criteria) <ul style="list-style-type: none"> Process I Process IIA Process IIB Design Review (with established guidelines/regulations) <ul style="list-style-type: none"> Administrative Design Review Board

¹ Used in Design Regulations. Depending on Business District, regulations may require full building separation, a significant modulation break, or change in building definition and materials

From: uwkkg@aol.com
To: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Dave Asher](#); [Bob Sternoff](#); [Toby Nixon](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#); [Robin Jenkinson](#)
Subject: Fwd: TONIGHT - BN Development and views - Need speaker
Date: Tuesday, May 01, 2012 5:42:25 PM

Good evening council members:

I am sorry to be writing at this late hour, however a family medical emergency has necessitated my attention over the last couple of days.

I did want to enter into the record for tonight a list of those whom my comments over the past year are representing and also a quick comment about a subject that we've mostly avoided, views.

First, as I've said during this process, I've been asked to speak to you on behalf of several HOAs and neighbors and in the past I've provided some of the HOA names where they've met as a board or as membership and approved this representation. While these are listed in other records, a quick overview is Shumway, Water's Edge, Marsh Properties, The Park, Highland House, etc. A more complete list was provided at an earlier meeting and I'm currently a bit pressed for time. Additionally I've been asked to state that my comments are supported by "STOP" (the group where the initials stand for Support The Ordinances & Plan), similarly the newly forming group of neighbors that is calling themselves "One Neighborhood Block" (those residing in the one block bounded on the north and south by 10th S & NE 64th, and east and west by Lakeview Dr and Lake Washington Blvd/Lake St S). I also join with other neighbors in all the comments they will make tonight regarding request for extension of the moratorium in order to finally fully implement the Comprehensive Plan's Residential Market - Commercial as required by the plan and the implementation needs outlined in the implementation chapter of CP. Also the specifics of their comments are shared by me and those I represent. I will not further elaborate here as they are generally already on record from past meetings and emails.

On the subject of views, I just want to take a quick moment so that our perspective is on the record in case we all need to refer to it later. We've talked very little about preservation of views since compared to the mis-match between the intended Residential Market-Commercial and the potential for an overuse/abuse of unmodified zoning text... well the view issue is so far down the list it has hardly gotten any mention.

Views are a tremendous tremendous value to our entire city. Our views give Kirkland the positive identity that make our housing, our restaurants, our merchants successful. Our views add to our property values and thus benefit our tax base.

Regardless of whether you are on the side of protecting "private" views, or not, a massive structure that maximizes every inch of it's building footprint and encompasses 3 full lots without relief between properties will by its enormous nature block public views. Public views from the side streets will lose much of their lake and city orientation. Pedestrians along Lake St S will lose their uphill territorial views.

For the record, all the previously mentioned individuals and

organizations wish to put this concern into the record.

We also believe that there are some areas in the comprehensive plan where public views seem to be protected and we wonder if they are protected for some they should likely be given equal protection through the city. This may take further investigation but for now bears mentioning. Additionally, we feel that SEPA has view protection that extends into the realm of development of the BN-Residential Markets and should be thoroughly investigated.

Mostly let's right size the project and many of these other issues probably take care of themselves.

Thank you,

Karen Levenson

Direct: (206) 621-8869
mann@gendlermann.com

March 15, 2012

Jay Arnold, Chair
Planning Commissioners
City of Kirkland
123 Fifth Ave.
Kirkland, WA 98033

Re: *Zoning to Implement the Residential Market Designation*

Dear Mr. Triplett; Chairman Arnold and Planning Commissioners:

I write again on behalf of Support The Ordinances and Plan (“STOP”) regarding your ongoing efforts to adopt zoning consistent with the City’s Residential Market Comprehensive Plan designation. The purpose of this letter is to express concern about what we see as premature planning for a Public Hearing.

While a review of your activities for BN-Residential Markets shows some positive progress toward better alignment between the zoning text and Comprehensive Plan, there is considerable work ahead, certainly more than can be accomplished by early April, unless the commission spends additional focused time on the task in March.

STOP is pleased by your recent decision to break one monster building into four smaller buildings beginning at ground level. This was a good step in the process of eliminating any proposal to severely overbuild property within the Residential Market designation. STOP applauds also the decision to preclude building below street level as well as the Design Review requirements. What is problematic, however, is that the proposed zoning still allows a building of excess size, bulk, mass and density of anything around. There is nothing that we can find in your new proposed zoning that comes close to restricting building size to “an individual store or very small building/center focused on local pedestrian traffic” as required by the Comprehensive Plan. Far from limiting the size of new buildings to “very small” or even “small” the proposal does not even restrict building to the same size as surrounding buildings. A true calculation of the newest setbacks between buildings (those presented as a rough approximation at your last meeting) provides a resulting mass that is still much larger than its closest comparative property. It is unclear how you are anticipating that the City Council, or Growth Management Board will receive the initial couple steps as a sincere attempt to approach the requirement for a “very small” building.

Jay Arnold, Chair
Kirkland Planning Commission
March 15, 2012
Page 2

One of the greatest concerns for STOP is density, and the potential for unlimited density. Not only does the proposed "unlimited" density fly in the face of the Comprehensive Plan text indicating "12 units per acre south of 7th Ave S," it also contradicts the text restricting the subject property to "Limited Commercial" due to problems with vehicular ingress and egress. A choice for unlimited density also seems to be inappropriate spot zoning. This is based on the fact that all the parcels south of 7th were reduced in their development ability in 1977 by city action and then the neighbor lawsuit settled in 1979. The down zone severely impacted all property owners to the extent that most lost half of their development rights. The subject properties were part of the rezone and have, on prior occasions, been reviewed for potential development and limited to 12 dwellings per acre. While we understand the economic pressures on cities, the idea that Kirkland would choose one property to provide unlimited density while the surrounding are left in their disadvantaged status is unpopular, at best, and is seen by my clients as a favor to the most recent potential developer.

Additionally, as we look to the first words of the Zone Use Chart it states "BN - Neighborhood Business." Across the state many other cities provide for similar commercial use and there appears to be a fairly consistent definition provided wherein these commercial zones provide small, neighbor-oriented goods and services, with business is the primary use. Where residential is allowed it appears generally in the range of 8 to 18 dwellings per acre. Here, again the unlimited density seems in conflict and to date we do not see any text in the proposed new chart that would provide for a minimum percentage commercial as you are doing in the BNA zones. This would allow a developer to essentially game the system and provide minimal retail in order to essentially build an unlimited residential building.

A further issue with "Neighborhood business" is that generally these small commercial zones fit within their neighborhoods with similar lot coverage. The review of similar sized cities in Washington revealed that most allow lot coverage between 40-60%. As the other properties along the east side of Lake St S and all of 10th Ave S is 50%-60% lot coverage, the current choice of 80% for the subject property would seem to not fit within the context of CP required "integration" into the neighborhood.

In closing, STOP applauds the hard work that you have been putting into the BN zones. They ask that you put another review session on your March 22nd calendar which Planning Department has agreed would be done pursuant to your request. STOP fears that going forward with so much wording that remains clearly incongruent with the plan and that would be unlikely to be seen as implementing wording by the City Council or the Growth Management Hearings Board.

Jay Arnold, Chair
Kirkland Planning Commission
March 15, 2012
Page 3

Please do not hesitate to contact me if you have any questions.

Very truly yours,

GENDLER & MANN, LLP

A handwritten signature in black ink, appearing to read "David S. Mann", with a long horizontal flourish extending to the right.

David S. Mann

Enclosures

cc: Kurt Triplett, City Manager
Planning Department
City Attorney

Jeremy McMahan

From: One Neighborhood [one.neighborhood.block@gmail.com]
Sent: Tuesday, April 17, 2012 8:16 AM
To: Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Mike Miller; Andrew Held; Glenn Peterson; Byron Katsuyama; Jon Pascal; C Ray Allshouse
Subject: BN-Residential Mkts in "One Neighborhood Block"

Dear Kirkland Officials:

I am writing on behalf of a newly forming neighborhood group. We are calling ourselves "One Neighborhood Block." We are neighbors living within the one block in Kirkland that is bounded by 10th St S on the North and NE 64th St to the South. Both are identified as neighborhood streets in the Comprehensive Plan and they truly exemplify this with nice low to medium density single family homes with a few small condos. It is the Comprehensive Plan's protection against cut through traffic spilling over into these neighborhood streets that keeps our kids safe and also retains our neighborhood character.

"One Neighborhood Block" is also home to the city's only two Residential Market - Commercial properties. One happens to be at the north end of our block and the other is at the south end. The Comprehensive Plan is very clear on the size, and scale of buildings in our neighborhood block, including listing the size of any commercial development as "VERY SMALL BUILDING."

VERY IMPORTANT PARAGRAPHS in the comprehensive plan provide specific direction on development of apartments and the density for any multifamily development in our block.

I direct your attention to Kirkland's Comprehensive Plan which we intend to defend rigorously in order to protect our "One Neighborhood Block."

*"Although there is some multifamily housing, almost half of the area is developed as single-family residential. Most structures are older but many are well maintained. **Apartment encroachment in single-family areas usually leads to a decay of the existing structures...**In order to minimize this encroachment and forestall a premature decay of the single-family areas, standards should be adopted to allow a transition from low density to higher densities.*

Medium-density residential developments should be permitted ONLY if sufficient land areas available to separate such development from adjacent single-family uses.

Medium-density residential development should not significantly increase traffic volumes on streets or portions of streets where predominantly single-family homes exist.

Setbacks should be sufficiently large to allow landscaping which would visually separate medium-density residential developments from adjacent single-family homes.

Sincerely,
 Cynthia Glaser, On Behalf of "One Neighborhood Block"

Jeremy McMahan

From: One Neighborhood [one.neighborhood.block@gmail.com]
Sent: Tuesday, April 17, 2012 10:57 AM
To: Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Mike Miller; Andrew Held; Glenn Peterson; Byron Katsuyama; Jon Pascal; C Ray Allshouse
Cc: lauraloomis@charlesloomis.com
Subject: Re: BN-Residential Mkts in "One Neighborhood Block"

On Tue, Apr 17, 2012 at 11:15 AM, One Neighborhood <one.neighborhood.block@gmail.com> wrote:
 Dear Kirkland Officials:

I am writing on behalf of a newly forming neighborhood group. We are calling ourselves "One Neighborhood Block." We are neighbors living within the one block in Kirkland that is bounded by 10th St S on the North and NE 64th St to the South. Both are identified as neighborhood streets in the Comprehensive Plan and they truly exemplify this with nice low to medium density single family homes with a few small condos. It is the Comprehensive Plan's protection against cut through traffic spilling over into these neighborhood streets that keeps our kids safe and also retains our neighborhood character.

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Sincerely,
 Cynthia Glaser, On Behalf of "One Neighborhood Block"

Jeremy McMahan

From: One Neighborhood [one.neighborhood.block@gmail.com]
Sent: Tuesday, April 17, 2012 11:44 AM
To: Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Mike Miller; Andrew Held; Glenn Peterson; Byron Katsuyama; Jon Pascal; C Ray Allshouse
Subject: From C Glaser re: BN-Res Mkt - On behalf of "One Neighborhood Block"

Dear Kirkland Officials:

I am writing on behalf of a newly forming neighborhood group. We are calling ourselves "One Neighborhood Block." We are neighbors living within the one block in Kirkland that is bounded by 10th St S on the North and NE 64th St to the South. Both are identified as neighborhood streets in the Comprehensive Plan and they truly exemplify this with nice low to medium density single family homes with a few small condos. It is the Comprehensive Plan's protection against cut through traffic spilling over into these neighborhood streets that keeps our kids safe and also retains our neighborhood character.

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Sincerely,
 Cynthia Glaser, On Behalf of "One Neighborhood Block"

Jeremy McMahan

From: Grimm, Tom [Grimm@ryanlaw.com]
Sent: Saturday, March 31, 2012 5:03 PM
To: C Ray Allshouse; Mike Miller; Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held
Cc: Gari Grimm (gmgrimm@gmail.com); dknapp3140@aol.com; Marilyn Poskitt (mposkitt@earthlink.net); JNC2nd@yahoo.com
Subject: BN Zones

Council and Planning Commission Members,

In advance of your joint session this coming Tuesday and after a lot of thought on the BN Zone review, I have come to the conclusion that the task before you is quite simple. The Comprehensive Plan for Moss Bay neighborhood has a maximum density of 12 dwelling units per acre, and the BN zone classification is not in synch with the Plan. However, any project will have to be in conformity with the Comprehensive Plan, so the density requirement in the Plan is also a requirement for the zoning. I think that the Council no need, and even less desire, to revisit all the thinking that went into the Comprehensive Plan, and the task becomes easy: clarify the requirements by adding the Plan's residential density requirement also to the BN zone criteria.

The lack of the residential density statement in the BN zone classification is merely an oversight and the current limit to 12/A can be clearly stated with a few words.

The Council is correct to not want to engage in a long process that would require re-thinking all the issues that went into the decisions on the Comprehensive Plan: traffic, noise, impact on neighbors, consistency of the gateway to the downtown core, environmental concerns, and the general quality of life that makes living in this city special. My comments in this regard are addressed to both of the Kirkland BN zones and those in the newly annexed areas (BNA).

As very near (across the street from the BN zone in Moss Bay) neighbors, my wife Gari and I and all of our fellow owners in Waterford East condominium request that you harmonize the BN zone wording to the current Moss Bay Comprehensive Plan, to preserve and protect Kirkland as we love it. This will clarify that development of the BN zones must be consistent with the character of the surrounding properties and avoid a spot zone in a primarily residential neighborhood.

Tom

**Thomas H. Grimm
 1003 Lake St. So. #201
 Kirkland, WA 98033**

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with new requirements of the Internal Revenue Service, we inform you that, to the extent any advice relating to a Federal tax issue is contained in this communication, including in any attachments, it was not written or intended to be used, and cannot be used, for the purpose of (a) avoiding any tax related penalties that may be imposed on you or any other person under the Internal Revenue Code, or (b) promoting, marketing or recommending to another person any transaction or matter addressed in this communication.

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in them. If you have received this communication in error, please notify this firm immediately by reply to this communication or by calling toll free 800-458-5973 or if International collect at (206) 464-4224.

Jeremy McMahan

From: LetterToKPC@aol.com
Sent: Wednesday, March 07, 2012 11:10 AM
To: LetterToKPC@aol.com; Andrew Held; Byron Katsuyama; C Ray Allshouse; Eric Shields; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller; Tennysonkk@aol.com; Jeremy McMahan
Subject: From: Thomas Grimm To: J Arnold and KPC

Follow Up Flag: Follow up
Flag Status: Flagged

Thomas H. Grimm

Ryan, Swanson & Cleveland, PLLC
 1201 Third Avenue, Suite 3400 | Seattle WA 98101-3034

My wife Gari and I live across Lake St. from the proposed 143-unit apartment building under the above number. This email is to register our opposition to the project.

We have lived at 1003 Lake St. So. For 10 years. During that time we have seen the traffic patterns along Lake Street and coming down 10th get more and more clogged, especially on nice days when everyone wants to travel along the lake. Our driveway enters onto Lake Street, and it can take several minutes, as things are now, to actually either turn right to proceed south or to cross both lanes of traffic, until someone courteous enough stops to let us through. The problem is exacerbated by the constriction of lanes in downtown that has been put in place. If 143 or more cars are coming and going out this proposed build each day, getting in and out of our property, already a problem, will become downright impossible. And that is after the construction is finished and all of the large trucks and workers' rigs are gone. Thus, our first objection is that the traffic is horrible now and will become unbearable with the construction and operation of the project.

Along with the traffic comes the inevitable safety problem of even more people crossing Lake Street. The amount of traffic now puts people at risk, as is recognized by the existing crossing flags. Traffic comes to a halt when someone crosses. More foot traffic will make for vehicles trying to get down Lake Street being even more slow and increase the likelihood of more accidents, just because of the number of encounters.

Would you want to put up with this prospect? Of course not. So please do not inflict it on us.

Our second objection is to how this will change the character of the neighborhood. It is a mixed use project. Our neighborhood density is now fairly light for an area zoned multiple. This project is proposed for very high density, which portends more traffic, more people on crowded sidewalks, more cars, more noise and more problems, just because there would be so many people living so close to one another. The small businesses in place now are adjuncts to the neighborhood. Their impact is minimal, and they operate in a low impact way. They are good neighbors. But what of the several businesses and the people trying to access them if the project goes through? This will be one more exacerbation of the traffic problems.

People do not want to live in beehives, and the low-density owners especially do not want to put up with the aggravations and deleterious effect on lifestyle that comes with high density nearby. These can also affect property values, as potential buyers will be confronted with the monstrosity across the street. Is the City willing to pay us for the diminution in value to our properties it will create by allowing a building or set of buildings that will change our neighborhood and highly intense use? It seems to me that the City will cause an invasion of noise, pollution, and other nuisances onto our property and will be in fact condemning part of our use.

I am sure that I speak not just for ourselves but also for the 5 other families in our building, Waterford East. Likely you will hear from them personally as well expressing their opposition.

Thomas H. Grimm

Jeremy McMahan

From: Eric Shields
Sent: Tuesday, March 06, 2012 3:08 PM
To: Jeremy McMahan
Subject: FW: From: Duston Harvey To: J Arnold & KPC

Follow Up Flag: Follow up
Flag Status: Flagged

Apologies if I sent this to you already.

Eric Shields

From: LetterToKPC@aol.com [<mailto:LetterToKPC@aol.com>]

Sent: Tuesday, March 06, 2012 12:34 PM

To: Andrew Held; Byron Katsuyama; C Ray Allshouse; Eric Shields; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller; Tennysonkk@aol.com

Subject: From: Duston Harvey To: J Arnold & KPC

Re: BN Density in or adjacent to neighborhoods - Residential Market

(Central Houghton Resident)

March 6, 2012

Duston Harvey

There's no excuse for this developer-friendly loophole in Kirkland zoning rules and it should be closed immediately

From: [Chuck Pilcher](#)
To: [Joan McBride](#); [Penny Sweet](#); [Doreen Marchione](#); [Amy Walen](#); [Dave Asher](#); [Bob Sternoff](#); [Toby Nixon](#); [Doreen Marchione](#)
Cc: [Teresa Swan](#); [Eric Shields](#); [Jeremy McMahan](#); [Robin Jenkinson](#); [Kurt Triplett](#)
Subject: Hearing on BN Extension & EIS Scoping meeting
Date: Thursday, April 26, 2012 9:56:47 PM

Dear Council Members:

I think you'll agree that I am pretty well connected on the issue of the Lake St. BN zoned property. However, the only notice I received about the EIS Scoping "informational meeting" on May 8 was the forward from Kari Page to me of an email from Teresa Swan (see below). An email to 3 people, two names I don't recognize and one of whom doesn't even live here any more, is not the sort of transparency I would expect on an issue of this magnitude. My understanding has also been that a Scoping HEARING is required, not a Scoping "Informational Meeting." The citizens will want significant input into the scoping process. Perhaps you are planning for an actual "hearing" at a later date. If not, this may be a procedural error.

Further, I was unaware until tonight that the Council will hold the official "Hearing" on extension of the BN zoning moratorium on May 1. Karen Levenson mentioned it in an email, and even she heard of it in a rather round about way. If some sort of official "Notice" was sent to the ListServ subscribers, I do not recall receiving it. For that matter, I can't recall receiving a single message via the Potala Village ListServ in 2012. I think that when you hold a hearing, there is supposed to be adequate "notice" of that hearing. If I didn't receive any notice, it's unlikely that anyone else did.

In case I can't get to the Council meeting on Tuesday (because of a competing meeting), I fully expect you to extend the moratorium on BN zones. The rationale is clear:

- You passed a moratorium in November
- You instructed the Planning Commission to provide input to you
- The PC worked on the issue, but presented nothing to the Council for a vote, just some "ideas."
- The Zoning Table thus remains officially identical to what it was in November.
- The PC has thus not finished its work, nor has the Council achieved the goals of the moratorium.
- Allowing the moratorium to expire would be an acceptance of the status quo and an insult to a year's worth of hard work by concerned citizens like myself, and over 500 others who have asked you to "do the right thing." You would be saying "Yes" to a huge box of unlimited density apartments and unlimited traffic on our signature boulevard for future generations of Kirkland residents.
- **The moratorium MUST be extended.**

Chuck Pilcher
chuck@bourlandweb.com
 206-915-8593

Begin forwarded message:

From: Kari Page <KPage@kirklandwa.gov>
Subject: FW: Potala Village Environmental Impact Statement
Date: April 20, 2012 5:08:28 PM PDT
To: Chuck Pilcher <chuck@bourlandweb.com>, "'lori.isch@usa.net'"
<lori.isch@usa.net>
Cc: Teresa Swan <TSwan@kirklandwa.gov>

Thanks Teresa.

Steve Jackson is no longer the neighborhood chair for Lakeview. I'm forwarding this onto the Lakeview group.

Kari Page

Neighborhood Outreach Coordinator
City of Kirkland
City Manager's Office/Public Works Department
Office: 425-587-3011
Cell: 425-736-6477
Email: kpage@kirklandwa.gov

[Neighborhood E-Bulletins](#) / [Kirkland on Twitter](#) / [Capital Projects](#) / [Neighborhood Services](#)

From: Teresa Swan
Sent: Wednesday, April 18, 2012 3:58 PM
To: MSAILOR@COMCAST.NET; donjwinters@comcast.net; brokerjax@yahoo.com
Cc: Kari Page
Subject: Potala Village Environmental Impact Statement

Hello Michele, Don and Steve:

I wanted to make you aware that Lobsang Dargey, the applicant for the Potala Village proposal, has decided to move forward with the Environmental Impact Statement (EIS) required by the City to study significant probable impacts under the State Environmental Policy Act (SEPA). He placed the EIS on hold last October 2011.

The EIS will study the proposal that the applicant submitted for his shoreline Substantial Development permit that is still pending. Issues to be analyzed are height, bulk and mass of the proposal, traffic, residential density, environmental remediation of the on-site contamination, potential eagle siting and construction impacts.

A consulting team has been selected to prepare the document under the direction of the City. The applicant pays for preparation of the EIS, but has no involvement with the consultants.

We will hold an informational meeting on the EIS on **Tuesday May 8, 2012 in the Peter Kirk Room at City Hall with an open house starting 6:30pm and a presentation at 7pm.**

Over the process of the EIS we will provide updated information about the EIS at the Potala Village web site:

<http://www.kirklandwa.gov/depart/Planning/Development/Potala.htm?>

The public can sign up for the listserv on the Potala Village webpage to receive updates about the project, the EIS, the BN building moratorium and the current study by the Planning Commission on the BN zoning.

If you have any questions, please contact me.

Sincerely,

Teresa Swan

Teresa Swan

Senior Planner

(425) 587-3258 Fax (425) 587-3232

tswan@kirklandwa.gov

City of Kirkland

123-5th Ave

Kirkland, WA 98033

Mondays-Thursday 8:30am to 5:00pm

Jeremy McMahan

From: Robin Herberger [mediaworks1@frontier.com]
Sent: Saturday, March 31, 2012 2:37 PM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller
Subject: Unlimited problems with unlimited density in Kirkland neighborhoods

Dear City Officials:

If the City limits density by unit count for an entire neighborhood, an absolute or formulaic exception should not be made for a Residential Market-BN property that appears in its midst. An unlimited residential density designation for property that is zoned to accommodate small, neighborhood businesses does not make city-planning sense. Who among you knew that an unlimited density zone existed within a residential neighborhood in which every other property is limited to 12 or 24 units/acre?

Residential density for BN zoned properties located in residential neighborhoods must be capped to a reasonable level that is compatible with its surroundings.

I am in total agreement with COUNCIL MEMBER PENNY SWEET'S belief about the BN-zoned property on Lake Street, as she stated at the November 15, 2011 City Council meeting, that "There was never an intention to allow for unlimited density in zoning this property."

IF YOU BELIEVE THAT LAW SHOULD NOT BE BASED ON UNINTENDED CONSEQUENCES - you need to codify, with a correction to the zoning code, a residential density cap on BN zoned properties located in residential neighborhoods. It is my view that this would be a "correction" and not a "change."

IF YOU BELIEVE IN THE ISSUE OF FAIRNESS, as former, highly-respected COUNCIL MEMBER JESSICA GREENWAY does, as she expressed her view at the same November 15 meeting about the BN-zoned property on Lake Street, "This particular property allows unlimited units per acre, when other properties in the area are limited to 12 and 24 units per acre. That just doesn't seem fair or correct to me." - you need to codify, with a CORRECTION to the zoning code, a residential cap on BN zoned properties located in residential neighborhoods.

Unlimited density prohibits the maintenance of the high quality of community life in Kirkland (for both residents and visitors), and will cause major traffic and ingress/egress hazards if a single driveway is meant to handle hundreds of cars per day in a residential neighborhood. The prospect of unlimited residential density in a BN/Residential Market zone was never given a proper public hearing.

Thank you for your time, energy, and contemplation in working to resolve this issue.

Sincerely,

Robin Herberger
 6401 Lake Washington Blvd., NE, #403
 Kirkland, WA 98033

Jeremy McMahan

From: Robin Herberger [mediaworks1@frontier.com]
Sent: Sunday, April 01, 2012 12:49 PM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller
Subject: WANTED: Reasonable BN Zone - Must be compatible with surroundings

Dear City Officials:

When it comes to residential development, Council Member Bob Sternoff is an expert, with a trained eye for properties and project development, and a long and distinguished career in the industry. When he looks at the project that is being proposed for the BN zone on Lake Street and says, as he did at the City Council meeting on November 15, 2011, "There are times when things don't look quite right, and this is one of those that needs to be looked at," I believe the City needs to avail itself of his expertise and consider that if it doesn't look quite right, perhaps it isn't, and steps need to be taken to make it right.

The developer's attorney claims that the proposed project sited on the Lake Street BN zone is being unfairly singled out. I agree. It is singularly unfair to the community to attempt to impose an aberrant, out-of-scale village on the corner at Lake and 10th; and it is singularly unfair to neighbors who were forced to abide by a zoning code that a property holder next door to them is not.

You all know that what makes Kirkland's waterfront community and boulevard so special for residents and visitors is that it is a harmonious blend of single family and reasonably sized multi-dwelling homes, parks with lots of open space, and small, neighborhood-focused businesses. Allowing a patchwork of purchased-and-leased properties to be stitched together to create one giant, anomalous BN property on which the City says it will permit as many residential units as a developer can physically cram into it is not good city planning and needs to be corrected. Such a huge project is clearly out of sync with its surroundings. And I ask you: are you certain that every square foot of those combined properties is right and truly BN zoned?

I implore you to use your common sense in determining the requirements for BN zones in residential neighborhoods – look at the single family homes and the 12-24 unit/acre condos and apartments in the Moss Bay and Lakeview neighborhoods, and compare the current residential environment of these neighborhoods with the UNIQUELY massive, UNIQUELY residentially-dense project that is being proposed for insertion into this community. SUCH UNBALANCED JUXTAPOSITION DOES NOT EXIST IN ANY KIRKLAND NEIGHBORHOOD. Why are the Moss Bay/Lakeview communities singled out for such an experiment?

This is not an issue of neighbors disapproving of a particular development project – although they may. The issue is that officials need to determine the best use of BN zones in residential areas for the common good of the City and its residents, clarify reasonable parameters, and set guidelines for a common sense, workable, zoning code that is compatible within a geographic area.

Surely, preserving neighborhood architectural and residential scale and character, and compatibility with surrounding structures, is something that City officials would want to ensure for their constituents – constituents who voted them into office to serve the needs of the community and to act out of allegiance to the common good of that electorate. I am hopeful you agree that demand for rights and fairness is not exclusive to developers and their attorneys.

Thank you for taking public comments into consideration as you deliberate.

Sincerely,

Robin Herberger
6401 Lake Washington Blvd., NE, #403
Kirkland, WA 98033

Jeremy McMahan

From: Robin Herberger [mediaworks1@frontier.com]
Sent: Monday, April 02, 2012 4:18 PM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller
Subject: A ROSE IS A ROSE IS A ROSE . . .

. . . EVEN IF YOU CALL IT A MONKEY

Dear Ci ty Offi ci al s:

As you deliberate the requirements for BN zones and consider the BN zone on Lake Street S, I ask in what sense is a proposed 143-unit residential structure (for that is the only plan of record) a neighborhood business? It seems to me that either a proposed project should identify with the zone in which it is proposed, or the zone for which it is proposed should be changed.

What is being proposed is not a Commercial endeavor. Obviously, what is being proposed is primarily a multi-family dwelling. The Kirkland Zoning Code has an accommodation for this type of structure, which I believe is called Multi-Family Residential. I would recommend a zoning change before any such structure gets the go-ahead. The stipulations for a Multi-Family Residential project would be compatible with the proposed multi-unit dwelling, including a requirement for 200 s.f./unit of open space to provide residents with an unconfined, more enjoyable living experience.

What is proposed for the BN zone on Lake Street is a deviation in this city. It relates to its surroundings like chalk and cheese. People do not expect a great hovering stack of apartments or condos where small, local businesses are supposed to be – are zoned to be. Council Member Dave Asher gets it. He understands the shock that the community experienced when it found out what was going on. As he explained in his comments at the November 15, 2011 City Council meeting, "It caused the community to inhale (gasp!)." Yes, it did. We're still gasping.

Thank you all for the time and attention you have paid to this issue and for coming together to find a resolution that will, hopefully, be in the best interest of residents, the city, and everyone who loves it. And thank you for involving the public in the process. One of the reasons Council Member Asher approved of the moratorium was because he thought it was "a prudent path for us to take to make sure our community develops the way we want it to develop." He rightfully acknowledges that the people of Kirkland have a right to participate to influence, to help steer public policy. We want to develop from the inside, out. Not from imposition. Because the decision you ultimately make on this issue will have a profound effect on the lives of many people in the community you serve.

Sincerel y,

Robi n Herberger
 6401 Lake Washington Blvd., NE, #403
 Kirkl and, WA 98033

From: [Rodney](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#); [Robin Jenkinson](#)
Subject: High Density and the Traffic Nightmare
Date: Monday, May 14, 2012 9:05:12 AM

Dear Council Members, Managers and Directors,

I am a resident of Kirkland, more specifically I live at 6436 Lake Washington Blvd. A few months ago I learned of a new high density apartment project being planned for Lake Washington Blvd, but I did not track all the details because I figured there was no way it would be allowed given our already crazy traffic situation. Unfortunately, it appears that I was wrong. Neighbors have recently informed me that high density projects are still being considered for the area.

I know that Kirkland has some monstrosities downtown, but another one situated in the middle of the boulevard will "distort" the community and simply create another dense, cluttered and less desirable place to live. As a former resident of Redmond, I relocated to Kirkland when I saw what was happening to its communities. Downtown Redmond is now a collection of shoebox-like buildings which with time will look more and more undesirable. Unfortunately, the residents and representatives were sold a "bill of goods" by developers with deep pockets and now they must deal with the implications...or like myself, just move from the area. In fact, if traffic gets much worse here on the boulevard, my plan would be to turn my residence into a rental property.

Traffic and parking are the major issues! The boulevard is already a mess on most days. The traffic extends from downtown to almost Carillon Point. Similarly, the lack of parking is a perpetual nightmare. In fact, I often find visitors parking on our property because they are frustrated that they can not find a legitimate spot to leave their cars.

Respectfully,

Rodney Vieira
6436 Lake Washington Blvd NE, Kirkland, WA 98033
(425) 503 6600

Jeremy McMahan

From: mkelly@windermere.com
Sent: Sunday, April 01, 2012 8:47 PM
To: Kelly Maureen
Subject: BN Zone Comments

Follow Up Flag: Follow up
Flag Status: Completed

To our Kirkland City and Citizen Representatives:

I am addressing the location specifically at Lake Washington Blvd & 10th Ave *because* of the current development proposal *or* future development proposals on this site. This is not a developer specific complaint, although it is nearly impossible to separate the zoning issue from the current development proposal because of the disproportionate (to the neighborhood) size of said proposal.

The problem as I see it, is twofold:

1) Perceived developer profit margin. The sale records indicate that the developer grossly overpaid for 2 of the parcels and thinks he must build 120-143 tiny units to compensate - hogwash! What the developer applicant is proposing is essentially one massive building to cover 3 parcels (2 owned by Potala and 1 large vacant parcel supposedly leased from an elderly land owner). Evidence reveals he was aware of zoning conflicts. If the developer paid twice the market value for two of the three parcels, that's his problem - *not* the City's.

2) City mistakes and oversights. If the City made mistakes along the way, they need to man-up and respect their neighborhood citizens, if in no other way than to provide *proper* notice of proposed zoning changes, i.e. unlimited density. This was never done.

The "reasonable solution" for the City to require of any developer would be to build something that fits in with, and enhances, the neighborhood rather than squashing the rest of the neighbors and further burdening roads that cannot handle the existing traffic. It *is* that simple.

I respect and thank you for the time and commitment you all continue to make to our City. I know you care or you wouldn't have undertaken this difficult job.

But I'm tired of the traffic. I'm tired of the zoning 'mistakes' that are irrevocably shaping our city's future. As a Kirkland realtor and hesitant activist, I don't want to hear another person tell me that Kirkland is getting "seedy".

Respectfully,

Maureen Kelly
 6201 Lake Washington Blvd NE #102
 Kirkland, WA 98033

Jeremy McMahan

From: LetterToKPC@aol.com
Sent: Wednesday, March 07, 2012 7:14 AM
To: LetterToKPC@aol.com; Andrew Held; Byron Katsuyama; C Ray Allshouse; Eric Shields; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller; Tennysonkk@aol.com; Jeremy McMahan
Subject: From: B Knutson To: J Arnold & KPC
Follow Up Flag: Follow up
Flag Status: Flagged

I wish to go on record as being opposed to the current Potala Village plan due to the density, height and tremendous traffic congestion it will cause.

Betty Knutson

Jeremy McMahan

From: Kris Kocis [kriskocis@yahoo.com]
Sent: Sunday, April 01, 2012 12:22 PM
To: Jeremy McMahan
Subject: Fw: Ingress and Egress

--- On Sun, 4/1/12, Kris Kocis <krisocis@yahoo.com> wrote:

> From: Kris Kocis <krisocis@yahoo.com>
 > Subject: Fw: Ingress and Egress
 > To: EshielDs@kirkiandwa.gov
 > Date: Sunday, April 1, 2012, 12:20 PM

> --- On Sun, 4/1/12, Kris Kocis <krisocis@yahoo.com>
 > wrote:

> > From: Kris Kocis <krisocis@yahoo.com>
 > > Subject: Fw: Ingress and Egress
 > > To: KTriplet@kirkiandwa.gov
 > > Date: Sunday, April 1, 2012, 12:15 PM

> > --- On Sun, 4/1/12, Kris Kocis <krisocis@yahoo.com>
 > > wrote:

> > > From: Kris Kocis <krisocis@yahoo.com>
 > > > Subject: Ingress and Egress
 > > > To: Bjenkinson@kirkiandwa.gov
 > > > Date: Sunday, April 1, 2012, 12:12 PM

> > > I am writing with respect to the Residential
 > Market /

> > lowest

> > intensity

> > > commercial designation as I hope you will

> > > thoroughly

> > > consider the

> > > ingress and egress issues clearly identified as

> > > limiting

> > > factors in the

> > > Comprehensive Plan.

> > >

> > > First of all, it is very important to note that in
 > the

> > > entire city (new

> > > and annexed) there are only two areas identified

> > > for

> > > this

> > > very low

> > > intensity use called residential market. Reading

> > > the

> > > comprehensive

> > > plan, and every neighborhood plan, these are
 > > specifically
 > > identified
 > > for this very "limited commercial" due to ingress
 > and
 > > egress
 > > issues.
 > > No other property in the whole city mentions
 > ingress
 > > and
 > > egress
 > > trouble. Just these two sites which are on the
 > same
 > > block
 > > and both
 > > along the Boulevard bounded by the Lake to the
 > west and
 > > a
 > > mostly
 > > residential side street.
 > > >
 > > > The ingress and egress limit to development can
 > only
 > > be
 > > > achieved if
 > > > both of the following are met.
 > > >
 > > > 1) The Land Use Chart needs to be changed
 > regarding
 > > allowed
 > > > businesses
 > > > for BN. This is just for BN that have been
 > identified
 > > as
 > > > residential
 > > > market and thus very low intensity.
 > Vehicle-intensive
 > > > businesses
 > > > should be specifically noted as not allowed in
 > the
 > > BN-Res
 > > > Mkt for this
 > > > reason. This is currently accomplished in the
 > > Comprehensive
 > > > Plan,
 > > > however the Land Use Chart allows things like
 > drive
 > > thru
 > > > businesses
 > > > (auto intensive) and large churches or schools
 > (also
 > > auto
 > > > intensive).
 > > > So that there does not continue to be a conflict
 > > between the
 > > > CP and the
 > > > zoning, the chart must be better aligned with the

From: [Chuck Pilcher](#)
To: [Robin Jenkinson](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#); [Joan McBride](#); [Penny Sweet](#); [Doreen Marchione](#); [Amy Walen](#); [Dave Asher](#); [Bob Sternoff](#); [Toby Nixon](#); [Jay Arnold](#); [Byron Katsuyama](#); [Glenn Peterson](#); [Jon Pascal](#); [Doreen Marchione](#); [Andrew Held](#); [C. Ray Allshouse](#); [Mike Miller](#)
Subject: Lakeview Neighborhood Plan
Date: Wednesday, April 25, 2012 4:47:44 PM
Attachments: [PastedGraphic-10.tiff](#)
[PastedGraphic-5.tiff](#)
[PastedGraphic-4.tiff](#)
[PastedGraphic-6.tiff](#)
[PastedGraphic-7.tiff](#)
[PastedGraphic-8.tiff](#)
[PastedGraphic-9.tiff](#)

Dear Council and Planning Commission Members:

Last year the City completed a revision of the Lakeview Neighborhood Plan. It includes actual language very much like what STOP asserts is intended by the Moss Bay Neighborhood Plan, but which was never correctly codified in Zoning.

Read the language below. It's almost as if someone said "We screwed up in Moss Bay. Let's do a better job in Lakeview."

I pasted Policy L-4.3 out of order at the top, because it is the most significant item in the Lakeview plan related to our issues with the BN zoned Residential Market piece on 10th in Moss Bay. Otherwise, these are all excerpted sequentially from the Lakeview Neighborhood Plan.

This matter is by no means drawing to a close, and will not until you folks choose to preserve and protect our waterfront boulevard as intended by every Comp Plan produced by the City in its history. Please do SOMETHING that would make Doris Cooper PROUD rather than turn over in her grave.

Chuck Pilcher
chuck@bourlandweb.com
206-915-8593





Jeremy McMahan

From: Erin Knobler [eknobler@sociuslaw.com]
Sent: Tuesday, April 17, 2012 11:57 AM
To: Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller
Cc: Robin Jenkinson; Brian E. Lawler
Subject: Commercial Codes KZC Amendments File No. ZON11-00042, BZ Zoning District Code Amendments
Attachments: April 17, 2012 Correspondence to City of Kirkland.pdf

Dear Mayor, Deputy Mayor, City Manager, and City Council Members:

Attached please find correspondence from Brian Lawler in the above-referenced matter. Please note, an electronic copy of this letter may be the only copy you receive. If you have any difficulty opening the attachment or need anything further, do not hesitate to contact our office.

--Erin Knobler, Legal Assistant

Erin Knobler

SOCIUSLAWGROUP PLLC

Two Union Square

601 Union Street, Suite 4950

Seattle, WA 98101.3951

Direct Dial: 206.838.9134

Facsimile: 206.838.9135

www.sociuslaw.com

IRS rules require that certain standards be met when written tax advice is given by attorneys before a client might qualify for tax penalty protection. Any tax advice in this communication is not intended to be used, nor should you use it, for that purpose. If you wish to have an opinion that may assist you in obtaining penalty protection, please let us know. In such a case a special written engagement with our firm is required.

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April 17, 2012

By Email (citycouncil@kirklandwa.gov)
and U.S. Mail

Mayor Joan McBride
Doreen Marchione, Deputy Mayor
City Manager, Kurt Triplett
City Council Members (via email only)
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

Re: Commercial Codes KZC Amendments File No. ZON11-00042
BZ Zoning District Code Amendments

Dear Mayor, Deputy Mayor, City Manager, and City Council Members:

I write today again on behalf of numerous neighbors and citizens of Kirkland who have been active in their attempt to bring City zoning for the Residential Market properties into alignment with the City's Comprehensive Plan. Today, I write in response to the legal (mis)representations of counsel for Potala Village Kirkland LLC ("Potala"). One or more of my clients will write on the substantive planning issues which remain unresolved.

First, we can agree with Potala that the on-going review process should encompass the protections of common law and constitutional provisions that should be inherent in any land use review process. These protections exist both for the public and for the applicant. We can also agree with Potala that we share a goal of a future building that is a source of pride for all.

Otherwise, we differ with Potala's assessment and its assertion that the City is allowing "...egregious processes to continue." Potala misstates the relevant law and further fails to explain that, if the City processes to date have been egregious, why Potala has not exercised its lawful rights. For example, after the City (appropriately) withdrew its flawed DNS and then appropriately issued a Declaration of Significance (DS), Potala had a right to file a timely appeal under SEPA. It did not do so. When the City (appropriately) recognized the inherent flaw in planning documents and issued a moratorium in November 2011 and again in January 2012, as Potala alleges, Potala had a right to challenge an action it deemed "egregious" under existing laws of the State of Washington. It did not do so.

City of Kirkland
 April 17, 2012
 Page 2

Potala accuses the City of potential and illegal "reverse" spot zoning and arbitrary and discriminatory treatment. This is, of course, not even close to the current situation. The City is looking at the BN/Residential Markets issue as a whole.

Potala makes a naked assertion about a violation of vested rights and due process rights. Potala does not have a vested right to develop its proposed project. It has not submitted a complete building permit application which is consistent with the City's development regulations. *Abbey Road Group, LLC v. City of Bonney Lake*, 167 Wn.2d 242, 218 P.3d 180 (Wash. 2009). Potala has no cognizable due process claim. In *Mission Springs, Inc. v. City of Spokane*, 134 Wn.2d 947, 954 P.2d 250 (1998), the developer prevailed on a due process claim where Spokane, after approving a Planned Unit Development (PUD) for a 790 unit residential project, later refused to issue a grading permit for the PUD. By comparison here, Potala has no approvals and has not completed the important threshold SEPA process.

In making its reckless and mis-aimed threats, Potala relies on the cases of *Westmark Development Corp. v. City of Burien*, 140 Wn. App. 540, 558, 166 P.3d 816 (2007) and *Pleas v. City of Seattle*, 112 Wn.2d 794, 774 P.2d 1158 (1989). While these are important cases in the jurisprudence of Washington land use law, neither case is remotely applicable here. In *Westmark*, for example, the City of Burien engaged in a multi-year pattern of misconduct including renegeing on a settlement agreement and delaying SEPA approvals for five years, while allowing a state legislator to influence the City review process. None of that type of egregious conduct has occurred here. Instead, this case is more like *Abbey Road LLC v. City of Bonney Lake*, *supra*, where the City of Bonney Lake did not violate any common law or constitutional due process principles in denying approval for a 590 unit condo project on the grounds of inconsistency with a later adopted zoning ordinance. The applicant/developer had no vested rights to its pending site plan application because it had not filed a complete building permit application.

Our request here is simple. Do not be bullied by this developer. Engage in the thoughtful process that caused the City to adopt a moratorium to fix its broken regulations. Give your citizens the careful planning process they deserve. No one is opposed to development on the Potala property. However, that development must fit into the City's planning goals and objectives, which never intended unrestricted residential development in the BN zone.

Thank you.

Very truly yours,


 for Brian E. Lawler

cc: City Attorney, Robin Jenkinson (via email and U.S. mail)
 Client

Jeremy McMahan

From: Erin Knobler [eknobler@sociuslaw.com]
Sent: Monday, April 02, 2012 11:25 AM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller
Cc: Brian E. Lawler
Subject: BN-Residential Market Zoning
Attachments: Correspondence re City Zoning for Residential Market Properties (BN-Residential Market Zoning).pdf

Dear City Attorney, City Manager, City Council, and Planning Commissioners:

Attached please find correspondence from Brain E. Lawler regarding City zoning for the Residential Market properties, the original of which will follow via mail to the City Attorney and City Manager only. City Council Members and the City Planning Commission will receive only the e-mailed version of the letter.

If you have any difficulty opening the attachment or need anything further, do not hesitate to contact our office.

--Erin Knobler, Legal Assistant

Erin Knobler

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Two Union Square

601 Union Street, Suite 4950

Seattle, WA 98101.3951

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Facsimile: 206.838.9135

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IRS rules require that certain standards be met when written tax advice is given by attorneys before a client might qualify for tax penalty protection. Any tax advice in this communication is not intended to be used, nor should you use it, for that purpose. If you wish to have an opinion that may assist you in obtaining penalty protection, please let us know. In such a case a special written engagement with our firm is required.

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April 2, 2012

City Attorney, Robin Jenkinson (via email and U.S. mail)
City Manager, Kurt Triplett (via email and U.S. mail)
City Council Members (via email only)
City Planning Commission (via email only)
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

Re: BN-Residential Market Zoning

Dear City Attorney, City Manager, City Council, and Planning Commissioners:

I write today on behalf of numerous neighbors and citizens of Kirkland who have been active in their attempt to bring City zoning for the Residential Market properties into alignment with the City's Comprehensive Plan. While perhaps the immediate driver of this citizen activity has been the scale of the proposed Potala Village project, their concerns transcend Potala Village and reflect a broader interest in having appropriate and compatible densities in this area of Kirkland and in having the planning goals of the Comprehensive Plan align with the City zoning and development regulations, as intended by the Growth Management Act (GMA). Their written comments and communications to the City have been intended to serve as an ongoing part of the public participation record before the City, to the fullest extent possible, in all City deliberations about Residential Market land use designation.

Recently, we discovered that citizen comment letters were not being included as part of the record before the Planning Commission. We believe this is an erroneous procedure of the City, which impacts the integrity of the Planning Commission process. Upon inquiry, one of my clients was told two things. First, City staff did not assemble and collect prior, older letters when the zoning review was assigned over to the Planning Commission. These are records which pertain to the current deliberation and should be in the current file. Second, City staff also stated that these letters were not forwarded for Planning Commission review, because the Planning Commission operates as a "legislative body" and could not deliberate as a "quasi-judicial" body deliberating on "project specific" concerns. These concerns are misplaced and threaten the integrity of the review process.

City of Kirkland
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As to our initial comment about “prior, older letters,” it is important to note that the letters received since last March should all be a part of a current file and available as such. The letters written to the City for consideration as public comment during deliberations on the Residential Markets issue primarily contain large amounts of input regarding substantive zoning and land use issues. Authors identify the incompatibility of high-density residential development in a commercially zoned area with the planning objectives of the Comprehensive Plan. They further comment on the unique land use challenges in this area of Kirkland and its neighborhood character. These comments would apply to any project irrespective of the project name or the developer or the specifics proposed. While it is not necessary for an author to instruct the City that comments should be kept for ongoing use, several of the neighbors do specifically state that their comments are to be considered at every step in the process.

The withholding of public comment letters is both problematic and arbitrary. My clients should not have to write multiple, duplicative letters to different sub-entities of the City, on essentially the same issues of concern. We believe that members of the Planning Commission are able to distinguish between policy planning comments and project specific comments. In any event, we believe that any necessary filtering or screening of comments that relate solely to a project like Potlatch Village and not to the larger planning issues can be done in ways which do not interfere with citizens’ rights to communicate with the decision makers in their community.

With this letter I specifically ask, on behalf of my clients, that all existing and all future public comment letters and emails regarding land use and zoning (residential densities, size, scale, noise, traffic), or Residential Markets, BN zones, Comprehensive Plan, or 10th Ave S/Lake Street S/Lake Washington Blvd, be forwarded to the Planning Commissioners as part of their record. We acknowledge that the City may choose to redact the specific name of a project or to send a cover letter to the Planning Commission on the topic of their responsibility to focus their deliberations only on non-project specific land use and zoning issues. Either way the public has a right for their input to be heard.

Very truly yours,



Brian E. Lawler



April 26, 2012

BY ELECTRONIC MAIL

City Council Members
City Planning Commission
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

Re: 2012 Misc. Zoning Code Amendments – Study Session
Non-Conforming Density Properties – Chapter 162 Section 162.60
Regulations beyond “density” restrictions – incompatibility with adjacent BN-
Residential Markets

Dear Council Members and Planning Commissioners:

On behalf of my clients, I write you today regarding proposed Kirkland zoning code changes to non-conforming density regulations. The current zoning code amendments for non-conforming densities apply to most of the property owners who have been involved in the BN-Residential Market review. On behalf of my clients, I wish to express support for some of the proposed changes, but to also draw attention to some remaining areas, which seem to unintentionally disfavor, or needlessly restrict the owners of surrounding properties and thus creating more of an inequity of treatment between the BN-Residential Market and neighbors in RM zones.

Historically, all land south of the centerline of 7th Ave. S. (approximately downtown) and north of the centerline of NE 63rd St. experienced a dramatic reduction in development potential due to specific, problematic vehicular ingress and egress along Lake St. S./Lake Washington Blvd NE. This also avoided creation of greater "cut through traffic" on neighborhood streets like 10th Ave. S. This down zone was for all of the land within the area described in Resolution 2639. A copy is available upon request. Through a legal settlement in 1979, the non-conformance created was due to density concerns only. The existing condominiums and apartments were generally built at 20-30% lot coverage even though the RM properties allow a footprint that can cover 60% of the lot.

City of Kirkland
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The 1977 down zone did not address or aim to reduce the allowable lot coverage in the RM zone in contrast to the Comprehensive Plan changes that did require alterations to zoning text in order to restrict size and scale of the two areas identified as Residential Market - Commercial. We advocate restricting lot coverage in the Residential Market commercial zone as a means of managing bulk and scale. This was the work assigned to the Planning Department by Ordinance in 1995 which, to date, has not been modified to the extent that it implements the Comp Plan.

We do object to the entire current planning effort. Several areas of the proposed change to non-conforming densities are very positive. For example, we are pleased to learn that staff recommends removing financial barriers that have kept some owners from repairing, remodeling, or replacing existing structures. There are several structures along Lake St. S./ Lake Washington Boulevard that have been rotting due to inability to work within the constraints that are in place. Also, previous interpretations of what was "repair" and what was "remodeling" were inconsistent. Removing the cost barrier in the new text should be positive for both property owners and the city. Improved properties bring higher tax dollars to Kirkland.

We are also pleased that the City planners have now recognized that where condominium ownership exists, it is not practical to require future development at reduced density. An example of this being that it would be impossible to determine which owners would get to keep their units and which would be displaced. Similarly, a requirement that some of the rebuilt units must be "affordable" would leave the homeowners associations in the helpless position of determining whose units were rebuilt as market rate units and who would reconstruct theirs as affordable dwellings.

However, on the other side of the equation, are those areas of the proposed zoning code changes that limit future development size, scale, etc. These do not appear to be the reason for the historical density restriction. The property owners question why remodel, or redevelopment, would be restricted to the 20%-30% lot coverage footprint that each currently occupies. Development standards currently in place allow a maximum of 60% lot coverage. Further exacerbating this problem for properties around the BN-Residential Market is that the commercial property has not yet had a reduced lot coverage implemented and can currently be built to 80% lot coverage (a four-fold difference in footprint and an even greater difference in overall volume/size of building). It bears repeating that they have been arguing that a "Very Small Building Center" cannot be achieved with 80% lot coverage and is not compatible or integrated into a neighborhood where the lot coverage maximum is 60%. You can imagine the further disparity if buildings are held to 20%-30% coverage as currently exists.

Another consideration is the combination or property aggregation of BN-Residential Market lots, which would further separate the look and feel and compatibility with surrounding RM properties which must keep their current footprints and are precluded from lot aggregation with their own lot line adjustments. The end result should not be even greater "monster buildings" in the Residential Markets properties, adjacent to the more highly restricted, much smaller, RM buildings.

City of Kirkland
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Page 3

My clients have an additional concern about a newly proposed regulation which would suddenly require a minimum density for these properties alone. The proposal seems to be new to Kirkland and unique to these properties as it requires a floor of 75% of the existing number of units during any redevelopment. This restricts the choices available to property owners. For a building that was built with 24 dwelling units and now zoned for a maximum of 12 units, this would impose an artificial floor of 18 units, which is six units higher than the up to 12 units allowed under RM 3.6 zoning. It is anticipated that most would not want to reduce density, but there may be situations where 24 little rental apartments could be rebuilt as 12 or 14 nice apartments or condos. It is hard to predict the variability and seems a bit over-reaching in regulations if a rebuild has a minimum density as suggested.

My clients would encourage a more simplified non-conforming policy. It would allow for maintaining the non-conforming density no matter the repair, remodel or redevelopment. No increase in non-conforming density would be allowed except that a bonus would be allowed only if they were affordable units. Thus a non-conforming condominium of 24 units could become 27 units if the 3 additional helped the city meet its affordability targets.

In summary, there is support for provisions that would allow buildings to be remodeled/repared with greater ease and that would protect individual condominium owners from having to "draw straws" to see who is compromised by Kirkland regulations.

There is opposition to restrictions on lot coverage and the idea of a minimum density percentage. Opposition is heightened where maintenance of current building footprint creates potential for greater size and scale difference between RM properties and whatever results in lot coverage for BN-Residential Market.

Our final inquiry and comment today relates to the sufficiency of legal notice of the proposed changes to Comp Plan and non-conforming densities. As these changes could have significant impact on some property owners, are we to assume that they have received meaningful notice that these amendments are being considered?

Thank you for your continued hard work to achieve zoning that implements the Residential Market - Commercial as approved by Ordinance in 1995 and on numerous occasions since. Additionally thank you for your careful consideration of the changes suggested for Non-conforming Densities.

Sincerely,



Brian E. Lawler

cc: L. Triplett, City Manager (Email Only)
R. Jenkinson, City Attorney (Email Only)



May 1, 2012

City of Kirkland
City Manager, Kurt Triplett (*via email and U.S. mail*)
City Council Members (*via email*)
123 5th Avenue
Kirkland, WA 98033

Re: Extension of BN Zone Moratorium
Proposed Ordinance O-4355 - **May 1, 2012**

Dear City Manager and City Council Members:

This letter is to request that you, the City Council, extend the development moratorium in the City's BN zones, as previously established by Council Ordinances 4335A (November 15, 2012) and 4343 (January 3, 2012). The objective today remains the same as then, to provide time to bring the City development regulations into alignment with and to fully implement the adopted Comprehensive Plan for Residential Market-Commercial BN zones. The Findings of Fact that you previously made remain as true today, as when you adopted the moratorium on November 15, 2011.

The City, through its Planning Commission, has made progress on its work plan to advance the planning process on the BN zone. Failing to extend the moratorium now leaves that important work unfinished. According to Planning Director Shield's memorandum of April 19, 2012, recommended code amendments will be brought before the City Council in July. Therefore, it is necessary and appropriate to extend the moratorium as proposed by staff.

There is no justification for not extending the moratorium. The one developer who may allege to be affected has no vested legal rights impacted by an extension of the moratorium. To date, no building permit application has been filed.

Thank you for listening to the community. I intend to appear at the Council meeting tonight on this issue.

Sincerely,

Brian E. Lawler

cc: Client
City Attorney, Robin Jenkinson (*via email*)

RECEIVED
MAY 02 2012
CITY OF KIRKLAND
CITY MANAGER'S OFFICE

Jeremy McMahan

From: LetterToKPC@aol.com
Sent: Wednesday, March 07, 2012 7:12 AM
To: Jeremy McMahan
Cc: Eric Shields
Subject: Re: BN - Res Mkt: Pls do not change setback from LWB (see staff comments)

Follow Up Flag: Follow up
Flag Status: Flagged

In a message dated 3/5/2012 11:40:19 A.M. Eastern Standard Time, JMcMahan@kirklandwa.gov writes:

Please note that your email comments are anonymous because a name has not been provided.

Thank you... Here's the info you requested

The author of the excerpt below is Teresa Swan, Planning Dept, City of Kirkland

The preceding are from the neighbors organized as S.T.O.P. "**S**upport **T**he **O**rdinances & **(Comp)** **P**lan"

Jeremy McMahan

Planning Supervisor

City of Kirkland

jmcmahan@kirklandwa.gov

425.587.3229

From: LetterToKPC@aol.com [<mailto:LetterToKPC@aol.com>]
Sent: Sunday, March 04, 2012 7:35 PM
To: Eric Shields; Jeremy McMahan
Subject: BN - Res Mkt: Pls do not change setback from LWB (see staff comments)

From: LetterToKPC@aol.com
To: AHeld@kirklandwa.gov, BKatsuyama@kirklandwa.gov, CAIshouse@kirklandwa.gov,
EShields@kirklandwa.gov, GPressley@kirklandwa.gov, GPeterson@kirklandwa.gov,
JArnold@kirklandwa.gov, JPascal@kirklandwa.gov, KTennyson@kirklandwa.gov,
MMiller@kirklandwa.gov, Tennysonkk@aol.com

Attn: Planning Commissioners

(Pls see excerpted note from Planning Department re: Lake St S Setbacks for all properties and uses)

Rather out of the blue, a proposal came forth at the last Planning Commission meeting. It was suggested that the BN-Residential Market parcel be allowed less of a setback from Lake St S. This would be out of character for the neighborhood as you'll see from planning department comments that the current setback and required additional setback for taller buildings is consistent along Lake Washington Blvd NE/Lake St S.

The zoning changes in front of us at this time are how to implement "Residential Market" restrictions into the BN zoning language. This is the work that has been left "undone" but has been on the "Implementation Strategies" work chart since 1995. The neighbors only seek to have the incomplete work corrected so that there are not future mis-understandings. We would be opposed to a site specific change in zoning that brings a monster building or its retail portion closer to the "gateway" Boulevard.

(See Staff response below)

It is not preferred to have one parcel be allowed closer

From: Teresa Swan
Sent: Thursday, April 07, 2011 6:00 PM

I would like to provide you with some information about the project and the City's code requirements.

The Potalla Village is currently proposed to have 143 units (not 147 units)..

... They are required to set the building back from Lake Street 2 feet for every 1 foot the building is over 25' in height so they will have a greater setback than 20' from the street. This is the same requirement for other uses along Lake St South.

Sincerely,

Teresa Swan

Jeremy McMahan

From: Uwkg@aol.com
Sent: Tuesday, April 17, 2012 12:39 PM
To: Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Mike Miller; Byron Katsuyama; Andrew Held; C Ray Allshouse; Jon Pascal; Glenn Peterson
Subject: K Levenson: OK with this BN rendition (pg1) - Great!!!

Good afternoon City Officials:

GREAT EXAMPLE - BN Works GREAT..(see below as soon as you read disclaimer)

Disclaimer: I am submitting the next several pages of an exciting example of BN but I'm submitting it from me personally (and not on behalf of any group). There are neighbors who hold to the belief that the zoning on the Lake St property was last approved at zero dwellings per unit and those that hold to the 12 du/acre. Some fear that if the group presents this it would weaken their position. I don't want to jeopardize their claim as the path through the city documents show me clearly that the number is zero.

HOWEVER>>> I would like to see us move forward on something like the picture below... or anything similar and I am OK with housing of a good quality that fits with the neighborhood (in addition to neighborhood serving retail). The example below is one that you'll find interesting, I hope. I found this in the city of Sonoma. It is nearly an identical site at 1.5 acres rather than Lake St's 1.2 acres. There are 30 units total built at 20 du/acre. There is neighborhood serving retail, a courtyard between multiple small-ish buildings and one level of below ground parking. It is awesome.



Jeremy McMahan

From: Uwkgg@aol.com
Sent: Monday, March 19, 2012 12:40 PM
To: Jay Arnold; Mike Miller; C Ray Allshouse; Andrew Held; Byron Katsuyama; Glenn Peterson; George Pressley; Jon Pascal; Karen Tennyson; tennysonkk@aol.com; Kurt Triplett; Janet Jonson; Eric Shields; Jeremy McMahan
Cc: uwkgg@aol.com; neighboringproperties@gmail.com
Subject: EASIER TO READ: BN Res Mkt pending items

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Commissioners:

Re: Listing of outstanding issues still misaligned with Comp Plan

We have come to learn that an agenda item for review of BN-Residential Market will NOT likely be added to this Thursday's meeting. While you've made some great progress, it will likely take more than one meeting to get thru sufficient detail and ensure that Zoning becomes sufficiently aligned with the Comprehensive Plan to "fully implement" the definition of Residential Markets and to fully align with many other relevant areas of the approved plan.

That being said, a reminder of the charge:

"Table IS-1 lists specific tasks needed to fully implement the Comp Plan"

"Amend the Zoning Code as appropriate to establish standards for Residential Markets"
 In a day or two you will receive a very extensive letter pointing out numerous remaining conflicts. This does not discount how appreciative we are of the work you've done to date. We continue to feel that we are making improvements towards "Residential Market."

At the same time, the organization known as "STOP," and other residents listed below, are required to provide sufficient documentation of their concerns so that the requirements for Growth Management Hearings Board challenge are met. This is being done as a precautionary measure as we are concerned that the commission will perhaps, run out time or energy, or may base decisions on personal goals or preferences rather than the vision and goals and policies of the plan, itself. The litmus test is whether your result is aligned with the requirements of the Comprehensive Plan.

SIZE/Mass/Scale of building

- Without further work in this area, the current size of potential building, particularly that controlled by lot coverage, will likely continue to be misaligned with MANY of the various requirements of the Comprehensive Plan.
- Without farther work, the numerous citations requiring integration into neighborhood, compatibility with surrounding residences, lack of negative impact on lower intensity residences are unlikely to be assured. A "Residential Market" can't be seen as an "island."
- Without farther work, sufficient requirement for goods and services focused on serving the needs of the local residents may be missed.

Ingress/Egress issues being a limiting factor at 10th Ave S/ Lake St S

- Without farther work here, we believe that alignment w/ CP will not happen.
- Limitation on the volume of ingress/egress must be controlled in 2 ways
 - 1) Only businesses that don't have high volume of cars should remain on the zone use chart (remove others)
 - a) Currently a large size school would qualify (brings lots of cars)

- b) Currently Drive thru business qualifies (lots of ingress/egress)
 - c) Other businesses that are "auto centric" remain on the chart
- 2) Volume of residential cars must be controlled by residential density cap

George Pressley was right !!! At a prior meeting George Pressley inquired as to whether the silence in the CP relating to the number of housing units could mean zero ... rather than unlimited.

BINGO !!! Right answer !!! This issue was previously addressed by one of the attorneys who indicated that zero was the stated residential density due to housing mentioned for all other commercial zones in the hierarchy and left off of Res Mkts. Now, some of the citizens, being tremendously unhappy with the refusal to implement a density cap similar to surrounding properties, have done more research and have confirmed.... apartments **WERE specifically allowed in 1993** in Res Mkts, then were **specifically REMOVED in 1995** and no longer an approved use. Nothing has changed since then. We will be providing this documentation during the week.

Some wording in the current Comprehensive Plan may be inclusive enough to allow some dwelling units similar to the surrounding densities. I would urge all sides to look into that flexibility. We prefer that to a protracted process.

Thank you for your continued attention to this matter, we all hope to wrap this up soon.

P.S. We are still working to get you the huge number of letters regarding zoning, density, land use and Comp Plan that were previously sent to th City by dozens-hundreds of residents. these were intended for use throughout the process. The fact that you were not provided these letters may end up as a problem regarding the public participation requirement of GMA. We wil keep you posted.

Karen Levenson, As an individual, and
On behalf of, Hugh and Karen Levenson
On behalf of The Park, A Condominium
On behalf of Kirkland residents and HOAs working with Attorney Brian Lawler
On behalf of Numerous Homeowners and Condominium Complexes, as previously stated
On behalf of "STOP" - "Support The Ordinances and [Comp] Plan"

Jeremy McMahan

From: Uwkgg@aol.com
Sent: Thursday, March 22, 2012 7:54 AM
To: Jay Arnold; Mike Miller; Andrew Held; Byron Katsuyama; Glenn Peterson; George Pressley; Karen Tennyson; tennysonkk@aol.com; Jon Pascal; C Ray Allshouse; Eric Shields; Jeremy McMahan; Paul Stewart
Cc: uwkgg@aol.com; neighboringproperties@gmail.com
Subject: BN-Res Market: A Night FREE !! Redshirts give Planning Commission a break!

Follow Up Flag: Follow up
Flag Status: Flagged

FYI:

We thought you'd enjoy hearing that the "Redshirts" will basically be on "Vacation" tonight...

It was suggested that you be allowed to focus on the other important tasks tonight since our request to be on the agenda was denied and you have a bunch of work (not related to BN) on your schedule. Only a couple from the "Red Shirt" steering meeting will be there for ongoing representation of the larger group.

The "Redshirts" continue to appreciate the careful thought you are putting into zoning for Res Mkt-BN.

Have a good and productive night re: Totem Lake.

Karen Levenson (and others)
P.S. Note the email below.....

Subj: BN: Res Market: A Night FREE !! Redshirts to give Planning Commission a break!

Hi all ...

- Let's have the "Red Shirts" **TAKE TONIGHT OFF**
- Let's have "Red Shirts" NOT attend tonight's Planning Commission mtg
- Let's give ourselves and the commission a one night break...
- We are not on the calendar tonight... but a couple attendees will be there to monitor the evening...
- Do something fun this evening instead of planning commission mtg (unless you are just dying to attend).

Jeremy McMahan

From: uwkkg@aol.com
Sent: Thursday, March 29, 2012 10:17 PM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller
Subject: Info re: BN from Neighbors within the same block
Attachments: One_Neighborhood_Block_Two_Residential_Markets_Kirkland_BN.pdf

Attached is an overview of our block. You will see that we are divided in some ways but very similar in many other ways. We include a map and the comprehensive plan statements regarding housing and commercial development. Traffic ingress and egress is a limiting factor that has the plan restricting commercial dramatically.

Thanks,
Karen Levenson & Neighbors of one Kirkland block

Jeremy McMahan

From: Uwkkkg@aol.com
Sent: Sunday, April 01, 2012 11:44 AM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller; Kathi Anderson; Janet Jonson
Cc: uwkkkg@aol.com; neighboringproperties@gmail.com
Subject: Kirkland Views re: BN Correction in line with attorney's request

Good Morning:

I thought I'd alert you to the letter to editor that discusses a correction to BN zoning that would affirmatively answer the attorney request. <http://www.kirklandviews.com/archives/32431/>

A second suggest for remedy, also in line with the attorney request is due to be posted in Kirkland Views very soon.

JJ, Kathi and Eric - Please make sure this is entered into the record for Tuesday's meeting and as a part of the record and archives for the discussion on BN zones and Residential Markets.

Thanks,
Karen Levenson

Jeremy McMahan

From: Uwkkkg@aol.com
Sent: Tuesday, April 17, 2012 12:47 PM
To: Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Mike Miller; Byron Katsuyama; Andrew Held; C Ray Allshouse; Jon Pascal; Glenn Peterson
Subject: K Levenson: Yes this BN fits the bill(pg 2) Photos
Attachments: multiuse1.jpg; multiuse2.jpg

Good afternoon City Officials:

Here's a professional listing, picture and important details of a BN Mixed use that works great.

<http://www.loopnet.com/Listing/14696711/649-First-Street-West-Unit-6-Sonoma-CA/>

Now... here's some pictures with my camera... of the BN that works great!!! Again built on expensive wine country property in city of Sonoma... built at 20 units per acre with businesses that don't pull in lots of cars (neighborhood businesses) and 1 floor of subgrade parking (see attached)... note disclaimer.

Disclaimer: I am submitting the next several pages of an exciting example of BN but I'm submitting it from me personally (and not on behalf of any group). There are neighbors who hold to the belief that the zoning on the Lake St property was last approved at zero dwellings per unit and those that hold to the 12 du/acre. Some fear that if the group presents this it would weaken their position. I don't want to jeopardize their claim as the path through the city documents show me clearly that the number is zero.





Jeremy McMahan

From: Uwkgg@aol.com
Sent: Tuesday, April 17, 2012 12:51 PM
To: Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Mike Miller; Byron Katsuyama; Andrew Held; C Ray Allshouse; Jon Pascal; Glenn Peterson
Subject: K Levenson: Yes Great BN (layout of buildings) pg 3
Attachments: SonomaAssessorsMap.pdf

Good afternoon City Officials:

Attached you will see how the use of multiple buildings has created a very nice courtyard and a wonderful addition to the city of Sonoma. It is just a couple blocks from their downtown (similar location) and is on 1.5 acres rather than our Lake St combo of parcels at 1.2 acres. It also sits on a corner lot.

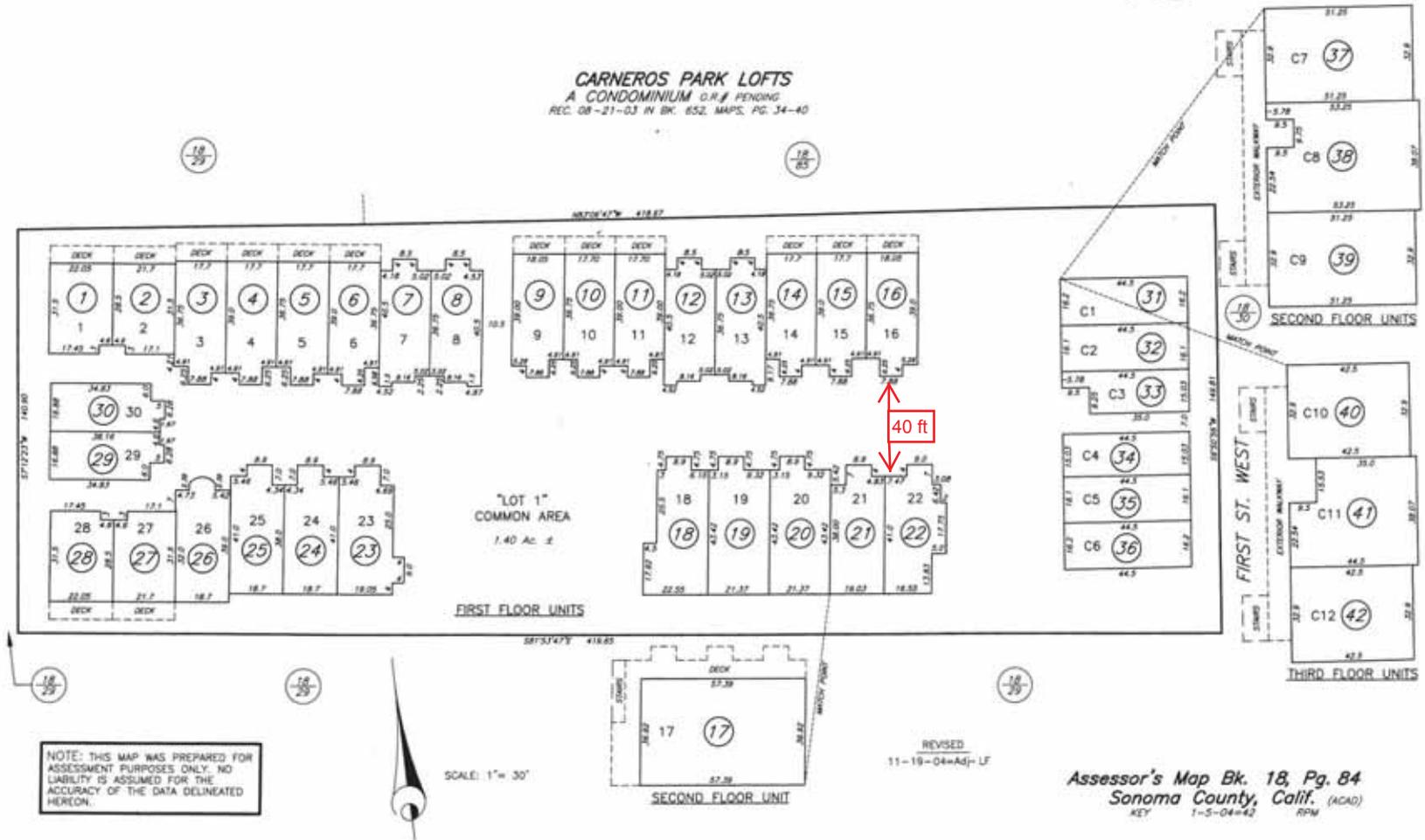
GREAT EXAMPLE - BN Works GREAT..(see attached as soon as you read disclaimer)

Disclaimer: I am submitting the next several pages of an exciting example of BN but I'm submitting it from me personally (and not on behalf of any group). There are neighbors who hold to the belief that the zoning on the Lake St property was last approved at zero dwellings per unit and those that hold to the 12 du/acre. Some fear that if the group presents this it would weaken their position. I don't want to jeopardize their claim as the path through the city documents show me clearly that the number is zero.

COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA 18-84
6-012

CARNEROS PARK LOFTS
A CONDOMINIUM O.R.# PENDING
REC. 08-21-03 IN BK. 652, MAPS, PG. 34-40



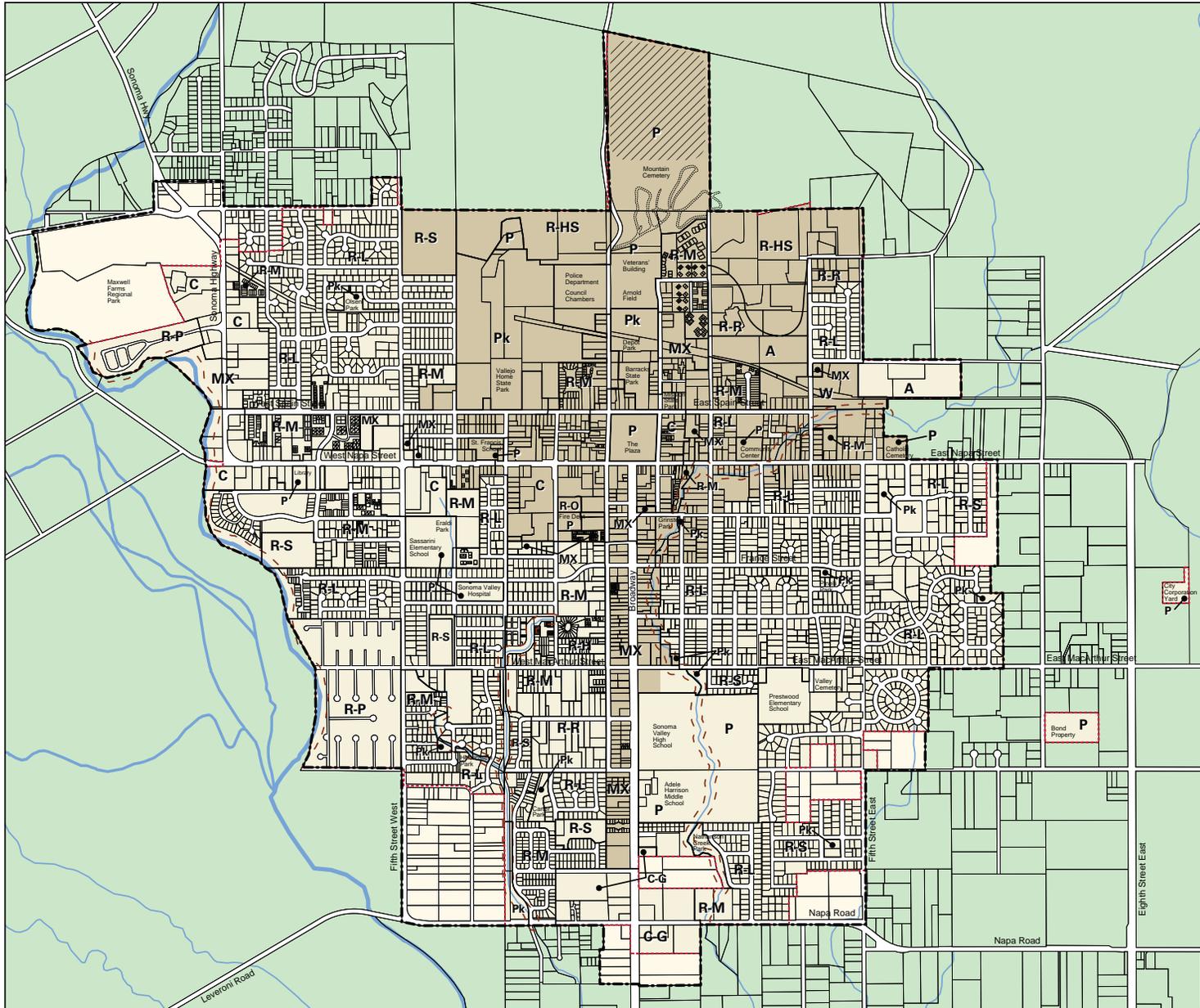
acre. The R-P zoning district is consistent with the Mobile Home Park land use designation of the General Plan.

B. Commercial zoning districts.

1. **C (Commercial) District.** The C zoning district is applied to areas appropriate for a range of commercial land uses including retail, tourist, office, and mixed-uses. The maximum residential density is 20 dwelling units per acre. The C zoning district is consistent with the Commercial land use designation of the General Plan.
2. **C-G (Commercial—Gateway) District.** The C-G zoning district is applied to the Four Corners and Verano Triangle areas, prominent commercial entrances into the City that require sensitive site design. The maximum residential density is 20 dwelling units per acre. The C-G zoning district is consistent with the Gateway Commercial land use designation of the General Plan.
3. **Residential Component.** In applications for new development on properties of one-half acre in size or larger for which a discretionary permit is required, a residential component is required, unless waived by the Planning Commission. A residential component should normally comprise at least 50% of the total proposed building area. Circumstances in which the residential component may be reduced or waived include, but are not limited to, the following:
 - a. The replacement of a commercial use within an existing tenant space with another commercial use.
 - b. The presence of uses or conditions incompatible with residential development on or adjacent to the property for which a new development is proposed.
 - c. Property characteristics, including size limitations and environmental characteristics, that constrain opportunities for residential development or make it infeasible.
 - d. Limitations imposed by other regulatory requirements, such as the Growth Management Ordinance.

C. Mixed-Use zoning district.

1. **MX (Mixed Use) District.** The MX zoning district is intended to allow for higher density housing types, such as apartments and condominiums, in conjunction with commercial and office development, in order to increase housing opportunities, reduce dependence on the automobile, and provide a pedestrian presence in commercial areas. Under this designation, long-standing commercial and industrial uses in otherwise residential areas may be preserved and, subject to use permit review, modified or intensified. **The maximum residential density is 20 dwelling units per acre.** The MX zoning district is consistent



SONOMA DEVELOPMENT CODE

Zoning Map

- R-HS Hillside Residential (1 D.U./10 acres, maximum)
- R-R Rural Residential (2 D.U./acre, maximum)
- R-L Low Density Residential (2-5 D.U./acre)
- R-S Sonoma Residential (3-8 D.U./acre)
- R-M Medium Density Residential (7-11 D.U./acre)
- R-H High Density (11-15 D.U./acre)
- R-O Housing Opportunity (15-25 D.U./acre)
- R-P Mobile Home Park (7 D.U./acre, maximum)
- MX Mixed Use (20 D.U./acre, maximum)**
- C Commercial (20 D.U./acre, maximum)
- C-G Commercial-Gateway (20 D.U./acre, maximum)
- W Wine Production
- Pk Park
- P Public Facility
- A Agriculture
- Protected Open Space
- Creek Setback Overlay
- Historic Overlay
- City Limit
- Sphere of Influence

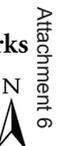
Note: Pursuant to State law, residential density bonuses of up to 25% of maximum base density are possible in all commercial and residential land use designations for certain types of affordable housing development.

City of Sonoma

Planning, Building, and Public Works



Scale in Feet



19.26—CENTRAL-WEST PLANNING AREA

Sections

19.26.010—Existing Conditions, Desired Future, Potential Changes

19.26.020—Project Planning and Design

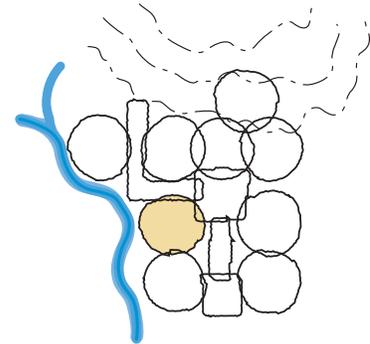
19.26.010—Existing Conditions, Desired Future, Potential Changes

- A. **Existing conditions.** The Central-West planning area is large, at 297 acres, and contains a variety of housing types, including low density single-family, mobile home parks, duplexes and fourplexes, as well as large-scale multi-family developments. Sonoma Creek, on the west, represents the area's most distinct boundary. The West Napa/Sonoma Highway commercial corridor lies to the north, the Downtown district and Broadway to the east, and rural development within the Southwest planning area to the south. The development of this area is recent in terms of the city's overall history, with the oldest tracts dating back to the 1950's. Within single-family areas, front setbacks tend to be quite consistent (20 ft, usually), less so in the multi-family sections. Most of the streets are developed with monolithic sidewalks rather than planter strips. The major streets within the Central-West area form a grid, continued by some local streets and ignored by others.

Existing land uses include:

- Low density single-family homes;
- Two mobile home parks;
- Multi-family development, including duplexes, triplexes and fourplexes, condominiums, and apartments;
- Two congregate care facilities.
- A neighborhood park (Hertenstein Park);
- Sassarini Elementary School;
- A hospital; and,
- A small shopping center.

- B. **Desired future.** The general objective for this area, as expressed in Section 19.26.020, is to ensure that new infill developments respect their immediate context. Single-family areas should remain single-family with regular setbacks and development in multi-family areas, while having greater flexibility in site design and massing, should clearly respond to conditions on adjacent parcels. Otherwise, the mini-neighborhoods within the planning area risk losing their distinctiveness. In the development or redevelopment of properties on the edge of the planning area, particularly adjacent to the West Napa Street corridor, uses should be laid out to minimize potential conflicts with adjacent commercial development, while maximizing appropriate connections. In order to preserve the city's largest stock of afford-



able senior housing, the regular maintenance of the mobile home parks' grounds and of the individual coaches should be encouraged.

- C. **Potential changes.** The need for street improvements within the area is limited mainly to traffic calming and pedestrian safety improvements, such as safety improvements to the bike path crossing on West MacArthur Street. Hayes Street, between Bettencourt Street and West MacArthur Street will ultimately be improved to a full width as adjoining properties develop. In the long term, intersection improvements may be needed at Fifth Street West/Andrieux Street and Fifth Street West/West MacArthur Street. Although a significant environmental feature, Sonoma Creek is largely inaccessible within the planning area, but a bike/pedestrian connection has been developed along it between Oregon Street and Napa Road. The Fryer Creek bike/walking path should be extended, if possible, to connect with Second Street West. Throughout the planning area, gaps in the sidewalks and in street tree plantings need to be filled.

19.26.020—Project Planning and Design

A. *Site planning standards.*

1. **Residential density.** The following residential densities and minimum lot sizes apply to new subdivisions within different zoning districts in the Central-West planning area.

Table 3-14
Lot Size and Residential Density Requirements

Zoning District	Number of Dwellings Per Parcel ¹	Minimum Lot Size
R-L (Residential—Low Density)	2 per acre minimum; 5 per acre maximum	7,500 sq. ft.
R-S (Residential—Sonoma)	3 per acre minimum; 8 per acre maximum	5,000 sq. ft.
R-P (Residential—Mobile Home Park)	7 per acre maximum	10 acres
R-M (Residential—Medium Density)	7 per acre minimum; 11 per acre maximum	4,500 sq. ft.
R-H (Residential—High Density)	15 per acre maximum	3,500 sq. ft.
C (Commercial)	20 per acre maximum	10,000 sq. ft.

Notes:

1. Densities do not include density bonus. See [Chapter 19.44](#).

Table 3-15
Central-West Area: Infill and Additions

Development Feature	Requirements by Zoning District					
	Setbacks, Site Coverage, Open Space and Height					
	R-P	R-L	R-S	R-M	R-H	C
Setbacks	<i>Minimum setbacks required for primary structures. See Section 19.40.110 for setback measurement, allowed projections into setbacks, exceptions, and design guidelines for setbacks.</i>					
Front/ Streetside ¹	20 ft.	20 ft.	20 ft.	One-story: 15 ft. Two-story: 20 ft.	15 ft.	One-story: 15 ft. Two-story: 20 ft.
Side: One-story	10 ft.	5 ft minimum, 15 feet combined.		5 ft minimum, 12 feet combined.		None required, except when
Side: Two-story	20 ft.	2 feet for every 5 feet (or fraction thereof) of height above 15 feet, ² in addition to the normal requirement for one story structures.		2 feet for every 5 feet (or fraction thereof) of height above 15 feet, ² in addition to the normal requirement for one story structures.		abutting a residential zone, in which case the corresponding setback in the residential zone shall apply.
Rear	20 ft	20 ft	20 ft.	One-story: 15 ft. Two-story: 20 ft.	One-story: 12 ft. Two-story: 15 ft.	
Garage: Front	N.A.	5 ft from the front of the primary structure.	20 ft from the front of the primary structure.	20 ft from the front of the primary structure.	20 ft from the front of the primary structure.	N.A.
F.A.R./ Coverage	<i>Floor Area Ratio: Maximum building area as a ratio of site area, excluding porches, cellars, attics, detached garages, and underground parking. Coverage: Maximum site coverage as a percentage of site area, excluding porches and detached garages.</i>					
F.A.R.	0.30	0.35	0.35	0.45	0.70	0.80
Coverage	35%	40%	40%	50%	60%	60%
Open Space	<i>See Section 19.40.070 for design requirements.</i>					
Commercial	N.A.	N.A.	N.A.	N.A.	N.A.	7%-11% of site
Residential: Common	N.A.	N.A.	N.A.	300 square feet per unit.	300 square feet per unit.	300 sq. ft. per unit, any combination of
Residential: Private	N.A.	N.A.	N.A.	75-225 sq. ft.per unit.	75-225 sq. ft.per unit.	shared or private.
Height	<i>Ridge height measured from finished grade. See Section 19.40.040 for applicability and exceptions.</i>					
Primary Structure	30 ft.					

Notes:

1. Front porches may extend up to 10 feet into front setback (or street-side setback for wrap-around porches).
2. Measured at building wall, not ridge.

Jeremy McMahan

From: Uwkgg@aol.com
Sent: Tuesday, April 17, 2012 2:37 PM
To: Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Mike Miller; Byron Katsuyama; Glenn Peterson; Andrew Held; Jon Pascal; C Ray Allshouse
Cc: uwkgg@aol.com; neighboringproperties@gmail.com
Subject: BN Res Mkt: From Team working w/Attorney Brian Lawler
Attachments: 10A_UN~1.PDF

Good Afternoon Council Members, Planning Commissioners, City Attorney, City Manager and staff:

I am sorry to be running so late on this. I agreed to process the group comments that the attorney Brian Lawler referenced in his letter. Unfortunately it has been a hectic morning and they are just getting sent to you now.

We are attempting to add some of the history that might help provide greater clarity.

Karen Levenson (on behalf of numerous neighbors and other Kirkland citizens)



CITY OF KIRKLAND
 Planning and Community Development Department
 123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
 www.kirklandwa.gov

MEMORANDUM

To: City Council
 Kurt Triplett, City Manager

From: Eric Shields, Planning Director
 Teresa Swan, Senior Planner

Date: November 1, 2011

Subject: Potala Village Mixed Use Development Proposal; File No. SHR11-00002
 and SEP11-00004

The purpose of this memorandum is to provide the City Council with:

- A. An update on the permit process for the Potala Village project;
- B. A history of the Comprehensive Plan and zoning provisions pertaining to the Potala Village site;
- C. A discussion of the current Comprehensive Plan for the site; and
- D. Responses to various public comments on the project.

This memorandum is not intended to address every comment that has been raised on the Potala Village project.

Staff provided an earlier memorandum on the project to the City Council dated July 29, 2011.

A. Update on the Permit Process

The application has been under review by the City for eight months. Below is a timeline and update on the permit process for Potala Village:

- December 9, 2009: 1st pre-submittal meeting on application;
- December 14, 2010: 2nd pre-submittal meeting on application;
- February 23, 2011: Shoreline Substantial Development Permit (SDP) application and State Environmental Policy Act (SEPA) documents submitted. SDP is on hold while the SEPA process is completed with preparation of an Environmental Impact Statement (EIS);
- May 11, 2011: SDP application determined to be complete and vested under Chapter 83 Kirkland Zoning Code (KZC) for the shoreline regulations effective as of that date;
- June 15, 2011: issued a SEPA Mitigated Determination of Non-Significance (MDNS);
- August 4, 2011: withdrew the SEPA MDNS and issued a Determination of Significance (DS) requiring an EIS. The EIS will take 5-6 months to prepare;

Not understanding 5-6 months for EIS. Land use attorney's have indicated these take longer and are more extensive/expensive than that which

- October 4, 2011: new Notice of Road Concurrency Test Decision in conjunction with issuance of the SEPA DS;
- October 11, 2011: nine appeals were submitted by the appeal deadline on road concurrency;
- November 17, 2011: Hearing Examiner will hold the road concurrency hearing;
- As of the date of this memorandum, a building permit application has not been submitted and the project has not vested under existing zoning regulations.

B. History of Comprehensive Plan and Zoning for the Potala Village Site

The City has received several emails questioning the zoning, residential density in the Comprehensive Plan and the shoreline designation for the subject property. Summarized below are documents that set forth the history of the zoning, Comprehensive Plan and shoreline designation of the three parcels that make up the project site (see map below).



The items shown in bold font indicate the date when changes were made to the policies or regulations for the property: Please note: additional changes and notes have been made are added in red

- **1973 Zoning Map** (Ordinance 2183, August 6, 1973): The 1973 map shows the western half of the site zoned as BN (Neighborhood Business) and eastern half as Residential (RS 8.5) with a minimum lot size of 8,500 square feet.
- **1973 Shoreline Master Program (SMP)**: In 1973, the first SMP was adopted for the City with the property being designated as Urban Residential-1 (UR-1) permitting residential uses at one dwelling unit per 1,800 square feet of land area (RM-1800), and restaurant or tavern uses. This was a continuation of the UR-1 designation for the land area to the west between Lake Washington and Lake Street South. Up to 53' of the western part of the site is located within 200 feet of the lake and that portion is subject to the SMP.

This is 24 units per acre and was consistent prior to the downzone all along the Boulevard was 24/acre for commercial & residential

- **1977 Zoning Code** (Ordinance 2437, May 16, 1977): The Neighborhood Business zoning regulations for residential units in the 1977 Zoning code read as follows: "above ground floor

Staff Update on Potala Village Development Proposal
November 1, 2011

This shows that, in 1977 the BN commercial property is reduced from 24 per acre to 18 per acre... and 18 can only be built if the residential makes up less than 10% of the project. Surrounding residential properties could still be built at 24/acre so they had greater density potential. This was done to make sure that the neighborhood business zone focused on the neighborhood retail and conform to the RM-2400 zone if the total square footage does not exceed 10% of the commercial use floor area or one dwelling unit." This is a density of one unit per 2400 square feet of land area.

1979 was when the 1977 downzone of the properties along the Boulevard took effect (with a legal settlement) All land from 7th Ave S (nearly downtown) to NE 63rd (nearly Kidd Valley) now had a maximum development of 12/acre

- 1982 Zoning Map: The 1982 map shows the western half of the site still zoned as BN and eastern half as RS 8.5.

In 1982 an Ordinance was passed which required specific steps for zoning map changes and text changes

- 1983 Zoning Code (Ordinance 2740, February 22, 1983): In 1983 a new Zoning Code was adopted. The new code changed the residential density for the BN zone from one unit per 2400 square feet of land **area to no limit.** This was consistent with changes to other commercial zones throughout the City. This is unsubstantiated. Staff has been asked to provide proof of

THIS IS NONSENSE.. The area was consistently being downzoned the steps required as of 1982 and no proof has surfaced

- 1987 Central Neighborhood Plan (Ordinance 3016, May 18, 1987, File IV-85-20): In 1987 the Central Neighborhood Plan (now Moss Bay) was amended. The Central Neighborhood Map, Figure C-1, showed the entire Potala Village site, including the eastern portion, as Commercial.

Several later land use maps show it as 3 different zonings RS 8.5 and RM 3.6 as well as BN - some maps were difficult to read

- 1995 Comprehensive Plan (Ordinance 3481, July 11, 1995): In 1995, the City substantially revised the Comprehensive Plan to comply with the Growth Management Act. The 1995 Land Use Map, Figure LU-1, shows the eastern and western half of the site designated as Commercial.

The new Comprehensive Plan added a map (Figure LU-2) to the Land Use Element which designates commercial areas throughout the City. The subject property was designated as a "residential market." Also added to the Plan was text that provides a description of each type of commercial area, including residential markets (see discussion on page 7).

In 1993 the last sentence in Res Mkt definition was allowing apartments. After discussion "apartments" was removed intentionally and no housing was allowed in Res Mkts. Also changed in the Economic Development chapter The word "housing" was removed from Res Mkts.

- 1996 Zoning Map (Ordinance 3538, May 21, 1996): In 1996, the City rezoned 976 parcels to bring the zoning into conformity with the Comprehensive Plan as required by the Growth Management Act. At that time, the zoning on the eastern half of the site was changed from RS 8.5 to BN. File IV-95-100 contains a spreadsheet of the 976 rezoned parcels which lists Parcel #9354900240 (northeastern parcel) and Parcel #0825059233 (eastern half of south parcel) zoned from RS 8.5 to BN.

As stated in the April 10, 1996 staff memorandum to the City Council, "the legislative rezones would result in streamlining the development process by eliminating the majority of quasi-judicial rezones that would otherwise need to be processed in order to attain the maximum theoretical development potential for a parcel of land." Prior to that time, it was common practice for the City to rezone properties only when a property owner applied for a project-related rezone.

- 2010 Shoreline Master Program (Ordinance 4251, August 3, 2010, File ZON06-00016): The City was required to prepare a new SMP that meets the State's new standards in WAC 173-26-176 for shorelines. Included in the State standards are: 1) new shoreline environment designations and 2) the purpose of each designation and the criteria to determine what designation is appropriate for each area in the City. As part of the newly adopted 2010 SMP, the property containing the Potala Village site was designated as Urban Mixed environment.

In accordance with WAC 173-26-176 and as stated in the City's shoreline regulations in KZC 83.140, the purpose of the Urban Mixed environment is "to provide for high-intensity land uses, including residential, commercial, recreational, transportation and mixed-use developments." The criteria for the Urban Mixed environment are that the environment is located in the urban growth area and that areas "currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses." The purpose and criteria most closely reflect the allowed uses in the BN Zone. The only other option would have been the Medium to High Residential environment which is not appropriate because the designation only permits water-oriented commercial uses and not mixed use, general retail or office as allowed in the BN Zone. The Department of Ecology found the designation of the property consistent with WAC 173-26-176 when it approved the City's Shoreline Environment Designations Map.

Under WAC 173-26-130, an SMP may be appealed to the Shoreline Hearings Board within 60 days of the Department of Ecology's written notice that the SMP has been approved. The Department of Ecology approved the City's SMP on July 26, 2010. No timely appeal was filed.

- 2011 SMP amendments (Ordinance 4302, Attachment C, June 7, 2011, File ZON06-00016): As part of the amendments to the SMP, the residential density for the Mixed Use Environment (KZC 83.180) was corrected to match the residential density in the use zone chart for the BN Zone (KZC 40.10.100). In the 2010 SMP regulations, the minimum lot size for the BN shoreline area was listed at 1,800 square feet per unit. The density should have been listed as "none" (no density limit) to match the existing BN zoning regulations in KZC 40.10.100. Throughout the 2010 SMP process, the City decided and disclosed that residential densities in the shoreline regulations for each property would be the same as those in the use zone charts of the Zoning Code. The City did not consider shoreline densities different than those established in the Zoning Code.

Nonetheless, the Potala Village shoreline permit application vests with the 2010 SMP and not with the 2011 SMP as amended since the application was considered complete before the Department of Ecology approved the amendments on May 25, 2011. The plans submitted for the shoreline permit application show that on the portion of the property located within shoreline jurisdiction, the residential unit count meets the minimum lot size density of one unit per 1,800 square feet of land area consistent with the 2010 SMP. If the applicant were to reapply for the shoreline Substantial Development Permit, the project would vest with the 2011 SMP as amended.

Staff Conclusions

The existing BN zoning on the Potala Village site was legally established. The western half of the property has been zoned BN since at least 1973. There have been no residential density restrictions since a new Zoning Code was adopted in 1983. The eastern half of the property was designated commercial as part of a neighborhood plan in 1987 and was affirmed in the 1995 Comprehensive Plan update. BN zoning was extended to the eastern half of the site in 1996 along with other City-wide rezones intended to bring the zoning into conformance with the Comprehensive Plan.

Following the full paper trail, the last density action on the BN property at Lake St S/10th was removing apartments and removing housing - no longer an allowed use within a mixed use building

C. Current Comprehensive Plan for the Potala Village Site

Several emails to the City Council have stated that the Potala Village property is designated in the Comprehensive Plan at a residential density of 12 units per acre and that the BN zoning of no density limit is inconsistent with the Plan. Comments also, maintain that the regulations for the BN Zone are not consistent with the "Residential Market" policies in the Comprehensive and that the City did not follow up with the implementation strategy found in Chapter XIV of the Plan (page XIV-5). Project opponents ask that the City have the zoning regulations revised to reflect the Comprehensive Plan.

These are not project opponents they are neighbors objecting to the fact that staff has not produced the zoning for Res Mkt that will fully implement the plan

1. Residential Density

Below is an analysis of the City's Land Use Map, Moss Bay Neighborhood Map and the text discussing the medium density residential area near the Potala Village commercial site:

- Figure LU-1, Comprehensive Plan Land Use Map designates a land use category (i.e., commercial, residential, office, industrial, institutional) and, if applicable, a maximum residential density per acre for each property. Maximum density is reflected by a number (i.e., 5, 9, 12, 24) placed on the map for a defined area enclosed by a solid black line. All residential and office/residential land categories contain maximum density numbers. Commercial, office, institutional and all but one industrial land category do not contain maximum density numbers. For example, the "medium density residential" area immediately north of the subject property is shaded light brown with a designation of "MDR 12." The subject property is shaded red with a designation of "C." See the citywide Land Use Map at <http://kirknet/mapbook/PDF/StandardMaps/2011CityLandUseMap.pdf>

Even when there was a density cap of 24 or 18, Commercial zones have never displayed their numerical cap

- Figure MB-2, Moss Bay Neighborhood Land Use Map (see map on next page) designates a variety of land use categories. The residential and office/residential areas, and one industrial area (PLA 6G-2) contain a maximum density number labeled on the map. These residential density numbers match Figure LU-1 (see link above to map).

As with Figure LU-1, the commercial and industrial areas shown on Figure MB-2, with the exception of PLA 6G-2, do not have maximum density numbers labeled on the Figure MB-2 map.

Text on page XV.D-23 in the Moss Bay Neighborhood Plan contains a discussion about the medium density residential area along Lake Washington Blvd as designated on Figure MB-2. In the text, the area south of 7th Ave South along Lake Washington Blvd/Lake Street South is described at 12 units per acre without indicating the southern boundary. However, the text reference is made to the density designation on Figure MB-2 that shows the boundary of the medium density area along Lake Washington Blvd/Lake Street South ending at 10th Ave South. Figure MB-2 does not show a maximum residential density number on the commercial area south of 10th Ave South (site of the proposed Potala Village).

The southern boundary of 12 un/acre was established in 1977 with the city downzone which included all properties from 7th Ave S (nearly CBD) to NE 63rd St (nearly Kidd Valley)

The Res Mkt property does not show a residential density as it now allowed for NO residential units

Why is this paragraph edited?

It omits the early part of the comment. The first part of the paragraph specifically talks about the traffic ingress and egress problems at this site which are causing the use of the site to be "LIMITED commercial"

- Text on page XV.D-24 in the Moss Bay Neighborhood Plan contains specific text on the Potala Village property. The text reads as follows:

The southeast quadrant of the 10th Street South and Lake Street intersection, however, is developed with a market which serves as a convenience to surrounding residences. Limited commercial use of this location, therefore, should be allowed to remain.

The comment that the text of commercial properties are silent as to residential use is quite false. Note the Land Use chapter where every other commercial description uses the word "residential" or "housing" as an allowed use. Res Mkt is the only one silent!!!!

The text is silent on residential use as is the case for other commercially designated areas in the City. In the Economic Developmt Chapter each of the 8 districts use the word "housing" as the last word. Only Res Mkt and Industrial are silent. Rules of statutory construction - Legally interpreted as INTENTIONAL

- The Land Use Element contains Policy LU-3.2 (page VI-12) that states: "*Encourage residential development within commercial areas.*" The discussion for the policy says that residential development within commercial areas should be compatible with and complementary to business activity.

- The Economic Development Element contains Policy ED-3.5 (page VIII-10) that states: "*Encourage mixed-use development within commercial areas.*" The discussion for the policy says "mixed-use residential and commercial development provides the opportunity for residents to live, shop and work in commercial areas...Mixed use development, when combined with multi-story structures, promotes a more compact and sustainable land use pattern and encourages walking and transit use to reduce dependence on automobiles."

Staff Conclusions

- The Citywide and Moss Bay Neighborhood land use maps are clear in distinguishing the residential area designated for 12 dwelling units per acre from the commercial area (Potala Village site) that has no density designation. Although the text of the plan does not indicate a southern boundary for the area limited to 12 units per acre, it is clear that it is referring to the land use map. The lower boundary is very clear. It was established with the downzone. It is a few blocks south of 10th Ave S - It ends at NE 63rd St. This can be found in the legal documents on file

Further evidence of how maximum density is denoted in the Comprehensive Plan is seen with the industrial area of PLA 6Gg-2 that has "MF 12" noted on Figure MB-2.

- The text specific to the Potala Village site on page XV. D-24 of the Plan describes limitations on commercial uses, but does not place a limitation on residential density. The text is consistent with the BN zoning which limits the size and types of retail uses, but does not limit the number of residential units. **Res uses removed in 1995**

- Both Policy LU-3.2 and Policy ED-3.5 described above encourage residential uses in commercial zones.

But they do not encourage them in Residential Market - Commercial

Note: the Mixed use building is restricted to approved uses otherwise a toxic waste site could be thrown in. Mixed use is only made up of a combination of approved uses

Attachment 2

2. Residential Markets

The Comprehensive Plan describes the Potala Village site as a "Residential Market." Below are sections of the Plan pertaining to Residential Markets:

- Figure LU 2 in the Land Use Element (page VI-15) designates commercial areas throughout the City. The Potala Village site is designated as a "Residential Market. (See the map on the following page.)

- The Land Use Element contains a section on Commercial Land Uses with a list of commercial terms (page VI-14). The term "Residential Market" is described as:

An individual store or very small mixed-use building/center focused on local pedestrian traffic. Residential scale and design are critical to integrate these uses into the residential area. Uses may include corner grocery stores, small service businesses (social service outlets, daycares), Laundromats, and small coffee shops or community gathering places.

- The Land Use Element of the Plan contains Policy LU-5.9 (page VI-19) that states:

Allow residential markets, subject to the following development and design standards:

- *Locate small-scale neighborhood retail and personal services where local economic demand and local citizen acceptance are demonstrated.*
- *Provide the minimum amount of off-street parking necessary to serve market customers.*
- *Ensure that building design is compatible with the neighborhood in size, scale and character.*

Obviously local citizen acceptance is not achieved for a residential market of a large scale or inclusive of a large amount of apartments. NOTE also size scale and design MUST BE COMPATIBLE with neighborhood

- Implementation Strategy LU.6. (page XIV-5) states:

Amend the Zoning Code as appropriate to establish standards for residential markets.

Staff Conclusions

- It is understandable that some people do not think the BN zoning reflects the description of Residential Markets in the Comprehensive Plan. However, the 1996 rezone of the eastern half of the site from RS 8.5 to BN suggests that the BN zoning was regarded at that time as an appropriate implementation of the Comprehensive Plan. The EIS for Potala Village will further analyze whether the project complies with the Residential Market description and if not how changes could be made to bring it into greater conformance.

- Amendments to the Comprehensive Plan and/or Zoning Code would help make policies and regulations more consistent with each other.

Jeremy McMahan

From: Uwkgg@aol.com
Sent: Tuesday, April 17, 2012 2:39 PM
To: Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Mike Miller; Byron Katsuyama; Glenn Peterson; Andrew Held; Jon Pascal; C Ray Allshouse
Cc: uwkgg@aol.com; neighboringproperties@gmail.com
Subject: BN-Res Mkt-Attny B Lawler Group of Neighbors - Final submission
Attachments: .Additional issues with updated staff memo of Nov 1 2011.pdf

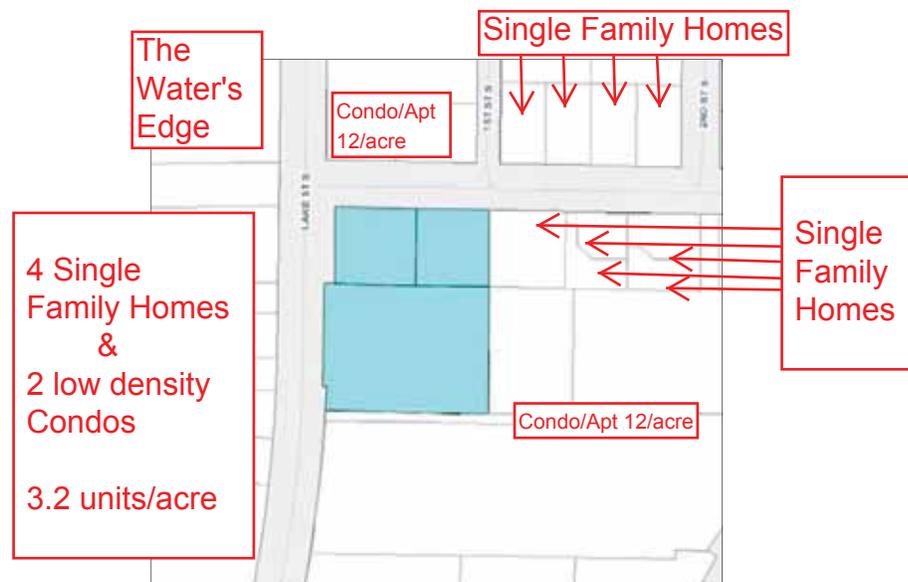
... and one final submission from the neighbors & other citizens team working with Attorney Brian Lawler..

Karen Levenson

- October 4, 2011: new Notice of Road Concurrency Test Decision in conjunction with issuance of the SEPA DS;
- October 11, 2011: nine appeals were submitted by the appeal deadline on road concurrency;
- November 17, 2011: Hearing Examiner will hold the road concurrency hearing;
- As of the date of this memorandum, a building permit application has not been submitted and the project has not vested under existing zoning regulations.

B. History of Comprehensive Plan and Zoning for the Potala Village Site

The City has received several emails questioning the zoning, residential density in the Comprehensive Plan and the shoreline designation for the subject property. Summarized below are documents that set forth the history of the zoning, Comprehensive Plan and shoreline designation of the three parcels that make up the project site (see map below).



The items shown in bold font indicate the date when changes were made to the policies or regulations for the property:

- 1973 Zoning Map (Ordinance 2183, August 6, 1973): The 1973 map shows the western half of the site zoned as BN (Neighborhood Business) and eastern half as Residential (RS 8.5) with a minimum lot size of 8,500 square feet.
- 1973 Shoreline Master Program (SMP): **In 1973, the first SMP was adopted for the City with the property being designated as Urban Residential-1 (UR-1)** permitting residential uses at one dwelling unit per 1,800 square feet of land area (RM-1800), and restaurant or tavern uses. This was a continuation of the UR-1 designation for the land area to the west between Lake Washington and Lake Street South. Up to 53' of the western part of the site is located within 200 feet of the lake and that portion is subject to the SMP. **No Office use permitted**
- 1977 Zoning Code (Ordinance 2437, May 16, 1977): The Neighborhood Business zoning regulations for residential units in the 1977 Zoning code read as follows: "above ground floor
Staff Update on Potala Village Development Proposal
November 1, 2011

Jeremy McMahan

From: Uwkkkg@aol.com
Sent: Tuesday, April 17, 2012 8:57 PM
To: Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Janet Jonson; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Jay Arnold; Mike Miller; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse
Cc: uwkkkg@aol.com; neighboringproperties@gmail.com
Subject: Potala Pictures ..don't be fooled. Potala pictures show 12-24 du/acre... not 116

Hello all:

A new lawyer for Potala mentioned the BN zone and the fact that the BN zoning had been around a long time. As she is new, she may not know that the historical BN zoning was in place way before the 1995 Comprehensive Plan that then stated that some BN zones were to have new zoning text in order to create a Residential Market. At this point the task at hand became the "priority" task of the Planning Department. It is the responsibility of developers to know what is "planned" for their property ... especially since the SEPA application, the Substantial Development Application... and every other application asks an applicant to provide information ... as fully as possible re: the Comprehensive Plan AND compatibility with surrounding properties.

Justin Stewart presented some pictures tonight that showed buildings that he stated were comparable to what they propose for Potala..... What he didn't tell you was that these were built with a density cap.... sometimes that density cap was 12, sometimes 18 and sometimes 24... But the project he was representing is 118 units per acre..... 10 times the density of the buildings he showed you!!!

The other buildings have room for common open space... wonderful large fountains, benches etc. They have balconies rather than false balconies. They don't dump hundreds of cars onto Lake Street S or Lake Washington Blvd. They might dump approximately 25 cars onto the Boulevard. These properties were restricted in their densities due to the ingress and egress problems that downzoned all the properties... even after they were purchased and planned for development by their property owners.

Look to the lawsuit and settlement. The downzoned area SPECIFICALLY included ALL LAND S of 7th Ave S all the way down to NE 63rd St (Kidd Valley area).

Do not single one property out and give 10 times the density back. This parcel never had more density than the surrounding properties. It always had the same or less. Don't spot zone in favor of a developer.

Thank you,
 Karen Levenson,
 On behalf of numerous residents and property owners near Lake St S & 10th Ave S & other Kirkland Citizens

Jeremy McMahan

From: uwkkg@aol.com
Sent: Tuesday, April 17, 2012 9:34 PM
To: Uwkkg@aol.com; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Janet Jonson; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Jay Arnold; Mike Miller; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse
Cc: neighboringproperties@gmail.com; uwkkg@aol.com
Subject: Potala - Developer asked about photo... he supplied it to city

Good evening...

Justin Stewart presented a picture of a 3rd rendition of Potala which shows a courtyard etc, HOWEVER this has NEVER been submitted to the city. What is still before the city is the original application...

143 units with no open space and courtyard. The planning staff have emailed that they have asked if the picture that Justin showed is the new proposed project and they have not returned the calls... if I've read the emails right.

The developer's representatives ask why the Everett project pictures were put up on the overhead. These are the pictures on the city's website as they were PROVIDED BY THE DEVELOPER!!!

Thanks for reading,

Karen Leveson

Jeremy McMahan

From: Uwkgg@aol.com
Sent: Monday, April 02, 2012 11:32 AM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Doreen Marchione; pswtewart@kirklandwa.gov; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Mike Miller; C Ray Allshouse; Glenn Peterson; Andrew Held; Byron Katsuyama; Jon Pascal
Cc: uwkgg@aol.com
Subject: BN "Reverse Spot Zone" Where's that bizarre Interpretation?? !!!

Hi Robin:

Admittedly I am not an attorney, but it doesn't take much with the internet to see that there doesn't seem to be ANY such thing as "Reverse Spot Zoning" ... it just doesn't seem to exist and seems to be a manufactured title to perhaps, feel threatening??

The concept of Spot Zoning seems to be clearly defined as follows:

"Spot zoning" is a zoning action by which a smaller area is singled out of a larger area or district (*) and specially zoned for a use classification totally different from and inconsistent with the classification of surrounding land(**), and not in accordance with the comprehensive plan(***), the vice of which is its inevitable effect of granting a discriminatory benefit (****) to one or a group of owners and to the detriment of their neighbors or the community without adequate public advantage or justification."

On the other hand, I this sounds consistent with the thoughts that the 10th Ave S/Lake St S parcel is being singled out of the larger, downzoned area (*) and specifically zoned for density inconsistent with the surrounding area (***) and allowing a giant building that is not in accordance with the "very small building/center" of the comprehensive plan(***) would seem to grant a discriminatory benefit(****) to one developer without adequate public advantage or justification.

Again, I am not an attorney and you and the attorneys for the Insurance Pool likely have better insights. I just read Kristine Wilson's comments with a bit of disbelief, it sounded very contorted and contrived to the "common" layperson....

Karen Levenson

Jeremy McMahan

From: Uwkgg@aol.com
Sent: Tuesday, April 03, 2012 9:56 AM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Doreen Marchione; Penny Sweet; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Mike Miller; Glenn Peterson; C Ray Allshouse; Andrew Held; Jon Pascal; Byron Katsuyama
Cc: uwkgg@aol.com; neighboringproperties@gmail.com
Subject: Potala Attny: Really? Westmark seems very different...& Peas case...???

Hi Robin:

Again, I am not an attorney, and it does take time to find this stuff on the internet, but reading about the Westmark case it would seem that Mr Dargey's attorney is taking liberties with a case that starts off similarly but where the cause of the action is MUCH DIFFERENT. That's my read... I'll explain the "lay" version as I see it...

1) Burien did not want an apartment building

- NOTE: Kirkland Neighbors want an apartment building, just not one with incompatible density & size

2) I could not find whether the Westmark project was in line with their Comprehensive Plan

- NOTE: Potala as proposed is a huge building in conflict with Comp Plan "Very small mixed use building"

3) When Westmark received the Determination of Significance they resubmitted a new project & Checklist

- NOTE: After Potala received DS they have not resubmitted a new project & Checklist

4) Burien was accused of causing a delay by not issuing a DS or DNS for over 3 years

- NOTE: In Kirkland the developer has been given the DS, the city did not delay their response. At this point the developer can either proceed with the EIS or submit a new project and checklist to which I'm sure the city would promptly respond.

Also re: Peas It seems to me that it gives city councils judicial immunity from tort liability when making this type of zoning change. Afterall, isn't that what happened in 1977 when the city down zoned the whole Boulevard?

Maybe I'm missing something as a non-attorney. Again, this is the kind of thing that you and the other attorneys involved know more ... As a layperson, I keep finding stuff that seems presented in odd, convoluted ways.

Best,
 Karen Levenson

Jeremy McMahan

From: uwkkg@aol.com
Sent: Tuesday, April 03, 2012 2:38 PM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller; Kathi Anderson; Janet Jonson
Subject: Letter #2 to KCC, KPC and Letter to Editor

Hi all: This is my letter to you as posted in the Kirkland Views. JJ and Kathi, please make sure and keep this as part of the permanent and ongoing record for all the BN-Residential Market discussions and for any discussion of any development on/near the corner of Lake St S and 10th Ave S.

Thanks, Karen Levenson 6620 Lake Washington Blvd NE, Kirkland, WA 98033

LETTER | BN Zoning Mess – A Second Path Forward

by Karen Levenson on APRIL 2, 2012 in OPINION Dear Editor:

As surprising as it might seem, the developer's attorney for the BN property on Lake St S and the neighbors concerned about application of the Comprehensive plan seem to agree on one thing. Spot zoning is bad.

It is obviously fine to adopt uniform zoning that applies to all sites designated the same by the Comprehensive Plan. This is what the developer's attorney is asking for and also this is what the neighbors are requesting.

That being said, here's a second path forward:

1) Neighborhood Business lot coverage at 60%

- Both within the state of WA and in other states this low intensity use is generally 40-60% lot coverage
- BN(1) lot coverage is lower than 60% so this would work at both BN sites
- The other Residential Market has lot coverage maximum of 60% so they'd be the same
- The surrounding properties in both BN and Res Mkt zones are 50-60% so they fit with neighborhood
- This action ensures that uniform zoning applies to all BN and all Residential markets !!!!

2) Reasonable Density Cap

- Both within the state of WA and in other states this low intensity use generally carries a cap of 8-18 un
- This could be applied to both BN Lake St S and BN(1) South Rose Hill
- The other Residential Market has a density cap of 12 dwellings per acre
- The surrounding residences have density caps of 12 dwellings per acre
- The Lake St S BN is also part of a large contiguous area that was down-zoned so it must continue to honor that reduced zoning – to remove this restriction on just one developer's property would be spot-zoning
- This action ensures that uniform zoning applies to all BN and all Res Mkts as well as all down-zoned properties along the Boulevard

3) Common Open Space

- Both within the state of WA and in other states multi family housing must provide 200-300 sq ft / unit
- This is required in Kirkland for multi family

- There is no reason this cannot be applied to both the S Rose Hill and Lake St S BN properties
- The other Residential Market property is required to provide 200 sq ft of open space per unit
- The properties surrounding both BN zones and both Res Mkt zones also all require 200 sq ft / unit
- It is unthinkable to create hundreds of tiny apartments with no where to go but hang out on city streets
- This action ensures that uniform zoning applies to all BN and all Res Mkts
- This action makes development fit better within existing neighborhoods.

So there are three steps moving towards the requirement that the city design and adopt zoning that "will fully implement the Comprehensive Plan for Residential Markets." The planning department has been instructed to make this change through laws (Ordinances) passed on several occasions by several different City Councils. The fact that the work was never completed has landed us in this huge mess.

Hopefully we can get the city to take clearly consistent steps to finally get their work done.

Karen Levenson

Jeremy McMahan

From: uwkkg@aol.com
Sent: Tuesday, April 03, 2012 2:45 PM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller; Kathi Anderson; Janet Jonson
Subject: #1 solution Letter to KPC, KCC and Letter to Editor

Hi all: This is my letter to you as posted in the Kirkland Views.
 I was asked to send the text instead of just the link like I did before.

JJ and Kathi, please make sure and keep this as part of the permanent and ongoing record for all the BN-Residential Market discussions and for any discussion of any development on/near the corner of Lake St S and 10th Ave S.

Thanks, Karen Levenson 6620 Lake Washington Blvd NE, Kirkland, WA 98033

=====

LETTER | BN Zoning Mess – Simply Add a (1) Suffix and it's corrected

by Karen Levenson on APRIL 1, 2012 in DEVELOPMENT, OPINION

Dear Editor:

This is a very simple answer to a very complex problem. What is useful is that it fulfills the request of the developer's attorney (see below).

In the past when it was determined that zoning did not fully implement the Comprehensive Plan the city chose a very simple and straightforward method of ensuring that there would be no misunderstanding. For the South Rose Hill BN zone the City Council added a (1) suffix. BN(1) then required that any development must meet all of the goals and policies of the neighborhood plans and be reviewed under process IIA as to whether that goal was met. Here's a link to Ordinance # 3538 that prevented any future misunderstanding
<http://docs.cityofkirkland.net/webdrawer/webdrawer.dll/webdrawer/rec/5392/view/Adopting%20new%20zoning%20map.PDF>

A few years later there were other areas discovered where zoning text had not yet caught up with the Comprehensive Plan. Again there were suffixes added and a thorough review process was required. Ordinance # 3747 did that.
<http://docs.cityofkirkland.net/webdrawer/webdrawer.dll/webdrawer/rec/5604/view/Amending%20City%20Map%20to%20Conform%20to%20Comprehensive%20Plan.%20Lake%20Washington%20Blvd..PDF>

Even without a suffix, the BN property on Lake St S was always held to both zoning and plan standards and allowed no more than 12 dwellings per acre. City records show that as recently as a couple years ago a proposal was denied because a small building with few units surpassed that limit. City records also show the current developer was given presubmittal materials stating that the neighborhood plan "specifically applies to subject property" then highlighting the 12 units per acre in yellow so as not to be missed.

If the city's work highlighting the applicable plan in yellow is not enough to catch the attention of developers, perhaps the addition of a (1) suffix would work.

The applicant's attorney is asking that the Lake Street BN property not be treated differently than the South Rose Hill BN property. If you make both BN properties BN(1) that would affirmatively meet her request.

Sincerely,
Karen Levenson

=====

Posted as M Kelly 1 day ago

Regarding the BN Zone on Lake Washington Blvd & 10th Ave:

The "reasonable solution" would be to build something that fits in with and enhances the neighborhood rather than squashing the rest of the neighbors and further burdening roads that cannot handle the existing traffic. Simple.

The problem is, the sale records indicate that the developer grossly overpaid for 2 of the parcels and thinks he must build 120-143 tiny units to compensate - hogwash! The developer applicant is proposing one massive building to cover 3 parcels (2 owned by Potala and 1 large vacant parcel supposedly leased from an elderly land owner).

If the City made mistakes they need to man-up and respect their neighborhood citizens, if in no other way than to provide proper notice of proposed zoning changes (to allow unlimited density). If the developer paid two times market value for two of the three parcels, that's his problem - not the City's.

=====

reply posted by Lakeview_CentralHoughton 2 days ago

To be treated similarly, the new BN(1) would also need to meet the following criteria as laid out for BN(1):

"To mitigate impacts to the adjoining residential area, development is subject to the following standards: (1) Commercial uses should be oriented to serving the neighborhood. Uses should not include vehicle service stations, drive-in businesses, auto service and sales, or storage facilities.

(2) Building height, modulation, and roofline design should reflect the scale and character of the residential development.

(3) New structures should be substantially buffered from nearby lower density residential uses.

(4) Noise impacts to surrounding residential development should be minimized.

(5) Hours of operation of businesses on the site should be limited to no more than 16 hours per day, ending at 10pm."

From: Uwkkkg@aol.com [mailto:Uwkkkg@aol.com]

Sent: Tuesday, May 15, 2012 5:29 PM

To: Jeremy McMahan; Doreen Marchione; Penny Sweet; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Kurt Triplett; Eric Shields; Robin Jenkinson

Subject: GREAT NEWS re: Neighborhood Business zone

Hi all ... Here's something wonderful and positive. BN zone in the wonderful and desirable area of Sonoma. ***Voted "Best Live/Work Residential Project" by North Bay Business Journal***

Property size is similar to the combined 3 parcels on the corner of Lake St S and 10th Ave S. It is a very profitable venture and fits very well within it's neighborhood a couple blocks from downtown Sonoma and while it is slightly larger than the surrounding single family homes and small condos, it seems to work out pretty well. This could be a "home run" for a Kirkland developer and could make the local neighbors feel that it fits in.... Just imagine the possibilities!!! Kirkland should develop (in the words of Mr Asher) in the way that "we want it to develop" (We meaning not just the neighbors, but likely how the community at large wants it to develop... that was how I interpreted it).

Please scroll down to read descriptions and see pictures of how exciting this type of addition was to the City of Sonoma. It could be similarly exciting for Kirkland.... We'd love to get excited about what is to come!!!... and a density cap would bring with it some affordable units (possibly some housing for seniors)... both of which we strive to provide.

Voted "Best Live/Work Residential Project" by North Bay Business Journal
CARNEROS VILLAGE

NEROS VILLAGE LOFTS - LIVE/WORK LOFT STYLE TOWNHOMES

649 FIRST STREET WEST, SONOMA, Surrounded by lush vineyards and oak-covered hillsides, Sonoma has long been a world class destination. And perhaps most welcoming is Sonoma Plaza, an 8-acre historic state park situated in the heart of downtown. It's here you'll discover Carneros Village Lofts, live/work loft style townhomes and commercial condominiums, and quaint shops, fine restaurants and relaxing spas that make living and working here so easy. ***CA 94576***



Sonoma has long been a world class destination. And most welcoming is Sonoma Plaza the heart of downtown. It's here you'll discover Carneros Village residential units, commercial condominiums, quaint shops, and relaxing spas that make living and working here so easy.

Spanning over 1.5 acres, Carneros Village features 12 luxury ***commercial condominiums at the street frontage*** and 30 residential units surrounding a central courtyard with trees, plants, fountain, Heritage lighting, trellis' and sitting

areas. Each 2 and 3 story townhome offers state-of-the-art architecture. Carneros Village Lofts marks a dramatic expansion between the downtown and the surrounding neighborhood offering a wide range of possibilities including: commercial uses (office/retail/medical), home with small business, and residential units. The lower level parking garage includes reserved and visitor parking with elevators to the central courtyard

(SEE THE LAYOUT OF THE MULTIPLE BUILDINGS AT THE BOTTOM OF PAGE)





Jeremy McMahan

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject: [REDACTED]

Dear hard working City Officials;

After attending your meetings, we realize how hard you work to make Kirkland a great place in which to live and work. I appreciate the fact that you try to consider opposing views on issues and provide solutions you feel are best for everyone.

A big issue currently on your agenda is zoning codes. If they are too flexible or vague - something get's built you didn't want or expect. If they're too strict - developers hands are tied. This is the dilemma with the BN zones - specifically the BN zone with the Residential Market designation on Lake Washington Blvd. The zoning doesn't match the Comprehensive plan and allows for unlimited density in a residential area on a street that is a major gateway to Kirkland.

If it helps - Here is how we would like the site on 10th Ave. South & Lake Wash. Blvd. developed:

- We want multiple buildings on the site that reflect the size, scale and density of the adjacent developments with common areas for people living there or visiting businesses to sit outside & attract more people to the businesses.
- We want the Land Use Chart changed to only allow businesses that serve neighborhoods and foot traffic along the boulevard such as deli's, coffee shops, bakeries, boutiques, restaurants, hair salons/ Barbers etc. There are ingress and egress issues with this property that make businesses that generate lots of auto traffic inappropriate for the Residential Market designation.

This is a very desirable property located on a signature entrance into Kirkland. You have an opportunity to ensure that its zoning meets the intent of the Comprehensive Plan and gives developers a clear understanding of what you and the community want built on this unique site.

We are pleased you are tackling zoning issues now to hopefully prevent unforeseen results in the future. It is fair to residents and developers if they know the guidelines in advance.

Thank you for caring about Kirkland, its residents, and its future!

Best regards

Charles & Laura Loomis
100 10th Avenue South
Kirkland, WA 98033

Jeremy McMahan

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject: [REDACTED]
Follow Up Flag: [REDACTED]
Flag Status: [REDACTED]

Hello Everyone,

Our group wants the Potala property developed! It's the last undeveloped property along Lake Washington Boulevard and as such it's very valuable for residents of Kirkland and the developer. Whatever is built there will be profitable because it's a desirable place to live.

Our bone of contention all along is that Potala's size and scale doesn't make sense in this location. Because it's situated on a main arterial into Kirkland that already has traffic ingress and egress issues and a small residential side street - it's not a great location for maximum housing density. Putting one massive building on the site with no outside common areas for retail business customers or residences to use also doesn't make sense.

The Planning Commission's idea to build multiple buildings on the site and to require a design review does make sense. I realize from comments made by residents living in condos along the boulevard that perhaps their density limits are too stringent. There is a happy medium between 116 units per acre as proposed versus 12 - 24 units per acre of neighboring condos. Hopefully, multiple buildings will result in a reasonable density and will give businesses common outdoor space to attract clients and thrive.

I am concerned with long term consequences of decisions made now to fulfill a "we want development and we want to maximize density" mindset. What are the costs to Kirkland, its businesses, and residents associated with making project specific decisions based on these criteria? As some Planning Commissioners and Council members stated - shouldn't individual projects be evaluated in a "big picture" mode? In rainy Washington, who frequents businesses if there's nowhere close to park? Potential huge costs to the city for individual PAR decisions are litigation, excessive use of the city's time and resources to address complaints from business owners and/or residents, as well as traffic, infrastructure, and parking issues.

If you want Kirkland to be a small charming beachfront destination city, you need to "walk the walk" with a cohesive overall plan for where you want large scale & density residential buildings, commercial buildings, and single family residential neighborhoods - then present your plan to the community and rezone property accordingly. As you've heard loud and clear - huge unlimited density buildings in single family areas don't sit well with residents. If you want maximum density in neighborhoods - rezone entire neighborhoods so homeowners can benefit instead of losing value in their property.

If you need a volunteer to help with planning projects - let me know. My time is limited because I work full time, but I will be happy to do something positive for Kirkland.

LAURA L. LOOMIS
 CHARLES LOOMIS, INC.
 11828 N.E. 112th
 Kirkland, WA 98033
 P: 800.755.0471/425.823.4560
 Email: lauraloomis@charlesloomis.com
www.charlesloomis.com

Jeremy McMahan

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]

Dear Kirkland Officials:

Thank you for taking the time to read the letter below that was submitted by Cynthia Glaser on behalf of the group of us that share this precious neighborhood and are working together as a group called "One Neighborhood Block." We wish to preserve the neighborhood character of our residential area.

I have attached current zoning materials that even today still show that the 3 BN properties at Lake St S and 10th Ave S carry the restriction to 12 dwelling units per acre.

Thank you,
 Laura Loomis

On Tue, Apr 17, 2012 at 11:15 AM, One Neighborhood <one.neighborhood.block@gmail.com> wrote:
 Dear Kirkland Officials:

I am writing on behalf of a newly forming neighborhood group. We are calling ourselves "One Neighborhood Block." We are neighbors living within the one block in Kirkland that is bounded by 10th St S on the North and NE 64th St to the South. Both are identified as neighborhood streets in the Comprehensive Plan and they truly exemplify this with nice low to medium density single family homes with a few small condos. It is the Comprehensive Plan's protection against cut through traffic spilling over into these neighborhood streets that keeps our kids safe and also retains our neighborhood character.

"One Neighborhood Block" is also home to the city's only two Residential Market - Commercial properties. One happens to be at the north end of our block and the other is at the south end. The Comprehensive Plan is very clear on the size, and scale of buildings in our neighborhood block, including listing the size of any commercial development as "VERY SMALL BUILDING."

VERY IMPORTANT PARAGRAPHS in the comprehensive plan provide specific direction on development of apartments and the density for any multifamily development in our block.

I direct your attention to Kirkland's Comprehensive Plan which we intend to defend rigorously in order to protect our "One Neighborhood Block."

*"Although there is some multifamily housing, almost half of the area is developed as single-family residential. Most structures are older but many are well maintained. **Apartment encroachment in single-family areas usually leads to a decay of the existing structures...**In order to minimize this encroachment and forestall a premature decay of the single-family areas, standards should be adopted to allow a transition from low density to higher densities.*

Medium-density residential developments should be permitted ONLY if sufficient land areas available to separate such development from adjacent single-family uses.

Medium-density residential development should not significantly increase traffic volumes on streets or portions of streets where predominantly single-family homes exist.

Setbacks should be sufficiently large to allow landscaping which would visually separate medium-density residential developments from adjacent single-family homes.

Sincerely,
Cynthia Glaser, On Behalf of "One Neighborhood Block"

Jeremy McMahan

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]
Attachments: [REDACTED]

On Tue, Apr 17, 2012 at 2:06 PM, One Neighborhood <one.neighborhood.block@gmail.com> wrote:
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premature decay of the single-family areas, standards should be adopted to allow a transition from low density to higher densities.

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Sincerely,
Cynthia Glaser, On Behalf of "One Neighborhood Block"

Find information for Your Property, Business and Community

NW Maps gives you access to map-based information quickly and visually. Find information about where you live, might open a business, or just spend some time. The NW Maps service area currently covers Bellevue, Bothell, Issaquah, Kenmore, Kirkland, Mercer Island, Renton, Sammamish, Shoreline, Snoqualmie, Tukwila and Woodinville.

eCityGov Site nwmaps.net currently covers Bellevue, Bothell, Issaquah, Kenmore, **Kirkland**, Mercer Island, Renton, Sammamish, Shoreline, Snoqualmie, Tukwila and Woodinville

Enter an Address, a Parcel Number or Place of Interest:

Search

Skip this and go to the map >

Quick Search



Get Zoning & Property Information

Find site specifics such as zoning designation, utility service and school district information.



Locate Permits & Construction Activity

See active permits including building, neighborhood and road work projects.



Find Parks & Trails

Discover playgrounds, hike and bike routes and get links to park details.

feedback

NWMaps - Results - Windows Internet Explorer

http://www.nwmaps.net/results.htm?addr=1012%20Lake%20St%20S%2C%20Kirkland

File Edit View Favorites Tools Help

NWMaps - Results

nwmaps.net eCityGov Site Network: eCityGov.net | NWProperty.net | MyParksandRecreation.com | MyBuildingPermit.com

Enter an Address, a Parcel Number or Place of Interest: 1020 Lake St S, Kirkland Search

Search Results For: 1020 Lake St S, Kirkland 98033

Map View PDF Share

Property Overview

Address:	1020 Lake St S, Kirkland 98033	Taxpayer:	Luella O'connor
Parcel Number:	0825059233	Neighborhood:	Moss Bay
City:	Kirkland	School District:	Lake Washington School District

Detailed Property Report: [More Info for 0825059233](#)

Map Snapshot

Demographics

Zoning 2 results

Zoning Code:	BN
Zoning Description:	Commercial
Zoning Code:	RM 3.6
Zoning Description:	Medium Density Residential

222

Done Internet

This is the property along Lake St S.

Owned by Luella O'Connor, an eighty something aged woman who lives in Portland Oregon

Notice that the zoning is shown as BN and also as RM3.6

RM 3.6 (12 units/acre) is consistent with the entire area downzoned in 1977. The downzone included all land south of 7th Ave S (nearly downtown) and north of NE 63rd St (nearly Kidd Valley)

NWMaps - Results - Windows Internet Explorer

http://www.nwmaps.net/results.htm?addr=107%2010th%20St%20%2C%20Kirkland

File Edit View Favorites Tools Help

nw NWMaps - Results

nwmaps.net eCityGov Site Network: eCityGov.net | NWProperty.net | MyParksandRecreation.com | MyBuildingPermit

Enter an Address, a Parcel Number or Place of Interest: 21 10th Ave S, Kirkland 98033 Search

Search Results For: 21 10th Ave S, Kirkland 98033

Map View PDF Share

Property Overview

Address:	21 10th Ave S, Kirkland 98033	Taxpayer:	* POTALA VILLAGE KIRKLAND LLC
Parcel Number:	9354900240	Neighborhood:	Moss Bay
City:	Kirkland	School District:	Lake Washington School District

Detailed Property Report: [More Info for 9354900240](#)

Map Snapshot

Demographics

Zoning 2 results

Zoning Code:	BN
Zoning Description:	Commercial
Zoning Code:	RM 3.6
Zoning Description:	Medium Density Residential

This is the property along 10th Ave S

Owned by Potalla Village Kirkland LLC

Notice that the zoning is shown as BN and also as RM3.6

RM 3.6 (12 units/acre) is consistent with the entire area downzoned in 1977. The downzone included all land south of 7th Ave S (nearly downtown) and north of NE 63rd St (nearly Kidd Valley). The downzone was of all properties along Lake St S and LWB and also included this parcel.



NWMaps - Results - Windows Internet Explorer

http://www.nwmaps.net/results.htm?addr=1012%20Lake%20St%20s%2C%20Kirkland

File Edit View Favorites Tools Help

NWMaps - Results

nwmaps.net eCityGov Site Network eCityGov.net | NWProperty.net | MyParksandRecreation.com | MyBuildingPermit.com

Enter an Address, a Parcel Number or Place of Interest : 1002 Lake St S, Kirkland Search

Search Results For: 1002 Lake St S, Kirkland, WA 98033

Map View PDF Share

Property Overview

Address: 1002 Lake St S, Kirkland, WA 98033 Taxpayer: *POTALA VILLAGE KIRKLAND LLC

Parcel Number: 9354900220 Neighborhood: Moss Bay

City: Kirkland School District: Lake Washington School District

Detailed Property Report: [More info for 9354900220](#)

Map Snapshot

Demographics

Zoning 4 results

Zoning Code: P
Zoning Description: Park/Open Space

Zoning Code: [WD 1](#)
Zoning Description: Medium Density Residential

Zoning Code: [BN](#)
Zoning Description: Commercial

Zoning Code: [RM 3.6](#)
Zoning Description: Medium Density Residential

This is the corner property along 10th Ave S & Lake St S

Owned by Potalla Village Kirkland LLC

Notice that the zoning is shown as BN and also as RM3.6

This is also zoned for Medium density residential in the Shoreline area (and Park)

RM 3.6 (12 units/acre) is consistent with the entire area downzoned in 1977. The downzone included all land south of 7th Ave S (nearly downtown) and north of NE 63rd St (nearly Kidd Valley). The downzone was of all properties along Lake St S and LWB and also included this parcel.

May 30, 2012

To: Jeremy McMahon

RE: Residential Market Information

Hi,

Our neighborhood groups thought this information may be useful to you in making an informed decision on changes to BN zoning & Residential Market designations as they concern the property on Lk. Washington Blvd. and 10th Avenue South.

We truly appreciate your attention to our concerns and thank you for taking the time to explore options to resolve unforeseen inconsistencies regarding this property.

We've made lots of noise about this because we care about this signature entrance to Kirkland. We would like to see this valuable property developed in a manner that fits the scale and density of other developments along the boulevard.

Thanks for your efforts to make Kirkland a unique destination city for its residents and businesses – we appreciate it!

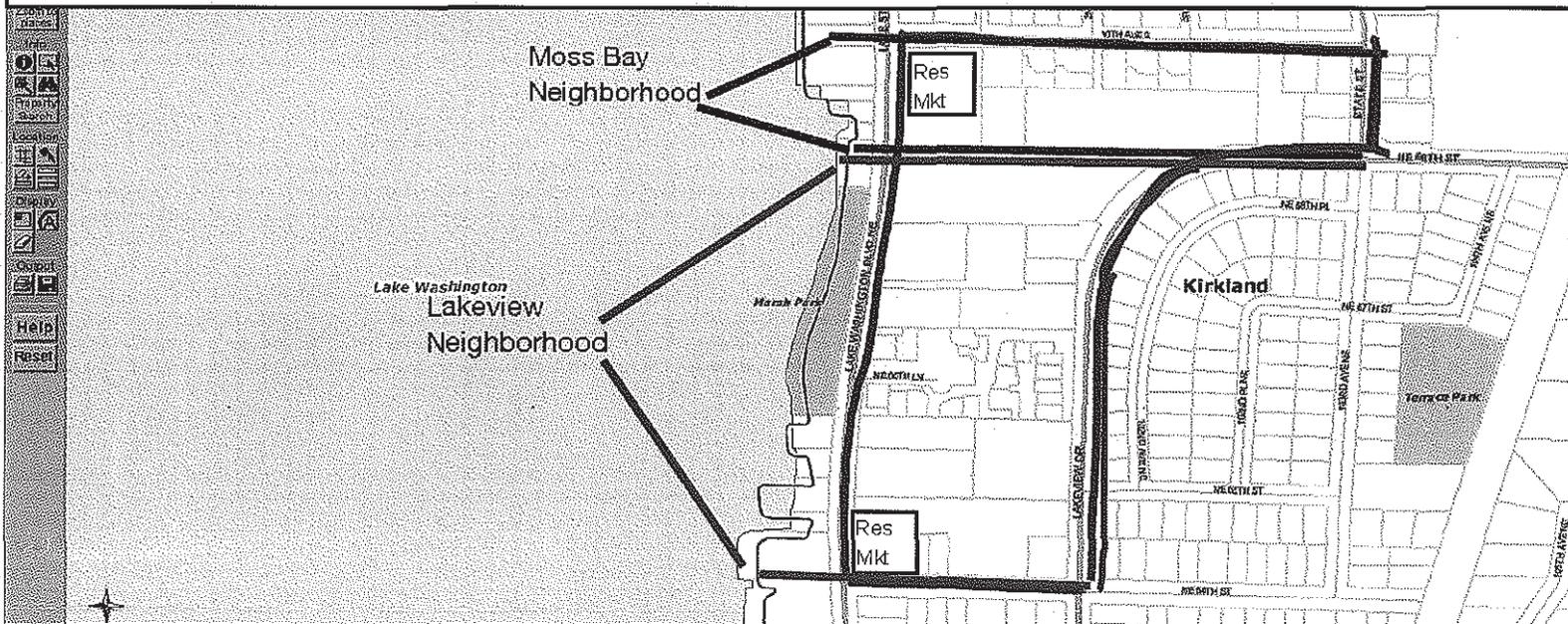
Best regards,



Laura & Charles Loomis
100 10th Avenue South
Kirkland, WA 98033

Below is highlighted one neighborhood block.

It is 25% in Moss Bay Neighborhood and 75% in Lakeview Neighborhood. It contains a "Residential Market" at the north end and the south end. Ingress/Egress issues are a major identified issue in the Comp Plan which restricts commercial development to "limited commercial."



Moss Bay Neighborhood (Comp Plan)

A. Living Environment

Lands on the east side of Lake Washington Blvd, south of 7th Avenue South and west of the midblock between First and Second Streets South, are appropriate for multifamily uses at a density of **12 dwelling units per acre**. This designation is consistent with permitted densities to the north and south along Lake Washington Boulevard

B. Economic Activities

Land on the east side of Lake Street South is generally not suitable for commercial development

Most of the land on the east side of Lake Street South steep slope conditions, as well as problems concerning vehicular ingress and egress. The southeast quadrant of the 10th street South and lake Street intersection, however, is developed with a market which serves as a convenience to the surrounding residences. Limited commercial use of this location, therefore, should be allowed to REMAIN.

Lakeview Neighborhood (Comp Plan)

A. Living Environment

Medium residential densities are most appropriate between Lakeview Drive and Lake Washington Blvd. Standards for new multifamily development are discussed.

Lying between Lake Washington Boulevard and Lakeview Dr is an area of mixed residential densities. Although there is some multifamily housing, almost half of the area is developed as single family residential. Most structures are older but many are well maintained.

Apartment encroachment in single-family areas usually leads to a decay of the existing structures. In order to minimize this encroachment and forestall a premature decay of the single-family areas, standards should be adopted to allow a transition from low densities to higher densities.

(NOTE: Medium Density is 10-14 dwellings per acre)

B. Economic Activities

Commercial activities east of Lake Washington Boulevard should be limited

A convenience commercial grocery store located on Lake Washington Boulevard and NE 64th Street serves as a localized need by providing limited grocery service to the surrounding neighborhood. The use should be allowed to remain at this site and improvements should be encouraged to enhance its compatibility with surrounding residential uses and the scenic character of Lake Washington Boulevard. ***No further development of commercial facilities in this area should be permitted.***

From: [Barbara Canterbury](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#)
Date: Monday, April 30, 2012 9:15:19 AM

I live a few blocks away from the proposed Potala Village. This is not the kind of building we want in our neighborhood. You should be ashamed that you would even consider ruining the character of our city. This looks like a tenement building. Studios and 300+ parking is ridiculous! Have you looked at the size of the building plot?? Do you know how busy traffic is on Lake Washington Blvd? Sometimes it takes 10 minutes to go 6 blocks to my home. Please make the right decision and stop this from happening!

Regards,

Barbara Canterbury
Canterbury Associates
Computer Training and Consulting
MOS Certified Word Expert
206 621-7012
bjcanterbury@yahoo.com
www.canterburyassociates.com

From: [Barbara Canterbury](#)
To: [Amy Walen](#); [Byron Katsuyama](#); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [Teresa Swan](#); [Joan McBride](#); [Bob Sternoff](#); [C. Ray Allshouse](#); [Andrew Held](#)
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