

**Jeremy McMahan**

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**From:** Phillips Michael [mjaphillips@gmail.com]  
**Sent:** Thursday, March 15, 2012 12:46 PM  
**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  
**Subject:** Potala Development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Commission.

- 1) I appreciate the progress the Planning commission has made to date and you particularly recognize that the recent decision to have four buildings instead of one helps reduce a monster sized building down to a smaller size.
- 2) In spite of the separation of buildings, when calculated on lot size and/or volume size the bulk of the building will still be allowed to be many times that of surrounding properties even if they were fully built out - which they are not... since this is a neighborhood.
- 3) More of the good work of the planning commission is needed prior to going to public hearing since we remain a bit too far away from fulfilling the definitions in the comprehensive plan for very small building, least intense use commercial development, residential market focus and density of 12 units per acre.
- 4) I NEED TO REALLY STRESS NO UNLIMITED DENSITY If you agree that there should not be unlimited density you need to state so and make sure you say it is your number 1 or strongest concern (if it is). The entire area was downzoned including the subject properties and you feel that it is wrong to give back density to just one developer. The properties have previously been evaluated for development and prior developers were limited to 12 units per acre. UNLIMITED DENSITY can provide for an inferior product built as tiny cheap starter units as is witnessed by review of other projects built to this density and with the vast majority of units being the smallest allowable by code.

Sincerely

Mike Phillips

905 Lake Street South,  
 Unit 103  
 Kirkland,  
 WA 98033

**Jeremy McMahan**

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**From:** Phillips Michael [mjaphillips@gmail.com]  
**Sent:** Wednesday, March 28, 2012 7:32 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  
**Subject:** Lake Street

Dear 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.

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 plan for this subset of BN properties.

2) 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 these two essential steps to address ingress and egress these are unique challenges to having any commercial development at the two very unique properties reclassified by Ordinance as Residential Market Use.

Sincerely

Michael and Chantelle Phillips

**Jeremy McMahan**

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**From:** Chuck Pilcher [chuck@bourlandweb.com]  
**Sent:** Thursday, March 29, 2012 9:08 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; Doreen Marchione; Andrew Held; C Ray Allshouse; Mike Miller  
**Subject:** BN Zoning & Parking

Folks,

As you struggle with appropriate zoning in BN Commercial zones (Residential Market Land Use), please consider the following regarding parking:

The Lake Street BN zone is currently projected to have a 315 stall, 2 story underground parking garage. Do you realize that this will be the second largest parking structure in all of Kirkland, the one at the Library being the largest at 420 vehicles? The one on Lake Street will sit in a completely residential neighborhood immediately adjacent to single family homes. And at least the Library garage has 2 ingress and egress points, both onto arterials much better equipped than Lake Street to handle that volume of cars.

This is entirely the result of allowing unlimited residential density in these BN zones. If this is not the most patently ridiculous zoning mistake in the history of Kirkland, I don't know what is. It's time to acknowledge that mistake and do the right thing while we still have time.

Chuck Pilcher  
[chuck@bourlandweb.com](mailto:chuck@bourlandweb.com)  
206-915-8593

**Jeremy McMahan**

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**From:** Chuck Pilcher [chuck@bourlandweb.com]  
**Sent:** Friday, March 30, 2012 9:03 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; Doreen Marchione; Andrew Held; C Ray Allshouse; Mike Miller  
**Subject:** Property Rights

Folks,

In preparation for your joint meeting on Tuesday, please also consider the following:

A very few people, most of whom have a vested financial interest in the development of the BN zone on Lake Street, have defended the unlimited residential development there because no zoning variance is required to build an unlimited number of residences in a BN Zone. Even our own City staff have acknowledged that was never intended according to the Comprehensive Plan, so this is an oversight - aka a mistake - in implementing our zoning codes.

The purpose of Comp Plans and Zoning is to create predictability, both for developers, for potential property purchasers, and for existing neighbors. Property values are driven by the type of neighborhood and its surroundings. If a neighbor is promised by the Comprehensive Plan that their neighborhood will be "Medium Density Residential" with a small "Residential Market" area zoned for "Neighborhood Business," that's what they should expect. If a mistake in implementing the Comp Plan into the Zoning Table completely changes that neighborhood, without adequate and appropriate notice and neighborhood input, those neighbors have had their property rights taken away.

Kirkland citizens deserve that we as a City "have their backs" and are not just looking out for developers.

Chuck Pilcher  
[chuck@bourlandweb.com](mailto:chuck@bourlandweb.com)  
206-915-8593

**Jeremy McMahan**

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**From:** Chuck Pilcher [chuck@bourlandweb.com]  
**Sent:** Saturday, March 31, 2012 6:50 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; Doreen Marchione; Andrew Held; C Ray Allshouse; Mike Miller  
**Subject:** BN Zones: Livability/Outdoor Gathering Place

Folks,

As we have been saying, BN zones should be used for "Neighborhood Business" and function as intended by the Comp Plan as outdoor gathering places primarily for "business," not for residences.

Note the specific language from the "Hot Sheet" (excerpt below) just published yesterday re the M-M property in Juanita Village. M-M is in a very intense development, yet requires nearly an acre of "outdoor gathering space."

It seems to me you folks have a REAL mess on your hands by failing to implement the Comp Plan language into the Zoning Code. You need to do what is RIGHT, not what is expedient, or you will go down in history as the team that absolutely ruined the legacy of livability that former Mayor Doris Cooper left this City. Here we are naming one of our parks after her, while at the same time absolutely destroying the overall ambience of our signature boulevard that she and the City recognized 35 years ago.

We should all be ashamed of ourselves for allowing this to ever happen. We must admit our mistake, pay whatever penalties (if any) that the law deems we might owe, and move on to keep Kirkland as livable as Mayor Cooper and previous administrations set out to accomplish.

You MUST take appropriate action and reconfigure our Commercial zones, especially those in residential neighborhoods,

Chuck Pilcher  
[chuck@bourlandweb.com](mailto:chuck@bourlandweb.com)  
 206-915-8593

**JN 5: M-M Properties – Juanita Village 5**

**Description**

Mixed use Project on remaining undeveloped portion of Juanita Village site (southwest of Starbucks). The Project will include approximately 189 residential dwelling units; 7,500 square feet of street-level retail and other commercial uses; underground parking for residents and customers; and **37,700 square feet of outdoor gathering places.**

**Jeremy McMahan**

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**From:** Chuck Pilcher [chuck@bourlandweb.com]  
**Sent:** Sunday, April 01, 2012 9:37 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; Doreen Marchione; Andrew Held; C Ray Allshouse; Mike Miller  
**Subject:** Property Rights  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Folks,

More observations In preparation for your joint meeting on Tuesday. Below are the 5 largest, most dense residential developments I can find in the area:

1. Portsmouth 93 dwelling units per acre, in 5 stories (18.6 DU/Story/Acre)
2. Plaza on State 49 dwelling units per acre, in 3 stories (16.3 DU/Story/Acre)
3. Kirkland Central 115 dwelling units per acre, in 4 residential stories (28.8 DU/Story/Acre, average unit = 918 sf)
4. 101 Apartments 98 dwelling units per acre in 4 residential stories (24.5 DU/Story/Acre, average unit = 846 sf) in a Planned Area in the Central Business District
5. Merrill Gardens 143 dwelling units per acre, in 4 residential stories (35.8 DU/Story/Acre, average unit = 668 sf) in a Planned Area in the Central Business District

EVERY ONE OF THE ABOVE is in a in a Planned Area in the Central Business District and "fits where it sits."

Our current zoning for BN zones allows an UNLIMITED number of dwelling units per acre. There is an existing proposal for 116 dwelling units per acre on one of the BN zones, in 3 residential stories. This would yield **38.7 DU/Story/Acre**, average unit = ~ 620 sf. *(Note that each of these units would be smaller than that provided by Merrill Gardens for Assisted Living Residents, many of whom use a common dining area and recreational facilities. Plus, rather than being in a Planned Area in the Central Business District, or even in a Neighborhood Center, the only current example of a project in a BN zone is in a Single-Family/Medium Density Residential Neighborhood with a "Residential Market" land use designation. The other current BN zone has no residential development whatsoever.)*

Clearly, this whole mess does NOT equate to rational zoning for BN properties and is inconsistent with goals stated in our Comprehensive Plan.

A legal challenge by neighbors and others affected by such zoning inconsistencies throughout the City would be appropriate, unless adequate remediation is immediately forthcoming.

Chuck Pilcher  
[chuck@bourlandweb.com](mailto:chuck@bourlandweb.com)  
 206-915-8593

**From:** [uwkkg@aol.com](mailto:uwkkg@aol.com)  
**To:** [Jay Arnold](#); [Mike Miller](#); [C Ray Allshouse](#); [Andrew Held](#); [Jon Pascal](#); [Glenn Peterson](#); [Byron Katsuyama](#); [Eric Shields](#); [Jeremy McMahan](#); [Kurt Triplett](#); [Janet Jonson](#); [Robin Jenkinson](#)  
**Cc:** [uwkkg@aol.com](mailto:uwkkg@aol.com); [neighboringproperties@gmail.com](mailto:neighboringproperties@gmail.com)  
**Subject:** Planning Commission Discussion - Nonconforming DENSITIES  
**Date:** Thursday, April 26, 2012 9:57:06 AM

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Dear Commissioners:

For tonight's meeting, I write on behalf of many of us who currently have "non-conforming" density due to the 1977 downzone.

We appreciate the fact that you have been listening to our concerns about restrictions on ability to repair, remodel and the fact that sometimes it can be confusing as to what is a repair or remodel. Removing these financial constraints altogether, as suggested, should be helpful to property owners and beneficial to overall better repair of buildings in the city (and more tax dollars) Win - Win - Win !!!

Similarly, it appears that you've heard the logical argument that where there are condos, it is impossible to assign certain owners to vacate their units or step forward and have their unit chosen as only rebuildable as "affordable" while others rebuild at market rate.

I would ask that you consider other provisions of the proposal that we contend need changing. The concern was density and not lot coverage (since almost all of the condominiums along LWB/Lake St are built at 20-30% lot coverage - less than half of the allowed 60%). Can anyone provide an explanation why future repairs/remodeling would need to remain at such a low lot coverage? Why couldn't folks decide to build something smaller... or bigger? Are we going to start telling all property owners that they cannot put additions onto their homes or rebuild their residence any bigger than what it is currently?

Also, if owners need to keep to the same building footprint, they are therefore not allowed any lot consolidation. I'm not sure if that is wanted or desired, but it is being argued against by citizens re: BN Residential Markets. We hope that you will not allow that for the BN-Res Mkt, but if you do, please don't restrict surrounding properties from being treated the same. Consolidation would never happen if units must keep their current (unconsolidated) footprint.

We are also concerned about something that could easily be overlooked. It appears that a new policy is being introduced where any redevelopment could not be done unless it is at least 75% of the current density. Wow, this is getting confusing... Units built to a density of 24 are now under zoning that permits 1-12 dwellings per unit. Then you require a minimum of 18 dwellings per unit if rebuilt. This conflicts with the density cap of 12 dwellings per acre. Also, some of the developments are very small units and would like to rebuild at a lower number and only slightly larger - that is their vision. Why do we all of a sudden put a density floor on just certain properties. If we are going to do this, perhaps it should be city-wide. Moreover, it seems like an over-reaching regulation... to us.

Simple answer we think is that you let non-conforming densities exist and keep their density no matter the repair, rebuild or reconstruction but that the density couldn't become any MORE non-conforming. For the benefit of achieving the city's affordability target you might add in

an incentive that additional density would only be allowed if it was all "affordable" at the rate of 10% of the units. We would suggest that you leave off the footprint requirement, the two walls that cannot ever be taken down (to foolishly ensure that it's a remodel and not a new building), and the floor density provisions.

Thanks for your past thoughtful consideration of costs to repair and condominium ownership. We truly appreciate your careful and deliberate work. We look forward to your deliberation on these other matters tonight - We are in your hands.

Thank you.

Karen Levenson

**From:** [Richard Bready](#)  
**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:** Planning for Kirkland's future: against Potala Village  
**Date:** Sunday, May 13, 2012 4:26:37 PM

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Dear Kirkland city government,

Kirkland has for years been a model of planning for the future. Its early purchases of lakefront property, its parks and nature reserves, its limits on height and density of building in downtown areas, have made it a highly desirable place to live and visit--a quality reflected in property values, retail, and tax revenues.

You now face the question whether you wish to continue on the course that Kirkland has followed for decades. It is a difficult choice for reasons both legal and financial. I urge that you consider the record of past success as you decide for the future. Controlled density and readily available amenities have made Kirkland prosperous through many previous downturns. High density is forever: it will be as though the city had paved the Yarrow Bay wetlands.

Today the city celebrates Mother's Day with events on Lake Washington Boulevard. If the boulevard becomes a line of congestion, if Marsh Park becomes a big front yard, such events will become extremely difficult to manage. Already, rush-hour traffic on the boulevard, Lakeview Drive, and 108th Avenue is enough to make shopping in Bellevue or Redmond a preferable choice.

Your recent purchase of the railroad corridor displayed a sense of what Kirkland citizens and visitors value in the city. I hope you will recognize that the city's lakefront is of even greater importance, and that you will act to protect its future.

Best wishes,  
Richard Bready  
5608 Lakeview Drive

**From:** [mkelly@windermere.com](mailto:mkelly@windermere.com)  
**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:** PLEASE EXTEND BN MORATORIUM  
**Date:** Sunday, April 29, 2012 2:40:30 PM  
**Importance:** High

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Ladies and Gentlemen:

Your work is not done! Therefore the BN development moratorium should be extended. The City Council and Planning Commission must recognize that *failure to get a grip on this zoning error will result in 140 units or more on a prime residential site along Lake Washington Boulevard and 10th*. Allowing unlimited density along our signature boulevard and into the adjacent single family area will absolutely and irrevocably change the residential ambiance and congestion of the neighborhood. Only YOU have the power to protect what we, residents of the neighborhood, hold dear.

To be clear, I am not anti-unlimited density. Unlimited density in the CBD or Totem Lake business districts are an entirely different matter. But please, for the love of our City, protect our residential neighborhoods! Don't allow size setback and height restrictions self regulate unlimited density. Failure to correct this BN mistake will result in public criticism of City zoning decisions for years to come.

Respectfully,

Maureen Kelly  
6201 Lake Washington Blvd NE #102  
Kirkland, WA 98033  
206-465-5550

**From:** [Peggy S.](#)  
**To:** [Kirkland City Council](#)  
**Subject:** Please EXTEND the Moratorium on BN Zones  
**Date:** Sunday, April 29, 2012 1:07:31 PM  
**Importance:** High

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Dear City Council Members,

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.

I urge you to EXTEND the moratorium on BN zones Tuesday.

Thank you so much in advance for your consideration!

A loyal concerned Kirkland resident,

Peggy Schulz  
10207 NE 62nd Street  
Kirkland, WA 98033

**From:** [Denton, Michael J](#)  
**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:** Please EXTEND the Moratorium!  
**Date:** Monday, April 30, 2012 9:14:32 PM

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Dear Kirkland City Council Members,

The City Council will decide this **Tuesday, May 1**, whether or not to extend the MORATORIUM on BN zones. Specific to our neighborhood is the **unlimited density** project proposed for the site of Michaels Dry Cleaners, Cafe, Vacant Lot. I feel that unlimited density is *inappropriate* for this location from both a traffic and neighborhood aesthetic standpoint, and request that you vote to extend the moratorium.

Thank you,

Mike Denton

Mike Denton  
225 2<sup>nd</sup> St S, A-6  
Kirkland, WA  
98033

**From:** [Nancy Gode](#)  
**To:** [Amy Walen](#); [bkatyama@kirklandwa.gov](mailto:bkatyama@kirklandwa.gov); [Doreen Marchione](#); [Dave Asher](#); [Eric Shields](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Jay Arnold](#); [Jon Pascal](#); [ktriplett@ka.gov](mailto:ktriplett@ka.gov); [Mike Miller](#); [Penny Sweet](#); [Toby Nixon](#); [twsan@kirklandwa.gov](mailto:twsan@kirklandwa.gov); [Joan McBride](#); [Bob Sternoff](#); [callhouse@kirklandwa.gov](mailto:callhouse@kirklandwa.gov); [ahead@kirklandwa.gov](mailto:ahead@kirklandwa.gov)  
**Subject:** PLEASE THINK & extend the Moratorium  
**Date:** Sunday, April 29, 2012 2:11:53 PM

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Dear Council Members.

I am a current resident of 6514 103rd Ave NE, Kirkland and prior to that I lived on Champagne Point in Juanita with 4 children graduating from Junaita High School and a Citizens Advisory Board Member and a Lake Washington School Board Member and President.

I have attend many a Council Member Meeting Dressed in RED, as the "thought" of building a massive housing unit with over 140 units will SO DRASTICALLY IMPACT OUR TOTAL KIRKALND COMMUNITY = NOT ONLY ON THE ROADS BUT WITH THE "GOLD COAST " WATERFRONT COMMUINITY.

PLEASE EXTEND THE MORATORIUM = SO THAT 'fine tuning of the zoning desity and the type of dwelling a developer want to make money on and then move on will NOT DEVALUE OUR COMMUNITY FOREVER.....

Most appreciatively.....Nancy K. Gode

**From:** [corycarrigan@aol.com](mailto:corycarrigan@aol.com)  
**To:** [Jeremy McMahan](#)  
**Subject:** Please! EXTEND BN Moratorium  
**Date:** Sunday, April 29, 2012 7:52:48 PM

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I've lived in Kirkland for close to thirty years. And wanted to live here prior to that because of how quaint it has always felt here. I use to live right on the water. I felt safe to walk in town to work in the evening or go to the grocery store. A few months ago I was almost killed by a drunk driver while walking in the cross walk near where I live. At 4:00 PM. I've had to call the police because I could see guys parking near my home. People getting out of one car and getting into another. Then switching back after they drive around the corner. Obviously doing drug deals. I've seen this more than a few times. My friend followed them to let them know we weren't going to put up with it. I've heard of several friends telling me of homes being broken into along the lake. I've walked along the lake for many years and have felt safe. Recently, I've had a guy stalking me when I've walked. I've stopped walking as much because it isn't as enjoyable anymore. I use to know the police officers in town and felt protected. I also have had a gal, recently, walk by me who gives me angry looks. I've been told by more than a few people she is a prostitute. Another day, a gal stopped her car and screamed the guy behind her was a pimp. He tried to grab her inappropriately. Are we going to end up with drive by shootings too? The police are already too busy these days. And you want to allow more crowds of people in a condensed area which will only cause more crime. Show a little more pride in your community. Show you care about the people who have lived here and been proud to call Kirkland their home. Don't crowd those people out....Please!

Please do not to allow unlimited density in the BN Zones...

Linda Cory Carrigan

**From:** [gandllamb@aol.com](mailto:gandllamb@aol.com)  
**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:** Portala Development,  
**Date:** Monday, May 14, 2012 2:44:44 PM

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Re the Portala Development on Lake Street:

TRANSPO, a respected traffic engineering firm, prepared a traffic study for the Portala Development. A copy is available for review at City Hall. They describe present northbound traffic on Lake Street during the evening rush hour as "Condition C".

I live about one block north of the proposed development. Northbound traffic during the evening rush hour and on pleasant weekends is stop-and-go at best. This is what TRANSPO considers "Condition C".

TRANSPO's estimate for conditions AFTER the development is "Condition E" This is defined in the traffic manuals as having "intolerable delays". In other words, conditions would change from stop-and-go to "intolerable".

I understand Kirkland's need for more tax revenue, however it seems clear that the proposed development would effectively strangle northbound access to downtown right at the times when customers would be coming to the dining and entertainment areas in our CBD.

We have a thriving, vibrant downtown scene in Kirkland. Downtown property values reflect this. Please consider whether the addition of all these additional units to Lake Street is worth the near-certain serious damage to the ambiance and assessed valued in our now-vital downtown.

Please vote for a density limit, and against the proposed upzoning to neighborhood center.

George E. Lamb  
807 Lake Street South, #300

**From:** [Key Nikey Ms.](#)  
**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:** Portala Villaage  
**Date:** Tuesday, May 15, 2012 4:51:24 PM

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Dear Sir or Madams:

Please vote for a density limit. I live right across the street from the proposed development and the ramifications of that many more cars in one driveway is truly frightening.

Nikey Key 1011 Lake Street So. Kirkland

**From:** [Bruce Pym](#)  
**To:** [Jeremy McMahan](#); [Teresa Swan](#)  
**Cc:** [Celia Pym](#)  
**Subject:** Potala Village Mixed Use Development, File No. SHR11-00002 and SEP11-00004  
**Date:** Thursday, April 26, 2012 1:36:45 PM

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This email message concerns the moratorium issued in November of 2011 precluding development in the Neighborhood Business (BN) zones, and the public hearing scheduled for May 1, 2012 on whether the moratorium should be extended. I am sending this to you to have it made and included as part of the May 1 hearing. I'm not sure whether you two are the correct people to, or the only ones who should, receive this. If not, I would appreciate it if you would forward it on to the appropriate recipients.

My wife Celia and I live at 6424 Lake Washington Blvd NE in Kirkland. She and I have previously submitted statements to you regarding the proposed Potala Village development. The purpose of this email message is to urge the City Council to extend the moratorium for an additional six month period or until the Residential Markets zoning has been aligned appropriately with the Comprehensive Plan. In doing so, we are confirming our standing to participate in any future hearings.

Kirkland's Comprehensive Plan requires that developments may be approved only if they fully conform to that plan. Current zoning relating to Residential Markets has been interpreted to permit developments that are contrary to the Comprehensive Plan. The November moratorium was put in place to give the City time to change the Residential Market Commercial definition and related provisions to align them with the Comprehensive Plan. That alignment has not yet occurred. The moratorium should be continued until its purpose has been realized and the necessary changes to the Residential Market Commercial definition have been completed.

As things now stand, significant work remains to be done. The City still lacks zoning that (a) creates a lowest in hierarchy commercial "Res Mkt," (b) will result in "a very small building/center," (c) requires businesses to complement local pedestrian traffic, (d) provides for building that is residential in scale, (e) provides for building that is residential in design, (f) will ensure that buildings will be integrated into neighborhoods, (g) will restrict uses to those identified as appropriate to the neighborhood, (h) restricts traffic ingress and egress as contemplated by the Comprehensive Plan, (i) provides for appropriate Residential Market density, (j) discourages apartments in neighborhood blocks containing the two residential markets, (k) provides transitional uses between more intense uses and surrounding family homes and low density condominiums, and (l) provides for compatible uses. Unless and until these and other relevant matters have been addressed by appropriate zoning changes, the moratorium should continue.

**Bruce M. Pym**  
**BRUCE PYM COMPANY**  
[bruce@pymco.com](mailto:bruce@pymco.com)

**From:** [Jeff Paslay](#)  
**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:** [info@stoppotala.com](mailto:info@stoppotala.com)  
**Subject:** Potala Village Project  
**Date:** Monday, April 30, 2012 6:42:34 PM

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Dear City Manager, City Attorney, City Planning Director, Planning Commission Members and City Council Members,

As a fellow Kirkland resident, this note is written to voice concerns regarding the Potala Village Project. Primarily, I object to the proposed building plan that would allow this ultra high density project to be built along Kirkland's waterfront at Lake Street and 10th Avenue South. There is no objection to a new residential building at this site, just to the high occupancy and traffic that the proposed project includes.

I solicit the City Council to extend the moratorium on this project to allow the City Planning Commission to complete current efforts to examine the Building Code issues. It is important that sufficient time and thought are given to insuring that existing ordinances and plans align with the City's vision as expressed in the Comprehensive Plan. Allowing due process and consideration will give all involved opportunity to review and recommend the appropriate actions for City Council consideration.

Thank you for considering my input.

Jeff Paslay  
532 Lake Street South  
G 204  
[jwpaslay@comcast.net](mailto:jwpaslay@comcast.net)  
425-822-0378 (home)  
484-366-4013 (mobile)

**From:** [Bruce Pym](#)  
**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](#)  
**Cc:** [Celia Pym](#)  
**Subject:** Potala Village  
**Date:** Monday, May 14, 2012 10:02:49 AM

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Dear Kirkland City Representatives:

My wife and I live at 6424 Lake Washington Blvd NE. We've written to you previously concerning the proposed Potala Village development and need to substantially limit its size, design, density and configuration. Most recently we wrote supporting continuation of the building moratorium until appropriate new zoning laws could be adopted to conform to the comprehensive plan. We very much appreciate your having continued the moratorium.

We now understand that there is a question whether a density cap for the site should be imposed. I confess to being taken aback that this question is still being asked. The whole point of the petitions seeking to curtail the development and adoption by the City of the moratorium was to give the City time to establish zoning and land use limits that would confine Potala Village to something that will be in harmony with neighboring residences, complement the pedestrian and bicycle traffic in the area, and not further tax the already stressed automobile usage of Lake Street/Lake Washington Boulevard. Of necessity this includes adoption of a density cap. The question is not be whether a cap is needed but rather how much of a cap is required to fairly address the neighborhood's legitimate concerns.

As proposed, Potala Village would be a behemoth. We and our neighbors are relying on you, and trusting you, to protect us from this kind of development.

**Bruce M. Pym**  
**BRUCE PYM COMPANY**  
[bruce@pymco.com](mailto:bruce@pymco.com)

**From:** [Matkin, Dick](#)  
**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:** Potola Village  
**Date:** Tuesday, May 01, 2012 3:45:51 AM

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Hello,

I am writing to voice my opposition to the building of the Potola. Rather than send you a lengthy email I will summarize my comments below.

1. "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). None of these have ultra-high density residential.
2. Zoning should result in "a very small building/center –referenced in the Comp Plan).
3. The Comp Plan says that this zone should focus on pedestrian-oriented businesses, not those with high volume traffic impacts.
4. Zoning table is still missing controls on residential building scale.
5. Zoning table is still missing controls on residential building design.
6. 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.)
7. Zoning must ensure that buildings are integrated into the neighborhood
8. 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.
9. Traffic impacts on our major waterfront arterial are not addressed as required by the Comp Plan. This will be a HUGE issue
10. Zoning must ensure transition area between any intense uses and the surrounding family homes and low density condos.

Please do not allow this development to move forward.

Regards,

Dick Matkin

**Dick Matkin** | Executive Vice President of Sales | Oberto Brands | wk: 253.437.6308 c: 206-419-6617

**DISCLAIMER:**

*This email (and any attachments) contains information which is private and confidential and intended for the addressee only. If you are not the addressee, you are not authorized to read, copy or use this email, or any of its attachments. If you have received this email in error, please destroy it and notify the sender immediately by return email.*

**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:** Property Rights  
**Date:** Thursday, April 26, 2012 8:04:48 AM  
**Attachments:** [PastedGraphic-3.tiff](#)

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Folks,

I pulled this from what might be a draft version of the 2011 Lakeview Neighborhood Plan. I'm not sure if this is in the final version, or perhaps it was in the earlier version, but this speaks further to the intentionality of keeping Mixed Use in Lakeview at a size and scale appropriate to the Boulevard, and at a residential density of 12 dwelling units per acre. The Moss Bay Neighborhood BN zone immediately abuts the Lakeview Neighborhood at the BN zoned property at 10th St. South. You'll never convince me that a single step across a property line into the Moss Bay Neighborhood justifies such a drastic change, from 12 units per acre to "unlimited" on identical parcels.

When the City screws up this badly, integrity and ethics (check your new ethics policy, e.g., 3.14.05.3) demands that you own up to it and DO THE RIGHT THING. This parcel will have YOUR names written all over it for decades, whatever it becomes. What will be your legacy?

Chuck Pilcher  
[chuck@bourlandweb.com](mailto:chuck@bourlandweb.com)  
 206-915-8593

**Neighborhood Oriented Commercial, Professional Office and Multi Family**

Land uses south of NE 60th Street to Carillon Point, between Lakeview Drive and Lake Washington Boulevard are discussed.

**Policy L-6.3: The area south of NE 60th Street, between Lakeview Drive and Lake Washington Boulevard is suitable for medium-density residential uses at twelve dwelling units per acre, professional offices and small neighborhood oriented retail businesses. For all uses other than residential the review process shall be Process I.**

**Policy L-6.4: Allow neighborhood oriented retail only if the subject property is located on the east side of Lake Washington Blvd. fronts and is oriented to Lake Washington Blvd.**

Medium-density residential uses, at a density of 12 dwelling units per acre, and professional offices should be considered the primary uses. Small, neighborhood oriented retail, convenience stores, coffee shops or similar uses that serve primarily the surrounding neighborhood are appropriate for properties that front on or are oriented toward the east side of Lake Washington Blvd only. Appropriate uses are those that will not result in spillover parking on neighborhood streets. Vehicle sales, service, and drivethrough facilities should not be allowed.





**From:** [Robin Herberger](#)  
**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 COMMENT: 6-Month Extension to BN Moratorium Needed to Fulfill the City's Obligation  
**Date:** Sunday, April 29, 2012 1:47:54 PM

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Dear City Officials:

As the mandate for the 6-month BN Zone moratorium has not been met, and the Planning Commission tasked with studying, obtaining public input, and recommending compatible standards and language between the Comprehensive Plan and Kirkland's zoning regulations for BN zones has not completed its task on behalf of the Council and citizens of Kirkland, the only legitimate decision Council members can make is to extend the moratorium for an additional six months in order to fulfill the requirements of Ordinance 4343, passed on January 3, 2012.

I live on Lake Washington Boulevard, a couple blocks away from the BN-Residential Market on LWB, and am directly impacted by decisions made with regard to the three properties that have been inorganically forced together to form a platform for a proposed ultra-high density structure. I, therefore, claim standing in my request to Kirkland City Council to extend the moratorium for an additional six months.

While there has been some meeting, studying, pondering, discussion and reporting, NOTHING has been formally accomplished in this process during the past six months. The Planning Commission has not even held its public hearing on BN zones – a hearing that is supposed to inform Commissioners' decisions and recommendations to Council.

Zoning changes required by the Comprehensive Plan that would implement the Residential Market Commercial definition have not been achieved. The many areas of the Comprehensive Plan where zoning requirements for Kirkland are still not implemented include:

- Zoning that limits the Residential Market density to either zero (as indicated in the Land Use and Economic Development chapters) or 12 units per acre, as documented in the Neighborhood Plan (and the restriction which the City gave – highlighted in yellow - to the developer who proposed the ultra-high density structure on the BN-Residential Market properties on LWB before he ever purchased or leased any property).
- Zoning that will create a lowest in hierarchy commercial Residential Market
- Zoning that provides for a building that is residential in scale
- Zoning that provides for a building that is residential in design
- Zoning that will ensure that buildings are integrated into the neighborhood
- Zoning that implements the Comprehensive Plan's language restricting traffic ingress and egress to the Residential Market sites
- Zoning that ensures a transition area between more intense uses and the surrounding family homes and low density condos

I appreciate the time and energy accorded this process by all participating city officials. In order for that time and energy to have meaning, and not to have been in vain but have value to Kirkland and its residents, the work must continue to its completion. I am hopeful City Council members agree that to complete the work you set for yourselves, a 6-month extension on the moratorium must be passed. Thank you for your consideration.

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

**From:** [cary\\_badger](#)  
**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:** [Frank Welton](#); [caseysibert@mac.com](#); [maj001@comcast.net](#); "Tom Plimpton"; [jcacra@frontier.com](#)  
**Subject:** Public Hearing Comments - BN Zoning  
**Date:** Monday, April 30, 2012 9:04:16 PM

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### City Council Members, Planning Commission, City Manager, City Attorney and City of Kirkland Staff:

On behalf of the Marsh Commons Homeowners Association and residents of the City of Kirkland, we are requesting that the City Council extend the current BN Moratorium for a minimum of six months or until such time that the zoning requirements noted below are resolved. Our concern is driven by the lack of zoning text changes necessary to properly implement the full intent of the Comprehensive Plan for the Residential Market Commercial Designation. Without this appropriate zoning, a number of planning provisions which support the unique character and livability of our City will be undermined by current proposed construction in our neighborhood. Specifically,

1. Zoning that properly addresses buildings that are in proper scale and intensity with the surrounding neighborhoods;
2. Zoning that properly addresses the intensity of vehicular traffic of both business and specifically ultra-high intensity residential, condominium or other buildings that propose to bring large numbers of vehicles to a site, compounding traffic flows and creating new impediments for pedestrian and bicycle transportation along Lake Washington Boulevard, in and out of Downtown Kirkland;
3. Zoning that ensures proper design and transition is assured between the surrounding family homes and any proposed construction of residential and/or business mixed use.

Therefore, it is of extreme interest to the Marsh Commons Homeowners Association to ensure that such zoning is in place which supports the strategy and implementation of our Comprehensive Plan for the City of Kirkland, before the current moratorium expires. This alignment of our Comprehensive Plan and zoning regulation will assure our residents that we maintain our community as a thriving and livable City for generations to come. Please consider our comments and recommendation for your review and public record at the upcoming hearing on the extension of the BN Zoning Moratorium.

Thank You for your consideration on behalf of the Marsh Commons Board of Directors.

Cary Badger  
 Marsh Commons Board of Directors  
 10141 NE 66th Lane  
 Kirkland, WA 98033



**From:** [jkfoster756@frontier.com](mailto:jkfoster756@frontier.com)  
**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:** [jkfoster756@frontier.com](mailto:jkfoster756@frontier.com)  
**Subject:** Public Hearing Comments BN Zoning for May 1 Meeting...  
**Date:** Monday, April 30, 2012 2:09:45 PM

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Please consider these comments and enter them into the public record for the hearing on extending BN Moratorium for property at Lk WA Blvd & 10th St.

The zoning for this property development does not match up with the Kirkland Comprehensive Plan so is not fair to the developer or the citizens of Kirkland to continue until the zoning corrected.

Points that need to be addressed:

Zoning missing controls on building scale, design, and density

Zoning needs to conform to other parcels in the area which have a maximum of 12 dwelling units per acre

Traffic and parking impacts need to be addressed

As I have mentioned in my earlier e-mail on this subject, Lake Washington Blvd is the gateway to Kirkland from the south and west. We want it to continue to be a pleasant welcoming drive for guests and residents alike. We don't want any more congestion than already occurs on sunny days.

Please extend the moratorium until the above pertinent issues are resolved.

Thank you for your attention to this matter.

Joan Foster  
756 State St. #A  
Kirkland, WA

**From:** [Casey Sibert](#)  
**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  
**Date:** Monday, April 30, 2012 9:20:14 AM

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To all of the capable and dedicated members of our Kirkland city government:

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

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.

My husband and I greatly appreciate 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

Please do not remove the moratorium until these issues are addressed and are built into the new zoning text.

Thank you for your service and for listening to the voice of the citizens that you serve.

Sincerely,  
Casey and Sam Sibert

**From:** [Casey Sibert](#)  
**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  
**Date:** Monday, April 30, 2012 9:20:14 AM

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To all of the capable and dedicated members of our Kirkland city government:

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

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.

My husband and I greatly appreciate 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:

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- still missing zoning that will implement the Comp Plan language that will restrict traffic ingress and egress to the Residential Market sites
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- still missing zoning that provides for compatible uses

Please do not remove the moratorium until these issues are addressed and are built into the new zoning text.

Thank you for your service and for listening to the voice of the citizens that you serve.

Sincerely,  
Casey and Sam Sibert

**From:** [Lori Isch](#)  
**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  
**Date:** Sunday, April 29, 2012 7:14:48 PM

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

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 64<sup>th</sup> Street

[lori.isch@usa.net](mailto:lori.isch@usa.net)

**Jeremy McMahan**

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

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Eric Shields

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**From:** [LetterToKPC@aol.com](mailto:LetterToKPC@aol.com) [<mailto:LetterToKPC@aol.com>]  
**Sent:** Tuesday, March 06, 2012 3:03 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](mailto:Tennysonkk@aol.com)  
**Subject:** From: Bruce Pym To: J Arnold & KPC

The Potala location is simply not appropriate for *large* commercial or multi-family residential facilities. Please fix the zoning!  
Bruce Pym

**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](#)  
**Subject:** re  
**Date:** Monday, April 30, 2012 11:20:36 AM

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Kirkland City Council:

We strongly urge you to either extend the moratorium on the BN Residential Market proposed for Lake Wash. Bl. until it is modified to meet all existing zoning requirements. We intend to establish our standing for future hearings.

The Comprehensive Plan for Kirkland clearly states all city approvals and actions for any project can only be given if they are fully supported by the Comprehensive Plan. The zoning changes required by the Comprehensive Plan to permit implementation of the Residential Market Commercial definition has not yet been achieved.

As proposed, this project will further congest an already busy residential thoroughfare. Specifically, shortcomings of this approval are:

- 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 missing zoning that provides for building that is residential in scale
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- 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
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- 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/

Thank you for your consideration.

Robert J. Gemmell & Phyllis P. Gemmell  
 6424 Lake Wash. Bl N.E., #11  
 Kirkland, WA 98033

**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](#)  
**Subject:** re  
**Date:** Monday, April 30, 2012 11:20:36 AM

---

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Thank you for your consideration.

Robert J. Gemmell & Phyllis P. Gemmell  
 6424 Lake Wash. Bl N.E., #11  
 Kirkland, WA 98033

**From:** [Janet Jonson](#) on behalf of [Joan McBride](#)  
**To:** "Jack Arndt"  
**Cc:** [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#); [Teresa Swan](#)  
**Subject:** RE: BN - Residential Market  
**Date:** Wednesday, May 02, 2012 2:16:05 PM

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Mr. Arndt, thank you for your correspondence to the Kirkland City Council, which will be forwarded to staff who can let you know about the next steps in the process. 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](mailto:jjonson@kirklandwa.gov)

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

From: Jack Arndt [<mailto:jackra@frontier.com>]  
Sent: Wednesday, May 02, 2012 12:54 PM  
To: Joan McBride; Amy Walen; Dave Asher; Doreen Marchione; Penny Sweet; Toby Nixon; [besternoff@kirklandwa.gov](mailto:besternoff@kirklandwa.gov)  
Cc: Jay Arnold; Mike Miller; [celiapym@aol.com](mailto:celiapym@aol.com); Robert Gemmell  
Subject: BN - Residential Market

Mayor McBride and City Council Members,

First, I would like to thank you for extending BN Monartorium until the resolution of all issues can be addressed.

I would like to call out four issues that were discussed last night, since we were not given the opportunity to ask questions. I wanted to follow-up with you.

1- That you support new development - new development should be supported in a way that in fit's into the long term mission/objectives of Kirkland and it must include how we deal with traffic, pedestrian flow, how it fits into current residential flow and the amount of density that is allowed per acre in both a residential and business environment. It should not be based on new tax revenue that a new developer can bring, most developers are not concern with the impact of their actions within our community for the long term.

2- The BN in current discussion must be corrected with the proper zoning as these two areas were incorrectly zoned. The need to correct this is to make the hard decision and address now to protect our future growth in these areas.

3- Added traffic getting into downtown Kirkland will have a negative impact on our current businesses in Kirkland, those potential customers will look at different options outside of downtown to avoid traffic congestion.

4- Since specific pictures were shown by one of the developer attorney's, he failed to mention in his statement. Those pictures showed buildings that were far less in density than what one developer is proposing per acre, none supports a 300 parking garage with the traffic flowing onto Lake Washington Blvd or 10th street. Many of those units on the hill, have driveways not located on the Blvd.

I trust these issues along with the many other outstanding issues on the BN Residential Market will be dealt with common sense and the end conclusion will be in line with long term mission/objectives of

Kirkland and its citizens.

Sincerely,

Jack Arndt  
View Pointe - HOA President.

**From:** [Eric Shields](#)  
**To:** "Chuck Pilcher"  
**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:** RE: BN Zoning History & Rationale  
**Date:** Wednesday, May 09, 2012 5:14:34 PM

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Chuck,

I set aside your original inquiry and didn't get back to it right away. But now here's my response.

I do think the lack of a density limitation in the BN zones was intentional, but I don't think anyone was imagining the density of development that is now being proposed in the BN zone. All of the business district zones were left without a density limit at the time the (then) new zoning code was adopted in 1982. At that time, I don't think we had any development with a significant amount of structured parking. Everything was surface parking and that created a practical density limit. I don't recall the rationale that was discussed in 1982, but in the current era of growth management, there is more and more support for high density mixed use clusters in and around business districts. So in that regard, the lack of density limit makes sense. Of course, there is a counter argument to made that such high density is not so appropriate in smaller business districts, like BN zones or residential markets – but that's part of the discussion we're now having with the Planning Commission.

The minimum lot size regulation refers to the smallest size of lot on which development is allowed. It doesn't speak to density. In zones where there is a density limit, a special regulation in the far right hand column of the zoning chart spells it out as a minimum lot area per dwelling unit. In the RM 3.6 zone, for example, the minimum lot area per dwelling unit is 3600 sq. ft. With an acre of land being 43,560 sq. ft. that works out to be a little over 12 units per acre.

Eric Shields

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**From:** Chuck Pilcher [mailto:[chuck@bourlandweb.com](mailto:chuck@bourlandweb.com)]  
**Sent:** Wednesday, May 09, 2012 8:10 AM  
**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

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](mailto:chuck@bourlandweb.com)

206-915-8593

*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](mailto:chuck@bourlandweb.com)*  
*206-915-8593*

**From:** [Chuck Pilcher](#)  
**To:** [Robin Herberger](#)  
**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](#)  
**Subject:** Re: DON'T BE DENSE  
**Date:** Monday, May 14, 2012 8:36:44 PM

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Too good, Robin!!!. Send this to the Kirkland Reporter. Matt Phelps  
 <[mphelps@kirklandreporter.com](mailto:mphelps@kirklandreporter.com)>

Chuck Pilcher  
[chuck@bourlandweb.com](mailto:chuck@bourlandweb.com)  
 206-915-8593

On May 14, 2012, at 4:45 PM, Robin Herberger wrote:

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:** [Laura Loomis](#)  
**To:** [Jeremy McMahan](#)  
**Subject:** RE: From L Loomis - attachment showing RM 3.6 zoning  
**Date:** Tuesday, April 24, 2012 4:46:31 PM

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Hi Jeremy,

Thanks for responding. Mistakes happen - but I WISH it wasn't a mistake. The REALLY big mistake would be to allow this development to be built as currently proposed. It's not an appropriate location for a building this size and density and would cause the city nothing but big headaches and expenses.

Best regards,

**LAURA L. LOOMIS**  
 CHARLES LOOMIS, INC.  
 11828 N.E. 112th  
 Kirkland, WA 98033  
 P: 800.755.0471/425.823.4560  
 Email: [lauraloomis@charlesloomis.com](mailto:lauraloomis@charlesloomis.com)  
[www.charlesloomis.com](http://www.charlesloomis.com)

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**From:** Jeremy McMahan [mailto:JMcmahan@kirklandwa.gov]  
**Sent:** Tuesday, April 24, 2012 4:29 PM  
**To:** Laura Loomis  
**Cc:** Eric Shields  
**Subject:** RE: From L Loomis - attachment showing RM 3.6 zoning

Hi Laura – thanks for your emails on the BN zoning. I did want to follow up on the information from nwmaps.net that you sent because I tried the same research task on nwmaps.net and returned the same erroneous results on zoning. I contacting our mapping staff, I learned that this data is generated from a City of Bellevue server and is provided through a 3<sup>rd</sup> party vendor on contract with many eastside cities (Bellevue, Bothell, Issaquah, Renton...). Apparently there is a system bug that the cities have identified that prints incorrect zoning – even when the map is correct. The following examples from your research highlight this:

- Note that if you scroll down the results page the zoning map show the zoning correctly
- Note that when you researched to 1002 Lake Street S. property, nwmaps.net shows four zoning designations (Park/Public use, Waterfront District 2, Neighborhood Business, and Residential Medium Density 3.6) – clearly that is not the case

Obviously, the [official zoning map](#) is the one adopted by ordinance by the City Council. I contacted our IT staff and forwarded your email to them so they can prioritize a bug fix to avoid this kind of confusion. I'm really sorry that we have confusing information out there.

Please feel free to call if you have any questions.

Jeremy McMahan  
 Planning Supervisor  
 City of Kirkland

[jmcmahan@kirklandwa.gov](mailto:jmcmahan@kirklandwa.gov)

425.587.3229

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**From:** One Neighborhood [mailto:one.neighborhood.block@gmail.com]

**Sent:** Tuesday, April 17, 2012 11:19 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:** From L Loomis - attachment showing RM 3.6 zoning

On Tue, Apr 17, 2012 at 2:06 PM, One Neighborhood

<[one.neighborhood.block@gmail.com](mailto:one.neighborhood.block@gmail.com)> wrote:

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](mailto: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"

--

This email was Anti Virus checked by Astaro Security Gateway.  
<http://www.astaro.com>

**From:** [uwkkg@aol.com](mailto:uwkkg@aol.com)  
**To:** [uwkkg@aol.com](mailto:uwkkg@aol.com); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Dave Asher](#); [Bob Sternoff](#); [Toby Nixon](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#); [Robin Jenkinson](#)  
**Subject:** Re: Fwd: TONIGHT - BN Development and views - Need speaker  
**Date:** Tuesday, May 01, 2012 5:44:19 PM

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Also, other clients of Brian Lawler join me in the comments I've made to City Council and Planning Commission over the past year.

Karen Levenson

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

From: uwkkg <[uwkkg@aol.com](mailto:uwkkg@aol.com)>  
 To: [jmcbride <jmcbride@kirklandwa.gov>](mailto:jmcbride@kirklandwa.gov); [dmarchione <dmarchione@kirklandwa.gov>](mailto:dmarchione@kirklandwa.gov); [psweet <psweet@kirklandwa.gov>](mailto:psweet@kirklandwa.gov); [awalen <awalen@kirklandwa.gov>](mailto:awalen@kirklandwa.gov); [dasher <dasher@kirklandwa.gov>](mailto:dasher@kirklandwa.gov); [bsternoff <bsternoff@kirklandwa.gov>](mailto:bsternoff@kirklandwa.gov); [tnixon <tnixon@kirklandwa.gov>](mailto:tnixon@kirklandwa.gov); [ktriplett <ktriplett@kirklandwa.gov>](mailto:ktriplett@kirklandwa.gov); [eshields <eshields@kirklandwa.gov>](mailto:eshields@kirklandwa.gov); [jmcmahan <jmcmahan@kirklandwa.gov>](mailto:jmcmahan@kirklandwa.gov); [rjenkinson <rjenkinson@kirklandwa.gov>](mailto:rjenkinson@kirklandwa.gov)  
 Sent: Tue, May 1, 2012 5:43 pm  
 Subject: Fwd: TONIGHT - BN Development and views - Need speaker

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

**From:** [jrogers407@comcast.net](mailto:jrogers407@comcast.net)  
**To:** [walen@kirklandwa.gov](mailto:walen@kirklandwa.gov); [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](#); [Powell, Peter](#); [Kelly, Maureen](#)  
**Cc:** [Kelly, Maureen](#)  
**Subject:** Re: PLEASE EXTEND BN MORATORIUM  
**Date:** Sunday, April 29, 2012 8:53:43 PM

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Dear councilmembers: I know that you are acutely aware of the continuing controversy surrounding the zoning issues in our city. Many of us believe that this issue has transcended logic and reasonableness and morphed into an internecine conflict of large proportions. The proposed project on 10th avenue So. is such an example. I don't personally feel that this is a NIMBY issue but one that respects what should be right for the city in the long term. We are here dealing with traffic, parking overload, parks congestion, pedestrian issues and others you are aware of. I am not, and I believe many others are not opposed to BN specification where it fits with its environment. Regardless of the city's justification for this zoning, it flies in the face of the existing community structure and sensibility. Unlimited density on this limited piece of property will be a misfit in the long term. Let's work together to find an appropriate piece of real estate for Mr. Dargey's contribution to Kirkland. Please see fit to extend the moratorium until we can resolve our differences.

Gratefully J F

Rogers 1025 Lake st so.

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**From:** [mkelly@windermere.com](mailto:mkelly@windermere.com)  
**To:** [awalen@kirklandwa.gov](mailto:awalen@kirklandwa.gov), [bkatsuyama@kirklandwa.gov](mailto:bkatsuyama@kirklandwa.gov), [dmarchione@kirklandwa.gov](mailto:dmarchione@kirklandwa.gov), [dasher@kirklandwa.gov](mailto:dasher@kirklandwa.gov), [EShields@kirklandwa.gov](mailto:EShields@kirklandwa.gov), [gpeterson@kirklandwa.gov](mailto:gpeterson@kirklandwa.gov), [JMcMahan@kirklandwa.gov](mailto:JMcMahan@kirklandwa.gov), [jarnold@kirklandwa.gov](mailto:jarnold@kirklandwa.gov), [jpascal@kirklandwa.gov](mailto:jpascal@kirklandwa.gov), [ktriplett@kirklandwa.gov](mailto:ktriplett@kirklandwa.gov), [mmiller@kirklandwa.gov](mailto:mmiller@kirklandwa.gov), [PSweet@kirklandwa.gov](mailto:PSweet@kirklandwa.gov), [tnixon@kirklandwa.gov](mailto:tnixon@kirklandwa.gov), [tswan@kirklandwa.gov](mailto:tswan@kirklandwa.gov), [jmcbride@kirklandwa.gov](mailto:jmcbride@kirklandwa.gov), [bsternoff@kirklandwa.gov](mailto:bsternoff@kirklandwa.gov), [callshouse@kirklandwa.gov](mailto:callshouse@kirklandwa.gov), [aheld@kirklandwa.gov](mailto:aheld@kirklandwa.gov)  
**Sent:** Sunday, April 29, 2012 2:41:54 PM  
**Subject:** PLEASE EXTEND BN MORATORIUM

Ladies and Gentlemen:

Your work is not done! Therefore the BN development moratorium should be extended. The City Council and Planning Commission must recognize that *failure to get a grip on this zoning error will result in 140 units or more on a prime residential site along Lake Washington Boulevard and 10th*. Allowing unlimited density along our signature boulevard and into the adjacent single family area will absolutely and irrevocably change the residential ambiance and congestion of the neighborhood. Only YOU have the power to protect what we, residents of the neighborhood, hold dear.

To be clear, I am not anti-unlimited density. Unlimited density in the CBD or Totem Lake business districts are an entirely different matter. But please, for the love of our City, protect our residential neighborhoods! Don't allow size setback and height restrictions self regulate unlimited density. Failure to correct this BN mistake will result in public criticism of City zoning decisions for years to come.

Respectfully,

Maureen Kelly

6201 Lake Washington Blvd NE #102  
Kirkland, WA 98033  
206-465-5550

**From:** [gail cottle](#)  
**To:** [Amy Walen](#); [Byron Katsuyama](#); [dmarcione@kirklandwa.gov](mailto:dmarcione@kirklandwa.gov); [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:** Requesting an extension on Moratorium  
**Date:** Monday, April 30, 2012 9:30:31 AM

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Dear City Council,

Please vote to extend the moratorium on the project proposed at the site of Michael's cleaners on Lake WA Blvd. Additionally as a residents of Kirkland residing at 225 Second Street South/ Marina Pointe I believe An Unlimited density is inappropriate for this site and neighborhood. It would further burden our roads and traffic congestion, air quality and noise pollution. Our roads cannot support this increase and little by little the charm and character Peter Kirk envisioned for this community and left for all of us to enjoy is being carved up and developed without regard for esthetics or community. We need a city council with the leadership to stop these kinds of projects. An extended moratorium is needed to further evaluate the impact of this decision and others that will cross your desks. The waterfront and boulevard will be changed for the worse forever with a project like this if approved and will set the stage for more of the same and this simply is not good for our community.

How many of you drive the boulevard to get to your homes in Downtown Kirkland or West of Market? For those that don't I suggest a commute at rush hour especially on a sunny day to experience the mess we have now getting into town.

Respectfully Submitted  
Gail Cottle  
Reynold Brown

**From:** [gail cottle](#)  
**To:** [Amy Walen](#); [Byron Katsuyama](#); [dmarcione@kirklandwa.gov](mailto:dmarcione@kirklandwa.gov); [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:** Requesting an extension on Moratorium  
**Date:** Monday, April 30, 2012 9:30:31 AM

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Dear City Council,

Please vote to extend the moratorium on the project proposed at the site of Michael's cleaners on Lake WA Blvd. Additionally as a residents of Kirkland residing at 225 Second Street South/ Marina Pointe I believe An Unlimited density is inappropriate for this site and neighborhood. It would further burden our roads and traffic congestion, air quality and noise pollution. Our roads cannot support this increase and little by little the charm and character Peter Kirk envisioned for this community and left for all of us to enjoy is being carved up and developed without regard for esthetics or community. We need a city council with the leadership to stop these kinds of projects. An extended moratorium is needed to further evaluate the impact of this decision and others that will cross your desks. The waterfront and boulevard will be changed for the worse forever with a project like this if approved and will set the stage for more of the same and this simply is not good for our community.

How many of you drive the boulevard to get to your homes in Downtown Kirkland or West of Market? For those that don't I suggest a commute at rush hour especially on a sunny day to experience the mess we have now getting into town.

Respectfully Submitted  
Gail Cottle  
Reynold Brown

**Jeremy McMahan**

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**From:** Eric Shields  
**Sent:** Tuesday, March 06, 2012 10:48 AM  
**To:** Jeremy McMahan; Teresa Swan  
**Subject:** FW: From: P Rogers To: J Arnold & KPC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Eric Shields

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**From:** [LetterToKPC@aol.com](mailto:LetterToKPC@aol.com) [<mailto:LetterToKPC@aol.com>]  
**Sent:** Tuesday, March 06, 2012 10:43 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](mailto:Tennysonkk@aol.com)  
**Subject:** Re: From: P Rogers To: J Arnold & KPC

**Re:** BN - Residential Market

**Note:** Being that I have been involved with the Department of Housing and Urban Development (HUD) the majority of my life I have on-going concern with large out of scale projects such as this. My concerns today are from both a professional level as well as strongly from a personal level.

**Issues:** Traffic, Parking, Oversized Scale, 10 times the Density, Environmental Concerns, Lack of Real Neighborhood Services

Jill McDonald  
 Sunset Condos,  
 807 Lake Street South  
 Kirkland, WA 98033

Dear City Officials,

Seeing both beneficial and negative growth in Kirkland over the last 10 years, I urge you to please take time and complete an in-depth review of all impacts surrounding the Portala Development on Lake Street South. Our beautiful and growing community deserves more than a superficial review on such a concerning project.

I have attended various meetings with the developer of Potala, both for the Kirkland project and others. Being that I have been involved with the Department of Housing and Urban Development (HUD) the majority of my life I have on-going concern with large out of scale projects such as this. My concerns today are both from a professional level as well as strongly from a personal level.

**Here are my main concerns of the Portala Development on Lake Street South:**

**Negative Traffic Impact –**

There needs to be strong attention paid to the traffic impact on the neighborhood as well as the impact on downtown. Lake Washington Blvd. (Also known as Lake Street South) is a direct route to downtown business and in such we want this to be as easily accessible to out of town visitors as possible-Obviously we do not want to create even worse traffic congestion for these guests. As it stands today the traffic is VERY difficult on Lake Washington Blvd-especially during the summer months– Should people not want to “deal with the traffic” getting into Kirkland

it could potential harm revenues for the downtown business' as well, have homeowners consider moving out of the area. Public services like fire and Police are always concern – Sadly, we just had a drowning in the area.

\*A complete third party traffic study needs to be done. (To include Tenth Avenue South)

**Restrictive Parking for Homeowners and Guest –**

During the summer months the local streets near Lake Street South are currently full of cars, the proposed Portala project will undoubtedly cause not only the streets to become impassable but the parking to be even more outrageously difficult to find.

**Over-sized Scale–** This project seems to be outrageously out of scale both by dimension and bulk for the neighborhood. Any project should be compatible with the neighborhood not to mention be compatible with the Comprehensive Plan and Developmental Regulations.

\*The Comprensive Plan did not contemplate this type of development at this location – Is evaluated as Residential Market.

**Portala Proposes 10 Times the Density of Any Neighboring Structure-**

**Lack of Required Setbacks –**

Some of documents show only 15 foot setback on north rather than the required 20 foot.

**Poor Design –**

Kirkland's long standing desire is to have green space involved in every project to enhance the design and beatification of our City.

**Insufficient Shoreline Impacts-**

Environmental data presented to the city (by the developer) seemed to me to be somewhat misleading and fore-sure insufficient for Kirkland to evaluate the proposal under SEPA. SMP Policies need thorough scrutiny.

\*The City has adopted the policies of SEPA, which places a strong emphasis on protecting our neighborhoods both (aesthetics and welfare).

**Lack of Neighborhood Services –**

Neighborhood Services absolutely should be required to assist in integrating this project to the neighborhood. There is a strong need for real neighborhood service space and just not office space.

***This project has been inadequately studied.***

***We would all like to see continued positive growth in our loved Kirkland neighborhoods. The Portala proposed developer plans could combine a positive return on investment while protecting our neighborhood, residents, guests and real estate values – IF we all work together!***

I thank the City for redirecting this project and allowing time to address real neighborhood issues.

Please include my letter in all review materials during this process.

Sincerely,

Jill McDonald

**Jeremy McMahan**

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**From:** Kathy or Larry Saltz [lesaltz@earthlink.net]  
**Sent:** Thursday, March 15, 2012 4:07 PM  
**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  
**Subject:** Potala  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To the Kirkl and Planning Commission Chair;

Please put the Potala development issue on your meeting agenda.

I appreciate your progress in reducing the Potala Complex from one large building to 4 smaller ones. I am still concerned about the size of the project and the effect on the neighboring residences. I do not believe this site should have been downzoned to give one developer the right to unlimited density. To protect my home's livability please limit this development to 12 units per acre as is the standard now.

Thank You,

Kathleen Dier  
6214 101st Court NE  
Kirkland, WA

**Jeremy McMahan**

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**From:** Jeremy McMahan  
**Sent:** Thursday, March 08, 2012 3:10 PM  
**To:** Planning Commissioners  
**Subject:** FW: Finn Hill Zoning

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Kathy Schuler [<mailto:kathys@indepth-tech.com>]  
**Sent:** Thursday, March 08, 2012 2:53 PM  
**To:** PlanningInfo  
**Subject:** Finn Hill Zoning

Dear Planning Commission:

Regarding Finn Hill Zoning:

We request that the Planning Commission re-establish the County's residential density limits, or a similar mechanism to reduce the allowed density of residential development, until such time that a neighborhood plan or other significant community planning effort is undertaken to solicit proper community feedback on the long-term vision for our neighborhood commercial centers.

Kathy and Kevin Schuler  
12401 89<sup>th</sup> PL NE  
Kirkland, WA 98034  
425.823.7850

**Jeremy McMahan**

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**From:** Marv Scott [marv@scocon.net]  
**Sent:** Thursday, March 29, 2012 8:14 AM  
**To:** Jeremy McMahan  
**Subject:** Potala

I am writing to express my opposition to the density of this project. This is clearly out of scale with the neighborhood as is the size and shape of the building. The requested density would also create many traffic problems, including, but not limited to, ingress and egress to and from the site. Not enough parking is planned for the density which will create an overflow on 10<sup>th</sup> street, which is already very narrow.

Please scale this project back to the intended size and scale of the comprehensive plan.

Thank you

Marv Scott  
Scott Construction LLC  
Office 425-827-7300  
Cell 425-444-6278  
Fax 1-866-447-1427  
[www.scocon.net](http://www.scocon.net)

**From:** [John and Beth McCaslin](#)  
**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:** Stop Potala!  
**Date:** Sunday, May 13, 2012 4:47:41 PM

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We can't be at the Tuesday City Council meeting, but we'd be there, wearing Stop Red, if we could! It's ridiculous that the zoning for Potala would let 143 new dwelling units be constructed on that tiny piece of property, with the attendant HORRIBLE impact on traffic!! There needs to be a reasonable density cap in that area that will not add significantly to the already bad evening traffic and parking situation.

John and Beth McCaslin

**From:** [Essie Swanson](#)  
**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:** Stop Potala  
**Date:** Monday, April 30, 2012 11:55:46 AM

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I am not in favor of this development plan. It has too many negative impacts to make it a positive contribution for Kirkland.

Essie Swanson  
10325 113th Ct NE  
Kirkland, WA 98033

**From:** [Essie Swanson](#)  
**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:** Stop Potala  
**Date:** Monday, April 30, 2012 11:55:46 AM

---

I am not in favor of this development plan. It has too many negative impacts to make it a positive contribution for Kirkland.

Essie Swanson  
10325 113th Ct NE  
Kirkland, WA 98033

**From:** [Mosa, Dirk](#)  
**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:** Subject line: Public Hearing Comments BN Zoning  
**Date:** Monday, April 30, 2012 3:47:42 PM

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Dear All,

I would like to express my appreciation for the work that the Council, Planning and City Staff have been doing over the past 6 months or so with regards to the lack of zoning of above mentioned project. With this, I would also like to submit the below comments and have them entered into the public record for the hearing on extending the BN Moratorium.

Over the past several months a lot of groups 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.

We need to continue to collaborate 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 provides for building that is residential in scale
- 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 will ensure that buildings are integrated into the neighborhood
- still missing zoning that will create a lowest in hierarchy commercial "Residential Market"
- still missing zoning that discourages apartments in the neighborhood block that contains the two residential markets
- still missing zoning that will result in "A VERY SMALL BUILDING/Center,"
- still missing zoning that provides for building that is residential

in design

- 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 ensures transition area between more intense uses and the surrounding family homes and low density condos

- 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 provides for compatible uses

We are hereby asking you not remove the moratorium until these issues have been addressed and are built into the new zoning text.

Thank you,

Dirk & Andrea Mosa  
137 10<sup>th</sup> Ave South  
Kirkland, WA 98033

**Jeremy McMahan**

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**From:** Mark Taylor [mark.s.taylor@hotmail.com]  
**Sent:** Tuesday, April 17, 2012 2:14 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  
**Cc:** uwkkg@aol.com; Chuck Pilcher  
**Subject:** BN zoning on Lake Washington Blvd

Members of the Kirkland City Council,

Please add our names to the list of Kirkland residents concerned about the neighborhood business ("BN") zoning under consideration for the parcel located on Lake Washington Blvd.

We bought our property on Lake Washington Blvd in 2010 largely because we were confident in the ability of the Kirkland City Council to manage the growth of the city in a way that would benefit the community as a whole. We have previously resided in communities that did not manage growth well, and it significantly degraded both the quality of life and the economic value of owning property. As relative newcomers to Kirkland, we are not wholly familiar with the history leading to this point, but several principles seem important.

- 1) The interests of the community at large are far more important than those of any single developer. While we believe the community is enhanced by the ability of developers to do their thing, there must be reasonable guidelines governing development that protect the interests of those already residing in the vicinity of a proposed development. The number of residents wearing red at council meetings and expressing concern about this issue should be a clear indication of public opinion.
- 2) A "neighborhood business" designation should mean exactly that. Simply put, a neighborhood business is a business that serves the needs of people living in the neighborhood. A coffee shop, a dry cleaner, or a small restaurant are all examples of neighborhood businesses. Professional services such as a doctor's office, while potentially serving the community, are not really neighborhood businesses because the majority of their clientele and staff reside elsewhere.
- 3) A BN-zoned parcel should complement its surroundings, especially when those surroundings are zoned residential. The lack of a density cap on the BN zoning designation is especially problematic, since it introduces the possibility of a significant mismatch between a BN-zoned parcel and its surrounding residential zones. At a minimum, a BN-zoned parcel should be required to have a density cap that does not exceed those of its surroundings.
- 4) The last thing that Lake Washington Blvd needs is more traffic. It is inconceivable that anyone could conclude that adding a hundred-plus housing units with three hundred-plus parking spaces would not significantly worsen an already bad traffic situation. This is only common sense.
- 5) The buck stops with you, the city council. You are the people ultimately accountable to the citizens of Kirkland. You should not place difficult decisions on the shoulders of planning commissions or city employees. You were elected to make the hard decisions. Now is your time.

It seems that multiple errors have been made over a number of years with respect to Kirkland zoning. It is never too late to reverse a bad decision. Please do so.

Respectfully,

Mark & Betty Taylor  
6202 Lake Washington Blvd NE  
Kirkland  
206-979-8740 (cell phone)

**From:** [RLSTYLE@aol.com](mailto:RLSTYLE@aol.com)  
**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:** [Uwkkq@aol.com](mailto:Uwkkq@aol.com); [chuck@bourlandweb.com](mailto:chuck@bourlandweb.com); [rlstyle@aol.com](mailto:rlstyle@aol.com)  
**Subject:** The moratorium  
**Date:** Monday, April 30, 2012 8:42:05 AM

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In reading the Planning Department's Memorandum to the Council dated November 1<sup>st</sup> 2011, there were liberties taken in describing the BN rezone and land use provisions.

As required by the Growth Management Act, in an effort to reduce the time it would take to make the land use map consistent with the zoning map if public hearings were required, the next to last paragraph on Page 3 tries to justify the need for eliminating the permits needed to rezone properties. Instead, Staff proposed using legislative rezones instead. ***It was a flawed process because on Page 9, it shows LU-2 Commercial Areas were based on the land use plan map with circles drawn around areas that were not specific to each property.*** Property lines, not circles, should have been used as justification for rezones.

Instead of identifying specific properties with their property lines being drawn, staff used LU-2 circular reference as justifications for rezoning regardless of the size or shape of the property. If that had been done, it would have shown that only 5% of the proposed NB property may have been in the redefined BN area. The majority of the property, some 95%, was not in the rezoned area and should not have been changed.

On Page 11, the 2nd paragraph starts off with "In 2011...", take note of the last sentence. Staff made a judgment call on whether the standards in the zoning charts matched the associated density standards. Staff elected to call the difference between use and zoning a "***correction***" not subject to a quasi-legal process that would have required a public hearing. Is the public aware of what constitutes a "correction?" I'm sure the Planning Director does.

The public was not informed of the consequences. The definition of what constitutes a correction was abused.

If staff were going to correct anything, it should have been to zone the

properties to protect existing neighborhoods as called for by RCW 36.70A.070 Paragraph (2) of the Growth Management Act. As written it calls for “A housing element ensuring the vitality and character of **established residential neighborhoods**.” The proposed BN does not do that.

The larger southern piece whose land use was set at 12 units per acre was appropriate and should not have been changed. Staff abused their authority when they used the **"correction"** process that **may or may not** have been authorized by Council. What resulted is one that allows an unlimited number of dwelling units. If density is unrestrained, using the same logic, many properties whose lot size is now too small to develop could take advantage of what was an error in judgment. What would Kirkland be like if allowed to continue?

I can't believe the Council would ignore the opportunity to select the element of the GMA that would help protect existing homeowners.

Councilmember Nixon stated it well. In an article in the 12-1-2011 edition of the Kirkland Patch referring to the City's Mission Statement he said Councilmembers are “committed to the enhancement of Kirkland as a community for living, working and leisure with an excellent quality of life which **preserves** the City's **existing** charm and natural amenities.”

The Council needs more time to review what happened so that BN zoning and future developments support the City's Mission Statement. It's needed to preserve our quality of life.

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

**From:** [Cynthia Morrow-Hattal](#)  
**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:** Too Much Traffic  
**Date:** Monday, May 14, 2012 2:59:40 PM

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Dear Kirkland City Council~

I am so concerned about turning Kirkland into a high-density and heavily trafficked nightmare that I had to write to you. My husband and I moved to Kirkland 11 years ago because of the charm of the lakeside and village life. Since then I have opened the Violin & Viola Studio of Kirkland, Inc., a flourishing Kirkland business. This is done out of my home in the Highlands section, and my students park in my driveway. I am very careful not to impact my neighbors in any way. This new high density development will add to the traffic problems in downtown Kirkland and along the lake significantly, destroying much of the charm which attracts business and tourists to our city. It will impact all of us negatively and change the very nature of our town.

La Jolla, California, used to be a beautiful beach town which saw a lot of tourism. Today it is wall-to-wall high rises with great density, and it's not a destination place any more. Is this what we want?  
Please just say NO!

Very truly yours,  
Dr. Cynthia Morrow-Hattal  
Violin & Viola Studio of Kirkland, Inc.  
11435 NE 94th Street, Kirkland 98033  
[www.violinviolastudioofkirkland.com](http://www.violinviolastudioofkirkland.com)

**From:** [Gail Powell](#)  
**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:** VOTE NO to Potala Village!!  
**Date:** Monday, April 30, 2012 10:18:52 AM

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Too many apartments at this location!!! Stop this for all the people who live and do business in Kirkland!

Gail Powell  
510 Lake St, B102  
Kirkland, WA 98033

Sent from my iPhone

**From:** [Gail Powell](#)  
**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:** VOTE NO to Potala Village!!  
**Date:** Monday, April 30, 2012 10:18:52 AM

---

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Gail Powell  
510 Lake St, B102  
Kirkland, WA 98033

Sent from my iPhone

**Jeremy McMahan**

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**From:** uwkkg@aol.com  
**Sent:** Tuesday, April 03, 2012 2:14 PM  
**To:** Robin Jenkinson; Kurt Triplett; Eshields@kirlandwa.gov; Jeremy McMahan; Joan McBride; Doreen Marchione; Penny Sweet; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Mike Miller; Byron Katsuyama; Andrew Held; Jon Pascal; C Ray Allshouse; Glenn Peterson  
**Subject:** Fwd: Letter of Opposition to PORTOLA Development on Lake Washington Boulevard

Hi all:

I am not sure why this letter was sent to Dr Pilcher and myself as it should be addressed to all of you. There has been a dramatic increase in folks contacting us to participate in making donations to the legal fund so our names are out there... This likely just got mis-directed.

While the author mentions Portola instead of Potala, the concerns that she voices are the same regarding land use and zoning as it relates to the mismatch between what we all thought was well agreed to in Comp Plans and we believed the city had done their work to implement.

I'll connect with the author so that she knows who to contact in the future.

-Karen Levenson

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

From: SUSAN WANGER <[skwanger@hotmail.com](mailto:skwanger@hotmail.com)>

To: uwkkg <[uwkkg@aol.com](mailto:uwkkg@aol.com)>; chuck <[chuck@bourlandweb.com](mailto:chuck@bourlandweb.com)>

Sent: Tue, Apr 3, 2012 1:28 pm

Subject: Letter of Opposition to PORTOLA Development on Lake Washington Boulevard

Dear Ms. Levenson & Mr. Pilcher: I am a resident of the City of Kirkland. I am also a business owner with offices at Carillon Point. I live at the Bayshore Condominiums located at 6421 Lake Washington Blvd.

NE and I am absolutely opposed to the PORTOLA development being proposed for our community.

My reasons and comments follow:

1. The lakeshore neighborhood along Lake Washington Boulevard is unique. It is one of the last of the original waterfront neighborhoods along the shore of Lake Washington. Our neighborhood has diligently maintained the community plan as originally zoned, with a business and residential density that respects the integrity of the lake, provides adequate and necessary services to the businesses and residents located in our neighborhood, and protects the environment of the shore, its natural resources, and the wildlife habitat we all share.
2. The proposed PORTOLA development will never fit because it cannot maintain the integrity of our neighborhood and our community plan. Totem Lake and Finn Hill are examples and living testimonials of the failure of government, and of what can happen when expansion of a neighborhood occurs without a thorough and informed analysis of the considerations of the impact on the social and environmental issues involved.
3. The density of the proposed development sets forth occupancy requirements that cannot be met to support the debt service of the lenders. It is a lesson that has been and is being played out in Seattle and Bellevue today. This over-expansion of our neighborhood will cause foreclosures, business failures, and residential vacancies that will serve to become an attractive nuisance because it is unoccupied property. This will not add to the tax base. The burden on law enforcement and fire protection services will increase significantly and the security and protection the neighborhood now enjoys will be severely compromised.

4. Lake Washington Boulevard is a two-lane road which cannot support the volume of traffic it now has. The road cannot be widened - it was built that way. And there is no longer a bus route on Lake Washington Boulevard so accessibility to public transportation is restricted to the Kirkland Transit Center, located in the center of town, where there is no parking available - for a very good reason.

5. The increase in the transportation volume caused by the overexpansion is directly counter to the current mass transportation plans being implemented in King County by Seattle, Mercer Island, and Bellevue - as well as other cities in the State of Washington - to reduce the volume of vehicles on the roads to (1) preserve the environment, (2) protect the air quality, and (3) reduce the carbon footprint. An environmental impact statement from the State of Washington is warranted because of the proximity of the PORTOLA development to the Lake Washington shoreline and the natural wildlife habitats found along the shore. The environmental impact of this development and its proposed plan for overcrowding will be adverse to the health of the land, sea and air, as well as everything and everyone that lives near and around it.

Government has an absolute duty to protect and provide for the public good through the implementation of public policy - it is a right. The allowance of the PORTOLA development will violate public policy. I urge you to appoint a Citizen Site Committee, comprised of representative members from the residential community, as well as members from the business community licensed to do business in the City of Kirkland, to collaborate and work with the City of Kirkland to mutually formulate and present a land use plan for the site that will resolve the negative impact the PORTOLA development will have on the environment and our community.

Thank you.

Susan K. Wanger

**Jeremy McMahan**

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**From:** SUSAN WANGER [skwanger@hotmail.com]  
**Sent:** Wednesday, April 04, 2012 11:27 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; Doreen Marchione; Andrew Held; C Ray Allshouse; Mike Miller  
**Subject:** Letter of Opposition to POTALA Development on Lake Washington Boulevard  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Council Members:

I am a resident of the City of Kirkland. I am also a business owner with offices at Carillon Point. I live at the Bayshore Condominiums located at 6421 Lake Washington Blvd. NE. I am in favor of development in our neighborhood that is consistent with the character and requirements of the Comprehensive Plan, and, therefore I am absolutely opposed to any project such as the Potala development being proposed for our community.

My reasons and comments follow:

1. OUR NEIGHBORHOOD - The lakeshore neighborhood along Lake Washington Boulevard is one of the last of the original waterfront neighborhoods along the shore of Lake Washington. We have a mixed use neighborhood with single family residences, apartments, condominiums, 3 city parks with walking paths, and locally owned businesses. We have a corner grocery store, dry cleaners, 3 restaurants, bakery & coffee shop, a bank, and retail & commercial businesses. We know our neighbors.

2. KIRKLAND CITY CENTER - Kirkland City Center is within a 7 minute walk - there are apartments, condominiums, senior living, public library, retail & commercial businesses, a supermarket, restaurants, performing art center, art galleries, medical services, banks, real estate offices, coffee shops, recreational facilities, athletic field, public swimming pool, a large city park, walking paths, and much more. The Potala development has no unique service, business, or cultural attraction to add to Kirkland City Center or to be a convenience to our neighborhood.

3. COMMUNITY PLAN - Our neighborhood has diligently maintained the community plan as originally zoned, with a business and residential density that respects the integrity of the lake, provides adequate and necessary services to the businesses and residents located in our neighborhood, and protects the environment of the shore, its natural resources, and the wildlife habitat we all share. Right now it is in conformity with the Comprehensive Plan. The proposed Potala development plan has nothing to add because it does not represent the integrity of our neighborhood and our community plan.

4. REAL ESTATE FORECLOSURES & BUSINESS FAILURES - The density of the proposed development sets forth occupancy requirements that cannot be met to support the debt service of the lenders. It is a hard and costly lesson that has been and is being played out in Seattle and Bellevue today. This proposed over-expansion of our neighborhood will cause foreclosures, business failures, and residential vacancies that will serve to

become an attractive nuisance because it is unoccupied property. This will not add to the tax base, and may well cost the City real estate taxes by depressing the values of the properties in the neighborhood. Certainly, the lower values will cost the taxpayers money.

5. LAW ENFORCEMENT & FIRE PROTECTION - The burden on law enforcement and fire protection services will increase significantly, and the security and protection the neighborhood now enjoys will be severely compromised.

6. TRAFFIC VOLUME - Lake Washington Boulevard is a two-lane road that cannot support the volume of traffic it now has. The road cannot be widened because it was built to be two lanes only forever. And there is no longer a bus route on Lake Washington Boulevard so accessibility to public transportation is restricted to the Kirkland Transit Center which is conveniently located within walking distance in the center of town, where there is little to no parking available - for good reason. Getting out of my driveway now is a problem, and it will be exacerbated by the size and density of the Potala project or any other project that comes along seeking the same treatment.

7. ENVIRONMENTAL IMPACT STATEMENT - The increased volume of transportation caused by the overexpansion is directly counter to the current mass transit plans being implemented in King County by Seattle, Mercer Island, and Bellevue - as well as other cities in the State of Washington - to reduce the volume of vehicles on the roads to (1) preserve the environment, (2) protect the air quality, and (3) reduce the carbon footprint. An environmental impact statement from the State of Washington is warranted because of the proximity of the Potala development to the Lake Washington shoreline and the natural wildlife habitats found along the shore. Local ordinances will not even let you wash your car on your property if you live on the lakeshore. The environmental impact of developments like Potala and its proposed plan for overcrowding will be adverse to the health and use of the land, water and air, as well as everything and everyone that lives near and around it.

8. NAME CHANGE - It has been revealed the Potala developer may want to call itself "Aqua." What does this mean and what is the purpose of the name change?

9. PUBLIC POLICY - The allowance of any project such as proposed for Potala will violate public policy. Government has a duty to protect and provide for the public good through the implementation of public policy - it is the principle that no person or government official can legally perform an act that tends to injure the public. Public policy manifests the common sense and common conscience of the citizens as a whole that extends throughout their community and is applied to matters of public health, safety, and welfare. It is a general, well-settled public opinion that relates to the duties of citizens to their fellow citizens. Public policy enters into, and influences, the enactment, execution, and interpretation of legislation. Making the BN Zone classification consistent with the Comprehensive Plan will promote public policy and protect our neighborhood and its values.

10. SOLUTION – Add to the BN Zone classification the requirement that the residential dwelling unit density be consistent with the applicable community Comprehensive Plan. You can also appoint a Citizen Site Committee, comprised of representative members from the residential community, as well as members from the business

community licensed to do business in the City of Kirkland, to collaborate and work with the City of Kirkland to review any projects that seek approval from the Planning Commission.

Thank you.

Susan K. Wanger

**From:** [Robin Herberger](#)  
**To:** [Amy Walen](#); [Bob Sternoff](#); [Dave Asher](#); [Doreen Marchione](#); [Joan McBride](#); [Penny Sweet](#); [Toby Nixon](#)  
**Cc:** [Byron Katsuyama](#); [Glenn Peterson](#); [Jeremy McMahan](#); [Eric Shields](#); [Jay Arnold](#); [Jon Pascal](#); [Kurt Triplett](#); [Mike Miller](#); [C Ray Allshouse](#); [Teresa Swan](#); [Andrew Held](#); [Robin Jenkinson](#)  
**Subject:** WHY IS LAST TUESDAY'S CITY COUNCIL MEETING LIKE THE SPANISH INQUISITION?  
**Date:** Saturday, May 19, 2012 12:39:23 PM

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. . . Because NOBODY expects the Neighborhood Center!!

Dear Council Members:

Just as it's not such a hot idea to "drunk Tweet," writing to the City Council when you're hopping mad after a vote you think is mind-blowingly bad may also be ill-advised. So, I've spent a few days burning off the boo's, and think I'm finally ready to submit my citizen comment, as I feel compelled to do. Because I don't like getting sandbagged, and this doozy of a vote definitely deserves community response.

I want to know who is behind that well-coordinated Hail Mary Pass of a recommendation to turn the Residential Market into a Neighborhood Center at this stage of the game? I knew something was up when Dargey and his entourage showed up but took a pass at the podium. What was Tuesday night all about? Whatever it was, Mayor McBride and Council Members Walen, Sweet and Marchione turned it into a spectacle of thumb-nosing at the community. Council Member Walen teed it up with talking points right out of the developer's playbook in an attempt to change the Comp Plan and make a bad situation worse by trying to wave a wand and turn a Residential Market into a Neighborhood Center. Kind of reverse alchemy. Awesome!

The logic, reasonableness, and thoughtful deliberation expressed by Council Members Sternoff, Asher, and Nixon were in stark contrast to the often incoherent statements of their colleagues.

But, math rules. And Tuesday night, math was on the side of nonsense and developer pandering. A one-vote majority gave us George W. Bush. A one-vote majority gave us Citizens United. And Tuesday night, a one-vote majority gave us a victory of dubious sustainability for Lobsang Dargey. But don't rev up the backhoe just yet, Mr. Dargey.

What started out as a legitimate, reasonable, fact-based attempt by citizens to rectify faulty, flawed and confusing zoning regulations somehow got twisted into a personal wish list by some Council members and . . . an argument for affordable senior housing??!!  
 What the . . . .

This is not about what each of you PERSONALLY want. This isn't about Mayor McBride and her love affair with density. It's not about Council Member Sweet imploring us to

understand how really hard sticking it to the community is for her. It's not about Council Member Walen not being "personally interested in 12-24 units" and conflating Lobsang Dargey's apartment dream scheme with an affordable housing haven for the elderly. It's about fixing a mistake. It's about correcting and enacting legitimate zoning regulations. It's about responding to your constituents in good faith.

I realize you are operating with the Sword of Damocles twisting in the wind above your heads in the name of a constantly threatened lawsuit by Lobsang Dargey. But his evidence in the case is tainted, and Mr. Dargey is not the only one with lawyers on speed dial.

There were so many things said Tuesday night that simply did not make sense. At the risk of the length of this letter getting into Unabomber diatribe territory, I'm going to plow ahead because this really bothers me.

Council Member Walen, you cooked up a big messy pot of BN goulash, trying to divert the focus from the rather targeted object of our yearlong activities. Why are you doing this?

- You said, "I think zoning allowed it (super-density) in the beginning." If zoning allowed it, why do you think we've been going through this process for over a year? If zoning allowed it, Potala Village would now be open for business, Marsh Park would look like the beach of Ipanema, and it would take an hour to get from Carillon Point to downtown Kirkland instead of a half hour.
- How is the Puget Sound Regional Council's projection for the region to 5 million people relevant to the corner of Lake and 10th? I know you're tying this into Growth Management, but this reminds me of a second-rate PR firm that pads its client presentation with irrelevant statistics and studies. And Growth Management DOES have the word "management" in there somewhere.
- You said you want "commerce that serves the neighborhood." Well, that's called Neighborhood Business, isn't it?
- What was the whole housing diversity and affordable housing for seniors all about? Are you under the impression that Lobsang Dargey is building Potala Village as an affordable senior citizen housing facility? If he is, you are breaking a news story here.
- What are you talking about with regard to housing diversity? The residential area surrounding Lake and 10<sup>th</sup> HAS a variety of housing options: single family homes (large and small), condos, and apartments with a range of rental fees. This sounds like another PR talking point from someone who knows nothing about the area.
- "I ask that we change the Comp Plan to designate this as a Neighborhood Center." Yet again, this sounds like it was written by a PR flack who does not understand how Kirkland's legislative process works and thinks a Council member can order a

change to the Comp Plan.

Council Member Sweet:

- “What bothers me is the inconsistency.” That’s OUR point. That is what we have been telling YOU for over a year. And who is to blame for that inconsistency? The City! We are the ones who have been trying to make zoning policy consistent.
- You said that a Neighborhood Center sitting in the middle of a neighborhood doesn’t make a lot of sense to you . . .and then you voted to recommend turning a Residential Market into a Neighborhood Center! By your own account, you just voted for nonsense.
- You said, “I don’t care whether we change it to Residential Market or a Neighborhood Center.”
  - It already IS a Residential Market. You can’t change something into what it already is.
  - You said you don’t care whether we change it to a Residential Market or a Neighborhood Center. . . . YOU..DON’T..CARE.. And then you voted to recommend turning it into a Neighborhood Center.
- “I do believe there needs to be more density there than folks are asking for.” What “the folks” are asking for is the correct application of the zoning density requirements for the Residential Market that are consistent and compatible with surrounding properties – which is 12-24 units per acre. There’s a bit of psychological projection going on here: “the folks” aren’t asking for something out of the main, the developer is. And if what the developer wants is legally allowable, Potala Village would not still exist only on the drawing board.
- “An individual went out and purchased this property under an understanding of what they could do with this property. That implies a contract to a certain degree that I believe we have to pay attention to, and that has to be part of our consideration. “ Nonsense. This is 100% from the developer’s perspective. Talking about the implication of a contract in this context sounds as though it might have been inspired by Duana Kolouskova. As Council Member Sternoff said, “Zoning certainty is not just for the developer, but also for the people who live there.” And, as Justin Stewart has told us in a public meeting, Dargey has an “out” from the 99-year ground lease if the deal goes south. This is not a single property. And Dargey was notified by Desiree Goble in a meeting packet that the site was only suitable for 12 units per acre, and highlighted it in yellow to bring it to his particular attention, before he had any purchase or lease agreement.
- “The only way we’re going to make it through this thing is if we can figure out a way to compromise.” And your idea of a compromise is to introduce a recommendation for a shopping-center grade zone?

Mayor McBride:

- Yes, we KNOW you love density. But you can't impose it for its own sake. You may want a density explosion on Lake Washington Boulevard, but those of us who live along it have many reasons, legal as well as personal, why we do not.
- "I think cities on the Eastside – large urban areas – should welcome density." Thinking that you are the mayor of a large urban area is part of the problem. We're not Seattle and we're not Bellevue. And I don't think the majority of your constituents think we are, or want to be.

If you kicked this issue over to the Planning Commission to study and make recommendations and they conclude that the BN zone on the Boulevard is a Residential Market, WHY are you rejecting their recommendation before the process has played itself out, and choosing to inject this contradictory and radical measure? Mayor McBride and Council Members Walen, Sweet, and Marchione, please listen to the community and to your Planning Commissioners and reconsider your vote to recommend an imposition of a shopping mall grade zone into the middle of a low-mid density residential neighborhood along the City's scenic, gateway drive.

Robin Herberger  
Kirkland, WA

**Jeremy McMahan**

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**From:** Paul Stewart  
**Sent:** Tuesday, March 13, 2012 8:48 AM  
**To:** Jeremy McMahan; Eric Shields  
**Subject:** FW: Finn Hill Zoning

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**From:** Scott Guter  
**Sent:** Tuesday, March 13, 2012 8:20 AM  
**To:** Planning Commissioners  
**Subject:** FW: Finn Hill Zoning

Another email addressed to the Planning Commission.

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**From:** Marian [<mailto:marianewilliams@comcast.net>]  
**Sent:** Friday, March 09, 2012 4:54 PM  
**To:** PlanningInfo  
**Subject:** Finn Hill Zoning

Dear Planning Commission:

Regarding Finn Hill Zoning:

We request that the Planning Commission re-establish the County's residential density limits, or a similar mechanism to reduce the allowed density of residential development, until such time that a neighborhood plan or other significant community planning effort is undertaken to solicit proper community feedback on the long-term vision for our neighborhood commercial centers.

Eldon & Marian Williams

12406-88th Pl. NE

Kirkland, Wa. 98034



Kristine R. Wilson  
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March 19, 2012

**VIA ELECTRONIC MAIL**

The Hon. Joan McBride, Mayor  
The Hon. Doreen Marchione, Deputy Mayor  
The Hon. Dave Asher, Council Member  
The Hon. Toby Nixon, Council Member  
The Hon. Bob Sternoff, Council Member  
The Hon. Penny Sweet, Council Member  
The Hon. Amy Walen, Council Member

[citycouncil@kirklandwa.gov](mailto:citycouncil@kirklandwa.gov)

**Re: Commercial Codes KZC Amendments, File No. ZON11-00042  
BN Zoning District Code Amendments**

Dear Mayor, Deputy Mayor, and City Council Members:

We represent Potala Village Kirkland, LLC ("Potala"), which has a proposed mixed use project (the "Potala Project") planned to be constructed on 3 parcels at the corner of Lake Street South and 10th Avenue South in the City of Kirkland ("City"). In November of 2011, and again in January 2012, the City Council issued a building moratorium directly aimed at the Potala Project. The City Council instructed the City's Planning Commission ("Commission") to determine whether there need to be any changes to the City's Comprehensive Plan, the Neighborhood Business (BN) zoning code, or both.

Potala expressed concerns before the City Council's adoption of the moratorium, but agreed to participate in the zoning review in the hope that the process could proceed in a manner respectful of Potala's investment in the Potala Project, its reliance upon representations from City staff in a lengthy permitting review process, and its vested rights. This letter is intended to outline Potala's grave concerns about the actions that the City has taken so far, and the direction of where things are going.

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Kirkland City Council  
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Attached please find copies of written comments that were submitted to the Commission on February 23, 2012 (Exhibit A) and March 8, 2012 (Exhibit B). The February 23rd comments at Exhibit A provided background regarding the Lake Street BN Properties. The March 8th comments at Exhibit B provide a table illustrating how potential amendments to BN zoning parameters create feasibility and policy challenges as applied to the Lake Street BN Properties. We asked that the Commission consider these issues and recognize that in this very small zoning district—which essentially includes two sites, the Lake Street BN Properties and the South Rose Hill Property—setting zoning parameters that disproportionately impact one of the two sites or that diverge from standards in other City of Kirkland commercial districts is unduly oppressive, unequal and unnecessary to achieve the city's land use and planning objectives.

Rather than taking heed of the dangers presented by engaging in what amounts to unauthorized design review for a particular project at a particular site, the Commission appears to be confusing the task assigned to it by the City Council under Ordinance 4335A with a wholesale adoption of what is, in effect, a site-specific rezone and design guidelines. As the transcripts will reflect, at each of the Planning Commission's three hearings on BN Zone review the discussion of zoning amendments focused almost entirely on the Potala Project. At the March 8, 2012 meeting, in addition to the problematic policies that surfaced in the discussions at the February 23, 2012 meeting (addressed in the Exhibit B comments), the Commission discussed novel approaches to BN zoning that were directly focused on "breaking up buildings" on the Lake Street BN Properties. As with several other proposed changes to BN zoning parameters, such an approach would amount to arbitrary and discriminatory treatment or "reverse spot zoning." It would (a) use a zoning control not used elsewhere in the City, and (b) would have a much greater impact on the Lake Street BN Properties than on the South Rose Hill BN property due to the difference in size and scope.

As expressed in our oral comments to the City Council on November 1, 2011 opposing adoption of an emergency moratorium ordinance, Potala has engaged in a long process with the City about its proposal, the zoning, shoreline plan, comprehensive plan, and environmental review processes. The Potala Project's shoreline substantial development permit vested in May 2011 and the City issued a mitigated determination of non-significance for the project on June 15, 2011. That MDNS was subsequently revoked on August 4, 2011, and a determination of significance was issued requiring preparation of an environmental impact statement. A full hearing was held on the Potala Project's transportation concurrency in November 2011, and the City's hearing examiner affirmed the City's determination in full on December 2, 2011. In the course of responding to neighbor and City feedback, the applicant has twice lowered the scale and density of its proposed project—from 164 residential units to 143 apartment units, and then to approximately 120 condominium units.

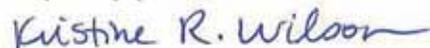
Potala remains concerned that the City is proceeding in a fashion that violates vested property and due process rights, would result in illegal spot-zoning, and would cause further

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damages to Potala. The City may not "single out" a building project and put up road blocks for the developer simply because the neighbors do not like it. *Westmark Development Corp. v. City of Burien*, 140 Wn.App. 540, 558, 166 P. 3d 813 (2007); *Pleas v. City of Seattle*, 112 Wn.2d 794, 806, 774 P.2d 1158 (1989). Potala requests again that the City desist in taking actions that are site-specific in the guise of a legislative process. Several of the proposed zoning amendments create disproportionate adverse impacts on the Lake Street BN zone properties. Such unequal and inconsistent treatment would violate Potala's rights and should be rejected on policy and legal grounds.

Potala encourages the City to reconsider its procedures and ensure that additional review processes offer the protections afforded by common law and constitutional provisions. Potala remains interested in finding common ground with the City and Potala Project neighbors and creating a building that will be a source of pride for all. Potala will not, however, waive its rights and allow egregious processes to continue without further objection, potentially in the form of legal action against the City.

Very truly yours,



Kristine R. Wilson

Cc: Robin Jenkinson, City Attorney  
Kurt Triplett, City Manager  
Eric Shields, Planning Director  
Jeremy McMahan, Planning Supervisor



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February 22, 2012

**VIA ELECTRONIC MAIL**

Jay Arnold, Chair  
Mike Miller, Vice Chair  
C. Ray Allhouse, Commissioner  
Andy Held, Commissioner  
Byron Katsuyama, Commissioner  
Jon Pascal, Commissioner  
Glenn Peterson, Commissioner  
George Pressley, Commissioner  
Karen Tennyson, Commissioner

[PlanningCommissioners@kirklandwa.gov](mailto:PlanningCommissioners@kirklandwa.gov)

**Re: Commercial Codes KZC Amendments, File No. ZON11-00042  
BN Zoning District Code Amendments**

Dear Kirkland Planning Commissioners:

On behalf of our client, Potala Village Kirkland, LLC ("Potala"), we thank the Planning Commission ("Commission") again for your time and consideration at your February 9th meeting. We submit the following to (a) respond to issues raised at that meeting regarding the impact of proposed City of Kirkland ("City") zoning amendments on the distinctive Lake Street South BN zone properties, the site of Potala's proposed mixed use project (the "Lake St. BN Properties"), (b) summarize existing BN zone regulations and policies; and (c) illustrate how the existing BN zone provisions regulate uses, building bulk and scale, and various neighborhood compatibility issues such as traffic.

**A. Distinction of the Lake St. BN Properties from Other BN and BNA Parcels and Particularized Impact of Zoning Provisions**

There are very few parcels in the City that fall within the BN and BNA zoning districts. In the BN zone, there are four BN parcels, three in the Moss Bay neighborhood and one in the

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South Rose Hill neighborhood. The BNA zones lie within the Finn Hill and Juanita annexation areas. The Lake St. BN Properties are different from the rest of these parcels, both in its location and its current development and use pattern. Potala believes that these distinctions must be kept in mind in this review process.<sup>1</sup>

The Lake St. BN Properties are located on a primary arterial, Lake Street South, a direct route between two major commercial areas of the City: the downtown business district and the Carillon Point development. The parcels also front on 10th Avenue South to the north. The current uses on the Lake St. BN Properties—the dry cleaning and restaurant uses—under utilize the site and under serve the neighborhood. The existing buildings of approximately 2114 square feet were constructed in 1958 and updated in 1985. They sit on parcels that have a combined square footage of 20,000. The remainder of the area is a gravel parking area that sits on 32,600 square feet of otherwise undeveloped property. The directly adjacent parcels are zoned for residential multifamily uses (RM 3.6) and primarily include multifamily condominium, apartment, and townhouse uses. Across the street from the Lake St. BN Properties are parcels lying within the Waterfront District I zone, while to the northeast are single-family properties within the RS 8.5 zone.

This differs from the South Rose Hill BN site in important ways. While the Lake St. BN Properties are located on a primary arterial between major commercial areas on a pedestrian and bicycle-friendly corridor, the South Rose Hill property is located on a secondary arterial at the far edge of the City limits. The Lake St. BN Properties are also nearly one-sixth larger than the South Rose Hill property (which totals approximately 46,720 square feet). The South Rose Hill site was fully developed in 1997 (and remodeled in 2002) with approximately 9,800 square feet of retail space, 7,650 square feet of office space, and surface parking that covers the remaining site apart from minor landscaping, a bus shelter, and lighting.

As discussed in the February 2, 2012 memorandum from Jeremy McMahan and Eric Shields to the Commission regarding Commercial Codes KZC Amendments, File No. ZON11-00042 (the "2/2 Memo"), the Lake St. BN Properties carry both Neighborhood Business and Residential Market designations under the Comprehensive Plan. There are only two sites with the Residential Market designation in the City, the other one being the site of the existing Super 24 convenience mart. The Lake St. BN Properties are even more distinct from the other Residential Market site than from the other BN site. The Super 24 site has a zoning designation of RM 3.6. The BN zone provides for a variety of retail and office uses and allows for

<sup>1</sup> Given the distinctions of the Lake St. BN Properties from the other properties within the BN and BNA zones, we remain concerned that the detriment of a rezone to this particular property and proposal may make for arbitrary, unequal impacts across this very narrow zoning district that amount to discriminatory or "reverse spot" zoning (i.e., when a zoning change imposes greater restrictions on property, resulting in economic detriment to the reclassified property owner). See generally Daniel R. Mandelker, *Land Use Law* 246 (4th ed.1997).

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residential uses above the ground floor. The RM 3.6 zone allows medium residential density as a primary use and allows only limited neighborhood retail. While the other Residential Market site contains approximately 12,424 square feet (0.29 acre), the Lake St. BN Properties is nearly 4.5 times larger at over 53,600 square-feet (1.22 acres).

**B. Current BN Zone and Comprehensive Plan Provisions Regarding Commercial and Residential Uses and Building Bulk, Scale and Orientation**

As discussed in the staff memorandum presented at the Commission's February 9th meeting, the BN zone is not unusual among City of Kirkland commercial zones in its approach to residential density. "As with most other commercial zones in Kirkland, there is no maximum residential density limit. The actual feasible density is a factor of the size of units proposed within the building mass allowed by development standards such as height, setbacks, and parking." See page 5 of the 2/2 Memo.

For the Lake St. BN Properties, the existing code applies a maximum 30-foot building height; minimum 20-foot front yard, 10-foot side yard, and 10-foot rear yard setbacks; and a maximum lot coverage limit of 80 percent. 2/2 Memo at p. 6. In addition, a two-foot Lake Street South front yard setback—beyond the 20-foot front yard setback—is required for each foot that the building exceeds 25-feet. *Id.* With respect to commercial floor area, the existing Code requires a minimum of 75 percent of the total gross floor area located on the ground floor to contain commercial uses oriented to the adjoining street or sidewalk and prohibits residential use on the ground floor except for a lobby. *Id.*

The current Comprehensive Plan provisions relating to the Lake St. BN Properties encourage mixed use and residential development within this commercial zone. Policy LU-3.2

encourage[s] residential development within commercial areas. Residential development which is incorporated into commercial areas can provide benefits for businesses and residents alike. Housing within commercial areas provides the opportunity for people to live close to shops, services, and places of employment. Conversely, residents living within commercial areas create a localized market for nearby goods and services, provide increased security, and help to create a 'sense of community' for those districts.

See Attachment 3 to 2/2 Memo. Policy ED 3.5 also encourages mixed-use residential development within commercial areas, and states that "[m]ixed use development, when combined with multi-story structures, promotes a more compact and sustainable land use pattern and encourages walking and transit to reduce dependence on automobiles."

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The Moss Bay Neighborhood Plan speaks of "limited commercial use of" the Lake St. BN Properties, and indicates commercial use "serves as a convenience to surrounding residences." (p. XV.D-24 of Moss Bay Neighborhood Plan) The Residential Market provisions of City plans are likewise focused on the limited scale of neighborhood retail or commercial uses and a desire to see building design that is compatible with the neighborhood in size, scale, and character. These policies merely suggest that **commercial** use of the site should be at a lower intensity than other City commercial zones; they do **not** speak to the scope of any **residential** uses within a mixed-use project.

**As indicated in the 2/2 Memo, these existing Comprehensive Plan policies "do[] 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."** 2/2 Memo at Attachment 5, p. 31. Given the greater impacts of customer, client, vendor, and employee trip generation and parking demands versus residential demands, this focus is not surprising. These provisions do not require density or FAR limits on residential components of a mixed use project. The plan relies upon zoning controls to regulate the building's bulk and scale. Given the size of the assembled Lake St. BN Properties, such residential restrictions would effectively give preference to office commercial uses at the site over neighborhood-serving retail uses which, because they are not regional destinations, practically require location and synergy with on-site residential uses in mixed use settings.

### **C. Illustration of Zoning and Plan Applications to Lake St. BN Properties**

As discussed at the February 9th meeting, the current moratorium and proposal to amend the zoning for the Lake St. BN Properties are clearly driven by an effort to respond to neighborhood concerns regarding a specific project proposal. Potala's interest is to construct a mixed-use project that enhances the Lake St. BN Properties and is compatible with the neighborhood. Potala's developer has progressed in good faith for over two years in consultation with the City.<sup>2</sup> The first pre-submittal meeting on the application was held on December 9, 2009. A shoreline substantial development permit and environmental checklist were filed with the City on February 23, 2011. The current project plans are consistent with the existing zoning code and respond to several rounds of comments and guidance from City staff. Potala has met with neighbors on several occasions and continues to try to address neighbor concerns. Potala twice reduced the proposed density—from 163 units initially to 143 units and now to approximately 115 to 120 units—and incorporated other design changes to respond to neighborhood compatibility concerns.

<sup>2</sup> If the City's zoning and comprehensive plan provisions are inconsistent, this is due to City substantive and procedural errors, and not any actions of Potala. Potala is hopeful that the City can clarify its zoning and plan provisions in a manner that rectifies any City error without causing undue oppression or damages to Potala or other owners of BN or BNA-zoned properties.

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**While the site-specific proposal for Potala is not before the Commission for review, we believe that the site-specific proposal and neighborhood responses regarding compatibility can help shed light on the zoning review.** We believe this is the reason the City asked Potala and neighboring property owners to make a presentation to the Planning Commission at its last meeting. The following facts and circumstances can clarify and provide context to the Commission's BN zoning review process.

- **Building Bulk and Scale.** As discussed in Section B below, the existing BN zone building bulk and scale provisions effectively limit residential density and building footprint for projects within the City's BN zone. The code sets maximum building height, minimum setback requirements, and lot coverage standards that limit the building footprint on the site. The maximum building height in the BN zone is the same as the building height in adjacent multifamily residential zones. The current zoning code does nothing to incentivize neighborhood retail uses within the building envelope. The focus of the code is on the building footprint.
- **Environmental Review/Design Review.** Because the current development proposal for the Lake St BN Properties is consistent with the existing zoning designation and is permitted outright in the BN zone—as confirmed by City staff in multiple pre-application conferences, post-application review meetings and correspondence, and drawing/application review steps—the shoreline permitting process and related review under the State Environmental Policy Act ("SEPA") were pursued by Potala. On June 16, 2011, the City issued and published a Mitigated Determination of Non-significance ("MDNS") for the development proposal. On August 4, 2011, the City withdrew the MDNS and issued a Determination of Significance ("DS"), primarily citing concerns regarding the implementation of the City's SEPA policy that incorporates its comprehensive plan. In accordance with the DS, an environmental impact statement ("EIS") will be prepared to review the proposal, despite the Zoning Code's designation of the site for no required permit review process. (KZC 40.10 – Use Zone Chart) As initially scoped, the EIS will review the height, bulk and scale of the building, residential density, traffic, parking, wildlife, environmental remediation, and construction impacts of the proposal. Potala believes that this EIS process review of height, bulk and scale of the building will effectively take the place of design review. Creating design guidelines for the Lake St. BN Properties would likely be duplicative of this EIS review process.
- **Transportation.** Because the building bulk and scale are established under the existing Commercial Zone provisions without respect to the type of use (commercial or residential), the main neighborhood impact driven by the allocation of commercial uses and residential density on the Lake St BN Properties relates to the number of vehicle trips to and from the site and potential parking demand impacts. The City has already conducted a transportation concurrency review for the then-proposed development of 143 residential units and 7,279

Kirkland Planning Commission  
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square feet of commercial (office) space, and an underground parking garage. Neighbors appealed the project's concurrency determination. A full-day hearing was held on November 17, 2011. The hearing examiner upheld the City's transportation concurrency determination in a decision issued on December 2, 2011. The project has since been revised to reduce the number of residential units to 115 units. As discussed in the project's traffic impact analysis prepared by Mike Swenson and Stefanie Herzstein of Transpo Group, and as affirmed by testimony from the City's Transportation Engineer Thang Nguyen at the hearing, the residential units create lower vehicle trip counts than would increased office or retail uses at the property. With respect to parking, the project exceeds the required per residential unit parking standards (providing a 2 stall:unit ratio rather than the 1.7 stall:unit ratio required) in an effort to discourage additional demand for street parking.

- **Building Orientation.** The current building plans call for a building design that has a courtyard within the interior of the site, open to the east side of the property, where a steep slope impacts design. In response to comments from neighbors and the City, Potala is evaluating alternate designs that would orient the courtyard to Lake Street South. However, the current zoning code does not incentivize that orientation, which would reduce utility of units that would have less light and air access.
- **Retail Versus Office Uses.** The current BN provisions require that a minimum of 75 percent of the total gross floor area of all structures contain commercial uses oriented to the adjoining street or sidewalk. No residential uses are allowed on the ground floor except for a lobby area. Further, the current BN zoning does not limit the allowed square footage for office uses, but imposes an additional five-foot side yard setback for retail uses. *See* KZC 40.10 Use Zone Chart (requiring 10' side yard setbacks on each side for retail uses and 5' yard setbacks with combined 15' yard setbacks for office uses). In all, the current code encourages office uses over retail uses within the ground floor of a BN zone project.
- **Zoning Designation of Surrounding Residential Properties.** The Lake St BN Properties have long carried a different zoning designation from surrounding residential properties. While neighbors may have a desire to see their properties upzoned to allow higher densities, neither this Commercial Zone planning review process nor the project-specific review process pending before the Planning Department for the Lake St. BN Properties provide an appropriate means for addressing these policies and plans for parcels carrying Residential Zone designations. Potala would support a separate City process to review higher residential densities in the vicinity of the Lake St. BN Properties, but the issue is not properly before the City at this time.

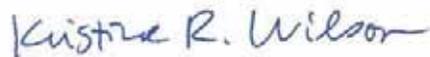
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**D. Conclusion**

Potala respectfully requests your consideration of how zoning restrictions and incentives can combine with existing planning policies to achieve City of Kirkland planning objectives. The facts and circumstances of the potential BN zoning code changes present a troubling reversal of code interpretations and representations previously provided by the City. Potala believes that the existing zoning code provisions are sufficient and have, in fact, through iterative review with the City and neighbors, produced developments in BN zones that achieve City goals.

Having reviewed the code, plans, and neighborhood conditions and concerns, Potala remains convinced that mixed-use commercial and residential development of the Lake St. BN Properties is consistent with City planning objectives and is more compatible with the neighborhood than a 100 percent office or retail use would be. The City's plans encourage residential projects within commercial areas. The Commission must act with caution to avoid effectively negating these planning policies in the BN zone. Without careful construction, the zoning methodologies will not produce the expected development results.

Very truly yours,



Kristine R. Wilson

Cc: Eric Shields, Planning Director  
Jeremy McMahan, Planning Supervisor  
Robin Jenkinson, City Attorney  
Kurt Triplett, City Manager  
Lobsang Dargey, Potala Village, LLC  
Justin Stewart, Synergy Construction, Inc.



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March 8, 2012

**VIA ELECTRONIC MAIL**

Jay Arnold, Chair  
Mike Miller, Vice Chair  
C. Ray Allhouse, Commissioner  
Andy Held, Commissioner  
Byron Katsuyama, Commissioner  
Jon Pascal, Commissioner  
Glenn Peterson, Commissioner  
George Pressley, Commissioner  
Karen Tennyson, Commissioner

[PlanningCommissioners@kirklandwa.gov](mailto:PlanningCommissioners@kirklandwa.gov)

**Re: Commercial Codes KZC Amendments, File No. ZON11-00042  
BN Zoning District Code Amendments**

Dear Kirkland Planning Commissioners:

On behalf of our client, Potala Village Kirkland, LLC ("Potala"), following on our comments filed on February 23, 2012 and the discussions of the Planning Commission ("Commission") at your February 23rd meeting, we submit the attached table to illustrate how the proposed amendments to BN zoning parameters create feasibility and policy challenges as applied to the Lake Street BN Properties. We ask that the Commission consider these issues and recognize that in this very small zoning district—which essentially includes two sites, the Lake Street BN Properties and the South Rose Hill Property—setting zoning parameters that disproportionately impact one of the two sites or that diverge from standards in other City of Kirkland commercial districts is unduly oppressive, unequal and unnecessary to achieve the city's land use and planning objectives.

Very truly yours,

Kristine R. Wilson

Cc: Eric Shields, Planning Director  
Jeremy McMahan, Planning Supervisor  
Robin Jenkinson, City Attorney  
Kurt Triplett, City Manager

TABLE 1 – COMMENTS REGARDING FEASIBILITY AND POLICY ISSUES WITH PROPOSED CHANGES TO ZONING PARAMETERS<sup>1</sup>

Zoning Parameter	BN (current)	Zoning Amendment Options (per 3/8 meeting packet)	Feasibility Issues	Policy Issues
<b>Residential density</b>	None	No change	None	None
<b>Minimum commercial floor area</b>	75% of ground floor	Minimum commercial frontage	Given the site conditions of the Lake Street BN Properties (steep slope on three sides of the site), the only practical storefront is on Lake Street. A 50' commercial depth is a reasonable dimension both for retail store size (local neighborhood market scale) and taking into consideration the particular limitations presented by this site condition.	A minimum commercial frontage of between 30' to 50' should achieve the City's policy goals and would be consistent with the approach taken elsewhere in the City. It is also consistent with the Comp. Plan goals of seeing that BN properties are used for minimal, neighborhood-serving commercial purposes and that residential uses are encouraged in commercial areas.  There should also be a means to vary required commercial frontage to encourage increased landscaping and open space within a BN project. For the Lake Street BN Properties, provision of a landscape buffer and courtyard is more pedestrian friendly and more appropriate to siting on the busy street.
<b>Residential on ground floor of structure</b>	Prohibited	No change; allow lobby Revisit for residential behind minimum commercial frontage	Residential lobby should be authorized within the commercial frontage for ease of access, allowing the residential use to be pedestrian-friendly as well as commercial uses.	Residential lobbies should be allowable within the minimum commercial floor area, or the residential lobby should be treated as a commercial use.
<b>Commercial orientation</b>	Toward arterial or sidewalk	No change	None	None
		Minimum 13' ground floor height	A 12' commercial floor height would bring pedestrian areas and commercial grade one foot closer to the street level. Moreover, should the City change the maximum building height (e.g., to set a story limit) or require commercial to be at grade with the street, this limit on top of those changes would severely restrict the Lake Street BN Properties. If the ground floor were to be provided at grade, the minimum ground floor height should not exceed 10'.	Generally, a 12' minimum ground floor height is workable and could encourage development of retail within the BN zone. If this limit is combined with a building height or at-grade requirement, however, this would exacerbate reverse spot zoning impacts. This limit would create disproportionate adverse impacts on the Lake Street BN Properties given its topography.
		Specify commercial floor to be at grade with street/sidewalk	It is more desirable and serves the neighborhood better to have a sub-sidewalk grade public open space with water fountains, benches and other site features for people to enjoy and at the same time create a buffer from the busy street, rather than have at grade commercial. This would limit design creativity, diversity and the ability to respond to specific site conditions.	It is reverse spot zoning to specify that the commercial floor be at-grade with the street/sidewalk. The Potala project's building proposal is the specific target of the proposed restriction and the limit has a much greater impact on the Lake Street BN Properties given its topography and orientation to streets and sidewalks.

<sup>1</sup> Potala Village Kirkland, LLC submits these initial comments regarding proposed changes to BN Zone zoning parameters under a full reservation of rights including, but not limited to, rights with respect to due process, property rights, vesting, reverse spot zoning, and other legal interests.

Zoning Parameter	BN (current)	Zoning Amendment Options (per 3/8 meeting packet)	Feasibility Issues	Policy Issues
<b>Maximum floor area ratio</b>	None	No change	None	None
<b>Maximum height</b>	30'	30' above ABE	This is currently what the City uses to measure the building height throughout the commercial district. It appropriately recognizes the different impacts that result when applying a height limit on a sloped property.	Without this average building elevation measurement technique, the City's regulations would not apply fairly or equally to account for site conditions. This typical tool accounts for what has been a typical grounds for varying height restrictions: differential impacts within the same zone as a result of site topography.
		Cap # of stories – max. 3 stories above street	For the Lake Street BN Properties, where there is a steep slope and vast elevation drop between this site and the site behind, this cap will put half of the building inside a well. The height limits and the required yards setback already limit building mass. This requirement is redundant from zoning point of view since it does not affect the buildings massing (i.e., if the height limit remains the same but the number of stories is limited, a developer could still build the same building mass with a single story if he was so inclined). If a project meets the required height limit, why does it matter how many floors there are?	It is reverse spot zoning to use maximum stories here when (a) the method was previously used but has since been rejected elsewhere in the City, and (b) the Potala project's building proposal is the specific target of the proposed cap because the limit has a much greater impact on the Lake Street BN Properties given its topography.
<b>Maximum lot coverage</b>	80%	No change	None	None
<b>Required yards</b>	20' front 10' side & rear	10' for ground floor commercial story	A 10' setback is acceptable. An incentive should be provided if a property owner does more in order to create additional landscaping and public open space.	There should also be a means to vary required commercial frontage to encourage increased landscaping and open space within a BN project. For the Lake Street BN Properties, provision of a landscape buffer and courtyard is more pedestrian friendly and more appropriate to siting on the busy street.
		No change to front for 2nd and 3rd stories	If this means that, should a 10' ground floor standard be adopted, higher stories would be stepped back to 20', we think this would be workable.	A stepback requirement of this type would have a disproportionate impact on the Lake Street BN Properties, given its configuration. Incentives should be offered for any additional landscaping and open space provided, especially within front yards.
		10' side and rear for all uses	Yes, commercial and office should be treated the same to allow flexibility of future tenant changes.	This standard is consistent with the code and Comp. Plan policies encouraging retail or office uses in the BN zone.

Zoning Parameter	BN (current)	Zoning Amendment Options (per 3/8 meeting packet)	Feasibility Issues	Policy Issues
<b>Land use buffer</b>	Retail = 15' adjoining SF or MF Office = 15' adjoining SF, 5' adjoining MF	15' for all commercial uses adjoining residential (SF or MF)	There seems to be some confusion about the nature of this buffer. It is a buffer from the property line where a retail or office use adjoins a parcel that is zoned SF or MF—it is <u>not</u> a setback of 15' or 5' from SF or MF <u>structures</u> . On the Lake Street BN Properties, the adjacent MF property to the east is separated from the site by an approximately 30' steep slope. Any new structure on the site above ground is likely to be more than 5' from that property line. Below ground, however, it is important to be able to make use of this additional space for parking. On the south side, on top of the land use buffer on this site, the adjoining property most immediately contains its own landscaping area, then a road, and next a parking area. We favor moving the existing retail buffer to the office standard (i.e., 5' adjoining MF) or making no change.	The existing 15' single-family and 5' multi-family buffers are appropriate for a neighborhood-serving commercial use. Making office and retail consistent at 5' from multi-family zoned properties is appropriate to code and Comp. Plan policies encouraging retail or office uses in the BN zone.
<b>Maximum retail / restaurant store size</b>	10,000 s.f. per establishment	5,000-9,000 (find examples of neighborhood services)	No comment. This is a wide range and feasibility will depend upon the size chosen.	No comment.
		4,000 s.f. (similar to MSC 2 zone)	Setting 4,000 s.f. as a maximum may preclude some desirable neighborhood-serving retail establishments.	No comment.
<b>Use limitations</b>	Use zone charts	Prohibit non-pedestrian oriented uses	What is a pedestrian oriented use? The zoning code presently provides a very circular definition. Future market trends may be very different from today so it is important that the use descriptions not be too restrictive.	The appropriateness of this restriction is very dependent upon which uses are included in the scope. Parking garage space at a ground floor level, in particular, is necessary to enable neighborhood-serving retail or office use.
<b>Maximum building length</b>	None	Determine if addressed through design guidelines or regulations	Traditionally this is controlled through setbacks, lot coverage and through modulation of the building elevations. We believe these factors should be used.	It is reverse spot zoning to use maximum stories here when any length chosen would be arbitrary and would affect the Lake Street BN Properties disproportionately given its size. It is possible that a property with a shorter street front (such as the Rose Hill BN Property) could have the same building length with smaller side yards. Furthermore, if this limit only applies in the BN zone and not elsewhere within the City, it could provide for unequal restrictions as compared to other commercial properties within the City.
<b>Maximum building size</b>	None	Determine if addressed through design guidelines or regulations	Maximum building size is already determined by limiting the building height, setbacks, floor area and landscape buffers. This requirement is redundant and can cause conflicts between zoning regulations.	The fact that this type of regulation is not in use anywhere else in the City is telling. It should not be used here either. Further, selecting a maximum building size under these circumstances amounts to reverse spot zoning. Setbacks and building height standards – as applied elsewhere – are appropriate here as well.

Zoning Parameter	BN (current)	Zoning Amendment Options (per 3/8 meeting packet)	Feasibility Issues	Policy Issues
Review process	None	Design Review (bring back Design Guidelines/regulations for MSC 2 for consideration)	This will duplicate the same public hearing and commenting process that will be conducted as part of SEPA EIS review. SEPA EIS review is examining the project more systematically to address any impacts to the environment and neighborhood/city. If additional review process is added in this zone, Administrative Design Review is more appropriate than Design Board Review.	This permit review process change will have a disproportionate impact on the Lake Street BN Properties. For the Lake Street BN Properties, applying a design review process will cause undue delays. The shoreline substantial development permit process for the site of the proposal already ensures sufficient consolidated review under SEPA. Design review should not apply where an EIS review is utilized including bulk and scale issues within the scope.

**Jeremy McMahan**

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**From:** Wilson, Kristine (Perkins Coie) [KRWilson@perkinscoie.com]  
**Sent:** Thursday, March 08, 2012 5:27 PM  
**To:** Planning Commissioners  
**Cc:** Eric Shields; Jeremy McMahan; Robin Jenkinson; Kurt Triplett; 'lobsang@pathamerica.com'; 'Justin Stewart'  
**Subject:** File No. ZON11-00042: Potala Village Kirkland's Comments re. Proposed Amendments to BN Zoning Parameters  
**Attachments:** 3-8-12 Letter from Potala to City of Kirkland Planning Commissioners.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Kirkland Planning Commissioners,

Attached for your review and consideration please find a comment letter filed on behalf of our client, Potala Village Kirkland, LLC. Please note that the table provided on pages 2-5 of the .pdf is formatted on legal-sized paper for easier reading and accessibility.

Thank you for your consideration.

Very truly yours,

**Kristine Wilson | Perkins Coie LLP**

**Attorney at Law**

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March 8, 2012

**VIA ELECTRONIC MAIL**

Jay Arnold, Chair  
Mike Miller, Vice Chair  
C. Ray Allhouse, Commissioner  
Andy Held, Commissioner  
Byron Katsuyama, Commissioner  
Jon Pascal, Commissioner  
Glenn Peterson, Commissioner  
George Pressley, Commissioner  
Karen Tennyson, Commissioner

[PlanningCommissioners@kirklandwa.gov](mailto:PlanningCommissioners@kirklandwa.gov)

**Re: Commercial Codes KZC Amendments, File No. ZON11-00042  
BN Zoning District Code Amendments**

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		4,000 s.f. (similar to MSC 2 zone)	Setting 4,000 s.f. as a maximum may preclude some desirable neighborhood-serving retail establishments.	No comment.
<b>Use limitations</b>	Use zone charts	Prohibit non-pedestrian oriented uses	What is a pedestrian oriented use? The zoning code presently provides a very circular definition. Future market trends may be very different from today so it is important that the use descriptions not be too restrictive.	The appropriateness of this restriction is very dependent upon which uses are included in the scope. Parking garage space at a ground floor level, in particular, is necessary to enable neighborhood-serving retail or office use.
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