

Copy of email sent by Karen Levenson to the Planning Commission and City Council

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Subj: BN zones - Moratorium - Requested copy of comments to KCC 12.12.11

I was asked to send a copy of my comments from the Kirkland City Council Meeting of 12.12.11 Please spend a quiet moment to review the hopes and plans of the past City Councils, Planning Commissions and neighbors as it relates to BN property on Lake St S. These comments provide a simple outline to a very complex set of decisions and "errors."

For the City Council, please have these included as formal comments for the upcoming Public Hearing.

For the Planning Commission, please review the comments below... This quick overview will help provide an outline... and many other issues will be filled in as we work forward. There is 6 months of research that we will be sharing with you as this moves forward and the brief intro below will help you assimilate things in the future.

Thanks much, Karen Levenson

== See comments from the audience info below == on behalf of approx 200 residents & 8 HOAs
Good Evening

My name is Karen Levenson

6620 Lake Washington Blvd, Kirkland where I am HOA President and have recently begun to represent to, some extent, some 200 homeowners from numerous HOAs and Single family homes near Lake Washington Boulevard.

Tonight, I want to say a special thank you to all of you who serve the citizens... We know how much time, and energy, and deep thought goes into your deliberations... I especially want to thank council member Greenway. Your efforts, over the years, have helped to build the Kirkland we know and love today... Your legacy of service is built into our fabric ... and we look forward to your continued expressions of love for, and service to, Kirkland.

This evening, I want to use my 3 minutes to tell the story of Kirkland's hopes and plans for the Boulevard (Lake Street and Lake Washington Boulevard). This is not just about the hopes and plans of the neighbors, but is also about the hopes and plans of past councils, city staff, and many other stakeholders.. I will be speaking about the hopes and dreams from 1976 until last year.

1) Prior to 1976, the properties along the Boulevard that were south of the Central Business District were being developed at 24 dwelling units per acre.

There was a neighborhood business property in the center of the Boulevard and it was restricted in that it could not be built to as great a density as the surrounding residential parcels..... The Neighborhood Business, (BN), zone allowed a developer to build only a single residence on the property ... Or... there was the opportunity to build multifamily at 18 dwellings per acre ... IF ... the residential units did not make up more than 10% of the overall project.

The BN zoned corner was only 1/4 acre at the time so that would have allowed for a maximum of 5 units of residential.

2) In 1977 the city of Kirkland realized this didn't meet their plans ...and WHOA Nelly!!!! The city put an abrupt halt to the densification that would otherwise overwhelm the infrastructure. They did

so by deliberately reducing the development potential of ALL the properties from 7th Ave S (nearly CBD) ... to NE 63rd St (nearly Kid Valley). Properties were downzoned from 24 dwellings per acre to a maximum of 12 units per acre.

As you can imagine, there was a big old lawsuit and then a settlement between the city and neighbors. Hundreds of property owners lost 50% of their right to build, or redevelop their parcels. Those that had already been built to the higher intensity s intensely became "non-conforming" (and speaking as someone who has had to reconstruct one of these old buildings..... it really puts those property owners in "the penalty box" anytime they need major repairs or upgrades).

3) In 1982, and then in 1983, there was a poorly written ordinance that was followed up one year later with an ordinance trying to correct the misstatements, type-"o"s and graphing errors of the earlier ordinance.... It appears that this is where the density cap on Neighborhood Business zones was inadvertently removed.

4) In 1995, it was recognized that two parcels of commercial use along LWB had issues regarding traffic ingress and egress. One was listed as a BN zone (the Michaels Dry Cleaners property) and one was listed as Residential Multifamily 3.6 (the Super 24 mini-mart) parcel.

Due to many of the same concerns of 1977, it was recognized that these properties needed to be less utilized than other BN and similar commercial zones in Kirkland... They would require their own zoning designation ... "Residential Market - Commercial," and these would be close cousins to, but less intense than, "Neighborhood Center -Commercial."

LU-2 map was adopted and there BN and BC zones were identified as either "Neighborhood Center" or "Residential Market" ...The primary difference is that Residential Market did NOT include residential housing as an approved use Neighborhood Center was basically the Residential Market designation(serving neighborhood needs)plus the addition that "residential units may be located on upper stories of commercial buildings in the Center."

There are 4 Neighborhood Centers identified on the commercial map They are Houghton, Juanita, Market and Bridle Trails

There are 2 Residential Markets. These are on the north and south end of the same block along LWB.

This was approved by ordinance and put on the implementation calendar for a Zoning Use Chart in 1995.

5) During the 2004 Comprehensive Plan Update, the implementation step of describing "Residential Market" zoning had not yet been accomplished. During the update process an asterisk and "High Priority" was assigned to the task of describing the uses and restrictions outlined and approved by ordinance for these "Markets." To fulfill the requirement of the Growth Management Hearings Board, the due date for having developmental regulations that would fully implement the plan was due by December 1, 2004. That date passed leaving the clarifying charts for another day. This is now why "STOP" has filed a "Failure To Act" claim with the hearings board.

6) At this time, the schedule for the neighbors and the city to present their cases to the board estimates a Final Decision and Order in Mid-May.

We are asking that the Moratorium on BN zones be extended to provide sufficient time for the Growth Management folks to review the facts and issue their opinion. This will help ensure that all decisions have the opportunity of being well coordinated.

Thank you.