

From: uwkkg@aol.com
To: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [C Ray Allshouse](#); [Byron Katsuyama](#); [Andrew Held](#); [Glenn Peterson](#); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Dave Asher](#); [Toby Nixon](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: ZON11-00042 BN-Res Mkt Neighbors seek overdue text to implement CP defined "Residential Market"
Date: Thursday, July 05, 2012 11:10:09 AM

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Re: ZON11-00042 BN-Res Mkt

Neighbors seek correction to "Failure to Act" Challenge. Need text to finally implement CP defined "Res Mkt" in locations therein specified
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Dear Commissioners, Council Members and Staff:

Please cure the "Failure to Act" challenge that was previously brought before the Growth Management Hearings Board due to the fact that the properties assigned as "Residential Market - Commercial" and the definition of Residential Market that was approved following years of study, then re-approved with slight modifications in 2004, 2007 and 2010 be finally put into the land use chart as specifically directed in the Implementation Strategies Chapter during each of the 4 mentioned CP Amendments.

I want to be clear about what we seek. We are not seeking a Comprehensive Plan change. We are not asking for ANY change. We are only asking for the decisions that were extensively researched, vetted and approved by Ordinance (or local law) be inserted as text, as required by those same Ordinances. We are asking for the overdue staff work of providing implementing zone use charts be finally accomplished.

This was the basis upon which the organization called "STOP" filed a "Failure to Act" challenge with the Growth Management Hearings Board but then withdrew the challenge when the moratorium was adopted which would allow time for this work to finally be completed. Many others stand by ready to rechallenge if the task of providing text to fully implement the Comprehensive Plan definition (and locations) of Residential Market is not soon accomplished.

A second point regarding the Comprehensive Plan is the dozens of inconsistencies that will be created with the plan if anything the size, scale or intensity of recent proposals is allowed on the BN-Residential Market property. There are major conflicts not only in the Neighborhood Plan, Land Use, Economic Development chapters, but almost every chapter has an area that would be in great conflict with high intensity development at the BN-Residential Market site.

Karen Levenson
6620 Lake Washington Blvd NE #101
Kirkland, WA 98033
uwkkg@aol.com

From: uwkkg@aol.com
To: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [Byron Katsuyama](#); [Glenn Peterson](#); [C Ray Allshouse](#); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Dave Asher](#); [Toby Nixon](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#); [Robin Jenkinson](#)
Subject: BN-Res Mkt - Posted online Kirkland views
Date: Thursday, July 05, 2012 7:17:44 PM

Hello:

I thought I'd keep you abreast of the letter to editor (Kirkland Views) that I submitted on behalf of the neighbor/citizen group.

Karen Levenson

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LETTER | Private Amendment Requests – Which developers must wait and which get fast tracked?

by Karen Levenson on JULY 5, 2012 in DEVELOPMENT, OPINION

Dear Editor:

Just a few quick comments on Comprehensive Plan, Zoning and PARs (Private Amendment Requests).

Comprehensive Planning is dictated by GMA. It necessarily requires broad public outreach and input. It looks at the growth targets for the city overall and it assigns growth to areas where it is compatible. Land use planning is thus done in a coordinated fashion.

Then comes Zoning. This is something less driven by public input (although some of public are required to be noticed). This is more of a staff function choosing words to make up the zoning text that will fully implement the Comprehensive Plan that was decided upon by citizens, city staff, commissioners and City Council Members.

So now to the developers. Many come in with visions that are not supported by the zoning or they may not be supported by the Comprehensive Plan, or they may not be supported by a more recently passed Ordinance (local law). Zoning code requires that the most restrictive of these apply any time there are conflicts (KZC 170.50).

To the rescue are Private Amendment Requests (aka PAR). This is the mechanism that a developer uses whenever they want to propose something that is not currently allowable. The good thing is there is this a way to have the city review an alternative that was not previously allowed. The bad thing is that it takes a very long time and developers often wait and wait. Some are encouraged by the city to wait for the next Neighborhood Plan update. Currently we have many developers who have completed their PARs or been waiting for neighborhood plan changes for a very long time – MRM, Woosley, Waddell, a recent public speaker re: Tech City Bowl, etc.

Then, we have others who are crafty in the way they try to cut in line ...Potlala Village (not consistent with the Comprehensive Plan and not consistent with more recently approved Ordinances – local law – wherein these BN properties were designated “Residential Market – Commercial” and that law defined this lowest intensity of uses) and Pantley SRO (a unique style of housing for which we currently do not have zoning – up to 8 bedrooms that share a kitchen ... kind of communal space except for

ones own room) and a new fangled, unproven, "parking management strategy" in lieu of meeting the downtown parking requirement.

We are not supposed to be making Zoning Changes or Comp Plan Changes to accommodate a project without the careful and deliberate steps of a PAR and the opportunity for the required public participation.

Working backwards in planning process, that is, starting with a project and then crafting zoning, and then rewriting the Comp Plan to match is spot zoning. This favors one party in a manner that is inconsistent with the careful and deliberate process outlined by Growth Management.

It is also disrespectful to those developers who submitted their PAR requests long ago and have been waiting for the city to have the time to hear their case.

How did Potala advance in the manner it did? The overdue zoning text to implement the definition of "Residential Market" is an essential and overdue responsibility of the city planning staff and will continue to be challenged for "Failure to Act" if the text to implement the deliberate decisions of the CP are not soon completed. Other than these required changes, why have we spent so much time trying to find a way to allow an incompatible building of incompatible intensity be built? Why did this relatively new developer get to fast track his ideas while those who have helped us build Kirkland sit and wait and wait ... and wait. Staff should have spent city time with those who follow the proper process.

Karen Levenson

From: [uwkkg](#)
To: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [C Ray Allshouse](#); [Byron Katsuyama](#); [Andrew Held](#); [Glenn Peterson](#); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Dave Asher](#); [Toby Nixon](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: ZON11-00042: BN-ResMkt City Files & dozens of documents extensive study BN-Res Mkt
Date: Friday, July 06, 2012 12:03:41 PM
Attachments: [Index to the Record.pdf](#)
[ATT00001.txt](#)

Hi all:

What you've heard over the last couple days is that the decisions on what should be residential market (and why), as well as how residential markets should be defined, well we know it was very well studied. Not just historically for 5 years in 1995 but on several occasions since then. Just take a look at the attached "index" of the discussions (put together by Robin Jenkinson). Following receipt of the attached, the neighbor group even found about 10 more things to add to the record.... And review of Residential Market has been done several times since 1995... Also in 2004, 2007 and a tad in 2010.

Attached is a summary of dozens of meetings and the minutes wherein Residential Market was actually discussed to a very significant extent. I have the actual documents for the most part and they show significant deliberations and review of which properties should be Residential Market and which should be Neighborhood Center and the need for the properties along the Boulevard to have a much lower intensity of use than the neighborhood Centers.

FYI, Intensity is also described in our city documents as being measured in dwellings per acre for residential uses that are included in a development and in Floor Area Ratio for those components that are non-residential in their use

If we are going to invalidate all this work and research it cannot be a knee jerk reaction and quick fix to a problem. These definitions and assignment of area designated for a low intensity commercial use called Residential Market have been validated by several planning commissions, city councils and citizens over the years.

Voiding all this work to fix a problem would be incorrect.

Sincerely,

Karen Levenson

6620 Lake Washington Blvd NE #101

Kirkland, WA 98033

uwkkg@aol.com

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
 CENTRAL PUGET SOUND REGION
 STATE OF WASHINGTON

SUPPORT THE ORDINANCES AND PLAN
 ("STOP"),

No. 11-3-0010

Petitioner,

INDEX TO THE RECORD

v.

CITY OF KIRKLAND,

Respondent.

INDEX No.	DATE	TYPE	TO	FROM	SUBJECT/RE
1.	1991-1995	Minutes of Kirkland Growth Management Commission (KGMC)			Public meetings and hearings for the 1995 Kirkland GMA Comprehensive Plan
2.	Nov 24, 1992 thru Feb 24, 1993	12 public notices File CC-91-136			KGMC meetings
3.	Nov 25, 1992	Issue Paper: File CC-91-136	KGMC Land Use Subcommittee	Laurie Anderson, Senior Planner	Development Nodes
4.	Jan 8, 1993	Issue Paper: File CC-91-136	KGMC Land Use Subcommittee	Dawn Nelson, Assistant Planner	Non-residential Building Intensities
5.	Jan 26, 1993	Issue Paper: File CC-91-136	KGMC Land Use Subcommittee	Laurie Anderson, Senior Planner	Mixed Use Development in commercial areas
6.	March 22, 1993	Memo File CC-91-136	KGMC Land Use Sub Committee	Laurie Anderson, Senior Planner	Questionnaire for open houses on whether Residential Market concept should be created and allowed in single family zones

INDEX TO THE RECORD-- 1

CITY OF KIRKLAND

123 FIFTH AVENUE

KIRKLAND, WA 98033

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FAX (425)587-3025

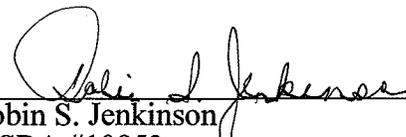
INDEX No.	DATE	TYPE	TO	FROM	SUBJECT/RE
7.	March 25, 1993	Issues Paper: File CC-91-136	KGMC Land Use Subcommittee	Planning staff	Residential Market concept
8.	May 26, 1993	Land Use Recommendation File CC-91-136	KGMC	Land Use Subcommittee	Land Use Element recommendation, including Residential Markets
9.	July 29, 1993	Map of Growth Concept - Non- Residential Land Uses File CC-91-136	KGMC	Lauri Anderson, Senior Planner	Residential Markets as general concept
10.	April 5 thru 21, 1994	Surveys at Public Open Houses, File CC-91-104	Public		Survey results on whether Residential Markets should be allowed in single family residential zones
11.	June 16, 1994 thru March 2, 1995	Nine public notices File IV-94-88			KGMC meetings and five hearings on the 1995 Comprehensive Plan
12.	July 18, 1994	Draft Environmental Impact Statement (EIS) File IV-94-88			1995 Comprehensive Plan
13.	October 1994	Mailed Flyer File IV-94-88	Public		KGMC hearing on Oct 20, 1994
14.	October 6, 1994	Legal Notice File IV-94-88			KGMC hearing on Oct 20, 1994
15.	Dec 15, 1994	Staff memo File IV-94-88	KGMC	Lauri Anderson, Senior Planner	Revised Land Use Element
16.	Feb 15, 1995	Minutes			Houghton Community Council
17.	March 9, 1995	Notice File IV-94-88			Public hearing before Houghton Community Council
18.	March 9, 1995	Final EIS File IV-94-88			1995 Comprehensive Plan
19.	March 13, 1995	Minutes			Houghton Community Council
20.	March 16, 1995	Notice File IV-94-88			Final EIS Notice of Availability

INDEX No.	DATE	TYPE	TO	FROM	SUBJECT/RE
21.	March 27, 1995	Minutes			Houghton Community Council
22.	April 24, 1995	Minutes			Houghton Community Council
23.	May 2, 1995	Staff memo on Land Use Element File IV-94-88	Terry Ellis, City Manager	Eric Shields, Planning Director	May 2, 1995, City Council Study Session
24.	May 17, 1995	Staff memo on Land Use Element File IV-94-88	City Council	Lauri Anderson, Senior Planner	Follow-up from May 9, 1995, City Council Study Session
25.	July 6, 1995	Staff memos File IV-94-88	Terry Ellis, City Manager	Eric Shields, Planning Director	June 13, 1995, City Council Study Session
26.	June 21, 1995	Staff memo File IV-94-88	Terry Ellis, City Manager	Eric Shields, Planning Director	June 27, 1995, City Council public hearing on the 1995 Comprehensive Plan
27.	June 27, 1995	Minutes			City Council hearing
28.	June 30, 1995	Staff memo File IV-94-88	Terry Ellis, City Manager	Eric Shields, Planning Director	City Council Final Adoption on July 11, 1995
29.	July 6, 1995	Staff memo File IV-94-88	Terry Ellis, City Manager	Paul Stewart, Deputy Director	Changes to Comprehensive Plan as directed by the City Council at July 5, 1995, Study Session
30.	July 11, 1995	Ordinance 3481 File IV-94-88			Adoption of 1995 Comprehensive Plan
31.	July 11, 1995	Minutes			City Council Final Adoption
32.	July 24, 1995	Minutes			Houghton Community Council
33.	Aug 28, 1995	Minutes			Houghton Community Council Final Action
34.	Dec 11, 2001	Ordinance 3814			Amendments to Professional Residential (PR) Zone, Kirkland Zoning Code (KZC) Chapter 25

INDEX No.	DATE	TYPE	TO	FROM	SUBJECT/RE
35.	Aug 1, 2002	Ordinance 3852			Amendments to PR Zone, KZC Chapter 25
36.	April 1, 2003	Ordinance 3887			Amendments to PR Zone, KZC Chapter 25 and Neighborhood Business (BN) Zone Chapter 40
37.	Dec 14, 2004	Ordinance 3974			City Council adoption of 2004 GMA Update Plan
38.	Jan 3, 2006	Ordinance 4030			Amendments to PR Zone, KZC Chapter 25
39.	Feb 6, 2007	Ordinance 4072			Amendments to PR Zone, Chapter 25 and BN Zone, KZC Chapter 40
40.	Jan 15, 2008	Ordinance 4121			Amendments to PR Zone, KZC Chapter 25 and BN Zone, KZC Chapter 40
41.	Dec 15, 2008	Ordinance 4222			Amendments to PR Zone, KZC Chapter 25
42.	Aug 3, 2010	Ordinance 4252			Amendments to PR Zone, KZC Chapter 25 and BN Zone, KZC Chapter 40
43.	Jan 4, 2011	Ordinance 4286			Amendments to PR Zone, KZC Chapter 25 and BN Zone, KZC Chapter 40

DATED this 12TH day of DECEMBER, 2011.

CITY OF KIRKLAND

By 
 Robin S. Jenkinson
 WSBA #10853
rlenkinson@kirklandwa.gov
 Attorney for Respondent

From: uwkkg@aol.com
To: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [C Ray Allshouse](#); [Andrew Held](#); [Glenn Peterson](#); [Byron Katsuyama](#); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Toby Nixon](#); [Bob Sternoff](#); [Dave Asher](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: ZON11-00042: BN-Res Mkt INTENSITY - LOWEST IN HIERARCHY
Date: Sunday, July 08, 2012 8:18:41 AM
Attachments: [Comp Plans - Lengthy Study, KCC Approval, Appeal P.pdf](#)

Good morning Planning Commissioners, City Council Members and City Staff:

ZON11-00042: BN-Res Mkt INTENSITY - LOWEST IN HIERARCHY

On behalf of myself, my HOA, several local HOAs and neighbors, I am sending you a couple brief comments and an attachment regarding the deliberate decision making wherein making the properties on Lake St S/10th Ave S and LWB/NE 64th St were singled out for very low intensity use. IN FACT, the Residential Market definition had not been part of our CP before and was drafted by staff as a new addition to the Comp Plan in 1995 (and revisited and reapproved in 2004, 2007, 2010).

As stated previously, we are not asking for any changes. We are asking only that the approved comprehensive plan changes which instructed staff to complete new zone use charts be finally completed. To be very clear, the MOST SIGNIFICANT part of the APPROVED definition of Residential Market Commercial is:

"LOWEST INTENSITY"

How do we define "intensity" and why was this seen as important?

HOW DO WE DEFINE?

Kirkland's documents (e.g. 2004 EIS) already describe how "INTENSITY" is measured in Kirkland.

- Intensity is measured as dwelling units per acre for residential uses in a development

- Intensity is measured as Floor Area Ratio for non-residential components of a development

WHY IS THIS SO IMPORTANT?

There were two reasons that the LOWEST INTENSITY designation for Commercial was assigned to the properties along the Boulevard.

1) Traffic ingress and egress problems were significant and lowest intensity would mean that only a limited number of cars would need to access the site (please see wording on attached documents where it specifically talks about limiting the number of cars parking on these sites).

2) The buildings needed to "fit" the neighborhood in similar size, scale, intensity of uses (noise, activity, light, demand on infrastructure, parking, water, use of parks, etc.

REQUEST BEING MADE BY NEIGHBORS AND OTHER CITIZENS

Please move forward and implement the text changes that have already

been approved by at least 4 Ordinances.

Limiting the units per acre to an intensity of use similar to surrounding properties is essential. Having similar intensity helps avoid a spot zone challenge.

Please realize that if you have the same number of residential units per acre and then add neighborhood businesses, you are exceeding the intensity of the neighboring properties. The overall intensity of use would be residential intensity and non-residential intensity combined.

Please move forward with zoning text that merely implements the plans as previously decided. These call for lowest intensity of use and provided the rationale for doing so. It would seem much easier to just make the wording changes to zoning that were already approved and instructed by Ordinance (local law) and which were never challenged. This would seem to keep the city out of more precarious decisions wherein one side might argue new intensities were designed to allow a specific project (spot zone) or other new Comp Plan changes were made to impede a project. Let's make sure and take project specific thoughts out of the deliberation.

Please merely implement the Plan and focus on the most important and most identified aspect. Residential Market is for lowest intensity use.

These are the thoughts of numerous neighbors and citizens and we hope you will give them careful thought.

Sincerely,
Karen Levenson
6620 Lake Washington Blvd NE
Kirkland, WA 98033

Below are details of the process of study, Planning Commission and City Council Approval of Residential Market designations & definitions of uses which applied to two areas along Lake Washington Blvd/Lake St S. The Ordinances (and their contents) became local law 5 days after publication and were never appealed.

ADOPTION OF COMPREHENSIVE PLAN AND SUBSEQUENT AMENDMENTS

Following an approximately three-year review process, the City of Kirkland (“City”) adopted Ordinance 3481 on July 11, 1995. The **1995 Ordinance 3481** adopted the first GMA compliant Comprehensive Plan for the City. The **2004 Ordinance 3974** adopted the first GMA required Comprehensive Plan update.

Ordinances are legislative acts or local laws. They are the most permanent and binding form of Council action.

The Residential Market – Commercial land use designation the was adopted through the 1995 Comprehensive Plan. The Land Use map in the 1995 Comprehensive Plan designated many areas throughout the City for commercial land uses. IR 31, Land Use Map, Figure LU-1, Page VI-5 (Ex. 31 - A). The Comprehensive Plan also mapped specific commercial development areas in the City and included descriptions of each of the five commercial land uses: Activity Areas, Commercial Districts, Commercial Corridors, Neighborhood Centers, and Residential Markets. IR 31, Commercial Development Areas Map, Figure LU-2, Page VI-13; Policy LU-4.4, Pages VI-11 – VI-12 (Ex. 31 - B). There are two Residential Market commercial areas mapped along Lake Washington Blvd/Lake St S. **Ordinance 3481** was adopted by legislative action and published in the Journal American on **July 16, 1995**, thereby establishing a 60-day timeframe for appeal. **There was no appeal.**

Following the approximately two and one-half year review process, the Kirkland City Council adopted the **2004 Comprehensive Plan** update with the passage of **Ordinance 3974** on December 14, 2004. The Residential Market land use designation had minor wording changes only and maintained the two Residential Market commercial areas mapped along Lake Washington Blvd/Lake St S. **Ordinance 3974** was then adopted by legislative action and published, in the King County Journal on **December 19, 2004**, again establishing a 60-day timeframe for appeal. Again there was no appeal.

Once the public participation process is complete and the City Council adopts a Comprehensive plan, it the responsibility of the City to put in place the mechanisms that will promote the actions needed for implementation.

Residential Markets were to require only a limited amount of off-street parking as parking ingress and egress were identified as very problematic at the two sites designated Residential Market. There were two reasons for this new "LOWEST INTENSITY" designation.
1) Develop in a way that will not create large vehicular ingress and egress
2) Develop in a way that the intensity of use and aesthetics are compatible with the neighborhood

ATTACHMENT 10
December 10, 2000

Neighborhood centers provide services to surrounding residential neighborhoods so that residents may shop close to home. They also may function as the focal point for a community. Because of these important ties to their neighborhood, neighborhood centers should develop in ways that provide goods and services needed by the local residents, enhance physical connections to the surrounding neighborhoods, foster good will and provide an opportunity for people to mingle and converse, and support use by local residents.

Policy LU-5.5. 5.9. Allow residential markets, subject to the following development and design standards:

- **Locate small-scale neighborhood retail and personal services where local economic demand and local citizen acceptance are demonstrated.**
- **Provide the minimum amount of off-street parking necessary to serve market customers.**
- **Ensure that building design is compatible with the neighborhood in size, scale, and character.**

The intent of this policy is to permit small individual stores or service businesses in residential areas on a case-by-case basis. These businesses should cater to nearby residents, be oriented to pedestrian traffic, and require very little customer parking. They should be designed and located in a manner that is compatible with adjacent residences and that will not encourage the spread of commercial uses into residential areas. They should be located where local economic demand and neighborhood acceptance can be demonstrated.

Employment

Along with the need to provide new housing units for future residents, the City will need to provide adequate floorspace for new nonresidential uses, some of which may employ Kirkland residents. If the opportunity for local employment is increased, the high proportion of residents who work outside the community may be reduced. This, in turn, would ease traffic congestion by shortening commute trips and making other modes of travel to work more feasible.

A range of employment types is desirable in the community, including primary jobs or jobs in industry or high technology. These jobs are well-paying and contribute directly to the strength of the local economy.

Goal LU-6. Provide opportunities for a variety of employment.

Policy LU-6.1. Provide opportunities for light industrial and high technology uses. Preserve areas zoned for high technology businesses, light manufacturing, and warehousing.

From: [Laura Loomis](#)
To: [Jeremy McMahan](#)
Subject: RE: Public Hearing June 28, 2012 Permit No. ZON11-00042
Date: Tuesday, June 12, 2012 6:00:45 PM

June 12, 2012

RE: Permit No. ZON11-00042 Public Hearing

Attn: Mr. Jeremy McMahan

Dear Mr. McMahan,

We will not be able to attend the Public Hearing on June 28, 2012, so please accept this letter regarding proposed zoning and/or Comprehensive Plan changes.

We are NOT in favor of allowing 4 story buildings in BN - Neighborhood Market zones. The density and scale of these zones should comply with the zoning and height restrictions of neighboring properties. The maximum density should be 12-24 units per acre - no more! An increase in building height should NOT be allowed to accommodate a minimum height for ground floor commercial.

These commercially zoned properties should either be zoned entirely multi-family residential in keeping with the surrounding residential zoning or include small businesses that service the neighborhood with residences limited by the zoning of the adjacent properties. BN zones are not and were not intended to be large scale buildings. They are located in neighborhoods with single family homes, small apartment buildings and condominiums. Large scale buildings belong downtown - not in a neighborhood.

There is no precedent in Bellevue, Bothell, Seattle, Redmond or any other nearby city that allows large scale unlimited or high density buildings in neighborhoods. Kirkland should not allow them either.

We do not accept the excuse that the city is required to increase density in neighborhoods. Kirkland has many undeveloped urban areas that are appropriate for large density projects. Development must be planned - not helter skelter - or the city will become an undesirable place to live. Residents won't live in a city where they cannot trust that their investment will retain its value due to indiscriminate development.

Finally, a design review should be required for all commercial/residential zoned developments.

Best regards,

LAURA L. LOOMIS
CHARLES M. LOOMIS
100 10th Avenue South
Kirkland, WA 98033
Email: lauraloomis923@gmail.com

From: [Janet Jonson](#) on behalf of [Joan McBride](#)
To: [Jeremy McMahan](#)
Subject: FW: ZON11-00042 BN-Res Mkt.
Date: Friday, July 06, 2012 10:16:22 AM

From: Laura Loomis [mailto:lauraloomis@charlesloomis.com]
Sent: Friday, July 06, 2012 9:46 AM
To: C Ray Allshouse; Jay Arnold; Andrew Held; Byron Katsuyama; Glenn Peterson; Mike Miller; Jon Pascal; Joan McBride; Doreen Marchione; Bob Sternoff; Penny Sweet; Toby Nixon; Amy Walen; Dave Asher
Subject: ZON11-00042 BN-Res Mkt.

Dear Planning Commissioners and City Council Members,

A mistake made by the Planning Department years ago caused this issue. They failed to implement the Ordinances that directed them to include language that clearly defined "Residential Market - Commercial". This definition was approved after years of study and re-approved with minor changes in 2004, 2007, and 2010. The Planning Commission was directed to do this in the implementation Strategies Chapter for each of the Comprehensive Plan Amendments. It did not get done and this has resulted in an outpouring of dissent by Kirkland's citizens and a lawsuit by the developer.

We are asking you to correct this mistake and to implement the Ordinances already enacted. We ask that zoning charts be completed and that unlimited density not be allowed. Failing to do so this will ultimately result in a challenge before the Growth Management Hearings Board where we are confident our challenge will prevail.

The citizens of Kirkland are passionate about our city. We won't let greed, guile, and mistakes ruin Kirkland. Your constituents have granted you the power to make this right and preserve the beauty, and small town character of this city. It is your job to protect and maintain it. The decisions you make affect the future of the city and its citizens for a very long time. Don't let current issues color important long term plans.

I just returned from Paris (lucky me). It has maintained its character and is a major tourist destination because all the buildings are the same height. It is a planned city and it works! Nothing stands out like a sore thumb or is out of place. The new outer part of the city hasn't fared as well and is a jumbled mess of developments and failed businesses - a stark contrast between a planned and unplanned city.

Best regards,

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

lauraloomis923@gmail.com

May 30, 2012

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

Re: *Potential Amendment Residential Market Designation in Comprehensive Plan*

Dear Chairman Arnold and Planning Commissioners:

I write again on behalf of Support The Ordinances and Plan (“STOP”) regarding your ongoing efforts to review potential changes to either the City’s zoning code or Comprehensive plan for the site of the proposed Potola Village.

The purpose of this letter is to clarify, we hope, the process that you are following after the City’s Council’s May 15, 2012, split vote recommending that you “consider” and a potential amendment to the Comprehensive Plan changing the Comprehensive Plan designation of Residential Market to that of Neighborhood Center.

As you know, under GMA and City Code the consideration of a Comprehensive Plan amendment is significantly different than the consideration of a change to zoning text. In particular, for a zoning code amendment like you were originally considering, the City was allowed to follow an abbreviated review process. KZC Chapter 161 allows abbreviated process where the code amendment is being done to correct an inconsistency to ensure that the Zoning Code is consistent with the Comprehensive Plan. KZC 161.25. Because of the inconsistency between the Residential Market Comprehensive Plan designation and the existing BN zoning, the abbreviated process was allowed.

Now that the City Council appears to be recommending that you consider a Comprehensive Plan amendment, the process you follow is quite different. First and foremost, under the Growth Management Act, the City is only allowed to consider Comprehensive Plan amendments once per year. (See also Comprehensive Plan page III-4 – attached). Further, KZC 140.10 requires that the City’s review must be conducted under the thoughtful annual review process set out in KZC Chapter 160. While the City Council is certainly free to make initial recommendations to you, it is important to note that you, the Planning Commission, are charged with thorough study and review then final recommendation for any proposed Amendments. This includes issuance and posting of official public notice (KZC 160.40), review of a staff report (KZC 160.45), conduct of a public hearing (KZC 160.55), acceptance of public comment (KZC 160.70), a

Jay Arnold, Chair
Kirkland Planning Commission
May 30, 2012
Page 2

determination of whether the proposed amendment meets the decisional criteria in KZC 160.60, KZC 140.25, and KZC 140.30, followed only then by your official action voting, making a recommendation, and then transmitting that recommendation to the City Council. (KZC 160.80-85).

Your recommendation can certainly include your own additions, including for example, a significant density cap (as it appears the City Council unanimously supports). Your recommendation can also certainly be against adoption of an amendment, particularly, where the Council has not studied the matter and is currently not finding consensus.

STOP looks forward to working with you through this process. This City has devoted years to studying and adopting the Residential Market Comprehensive Plan designation for this unique property. Any amendments to this designation must be equally deliberate and ensure that the outcome is compatible with the adjacent land uses and surrounding neighborhood and adequately addresses impacts to roads and public transportation.

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

Very truly yours,

GENDLER & MANN, LLP



David S. Mann

Enclosure

cc: Kurt Triplett
Eric Shields
Robin Jenkinson
STOP

III. GENERAL

Policy GP-2.4: Encourage active citizen participation in the planning and design of public facilities, particularly in affected neighborhoods, communities, and business areas.

Many of the decisions on public facilities have significant issues that need to be addressed such as access, safety, environmental concerns, neighborhood character, and economic impacts. In the planning and design of public facilities it is important to have a process that facilitates public involvement by all parties.

D. PLAN AMENDMENT

Amendment Process

The Growth Management Act specifies that the Comprehensive Plan and Land Use Plan Map can only be amended once a year except in emergencies. Section 365-195-630 of the Washington Administrative Code states that all amendments in any year be considered concurrently so that the cumulative effect of the various proposals can be ascertained. The intent of this requirement is to ensure that piecemeal or individual amendments do not erode the integrity of the plan and are integrated and consistent with the balance of the Plan. The Zoning Code contains the process for an emergency amendment.

Amendments are initiated in two ways: by the City or by a citizen or community group. A formal process to amend the plan, consistent with the requirements of the Growth Management Act, has been established. The process for the City-initiated and citizen-initiated amendments include opportunities for public involvement and community participation. The Kirkland Planning Commission takes the lead role as the City's citizen representative body responsible for conducting the public hearing and transmitting a recommendation to the City Council. The Houghton Community Council, Kirkland Transportation Commission and Park Board also take public comment for amendment proposals within their jurisdiction and transmit recommendations to the Planning Commission and to the

City Council. The Zoning Code contains the process for reviewing and deciding upon a proposal to amend the Comprehensive Plan.

For citizen-initiated proposals, the City has a formal application process and an established deadline for submitting an application to be considered in the next round of City-initiated plan amendments. The City has a two-step process for citizen-initiated plan amendments: first a threshold determination and then a study and final decision on the proposed amendments. For City-initiated plan amendments, the City has only one step: the study and final decision on the proposed amendments. The Zoning Code contains the criteria for evaluating a proposal to amend the Comprehensive Plan.

The City reviews the Comprehensive Plan on an annual basis to update the Transportation and Capital Facilities Elements or any other element for any needed changes, to respond to amendments to the Growth Management Act and other State legislation or Countywide planning policies, to correct any inconsistencies in the Plan and with the development regulations and any recently adopted functional plan, and to update general information. The City establishes a schedule for amending the neighborhood plans and reviews the schedule each year as part of the Planning Department's work program. In addition, the City considers citizen-initiated amendment requests generally on a biannual basis and incorporates these into the annual plan amendment process. Citizen amendment requests may either be for general amendments or for a change to the land use map and/or text change relating to a specific property or a general area.

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

June 26, 2012

Mike Miller, Chair
City of Kirkland
123 Fifth Ave.
Kirkland, WA 98033

via email

Re: *Zoning to Implement the Residential Market Designation:*

Dear Chairman Miller and Members of the Planning Commission:

I write on behalf of Support the Ordinances and Plan (“STOP”) regarding your current efforts to adopt zoning consistent with the City’s Residential Market Comprehensive Plan designation.

Over six months ago STOP filed a Petition for Review before the Growth Management Hearings Board challenging the City’s failure to act to adopt zoning consistent with the Residential Market Comprehensive Plan designation. We challenged the City because the Ordinances that created the “Residential market- Commercial” Comprehensive Plan designation, and the specific areas that were identified for Residential Market – Commercial designation have never had the zoning code text modified as they were required to under the Implementation Strategies chapter of the Comprehensive Plan. But because the City acted promptly to adopt a moratorium on review and issuance of development permits within the BN zone while it reviewed new zoning, STOP withdrew its appeal in order to continue to work with the City on this important task.

The Index of the Record for the Growth Management Hearings Board Challenge revealed literally years-worth of minutes and in-depth study of the parcels at Lake St S and 10th Ave South. This history demonstrates clearly that the City’s designation of these parcels for commercial, but at significantly reduced densities than any other commercial area was deliberate. STOP is happy to provide you with voluminous citations from the decisions that were made if you have not already reviewed this information yourselves. While STOP withdrew its challenge, other neighbors and citizens stand by ready to re-challenge if the current process does not finally fulfill the goal of creating zoning text that implements the definition of Residential Market for those properties where it was assigned during former lengthy study.

Finally, we remind the Planning Commission that what you are charged with is a process that is blind to any particular project or any developer need or desire. Your job should be to act on a city-wide basis to adopt zoning that finally implements the carefully thought out Comprehensive Plan designations. If the project proponent seek a site-specific “Private Amendment Request,” that process is set out in KZC 170.50.

Chairman Mike Miller
Kirkland Planning Commissioners
June 26, 2012
Page 2

We thank you in advance for sticking to the task of assigning zoning text that will fully implement the articulated vision in the Comprehensive Plan in 1995, 2004, 2007 and 2010.

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

Very truly yours,

GENDLER & MANN, LLP

David S. Mann

cc: STOP
Kurt Triplett
Eric Shields
Jeremy McMahan
Robin Jenkinson

From: [Lynn Mares](#)
To: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [Byron Katsuyama](#); [Glenn Peterson](#); [C. Ray Allhouse](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: Public Hearing 6/28/12 BN-Residential Market
Date: Monday, June 25, 2012 9:41:32 AM

We are writing to urge Kirkland to keep the Potala project "Residential Market - Commercial" --NOT "Neighborhood Center - Commercial".

Area residents now enjoy a beautiful residential area and there is enough traffic congestion as it is! Please be sure the city council understands residents' very important concerns!!! Thank you!

Lynn & Michael Mares
6436 Lake Washington Blvd. NE, #5
Kirkland WA 98033

From: [Lynn Mares](#)
To: [Mike Miller](#); [Jon Pascal](#); [Glenn Peterson](#); [Andrew Held](#); [Byron Katsuyama](#); [Jay Arnold](#); [C. Ray Allhouse](#); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Toby Nixon](#); [Dave Asher](#); [Robin Jenkinson](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: Re: ZON11-00042 BN-Res Market - Meeting Required Standards
Date: Tuesday, July 10, 2012 11:34:25 AM

We urge you:

1. To apply the “**Residential Market**” **definition** in the Comprehensive Plan to Lake Street South and/or 10th Avenue South parcels as approved by ordinance.
2. Place a **density cap of 12-18 per acre** (plus neighborhood-oriented commercial) to maintain the overall intensity required in the Comprehensive Plan.
3. Enforce the **aesthetic requirements** of size, scale and character in the Comprehensive Plan.
 - a. The floor plate should be no larger than the largest of the floor plates in the neighborhood block.
 - b. The façade length should be no longer than the longest already existing in the neighborhood.
 - c. The buildings should not be closer than any other buildings in the neighborhood.
 - d. Lot coverage should reflect the 20-30% coverage of surrounding properties (or, at most 60% -- the percentage allowed but not used by surrounding parcels).
 - e. Require an **aesthetic setback** from the street in keeping with the gardens in the neighborhood.

Most importantly, **restricting density** is necessary to maintaining the character of Kirkland as required by the Comprehensive Plan and zoning code.

Thank you for your consideration and work for the city of Kirkland!

Lynn & Michael Mares
6436 Lake Washington Blvd. NE, Apt. 5
Kirkland WA 98033

The information contained in this transmission is privileged, confidential and intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, then you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, then do not read it. Please immediately reply to the sender that you have received this communication in error and delete it.

From: shirley-at-home@comcast.net
To: [Mike Miller](#); [Jon Pascal](#); [C Ray Allshouse](#); [Byron Katsuyama](#); [Andrew Held](#); [Jay Arnold](#); [Glenn Peterson](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#); [Kurt Triplett](#)
Cc: uwkkg@aol.com
Subject: RE: ZOJN11-00042 portola and BN zoning
Date: Wednesday, June 27, 2012 8:51:16 AM

Planning Commission
c/o Jeremy McMahan
Planning Department
City of Kirkland
123 Firth Avenue
Kirkland WA 98033

RE: ZOJN11-00042

Hello,

I urge you to reject any further development of the Portola project. High density housing, as currently proposed, is detrimental to the quality of life and the value of our homes in Kirkland.

I further urge you to amend zoning throughout the City to ensure that, in the future, only low density residential development will be allowed. The current infrastructure cannot support additional high volume traffic.

Shirley Miller
221 5th Ave South E-204
Kirkland WA 98033

shirley-at-home@comcast.net

From: [Janet Jonson](#) on behalf of [Joan McBride](#)
To: [Jeremy McMahan](#); [Janet Jonson](#)
Subject: FW: ZON11-00042 - Zoning appropriate with the current state of Lake Washington Blvd.
Date: Friday, July 06, 2012 10:17:22 AM

From: Mark Miller (STB) [<mailto:Mark.Miller@microsoft.com>]
Sent: Thursday, July 05, 2012 8:44 PM
To: Kurt Triplett; Eric Shields; Joan McBride; Penny Sweet; Dave Asher; Amy Walen; Doreen Marchione; Bob Sternoff; Toby Nixon; Jay Arnold; Andrew Held; Byron Katsuyama; Glenn Peterson; Mike Miller; Jon Pascal; C Ray Allshouse
Subject: ZON11-00042 - Zoning appropriate with the current state of Lake Washington Blvd.

Planning and Council Members,

I write you as a resident of Kirkland who is extremely concerned about the negative and detrimental environmental, traffic and most importantly “lifestyle” impacts any new **high density development** on Lake Washington Blvd. would have. Having written you before on this topic you know I am not a real estate or “zoning” expert so don’t always know the right words to use. However, what I can say is that ANY new high density development on Lake Washington Blvd (which is what I believe is currently proposed per the ZON in the subject line) would:

- Negatively impact the experience of home owners on Lake Washington Blvd.
- Increase already problematic traffic conditions (which makes driving accident prone due to the already high levels of traffic congestion and congested street parking)
- Increase the human “load” on beautiful area that even today is constantly cluttered with trash from both the resident and transient population that enjoys Lake Washington Blvd.

Given the negative impacts any (not just this) **high density development** would have I ask you to review the zoning associated with Lake Washington Blvd. and implement zoning that will limit developments to Residential Markets and/or other zoning that restricts development to **low density developments** that are in line with the neighborhood and lifestyle of Lake Washington Blvd. Lake Washington currently has a “residential” feel – though it is getting pretty crowded – and the current residents and payers of property taxes deserve your support in keeping Lake Washington Blvd/ the amazing place it is and not make the crowding any worse.

Thank you in advance for your consideration and patience with my lack of “legal and real estate verbiage”.

Mark Miller
mmill@microsoft.com

From: uwkkg@aol.com
To: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Byron Katsuyama](#); [Andrew Held](#); [Glenn Peterson](#); [C.Ray Allshouse](#); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Dave Asher](#); [Toby Nixon](#); [Bob Sternoff](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Cc: shirley-at-home@comcast.net
Subject: Fwd @ request of S. Miller: ZON11-00042 BN Res Mkt - Lowest Intensity Comm - Restrict Density
Date: Sunday, July 08, 2012 4:20:23 PM

Forwarding @ request of S. Miller: ZON11-00042 BN Res Mkt - Lowest Intensity Comm - Restrict Residential Density

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

From: shirley-at-home <shirley-at-home@comcast.net>
 To: uwkkg <uwkkg@aol.com>
 Sent: Sun, Jul 8, 2012 2:49 pm

Hi Karen,I don't know what I did with the email roster for sending information to the City. Here are some thoughts if you would forward them--and please send me a copy so I have the address file.
 Thanks, Shirley

=====

Dear City Council and Planning Commission:

The purpose of this letter is to urge you to honor the density/intensity provision of the City's Comprehensive Plan. On a day like today (Sunday, July 8) with sunshine and warm weather, those of us who live near Lake Street are acutely aware of traffic issues. In addition to Kirkland residents coming to the downtown area, visitors from all over the area make parking, access to streets, and getting anywhere within the City difficult. Increasing the number of residential units per acre would make the situation next to impossible.

Please help maintain the desirability of Kirkland as a destination and as a place to live. Allowing construction of residential buildings with increased density per acre is completely irresponsible. The City, and the residents, have everything to lose, and nothing to gain, by increasing density and therefore congestion of the City. Maintaining the current density provisions will help ensure that property values, and therefore the City's tax base, remains at an optimal level.

I urge you to listen to the citizens of Kirkland that you represent and to make decisions that will serve the community well for the next 50 years.

Shirley Miller

From: [Matt Peterson](#)
To: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Glenn Peterson](#); [C Ray Allshouse](#); [Andrew Held](#); [Byron Katsuyama](#); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Toby Nixon](#); [Bob Sternoff](#); [Dave Asher](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Cc: [Mark Miller \(Mark.Miller@microsoft.com\)](#); [Sid J. Starr \(sid@sidstarrcpa.com\)](#)
Subject: Potala Development
Date: Sunday, July 08, 2012 6:13:03 PM

Dear City Officials,

Thank you in advance for taking time out of your busy schedules to read this email.....

Mark Miller and I have lived in Houghton for most of our adult lives (about 20 years). I think we can say without equivocation that we truly love Kirkland and everything it has going for it. We have watched it grow over the years and, in the past, have been pleased with the way the city planners and elected officials have mitigated the struggle between growth and status quo. To be clear, we are firm believers in progress and proper growth and development.

I think it is important that you understand that Mark and I are not the kind of people to complain or even write letters but the way this whole Potala development has taken place seems, in a word, troubling.....What troubles us most is that we even have to spend our valuable time (and yours) pointing out that allowing anyone to erect a building with 140+ units and 300+ parking spaces in just over an acre in a neighborhood of single family homes and a maximum 25 unit apartment/condo buildings is ludicrous. Further it is an affront and embarrassment to the basic tenets of city planning. When you add in the undeniable fact that the sheer scope of this controversial project will make such significant adverse impacts on local homes, businesses, parks, traffic, and promote severe safety and ingress/egress issues one has to wonder how we even got here or, more importantly, let it get this far?

Please don't let the developer or his attorneys bully or steer you away from doing the right and honorable thing which is simply ensuring that this or any other development more or less match the surrounding neighborhood. Please don't set a precedent by allowing loopholes or mistakes to produce "sore thumbs" in our neighborhoods that clearly conflict with our city's general plan. It really should be just that simple.

Thank you again for your time and consideration in this matter,

Matt Peterson & Mark Miller
6363 Lake Washington Blvd. N.E.
Kirkland, WA 98033

From: [Phillips Michael](#)
To: [Jay Arnold](#); [Jon Pascal](#); [Mike Miller](#); [Byron Katsuyama](#); [Glenn Peterson](#); [C. Ray Allshouse](#); [Andrew Held](#); [Robin Jenkinson](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#)
Cc: Uwkkkg@aol.com; [Phillips Chantelle](#); [Knight Ron](#)
Subject: Planning for population density
Date: Wednesday, May 30, 2012 10:57:57 AM

My name is Michael J Phillips. My family lives at 905 Lake Street South, Unit 103, Kirkland, WA. I am on the Home Owners Association of my condo complex.

I am an immigrant to the US, now a US citizen and have been for 15 years. I wish to address the issue of population density. I immigrated to Washington State which has a population density of 102 persons per square mile from a country (England) with a population density of 1,000 persons per square mile. Ten times higher. England is a very livable country with significantly less urban and suburban sprawl than the US. How did the English achieve this? By very strict zoning rules, green zones, requiring developers to develop structures in keeping with their surroundings, and the provision of infrastructure and mass transit to prevent the choking of roads with traffic.

Our mayor has said she is committed to density. On its own, this is a totally meaningless statement. Unless we are in favor of compulsory birth control or a "one child policy", we all have to be committed to density. Saying you are committed to density without any qualifying statement is like saying that you are committed to happiness. A blinding glimpse of the obvious, but not really useful. Singapore has a density per square mile of 18,000, is very livable and works like clockwork. Other urban areas with high population density do not. Some examples are: Mexico City, New Delhi, Cairo. There are many more in both poor and more wealthy countries. The difference between the livable Singapore, or England, and the polluted and appalling living conditions of the examples I used is all about planning, zoning, and infrastructure. Finally, all the countries which are livable with high population density, approach planning from the standpoint of what is most culturally suitable with the surrounding area, what is environmentally appropriate, and what can be supported by existing infrastructure. None of them start with the dubious premise (argued by some council members at the Council meeting) that if you buy a piece of land you have some kind of "manifest destiny" type of right to put whatever you want on it. That idea is so ridiculous that it barely deserves comment. Actually, that is how things work in cities which quickly become polluted, overcrowded and unlivable.

Kirkland is a small town, culturally quite distinct from its neighbors. For the majority of the year it becomes choked with traffic. It is a prime example of an urban area which now needs very careful planning. Our new buildings need to reflect the neighborhoods in which they are built. And above all, we must ensure that the infrastructure we have will support new population influx and business population. This is not "anti-density" it is "lets plan responsibly for density". Please lets make it obvious to any visitor to Kirkland that we have allowed our city to grow carefully, and in a way which retains its culture and which respects all the stakeholders involved as well as the environment. In my opinion, our present direction makes it more likely that our fiduciaries of the citizens' trust will be seen as creating an example of "planning blight" and a case study on how not to plan a livable community.

Sincerely,

Michael and Chantelle Phillips

From: [Phillips Michael](#)
To: [Mike Miller](#); [Jon Pascal](#); [Andrew Held](#); [Glenn Peterson](#); [C Ray Allshouse](#); [Byron Katsuyama](#); [Jay Arnold](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Cc: [Potala Leadership Team](#)
Subject: Kirkland's zoning
Date: Friday, June 22, 2012 11:06:39 AM

My name is Michael Phillips and my wife and I live at 905 Lake Street South, Unit 103, Kirkland, WA.

I am disturbed by the volume of traffic in Kirkland. I believe drivers are taking risks crossing traffic lanes which is caused by traffic density.

I support the Planning Commission's decision that the 3 BN Residential Market Properties should remain as Residential Market Commercial and not be

I support zoning text that meets the criterion of lowest intensity commercial use that blends with the neighborhood. If a development were only residential then 24/acre would have the same "INTENSITY" of the neighborhood that is built up to 24/acre. Otherwise, a development could be built with a combination of residential and commercial and likely 12 dwellings per acre plus limited neighborhood serving businesses would be similar in "intensity."

Both the Zoning code and the Comprehensive Plan are integral parts of Kirkland's Municipal Code. What is important about this is that the Municipal Code (under 170.50) states that when provisions of code are in conflict with each other "the most restrictive applies." It also states that if Ordinances are more restrictive they apply. Thus when we are reviewing the zoning which was waiting for it's new text, and the comprehensive plan and the ordinances that created the low intensity designation of Residential Market - Our city laws state that the most restrictive rules apply.

I have no problem with density. We live in a city and I support an increase in its population. But this increase has to be planned in such a way that it is aligned with existing housing and commercial structures. Please remember your franchise, the voters, and your legacy as legislators.

Michael Phillips

From: [Chuck Pilcher](#)
To: [Jay Arnold](#); [Jon Pascal](#); [Mike Miller](#); [Byron Katsuyama](#); [Glenn Peterson](#); [C. Ray Allhouse](#); [Andrew Held](#); [Robin Jenkinson](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: You CAN correct mistakes
Date: Thursday, May 31, 2012 9:56:47 AM

Dear Planning Folks:

I noticed at least two items in the Amendments to the Zoning Code that are up for discussion currently (see below). What this tells me is that the Planning Department

- can make a mistake
- can acknowledge that mistake
- can correct that mistake.

Please, do the same with the BN zoning issue. It's just a "mistake," plain and simple, and was "inadvertently missed," just like the examples below. (**Bold** type is my emphasis.)

The developer may not like it, but among the 500+ self-identified citizens opposed to what he plans, I know that at least 5 are local developers who say his project is just plain wrong. So any action you take to mitigate this project will be viewed positively by developers, because you have saved one of the great assets of Kirkland: the boulevard. Those developers who have built in this neighborhood, like Mr. Sternoff himself, correctly see this as a property rights issue for those who have already invested in Kirkland property expecting the City not to destroy it through a stupid oversight.

We're all human and imperfect. Let's just do the right thing, acknowledge the mistake, fix it, and move on with our lives.

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

Single Family Residential RSA 4 and 6 Zones Minimum Lot Size KZC Chapter 18 Section 18.10.010

Purpose: After the approval of the Green Code Project amendments (O-4351) on April 3, 2012, a **mistake** was discovered in Special Regulation 2 that would allow minimum lot sizes in the RSA 4 and RSA 6 Zones to be smaller than was intended. The proposed change will reverse the lot size to that which was in effect prior to the green code amendment.

Totem Lake 9B KZC Chapter 55 Section 55.64.010

Purpose: Add the density limitation of 5,000 square feet per dwelling unit for this zone, which was **inadvertently missed** with the adoption of Ordinance 4158 in 2008. This ordinance implemented the Gordon Hart private amendment request through codification of the TL 9A and 9B zones and established a 5,000 sq. ft. minimum lot size for the TL 9B zone. This minimum lot size is equivalent to the density being codified. In all multifamily zones, a special regulation expresses density as minimum lot area per dwelling unit and this amendment does just that.

From: [Eric Shields](#)
To: [Teresa Swan](#); [Jeremy McMahan](#); [Robin Jenkinson](#)
Subject: FW: Rebuttal to your May 17 email to Robin Herberger
Date: Wednesday, June 27, 2012 1:23:56 PM
Attachments: [image001.png](#)

FYI

[Eric Shields](#)

From: Chuck Pilcher [mailto:chuck@bourlandweb.com]
Sent: Wednesday, June 27, 2012 11:49 AM
To: Toby Nixon
Cc: City Council; Planning Commissioners; Chuck Pilcher; Atis Freimanis; Shawn Greene; Charles & Laura Loomis; Chuck Greene; Peter W. Powell; Karen Levenson; Robin Herberger; Jack Rogers; Cynthia Glaser; Maureen Kelly; Tom Grimm
Subject: Rebuttal to your May 17 email to Robin Herberger

Toby,

Thanks again for being a voice of reason, analysis and insight on the Council.

I want to address some things you say in your response to Robin Herberger in your email of May 17. I think there may be another side to the arguments. Excerpts from your statements and my response are below:

Thanks.

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

1. "Ultimately, the comprehensive plan designation matters less than the zoning code, because, as you know, the zoning code rules when it comes to what can and cannot be built on a site without further public review."

Here's what the Kirkland Zoning Code says about that. I "bolded" the word "ordinance" because the Comprehensive Plan is indeed an "ordinance" and part of the Kirkland Municipal Code. Thus, I believe there is a valid argument that the Zoning Code does not always trump the Comp Plan.

170.50 Conflict of Provisions

The standards, procedures, and requirements of the code are the minimum necessary to promote the health, safety, and welfare of the residents of Kirkland. The City is free to adopt more rigorous or different standards, procedures, and requirements whenever this becomes necessary. If the provisions of this code conflict one (1) with another, or if a provision of this code conflicts with the provision of another **ordinance** of the City, the most restrictive provision or the provision imposing the highest standard prevails.

2. "It is almost impossible to expand the urban growth area to accommodate any of that growth, and so the only way to accommodate it is to fill in the urban areas with higher density,

including higher-density redevelopment of existing property. We may not like it, particularly in our own neighborhoods, but the fact remains that avoiding sprawl..."

This is completely the opposite of what the GMA intends. You are saying that "pockets" of sprawl are a good way to accommodate density. If that were true, we wouldn't need the GMA. You've got it completely backwards. According to the GMA, density is to be achieved by filling in urban areas with higher density. Lake Street and LWB are NOT part of our "urban area." They are low-medium density residential neighborhoods. Potlatch IS sprawl, in complete contradiction to the GMA.

3. "...[t]he current zoning on the property allows unlimited residential density, Mr. Dargey specifically asked about that and was told that was the case, and he bought the property with that understanding."

On December 3, 2009, in a memo to Charles Morgan, Architect, (on page 141 of 157 pages of the memo), Desiree Goble specifically informed Mr. Morgan of Moss Bay Neighborhood Plan Section XV.D-23, that says "Lands on the east side of Lake Washington Boulevard, south of 7th Avenue South... are also appropriate for multifamily uses at a density of 12 units per acre. This density is consistent with permitted densities to the north and south along Lake Washington Boulevard." Not only that, but Desiree highlighted this paragraph in yellow, apparently for emphasis. See below, then see paragraph 1 above:

4. PERIMETER AREAS

setbacks from the ravine on the north side of these lots.

- (5) No vehicular connection should be established between State Street and 5th Place South or 6th Street South from 2nd or 3rd Avenue South.
- (6) No vehicular connection should be established between 2nd and 3rd Avenue South.
- (7) Pedestrian connection should be provided in lieu of vehicular connection.
- (8) A maximum Floor Area Ratio of 65 percent should be allowed in order to encourage smaller and presumably less expensive homes.

A density of 12 dwelling units per acre is also designated for properties along State Street, south of Planned Area 6 (Figure MB-2). This designation is consistent with densities of existing development as well as with densities permitted along State Street to the north and south. Lands on the east side of Lake Washington Boulevard, south of 7th Avenue South and west of the midblock between First and Second Streets South, are also appropriate for multifamily uses at a density of 12 dwelling units per acre. This designation is consistent with permitted densities to the north and south along Lake Washington Boulevard.

The area situated east of the midblock between First and Second Streets South, west of the midblock between State Street and Second Place South and

Development along the shoreline is discussed.

As specified in the Shoreline Master Program, new residential structures constructed waterward of the high water line are not permitted. Additional standards governing new multifamily development can be found in the Shoreline Master Program.

B. ECONOMIC ACTIVITIES

Economic Activities in the Moss Bay Neighborhood occur primarily in the Downtown area, and in Planned Areas 5 and 6. The boundaries of these three major activity areas are shown in Figure MB-2.

Economic Activities in Planned Area 5 are discussed.

While Planned Area 5 has been developed largely in multifamily uses, several offices – including the United States Post Office – serving the Greater Kirkland area, are located in this planned area. Land use in Planned Area 5 is discussed in greater detail in the Living Environment section of this chapter.

Limited economic activities presently exist in State Street area.

Although the character of Planned Area 6 is

4. "It can be argued, as you and Karen Levenson have, that the city did not follow through and make necessary updates to the zoning code after the 12 unit per acre limitation south of 7th Ave was imposed, nor after the Residential Market plan designation was applied to the property, but the zoning code still says what it says."

See paragraph 1 above. TWO Council ordinances directed the Planning Department to implement the Comp Plan into the Zoning Code. Failure to do so constitutes both an error and an omission on the part of the City (twice), and fails to protect the interests of those living in that neighborhood, depriving them of the benefit of the Comprehensive Plan that the Council spent years developing.

5. "Mr. Dargey has said through his attorneys that he intends to sue the city if the rules are substantially changed on the fly."

The rules are not being changed "on the fly." As you know, "STOP" stands for "Support The Ordinances and Plans." We want the Comprehensive Plan and the two related Council Ordinances that ask the Planning Department to codify that Plan into the Zoning Code to be implemented as the Council ordered.

6. "Kirkland doesn't have several million dollars laying around to spend on legal fees and damages that might result from such a lawsuit -- and it's not clear to what extent we're insured for such losses."

You are probably being told this by the City's insurer. What else would you expect them to say? They are the ones on the hook for paying any claim, and they want you to think this would be a non-covered claim. I assume that the reason the City has insurance is to cover mistakes, i.e., errors and omissions,

of which this is clearly one. If we don't have such insurance, why not?

7. "The council has a responsibility to look out for the interests of the entire city, and to balance the interests of all Kirkland citizens along with those of the immediate neighbors in determining how we can resolve this very difficult situation. No matter what the council decides with regard to the comprehensive plan, zoning code, and permit restrictions, it seems to me that it is likely that the final decision is going to be made in the courts, one way or the other. It's just a bad situation to be in."

I agree. But do you want to be in court defending yourself against a suit brought by your constituents based on your failure to implement your own Comprehensive Plan, or do you want to be in court supporting those constituents against a developer who found a loophole, a mistake, in our Zoning Code, and is profiteering off of our error? Be careful when you choose which side you are on.

From: [Chuck Pilcher](#)
To: [Mike Miller](#); [Jon Pascal](#); [Glenn Peterson](#); [Andrew Held](#); [Byron Katsuyama](#); [Jay Arnold](#); [C Ray Allhouse](#); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Toby Nixon](#); [Dave Asher](#); [Robin Jenkinson](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: BN Zoning: A brief summary
Date: Tuesday, July 10, 2012 5:22:17 PM

Re: ZON11-00042 BN-Res Market

Dear City Leaders:

For nearly a year and a half, the organization that has come to be known as "STOP", has been lobbying on behalf of the future of Kirkland to rationalize residential development on our Commercial zones, especially the BN zones. Your predecessor city fathers and mothers developed our Comprehensive Plan with a lot of thought and planning. STOP and the "red shirt folks" simply want that vision and foresight implemented in our Zoning Code. That's why it's called ["STOP: Support The Ordinances and Plans"](#).

It appears to those of us who have watched this drama play out that no one on either the Planning Commission or the Council has found any reason to strongly support the type of ultra-high density proposed development that current zoning oversights appear to allow. What support there may be is that of "Well, we made our bed and now we have to lie in it," or "I don't like the situation, but I don't like the alternatives either." Not a soul on the PC or Council is a cheerleader for where we're headed with this. We commend you for that. And we recognize the difficult position in which this places the City.

- We are entitled to be "project specific" because the BN zone on Lake Street was the only available BN zone in the City at the time a specific developer proposal was submitted to the City. Pre-annexation, that proposal and BN zones were synonymous. Post-annexation, a wider application is appropriate, but has not yet been addressed.
- We have emphasized the incompatibility with the surrounding zoning and existing development.
- We have lobbied for the rights of existing property owners for predictability and the stability of the neighborhood that the Comp Plan promises.
- We have argued that overly intense development is a traffic safety issue, especially with Lake Washington Boulevard being Kirkland's most-used pedestrian and bicycle venue.
- We have shown that, with regard to the Lake Street proposal, the developer was adequately forewarned of a likely residential density limit of 12 units per acre, and competing language in the Comp Plan and Zoning Code, and that "the most restrictive provision applies."
- We have pointed out that the more recently implemented Lakeview Neighborhood Plan foresaw a similar problem on the Kidd Valley block and addressed it with a residential density cap, on a block in an already more commercialized area.
- We have asked for "Neighborhood Business" to mean what it says, and not mean "build as many apartments as you can squeeze on the property." (Or to acknowledge that this is a farcical anachronism in Zoning due to decades old prior uses, and make the entire parcel residential.)
- We have supported increased density IN THE PROPER LOCATIONS, and have

given examples of where this has been done appropriately and well here in Kirkland.

Also, were we having our City's zoning challenged by a local, well-known and respected developer with a track record in Kirkland (or anywhere, for that matter!), we would likely be a bit more understanding. [But that's not the case](#). And since there are hundreds of Kirkland citizens - local, well-known, and hopefully respected - who have signed on to protect our Boulevard, their position deserves high level, preferential consideration.

We fully understand how tough this issue is for everyone charged with making these decisions, but that's one of the challenges of being a civic leader. Please don't be swayed by developer threats. We made a mistake. It's not your fault. But you can fix it. Please do.

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

From: [Chuck Pilcher](#)
To: [Kurt Triplett](#)
Cc: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [C Ray Allhouse](#); [Byron Katsuyama](#); [Andrew Held](#); [Glenn Peterson](#); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Dave Asher](#); [Toby Nixon](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: BN Zoning at Lake St. and 10th South
Date: Thursday, July 05, 2012 2:06:44 PM

Dear City Leaders:

I want to remind you that it's not just neighbors who are concerned about ultra-high density development on our BN zones, other commercial zones, and especially the parcels at 10th Avenue So and Lake Street. I live six blocks away and would probably only notice this in driving by or while walking the dog. My personal interest is that it is just plain a ridiculous example of poor planning and zoning, does not FIT with the neighborhood, does not accomplish anything to promote safe, walkable neighborhoods, and (without Design Review) could become a huge blight on a neighborhood of otherwise reasonably attractive homes, condos and apartments.

I also strongly support PROCESS, and this BN Zone issue just got overlooked in the PROCESS and mistakes were made that led to the citizen uproar. You owe it to those neighbors who ARE impacted, and to those who spent so much time on developing our Comprehensive Plan, to see to it that the goals of that plan are codified as specified in the Plan. They were not. Own up to it and face the music.

Ordinances 3481 in 1995, 3606 in 1997, 3608 in 2001, 3974 in 2004 and 4279 in 2010 all require that Comp Plan language be incorporated into Zoning. Some of those ordinances are more specific than others, but each is consistent with a Comp Plan that anticipates 12 units per acre density on the BN Zoned parcels on Lake Street and 10th Ave. South. Should you wish to review these issues further, the links below are provided for your reading pleasure.

Thanks for continuing to address the challenges that prior oversights have forced us now to deal with. I know it's not easy, but our goals and plans are clear, even if the zoning is not.

I wish you well

Chuck Pilcher

[1977 Downzone & 1979 Legal Settlement with Neighbors](#)
[1992 Residential Market Designation](#)
[1995 Comprehensive Plan & Ordinance 3481](#)
[1997 & 2001 Failure to Implement Zoning – Ordinances 3606 & 3808](#)
[2004 Comprehensive Plan & Ordinance 3974](#)
[2010 Commercial Areas & Residential Market Implementation – Ordinance 4279](#)
[2010 Growth Management Act & Shorelines Management Act Requirements – Ordinance 4279](#)

From: [Paul Stewart](#)
To: [Jeremy McMahan](#); [Teresa Swan](#)
Subject: FW: ZON11-00042: BN-Res Mkt: Density creates traffic safety issues
Date: Monday, July 09, 2012 9:58:12 AM

FYI

From: Chuck Pilcher [mailto:chuck@bourlandweb.com]
Sent: Sunday, July 08, 2012 12:35 PM
To: City Council; Planning Commissioners
Cc: Karen Levenson
Subject: ZON11-00042: BN-Res Mkt: Density creates traffic safety issues

Dear Community Leaders:

I'd like to address the impact that ultra-high density residences on the BN Zoned property at 10th Ave S. and Lake St. will have on the safety of Lake Washington Boulevard.

As proposed, 143 units of housing will have a parking garage holding 315-316 vehicles. Each of these will have to access Lake Street from a single driveway. Other residents have already commented on the difficulty they have of getting out of their driveways during the morning and evening commute, and the difficulty of doing so at ALL times due to limited sight lines caused by other parked vehicles.

To put this into perspective, here is the current situation for driveways and cars based on my own personal walking survey of the Boulevard from 4th Avenue So. to Carillon Point:

	East side of Boulevard	West Side of
Boulevard	Total	
Driveways:	18	
24		42
Vehicles:	263	
400		663

In case I underestimated, let's use 50 driveways and 700 vehicles currently accessing the Boulevard. About 60% of the driveways are on the WEST side of the street.

- Adding another 315 cars adds 45% more vehicles than at present... from a single driveway.
- Each currently existing driveway averages 14 vehicles per. **Thus we are talking about a density increase of 2000% (20 TIMES) that of the average existing driveway on the Boulevard.**
- While current spacing of the 50 driveways occurs along a 1 mile stretch (x 2 for both sides of the street), we have a current "driveway density" of one driveway every 211 feet. Using my own count of 42 (24+16), on the west side that is one drive every 220 feet and on the East side, one driveway every 330 feet. This spacing allows for increased safety of egress from driveways.

Just ask yourself, "Would I want to be in line awaiting my turn to enter onto the congested Boulevard from a garage containing 315 cars?" And do it across a sidewalk and bicycle lane with limited sight lines? To put it in perspective, 315 cars is about as many as can be parked

on the West lot at Totem Lake Mall. Talk about "road rage"! This will be "garage rage" for sure. And when people get upset, **safety for pedestrians and bicyclists goes out the window.**

The Comp Plan envisioned this property as a compatible, livable parcel, not one of unlimited residential density and a traffic problem that only makes the Boulevard less inviting for our citizens and guests.

Please bring the Zoning Code into compliance with the Comp Plan.

Chuck Pilcher

chuck@bourlandweb.com

206-915-8593

From: [Bruce Pym](#)
To: [Mike Miller](#); [Jon Pascal](#); [Andrew Held](#); [Glenn Peterson](#); [C Ray Allshouse](#); [Byron Katsuyama](#); [Jay Arnold](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Cc: [Celia Pym](#)
Subject: June 28, 2012 Public Hearing BN Residential Market Properties
Date: Friday, June 22, 2012 5:16:38 PM

Dear Commission Members:

My wife Celia and I are Kirkland residents, living on Lake Washington Blvd NE. We've written to you before. The purpose of this email is to urge you to recommend to the Kirkland City Council, in the strongest terms possible, that the 3 BN Residential Market Properties' designation should remain as Residential Market Commercial. The area being discussed requires and deserves the lowest density commercial use that blends with the neighborhood.

You know better than I the legal bases for this position. They are compelling. The position that I and others are urging is consistent with the comprehensive plan. Zoning codes need to be brought into line with this. But there is a broader and, to me, even more compelling reason for establishing and maintaining a limit on this site to the lowest density that can be established in a residential market commercial zone. That has to do with the very nature of the site itself.

Kirkland is not Seattle. It's not even Bellevue. Kirkland is, and identifies itself as, a small, charming community, much like Carmel, or Madison Park. Please take a look at these sites:

<http://www.carmelcalifornia.com/>

<http://www.madisonparkseattle.com/>

And then note how closely to them we in Kirkland compare ourselves:

<http://www.explorekirkland.com/>

Look at the photos selected to present Kirkland's face to the world. We don't tell the world that we're an intense commercial center. We don't show photos of multi-story, micro unit, densely-packed apartments. Certainly there are many parts of Kirkland, particularly since its expansion, that do have a commercial character. But the area of Kirkland being discussed, the area from Carillon Point to the center of town, is not one of them. The area being discussed is the lakeside, scenic entrance to a charming village, and all of us want to retain that character. We need to upgrade locations whenever we can, not adopt zoning that establishes and perpetuates mediocrity.

There's some hyperbole in this next reference, but the reference is worth making:

<http://www.bing.com/images/search?q=detroit+slums+pictures&qpvtdetroit+slums+pictures&FORM=IGRE>

There's no comparison between Kirkland and Detroit, of course. But all

backsliding starts somewhere – with a compromise, with a shrug, with a “oh this won’t matter.” We need to upgrade and improve Lake Washington Boulevard, not aid its gradual decline. Please help.

Bruce M. Pym
BRUCE PYM COMPANY
bruce@pymco.com

From: [Carol Rogers](#)
To: [Mike Miller](#); [Jon Pascal](#); [Andrew Held](#); [Glenn Peterson](#); [C Ray Allshouse](#); [Byron Katsuyama](#); [Jay Arnold](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: June 28, 2012 Public Hearing BN Residential Market Properties
Date: Friday, June 22, 2012 2:22:22 PM

Last evening at about 6PM we tried to go South on Lake Washington Blvd NE to our home at 6424 LWB.

It's hard to imagine how the traffic could have been more jammed, but that's what we'll get if the Potala project area does not remain as a residential Market Commercial zone.

Good luck to the fire and police depts if they have to respond to an emergency on Lake Washington Blvd. if that area has been allowed to increase its density.

The Planning Commission has concluded that the area should remain in its present designation. The City Council should support its own Planning Commission's decision and should enforce the laws that state that the most restrictive rules apply.

Sincerely,

Stewart and Carol Rogers

PS Have you driven Lake Washington Blvd recently from 7-9AM and 4-6 PM? Do we need more traffic there?

From: [Kathy or Larry Saltz](#)
To: [Jeremy McMahan](#)
Subject: Proposed Potala Site
Date: Wednesday, June 27, 2012 11:37:03 AM

June 28,2012

Dear Kirkland Planning Commissioner Jeremy McMahan,

Regarding: ZON11-00042

Thank you for your time and attention to the very important issue of what is to be built at the proposed Potala Village site.

As an owner of property in Kirkland, I ask for development in accord with the Residential Market-Commercial zoning at this site.

The parcels at Lake St S and 10th Ave S should remain as "Residential Market - Commercial" and **NOT** "Neighborhood Center - Commercial."

Please make sure that the Residential Market properties fulfill their definition of providing public open spaces. Currently there is nothing in the zoning text that carries out the Comp Plan requirement for community gathering spaces. Additionally, it is customary in Kirkland to require 200 square ft of open space per unit, yet that has yet to be expressed in these Residential Markets. Adding the provision for 200 sq foot of open space or even greater requirement would fulfill the goal of providing community gathering areas and would help avoid some of the stress that would otherwise be placed on local areas such as the street corners or parks.

Thank you,

Laurence Saltz
9229 NE 128th Lane
Kirkland, Washington

From: [Peggy S.](#)
To: [Mike Miller](#); [Jon Pascal](#); [Glenn Peterson](#); [Andrew Held](#); [Byron Katsuyama](#); [Jay Arnold](#); [C. Ray Allhouse](#); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Toby Nixon](#); [Dave Asher](#); [Robin Jenkinson](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: ZONE 11-00042 BN-Res Market - Meeting Required Standards
Date: Tuesday, July 10, 2012 3:18:07 PM
Importance: High

Hello City Officials,

I would like to summarize my thoughts and provide feedback on the essential next steps to ensure that future density/intensity planning is consistent with our "current" beautiful Kirkland neighborhood...

- 1) Provide a Comprehensive Plan & definition of Residential Market and continue to apply it to the Lake St S and/or 10th Ave S parcels as was approved by ordinance on several occasions.
- 2) Put a density cap of 12-18 per acre plus neighborhood oriented commercial so that the overall "intensity" fits with the neighborhood as required by numerous chapters in the Comprehensive Plan.
- 3) Require the building (s) to aesthetically fit the neighborhood in size, scale and character as required by the Comprehensive Plan.

REGARDING SCALE:

- a) Floor Plate - City has provided examples of surrounding structures and their floor plates. The floor plate of new development along Lake St S and/or 10th Ave S should be no larger than the largest of the floor plates in the neighborhood block. If it is larger, it does not meet the requirement to blend with the neighborhood.
- b) Facade Length - The facade length should be no greater than the longest facade that already exists in the neighborhood.
- c) Consistency of distance between buildings - should not be any closer than other buildings in the neighborhood.
- d) Lot Coverage - This is EXTREMELY IMPORTANT....
New development should be restricted to 20-30% lot coverage as that is consistent with the non-conformance policies on all the properties in the area (including subject property). If a decision is made to increase the lot coverage, it should not be above 60% lot coverage. That WAS the previously allowed percentage in the neighborhood (although no one else built beyond 30%).
- e) Setback - Any new development should maintain the setback consistent with other buildings or it will detract from the lush feeling of the boulevard and be an unusual intrusion.
- f) Architectural Review Board - It is important to have Architectural Review Board as we do in so many areas of the city.

In summary, a density Cap similar to the surrounding neighborhood is the

most important factor in maintaining the value and quality of life here in Kirkland.

Thank you for your time and consideration!

Cheers,

Peggy Schulz
10207 NE 62nd Street
Kirkland

From: [Marv Scott](#)
To: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [Byron Katsuyama](#); [Glenn Peterson](#); [C. Ray Allhouse](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: Public Hearing 6/28/12 BN-Residential Market
Date: Monday, June 25, 2012 4:16:56 PM

Please send an exceptionally strong message to the city council that the parcels at Lake St S and 10th Ave S should remain as "Residential Market - Commercial" and not "Neighborhood Center - Commercial."

It is only fair the City continue to honor the comprehensive plan.

Thanks you.

Marv Scott
Scott Construction LLC
Office 425-827-7300
Cell 425-444-6278
Fax 1-866-447-1427
www.scocon.net

From: [Marv Scott](#)
To: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [Byron Katsuyama](#); [Glenn Peterson](#); [C. Ray Allhouse](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: RE: Public Hearing 6/28/12 BN-Residential Market
Date: Tuesday, June 26, 2012 2:38:11 PM

Sorry to bother you all again but to ensure I am in compliance with the rules:

To the Planning Commission in care of Jeremy McMahan. Refer to Permit No. ZON11-00042.

Please send an exceptionally strong message to the city council that the parcels at Lake St S and 10th Ave S should remain as "Residential Market - Commercial" and not "Neighborhood Center - Commercial."

It is only fair the City continue to honor the comprehensive plan.

Thank you.

Marvin H. Scott
6504 106th Avenue NE
Kirkland, WA. 98033

Mavio@comcast.net

From: [Marv Scott](#)
To: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Glenn Peterson](#); [C Ray Allshouse](#); [Andrew Held](#); [Byron Katsuyama](#); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Toby Nixon](#); [Bob Sternoff](#); [Dave Asher](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: Density along the Boulevard
Date: Sunday, July 08, 2012 12:59:33 PM

I am writing today to ask you to NOT increase the density allowed along Lake WA. Blvd. The boulevard is already stupid with traffic during many parts of the day and on weekends. I already find myself trying to avoid it and taking a longer route if going downtown or to Juanita. The comprehensive plan set density limits many years ago when it was adopted. It is time to honor the many hours of work that went into making the plan.

Thank you for your consideration.

Marv Scott
Scott Construction LLC
Office 425-827-7300
Cell 425-444-6278
Fax 1-866-447-1427
www.scocon.net

From: shirley-at-home@comcast.net
To: [Mike Miller](#); [Jon Pascal](#); [Glenn Peterson](#); [Andrew Held](#); [Byron Katsuyama](#); [Jay Arnold](#); [C Ray Allshouse](#); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Toby Nixon](#); [Dave Asher](#); [Robin Jenkinson](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#)
Cc: uwkkg@aol.com
Subject: ZON11-00042 BN-Res Market - Meeting Required Standards
Date: Tuesday, July 10, 2012 3:20:47 PM

City Officials:

As a concerned resident of Kirkland, I urge you to make decisions regarding proposed and future development that support, and are congruent with, the Comprehensive Plan and current zoning. The parcel(s) of land that are of particular concern at this time are those on Lake St. S and/or 10th Ave S. The current density cap of 12-18 per acre plus neighborhood commercial that maintains the definition of "intensity" must be upheld.

In addition, I urge you to only approve buildings, both residential and commercial, that fit the neighborhood as required by several sections of the Comprehensive Plan that specify façade length, distance between building, lot coverage, and setback from the Boulevard.

Maintaining current requirements for density and intensity, as stated in the policies and requirements of the Comprehensive Plan, is critical to maintaining the quality of the Kirkland community and property values.

Please listen to the citizens of the community, rather than yield to the pressure of one developer, in regard to the development of this land and all other BN zoned property in Kirkland.

Thank you,



Honorable Planning Commissioners
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

June 28, 2012

Re: Consideration of Amendments to BN Zone
Testimony for June 28, 2012 public hearing

Dear Honorable Planning Commissioners:

This letter supplements prior testimony and submittals by Potala Village Kirkland, Lobsang Dargey, and their attorneys and consultants related to consideration of amendments to the BN zone pursuant to the pending moratorium. I am a project executive for a broad variety of multi-family, mixed use and other major construction projects across the Puget Sound region. I have been working in the building industry for more than fifteen years in various capacities including project management and have extensive experience in building construction. I feel my comments in this letter regarding your consideration of amendments to the BN zone are well within my field of expertise.

As we have previously noted, there are only a few properties zoned BN in the City. Further, as has been readily recognized, the primary driver for considering changes to the BN zone are comments by the public regarding the proposed Potala Village project. As a result, there is no apparent need for overall changes to the BN zone itself. We simply see no rational basis for undertaking review of the BN zone when there are virtually no comments or input from the City that might warrant this review.

This Commission is undertaking a detailed review of almost every aspect of the BN zone. For the most part, the proposed changes are minor in nature, or do not appear likely to have major ramifications for the BN zone. However, we feel there are a few aspects of the Commission's review which should either remain as they are under the current zoning based on the current interplay of the various regulations, the intent of the BN zone and the design of Kirkland's commercial zones, generally. I've addressed those below after my general comments.



Overall, I would emphasize that developers and property owners cannot and will not build projects where a City has adopted overly constrictive zoning mandates. Instead, developers and builders will simply go to neighboring cities where development is possible at a substantially lower cost and based on a more efficient process. Development under clear and concise zoning is of no lesser quality, design or caliber. Instead, that development of equal quality is possible because those zoning codes are carefully constructed based on the input of design professionals who work in the industry every day. Those codes do not overburden development with inconsistent or redundant requirements. Instead, the best zoning codes regulate as the City desires while leaving design flexibility and choices to the applicant. The City thereby gets quality development without wasted resources. The City is already dealing with this in multiple areas where properties are over restricted by density limits (not updated), and by limits on allowable uses (properties sit vacant and values plummet). I encourage you not to continue repeating the cycle and hurt the City's economy even further while the region overall begins to recover.

Density cap. As staff previously commented, most Kirkland commercial zones do not have a density limit. Instead, density is determined by height, setbacks, parking and so forth. As I have stated in previous meetings, residential density is a requirement to offset the high costs of mixed-use buildings. When evaluating the financial viability of construction, developers will place value on the anticipated rental or sales income from the residential units but not the retail space. So there need to be enough residential units to cover the costs related to the whole commercial level of construction.

Limit on number of stories. There is no apparent reason or need to limit number of stories to a building when the height limit is already set. A limit on the number of stories in any given building would be inconsistent with similar commercial zones and simply not necessary because height is addressed by the height limit of 25 feet (up to 30 feet with additional setback). Instead, a limitation on the number of stories would be redundant at best and result in either inefficient design or unnecessary and undesirable design limitations. For example, sloped properties always have more floors showing on the downhill side of the slope but the desirable design possibilities are only accomplishing using a total height limit versus regulating the number of stories. There are multiple 4-story buildings in the immediate surrounding area of the Lake St. BN zone, including directly across the street. With a height limit, the City's objectives are accomplished and the neighborhood is on notice as far as what height buildings are limited to without limiting the design possibilities of any site.

Limitations on floor plate size. This type of requirement would make development economically unfeasible, especially in the Lake St. BN zone. With the sloped topography, an abstract limitation on floor plat size simply does not work because of



topography. If the Commission's intent is to break up the street façade, this is accomplished through other measures without effectively rendering the site economically unbuildable under the BN zone.

Commercial at street level. This consideration is clearly site and project specific to the Lake Street BN zoned property. A similar requirement simply doesn't exist in similar zones and wouldn't even work on other sites where there is a slope across the street frontage. There are code requirements that mandate the allowable slope and ADA access to the commercial frontage. This requirement is not only redundant but takes away creativity and character from possible design options (such as a pedestrian plaza integrated with the retail storefronts).

Design review. Adding yet another costly process to the City's already thorough development requirements for this zone will only further hurt Kirkland's economy and property values. The BN zoning code already provides appropriate parameters for bulk and scale. To go beyond those parameters into design review will drive development interest away from the City and to the adjacent cities which do not require design review in similar zones. The City of Kirkland has a growing reputation as the most internally-inconsistent local municipality for the development process. Adding a design review element to the BN zone will only further steer economic development away from Kirkland to the surrounding areas. Further, there has been no explanation for why design review is necessary for the BN zone but not for other commercial zones.

I truly appreciate the time, energy and thought put in by the Commission to try to improve the beautiful City of Kirkland. While evaluating the zoning elements that are currently in place and possible changes to them, I hope you will not lose sight of the negative impacts of over restricting the City's commercial zones.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Stewart", with a long horizontal flourish extending to the right.

Justin Stewart, LEED® AP
Executive Vice President
Path America

From: [Audrey Style](#)
To: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [Byron Katsuyama](#); [Glenn Peterson](#); [C. Ray Allshouse](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: Public Hearing 6/28/12 BN Residential Market
Date: Tuesday, June 26, 2012 9:55:48 PM

Dear Commissioners:

The BN properties across the street from me have been identified for very low density. My husband and I have lived here for nearly 25 years and now it is getting to be a horrible time entering and exiting our driveway, please for the safety and contoll of traffic congestion don.t allow high density.

Keep Kirkland a pleasant place to live and visit.

Audrey Style
6735 Lk wa Blvd
Kirkland

From: 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; chuck@bourlandweb.com
Subject: What should be done with development in Kirkland
Date: Saturday, July 07, 2012 9:41:37 AM

It will be hard for me to understand any recommendation made to the Council regarding our quality of life if it does not protect and promote it.

Unlimited housing densities will degrade it.

The type of housing units should be comparable with existing residential units.

The recommendation should prevent greater traffic jams for longer periods of time instead of making them worse. Measures should be taken to reduce their impact. For anyone to ignore our existing traffic jams and not do anything about it would be irresponsible especially if the recommendation exasperates our current conditions.

Sincerely,

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

From: [Mark Taylor](#)
To: [Joan McBride](#); [Penny Sweet](#); [Doreen Marchione](#); [Amy Walen](#)
Cc: [Karen Levinson](#); [Chuck Pilcher](#); [Toby Nixon](#); [Bob Sternoff](#); [Dave Asher](#); [Robin Jenkinson](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#); [Jay Arnold](#); [Byron Katsuyama](#); [Glenn Peterson](#); [Jon Pascal](#); [Andrew Held](#); [C Ray Allshouse](#); [Mike Miller](#); [kervin@seattletimes.com](#)
Subject: RE: BN zoning on Lake Washington Blvd
Date: Saturday, May 26, 2012 10:44:51 AM
Importance: High

To Kirkland City Councilmembers Marchione, McBride, Sweet and Walen:

It has been 11 days since the city council meeting in which you voted in favor of turning the Lake Street and 10th parcel into a designated Neighborhood Center without density cap. You may think that you have successfully “kicked the can down the road,” but today’s Seattle Times’ article by Keith Ervin certainly belies that notion.

For many months now dozens of Kirkland residents have personally expressed their desire to maintain current neighborhood density limits, and hundreds have signed an online petition to that effect. Strong arguments with historical basis supporting this position have been offered and Mr. Dargey’s team was made aware of the legal history causing previous developers to not develop this property. But, with your respective votes you have chosen to effectively “flip-off” the residents of the Lakeview and Moss Bay neighborhoods in favor of your personal wishes for increased density in Kirkland.

What is worse is the flimsy rationale each of you offered in support of your vote. Your explanations ranged from incoherent (Ms. Walen) to ambivalent (Ms. Sweet) to parochial (Ms. McBride) to nonexistent (Ms. Marchione). If this is the best you can do to justify a vote of this significance, I can only conclude that all of you are intellectually incapable of serving on any city council this side of Mayberry.

The Kirkland City Council is supposed to be accountable to the residents of Kirkland. You know—the people who actually live here and whom you are actually supposed to represent. And, no, Ms. McBride, it is *not* the responsibility of the City of Kirkland to “have to house more people.”

The City of Kirkland deserves better than this.

Toby Nixon proposed a compromise that all of you chose to ignore during the meeting. His proposal was to allow a density cap that exceeds that of surrounding neighborhoods by an amount that does not impact their overall character. But, instead of pursuing such a constructive approach you seem to be stuck on your personal agendas for growth. I strongly urge the Kirkland City Council to pursue Mr. Nixon’s approach to achieving a compromise that is acceptable to all parties.

Absent such a constructive approach, each of you can be assured of several hundred votes immediately opposing you in the next election should you choose to remain in office. It is the least we residents of Lakeview and Moss Bay can do to prevent similar bizarre decisions being made by those elected to represent us.

Representative government—what a concept!

Mark S. Taylor
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From: mark.s.taylor@hotmail.com
 To: rjenkinson@kirklandwa.gov; ktriplett@kirklandwa.gov; eshields@kirklandwa.gov; jmcman@kirklandwa.gov; jmcbride@kirklandwa.gov; psweet@kirklandwa.gov; dmarchio@kirklandwa.gov; awalen@kirklandwa.gov; dasher@kirklandwa.gov; bsternoff@kirklandwa.gov; tnixon@kirklandwa.gov; jarnold@kirklandwa.gov; bkatsuyama@kirklandwa.gov; gpeterson@kirklandwa.gov; jpascal@kirklandwa.gov; aheld@kirklandwa.gov; callshouse@kirklandwa.gov; mmiller@kirklandwa.gov

CC: uwkkg@aol.com; chuck@bourlandweb.com
Subject: BN zoning on Lake Washington Blvd
Date: Tue, 17 Apr 2012 14:13:33 -0700

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: [Mark Taylor](#)
To: [Mike Miller](#); [Jon Pascal](#); [Glenn Peterson](#); [Andrew Held](#); [Byron Katsuyama](#); [Jay Arnold](#); [C Ray Allshouse](#); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Toby Nixon](#); [Dave Asher](#); [Robin Jenkinson](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#)
Cc: [Karen Levinson](#); [Chuck Pilcher](#)
Subject: ZON11-00042 BN-Res Market - Meeting Required Standards
Date: Wednesday, July 11, 2012 2:17:28 PM

Dear City Officials:

Please add our names to the list of those concerned about the zoning standards being evaluated for the Lake Street and 10th parcel. While there are many considerations impacting any proposed zoning standards, many of which have been previously expressed, we feel the most important factor is that of quality of life in Kirkland.

Lake Washington Blvd provides a scenic location that encourages many people to bike, jog or simply walk its length, especially at this time of year.

Even when the weather is less than perfect, visitors come to enjoy our lakefront. Many of them also utilize the businesses in downtown Kirkland, Carillon Point, and all points between. Our lakefront is truly a showcase for Kirkland.

What might surprise you is that our neighborhood (62nd and Lake Washington Blvd) is not just a stretch of busy arterial road, but an actual neighborhood where neighbors know one another and work together to maintain a sense of community. I assume that is also true elsewhere along Lake Washington Blvd.

However, the impact of high density traffic entering and exiting a high density site would have an enormous, negative impact on the area.

Bicyclists, joggers and walkers could be endangered by a busy garage entrance, and the quality of life in the area would be forever degraded.

In a city council meeting several weeks ago, Toby Nixon proposed that a neighborhood business zone such as that at Lake and 10th be limited to a density cap no greater than 125% of the surrounding neighborhoods. For example, such a density cap would amount to 30 units per acre if surrounding neighborhoods are limited to 24 per acre.

Please consider this type of density cap for the 10th and Lake Street zone.

We would love to see development of that parcel that fits in to its surrounding neighborhoods.

Kind regards,

Mark & Betty Taylor

6202 Lake Washington Blvd NE

Kirkland

From: [Rodney](#)
To: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [Byron Katsuyama](#); [Glenn Peterson](#); [C. Ray Allshouse](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: BN-Residential Market - Public Hearing 6/28/12 - Permit No. ZON11-00042
Date: Tuesday, June 26, 2012 2:46:02 PM

Dear members of the Planning Commission,

I have written before to voice my objections to the proposed apartment project for the parcels at Lake St S and 10th Ave S (the so called Potala development). However, given the importance of the planning decisions currently being made, I felt compelled to write again. My concerns have been over the size, scope and negative impact a project, such as Potala or others, would have on the community. In particular, I am certain it would significantly worsen the horrible traffic and parking situation we have on the boulevard, as well as promote the destruction of the city's "crown jewel". That is, its relatively quaint scenic water front that makes Kirkland a desirable alternative to a community, such as Bellevue. I urge you to fight hard to insure that the land in question remain a "Residential Market – Commercial" area so that we can preserve the character of our unique and desirable community, as oppose to enriching developers at our own expense.

Incidentally, I myself am a part time developer and commercial real estate investor, however I have not and will not participate in projects that are so detrimental to a community. In fact, I am currently involved in an apartment project in Redmond which is on a major traffic route and surrounded by commercial businesses. Nonetheless, we are providing far more parking (~ 2 stalls/unit) and open space. Given the residential nature of Lake Street and 10th, I again encourage you to put the community first by maintaining a low density cap on the area.

Sincerely,

Rodney Vieira
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Kirkland, WA 98033
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