

From: Duekerk@aol.com
To: [Jeremy McMahan](#)
Subject: Residential Suites
Date: Wednesday, September 12, 2012 5:12:36 PM

Jeremy

Please add the following in the record for the proposed reduction of parking requirements for residential suites.

=====

The amount of spillover parking from the parking require of 0.5 spaces per residential suite should be minimal, if it is well managed by a responsible developer/manager. However, what happens if the development is sold to a poor manager who does not follow the transportation management plan resulting in a greater demand of parking? Resident cars will spillover to the street.

On the other hand, if the manager controls demand for the 0.5 spaces per residential suite by setting a high price for resident parking, it will drive some residents onto the street for free parking and the reduced required spaces will be underutilized.

Both under and over management of parking results in spillover parking. These are unintended consequences of the inexact science of parking requirements and avoidance behavior. This is compounded by the difficulty in detecting and enforcing spillover parking.

Nevertheless, I support the proposed change. But it needs to be monitored.

Ken Dueker
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From: [Eric Shields](#)
To: [Jeremy McMahan](#)
Subject: FW: # 2 For Tonight HCC&KPC - SRO - Please forward this email
Date: Thursday, June 14, 2012 4:33:57 PM

FYI

[Eric Shields](#)

From: Uwkkg@aol.com [mailto:Uwkkg@aol.com]
Sent: Thursday, June 14, 2012 2:51 PM
To: C Ray Allshouse; Jay Arnold; Andrew Held; Byron Katsuyama; Glenn Peterson; Mike Miller; Jon Pascal; Houghton Council; Janet Jonson; Kurt Triplett
Cc: uwkkg@aol.com; neighboringproperties@gmail.com
Subject: # 2 For Tonight HCC&KPC - SRO - Please forward this email

Hello again Commissioners and Community Council Members:

My next comments are with respect to the SRO "Single Resident Occupancy" as proposed by Mr Pantley. This, by the way, is a HCC issue. While it is currently not proposed for HCC areas, we all know that sooner or later someone steps forward and says that Houghton shouldn't have special privileges. The code allows SROs within 1/4 mile of Transit Center and Houghton is about to get a Transit Center. HCC, therefore, must have a voice in this discussion.

I would like to comment on the following items

1) Zoning Codes that spontaneously appear due to "developer need" rather than as Comprehensive Planning. This is flat out irresponsible. It is not "planning" it is knee-jerk capitulating to developers.

2) **Huge changes** in how Kirkland defines residential unit (not having self contained kitchen and other amenities and a huge increase in number of unrelated persons) **should not be processed through as a Moderate Amendment**. This is Huge change in definition of residential unit and likely to be controversial. Minor or moderate code amendments are generally done for things that are non-controversial or will have minor controversy.

SPECIFIC ISSUES:

A) The City Council seemed to ask to have the extra .5 FTE assigned this SRO for further study, yet it seems to be moving forward without that farther study. The concept of 8 residents sharing a kitchen and a building that provides severely reduced parking needs ample time for research - That has not happened. There has been a lack of public outreach on this item (usually this is a sign of something covert or likely not well received).

B) Mr Pantley's experience seems limited to just one or two of these SROs and not over a long period of time. We also have not seen what happens when the owner/management team sells their property. The new owners often do not have the same philosophy as the initial builder/manager.

C) I do not believe that fewer parking spaces and "strict parking management strategies" are effective at reducing America's love affair with cars. In my condo we've had numerous unit owners/renters who start out with one car and the bus. Then they get into a personal-love relationship with someone and that person moves in...with car.... We've had a son come home from serving in the military and move in with Mom.... with car.... And, we have had a grandson lose his job and move in with Grandma... with car. All use their cars to get to jobs that are not on the bus line. All were unexpected additions to our parking lot. In addition to these cars we do allow our unit owners and renters to have guests come by... Not unusual behavior, I'm sure you'll agree.....All these extra cars are parked along the closest nearby neighborhood street.

While the car parking issue is likely relevant in many areas, it will be particularly problematic in Downtown Kirkland CBD. The guests or extra residents will be competing with parking spaces that shoppers and restaurant goers would like.

D) The city council seemed to be asking for a "Pilot" project yet the code as written does not provide for just one "Pilot." It seems to allow as many of these as folks want to build as long as they are within 1/4 mile of transit center. ... So that would allow dozens of these.... and how do we define transit center? Will someone argue for one of these if they are within 1/4 mile of a street served by several bus lines? Wow... we could be the epicenter of SROs!!!

I'll attach the text of my letter to the Editor below. It will hopefully cover some points that I may have missed.

Thanks for taking the time to consider my thoughts as above and those in the Letter to Editor.

Best, Karen Levenson **IS PANTLEY THE NEXT POTALA?**

Why does planning staff, in Kirkland, have conversations with developers and then accommodate them by disregarding the Comprehensive Plan and/or modifying city policies? Why does Kirkland ignore the rules on our books in order to allow developers to move forward? Why doesn't the city reach out to citizens and bring them into the conversation when modifications are requested? Instead citizens only find out about city capitulation after it has happened. No wonder we have continuous public uproar, and with Potala, the legal action.

Why, if we supposedly want to provide for a range of housing in Kirkland, are all the current projects for tiny micro spaces and extreme reduction in city required parking... (e.g. Potala, TOD and now Pantley)???

Doesn't the Growth Management Act require a Comprehensive Planning process wherein citizen participation is actively solicited and the result is something that ensures "coordinated" and "planned" growth across the city? So why does Kirkland act on spontaneous eruptions of "developer need" and allow piecemeal modifications that are incompatible?

The Pantley development proposal is a far cry from anything that is currently allowed by code in the City of Kirkland. Eric Shields, at a recent Planning Commission meeting, stated that there are fundamentally two issues with current code. One being that the city's definition of dwelling unit does not allow for communal like development wherein up to 8 individual bedrooms share a kitchen facility and the definition of "family" as allowed in a dwelling unit greatly surpasses the city's current restriction allowing no more than 5 unrelated occupants.

The other modification that seems determined to move forward is the blessing for greatly reduced parking requirement – only requiring one space per every two units. Where??? At the recent Planning Commission meeting the request was for downtown Kirkland!!! Hello??? With reduced parking??? Mr Pantley claims that they screen tenants and somehow end up with folks that don't have cars. So if that is true, what happens if the resident changes jobs and can no longer get there by bus? Perhaps fall in love and marry someone who has a car? Or even have guests come by? Where are those cars parked?? What if Mr Pantley sells the apartment/condo project to someone else who doesn't screen residents meticulously? We all have seen how overflow parking ends up in our neighborhoods, in front of our house. We don't need more of this. The downtown merchants will also suffer when residents/guests use precious downtown parking stalls.

Those of us who actually live in multifamily have experienced that one car per bedroom is never enough parking. Somehow, those on our commissions and council who live in single family homes think they know better. They've stated that half a space per unit is more than adequate. They've obviously not been HOA president wherein parking issues are a monthly event and annually the attorney gets brought in to arbitrate differences. And this is where one parking space per bedroom is provided and where transit is only a block away!!!

My biggest concern is around PROCESS. This is especially true when established process is circumvented. Things are done in conflict with the city Comprehensive Plan and policies, and in a way that covertly speeds things through. Where is the transparency? This is causing us so much city time and money when we have to sort through our legal defense of such actions.

When the City Council heard Mr Pantley's proposal, they heard that there were code inconsistencies with parking but did not hear about the fact that we have no zone use charts to allow this communal type of housing!!! The second set of code problems was not brought to their attention.

The Council members made comments that they were intrigued by the idea, would like to study this type of housing as part of the work plan, were in favor of looking at the Redmond example and would consider a carefully placed "pilot project." On tape, at 00:49:26 during the 4/3/12 Council Study session, Eric Shields suggested that he might be able to bring this forward in the current set of code amendments. Then on 4/26/12 @ 3:41:00 Mr Shields tells Planning Commission that "The INSTRUCTION from the [City] Council was 'to put it in these code amendments.'" The emphasis on immediately moving this forward, without farther study, and without being limited to a carefully chosen pilot site was not my understanding of Council direction. Perhaps a review of the meeting tape would be helpful.

Why do changes like those proposed by Mr Pantley get considered without going through the process of Private Amendment Request? All other developments asking for modifications seem to wait for this PAR review. Why are Pantley or Potala something different? Is this fair to other developers?

Why is the public as a whole not brought in to consider making a major change in the definition of residential units (to include small, communal units)?

Why are residents not included in the deliberation of dramatic reduction in required parking (size and number of stalls)?

Why does the Notice of the Planning Commission meeting not list this as an item? It is not until you sift through dozens of pages that you come across a discussion of SRO (Single Resident Occupancy)? ... And likely you've never heard a thing about this before.

VERY IMPORTANT TO NOTE: The code amendment, if it goes through is not for a "pilot" or "test" project as the City Council indicated. It adds a new zoning category and would allow for this in numerous areas. It would not be "a test case."

Come on City of Kirkland... Be fair to us as citizens. Respect the Comprehensive Plan that we worked hard on for years. If changes are needed they should be considered only after broad outreach to the citizens and good dialog and thorough study. Sadly, as I began participating more in city planning, I've felt that the Kirkland way is "catch me if you can." Even if you do catch me, you may not have caught me within the 60 day timeframe required for an appeal, or you may not have been involved earlier and aren't therefore a recognized "party of record." This is really a disrespectful and inappropriate way to treat the citizens who pay their taxes and employ you. Something needs to change.

Karen Levenson (Other public replies are below)

Showing 5 comments

Larry Kilbride:

Very well put.. It seems to be more and more (all about the money) If it can be presented by the builders ,who by the way know ALL the Council Members, know when ALL the meetings are and simply put it on their schedules-- then changes can be made WITHOUT public input.. Makes you wonder WHO pays the Council ??

MKelly:

This is, and has long been, a pattern in Kirkland as far back as I started taking notice as a new realtor some 23 years ago. A respected Kirkland realtor colleague of mine recently told me that he stopped going to Council meetings because "everything is predetermined in private meetings" before public hearings and Council vote. That appearing before Council is a waste of time and energy, essentially a dog and pony show for the benefit of legal documentation. This is a very frustrating and helpless feeling that the "process" inflicts upon it's own citizens. It kills the spirit.

I was surprised (not shocked) of hearing that former Councilman Pantley's proposal already had support. The "process" has long been very muddy, heavily weighted in developers favor with little regard for the concerns of citizens, neighborhoods or the permanent impact some of these decisions will have on the future of Kirkland. There is a right way and a wrong way to achieve the goal of high density in appropriate areas. It starts with a transparent process.

Very well written letter Karen. Your quote sums it up. "Sadly, as I began participating more in city planning, I've felt that the Kirkland way is "catch me if you can." Even if you do catch me, you may not have caught me within the 60 day timeframe required for an appeal, or you may not have been involved earlier and aren't therefore a recognized "party of record."

Recall.4.from.KCC:

The comment I like most is that something has to change. Either at the upcoming election or before. There are 4 changes needed.

Recall.4.from.KCC:

Who has already expressed interest in running?... And when??

Chuck Pilcher:

I wonder if Mr. Pantley saw how well the end-run around the Comp Plan seems to be working for the Potala developer and simply saw an opportunity. I don't even like saying this, but It sure appears that our City's plans and processes have lost the respect of Kirkland's leaders

From: uwkkg@aol.com
To: uwkkg@aol.com; [Eric Shields](#)
Cc: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Toby Nixon](#); [Bob Sternoff](#); [Dave Asher](#); [Kurt Triplett](#); [Marilynne Beard](#); [Robin Jenkinson](#); [Jeremy McMahan](#); [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [C Ray Allshouse](#); [Glenn Peterson](#); [Byron Katsuyama](#); neighboringproperties@gmail.com; robert@pantley.com
Subject: TYPE-Os Corrected: Recollection of SRO @ Work Plan meeting
Date: Friday, August 10, 2012 7:26:34 AM

I am resending yesterday's email with corrections to type-os. I apologize for typing quickly and not checking for auto-corrects or other issues before I pressed send and ran out the door with my son. I don't intend to be disrespectful of your time or have improper and unintended words. Here's a proofed version.

I have added a bit more context to yesterday's email and I would also like to remind you that many of the council members said that perhaps there should be a "pilot" or "test" case. I believe Mr. Asher suggested that we would need to figure out what "bounds" would be placed on this."

===== Rewritten letter of 8/9/12=====

Yep. good recollection, Eric.

I reviewed the meeting and see where the misunderstandings may lie.

Keep in mind, this meeting was a bit unusual as it was supposed to be the meeting where the planning commission updated you on the BN zones. I flew into town because of that being scheduled....Then due to legal twist or turn that got changed. There were probably 15-20 red shirts at your study session.

Here's ...I think... Where the difference of opinion has its roots.

It appears that a letter had been received from Mr Pantley in March regarding a request for new parking zoning for SROs. At this early stage, it appeared that a parking issue was the only thing about SRO that was not provided in current zoning. That was all that was presented to the City Council.

As you listen to the tapes you hear council members saying things like "I hope we can take a look at the Redmond experience, I am intrigued by this idea," and some suggesting that perhaps if folks want to propose projects with less parking they will provide public parking for downtown in exchange. All of this was about there just being a parking difference with code and no one had yet realized there was a residential use zoning snag. Even the parking discussion was minimal. There was no discussion or study of "how much" parking reduction could be tolerated. More importantly, the comments left the "red shirts" believing this was being forwarded to planning commission with time for study sessions and thorough review.

At the end of that meeting the tape reflects things becoming rushed.

Andy Held was trying to deliver some thoughts, Joan McBride was trying to get the Council to adjourn for Executive Session and Eric stated that perhaps he could get this into the current zoning code amendments. He quickly commented on head nods.

As stated previously, it seemed clear to the audience that study was needed and felt that was what the council members were asking for. Especially because this discussion was also about where to assign a .5 FTE for the end of 2012 and early 2013.

Fast forward a few weeks and the SRO arrives at the Planning commission. Eric and Jeremy comment that as they reviewed this farther it will take a zoning change as to the residential use. This additional code change has not yet been before the city council and it is believed that council was not yet in the loop on the additional inconsistency. The red shirts did not believe that the Council had given instruction "to implement" the SRO. But that seemed to be the force with which this was delivered to the planning commission.

At that PC meeting there is a presentation but... as some planning commissioners mentioned at the recent meeting...they still have not had a single opportunity to ask questions of the experts.

The bottom line, here, is that the letter came in and folks tried to act on it quickly. In the haste there were more discrepancies with current code than originally expected. Some may see Eric's commitment to put this into the current code amendment process as a belief that there was still time to study this. Tape of planning commission meeting seems to indicate that they feel it arrived so late that there was no time to study or ask questions.

The City Council never knew until the last few days that there was a residential use change in code that would be required so that was certainly never forwarded to the planning commission from them.

With wreckless speed this SRO has moved forward. The red shirts wonder why. KZC spells out clearly how code amendments are handled when citizens ask for changes that will allow for their projects. We have a specific form that outlines the deadlines and the timeframe that is established in KZC. Using the established process would have likely kept things methodical in their review. Ask anyone who has requested a zoning code change. It usually takes awhile no matter how laudable their plans may be. There are Lakeview neighbors who have waited 4 years to remove a restriction on their ability to rebuild their units to current density which is non-conforming. Their intended development goals are as laudable as Mr. Pantleys. Why does he get a process that moves forward in 5 months when the Lakeview neighbors have been working through the process - through proper channels - for over 4 years. Doesn't this seem inequitable?

We may be eager to encourage development but it is very important that we do so in a way that is respectful to the processes that are in place to protect every land owner. Established land owners need to know that they will be informed if a property in their neighborhood is being considered for brand new residential zoning or a unique "pilot" program for less required parking.

Citizens that go through the difficult process of asking for zoning changes need to know that the process is the same for everyone.

I am not opposed to growth and I confess that I do not know the nuances of the Crab Cracker area of town. Perhaps that community will be perfectly fine with these proposed changes. Perhaps we will get some

really good examples of successful projects that are several years old and can be used to calm the discomforts of many (residential use & parking examples). Perhaps, as one council member stated, this is a good opportunity to allow something different where in developments might provide less on-site parking but in exchange would provide the additional parking in public parking spaces.

Karen Levenson

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

From: uwkkg <uwkkg@aol.com>

To: EShields <EShields@kirklandwa.gov>

Cc: JMcBride <JMcBride@kirklandwa.gov>; DMarchione <DMarchione@kirklandwa.gov>; PSweet <PSweet@kirklandwa.gov>; AWalen <AWalen@kirklandwa.gov>; TNixon <TNixon@kirklandwa.gov>; BSternoff <BSternoff@kirklandwa.gov>; DAsher <DAsher@kirklandwa.gov>; KTriplett <KTriplett@kirklandwa.gov>; MBeard <MBeard@kirklandwa.gov>; RJenkinson <RJenkinson@kirklandwa.gov>; JMcMahan <JMcMahan@kirklandwa.gov>; MMiller <MMiller@kirklandwa.gov>; JPascal <JPascal@kirklandwa.gov>; JArnold <JArnold@kirklandwa.gov>; AHeld <AHeld@kirklandwa.gov>; CAllshouse <CAllshouse@kirklandwa.gov>; GPeterson <GPeterson@kirklandwa.gov>; BKatsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>; uwkkg <uwkkg@aol.com>
Sent: Thu, Aug 9, 2012 7:21 pm
Subject: RE: Recollection of SRO @ Work Plan meeting

Yep. good recollection, Eric. I reviewed the meeting and see where I believe the misunderstanding lie. kee

In mind that this meeting was a bit unusual as it was supposed to be the meeting where the planning commission updated you on the BN zones and I flew into town because of that being scheduled. then due to legal twist or run that got changed. there were probably 15-20 red shirts at you study session.

Here's ...I think.. Where the difference of opinion has its roots. it appears that a letter had been received from Mr Pantley regarding what he would like to do and at this early stage it appeared that there was only a parking issue. as you listen to the tapes you hear council members saying things like "I hope we can take a look at the Redmond experience, I am intrigued by this idea," and some suggesting that perhaps if folks want to propose projects with less parking they will provide public parking for downtown in exchange. To the audience all of this was about there just being a parking difference with code and not a residential use difference. More importantly the comments left the "red shirts believing this was being forwarded along with time for study sessions etc.

At the end of that meeting the tape reflects things becoming rushed. Andy Held was trying to deliver some thoughts, Joan McBride was trying to assist the CPU cil in adjournment to study session and Eric stated that perhaps he could get this into the current zoning code amendments.

He quickly commented on head nods and the red shirts anticipated this meant getting to the code amendment process in time for some study of the matter as that is what they though council members were asking for.

Fast forward a few weeks and the SRO articles at Planning commission with Eric and Jeremy stating that as they reviewed this farther it will take a zoning change as to the residential use. this additional concept

has not yet been before the city council. there is a presentation but as some planning commissioners mentioned at the recent meeting...they still have not had a single opportunity to ask questions of the experts.

Bottom line is that the letter came in and folks tried to act on it quickly. In the haste there was more that was not covered by code than expected. some may. Jew Eric's commitment to put this into the current code amendment process as a belief that there was still time to study this. reports from the planning commission seem to indicate that they feel it arrived so late that there was no time to study or ask questions. the red shirts wonder why code amendments that are supposed to follow a process get accepted in this manner and rushed through where it is confusing to all of us.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>

To: 'uwkkg@aol.com' <uwkkg@aol.com>

Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Toby Nixon <TNixon@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
Sent: Thu, Aug 9, 2012 10:00 am
Subject: RE: Recollection of SRO @ Work Plan meeting

Karen,

My recollection is that this happened at a meeting in which the Council was reviewing the Planning Work Program in April.

Eric Shields

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

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

Sent: Thursday, August 09, 2012 9:47 AM

To: Eric Shields

Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Toby Nixon; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com
Subject: Re: Recollection of SRO @ Work Plan meeting

There are also different impressions of the work plan meeting wherein SRO was listed as one of the optional items that the .5 FTE person could be assigned to study and prepare for review during the time between now and the next CP update. I was in town and I seem to recall hearing council members saying they were intrigued by the idea. Some I think said they wanted to study it, etc. I'll have to review the tape to be sure but I was shocked when I heard staff tell the planning

commission that the city council had directed that the SRO be added to the current zoning code amendments. This would seem highly irregular, I think, for our electeds to ask that something be added to a packet of amendments that has already had its study sessions and is at the public hearing stage.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>
 To: 'uwkkg@aol.com' <uwkkg@aol.com>
 Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Toby Nixon <TNixon@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
 Sent: Thu, Aug 9, 2012 9:41 am
 Subject: RE: City council Decisions @ Mtg Last Night

Karen,

There are apparently different perspectives on the significance of this amendment. But the review process is as follows: The Council directed that the amendment be added to the 2012 group of code amendments, most of which were adopted last Tuesday. The Planning Commission held a hearing and reviewed the SRO amendment and expressed unanimous support, but was concerned that the public did not have enough time to be informed and comment, so they recommended that the Council hold off on adoption pending a couple of months for additional process. The Council agreed and held back consideration of the SRO amendments until October. I will be discussing the additional review process with the Commission this evening. To meet the schedule, the additional public hearing will have to occur at one of the Commission's September meetings. I'll know more after this evening. I'll let you know tomorrow.

Regards,
 Eric Shields

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

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
 Sent: Thursday, August 09, 2012 9:15 AM
 To: Eric Shields; Toby Nixon
 Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com
 Subject: RE: City council Decisions @ Mtg Last Night

Eric:

Thank you for the clarification. Very helpful.
 The question then becomes is this a minor or moderate change and

appropriate for the annual amendment process or whether it is more significant than that. I recall the planning commissioners all seemed to state both their frustration that this came in on the night of the 6/14 hearing as a new addition with Jeremy even having to go through the definition for the first time. Most or all also seemed to state that they didn't feel these changes were minor or moderate. I'll have to listen back to the tape and see if it was the parking change or the new zoning definition for residential. They may not have separated them out in their comments. I'll likely not get to checking until this weekend but if someone else has the time the comments begin on the 6/14 tape at 2:27.

From a public perspective, I know there were comments submitted stating that these were not considered minor or moderate by residents. I also know that residents are currently very very angry with how many changes have been made through this annual process that doesn't notify them. I believe that citizens en mass are going to be very reluctant to see things go through a legislative approval rather than the private amendment application process. I'm sure that if other things get corrected to some relative level of community satisfaction then the hundreds of involved citizens will go back to their usual hibernation but that is not at all where we are now. The list of unhappy folks has now grown to about 800 if Chuck, our numbers person has the count correct. At the public hearing there were new people that we've never heard of who came to speak.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>
 To: 'uwkkg@aol.com' <uwkkg@aol.com>; Toby Nixon <TNixon@kirklandwa.gov>
 Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
 Sent: Thu, Aug 9, 2012 8:41 am
 Subject: RE: City council Decisions @ Mtg Last Night

All,

I'd like to clarify. Although multifamily residential is allowed in the Central Business District and Totem Lake, the Zoning Code limits the number of unrelated people in a single dwelling unit to five. A dwelling unit is defined as having complete facilities for sleeping, bathing and cooking. Residential Suites often involve more than five rooms sharing a kitchen (although many have partial kitchen facilities in each room). Consequently, we are proposing to add a new "Residential Suites" use to certain zones. However, they are really a variation on multi-family uses. Each of the zones in which Residential Suites are proposed also allow hotels and Residential Suites are kind of a cross between traditional multifamily and hotels.

Eric Shields

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

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

Sent: Thursday, August 09, 2012 6:52 AM

To: Toby Nixon

Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com

Subject: RE: City council Decisions @ Mtg Last Night

Hi Again:

Yes I will submit my comments through the public process and am sending them to all of you on your Kirklandwa.gov website so that they are public record.

Yes, I did miss the part of the meeting with the approval of new parking enforcement. For some reason I couldn't get the first part to come up on my wireless ipad. When I got to a fixed location I was able to pull up the meeting by wifi. I hope the new attempt at parking enforcement works. I know that shopowners will really appreciate it.

There is part of the discussion of the SRO that you may have missed. It is from the June 14th planning commission meeting. I realize that SRO suggestion arrived so suddenly that none of us has had much time to get up to speed. If you'll check the KPC tape for the June 14th meeting you'll see that both Eric Shields and Jeremy McMahan comment on the fact that at first blush they thought there was just an issue with parking which would need a zoning change. They then comment that when they looked at this farther they realized that we don't have any zoning that would allow this type of residential use. The two of them go through the explanation of why the SRO doesn't fit with anything that we have currently and will need new zoning to allow it.

So the issues are two:

- 1) Parking
- 2) New type of residential use zone

These were placed as either a minor or moderate change and as soon as the public heard about them they quickly responded that they did not consider them to be the "uncontroversial" items that get passed without going through the proper process. If you listen farther to the tape of 6/14/12 (starting at 2:27) you'll hear that all of the planning commissioners comment on the inappropriate suddenness of the SRO being added to the zoning changes at the last minute. You will also hear that most, if not all of them felt that these were not "minor uncontroversial changes."

As to my activities, my biggest issue is process. I've always felt that rules are to be followed for a really good reason and keep things fair for everyone. There are many others in Kirkland who have become hyper-sensitive about making sure rules are followed. Mostly that is because things were done without proper notice and with legislative changes that did things as egregious as changing residential property into commercial property without notice as a "minor and uncontroversial change." A Shoreline designation was similarly changed and when the neighbors asked to see the NOTICE they received something that talked about changes to bulkheads, piers, docks and salmonoids but no mention

of UR-1 residential properties changing to Urban Mixed. We have hundreds of really ticked off citizens who have decided they must watch everything and that legislative change process has been abused.

You mentioned "assuming the SRO fits with the neighborhood." This is another area where we have 800 signatures where folks are calling foul that the city can.... and has within its power.... to make sure that a project fits within its neighborhood. Rather than making sure to protect the neighborhoods with something that fits, the city is showing that it is afraid to enforce its codes and policies. We even have zoning that states that if later ordinances or policies are voted in then the most restrictive applies. Instead the city keeps kicking the can down the road and the citizens have to keep fighting to stop incompatible development. I think this is the wrong time to be reassuring the citizens that the city will make sure development is done only in areas where it was planned and where it fits. It is my belief that the cities lack of a backbone regarding a costco sized building in a single family neighborhood has hurt the citizen trust in our staff and in our electeds immeasurably. Even the EIS is extremely flawed and you'll soon see that a chart showing 38 residential densities has 15 errors. I believe this work was given to the consultants by staff. It claims a density of one building at 177/acre whereas properly calculated the density is only 40/acre and it was built over water in 1968 which would no longer be allowed. I provide this example because the incorrect number of 177 is being used to state that a building at 118/acre is within the "range" of what is built in the area. So this is the sloppiness with which our citizens feel our properties are being subjected. 118 may be within the range of 10-177 as stated incorrectly. All the correct calculations show a range of 2-40 with only 3 old buildings being greater than 24. Hopefully you can see why the citizens do not currently have the faith or trust in our city planners (who we believe provided the incorrect calculations) or our electeds who need to insist on accurate and careful examination.

Best,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>

To: uwkkg <uwkkg@aol.com>

Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Eric Shields <EShields@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>

Sent: Thu, Aug 9, 2012 12:17 am

Subject: RE: City council Decisions @ Mtg Last Night

Thanks, Karen.

Just to be clear, this conversation should be conducted through the formal open public process, on the record, through the Planning

Commission. I hope you'll submit all of your thoughts to them as comments. I shouldn't be considered the "broker" for this conversation; I'm just sharing my thoughts with you, and it is the Commission that is the "broker", although I think it would be great for you to have the opportunity to meet with Mr. Pantley directly and tour his development in Redmond if you haven't already done so.

My understanding is that no change in zoning has been requested for the current SRO proposal. CBD zoning already permits mixed-use multi-family housing; no zoning change is needed to accommodate the unit size (there's no minimum unit size or maximum density) with compact kitchenettes in the units and access to shared larger kitchens. The only issue that really needs to be decided, as I understand it, is how many parking spaces are required per unit and what conditions will be attached to the proposed reduction. We do need to have the discussion about whether the reduction proposal is realistic, and that's where the discussion of how much parking demand there really is in SROs comes in, but ultimately the question to be decided is limited to the amount of parking required and not the broader question of whether residential suites should be permitted in the CBD and TL zones -- they already are.

It would be great if you could send along links to whatever information you've found about negative experiences with SROs elsewhere. I hope you're not comparing what is proposed in Kirkland with dumpy, old, dilapidated buildings in Chinatown in San Francisco, or SROs in New York City that have become ghettos for people with AIDS, or SROs in Chicago where most of the residents are mentally ill or disabled, or other buildings located in run-down and crime-ridden sections of central cities. These places are not Kirkland, not in a high-tech suburb of any kind. Most of these places have rent control that discourages owners from properly maintaining their buildings, amongst many other problems. And we're not talking about building bedroom-only units, with people sharing bathrooms and no cooking permitted; the SRO units proposed here would each have a private bathroom, a refrigerator, and a microwave. Just searching for "SRO" on the web and assuming that everything bad one reads about SROs elsewhere would necessarily apply here is, in my opinion, a mistake.

My understanding is that the SRO parking policy -- including eviction for possessing a vehicle and not renting a space for it in the SRO parking lot or some other parking facility -- would be in the lease agreement for each unit. I am not aware of any law that would make such a lease term illegal, especially if it is required by a city code. I just reviewed RCW 59.18 and found no prohibition of such terms. On the contrary, RCW 59.18.140 seems to specifically allow for them and require compliance so long as proper notice is given:

59.18.140

Reasonable obligations or restrictions — Tenant's duty to conform. The tenant shall conform to all reasonable obligations or restrictions, whether denominated by the landlord as rules, rental agreement, rent, or otherwise, concerning the use, occupation, and maintenance of his or her dwelling unit, appurtenances thereto, and the property of which the dwelling unit is a part if such obligations and restrictions are not in violation of any of the terms of this chapter and are not otherwise contrary to law, and if such obligations and restrictions are brought to the attention of the tenant at the time of his or her initial occupancy of the dwelling unit and thus become part of the rental agreement. Except for termination of tenancy, after thirty days written notice to each affected tenant, a new rule of tenancy including a

change in the amount of rent may become effective upon completion of the term of the rental agreement or sooner upon mutual consent.

RCW 59.18.230 lists specific things that are not permitted to be in a rental agreement. As far as I can tell, nothing listed in that section would prohibit a lease term requiring tenant vehicles to be parked in a rented space on the premises or some other legal off-street parking (such as at a storage lot if the car is infrequently used, as is done by many people with their boats) and providing for eviction for failing to do so.

I do not understand why having a guest stay overnight and park their car on a side street or some other public space where overnight parking is permitted should result in eviction. Guests park on the street when visiting residents in all of our neighborhoods, including overnight guests for multiple days. Few of us have enough space in our driveways or garages for all of our guests to park on our own property. I don't understand why we should insist that an SRO be able to accommodate all conceivable guest parking needs on site when no other residential property in the city is expected to do that.

Finally, in case you missed it, Tuesday night the city council adopted new parking regulations for the Marina and Lake & Central lots that ban parking by business owners and employees and use the video system on the parking enforcement vehicle to identify frequent repeat parkers in these lots. Parking enforcement will issue an initial warning, determine whether the frequent parkers are owners or employees of downtown businesses, and follow up with citations if owners or employees are found to be parking in these lots (as well as citing overtime parking in time-limited lots and on-street). This is a better system than what had originally been proposed (all day pay parking for everyone).

Best regards,

-- Toby

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From: uwkkg@aol.com [uwkkg@aol.com]
Sent: Wednesday, August 08, 2012 6:56 PM
To: Toby Nixon
Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com; uwkkg@aol.com
Subject: RE: City council Decisions @ Mtg Last Night

Hi Toby:

Thanks for brokering this discussion between us and with Mr. Pantley.

For the record I love the positive images you describe and I want those positive, low cost residential opportunities too. I recall being just

out of college and trying to find a place to live where I could afford my rent and not drive too far, etc. I also took the bus most times. Like you I have lived in residential hotels for work up to 10 weeks at a time. These were generally not located in downtown areas.

If the wonderful description of diverse housing ends up as you describe I am more than 100% for it.... That is with the caveat that proper process has been followed with application for change in zoning, etc which would be required of any citizen who wants new zoning that will allow them to build something different than what is currently allowed.

In contrast to the wonderful description, my google research seems to indicate that the SROs don't turn out as you've described. For this reason I will need to understand more before I know what my objections might be... Also I am open to reading research that will impress me and make me "happy" with the proposal..... Mr Pantley, do you have access to some examples of SROs with many years of track record that show the positive housing as Mr. Nixon describes. I'd love to read it and I heard other planning commissioners state that they need this kind of info. Likely city council members will want it too.

Also, the parking management program is something that is very hard to believe. This is not due to lack of experience with parking. It is because I have extensive experiences with parking being incredibly hard, if not impossible to monitor and enforce even if someone is hired to do this. I seem to recall that this was also a major discussion item for the city regarding lack of enforcement of downtown parking. Wasn't that just within the last few months? Perhaps you all recall the specifics. Was that due to lack of funding for enforcement or just the fact that folks generally outwit any system you put in place. I recall frustrated citizens bringing in pictures or video of business owners that routinely park where they shouldn't downtown. They have learned how to work around the restrictions. Did we fix this parking enforcement issue? If not, does Mr Pantley have the magic that will help Kirkland not only enforce its current problem but also have enough enforcement left over to watch over the residents in his development so that we don't lose more downtown parking for customers and so that local side streets aren't the recipient of his residential cars?

Another piece of information I'll need (and likely others will too)... Is it really legal to kick someone out of their dwelling if they purchase a car? I'm having a hard time believing that you can legally do that. I imagine that if they store it on city streets (etc) the project owner might have no legal grounds to kick them out. So I need to understand the legal basis upon which this unique parking management system is anchored. I would also benefit from understanding how a resident would be kicked out if they enter a love relationship and that person stays overnight and leaves their car on a local side street. Again, I am open to learning how this would all work legally. I might even learn something that will help with the 6 years of parking nightmares that I've worked on with management companies and attorneys for our condo. There is a book called "The Pursuit of Parking" and it specifically addresses the problems with parking when developers build with too few parking spaces.

I don't bring up these "what ifs" to be obstructive. I bring them up because of personal experiences managing parking (and all common spaces) for our Condominium Association. Parking is the most difficult, and nearly impossible to enforce as the comments about the city's experience with shopowners parking downtown also seemed to

highlight.

I welcome information that shows high quality, safe spaces where young people, the elderly and others who choose to live with less have been seen to frequent these SROs. I hope that the research that I've found is outweighed by what Mr Pantley might share with us.

I also welcome information on parking management strategies and any that have been successful over a number of years, including the legal basis for kicking out those who park on city streets, etc.

Finally, I look forward to hearing that perhaps Kirkland has solved its downtown parking problem and is ready and able to provide the enforcement of Mr Pantley's development as you suggest.

Best to all,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>;
To: uwkkg <uwkkg@aol.com>;
Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione
<DMarchione@kirklandwa.gov>; Penny Sweet
<PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>;
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<BKatsuyama@kirklandwa.gov>; neighboringproperties
<neighboringproperties@gmail.com>; robert
<robert@pantley.com>;
Sent: Wed, Aug 8, 2012 11:37 am
Subject: RE: City council Decisions @ Mtg Last Night

Hi, Karen.

As you note, I completely support having a robust public conversation about the Residential Suite (SRO) proposal. I do hope that the discussion can be on the merits of the proposal itself, and not clouded by allusions to Potala Village or accusations that the city council or staff is in the pocket of developers and wants their ideas to be implemented through a short-cut process. Let me share with you my thinking on SROs.

My understanding is that SROs will not be condominiums -- in fact, that no lender would make a loan to buy an individual SRO unit. SROs will be required to be rentals, not condos, so concerns about future transfers to new owners of individual units are not relevant. My understanding is also that the owner of the property would be required to not rent to

people who have a vehicle if there are no parking spaces available for rent or if the tenant refuses to rent a parking space for their vehicle, and also that they would be required to evict someone who originally did not rent a space and later acquired a vehicle for which there was no parking space available. They would be required to provide a reasonable amount of parking space for guests. The feasibility of the whole plan depends on this active parking management and the ability of the city to enforce these conditions on the owner and future owners in perpetuity.

It seems to me to be good for the city to have a diversity of housing (appropriate to the surrounding neighborhood, of course), It's good for us to enable the people who work in our businesses (retail, restaurants, banks, medical offices, schools...) to afford to live close to work and not have to commute long distances by transit or personal vehicles, adding to traffic congestion and pollution. The proposed restrictions on SROs would require them to be built within comfortable walking distance of a transit center (not just a bus stop, which is too easily moved). I think the site Robert Pantley has under contract (where Crab Cracker is currently located) is perfect for that -- it's surrounded by other fairly high-density development, within a couple of blocks of the downtown transit center, great pedestrian infrastructure, close to the park, library, shopping, many restaurants, etc.

I don't see SROs being much different from building a hotel and renting the rooms out on a monthly basis instead of by the night. I've lived in hotel rooms for months on end at various times in my life. After returning home from college, I lived in a small trailer, and then in a small motel cottage for several months, because my parents had downsized and no longer had space for me except on the sofa. Early in my career, I was a contract computer programmer and worked at various locations around the country on short-term projects, living in hotels the whole time. I've always traveled a lot for business, as much as 70% of the time back in the 80's. As a legislator not too many years ago, I lived in a hotel room for months during legislative sessions (visiting home in Kirkland on the weekends). And many of us have had the experience of living in a college dorm. I don't find any of these living situations to be inherently bad.

For young people who spend a lot of time at work, at school, or out with friends, and who just need a place to keep their clothes, bathe, and sleep, the SRO seems like a fine solution. It fits their lifestyle. They meet their friends at cafes, bars and restaurants rather than entertaining at home. Many prefer using transit or walking rather than bearing the huge expense of having a car. They're trying to pay off student loans or save up to buy a house, and want to minimize expenses. They prefer to eat out or make simple meals with fresh foods purchased daily or that can be cooked in a microwave; a full kitchen is wasted space and expense. Even a studio in a traditional apartment complex costs \$1200 a month or more in our area, and would require an income of \$50,000 a year to qualify. Many are forced to live with parents or share apartments with others, sacrificing privacy and entering financial entanglements with unrelated people in the process.

Many, many people would find SRO housing very attractive at some point in their life. Why should we force them to pay for more housing than

they need, just because we can't envision ourselves living there? Why should we say that those kind of people have no right to live in Kirkland, and for us to price them out of the market by forcing them to occupy more housing than necessary? If developers like Robert Pantley believe they can provide quality housing at \$500-700 per month (including utilities and internet) that someone can qualify to live in on little more than a full-time minimum-wage job, fits the lifestyle of the prospective tenants, gives them the privacy and security of a housing unit of their own rather than sharing with others, and respects their choice of preferring transit, bicycling, or walking over the expense of owning a car, why shouldn't the city allow it, so long as there are no direct negative impacts on neighbors?

Assuming that all the parking management conditions will be included in the code and be tied to the property in perpetuity, and assuming the city has a reasonable plan to actual enforce them, would you have any other objections to this type of development?

Best regards,

-- Toby

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From: uwkkg@aol.com [uwkkg@aol.com]
 Sent: Wednesday, August 08, 2012 10:19 AM
 To: uwkkg@aol.com; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama
 Cc: neighboringproperties@gmail.com; uwkkg@aol.com
 Subject: Re: City council Decisions @ Mtg Last Night

The post from the blog is below. I got a message that I'd neglected to attach it. Thank you, JJ Sincerely, Karen Levenson ===== (please pardon poor paragraphing due to some glitch=====

Thank you City Council Members
 Staff please do thorough outreach

Last night the city council did not make decisions on the SRO and as highlighted by Toby Nixon they did so in order to allow a process wherein there would be public outreach and a hearing.

Hopefully the outreach will be broad / citywide. While this communal type of housing is being proposed for several of the Central Business District areas and Totem Lake, it has already been suggested by some for broader citywide application. This is a new type of housing, and a new definition of family members or unrelated persons living in the same unit (tape of planning commission meeting explained by Jeremy McMahan @ 2:27 on the 6/14/12 tape). We should all be able to consider the pros and cons since it may someday com to our neighborhoods if

passed.

The city has connections with all the newspapers/blogs and can get this information out readily. Those that are likely to be impacted in the near future should likely be sent a legal notice (e.g. it has been said that one site underway may be around or at the Crab Cracker property).

The other item that all citizens should be noticed about is the SEVERELY REDUCED PARKING SPACES being considered. This is particularly important regarding downtown and in the areas where spillover parking (if not sufficient onsite) will end up. So CBD residents and business owners as well as those in the surrounding Mossbay and Market Street / West of Market should be actively noticed.

I do not recall hearing about study sessions, but hopefully both the planning commission and city council will hold study sessions and gather information on both the success/failure of other SROs after several years of operation. Additionally they need study and examples of Parking Management Plans such as the one described. There needs to be confidence that this has been shown to work over a number of years. My experience as a condo president where parking is always the hot button (and hearing from other condo presidents) ... well I don't know what kind of magic they intend to use, but maybe I will learn some new strategies.

From: Uwkk@aol.com
To: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [Byron Katsuyama](#); [C. Ray Allhouse](#); [Glenn Peterson](#); [Eric Shields](#); [Jeremy McMahan](#); [Kurt Triplett](#); [Robin Jenkinson](#)
Cc: uwkk@aol.com; neighboringproperties@gmail.com
Subject: SRO Letter for Tonights Planning Commission Mtg
Date: Thursday, August 23, 2012 10:01:36 AM
Attachments: [2012330_City_Council_letter_on_SRO_recognition.doc](#)
[Parking in CBD Fee in Lieu.pdf](#)

Good Morning Planning Commissioners (and cc: City Council Members & Staff):

I am writing on behalf of numerous citizens regarding the SRO, the concerns are about both circumventing established rules and process and about the project itself including 1) Residential Definition changes, 2) Parking Requirement Changes, and 3) Parking Stall configuration changes.

First some background:

As you likely know, a group of Kirkland Citizens has banded together due to perceived, or real abuses, where city plans, policies and ordinances are not followed. You may have heard of STOP and you may believe that it is just about the Potala project. Actually, the Potala project brought to light many issues with things being sped through and not handled in accordance with established rules and processes. These rules are supposed to govern decision making in order to provide predictability to all and in turn to protect public and private interests. Meaningful notice is but one of the issues of fairness that brought this group together. Another is that all have to play by the same rules. **STOP** stands for **S**upport **T**he **O**rdinances and **[C**omp] **P**lan.

As far as Mr. Pantley's proposal, I am submitting comments that many of our group and others have posted online. I would type these all separately, but I prefer to submit them as the 41 comments that have come forward since the public heard about Mr. Pantley's proposal. You will see they cover a variety of topics from "cozy" decision making and fast track, to bypassing the parking advisory committee, to changing the rules on the fly.

A major concern is how these 3 zoning amendments just sort of came in at the last minute and were not properly applied for by the cut off time. That is not consistent with Kirkland's rules and policies. There was not time to notice the neighbors, have parking advisory committee comment or have any study session. The rules of how citizen initiated proposals for zoning changes are made is clearly spelled out in our policies and plans. One of the council members asked me if this was just for Comp Plan changes or for zoning change requests. You will see clearly that the form talks about citizen initiated zoning change requests.

<http://www.kirklandwa.gov/Assets/Citizen+Initiated+Amendment+Requests+Application+2012.pdf>

Our zoning code also discusses this, so the irregular fast track raised a ton of eyebrows from those of us who have been harmed by this type of non-traditional procedure. The fast track raised even more eyebrows when neighbors saw the suggestion to study SROs "morph" into a City Council "direction" on adopting the SROs. Most recently the city council agreed to receive input from the Planning Commission "sometime in October" ... but a week later it arrived to the Planning Commission with a due date of October 2nd "because Mr Pantley is working on a deal and needs to know by then." The Planning commission spent 25 minutes just trying to figure out how to have special meetings to get this done in time. When do we ever put city resources towards the development idea of one person? How come the hundreds of people wait 4 years for their non-conformance restrictions to better reflect the fact that density is the only non-conformance and a correction that will let them rebuild with different footprint if they'd like? You can perhaps see where some of the anger and frustration exists.

I am submitting the comments below on behalf of myself, my family, my HOA and various neighbors including those affiliated with STOP. While some have not signed their own names for fear of retaliation, they are being submitted for them through me and through STOP. I will also include a copy of the Comprehensive Plan and how it was recently changed to allow one parking stall per unit rather than 1.7 in downtown but it requires that developers still contribute to the parking supply if they want to put less than one per unit on their property, they may do so elsewhere through fee-in-lieu or by working with other developers to put downtown parking elsewhere. A reduction beyond this, or smaller and reconfigured spaces would be preferential treatment. If we choose to amend the parking Comp Plan and Zoning Codes that process should be methodical as it was for the parking reduction that just occurred two years ago. We don't "wing" these things, we are thoughtful and methodical and fair.

Dimensions of Parking Stalls & Parking lot layout

http://kirklandcode.ecitygov.net/KirklandZC_html/kzc180.html#180

Sincerely, Karen Levenson, 6620 LWB, Kirkland (Letter to editor & 41 public comments thru 8/23 below)

Dear Editor:

In Kirkland there is a process for NOTICING the public of proposed zoning changes, soliciting (and hopefully considering) their input and then moving to a City Council meeting wherein a decision is made by officials we elect to represent us.

Tomorrow night (with an early start at 6pm), a proposal arrives for a very unique type of Uber-high density residential. There has been no public outreach and no NOTICE of surrounding properties or the city at large. The proposal, if passed, will create brand new very unique residential zoning never allowed in Kirkland. For this reason, it has citywide impact. It is called SRO or Single Residency Occupancy and is the newest form of Ultra-high density residential. The uniqueness is that for the first time your "unit" will not have its own kitchen (etc) spaces. It will allow up to 8 bedroom type units to share kitchen and similar facilities much like many of us may have done during college years. The most I ever remember sharing was between 4 adults and these were folks that we'd carefully consider for being compatible "roommates" vs SRO which would usually assign someone new to unknown "roomies."

If you go online and research SROs or Single Resident Occupancy you will likely find, as I did, generally they are in big very urban

cities and often are quite problematic with many undesirable characteristics. Some Kirkland Council Members have suggested trying one of these as an experiment. I'd suggest for several reasons that downtown is not a good area for such "experiments" and that even experiments have substantial homework done in advance.

Mr Pantley excitedly touts that he has experience. His new Redmond SRO seems to be the extent. It seems pretty small scale and that "experience" may be tucking just about one year under the belt. As one planning commissioner noted, the Redmond development is also in a less hilly, more bicycle friendly area than the CBD properties proposed for Kirkland.

The additional part of the zoning amendment change is a vastly reduced parking requirement. Did you notice this is proposed for DOWNTOWN Kirkland? Did anyone listen to a stitch of the very sharp debate on parking and parking problems that already are occurring in our CBD? Has anyone been listening to the complaints of those from nearby Moss Bay and the difficulties with spillover parking there? Are we willing to trust a "new fangled" unproven, parking management system placed right in the middle of where we already have a parking problem? Traffic/Parking experts have cited that this parking management idea may not be successful.

I heard the Council Members, at an earlier meeting, say that they were interested in "STUDYING" the concept of SROs both in parking and in new definition of residential units. I look forward to actually seeing them study this. Let's hash out the pros and the cons. Let's look at the experience of other cities. Let's provide broad public NOTICE and get public input – as is appropriate and required.

Moreover, let's follow our processes and the requirements that do not allow for a fast-track, unstudied change to move forward. Kirkland Zoning Code establishes that where zoning changes are likely to be studied within two years, a citizen requested amendment is not appropriate to be handled separately. We are about to embark on Citywide Comprehensive Plan study in 2013. It would seem appropriate to have citizen outreach and input gathered at that time rather than having this very unique SRO sneak in at the end of the 2012 Zoning Amendment cycle. Even the Planning Commissioners all commented on the abrupt and sudden addition. Are we as a city providing preferential treatment to some developers while others go through the process and wait?

Karen Levenson
=====

41 COMMENTS

=====

Karen Levenson • [17 days ago](#)
BY CONTRAST A 4 YEAR PROCESS ...through the correct channels!!

By contrast to the spontaneous introduction of two zoning changes to allow the development by one citizen, the "Non-conforming Density Amendments have spent 4 years in a process originating with citizens and then through the Lakeview Neighborhood Planning Process, then through Houghton Community Council and then on to the Planning Commission for the full term of ZON11-0002.

Let's hope that the council can adopt all the suggestions of the Lakeview neighbors including one that seems to have slipped back and is very unhelpful if not also adopted as a change.

The issue is regarding repair and remodeling of properties that became non-conforming IN DENSITY as of the 1977 downzone. The downzone was only due to traffic ingress and egress problems and had nothing to do with the size of buildings or where they were placed on their lots.

Removal of restrictions on how much can be spent to repair or replace structures as long as the density is not increased is helpful since many folks were unable to properly update or repair their buildings otherwise.

The other request of the neighbors is to remove size constraints. The issue was number of units not what their size was or where the property was placed on a lot. These properties by zoning code may be built to 60% lot coverage but almost all are only built at 20-30% lot coverage. If the restriction stays where exterior walls must be in the same location then we are therefore requiring that a building never get any larger or be moved to another location on the property. We therefore create an artificial lot coverage restriction of 20%. The only other area where we limit walls staying at the same place is when they might encroach upon the shorelines or streams etc. Why in the world would these size restrictions be maintained for properties identified as non-conforming only as to density.

I ask the council members to look at their own properties. Does someone tell you that you cannot push out a wall and increase your kitchen or bedroom by 10%? 20%? Whatever code will otherwise allow?
Please provide fair treatment to residents where only the density became non-conforming.

===

Residents For Equal Treatment • [17 days ago](#)

<http://www.kirklandwa.gov/Assets/Citizen+Initiated+Amendment+Requests+Application+2012.pdf>

Above is a link to the form that Mr. Pantley would be required to fill out to request these changes. It lays out the schedule through which things are processed in a methodical way with appropriate public input. It has deadlines and fees due for the request.

Hopefully someone can check and see when (or if) he completed the forms for his request and the date funds were received.

From there the process will be reviewed for its consistency with the Process laid out by the zoning code in Kirkland.

=====

Karen Levenson • [17 days ago](#)

Good suggestion, so I took the steps required to get access to public record that will show the date he applied and paid the fees. The form states that applications come in on even years for consideration during the next year.

This would mean that Mr Pantley would either be applying this year 2012 for a full, methodical review in 2013 or he already applied in 2010.

That's the way I read our policies.

Hopefully as this is being discussed at tomorrow nights meeting - well the records should be readily available for anyone who needs to inspect them to provide public input during the 3 minute public comment time. I'll provide information through this blog as soon as I receive it.

Again, thanks for the suggestion re: Checking status of his application.

Stay tuned...

=====

Intowines • [17 days ago](#)

High density housing sounds like an Agenda 21 inspired activity that needs to be stopped!

=====

Kirkland's Princess • [16 days ago](#)

"Let them eat cake" is the traditional translation to English of the French phrase "Qu'ils mangent de la brioche", supposedly spoken by "a great princess" upon learning that the peasants had no bread. Since brioche was enriched with butter and eggs, as opposed to ordinary bread, the quote supposedly would reflect the princess's obliviousness to the condition of the people.

Yes it appears we have council members who "love density" and consider that providing tiny little spaces for people is the solution to affordable housing. "I love density" is uttered by those who likely do not live in density or know how difficult it can be to live in tight spaces with others.

If you want to provide affordable housing, do so where you can provide spaces that are an appropriate size for reasonable living. Don't sit on the sidelines oblivious to the conditions that you are creating with overcrowding. If you truly love density then show that by actually living in these tiny spaces you seem to adore.

=====

BorninthePAA • [16 days ago](#)

Let's name the SRO's accurately. They are "shared kitchen" apartments, or "communal" apartments.

They had these in the town where I went to college. The thing is, they are only a small amount less expensive to rent than normal studio apartments. I remember visiting two of them, and one shared living arrangement above a store. They were the worst!

A much higher quality of living can be achieved by renting a cheaper, more feature-rich, 2 bedroom apartment, and having a roommate.

=====

Jeanne Large • [16 days ago](#)

Let's work together to be sure our city continues to allow a wide variety of housing alternatives. Some of us may need a large place to live; some of us may need a small place. Some may want to be independent; some may want to share. Let's be open to all.

=====

Residents For Equal Treatment • [16 days ago](#)

Good idea re: working together but that means notifying folks that things are being considered and not sneaking them through without following the process and the timeline.

Additionally I would ask how many tiny units we've approved vs how many mid range homes. I seem to have heard of 500+ "affordable" units and rarely do I hear anything about mid-range or larger homes.

A wide variety of housing alternatives has only ever been used in the same sentence with affordable units in any materials I've read.

Let's be fair to all, provide proper process for all, and supply a FULL range of housing - Large and Small, Independent and Shared. Let's do this through a process where we do as you say. Let's work together and not leave the public out of the discussions by

avoiding the Amendment Change Request form, due dates and schedule of hearings

=====

Residents For Equal Treatment • [16 days ago](#)

Here's a link to the 6/14 public hearing. Standard practice is that by the time there is a public hearing an issue has been worked on by the Planning Commission for a very long time. Listen starting at 2:27 and you'll see that at the public hearing the commission is just delivered information on SRO for the very first time. This is baby steps, from the beginning where they even have to be given the definition.

http://kirkland.granicus.com/MediaPlayer.php?view_id=12&clip_id=2451

Listen on and you will hear the reaction of the Planning Commissioners to this item being dumped upon them so late in the process and how they all agree that it should be DECOUPLED from the Zoning Code Amendments and it should not move forward at this time.

Eric Shields seems to state that the City Council asked that SRO moves forward at this time. If you listen to the tape, however, the City Council states they are interested in studying SRO and interested in assigning the left over .5 FTE to do that study over the next period of time prior to the 2013 Comprehensive Plan. That is far from asking for it to immediately move forward!!!

Come on. Be fair to the citizens. Transfer the information from City Council to Planning Commission and back with more accuracy than this!!

=====

Patty Tucker • [16 days ago](#)

Has a spot for this been decided on and where is it proposed to happen?

=====

SRO Downtown Parking Disaster • [16 days ago](#)

The word is that the developer is already in some sort of talks with someone at or near the Crab Cracker property. Three concerns here are whether we will again have a developer who believes he is going to be allowed to do something which is not currently allowed in our plans and codes. Second issue, isn't this exactly where we have our biggest parking problems already. Lastly, and probably the biggest issue, is whether folks that are known to city council members, staff and others get the opportunity to have their projects proceed without going through the established process that everyone else has to go through. This would deny those that are less known to have the protection that is built into the process. Process should be "blind" to who is proposing new zoning. The Planning Commission first heard about SRO at the public hearing - had never heard about the request before that. They are all recommending that this be slowed down and that the appearance of having something shoved down our throats, particularly a pet project from the "in crowd" could poison this even if it turns out to be a good idea.

More examples of SROs that don't end up being waste dumps after a number of years would be helpful as I have had a hard time finding even one or two.

More examples of Parking Management that works after the first year would also be helpful. Planning commission noted signs at the Redmond project that state there is a \$1000 fine for parking infractions but state law only allows \$100 per month for apartment/condo parking fines - and that is if you catch them. Usually it is hard to catch parking violators especially if it is visiting relatives and friends.

This all spells disaster to me. The issues are both the living arrangement and the parking. Furthermore these are being snuck through as minor/moderate policy changes and they are actually very significant.

=====

More Beer Less Employment • [16 days ago](#)

Cool location! Close in to all my favorite watering holes and hopefully I can stumble home without risking a dui.

=====

kirkland resident • [15 days ago](#)

word is that pantley has purchased the crab cracker property for his SRO development

=====

Karen Levenson • [16 days ago](#)

No answer provided on date of Mr. Pantley's requests that the city consider the zoning change for definition of housing or reduced parking with a management plan.

- Actually, in spite of being sent to planning staff and city clerk there has not been any information back. Not even an estimate of when it was received.

Hopefully one of tonight's City Council Members will ask about process and when the application for these zoning changes to allow his development was received.

==== The premise of this article seems to be 'build it, but Not In My Backyard'. I agree that this is a bad idea. There is actually a large group of people opposing these type of 'apodments' in Seattle where they already exist because they encourage unchecked density and squalor not unlike the low-income urban housing projects of the 1980's. So it would seem that the 'experiment' has been completed, and the council should only vote no. As for the whingeing about putting it downtown... well too bad. The COK Council has already dumped it's new jail, it's low income housing, the food bank, the tent city, the plans for big box stores, and all the other crime-attracting stuff on the North end. It's time that you downtowners finally enjoy some of the fruits of your liberal social justice In Your OWN Back Yards for a change.

====

SRO Downtown Parking Disaster • [16 days ago](#)

So here's just a few of the questions that need answering.

1. If we eventually approve this "experiment" shouldn't we limit the size of the first one? This way if we make a mistake it is not a mammoth size mistake.
2. How does the developer intend to ensure that those who move in don't own cars? Even DMV ownership records can be unreliable if renter is using the car of a family member or friend. There would certainly be ways to game the system.
3. What if the renter of the SRO moves in as a single person but ends up in a relationship with someone who owns a car and needs to park it on-site?
4. What if the bus route used by a renter gets changed and now the renter must get to work by car? Or a change of jobs happens and new location is not served by transit?
5. What if the management company for the SRO falls on hard times and can no longer afford costly 24/7 oversight and parking management? Or what if the developer sells to another and that person is not as vigilant about parking management?
6. What about a hoarder who moves in and begins to store his/her non-kitchen items in the shared kitchen areas? Who is responsible for oversight and enforcement of the rules of the shared spaces?
7. If restricted to just one occupant per "unit" who monitors that? And isn't that a bit too much like big brother?
8. Most of these things can be subject to those who would figure out a way to park as many cars as they need somewhere nearby (likely find a downtown parking space or park on a neighborhood street a couple blocks away). Folks are also going to figure out a way to have guests come by (and park) or have someone move in with them.
9. If the SRO is going to ask for reduced parking requirement on-site why not require them to provide a downtown parking structure for public parking in order to approve their SRO. That way if there is overflow parking (which there will be) the city has provided a solution to its current overcrowded parking. The failure of a parking management system (which is bound to happen) will then be buffered a bit.

====

RosesWA • [15 days ago](#)

9 thoughtful considerations clearly spelled out... and maybe some folks think these SRO apodments will be filled with local kids getting out of their parent's basements... but that is way too optimistic that humans released from parental oversight will be perfect neighbors. Imagine if a college fraternity wanted to move in next door... at least a frat house has a "parent" and college admin oversight.

====

Neighborhood Advocate • [14 days ago](#)

I feel more sadness than anger about this path. Fighting to save Kirkland from itself is exhausting and feels incredibly futile.

====

NORKIRK BEWARE • [12 days ago](#)

Norkirk Neighborhood Impacted? Do they know? The SRO which is being proposed as very high density and has asked to have the usual parking requirement changed so that they are required to provide only minimal parking does not seem to then provide other parking nearby which is typically required. The other option as stated is fee-in-lieu. Instead this project seems to be fast tracked and will likely take up CBD street parking and will likely park their cars in Norkirk.

Have these neighbors been told about the proposal?

====

Residents For Equal Treatment • [12 days ago](#)

Parking Advisory Commission - thoughts on SRO?

Karen, while you are at it, will you check and see when, or if, the planning department had the parking advisory committee review the SRO that seems to have backdoor approval already and will provide for much less parking than is currently allowed with development.

Don't we have policies that state that you can pay parking-in-lieu or provide parking elsewhere in the downtown if your building doesn't need it?

Why does this developer get off with not providing his share?

=====

Stop Preferential Treatment • [12 days ago](#) • [parent](#)

- =
-
- [Flag as inappropriate](#)

Listen to the Planning Commission tape. They are going to have their study session and a public hearing on the same day. Some comment they they have already heard from the public. Many comments are made about whether these changes will be in time for Mr Pantley's purchase or contract for the Crab Cracker property.

It seems clear that this is once again a planning department promise to a developer that they can build what they want even if it is not allowed in current zoning.

The SRO proposal for new residential definition and greatly reduced parking was not submitted during the prior amendment cycle so it now has a due date of December 2012 for review process that starts in 2013. Any earlier than that is unequal treatment.

=====

Another Potala? • [12 days ago](#)

Yep. Promise it. Change zoning out of the public eye and it moves forward. That may have worked in the past and was certainly involved with Potala. I had hoped that we learned something. Neighbors are no longer going to accept these backroom arrangements that don't follow the rules

=====

LOOKIE HERE • [12 days ago](#)

With these contributions, remember it only takes 4 council members to vote and change zoning. Could this have anything to do with the fact that others are still waiting 4 years for their requested zoning change and SRO flies through in 3 months without traditional process?

ASHER DAVID Campaign Fund \$250
PANTLEY ROBERT, PANTERRA CORP

ASHER DAVID S Campaign Fund \$200
PANTLEY ELIZABETH, AUTHOR

SWEET PENNY C Campaign Fund \$250
PANTLEY ROBERT DEVELOPER

SPRINGER LAWRENCE S Campaign Fund \$200
(Penny Sweet's Husband), PANTLEY ROBERT

NIXON TOBY L Campaign Fund \$200
PANTLEY ROBERT, SUSTAINABLE COMMUNITIES

MARCHIONE JOHN F Campaign Fund \$500 (Doreen's son)
PANTLEY ROBERT
SELF SUSTAINABILITY DEVELOPMENT

=====

Recall 4 KCC • [12 days ago](#)

We will be voting for new council members within a year. This is awful if council members don't require their contributor to go through the same process as others who request change in zoning so they can build "their vision." Doreen and Penny are up for re-election. It will be important to consider whether this is what is happening. I know several folks who have gone through the lengthy amendment process, so why shouldn't this developer?

=====

Residents For Equal Treatment • [12 days ago](#)

What about Amy Walen and Joan McBride? Aren't they also up for re-election?

=====

Recall 4 KCC • [12 days ago](#) There's not a lot of support to re-elect that I know of. Leading the Potala ... anything for developers even if it is bad development.

Good point.

=====

Neighborhood Advocate • [10 days ago](#)

Kirkland has long had a reputation for "backroom arrangements"

=====

Residents For Equal Treatment • [6 days ago](#)

Any answer on Public Records request for Mr Pantley's two zoning change applications that needed to be filed? Were they supplied?

=====

Karen Levenson • [6 days ago](#)

Thanks for the reminder. It had slipped my radar. Requests are supposed to be answered within 5 days... at least an approximate on how long it will take to locate the document (which in this case shouldn't take but a few minutes).

I just sent a reminder to the City Clerk and hope to have an answer soon since it has already been 11 days.

I also submitted a new request so that we can answer your other question about the Parking Advisory Committee.

=====

Residents For Equal Treatment • [6 days ago](#)

Also, when did the Parking Advisory Board review this?

Neighbor research found other cities require much more parking than Mr. Pantley is proposing. Some, like San Diego, on major transit routes, seem to have had trouble with reduced parking. SD example seems that they are changing course and requiring more. Even the failed parking percentage doesn't seem as low as what is being proposed in Kirkland. Let's see what kind of examples Kirkland has studied.

=====

Moss Babe • [6 days ago](#)

Does Parking Advisory ever review proposed developments and parking requirements?

=====

Residents For Equal Treatment • [5 days ago](#)

Yes they have been the body that has studied and decided on parking reductions in downtown. In the link provided you will see that they spent years investigating and came to the conclusion that mixed use, near transit residential in downtown could have a reduction down to 1 parking space per bedroom instead of 1.7 and .15 guest stalls.

<http://www.kirklandwa.gov/Assets/Public+Works/Public+Works+PDFs/Pay+Park/Archive/PAB+Parking+Requirements+Under+Zoning.pdf>

<http://www.kirklandwa.gov/Assets/Public+Works/Public+Works+PDFs/Pay+Park/Archive/PAB+Parking+Requirements+Version+2.pdf>

<http://www.kirklandwa.gov/Assets/Public+Works/Public+Works+PDFs/Pay+Park/Archive/Parking+Requirements+Version+3.pdf>

<http://www.kirklandwa.gov/Assets/Public+Works/Public+Works+PDFs/Transportation/July+8+Agenda.pdf>

Bank of America request and study recommends one stall per bedroom and .15 guest stalls per BDRM

<http://www.kirklandwa.gov/Assets/Public+Works/Public+Works+PDFs/Pay+Park/Archive/Parking+Requirements+Version+3.pdf>

You'll also see an example of how developer's request a review of lowered parking requirement.

Also, don't forget that often fee-in-lieu is charged so that a developer who doesn't want to provide as much on-site parking will contribute financially to the ability of the city to provide public parking else-where downtown (which is needed).

=====

Thomas Jefferson • [5 days ago](#)

The Importance of Adhering to Rules for protection against abuse of power.

A MANUAL OF PARLIAMENTARY PRACTICE for use in legislative governmental decisions.

The ablest among the Speakers of the House of Commons, used to say that nothing tended more to throw power into the hands of administration and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding. These forms, as instituted by our ancestors, operated as a check and control on the actions of the majority; and that they were in many instances, a shelter and protection to the minority, against the attempts of power.'

=====

Thomas Jefferson • [5 days ago](#)

Court Case: City Council Member "censured" for voting in favor of a development for a long time personal friend.

Does this Nevada case apply here in Kirkland? The court looked to the history of recusal in the US and to Thomas Jefferson "Where the private interests of a member are concerned in a bill or question, he is to withdraw... His voice is disallowed."

The importance of avoiding conflicts of interest, or even PERCEIVED conflicts of interest cannot be overstated. If a council member has any interest in the decision, any friends involved, they need to disclose it and recuse themselves.

=====

Does not seem fair • [5 days ago](#)

Do those who throw their support behind City Council members during campaign season stand to gain financially when Council makes decisions? You decide.

Let's look at the Pantley unique new housing and reduced parking scenario. If he is allowed to build at reduced requirement for spaces without paying fee in lieu, what is his savings?

Each parking stall costs approximately \$20,000 either in construction and maintenance, or if paid as fee-in lieu by a developer who prefers not to provide as much on site parking.

The rumored site for this proposal is the Crab Cracker property. It is in the zone known as CBD 7.

KZC 50.47 is the Zone Use Chart for CBD 7 and it describes the parking that is REQUIRED for each use in this area of the city.

Stacked or attached dwelling units:

An average of 1.3 stalls per unit in the development, with at least 1 per bedroom or studio unit. (Mr. Pantley proposes that his project should be allowed a 62% reduction in parking stalls as well as smaller, less expensive parking stalls)

Hotel or Motel, or Assisted Living:

One for each hotel room or motel room (one per bed in Assisted Living)

(Mr. Pantley proposes that he be allowed 50% fewer parking stalls than would currently be allowed for this use... Plus smaller, less expensive stalls)

Fee-in-lieu parking \$20,000 per parking stall (in 2006 dollars). This is an option available to Mr Pantley. If he does not want to provide the required number of parking stalls that are of standard size, then his option is paying this fee in lieu for each stall not supplied on site.

If the City Council members allow less parking without collecting fee-in-lieu, they are essentially padding the pockets of a political supporter of theirs and shifting the financial burden onto all the other Kirkland taxpayers.

This is not fair, equitable treatment. It is an extreme example of favoritism.

=====

LOOKIE HERE • [2 days ago](#)

<http://sweetforkirkland.org/supporters.html> Robert Pantley active campaign supporter of Penny Sweet

<http://www.kirklandreporter.com/news/65879457.html> Robert Pantley active campaign supporter of Doreen Marchione

=====

Karen Levenson • [today](#)

Heard back from the city.

No - The Parking Advisory Board has not reviewed this proposal.

No - The application for citizen initiated zoning change has not been submitted. I was given a copy of a letter presented to the city council but it didn't seem to have specifics of the parking reduction amount requested and it also did not request the modification to what is allowed in residential housing.

Also, I could be wrong, but I believe I heard Mr Pantley request a new type of smaller or unique parking stalls so this actually would be a third request (one neighbor shared with me that this is governed under KZC 180 Plates.

March 30, 2012

**Kirkland City Council
City of Kirkland
123 5th Ave N.E.
Kirkland, WA. 98033**

Re: Planning Commission work plan and Art Community Parking

Dear City Council,

May of you are aware that we would like to bring an affordable live, work, display and sell Art Community to our downtown.

After working with Jeremy McMahan, who was very helpful, it has become clear that the parking code does not anticipate our mini-suites and Single Resident Occupants "SRO's". In our Redmond community, half of our residents do not own a car, by example.

We request that you consider putting SRO mini-suite recognition into your parking code so that we can move forward with our Art Community application process. Time is of the essence.

Separately, you may also want to consider a review by the Planning Commission of some of your downtown parking standards because we believe you did not intend the results from a sustainable perspective. At this time, a four bedroom condominium or apartment is required to have five parking spaces, three more than a four bedroom single family home.

Plans of our Redmond Art Community are available for those who have not seen the concept. If we can be of assistance in answering any questions, please feel free to call or email. Thank you for your consideration.

Warm Regards,

Robert Pantley



**Its Manager and CEO
Certified LEED Platinum
2011 Hammer Award, Built Green Builder of the Year
robert@pantley.com
naturalandbuilt.com
USAustain.com
mobile: 206-795-3545**

XV.D. MOSS BAY NEIGHBORHOOD

3. DOWNTOWN PLAN

located on this street. The use of public transportation as an alternative for people who work or shop in the Downtown should be encouraged. Increased use of this mode of transportation would help to reduce traffic congestion and parking problems in the core area.

The number of vehicular curb cuts in the Downtown area should be limited. Both traffic flow in the streets and pedestrian flow on the sidewalks are disrupted where driveways occur. In the core frame in particular, the placement of driveways should not encourage vehicles moving to and from commercial areas to travel through residential districts.

PARKING

The core area is a pedestrian-oriented district, and the maintenance and enhancement of this quality should be a high priority. Nevertheless, it should be recognized that pedestrians most often arrive in the core via an automobile which must be parked within easy walking distance of shops and services. To this end, as discussed elsewhere in this chapter, private projects which include a substantial amount of surplus parking stalls in their projects should be encouraged to locate these parking stalls in the core frame.

The Downtown area contains a variety of parking opportunities. Four public parking lots exist in the Downtown area: at the west side of Peter Kirk Park, the street-end of Market Street at Marina Park, in Lakeshore Plaza, and at the intersection of Central Way and Lake Street. These lots are shown on the Downtown Master Plan (Figure MB-4).

Public parking to be a permitted use on private properties north and south of the core area.

Other sites that would be appropriate for public parking include the north and south slope of the Downtown as shown in Figure MB-4. Public parking in these areas would help to serve core-area businesses, while not detracting from the dense pattern of development critical to the pedestrian environment there.

More intensive development of existing parking areas should be considered as a way to provide more close-in public parking. Certain sites, such as the Market Street-End lot and the Peter Kirk lot, would adapt well to structured parking due to the topography in the immediate vicinity of these lots. Structuring parking below Lakeshore Plaza could make more efficient use of the available space and result in a dramatic increase in the number of stalls available.

The fee-in-lieu of parking alternative allows developers in the core area to contribute to a fund instead of providing required parking on site. The City's authority to spend the monies in this fund should be expanded to include the use of the funds on private property in conjunction with parking facilities being provided by private developers.

Another option for off-site parking should be considered which would allow developers to provide the parking required for their projects elsewhere in the core area or core frame. This alternative should include the construction of parking stalls in conjunction with another developer, if it can be shown that the alternative parking location will be clearly available to the public and is easily accessible to the core area.

The City's parking management and enforcement program should be maintained. The program should be evaluated periodically to assess its effectiveness, with revisions made when necessary.

From: Uwkkkg@aol.com
To: Uwkkkg@aol.com; [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [Byron Katsuyama](#); [C Ray Allshouse](#); [Glenn Peterson](#); [Eric Shields](#); [Jeremy McMahan](#); [Kurt Triplett](#); [Robin Jenkinson](#)
Cc: neighboringproperties@gmail.com
Subject: SRO moving forward correctly
Date: Thursday, August 23, 2012 10:28:34 AM

Hi all:

Moving a proposal forward in a manner that is not according to "Hoyle" will likely gain negative attention to the project, appeals, legal involvement etc which is not helpful for anyone.

It might be best for Mr Pantley to submit the 3 citizen requests for zoning amendments 1) housing, 2) farther parking reduction, and 3) unique parking stalls. The deadline for the submission is not that far away (December) and then at the beginning of 2013 the approved process for review of proposals is laid out.

While I recognize that Mr Pantley is in a hurry due to an opportunity, this would be the same for any of us. Particularly developers often face the risk of development. We cannot make his urgency become the urgency of the city that bypasses all the other concerns that have been waiting in queue to have their items discussed or decided. Mr Pantley is not the only citizen who has an urgent development opportunity in front of him.

The SRO might be a mighty fine idea - we will never know true public sentiment if this becomes a continued battle over favoritism.

Karen Levenson
6620 Lake Washington Blvd NE, Kirkland

From: uwkkg@aol.com
To: Uwkkkg@aol.com; [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [Byron Katsuyama](#); [C Ray Allshouse](#); [Glenn Peterson](#); [Eric Shields](#); [Jeremy McMahan](#); [Kurt Triplett](#); [Robin Jenkinson](#)
Cc: neighboringproperties@gmail.com
Subject: More SRO from angry neighbors who have been waiting for their rezone
Date: Thursday, August 23, 2012 5:00:45 PM
Attachments: [Send to Planning Commissioners re SRO.pdf](#)

Hi all:

Sorry for the late delivery of this email, however it was just forwarded over with request for comments.

I have to say that I am taken by Mr Pantley's enthusiasm and his "take it now" or it will be gone approach. While I think he would be wonderful as an evangelical minister, or fabulous in high pressure sales, I am concerned that his enthusiasm could have planning commissioners excited into a frenzy and forgetting that we really do have rules and process.

As numerous angry neighbors have waited, and waited, and waited for their opportunity to rezone they were told there was no option but to wait. Now publically we see someone who is saying... just let me do this. I don't need no stinkin process.

I hope you will be fair to all citizens. If you are going to design a speedier process, then design it first and take those who have been waiting first. NO CUTS!!!

The political connections make pushing Mr Pantley's proposal ahead of others look really bad. He may have a wonderful idea (or maybe not). To be sure, he needs to follow the same rules as the rest of us.

His attachment (which was in the packet but didn't have his name on it)... well it is quite concerning. We have annotated with our comments.

Thanks for considering that each citizen of Kirkland is equally important. those of us who have wanted additions with additional affordable units should not have been waiting our turn just to have someone "more powerful" take cuts.

Karen Levenson

Question #1 Mr Pantley's Tudor Manor is 61 units which might be much differently received in Kirkland than an unlimited density that might go as high as 143. Can we limit the overall size of these if they go forward. The citizens have an 800 signature petition stating that they do not want mega buildings with horrific density.

SRO – FAQ's:

- Sure, this might work in the downtown. What about Totem Lake?
 - Walkscore downtown Kirkland = 86
 - Totem Lake = 74 (Denny's Pet World address). Retail, etc w/i ½ mi walking distance (10 minute walk):
 - **Grocery:** Trader Joe's
 - **Restaurants:** Sakura Teriyaki, Pizza Hut, Café Veloce, Taco Del Mar, Thumra Thai, Hunan Wok, Izumi, Ken Zaburo, Libby's Lattes, Denise's Café, Yuppie Tavern, Pho Mignon, Denny's
 - **Retail:** Trading Post, Hallmark, Guitar Center, Famous Footwear, Ross, Vortex Music & Movies, Rite Aid, GNC, Big 5 Sporting Goods, Yours...xo me, Family Christian Book Store, Warren Jewelers, Lakewood Jewelers, ClinicWear, US Post Office, Yuppie Pawn Shop, Sleep Country USA, Totem Lake Chevron, Totem Lake Cinemas, Office Max, Of Cedar and Salmon, O'Reilly Auto Parts, CarToys, Discount Tire, Radio Shack, AutoZone, Stone and Stream Hardscape Design
 - **Medical/Dental:** Evergreen Hospital, Colonial Optical, Evergreen Optical, Kirkland Family Eyecare, Evergreen Cardiovascular Health, Virginia Mason, Evergreen Orthopedic Physical, Gary Dry, MD Plastic Surgeon, Cascade Cancer Center, Knee Foot Ankle Center, Remington Plastic Surgery, Evergreen Senior Health Specialists, Evergreen Sleep Disorders Center, Evergreen Radia Imaging Center, Washington Institute of Sports Medicine, Kirkland Dental, Northwest Chiropractic Center, Evergreen Urology, Primavita Family Medicine, Lakeshore Clinic,
 - **Banks, Insurance, Hotels:** Wells Fargo, Key Bank, Chase Bank, Bank of America, Union Bank, US Bank, Vern Fonk Insurance, Carlton Inn, Comfort Inn,
 - **Gym:** LA Fitness (coming soon)
 - **Less than 1 mile away (20 minute walk):** many, many more walkable destinations
 - Key to mini-suites is transit access (1/4 mile is 4 City Blocks)
 - 0.15 mi – 235
 - 0.15 mi – 236
 - 0.15 mi – 238
 - 0.15 mi – 277
 - 0.17 mi – 935
 - 0.23 mi - 255
 - Totem Lake cannot redevelop without residential first. Then commercial follows.
 - Lake Washington Institute of Technology begging for housing. Examples:
 - Commutes to her 4 hour, M-F baking class from Lake Stevens versus a short walk or bus ride if mini-suite options existed in Totem Lake. She would stay and spend her money locally as well plus one less person on the freeways. More examples of mini-suite benefits for Kirkland, LWIT and its students:

- Commutes from Skagit County for the Welding Program
- Commutes from south of Puyallup for the Machining Program
- Commutes from Ballard for the Welding Program

The developer may claim that it is a minor change but citizens have been very vocal that they feel it is major change and should go through regular review process that ALL OTHER wonderful ideas also have to go through

- Is this a minor or major change?

- The SRO change to the code is a minor one. It has already been proven in Redmond and Seattle to have a softer footprint, and transit studies have been done to show the lessened impact to parking and fewer miles driven when long distance commuters live locally where they work and go to school-everyone wins.

Are we getting hyped? Or being allowed time to think rationally. Sounds like this is high pressure car

Every month you delay is every month that affordability is zoned out of Kirkland.

- Our initial effort consists of only a few hundred mini-suites for our city of approximately 84,000 people. A few communities consisting of as many as 300 to 400 mini-suites is equivalent to housing people of less than 1/2 of 1% of the residents in Kirkland.
- At the time these are complete, the City can review the results to see "how we doing?"
- When Redmond went through this process, the only change was to reduce the proposed parking at a new site to make room for more bicycle parking by 5%. Parking that will be provided at that project will be only 44% to the number of mini-suites, which still may be over parked - 42 stalls for 96 mini-suites, plus 1,000 sf of retail. The City of Redmond made this change because they have seen the hard results of the success in their city.
- Soon the City of Redmond will be successfully provide more affordable housing choices for its citizens. Where shall Kirkland be in this consideration?

"A few hundred" ... Yikes just as the community is fearing...

A POTATA COPYCAT

Kirkland should begin to review and consider this and get public input. Previous deadline for citizen suggested proposals was CLOSED months ago, but the next due date is December. Review process begins in Jan 2013 per the Kirkland Zoning Code

- Will there be enough parking?
 - The Transit Management Plan (TMP) enacted for the project will have limitations to the number of vehicles on site. If the parking fills up, we will not lease to car users, and we verify whether residents own vehicles including having each resident clearly sign lease documents stating if they have a car or not.
 - We are motivated to be sure the residents have no car because we are contributing to their bus pass and we want to be sure they are complying. We have had not one known incidence in the past year at Tudor Manor or Portula'ca of a resident misstating their ownership and use of a car in the downtown. We even have had neighbors who we have become friends with helping us to be sure.
 - At Portula'ca, our first community of seven mini-suites, no users have a vehicle. At Tudor Manor, we were able to convert extra parking to bicycle storage space. Today our current use is under 46% and could easily rent to more non car users and drop it under 40%.
 - A majority of our users fall into the 80% or less of the median income for the city, while working or going to school full time, so a car is less appealing for its high costs.

Previously the Parking Advisory Committee took two years and determined our new parking requirements for CBD. They acknowledged that some developments might not need all the parking but they should be required to contribute to a pool of funds to supply downtown parking. To allow any developer to build without this obligation is favoritism and won't help the city achieve the level of public parking that is needed. Developers always want "out" of parking because of its expense. We've already reduced downtown parking requirement from 1.7 to 1 space per unit. Even skilled nursing homes (often non-drivers) require 1 stall per bed as do hotels (1 per room)

Don't think you can legally require no car ownership.

Also people's lives change and tomorrow may need a car

Also SRO ownership can change for the

- How is it possible to need only 1 parking stall for 2 mini suites?
 - This is because over half of our users of the mini-suites do not own a car. Many do not want the restrictions of the cost of a car, and others prefer to walk or bike as their main mode of transportation.
 - In Seattle, only 1 in 6 mini-suite residents have a car.
 - One recent article tells us that only 1 in 4 Gen Y'ers even have a driver's license. Without a license, they do not own or drive a car.
 - Why would you want to create a waste of concrete and asphalt to build parking stalls for users that don't own cars AND
 - Take away people space in our Downtown and Totem Lake which is the resulting action.

Wow... more hype (or koolaid) no one wants to build a waste of concrete. The fact is that there are areas in Downtown that need more parking and the required "in-lieu" that is charged to developers will help us get more parking where it is needed

- What will you do with the extra parking stalls?
 - The macro change over time as our economy struggles and the cost of gas stays high and goes higher, we have seen a reduction of car ownership especially with this resident type in our downtowns.
 - We do not want extra parking stalls to sit vacant and unused, so when we demonstrate that 50% parking is too much we want to provide for easy administrative approval to change the uses including but not limited to:
 - More bike parking
 - Allowing parking to the general public-we believe parking should be more of a community resource and dispersing parking throughout our Downtown, Totem Lake and other commercial areas helps significantly provide for resource to our retail and service businesses.
 - Installation of a sound or music room
 - Add additional retail and common people art work spaces.

- Who are the users?

So these are the "success stories" be forthright enough to share the less cheery stories

Even high end condos with onsite management have some "horror" stories - if you don't have stories to share it begs the question whether we are hearing the whole story.

Many of the users go to school full time (at Digipen), while in Kirkland the majority are likely to go to LWIT, UW Bothell, and Cascadia – all three schools have direct buses. Our residents also work in retail, at coffee shops, in schools. We have some who live in the mini-suites on an occasional basis only to be local for business, to include a Boeing Executive whose main home is in the Midwest and comes to the Eastside for one week a month. We have another resident who drives in from Anacortes for a 2-4 day work week, then returns home for the weekends. Grandparents stayed while their grandchild was in a year-long program at one of the local hospitals and a Kirkland retired firefighter. Others including teachers, non-profit personnel and service industry employees have relocated permanently close to their work and cut out their commutes from places like Bainbridge Island and Mukilteo, once they found affordable housing in the City.

- The typical length of residency is one year and longer. Currently the stays are longer than a typical apartment, which we believe, in part is because of the severe lack of choice on the Eastside.

One planning director pointed out that bicycle use in Redmond would likely be greater due to Kirkland being more hilly than the Redmond

- How can rush hour peak pm vehicle trips be so low?
 - Over half our users do not own a car.
 - The other half that does have a car, many do not use their car for their commute, but rather for weekend trips or other irregular reasons.
 - Rush hour pedestrians are almost double vehicles, which shows the activity is there, but there simply is a lower car use. Why drive your car 3 blocks to go to the grocery store when you can get superior exercise and enjoy the downtown as well?
- How do we know these are well-built units?
 - The minimum requirement should be Built Green V or LEED Gold.
 - We build LEED Platinum Plus, which we means we seek to built 20% above the LEED Platinum threshold. Many people who have built LEED Silver and Gold are truly impressed with this standard.
 - Mini-suites simply will be the best most sustainable buildings built in Kirkland.
 - When a mini-suite community is incorporated into a retail and apartment community then the entire community will be built to these highest standards.

This is hogwash!! Every condo managment company requires background checks so this is not a reflection of bias - it is the way business is done for rentals.

- How are residents accepted?
 - We require credit and criminal background checks as part of the application process. If the City attorney believes it is a good policy, we would support this as a requirement for the mini-suites. However, we find this would be a reflection of a bias that needs to be overcome because mini-suite residents are top notch people, hard working and great citizens.
 - Please note that mini-suites are simply small apartments.

My daughter lives in a mini suite. Half of her "suite mates" have boyfriends or girlfriends stay over. They come over and park their cars.

- What about guest parking?
 - Additional parking for guests is not necessary for mini-suites, as people don't tend to visit since the apartments are so small. Instead, they meet for coffee, dinner, or at single family homes, where there are yards, and space to socialize.
 - For larger communities, it is part of the TMP to work to provide one or more Zip Cars on site for residents as well as the public. Once alternate options are available to the single car user, more residents are willing to give up their cars when they know there is one to use when desired.
- What is the result of not taking action?
 - Kirkland loses the opportunity for an affordable live/work artist community.

This is MEGA hype. Taking time to investigate this rationally does not mean that Kirkland loses this opportunity. Again are we making planning decisions or being sold something that is "on sale, just for today, and someone was just here who plans to come back and buy it!!!!"

- More people drive and bus into work into the city. Streets and parking continue to become more congested.

- What are the benefits of bringing mini-suites/ art community to Kirkland?

So earlier you said these are for students, now they are for artists...

- If you bring artists to your downtown to live, then the art community thrives.
- With mini-suites, car commuters have their own parking space on site instead of in the general downtown area. This reduces the current existing parking pressure and the congestion of neighborhood streets.
- We do manage our parking and control the user profile to car users being less than 50%.
- These have to be rentals because condo's cannot be financed so the idea that one owner would sell to someone else go from non car user to a car user simply is not valid for mini-suites.

How do we regulate what folks do with their time?

How about (as one poster suggested) perhaps they are for those who want a shortcut to the local watering holes?

- Moving your employees to live locally has a net reduction of traffic. This is the same for your students.
- Once employees become residents, they spend their money locally. One recent article showed that those who live downtown tend to spend twice the retail dollars than those living in the single family in the same City-no surprise.
- There is a dynamic benefit of bringing affordability to our downtown. It is immeasurable. The same applies to an artist community. Are we ready to take this step to make our City more affordable and sustainable with all of the benefits?

We support the planning department code as written, with these additional clarifications:

The majority of the City Council seemed to only favor one small "pilot" project to begin...

Just changing zoning in a bunch of zones seems pretty drastic

1. Two years after the first building permit is issued for mini-suites or completion of 3-400 mini-suites whichever comes first, we propose that there is a provision that the code will be reviewed by the Planning Commission and City Council to confirm the goals and objectives are being met.
2. A TMP is required of each project:
 - a. Mini-suites will be limited to only non-car users if the available mini-suite parking is fully occupied-which has never occurred at Tudor Manor but the provision stands and is a recorded document against the property.
 - b. A signed part of each resident's lease identifies non-car users and provides for a bus pass credit.
 - c. There will be an incentive to not have a car - \$25 bus pass credit per month.
 - d. If a non car user gets a car, they will be required by lease to either have a parking stall on site or move to a location that has parking provided for. At Tudor Manor we have not found a single resident purchase a car while living at Tudor Manor but many, many bicycles have been purchased. We have more bicycles on site at Tudor Manor than vehicles. Kirkland has many biking events and users and Mini-suites will help replace car users in the downtown-Kirkland Seven Hills Bike Ride event is an example of Kirkland bicyclists being active and able to ride our topography.
 - e. The rent will be "unbundled" for car users. An additional fee will be added for parking.

Unbundled parking has been shown to lead to parking on the street so that renter does not have to pay to park

So this is confusing... at an earlier meeting you stated that there are not lenders for SROs at all. You stated that you had financed the Redmond project. So do they finance these (as you say here) or do they not (as you said

- f. This TMP limitation of parking stalls has been understood by multiple local lenders or they would not finance these properties. Specifically, the lenders in this most difficult financing climate, will not lend if they did not have the statistics AND experience supporting the parking ratios of one parking stall per two mini-suites.
- g. Sufficient bike parking will be provided, and to the extent the car stalls are not required, after 90 days with at least 95% occupancy: city may allow stalls to be converted to bike and/or public parking. After 1 year: stalls may be converted to retail, music/sound room, dance area, public meeting spaces, or other similar activities.
- h. Mini-suites will not be condominiums.
- i. Each mini-suite community is under a single ownership.

Has there been enough process in this code change?

This is the third meeting. It is not how long it takes to make changes, but how thoughtful and reflective the process is conducted and to what extent does this create a positive result. Timely action helps people's lives in a positive and timely manner. There is no justice in delay. A great community is nimble to new thoughts and new ideas. With the two year and unit number review provision, it assures that the results will be measured quickly. We expect Kirkland to find the same results as Redmond and that is to encourage more of these high quality, affordable sustainable communities that fill an immediate and pressing need. Thank you for your consideration.

A very large group of citizens is stating that there has not been enough process ... and the process that has happened is an insult to the policies and procedures set by Kirkland. All citizens must follow these same procedures to make change. This is no matter how laudable their change may be.

If we need a more nimble system that allows for speedier review then creating this new system happens first, then all can be reviewed with the new, more nimble process.

We don't change the process for just one person. We don't rush things through. There have been many eyebrows raised and many folks feeling that this is pure favoritism and not due process which is the same for all.

From: Uwkkkg@aol.com
To: uwkkkg@aol.com; eshields@kirlandwa.gov; [Jeremy McMahan](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Ray Steiger](#); [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [Byron Katsuyama](#); [C. Ray Allshouse](#); [Glenn Peterson](#)
Cc: neighboringproperties@gmail.com; robert@pantley.com
Subject: Additional SRO Feedback: Concerns & Thank Yous from last night
Date: Friday, August 24, 2012 11:02:27 AM

I'm sending again since I incorrectly typed Eric's email and I felt Mr. Pantley should have a copy too since he can help make sure and get the word out.

Also... as a "heads up" ... The neighbor team spent much of yesterday, much of last night and is currently spending much of today trying to get as much responsive review of the Potala EIS to you by end of business today. There are so many flaws that it has been a real time drain in order to make today's 5pm deadline.

You will get a very large amount of material over a series of many emails. If you would please read the first one and then the others are there for your use as you see fit. Basically we want everyone to be able to be on the same "page" if they choose to be. We also find that transparency is better if we at least provide the information and allow you to "pick and choose."

Best,
 Karen Levenson
 6620 Lake Washington Blvd NE, Kirkland

In a message dated 8/24/2012 10:34:12 A.M. Pacific Daylight Time, uwkkkg@aol.com writes:

Good Morning Eric and Commissioners:

I have some questions about ideas from last night and then some general comments and some Thank Yous!!

First for Eric - True ability to enforce parking issues will be important to the public acceptance of the SRO reduced parking. You seemed to have a solution but then I got lost trying to follow it when you began to talk about how it would be collected through a lien if people didn't pay and eventually when they are going to lose their house they pay. How does this work with rentals? Or did you mean to state that the developer/owner of the property gets assessed if their are parking violators and then if unpaid the lien would go against the developer/owners property. Some kind of clarification on what you were trying to say would be helpful.

Also for Eric - You also stated that the parking and fines would be enforced through zoning that allows a fine of up to \$100 per day. Can you let us know where to find this information or are you talking about new code? If new, are you sure you can charge \$100 per day? At least for condos, apartments and townhomes they've put in state laws that top out the fines at \$100 per MONTH or \$1000 a year. One of our condo frustrations is that parking in our area goes for about \$125-\$175 per month, so a "parking cheat" even if we catch them and fine them every month gets a bargain on the cost of their parking. Enforcing parking is extremely resource intensive and if you don't enforce it you loose the right to enforce it in the future.

Now a few comments.

1) While I respect folks that are willing to contribute their time to

public service as council members, planning commissioners, etc ... well help me get passed the issue that because of his service, or his connections, his proposal gets pushed ahead of Moss Bay / Lakeview neighbors applying for zoning changes over the years (since 1977). Many have been restricted from many of the activities they would like to do (which have included the desire to increase density on individual parcels or add affordable units). Our neighbors have had laudable ideas and hoped the city would be "nimble." More recently we started the process to try and get the punitive "non-conforming" density provisions to allow folks to rebuild to the same density without restrictions on whether they go bigger or go smaller and where on their property they place the same density. The constraints on having to keep your walls in the same area is something that we believe was a mistake from when non-conforming properties near shorelines or critical environmental areas just got "cut and pasted" as the non-conformance for our properties. If anything should be a minor or uncontroversial change, it would appear that allowing folks to keep the density that they have (instead of losing density with a remodel) would be a no brainer. I guess that I just want some kind of explanation that I can share with others to help them "stand down" on this. Please explain why Mr. Pantley's "great idea" and contribution to density downtown is a higher priority than allowing Moss Bay / Lakeview neighbors to rebuild density in our area. I have to say it feels really convoluted and creates some anger towards electeds who have received support from Mr. Pantley.

Finally a THANK YOU.

Thank you to each of you for really diving in and trying to explore the parking issue. The doubling up of rooms doesn't seem to make sense as you still end up with as many inhabitants and potential cars, but it is appreciated that you would do some exploring of the topic in greater detail.

Yes, thank you to those who asked for more data. Although some projects have (supposedly) been approved for reduced parking with just one parking study, this is 50% or greater reduction of the parking requirement for CBD that was just reduced already from 1.7 to 1.0. The TMP is also a very unique concept so needs to have more than one study provided by the proponent. If possible the data should also span more than one year and hopefully more like 5-10 years since many developers are "out" by year 6 and it could be instructive to see how well (or poorly) these things transition between owners.

Another THANK YOU.

Eric et al, your commitment to public outreach cannot be over emphasized. My experience has been that when people are notified well they usually don't even show up but then have no one to blame but themselves. When folks aren't notified... well they buy red shirts and attend meetings for years ;-)

In your notifications please let the Norkirk neighborhood association know and all the likely streets where folks might park their cars. This is likely greater than the 100-300 foot radius. My experience in other communities is that when there are specific groups that might be impacted that radius is enlarged to be fair to all. CBD residents and business owners should be notified so that they have the opportunity to consider whether this positive or negative in their view. They may

feel very positively about this many new residents nearby or they may have concerns regarding either the type of units or the parking spillover since not everyone gets up and moves their car from city streets at 8am. Also, in addition to the Kirkland Reporter, this should probably be noticed in the Seattle Times since it is still the official newspaper of our city. Connecting with Kirkland Patch and Kirkland Views and the Kirkland Weblog as Mr Peterson suggested are also essential.

And one more THANK YOU for taking this to the Parking Advisory Board and not only soliciting their input but leaving it open for their recommendation as suggested.

While I continue to be perturbed, and know many of the red shirts are flat out furious that the Pantley proposals were not handled through the correct channels (and were handled in advance of our zoning changes), good public outreach - even if the public does not show up - will at least "fix" some of the problem that has galvanized so many Kirkland citizens.

Thank you,
(PS... Eric... again if you could provide better explanation of para 1 & 2 so we can understand what you intended to say)
Karen Levenson
6620 Lake Washington Blvd NE, Kirkland WA

From: Uwkkq@aol.com
To: [Eric Shields](#); [Jeremy McMahan](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Ray Steiger](#); [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [Byron Katsuyama](#); [C Ray Allshouse](#); [Glenn Peterson](#)
Cc: neighboringproperties@gmail.com; uwkkq@aol.com; robert@pantley.com
Subject: Additional SRO Feedback: Concerns & Thank Yous from last night
Date: Friday, August 24, 2012 11:27:31 AM

Hi all:

Resending as I incorrectly typed Eric's email address and also thought I should include Mr Pantley.

As you may have seen by now, the "Red Shirts" have been really pressed for time coming up against this afternoon's 5pm deadline to respond to the Potala EIS which has hundreds of wildly incorrect statements, incorrect calculations and leaves off several important plans, policies, codes and legal restrictions. You will have gotten (or will soon get) the first of an onslaught of emails as the citizens race to get all their concerns documented by this afternoon. I ask that you read at least the first email or Prelude. Then the others can be reviewed if you choose... or not. We just want everyone to have the ability to know the issues to the extent they have time, energy and desire to know all the knitty gritty.

Best,
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From: uwkkg@aol.com
To: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); bsternoff@kirkandwa.gov; [Toby Nixon](#); [Dave Asher](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#); [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [C Ray Allshouse](#); [Byron Katsuyama](#); [Glenn Peterson](#)
Cc: uwkkg@aol.com; neighboringproperties@gmail.com
Subject: ZON12-0002 Last minute add of SRO without study/notice/outreach
Date: Monday, August 06, 2012 3:46:22 PM

Good afternoon Madame Mayor, Deputy Mayor, Council Members:

LAST MINUTE SRO ADDITION TO ZON12-0002, No study/outreach

Mr. Pantley has requested consideration of two zoning changes associated with SROs. He is a very evangelical speaker and very engaging so it would be easy to move forward without discriminating thought. For this reason I am bringing the following to you as "balance" so that enthusiasm doesn't cloud careful deliberations. His enthusiasm should also not take the place of appropriate timing or NOTICE with public outreach. Finally, I have also attached at the bottom a link to the recent letter to editor.

Mr Pantley is making a request for two zoning changes to allow his SROs:
 1) A brand new use zone that would allow for certain shared facilities (kitchen etc) between a number of small enhanced bedroom/bathrooms with each bed/bath being considered a unit.
 2) A vastly reduced parking requirement

While City Council is eager to review this, and approved it for study during the current study session, it was surprising to numerous citizens and to the planning commission that it arrived suddenly, at the end of this years zoning code cycle without any time for public outreach or real study. I believe that every planning commissioner commented on it feeling inappropriately delivered at the last minute and there was strong, and I believe unanimous agreement that it would be recommended to not proceed with this amendment at this time.

A large group of citizens has tremendous concern over the preferred treatment that seems to have been given while other developers have waited for years to have their proposed zoning amendments considered.

Additionally there needs to be substantial time for outreach and study of this item. Citizen research has discovered that Mr Pantley's other project is fairly small in quantity of units and only 1 year old. That is hardly a track record. Researching other SROs (by a variety of different names) in most communities, they seem to end up as low end housing for those about to be forced out on the street or by those who are just making their way back from the street. The problems that arise are numerous with shared spaces.

Finally, at the Planning Commission Meeting, Jon Pascal (who works for Transpo and has some experience with traffic and parking) expressed concern that the proposed type of parking management strategy was perhaps unlikely to be truly successful. Others chimed in on this. Furthermore, changes happen that could create less success in subsequent years. Some unit owners may change jobs and require a car where they didn't have one previously. They might have friends or a life parter who come over to visit or move in (with car). The developer could sell and the new owner may not be as vigilant in this "parking management strategy.

Let me address parking and shared spaces as I've experienced them as HOA President.

Parking is the #1 biggest problem in our condo and talking with other condo presidents with <2 spaces per unit, it is their biggest issue as well. When folks move in we always have them sign their understanding of the parking rules. Within a few months to year there has consistently been a problem. This is the most costly thing and most lacking in compliance of all rules of the associations. My condo has needed attorney assistance on parking issues nearly twice a year with only 9 units. Usually it has been new renters who swear by the fact that they only are one person with one car.

Shared spaces are the second biggest problem in our condo as each adult has a different impression of cleanliness and responsibility towards others. This is the second most costly (often requiring attorneys) of our condo and of those where I've checked with other Presidents. Furthermore, my daughter lived in a beautiful new SRO in Davis, California where she attends Univ of California. The stories that have come from those new buildings after just one year are staggering. Controversy is rampant and she is looking forward to moving out in September even though it will be to a very old and tired apartment.

PROCESS ISSUES:

I would like to ask you to make sure that the public as a whole is notified about these zoning changes. Because one of them creates a whole new type of dwelling, the impact is citywide and should receive input from the whole city. This will require extensive outreach and multiple public comment/hearing sessions.

The parking issue has also been of citywide significance particularly in the CBD zones. Any reduced parking should be scrutinized with all citizens being notified, especially those in CBD and the neighboring neighborhoods (Market Street & Moss Bay) since spill over parking will impact them.

The other process issue is a determination of when the amendment is "ripe" for consideration. It arrived too late on the scene to be included in time for any study before this year's zoning amendments. So this would mean it would be "ripe" for consideration with the 2013 amendments, or are these only done every two years? Also, consideration should be given to KZC 140.20c as it states that zoning amendments will only be considered if the neighborhood is not anticipated for review within the next two years. Since we will be embarking on a new citywide Comprehensive Plan within that time, I'd perhaps argue that this is something that is best suited for that process since 1) It has citywide implications and 2) The public as a whole will be reviewing growth targets and where densities ought to be placed with respect to the natural and as built environment.
KZC 140.20c. All of the following:

From me and from many citizens, thank you for carefully considering the timing of the SRO zoning amendment. Thank you, in advance, for requiring time for extensive study of both this very unique and very dramatic change in definition of residential units and very unique and unproven parking management strategy.

Karen Levenson

6620 Lake Washington Blvd NE
Kirkland, WA 98033

From: uwkkg@aol.com
To: [Toby Nixon](#)
Cc: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Dave Asher](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#); [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [C Ray Allshouse](#); [Glenn Peterson](#); [Byron Katsuyama](#); [neighboringproperties@gmail.com](#); [robert@pantley.com](#); [uwkkg@aol.com](#)
Subject: RE: City council Decisions @ Mtg Last Night
Date: Wednesday, August 08, 2012 6:56:51 PM

Hi Toby:

Thanks for brokering this discussion between us and with Mr. Pantley.

For the record I love the positive images you describe and I want those positive, low cost residential opportunities too. I recall being just out of college and trying to find a place to live where I could afford my rent and not drive too far, etc. I also took the bus most times. Like you I have lived in residential hotels for work up to 10 weeks at a time. These were generally not located in downtown areas.

If the wonderful description of diverse housing ends up as you describe I am more than 100% for it.... That is with the caveat that proper process has been followed with application for change in zoning, etc which would be required of any citizen who wants new zoning that will allow them to build something different than what is currently allowed.

In contrast to the wonderful description, my google research seems to indicate that the SROs don't turn out as you've described. For this reason I will need to understand more before I know what my objections might be... Also I am open to reading research that will impress me and make me "happy" with the proposal..... Mr Pantley, do you have access to some examples of SROs with many years of track record that show the positive housing as Mr. Nixon describes. I'd love to read it and I heard other planning commissioners state that they need this kind of info. Likely city council members will want it too.

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I don't bring up these "what ifs" to be obstructive. I bring them up because of personal experiences managing parking (and all common spaces) for our Condominium Association. Parking is the most difficult, and nearly impossible to enforce as the comments about the city's experience with shopowners parking downtown also seemed to highlight.

I welcome information that shows high quality, safe spaces where young people, the elderly and others who choose to live with less have been seen to frequent these SROs. I hope that the research that I've found is outweighed by what Mr Pantley might share with us.

I also welcome information on parking management strategies and any that have been successful over a number of years, including the legal basis for kicking out those who park on city streets, etc.

Finally, I look forward to hearing that perhaps Kirkland has solved its downtown parking problem and is ready and able to provide the enforcement of Mr Pantley's development as you suggest.

Best to all,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>

To: uwkkg <uwkkg@aol.com>

Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Eric Shields <EShields@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>

Sent: Wed, Aug 8, 2012 11:37 am

Subject: RE: City council Decisions @ Mtg Last Night

Hi, Karen.

As you note, I completely support having a robust public conversation about the Residential Suite (SRO) proposal. I do hope that the discussion can be on the merits of the proposal itself, and not clouded by allusions to Potala Village or accusations that the city council or

staff is in the pocket of developers and wants their ideas to be implemented through a short-cut process. Let me share with you my thinking on SROs.

My understanding is that SROs will not be condominiums -- in fact, that no lender would make a loan to buy an individual SRO unit. SROs will be required to be rentals, not condos, so concerns about future transfers to new owners of individual units are not relevant. My understanding is also that the owner of the property would be required to not rent to people who have a vehicle if there are no parking spaces available for rent or if the tenant refuses to rent a parking space for their vehicle, and also that they would be required to evict someone who originally did not rent a space and later acquired a vehicle for which there was no parking space available. They would be required to provide a reasonable amount of parking space for guests. The feasibility of the whole plan depends on this active parking management and the ability of the city to enforce these conditions on the owner and future owners in perpetuity.

It seems to me to be good for the city to have a diversity of housing (appropriate to the surrounding neighborhood, of course). It's good for us to enable the people who work in our businesses (retail, restaurants, banks, medical offices, schools...) to afford to live close to work and not have to commute long distances by transit or personal vehicles, adding to traffic congestion and pollution. The proposed restrictions on SROs would require them to be built within comfortable walking distance of a transit center (not just a bus stop, which is too easily moved). I think the site Robert Pantley has under contract (where Crab Cracker is currently located) is perfect for that -- it's surrounded by other fairly high-density development, within a couple of blocks of the downtown transit center, great pedestrian infrastructure, close to the park, library, shopping, many restaurants, etc.

I don't see SROs being much different from building a hotel and renting the rooms out on a monthly basis instead of by the night. I've lived in hotel rooms for months on end at various times in my life. After returning home from college, I lived in a small trailer, and then in a small motel cottage for several months, because my parents had downsized and no longer had space for me except on the sofa. Early in my career, I was a contract computer programmer and worked at various locations around the country on short-term projects, living in hotels the whole time. I've always traveled a lot for business, as much as 70% of the time back in the 80's. As a legislator not too many years ago, I lived in a hotel room for months during legislative sessions (visiting home in Kirkland on the weekends). And many of us have had the experience of living in a college dorm. I don't find any of these living situations to be inherently bad.

For young people who spend a lot of time at work, at school, or out with friends, and who just need a place to keep their clothes, bathe, and sleep, the SRO seems like a fine solution. It fits their lifestyle. They meet their friends at cafes, bars and restaurants rather than entertaining at home. Many prefer using transit or walking rather than bearing the huge expense of having a car. They're trying to pay off student loans or save up to buy a house, and want to minimize expenses.

They prefer to eat out or make simple meals with fresh foods purchased daily or that can be cooked in a microwave; a full kitchen is wasted space and expense. Even a studio in a traditional apartment complex costs \$1200 a month or more in our area, and would require an income of \$50,000 a year to qualify. Many are forced to live with parents or share apartments with others, sacrificing privacy and entering financial entanglements with unrelated people in the process.

Many, many people would find SRO housing very attractive at some point in their life. Why should we force them to pay for more housing than they need, just because we can't envision ourselves living there? Why should we say that those kind of people have no right to live in Kirkland, and for us to price them out of the market by forcing them to occupy more housing than necessary? If developers like Robert Pantley believe they can provide quality housing at \$500-700 per month (including utilities and internet) that someone can qualify to live in on little more than a full-time minimum-wage job, fits the lifestyle of the prospective tenants, gives them the privacy and security of a housing unit of their own rather than sharing with others, and respects their choice of preferring transit, bicycling, or walking over the expense of owning a car, why shouldn't the city allow it, so long as there are no direct negative impacts on neighbors?

Assuming that all the parking management conditions will be included in the code and be tied to the property in perpetuity, and assuming the city has a reasonable plan to actual enforce them, would you have any other objections to this type of development?

Best regards,

-- Toby

Toby Nixon | Council Member | City of Kirkland,
Washingtonnixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587
3536 | M: +1 206 790 6377 | F: +1 425 650 7999

From: uwkkg@aol.com [uwkkg@aol.com]
Sent: Wednesday, August 08, 2012 10:19 AM
To: uwkkg@aol.com; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama
Cc: neighboringproperties@gmail.com; uwkkg@aol.com
Subject: Re: City council Decisions @ Mtg Last Night

The post from the blog is below. I got a message that I'd neglected to attach it. Thank you, JJ

Sincerely,

Karen Levenson

===== (please pardon poor paragraphing due to some glitch=====

Thank you City Council Members
Staff please do thorough outreach

Last night the city council did not make decisions on the SRO and as highlighted by Toby Nixon they did so in order to allow a process wherein there would be public outreach and a hearing.

Hopefully the outreach will be broad / citywide. While this communal type of housing is being proposed for several of the Central Business District areas and Totem Lake, it has already been suggested by some for broader citywide application. This is a new type of housing, and a new definition of family members or unrelated persons living in the same unit (tape of planning commission meeting explained by Jeremy McMahan @ 2:27 on the 6/14/12 tape). We should all be able to consider the pros and cons since it may someday com to our neighborhoods if passed.

The city has connections with all the newspapers/blogs and can get this information out readily. Those that are likely to be impacted in the near future should likely be sent a legal notice (e.g. it has been said that one site underway may be around or at the Crab Cracker property).

The other item that all citizens should be noticed about is the SEVERELY REDUCED PARKING SPACES being considered. This is particularly important regarding downtown and in the areas where spillover parking (if not sufficient onsite) will end up. So CBD residents and business owners as well as those in the surrounding Mossbay and Market Street / West of Market should be actively noticed.

I do not recall hearing about study sessions, but hopefully both the planning commission and city council will hold study sessions and gather information on both the success/failure of other SROs after several years of operation. Additionally they need study and examples of Parking Management Plans such as the one described. There needs to be confidence that this has been shown to work over a number of years. My experience as a condo president where parking is always the hot button (and hearing from other condo presidents) ... well I don't know what kind of magic they intend to use, but maybe I will learn some new strategies.

From: uwkkg@aol.com
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Cc: neighboringproperties@gmail.com; uwkkg@aol.com
Subject: Re: City council Decisions @ Mtg Last Night
Date: Wednesday, August 08, 2012 10:20:11 AM

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Cc: uwkkg@aol.com; neighboringproperties@gmail.com
Subject: City council Decisions @ Mtg Last Night
Date: Wednesday, August 08, 2012 10:00:13 AM

Hi all:

Thank you for two things from last night

- 1) Taking time to consider not restricting the size of building or where it is placed for those properties that became non-conforming as to density.
- 2) Taking time to outreach to the community about the SRO as it relates to both the uniquely new living arrangement as well as the reduction in required parking.

Below is what I posted online today so that folks are kept abreast. Please insist that the staff provide broad outreach as suggested. Please realize that these annual amendments have often been used to change things that really require NOTICE. For example, two of the properties involved in Potala were changed as legislative "minor uncontroversial changes" so their next door neighbors were never informed. We need to change our focus on what qualifies as "minor uncontroversial" ... as you have seen, the public did not consider the SRO to be minor or uncontroversial or something that should avoid public participation... Who decides that something is minor/uncontroversial?

Thanks again,
Karen Levenson (Blog Post is below)

From: uwkkg@aol.com
To: uwkkg@aol.com; [Toby Nixon](#)
Cc: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Dave Asher](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#); [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [C Ray Allshouse](#); [Glenn Peterson](#); [Byron Katsuyama](#); neighboringproperties@gmail.com; robert@pantley.com
Subject: RE: City council Decisions @ Mtg Last Night
Date: Wednesday, August 08, 2012 8:07:40 PM

One clarification...

I do not for one minute intend to imply that I have any more "say" over what happens in Kirkland than any other citizen. I do know that my thoughts are shared by dozens, if not hundreds of others. For this reason I have shared my thoughts with you.

It is my belief that policies and process are in place for two reasons.

The first is to make sure that sufficient time is always allowed to provide time for appropriate study and appropriate opportunities for all opinions to be heard if people choose to participate.

The second reason that I believe process is important is to make sure that decisions that impact all citizens are not subject to approval or disapproval by any one person. Even staff is given the criteria that have been agreed to by broad citizen input and the guidance of years of electeds. Even if one person is evaluating a proposal it is to be done without respect for their individual opinion but based on careful application of the process.

My two cents. Insight into my strongly held beliefs.

Karen Levenson

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

From: uwkkg <uwkkg@aol.com>
To: TNixon <TNixon@kirklandwa.gov>
Cc: JMcBride <JMcBride@kirklandwa.gov>; DMarchione <DMarchione@kirklandwa.gov>; PSweet <PSweet@kirklandwa.gov>; AWalen <AWalen@kirklandwa.gov>; BSternoff <BSternoff@kirklandwa.gov>; DAsher <DAsher@kirklandwa.gov>; KTriplett <KTriplett@kirklandwa.gov>; RJenkinson <RJenkinson@kirklandwa.gov>; EShields <EShields@kirklandwa.gov>; JMcMahan <JMcMahan@kirklandwa.gov>; MMiller <MMiller@kirklandwa.gov>; JPascal <JPascal@kirklandwa.gov>; JArnold <JArnold@kirklandwa.gov>; AHeld <AHeld@kirklandwa.gov>; CAllshouse <CAllshouse@kirklandwa.gov>; GPeterson <GPeterson@kirklandwa.gov>; BKatsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties@gmail.com>; robert@pantley.com>; uwkkg <uwkkg@aol.com>
Sent: Wed, Aug 8, 2012 6:56 pm
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My understanding is that SROs will not be condominiums -- in fact, that no lender would make a loan to buy an individual SRO unit. SROs will be required to be rentals, not condos, so concerns about future transfers to new owners of individual units are not relevant. My understanding is also that the owner of the property would be required to not rent to people who have a vehicle if there are no parking spaces available for rent or if the tenant refuses to rent a parking space for their vehicle, and also that they would be required to evict someone who originally did not rent a space and later acquired a vehicle for which there was no parking space available. They would be required to provide a reasonable amount of parking space for guests. The feasibility of the whole plan depends on this active parking management and the ability of the city to enforce these conditions on the owner and future owners in perpetuity.

It seems to me to be good for the city to have a diversity of housing (appropriate to the surrounding neighborhood, of course), It's good for us to enable the people who work in our businesses (retail, restaurants, banks, medical offices, schools...) to afford to live close to work and not have to commute long distances by transit or personal vehicles, adding to traffic congestion and pollution. The proposed restrictions on SROs would require them to be built within comfortable walking distance of a transit center (not just a bus stop, which is too easily moved). I think the site Robert Pantley has under contract (where Crab Cracker is currently located) is perfect for that -- it's surrounded by other fairly high-density development, within a couple of blocks of the downtown transit center, great pedestrian infrastructure, close to the park, library, shopping, many restaurants, etc.

I don't see SROs being much different from building a hotel and renting the rooms out on a monthly basis instead of by the night. I've lived in hotel rooms for months on end at various times in my life. After returning home from college, I lived in a small trailer, and then in a small motel cottage for several months, because my parents had downsized and no longer had space for me except on the sofa. Early in my career, I was a contract computer programmer and worked at various locations around the country on short-term projects, living in hotels the whole time. I've always traveled a lot for business, as much as 70% of the time back in the 80's. As a legislator not too many years ago, I lived in a hotel room for months during legislative sessions (visiting home in Kirkland on the weekends). And many of us have had the experience of living in a college dorm. I don't find any of these living situations to be inherently bad.

For young people who spend a lot of time at work, at school, or out with friends, and who just need a place to keep their clothes, bathe, and sleep, the SRO seems like a fine solution. It fits their lifestyle. They meet their friends at cafes, bars and restaurants rather than entertaining at home. Many prefer using transit or walking rather than bearing the huge expense of having a car. They're trying to pay off student loans or save up to buy a house, and want to minimize expenses. They prefer to eat out or make simple meals with fresh foods purchased daily or that can be cooked in a microwave; a full kitchen is wasted space and expense. Even a studio in a traditional apartment complex costs \$1200 a month or more in our area, and would require an income of \$50,000 a year to qualify. Many are forced to live with parents or share apartments with others, sacrificing privacy and entering financial entanglements with unrelated people in the process.

Many, many people would find SRO housing very attractive at some point in their life. Why should we force them to pay for more housing than they need, just because we can't envision ourselves living there? Why should we say that those kind of people have no right to live in Kirkland, and for us to price them out of the market by forcing them to occupy more housing than necessary? If developers like Robert Pantley believe they can provide quality housing at \$500-700 per month (including utilities and internet) that someone can qualify to live in on little more than a full-time minimum-wage job, fits the lifestyle of the prospective tenants, gives them the privacy and security of a housing unit of their own rather than sharing with others, and respects

their choice of preferring transit, bicycling, or walking over the expense of owning a car, why shouldn't the city allow it, so long as there are no direct negative impacts on neighbors?

Assuming that all the parking management conditions will be included in the code and be tied to the property in perpetuity, and assuming the city has a reasonable plan to actual enforce them, would you have any other objections to this type of development?

Best regards,

-- Toby

Toby Nixon | Council Member | City of Kirkland,
Washingtonnixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587
3536 | M: +1 206 790 6377 | F: +1 425 650 7999

From: uwkkg@aol.com [uwkkg@aol.com]
Sent: Wednesday, August 08, 2012 10:19 AM
To: uwkkg@aol.com; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama
Cc: neighboringproperties@gmail.com; uwkkg@aol.com
Subject: Re: City council Decisions @ Mtg Last Night

The post from the blog is below. I got a message that I'd neglected to attach it. Thank you, JJ

Sincerely,

Karen Levenson

===== (please pardon poor paragraphing due to some glitch=====

Thank you City Council Members
Staff please do thorough outreach

Last night the city council did not make decisions on the SRO and as highlighted by Toby Nixon they did so in order to allow a process wherein there would be public outreach and a hearing.

Hopefully the outreach will be broad / citywide. While this communal type of housing is being proposed for several of the Central Business District areas and Totem Lake, it has already been suggested by some for broader citywide application. This is a new type of housing, and a new definition of family members or unrelated persons living in the same unit (tape of planning commission meeting explained by Jeremy McMahan @ 2:27 on the 6/14/12 tape). We should all be able to consider the pros and cons since it may someday com to our neighborhoods if passed.

The city has connections with all the newspapers/blogs and can get this information out readily. Those that are likely to be impacted in the near future should likely be sent a legal notice (e.g. it has been said that one site underway may be around or at the Crab Cracker property).

The other item that all citizens should be noticed about is the SEVERELY REDUCED PARKING SPACES being considered. This is particularly important regarding downtown and in the areas where spillover parking (if not sufficient onsite) will end up. So CBD residents and business owners as well as those in the surrounding Mossbay and Market Street / West of Market should be actively noticed.

I do not recall hearing about study sessions, but hopefully both the planning commission and city council will hold study sessions and gather information on both the success/failure of other SROs after several years of operation. Additionally they need study and examples of Parking Management Plans such as the one described. There needs to be confidence that this has been shown to work over a number of years. My experience as a condo president where parking is always the hot button (and hearing from other condo presidents) ... well I don't know what kind of magic they intend to use, but maybe I will learn some new strategies.

From: uwkkg@aol.com
To: [Eric Shields](#)
Cc: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Toby Nixon](#); [Bob Sternoff](#); [Dave Asher](#); [Kurt Triplett](#); [Marilynne Beard](#); [Robin Jenkinson](#); [Jeremy McMahan](#); [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [C Ray Allshouse](#); [Glenn Peterson](#); [Byron Katsuyama](#); [neighboringproperties@gmail.com](#); robert@pantley.com; uwkkg@aol.com
Subject: RE: Recollection of SRO @ Work Plan meeting
Date: Thursday, August 09, 2012 7:22:12 PM

Yep. good recollection, Eric. I reviewed the meeting and see where I believe the misunderstanding lie. kee

In mind that this meeting was a bit unusual as it was supposed to be the meeting where the planning commission updated you on the BN zones and I flew into town because of that being scheduled. then due to legal twist or run that got changed. there were probably 15-20 red shirts at you study session.

Here's ...I think.. Where the difference of opinion has its roots. it appears that a letter had been received from Mr Pantley regarding what he would like to do and at this early stage it appeared that there was only a parking issue. as you listen to the tapes you hear council members saying things like "I hope we can take a look at the Redmond experience, I am intrigued by this idea," and some suggesting that perhaps if folks want to propose projects with less parking they will provide public parking for downtown in exchange. To the audience all of this was about there just being a parking difference with code and not a residential use difference. More importantly the comments left the "red shorts believing this was being forwarded along with time for study sessions etc.

At the end of that meeting the tape reflects things becoming rushed. Andy Held was trying to deliver some thoughts, Joan McBride was trying to assist the CPU cil in adjournment to study session and Eric stated that perhaps he could get this into the current zoning code amendments. He quickly commented on head nods and the red shirts anticipated this meant getting to the code amendment process in time for some study of the matter as that is what they though council members were asking for.

Fast forward a few weeks and the SRO articles at Planning commission with Eric and Jeremy stating that as they reviewed this farther it will take a zoning change as to the residential use. this additional concept has not yet been before the city council. there is a presentation but as some planning commissioners mentioned at the recent meeting...they still have not had a single opportunity to ask questions of the experts.

Bottom line is that the letter came in and folks tried to act on it quickly. In the haste ere was more that was not covered by code than expected. some may. Jew Eric's commitment to put this into the current code amendment process as a belief that there was still time to study this. reports from the planning commission seem to indicate that they feel it arrived so late that there was no to e to study or ask questions. the red shirts wonder why code amendments that are supposed to, follow a process get accepted in this manner and rushed through where it is confusing to all of us.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>

To: 'uwkkg@aol.com' <uwkkg@aol.com>

Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Toby Nixon <TNixon@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
 Sent: Thu, Aug 9, 2012 10:00 am
 Subject: RE: Recollection of SRO @ Work Plan meeting

Karen,

My recollection is that this happened at a meeting in which the Council was reviewing the Planning Work Program in April.

Eric Shields

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

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

Sent: Thursday, August 09, 2012 9:47 AM

To: Eric Shields

Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Toby Nixon; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com
 Subject: Re: Recollection of SRO @ Work Plan meeting

There are also different impressions of the work plan meeting wherein SRO was listed as one of the optional items that the .5 FTE person could be assigned to study and prepare for review during the time between now and the next CP update. I was in town and I seem to recall hearing council members saying they were intrigued by the idea. Some I think said they wanted to study it, etc. I'll have to review the tape to be sure but I was shocked when I heard staff tell the planning commission that the city council had directed that the SRO be added to the current zoning code amendments. This would seem highly irregular, I think, for our electeds to ask that something be added to a packet of amendments that has already had its study sessions and is at the public hearing stage.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>

To: 'uwkkg@aol.com' <uwkkg@aol.com>

Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Toby Nixon <TNixon@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>;

Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
 Sent: Thu, Aug 9, 2012 9:41 am
 Subject: RE: City council Decisions @ Mtg Last Night

Karen,

There are apparently different perspectives on the significance of this amendment. But the review process is as follows: The Council directed that the amendment be added to the 2012 group of code amendments, most of which were adopted last Tuesday. The Planning Commission held a hearing and reviewed the SRO amendment and expressed unanimous support, but was concerned that the public did not have enough time to be informed and comment, so they recommended that the Council hold off on adoption pending a couple of months for additional process. The Council agreed and held back consideration of the SRO amendments until October. I will be discussing the additional review process with the Commission this evening. To meet the schedule, the additional public hearing will have to occur at one of the Commission's September meetings. I'll know more after this evening. I'll let you know tomorrow.

Regards,
 Eric Shields

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

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
 Sent: Thursday, August 09, 2012 9:15 AM
 To: Eric Shields; Toby Nixon
 Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com
 Subject: RE: City council Decisions @ Mtg Last Night

Eric:

Thank you for the clarification. Very helpful.
 The question then becomes is this a minor or moderate change and appropriate for the annual amendment process or whether it is more significant than that. I recall the planning commissioners all seemed to state both their frustration that this came in on the night of the 6/14 hearing as a new addition with Jeremy even having to go through the definition for the first time. Most or all also seemed to state that they didn't feel these changes were minor or moderate. I'll have to listen back to the tape and see if it was the parking change or the new zoning definition for residential. They may not have separated them out in their comments. I'll likely not get to checking until this weekend but if someone else has the time the comments begin on the 6/14 tape at 2:27.

From a public perspective, I know there were comments submitted stating that these were not considered minor or moderate by residents. I also know that residents are currently very very angry with how many changes have been made through this annual process that doesn't notify them. I believe that citizens en mass are going to be very reluctant to see things go through a legislative approval rather than the private

amendment application process. I'm sure that if other things get corrected to some relative level of community satisfaction then the hundreds of involved citizens will go back to their usual hibernation but that is not at all where we are now. The list of unhappy folks has now grown to about 800 if Chuck, our numbers person has the count correct. At the public hearing there were new people that we've never heard of who came to speak.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>
 To: 'uwkkg@aol.com' <uwkkg@aol.com>; Toby Nixon <TNixon@kirklandwa.gov>
 Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
 Sent: Thu, Aug 9, 2012 8:41 am
 Subject: RE: City council Decisions @ Mtg Last Night

All,

I'd like to clarify. Although multifamily residential is allowed in the Central Business District and Totem Lake, the Zoning Code limits the number of unrelated people in a single dwelling unit to five. A dwelling unit is defined as having complete facilities for sleeping, bathing and cooking. Residential Suites often involve more than five rooms sharing a kitchen (although many have partial kitchen facilities in each room). Consequently, we are proposing to add a new "Residential Suites" use to certain zones. However, they are really a variation on multi-family uses. Each of the zones in which Residential Suites are proposed also allow hotels and Residential Suites are kind of a cross between traditional multifamily and hotels.

Eric Shields

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

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
 Sent: Thursday, August 09, 2012 6:52 AM
 To: Toby Nixon
 Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com
 Subject: RE: City council Decisions @ Mtg Last Night

Hi Again:

Yes I will submit my comments through the public process and am sending them to all of you on your Kirklandwa.gov website so that they are public record.

Yes, I did miss the part of the meeting with the approval of new parking enforcement. For some reason I couldn't get the first part to come up on my wireless ipad. When I got to a fixed location I was able to pull up the meeting by wifi. I hope the new attempt at parking enforcement works. I know that shopowners will really appreciate it.

There is part of the discussion of the SRO that you may have missed. It is from the June 14th planning commission meeting. I realize that SRO suggestion arrived so suddenly that none of us has had much time to get up to speed. If you'll check the KPC tape for the June 14th meeting you'll see that both Eric Shields and Jeremy McMahan comment on the fact that at first blush they thought there was just an issue with parking which would need a zoning change. They then comment that when they looked at this farther they realized that we don't have any zoning that would allow this type of residential use. The two of them go through the explanation of why the SRO doesn't fit with anything that we have currently and will need new zoning to allow it.

So the issues are two:

- 1) Parking
- 2) New type of residential use zone

These were placed as either a minor or moderate change and as soon as the public heard about them they quickly responded that they did not consider them to be the "uncontroversial" items that get passed without going through the proper process. If you listen farther to the tape of 6/14/12 (starting at 2:27) you'll hear that all of the planning commissioners comment on the inappropriate suddenness of the SRO being added to the zoning changes at the last minute. You will also hear that most, if not all of them felt that these were not "minor uncontroversial changes."

As to my activities, my biggest issue is process. I've always felt that rules are to be followed for a really good reason and keep things fair for everyone. There are many others in Kirkland who have become hyper-sensitive about making sure rules are followed. Mostly that is because things were done without proper notice and with legislative changes that did things as egregious as changing residential property into commercial property without notice as a "minor and uncontroversial change." A Shoreline designation was similarly changed and when the neighbors asked to see the NOTICE they received something that talked about changes to bulkheads, piers, docks and salmonoids but no mention of UR-1 residential properties changing to Urban Mixed. We have hundreds of really ticked off citizens who have decided they must watch everything and that legislative change process has been abused.

You mentioned "assuming the SRO fits with the neighborhood." This is another area where we have 800 signatures where folks are calling foul that the city can.... and has within its power.... to make sure that a project fits within its neighborhood. Rather than making sure to protect the neighborhoods with something that fits, the city is showing that it is afraid to enforce its codes and policies. We even have zoning that states that if later ordinances or policies are voted in then the most restrictive applies. Instead the city keeps kicking the can down the road and the citizens have to keep fighting to stop incompatible development. I think this is the wrong time to be reassuring the citizens that the city will make sure development is done only in areas where it was planned and where it fits. It is my belief that the cities lack of a backbone regarding a costco sized building in a single family neighborhood has hurt the citizen trust in

our staff and in our electeds immeasurably. Even the EIS is extremely flawed and you'll soon see that a chart showing 38 residential densities has 15 errors. I believe this work was given to the consultants by staff. It claims a density of one building at 177/acre whereas properly calculated the density is only 40/acre and it was built over water in 1968 which would no longer be allowed. I provide this example because the incorrect number of 177 is being used to state that a building at 118/acre is within the "range" of what is built in the area. So this is the sloppiness with which our citizens feel our properties are being subjected. 118 may be within the range of 10-177 as stated incorrectly. All the correct calculations show a range of 2-40 with only 3 old buildings being greater than 24. Hopefully you can see why the citizens do not currently have the faith or trust in our city planners (who we believe provided the incorrect calculations) or our electeds who need to insist on accurate and careful examination.

Best,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>
To: uwkkg <uwkkg@aol.com>
Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Eric Shields <EShields@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
Sent: Thu, Aug 9, 2012 12:17 am
Subject: RE: City council Decisions @ Mtg Last Night

Thanks, Karen.

Just to be clear, this conversation should be conducted through the formal open public process, on the record, through the Planning Commission. I hope you'll submit all of your thoughts to them as comments. I shouldn't be considered the "broker" for this conversation; I'm just sharing my thoughts with you, and it is the Commission that is the "broker", although I think it would be great for you to have the opportunity to meet with Mr. Pantley directly and tour his development in Redmond if you haven't already done so.

My understanding is that no change in zoning has been requested for the current SRO proposal. CBD zoning already permits mixed-use multi-family housing; no zoning change is needed to accommodate the unit size (there's no minimum unit size or maximum density) with compact kitchenettes in the units and access to shared larger kitchens. The only issue that really needs to be decided, as I understand it, is how many parking spaces are required per unit and what conditions will be attached to the proposed reduction. We do need to have the discussion about whether the reduction proposal is realistic, and that's where the discussion of how much parking demand there really is in SROs comes in, but ultimately the question to be decided is limited to the amount of

parking required and not the broader question of whether residential suites should be permitted in the CBD and TL zones -- they already are.

It would be great if you could send along links to whatever information you've found about negative experiences with SROs elsewhere. I hope you're not comparing what is proposed in Kirkland with dump, old, dilapidated buildings in Chinatown in San Francisco, or SROs in New York City that have become ghettos for people with AIDS, or SROs in Chicago where most of the residents are mentally ill or disabled, or other buildings located in run-down and crime-ridden sections of central cities. These places are not Kirkland, not in a high-tech suburb of any kind. Most of these places have rent control that discourages owners from properly maintaining their buildings, amongst many other problems. And we're not talking about building bedroom-only units, with people sharing bathrooms and no cooking permitted; the SRO units proposed here would each have a private bathroom, a refrigerator, and a microwave. Just searching for "SRO" on the web and assuming that everything bad one reads about SROs elsewhere would necessarily apply here is, in my opinion, a mistake.

My understanding is that the SRO parking policy -- including eviction for possessing a vehicle and not renting a space for it in the SRO parking lot or some other parking facility -- would be in the lease agreement for each unit. I am not aware of any law that would make such a lease term illegal, especially if it is required by a city code. I just reviewed RCW 59.18 and found no prohibition of such terms. On the contrary, RCW 59.18.140 seems to specifically allow for them and require compliance so long as proper notice is given:

59.18.140

Reasonable obligations or restrictions — Tenant's duty to conform. The tenant shall conform to all reasonable obligations or restrictions, whether denominated by the landlord as rules, rental agreement, rent, or otherwise, concerning the use, occupation, and maintenance of his or her dwelling unit, appurtenances thereto, and the property of which the dwelling unit is a part if such obligations and restrictions are not in violation of any of the terms of this chapter and are not otherwise contrary to law, and if such obligations and restrictions are brought to the attention of the tenant at the time of his or her initial occupancy of the dwelling unit and thus become part of the rental agreement. Except for termination of tenancy, after thirty days written notice to each affected tenant, a new rule of tenancy including a change in the amount of rent may become effective upon completion of the term of the rental agreement or sooner upon mutual consent.

RCW 59.18.230 lists specific things that are not permitted to be in a rental agreement. As far as I can tell, nothing listed in that section would prohibit a lease term requiring tenant vehicles to be parked in a rented space on the premises or some other legal off-street parking (such as at a storage lot if the car is infrequently used, as is done by many people with their boats) and providing for eviction for failing to do so.

I do not understand why having a guest stay overnight and park their car on a side street or some other public space where overnight parking is permitted should result in eviction. Guests park on the street when visiting residents in all of our neighborhoods, including overnight guests for multiple days. Few of us have enough space in our driveways or garages for all of our guests to park on our own property. I don't understand why we should insist that an SRO be able to accommodate

all conceivable guest parking needs on site when no other residential property in the city is expected to do that.

Finally, in case you missed it, Tuesday night the city council adopted new parking regulations for the Marina and Lake & Central lots that ban parking by business owners and employees and use the video system on the parking enforcement vehicle to identify frequent repeat parkers in these lots. Parking enforcement will issue an initial warning, determine whether the frequent parkers are owners or employees of downtown businesses, and follow up with citations if owners or employees are found to be parking in these lots (as well as citing overtime parking in time-limited lots and on-street). This is a better system than what had originally been proposed (all day pay parking for everyone).

Best regards,

-- Toby

Toby Nixon | Council Member | City of Kirkland,
Washington
Washingtonnixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587 3536 | M: +1 206 790 6377 | F: +1 425 650 7999

From: uwkkg@aol.com [uwkkg@aol.com]
Sent: Wednesday, August 08, 2012 6:56 PM
To: Toby Nixon
Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com; uwkkg@aol.com
Subject: RE: City council Decisions @ Mtg Last Night

Hi Toby:

Thanks for brokering this discussion between us and with Mr. Pantley.

For the record I love the positive images you describe and I want those positive, low cost residential opportunities too. I recall being just out of college and trying to find a place to live where I could afford my rent and not drive too far, etc. I also took the bus most times. Like you I have lived in residential hotels for work up to 10 weeks at a time. These were generally not located in downtown areas.

If the wonderful description of diverse housing ends up as you describe I am more than 100% for it.... That is with the caveat that proper process has been followed with application for change in zoning, etc which would be required of any citizen who wants new zoning that will allow them to build something different than what is currently allowed.

In contrast to the wonderful description, my google research seems to indicate that the SROs don't turn out as you've described. For this reason I will need to understand more before I know what my objections might be... Also I am open to reading research that will impress me and make me "happy" with the proposal..... Mr Pantley, do you have access to some examples of SROs with many years of track record that show the positive housing as Mr. Nixon describes. I'd love to read it and I

heard other planning commissioners state that they need this kind of info. Likely city council members will want it too.

Also, the parking management program is something that is very hard to believe. This is not due to lack of experience with parking. It is because I have extensive experiences with parking being incredibly hard, if not impossible to monitor and enforce even if someone is hired to do this. I seem to recall that this was also a major discussion item for the city regarding lack of enforcement of downtown parking. Wasn't that just within the last few months? Perhaps you all recall the specifics. Was that due to lack of funding for enforcement or just the fact that folks generally outwit any system you put in place. I recall frustrated citizens bringing in pictures or video of business owners that routinely park where they shouldn't downtown. They have learned how to work around the restrictions. Did we fix this parking enforcement issue? If not, does Mr Pantley have the magic that will help Kirkland not only enforce its current problem but also have enough enforcement left over to watch over the residents in his development so that we don't lose more downtown parking for customers and so that local side streets aren't the recipient of his residential cars?

Another piece of information I'll need (and likely others will too)... Is it really legal to kick someone out of their dwelling if they purchase a car? I'm having a hard time believing that you can legally do that. I imagine that if they store it on city streets (etc) the project owner might have no legal grounds to kick them out. So I need to understand the legal basis upon which this unique parking management system is anchored. I would also benefit from understanding how a resident would be kicked out if they enter a love relationship and that person stays overnight and leaves their car on a local side street. Again, I am open to learning how this would all work legally. I might even learn something that will help with the 6 years of parking nightmares that I've worked on with management companies and attorneys for our condo. There is a book called "The Pursuit of Parking" and it specifically addresses the problems with parking when developers build with too few parking spaces.

I don't bring up these "what ifs" to be obstructive. I bring them up because of personal experiences managing parking (and all common spaces) for our Condominium Association. Parking is the most difficult, and nearly impossible to enforce as the comments about the city's experience with shopowners parking downtown also seemed to highlight.

I welcome information that shows high quality, safe spaces where young people, the elderly and others who choose to live with less have been seen to frequent these SROs. I hope that the research that I've found is outweighed by what Mr Pantley might share with us.

I also welcome information on parking management strategies and any that have been successful over a number of years, including the legal basis for kicking out those who park on city streets, etc.

Finally, I look forward to hearing that perhaps Kirkland has solved its downtown parking problem and is ready and able to provide the enforcement of Mr Pantley's development as you suggest.

Best to all,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>;
 To: uwkkg <uwkkg@aol.com>;
 Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione
 <DMarchione@kirklandwa.gov>; Penny Sweet
 <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>;
 Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher
 <DAsher@kirklandwa.gov>; Kurt Triplett
 <KTriplett@kirklandwa.gov>; Robin Jenkinson
 <RJenkinson@kirklandwa.gov>; Eric Shields
 <EShields@kirklandwa.gov>; Jeremy McMahan
 <JMcMahan@kirklandwa.gov>; Mike Miller
 <MMiller@kirklandwa.gov>; Jon Pascal
 <JPascal@kirklandwa.gov>; Jay Arnold
 <JArnold@kirklandwa.gov>; Andrew Held
 <AHeld@kirklandwa.gov>; C Ray Allshouse
 <CAllshouse@kirklandwa.gov>; Glenn Peterson
 <GPeterson@kirklandwa.gov>; Byron Katsuyama
 <BKatsuyama@kirklandwa.gov>; neighboringproperties
 <neighboringproperties@gmail.com>; robert
 <robert@pantley.com>;
 Sent: Wed, Aug 8, 2012 11:37 am
 Subject: RE: City council Decisions @ Mtg Last Night

Hi, Karen.

As you note, I completely support having a robust public conversation about the Residential Suite (SRO) proposal. I do hope that the discussion can be on the merits of the proposal itself, and not clouded by allusions to Potala Village or accusations that the city council or staff is in the pocket of developers and wants their ideas to be implemented through a short-cut process. Let me share with you my thinking on SROs.

My understanding is that SROs will not be condominiums -- in fact, that no lender would make a loan to buy an individual SRO unit. SROs will be required to be rentals, not condos, so concerns about future transfers to new owners of individual units are not relevant. My understanding is also that the owner of the property would be required to not rent to people who have a vehicle if there are no parking spaces available for rent or if the tenant refuses to rent a parking space for their vehicle, and also that they would be required to evict someone who originally did not rent a space and later acquired a vehicle for which there was no parking space available. They would be required to provide a reasonable amount of parking space for guests. The feasibility of the whole plan depends on this active parking management and the ability of the city to enforce these conditions on the owner and future owners in perpetuity.

It seems to me to be good for the city to have a diversity of housing (appropriate to the surrounding neighborhood, of course), It's good for us to enable the people who work in our businesses (retail, restaurants, banks, medical offices, schools...) to afford to live close to work and not have to commute long distances by transit or personal vehicles, adding to traffic congestion and pollution. The proposed restrictions on SROs would require them to be built within

comfortable walking distance of a transit center (not just a bus stop, which is too easily moved). I think the site Robert Pantley has under contract (where Crab Cracker is currently located) is perfect for that -- it's surrounded by other fairly high-density development, within a couple of blocks of the downtown transit center, great pedestrian infrastructure, close to the park, library, shopping, many restaurants, etc.

I don't see SROs being much different from building a hotel and renting the rooms out on a monthly basis instead of by the night. I've lived in hotel rooms for months on end at various times in my life. After returning home from college, I lived in a small trailer, and then in a small motel cottage for several months, because my parents had downsized and no longer had space for me except on the sofa. Early in my career, I was a contract computer programmer and worked at various locations around the country on short-term projects, living in hotels the whole time. I've always traveled a lot for business, as much as 70% of the time back in the 80's. As a legislator not too many years ago, I lived in a hotel room for months during legislative sessions (visiting home in Kirkland on the weekends). And many of us have had the experience of living in a college dorm. I don't find any of these living situations to be inherently bad.

For young people who spend a lot of time at work, at school, or out with friends, and who just need a place to keep their clothes, bathe, and sleep, the SRO seems like a fine solution. It fits their lifestyle. They meet their friends at cafes, bars and restaurants rather than entertaining at home. Many prefer using transit or walking rather than bearing the huge expense of having a car. They're trying to pay off student loans or save up to buy a house, and want to minimize expenses. They prefer to eat out or make simple meals with fresh foods purchased daily or that can be cooked in a microwave; a full kitchen is wasted space and expense. Even a studio in a traditional apartment complex costs \$1200 a month or more in our area, and would require an income of \$50,000 a year to qualify. Many are forced to live with parents or share apartments with others, sacrificing privacy and entering financial entanglements with unrelated people in the process.

Many, many people would find SRO housing very attractive at some point in their life. Why should we force them to pay for more housing than they need, just because we can't envision ourselves living there? Why should we say that those kind of people have no right to live in Kirkland, and for us to price them out of the market by forcing them to occupy more housing than necessary? If developers like Robert Pantley believe they can provide quality housing at \$500-700 per month (including utilities and internet) that someone can qualify to live in on little more than a full-time minimum-wage job, fits the lifestyle of the prospective tenants, gives them the privacy and security of a housing unit of their own rather than sharing with others, and respects their choice of preferring transit, bicycling, or walking over the expense of owning a car, why shouldn't the city allow it, so long as there are no direct negative impacts on neighbors?

Assuming that all the parking management conditions will be included in the code and be tied to the property in perpetuity, and assuming the city has a reasonable plan to actual enforce them, would you have any other objections to this type of development?

Best regards,

-- Toby

Toby Nixon | Council Member | City of Kirkland,
Washingtonnixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587
3536 | M: +1 206 790 6377 | F: +1 425 650 7999

From: uwkkg@aol.com [uwkkg@aol.com]
Sent: Wednesday, August 08, 2012 10:19 AM
To: uwkkg@aol.com; Joan McBride; Doreen Marchione; Penny Sweet; Amy
Walen; Bob Sternoff; Dave Asher; Toby Nixon; Kurt Triplett; Robin
Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay
Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama
Cc: neighboringproperties@gmail.com; uwkkg@aol.com
Subject: Re: City council Decisions @ Mtg Last Night

The post from the blog is below. I got a message that I'd neglected to attach it. Thank you, JJ Sincerely, Karen Levenson ===== (please pardon poor paragraphing due to some glitch=====

Thank you City Council Members
Staff please do thorough outreach

Last night the city council did not make decisions on the SRO and as highlighted by Toby Nixon they did so in order to allow a process wherein there would be public outreach and a hearing.

Hopefully the outreach will be broad / citywide. While this communal type of housing is being proposed for several of the Central Business District areas and Totem Lake, it has already been suggested by some for broader citywide application. This is a new type of housing, and a new definition of family members or unrelated persons living in the same unit (tape of planning commission meeting explained by Jeremy McMahan @ 2:27 on the 6/14/12 tape). We should all be able to consider the pros and cons since it may someday com to our neighborhoods if passed.

The city has connections with all the newspapers/blogs and can get this information out readily. Those that are likely to be impacted in the near future should likely be sent a legal notice (e.g. it has been said that one site underway may be around or at the Crab Cracker property).

The other item that all citizens should be noticed about is the SEVERELY REDUCED PARKING SPACES being considered. This is particularly important regarding downtown and in the areas where spillover parking (if not sufficient onsite) will end up. So CBD residents and business owners as well as those in the surrounding Mossbay and Market Street / West of Market should be actively noticed.

I do not recall hearing about study sessions, but hopefully both the planning commission and city council will hold study sessions and gather information on both the success/failure of other SROs after several years of operation. Additionally they need study and examples

of Parking Management Plans such as the one described. There needs to be confidence that this has been shown to work over a number of years. My experience as a condo president where parking is always the hot button (and hearing from other condo presidents) ... well I don't know what kind of magic they intend to use, but maybe I will learn some new strategies.

From: uwkkg@aol.com
To: [Eric Shields](#)
Cc: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Toby Nixon](#); [Bob Sternoff](#); [Dave Asher](#); [Kurt Triplett](#); [Marilynne Beard](#); [Robin Jenkinson](#); [Jeremy McMahan](#); [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [C Ray Allshouse](#); [Glenn Peterson](#); [Byron Katsuyama](#); [neighboringproperties@gmail.com](#); [robert@pantley.com](#); [uwkkg@aol.com](#)
Subject: RE: Recollection of SRO @ Work Plan meeting
Date: Thursday, August 09, 2012 10:28:41 AM

I've downloaded the meeting and will get everyone the location from the tape ASAP

Karen

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

From: Eric Shields <EShields@kirklandwa.gov>
To: 'uwkkg@aol.com' <uwkkg@aol.com>
Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Toby Nixon <TNixon@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
Sent: Thu, Aug 9, 2012 10:00 am
Subject: RE: Recollection of SRO @ Work Plan meeting

Karen,

My recollection is that this happened at a meeting in which the Council was reviewing the Planning Work Program in April.

Eric Shields

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

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
Sent: Thursday, August 09, 2012 9:47 AM
To: Eric Shields
Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Toby Nixon; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com
Subject: Re: Recollection of SRO @ Work Plan meeting

There are also different impressions of the work plan meeting wherein SRO was listed as one of the optional items that the .5 FTE person could be assigned to study and prepare for review during the time between now and the next CP update. I was in town and I seem to recall hearing council members saying they were intrigued by the idea. Some I think said they wanted to study it, etc. I'll have to review the tape to be sure but I was shocked when I heard staff tell the planning

commission that the city council had directed that the SRO be added to the current zoning code amendments. This would seem highly irregular, I think, for our electeds to ask that something be added to a packet of amendments that has already had its study sessions and is at the public hearing stage.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>
 To: 'uwkkg@aol.com' <uwkkg@aol.com>
 Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Toby Nixon <TNixon@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
 Sent: Thu, Aug 9, 2012 9:41 am
 Subject: RE: City council Decisions @ Mtg Last Night

Karen,

There are apparently different perspectives on the significance of this amendment. But the review process is as follows: The Council directed that the amendment be added to the 2012 group of code amendments, most of which were adopted last Tuesday. The Planning Commission held a hearing and reviewed the SRO amendment and expressed unanimous support, but was concerned that the public did not have enough time to be informed and comment, so they recommended that the Council hold off on adoption pending a couple of months for additional process. The Council agreed and held back consideration of the SRO amendments until October. I will be discussing the additional review process with the Commission this evening. To meet the schedule, the additional public hearing will have to occur at one of the Commission's September meetings. I'll know more after this evening. I'll let you know tomorrow.

Regards,
 Eric Shields

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

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
 Sent: Thursday, August 09, 2012 9:15 AM
 To: Eric Shields; Toby Nixon
 Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com
 Subject: RE: City council Decisions @ Mtg Last Night

Eric:

Thank you for the clarification. Very helpful.
 The question then becomes is this a minor or moderate change and

appropriate for the annual amendment process or whether it is more significant than that. I recall the planning commissioners all seemed to state both their frustration that this came in on the night of the 6/14 hearing as a new addition with Jeremy even having to go through the definition for the first time. Most or all also seemed to state that they didn't feel these changes were minor or moderate. I'll have to listen back to the tape and see if it was the parking change or the new zoning definition for residential. They may not have separated them out in their comments. I'll likely not get to checking until this weekend but if someone else has the time the comments begin on the 6/14 tape at 2:27.

From a public perspective, I know there were comments submitted stating that these were not considered minor or moderate by residents. I also know that residents are currently very very angry with how many changes have been made through this annual process that doesn't notify them. I believe that citizens en mass are going to be very reluctant to see things go through a legislative approval rather than the private amendment application process. I'm sure that if other things get corrected to some relative level of community satisfaction then the hundreds of involved citizens will go back to their usual hibernation but that is not at all where we are now. The list of unhappy folks has now grown to about 800 if Chuck, our numbers person has the count correct. At the public hearing there were new people that we've never heard of who came to speak.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>
 To: 'uwkkg@aol.com' <uwkkg@aol.com>; Toby Nixon <TNixon@kirklandwa.gov>
 Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
 Sent: Thu, Aug 9, 2012 8:41 am
 Subject: RE: City council Decisions @ Mtg Last Night

All,

I'd like to clarify. Although multifamily residential is allowed in the Central Business District and Totem Lake, the Zoning Code limits the number of unrelated people in a single dwelling unit to five. A dwelling unit is defined as having complete facilities for sleeping, bathing and cooking. Residential Suites often involve more than five rooms sharing a kitchen (although many have partial kitchen facilities in each room). Consequently, we are proposing to add a new "Residential Suites" use to certain zones. However, they are really a variation on multi-family uses. Each of the zones in which Residential Suites are proposed also allow hotels and Residential Suites are kind of a cross between traditional multifamily and hotels.

Eric Shields

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

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

Sent: Thursday, August 09, 2012 6:52 AM

To: Toby Nixon

Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com

Subject: RE: City council Decisions @ Mtg Last Night

Hi Again:

Yes I will submit my comments through the public process and am sending them to all of you on your Kirklandwa.gov website so that they are public record.

Yes, I did miss the part of the meeting with the approval of new parking enforcement. For some reason I couldn't get the first part to come up on my wireless ipad. When I got to a fixed location I was able to pull up the meeting by wifi. I hope the new attempt at parking enforcement works. I know that shopowners will really appreciate it.

There is part of the discussion of the SRO that you may have missed. It is from the June 14th planning commission meeting. I realize that SRO suggestion arrived so suddenly that none of us has had much time to get up to speed. If you'll check the KPC tape for the June 14th meeting you'll see that both Eric Shields and Jeremy McMahan comment on the fact that at first blush they thought there was just an issue with parking which would need a zoning change. They then comment that when they looked at this farther they realized that we don't have any zoning that would allow this type of residential use. The two of them go through the explanation of why the SRO doesn't fit with anything that we have currently and will need new zoning to allow it.

So the issues are two:

- 1) Parking
- 2) New type of residential use zone

These were placed as either a minor or moderate change and as soon as the public heard about them they quickly responded that they did not consider them to be the "uncontroversial" items that get passed without going through the proper process. If you listen farther to the tape of 6/14/12 (starting at 2:27) you'll hear that all of the planning commissioners comment on the inappropriate suddenness of the SRO being added to the zoning changes at the last minute. You will also hear that most, if not all of them felt that these were not "minor uncontroversial changes."

As to my activities, my biggest issue is process. I've always felt that rules are to be followed for a really good reason and keep things fair for everyone. There are many others in Kirkland who have become hyper-sensitive about making sure rules are followed. Mostly that is because things were done without proper notice and with legislative changes that did things as egregious as changing residential property into commercial property without notice as a "minor and uncontroversial change." A Shoreline designation was similarly changed and when the neighbors asked to see the NOTICE they received something that talked about changes to bulkheads, piers, docks and salmonoids but no mention

of UR-1 residential properties changing to Urban Mixed. We have hundreds of really ticked off citizens who have decided they must watch everything and that legislative change process has been abused.

You mentioned "assuming the SRO fits with the neighborhood." This is another area where we have 800 signatures where folks are calling foul that the city can.... and has within its power.... to make sure that a project fits within its neighborhood. Rather than making sure to protect the neighborhoods with something that fits, the city is showing that it is afraid to enforce its codes and policies. We even have zoning that states that if later ordinances or policies are voted in then the most restrictive applies. Instead the city keeps kicking the can down the road and the citizens have to keep fighting to stop incompatible development. I think this is the wrong time to be reassuring the citizens that the city will make sure development is done only in areas where it was planned and where it fits. It is my belief that the cities lack of a backbone regarding a costco sized building in a single family neighborhood has hurt the citizen trust in our staff and in our electeds immeasurably. Even the EIS is extremely flawed and you'll soon see that a chart showing 38 residential densities has 15 errors. I believe this work was given to the consultants by staff. It claims a density of one building at 177/acre whereas properly calculated the density is only 40/acre and it was built over water in 1968 which would no longer be allowed. I provide this example because the incorrect number of 177 is being used to state that a building at 118/acre is within the "range" of what is built in the area. So this is the sloppiness with which our citizens feel our properties are being subjected. 118 may be within the range of 10-177 as stated incorrectly. All the correct calculations show a range of 2-40 with only 3 old buildings being greater than 24. Hopefully you can see why the citizens do not currently have the faith or trust in our city planners (who we believe provided the incorrect calculations) or our electeds who need to insist on accurate and careful examination.

Best,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>

To: uwkkg <uwkkg@aol.com>

Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Eric Shields <EShields@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>

Sent: Thu, Aug 9, 2012 12:17 am

Subject: RE: City council Decisions @ Mtg Last Night

Thanks, Karen.

Just to be clear, this conversation should be conducted through the formal open public process, on the record, through the Planning

Commission. I hope you'll submit all of your thoughts to them as comments. I shouldn't be considered the "broker" for this conversation; I'm just sharing my thoughts with you, and it is the Commission that is the "broker", although I think it would be great for you to have the opportunity to meet with Mr. Pantley directly and tour his development in Redmond if you haven't already done so.

My understanding is that no change in zoning has been requested for the current SRO proposal. CBD zoning already permits mixed-use multi-family housing; no zoning change is needed to accommodate the unit size (there's no minimum unit size or maximum density) with compact kitchenettes in the units and access to shared larger kitchens. The only issue that really needs to be decided, as I understand it, is how many parking spaces are required per unit and what conditions will be attached to the proposed reduction. We do need to have the discussion about whether the reduction proposal is realistic, and that's where the discussion of how much parking demand there really is in SROs comes in, but ultimately the question to be decided is limited to the amount of parking required and not the broader question of whether residential suites should be permitted in the CBD and TL zones -- they already are.

It would be great if you could send along links to whatever information you've found about negative experiences with SROs elsewhere. I hope you're not comparing what is proposed in Kirkland with dumpy, old, dilapidated buildings in Chinatown in San Francisco, or SROs in New York City that have become ghettos for people with AIDS, or SROs in Chicago where most of the residents are mentally ill or disabled, or other buildings located in run-down and crime-ridden sections of central cities. These places are not Kirkland, not in a high-tech suburb of any kind. Most of these places have rent control that discourages owners from properly maintaining their buildings, amongst many other problems. And we're not talking about building bedroom-only units, with people sharing bathrooms and no cooking permitted; the SRO units proposed here would each have a private bathroom, a refrigerator, and a microwave. Just searching for "SRO" on the web and assuming that everything bad one reads about SROs elsewhere would necessarily apply here is, in my opinion, a mistake.

My understanding is that the SRO parking policy -- including eviction for possessing a vehicle and not renting a space for it in the SRO parking lot or some other parking facility -- would be in the lease agreement for each unit. I am not aware of any law that would make such a lease term illegal, especially if it is required by a city code. I just reviewed RCW 59.18 and found no prohibition of such terms. On the contrary, RCW 59.18.140 seems to specifically allow for them and require compliance so long as proper notice is given:

59.18.140

Reasonable obligations or restrictions — Tenant's duty to conform. The tenant shall conform to all reasonable obligations or restrictions, whether denominated by the landlord as rules, rental agreement, rent, or otherwise, concerning the use, occupation, and maintenance of his or her dwelling unit, appurtenances thereto, and the property of which the dwelling unit is a part if such obligations and restrictions are not in violation of any of the terms of this chapter and are not otherwise contrary to law, and if such obligations and restrictions are brought to the attention of the tenant at the time of his or her initial occupancy of the dwelling unit and thus become part of the rental agreement. Except for termination of tenancy, after thirty days written notice to each affected tenant, a new rule of tenancy including a

change in the amount of rent may become effective upon completion of the term of the rental agreement or sooner upon mutual consent.

RCW 59.18.230 lists specific things that are not permitted to be in a rental agreement. As far as I can tell, nothing listed in that section would prohibit a lease term requiring tenant vehicles to be parked in a rented space on the premises or some other legal off-street parking (such as at a storage lot if the car is infrequently used, as is done by many people with their boats) and providing for eviction for failing to do so.

I do not understand why having a guest stay overnight and park their car on a side street or some other public space where overnight parking is permitted should result in eviction. Guests park on the street when visiting residents in all of our neighborhoods, including overnight guests for multiple days. Few of us have enough space in our driveways or garages for all of our guests to park on our own property. I don't understand why we should insist that an SRO be able to accommodate all conceivable guest parking needs on site when no other residential property in the city is expected to do that.

Finally, in case you missed it, Tuesday night the city council adopted new parking regulations for the Marina and Lake & Central lots that ban parking by business owners and employees and use the video system on the parking enforcement vehicle to identify frequent repeat parkers in these lots. Parking enforcement will issue an initial warning, determine whether the frequent parkers are owners or employees of downtown businesses, and follow up with citations if owners or employees are found to be parking in these lots (as well as citing overtime parking in time-limited lots and on-street). This is a better system than what had originally been proposed (all day pay parking for everyone).

Best regards,

-- Toby

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From: uwkkg@aol.com [uwkkg@aol.com]
Sent: Wednesday, August 08, 2012 6:56 PM
To: Toby Nixon
Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com; uwkkg@aol.com
Subject: RE: City council Decisions @ Mtg Last Night

Hi Toby:

Thanks for brokering this discussion between us and with Mr. Pantley.

For the record I love the positive images you describe and I want those positive, low cost residential opportunities too. I recall being just

out of college and trying to find a place to live where I could afford my rent and not drive too far, etc. I also took the bus most times. Like you I have lived in residential hotels for work up to 10 weeks at a time. These were generally not located in downtown areas.

If the wonderful description of diverse housing ends up as you describe I am more than 100% for it.... That is with the caveat that proper process has been followed with application for change in zoning, etc which would be required of any citizen who wants new zoning that will allow them to build something different than what is currently allowed.

In contrast to the wonderful description, my google research seems to indicate that the SROs don't turn out as you've described. For this reason I will need to understand more before I know what my objections might be... Also I am open to reading research that will impress me and make me "happy" with the proposal..... Mr Pantley, do you have access to some examples of SROs with many years of track record that show the positive housing as Mr. Nixon describes. I'd love to read it and I heard other planning commissioners state that they need this kind of info. Likely city council members will want it too.

Also, the parking management program is something that is very hard to believe. This is not due to lack of experience with parking. It is because I have extensive experiences with parking being incredibly hard, if not impossible to monitor and enforce even if someone is hired to do this. I seem to recall that this was also a major discussion item for the city regarding lack of enforcement of downtown parking. Wasn't that just within the last few months? Perhaps you all recall the specifics. Was that due to lack of funding for enforcement or just the fact that folks generally outwit any system you put in place. I recall frustrated citizens bringing in pictures or video of business owners that routinely park where they shouldn't downtown. They have learned how to work around the restrictions. Did we fix this parking enforcement issue? If not, does Mr Pantley have the magic that will help Kirkland not only enforce its current problem but also have enough enforcement left over to watch over the residents in his development so that we don't lose more downtown parking for customers and so that local side streets aren't the recipient of his residential cars?

Another piece of information I'll need (and likely others will too)... Is it really legal to kick someone out of their dwelling if they purchase a car? I'm having a hard time believing that you can legally do that. I imagine that if they store it on city streets (etc) the project owner might have no legal grounds to kick them out. So I need to understand the legal basis upon which this unique parking management system is anchored. I would also benefit from understanding how a resident would be kicked out if they enter a love relationship and that person stays overnight and leaves their car on a local side street. Again, I am open to learning how this would all work legally. I might even learn something that will help with the 6 years of parking nightmares that I've worked on with management companies and attorneys for our condo. There is a book called "The Pursuit of Parking" and it specifically addresses the problems with parking when developers build with too few parking spaces.

I don't bring up these "what ifs" to be obstructive. I bring them up because of personal experiences managing parking (and all common spaces) for our Condominium Association. Parking is the most difficult, and nearly impossible to enforce as the comments about the city's experience with shopowners parking downtown also seemed to

highlight.

I welcome information that shows high quality, safe spaces where young people, the elderly and others who choose to live with less have been seen to frequent these SROs. I hope that the research that I've found is outweighed by what Mr Pantley might share with us.

I also welcome information on parking management strategies and any that have been successful over a number of years, including the legal basis for kicking out those who park on city streets, etc.

Finally, I look forward to hearing that perhaps Kirkland has solved its downtown parking problem and is ready and able to provide the enforcement of Mr Pantley's development as you suggest.

Best to all,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>;
To: uwkkg <uwkkg@aol.com>;
Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione
<DMarchione@kirklandwa.gov>; Penny Sweet
<PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>;
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<GPeterson@kirklandwa.gov>; Byron Katsuyama
<BKatsuyama@kirklandwa.gov>; neighboringproperties
<neighboringproperties@gmail.com>; robert
<robert@pantley.com>;
Sent: Wed, Aug 8, 2012 11:37 am
Subject: RE: City council Decisions @ Mtg Last Night

Hi, Karen.

As you note, I completely support having a robust public conversation about the Residential Suite (SRO) proposal. I do hope that the discussion can be on the merits of the proposal itself, and not clouded by allusions to Potala Village or accusations that the city council or staff is in the pocket of developers and wants their ideas to be implemented through a short-cut process. Let me share with you my thinking on SROs.

My understanding is that SROs will not be condominiums -- in fact, that no lender would make a loan to buy an individual SRO unit. SROs will be required to be rentals, not condos, so concerns about future transfers to new owners of individual units are not relevant. My understanding is also that the owner of the property would be required to not rent to

people who have a vehicle if there are no parking spaces available for rent or if the tenant refuses to rent a parking space for their vehicle, and also that they would be required to evict someone who originally did not rent a space and later acquired a vehicle for which there was no parking space available. They would be required to provide a reasonable amount of parking space for guests. The feasibility of the whole plan depends on this active parking management and the ability of the city to enforce these conditions on the owner and future owners in perpetuity.

It seems to me to be good for the city to have a diversity of housing (appropriate to the surrounding neighborhood, of course), It's good for us to enable the people who work in our businesses (retail, restaurants, banks, medical offices, schools...) to afford to live close to work and not have to commute long distances by transit or personal vehicles, adding to traffic congestion and pollution. The proposed restrictions on SROs would require them to be built within comfortable walking distance of a transit center (not just a bus stop, which is too easily moved). I think the site Robert Pantley has under contract (where Crab Cracker is currently located) is perfect for that -- it's surrounded by other fairly high-density development, within a couple of blocks of the downtown transit center, great pedestrian infrastructure, close to the park, library, shopping, many restaurants, etc.

I don't see SROs being much different from building a hotel and renting the rooms out on a monthly basis instead of by the night. I've lived in hotel rooms for months on end at various times in my life. After returning home from college, I lived in a small trailer, and then in a small motel cottage for several months, because my parents had downsized and no longer had space for me except on the sofa. Early in my career, I was a contract computer programmer and worked at various locations around the country on short-term projects, living in hotels the whole time. I've always traveled a lot for business, as much as 70% of the time back in the 80's. As a legislator not too many years ago, I lived in a hotel room for months during legislative sessions (visiting home in Kirkland on the weekends). And many of us have had the experience of living in a college dorm. I don't find any of these living situations to be inherently bad.

For young people who spend a lot of time at work, at school, or out with friends, and who just need a place to keep their clothes, bathe, and sleep, the SRO seems like a fine solution. It fits their lifestyle. They meet their friends at cafes, bars and restaurants rather than entertaining at home. Many prefer using transit or walking rather than bearing the huge expense of having a car. They're trying to pay off student loans or save up to buy a house, and want to minimize expenses. They prefer to eat out or make simple meals with fresh foods purchased daily or that can be cooked in a microwave; a full kitchen is wasted space and expense. Even a studio in a traditional apartment complex costs \$1200 a month or more in our area, and would require an income of \$50,000 a year to qualify. Many are forced to live with parents or share apartments with others, sacrificing privacy and entering financial entanglements with unrelated people in the process.

Many, many people would find SRO housing very attractive at some point in their life. Why should we force them to pay for more housing than

they need, just because we can't envision ourselves living there? Why should we say that those kind of people have no right to live in Kirkland, and for us to price them out of the market by forcing them to occupy more housing than necessary? If developers like Robert Pantley believe they can provide quality housing at \$500-700 per month (including utilities and internet) that someone can qualify to live in on little more than a full-time minimum-wage job, fits the lifestyle of the prospective tenants, gives them the privacy and security of a housing unit of their own rather than sharing with others, and respects their choice of preferring transit, bicycling, or walking over the expense of owning a car, why shouldn't the city allow it, so long as there are no direct negative impacts on neighbors?

Assuming that all the parking management conditions will be included in the code and be tied to the property in perpetuity, and assuming the city has a reasonable plan to actual enforce them, would you have any other objections to this type of development?

Best regards,

-- Toby

Toby Nixon | Council Member | City of Kirkland,
 Washingtonnixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587
 3536 | M: +1 206 790 6377 | F: +1 425 650 7999

From: uwkkg@aol.com [uwkkg@aol.com]
 Sent: Wednesday, August 08, 2012 10:19 AM
 To: uwkkg@aol.com; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama
 Cc: neighboringproperties@gmail.com; uwkkg@aol.com
 Subject: Re: City council Decisions @ Mtg Last Night

The post from the blog is below. I got a message that I'd neglected to attach it. Thank you, JJ Sincerely, Karen Levenson ===== (please pardon poor paragraphing due to some glitch=====

Thank you City Council Members
 Staff please do thorough outreach

Last night the city council did not make decisions on the SRO and as highlighted by Toby Nixon they did so in order to allow a process wherein there would be public outreach and a hearing.

Hopefully the outreach will be broad / citywide. While this communal type of housing is being proposed for several of the Central Business District areas and Totem Lake, it has already been suggested by some for broader citywide application. This is a new type of housing, and a new definition of family members or unrelated persons living in the same unit (tape of planning commission meeting explained by Jeremy McMahan @ 2:27 on the 6/14/12 tape). We should all be able to consider the pros and cons since it may someday com to our neighborhoods if

passed.

The city has connections with all the newspapers/blogs and can get this information out readily. Those that are likely to be impacted in the near future should likely be sent a legal notice (e.g. it has been said that one site underway may be around or at the Crab Cracker property).

The other item that all citizens should be noticed about is the SEVERELY REDUCED PARKING SPACES being considered. This is particularly important regarding downtown and in the areas where spillover parking (if not sufficient onsite) will end up. So CBD residents and business owners as well as those in the surrounding Mossbay and Market Street / West of Market should be actively noticed.

I do not recall hearing about study sessions, but hopefully both the planning commission and city council will hold study sessions and gather information on both the success/failure of other SROs after several years of operation. Additionally they need study and examples of Parking Management Plans such as the one described. There needs to be confidence that this has been shown to work over a number of years. My experience as a condo president where parking is always the hot button (and hearing from other condo presidents) ... well I don't know what kind of magic they intend to use, but maybe I will learn some new strategies.

From: uwkkg@aol.com
To: [Eric Shields](#)
Cc: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Toby Nixon](#); [Bob Sternoff](#); [Dave Asher](#); [Kurt Triplett](#); [Marilynne Beard](#); [Robin Jenkinson](#); [Jeremy McMahan](#); [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [C Ray Allshouse](#); [Glenn Peterson](#); [Byron Katsuyama](#); neighboringproperties@gmail.com; robert@pantley.com
Subject: Re: Recollection of SRO @ Work Plan meeting
Date: Thursday, August 09, 2012 9:47:33 AM

There are also different impressions of the work plan meeting wherein SRO was listed as one of the optional items that the .5 FTE person could be assigned to study and prepare for review during the time between now and the next CP update. I was in town and I seem to recall hearing council members saying they were intrigued by the idea. Some I think said they wanted to study it, etc. I'll have to review the tape to be sure but I was shocked when I heard staff tell the planning commission that the city council had directed that the SRO be added to the current zoning code amendments. This would seem highly irregular, I think, for our electeds to ask that something be added to a packet of amendments that has already had its study sessions and is at the public hearing stage.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>
To: 'uwkkg@aol.com' <uwkkg@aol.com>
Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Toby Nixon <TNixon@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
Sent: Thu, Aug 9, 2012 9:41 am
Subject: RE: City council Decisions @ Mtg Last Night

Karen,

There are apparently different perspectives on the significance of this amendment. But the review process is as follows: The Council directed that the amendment be added to the 2012 group of code amendments, most of which were adopted last Tuesday. The Planning Commission held a hearing and reviewed the SRO amendment and expressed unanimous support, but was concerned that the public did not have enough time to be informed and comment, so they recommended that the Council hold off on adoption pending a couple of months for additional process. The Council agreed and held back consideration of the SRO amendments until October. I will be discussing the additional review process with the Commission this evening. To meet the schedule, the additional public hearing will have to occur at one of the Commission's September meetings. I'll know more after this evening. I'll let you know tomorrow.

Regards,
Eric Shields

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

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
Sent: Thursday, August 09, 2012 9:15 AM
To: Eric Shields; Toby Nixon
Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com
Subject: RE: City council Decisions @ Mtg Last Night

Eric:

Thank you for the clarification. Very helpful.
The question then becomes is this a minor or moderate change and appropriate for the annual amendment process or whether it is more significant than that. I recall the planning commissioners all seemed to state both their frustration that this came in on the night of the 6/14 hearing as a new addition with Jeremy even having to go through the definition for the first time. Most or all also seemed to state that they didn't feel these changes were minor or moderate. I'll have to listen back to the tape and see if it was the parking change or the new zoning definition for residential. They may not have separated them out in their comments. I'll likely not get to checking until this weekend but if someone else has the time the comments begin on the 6/14 tape at 2:27.

From a public perspective, I know there were comments submitted stating that these were not considered minor or moderate by residents. I also know that residents are currently very very angry with how many changes have been made through this annual process that doesn't notify them. I believe that citizens en mass are going to be very reluctant to see things go through a legislative approval rather than the private amendment application process. I'm sure that if other things get corrected to some relative level of community satisfaction then the hundreds of involved citizens will go back to their usual hibernation but that is not at all where we are now. The list of unhappy folks has now grown to about 800 if Chuck, our numbers person has the count correct. At the public hearing there were new people that we've never heard of who came to speak.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>
To: 'uwkkg@aol.com' <uwkkg@aol.com>; Toby Nixon <TNixon@kirklandwa.gov>
Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>

Sent: Thu, Aug 9, 2012 8:41 am
 Subject: RE: City council Decisions @ Mtg Last Night

All,

I'd like to clarify. Although multifamily residential is allowed in the Central Business District and Totem Lake, the Zoning Code limits the number of unrelated people in a single dwelling unit to five. A dwelling unit is defined as having complete facilities for sleeping, bathing and cooking. Residential Suites often involve more than five rooms sharing a kitchen (although many have partial kitchen facilities in each room). Consequently, we are proposing to add a new "Residential Suites" use to certain zones. However, they are really a variation on multi-family uses. Each of the zones in which Residential Suites are proposed also allow hotels and Residential Suites are kind of a cross between traditional multifamily and hotels.

Eric Shields

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

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

Sent: Thursday, August 09, 2012 6:52 AM

To: Toby Nixon

Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com

Subject: RE: City council Decisions @ Mtg Last Night

Hi Again:

Yes I will submit my comments through the public process and am sending them to all of you on your Kirklandwa.gov website so that they are public record.

Yes, I did miss the part of the meeting with the approval of new parking enforcement. For some reason I couldn't get the first part to come up on my wireless ipad. When I got to a fixed location I was able to pull up the meeting by wifi. I hope the new attempt at parking enforcement works. I know that shopowners will really appreciate it.

There is part of the discussion of the SRO that you may have missed. It is from the June 14th planning commission meeting. I realize that SRO suggestion arrived so suddenly that none of us has had much time to get up to speed. If you'll check the KPC tape for the June 14th meeting you'll see that both Eric Shields and Jeremy McMahan comment on the fact that at first blush they thought there was just an issue with parking which would need a zoning change. They then comment that when they looked at this farther they realized that we don't have any zoning that would allow this type of residential use. The two of them go through the explanation of why the SRO doesn't fit with anything that we have currently and will need new zoning to allow it.

So the issues are two:

- 1) Parking
- 2) New type of residential use zone

These were placed as either a minor or moderate change and as soon as the public heard about them they quickly responded that they did not consider them to be the "uncontroversial" items that get passed without

going through the proper process. If you listen farther to the tape of 6/14/12 (starting at 2:27) you'll hear that all of the planning commissioners comment on the inappropriate suddenness of the SRO being added to the zoning changes at the last minute. You will also hear that most, if not all of them felt that these were not "minor uncontroversial changes."

As to my activities, my biggest issue is process. I've always felt that rules are to be followed for a really good reason and keep things fair for everyone. There are many others in Kirkland who have become hyper-sensitive about making sure rules are followed. Mostly that is because things were done without proper notice and with legislative changes that did things as egregious as changing residential property into commercial property without notice as a "minor and uncontroversial change." A Shoreline designation was similarly changed and when the neighbors asked to see the NOTICE they received something that talked about changes to bulkheads, piers, docks and salmonoids but no mention of UR-1 residential properties changing to Urban Mixed. We have hundreds of really ticked off citizens who have decided they must watch everything and that legislative change process has been abused.

You mentioned "assuming the SRO fits with the neighborhood." This is another area where we have 800 signatures where folks are calling foul that the city can.... and has within its power.... to make sure that a project fits within its neighborhood. Rather than making sure to protect the neighborhoods with something that fits, the city is showing that it is afraid to enforce its codes and policies. We even have zoning that states that if later ordinances or policies are voted in then the most restrictive applies. Instead the city keeps kicking the can down the road and the citizens have to keep fighting to stop incompatible development. I think this is the wrong time to be reassuring the citizens that the city will make sure development is done only in areas where it was planned and where it fits. It is my belief that the cities lack of a backbone regarding a costco sized building in a single family neighborhood has hurt the citizen trust in our staff and in our electeds immeasurably. Even the EIS is extremely flawed and you'll soon see that a chart showing 38 residential densities has 15 errors. I believe this work was given to the consultants by staff. It claims a density of one building at 177/acre whereas properly calculated the density is only 40/acre and it was built over water in 1968 which would no longer be allowed. I provide this example because the incorrect number of 177 is being used to state that a building at 118/acre is within the "range" of what is built in the area. So this is the sloppiness with which our citizens feel our properties are being subjected. 118 may be within the range of 10-177 as stated incorrectly. All the correct calculations show a range of 2-40 with only 3 old buildings being greater than 24. Hopefully you can see why the citizens do not currently have the faith or trust in our city planners (who we believe provided the incorrect calculations) or our electeds who need to insist on accurate and careful examination.

Best,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>

To: uwkkg <uwkkg@aol.com>

Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>;

Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Eric Shields <EShields@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
 Sent: Thu, Aug 9, 2012 12:17 am
 Subject: RE: City council Decisions @ Mtg Last Night

Thanks, Karen.

Just to be clear, this conversation should be conducted through the formal open public process, on the record, through the Planning Commission. I hope you'll submit all of your thoughts to them as comments. I shouldn't be considered the "broker" for this conversation; I'm just sharing my thoughts with you, and it is the Commission that is the "broker", although I think it would be great for you to have the opportunity to meet with Mr. Pantley directly and tour his development in Redmond if you haven't already done so.

My understanding is that no change in zoning has been requested for the current SRO proposal. CBD zoning already permits mixed-use multi-family housing; no zoning change is needed to accommodate the unit size (there's no minimum unit size or maximum density) with compact kitchenettes in the units and access to shared larger kitchens. The only issue that really needs to be decided, as I understand it, is how many parking spaces are required per unit and what conditions will be attached to the proposed reduction. We do need to have the discussion about whether the reduction proposal is realistic, and that's where the discussion of how much parking demand there really is in SROs comes in, but ultimately the question to be decided is limited to the amount of parking required and not the broader question of whether residential suites should be permitted in the CBD and TL zones -- they already are.

It would be great if you could send along links to whatever information you've found about negative experiences with SROs elsewhere. I hope you're not comparing what is proposed in Kirkland with dumpy, old, dilapidated buildings in Chinatown in San Francisco, or SROs in New York City that have become ghettos for people with AIDS, or SROs in Chicago where most of the residents are mentally ill or disabled, or other buildings located in run-down and crime-ridden sections of central cities. These places are not Kirkland, not in a high-tech suburb of any kind. Most of these places have rent control that discourages owners from properly maintaining their buildings, amongst many other problems. And we're not talking about building bedroom-only units, with people sharing bathrooms and no cooking permitted; the SRO units proposed here would each have a private bathroom, a refrigerator, and a microwave. Just searching for "SRO" on the web and assuming that everything bad one reads about SROs elsewhere would necessarily apply here is, in my opinion, a mistake.

My understanding is that the SRO parking policy -- including eviction for possessing a vehicle and not renting a space for it in the SRO parking lot or some other parking facility -- would be in the lease agreement for each unit. I am not aware of any law that would make such a lease term illegal, especially if it is required by a city code. I

just reviewed RCW 59.18 and found no prohibition of such terms. On the contrary, RCW 59.18.140 seems to specifically allow for them and require compliance so long as proper notice is given:

59.18.140

Reasonable obligations or restrictions — Tenant's duty to conform. The tenant shall conform to all reasonable obligations or restrictions, whether denominated by the landlord as rules, rental agreement, rent, or otherwise, concerning the use, occupation, and maintenance of his or her dwelling unit, appurtenances thereto, and the property of which the dwelling unit is a part if such obligations and restrictions are not in violation of any of the terms of this chapter and are not otherwise contrary to law, and if such obligations and restrictions are brought to the attention of the tenant at the time of his or her initial occupancy of the dwelling unit and thus become part of the rental agreement. Except for termination of tenancy, after thirty days written notice to each affected tenant, a new rule of tenancy including a change in the amount of rent may become effective upon completion of the term of the rental agreement or sooner upon mutual consent.

RCW 59.18.230 lists specific things that are not permitted to be in a rental agreement. As far as I can tell, nothing listed in that section would prohibit a lease term requiring tenant vehicles to be parked in a rented space on the premises or some other legal off-street parking (such as at a storage lot if the car is infrequently used, as is done by many people with their boats) and providing for eviction for failing to do so.

I do not understand why having a guest stay overnight and park their car on a side street or some other public space where overnight parking is permitted should result in eviction. Guests park on the street when visiting residents in all of our neighborhoods, including overnight guests for multiple days. Few of us have enough space in our driveways or garages for all of our guests to park on our own property. I don't understand why we should insist that an SRO be able to accommodate all conceivable guest parking needs on site when no other residential property in the city is expected to do that.

Finally, in case you missed it, Tuesday night the city council adopted new parking regulations for the Marina and Lake & Central lots that ban parking by business owners and employees and use the video system on the parking enforcement vehicle to identify frequent repeat parkers in these lots. Parking enforcement will issue an initial warning, determine whether the frequent parkers are owners or employees of downtown businesses, and follow up with citations if owners or employees are found to be parking in these lots (as well as citing overtime parking in time-limited lots and on-street). This is a better system than what had originally been proposed (all day pay parking for everyone).

Best regards,

-- Toby

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 Washingtonnixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587
 3536 | M: +1 206 790 6377 | F: +1 425 650 7999

From: uwkkg@aol.com [uwkkg@aol.com]
 Sent: Wednesday, August 08, 2012 6:56 PM

To: Toby Nixon
 Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama;
 neighboringproperties@gmail.com; robert@pantley.com; uwkkg@aol.com
 Subject: RE: City council Decisions @ Mtg Last Night

Hi Toby:

Thanks for brokering this discussion between us and with Mr. Pantley.

For the record I love the positive images you describe and I want those positive, low cost residential opportunities too. I recall being just out of college and trying to find a place to live where I could afford my rent and not drive too far, etc. I also took the bus most times. Like you I have lived in residential hotels for work up to 10 weeks at a time. These were generally not located in downtown areas.

If the wonderful description of diverse housing ends up as you describe I am more than 100% for it.... That is with the caveat that proper process has been followed with application for change in zoning, etc which would be required of any citizen who wants new zoning that will allow them to build something different than what is currently allowed.

In contrast to the wonderful description, my google research seems to indicate that the SROs don't turn out as you've described. For this reason I will need to understand more before I know what my objections might be... Also I am open to reading research that will impress me and make me "happy" with the proposal..... Mr Pantley, do you have access to some examples of SROs with many years of track record that show the positive housing as Mr. Nixon describes. I'd love to read it and I heard other planning commissioners state that they need this kind of info. Likely city council members will want it too.

Also, the parking management program is something that is very hard to believe. This is not due to lack of experience with parking. It is because I have extensive experiences with parking being incredibly hard, if not impossible to monitor and enforce even if someone is hired to do this. I seem to recall that this was also a major discussion item for the city regarding lack of enforcement of downtown parking. Wasn't that just within the last few months? Perhaps you all recall the specifics. Was that due to lack of funding for enforcement or just the fact that folks generally outwit any system you put in place. I recall frustrated citizens bringing in pictures or video of business owners that routinely park where they shouldn't downtown. They have learned how to work around the restrictions. Did we fix this parking enforcement issue? If not, does Mr Pantley have the magic that will help Kirkland not only enforce its current problem but also have enough enforcement left over to watch over the residents in his development so that we don't lose more downtown parking for customers and so that local side streets aren't the recipient of his residential cars?

Another piece of information I'll need (and likely others will too)... Is it really legal to kick someone out of their dwelling if they purchase a car? I'm having a hard time believing that you can legally do that. I imagine that if they store it on city streets (etc) the

project owner might have no legal grounds to kick them out. So I need to understand the legal basis upon which this unique parking management system is anchored. I would also benefit from understanding how a resident would be kicked out if they enter a love relationship and that person stays overnight and leaves their car on a local side street. Again, I am open to learning how this would all work legally. I might even learn something that will help with the 6 years of parking nightmares that I've worked on with management companies and attorneys for our condo. There is a book called "The Pursuit of Parking" and it specifically addresses the problems with parking when developers build with too few parking spaces.

I don't bring up these "what ifs" to be obstructive. I bring them up because of personal experiences managing parking (and all common spaces) for our Condominium Association. Parking is the most difficult, and nearly impossible to enforce as the comments about the city's experience with shopowners parking downtown also seemed to highlight.

I welcome information that shows high quality, safe spaces where young people, the elderly and others who choose to live with less have been seen to frequent these SROs. I hope that the research that I've found is outweighed by what Mr Pantley might share with us.

I also welcome information on parking management strategies and any that have been successful over a number of years, including the legal basis for kicking out those who park on city streets, etc.

Finally, I look forward to hearing that perhaps Kirkland has solved its downtown parking problem and is ready and able to provide the enforcement of Mr Pantley's development as you suggest.

Best to all,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>;
To: uwkkg <uwkkg@aol.com>;
Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione
<DMarchione@kirklandwa.gov>; Penny Sweet
<PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>;
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<DAsher@kirklandwa.gov>; Kurt Triplett
<KTriplett@kirklandwa.gov>; Robin Jenkinson
<RJenkinson@kirklandwa.gov>; Eric Shields
<EShields@kirklandwa.gov>; Jeremy McMahan
<JMcMahan@kirklandwa.gov>; Mike Miller
<MMiller@kirklandwa.gov>; Jon Pascal
<JPascal@kirklandwa.gov>; Jay Arnold
<JArnold@kirklandwa.gov>; Andrew Held
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<CAllshouse@kirklandwa.gov>; Glenn Peterson
<GPeterson@kirklandwa.gov>; Byron Katsuyama
<BKatsuyama@kirklandwa.gov>; neighboringproperties
<neighboringproperties@gmail.com>; robert
<robert@pantley.com>;
Sent: Wed, Aug 8, 2012 11:37 am
Subject: RE: City council Decisions @ Mtg Last Night

Hi, Karen.

As you note, I completely support having a robust public conversation about the Residential Suite (SRO) proposal. I do hope that the discussion can be on the merits of the proposal itself, and not clouded by allusions to Potala Village or accusations that the city council or staff is in the pocket of developers and wants their ideas to be implemented through a short-cut process. Let me share with you my thinking on SROs.

My understanding is that SROs will not be condominiums -- in fact, that no lender would make a loan to buy an individual SRO unit. SROs will be required to be rentals, not condos, so concerns about future transfers to new owners of individual units are not relevant. My understanding is also that the owner of the property would be required to not rent to people who have a vehicle if there are no parking spaces available for rent or if the tenant refuses to rent a parking space for their vehicle, and also that they would be required to evict someone who originally did not rent a space and later acquired a vehicle for which there was no parking space available. They would be required to provide a reasonable amount of parking space for guests. The feasibility of the whole plan depends on this active parking management and the ability of the city to enforce these conditions on the owner and future owners in perpetuity.

It seems to me to be good for the city to have a diversity of housing (appropriate to the surrounding neighborhood, of course). It's good for us to enable the people who work in our businesses (retail, restaurants, banks, medical offices, schools...) to afford to live close to work and not have to commute long distances by transit or personal vehicles, adding to traffic congestion and pollution. The proposed restrictions on SROs would require them to be built within comfortable walking distance of a transit center (not just a bus stop, which is too easily moved). I think the site Robert Pantley has under contract (where Crab Cracker is currently located) is perfect for that -- it's surrounded by other fairly high-density development, within a couple of blocks of the downtown transit center, great pedestrian infrastructure, close to the park, library, shopping, many restaurants, etc.

I don't see SROs being much different from building a hotel and renting the rooms out on a monthly basis instead of by the night. I've lived in hotel rooms for months on end at various times in my life. After returning home from college, I lived in a small trailer, and then in a small motel cottage for several months, because my parents had downsized and no longer had space for me except on the sofa. Early in my career, I was a contract computer programmer and worked at various locations around the country on short-term projects, living in hotels the whole time. I've always traveled a lot for business, as much as 70% of the time back in the 80's. As a legislator not too many years ago, I lived in a hotel room for months during legislative sessions (visiting home in Kirkland on the weekends). And many of us have had the experience of living in a college dorm. I don't find any of these living situations to be inherently bad.

For young people who spend a lot of time at work, at school, or out with friends, and who just need a place to keep their clothes, bathe, and sleep, the SRO seems like a fine solution. It fits their lifestyle. They meet their friends at cafes, bars and restaurants rather than entertaining at home. Many prefer using transit or walking rather than bearing the huge expense of having a car. They're trying to pay off student loans or save up to buy a house, and want to minimize expenses. They prefer to eat out or make simple meals with fresh foods purchased daily or that can be cooked in a microwave; a full kitchen is wasted space and expense. Even a studio in a traditional apartment complex costs \$1200 a month or more in our area, and would require an income of \$50,000 a year to qualify. Many are forced to live with parents or share apartments with others, sacrificing privacy and entering financial entanglements with unrelated people in the process.

Many, many people would find SRO housing very attractive at some point in their life. Why should we force them to pay for more housing than they need, just because we can't envision ourselves living there? Why should we say that those kind of people have no right to live in Kirkland, and for us to price them out of the market by forcing them to occupy more housing than necessary? If developers like Robert Pantley believe they can provide quality housing at \$500-700 per month (including utilities and internet) that someone can qualify to live in on little more than a full-time minimum-wage job, fits the lifestyle of the prospective tenants, gives them the privacy and security of a housing unit of their own rather than sharing with others, and respects their choice of preferring transit, bicycling, or walking over the expense of owning a car, why shouldn't the city allow it, so long as there are no direct negative impacts on neighbors?

Assuming that all the parking management conditions will be included in the code and be tied to the property in perpetuity, and assuming the city has a reasonable plan to actual enforce them, would you have any other objections to this type of development?

Best regards,

-- Toby

Toby Nixon | Council Member | City of Kirkland,
 Washingtonnixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587
 3536 | M: +1 206 790 6377 | F: +1 425 650 7999

From: uwkkg@aol.com [uwkkg@aol.com]
 Sent: Wednesday, August 08, 2012 10:19 AM
 To: uwkkg@aol.com; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama
 Cc: neighboringproperties@gmail.com; uwkkg@aol.com
 Subject: Re: City council Decisions @ Mtg Last Night

The post from the blog is below. I got a message that I'd neglected to attach it. Thank you, JJ Sincerely, Karen Levenson ===== (please

pardon poor paragraphing due to some glitch=====

Thank you City Council Members
Staff please do thorough outreach

Last night the city council did not make decisions on the SRO and as highlighted by Toby Nixon they did so in order to allow a process wherein there would be public outreach and a hearing.

Hopefully the outreach will be broad / citywide. While this communal type of housing is being proposed for several of the Central Business District areas and Totem Lake, it has already been suggested by some for broader citywide application. This is a new type of housing, and a new definition of family members or unrelated persons living in the same unit (tape of planning commission meeting explained by Jeremy McMahan @ 2:27 on the 6/14/12 tape). We should all be able to consider the pros and cons since it may someday com to our neighborhoods if passed.

The city has connections with all the newspapers/blogs and can get this information out readily. Those that are likely to be impacted in the near future should likely be sent a legal notice (e.g. it has been said that one site underway may be around or at the Crab Cracker property).

The other item that all citizens should be noticed about is the SEVERELY REDUCED PARKING SPACES being considered. This is particularly important regarding downtown and in the areas where spillover parking (if not sufficient onsite) will end up. So CBD residents and business owners as well as those in the surrounding Mossbay and Market Street / West of Market should be actively noticed.

I do not recall hearing about study sessions, but hopefully both the planning commission and city council will hold study sessions and gather information on both the success/failure of other SROs after several years of operation. Additionally they need study and examples of Parking Management Plans such as the one described. There needs to be confidence that this has been shown to work over a number of years. My experience as a condo president where parking is always the hot button (and hearing from other condo presidents) ... well I don't know what kind of magic they intend to use, but maybe I will learn some new strategies.

From: uwkkg@aol.com
To: [Eric Shields](#); [Toby Nixon](#)
Cc: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Dave Asher](#); [Kurt Triplett](#); [Marilynne Beard](#); [Robin Jenkinson](#); [Jeremy McMahan](#); [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [C Ray Allshouse](#); [Glenn Peterson](#); [Byron Katsuyama](#); neighboringproperties@gmail.com; robert@pantley.com; uwkkg@aol.com
Subject: RE: City council Decisions @ Mtg Last Night
Date: Thursday, August 09, 2012 9:30:52 AM

Oh, I meant to point out that minor or moderate changes to zoning are also supposed to be non-controversial in order to bypass the process wherein someone who wants new zoning for their project submits the amendment request form where the timeline is then established.

I think the Kirkland Views Blog and other comments submitted to the city have shown that there is some controversy around these issues.

Hopefully someday we will get beyond the Potala shock and outrage because i think it has created a very difficult climate for other developers and has tended to make developers look like bad guys about to take advantage of a city that is helpless or unwilling to protect its neighborhoods.

Karen Levenson

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

From: uwkkg <uwkkg@aol.com>
To: EShields <EShields@kirklandwa.gov>; TNixon <TNixon@kirklandwa.gov>
Cc: JMcBride <JMcBride@kirklandwa.gov>; DMarchione <DMarchione@kirklandwa.gov>; PSweet <PSweet@kirklandwa.gov>; AWalen <AWalen@kirklandwa.gov>; BSternoff <BSternoff@kirklandwa.gov>; DAsher <DAsher@kirklandwa.gov>; KTriplett <KTriplett@kirklandwa.gov>; MBeard <MBeard@kirklandwa.gov>; RJenkinson <RJenkinson@kirklandwa.gov>; JMcMahan <JMcMahan@kirklandwa.gov>; MMiller <MMiller@kirklandwa.gov>; JPascal <JPascal@kirklandwa.gov>; JArnold <JArnold@kirklandwa.gov>; AHeld <AHeld@kirklandwa.gov>; CAllshouse <CAllshouse@kirklandwa.gov>; GPeterson <GPeterson@kirklandwa.gov>; BKatsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
Sent: Thu, Aug 9, 2012 9:15 am
Subject: RE: City council Decisions @ Mtg Last Night

Eric:

Thank you for the clarification. Very helpful.

The question then becomes is this a minor or moderate change and appropriate for the annual amendment process or whether it is more significant than that. I recall the planning commissioners all seemed to state both their frustration that this came in on the night of the 6/14 hearing as a new addition with Jeremy even having to go through the definition for the first time. Most or all also seemed to state that they didn't feel these changes were minor or moderate. I'll have to listen back to the tape and see if it was the parking change or the new zoning definition for residential. They may not have separated them out in their comments. I'll likely not get to checking until this weekend but if someone else has the time the comments begin on the 6/14 tape at 2:27.

From a public perspective, I know there were comments submitted stating that these were not considered minor or moderate by residents. I also

know that residents are currently very very angry with how many changes have been made through this annual process that doesn't notify them. I believe that citizens en mass are going to be very reluctant to see things go through a legislative approval rather than the private amendment application process. I'm sure that if other things get corrected to some relative level of community satisfaction then the hundreds of involved citizens will go back to their usual hibernation but that is not at all where we are now. The list of unhappy folks has now grown to about 800 if Chuck, our numbers person has the count correct. At the public hearing there were new people that we've never heard of who came to speak.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>
 To: 'uwkkg@aol.com' <uwkkg@aol.com>; Toby Nixon <TNixon@kirklandwa.gov>
 Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
 Sent: Thu, Aug 9, 2012 8:41 am
 Subject: RE: City council Decisions @ Mtg Last Night

All,

I'd like to clarify. Although multifamily residential is allowed in the Central Business District and Totem Lake, the Zoning Code limits the number of unrelated people in a single dwelling unit to five. A dwelling unit is defined as having complete facilities for sleeping, bathing and cooking. Residential Suites often involve more than five rooms sharing a kitchen (although many have partial kitchen facilities in each room). Consequently, we are proposing to add a new "Residential Suites" use to certain zones. However, they are really a variation on multi-family uses. Each of the zones in which Residential Suites are proposed also allow hotels and Residential Suites are kind of a cross between traditional multifamily and hotels.

Eric Shields

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

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
 Sent: Thursday, August 09, 2012 6:52 AM
 To: Toby Nixon
 Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com
 Subject: RE: City council Decisions @ Mtg Last Night

Hi Again:

Yes I will submit my comments through the public process and am sending them to all of you on your Kirklandwa.gov website so that they are public record.

Yes, I did miss the part of the meeting with the approval of new parking enforcement. For some reason I couldn't get the first part to come up on my wireless ipad. When I got to a fixed location I was able to pull up the meeting by wifi. I hope the new attempt at parking enforcement works. I know that shopowners will really appreciate it.

There is part of the discussion of the SRO that you may have missed. It is from the June 14th planning commission meeting. I realize that SRO suggestion arrived so suddenly that none of us has had much time to get up to speed. If you'll check the KPC tape for the June 14th meeting you'll see that both Eric Shields and Jeremy McMahan comment on the fact that at first blush they thought there was just an issue with parking which would need a zoning change. They then comment that when they looked at this farther they realized that we don't have any zoning that would allow this type of residential use. The two of them go through the explanation of why the SRO doesn't fit with anything that we have currently and will need new zoning to allow it.

So the issues are two:

- 1) Parking
- 2) New type of residential use zone

These were placed as either a minor or moderate change and as soon as the public heard about them they quickly responded that they did not consider them to be the "uncontroversial" items that get passed without going through the proper process. If you listen farther to the tape of 6/14/12 (starting at 2:27) you'll hear that all of the planning commissioners comment on the inappropriate suddenness of the SRO being added to the zoning changes at the last minute. You will also hear that most, if not all of them felt that these were not "minor uncontroversial changes."

As to my activities, my biggest issue is process. I've always felt that rules are to be followed for a really good reason and keep things fair for everyone. There are many others in Kirkland who have become hyper-sensitive about making sure rules are followed. Mostly that is because things were done without proper notice and with legislative changes that did things as egregious as changing residential property into commercial property without notice as a "minor and uncontroversial change." A Shoreline designation was similarly changed and when the neighbors asked to see the NOTICE they received something that talked about changes to bulkheads, piers, docks and salmonoids but no mention of UR-1 residential properties changing to Urban Mixed. We have hundreds of really ticked off citizens who have decided they must watch everything and that legislative change process has been abused.

You mentioned "assuming the SRO fits with the neighborhood." This is another area where we have 800 signatures where folks are calling foul that the city can... and has within its power.... to make sure that a project fits within its neighborhood. Rather than making sure to protect the neighborhoods with something that fits, the city is showing that it is afraid to enforce its codes and policies. We even have zoning that states that if later ordinances or policies are voted in then the most restrictive applies. Instead the city keeps kicking the can down the road and the citizens have to keep fighting to stop incompatible development. I think this is the wrong time to be

reassuring the citizens that the city will make sure development is done only in areas where it was planned and where it fits. It is my belief that the cities lack of a backbone regarding a costco sized building in a single family neighborhood has hurt the citizen trust in our staff and in our electeds immeasurably. Even the EIS is extremely flawed and you'll soon see that a chart showing 38 residential densities has 15 errors. I believe this work was given to the consultants by staff. It claims a density of one building at 177/acre whereas properly calculated the density is only 40/acre and it was built over water in 1968 which would no longer be allowed. I provide this example because the incorrect number of 177 is being used to state that a building at 118/acre is within the "range" of what is built in the area. So this is the sloppiness with which our citizens feel our properties are being subjected. 118 may be within the range of 10-177 as stated incorrectly. All the correct calculations show a range of 2-40 with only 3 old buildings being greater than 24. Hopefully you can see why the citizens do not currently have the faith or trust in our city planners (who we believe provided the incorrect calculations) or our electeds who need to insist on accurate and careful examination.

Best,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>

To: uwkkg <uwkkg@aol.com>

Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione

<DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy

Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>;

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Robin Jenkinson <RJenkinson@kirklandwa.gov>; Eric Shields

<EShields@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>;

Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal

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Held <AHeld@kirklandwa.gov>; C Ray Allshouse

<CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>;

Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties

<neighboringproperties@gmail.com>; robert <robert@pantley.com>

Sent: Thu, Aug 9, 2012 12:17 am

Subject: RE: City council Decisions @ Mtg Last Night

Thanks, Karen.

Just to be clear, this conversation should be conducted through the formal open public process, on the record, through the Planning Commission. I hope you'll submit all of your thoughts to them as comments. I shouldn't be considered the "broker" for this conversation; I'm just sharing my thoughts with you, and it is the Commission that is the "broker", although I think it would be great for you to have the opportunity to meet with Mr. Pantley directly and tour his development in Redmond if you haven't already done so.

My understanding is that no change in zoning has been requested for the current SRO proposal. CBD zoning already permits mixed-use multi-family housing; no zoning change is needed to accommodate the unit size (there's no minimum unit size or maximum density) with compact kitchenettes in the units and access to shared larger kitchens. The only issue that really needs to be decided, as I understand it, is how many parking spaces are required per unit and what conditions will be

attached to the proposed reduction. We do need to have the discussion about whether the reduction proposal is realistic, and that's where the discussion of how much parking demand there really is in SROs comes in, but ultimately the question to be decided is limited to the amount of parking required and not the broader question of whether residential suites should be permitted in the CBD and TL zones -- they already are.

It would be great if you could send along links to whatever information you've found about negative experiences with SROs elsewhere. I hope you're not comparing what is proposed in Kirkland with dumpy, old, dilapidated buildings in Chinatown in San Francisco, or SROs in New York City that have become ghettos for people with AIDS, or SROs in Chicago where most of the residents are mentally ill or disabled, or other buildings located in run-down and crime-ridden sections of central cities. These places are not Kirkland, not in a high-tech suburb of any kind. Most of these places have rent control that discourages owners from properly maintaining their buildings, amongst many other problems. And we're not talking about building bedroom-only units, with people sharing bathrooms and no cooking permitted; the SRO units proposed here would each have a private bathroom, a refrigerator, and a microwave. Just searching for "SRO" on the web and assuming that everything bad one reads about SROs elsewhere would necessarily apply here is, in my opinion, a mistake.

My understanding is that the SRO parking policy -- including eviction for possessing a vehicle and not renting a space for it in the SRO parking lot or some other parking facility -- would be in the lease agreement for each unit. I am not aware of any law that would make such a lease term illegal, especially if it is required by a city code. I just reviewed RCW 59.18 and found no prohibition of such terms. On the contrary, RCW 59.18.140 seems to specifically allow for them and require compliance so long as proper notice is given:

59.18.140

Reasonable obligations or restrictions — Tenant's duty to conform. The tenant shall conform to all reasonable obligations or restrictions, whether denominated by the landlord as rules, rental agreement, rent, or otherwise, concerning the use, occupation, and maintenance of his or her dwelling unit, appurtenances thereto, and the property of which the dwelling unit is a part if such obligations and restrictions are not in violation of any of the terms of this chapter and are not otherwise contrary to law, and if such obligations and restrictions are brought to the attention of the tenant at the time of his or her initial occupancy of the dwelling unit and thus become part of the rental agreement. Except for termination of tenancy, after thirty days written notice to each affected tenant, a new rule of tenancy including a change in the amount of rent may become effective upon completion of the term of the rental agreement or sooner upon mutual consent.

RCW 59.18.230 lists specific things that are not permitted to be in a rental agreement. As far as I can tell, nothing listed in that section would prohibit a lease term requiring tenant vehicles to be parked in a rented space on the premises or some other legal off-street parking (such as at a storage lot if the car is infrequently used, as is done by many people with their boats) and providing for eviction for failing to do so.

I do not understand why having a guest stay overnight and park their car on a side street or some other public space where overnight parking is permitted should result in eviction. Guests park on the street when

visiting residents in all of our neighborhoods, including overnight guests for multiple days. Few of us have enough space in our driveways or garages for all of our guests to park on our own property. I don't understand why we should insist that an SRO be able to accommodate all conceivable guest parking needs on site when no other residential property in the city is expected to do that.

Finally, in case you missed it, Tuesday night the city council adopted new parking regulations for the Marina and Lake & Central lots that ban parking by business owners and employees and use the video system on the parking enforcement vehicle to identify frequent repeat parkers in these lots. Parking enforcement will issue an initial warning, determine whether the frequent parkers are owners or employees of downtown businesses, and follow up with citations if owners or employees are found to be parking in these lots (as well as citing overtime parking in time-limited lots and on-street). This is a better system than what had originally been proposed (all day pay parking for everyone).

Best regards,

-- Toby

Toby Nixon | Council Member | City of Kirkland,
 Washingtonnixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587
 3536 | M: +1 206 790 6377 | F: +1 425 650 7999

From: uwkkg@aol.com [uwkkg@aol.com]
 Sent: Wednesday, August 08, 2012 6:56 PM
 To: Toby Nixon
 Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama;
 neighboringproperties@gmail.com; robert@pantley.com; uwkkg@aol.com
 Subject: RE: City council Decisions @ Mtg Last Night

Hi Toby:

Thanks for brokering this discussion between us and with Mr. Pantley.

For the record I love the positive images you describe and I want those positive, low cost residential opportunities too. I recall being just out of college and trying to find a place to live where I could afford my rent and not drive too far, etc. I also took the bus most times. Like you I have lived in residential hotels for work up to 10 weeks at a time. These were generally not located in downtown areas.

If the wonderful description of diverse housing ends up as you describe I am more than 100% for it.... That is with the caveat that proper process has been followed with application for change in zoning, etc which would be required of any citizen who wants new zoning that will allow them to build something different than what is currently allowed.

In contrast to the wonderful description, my google research seems to indicate that the SROs don't turn out as you've described. For this reason I will need to understand more before I know what my objections

might be... Also I am open to reading research that will impress me and make me "happy" with the proposal..... Mr Pantley, do you have access to some examples of SROs with many years of track record that show the positive housing as Mr. Nixon describes. I'd love to read it and I heard other planning commissioners state that they need this kind of info. Likely city council members will want it too.

Also, the parking management program is something that is very hard to believe. This is not due to lack of experience with parking. It is because I have extensive experiences with parking being incredibly hard, if not impossible to monitor and enforce even if someone is hired to do this. I seem to recall that this was also a major discussion item for the city regarding lack of enforcement of downtown parking. Wasn't that just within the last few months? Perhaps you all recall the specifics. Was that due to lack of funding for enforcement or just the fact that folks generally outwit any system you put in place. I recall frustrated citizens bringing in pictures or video of business owners that routinely park where they shouldn't downtown. They have learned how to work around the restrictions. Did we fix this parking enforcement issue? If not, does Mr Pantley have the magic that will help Kirkland not only enforce its current problem but also have enough enforcement left over to watch over the residents in his development so that we don't lose more downtown parking for customers and so that local side streets aren't the recipient of his residential cars?

Another piece of information I'll need (and likely others will too)... Is it really legal to kick someone out of their dwelling if they purchase a car? I'm having a hard time believing that you can legally do that. I imagine that if they store it on city streets (etc) the project owner might have no legal grounds to kick them out. So I need to understand the legal basis upon which this unique parking management system is anchored. I would also benefit from understanding how a resident would be kicked out if they enter a love relationship and that person stays overnight and leaves their car on a local side street. Again, I am open to learning how this would all work legally. I might even learn something that will help with the 6 years of parking nightmares that I've worked on with management companies and attorneys for our condo. There is a book called "The Pursuit of Parking" and it specifically addresses the problems with parking when developers build with too few parking spaces.

I don't bring up these "what ifs" to be obstructive. I bring them up because of personal experiences managing parking (and all common spaces) for our Condominium Association. Parking is the most difficult, and nearly impossible to enforce as the comments about the city's experience with shopowners parking downtown also seemed to highlight.

I welcome information that shows high quality, safe spaces where young people, the elderly and others who choose to live with less have been seen to frequent these SROs. I hope that the research that I've found is outweighed by what Mr Pantley might share with us.

I also welcome information on parking management strategies and any that have been successful over a number of years, including the legal basis for kicking out those who park on city streets, etc.

Finally, I look forward to hearing that perhaps Kirkland has solved its downtown parking problem and is ready and able to provide the enforcement of Mr Pantley's development as you suggest.

Best to all,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>;
To: uwkkg <uwkkg@aol.com>;
Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione
<DMarchione@kirklandwa.gov>; Penny Sweet
<PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>;
Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher
<DAsher@kirklandwa.gov>; Kurt Triplett
<KTriplett@kirklandwa.gov>; Robin Jenkinson
<RJenkinson@kirklandwa.gov>; Eric Shields
<EShields@kirklandwa.gov>; Jeremy McMahan
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<GPeterson@kirklandwa.gov>; Byron Katsuyama
<BKatsuyama@kirklandwa.gov>; neighboringproperties
<neighboringproperties@gmail.com>; robert
<robert@pantley.com>;
Sent: Wed, Aug 8, 2012 11:37 am
Subject: RE: City council Decisions @ Mtg Last Night

Hi, Karen.

As you note, I completely support having a robust public conversation about the Residential Suite (SRO) proposal. I do hope that the discussion can be on the merits of the proposal itself, and not clouded by allusions to Potlata Village or accusations that the city council or staff is in the pocket of developers and wants their ideas to be implemented through a short-cut process. Let me share with you my thinking on SROs.

My understanding is that SROs will not be condominiums -- in fact, that no lender would make a loan to buy an individual SRO unit. SROs will be required to be rentals, not condos, so concerns about future transfers to new owners of individual units are not relevant. My understanding is also that the owner of the property would be required to not rent to people who have a vehicle if there are no parking spaces available for rent or if the tenant refuses to rent a parking space for their vehicle, and also that they would be required to evict someone who originally did not rent a space and later acquired a vehicle for which there was no parking space available. They would be required to provide a reasonable amount of parking space for guests. The feasibility of the whole plan depends on this active parking management and the ability of the city to enforce these conditions on the owner and future owners in perpetuity.

It seems to me to be good for the city to have a diversity of housing (appropriate to the surrounding neighborhood, of course), It's good for us to enable the people who work in our businesses (retail,

restaurants, banks, medical offices, schools...) to afford to live close to work and not have to commute long distances by transit or personal vehicles, adding to traffic congestion and pollution. The proposed restrictions on SROs would require them to be built within comfortable walking distance of a transit center (not just a bus stop, which is too easily moved). I think the site Robert Pantley has under contract (where Crab Cracker is currently located) is perfect for that -- it's surrounded by other fairly high-density development, within a couple of blocks of the downtown transit center, great pedestrian infrastructure, close to the park, library, shopping, many restaurants, etc.

I don't see SROs being much different from building a hotel and renting the rooms out on a monthly basis instead of by the night. I've lived in hotel rooms for months on end at various times in my life. After returning home from college, I lived in a small trailer, and then in a small motel cottage for several months, because my parents had downsized and no longer had space for me except on the sofa. Early in my career, I was a contract computer programmer and worked at various locations around the country on short-term projects, living in hotels the whole time. I've always traveled a lot for business, as much as 70% of the time back in the 80's. As a legislator not too many years ago, I lived in a hotel room for months during legislative sessions (visiting home in Kirkland on the weekends). And many of us have had the experience of living in a college dorm. I don't find any of these living situations to be inherently bad.

For young people who spend a lot of time at work, at school, or out with friends, and who just need a place to keep their clothes, bathe, and sleep, the SRO seems like a fine solution. It fits their lifestyle. They meet their friends at cafes, bars and restaurants rather than entertaining at home. Many prefer using transit or walking rather than bearing the huge expense of having a car. They're trying to pay off student loans or save up to buy a house, and want to minimize expenses. They prefer to eat out or make simple meals with fresh foods purchased daily or that can be cooked in a microwave; a full kitchen is wasted space and expense. Even a studio in a traditional apartment complex costs \$1200 a month or more in our area, and would require an income of \$50,000 a year to qualify. Many are forced to live with parents or share apartments with others, sacrificing privacy and entering financial entanglements with unrelated people in the process.

Many, many people would find SRO housing very attractive at some point in their life. Why should we force them to pay for more housing than they need, just because we can't envision ourselves living there? Why should we say that those kind of people have no right to live in Kirkland, and for us to price them out of the market by forcing them to occupy more housing than necessary? If developers like Robert Pantley believe they can provide quality housing at \$500-700 per month (including utilities and internet) that someone can qualify to live in on little more than a full-time minimum-wage job, fits the lifestyle of the prospective tenants, gives them the privacy and security of a housing unit of their own rather than sharing with others, and respects their choice of preferring transit, bicycling, or walking over the expense of owning a car, why shouldn't the city allow it, so long as there are no direct negative impacts on neighbors?

Assuming that all the parking management conditions will be included in the code and be tied to the property in perpetuity, and assuming the city has a reasonable plan to actual enforce them, would you have any other objections to this type of development?

Best regards,

-- Toby

Toby Nixon | Council Member | City of Kirkland,
Washingtonnixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587
3536 | M: +1 206 790 6377 | F: +1 425 650 7999

From: uwkkg@aol.com [uwkkg@aol.com]
Sent: Wednesday, August 08, 2012 10:19 AM
To: uwkkg@aol.com; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama
Cc: neighboringproperties@gmail.com; uwkkg@aol.com
Subject: Re: City council Decisions @ Mtg Last Night

The post from the blog is below. I got a message that I'd neglected to attach it. Thank you, JJ Sincerely, Karen Levenson ===== (please pardon poor paragraphing due to some glitch=====

Thank you City Council Members
Staff please do thorough outreach

Last night the city council did not make decisions on the SRO and as highlighted by Toby Nixon they did so in order to allow a process wherein there would be public outreach and a hearing.

Hopefully the outreach will be broad / citywide. While this communal type of housing is being proposed for several of the Central Business District areas and Totem Lake, it has already been suggested by some for broader citywide application. This is a new type of housing, and a new definition of family members or unrelated persons living in the same unit (tape of planning commission meeting explained by Jeremy McMahan @ 2:27 on the 6/14/12 tape). We should all be able to consider the pros and cons since it may someday com to our neighborhoods if passed.

The city has connections with all the newspapers/blogs and can get this information out readily. Those that are likely to be impacted in the near future should likely be sent a legal notice (e.g. it has been said that one site underway may be around or at the Crab Cracker property).

The other item that all citizens should be noticed about is the SEVERELY REDUCED PARKING SPACES being considered. This is particularly important regarding downtown and in the areas where spillover parking (if not sufficient onsite) will end up. So CBD residents and business owners as well as those in the surrounding Mossbay and Market Street / West of Market should be actively noticed.

I do not recall hearing about study sessions, but hopefully both the planning commission and city council will hold study sessions and gather information on both the success/failure of other SROs after several years of operation. Additionally they need study and examples of Parking Management Plans such as the one described. There needs to be confidence that this has been shown to work over a number of years. My experience as a condo president where parking is always the hot button (and hearing from other condo presidents) ... well I don't know what kind of magic they intend to use, but maybe I will learn some new strategies.

From: uwkkg@aol.com
To: [Eric Shields](#); [Toby Nixon](#)
Cc: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Dave Asher](#); [Kurt Triplett](#); [Marilynne Beard](#); [Robin Jenkinson](#); [Jeremy McMahan](#); [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [C Ray Allshouse](#); [Glenn Peterson](#); [Byron Katsuyama](#); [neighboringproperties@gmail.com](#); [robert@pantley.com](#)
Subject: RE: City council Decisions @ Mtg Last Night
Date: Thursday, August 09, 2012 9:15:49 AM

Eric:

Thank you for the clarification. Very helpful.

The question then becomes is this a minor or moderate change and appropriate for the annual amendment process or whether it is more significant than that. I recall the planning commissioners all seemed to state both their frustration that this came in on the night of the 6/14 hearing as a new addition with Jeremy even having to go through the definition for the first time. Most or all also seemed to state that they didn't feel these changes were minor or moderate. I'll have to listen back to the tape and see if it was the parking change or the new zoning definition for residential. They may not have separated them out in their comments. I'll likely not get to checking until this weekend but if someone else has the time the comments begin on the 6/14 tape at 2:27.

From a public perspective, I know there were comments submitted stating that these were not considered minor or moderate by residents. I also know that residents are currently very very angry with how many changes have been made through this annual process that doesn't notify them. I believe that citizens en mass are going to be very reluctant to see things go through a legislative approval rather than the private amendment application process. I'm sure that if other things get corrected to some relative level of community satisfaction then the hundreds of involved citizens will go back to their usual hibernation but that is not at all where we are now. The list of unhappy folks has now grown to about 800 if Chuck, our numbers person has the count correct. At the public hearing there were new people that we've never heard of who came to speak.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>
To: 'uwkkg@aol.com' <uwkkg@aol.com>; Toby Nixon <TNixon@kirklandwa.gov>
Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MB Beard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
Sent: Thu, Aug 9, 2012 8:41 am
Subject: RE: City council Decisions @ Mtg Last Night

All,

I'd like to clarify. Although multifamily residential is allowed in the Central Business District and Totem Lake, the Zoning Code limits the number of unrelated people in a single dwelling unit to five. A dwelling unit is defined as having complete facilities for sleeping, bathing and cooking. Residential Suites often involve more than five rooms sharing a kitchen (although many have partial kitchen facilities in each room). Consequently, we are proposing to add a new "Residential Suites" use to certain zones. However, they are really a variation on multi-family uses. Each of the zones in which Residential Suites are proposed also allow hotels and Residential Suites are kind of a cross between traditional multifamily and hotels.

Eric Shields

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

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

Sent: Thursday, August 09, 2012 6:52 AM

To: Toby Nixon

Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com

Subject: RE: City council Decisions @ Mtg Last Night

Hi Again:

Yes I will submit my comments through the public process and am sending them to all of you on your Kirklandwa.gov website so that they are public record.

Yes, I did miss the part of the meeting with the approval of new parking enforcement. For some reason I couldn't get the first part to come up on my wireless ipad. When I got to a fixed location I was able to pull up the meeting by wifi. I hope the new attempt at parking enforcement works. I know that shopowners will really appreciate it.

There is part of the discussion of the SRO that you may have missed. It is from the June 14th planning commission meeting. I realize that SRO suggestion arrived so suddenly that none of us has had much time to get up to speed. If you'll check the KPC tape for the June 14th meeting you'll see that both Eric Shields and Jeremy McMahan comment on the fact that at first blush they thought there was just an issue with parking which would need a zoning change. They then comment that when they looked at this farther they realized that we don't have any zoning that would allow this type of residential use. The two of them go through the explanation of why the SRO doesn't fit with anything that we have currently and will need new zoning to allow it.

So the issues are two:

- 1) Parking
- 2) New type of residential use zone

These were placed as either a minor or moderate change and as soon as the public heard about them they quickly responded that they did not consider them to be the "uncontroversial" items that get passed without going through the proper process. If you listen farther to the tape of 6/14/12 (starting at 2:27) you'll hear that all of the planning commissioners comment on the inappropriate suddenness of the SRO being added to the zoning changes at the last minute. You will also hear that most, if not all of them felt that these were not "minor

uncontroversial changes."

As to my activities, my biggest issue is process. I've always felt that rules are to be followed for a really good reason and keep things fair for everyone. There are many others in Kirkland who have become hyper-sensitive about making sure rules are followed. Mostly that is because things were done without proper notice and with legislative changes that did things as egregious as changing residential property into commercial property without notice as a "minor and uncontroversial change." A Shoreline designation was similarly changed and when the neighbors asked to see the NOTICE they received something that talked about changes to bulkheads, piers, docks and salmonoids but no mention of UR-1 residential properties changing to Urban Mixed. We have hundreds of really ticked off citizens who have decided they must watch everything and that legislative change process has been abused.

You mentioned "assuming the SRO fits with the neighborhood." This is another area where we have 800 signatures where folks are calling foul that the city can.... and has within its power.... to make sure that a project fits within its neighborhood. Rather than making sure to protect the neighborhoods with something that fits, the city is showing that it is afraid to enforce its codes and policies. We even have zoning that states that if later ordinances or policies are voted in then the most restrictive applies. Instead the city keeps kicking the can down the road and the citizens have to keep fighting to stop incompatible development. I think this is the wrong time to be reassuring the citizens that the city will make sure development is done only in areas where it was planned and where it fits. It is my belief that the cities lack of a backbone regarding a Costco sized building in a single family neighborhood has hurt the citizen trust in our staff and in our electeds immeasurably. Even the EIS is extremely flawed and you'll soon see that a chart showing 38 residential densities has 15 errors. I believe this work was given to the consultants by staff. It claims a density of one building at 177/acre whereas properly calculated the density is only 40/acre and it was built over water in 1968 which would no longer be allowed. I provide this example because the incorrect number of 177 is being used to state that a building at 118/acre is within the "range" of what is built in the area. So this is the sloppiness with which our citizens feel our properties are being subjected. 118 may be within the range of 10-177 as stated incorrectly. All the correct calculations show a range of 2-40 with only 3 old buildings being greater than 24. Hopefully you can see why the citizens do not currently have the faith or trust in our city planners (who we believe provided the incorrect calculations) or our electeds who need to insist on accurate and careful examination.

Best,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>

To: uwkkg <uwkkg@aol.com>

Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Eric Shields <EShields@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal

<JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
 Sent: Thu, Aug 9, 2012 12:17 am
 Subject: RE: City council Decisions @ Mtg Last Night

Thanks, Karen.

Just to be clear, this conversation should be conducted through the formal open public process, on the record, through the Planning Commission. I hope you'll submit all of your thoughts to them as comments. I shouldn't be considered the "broker" for this conversation; I'm just sharing my thoughts with you, and it is the Commission that is the "broker", although I think it would be great for you to have the opportunity to meet with Mr. Pantley directly and tour his development in Redmond if you haven't already done so.

My understanding is that no change in zoning has been requested for the current SRO proposal. CBD zoning already permits mixed-use multi-family housing; no zoning change is needed to accommodate the unit size (there's no minimum unit size or maximum density) with compact kitchenettes in the units and access to shared larger kitchens. The only issue that really needs to be decided, as I understand it, is how many parking spaces are required per unit and what conditions will be attached to the proposed reduction. We do need to have the discussion about whether the reduction proposal is realistic, and that's where the discussion of how much parking demand there really is in SROs comes in, but ultimately the question to be decided is limited to the amount of parking required and not the broader question of whether residential suites should be permitted in the CBD and TL zones -- they already are.

It would be great if you could send along links to whatever information you've found about negative experiences with SROs elsewhere. I hope you're not comparing what is proposed in Kirkland with dumpy, old, dilapidated buildings in Chinatown in San Francisco, or SROs in New York City that have become ghettos for people with AIDS, or SROs in Chicago where most of the residents are mentally ill or disabled, or other buildings located in run-down and crime-ridden sections of central cities. These places are not Kirkland, not in a high-tech suburb of any kind. Most of these places have rent control that discourages owners from properly maintaining their buildings, amongst many other problems. And we're not talking about building bedroom-only units, with people sharing bathrooms and no cooking permitted; the SRO units proposed here would each have a private bathroom, a refrigerator, and a microwave. Just searching for "SRO" on the web and assuming that everything bad one reads about SROs elsewhere would necessarily apply here is, in my opinion, a mistake.

My understanding is that the SRO parking policy -- including eviction for possessing a vehicle and not renting a space for it in the SRO parking lot or some other parking facility -- would be in the lease agreement for each unit. I am not aware of any law that would make such a lease term illegal, especially if it is required by a city code. I just reviewed RCW 59.18 and found no prohibition of such terms. On the contrary, RCW 59.18.140 seems to specifically allow for them and require compliance so long as proper notice is given:

59.18.140

Reasonable obligations or restrictions — Tenant's duty to conform. The tenant shall conform to all reasonable obligations or restrictions, whether denominated by the landlord as rules, rental agreement, rent, or otherwise, concerning the use, occupation, and maintenance of his or her dwelling unit, appurtenances thereto, and the property of which the dwelling unit is a part if such obligations and restrictions are not in violation of any of the terms of this chapter and are not otherwise contrary to law, and if such obligations and restrictions are brought to the attention of the tenant at the time of his or her initial occupancy of the dwelling unit and thus become part of the rental agreement. Except for termination of tenancy, after thirty days written notice to each affected tenant, a new rule of tenancy including a change in the amount of rent may become effective upon completion of the term of the rental agreement or sooner upon mutual consent.

RCW 59.18.230 lists specific things that are not permitted to be in a rental agreement. As far as I can tell, nothing listed in that section would prohibit a lease term requiring tenant vehicles to be parked in a rented space on the premises or some other legal off-street parking (such as at a storage lot if the car is infrequently used, as is done by many people with their boats) and providing for eviction for failing to do so.

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Finally, in case you missed it, Tuesday night the city council adopted new parking regulations for the Marina and Lake & Central lots that ban parking by business owners and employees and use the video system on the parking enforcement vehicle to identify frequent repeat parkers in these lots. Parking enforcement will issue an initial warning, determine whether the frequent parkers are owners or employees of downtown businesses, and follow up with citations if owners or employees are found to be parking in these lots (as well as citing overtime parking in time-limited lots and on-street). This is a better system than what had originally been proposed (all day pay parking for everyone).

Best regards,

-- Toby

Toby Nixon | Council Member | City of Kirkland,
 Washington | toby.nixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587 3536 | M: +1 206 790 6377 | F: +1 425 650 7999

From: uwkkg@aol.com [uwkkg@aol.com]
 Sent: Wednesday, August 08, 2012 6:56 PM
 To: Toby Nixon
 Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama;

neighboringproperties@gmail.com; robert@pantley.com; uwkkg@aol.com
Subject: RE: City council Decisions @ Mtg Last Night

Hi Toby:

Thanks for brokering this discussion between us and with Mr. Pantley.

For the record I love the positive images you describe and I want those positive, low cost residential opportunities too. I recall being just out of college and trying to find a place to live where I could afford my rent and not drive too far, etc. I also took the bus most times. Like you I have lived in residential hotels for work up to 10 weeks at a time. These were generally not located in downtown areas.

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Finally, I look forward to hearing that perhaps Kirkland has solved its downtown parking problem and is ready and able to provide the enforcement of Mr Pantley's development as you suggest.

Best to all,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>;
To: uwkkg <uwkkg@aol.com>;
Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Eric Shields <EShields@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>;
Sent: Wed, Aug 8, 2012 11:37 am
Subject: RE: City council Decisions @ Mtg Last Night

Hi, Karen.

As you note, I completely support having a robust public conversation about the Residential Suite (SRO) proposal. I do hope that the

discussion can be on the merits of the proposal itself, and not clouded by allusions to Potala Village or accusations that the city council or staff is in the pocket of developers and wants their ideas to be implemented through a short-cut process. Let me share with you my thinking on SROs.

My understanding is that SROs will not be condominiums -- in fact, that no lender would make a loan to buy an individual SRO unit. SROs will be required to be rentals, not condos, so concerns about future transfers to new owners of individual units are not relevant. My understanding is also that the owner of the property would be required to not rent to people who have a vehicle if there are no parking spaces available for rent or if the tenant refuses to rent a parking space for their vehicle, and also that they would be required to evict someone who originally did not rent a space and later acquired a vehicle for which there was no parking space available. They would be required to provide a reasonable amount of parking space for guests. The feasibility of the whole plan depends on this active parking management and the ability of the city to enforce these conditions on the owner and future owners in perpetuity.

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I don't see SROs being much different from building a hotel and renting the rooms out on a monthly basis instead of by the night. I've lived in hotel rooms for months on end at various times in my life. After returning home from college, I lived in a small trailer, and then in a small motel cottage for several months, because my parents had downsized and no longer had space for me except on the sofa. Early in my career, I was a contract computer programmer and worked at various locations around the country on short-term projects, living in hotels the whole time. I've always traveled a lot for business, as much as 70% of the time back in the 80's. As a legislator not too many years ago, I lived in a hotel room for months during legislative sessions (visiting home in Kirkland on the weekends). And many of us have had the experience of living in a college dorm. I don't find any of these living situations to be inherently bad.

For young people who spend a lot of time at work, at school, or out with friends, and who just need a place to keep their clothes, bathe, and sleep, the SRO seems like a fine solution. It fits their lifestyle. They meet their friends at cafes, bars and restaurants rather than entertaining at home. Many prefer using transit or walking rather than

bearing the huge expense of having a car. They're trying to pay off student loans or save up to buy a house, and want to minimize expenses. They prefer to eat out or make simple meals with fresh foods purchased daily or that can be cooked in a microwave; a full kitchen is wasted space and expense. Even a studio in a traditional apartment complex costs \$1200 a month or more in our area, and would require an income of \$50,000 a year to qualify. Many are forced to live with parents or share apartments with others, sacrificing privacy and entering financial entanglements with unrelated people in the process.

Many, many people would find SRO housing very attractive at some point in their life. Why should we force them to pay for more housing than they need, just because we can't envision ourselves living there? Why should we say that those kind of people have no right to live in Kirkland, and for us to price them out of the market by forcing them to occupy more housing than necessary? If developers like Robert Pantley believe they can provide quality housing at \$500-700 per month (including utilities and internet) that someone can qualify to live in on little more than a full-time minimum-wage job, fits the lifestyle of the prospective tenants, gives them the privacy and security of a housing unit of their own rather than sharing with others, and respects their choice of preferring transit, bicycling, or walking over the expense of owning a car, why shouldn't the city allow it, so long as there are no direct negative impacts on neighbors?

Assuming that all the parking management conditions will be included in the code and be tied to the property in perpetuity, and assuming the city has a reasonable plan to actual enforce them, would you have any other objections to this type of development?

Best regards,

-- Toby

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From: uwkkg@aol.com [uwkkg@aol.com]
 Sent: Wednesday, August 08, 2012 10:19 AM
 To: uwkkg@aol.com; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama
 Cc: neighboringproperties@gmail.com; uwkkg@aol.com
 Subject: Re: City council Decisions @ Mtg Last Night

The post from the blog is below. I got a message that I'd neglected to attach it. Thank you, JJ Sincerely, Karen Levenson ===== (please pardon poor paragraphing due to some glitch=====

Thank you City Council Members
 Staff please do thorough outreach

Last night the city council did not make decisions on the SRO and as highlighted by Toby Nixon they did so in order to allow a process wherein there would be public outreach and a hearing.

Hopefully the outreach will be broad / citywide. While this communal type of housing is being proposed for several of the Central Business District areas and Totem Lake, it has already been suggested by some for broader citywide application. This is a new type of housing, and a new definition of family members or unrelated persons living in the same unit (tape of planning commission meeting explained by Jeremy McMahan @ 2:27 on the 6/14/12 tape). We should all be able to consider the pros and cons since it may someday com to our neighborhoods if passed.

The city has connections with all the newspapers/blogs and can get this information out readily. Those that are likely to be impacted in the near future should likely be sent a legal notice (e.g. it has been said that one site underway may be around or at the Crab Cracker property).

The other item that all citizens should be noticed about is the SEVERELY REDUCED PARKING SPACES being considered. This is particularly important regarding downtown and in the areas where spillover parking (if not sufficient onsite) will end up. So CBD residents and business owners as well as those in the surrounding Mossbay and Market Street / West of Market should be actively noticed.

I do not recall hearing about study sessions, but hopefully both the planning commission and city council will hold study sessions and gather information on both the success/failure of other SROs after several years of operation. Additionally they need study and examples of Parking Management Plans such as the one described. There needs to be confidence that this has been shown to work over a number of years. My experience as a condo president where parking is always the hot button (and hearing from other condo presidents) ... well I don't know what kind of magic they intend to use, but maybe I will learn some new strategies.

From: uwkkg@aol.com
To: [Toby Nixon](#)
Cc: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Dave Asher](#); [Kurt Triplett](#); [Marilynne Beard](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#); [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [C Ray Allshouse](#); [Glenn Peterson](#); [Byron Katsuyama](#); neighboringproperties@gmail.com; robert@pantley.com
Subject: RE: City council Decisions @ Mtg Last Night
Date: Thursday, August 09, 2012 6:54:41 AM

Hi Again:

Yes I will submit my comments through the public process and am sending them to all of you on your Kirklandwa.gov website so that they are public record.

Yes, I did miss the part of the meeting with the approval of new parking enforcement. For some reason I couldn't get the first part to come up on my wireless ipad. When I got to a fixed location I was able to pull up the meeting by wifi. I hope the new attempt at parking enforcement works. I know that shopowners will really appreciate it.

There is part of the discussion of the SRO that you may have missed. It is from the June 14th planning commission meeting. I realize that SRO suggestion arrived so suddenly that none of us has had much time to get up to speed. If you'll check the KPC tape for the June 14th meeting you'll see that both Eric Shields and Jeremy McMahan comment on the fact that at first blush they thought there was just an issue with parking which would need a zoning change. They then comment that when they looked at this farther they realized that we don't have any zoning that would allow this type of residential use. The two of them go through the explanation of why the SRO doesn't fit with anything that we have currently and will need new zoning to allow it.

So the issues are two:

- 1) Parking
- 2) New type of residential use zone

These were placed as either a minor or moderate change and as soon as the public heard about them they quickly responded that they did not consider them to be the "uncontroversial" items that get passed without going through the proper process. If you listen farther to the tape of 6/14/12 (starting at 2:27) you'll hear that all of the planning commissioners comment on the inappropriate suddenness of the SRO being added to the zoning changes at the last minute. You will also hear that most, if not all of them felt that these were not "minor uncontroversial changes."

As to my activities, my biggest issue is process. I've always felt that rules are to be followed for a really good reason and keep things fair for everyone. There are many others in Kirkland who have become hyper-sensitive about making sure rules are followed. Mostly that is because things were done without proper notice and with legislative changes that did things as egregious as changing residential property into commercial property without notice as a "minor and uncontroversial change." A Shoreline designation was similarly changed and when the neighbors asked to see the NOTICE they received something that talked about changes to bulkheads, piers, docks and salmonoids but no mention of UR-1 residential properties changing to Urban Mixed. We have hundreds of really ticked off citizens who have decided they must watch everything and that legislative change process has been abused.

You mentioned "assuming the SRO fits with the neighborhood." This is another area where we have 800 signatures where folks are calling foul that the city can.... and has within its power.... to make sure that a project fits within its neighborhood. Rather than making sure to protect the neighborhoods with something that fits, the city is showing that it is afraid to enforce its codes and policies. We even have zoning that states that if later ordinances or policies are voted in then the most restrictive applies. Instead the city keeps kicking the can down the road and the citizens have to keep fighting to stop incompatible development. I think this is the wrong time to be reassuring the citizens that the city will make sure development is done only in areas where it was planned and where it fits. It is my belief that the cities lack of a backbone regarding a costco sized building in a single family neighborhood has hurt the citizen trust in our staff and in our electeds immeasurably. Even the EIS is extremely flawed and you'll soon see that a chart showing 38 residential densities has 15 errors. I believe this work was given to the consultants by staff. It claims a density of one building at 177/acre whereas properly calculated the density is only 40/acre and it was built over water in 1968 which would no longer be allowed. I provide this example because the incorrect number of 177 is being used to state that a building at 118/acre is within the "range" of what is built in the area. So this is the sloppiness with which our citizens feel our properties are being subjected. 118 may be within the range of 10-177 as stated incorrectly. All the correct calculations show a range of 2-40 with only 3 old buildings being greater than 24. Hopefully you can see why the citizens do not currently have the faith or trust in our city planners (who we believe provided the incorrect calculations) or our electeds who need to insist on accurate and careful examination.

Best,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>

To: uwkkg <uwkkg@aol.com>

Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Eric Shields <EShields@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>

Sent: Thu, Aug 9, 2012 12:17 am
Subject: RE: City council Decisions @ Mtg Last Night

Thanks, Karen.

Just to be clear, this conversation should be conducted through the formal open public process, on the record, through the Planning Commission. I hope you'll submit all of your thoughts to them as comments. I shouldn't be considered the "broker" for this conversation; I'm just sharing my thoughts with you, and it is the Commission that is the "broker", although I think it would be great for you to have the

opportunity to meet with Mr. Pantley directly and tour his development in Redmond if you haven't already done so.

My understanding is that no change in zoning has been requested for the current SRO proposal. CBD zoning already permits mixed-use multi-family housing; no zoning change is needed to accommodate the unit size (there's no minimum unit size or maximum density) with compact kitchenettes in the units and access to shared larger kitchens. The only issue that really needs to be decided, as I understand it, is how many parking spaces are required per unit and what conditions will be attached to the proposed reduction. We do need to have the discussion about whether the reduction proposal is realistic, and that's where the discussion of how much parking demand there really is in SROs comes in, but ultimately the question to be decided is limited to the amount of parking required and not the broader question of whether residential suites should be permitted in the CBD and TL zones -- they already are.

It would be great if you could send along links to whatever information you've found about negative experiences with SROs elsewhere. I hope you're not comparing what is proposed in Kirkland with dumpy, old, dilapidated buildings in Chinatown in San Francisco, or SROs in New York City that have become ghettos for people with AIDS, or SROs in Chicago where most of the residents are mentally ill or disabled, or other buildings located in run-down and crime-ridden sections of central cities. These places are not Kirkland, not in a high-tech suburb of any kind. Most of these places have rent control that discourages owners from properly maintaining their buildings, amongst many other problems. And we're not talking about building bedroom-only units, with people sharing bathrooms and no cooking permitted; the SRO units proposed here would each have a private bathroom, a refrigerator, and a microwave. Just searching for "SRO" on the web and assuming that everything bad one reads about SROs elsewhere would necessarily apply here is, in my opinion, a mistake.

My understanding is that the SRO parking policy -- including eviction for possessing a vehicle and not renting a space for it in the SRO parking lot or some other parking facility -- would be in the lease agreement for each unit. I am not aware of any law that would make such a lease term illegal, especially if it is required by a city code. I just reviewed RCW 59.18 and found no prohibition of such terms. On the contrary, RCW 59.18.140 seems to specifically allow for them and require compliance so long as proper notice is given:

59.18.140

Reasonable obligations or restrictions — Tenant's duty to conform. The tenant shall conform to all reasonable obligations or restrictions, whether denominated by the landlord as rules, rental agreement, rent, or otherwise, concerning the use, occupation, and maintenance of his or her dwelling unit, appurtenances thereto, and the property of which the dwelling unit is a part if such obligations and restrictions are not in violation of any of the terms of this chapter and are not otherwise contrary to law, and if such obligations and restrictions are brought to the attention of the tenant at the time of his or her initial occupancy of the dwelling unit and thus become part of the rental agreement. Except for termination of tenancy, after thirty days written notice to each affected tenant, a new rule of tenancy including a change in the amount of rent may become effective upon completion of the term of the rental agreement or sooner upon mutual consent.

RCW 59.18.230 lists specific things that are not permitted to be in a

rental agreement. As far as I can tell, nothing listed in that section would prohibit a lease term requiring tenant vehicles to be parked in a rented space on the premises or some other legal off-street parking (such as at a storage lot if the car is infrequently used, as is done by many people with their boats) and providing for eviction for failing to do so.

I do not understand why having a guest stay overnight and park their car on a side street or some other public space where overnight parking is permitted should result in eviction. Guests park on the street when visiting residents in all of our neighborhoods, including overnight guests for multiple days. Few of us have enough space in our driveways or garages for all of our guests to park on our own property. I don't understand why we should insist that an SRO be able to accommodate all conceivable guest parking needs on site when no other residential property in the city is expected to do that.

Finally, in case you missed it, Tuesday night the city council adopted new parking regulations for the Marina and Lake & Central lots that ban parking by business owners and employees and use the video system on the parking enforcement vehicle to identify frequent repeat parkers in these lots. Parking enforcement will issue an initial warning, determine whether the frequent parkers are owners or employees of downtown businesses, and follow up with citations if owners or employees are found to be parking in these lots (as well as citing overtime parking in time-limited lots and on-street). This is a better system than what had originally been proposed (all day pay parking for everyone).

Best regards,

-- Toby

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3536 | M: +1 206 790 6377 | F: +1 425 650 7999

From: uwkkg@aol.com [uwkkg@aol.com]
Sent: Wednesday, August 08, 2012 6:56 PM
To: Toby Nixon
Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com; uwkkg@aol.com
Subject: RE: City council Decisions @ Mtg Last Night

Hi Toby:

Thanks for brokering this discussion between us and with Mr. Pantley.

For the record I love the positive images you describe and I want those positive, low cost residential opportunities too. I recall being just out of college and trying to find a place to live where I could afford my rent and not drive too far, etc. I also took the bus most times. Like you I have lived in residential hotels for work up to 10 weeks at a time. These were generally not located in downtown areas.

If the wonderful description of diverse housing ends up as you describe I am more than 100% for it.... That is with the caveat that proper process has been followed with application for change in zoning, etc which would be required of any citizen who wants new zoning that will allow them to build something different than what is currently allowed.

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It seems to me to be good for the city to have a diversity of housing (appropriate to the surrounding neighborhood, of course), It's good for us to enable the people who work in our businesses (retail, restaurants, banks, medical offices, schools...) to afford to live close to work and not have to commute long distances by transit or personal vehicles, adding to traffic congestion and pollution. The proposed restrictions on SROs would require them to be built within comfortable walking distance of a transit center (not just a bus stop, which is too easily moved). I think the site Robert Pantley has under contract (where Crab Cracker is currently located) is perfect for that -- it's surrounded by other fairly high-density development, within a couple of blocks of the downtown transit center, great pedestrian infrastructure, close to the park, library, shopping, many restaurants, etc.

I don't see SROs being much different from building a hotel and renting the rooms out on a monthly basis instead of by the night. I've lived in hotel rooms for months on end at various times in my life. After returning home from college, I lived in a small trailer, and then in a small motel cottage for several months, because my parents had downsized and no longer had space for me except on the sofa. Early in my career, I was a contract computer programmer and worked at various locations around the country on short-term projects, living in hotels the whole time. I've always traveled a lot for business, as much as 70% of the time back in the 80's. As a legislator not too many years ago, I lived in a hotel room for months during legislative sessions (visiting home in Kirkland on the weekends). And many of us have had the experience of living in a college dorm. I don't find any of these living situations to be inherently bad.

For young people who spend a lot of time at work, at school, or out with friends, and who just need a place to keep their clothes, bathe, and sleep, the SRO seems like a fine solution. It fits their lifestyle. They meet their friends at cafes, bars and restaurants rather than entertaining at home. Many prefer using transit or walking rather than bearing the huge expense of having a car. They're trying to pay off student loans or save up to buy a house, and want to minimize expenses. They prefer to eat out or make simple meals with fresh foods purchased daily or that can be cooked in a microwave; a full kitchen is wasted space and expense. Even a studio in a traditional apartment complex costs \$1200 a month or more in our area, and would require an income of \$50,000 a year to qualify. Many are forced to live with parents or share apartments with others, sacrificing privacy and entering financial entanglements with unrelated people in the process.

Many, many people would find SRO housing very attractive at some point in their life. Why should we force them to pay for more housing than they need, just because we can't envision ourselves living there? Why should we say that those kind of people have no right to live in Kirkland, and for us to price them out of the market by forcing them to

occupy more housing than necessary? If developers like Robert Pantley believe they can provide quality housing at \$500-700 per month (including utilities and internet) that someone can qualify to live in on little more than a full-time minimum-wage job, fits the lifestyle of the prospective tenants, gives them the privacy and security of a housing unit of their own rather than sharing with others, and respects their choice of preferring transit, bicycling, or walking over the expense of owning a car, why shouldn't the city allow it, so long as there are no direct negative impacts on neighbors?

Assuming that all the parking management conditions will be included in the code and be tied to the property in perpetuity, and assuming the city has a reasonable plan to actual enforce them, would you have any other objections to this type of development?

Best regards,

-- Toby

Toby Nixon | Council Member | City of Kirkland,
Washingtonnixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587
3536 | M: +1 206 790 6377 | F: +1 425 650 7999

From: uwkkg@aol.com [uwkkg@aol.com]
Sent: Wednesday, August 08, 2012 10:19 AM
To: uwkkg@aol.com; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama
Cc: neighboringproperties@gmail.com; uwkkg@aol.com
Subject: Re: City council Decisions @ Mtg Last Night

The post from the blog is below. I got a message that I'd neglected to attach it. Thank you, JJ

Sincerely,

Karen Levenson

===== (please pardon poor paragraphing due to some glitch=====

Thank you City Council Members
Staff please do thorough outreach

Last night the city council did not make decisions on the SRO and as highlighted by Toby Nixon they did so in order to allow a process wherein there would be public outreach and a hearing.

Hopefully the outreach will be broad / citywide. While this communal type of housing is being proposed for several of the Central Business District areas and Totem Lake, it has already been suggested by some for broader citywide application. This is a new type of housing, and a new definition of family members or unrelated persons living in the same unit (tape of planning commission meeting explained by Jeremy McMahan @ 2:27 on the 6/14/12 tape). We should all be able to consider the pros and cons since it may someday com to our neighborhoods if passed.

The city has connections with all the newspapers/blogs and can get this information out readily. Those that are likely to be impacted in the near future should likely be sent a legal notice (e.g. it has been said that one site underway may be around or at the Crab Cracker property).

The other item that all citizens should be noticed about is the SEVERELY REDUCED PARKING SPACES being considered. This is particularly important regarding downtown and in the areas where spillover parking (if not sufficient onsite) will end up. So CBD residents and business owners as well as those in the surrounding Mossbay and Market Street / West of Market should be actively noticed.

I do not recall hearing about study sessions, but hopefully both the planning commission and city council will hold study sessions and gather information on both the success/failure of other SROs after several years of operation. Additionally they need study and examples of Parking Management Plans such as the one described. There needs to be confidence that this has been shown to work over a number of years. My experience as a condo president where parking is always the hot button (and hearing from other condo presidents) ... well I don't know what kind of magic they intend to use, but maybe I will learn some new strategies.

From: uwkkg@aol.com
To: uwkkg@aol.com; [Eric Shields](#)
Cc: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Toby Nixon](#); [Bob Sternoff](#); [Dave Asher](#); [Kurt Triplett](#); [Marilynne Beard](#); [Robin Jenkinson](#); [Jeremy McMahan](#); [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [C Ray Allshouse](#); [Glenn Peterson](#); [Byron Katsuyama](#); neighboringproperties@gmail.com; robert@pantley.com
Subject: RE: Recollection of SRO @ Work Plan meeting
Date: Thursday, August 09, 2012 7:30:21 PM

Iso a number of comments were made by council members about doing one as a test... Or how to put some sort of boundaries on the first one until we have experience.

Karen Levenson

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

From: uwkkg <uwkkg@aol.com>
 To: EShields <EShields@kirklandwa.gov>
 Cc: JMcBride <JMcBride@kirklandwa.gov>; DMarchione <DMarchione@kirklandwa.gov>; PSweet <PSweet@kirklandwa.gov>; AWalen <AWalen@kirklandwa.gov>; TNixon <TNixon@kirklandwa.gov>; BSternoff <BSternoff@kirklandwa.gov>; DAsher <DAsher@kirklandwa.gov>; KTriplett <KTriplett@kirklandwa.gov>; MBeard <MBeard@kirklandwa.gov>; RJenkinson <RJenkinson@kirklandwa.gov>; JMcMahan <JMcMahan@kirklandwa.gov>; MMiller <MMiller@kirklandwa.gov>; JPascal <JPascal@kirklandwa.gov>; JArnold <JArnold@kirklandwa.gov>; AHeld <AHeld@kirklandwa.gov>; CAllshouse <CAllshouse@kirklandwa.gov>; GPeterson <GPeterson@kirklandwa.gov>; BKatsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>; uwkkg <uwkkg@aol.com>
 Sent: Thu, Aug 9, 2012 7:21 pm
 Subject: RE: Recollection of SRO @ Work Plan meeting

Yep. good recollection, Eric. I reviewed the meeting and see where I believe the misunderstanding lie. kee

In mind that this meeting was a bit unusual as it was supposed to be the meeting where the planning commission updated you on the BN zones and I flew into town because of that being scheduled. then due to legal twist or run that got changed. there were probably 15-20 red shirts at you study session.

Here's ...I think.. Where the difference of opinion has its roots. it appears that a letter had been received from Mr Pantley regarding what he would like to do and at this early stage it appeared that there was only a parking issue. as you listen to the tapes you hear council members saying things like "I hope we can take a look at the Redmond experience, I am intrigued by this idea," and some suggesting that perhaps if folks want to propose projects with less parking they will provide public parking for downtown in exchange. To the audience all of this was about there just being a parking difference with code and not a residential use difference. More importantly the comments left the "red shorts believing this was being forwarded along with time for study sessions etc.

At the end of that meeting the tape reflects things becoming rushed. Andy Held was trying to deliver some thoughts, Joan McBride was trying to assist the CPU cil in adjournment to study session and Eric stated that perhaps he could get this into the current zoning code amendments.

He quickly commented on head nods and the red shirts anticipated this

meant getting to the code amendment process in time for some study of the matter as that is what they thought council members were asking for.

Fast forward a few weeks and the SRO articles at Planning commission with Eric and Jeremy stating that as they reviewed this farther it will take a zoning change as to the residential use. this additional concept has not yet been before the city council. there is a presentation but as some planning commissioners mentioned at the recent meeting...they still have not had a single opportunity to ask questions of the experts.

Bottom line is that the letter came in and folks tried to act on it quickly. In the haste there was more that was not covered by code than expected. some may. Jew Eric's commitment to put this into the current code amendment process as a belief that there was still time to study this. reports from the planning commission seem to indicate that they feel it arrived so late that there was no time to study or ask questions. the red shirts wonder why code amendments that are supposed to follow a process get accepted in this manner and rushed through where it is confusing to all of us.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>

To: 'uwkkg@aol.com' <uwkkg@aol.com>

Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Toby Nixon <TNixon@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
Sent: Thu, Aug 9, 2012 10:00 am
Subject: RE: Recollection of SRO @ Work Plan meeting

Karen,

My recollection is that this happened at a meeting in which the Council was reviewing the Planning Work Program in April.

Eric Shields

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

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

Sent: Thursday, August 09, 2012 9:47 AM

To: Eric Shields

Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Toby Nixon; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com
Subject: Re: Recollection of SRO @ Work Plan meeting

There are also different impressions of the work plan meeting wherein

SRO was listed as one of the optional items that the .5 FTE person could be assigned to study and prepare for review during the time between now and the next CP update. I was in town and I seem to recall hearing council members saying they were intrigued by the idea. Some I think said they wanted to study it, etc. I'll have to review the tape to be sure but I was shocked when I heard staff tell the planning commission that the city council had directed that the SRO be added to the current zoning code amendments. This would seem highly irregular, I think, for our electeds to ask that something be added to a packet of amendments that has already had its study sessions and is at the public hearing stage.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>

To: 'uwkkg@aol.com' <uwkkg@aol.com>

Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Toby Nixon <TNixon@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
Sent: Thu, Aug 9, 2012 9:41 am
Subject: RE: City council Decisions @ Mtg Last Night

Karen,

There are apparently different perspectives on the significance of this amendment. But the review process is as follows: The Council directed that the amendment be added to the 2012 group of code amendments, most of which were adopted last Tuesday. The Planning Commission held a hearing and reviewed the SRO amendment and expressed unanimous support, but was concerned that the public did not have enough time to be informed and comment, so they recommended that the Council hold off on adoption pending a couple of months for additional process. The Council agreed and held back consideration of the SRO amendments until October. I will be discussing the additional review process with the Commission this evening. To meet the schedule, the additional public hearing will have to occur at one of the Commission's September meetings. I'll know more after this evening. I'll let you know tomorrow.

Regards,
Eric Shields

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

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

Sent: Thursday, August 09, 2012 9:15 AM

To: Eric Shields; Toby Nixon

Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama;

neighboringproperties@gmail.com; robert@pantley.com
 Subject: RE: City council Decisions @ Mtg Last Night

Eric:

Thank you for the clarification. Very helpful.

The question then becomes is this a minor or moderate change and appropriate for the annual amendment process or whether it is more significant than that. I recall the planning commissioners all seemed to state both their frustration that this came in on the night of the 6/14 hearing as a new addition with Jeremy even having to go through the definition for the first time. Most or all also seemed to state that they didn't feel these changes were minor or moderate. I'll have to listen back to the tape and see if it was the parking change or the new zoning definition for residential. They may not have separated them out in their comments. I'll likely not get to checking until this weekend but if someone else has the time the comments begin on the 6/14 tape at 2:27.

From a public perspective, I know there were comments submitted stating that these were not considered minor or moderate by residents. I also know that residents are currently very very angry with how many changes have been made through this annual process that doesn't notify them. I believe that citizens en mass are going to be very reluctant to see things go through a legislative approval rather than the private amendment application process. I'm sure that if other things get corrected to some relative level of community satisfaction then the hundreds of involved citizens will go back to their usual hibernation but that is not at all where we are now. The list of unhappy folks has now grown to about 800 if Chuck, our numbers person has the count correct. At the public hearing there were new people that we've never heard of who came to speak.

Karen Levenson

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

From: Eric Shields <EShields@kirklandwa.gov>
 To: 'uwkkg@aol.com' <uwkkg@aol.com>; Toby Nixon <TNixon@kirklandwa.gov>
 Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
 Sent: Thu, Aug 9, 2012 8:41 am
 Subject: RE: City council Decisions @ Mtg Last Night

All,

I'd like to clarify. Although multifamily residential is allowed in the Central Business District and Totem Lake, the Zoning Code limits the number of unrelated people in a single dwelling unit to five. A dwelling unit is defined as having complete facilities for sleeping, bathing and cooking. Residential Suites often involve more than five rooms sharing a kitchen (although many have partial kitchen facilities

in each room). Consequently, we are proposing to add a new "Residential Suites" use to certain zones. However, they are really a variation on multi-family uses. Each of the zones in which Residential Suites are proposed also allow hotels and Residential Suites are kind of a cross between traditional multifamily and hotels.

Eric Shields

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

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

Sent: Thursday, August 09, 2012 6:52 AM

To: Toby Nixon

Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com
Subject: RE: City council Decisions @ Mtg Last Night

Hi Again:

Yes I will submit my comments through the public process and am sending them to all of you on your Kirklandwa.gov website so that they are public record.

Yes, I did miss the part of the meeting with the approval of new parking enforcement. For some reason I couldn't get the first part to come up on my wireless ipad. When I got to a fixed location I was able to pull up the meeting by wifi. I hope the new attempt at parking enforcement works. I know that shopowners will really appreciate it.

There is part of the discussion of the SRO that you may have missed. It is from the June 14th planning commission meeting. I realize that SRO suggestion arrived so suddenly that none of us has had much time to get up to speed. If you'll check the KPC tape for the June 14th meeting you'll see that both Eric Shields and Jeremy McMahan comment on the fact that at first blush they thought there was just an issue with parking which would need a zoning change. They then comment that when they looked at this farther they realized that we don't have any zoning that would allow this type of residential use. The two of them go through the explanation of why the SRO doesn't fit with anything that we have currently and will need new zoning to allow it.

So the issues are two:

- 1) Parking
- 2) New type of residential use zone

These were placed as either a minor or moderate change and as soon as the public heard about them they quickly responded that they did not consider them to be the "uncontroversial" items that get passed without going through the proper process. If you listen farther to the tape of 6/14/12 (starting at 2:27) you'll hear that all of the planning commissioners comment on the inappropriate suddenness of the SRO being added to the zoning changes at the last minute. You will also hear that most, if not all of them felt that these were not "minor uncontroversial changes."

As to my activities, my biggest issue is process. I've always felt that rules are to be followed for a really good reason and keep things fair for everyone. There are many others in Kirkland who have become hyper-sensitive about making sure rules are followed. Mostly that is

because things were done without proper notice and with legislative changes that did things as egregious as changing residential property into commercial property without notice as a "minor and uncontroversial change." A Shoreline designation was similarly changed and when the neighbors asked to see the NOTICE they received something that talked about changes to bulkheads, piers, docks and salmonoids but no mention of UR-1 residential properties changing to Urban Mixed. We have hundreds of really ticked off citizens who have decided they must watch everything and that legislative change process has been abused.

You mentioned "assuming the SRO fits with the neighborhood." This is another area where we have 800 signatures where folks are calling foul that the city can... and has within its power.... to make sure that a project fits within its neighborhood. Rather than making sure to protect the neighborhoods with something that fits, the city is showing that it is afraid to enforce its codes and policies. We even have zoning that states that if later ordinances or policies are voted in then the most restrictive applies. Instead the city keeps kicking the can down the road and the citizens have to keep fighting to stop incompatible development. I think this is the wrong time to be reassuring the citizens that the city will make sure development is done only in areas where it was planned and where it fits. It is my belief that the cities lack of a backbone regarding a costco sized building in a single family neighborhood has hurt the citizen trust in our staff and in our electeds immeasurably. Even the EIS is extremely flawed and you'll soon see that a chart showing 38 residential densities has 15 errors. I believe this work was given to the consultants by staff. It claims a density of one building at 177/acre whereas properly calculated the density is only 40/acre and it was built over water in 1968 which would no longer be allowed. I provide this example because the incorrect number of 177 is being used to state that a building at 118/acre is within the "range" of what is built in the area. So this is the sloppiness with which our citizens feel our properties are being subjected. 118 may be within the range of 10-177 as stated incorrectly. All the correct calculations show a range of 2-40 with only 3 old buildings being greater than 24. Hopefully you can see why the citizens do not currently have the faith or trust in our city planners (who we believe provided the incorrect calculations) or our electeds who need to insist on accurate and careful examination.

Best,
Karen Levenson

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

From: Toby Nixon <TNixon@kirklandwa.gov>

To: uwkkg <uwkkg@aol.com>

Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Marilynne Beard <MBeard@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Eric Shields <EShields@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CAllshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>

Sent: Thu, Aug 9, 2012 12:17 am

Subject: RE: City council Decisions @ Mtg Last Night

Thanks, Karen.

Just to be clear, this conversation should be conducted through the formal open public process, on the record, through the Planning Commission. I hope you'll submit all of your thoughts to them as comments. I shouldn't be considered the "broker" for this conversation; I'm just sharing my thoughts with you, and it is the Commission that is the "broker", although I think it would be great for you to have the opportunity to meet with Mr. Pantley directly and tour his development in Redmond if you haven't already done so.

My understanding is that no change in zoning has been requested for the current SRO proposal. CBD zoning already permits mixed-use multi-family housing; no zoning change is needed to accommodate the unit size (there's no minimum unit size or maximum density) with compact kitchenettes in the units and access to shared larger kitchens. The only issue that really needs to be decided, as I understand it, is how many parking spaces are required per unit and what conditions will be attached to the proposed reduction. We do need to have the discussion about whether the reduction proposal is realistic, and that's where the discussion of how much parking demand there really is in SROs comes in, but ultimately the question to be decided is limited to the amount of parking required and not the broader question of whether residential suites should be permitted in the CBD and TL zones -- they already are.

It would be great if you could send along links to whatever information you've found about negative experiences with SROs elsewhere. I hope you're not comparing what is proposed in Kirkland with dumpy, old, dilapidated buildings in Chinatown in San Francisco, or SROs in New York City that have become ghettos for people with AIDS, or SROs in Chicago where most of the residents are mentally ill or disabled, or other buildings located in run-down and crime-ridden sections of central cities. These places are not Kirkland, not in a high-tech suburb of any kind. Most of these places have rent control that discourages owners from properly maintaining their buildings, amongst many other problems. And we're not talking about building bedroom-only units, with people sharing bathrooms and no cooking permitted; the SRO units proposed here would each have a private bathroom, a refrigerator, and a microwave. Just searching for "SRO" on the web and assuming that everything bad one reads about SROs elsewhere would necessarily apply here is, in my opinion, a mistake.

My understanding is that the SRO parking policy -- including eviction for possessing a vehicle and not renting a space for it in the SRO parking lot or some other parking facility -- would be in the lease agreement for each unit. I am not aware of any law that would make such a lease term illegal, especially if it is required by a city code. I just reviewed RCW 59.18 and found no prohibition of such terms. On the contrary, RCW 59.18.140 seems to specifically allow for them and require compliance so long as proper notice is given:

59.18.140

Reasonable obligations or restrictions — Tenant's duty to conform. The tenant shall conform to all reasonable obligations or restrictions, whether denominated by the landlord as rules, rental agreement, rent, or otherwise, concerning the use, occupation, and maintenance of his or her dwelling unit, appurtenances thereto, and the property of which the dwelling unit is a part if such obligations and restrictions are not in

violation of any of the terms of this chapter and are not otherwise contrary to law, and if such obligations and restrictions are brought to the attention of the tenant at the time of his or her initial occupancy of the dwelling unit and thus become part of the rental agreement. Except for termination of tenancy, after thirty days written notice to each affected tenant, a new rule of tenancy including a change in the amount of rent may become effective upon completion of the term of the rental agreement or sooner upon mutual consent.

RCW 59.18.230 lists specific things that are not permitted to be in a rental agreement. As far as I can tell, nothing listed in that section would prohibit a lease term requiring tenant vehicles to be parked in a rented space on the premises or some other legal off-street parking (such as at a storage lot if the car is infrequently used, as is done by many people with their boats) and providing for eviction for failing to do so.

I do not understand why having a guest stay overnight and park their car on a side street or some other public space where overnight parking is permitted should result in eviction. Guests park on the street when visiting residents in all of our neighborhoods, including overnight guests for multiple days. Few of us have enough space in our driveways or garages for all of our guests to park on our own property. I don't understand why we should insist that an SRO be able to accommodate all conceivable guest parking needs on site when no other residential property in the city is expected to do that.

Finally, in case you missed it, Tuesday night the city council adopted new parking regulations for the Marina and Lake & Central lots that ban parking by business owners and employees and use the video system on the parking enforcement vehicle to identify frequent repeat parkers in these lots. Parking enforcement will issue an initial warning, determine whether the frequent parkers are owners or employees of downtown businesses, and follow up with citations if owners or employees are found to be parking in these lots (as well as citing overtime parking in time-limited lots and on-street). This is a better system than what had originally been proposed (all day pay parking for everyone).

Best regards,

-- Toby

Toby Nixon | Council Member | City of Kirkland,
Washington | toby.nixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587 3536 | M: +1 206 790 6377 | F: +1 425 650 7999

From: uwkkg@aol.com [uwkkg@aol.com]
Sent: Wednesday, August 08, 2012 6:56 PM
To: Toby Nixon
Cc: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama;
neighboringproperties@gmail.com; robert@pantley.com; uwkkg@aol.com
Subject: RE: City council Decisions @ Mtg Last Night

Hi Toby:

Thanks for brokering this discussion between us and with Mr. Pantley.

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

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To: uwkkg <uwkkg@aol.com>
Cc: Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Robin Jenkinson <RJenkinson@kirklandwa.gov>; Eric Shields <EShields@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>; Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; C Ray Allshouse <CALLshouse@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; robert <robert@pantley.com>
Sent: Wed, Aug 8, 2012 11:37 am
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Best regards,

-- Toby

Toby Nixon | Council Member | City of Kirkland,
 Washingtonnixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587
 3536 | M: +1 206 790 6377 | F: +1 425 650 7999

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 Sent: Wednesday, August 08, 2012 10:19 AM
 To: uwkkg@aol.com; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama
 Cc: neighboringproperties@gmail.com; uwkkg@aol.com
 Subject: Re: City council Decisions @ Mtg Last Night

The post from the blog is below. I got a message that I'd neglected to attach it. Thank you, JJ Sincerely, Karen Levenson ===== (please pardon poor paragraphing due to some glitch=====

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Subject: RE: City council Decisions @ Mtg Last Night
Date: Thursday, August 09, 2012 12:17:38 AM

Thanks, Karen.

Just to be clear, this conversation should be conducted through the formal open public process, on the record, through the Planning Commission. I hope you'll submit all of your thoughts to them as comments. I shouldn't be considered the "broker" for this conversation; I'm just sharing my thoughts with you, and it is the Commission that is the "broker", although I think it would be great for you to have the opportunity to meet with Mr. Pantley directly and tour his development in Redmond if you haven't already done so.

My understanding is that no change in zoning has been requested for the current SRO proposal. CBD zoning already permits mixed-use multi-family housing; no zoning change is needed to accommodate the unit size (there's no minimum unit size or maximum density) with compact kitchenettes in the units and access to shared larger kitchens. The only issue that really needs to be decided, as I understand it, is how many parking spaces are required per unit and what conditions will be attached to the proposed reduction. We do need to have the discussion about whether the reduction proposal is realistic, and that's where the discussion of how much parking demand there really is in SROs comes in, but ultimately the question to be decided is limited to the amount of parking required and *not* the broader question of whether residential suites should be permitted in the CBD and TL zones -- they already are.

It would be great if you could send along links to whatever information you've found about negative experiences with SROs elsewhere. I hope you're not comparing what is proposed in Kirkland with dumpy, old, dilapidated buildings in Chinatown in San Francisco, or SROs in New York City that have become ghettos for people with AIDS, or SROs in Chicago where most of the residents are mentally ill or disabled, or other buildings located in run-down and crime-ridden sections of central cities. These places are not Kirkland, not in a high-tech suburb of any kind. Most of these places have rent control that discourages owners from properly maintaining their buildings, amongst many other problems. And we're not talking about building bedroom-only units, with people sharing bathrooms and no cooking permitted; the SRO units proposed here would each have a private bathroom, a refrigerator, and a microwave. Just searching for "SRO" on the web and assuming that everything bad one reads about SROs elsewhere would necessarily apply here is, in my opinion, a mistake.

My understanding is that the SRO parking policy -- including eviction for possessing a vehicle and not renting a space for it in the SRO parking lot or some other parking facility -- would be in the lease agreement for each unit. I am not aware of any law that would make such a lease term illegal, especially if it is required by a city code. I just reviewed RCW 59.18 and found no prohibition of such terms. On the contrary, RCW 59.18.140 seems to specifically allow for them and require compliance so long as proper notice is given:

59.18.140

Reasonable obligations or restrictions — Tenant's duty to conform.

The tenant shall conform to all reasonable obligations or restrictions, whether denominated by the landlord as rules, rental agreement, rent, or otherwise, concerning the use, occupation, and maintenance of his or her dwelling unit, appurtenances thereto, and the property of which the dwelling unit is a part if such obligations and restrictions are not in violation of any of the terms of this chapter and are not otherwise contrary to law, and if such obligations and restrictions are brought to the attention of the tenant at the time of his or her initial occupancy of the dwelling unit and thus become part of the rental agreement. Except for termination of tenancy, after thirty

days written notice to each affected tenant, a new rule of tenancy including a change in the amount of rent may become effective upon completion of the term of the rental agreement or sooner upon mutual consent.

RCW 59.18.230 lists specific things that are not permitted to be in a rental agreement. As far as I can tell, nothing listed in that section would prohibit a lease term requiring tenant vehicles to be parked in a rented space on the premises or some other legal off-street parking (such as at a storage lot if the car is infrequently used, as is done by many people with their boats) and providing for eviction for failing to do so.

I do not understand why having a guest stay overnight and park their car on a side street or some other public space where overnight parking is permitted should result in eviction. Guests park on the street when visiting residents in *all* of our neighborhoods, including overnight guests for multiple days. Few of us have enough space in our driveways or garages for all of our guests to park on our own property. I don't understand why we should insist that an SRO be able to accommodate all conceivable guest parking needs on site when no other residential property in the city is expected to do that.

Finally, in case you missed it, Tuesday night the city council adopted new parking regulations for the Marina and Lake & Central lots that ban parking by business owners and employees and use the video system on the parking enforcement vehicle to identify frequent repeat parkers in these lots. Parking enforcement will issue an initial warning, determine whether the frequent parkers are owners or employees of downtown businesses, and follow up with citations if owners or employees are found to be parking in these lots (as well as citing overtime parking in time-limited lots and on-street). This is a better system than what had originally been proposed (all day pay parking for everyone).

Best regards,

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From: uwkkg@aol.com [uwkkg@aol.com]

Sent: Wednesday, August 08, 2012 6:56 PM

To: Toby Nixon

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March 30, 2012

Kirkland City Council
City of Kirkland
123 5th Ave N.E.
Kirkland, WA. 98033

Re: Planning Commission work plan and Art Community Parking

Dear City Council,

May of you are aware that we would like to bring an affordable live, work, display and sell Art Community to our downtown.

After working with Jeremy McMahan, who was very helpful, it has become clear that the parking code does not anticipate our mini-suites and Single Resident Occupants "SRO's". In our Redmond community, half of our residents do not own a car, by example.

We request that you consider putting SRO mini-suite recognition into your parking code so that we can move forward with our Art Community application process. Time is of the essence.

Separately, you may also want to consider a review by the Planning Commission of some of your downtown parking standards because we believe you did not intend the results from a sustainable perspective. At this time, a four bedroom condominium or apartment is required to have five parking spaces, three more than a four bedroom single family home.

Plans of our Redmond Art Community are available for those who have not seen the concept. If we can be of assistance in answering any questions, please feel free to call or email. Thank you for your consideration.

Warm Regards,

Robert Pantley



Its Manager and CEO
Certified LEED Platinum
2011 Hammer Award, Built Green Builder of the Year
robert@pantley.com
naturalandbuilt.com
USAustain.com
mobile: 206-795-3545

From: [Jeremy McMahan](#)
To: [Planning Commissioners](#)
Subject: FW: Mini suite FAQ's and parking examples under current and proposed codes
Date: Thursday, July 12, 2012 11:21:29 AM
Attachments: [201207.012_art_community_mini-suite_FAQ.docx](#)
[KIRKLAND_2012_0712_email.pdf](#)

Planning Commissioner's – forwarding on request. This information came in after the July 5th deadline set by the Commission after the hearing.

Jeremy McMahan
Planning Supervisor
City of Kirkland
jmcmahan@kirklandwa.gov
425.587.3229

From: Robert Pantley [mailto:robert@pantley.com]
Sent: Thursday, July 12, 2012 8:38 AM
To: Eric Shields; Jeremy McMahan
Subject: Mini suite FAQ's and parking examples under current and proposed codes

Hi Jeremy and Eric,

Here are some thoughts to consider for this evening. Under the current code, we have done an analysis of what would have to be parked to meet the standards on our example site (which is a real location). This shows a bit of retail and then parking behind just like the new apartments being built in Juanita currently-photo to follow in case your emails don't like the size. The other choice of our proposed parking including tandems provides for all underground parking and a 100% people place at street level.

Your thoughts? The Crab Cracker site has been officially announced as under contract.

Warm Regards,

Warm Regards,

Robert Pantley



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SRO – FAQ's:

- Sure, this might work in the downtown. What about Totem Lake?
 - Walkscore downtown Kirkland = 86
 - Totem Lake = 74 (Denny's Pet World address). Retail, etc w/i ½ mi walking distance (10 minute walk):
 - **Grocery:** Trader Joe's
 - **Restaurants:** Sakura Teriyaki, Pizza Hut, Café Veloce, Taco Del Mar, Thumra Thai, Hunan Wok, Izumi, Ken Zaburo, Libby's Lattes, Denise's Café, Yuppie Tavern, Pho Mignon, Denny's
 - **Retail:** Trading Post, Hallmark, Guitar Center, Famous Footwear, Ross, Vortex Music & Movies, Rite Aid, GNC, Big 5 Sporting Goods, Yours...xo me, Family Christian Book Store, Warren Jewelers, Lakewood Jewelers, ClinicWear, US Post Office, Yuppie Pawn Shop, Sleep Country USA, Totem Lake Chevron, Totem Lake Cinemas, Office Max, Of Cedar and Salmon, O'Reilly Auto Parts, CarToys, Discount Tire, Radio Shack, AutoZone, Stone and Stream Hardscape Design
 - **Medical/Dental:** Evergreen Hospital, Colonial Optical, Evergreen Optical, Kirkland Family Eyecare, Evergreen Cardiovascular Health, Virginia Mason, Evergreen Orthopedic Physical, Gary Dry, MD Plastic Surgeon, Cascade Cancer Center, Knee Foot Ankle Center, Remington Plastic Surgery, Evergreen Senior Health Specialists, Evergreen Sleep Disorders Center, Evergreen Radia Imaging Center, Washington Institute of Sports Medicine, Kirkland Dental, Northwest Chiropractic Center, Evergreen Urology, Primavita Family Medicine, Lakeshore Clinic,
 - **Banks, Insurance, Hotels:** Wells Fargo, Key Bank, Chase Bank, Bank of America, Union Bank, US Bank, Vern Fonk Insurance, Carlton Inn, Comfort Inn,
 - **Gym:** LA Fitness (coming soon)
 - **Less than 1 mile away (20 minute walk):** many, many more walkable destinations
 - Key to mini-suites is transit access (1/4 mile is 4 City Blocks)
 - 0.15 mi – 235
 - 0.15 mi – 236
 - 0.15 mi – 238
 - 0.15 mi – 277
 - 0.17 mi – 935
 - 0.23 mi - 255
 - Totem Lake cannot redevelop without residential first. Then commercial follows.
 - Lake Washington Institute of Technology begging for housing. Examples:
 - Commutes to her 4 hour, M-F baking class from Lake Stevens versus a short walk or bus ride if mini-suite options existed in Totem Lake. She would stay and spend her money locally as well plus one less person on the freeways. More examples of mini-suite benefits for Kirkland, LWIT and its students:

- Commutes from Skagit County for the Welding Program
 - Commutes from south of Puyallup for the Machining Program
 - Commutes from Ballard for the Welding Program
- Is this a minor or major change?
 - The SRO change to the code is a minor one. It has already been proven in Redmond and Seattle to have a softer footprint, and transit studies have been done to show the lessened impact to parking and fewer miles driven when long distance commuters live locally where they work and go to school-everyone wins.
 - Every month you delay is every month that affordability is zoned out of Kirkland.
 - Our initial effort consists of only a few hundred mini-suites for our city of approximately 84,000 people. A few communities consisting of as many as 300 to 400 mini-suites is equivalent to housing people of less than ½ of 1% of the residents in Kirkland.
 - At the time these are complete, the City can review the results to see “how we doing?”
 - When Redmond went through this process, the only change was to reduce the proposed parking at a new site to make room for more bicycle parking by 5%. Parking that will be provided at that project will be only 44% to the number of mini-suites, which still may be over parked - 42 stalls for 96 mini-suites, plus 1,000 sf of retail. The City of Redmond made this change because they have seen the hard results of the success in their city.
 - Soon the City of Redmond will be successfully provide more affordable housing choices for its citizens. Where shall Kirkland be in this consideration?
- Will there be enough parking?
 - The Transit Management Plan (TMP) enacted for the project will have limitations to the number of vehicles on site. If the parking fills up, we will not lease to car users, and we verify whether residents own vehicles including having each resident clearly sign lease documents stating if they have a car or not.
 - We are motivated to be sure the residents have no car because we are contributing to their bus pass and we want to be sure they are complying. We have had not one known incidence in the past year at Tudor Manor or Portula’ca of a resident misstating their ownership and use of a car in the downtown. We even have had neighbors who we have become friends with helping us to be sure.
 - At Portula’ca, our first community of seven mini-suites, no users have a vehicle. At Tudor Manor, we were able to convert extra parking to bicycle storage space. Today our current use is under 46% and could easily rent to more non car users and drop it under 40%.
 - A majority of our users fall into the 80% or less of the median income for the city, while working or going to school full time, so a car is less appealing for its high costs.

- How is it possible to need only 1 parking stall for 2 mini suites?
 - This is because over half of our users of the mini-suites do not own a car. Many do not want the restrictions of the cost of a car, and others prefer to walk or bike as their main mode of transportation.
 - In Seattle, only 1 in 6 mini-suite residents have a car.
 - One recent article tells us that only 1 in 4 Gen Y'ers even have a driver's license. Without a license, they do not own or drive a car.
 - Why would you want to create a waste of concrete and asphalt to build parking stalls for users that don't own cars AND
 - Take away people space in our Downtown and Totem Lake which is the resulting action.

- What will you do with the extra parking stalls?
 - The macro change over time as our economy struggles and the cost of gas stays high and goes higher, we have seen a reduction of car ownership especially with this resident type in our downtowns.
 - We do not want extra parking stalls to sit vacant and unused, so when we demonstrate that 50% parking is too much we want to provide for easy administrative approval to change the uses including but not limited to:
 - More bike parking
 - Allowing parking to the general public-we believe parking should be more of a community resource and dispersing parking throughout our Downtown, Totem Lake and other commercial areas helps significantly provide for resource to our retail and service businesses.
 - Installation of a sound or music room
 - Add additional retail and common people art work spaces.

- Who are the users?
 - Many of the users go to school full time (at Digipen), while in Kirkland the majority are likely to go to LWIT, UW Bothell, and Cascadia – all three schools have direct buses. Our residents also work in retail, at coffee shops, in schools. We have some who live in the mini-suites on an occasional basis only to be local for business, to include a Boeing Executive whose main home is in the Midwest and comes to the Eastside for one week a month. We have another resident who drives in from Anacortes for a 2-4 day work week, then returns home for the weekends. Grandparents stayed while their grandchild was in a year-long program at one of the local hospitals and a Kirkland retired firefighter. Others including teachers, non-profit personnel and service industry employees have relocated permanently close to their work and cut out their commutes from places like Bainbridge Island and Mukilteo, once they found affordable housing in the City.

- The typical length of residency is one year and longer. Currently the stays are longer than a typical apartment, which we believe, in part is because of the severe lack of choice on the Eastside.
- How can rush hour peak pm vehicle trips be so low?
 - Over half our users do not own a car.
 - The other half that does have a car, many do not use their car for their commute, but rather for weekend trips or other irregular reasons.
 - Rush hour pedestrians are almost double vehicles, which shows the activity is there, but there simply is a lower car use. Why drive your car 3 blocks to go to the grocery store when you can get superior exercise and enjoy the downtown as well?
- How do we know these are well-built units?
 - The minimum requirement should be Built Green V or LEED Gold.
 - We build LEED Platinum Plus, which we means we seek to built 20% above the LEED Platinum threshold. Many people who have built LEED Silver and Gold are truly impressed with this standard.
 - Mini-suites simply will be the best most sustainable buildings built in Kirkland.
 - When a mini-suite community is incorporated into a retail and apartment community then the entire community will be built to these highest standards.
- How are residents accepted?
 - We require credit and criminal background checks as part of the application process. If the City attorney believes it is a good policy, we would support this as a requirement for the mini-suites. However, we find this would be a reflection of a bias that needs to be overcome because mini-suite residents are top notch people, hard working and great citizens.
 - Please note that mini-suites are simply small apartments.
- What about guest parking?
 - Additional parking for guests is not necessary for mini-suites, as people don't tend to visit since the apartments are so small. Instead, they meet for coffee, dinner, or at single family homes, where there are yards, and space to socialize.
 - For larger communities, it is part of the TMP to work to provide one or more Zip Cars on site for residents as well as the public. Once alternate options are available to the single car user, more residents are willing to give up their cars when they know there is one to use when desired.
- What is the result of not taking action?
 - Kirkland loses the opportunity for an affordable live/work artist community.

- More people drive and bus into work into the city. Streets and parking continue to become more congested.
- What are the benefits of bringing mini-suites/ art community to Kirkland?
 - If you bring artists to your downtown to live, then the art community thrives.
 - With mini-suites, car commuters have their own parking space on site instead of in the general downtown area. This reduces the current existing parking pressure and the congestion of neighborhood streets.
 - We do manage our parking and control the user profile to car users being less than 50%.
 - These have to be rentals because condo's cannot be financed so the idea that one owner would sell to someone else go from non car user to a car user simply is not valid for mini-suites.
 - Moving your employees to live locally has a net reduction of traffic. This is the same for your students.
 - Once employees become residents, they spend their money locally. One recent article showed that those who live downtown tend to spend twice the retail dollars than those living in the single family in the same City-no surprise.
 - There is a dynamic benefit of bringing affordability to our downtown. It is immeasurable. The same applies to an artist community. Are we ready to take this step to make our City more affordable and sustainable with all of the benefits?

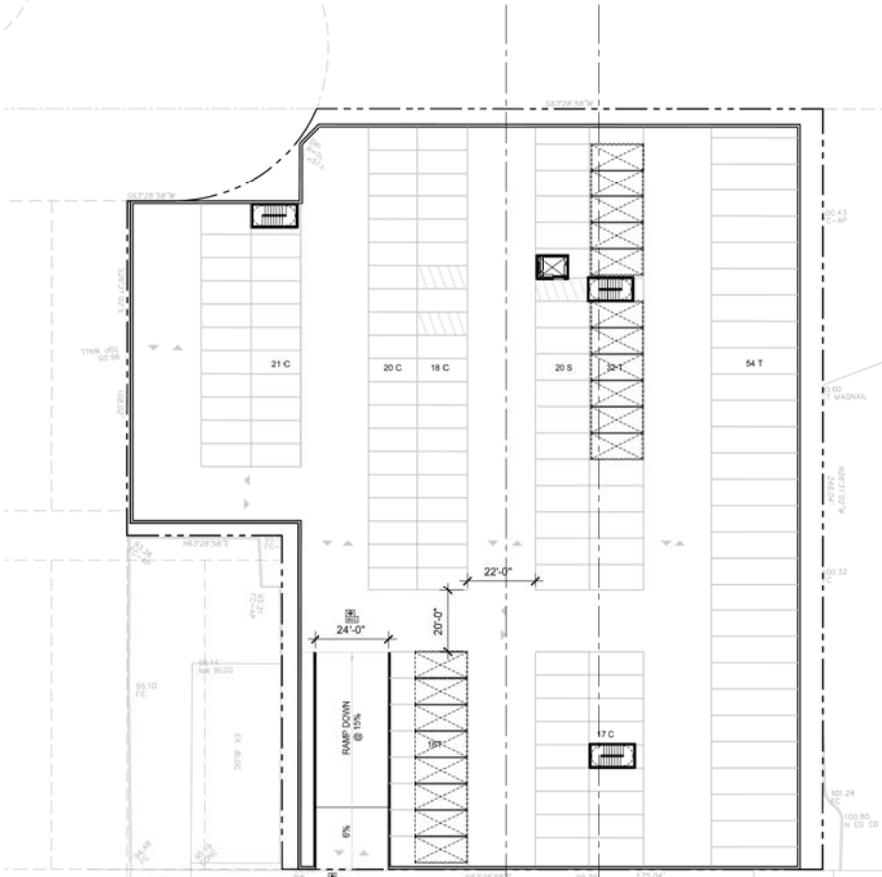
We support the planning department code as written, with these additional clarifications:

1. Two years after the first building permit is issued for mini-suites or completion of 3-400 mini-suites whichever comes first, we propose that there is a provision that the code will be reviewed by the Planning Commission and City Council to confirm the goals and objectives are being met.
2. A TMP is required of each project:
 - a. Mini-suites will be limited to only non-car users if the available mini-suite parking is fully occupied-which has never occurred at Tudor Manor but the provision stands and is a recorded document against the property.
 - b. A signed part of each resident's lease identifies non-car users and provides for a bus pass credit.
 - c. There will be an incentive to not have a car - \$25 bus pass credit per month.
 - d. If a non car user gets a car, they will be required by lease to either have a parking stall on site or move to a location that has parking provided for. At Tudor Manor we have not found a single resident purchase a car while living at Tudor Manor but many, many bicycles have been purchased. We have more bicycles on site at Tudor Manor than vehicles. Kirkland has many biking events and users and Mini-suites will help replace car users in the downtown-Kirkland Seven Hills Bike Ride event is an example of Kirkland bicyclists being active and able to ride our topography.
 - e. The rent will be "unbundled" for car users. An additional fee will be added for parking.

- f. This TMP limitation of parking stalls has been understood by multiple local lenders or they would not finance these properties. Specifically, the lenders in this most difficult financing climate, will not lend if they did not have the statistics AND experience supporting the parking ratios of one parking stall per two mini-suites.
- g. Sufficient bike parking will be provided, and to the extent the car stalls are not required, after 90 days with at least 95% occupancy: city may allow stalls to be converted to bike and/or public parking. After 1 year: stalls may be converted to retail, music/sound room, dance area, public meeting spaces, or other similar activities.
- h. Mini-suites will not be condominiums.
- i. Each mini-suite community is under a single ownership.

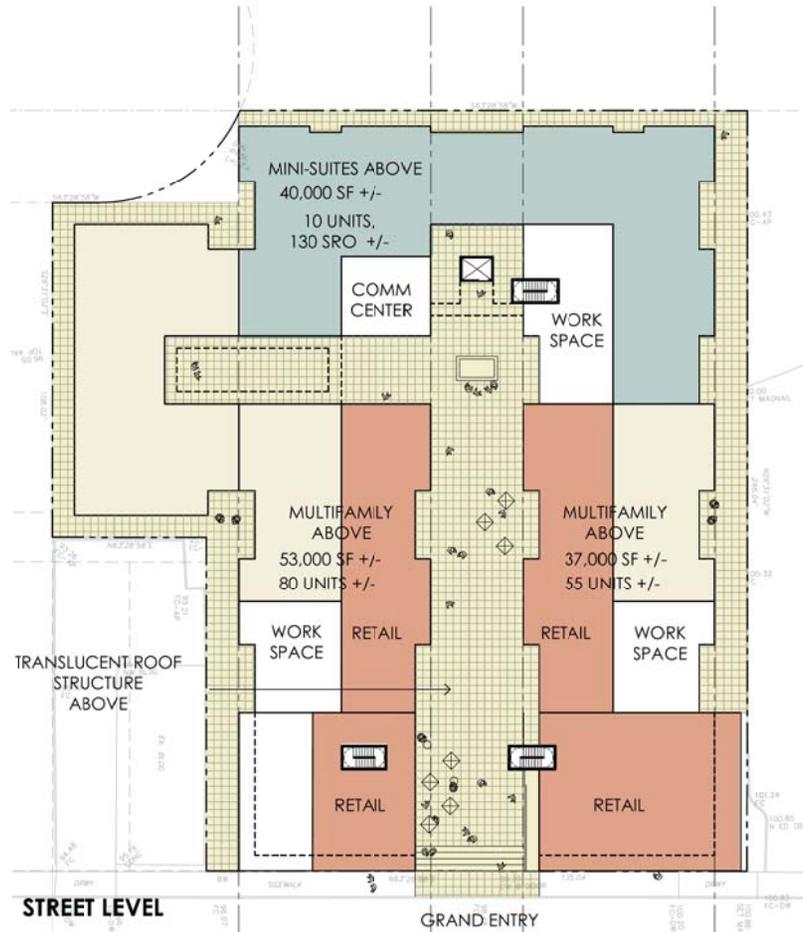
Has there been enough process in this code change?

This is the third meeting. It is not how long it takes to make changes, but how thoughtful and reflective the process is conducted and to what extent does this create a positive result. Timely action helps people's lives in a positive and timely manner. There is no justice in delay. A great community is nimble to new thoughts and new ideas. With the two year and unit number review provision, it assures that the results will be measured quickly. We expect Kirkland to find the same results as Redmond and that is to encourage more of these high quality, affordable sustainable communities that fill an immediate and pressing need. Thank you for your consideration.



LEVEL P1

- 44,700 GSF +/-
- 20 STANDARD SPACES
- 76 COMPACT SPACES
- 19 VERTICAL TANDEM
- =38 SPACES
- 27 TANDEM = 54 SPACES
- 188 SPACES TOTAL +/-
- 234 SF / STALL



STREET LEVEL

Central Ave.

GRAND ENTRY

450 CENTRAL WAY

SITE ANALYSIS

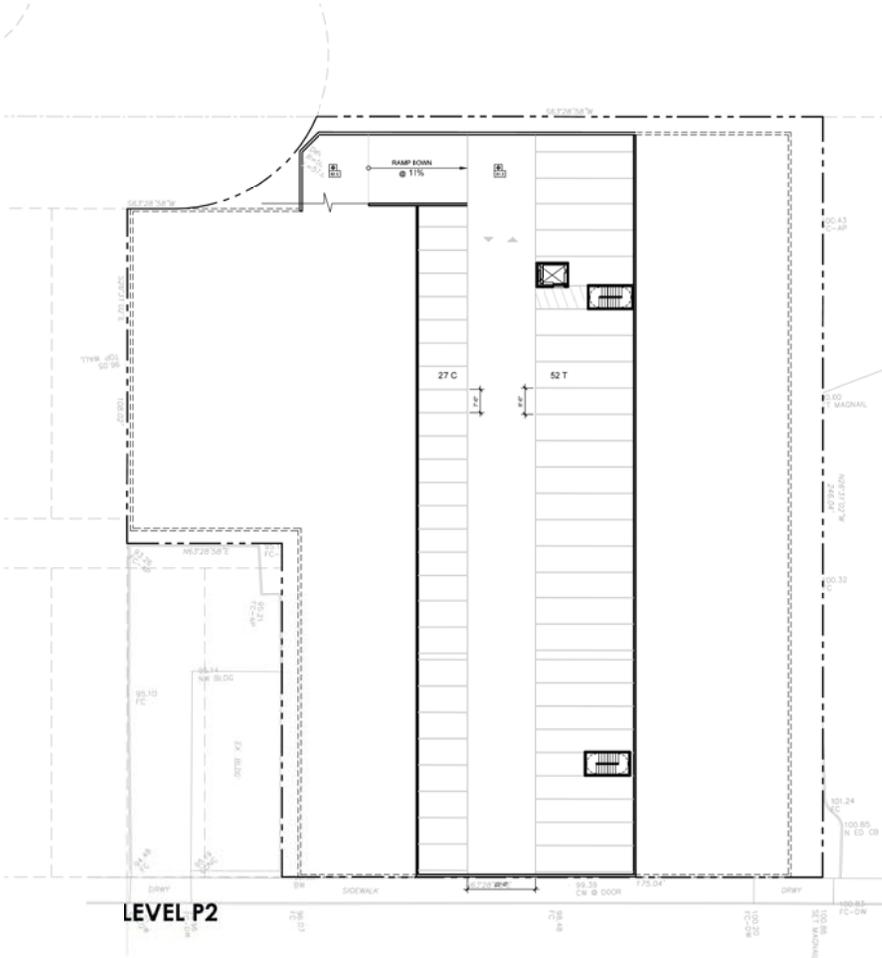
KIRKLAND, WA

JULY 11, 2012

OPTION 1



DRAFT



OPTION 2

450 CENTRAL WAY
 SITE ANALYSIS
 KIRKLAND, WA
 JULY 11, 2012

DRAFT

From: [jack wherry](#)
To: [Jeremy McMahan](#)
Cc: jackwherry@frontier.com
Subject: Residential Suites KZC Amendments
Date: Thursday, September 06, 2012 3:32:02 PM

Jeremy,

I am sorry that I did not get a chance to hear the presentation today, I am sure that many of my questions were answered. Here are my thoughts.

- 1 What is causing a demand for this type of housing? Who are the people who will be using this housing?
2. Totem Lake seems to be far from being developed into a neighborhood that could sustain this type of housing and it seems to me that the density and subsequent facilities are far into the future. There are some new apartments going up in this area will there be a need for this, in addition it does not appear to be a very walkable area in its current form.
3. The DBD may be possible, but does the city really want to move in this direction at this time on top of the Potala controversy.
4. What I like about this type of development is that it would seem to help the downtown retail, restaurants etc. with year around business, which I feel is the ultimate goal if we are to have a vibrant downtown. BUT will this type of development feed the type of business we are seeking in the downtown. If not then we just create another problem. I don't see the downtown developing into a low end eating and entertainment center.
5. I am sure there is a case for affordable housing in Kirkland for employees, students and longer term temporary stays, but I am not convinced that the ground work has been prepared for this type of development to go forward now.

So here is my conclusion:

Totem Lake is not ready for this development and it doesn't help develop the downtown in a manner that the citizens of Kirkland envision.

So there is no need to hurry to develop amendments to allow Residential suites at this particular time. I think we need to take a breather from Potala and make sure this is the right thing for Kirkland.

Thanks for giving me the opportunity to comment on this subject.