

Teresa Swan

From: Charles Loomis <cloomis@charlesloomis.com>
Sent: Thursday, March 24, 2011 6:00 PM
To: Teresa Swan
Cc: Laura Loomis
Subject: File SEP11-00004

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Hello Teresa,

My name is Charles Loomis. I understand that the developer is doing everything to code so no variances are requested and, for some reason, no design review is required.

In addition to traffic and parking issues my wife mentioned in her e-mail to you, I am concerned about the huge mass of the building - the size and height are inappropriate for this location. How is it that this building is within code and allowed to present such a massive facade to neighbors to the east and north. I realize concessions and enhancements have been made to the Lk. Wash. Blvd. facade but the other elevations are offensive - a box with bump-outs. Exchanging an additional 10' of set back on the Lk. Wash. Blvd. for an additional 5' of height should be reconsidered for what it does to the neighbors to the east. In allowing additional height can't the city require step backs on upper floors like the newer buildings down town (which are only 4 stories) or break the building into two sections - something to make appear less massive - this is 5 stories tall. What is that - 50'? Are we going to have a 50' wall on 10th Ave. S.? The developer is creating a wonderful 'community' within his building but a massive wall to neighbors to the east and north.

Many of our views will change from lake, city, mountains and sky to wall or roof and sky. Is there an opportunity for the city to say 'we screwed up and have inappropriate zoning on this piece of property. The proposed building goes way beyond the scale of what was intended.'

Thanks for listening,

Charles Loomis

June 17, 2011

City of Kirkland
c/o Teresa Swan
tswan@kirklandwa.gov
123 5th Avenue
Kirkland, WA 98033

RE: Public Comment re Proposed Development at 1006 Lake Street

Dear Ms. Swan –

I am a resident of Kirkland's Moss Bay neighborhood and wish to be added as a "party of record" for permit requests SHR11-00002 and SEP11-00004.

I am extremely concerned about the 143-unit apartment complex proposed on Lake Street (corner of 10th and Lake) known as Potala Village. The proposed development is unlike any other in the neighborhood in terms of size, scale and bulk and is unarguably out of place. Neither the Comprehensive Plan nor the neighborhood's residents anticipated a building like the one proposed. I believe the City should take the following factors into consideration in reviewing the permit requests and DNS determination:

- Bulk/dominance/scale: Although the land use may be within the letter of the zoning code, it far exceeds the general scope of the existing neighborhood developments. These lots are surrounded by single family homes and condos, with density of less than 12 homes per acre and cannot absorb 143 new apartments at a density of 116 units per acre. I find it absurd and a complete failure of City oversight to consider permitting as proposed.
- Surface water and storm water concerns: The proposed development would completely wipe away the existing vegetation on the lot and places a massive impervious structure at the base of a steep slope. I am not convinced the developer has adequately examined the likely issues that will result from this development.
- Contamination concerns: There is an existing dry cleaning operation on the site, and there is some indication in neighborhood lore that the site was home to a gasoline filling station at some point in the past. While I understand that the applicant intends to remove a tremendous amount of soil, once that soil is disturbed and exposed (during excavation), I fear that rainwater could push the contamination into the groundwater and into the lake. I have not seen anything discussing present pollution or any plans to prevent any contaminated soil spillage during excavation.
- Traffic: While the developer has provided a traffic study to the City, I remain concerned that the overall traffic impact to the Lake Street/10th Avenue S. corridor will be far greater than anyone is willing to admit. The traffic on Lake Street has been rated at E-F, basically failed at its current flow. Again I am offended as a resident of Kirkland that the

City would propose increasing traffic in any manner on Lake Street. As a result increased traffic flow on 10th and 7th streets is inevitable. The City of Kirkland is in a traffic crisis currently – only to get worse.

- Parking: While the developer has moved away from the initial parking variance request, I remain concerned that the project does not provide sufficient parking.

Other potential concerns include the following:

- Removal of vegetation;
- Noise;
- Increased impact on neighborhood public access points;
- Speeding on 10th Avenue S.;
- Glare;
- Mixed ownership of the parcels;
- Insufficient Setbacks;
- “Residential Market” Comprehensive Plan designation; and
- Pedestrian safety, among others.

Please consider my comments as you review the DNS and consider the Shoreline permit. I wish to be kept informed at all stages of the permitting process, using the email address provided below.

Thank you,

Charles and Shawn Greene
29 10th Ave South
Kirkland, WA
czg@czgreene.com

Teresa Swan

From: Kirklanddar@aol.com
Sent: Sunday, April 10, 2011 2:10 PM
To: Teresa Swan
Subject: Please make me "party of record" re: Potala Apartments /other parcel development

Follow Up Flag: Follow up
Flag Status: Flagged

To: Ms Swan
Please forward this to the other planners and the planning commission

April 10, 2011

Dear Ms Swan, City Planners, Planning Commission, City Council and Mr. Triplett:

I would like to be noted as a "party of record" regarding development on parcels #082505-9233, 935490-0220 and 935490-0240. These are the parcels that are currently being proposed for the Potala Village apartments.

I am opposed to the project due to the conflicts with the current comprehensive plan, the Moss Bay Neighborhood Plan, the zoning of BN and the further clarification of the neighborhood business zoning as residential market. I also believe that the traffic and consequent pollution is unacceptable. This very high density does not belong in this location and we certainly don't need the additional cars on this very congested street.

As I believe that a Comprehensive Plan amendment must be pursued if the project is allowed to proceed, I also want to be involved in the public review process for that amendment.

See further comments below:

Parcels that had previously been zoned for 24 units per acre were "down-zoned" to a maximum of 12 per acre in order to preserve the community character. During this down-zone, explanations and descriptions were added to the Comprehensive Plan so that there could be no misunderstanding of what would be allowed, both for residential and commercial development.

If you go online and pull up the Comprehensive Plan (Land use section), there is a big circle around this specific property in the Land Use Map LU-2 (2010). The constraints on that property are also discussed in detail (Comprehensive Plan pgs VI-14 & VI-15).

If you are a parcel owner, or a developer, or a planner, this map and these descriptions of allowed uses would appear to be hard to miss and/or mis-interpret. There is a large amount of description of that commercial area.

Quoted: "The Land Use Element sets forth the development pattern for the City's commercial areas (Comp Plan pg VIII-3)... Economic development should conform to the goals, policies and development standards established by the Comprehensive Plan and City codes (pg VIII-7)... Commercial areas can range in size and function from small residential markets serving the immediate neighborhood to regional draws such as in Totem Lake and Downtown (pg VI-4)...Currently, a hierarchy of "commercial development areas" exists in the City, based primarily on size and relationship to the regional market and transportation system (pg VI-14 & Map VI-15)."

The commercial property at 10th/Lake & LWB is designated as "Residential Market" and there are comments about "very small" and under "uses" there is no residential or housing mentioned.

Quoted: "A residential market is an individual store or very small, mixed-use building/center focused on local pedestrian traffic...Uses may include corner grocery stores, small service businesses (social service outlets, daycares), laundromats, and small coffee shops or community gathering places."

The Moss Bay Neighborhood plan states

Quoted: "The southeast quadrant of the 10th Street S and Lake St intersection, however, is developed with a market which serves as a convenience to the surrounding residences. Limited commercial use of this location, therefore, should be allowed to remain (pg XV.D-24)"

It is not until the next commercial designation "Neighborhood Center" where slightly larger commercial uses are allowed and QUOTED "Residential uses may be located on upper stories of commercial buildings in the center." The Potala site was NOT planned for this "Neighborhood Center" and there is no similar mention of "upper story residential"

Further, according to the Shoreline Master Plan, this parcel would not seem to qualify for 83.140 Urban Mixed designation. This appears provided only for "urban growth areas if they currently support high-intensity use related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses." This site did not support high-intensity use at the time of SMP approval and also was not "suitable AND planned for high-intensity use" since the plan as documented in Comp Plan and LU-2 map dated 2010 was for Residential Market use.

One other mis-understanding may be around the BN Zone (Neighborhood Business). While Kirkland's Chart of BN use is silent regarding an amount of residential density, it would seem incorrect to interpret this as permission for "unlimited" density. There is sufficient evidence that BN Zone is a often used term throughout the country as well as in Washington. It does have a plain or literal meaning and the focus of this designation is the business aspect and the services provided to neighbors. Housing, where allowed, seems secondary. It is often disallowed, or allowed only for the business owner or employee (above the store). One of the greatest densities uncovered is in Federal Way where they allow density the same as the surrounding residential zones. In our county (King) there is narrative describing the limits on Neighborhood Business residential "21A.04.090. The purpose of the neighborhood business zone is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties and in urban areas on properties with the land use designation of commercial outside of center, to provide for limited residential development."

The surrounding Moss Bay and Lakeview neighborhoods have clearly restricted residential to 12 units per acre and the Moss Bay neighborhood plan describes "Lands on the east side of Lake Washington Boulevard, south of 7th Avenue South and west of the midblock between First and Second Streets South, are also appropriate for multifamily uses at a density of 12 dwelling units per acre. This designation is consistent with permitted densities to the north and south along Lake Washington Boulevard.(pg XV.D-23)"

The take away from all these citations is that this proposed project appears in conflict with numerous policies of the existing Comprehensive Plan, Zoning and Shoreline Master Plan. Many folks also expect horrific SEPA (environmental, traffic, etc) impacts that will be seen by 280 cars being added to LWB at the point of it's greatest congestion.

Sincerely,
Darlene Falk
6620 Lake Washington Blvd NE # 102
Kirkland, WA 98033

Teresa Swan

From: Ginnie DeForest <ginniedeforest@yahoo.com>
Sent: Monday, April 04, 2011 3:04 PM
To: Teresa Swan; Thang Nguyen
Subject: Potola Village development

Thank you, Teresa, for your reply re on site parking at Potola. I was very glad to hear that they will abide by the 1.7 standard plus guest plus commercial per zoning and not ask for a variance.

That said I still am very concerned about parking and traffic in the surrounding neighborhood. These are my concerns:

1.Parking on 10th Ave So: the street is too narrow for 2 parking lanes and 2 lanes for east and west traffic. I use that street every day, and whenever there are over-sized cars, e.g. SUVs and personal trucks, plus commercial vans, etc., parked on the sides, those in the traffic lanes routinely cross over the mid-line to pass these. With light traffic, even with one car going in each direction, it works because someone finds an empty spot to pull over into so the other can pass. It requires vigilance, but it works. When Potola generates overflow parking and increased traffic, which it will as do all other many unit condos in town, it will be very dangerous. We need the lanes reconfigured.

2.Traffic on 10th Ave. So: although Lake St/Lake Wash Blvd. is the main entrance to Potola, they hope to rent to Google employees, and the shortest route will be via 10th Ave So. In addition anyone commuting from farther away via 405 is apt to take the 70th exit and come via 68th and 10th. This will mean a lot more traffic. Again, 10th must be made safe. A traffic light at the juncture of 10th and Lake or at the very least a 4 way stop is necessary. Also between 7 and 9 a.m. and 4 and 6 pm, residents on the side streets, like mine which is 1st St. and a dead end, will have an almost impossible time getting out onto 10th to go anywhere at all unless there are yield or " do not block the intersection" signs on 10th.

I applaud the green building concept for Potola, but I strongly feel the city must do something to mitigate the above issues for the safety of all of us.

Please add this email to your public comments.

Yours truly,
Virginia De Forest
945- 1stSt. So., #101
425-739-0730

Teresa Swan

From: Ginnie DeForest <ginniedeforest@yahoo.com>
Sent: Friday, June 10, 2011 10:58 AM
To: Teresa Swan
Subject: Potola Village proposed development

Reference Permit Number SHR11-00002

I have the following concerns:

Increased traffic on 10th Ave S- it is already unsafe when vehicles, especially larger ones, are parked on both sides of the street making the east and west traffic lanes too narrow for safety. If parking on only one side of the street is the only solution, so be it, safety should come first

I have just recently learned that the development spans two separate lots, one only leased, with a confusion of zoning designation v. comprehensive plan and residential market v. commercial. It seems to me that this should be addressed before any permit to build is issued.

Virginia De Forest
945 1st St. S., #101
425-749-0730

Teresa Swan

From: roundh@aol.com
Sent: Monday, June 20, 2011 2:39 PM
To: Eric Shields; Teresa Swan; Kathi Anderson; Kurt Triplett; Eric Shields; Teresa Swan; uwkkg@aol.com; neighboringproperties@gmail.com
Subject: Hugh Levenson comment 6.20.11 SHR11-00002 Potala

Official Public Comment due 6.20.11
Re: SHR11-00002 Public Comment Issues
From Name: Hugh Levenson
From Address: 6620 Lake Washington Blvd NE, Kirkland, WA 98033,
From Email: Roundh@aol.com

Listed below are many areas of factual objection regarding the current proposal. The Shoreline designation UM for this property was arrived at incorrectly without proper Notice, Hearing or discussion by the City Council. The designation is therefore not properly changed and the UR1 should be the designation until such time proper Notice, Public Hearing and Council discussion and decision are made. This proposal is not in alignment with UR1.

The Comprehensive Plan is very specific as to what is allowed on these properties and the proposal is completely disallowed by the Citywide and Neighborhood Plans. The Comprehensive Plan was put together after extensive Notice, Public Input, Staff input and Council decision making. There is a policy in place for someone to request an amendment to the Plan (PAR). This was not proposed by the most recent due date for PARs. Citywide decisions and administration of project permits are required by policies and ordinances to be made in conformance with established plans.

SEPA documents have removed the item wherein the state requires checking to ensure alignment with Comp plans (item 8F). The soils, water, air emissions, water issues, noise issues, consistency issues, traffic issues are insufficient in describing the impacts of this project.

There is no mention of the Bald Eagle living very near the project.

Concurrency and Level of Service information understates the negative consequences of this project.

Thank you for listing me so that I might participate in any/all appeals of this project.

Sincerely,
Hugh Levenson

Teresa Swan

From: Jack Danforth <jackdanforth@gmail.com>
Sent: Wednesday, April 13, 2011 9:32 AM
To: Teresa Swan
Subject: Proposed Residential Development

Hi Teresa

I am a member of the Board of Shumway and have become aware of the possibility of a large residential development on the Michaels Dry Cleaner lot. The proposed density seems very low and the units size, as explained to me, is very small, suggesting that this will adversely impact the nature and character of our core downtown neighborhood. I would urge you to reconsider your support of this development!

Secondly, as a past Board member of the Kirkland Performance Center, I would also observe that adding a high density apartment complex so near KPC would greatly strain an already stressed parking situation!

Thanks Jack

--

Jack Danforth
219 5th Ave. S. Apt. F102
Kirkland, WA 98033
Phone: [425-576-9967](tel:425-576-9967)

Teresa Swan

From: Janelle Milodragovich <jmilodragovich@gmail.com>
Sent: Monday, June 20, 2011 10:09 AM
To: Teresa Swan
Cc: Nate Brooling
Subject: Potala project - public comment

City of Kirkland
c/o Teresa Swan
tswan@kirklandwa.gov
123 5th Avenue
Kirkland, WA 98033

RE: Public Comment re Proposed Development at 1006 Lake Street

Dear Ms. Swan –

My husband and I are residents of Kirkland’s Moss Bay neighborhood and wish to be added as a “party of record” for permit requests SHR11-00002 and SEP11-00004.

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

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

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

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

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

Please consider our comments as you review the DNS and consider the Shoreline permit. We wish to be kept informed at all stages of the permitting process, using the email address provided below.

Thank you,

Janelle & Nathan Brooling

jmilodragovich@gmail.com, natebr@gmail.com

921 3rd St. S.

Kirkland, WA 98033

Teresa Swan

From: Beto, Judith <judybeto@dom.edu>
Sent: Monday, June 20, 2011 10:34 AM
To: Teresa Swan
Subject: Comment from Kirkland residents Judy and Steve Beto Re:SHR11-00002

Importance: High

My husband and I own property at 6736 Lake Washington Blvd NE and at 10104 NE 62nd Street, a duplex connected to 6202 Lake Washington Blvd NE. We currently use these properties as our second homes, but will be moving permanently to Kirkland in June 2012 as part of our retirement strategy to be near our children. We have been following the Lobsang Dargey SHR11-00002 development down the street on Lake Washington Blvd.

We would like to offer our comments in STRONG OPPOSITION to this proposal for use of this property.

We have GREAT concern about the density and planning for this development. We admit the current two small business and empty lot is not ideal, however, it is certainly within the grandfather ordinance of the site. The traffic to these two small business is minimal---and the seasonal christmas tree sale in the empty lot is manageable.

The first concern we have is the inability for the size of the lot to be matched with the current traffic challenges on Lake Washington Blvd. Already, since 2002, when we first bought the 6736 condo---we have seen huge traffic challenges. Already, you cannot get anywhere easily in the summer months on weekends, and in the other seasons, the evening rush hour is getting worse by the day. With the new Juanita annexation, and the 520 bridge longterm construction, the use of Lake Washington Blvd will continue to be stressed.

The second concern: the development density is NOT within the concept of the existing neighborhood. The number of cars that is projected to be both within the complex is beyond what currently exists anywhere in the immediate neighborhood. Drilling down two stories is not an answer to a too small site.

Further, Kirkland has two HUGE problems already now in their planning and monitoring phase. The DMSL construction on Juanita Beach Park shows that even a well-planned project in concept can go down in these economic times. Second, the "eyesore" on Goat Hill is what this development is potentially to our neighborhood. A project that is out of place, not within the scope of the existing neighborhood, and would devalue our property in the same way. The Bel Lago Condominium building is now within Kirkland city limits. This is a true warning of what this SHR11-00002 project would look like and present itself on the Lake Washington Blvd site.

So, we sincerely hope that the planning commission and city council would use these examples and comments to direct other more appropriate development to this site.

Thank you
Judy and Steve Beto

Judith A. Beto PhD RD FADA
Professor, Nutrition Sciences
Director, American Dietetic Association Accredited Didactic Program in Dietetics
7900 W. Division Street
Dominican University, River Forest IL 60305

708-524-6906
Fax 708-488-5117
judybeto@dom.edu

Teresa Swan

From: Uwkg@aol.com
Sent: Sunday, April 10, 2011 10:52 PM
To: Teresa Swan
Cc: Uwkg@aol.com
Subject: Potala Village - Formal request

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Teresa:

Please confirm receipt of this formal request that I be a "party of record for the parcels #082505-9233, 935490-0220 and 935490-0240. These are the parcels that are currently being proposed for 143 apartment units known as Potala Village. Please consider me a party of record for any development that moves forward for those parcels.

Please also consider that an amendment to the Comprehensive Plan is likely needed if this project moves forward. You'll see my notes below and the current comprehensive plan had very specific wording when the area was down-zoned. The LU-2 map actually describes that different commercial areas will be allowed to be developed differently and the commercial area in question is circled and identified for "Residential Market" which does not allow any housing. Anyway, I have other comments and will move on, but that is the crux of things... The idea that an ultra dense residential project would be allowed when it clearly conflicts with the current Comprehensive plan.... and it is dramatically too liberal with the interpretation of BN zone and it doesn't qualify for any SMP zoning....Well, if change to these needs to happen, I believe that it is essential that it proceeds with the proper (and required) public process.

Moss Bay and Lakeview neighborhoods know dense housing. We know the benefits of compact housing, but also the consequences. When negative impacts threatened to detract from the quality of life in our neighborhoods, the appropriate public process and testimony was conducted and both the Comprehensive Plan and the Zoning were changed. Residents took the proper steps to decrease the densification.

Parcels that had previously been zoned for 24 units per acre were "down-zoned" to a maximum of 12 per acre in order to preserve the community character. During this down-zone, explanations and descriptions were added to the Comprehensive Plan so that there could be no misunderstanding of what would be allowed, both for residential and commercial development.

When you look at the Comprehensive Plan (Land use section), there is a big circle around this specific property in the Land Use Map LU-2 (2010). The constraints on that property are also discussed in detail (Comprehensive Plan pgs VI-14 & VI-15).

Any parcel owner, or neighbor, or developer, or planner can see on this map that there are descriptions of allowed uses. This would seem to be impossible to miss and/or mis-interpret. There is a large amount of description of the commercial parcels on this corner.

ATTACHMENT 39 (1)

Quoted: "The Land Use Element sets forth the development pattern for the City's commercial areas (Comp Plan pg VIII-3)... Economic development should conform to the goals, policies and development standards established by the Comprehensive Plan and City codes (pg VIII-7)... Commercial areas can range in size and function from small residential markets serving the immediate neighborhood to regional draws such as in Totem Lake and Downtown (pg VI-4)...."

"Currently, a hierarchy of 'commercial development areas' exists in the City, based primarily on size and relationship to the regional market and transportation system (pg VI-14 & Map VI-15)."

The commercial property at 10th/Lake & LWB is designated as "Residential Market" and there are comments about "very small" and under "uses" there is no residential or housing mentioned.

Quoted: "A residential market is an individual store or very small, mixed-use building/center focused on local pedestrian traffic...Uses may include corner grocery stores, small service businesses (social service outlets, daycares), laundromats, and small coffee shops or community gathering places."

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Quoted: "The southeast quadrant of the 10th Street S and Lake St intersection, however, is developed with a market which serves as a convenience to the surrounding residences. Limited commercial use of this location, therefore, should be allowed to remain (pg XV.D-24)"

It is not until the next commercial designation "Neighborhood Center" where slightly larger commercial uses are allowed and QUOTED "Residential uses may be located on upper stories of commercial buildings in the center." The Potala site was NOT planned for this "Neighborhood Center" and there is no similar mention of "upper story residential"

Further, according to the Shoreline Master Plan, this parcel would not seem to qualify for 83.140 Urban Mixed designation. This appears provided only for "urban growth areas if they currently support high-intensity use related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses." This site did not support high-intensity use at the time of SMP approval and also was not "suitable AND planned for high-intensity use" since the plan as documented in Comp Plan and LU-2 map dated 2010 was for Residential Market use.

One other mis-understanding may be around the BN Zone (Neighborhood Business). While Kirkland's Chart of BN use is silent regarding an amount of residential density, it would seem incorrect to interpret this as permission for "unlimited" density. There is sufficient evidence that BN Zone is a often used term throughout the country as well as in Washington. It does have a plain or literal meaning and the focus of this designation is the business aspect and the services provided to neighbors. Housing, where allowed, seems secondary. It is often disallowed, or allowed only for the business owner or employee (above the store). One of the greatest densities uncovered is in Federal Way where they allow density the same as the surrounding residential zones. In our county (King) there is narrative describing the limits on Neighborhood Business residential "21A.04.090. The purpose of the neighborhood business zone is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties and in urban areas on properties with the land use designation of commercial outside of center, to provide for limited residential development."

The surrounding Moss Bay and Lakeview neighborhoods have clearly restricted residential to 12 units per acre and the Moss Bay neighborhood plan describes "Lands on the east side of Lake Washington Boulevard, south of 7th Avenue South and west of the midblock between First and Second Streets South, are also appropriate for multifamily uses at a density of 12 dwelling units per acre. This designation is consistent with permitted densities to the north and south along Lake Washington Boulevard.(pg XV.D-23)"

ATTACHMENT 39 (1)

Hopefully, as you look at the citations provided you will understand why so many of the local residents feel strongly that this is a change and contrary to the policies that they helped enact many years ago.

Additionally, folks are very concerned with the SEPA impacts with so many additional cars being added to LWB where it crawls at about 2mph on weekends and every day during the summer.

Please let me know if you need any more information from me in order to make me a party of record for any future discussion or public hearing on this proposal.

Karen Levenson, President, The Park, A Condominium 6620 Lake Washington Blvd NE #101, Kirkland 98033

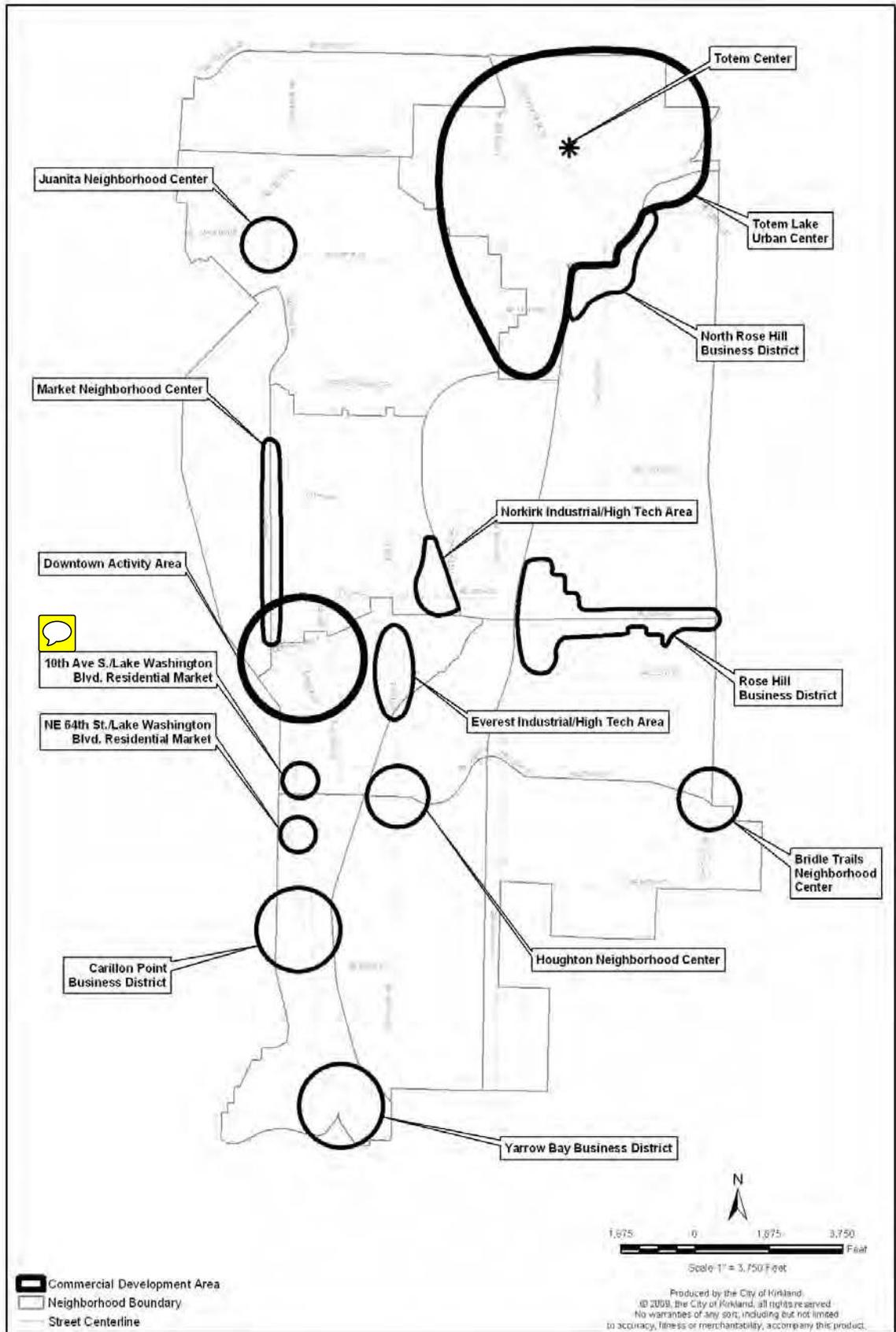


Figure LU-2: Commercial Areas

VI. LAND USE

may employ Kirkland residents. If the opportunity for local employment is increased, the high proportion of residents who work outside the community may be reduced. This in turn would ease traffic congestion by shortening commute trips and making other modes of travel to work more feasible.

Currently, a hierarchy of “commercial development areas” exists in the City, based primarily on size and relationship to the regional market and transportation system (see Figure LU-2: Commercial Areas).

Some of Kirkland’s commercial areas serve primarily the surrounding neighborhood; others have a subregional or regional draw. Most of the larger commercial areas are centered around major intersections. They depend on principal arterials, the freeway, or the railroad for goods transport and for bringing in workers or customers. Smaller commercial areas, Neighborhood Centers, for example, have a more localized draw. Residents depend on their neighborhood grocery store, dry cleaners, bank, etc., for everyday needs.

The Land Use Element provides general direction for development standards in commercial areas and describes the future of specific commercial areas in Kirkland. The following terms are used in the discussion of commercial land uses:

Urban Center

An Urban Center is a regionally significant concentration of employment and housing, with direct service by high-capacity transit and a wide range of land uses, such as retail, recreational, public facilities, parks and open space. An Urban Center has a mix of uses and densities to efficiently support transit as part of the regional high-capacity transit system.

Activity Area

An Activity Area is an area of moderate commercial and residential concentration that functions as a focal point for the community and is served by a transit center.

Business District

A Business District is an area that serves the subregional market, as well as the local community. These districts vary in uses and intensities and may include office, retail, restaurants, housing, hotels and service businesses.

Neighborhood Center

A Neighborhood Center is an area of commercial activity dispensing commodities primarily to the neighborhood. A supermarket may be a major tenant; other stores may include a drug store, variety, hardware, barber, beauty shop, laundry, dry cleaning, and other local retail enterprises. These centers provide facilities to serve the everyday needs of the neighborhood. Residential uses may be located on upper stories of commercial buildings in the center.

Residential Market

A residential market is an individual store or very small, mixed-use building/center focused on local pedestrian traffic. Residential scale and design are critical to integrate these uses into the residential area. Uses may include corner grocery stores, small service businesses (social service outlets, daycares), laundromats, and small coffee shops or community gathering places.

Light Industrial/High Technology Area

A Light Industrial/High Technology area serves both the local and regional markets and may include office, light manufacturing, high technology, wholesale trade, storage facilities and limited retail.

XV.D. MOSS BAY NEIGHBORHOOD

4. PERIMETER AREAS

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

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

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

The area situated east of the midblock between First and Second Streets South, west of the midblock between State Street and Second Place South, and south of 7th Avenue South, contains a well-established enclave of single-family homes. Existing development in this area should be preserved.

As discussed in the Shoreline Master Program, residential uses should continue to be permitted along the shoreline at medium densities (12 dwelling units per acre). This is consistent with the density of development along the shoreline to the south and on many properties on the east side of Lake Street South.

Development along the shoreline is discussed.

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

B. ECONOMIC ACTIVITIES

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

Economic Activities in Planned Area 5 are discussed.

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

Limited economic activities presently exist in State Street area.

Although the character of Planned Area 6 is predominantly residential, several economic activities are presently located in the area. Small offices and some commercial uses exist along Lake Street South and along State Street, and industrial development has occurred near the railroad. The Living Environment Section of this chapter contains a more in-depth discussion of land use in Planned Area 6.

I. INTRODUCTION

Table I-7 below shows the 2000 existing household units and jobs, the total number of household units and jobs by 2022 based on the assigned growth targets and the 2000 available capacity for household units

and jobs. Based on certain assumptions for the 2000 available capacity, Kirkland will be able to accommodate its assigned 2022 growth targets.

Table I-7: Comparison of Growth Targets and Available Capacity

	2000 Existing¹	2022 Growth Targets²	Available Capacity³
Housing Units	21,831	27,311 (at 5,480 new households)	28,751
Employment	32,384	41,184 (at 8,800 new jobs)	54,565

Sources:

- 2000 housing units: Office of Financial Management (OFM). “Households” are occupied units, whereas “housing units” include households (occupied) and vacant units.
2000 employment: City estimate based on existing nonresidential floor area and information about the typical number of employees/ amount of floor area for different types of nonresidential uses. By comparison, the PSRC estimated 2000 employment was 38,828. Examination of PSRC records found errors suggesting this was a significant overestimate.
- Targets for household and employment growth between 2000 and 2022 were assigned by the King Countywide Planning Policies. Targeted growth was added to the 2000 totals to establish the 2022 totals.
- City estimates as of June 2004.

B. ABOUT THE COMPREHENSIVE PLAN

Why are we planning?

In 1977, Kirkland adopted a new Comprehensive Plan establishing broad goals and policies for community growth and very specific plans for each neighborhood in the City. That plan, originally called the Land Use Policy Plan, has served Kirkland well. Since its adoption, the plan has been actively used and updated to reflect changing circumstances. The previous Comprehensive Plan has contributed to a pattern and character of development that makes Kirkland a very desirable place to work, live, and play.

Kirkland and the Puget Sound region, however, have changed significantly since 1977. Since the original plan was adopted, the City has not had the opportunity to reexamine the entire plan in a thorough, systematic manner. Passage of the 1990/1991 Growth Management Act (GMA) provided such an opportunity. The GMA requires jurisdictions, including Kirkland, to

adopt plans that provide for growth and development in a manner that is internally and regionally consistent, achievable, and affordable. The 1995 and 2004 updates of the Comprehensive Plan and annual amendments reflect Kirkland’s intention to both meet the requirements of GMA as well as create a plan that reflects our best understanding of the many issues and opportunities currently facing the City.

What is a Comprehensive Plan?

The Comprehensive Plan establishes a vision, goals and policies, and implementation strategies for managing growth within the City’s Planning Area over the next 20 years (see Figure I-2). The Vision Statement in the plan is a reflection of the values of the community – how Kirkland should evolve with changing times. The goals identify more specifically the end result Kirkland is aiming for; policies address how to get there. All regulations pertaining to development (such as the Zoning Code, Subdivision Ordinance, and Shoreline Master Program) must be consistent with the Comprehensive Plan. The end result will be a community that has grown along the lines anticipated by the Comprehensive Plan.

III. GENERAL

A. PLAN APPLICABILITY AND CONSISTENCY

The Comprehensive Plan serves as the guiding policy document to attain the City's vision of the future over the next 20 years or longer. This means that decisions and actions in the present are based on the adopted plan. One of the central tenets of the Growth Management Act is to require consistency in planning.

Consistency is determined in a number of ways. The following represent those areas where "consistency" must be achieved:

- ◆ The Comprehensive Plan must comply with the Growth Management Act.
- ◆ The Plan is to be consistent with the regional plan – the multicounty planning policies adopted by the Puget Sound Regional Council.
- ◆ It must be consistent with the adopted County-wide Planning Policies as well as coordinated with the plans of adjacent jurisdictions.
- ◆ State agencies and local governments must comply with the Comprehensive Plan.
- ◆ The various elements of the Comprehensive Plan must be internally consistent.

The City's legislative and administrative actions and decisions must be in compliance with the adopted plan. To accomplish this a number of tasks need to be completed. The Implementation Measures noted in Chapter XIV list those steps. As the City updates the plan, some of its development regulations may need to be revised to be consistent with and to implement the plan. The Zoning Map needs to be updated to be consistent with and implement the Comprehensive Plan.

The City has used the Comprehensive Plan as the policy basis for decisions, particularly for determinations under the State Environmental Policy Act (SEPA). With this revised Comprehensive Plan adopted under the Growth Management Act, the City has strived to integrate SEPA into the zoning permit review process rather than having a separate environmental review process. The development regulations should provide clear and predictable guidance for issuing development permits and making SEPA determinations. However, where the regulations are not clear and/or discretion is to be exercised in making those development decisions, the Comprehensive Plan is to be used as the policy basis for those decisions.

The Comprehensive Plan will also be used to guide the City in developing its Capital Improvement Program and in the preparation or update of the various functional plans and programs.

The neighborhood plans will also require updating to comply with the Comprehensive Plan Elements. A number of neighborhood plans have recently been revised (for example, Totem Lake, North Rose Hill and NE 85th Street) while other neighborhood plans have not been amended since adoption of the 1977 Plan (for example, Market, Norkirk and Highlands). It is the intent of the City to phase these updates over time. In the interim, if there are conflicts or inconsistencies between the Comprehensive Plan Elements and a neighborhood plan, the Plan Element goals and policies will apply.

The Comprehensive Plan is intended to apply, where appropriate, to the Kirkland Planning Area which is also designated as the Potential Annexation Area (see Figure I-2). The City has worked with King County on their Northshore Plan for this area and is in general agreement with that plan. However, updates to Kirkland's and King County's Comprehensive Plans, as well as the neighborhood plans for the Planning Area, will probably result in the need to amend the Northshore Plan. At the time of annexation, the City will need to update the plans for Kingsgate, Juanita and Finn Hill.

Teresa Swan

From: Uwkg@aol.com
Sent: Tuesday, April 19, 2011 8:51 AM
To: Teresa Swan
Cc: Uwkg@aol.com
Subject: Potala Village - Formal Request re: Appeal of City Planner decision

Follow Up Flag: Follow up
Flag Status: Flagged

To: Teresa Swan, Kirkland Planning Dept
cc: Mailing list of concerned local residents
re: Proposal for Potala Village, Timeline and steps needed for formal appeal of inconsistencies
Date: April 19, 2011

Hi Teresa:

This is a formal request to appeal and a request that you guide residents on the appeal process.

When we spoke previously, I believe that you stated that the Potala Village proposal had been evaluated vs the Comprehensive Plan and that the city planning decision had been made and determined that the proposal was consistent with the Comp plan. If this decision is made, I believe there is a window of time during which an appeal must be made. Can you confirm if a decision on consistency has been made; and, if so, please provide information on when and how an appeal must be made by residents that disagree on the consistency with the Comp Plan. (Most notably the Land use portions that highlight this property, but also sections of the Moss Bay neighborhood plan, General, Housing and other sections).

Additionally, there is interest in appealing the application or interpretation of the BN zoning if the city has determined that the proposed density is permitted by the BN zone. We believe that there are other determining factors and that the "silence" of the chart on BN zone re: density does not allow for unlimited residences. Please guide us. Has a city decision been made that the proposed 143 units fits within the zoning? If so, how do we appeal this and what is the timing when formal appeal must be filed.

Please use this letter as my formal request to be notified of any city decisions regarding land use consistency, comprehensive plan consistency (general, land use, neighborhood, housing etc), zoning consistency, shoreline master plan (or shoreline master project) consistency, and SEPA consistency.

Please notify me of the timeline within which others must submit a formal request so that they, too, preserve their right to appeal and be heard in all of these areas where we believe there is a tremendous lack of consistency with Kirkland, King County, SEPA and SMP policies.

Sincerely,
Karen Levenson
President
The Park, A Condominium
6620 Lake Washington Blvd NE
Kirkland, WA 98033

Teresa Swan

From: Uwkgg@aol.com
Sent: Friday, April 22, 2011 10:21 AM
To: Paul Stewart; Teresa Swan
Cc: uwkgg@aol.com
Subject: Potala Development Conflicts w Comp Plan - Background of prior discussions FYI
Attachments: POTALA~2.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

To: Paul Stewart and Teresa Swan:
cc: Participating local residents
(Please also share with Kirkland's City Attorney)

Attached you will find several pages of the comp plan with two types of highlighted areas:
1) There are highlights where the Potala Village proposal conflicts with Comprehensive Plan Policies
2) There are highlights where the Kirkland documents state that development must be consistent with CP.

As background for those just joining into this discussion...

I am working with a large group of residents near the proposed Potala Project of 143 small apartments intended for parcel that corner 10th and Lake St S/LWB. Most of the folks I'm working with are actually Moss Bay residents, however there are some other Lakeview Neighborhood folks. I agreed to do the research on Comp Plan since that is something I've become familiar with.

What is most disturbing is that while several folks in the area participated in the downzoning from 24 units per acre to 12, and many folks participated in the wording that was to keep the 10th/Lake St S/LWB corner small, we are told that the information in the Comprehensive Plan is not going to be followed as it was written by neighbors and the city, then approved by the city and then forwarded on for approval by legislature.

We have confirmed that other cities use their Comprehensive Plan as the final decision maker in planning and development approvals. Their documents state that this is a requirement of RCW 36.70A and that all zoning and other decision making must be in line with CP.

The attached document has been highlighted to point out some areas where Kirkland's document states that conflicts between policies, development and documents are determined based on what is written in the Comprehensive Plan.

To walk you through the mindset of the group.... Here are the policies that restrict the Potala development:

1) Land Use Map clearly points to the commercial zone in question (LU-2, Land Use Comp Plan VI-15)

The commercial zone at **10th/LWB/Lake St S is circled.**

The identified future use is "**Residential Market.**"

2) The page preceding LU-2 (VI-14) Specifically describes that there will be three types of commercial development areas and it describes what will be allowed in "**Residential Market**" Notably one small store or small building of multi use. QUOTE: "**A hierarchy of 'commercial development areas' exists in the city, based primarily on size and relationship to the regional market and transportation system (see Figure LU-2: Commercial Areas).... The future of specific commercial zones in Kirkland are identified... RESIDENTIAL MARKET ..an individual story or very small, mixed-use building/center ...Uses may include corner grocery stores, small service businesses (social service outlets, daycares), laundromats, and small coffee shops or community gathering places.**"

3) Housing is not even a use listed under "Residential Market." More importantly the building is to be "**very small.**"

4) Housing and a slightly bigger building begins to occur in the next greater commercial zone, but not in "Residential Market."

5) Residential densities were down zoned in this area from 24/acre to 12/acre because the area was too congested. At the time of downzoning the other protections on size (listing of "residential market") was to ensure that no large project or dense housing would exist at this corner.

6) Moss Bay Neighborhood Plan dictates a maximum residential density of 12/acre South of 7th Ave S. **"Lands on the east side of LWB, south of 7th Ave S and west of the midblock between First and Second Sts S, are also appropriate for multifamily uses at a density of 12/acre." Further it explains that the density was chosen to fit with surrounding densities. "This designation is consistent with permitted densities to the north and south along LWB."**

7) Multiple citations state that the Comprehensive Plan must be followed and the requirement for this is highlighted in the regulatory documents for other Washington cities. Several examples have been forwarded to you.

8) The Kirkland Comprehensive Plan also has many citations where it requires development to be done only when it is in line with the Comp Plan and it identifies the CP as the deciding document where conflicts exist.

a) "All regulations pertaining to development (such as the Zoning Code, Subdivision Ordinance, and Shoreline Master Program) must be consistent with the Comprehensive Plan. The end result will be a community that has grown along the lines anticipated by the Comprehensive Plan."

b) "The City's legislative and administrative actions and decisions must be in compliance with the adopted (comprehensive) plan."

c) "Where the regulations are not clear and/or discretion is to be exercised in making those development decisions, the Comprehensive Plan is to be used as the policy basis for those decisions."

From: Uwkkkg@aol.com [<mailto:Uwkkkg@aol.com>]
Posted At: Tuesday, May 17, 2011 4:57 PM
Posted To: Kirkland Council
Conversation: Issue for Tonight's Kirkland CC Meeting
Subject: Issue for Tonight's Kirkland CC Meeting

Dear Council Members:

I have canceled a couple business meetings in California and am flying myself back into town for 24 hours as I feel there is a matter of great urgency for you to consider putting on your agenda (hopefully, if possible for this meeting).

I realize that my effort and expense does not entitle me to more than the 3 minutes, however, I ask that the clock not be jump-started as weekday meetings often have me out of town on business so I can rarely join in personally as a good public participant.

What I will be bringing before you tonight is a proposed development for a several parcels in a signature area of the city with

- 1) an extraordinarily large conflict with the comprehensive plan
- 2) a very large conflict with the "context" of the neighborhoods which surround these parcels
- 3) what appears to be a lack of staff completion of a task outlined as urgent following the 2004 Comp Plan approval (Staff memo of 2004 lists this as one of the higher priorities)
- 4) what appears to be lack of follow through on direction from council and agreement with staff to investigate and correct this type of inconsistency

Additionally, this project appears to be a long rectangular box visually broken up a small amount by use of different colors but without much (or any) setbacks or stepbacks. The project will also be unlikely to have the trees in the manner that they are drawn in the picture since it is being advertised as exceptional views of Lake Washington. History has taught us that trees such as this tend to block the advertised view, although it makes the project on paper look fore appealing to the tree canopy issue (and breaks up the visual of the plain rectangular box).

For some details.

This project is half a block from two of our parks, about halfway along our main visual attraction at Lake Washington Boulevard. It is in the Moss Bay neighborhood (although one of the addresses on the 3 parcels was just changed from 6700 Lake Washington Blvd and that raises some question about HCC jurisdiction).

The history:

1) Downzoning (1975-1979) This project is located within a large section along LWB where residential zoning was 24 units per acre until a major city and citizen review (and numerous hearings) rezoned the area to 12 units per acre. The impact of such great density (including, but not limited to parking, traffic, noise, safety) was determined to be degrading the quality of life for residents and visitors to this area. This downzoning was a big and important decision.

2) Comprehensive Plan Citywide Land Use section (2004): The area of tonight's discussion had much public and city involvement in the 2004 Comp Plan. That Citywide Land Use Plan reaffirmed the 12 units per acre and specifically provided a "Residential Market" designation for 2 commercial areas. The uses for these residential markets was specifically noted so there would be no question as to the limited scope of commercial that would be allowed, nor would there be mistake as to the small sized building that was intended. (The text of that Residential Market designation is below). This highly restricted, small scale commercial area was to be complementary to the 12 units per acre and serve the local residents for their retail or regular service needs)

2) Land Use Maps LU-1 & LU-2 were part of the City Wide Land Use Maps as required by GMA (2004):

In addition to LU-1, LU-2 was a map that circled each of the commercial areas in Kirkland and provided designation of the type of Commercial that would be allowed there. The preceding page provided detailed descriptions of what was allowed, size and character.

*** The parcels actually had their address noted on the 2004 map followed by "Residential Market"

3) Comprehensive Plan was filed with legislature (CTED) and approved (2004)

4) Following the public involvement and the creation of Comp Plan, the city now has the responsibility to implement zoning that will be consistent with the plan.

Quotation from Page XIV-5

"Kirkland Comprehensive Plan 2004, Implementation Tasks re: Land Use"

"LU.6 Amend the Zoning Code as appropriate to establish standards for Residential Markets *
PRIORITY"

This zoning was noted (within the approved plan) as a higher priority implementation task for the city.

Additionally, the requirement for zoning that implements the Comprehensive Plan is

a) December 1995: Outlined in the original GMA documents cities (like Kirkland) had until December 1995 to create Comprehensive Plans and implement the zoning that would implement these plans.

b) RCW 36.70A includes many sections and passages on how supportive zoning must be created

c) Eric Shields (City of Kirkland) provides a good explanation of how changes are made first to the Comprehensive Plan and then this forces the city to create zoning that properly implements the plan (**see Council Meeting 4/19/05 @ 4:13:00**) This assures that there is the consistency that is required by GMA.

5) December 2006: Kirkland Ordinance # 4077 This ordinance made some changes to the Comp Plan.

It also made some changes to LU-2 which is the map specific to Commercial Zones

The property of tonight's discussion is still marked on this map as "Residential Market"

The current version of Comp Plan still describes Residential Market allowed uses as one small business or a very small mixed use building.

6) December 2010: Kirkland Ordinance # 4279 (same details as provided in item 5)

Land Use Element of Kirkland Comprehensive Plan:

A hierarchy of "commercial development areas" exists in the City (see figure LU-2, Commercial Areas) Residential Market is defined: "A Residential Market is an individual store, or a very small mixed use building/center focused on local pedestrian traffic. Residential scale and design are critical to integrate these uses into the residential area. Uses may include corner grocery stores, small service business (social service outlets, daycares), laundromats, and small coffee shops or community gathering places."

The definition of "Residential Market" is also found in the Definitions Appendix.

Since GMA states that zoning, development and any administrative actions shall only be done if they properly implement the comprehensive plan, I am encouraging the Council to discuss this item and to give instructions to the appropriate city officials. I am asking that the city redouble its effort to properly implement the Comprehensive Plan and to advise the developer of the conflict without delay. A delay can cause this developer to push forward on a project that is likely to not meet his anticipated outcome. Our city planners recently forwarded me a court case Chinn vs. City of Spokane. The thought was that this very recent case had emphasized zoning as the final word. Upon appeal this case actually was won by the attorney representing the Comprehensive Plan as the final determiner when zoning and Comp Plan conflict.

Additionally there are about 400 pages of decisions by the Central Puget Sound Hearings Board (for GMA) and those stress that to be in compliance, zoning must implement the Comprehensive Plan.

Thank you for your time.

Please see the attachment.

Karen Levenson 6620 Lake Washington Blvd NE, 98033

Potala Village

1006 and 1020 Lake St South

Applicant is Lobsang Dargey, www.dargeyenterprises.com

- Proposal:** **Uses** - 6,186 square feet of office and 143 residential units.
Height - 30' above existing grade per code. 4 stories (greater than 30' above existing grade by excavating below grade). Includes underground parking.
Parking – Number of parking stalls will meet city code (see below)
Entrance- solely off Lake St South
- Zoning:** **Zoned** - Neighborhood Business (BN)
Review Process – building permit and environmental review (SEPA)
- Zoning Code Standards:** **Uses** – Commercial, multifamily with no restriction number of units, schools, daycares, government facility
Height - 30' above existing grade
Parking - 1.7 stalls per residential unit, 1 stall per 300 sq ft of general office and 1 stall per 200 sq ft for medical. Per code, would need 277 stalls plus some guest parking (not specified)
Lot coverage – 80% (all paved area)
- Shoreline:** **Location** - Small portion of western part of site located within 200' of lake so requires a shoreline permit
- Review Process** – 30 day written comment period (no hearing), Eric Shields/Planning Director decision and Dept. of Ecology final decision. Time line is to complete review within 120 days once application is determined to be complete (may be done sooner). Comments submitted to Teresa Swan with reference to File SHR11-00002.
- Limited scope of issues** –Since not adjacent to lake, regulations limited to use (same as BN), height (41' allowed, greater than BN) and lot coverage (same as BN) found in Chapter 83 of the Zoning Code. Permit does not address parking, traffic, noise, etc.
- SEPA:** **Environmental Review** - same time as shoreline permit. Will consider traffic, parking, noise, glare, etc. SEPA Determination is issued by Eric Shields, Planning Director. Comments submitted to Teresa Swan, File SEP11-00004.
- City Contact:** **Shoreline permit and SEPA review** – Teresa Swan, Planning Department, tswan@ci.kirkland.wa.us or 425-587-3258 on T/W/TH
- Traffic** - Thang Nguyen, Public Works, tnguyen@ci.kirkland.wa.us, 425-587-3286

Teresa Swan

From: Uwkg@aol.com
Sent: Thursday, June 02, 2011 7:56 AM
To: Teresa Swan; uwkg@aol.com; neighboringproperties@gmail.com
Cc: Desiree Goble; Eric Shields; City Council; Kurt Triplett
Subject: Losing valuable pedestrian "retail" for more empty office space @ waterfront

Follow Up Flag: Follow up
Flag Status: Completed

Addendum:

If the current proposal goes forward, the developer is doing away with any retail/restaurant and turning the ground floor into more empty office space. The "Residential market" classification was specifically designed to allow this very important retail/restaurant use as the only commercial use so that this would add to the pedestrian and neighborhood experience and gain some sales tax. Office space was not to be allowed and all of this was thoroughly discussed and debated when the "hierarchy of commercial uses" was designed and a clarifying land use map (LU-2) was added to our Land Use Policies.

P.S. Please note that other policies approved by the city state that all administrative actions of the city **MUST** be consistent with the comprehensive plan. This is not "should" or "shall" ... it is "MUST." I can provide those documents to you again if you don't have them handy.

Karen Levenson
 President
 The Park, A Condominium
 6620 Lake Washington Blvd NE, 98033

In a message dated 6/2/2011 10:43:03 A.M. Eastern Daylight Time, Uwkg@aol.com writes:

Re: Parcels along LWB & 10th St S. - Incorrect application of zoning

Please note:

- Only 2 of the 3 parcels have any land within Shoreline Jurisdiction (SMP is N/A on 3rd)
- The zoning before and after are completely different and there doesn't appear to have been "Notice"
- The zoning change does not qualify based on state's definition of what qualifies
- The Comp Plan "Residential Mkt" given to the planners w/implementation instructions by 2004 Council.
- 12/2010, City Council approved Comp Plan/zoning amendment chgs/map which reaffirm "Residential Mkt."

Zoning (per historical documents)

Low Density, Primarily ground-related MF

No Retail

No Office

This is indicated in the correspondence from Desiree (of the city) to the developer in 2009 and 2010.

Also sent from Desiree to the developer is the Neighborhood Plan highlighted with the low/medium density. The Citywide Comp Plan specifically identifies this property as low intensity "Residential Market." The City was to implement the "Residential Market" type zone as of 2004 (Reaffirmed in 2010 documents)

The only SMP zone that would allow for the dramatic switch to Mega high density (100units/acre) and office or retail would be UM and this parcel does not qualify based on the state's definition. A parcel qualifies as UM if one of two conditions are met 1) if it is ALREADY being used for high intensity use, or 2) if it was ALREADY "planned" (Comp Plan) for high intensity use at the time of SMP. This property has always been planned for a low intensity use.

If this major change in land use was properly "Noticed" to anyone on 10th (all Single Family homes) please provide a copy of that notice and the addresses where it was sent. To date no one has reported any notice of this

land use change. Additionally, this lack of notice is reported by the condo owners north and south of the parcels. Any information to the contrary would be helpful.

Thanks,
Karen Levenson
President
The Park, A Condominium
6620 Lake Washington Blvd NE, Kirkland 98033

Teresa Swan

From: Uwkgg@aol.com
Sent: Monday, June 20, 2011 2:25 PM
To: Eric Shields; Teresa Swan; Kathi Anderson; Kurt Triplett; Eric Shields; Teresa Swan
Cc: uwkgg@aol.com; neighboringproperties@gmail.com
Subject: Public Comment due 6.20.11 SHR11-00002

Official Public Comment due 6.20.11

Re: SHR11-00002 Public Comment Issues
 From Name: Karen Levenson
 From Address: 6620 Lake Washington Blvd NE, Kirkland, WA 98033,
 From Email: uwkgg@aol.com

Listed below are many areas of factual objection regarding the current proposal. They are listed in two sections SHR11-00002, Comp Plan, SEPA Review and DNS (Determination of Non-Significance).

SHR11-00002

- 1) Change to UR1 from UM is a huge change in designation (UR1 allowed only 1 res unit, no office, no retail)
This very large change necessitates public notice
- 2) Change from UR1 (low intensity) to UM (high intensity) is inconsistent with the criteria for amending zone
The "Cover Memo from Staff" states "Criteria 1 for amending zoning - Must be consistent with Comp Plan"
- 3) Specific, required "Notice" was not given (not to the property owner, nor the neighbors, nor the council)
Notice is a critical piece of the democratic process.
Owners of "shoreline designated" properties did not get notice about their own property being reviewed
Neighbor properties did not get "Notice" of their neighbors property being reviewed for huge change
City Council Agenda Packets show no "Notice" of this property being proposed for major change
- 4) Staff never presented this major change in any City Council Meeting (tapes all reviewed)
- 5) General Shoreline Master Plan Update notices were not inclusive of properties east of LWB/Lake St S
Shoreline Master Plan Notices, Signs, etc emphasized bulkheads, vegetation, etc.
Shoreline Master Plan Notices were not inclusive of this kind of extreme rezone
- 6) The properties in question do not meet the definition of UM
The final SMP document states that properties that would be given UM fall into one of two categories
 - a) They can be UM if they are currently being used for high intensity use
 - b) They are (at the time of SMP) currently planned [explained by S. Clausen as current Comp Plan] for high intensity water-dependent use
- 7) The new Shoreline Master Program does define the shoreline properties as Residential L or M/H (with restrictions) Several of the descriptions specifically identify these parcels as Residential not UM.
- 8) The new Shoreline designation was given to one property owner, as beneficiary of a decision that is inconsistent with Comprehensive Plans and this is disallowed "Spot zoning."
- 9) The application for SHR11-00002 incorrectly lists Comprehensive Plan designation as "Commercial" and does not sufficiently list the further Comp Plan restriction to "Residential Market."

Comprehensive Plan

- 1) City codes REQUIRE the Director to interpret zoning within the context of the approved Comp Plan
- 2) City ordinances repeatedly require ALL legislative and administrative actions be in line with Comp Plan
- 3) Council instructed staff to implement "Residential Market" zoning restrictions as of 12.14.2004 ordinances
- 4) The Ordinance that implemented "Residential Market" clarification was in full force & effect as of 12.19.04
- 5) The Citywide Comp Plan and the Neighborhood plan both specifically identify uses for these properties
- 6) Two Land Use Maps are part of the Comp Plan LU-1 and LU-2 (both apply and define property uses)
- 7) There has been no change to Comp Plan that would remove the "Residential Market" zone
- 6) Parcel owner will need to make a Private Amendment Request during appropriate year for a PAR

SEPA / DNS (Determination of Non-Significance)

- 1) Most concerning - Modification of State Checklist removed item 8f (aimed at alignment with Comp Plan)
- 2) No record of Endangered Species Act Consultation or Bald Eagle Management State Permit
- 3) There is likely to be contaminated soils and water on the site due to past uses

ATTACHMENT 39 (6)

- 4) The project description on the SEPA checklist is incomplete as it does not provide cu yards of excavation (SEPA handbook states that a professional should provide this information)
- 5) Air emissions declaration should be more inclusive as the dust from construction/excavation will be substantial, the emissions of slowed traffic while construction & excavation trucks access and leave the property, etc.
- 6) Declaration of Water issues in item 3 are supposed to include information re: activities in, on, OR NEAR the water. These are to include excavation, demolition, construction, painting, paving. These are insufficiently listed in SEPA
- 7) Noise from the proposal is insufficiently quantified. As per b.2. Truck traffic, hammering, etc should be quantified and mitigation measures should be described (hours of construction, etc)
- 8) Noise from dense residential use should be described (SEPA states 1.9 residents/unit for multifamily)
- 9) Consistency with Land Use is incorrectly filled out (Under Land Use 8). This question does not ask about zoning. The question is about consistency with "plans" [Comp Plan] and "Land Use" [Comp Plan] designations. This answer should talk about the surrounding zoning of 5 per acre single family on 10th St S and 12 per acre on LWB and Lake St S. It should describe inconsistency with Citywide Land Use Plan and Neighborhood Land Use Plan "or what will be required" (e.g. Private Amendment Request).
- 10) Mitigation for aesthetics: Views valued by persons recreating, traveling, working and/or living in the area should be considered in the design and review of the project. Both public and private views from private and public property to the east will be impacted. There are no mitigation statements in the SEPA review.
- 11) Light and glare does not adequately address the indoor lighting seen from residential windows of 143 units, unpainted metal surfaces (as proposed) and the view impacts to local residents and the general public that will have their night-time view of the lake and the Seattle skyline diminished due to this foreground light.
- 12) Transportation does not adequately address the impact of 143 units x 1.9 residents/unit leaving for work in peak AM and returning multiple times in peak PM. Also does not adequately address traffic delays due to construction trucks and delivery.
- 13) Concurrency does not adequately include known future projects and the collective impact of this project along with the S. Kirkland TOD traffic, Yarrow Bay Business District approved future housing, S. Houghton Slope increase in housing and traffic.

Thank you for making this part of the public record and listing my name as one who is able to participate in later appeals, etc.

Sincerely,
Karen Levenson

Teresa Swan

From: Kirk Mathewson <Kirk@mathewsons.net>
Sent: Monday, June 20, 2011 3:47 PM
To: Teresa Swan
Subject: Potala Project

June 20, 2011

Teresa Swan, Senior Planner
Planning Department
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

Subject: Dargey Enterprises, Potala Development, Permits SHR11-00002/SEP11-00004.

Dear Ms. Swan,

This is to object to the environmental, commercial, and practical impacts of the Potala Development on the surrounding lower density residential neighborhood.

My family has lived in the Moss Bay neighborhood over forty years and currently occupies approximately four acres between Seventh and Tenth Avenues South. Through past zoning processes, beginning in the 1970's, we argued to keep our immediate neighborhood, Single Family 8,500s.f. A review of Kirkland's zoning map shows this area to be almost an anomaly for its low historic density. We argued to mitigate scale, density and traffic impacts on Kirkland's sensitive downtown and surrounding neighborhoods. We argued against a twenty-five foot height limit and to instead use design guidelines to preserve views, scale, character etc. We, of course, lost that argument and now have rigid height limits that have created a flat box, no character Kirkland. We argued for a ten to fifteen foot sidewalk along Lake Washington Blvd. (Is there anyone today that wouldn't want a wider sidewalk?). Our efforts were always to keep a friendly human scale for which Kirkland was known.

Kirkland allows too much development on the Potala Development site. The project currently is too severe for this neighborhood, the existing pleasant scale of Lake Washington Blvd and an attractive entrance to Kirkland. This project could be in any downtown Kirkland, Redmond, Renton and even Bellevue. It is out of place where proposed. Essential to mitigating commercial impacts on surrounding lower density neighborhoods are considerations of design, scale (bulk and dimension), setbacks, density and traffic/parking impacts are. As it exists, this project defies any mitigating considerations.

I believe Kirkland has issued a DNS for the Project. This is surprising since the site has had the recognizable toxic impacts of dry cleaning and gas station businesses on-site for decades and is within feet of Lake Washington and probable ground water contaminate corridors. What has the environmental survey shown for contamination and recovery methods and their impacts to the surrounding area?

Having lived through forty years of multifamily development along Lake Washington Blvd., I can tell you the traffic/parking impacts will be greater than anything being suggested. The City, or perhaps neighbors, should commission an independent study.

Please enter this into the record and keep me advised of the "progress" of the Potala Development.

Respectfully submitted,

Kirk Mathewson
kirk@mathewsons.net
206-369-5252

Teresa Swan

From: Laura Loomis <lauraloomis@charlesloomis.com>
Sent: Thursday, June 16, 2011 5:57 PM
To: Teresa Swan

June 17, 2011

City of Kirkland
c/o Teresa Swan
tswan@kirklandwa.gov
123 5th Avenue
Kirkland, WA 98033

RE: Public Comment re Proposed Development at 1006 Lake Street

Dear Ms. Swan –

I am a resident of Kirkland's Moss Bay neighborhood and wish to be added as a "party of record" for permit requests SHR11-00002 and SEP11-00004.

I am very concerned about the 143-unit apartment complex currently proposed by Dargey Enterprises. The proposed development is unlike any other in the neighborhood in terms of size, scale and bulk. This neighborhood cannot absorb the impacts of a project of this scope —especially a project this dense. Neither the Comprehensive Plan nor the neighborhood's residents anticipated a building like the one proposed. I believe the City should take the following factors into consideration in reviewing the permit requests and DNS determination:

- **Bulk/dominance/scale:** The proposed building is extremely incongruous with the entirety of the surrounding neighborhood. While such a building might be appropriate in the downtown corridor, it will be a massive bulky façade rising out of Lake Street. Although the land use may be within the letter of the zoning code, it far exceeds the general scope of the existing neighborhood developments. These lots are surrounded by single family homes and condos, with density of less than 12 homes per acre. To suddenly allow 143 new apartments at a density of 116 units per acre of land is simply inappropriate.
- **Surface water and storm water concerns:** The proposed development would completely wipe away the existing vegetation on the lot and places a massive impervious structure at the base of a steep slope. I am not convinced the developer has adequately examined the likely issues that will result from this development.
- **Contamination concerns:** There is an existing dry cleaning operation on the site, and there is some indication in neighborhood lore that the site was home to a gasoline filling station at some point in the past. There are currently rusty barrels filled with who-knows-what sitting on the south end of the property, and buckets sitting behind the restaurant. I am very concerned that the massive soil disruption at the site would result in release of harmful contaminants into the surrounding neighborhood and into Lake Washington itself. While I understand that the applicant intends to remove a tremendous amount of soil, once that soil is disturbed and exposed (during excavation), I fear that rainwater could push the contamination into the groundwater and into the lake. I have not seen anything discussing present pollution or any plans to prevent any contaminated soil spillage during excavation.
- **Traffic:** While the developer has provided a traffic study to the City, I remain concerned that the overall traffic impact to the Lake Street/10th Avenue S. corridor will be far greater than anyone is willing to admit. Cars turning left onto Lake Street from this development will compete with cars turning left from 10th Avenue S—less than a half-block away—along with the existing heavy flow of north and southbound traffic on Lake Street. I am also concerned that many Potala residents would simply take a right turn onto Lake and immediately turn right up to 10th Avenue S., thereby taking the fastest possible route to

get out of the building. 10th Avenue S. is not a main arterial, is not designed to handle heavy traffic flows, and is an emergency through-way. Moreover, during morning and afternoon hours, the resulting traffic diversion would put drivers directly in the path of Lakeview Elementary students walking to and from school. Many of the Lakeview Elementary students cross at the uncontrolled State/10th Avenue S. intersection, as well as at the stoplight on block to the south.

- Parking: While the developer has moved away from the initial parking variance request, I remain concerned that the project does not provide sufficient parking. Tenth Avenue South becomes a one lane road when cars are parked on both sides of the street. Two cars cannot pass each other. Parked cars also block the view of drivers entering 10th Ave. South from residential side streets creating a potential for accidents.

Other potential concerns include the following:

- Removal of vegetation;
- Noise;
- Increased impact on neighborhood public access points;
- Speeding on 10th Avenue S.;
- Glare;
- Mixed ownership of the parcels;
- Insufficient Setbacks;
- “Residential Market” Comprehensive Plan designation; and
- Pedestrian safety, among others.

Please consider my comments as you review the DNS and consider the Shoreline permit. I wish to be kept informed at all stages of the permitting process, using the email address provided below.

Thank you,

Charles & Laura Loomis
100 10th Avenue South
Kirkland, WA 98033
lauraloomis@charlesloomis.com; cloomis@charlesloomis.com



CHARLES LOOMIS, INC.
11828 N.E. 112th
Kirkland, WA 98033
P : 800.755.0471 F : 425.823.4560
Cell : 425.919.2458
Email : lauraloomis@charlesloomis.com
<http://www.charlesloomis.com/>

Teresa Swan

From: Eric Shields
Sent: Wednesday, March 23, 2011 8:34 AM
To: Teresa Swan
Subject: FW: Portola Project Concerns

Eric Shields

From: Laura Loomis [<mailto:lauraloomis@charlesloomis.com>]
Sent: Tuesday, March 22, 2011 6:20 PM
To: Eric Shields
Subject: Portola Project Concerns

Hello Mr. Shields,

I, along with everyone that lives on or near 10th Avenue South, have huge concerns about parking and traffic impacts that will be created by the density of the proposed Portola Project on Lake Washington Blvd. & 10th Avenue South. We want to make you aware that the density of this project of 147 or more apartment units is inappropriate for this neighborhood of single family homes & condominiums.

Where will the tenants and their guests park? If the developer includes 1.7 parking spaces for tenants - where will the people park that have 2 cars? Where will the customers for the businesses park? Tenth Avenue South is the main thoroughfare for fire and emergency vehicles. During the summer, cars park on both sides of this narrow road and two vehicles cannot pass each other simultaneously. When the street fills with parked cars (which will happen), it will become a hazard for drivers, emergency vehicles, current residents, and their children.

How will tenants enter and exit the Portolo Project building? Lake Washington Blvd. is packed with cars in the mornings, evenings, and often all day in the summer. Tenants entering onto Lake Washington Blvd. from the Portolo Project (if they can) will back up traffic coming from I405, State Street and other areas down 10th Avenue South. How will they go South, will there be a middle lane created?

I am not objecting to the project itself - just the impact the proposed number of units will have on parking, traffic, and the neighborhood. This is a high income community and I hope you will convince the developer that it is in the city's, the neighborhood's, and his best interest to reduce the density to fewer, larger apartments. This will attract long term tenants instead of young single tenants that often create noise & cause problems for the neighborhood, the apartment managers, and the police. Apartments on the boulevard are a prime place to party!

There is an upside to the development. Neighbors, like me, that will lose their view of the lake & Seattle will receive the benefit of lower property taxes.

Please let me know your thoughts on our concerns. I will share your response with other concerned people in the neighborhood. I hope there is a resolution that will benefit everyone.

A handwritten signature in black ink that reads "Laura Loomis". The signature is fluid and cursive, with the first name "Laura" and the last name "Loomis" clearly distinguishable.

Laura Loomis
100 10th Avenue South
Kirkland, WA 98033
P : 425.889.2742 Work : 425.823.4560
Email : lauraloomis@charlesloomis.com
Cell : 425.919.2458
<http://www.charlesloomis.com/>

Teresa Swan

From: Laura Loomis <lauraloomis@charlesloomis.com>
Sent: Thursday, March 24, 2011 4:33 PM
To: Teresa Swan
Cc: Charles Loomis
Subject: File SEP11-00004

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Hello Teresa,

Here are my concerns & questions regarding the Potala Village Project.

I, along with everyone that lives on or near 10th Avenue South, have huge concerns about parking and traffic impacts that will be created by the density of the proposed Portola Project on Lake Washington Blvd. & 10th Avenue South. We want to make you aware that the density of this project of 147 or more apartment units is inappropriate for this neighborhood of single family homes & condominiums.

Where will the tenants and their guests park? If the developer includes 1.7 parking spaces for tenants - where will the people park that have 2 cars? Where will the customers for the businesses park? Tenth Avenue South is the main thoroughfare for fire and emergency vehicles. During the summer, cars park on both sides of this narrow road and two vehicles cannot pass each other simultaneously. When the street fills with parked cars (which will happen), it will become a hazard for drivers, emergency vehicles, current residents, and their children.

How will tenants enter and exit the Potala Project building? Lake Washington Blvd. is packed with cars in the mornings, evenings, and often all day in the summer. Tenants entering onto Lake Washington Blvd. from the Potala Project (if they can) will back up traffic coming from I405, State Street and other areas down 10th Avenue South. How will they go South, will there be a middle lane created?

Construction Concerns:

- For reasons outlined above, 10th Avenue South should not be used for parking for Construction, nor should large dump trucks be allowed to use it to transport dirt and other materials to the job site.
- Pollution & dust generated by these vehicles impairs the health of inhabitants with allergies and disabilities that live in the neighborhood - which could result in lawsuits filed against the city.
- Heavily loaded trucks may damage the road - which will require repaving. Who pays for this?
- Where does the city plan to route trucks coming to and from this project? What hours are deliveries & pick-ups allowed?
- How will noise, dust and runoff be controlled? Will construction be allowed on weekends?
- What times during the day will construction be allowed? This is a neighborhood of people that work, we need our sleep and we look forward to peaceful weekends.

General Project concerns:

- I am not objecting to the project itself - just the impact the proposed number of units will have on parking, traffic, and the neighborhood.
- This is a high income community and I hope you will convince the developer that it is in the city's, the neighborhood's, and his best interest to reduce the density to fewer, larger apartments. This will attract long term tenants.
- Low rent apartments attract young single tenants that habitually create noise & cause problems for the neighborhood, the apartment managers, and the police. You can confirm this with the Kirkland police. **Low rent apartments on the boulevard are a prime place to party!**

There is an upside to the development. Neighbors, like me, that will lose their view of the lake & Seattle will receive the benefit of lower property taxes.

Please let me know your thoughts about our concerns. I will share your response with other concerned people in the neighborhood. I hope there is a resolution that will benefit everyone.

Teresa Swan

From: Laura Loomis <lauraloomis@charlesloomis.com>
Sent: Thursday, March 31, 2011 6:20 PM
To: Teresa Swan
Subject: RE: File SEP11-00004

Teresa,

Thanks for responding. I realize that as long as the developer complies with the current codes - you can't do much. It isn't your job to ensure ugly buildings don't get built or that projects with this density and height don't get built in inappropriate places. It is just disappointing that developers get special privileges and the people that are adversely affected by their projects don't have a say in what happens to them and their quality of life.

Hopefully, you will believe our very real concerns about the traffic and parking concerns as well as the excessive building height along Lake Washington Blvd. It is a monstrosity and will stick out like a sore thumb!!!

Best regards,



CHARLES LOOMIS, INC.

11828 N.E. 112th
Kirkland, WA 98033
P: 800.755.0471/425.823.4560
F: 425.823.8654
Email : lauraloomis@charlesloomis.com
<http://www.charlesloomis.com/>



From: Teresa Swan [mailto:TSwan@ci.kirkland.wa.us]
Sent: Thursday, March 31, 2011 3:26 PM
To: Laura Loomis
Subject: RE: File SEP11-00004

Hi Laura:

Thank you for your email. I have been on vacation and just returned mid day on March 30, 2011.

I understand your concerns regarding the Potala Village project. You have many questions as indicated below.

Due to my current deadlines on other projects and my reduced hours from budget cuts (only work 20 hours a week), I will unfortunately need to wait a week or more to begin a respond to your many questions. The Potala Village application is not complete and the file has not been set up so we are in the very early stages of the permit review.

I will note on my calendar to try to get to your questions by the week of April 11, 2011.

Again, I apologize for the delay but I have a backlog of work that have deadlines in April and only a few days each week to work on them.

From: Laura Loomis [mailto:lauraloomis@charlesloomis.com]
Sent: Thursday, March 24, 2011 4:33 PM
To: Teresa Swan
Cc: Charles Loomis
Subject: File SEP11-00004

Hello Teresa,

Here are my concerns & questions regarding the Potala Village Project.

I, along with everyone that lives on or near 10th Avenue South, have huge concerns about parking and traffic impacts that will be created by the density of the proposed Portola Project on Lake Washington Blvd. & 10th Avenue South. We want to make you aware that the density of this project of 147 or more apartment units is inappropriate for this neighborhood of single family homes & condominiums.

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- This is a high income community and I hope you will convince the developer that it is in the city's, the neighborhood's, and his best interest to reduce the density to fewer, larger apartments. This will attract long term tenants.
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There is an upside to the development. Neighbors, like me, that will lose their view of the lake & Seattle will receive the benefit of lower property taxes.

Please let me know your thoughts about our concerns. I will share your response with other concerned people in the neighborhood. I hope there is a resolution that will benefit everyone.

4/8/11

Teresa,

Thanks for all the informative information. We will have lots of new neighbors - which isn't a bad thing, lots more traffic, which we will learn to deal with, and another large Kirkland boxy eyesore that will make Kirkland less attractive for everyone. I'm upset that big developers are allowed loopholes and receive incentives that use my taxpayer dollars to create poorly designed buildings that ruin the character of Kirkland - what's left of it.

Does anyone in the city realize how large this building will be and how out-of-place it will look in this area? Doesn't anyone in the planning department care about how our city looks? Is it all about money and follow the rules mentality?

A handwritten signature in black ink that reads "Laura Loomis". The signature is fluid and cursive, with the first name "Laura" and the last name "Loomis" clearly distinguishable.

CHARLES LOOMIS, INC.

11828 N.E. 112th

Kirkland, WA 98033

P: 800.755.0471/425.823.4560

F: 425.823.8654

Email : lauraloomis@charlesloomis.com

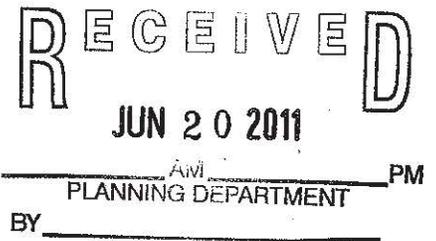
<http://www.charlesloomis.com/>

Memo 20 June 2011

To: Teresa Swan, City of Kirkland

From: Lillo Way and Bill McNeill
 (owner/residents Washington Shores II)
 6333 Lake Washington Blvd Apt 308
 Kirkland Washington 98033
 425 822 1111
lilloway@gmail.com

Re: Potala Village proposal



Thank you, Teresa, for addressing the concerns of Kirkland residents about the impact of the proposed Potala Village on Lake Washington Boulevard.

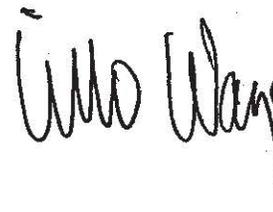
The issue of greatest concern to me is that of traffic on the Boulevard and alternative streets. **Has the City of Kirkland conducted a traffic flow study in relationship to the addition number of potential drivers at the proposed site of Potala Village?**

You are no doubt aware of the existing traffic congestion issues. At rush hours, it is a challenge for residents to so much as exit our driveways. Once exiting is managed, we join the other vehicles in idling and inching along. During the summer months, the afternoon north-heading traffic is often backed up to Houghton Beach. From there, it can take a half-hour to reach the traffic light at Central Avenue. The noxious fumes and noise are a serious problem for residents as it is.

If the traffic gets worse, which it certainly will if the Potala project goes through, I will no longer care to live in Kirkland. My friends who live north of Central Avenue are already frustrated to the point of considering moving away from Kirkland.

If the traffic problem worsens, I believe that Kirkland will become know as the town which the terrible traffic jams. It is a serious problem which could result in Kirkland's becoming an undesirable place to live.

I believe the Potala Village project, as it stands now, will go forward to the serious detriment of everyone who lives and drives in Kirkland. I urge you to delay approval of the project.

 (Lillo Way)

From: Maureen Kelly [<mailto:mkelly@windermere.com>]
Sent: Wednesday, March 16, 2011 7:08 PM
To: Maureen Kelly
Subject: FW: Moss Bay Meeting Monday, March 21
Importance: High

I recently learned from [KirklandViews.com](http://www.kirklandviews.com/archives/25308) (<http://www.kirklandviews.com/archives/25308>) that a **143 unit apartment + 6,000sf retail space** permit file has been opened in the City of Kirkland Planning Department. Project location is Lake Street/Lk Washington Blvd on the property currently housing Michaels Dry Cleaners and the seasonal Christmas tree lot. http://www.kirklandpermits.net/tm_bin/tmw_cmd.pl?tmw_cmd=StatusViewCase&shl_casen o=SHR11-00002

The developer has built one similar (smaller) project in Everett containing a 108 unit complex that can be viewed at: <http://potalavillage.com/Everett/photo-gallery.aspx>

The rendering for the earlier proposal of 180 units at the Lake St site can be seen here: <http://potalavillage.com/Kirkland/>.

In my opinion a project of this scale, in a neighborhood surrounded by waterfront homes, condominiums and quiet residential streets, will irrevocably harm the quality of (commuting) life within a significant radius and have a potentially negative impact on surrounding home values. Imagine the traffic nightmare on Lake Washington Blvd, State St and surrounding residential streets from even half as many residential units as the proposed 143. It is also my understanding that the project will not be subject to Design Review or a City of Kirkland Public Hearing because it is outside of the CBD (Central Business District) boundaries. Again, as I understand it, the only public comment period will be for a short window for the Shoreline Permit review period.

Most of us assumed and hoped that one day the subject parcel(s) would be developed, but I doubt that any of us could have imagined something of this scale. I encourage you to attend the presentation at Heritage Hall on Monday evening at 7pm to learn more. Or contact the Planning Department at the City of Kirkland.

Maureen Kelly

Teresa Swan

From: Maureen Kelly <pebblebeach102@comcast.net>
Sent: Thursday, April 14, 2011 1:18 PM
To: Teresa Swan
Cc: Thang Nguyen; City Council; Jeremy McMahan; Kurt Triplett; Eric Shields
Subject: Party of Record Request: Potala Village
Attachments: Maureen Kelly.vcf

A Formal Request to be a Party of Record for the development that is currently being called Potala Village (or any future name) for parcels #082505-9233, 935490-0220 and 935490-0240.

Concerns:

- Zoning. The site is the only site in the surrounding residential neighborhood zoned (BN) Commercial, not High Density Residential. 143 residential units on a parcel this size is high density.
- Density. The proposed project is not in line with the surrounding neighborhood of low/medium density residential and single family.
- Traffic Congestion & Parking: 143 Units, some with 2 cars, most with guest requirements, particularly during summer.
- Design Review. Mass, scale, density, view corridors, terracing. 600sf+ retail partially below grade??
- Public Process
- Legal. What are the legal ramifications of one mega building on parcels with different owners? Project should be hugely scaled back and broken in to a minimum of two buildings on separate parcels.

	<p>Maureen Kelly Pebble Beach Condominium HOA (206) 465-5550 Mobile pebblebeach102@comcast.net 6201 Lk. Washington Blvd NE #102 Kirkland, WA 98033 www.KellyonRealEstate.com</p>
---	---

Teresa Swan

From: Michael Phillips <mjaphillips@gmail.com>
Sent: Thursday, June 09, 2011 9:47 AM
To: Teresa Swan
Subject: SHR11-00002

Dear Ms Swan,

My name is Michael Phillips and I live at 905 Lake Street South, Unit 103N, Kirkland, WA 98033.

I am totally opposed to this development. The traffic into town on Lake Street is frequently at a standstill with current residential density. This will worsen the traffic problems.

In addition I understand that you are now going to get rid of our small restaurant and cleaner in favor of office space. Do you really think Kirkland needs more office space? We are getting 1,200,000 sq ft more with Park Place!

Finally the size of this building is completely out of character with the immediate area.

Please do not approve this development.

Michael J Phillips

From: msailor@comcast.net

To: msailor@comcast.net

Subject: 143 Unit Apartment building proposal on Lake St by Waters Edge Condo

Date: Wed, 23 Mar 2011 16:36:55 -0700

Hello all,

A resident (Thanks Cindy) informed me of a development that is being planned which I knew a little about but not much. Here is some more information below. I believe they plan to break ground in July/August so if you have any issues or questions, please contact the Planning department and/or Moss Bay representatives immediately. My initial concern is the impact it will have on traffic and the surrounding area and the scale of the development. I have contacted Moss Bay to find out what their residents think about this project since they will be impacted by this development as well as those who commute on Lake WA Blvd.

Best,

Michelle Sailor

MNA Chair

Teresa Swan

From: Mitika Gupta <mitika.gupta@gmail.com>
Sent: Monday, June 20, 2011 1:45 PM
To: Teresa Swan
Subject: Public Comment re Proposed Development at 1006 Lake Street

June 20, 2011

City of Kirkland
c/o Teresa Swan
tswan@kirklandwa.gov
123 5th Avenue
Kirkland, WA 98033

RE: Public Comment re Proposed Development at 1006 Lake Street

Dear Ms. Swan –

I am a resident of Kirkland's Moss Bay neighborhood and wish to be added as a "party of record" for permit requests SHR11-00002 and SEP11-00004.

I am very concerned about the 143-unit apartment complex currently proposed by Dargey Enterprises. The proposed development is unlike any other in the neighborhood in terms of size, scale and bulk. This neighborhood cannot absorb the impacts of a project of this scope —especially a project this dense. Neither the Comprehensive Plan nor the neighborhood's residents anticipated a building like the one proposed. I believe the City should take the following factors into consideration in reviewing the permit requests and DNS determination:

- **Bulk/dominance/scale:** The proposed building is extremely incongruous with the entirety of the surrounding neighborhood. While such a building might be appropriate in the downtown corridor, it will be a massive bulky façade rising out of Lake Street. Although the land use may be within the letter of the zoning code, it far exceeds the general scope of the existing neighborhood developments. These lots are surrounded by single family homes and condos, with density of less than 12 homes per acre. To suddenly allow 143 new apartments at a density of 116 units per acre of land is simply inappropriate.
- **Surface water and storm water concerns:** The proposed development would completely wipe away the existing vegetation on the lot and places a massive impervious structure at the base of a steep slope. I am not convinced the developer has adequately examined the likely issues that will result from this development.
- **Contamination concerns:** There is an existing dry cleaning operation on the site, and there is some indication in neighborhood lore that the site was home to a gasoline filling station at some point in the past. There are currently rusty barrels filled with who-knows-what sitting on the south end of the property, and buckets sitting behind the restaurant. I am very concerned that the massive soil disruption at the site would result in release of harmful contaminants into the surrounding neighborhood and into Lake Washington itself. While I understand that the applicant intends to remove a tremendous amount of soil, once that soil is disturbed and exposed (during excavation), I fear that rainwater could push the

contamination into the groundwater and into the lake. I have not seen anything discussing present pollution or any plans to prevent any contaminated soil spillage during excavation.

- **Traffic:** While the developer has provided a traffic study to the City, I remain concerned that the overall traffic impact to the Lake Street/10th Avenue S. corridor will be far greater than anyone is willing to admit. Cars turning left onto Lake Street from this development will compete with cars turning left from 10th Avenue S—less than a half-block away—along with the existing heavy flow of north and southbound traffic on Lake Street. I am also concerned that many Potala residents would simply take a right turn onto Lake and immediately turn right up to 10th Avenue S., thereby taking the fastest possible route to get out of the building. 10th Avenue S. is not a main arterial, is not designed to handle heavy traffic flows, and is an emergency through-way. Moreover, during morning and afternoon hours, the resulting traffic diversion would put drivers directly in the path of Lakeview Elementary students walking to and from school. Many of the Lakeview Elementary students cross at the uncontrolled State/10th Avenue S. intersection, as well as at the stoplight on block to the south.
- **Parking:** While the developer has moved away from the initial parking variance request, I remain concerned that the project does not provide sufficient parking.

Other potential concerns include the following:

- Removal of vegetation;
- Noise;
- Increased impact on neighborhood public access points;
- Speeding on 10th Avenue S.;
- Glare;
- Mixed ownership of the parcels;
- Insufficient Setbacks;
- “Residential Market” Comprehensive Plan designation; and
- Pedestrian safety, among others.

Please consider my comments as you review the DNS and consider the Shoreline permit. I wish to be kept informed at all stages of the permitting process, using the email address provided below.

Thank you,

Mitika Gupta & Amit Fulay
217 10th Ave S
Kirkland, WA
Mitika.gupta@gmail.com

Teresa Swan, Senior Planner
Planning Department
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

ATTACHMENT 48
R E C E I V E D
JUN 20 2011
AM 4:50 PM
PLANNING DEPARTMENT
000004. *Jan*

Subject: Dargey Enterprises, Potala Development, Permits SHR11-00002/SEP11-000004.

Dear Ms. Swan,

This is to object to the environmental, commercial, and practical impacts of the Potala Development on the surrounding lower density residential neighborhood.

The area near this development is zoned , Single Family 8,500s.f. The Potala project ignores this zoning are and puts it totally out of scale with the neighborhood and will create density and traffic impacts on Kirkland's sensitive downtown and surrounding neighborhoods. Kirkland continues to create higher density projects that are out of scale for the neighborhoods without regard to existing residents. There has been no or insignificant changes in traffic flow and mitigation with other projects, such as Google, and numerous high density projects in downtown Kirkland and surrounding areas and this project will add to this. There are no plans to improve the neighborhood. There has been a small neighborhood restaurant on this site for numerous years which enhances the neighborhood but no restaurants, shops or anything that would be added to enhance the neighborhood. The only thing is more traffic, higher density, along with this goes higher crime and these things do not enhance the neighborhood. This does not seem the way to build a city. These are the type of projects that destroy cities and neighborhoods. . Efforts should be to keep a friendly human scale for which Kirkland was known. If the city would take the time to look forward and imagine how this project will impact the current neighbors and the city they should see it does not fit – it's too big!

Kirkland allows too much development on the Potala Development site. The project currently is too severe for this neighborhood, the existing pleasant scale of Lake Washington Blvd and an attractive entrance to Kirkland. This project could be in any downtown Kirkland, Redmond, Renton and even Bellevue. It is out of place where proposed. Essential to mitigating commercial impacts on surrounding lower density neighborhoods are considerations of design, scale (bulk and dimension), setbacks, density and traffic/parking impacts are. As it exists, this project defies any mitigating considerations.

I believe Kirkland has issued a DNS for the Project. This is surprising since the site has had the recognizable toxic impacts of dry cleaning and gas station businesses on-site for decades and is within feet of Lake Washington and probable ground water contaminate corridors. What has the environmental survey shown for contamination and recovery methods and their impacts to the surrounding area?

Having seen years of multifamily development along Lake Washington Blvd., history has shown that traffic/parking impacts will be greater than anything being suggested. The City should commission an independent study.

Please enter this into the record and keep me advised of the "progress" of the Potala Development.

Respectfully submitted,



Neil Anderson
neil.o.anderson@boeing.com
425-822-8052

From: per.billgren@comcast.net [<mailto:per.billgren@comcast.net>]
Sent: Wednesday, June 15, 2011 4:30 PM
To: Jeremy McMahan
Subject: Potala Village

How can I get involved in this and help cut it down in size ?? I am happy to see something happening with this eyesore but this is dum.
Per Billgren

Teresa Swan

From: Randall Cohen <randall@thumbprintcorp.com>
Sent: Monday, June 20, 2011 12:23 PM
To: Teresa Swan
Subject: Potala development proposal comment - PERMIT NUMBER SHR11-00002

City of Kirkland

Project Planner

Teresa Swan,

I am a Kirkland resident and property owner on Lake Street South, and have important concerns about the City allowing the Portalla apartment complex to proceed as proposed.

Please add me as a party of record, **for permit requests SHR11-00002 and SEP11-00004**

I welcome the development of residential units on the property purchased by Mr. Dargey, but object to my city allowing a project of the scale and density of the proposed 143 apartments in a neighborhood where the average density is far below what is proposed.

I, together with like-minded neighbors, have hired a firm of attorneys to represent us in this matter, and we intend to pursue this matter to maintain the neighborhood livability.

Mr. Dargey's proposed project is dramatically out of keeping with the scale and density of the immediate neighborhood, and should be downsized and altered to reflect the surrounding neighborhood of single-family homes (12 homes per acre), condominiums and apartments. This is a residential neighborhood of medium density housing and should remain so. To allow the 12 homes to increase to 116 units per acre is clearly proposing a neighborhood alteration inappropriate with the location.

This development is proposed in a "Residential Market" area as described in the Comprehensive Plan which is also a further incongruent factor in the neighborhood planning.

Downtown Kirkland has successfully permitted high-density units within an area that has grown into a neighborhood of retail shops, offices, restaurants, hotels, apartments and condominiums. This new proposed project will create a very high-density group of buildings out of place on Lake Street South, where there are no similar projects, or available land on which to build a competing downtown district, yet it does compete with downtown Kirkland with regard to land use and density.

The proposed buildings on Lake Street propose an almost flat wall, reaching over thirty feet

from street level. Other higherdensity projects on Lake Street South, have deeper setbacks and are terraced, which minimizes the visual impact on the street, as well as the protection of view properties affected by the proposed buildings. There is no terracing or gaps in the buildings on Lake Street, suggested in the proposed plans (which would reduce the visual impact of such a monolith).

The increase in traffic congestion will likely result from even more than the proposed 143 units account for. Friends for the new residents will likely visit throughout the year and add to an already congested Lake Street and Lake Washington Boulevard. This factor seems to be overlooked by the City in it's approval of the project.

Parking is already inadequate along the corridor from Northup Way to downtown Kirkland. Allowing massive developments along Lake Street will further add to the problem.

Tenth Avenue South was not designed to carry arterial traffic density, yet will likely be used to such an extent, by the new residents, that it may well be a de-facto arterial. This is something the city would regret if they did not anticipate such eventualities prior to permitting.

Similarly, the size and bulk of the proposed project cannot be rectified post-construction. Future zoning modifications, resulting from lessons learned as a consequence of allowing this development, will be too late to maintain this Kirkland neighborhood. The City should learn from similar zoning changes in the Puget Sound area, and therefore anticipate what is about to be built is out of character and functionality with the immediate surrounding area.

The shoreline portion of the proposed development is within the 200 feet of the lake, and since the proposed building is adjoined to the rest of the development building, it should be considered along with the larger property when permitting according to the City's building requirements and restrictions.

The City of Kirkland should consider reviewing the permit requests and DNS determination, with the points mentioned above. Please keep me informed at every stage of the permitting for this project. My email below will suffice.

I thank you for your consideration.

Randall Cohen

905 Lake Street South, #202

Kirkland Wa 98033

randall@thumbprintcorp.com

Teresa Swan

From: Richard Satre <RSatre@radiax.com>
Sent: Thursday, March 24, 2011 8:26 PM
To: Teresa Swan
Subject: Potala village

I am a resident of Kirkland
905 1st St S

I was unable to attend the meeting. For multiple reasons I am opposed to this project
Doubt it will make any difference
Rich Satre

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Robin Herberger
6401 Lake Washington Blvd., NE, #403
Kirkland, WA 98033
Phone 425-828-9668
E-mail Mediaworks1@frontier.com

June 17, 2011

Teresa Swan, Senior Planner
City of Kirkland Planning Department
Via e-mail: tswan@kirklandwa.gov

RE: Notice of Application / Potala Village, Permit No. SHR11-00002

Dear Ms. Swan:

In what seems to be an exercise in futility, I am writing a letter in opposition to the proposed building of the 143-unit, 316-parking stall, mixed-use complex called Potala Village on Lake Street S. I realize that Public Comment is invited only to address Shoreline issues which fall under the purview of the Department of Ecology, but I want to include some more general, personal comments, if I may, as a resident who will be directly impacted by the development.

As a long-time Kirkland resident who lives on Lake Washington Boulevard and who cares about preserving the unique character of my neighborhood, our city, and the quality of life we all have the good fortune to share, I am of the opinion that a development of such massive scale does not belong in the middle of Lake Street S/Lake Washington Boulevard, and should not be imposed. It is out of proportion in size and intended use. Yes, I get the fact that it is private property and as long as developers maneuver within City guidelines they can do what they want no matter how many letters of protest are filed.

And I know that the "character of our city" and "quality of life" arguments have been made many times in the past about projects, to no avail. I am under no illusion that the outcome regarding Potala Village will be any different than other developments which have gone through the system and have been approved.

Ms. Swan, I appreciate your taking the time to speak with me on the phone a week or so ago about this project to address some of my concerns. You answered my questions, but I still want to offer the following:

- You explained that the volume of traffic expected from this project is too small to necessitate a traffic study. I still think that a new, 143-unit residential complex with 316 parking stalls plunked down in the middle of an already too-congested main arterial should

warrant some kind of traffic study – even though the City has accepted the idea that Lake Street S / Lake Washington Boulevard is heavily trafficked.

- As the entry and exit to the parking garage for these 316 cars are both on Lake Street S, doesn't this create a different kind of congestion that needs to be studied? Potala Village does not only create increased *flow* . . . it creates a point of traffic entry and exit that imposes a greater impact on flow, as it *interrupts* the flow.
- I am still puzzled by the fact that there are no residential density limits for properties zoned "Business Neighborhood." I understand from what you said that the City agreed to this some years ago and I don't question its legitimacy, only the sense of it.
- In your "Letter of Incompleteness" to Lobsang Dargey, dated March 18, 2011, you write, "Since you do not want your project to wait until the correction to the shoreline density regulation for the BN zone has been approved by the Department of Ecology . . ." Why does Mr. Dargey have the right to not wait for regulations to be approved by the Department of Ecology?

Thank you for the opportunity to weigh in on this construction project, which will significantly change the physicality and ambience of Kirkland's lakefront community – for the worse, in my opinion. I realize that I'm spitting against the wind in opposing developers . . . developers who do not live and work among us, but who continue to chip away at our city for the purpose of extracting and carting away personal wealth.

Admittedly, my comments are more personal in nature than permit-specific and, thus, probably less meaningful to decision makers within the permitting process. However, I need to say that I consider the proposed Potala Village, by an Everett developer on land primarily leased from an out-of-state property owner, which is to be gouged out of the earth and erected just up the street from me, to be a blight on our fragile, incomparable, and irreclaimable landscape.

I realize that my letter will probably be put in the "old Fuddy-Duddy who doesn't understand progress and never wants Kirkland to change" pile. Well, . . . at least the Duddy pile just got a wee bit bigger.

Sincerely,

Robin Herberger

Teresa Swan

From: Sharon Nelson <sharonjnelson@comcast.net>
Sent: Wednesday, April 20, 2011 9:34 AM
To: Teresa Swan
Cc: Thang Nguyen; City Council; Jeremy McMahan; Kurt Triplett; Eric Shields
Subject: Party of Record Request: Potala Village

To whom it may concern:

Please consider this as our Formal Request to be a Parties of Record for the development (Potala Village – or any future name) – Parcels #082505-9233, 935490-0220 and 935490-0240.

Our concerns are with regard to (1) Comprehensive Plan, (2) Zoning, (3) Shoreline Master Plan, (4) SEPA, (5) Design Review, (6) Public Process and (7) Legal Ramifications:

- **COMPREHENSIVE PLAN (Density):** The proposed project is not in line with the surrounding neighborhood of low/medium density residential and single family.
- **ZONING:** The site is the only site in the surrounding residential neighborhood zoned (BN) Commercial, not High Density Residential. 143 residential units on a parcel this size is high density.
- **SHORELINE MASTER PLAN: Design Review.** Mass, scale, density, view corridors, terracing. 600sf+ retail partially below grade??
- **SEPA: Traffic Congestion & Parking for Lake Street AND 10th:** 143 Units, some with 2 cars, most with guest requirements, particularly during summer. Since it appears that 10th is now the access for emergency vehicles and this is not a wide enough street to accommodate the potential parking issues and traffic, this is of great concern for public safety on all counts.
- **DESIGN REVIEW:** Mass, scale, density, view corridors, terracing. 600sf+ retail partially below grade?
- **PUBLIC PROCESS:**
- **LEGAL:** What are the legal ramifications of one mega building on parcels with different owners? Project should be hugely scaled back and broken in to a minimum of two buildings on separate parcels.

Sincerely,
 Arlyn & Sharon Nelson
 6736 Lake Washington Blvd NE #8
 Kirkland, WA 98033

Arlyn Nelson 206.718.3612
Arlyn.nelson@comcast.net

Sharon Nelson 425.260.3500
sharonjnelson@comcast.net

Teresa Swan

From: Sharon Nelson [sharonjnelson@comcast.net]
Sent: Monday, June 20, 2011 1:03 PM
To: Teresa Swan
Subject: FW: SHR11-00002

Goof morning again, Teresa...

Actually, my husband and I wanted to confirm we were parties of interest in the Potala Village project. As a reminder, we had requested this quite some time ago because we are concerned about:

1. Traffic issues on Lake Washington Blvd (we have personal experience already with heavy traffic and parking issues) without having additional traffic that is being proposed.
2. Zoning issues for a building this large in the neighborhood. This covers many issues other than just traffic and parking issues.

Please confirm that we ARE, in deed, parties of interest so that we can, if necessary, make comments to the proper officials in the future.

Thank you,

Sharon & Arlyn Nelson
6736 Lake Washington Blvd NE #8
Kirkland, WA 98033
425.260.3500 Sharon

June 20, 2011

City of Kirkland
c/o Teresa Swan
tswan@kirklandwa.gov
123 5th Avenue
Kirkland, WA 98033

RE: Public Comment re Proposed Development at 1006 Lake Street

Dear Ms. Swan,

I reside in Kirkland's Moss Bay neighborhood and am the President of a 4 unit condominium building (Highland House) located at 945 1st Street S. I wish to be added as a "party of record" for permit requests SHR11-00002 and SEP11-00004.

We have felt for some time that the parcel(s) in question were an eyesore. Hence, we were quite enthusiastic about the potential for development and improvement. However, since learning about the proposed new development in our immediate area, we have become very concerned about the large apartment complex currently proposed by Dargey Enterprises. The proposed project is clearly incompatible with the immediate neighborhood for a number of reasons:

- **Building size, scale and density:** The proposed building is simply massive and totally incompatible with the surrounding neighborhood. If built, it will dominate this existing neighborhood of mostly single family homes and smaller condominium/apartment residences. The plan seems to maximize every cubic inch of ground coverage and height, producing a monolithic structure that will totally change the look and feel of this neighborhood. In addition, the density of units planned for this site will have impact in other critical areas...see below.
- **Traffic:** It is very clear to us that Lake Street is already clogged with traffic at critical times in the day. We look out at that traffic every day, with stop and go conditions often persisting for hours. The stop and go traffic invariably snakes past the location of the proposed development. This is a current reality. How can we possibly consider exacerbating the problem by putting 143+ additional cars out on that street multiple times every day, with all the entrance/egress issues that will result?
- **Parking:** While the proposal seems to provide the required 1.7 parking spaces per unit, I am very concerned that many future residents of that structure (and their visitors) may well choose not to park there. Why? Well, simple logic...if they would otherwise have to wait in a long line of traffic to gain access to the garage, many of them will simply choose to park in the local neighborhood to avoid the mess and walk a block or two.

That means lots of “overflow” parking on 10th Avenue S and the streets that branch from it. Note that 10th Avenue S does not support passage of cars in both directions when there are cars parked on each side of the street...it’s simply not wide enough. In addition I would point out that the developer currently charges for parking at his Everett location (\$60/month)

[http://www.potalavillageeverett.com/property_home_page/home?page_name=our_community]. I suspect that many resident will chose to park on the surrounding streets, rather than pay a parking fee...especially in light of the egress issues noted above.

Please consider my comments as you review the DNS and consider the Shoreline permit. I wish to be kept informed at all stages of the permitting process, using the email address provided below.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'S. Cullen', written in a cursive style.

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

steve@cullens.org

Teresa Swan

From: Barb <dknapp3140@aol.com>
Sent: Friday, May 20, 2011 3:47 PM
To: Teresa Swan
Subject: SHR11-00002

Subject: SHR11-00002

Dear Ms. Swan,

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

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

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

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

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

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

I can be reached at the contacts below, if you wish to discuss. I am sure that I speak not just for ourselves but also for the 5 other families in our building, Waterford East. Likely you will hear from them personally as well expressing their opposition.

Thomas H. Grimm

Ryan, Swanson & Cleveland, PLLC
1201 Third Avenue, Suite 3400 | Seattle WA 98101-3034
Direct 206.654.2244 | Direct Fax 206.652.2944

Mobile: 206.612.2195
Assistant: Rob Walker 206.326.5726
grimm@ryanlaw.com | www.ryanswansonlaw.com



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Web Case Comments

ATTACHMENT 56 06/22/2011

Permit Number: SHR11-00002
Project Name: SUBSTANTIAL DEVELOPMENT PERMIT
Opened for Comment: 05/13/2011 8:10AM
Closed for Comment: 06/21/2011 12:00AM

Permit Status: P
Comments on this Case: 14

Permit Details:

Shoreline Substantial Development Permit to construct a mixed use building with approximately 6000 SF of ground floor non-residential and 143 residential units on the upper floors located within the Neighborhood Business (BN) Zone. Part of the western portion of subject property is located within 200 feet of the lake and thus is subject to the State Shoreline Management Act. The scope of this shoreline permit is limited to building height, uses and lot coverage. State Department of Ecology has final approval of shoreline permits.

Comments:

Charles Pilcher, 10127 NE 62nd Street Kirkland WA 98033, **06/16/2011** **1 of 14**

How has this slipped under the local radar? Please add me to any list that exists so that I may receive updates on the progress of this project. The traffic implications alone are enough to scare me. And I've heard that the units will all be rentals with minimum square footage.

Kathleen Dier, 6214 101st Ct. NE Kirkland, Wa 98033, **06/16/2011** **2 of 14**

I am very concerned regarding the size of each unit. I do not feel this small size of unit is appropriate for this area. Thank you.

Kathleen Dier, 6214 101st Court NE Kirkland, Wa 98033, **06/17/2011** **3 of 14**

The more I read about this development the more upset I become. How can the Kirkland Council let this happen? This is overdevelopment of a small space. The impact is too great! And it appears that the permits were gained in a underhanded way with no input from the surrounding community. Who is in charge at the Kirkland Council?

Kathleen Dier, 6214 101st Court NE Kirkland, Wa 98033, **06/17/2011** **4 of 14**

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Kathleen Dier, 6214 101st Court NE Kirkland, Wa 98033, **06/17/2011** **5 of 14**

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Larry Saltz, 9229 NE 128th Lane Kirkland, Wa 98032, **06/17/2011** **6 of 14**

Even though I do not live in the vicinity of the proposed development I feel it will have a negative impact on traffic and the ability to get through Kirkland to the Freeways. It appears that the permitting process was flawed and perhaps illegal.

Charles Pilcher, 10127 NE 62nd Street Kirkland WA 98033, **06/18/2011** **7 of 14**

Developing this property is inevitable, but the SCALE of the proposal is completely out of sync with the rest of the neighborhood

Charles Pilcher, 10127 NE 62nd Street Kirkland WA 98033, **06/18/2011** **8 of 14**

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Web Case Comments

ATTACHMENT 56 06/22/2011

Permit Number: SHR11-00002

Permit Status: P

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Comments on this Case: 14

Opened for Comment: 05/13/2011 8:10AM

Closed for Comment: 06/21/2011 12:00AM

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Comments: (Continued...)

Charles Pilcher, 10127 NE 62nd Street Kirkland WA 98033,

06/18/2011

9 of 14

Developing this property is inevitable, but

- * the SCALE of the proposal is completely out of sync with the rest of the neighborhood
- * the traffic implications are insufficiently evaluated
- * the parking of some 70 cars on the street is impossible

Charles Pilcher, 10127 NE 62nd Street Kirkland WA 98033,

06/18/2011

10 of 14

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Charles Pilcher, 10127 NE 62nd Street Kirkland WA 98033,

06/18/2011

11 of 14

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Charles Pilcher, 10127 NE 62nd Street Kirkland WA 98033,

06/18/2011

12 of 14

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- * the traffic implications are insufficiently evaluated
- * the parking of some 70 cars on the street is impossible

Further discussion with the developer to scale this down to a size that is more in keeping with his peaceful Buddhist approach to life will improve the project.

Charles Pilcher, 10127 NE 62nd Street Kirkland WA 98033,

06/18/2011

13 of 14

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Charles Pilcher, 10127 NE 62nd Street Kirkland WA 98033,

06/18/2011

14 of 14

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Web Case Comments

ATTACHMENT 56 06/22/2011

Permit Number: SHR11-00002

Permit Status: P

Project Name: SUBSTANTIAL DEVELOPMENT PERMIT

Comments on this Case: 14

Opened for Comment: 05/13/2011 8:10AM

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Comments: (Continued...)

Further discussion with the developer to scale this down to a size that is more in keeping with his peaceful Buddhist approach to life will improve the project.

Finally, why does this comment box not allow me to put in a paragraph or bullet points by pushing the "Enter" key, and automatically submits my comment every time I hit "Enter" instead of having a "Submit" button at the bottom? Here goes! I'm hitting the "Enter" key for the final time!
