



CITY OF KIRKLAND
Planning and Community Development Department
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www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: Janice Soloff, AICP, Senior Planner
Eric R. Shields, AICP, Planning Director

Date: November 24, 2008

Subject: **COSTCO PRIVATE AMENDMENT REQUEST TRANSMITTAL OF PLANNING COMMISSION RECOMMENDATION, FILE ZON07-00017**

I. RECOMMENDATION

Staff recommends that the City Council:

- A. Consider the recommendation from the Planning Commission to approve the Costco 2007 private amendment request (PAR) found in Exhibit A (see Section VI below); and
- B. Consider Costco's letter found in Exhibit F requesting four changes to the draft zoning code amendments to the RH 1B special regulations section regarding limitations on: hours of operation of the gas station, required water quality treatment facilities, pedestrian pathway improvements, and sign lighting (see Sections III and VI below); and
- C. Provide direction to staff in drafting an "Intent to Adopt" resolution to be considered at the City Council's December 16, 2008 meeting.

II. CITY COUNCIL REVIEW

The December 2, 2008 meeting is the City Council's opportunity to provide direction to staff on the Planning Commission's recommendation described in Exhibit A and Costco's request for changes to the Planning Commission's recommendation described in Exhibit F. At the meeting, staff will present an overview of the recommended Comprehensive Plan and Zoning Code amendment changes related to the Costco PAR, then Andrew Held, Planning Commission Vice Chair will present the Planning Commission's recommendation. Costco representatives will be available should you have questions about their proposal.

In making its decision on the matter, the City Council should evaluate how the proposed amendments meet the decisional criteria discussed further on in this memo. If there is support for the PAR, staff will draft an 'Intent to Adopt' resolution, to be adopted by the Council at its December 16, 2008 meeting.

III. APPLICANT'S REQUEST

The Costco Wholesale private amendment request (PAR) requests the City to amend the RH 1B section of the NE 85th Street Subarea Plan in the Comprehensive Plan and Zoning Code (RH 1B, Section 53.12) to allow a vehicle service station as an accessory use to a commercial use in the RH 1A zone (Costco store). The proposed gas pump facility use meets the Zoning Code definition of a vehicle service station. Current zoning allows for a vehicle service station use in the RH 1A zone where the existing store is located, but not in the RH 1B zone north of NE 90th Street which is the preferred location. If approved the code amendment to allow the gas station would only apply to property owned by Costco in the RH 1B zone located on the north side of NE 90th Street (see Exhibit B).

As a result of the community meetings held over the last year, Costco has incorporated into its PAR and gas station proposal installation of the following pedestrian and water quality improvements as public benefits to the neighborhood should the PAR be approved (see July 23, 2008 letter from Costco in the Planning Commission August 28th study session packet and Exhibit F, November 21, 2008 letter):

1. Sidewalks on the south side of NE 90th Street along Costco owned property at the corner of NE 90th Street and 120th Avenue NE and between 122nd Avenue NE and 124th Avenue NE.
2. A painted crosswalk in front of the Church at the intersection of NE 90th Street and 122nd Avenue.

The Planning Commission recommended that the best location for the crosswalk would be on the east side of the intersection to avoid conflict with the Church's driveway. Costco agrees to this location.

3. Installation of an oil/water separator on the existing Costco store parking lot.

In response to the comments raised at the community meetings Costco is willing to upgrade the existing water quality facilities in both main and north parking lots which were constructed in 1983 under older storm water standards. In response to comments raised at the public hearing from adjacent Nienaber property owners claiming that when the east parking lot was developed it increased surface water problems onto their property, the Planning Commission recommended that Costco upgrade the storm water system in the east parking lot as well.

Costco's letter in Exhibit F describes the storm water standards that each parking lot was developed under. Since the east parking lot was developed using the 1992 Department of Ecology manual which is similar to the 1998 King County manual used today, the existing bios wale is providing adequate storm water quality treatment for water leaving the East parking lot

and therefore, Costco requests that Council clarify special regulation 5c. to not require the upgrading of the east parking lot.

4. Improvements to a trail head at NE 90th Street and 120th Avenue NE.

Costco was originally willing to contribute \$10,000 toward a trailhead. No trailhead is planned by the Parks Department at that location. Therefore, the Planning Commission recommended that the applicant put this money toward upgrading the existing recorded pedestrian pathway that exists partially on their property (and the apartments to the north) connecting NE 90th Street to Slater Avenue. Costco would like to have a \$10,000.00 cap on the pathway improvements and clarify that their improvements would only be installed on the portion of the pathway located on their property.

IV. PROCESS

The private amendment request followed the Process IV review process and noticing procedures for evaluating Comprehensive Plan and Zoning Code amendments. Below is a summary of the timeline and the process evaluating the PAR.

April 2007, Costco submitted the original PAR request to the City as part of the 2007 citizen private amendments process. The Planning Commission recommended to City Council that the PAR not go forward as part of the threshold determination because of the level of public comments received.

July 2007, City Council deferred the Costco PAR threshold determination suggesting that Costco meet with the community to listen to citizen concerns about the proposal. The Council directed staff to help facilitate the process.

November 2007 to February 2008, the City hired a consultant to conduct three community meetings with nearby property owners, neighborhood representatives, City staff and Costco to discuss the PAR proposal.

August 5, 2008 after hearing the results of the community meeting process and Costco's offer to add installation of public improvements to the area to their PAR proposal, the City Council made a threshold determination decision that the PAR request merits further study and referred the item back to the Planning Commission for further analysis. This meeting packet contains a 2008 letter from Costco describing the proposed public improvements and the final report describing the comments received at the community meetings and Costco's response to the participants concerns.

August 28, 2008, the Planning Commission held a study session and directed staff and Costco to follow up on questions with more detailed analysis.

November 13, 2008, Planning Commission held a public hearing on the draft code amendments and recommended approval of the PAR with additional requirements to the staff recommendation that were incorporated into the enclosed draft amendments.

City Council packets are available for viewing at
<http://www.ci.kirkland.wa.us/depart/council/Agendas.htm>

Planning Commission meeting packets and minutes are available for viewing at
http://www.ci.kirkland.wa.us/depart/Planning/Planning_Commission.htm

V. PUBLIC COMMENT

The public had an opportunity to comment at Planning Commission study sessions and all the comment letters received to date are included in Exhibit E. A petition with approximately 3400 signatures in support of the gas station was submitted at the public hearing. Community meetings with neighborhood stakeholders conducted by a professional facilitator provided an opportunity for in depth discussion of the issues (the final report was forwarded previously to the City Council). Public notice of the PAR was posted on a notice board in front of the Costco store and a postcard listing all the public meetings was distributed to property owners and residents located 300' surrounding the Costco property. Notice was sent to North and South Rose Hill Neighborhood Associations and Costco met with the groups on several occasions.

The public's concerns related to the new gas pump facility are summarized below:

- The gas station will result in increased cut through neighborhood traffic and increased traffic congestion at surrounding intersections.
- Gas spills into surrounding storm drainage system and on to Forbes Lake
- Gas fumes from idling cars
- Elimination of parking stalls may result in insufficient parking for the Costco store
- Property owners containing wetlands surrounding the store expressed concern about past development of the Costco store and other projects in the area, causing storm drainage problems and increased wetland regulations are limiting redevelopment of their property.

VI. PLANNING COMMISSION RECOMMENDATION

Exhibit A contains the Planning Commission recommending that the Costco PAR be approved.

Exhibit C contains the recommended draft amendments to the RH 1B area land use policies of NE 85th Street Subarea section of the Comprehensive Plan.

Exhibit D contains the proposed draft Zoning Code amendments to the RH 1B use zone chart (Section 53.12.015) adding a vehicle service station use listing only as an accessory use to the Costco store located in RH 1A. The development standards are consistent with other vehicle

service station uses in the Rose Hill Business District except for the Planning Commission recommended reducing the maximum building height to 20' above average building elevation.

To mitigate the commercial use adjacent to the residential uses to the north and east, sign lighting would be permitted only on the west and south pump island canopies. Additional special regulations were added by the Planning Commission limiting the hours of operation of the gas station to one hour before opening and one hour after the closing of the Costco store. Also included are the public improvements Costco offered as public benefits to the neighborhood and improving the existing pedestrian pathway in the parking lot that connects NE 90th Street to Slater discussed above. In addition, as part of the design review and building permit review process the future gas station would be required to bring the perimeter landscape buffer up to code by adding supplemental landscaping and a solid 6' high fence along the east and north property lines.

Costco response to the Planning Commission recommendation

Exhibit F describes Costco's response to the Planning Commission's recommendation requesting that the draft code amendments in Exhibit D be changed to the following:

1. Special Regulation No. 2 allow hours of operation of the gas station to be 7:00 am to 9:30 pm rather than the one hour before store opening and one hour after store closing.
2. Special Regulation No 5c be revised to clarify that the water quality treatment facility in the east parking lot is not required to be upgraded.
3. Special Regulation No. 5d be revised to limit maintaining and improving the existing pathway that runs between NE 90th Street and Slater Avenue NE to only the portion of the pathway located on their subject property and the amount of improvements be capped at \$10,000.
4. Special Regulation No. 6 be revised to eliminate the prohibition of sign lighting on the north and east fascia's of the gas station canopy and instead staff would evaluate the type of sign lighting during the design review process to ensure that the type of lighting used would minimize impact on the adjacent residential properties.

City Council should provide direction to staff whether to uphold the Planning Commission's recommendation or to agree with Costco's requested changes.

VII. PRIVATE AMENDMENT REQUEST CRITERIA

The Zoning Code contains the following criteria to consider when evaluating private amendment requests to amend the Comprehensive Plan and Zoning Code.

A. Factors for Consideration: KZC 140.25 establishes that the City must take into consideration but is not limited to certain factors when considering a Comprehensive Plan Amendment. Below is a list of the criteria followed by a staff analysis:

1. *The effect upon the physical, natural, economic, and/or social environments.*

The proposed new vehicle service station use would be located on an existing paved underutilized parking lot and therefore less effect upon the physical or natural environment. If the PAR is not approved, Costco could choose to build the facility in front of the store entrance, which would result in the same impacts. Other light industrial or business park uses already allowed in the RH 1B zone could be developed on the north lot resulting in a taller larger building footprint, provided Costco could show adequate parking would be provided. Any gas station would need to meet all the current environmental standards to control gas spillage, tank leakage and gas emissions. From an economic development standpoint, approving the PAR would show support for business expansion and help reduce the loss of sales tax revenue from customers choosing to shop at Costco stores in other cities.

2. *The compatibility with and impact on adjacent land uses and surrounding neighborhoods.*

The gas facility proposed would be located on the north end of the parking lot adjacent to the freeway, farthest away from the low density residential uses to the east, but closer to the apartments to the north. The gas facility will increase activity, noise, light, and odor adjacent to the residential uses compared to what exists today however, the dense, mature landscaping with the addition of a solid fence will likely screen the gas facility canopy and lights from the residential uses.

Any future development permit for a gas facility would be required to meet current Rose Hill Business District exterior lighting standards (KZC Section 115) intended to minimize light spillage onto residential properties and a noise study if open after 9:00 pm. It is anticipated that any increase in noise will be muffled by the existing freeway noise. Limiting sign lighting on the north and east fascias will help.

The key area of concern is the potential traffic impacts of the PAR. For the Costco PAR a significant amount of traffic analysis has occurred that would normally be done at the project level. The traffic impact analysis included a "sensitivity test" that doubled the estimated vehicle trips. The studies concluded that even with the "worst case scenario" the gas station would meet the City's acceptable levels of service and no off-site traffic improvements are necessary. The reports concluded that no cut through neighborhood traffic is expected. Queuing of cars waiting in line for the gas pumps should not be an issue because the distance from the proposed gas pumps to NE 90th Street would allow for an estimated 55 vehicles.

3. *The adequacy of an impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.*

There will be no impacts on parks, recreation or schools as a result of the private amendment request. In addition to the utilities, impact fees, and other improvements required with a typical development permit, Costco is voluntarily willing to install sidewalks,

upgrade the existing on-site storm water facilities, existing pedestrian pathway and add a crosswalk in front of the church on NE 90th St. to upgrade the infrastructure surrounding the store.

4. *The quantity and location of land planned for the proposed land use type and density.*

See discussion under existing Comprehensive Plan policies.

5. *The effect, if any, upon other aspects of the Comprehensive Plan.*

The private amendment request is supported by policies in the Land Use Element and Economic Development elements to promote more intensive development within business districts and near major transportation corridors. If approved no other aspects of the Comprehensive Plan would be affected.

B. Criteria for Amending the Comprehensive Plan: KZC 140.30 establishes the criteria by which a Comprehensive Plan Amendment must be evaluated. These criteria and the relationship of the proposal to them are as follows:

1. *The amendment is consistent with the Growth Management Act including the following relevant Planning Goals:*

Urban Growth: Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

Reduce Sprawl: Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

Transportation: Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

Economic Development: Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

Environment: Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

Public facilities and service: Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

2. *The amendment is supported by the following Countywide Planning Policies on Land Use:*

Policy LU-26 states that land within Urban Growth Areas shall be characterized by urban development.

Policy LU-66 calls for an efficient use of land within the Urban Growth Area and a mix of housing types.

Policy LU-69 encourages infill development

3. *The amendments must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan as noted below. The following are relevant goals and policies within the Comprehensive Plan that support the PAR proposal:*

Economic Development Chapter:

Policy ED-1.3: To encourage a broad range of businesses that provides goods and service to the community.

Policy ED-2.4: Consider the economic effects on businesses and the economic benefit to the community when making land use decisions.

Policy ED-3.1: Promote economic success within Kirkland's commercial areas. The Rose Hill Business District along NE 85th Street provides regional and neighborhood services in general retail, automobile sales, high technology, small office parks and housing.

ED-3.3: Encourage infill and redevelopment of existing commercial areas consistent with the role of each commercial area.

ED-4.1: To enhance the competitive advantage of Kirkland businesses.

The Natural Environment Chapter:

Goal NE-1: Protect natural systems and features from the potentially negative impacts of human activities, including, but not limited to land development.

Policy NE-1.6: Strive to minimize human impacts on habitat areas.

The Land Use Chapter:

Policy LU-1.4: Create an effective transition between different land uses and housing types.

Goal LU-2: Promote a compact land use pattern in Kirkland.

Goal LU-4: Protect and enhance the character, quality, and function of existing residential neighborhoods while accommodating the City's growth.

Policy LU-5.2: Maintain and strengthen existing commercial areas by focusing economic development within them and establishing development guidelines.

Policy LU-5.5: Enhance and strengthen the commercial viability of the Rose Hill Business district by implementing the NE 85th Street Subarea Plan. Taller buildings and more intense development is encouraged near the I-405 freeway interchange.

4. *The amendments will result in long-term benefits to the community as a whole, and is in the best interest of the community.*

If the PAR request is approved, the amendments will provide long term community benefits from an economic development standpoint of encouraging a long term business to expand in Kirkland. The community will gain new sidewalks and water quality public improvements that would otherwise not be required by the developer to install. If not approved, the applicant could locate the facility in the RH 1A zone resulting in greater congestion issues near the store entrance and the public improvements would not be installed.

C. Criteria for Amending the Kirkland Zoning Code: KZC 135.25 establishes the criteria by which a Zoning Code Amendment must be evaluated. These criteria and staff's analysis of the relationship of the proposal to them are as follows:

1. *The amendment is consistent with the applicable provisions of the Comprehensive Plan; and*

NE 85th Street Subarea Plan:

Vision for Rose Hill Business District: The proposal would implement the vision for the Rose Hill Business District to support more intensive development closest to the freeway interchange and auto oriented businesses west of 124th Avenue NE.

Goal NE85-2: Assure an effective transition between single-family and multifamily areas by establishing architectural and site design standards for new and remodeled multifamily development.

Goal NE85-3: Enhance the commercial viability of the NE 85th Street Subarea, while minimizing impacts on adjacent residential neighborhoods to the north, south and east.

Policy NE85-3.1: Recognize the economic significance to the City of the major retail uses located in the NE 85th Street Subarea, and cooperate with these business owners to help assure their continued viability, consistent with the other goals and policies of this Subarea Plan.

Policy NE85-3.2: Prohibit individual retail or wholesale uses that occupy more than 65,000 gross square feet in the NE 85th Street Subarea. Note, however, exceptions for Area RH-1a and Area RH-2a as described in Policies NE85-4.1a and NE85-4.2a.

Policy NE85-3.3: Limit commercial development to the NE 85th Street commercial area as defined by the land use designations in Figure NE85-2, NE 85th Subarea Land Use. Except as provided in Policy NE85-3.7, do not allow such development to spread into the adjoining residential neighborhoods.

Policy NE85-3.5: Utilize zoning incentives or other techniques to encourage commercial redevelopment in the Subarea.

Policy NE85-3.6: Upgrade public infrastructure to support commercial redevelopment in the Subarea

Policy NE85-9.4: Install pedestrian improvements at appropriate locations, including sidewalks on the north/south streets leading to NE 85th Street.

2. *The amendment bears a substantial relation to public health, safety, or welfare;
and*

Any potential impacts to the surrounding neighborhood will be addressed through the existing and proposed zoning regulations, through environmental review or regulations at the State and Federal level as part of the development permit. The existing mature landscape buffer along the east and northeast property line will minimize visual and aesthetic impacts.

3. *The amendment is in the best interest of the residents of Kirkland.*

The PAR request serves the community's interest in the efficient use of land and shows the City's support for a long term business to expand. Locating the gas facility use on the north side of NE 90th Street in the underutilized parking lot is the best location so that the use is separated from the low density uses to the east and the main pedestrian entrance to the store. Without the code amendments the applicant could build the facility on the south side of NE 90th Street or a more intensive development on the north side of NE 90th Street.

VIII. ENVIRONMENTAL REVIEW

An EIS Addendum to the City's Draft and Final Environmental Impact Statement (EIS) for the City's Comprehensive Plan 10 year Update in 2004 was issued for the draft RH 1B code amendments on September 29, 2008. An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document.

IX. EXHIBITS

- A. Planning Commission recommendation memo
- B. Vicinity map and zoning
- C. Draft Comprehensive Plan text amendment
- D. Draft Zoning Code text amendment
- E. Public comment letters and emails received
- F. Costco response letter to Planning Commission recommendation

Cc: via email notification to:

Kim Sanford, Costco Director of Real Estate Development, 999 Lake Drive, Issaquah, WA 98027
Chris Ferko, Barghausen Consulting Engineers, Inc., 18215 72nd Avenue So, Kent, WA 98032
North Rose Hill Neighborhood Association
South Rose Hill Neighborhood Association
Kirkland Chamber of Commerce
File ZON07-00017



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: City Council

From: Planning Commission
Byron Katsuyama, Chair

Date: November 19, 2008

Subject: **PLANNING COMMISSION RECOMMENDATION
COSTCO PRIVATE AMENDMENT REQUEST
FILE ZON07-00017**

I. INTRODUCTION

The Planning Commission is pleased to present its recommendation to approve the Costco Wholesale 2007 Private Amendment Request (PAR). The Costco PAR proposal consists of amending the RH 1B section of the NE 85th Street Subarea Plan and Zoning Code to add a members only vehicle service station use as an ancillary use to the Costco store at 8629 120th Avenue NE on the existing parking lot north of NE 90th Street.

Included in the PAR proposal is a package of on and off- site public improvements Costco is willing to install if the PAR is approved including: new sidewalks along certain sections of NE 90th Street and 120th Avenue NE, a new crosswalk at the intersection of NE 90th Street and 120th Avenue, and upgrade of the water quality facility in the existing store parking lot. Costco proposed these improvements in response to concerns raised from participants in the neighborhood meetings held earlier this year. These improvements are being proposed as public benefits to the surrounding neighborhood in addition to other improvements and impact fees that will be required with a future development permit for the gas station.

II. RECOMMENDATION ON COSTCO WHOLESALE PRIVATE AMENDMENT REQUEST

- A. The Planning Commission recommends that the NE 85th Street Subarea section of the Comprehensive Plan Policy NE85-4.1b on page XV.F/G-7 be changed to add allowing the retail sale of fuel on the north side of NE 90th Street only if ancillary to a commercial use in RH 1A (site of existing Costco store).
- B. The Commission recommends that Zoning Code RH 1B, Section 53.12 Use Zone Chart be amended to add a new vehicle service station use listing which will become Section 53.12.010. The development standards are consistent with a vehicle service station use in other Rose Hill Business District zones. Special regulations include a list of requirements to help mitigate the potential impacts of the

commercial use on adjacent residential uses such as limitations on hours of operation, location of the gas pumps, lighting of signs and building height and the street and water quality improvements that will be required with the development of the gas station. The Planning Commission further requested that Costco upgrade all of the parking lots that surround the store, including the employee parking lot located east of 120th Street, to meet current water quality standards. Costco was willing to contribute to a pedestrian trailhead on the north side of NE 90th Street. However, since no such trailhead is planned by the Parks Department and since there is an existing recorded pedestrian pathway along the Costco's east property line from NE 90th Street to Slater Avenue, the Commission concluded that Costco should use the funds to improve the existing pathway, which is incorporated into the special regulations.

No other changes to the Zoning Map or Comprehensive Plan maps are recommended as part of this private amendment request.

III. POLICY HIGHLIGHTS

Our evaluation of the Costco PAR included the following key issues:

- Potential increased traffic on surrounding streets
- Lack of sidewalks in the area
- Potential circulation issues related to conflict between pedestrians walking through the parking lot to the store and vehicles traveling to the gas station
- Increased emissions from idling cars
- Water quality impacts to the Forbes Lake drainage basin
- Impact on adjacent residential properties
- The fiscal implications to the City of the PAR decision

The Commission directed city staff and Costco to research and provide more data on each of these issues which they presented to us at the public hearing.

The proposal's potential traffic impacts received close attention from the Commission.. Because of the unique characteristics of Costco gas stations (i.e., members only, limited hours of operation, single attendant, etc.), data from Costco's own trip generation studies were used instead of the Institute of Transportation Engineer's trip generation manual to provide a more accurate estimate of expected trips. In addition, a supplemental traffic report was submitted comparing the trip generation rates for the proposed Kirkland gas facility with the observed rates from other local Costco stores that sell gas in Woodinville, Aurora Village and Issaquah. The results from these comparisons support the conclusions reached for the proposed Kirkland gas facility.

Finally, a sensitivity analysis was completed to test a worst case scenario in which the amount of net new traffic is doubled from what is anticipated to be generated by the addition of a new gas station on this site. The result of the sensitivity analysis shows that the analyzed intersections would still operate at an acceptable LOS even if the anticipated traffic were doubled. The traffic impact analysis also showed that many of the new trips to the gas station will be shared by customers already shopping at the store. Based upon our review of these studies, the Commission feels that the proposed gas station will result in

acceptable levels of service for all nearby intersections. The City's transportation engineer evaluated the traffic reports and agreed with its findings and conclusions.

The Planning Commission recognized that Costco could locate the facility in the RH 1A zone as an allowed use generating the same impacts, but the community would not receive the public benefits being offered by Costco. When given a choice between the north and south side of NE 90th Street, it was concluded that the best location for the gas facility is the north side of NE 90th Street away from the main store entrance. From an economic development standpoint we determined Costco is an important asset to the City and therefore, concluded it is important to support of the store's desire to expand and the public benefits being offered outweigh the negatives of the proposed PAR.

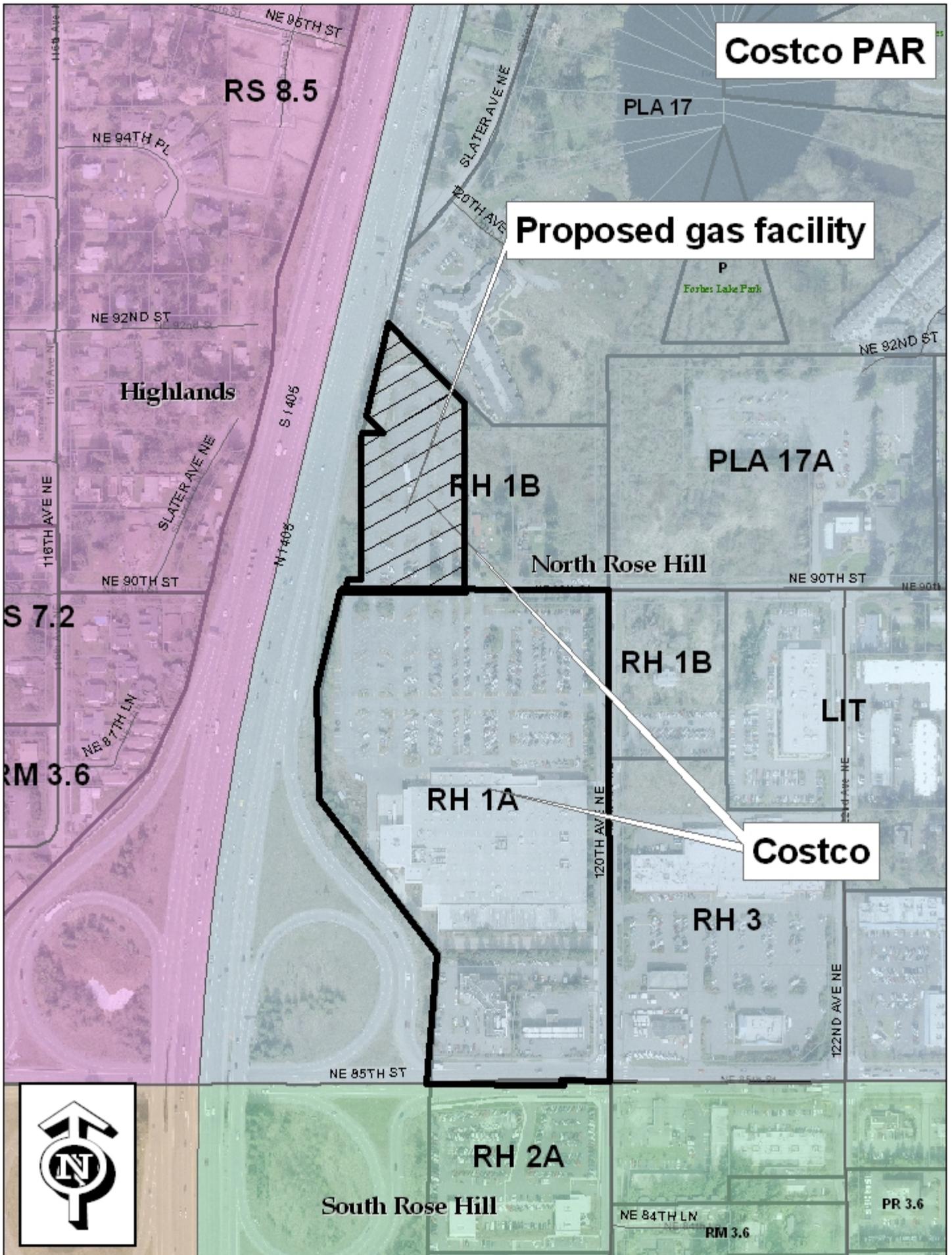
IV. PUBLIC PARTICIPATION

The community meeting process recommended by City Council at the first phase of the PAR process was useful in identifying the key issues of concern related to the gas station proposal. By the time the PAR made it to the Planning Commission study session, Costco had refined their PAR proposal to include the public benefits package and mitigation measures were incorporated into the draft use zone charts.

At the November 13, 2008 public hearing people spoke about concerns related to increased gas emissions from idling cars, lack of sidewalks along NE 90th Street, potential increases in cut thru neighborhood traffic, and potential site circulation congestion between the store and gas facility.

The Commission heard from a group of concerned property owners who have wetlands on their property that they believe are attributable to past development by Costco and others in the business district. Although the Commission was sympathetic to their concerns we felt their issues were unrelated to the PAR. We understand that staff has met with this group to discuss various options for the property owners to pursue and that the City Council will receive a briefing on this issue separately.

Letters for and against the PAR proposal were submitted and are enclosed. A petition was submitted with approximately 3400 signatures (of which over half were from Kirkland residents in favor of the gas facility) in support of the gas facility.



XV.F/G. NE 85TH STREET SUBAREA PLAN

viability, consistent with the other goals and policies of this Subarea Plan.

Policy NE85-3.2:

Prohibit individual retail or wholesale uses that occupy more than 65,000 gross square feet in the NE 85th Street Subarea. Note, however, exceptions for Area RH-1a and Area RH-2a as described in Policies NE85-4.1a and NE85-4.2a.

Policy NE85-3.3:

Limit commercial development to the NE 85th Street commercial area as defined by the land use designations in Figure NE85-2, NE 85th Subarea Land Use. Except as provided in Policy NE85-3.7, do not allow such development to spread into the adjoining residential neighborhoods.

Policy NE85-3.4:

Require that all new and remodeled commercial development be subject to appropriate architectural and site design standards, in order to improve the appearance of the commercial area, and to assure appropriate transition and buffering between the commercial area and the adjacent residential areas.

Policy NE85-3.5:

Utilize zoning incentives or other techniques to encourage commercial redevelopment in the Subarea.

Policy NE85-3.6:

Upgrade public infrastructure to support commercial redevelopment in the Subarea.

Policy NE85-3.7:

The parcel fronting on 124th Avenue NE and located immediately north of the existing automobile dealership on the northeast corner of NE 85th Street and 124th Avenue NE is appropriate for conversion from low-density residential use to commercial use due to the following factors:

- (1) The parcel fronts on a principal arterial; and
- (2) The parcel abuts and would functionally serve an established commercial use fronting on NE 85th Street; and
- (3) The size of the parcel is less than 25 percent of the size of the established commercial uses it would serve; and
- (4) The site lies within close proximity (less than 1/2 mile) of the I-405 interchange; and
- (5) Development standards contained in Policy NE85-4.5 will ensure that the potential impacts on surrounding uses resulting from commercial use of this parcel will be minimized.

Goal NE85-4: Using the RH (Rose Hill) prefix, designate areas within the Subarea that need site-specific development standards.

Policy NE85-4.1a:

Area RH-1a:

This area contains a well-established, large regional retailer. Allow this use to continue.

Policy NE85-4.1b:

Area RH-1b:

Limit new development to accessory parking for the commercial development in Area RH-1a, or alternatively to light industrial uses that generate minimal traffic. Do not allow uses that have high traffic generation, such as most retail uses. Observe wetland constraints and observe all applicable wetland and sensitive area regulations.

Policy NE85-4.2a:

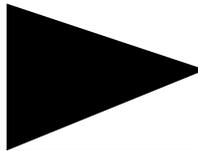
Area RH-2a:

Land use:

Require retail uses (including car dealer), and permit office and/or residential uses. Require retail use to be the predominant ground level use. However, discourage large, singular retail

*Insert:
Allow retail sale of fuel on the north side of NE 85th if ancillary to commercial development in RH 1A.*

RH 1B Zone
Section 53.12



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS

Section 53.12	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.015	Vehicle Service Station See Special Regs. 1 and 2	D.R., Chapter 142 KZC	22,500 sq. ft.	20'	15'	15'	80%	20' above average building elevation	A	E See Special Reg 6.	See KZC 105.25	<ol style="list-style-type: none"> This use is permitted only north of NE 90th Street as an accessory use to a commercial use located in RH 1A and limited to sale of fuel. <u>Vehicle service, repair, or the sale or installation of lubricants, tires, batteries or other similar accessories is prohibited.</u> Hours of operation are limited to between one hour before <u>the opening and one hour after the closing of the commercial use located in RH 1A.</u> Gas pump islands must be located at least 20 feet from all property lines.. See KZC 95.40. (6) and (7) required landscaping. for additional regulations. The following improvements must be installed: <ol style="list-style-type: none"> Half street improvements including vertical curb, five foot wide sidewalk and 4.5 foot wide landscape strip planted with street trees adjacent to the curb in the following locations: <ol style="list-style-type: none"> Along the south side of NE 90th Street between 120th Avenue NE and the existing sidewalk west of 122nd Ave. NE. Along the south side of NE 90th Street between 122nd Avenue and 123rd Lane NE. Along the east side of 120th Avenue NE between NE 90th Street and the existing sidewalk to the south. Crosswalk markings at the intersection of NE 90th Street and 122nd Avenue NE. <p>Minor deviations may be approved by the Public Works Director. If improvements will result in impacts to adjacent wetlands, they must comply with Chapter 90, Drainage Basin requirements.</p> Basic water quality treatment for the surface water discharge from all the parking lots that serve the commercial use located in RH 1A . The treatment shall meet the specifications of the 1998 King County Surface Water Design Manual, or equivalent approved by the Public Works Dept. A pedestrian pathway shall be developed and maintained between NE 90th St and Slater Avenue NE. Internal or exterior illuminated signs are prohibited on the north and east sides of gas pump islands or canopies.

Petition for Approval of a Comprehensive Plan Amendment and Zoning Code Text Amendment to allow for the construction of a gasoline facility in the parking lot north of NE 90th Street at the Costco Wholesale property located at 8629 120th Avenue NE, Kirkland, WA

Petition summary and background	Private Amendment Request (PAR) by Costco Wholesale to amend the RH1B section of the Comprehensive Plan and Zoning Code to allow a vehicle service station as an accessory use to a commercial use in the RH1A zone. Approving this amendment will allow Costco Wholesale to submit the required entitlement and construction permit applications to add a Costco Gasoline facility in the north parking lot of the Costco property located at 8629 120 th Avenue NE, Kirkland, WA.
Action petitioned for	We, the undersigned, are concerned citizens, and urge our leaders to act now to approve the proposed Private Amendment Request ZON17-00017.

**Petition signatures available in Kirkland Planning Dept. File ZON17-00017*

EXHIBIT E

From: Paul Nienaber [mailto:nienaberinc@hotmail.com]
Sent: Wednesday, November 19, 2008 1:55 PM
To: KirklandCouncil; Joan McBride
Subject: Costco PAR

Dear Council Members,

We have been through months of meetings, mediation, and talk, so far nothing concrete has come of it.

Today we stand with the CofK Planning Commission, reluctantly passing on to the Council an approved Costco PAR. Everybody in the room on Nov. 13th '08, could see that they(the commission) did not like how the PAR **only** served Costco, Andy said over and over "where is the benefit for the community". This PAR not only serves Costco, it **punishes and paralyzes** the entire community with increased traffic and lack of infrastructure. Kirkland also, will stand to be punished in the future when traffic becomes so intolerable that Kirkland has to fix the roads at their own cost. You must also know that almost everybody in the room on the 13th could not believe what Costco's traffic engineer was trying to pass off on us. His conclusions made no sense. Everybody familiar with that intersection and Costco gas station use, knows that they are not facing reality.

We see Costco as a benefit to our community! We want Costco to get a gas station! We want Kirkland to get increased revenues! But we do believe that Costco as a \$60 Billion dollar company, should be willing to spend \$10 million (I'm guessing) on helping and fixing the community that helped them get their start, and from which they got their "Signature" brand. This would be a fantastic Public Relations opportunity for Costco.

We want the council to urge Costco to step up and use the profits they have made in the community to fix the problems they have helped create and will make worse if not addressed.

The neighborhood needs NE 90th widened with a left turn lane at the intersection of 90th and 120th. Sidewalks on the north and south sides of 90th. These sidewalks and the widening must be done in such a way that subterranean water is stopped from flowing south under 90th from Forbes Lake. This water has been trespassed on to us (the Nienabers) by all the buildup in the area, and lack of maintenance. Proper construction will help our land become dry and usable as it was before. Costco promised us in 1995 that building of their parking lot would not impact us, this was proved to be false with evidence of the pictures we have, "Before and After" pictures of the parking lot construction. We also need this widening and sidewalks for public safety. If lines back up on to 90th from the gas station, and emergency vehicles are needed, there will simply be no room for them.

We urge you as a group of Council members to meet with the "Brass" at Costco. Let them know how lopsided this PAR is and that you want more. The NRHNA wants more. The SRHNA wants more, and we are not through with this PAR yet.

I thank you for your time and commitment to our community,

Paul Nienaber
425-454-7774

Get more done, have more fun, and stay more connected with Windows Mobile®.
See how.

Janice Soloff

From: Nicholas Gill [gill@westlakeassociates.com]
Sent: Friday, November 14, 2008 10:41 AM
To: Janice Soloff
Subject: Costco Gas

Janice –

I reviewed the packet and attended the meeting last night for the proposed Costco PAR. I believe your staff has done a great job in working with them to make this gas station as efficient as possible. All of the complaints that I heard last night would be worsened should Costco have to put the gas station on the main parking lot to the south of 90th Street. Working the congestion away from shoppers walking to the store will be a much safer plan and I believe you have done a fantastic job of addressing this and I commend the planning department for their research into the matter.

Regards,

Nicholas T. Gill
Westlake Associates, Inc.
Tel: 206.505.9410
Fax: 206.505.9439
gill@westlakeassociates.com

November 13, 2008

Testimony to City of Kirkland's Planning Commission

RE: Costco PAR for Gas Station Rezone Mike Nienaber 8734 120th Ave. NE
Kirkland (425) 652-9881

F A C T S:

1. Costco has merely presented a prediction of what they feel traffic will be at their proposed gas station. Staff has gone along with them. We neighbors who live there 24/7, know better. There will be intolerable congestion... just imagine as you look at their map. Over 14 years ago, both Costco and Kirkland assured us that the employee parking lot would not cause flooding on our property. (document attached) Let's see how it looks?
2. There needs to be a moratorium on new development until this problem is mitigated. We have participated in meetings with NRHNA and Costco with the City picking up the tab to no avail. We have participated in mediation with Costco and the City, once again, to no avail.
3. We see no input from the City regarding safety for pedestrians. Costco has listened to the neighbors, yet City staff has misquoted Costco's offer. Please note what Costco offered on their letterhead in your packed compared to 'how the City left out significant mention of promised sidewalks and specific dollars for a new trail head at 90th and 120th. The neighbors requested a left turn lane on 90th and nothing has materialized.
4. We want to find a winning solution for Costco, Kirkland and we neighboring land owners. We hope to avoid direct litigation with the City regarding trespass of Stormwater on our properties. Since we don't want to bring suit, we are here to find a solution and cannot accept any proposal that only makes the current, intolerable situation worse.
5. To that end, we are still working with Joan McBride and Bob Sternoff to have a meeting of "senior decision makers" from Costco, the City and the Nienabers. We would like to hammer this out peacefully, rather than resorting to the media and the courts.

HEARING EXAMINER MINUTES - FEBRUARY 24, 1994

on the site. The improvements were to channelization, the signal and phasing and other traffic diversion methods if necessary. The City Council approved the Hearing Examiner's recommendations by Resolution 3380. Subsequently, Costco decided that they would not build an office building but instead would expand their store. Transpo did a traffic study and determined that the impacts would be the same as they would be with an office building, so it was resolved that if Costco submitted to the SEPA conditions they could proceed with a building permit. Therefore, the Hearing Examiner's conditions carried over, of which the traffic study was a part. A letter from Transpo to Fred French, then traffic engineer with the City, was entered into the record as Exhibit C.

Mr. Marcy pointed out that in Table 4 the traffic counts determined that Costco's percentage of the intersection improvements would increase from 2.25% to 8.4% contribution, or \$100,000. Subsequently, in August, 1990, Costco received a letter from Katherine Cassaday, traffic engineer with the City (Exhibit D) which advised that a study of the area a year later determined that the Costco's percentage for signalization at the intersection would be increased from 8.4% to 100%, less any monies that were collected pursuant to other concomitant agreements, which brought the percentage to about 90%. Subsequently, Costco signed the concomitant agreement (in the staff report) agreeing to that. They signed it because the cost that was involved was around \$100,000 as anticipated by the parties in the traffic study from Transpo. The only discussion about added right-of-way at NE 90th Street was the potential addition of a left turn lane onto 124th Avenue NE, and there was sufficient right-of-way on NE 90th Street to do that.

Mr. Marcy said another important thing to note about the concomitant agreement is that the language is treated differently depending on which intersection is referred to. For some of the intersections reference is made to the cost of improvements, and for others the cost of signalization, raising a question as to the extent of Costco's obligations. Costco believes that the City's requirement that Costco pay for everything goes beyond the intent of the parties as it evolved from 1987 to 1990. Mr. Marcy said part of the problem is that the City subsequently decided not to widen 124th Avenue NE, which makes it more difficult to put in the signal at NE 90th Street, so now the City wants Costco to pay for it. Costco does not believe it is appropriate to tie the employee parking lot to the 1990 concomitant agreement. He said Costco is willing to work with the City on a compromise for a configuration that would work for both parties.

Matt Nienaber, 2404 - 127th Avenue SE, Bellevue, stated that he is a son of the property owner to the north of the present parking lot. He stated that they are not opposed to paving the parking lot, but were concerned about the potential of increasing water problems. He said it is a low area, and over the years as property to the south has been developed and paved a fairly significant water problem has been generated. In the past it was possible to keep a lot of the water drained off through ditches, but as the street has elevated it has generated more water.

Don Beman, 2517 - 125th Avenue NE, Bellevue, stated that his family moved out of the Bellevue area because of chronic respiratory problems due to carbon dioxide, largely generated by enterprises that draw large amounts of traffic. He asked that the Hearing Examiner take this into consideration when approving developments of large businesses and commercial enterprises.

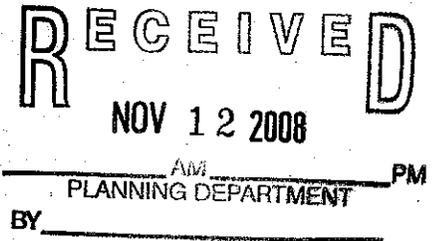
Mr. McMahan responded to Mr. Nienaber's concerns. He said staff has spoken with them and explained that the design of the parking lot will include a biofiltration swale that picks up the drainage and pipes it to the existing stormdrain system on the Costco property.

Gail Gorud stated that in considering the rezone on the parking lot area it is, by virtue of it being part of the subject property that includes the store itself, appropriate to look at the

North Rose Hill Neighborhood Association Board
9214 126th Ave. N.E.
Kirkland, WA 98033

November 7, 2008

Planning Commission & City Council
City of Kirkland
123 5th Ave.
Kirkland, WA 98033



Re: ZONO&-00017

Dear Commissioners and Council Members,

A Costco gas station in Kirkland would be an economic benefit for Kirkland residents and people living in parts of King County and even Redmond and Bellevue. The tax revenue would also benefit the City of Kirkland at a time when it is very much needed. However, there are serious problems with traffic, storm water in the street, and pedestrians forced to walk in the road that need to be resolved in this area before the necessary code changes can be allowed.

The environmental issues at this site are complex and expensive to resolve. One problem is the loss of pervious soil due to the original construction of Costco and their parking lots. The dead, mature trees on one neighboring property bear witness every day to the impact of this development on the area. Polluted air from dozens of engines idling while waiting in line for gas in a residential area and next to the Woodlands Senior Apartments is another concern. It is common for there to be over 50 cars in line at the Costco gas station in Issaquah.

The pedestrian safety issues which already are serious problems in this area will become a nightmare unless sidewalks, traffic lights and additional road capacity are improved. Though Costco's research showed no additional cut-through traffic with the gas station addition, we believe that to be unrealistic considering the current traffic conditions on N.E. 85th Street. Both North and South Rose Hill areas will be impacted, including elementary school walk areas. In North Rose Hill there will be cut-through traffic on N.E. 90th from 128th Ave. N.E. west to Costco. There is currently a problem at the Presbyterian Church on N.E. 90th, with both entering and exiting of cars that will become impossible with the increased traffic on 90th.

Possible solutions include:

1. Sidewalks on both sides of the street on N.E. 90th from N.E. 120th to N.E. 128th
2. Costco purchase the Neinaber property and site the gas station where they currently have a parking lot east of 120th Ave. N.E.
3. The creation of a comprehensive plan for this area which would enhance future business development of other properties and not just the Costco property

In conclusion, though we welcome a Costco gas station in Kirkland, there should be respect for the current codes which were created to maintain the safety, health, and character of the neighborhood. Before the codes can be changed to allow a gas station to be sited as currently proposed, these serious, dangerous health and safety problems must be resolved.

Sincerely,



Margaret Carnegie, Chair
North Rose Hill Neighborhood Association Board

Janice Soloff

From: Grant Erwin [gwe@tinyisland.com]
Sent: Monday, November 10, 2008 7:53 PM
To: Janice Soloff; Eric Shields
Subject: proposal to allow Kirkland Costco to add a gas station

1. Costco gas station bays have to be tall enough to accommodate semi trucks. These tall brightly-lit structures will be seen all night over the freeway from our house and represent a significant visual blight.
2. The Kirkland Costco has generated absolutely enormous traffic volumes. Many times as a pedestrian I have nearly been hit by Costco customers frustrated by difficulty navigating their far-too-small parking lots. Removing parking lot space (to build a gas station) will make the frustration worse, lead to much more traffic, and will completely overwhelm the area.
3. With two gas stations within one block from Costco, we don't need another one.
4. With new Costco locations scheduled to come on line in Bellevue and Redmond, it would be simpler and vastly preferable for Costco to put this gas station at one of those stores.
5. I suspect a lot of the impetus behind Costco's proposal was \$4/gallon gas, possibly heading for \$5/gallon gas. Well, now it's at \$2.25 and sinking fast, they would probably be secretly relieved if the permit were denied.

Please do the responsible thing for Kirkland citizens and deny this unneeded and problematic proposal!

Regards,

Grant Erwin
Kirkland Highlands

November 7, 2008

Kirkland City Hall
123 - 5th Ave.
Kirkland, WA 98033-6189

Subject: Costco gas station - File No. ZONO7-00017

Attention: Janice Soloff

I am concerned about a safety issue that would result from the increased traffic caused by the proposed Costco gas station. The logical exit from the site would be onto NE 90th Street which would greatly affect the intersection at I22nd Ave. NE and NE 90th Street.

As a member of, and stockholder in Costco, I consider the company to be a good corporate citizen. I am also a member of Rose Hill Presbyterian Church located at NE 90th St. and I22nd Ave. NE and work with the Building and Grounds Committee there. In this capacity I spend considerable time working outside where I can observe this intersection. Many cars fail to stop at this intersection, and I believe it is just a matter of time before a serious accident occurs. People have driven through the intersection and onto the church lawn several times. And because of the location of the entrance and exit to the church, the intersection is difficult to navigate safely.

At the time the church was built in the twenties, N.E. 90th St. - or Piccadilly as it was known then - was the main street connecting Rose Hill and downtown Kirkland. NE 85th St. curved into town; I-405 wasn't a thought. The church has been situated at its location long before Costco created traffic concerns.

The activity at the church is considerable. There are the normal services, a sixty-student preschool where parents drop off and pick up their children twice a day, Honda leases 150 spaces to park new cars and employees' cars, and shuttling occurs to and from the Honda location. Boy Scouts and Cub Scouts, youth groups and other organizations use the facility. There is now a veterinary clinic on the opposite corner. Customers will be exiting onto NE 90th St. as well as parking on I22nd. The busy time for the church is also the busy time for Costco (Sundays, holidays, etc.). At these busy times is a very difficult to exit safely from the church.

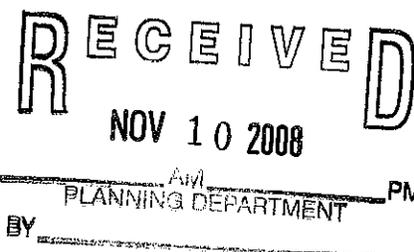
Basically this is a complicated and unsafe intersection. I believe that before any gas station is allowed at this Costco site the problems at the intersection of NE 90th and I22nd Ave. NE must be resolved - not just on paper but physically resolved. Traffic congestion at I24th Ave. NE was a major concern when Costco first went in, and we were told that if it was a problem it would be fixed. It was resolved, but it took several years. We don't have years to fix a potential safety problem. This needs to be a priority and resolved before a gas station is allowed.

Respectfully,



L. K. (Bud) Gesell
12031 N. E. 97th St.
Kirkland, WA 98033
425-822-7390

cc: Kirkland Planning Commission
Kirkland City Council



Comments at the Public Meeting Regarding Costco's Proposed Gas Station

My name is Odd Hauge and I live at 11844 NE 90th Street, the property next to Costco's proposed gas station.

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Before Costco got permission to build the warehouse and parking lot on Rose Hill, questions were raised by the residents. What would be the impact on the environment?

Costco's project would generate a considerable amount of storm water and it was understood that the City would take care of it in return for taxes.

But, instead of keeping its side of the bargain, the City decided to save money by not maintaining the storm-water system. That has imposed an environmental disaster on the neighborhood.

Toxic pollution from the NE 85th Street Corridor and Costco's parking lots has filled all historic and modern drainage canals below NE 90th Street. The water level is now nearly five feet above the normal.

But the City has a clever Staff. By regulating the area as wetland and claiming that the storm-water system is a stream, it does not have to spend a dime while it usurps land-use rights at no cost.

Costco's neighbors have been complaining at public meetings and the City called for negotiations. As expected, the Director of Planning and the Storm-Water Engineer, who are in the middle of the mess, would not give an inch and the negotiations failed.

Once Costco's gas station becomes a reality, we know the City will not be helpful in solving whatever traffic and pollution problems that it will bring unless we have guarantees that it will not continue to ignore us.

We are against fast-tracking the gas station project unless the City Council sidelines its sacred "Environmental Stewards" and lets the neighbors and Costco work out an acceptable plan for the future of the area with staff members who do not have a stake in upholding the present situation.

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Problems with storm water and over-definition of wetland exist on a large scale throughout the City. Four attachments back up the statements.

- 0 -

Attachments:

1. Facts on Wetland
2. Facts on Storm Water
3. Hydrological Devastation (Illustration)
4. The Stream Distress Equation

Facts on Wetland

As you might suspect, wetland has something to do with water. The Army Corps '87-Wetland Delineation Manual (you'll find it on the Internet) presents the accepted method of determining how much water there is. Local manuals, such as Washington State's, derive from it. Essentially, the '87-Manual requires uninterrupted inundation or saturation to the surface between 5 and 12.5% of the growing season to classify an area as wetland (Table 5). In Western Washington, that is somewhere between 12 and 30 days.

Capillary forces in soils make the saturation level difficult to locate directly and the Manual shifts gears and directs delineators to imply wetness from plant and soil indicators. Plants and soils integrate the effects of wetness over time. It is the best of documents, a "cook book" if you will, but the results depend on how faithfully delineators follow its directions. Unfortunately, the City's consultant specializes in how to get around them.

In September 1995 Adolfsen Associates, Inc. (AAI) presented a report based on a one-day visit to a site. They showed, in writing, how to deviate from the guidelines and classify an area as wetland. A lengthier study of the hydrology, conducted in agreement with the City, found saturation to the surface of insufficient duration for wetland classification at only one point. In all, about 4000 observations of hydrology were made. AAI made zero attempts to investigate the hydrology itself. There is a large credibility gap between the definition of wetland and AAI's opinion.

You can make a preliminary assessment of wetland hydrology yourself if you know why saturation levels are hard to locate. The water table is a distorted representation of the saturation level and it bounces up and down like a yoyo due to capillary effects that can spread the two levels by over 12-inches. The "87-Manual owes its existence to the "yoyo-effect".

The two levels coincide at the onset of rain. That is the golden moment when you can record cardinal points on a graph of depth to saturated soils. Bore a few small holes about 16 inches deep and monitor the water table.

Water inputs and depletion rates determine the saturation level. Does your record indicate that it could remain at the surface for at least 12 days without interruption? If it does, you may have wetland. On the other hand, if the saturation level seldom, if ever, reaches the surface, your area should not be classified as wetland. You cannot legally determine wetland on our own but you have a way of checking the accuracy of the professionals.

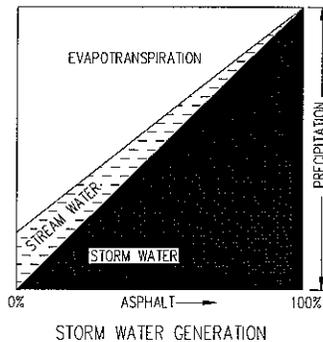
Facts on Storm Water

Only one percent or so of the precipitation that falls in Western Washington reaches Puget Sound. Instead, it evaporates or the vegetation sucks it up. If we pave Western Washington over, 100% of the rainfall will flash into the Sound. *Asphalt generates huge amounts of storm water that otherwise would not be there and it typically end up in streams.* With 50% of the watershed above NE 90th Street paved, the flow has increased by a factor of one hundred times. In addition, automotive debris and material worn off roads have settled in what goes for a stream bed and wiped out any possibility of a fish habitat.

The water level near NE 90th Street has risen steadily and it has recently reached 5-feet above where it should be. The latest in a series of excuses for not fixing the problem is that a small, normally dry stream influences water quality favorably so that the storm-water system must be regulated as a stream. The City's Storm-Water Engineer fails to see that the "stream flow" consists of 99-parts storm water and one-part clean water. How small must the stream component be in order not to require regulation of the entire mess?

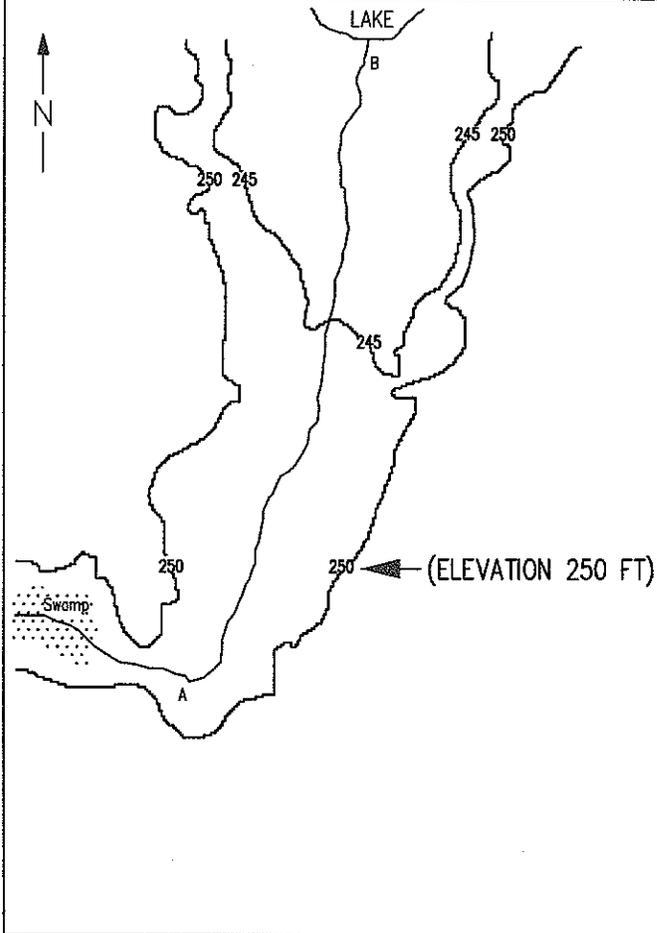
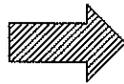
The channel from NE 90th Street to Forbes Lake has been completely filled with sediments and storm water finds new paths. Private property works well for filtering purposes but landowners consider it trespassing and it does not decrease total flow. Near NE 90th Street it remains at 99-times the original. The Department of Public Works has eliminated any possibility of a fish habitat. One hundred paces south of NE 105th Street on Slater Avenue you will find evidence that storm-water flooding is City-wide. The one-acre pond on the east side of Slater was not always there.

To keep streams healthy, storm water must be captured, cleaned and used. It must not be conveniently discharged into the nearest stream. If no use can be found, it must be piped separately; only a fraction can be added to the original stream to make up for a decrease in flow due to asphalt.



The illustration shows how storm-water generation changes from zero to 100% as the amount of asphalt in a watershed increases. The watershed above NE 90th Street has about 50% asphalt. Without it, 99% of the precipitation would evaporate and not end up in a stream. Do the math.

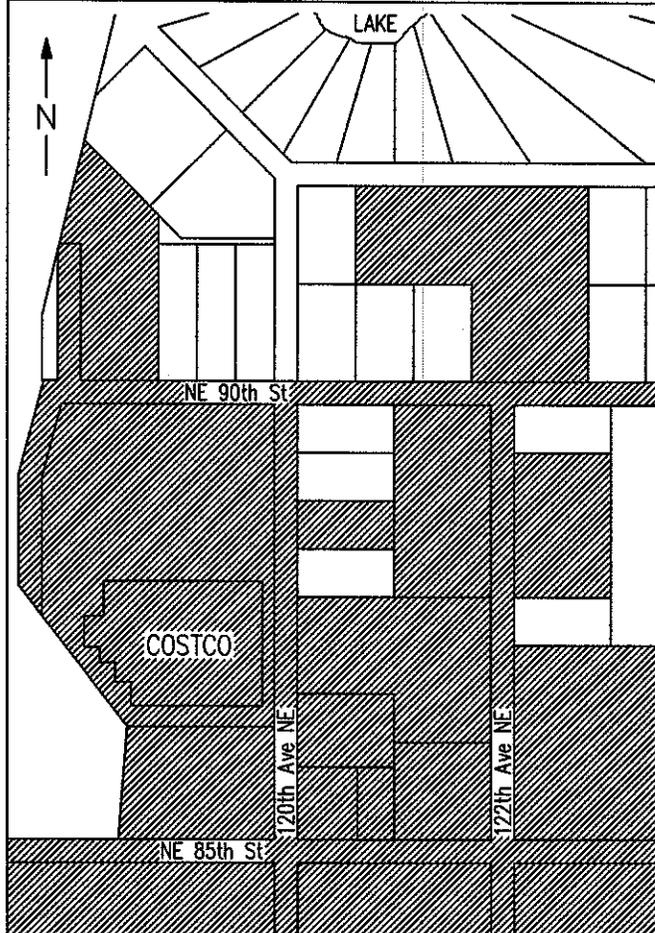
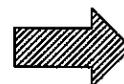
NATURAL HYDROLOGY



NATURAL RUNOFF:

IN WESTERN WASHINGTON, ONLY ONE PERCENT OF PRECIPITATION FLOWS TO PUGET SOUND, THE REST OF IT RETURNS DIRECTLY TO THE ATMOSPHERE BY EVAPOTRANSPIRATION

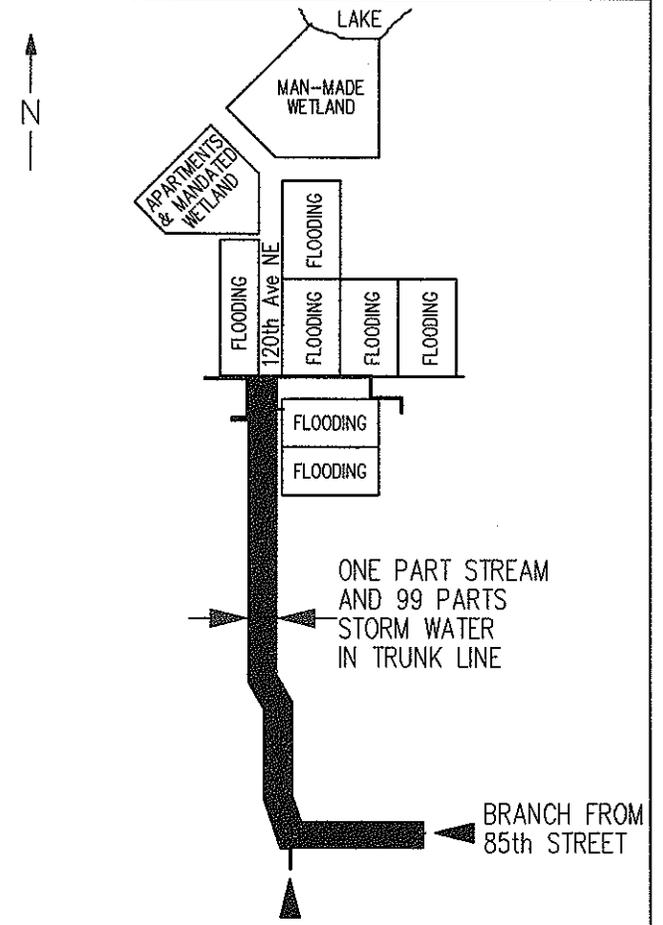
ADD ASPHALT



STORM-WATER GENERATION IN BLACK AND WHITE:

BLACK-TOPPED SURFACES DO NOT RETURN ANY PRECIPITATION TO THE ATMOSPHERE, 100% BECOMES STORM-WATER

STORM-WATER HYDROLOGY



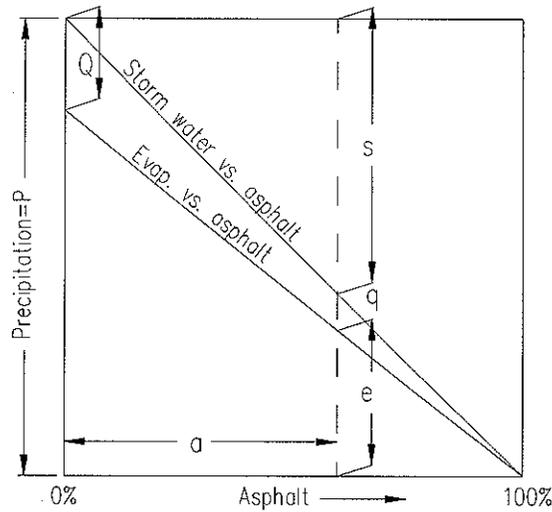
STREAM DEVASTATION:

THE TOTAL FLOW IS 100 TIMES THE NATURAL FLOW, THE STREAM HAS ONLY ONE PART CLEAN WATER TO 99 PARTS POLLUTED STORM WATER AND SEDIMENTS FILL STREAM BEDS AND STORM WATER CHANNELS

EXHIBIT E

HYDROLOGICAL DEVASTATION (LOWER PART OF WATERSHED, NE 85TH STREET CORRIDOR, KIRKLAND)

THE STREAM-DISTRESS EQUATION



The illustration relates impervious surfaces (mostly asphalt) in a watershed to storm water, stream water, and evapotranspiration. The storm-water-vs.-asphalt line shows that as the amount of asphalt grows, evapotranspiration and stream water goes towards zero. No equation is needed unless you want hard numbers. In that case, the stream-distress equation is:

$$\frac{s}{q} = \frac{P\left(\frac{a}{100}\right)}{Q\left(1 - \frac{a}{100}\right)}$$

The symbols are:

s =percentage of precipitation that becomes storm water

q =percentage of precipitation that becomes stream water

a =percentage of impervious surfaces in the watershed

e =percentage of precipitation that evapotranspired

P =total precipitation (100%)

Q =percentage of total precipitation that becomes stream water when there is no asphalt

If we assume that impervious surfaces cover 50%, $P=100\%$, and Q is 10%, then

$$\frac{s}{q} = 10.$$

For each part of stream water there are ten parts of storm water. If Q is 1%, a figure typical for the Puget Sound region, the ratio is 100 parts storm water to one part stream water.

Impervious surfaces reduce the area that is available for evapotranspiration. It affects the ratio of storm water to stream water to such an extent that a simple analysis tells us not to dump storm water into streams.

The City Council,
City of Kirkland

Re.: Costco's Proposed Gas Station

Costco's neighbors have been negotiating with City staff regarding the proposed gas station. Our main concern is that Costco's proposal is cutting in line. A long-standing storm-water problem needs to be addressed before we look at potential problems with the gas station. The Planning Department suggests that it is unrelated to the gas station and wants the proposal on a fast track towards approval in December. It amounts to an end run around ongoing negotiations.

Contrary to the planners' opinion, the storm-water problem is very much related. Due to neglected maintenance of the City's storm-water system, the water table near NE 90th Street is now 5-feet higher than it was before Costco's warehouse and parking lot went in. FIVE FEET!! Storm water flows across private properties and the staff effectively dictates that the resulting disaster be labeled wetland.

We do not know what the problems with the gas station will be. But once it is in place, twenty years of experience assures us that we will get no help in solving them from the City. The City Council told the staff to enter negotiations with Costco's neighbors. The staff member who set them up also represents the City there and it happens to be the same person who has stopped all previous attempts to solve the storm-water problems.

The City must stop using storm-water to deprive us of our land-use rights. Negotiations are give-and-take propositions but if the City locks up our land-use rights, we have nothing to bring to the table. The proceedings become dictation.

We need to put an end to the environmental disaster. There are better ways of protecting the environment than unjustified labeling of private properties as wetland.

Our representatives must free us to be partners with Costco and City staff in working out an acceptable plan for the area.

- 0 -

One handout discusses "A Setback for the Environment" and another shows ways of "Reducing the Environmental Footprint".

Odd Hauge
11844 NE 90th Street

(Impact09, 8-4-2008)

Submitted to City Council 8-5-08

The Council,
City of Kirkland

Re.: A Setback for the Environment

The environment suffered a setback when Adolfson Associates were given a monopoly on wetland determination. Unfortunately, the monopoly tempts them to keep finding wetland because that secures their income. The environment and landowners takes second and third place. By now, you would think the Everglades had moved to Kirkland. (The Watershed Company has now replaced Adolfson with the monopoly on wetland determination intact.)

Under "Limitations", Adolfson Associates explain that "delineation of wetland boundaries and functional value assessments are inexact sciences" and recommends that "this wetland study be verified with the appropriate regulatory agencies as soon as practical." They do not mention that their monopoly makes them the regulatory agency.

Landowners in Kirkland they have the same chances of freeing themselves from accusations of "wetland possession" as they would if they were suspected of witchcraft. We all want to protect the environment; we just do not want the staff to assume imperial powers and decide which properties to take and whether of not the owners will be compensated.

An internal memo from the Director to the City Manager dated January 25, 2006 excuses the City from maintaining a storm-water system as well as from compensations. It states: "Small normally dry streams high in the watershed such as this one have substantial influence over water quality lower in the watershed." The memo continues: "Because an upstream open-channel portion of the stream has been classified, that same classification or greater will apply to downstream sections of the stream."

Of course, the Public Works Department cannot touch a stream!

Today, 100-times more water crosses the NE 90th Street than in the past. It carries large amounts of roadway debris containing toxic elements that have plugged all channels to Forbes Lake - resulting in permanent flooding. One hundred parts of polluted storm water now mixes with one part of stream water and you do not have to be especially talented to figure out that it is the storm water that influences the stream water and not the other way around! The City Council needs to have a chat with Public Works so it will get off its high horse.

Who made the "such-as-this-one" decision anyway?

The memo goes on to circumvent the "takings clause" by stating: "If the City explores this option, then the City must be clear that it is exploring acquisition of the properties for conservation purposes and not for the purpose of resolving legal claims that the property owners may believe they have against the City. The City Attorney's Office is familiar with the history of these properties and is of the opinion that the presence of wetlands on the properties does not constitute a compensable taking. The fact that the properties would be acquired for conservation purposes must be taken into account when negotiating an appropriate purchase price."

Has the City Council put the Public Works Department in charge of interpreting the Constitution of the United States?

We have complained to no avail. Various City Councils have reacted as the authorities did when Galileo presented evidence of moons around Jupiter. It was not until John Paul II that they became official. By that measure, it could take a while before elected officials change policies to be in line with federal and state regulations. We do not want to be outlived by another epic time delay; it is time to conduct a public hearing where the City's Environmental Stewards must defend themselves in front of the City Council. Otherwise, they will continue to ignore a substantial amount of evidence that they are wrong.

A gas station will increase the City's income but income is not the elephant in the room; it is money the City owes - roughly between 50 and 200-million. Those of us who have been trampled by the no-compensation elephant would like to remove the blinders from the rest so all can see the beast clearly.

Odd Hauge,
11844 NE 90th Street

Reducing the Environmental Footprint

1. Reduce Local Automobile Use

All attempts to ease congestion leads to bigger roads and more congestion. It is a vicious cycle but many of us depend on it for a living so it is difficult to slow it down. We need attractive alternatives to the automobile that do not aim to eliminate it. An automobile add a couple of tons to be moved when you pick up a six-pack at the grocery store. It is not energy efficient at all.

A person on a bicycle moves more pounds farther for less energy than any other mode of transportation. Vehicle-free bicycle, pedestrian, and wheel chair attract people. Why not start a trail system on the City's right-of-way between NE 90th Street and Slater Ave NE? It can be connected to Woodland Park, extended into the neighborhoods to the north and to 85th Street to the south. Would you take offence if some had the option of getting to Costco or nearby businesses on a bike or in a wheel chair - without encountering an automobile?

Monorail, and light rail do not have to slow down at intersections. Instead of eliminating the Renton-Snohomish railway, it should be converted to a double-track light rail system connecting us to Seattle. It will drain traffic off the roads and leave more room for others who still must drive.

The City must take the initiative and restore dignity to foot-power.

2. Make Buildings Greener

Buildings consume vast amounts of energy and they, along with their parking lots, interrupt the process of returning precipitation directly to the atmosphere. Only 1% of rainfall in Western Washington ends up in streams if there are no impervious surfaces. Asphalt sends 100% of it toward streams. If you do the calculation, you will find that when the watershed above NE 90th Street has 50% asphalt, storm-water flow is 100-times larger than the original stream flow.

Switzerland has just passed a bylaw which states that new buildings must be designed to relocate the green space covered by the buildings footprint to their roofs – even existing buildings – including historical buildings – must now green 20% of their rooftops. By moving the landscape up on top, you maintain evapotranspiration and keep buildings cool in the summertime. What if Costco's existing warehouse had been designed to support a green house? Roof-tops without gardens are ecological wastelands; Chicago instead uses roof-tops to increase its "lung-capacity".

We must install rooftop gardens and perhaps an array of solar panels. Extra insulation reduces energy consumption. Excess storm water can be used for evaporative cooling and that also saves energy. Heat pumps and geothermal power are proven technologies that have been underused because of inexpensive power.

3. Consider Storm Water to Be a Resource

The watershed above NE 90th Street produces runoff that can be treated, stored, and used in a number of ways. The City must not over-restrict catchments. Storm-water flow is now 100-times larger than the original flow due to asphalt.

In addition to flow problems, roadway debris containing toxic elements has filled all natural and artificial channels and water now proceeds over land. The City simply uses private land to filter storm water

before it runs into Forbes Lake. The practice is detrimental to the environment and property owners consider it to be trespassing. We can do better than that.

4. Design People-Friendly Buildings

The Digeo building is nice but most of us would never think of walking in there. Buildings have "attitudes" and some, like those at Park Place and Costco's warehouse structure, "invite" you in.

Underdeveloped land near Costco can support 3 separate buildings. They ought to have "welcome mats" such as barber shops, good restaurants, etc. on the first floor, offices for medical/dental clinics etc. on the second floor, and apartments above that. A day-care center would be handy and a cafeteria in the middle of a rooftop garden can serve lunch in a setting with a view.

Whether you work in one of those buildings or just visit, it would be nice to have the option of leaving the automobile at home.

5. Create a Network of Automobile-Free Trails

The area at the South end of Forbes Lake could have been a nice park except the City has rendered it useless by trucking out enough dirt in attempt to let water from Forbes Lake swamp it. It was an Adolphson-delineated wetland that the owner could not touch. It did not fit the definition of wetland except Adolphson Associates decided it was. "Alleged" wetland in the path of I-405 has now been "moved" there by removing the upper landscape. We can now admire forlorn phone-poles-in-the-rough with eagle bars on top. It is not much of a trade for a first-class picnic area.

Disasters aside, the City has enough land for a 60-Ft wide park with a walkway that can be connected to Woodland Park via a tunnel under 124th Ave NE. The trails can be extended into the neighborhoods.

6. Create a Stream

A storm-water treatment facility can be designed to store water from the rainy season for use later. It can be used for watering, evaporative cooling of buildings and anything else - except dumping it into a stream.

No stream runs from NE 90th Street to Forbes Lake today. If we want one, we will have to make it. Five horsepower will pump enough water from the lake to near the intersection of NE 85th Street and 122 Ave NE. It will create a reasonable flow for a stream that, with some goodwill on the part of landowners, can snake along their property lines with a pedestrian trail alongside it. The stream will appear to carry more water if we create a series of shallow pools with low waterfalls between them. The arrangement will aerate the lake.

Summary

We can win one for the environment.

Odd Hauge
11844 NE 90th Street

1. Not long ago we adopted the NE 85th St. Corridor Plan....now we are being asked to make a major change at the expense of local residents.
2. This piecemeal change limits the overall character and development for other nearby properties.
3. This change intensifies development in an area where infrastructure is already inadequate...just ask your Planning Dir, Public Works Dir. and City Attorney and Costco's Attorney what they saw on our recent tour of the area.
 - a. drains working in reverse
 - b. dangerous shoulders on both sides of 90th
 - c. complete flooding of residential lots that were once a retail garden center at 120th & 90th
4. Costco's traffic studies have not been independently verified....local citizens who drive and walk on these streets, laugh at the claims being made.
5. The ideal solution would be to follow the drainage schematic we neighbors designed with professional engineers at the request of City and Mediator. When completed this **Forbes Creek Restoration** will allow the land to be returned to pre-annexation condition and thereby realize the current Commercial Zoning which provides greater revenue to the City of Kirkland. This project would also:
 - a. Create the desired park lands as requested by C of K for the city to purchase.
 - b. Allow Mr. Hauge to develop a mixed use project (more tax revenue)
 - c. Allow Costco to own and control 3 adjacent lots on 120th and install their gas station there, much closer to 85th (desired by current zoning and keep auto-service traffic out of the neighborhood)
 - d. With these three lots for a gas station, traffic could access from both 90th and 120th

We love Costco and Kirkland, but not enough to give up our property to a TAKING

Respectfully submitted: Mike Nienaber, 7829 NE 14th St. Medina, WA on behalf of our family estate at 8734 120th Ave. NE. Kirkland, WA 98033 8/5/08

Submitted to City Council 8-5-08

RE: COSTCO GAS STATION: PRIVATE AMENDMENT FILE ZON07-00017

1. The question of a gas station in the north parking lot of Costco was thoroughly addressed in two comprehensive plans, NRH and 85th Street Subarea. During both committee meetings the following was discussed:
 - It was troubling to think about viewing a gas station next to the single-family residents in the assisted living/retirement home.
 - A concern that Forbes Lake is too close to that location for the gas spillages.
 - Five gas stations are on 85th Street NE between 120th and 126th Ave NE.
 - There are no sidewalks along 90th Street NE.
 - Concerns about traffic:
 1. Left turning onto 120th Ave NE from 85th Street NE
 2. High volume of traffic that will overflow into the neighborhood.

There have been no changes in the comp plans that would facilitate a gas station in this location.
2. Like Costco's Home Center that's at a different location, it is hopeful that Costco would be willing to find a more suitable location for their desire to have a gas station in Kirkland. i.e. they could purchase the B P gas station.
3. Michael Murphy from King County Water Quality spoke to the NRHNA recently about King County's watersheds and water quality. Following are two important items from his presentation:
 - The land watershed area that feeds into Forbes Lake has the largest land ratio to the water collector size.
 - The worst pollutants to the watershed lakes are run off from gas.
4. There has been significant time and money spent to keep Forbes Lake clean. NRHNA has been working for years to monitor water quality with regularly taking water samples.
5. Planning Commission denied both Costco's private amendment request and a recommended study in a year.
6. Costco's desire to expand with another store in Redmond should not be considered a threat by CC in making this decision. It's a thriving business that just needs to grow.
7. Costco currently rents spaces for its employees from the Presbyterian Church. That would create another impact to remove the parking spaces.

A new study would not be needed, as there is information available from numerous meetings from the two comprehensive plans. The options for a gas station in the north lot were repeatedly viewed and finally concluded that a gas station would be too intrusive to the abutting residential property, NRH residents from traffic and Forbes Lake from pollutants. It will be costly for City Staff and the citizens to go over this again

Please consider denying Costco's private amendment request or a study in a year. Following the comprehensive plans represent the best for blending the business district and residential homes throughout the NE 85th Street Corridor.

Thank you for your consideration from this sincere request.

Linda Jones, Concern Citizen, NRH Board member, seated on both Comprehensive Plans
8725 126th Ave NE
Kirkland, WA 98033

Janice Soloff

From: Pat Roche [waynepat1975@verizon.net]
Sent: Sunday, October 12, 2008 8:22 PM
To: Janice Soloff
Subject: Costco Gas Station

Hi,

Just a note in support of the proposed Costco gas station.

Pat Roche
11202 NE 100th Street
Kirkland, WA 98033

10/13/2008

Janice Soloff

From: Wendy Murakami [wendyinseattle@hotmail.com]

Sent: Monday, October 13, 2008 9:14 PM

To: Janice Soloff

So excited to hear about the Kirkland Costco starting the process for a gas station! Now I only fill up when I am at the Woodinville or Issaquah locations. This will be great, as long as they can control the traffic.

~Wendy

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Janice Soloff

From: karen@tinyisland.com
Sent: Wednesday, November 05, 2008 4:47 PM
To: Janice Soloff
Cc: KirklandCouncil
Subject: Comment re: CASE ZON07-00017, Costco's request to allow a vehicle service station for gas sales

Dear Planning Commission,

I am writing to request that you deny CASE ZON07-00017, Costco's request to allow a vehicle service station for gas sales. I have the following concerns:

1. Existing traffic congestion - The CostCo approach roads and parking area are already extremely congested. I don't believe the freeway offramp, NE 85th/120th Ave NE intersection, or 120th Ave NE can handle any additional traffic.
2. Existing gas stations - There are already two gas stations at the NE 85th/120th Ave NE intersection, as well as several others farther east. I don't think we need yet another gas station in this vicinity.
3. Light pollution - I live across the freeway from CostCo and I am concerned about additional bright lights visible from my home. There is already a lot of ambient light from businesses on the east side of the freeway, and I do not want to see more.

You may find these articles about light pollution of interest:

<http://www.darksky.org/mc/page.do>

<http://www.crlaction.org/>

Sincerely,
Karen Story
9017 Slater Ave NE
Kirkland WA 98033
(No postal mail reply needed)



Ray Hansen

11034 130th Avenue NE
Kirkland, Washington 98033
827-7315

June 25, 2007

FAX

Kirkland Planning Commission
Attention: Teresa Swan, 587-3232

This letter is in reference to one of the "private amendments" being considered by the Planning Commission at its meeting on Thursday June 28.. **I recommend you deny Costco's request, File ZON07-00017, which would allow retail gas sales on its northern parking lot.**

As a long-time resident of North Rose Hill, I have been honored to have participated and maybe even helped with the North Rose Hill portion of the Comprehensive Plan. Ever since the time of our annexation, two of this neighborhood's major goals, recognized by the City, have been to maintain the neighborhood's residential character and minimize traffic impacts. Both of these goals would suffer if the request is approved:

The gasoline station would certainly increase traffic on 90th Street, and probably on 124th Avenue and other nearby streets. Pedestrian safety is already a problem.

Street and air pollutants from the added traffic, and inevitable spills near the pumps, are bound to reach into Forbes Lake.

The hydrocarbon vapors, and noise and smells, that gas stations create would extend beyond the immediate property, and impact the adjacent residences. I lived next to one once, and wouldn't wish it upon you even if you happened to vote for this request.

Having another gas station in the area, and a cut-rate one at that, would undoubtedly appeal to some people. But lower gas prices--and increased consumption of a depleting resource--are certainly not in the long range interest of our region or our country as a whole. The fact of the matter is that increased hydrocarbon consumption accelerates global warming and exacerbates its negative impacts.

As you well know, a major criterion for allowing exceptions to the Comprehensive Plan that it must be "in the public interest." The requested change does not meet that test, at least to this portion of Kirkland. Nor does it seem to for Kirkland as a whole.


Ray Hansen

Public Comment

ATTACHMENT	14
ZON07-0017	

Costco

Teresa Swan

From: Paul Stewart
Sent: Monday, June 25, 2007 3:22 PM
To: City Council; Andrew Held (public) (public@andyheld.com); Byron Katsuyama; Carolyn Hayek; Janet Pruitt; Karen Tennyson; Kiri Rennaker; Mathew Gregory
Cc: David Ramsay; Janet Jonson; Teresa Swan
Subject: FW: Costco Gas Station

Steve Tindall requested the following e-mail message be passed on to the City Council and Planning Commission. This is in regards to the Private Amendment Request by Costco to allow a fuel station on their property north of NE 90th Street (RH1B Zone).

I have responded to Steve that the Commission is making a recommendation to the City Council on a threshold determination on whether or not to study the request. The Commission meets on June 28th and the Council will consider their recommendation on July 17th. If this requests moves forward, the Planning Commission will hold study sessions and a public hearing in the coming months with Council action later this year or early next year.

Paul Stewart
425-587-3227

From: Steve Tindall [mailto:steve@stevetindall.com]
Sent: Tuesday, June 19, 2007 3:25 PM
To: Paul Stewart
Subject: FW: Costco Gas Station

Paul- Regarding the private amendment request for the Costco gas station:
I only had email addresses for a few of the city council members.
Could you forward this on my behalf to the entire council and also the planning commission.

Thanks,
steve

From: Steve Tindall [mailto:steve@stevetindall.com]
Sent: Tuesday, June 19, 2007 9:59 AM
Subject: Costco Gas Station

Council members:

I am not able to participate in the coming discussion about a proposed Costco Gas Station. However, I would like to submit my comments as representative of the tenor and opinion of the South Rose Hill Neighborhood Association during the time period of establishing the current Comprehensive Plan for the NE 85th Street Corridor. If possible to distribute these comments to other council members I'd appreciate it, as I do not have current email addresses for them.

The idea of a gas station at Costco is a nightmare in terms of traffic effect. For those of you who have frequented other Costco gas stations, there is a near constant line of cars moving through these centers. In the case of our particular Costco, the proposed location forces traffic to drive past the main Costco site to the farthest, most low density area of the development.

Public Comment

ATTACHMENT	15
2007-06-17	

6/25/2007

Costco

This will impact the entire NE 85th Street corridor, especially both the South Rose Hill and North Rose Hill close proximity areas. The likelihood of increased cut-through traffic in South Rose Hill is very high, but the increased traffic on the North Rose Hill side is guaranteed.

We have five- count them- five gas stations between I-405 and 128th Ave NE. There is no local, or even regional need for additional services of this type. Whereas the Comprehensive Plan does not specifically prohibit this use in the close proximity of 405, it does definitely speak to this usage by de-emphasizing auto centric usage- with the exception of the two car dealers.

As much as I would like a competitively priced gas station in our area to drive down the ridiculous prices we now pay- I believe this addition will measurably and negatively impact our quality of life.
steve

Steven J. Tindall
(425) 822-4373 Home
(425) 945-3632 Office
Steve@SteveTindall.Com

See what's free at AOL.com.

Teresa Swan

From: James McElwee [jandlmcwee@msn.com]
Sent: Wednesday, June 27, 2007 1:26 PM
To: Teresa Swan
Cc: Paul Stewart
Subject: Planning Commission Comments for June 28, 2007

Teresa,

Would you please forward this message to the Planning Commission for their meeting on June 28, 2007 regarding Private Amendment Requests.

Thank you,
 Jim McElwee

Date: June 27, 2007

To: Kirkland Planning Commission

From: James McElwee

Subject: Private Amendment Requests - 2007

I respectfully request that the Commission consider the following points when discussing the Private Amendment Requests for 2007.

ZON07-00017 (Costco) - I request that you reject this application outright.

1. The particular site acts as a buffer between the main Costco site and the bordering residential areas and the wetlands to the east and north. I see no way for the fueling station to be preferred by the neighbors over the existing parking area. The structures, lighting and noises from the fueling station would be a significant challenge to the current neighbors.
2. NE 90th Street, one of the neighborhood streets serving the site, is not an appropriate street to handle the added traffic of a fueling station on the site. Currently NE 90th has no curbs and gutters, only open ditches, east of 120th Ave. NE. Even if the roadway were improved with curbs, gutters and sidewalks, the improvements would only encourage additional cut-through traffic in a neighborhood area.
3. I recognize that the station could be located on Costco's current site, but I see no compelling public interest in encouraging additional use on the site. Currently South Rose Hill, as well as North Rose Hill, suffers from significant cut-through traffic destined for Costco. Some might argue that only customers who would otherwise be going to the Costco site would use the fueling station, but my own experiences tell me otherwise. I often use the Costco fuel stations without using the retail section at all. I ask that you not make our cut-through situation worse.

ZON07-00008 (Andrews) - Please defer this request until the next Neighborhood Plan (as recommended by staff) 1. Preserving the essential character of the neighborhood is paramount in the Neighborhood Plan, and I see no compelling reason to deviate from the plan by increasing the density per this request. Any argument that increased density was intended by the Neighborhood Plan is simply an uneducated reading of the history.

ZON07-00009 (Applegate) - Please defer this request until the next Neighborhood Plan (as recommended by staff) 1. This request is not simple. The implication of approving this request would go far beyond the individual properties involved. It deserves the considered attention of the Neighborhood as part of a comprehensive update of the Neighborhood Plan.

ZON07-00016, -00012, -00019 (Howe, Orni, Altom) - I agree that these applications should be considered together, and I suggest that, if these amendments are to be considered in 2007, the area for consideration should be expanded.

1. It makes sense to consider the three properties at one time because of their proximity and the good deal of similarity in the requests.

EXHIBIT E

2. The subject properties cannot be evaluated in isolation from the rest of downtown. The increased height in this particular section of the downtown, would raise the edge of the "bowl" (my term) encouraged by the Downtown Strategic Plan and the current zoning. I am concerned that there will be increased pressure to allow additional height in the remainder of downtown, as well as the subject properties. We have established a goal of keeping downtown as a pedestrian friendly venue with a quaint village atmosphere. The residents of Kirkland have made it clear that they support this concept, and we should be insuring that the vision remains practical. I think that this is an opportunity refine the planning and zoning of the downtown area to keep megaliths from destroying what we value in the area.

Thank you for your consideration of my coments.

James McElwee
12907 NE 78th Place
Kirkland, WA 98933
425-301-3885

From: Paul Nienaber [mailto:nienaberinc@hotmail.com]
Sent: Wednesday, November 19, 2008 1:55 PM
To: KirklandCouncil; Joan McBride
Subject: Costco PAR

Dear Council Members,

We have been through months of meetings, mediation, and talk, so far nothing concrete has come of it.

Today we stand with the CofK Planning Commission, reluctantly passing on to the Council an approved Costco PAR. Everybody in the room on Nov. 13th '08, could see that they(the commission) did not like how the PAR **only** served Costco, Andy said over and over "where is the benefit for the community". This PAR not only serves Costco, it **punishes and paralyzes** the entire community with increased traffic and lack of infrastructure. Kirkland also, will stand to be punished in the future when traffic becomes so intolerable that Kirkland has to fix the roads at their own cost. You must also know that almost everybody in the room on the 13th could not believe what Costco's traffic engineer was trying to pass off on us. His conclusions made no sense. Everybody familiar with that intersection and Costco gas station use, knows that they are not facing reality.

We see Costco as a benefit to our community! We want Costco to get a gas station! We want Kirkland to get increased revenues! But we do believe that Costco as a \$60 Billion dollar company, should be willing to spend \$10 million (I'm guessing) on helping and fixing the community that helped them get their start, and from which they got their "Signature" brand. This would be a fantastic Public Relations opportunity for Costco.

We want the council to urge Costco to step up and use the profits they have made in the community to fix the problems they have helped create and will make worse if not addressed.

The neighborhood needs NE 90th widened with a left turn lane at the intersection of 90th and 120th. Sidewalks on the north and south sides of 90th. These sidewalks and the widening must be done in such a way that subterranean water is stopped from flowing south under 90th from Forbes Lake. This water has been trespassed on to us (the Nienabers) by all the buildup in the area, and lack of maintenance. Proper construction will help our land become dry and usable as it was before. Costco promised us in 1995 that building of their parking lot would not impact us, this was proved to be false with evidence of the pictures we have, "Before and After" pictures of the parking lot construction. We also need this widening and sidewalks for public safety. If lines back up on to 90th from the gas station, and emergency vehicles are needed, there will simply be no room for them.

We urge you as a group of Council members to meet with the "Brass" at Costco. Let them know how lopsided this PAR is and that you want more. The NRHNA wants more. The SRHNA wants more, and we are not through with this PAR yet.

I thank you for your time and commitment to our community,

Paul Nienaber
425-454-7774

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Janice Soloff

From: Nicholas Gill [gill@westlakeassociates.com]
Sent: Friday, November 14, 2008 10:41 AM
To: Janice Soloff
Subject: Costco Gas

Janice –

I reviewed the packet and attended the meeting last night for the proposed Costco PAR. I believe your staff has done a great job in working with them to make this gas station as efficient as possible. All of the complaints that I heard last night would be worsened should Costco have to put the gas station on the main parking lot to the south of 90th Street. Working the congestion away from shoppers walking to the store will be a much safer plan and I believe you have done a fantastic job of addressing this and I commend the planning department for their research into the matter.

Regards,

Nicholas T. Gill
Westlake Associates, Inc.
Tel: 206.505.9410
Fax: 206.505.9439
gill@westlakeassociates.com

November 13, 2008

Testimony to City of Kirkland's Planning Commission

RE: Costco PAR for Gas Station Rezone Mike Nienaber 8734 120th Ave. NE
Kirkland (425) 652-9881

F A C T S:

1. Costco has merely presented a prediction of what they feel traffic will be at their proposed gas station. Staff has gone along with them. We neighbors who live there 24/7, know better. There will be intolerable congestion... just imagine as you look at their map. Over 14 years ago, both Costco and Kirkland assured us that the employee parking lot would not cause flooding on our property. (document attached) Let's see how it looks?
2. There needs to be a moratorium on new development until this problem is mitigated. We have participated in meetings with NRHNA and Costco with the City picking up the tab to no avail. We have participated in mediation with Costco and the City, once again, to no avail.
3. We see no input from the City regarding safety for pedestrians. Costco has listened to the neighbors, yet City staff has misquoted Costco's offer. Please note what Costco offered on their letterhead in your packed compared to 'how the City left out significant mention of promised sidewalks and specific dollars for a new trail head at 90th and 120th. The neighbors requested a left turn lane on 90th and nothing has materialized.
4. We want to find a winning solution for Costco, Kirkland and we neighboring land owners. We hope to avoid direct litigation with the City regarding trespass of Stormwater on our properties. Since we don't want to bring suit, we are here to find a solution and cannot accept any proposal that only makes the current, intolerable situation worse.
5. To that end, we are still working with Joan McBride and Bob Sternoff to have a meeting of "senior decision makers" from Costco, the City and the Nienabers. We would like to hammer this out peacefully, rather than resorting to the media and the courts.

HEARING EXAMINER MINUTES - FEBRUARY 24, 1994

on the site. The improvements were to channelization, the signal and phasing and other traffic diversion methods if necessary. The City Council approved the Hearing Examiner's recommendations by Resolution 3380. Subsequently, Costco decided that they would not build an office building but instead would expand their store. Transpo did a traffic study and determined that the impacts would be the same as they would be with an office building, so it was resolved that if Costco submitted to the SEPA conditions they could proceed with a building permit. Therefore, the Hearing Examiner's conditions carried over, of which the traffic study was a part. A letter from Transpo to Fred French, then traffic engineer with the City, was entered into the record as Exhibit C.

Mr. Marcy pointed out that in Table 4 the traffic counts determined that Costco's percentage of the intersection improvements would increase from 2.25% to 8.4% contribution, or \$100,000. Subsequently, in August, 1990, Costco received a letter from Katherine Cassaday, traffic engineer with the City (Exhibit D) which advised that a study of the area a year later determined that the Costco's percentage for signalization at the intersection would be increased from 8.4% to 100%, less any monies that were collected pursuant to other concomitant agreements, which brought the percentage to about 90%. Subsequently, Costco signed the concomitant agreement (in the staff report) agreeing to that. They signed it because the cost that was involved was around \$100,000 as anticipated by the parties in the traffic study from Transpo. The only discussion about added right-of-way at NE 90th Street was the potential addition of a left turn lane onto 124th Avenue NE, and there was sufficient right-of-way on NE 90th Street to do that.

Mr. Marcy said another important thing to note about the concomitant agreement is that the language is treated differently depending on which intersection is referred to. For some of the intersections reference is made to the cost of improvements, and for others the cost of signalization, raising a question as to the extent of Costco's obligations. Costco believes that the City's requirement that Costco pay for everything goes beyond the intent of the parties as it evolved from 1987 to 1990. Mr. Marcy said part of the problem is that the City subsequently decided not to widen 124th Avenue NE, which makes it more difficult to put in the signal at NE 90th Street, so now the City wants Costco to pay for it. Costco does not believe it is appropriate to tie the employee parking lot to the 1990 concomitant agreement. He said Costco is willing to work with the City on a compromise for a configuration that would work for both parties.

Matt Nienaber, 2404 - 127th Avenue SE, Bellevue, stated that he is a son of the property owner to the north of the present parking lot. He stated that they are not opposed to paving the parking lot, but were concerned about the potential of increasing water problems. He said it is a low area, and over the years as property to the south has been developed and paved a fairly significant water problem has been generated. In the past it was possible to keep a lot of the water drained off through ditches, but as the street has elevated it has generated more water.

Don Beman, 2517 - 125th Avenue NE, Bellevue, stated that his family moved out of the Bellevue area because of chronic respiratory problems due to carbon dioxide, largely generated by enterprises that draw large amounts of traffic. He asked that the Hearing Examiner take this into consideration when approving developments of large businesses and commercial enterprises.

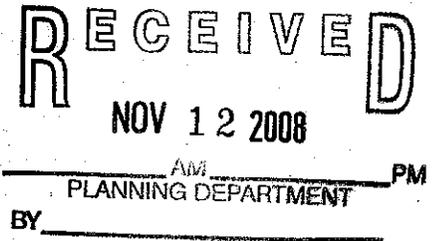
Mr. McMahan responded to Mr. Nienaber's concerns. He said staff has spoken with them and explained that the design of the parking lot will include a biofiltration swale that picks up the drainage and pipes it to the existing stormdrain system on the Costco property.

Gail Gorud stated that in considering the rezone on the parking lot area it is, by virtue of it being part of the subject property that includes the store itself, appropriate to look at the

North Rose Hill Neighborhood Association Board
9214 126th Ave. N.E.
Kirkland, WA 98033

November 7, 2008

Planning Commission & City Council
City of Kirkland
123 5th Ave.
Kirkland, WA 98033



Re: ZONO&-00017

Dear Commissioners and Council Members,

A Costco gas station in Kirkland would be an economic benefit for Kirkland residents and people living in parts of King County and even Redmond and Bellevue. The tax revenue would also benefit the City of Kirkland at a time when it is very much needed. However, there are serious problems with traffic, storm water in the street, and pedestrians forced to walk in the road that need to be resolved in this area before the necessary code changes can be allowed.

The environmental issues at this site are complex and expensive to resolve. One problem is the loss of pervious soil due to the original construction of Costco and their parking lots. The dead, mature trees on one neighboring property bear witness every day to the impact of this development on the area. Polluted air from dozens of engines idling while waiting in line for gas in a residential area and next to the Woodlands Senior Apartments is another concern. It is common for there to be over 50 cars in line at the Costco gas station in Issaquah.

The pedestrian safety issues which already are serious problems in this area will become a nightmare unless sidewalks, traffic lights and additional road capacity are improved. Though Costco's research showed no additional cut-through traffic with the gas station addition, we believe that to be unrealistic considering the current traffic conditions on N.E. 85th Street. Both North and South Rose Hill areas will be impacted, including elementary school walk areas. In North Rose Hill there will be cut-through traffic on N.E. 90th from 128th Ave. N.E. west to Costco. There is currently a problem at the Presbyterian Church on N.E. 90th, with both entering and exiting of cars that will become impossible with the increased traffic on 90th.

Possible solutions include:

1. Sidewalks on both sides of the street on N.E. 90th from N.E. 120th to N.E. 128th
2. Costco purchase the Neinaber property and site the gas station where they currently have a parking lot east of 120th Ave. N.E.
3. The creation of a comprehensive plan for this area which would enhance future business development of other properties and not just the Costco property

In conclusion, though we welcome a Costco gas station in Kirkland, there should be respect for the current codes which were created to maintain the safety, health, and character of the neighborhood. Before the codes can be changed to allow a gas station to be sited as currently proposed, these serious, dangerous health and safety problems must be resolved.

Sincerely,



Margaret Carnegie, Chair
North Rose Hill Neighborhood Association Board

Janice Soloff

From: Grant Erwin [gwe@tinyisland.com]
Sent: Monday, November 10, 2008 7:53 PM
To: Janice Soloff; Eric Shields
Subject: proposal to allow Kirkland Costco to add a gas station

1. Costco gas station bays have to be tall enough to accommodate semi trucks. These tall brightly-lit structures will be seen all night over the freeway from our house and represent a significant visual blight.
2. The Kirkland Costco has generated absolutely enormous traffic volumes. Many times as a pedestrian I have nearly been hit by Costco customers frustrated by difficulty navigating their far-too-small parking lots. Removing parking lot space (to build a gas station) will make the frustration worse, lead to much more traffic, and will completely overwhelm the area.
3. With two gas stations within one block from Costco, we don't need another one.
4. With new Costco locations scheduled to come on line in Bellevue and Redmond, it would be simpler and vastly preferable for Costco to put this gas station at one of those stores.
5. I suspect a lot of the impetus behind Costco's proposal was \$4/gallon gas, possibly heading for \$5/gallon gas. Well, now it's at \$2.25 and sinking fast, they would probably be secretly relieved if the permit were denied.

Please do the responsible thing for Kirkland citizens and deny this unneeded and problematic proposal!

Regards,

Grant Erwin
Kirkland Highlands

November 7, 2008

Kirkland City Hall
123 - 5th Ave.
Kirkland, WA 98033-6189

Subject: Costco gas station - File No. ZONO7-00017

Attention: Janice Soloff

I am concerned about a safety issue that would result from the increased traffic caused by the proposed Costco gas station. The logical exit from the site would be onto NE 90th Street which would greatly affect the intersection at I22nd Ave. NE and NE 90th Street.

As a member of, and stockholder in Costco, I consider the company to be a good corporate citizen. I am also a member of Rose Hill Presbyterian Church located at NE 90th St. and I22nd Ave. NE and work with the Building and Grounds Committee there. In this capacity I spend considerable time working outside where I can observe this intersection. Many cars fail to stop at this intersection, and I believe it is just a matter of time before a serious accident occurs. People have driven through the intersection and onto the church lawn several times. And because of the location of the entrance and exit to the church, the intersection is difficult to navigate safely.

At the time the church was built in the twenties, N.E. 90th St. - or Piccadilly as it was known then - was the main street connecting Rose Hill and downtown Kirkland. NE 85th St. curved into town; I-405 wasn't a thought. The church has been situated at its location long before Costco created traffic concerns.

The activity at the church is considerable. There are the normal services, a sixty-student preschool where parents drop off and pick up their children twice a day, Honda leases 150 spaces to park new cars and employees' cars, and shuttling occurs to and from the Honda location. Boy Scouts and Cub Scouts, youth groups and other organizations use the facility. There is now a veterinary clinic on the opposite corner. Customers will be exiting onto NE 90th St. as well as parking on I22nd. The busy time for the church is also the busy time for Costco (Sundays, holidays, etc.). At these busy times is a very difficult to exit safely from the church.

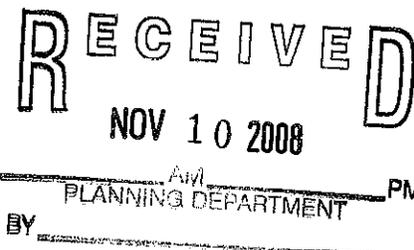
Basically this is a complicated and unsafe intersection. I believe that before any gas station is allowed at this Costco site the problems at the intersection of NE 90th and I22nd Ave. NE must be resolved - not just on paper but physically resolved. Traffic congestion at I24th Ave. NE was a major concern when Costco first went in, and we were told that if it was a problem it would be fixed. It was resolved, but it took several years. We don't have years to fix a potential safety problem. This needs to be a priority and resolved before a gas station is allowed.

Respectfully,



L. K. (Bud) Gesell
12031 N. E. 97th St.
Kirkland, WA 98033
425-822-7390

cc: Kirkland Planning Commission
Kirkland City Council



Comments at the Public Meeting Regarding Costco's Proposed Gas Station

My name is Odd Hauge and I live at 11844 NE 90th Street, the property next to Costco's proposed gas station.

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Before Costco got permission to build the warehouse and parking lot on Rose Hill, questions were raised by the residents. What would be the impact on the environment?

Costco's project would generate a considerable amount of storm water and it was understood that the City would take care of it in return for taxes.

But, instead of keeping its side of the bargain, the City decided to save money by not maintaining the storm-water system. That has imposed an environmental disaster on the neighborhood.

Toxic pollution from the NE 85th Street Corridor and Costco's parking lots has filled all historic and modern drainage canals below NE 90th Street. The water level is now nearly five feet above the normal.

But the City has a clever Staff. By regulating the area as wetland and claiming that the storm-water system is a stream, it does not have to spend a dime while it usurps land-use rights at no cost.

Costco's neighbors have been complaining at public meetings and the City called for negotiations. As expected, the Director of Planning and the Storm-Water Engineer, who are in the middle of the mess, would not give an inch and the negotiations failed.

Once Costco's gas station becomes a reality, we know the City will not be helpful in solving whatever traffic and pollution problems that it will bring unless we have guarantees that it will not continue to ignore us.

We are against fast-tracking the gas station project unless the City Council sidelines its sacred "Environmental Stewards" and lets the neighbors and Costco work out an acceptable plan for the future of the area with staff members who do not have a stake in upholding the present situation.

- 0 -

Problems with storm water and over-definition of wetland exist on a large scale throughout the City. Four attachments back up the statements.

- 0 -

Attachments:

1. Facts on Wetland
2. Facts on Storm Water
3. Hydrological Devastation (Illustration)
4. The Stream Distress Equation

Facts on Wetland

As you might suspect, wetland has something to do with water. The Army Corps '87-Wetland Delineation Manual (you'll find it on the Internet) presents the accepted method of determining how much water there is. Local manuals, such as Washington State's, derive from it. Essentially, the '87-Manual requires uninterrupted inundation or saturation to the surface between 5 and 12.5% of the growing season to classify an area as wetland (Table 5). In Western Washington, that is somewhere between 12 and 30 days.

Capillary forces in soils make the saturation level difficult to locate directly and the Manual shifts gears and directs delineators to imply wetness from plant and soil indicators. Plants and soils integrate the effects of wetness over time. It is the best of documents, a "cook book" if you will, but the results depend on how faithfully delineators follow its directions. Unfortunately, the City's consultant specializes in how to get around them.

In September 1995 Adolfsen Associates, Inc. (AAI) presented a report based on a one-day visit to a site. They showed, in writing, how to deviate from the guidelines and classify an area as wetland. A lengthier study of the hydrology, conducted in agreement with the City, found saturation to the surface of insufficient duration for wetland classification at only one point. In all, about 4000 observations of hydrology were made. AAI made zero attempts to investigate the hydrology itself. There is a large credibility gap between the definition of wetland and AAI's opinion.

You can make a preliminary assessment of wetland hydrology yourself if you know why saturation levels are hard to locate. The water table is a distorted representation of the saturation level and it bounces up and down like a yoyo due to capillary effects that can spread the two levels by over 12-inches. The "87-Manual owes its existence to the "yoyo-effect".

The two levels coincide at the onset of rain. That is the golden moment when you can record cardinal points on a graph of depth to saturated soils. Bore a few small holes about 16 inches deep and monitor the water table.

Water inputs and depletion rates determine the saturation level. Does your record indicate that it could remain at the surface for at least 12 days without interruption? If it does, you may have wetland. On the other hand, if the saturation level seldom, if ever, reaches the surface, your area should not be classified as wetland. You cannot legally determine wetland on our own but you have a way of checking the accuracy of the professionals.

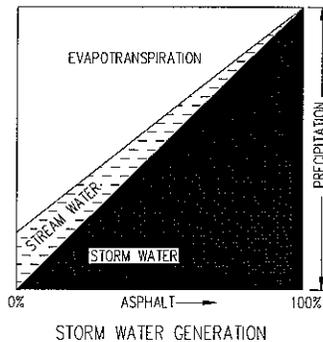
Facts on Storm Water

Only one percent or so of the precipitation that falls in Western Washington reaches Puget Sound. Instead, it evaporates or the vegetation sucks it up. If we pave Western Washington over, 100% of the rainfall will flash into the Sound. *Asphalt generates huge amounts of storm water that otherwise would not be there and it typically end up in streams.* With 50% of the watershed above NE 90th Street paved, the flow has increased by a factor of one hundred times. In addition, automotive debris and material worn off roads have settled in what goes for a stream bed and wiped out any possibility of a fish habitat.

The water level near NE 90th Street has risen steadily and it has recently reached 5-feet above where it should be. The latest in a series of excuses for not fixing the problem is that a small, normally dry stream influences water quality favorably so that the storm-water system must be regulated as a stream. The City's Storm-Water Engineer fails to see that the "stream flow" consists of 99-parts storm water and one-part clean water. How small must the stream component be in order not to require regulation of the entire mess?

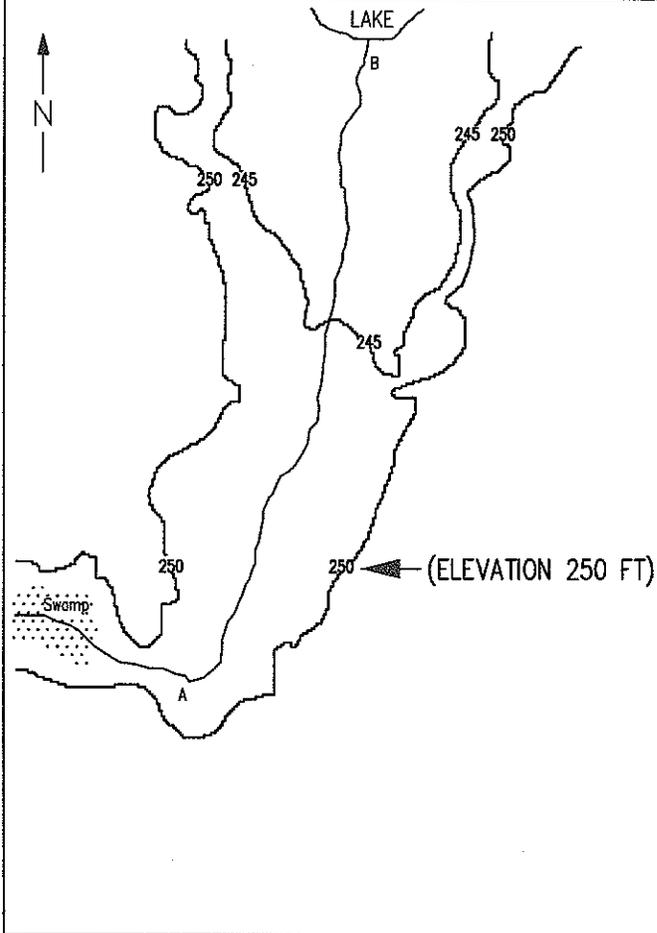
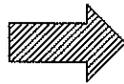
The channel from NE 90th Street to Forbes Lake has been completely filled with sediments and storm water finds new paths. Private property works well for filtering purposes but landowners consider it trespassing and it does not decrease total flow. Near NE 90th Street it remains at 99-times the original. The Department of Public Works has eliminated any possibility of a fish habitat. One hundred paces south of NE 105th Street on Slater Avenue you will find evidence that storm-water flooding is City-wide. The one-acre pond on the east side of Slater was not always there.

To keep streams healthy, storm water must be captured, cleaned and used. It must not be conveniently discharged into the nearest stream. If no use can be found, it must be piped separately; only a fraction can be added to the original stream to make up for a decrease in flow due to asphalt.



The illustration shows how storm-water generation changes from zero to 100% as the amount of asphalt in a watershed increases. The watershed above NE 90th Street has about 50% asphalt. Without it, 99% of the precipitation would evaporate and not end up in a stream. Do the math.

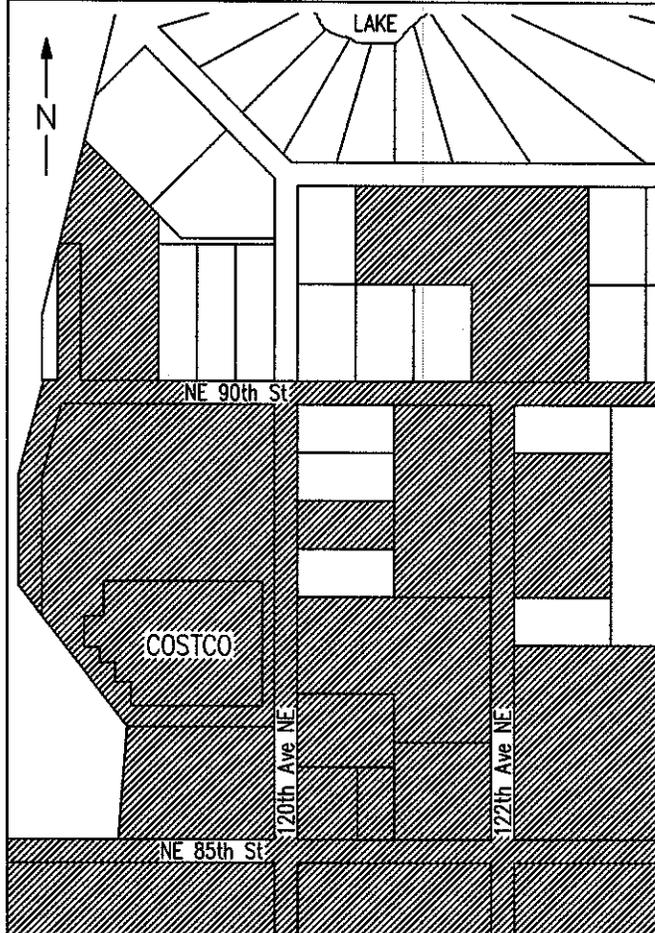
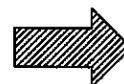
NATURAL HYDROLOGY



NATURAL RUNOFF:

IN WESTERN WASHINGTON, ONLY ONE PERCENT OF PRECIPITATION FLOWS TO PUGET SOUND, THE REST OF IT RETURNS DIRECTLY TO THE ATMOSPHERE BY EVAPOTRANSPIRATION

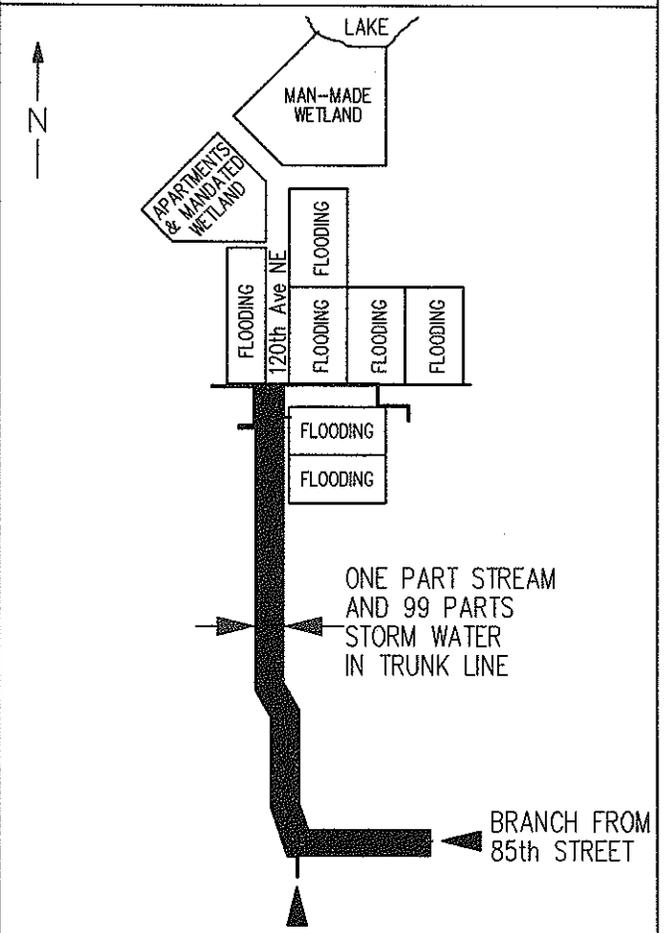
ADD ASPHALT



STORM-WATER GENERATION IN BLACK AND WHITE:

BLACK-TOPPED SURFACES DO NOT RETURN ANY PRECIPITATION TO THE ATMOSPHERE, 100% BECOMES STORM-WATER

STORM-WATER HYDROLOGY



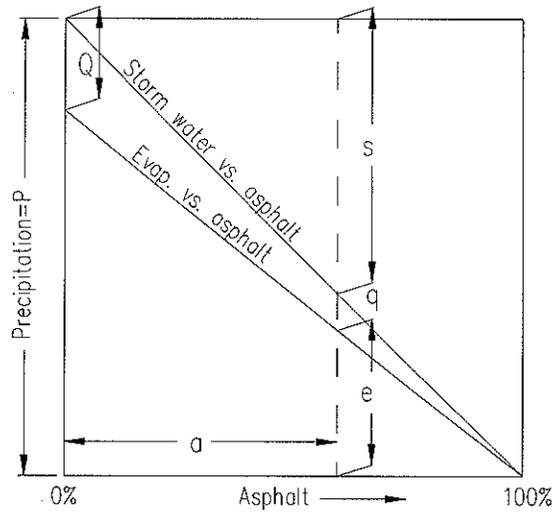
STREAM DEVASTATION:

THE TOTAL FLOW IS 100 TIMES THE NATURAL FLOW, THE STREAM HAS ONLY ONE PART CLEAN WATER TO 99 PARTS POLLUTED STORM WATER AND SEDIMENTS FILL STREAM BEDS AND STORM WATER CHANNELS

EXHIBIT E

HYDROLOGICAL DEVASTATION (LOWER PART OF WATERSHED, NE 85TH STREET CORRIDOR, KIRKLAND)

THE STREAM-DISTRESS EQUATION



The illustration relates impervious surfaces (mostly asphalt) in a watershed to storm water, stream water, and evapotranspiration. The storm-water-vs.-asphalt line shows that as the amount of asphalt grows, evapotranspiration and stream water goes towards zero. No equation is needed unless you want hard numbers. In that case, the stream-distress equation is:

$$\frac{s}{q} = \frac{P\left(\frac{a}{100}\right)}{Q\left(1 - \frac{a}{100}\right)}$$

The symbols are:

s =percentage of precipitation that becomes storm water

q =percentage of precipitation that becomes stream water

a =percentage of impervious surfaces in the watershed

e =percentage of precipitation that evapotranspired

P =total precipitation (100%)

Q =percentage of total precipitation that becomes stream water when there is no asphalt

If we assume that impervious surfaces cover 50%, $P=100\%$, and Q is 10%, then

$$\frac{s}{q} = 10.$$

For each part of stream water there are ten parts of storm water. If Q is 1%, a figure typical for the Puget Sound region, the ratio is 100 parts storm water to one part stream water.

Impervious surfaces reduce the area that is available for evapotranspiration. It affects the ratio of storm water to stream water to such an extent that a simple analysis tells us not to dump storm water into streams.

The City Council,
City of Kirkland

Re.: Costco's Proposed Gas Station

Costco's neighbors have been negotiating with City staff regarding the proposed gas station. Our main concern is that Costco's proposal is cutting in line. A long-standing storm-water problem needs to be addressed before we look at potential problems with the gas station. The Planning Department suggests that it is unrelated to the gas station and wants the proposal on a fast track towards approval in December. It amounts to an end run around ongoing negotiations.

Contrary to the planners' opinion, the storm-water problem is very much related. Due to neglected maintenance of the City's storm-water system, the water table near NE 90th Street is now 5-feet higher than it was before Costco's warehouse and parking lot went in. FIVE FEET!! Storm water flows across private properties and the staff effectively dictates that the resulting disaster be labeled wetland.

We do not know what the problems with the gas station will be. But once it is in place, twenty years of experience assures us that we will get no help in solving them from the City. The City Council told the staff to enter negotiations with Costco's neighbors. The staff member who set them up also represents the City there and it happens to be the same person who has stopped all previous attempts to solve the storm-water problems.

The City must stop using storm-water to deprive us of our land-use rights. Negotiations are give-and-take propositions but if the City locks up our land-use rights, we have nothing to bring to the table. The proceedings become dictation.

We need to put an end to the environmental disaster. There are better ways of protecting the environment than unjustified labeling of private properties as wetland.

Our representatives must free us to be partners with Costco and City staff in working out an acceptable plan for the area.

- 0 -

One handout discusses "A Setback for the Environment" and another shows ways of "Reducing the Environmental Footprint".

Odd Hauge
11844 NE 90th Street

(Impact09, 8-4-2008)

Submitted to City Council 8-5-08

The Council,
City of Kirkland

Re.: A Setback for the Environment

The environment suffered a setback when Adolfson Associates were given a monopoly on wetland determination. Unfortunately, the monopoly tempts them to keep finding wetland because that secures their income. The environment and landowners takes second and third place. By now, you would think the Everglades had moved to Kirkland. (The Watershed Company has now replaced Adolfson with the monopoly on wetland determination intact.)

Under "Limitations", Adolfson Associates explain that "delineation of wetland boundaries and functional value assessments are inexact sciences" and recommends that "this wetland study be verified with the appropriate regulatory agencies as soon as practical." They do not mention that their monopoly makes them the regulatory agency.

Landowners in Kirkland they have the same chances of freeing themselves from accusations of "wetland possession" as they would if they were suspected of witchcraft. We all want to protect the environment; we just do not want the staff to assume imperial powers and decide which properties to take and whether of not the owners will be compensated.

An internal memo from the Director to the City Manager dated January 25, 2006 excuses the City from maintaining a storm-water system as well as from compensations. It states: "Small normally dry streams high in the watershed such as this one have substantial influence over water quality lower in the watershed." The memo continues: "Because an upstream open-channel portion of the stream has been classified, that same classification or greater will apply to downstream sections of the stream."

Of course, the Public Works Department cannot touch a stream!

Today, 100-times more water crosses the NE 90th Street than in the past. It carries large amounts of roadway debris containing toxic elements that have plugged all channels to Forbes Lake - resulting in permanent flooding. One hundred parts of polluted storm water now mixes with one part of stream water and you do not have to be especially talented to figure out that it is the storm water that influences the stream water and not the other way around! The City Council needs to have a chat with Public Works so it will get off its high horse.

Who made the "such-as-this-one" decision anyway?

The memo goes on to circumvent the "takings clause" by stating: "If the City explores this option, then the City must be clear that it is exploring acquisition of the properties for conservation purposes and not for the purpose of resolving legal claims that the property owners may believe they have against the City. The City Attorney's Office is familiar with the history of these properties and is of the opinion that the presence of wetlands on the properties does not constitute a compensable taking. The fact that the properties would be acquired for conservation purposes must be taken into account when negotiating an appropriate purchase price."

Has the City Council put the Public Works Department in charge of interpreting the Constitution of the United States?

We have complained to no avail. Various City Councils have reacted as the authorities did when Galileo presented evidence of moons around Jupiter. It was not until John Paul II that they became official. By that measure, it could take a while before elected officials change policies to be in line with federal and state regulations. We do not want to be outlived by another epic time delay; it is time to conduct a public hearing where the City's Environmental Stewards must defend themselves in front of the City Council. Otherwise, they will continue to ignore a substantial amount of evidence that they are wrong.

A gas station will increase the City's income but income is not the elephant in the room; it is money the City owes - roughly between 50 and 200-million. Those of us who have been trampled by the no-compensation elephant would like to remove the blinders from the rest so all can see the beast clearly.

Odd Hauge,
11844 NE 90th Street

Reducing the Environmental Footprint

1. Reduce Local Automobile Use

All attempts to ease congestion leads to bigger roads and more congestion. It is a vicious cycle but many of us depend on it for a living so it is difficult to slow it down. We need attractive alternatives to the automobile that do not aim to eliminate it. An automobile add a couple of tons to be moved when you pick up a six-pack at the grocery store. It is not energy efficient at all.

A person on a bicycle moves more pounds farther for less energy than any other mode of transportation. Vehicle-free bicycle, pedestrian, and wheel chair attract people. Why not start a trail system on the City's right-of-way between NE 90th Street and Slater Ave NE? It can be connected to Woodland Park, extended into the neighborhoods to the north and to 85th Street to the south. Would you take offence if some had the option of getting to Costco or nearby businesses on a bike or in a wheel chair - without encountering an automobile?

Monorail, and light rail do not have to slow down at intersections. Instead of eliminating the Renton-Snohomish railway, it should be converted to a double-track light rail system connecting us to Seattle. It will drain traffic off the roads and leave more room for others who still must drive.

The City must take the initiative and restore dignity to foot-power.

2. Make Buildings Greener

Buildings consume vast amounts of energy and they, along with their parking lots, interrupt the process of returning precipitation directly to the atmosphere. Only 1% of rainfall in Western Washington ends up in streams if there are no impervious surfaces. Asphalt sends 100% of it toward streams. If you do the calculation, you will find that when the watershed above NE 90th Street has 50% asphalt, storm-water flow is 100-times larger than the original stream flow.

Switzerland has just passed a bylaw which states that new buildings must be designed to relocate the green space covered by the buildings footprint to their roofs – even existing buildings – including historical buildings – must now green 20% of their rooftops. By moving the landscape up on top, you maintain evapotranspiration and keep buildings cool in the summertime. What if Costco's existing warehouse had been designed to support a green house? Roof-tops without gardens are ecological wastelands; Chicago instead uses roof-tops to increase its "lung-capacity".

We must install rooftop gardens and perhaps an array of solar panels. Extra insulation reduces energy consumption. Excess storm water can be used for evaporative cooling and that also saves energy. Heat pumps and geothermal power are proven technologies that have been underused because of inexpensive power.

3. Consider Storm Water to Be a Resource

The watershed above NE 90th Street produces runoff that can be treated, stored, and used in a number of ways. The City must not over-restrict catchments. Storm-water flow is now 100-times larger than the original flow due to asphalt.

In addition to flow problems, roadway debris containing toxic elements has filled all natural and artificial channels and water now proceeds over land. The City simply uses private land to filter storm water

before it runs into Forbes Lake. The practice is detrimental to the environment and property owners consider it to be trespassing. We can do better than that.

4. Design People-Friendly Buildings

The Digeo building is nice but most of us would never think of walking in there. Buildings have "attitudes" and some, like those at Park Place and Costco's warehouse structure, "invite" you in.

Underdeveloped land near Costco can support 3 separate buildings. They ought to have "welcome mats" such as barber shops, good restaurants, etc. on the first floor, offices for medical/dental clinics etc. on the second floor, and apartments above that. A day-care center would be handy and a cafeteria in the middle of a rooftop garden can serve lunch in a setting with a view.

Whether you work in one of those buildings or just visit, it would be nice to have the option of leaving the automobile at home.

5. Create a Network of Automobile-Free Trails

The area at the South end of Forbes Lake could have been a nice park except the City has rendered it useless by trucking out enough dirt in attempt to let water from Forbes Lake swamp it. It was an Adolphson-delineated wetland that the owner could not touch. It did not fit the definition of wetland except Adolphson Associates decided it was. "Alleged" wetland in the path of I-405 has now been "moved" there by removing the upper landscape. We can now admire forlorn phone-poles-in-the-rough with eagle bars on top. It is not much of a trade for a first-class picnic area.

Disasters aside, the City has enough land for a 60-Ft wide park with a walkway that can be connected to Woodland Park via a tunnel under 124th Ave NE. The trails can be extended into the neighborhoods.

6. Create a Stream

A storm-water treatment facility can be designed to store water from the rainy season for use later. It can be used for watering, evaporative cooling of buildings and anything else - except dumping it into a stream.

No stream runs from NE 90th Street to Forbes Lake today. If we want one, we will have to make it. Five horsepower will pump enough water from the lake to near the intersection of NE 85th Street and 122 Ave NE. It will create a reasonable flow for a stream that, with some goodwill on the part of landowners, can snake along their property lines with a pedestrian trail alongside it. The stream will appear to carry more water if we create a series of shallow pools with low waterfalls between them. The arrangement will aerate the lake.

Summary

We can win one for the environment.

Odd Hauge
11844 NE 90th Street

1. Not long ago we adopted the NE 85th St. Corridor Plan....now we are being asked to make a major change at the expense of local residents.
2. This piecemeal change limits the overall character and development for other nearby properties.
3. This change intensifies development in an area where infrastructure is already inadequate...just ask your Planning Dir, Public Works Dir. and City Attorney and Costco's Attorney what they saw on our recent tour of the area.
 - a. drains working in reverse
 - b. dangerous shoulders on both sides of 90th
 - c. complete flooding of residential lots that were once a retail garden center at 120th & 90th
4. Costco's traffic studies have not been independently verified....local citizens who drive and walk on these streets, laugh at the claims being made.
5. The ideal solution would be to follow the drainage schematic we neighbors designed with professional engineers at the request of City and Mediator. When completed this **Forbes Creek Restoration** will allow the land to be returned to pre-annexation condition and thereby realize the current Commercial Zoning which provides greater revenue to the City of Kirkland. This project would also:
 - a. Create the desired park lands as requested by C of K for the city to purchase.
 - b. Allow Mr. Hauge to develop a mixed use project (more tax revenue)
 - c. Allow Costco to own and control 3 adjacent lots on 120th and install their gas station there, much closer to 85th (desired by current zoning and keep auto-service traffic out of the neighborhood)
 - d. With these three lots for a gas station, traffic could access from both 90th and 120th

We love Costco and Kirkland, but not enough to give up our property to a TAKING

Respectfully submitted: Mike Nienaber, 7829 NE 14th St. Medina, WA on behalf of our family estate at 8734 120th Ave. NE. Kirkland, WA 98033 8/5/08

Submitted to City Council 8-5-08

RE: COSTCO GAS STATION: PRIVATE AMENDMENT FILE ZON07-00017

1. The question of a gas station in the north parking lot of Costco was thoroughly addressed in two comprehensive plans, NRH and 85th Street Subarea. During both committee meetings the following was discussed:
 - It was troubling to think about viewing a gas station next to the single-family residents in the assisted living/retirement home.
 - A concern that Forbes Lake is too close to that location for the gas spillages.
 - Five gas stations are on 85th Street NE between 120th and 126th Ave NE.
 - There are no sidewalks along 90th Street NE.
 - Concerns about traffic:
 1. Left turning onto 120th Ave NE from 85th Street NE
 2. High volume of traffic that will overflow into the neighborhood.

There have been no changes in the comp plans that would facilitate a gas station in this location.
2. Like Costco's Home Center that's at a different location, it is hopeful that Costco would be willing to find a more suitable location for their desire to have a gas station in Kirkland. i.e. they could purchase the B P gas station.
3. Michael Murphy from King County Water Quality spoke to the NRHNA recently about King County's watersheds and water quality. Following are two important items from his presentation:
 - The land watershed area that feeds into Forbes Lake has the largest land ratio to the water collector size.
 - The worst pollutants to the watershed lakes are run off from gas.
4. There has been significant time and money spent to keep Forbes Lake clean. NRHNA has been working for years to monitor water quality with regularly taking water samples.
5. Planning Commission denied both Costco's private amendment request and a recommended study in a year.
6. Costco's desire to expand with another store in Redmond should not be considered a threat by CC in making this decision. It's a thriving business that just needs to grow.
7. Costco currently rents spaces for its employees from the Presbyterian Church. That would create another impact to remove the parking spaces.

A new study would not be needed, as there is information available from numerous meetings from the two comprehensive plans. The options for a gas station in the north lot were repeatedly viewed and finally concluded that a gas station would be too intrusive to the abutting residential property, NRH residents from traffic and Forbes Lake from pollutants. It will be costly for City Staff and the citizens to go over this again

Please consider denying Costco's private amendment request or a study in a year. Following the comprehensive plans represent the best for blending the business district and residential homes throughout the NE 85th Street Corridor.

Thank you for your consideration from this sincere request.

Linda Jones, Concern Citizen, NRH Board member, seated on both Comprehensive Plans
8725 126th Ave NE
Kirkland, WA 98033

Janice Soloff

From: Pat Roche [waynepat1975@verizon.net]
Sent: Sunday, October 12, 2008 8:22 PM
To: Janice Soloff
Subject: Costco Gas Station

Hi,

Just a note in support of the proposed Costco gas station.

Pat Roche
11202 NE 100th Street
Kirkland, WA 98033

10/13/2008

Janice Soloff

From: Wendy Murakami [wendyinseattle@hotmail.com]

Sent: Monday, October 13, 2008 9:14 PM

To: Janice Soloff

So excited to hear about the Kirkland Costco starting the process for a gas station! Now I only fill up when I am at the Woodinville or Issaquah locations. This will be great, as long as they can control the traffic.

~Wendy

See how Windows Mobile brings your life together—at home, work, or on the go. [See Now](#)

Janice Soloff

From: karen@tinyisland.com
Sent: Wednesday, November 05, 2008 4:47 PM
To: Janice Soloff
Cc: KirklandCouncil
Subject: Comment re: CASE ZON07-00017, Costco's request to allow a vehicle service station for gas sales

Dear Planning Commission,

I am writing to request that you deny CASE ZON07-00017, Costco's request to allow a vehicle service station for gas sales. I have the following concerns:

1. Existing traffic congestion - The CostCo approach roads and parking area are already extremely congested. I don't believe the freeway offramp, NE 85th/120th Ave NE intersection, or 120th Ave NE can handle any additional traffic.
2. Existing gas stations - There are already two gas stations at the NE 85th/120th Ave NE intersection, as well as several others farther east. I don't think we need yet another gas station in this vicinity.
3. Light pollution - I live across the freeway from CostCo and I am concerned about additional bright lights visible from my home. There is already a lot of ambient light from businesses on the east side of the freeway, and I do not want to see more.

You may find these articles about light pollution of interest:

<http://www.darksky.org/mc/page.do>

<http://www.crlaction.org/>

Sincerely,
Karen Story
9017 Slater Ave NE
Kirkland WA 98033
(No postal mail reply needed)



Ray Hansen

11034 130th Avenue NE
Kirkland, Washington 98033
827-7315

June 25, 2007

FAX

Kirkland Planning Commission
Attention: Teresa Swan, 587-3232

This letter is in reference to one of the "private amendments" being considered by the Planning Commission at its meeting on Thursday June 28.. **I recommend you deny Costco's request, File ZON07-00017, which would allow retail gas sales on its northern parking lot.**

As a long-time resident of North Rose Hill, I have been honored to have participated and maybe even helped with the North Rose Hill portion of the Comprehensive Plan. Ever since the time of our annexation, two of this neighborhood's major goals, recognized by the City, have been to maintain the neighborhood's residential character and minimize traffic impacts. Both of these goals would suffer if the request is approved:

The gasoline station would certainly increase traffic on 90th Street, and probably on 124th Avenue and other nearby streets. Pedestrian safety is already a problem.

Street and air pollutants from the added traffic, and inevitable spills near the pumps, are bound to reach into Forbes Lake.

The hydrocarbon vapors, and noise and smells, that gas stations create would extend beyond the immediate property, and impact the adjacent residences. I lived next to one once, and wouldn't wish it upon you even if you happened to vote for this request.

Having another gas station in the area, and a cut-rate one at that, would undoubtedly appeal to some people. But lower gas prices--and increased consumption of a depleting resource--are certainly not in the long range interest of our region or our country as a whole. The fact of the matter is that increased hydrocarbon consumption accelerates global warming and exacerbates its negative impacts.

As you well know, a major criterion for allowing exceptions to the Comprehensive Plan that it must be "in the public interest." The requested change does not meet that test, at least to this portion of Kirkland. Nor does it seem to for Kirkland as a whole.


Ray Hansen

Public Comment

ATTACHMENT	14
ZON07-0017	

Costco

Teresa Swan

From: Paul Stewart
Sent: Monday, June 25, 2007 3:22 PM
To: City Council; Andrew Held (public) (public@andyheld.com); Byron Katsuyama; Carolyn Hayek; Janet Pruitt; Karen Tennyson; Kiri Rennaker; Mathew Gregory
Cc: David Ramsay; Janet Jonson; Teresa Swan
Subject: FW: Costco Gas Station

Steve Tindall requested the following e-mail message be passed on to the City Council and Planning Commission. This is in regards to the Private Amendment Request by Costco to allow a fuel station on their property north of NE 90th Street (RH1B Zone).

I have responded to Steve that the Commission is making a recommendation to the City Council on a threshold determination on whether or not to study the request. The Commission meets on June 28th and the Council will consider their recommendation on July 17th. If this requests moves forward, the Planning Commission will hold study sessions and a public hearing in the coming months with Council action later this year or early next year.

Paul Stewart
425-587-3227

From: Steve Tindall [mailto:steve@stevetindall.com]
Sent: Tuesday, June 19, 2007 3:25 PM
To: Paul Stewart
Subject: FW: Costco Gas Station

Paul- Regarding the private amendment request for the Costco gas station:
I only had email addresses for a few of the city council members.
Could you forward this on my behalf to the entire council and also the planning commission.

Thanks,
steve

From: Steve Tindall [mailto:steve@stevetindall.com]
Sent: Tuesday, June 19, 2007 9:59 AM
Subject: Costco Gas Station

Council members:

I am not able to participate in the coming discussion about a proposed Costco Gas Station. However, I would like to submit my comments as representative of the tenor and opinion of the South Rose Hill Neighborhood Association during the time period of establishing the current Comprehensive Plan for the NE 85th Street Corridor. If possible to distribute these comments to other council members I'd appreciate it, as I do not have current email addresses for them.

The idea of a gas station at Costco is a nightmare in terms of traffic effect. For those of you who have frequented other Costco gas stations, there is a near constant line of cars moving through these centers. In the case of our particular Costco, the proposed location forces traffic to drive past the main Costco site to the farthest, most low density area of the development.

Public Comment

ATTACHMENT 15
2007-06-17

6/25/2007

Costco

This will impact the entire NE 85th Street corridor, especially both the South Rose Hill and North Rose Hill close proximity areas. The likelihood of increased cut-through traffic in South Rose Hill is very high, but the increased traffic on the North Rose Hill side is guaranteed.

We have five- count them- five gas stations between I-405 and 128th Ave NE. There is no local, or even regional need for additional services of this type. Whereas the Comprehensive Plan does not specifically prohibit this use in the close proximity of 405, it does definitely speak to this usage by de-emphasizing auto centric usage- with the exception of the two car dealers.

As much as I would like a competitively priced gas station in our area to drive down the ridiculous prices we now pay- I believe this addition will measurably and negatively impact our quality of life.
steve

Steven J. Tindall
(425) 822-4373 Home
(425) 945-3632 Office
Steve@SteveTindall.Com

See what's free at AOL.com.

Teresa Swan

From: James McElwee [jandlmcwee@msn.com]
Sent: Wednesday, June 27, 2007 1:26 PM
To: Teresa Swan
Cc: Paul Stewart
Subject: Planning Commission Comments for June 28, 2007

Teresa,

Would you please forward this message to the Planning Commission for their meeting on June 28, 2007 regarding Private Amendment Requests.

Thank you,
 Jim McElwee

Date: June 27, 2007

To: Kirkland Planning Commission

From: James McElwee

Subject: Private Amendment Requests - 2007

I respectfully request that the Commission consider the following points when discussing the Private Amendment Requests for 2007.

ZON07-00017 (Costco) - I request that you reject this application outright.

1. The particular site acts as a buffer between the main Costco site and the bordering residential areas and the wetlands to the east and north. I see no way for the fueling station to be preferred by the neighbors over the existing parking area. The structures, lighting and noises from the fueling station would be a significant challenge to the current neighbors.
2. NE 90th Street, one of the neighborhood streets serving the site, is not an appropriate street to handle the added traffic of a fueling station on the site. Currently NE 90th has no curbs and gutters, only open ditches, east of 120th Ave. NE. Even if the roadway were improved with curbs, gutters and sidewalks, the improvements would only encourage additional cut-through traffic in a neighborhood area.
3. I recognize that the station could be located on Costco's current site, but I see no compelling public interest in encouraging additional use on the site. Currently South Rose Hill, as well as North Rose Hill, suffers from significant cut-through traffic destined for Costco. Some might argue that only customers who would otherwise be going to the Costco site would use the fueling station, but my own experiences tell me otherwise. I often use the Costco fuel stations without using the retail section at all. I ask that you not make our cut-through situation worse.

ZON07-00008 (Andrews) - Please defer this request until the next Neighborhood Plan (as recommended by staff) 1. Preserving the essential character of the neighborhood is paramount in the Neighborhood Plan, and I see no compelling reason to deviate from the plan by increasing the density per this request. Any argument that increased density was intended by the Neighborhood Plan is simply an uneducated reading of the history.

ZON07-00009 (Applegate) - Please defer this request until the next Neighborhood Plan (as recommended by staff) 1. This request is not simple. The implication of approving this request would go far beyond the individual properties involved. It deserves the considered attention of the Neighborhood as part of a comprehensive update of the Neighborhood Plan.

ZON07-00016, -00012, -00019 (Howe, Orni, Altom) - I agree that these applications should be considered together, and I suggest that, if these amendments are to be considered in 2007, the area for consideration should be expanded.

1. It makes sense to consider the three properties at one time because of their proximity and the good deal of similarity in the requests.

EXHIBIT E

2. The subject properties cannot be evaluated in isolation from the rest of downtown. The increased height in this particular section of the downtown, would raise the edge of the "bowl" (my term) encouraged by the Downtown Strategic Plan and the current zoning. I am concerned that there will be increased pressure to allow additional height in the remainder of downtown, as well as the subject properties. We have established a goal of keeping downtown as a pedestrian friendly venue with a quaint village atmosphere. The residents of Kirkland have made it clear that they support this concept, and we should be insuring that the vision remains practical. I think that this is an opportunity refine the planning and zoning of the downtown area to keep megaliths from destroying what we value in the area.

Thank you for your consideration of my coments.

James McElwee
12907 NE 78th Place
Kirkland, WA 98933
425-301-3885

November 21, 2008

The Honorable James L. Lauinger, Mayor
And Members of the Kirkland City Council
Kirkland City Hall
123 5th Avenue
Kirkland WA 98033

RE: Costco Private Amendment Request
City File Number ZON07-00017
8629 - 120th Avenue N.E., Kirkland, Washington 98033

Dear Mayor Lauinger and Members of the City Council:

On November 13, 2008, the Kirkland Planning Commission unanimously recommended approval of Costco Wholesale's Private Amendment Request to allow a vehicle service station in the RH-1B zone. The Planning Commission recommended several changes to the zone text that was initially proposed by City staff. We are requesting the following changes to the Planning Commission's revised text:

- 1. Hours of Operation (Special Regulation No. 2):** The proposed zone text states that, "*Hours of operation are limited to between one hour before the opening and one hour after the closing of the commercial use located in RH 1A.*" If the Planning Commission's recommendation were adopted, the hours of operation would be restricted to between 9 a.m. and 9:30 p.m.

We request that the City Council allow hours of operation from 7 am to 9:30 pm. The Planning Commission's recommendation for more limited hours is not based on any objective study of the potential impacts to surrounding properties, or potential mitigations for those impacts. Costco would like the opportunity to operate at its standard operating hours, unless there is an objective, scientific basis for limiting those hours, which will be determined through the SEPA and the permitting process. These processes would include a detailed review the project in relation to the City's performance standards already in place for noise and glare. In particular, a noise study would be required for this project.

Costco operates hundreds of fuel facilities across the United States. Based on this operational history, Costco is confident that the Kirkland facility can be operated from 7 am until 9:30 p.m. without significant impact to neighboring properties, through the use of proper lighting and screening designs. Post-occupancy studies could also be included in the SEPA conditions to ensure that the facility operates as anticipated.

- 2. Water Quality Treatment (Special Regulation No. 5c):** The Planning Commission's proposed zone text states that, "*The following improvements must be installed...Basic water quality treatment for the surface water discharge from all the parking lots that serve the commercial use located in RH 1A.*"

Costco requests that this condition be clarified to reflect that the stormwater bioswale associated with the auxiliary parking lot located on the east side of 120th Avenue NE ("East Lot") is already

The Honorable James L. Lauinger, Mayor
And Members of the Kirkland City Council

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November 21, 2007

providing “basic water quality treatment” such that additional upgrades to this lot are not required.

Again, this condition was added by the Planning Commission without any scientific study or inquiry into the current engineering of the stormwater system. Following the Planning Commission meeting, Costco’s stormwater engineers, Barghausen Engineering, have investigated the stormwater systems for the Costco main parking lot and the East lot.

Costco’s main parking lot was constructed in 1983. The East lot was constructed ten years later in 1993. The two systems are not connected. The runoff from the East parking lot is channeled through a 24 inch detention pipe and into an 80-foot bioswale. The East lot’s stormwater system was developed under the 1992 Department of Ecology manual. The requirements of that stormwater manual are substantially similar to the 1998 King County manual. Barghausen has confirmed with the City’s public works department that the existing bioswale is providing adequate stormwater water quality treatment for water leaving the East lot. Therefore, Costco requests that Council clarify the stormwater condition to reflect Costco’s intention to upgrade the water quality treatment for the main lot and north lot, which were developed at an earlier time under a less stringent stormwater manual than the East lot.

- 3. Pedestrian Pathway (Special Regulation No. 5d):** The proposed zone text states: *“A pedestrian pathway shall be developed and maintained between NE 90th St and Slater Avenue NE.”*

Costco requests that this condition be clarified because the pedestrian path is already in existence. Costco had originally agreed to volunteer \$10,000 toward the construction of a park trailhead. Because the City was uncertain as to where and when such a trail might be constructed, Staff recommended that Costco use the \$10,000 contribution to maintain and improve the existing pathway that runs between NE 90th St. and Slater Avenue NE. Costco is agreeable to this proposal, but requests that the Council clarify that 1) Costco’s expense is capped at \$10,000 and 2) the trail to be improved is the existing trail that runs along the edge of Costco’s property between NE 90th St. and Slater Avenue.

- 4. Sign Lighting (Special Regulation No. 6):** The proposed zone text states that, “Internal or exterior illuminated signs are prohibited on the north and east sides of gas pump islands or canopies.

We request that the City Council delete this requirement and defer the review of sign lighting to the Design Review and SEPA Environmental Review process. Once again, the Planning Commission acted without any objective evidence to support their conclusion that the sign lighting for the Costco fuel facility would adversely impact adjacent properties. While Costco appreciates, and agrees with, the Commission’s desire to protect these properties from undue impact, Costco would request that any limiting or mitigating conditions be imposed after an objective review through the SEPA and land use permit processes. Costco has developed a specialized lighting program that is sensitive to surrounding land uses. Costco’s sign lighting is limited to the sign only and fully shrouded to eliminate glare. As stated above, the project will be subject to the City’s performance standards already in place for noise and glare. Therefore, Costco would request that this condition be eliminated.

The Honorable James L. Lauinger, Mayor
And Members of the Kirkland City Council

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November 21, 2007

Thank you for your consideration of our request. We are available at your convenience to answer any questions and/or provide additional information.

Respectfully,
Costco Wholesale



Kim Sanford

cc: Patrick Mullaney, Foster Pepper PLLC
Chris S. Ferko, Barghausen Consulting Engineers, Inc.