



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

ADVISORY REPORT

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Kirkland Hearing Examiner

From: _____ Eric R. Shields, AICP, Planning Director, SEPA Responsible Official
_____ Susan Greene, Project Planner

Date: March 11th, 2010

Subject: APPEAL OF A STATE ENVIRONMENTAL PROTECTION ACT (SEPA) DETERMINATION; APPEAL FILE NO: APL09-00004; SEPA FILE NO. SEP09-00004

Hearing Date and Place: Thursday, March 18th, 2010. 9 am
City Hall Council Chamber
123 Fifth Avenue, Kirkland

I. INTRODUCTION

- A. Appellant: David B. Johnston from the law offices of Livengood, Fitzgerald and Alskog representing Lake Washington School District (the District) (see Attachment A).
- B. Applicant: Jeffrey DeRoulet for property owner, Tom Lund.
- C. Action Being Appealed: Planning Director/SEPA Responsible Official decision to issue a Determination of Non-significance (DNS) for a cottage housing project. SEPA review was conducted in conjunction with a zoning permit submitted by the applicant: Zoning permit no. ZON08-00006 (See Attachment B for the entire SEPA package). The project being appealed under this SEPA determination is a 12 unit cottage development called the Lund Cottage Project.
- D. Request: The appellant is requesting that the Determination of Non-significance (DNS), reviewed under SEPA rules, and issued by the City of Kirkland on March 30th 2009 should be withdrawn and that a Mitigated Determination of Non-Significance should be issued. The appeal letter states that the City should address the financial impacts of the cottage project on the District. King County's school impact fee ordinance and fees were given as an example of what the City of Kirkland should charge in analogous situations to the Lund Cottages.

II. RULES AND CRITERIA FOR APPEAL & DECISION

- A. Rules: The Kirkland Municipal Code (KMC) sections 24.02.220 through 24.02.240 set forth the rules for SEPA appeals. In the event that a project permit does not include an open record public hearing, the SEPA appeal will be heard and decided upon by the hearing examiner using the provisions of subsection (g), (h) and (i) of 24.02.230, which include noticing, participation and staff report requirements.
- B. Criteria for submission of an appeal: Under KMC 24.02.230, an appeal must be filed with the environmental coordinator within fourteen calendar days of the date the determination is issued by the responsible official. Additionally, the appeal must be in written form and must contain a brief and concise statement of the matter being appealed, the specific components or aspects that are being appealed, the appellants basic rationale or contentions on appeal, and a statement

demonstrating standing to appeal. The appeal may also contain whatever supplemental information the appellant wishes to include.

- C. The decision on the appeal: Pursuant to KMC 24.02.230(h), the hearing body shall consider all information and material within the scope of the appeal submitted by persons entitled to participate in the appeal. The hearing body shall either:
1. Affirm the decision being appealed; or
 2. Reverse the decision being appealed; or
 3. Modify the decision being appealed.

III. HEARING SCOPE AND CONSIDERATIONS

- A. KMC 24.02.230(i)(1-4) sets forth the following additional appeal procedures:
1. The matters to be considered and decided upon in the appeal are limited to the matters raised in the notice of appeal.
 2. The decision of the responsible official shall be accorded substantial weight.
 3. All testimony will be taken under oath.
 4. The decision of the hearing body hearing the appeal shall be the final decision on any appeal of a threshold determination including a mitigated determination of nonsignificance.

IV. BACKGROUND & SITE DESCRIPTION

- A. Site Location: 8543 132nd Ave NE (see Attachment C).
- B. Zoning and Land Use: The subject property consists of one parcel totaling 51,272 square feet. The site is zoned RSX 7.2, which allows single family development and cottage developments. The current use of the property is a single family home with associated garage, and a few sheds in the back yard.
- C. Development Process: Cottage developments are allowed per Chapter 113 of the Kirkland Zoning Code. The applicant is allowed to double the underlying density, but must build smaller units than what is normally allowed for single family homes in low density zones. The process to review a cottage application is Process I unless, through subdivision, another process is used, in which case, the cottage application would be reviewed under that process. The applicant is seeking to build 10 cottage units and 2 carriage units (see Attachment D for the approved plans). The units vary in size from 698 square feet to approximately 1,400 square feet. The maximum allowed square footage for a cottage unit is 1,500 square feet.
1. The original cottage application was submitted on 4/16/08. The City issued a Determination of Non-significance (DNS) on 3/30/09. The City issued a Notice of Decision as an "Approval with Conditions" under the Process I procedures on 1/7/10. The appeal period for the Process I decision lapsed on 1/25/10. No appeals of the project were received under the Process I decision. The City has not yet issued a Notice of Approval for this project, but will do so when appropriate based on the results of this SEPA appeal.
 2. SEPA review is required for development permits where more than 9 units will be built. Through SEPA review, no adverse environmental impacts were identified for the Lund project and the project passed concurrency (see Enclosure 2 of SEPA packet, Attachment B of this report) although the concurrency approval has expired and the applicant will need to reapply prior to submitting a building permit application. Additionally, the applicant will need to pay Traffic Impact Fees, which are required by the Kirkland Municipal Code. Therefore, no mitigations were required with SEPA review and the City issued a DNS. The SEPA materials including the environmental checklist and the SEPA determination can be found as Attachment B of this report.

3. The appellant submitted an appeal to the SEPA determination on 4/9/09 within the time limit for appeal, which ended on 4/13/09 (See Attachment A).

V. ISSUES RAISED IN THE APPEAL AND STAFF ANALYSIS:

A. APPEAL ISSUES:

1. The appeal letter raises the issue of impacts on services and specifically cites section 15a of the environmental checklist (Enclosure 5 of the SEPA packet), which states "Would the project result in an increased need for public services (for example: fire, protection, police protection, health care, schools, other)? If so generally describe." The appellant points out that the applicant answered "no" to this question. The appellant alleges that the Lund Project will have financial impact on the school district with the additional students that may be generated by the project. In the appeal letter, the schools that may be affected are listed and school impact fees charged by King County are listed both for single family and multifamily projects within the King County jurisdiction. The King County Code that allows assessment of impact fees was also cited in the appeal letter as section 21A.43.
2. The appellant has requested that the City of Kirkland withdraw the DNS and issue a Mitigated DNS that "appropriately addresses the impacts of this project on the District."

B. STAFF ANALYSIS:

1. Facts:
 - a. Under RCW 43.21C.060, SEPA conditions must be based upon policies identified by the City and incorporated into regulations or plans which are formally designated by the City as possible bases for the exercise of SEPA authority.
 - b. RCW 82.02 establishes the authority of cities to collect impact fees. RCW 82.02.050 establishes legislative intent and limitations on the collection of such fees. The intent expressed in Section (1)(c) is "To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees...".
 - c. RCW 82.02.050(4) only authorizes collection and spending of impact fees which are addressed by the City's adopted capital facilities plan. The District has a capital facilities plan adopted by the School District Board. That capital facilities plan has not been adopted by the City of Kirkland.
 - d. The City of Kirkland was in the process of considering a request by the District to collect school impact fees in 2009. The City Council reviewed a draft ordinance on December 1, 2009 and scheduled a public hearing for December 15, 2009. The ordinance under consideration included adoption of the Lake Washington School District Capital Facilities Plan as required under RCW 82.02. Also under consideration was an interlocal agreement between the City and the District for collection and distribution of fees.
 - e. On December 11, 2009 Chip Kimball, the Superintendent of Schools for the Lake Washington School District submitted a letter to the City of Kirkland withdrawing the request (see Attachment E). Mr. Kimball noted in his letter that it "is in the best interest of the community at large to postpone this consideration until economic indicators are more favorable." Mr. Kimball also recognizes that this is "...an interesting and complex debate. It is a debate that should be conducted so that all parties can actively participate and good information can be considered by the City."
 - f. David Johnston, legal representative for the District, states in an email to staff planner, Susan Greene (see Attachment F): "The District continues to firmly believe that the City of Kirkland should adopt a school impact fee ordinance.....Dr. Kimball and the District recognize that it is politically challenging to pursue the ordinance in this economy."

- g. Mr. Johnston also states (in Attachment F) that the City of Kirkland should assess King County Impact Fees in the amount of \$1,813.00 per unit based on the school districts 2009-10 Capital Facilities Plan. Note that this amount is higher than the \$887.00 amount stated in the appeal letter (Attachment A) because King County raised their school impact fees at the end of 2009 with their adoption of the District's Capital Facility Plan.
2. Conclusions:
- a. The City does not have a school impact fee ordinance or other policy pursuant to RCW 43.21C.060 that would support imposition of a SEPA condition to pay school impact fees.
 - b. Requiring applicants to pay school impact fees as a mitigation requirement of SEPA review would appear to be arbitrary based on the legislative intent of RCW 82.02. Not all housing projects that may affect schools are required to go through SEPA review. The threshold for requiring SEPA review is nine or more dwelling units. Therefore, developments containing eight or fewer units are not required to have a SEPA review and are not subject to appeal by the District for imposition of impact fees.
 - c. Pursuant to RCW 82.02.050(4), the City is not authorized to collect impact fees on behalf of the District unless the City has adopted the District's Capital Facilities Plan.
 - d. The City's legislative adoption of a school impact fee ordinance is the appropriate and established method for the City to collect developer based impact fees on behalf of the District. The City Council has not made the decision to do so and has thus not authorized staff to make such collection. The District requested postponement of City Council consideration of such an authorizing ordinance.
 - e. The City cannot enforce ordinances or fees adopted by King County.

VI. RECOMMENDATION

The lack of a school impact fee ordinance or Comprehensive Plan policies in support of assessing school impact fees precludes the City from withdrawing the DNS and imposing a SEPA condition requiring the Applicant to pay mitigation fees to the District. Staff recommends that the SEPA determination be affirmed and that the Determination of Nonsignificance (DNS) be upheld.

VII. JUDICIAL REVIEW (KMC 24.02.240)

Under RCW 43.21C.075, judicial review of SEPA determinations are required to be heard only at the time of judicial review of the underlying action, i.e. approval or disapproval of the proposal for which SEPA review was required. For rules on perfecting and timing of the SEPA determination and judicial appeal, see RCW 43.21C.075 and WAC 197-11-680(4). The notice required by WAC 197-11-680(5) shall be appended to the permit or notice of appeal at the time of final city action. (Ord. 4150 § 2 (part), 2008).

VIII. ATTACHMENTS

- A. SEPA Appeal letter dated April 4/9/09 by David Johnston of Livengood, Fitzgerald, Alskog, PLLC
- B. SEPA issuance materials including the memo of explanation and enclosures 1 through 5 as follows:
 - Enclosure 1: Original submission of two site plans for the Lund Cottage Project.
 - Enclosure 2: Concurrency test notice from Thang Nguyen, City Transportation Engineer
 - Enclosure 3: Traffic Report submitted by the applicant
 - Enclosure 4: Traffic Impact Analysis by Thang Nguyen
 - Enclosure 5: SEPA checklist submitted by applicant and reviewed by Planning staff

- C. Site Plan for Cottage proposal, updated after the SEPA issuance.
- D. Vicinity Map for Lund property
- E. Email to the City from Chip Kimball, Superintendent of the Lake WA School District (dated December 11th, 2009)
- F. Email from David Johnston dated February 17th 2010

RECEIVED

APR 09 2009

AM 3:30 PM

PLANNING DEPARTMENT
BY CRG POST OFFICE BOX 908
KIRKLAND, WASHINGTON 98083-0908

PHONE: (425) 822-9281

FAX: (425) 828-0908

E-mail: johnston@lfa-law.com

*ALSO ADMITTED IN OREGON

**ALSO ADMITTED IN CALIFORNIA

+OF COUNSEL

GORDON A. LIVENGOOD (1921 - 2001)

JAMES S. FITZGERALD*
DAVID A. ALSKOG
DAVID B. JOHNSTON
JOHN J. WHITE, JR.
DAVID J. SEELEY**
KEVIN B. HANSEN
THOMAS K. WINDUS+
GREGORY A. McBROOM
HUGH W. JUDD, P.S.+

PHILIP L. CARTER, RETIRED
ROBERT P. TIOSSEM, RETIRED

April 9, 2009

Eric Shields, Director
Department of Planning and
Community Development
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189

*Via Fax to 425-587-3232
and Hand Delivered*

Re: DNS File SEP09-00004
Date Issued: March 30, 2009
Project Name: Lund Cottage Housing Project
Site Address: 8353 - 132nd Avenue NE, Kirkland, Washington

Dear Mr. Shields:

As you are aware, our law firm is general counsel to the Lake Washington School District (the "District") and, on its behalf, we are providing you with the following comments concerning the Determination of Non-Significance ("DNS") for the above project dated March 30, 2009. We also are appealing the City's DNS. We understand that the City does not prescribe an appeal form, but does charge an appeal fee of \$195.00, which is enclosed.

We request that you review our comments contained below and we will provide additional documentation that supports the District's appeal. Please advise us of the SEPA Appeal hearing date. The proposed project has significant impacts on the District and thus far the developer has not identified these impacts or proposed measures to mitigate them. In its environmental checklist, the developer answered "No" in answer to question 15.a.: "Would the project result in an increased need for public services (for example: fire . . . schools, other)?" There is no question that this project and the additional students generated by the project will have a financial impact on the District. At a minimum, the City should have issued a Mitigated Determination of Non-Significance that addressed the project's impacts on the District.

We understand the proposed project is to construct 11 or 12 residential cottage units. The feeder schools for the proposed project are:

ATTACHMENT 9
ZON08-00006 7

RECEIVED

APR 03 2009

AM 3:30 PM
PLANNING DEPARTMENT
BY CRG

Eric Shields, Planning Director
City of Kirkland
February 24, 2009
Page 2

Rose Hill Elementary School, 8110 – 128th NE, Kirkland, Washington
Rose Hill Junior High School, 13505 NE 75th, Redmond, Washington
Lake Washington High School, 12033 NE 80th, Kirkland, Washington

In analogous situations, King County assesses school impact fees of \$887.00 per multiple family residence and \$6,492.00 for single family residences under the Growth Management Act. See King County Code 21.A.43.

We request that the City immediately withdraw its DNS and issue a Mitigated Determination of Non-Significance that appropriately addresses the impacts of this project on the District.

Finally, we reiterate our request that the City provide us with all SEPA notices that it provides to the District.

If you have any questions or concerns, please let us know.

Very truly yours,

LIVENGOOD, FITZGERALD
& ALSKOG, PLLC


David B. Johnston

DBJ:lc
Enclosure

cc: Forrest W. Miller
Jeffrey P. deRoulet



CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189
(425) 587-3225

DETERMINATION OF NONSIGNIFICANCE (DNS)

CASE #: SEP09-00004

DATE ISSUED: 3/30/2009

DESCRIPTION OF PROPOSAL

Build a cottage housing project on a 51,272 square foot lot. There are two plans for this project: Plan A with 12 cottage units and Plan B with 11 cottage units. One median income unit is required with either plan.

PROPONENT: JEFFREY DE ROULET

LOCATION OF PROPOSAL

8353 132ND AVE NE

LEAD AGENCY is **The City of Kirkland**

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

There is no comment period for this DNS.

Responsible official: 

Eric Shields, Director
Department of Planning and Community Development
425-587-3225

3/30/09
Date

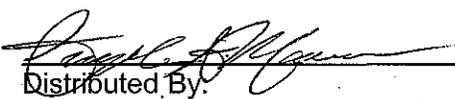
Address: City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189

You may appeal this determination to the Planning Department at Kirkland City Hall, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 p.m., Monday, April 13, 2009 by WRITTEN NOTICE OF APPEAL.

You should be prepared to make specific factual objections. Contact the Planning Department at 425-587-3225 to read or ask about the procedures for SEPA appeals.

Please reference case # SEP09-00004.

cc: Case # ZON08-00006


Distributed By:

SEPA_A, rev: 3/26/2009

3/30/09
Date:

ATTACHMENT 8
ZON08-00006 9


CITY OF KIRKLAND
Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033 425.587-3225

www.ci.kirkland.wa.us

MEMORANDUM

To: Eric R. Shields, AICP
Planning Director

From: Susan Greene *SMG*

Date: March 27th, 2009

Subject: Environmental Determination for the Lund Cottage Project at 8325 132nd Ave NE File No. SEP09-00004

Background: The applicant has submitted an Process I Zoning permit application to build a cottage housing development with up to 12 units. Per the State Environmental Policy Act (SEPA) rules, 9 or more units requires environmental review. Enclosure 1 shows two site plans for this project: One with 12 cottages and one with 11 cottages, but both with similar site plan designs. The applicant was required to submit two site plans because of a plat application, which is approved and is directly to the south of the subject property. A new right of way is required between the two developments and it will depend on who gets final approval as far as the amount of dedication that will be required by each applicant. The environmental determination will not be affected by the choosing of either site plan for this proposal.

As part of the environmental review, it is required that the applicant submit a concurrency application and traffic report. The following documents can be found as Enclosures to this memo:

- Traffic report prepared by the Transpo Group
- Concurrency test report
- Two memos from the City's Transportation engineer that are reviews of the concurrency and traffic reports.

There are no environmentally sensitive areas on the property. As part of cottage development, the applicant will be required to implement low impact development standards.

The applicant's concurrency application was reviewed by City staff on April 11, 2008 and was found to pass the concurrency test (see Enclosure 2). The project is forecasted to generate 132 daily and 14 PM peak trips. The concurrency test notice expires April 11, 2009 unless a development permit and certificate of concurrency are issued or an extension is granted.

Additionally, a traffic impact analysis report was submitted (Enclosure 3). Review by the City's Transportation Engineer, Thang Nguyen, found that no traffic mitigations will be required by the applicant for this proposal due to the fact that all intersections that were tested have less than a 1% proportional impact. However, the applicant will be required to pay road impact fees in the amount of \$30,888.00 and will need to ensure that the sight distance analysis impacts for new intersections is preserved.

I have had an opportunity to visit the site and review the environmental checklist for the project referenced above (See Enclosure 5). I have not identified any significant adverse environmental impacts. Therefore, I recommend that a Determination of Non-Significance be issued for this proposed action.

Enclosures:

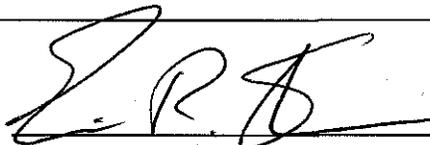
1. Applicant's two site plans for the cottage proposal
2. Memo from Thang Nguyen dated April 11, 2008 with concurrency test notice.
3. Applicant's traffic impact analysis by the Transpo Group dated April 18th, 2008
4. Memo from Thang Nguyen dated January 22nd, 2009
5. SEPA checklist submitted by the applicant

Review by Responsible Official:

I concur

I do not concur

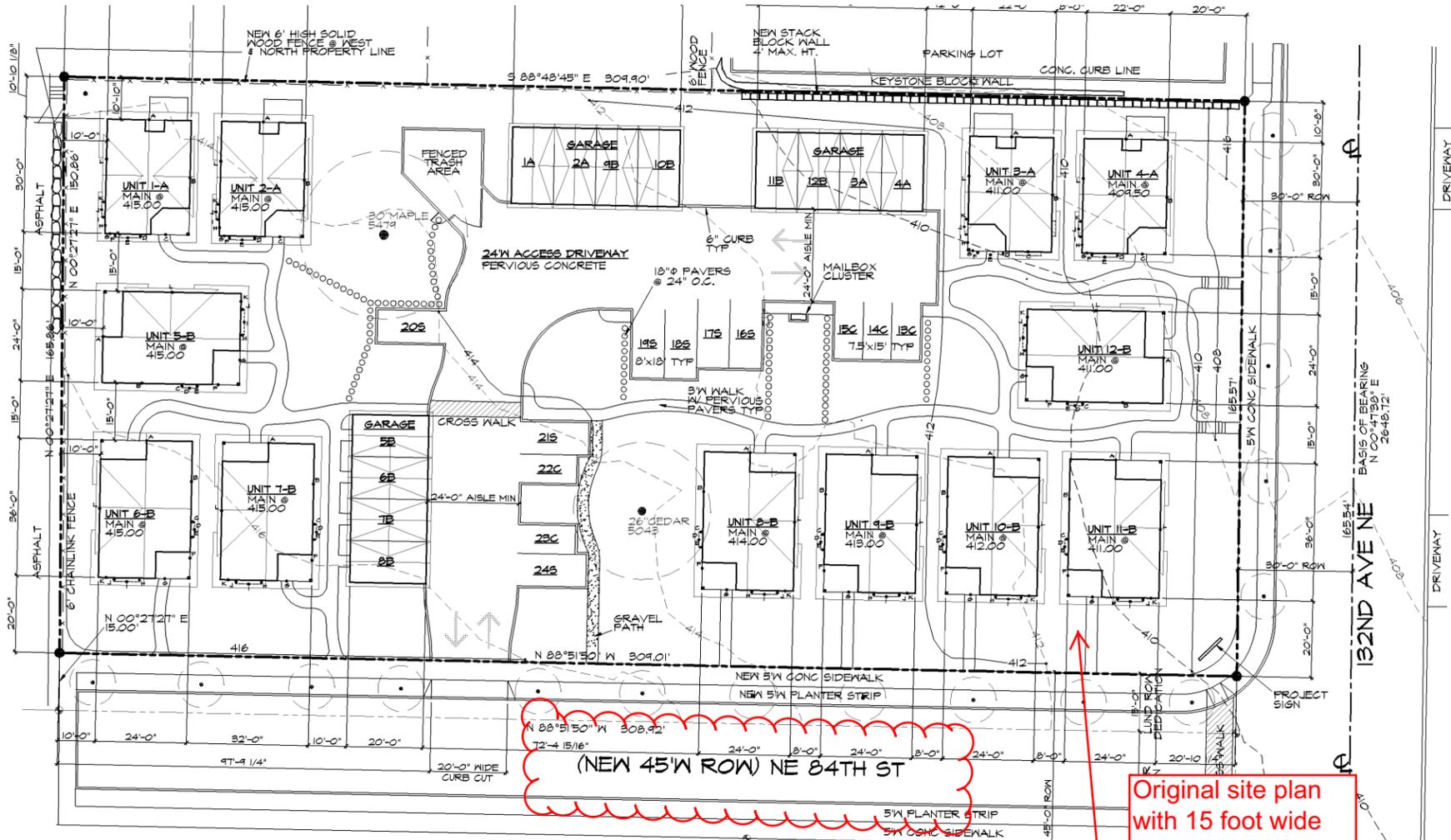
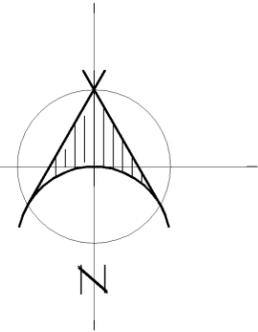
Comments:



Eric R. Shields, AICP
Planning Director

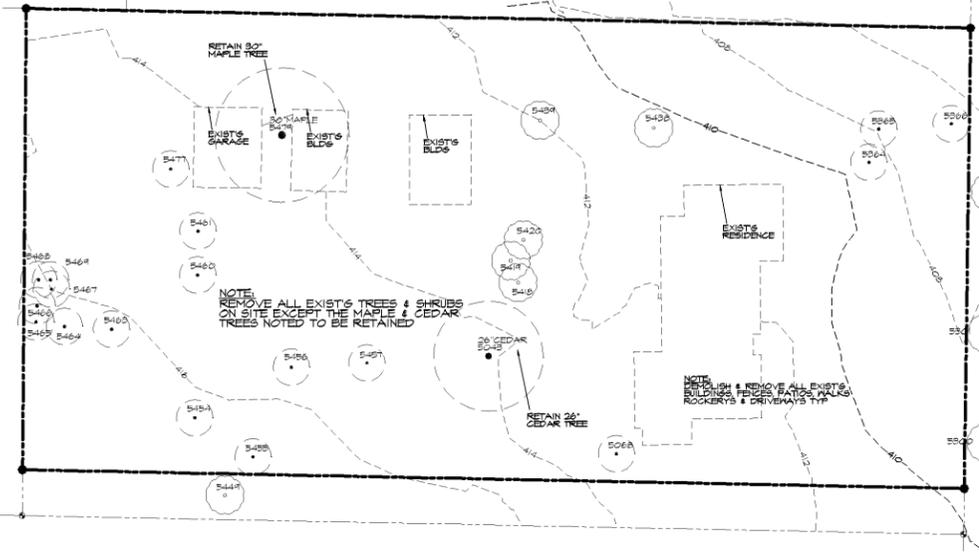
3/25/09
Date

12 Cottage Proposal

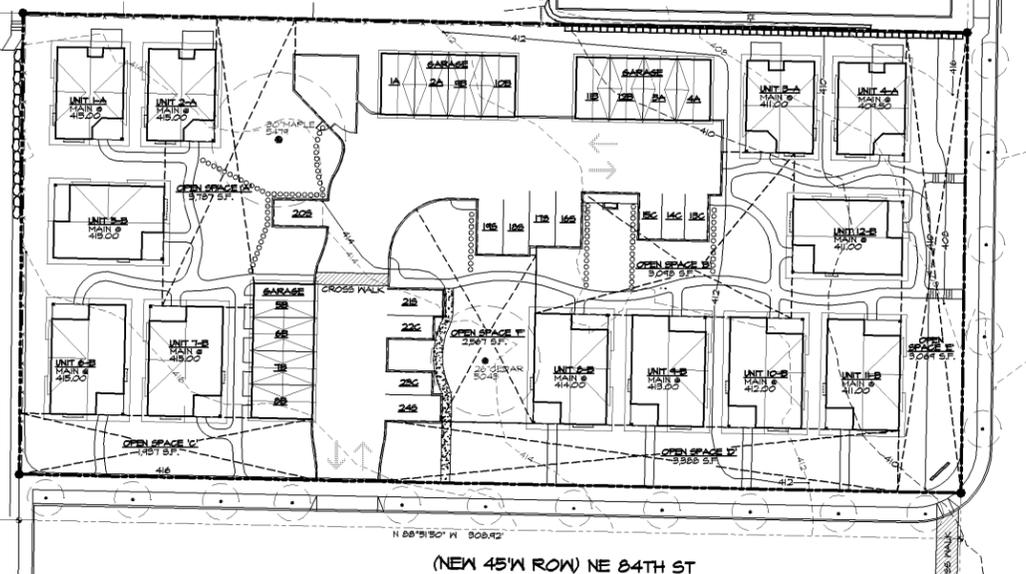


SITE PLAN
SCALE: 1" = 20'-0"

Original site plan with 15 foot wide ROW dedication. This site plan would be in effect if the property to the south receives final approval prior to the Lund Cottages



TREE RETENTION & DEMOLITION PLAN



OPEN SPACE DIAGRAM



SITE ADDRESS
8353 - 132ND AVE NE
KIRKLAND WA 98033

ARCHITECT / APPLICANT
JEFFREY DeROULET, ARCHITECT
ARCHITECTS NORTHWEST, INC
13415 - 142ND AVE NE / SUITE 100
WOODINVILLE, WA 98072
P: 425 485 4400
F: 425 487 6585
JEFFREY@ARCHITECTSNW.COM

OWNER
TOM LUND
415 CHALAN SANANTONIO
BOX 360-G
TAMUNING, GU 96913
P: 206 359 5373
JET@GUAM.NET

PARENT PARCEL LEGAL DESCRIPTION
THE EAST HALF OF THE NORTH HALF OF THE EAST HALF OF NORTH HALF OF NORTH HALF OF SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, STATE OF WASHINGTON, EXCEPT COUNTY ROAD.

PARCEL NUMBER
0425059030

CONSTRUCTION TYPE / OCCUPANCY
5B / R3 & U; SINGLE FAMILY RESIDENCE & DETACHED GARAGE

HEIGHT CALC
SEE SHEET A-4

LOT COVERAGE

ORIG LOT AREA:	51,272 S.F.
15' ROW DEDICATION AREA:	4,634 S.F.
NEW LOT AREA:	46,638 S.F.
STRUCTURAL AREA:	
1A - 4A @ 4 x 671 S.F. =	2,684 S.F.
5B - 12B @ 12 x 875 S.F. =	10,500 S.F.
GARAGE @ 3 x 880 S.F. =	2,640 S.F.
TOTAL AREA =	15,824 S.F. = 33.43%

IMPERVIOUS AREA

ORIG LOT AREA:	51,272 S.F.
15' ROW DEDICATION AREA:	4,634 S.F.
NEW LOT AREA:	46,638 S.F.
1A - 4A @ 4 x 884 S.F. =	3,536 S.F.
5B - 12B @ 12 x 1,120 S.F. =	13,440 S.F.
GARAGE @ 3 x 1,012 S.F. =	3,036 S.F.
IMPERVIOUS VEHICULAR USE:	0 S.F.
IMPERVIOUS WALKS & STAIRS:	0 S.F.
TOTAL AREA:	20,012 S.F. = 42.90%

PARKING
(12 UNITS > 1,000 S.F. @ 2 SF/UNIT = 24 SF REQUIRED)
TOTAL SPACES PROVIDED = 24 SF (19 STD / 5 COMP)

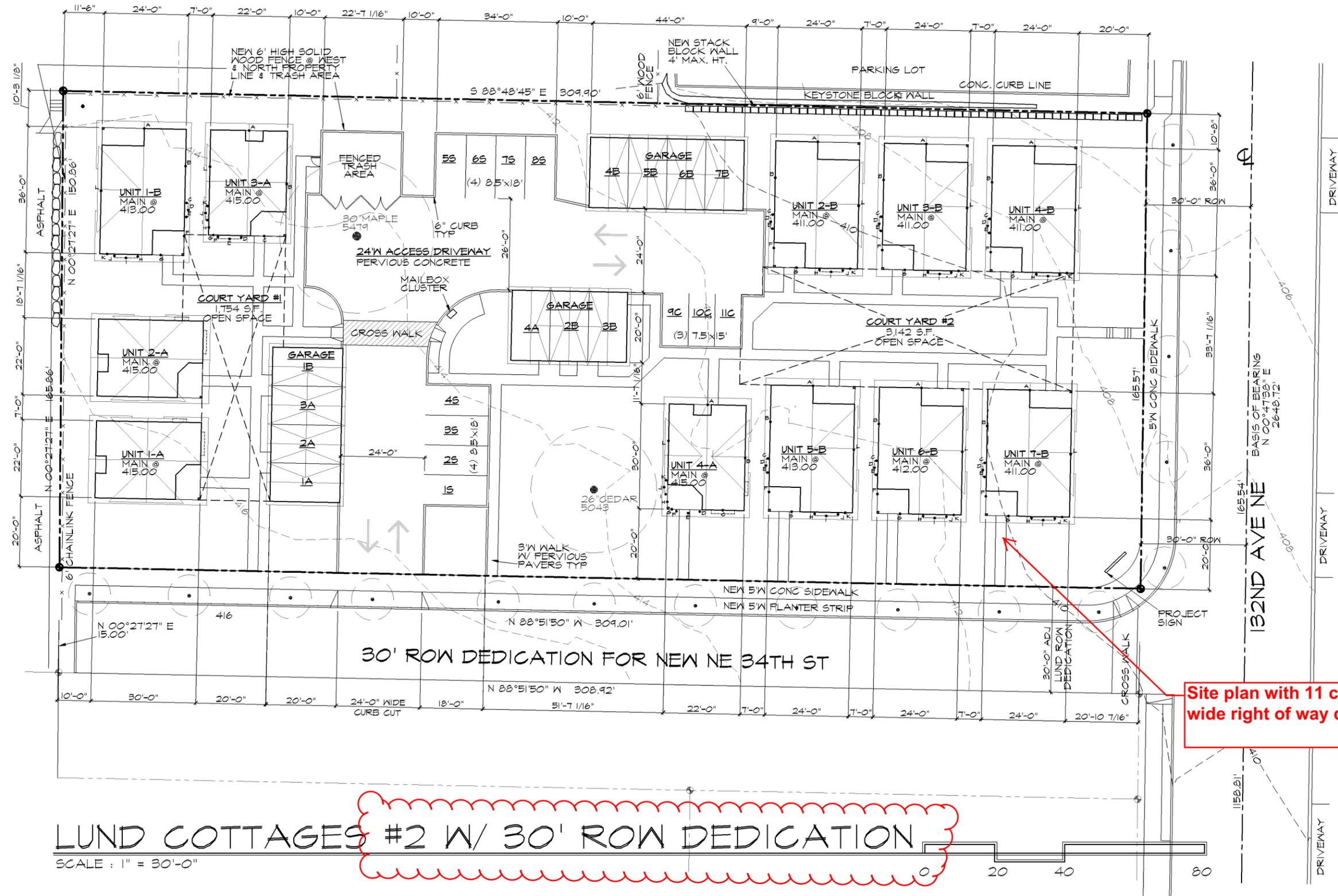
OPEN SPACE CALC (20'-0" MIN DIM)

OPEN SPACE A:	3,787 S.F.
OPEN SPACE B:	3,098 S.F.
OPEN SPACE C:	193 S.F.
OPEN SPACE D:	3,338 S.F.
OPEN SPACE E:	3,069 S.F.
OPEN SPACE F:	2,567 S.F.
OPEN SPACE PROVIDED:	17,846 S.F.

FLOOR AREA RATIO (FAR)

ORIG LOT AREA:	51,272 S.F.
15' ROW DEDICATION AREA:	4,634 S.F.
NEW LOT AREA:	46,638 S.F.
MAX FAR:	16,323 S.F. = 35.00%
(3) A @ 1,010 S.F.:	3,030 S.F.
(1) A @ 1,010 S.F. (SUBSIDIZED EXEMPT):	0 S.F.
(2) B @ 1,316 S.F.:	10,528 S.F.
(3) GARAGE @ 837 S.F.:	2,511 S.F.

Enclosure 1 site plans
15 foot wide ROW



Site plan with 11 cottages and 30 foot wide right of way dedication

LUND COTTAGES #2 W/ 30' ROW DEDICATION

SCALE : 1" = 30'-0"



CITY OF KIRKLAND

123 FIFTH AVENUE ● KIRKLAND, WASHINGTON 98033-6189 ● (425) 587-3000

**DEPARTMENT OF PUBLIC WORKS
MEMORANDUM**

To: Susan Greene, Planner

From: Thang Nguyen, Transportation Engineer

Date: April 11, 2008

Subject: Lund Cottage Housing Concurrency Test Notice

The purpose of this memo is to inform you that the proposed redevelopment of the Lund Cottage Housing development has passed traffic concurrency. This memo will serve as the traffic concurrency test notice.

Project Description

The applicant proposes to replace three single-family homes with 12 new cottage-type detached single-family homes. Based on ITE trip generation rates for single-family detached housing, the project is forecasted to generate 132 daily and 14 PM peak trips. It is anticipated that the project will be built and fully occupied by the end of 2009. The project will have access to 132nd Avenue NE via a new NE 84th Street.

The proposed project passed traffic concurrency. This memo will serve as the concurrency test notice for the proposed project. Per *Section 25.10.020 Procedures* of the KMC, this Concurrency Test Notice will expire in one year (April 11, 2009) unless a development permit and certificate of concurrency are issued or an extension is granted.

EXPIRATION

The concurrency test notice shall expire and a new concurrency test application is required unless:

1. A complete SEPA checklist, traffic impact analysis and all required documentation are submitted to the City within 90 calendar days of the concurrency test notice.
2. A Certificate of Concurrency is issued or an extension is requested and granted by the Public Works Department within one year of issuance of the concurrency test notice. (A Certificate of Concurrency is issued at the same time a development permit or building permit is issued if the applicant holds a valid concurrency test notice.)
3. A Certificate of Concurrency shall expire six years from the date of issuance of the concurrency test notice unless all building permits are issued for buildings approved under the concurrency test notice.

APPEALS

The concurrency test notice may be appealed by the public or agency with jurisdiction. The concurrency test notice is subject to an appeal until the SEPA review process is complete and the appeal deadline has passed. Concurrency appeals are heard before the Hearing Examiner along with any applicable SEPA appeal. For more information, refer to the Kirkland Municipal Code, Title 25. If you have any questions, please call me at x3869.

cc: Jeffrey P deRoulet, Architects NW, Inc
file

April 18, 2008

TG: 08126.00

Mr. Jeffrey deRoulet
Architects Northwest, Inc.
18914 142nd Avenue NE
Woodinville, WA 98072

SUBJECT: LUND COTTAGES – TRAFFIC IMPACT AND SITE ACCESS ANALYSIS

Dear Jeffrey:

This letter report provides a traffic impact and site access analysis for the proposed Lund Cottages development. Specifically, the analysis addresses the future without-project and with-project conditions at the study area intersections. In addition, sight distance requirements at the proposed access driveway are discussed.

Project Description

The proposed site is located west of 132nd Avenue NE and north of the yet-to-be-constructed NE 84th Street in the City of Kirkland. The project includes the construction of 12 cottage-type residential dwelling units. Access to the site is proposed via a full-movement access located on the north side of NE 84th Street approximately 210 feet west of 132nd Avenue NE.

Study Scope

The scope of the analysis has been coordinated with development review staff from the City of Kirkland. Based on feedback from City staff, the study area includes the following intersections:

- NE 84th Street / 132nd Avenue NE
- NE 84th Street / Site Access

As directed by City staff, the weekday PM peak hour was selected for analysis. A horizon year of 2010 was used for all analysis of future conditions since it represents the most likely build-out year of the proposed project.

Mr. Jeffrey deRoulet
 April 18, 2008
 Page 2



Project Impacts

This section of the report describes the traffic related impacts associated with the proposed project. Project impacts are identified by comparing future with-project conditions to the future without-project conditions.

Trip Generation

Weekday daily and PM peak hour trip generation for the proposed project was estimated using average rates from the Institute of Transportation Engineers (ITE) *Trip Generation*, 7th Edition, 2003. Specifically, average rates from the ITE land use Residential Condominiums/Townhouse (LU 230) was used as it most closely represents the proposed development. A summary of the resulting weekday daily and PM peak hour trip generation estimates are provided in Table 2.

Table 1. Weekday PM Peak Hour Trip Generation Summary

Land Use	Size	Daily		Weekday PM Peak Hour			
		Rate ¹	Total	Rate ¹	Total	In	Out
Residential Condominium/Townhouse	12 units	5.86	70	0.52	6	4	2

1. Trips rates from ITE *Trip Generation*, 7th Edition, 2003.

As shown in Table 2, the proposed project is anticipated to generate a total of 70 trips during an average weekday. Of those, approximately 6 trips (4 entering and 2 exiting) are expected to occur during the weekday PM peak hour.

Trip Distribution and Assignment

Project trips were distributed to the surrounding roadway network according to the trip distribution in the *Harmon Ridge Plat Traffic Impact Analysis* prepared by TraffEx in January 2008. The proposed trip distribution is shown in Figure 2. The weekday PM peak hour volumes associated with the proposed project were then assigned to the roadway network based on these distribution patterns. The specific project trip assignment is also shown in Figure 2.

Traffic Volumes

Forecasts for the future 2010 without-project PM peak hour traffic conditions for the Lund Cottages development are based on the future 2010 with-project traffic volumes from the *Harmon Ridge Plat Traffic Impact Analysis* prepared by TraffEx. Figure 2 indicates the future without-project conditions for the Lund Cottages development. As directed by City staff, project trips generated from the Lund Cottages development are added to the Harmon Ridge Plat development to predict future with-project conditions. Figure 2 also indicates future with-project conditions for the Lund Cottages development.

Mr. Jeffrey deRoulet
 April 18, 2008
 Page 3



Traffic Operations

An operations analysis was conducted for the study area intersections during the weekday PM peak hour to evaluate the levels of service under future with- and without-project conditions. Level of service (LOS) is used to evaluate and quantify operating conditions and traffic congestion at intersections and driveways. LOS values range from A, which is indicative of free-flow traffic conditions, to F, which indicates extreme congestion and long delays. Kirkland’s adopted intersection LOS standard is LOS D or better. Based on the City’s *Traffic Impact Analysis Guidelines*, the project would be deemed to have a significant impact at an intersection if it contributed more than 15 percent of the total intersection traffic volume at an intersection operating at LOS E and more than 5 percent at an intersection operating at LOS F.

The LOS was based on procedures identified in the *Highway Capacity Manual* (Transportation Research Board, 2000), and was evaluated using the *Synchro*, version 6.0, capacity analysis software. The levels of service and delays for future with- and without-project conditions are summarized in Table 2. Detailed LOS worksheets are attached to the back of this report. The LOS calculations assume that all approaches on NE 84th Street would contain single lanes and the intersection of NE 84th Street/132nd Avenue NE will be eastbound stop controlled.

Table 2. Future Baseline and With-Project PM Peak Hour LOS Summary

Intersection	2010 Baseline			2010 With-Project		
	LOS ¹	Delay ²	WM ³	LOS	Delay	WM
NE 84th Street/Site Access		Does not exist		A	8.6	SB
NE 84th Street/132nd Avenue NE	B	12.5	EB	B	12.3	EB

- a. Level of service, based on 2000 Highway Capacity Manual methodology.
- b. Average delay in seconds per vehicle.
- c. Worst movement reported for Stop controlled intersections (movement or approach experiencing the greatest delay).

As shown in Table 1, the worst movement (eastbound approach) at the NE 84th Street/132nd Avenue NE intersection is expected to operate at LOS B during the 2010 with- and without- project conditions with an average delay of less than 13 seconds per vehicle. In addition, all movements at the site access for the proposed Lund Cottages development are expected to operate at LOS A with an average delay of less than 9 seconds per vehicle. The 95th percentile queue length at the worst movement of each intersection is expected to be less than one vehicle. As a result, both intersections are expected to operate within the City of Kirkland LOS standard in the future with-project condition and no roadway improvements will be required.

Sight Distance

In general, “entering sight distance” is defined as the distance necessary for a motorist to safely enter the traffic stream without causing traffic on the major street to appreciably reduce its travel speed.

The City of Kirkland requires an entering sight distance of 150-feet for intersections with a Stop control on the minor roadway and a 25 miles-per-hour major street speed limit. For left-turn movements from the site access, sight distance can only be provided to the end of the new NE 84th

Mr. Jeffrey deRoulet
April 18, 2008
Page 4



Street (approximately 100 feet). Figure 3 shows the required sight distance triangles that must be kept clear to achieve the City of Kirkland sight distance standard.

Site Access Offset Clearance

The City of Kirkland has adopted a 50-foot edge-to-edge spacing criteria between opposing driveways. Harmon Ridge Plat, located south of NE 84th Street, has yet to identify the location of individual driveways. As a result, it is recommended that the proposed project coordinate with the developer of the Harmon Ridge Plat to ensure that the City spacing criteria is satisfied.

Concurrency

A transportation concurrency test was completed for this project by City of Kirkland staff on April 11, 2009. The proposed project passed the concurrency test based on the project having 12 cottage-type residential units. Unless a development permit is submitted or an extension is granted, this certificate of concurrency will expire in one year from the date of issuance. The concurrency test results are attached.

Impact Fees

In accordance with the Growth Management Act and per Title 27 of the *Kirkland Municipal Code*, the project is required to pay transportation impact fees. Based on the proposed development size and the current impact fee rate of \$2,012 per dwelling unit, the preliminary fee estimate for the proposed project is approximately \$24,144. The transportation impact fees are provided as preliminary estimates and will be finalized by the City upon their review.

We hope that these findings and recommendations will prove valuable as you move forward with the proposed development. Please do not hesitate to contact me at (425) 821-3665 should you have any questions or require additional information.

Sincerely,
The Transpo Group, Inc.

A handwritten signature in black ink, appearing to read "Bart Przybyl".

Bart Przybyl, P.E., PTOE
Transportation Engineer

Attachments

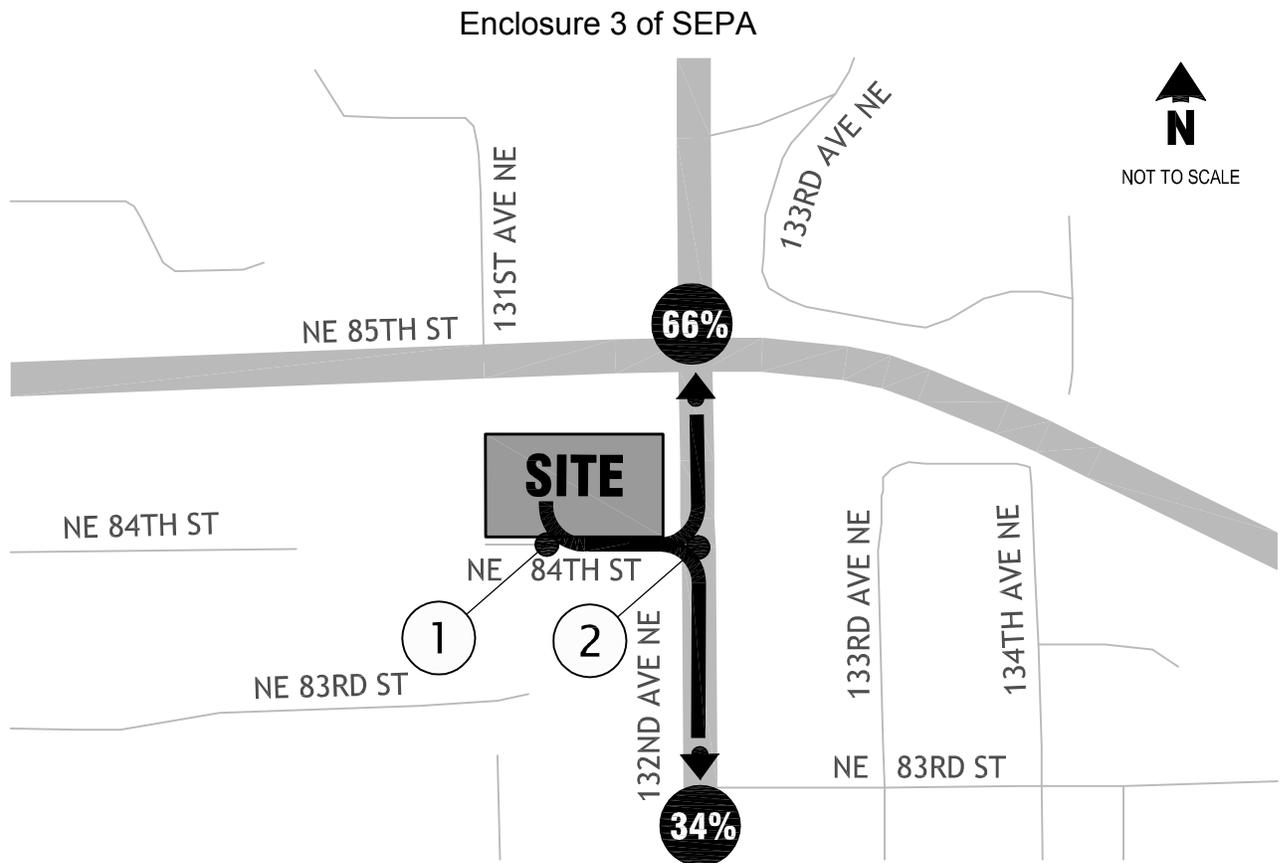
M:\08\08126 Lund Cottage Housing\Documents\Letters\0812611.doc



NOT TO SCALE



Figure 1
Site Vicinity
Lund Cottages



	Future Without-Project Volumes	Project Trips	Future With-Project Volumes
1 NE 84th St./ Site Access			
2 NE 84th St./ 132nd Ave. NE			

Figure 2
Weekday PM Peak Hour Traffic Volumes

Lund Cottages

Enclosure 3 of SEPA

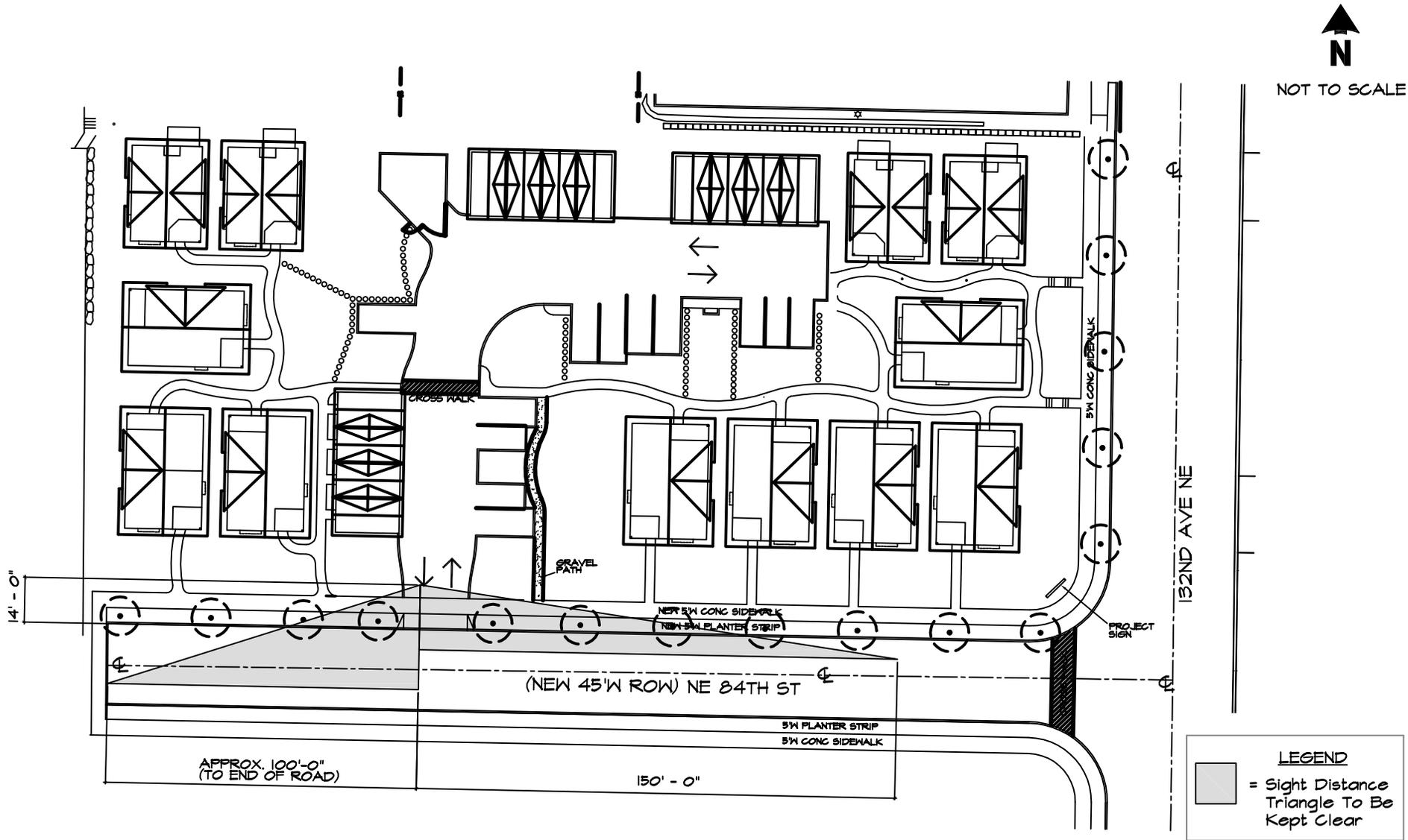


Figure 3
Sight Distance Triangles

Lund Cottages

Enclosure 3 of SEPA

HCM Unsignalized Intersection Capacity Analysis 1: NE 84th St & 132nd Ave NE

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Volume (veh/h)	3	1	3	352	244	5
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	3	1	3	383	265	5
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	657	268	271			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	657	268	271			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	99	100	100			
cM capacity (veh/h)	429	771	1293			
Direction, Lane #	EB 1	NB 1	SB 1			
Volume Total	4	386	271			
Volume Left	3	3	0			
Volume Right	1	0	5			
cSH	482	1293	1700			
Volume to Capacity	0.01	0.00	0.16			
Queue Length 95th (ft)	1	0	0			
Control Delay (s)	12.5	0.1	0.0			
Lane LOS	B	A				
Approach Delay (s)	12.5	0.1	0.0			
Approach LOS	B					
Intersection Summary						
Average Delay			0.1			
Intersection Capacity Utilization		30.9%		ICU Level of Service	A	
Analysis Period (min)			15			

Lund Cottage Housing 2010 Baseline

HCM Unsignalized Intersection Capacity Analysis 2: NE 84th St & Site Driveway

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	0	2	4	0	0	0
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	0	2	4	0	0	0
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume		4			7	4
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol		4			7	4
tC, single (s)		4.1			6.4	6.2
tC, 2 stage (s)						
tF (s)		2.2			3.5	3.3
p0 queue free %		100			100	100
cM capacity (veh/h)		1617			1015	1079
Direction, Lane #	EB 1	WB 1	SB 1			
Volume Total		2	4		0	
Volume Left		0	0		0	
Volume Right		0	0		0	
cSH		1617	1700		1700	
Volume to Capacity		0.00	0.00		0.00	
Queue Length 95th (ft)		0	0		0	
Control Delay (s)		0.0	0.0		0.0	
Lane LOS			A			
Approach Delay (s)		0.0	0.0		0.0	
Approach LOS			A			
Intersection Summary						
Average Delay			0.0			
Intersection Capacity Utilization			6.7%	ICU Level of Service	A	
Analysis Period (min)			15			

Lund Cottage Housing 2010 Baseline

Enclosure 3 of SEPA

HCM Unsignalized Intersection Capacity Analysis 1: NE 84th St & 132nd Ave NE

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Volume (veh/h)	4	2	4	352	244	8
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	4	2	4	383	265	9
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	661	270	274			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	661	270	274			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	99	100	100			
cM capacity (veh/h)	426	769	1289			
Direction, Lane #	EB 1	NB 1	SB 1			
Volume Total	7	387	274			
Volume Left	4	4	0			
Volume Right	2	0	9			
cSH	500	1289	1700			
Volume to Capacity	0.01	0.00	0.16			
Queue Length 95th (ft)	1	0	0			
Control Delay (s)	12.3	0.1	0.0			
Lane LOS	B	A				
Approach Delay (s)	12.3	0.1	0.0			
Approach LOS	B					
Intersection Summary						
Average Delay			0.2			
Intersection Capacity Utilization		31.7%		ICU Level of Service	A	
Analysis Period (min)			15			

Lund Cottage Housing 2010 With-Project

HCM Unsignalized Intersection Capacity Analysis 2: NE 84th St & Site Driveway

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	0	2	4	4	2	0
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	0	2	4	4	2	0
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume		9			9	7
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol		9			9	7
tC, single (s)		4.1			6.4	6.2
tC, 2 stage (s)						
tF (s)		2.2			3.5	3.3
p0 queue free %		100			100	100
cM capacity (veh/h)		1611			1012	1076
Direction, Lane #	EB 1	WB 1	SB 1			
Volume Total		2	9	2		
Volume Left		0	0	2		
Volume Right		0	4	0		
cSH		1611	1700	1012		
Volume to Capacity		0.00	0.01	0.00		
Queue Length 95th (ft)		0	0	0		
Control Delay (s)		0.0	0.0	8.6		
Lane LOS				A		
Approach Delay (s)		0.0	0.0	8.6		
Approach LOS				A		
Intersection Summary						
Average Delay				1.4		
Intersection Capacity Utilization			13.3%		ICU Level of Service	A
Analysis Period (min)				15		

Lund Cottage Housing 2010 With-Project

CITY OF KIRKLAND123 FIFTH AVENUE • KIRKLAND, WASHINGTON 98033-6189 • (425) 587-3800

**DEPARTMENT OF PUBLIC WORKS
MEMORANDUM**

To: Susan Greene, Planner

From: Thang Nguyen, Transportation Engineer

Date: January 22, 2009

Subject: Lund Cottage Housing Development, Zon08-00006

This memo summarizes Staff's review of the traffic impact analysis for the proposed Lund Cottage development to be located at 8325 132nd Avenue NE.

Project Description

The applicant is proposing to replace three single-family homes with twelve cottage-typed homes. It is anticipated that the project will be built and fully occupied by 2010.

Trip Generation

The trip generation calculations for existing daily and PM peak hour periods were based on ITE Trip Generation 7th Edition rates. The previous proposed development for the project site included 12 single-family homes and the current proposed development is 12 cottage-typed housing. Conservatively, it is estimated that the proposed project would generate 132 net new daily trips and 14 net new PM peak hour trips at the high end, similar to single-family use.

Traffic Concurrency and SEPA Analysis

Staff tested traffic concurrency for the proposed site previously and it passed traffic concurrency. The current proposed project also passed traffic concurrency. The concurrency test notice is valid until April 11, 2009.

Traffic Impact

The traffic analysis followed the City's Traffic Impact Analysis Guidelines (TIAG). The TIAG requires a Level of Service (LOS) Analysis using the Highway Capacity Manual Operational Method for intersections that have a proportionate share greater than 1%. Based on the traffic assignment presented in the traffic report, no intersection met this requirement.

The City requires developers to mitigate traffic impacts when one of the following two conditions is met:

1. An intersection level of service is at E and the project traffic is more than 15% of the intersection proportional share.
2. An intersection level of service is at F and the project traffic is more than 5% of the intersection proportional share.

Since all the intersections tested have less than 1% proportional impact, no specific off-site SEPA traffic mitigation will be required of the development. The project driveways are forecasted to operate at LOS-B.

Driveway Operation

Sight distance analyses were completed for the project driveway. It was determined that the site driveway will meet the City sight distance requirements.

Road Impact Fees

Road impact fee is required based on new PM peak hour trips impacting the street network. Unless the development submitted a complete building permit prior to February 1, 2008, the proposed development will be assessed road impact fee based on the newly adopted 2008 Road Impact Fee Schedule. The road impact fee assessed p to the proposed development is summarized in Table 1.

Table 1. Road Impact Fee Estimate

Uses	Fee Rate	Units	Impact Credit/Fees
Existing single family	\$3,432 per unit	3	\$10,296.00
Proposed single family	\$3,432 per unit	12	\$41,184.00
Net Impact Fee			\$30,888.00

Staff Recommendations

Staff recommends approval of the proposed project with the following conditions:

- Pay road impact fee.
- Ensure that adequate sight distance at the site driveway is preserved.

If you have questions, please contact me at x3869.

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.828.1257
www.ci.kirkland.wa.us

SEPA ENVIRONMENTAL DOCUMENTS

If an application for a land use or building permit is subject to environmental review under Chapter 43.21C RCW, all SEPA environmental documents must be submitted with the filing of a land use permit or building permit application or the City will not accept the application.

The following is a list of the environmental documents that must be submitted with the land use or building permit application:

1. **Environmental Checklist.** The checklist form can be obtained from the Kirkland Planning Department.
2. **Road concurrency test decision memo.** Applicants must pass road concurrency *before* submitting for a land use or building permit and the environmental documents. Concurrency application forms are available from Public Works or the Planning Departments. If the application passes road concurrency, the Public Works Department's Transportation Engineer will provide the applicant or applicant's traffic engineer with a concurrency test decision memo and traffic information that needs to be included in the Traffic Impact Analysis. A copy of this memo must be submitted to show that road concurrency has been passed.
3. **Traffic Impact Analysis.** Traffic Impact Analysis Guidelines can be obtained from the Planning or Public Works Departments. The Traffic Impact Analysis is to be completed after the road concurrency test has been successfully passed. Information from the City's Transportation Engineer is to be included in the Traffic Impact Analysis along with all other information specified in the guidelines.
4. **Other supplemental environmental information.** Ask the assigned planner at the pre-application meeting what other environmental information will be required with the environmental submittal. All studies and reports must be prepared by a licensed and qualified specialist in the field and approved by the City. Supplemental impact assessment reports or studies that may be required include, but not be limited to the following:
 - Lighting
 - Environmental health hazard
 - Historic
 - Wetland and/or stream delineation and analysis, prepared or reviewed by the City's consultant
 - Hydrology
 - Wildlife
 - Views
 - Noise
 - Geotechnical soils analysis

YOU ARE ENCOURAGED TO MEET WITH A PLANNER FROM THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT PRIOR TO AND DURING PROJECT DESIGN TO DISCUSS PROJECT DESIGN AND PROJECT COMPLIANCE WITH CITY REGULATIONS AND TO OBTAIN GUIDANCE ON THE ENVIRONMENTAL MATERIALS THAT YOU MUST SUBMIT.

1/02

CITY OF KIRKLAND ENVIRONMENTAL CHECKLIST

ENCLOSURE 5
SEPA-00004

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impact of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City identify impacts of your proposal, and to reduce or avoid impacts from the proposal, whenever possible.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly with the most information known, or give the best description you can.

You must answer each question accurately and carefully to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the City staff can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

Use of Checklist for Non-project Proposals:

Complete this checklist for non-project proposals also, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS (Part D).

For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: **Lund Cottage Housing**
2. Name of applicant: **Tom Lund**
3. Tax parcel number: **0425059030**

RECEIVED

APR 16 2008

AM PM
PLANNING DEPARTMENT
BY *[Signature]*

11:45

4. Address and phone number of applicant and contact person: **Applicant: Tom Lund; 415 Chalan Sanantonio, Box 360-G; Tamuning, GU 96913; Cell: 206-359-5373; Contact Person: Jeffrey P. deRoulet, Architect; Architects Northwest, Inc; 18915-142ND AVE NE / #100; Woodinville, WA 98072; Cell: 206-226-7108; Office: 425-485-4900; Fax: 425-487-6585**
5. Date checklist prepared: **April 9, 2008**
6. Agency requesting checklist: **City of Kirkland Planning Department**
7. Proposed timing or schedule (including phasing, if applicable): **Start construction: 9/1/08; Occupancy: 7/1/09**
8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?
- No**
9. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
- None**
10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
- Subdivision of property adjacent to the south (8325 & 8333 - 132ND Ave NE; Kirkland, WA 98033)**
11. List any government approvals or permits that will be needed for your proposal, if known.
- SEPA, Zoning Permit, Building Permit, LSM Permit**
12. Give brief, complete description of your proposal, including the proposed uses, the size and scope of the project and site including dimensions and use of all proposed improvements. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.
- Demolish existing SFR, garage and shed; and construct 12-unit detached cottage housing project with detached garages, grading, landscaping, site and frontage improvements on 51,272sf (1.18 ac) site.**
13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.
- Site is 1.18 acre parcel located at 8353-132ND Ave NE; Kirkland, WA 98033.**

TO BE COMPLETED BY APPLICANT

Enclosure 5 of SEPA

EVALUATION FOR
AGENCY USE ONLY
REVIEWED BY:

32

SUSAN GREENE

ENVIRONMENTAL ELEMENTS

1. EARTH

a. General description of the site (circle one): Flat, rolling, hilly, steep, slopes, mountainous, other
Flat to gently sloped

✓

b. What is the steepest slope on the site (approximate percent slope)?
10%

✓

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
Clayey sand and gravel

✓

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
No

✓

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
Minor grading and filling will be done to maximize level site areas, using less than 2'h max cut and 4'h max fill. Source of fill from onsite cuts. Approximately 100cy cut and 100cy fill, quantities will be balanced.

✓

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
The site is relatively flat, so only minor erosion during construction is possible.

City requires an erosion control plan

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, buildings)?
43% impervious coverage (after ROW dedication)

Maximum impervious allowed is 50%
Low Impact Development design is required.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
Silt fencing, armored construction entrance, temporary retention and sedimentation area, collection swale with hay bale control, visqueen cover on grading stockpile.

✓

2. AIR

a. What types of emissions to the air would result from the proposal (i.e., dust,

automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities, if known.
Project will generate dust and emissions from machinery and vehicles during construction, and emissions from vehicles and heating systems after occupancy. Quantities are minor.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Comply with PSAPCA requirements, water site to control dust.

3. WATER

a. Surface

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

Handwritten checkmarks on a series of horizontal lines, corresponding to the questions above.

No

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (include storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Source of storm water runoff is new impervious roof surfaces. Vehicular use areas, walkways and patios will not generate storm water runoff because pervious concrete and pavers will be used for those areas.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

No

Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Project will utilize low-impact development techniques to minimize storm-water runoff. Pervious concrete will be used at driveway and parking areas, and pervious pavers will be used for walkways and patios. Runoff from roofs will be directed to infiltration drywells.

4. PLANTS

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation:

b. What kind and amount of vegetation will be removed or altered?

All existing vegetation will be removed, with the exception of a large maple tree and a large cedar tree near the middle of the site.

c. List threatened or endangered species known to be on or near the site.

Handwritten checkmarks on the right side of the page, corresponding to the questions above.

None.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

The two largest existing trees will be retained. Native plant species and drought-tolerant species will be featured in the landscape plan.

5. ANIMALS

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other ***(songbirds)***
 mammals: deer, bear, elk, beaver, other ***(deer, squirrels, racoons, opossum)***
 fish: bass, salmon, trout, herring, shellfish, other ***(none)***

- b. List any threatened or endangered species known to be on or near the site.

None

- c. Is the site part of a migration route? If so, explain.

No

- d. Proposed measures to preserve or enhance wildlife, if any:

None

6. ENERGY AND NATURAL RESOURCES

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electric: power, lighting; Natural gas: space heating, water heating

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Exceed WSEC requirements via enhanced insulation, energy star appliances, high-efficiency lighting.

Homes are limited to 1,500 sq. ft.

7. ENVIRONMENTAL HEALTH

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

No

- 1) Describe special emergency services that might be required.

None

✓

- 2) Proposed measures to reduce or control environmental health hazards, if any:

None

✓

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Traffic

✓

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Short-term: construction noise, vehicles. Mon-Sat; 7am-7pm

Long-term: vehicles, residential occupancy. Mon-Sun; 24hr

✓

- 3) Proposed measures to reduce or control noise impacts, if any:

Comply with applicable noise ordinances.

✓

8. LAND AND SHORELINE USE

- a. What is the current use of the site and adjacent properties?

Single-family residential use on project site and adjacent properties to the east, south and west. Commercial office use to the north.

to the ^{west} east is a Buddhist temple

- b. Has the site been used for agriculture? If so, describe.

No

✓

- c. Describe any structures on the site.

The site is currently occupied by a single-family residence built in 1951 with an accessory garage and shed.

✓

- d. Will any structures be demolished? If so, what?

All existing structures will be demolished.

✓

- e. What is the current zoning classification of the site?

RSX-7.2

✓

- f. If applicable, what is the current shoreline master program designation of the site?

n/a

✓

g. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

No

✓

h. Approximately how many people would reside or work in the completed project.

The completed project would accommodate approximately 30 residents.

✓

i. Approximately how many people would the completed project displace?

The completed project will displace approximately 2 current residents.

✓

j. Proposed measures to avoid or reduce displacement impacts, if any:

None

✓

k. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Comply with City of Kirkland zoning ordinance and comprehensive plan.

✓

9. HOUSING

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

12 units will be provided; 11 units are middle-income/market, 1 unit is middle-income/subsidized

✓

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

1 unit high-income/market housing will be eliminated.

✓

c. Proposed measures to reduce or control housing impacts, if any:

None

higher density is mitigated through smaller homes & design standards

10. AESTHETICS

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Tallest height is 27' above ABE. Principal exterior building materials are painted and stained shingle, lap and panel siding with battens, painted wood trim, composition roofing, and vinyl-frame windows.

✓

b. What views in the immediate vicinity would be altered or obstructed?

None

✓

- c. Proposed measures to reduce or control aesthetic impacts, if any:
6'h solid wood fence on north and west property lines, landscaping, vernacular northwest cottage and cabin architectural forms and details.

✓

11. LIGHT AND GLARE

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
The proposal will produce light and glare from parking lot illumination, car headlights and interior and exterior unit lighting, beginning at nightfall, decreasing after 10pm with minor activity before daybreak.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
No
- c. What existing off-site sources of light or glare may affect your proposal?
None
- d. Proposed measures to reduce or control light and glare impacts, if any:
Use hooded fixtures and timed shutoffs on parking and exterior unit lighting.

✓

✓

✓

✓

12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity?
The project is located in a walkable neighborhood, near schools and parks.
- b. Would the proposed project displace any existing recreational uses? If so, describe.
No
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
The project incorporates substantial passive open space for use by residents.

Project also requires significant common recreational open space within it.

✓

✓

13. HISTORICAL AND CULTURAL PRESERVATION

- a. Are there any places or objects listed in, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
No
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific,

✓

✓

or cultural importance known to be on or next to the site.

None

- c. Proposed measures to reduce or control impacts, if any:

None

✓

✓

✓

✓

✓

✓

✓

✓

✓

14. TRANSPORTATION

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on-site plans, if any.

The project is served by a major arterial, 132nd Ave NE. A new street, NE 84th ST, is proposed to be created via a 15' ROW dedication by this project and a 30' ROW dedication by the proposed subdivision adjacent to the south.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

A bus stop is located nearby on 132nd Ave NE, also 200' north on NE 85th ST.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

The project will provide 24 parking spaces, and will eliminate 3 parking spaces.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

The project will dedicate 15' to create a new, NE 84th ST, on its southerly boundary.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

- f. How many vehicular trips per day would be generated by the completed project? If know, indicate when peak volumes would occur.

Preliminary total daily trip generation = 84; peak volume is at PM peak hour = 10.59 trips; calculated per ITE Trip Generation Manual, 7th Edition. Demolished SFR trips not credited. Traffic study by The Transpo Group will be prepared and submitted.

- g. Proposed measures to reduce or control transportation impacts, if any:

None

15. PUBLIC SERVICES

- a. Would the project result in an increased need for public services (for example: fire

protection, police protection, health care, schools, other)? If so, generally describe.

No

b. Proposed measures to reduce or control direct impacts on public services, if any.

None

✓

✓

✓

✓

Enclosure 5 of SEPA

16. UTILITIES

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other **Electricity, natural gas, water, refuse service, storm sewer and sanitary sewer are currently available.**

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Electricity and natural gas: Puget Sound Energy; connection to existing service lines. Sanitary sewer, water and storm sewer: City of Kirkland; connection to existing services lines, storm sewer connection not required due to low-impact development. Refuse: Waste Management; construct trash enclosure. Postal service: USPS; cluster mailbox stand in parking area.

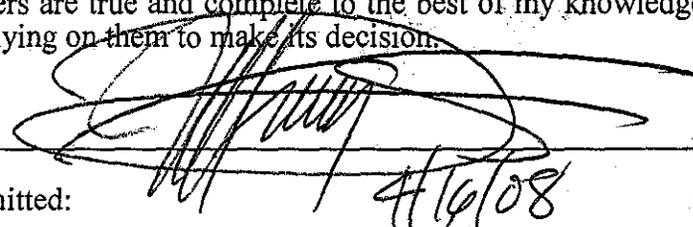
✓

✓

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:



Date Submitted:

4/16/08

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal is likely to increase the emission to air of products of combustion, and the production of noise.

Proposed measures to avoid or reduce such increases are:

Comply with PSPCA standards and applicable noise ordinances.

_____ ✓

2. How would the proposal be likely to affect plants, animals, fish, or marine life?
This proposal is unlikely to affect plants, animals, fish or marine life.

_____ ✓

Proposed measures to protect or conserve plants, animals, fish, or marine life are:
None

_____ ✓

3. How would the proposal be likely to deplete energy or natural resources?
This proposal is likely to consume more energy and natural resources than if not implemented.

_____ ✓

Proposed measures to protect or conserve energy and natural resources are:
Cottage housing allows 30% less FAR (equivalent to construction volume) than SF project in this zone. Project will exceed WSEC standards for energy-efficient construction. Project will achieve a minimum 3-star Built Green certification.

_____ ✓

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?
Not likely.

_____ ✓

Proposed measures to protect such resources or to avoid or reduce impacts are:
None

_____ ✓

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?
Not likely.

_____ ✓

Proposed measures to avoid or reduce shoreline and land use impacts are:
None.

_____ ✓

6. How would the proposal be likely to increase demands on transportation or public services and utilities?
The proposal will result in increased density and will therefore result in increased demands on transportation, public services and utilities than if not implemented.

_____ ✓

Proposed measures to reduce or respond to such demand(s) are:

Utilize low-impact development to eliminate impact on storm sewers, exceed WSEC energy standards, achieve a minimum 3-star built-green certification.

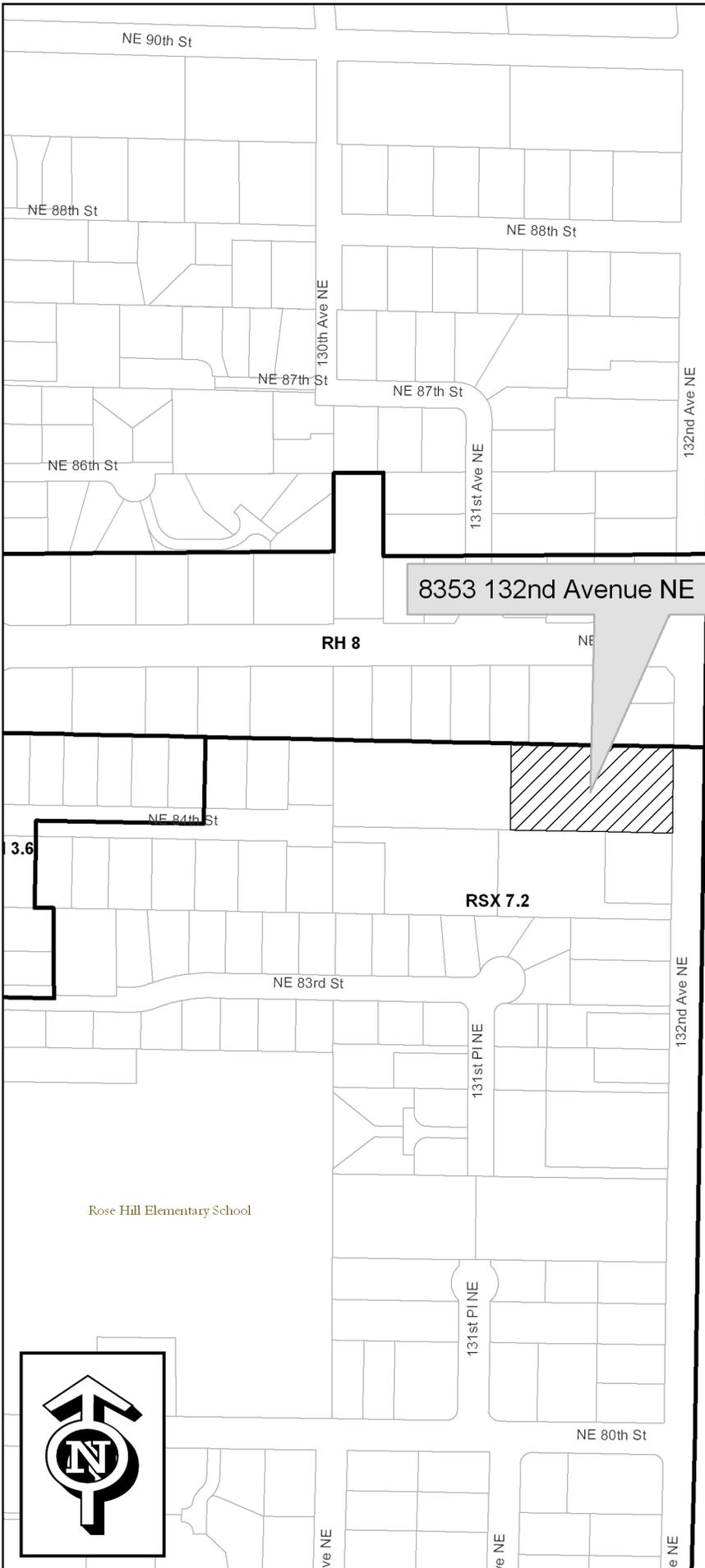
7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal will not conflict with applicable requirements for the protection of the environment.

Enclosure 5 of SEPA

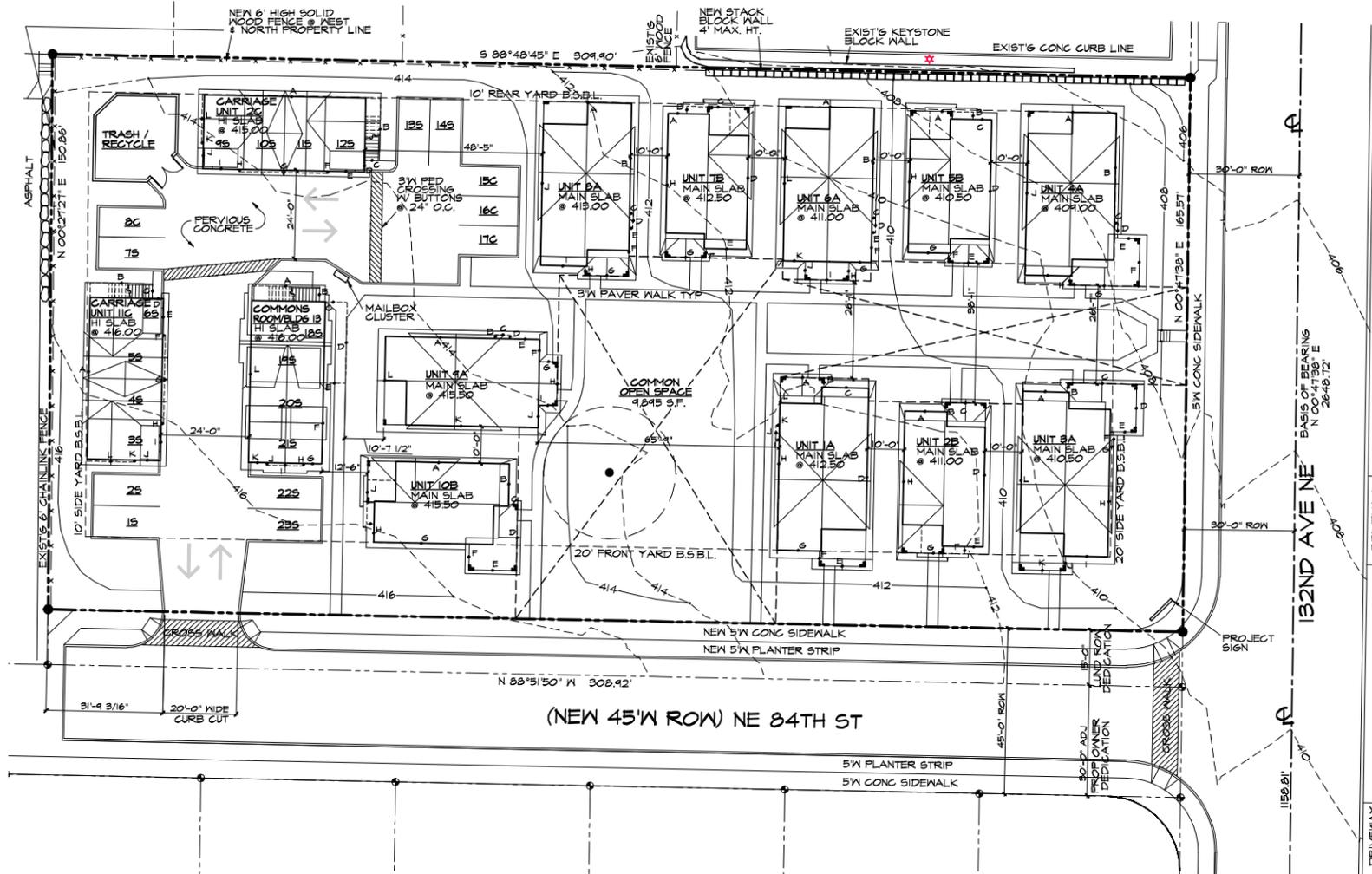
**Lund Cottages
ZON08-00006**

Appeal APL09-00004
SEP09-00004



City of Redmond

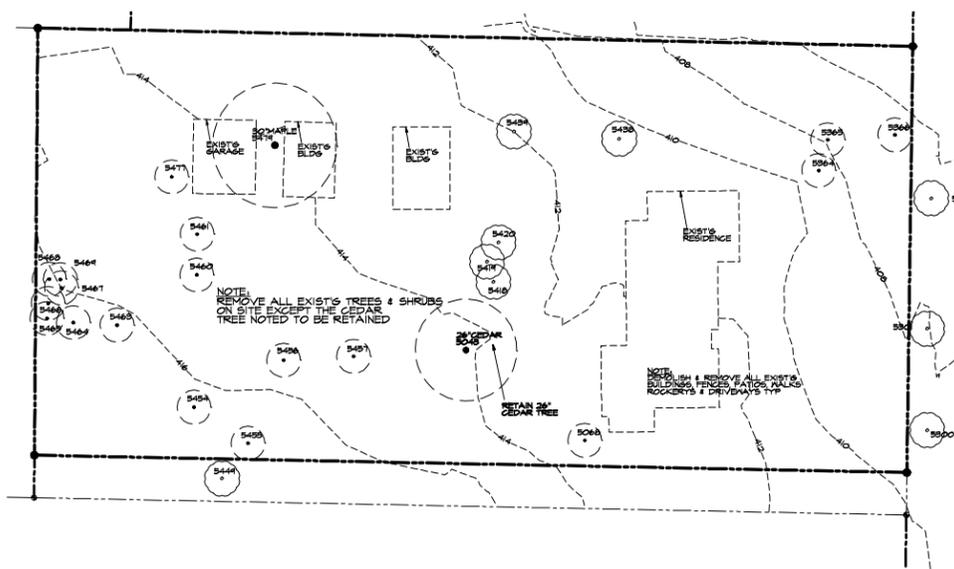
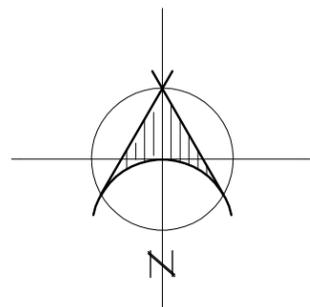
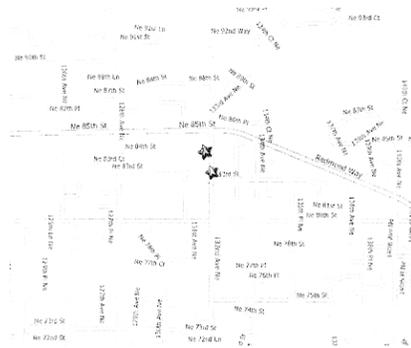
Attachment D



LUND COTTAGES #4 W/ 15' ROW DEDICATION

SCALE: 1" = 20'-0"

VICINITY MAP



TREE RETENTION & DEMOLITION PLAN

SCALE: 1" = 30'-0"

ARCHITECT / APPLICANT

JEFFREY DeROULET, ARCHITECT
 ARCHITECTS NORTHWEST INC.
 18915 - 142ND AVE NE / SUITE 100
 WOODINVILLE, WA 98072
 P: 425 485 4400
 F: 425 487 6585
 JEFFREY@ARCHITECTSNW.COM

OWNER

TOM LUND
 415 CHALAN SANANTONIO
 BOX 360-G
 TAMUNING, GU 96913
 P: 206 359 5373
 JET@GUAM.NET

SITE ADDRESS

8353 - 132ND AVE NE
 KIRKLAND WA 98033

PARENT PARCEL LEGAL DESCRIPTION

THE EAST HALF OF THE NORTH HALF OF THE EAST HALF OF NORTH HALF OF NORTH HALF OF SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, STATE OF WASHINGTON, EXCEPT COUNTY ROAD.

PARCEL NUMBER

0425054030

ZONING

RSX 7.2

CONSTRUCTION TYPE / OCCUPANCY

5B / R3 & U; SINGLE FAMILY RESIDENCE & DETACHED GARAGE

HEIGHT CALC

27'-0" MAX HEIGHT (SEE SHEET A8 FOR EACH BLDG)

LOT COVERAGE (STRUCTURAL)

ORIG LOT AREA:	51,272 S.F.
15' ROW DEDICATION AREA:	4,634 S.F.
NEW LOT AREA:	46,637 S.F.
STRUCTURAL LOT COVERAGE:	
UNIT 1A =	1,147 S.F.
UNIT 3A =	1,238 S.F.
UNIT 4A =	1,188 S.F.
UNIT 6A =	1,067 S.F.
UNIT 9A =	1,041 S.F.
UNIT 8A =	853 S.F.
UNIT 2B =	853 S.F.
UNIT 5B =	853 S.F.
UNIT 7B =	853 S.F.
UNIT 10B SF =	444 S.F.
CARRIAGE UNIT 11C =	447 S.F.
CARRIAGE UNIT 12C =	447 S.F.
COMMONS ROOM / BLDG 13 =	453 S.F.
TOTAL AREA =	13,124 S.F. = 28.14%

LOT COVERAGE (IMPERVIOUS)

ORIG LOT AREA:	51,272 S.F.
15' ROW DEDICATION AREA:	4,634 S.F.
NEW LOT AREA:	46,637 S.F.
IMPERVIOUS LOT COVERAGE:	
UNIT 1A =	1,147 S.F.
UNIT 3A =	1,238 S.F.
UNIT 4A =	1,188 S.F.
UNIT 6A =	1,067 S.F.
UNIT 9A =	1,041 S.F.
UNIT 8A =	853 S.F.
UNIT 2B =	853 S.F.
UNIT 5B =	853 S.F.
UNIT 7B =	853 S.F.
UNIT 10B SF =	444 S.F.
CARRIAGE UNIT 11C =	447 S.F.
CARRIAGE UNIT 12C =	447 S.F.
COMMONS ROOM / BLDG 13 =	453 S.F.
IMPERVIOUS VEHICULAR USE:	0 S.F.
IMPERVIOUS WALKS:	0 S.F.
TOTAL AREA:	13,124 S.F. = 28.14%

PARKING

(6) UNITS > 1,000 S.F. FAR @ 2.0 / UNIT =	12 SP
(4) UNITS < 1,000 S.F. / > 700 SF FAR @ 1.5 / UNIT =	6 SP
(2) CARRIAGE UNITS < 700 SF @ 1.0 / UNIT =	2 SP
TOTAL REQ'D PARKING =	20 SP
TOTAL PROVIDED PARKING (W/ 3 GUEST STALLS) =	23 SP (195TD/4COMP)

COMMON OPEN SPACE (20'-0" MIN DIM)

OPEN SPACE 1: 9,984 S.F. (1,600 S.F. MIN.)
 REQ'D OPEN SPACE:
 12 UNITS x 400 S.F. = 4,800 S.F.

FLOOR AREA RATIO (FAR)

ORIG LOT AREA:	51,272 S.F.
15' ROW DEDICATION AREA:	4,634 S.F.
NEW LOT AREA:	46,637 S.F.
MAX FAR:	16,323 S.F. = 35.00%
(4) UNIT 1A, 3A, 4A, 8A @ 1,456 SF:	5,824 S.F.
(2) UNIT 6A, 9A @ 1,450 SF:	2,900 S.F.
(4) UNIT 2B, 5B, 7B, 10B @ 1,000 SF:	4,000 S.F.
(1) CARRIAGE UNIT @ 698 SF:	698 S.F.
(1) EXEMPT CARRIAGE UNIT @ 698 SF (MEDIAN INCOME):	0 S.F.
(1) COMMONS ROOM @ 647 SF:	647 S.F.
(1) GARAGE STALLS @ 205 SF:	2,255 S.F.
(1) EXEMPT GARAGE STALL @ 205 SF (MEDIAN INCOME):	0 S.F.
TOTAL FAR AREA:	16,324 S.F. = 34.72%

ARCHITECTS NORTHWEST
 18915-142ND AVENUE NE SUITE 100 WOODINVILLE, WA 98072
 OFFICE: (425) 485-4400 FAX: (425) 487-6585
 TOLL FREE: 1-888-572-1100 WWW.ARCHITECTSNW.COM

ARCHITECTS NORTHWEST
 18915-142ND AVENUE NE SUITE 100 WOODINVILLE, WA 98072
 OFFICE: (425) 485-4400 FAX: (425) 487-6585
 TOLL FREE: 1-888-572-1100 WWW.ARCHITECTSNW.COM

TOM LUND
 8353 - 132ND AVE NE, KIRKLAND WA, 98033
 LUND COTTAGES

DESIGNED BY: DATE:
 JdeR
 DRAWN BY: DATE:
 CMB 8/7/09

PROJECT MANAGER:
 JdeR
 REVISION BY: DATE:
 CMB 10/16/09

LATERAL BY: DATE:
 LATERAL JOB NUMBER:
 AO
 A9
 ANW WOODINVILLE OFFICE
 JOB NUMBER:
 W086457

From: [Jeremy McMahan](#)
To: [Susan Greene](#); [Oskar Rey](#);
Subject: Forwarding - School impact fee request withdrawn
Date: Tuesday, February 09, 2010 4:24:39 PM

From: Kimball, Chip
Sent: Friday, December 11, 2009 9:17 AM
To: Dave Ramsay (DRamsay@ci.kirkland.wa.us)
Cc: jlauinger@ci.kirkland.wa.us; jmcbride@ci.kirkland.wa.us; dasher@ci.kirkland.wa.us; mburleigh@ci.kirkland.wa.us; jgreenway@ci.kirkland.wa.us; thodgson@ci.kirkland.wa.us; bsternoff@ci.kirkland.wa.us; citycouncil@ci.kirkland.wa.us
Subject: Impact Fee Request Withdrawal

To: Dave Ramsey, City Manager
Cc: Kirkland City Council

From: Dr. Chip Kimball, Superintendent, Lake Washington School District
Re: Impact Fee request

For many months the City of Kirkland has been contemplating whether to put in place a school impact fee ordinance to partially address the impact that new construction has on the local school system. This fee helps fund the construction required to house new students generated by these developments. This is a complex issue that must be addressed philosophically, practically, and politically.

The school district has made the argument philosophically that if a development has an impact on the school system, that purchasers of that development should bear the burden of a portion of that impact (calculated at 50% of impact). School impact fees are commonly practiced, including fees that are currently collected in Redmond, Sammamish, and King County. Recently the City of Kirkland postponed a decision on requested impact fees to conduct a public hearing on the issue.

When considering impact fees, there will always be a debate regarding the responsibility of the burden for new construction. Developers will argue that they cannot remain competitive with impact fees adding to the cost of their developments. It is understandable that they would work towards reducing their costs.

Citizens will argue that new development should pay for new costs and that the entire citizenry should not be held responsible for those impacts. There are other complexities related to impact fees, including equity among developers (small vs. large), the effort involved in SEPA appeals and the overall desire for high quality schools.

This is an interesting and complex debate. It is a debate that should be conducted so that all parties can actively participate and good information can be considered by the City. I am looking forward to participating in this debate and developing a reasonable and equitable solution.

But we are in an unique time in our community and our country. We are experiencing unprecedented economic challenges. Our businesses are struggling, there is fear of the unknown in our community and it is my belief that we need to do everything possible to help the economic recovery of our cities and our region. As a community leader, I am committed to helping do our part.

As a result, I am requesting a withdrawal of the Lake Washington request for a school impact fee ordinance at this time. While I believe that an ordinance should be considered, I believe it is in the best interest of the community at large to postpone this consideration until economic indicators are more favorable. At that time, I believe the city will be better positioned to conduct this important community debate.

Thank you for your consideration.

Dr. Chip Kimball, Superintendent

Lake Washington School District

(425) 702-3257

ckimball@lwsd.org

www.lwsd.org

From: [David Johnston](#)
To: [Susan Greene](#);
cc: [Lillian Cruz](#);
Subject: RE: SEPA appeal of Cottage Project in Kirkland
Date: Wednesday, February 17, 2010 5:11:23 PM

Dear Ms. Greene:

As I confirmed on my voicemail to you this morning, the District intends to pursue its SEPA Appeal of the Lund Cottage Housing project. There is no doubt that this development will have a financial impact on the District and the City should not have issued a DNS without requiring the developer to mitigate for these impacts.

The District continues to firmly believe that the City of Kirkland should adopt a school fee impact fee ordinance (like all other jurisdictions that the District boundaries include), but Dr. Kimball and the District recognize that it is politically challenging to pursue the ordinance in this economy.

Without a school impact fee ordinance, the only process the District can employ to protect its taxpayers and see that new development pays for its fair share of impact on the District is a SEPA appeal.

Under SEPA (WAC 197-11-340(3)(a)), the City is obligated to withdraw its DNS and issue a Mitigated Determination of Non-Significance (MDNS). The District would agree to a mitigation measure that requires the developer pay the school impact fee for a multi-family development project that King County has determined and which is set forth in the 2009-2010 District's Capital Facilities Plan. The impact fee is \$1,813.00 per multi-family unit. If the project includes an affordable housing component, the District would agree to exempt such unit. We would agree to payment of the fee upon issuance of a building permit, rather than all up front.

Short of the City agreeing to the above or the developer reaching an agreement with the District, we will prepare for the hearing that we understand is scheduled for March 18, 2010 commencing at 9:00 a.m. at City Hall.

In preparation for the hearing, we need to know:

- Who is the hearing examiner?
- Will the hearing examiner schedule a pre-hearing conference for procedural matters (*e.g.* witness and exhibit lists, briefing deadlines)?
- When can we expect a Staff Report?
- Contact information for the developer, including legal counsel if you know.
- I will be sending you a public records request in the next day or so to inspect the City's file on this project. We can coordinate a convenient time for both of us via a phone call or e-mail - - we are

right across the street.

Look forward to hearing from you,

David B. Johnston
Livengood, Fitzgerald & Alskog, PLLC
P.O. Box 908
121 Third Avenue
Kirkland, WA 98083-0908
(425) 822-9281
(425) 828-0908 (fax)
www.lfa-law.com

This electronic mail transmission and any accompanying documents information contain belonging to the sender which may be confidential and legally privileged. The information is intended only for the use of the intended individual or entity to whom this electronic mail transmission was sent as indicated above. If you are not the intended recipient, any disclosure, copying, distribution, or action taken in reliance on the contents of the information contained in this transmission is strictly prohibited. If you have received this transmission in error, please delete the message. Thank you.

From: Susan Greene [mailto:SGreene@ci.kirkland.wa.us]
Sent: Wednesday, February 10, 2010 10:13 AM
To: David Johnston
Subject: SEPA appeal of Cottage Project in Kirkland

Good Morning Mr. Johnston,

I am the planner working on the SEPA appeal you filed with the City on April 9th, 2009. I have started to pull together the information for my staff report on the appeal. Attached is a letter from Chip Kimball to the City dated December 11th, 2009. In that letter, Mr. Kimball states that he is withdrawing the request for a school impact fee ordinance at this time. He further explains the reasoning behind this withdraw by stating " ...it is my belief that we need to do everything possible to help the economic recovery of our cities and our region. As a community leader, I am committed to helping do our part." Mr. Kimball further suggests that the district will postpone consideration of impact fees until the economy improves, or as he puts it "economic indicators are more favorable."

In light of these statements made by the Superintendent of the Lake Washington School District, I wanted to contact you and make sure that you will pursue the SEPA appeal for the Lund Cottage Project. If so, certainly just let me know. I realize that I have already called once to confirm the forward movement of this appeal, but at that time, I did not have this letter from Mr. Kimball. I have scheduled the

Hearing to take place on March 18th, 2010 with the City's Hearing Examiner at 9 am. The applicant is already aware of the hearing date and time. Let me know if you want me to cancel this appeal hearing.

Very Sincerely,

Susan Greene
Planning and Community Development
City of Kirkland
425-587-3252
sgreene@ci.kirkland.wa.us