



CITY OF KIRKLAND

Department of Public Works

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MEMORANDUM

Date: November 9, 2011

To: Kirkland Hearing Examiner

From: Ray Steiger, Public Works Director
Thang Nguyen, Transportation Engineer
Teresa Swan, Project Planner

Subject: Road Concurrency Appeal for the Potala Village Proposal, File APL11-00007/CON10-00004

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I. RECOMMENDATION

Conduct a hearing for the appeals of the Public Works Department's road concurrency test decision for the Potala Village proposal filed by nine appellants (see Attachments 1-10). Consider all information and material within the scope of the appeals; adopt findings and conclusions; and:

- Affirm the Public Works Department's decision;
- Reverse the Public Works Department's decision; or
- Modify the Public Works Department's decision.

Based on the provisions in Sections 25.23.010 and 25.23.080(6) of the Kirkland Municipal Code (KMC), the information provided in Sections IV and V below, and the staff analysis of the findings and conclusions in the nine appeals in Section

VII, the staff recommendation is to affirm the decision of the Public Works Official in issuing the Concurrency Test Decision.

II. NOTICE OF APPEAL

On April 7, 2011, the Public Works Department issued a Concurrency Test Decision for the Potala Village project (see Attachment 1). The project passed the City's concurrency test.

On October 4, 2011, the City provided a Notice of Road Concurrency Test Decision for the Potala Village proposal in conjunction with issuance of a Determination of Significance under the State Environmental Policy Act (SEPA) Chapter 43.21C RCW. The appeal deadline was by 5pm October 11, 2011.

In accordance with Chapter 25.23 KMC, the City received nine timely filed appeals of the City's Road Concurrency Test Decision along with the required filing fees (see Attachments 2 through 10). In addition, three timely filed amendments to the appeals were submitted within five working days of the date the appeals were filed following Rule 12 of the Kirkland Hearing Examiner's Rules of Procedures, revised September 30, 2011.

The appellants are listed below in alphabetical order:

- Randall Cohen and Karen Mannering
- Atis Freimanis
- Cynthia Glaser
- Charles Greene
- Robin Herberger and Chuck Pilcher
- Vashti Key and Dione Godfrey
- Karen and Hugh Levenson and representing The Park, A Condominium
- Laura and Charles Loomis
- Robert Style

III. LOCATION AND DESCRIPTION OF PROJECT

The property is located at 1006, 1008 and 1020 Lake Street South and 21-10th Avenue South (see Attachment 11). Lobsang Dargey, the applicant, proposes to remove a commercial building, parking areas and a single family home to construct a mixed use building with approximately 6,200 square feet of commercial use on the ground floor and 143 residential units on the upper floors. Building height is proposed at 30 feet above existing average building elevation with four floors and underground parking. Vehicular access will be off of Lake Street South (see Attachment 12).

IV. BACKGROUND ON ROAD CONCURRENCY

The following background information is provided in this section:

- The State mandate for road concurrency
- The City's concurrency methodology and the intent of the City's adopted Level of Service (LOS) standards
- What the concurrency test measures and does not address
- Annual Update of the concurrency test

The Growth Management Act (GMA), RCW Chapter 36.70A, requires that transportation improvements or strategies to accommodate development impacts be made concurrent with land development. Pursuant to RCW 36.70A.070(6)(b), "concurrency" is defined to mean that any needed improvements or strategies are in place at the time of new development or redevelopment or that a financial commitment is in place to complete the improvements or strategies within six years. The GMA directs jurisdictions to establish LOS standards for local transportation systems. RCW 36.70A.070(6)(a)(iii)(B). The transportation LOS standards serve as a baseline for determining whether current transportation facilities can accommodate new development.

The City adopted LOS standards for roads in the Transportation and Capital Facilities Chapters of the Comprehensive Plan. The LOS standards used in the City's concurrency test were first adopted with the 1995 Plan (Ordinance 3481), a new Plan to meet the requirements of GMA RCW Chapter 36.70A. Significant changes were made to the LOS standards in the 2004 Plan (Ordinance 3974) for the required GMA update. The time period to appeal the adopted LOS standards has passed.

On February 4, 1997, the City of Kirkland adopted Ordinance 3552 creating a new Title 25 KMC for Concurrency Management. Subsequent amendments to the ordinance have occurred, most recently with Ordinance 3830 in 2002. The time period to appeal the Concurrency Management Ordinance has passed.

The adopted Capital Facilities Plan in the Comprehensive Plan mirrors the City's Capital Improvement Program for funded and unfunded transportation projects. The Capital Facilities Plan is updated every year, most recently by Ordinance 4258 in 2010. The time period has passed to appeal the adopted Capital Facilities Plan and whether it is adequate to maintain the adopted road LOS standards.

A. What the Road Concurrency Test Measures

Road concurrency is determined by comparing the available critical PM peak hour traffic volume capacity of the designated system intersections to the critical PM peak hour traffic volume forecasted to go through those system intersections

with the new development. In Kirkland, capacity is determined by the City's adopted LOS standards as listed in Tables T-2 and T-3 of the Transportation Chapter of the Plan (see Attachment 13). Table T-2 is used to test development that is forecasted to develop within six years. Two levels of service tests are used to determine if a new development passes traffic concurrency:

1. No signalized system intersections can exceed a volume-to-capacity (V/C) ratio of 1.4.
2. The average subarea V/C ratio of the signalized system intersections must not exceed the adopted average V/C ratio of each respective subarea as shown in Table T-2.

For more information on road concurrency, see IX. Transportation (pp. IX-14 through IX-17) and XIII. Capital Facilities (pp. XIII-1 through XIII-20) Chapters of the Kirkland Comprehensive Plan.

If the development does not pass one of these two tests, then the applicant must:

- Reduce the development;
- Provide mitigation to pass the tests; or
- Wait until additional capacity is available to support the development

The intent of the adopted LOS standards is stated on page IX-15 of the Transportation Chapter of the Plan as: "Underlying the standards is the concept that the system is not considered failing if the peak-hour is congested. Furthermore, the Plan states "The standards are based on congestion becoming worse in the future. This reflects the proposed network and funding, and an increase in trips."

Pursuant to Title 25 KMC, an applicant must apply for a road concurrency test and receive a notice of approval before the City will consider a development permit or building permit. The City's Public Works Transportation Engineer performs the test using the project's estimated average PM peak traffic trips usually based on the rate derived from the Trip Generation and Institute of Transportation Engineers' (ITE) Information Report.

The ITE Report contains average typical PM peak trips for various uses. Traffic engineers recognize the ITE Report as the nationally accepted standard for trip generation and other traffic information. The ITE Report is not used if a proposed land use is not listed in the Report or there are very few sample studies in the ITE Report for the use. When the ITE Report is not used, an independent trip generation estimate must be developed based on local data.

The project's average PM peak traffic trips are entered into the City's transportation model to determine trip distribution and assignment throughout the City arterials. The trip assignment is then used to determine if the project's

impact to the designated system intersections cause the intersection LOS to exceed the adopted LOS. If the LOS is not exceeded, the development project passes concurrency.

B. What the Road Concurrency Test Does Not Address

As described above in Section A, the road concurrency test is a very narrowly scoped analysis. The test looks at the proposal's impacts at certain designated signalized system intersections in the City using the ITE Report PM Peak rates for the proposed uses.

The nine appellants raise numerous issues in their appeals (see Attachment 2-10). However, the concurrency test does not address the following issues that were raised in the appeals:

- a. Project's consistency or lack of consistency with the Plan or Zoning Code standards
- b. Funding of road projects in the Capital Facilities Plan
- c. Impacts to other intersections not on the list of designated signalized system intersections, including those in close proximity to the project
- d. Traffic congestion and turning movements on Lake Street South/Lake Washington Blvd or from 10th Ave South
- e. Localized variation in traffic peaks or volumes due to location (near shoreline beaches), seasons (summer versus winter) or other conditions
- f. The City's standards for requiring traffic mitigation under the State Environmental Policy Act (SEPA) Chapter 43.21C RCW found in the City's adopted Traffic Guidelines
- g. Project design, driveway access or driveway operational level of function
- h. Bicycle, pedestrian or other multi-modal traffic
- i. On-site or off-site parking
- j. Impacts to the LOS for fire, police, health or school services
- k. Oil-silt separator in parking lots

Many of the issues listed above are considered and addressed through the environmental review of a project under the State Environmental Policy Act (SEPA) Chapter 43.21C RCW or with the building permit application. The City will prepare an Environmental Impact Statement (EIS) under SEPA for the proposal and many of the issues listed above will be addressed in that document.

C. Annual Update of the Concurrency Test

Each year the Public Works Department updates the concurrency test to reflect three potential changes:

- New or revised six-year capital road projects in the City's Capital Facilities Plan for the designated system intersection that would add or lower capacity;
- New City traffic counts if they were taken prior to updating of the concurrency test (traffic counts are not done every year); and
- New development projects that have passed the concurrency test or development projects in which the concurrency test notice has lapsed (in which case the development trips are added or removed from the concurrency test).

The concurrency test contains built projects not reflected in the most recent traffic count and pipeline projects. Projects in the pipeline are projects that have been submitted and passed the concurrency test. Potential projects, such as the potential transit-oriented development at the South Kirkland Park and Ride lot, development of the Yarrow Bay Business Districts, and potential additional dwelling units on the South Houghton Slope are not included in the concurrency test. It is not known if and when the projects will be submitted for review or the exact scope of the projects that will be submitted.

Road capacity is reserved when projects are submitted and pass the concurrency test. Reserving road capacity is on a first come basis. However, capacity is not reserved indefinitely. A concurrency test notice is only valid for one year with a one year extension. Capacity is not reserved for potential projects that have not been submitted and passed the road concurrency test.

V. ROAD CONCURRENCY TEST DECISION FOR POTALA VILLAGE

On December 21, 2010, the applicant submitted a concurrency management application. The concurrency application was for 164 apartment units and 9,028 square of retail resulting in **120 new PM peak trips**. The total PM peak trips for the project is based on the ITE Report which is the standard used in the concurrency test methodology. The ITE Report's shopping center trip rate was used for the proposed retail uses since the exact uses were not known at the time of submittal. The shopping center rate has the higher PM peak trip rate for retail uses as compared to other categories that can be applied to the site. This is what was meant by the Transpo Group's statement of using the "most conservative rate" in their memorandum dated November 5, 2010, included in the concurrency application (see Attachment 14, p.4).

The Public Works Department reviewed the concurrency application and determined that the project will actually generate **128 PM peak trips**. The Department determined that no reduction in trips (eight trips noted in the concurrency application of Attachment 14) should be given for internal trips (residents patronizing the commercial uses and commercial tenants living in the

units) since the amount of commercial space was small. The 128 PM peak trips were used in the test and not the 120 PM peak trips in the concurrency application (see Attachment 1).

The Public Works Department ran the concurrency test and issued a Concurrency Test Decision stating that the project passed the concurrency test (see Attachment 1). The test run with the project's 128 PM peak trips did not affect the LOS for the designated system intersections.

On February 23, 2011, the applicant submitted an application for a shoreline Substantial Development Permit (SDP). The application is for 143 apartment units and 6,200 square feet of office. Based on the ITE Report, 143 apartment units generate an estimate of 96 PM peak trips and 6,200 square feet of general office/medical office use generates 15 trips for a total of 111 PM peak trips. A reduction of four trips is applied for the existing uses resulting in a **total of 107 trips** (see Attachment 15).

The shoreline SDP application has 21 fewer residential units and 6,200 square feet of office space rather than 9,028 square feet of retail space compared to the concurrency application. This is a **reduction of 21 PM Peak trips** from the 128 PM peak trips used in the concurrency test. Since the total PM peak trips are less for the proposed uses in the SDP application compared to the concurrency test, the applicant is not required to apply for a new concurrency test.

VI. ROAD CONCURRENCY MANAGEMENT REQUIREMENTS FOR AN APPEAL

Below is information on what can be appealed and what must be provided in a concurrency test decision appeal notice.

A. What Cannot Be Appealed

In accordance with Section 25.23.010 KMC, the following cannot be appealed:

1. The methodology of the concurrency test in the Comprehensive Plan and in Title 25 KMC;
2. The adopted level of service established in the Comprehensive Plan; and
3. A provision in Title 25 KMC.

B. What Can Be Appealed

It is the position of the Public Works Department that only the following can be appealed:

1. The validity of the concurrency application submitted for the proposal; and

2. The validity of the PM peak trip generation rate used in the application for the proposal.

As discussed in Section V above, the applicant does not need to re-apply for the concurrency application since the PM peak trips used for the concurrency test are greater than the PM peak trips for the proposal in the shoreline SDP application.

None of the appellants have submitted factual evidence that the trip generation rates from the ITE Report used for proposed uses in the concurrency application is sufficiently inaccurate that the trip rates should not be used.

C. What is Required to be Provided in a Notice of Appeal

Section 25.23.030 KMC requires that a concurrency test decision appeal provide the following information:

1. Be in writing;
2. Designated as a "notice of appeal";
3. Contain a brief and concise statement of the matter being appealed, the specific components or aspects of the decision that are being appealed and the basic rationale or contentions on appeal; and
4. Statement demonstrating standing to appeal.

The first requirement was met for all appeals. All of the appeals were provided in writing. The second requirement may or may not have been met by all appellants. Many of the appeals did not address the actual components of the concurrency test.

For a "demonstration of standing to appeal," an appellant must meet Section 23.23.020(3) KMC which reads: "any individual or other entity who is specifically and directly affected by the proposed development."

The third requirement for demonstration of standing to appeal was met in the Freimanis, Greene and Loomis appeals (see Attachments 3, 5 and 9). The three appellants stated that they lived next to the proposal and would be affected by it. Both the Key/Godfrey and Style appeals (see Attachments 7 and 10) stated that they lived across the street from the project, but did not state if they would be affected. Given the location of their homes, it can be assumed that they would be affected. The Cohen/Mannering, Glaser and Levenson appeals (see Attachments 2, 4, and 8) did not state that they lived near the proposal, but given the close location of their homes to the proposal, it can be assumed that they may be affected. The Herberger/Pilcher appeal (see Attachment 6) did not provide a statement of standing or how they would be affected by the development. Ms. Herberger and Mr. Pilcher do not live immediately near the proposal, but much further south.

D. Decision on Appeal

Pursuant to Section 25.23.080(5) KMC, the Hearing Examiner may:

- Affirm the decision;
- Reverse the decision; or
- Modify the decision.

However, Section 25.23.080(5) KMC states that the decision of the Public Works Official shall accord substantial weight in the decision on appeal. If the Hearing Examiner reverses or modifies the decision, the Examiner shall provide new findings and conclusions to support the reversed or modified decision.

VII. SUMMARY OF APPEAL ISSUES AND STAFF RESPONSE

Below is a general summary of the issues raised in appeals. Issues raised in the appeals are grouped by topic for efficiency and not necessarily in the order that the issue was listed in the appeal. For a complete discussion of all the issues raised in the appeals, refer to Attachments 2-10.

One area of confusion in the appeals is the references made to the "concurrency report" and the "traffic study." It is not clear in several of the appeals what documents are being referenced. The traffic analyses for the project include:

- Transpo Group's memorandum dated November 5, 2010 attached to the concurrency application (see Attachment 15).
- Transpo Group's revised Transportation Impact Analysis (TIA) dated May 2011. The TIA was required for the SEPA review and not for the concurrency test.
- Transportation Engineer Thang Nguyen's Concurrency Test Decision dated April 7, 2011 (see Attachment 1).

Staff has provided a response to each of the appeals. In many instances, staff refers back to the information provided in Sections IV and VI as to why the findings and conclusions in the appeals are not valid challenges to the Concurrency Test Decision for the Potala Village proposal.

A. Randall Cohen and Karen Mannering appeal (see Attachment 2)

1. Comments in the Levenson appeal are included in the appeal.
2. The project is disallowed under the Comprehensive Plan as it is not planned growth.
3. The project is inconsistent with the Plan text that calls for very low impacts use and very small multiuse building with pedestrian access to small retail or service businesses.
4. The concurrency test failed to address pedestrian and bicycle traffic.

5. The concurrency report notes that it was not done in the summer when Peak PM is much greater for the area. Summer PM peak should be used instead of winter PM peak.
6. PM peak "estimates" are lower than "actual" trip generation from surrounding apartments and condos. Tables 4 and 5 in report on peak PM and delay gaps do not reflect summer traffic. The concurrency report was faulty in using estimates of future smaller than current actual impacts.
7. The concurrency report did not import known planned (Comprehensive Plan) development into baseline data.
8. The concurrency report fails to note that funding for improvement is not likely to be available within 6 years.
9. The concurrency report failed to note that road/intersection of greatest impact cannot be mitigated. Many of the failing street/intersections are not on the City's 20-year list for transportation projects.
10. Unanticipated traffic generated by unplanned, piecemeal development should not be approved without first factoring in traffic from property planned growth and could threaten ability of planned projects to be constructed.
11. Project vehicular access off of Lake Street South will cause back-ups on Lake Street South and conflict with driveways on the west side of Lake Street South.
12. Parking stalls should be assigned to each unit and charging for parking should be prohibited. Guest parking stalls should be provided at a ratio of 0.5 per unit and not less.
13. Intersections along Lake Washington Blvd should be included in the test analysis.
14. An unsignalized crosswalk at Lake Street South/10th Ave South will be insufficient and a signal needs to be built.
15. City's SEPA impact standard of more than 15% for LOS E or more than 5% for LOS F will be exceeded by the project at Lake Street S/10th St S.
16. Driveway operating at LOS D will force bicycle users into motorized roadway adding to congestion and safety concerns. Queues at the project's driveway are noted as minimal but other developments have significant queues.
17. The road impact fees collected for this project cannot "buy our way of some of the intersection failures."

Staff Response:

1. *As discussed above in Sections IV and VI, items 1 through 17 are not part of the adopted concurrency test methodology and/or are not issues that can be appealed. Other policies in the Plan, intersections that are not designated as system intersections, impacts on Lake Street South or other intersections along the street, parking, crosswalks, access*

driveways and pedestrian and bicycle traffic are not part of the concurrency test.

2. *As discussed above in Section IV, the City's usually uses the average PM peak rates found in the ITE's Report for typical uses and not traffic counts done on a case by case basis. The proposed apartment and office uses are typical to the types covered in the ITE Report for trip generation. There is no justification to use different PM peak generation rates for either use. The appellant has not provided any factual evidence that the estimated ITE Report trip generation is less than the actual trip generation rate for a 143 apartment building with 6,200 square feet of office space as a similar location.*
3. *As discussed above in Section IV, development proposals that have not been submitted and passed the concurrency test are not included in the concurrency test. This is part of the adopted concurrency test methodology.*
4. *As discussed above in Section IV, the opportunity to appeal funding in the Capital Facilities Plan and the designated system intersections has passed.*

B. Atis Freimanis appeal and amendment (see Attachment 3)

1. The applicant failed to correctly revise and re-submit his concurrency application to reflect the proposed development.
2. The parking stall configuration does not comply with the City's requirements and the applicant should reapply with trip calculations based on valid architectural plans. Guest parking at 0.5 stalls per unit should be provided.
3. The applicant includes the parking area in meeting the requirement to have 70% of the ground floor used for retail, restaurant, tavern or office.
4. The traffic model should account for seasonal variances in traffic flow.
5. The initial traffic study did not take into account moving vans used by residents and their potential impact on Lake Washington Blvd.

Staff Response:

1. *The PM peak trip generation for the shoreline SDP application is 107 trips. The concurrency test for the project used 128 trips because the concurrency application included more residential units and commercial space than what was eventually proposed in the shoreline SDP application. Since the PM peak trips are less for the shoreline SDP application, the applicant is not required to re-apply for the concurrency test.*
2. *As discussed above in Sections IV and VI, items 2 through 5 are not part of the adopted concurrency test methodology and/or are not issues that can be appealed. Parking layout, seasonal variances in traffic flow, and impacts from moving vans are not part of the concurrency test.*

C. Cynthia Glaser appeal (see Attachment 4)

1. The property was inappropriately re-designated from 12 units per acre to now 143 apartment and commercial.
2. Construction traffic will displace existing traffic.
3. Project does not have enough commercial parking.
4. Summer traffic is already congested and project will compromise traffic, children and pedestrian safety.
5. Access should not be off of 10th Ave South since it is a residential street that feeds into Lakeview Elementary School (located on State Street/68th Street).

Staff Response:

As discussed above in Sections IV and VI, items 1 through 5 are not part of the adopted concurrency test methodology and/or are not issues that can be appealed. The designation of the property in the Plan, construction traffic, parking, and traffic conditions in the immediate vicinity of the site are not part of the concurrency test.

D. Charles Greene appeal (see Attachment 5)

1. The project violates the City's LOS standards because the results of the concurrency test and the City's traffic model do not reflect the real traffic congestion, and impacted intersections would be greater than V/C 1.40 in actuality. Such models/studies can be manipulated to generate any result desire depending on the inputs.
2. The project will add significant traffic on Lake Street South/Lake Washington Blvd and 10th Ave South. The City will need to mitigate the streets that will result in on-street parking being removed.
3. The City has failed to exercise any plans to mitigate congestion in residential Kirkland. The City has indicated a 10 million dollar shortfall to maintain the current road structure.

Staff Response:

1. *The City tests the project for traffic concurrency in accordance to City guidelines and adopted LOS standards. As discussed above in Sections IV and VI, items 1 through 3 are not part of the adopted concurrency test methodology and/or are not issues that can be appealed. Traffic impacts to non signalized system intersections are not part of the concurrency test.*
2. *The appellant has not provided any factual evidence to support the statement that "City's concurrency test and traffic model does not reflect*

the real traffic congestion, and impacted intersections would be greater than V/C 1.40 in actuality."

3. *As stated on page IX-15 of the Transportation Chapter of the Plan, the City recognizes that the adopted road LOS standards will result in congestion now and in the future.*
4. *As discussed above in Section IV, the opportunity to appeal the LOS standards and funding in the Capital Facilities Plan has passed.*

E. Robin Herberger and Chuck Pilcher appeal and amendment (see Attachment 6)

Criteria used to make the determination were insufficient, faulty and prejudicial. These include the topics not studied or insufficiently studied below:

1. Choice of intersections – The traffic along Lake Street South/Lake Washington Blvd and the intersections along Lake Street South/Lake Washington Blvd were not included in the study. Concurrency report does not address that many of the study intersections cannot be mitigated.
2. Time of year – Summer months and not winter months should have been analyzed in the traffic report.
3. Time of day – A LOS F is reflected of the 4:30pm-6:30pm summer peak hours along Lake Street South.
4. Developer's driveway was not considered. Project traffic will back-up traffic on Lake Street South and move traffic to the residential side streets.
5. Bicycle traffic was not part of the study.
6. The potential transit oriented development at the South Kirkland Park and Ride lot and development of the Yarrow Bay Business Districts were not included in the study.
7. On-site parking is not adequate leading to spill over to on-street parking. Visitors to the beaches will have a hard time finding parking that will result in more traffic congestion.
8. Traffic light should be installed at Lake Street South and 10th Ave South for pedestrian safety.
9. Concurrency does not address multi-modal transportation but only vehicles.
10. EIS needs to study the impacts of the number of single-bed trucks needed to excavate the site.

Staff Response:

1. *As discussed above in Section IV, the opportunity to appeal the designated system intersections has passed. The intersections of Lake Street South near the proposal site are not on the designated system intersections. Traffic impacts to non signalized system intersections are not part of the concurrency test.*

2. *As discussed above in Sections IV and VI, items 1 through 10 are not part of the adopted concurrency test methodology and/or are not issues that can be appealed, including parking, project driveway, what is to be covered in the EIS and traffic conditions in the immediate vicinity of the proposal.*
3. *Time of day and time of year relate to the existing traffic on the nearby streets and not the average trips generated from the proposal.*
4. *As discussed above in Section IV, development proposals that have not been submitted and passed the concurrency test are not included in the concurrency test. This is part of the adopted concurrency test methodology. It is not known if and when the proposals will be submitted and road capacity is only held for up to two years.*

F. Vashti Key and Dione Godfrey (see Attachment 7)

1. Northbound traffic backs up from the light at Kirkland Way and Lake Street South to their homes at 10th and Lake Street South.
2. The density of the proposed development will only exasperate the current situation.

Staff Response:

1. *The intersection of Kirkland Way and Lake Street South was tested for traffic concurrency and based on the adopted methodology, the resulting V/C ratio did not exceed the adopted 1.4 V/C ratio.*
2. *As discussed above in Sections IV and VI, item 2 are not part of the adopted concurrency test methodology and/or are not issues that can be appealed, including traffic conditions in the immediate vicinity of the proposal. Traffic backup is not a concurrency test measurement.*

G. Karen and Hugh Levenson appeal and also representing The Park, A Condominium and other condominium associations (see Attachment 8)

1. The project is disallowed under the Comprehensive Plan as it is not planned growth, thus is not eligible for concurrency review. The Plan reserves this property for walkable "residential market" to reduce traffic by locating shops/services near neighborhoods.
2. The concurrency review failed to address pedestrian and bicycle traffic.
3. The concurrency report was not done in the summer which is the Peak PM for this lakeside street.
4. The concurrency report did not import known planned (Comprehensive Plan) development into baseline data. Failure to include these projects could result in denial of these projects later. These projects include redevelopment of the South Kirkland Park and Ride lot and the Yarrow Bay Business Districts, and additional residential development on the South Houghton Slope.

5. The concurrency report failed to note that funding for improvements is not likely to be available within 6 years. The Plan says that "Transportation funding is limited and unpredictable."
6. The concurrency report failed to note that road/intersection of greatest impact cannot be mitigated because road widening is not an option and signals are not necessary since traffic is at a standstill. Many of the failing street/intersections are not on the 20-year list for transportation projects. We will not be able to "buy" our way out of some of the intersection failures.
7. Appellants' attached document from Steven Gillespie describes how the project is inconsistent with the Plan because it is not a very low impact use and very small multiuse building aimed at serving the needs of local residents and pedestrians.
8. Unanticipated traffic generated by unplanned, piecemeal development should not be approved without first factoring in the traffic from the properly planned growth.
9. 60% of the project cars will be making a southbound left hand turn into the site which will cause back-ups on Lake Street South. The project's driveway will operate at LOS D that may cause some project residents to park on the street.
10. Parking stalls should be assigned to each unit and charging for parking should be prohibited. Guest parking stalls should be provided at a ratio of 0.5 per unit and not less. Parking will spill onto the streets taking parking away from users of retail businesses in the downtown.
11. The traffic gap analysis was done in the winter and not in the summer PM peak times when gaps are less available and does not reflect what local residents experience.
12. The area around the project was rezoned from 24 units per acre to 12 units per acre because of the damaging impact to traffic and spillover parking. Development that is nonconforming cannot be rebuilt. How the property went from one residence per acre to 116 units per acre is inconceivable when adjacent units built at 24 units per acre cannot be rebuilt.
13. If past traffic and concurrency studies showed that parcels at 24 units per acre produce too much traffic, how can a development at 116 units per acre pass the concurrency test?
14. The appeal supports the comments by other appellants and the appellants will provide testimony on their comments.

Staff Response:

1. *As discussed above in Sections IV and VI, items 1 through 14 are not part of the adopted concurrency test methodology and/or are not issues that can be appealed. Other policies in the Comprehensive Plan, densities in the Plan, traffic conditions in the immediate vicinity of the proposal,*

bicycle and pedestrian traffic, traffic gaps on State Street South, parking and the project's driveway are not part of the concurrency test.

2. *Time of year relates to the existing traffic on the nearby streets and not the average trip generated from the proposal. The City's usually uses PM peak rates from the ITE Report as the Report provides the most reliable source of average trip generation rates.*
3. *As discussed above in Section IV, development proposals that have not been submitted and passed the concurrency test are not included in the concurrency test. This is part of the adopted concurrency test methodology.*
4. *As discussed above in Section IV, the opportunity to appeal the adequacy of funding in the Capital Facilities Plan has passed.*

H. Laura and Charles Loomis (see Attachment 9)

1. Traffic from the potential transit-oriented development at the South Kirkland Park and Ride lot, development in the Yarrow Bay Business Districts, and additional homes on the South Houghton Slope were not included in the study.
2. It does not make sense that one project is allowed to make a change in level of service from LOS-C to LOS-E.
3. PM peak study should have used 5pm-7pm all year.
4. The key intersections for the project should have been included in the study, including all of the intersections coming into Kirkland and going on 10th Ave to State Street and then onto I-405 Freeway.
5. The 145 plus new residents crossing Lake Washington Blvd will interrupt traffic flow and this impact was not considered.
6. Traffic making left and right hand turns from the project site onto Lake Street South will cause backups on Lake Street South and on 10th Ave South.
7. Bicycle and pedestrian safety are concerns.

Staff Response:

1. *As discussed above in Sections IV and VI, items 1 through 7 are not part of the adopted concurrency test methodology and/or are not issues that can be appealed, including traffic conditions in the immediate vicinity of the proposal, and bicycle and pedestrian traffic.*
2. *As discussed above in Section IV, development proposals that have not been submitted and passed the concurrency test are not included in the concurrency test. This is part of the adopted concurrency test methodology.*
3. *As discussed above in Section IV, the opportunity to appeal the LOS standards in the Plan has passed.*

I. Robert Style (see Attachment 10)

1. Lake Washington Blvd, 108th Ave NE, Market Street and NE 70th Street are congested.
2. Traffic on NE 68th Street, 108th Ave and Lake Washington Blvd on some days is at LOS-F. This information was not included in the study or in the City's traffic analysis.
3. The City thinks that it is ok to accept lower LOS's E and F throughout the City. A LOS-F is not acceptable.
4. Improvements, strategies or financial commitments have not been in place at the time of development pursuant to RCW 36.670A.070C.
5. City's concurrency process does not comply with the Growth Management Act for concurrency and consistency.
6. The current LOS standards should refer to what was adopted 6 years ago and not have been changed.
7. Any V/C ratio that exceeds 1.0 is congested and steps must be taken to prevent further degradation.
8. Averaging traffic counts does not address the congestion problem and should not be considered in determining LOS.
9. Traffic from the future development at the South Kirkland Park and Ride was not considered.
10. The City's analysis of 10th Ave South is flawed. Available on-site parking is less than anticipated due to existing residences using the street to park. It will become an arterial with more traffic from the project.
11. There would be less congestion if the City Council wanted it that way and complied with the law.
12. The project does not meet the criteria in the housing element to ensure the vitality and character of established residential neighborhoods.
13. Have the impacts to the LOS for fire, police, health and school services been considered?
14. Why was this project not required to install oil-silt separators?

Staff Response:

1. *As discussed above in Sections IV and VI, items 1 through 14 are not part of the adopted concurrency test methodology and/or are not issues that can be appealed. Other policies in the Comprehensive Plan, traffic conditions in the immediate vicinity of the proposal, fire, police, health, and school impacts, and oil water separators are not part of the concurrency test.*
2. *The City's uses average PM peak rates in its concurrency test and not the highest peak on one given day.*
3. *As discussed above in Section IV, development proposals that have not been submitted and passed the concurrency test are not included in the concurrency test. This is part of the adopted concurrency test methodology.*

4. *As discussed above in Section IV, the opportunity has passed to appeal the adopted LOS standards, funding in the Capital Facilities Plan or the concurrency ordinance.*

VIII. APPLICANT'S RESPONSE

As of the date of this memo, Lobsang Dargey, the applicant, has not submitted a written response to the concurrency appeals. Mr. Dargey or his representative may give oral or written testimony at the hearing.

IX. ATTACHMENTS

- 1 – Concurrency Test Decision Notice, dated April 7, 2011
- 2 - Randall Cohen and Karen Mannering appeal, dated October 11, 2011
- 3 - Atis Freimanis appeal with amendment, dated October 10, 2011
- 4 - Cynthia Glaser appeal, dated October 11, 2011
- 5 - Charles Greene appeal, dated October 10, 2011
- 6 - Robin Herberger/Chuck Pilcher appeal with amendment, dated October 11, 2011
- 7 - Vashti Key/Dione Godfrey appeal, dated October 10, 2011
- 8 - Karen and Hugh Levenson appeal with amendment and also representing The Park, A Condominium and others, dated October 10, 2011
- 9 - Laura and Charles Loomis appeal, dated October 10, 2011
- 10 – Robert Style appeal, dated October 5, 2011
- 11 – Vicinity Map
- 12 – Site Plan of the proposal
- 13 – Adopted LOS, Tables 2 and 3 of the Transportation Chapter of the Plan
- 14 - Potala Village Concurrency Application, dated December 21, 2010
- 15 –Transpo Group's Memorandum dated April 25, 2011 containing project trip generation based on the ITE's Report

cc: Randall Cohen and Karen Mannering, appellants
Atis Freimanis, appellant
Cynthia Glaser, appellant
Charles Greene, appellant
Robin Herberger, appellant
Chuck Pilcher, appellant
Vashti Key, appellant, represented by Peter Powell
Dione Godfrey, appellant
Karen and Hugh Levenson, appellants and representing The Park, A Condominium
Laura and Charles Loomis, appellants
Robert Style, appellant
Lobsang Dargey, applicant
Kristine Wilson, applicant's legal representative
Robin Jenkinson, City Attorney

CITY OF KIRKLAND

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

DEPARTMENT OF PUBLIC WORKS
MEMORANDUM

To: Teresa Swan, Senior Planner

From: Thang Nguyen, Transportation Engineer

Date: April 7, 2011-Revised

Subject: Potala Village Development Concurrency Test Notice

This concurrency memo updates the November 29, 2010 concurrency memo for the proposed Potala Village development. This memo will serve as the concurrency test notice.

Project Description

The applicant is proposing to redevelop a current 1,500 square foot building. Portion of the existing building (1,000 square feet) is a restaurant and the other is vacant. The applicant proposes to develop the site into a mixed use comprise of a commercial and multi-family use. The proposed redevelopment will consist of 143 apartment units and 7,279 square feet of mixed commercial uses. The project is located at the southeast corner of Lake Street/10th Avenue and comprise of three parcels 1006, 1008 and 1020 Lake Street and 21 10th Avenue South. One driveway into an underground parking garage is proposed off Lake Street. Compared to the existing trip generation for the site, the proposed project is anticipated to generate 1,340 additional daily trips, 101 additional AM peak hour trips and 128 additional PM peak hour trips.

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 7, 2012) 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

In accordance with Chapter 25.23 Kirkland Municipal Code (KMC), the concurrency test decision may be appealed by the applicant, agency with jurisdiction or an individual or other entity who is specifically and directly affected by the proposed development. A notice of the concurrency test decision will be provided at the same time as the SEPA notice. An appeal must be filed within fourteen (14) calendar days of issuance of a determination of non-significance (DNS) or within seven (7) calendar days of the date of publication of a determination of significance (DS) under Title 24 KMC. An appeal of the concurrency test decision is heard before the Kirkland Hearing Examiner along with any applicable SEPA appeal if there is an appeal of SEPA.

For more information, refer to the Kirkland Municipal Code, Title 25. If you have any questions, please call me at x3869.

cc: Advantage
File

Teresa Swan

From: Randall Cohen [randall@thumbprintcorp.com]
Sent: Tuesday, October 11, 2011 4:58 PM
To: Thang Nguyen; Teresa Swan; Eric Shields; Paul Stewart
Subject: Potall Village appeal to construction

To: Hearing Examiner and other appropriate audiences for Potala
 Concurrency Appeal
 Re: Clearly Erroneous Concurrency Report
 From: Karen Levenson, as an individual and as President of Park
 Condomini ums
 Subj: Concurrency Appeal Potala Village SHR11-00002 and SEP11-00004
 Date: October 10, 2011

I am appealing the Potalla apartment complex proposal.

I have similar concerns to what Karen Levenson stated in her letters and with respect to your time, I will not rewrite them, but rater refer to them as a cosigner to her objections. The copy below in blue is a rewrite of her salient points – all of which I agree to. You may allocate funds left over which Ms Levenson gave to the City of Kirkland, for this appeal

Thank you for taking time to read my appeal prior to the hearing. It will allow me to efficiently answer any questions about my testimony.

As we have come to learn, the Growth Management act requires not only that growth is planned (Comp Plan) but also that and that development of planned growth be approved only when there are adequate public facilities in place to serve new development. The Growth Management Act (GMA) gives special attention to concurrency for transportation.

The GMA requires that transportation improvements or strategies to accommodate development impacts need to be made concurrently with land development. RCW 36.70A.070(6)(b). "Concurrent with the development" is defined by the GMA to mean that any needed "improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years."

The issues that make the Potala Village Project Concurrency report faulty will be discussed in greater detail but the most significant can be quickly bulleted below:

1) This Potala Project is strictly disallowed by the Approved Comprehensive Plan.

The Comp Plan reserves this property for walkable "residential market" BN Commercial to reduce traffic

The Comp Plan provides land use strategies reducing auto travel by

Locating shops/services near neighbors

* Potala Project is not "planned growth" thus it is ineligible for Concurrency Review.

2) The Potala project is on one of the most multi-modal transportation streets (bicycle, pedestrian, etc)

The transportation concurrency review failed by addressing only the automobile component of concurrency

Pedestrian/bicycle traffic on heavily used corridor will push bikes into traffic as cars pull forward for line of sight

LOS D driveway will mean dramatic disruption to pedestrian and bicycle traffic that currently traverses property

3) The concurrency report notes that it was not done in the summer months when Peak PM much different.

For this lakeside street, Peak PM was improperly chosen as it can only be measured during peak season

4) The concurrency report was faulty in using "estimates" of future smaller than current "actual" impacts

5) The concurrency report did not properly import known planned (comp plan) development into baseline data

There are many known projects within the Comp Plan that will contribute huge traffic volume increase.

Failure to first import data on planned projects might later make these projects denied

6) The concurrency report fails to note that funding for improvements is not likely to be available within 6 yrs

From Kirkland's Comp Plan "Transportation funding is limited and unpredictable. Proposals for transportation

facilities must be realistic and reflect this condition.

7) The concurrency report failed to note that the road/intersection of greatest impact CANNOT be mitigated

Even if funding were available, road widening is not an option. Signal unnecessary since traffic is standstill

Concurrency, as described in Kirkland's Comp Plan "requires the balancing of 3 primary factors: available

Financial resources, acceptable transportation system performance conditions (LOS), and the communities

long range vision for land use and transportation. Many of the failing streets/intersections are not on the 20

year list for transportation projects in the city of Kirkland.

Glossary: Transportation Level of Service Standards: A measure which describes the operation condition of the travel stream, usually in terms of speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience and safety.

Please note the attached attorney letter (representing numerous neighbors and HOAs) which describes the Comprehensive Plan and the manner in which the proposed project is clearly inconsistent with the Approved Comprehensive Plan that provides for very low impact use and VERY SMALL MULTIUSE BUILDING aimed at serving the needs of the local residents and pedestrians who might therefore decrease the necessary vehicle trips.

What are the existing and future without-project conditions in the study area?

All study intersections currently operate at LOS D or better except 116th Avenue NE/I-405

Northbound Ramp, which operates at LOS E during the weekday PM peak hour. Anticipated

increases in traffic volumes by 2012 would degrade operations at the 108th Avenue NE/NE

68th Street and NE 72nd Place/I-405 Southbound Ramp intersections to LOS E and the

116th Avenue NE/I-405 Northbound Ramp intersection to LOS F. All other study intersections

would continue to operate at LOS C or better under baseline 2012 conditions.

NOTE: This report fails to add in other projects that are properly planned through the Comprehensive Plan Process... (250 housing units + retail Transit Oriented Development, 250 units + Retail TOD Agreement w/ Bellevue, 250 units + office/retail Yarrow Bay Multi-use, 80 units S. Houghton Slope density increases)

By contrast, the parcel where Potala Village is proposed is in DIRECT CONFLICT w/ Comprehensive Plan. (Comp Plan shows very low intensity use, neighbor and pedestrian access to small retail or service businesses).

Unanticipated traffic generated by unplanned, piecemeal development should not be approved without first factoring in the traffic from the properly planned growth.

The unplanned Potala Project, could threaten the ability of planned projects (with public benefit of transit) to be constructed as anticipated.

How would the site access operate?

The proposed project driveway is anticipated to operate at LOS D during the weekday PM peak hour. There would be adequate sight distance at the proposed driveway. In addition, a gap analysis shows that based on existing data there are sufficient vehicle gaps to accommodate the inbound and outbound left-turn movements to and from the site access.

NOTE: Most of the Peak PM will be cars entering the building.

While the driveway may be operating at LOS D, the report notes that 60% of the cars will be coming from the North. This means that cars trying to make a left hand turn into the driveway will cause tremendous backup along Lake Street. This is anticipated to single handedly cause Lake Street S. and 10th St S. (and earlier intersections) to fail. Also due to problems getting into or out of driveway, some residents may choose to congest city streets by parking there).

Prior reviews for development of this property required access only be from 10th St S. It was noted that any driveway on Lake Street S would interfere with the driveways across the street. It is uncertain what changed to remove this issue.

Is there adequate parking supply?

The proposed parking supply would accommodate the anticipated parking demand and meet the City's parking code requirements

NOTE: The parking provided is not sufficient as there are no methods in place to ensure that some residents don't consume more than 2 parking spaces.

Local condominium owners note that managing "shared" stalls is impossible. The over consumption of spaces by some residents causes greater than expected parking on city streets. Assigning two spaces per unit is a better method to ensure no over consumption of spots. Residents can always allow their 2nd numbered space to be used by a guest or provide approval for use by another tenant.

The Potala Project should be prohibited from charging a parking fee as that would have many renters choosing to fill city streets with cars rather than paying the additional cost.

The study intersections are those identified as significant based on the City's proportional share impact

worksheets

NOTE: This project will cause LOS to fail at intersections that have not previously been identified. Specifically, intersections along Lake Washington Boulevard and Lake St S should be included in the analysis.

Existing weekday PM peak hour turning movement counts at the study intersections were conducted in early December 2010. Intersection turning movement counts are provided in Appendix B. Existing weekday PM peak hour traffic volumes are summarized on Figure 3 and were used to evaluate existing traffic conditions.

NOTE: PM peak needs to be conducted in months like August and not December. It is a well established fact that peak traffic hits during the days when there is warm sunshine. Doing a peak PM in December is like evaluating church traffic on a Thursday instead of before and after church on Sunday. The reports from the city of Kirkland acknowledge this shortcoming of the study as conducted.

Detailed LOS worksheets are provided in Appendix D

NOTE: Again, LOS took the existing (non-summer) and a 2012 baseline but then failed to add in other planned traffic (that which is already planned or in the Comp Plan) The Potala Project traffic needs a current summer PPM + 2012 summer baseline + planned traffic ... then unplanned Potala.

An unsignalized crosswalk is provided across Lake Street S at 10th Avenue S near the project site. Bicycle lanes are provided on both sides of the Lake Street S along the project frontage.

NOTE: An unsignalized crosswalk will be insufficient for 280 new residents trying to cross the street to the waterfront parks. If the project is built a signal needs to be required and should be at the expense of the project.

Additionally, pedestrian and bicycle traffic is heavy on both sides of the street. A driveway operating at LOS D will cause the bicycle and pedestrian use on the project side to fail and will push bicycles into the motorized roadway adding to congestion and safety concerns.

Estimated Project Trip Generation

NOTE: All trip generation "estimates" are substantially lower than "actual" trip generation from surrounding apartments and condominiums.

The City defines a SEPA impact where the project's proportional share of daily intersection traffic related to the capacity of the intersection represents More than 15 percent at LOS E or More than 5 percent at LOS F intersections

NOTE: The PPM traffic during the summer with traffic coming from the north and taking a left hand turn into the parking lot will make the Lake Street S / 10th St S intersection fail LOS F or worse. The cause of the failure will be 100% due the project traffic and will be more that 5%, and likely more than 15% of the problem.

Table 4. Future 2012 Weekday PM Peak Hour Intersection Level of Service

NOTE: The delay shown in the table is not accurate Peak PM as it was not done during peak summer season. Also, the delays described are less than what is reported as "actual" delay by local condominium and apartment residents.

Table 5. Site Access Weekday PM Peak Hour Operations

NOTE: The delay shown in the table is not accurate Peak PM as it was not done during peak summer season Also, the delays described are less than what is reported as "actual" delay by local condominium and apartment residents. A delay of zero is almost never experienced

The queues at the driveway are anticipated to be minimal during the weekday PM peak hour.

NOTE: The left turn queues (coming from the north) into all existing driveways is already quite significant

It is unclear how this project would have only minimal queues if other developments are significant

At the request of the City, data were collected on January 4, 2011 during the weekday PM peak period to determine the number of available gaps along Lake Street S for traffic entering and exiting the project site.

NOTE: The available gaps were evaluated during a time (January) that does not reflect true Peak PM

as peak PM is seen in the summer months. Additionally, the gaps in the report are more favorable than what local apartment and condo residents currently report.

The City of Kirkland Municipal Code Title 23 Zoning requires 1.7 spaces per residential unit, up to 0.5 spaces per residential unit for guest parking.

NOTE: As the main lakefront drive and side streets are currently over capacity with parking, it is important for the Potala Project to provide for all of its parking need. For this reason, the full .5 guest spaces should be required. Allowing Potala to consume city streets will diminish street parking for visitors who are trying to park for restaurants or shopping downtown. It is important to not create worse parking as Kirkland's Downtown businesses will suffer.

It is anticipated that in 2012 with the addition of project traffic that existing infrastructure combined would accommodate the proposed development. The developer would be required to pay the City of Kirkland transportation impact fees

NOTE: We will not be able to "buy" our way out of some of the intersection failures. For example, the only way to mitigate failure along Lake Street S and Lake Washington Boulevard would be to remove parking from the street and add a center turn lane however, city projections for parking are dependent on that street parking being available. Also, as previously stated, that parking is needed for visitors who spend their dollars in downtown Kirkland. The only other option would be to cut into the front yards of properties and that disrupts the neighborhood feel of the area, causes problems with loss of significant trees, throws off all the required setbacks and would be very costly to make the citizens whole by purchase of their property. There are many large (10 foot high) boulder retaining walls due to the terrain. The kind of upheaval that this unplanned project (never anticipated and strictly not allowed by Comprehensive Plan) would create, is specifically the type of uncoordinated growth that the Comprehensive Plans are designed to avoid.

Thank you for reviewing the issues. I look forward to our Appeal hearing as an opportunity to review the significant impacts together.

Sincerely,

Randall Cohen and Karen Mannering (married couple at Water's Edge condominiums at 905 Lake Street south, #202, Kirkland, Wa 98033

Teresa Swan

From: Atis Freimanis [atisfreimanis@yahoo.com]
Sent: Monday, October 10, 2011 1:46 PM
To: Thang Nguyen; Teresa Swan; Eric Shields; Paul Stewart
Subject: Appeal of traffic concurrency determination for Potala Village (Reference SHR11-00002/SEP11-00004/CON10-00004)

November 10, 2011

Dear Mr. Nguyen,

I am writing to formally appeal the traffic concurrency determination for Potala Village (Reference SHR11-00002/SEP11-00004/CON10-00004)

I live directly behind the proposed project and would be directly affected, giving me status to appeal.

My appeal is based on the following challenges:

1) The applicant made misrepresentations at time of initial Nov 2010 application.

One example - the project description is wrong. It states:

The project would develop approximately 164 apartment units and 9028 square-feet of retail at the Southeast corner of Lake St and 10th Avenue intersection. The proposed site plan is attached. The site is currently occupied by an approximately 1500 square-foot dry cleaner with a small cafe. Access to the project site would be provided via one full access driveway on Lake Street. The project would include 181 underground parking spaces.

The applicant failed to correctly revise and re-submit their application to reflect critical details and the true nature of the proposed development.

I am hereby requesting access to all initial and subsequent concurrency application material submitted so that these materials can be reviewed prior to the hearing as well as to have the originals available at the hearing for review by the examiner.

2) Referring to the current first floor parking drawing on the city's kirklandpermits.net web site:

http://www.kirklandpermits.net/tm_web/doc/201105/SHR1100002/POTALA%20V-FIRST%20FLOOR%20COMMERCIAL%20USE.pdf

The drawing shows a number on non-compliant parking stalls that do not meet the city's requirement for 8 foot width without obstruction.

Compact parking stalls in the above mentioned drawing marked C6 and C9 are examples of these non-compliant stalls.

The city traffic engineer specifically redlined stalls with obstructions as non-compliant and the redline copies were later provided to the applicant/applicant's agent.

Non-compliant parking stalls should not be counted in any concurrency calculation for the following reasons:

- a) the city building code will not allow a structure with non compliant stalls, therefore the stall count is wrong
- b) individuals faced with an obstruction in underground parking garages will shy away from the space and instead favor street parking

Both of these situations will have an upward impact on the number of trips as drivers circle the block looking for on-street parking

The applicant should be required to re-apply with trip calculation inputs based on a valid architectural plan containing compliant parking spaces

3) Referring to the same first floor parking document above, the calculation of the number of required parking spaces is wrong.

The Dec 3, 2009 zoning worksheet (Reference PRE09-00072) that was provided to the applicant's architect clearly specifies that 2.2 parking spaces per unit (1.7 + .05 for guests) are required.

This is the same requirement that is mandated for all surrounding properties. The zoning worksheet [Potential Issues/ Code Requirements item 4] further clarifies "whenever there is a conflict between regulations the most restrictive applies"

Once again, this is the same standard applied to all surrounding properties.

The applicant provides 316 stalls as follows - 29 Commercial stalls, 244 resident stalls and 43 guest stalls for a total of 316 stalls.

This submitted calculation is incorrect - the total number of required guest stalls is $143 \times 0.5 = 71.5$ requiring 72 guest stalls [244 + 72 + 27 = 343 total stalls required]

Any suggestion that commercial parking spaces could serve double duty as guest spaces is incorrect since it would mandate that residents are not able to receive guests during business hours, and specifically not during traffic peak hours

The worksheet document referenced here can be found at:

http://www.kirklandpermits.net/tm_bin/tmw_cmd.pl?tmw_cmd=StatusViewCase&shl_caseno=PRE09-00072

The applicant should be required to re-apply with trip calculation inputs based on a valid architectural plan containing compliant parking spaces

4) Referring to the same first floor parking document above, the permitted use of the first floor is incorrect.

Zoning requires that 70% of the first floor be used for retail/office purposes. The plans incorrectly try to use commercial parking against this 70% count. A parking space is not a retail store or office.

Once again we see the attempted use of shared commercial and residential guest parking within areas that should be the actual retail/office space.

The applicant should be required to re-apply with trip calculation inputs based on a valid architectural plan containing compliant retail/office use.

5) The model does not correctly account for seasonal variances in the traffic flow, particularly in the summer when beach access is higher and drivers will need to circle the block multiple times directly due to Potala residents/guests as well as increased beach seekers taking up available street parking.

The traffic model needs to add a significantly higher percentage to accurately account for the seasonal and (unique) lakefront traffic patterns that are not considered in the standard model.

I submit that the applicant should be required to re-apply and have all above errors/inconsistencies corrected. I reserve the right to modify and expand my written appeal in the next 14 day period well as to raise further issues verbally at the hearing itself.

Please confirm that the original contingency appeal payment I made (reference APL11-00006) can be applied to this appeal and that this emailed appeal itself is marked as received and accepted.

Respectfully,

Atis Freimanis
10108 NE 68th St #4
Kirkland, WA 98033



Public Works Cash Transmittal

Date: 12/21/2010 Receipt: 214765 ATTACHMENT 3

Name: Petala Village Kirkland LLC

Address: PO Box 13261 Everett WA 98206

Property/Project Name/File Number: _____

WATER/SEWER

		Tran Code	
WATER SERVICE INSTALL CHARGE	R-PW-1111-001*3-43-40-06	2001	\$ _____
STORM WATER CAPITAL CHARGE	R-S-D-1111-001*3-79-10-07	2080	\$ _____
REGIONAL WATER CONNECTION	411-0000-0000*3-79-10-03	2082	\$ _____
WATER CONNECTION	R-PW-1111-001*3-79-10-04	2083	\$ _____
SIDE SEWER INSPECTION	010-000-0000*3-22-10-04	2003	\$ _____
SEWER CONNECTION FEE - STUB IN	R-PW-1111-001*3-79-10-05	2084	\$ _____
SEWER CONNECTION FEE - TRUNKAGE	R-PW-1111-001*3-79-10-05	2085	\$ _____
EMERGENCY SEWER PROGRAM COLLECTIONS	R-PW-1111-001*3-79-10-06	2086	\$ _____
ADMIN FEE (EMERGENCY SEWER)	R-PW-1111-001*3-41-90-01	2058	\$ _____
WHOLESALE WATER SALES	411-000-0000*3-43-40-02	2006	\$ _____
INTERFUND OTHER GEN GOVT SVCS	411-000-0000*3-49-19-01	2030	\$ _____
SALE OF SCRAP	411-000-0000*3-69-10-01	2008	\$ _____
411 MISC REVENUE	411-000-0000*3-69-90-01	4019	\$ _____
INTERGOVTL - OTHER GEN. GOVT. SVCS.	411-000-0000*3-38-19-01	2054	\$ _____
OTHER GEN. GOVT. SVCS.	411-000-0000*3-41-90-01	2055	\$ _____
RENTS	411-000-0000*3-62-60-01	3054	\$ _____
FACILITY LEASES LT - RHWD (cell tower)	411-000-0000*3-62-50-02	2073	\$ _____

STREET

INTERFUND OTHER GEN GOVT SVCS	117-000-0000*3-49-19-01	2029	\$ _____
STREET SECURITY DEPOSIT	117-000-0000*2-45-30-01	2024	\$ _____
117 MISC REVENUE	117-000-0000*3-69-90-01	2025	\$ _____
ROW (Street/Curb Permits)	010-000-0000*3-22-40-01	2026	\$ _____
OTHER GENERAL GOVT SVCS	117-000-0000*3-41-90-01	2052	\$ _____
JUDGMENTS AND SETTLEMENTS	117-000-0000*3-69-40-01	2053	\$ _____
UNDISPCLR (Improvement Fees)	-000-0000*3-44-81-01/		\$ _____

Fund Project

OTHER REVENUE

PERF MAINT SEC. (Ref: Public Works)	660-000-0000*2-39-10-03	2028	\$ _____
SEC ADMIN DEP. (Ref: Public Works)	660-000-0000*2-39-10-03	4027	\$ _____
OTHER GEN GOVT SVCS (sec adm deposit fee/PW)	010-000-0000*3-41-90-02	2088	\$ _____
ENG DEV FEES (3%)	010-000-0000*3-43-20-01	2027	\$ _____
RESIDENTIAL SURFACEWATER REVIEW FEE	010-000-0000*3-43-20-02	2078	\$ _____
CONCUR REVIEW FEE	010-000-0000*3-45-89-01	2034	\$ <u>1487.00</u>
IMPACT FEE APPEAL	010-000-0000*3-45-89-07	2056	\$ _____
IMPACT FEE - IND. CALC. CHG	010-000-0000*3-45-89-08	2057	\$ _____
RECORDING FEE (Concomitants, etc.)	010-000-0000*3-69-90-02	3068	\$ _____
MAPS/PUBS	010-000-0000*3-41-50-01	4022	\$ _____
SALES TAX	010-000-0000*2-31-70-01	4026	\$ _____
NOTARY	010-000-0000*3-41-90-01	4023	\$ _____
DOT	188-000-0000*3-33-20-21/	2047	\$ _____
DOT	320-000-0000*3-33-20-21/	2048	\$ _____
CDBG	188-000-0000*3-33-14-20/	4032	\$ _____
CDBG	320-000-0000*3-33-14-20/	2049	\$ _____
STREET VACATION (50%)	157-000-0000*3-95-10-01/RGG-0002-000	3060	\$ _____
STREET VACATION (50%)	170-000-0000*3-95-10-01	3030	\$ _____
TIB	188-000-0000*3-34-03-80/	2050	\$ _____
TIB	320-000-0000*3-34-03-80/	2051	\$ _____

SUBTOTAL FROM BACK \$ _____

By: _____ TOTAL: \$ _____



**CITY OF KIRKLAND
2009 CONCURRENCY MANAGEMENT REVIEW APPLICATION**

- PLEASE PRINT CLEARLY -

Site Address: 1020 Lake Street South, Kirkland, WA 98033 **Permit #** _____

Property Tax Account Number 935490-0220-08, 087505-9233-08

Description of Project: # of units _____ SF _____ MF 164 sq. footage of building _____

Office _____ Retail _____ Industrial/Manufacturing _____ Institutional _____ Mixed Use Other 9,028 sf

Property Owner Potaba Village Kirkland LLC Phone 425-304-1000

Property Owner's Address P.O. Box 13261 City, Zip Code Everett

Contact Person Lobsang Dargay Phone 425-304-1000

Address P.O. Box 13261 City, Zip Code Everett, WA 98206

Alt Phone 425-877-8175 Fax # _____ email lobsang@dargayenterprises.com

Applicant has provided:

Preliminary Traffic Information: Trip generation and project description.

Review Fee based on estimated number of PM peak trips:

Less than 20 trips.....\$531	<input checked="" type="checkbox"/> 51-200 trips.....\$1487
21-50 trips.....\$743	Greater than 200 trips.....\$1911

Tran Code 2034 Receipt No. 214765 and Date Paid 12/21/2010

Note: Once the concurrency test result has been determined, changes to the development project that require additional review will be billed on an hourly basis.

CONCURRENCY TEST DEADLINES (KMC Title 25)

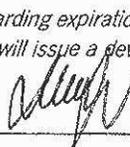
The concurrency test notice shall expire and a new concurrency test application is required unless:

1. A complete SEPA checklist, traffic impact analysis and all required documentation is 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 if the associated zoning and/or building permit expires and shall expire six years from the date of issuance of the concurrency test notice if all building permits are not issued for buildings approved under the concurrency test notice.

APPEALS (KMC Title 25)

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.

I have read the above information regarding expiration deadlines and appeal process. I further understand that issuance of the concurrency test notice is not a guarantee that the City will issue a development permit or building permit.

PROPERTY OWNER:  DATE: 11/04/2010

APPLICANT (if different from property owner): _____ DATE: _____

MEMORANDUM

Date:	November 5, 2010	TG:	10196.00
To:	Thang Nguyen – City of Kirkland		
From:	Mike Swenson and Stefanie Herzstein – Transpo Group		
Subject:	Potala Village Traffic Scoping		

The purpose of this memorandum is to summarize the characteristics associated with the proposed Potala Village development located on the southeast corner of the Lake Street and 10th Avenue intersection in the City of Kirkland. An overview of the project and its anticipated trip generation is provided below. Please review this memo and provide comments regarding the additional transportation analysis required for approval of this project.

Project Description

The project would develop approximately 164 apartment units and 9,028 square-feet of retail on at the southeast corner of the Lake Street and 10th Avenue intersection. The proposed site plan is attached. The site is currently occupied by an approximately 1,500 square-foot dry cleaner with a small café. Access to the project site would be provided via one full access driveway on Lake Street. The project would include 181 underground parking spaces.

Project Trip Generation

Daily and weekday peak hour trip generation for the proposed Potala development was estimated based on the land use size and trip rates from the Institute of Transportation Engineers' *Trip Generation*, 8th Edition for Apartment #220 and Shopping Center #820. Note the tenants for the retail portion of the project are unknown, shopping center was assumed as a conservative estimate of traffic-generation. The trip generation estimate accounts for both pass-by associated with the retail component and internal trips that may occur between the apartment and shopping center use. Both pass-by and internalization were estimated using ITE's *Trip Generation Handbook*, 2nd Edition.

The proposed development will replace existing uses; therefore, trip generation for the existing uses was estimated and subtracted from the proposed project traffic-generation to determine the net new project trips. Traffic for the existing uses was estimated based on the size and the average trip rates from ITE's *Trip Generation* for Specialty Retail #814.

Table 1 summarizes the estimated trip generation for the proposed development. As shown in the table, the proposed Potala Village is expected to generate approximately 1,243 net new daily trips, with 89 trips occurring during the AM peak hour and 120 trips occurring during the PM peak hour.

Table 1. Estimated Project Trip Generation

Land Use	Size ¹	Daily ¹	Weekday AM Peak Hour ¹			Weekday PM Peak Hour ¹		
			In	Out	Total	In	Out	Total
Proposed Use								
Apartment #220	164 units	1,118	17	67	84	70	38	108
Shopping Center #820	9,028 ksf	388	5	4	9	17	17	34
- less Internal Trips ³		-78	0	0	0	-4	-4	-8
- less Pass-by Trips (34%) ²		-119	-2	-2	-4	-5	-5	-10
Subtotal of Proposed Use		1,309	20	69	89	78	46	124
Existing Use								
Specialty Retail #814	1,500 ksf	1,243	0	0	0	2	2	4
Net New Project Trips		1,243	20	69	89	76	44	120

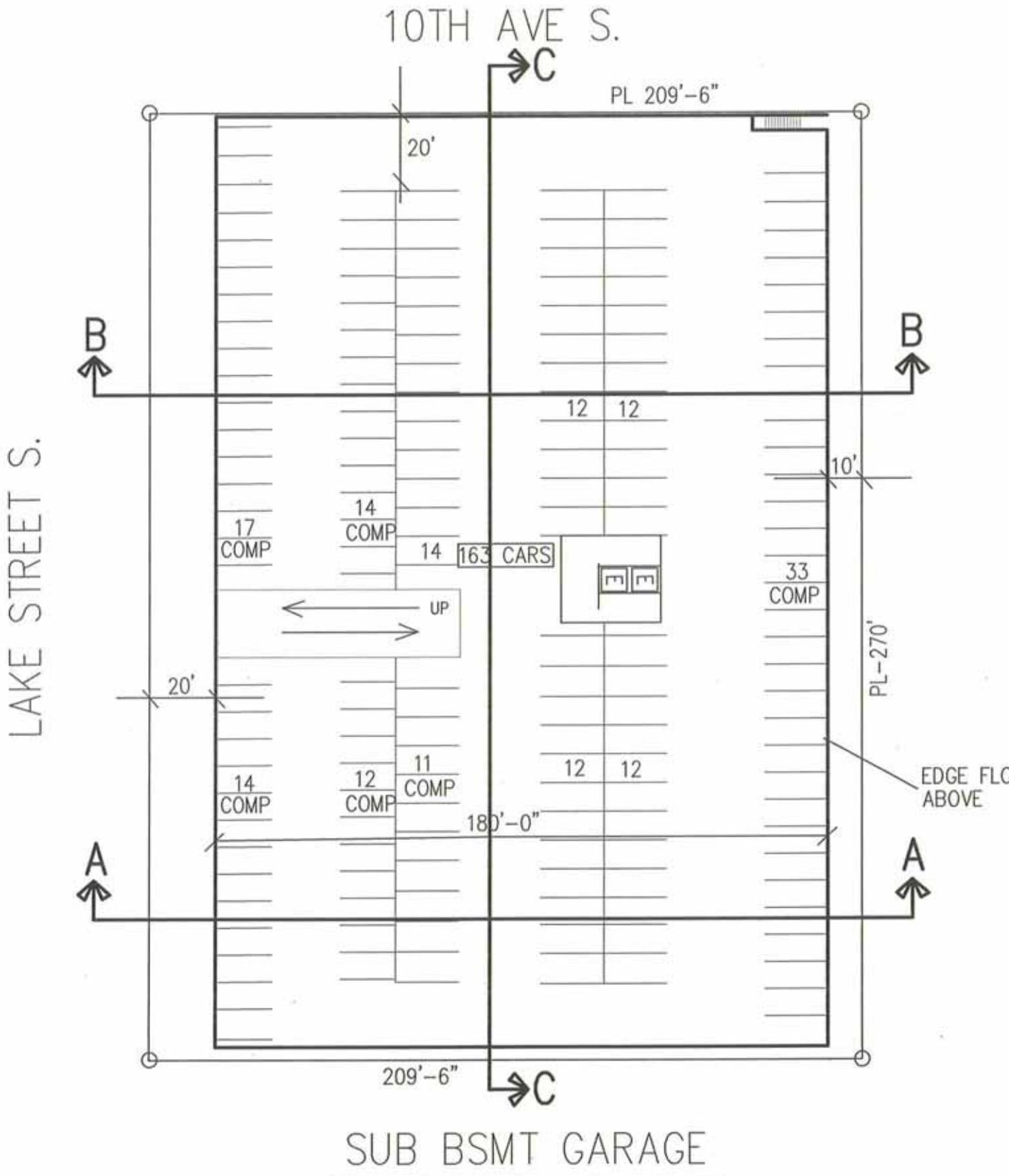
Note: ksf = 1,000 square-feet

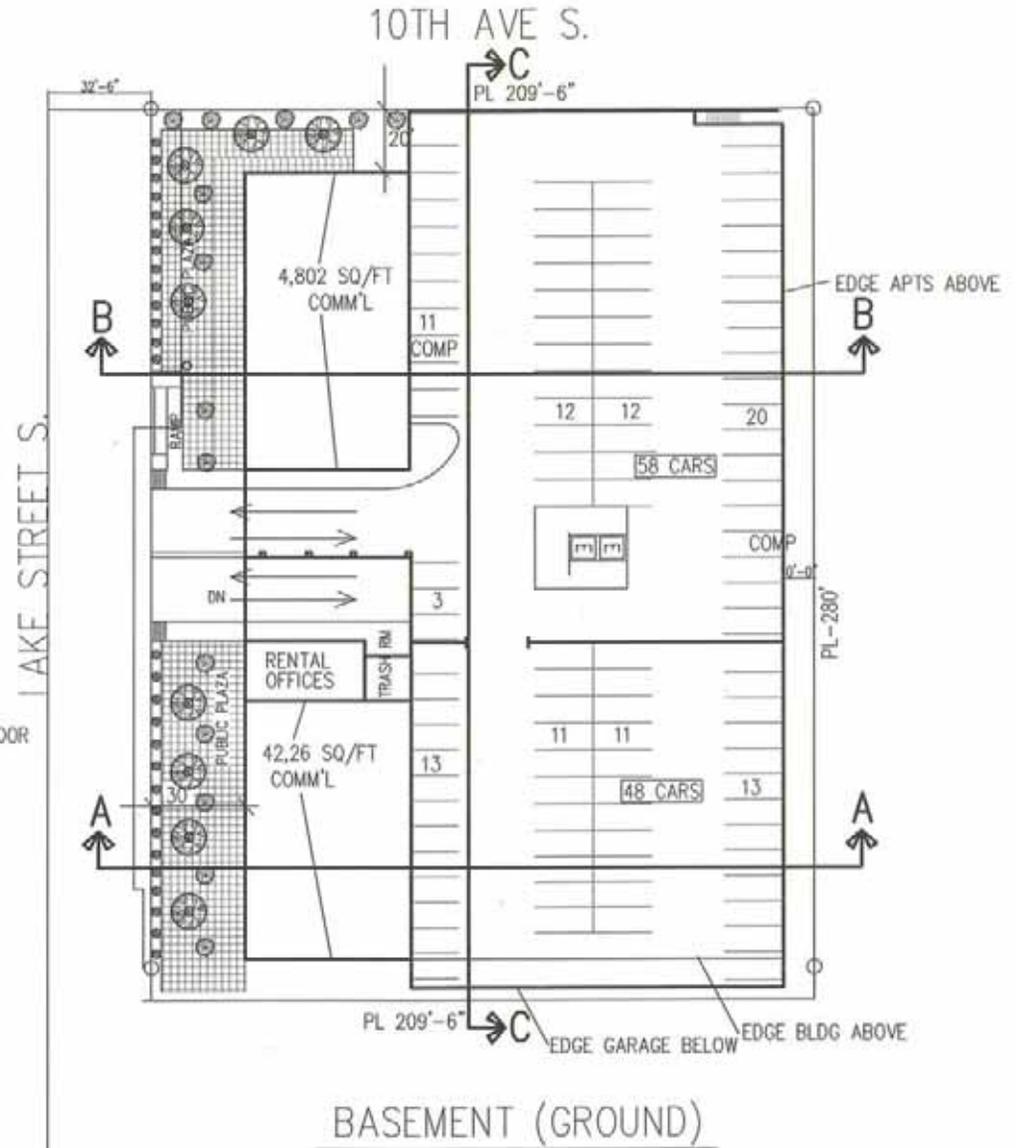
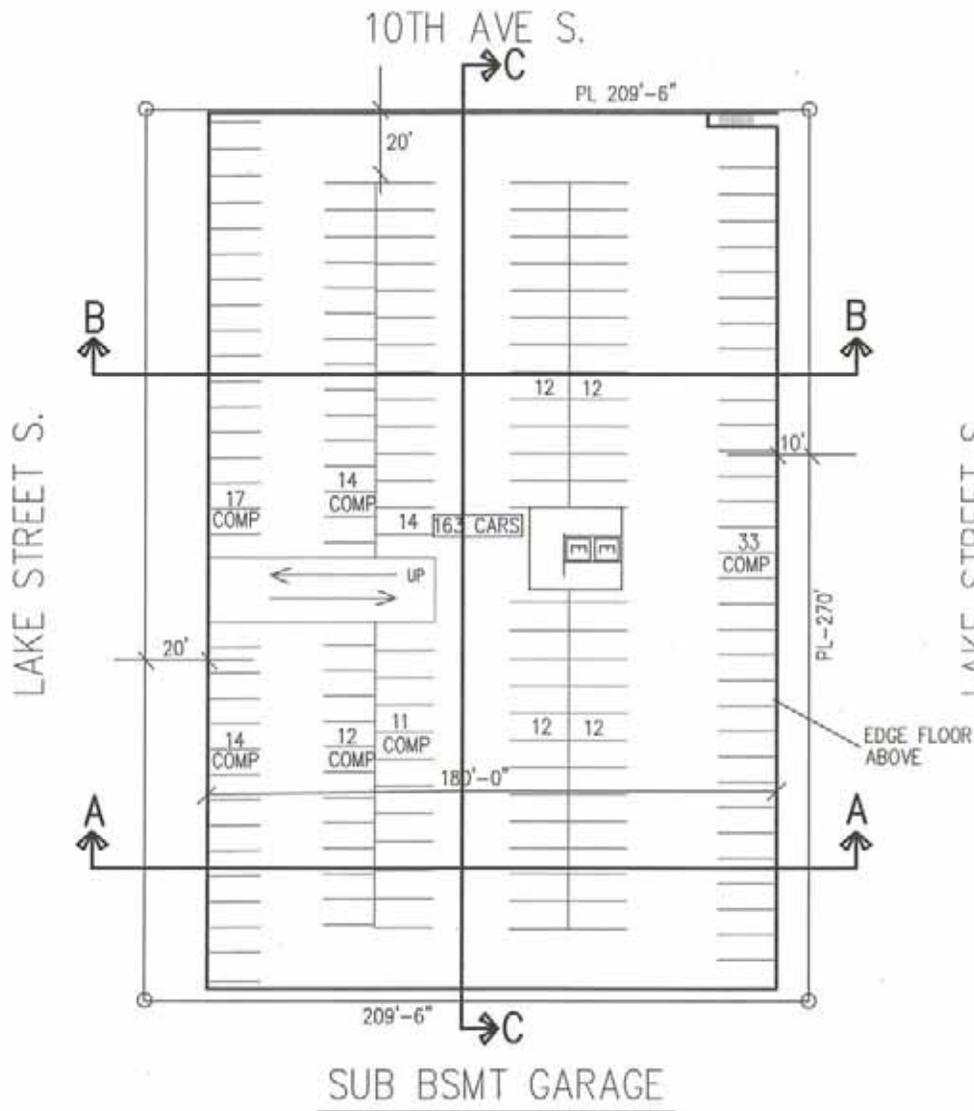
1. Trip generation based in ITE *Trip Generation*, 8th Edition using regression equation for Apartment #220 and average rates for Shopping Center #820 and Specialty Retail #814.
2. Internal trips calculated using the method outlined in the ITE *Trip Generation Handbook*, 2nd Edition.
3. Pass-by rate from ITE *Trip Generation Handbook*, 2nd Edition average weekday PM peak period rate for Shopping Center #820.

Concurrency

A Concurrency Manage Review Application has been attached with a review fee of \$1,487. Please complete a traffic concurrency test for the proposed development and provide the results to us. The results and model distribution would be used to further determine which off-site intersections would warrant additional analysis.

Please call or email with your comments and an anticipated timeline for your review. We look forward to talking with you soon.





Teresa Swan

From: Atis Freimanis [atisfreimanis@yahoo.com]
Sent: Monday, October 17, 2011 2:16 PM
To: Teresa Swan
Cc: Thang Nguyen
Subject: Supplemental: Appeal of traffic concurrency determination for Potala Village (Reference SHR11-00002/SEP11-00004/CON10-00004)
Attachments: concurrency submittal.pdf

Dear Ms Swan / Mr Nguyen,

I would like to supplement my traffic concurrency appeal to reflect a concern about the traffic impact to Lake Washington Blvd from moving vans at the start/end of each month from renters moving in and out. If we consider 143 units with a typical one year lease, multiplied by two to reflect one van moving in and another van moving out, then the potential for a monthly impact on Lake Washington Blvd and the concurrency measurement points is increased. This was not taken in consideration for the initial traffic study.

Also, please find enclosed an electronic copy of the application/memo/drawing that I refer to in my original Oct 10th appeal. The other documents I refer to are already posted on the kirklandpermits.net site so I believe there are no documents that could be considered inadmissible, since everything I refer to has been made available.

I am able to confirm my availability for the Nov 17th appeal date.

Regards,

Atis Freimanis

--- On **Mon, 10/10/11**, **Atis Freimanis** <atisfreimanis@yahoo.com> wrote:

From: Atis Freimanis <atisfreimanis@yahoo.com>
 Subject: Correction: Appeal of traffic concurrency determination for Potala Village (Reference SHR11-00002/SEP11-00004/CON10-00004)
 To: "Teresa Swan" <TSwan@kirklandwa.gov>
 Cc: "Thang Nguyen" <TNguyen@kirklandwa.gov>
 Date: Monday, October 10, 2011, 11:02 PM

Teresa,

Correction: My appeal below incorrectly listed the submission date as November 10th, when it should have correctly listed October 10th as the submission date. My apologies for any confusion this may have created.

Also to clarify further, this October 10th appeal replaces my previous June 29th appeal. I will come to city hall today to make a new payment for today's appeal so that there is one clean appeal and payment, making things easier for all parties concerned.

In reading the examiner's rules, it states that documents need to be submitted and served on other parties. In my case I am using public records posted on kirklandpermits.net as well as the original road concurrency application which is in the possession of the city's traffic department.

I have provided web links to relevant documents that are online, however the original application is in the possession of the city. Can you please clarify whether or not (and how) I should submit documents that the city

already has in its possession.

Regards,

Atis Freimanis

--- On **Mon, 10/10/11, Teresa Swan** <TSwan@kirklandwa.gov> wrote:

From: Teresa Swan <TSwan@kirklandwa.gov>
Subject: RE: Appeal of traffic concurrency determination for Potala Village (Reference SHR11-00002/SEP11-00004/CON10-00004)
To: "Atis Freimanis" <atisfreimanis@yahoo.com>
Cc: "Thang Nguyen" <TNguyen@kirklandwa.gov>
Date: Monday, October 10, 2011, 9:50 PM

Mr. Freimanis:

The City is in receipt of your road concurrency appeal.

The City's Hearing Examiner has revised the Rule of Procedures. See attachment.

You have 5 working days to submit additional supporting information on your appeal. Thus an amendment must be submitted by Monday October 17, 2011.

The amendment may not include new issues but only supporting information on issues that you have raised in your November 10, 2010 appeal.

Does your appeal of November 10, 2011 replace your appeal submitted on June 29, 2011 and the subsequent amendment?

Thank you.

Teresa Swan

From: Atis Freimanis [<mailto:atisfreimanis@yahoo.com>]
Sent: Monday, October 10, 2011 1:46 PM
To: Thang Nguyen; Teresa Swan; Eric Shields; Paul Stewart
Subject: Appeal of traffic concurrency determination for Potala Village (Reference SHR11-00002/SEP11-00004/CON10-00004)

October 10, 2011

Dear Mr. Nguyen,

I am writing to formally appeal the traffic concurrency determination for Potala Village (Reference SHR11-00002/SEP11-00004/CON10-00004)

I live directly behind the proposed project and would be directly affected, giving me status to appeal.

My appeal is based on the following challenges:

1) The applicant made misrepresentations at time of initial Nov 2010 application.

One example - the project description is wrong. It states:

The project would develop approximately 164 apartment units and 9028 square-feet of retail at the Southeast corner of Lake St and 10th Avenue intersection. The proposed site plan is attached. The site is currently occupied by an approximately 1500 square-foot dry cleaner with a small cafe. Access to the project site would be provided via one full access driveway on Lake Street. The project would include 181 underground parking spaces.

The applicant failed to correctly revise and re-submit their application to reflect critical details and the true nature of the proposed development.

I am hereby requesting access to all initial and subsequent concurrency application material submitted so that these materials can be reviewed prior to the hearing as well as to have the originals available at the hearing for review by the examiner.

2) Referring to the current first floor parking drawing on the city's kirklandpermits.net web site:

http://www.kirklandpermits.net/tm_web/doc/201105/SHR1100002/POTALA%20V-FIRST%20FLOOR%20COMMERCIAL%20USE.pdf

The drawing shows a number of non-compliant parking stalls that do not meet the city's requirement for 8 foot width without obstruction.

Compact parking stalls in the above mentioned drawing marked C6 and C9 are examples of these non-compliant stalls.

The city traffic engineer specifically redlined stalls with obstructions as non-compliant and the redline copies were later provided to the applicant/applicant's agent.

Non-compliant parking stalls should not be counted in any concurrency calculation for the following reasons:

- a) the city building code will not allow a structure with non compliant stalls, therefore the stall count is wrong
- b) individuals faced with an obstruction in underground parking garages will shy away from the space and instead favor street parking

Both of these situations will have an upward impact on the number of trips as drivers circle the block looking

for on-street parking

The applicant should be required to re-apply with trip calculation inputs based on a valid architectural plan containing compliant parking spaces

3) Referring to the same first floor parking document above, the calculation of the number of required parking spaces is wrong.

The Dec 3, 2009 zoning worksheet (Reference PRE09-00072) that was provided to the applicant's architect clearly specifies that 2.2 parking spaces per unit (1.7 + .05 for guests) are required.

This is the same requirement that is mandated for all surrounding properties. The zoning worksheet [Potential Issues/ Code Requirements item 4] further clarifies "whenever there is a conflict between regulations the most restrictive applies"

Once again, this is the same standard applied to all surrounding properties.

The applicant provides 316 stalls as follows - 29 Commercial stalls, 244 resident stalls and 43 guest stalls for a total of 316 stalls.

This submitted calculation is incorrect - the total number of required guest stalls is $143 \times 0.5 = 71.5$ requiring 72 guest stalls [244 + 72 + 27 = 343 total stalls required]

Any suggestion that commercial parking spaces could serve double duty as guest spaces is incorrect since it would mandate that residents are not able to receive guests during business hours, and specifically not during traffic peak hours

The worksheet document referenced here can be found at:

http://www.kirklandpermits.net/tm_bin/tmw_cmd.pl?tmw_cmd=StatusViewCase&shl_caseno=PRE09-00072

The applicant should be required to re-apply with trip calculation inputs based on a valid architectural plan containing compliant parking spaces

4) Referring to the same first floor parking document above, the permitted use of the first floor is incorrect.

Zoning requires that 70% of the first floor be used for retail/office purposes. The plans incorrectly try to use commercial parking against this 70% count. A parking space is not a retail store or office.

Once again we see the attempted use of shared commercial and residential guest parking within areas that should be the actual retail/office space.

The applicant should be required to re-apply with trip calculation inputs based on a valid architectural plan containing compliant retail/office use.

5) The model does not correctly account for seasonal variances in the traffic flow, particularly in the summer

when beach access is higher and drivers will need to circle the block multiple times directly due to Potala residents/guests as well as increased beach seekers taking up available street parking.

The traffic model needs to add a significantly higher percentage to accurately account for the seasonal and (unique) lakefront traffic patterns that are not considered in the standard model.

I submit that the applicant should be required to re-apply and have all above errors/inconsistencies corrected. I reserve the right to modify and expand my written appeal in the next 14 day period well as to raise further issues verbally at the hearing itself.

Please confirm that the original contingency appeal payment I made (reference APL11-00006) can be applied to this appeal and that this emailed appeal itself is marked at received and accepted.

Respectfully,

Atis Freimanis
10108 NE 68th St #4
Kirkland, WA 98033

Note: My new email address is TSwan@kirklandwa.gov and you can now find the City of Kirkland online at www.kirklandwa.gov.

Teresa Swan

From: Cynthia Glaser [cynthiaglaser7@gmail.com]
Sent: Tuesday, October 11, 2011 5:05 PM
To: Thang Nguyen; Teresa Swan; Eric Shields
Subject: resend / reformat- APPEAL OF 6/16/11 PUBLISHED 'PASSED NOTICE' OF POTALA VILLAGE ROAD CONCURRENCY

Per Teresa's comment - I am resending my earlier letter as it didnt format correctly when initially sent - hopefully you can now read.

Cynthia Glaser
 110 10th Avenue South
 Kirkland, Washington 98033
 425-576-1167 Residence
 206-979-7090 Cellular
cynthiaglaser7@gmail.com

October 11th, 2011

Mr. Thang Nguyen, Public Works Official
 Ms. Teresa Swan, Senior Planner
 Mr. Eric Shields, Planning Director
 City of Kirkland, City Hall
 123 - 5th Avenue
 Kirkland, Washington 98033

Regarding;

Appeal of 6/16/11 Published 'Passed Notice' of Potala Village Road Concurrency

PERMIT NO: Potala Village SHR11-00002

PROPONENT: Lobsang Dargey

ADDRESS/LOCATION OF PROPOSAL: 1006, 1008, and 1020 Lake Street South and 21 - 10th Avenue South

DESCRIPTION OF PROJECT: 6,200 sq ft commercial and 143 residential unit mixed use development

Der Mr. Nguyen, Ms. Swan and Mr. Shields:

Thank you for the opportunity to re-address the Road Concurrency for the above mentioned Potala Village Project. I can assure you that due to the cost of appeal - the response you have received is significantly less due to the community's indignation at there being a cost related/required for an appeal. Rest assured we are a very very concerned community of Tax Paying Home Owners.

It is apparent that said properties were inappropriately re-designated from its original Zoning Plan, Comprehensive City Plan and Land-use Plan designations due to an oversight and mistake by someone having misread the City of Kirkland's crosshatch system of mapping. Zoning having been changed from mixed use of 12 units per acre - to now 143 apartment units and commercial = in excess of 300 + cars 24 hours a day, 7 days a week.

Because of this, the extreme density of the Potala Village Project, I believe it paramount that the City of Kirkland's Public Works Department reevaluate its findings.

It is my understanding the following intersections were taken into consideration and analyzed initially -

Lake Washington & NE 38th Place
 State Street & NE 68th Street
 Central Way & 6th Street
 Central Way & Lake Street
 NE 85th Street & 114th Avenue NE

Lake Washington & Lake View Drive
 108th Avenue NE & NE 68th Street
 Central Way & 3rd Street
 Lake Street & Kirkland Avenue

I am completely perplexed and dismayed that with the addition of 143 apartment units and 6,200 sq ft of office space, in an already impossible traffic density situation, this project would be allowed concurrency. This will amount to approximately 500 + additional car trips and **will greatly effect all intersections analyzed in your initial study.**

Not to mention the amount of extreme displacement of traffic during a construction process of such a monstrosity. Most especially taking into account contamination on said property and the depth of which Potala Village plans to dig in-order to accommodate two underground floors of parking. Which, in addition, will not have enough parking to accommodate its commercial occupants.

The only way out of this property will be Lake Washington / Lake Street -

- Already extremely difficult if not impossible to access during morning (peak traffic 6am to 9am) and early evening (peak traffic 4:30pm to 7pm) commutes year round.
- extremely dense summer traffic, and
- compromised traffic safety due to our well known inclement weather

If, as mentioned in public meeting forums, there is the remote possibility of placing the entrance on 10th Avenue South for this property - I consider this disastrous.

- not only is this a primarily single family residential street,
- it is a residential street that feeds into the Lakeview Elementary School Zone.
- 10th Avenue South also is a main thoroughfare for emergency vehicles.

I would hate to see already over taxed traffic diverted onto non-thoroughfare streets - becoming the serpentine race of residents going to and from work. I believe this compromises both child and adult pedestrian traffic - most especially on Lake Washington/Lake Street and 10th Avenue South intersection.

Please note I am in no way opposed to a structure on said sites. I am opposed to the absurd density planned for this site. Thank you, I will be at your office shortly to pay my \$207+ for this appeal.

Sincerely

Cynthia Glaser

Teresa Swan

From: Chuck Greene [czg@czgreene.com]
Sent: Monday, October 10, 2011 3:05 PM
To: Thang Nguyen; Teresa Swan; Eric Shields
Subject: Potala Village SHR11-00002 Road Concurrency Appeal
Attachments: Road Concurrency for Potala Village; Appeal Reciept.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

Subject: Appeal of City of Kirkland ROAD CONCURRENCY TEST DECISION
 Permit No.: Potala Village SHR11-00002
 Proponent: Lobsang Dargey
 Address or Location of proposal: 1006, 1008 and 1020 Lake Street South and 21-10th Ave South
 Description of project: A 6,200 square foot commercial and 143 residential unit mixed use development.

Statement demonstrating standing to appeal:

My address is 29 10th Ave South. My property directly abuts the North East corner of the proposed project site. As such the development will have direct, large and long lasting negative impact on my families well-being, my property value and immensely degrade our standard of living.

City of Kirkland et al,

As you are aware "On June 16, 2011, the City published notice that the proposed Potala Village project had passed the road concurrency test under Title 25 of the Kirkland municipal Code (KMC). The Notice of Road Concurrency Test was combined with the City's issuance of a Mitigated Determination of Non-Significance (MDNS) under the State Environmental Policy Act (SEPA) for the Potala Village proposal. "On August 4, 2011, the City withdrew the MDNS and issued a Determination of Significance (DS)." Concurrently the City of Kirkland did not withdraw the Road Concurrency Test results.

Additionally as noted by the City of Kirkland: "Under KMC25.23.030 an appeal of a road concurrency test result must be filed within fourteen calendar days of the date of issuance of a DNS." The City of Kirkland closed the appeal window within 13 days resulting in my inability to submit an appeal.

As a result I petitioned the City to Reopen the appeal process on 9/19/2011. I received the attached email describing the differences between the SEPA and Road Concurrency processes from the City on 9/20/2011 and was asked if I still wanted to reopen the appeal window and subsequently submit an appeal. I answered in the affirmative on 9/25/2011.

As a result the new "Notice" was issued with the heading:

NEW NOTICE OF ROAD CONCURRENCY TEST DECISION
 The project is being re-noticed because the SEPA Mitigated
 Determination of Non-Significance
 was withdrawn triggering a new seven-day appeal period for the road
 concurrency test result.

Aspects of the decision being appealed:

Violation of Concurrency WAC 365-196-840. Levels of Service (LOS) are below locally established standards of service as defined In the Kirkland Municipal Code Policy T-5.3: Utilize the peak-hour vehicular level of service standards shown in Table T-2 – a two-part standard for the transportation subareas and for individual system intersections. I quote in part:

Policy T-5.3: Utilize the peak-hour vehicular level of service standards shown in Table T-2 – a two-part standard for the transportation subareas and for individual system intersections. This policy establishes a peak-hour level of service (LOS) standard for vehicular traffic based on 2022 land use and road network. It is a two-part standard, based on the ratio of traffic volume to intersection capacity (V/C) for signalized system intersections. Volume to capacity ratios were determined using the planning method from Transportation Research Circular 212. The two standards are as follows:

- (1) Maximum allowed subarea average V/C for signalized system intersections in each subarea may not exceed the values listed in Table T-2.
- (2) No signalized system intersection may have a V/C greater than 1.40.

“The LOS standards were calculated through the use of a computerized transportation model shared with Bellevue and Redmond, called the BKR model. The standards are the outcome of land use and transportation network choices which were entered into the model. In particular, a network of capacity projects was chosen that could be funded by levels of spending that are consistent with the amount spent on transportation capacity projects in recent years. The network also consists of projects that are in keeping with the community values found elsewhere in this Comprehensive Plan. It is the intention of this plan that intersection performance will be kept as high as possible, preferably with V/C ratios under 1.30. However, forecasts show that this may not be attainable so the maximum intersection V/C ratio is set at 1.40.”

I contend that any reasonable man would surmise the LOS is exceeded (1.4) at the lights on Lake St/Lake Washington Blvd as well as State Street, NE 68th St, 108th St, 6th St South, etc . If the above mentioned model/submitted traffic study currently produces a result otherwise then it is clearly doing so based on the Garbage In/Garbage Out process prone to such “Models/studies”.

Such models/studies can be manipulated to generate any result desired depending on inputs. I content inputs observed and used in the model from off peak months (winter vs. summer, early November vs. late December) represent such manipulation . Clearly Lake Washington Blvd/Lake Street traffic congestion is a major issue causing traffic to use other alternatives such as State Street, Lakeview Dr., NE 68th St, 108th St, 6th St South, etc. In doing so all aforementioned major arteries are now heavily congested and failing/or approaching failure of the statute. Motorist use 1st St, 10th Ave and 7th Street as arteries between Lake Street/Lake Washington Blvd and State Street et al in an attempt to minimize the ‘rush hour madness’ present in Kirkland today. In doing so they are now causing those small neighborhood streets to be overly congested.

No reasonable person can contend that Potala village will not add significant traffic on Lake Street/Lake Washington Blvd and 10th Ave South. This road (10th Ave South) is designated for emergency equipment servicing the City. The Potala Village development thru increased traffic flow on 10th Ave South will have an adverse effect on the Emergency Service response times. As such the City will be required to mitigate the issue. The only reasonable solution is to limit the parking on 10th Ave South. In doing so any traffic/parking study will have to take into account the loss of parking.

Violation of (RCW 36.70A) The City has failed to exercise any plans successfully mitigating congestion in residential Kirkland as required by statute.

City of Kirkland Public Works Director, Ray Steiger P.E has identified that the City is facing shortfalls of 10 million dollars per year just to maintain the current road structure – not future road structure growth!

Under the Statute the City is required to adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to

accommodate the impacts of development are made concurrent with the development. (6), "concurrent with the development" means that improvements or strategies are in place **at the time of development**, or that a financial commitment **is in place** to complete the improvements or strategies within six years.

THIS IS NOT OCCURRING! THE MASS TRANSPORTATION SYSTEM IS REDUCING SERVICE IN KIRKLAND – NOT INCREASING SERVICE. THE CITY IS FACING A FINANCIAL SHORTFALL AS EVIDENCED BY THE IMPLEMENTATION OF A TRANSPORTATION BENEFIT DISTRICT! THE CITY PUBLIC WORKS DIRECTOR REPRESENTS THAT THE REVENUE GENERATED BY THE DISTRICT WITHOUT VOTER APPROVAL WILL NOT MAKE UP THE SHORTFALL. ADDITIONALLY THE DISTRICT WILL NOT GENERATE REVENUE ANYWHERE NEAR SUFFICIENT TO SUPPORT FUTURE GROWTH. IN SHORT THE POTOLA CONCURRENCY STUDY DATA INDICATE THAT THE STATUTORY REQUIREMENTS DESIGNED TO MITIGATE CONGESTION ARE NOT PRESENT AND THE CITY CANNOT APPROVE.

Respectfully,
Charles Greene
29 10th Ave South
Kirkland, WA 98033

DATE: October 11, 2011 -
TO: Thang Nguyen, tnguyen@kirklandwa.gov
CC: Teresa Swan, tswan@kirklandwa.gov
 Eric Shields, eshields@kirklandwa.gov
FROM: Robin Herberger and Chuck Pilcher
RE: Potala Village SHR11-0002 and SEP11-00004
 Appeal of the Road Concurrency Test Decision, being re-noticed following notice issued June 16, 2011

We write to challenge the issuance of the passing grade given to the Road Concurrency Test for the Potala Village project on the corner of Lake Street S and 10th Avenue S. Despite not enclosing a check, we write as part of the appeal process in an expression of our concern as neighboring residents who will be impacted by the proposed project and of our freedom of speech, despite the City of Kirkland putting a price tag of \$208.69 to hear it.

The criteria used to make the determination were insufficient, faulty and prejudicial. They particularly *exclude* factors that would challenge the proposed development, skewing the “evidence” heavily in favor of the applicant, Dargey Enterprises LLC. Areas insufficiently studied, or not studied at all include:

- Choice of intersections
- Time of year
- Time of day
- The development’s driveway - an obvious pressure point that would add significant stress on traffic flow year-round. This driveway that would accommodate the sole entry and exit point for vehicular traffic for the proposed project was not included in the study.
- Other approved developments within the impact zone of traffic flow and stress that were not included in the study
- Elements of our community life that will be significantly impacted by the proposed project – impacts that pose hazards to health and lives

To conclude that the impact of a sudden imposition of 143 additional households (personal and guest traffic) and a 6,000+ s.f. office wing with commuting office workers is non-significant and will not increase stress on the roadways simply does not make sense.

INTERSECTIONS

The City of Kirkland’s Department of Public Works Memorandum dated April 7, 2011, which serves as the concurrency test notice, states:

“The proposed project is anticipated to generate 1,340 additional daily trips, 101 additional AM peak hour trips and 128 additional PM hour trips.”

The system intersections analyzed for the concurrency test were:

- Lake Washington/NE 38th Place
- Lake Washington/Lakeview Drive
- State St/NE68th St

- 108th Ave NE/NE 68th St
 - Central Way/6th St
 - Central Way/3rd St
 - Central Way/Lake St
 - Lake St/Kirkland Ave
 - NE 85th St/114th Ave NE
1. **Why was “ground zero,” the intersection of Lake Street S and 10th Avenue S, not included?** How can a study that is to evaluate “significance,” not include the EXACT intersection on which the proposed development is to be built? **Whose interest does this omission serve?** Certainly not the community’s, in our opinion.
 2. All intersections with Lake S/LWB deserve to be analyzed.
 3. The concurrency report does not address the fact that Lake Street S/Lake Washington Blvd NE – the thoroughfare of four of the above intersections - **can never be mitigated**, as road widening is not and will never be an option.
 4. Taking into account these nine major intersections that were studied, we challenge the trip generation conclusions that resulted in a positive test decision. For those who live in the affected area or have any familiarity with it at all, it just beggars belief.

TIME OF YEAR

It is our understanding that traffic flow studies were conducted in December. December? Who or what body chose the month of December in which to conduct these studies. December: a month in which traffic is, obviously, *substantially* less than summer months; and **a time when many people are away on vacation for a week or two, further artificially deflating the numbers.**

The decision to do traffic studies in the month of December is a **decision to knowingly suppress significance.**

A more honest study would at least include the summer months in order to obtain a more balanced and honest result, reflecting a more realistic snapshot of Lake Street S/Lake Washington Boulevard NE traffic patterns.

The summer months are when every resident along Lake/LWB experience cars **regularly backed up** - up to a mile - heading into downtown Kirkland in the evenings, especially Friday nights. The **stress** of adding the cars of 143 new residences and those of commuting office workers will have a very real impact on our neighborhood.

TIME OF DAY

How could the Level of Service (LOS) be classified as anything but F (very bad) during the hours of approximately 4:30 p.m. to 6:30-7 p.m. during the summer as it CURRENTLY exists?

According to the Eastside Transportation Concurrency Study, “LOS F means that so many vehicles are on the facility that vehicle flow has broken down and traffic moves inconsistently (i.e. stop and go traffic conditions).” This surely describes **existing summertime traffic flow** along LWB and Lake St S.

Peak times of traffic flow: weekday and evening flows are at their peak during summer months. **As the study did not include calculations during this time period, the study is invalid.**

DRIVEWAY OF THE PROPOSED POTALA VILLAGE DEVELOPMENT

Potala Village's driveway poses a particularly significant impact point that will add stress to Lake/LWB, not only as a place of increased traffic flow, but as a point of slowdowns, backups, and sometimes bringing traffic to a complete halt. It was not adequately studied for its combination of impacts.

The driveway will also serve to send drivers up and around side streets to avoid that congestion point; thus, detouring traffic onto residential streets not prepared for the influx. **Cars will, no doubt, exceed speed limits getting through these residential, side streets – many where children live and play.**

This blockage point not only affects cars, it will affect pedestrians, cyclists, skateboarders, etc. **As there is a designated bicycle lane on the road (also used by skateboarders), why is it not part of the impact study?**

APPROVED DEVELOPMENTS NOT INCLUDED IN THE STUDY

Major approved developments that have a relevant impact on the parameters of the study were not included, and should have been. How can a decision of non-significance be given to a proposed development project when the two huge approved projects listed below were not considered? The are:

- Transit Oriented Development (TOD)
 - To be constructed at 108th Ave NE/38th Place NE
 - Up to 250 housing units
 - Offices for workers who commute to their jobs
- Yarrow Bay Business District
 - Mixed-use residential and commercial (shops and offices) district
 - Buildings front 38th Place and orient toward Lake Washington Blvd.

Non-consideration of these massive projects renders the study invalid.

OTHER ELEMENTS NOT SUFFICIENTLY ADDRESSED

- Parking
 - Designated indoor parking for the proposed development does not seem adequate.
 - Will result in residents, guests of residents, office workers, and office guests seeking out additional street parking, including on side streets. Impacts of this were not part of the study.
 - Trying to find parking will result in cars driving around in search of spots, thus increasing traffic.
 - **This will especially be a nightmare during the summer months, with visitors to the lakefront's beaches and parks cruising up and down**

Lake/LWB looking for parking spaces – further clogging traffic flow, and spreading the problem onto residential side streets.

- Crosswalk/possible light fixture at Lake St/10th Ave
 - Potala residents, office workers, and guests of each will be crossing Lake St S frequently; and those parking on the west side of the street need to cross over. With this increased, regular pedestrian traffic coming and going, a traffic light may have to be installed. Does the City have a provision for the developer of Potala Village to pay for the light, as his project will necessitate one?
- Although there are factors that do not currently require monitoring for a concurrency test, they are a significant matter of concern: pedestrians; skateboarders who utilize bicycles lanes, especially during summer; and **cyclists: single rider and riders with attachments to hold young children.**
 - Concern about this oversight was recognized in *Making Options for Concurrency More Multi-Modal*, prepared for the Puget Sound Regional Council in 2006:

“The majority of local concurrency programs focus almost exclusively on auto congestion. **Because this approach only counts vehicles and fails to account for people who walk, drive with friends or co-workers, ride transit, or bicycle, it has proven insufficient for denser jurisdictions.** As density increases in urban areas, a growing share of travel occurs via alternative modes, and roadway capacity becomes a poor proxy for the transportation system. **With roadway-only concurrency measurement systems, these communities can only choose between accepting increasing roadway size and/or congestion or denying development.**”

Thank you for taking another look at the concurrency report approved for the proposed Potala Village, in error as the facts reveal; and for reassessing the decision. We believe that an honest appraisal will necessitate rejection.

Sincerely,

Robin Herberger
6401 Lake Washington Blvd., NE
mediaworks1@frontier.com
425-828-9668

Chuck Pilcher
10127 NE 62nd Street
chuck@bourlandweb.com
206-915-8593

DATE: October 18, 2011
TO: Teresa Swan, tswan@kirklandwa.gov
CC: Thang Nguyen, tnguyen@kirklandwa.gov
FROM: Robin Herberger and Chuck Pilcher
RE: Potala Village SHR11-0002 and SEP11-00004
 Appeal of the Road Concurrency Test Decision, being re-noticed following notice issued June 16, 2011
AMENDMENT B

Following is an Amendment to our appeal, dated October 11, 2011. Please include in our filing. Thank you.

AMENDMENT B

Double-bed truck calculation

It has been estimated by a construction/excavation professional that it will require at least 1,669 trips by a truck AND trailer (double-truck) to excavate the foundation hole for the proposed Potala Village Project's two-story, underground parking garage.

Calculations, based on one acre of excavation, are as follows:

One acre is approximately 44,000 sq ft X 20 ft deep X 1.3 for fluff of the dirt that should give you the quantity. 1,144,000 cubic feet of dirt / by 27 cubic feet per yard = 42,370 cubic yards of dirt. If the dirt weighs 2,600 # (dry) per yard X 42,370 = 110,162,000 # of dirt / 2000# ton = 55,081 tons of dirt / 33 tons per truck and trailer = 1,669 trips truck and trailer to dig a 20 foot deep hole 1 acre.

Single-bed truck calculation

Due to the difficulty of maneuvering double-bedded dump trucks on two-lane streets in a residential neighborhood, it is more likely that single bed dump trucks would be used for this project; **thus doubling the number of trips required to remove the dirt to 3,338**. This would require four months of 8-hour days, if each truck could be staged and loaded within a 10-minute cycle.

Environmental Impact Statement consideration

In addition to consideration with regard to the Road Concurrency Test, this information also needs to be included and studied in the Environmental Impact Statement.

Vashti Key
1011 Lake Street South
Kirkland, WA 98033

October 10, 2011

The City of Kirkland
Public Works Department
123 Fifth Ave.
Kirkland, WA. 98033
Attn: Thang Nguyen

Re: Permit No. Potala Village SHR11-00002/CON10-00004

Dear Thang Nguyen,

We are in receipt of your New Notice of Road Concurrency Test Decision for the above referenced permit.

We live directly across the street from the proposed development and would like to formally request an appeal of the road concurrency test on the grounds that the development, if allowed, will add to the existing traffic congestion along Lake Street South.

Currently the northbound traffic along Lake Street South backs up from the traffic light at the intersection of Lake Street South and Kirkland Avenue all the way past our homes at 1011 & 1015 Lake Street South. This is especially evident on weekends and during the summer months. The density of the proposed development will only exasperate the current situation.

Sincerely,

Vashti Key
Vashti Key

Dione Godfrey
Dione Godfrey
425-893-9977 - 206-953-9777 Cell
ALOHADIONE@COMCAST.NET

To: Hearing Examiner and other appropriate audiences for Potala Concurrency Appeal**Re: Clearly Erroneous Concurrency Report**

From: Karen Levenson, as an individual and as President of Park Condominiums

Subj: Concurrency Appeal Potala Village SHR11-00002 and SEP11-00004

Date: October 10, 2011

Thank you for taking time to read my appeal prior to the hearing. It will allow me to efficiently answer any questions about my testimony.

As we have come to learn, the Growth Management act requires not only that growth is planned (Comp Plan) but also that and that development of planned growth be approved only when there are adequate public facilities in place to serve new development. The Growth Management Act (GMA) gives special attention to concurrency for transportation.

The GMA requires that transportation improvements or strategies to accommodate development impacts need to be made concurrently with land development. [RCW 36.70A.070\(6\)\(b\)](#). "Concurrent with the development" is defined by the GMA to mean that any needed "improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years."

The issues that make the Potala Village Project Concurrency report faulty will be discussed in greater detail but the most significant can be quickly bulleted below:

- 1) This Potala Project is strictly disallowed by the Approved Comprehensive Plan.
The Comp Plan reserves this property for walkable "residential market" BN Commercial to reduce traffic
The Comp Plan provides land use strategies reducing auto travel by locating shops/services near neighbors
* Potala Project is not "planned growth" thus it is ineligible for Concurrency Review.
- 2) The Potala project is on one of the most multi-modal transportation streets (bicycle, pedestrian, etc)
The transportation concurrency review failed by addressing only the automobile component of concurrency
Pedestrian/bicycle traffic on heavily used corridor will push bikes into traffic as cars pull forward for line of sight
LOS D driveway will mean dramatic disruption to pedestrian and bicycle traffic that currently traverses property
- 3) The concurrency report notes that it was not done in the summer months when Peak PM much different.
For this lakeside street, Peak PM was improperly chosen as it can only be measured during peak season
- 4) The concurrency report was faulty in using "estimates" of future smaller than current "actual" impacts
- 5) The concurrency report did not properly import known planned (comp plan) development into baseline data
There are many known projects within the Comp Plan that will contribute huge traffic volume increase.
Failure to first import data on planned projects might later make these projects denied
- 6) The concurrency report fails to note that funding for improvements is not likely to be available within 6 yrs
From Kirkland's Comp Plan "Transportation funding is limited and unpredictable. Proposals for transportation facilities must be realistic and reflect this condition.
- 7) The concurrency report failed to note that the road/intersection of greatest impact CANNOT be mitigated
Even if funding were available, road widening is not an option. Signal unnecessary since traffic is standstill
Concurrency, as described in Kirkland's Comp Plan "requires the balancing of 3 primary factors: available Financial resources, acceptable transportation system performance conditions (LOS), and the communities long range vision for land use and transportation. Many of the failing streets/intersections are not on the 20 year list for transportation projects in the city of Kirkland.

Glossary: Transportation Level of Service Standards: A measure which describes the operation condition of the travel stream, usually in terms of speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience and safety.

Please note the attached attorney letter (representing numerous neighbors and HOAs) which describes the Comprehensive Plan and the manner in which the proposed project is clearly inconsistent with the Approved Comprehensive Plan that provides for very low impact use and VERY SMALL MULTIUSE BUILDING aimed at serving the needs of the local residents and pedestrians who might therefore decrease the necessary vehicle trips.

What are the existing and future without-project conditions in the study area?

All study intersections currently operate at LOS D or better except 116th Avenue NE/I-405 Northbound Ramp, which operates at LOS E during the weekday PM peak hour. Anticipated increases in traffic volumes by 2012 would degrade operations at the 108th Avenue NE/NE 68th Street and NE 72nd Place/I-405 Southbound Ramp intersections to LOS E and the 116th Avenue NE/I-405 Northbound Ramp intersection to LOS F. All other study intersections would continue to operate at LOS C or better under baseline 2012 conditions.

NOTE: This report fails to add in other projects that are properly planned through the Comprehensive Plan Process...(250 housing units + retail Transit Oriented Development, 250 units + Retail TOD Agreement w/ Bellevue, 250 units + office/retail Yarrow Bay Multi-use, 80 units S. Houghton Slope density increases)

By contrast, the parcel where Potala Village is proposed is in DIRECT CONFLICT w/ Comprehensive Plan. (Comp Plan shows very low intensity use, neighbor and pedestrian access to small retail or service businesses).

Unanticipated traffic generated by unplanned, piecemeal development should not be approved without first factoring in the traffic from the properly planned growth.

The unplanned Potala Project, could threaten the ability of planned projects (with public benefit of transit) to be constructed as anticipated.

How would the site access operate?

The proposed project driveway is anticipated to operate at LOS D during the weekday PM peak hour. There would be adequate sight distance at the proposed driveway. In addition, a gap analysis shows that based on existing data there are sufficient vehicle gaps to accommodate the inbound and outbound left-turn movements to and from the site access.

NOTE: Most of the Peak PM will be cars entering the building.

While the driveway may be operating at LOS D, the report notes that 60% of the cars will be coming from the North. This means that cars trying to make a left hand turn into the driveway will cause tremendous backup along Lake Street. This is anticipated to single handedly cause Lake Street S. and 10th St S. (and earlier intersections) to fail. Also due to problems getting into or out of driveway, some residents may choose to congest city streets by parking there).

Prior reviews for development of this property required access only be from 10th St S. It was noted that any driveway on Lake Street S would interfere with the driveways across the street. It is uncertain what changed to remove this issue.

Is there adequate parking supply?

The proposed parking supply would accommodate the anticipated parking demand and meet the City's parking code requirements

NOTE: The parking provided is not sufficient as there are no methods in place to ensure that some residents don't consume more than 2 parking spaces.

Local condominium owners note that managing "shared" stalls is impossible. The over consumption of spaces by some residents causes greater than expected parking on city streets. Assigning two spaces per unit is a better method to ensure no over consumption of spots. Residents can always allow their 2nd numbered space to be used by a guest or provide approval for use by another tenant.

The Potala Project should be prohibited from charging a parking fee as that would have many renters choosing to fill city streets with cars rather than paying the additional cost.

The study intersections are those identified as significant based on the City's proportional share impact worksheets

NOTE: This project will cause LOS to fail at intersections that have not previously been identified. Specifically, intersections along Lake Washington Boulevard and Lake St S should be included in the analysis.

Existing weekday PM peak hour turning movement counts at the study intersections were conducted in early December 2010. Intersection turning movement counts are provided in Appendix B. Existing weekday PM peak hour traffic volumes are summarized on Figure 3 and were used to evaluate existing traffic conditions.

NOTE: PM peak needs to be conducted in months like August and not December. It is a well established fact that peak traffic hits during the days when there is warm sunshine. Doing a peak PM in December is like evaluating church traffic on a Thursday instead of before and after church on Sunday. The reports from the city of Kirkland acknowledge this shortcoming of the study as conducted.

Detailed LOS worksheets are provided in Appendix D

NOTE: Again, LOS took the existing (non-summer) and a 2012 baseline but then failed to add in other planned traffic (that which is already planned or in the Comp Plan) The Potala Project traffic needs a current summer PPM + 2012 summer baseline + planned traffic ... then unplanned Potala.

An unsignalized crosswalk is provided across Lake Street S at 10th Avenue S near the project site. Bicycle lanes are provided on both sides of the Lake Street S along the project frontage.

NOTE: An unsignalized crosswalk will be insufficient for 280 new residents trying to cross the street to the waterfront parks. If the project is built a signal needs to be required and should be at the expense of the project.

Additionally, pedestrian and bicycle traffic is heavy on both sides of the street. A driveway operating at LOS D will cause the bicycle and pedestrian use on the project side to fail and will push bicycles into the motorized roadway adding to congestion and safety concerns.

Estimated Project Trip Generation

NOTE: All trip generation "estimates" are substantially lower than "actual" trip generation from surrounding apartments and condominiums.

The City defines a SEPA impact where the project's proportional share of daily intersection traffic related to the capacity of the intersection represents More than 15 percent at LOS E or More than 5 percent at LOS F intersections

NOTE: The PPM traffic during the summer with traffic coming from the north and taking a left hand turn into the parking lot will make the Lake Street S / 10th St S intersection fail LOS F or worse. The cause of the failure will be 100% due the project traffic and will be more that 5%, and likelystore than 15% of the problem.

Table 4. Future 2012 Weekday PM Peak Hour Intersection Level of Service

NOTE: The delay shown in the table is not accurate Peak PM as it was not done during peak summer season. Also, the delays described are less than what is reported as "actual" delay by local condominium and apartment residents.

Table 5. Site Access Weekday PM Peak Hour Operations

NOTE: The delay shown in the table is not accurate Peak PM as it was not done during peak summer season Also, the delays described are less than what is reported as "actual" delay by local condominium and apartment residents. A delay of zero is almost never experienced

The queues at the driveway are anticipated to be minimal during the weekday PM peak hour.

NOTE: The left turn queues (coming from the north) into all existing driveways is already quite significant. It is unclear how this project would have only minimal queues if other developments are significant.

At the request of the City, data were collected on January 4, 2011 during the weekday PM peak period to determine the number of available gaps along Lake Street S for traffic entering and exiting the project site.

NOTE: The available gaps were evaluated during a time (January) that does not reflect true Peak PM as peak PM is seen in the summer months. Additionally, the gaps in the report are more favorable than what local apartment and condo residents currently report.

The City of Kirkland Municipal Code Title 23 Zoning requires 1.7 spaces per residential unit, up to 0.5 spaces per residential unit for guest parking.

NOTE: As the main lakefront drive and side streets are currently over capacity with parking, it is important for the Potala Project to provide for all of its parking need. For this reason, the full .5 guest spaces should be required. Allowing Potala to consume city streets will diminish street parking for visitors who are trying to park for restaurants or shopping downtown. It is important to not create worse parking as Kirkland's Downtown businesses will suffer.

It is anticipated that in 2012 with the addition of project traffic that existing infrastructure combined would accommodate the proposed development. The developer would be required to pay the City of Kirkland transportation impact fees

NOTE: We will not be able to "buy" our way out of some of the intersection failures. For example, the only way to mitigate failure along Lake Street S and Lake Washington Boulevard would be to remove parking from the street and add a center turn lane however, city projections for parking are dependent on that street parking being available. Also, as previously stated, that parking is needed for visitors who spend their dollars in downtown Kirkland. The only other option would be to cut into the front yards of properties and that disrupts the neighborhood feel of the area, causes problems with loss of significant trees, throws off all the required setbacks and would be very costly to make the citizens whole by purchase of their property. There are many large (10 foot high) boulder retaining walls due to the terrain. The kind of upheaval that this unplanned project (never anticipated and strictly not allowed by Comprehensive Plan) would create, is specifically the type of uncoordinated growth that the Comprehensive Plans are designed to avoid.

Thank you for reviewing the issues. I look forward to our Appeal hearing as an opportunity to review the significant impacts together.

Sincerely,

Karen Levenson

As an individual, along with my husband, Hugh and representing The Park, A Condominium
6620 Lake Washington Blvd NE #101, Kirkland, WA 98033



Direct Phone (206) 447-5942
Direct Facsimile (206) 749-1946
E-Mail gills@foster.com

June 24, 2011

Teresa Swan, Senior Planner
123 - 5th Ave.
Kirkland, WA 98033

Re: SEP11-00004 SEPA Comment Letter

Dear Ms. Swan:

Thank you for providing an opportunity to comment on the City of Kirkland's SEPA Determination of Non-Significance ("DNS") for the Potala project on Lake Street at 10th Avenue South. As you are aware, this law firm represents a coalition of Kirkland citizens who live in the Moss Bay neighborhood immediately surrounding the proposed Potala project. This letter details our clients' serious concerns about the probable significant environmental impacts of this project, all currently left unaddressed by the City's decision to issue a DNS.

A project of this scale in this neighborhood requires, at the least, an environmental impact statement ("EIS"). In the alternative, we request that the City impose mitigating conditions under its substantive SEPA authority as informed by adopted SEPA policies incorporating by reference the Comprehensive Plan and SEPA itself. Unless our clients' concerns are addressed by close of business on June 28, 2011, we will appeal the City's DNS to the Hearing Examiner.

This project proposes almost ten times the density of any neighboring structure or zone. It includes at least ten times the number of units of any single development in the vicinity. The design calls for a 48-foot-tall building in a zone with a 30-foot height limit. The design would place massive façades, beyond the scale of any existing development in the neighborhood, against the City's rights of way in Lake Street and 10th Avenue South. The project would create traffic conflicts on the already-congested Lake Street as vehicles wait to turn left only a few feet south of traffic turning left from westbound 10th Avenue South. The neighborhood is concerned about the impacts associated with siting a development of this scope and scale in the middle of a medium-to-low density neighborhood.

Neither the Kirkland Comprehensive Plan ("Comp Plan"), nor any Comp Plan EIS or supplement thereto, contemplated this sort of development at this location. In recognition of the property's existing uses—a small hamburger stand and a drycleaner—the Comp Plan designates this property as Residential Market, the lowest intensity commercial zone in the City. See Comp Plan at LU-2. The Comprehensive Plan defines this designation as:

Teresa Swan, Senior Planner
June 24, 2011
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an individual store or very small, mixed-use building/center focused on local pedestrian traffic. Residential scale and design are critical to integrate these uses into the residential area. Uses may include corner grocery stores, small service businesses (social service outlets, daycares), laundromats, and small coffee shops or community gathering places.

Comp Plan at VI-14 (emphasis added).

Indeed, the Comprehensive Plan addresses this very parcel, stating that “[l]imited commercial use . . . should remain.” *Id.* at XI.D-24 (addressing “[t]he southeast quadrant of the 10th Avenue South and Lake Street intersection”). In contrast to the small-scale development contemplated by the Comp Plan, the proposal would create 6,000 square feet of office, 143 residential units, and underground parking for hundreds of vehicles—hardly a project one could call “very small” or “limited commercial use.” It certainly does not fit among the list of uses the Comp Plan contemplates in a Residential Market designation.

The Neighborhood Business (“BN”) zoning on the parcel is inconsistent with the Comprehensive Plan designation. During the Comp Plan update in 2004, the City Council issued a directive that the discrepancy be addressed by “[a]mend[ing] the Zoning Code as appropriate to establish standards for residential markets.” *Id.* at XIV-5, Table IS-1 (LU-6). Unfortunately, this task was not completed before the applicant sought permits. Unlike all other zones outside of downtown and heavy commercial zones, the BN zone contains no residential density limit. KZC 40.14.090-100. It allows large-scale mixed-use projects without regard to compatibility with neighboring zones and uses. *Id.* It limits structure height to 30 feet, but due to the City’s “average building elevation” height measurement technique, coupled with the fact that the site increases 23 feet in elevation from west-to-east, the BN zone appears to allow a 48-foot-tall façade spanning the entire block, with two floors of underground parking. The SEPA checklist states that the four-story project will have four levels in residential use, which would violate the zoning code’s prohibition against ground-floor residential, KZC 40.10.100. With this exception, which the City must examine, the project may comply with the zoning code. Nevertheless, the City has broader authority to protect its citizens from inappropriate development than just the zoning code.

The City’s substantive SEPA authority empowers it to impose conditions to mitigate a project’s impacts without regard to whether the project complies with applicable zoning. Although zoning codes control over conflicting comprehensive plan provisions, the City has adopted the provisions of its Comp Plan as substantive SEPA policies. In addition, the City has adopted the policies of SEPA itself, which place a strong emphasis on protecting neighborhood aesthetics and welfare. Under these policies, as a matter of SEPA law, the City may condition the project to better comply with the Comp Plan notwithstanding the zoning code.

This project has been inadequately studied. The City failed to recognize the probable significant environmental impacts of this project when it issued the DNS. The City should withdraw its DNS and prepare an EIS. Alternatively, the City should re-issue its DNS with conditions sufficient to mitigate the project’s impacts.

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I. The City Erred in Issuing a DNS—the Project Will Impose Significant Environmental Impacts that Must be Studied in an EIS

Neither the environmental impacts of this project, nor any project of its type at this location, have ever been studied. The checklist submitted by the applicant does not provide the City with enough information to meaningfully evaluate potential impacts, and no other environmental study to our knowledge has done so either. Specifically, neither the programmatic environmental study for the Comp Plan, nor its amendments, has ever evaluated the impacts of such dense development in this location—outside of downtown and the City's heavy commercial areas. These types of environmental unknowns are exactly what SEPA was designed to identify before adverse impacts occur. The City must thoroughly study the probable significant environmental impacts of this project as currently designed.

With many urban infill projects, a DNS is appropriate. After all, if a project complies with the zoning code, which in turn is consistent with the comprehensive plan, most of the project-level impacts will already have been analyzed in the programmatic EIS for the comprehensive plan. For example, there is no need to analyze the environmental impacts of constructing an office building on land zoned "office" that also carries a comprehensive plan designation of "office use," because the impacts would already have been analyzed in the comprehensive plan EIS.

Here, by contrast, although the project arguably complies with the zoning code, the zoning code is plainly inconsistent with the Comp Plan. On its face, the BN zone conflicts with the Residential Market designation. Compare Comp Plan at VI-14 (defining "Residential Market" as "an individual store or very small, mixed-use building") with KZC 40.14.090-.100 (development standards for BN zone, containing no residential density limit and an effective 48' height limit). It appears that the BN zone pre-dates the Comp Plan and has yet to be updated, despite the Comp Plan's directive to create zoning standards for the "Residential Market" designation. Comp Plan at XIV-5, Table IS-1 (LU-6). Because the Comp Plan envisions such a low-intensity designation to this property, no review of the environmental impacts of this use or of a project like this has ever been conducted.

The apparent presumption that the project will produce no significant environmental impacts because it complies with the zoning code is unfounded. This project is virtually certain to produce a variety of significant environmental impacts, none of which have been studied.

Among the significant environmental impacts that require more in-depth study are:

- **Neighborhood aesthetics:** The height, bulk, and scale of the project are far beyond anything in the immediate vicinity, and the proposal will result in massive walls along 10th Avenue South and Lake Street;
- **Density:** The project is ten times the density of any building in the area and will concentrate a large number of people in an area not suited to handle it;

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- **Traffic:** Vehicles turning left from the project will have conflicts with vehicles turning left from 10th Avenue South; the exit point from the project is just steps away from a heavily used crosswalk; Lake Street is already very congested at peak hours (and often gridlocked on sunny afternoons all the way from Carillon Point to downtown); and additional pedestrian/bicycle traffic will create conflicts with existing motorized and non-motorized transportation;
- **Construction:** The proposal calls for 45,000 cubic yards of cut and 50 cubic yards of fill, producing at least 3,000 truck trips (assuming a relatively large, 15 cy truck) over the excavation period of construction;
- **Environmental contamination:** The proposal would displace an existing drycleaner as well as several barrels of waste, and it appears the property was once in use as a gas station, both of which suggest that the site may contain toxic soils, and neither of which were discussed in the SEPA checklist;
- **Plants and animals:** Neighbors report eagles roosting in the trees on the project site;
- **Recreation:** Parks within walking distance, including the privately owned and maintained facility across Lake Street near the Water's Edge condominium, are already heavily used and could be overwhelmed by the addition of hundreds of new residents;

In light of the fact that none of these environmental impacts have been studied, and many are ignored or only cursorily mentioned in the applicant's SEPA checklist, the City should withdraw its DNS and issue a Determination of Significance, and prepare an EIS for the project.

II. The City Should Exercise its Broad Authority to Condition Projects Under Substantive SEPA

The City has the authority under SEPA to impose conditions to mitigate impacts that a strict application of its zoning code would allow. *See, e.g., Victoria Tower Partnership v. City of Seattle*, 59 Wn. App. 592, 597, 800 P.2d 380 (1990) ("There is no longer any question that SEPA policies can restrict projects otherwise permitted under zoning regulations."). Here, the proposed project offends not only the Comp Plan, but also SEPA's policy statements seeking to protect the character and aesthetic qualities of the built and natural environment.

Victoria Tower is instructive. In that case, the applicant sought to construct a 16-story apartment tower that complied with Seattle's zoning code—in particular, its proposed height of the sixteen-story building (179 feet) was well under the allowed height of 239 feet. *Id.* at 594. The planning director found that the proposed building was out-of-character with the neighborhood, despite the fact that the immediate neighboring building was a nine-story condominium. *Id.* at 595. The director denied the permit, and the hearing examiner affirmed. *Id.* at 596. The City Council approved the permit subject to a condition limiting the project to eight stories, which the superior court affirmed. *Id.* at 595-96, 602. The appellate court agreed that the mitigation imposed by the City Council was appropriate and within its very broad substantive SEPA authority. *Id.* at 600.

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As the Seattle City Council did in *Victoria Tower*, here the City can and should impose conditions under its substantive SEPA authority to mitigate the significant adverse impacts to the neighborhood. Chief among them are height, bulk, and scale: Compared to the existing neighborhood, this development is simply huge. It is taller, wider, and deeper than any building around it, and it introduces 143 units into a neighborhood where the largest multi-family structures contain only 15 units. This concentration of units creates a host of associated problems, not the least of which involves traffic. As discussed below, the City's SEPA policies address circumstances such as these, and the City must act to protect both its citizens and the built environment from inappropriate development.

A. The City's SEPA Policies Address Impacts to Neighborhood Aesthetics

The City has incorporated a broad range of SEPA policies by reference. See KMC 24.02.038. Among these are "[t]he policies of the State Environmental Policy Act—Chapter 43.21C RCW" and "[t]he most recent version of the Comprehensive Plan." KMC 24.02.038(a)-(b). Contained within the Comprehensive Plan and SEPA are general statements regarding protection of aesthetics, including the aesthetics of the built environment. SEPA seeks to "[a]ssure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings" RCW 43.21C.020(2)(b) (emphasis added). This policy supported the City of Seattle's decision to limit to eight stories a multi-family structure in a zone that allowed 239-foot towers. *Victoria Tower, supra*.

Here, the aesthetics of the neighborhood would be severely impacted by a structure with the height, bulk, and scale of the proposal. As discussed above, the project proposes a 48-foot-tall façade stretching a full block on Lake Street, far taller and wider than any existing improvements in the area. The project presents a similar wall to 10th Avenue South. The proposal takes full advantage of the building envelope allowed by the zoning code, offering no relief in terms of added setback or modulation. The renderings show that the architect attempted, by means of a multi-colored paint scheme and false balconies, to create the illusion of modulation, but at the end of the day the project will produce an enormous, block-long wall on the edge of 10th Avenue South.

B. The City's SEPA Policies Address Impacts to the General Welfare, Including Safety

The SEPA policies seek to "[f]oster and promote the general welfare." RCW 43.21C.020(1) (incorporated by reference by KMC 24.02.038(a)). This project is counter to the general welfare of the community. It would introduce hundreds of new residents to a small area that is ill-equipped to handle them. The small community park across the street would be overrun with patrons. The privately owned and maintained dock next to this park is already heavily used by the public.

These hundreds of new residents, driving hundreds of cars, would make hundreds, if not thousands, of daily vehicle trips on Lake Street and 10th Avenue South. Although the traffic study concludes that the addition of these trips will not reduce level of service at area intersections, the proximity of the Potala's driveway to 10th Avenue South means that vehicles

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June 24, 2011
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turning left (south) onto Lake Street would create conflicts with one another and with pedestrians crossing either street. Moreover, given the challenges of exiting the development to the left, residents are likely to exit to the right and immediately turn up 10th Avenue South, placing additional traffic pressures on a side street that is not designed for heavy use. Additional traffic up 10th Avenue South also results in dozens, if not hundreds, of additional vehicles driving through the Lakeview Elementary school zone, adding to the potential safety hazards and policing requirements for that area.

The general welfare is likewise not served by allowing pollution to escape the site and enter the groundwater or Lake Washington. The neighbors are not convinced that the site is clean—drycleaners are notorious for producing polluted soils and groundwater, and the property once had a gas station. A number of rusting barrels of waste currently sit on the property, with more behind the hamburger stand. The neighbors do not know what is in these barrels, nor do they know what is in the dirt. Based on a review of the information submitted by the developer, the City has no idea either. Insofar as there is pollution in the soils, it cannot be addressed by simply scooping it out and hauling it away. Even if the project proceeds as planned, it is likely that excavation will not commence until the end of summer, and continue through the fall rains. Precautions must be taken to prevent any contaminated soils or surface water from reaching Lake Washington.

C. The City's SEPA Policies Address Density Impacts

As discussed above, the Comprehensive Plan designates this property with the lowest-intensity commercial development in the City: Residential Market. This designation contemplates very small-scale commercial development, like that currently existing on the property and the convenience store further down Lake Street. It does not contemplate a massive mixed-use office and apartment complex like the one proposed. As a matter of SEPA policy, the City could require development on a Residential Market scale.

The Comp Plan also expresses concerns about abrupt density shifts across adjacent districts. It states outright that “significantly greater densities” should not be sited in areas of predominately low-density use (defined as not exceeding seven dwelling units per acre, Comp Plan at VI-3-4). Comp Plan at VI-13. This policy recognizes that there are negative impacts associated with abrupt changes in density. The Comp Plan defines “high-density development” as that exceeding 15 dwelling units per acre. Here, the surrounding neighborhood is zoned RM 3.6 (12.1 units per acre) and RS 8.5 (5.1 units per acre), while the proposed density of Potala is 116 units per acre—nearly ten times the designated density of any nearby property in any direction. This type of abrupt increase in density across property lines is exactly the sort of incongruous shift the Comp Plan seeks to avoid by encouraging residential growth “consistent with the basic pattern of land use in the City.” Policy LU 4.3, Comp Plan at VI-13.

Comp Plan provisions cannot, on their own, trump contrary zoning code provisions. However, because the City incorporates the Comp Plan provisions as substantive SEPA policies, the City may (and should) impose conditions to protect the values expressed in the Comp Plan.

Teresa Swan, Senior Planner
June 24, 2011
Page 7

D. The City Should Issue a DNS With Conditions

The City should condition the project as follows:

- **Height, Bulk, and Scale:** The City should restrict height to twenty feet above Average Building Elevation, rather than the zoning code limit of thirty feet. This would eliminate the top floor of residential, reducing the yield to a more appropriate 90-100 units and the density to 73-81 dwelling units per acre. The reduction in height would protect the neighborhood aesthetics, while the reduction in yield would have the added benefit of mitigating impacts associated with excessive density, including traffic, park usage impacts, and construction impacts.
- **Height, Bulk, and Scale:** The City should impose 20-foot setbacks in the side and rear yards, rather than the 10-foot setbacks currently provided. This would reduce the length and depth of the façades on Lake Street and 10th Avenue South, helping to protect neighborhood aesthetics. This would further reduce yield by an unspecified amount, helping address density impacts as noted above.
- **Environmental Remediation:** The City should require that the site be studied for contamination and, if necessary, cleaned up before excavation begins. A Phase I environmental assessment should be completed.
- **Plants and Animals:** The City should require the applicant to conduct a habitat survey to determine if the site contains any eagle nesting sites. If so, the City should impose conditions protecting the sites or mitigating their loss.
- **Construction Impacts:** The City should restrict construction truck traffic to non-peak, weekday hours.

III. CONCLUSION

Our clients respectfully request that the City withdraw the DNS and prepare an EIS for the project, or, in the alternative, that the City issue a DNS with conditions. When viewed against the existing context of the neighborhood, the proposal as currently designed would produce significant adverse environmental impacts. At a minimum, the City erred by issuing a DNS without imposing appropriate conditions pursuant to its substantive SEPA authority.

Our clients would like to work with the applicant and the City to arrive at a solution that allows the applicant to recover an acceptable return on his investment, while protecting the built and natural environment. We are happy to discuss any of the matters raised in this letter, and invite the City and the applicant to contact us. However, if we do not reach a negotiated settlement, we will have no choice but to file an appeal with the Hearing Examiner. We think the Examiner will agree that, in light of the record, the City committed clear error in issuing a DNS for a project of this scope in this neighborhood.

Teresa Swan, Senior Planner
June 24, 2011
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Sincerely,

FOSTER PEPPER PLLC

A handwritten signature in black ink, appearing to read "S. J. Gillespie", written over the printed name.

Steven J. Gillespie

Teresa Swan

From: uwkkg@aol.com
Sent: Tuesday, October 11, 2011 12:42 PM
To: Thang Nguyen; Teresa Swan; Eric Shields; pswewart@kirklandwa.gov
Cc: uwkkg@aol.com; neighboringproperties@gmail.com
Subject: Levenson - Potala Concurrency Appeal Addendum SHR11-00002 and SEP11-00004

Potala Concurrency Appeal Addendum

Re: Clearly Erroneous Concurrency Report
 From: Karen Levenson (and others as specified below)
 Subj: Concurrency Appeal ADDENDUM Potala Village SHR11-00002 and SEP11-00004
 Date: October 11, 2011

Thank you for taking time to read my appeal dated October 10, 2011 and this ADDENDUM both submitted prior to the deadline.

First let me state for the record that in addition to representing myself, I will be representing a large number of homeowners and numerous condominium associations with my letters and comments. A full list will be provided to you at the time of the hearing as it is extensive.

Second, let me provide perspective that would not be apparent to anyone who doesn't live along this stretch of Lake Washington Blvd (Aka Lake Street South).

a) This area for several blocks around was rezoned DOWN from 24/acre to 12 per acre. One of the most important reasons was the damaging impact of the high level of traffic if the parcels continued be zoned so dense. Also tremendous spillover parking.

b) At this point, even units that currently stand at 24 per acre would not be allowed to be redeveloped at anything greater than 12 per acre. They are considered non-conforming as they were built prior to the adverse traffic caused the downzone.

c) How one parcel might be allowed to go from the current 1 residence on an acre to 116/acre when the units right next door couldn't even redevelop the current 24 units on an acre into an updated building of 24/acre is inconceivable.

d) Please remember, the downzoning (which some homeowners disliked), was done because of many issues, chiefly among them was the unacceptable traffic if zoning of any of the parcels was left at RM 1.8

e) If past traffic and concurrency studies showed that a parcel would produce too much traffic at just 24 per acre, why are we now being told that 116 per acre passes the test?

Third, I'd like to include in my comments all of the points made by other appealants. I will refrain from typing a longer letter that includes their points as I would like to be mindful of your time.

Please include their comments as ones that I am addressing (by reference) in this letter. I will be hoping to add testimony to many of their points at our appeals hearing.

Thank you,

Karen Levenson

October 10, 2011

Mrs. Laura L. Loomis & Mr. Charles M. Loomis
 100 10th Avenue South
 Kirkland, WA 98033
 Phone: 425.889.2742
 Email: lauraloomis@charlesloomis.com

City of Kirkland
 Attn: Mr. Thang Nguyen, Ms. Teresa Swann & Mr. Eric Shields
 Public Works & Planning and Community Development Dept.
 123 Fifth Avenue
 Kirkland, WA 98033

RE: Appeal of Road Concurrency Study for Potala Village, File SHR11-00002/AP11-00006

Proponent: Lopsang Dargey

We disagree with the conclusions and methodology used for the determinations made in the Road Concurrency Report.

OBJECTIONS TO THE ROAD CONCURRENCY STUDY:

- The Concurrency test did not take into account the other known/pending projects that will further impact traffic and intersections along Lake Washington Blvd. These projects are already part of the Comprehensive Plan and City Planning Dept.
 - There will be approximately 500 car trips from residents of the new Transit Oriented Development.
 - There will also be approximately 500 more car trips when Bellevue builds out their new TOD as outlined in the Agreement of Understanding between Bellevue and Kirkland.
 - Numerous new car trips from newly planned Yarrow Bay Business District Multi-Use with housing.
 - Five times the number of current households on the South Houghton Slope.
- A change from LOS-C to LOS-E caused by Potala Village (one development) on less than an acre of property is inappropriate. The property was rezoned to allow less density in 1995 when it was determined that 24 units per acre would create too much traffic. All the surrounding properties were thus rezoned to only 12 units per acre. It doesn't make sense that one piece of property receives the privilege of being a SOLO contributor to making LOS nearly failed?
- The time used as "Peak" for the study was inappropriate. To be accurate, it should have been conducted during several different periods. The heaviest traffic is on sunny weekends during the summer and weekday evenings from 5:00 – 7:00 pm all year.
- New "key" intersections should have been included in the study – like 10th Avenue South and all other intersections into Kirkland and on State Street up to the 405 Freeway.
- An influx of 145 + new residents crossing Lk. Washington Blvd. at random intervals will interrupt traffic flow and will likely cause some intersection failures. This was not factored into the Concurrency Study and should be considered.
- Traffic turning left onto Lk. Wash. Blvd. (Lake Street) from Potala Village during peak hours will also adversely impact traffic at intersections and cause backups.
- Traffic turning right onto Lk. Washington Blvd. (Lake Street) during Peak hours will impact people trying to enter from 10th Ave. South.

ATTACHMENT 9

- Traffic from Potala Village residences traveling up 10th Ave. South to access 1-405 will impact all the intersections along the route – which is already heavily traveled during Peak traffic hours. This was not considered in the Concurrency Study.
- We are especially concerned how 10th Ave South traffic will be affected by the traffic from the entrance/exit of Potala Village in such close proximity to 10th Ave. South and the crosswalk on the south corner of the street as well as several residences directly across the street on the lake. It is fatal accident(s) waiting to happen!
- The study should also take bicycle traffic into account. It slows traffic and causes backups at intersections. This is especially true during the summer when groups of bicyclists are present.

STANDING:

We live across the street on 10th Avenue South. Increased traffic from the Potala Village Project on 10th Avenue South as well as Lake Washington Blvd. (Lake Street) will directly impact our safety, health, and lower the value of our property.

Respectfully yours,

Charles M. Loomis & Laura L. Loomis

100 10th Avenue South

Kirkland, WA 98033

P: 425.889.2742

Email : lauraloomis@charlesloomis.com; cloomis@charlesloomis.com

10/5/11

Honorable Councilmembers and Staff

The following is my appeal to the Potlatch Village as proposed.

On June 29, 2011, the deadline for an appeal to the proposed 143 unit on Lake Street prevented people from questioning the city of the Road Concurrency Test which allowed the Council to issue a Determination of Nonsignificance. Now, that's changed. **Can anyone believe that Lake Washington Boulevard, 108th Ave NE, Market Street, and NE 70th are not congested?**

I live across the street from the proposed project.

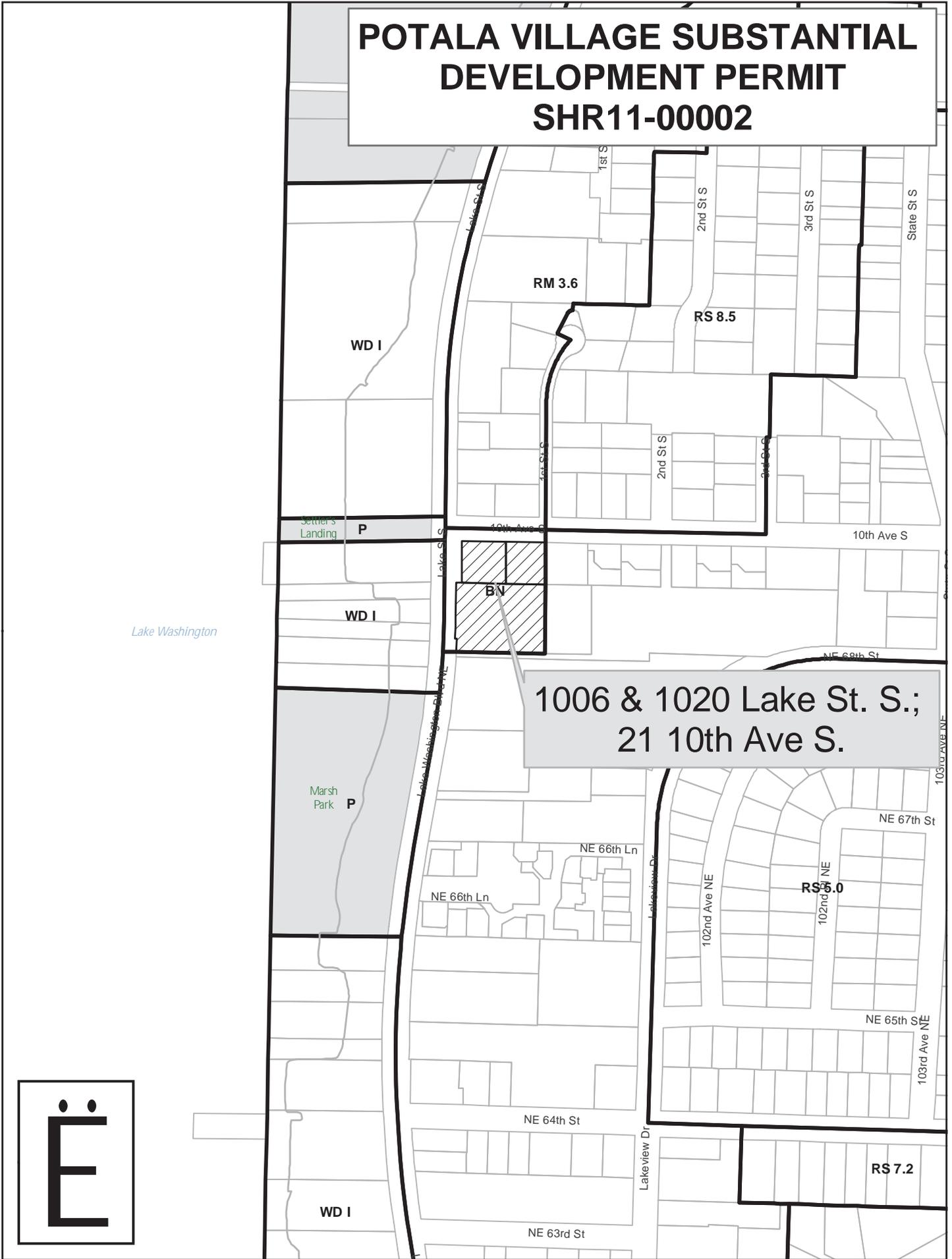
The Transportation group Study stated the adopted Level of Service (LOS) for Transportation for the WSDOT and the city is LOS-D, a level that is not congested. Yet the City thinks it's OK to accept lower LOS's E and F throughout the city thereby endorsing even more traffic jams and exceed the adopted LOS. The City's Capital Facilities Plan along with the Capital Improvement Plan is supposed to be consistent with the Land Use element to cover a 6-year plan to be in compliance with the Growth Management Plan.

(RCW 36.70A.070 (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.)

Also RCW 36.70A.070 C (b) and WAC 365-196-415: Capital facilities element specify after adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements

Wednesday, October 05, 2011 AOL: RLSTYLE

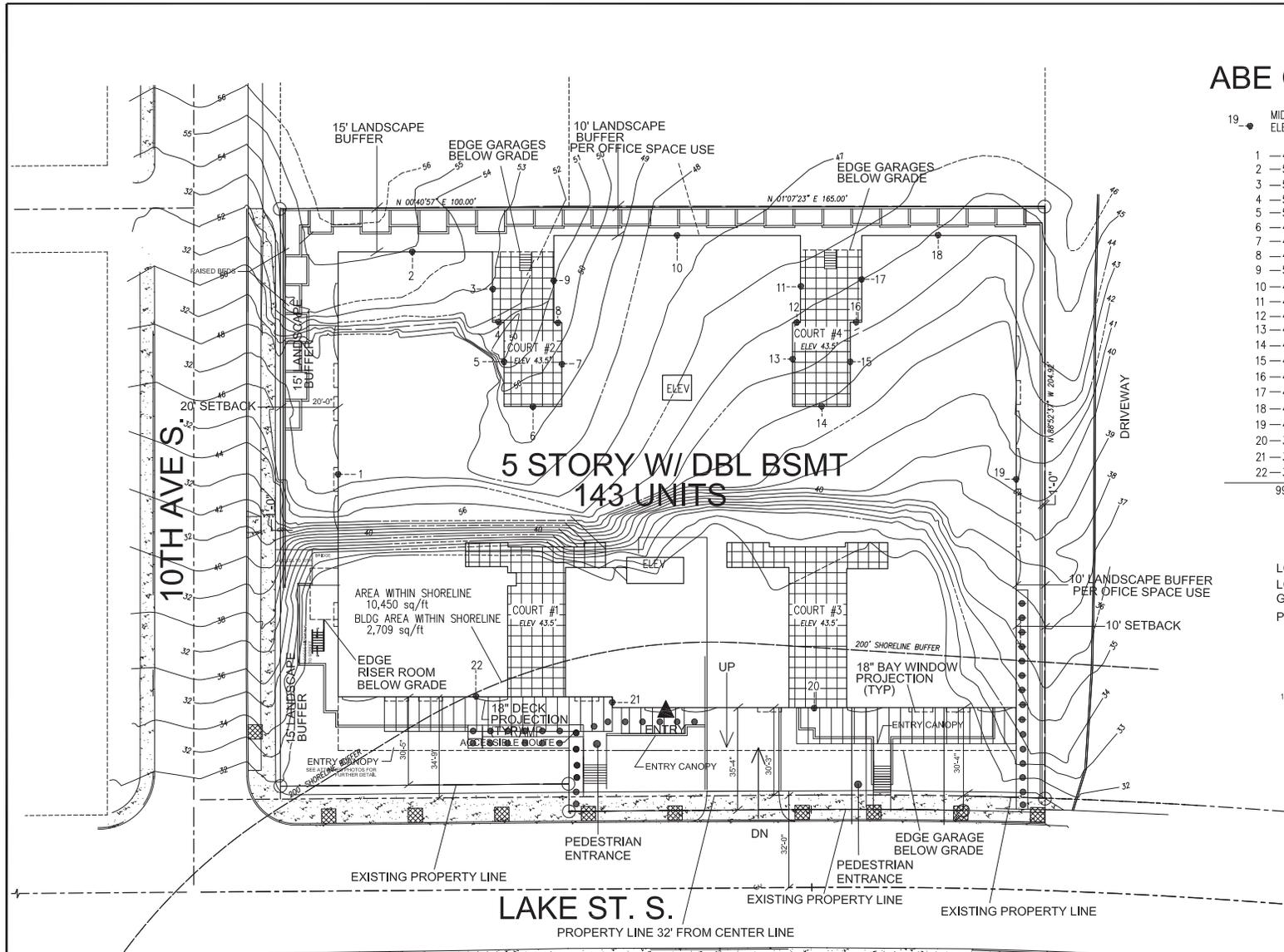
POTALA VILLAGE SUBSTANTIAL DEVELOPMENT PERMIT SHR11-00002



Lake Washington



ABE CALCULATIONS



19 ● MIDPOINT ELEVATION	WALL SEGMENT LENGTH	
1 — 46.50	154'-0"	7161.00
2 — 54.85	53'-6"	2934.47
3 — 52.80	24'-4"	1288.32
4 — 51.25	4'-0"	205.00
5 — 51.00	29'-2"	1489.20
6 — 49.25'	20'-0"	985.00
7 — 48.75'	29'-1"	1418.60
8 — 48.80	2'-9"	134.20
9 — 51.25'	25'-1"	1187.5
10 — 47.35'	85'-5"	4048.42
11 — 45.50'	25'-1"	1142.05
12 — 45.00'	2'-9"	123.75
13 — 44.25'	29'-1"	1287.67
14 — 44.80	20'-0"	896.00
15 — 43.25'	29'-2"	1262.90
16 — 44.25	4'-0"	177.00
17 — 44.50'	25'-0"	1072.89
18 — 44.75'	53'-6"	2394.12
19 — 40.25'	158'-5"	6379.62
20 — 31.25'	139'-11"	4371.87
21 — 31.25'	3'-9"	117.18
22 — 31.25'	95'-0"	2968.75
992.1	1013'-0"	43,461.35

ABE = $\frac{43,461.35}{1013} = 42.9$

LOT AREA _____ 53,601 SQ/FT
 LOT COVERAGE _____ 36,835 SQ/FT
 GROSS FLOOR AREA _____ 227,961 SQ/FT

PARKING CALCULATIONS:
 67 COMPACT STALLS PROVIDED
 10 HANDICAP STALLS PROVIDED
 217 STANDARD STALLS PROVIDED
 3,000 SQFT MEDICAL OFFICE @ 1 PER 200 SQFT = 15 PARKING STALLS REQ
 2,852 SQFT OFFICE @ 1 PER 300 SQFT = 10 PARKING STALLS REQ
 334 SQFT ELECTRIC ROOM @ 1 PER 300 SQFT = 2 PARKING STALLS REQ
 COMMERCIAL AREA PARKING 29 STALLS PROVIDED
 143 APARTMENT UNITS @ 1.7 STALLS = 244 PARKING STALLS REQ 244 STALLS PROVIDED
 GUEST PARKING STALLS PROVIDED 43 STALLS PROVIDED
 TOTAL PARKING STALLS 316 STALLS PROVIDED

COMMON OPEN SPACE
 COURTYARDS _____ 13,035 SQ/FT

TRASH CONTAINMENT IS IN THE BUILDING

SITE PLAN ABE CALCULATIONS

SCALE 1/8" = 1'-0"



22 FEB 11 - SUBMIT FOR SDP
 21 APR 11 - RESUBMIT FOR SDP

STATES LICENSED:
 WASHINGTON ARIZONA
 IDAHO NEW MEXICO
 MONTANA WYOMING
 CALIFORNIA COLORADO
 NEVADA MISSOURI
 UTAH MISSOURI
 ILLINOIS MISSOURI
 SOUTH DAKOTA IOWA

PROJECT 143 UNIT "POTALA VILLAGE" - KIRKLAND
 LOCATION LAKE STREET, KIRKLAND, WA
 OWNER POTALA VILLAGE, LLC
 CONTRACTOR SYNERGY CONSTRUCTION, INC.

CHARLES MORGAN & ASSOCIATES



7501 BEVERLY LAKE
 EVERETT, WA 98203

PHONE 425-353-2888
 EMAIL info@cmarch.com



DATE	23 MAR 11	SHEET
REVISION	21 APR 11	A1.1

Table T-2
Maximum Allowed Subarea Average V/C Ratio for System Intersections and Individual Intersection LOS

<i>Use as Maximum Allowed Average V/C after January 1st</i> ⇒	2004	2005	2006	2007	2008
Forecast for Year ⇒	2009	2010	2011	2012	2013
Subarea	Average V/C Ratio				
Southwest	0.89	0.89	0.89	0.90	0.90
Northwest	0.88	0.89	0.89	0.90	0.91
Northeast	0.86	0.87	0.87	0.88	0.89
East	1.04	1.04	1.04	1.05	1.05
Maximum allowed individual system intersection V/C ratio	1.40	1.40	1.40	1.40	1.40

Table T-3
2003 and Forecasted Subarea Average LOS for System Intersection

Subarea Average V/C Ratio			
Subarea	2003 Traffic Count	2003 Traffic Plus Projects Approved but Not Yet Built	2022
Southwest	0.77	0.89	0.92
Northwest	0.83	0.88	1.01
Northeast	0.76	0.86	0.99
East	0.94	1.04	1.10



Public Works Cash Transmittal

Date: 12/21/2010 Receipt: 214765 ATTACHMENT 14

Name: Petala Village Kirkland LLC

Address: PO Box 13261 Everett WA 98206

Property/Project Name/File Number: _____

WATER/SEWER

		Tran Code	
WATER SERVICE INSTALL CHARGE	R-PW-1111-001*3-43-40-06	2001	\$ _____
STORM WATER CAPITAL CHARGE	R-S-D-1111-001*3-79-10-07	2080	\$ _____
REGIONAL WATER CONNECTION	411-0000-0000*3-79-10-03	2082	\$ _____
WATER CONNECTION	R-PW-1111-001*3-79-10-04	2083	\$ _____
SIDE SEWER INSPECTION	010-000-0000*3-22-10-04	2003	\$ _____
SEWER CONNECTION FEE - STUB IN	R-PW-1111-001*3-79-10-05	2084	\$ _____
SEWER CONNECTION FEE - TRUNKAGE	R-PW-1111-001*3-79-10-05	2085	\$ _____
EMERGENCY SEWER PROGRAM COLLECTIONS	R-PW-1111-001*3-79-10-06	2086	\$ _____
ADMIN FEE (EMERGENCY SEWER)	R-PW-1111-001*3-41-90-01	2058	\$ _____
WHOLESALE WATER SALES	411-000-0000*3-43-40-02	2006	\$ _____
INTERFUND OTHER GEN GOVT SVCS	411-000-0000*3-49-19-01	2030	\$ _____
SALE OF SCRAP	411-000-0000*3-69-10-01	2008	\$ _____
411 MISC REVENUE	411-000-0000*3-69-90-01	4019	\$ _____
INTERGOVTL - OTHER GEN. GOVT. SVCS.	411-000-0000*3-38-19-01	2054	\$ _____
OTHER GEN. GOVT. SVCS.	411-000-0000*3-41-90-01	2055	\$ _____
RENTS	411-000-0000*3-62-60-01	3054	\$ _____
FACILITY LEASES LT - RHWD (cell tower)	411-000-0000*3-62-50-02	2073	\$ _____

STREET

INTERFUND OTHER GEN GOVT SVCS	117-000-0000*3-49-19-01	2029	\$ _____
STREET SECURITY DEPOSIT	117-000-0000*2-45-30-01	2024	\$ _____
117 MISC REVENUE	117-000-0000*3-69-90-01	2025	\$ _____
ROW (Street/Curb Permits)	010-000-0000*3-22-40-01	2026	\$ _____
OTHER GENERAL GOVT SVCS	117-000-0000*3-41-90-01	2052	\$ _____
JUDGMENTS AND SETTLEMENTS	117-000-0000*3-69-40-01	2053	\$ _____
UNDISPCLR (Improvement Fees)	-000-0000*3-44-81-01/		\$ _____

OTHER REVENUE

	Fund	Project	
PERF MAINT SEC. (Ref: Public Works)	660-000-0000*2-39-10-03		2028 \$ _____
SEC ADMIN DEP. (Ref: Public Works)	660-000-0000*2-39-10-03		4027 \$ _____
OTHER GEN GOVT SVCS (sec adm deposit fee/PW)	010-000-0000*3-41-90-02		2088 \$ _____
ENG DEV FEES (3%)	010-000-0000*3-43-20-01		2027 \$ _____
RESIDENTIAL SURFACEWATER REVIEW FEE	010-000-0000*3-43-20-02		2078 \$ _____
CONCUR REVIEW FEE	010-000-0000*3-45-89-01		2034 \$ <u>1487.00</u>
IMPACT FEE APPEAL	010-000-0000*3-45-89-07		2056 \$ _____
IMPACT FEE - IND. CALC. CHG	010-000-0000*3-45-89-08		2057 \$ _____
RECORDING FEE (Concomitants, etc.)	010-000-0000*3-69-90-02		3068 \$ _____
MAPS/PUBS	010-000-0000*3-41-50-01		4022 \$ _____
SALES TAX	010-000-0000*2-31-70-01		4026 \$ _____
NOTARY	010-000-0000*3-41-90-01		4023 \$ _____
DOT	188-000-0000*3-33-20-21/		2047 \$ _____
DOT	320-000-0000*3-33-20-21/		2048 \$ _____
CDBG	188-000-0000*3-33-14-20/		4032 \$ _____
CDBG	320-000-0000*3-33-14-20/		2049 \$ _____
STREET VACATION (50%)	157-000-0000*3-95-10-01/RGG-0002-000		3060 \$ _____
STREET VACATION (50%)	170-000-0000*3-95-10-01		3030 \$ _____
TIB	188-000-0000*3-34-03-80/		2050 \$ _____
TIB	320-000-0000*3-34-03-80/		2051 \$ _____

SUBTOTAL FROM BACK \$ _____

By: _____ TOTAL: \$ _____



**CITY OF KIRKLAND
2009 CONCURRENCY MANAGEMENT REVIEW APPLICATION**

- PLEASE PRINT CLEARLY -

Site Address: <u>1020 Lake Street South, Kirkland, WA 98033</u>		Permit # _____
Property Tax Account Number <u>935490-0220-08, 087505-9233-08</u>		
Description of Project: # of units _____ SF _____ MF <u>164</u> sq. footage of building _____		
Office _____ Retail _____ Industrial/Manufacturing _____ Institutional _____ Mixed Use <input checked="" type="checkbox"/> Other <u>9,028 sf</u>		
Property Owner <u>Potaba Village Kirkland LLC</u>		Phone <u>425-304-1000</u>
Property Owner's Address <u>P.O. Box 13261</u>		City, Zip Code <u>Everett</u>
Contact Person <u>Lobsang Dargay</u>		Phone <u>425-304-1000</u>
Address <u>P.O. Box 13261</u>		City, Zip Code <u>Everett, WA 98206</u>
Alt Phone <u>425-877-8175</u>	Fax # _____	email <u>lobsang@dargayenterprises.com</u>

Applicant has provided:

Preliminary Traffic Information: Trip generation and project description.

Review Fee based on estimated number of PM peak trips:

Less than 20 trips.....\$531	<input checked="" type="checkbox"/> 51-200 trips.....\$1487
21-50 trips.....\$743	Greater than 200 trips.....\$1911

Tran Code 2034 Receipt No. 214765 and Date Paid 12/21/2010

Note: Once the concurrency test result has been determined, changes to the development project that require additional review will be billed on an hourly basis.

CONCURRENCY TEST DEADLINES (KMC Title 25)

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 is 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 if the associated zoning and/or building permit expires and shall expire six years from the date of issuance of the concurrency test notice if all building permits are not issued for buildings approved under the concurrency test notice.

APPEALS (KMC Title 25)

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.

I have read the above information regarding expiration deadlines and appeal process. I further understand that issuance of the concurrency test notice is not a guarantee that the City will issue a development permit or building permit.

PROPERTY OWNER: _____ DATE: 11/04/2010

APPLICANT (if different from property owner): _____ DATE: _____

MEMORANDUM

Date:	November 5, 2010	TG:	10196.00
To:	Thang Nguyen – City of Kirkland		
From:	Mike Swenson and Stefanie Herzstein – Transpo Group		
Subject:	Potala Village Traffic Scoping		

The purpose of this memorandum is to summarize the characteristics associated with the proposed Potala Village development located on the southeast corner of the Lake Street and 10th Avenue intersection in the City of Kirkland. An overview of the project and its anticipated trip generation is provided below. Please review this memo and provide comments regarding the additional transportation analysis required for approval of this project.

Project Description

The project would develop approximately 164 apartment units and 9,028 square-feet of retail on at the southeast corner of the Lake Street and 10th Avenue intersection. The proposed site plan is attached. The site is currently occupied by an approximately 1,500 square-foot dry cleaner with a small café. Access to the project site would be provided via one full access driveway on Lake Street. The project would include 181 underground parking spaces.

Project Trip Generation

Daily and weekday peak hour trip generation for the proposed Potala development was estimated based on the land use size and trip rates from the Institute of Transportation Engineers' *Trip Generation*, 8th Edition for Apartment #220 and Shopping Center #820. Note the tenants for the retail portion of the project are unknown, shopping center was assumed as a conservative estimate of traffic-generation. The trip generation estimate accounts for both pass-by associated with the retail component and internal trips that may occur between the apartment and shopping center use. Both pass-by and internalization were estimated using ITE's *Trip Generation Handbook*, 2nd Edition.

The proposed development will replace existing uses; therefore, trip generation for the existing uses was estimated and subtracted from the proposed project traffic-generation to determine the net new project trips. Traffic for the existing uses was estimated based on the size and the average trip rates from ITE's *Trip Generation* for Specialty Retail #814.

Table 1 summarizes the estimated trip generation for the proposed development. As shown in the table, the proposed Potala Village is expected to generate approximately 1,243 net new daily trips, with 89 trips occurring during the AM peak hour and 120 trips occurring during the PM peak hour.

Table 1. Estimated Project Trip Generation

Land Use	Size ¹	Daily ¹	Weekday AM Peak Hour ¹			Weekday PM Peak Hour ¹		
			In	Out	Total	In	Out	Total
Proposed Use								
Apartment #220	164 units	1,118	17	67	84	70	38	108
Shopping Center #820	9,028 ksf	388	5	4	9	17	17	34
- less Internal Trips ³		-78	0	0	0	-4	-4	-8
- less Pass-by Trips (34%) ²		-119	-2	-2	-4	-5	-5	-10
Subtotal of Proposed Use		1,309	20	69	89	78	46	124
Existing Use								
Specialty Retail #814	1,500 ksf	1,243	0	0	0	2	2	4
Net New Project Trips		1,243	20	69	89	76	44	120

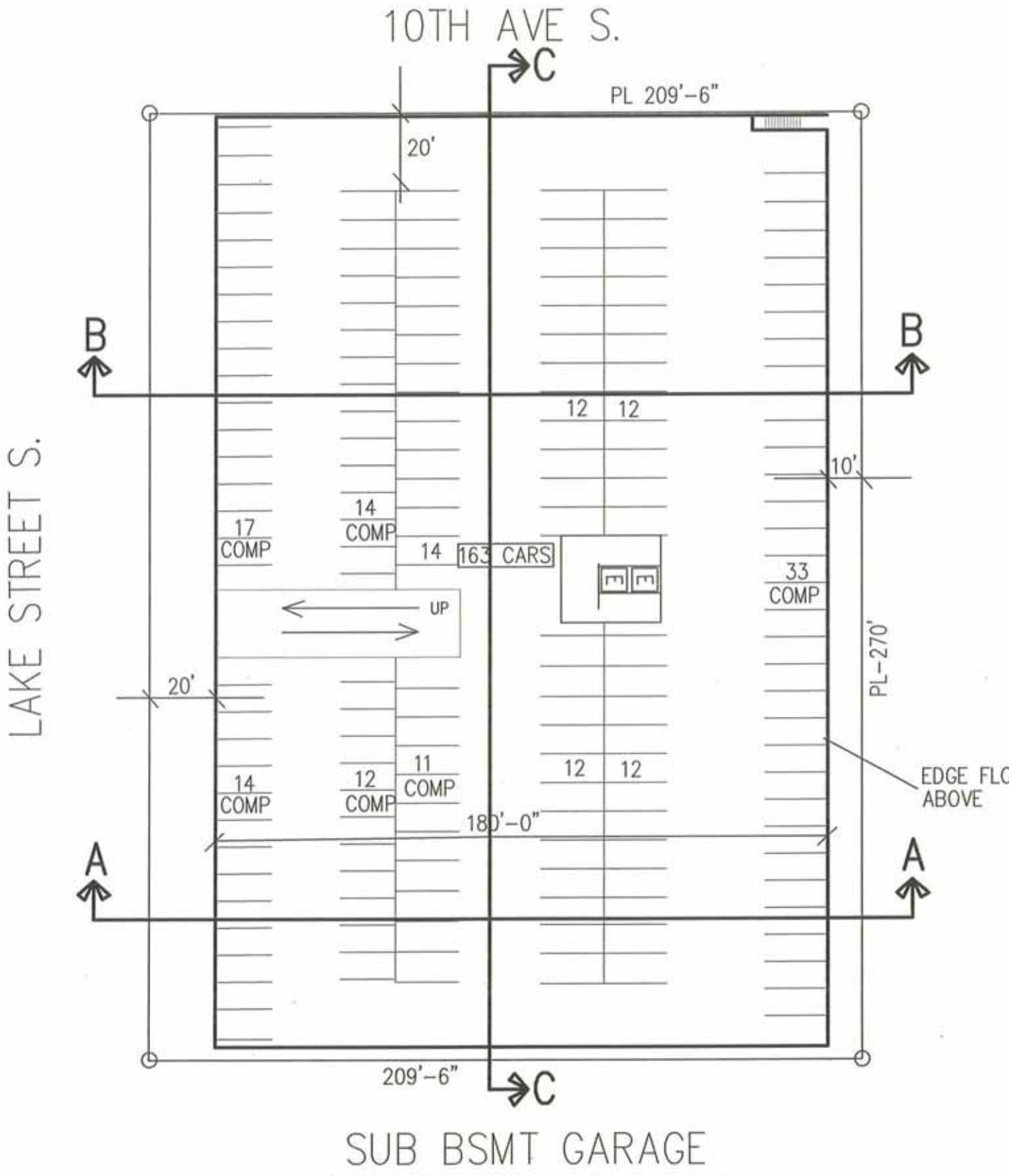
Note: ksf = 1,000 square-feet

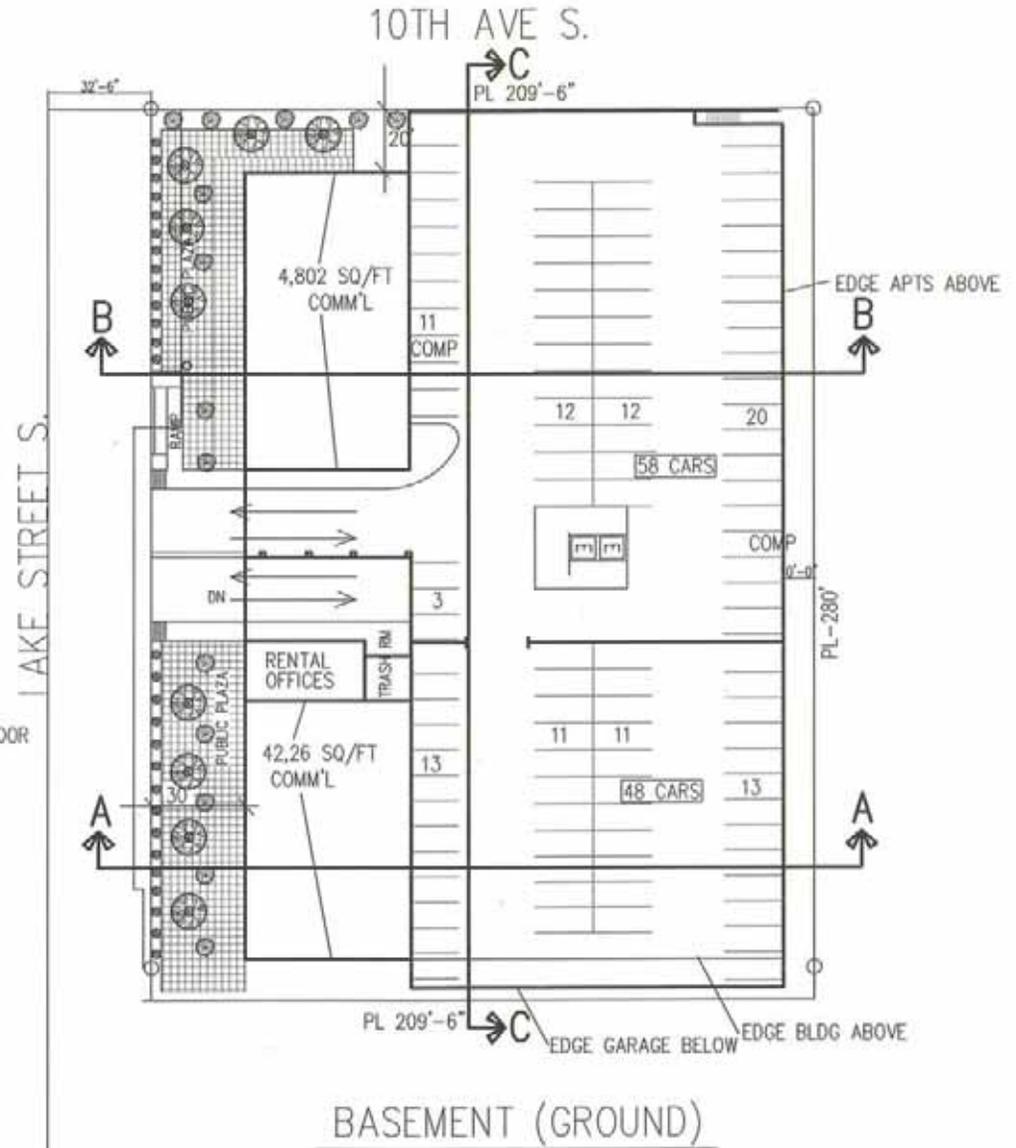
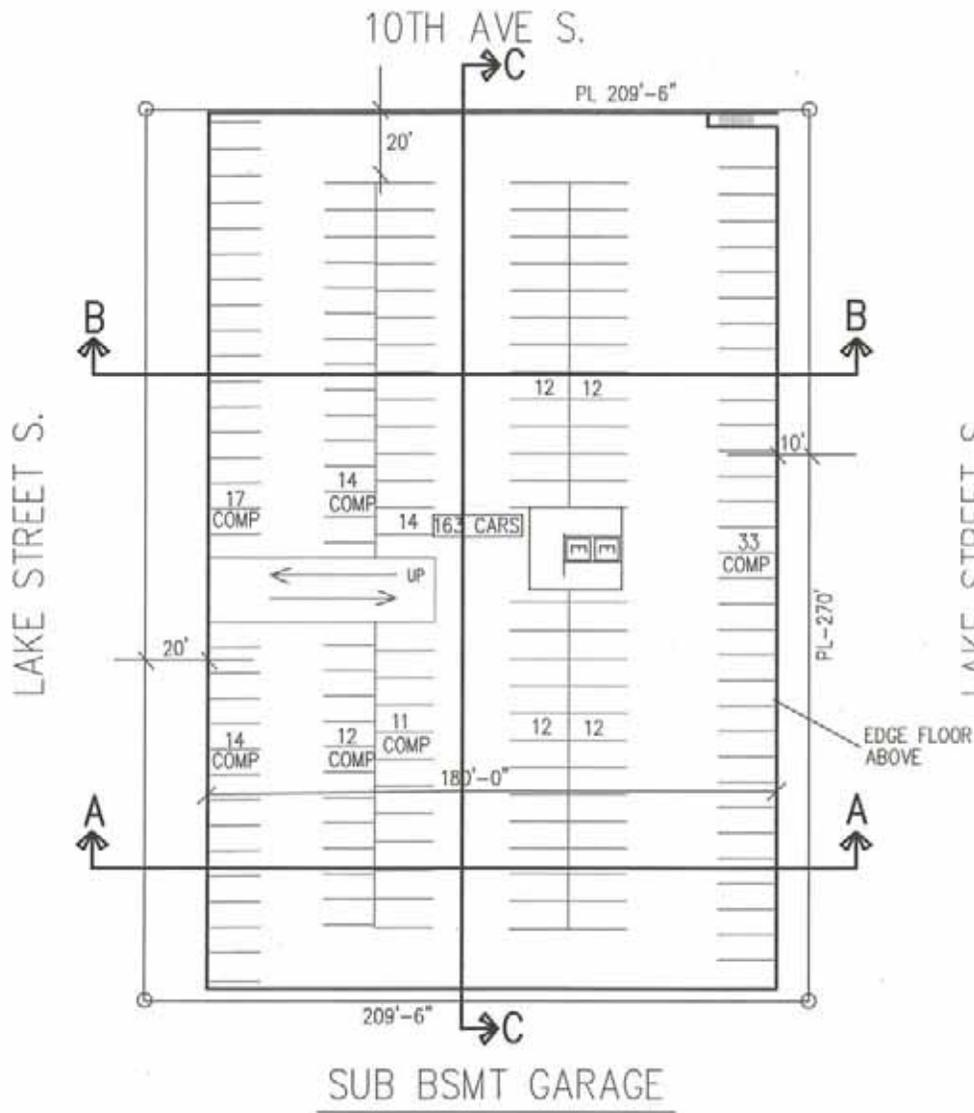
1. Trip generation based in ITE *Trip Generation*, 8th Edition using regression equation for Apartment #220 and average rates for Shopping Center #820 and Specialty Retail #814.
2. Internal trips calculated using the method outlined in the ITE *Trip Generation Handbook*, 2nd Edition.
3. Pass-by rate from ITE *Trip Generation Handbook*, 2nd Edition average weekday PM peak period rate for Shopping Center #820.

Concurrency

A Concurrency Manage Review Application has been attached with a review fee of \$1,487. Please complete a traffic concurrency test for the proposed development and provide the results to us. The results and model distribution would be used to further determine which off-site intersections would warrant additional analysis.

Please call or email with your comments and an anticipated timeline for your review. We look forward to talking with you soon.





MEMORANDUM

Date:	April 25, 2011	TG:	10196.00
To:	Thang Nguyen and Teresa Swan – City of Kirkland		
From:	Mike Swenson and Stefanie Herzstein – Transpo Group		
cc:	Lobsang Dargey – Dargey Enterprises		
Subject:	Potala Village Updated Land Use Proposal: Trip Generation and Parking Analysis		

The land use for the Potala Village development has changed since the completion of the *Transportation Impact Analysis – Potala Village, Kirkland, WA*, April 2011 (herein referred to as April 2011 TIA). This memorandum provides a brief summary of the current land use and associated changes to trip generation and parking demand.

The April 2011 TIA provided analysis for development of apartment units as well as retail and restaurant uses. The current proposal would develop office use rather than the retail and restaurant component. The current development proposal includes 143 apartment units, 3,000 square-feet of medical office and 3,186 square-feet of general office. Access to the site would be via Lake Street as evaluated in the April 2011 TIA. The proposed project would provide 317 parking spaces. The current site plan is attached.

Trip Generation

Daily and weekday peak hour trip generation for the current proposal was estimated based on the land use size and trip rates from the Institute of Transportation Engineers' *Trip Generation*, 8th Edition using the same method as outlined in the April 2011 TIA. Table 1 summarizes the estimated trip generation for the current proposal. As shown in the table, the proposed Potala Village is anticipated to generate approximately 1,070 net new daily trips with 86 trips occurring during the AM peak hour and 107 trips occurring during the PM peak. The current proposal generates approximately 270 fewer daily trips, 15 fewer AM peak hour trips, and 21 fewer PM peak hour trips than the project description analyzed as part of the April 2011 TIA.

Table 1. Estimated Project Trip Generation

Land Use	Size ¹	Daily ¹	Weekday AM Peak Hour ¹			Weekday PM Peak Hour ¹		
			In	Out	Total	In	Out	Total
Proposed Use								
Apartment #220	143 units	990	15	59	74	62	34	96
General Office #710	3.186 ksf	35	4	1	5	1	4	5
Medical Office #720	3.000 ksf	<u>108</u>	<u>6</u>	<u>1</u>	<u>7</u>	<u>3</u>	<u>7</u>	<u>10</u>
<i>Subtotal of Proposed Use</i>		1,133	25	61	86	66	45	111
Existing Use								
Specialty Retail #814	1.500 ksf	66	0	0	0	2	2	4
Net New Project Trips		1,067	25	61	86	64	43	107
<i>April 2011 TIA Project Trips</i>		1,340	29	72	101	80	48	128
Net Difference		-273	-4	-11	-15	-16	-5	-21

Note: ksf = 1,000 square-feet

1. Based on ITE *Trip Generation*, 8th Edition regression equation for Apartment #220 and average trip rates for Medical Office #720, General Office (#710) and Specialty Retail #814.

Parking Demand Analysis

The anticipated parking demand was calculated based on weekday average rates in ITE's *Parking Generation*, 4th Edition (see attached) using the same method as the April 2011 TIA. Table 2 provides a summary of the estimated parking demand. As shown in the table, the proposed parking supply would accommodate the peak parking demand with or without consideration of shared or existing on-street parking.

Table 2. Estimated Parking Demand

Land Use	Size	Parking Rate ¹	Peak Parking Demand	Peak Shared Parking Demand ²
Apartment (#221)	143 units	1.23 vehicles per unit	176	
General Office #701	3,186 sf	2.84 vehicles per 1,000 sf	9	176
Medical Office #720	3,000 sf	3.20 vehicles per 1,000 sf	10	
Total Demand			195	176
<i>Proposed Supply</i>			<u>317</u>	<u>317</u>
Net Difference			-122	-141

Note: sf = square-feet

1. Weekday average rate for suburban location from ITE's *Parking Generation*, 4th Edition.

2. Based on time of day information in ITE's *Parking Generation*, 4th Edition, where the peak parking demand for all the uses would occur between 12:00 to 4:00 a.m. when all the residential parking would be required and no commercial spaces would be needed.

City of Kirkland Parking Code Analysis

The project includes 317 garage parking spaces. The City of Kirkland Municipal Code Title 23 *Zoning* requires 1.7 spaces per residential unit, up to 0.5 spaces per residential unit for guest parking, one space per 300 square-feet for office uses, and one space per 200 square-feet for medical-dental office for zone BN. Table 3 provides a summary of the proposed parking supply compared to parking code. As shown in the table, the proposed parking supply would meet the City's parking code. The developer would provide approximately 0.31 spaces per unit for visitor parking, which is within the range typically required by the City¹.

Table 3. Kirkland Parking Requirements

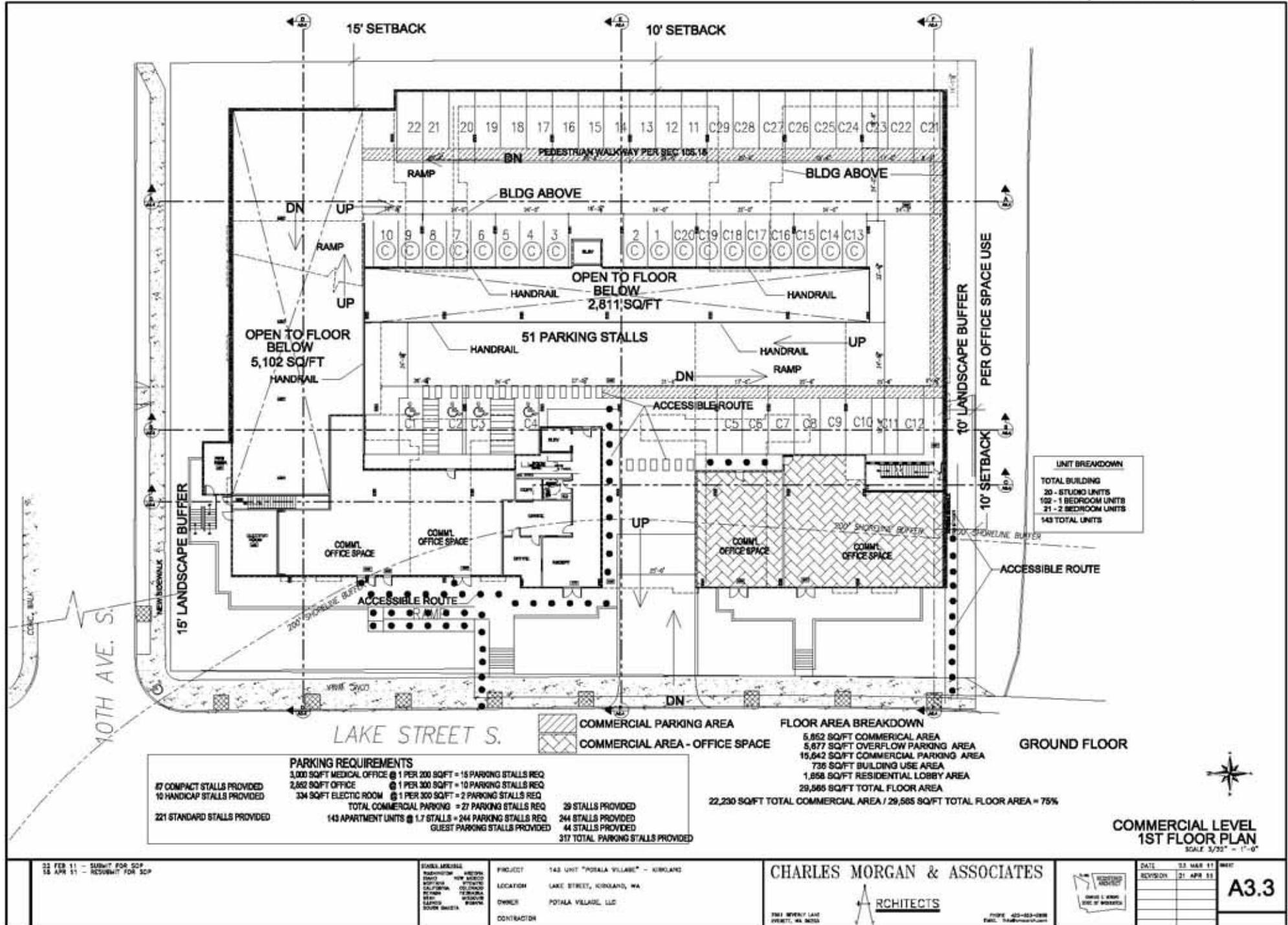
Land Use	Size	Parking Code	Code Parking Supply	Proposed Parking Supply
Apartments (Resident)	143 units	1.7 stalls per unit	244 spaces	244 spaces
Apartments (Guest)		up to 0.5 per unit	36 ¹ to 72 spaces	44 spaces
Office	3,186 sf	1 space per 300 sf	11 spaces	29 spaces
Medical Office	3,000 sf	1 space per 200 sf	15 spaces	
Total			306 to 342 spaces	317 spaces

Note: sf = square-feet

1. The parking code requires up to 0.5 stalls per unit for visitors. Based on past project, the City has typically required between 0.25 and 0.5 stalls per unit.

Overall, the trip generation and parking demand are anticipated to be less with the current proposal as compared to the April 2011 TIA. Therefore, transportation impacts related to the proposed project would be less than documented in the April 2011 TIA.

¹ The parking code requires up to 0.5 stalls per unit for visitors. Based on past projects, the City has typically required between 0.25 and 0.50 spaces per unit.



UNIT BREAKDOWN

TOTAL BUILDING	20 - STUDIO UNITS
	152 - 1 BEDROOM UNITS
	21 - 2 BEDROOM UNITS
TOTAL UNITS	143 TOTAL UNITS

FLOOR AREA BREAKDOWN

5,852 SQ/FT COMMERCIAL AREA
5,877 SQ/FT OVERFLOW PARKING AREA
15,642 SQ/FT COMMERCIAL PARKING AREA
735 SQ/FT BUILDING USE AREA
1,858 SQ/FT RESIDENTIAL LOBBY AREA
29,565 SQ/FT TOTAL FLOOR AREA
22,230 SQ/FT TOTAL COMMERCIAL AREA / 29,565 SQ/FT TOTAL FLOOR AREA = 75%

PARKING REQUIREMENTS

47 COMPACT STALLS PROVIDED	3,000 SQ/FT MEDICAL OFFICE @ 1 PER 200 SQ/FT = 15 PARKING STALLS REQ	29 STALLS PROVIDED
10 HANDICAP STALLS PROVIDED	2,652 SQ/FT OFFICE @ 1 PER 300 SQ/FT = 10 PARKING STALLS REQ	244 STALLS PROVIDED
	334 SQ/FT ELECTRIC ROOM @ 1 PER 300 SQ/FT = 2 PARKING STALLS REQ	44 STALLS PROVIDED
221 STANDARD STALLS PROVIDED	TOTAL COMMERCIAL PARKING = 27 PARKING STALLS REQ	44 STALLS PROVIDED
	143 APARTMENT UNITS @ 1.7 STALLS = 244 PARKING STALLS REQ	317 TOTAL PARKING STALLS PROVIDED
	GUEST PARKING STALLS PROVIDED	

22 FEB 11 - SUBMIT FOR SCP
18 APR 11 - REVISION FOR SCP

STARK ARCHITECTS DESIGN PROJECT LOCATION OWNER CONTRACTOR	143 UNIT "PODOLA VILLAGE" - KIRKLAND LAKE STREET, KIRKLAND, WA PODOLA VILLAGE, LLC
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CHARLES MORGAN & ASSOCIATES
ARCHITECTS

7363 NEVILL LAKE
POMEROY, WA 98053

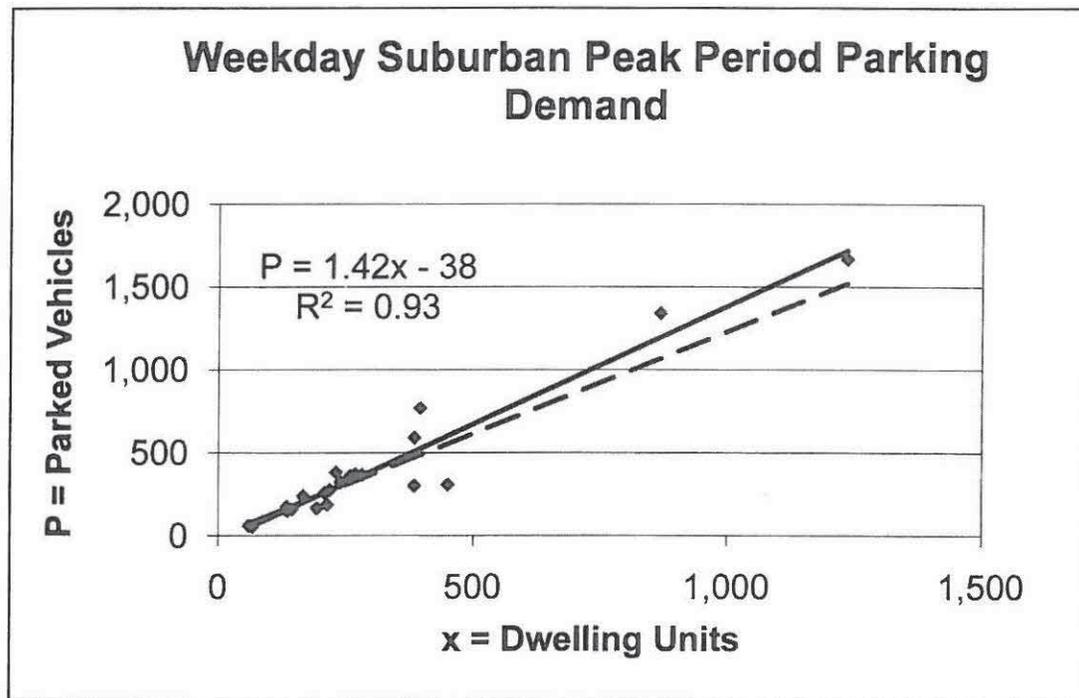
PHONE 425-853-0288
FAX 425-853-0289

DATE	03 MAR 11	REVISION	21 APR 11	A3.3
DATE		REVISION		

Land Use: 221 Low/Mid-Rise Apartment

**Average Peak Period Parking Demand vs. Dwelling Units
On a Weekday
Location: Suburban**

Statistic	Peak Period Demand
Peak Period	12:00–5:00 a.m.
Number of Study Sites	21
Average Size of Study Sites	311 dwelling units
Average Peak Period Parking Demand	1.23 vehicles per dwelling unit
Standard Deviation	0.32
Coefficient of Variation	21%
95% Confidence Interval	1.10–1.37 vehicles per dwelling unit
Range	0.59–1.94 vehicles per dwelling unit
85th Percentile	1.94 vehicles per dwelling unit
33rd Percentile	0.68 vehicles per dwelling unit

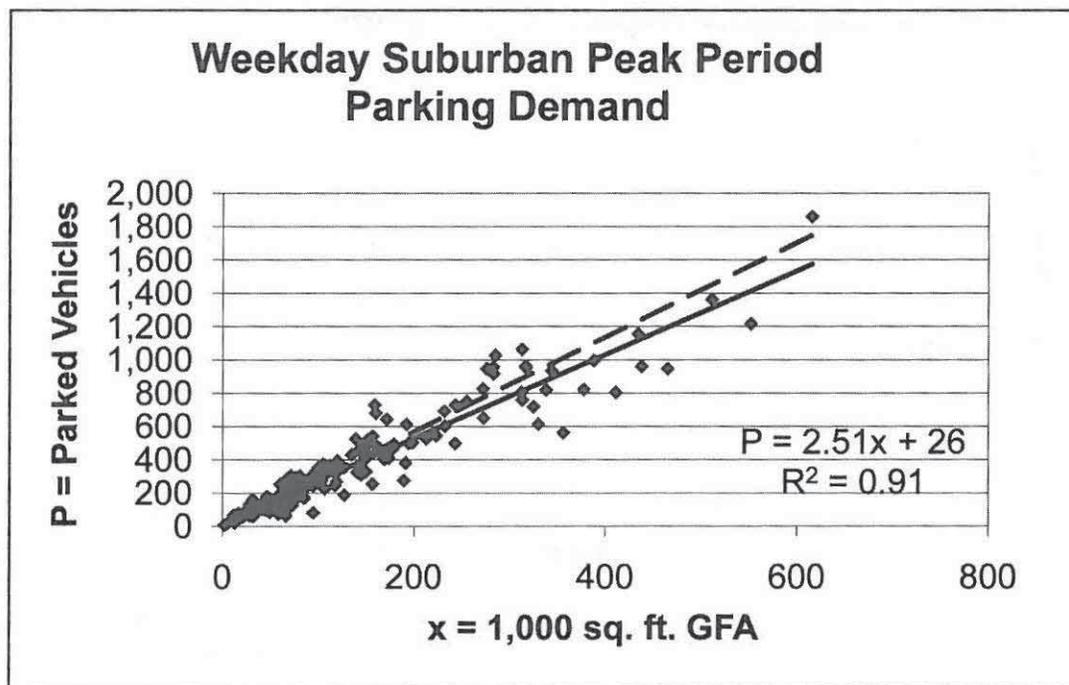


◆ Actual Data Points — Fitted Curve - - - Average Rate

Land Use: 701 Office Building

Average Peak Period Parking Demand vs. 1,000 sq. ft. GFA
On a: Weekday
Location: Suburban

Statistic	Peak Period Demand
Peak Period	9:00 a.m.—4:00 p.m.
Number of Study Sites	176
Average Size of Study Sites	136,000 sq. ft. GFA
Average Peak Period Parking Demand	2.84 vehicles per 1,000 sq. ft. GFA
Standard Deviation	0.73
Coefficient of Variation	26%
95% Confidence Interval	2.73–2.94 vehicles per 1,000 sq. ft. GFA
Range	0.86–5.58 vehicles per 1,000 sq. ft. GFA
85th Percentile	3.45 vehicles per 1,000 sq. ft. GFA
33rd Percentile	2.56 vehicles per 1,000 sq. ft. GFA

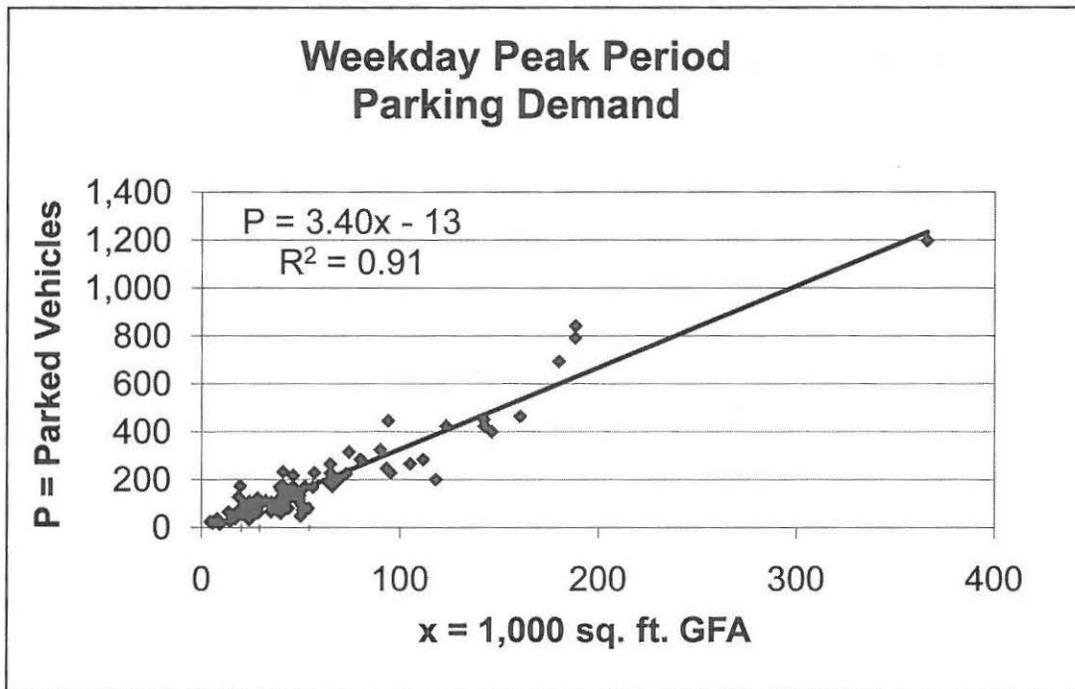


◆ Actual Data Points — Fitted Curve - - - Average Rate

Land Use: 720 Medical-Dental Office Building

Average Peak Period Parking Demand vs. 1,000 sq. ft. GFA On a Weekday

Statistic	Peak Period Demand
Peak Period	10:00 a.m.–12:00 p.m.; 2:00–3:00 p.m.
Number of Study Sites	86
Average Size of Study Sites	57,000 sq. ft. GFA
Average Peak Period Parking Demand	3.20 vehicles per 1,000 sq. ft. GFA
Standard Deviation	1.22
Coefficient of Variation	38%
95% Confidence Interval	2.94–3.46 vehicles per 1,000 sq. ft. GFA
Range	0.96–5.65 vehicles per 1,000 sq. ft. GFA
85th Percentile	4.27 vehicles per 1,000 sq. ft. GFA
33rd Percentile	2.68 vehicles per 1,000 sq. ft. GFA



◆ Actual Data Points — Fitted Curve/Average Rate