March 26, 2019

City of Kirkland
Environmental Coordinator
123 5th Avenue
Kirkland, WA 98033

Notice of Appeal SEP16-02066; Northwest University Master Plan SEPA Determination

Statement of Matter Being Appealed
The undersigned parties are submitting this appeal of the City of Kirkland’s Mitigated Determination of Non-Significance (MDNS) for the Northwest University Master Plan (SEP16-02066).

Specific Components or Aspects Being Appealed
The MDNS notes that the recommended transportation mitigations are incorporated into the project. Our appeal is based on:

- The mitigation of traffic impacts identified in the MDNS and SEPA Determination is clearly erroneous in being based on inappropriate and inadequate transportation improvements, compared to the identified significant impacts on the area transportation system of the Master Plan during peak commuter travel periods.
- The SEPA and traffic study did not evaluate potential traffic impacts and associated mitigation of the public use of the sports fields during weekends and evening/night hours.
- The SEPA did not evaluate or disclose the noise impacts of the public use of the sports fields or mitigation of those potential impacts. The lack of such an analyses is clearly erroneous based on proximity to existing single-family residences.
- The SEPA determination did not disclose the potential impacts of the lighting of the fields or appropriate mitigation of those potential impacts. The lack of such an analyses is clearly erroneous based on proximity to existing single-family residences.

Rationale or Contentions of Appeal
The following outlines our rationale for determining that the proposed transportation mitigation is not appropriate or adequate compared to significant traffic impacts of the proposed Master Plan.

1. **108th Avenue NE is Significantly Congested** – The 6th Street Corridor Study and the City’s adopted Transportation Master Plan show 108th Avenue NE currently operating at LOS E or F during the weekday PM peak commute period with extensive northbound traffic queues. These plans show extensive growth in traffic by 2035 which will significantly increase congestion and traffic queues along 108th Avenue NE, even without additional traffic associated with the Northwest University Master Plan.

2. **Significant Traffic Impacts on 108th Avenue NE are Projected** – The staff findings in the December 18, 2018 NW University Master Plan Development TIA Review memo from Thang Nguyen and Joel Pfundt to Tony Leavitt states that the “proposed project will create significant traffic impacts that warrant off-site transportation mitigation.”
3. **The Basis for Mitigating Project Impacts on 108th Avenue NE Is Not Appropriate** – The City’s TIA review and subsequent MDNS and associated documents identifies nine traffic mitigations for the off-site transportation impacts of the Master Plan. Three of the nine mitigation measures require the applicant to contribute a proportional share of the costs of future transportation projects that were identified through the 6th Street Corridor Study which was prepared by the City in 2016/2017 and adopted in early 2018. These projects are identified as:

- CIP Project PT 0005 - Phase I Transit Queue Jump at 108th Avenue NE/NE 60th Street
- CIP Project PT 0006 - Phase II Transit Queue Jump at 108th Avenue NE/NE 68th Street
- CIP Project TR 0117 004 – NE 68th Street Intersection Improvement/Access Management

- The identified improvements from the 6th Street Corridor Study are not an appropriate basis for defining the mitigation for the Northwest University Master Plan because traffic associated with the Master Plan was specifically excluded from the Corridor Study. The significant increase in traffic from the Master Plan would be additive to the severe congestion and traffic queues forecast in the Corridor Study and the City’s current Transportation Master Plan. The recommended improvements from the 6th Street Corridor Study did not evaluate the additional traffic impacts of the Master Plan on future levels of congestion, traffic queues, cut-through traffic, and safety and therefore, use of these improvements as the primary basis for mitigation of the project traffic impacts on the corridor is clearly erroneous.

- Two of the above improvements to 108th Avenue NE are solely focused on improving the speed and reliability of transit service. These two improvements will not directly or even indirectly adequately mitigate the significant traffic impact of the Master Plan on the 108th Avenue NE corridor. In addition, approximately 50 percent of the increase in traffic generation under the Master Plan proposal is associated with outside use of the sports fields and tennis center which would not likely be transit users. Therefore, using these improvements as the primary basis of traffic mitigation on the congested corridor is clearly erroneous.

4. **Proportional Share of Improvement Costs is in Error** – The City’s estimated cost of the three improvements is $14.85 million per the City’s 2019-2024 Capital Improvement Program (CIP) and are shown as fully unfunded. However, the proposed proportional share cost is based on the costs of the three projects with a total cost of $4.1 million (Table 5 of December 18, 2018 TIA Review memo). The December 18, 2018 TIA review memo states that the applicant’s mitigation for each of these improvements is a percent of total project costs (emphasis added). No rationale is provided for using a lower cost estimate. Nor would a lower cost actually result in the transportation improvement results identified in the 6th Street Corridor Study.

The MDNS states that the maximum proposed Master Plan mitigation for these three locations totals $682,000, or 4.6 percent of the total cost. Calculating the proportional share
contribution based on the full estimated improvement costs of $14.85 million would result in over $1.7 million in mitigation costs required by the Master Plan.

5. **Contributing a Small Share of the Costs Does Not Adequately Mitigate the Project’s Traffic Impacts** – The applicant would be required to make the proportional share payments to the City at the time of the first building permit for the Master Plan or with public use of the athletic fields. This would then allow the full 20-year Master Plan to develop without any assurances that the other 95 percent of the cost of these projects would ever materialize to design and construct the improvements. This would result in the traffic impacts of the Master Plan not being mitigated in a timely manner or possibly not being mitigated at all.

6. **Evaluation and Mitigation of Cut-through Traffic Impacts is Flawed and Clearly Erroneous** – The Traffic Impact Analysis does not fully disclose or adequately mitigate the impacts of the proposed Master Plan related to increases of cut-through traffic on neighborhood streets both south and north of the campus.

7. **Transportation Management Program Results are Not Disclosed** – The TIA does not disclose the results of the University’s existing Transportation Management Program in relationship to its required goals. The TIA does not anticipate any significant increase in transit use under the Master Plan nor does it include any requirements to reduce its trip generation through an update of its Transportation Management Program to meet the adopted goals for reducing traffic impacts of the campus (existing and proposed) Master Plan.

8. **Weekend and Evening Traffic Impacts of Public Use of Sports Fields** – If approved as submitted, the Master Plan application would allow extensive public use of the athletic fields between 8:00 am and 9:30 pm seven days a week. This would allow practices, games, and sports tournaments to be held, similar to those at other parks in the region. The potential transportation and parking impacts of these uses needs to be disclosed and adequately mitigated. Not including such an evaluation is clearly erroneous because it fails to disclose potential impacts and needed mitigation.

9. **Noise Impacts of Public Use of Fields** – The potential noise impacts on the adjacent residential neighborhoods associated with non-University uses of the sports fields during weekdays, evenings, and on weekends needs to be disclosed and mitigated.

10. **Visual/Glare Impacts of Lighting of the Fields** – The proposed lighting of the athletic field will likely result in visual impacts to the surrounding community. The lights will be taller than all of the buildings on campus, including the apartments along 114th Avenue NE. However, the SEPA contains no analyses of those potential impacts or associated mitigation of those resulting impacts.
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Conclusion

The lack of disclosing and mitigating the above traffic, noise, and visual impacts will result in significant impacts that are not adequately mitigated by the proposed SEPA conditions. Additional studies are needed to fully evaluate the potential impacts of these elements of the Master Plan. Based on those studies appropriate mitigation, including potentially reducing or capping the traffic generation of the Master Plan, restricting the types of allowed uses, and restricting the days and hours of certain uses.

Statement Demonstrating Standing to Appeal

The below appellants are all residents of the City of Kirkland and reside in the immediate proximity of Northwest University. Five of the appellants directly border the north side of the campus. The other two reside along 111th Avenue NE, within 400 feet of the south side of the Northwest University Campus. We all travel the roadways that will be significantly impacted by the increased traffic on arterials, collectors, and local streets. We will be affected by the glare of the lighting of the fields and the additional noise of the field use.

Supplemental Information

We would like to share the following information in support of our appeal:

1. Larry Toedtli, one of the appellants is a registered engineer in the State of Washington. He recently retired as a principal at Transpo Group. During his over 30 years at Transpo Group he prepared traffic impact analyses for several large Master Plan developments, as well as traffic studies to support institutional master plans. He also directed Transpo’s efforts in preparing and updating GMA-based transportation plans, transportation financing strategies, and concurrency programs, including working on the City of Kirkland’s Transportation Master Plan. Larry also assisted local agencies in reviewing traffic impact studies for developments within and outside of their jurisdiction.

2. The appellants have participated in the Northwest University’s Master Plan processes, even before the application was submitted to the City. We have previously shared our concerns about traffic impacts and other issues so they could be addressed in the final Master Plan proposal but have not yet been adequately addressed.

Appellants

We are submitting this appeal statement on behalf of ourselves and on behalf and consent of the below listed appellants.

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