



CITY OF KIRKLAND

Planning and Building Department
123 Fifth Avenue, Kirkland, WA 98033
425-587-3600 - www.kirklandwa.gov

CITY OF KIRKLAND NOTICE OF SEPA DETERMINATION NOTICE OF ROAD CONCURRENCY TEST

The City of Kirkland has conducted an environmental review and road concurrency review and road concurrency review of the following project:

Permit No.: SEP22-00744

Proponent: Mill Creek Residential

Address or Location of proposal: MODERA BRIDLE TRAILS, 13033 NE 70th PI

Description of project: Request to construct a 5-story mixed use project with approximately 368 residential units and 7,000 square feet of retail space. Parking is proposed within structured parking below the building. Vehicular access to the property is from 130th Avenue NE and NE 70th Place.

Notice is hereby given that on October 23, 2023 the City of Kirkland issued a Determination of Nonsignificance (DNS) in accordance with the State Environmental Policy Act (SEPA) and Chapter 197-11 of the Washington Administrative Code.

The proposal has been changed to include the following measures to mitigate impacts:

1. Submit a final TMP for approval by the City Transportation Engineer. The final TMP document shall be recorded with King County prior issuance of the building permit.
2. Post a \$50,000 bond for the installation of a curb to eliminate left turns into and out of the development's NE 70th Place driveway.
3. Submit a transit stop shelter design for the City Transportation Engineer and METRO staff review and approval unless METRO determines a shelter is not needed.

SEPA Comments: Comments must be submitted by **5:00 PM** on November 6, 2023 (14 days from the issuance date) to the City of Kirkland, [Planning & Building Department](#), 123 Fifth Avenue, Kirkland, WA 98033. Contact Tony Leavitt, for further information at 425-587-3253.

Procedures to Appeal SEPA: You may contact Tony Leavitt at 425-587-3253 to ask about the procedures for SEPA appeals.

KMC 24.02.230(a) states that administrative appeals of SEPA Determinations are available only in instances where there is an open record hearing on the underlying governmental action (such as Process IIA and IIB decisions). SEPA appeals must be filed within fourteen days of the date the SEPA determination is issued (KMC 24.02.230(c)(1)). A timely SEPA appeal will be placed on hold until the open record hearing on the underlying governmental action is scheduled. Then, both the SEPA appeal and underlying governmental action will be consolidated at one open record hearing.

Pursuant to KMC 24.02.230(f), if a land use permit does not include an open record public hearing but provides for an open record appeal (such as Design Review Board and Process I decisions), the SEPA appeal will be consolidated with the open record appeal and decided upon by the hearing examiner. A timely SEPA appeal will be placed on hold until the City's final decision on the underlying permit is issued. Then, if the underlying permit decision is appealed administratively, both appeals will be decided at a consolidated open record appeal hearing. If the underlying permit decision is not appealed, then there will be no administrative SEPA appeal available and judicial appeal procedures may be followed.

1. A written appeal must be filed with the Environmental Coordinator by **5:00 PM** on November 6, 2023 at the above address.
2. The appeal must contain a brief and concise statement of the matter being appealed, the specific components or aspects that are being appealed, the appellant's basic rationale or contentions on appeal, and a statement

demonstrating standing to appeal. The following have standing to appeal: a) the applicant; b) any agency with jurisdiction; c) any individual or other entity who is specifically and directly affected by the proposed action. The appeal may also contain whatever supplemental information the appellant wishes to include.

3. Pay the fee to file an appeal. See the [Planning & Building Department Land Use Fee Schedule](#).

Notice is hereby given that the proposed project passed the road concurrency review and the City of Kirkland issued a road concurrency test notice in accordance with the [Kirkland Municipal Code \(KMC\) Title 25](#).

Procedures to Appeal Road Concurrency:

1. Refer to [Kirkland Municipal Code \(KMC\) Chapter 25.23](#) for what decisions may not be appealed.
 2. A written appeal must be filed with the Public Works Official, Thang Nguyen, by 5:00 p.m. on November 6, 2023 at the above address.
 3. A concurrency appeal will follow the same process as a SEPA appeal. See No. 2 and 3 above under SEPA appeals for procedures. A separate appeal fee is required. See the [Planning & Building Department Land Use Fee Schedule](#).
- There is no other opportunity to appeal road concurrency issues.** Call Thang Nguyen at 425.587.3869 if you have questions about what is addressed in concurrency review.

More information is available at www.mybuildingpermit.com.

Publishing Date: October 26, 2023 _____

Content of legal notice approved by project planner:___





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123 Fifth Avenue, Kirkland, WA 98033
www.kirklandwa.gov ~ 425-587-3600

MITIGATED DETERMINATION OF NON-SIGNIFICANCE

DATE ISSUED: OCTOBER 23, 2023

Project Planner: Tony Leavitt

File No.: SEP22-00744

Phone: 425-587-3253

Project Name: MODERA BRIDLE TRAILS

Email: tlevitt@kirklandwa.gov

Project Location: 13033 NE 70TH PLACE

Proponent: Weber Thompson Architects for Mill Creek Residential

Project Description: Request to construct a 5-story mixed use project with approximately 368 residential units and 7,000 square feet of retail space. Parking is proposed within structured parking below the building. Vehicular access to the property is from 130th Avenue NE and NE 70th Place.

Lead agency is the City of Kirkland.

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

The proposal has been changed to include the following measures to mitigate impacts:

Prior to issuance of the building permit, the applicant shall:

1. Submit a final TMP for approval by the City Transportation Engineer. The TMP shall include all of the elements listed in Attachment 8 of the SEPA Determination Memorandum. The final TMP document shall be recorded with King County prior to issuance of the building permit. Element 4 (bike storage) and Element 8 (bike racks) need to be included as part of the building permit application and completed prior to building permit final inspection.
2. Post a \$50,000 bond for the installation of a curb to eliminate left turns into and out of the development's NE 70th Place driveway. To ensure traffic operation along the project frontage on NE 70th Place is safe, the project driveway off NE 70th Place shall be monitored and analyzed for vehicle conflicts and crashes for three years. If there is a pattern of left-turn conflicts or crashes related to the project driveway, then the applicant shall mitigate the impact to reduce the vehicle conflicts/crashes to existing conditions at the expense of the developer. The applicant shall submit a vehicle conflict and crash analysis to the City Transportation Engineer for review within four years of the final building occupancy permit or three years after the apartment is 95% occupied, whichever comes first. The scope of analysis shall be reviewed and approved by the City Transportation Engineer. If the analysis determines that crash data warrants a median c-curb to restrict left-turns into and out of the project driveway, the applicant shall install a median c-curb or other mitigations to restrict left-turns into and out of the project driveway. If the analysis determines that no median c-curb is warranted, the bond shall be released.

3. Submit a transit stop shelter design for the City Transportation Engineer and METRO staff review and approval unless METRO determines a shelter is not needed. The applicant shall complete construction of the transit stop shelter prior to the building permit final inspection.

Comment Period Information:

This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date issued. Comments must be submitted to Tony Leavitt, project planner at tleavitt@kirklandwa.gov by 5:00 PM on November 6, 2023. Please reference file number SEP22-00744.

Responsible official:



10/23/23

Adam Weinstein, AICP, Planning & Building Director
City of Kirkland
Planning & Building Department
123 Fifth Avenue, Kirkland, WA 98033 – 425-587-3600

Date

KMC 24.02.230(a) states that administrative appeals of SEPA Determinations are available only in instances where there is an open record hearing on the underlying governmental action (such as Process IIA and IIB decisions). SEPA appeals must be filed within fourteen days of the date the SEPA determination is issued (KMC 24.02.230(c)(1)). A timely SEPA appeal will be placed on hold until the open record hearing on the underlying governmental action is scheduled. Then, both the SEPA appeal and underlying governmental action will be consolidated at one open record hearing.

Pursuant to KMC 24.02.230(f), if a land use permit does not include an open record public hearing but provides for an open record appeal of decisions issued by the Planning Official, Design Review Board, and/or Planning Director (Process I) and such appeal is filed, the SEPA appeal will be consolidated with the open record appeal and decided upon by the hearing examiner. If no such appeal is filed, then a timely SEPA appeal will be placed on hold until the City's final decision on the underlying permit is issued, at which time judicial appeal procedures apply.

You may appeal this determination to the Planning & Building Department at City of Kirkland, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 PM on October 31, 2023 by a Written Notice of Appeal. You should be prepared to make specific factual objections and reference case number SEP20-00633. Contact Tony Leavitt, Senior Planner in the Planning & Building Department at 425.587.3253 to ask about the procedures for SEPA appeals. See also KMC 24.02.230 Administrative Appeals.

Publish in The Seattle Times on: October 26, 2023

cc: Applicant
Planning Department File

Distributed by: _____Katie Kapoor_____  _____10/23/2023_____

Office Specialist Date



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Title VI:

English:

To request information from this document in English, please contact the Title VI Coordinator at titlevicoordinator@kirklandwa.gov or 425-587-3831.

Chinese, simplified:

如需此文件中信息的简体中文版本, 请发送电子邮件至 titlevicoordinator@kirklandwa.gov 或拨打 425-587-3831 联络 Title VI 协调员。

Russian:

Чтобы запросить перевод этого документа на по-русски, свяжитесь с координатором по вопросам Раздела VI по электронной почте titlevicoordinator@kirklandwa.gov или по номеру 425-587-3831.

Spanish:

Para pedir información sobre este documento en español, comuníquese con el coordinador del Título VI escribiendo a titlevicoordinator@kirklandwa.gov o llamando al 425-587-3831.

Portuguese:

Para solicitar informações deste documento em português, entre em contato com o Coordenador do Título VI em titlevicoordinator@kirklandwa.gov ou 425-587-3831.

Korean:

해당 (언어)로 이 서류의 정보를 요청하려면, 타이틀 VI 코디네이터 타이틀 VI 코디네이터.

에게 titlevicoordinator@kirklandwa.gov 또는 425-587-3831로 연락하십시오.

Vietnamese:

Để yêu cầu thông tin từ tài liệu này bằng Tiếng Việt, vui lòng liên hệ với Điều Phối Viên Tiêu Đề VI theo địa chỉ titlevicoordinator@kirklandwa.gov hoặc theo số 425-587-3831.

Alternate Formats:

People with disabilities may request materials in alternate formats.

Title VI: Kirkland's policy is to fully comply with Title VI of the Civil Rights Act by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from its programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with the City. To request an alternate format, file a complaint or for questions about Kirkland's Title VI Program, contact the Title VI Coordinator at 425-587-3831 (TTY Relay: 711) or TitleVICoordinator@kirklandwa.gov.