



Notice of Decision Regarding the LakePointe Project May 26, 2000

The City of Kenmore Hearing Examiner, in his decision dated April 2nd, 1999, found that the new intersection of LakePointe Way NE and 68th Avenue NE as proposed, did not meet applicable King County Intersection Standards (King County Municipal Code, Chapter 14.65). These standards apply to the Lakepointe project because it was vested with King County before Kenmore's incorporation as a City. In addition, the Examiner found that the County failed to adequately justify the exception that was granted from the King County Intersection Standards for this intersection. As a result, the Examiner vacated the exception and remanded the question of the compliance of the intersection for further review. LakePointe was then notified by the City of Kenmore that the Commercial Site Development Permit for their project had, in effect, been suspended pending resolution of the question at hand.

Subsequently, LakePointe submitted a Revised Supplemental Traffic Study to the City of Kenmore, dated February 4, 2000. This study and subsequent correspondence incorporated several additional road improvements (both publicly and privately funded) and mitigating measures in the vicinity of the intersection of LakePointe Way NE and 68th Avenue NE, including:

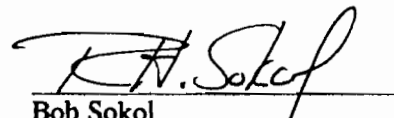
- 1) Adding an additional northbound lane at the intersection of 68th Avenue NE and Bothell Way NE, so that the new intersection includes two exclusive left turn lanes, a dedicated through lane, and a dedicated right turn lane.
 - a) LakePointe will pay for all costs associated with the acquisition of right-of-way for the new turn lane.
 - b) The City will pay for the costs of constructing the new lane as part of a comprehensive intersection improvement project.
- 2) Left turn movements at the intersection of NE 175th Street and 68th Avenue NE will be phased out in accordance with the provisions of the City's approved 6-Year Transportation Improvement Plan (TIP).
- 3) The addition, at LakePointe expense, of a lengthened, third northbound lane from the north end of the Sammamish River Bridge to LakePointe Way and continuing on to NE 175th Street.
- 4) Reconfiguration, at LakePointe expense, of the northbound lanes of 68th Avenue NE at the intersection with LakePointe Way NE to provide a dedicated left turn lane and two dedicated through lanes.
- 5) Improved channelization and signal operation, at LakePointe expense, at the intersection of NE 170th Street and 68th Avenue NE.

The City of Kenmore has reviewed this Revised Traffic Study and asked LakePointe to respond to several issues and questions. Ultimately, it was determined that with the additional improvements proposed by LakePointe that the intersection of LakePointe Way NE and 68th Avenue NE will operate, on the average,

at a Level of Service E or better during the AM and PM peak hours, possibly as high as Level of Service C in the year 2005 with full development of LakePointe, which is in compliance with the King County Intersection Standards (King County Municipal Code, Chapter 14.65) as adopted by the City of Kenmore. Consequently, the need for an exception to the intersection standards has been eliminated. The City of Kenmore finds that the LakePointe project is now in full compliance with all applicable regulations and standards, which is the standard under which this project is vested.

With this finding, the Commercial Site Development Permit has, in effect, been reinstated and LakePointe is authorized to proceed in accordance with their approved permits, subject to the execution of a revised Transportation Mitigation Agreement with the City of Kenmore, that fully provides for the implementation of the improvements proposed in the Revised Supplemental Traffic Study and related correspondence.

This decision completes the Administrative Review of the Commercial Site Development Permit. The Public Rules implementing the King County Intersection Standards (paragraph 6.3.6), as adopted by the City of Kenmore, provide that appeals of this final decision together with appeals arguments, must be filed with the City of Kenmore, within 10 working days of the receipt of this decision, in a manner prescribed in King County Code Chapter 20.24.090 C 2 as adopted by the City of Kenmore. Assuming that there are no appeals of this final decision, further appeals of the matters addressed in the Hearing Examiner decisions of December 11, 1998 and April 5, 1999 must be filed in King County Superior Court within 21 days of the date of this decision.



Bob Sokol
Community Development Director
City of Kenmore

Date

5/26/00