



**APPEAL OF A DECISION  
of an  
ADMINISTRATIVE OFFICIAL**

• 801 – 228<sup>th</sup> Avenue SE • Sammamish, WA 98075 • Phone 425-295-0500 • Fax 425-295-0600 • www.sammamish.us

Case Name or Number: PSUB2014-00165

Parcel Number: \_\_\_\_\_

TO: THE HEARING EXAMINER

COMES NOW KEMPTON DOWNS COMMUNITY ORGANIZATION on this 1<sup>st</sup> day of May, 2015,

(Your Name)

as an APPELLANT and an "aggrieved person directly affected," in the matter of the decision by the Administrative Official on CASE NO. PSUB2014-00165, the application of Conner-Jarvis LLC for the preliminary subdivision of the Conner-Jarvis Subdivision.

WHEREAS, the Administrative Official, after duly considering said matter, did on April 10, 2015,  
(decision date)

take said action to

Approve a street variation from PWS 15.100 subject to conditions on 232nd Ave. SE and other existing roads in the Kempton Downs Subdivision

THEREFORE BE IT KNOWN, that the appellant, after review and consideration of the administrative decision of the Administrative Official does now, under the provisions of the appropriate official regulations, give written notice of appeal to the Planning Department and concisely specifies such errors and/or issues the Hearing Examiner is asked to consider:

SEE ATTACHED

AND FURTHERMORE, requests that the Hearing Examiner having responsibility for a determination in this matter, will upon review of the record of Case No. PSUB2014-00165 and this appeal, find in favor of the appellant and reverse the action of the Administrative Official by denying the applicant's request for a street variation.

\_\_\_\_\_  
Allan Bakalian, Zeno Bakalian P.S., Attorney for Kempton Downs Community Organization

4020 Lake Washington Blvd, NE, Kirkland, WA 98033 425 822 1511

Signature of Appellant

Address of Appellant

Phone No.

Filed with Planning Department this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

by \_\_\_\_\_ Received by \_\_\_\_\_;

Forwarded to the Clerk of the Council on \_\_\_\_\_, 20\_\_\_\_.

4/19/00 Ordinance 02000-60

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7 **BEFORE THE HEARING EXAMINER**  
8 **CITY OF SAMMAMISH**

9 In re: Appeal of Street Variation for the  
10 proposed plat of CONNER - JARVIS,  
11 PSUB2014-00165

PSUB2014-00165  
KEMPTON DOWNS  
COMMUNITY  
ASSOCIATION APPEAL OF  
STREET VARIATION

12  
13 **1. INTRODUCTION**

14 Pursuant to Sammamish Municipal Code ("SMC") 20.10.080 and Interim Public  
15 Works Standards (PWS) 10.180, the Kempton Downs Community Organization hereby  
16 appeals the City of Sammamish Department of Community Development's April 10,  
17 2015 Notice of Street Variation Approval for the Conner-Jarvis Subdivision -  
18 PSUB2014-00165. A copy of the Street Variation Approval and Notice is attached.

19 **2. APPELLANTS**

20 Appellant is the Kempton Downs Community Organization, a Washington non-  
21 profit corporation consisting of the homeowners within the Kempton Downs subdivision,  
22 located immediately adjacent to the Applicant's proposed subdivision. Appellant and its

1 members will be aggrieved and adversely affected by the Variation as it would increase  
2 traffic and create a new thoroughfare through their neighborhood.

### 3. GROUNDS FOR APPEAL

4 Kempton Downs appeals the City's issuance of this Street Variation for the  
5 following reasons:

6 1. The Street Variation is not consistent with the Interim Public Works  
7 Standards at PWS 15.010 *et seq.*, and is erroneous and/or arbitrary and capricious.

8 2. The Street Variation violates PWS 10.170 and 15.100 as it is not based on  
9 the information, plans, data or other evidence in the record.

10 3. There is no actual evidence that the reduction in pavement and loss of  
11 parking on 232nd Ave. SE is outweighed by a reduction in speed and stormwater impacts  
12 as stated by the Public Works Director's decision.

13 4. The Variation will eliminate at least five (5) homeowners' street parking  
14 due to the creation of a new street (Road C) and intersection in the Kempton Downs  
15 subdivision.

16 5. The Variation will create unsafe conditions for pedestrians and  
17 automobiles walking or traveling along 232nd Ave. SE due to the increased traffic (over  
18 650 trips per day) flowing through the Kempton Downs subdivision from the proposed  
19 development.

20 6. The Variation will increase the pedestrian exposure at the Road C crossing  
21 and increase the existing impervious surface.

22 7. The Variation is not based on Sound Engineering Judgment as required by  
PWS 10.170 and PWS 15.100.

8. The Variation favors the economic interests of the applicant by avoiding street and pedestrian safety improvements, stormwater and environmental improvements and other requirements of PWS 15.100, and is not in the best interest of the public as required by PWS 10.170.

9. Notwithstanding King County and the City's zoning amendments since the Kempton Downs subdivision was created, a plat alteration of the Kempton Downs subdivision - with the requisite notice to all homeowners - is required based upon the proposed change of use of Tract C of the Kempton Downs subdivision.


10. The Variation is not consistent the City's Comprehensive Plan Transportation elements including, but not limited to, TP-3.1.5 (requiring improving substandard roadways while adding new roadway connections) and TP-3.1.6 (requiring roadway improvements not impair the safe and efficient movement of pedestrian and bicycle traffic).

#### 4. RELIEF REQUESTED

Appellants request the Street Variation be reversed and either denied or remanded to the City for inclusion of additional conditions.

RESPECTFULLY SUBMITTED this 7 day of May, 2015.

ZENO BAKALIAN P.S.

  
Allan B. Bakalian, WSBA #14255  
Attorneys for Kempton Downs Community  
Organization

## NOTICE OF APPEAL OF STREET VARIATION - 3

**ZENO BAKALIAN P.S.**  
4020 Lake Washington Blvd. NE, Ste 100  
Kirkland, WA 98033  
T: (425) 822-1511 F: (425) 822-1411