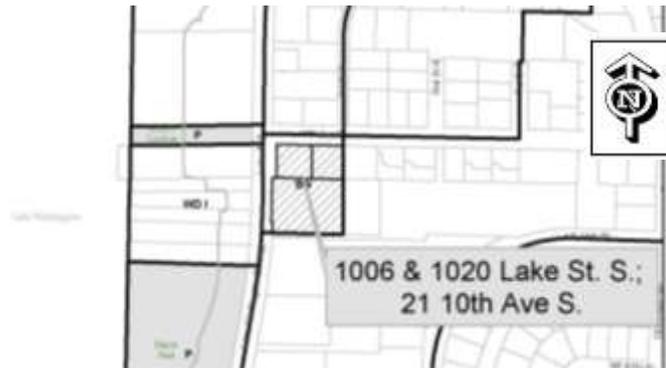




**City of Kirkland
Potala Village EIS Scoping Summary
May 2, 2012**

I. Introduction

The City of Kirkland is preparing an Environmental Impact Statement (EIS) to evaluate potential significant environmental impacts associated with the proposed Potala Village development. The proposal is located at the southeast quadrant of the intersection at 10th Avenue South and Lake Street South in the City of Kirkland (see map).



The proposal consists of a mixed use development that would include approximately 6,200 square feet of commercial space, 143 residential units and underground parking. The building is proposed at 30 feet above existing grade; with excavation four floors of development are proposed above finished grade. Commercial uses would be on the first floor with three floors of residential above. The building would be set back 30 feet from Lake Street South, 20 feet from 10th Avenue South and 10 to 15 feet from the other property lines. Access to the development would be solely from Lake Street South and 316 parking stalls are proposed. The EIS will also evaluate a No Action Alternative, which is site development as it currently exists.

The purposes of an EIS include:

- 1) Serve as an informational document;
- 2) Provide an objective evaluation of the environmental consequences of a proposed action;
- 3) Provide City decision-makers with environmental information to be considered in the decision-making process; and
- 4) Provide a process for the interested public and agencies to comment on the proposal's impacts and mitigating measures.

A Determination of Significance/Scoping Notice was issued on August 4, 2011 (see Attachment 1). The 21-day scoping comment period ended on August 25, 2011. During the comment period a total of 22 written comment letters (see Attachment 2).

This scoping report documents the scoping process, compiles comments received during the scoping period and summarizes the City's review and findings of scoping comments.

II. EIS Scoping

Scoping is a process intended to narrow the scope of an EIS to the probable significant adverse impacts and reasonable alternatives, including mitigating measures. Interested parties, agencies and tribes are invited to comment on potential alternatives and issues that the EIS should evaluate.

Based on the comments received on the initial SEPA Determination of Non-Significance and the three SEPA appeals following that determination, the City issued a Determination of Significance and identified the following areas or elements for analysis in the EIS: height, bulk and scale of the building, residential density, traffic, parking, wildlife (threatened and endangered species), environmental remediation (contamination clean-up) and construction impacts. The Determination of Significance and Scoping Notice was issued on August 4, 2011 and established a 21-day comment period to receive comments on the EIS scope. Following an analysis of scoping comments and available information, the City made two changes to the initial EIS scope:

1. Wildlife (threatened and endangered species, in particular, bald eagles). Following a review of available information from the Washington Department of Fish and Wildlife, the City determined because there is no evidence of nest or roost sites belonging to threatened or endangered species on or near the property, this topic was removed from the EIS scope of analysis. Instead, a discussion of available information about threatened and endangered species in the Kirkland area will be included as part of the scoping discussion in Chapter 2 of the EIS.

2. Environmental remediation. The process for environmental remediation (contamination clean-up) is established through state law and implementing regulations and any mitigating measures identified in the EIS would rely on these processes. Therefore, the discussion of environmental remediation will be addressed in the plans and policies section of the EIS. This section will describe available information on site contamination and the regulatory process for environmental site remediation.

There were no additional changes to the EIS scope or alternatives.

The following table compiles the comments received during the scoping process and summarizes the City's response to comments on the EIS scope.

III. Table of Comments

The following table summarizes written comments by EIS element/topic, together with the City’s response to comments. A complete set of original comments is included with this document as Attachment 2.

EIS Topic	Comments	Response
Scoping/EIS Process	<ul style="list-style-type: none"> ▪ Provide a public meeting ▪ Attach all comments letters receive on the proposal to-date ▪ Add DOE, WSFWS, USFWS, Muckleshoot Indian Tribes, WSDOT, Lakeview Neighborhood Advisory Committee, Moss Bay Neighborhood Association, Houghton Community Council as cooperating agencies 	<p>As established by SEPA, the City conducted a 21-day scoping process, in which agencies, affected tribes and members of the public were invited to comment on the scope of the EIS. A public meeting was not required or held.</p> <p>All comments letters received during this 21-day scoping period are attached to this scoping document. All other correspondence on this project is maintained by the City as part of the project record and is not included with this scoping document.</p> <p>The concept of “cooperating agencies” is used under the National Environmental Protection Act (NEPA) to ensure that federal agencies preparing NEPA documents work in cooperation with affected state and local governments. This term is not applicable to documents prepared under SEPA.</p> <p>The EIS will be provided to agencies with jurisdiction, defined by SEPA as an agency with authority to approve, veto, or finance all or part of a proposal and affected tribes.</p>
Alternatives	<ul style="list-style-type: none"> ▪ Consider additional alternatives: No Action, public park, appropriately scaled neighborhood businesses, lower density and lower height luxury apartments, new site for the current project 	<p>The EIS will include a No Action alternative and the proposal, as described in Section I. Because other alternatives do not meet the proposal objectives, they were not carried forward for this EIS. If other development scenarios for this site are considered in the future, they will be subject to a separate SEPA</p>

EIS Topic	Comments	Response
Purpose and Need	<ul style="list-style-type: none"> ▪ Consider the purpose and need of the City to maintain the unique nature of Kirkland; of neighborhood residents to maintain their property values, of government agencies to ensure a healthy and safe environment, and of the applicant to make a profit while meeting the needs of area residents, preserve neighborhood oriented service businesses, preserve property taxes, maximize ROI of current property owners, preserve coordinated growth 	<p>review process.</p> <p>Federal agencies use “purpose and need” statements as part of the NEPA EIS process to establish the basis for the alternatives and to assist with the identification and selection of a preferred alternative.</p> <p>SEPA does not require a purpose and need statement, but does require a listing of objectives of the proposal, which will be included in the EIS.</p>
Plants and Animals	<ul style="list-style-type: none"> ▪ Consider impacts on eagle habitat on/near the property ▪ Fish, bird and animal habitats ▪ Site visits and field review of existing conditions ▪ Impacts to threatened, endangered species ▪ Consult with Department of Fish and Wildlife, Muckleshoot Indian Tribes, Department of Ecology 	<p>Following a review of available information from the Washington Department of Fish and Wildlife, the City determined that, because no evidence exists that there are nest or root sites belonging to threatened or endangered species on or near the property, this topic should be removed from the EIS scope of analysis. Instead, a brief discussion of available information about threatened and endangered species will be included as part of the scoping section of Chapter 2 of the EIS.</p> <p>Available information from the referenced agencies will be reviewed and, in addition, the Draft EIS will be circulated for their review and comment.</p>
Geology and Soils	<ul style="list-style-type: none"> ▪ Suitability for construction, infiltration and permeability 	<p>Title 29 Kirkland Municipal Code establishes requirements for any land surface modification in the City. Chapter 29.16 allows the City to require a geotechnical report and third party review to determine on and off-site impacts as appropriate. Based on this requirement, the City has concluded that existing regulations provide a process for</p>

EIS Topic	Comments	Response
		addressing all potential geology and soils impacts and mitigating impacts, if any, to a less than significant level. For this reason, an analysis of geology and soils is not included in the EIS scope of analysis.
Environmental Contamination	<ul style="list-style-type: none"> ▪ Supplement the Phase 1 environmental site assessment with current information ▪ Ensure that negative impacts from the former and current uses (gas station, dry cleaners) can be completely mitigated ▪ Thorough study of all contaminants, including site testing ▪ Develop remediation and environmental protection plan ▪ Demonstrate clear independence of the investigator ▪ Document potential groundwater contamination and potential to reach Lake Washington ▪ If needed, measures to clean contamination on and off the site ▪ Provide a soils report 	<p>The process for environmental remediation is established through state law (Model Toxics Control Act and Underground Storage Tanks) and implementing regulations. Mitigating measures, if any, identified in the EIS would rely on these processes. Therefore, the discussion of environmental remediation will be addressed in the plans and policies section of the EIS. This section will describe available information on site contamination and the regulatory process for environmental site remediation.</p>
Air Quality	<ul style="list-style-type: none"> ▪ Ability to meet the State Implementation Plan for maintaining National Ambient Air Quality Standards (NAAQS). ▪ Effects of air pollution on property values ▪ Emissions inventories during and post construction ▪ Free flow of air impacts as setback corridors no longer exist 	<p>From an air quality perspective, the trip generation associated with the proposal is likely to result in a very small, and likely non-measurable, impact on overall air quality. For these reasons, air quality impacts are not included in the EIS scope.</p> <p>The potential for localized odor and other impacts associated with construction activity will be addressed as part of the EIS construction impacts discussion.</p> <p>As noted in Section I, setbacks along all property lines are proposed. These setbacks are consistent with City development standards and are not anticipated to</p>

EIS Topic	Comments	Response
		<p>result in a significant negative impact to air flow around the site.</p> <p>In addition, the Kirkland Zoning Code Sections 115.15 and 115.100 establish standards for air quality and odor.</p>
Noise	<ul style="list-style-type: none"> ▪ Noise impacts from residential use ▪ Health and mental health impacts of noise ▪ Noise impacts on property values ▪ Include a noise study 	<p>Based the size and type of proposed uses, the City has concluded that future noise levels are typical of those in an urban area and there are no unusual sources of noise likely to result from the proposed development. In addition, the Kirkland Zoning Code Section 115.95 establishes standards for noise and adopts the maximum environmental noise levels pursuant to the State Noise Control Act of 1974, Chapter 70.107 RCW. Because potential noise impacts are not considered significant from a SEPA perspective, an analysis of noise is not included in the EIS scope of analysis.</p>
Cultural and Historic Resources	<ul style="list-style-type: none"> ▪ Agreements on work stoppage if there are archaeological findings ▪ Construction oversight 	<p>There are no known cultural or historic landmarks on or near the site. Consequently, cultural and historic resources are not included in the EIS scope of analysis.</p>
Land Use Patterns/Zoning (Density)	<ul style="list-style-type: none"> ▪ Site density should be re-scoped to match intent of BN zoning ▪ Change in overall density compared to surrounding area ▪ Compatibility of uses with surrounding area ▪ Character of business included ▪ Impacts of density: lack of storage, noise, pets, parking, safety, smoke and offensive odors, garbage ▪ Density will result in low cost housing ▪ Impacts to businesses in the CBD 	<p>Land use patterns, density in the surrounding area and land use compatibility will be described and discussed in the land use patterns section of the EIS.</p>

EIS Topic	Comments	Response
Plans and Policies	<ul style="list-style-type: none"> ▪ Compliance with the Shoreline Management Act ▪ Compatibility of zoning with surrounding area ▪ Compliance with intent of BN zoning ▪ History of land use and zoning designations ▪ BN zoning and small neighborhood businesses ▪ Consistency with prior review of the site and pre-submittal meetings with the developer ▪ Consistency with plans, policies, development regulations, 	<p>The plans and policies section of the EIS will include a discussion of consistency with the City's Comprehensive Plan, land use and zoning designations. . It will also include a discussion of the requirements for site environmental remediation as established through state law (Model Toxics Control Act and Underground Storage Tanks) and implementing regulations (see Environmental Contamination discussion, above).</p> <p>SEPA requires consideration of existing plans and regulations applicable to the proposal (WAC 197-11-440). A historical review of land use and zoning designations is not relevant in the consideration of likely significant environmental consequences of the proposal and will not be addressed in the EIS.</p>
Aesthetics (height, bulk, scale setbacks, views)	<ul style="list-style-type: none"> ▪ Limit building height to a lower height, (20 feet) ▪ Consider impacts of single structure building mass; scale of two buildings, breaking of building façade, ▪ Consider larger setbacks ▪ Consider view blockage from properties to the east and along 10th Avenue South, including territorial views 	<p>The aesthetics section of the EIS will include a discussion of building height, bulk and scale, building facades, setbacks and view blockage resulting from the proposal.</p>
Light and Glare	<ul style="list-style-type: none"> ▪ Consider light and glare from windows and walkway lights ▪ Impacts to light penetration of adjacent yards ▪ Light pollution from increased traffic 	<p>Based the size and type of proposed uses, the City has concluded that future potential light and glare are typical of those in an urban area and that the proposed use will not result in any unusual light and glare impacts. In addition, the City establishes standards for glare in the Kirkland Zoning Code Sections 83.470 and 115.85. Consequently, potential light and glare impacts are not included in the EIS scope of analysis.</p>

EIS Topic	Comments	Response
Traffic	<ul style="list-style-type: none"> ▪ Address traffic impacts on 10th Ave S and Lake Washington Boulevard, include cut-through traffic ▪ Address left turns from the site ▪ Access to and egress from 1st Street South ▪ Construction traffic impacts ▪ Traffic analysis should be cumulative ▪ Pedestrian impacts ▪ Consider access on 10th Avenue South 	<p>The EIS will include a traffic analysis that confirms trip distribution and parking demand, updates the No Action and Proposed Action analyses (including updated traffic forecast information, a more detailed gap analysis for vehicle turns on Lake Street South, a more detailed assessment of potential neighborhood circulation impacts, and addition of a non-motorized transportation impact assessment); conduct an am peak hour analysis, safety assessment including pedestrian movement, parking and circulation assessment on 10th Ave South; and an impact analysis of the proposal.</p>
Parking	<ul style="list-style-type: none"> ▪ Address impacts of parking overflow ▪ Parking impacts on 10th Avenue South 	<p>The analysis will include parking analysis that includes an assessment of parking demand assumptions and potential impacts and an assessment of potential parking impacts on 10th Avenue South.</p>
Stormwater	<ul style="list-style-type: none"> ▪ Impacts of increased impervious surfaces ▪ Impacts of stormwater entering Lake Washington ▪ Damp surfaces in adjacent yards; increased moss and fungus growth ▪ Increased groundwater table ▪ Stormwater impacts associated with increased traffic ▪ Stormwater management, use of LID techniques ▪ Amount of stormwater to be discharged, potential pollutants, discharge location 	<p>Kirkland Municipal Code Title 15 establishes standards for stormwater quality and quantity associated with development in the City. Section 15.52.060, <i>Design and Construction Standards and Requirements</i>, establishes that standards shall meet or exceed the thresholds, definitions, minimum requirements, and exceptions/variances criteria found in Appendix I of the Western Washington Phase II Municipal Stormwater Permit, the 2009 King County Surface Water Design Manual, and the City of Kirkland Addendum to the 2009 King County Surface Water Design Manual as presently written or hereafter amended. Based on this requirement, the City has concluded that existing local regulations provide a process for addressing all potential stormwater impacts and mitigating impacts, if any, to a less than</p>

EIS Topic	Comments	Response
		significant level. For this reason, an analysis of stormwater is not included in the EIS scope of analysis.
Recreation	<ul style="list-style-type: none"> ▪ Consider impacts of new residents on nearby waterfront park 	Based the size and type of proposed uses, the City has concluded that the proposed uses will not result in a demand for recreational services beyond that already planned for in the City's park and recreation plans and standards. In addition, Kirkland Municipal Code Chapter 27.06 establishes Park Impact Fees for residential uses. Consequently, potential recreation impacts are not included in the EIS scope of analysis.
Construction Impacts	<ul style="list-style-type: none"> ▪ Plans and monitoring for soil removal ▪ Truck staging ▪ Water retention ▪ Soil retention ▪ Construction days and times ▪ Required bonds 	Potential construction phase impacts will be addressed in the construction impacts section of the EIS.
Miscellaneous Comments	<ul style="list-style-type: none"> ▪ Sources of developer funding ▪ Medical and police service impacts ▪ Property tax impacts to the City ▪ Potential for private financing to fall through and leave a partially developed site 	<p>Regarding the financial/fiscal issues, the SEPA Rules require that an EIS focus on environmental impacts. Analysis of economic competition and social policy analysis is not required and a monetary cost-benefit analysis should not be considered when there are important qualitative considerations (WAC 197-11-444, 448).</p> <p>Regarding potential impacts to medical and police services, the City has concluded that, due to the size and nature of the proposed uses, it will not result in a significant change in demand for medical or police services. Consequently, potential police and medical service impacts are not included in the EIS scope of analysis.</p>



**WITHDRAWAL OF MITIGATED DETERMINATION OF
NON-SIGNIFICANCE,
DETERMINATION OF SIGNIFICANCE AND
REQUEST FOR COMMENTS ON SCOPE OF EIS**

Description of proposal: A Shoreline Substantial Development Permit and Building Permit for Potala Village, a mixed use development of 143 residential units and 6,200 square feet of commercial use. The proposed development is 30 feet above average building elevation at four stories high above finished grade and two levels of underground parking with 316 stalls. Vehicular access is off of Lake Street South. The site does not abut Lake Washington, but up to 53 feet of the western portion of the site is within 200 feet of the lake so a shoreline permit is required. Contamination from the existing dry cleaners has been found on a portion of the site that will be removed with the grading permit. City File SEP11-00004/SHR11-00002

Proponent: Lobsang Dargey, Dargey Enterprises

Location of proposal: 1006, 1008 and 1020 Lake Street South and 21-10th Ave South

Lead agency: City of Kirkland

Withdrawal of MDNS. On June 16, 2011, the lead agency published a Mitigated Determination of Non-Significance (MDNS) for the proposal.

EIS Required. Following its review of comments and further evaluation, the lead agency has determined this proposal is likely to have a significant adverse impact on the environment and has withdrawn the MDNS. (See City of Kirkland File No. SHR11-00002/SEP11-00004). An environmental impact statement (EIS) is required under RCW 43.21C.030(2)(c) and will be prepared. An environmental checklist or other materials indicating likely environmental impacts are available for review in the Kirkland Planning Department.

The lead agency has preliminarily identified the following areas for discussion in the EIS: height, bulk and scale of the building, residential density, traffic, parking, wildlife (threatened and endangered species), environmental remediation and construction impacts.

Scoping. Agencies, affected tribes, and members of the public are invited to comment on the scope of the EIS. You may comment on alternatives, mitigation measures, probable significant adverse impacts, and licenses or other approvals that may be required. The method and deadline for giving your comments is **in writing, by August 25, 2011 at 5:00pm** (21 days from issuance and publication).

Responsible official: **Eric R. Shields**
Position/Title: **Director, Department of Planning and Community Development**
Email/Phone: **shields@kirkland.wa.us, (425) 587-3226**
Address: **City of Kirkland, 123 Fifth Avenue, Kirkland, WA 98033**

Date: August 4, 2011 Signature: 

Questions on the determination of significance, contact: **Teresa Swan, Project Planner, tswan@kirkland.wa.us, 425-587-3258.**

The determination of significance may be **appealed** to:

To: **Nancy Cox Environmental Coordinator**
At: **City of Kirkland, 123 Fifth Avenue, Kirkland, WA 98033**

No later than:
By:

August 11, 2011 at 5:00pm

Written Notice of Appeal containing a brief and concise statement of the matter being appealed, the specific components or aspects that are being appealed, the rationale or contentions on appeal, a statement demonstrating standing to appeal, and any supplemental information for consideration. The appeal must be accompanied by a fee of \$207 plus a \$2.69 technology fee.

Contact Nancy Cox at (425) 587-3228 to ask about the procedures for SEPA appeals.