



SEPA DOCUMENTS

CITY OF KIRKLAND ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City identify impacts from your proposal, and to reduce or avoid impacts from the proposal, whenever possible.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the City staff can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

Use of Checklist for Non-project Proposals:

Complete this checklist for non-project proposals also, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS (Part D).

For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: *Potala Village*
2. Name of applicant: *Potala Village Kirkland, LLC*
3. Tax parcel number: *935490-0220, 935490-0240 & 082505-9233*
4. Address and phone number of applicant and contact person: *Charles Morgan 7301 Beverly Lane, Everett 425-353-2888*

5. Date checklist prepared: *February 16, 2011*

6. Agency requesting checklist: *City of Kirkland, Planning & Community Development Department*

7. Proposed timing or schedule (including phasing, if applicable): *Start construction as soon as building permit is issued.*

8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?

No

9. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Soils Test

10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None

11. List any government approvals or permits that will be needed for your proposal, if known.

Shoreline NOI, clearing, grading, demolition & building permit

12. Give brief, complete description of your proposal, including the proposed uses, the size and scope of the project and site including dimensions and use of all proposed improvements. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

Construct a apartment building that has 4 stories with 2 basements. Lot Size 265' x 204. The building has 2 basement parking levels. The street grade consists of 5,852 sq/ft of commercial with 29 cars of parking. There are 143 apartment units on 4 levels of residential above the basements with 244 plus 43 guest parking. The gross area of the building is 227,961 sq/ft.

13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The project is located on the southeast corner of 10th Avenue S and Lake St S

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY
REVIEWED BY:

Teresa Swan

B. ENVIRONMENTAL ELEMENTS

1. EARTH

a. General description of the site (circle one): Flat, rolling, hilly, steep, slopes, mountainous, other
Flat with a steep bank on the rear of the site

b. What is the steepest slope on the site (approximate percent slope)?
75%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
Arents, alderwood material 6% - 15% (AMC)

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Building site would be cleared, graded and compacted as necessary to achieve proper grading transition, drainage and structural stability. No more than 50,000 cu/yd of material will be cut and no more than 5,000 cu/yd will be used for fill. Fill may be imported from off site

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Erosion could occur with adverse weather. Erosion control as required by the City of Kirkland shall be installed

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, buildings)?
78%

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
As required by the City of Kirkland

2. AIR

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities, if known.
Small amount of dust will be produced at times during construction
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
No

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:
Construction impact mitigation: The WA Clean Air Act requires the use of all known, available and reasonable means of controlling air pollution, including dust. Construction impacts would not be significant and the potential for soils to be carried off site by exiting trucks will be controlled with the construction of a gravel entrance. Additionally equipment use for site preparation will be serviced and maintained in good operation condition to lessen impacts from this source. Water will also be used for dust control when necessary. Long-term air quality mitigation: Long-term air quality impacts are not expected to exceed regulated amounts.

3. WATER

- a. Surface

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
Lake Washington is less than 200 feet to the west of the project.
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
Yes
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
None
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
No
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
No
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.
Waste materials would not be discharged to surface waters as a result of this project. It is possible that discharges of petroleum products and other substances related to construction could result from the surface flow

of storm water. However implementation of erosion control plan would minimize this occurrence

b. Ground

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.
Ground water may be withdrawn during construction to facilitate the construction of the structure and utilities. No water would be discharged to the ground water.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

The project would be served by Kirkland Water and Sewer District for sanitary sewer services at time of construction completion. No waste material would be discharged from septic tanks or other sources

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (include storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
At time of development the proposed impervious surface water run off shall be collected via roof drains and released to be conveyed into existing surface water conveyance systems (i.e. pipes, ditches, etc)
- 2) Could waste materials enter ground or surface waters? If so, generally describe.

No

Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Temporary and permanent drainage facilities meeting City and State standards would be employed to control surface run off during construction and after development, as discussed previously

4. PLANTS

a. Check or circle types of vegetation found on the site:

- | | | |
|-------------------------------------|-----------------|----------------------------|
| <input checked="" type="checkbox"/> | deciduous tree: | alder, maple, aspen, other |
| <input checked="" type="checkbox"/> | evergreen tree: | fir, cedar, pine, other |
| <input checked="" type="checkbox"/> | shrubs | |
| <input checked="" type="checkbox"/> | grass | |
| <input type="checkbox"/> | pasture | |

crop or grain
 wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 water plants: water lily, eelgrass, milfoil, other
 other types of vegetation:

- b. What kind and amount of vegetation will be removed or altered?
All existing vegetation will be removed. New landscaping will be provided per City landscaping code in the 22% of perfidious ground that remains.
- c. List threatened or endangered species known to be on or near the site.
None

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
Landscaping will be per City code with the use of plants that require minimum amounts of water

5. ANIMALS

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:
- b. birds: hawk, heron, eagle, songbirds, other *songbirds, crows and seagulls*
 mammals: deer, bear, elk, beaver, other
 fish: bass, salmon, trout, herring, shellfish, other
- b. List any threatened or endangered species known to be on or near the site.
None
- c. Is the site part of a migration route? If so, explain.
Unknown
- d. Proposed measures to preserve or enhance wildlife, if any:
None

6. ENERGY AND NATURAL RESOURCES

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
The apartment units will be heated by electric, domestic hot water will be electric. The commercial area will be natural gas
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
No adjacent property that would be affected is higher.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
The project will adhere to the Washington State Energy Code

7. ENVIRONMENTAL HEALTH

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.
None

1) Describe special emergency services that might be required.
None other than those required by an apartment building with some commercial on the ground floor.

2) Proposed measures to reduce or control environmental health hazards, if any:
None

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
Street traffic would be of some concern

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
There will be some construction noise from the project during the hours of 7:00 A.M. to 5:00 P.M.

3) Proposed measures to reduce or control noise impacts, if any:
None

8. LAND AND SHORELINE USE

a. What is the current use of the site and adjacent properties?
A small commercial building is on the northwest corner and the balance is vacant

b. Has the site been used for agriculture? If so, describe.
No

c. Describe any structures on the site.
A small commercial building on the northwest corner

Also, a single family home Down

d. Will any structures be demolished? If so, what?
Yes - the existing one story commercial building

e. What is the current zoning classification of the site?
BN

f. If applicable, what is the current shoreline master program designation of the site?
UM (Urban Mixed)

g. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
None

h. Approximately how many people would reside or work in the completed project.
Approximately 255 in the apartment portion and about 25 in the commercial

i. Approximately how many people would the completed project displace?
No residential displacement

j. Proposed measures to avoid or reduce displacement impacts, if any:
None

k. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
The project adheres to the zoning requirements and has been reviewed by the City of adherence to the design standards

9. HOUSING

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
143 middle income housing

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
None

c. Proposed measures to reduce or control housing impacts, if any:
None

10. AESTHETICS

1 residential home will be removed

1 single family home will be eliminated

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? *Height: 30 feet above the average building elevation as determined by the City of Kirkland*
- b. What views in the immediate vicinity would be altered or obstructed? *Some views would be reduced for the properties to the east*

- c. Proposed measures to reduce or control aesthetic impacts, if any:
None

11. LIGHT AND GLARE

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Lighting as per the standard apartment building. Parking will be in the building and access of the main street only. There will be some building exterior lighting on Lake Street South

- b. Could light or glare from the finished project be a safety hazard or interfere with views?
No

- c. What existing off-site sources of light or glare may affect your proposal?
None

- d. Proposed measures to reduce or control light and glare impacts, if any:
No exterior parking lots and building lighting is minimal

12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity?
There are 3 parks within walking distance

- b. Would the proposed project displace any existing recreational uses? If so, describe.
No

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

The project will provide recreation amenities such as an exercise room and space for outdoor seating and picnicing.

13. HISTORICAL AND CULTURAL PRESERVATION

Contract of the Creative Metal Signage. TS for application 6/7/11

Building height will meet the zoning code. Balconies and recessive in building facade will provide modulation.

- a. Are there any places or objects listed in, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
No
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
None
- c. Proposed measures to reduce or control impacts, if any:
N/A

14. TRANSPORTATION

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on-site plans, if any.
The proposed project is bordered by Lake Street S on the west and 10th Ave S on the north. Access to the project site would be provided via one full access driveway along Lake Street S
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
Transit service is provided by King County Metro Transit. The closest stop to the project is approximately one-quarter mile to the east along State Street S at 10th Ave
- c. How many parking spaces would the completed project have? How many would the project eliminate?
316 parking stalls will be provided. There has been a parking modification submitted to allow a reduction from the code. There are presently 11 parking stalls on the site that will be eliminated.
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
No new roads or streets, or improvements to existing roads or streets will be required.
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
No water, rail or air transportation will be used for this project.
- f. How many vehicular trips per day would be generated by the completed project? If know, indicate when peak volumes would occur.
The proposed project would generate approximately 1,051 net new daily trips with 89 occurring during the AM peak hour and 96 trips occurring during the PM peak hours as per traffic study.
- g. Proposed measures to reduce or control transportation impacts, if any:
No parking modification requested

The developer would be required to pay the City of Kirkland transportation impact fees.

15. PUBLIC SERVICES

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. **The project will result in increased need for public services including fire-protection, police protection, health care and schools.**
- b. Proposed measures to reduce or control direct impacts on public services, if any. **Building fire protection and security systems will be provided. Also this project will provide new tax revenue to cover costs of necessary services.**

16. UTILITIES

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.
 - Electricity - Puget Energy**
 - Gas - Puget Sound Energy**
 - Water - City of Kirkland**
 - Sewer - City of Kirkland**
 - Refuse - Waste Management**
 - Telephone - Frontier**
 - Cable TV - Comcast**

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.



Signature: _____

Date Submitted: 4/26/2011

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189
(425) 587-3225



DETERMINATION OF NONSIGNIFICANCE (DNS) .

CASE #: SEP11-00004

DATE ISSUED: 6/15/2011

DESCRIPTION OF PROPOSAL

SEPA Determination for Potlatch Village, a 6,000 square foot commercial and 143 residential unit mixed use development, a portion of which is subject to Shoreline Jurisdiction as it is within 200 feet of Lake Washington

PROPOSER: **LOBSANG DARGEY**

LOCATION OF PROPOSAL: 1006, 1008 AND 1020 LAKE STREET SOUTH AND 21-10TH AVE SOUTH

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.

This DNS is issued under 197-11-340 (2); the lead agency will not act on this proposal for 14 days from the date above. Comments must be submitted by 5:00 p.m. 6/29/2011

Responsible official:

Eric Shields, Director
Department of Planning and Community Development
425-587-3225

6/15/11
Date

Address: City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189

You may appeal this determination to the Planning Department at Kirkland City Hall, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 p.m., June 29, 2011 by WRITTEN NOTICE OF APPEAL.

You should be prepared to make specific factual objections. Contact the Planning Department at 425-587-3225 to read or ask about the procedures for SEPA appeals.

Please reference case # SEP11-00004.

Publish in the Seattle Times (date): 6/16/11

Distribute this form with a copy of the checklist to the following:

Environmental Review Section, Department of Ecology,
P.O. Box 47703, Olympia, WA 98504-7703

Department of Fish and Wildlife (for streams and wetlands - with drawings)
North Lake Washington Tributaries Area Habitat Biologist
16018 Mill Creek Boulevard, Mill Creek, WA 98012

N/A Department of Fish and Wildlife (for shorelines and Lake Wa. - with drawings)
not on Lake Wash

Lake Washington Tributaries Area Habitat Biologist
C/O DOE
3190 160th Avenue SE, Bellevue, WA 98008

Seattle District, U.S. Army Corps of Engineers,
P.O. Box C-3755
Seattle, WA 98124

Attn: Lynn Best, Acting Director, Environmental Division, Seattle City Light
700 5th Avenue, Suite 3316
P.O. Box 34023
Seattle, WA 98125-4023

Attn: Environmental Reviewer
Muckleshoot Indian Tribe Fisheries Division
39015 172nd Avenue SE
Auburn, WA 98092

Northshore Utility District
P.O. Box 82489
Kenmore, WA 98028-0489

Ken Howe, PE, General Manager
Woodinville Water District
17238 NE Woodinville-Duvall Rd.
PO Box 1390
Woodinville, WA 98072-1390

Shirley Marroquin
Environmental Planning Supervisor
King County Wastewater Treatment Division
201 South Jackson Street, MS KSC-TR-0431
Seattle, WA 98104-3856

Gary Kriedt
King County Metro Transit Environmental Planning
201 South Jackson Street, MS KSC TR-0431
Seattle, WA 98104-3856

Director of Support Services Center
Lake Washington School District No. 414
P.O. Box 97039
Redmond, WA 98073-9739

X David B. Johnson and Lillian Cruz (for projects consisting of more than 9 residential units)
Livengood, Fitzgerald and Alskog PLLC
P.O. Box 908
Kirkland WA 98083-0908

John Sutherland, Developer Services
Washington State Department of Transportation
15700 Dayton Ave. N. MS 240
P.O. Box 330310
Seattle, WA 98133-9710

Jan McGruder, Executive Director
East Lake Washington Audubon Society
PO Box 3115
Kirkland, WA 98083

Applicant / Agent: Lobsang Dargey, Dargey Enterprises, P.O. Box 13261
Everett, WA 98206

cc: Case # SHR11-00002

Distributed to agencies along with a copy of the checklist. (see attached).

Distributed By: _____
SEPA C. A. rev: 6/8/2011

Date: _____



**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 Potlatch 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.

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>

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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 roost 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
		<p>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.</p>
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>

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		<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>

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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>

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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>

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		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>