

Potala Village EIS

1 SEPA EIS Process



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1. What is SEPA?

The State Environmental Policy Act (SEPA) is a state policy established in RCW 43.21C that requires state and local agencies to consider the likely environmental consequences of governmental decisions, including issuing permits for private projects. Implementing rules (often referred to as the SEPA Rules) are codified in the Washington Administrative Code 197-11 and in Kirkland Municipal Code Chapter 24.02 SEPA Procedures and Policies. The SEPA Rules provide detail for the environmental review process, including the EIS process.

2. What is an EIS and why is it being prepared?

An environmental impact statement, or EIS, is a document that provides an impartial discussion of significant environmental impacts, reasonable alternatives, and mitigation measures that would avoid or minimize adverse impacts. The Potala Village EIS is being prepared because the City has determined that the proposal has the potential to result in significant adverse impacts.

3. What is the difference between a draft EIS and a final EIS?

A draft EIS provides the public and agency decision-makers with information on likely significant adverse environmental impacts of a proposal and alternatives and on mitigation measures to reduce impacts. A final EIS includes all comments received on the draft EIS and responses from the City, and may include revisions to the draft EIS based on comments received and new information learned.

4. How will I know when the Draft EIS is issued and where will it be available?

The Draft EIS is tentatively scheduled to be issued on Thursday July 12, 2012. Should the schedule change, updated information will be posted on the City's Potala Village web site.

As required in the City's adopted noticing requirements, a notice will be placed on the public notice sign board on the project site, published in the newspaper, posted on the City's web page and mailed to residents adjacent to the project and agencies with jurisdiction. In addition, those who have signed up for the Potala Village listserv and who submitted comments on the initial Determination of Non-Significance and the Scoping Notice along with the neighborhood associations will be notified. Also, the City will use other ways to notify the public, including through the neighborhood organizations.

Copies will be available in the following locations: at the Planning Department in City Hall for either purchase or review at the City's counter, on-line at the Potala Village web page and at the Kirkland Library.

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5. What is scoping?

Scoping is the process of identifying the elements of the environment to be evaluated in an EIS. Scoping is intended to help identify and narrow the issues to those that are significant. Scoping includes a public comment period so that the public and other agencies can comment on key issues and concerns. Following the comment period, the City considers all comments received and determines the scope of review for the environmental analysis.

The 21-day scoping process begins with issuance of the Scoping Notice. For the Potala Village EIS, the City of Kirkland issued the Determination of Significance / Scoping Notice on August 4, 2011 and made available to the public through a variety of methods. The scoping period closed on August 25, 2011 and 22 comment letters/emails were received. The City reviewed the comments and determined the final scope for the EIS on August 29, 2011.

6. What are the elements of the environment? Which ones will be studied in the EIS?

As defined in SEPA, elements of the environment include both the natural environment (earth, air, water, plants and animals, energy and natural resources) and the built environment (environmental health, land and shoreline use, transportation, public services and utilities). An EIS focuses on environmental impacts and is not required to evaluate all of the possible considerations and effects of a decision, such as economic competition and social policy analysis.

The Potala Village EIS will address land patterns (residential density), plans and policies (including environmental clean-up), aesthetics (bulk, height and mass of the building), and transportation (traffic, neighborhood circulation, parking and safety assessment including pedestrians). Although threatened and endangered species (bald eagles) is not part of the scope of the environmental analysis, it will be addressed as part of the scoping discussion in Chapter 2 of the Draft EIS.

7. How are the alternatives defined?

The lead agency (in this case the City of Kirkland) determines the alternatives based on their assessment of reasonable options that could feasibly attain the proposal's objectives. For Potala Village the City has determined that the alternatives to be considered in the EIS are (1) No Action and (2) the proposal for a mixed-use commercial and residential development with 143 units, as proposed by the applicant.

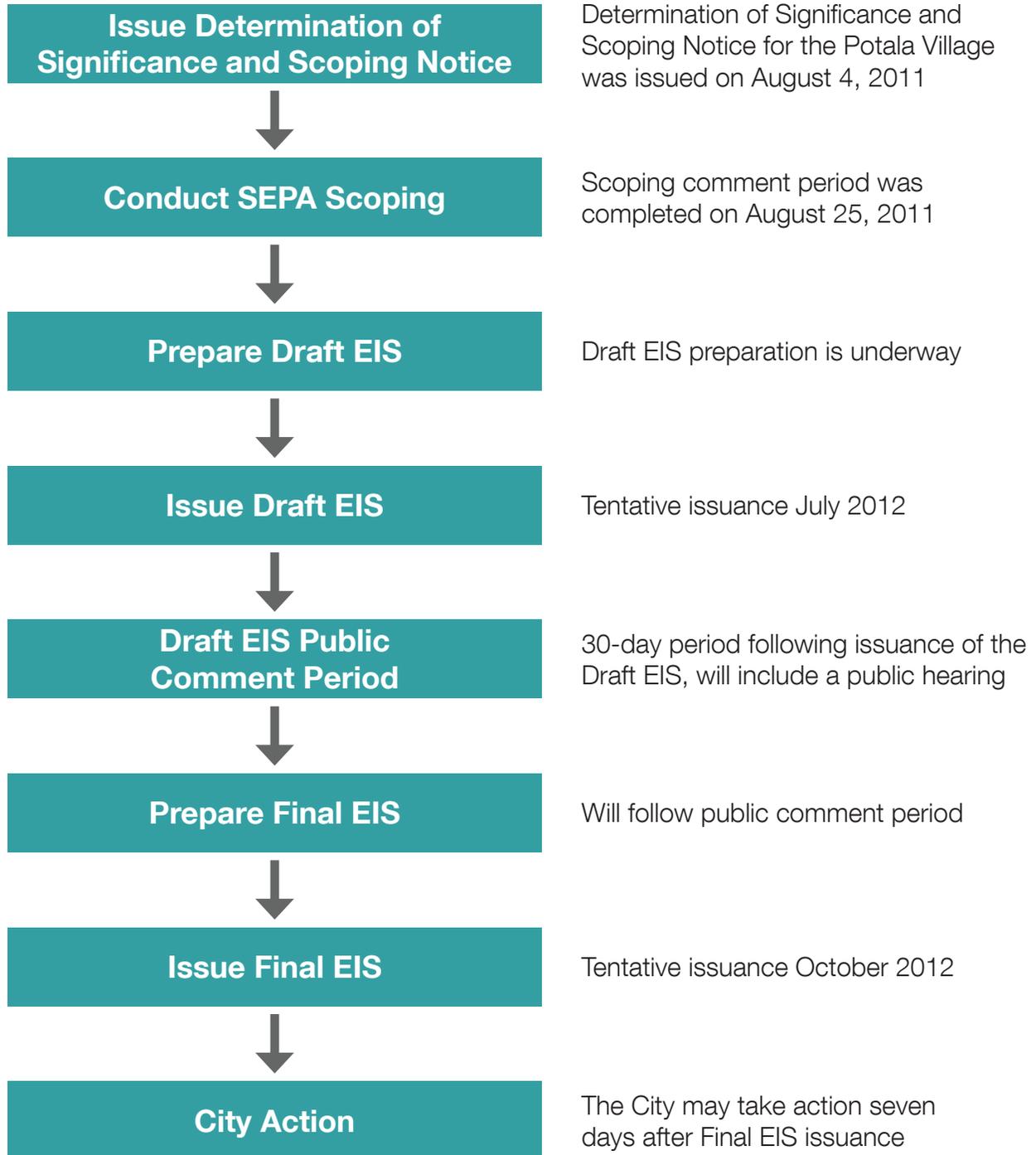
The SEPA Rules state that the concept of "reasonable alternatives" is intended to limit the number and range of alternatives, as well as the amount of detailed analysis for each alternative. A reasonable alternative is one that will feasibly attain or approximate the proposal's objectives.

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3 City, Applicant & Consultant Roles



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1. Who will prepare the EIS?

A consultant team will prepare the EIS under the guidance of City staff. The consultant was selected based on the process established in KMC 24.02.140. Through this process, the applicant submits names of three consulting firms to the City and the City interviews the firms. The City may interview additional firms if it determines that the firms do not have sufficient expertise in preparing an EIS or for other reasons.

The City completed the interview process for the Potala Village EIS in September 2011 and selected a consulting team led by inova llc. The team has extensive background in preparing EIS documents, and contains team members, including the project manager, with specific EIS experience in the City.

2. What role do the applicant and the City each have in preparation of the EIS?

The City leads the overall EIS process, including insuring that the EIS is prepared in accordance with all applicable laws, regulations, and ordinances. The applicant funds the EIS and provides information about the proposal, but does not guide or direct the analysis. The EIS contract signed by the City, consultant and applicant specifically establishes that the applicant is to have no contact with the consultants, except in prearranged meetings with the City present or to provide information requested by the consultants.

3. Who pays for the EIS?

The applicant pays in advance for the cost of preparing the EIS, including City staff time to manage and review the EIS.

Potala Village EIS

4 Environmental Analysis



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1. How will bulk and mass be studied?

The Aesthetics section of the EIS will describe the overall aesthetic character of the study area in terms of the quality of urban form, massing, building/street relationship, architectural and landscape character and building height, bulk and scale. A three-dimensional model will be developed to show how alternative approaches to building massing, modulation and building/site relationships could help mitigate any identified aesthetic impacts.

2. What new traffic information will be provided in the EIS?

New traffic information will include 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 impact assessment. The analysis will review and either confirm or revise trip distribution and parking demand, parking and circulation on 10th Avenue South, conduct an am peak hour analysis, safety assessment, including pedestrians and an impact analysis of the proposal based on this new information. As appropriate, the traffic analysis will include recommended mitigating measure to address identified impacts.

3. How will residential density be studied?

Residential density will be studied in the land use patterns section of the EIS. The land use analysis will include a review of the amount of development, urban form, building types, character, scale and pattern of land use in the area surrounding the site. Impacts and mitigating measures will address compatibility of the proposal with the surrounding area and recommended measures to mitigate any identified impacts.

4. What will be studied on remediation of on-site contamination?

The plans and policies section of the EIS will address the process for environmental remediation as established through state law (Model Toxics Control Act and Underground Storage Tanks) and implementing regulations. The analysis will also summarize available information on site contamination provided in existing reports.

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Environmental Analysis



5. What will be studied for wildlife topic?

A discussion of threatened and endangered species will be included in the scoping discussion in EIS Chapter 2, as part of background and context information related to the proposal. This discussion will include documentation of available information about the presence or absence of threatened or endangered species on or in the vicinity of the site. Information from the Washington Departments of Fish and Wildlife and Ecology will be reviewed and the Draft EIS will be circulated for their review and comment.

6. What will be considered for construction impacts?

The construction analysis will include consideration of construction phase truck and other vehicular traffic, parking and a qualitative assessment of noise, dust, emissions, erosion and stormwater. The analysis will include a review of City standards and regulations that reduce impacts associated with construction phase activities. Management measures to ensure that impacts of ongoing construction activities are minimized will be identified.

7. Will the Comprehensive Plan policies and Zoning regulations be addressed in the EIS?

The Plans and Policies section of the EIS will contain a review of existing Comprehensive Plan and zoning regulations as they apply to the proposal.

Potala Village EIS

5 Commenting on the EIS



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1. When can I provide comment?

The next comment period for the Potala Village EIS will be after issuance of the Draft EIS. The Draft EIS is circulated so that the public and agencies can comment on the accuracy and content of the EIS before it is finalized.

Consistent with the SEPA Rules, the City plans to provide a 30-day comment period following issuance of the Draft EIS. During this period, written comment may be provided at any time and verbal comment may be provided at a public hearing to be held by the City. Additional information on dates and how to provide comment will be provided in the Draft EIS.

It should be noted that there is no comment period following issuance of the Final EIS.

2. What will happen to my comments?

The City will consider all comments provided during the Draft EIS 30 day comment period. Comments may result in corrections, additions or clarification of information in the Draft EIS. The Final EIS will include all revisions made as a result of comments as well as specific responses to all comments.

3. How can I make my comments the most effective?

The Washington State Department of Ecology has developed a [Citizen's Guide to SEPA Review and Commenting](http://www.ecy.wa.gov/programs/sea/sepa/citizensguide/citizensguide.htm) (<http://www.ecy.wa.gov/programs/sea/sepa/citizensguide/citizensguide.htm>). The following tips for commenting on an EIS are extracted from this document.

- **Be clear, concise, and organized.** Decide what you need to say before you begin. Developing an outline, if you have a number of points, is a good idea to help you group your comments in a logical order. Jumping back and forth between several topics reduces the impact of your argument.

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Commenting on the EIS



- **Be specific.** Saying that you are against a project will not have as much effect as saying why. It is always a good idea to give as much support as possible to your comments. Include as much factual information as possible. For instance, you can compare how things were, to how they are, to how you believe they will be in the future—and why. Referring to the comprehensive plan (if your community has one), development regulations, information on similar projects or situations, or other environmental laws and/or documents can also be helpful. It is important to be as accurate as possible.
- **Identify possible solutions.** Suggestions on reasonable mitigation (conditions to avoid, minimize, or reduce adverse impacts) may help shape a questionable project into a welcome addition to a community. After identifying your concern, whenever possible, suggest possible solutions.

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6 EIS & City Decision-Making



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1. What is the scope of the mitigating conditions that can be proposed in the EIS and how can they be used to limit the project?

Mitigation must be related to a specific adverse impact clearly identified in the EIS and must be reasonable and capable of being accomplished. The mitigating measures in the EIS can be used as the basis for approving, conditioning or denying as they relate to zoning permit, shoreline permit, subdivision and/or building permit.

2. How will the EIS be used after it is completed and what happens next?

The Planning Director, who is authorized to make the decision on the shoreline Substantial Development Permit (SDP), will consider the conclusions in the EIS as it relates to the portion of the property (within 200 feet of the lake) required to be reviewed for shoreline permit approval and impacts to the lake. For the Potala Village property, this is approximately the western 53 feet of the property. A SDP does not address traffic, parking, bulk and mass of the building, wildlife siting or construction impacts. The conclusions in the EIS will be considered when the City reviews the building and grading permits. A building or grading permit cannot be submitted until the Neighborhood Business (BN) zone moratorium has expired.

3. Is the EIS binding on the developer, such as the identified mitigating measures or the alternatives that are studied?

Any mitigation measure or alternative identified in the EIS is not enforceable, except as a condition to a City permit. The City is not required to impose conditions based on the findings of the EIS, but must seriously consider them in the final permit decision process.

Potala Village EIS

EIS & City Decision-Making



4. What is the relationship between the EIS and the moratorium now in place for development in the Neighborhood Business (BN) zones and the Planning Commission's study of the BN zoning regulations?

The EIS is on a separate parallel track from the moratorium passed by the City Council and the Planning Commission's study of Comprehensive Plan policies and zoning regulations for BN zones. The EIS is a project specific study of the Potala Village development proposal submitted for the Shoreline Substantial Development Permit. The applicant has the legal right to move forward with completing the SEPA environmental review process because the applicant has a vested shoreline application. The moratorium prevents submittal of any other permit applications – including a building permit for Potala Village. The Planning Commission's study was directed by the City Council when the moratorium was adopted. The Commission is studying whether changes to existing policies and regulations pertaining to Neighborhood Business (BN) zones should be changed. If new policies and/or regulations are adopted, they will govern future development applications.

5. How will the EIS be used if the zoning is changed?

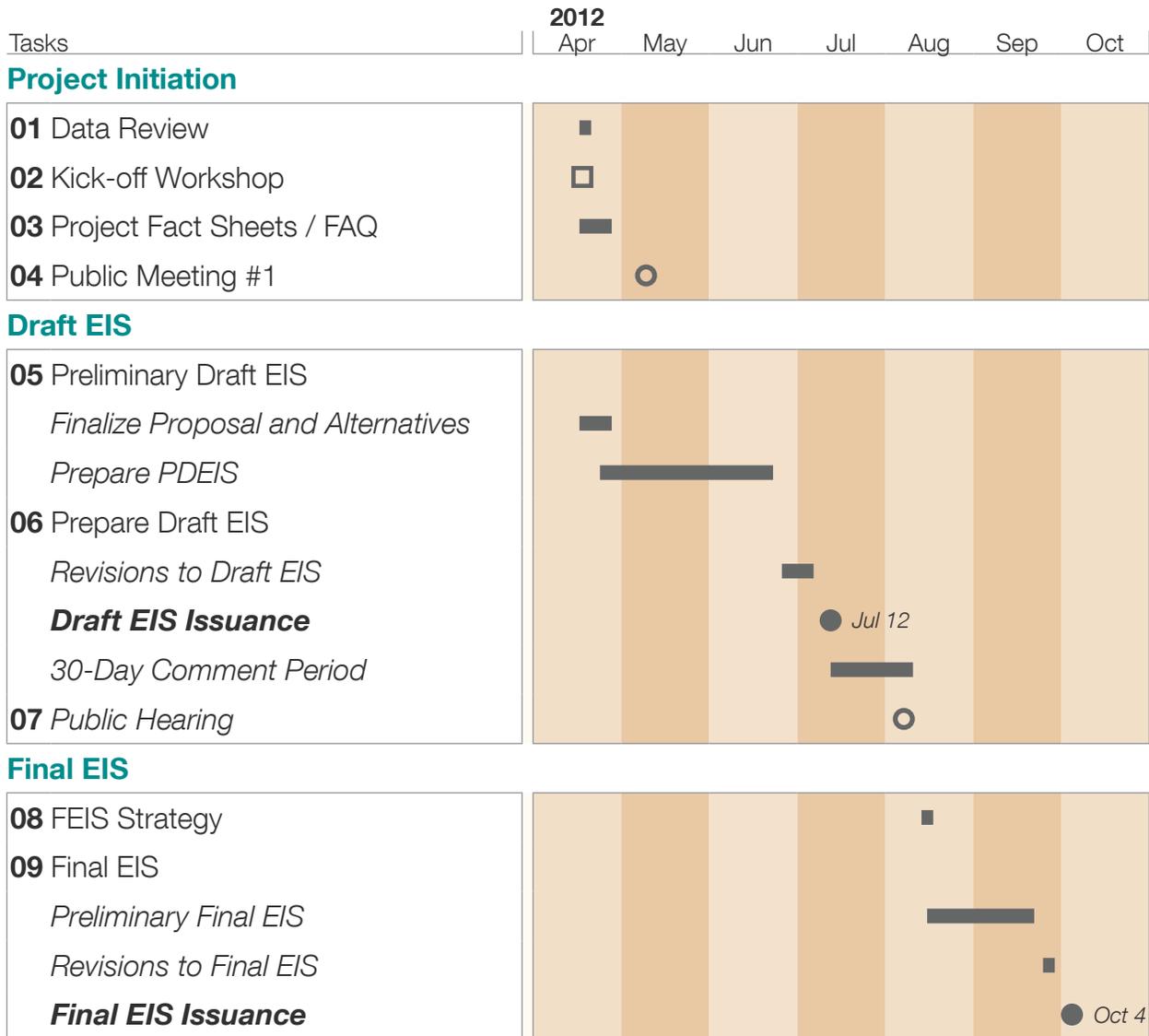
The EIS applies to the existing development proposal, which is intended to be reviewed under existing zoning. If the zoning changes and the applicant submits a building permit under the new zoning, the development will be required to comply with all new zoning requirements. The mitigating measures identified in the EIS may or may not apply depending on the extent of zoning changes and the degree to which the development is revised to comply with the new regulations.

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7 Project Schedule



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- Task Duration
- Kick-off Workshop
- Public Meeting / Hearing
- Tentative Document Issuance