



4

COMMENT LETTERS AND RESPONSES

Chapter 4 of this Final EIS contains written and verbal comments provided on the Draft EIS during the EIS comment period.

4.1 INTRODUCTION

The Draft EIS was issued on July 12, 2012, with public comments due August 24, 2011. On August 14, 2012, a public hearing was held to give the public an opportunity to hear an overview of the Draft EIS and to provide comments.

During the Draft EIS public comment period, 59 written comment letters were received, as listed below. Verbal comments were also provided at the public hearing.

This chapter of the Final EIS contains all Draft EIS comments received during the formal comment period and responses to the comments, including the verbal comments at the public hearing. Comment letters and public meeting notes follow page 4-60 of this section. The number of each comment letter is shown in the upper right corner of the first page of the letter and comment numbers are noted in the margins.

Final EIS Appendix B contains written comments submitted after the close of the comment period.

Letter Number	Commenter	Date Received
1	Arndt, Jack	08/20/12
2	Barnes, Alison	08/21/12
3	Barthe, Patrick	08/20/12
4	Bonnett, Berry M. and William	08/21/12
5	Cohen, Randall and Karen Mannering	08/24/12
6	DeForest, Virginia	08/21/12
7	Dire, Kathleen, and Larry Saltz	08/21/12
8	Foster, Joan	08/21/12
9	Freimanis, Atis	08/24/12
10	Godfrey, Dione	08/12/12
11	Goral, Pamela	08/21/12

Letter Number	Commenter	Date Received
12	Herberger, Robin	08/21/12
13	Herberger, Robin	08/23/12
14	Herberger, Robin	08/24/12
15	Hofland, Stephanie	07/21/12
16	Jacobson, Holly	07/20/12
17	Key, Vashti	08/21/12
18	Lamb, George	08/18/12
19	Lamb, George and Karen Levenson	08/19/12
20	Levenson, Karen	08/09/12
21	Levenson, Karen	08/12/12
22	Levenson, Karen	08/14/12; 3:35 pm
23	Levenson, Karen	08/14/12; 4:04 pm
24	Levenson, Karen	08/14/12; 4:36 pm
25	Levenson, Karen	08/14/12; 5:09 pm
26	Levenson, Karen	08/14/12; 5:48 pm
27	Levenson, Karen	08/15/12; 9:06 am
28	Levenson, Karen	08/15/12; 1:57 pm
29	Levenson, Karen	08/15/12; 2:09 pm
30	Levenson, Karen	08/16/12
31	Levenson, Karen	08/20/12
32	Levenson, Karen	08/23/12; 8:00 pm
33	Levenson, Karen	08/23/12; 8:45 pm
34	Levenson, Karen	08/23/12; 8:51 pm
35	Levenson, Karen	08/23/12; 8:57 pm
36	Levenson, Karen	08/24/12; 11:16 am
37	Levenson, Karen	08/24/12; 11:17 am
38	Levenson, Karen	08/24/12; 11:19 am
39	Levenson, Karen	08/24/12; 11:21 am
40	Levenson, Karen	08/24/12; 4:40 pm
41	Levenson, Karen	08/24/12; 4:43 pm
42	Levenson, Karen	08/24/12; 4:47 pm
43	Levenson, Karen	08/24/12; 4:49 pm
44	Levenson, Karen	08/24/12; 4:53 pm
45	Levenson, Karen	08/24/12; 4:56 pm
46	Levenson, Karen	08/24/12; 4:58 pm
47	Levenson, Karen	08/24/12; 5:00 pm
48	Loomis, Laura	08/11/12
49	Loomis, Laura	08/14/12
50	Loomis, Charles and Laura	08/23/12
51	Mann, David S.; Gendler & Mann	08/14/12
52	Miller, Shirley	08/22/12

Letter Number	Commenter	Date Received
53	Norwood, Ruth	08/13/12
54	Pilcher, Chuck	08/16/12
55	Rogers, J.	08/23/12
56	Saltz, Larry	08/21/12
57	Style, Bob and Audrey	08/13/12
58	Style, Robert	08/14/12
59	Taylor, Mark	08/24/12

4.2 GENERAL COMMENTS

Some comments expressed general opinions about the EIS analysis, environmental review process and/or the project. These opinions have been noted and included in the record of this Final EIS.

4.3 WRITTEN COMMENTS AND RESPONSES

Written comment letters are included in Final EIS Section 4.2. All letters are number to correspond to the list shown in Section 4.1 and comment numbers are noted in the margin of each letter.

Response to Draft EIS Letter 1: Jack Arndt

1. **Scope of analysis.** The Draft EIS was prepared in accordance with all applicable laws, regulations and ordinances, including the Kirkland Municipal Code Title 24 (Environmental Procedures) and the Washington Administrative Code (WAC) Chapter 197-11 (SEPA Rules).

As described in Draft EIS Chapter 2, the City issued a SEPA Determination of Significance and Scoping Notice on August 4, 2011. The Scoping Notice established a 21-day comment period on the proposed EIS scope, with the scope to be finalized following the close of the comment period. Following the close of the comment period, the City finalized the EIS scope as described in the Draft EIS.

KMC 24.02.140 establishes that the City shall enter into any necessary agreements with the applicant and the consultant to prepare the EIS. Communication between the applicant and the City during the process of setting up the agreement is necessary and permitted under the City's process. Comments made by the applicant during the process of setting up the agreement are beyond the control of the City.

2. **EIS process.** As noted above, the Draft EIS was prepared in accordance with all applicable laws, regulations and ordinances, including the Kirkland Municipal Code Title 24 (Environmental Procedures) and the Washington Administrative Code (WAC) Chapter 197-11 (SEPA Rules).

Please see Final EIS Chapter 3 for revisions and corrections to the Draft EIS, together with the responses to comments in the balance Final EIS Chapter 4. As established in WA 197-11-560, the Final EIS may supplement, improve or modify the analysis, make factual corrections, or develop and evaluate alternatives not previously given detailed consideration by the agency.

3. **General comments.** The commenter's opinions are noted. Please see Final EIS Section 4.2

Response to Draft EIS Letter 2: Alison Barnes

1. **Residential Market designation.** The Draft EIS discusses the Residential Market designation in Chapter 3.2, Plans and Policies. In response to comments received on the Residential Market designation, please see an expanded discussion of this designation in Final EIS Section 3.4.

2. **Alternatives and Scoping.** The Draft EIS included two alternatives, Alternative 1 No Action and Alternative 2 Proposed Action. In addition, the Draft EIS included analysis of three alternative development scenarios. Compared to the Proposed Action, the design alternatives would result in fewer residential units, with an estimated 90 to 110 dwelling units (residential density of 74.5 to 91 units/acre), depending on the scenario. Draft EIS sections 3.3, Aesthetics, and 3.4, Transportation, consider impacts associated with these alternative development scenarios. In Draft EIS Section 3.3, the impacts of the alternative design scenarios on building size and massing, parking, landscaping, building street relationship and building materials and color are discussed. In Draft EIS Section 3.4, trip generation, intersection delay and level of service impacts resulting from the alternative development scenarios are evaluated. Please see also the discussion of alternatives in Final EIS Section 3.2.

Regarding the scoping process, Section 2.2 of the Draft EIS includes a description of the scoping process and Appendix 2 provides a scoping summary that addresses potential EIS topics and responses to comments on these topics. WAC 197-11-408 (Scoping) establishes that scoping documents may be used but are not required. In this case, the City provided the scoping summary to help document the City's decisions regarding the EIS topics that were raised during the comment period.

Response to Draft EIS Letter 3: Patrick Barthe

1. **Residential Market designation.** The Draft EIS discusses the Residential Market designation in Chapter 3.2, Plans and Policies. In response to comments received on the Residential Market designation, please see an expanded discussion of this designation in Final EIS Section 3.4.

Response to Draft EIS Letter 4: Berry M. Bonnet and Karen Mannering

1. **General comments.** The commenter's opinions are noted. Please see Final EIS Section 4.2
2. **Residential Market designation and alternatives.** The Draft EIS discusses the Residential Market designation in Chapter 3.2, Plans and Policies. In response to comments received on the Residential Market designation, please see an expanded discussion of this designation in Final EIS Section 3.4.

Please see the discussion of alternatives in Final EIS Section 3.2.

3. **Community Character.** The comments are noted. Please see the discussion of neighborhood character in Draft EIS Section 3.3, Aesthetics, and an updated aesthetics mitigation discussion in Final EIS Section 3.5.

Response to Draft EIS Letter 5: Randall Cohen and Karen Mannering

1. **Existing residential densities.** Please see the discussion of existing residential densities in Final EIS Section 3.3, including corrections to Draft EIS Figure 3.1-8. As established in WA 197-11-560, the Final EIS may supplement, improve or modify the analysis, make factual corrections, or develop and evaluate alternatives not previously given detailed consideration by the agency.

2. **Residential Market designation.** The Draft EIS discusses the Residential Market designation in Chapter 3.2, Plans and Policies. In response to comments received on the Residential Market designation, please see an expanded discussion of this designation in Final EIS Section 3.4.
3. **Turning movements.** The Draft EIS included detailed analyses of left turns out of the proposed project driveway; the level of service results are presented in Table 3.4-11 and the traffic volume projections are shown on Figures 3.4-9 and 3.4-10. The traffic volume projections assume that all vehicles destined for southbound Lake Street would turn left directly out of the site driveway. An alternate analysis of egress was also prepared. The “right turn” analyses, with project trip patterns shown on Figures 3.4-15 and 3.4-16 and resulting levels of service summarized in Tables 3.4-16 and 3.4-18, were provided because it is recognized that high traffic volumes on Lake Street could result in some southbound-destined drivers choosing to turn right out of the driveway and traveling to southbound Lake Washington Boulevard via a right turn route. The Draft EIS included an evaluation of the potential traffic impact of that possibility.
4. **Neighborhood serving business.** Although the term “Neighborhood Serving Businesses” is not used in the Comprehensive Plan, the Residential Market definition and Policy LU-5.9 include guidance related to small neighborhood retail and service uses. The Draft EIS discusses the Residential Market designation in Chapter 3.2, Plans and Policies. In response to comments received on the Residential Market designation, please see an expanded discussion of this designation in Final EIS Section 3.4.
5. **Existing residential densities.** Please see the discussion of existing residential densities in Final EIS Section 3.3.
6. **Alternatives.** As the comment notes, the Proposed Action described in the Draft EIS is based on the development proposal submitted by the private applicant. Because the SEPA environmental review process is intended to help inform the City decision-making process, decisions on development permits will not be made until the SEPA process is complete. Regarding a lower density alternative, please see the discussion of alternatives in Final EIS Section 3.2.
7. **Existing residential densities.** Please see the discussion of existing residential densities in Final EIS Section 3.3.
8. **Design measures.** The comment is noted; please see the discussion of design measures in Draft EIS Section 3.3, Aesthetics, and an updated aesthetics mitigation discussion in Final EIS Section 3.5.
9. **BN zoning and density.** The comment is noted.

Response to Draft EIS Letter 6: Virginia DeForest

1. **Residential Market designation.** Please see the discussion of the residential market designation in Final EIS Section 3.4.

2. **Traffic ingress and egress.** The Draft EIS included a detailed analysis of the potential impact of the project on 10th Avenue S. The intersections at each end of the street (10th Avenue S/Lake Street and 10th Avenue S/State Street) were evaluated for scenarios that included the most direct paths into and out of the project site, as well as alternate “right turn” routes that would result in higher traffic volumes on 10th Avenue S. Figure 3.4-8 in the Draft EIS shows that during the PM peak hour (the highest traffic volume hour of the day), about 115 vehicles (an average vehicle rate of about 1 vehicle per 32 seconds) are expected to travel on 10th Avenue S in 2014 without the proposed project. Tables 3.4-16 and 3.4-18 show that the proposed project could add 27 to 45 peak hour vehicle trips to 10th Avenue S. This project-related increase would increase the average PM peak hour vehicle rate to 1 vehicle every 22 to 25 seconds. With or without the proposed project, the average vehicle rates would leave sufficient gaps for vehicles turning into and out of driveways and local streets that intersect with 10th Avenue S. During other (non-peak) hours of the day, average vehicle rates are expected to be lower.

Response to Draft EIS Letter 7: Kathleen Dier and Larry Saltz

1. **Residential Market designation.** The Draft EIS discusses the Residential Market designation in Chapter 3.2, Plans and Policies. In response to comments received on the Residential Market designation, please see an expanded discussion of this designation in Final EIS Section 3.4.
2. **EIS Scoping comments.** Section 2.2 of the Draft EIS includes a description of the scoping process and Appendix 2 provides a scoping summary that addresses potential EIS topics and responses to comments on these topics. WAC 197-11-408 (Scoping) establishes that scoping documents may be used but are not required. In this case, the City provided the scoping summary to help document the City’s decisions regarding the EIS topics that were raised during the comment period.

Response to Draft EIS Letter 8: Joan Foster

1. **Residential Market designation.** Although the term “Neighborhood Serving Businesses” is not used in the Comprehensive Plan, the Residential Market definition and Policy LU-5.9 include guidance related to small neighborhood retail and service uses. The Draft EIS discusses the Residential Market designation in Chapter 3.2, Plans and Policies. In response to comments received on the Residential Market designation, please see an expanded discussion of this designation in Final EIS Section 3.4.

Regarding density, please see the discussion of density in Draft EIS Section 3.1, Land Use, and the updated discussion in Final EIS Section 3.3. Regarding congestion, please see Draft EIS Section 3.4, Transportation.

2. **Alternatives.** Please see the discussion of alternatives in Final EIS Section 3.2. Please see also Draft EIS Appendix 2 provides a scoping summary that addresses potential EIS topics and responses to comments on these topics, including alternatives.
3. **Closing comment.** The comment is noted. Please see the response to the comments in this letter, above.

Response to Draft EIS Letter 9: Atis Freimanis

1. **Draft EIS Objectives.** The comments are noted and it is acknowledged that individual perspectives as to whether the proposal attains the objectives may vary. The SEPA Rules (WAC 197-11) do not define or describe the term “objectives” nor require an evaluation of the proposal’s objectives, saying only that “reasonable alternatives shall include actions that could feasibly attain or approximate a proposal’s objectives, but at a lower environmental cost or decreased level of environmental degradation.” (WAC 197-11-440(5)).
2. **Alternatives and Residential Market designation.** Please see the discussion of alternatives and the Residential Market designation in Final EIS sections 3.3 and 3.4.
3. **Alternative Development Scenarios.** The comments are noted. As described in Draft EIS Section 3.3.3, the alternative development scenarios are intended to help illustrate how impacts of the proposal could be addressed in terms of comparative differences in building mass, scale and neighborhood compatibility. Please see an updated aesthetics mitigation discussion in Final EIS Section 3.5.

The City’s development regulations do not call for design review for development in the BN zone. However, expanded landscape buffers, reduced building footprint and stepped back upper floors could help minimize shadow impacts on adjoining properties. Please see an updated aesthetics mitigation discussion in Final EIS Section 3.5.

4. **Surface and groundwater.** Please see the discussion of stormwater in Draft EIS Appendix 1, Scoping Summary. Kirkland Municipal Code Title 15 establishes standards for stormwater quality and quantity associated with development in the City. KMC Section 15.52.060, Design and Construction Standards and Requirements, 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 concluded that existing local regulations provide a process for addressing all potential stormwater impacts and mitigating impacts, if any, to a less than significant level. For this reason, an analysis of stormwater is not included in the EIS scope of analysis.

As required by KMC 15.52.060, groundwater that collects around the building will tie into the required stormwater system and all water runoff within the parking garage will drain to the City’s sanitary sewer system, where it will be treated prior to release.

5. **Existing vegetation.** The comment is noted. Draft EIS Section 2.6.2 states that all existing vegetation on the site would be removed.
6. **Soil removal and truck traffic.** As described in the Scoping Summary, 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 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.

According to the City of Kirkland Public Works Department, public roadways are built to sustain heavy levels of truck traffic and damage to the roads as a result of truck traffic associated with site construction is not anticipated. However, as part of future building permit approval, the City will require that, should road repairs be required as a consequence of construction traffic, the applicant is responsible for funding the repairs. Please see the revised Construction Impacts mitigating measures in Final EIS Chapter 1.

7. **Transportation analysis.**

a) Overall impact. According to the City of Kirkland's adopted policies, the traffic impact of a proposed development can be found "less than significant" even when traffic volumes on the adjacent streets are high and congestion is present. According to the City of Kirkland's adopted transportation analysis guidelines, traffic impacts of a proposed project are not based upon the total traffic volumes in the study area; they are based upon a project's proportional contribution to those volumes. The City's thresholds for significance of traffic impacts are summarized in the Draft EIS in Table 3.4-3. As shown, even if an intersection is operating at LOS F, a project's impact is considered significant (which would then require mitigation) only if it would contribute more than 5% of the intersection capacity. This same standard is applied equally to all development proposals within the city. As shown in Table 3.4-10 of the Draft EIS, the proportional share of traffic generated by the proposed project would not exceed 5% at any of the study area intersections.

In addition, the City's adopted transportation concurrency thresholds allow high traffic volumes to occur on a city roadway, as long as the average in the subarea in which the road is located is below a defined threshold. The City's concurrency thresholds are presented in the *Transportation Concurrency* subsection of Draft EIS section 3.4.2. As shown, the volume-to-capacity ratio (V/C) at an individual location can be as high as 1.40 (meaning that the volume traveling through the intersection can be greater than its theoretical capacity) as long as the subarea average is below its threshold. Lake Street/Lake Washington Boulevard is located within the Southwest subarea for which a V/C threshold of 1.07 has been defined, indicating on average in this subarea, vehicle volumes on arterial roadways are allowed to be greater than their capacities. All new development within the city contributes a proportional share toward the cost of citywide transportation improvement projects under the Concurrency Management Program.

The City's policies comply with the Washington State Growth Management Act, which mandates that cities adopt level of service standards, but does not mandate what those standards should be. Cities locally adopt standards that reflect the desired balance between the level of congestion that is considered acceptable and the amount of transportation infrastructure to be built (e.g. higher standards that accept less congestion can result in more and wider roads being required, lower standards that accept more congestion often result in fewer roads and fewer lanes). According to SEPA, transportation analysis must evaluate potential project impacts according to the locally adopted procedures and standards.

(b) Driveway delay. Driveway operations related to ingress and egress of project-generated trips were evaluated in detail in Draft EIS section 3.4. Table 3.4.11 summarizes traffic operation at the driveway for the weekday AM and PM peak hours with and without full build-out of the proposed project. As shown, average vehicle delay for the outbound (westbound) project-generated vehicles is expected to be about 22 seconds (LOS C) during the AM peak hour and 27 seconds (LOS D) during the PM peak hour. This is considered acceptable operation that would not result in excessive queues in the garage. The table also shows that the average delay for southbound vehicles at the driveway, which includes left-turning vehicles into the site, of less than one second. However, due to the high traffic volumes on Lake Street, the Draft EIS analysis also includes analysis of the potential impact of site-generated traffic choosing right-turn routes into and out of the site to avoid higher delays at the driveway. This analysis, summarized in Tables 3.4-16 through 3.4-19, indicates that right turn routes would improve operations at the site driveway and that the impact to the off-site analysis intersections would not exceed the City's adopted significance thresholds. The projected delays at the site driveway (22 and 27 seconds per vehicle during the AM and PM peak hours, respectively) are not expected to cause residents or visitors to forego on-site parking spaces and park on-street. However, the adjacent on-street parking is available to the public, and the Draft EIS parking assessment acknowledges that residents or visitors to the site could still opt to use it.

(c) Moving vans. Moving vans at the project site would be subject to the same rules as moving vans at all other residential development within the City of Kirkland. If they are not able to be accommodated on-site, they would need to use legal on-street parking, and would not be allowed to block vehicle traffic on Lake Street or 10th Avenue S. Site management would be required to ensure that moving vans comply with city parking regulations.

8. **Draft EIS rework.** The comments are noted. Please see the Chapter 3, Key Issues, and Chapter 4, Draft EIS Comments and Responses, in this Final EIS.
9. **Additional alternatives and environmental topics.** The comments are noted, regarding the specific topics listed in the comment:
 - Alternatives: Please see the discussion of alternatives in Final EIS Section 3.2.
 - Water issues: Please see the response to Comment 4 in this letter, above.
 - Design issues (setbacks, building bulk and scale, setbacks, design review): Please see Draft EIS Section 3.3, Aesthetics and an updated aesthetics mitigation discussion in Final EIS Section 3.5.
 - Traffic: Please see the response to Comment 7 in this letter, above.

Response to Draft EIS Letter 10: Dione Godfrey

1. **Single family residences.** Please see the discussion of residential densities in Final EIS Section 3.3.
2. **Density.** Neighborhood concerns related to density are noted.

3. **Existing residential densities.** Please see the discussion of existing residential densities in Final EIS Section 3.3.
4. **Building height.** As the comment notes, Draft EIS page 3.3-10 incorrectly states that building heights vary from one to five stories in the Study Area. This sentence is corrected as follows:

Building heights vary from one to ~~four~~ five stories in the Study Area, although all stories may not be visible from differing vantage points due to landform, landscaping or other foreground features.
5. **Existing residential densities.** Please see the discussion of existing residential densities in Final EIS Section 3.3.
6. **Draft EIS revisions.** The comments are noted. Please see Chapter 3, Key Issues, and Chapter 4, Draft EIS Comments and Responses, in this Final EIS.
7. **Density spreadsheet and annotated Section 3.1.** Regarding the density spreadsheet, please see Final EIS Section 3.3. For responses to comments on Draft EIS Section 3.1, please see responses to comments in Letter 20, which contains the same Draft EIS Section 3.1 with annotations.

Response to Draft EIS Letter 11: Pamela Goral

1. **Alternatives.** Please see the discussion of alternatives in Final EIS Section 2. Regarding the consideration of the Comprehensive Plan residential market designation, please see also Final EIS Section 3.4. Regarding the response to comments during the EIS scoping process, please see Section 2.2 of the Draft EIS for a description of the scoping process and Appendix 2 for a scoping summary that addresses potential EIS topics and responses to comments on these topics, including alternatives.
2. **Closing comment.** Thank you for your comment. Please see the discussion of key issues in Final EIS Chapter 3 and the responses to comments in Final EIS Chapter 4.

Response to Draft EIS Letter 12: Robin Herberger

1. **General comments.** The commenter's opinions are noted. Please see Final EIS Section 4.2
2. **Residential Market designation.** Please see the discussion of the residential market designation in Chapter 2 of this Final EIS.
3. **Moss Bay Neighborhood Plan.** As described in the Draft EIS, the Moss Bay Neighborhood Plan provides a specific reference to the site in the Economic Activities Element:

Most of the land on the east side of Lake Street South appears to be unsuitable for commercial use because of steep slope conditions, as well as problems concerning vehicular ingress and egress. The southeast quadrant of the 10th Street (sic) South and Lake Street intersection, however, is developed with a market which serves as a convenience to the surrounding residences.

Limited commercial use of this location, therefore, should be allowed to remain.

This reference is background narrative in the Comprehensive Plan to provide the rationale for the designation of the subject property for commercial use as a Residential Market and does not state that the subject site is unsuitable for commercial development. Regarding vehicular ingress and egress, please see response to Comment 2, Letter 6.

4. **EIS objectivity.** The Draft EIS was prepared in accordance with all applicable laws, regulations and ordinances, including the Kirkland Municipal Code Title 24 (Environmental Procedures) and the Washington Administrative Code (WAC) Chapter 197-11 (SEPA Rules).

Regarding the analysis of commercial uses and the Residential Market designation, please see the discussion Draft EIS Section 3.2 and an expanded discussion in Final EIS Section 3.4.

5. **Residential Market designation.** Please see the discussion of the Residential Market designation in Final EIS Section 3.4.
6. **Residential Market designation.** Please see Final EIS Section 3.4 for an expanded discussion of the Residential Market designation. Regarding specific points in this comment:
 - Please note that medical office and general office are permitted uses in the BN zone, which is the implementing zone for the Comprehensive Plan Residential Market designation.
 - Please see the discussion of LU-5.9 in Draft EIS Section 3.2 and Final EIS Section 3.4 regarding the small retail and service business standard in LU-5.9.
 - Please see the response to Comment 2, this letter, regarding the Comprehensive Plan discussion of commercial suitability along the east side of Lake Street South.
7. **Vehicular ingress and egress.** Please see the discussion in Draft EIS Section 3.4 for a specific discussion of vehicular access to and from the site.
8. **Site footprint illustration.** As noted in the Draft EIS, the proposed site footprint is larger and lot coverage higher than much of the surrounding area. The Draft EIS also notes that the proposed footprint and lot coverage are allowed under the existing development standards for the BN zone.

Response to Draft EIS Letter 13: Robin Herberger

1. **Draft EIS Figure 3.1-8.** Please see the discussion of densities in Final EIS Section 3.3.
2. **General comments.** The commenter's opinions are noted. Please see Final EIS Section 4.2
3. **Residential densities.** This comment letter raises a number of issues related to Figure 3.1-8, Multifamily Densities and accompanying Draft EIS description. Comments raised by this letter, including accuracy of data, overwater density calculations, inclusion of single family densities are addressed in Final EIS Section 3.3.

4. **Site footprint illustration.** As noted in the Draft EIS, the proposed site footprint is larger and lot coverage higher than much of the surrounding area. The Draft EIS also notes that the proposed footprint and lot coverage are allowed under the existing development standards for the BN zone.

Response to Draft EIS Letter 14: Robin Herberger

1. **General comments.** The commenter’s opinions are noted. Please see Final EIS Section 4.2
2. **EIS Objectivity.** This comment makes a general statement regarding the EIS and comments in the balance of this letter address specific concerns. Please see the responses to comments, below.

Regarding the role of the document, please see the discussion in Final EIS Section 3.1. As described in WAC 197-11-400, the role of an EIS is to provide impartial discussion of significant environmental impacts and enable government agencies and interested citizens to review and comment on proposed government actions, including government approval of private projects. The Potala Village Mixed Use Development Draft and Final EIS documents were prepared in accordance with all applicable laws, regulations and requirements.

3. **Project opposition.** The opposition to the project proposal is acknowledged. As described in WAC 197-11-400, the role of an EIS is to provide impartial discussion of significant environmental impacts and enable government agencies and interested citizens to review and comment on proposed government actions, including government approval of private projects. Because an EIS is focused on environmental impacts, the level of public opposition or support is not considered in the analysis, except as discussed with respect to consistency with Comprehensive Plan policy LU-5.9 (see Final EIS Section 3.4). However, as described in WAC 197-11-448, SEPA anticipates that a variety of policy considerations that extend beyond environmental impacts may be taken into account in making final decisions. Depending on the level of discretion permitted in the agency decision, public support or opposition may be a factor used in future decision-making on the proposal.
4. **Objectives.** The comments on whether or not the proposal achieves its objectives are noted. The SEPA Rules (WAC 197-11) do not define or describe the term “objectives” nor require an evaluation of the proposal’s objectives, saying only that “reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.” (WAC 197-11-440(5)).
5. **Alternatives.** Please see the discussion of alternatives in Final EIS Section 3.2.
6. **Residential Market designation.** Please see the discussion of the Residential Market designation in Final EIS Section 3.4. Note that the Residential Market and Neighborhood Business (BN) and designations are two separate designations pursuant to the Kirkland Comprehensive Plan and Kirkland Zoning Code, respectively. The Residential Market designation is a Comprehensive Plan land use designation intended to provide policy guidance for this designation. The BN zone is a regulatory designation established in the Kirkland Zoning Code that implements the Comprehensive Plan land use designation. The BN zone

provides specific regulatory direction for types of uses and required development standards. Although the discussion of the Residential Market designation does not mention office uses, both retail and office uses are permitted in the BN zone.

7. **Traffic and parking**

(a) Trip generation. The Draft EIS trip generation analysis is based on the proposed number of residential units and the size of proposed commercial space, not the number of parking spaces. This is described in the *Trip Generation* subsection of Draft EIS section 3.4.2 and summarized in Tables 3.4-7 and 3.4-8, and is consistent with standard traffic engineering practice prescribed by the Institute of Transportation Engineers (ITE) and the adopted City transportation impact analysis guidelines, which also reflect transportation engineering best practice. The number of proposed parking spaces is based on City zoning code requirements for a development of the size that is proposed, as shown in Table 3.4-20 of the Draft EIS.

(b) Non-motorized impacts. Potential impacts to non-motorized travelers are assessed in the *Sight Distance at Driveway* and *Non-Motorized Transportation* subsections of Draft EIS section 3.4.2. The Draft EIS acknowledges that, as with any development, vehicle trips generated by the proposed development have the potential for vehicle conflict with non-motorized travelers who cross the driveway. However, sight lines at the driveway location are adequate for drivers to see oncoming pedestrians and bicyclists, and the project would be required to follow City design standards to maintain adequate sight distance for motorists departing the driveway. Outbound drivers would be able to see oncoming non-motorized travelers, and would be required to yield to them just as they are required to do at all other driveways in the city.

(c) Adjacent streets. The Draft EIS transportation section analyzed the impacts on the adjacent streets in accordance with adopted City transportation impact analysis procedures. Please refer to the responses to Comment 2, Letter 6 and Comment 7, Letter 9.

(d) Parking. Detailed parking analyses are presented in the *Parking Demand and Supply* subsection of Draft EIS section 3.4.2. As described in that section, the peak cumulative parking demand of the proposed project is projected to be between 197 and 222 spaces, which is much less than the proposed 316 spaces, so no parking overflow is expected to result from the project. However, the Draft EIS analysis acknowledges that residents and visitors to the site could still choose to use available on-street parking. On-street parking is public and anyone is legally allowed to utilize it; thus, the potential that project-generated motorists could opt to use it is not considered an adverse impact. Regardless, mitigation is also recommended in Draft EIS section 3.4.3 to further encourage project-generated parking to occur on-site.

8. **Setbacks.** The comment is noted. As described in Draft EIS Chapter 2, the site is an aggregation of three parcels. Because the parcels are aggregated, the site is treated as one property, with setbacks regulated according to the external property lines. As noted in the comment, the front property line is defined in the Kirkland Zoning Code as any property line adjacent to a street or access easement/tract (subject to specific conditions). Accordingly, a minimum 20-foot wide front yard setback would be required along the sides of the property adjacent to Lake Washington Boulevard and 10th Avenue South. In addition, under KZC 40.08

the required yard of a structure abutting Lake Washington Boulevard/Lake Street South. KZC 40.08 requires an increased two-foot setback for each one foot that the structure exceeds 25 feet above average building elevation. Because the proposal would be 30 feet above average building elevation, a total of 10 additional feet, or a 30-foot setback would be required along the Lake Washington Boulevard frontage. According to the site plan submitted by the applicant, a 30-foot setback along Lake Washington Boulevard and 20-foot setback along 10th Avenue South is proposed.

As described in the Draft EIS Land Use section mitigating measures (Section 3.1.3), the proposed development would be reviewed and required to comply with all applicable provisions of the Kirkland Zoning Code, including setback requirements prior to issuance of a building permit. In addition, as described in the EIS mitigating measures for aesthetics (Final EIS Section 3.5), a reduced building footprint or expanded perimeter landscaping are identified as potential measures to reduce the appearance of building bulk and scale and to enhance landscaping. These measures may also be result in expanded building setbacks.

9. **Construction traffic congestion.** As described in Draft EIS Section 3.5.2, the applicant would be required to provide a construction management plan prior to commencing construction. The plan would document the following information:

- Truck haul-routes to and from the site.
- Peak hour restrictions for construction truck traffic and how those restrictions would be communicated and enforced.
- Truck staging areas (e.g., locations where empty or full dump trucks would wait or stage prior to and during loading or unloading.)
- Construction employee parking areas.
- Measures to reduce construction worker trips such as rideshare, shuttles, carpool, transit passes or related programs.
- Road, driving lane, sidewalk, or bike lane closures that may be needed during utility, street or building construction. A plan detailing temporary traffic control, channelization, and signage measures should be provided for affected facilities.
- Other elements or details may be required in the Construction Management Plan as required by the City of Kirkland. The project developer/owner and the contractor would be required to incorporate other City requirements into an overall plan, if applicable.

In addition, the City has identified more specific construction phase mitigating measures, as listed below and included in Chapter 1 of this Final EIS.

- A construction parking plan shall be submitted to the Public Works Department Transportation Division for approval prior to issuance of a building permit. The plan shall address the following elements:

- Name of the designated parking coordinator who will be the City’s contact person and person responsible for implementation of the construction parking plan
 - Number of construction workers on site by shift
 - Approximate number of parking spaces needed
 - Identification of measures to encourage carpooling
 - Map showing the designated area(s) for construction parking as approved in advance by the City. If the parking area(s) will be off-site, identification of a shuttle service or other measures to transport workers to the site.
 - Map showing the location of “No Construction Parking” signs in the neighborhood. The no construction parking area shall include Lake Street South/Lake Washington Boulevard from 5th Avenue South to NE 62nd Street, 10th Avenue South from Lake Street South to State Street South and side streets connecting 10th Avenue South and 7th Avenue South; and NE 64th Street between Lake Washington Boulevard and Lakeview Drive.
- A Construction Truck Circulation Plan shall be submitted to the Public Works Department Transportation Division for approval prior to issuance of a building permit. The plan shall minimize impacts on local streets and existing traffic congestion.
 - Construction truck circulation shall be limited to the hours of 9 am and 3 pm. No construction truck circulation on Saturdays is permitted during community events in the downtown or near Lake Street South. The Public Works Department will provide the construction manager with dates of the Saturday community events in which construction truck circulation will not be permitted.
 - On on-site sign shall be installed facing and visible from Lake Street South containing the contact information of the parking coordinator to accept and respond to public concerns. The sign shall stay in place until completion of the project.
10. **Alternative Development Scenarios.** The use of the alternative development scenarios are not a redesign the applicant’s proposal. Rather, as described in Draft EIS Section 3.3.3, they are conceptual mitigation scenarios intended to illustrate how combinations of different design elements could mitigate for some of the identified impacts of the proposal. As noted in the Draft EIS, Scenario 1 is a design that was provided by the applicant and may have been reviewed by the applicant for development feasibility prior to release. Scenarios 2 and 3 are conceptual in nature, were not designed to specific residential floor plans and are provided for comparative and illustrative purposes only. Please see an updated aesthetics mitigation discussion in Final EIS Section 3.5.
11. **Pedestrian-Oriented District.** It is acknowledged that Lake Washington Boulevard and Lake Street South in the vicinity of the subject site is an important and heavily used pedestrian corridor. The reference to pedestrian-oriented districts in Draft EIS Section 3.3.3 was intended to distinguish the subject property from sites within designated districts that are subject to design review pursuant to KZC 92.05 and the Design Guidelines for Pedestrian Oriented Business Districts (adopted pursuant to KMC 3.30.040 and updated March 3, 2009). These districts include the Central Business District (CBD), Market Street Corridor (MSC),

Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD), Totem Center (TC), Yarrow Bay Business District (YBD) and in areas indicated on the use zone charts for PLA 5C. The subject site is not located in any of these designated areas.

12. **Building height.** As the comment notes, Draft EIS page 3.3-10 incorrectly states that building heights vary from one to five stories in the Study Area. This sentence is corrected as follows:

*Building heights vary from one to ~~four~~ **five** stories in the Study Area, although all stories may not be visible from differing vantage points due to landform, landscaping or other foreground features.*

Four story buildings are found in the vicinity of Lake Washington Boulevard and NE 64th Street, including some buildings with three levels above a parking garage.

13. **Site footprint illustration.** As noted in the Draft EIS, the proposed site footprint is larger and lot coverage higher than much of the surrounding area. The Draft EIS also notes that the proposed footprint and lot coverage are allowed under the existing development standards for the BN zone.

Response to Draft EIS Letter 15: Stephanie Hofland

1. **Traffic impacts.** The potential transportation impacts of the proposed development were evaluated in section 3.4 of the Draft EIS, in accordance with the City's adopted transportation impact analysis guidelines. Please refer to the response to Comment 7, Letter 9.

Response to Draft EIS Letter 16: Holly Jacobson

1. **Traffic impacts.** The potential transportation impacts of the proposed development were evaluated in section 3.4 of the Draft EIS; the analysis follows the City's adopted transportation impact analysis guidelines. As described in the *Study Area and Analysis Periods* subsection of Draft EIS section 3.4.1, analysis intersections are those through which project trips are projected to constitute 1% or more of total trips through the intersection. At downtown Kirkland intersections, the proposed project's proportional share of traffic would be less than 1%. Please refer also to the response to Comment 7, Letter 9.

Response to Draft EIS Letter 17: Vashti Key

1. **Density and traffic.** The comments regarding density and traffic are noted. The Draft EIS concludes that the proposed density is permitted under the BN zoning standards for the site and identifies potential mitigating measures in Section 3.1 (Land Use) and 3.3 (Aesthetics) to address significant impacts associated the proposed building height and bulk needed to accommodate the proposed density. Please see also Final EIS Chapter 1, Section 3.4 and Section 3.5 for revised mitigating measures associated with consistency with adopted plans and policies and aesthetics.

The potential transportation impacts of the proposed development were evaluated in Draft EIS Section 3.4, in accordance with the City’s adopted transportation impact analysis guidelines. The transportation analysis found that while the proposed project would impact roadway operations, the impact would be lower than the City’s adopted thresholds for significance. Please refer to the response to Comment 7, Letter 9.

Response to Draft EIS Letter 18: George Lamb

1. **Prior traffic study.** The referenced report was completed for the project applicant and reviewed by the City to support the SEPA checklist that was initially prepared for the proposed project. The transportation analysis in the Draft EIS was completed independently of the prior transportation analysis, but both followed the City’s adopted transportation impact analysis guidelines and the level of service analysis results and impact conclusions were generally consistent between them (it should be noted that the Draft EIS analysis is based on projected 2014 conditions, so has higher background traffic growth assumptions than the prior analysis, which was based on 2012 conditions). As outlined in the Highway Capacity Manual, level of service designations are defined according to six levels “...A to F, with LOS A representing the best operating conditions and LOS F the worst. Each level of service represents a range of operating conditions and the driver’s perception of those conditions.” In general, LOS E indicates that an intersection is at or approaching congested conditions. However, the level of traffic operations considered acceptable is not determined by the transportation analyst, but by locally adopted standards. Please refer also to the response to Comment 7, Letter 9.
2. **Tax revenue.** An evaluation of potential impacts to tax revenue is outside the scope of the EIS. As described in WAC 197-11-400, the role of an EIS is to provide impartial discussion of significant environmental impacts and enable government agencies and interested citizens to review and comment on proposed government actions, including government approval of private projects. Because an EIS is focused on environmental impacts, potential tax revenue is not considered in the analysis. Please see the discussion of the purpose of an EIS in Final EIS Section 3.1.
3. **Density limit.** Comments regarding density are noted. Please note that the subject of this EIS is limited to a review of the proposal within the context of existing adopted regulations and policies. As described in Chapter 2, the City is undertaking a separate process to legislatively review BN zoning standards and the Comprehensive Plan designation. This legislative process is separate from the proposal considered in the Potala Village Mixed Use Development EIS.

Response to Draft EIS Letter 19: George Lamb and Karen Levenson

1. **Traffic analysis methodology.** The traffic counts conducted for the Draft EIS analysis reflect high traffic volumes on Lake Street during the peak hours, as shown on Draft EIS Figures 3.4.2 through 3.4.6. However, the traffic impact analysis is not solely based upon existing traffic counts, but also on projected future peak hour traffic volumes that reflect additional background traffic growth as well as the relative volume of traffic expected to be added by a proposed development. Traffic volumes evaluated for future conditions are higher than the existing volumes. This is described in the *Future Volumes without Project* subsection of Draft

EIS section 3.4.1, and the *Future Volumes with Project* subsection of Draft EIS section 3.4.2. As noted in the Draft EIS, the background traffic growth assumptions are based on established City procedures, and are higher than what has been observed over the past few years; thus, the background traffic forecasts are likely conservatively high. As noted in the *Trip Generation* subsection, the analysis also assumed that all project-generated trips would occur by vehicle, but Census 2000 data for the area indicates that some trips are likely to occur by non-motorized and transit modes; thus, the project-generated vehicle trip estimates are likely conservatively high as well. Although the traffic volumes analyzed in the Draft EIS may be conservatively high, it should be noted that according to the City of Kirkland's adopted transportation analysis guidelines, traffic impacts of a proposed project are not based upon the total traffic volumes in the study area; they are based upon a project's proportional contribution to those volumes. Please refer to the response to Comment 7, Letter 9.

2. **Traffic analysis methodology.** Please refer to the response to Comment 1, Letter 18.
3. **General comments.** The commenter's opinions are noted. Please see Final EIS Section 4.2

Response to Draft EIS Letter 20: Karen Levenson

1. **Residential densities.** This comment raises a number of issues related to Figure 3.1-8, Multifamily Densities. Comments raised by this letter, including accuracy of data, overwater density calculations, inclusion of single family densities are addressed in Final EIS, Section 3.3.
2. **Consultant selection.** The City's process for selecting a consultant to prepare an EIS for a proposal by a private applicant is established in KMC Section 24.02.140. This process calls for City Responsible Official to review consultants recommended by the applicant and, if the Responsible Official finds one of the consultants suitable to prepare the EIS, selection of that consultant for preparation of the EIS. KMC 24.02.140 further states that the consultant who prepares the EIS shall have no involvement in the project other than the preparation of the EIS. The City followed the process established in KMC 24.02.140 and the selected consultant team meets all requirements in this section.
3. **Chapter 3.1 comments.** Please see responses to Comments 6 through 34 in this letter, below. Regarding other chapters, please see Letter 41 for comments and responses to Draft EIS Section 3.2 and Letter 45 for comments and responses to Draft EIS Chapter 2.
4. **EIS revisions.** Please see the Chapter 3, Key Issues, and Chapter 4, Draft EIS Comments and Responses, in this Final EIS. The cost of preparation of the Final EIS is paid for by the applicant.
5. **Residential density calculations.** Please see the discussion of existing residential densities in Final EIS Section 3.3.
6. **Study area.** The comment is noted.
7. **Study area character.** The comment is noted. Please see the revised discussion in Final EIS Section 3.3.

8. **Residential density measurement.** As described in Draft EIS Section 3.1 (Land Use), density in residential zones (single and multifamily zoning designations) are regulated according to a measurement of units per acre. Examples of single family and multifamily densities are shown in Draft EIS Table 3.1-1. However, in commercial zones, residential densities are not regulated by a measurement of units per acre, but rather by development standards, such as building height, lot coverage, parking standards, setback requirements and others. Commercial zones in the City include Community Business (CB), Neighborhood Business (BN), Central Business District (CBD), Totem Lake (TL), Juanita Business District (JBD), and Rose Hill Business District (RHBD). Because the subject property is located in a BN zone, density is not set by a numeric limit, but rather by the building area permitted by the development standards.
9. **Historical documents.** The comment is noted. The Draft EIS accurately describes existing adopted BN zoning standards and permitted uses.
10. **Study area densities.** Please see the discussion of densities in Final EIS Section 3.3. The referenced sentence is an accurate statement regarding multi-family densities.
11. **Study area densities.** Please see the discussion of densities in Final EIS Section 3.3.
12. **Single family homes.** Please see the discussion of densities in Final EIS Section 3.3.
13. **Study area densities.** Please see the discussion of densities in Final EIS Section 3.3.
14. **Density calculations.** Please see the discussion of densities in Final EIS Section 3.3, including a corrected Draft EIS Figure 3.1-8. The corrections, however, do not change the statements or observation in the referenced paragraph.
15. **Historical documents.** The comment is noted. The Draft EIS accurately describes existing adopted BN zoning standards and permitted uses. As described in Draft EIS Chapter 2, it is acknowledged that the Planning Commission was conducting a legislative review of the BN zone during the time that the Draft EIS was being prepared. This review was outside the scope of this EIS, which evaluates the proposal and alternatives, as described in Draft EIS Chapter 2.
16. **Draft EIS Figure 3.1-8.** Please see the revised version of this Figure, shown as Figure 3-1 in Section 3.3 of this Final EIS. Note that the figure, entitled Multifamily Densities, is intended to show multi-family densities as a basis of comparison with the proposed multi-family development. It is acknowledged that there are established single family areas to the northeast and southeast of the subject site.
17. **Density calculations.** Please see the revised version of Figure 3.1-8, shown as Figure 3-1 in Section 3.3 of this Final EIS.
18. **Characteristics of density.** The comments are noted. Please see Draft EIS Appendix 2, which contains a summary of scoping comments and City responses. From an environmental perspective, issues such as perceptions of loss of privacy and being crowded can be addressed through a review of building setbacks and relationship to neighboring development. Draft EIS Section 3.3, Aesthetics, provides a discussion of these issues and potential mitigation to

address impacts. Regarding light and sound, the City reviewed these issues and concluded that potential noise, light and glare associated with the proposal are typical to an urban area and that the proposal would not result in any unusual sources of noise, light or glare. For a discussion of site ingress and egress issues, please see Draft EIS Section 3.4, Transportation, for a discussion of multiple scenarios for site access and egress.

19. **Characteristics of density.** As described in the Draft EIS, the information summarized in the discussion is based on macro, neighborhood or community-wide impacts and does not address single site impacts. The Draft EIS recognizes that single site impacts can vary significantly from the macro-level conclusions described in this section.
20. **BN zone.** The description of BN zoning requirements in the Draft EIS are accurately stated. The Comprehensive Plan Residential Market designation is discussed in Draft EIS Section 3.2 and in Final EIS Section 3.4.
21. **Residential use and BN zone.** The Draft EIS description of stacked dwelling units as a permitted use in the BN zone, pursuant to KZC 40.10, is accurate. As noted in the discussion, this use may not be located on the ground floor (with the exception of a lobby), but is not otherwise restricted.
22. **Surrounding zoning.** The comments regarding surrounding zoning are noted. Note that the WD1 zone allows 80% lot coverage. This comment is made on text in the Draft EIS that is summarizing requirements and does not arrive at conclusions regarding compatibility or similarity. A subsequent discussion in Draft EIS Section 3.1.2 discusses compatibility with respect to land use patterns, density and regulatory requirements. This discussion concludes that the fundamental use is consistent with the surrounding area, that the proposed density is at the high end of densities found in the study area, and that proposed landscape buffers would not meet the intent of minimizing visual impact of the development.
23. **Table 3.1-2 zoning standards.** Comments are noted.
24. **Shoreline designation.** The comment is noted. The Urban Mixed designation is the current adopted shoreline designation for the applicable portion of the subject site.
25. **Alternative 1 discussion.** The comment is noted. The Draft EIS text accurately describes impacts associated with Alternative 1. Please see Final EIS Section 3.2 for discussion of the alternatives.
26. **Surrounding density.** The comment is noted.
27. **Existing density calculations.** Please see the discussion of existing residential densities in Final EIS Section 3.3.
28. **BN Zone.** The Draft EIS correctly describes the consistency of the Proposed Action with the fundamental development standards in the BN zone and Urban Mixed Shoreline designation.
29. **Land Use mitigating measures.** The comment is noted. The mitigating measures address the impacts identified in the land use analysis.

30. **General comments.** Regarding the specific issues raised in this comment, please see the following:

- Measurement of land use density: please see response to Comment 8, this letter
- Density calculations: please see Section 3.3 of this Final EIS
- Multifamily structures: Please see the discussion of the characterization of density in Final EIS Section 3.3. Regarding building heights, Draft EIS page 3.3-10 incorrectly states that building heights vary from one to five stories in the Study Area. This sentence is corrected as follows:

Building heights vary from one to ~~four~~ five stories in the Study Area, although all stories may not be visible from differing vantage points due to landform, landscaping or other foreground features.

Four story buildings are found in the vicinity of Lake Washington Boulevard and NE 64th Street.

- Conflict between zoning and later passed ordinances: The Draft EIS accurately describes existing City of Kirkland zoning standards and regulations. Please see the response to Comment 22, Letter 35.

31. **Draft EIS Figure 3.1-8.** Please see Final EIS Section 3.3 for a discussion of the analysis of existing residential densities.

Response to Draft EIS Letter 21: Karen Levenson

1. **Residential density measurement.** As described in Draft EIS Section 3.1 (Land Use), density in residential zones (single and multifamily zoning designations) are regulated according to a measurement of units per acre. Examples of single family and multifamily densities are shown in Draft EIS Table 3.1-1. However, in commercial zones, residential densities are not regulated by a measurement of units per acre, but rather by development standards, such as building height, lot coverage, parking standards, setback requirements and others. Commercial zones in the City include Community Business (CB), Neighborhood Business (BN), Central Business District (CBD), Totem Lake (TL), Juanita Business District (JBD), and Rose Hill Business District (RHBD). Because the subject property is located in a BN zone, density is not set by a numeric limit, but rather by the building area permitted by the development standards.
2. **Residential densities.** This comment raises a number of issues related to Figure 3.1-8, Multifamily Densities. Comments raised by this letter, including accuracy of data, overwater density calculations, inclusion of single family densities are addressed in Final EIS Section 3.3.
3. **Chapter 3.1 and density table.** Please see Letter 20 for responses to comments on Draft EIS Section 3.1 and Final EIS Section 3.3 for a discussion of residential density issues related to the density table.

Response to Draft EIS Letter 22: Karen Levenson

1. **Existing residential densities.** Please see the discussion of existing residential densities in Final EIS Section 3.3.
2. **Overwater density.** The comments regarding overwater density are noted. Please see the discussion of residential densities in Final EIS Section 3.3.

The study area boundaries described in Draft EIS Section 3.1 uses Lake Washington and surrounding streets to generally define the local area surrounding the subject site. The purpose of the study area description was only to provide an area of focus for discussion in the land use analysis and does not confer any other status. The study area described in the comment would more precisely define the study area to exclude certain sides of the streets around the edges, including the west side of Lake Washington Boulevard. For the most part, these changes would not materially change the land use discussion. However, because the west side of Lake Washington Boulevard is directly across from and has direct sight lines to the subject site and would be directly impacted by the proposal, it would not be appropriate to exclude this area from the land use discussion.

Response to Draft EIS Letter 23: Karen Levenson

1. **BN Zoning setback requirements.** The Draft EIS discusses required front yard setbacks in Section 3.1 (page 3.1-11). However, as the comment states, the discussion does not describe the KZC 40.08 requirement for the required yard of a structure abutting Lake Washington Boulevard/Lake Street South. KZC 40.08 requires an increased two-foot setback for each one foot that the structure exceeds 25 feet above average building elevation. Because the proposal would be 30 feet above average building elevation, a total of 10 additional feet, or a 30-foot setback would be required along the Lake Washington Boulevard frontage. According to the site plan submitted by the applicant, a 30-foot setback along Lake Washington Boulevard is proposed.

As described in the Draft EIS Land Use section mitigating measures (Section 3.1.3), the proposed development would be reviewed and required to comply with all applicable provisions of the Kirkland Zoning Code, including setback requirements prior to issuance of a building permit. In addition, as described in the aesthetics mitigating measures (see Final EIS Section 3.5), a reduced building footprint or expanded perimeter landscaping are identified as potential measures to reduce the appearance of building bulk and scale and to enhance landscaping. These measures may also be result in expanded building setbacks.

Response to Draft EIS Letter 24: Karen Levenson

1. **August 24 public hearing.** The comments are noted. Responses to all comments provided during the comment period are provided in Final EIS Chapter 4. Eleven individuals provided comment at the public hearing. The meeting notes are contained in Final EIS Chapter 4.
2. **Overview of concerns.** The comment mentions a number of concerns related to the EIS. These are briefly noted below and addressed more specifically in other comments and responses in this Draft EIS:

- **Objectives** - The SEPA Rules (WAC 197-11) do not define or describe the term “objectives” nor require an evaluation of the proposal’s objectives, saying only that “reasonable alternatives shall include actions that could feasibly attain or approximate a proposal’s objectives, but at a lower environmental cost or decreased level of environmental degradation.” (WAC 197-11-440(5)).
 - **Policies/BN setbacks.** Regarding setbacks, please see the response to Letter 23, Comment 1. Draft EIS Section 3.2 includes a discussion of Comprehensive Plan policies. Draft EIS Section 3.1 provides a discussion of applicable regulations.
 - **1979 legal settlement.** Kirkland Zoning Code Interpretation No. 04-1 describe the circumstances under which the 1979 settlement is still applicable to specific properties. This settlement was applicable to 11 properties. The subject site, located at Lake Street South and 10th Avenue South, was not part of the 11 affected sites. The Draft EIS accurately describes existing adopted Comprehensive Plan and Zoning Code requirements for the subject site.
3. **Responsiveness to comments.** The comment is noted. All comments received on the proposal and SEPA process were fully considered by the City prior to reaching decisions. See below for specific comments related to the scoping document and alternatives.
- **Scoping Document.** The scoping process was conducted in August 2011. Following the close of the scoping process and prior to starting the EIS, the applicant requested that work on the EIS be delayed, pending the outcome of parallel actions by the City to review the BN zone. In April 2012, the City, at the applicant’s request, reinitiated the EIS process. An early step in this process was to prepare a scoping document, included in Appendix 2 to the Draft EIS. Note that a scoping document may be used but is not a required part of the EIS process. In this case, the City provided the scoping summary to help document the City’s decisions regarding the EIS topics that were raised during the comment period.
 - **Alternatives.** Please see the discussion of alternatives in Final EIS Section 3.2.
4. **Comment review and consultant selection.** Responses to all comments provided in writing and at the public hearing during the comment period are provided in Chapter 4 of this Final EIS.

The City’s process for selecting a consultant to prepare an EIS for a proposal by a private applicant is established in KMC Section 24.02.140. This process calls for City Responsible Official to review consultants recommended by the applicant and, if the Responsible Official finds one of the consultants suitable to prepare the EIS, selection of that consultant for preparation of the EIS. KMC 24.02.140 further states that the consultant who prepares the EIS shall have no involvement in the project other than the preparation of the EIS. The City followed the process established in KMC 24.02.140 and the selected consultant team meets all requirements in this section. It should be noted that there is no prior connection between any staff on the consultant team and any staff on the applicant’s team, including the applicant’s attorney.

Response to Draft EIS Letter 25: Karen Levenson

1. **Existing residential densities.** The comments are noted and graphs acknowledged. Please see Final EIS Section 3.3 for a discussion of existing residential densities.

Response to Draft EIS Letter 26: Karen Levenson

1. **Alternatives.** The comment letter references an attached letter from Brian E. Lawler of the Socius Law Group regarding alternatives. This letter is dated May 8 2012 and is not a timely comment on the Draft EIS. However, please see Final EIS Section 3.2 for a discussion of alternatives.

Response to Draft EIS Letter 27: Karen Levenson

1. **Existing residential densities.** This comment raises a number of issues related to Figure 3.1-8, Multifamily Densities. Comments raised by this letter, including accuracy of data, overwater density calculations, inclusion of single family densities are addressed in Final EIS Section 3.3.
2. **Study area.** The comment is noted. The study area boundaries described in Draft EIS Section 3.1 uses Lake Washington and surrounding streets to generally define the local area surrounding the subject site. The purpose of the study area description was to provide an area of focus for discussion in the land use analysis and does not confer any other status. The study area described in the comment would more precisely define the study area to exclude certain sides of the streets around the edges, including the west side of Lake Washington Boulevard. For the most part, these changes would not materially change the land use discussion. However, because the west side of Lake Washington Boulevard is directly across from and has direct sight lines to the subject site and would be directly impacted by the proposal, it would not be appropriate to exclude this area from the land use discussion.

Response to Draft EIS Letter 28: Karen Levenson

1. **Include comment.** As requested, this letter is included as a formal EIS comment.
2. **Overwater structure densities.** Please see Final EIS Section 3.3 for a discussion of residential densities along the Lake Washington shoreline.

Response to Draft EIS Letter 29: Karen Levenson

1. **Include comment.** As requested, this letter is included as a formal EIS comment.
2. **Alternative design scenarios.** The three alternative design scenarios shown in the Draft EIS did include consideration of required setback yards, lot coverage, building height and landscape buffers. As described in Draft EIS Section 3.3.3, Scenario 1 was provided by the applicant and a site plan showing building setbacks is included in Appendix C to this Final EIS. Scenarios 2 and 3 are conceptual in nature, intended to illustrate how combinations of different design elements could mitigate for some of the identified impacts of the proposal. A dimensioned site plan for these two scenarios was not prepared.

Response to Draft EIS Letter 30: Karen Levenson

1. **Overwater structure densities.** Please see Final EIS Section 3.3 for a discussion of residential densities along the Lake Washington shoreline.
2. **Historical density quotations.** The comment is noted.

Response to Draft EIS Letter 31: Karen Levenson

1. **EIS comments.** All comments received during the comment period have been included in Chapter 4 of this Final EIS, together with responses to each comment.
2. **Existing residential densities.** This comment raises a number of issues related to Figure 3.1-8, Multifamily Densities. Comments raised by this letter, including accuracy of data, overwater density calculations, inclusion of single family densities are addressed in Final EIS Section 3.3.
3. **Alternatives.** Please see the discussion of alternatives in Final EIS Section 3.2.
4. **Residential Market designation.** Please see the discussion of the Residential Market designation in Final EIS Section 3.4.
5. **Vehicular ingress and egress.** Please see the discussion of vehicular ingress and egress in Draft EIS Section 3.4, which provides a discussion and maps of impacts associated with alternative ingress and egress to and from the site.
6. **Traffic.**

(a) Analysis methodology. The transportation analysis presented in the Draft EIS section 3.4 is site specific; it takes into account the specific land use and parking characteristics of the proposal, as well as the characteristics of the surrounding roadway and non-motorized network. Future traffic volumes reflect background traffic growth on the study area roadways, as well as additional traffic expected to travel on study area streets due to other new development projects in the city. The transportation analysis also includes several elements that are above and beyond typical City requirements to address specific concerns raised about the site location by community members during the scoping process. Specifically, the analysis added weekday AM peak hour analyses, an assessment of weekend traffic volumes, analyses of traffic gaps on Lake Street, and an evaluation of potential alternate access and egress routes that project-generated trips may choose in order to avoid delays on Lake Street. It is important to note that the “site specific” analysis prepared for the Draft EIS also conforms to standard transportation analysis procedures; these are prescribed by the City’s adopted Transportation Impact Analysis guidelines, and reflect best practice in transportation planning and engineering.

(b) Traffic and weather conditions. Weekday peak hour traffic volumes are primarily related to commute traffic patterns and are not sensitive to typical weather conditions. There was no precipitation or unusual temperatures on the days of the counts conducted for the Draft EIS analysis. The traffic counts were conducted during mid-week of a week with no holidays and typical weather, and thus are considered typical. It should be noted, however, that the

transportation impact analysis is based upon projected future traffic peak hour volumes that reflect additional background traffic growth, and are higher than the existing volumes. Please refer to the response to Comment 1, Letter 19.

(c) **Weekend traffic counts.** The weekend traffic counts were conducted because concerns were raised at the public “EIS kick-off” meeting that weekend peak hour volumes on Lake Street might be higher than the weekday peak hour volumes. The weather on the day of the weekend counts is relevant because it is expected that weekend traffic on Lake Street is more affected by the level of waterfront activity, and thus would be higher on days with good weather. As noted in the *Existing Traffic Volumes* subsection of Draft EIS section 3.4.1, the counts showed that high traffic volumes do occur on Lake Street during the weekend, but Tables 3.4-4 and 3.4-5 show that the weekday PM peak hour still reflects the worst-case condition.

Response to Draft EIS Letter 32: Karen Levenson

1. **Consultant selection.** The City’s process for selecting a consultant to prepare an EIS for a proposal by a private applicant is established in KMC Section 24.02.140. This process calls for City Responsible Official to review consultants recommended by the applicant and, if the Responsible Official finds one of the consultants suitable to prepare the EIS, selection of that consultant for preparation of the EIS. KMC 24.02.140 further states that the consultant who prepares the EIS shall have no involvement in the project other than the preparation of the EIS. The City followed the process established in KMC 24.02.140 and the selected consultant team meets all requirements in this section.
2. **Prior City of Kirkland experience.** As was described in the initial proposal to the City, members of the consultant team have experience working in the City of Kirkland. This experience does not constitute a conflict of interest. No member of the consultant team has any interest in the subject property, relationship with the applicant or the applicant’s team or role in the project other than preparation of the EIS.

Regarding the building heights, as the comment notes, Draft EIS page 3.3-10 incorrectly states that building heights vary from one to five stories in the Study Area. This sentence is corrected as follows:

Building heights vary from one to ~~four~~ ~~five~~ stories in the Study Area, although all stories may not be visible from differing vantage points due to landform, landscaping or other foreground features.

Regarding existing residential densities, please see Final EIS Section 3.3.

3. **EIS adequacy.** The EIS was prepared in accordance with all applicable laws, regulations and ordinances, including the Kirkland Municipal Code Title 24 (Environmental Procedures) and the Washington Administrative Code (WAC) Chapter 197-11 (SEPA Rules).

Response to Draft EIS Letter 33: Karen Levenson

1. **Scoping.** Comments regarding scoping are noted. The SEPA process initiates the scoping process with a Determination of Significance and Scoping Notice. The notice of intent referenced in the comment is used under the National Environmental Policy Act (NEPA) to initiate a NEPA EIS, including the scoping process. The proposal is not subject to NEPA review.

The comment describes a sequential process that begins with the scoping process, followed by identification of objectives of the proposal, followed by identification of a full range of alternatives. This sequence is not mandated through SEPA, which only calls for the scope to be finalized following the close of the scoping period.

2. **General comments.** The commenter's opinions are noted. Please see Final EIS Section 4.2.
3. **Scoping comments.** The scoping process was conducted in accordance with all applicable laws, regulations and ordinances, including the Kirkland Municipal Code Title 24 (Environmental Procedures) and the Washington Administrative Code (WAC) Chapter 197-11 (SEPA Rules).

As described in Draft EIS Chapter 2, the City issued a SEPA Determination of Significance and Scoping Notice on August 4, 2011. The Scoping Notice established a 21-day comment period on the proposed EIS scope, with the scope to be finalized following the close of the comment period. Following the close of the comment period, the City considered all comments and finalized the EIS scope as described in the Draft EIS. Section 2.2 of the Draft EIS includes a description of the scoping process and Appendix 2 provides a scoping summary that addresses potential EIS topics and responses to comments on these topics. WAC 197-11-408 (Scoping) establishes that scoping documents may be used but are not required. In this case, the City provided the scoping summary to help document the City's decisions regarding the EIS topics that were raised during the comment period.

4. **EIS analysis.** Sources used in the EIS analysis are listed in Chapter 4 of the Draft EIS and include a mix of City of Kirkland policy and regulatory documents, site inventories, State of Washington regulations and guidance, and national standards and guidelines. In addition to the written references, members of the consultant team walked and photographed the site and site vicinity on multiple dates and received technical input from City staff regarding regulatory requirements.
5. **Scoping process.** The scoping process was conducted in accordance with all applicable laws, regulations and ordinances, including the Kirkland Municipal Code Title 24 (Environmental Procedures) and the Washington Administrative Code (WAC) Chapter 197-11 (SEPA Rules).

As described in Draft EIS Chapter 2, the City issued a SEPA Determination of Significance and Scoping Notice on August 4, 2011. The Scoping Notice established a 21-day comment period on the proposed EIS scope, with the scope to be finalized following the close of the comment period. Following the close of the comment period, the City considered all comments received and finalized the EIS scope as described in the Draft EIS.

KMC 24.02.140 establishes that the City shall enter into any necessary agreements with the applicant and the consultant to prepare the EIS. Communication between the applicant and the City during the process of setting up the agreement is necessary and permitted under the City's process. Comments made by the applicant during the process of setting up the agreement are beyond the control of the City.

Response to Draft EIS Letter 34: Karen Levenson

1. **EIS objectives.** The SEPA Rules (WAC 197-11) do not define or describe the term “objectives” nor establish a process for how objectives are to be identified, saying only that “reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.” (WAC 197-11-440(5)). Please see the response to Comment 1, Letter No. 33, above.
2. **Alternatives.** Please see the discussion of alternatives in Final EIS Section 3.2.
3. **EIS objectives.** Please see the response to comment 1 in this letter. The SEPA Rules require that alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but do not require a fatal flaw analysis or other evaluation of the objectives.
4. **Alternatives.** The comment is noted. The City considered the comments provided by Mr. Weinman and ultimately concluded that, through an analysis of building bulk and massing, neighborhood compatibility and transportation impacts, the alternative development scenarios would adequately address the potential impacts of density. Please see the discussion of alternatives in Final EIS Section 3.2.
5. **Alternatives.** Please see the discussion of alternatives in Final EIS Section 3.2.
6. **Objectives.** The Draft EIS was prepared in accordance with all applicable laws, regulations and ordinances, including the Kirkland Municipal Code Title 24 (Environmental Procedures) and the Washington Administrative Code (WAC) Chapter 197-11 (SEPA Rules).
7. **Alternative Development Scenarios.** Please see the discussion of alternatives in Final EIS Section 3.2.

Response to Draft EIS Letter 35: Karen Levenson

1. **Objectives.** Please see the response to comment 1, Letter 34. The SEPA Rules require that alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but do not require a fatal flaw analysis or other evaluation of the objectives.
2. **BN zone.** This comment appears to refer to the zoning reference in the description of the project location in Chapter 1 Summary of the Draft EIS. As noted at the beginning of Chapter 1, the summary provides a brief overview of the information considered in the Draft EIS and Chapters 2 and 3 should be consulted for complete information.

Draft EIS Section 3.1 includes a discussion of BN zoning standards and Shoreline Master Program Urban Mixed designation requirements. Draft EIS Section 3.2 discusses the

Comprehensive Plan Residential Market designation. Please see also Section 3.4 of this Final EIS for an expanded discussion of the Residential Market designation.

3. **Alternatives.** Please see Final EIS Section 3.2 for a discussion of alternatives.
4. **Proposal.** The comment is noted.
5. **Lot coverage.** The Draft EIS includes a footnote to the lot coverage estimate identifying the sources of the estimate. As noted in the EIS, the 70% estimate is based on lot coverage of 36,835 sf (data provided by the applicant) and a 52,600 sf lot size. Draft EIS Chapter 2 states that the 52,600 sf lot size is based on King County Department of the Assessor data.
6. **Alternative Development Scenarios.** Please see Final EIS Section 3.2 for a discussion of alternatives.
7. **Compatibility.** The comment references a sentence in Draft EIS Section 1.5. Under the Land Use portion of this section, the summary states “Existing site features in the vacant portion of the site may be considered incompatible with the surrounding area.” This sentence is based on the discussion in Draft EIS Section 3.1 that much of the surrounding area is well landscaped and maintained and that the vacant portion of the lower site, including outdoor storage, discarded items, broken pavement and overgrown vegetation, may be considered incompatible with the surrounding area. This discussion does not refer to the existing single family home on the upper portion of the site. It is acknowledged that the information in Draft EIS Chapter 1 is an abbreviated overview of the information contained in Chapters 2 and 3. This is stated at the beginning of Draft EIS Chapter 1 and the reader is encouraged to review Chapters 2 and 3 for complete information.
8. **Land use.** The comments are noted. Please see the discussion of residential densities in Final EIS Section 3.3.
9. **Residential Market designation.** The Residential Market designation is discussed in Draft EIS Chapter 3.2 and mentioned in the Plans and Policies summary, Draft EIS Section 1.5. In response to comments on the Draft EIS, the Residential Market designation is also discussed in Final EIS Section 3.4.

The Draft EIS correctly notes that the proposal meets the fundamental zoning development standards for the BN zone, including standards for office and multifamily use, building height, lot coverage, parking and required yards. The Draft EIS does note that landscape buffers would not serve their intended purpose because, due to finished grade of the site, they would not be visible to adjoining properties.

The provisions of KZC 170.50 establish that the City may adopt more restrictive development standards and is not applicable to policy guidance, such as that contained in the Comprehensive Plan.

10. **Compatibility.** The comments are noted. Please see the discussion of residential densities in Final EIS Section 3.3.

11. **Plans and Policies.** The full discussion of Comprehensive Plan policies is contained in Draft EIS Chapter 3.2. Please see also responses to comments in Letters 40 through 44, below.

Regarding the 1979 legal settlement, please see the response to Comment 2, Letter 24.

12. **Aesthetics.** The comments are noted. The comment is based on the Draft EIS Chapter 1 summary of impacts. Draft EIS Chapter 3.3 provides a complete discussion of aesthetics impacts. Please see also Final EIS Section 3.5 for an updated discussion of aesthetics mitigating measures.
13. **Building footprint.** The comments are noted. Draft EIS Figure 3.3 illustrates the size of the proposed building footprint in the context of surrounding development. The source of the statement in the comment that the footprint is 18 times larger than that of surrounding buildings and four times the lot coverage is not known. It should also be noted that the proposed building footprint and lot coverage are allowed under the existing development standards for the BN zone. The difference between the proposal and surrounding development is, in part, a reflection of the different lot coverage standards in the BN zone and surrounding zoning designations.

The Draft EIS states that the proposal site consists of an aggregation of three parcels. However, because parcel sizes vary widely, this does not serve as an indicator of building size and mass.

14. **Aesthetics.** The comments are noted. Please see Draft EIS Section 3.3 for additional discussion of the site design features discussed in this comment. Please see also Final EIS Section 3.5 for an updated discussion of aesthetics mitigating measures.
15. **Transportation safety.** The potential transportation impacts of the proposed development, including analysis of potential safety, parking, and multi-modal impacts, were evaluated in section 3.4 of the Draft EIS, in accordance with the City's adopted transportation impact analysis guidelines. Please refer to the responses to Comment 2, Letter 6; Comment 7, Letter 9 and Comment 8, Letter 14.
16. **Ingress and egress.** Detailed driveway operations analyses were prepared and presented in Draft EIS section 3.4. These analyses considered ingress and egress of project-generated trips, as well as the potential off-site impacts of vehicle choosing alternate routes into and out of the site driveway. Please refer to the response to Letter 9/Comment 6(b).
17. **Parking.** Detailed parking analysis is presented in the *Parking Demand and Supply* subsection of Draft EIS section 3.4.2. Please refer to the response to Comment 8, Letter 14.
18. **Construction traffic.** The *Transportation, Parking and Access* subsection of Draft EIS section 3.5.1 provides detailed estimates of the truck trips that are expected to result from construction activities. Detailed construction schedules with phasing are not typically developed until the permitting phase of a project or when a general contractor has been selected. As specified in the *Transportation, Parking and Access* subsection of Draft EIS section 3.5.2, a Construction Management Plan is recommended to mitigate construction impacts, which would include provisions to maintain adequate vehicular and non-motorized

traffic flow while construction is underway. Specific provisions that are typically included in a Construction Management Plan are also listed in Draft EIS section 3.5.2. As listed, designated employee parking areas would need to be identified and approved by the City, which would be a condition of permitting. If construction employee parking cannot be accommodated on site, measures to reduce construction worker trips and parking demand such as rideshare, shuttles, carpool, transit passes, or other programs may be required. Please see the updated Construction Impacts mitigating measures in Final EIS Chapter 1.

19. **Mitigation measures.** The comment is noted. The proposed mitigation is based on the impacts identified in the Draft EIS. Please see also updated mitigating measures in Final EIS Chapter 1.
20. **Land use mitigation.** Regarding the Residential Market designation, please see Final EIS, Section 3.4. Mitigation for building mass and size, landscaping, parking, relationship to street, and materials and color are specifically addressed in the aesthetics mitigation, Draft EIS Section 3.3 and in Final EIS Section 3.5.
21. **Comprehensive Plan policies.** The comment addresses the mitigating measures summary of Draft EIS Section 3.2. The reader should refer to the full Section 3.2 in the Draft EIS, which does include a discussion of Comprehensive Plan goals and policies. Please see also Final EIS Section 3.4 for an expanded discussion of the Residential Market designation and responses to Letters 40 through 44, below. The provisions of KZC 170.50 establish that the City may adopt more restrictive development standards and is not applicable to policy guidance, such as that contained in the Comprehensive Plan.
22. **Comprehensive Plan consistency.** The General Section of the Comprehensive Plan states that the City's administrative and legislative actions must be consistent with the Comprehensive Plan (Chapter III, page 1). This statement addresses larger City actions and programs intended to implement the Comprehensive Plan rather than project-specific development actions.
23. **Aesthetics mitigation.** The aesthetics mitigation identifies two categories of mitigation. The first, applicable regulations and commitments, states that the proposal would be required to comply with applicable provisions of the Kirkland Zoning Code. The second category, other mitigation measures, identifies additional measures to address building massing and size, parking, landscaping, building street relationship, and building materials and color. Please see the mitigation measures listed in Draft EIS Section 1.6.3 and the full discussion of aesthetics in Draft EIS Section 3.3. Please see also Final EIS Section 3.5 for an updated discussion of aesthetics mitigating measures.
24. **Aesthetics mitigation.** The comment is noted. The proposed mitigation is based on the analysis in Draft EIS Section 3.3 and intended to mitigate the impacts identified in this section. Please see also Final EIS Section 3.5 for an updated discussion of aesthetics mitigating measures.
25. **Aesthetics mitigation.** The referenced mitigation is from the aesthetics section of the Draft EIS and intended to address only the aesthetics impacts of parking. Parking management

strategies to address on-street parking impacts are identified in Draft EIS Section 1.6.4 and fully discussed in Draft EIS Section 3.4, Transportation.

26. **Aesthetics mitigation.** The comment is noted. Please see also Final EIS Section 3.5 for an updated discussion of aesthetics mitigating measures.
27. **Required front yard.** The Draft EIS discusses required front yard setbacks in Section 3.1 (page 3.1-11). However, as the comment states, the description does not describe the requirement under KZC 40.08 for the required yard of a structure abutting Lake Washington Boulevard/Lake Street South. KZC 40.08 requires an increased two-foot setback for each one foot that the structure exceeds 25 feet above average building elevation. Because the proposal would be 30 feet above average building elevation, a total of 10 additional feet, or a 30-foot setback would be required along the Lake Washington Boulevard frontage. According to the site plan submitted by the applicant, a 30-foot setback along Lake Washington Boulevard is proposed.

As described in the Draft EIS Land Use section mitigating measures (Section 3.1.3), the proposed development would be reviewed and required to comply with all applicable provisions of the Kirkland Zoning Code, including setback requirements prior to issuance of a building permit. In addition, as described in the Draft EIS Aesthetics section mitigating measures (Section 3.3.3), a reduced building footprint or expanded perimeter landscaping are identified as potential measures to reduce the appearance of building bulk and scale and to enhance landscaping. Please see also Final EIS Section 3.5 for an updated discussion of aesthetics mitigating measures. These measures may also be associated with expanded building setbacks.

28. **Parking mitigation.** The comment is noted.
29. **Construction mitigation.** The reference to KZC 115.25, Development Activities and Heavy Equipment Operation, correctly states the permitted hours of operation for development activity. This section of the Zoning Code also includes a process for exceptions to allow construction hours to be expanded or limited.

All mitigation, including the construction management plan, would be conditions of an approved building permit and enforced through the building permit. Note also the mitigating measure that calls for a readily visible sign to be posted and written notice mailed to all residents within 300 feet of the site with contact information to resolve concerns for construction noise/vibration, air quality, light and glare, odor, transportation, parking and access. This measure would also require that the City be provided with information about each concern and measures taken to resolve the issue, if needed. Please see also updated mitigating measures for construction impacts in Final EIS Chapter 1.

30. **Land Use Significant Unavoidable Adverse Impacts.** The comment is noted. The Draft EIS conclusion is based on the Draft EIS analysis in Section 3.1, land use.
31. **Plans and Policies Significant Unavoidable Adverse Impacts.** The comment is noted. Please see the updated Significant Unavoidable Adverse Impacts section for Plans and Policies in Final EIS Section 3.4.

32. **Aesthetics Significant Unavoidable Adverse Impacts.** The comment is noted. The Draft EIS conclusion is based on the Draft EIS analysis in Section 3.3, aesthetics.

Note that the Residential Market and Neighborhood Business (BN) and designations are two separate designations pursuant to the Kirkland Comprehensive Plan and Kirkland Zoning Code, respectively. The Residential Market designation is a Comprehensive Plan land use designation intended to provide policy guidance and locational information for this designation. The BN zone is a regulatory designation established in the Kirkland Zoning Code that implements the Comprehensive Plan land use designation. The BN zone provides specific regulatory direction for types of uses and required development standards. The provisions of KZC 170.50 establish that the City may adopt more restrictive development standards and is not applicable to policy guidance, such as that contained in the Comprehensive Plan.

33. **Transportation Significant Unavoidable Adverse Impacts.** The potential transportation impacts were analyzed according to the City's adopted Transportation Impact Analysis policies, which include thresholds for determining the significance of potential level of service impacts. Please refer to the responses to Comment 7, Letter 9; Comment 1, Letter 18; and Comment 18, Letter 35.

Response to Draft EIS Letter 36: Karen Levenson

This comment letter duplicates Letter 32. Please see the comments and responses to Letter 32.

Response to Draft EIS Letter 37: Karen Levenson

This comment letter duplicates Letter 33. Please see the comments and responses to Letter 33.

Response to Draft EIS Letter 38: Karen Levenson

This comment letter duplicates Letter 34. Please see the comments and responses to Letter 34.

Response to Draft EIS Letter 39: Karen Levenson

This comment letter duplicates Letter 35. Please see the comments and responses to Letter 35.

Response to Draft EIS Letter 40: Karen Levenson

1. **Framework Goals.** The comments are noted. As described in the Comprehensive Plan, the Framework Goals describe fundamental principles for guiding growth and development in Kirkland over the 20-year planning period. They broadly apply to all Comprehensive Plan elements, but are more applicable to some elements than others. The Framework Goals excerpted in the Draft EIS are intended to include those that are most applicable to the Proposed Action. With respect to the individual Framework Goals raised in the comment, please see below.
- *FG -1: Maintain and enhance Kirkland's unique character.* The comment asserts that the Draft EIS conclusions regarding the inconsistency of the Proposed Action with the surrounding neighborhood should be addressed in a discussion of FG-1. It is acknowledged

that Draft EIS Section 3.3 identifies specific impacts and mitigating measures with respect to visual compatibility with the surrounding neighborhood. In addition, Final EIS Section 3.5 provides an updated discussion of aesthetics mitigating measures. With mitigation, the Proposed Action would be consistent with FG-1.

The comment also states that citizen opposition to the Proposed Action should be noted. It is acknowledged that public comment on the Draft EIS is in opposition to the Proposed Action. However, this opposition does not indicate inconsistency with FG-1.

- *FG-8: Maintain and enhance Kirkland's strong physical, visual and perceptual linkages to Lake Washington.* The comment references supporting text that notes that west-facing slopes afford lake and territorial views from public spaces within many neighborhoods. As shown in Draft EIS, the Proposed Action would not impact lake and territorial views from public spaces in the west-facing slope and is consistent with FG-8.
- *FG-9: Provide safety and accessibility for those who use alternative modes of transportation within and between neighborhoods, public spaces and business districts and to regional facilities.* The comment states that the Draft EIS does not address impacts to bicycle, pedestrian and transit on the east side of the Boulevard. Draft EIS Section 3.4, Transportation, provides a detailed discussion of potential impacts to pedestrian, bicycle and transit service and does not identify any significant impacts. Based on this analysis, the Proposed Action is consistent with FG-9.
- *FG-12: Ensure public safety.* The comment states that impacts to emergency response times must be investigated and response time delay associated with increased congestion mitigated.

With respect to fire and emergency medical response, factors that allow the City Fire Departments to meet adopted standards for emergency response include use of its multiple fire station locations to respond to emergencies, use of the intersection light control system, knowledge of alternative routes to use during peak traffic congestion and public compliance with the requirement to yield to emergency vehicles.¹ Similarly, the Police Department PD does not anticipate that the proposal will impact service delivery as this situation is not unique to first responders and fluid contingency plans are already part of our service delivery protocol. Based on these factors, it is anticipated that the City's emergency response times will not be significantly impacted.²

- *FG-14: Plan for a fair share of regional growth, consistent with State and regional goals to minimize low-density sprawl and direct growth in urban areas.* The comment states that the compatibility impacts identified by citizens and in the Draft EIS are an indicator of a failure to comply with FG-14. FG-14 addresses the City's role in regional planning and, as an urban area, in accepting a fair share of growth allocations. Because the proposal does not include a proposed change to the City's growth allocations or other regional planning measures, FG-14 is not applicable.

¹ Helen Ahrens-Byington, Deputy Fire Chief of Administration, City of Kirkland.

² Dave Walker, Assistance Fire Marshall, City of Kirkland; Captain Bill Hamilton, City of Kirkland Police Department.

Response to Draft EIS Letter 41: Karen Levenson

1. **Draft EIS review of Comprehensive Plan.** Please see response to specific comments, below.
2. **Consistency with adopted development regulations.** The Draft EIS correctly states that development permit applications must be consistent with adopted development regulations.
3. **Additional Comprehensive Plan goals and policies.** For a discussion of Framework Goals, please see responses to Letter 40, above. For a discussion of Community Character goals and policies, please see responses to Letter 42, below. The comment does not identify additional Economic Development goals and policies to be addressed.
4. **Land Use Map density designations.** The Draft EIS correctly states that where maximum densities for specific properties are illustrated on the map, they appear as a number.
5. **Goal LU-1.** The commenter's conclusion regarding this goal is noted. Please see the Draft EIS Section 3.3.2 for a discussion of EIS review of consistency of goals and policies.
6. **Land Use Map discussion.** The Draft EIS accurately summarizes the Comprehensive Plan discussion of the existing adopted Land Use Map and Comprehensive Plan policies.
7. **Comprehensive Plan date.** The footnote is based on the footer in the online version of the Comprehensive Plan Land Use Element, which states "printed in September 2011."
http://kirklandcode.ecitygov.net/CK_comp_Search.html
8. **Land Use Element goals and policies.** The comments on the goals and policies are noted. Please see the Draft EIS Section 3.3.2 for a discussion of consistency of goals and policies.
9. **Residential Market designation.** Please see the discussion of the Residential Market designation in Final EIS Section 3.4.
10. **Comprehensive Plan date.** Please see response to Comment 7 in this letter, above.
11. **Residential Market designation.** Please see the discussion of the Residential Market designation in Final EIS Section 3.4.
12. **Moss Bay Neighborhood Plan.** The comment is noted. The Draft EIS accurately quotes text from the Moss Bay Neighborhood Plan.
13. **Zoning designations.** The comment is noted.
14. **Medium density residential designation.** The commenter's opinion about the medium density designation is noted. The Draft EIS accurately describes the Comprehensive Plan designation in this area.
15. **Moss Bay Economic Activities discussion.** The referenced first sentence that was not included in the Draft EIS appears as a header to the paragraph and states "Land on the east side of Lake Street South is generally not suitable for commercial development." This sentence does not highlight vehicular access and egress as the reason for limiting development. However, the Draft EIS does include the full paragraph that follows this

header, providing additional detail regarding characteristics that contribute to unsuitability (such as steep slope conditions and vehicular ingress and egress issues) and a specific reference to the subject site.

16. **Reference to subject site.** As noted in the comment, the Draft EIS includes the specific reference in the Moss Bay economic activities discussion. The Draft EIS does not change text, but does note that the reference to 10th Street South is an error (should be 10th Avenue S).
17. **Lakeview Neighborhood zoning.** As the comment notes, the Draft EIS accurately describes adjacent zoning south of the subject site.
18. **Discussion of Residential Market designation.** The comment refers to Draft EIS Section 3.2.1, Affected Environment, which lists applicable policies, but does not, as the comment notes, discuss them. The discussion of these policies is contained in Draft EIS Section 3.3.2, Significant Impacts. The Residential Market designation is also discussed in Final EIS Section 3.4.
19. **Environmental Site Assessment.** The comments are noted. Site testing is not conducted in a Phase I study, but would be required as part of a future site clean-up. Please see the description of the clean-up process Draft EIS Section 3.2.

Prior environmental site review was reviewed as part of the 2010 analysis. In the October 15, 2010 *Phase I Environmental Site Assessment* by Aspect Consulting the following previous environmental reports are cited and summarized:

- Subsurface Sampling (Environmental Associates, 2006)
- Additional Soil and Groundwater Investigation (Aspect Consulting, 2008)
- Additional Groundwater Sampling (Aspect Consulting, 2008)

20. **Site clean-up.** The comments are noted.
21. **No Action policy consistency.** The commenter's opinions regarding a 12 - 24 unit/acre density alternative are noted. The Draft EIS reviews the No Action Alternative, which assumes existing development and does not include development at 12 - 24 units/acre. Please see the discussion of alternatives in Final EIS Section 3.2.
22. **Alternatives.** Please see the discussion of alternatives in Final EIS Section 3.2.
23. **Moss Bay and Lakeview Neighborhood Plans.** The comment is noted. The Draft EIS accurately describes the status of existing development to the east.
24. **Alternatives.** The comment is noted. The Draft EIS reviews the No Action Alternative, which assumes existing development and does not include development at 12 - 24 units/acre. Please see the discussion of alternatives in Final EIS Section 3.2.
25. **Transportation impacts.** Draft EIS Section 3.4 contains a detailed analysis of conditions surrounding the subject site.

26. **Land use goals and policies.** The commenter's opinions about the goals and policies are noted. The Draft EIS accurately describes City's conclusions about policy intent of the Comprehensive Plan.
27. **Land use goals and policies.** The commenter's opinions about the goals and policies are noted. The Draft EIS accurately describes City's conclusions about policy intent of the Comprehensive Plan. With respect to community character, please see the revised mitigating measures in Final EIS Chapter 1.
28. **Land use goals and policies.** The commenter's opinions about the goals and policies are noted. The Draft EIS accurately describes City's conclusions about policy intent of the Comprehensive Plan.
29. **Residential Market designation.** Please see the discussion of the Residential Market designation in Final EIS Section 3.4.
30. **Residential Market designation.** Please see the discussion of the Residential Market designation in Final EIS Section 3.4.
31. **Medium density designation.** The Draft EIS accurately describes the medium density designation in the vicinity of the subject site. The comment refers to the standards in the Residential Market designation. Please see the discussion of the Residential Market designation in Final EIS Section 3.4.
32. **Site clean-up.** Please see responses to Comments 19 and 20, this letter, above.
33. **Clean-up process.** The comment is noted. Please see the mitigation for this impact, which would require oversight of the clean-up process and technical consultation with Ecology.
34. **Compliance with adopted regulations.** The comments are noted (portions not legible). The referenced mitigating measure requires that all new development would be required to comply with applicable regulations.
35. **Retail parking.** Over the lifespan of a building, commercial tenants may change. Because retail uses are permitted in the BN zone, the mitigating measure is intended to ensure that landscaping is installed to meet requirements for the BN zone.
36. **Clean-up oversight.** The commenter's opinion is noted. This mitigating measure was included to document that the MTCA process is being followed and to resolve issues if needed. Note that the measure also includes consultation with Ecology and documentation from Ecology that clean-up is complete.
37. **Significant Unavoidable Adverse Impacts.** The commenter's opinion is noted. Many of the comments listed are addressed in other sections of the Draft EIS. In addition, please see Final EIS Chapter 1 and Section 3.4, which include a revision to the Significant Unavoidable Adverse Impacts section subject to this comment.

Response to Draft EIS Letter 42: Karen Levenson

1. **General comments.** The commenter's opinions are noted. Please see the responses to comments, below.
2. **Community Character goals and policies.** The comments are noted. The comment identifies additional Community Character Element goals and policies for inclusion in the EIS. These are discussed below.
 - *CC-1.4: Encourage and develop places and events throughout the community where people can gather and interact.* As noted in this comment, this Draft EIS includes a mitigating measure to promote public amenities, including measures defined in KZC 92.30 and Design Guidelines for Pedestrian-Oriented Business Districts.
 - *CC-4.6: Preserve natural landforms, vegetation, and scenic areas that contribute to the City's identity and visually define the community, its neighborhoods and districts.* Based on the topography of the site and surrounding area, it appears that the western portion of the subject site was graded in the past to create a level area, resulting in the significant change in grade running north/south through the approximate center of the site. Historically, the natural topography may have been a more gradual rise from Lake Street South, similar to the character of properties to the north and south. Because the natural landform has already been altered on this site, this policy is not applicable.
 - *CC-4.10: Maintain and enhance the appearance of streets and other public spaces.* Please see the comments on policy CC-1.4, above.
 - *CC-4.11: Minimize impacts from noise, lighting, glare and odor.* As noted in the Draft EIS Appendix 2, Scoping Summary, the impacts of noise, lighting, glare and odor resulting from the Proposed Action are typical of those found in an urban area and are not anticipated to be significant. In addition, the proposed mitigating measures in the Draft EIS sections 3.1 (Land Use) and 3.3 (Aesthetics) would help to mitigate such impacts.
 - *CC-4.12: Support multimodal transportation options.* As described in Draft EIS Section 3.4, no significant impacts to pedestrian and bicycle circulation are anticipated. The Proposed Action density is supportive of transit use.

Response to Draft EIS Letter 43: Karen Levenson

1. **General comments.** The commenter's opinions are noted. Please see the responses to comments, below.
2. **Natural Environment goals and policies.** The comments are noted. The comment identifies Natural Environment Element goals and policies for inclusion in the EIS. These are discussed below.
 - *NE-1.8: Strive to minimize human impacts on habitat areas.* The comment states that the area is known for habitat for birds and the neighborhood bald eagle. The site is not identified as a habitat area in any City inventory and is not identified as a bald eagle

nesting territory by the Washington Department of Fish and Wildlife Priority Habitats and Species (PHS) program. In addition, the site is in an area with relatively high levels of human activity. Draft EIS Section 2.2 discusses potential wildlife impacts and concludes that no significant impacts are anticipated.

- *NE 2.2: Protect surface water functions by preserving and enhancing natural drainage systems wherever possible.* As noted in Draft EIS Appendix 2, Scoping Summary, the applicant would be required to Kirkland Municipal Code Title 15, which implements the City's Surface Water Management Plan and establishes standards for stormwater quality and quantity associated with development in the City, consistent with this policy. KMC Section 15.52.060, Design and Construction Standards and Requirements, 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.
- *NE-2.3: Comprehensively manage activities that may adversely impact surface and ground water quality of quantity.* This policy identifies programs, projects and regulatory measures that the City should undertake to protect water quality and quantity and is not applicable to the proposal. However, as noted above, the Proposed Action would be required to meet all applicable regulatory requirements.
- *NE-2.4: Improve management of stormwater runoff from impervious surfaces by employing low impact development practices where feasible.* This policy identifies City projects, incentive programs and development standards to promote low impact development and is not applicable to the proposal. However, as noted above, the Proposed Action would be required to meet all applicable regulatory requirements.
- *Goal NE-3: Manage the natural and built environments to protect and, where possible, to enhance and restore vegetation.* This goal is implemented through supporting policies NE-3.1 through NE-3.3. Please see the discussion of these policies, below.
- *NE-3.1: Work toward increasing Kirkland's tree cover to 40 percent.* The comment states that the EIS should describe how the Proposed Action will be required to achieve not net loss. Policy NE-3.1 is directed toward City regulations, programs and public outreach to increase the City's tree canopy in the long-term and is not applicable to this site-specific proposal. However, based on a visual review of the landscape plan submitted by the applicant, 13 street trees and 21 trees in the perimeter buffer are proposed. The Lake Street South frontage includes lawn and shrubs and shrubs are also proposed in the perimeter buffer areas. Ornamental plantings, including trees, are shown in containers in the proposed courtyard areas. Based on the existing site survey, the site contains approximately 18 trees, the majority of which are alder.
- *NE-3.2: Preserve healthy mature native vegetation whenever possible.* As noted in this comment, the Draft EIS proposes mitigation for a reduced building footprint and larger buffers that could increase the potential for retention of vegetation. It should be noted

that the majority of existing trees, primarily alder, are near the center of the site and would likely be removed even with a reduced building footprint.

- *NE-3.3: Ensure that regulations, incentives and programs maximize the potential benefits of landscaping.* This policy states that the City’s landscaping requirements should be updated to maximize potential benefits and to reflect current knowledge, technology and industry standards. It is not applicable to the proposal.

Response to Draft EIS Letter 44: Karen Levenson

1. **Comprehensive Plan policies.** The comment is noted. Please see the responses to comments, below.
2. **Residential densities.** The comment is noted. Please see the discussion of densities in Final EIS Section 3.3.
3. **Residential character.** The comment is noted.
4. **Residential Market designation.** Please see the discussion of the Residential Market designation in Final EIS Section 3.4. The question of development size is discussed in this section.
5. **Medium density residential designation.** The commenter’s opinion about the medium density designation is noted. The Draft EIS accurately describes the Comprehensive Plan designation in this area.
6. **Residential Market designation.** The comment is noted. The Draft EIS accurately summarizes the Comprehensive Plan discussion of the existing adopted Land Use Map and Comprehensive Plan policies. Please see the discussion of the Residential Market designation in Final EIS Section 3.4.
7. **Goal LU-1.** The commenter’s conclusion regarding this goal is noted. Please see the Draft EIS Section 3.3.2 for a discussion of EIS review of consistency of goals and policies.
8. **Policy LU-1.2.** Policy LU-1.2 states “Create logical boundaries between land use districts that take into account such considerations as existing land uses, access, property lines, topographic conditions, and natural features.” Because the proposal is not seeking to change a land use district boundary, this policy is not applicable.
9. **LU-1.3.** The commenter’s opinion is noted. The Draft EIS accurately describes City’s conclusions about policy intent of the Comprehensive Plan. Draft EIS Section 3.2.1 lists applicable policies, followed by Section 3.3.2, which provides discussion and conclusions of the applicable policies. With respect to community character, please see the revised mitigating measures in Final EIS Section 3.4, Section 3.5 and Chapter 1.
10. **LU-1.4.** The commenter’s opinion is noted. The Draft EIS accurately describes City’s conclusions about policy intent of the Comprehensive Plan. Draft EIS Section 3.2.1 lists applicable policies, followed by Section 3.3.2, which provides discussion and conclusions of the applicable policies. Both Draft EIS Section 3.1 and 3.2 recommend changes to the

landscape buffer to expand the width and to match the site elevation to adjoining property in order to provide a more effective transition between the subject site and adjoining property. Additional mitigating measures to enhance community character area identified in Draft EIS Section 3.3 and Chapter 1.

11. **LU-2.1.** The commenter's opinion is noted. The Draft EIS accurately describes City's conclusions about policy intent of the Comprehensive Plan. Draft EIS Section 3.2.1 lists applicable policies, followed by Section 3.3.2, which provides discussion and conclusions of the applicable policies. The discussion of policy LU-2.1 refers the reader to Section 3.3 for a complete discussion of impacts on community character.
12. **Goal LU-4.** The commenter's opinion is noted. The Draft EIS accurately describes City's conclusions about policy intent of the Comprehensive Plan. The discussion of policy Goal LU-4 refers the reader to Section 3.3 for a complete discussion of impacts on community character.
13. **LU-4.3.** The commenter's opinion is noted. The Draft EIS accurately describes City's conclusions about policy intent of the Comprehensive Plan.
14. **Residential Market designation.** Draft EIS Section 3.2.1 lists applicable policies, followed by Section 3.3.2, which provides discussion and conclusions of the applicable policies. In addition, please see the discussion of the Residential Market designation in Final EIS Section 3.4.
15. **Goal LU-5.** Please see the discussion of the Residential Market designation in Final EIS Section 3.4.
16. **LU-5.9.** Please see the discussion of the Residential Market designation in Final EIS Section 3.4.

Response to Draft EIS Letter 45: Karen Levenson

1. **Draft EIS Chapter 2 comments.** Please see responses to comments in this letter, below.
2. **Alternatives.** Please see the discussion of alternatives in Final EIS Section 3.2.
3. **Transportation analysis.** Please see Draft EIS Section 3.4 for a detailed analysis of operations, including an ingress and egress analysis. City comments regarding site access provided at the 2009 pre-submittal meeting were advisory and intended to help guide future site revisions of the proposal.
4. **Lot size.** The footnote on Draft EIS page 2-1 states that lot size assumed in the Draft EIS is based on data from the King County Department of the Assessor.
5. **Neighbor concerns.** The comment is noted.
6. **Required yards.** The Draft EIS discusses required front yard setbacks in Section 3.1 (page 3.1-11). In addition, KZC 40.08 requires an increased two-foot setback for each one foot that the structure exceeds 25 feet above average building elevation. Because the proposal would be

30 feet above average building elevation, a total of 10 additional feet, or a 30-foot setback would be required along the Lake Washington Boulevard frontage. According to the site plan submitted by the applicant, a 30-foot setback along Lake Washington Boulevard is proposed.

As described in the Draft EIS Land Use section mitigating measures (Section 3.1.3), the proposed development would be reviewed and required to comply with all applicable provisions of the Kirkland Zoning Code, including setback requirements prior to issuance of a building permit. In addition, as described in the Draft EIS Aesthetics section mitigating measures (Section 3.3.3), a reduced building footprint or expanded perimeter landscaping are identified as potential measures to reduce the appearance of building bulk and scale and to enhance landscaping. Please see also Final EIS Section 3.5 for an updated discussion of aesthetics mitigating measures. These measures may also be associated with expanded building setbacks.

Regarding multi-family open space requirements, the Residential Market designation does not establish a specific open space requirement. KZC 155.23, Common Recreational Space Requirements for Certain Residential Uses, is not applicable to the BN zone.

7. **Building elevations.** The comments are noted.

- North elevation. Please see the response to Comment 6, this letter, above. As stated in the comment, property adjoining the Lake Street South and 10th Avenue South frontages would be required front yards.
- East elevation. KZC 40.08.2.b states that the maximum horizontal façade shall not exceed 50 feet in width if adjoining a low density zone. In this case, the site adjoins a medium density zone (RM 3.5), so this façade limitation is not applicable. Please see Final EIS Section 3.5 for an updated discussion of aesthetics mitigating measures, including measures to address façade length and modulation.

Comments regarding landscaping are noted. Please see Draft EIS sections 3.1 and 3.3 for additional discussion of landscape buffers and other landscaping.

- West elevation. The Proposed Action west building façade is estimated to be approximately 235 feet.³ Façade lengths for multifamily buildings along Lake Street South/Lake Washington Boulevard are estimated to range between 65 to 165 feet, (see Appendix A). Please see Final EIS Section 3.5 for an updated discussion of aesthetics mitigating measures, including measures to address façade length and modulation.

8. **Neighbor concerns.** The comment is noted. The Draft EIS accurately describes existing adopted policies and regulations.

9. **Shoreline Substantial Development Permit.** The comment is noted.

³ Estimate based on a 265' lot front on Lake Street South, less a 10' setback to the south and a 20' setback to the north.

10. **SEPA appeals.** The Draft EIS correctly states that three formal SEPA appeals were received on the original SEPA threshold determination. It is acknowledged that there were a number of comments, including comments from the Muckleshoot Indian Tribe.
11. **BN zone.** The zoning designation applicable to this proposal is the BN (Neighborhood Business) zone. As noted in the Draft EIS, Planning Commission legislative consideration of BN zoning standards was ongoing during preparation of the Draft EIS. The Draft EIS considers existing adopted policies and regulations.
12. **Planning Commission study.** As noted in the Draft EIS, Planning Commission legislative consideration of BN zoning standards was ongoing during preparation of the Draft EIS. The EIS considers existing adopted policies and regulations.
13. **Scoping comments.** Please see Draft EIS Appendix 2 for a summary of scoping comments and responses. Please see the response to Comment 4, Letter 34.
14. **SEPA appeals.** Please see the response to Comment 10, this letter.
15. **Bald eagle.** The comments are noted. Please see the discussion of bald eagle habitat in Draft EIS Section 2.2 and Appendix 3.

The analyst who prepared the bald eagle analysis is a qualified wildlife biologist with 20 years of experience assessing habitat, conducting field surveys, and evaluating the potential impacts of various human activities on vegetation and wildlife. As noted in his analysis, Washington Department of Fish and Wildlife data was consulted in the review.

16. **Eagle habitat.** Please see the response to Comment 15, this letter, above.
17. **Objectives.** The SEPA Rules (WAC 197-11) do not define or describe the term “objectives” nor require an evaluation of the proposal’s objectives, saying only that “reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.” (WAC 197-11-440(5)). Please see also the response to Comment 4, Letter 34.
18. **Citizen opposition.** The comments are noted. Regarding Planning Commission legislative consideration of BN zoning standards, please see response to Comment 12, this letter.
19. **Site zoning.** The comments are noted. The Draft EIS accurately describes existing adopted policies and regulations currently applicable to the site.
20. **Development intensity.** The comments are noted. Please see the discussion of the Residential Market designation in Final EIS Section 3.4.
21. **BN zone.** The Draft EIS correctly describes the BN development standards and permitted uses.
22. **BN zone.** Please see the response to Comment 21, this letter, above.
23. **Residential Market designation and Lake Washington Boulevard setback.** Draft EIS Table 2.1 summarizes development standards for the BN zone. As noted in the comment, the

development standards shown in the summary are based on the requirements in KZC 40.10. In addition to these requirements, KZC 40.08 requires an increased two-foot setback for each one foot that the structure exceeds 25 feet above average building elevation. Please see discussion of setbacks in the response to Comment 6, this letter.

The Residential Market designation is not discussed in this table because the table summarizes Zoning Code requirements and the Residential Market designation is not part of the Zoning Code. Please see the Residential Market designation discussion in Final EIS Section 3.4.

24. **Shoreline designation.** The Draft EIS accurately describes the existing Shoreline Master Program designation.
25. **Shoreline designation.** Please see the response to Comment 24, this letter.
26. **Shoreline designation.** As described in the Draft EIS, the portion of the site that is subject to the jurisdiction of the Shoreline Management Act is the area within 200 feet of the Lake Washington ordinary high water mark. Please see Draft EIS Figure 3.1-10.
27. **Alternatives.** Please see the response to Comment 4, Letter 34.
28. **No Action Alternative.** The comment is noted. The No Action Alternative is required by WAC 197-11 to be evaluated in the EIS. Please see the discussion of alternatives in Final EIS Section 3.2.
29. **Alternatives.** Please see the discussion of alternatives in Final EIS Section 3.2.
30. **Bald eagle habitat.** Please see the response to Comment 15, this letter.
31. **Lot coverage and building height.** As noted in the footnote on Draft EIS page 2-15, the lot coverage estimate is based on the King County Assessor data for the lot size and applicant information for lot coverage. Comments regarding building height are noted.
32. **Site ingress and egress.** A detailed ingress and egress analysis is provided in Draft EIS Section 3.4. Staff comments provided the 2009 pre-submittal meeting for the proposal are advisory and intended to help guide future site revisions of the proposal.
33. **Lot size.** Please see the response to comment 4, this letter. The lot size assumed in the Draft EIS is based on data from the King County Department of the Assessor.
34. **Parking stall size and office use.** The comments regarding parking stall sizes are noted. As described in Draft EIS Sections 3.1, 3.2, and 3.3, the proposal would be required to comply with all applicable provisions of the Kirkland Zoning Code, including parking stall size.

Regarding the proposed medical office use, this EIS evaluates the Proposed Action as provided by the applicant. The term “neighborhood serving business” is not a term used in the Comprehensive Plan.

35. **Landscaping.** The comment is noted. Please see the discussion in Draft EIS sections 3.1 (Land Use) and 3.3 (Aesthetics) for a discussion of mitigation related to landscape buffers and

landscaping overall. Please see Final EIS Section 3.5 for an updated discussion of aesthetics mitigating measures.

36. **Alternatives.** Please see Final EIS Section 3.2 for a discussion of alternatives.

Response to Draft EIS Letter 46: Karen Levenson

1. **Historical policy materials.** As established in WAC 197-11-440(6), this EIS considers a summary of existing plans and zoning regulations applicable to the proposal, and how the proposal is consistent and inconsistent with them.

Response to Draft EIS Letter 47: Karen Levenson

1. **SEPA Checklist.** The SEPA Checklist prepared by the applicant was reviewed by the City as part of the initial and revised threshold determination (see Draft EIS Appendix 2). Because the City made a Determination of Significance and initiated the EIS process, revisions to the Environmental Checklist are not required.

Response to Draft EIS Letter 48: Laura Loomis

1. **Residential density.** As described in Draft EIS Section 3.1 (Land Use), density in residential zones (single and multifamily zoning designations) are regulated according to a measurement of units per acre. Examples of single family and multifamily densities are shown in Draft EIS Table 3.1-1. However, in commercial zones, residential densities are not regulated by a measurement of units per acre, but rather by development standards, such as building height, lot coverage, parking standards, setback requirements and others. Commercial zones in the City include Community Business (CB), Neighborhood Business (BN), Central Business District (CBD), Totem Lake (TL), Juanita Business District (JBD), and Rose Hill Business District (RHBD). Because the subject property is located in a BN zone, density is not set by a numeric limit, but rather by the building area permitted by the development standards.
2. **Single family residential homes.** Please see Final EIS Section 3.3 for a discussion of residential densities in the vicinity of the subject site.
3. **View perspective.** This view perspective at 2nd Street South and 10th Avenue South was used in order to show the proposed development in the context of the surrounding area. A closer shot, such as at 1st Street South and 10th Avenue South would be so close that the proposed development would likely fill the frame and would not provide information about the fit of the proposal in the context of the surrounding area.
4. **Land use description.** The commenter's opinions are noted. Please see Letter 20 for responses to comments on Draft EIS Section 3.1.
5. **Draft EIS Section 3.1 and density table.** Please see Letter 20 for responses to comments on Draft EIS Section 3.1 and Final EIS Section 3.3 for a discussion of residential density issues related to the density table.

Response to Draft EIS Letter 49: Laura Loomis

1. **Neighborhood views.** The comment is noted, please see Comment Letter 48, Comment 3.

Response to Draft EIS Letter 50: Charles and Laura Loomis

1. **General comments.** The commenter's opinion is noted. Please see responses to comments below.
2. **Driveway safety.** The potential safety impacts of the proposed project were analyzed in the *Sight Distance at Driveway*, *Traffic Safety*, and *Non-Motorized Transportation* subsections of Draft EIS section 3.4.2. Please refer to the responses to Comment 2, Letter 6/Comment 2; Comment 8, Letter 9; and Comment 8, Letter 14. As with any city street, vehicles that are parked on 10th Avenue S are required to park legally, and other motorists driving on the roadway must obey speed limits and yield to emergency vehicles. This condition would apply with or without the proposed project.
3. **EIS alternatives.** Please see Final EIS Section 3.2 for a discussion of alternatives.
4. **EIS validity.** The EIS was prepared in accordance with all applicable laws, regulations and ordinances, including the Kirkland Municipal Code Title 24 (Environmental Procedures) and the Washington Administrative Code (WAC) Chapter 197-11 (SEPA Rules).

It is acknowledged that members of the consultant team have experience working in the City of Kirkland. This prior experience does not constitute a conflict of interest with respect to work on this EIS. No member of the consultant team has any interest in the subject property, relationship with the applicant or the applicant's team or role in the project other than preparation of the EIS.

Response to Draft EIS Letter 51: David S. Mann, Gendler & Mann

1. **EIS alternatives.** Please see Final EIS Section 3.2 for discussion of the alternatives.
2. **Objectives.** The comments on whether or not the proposal achieves its objectives are noted. The SEPA Rules (WAC 197-11) do not define or describe the term "objectives" nor require an evaluation of the proposal's objectives, saying only that "reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation." (WAC 197-11-440(5)).
3. **Objectives.** Please see the response to Comment 2, this letter, above.
4. **EIS alternatives.** Please see Final EIS Section 3.2 for a discussion of alternatives.

Response to Draft EIS Letter 52: Shirley Miller

1. **Impacts.** For a discussion of Comprehensive Plan policies, please see Draft EIS Section 3.2. For a discussion of traffic impacts, please see Draft EIS 3.4 and responses to traffic comments in Chapter 4 of this Final EIS. The proposed commercial area is described in Draft EIS Chapter

2 and would consist of 6,200 square feet of area on the ground floor of the facility. The proposal anticipates general office and medical office. However, retail uses would also be permitted if landscape buffers are widened to meet the standard for Buffering Standard 1, described in KZC Chapter 95 and Draft EIS Section 3.1.

2. **EIS alternatives.** Please see Final EIS Section 3.2 for a discussion of alternatives.

Response to Draft EIS Letter 53: Ruth Norwood

1. **Aesthetics.** The comments are noted. Please see the discussion of aesthetics and potential mitigation measures described in Draft EIS Section 3.3. Please see also Final EIS Section 3.5 for an updated discussion of aesthetics mitigating measures.
2. **Character of Lake Washington Boulevard.** The comments are noted.
3. **BN Zone Front Yard Setback.** The comments are noted. As described in Draft EIS Chapter 2, the proposal would be 30 feet above average building elevation. Consistent with the requirements of KZC Section 40.08 and 40.10, a 30-foot setback would be required along the Lake Washington Boulevard frontage. According to the site plan submitted by the applicant, a 30-foot setback along Lake Washington Boulevard is proposed.

Response to Draft EIS Letter 54: Chuck Pilcher

1. **EIS comments.** Please see responses to comments in the balance of this letter.
2. **Existing residential densities.** Please see Final EIS Section 3.3 for a discussion of existing residential densities.
3. **Building height.** As the comment notes, Draft EIS page 3.3-10 incorrectly states that building heights vary from one to five stories in the Study Area. This sentence is corrected as follows:
Building heights vary from one to ~~four~~ ~~five~~ stories in the Study Area, although all stories may not be visible from differing vantage points due to landform, landscaping or other foreground features.
4. **Site design.** The comments are noted. Please see Final EIS Section 3.5 for an updated discussion of aesthetics mitigating measures.
5. **Shoreline area density.** The comment is noted. As noted in the Draft EIS, only the portion of the site in the designated shoreline area is subject to Shoreline Master Program requirements. Please see Draft EIS Figure 3.1-10.
6. **Area description.** The statement referred to in the comment was intended as an overview description of existing development along Lake Street South and references Figure 3.3-11. Draft EIS Figure 3.3-14 shows the distance between the street and the proposed development in the context of existing development building locations and the street.
7. **Commercial use.** As described in Draft EIS Chapter 2, the proposal is for 6,200 sf of commercial (general office and medical office) use. Draft EIS Section 3.3 states that,

although the proposal would provide office use, the intent of the residential market designation is to focus on pedestrian traffic, which is more likely to occur with retail uses than with the proposed office use. A mitigating measure in this section proposes an expanded landscape buffer to allow for retail uses that would meet the intent of a residential market to provide a variety of services that support the surrounding neighborhood. Please see the expanded discussion of the Residential Market designation in Final EIS Section 3.4.

8. **Construction impacts.** According to the City of Kirkland Public Works Department, public roadways are built to sustain heavy levels of truck traffic and damage to the roads as a result of truck traffic associated with site construction is not anticipated. However, as part of future building permit approval, the City will require that, should road repairs be required as a consequence of construction traffic, the applicant is responsible for funding the repairs. This requirement has been added as an additional mitigating measure, please see the mitigating measures under Construction Impacts, Final EIS Chapter 1.

As described in Draft EIS Section 3.5.2, the applicant would be required to provide a construction management plan prior to commencing construction. The plan would document the following information:

- Truck haul-routes to and from the site.
- Peak hour restrictions for construction truck traffic and how those restrictions would be communicated and enforced.
- Truck staging areas (e.g., locations where empty or full dump trucks would wait or stage prior to and during loading or unloading.)
- Construction employee parking areas.
- Measures to reduce construction worker trips such as rideshare, shuttles, carpool, transit passes or related programs.
- Road, lane, sidewalk, or bike lane closures that may be needed during utility, street or building construction. A plan detailing temporary traffic control, channelization, and signage measures should be provided for affected facilities.
- Other elements or details may be required in the Construction Management Plan as required by the City of Kirkland. The project developer/owner and the contractor would be required to incorporate other City requirements into an overall plan, if applicable.

In addition, the City has identified more specific construction phase mitigating measures, as listed below and included in Chapter 1 of this Final EIS.

- A construction parking plan shall be submitted to the Public Works Department Transportation Division for approval prior to issuance of a building permit. The plan shall address the following elements:
 - Name of the designated parking coordinator who will be the City's contact person and person responsible for implementation of the construction parking plan

- Number of construction workers on site by shift
- Approximate number of parking spaces needed
- Identification of measures to encourage carpooling
- Map showing the designated area(s) for construction parking as approved in advance by the City. If the parking area(s) will be off-site, identification of a shuttle service or other measures to transport workers to the site.
- Map showing the location of “No Construction Parking” signs in the neighborhood. The no construction parking area shall include Lake Street South/Lake Washington Boulevard from 5th Avenue South to NE 62nd Street, 10th Avenue South from Lake Street South to State Street South and side streets connecting 10th Avenue South and 7th Avenue South; and NE 64th Street between Lake Washington Boulevard and Lakeview Drive.
- A Construction Truck Circulation Plan shall be submitted to the Public Works Department Transportation Division for approval prior to issuance of a building permit. The plan shall minimize impacts on local streets and existing traffic congestion.
- Construction truck circulation shall be limited to the hours of 9 am and 3 pm. No construction truck circulation on Saturdays is permitted during community events in the downtown or near Lake Street South. The Public Works Department will provide the construction manager with dates of the Saturday community events in which construction truck circulation will not be permitted.
- On on-site sign shall be installed facing and visible from Lake Street South containing the contact information of the parking coordinator to accept and respond to public concerns. The sign shall stay in place until completion of the project.

9. Traffic and parking.

- **Parking garage.** Analyses of the proposed driveway operations is provided in the Draft EIS in Tables. 3.4-11 and 3.4-13. Please refer to the response to Comment 7, Letter 9. The location of a security gate will be reviewed and approved by the City Public Works Department as part of building permit review, see the updated mitigating measures under Transportation in Final EIS Chapter 1.
- **Traffic safety.** The Draft EIS transportation section analyzed the impacts on the adjacent streets in accordance with adopted City transportation impact analysis procedures. Please refer to the responses to Comment 2, Letter 6, and Comment 7, Letter 9.
- **Transit.** As noted in the *Transit* subsection of Draft EIS section 3.4.1, the bus stop nearest the site is about ¼ mile to the east. A distance of ¼ mile is considered a reasonable distance that people will walk to transit for commute trips. However, as noted in the *Trip Generation* subsection of Draft EIS section 3.4.2, the analysis conservatively assumed no transit use, and that all trips generated by the project would occur by vehicle.
- **Pedestrian oriented district.** It is acknowledged that Lake Washington Boulevard and Lake Street South in the vicinity of the subject site is an important and heavily used

pedestrian corridor. The reference to pedestrian-oriented districts in Draft EIS Section 3.3.3 was intended to distinguish the subject property from sites within designated districts that are subject to design review pursuant to KZC 92.05 and the Design Guidelines for Pedestrian Oriented Business Districts (adopted pursuant to KMC 3.30.040 and updated March 3, 2009). These districts include the Central Business District (CBD), Market Street Corridor (MSC), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD), Totem Center (TC), Yarrow Bay Business District (YBD) and in areas indicated on the use zone charts for PLA 5C. The subject site is not located in any of these designated areas.

- **Moving vans.** Please refer to the response to Comment 7, Letter 9.
10. **Water runoff.** Please see the discussion of stormwater in Draft EIS Appendix 1, Scoping Summary. Kirkland Municipal Code Title 15 establishes standards for stormwater quality and quantity associated with development in the City. Section 15.52.060, Design and Construction Standards and Requirements, 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 concluded that existing local regulations provide a process for addressing all potential stormwater impacts and mitigating impacts, if any, to a less than significant level. For this reason, an analysis of stormwater is not included in the EIS scope of analysis.

As required by KMC 15.52.060, groundwater that collects around the building will tie into the required stormwater system and all water runoff within the parking garage will drain to the City's sanitary sewer system, where it will be treated prior to release.
 11. **Draft EIS Table 3.1-8.** Please see the discussion of existing residential densities in Final EIS Section 3.3.
 12. **Building height.** As the comment notes, Draft EIS page 3.3-10 incorrectly states that building heights vary from one to five stories in the Study Area. This sentence is corrected as follows:

Building heights vary from one to ~~four~~ ~~five~~ stories in the Study Area, although all stories may not be visible from differing vantage points due to landform, landscaping or other foreground features.
 13. **Area description.** Please see the response to comment 6, this letter.
 14. **Shoreline area designation.** The comment is noted. As noted in the Draft EIS, only the portion of the site in the designated shoreline area is subject to Shoreline Master Program requirements. Please see Draft EIS Figure 3.1-10.
 15. **BN zoning.** The opinion regarding the Moss Bay Neighborhood Plan economic activities discussion is noted. It should be noted that the Neighborhood Business (BN) zoning designation does not limit commercial activity to retail uses only. As described in Draft EIS Section 3.1, permitted uses in the BN zone include a variety of retail uses, private club or

lodge, office use, stacked dwelling units, church, school/daycare center, assisted living facility and convalescent center/nursing home.

16. **Construction impacts.** Please see the response to comment 8, this letter.
17. **Level of transportation analysis.** The Draft EIS transportation is site-specific evaluation of the proposed development at the proposed site location. It was completed in accordance with adopted City transportation impact analysis procedures and standard practice for traffic impact analyses. Please refer to the responses to Comment 7, Letter 9 and Comment 6(a), Letter 31.
18. **Driveway delay.** The operation of the proposed project driveway is provided in the Draft EIS in Tables. 3.4-11 and 3.4-13. Please refer to the response to Comment 7, Letter 9. Sight distance was analyzed in the *Sight Distance at Driveway*, and *Non-Motorized Transportation* subsections of Draft EIS section 3.4.2. Please refer to the response to Comment 7, Letter 14. The location of the security gate will be reviewed and approved by the Public Works Department prior to issuance of a building permit. Please see the updated mitigating measures under Transportation in Final EIS Chapter 1.
19. **Adjacent streets.** The Draft EIS transportation section analyzed the impacts on the adjacent streets in accordance with adopted City transportation impact analysis procedures. Please refer to the responses to Comment 2, Letter 6 and Comment 7, Letter 9.
20. **Distance to transit.** One-quarter mile is a commonly used standard for the maximum used distance that someone would be willing to walk to transit. Please refer to the response to Comment 9, this letter.
21. **Pedestrian-oriented district.** It is acknowledged that Lake Washington Boulevard and Lake Street South in the vicinity of the subject site is an important and heavily used pedestrian corridor. The reference to pedestrian-oriented districts in Draft EIS Section 3.3.3 was only intended to distinguish the subject property from sites within designated districts that are subject to design review pursuant to KZC 92.05 and the Design Guidelines for Pedestrian Oriented Business Districts (adopted pursuant to KMC 3.30.040 and updated March 3, 2009). These districts include the Central Business District (CBD), Market Street Corridor (MSC), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD), Totem Center (TC), Yarrow Bay Business District (YBD) and in areas indicated on the use zone charts for PLA 5C. The subject site is not located in any of these designated areas.
22. **Moving vans.** Please refer to the response to Comment 9, this letter.
23. **Water runoff.** As required by KMC 15.52.060, groundwater that collects around the building will tie into the required stormwater system.
24. **Garage runoff.** As required by KMC 15.52.060, all water runoff within the parking garage will drain to the City's sanitary sewer system, where it will be treated prior to release.
25. **Voluntary clean-up process.** Please see Draft EIS page 3.2-13 for a description of the options for site clean-up permitted under MTCA.

26. **Draft EIS comments.** The comments are noted.
27. **Density graph.** The information in the density graph is noted. Please see Final EIS Section 3.2 for a discussion of existing residential densities.

Response to Draft EIS Letter 55: J. Rogers

1. **SEPA Threshold Determination.** As noted in the comment and described Draft EIS Chapter 2, the City issued a SEPA Mitigated Determination of Non-significance (MDNS) for the proposal on June 15, 2011. After review of the comments received and the three appeals to the MDNS, the City withdrew its initial threshold determination and issued a Determination of Significance (DS) and scoping notice. The process that the City followed in issuing and withdrawing the initial threshold determination was consistent with all applicable state and local regulations and requirements.
2. **Existing residential densities.** The comment references comments by Mr. Pilcher at the August 14 public hearing regarding density calculations in the Draft EIS. Please see Final EIS Section 3.3 for a discussion of residential density calculations. Please see also the public hearing transcript and responses to comments in Final EIS Chapter 3.
3. **EIS objectivity.** It is acknowledged that members of the consultant team have experience working in the City of Kirkland. This prior experience does not constitute a conflict of interest with respect to work on this EIS. No member of the consultant team has any interest in the subject property, relationship with the applicant or the applicant's team or role in the project other than preparation of the EIS.
4. **EIS process.** The commenter's opinion is noted.
5. **Opposition to proposal.** Public opposition to the proposal is acknowledged. Because an EIS is focused on environmental impacts, the level of public opposition or support is not considered in the analysis, except as discussed with respect to consistency with Comprehensive Plan policy LU-5.9 (see Final EIS Section 3.4). Please see Final EIS Section 3.2 for a discussion of alternatives.

Response to Draft EIS Letter 56: Larry Saltz

1. **EIS alternatives.** Please see Final EIS Section 3.2 for a discussion of alternatives.

Response to Draft EIS Letter 57: Bob and Audrey Style

1. **Single family residential development.** Please see Final EIS Section 3.3 for a discussion of existing residential densities in the study area.
2. **Draft EIS Table 3.1-8.** Please see Final EIS Section 3.3 for a discussion of existing residential densities in the study area.
3. **Building heights.** As the comment notes, Draft EIS page 3.3-10 incorrectly states that building heights vary from one to five stories in the Study Area. This sentence should be corrected as follows:

Building heights vary from one to ~~four~~ five stories in the Study Area, although all stories may not be visible from differing vantage points due to landform, landscaping or other foreground features.

Four story buildings are found in the vicinity of NE 64th Street and Lake Washington Boulevard.

4. **Residential density.** As described in Draft EIS Section 3.1 (Land Use), density in residential zones (single and multifamily zoning designations) is regulated according to a measurement of units per acre. Examples of single family and multifamily densities are shown in Draft EIS Table 3.1-1. However, in commercial zones, residential densities are not directly limited. Instead, development standards, such as building height, lot coverage, parking standards, required setback yards and others, provide a practical limit as to the number of units that could be developed on a site. Commercial zones in the City include Community Business (CB), Neighborhood Business (BN), Central Business District (CBD), Totem Lake (TL), Juanita Business District (JBD), and Rose Hill Business District (RHBD). Because the subject property is located in a BN zone, density is not regulated by units per acre, but rather by the building area permitted by the development standards.
5. **Existing lot sizes and density.** Please see Final EIS Section 3.3 for a discussion of existing residential densities in the study area.
6. **Draft EIS corrections.** Please review Chapters 3 and 4 of this Final EIS for supplemental discussion of issues and responses to comments on the Draft EIS.
7. **Residential density table.** Please see Final EIS Section 3.3 for a discussion of existing residential densities in the study area.

Response to Draft EIS Letter 58: Robert Style

1. **Groundwater.** KMC 15.52.060 requires that the proposal prepare a stormwater plan that includes all temporary erosion control measures, storm water detention, water quality treatment and storm water conveyance facilities that must be provided. These 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. On-site groundwater would be tied into the stormwater conveyance and treatment facilities.
2. **Underground tanks.** Draft EIS Section 3.2 describes the findings of a Phase I Environmental Site Assessment conducted in October 2010 (Aspect Consulting). This assessment found that Parcel B (the large parcel on the southern half of the site, see Draft EIS Figure 3.2-5) was the location of a service station from 1957 to the early 1970s. At least three underground storage tanks (USTs) and possibly one hydraulic hoist remain on site from the former service station. According to the property owners, the USTs were decommissioned by filling with sand when the service station was demolished. With new construction, the USTs would be removed according to the process established in WAC 197-360 (underground storage tank regulations),

described in the Draft EIS. In addition, the Draft EIS includes a mitigating measure to provide a qualified consultant to oversee the site clean-up process to ensure that the Washington Model Toxics Control Act process is being followed.

Response to Draft EIS Letter 59: Mark Tayler

1. **Transportation summary.** The comment is noted.
2. **Transportation study approach.** As described in the *Level of Service* subsection of Draft EIS section 3.4.1, level of service analysis procedures are established in the *Highway Capacity Manual*. These procedures consider several factors including variability of traffic flow within the peak hour, queue delay, and progression of traffic from upstream traffic signals. It should be noted that according to the City of Kirkland's adopted transportation analysis guidelines, traffic impacts of a proposed project are not based upon the total traffic volumes in the study area; they are based upon a project's proportional contribution to those volumes. Please refer to the response to Letter 9/Comment 6(a).

4.4 PUBLIC HEARING COMMENTS AND RESPONSES

This section contains a transcript of the public hearing with individual comments numbered in the margins.

Response to Comment 1: Jack Rogers

- **Transportation.** Transportation impacts of the proposal are fully addressed in the Draft EIS Section 3.4, including the impacts associated with vehicles, pedestrians and bicycles.
- **Parking.** The proposal would provide parking for 316 vehicles, which, as described in the Draft EIS, exceeds the minimum parking requirement for the proposed use. It should be noted that Comprehensive Plan policy LU-5.9, which provides policy guidance for development in the Residential Market designation, calls for provision of the minimum required off-street parking. Please see the discussion of the Residential Market designation in Final EIS Section 3.3. In order to achieve consistency with this guidance, revised mitigation shown in Final EIS Chapter 1 and Section 3.3 includes a measure that could allow a reduction in the off-street parking supply.
- **General comment.** The commenter's opinion regarding the EIS are noted.

Response to Comment 2: Atis Freimanis

- **Density.** Please see the discussion of multifamily densities in Final EIS Section 3.3.
- **Community character.** Please see Draft EIS Section 3.3 for a discussion of compatibility of the proposal with the surrounding neighborhood, including review of setbacks, lot coverage, and building height and bulk. Please see Final EIS Section 3.5 for an updated discussion of aesthetics mitigating measures.
- **Underground river.** Please see the discussion of stormwater in Draft EIS Appendix 1, Scoping Summary. Kirkland Municipal Code Title 15 establishes standards for stormwater quality and quantity associated with development in the City. KMC Section 15.52.060, Design and Construction Standards and Requirements, 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 significant level. For this reason, an analysis of stormwater is not included in the EIS scope of analysis.

As required by KMC 15.52.060, groundwater that collects around the building will tie into the required stormwater system and all water runoff within the parking garage will drain to the City's sanitary sewer system, where it will be treated prior to release.

- **Traffic.** Draft EIS Section 3.4 describes AM and PM weekday peak hour trips (Table 3.4-8) and weekend peak hour trips (Table 3.4-9). Please see these tables and accompanying explanatory narrative. Draft EIS Section 3.4 also includes a detailed discussion of parking demand and supply. Parking demand is evaluated based on standard rates and equations published by the Institute of Transportation Engineers, applied to the census tracts that surround the site. Both the Kirkland parking standards and the ITE standard assume visitor parking as part of the total parking demand. Please see the discussion of parking demand in the context of the Residential Market designation in Final EIS Section 3.4.

Response to Comment 3: Christie Strong

- **Traffic.** The comment is noted. As described in Draft EIS Section 3.4, existing traffic through counts of hourly traffic data collected over a seven day period in mid-May 2012. The hourly data were compiled to confirm the days and times in which the peak traffic periods occur. The Saturday and Sunday data were collected on May 12 and 13, 2012. The weather on both days was sunny with high temperatures in the mid-70s. Sunday of this weekend was Mother’s Day, during which a higher-than-normal level of activity at downtown and lakefront restaurants would be expected.
- **Building footprint.** The comment is noted. Please see Draft EIS Section 3.3 for a discussion of building bulk and setbacks. Please see Final EIS Section 3.5 for an updated discussion of aesthetics mitigating measures.

Response to Comment 4: Janice Levy

- **Traffic.** According to the City of Kirkland’s adopted policies, the traffic impact of a proposed development can be found “less than significant” even when traffic volumes on the adjacent streets are high and congestion is present. According to the City of Kirkland’s adopted transportation analysis guidelines, traffic impacts of a proposed project are not based upon the total traffic volumes in the study area; they are based upon a project’s proportional contribution to those volumes. The City’s thresholds for significance of traffic impacts are summarized in the Draft EIS in Table 3.4-3. As shown, even if an intersection is operating at LOS F, a project’s impact is considered significant (which would then require mitigation) only if it would contribute more than 5% of the total traffic volume through that intersection. This same standard is applied equally to all development proposals within the city. As shown in Table 3.4-10 of the Draft EIS, the proportional share of traffic generated by the proposed project would not exceed 5% at any of the study area intersections.

In addition, the City’s adopted transportation concurrency thresholds allow high traffic volumes to occur on a city roadway, as long as the average in the subarea in which the road is located is below a defined threshold. The City’s concurrency thresholds are presented in the *Transportation Concurrency* subsection of Draft EIS section 3.4.2. As shown, the volume-to-capacity ratio (V/C) at an individual location can be as high as 1.40 (meaning that the volume traveling through the intersection can be greater than its theoretical capacity) as long as the subarea average is below its threshold. Lake Street/Lake Washington Boulevard is located within the Southwest subarea for which a V/C

threshold of 1.07 has been defined, indicating on average in this subarea, vehicle volumes on arterial roadways are allowed to be greater than their capacities. All new development within the city contributes a proportional share toward the cost of citywide transportation improvement projects under the Concurrency Management Program.

The City's policies comply with the Washington State Growth Management Act, which mandates that cities adopt level of service standards, but does not mandate what those standards should be. Cities locally adopt standards that reflect the desired balance between the level of congestion that is considered acceptable and the amount of transportation infrastructure to be built (e.g. higher standards that accept less congestion can result in more and wider roads being required, lower standards that accept more congestion often result in fewer roads and fewer lanes). According to SEPA, transportation analysis must evaluate potential project impacts according to the locally adopted procedures and standards.

- **Density.** The comment is noted.

Response to Comment 5: Vashti Key

- **Traffic.** Please see the response to Comment 4, above.

Response to Comment 6: Dione Godfrey

- **Public opposition.** Please see Final EIS Section 3.3 for a discussion of the Comprehensive Plan Residential Market designation, policy LU-5.9. Guidance under this policy includes the idea of local citizen acceptance. As noted in the discussion of this policy, based on the public comment on the proposal, local citizen acceptance has not been demonstrated. Specific transportation and safety issues are addressed in Draft EIS Section 3.4.
- **General comments.** The commenter's opinion is noted.

Response to Comment 7: Randall Cohen

- **Aesthetics.** Draft EIS visual simulations show the site from four different view perspectives. To the extent that sidewalks would be visible from these perspectives, they are shown in the views. Street trees along the sidewalk are visible in most perspectives.
- **Number of units.** As described in the Draft EIS, the proposal is based on a private development proposal.

Response to Comment 8: Chuck Pilcher

- **Setbacks, design review, landscaping.** The comments are noted.
- **Density.** Please see Final EIS Section 3.2 for a discussion of residential densities.
- **Construction process.** Regarding roadway condition, according to the City of Kirkland Public Works Department, public roadways are built to sustain heavy levels of truck traffic

and damage to the roads as a result of truck traffic associated with site construction is not anticipated. However, as part of future building permit approval, the City will require that, should road repairs be required as a consequence of construction traffic, the applicant is responsible for funding the repairs. This requirement has been added as an additional mitigating measure, please see the mitigating measures under Construction Impacts, Final EIS Chapter 1.

The comment regarding construction period is noted. The construction period shown in the Draft EIS is based information provided by the applicant.

For additional construction phase mitigating measures, please see the mitigating measures under Construction Impacts in Final EIS Chapter 1.

- **Parking garage.** Driveway operations related to ingress and egress of project-generated trips were evaluated in detail in Draft EIS section 3.4. Table 3.4.11 summarizes traffic operation at the driveway for the weekday AM and PM peak hours with and without full build-out of the proposed project. As shown, average vehicle delay for the outbound (westbound) project-generated vehicles is expected to be about 22 seconds (LOS C) during the AM peak hour and 27 seconds (LOS D) during the PM peak hour. This is considered acceptable operation that would not result in excessive queues in the garage. The table also shows that the average delay for southbound vehicles at the driveway, which includes left-turning vehicles into the site, of less than one second. However, due to the high traffic volumes on Lake Street, the Draft EIS analysis also includes analysis of the potential impact of site-generated traffic choosing right-turn routes into and out of the site to avoid higher delays at the driveway. This analysis, summarized in Tables 3.4-16 through 3.4-19, indicates that right turn routes would improve operations at the site driveway and that the impact to the off-site analysis intersections would not exceed the City's adopted significance thresholds. The projected delays at the site driveway (22 and 27 seconds per vehicle during the AM and PM peak hours, respectively) are not expected to cause residents or visitors to forego on-site parking spaces and park on-street. However, the adjacent on-street parking is available to the public, and the Draft EIS parking assessment acknowledges that residents or visitors to the site could still opt to use it.
- **Pedestrian-oriented district.** It is acknowledged that Lake Washington Boulevard and Lake Street South in the vicinity of the subject site is an important and heavily used pedestrian corridor. The reference to pedestrian-oriented districts in Draft EIS Section 3.3.3 was only intended to distinguish the subject property from sites within designated districts that are subject to design review pursuant to KZC 92.05 and the Design Guidelines for Pedestrian Oriented Business Districts (adopted pursuant to KMC 3.30.040 and updated March 3, 2009). These districts include the Central Business District (CBD), Market Street Corridor (MSC), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD), Totem Center (TC), Yarrow Bay Business District (YBD) and in areas indicated on the use zone charts for PLA 5C. The subject site is not located in any of these designated areas.
- **Toxicity.** Kirkland Municipal Code Title 15 establishes standards for stormwater quality and quantity associated with development in the City. KMC Section 15.52.060, Design and

Construction Standards and Requirements, 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.

As required by KMC 15.52.060, groundwater that collects around the building will tie into the required stormwater system. All water runoff within the parking garage will drain to the City's sanitary sewer system, where it will be treated prior to release.

Response to Comment 9: Virginia DeForest

- **Density and transportation.** The comments are noted.

Response to Comment 10: Diane Rogers

- **Condominiums.** The comment is noted. City regulations do not differentiate between rental and ownership units.
- **Transit.** Draft EIS Section 3.4 includes an analysis of transit service.