From:	Jack Arndt
To:	Potala EIS; Teresa Swan; Eric Shields; Kurt Triplett; Robin Jenkinson; Jeremy McMahan; Joan McBride; Doreen Marchione; pswett@kirklandwa.gov; Dave Asher; Toby Nixon; Bob Sternoff; Mike Miller; Jon Pascal; Jay Arnold; C Ray Allshouse; Byron Katsuyama; Andrew Held; Glenn Peterson
Subject:	EIS - POTALA VILLAGE
Date:	Monday, August 20, 2012 3:58:48 PM

Kirkland City Council and Planning Commission Members,

We are appalled to find out the EIS studies for Potala Village were not completed as required and the current draft document shared is a misleading document. 1

Is it true that Justin Stewart requested a scope of study to meet the budget of the developer? This alone raises many questions to the unlegal favoritism granted by the city to the developer in coming forward with the final Environment Impact Study. The current proposed EIS draft one can assume is legally deficient and needs to be re-done.

EIS is supposed to be a mechandism to protect our community, we suggest you assume your leadership role and start to ask questions and demand answers including firing those that have violated policies. This process has been flawed from the start with hidden agenda's and personal interests which many of you have been part of, you need to move off your agenda by making decisions based on clearly defined facts and the impact to the community. 2

Now is the time to step up and assume your leadership responsibilities to address the concerns of the community, around the inaccuracies of the final EIS document in order that a correct decision can be made regarding Potala. 3

We appreciate those of you in the minority who have been asking the right questions and supporting the concerns voiced by the community. Keep the pressure on and continue to challenge your peers in order that a right decision can be made which will have a positve impact on our community.

Sincerely,

Jack & Christy Arndt
6424 Lake Washington Blvd. NE

Did EIS provide an e responsiblitieseingcitzensfrowarde

From:	alison barnes martin
To:	Potala EIS; Teresa Swan; Eric Shields; Jeremy McMahan; Kurt Triplett; Robin Jenkinson; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Byron Katsuyama; C Ray Allshouse; Glenn Peterson
Subject:	EIS
Date:	Tuesday, August 21, 2012 9:48:42 AM

Good Morning!

I just wanted to let you know my thoughts on the Draft EIS. It's flawed. There's no discussion regarding how projects meet the definition of Residential Market-Commercial that are suppose to be specifically identified for these properties! 1

Also, there were no alternatives studied! And there was no response to the citizen comments during the scoping period. I find this insulting. 2

Respectfully,

Alison Barnes
6620 Lake Washington Blvd.
Kirkland, WA 98033

From:	patrick barthe
To:	Potala EIS; Teresa Swan; Eric Shields; Kurt Triplett; Robin Jenkinson; Jeremy McMahan; Joan McBride; Doreen Marchione; Penny Sweet; Dave Asher; Toby Nixon; Bob Sternoff; Mike Miller; Jon Pascal; Jay Arnold; C Ray Allshouse; Byron Katsuyama; Andrew Held; Glenn Peterson
Subject:	City of Kirkland - EIS Draft
Date:	Monday, August 20, 2012 10:38:15 AM

I reside at 10108 NE 68th Street #2. I am writing in regards to the draft EIS. I don't believe the EIS determines whether or not Potala meets the definition of a Residential Market. Futhermore it did not determine whether Potala was defined as an "individual store or a small use building/center." 1

I appreciate that you take my thoughts into consideration. Thank you,

Patrick Barthe
206-351-8664
patrickbarthe@msn.com

From:	Betty Bonnett
To:	Potala EIS; Teresa Swan; Eric Shields; Jeremy McMahan; Kurt Triplett; Robin Jenkinson; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Byron Katsuyama; C Ray Allshouse; Glenn Peterson
Cc:	lwb77@comcast.net
Subject:	Draft EIS for Potala Project
Date:	Tuesday, August 21, 2012 2:49:06 PM

Dear All:
We have closely followed the progress of this proposed project and continue to have deep concerns. 1

The draft EIS does not adequately address how this project meets the definition of Residential Market – Commercial that identifies these properties.
Additionally, no alternatives – other than the developer's proposal of 143 units and a no-build alternative – were adequately studied. 2

We are the original owners of a condominium unit at Marina Pointe and have seen significant growth and change in the downtown area and in the area south of downtown along Lake St. during the ensuing years. Some of those changes have contributed positively to the character, vitality, and quality of our community. Some have not. However, none has portended greater potential for negative impact than the proposed high-density project you are now reviewing. 3

We continue to rely on your leadership and your exercise of good judgment in significantly limiting the density of this development to protect our investment, our safety, and our quality of life.

Respectfully,
Betty M. and William Bonnett
303 2nd St. S.
Apt. B4
Kirkland, WA 98033

From: Randall
To: Potala EIS
Subject: Potala EIS study
Date: Friday, August 24, 2012 2:06:21 PM

Please consider the following in your review of your EIS report of the proposed Potala development on the corner of Lake street South and 10th.

After reading the first publicly available draft of the EIS report, I found it to be legally in error as it was based on erroneous information supplied to the EIS personnel by the City of Kirkland regarding units per acre which are incongruent with city records for those properties (see below for detailed list). 1

My neighbors and us would like to know how the proposed Potala development fits or is in violation of the Comprehensive Plan's definition of Residential Market? 2

The first EIS draft suggested that exiting cars from the proposed site would not impede traffic if the cars turned right instead of left on Lake Street, but did not foresee that even one car attempting to turn left would result in deadlock of the traffic and cars waiting to exit the building. 3

We do not understand how the Potala proposed development can answer to the definition of Neighborhood Serving Businesses, by suggesting it lease space to medical offices instead of businesses serving a larger population of immediate neighbors such as a restaurant, ice cream parlor or any other business which answer better to Community Serving Spaces? 4

The following are corrections to the units per acre in surrounding developments. 5

Property #10 said the lot size was only 9343 sq ft but it is 41436 sq feet according to assessor records. Under the incorrect calculation this gave a density of 177 per acre where it was really only 40 per acre. Be prepared that the city will say that the difference occurred due to some of the property being underwater and they only counted property above waterline. This is an incorrect calculation as the HOA pays taxes on the larger amount of land.

Property #12 is Water's Edge – my condo - and the calculations are incorrect. It was miscalculated since Kirkland used 58469 sq feet when the property on the tax assessors records is 102564 sq feet. the city calculations are therefore 9.7 per acre when in reality the development is at 5.5 units per acre.

Property #24 had the city use a parcel size of 20299 where the assessor data shows 36537 sq feet. The city claimed 12.9 units per acre where it is only 7.4 units per acre.

Property #35 belongs to Karen Levenson. The city claimed that we have 16 units on the property but they only have 9. Their calculation was 32 per acre even though they only have 18 per acre.

Property #38 was listed as parcel size of only 5493 not the assessors size of 21869. The city incorrectly lists this as 39.7 per acre and it is only 10 per acre.

Property#39 is wrong, again because the property was listed at 3780 sq ft but it is much bigger...15319 sq

ft. The city's calculation is incorrect at 23 units per acre while it is really built at only 5.7 units per acre. 5 cont.

The city then left off 6 multifamily projects that are small duplexes.

The most egregious issue is that the city did not include the 81 single family properties in their calculations. The average density in the area is actually only 11 units per acre.

Further, your alternate proposals for the design of the building were based on what Mr. Dargey proposes for his apartment building. Please consider that his proposed structure is in review and has not been granted a building permit at this time, therefore, I would suggest any alternate design of the building or buildings on that site should rather be conceived from an empty lot and in unison with the neighborhood which is restricted to six to twelve units per acre. 6

When calculating average density in the neighborhood, please include residential properties since they are numerous in the immediate vicinity and cannot in good conscience be excluded from the equation. 7

I would suggest, whatever is built on the site should include extensive landscaping, setbacks, and a stepped roofline which would reduce the Lake Street façade from a simple vertical wall to the top story, to a stepped design broken up into a few structures. You need only drive down Lake Street to understand how these suggestions are mirrored in many condo buildings along the street. 8

If the City wishes to embark on a high density residential philosophy, they should not be looking at this isolated BN zoned property to fulfill their goals – it is inconsistent with the neighborhood and the supporting infrastructure of the area. 9

I thank you for your consideration of these points.

Randall Cohen and Karen Mannering
905 Lake Street South, #202 (Water's Edge)
Kirkland Wa 98033

From:	Ginnie DeForest
To:	Potala EIS; Teresa Swan; Eric Shields; Jeremy McMahan; Robin Jenkinson; Kurt Triplett; Joan McBride
Cc:	C Ray Allshouse; Jay Arnold; Andrew Held; Robin Jenkinson; Byron Katsuyama; Jeremy McMahan; Mike Miller; Jon Pascal; Glenn Peterson; Eric Shields; Kurt Triplett
Subject:	Potala EIS
Date:	Tuesday, August 21, 2012 12:32:47 PM

Having attended the hearing on the draft, it does not seem to me that it really deals with whether the Potala proposal meets the definition of residential market as described the the comprehensive plan as an individual store or very small mixed use building. 143 units of residential doesn't fit that description and professional offices may ot qualify as businesses to serve the neighborhood. 1

I would like to reiterate concerns re ingress and egress and traffic. I live on 1st St.So., whjch is one of three dead end streets whose only way in or out is 10th Ave. So. As 10th will be one of the heavily used routes from 405 to Potala, I envision problems getting out of the side streets to anywhere. In addition as it now stands if any vehicles larger than a sedan are parked on both curbs, it is really not wide enough for two way traffic. With current light traffic two cars going in opposite directions can find a gap to pull into to pass safely. With potential solid traffic at commute times on 10th, two lanes of traffic and two of parking will not work. 2

Thank you for consideration of these concerns.
Virginia DeForest
945 1st St. So., #101
Kirkland 98033

From:	Larry Saltz
To:	Potala EIS; Teresa Swan; Eric Shields; Jeremy McMahan; Kurt Triplett; Robin Jenkinson; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Byron Katsuyama; C Ray Allshouse; Glenn Peterson
Subject:	EIS Study
Date:	Tuesday, August 21, 2012 9:43:26 AM

Kathleen Dier
6214 101st Court N.E.
Kirkland, Washington

To Whom it Concerns;

I am surprised that many parts of the definition of Residential Market-Commercial were overlooked in the EIS. The draft EIS provided no alternative that is in line with "small building". A neighbourhood gathering site is important to me, as well as low intensity of units. 1

The EIS failed to respond to Citizen comments made during the scoping period and I ask that this be corrected. 2

Thank you for your time and attention to these matters..

Sincerely,

Kathleen Dier

From: jkfoster756@frontier.com
To: Potala EIS; tswan@kriklandwa.gov; Eric Shields; Jeremy McMahan; Kurt Triplett; rienkinson@kirklandwa.gov; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Byron Katsuyama; C Ray Allshouse; Glenn Peterson
Cc: jkfoster756@frontier.com
Subject: EIS for Potala Project at 10th & Lake WA Blvd...
Date: Tuesday, August 21, 2012 12:10:51 PM

Dear Follow Citizens:

I am writing again because of my interest that the project at 10th & Lake WA Blvd be the proper fit for the neighborhood.

The Environmental Impact Statement needs to address the issues of density and congestion. The current EIS does NOT provide an evaluation of whether Potala fits the Comprehensive Plan Definition of Residential Market. 1

The EIS does not evaluate whether proposed medical offices fit the Residential Market definition of Neighborhood Serving Businessess. Medical offices can fit into a residential area ie: former Lakeshore Clinic of State St. and low rise offices still on State St., but need careful planning and would seem to be a different category from Neighborhood Serving Businessess.

The EIS is flawed in that it only studied the proposal of 143 units and a no-build alternative. The lack of a lower intensity alternative (12 - 24 units) study does not respond to citizen comments during the input period. 2

Please address the above issues so that this project follows the correct guidelines. 3

Thank you for your attention to this matter.

Joan Foster
756 State St. Unit A
Kirkland WA 98033

From: Atis Freimanis
To: Potala EIS
Cc: Teresa Swan; Eric Shields
Subject: Comments regarding July 12, 2016 draft EIS for Potala Village Project
Date: Friday, August 24, 2012 2:12:05 PM

Dear city planners,

I am writing to provide comments regarding the July 12, 2012 draft EIS for the Potala Village Project - City File No. SHR11-00002 and SEP11-00004

The draft EIS has taken some encouraging first steps in assessing the potemtial impact of the proposed development, however there are a number of areas where the
analysis is incomplete or completely missing key points that need to be corrected. 1

- The proposal does not "Create a development that is compatible with the surrounding area."
- The proposal is not considered to be "an asset to Kirkland's citizens," nor does it "create an attractive residential mixed use development,". These are fatal flaws.

The EIS does not consider the impact of the project being inconsistent with the Comprehensice Plan. Only two options are provided - do nothing and the project as submitted by the developer. Minimally a third option, based on the Residential Market definition described in the Comprehensive Plan needs to be added. Ideally, there should be a fourth option considered based on building bulk and lot coverage fully consistent with neighboring properties. 2

Of the current options presented in the EIS, breaking the project into 3 separate buildings is closest to the surrounding bulk and mass, however the detail provided in the projections does not provide enough specificity to understand the true aesthetic nature of the buildings. For this reason, the city should implement a public participation design review as part of the EIS scope.
Further to bulk and scale, all options provided show a shadow that falls over the east property line which will have a strong negative impact on the amount of light to adjascent gardens and windows. To mitigate, the setbacks need to be increased to 20 feet and the top floors of the structure need to be terraced. Also, a single structure along the full length of the east property line will not allow a breezeway of air from the lake. This is further impetus for the project to be separated in to multiple buildings. 3

Virtually no consideration has been given to water flow and water runoff impacts from the project. There is an underground stream on the southern end of the property that may be impacted once digging starts. Additionally, the water runoff from up the hill is currently filtered and processed by the existing soil on the property, virtually all of which will be removed. This is a major shortfall in the EIS analysis and it needs to be corrected. The analysis needs to include the impact of all soil being removed and the remaining hard surfaces allowing potentially contaminated surface water from getting to the lake and sewer system unfiltered. Note that placement of a deep retaining wall can also have impacts on underground water backing up and flooding neighboring properties to the east. Also, the proposed excavation will be below lake level and may seep underground parking polutants into the lake. The question of water flow has not been sufficiently considered in the EIS 4

and needs to be completed.

The current proposal calls for the removal of every living plant, tree and animal on the property. 5

There has been no mitigation described that considers this impact. Excavation of all the soil has not be considered rigorously enough - hauling away the soil in a safe manner will require many dump trucks, most likely two secion dump trucks with limited manouverability. Wear and
tear on the roads as well as traffic impacts have not been taken into account. 6

When we look at traffic overall, the EIS calculations/conclusions do not reflect reality. The traffic analysis is flawed in that th ecurent amount of peak traffix along LWB is already at unacceptable levels, let alone adding traffix from a significant project. I am submitting a DVD showing traffic backed up past Kidd Valley Burgers almost to Carrilon Point. This is all prior to the project being started. The additional impact of hundreds of cars from the project as well as construction traffic has not been considered. No consideration has been given to the problems that project residents will have when trying to exit from a single driveway when the first car is waiting to turn left during morning rush hour. Residents will start parking on the street to ensure getting to work on time. Eventually, traffic control mechanisms preventing left turns and/or traffic lights will be needed. Traffic impacts of moving vans at the first/last of every month have not been considered (estimate 143 units with average 12 month lease could mean and average of 11 moving out vans and 11 moving in vans blocking the boulevard at the start/end of each month). These items have not been considred as part of the traffic analysis. 7

The EIS draft is an encouraging start, but it is significantly flawed in its scope and needs to be reworked to consider and mitigate the full environmental impacts of this project. 8

I am advocating that the EIS be rescoped to take into account the following: 9
- further options to the do nothing and project as submitted variants
- use of the Comprehensive Plan as a definition of at least one of the further options
- full and extensive study of the various water issues described above
- increased setbacks and terracing to address light. breezeway between buildings.
- largest building to not exceed bulk/scale of neighboring properties
- lot coverage not to exceed that of neighboring properties
- design review of specifc project plans to ensure aesthetics
- review of traffic impacts to consider the reality of traffic, not using an obviously flawed model

Respctfully,

Atis Freimanis
10108 NE 68th St Apt 4
Kirkland, WA 98033

From:	Dione Godfrey
To:	Potala EIS; Teresa Swan; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Byron Katsuyama; Glenn Peterson; C Ray Allshouse; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan
Subject:	Potala EIS - Chap 3.1 Misleading re: Land Use/Density
Date:	Sunday, August 12, 2012 1:16:14 PM
Attachments:	DEIS_for_Potala_and_Neighbor_Corrections_to_Density_Calculations.xls Potala_Chapter_3.1_with_neighbor_notations.pdf

Hello:

My name is Dione Godfrey and I live within the area that was described as the study area for the Potala EIS. I live in a single family home and want to know why homes like mine were severely mis-represented in the land use portion of the EIS. 1

My address is 1015 Lake Street S. I am directly across the street from the proposed Potala Development and the density calculation for my property is 2.3 units per acre. Many of the single family homes have similarly low "densities." Kirkland's documents for Citywide EIS, afterall state that we measure residential land use intensity directly as units per acre. The hired group tries to put this off as the proxy for building size, however our neighbor group and 800 signatures has told you the units per acre is what matters to us. This is not a proxy for anything else. 2

Back to single family homes and the snub that we've received from the EIS consultants. They state that the majority of the study area is multifamily buildings with only a scattering of single family homes. ONLY A SCATTERING? There are 81 single family homes that make up the land use pattern in the chosen study area. That is twice as many single family buildings as there are multifamily buildings. The EIS Consultants are supposed to be unbiased, so did they just make a large mistake? 3

The EIS consultants state in a later chapter (3.3) that there are 5 story buildings in the study area when in fact the vast majority are 2 story buildings (69) several are 1 story (39) and only 14 are three stories. Check out the records gathered by neighbors and attached to my email. There is not a single four or five story building. Is this another mistake? 4

The consultants made 15 errors in their table 3.1-8 which describes multifamily structures. 40% mistakes.

They state that 733 Lake St S is built at 177/acre when in reality it is only 40 per acre.

They state that densities range from 10-177/acre in this area when actually densities range from 1-40/acre and there are only 4 instances exceeding 24/acre. The 4 outliers were built in 1968 and would not be allowed again. 5

So, I guess the question is not whether the entire EIS needs to be rewritten, but who pays for it. Legally you cannot 6

use this type of inaccurate data in evaluating land use that will affect the legal property rights of the neighbors.

6 cont.

Thank you for taking the steps to correct these errors as well as the numerous other errors in the draft EIS.

I have attached a spreadsheet showing the facts researched by neighbors and an annotated copy of chapter 3.1 showing numerous misrepresentations that need correcting.

7

Sincerely,

Dione Godfrey
1015 Lake St S
Kirkland WA 98033

ID on Map	Parcel Number	Link to Assessor	# of Bldgs	# of Stories	total # of units	Lot Sq Ft	Lot Acres	EIS Calculation	Address	Neighbor Calculation
1	5555000000	http://info.kingcour	2	3	4	16695	0.38	10.4	711 1ST ST S	10.53
2	1720800400	http://info.kingcour	1	2	4	9000	0.21	19.4	121 7TH AVE	19.05
3	1720800335	http://info.kingcour	1	2	3	6000	0.14	21.8	714 1ST ST S	21.43
4	2560880000	http://info.kingcour	1	2	2	6002	0.14	14.5	720 1ST ST S	14.29
5	4098500000	http://info.kingcour	1	3	11	39938	0.89	12.3	725 1ST ST S	12.6
6	8937000000	http://info.kingcour	1	2	4	8400	0.19	20.7	730 1ST ST S	21.05
7	2560900000	http://info.kingcour	2	2	4	13868	0.32	12.6	734 1ST ST S	12.5
8	3810950000	http://info.kingcour	1	3	11	42233	0.97	11.3	735 1ST ST S	11.34
9	7698200000	http://info.kingcour	1	3	38	41436 not	0.95	177	733 Lake S	40
10	8127900000	http://info.kingcour	2	3	23	37900 not	0.87	23.4	807 Lake S	26.43
11	9197570000	http://info.kingcour	2	3	13	102564 not	2.35	9.7	905 LAKE ST	5.53
12	192410000	http://info.kingcour	4	2	8	27900	0.64	12.5	816 LAKE ST	12.5
13	2286600000	http://info.kingcour	1	2	4	11100	0.25	15.7	935 1ST ST S	16
14	3298580000	http://info.kingcour	1	2	4	16078	0.37	10.8	945 1ST ST S	10.81
15	825059209	http://info.kingcour	1	2	4	7365	0.17	23.7	8 10TH AVE S	23.52
16	825059272	http://info.kingcour	1	2	7	8772	0.2	34.8	20 10TH AVE	35
17	7698320000	http://info.kingcour	1	2	2	7492	0.17	11.6	735 STATE ST	11.74
18	7981500000	http://info.kingcour	4	2	4	15874	0.36	11	751 STATE ST	11.11
19	825059276	http://info.kingcour	1	2	4	16624	0.38	10.5	903 STATE ST	10.53
20	3888350000	http://info.kingcour	2	2	4	14754	0.34	11.8	911 STATE ST	11.76
21	825059238	http://info.kingcour	2	1	2	17939	0.41	4.9	904 3RD ST S	4.87
22	9354900055	http://info.kingcour	2	2	5 NOT 4	17998	0.41	9.7	912 3RD ST S	12.2
23	9195250000	http://info.kingcour	1	3	6	36537 not	0.84	12.9	1003 LAKE ST	7.14
24	9354900370	http://info.kingcour	1	3	9	17500	0.4	22.4	303 10TH AVE	22.5
25	1419780000	http://info.kingcour	1	2	12	22330	0.51	23.4	315 10TH AVE	23.53
26	9354900430	http://info.kingcour	1	2	2	9000	0.21	9.7	333 10TH AVE	9.5
27	825059244	http://info.kingcour	1	1	3	8880	0.2	14.7	1017 STATE S	15
28	825059024	http://info.kingcour	5	3	60	101750	2.34	25.7	10212 NE 68th	25.64
29	6641300000	http://info.kingcour	2	2	8	18150	0.42	19.2	10108 NE 68T	19.05
30	6818000000	http://info.kingcour	4	3	56	102700	2.36	23.8	6750 NE LAKE	23.73
31	7804260000	http://info.kingcour	1	3	12	29486	0.68	17.7	6736 LAKE W/	17.84
32	8662700000	http://info.kingcour	2	2	7	28687	0.66	10.6	6714 LAKE W/	10.61
33	825059219	http://info.kingcour	1	1	2	8450	0.19	10.3	6707 LAKEVIE	10.53
34	6640800000	http://info.kingcour	1	3	9 NOT 16	21621	0.5	32	6620 LAKE W/	18
35	9320450000	http://info.kingcour	2	3	16 (in 2 bld	30928	0.71	12.7	6627 LAKEVIE	22.5
36	Multiple	multiple	8	2	21	80593	1.85	11.4	Marsh Commo	11.35
37	1310400000	http://info.kingcour	1	2	5	21869 not	0.5	39.7	6721 LAKE W/	10

38	825059114	http://info.kingcour	1	1	2	15319 not	0.35	23	1025 LAKE ST	5.71		
J STEPHEN	1720800480	http://info.kingcour	1	2	2	7050	0.16	12.5	709 1ST ST S	12.5	MISSING MULTIFAMILY	
BC HARASI	3892100010	http://info.kingcour	1	2	2	7279	0.17	11.76	740 3RD ST S	11.76	MISSING MULTIFAMILY	
BD HARASI	3892100005	http://info.kingcour	1	2	2	7279	0.17	11.76	744 3RD ST S	11.76	MISSING MULTIFAMILY	
BH HILLEAF	4149300035	http://info.kingcour	1	1	2	7080	0.16	12.5	944 1ST AVE S	12.5	MISSING MULTIFAMILY	
CB 10th and	8578700000	http://info.kingcour	7	3	7	31085	0.71	9.86	314 10TH AVE	9.86	MISSING MULTIFAMILY	
CN BOETTC	9354900410	http://info.kingcour	1	1	2	8750	0.2	10	323 10TH AVE	10	MISSING MULTIFAMILY	
A Key, Vash	825059204	http://www5.kingcc	1	1	1	14587	0.33	3	1011 Lake St	3		
B GODFREY	825059174	http://info.kingcour	1	2	1	18276	0.42	2.3	1015 LAKE ST	2.3		
C STYLE RC	825059298	http://info.kingcour	1	1	1	22528	0.52	1.92	6735 LAKE WA	1.92		
I STEPHENS	1720800485	http://info.kingcour	1	2	1	6360	0.15	6.66	711 1ST ST S	6.66		
K CAUNT V	1720800315	http://info.kingcour	1	2	1	7002	0.16	6.25	704 1ST ST S	6.25		
L SMITH MI	1720800320	http://info.kingcour	1	2	1	1001	0.11	9	706 1ST ST S	9		
M PRITT LA	1720800390	http://info.kingcour	1	1	1	6000	0.14	7.14	709 2ND ST S	7.14		
N PRITT LA	1720800365	http://info.kingcour	1	2	1	6000	0.14	7.14	715 2ND ST S	7.14		
O PRITT LA	1720800350	http://info.kingcour	1	2	1	9000	0.21	4.76	None Assigned	RS 8.5		
P PRITT LA	3892100130	http://info.kingcour	1	2	1	23954	0.55	1.8	733 2ND ST S	1.8		
Q KESSLEF	1720800214	http://info.kingcour	1	2	1	6000	0.14	7.14	702 2ND ST S	7.14		
R DELVECC	1720800215	http://info.kingcour	1	2	1	6000	0.14	7.14	708 2ND ST S	7.14		
S Storie Mar	1720800235	http://info.kingcour	1	2	1	12000	0.28	3.57	714 2ND ST S	3.57		
T JACOBS J	1720800255	http://info.kingcour	1	1	1	6000	0.14	7.14	722 2ND ST S	7.14		
U DELVECC	3892100060	http://info.kingcour	1	1	1	7666	0.18	5.55	728 2ND ST S	5.55		
V DIELLO E	3892100055	http://info.kingcour	1	1	1	8000	0.18	5.55	742 2ND ST S	5.55		
W UNG SRU	1720800305	http://info.kingcour	1	2	1	2100	0.05	20	211 7TH AVE S	20		1946
X O'NEILL J	1720800306	http://info.kingcour	1	2	1	3900	0.09	11.11	221 7TH AVE S	11.11		
Y YOUNG D	1720800295	http://info.kingcour	1	1	1	6000	0.14	7.14	709 3RD ST S	7.14		
Z YOUNG D	1720800285	http://info.kingcour	1	1	1	6000	0.14	7.14	711 3RD ST S	7.14		
AA CLAY BF	1720800275	http://info.kingcour	1	2	1	7500	0.17	5.88	713 3RD ST S	5.88		
AB KAEHLE	1720800265	http://info.kingcour	1	2	1	7500	0.17	5.88	723 3RD ST S	5.88		
AC YONKE	3892100065	http://info.kingcour	1	2	1	4665	0.11	9.09	729 3RD ST S	9.09		
AD LUNA G	3892100071	http://info.kingcour	1	1	1	8065	0.19	5.26	731 3RD ST S	5.26		
AE BOB STI	1720800105	http://info.kingcour	1	2	1	7500	0.17	5.88	255 7TH AVE S	5.88		
AF MARRA	1720800115	http://info.kingcour	1	2	1	7500	0.17	5.88	710 3RD ST S	5.88		
AG BOSCH	1720800130	http://info.kingcour	1	1	1	6000	0.14	7.14	712 3RD ST S	7.14		
AH BOSCH	1720800140	http://info.kingcour	1	2	1	3000	0.07	14.28	714 3RD ST S	14.28		1900
AI ROSNOV	1720800145	http://info.kingcour	1	2	1	6000	0.14	7.14	720 3RD ST S	7.14		
AJ HECK S	3892100020	http://info.kingcour	1	2	1	7279	0.17	5.88	728 3RD ST S	5.88		
AK BRATOF	3892100015	http://info.kingcour	1	1	1	7279	0.17	5.88	730 3RD ST S	5.88		

AL FALK RC	1720800190	http://info.kingcour	1	2	1	4680	0.11	9.09	703 STATE ST	9.09
AM SMYTH	1720800195	http://info.kingcour	1	2	1	3872	0.09	11.11	705 STATE ST	11.11
AN MILEWS	1720800180	http://info.kingcour	1	1	1	5700	0.13	7.69	709 STATE ST	7.69
AO RUITER	1720800170	http://info.kingcour	1	2	1	5700	0.13	7.69	713 STATE ST	7.69
AP PUJOL M	1720800154	http://info.kingcour	1	2	1	4271	0.1	10	717 STATE ST	10
AQ ZHOU S	1720800155	http://info.kingcour	1	2	1	4271	0.1	10	721 STATE ST	10
AR JOUBEF	3892100022	http://info.kingcour	1	2	1	4002	0.09	11.11	727 STATE ST	11.11
AS BRENT I	3892100023	http://info.kingcour	1	2	1	4007	0.09	11.11	731 STATE ST	11.11
AT SATRE F	192400050	http://info.kingcour	1	2	1	8098	0.19	5.26	905 1ST ST S	5.26
AU EVF INC	192400030	http://info.kingcour	1	1	1	9763	0.22	4.55	915 1ST ST S	4.55
AV LOW SU	192400070	http://info.kingcour	1	1	1	10,764	0.25	4	906 1ST ST S	4
AW VOLDAI	192400060	http://info.kingcour	1	1	1	8444	0.19	5.26	None Assigned	5.26
AX JEWELL	192400090	http://info.kingcour	1	1	1	8444	0.19	5.26	745 2ND ST S	5.26
AY VELDAL	192400080	http://info.kingcour	1	1	1	8582	0.2	5	None Assigned	5
AZ MATHEV	3892100050	http://info.kingcour	1	1	1	10793	0.25	4	744 2ND ST S	4
BA MATHEV	3892100045	http://info.kingcour	1	2	1	10773	0.25	4	746 2ND ST S	4
BB SCHUM/	3892100080	http://info.kingcour	1	1	1	15729	0.36	2.77	739 3RD ST S	2.77
BE TUBBES	192400020		1	2	1	10479	0.24	4.17	925 1ST ST S	4.17
BF HYATT D	825059184	http://info.kingcour	1	2	1	4799	0.11	12	None Assigned	12
BG BRASHE	192400040	http://info.kingcour	1	1	1	9405	0.22	4.55	930 1ST ST S	4.55
BI PAGE GA	4149300040	http://info.kingcour	1	2	1	7080	0.16	6.25	950 1ST AVE S	6.25
BJ LOOMIS	4149300005	http://info.kingcour	1	1	1	6357	0.15	6.66	100 10TH AVE	6.66
BK GLASEF	4149300010	http://info.kingcour	1	2	1	6357	0.15	6.66	110 10TH AVE	6.66
BL COOK P	4149300015	http://info.kingcour	1	1	1	6357	0.15	6.66	130 NE 10TH S	6.66
BM MEADO	4149300020	http://info.kingcour	1	2	1	6357	0.15	6.66	931 2ND ST	6.66
BN CORE T	4149300025	http://info.kingcour	1	1	1	7080	0.16	6.25	925 2ND ST S	6.25
BO MATHEV	4149300030	http://info.kingcour	1	1	1	7080	0.16	6.25	917 2ND ST S	6.25
BP VOLDAL	825059020		1	1	1	12672	0.29	5	None Assigned	5
BQ MATTH	825059070	http://info.kingcour	1	2	1	49140	1.13	0.88	905 3RD ST S	0.88
BR MATHEV	9354900135	http://info.kingcour	1	2	1	6800	0.16	6.25	910 2ND ST S	6.25
BS BINFOR	9354900150	http://info.kingcour	1	2	1	6500	0.15	6.66	916 2ND ST S	6.66
BT IVES TH	9354900165	http://info.kingcour	1	1	1	7500	0.17	11.76	922 2ND ST S	11.76
BU BROOLI	9354900180	http://info.kingcour	1	2	1	8800	0.2	5	921 3RD ST S	5
BV MATHEV	9354900195	http://info.kingcour	1	2	1	4900	0.11	12	913 3RD ST S	12
BY MATHEV	9354900210	http://info.kingcour	1	1	1	6550	0.15	6.66	909 3RD ST S	6.66
BZ DOW TA	9354900065	http://info.kingcour	1	2	1	7201	0.17	11.76	300 10TH AVE	11.76
CA REISMA	9354900085	http://info.kingcour	1	2	1	6000	0.14	7.14	310 10TH AVE	7.14
CC MAKI PA	9354900025	http://info.kingcour	1	1	1	13260	0.3	3.33	330 10TH AVE	3.33

CD GREEN	9354900260	http://info.kingcour	1	1	1	10000	0.23	4.35	29 10TH AVE S	4.35
CE SABEGH	9354900280	http://info.kingcour	1	2	1	4000	0.09	11.11	111 10TH AVE	11.11
CF SABEGH	9354900279	http://info.kingcour	1	2	1	4000	0.09	11.11	113 10TH AV S	11.11
CG LARSE	9354900300	http://info.kingcour	1	2	1	4529	0.1	10	135 10TH AVE	10
CH MOSA D	9354900295	http://info.kingcour	1	2	1	5472	0.13	7.69	137 10TH AVE	7.69
CI SINGH C	9354900320	http://info.kingcour	1	1	1	6000	0.14	7.14	205 10TH AVE	7.14
CJ CLARK K	9354900330	http://info.kingcour	1	1	1	4543	0.1	10	215 10TH AVE	10
CK WOLVEI	9354900335	http://info.kingcour	1	1	1	3708	0.09	11.11	209 10TH AVE	11.11
CL PETRAI	9354900340	http://info.kingcour	1	2	1	4543	0.1	10	223 10TH AVE	10
CM GUPTA	9354900345	http://info.kingcour	1	2	1	3708	0.09	11.11	217 10TH AVE	11.11
CO MEYER	825059187	http://info.kingcour	1	1	1	7200	0.17	11.76	1007 STATE S	11.76
CP QUILL J	4151800005	http://info.kingcour	1	1	1	14387	0.33	3.03	6713 LAKEVIE	3.03

Average density is 11.56

3

ENVIRONMENTAL ANALYSIS

This chapter analyzes the impacts of the Proposal and the No Action Alternative on the following elements of the environment:

- Land Use
- Plans and Policies
- Aesthetics
- Transportation
- Construction Impacts

This analysis reviews the affected environment, potential significant impacts, and mitigation measures for each element of the environment. The affected environment discussion describes the current character and environment on the project site and surrounding area. The impact analysis describes potential significant impacts associated with implementation of the alternatives. Mitigation measures identify regulatory requirements and other potential measures to reduce the significant environmental impacts of the alternatives.

3.1 LAND USE

3.1.1 Affected Environment

The analysis area for land use patterns consists of the proposal site and surrounding area. For purposes of reviewing neighborhood land use patterns, we have examined land use patterns in an area generally bounded by Lake Washington to the west, State Street to the east, 7th Avenue South to the north and NE 64th Street to the south (see Figure 3.1-1).

The study area is described.

Land Use Patterns

Project Site

Based on data from the King County Department of Assessments, the project site consists of 52,600 sf, or approximately 1.21 acres. Topographically, the site consists of two relatively flat

areas separated by a steep grade change that runs north south through the approximate center of the site (See Figure 2.9). The eastern portion of the site sits about ten feet higher than the western portion of the site.

The northeastern portion of the site is developed with a private single family residence and shed. This area is landscaped with lawn and ornamental landscaping(See Figure 3.1-2). Access to this portion of the site is from 10th Avenue South. Pedestrian access is provided via a sidewalk on 10th Avenue South. The southeastern portion of the site is undeveloped and covered in brush and shrubs.

FIGURE 3.1-1 STUDY AREA

Adjacent to the corner of 10th Avenue South/Lake Street South, the northwest portion of the site is developed with a 2,114 sf commercial building containing a dry cleaner and restaurant and paved parking area. In the remainder of the western portion of the site, there is some remnant asphalt pavement and concrete slabs from a prior use. The western portion of the site contains shrubs, deciduous trees (alder, cottonwood and maple), and brush primarily along the southern edge and in the steep slope area (See Figure 3.1-3). Access to the western portion the site is from Lake Street South. Pedestrian access is via a sidewalk on Lake Street South. A crosswalk is located at Lake Street South and 10th Avenue South.

Surrounding Area

Immediately adjacent to the site, properties are developed for residential uses. Directly west of the site, properties are developed with single family and multifamily waterfront residential buildings. Public waterfront access is provided by Settler's Landing, a small public park with 60 linear feet of waterfront. To the north and south, adjoining properties are developed with multifamily residential buildings. To the east, adjoining properties are developed with a single family residential building and multi-family development (See Figure 3.1-4).

In the larger surrounding area, the majority of the area is developed with multifamily residential uses, especially to the north and south along Lake Street South/Lake Washington Boulevard (See Figure 3.1-5).

In this area, the only exceptions to the multifamily residential development pattern are a few scattered single family residences, public waterfront parks and a small commercial use on the corner of NE 64th Street/Lake Washington Boulevard. In addition to Settler's Landing, larger

In the study area the majority are SINGLE FAMILY NOT MULTI FAMILY
(81 are 1-2 story Single Family buildings, 44 are 1-3 story MF Buildings)

waterfront parks include David E. Brink Park to the north and Marsh Park to the south (See Figure 3.1-6). To the east, property is developed with a mix of single and multifamily residential development (See Figure 3.1-7).

FIGURE 3.1-2 EXISTING DEVELOPMENT EASTERN PORTION OF SITE

FIGURE 3.1-3 EXISTING DEVELOPMENT WESTERN PORTION OF SITE

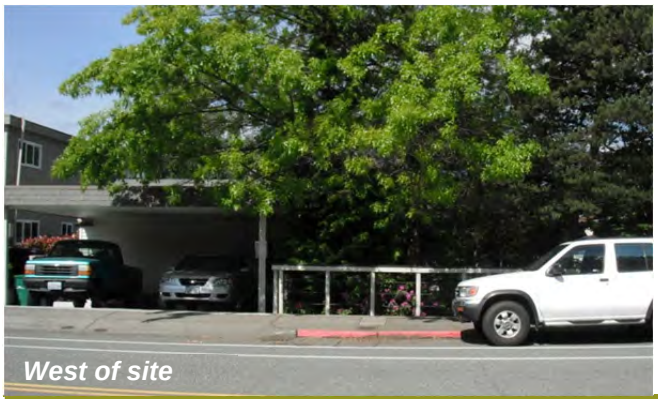


FIGURE 3.1-4 ADJOINING DEVELOPMENT

FIGURE 3.1-5: EXISTING DEVELOPMENT EXAMPLES: LAKE STREET S/LAKE WASHINGTON BOULEVARD

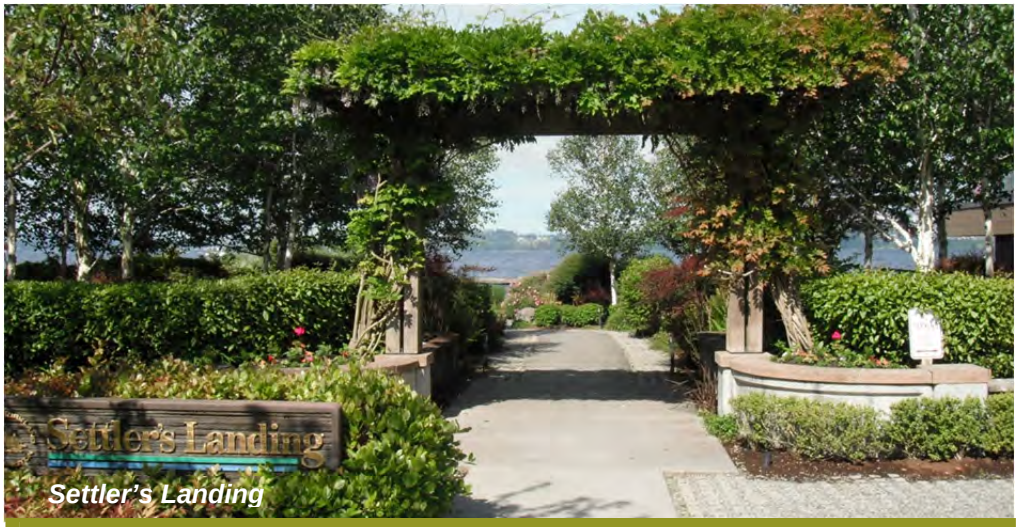


FIGURE 3.1-6 WATERFRONT PARKS

FIGURE 3.1-7 EXISTING DEVELOPMENT EXAMPLES: 10TH AVENUE SOUTH

1 NOTE: Kirkland's 2004 EIS states that in Kirkland we measure intensity of use as residentia density in units per acre and commercial use areas are measured by Floor Area ratios. While some jurisdictions may measure residential density by things like lot coverage, etc, that is not the method chosen with the EIS for the Comp Plan in Kirkland

Density

Overview

Density is generally defined as the amount of residential development permitted on a given parcel of land. It is typically measured in dwelling units per acre – the larger the number of units permitted per acre, the higher the density; the fewer units permitted, the lower the density. Minimum lot area per dwelling unit requirements are a common direct way to regulate density.

There are 43.560 square feet in one acre. Four units per acre equals a minimum lot size of 10,890 sf; 8 units per acre, 5,445 sf; 24 units per acre, 1,815 sf, etc.

1 Alternatively, jurisdictions may elect not to address density directly, but rather use development standards, such as lot coverage, maximum height and parking standards, to control the overall size, intensity and density of development.

Many jurisdictions, including Kirkland, use both approaches as a way to regulate density. In residential zones (single family and multifamily), the Kirkland's Zoning Code establishes minimum lot area per dwelling unit for each residential zone (see Table 3.1-1). Residential uses are also allowed in many of the City's commercial zones, including the Community Business (CB), Neighborhood Business (BN), Central Business District (CBD), Totem Lake (TL), Juanita Business District (JBD), and Rose Hill Business District (RHBD) zones. In

2 these commercial zones, residential densities are not regulated by lot size, but rather by development standards, such as building height, lot coverage, parking standards, setback requirements and other similar standards.

Table 3.1-1 City of Kirkland Residential Zones

Zoning Designations	Minimum Lot Area per Dwelling unit (SF)	Units per Acre
RS 35	35,000	1.24
RS 12.5	12,500	3.48
RS 8.5	8,500	5.12
RS 7.2	7,200	6.05
RS 6.3	6,300	6.91
RS 5.0	5,000	8.7
RM 3.6	3,600	12.1
RM 2.4	2,400	18.2
RM 1.8	1,800	24.2

Source: City of Kirkland Zoning Code

Existing Densities

As shown in Figure 3.1-8, multifamily residential densities surrounding the project site vary significantly. In general, the majority of the surrounding area is developed with multifamily residential densities ranging roughly between 10 to 30 units per acre. Immediately north, south and west of the project site, developed multifamily residential densities range from 10 to 40 units per acre. Property immediately east of the subject site is developed with a mix of single and multifamily development, although located in a medium density (RM 3.6) zone.

3 The study area ranges from 1-40 per acre with only 4 of 126 properties being greater than 24/ac. These 4 were built in 1968

3 Majority is not Multifamily! 2/3 of the bldgs are Single Family

Why ignore single family homes?

5 In the larger surrounding area, developed residential densities range from a low of 5 units per acre to a high of 177 units per acre, with most of the developments at 10 to 40 units per acre. Because many of these properties are less than one acre in size, actual development is proportional to the ratio of the site size to one acre. The highest density development in the area, at 177 units per acre, contains 38 units on a lot size of 9,343 sf. This development was constructed when the lakebed area was allowed to be included in the density calculation. This is no longer permitted, only upland area is used to calculate density and overwater structures are no longer permitted.

5 Whole paragraph is garbage 15 miscalculations in the identified 38 properties 177/acre is actually 40/ac

2 Actually the historical documents show that residential use was totally removed for BN zones that were made "Residential Market - Commercial." Also Res Mkt-Commercial was to be a new very low (lowest) intensity use due to taffic ingress and egress problems at the site of each of the Residential Market - Commercial properties. Final note: Kirkland is in the process of looking at density caps in commercial zones

No.	PIN	No. of Units	Lot Size	Units Per Acre	SqFt per Unit
1	5555000000	4	16,695	10.4	4,174
2	1720800400	4	9,000	19.4	2,250
3	1720800335	3	6,000	21.8	2,000
4	2560880000	2	6,002	14.5	3,001
5	4098500000	11	38,938	12.3	3,540
6	8937000000	4	8,400	20.7	2,100
7	2560900000	4	13,868	12.6	3,467
8	3810950000	11	42,233	11.3	3,839
9	7698200000	38	9,343	177.2	246
10	8127900000	23	42,833	23.4	1,862
11	9197570000	13	58,469	9.7	4,498
12	1924100000	8	27,900	12.5	3,488
13	2286600000	4	11,100	15.7	2,775
14	3298580000	4	16,078	10.8	4,020
15	0825059209	4	7,365	23.7	1,841
16	0825059272	7	8,772	34.8	1,253
17	7698320000	2	7,492	11.6	3,746
18	7981500000	4	15,874	11.0	3,969
19	0825059276	4	16,624	10.5	4,156
20	3888350000	4	14,754	11.8	3,689
21	0825059238	2	17,939	4.9	8,970
22	9354900055	4	17,998	9.7	4,500
23	9195250000	6	20,299	12.9	3,383
24	9354900370	9	17,500	22.4	1,944
25	1419780000	12	22,330	23.4	1,861
26	9354900430	2	9,000	9.7	4,500
27	0825059244	3	8,880	14.7	2,960
28	0825059024	60	101,750	25.7	1,696
29	6641300000	8	18,150	19.2	2,269
30	6818000000	56	102,700	23.8	1,834
31	7804260000	12	29,486	17.7	2,457
32	8662700000	7	28,687	10.6	4,098
33	0825059219	2	8,450	10.3	4,225
34	6640800000	16	21,621	32.2	1,351
35	9320450000	9	30,928	12.7	3,436
36	Mutpl	21	80,593	11.4	3,838
37	1310400000	5	5,493	39.7	1,099
38	0825059114	2	3,780	23.0	1,890

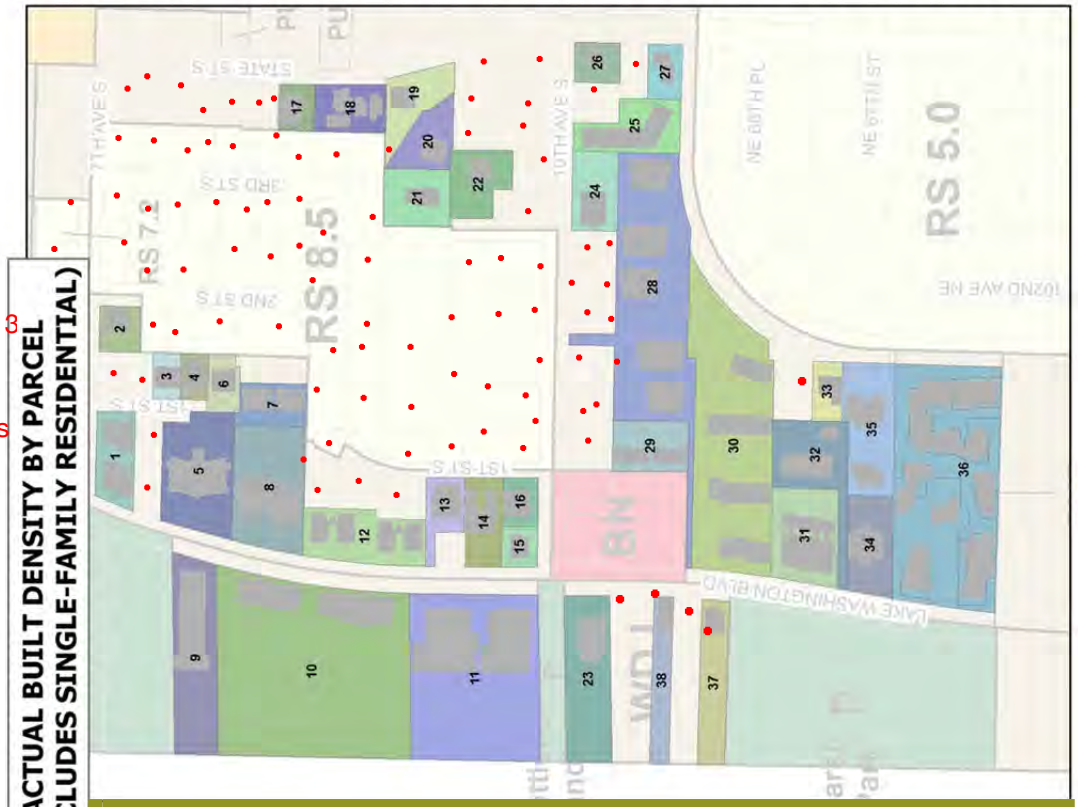


FIGURE 3.1-8 MULTIFAMILY DENSITIES

Why exclude all the single family residential???

There are nearly 3 times as many singlenfamily developments as multifamily buildings!!!

NOTE:
Dots indicate single family

Source: City of Kirkland

IMPORTANT: There are a total of 15 errors in these 38 density calculations. For example: #34 is my condo bldg and it has 9 units not 16. The density therefore is 18/acre not 32. The property size for #37 was incorrect. It is actually a density of 10/acre not 40. This leaves only 3 developments larger than 24/acre. #28 and #16 both built in 1968, and #9 was miscalculated with an incorrect site size. It was built at a density of 40/acre (NOT 177) over the water in 1969. This overwater is no longer allowed and, in general, the east side of LWB has different restrictions than the west side due to western properties being along the shoreline.

Comment letters submitted during the appropriate comment period stated that density was not a proxy but an independent issue involving things like loss of privacy to next door neighbors, ingress/egress, light, sound, feeling of crowdedness. Ingress and egress are also much different than traffic congestion.

Characteristics of Density

In public policy discussions, density is sometimes used as a proxy for other community characteristics, including design quality, traffic congestion, property values and others. In preparation of this EIS, a short review of available information on the impacts of density was conducted. In general, much of the available information is based on a macro, neighborhood or community-wide impacts and does not address single site impacts. It is recognized that conditions at a single site can vary significantly from the macro-level conclusions described below.

The following is a brief summary of information from the Environmental Protection Agency (EPA), Urban Land Institute (ULI), American Institute of Architects (AIA) and other sources with respect to density and community character, traffic congestion, and property values.

- **Community Character**. In general, publications note that design, rather than density, drive community character. The following is an excerpt from *Livability 101*, from the AIA:

They just found citations to support the project. There are equal citations on the other side of the issues. Furthermore note the comments of emphasizing continuity and respect of existing neighborhood. Also to positively impact property values density must be "well placed" with attractive design and landscaping

In terms of building community, the most critical test of design quality is whether the new development enriches and enlivens the public realm. In existing neighborhoods, new buildings should emphasize continuity with existing neighborhood fabric, including similar materials, continuity along the street, and massing that establishes a sense of respect for nearby buildings. For any new construction, the street level should be designed to engage pedestrians, with lively retail use wherever possible and facades that feature multiple doorways and avoid blank walls. Buildings should use handsome, durable materials, particularly at and near street level, that convey a sense of commitment to being a good neighbor for years to come.[1]

- **Traffic congestion.** A study by the University of California Energy Institute considered 2001 National Household Transportation Survey data to document the relationship between fuel usage and land use density. This study found that, for area-wide densities greater than 50 units/square mile, total annual mileage on all household vehicles and total fuel usage generally decline with increasing housing density. Similarly, the ULI reports that doubling density decreases the vehicle miles travelled by 38%.[2] At the site-specific level, however, it is acknowledged that the additional of residential units can impact local traffic congestion. Please see Section 3.4 of this Draft EIS for discussion of potential transportation impacts associated with the proposal.

- **Property Values.** In *Higher-Density Development Myth and Fact*, the ULI notes that the value of real estate is determined by many factors and isolating the impact of one factor can be difficult. The publication cites several studies and concludes that multifamily housing has either no impact or potentially a slightly positive impact on appreciation rates. In particular, researchers at Virginia Tech University have concluded that over the long run, well-placed market rate apartments with attractive design and landscaping actually increase the overall value of detached houses nearby. The report further states that citizens should use the entitlement process to demand

1 American Institute of Architects. Liveability 101. 2005.
2 Urban Land Institute. Higher-Density Development Myth and Fact. 2005.

high-quality development in their communities while understanding that density and adjacent property values are not inversely related.

These publications point to the benefits of well-designed higher density housing at a community-wide basis. Because site-specific characteristics can vary widely, they do not address impacts, either positive or negative, at the site level. However, they do suggest that, even at the site-specific level, good design may be a key factor in maintaining and strengthening community character and preserving property values. Please see the aesthetics discussion in Section 3.3 of this Draft EIS for a review of aesthetics impacts and mitigating measures for the proposal.

Regulatory Overview

This totally ignores that BN zones had changes made to them over the years. One BN zone was made BN(1) to add farther restrictions upon the BN zone. The BN zone at 10th and Lake St S was given restrictions that it must meet the definition of Residential Market. This is not addressed at all in the review by the EIS. At the community meeting the EIS Consultants stated they would fully review the Residential Market description and restrictions then they completely left it out.

City of Kirkland Zoning Code

Project Site

When BN property had Residential Mkt - Commercial restrictions added, residential use was completely, intentionally removed as a permitted use and no longer allowed

The subject property is zoned Neighborhood Business (BN). Kirkland Zoning Code Section 40.10 establishes the use and development standards for the BN zone.

Permitted uses include a range of retail uses, private club or lodge, office, stacked dwelling units, church, school/daycare center, assisted living facility and convalescent center/nursing home. For residential and office uses such as the proposed action, the BN zone requires minimum setbacks of 20 feet from front property lines, 10 feet from rear property lines, and five feet from side property lines with both side yards equaling a total of 15 feet; maximum lot coverage of 80%; and maximum building height of 30 feet above average building elevation[3]. There is no minimum lot size established for office or minimum lot area per unit for stacked dwelling units. Required on-site parking is one space for each 300 sf of gross general office floor area, one space for each 200 sf of gross medical office floor area and 1.7 spaces for each dwelling unit (See Table 2-1).

In addition, the BN zone lists two special regulations that apply to stacked dwelling units:

1. This use, with the exception of a lobby, may not be located on the ground floor of a structure.

2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Chapter 95 KZC establishes the requirements for landscape buffers. For stacked dwelling units in the BN zone, the ground floor use determines the applicable landscape buffer.

Based on a proposed ground floor office use, the proposal must meet the requirements for Landscape Category C. For Landscape Category C, Section 95.42 establishes that if the adjoining property is a low density use, then landscaping that complies with Buffering Standard 1 is required. When property adjoins a medium or high density residential use, landscaping must comply with Buffering Standard 2.

[3] KZC 5.10.045 defines average building elevation as the weighted average elevation of the topography, prior to any development activity, either (1) under the footprint of a building as measured by delineating the smallest rectangle which can enclose the building footprint and then averaging the elevations taken at the midpoint of each side of the rectangle, or (2) at the center of all exterior walls of a building or structure.

Buffering Standard 1 requires a 15-foot wide landscaped strip with a 6-foot high solid screening fence or wall. The buffer must be planted with a mix of trees, shrubs and living ground cover as established in Section 95.42 KZC.

Buffering Standard 2 requires a 5-foot wide landscaped strip with a 6-foot high solid screening fence or wall. The buffer must be planted with a mix of trees and living ground cover as established in Section 95.42 KZC.

KZC 95.42.5 establishes that, where there are multiple buffering requirements along the same property line, a gradual transition between the different land use buffers must be provided and must occur totally within the area with the less stringent buffering requirement. The specific design of the transition must be approved by the City.

Based on a proposed ground floor retail use, the proposal must meet the requirements for Landscape Category B. Landscape Category B requires compliance with Buffering Standard 1 if the adjoining property is low, medium or high density use or zoning. As noted above, Buffering Standard 1 requires a 15-foot wide landscaped strip with a 6-foot high solid screening fence or wall. The buffer must be planted with a mix of trees, shrubs and living ground cover as established in Section 95.42 KZC.

Chapter 5 KZC defines a land use buffer as any structural, earth or vegetative form that is located along a boundary for the purpose of minimizing visual and noise impacts. Land use buffers may include, but are not limited to, berms, high shrub, dense stands of trees, trellises and fences.

Surrounding Area

As shown in Figure 3.1-9, zoning designations in the surrounding area include RM 3.6 to the north, east and south and WDI to the west. Also, a corner of an RS 8.5 zone is adjacent to the northeast corner of the site. Chapter 5 KZC defines the RM 3.6 and WD I zones as medium density zones and RS 8.5 as a low density zone. Primary uses and development standards for these zones are summarized in Table 3.1-2.

RM 3.6 and WD 1 zones allow up to 12 units per acre and RS 8.5 allows 5 units per acre. All allow only 60% lot coverage and require significant property line set backs.

So how does 118/acre fit? How is 80% lot coverage similar or compatible... especially since it will be built across 3 lots unlike any other building in the area

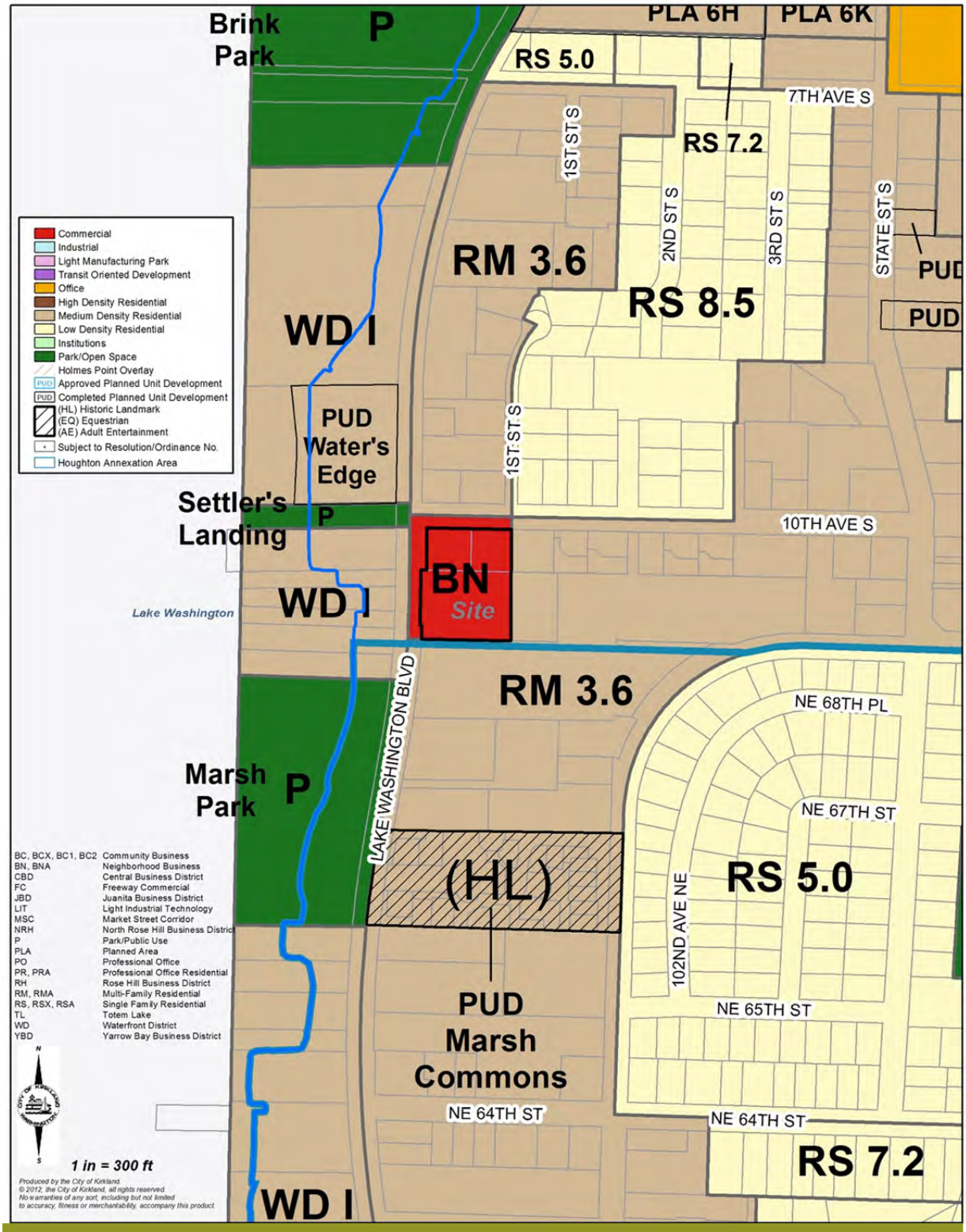


FIGURE 3.1-9 STUDY AREA ZONING DESIGNATIONS

Source: City of Kirkland

Table 3.1-2 Zoning Standards

	RM 3.6	WD I	RS 8.5
Permitted Uses	Detached dwelling units Attached, stacked dwelling units Church Piers, docks, boat lifts serving dwelling units School/daycare center Limited retail uses Assisted living facility Nursing home Public utility Government/Community Facility Public park	Detached dwelling units Attached, stacked dwelling units Public access facility Piers, docks, boat lifts serving dwelling units Marina Restaurant/tavern Public park Public utility Government/Community Facility Assisted living facility Boat launch Water taxi	Detached dwelling units Church School/day care Golf course Public utility Government/Community facility Public park
Minimum Lot Area per Unit	3,600 sf for residential uses 12/acre	3,600 sf for residential uses 12/acre	8,500 sf for residential units 5 per acre
Maximum Structure Height	25' to 30'[1]	30'	25'
Maximum Lot Coverage	60% to 70%[2] lot coverage is only allowed greater than 60% if nursing home	80%	50% to 70%[2] lot coverage is only allowed greater than 50% if nursing home

1. *Height standards are based on adjoining zoning designations. For example, if adjacent to a low density zone (other than RSX), height is limited to 25' above average building elevation. Otherwise, a 30 ft height is permitted.*
2. *Lot coverage varies based on the use. For example, in the RM 3.6 zone, residential development is limited to 60% lot coverage, a convalescent center or nursing home to 70%, etc.*

Source: City of Kirkland

This is a major bone of contention with the neighbors. The parcels were changed from shoreline residentia designation to Urban Mixed without notice and not discussed with city council or highlighted in their packet. Plain black and white text covertly made this change. Residential would have maintained 12 units per acre maximum and 60% lot coverage.

Shoreline Master Program

Kirkland's Shoreline Master Program (SMP) contains policy direction for how Kirkland's water bodies governed by the Shoreline Management Act (SMA) should be treated, including land use designations, development, conservation and restoration goals and policies. Lake Washington is classified as a shoreline of statewide significance and therefore all lands within 200 feet of the lake's ordinary high water mark are subject to the jurisdiction of the SMA and the provisions of Kirkland's SMP.

On the project site, approximately 10,386 square feet is within the 200 foot shoreline area (see Figure 3.1-10) and is designated "Urban Mixed" which is defined as "high intensity land uses, including residential, commercial, recreational, transportation and mixed-use development." The Department of Ecology found the "Urban Mixed Use" environment designation for a portion of the site consistent with the SMA and WAC 173-26 (State Master Program Guidelines), when it approved the City's Shoreline Environments Designation Map in 2010. Only the portion of the site in the designated shoreline area is subject to the SMP requirements.

The required SMP development permit for the proposed action is a Shoreline Substantial Development Permit (SDP). Kirkland Zoning Code Chapter 83 establishes permitted uses and development standards for the Urban Mixed Use designation as follows:

- Maximize site development potential within the context of regulatory requirements and environmental and market conditions. Allowed uses: Stacked dwelling units, office and retail uses are permitted with approval of an SDP.
- Minimum lot area per unit: 1,800 square feet for multifamily residential; no minimum for commercial uses. Minimum lot size requirements apply only to the area within the shoreline jurisdiction. On June 7, 2011, the City approved an amendment to Chapter 83 that removed the minimum lot size requirement for multifamily residential, in order to match the BN zoning standard. However, the Proposal was submitted before the amendment was approved and is subject to the 1,800 sf minimum lot area per unit standard for the area within the shoreline jurisdiction.
- Structure height: 41 feet maximum for all uses.
- Maximum lot coverage: 80% for all uses.

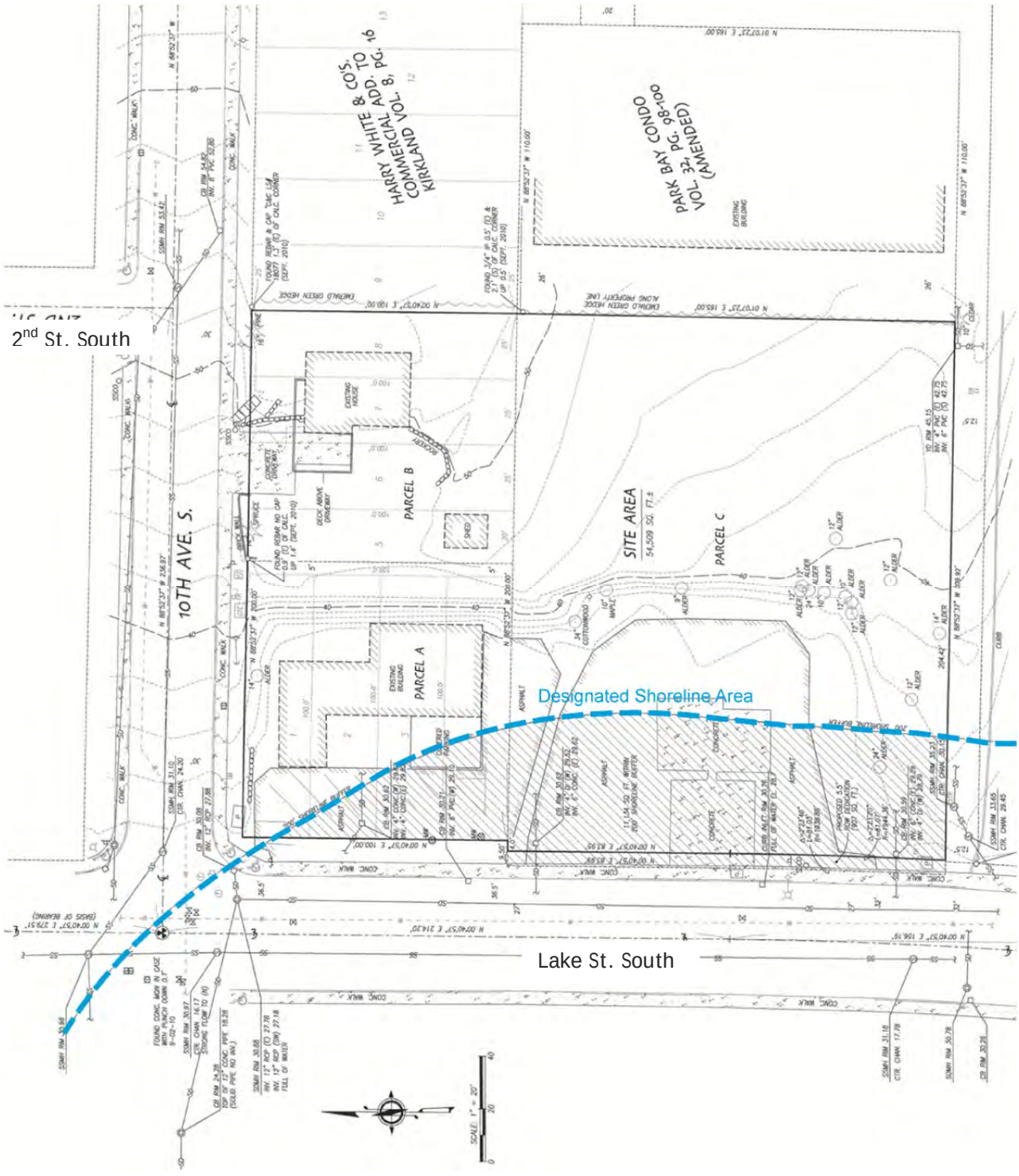


FIGURE 3.1-10 SHORELINE DESIGNATION AREA

Source: City of Kirkland, Charles Morgan & Associates

3.1.2 Significant Impacts

Alternative 1 (No Action)

All of these comparisons are crazy. Neighbors asked for a lower intensity alternative and a consultant to the city suggested it would be a good idea but the developer asked for the EIS be scaled back to fit into his budget.

Land Use Patterns

Under the No Action alternative, there would be no change to the site. The existing single family residence in the northeastern portion of the site and commercial buildings on the lower portion of the site would remain as the currently existing. No additional development would occur on the site.

Since the site would experience no change from existing conditions, it is not anticipated that new significant land use compatibility impacts would result from the No Action Alternative. Because much of the surrounding area is well landscaped and maintained, existing site features in 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.

Alternative 2

Of course the citizens want something built here and discarded items, etc should be cleaned up no matter what.

Land Use Patterns

Under the Proposed Action, use of the site would be intensified with redevelopment for 143 residential dwelling units, approximately 6,200 sf of office space and supporting parking. Existing retail, restaurant and single family residential uses would be replaced by multifamily residential and office uses. Existing site structures would be demolished and vegetation removed and replaced with the proposed development. The existing site elevation would be significantly altered, particularly in the eastern portion of the site.

Incorrect: 2/3 of bldgs are actually Single Family

As described previously, the site is surrounded by properties that are zoned for and primarily developed in a multifamily land use pattern. The proposal is for a mixed use development in which multifamily housing would predominate. From this perspective, the Proposed Action would be consistent with the surrounding land use pattern. As required under the BN zoning, a portion of the ground floor of the Proposal would be for office use. While no office use was observed in the study area, the proposed office area is limited to 6,200 sf and is not expected to significantly impact existing land use patterns in the area.

Along the northeast boundary of the site, adjoining development consists of single family residences in a medium density residential zone. Along this edge, potential height and bulk impacts could be mitigated through appropriate use of landscape buffers. The proposed landscape buffers would be located in trenches along the east property line and much of the north and south property lines, resulting in buffers that would be significantly below the elevation of adjoining properties. At finished grade, the buffer would be 12 feet or more below the top of the retaining wall. Along the north and south property lines, landscape buffers would also be below retaining walls, gradually rising to meet adjoining grades toward the western part of the site. As assessed by the City's Urban Forester, much of the proposed landscape buffer area would not receive adequate sunlight, likely resulting in die-off of lower branches and hindered long-term tree growth. Adequate drainage and root growth area are also concerns.[4] Because buffer plantings would not be visible from adjoining properties and are unlikely to thrive, the proposed landscape buffer would not meet its intended purpose.

[4] Personal communication. Deborah Powers, City of Kirkland Planning and Community Development. June 2012.

Not True: There were 15 miscalculations in their 38 property selection. The highest density, once corrected was 40/acre and there were only 3 other properties > 24. Two are 26 units per acre and one is 35 units per acre. All were built under non-restrictive zoning in 1968 & 1969

Density

With 143 units on a 1.21 acre site, the proposal would result in a density of approximately 118.4 dwelling units per acre. As shown in Figure 3.1-9, this is at the high end, but within the range of densities found in the study area. As noted in the discussion of density above, the primary impacts of density are likely to be associated with site aesthetics and traffic congestion. These topics are discussed in Sections 3.3 and 3.4, respectively, in this Draft EIS.

Regulatory Requirements

The proposal meets the fundamental use standards for the BN zone and for the Urban Mixed designation in the designated shoreline area. It should be noted that the shoreline Urban Mixed designation at the time the Proposal was submitted required a minimum lot area per unit of 1800 sf. Within the 10,370 sf designated shoreline area, a total of 5.77 units would be allowed. Rounding up is permitted if the density calculation result in a fraction greater than .50, resulting in a total of six permitted units in this area. The applicant is proposing five dwelling units in this area, consisting of two units on the third floor, two units on the fourth floor and one unit on the fifth floor (see Appendix 1).

Again this ignores the fact that these properties had their BN zone farther restricted in 1995 and every year since. Urban Mixed was done on the sly.

Based on Chapter 95 KZC and the proposed ground floor office use, landscape buffers of at least 15 feet in width are required adjacent to the single family use to the east and at least five feet in width adjacent to the medium density use to the south and along the southern part of the eastern boundary. As shown in the landscape plan (Figure 2.3), the Proposal meets or exceeds the width requirements, but does not meet the requirement for a gradual transition between the differing land use buffers along the east property line.

It should be noted that the proposed buffer widths would not permit ground floor retail uses, which require a 15-foot wide buffer adjacent to all residential uses adjoining the site.

In addition, depending on the location, the proposed site elevation of the buffer area would be below the elevation of the adjacent properties and 10th Avenue South (See Figure 2-3 and Appendix 1). Vegetation planted in these buffers would be visible from the new units within the site, but would not be visible from the adjoining properties or 10th Avenue South for many years, if ever. As proposed, the buffers would not meet the intent of minimizing the visual impact of the development.

3.1.3 Mitigating Measures

Applicable Regulations and Commitments

The proposed development would be required to comply with applicable provisions of the Kirkland Zoning Code and Shoreline Master Program. Adherence to these regulations will help ensure that the proposal is consistent with the surrounding land use pattern.

As required by Section 95.42 KZC, required landscape buffers shall provide effective screening for adjacent properties. The proposed site plan needs to be revised to meet the intent of the required landscape buffers. Modifications to the proposed site plan to meet this requirement could include shifting the retaining walls along the east, north and south property lines from the outer edge of the buffer to the inner edge and installing the landscape buffer between the

All mitigations are worthless in actually mitigating the issues. They are like purchasing a candy bar and small water bottle when you are told to get food and water in case of an earthquake.

Yes you purchased food and water but it will be worthless having you prepared for many days of survival

retaining walls and property lines, widening the buffers to provide an adequate area along the retaining walls for a raised platform so that planted vegetation provides screening above the fence line at time of planting, or other measures as approved by the City.

In addition, to meet the requirement of 95.42.5 KZC, the proposed site plan needs to be revised to provide for a gradual transition in buffer widths along the east property line.

Other Mitigation Measures

In order to allow for future retail use of the site, landscape buffers would need to be modified to meet the standard for Buffering Standard 1 which requires a 15-foot width.

3.1.4 Significant Unavoidable Adverse Impacts

The proposal would result in a greater density of land use on the project site. This change to the land use pattern to include multifamily use is consistent with the surrounding land use pattern and the Kirkland Zoning Code. With recommended mitigation, no significant unavoidable adverse impacts are anticipated.

As shown throughout the markups, land use intensity is already cited in Kirkland as being measured in units per acre and not any other method of calculation.

Then throughout the document there are misstatements claiming the majority of the area is multifamily buildings wherein that is categorically untrue. The vast majority are actually Single Family Homes of (about 50% one story bldgs). Only 44 of 125 buildings are multifamily in the area.

Even the multifamily structures tend to be small. 6 are single story, 24 are two stories tall and only 14 are 3 stories. There are no structures greater than 3 stories.

The change to use pattern is very inconsistent and is not consistent with Kirkland zoning code. Our code states that where there is a conflict between zoning and later passed ordinances and plans the most restrictive provisions apply. Even taken liberally this would mean that 12 units per acre is the most residential that is

From:	Pamela Goral
To:	Potala EIS; Teresa Swan; Eric Shields; Jeremy McMahan; Kurt Triplett; Robin Jenkinson; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Byron Katsuyama; C Ray Allshouse; Glenn Peterson
Subject:	POTALA EIS STUDY
Date:	Tuesday, August 21, 2012 9:47:53 AM

Dear Sirs:

The Draft EIS Study for the Potala project is flawed and must be redone! There were no alternatives studied other than the developer proposal of 143 and a no-build alternative. This provided no alternative that is in line with a "small building" or "integrate into the neighborhood." This lack of a lower intensity alternative (12-24 units per acre) also failed in that it did not respond to citizen comments raised during the scoping period. 1

Please reconsider this study with the best interests of Kirkland, the neighborhoods directly impacted by the Potala project and the outcry from the citizens. 2

Sincerely

Pamela Goral

From:	Robin Herberger
To:	Potala EIS; Teresa Swan; Eric Shields; Jeremy McMahan; Kurt Triplett; Robin Jenkinson; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Byron Katsuyama; C Ray Allshouse; Glenn Peterson
Subject:	POTALA DEIS PUBLIC COMMENT: Use of Commercial Space, etc.
Date:	Tuesday, August 21, 2012 12:22:35 PM
Attachments:	Letter #1 Re DEIS.docx

Dear City Officials:

Attached are comments on the Potala DEIS with regard to the use of commercial space and some other issues.

Thank you.

Robin Herberger
Kirkland, WA

August 21, 2012

RE: Public Comments on DEIS
Potala Village Mixed-Use Development
City File No. SHR11-00002 and SEP11-00004

Dear City Officials:

Plowing through the Draft Environmental Impact Statement for Potala Village Kirkland has been like swimming through a sea of misrepresentations, glaring omissions, and outright lies. 1

I've been gathering my thoughts, and really don't know where to begin with my comments and objections. I guess I will plunge into the first of my letters with a comment about a very basic point which the DEIS does not address: the fact that the proposal by **developers Lobsang Dargey and Tamara Agassi Dargey** is to build a medical office and other offices in space designated for small, local retail establishments according to the zoning regulations for "Neighborhood Business-Residential Market." 2

The purpose for the City's zoning designation – and its namesake - of the patchwork of parcels on which the Dargeys are attempting to build Potala was named for the very thing their proposal lacks!

Residents have brought this point up with the City, the Planning Commission, and the developers time and again for over a year, and the Dargeys have remained defiant about thumbing their noses at the City's zoning regulation regarding their insistence on building medical and other offices, as they have been with many other Potala-related matters.

WHERE ARE THE SERVICE STORES? THE COMMUNITY GATHERING PLACE?
The Comprehensive Plan clearly states that commercial use of this site is only for a small grocery store or other small service stores for the neighborhood, or a community gathering place – none of which is part of the Dargeys' Potala Village Kirkland plan. And NONE of these items is discussed, analyzed or evaluated in the DEIS. They need to be.

WHERE IS THE ANALYSIS OF VEHICULAR INGRESS AND EGRESS ISSUES? 3
Another vital issue omitted from the DEIS, but which needs to be addressed, is an evaluation of how the Potala proposal squares with the Comprehensive Plan's statement that the site: 1) "is not suitable for commercial development;" and 2) "has problems concerning vehicular ingress and egress." Neither of these issues were addressed, analyzed, or evaluated in the DEIS. They need to be.

DARGEY EXCEPTIONALISM 4
Why has the City allowed this pattern of defiance by the Dargeys to go unchallenged? **Why are Lobsang Dargey and Tamara Agassi Dargey singled out by the City for exceptional, favorable treatment in acceding to their unlawful demands?** The public has a right to know, and to demand public redress.

THE DEIS IS COMPLICIT IN DARGEY EXCEPTIONALISM

And now we get a DEIS from the City of Kirkland/Inova Planning Communications Design LLC/Deborah Munkberg that feeds into the Dargeys' defiance - that blatantly attempts to support their insistence on skirting the laws of Kirkland - by not addressing the commercial usage issue, among others. 4 cont.

AN INCOMPLETE DEIS, AND ONE THAT IS BIASED AND MISREPRESENTS ISSUES, IS ILLEGITIMATE AND MAKES THE CITY VULNERABLE TO LEGAL ACTION AND PUBLIC OUTRAGE 5

The Comprehensive Plan, which is supposed to serve as our guide, says that what is built on property zoned as Neighborhood Business-Residential Market should include small, neighborhood retail stores that serve the community. Makes sense. Medical offices and other office facilities are not included in the zoning designation, and yet the DEIS includes no evaluation of how/if Potala meets the zoning criteria regarding its commercial space. The City cannot allow the DEIS author, Inova/Deborah Munkberg, to get by with that, and must demand analysis of this issue. To do otherwise is to be complicit in Dargey Exceptionalism, and that, I believe, opens the City up to a myriad of legal issues it would be unwise to take on.

BACK TO THE DRAWING BOARD

The City must require that the DEIS include an analysis of how the Potala proposal meets or DOES NOT MEET the zoning requirement for a neighborhood business, as the City demands. 6

Fairness, common sense, and a commitment to the laws of zoning require that this must be done. To sum up, **the DEIS must be redone**, and cover the following:

1. The medical office and other office space is illegitimate in a Neighborhood Business-Residential Market zoned property, and the DEIS must address, analyze and evaluate this element of Potala Village Kirkland.
2. The DEIS must address, analyze and evaluate the lack of small stores and service businesses that are supposed to serve the neighborhood in projects built on Neighborhood Business-Residential Market zoned property. (Why even HAVE this zoning designation if the City is not going to force compliance with requirements?)
3. The DEIS must address, analyze and evaluate how the medical/office plans for Potala Village are compatible with the Comprehensive Plan which states that the site "is not suitable for commercial development."
4. THE DEIS must address, analyze and evaluate the impact of a 316-stall parking garage on a site which the Comp Plan states "has problems concerning vehicular ingress and egress issues." 7

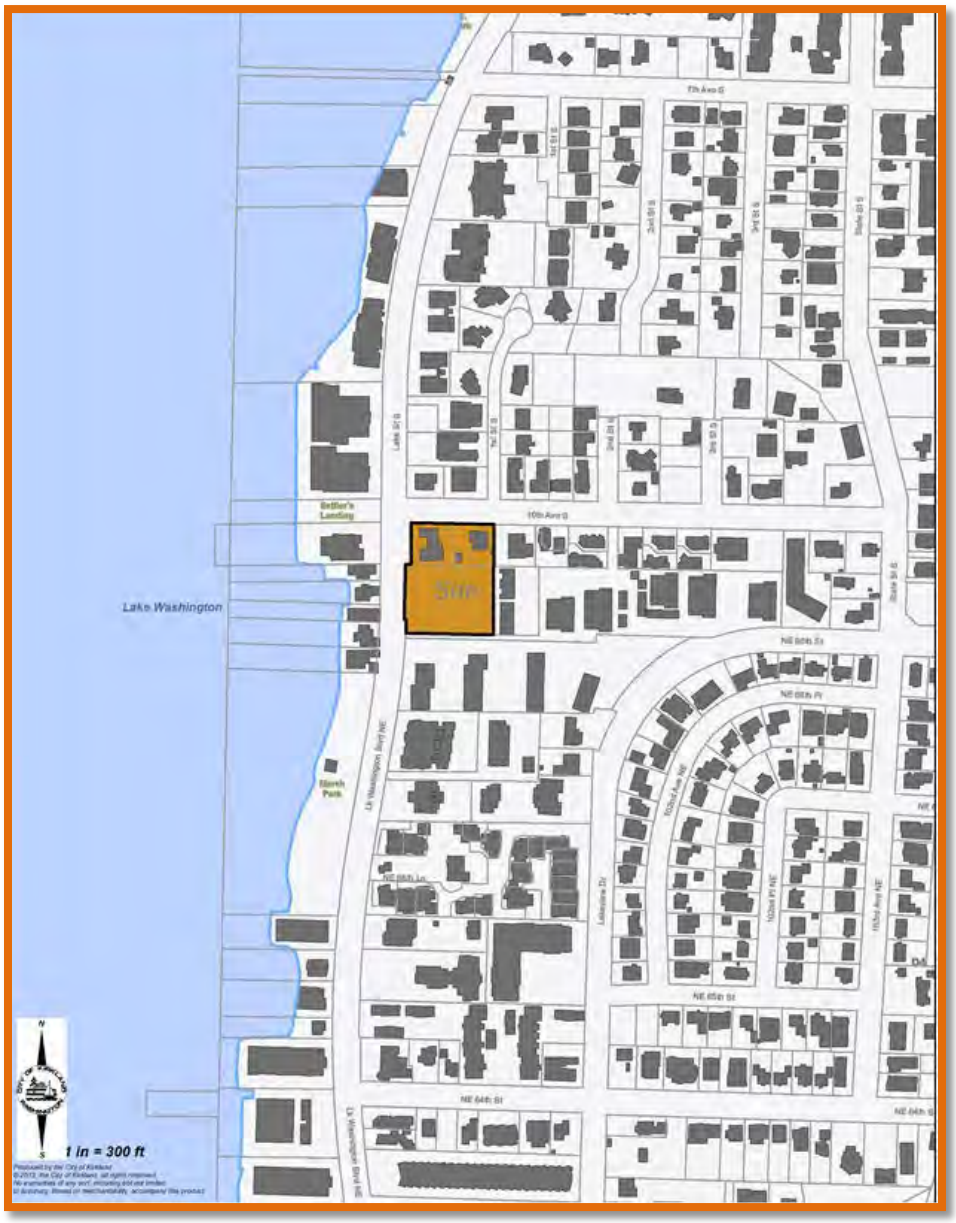
Thank you.

Robin Herberger
6401 Lake Washington Blvd., NE
Kirkland, WA 98033

(PAGE 3 FOLLOWS)

A picture is worth a thousand words.

8 WHICH OF THESE THINGS IS NOT LIKE THE OTHERS?



From:	Robin Herberger
To:	Potala EIS; Teresa Swan; Eric Shields; Jeremy McMahan; Kurt Triplett; Robin Jenkinson; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Byron Katsuyama; C Ray Allshouse; Glenn Peterson
Subject:	POTALA DEIS PUBLIC COMMENT: False Residential Density Data Skews Study
Date:	Thursday, August 23, 2012 12:36:15 PM
Attachments:	Herberger DEIS Comment #2.docx CHART - Density Discrepancies.docx

Dear City Officials:

Attached is a letter and chart to be included as part of the public comments on the Potala DEIS. Thank you.

Robin Herberger

Discrepancies in City of Kirkland Potala Village Mixed Use Development Draft EIS
Chapter 3, Environmental Analysis, Figure 3.1-8: Multi-family Densities
(Information appearing in DEIS appears below on blue bands. Calculations by Robin Herberger are in red.)

#	PIN	ADDRESS	NAME	#Units	Lot Size	Units/Acre	Notes
9	7698200000	733 Lake St S		38	9,343	177.2	
					41,436	40	**City of Kirkland/Inova/Deborah Munkberg inflate units/acre by 440%!** By far, this is the **most egregious and obvious mistake**, and the one touted by Munkberg repeatedly in the DEIS as (falsely) showing far more density than the 118 units/acre proposed Potala project. **In fact, the correct units/acre on this property is 4.4 TIMES SMALLER THAN THE DEIS CLAIMS! This is an outrageous lie for which there are only two explanations: 1) City of Kirkland/Inova/Munkberg intentionally highballed the units/acre by an incredible 440% to falsely give Dargey a density on LWB higher than his 118 units/acre, skewing the results; or 2) Munkberg is incompetent, and has no business conducting a DEIS for the City of Kirkland.**
34	6640800000	6620 LWB	The Park	16	21,621	32.2	
				9		**18**	City of Kirkland/Munkberg claim is 31% higher than correct units/acre.
37	1310400000	6721 LWB	The Cambria	5	5,493	39.7	
					21,869	**10**	City of Kirkland/Munkberg claim is 75% higher than correct units/acre.
38	0825059114	1025 Lake St S		2	3,780	23.0	
					15,319	**6.6**	City of Kirkland/Munkberg claim is 71% higher than correct units/acre.
28	0825059024	10212 NE 68th St	Lake Vista Apts.	60	101,750 (2.3 acres)	25.7	No discrepancy in calculation here, but I included this property, listed by the City/Munkberg, to show what the density would be if Lake Vista Apartments was allowed to be built to the Dargey/Potala standard of 118 units/acre. There are 60 existing units, but built to 26 units/acre compared with 118 units per acre for Potala, which is only 1.2 acre compared to Lake Vista's 2.3 acres. If Lake Vista Apts. was built to the proposed Potala Standard, there would be 260 units on this site!

August 23, 2012

RE: Public Comments on DEIS
Potala Village Mixed-Use Development
City File No. SHR11-00002 and SEP11-00004

- **Due to false data and misrepresentations contained in the DEIS, the City of Kirkland needs to demand a DEIS do-over of study-area residential density calculations and the inclusion of single-family residential density figures to obtain a truthful characterization of the surrounding neighborhood of the proposed Potala Village Kirkland, in order to have a legitimate basis to judge and determine residential density characteristics and compatibility issues. These false data affect the DEIS as a whole, and corrected data will significantly change conclusions that have been made therein by Inova/Deborah Munkberg.**

2

Dear City Officials:

3

Well, it's Christmas in August for the Dargeys! DEIS delivers TWICE the goodies for developers **Lobsang Dargey and Tamara Agassi Dargey**. How? First, in a DEIS packed to the hilt with presents in the form of lies, misrepresentations and sleight-of-hand tricks in an attempt to give cover and supportive "documentation" to assist **these novice apartment developers** build their proposed monster project, Potala Village Kirkland.

And, secondly, who doesn't want a White Christmas? The City of Kirkland and **Inova Planning Communications Design LLC/Deborah Munkberg** deliver a real **snow job** in an attempt to smother the public's project opposition, and to give Lobsang Dargey and Tamara Agassi Dargey a soft place to land.

440% WRONG

Wow! You REALLY have to work at it, to be 440% wrong. But, evidence shows that the City of Kirkland and Inova/Munkberg are up to the task. Their DEIS is replete with so many obvious factual errors that one can only conclude after reading it that the report's objective is to mislead the public with the purpose of aiding and assisting developers Lobsang Dargey and Tamara Agassi Dargey build their proposed project of **unprecedented density, size, scale, and impact**. Surely, a truly independent, professional, experienced firm that conducts legitimate and unbiased Environmental Impact Studies would not have allowed such egregious errors as appear in the DEIS - ALWAYS skewed in favor of the developer, by the way . . . ALWAYS.

And, of course, the biggest whopper is a lie about **RESIDENTIAL DENSITY, the main concern the public has expressed about Potala Village Kirkland.** Residential density ranks as the top single objection to Potala, even above size, character and scale. How does the DEIS tackle the density issue? **For one thing, by the City inflating the residential density of an area condo by 440% to give a false "top-line" so the study can claim that Potala's 143-apartment design is within the scope of existing density. Inova/Munkberg OWNS the data by allowing it to be part of its study.** They claim that the property at 733 Lake Street S has a residential density of 177 units per acre. In fact, its density is 40 units per acre – which is SIGNIFICANTLY higher than any other area property. Either the City or Inova/Munkberg are: 1) incompetent; or 2) deliberately highballing the 733 Lake St density number to skew the study in developers' favor and give the public false data to believe 143 units per

THE INOVA/MUNKBERG/POTALA DEIS – A CONDUIT FOR GETTING FALSE, MISLEADING, DEVELOPER-FRIENDLY INFORMATION INTO THE PUBLIC DOMAIN

This blatantly false information supplied by the City of Kirkland and Inova/Deborah Munkberg got passed on to the general public, as they no doubt hoped it would, in a "Kirkland Reporter" article. Fortunately, the good reporter sourced the false data to the study, but the idea that the residential density of Potala is within an acceptable range for the neighborhood is now in the public consciousness. In an article published July 13, 2012 about the DEIS, reporter Carrie Rodriguez writes:

> "Another area of controversy is whether the project is compatible with the surrounding neighborhood character. Many opponents are concerned that the project is too dense. With 143 units on a 1.21 acre site, the proposal would result in a density of approximately 118.4 dwelling units per acre. This is at the high end, but within the range of densities found in the study area, according to the EIS."

BACK TO THE DRAWING BOARD

The City must require that Inova Planning Communications Design LLC/Deborah Munkberg re-do the DEIS and conduct an accurate and fair study of the residential densities in the neighborhood of the proposed project, Potala Village Kirkland. **The "re-do" must be required in the interest of fairness, common sense, and a commitment to the integrity of the DEIS process**. In re-doing the DEIS, Inova/Munkberg must:

1. Recalculate the residential densities for all area condos and apartment buildings listed in the study and use the corrected date to determine an accurate neighborhood average density number.
2. The study did not include all multi-family properties in the area. The redone DEIS must add the omitted multi-family properties (I believe there are 6) in the area, correctly calculate their residential densities, and add to the residential equation.
3. Include neighborhood single-family residences in the survey. Omitting residential density of single-family homes, which comprise the overwhelming majority of neighborhood residences, obviously skews the judgments and conclusions of the DEIS, rendering it wholly inaccurate and useless.
4. Revise every element of the DEIS that used the false data of residential densities, and use the corrected data, after completing items 1-3, for the basis of determining conclusions about the study area residential density and, therefore, the compatibility of the proposed Potala Village Kirkland with the neighborhood.

3 cont.

Thank you.

Robin Herberger
6401 Lake Washington Blvd., NE, #403
Kirkland, WA 98033

(Page 4 follows)

A picture is worth a thousand words.

4

WHICH OF THESE THINGS IS NOT LIKE THE OTHERS?

From:	Robin Herberger
To:	Potala EIS; Teresa Swan; Eric Shields; Jeremy McMahan; Kurt Triplett; Robin Jenkinson; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Byron Katsuyama; C Ray Allshouse; Glenn Peterson
Subject:	Public Comment for Potala DEIS
Date:	Friday, August 24, 2012 4:50:59 PM
Attachments:	Herberger DEIS Comment #3.docx

Dear City Officials,

Attached is my last comment on the Potala DEIS. Thank you.

Robin Herberger
Kirkland, WA

August 24, 2012

RE: Public Comments on DEIS
Potala Village Mixed-Use Development
City File No. SHR11-00002 and SEP11-00004

Dear City Officials:

There are so many points of contention the community has with the Inova Planning Communications Design LLC / Deborah Munkberg DEIS, and I'm sure there will be a great deal of overlap in public objections being expressed during the public comment period. Many with which I have no doubt I would concur, so I don't feel the need to drill down on everything here. I wish to submit a few more key objections to add to my previous ones. 1

First, I want to say that after reading the DEIS, I have concluded that I believe it is **an advocacy document for Lobsang Dargey and Tamara Agassi Dargey** and their over-the-top, zoning restriction-defying, unprecedentedly elephantine apartment/medical/office complex, Potala Village Kirkland. The study's provable bias ought to lead City officials to reject this DEIS, disqualify Inova Planning Communications Design LLC/Deborah Munkberg from participating in Dargey/Potala projects, and order a second DEIS to be conducted by another firm. 2

Judging by the signed petitions, anti-Potala website documentation, letters-to-the-editor, and the written and verbal comments rendered by hundreds and hundreds of Kirkland citizens to City officials (and by countless others who love this City), who passionately, and with reasoned and evidence-supported arguments, object to the proposed imposition of Potala Village Kirkland, it can only be concluded that **this project is overwhelmingly unwanted and despised by the community.** Its unsuitability is obvious. Its consideration as a viable project is absurd. There have been legal challenges, legislative challenges, zoning challenges, traffic concurrency challenges, etc., and it is clear to me that the Potala project fails the DEIS test as much as it fails the zoning restriction test. 3

Here are a few targeted objections to the DEIS:

I. To top it off, the Dargeys' proposal **fails to meet its own objectives**. This basic fact is not addressed by the DEIS. 4
   a. One objective is to "Maximize site development potential within the context of regulatory requirements and environmental and market conditions."
      i. "Regulatory requirements" means the Comprehensive Plan, doesn't it? At least in part. And the Comp Plan makes clear that whatever business enterprise is built on property zoned Neighborhood Business-Residential be a small retail establishment to which neighbors may walk. The purpose of the zoning requirement is to engage the community and provide for a neighborhood gathering place and nearby services. Potala Village Kirkland does not have any neighborhood facilities, but medical offices and other offices. Obviously, Potala fails this objective.
      ii. "Redevelop the site to create an attractive residential mixed use development."

1. This objective is entirely subjective. I don't believe that it's a criteria suitable for a DEIS. I, along with my neighbors and hundreds of others who have expressed their views, find the mega-block structure(s) proposed by the Dargeys for three patched together separate properties singularly unattractive.

iii. "Ensure that site development is financially feasible and sustainable."
1. Again, I find this developer objective unsuitable for inclusion in a DEIS. Why would an Environmental Impact Statement mention or study the profitability of a project for a developer? This is the developer's personal objective, and ought not to be a consideration of a study for the City that is meant to analyze a project's impact on that City, its citizenry, and the environment.

iv. "Create a development that is an asset to Kirkland's citizens and is compatible with the surrounding area."
1. As an objective, this fails on both counts. Failures that are not addressed in the DEIS.
a. For over a year, the City has received countless documents, hard evidence, and testimony proving that the proposed Potala project is NOT compatible with its surroundings – with regard to residential density, size of building(s), setbacks, landscaping, traffic and safety impacts from a 316-car garage, etc. **Potala's non-compatibility with the surrounding area is quantifiable – and not considered by the DEIS or mitigated with a viable alternative**.
b. Whether or not it can be considered an asset seems to me to be, again, subjective. Put me down in the "Do Not Think a 143-Unit Apartment Building With a 316-Car Garage, and Over 6,000 s.f. of Medical and Other Office Space With Inadequate Setbacks in the Middle of Lake Washington Boulveard is an Asset" column. Thank you.

v. The DEIS does not consider alternative(s) to any of the above objective failures.

4 cont.

II. **To Be or Not to Be:** While a binary formula works in a Shakespeare soliloquy and in computer programming code, it's not that great for residential housing studies. I have never understood why the DEIS is allowed to study and consider only: 1) the unprecedentedly huge proposal by Lobsang Dargey and Tamara Agassi Dargey for 143 apartment units, 316-car garage, and 6,000+ s.f. of medical and office space; or 2) nothing at all. I have never heard of an impact study in which an alternative build-out option is not considered which would be more in line with zoning requirements, neighborhood compatibility, etc. **The DEIS puts forth the Dargey/Potala case as strictly an "all or nothing" proposition.**

i. The "No Action" alternative is misleading and entirely Dargey-centric. *Section 3.3.2 Significant Impacts, Alternative 1 (No Action)* states: "Under the No Action alternative, there would be no change to the site or neighborhood character. The existing single family residence on the upper portion of the site and commercial buildings on the lower portion of the site would remain as they currently exist. **No additional development would occur on the site."** -- No. There would be no DARGEY/POTALA development on the site. If/when the

5

Dargey/Potala project is rejected, this does not mean that a project that is compatible with the neighborhood's residential density, character, zoning requirements, etc. will not be built. The Inova/Munkberg DEIS has been undertaken and written entirely from the perspective of developers Lobsang Dargey and Tamara Agassi Dargey. 5 cont.

ii. The Comprehensive Plan clearly specifies that a requirement for a commercial endeavor for a property zoned Business Neighborhood-Residential Market needs to be a small neighborhood retail business neighborhood residents can walk to – thus the name of the zone, Neighborhood Business 6

III. Traffic and Parking 7

a. The DEIS can include as many diagrams with arrows within circles as it wants, the imposition of a 316 car garage on Lake St S/Lake Washington Blvd will significant impede traffic flow – the true impacts of which are not addressed.
b. The significantly increased safety risk to pedestrians, cyclists, motorcyclists, skateboarders, etc. by the position of the garage and the incoming and outgoing of cars, with one driveway in a residential neighborhood and on a major thoroughfare are not addressed.
c. More analysis is needed with regard to impacts on current neighbors: 1) on Lake/LWB, who can't comfortably enter and exit their driveways NOW because of heavy traffic flow; and 2) how increased traffic would affect flow, driveway access, etc. for neighbors on 10th Avenue S.
d. The impact of overflow street parking as a result of a 316-car Potala garage is not addressed.

IV. Setbacks are way too narrow. I thought that corner lots were supposed to have two front yards, which are not considered here. What has not been considered is the fact that the Potala site is comprised of three parcels, not one, and their combined setbacks should be a factor in the setback equation for this "bigfoot" project. 8

V. Impacts from construction not mitigated. Before construction would commence, the City needs to obtain developers' plan for dealing with traffic congestion that will be caused by construction activities – including excavation and hauling activities and equipment staging. Also a plan to mitigate any damage done to streets surrounding construction activity. 9

VI. Here's an item, I admit, I'm not sure about, but it's niggling at me so I'm going to include it. I'm kind of confused by this. This is the first time that I've considered a DEIS, and perhaps it is standard procedure, but is the City and the firm conducting the DEIS supposed to re-design a developer's project to try to make it acceptable? I'm referring to the models for the three Alternative Development Scenarios, two of which "were developed by the consultant team and the City." How does this square with the "Action," "No Action" choice based on the Dargey plan submitted to the City? There seem to be more choices available here. Alternative 2 has reduced the unit density to 90 and the parking stall number to 185. This is still too big and unacceptable within the Comp Plan, but I'm puzzled by it. Perhaps this IS how developer problems are mitigated – by the City and the DEIS engineering something they think will fit, rather than evaluating only the plans put forward by a developer. 10

VII. Miscellaneous DEIS Lies

a. 3.3-19 – Design Guidelines and Regulations: "**Because the subject site is not located within a pedestrian-oriented district**, the Design Guidelines are not applicable to the Proposal." 11

i. How can Munkberg claim that Lake Washington Boulevard is not a pedestrian-oriented district? Not only is it a residential area where neighborhood residents walk all the time, it is a DESTINATION WALKING DISTRICT for people who come from miles around . . . TO WALK! The proposed site is zoned for Neighborhood Business – to which neighbors CAN WALK. To say otherwise is absurd. It is calculated absurdity. It is a "knowing" absurdity, perpetrated with an intention to benefit the Dargeys. Obviously, Monkberg is trying to give Lobsang and Tamara Dargey (and allies on the Council and Planning Department) cover for getting out of design review. 11 cont.

b. The DEIS claims there are 4 and 5-story buildings in the area, which is not true. I KNOW there are no 5-story buildings, and in my walks in the neighborhood, cannot find any 4-story buildings either. The intention with this lie is the same as the lie about the residential density of the condo located at 733 Lake Street S, which the DEIS claims is built with a residential density of 177 units/acre, when it is actually 40 units/acre. The DEIS lies about surrounding building height and residential densities are intended to give Lobsang Dargey and Tamara Agassi Dargey supportive evidence that the unprecedented dimensions and density of Potala Village Kirkland are well within the range of surrounding buildings – and, therefore, compatible with the neighborhood – when, in fact, it is not. 12

Thank you.

Robin Herberger
6401 Lake Washington Blvd., NE #403
Kirkland, WA

(Page 6 follows)

A picture is worth a thousand words.

13 WHICH OF THESE THINGS IS NOT LIKE THE OTHERS?

From: Stephanie Hofland
To: Potala EIS
Subject: Potala Project
Date: Saturday, July 21, 2012 5:39:01 PM

I am concerned about the increase in traffic if the project is completed. Most evenings I walk from Central Way in Kirkland to Clarion Point. When I return (between 6:00 and 7:00 PM), I have noticed that traffic moves slower than I walk. Usually, I arrive back to Central Way 2 blocks before the car that left with me from Clarion Point. I am concerned that the project will worsen the currently congested traffic condition. This begins to raise questions about safety as fire and medical responders will find it increasingly difficult to reach an emergency location if traffic becomes even more congested. 1

From: Holly Jacobsen
To: Potala EIS
Subject: Potala Village and impact on traffic
Date: Friday, July 20, 2012 12:22:36 PM

Where do I find information on the study on the affect this development will have on the downtown Kirkland traffic? I live near the proposed site and currently, evening traffic (5-7 pm) is a nightmare. Cars are backed up on State Street, heading North, for up to ½ mile. Lake Washington Blvd is not any better. I would like to know how the City of Kirkland can let this development happen. I believe it will create an unbelievable traffic mess. 1

Thanks

Holly Jacobsen

From:	Nikey Key
To:	Potala EIS; Teresa Swan; Eric Shields; Jeremy McMahan; Kurt Triplett; Robin Jenkinson; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Byron Katsuyama; C Ray Allshouse; Glenn Peterson
Subject:	Portala
Date:	Tuesday, August 21, 2012 5:41:13 PM

Dear Council Members:

Please consider carefully your decision on 143 units for the Portala development. I live in a single family home directly across the street from the proposed mega unit apartments. I am not against development, my son is a developer. I am just against that many units. Lake Street is a busy street and the thought of that many cars is truly frightening.When you look at the map of the properties around the proposed Portala (Summery 1.2 Project Location) the amount of space the development will entail is huge compared to the houses and apartments around it. 1

I know the Environmental Impact Statement was carefully drafted but it must be flawed if the conclusion is that Portala will not have s significant impact on the area.

Sincerely Vashti (Nikey) Key

1011 Lake St. South Summary

From:	george lamb
To:	Amy Walen; Byron Katsuyama; Doreen Marchione; Dave Asher; Eric Shields; Glenn Peterson; Jeremy McMahan; Jay Arnold; Jon Pascal; Kurt Triplett; Mike Miller; Penny Sweet; Toby Nixon; Teresa Swan; Joan McBride; Bob Sternoff; C Ray Allshouse; Andrew Held; Robin Jenkinson
Cc:	info@stoppotala.com
Subject:	Potala Development
Date:	Saturday, August 18, 2012 2:08:44 PM

Regarding the Potala development on Lake Street:

TRANSPO, a respected traffic engineering firm, prepared a traffic study for the Portala development. A copy is available in City Hall. They describe present northbound traffic on Lake Street during the evening rush hour as "Condition C". 1

I live about one block north of the proposed development. Northbound traffic during the evening rush hour and on pleasant weekends is stop-and-go at best. This is what TRANSPO considers "Condition C".

TRANSPO's estimate for conditions AFTER the development is "Condition E". This is defined in the traffic manuals as having "intolerable delays". In other words, conditions would go from stop-and-go to "intolerable".

I understand Kirkland's need for more tax revenue, however it seems clear that the proposed development would effectively strangle northbound access to downtown right at the times when customers would be coming to the dining and entertainment areas in our CBD. 2

We have a thriving, vibrant downtown scene in Kirkland. Downtown property values reflect this. Please consider whether the addition of all these additional units on Lake Street is worth the near-certain serious damage to the ambiance and assessed values in our now-vital downtown.

Please vote for a density limit for residential property on this site. Also, please vote against any "Neighborhood Center"upzoning which would make things even worse. 3

George E. Lamb
807 Lake Street South, #300

From:	uwkkg@aol.com
To:	Potala EIS; Teresa Swan; Eric Shields; Jeremy McMahan; Kurt Triplett; Robin Jenkinson; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; Glenn Peterson; Andrew Held; Byron Katsuyama; C Ray Allshouse
Cc:	uwkkg@aol.com; neighboringproperties@gmail.com
Subject:	Forwarding 2nd Letter from Mr. Lamb re: His past EIS experience & Potala
Date:	Sunday, August 19, 2012 5:23:58 PM

Good Evening:
George and Linda Lamb sent a previous email but now wanted to add more.

Mr Lamb asked for me to forward this second email as well. It sounds as though he has experience with many EIS in the past and points out false conclusions and misleading information in the current Potala EIS particularly regarding traffic... (I'll attach both his email asking me to forward information to you... and then the email that he'd like you to review.

~Karen Levensn

-----Original Message-----
From: Linda and George <gandllamb@aol.com>
To: uwkkg <uwkkg@aol.com>
Sent: Sun, Aug 19, 2012 4:29 pm
Subject: Potala comments

Hi--
I'm George Lamb who sent an earlier message to the whole list of City of Kirkland folks regarding traffic impacts of the Potala project on Lake Street. I'm sending you another email on the subject which I hope will be useful. Unfortunately I'm not computer skilled and I can't locate the email list for them, and I have to go out of state Monday.

Could I impose on you to forward the soon-to-come email to the City list? Thanks so much. Hate to bother you after all the work you have done on this.

Best.
George
==========(Letter below)==========
-----Original Message-----
From: Linda and George <gandllamb@aol.com>
To: uwkkg <uwkkg@aol.com>
Sent: Sun, Aug 19, 2012 4:52 pm
Subject: Potala Traffic Impact.

Having prepared a number of EISs, both preliminary and final, for major projects I wish to comment regarding the Potala Project permitting process, specifically the traffic impacts study portion.

From published reports, traffic VOLUME was measured in the latest report and used to estimate the impacts of the proposed development. This is misleading and inappropriate in this case. Lake Street has a major traffic constraint north of the project. The traffic lights and congestion in downtown during the evening rush back up traffic to the site of the project and often beyond. Measuring traffic VOLUME alone during evening rush provides no useful information. After all, complete gridlock would give a VOLUME count of ZERO. 1

For situations such as this, the traffic CONDITION must be considered. The earlier TRANSPO study showed that the added traffic would create "Intolerable delays". Gridlock, with associated ow volume counts,does not constitute low impact on the neighborhood or streets. 2

Please do not allow misleading information to govern your decision on this matter. 3

Thank you,

George E. Lamb
807 Lake St. S., #300
Kirkland, WA 98033
Gandllamb@aol.com
(206) 851-7738

From: Eric Shields
To: Teresa Swan; Deborah Munkberg
Subject: FW: EIS Extraordinary Density miscalculations and EIS Mischaracterizations
Date: Thursday, August 09, 2012 11:43:02 AM
Attachments: Potala_DEIS_Chapter_3_1.pdf
DEIS for Potala and Neighbor Corrections to Density Calculations.xls

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FYI. EIS related comment from Karen Levenson.

Eric Shields

-----Original Message-----
From: uwkkg@aol.com [mailto:uwkkg@aol.com]
Sent: Thursday, August 09, 2012 10:26 AM
To: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Toby Nixon; Bob Sternoff; Dave Asher; Kurt Triplett; Marilynne Beard; Robin Jenkinson; Jeremy McMahan; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; C Ray Allshouse; Glenn Peterson; Byron Katsuyama; neighboringproperties@gmail.com; robert@pantley.com; Eric Shields
Cc: uwkkg@aol.com
Subject: EIS Extraordinary Density miscalculations and EIS Mischaracterizations

I don't want to leave my comment about miscalculations in the EIS without providing all the work that the neighbors have done. 1

What originally caught my attention was my condo was listed as #35 and
16 units where we only have 9.

What originally hit the radar of others was the fact that there was a density described as 177 per acre and that seemed completely wrong.
They dug out the information on lot size, etc and found that an incorrect lot size was used and that the correct density was 40 per acre. The EIS folks made their claim that Potala's 118 was within the range of densities because of this number even though this building was built over the water in 1968 and would no longer be allowed. Also, the Comprehensive plan separates out those properties that are on the east side of the boulevard as different from those on the waterside. Recall the phrase that states properties on the east side of LWB are to be at a density of 12 per acre.

Also describing the land use you'll see that the EIS folks outline their study area then they claim that it is mostly multifamily buildings. The neighbors counted every home and came up with 44 multifamily buildings and 81 single family buildings.
- 2/3 MAJORITY ARE THEREFORE SINGLE FAMILY and half of those are smaller one story bldgs.
- Only 4 of 126 developments s are greater than 24 in density and many have their density broken up farther into just 4, 6, or 8 units per building (see excel spreadsheet).
- 6 multi family units were not included in the EIS review or on the chart that i think was produced by the city planning department. These are mainly 2 unit multifamily units so they rachet down the average density a great deal when you add them in.. These are highlighted in yellow on the excel sheet.
- The multi family units are surprisingly mostly 2 stories. 14 are 3 story, 6 are one story wr two story (see excel spreadsheet)

Now it will help to share that citizens protested the hiring of this particular group of consultants due to past work in the Kirkland Planning Department. We stated that we did not see that they had substantial track record doing these studies and we felt that they would have a hard time being the ones to take a good hard objective look at the work that the planning department had done and informing the planning department if mistakes had been made. 2

You are just getting one chapter of the EIS report from me now but each chapter has about the same number of very egregious mistakes or mischaracterizations. Much of the work will have to be redone. 3

So who pays for the redo? Does the applicant pay?.... I don't think he will want to. Does the EIS company do it over again for free because they didn't check to make sure they were getting accurate info from the city? Hmmmm... Or is the cost of redo something that gets borne by the city if they supplied incorrect data?..... 4

Please note... we are not talking about a small amount of errors. The
38 calculations that the city produced had 15 errors when you include the multifamily properties accidentally left off. That is 40% inaccuracy which is a failing grade in any situation I'm aware of. 5

40% inaccuracy by a surgeon likely means malpractice, loss of license etc.... Not to mention the horrible consequence to the people he/she is supposed to serve.

Karen Levenson

Note: The commentor has provided annotations to Draft EIS Section 3.1 in the following pages. For ease of reading, these annotations are shown as a list of numbered comments following the annotated section. Underlined or highlighted comments are acknowledged, but are not provided with a number or response.

3

ENVIRONMENTAL ANALYSIS

This chapter analyzes the impacts of the Proposal and the No Action Alternative on the following elements of the environment:

- Land Use
- Plans and Policies
- Aesthetics
- Transportation
- Construction Impacts

This analysis reviews the affected environment, potential significant impacts, and mitigation measures for each element of the environment. The affected environment discussion describes the current character and environment on the project site and surrounding area. The impact analysis describes potential significant impacts associated with implementation of the alternatives. Mitigation measures identify regulatory requirements and other potential measures to reduce the significant environmental impacts of the alternatives.

3.1 LAND USE

3.1.1 Affected Environment

The analysis area for land use patterns consists of the proposal site and surrounding area. For purposes of reviewing neighborhood land use patterns, we have examined land use patterns in an area generally bounded by Lake Washington to the west, State Street to the east, 7th Avenue South to the north and NE 64th Street to the south (see Figure 3.1-1).

The study area is described.

Land Use Patterns

Project Site

Based on data from the King County Department of Assessments, the project site consists of 52,600 sf, or approximately 1.21 acres. Topographically, the site consists of two relatively flat

areas separated by a steep grade change that runs north south through the approximate center of the site (See Figure 2.9). The eastern portion of the site sits about ten feet higher than the western portion of the site.

The northeastern portion of the site is developed with a private single family residence and shed. This area is landscaped with lawn and ornamental landscaping(See Figure 3.1-2). Access to this portion of the site is from 10th Avenue South. Pedestrian access is provided via a sidewalk on 10th Avenue South. The southeastern portion of the site is undeveloped and covered in brush and shrubs.

FIGURE 3.1-1 STUDY AREA

Adjacent to the corner of 10th Avenue South/Lake Street South, the northwest portion of the site is developed with a 2,114 sf commercial building containing a dry cleaner and restaurant and paved parking area. In the remainder of the western portion of the site, there is some remnant asphalt pavement and concrete slabs from a prior use. The western portion of the site contains shrubs, deciduous trees (alder, cottonwood and maple), and brush primarily along the southern edge and in the steep slope area (See Figure 3.1-3). Access to the western portion the site is from Lake Street South. Pedestrian access is via a sidewalk on Lake Street South. A crosswalk is located at Lake Street South and 10th Avenue South.

Surrounding Area

Immediately adjacent to the site, properties are developed for residential uses. Directly west of the site, properties are developed with single family and multifamily waterfront residential buildings. Public waterfront access is provided by Settler's Landing, a small public park with 60 linear feet of waterfront. To the north and south, adjoining properties are developed with multifamily residential buildings. To the east, adjoining properties are developed with a single family residential building and multi-family development (See Figure 3.1-4).

In the larger surrounding area, the majority of the area is developed with multifamily residential uses, especially to the north and south along Lake Street South/Lake Washington Boulevard (See Figure 3.1-5).

In this area, the only exceptions to the multifamily residential development pattern are a few scattered single family residences, public waterfront parks and a small commercial use on the corner of NE 64th Street/Lake Washington Boulevard. In addition to Settler's Landing, larger

In the study area the majority are SINGLE FAMILY NOT MULTI FAMILY
(81 are 1-2 story Single Family buildings, 44 are 1-3 story MF Buildings)

waterfront parks include David E. Brink Park to the north and Marsh Park to the south (See Figure 3.1-6). To the east, property is developed with a mix of single and multifamily residential development (See Figure 3.1-7).

FIGURE 3.1-2 EXISTING DEVELOPMENT EASTERN PORTION OF SITE

FIGURE 3.1-3 EXISTING DEVELOPMENT WESTERN PORTION OF SITE

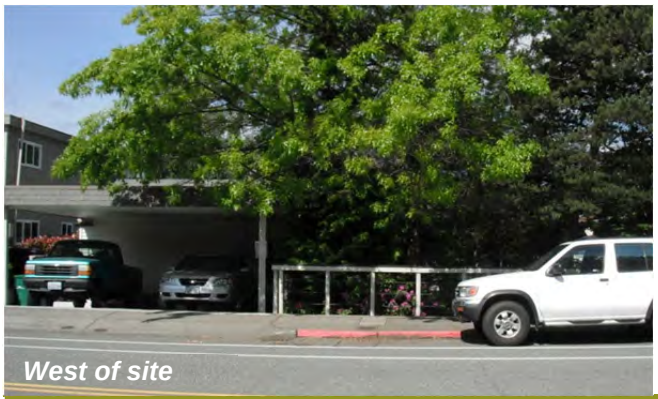

FIGURE 3.1-4 ADJOINING DEVELOPMENT

FIGURE 3.1-5: EXISTING DEVELOPMENT EXAMPLES: LAKE STREET S/LAKE WASHINGTON BOULEVARD

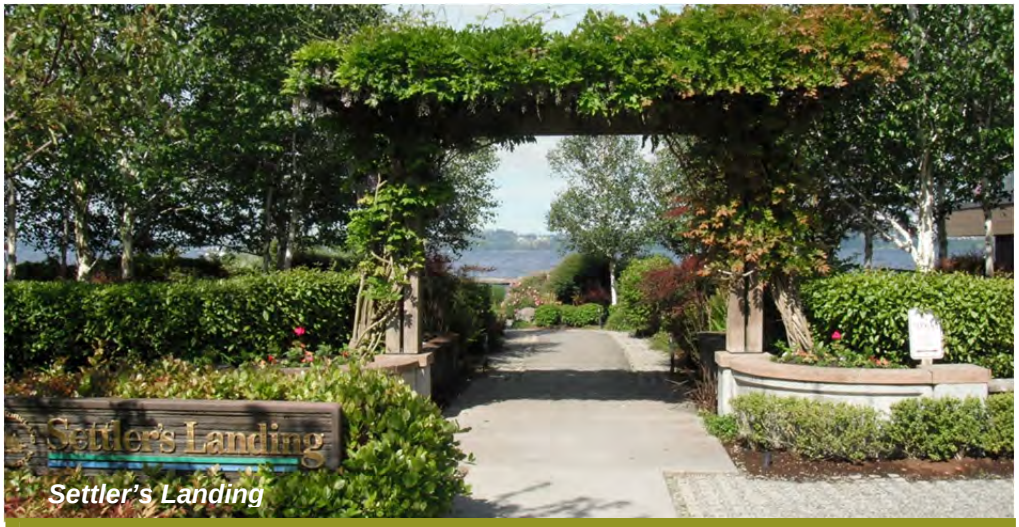

FIGURE 3.1-6 WATERFRONT PARKS

FIGURE 3.1-7 EXISTING DEVELOPMENT EXAMPLES: 10TH AVENUE SOUTH

1 NOTE: Kirkland's 2004 EIS states that in Kirkland we measure intensity of use as residentia density in units per acre and commercial use areas are measured by Floor Area ratios. While some jurisdictions may measure residential density by things like lot coverage, etc, that is not the method chosen with the EIS for the Comp Plan in Kirkland

Density

Overview

Density is generally defined as the amount of residential development permitted on a given parcel of land. It is typically measured in dwelling units per acre – the larger the number of units permitted per acre, the higher the density; the fewer units permitted, the lower the density. Minimum lot area per dwelling unit requirements are a common direct way to regulate density.

There are 43.560 square feet in one acre. Four units per acre equals a minimum lot size of 10,890 sf; 8 units per acre, 5,445 sf; 24 units per acre, 1,815 sf, etc.

1 Alternatively, jurisdictions may elect not to address density directly, but rather use development standards, such as lot coverage, maximum height and parking standards, to control the overall size, intensity and density of development.

Many jurisdictions, including Kirkland, use both approaches as a way to regulate density. In residential zones (single family and multifamily), the Kirkland's Zoning Code establishes minimum lot area per dwelling unit for each residential zone (see Table 3.1-1). Residential uses are also allowed in many of the City's commercial zones, including the Community Business (CB), Neighborhood Business (BN), Central Business District (CBD), Totem Lake (TL), Juanita Business District (JBD), and Rose Hill Business District (RHBD) zones. In

2 these commercial zones, residential densities are not regulated by lot size, but rather by development standards, such as building height, lot coverage, parking standards, setback requirements and other similar standards.

Table 3.1-1 City of Kirkland Residential Zones

Zoning Designations	Minimum Lot Area per Dwelling unit (SF)	Units per Acre
RS 35	35,000	1.24
RS 12.5	12,500	3.48
RS 8.5	8,500	5.12
RS 7.2	7,200	6.05
RS 6.3	6,300	6.91
RS 5.0	5,000	8.7
RM 3.6	3,600	12.1
RM 2.4	2,400	18.2
RM 1.8	1,800	24.2

Source: City of Kirkland Zoning Code

Existing Densities

As shown in Figure 3.1-8, multifamily residential densities surrounding the project site vary significantly. In general, the majority of the surrounding area is developed with multifamily residential densities ranging roughly between 10 to 30 units per acre. Immediately north, south and west of the project site, developed multifamily residential densities range from 10 to 40 units per acre. Property immediately east of the subject site is developed with a mix of single and multifamily development, although located in a medium density (RM 3.6) zone.

3 The study area ranges from 1-40 per acre with only 4 of 126 properties being greater than 24/ac. These 4 were built in 1968

3 Majority is not Multifamily! 2/3 of the bldgs are Single Family

Why ignore single family homes?

5 In the larger surrounding area, developed residential densities range from a low of 5 units per acre to a high of 177 units per acre, with most of the developments at 10 to 40 units per acre. Because many of these properties are less than one acre in size, actual development is proportional to the ratio of the site size to one acre. The highest density development in the area, at 177 units per acre, contains 38 units on a lot size of 9,343 sf. This development was constructed when the lakebed area was allowed to be included in the density calculation. This is no longer permitted, only upland area is used to calculate density and overwater structures are no longer permitted.

5 Whole paragraph is garbage 15 miscalculations in the identified 38 properties 177/acre is actually 40/ac

2 Actually the historical documents show that residential use was totally removed for BN zones that were made "Residential Market - Commercial." Also Res Mkt-Commercial was to be a new very low (lowest) intensity use due to taffic ingress and egress problems at the site of each of the Residential Market - Commercial properties. Final note: Kirkland is in the process of looking at density caps in commercial zones

No.	PIN	No. of Units	Lot Size	Units Per Acre	SqFt per Unit
1	5555000000	4	16,695	10.4	4,174
2	1720800400	4	9,000	19.4	2,250
3	1720800335	3	6,000	21.8	2,000
4	2560880000	2	6,002	14.5	3,001
5	4098500000	11	38,938	12.3	3,540
6	8937000000	4	8,400	20.7	2,100
7	2560900000	4	13,868	12.6	3,467
8	3810950000	11	42,233	11.3	3,839
9	7698200000	38	9,343	177.2	246
10	8127900000	23	42,833	23.4	1,862
11	9197570000	13	58,469	9.7	4,498
12	1924100000	8	27,900	12.5	3,488
13	2286600000	4	11,100	15.7	2,775
14	3298580000	4	16,078	10.8	4,020
15	0825059209	4	7,365	23.7	1,841
16	0825059272	7	8,772	34.8	1,253
17	7698320000	2	7,492	11.6	3,746
18	7981500000	4	15,874	11.0	3,969
19	0825059276	4	16,624	10.5	4,156
20	3888350000	4	14,754	11.8	3,689
21	0825059238	2	17,939	4.9	8,970
22	9354900055	4	17,998	9.7	4,500
23	9195250000	6	20,299	12.9	3,383
24	9354900370	9	17,500	22.4	1,944
25	1419780000	12	22,330	23.4	1,861
26	9354900430	2	9,000	9.7	4,500
27	0825059244	3	8,880	14.7	2,960
28	0825059024	60	101,750	25.7	1,696
29	6641300000	8	18,150	19.2	2,269
30	6818000000	56	102,700	23.8	1,834
31	7804260000	12	29,486	17.7	2,457
32	8662700000	7	28,687	10.6	4,098
33	0825059219	2	8,450	10.3	4,225
34	6640800000	16	21,621	32.2	1,351
35	9320450000	9	30,928	12.7	3,436
36	Mutpl	21	80,593	11.4	3,838
37	1310400000	5	5,493	39.7	1,099
38	0825059114	2	3,780	23.0	1,890

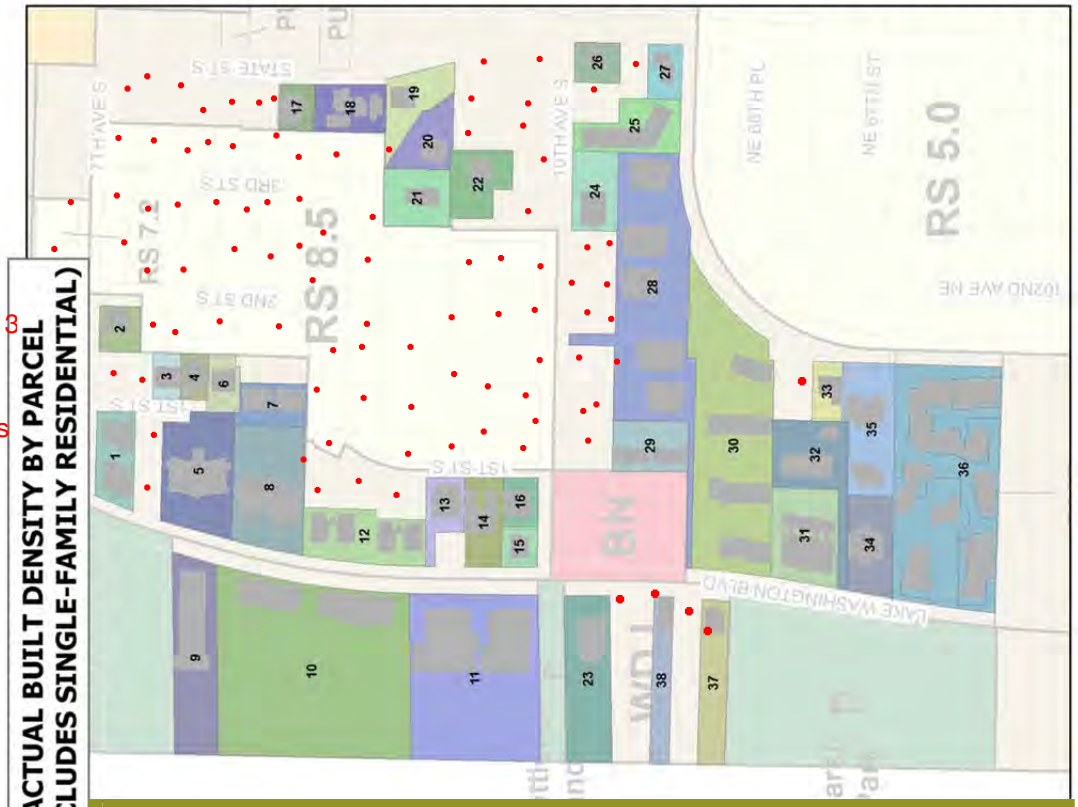

FIGURE 3.1-8 MULTIFAMILY DENSITIES

Why exclude all the single family residential???

There are nearly 3 times as many singlenfamily developments as multifamily buildings!!!

NOTE:
Dots indicate single family

Source: City of Kirkland

IMPORTANT: There are a total of 15 errors in these 38 density calculations. For example: #34 is my condo bldg and it has 9 units not 16. The density therefore is 18/acre not 32. The property size for #37 was incorrect. It is actually a density of 10/acre not 40. This leaves only 3 developments larger than 24/acre. #28 and #16 both built in 1968, and #9 was miscalculated with an incorrect site size. It was built at a density of 40/acre (NOT 177) over the water in 1969. This overwater is no longer allowed and, in general, the east side of LWB has different restrictions than the west side due to western properties being along the shoreline.

Comment letters submitted during the appropriate comment period stated that density was not a proxy but an independent issue involving things like loss of privacy to next door neighbors, ingress/egress, light, sound, feeling of crowdedness. Ingress and egress are also much different than traffic congestion.

Characteristics of Density

In public policy discussions, density is sometimes used as a proxy for other community characteristics, including design quality, traffic congestion, property values and others. In preparation of this EIS, a short review of available information on the impacts of density was conducted. In general, much of the available information is based on a macro, neighborhood or community-wide impacts and does not address single site impacts. It is recognized that conditions at a single site can vary significantly from the macro-level conclusions described below.

The following is a brief summary of information from the Environmental Protection Agency (EPA), Urban Land Institute (ULI), American Institute of Architects (AIA) and other sources with respect to density and community character, traffic congestion, and property values.

- **Community Character**. In general, publications note that design, rather than density, drive community character. The following is an excerpt from *Livability 101*, from the AIA:

They just found citations to support the project. There are equal citations on the other side of the issues. Furthermore note the comments of emphasizing continuity and respect of existing neighborhood. Also to positively impact property values density must be "well placed" with attractive design and landscaping

In terms of building community, the most critical test of design quality is whether the new development enriches and enlivens the public realm. In existing neighborhoods, new buildings should emphasize continuity with existing neighborhood fabric, including similar materials, continuity along the street, and massing that establishes a sense of respect for nearby buildings. For any new construction, the street level should be designed to engage pedestrians, with lively retail use wherever possible and facades that feature multiple doorways and avoid blank walls. Buildings should use handsome, durable materials, particularly at and near street level, that convey a sense of commitment to being a good neighbor for years to come.[1]

- **Traffic congestion.** A study by the University of California Energy Institute considered 2001 National Household Transportation Survey data to document the relationship between fuel usage and land use density. This study found that, for area-wide densities greater than 50 units/square mile, total annual mileage on all household vehicles and total fuel usage generally decline with increasing housing density. Similarly, the ULI reports that doubling density decreases the vehicle miles travelled by 38%.[2] At the site-specific level, however, it is acknowledged that the additional of residential units can impact local traffic congestion. Please see Section 3.4 of this Draft EIS for discussion of potential transportation impacts associated with the proposal.

- **Property Values.** In *Higher-Density Development Myth and Fact*, the ULI notes that the value of real estate is determined by many factors and isolating the impact of one factor can be difficult. The publication cites several studies and concludes that multifamily housing has either no impact or potentially a slightly positive impact on appreciation rates. In particular, researchers at Virginia Tech University have concluded that over the long run, well-placed market rate apartments with attractive design and landscaping actually increase the overall value of detached houses nearby. The report further states that citizens should use the entitlement process to demand

1 American Institute of Architects. Liveability 101. 2005.
2 Urban Land Institute. Higher-Density Development Myth and Fact. 2005.

high-quality development in their communities while understanding that density and adjacent property values are not inversely related.

These publications point to the benefits of well-designed higher density housing at a community-wide basis. Because site-specific characteristics can vary widely, they do not address impacts, either positive or negative, at the site level. However, they do suggest that, even at the site-specific level, good design may be a key factor in maintaining and strengthening community character and preserving property values. Please see the aesthetics discussion in Section 3.3 of this Draft EIS for a review of aesthetics impacts and mitigating measures for the proposal.

Regulatory Overview

This totally ignores that BN zones had changes made to them over the years. One BN zone was made BN(1) to add farther restrictions upon the BN zone. The BN zone at 10th and Lake St S was given restrictions that it must meet the definition of Residential Market. This is not addressed at all in the review by the EIS. At the community meeting the EIS Consultants stated they would fully review the Residential Market description and restrictions then they completely left it out.

City of Kirkland Zoning Code

Project Site

When BN property had Residential Mkt - Commercial restrictions added, residential use was completely, intentionally removed as a permitted use and no longer allowed

The subject property is zoned Neighborhood Business (BN). Kirkland Zoning Code Section 40.10 establishes the use and development standards for the BN zone.

Permitted uses include a range of retail uses, private club or lodge, office, stacked dwelling units, church, school/daycare center, assisted living facility and convalescent center/nursing home. For residential and office uses such as the proposed action, the BN zone requires minimum setbacks of 20 feet from front property lines, 10 feet from rear property lines, and five feet from side property lines with both side yards equaling a total of 15 feet; maximum lot coverage of 80%; and maximum building height of 30 feet above average building elevation[3]. There is no minimum lot size established for office or minimum lot area per unit for stacked dwelling units. Required on-site parking is one space for each 300 sf of gross general office floor area, one space for each 200 sf of gross medical office floor area and 1.7 spaces for each dwelling unit (See Table 2-1).

In addition, the BN zone lists two special regulations that apply to stacked dwelling units:

1. This use, with the exception of a lobby, may not be located on the ground floor of a structure.

2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Chapter 95 KZC establishes the requirements for landscape buffers. For stacked dwelling units in the BN zone, the ground floor use determines the applicable landscape buffer.

Based on a proposed ground floor office use, the proposal must meet the requirements for Landscape Category C. For Landscape Category C, Section 95.42 establishes that if the adjoining property is a low density use, then landscaping that complies with Buffering Standard 1 is required. When property adjoins a medium or high density residential use, landscaping must comply with Buffering Standard 2.

[3] KZC 5.10.045 defines average building elevation as the weighted average elevation of the topography, prior to any development activity, either (1) under the footprint of a building as measured by delineating the smallest rectangle which can enclose the building footprint and then averaging the elevations taken at the midpoint of each side of the rectangle, or (2) at the center of all exterior walls of a building or structure.

Buffering Standard 1 requires a 15-foot wide landscaped strip with a 6-foot high solid screening fence or wall. The buffer must be planted with a mix of trees, shrubs and living ground cover as established in Section 95.42 KZC.

Buffering Standard 2 requires a 5-foot wide landscaped strip with a 6-foot high solid screening fence or wall. The buffer must be planted with a mix of trees and living ground cover as established in Section 95.42 KZC.

KZC 95.42.5 establishes that, where there are multiple buffering requirements along the same property line, a gradual transition between the different land use buffers must be provided and must occur totally within the area with the less stringent buffering requirement. The specific design of the transition must be approved by the City.

Based on a proposed ground floor retail use, the proposal must meet the requirements for Landscape Category B. Landscape Category B requires compliance with Buffering Standard 1 if the adjoining property is low, medium or high density use or zoning. As noted above, Buffering Standard 1 requires a 15-foot wide landscaped strip with a 6-foot high solid screening fence or wall. The buffer must be planted with a mix of trees, shrubs and living ground cover as established in Section 95.42 KZC.

Chapter 5 KZC defines a land use buffer as any structural, earth or vegetative form that is located along a boundary for the purpose of minimizing visual and noise impacts. Land use buffers may include, but are not limited to, berms, high shrub, dense stands of trees, trellises and fences.

Surrounding Area

As shown in Figure 3.1-9, zoning designations in the surrounding area include RM 3.6 to the north, east and south and WDI to the west. Also, a corner of an RS 8.5 zone is adjacent to the northeast corner of the site. Chapter 5 KZC defines the RM 3.6 and WD I zones as medium density zones and RS 8.5 as a low density zone. Primary uses and development standards for these zones are summarized in Table 3.1-2.

RM 3.6 and WD 1 zones allow up to 12 units per acre and RS 8.5 allows 5 units per acre. All allow only 60% lot coverage and require significant property line set backs.

So how does 118/acre fit? How is 80% lot coverage similar or compatible... especially since it will be built across 3 lots unlike any other building in the area

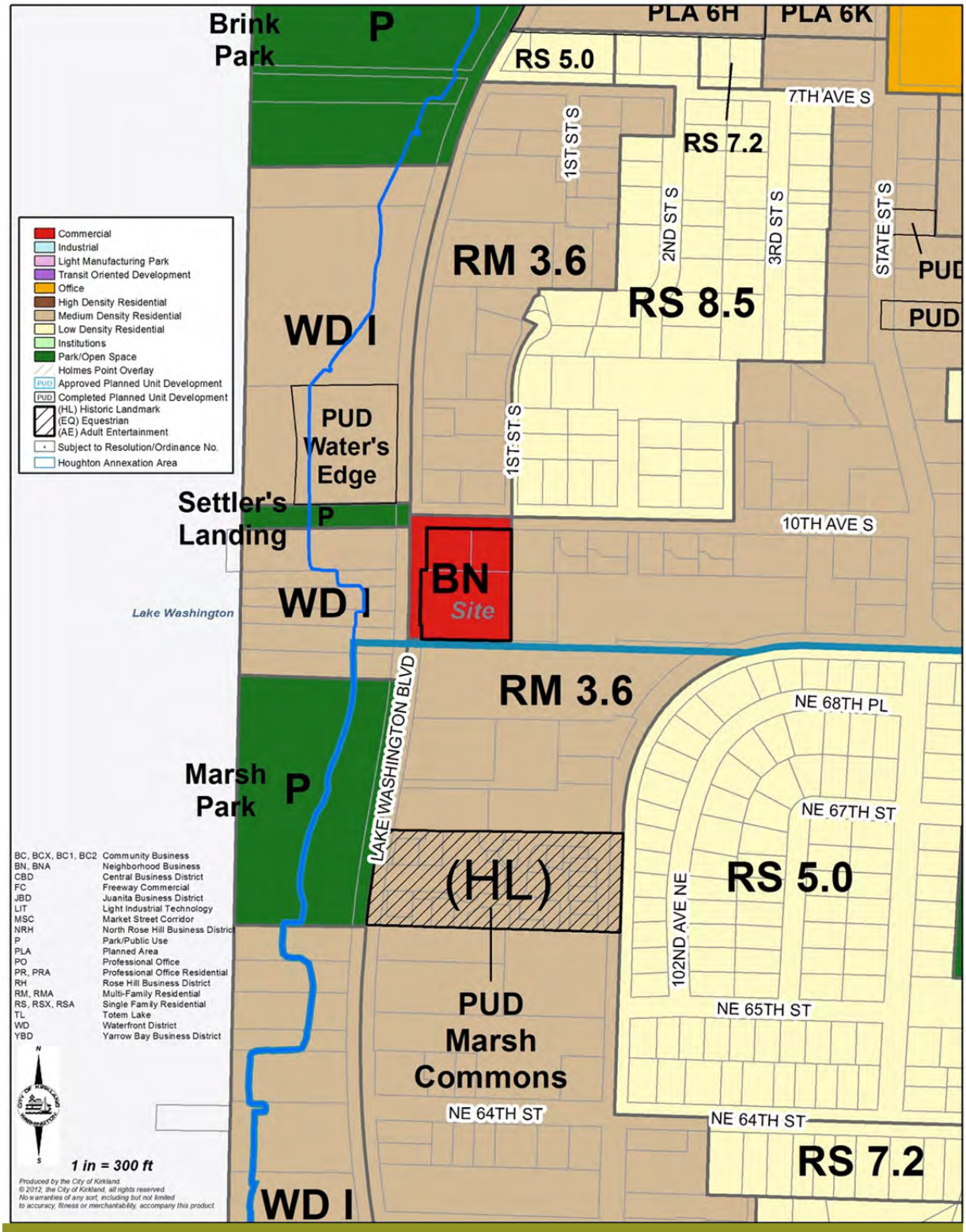

FIGURE 3.1-9 STUDY AREA ZONING DESIGNATIONS

Source: City of Kirkland

Table 3.1-2 Zoning Standards

	RM 3.6	WD I	RS 8.5
Permitted Uses	Detached dwelling units Attached, stacked dwelling units Church Piers, docks, boat lifts serving dwelling units School/daycare center Limited retail uses Assisted living facility Nursing home Public utility Government/Community Facility Public park	Detached dwelling units Attached, stacked dwelling units Public access facility Piers, docks, boat lifts serving dwelling units Marina Restaurant/tavern Public park Public utility Government/Community Facility Assisted living facility Boat launch Water taxi	Detached dwelling units Church School/day care Golf course Public utility Government/Community facility Public park
Minimum Lot Area per Unit	3,600 sf for residential uses 12/acre	3,600 sf for residential uses 12/acre	8,500 sf for residential units 5 per acre
Maximum Structure Height	25' to 30'[1]	30'	25'
Maximum Lot Coverage	60% to 70%[2] lot coverage is only allowed greater than 60% if nursing home	80%	50% to 70%[2] lot coverage is only allowed greater than 50% if nursing home

1. *Height standards are based on adjoining zoning designations. For example, if adjacent to a low density zone (other than RSX), height is limited to 25' above average building elevation. Otherwise, a 30 ft height is permitted.*
2. *Lot coverage varies based on the use. For example, in the RM 3.6 zone, residential development is limited to 60% lot coverage, a convalescent center or nursing home to 70%, etc.*

Source: City of Kirkland

This is a major bone of contention with the neighbors. The parcels were changed from shoreline residentia designation to Urban Mixed without notice and not discussed with city council or highlighted in their packet. Plain black and white text covertly made this change. Residential would have maintained 12 units per acre maximum and 60% lot coverage.

Shoreline Master Program

Kirkland's Shoreline Master Program (SMP) contains policy direction for how Kirkland's water bodies governed by the Shoreline Management Act (SMA) should be treated, including land use designations, development, conservation and restoration goals and policies. Lake Washington is classified as a shoreline of statewide significance and therefore all lands within 200 feet of the lake's ordinary high water mark are subject to the jurisdiction of the SMA and the provisions of Kirkland's SMP.

On the project site, approximately 10,386 square feet is within the 200 foot shoreline area (see Figure 3.1-10) and is designated "Urban Mixed" which is defined as "high intensity land uses, including residential, commercial, recreational, transportation and mixed-use development." The Department of Ecology found the "Urban Mixed Use" environment designation for a portion of the site consistent with the SMA and WAC 173-26 (State Master Program Guidelines), when it approved the City's Shoreline Environments Designation Map in 2010. Only the portion of the site in the designated shoreline area is subject to the SMP requirements.

The required SMP development permit for the proposed action is a Shoreline Substantial Development Permit (SDP). Kirkland Zoning Code Chapter 83 establishes permitted uses and development standards for the Urban Mixed Use designation as follows:

- Maximize site development potential within the context of regulatory requirements and environmental and market conditions. Allowed uses: Stacked dwelling units, office and retail uses are permitted with approval of an SDP.
- Minimum lot area per unit: 1,800 square feet for multifamily residential; no minimum for commercial uses. Minimum lot size requirements apply only to the area within the shoreline jurisdiction. On June 7, 2011, the City approved an amendment to Chapter 83 that removed the minimum lot size requirement for multifamily residential, in order to match the BN zoning standard. However, the Proposal was submitted before the amendment was approved and is subject to the 1,800 sf minimum lot area per unit standard for the area within the shoreline jurisdiction.
- Structure height: 41 feet maximum for all uses.
- Maximum lot coverage: 80% for all uses.

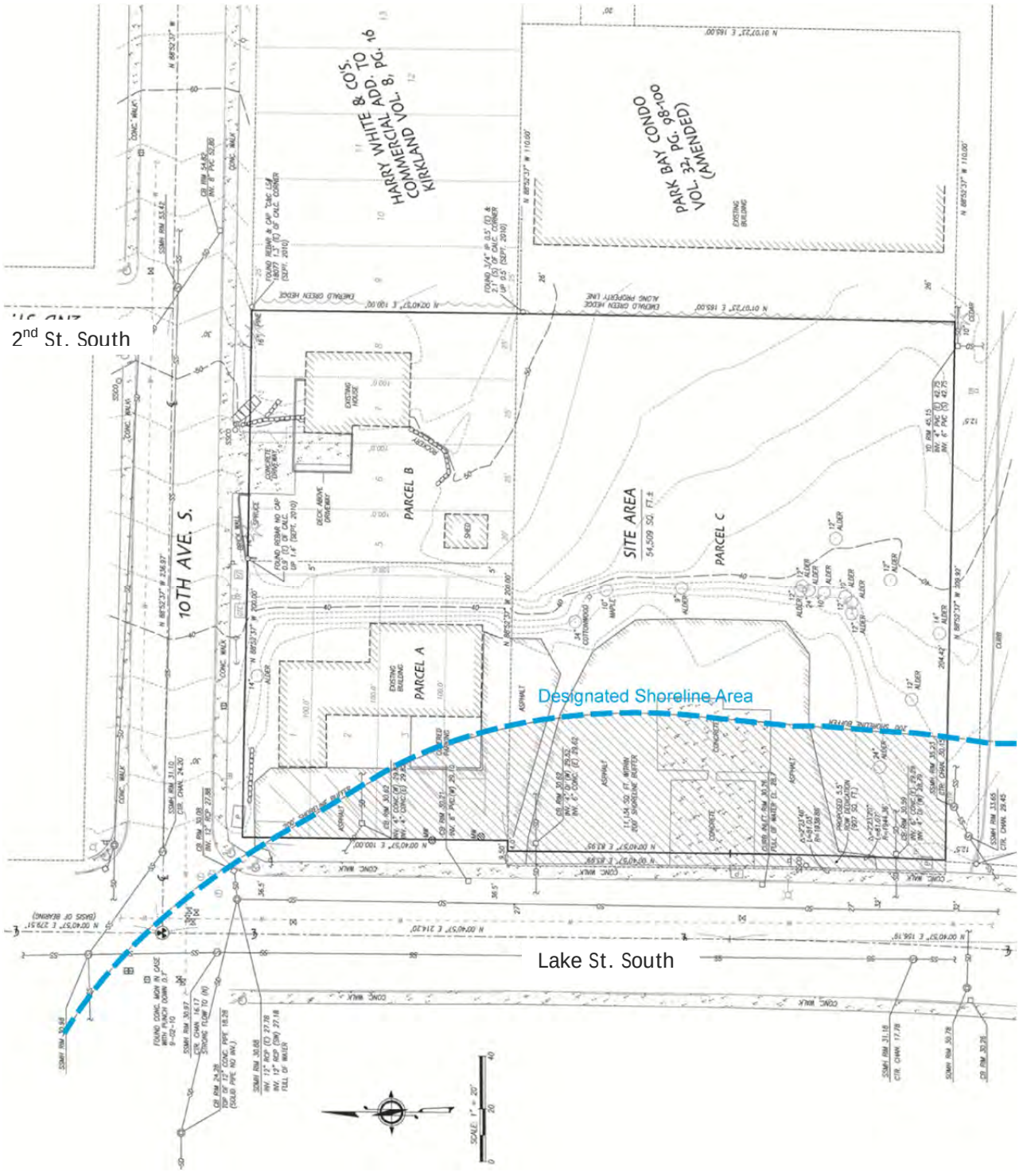

FIGURE 3.1-10 SHORELINE DESIGNATION AREA

Source: City of Kirkland, Charles Morgan & Associates

3.1.2 Significant Impacts

Alternative 1 (No Action)

All of these comparisons are crazy. Neighbors asked for a lower intensity alternative and a consultant to the city suggested it would be a good idea but the developer asked for the EIS be scaled back to fit into his budget.

Land Use Patterns

Under the No Action alternative, there would be no change to the site. The existing single family residence in the northeastern portion of the site and commercial buildings on the lower portion of the site would remain as the currently existing. No additional development would occur on the site.

Since the site would experience no change from existing conditions, it is not anticipated that new significant land use compatibility impacts would result from the No Action Alternative. Because much of the surrounding area is well landscaped and maintained, existing site features in 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.

Alternative 2

Of course the citizens want something built here and discarded items, etc should be cleaned up no matter what.

Land Use Patterns

Under the Proposed Action, use of the site would be intensified with redevelopment for 143 residential dwelling units, approximately 6,200 sf of office space and supporting parking. Existing retail, restaurant and single family residential uses would be replaced by multifamily residential and office uses. Existing site structures would be demolished and vegetation removed and replaced with the proposed development. The existing site elevation would be significantly altered, particularly in the eastern portion of the site.

Incorrect: 2/3 of bldgs are actually Single Family

As described previously, the site is surrounded by properties that are zoned for and primarily developed in a multifamily land use pattern. The proposal is for a mixed use development in which multifamily housing would predominate. From this perspective, the Proposed Action would be consistent with the surrounding land use pattern. As required under the BN zoning, a portion of the ground floor of the Proposal would be for office use. While no office use was observed in the study area, the proposed office area is limited to 6,200 sf and is not expected to significantly impact existing land use patterns in the area.

Along the northeast boundary of the site, adjoining development consists of single family residences in a medium density residential zone. Along this edge, potential height and bulk impacts could be mitigated through appropriate use of landscape buffers. The proposed landscape buffers would be located in trenches along the east property line and much of the north and south property lines, resulting in buffers that would be significantly below the elevation of adjoining properties. At finished grade, the buffer would be 12 feet or more below the top of the retaining wall. Along the north and south property lines, landscape buffers would also be below retaining walls, gradually rising to meet adjoining grades toward the western part of the site. As assessed by the City's Urban Forester, much of the proposed landscape buffer area would not receive adequate sunlight, likely resulting in die-off of lower branches and hindered long-term tree growth. Adequate drainage and root growth area are also concerns.[4] Because buffer plantings would not be visible from adjoining properties and are unlikely to thrive, the proposed landscape buffer would not meet its intended purpose.

[4] Personal communication. Deborah Powers, City of Kirkland Planning and Community Development. June 2012.

Not True: There were 15 miscalculations in their 38 property selection. The highest density, once corrected was 40/acre and there were only 3 other properties > 24. Two are 26 units per acre and one is 35 units per acre. All were built under non-restrictive zoning in 1968 & 1969

Density

With 143 units on a 1.21 acre site, the proposal would result in a density of approximately 118.4 dwelling units per acre. As shown in Figure 3.1-9, this is at the high end, but within the range of densities found in the study area. As noted in the discussion of density above, the primary impacts of density are likely to be associated with site aesthetics and traffic congestion. These topics are discussed in Sections 3.3 and 3.4, respectively, in this Draft EIS.

Regulatory Requirements

The proposal meets the fundamental use standards for the BN zone and for the Urban Mixed designation in the designated shoreline area. It should be noted that the shoreline Urban Mixed designation at the time the Proposal was submitted required a minimum lot area per unit of 1800 sf. Within the 10,370 sf designated shoreline area, a total of 5.77 units would be allowed. Rounding up is permitted if the density calculation result in a fraction greater than .50, resulting in a total of six permitted units in this area. The applicant is proposing five dwelling units in this area, consisting of two units on the third floor, two units on the fourth floor and one unit on the fifth floor (see Appendix 1).

Again this ignores the fact that these properties had their BN zone farther restricted in 1995 and every year since. Urban Mixed was done on the sly.

Based on Chapter 95 KZC and the proposed ground floor office use, landscape buffers of at least 15 feet in width are required adjacent to the single family use to the east and at least five feet in width adjacent to the medium density use to the south and along the southern part of the eastern boundary. As shown in the landscape plan (Figure 2.3), the Proposal meets or exceeds the width requirements, but does not meet the requirement for a gradual transition between the differing land use buffers along the east property line.

It should be noted that the proposed buffer widths would not permit ground floor retail uses, which require a 15-foot wide buffer adjacent to all residential uses adjoining the site.

In addition, depending on the location, the proposed site elevation of the buffer area would be below the elevation of the adjacent properties and 10th Avenue South (See Figure 2-3 and Appendix 1). Vegetation planted in these buffers would be visible from the new units within the site, but would not be visible from the adjoining properties or 10th Avenue South for many years, if ever. As proposed, the buffers would not meet the intent of minimizing the visual impact of the development.

3.1.3 Mitigating Measures

Applicable Regulations and Commitments

The proposed development would be required to comply with applicable provisions of the Kirkland Zoning Code and Shoreline Master Program. Adherence to these regulations will help ensure that the proposal is consistent with the surrounding land use pattern.

As required by Section 95.42 KZC, required landscape buffers shall provide effective screening for adjacent properties. The proposed site plan needs to be revised to meet the intent of the required landscape buffers. Modifications to the proposed site plan to meet this requirement could include shifting the retaining walls along the east, north and south property lines from the outer edge of the buffer to the inner edge and installing the landscape buffer between the

All mitigations are worthless in actually mitigating the issues. They are like purchasing a candy bar and small water bottle when you are told to get food and water in case of an earthquake.

Yes you purchased food and water but it will be worthless having you prepared for many days of survival

retaining walls and property lines, widening the buffers to provide an adequate area along the retaining walls for a raised platform so that planted vegetation provides screening above the fence line at time of planting, or other measures as approved by the City.

In addition, to meet the requirement of 95.42.5 KZC, the proposed site plan needs to be revised to provide for a gradual transition in buffer widths along the east property line.

Other Mitigation Measures

In order to allow for future retail use of the site, landscape buffers would need to be modified to meet the standard for Buffering Standard 1 which requires a 15-foot width.

3.1.4 Significant Unavoidable Adverse Impacts

The proposal would result in a greater density of land use on the project site. This change to the land use pattern to include multifamily use is consistent with the surrounding land use pattern and the Kirkland Zoning Code. With recommended mitigation, no significant unavoidable adverse impacts are anticipated.

As shown throughout the markups, land use intensity is already cited in Kirkland as being measured in units per acre and not any other method of calculation.

Then throughout the document there are misstatements claiming the majority of the area is multifamily buildings wherein that is categorically untrue. The vast majority are actually Single Family Homes of (about 50% one story bldgs). Only 44 of 125 buildings are multifamily in the area.

Even the multifamily structures tend to be small. 6 are single story, 24 are two stories tall and only 14 are 3 stories. There are no structures greater than 3 stories.

The change to use pattern is very inconsistent and is not consistent with Kirkland zoning code. Our code states that where there is a conflict between zoning and later passed ordinances and plans the most restrictive provisions apply. Even taken liberally this would mean that 12 units per acre is the most residential that is

Note: The following pages contain the comments provided in the preceding marked up document. Comments are numbered here for ease of reading and can be cross-referenced back to the document.

Annotation Summary for: 2012_Potala_Chapter_3_1_with_neighbor_notations

Page 1, Underline (Red):
Content: "For purposes of reviewing neighborhood land use patterns, we have examined land use patterns in anarea generally bounded by Lake Washington to the west, State Street to the east, 7th Avenue South to the north and NE 64th Street to the south (see Figure 3.1-1)"

Page 1, Typewriter (Red):
Comment: The study area is described. 6

Page 2, Typewriter (Red):
Comment: In the study area the majority are SINGLE FAMILY NOT MULTI FAMILY (81 are 1-2 story Single Family buildings, 44 are 1-3 story MF Buildings) 7

Page 8, Typewriter (Blue):
Comment: NOTE: Kirkland's 2004 EIS states that in Kirkland we measure intensity of use as residential density in units per acre and commercial use areas are measured by Floor Area ratios. While some jurisdictions may measure residential density by things like lot coverage, etc, that is not the method chosen with the EIS for the Comp Plan in Kirkland 8

Page 8, Typewriter (Blue):
Comment: 1

Page 8, Underline (Blue):
Content: "Alternatively, jurisdictions may elect not to address density directly, but rather use development standards, such as lot coverage, maximum height and parking standards, to control the overall size, intensity and density of development."

Page 8, Typewriter (Blue):
Comment: 1

Page 8, Underline (Blue):
Content: "Many jurisdictions, including Kirkland, use both approaches as a way to regulate density."

Page 8, Underline (Red):
Content: "these commercial zones, residential densities are not regulated by lot size, but rather by development standards, such as building height, lot coverage, parking standards, setback requirements and other similar standards."

Page 8, Typewriter (Red):
Comment: 2 9

Page 8, Underline (Purple):

Content: "the majority of the surrounding area is developed with multifamilyresidential densiti"

Page 8, Typewriter (Black):

Page 8, Typewriter (Orange):
Comment: The study area ranges from 1-40 per acre with only 4 of 126 properties being greater than 24/ac. These 4 were built in 1968

10

Page 8, Typewriter (Purple):
Comment: 3

11

Page 8, Underline (Orange):
Content: "between 10 to 30 units per acr"

Page 8, Typewriter (Orange):
Comment: Why ignore single family homes?

12

Page 8, Underline (Orange):
Content: "range from 10 to 40"

Page 8, Typewriter (Purple):
Comment: 3

13

Page 8, Typewriter (Custom Color: #9933b2):
Comment: Majority is not Multifamily!
2/3 of the bldgs are
Single
Family

Page 8, Typewriter (Purple):
Comment: 5

14

Page 8, Typewriter (Purple):
Comment: 5

Page 8, Typewriter (Purple):
Comment: Whole
paragraph is garbage 15
miscalculations
in the identified 38 properties
177/acre is
actually 40/ac

Page 8, Line Drawing (Purple)

Page 8, Typewriter (Red):
Comment: Actually the historical documents show that residential use was totally removed for BN zones that were made "Residential Market - Commercial."
Also Res Mkt-Commercial was to be a new very low (lowest)
intensity use due to taffic ingress and egress
problems at the site of each of the Residential Market - Commercial properties.
Final note: Kirkland is in the process of looking at density caps in commercial zones

15

Page 8, Typewriter (Orange):
Comment: 2

Page 9, Typewriter (Blue):

Page 9, Typewriter (Blue):

Page 9, Typewriter (Black):

Page 9, Typewriter (Blue):

Page 9, Typewriter (Blue):

Page 9, Line Drawing (Red)

Page 9, Typewriter (Blue):

Page 9, Typewriter (Red):
Comment: Why exclude all
the single family
residential???

There are nearly 3 times as many singlenfamily developments as multifamily buildings!!!

NOTE:
Dots indicate single family homes

16

Page 9, Typewriter (Black):

Page 9, Line Drawing (Red)

Page 9, Typewriter (Blue):

Page 9, Typewriter (Red):
Comment: IMPORTANT: There are a total of 15 errors in these 38 density calculations. For example: #34 is my condo bldg and it has 9 units not 16. The density therefore is 18/acre not 32. The property size for #37 was incorrect. It is actually a

17

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Page 10, Typewriter (Red):
Comment: Comment letters submitted during the appropriate comment period stated that density was not a proxy but an independent issue involving things like loss of privacy to next door neighbors, ingress/egress, light, sound, feeling of crowdedness. Ingress and egress are also much different than traffic congestion. 18

Page 10, Underline (Red):
Content: "In public policy discussions, density is sometimes used as a proxy for other community characteristics,"

Page 10, Typewriter (Blue):
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Page 11, Typewriter (Blue):
Comment: When BN property had Residential Mkt - Commercial restrictions added, residential use was completely, intentionally removed as
a permitted use and no longer allowed 21

Page 12, Underline (Red):
Content: "Chapter 5 KZC defines the RM 3.6 and WD I zones as medium density zones and RS 8.5 as a low density zone. Primary uses and development standards for these zones are summarized in Table 3.1-2." 22

Page 12, Typewriter (Red):
Comment: RM 3.6 and WD 1 zones allow up to 12 units per acre and RS 8.5 allows 5 units per acre. All allow only 60% lot coverage and require significant property line set backs.

So how does 118/acre fit? How is 80% lot coverage similar or compatible... especially since it will be built across 3 lots unlike any other building in the area

22 cont

Page 14, Typewriter (Red):
Comment: 5 per acre

Page 14, Typewriter (Red):
Comment: 12/acre

Page 14, Typewriter (Red):

Page 14, Typewriter (Red):
Comment: 12/acre

Page 14, Typewriter (Red):
Comment: lot coverage is only allowed greater than 60% if nursing home

Page 14, Typewriter (Red):
Comment: lot coverage is only allowed greater than 50% if nursing home

23

Page 15, Typewriter (Red):
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24

Page 15, Typewriter (Blue):

Page 17, Typewriter (Red):
Comment: All of these comparisons are crazy. Neighbors asked for a lower intensity alternative and a consultant to the city suggested it would be a good idea but the developer asked for the EIS be scaled back to fit into his budget.

Page 17, Typewriter (Red):
Comment: Of course the citizens want something built here and discarded items, etc should be cleaned up no matter what.

25

Page 17, Typewriter (Blue):
Comment: Incorrect: 2/3 of bldgs are actually Single Family

26

Page 17, Underline (Blue):
Content: "As described previously, the site is surrounded by properties that are zoned for and primarily developed in a multifamily land use pattern."

Page 17, Highlight (Yellow):
Content: "As assessed by the City's Urban Forester, much of the proposed landscape buffer area would not receive adequate sunlight, likely resulting in die-off of lower branches and hindered long-term tree growth. Adequate drainage and root growth area are also concerns.4 Because buffer plantings would not be visible from adjoining properties and are unlikely to thrive, the proposed landscape buffer would not meet its intended purpose."

Page 18, Typewriter (Red):
Comment: Not True: There were 15 miscalculations in their 38 property selection. The highest density, once corrected was 40/acre and there were only 3 other properties > 24. Two are 26 units per acre and one is 35 units per acre. All were built under non-restrictive zoning in 1968 & 1969 27

Page 18, Underline (Red):
Content: "approximately 118.4 at the high end, but within the range of densities found in the study area."

Page 18, Underline (Blue):
Content: "the BN zone and for the Urban Mixed"

Page 18, Typewriter (Blue):
Comment: Again this ignores the fact that these properties had their BN zone farther restricted in 1995 and every year since. Urban Mixed was done on the sly. 28

Page 18, Highlight (Yellow):
Content: "As proposed, the buffers would not meet the intent of minimizing the visual impact of thedevelopment."

Page 18, Typewriter (Purple):
Comment: All mitigations are worthless in actually mitigating the issues. They are like purchasing a candy bar and small water bottle when you are told to get food and water in case of an earthquake. 29

Yes you purchased food and water but it will be worthless having you prepared for many days of survival

Page 19, Typewriter (Red):
Comment: As shown throughout the markups, land use intensity is already cited in Kirkland as being measured in units per acre and not any other method of calculation. 30

Then throughout the document there are misstatements claiming the majority of the area is multifamily buildings wherein that is categorically untrue. The vast majority are

actually Single Family Homes of (about 50% one story bldgs). Only 44 of 125 buildings are multifamily in the area.

Even the multifamily structures tend to be small. 6 are single story, 24 are two stories tall and only 14 are 3 stories. There are no structures greater than 3 stories.

The change to use pattern is very inconsistent and is not consistent with Kirkland zoning code. Our code states that where there is a conflict between zoning and later passed ordinances and plans the most restrictive provisions apply. Even taken liberally this would mean that 12 units per acre is the most residential that is allowed on the east side of the boulevard.

30 cont.

Page 19, Typewriter (Red):

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Sent from my iPad

ID on Map	Parcel Number	Link to Assessor	# of Bldgs	# of Stories	total # of units	Lot Sq Ft	Lot Acres	EIS Calculation	Address	Neighbor Calculation
1	5555000000	http://info.kingcour	2	3	4	16695	0.38	10.4	711 1ST ST S	10.53
2	1720800400	http://info.kingcour	1	2	4	9000	0.21	19.4	121 7TH AVE	19.05
3	1720800335	http://info.kingcour	1	2	3	6000	0.14	21.8	714 1ST ST S	21.43
4	2560880000	http://info.kingcour	1	2	2	6002	0.14	14.5	720 1ST ST S	14.29
5	4098500000	http://info.kingcour	1	3	11	39938	0.89	12.3	725 1ST ST S	12.6
6	8937000000	http://info.kingcour	1	2	4	8400	0.19	20.7	730 1ST ST S	21.05
7	2560900000	http://info.kingcour	2	2	4	13868	0.32	12.6	734 1ST ST S	12.5
8	3810950000	http://info.kingcour	1	3	11	42233	0.97	11.3	735 1ST ST S	11.34
9	7698200000	http://info.kingcour	1	3	38	41436 not	0.95	177	733 Lake S	40
10	8127900000	http://info.kingcour	2	3	23	37900 not	0.87	23.4	807 Lake S	26.43
11	9197570000	http://info.kingcour	2	3	13	102564 not	2.35	9.7	905 LAKE ST	5.53
12	192410000	http://info.kingcour	4	2	8	27900	0.64	12.5	816 LAKE ST	12.5
13	2286600000	http://info.kingcour	1	2	4	11100	0.25	15.7	935 1ST ST S	16
14	3298580000	http://info.kingcour	1	2	4	16078	0.37	10.8	945 1ST ST S	10.81
15	825059209	http://info.kingcour	1	2	4	7365	0.17	23.7	8 10TH AVE S	23.52
16	825059272	http://info.kingcour	1	2	7	8772	0.2	34.8	20 10TH AVE	35
17	7698320000	http://info.kingcour	1	2	2	7492	0.17	11.6	735 STATE ST	11.74
18	7981500000	http://info.kingcour	4	2	4	15874	0.36	11	751 STATE ST	11.11
19	825059276	http://info.kingcour	1	2	4	16624	0.38	10.5	903 STATE ST	10.53
20	3888350000	http://info.kingcour	2	2	4	14754	0.34	11.8	911 STATE ST	11.76
21	825059238	http://info.kingcour	2	1	2	17939	0.41	4.9	904 3RD ST S	4.87
22	9354900055	http://info.kingcour	2	2	5 NOT 4	17998	0.41	9.7	912 3RD ST S	12.2
23	9195250000	http://info.kingcour	1	3	6	36537 not	0.84	12.9	1003 LAKE ST	7.14
24	9354900370	http://info.kingcour	1	3	9	17500	0.4	22.4	303 10TH AVE	22.5
25	1419780000	http://info.kingcour	1	2	12	22330	0.51	23.4	315 10TH AVE	23.53
26	9354900430	http://info.kingcour	1	2	2	9000	0.21	9.7	333 10TH AVE	9.5
27	825059244	http://info.kingcour	1	1	3	8880	0.2	14.7	1017 STATE S	15
28	825059024	http://info.kingcour	5	3	60	101750	2.34	25.7	10212 NE 68th	25.64
29	6641300000	http://info.kingcour	2	2	8	18150	0.42	19.2	10108 NE 68T	19.05
30	6818000000	http://info.kingcour	4	3	56	102700	2.36	23.8	6750 NE LAKE	23.73
31	7804260000	http://info.kingcour	1	3	12	29486	0.68	17.7	6736 LAKE W	17.84
32	8662700000	http://info.kingcour	2	2	7	28687	0.66	10.6	6714 LAKE W	10.61
33	825059219	http://info.kingcour	1	1	2	8450	0.19	10.3	6707 LAKEVIE	10.53
34	6640800000	http://info.kingcour	1	3	9 NOT 16	21621	0.5	32	6620 LAKE W	18
35	9320450000	http://info.kingcour	2	3	16 (in 2 bld	30928	0.71	12.7	6627 LAKEVIE	22.5
36	Multiple	multiple	8	2	21	80593	1.85	11.4	Marsh Commo	11.35
37	1310400000	http://info.kingcour	1	2	5	21869 not	0.5	39.7	6721 LAKE W	10

38	825059114	http://info.kingcour	1	1	2	15319 not	0.35	23	1025 LAKE ST	5.71			
J STEPHEN	1720800480	http://info.kingcour	1	2	2	7050	0.16	12.5	709 1ST ST S	12.5	MISSING MULTIFAMILY		
BC HARASI	3892100010	http://info.kingcour	1	2	2	7279	0.17	11.76	740 3RD ST S	11.76	MISSING MULTIFAMILY		
BD HARASI	3892100005	http://info.kingcour	1	2	2	7279	0.17	11.76	744 3RD ST S	11.76	MISSING MULTIFAMILY		
BH HILLEAF	4149300035	http://info.kingcour	1	1	2	7080	0.16	12.5	944 1ST AVE S	12.5	MISSING MULTIFAMILY		
CB 10th and	8578700000	http://info.kingcour	7	3	7	31085	0.71	9.86	314 10TH AVE	9.86	MISSING MULTIFAMILY		
CN BOETTC	9354900410	http://info.kingcour	1	1	2	8750	0.2	10	323 10TH AVE	10	MISSING MULTIFAMILY		
A Key, Vash	825059204	http://www5.kingcc	1	1	1	14587	0.33	3	1011 Lake St	3			31 cont.
B GODFRE	825059174	http://info.kingcour	1	2	1	18276	0.42	2.3	1015 LAKE ST	2.3			
C STYLE RC	825059298	http://info.kingcour	1	1	1	22528	0.52	1.92	6735 LAKE WA	1.92			
I STEPHEN	1720800485	http://info.kingcour	1	2	1	6360	0.15	6.66	711 1ST ST S	6.66			
K CAUNT V	1720800315	http://info.kingcour	1	2	1	7002	0.16	6.25	704 1ST ST S	6.25			
L SMITH MI	1720800320	http://info.kingcour	1	2	1	1001	0.11	9	706 1ST ST S	9			
M PRITT LA	1720800390	http://info.kingcour	1	1	1	6000	0.14	7.14	709 2ND ST S	7.14			
N PRITT LA	1720800365	http://info.kingcour	1	2	1	6000	0.14	7.14	715 2ND ST S	7.14			
O PRITT LA	1720800350	http://info.kingcour	1	2	1	9000	0.21	4.76	None Assigned	RS 8.5			
P PRITT LA	3892100130	http://info.kingcour	1	2	1	23954	0.55	1.8	733 2ND ST S	1.8			
Q KESSLEF	1720800214	http://info.kingcour	1	2	1	6000	0.14	7.14	702 2ND ST S	7.14			
R DELVECC	1720800215	http://info.kingcour	1	2	1	6000	0.14	7.14	708 2ND ST S	7.14			
S Storie Mar	1720800235	http://info.kingcour	1	2	1	12000	0.28	3.57	714 2ND ST S	3.57			
T JACOBS J	1720800255	http://info.kingcour	1	1	1	6000	0.14	7.14	722 2ND ST S	7.14			
U DELVECC	3892100060	http://info.kingcour	1	1	1	7666	0.18	5.55	728 2ND ST S	5.55			
V DIELLO E	3892100055	http://info.kingcour	1	1	1	8000	0.18	5.55	742 2ND ST S	5.55			
W UNG SRU	1720800305	http://info.kingcour	1	2	1	2100	0.05	20	211 7TH AVE S	20		1946	
X O'NEILL J	1720800306	http://info.kingcour	1	2	1	3900	0.09	11.11	221 7TH AVE S	11.11			
Y YOUNG D	1720800295	http://info.kingcour	1	1	1	6000	0.14	7.14	709 3RD ST S	7.14			
Z YOUNG D	1720800285	http://info.kingcour	1	1	1	6000	0.14	7.14	711 3RD ST S	7.14			
AA CLAY BF	1720800275	http://info.kingcour	1	2	1	7500	0.17	5.88	713 3RD ST S	5.88			
AB KAEHLE	1720800265	http://info.kingcour	1	2	1	7500	0.17	5.88	723 3RD ST S	5.88			
AC YONKE	3892100065	http://info.kingcour	1	2	1	4665	0.11	9.09	729 3RD ST S	9.09			
AD LUNA G	3892100071	http://info.kingcour	1	1	1	8065	0.19	5.26	731 3RD ST S	5.26			
AE BOB STI	1720800105	http://info.kingcour	1	2	1	7500	0.17	5.88	255 7TH AVE S	5.88			
AF MARRA	1720800115	http://info.kingcour	1	2	1	7500	0.17	5.88	710 3RD ST S	5.88			
AG BOSCH	1720800130	http://info.kingcour	1	1	1	6000	0.14	7.14	712 3RD ST S	7.14			
AH BOSCH	1720800140	http://info.kingcour	1	2	1	3000	0.07	14.28	714 3RD ST S	14.28		1900	
AI ROSNOV	1720800145	http://info.kingcour	1	2	1	6000	0.14	7.14	720 3RD ST S	7.14			
AJ HECK S	3892100020	http://info.kingcour	1	2	1	7279	0.17	5.88	728 3RD ST S	5.88			
AK BRATOF	3892100015	http://info.kingcour	1	1	1	7279	0.17	5.88	730 3RD ST S	5.88			

AL FALK RC	1720800190	http://info.kingcour	1	2	1	4680	0.11	9.09	703 STATE ST	9.09
AM SMYTH	1720800195	http://info.kingcour	1	2	1	3872	0.09	11.11	705 STATE ST	11.11
AN MILEWS	1720800180	http://info.kingcour	1	1	1	5700	0.13	7.69	709 STATE ST	7.69
AO RUITER	1720800170	http://info.kingcour	1	2	1	5700	0.13	7.69	713 STATE ST	7.69
AP PUJOL M	1720800154	http://info.kingcour	1	2	1	4271	0.1	10	717 STATE ST	10
AQ ZHOU S	1720800155	http://info.kingcour	1	2	1	4271	0.1	10	721 STATE ST	10
AR JOUBEF	3892100022	http://info.kingcour	1	2	1	4002	0.09	11.11	727 STATE ST	11.11
AS BRENT I	3892100023	http://info.kingcour	1	2	1	4007	0.09	11.11	731 STATE ST	11.11
AT SATRE F	192400050	http://info.kingcour	1	2	1	8098	0.19	5.26	905 1ST ST S	5.26
AU EVF INC	192400030	http://info.kingcour	1	1	1	9763	0.22	4.55	915 1ST ST S	4.55
AV LOW SU	192400070	http://info.kingcour	1	1	1	10,764	0.25	4	906 1ST ST S	4
AW VOLDAI	192400060	http://info.kingcour	1	1	1	8444	0.19	5.26	None Assigned	5.26
AX JEWELL	192400090	http://info.kingcour	1	1	1	8444	0.19	5.26	745 2ND ST S	5.26
AY VELDAL	192400080	http://info.kingcour	1	1	1	8582	0.2	5	None Assigned	5
AZ MATHEV	3892100050	http://info.kingcour	1	1	1	10793	0.25	4	744 2ND ST S	4
BA MATHEV	3892100045	http://info.kingcour	1	2	1	10773	0.25	4	746 2ND ST S	4
BB SCHUM/	3892100080	http://info.kingcour	1	1	1	15729	0.36	2.77	739 3RD ST S	2.77
BE TUBBES	192400020		1	2	1	10479	0.24	4.17	925 1ST ST S	4.17
BF HYATT D	825059184	http://info.kingcour	1	2	1	4799	0.11	12	None Assigned	12
BG BRASHE	192400040	http://info.kingcour	1	1	1	9405	0.22	4.55	930 1ST ST S	4.55
BI PAGE GA	4149300040	http://info.kingcour	1	2	1	7080	0.16	6.25	950 1ST AVE S	6.25
BJ LOOMIS	4149300005	http://info.kingcour	1	1	1	6357	0.15	6.66	100 10TH AVE	6.66
BK GLASEF	4149300010	http://info.kingcour	1	2	1	6357	0.15	6.66	110 10TH AVE	6.66
BL COOK P	4149300015	http://info.kingcour	1	1	1	6357	0.15	6.66	130 NE 10TH S	6.66
BM MEADO	4149300020	http://info.kingcour	1	2	1	6357	0.15	6.66	931 2ND ST	6.66
BN CORE T	4149300025	http://info.kingcour	1	1	1	7080	0.16	6.25	925 2ND ST S	6.25
BO MATHEV	4149300030	http://info.kingcour	1	1	1	7080	0.16	6.25	917 2ND ST S	6.25
BP VOLDAL	825059020		1	1	1	12672	0.29	5	None Assigned	5
BQ MATTH	825059070	http://info.kingcour	1	2	1	49140	1.13	0.88	905 3RD ST S	0.88
BR MATHEV	9354900135	http://info.kingcour	1	2	1	6800	0.16	6.25	910 2ND ST S	6.25
BS BINFOR	9354900150	http://info.kingcour	1	2	1	6500	0.15	6.66	916 2ND ST S	6.66
BT IVES TH	9354900165	http://info.kingcour	1	1	1	7500	0.17	11.76	922 2ND ST S	11.76
BU BROOLI	9354900180	http://info.kingcour	1	2	1	8800	0.2	5	921 3RD ST S	5
BV MATHEV	9354900195	http://info.kingcour	1	2	1	4900	0.11	12	913 3RD ST S	12
BY MATHEV	9354900210	http://info.kingcour	1	1	1	6550	0.15	6.66	909 3RD ST S	6.66
BZ DOW TA	9354900065	http://info.kingcour	1	2	1	7201	0.17	11.76	300 10TH AVE	11.76
CA REISMA	9354900085	http://info.kingcour	1	2	1	6000	0.14	7.14	310 10TH AVE	7.14
CC MAKI PA	9354900025	http://info.kingcour	1	1	1	13260	0.3	3.33	330 10TH AVE	3.33

31
cont.

CD GREEN	9354900260	http://info.kingcour	1	1	1	10000	0.23	4.35	29 10TH AVE S	4.35
CE SABEGH	9354900280	http://info.kingcour	1	2	1	4000	0.09	11.11	111 10TH AVE	11.11
CF SABEGH	9354900279	http://info.kingcour	1	2	1	4000	0.09	11.11	113 10TH AV S	11.11
CG LARSE	9354900300	http://info.kingcour	1	2	1	4529	0.1	10	135 10TH AVE	10
CH MOSA D	9354900295	http://info.kingcour	1	2	1	5472	0.13	7.69	137 10TH AVE	7.69
CI SINGH C	9354900320	http://info.kingcour	1	1	1	6000	0.14	7.14	205 10TH AVE	7.14
CJ CLARK K	9354900330	http://info.kingcour	1	1	1	4543	0.1	10	215 10TH AVE	10
CK WOLVEI	9354900335	http://info.kingcour	1	1	1	3708	0.09	11.11	209 10TH AVE	11.11
CL PETRAI	9354900340	http://info.kingcour	1	2	1	4543	0.1	10	223 10TH AVE	10
CM GUPTA	9354900345	http://info.kingcour	1	2	1	3708	0.09	11.11	217 10TH AVE	11.11
CO MEYER	825059187	http://info.kingcour	1	1	1	7200	0.17	11.76	1007 STATE S	11.76
CP QUILL J	4151800005	http://info.kingcour	1	1	1	14387	0.33	3.03	6713 LAKEVIE	3.03

Average density is 11.56

31
cont.

From:	uwkkg@aol.com
To:	Potala EIS; Teresa Swan; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Glenn Peterson; C Ray Allshouse; Jay Arnold; Andrew Held; Byron Katsuyama; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan
Cc:	uwkkg@aol.com
Subject:	Corrected: Potala EIS: Chapter 3.1 Miscalculations, Errors, Ommissions and Mischaracterizations
Date:	Sunday, August 12, 2012 5:24:24 PM
Attachments:	Potala_Chapter_3.1_with_neighbor_notations.pdf DEIS_for_Potala_and_Neighbor_Corrections_to_Density_Calculations.xls

Subject: Potala EIS: Chapter 3.1 Miscalculations, Errors, Ommissions and Mischaracterizations

Good Evening:

My name is Karen Levenson and I am Board President of my condominium at 6620 Lake Washington Blvd NE, Kirkland. With this address my condominium is part of the study area looked at in the land use chapter of the Environmental Impact Study.

First let me share my understanding that Kirkland has already chosen (documented in current citywide EIS) to regulate the intensity of use of residential properties by measuring units per acre. This is our chosen benchmark, that will be the focus of my comments. 1

As you have likely heard, there are numerous errors in calculations and misrespresentations in the EIS which will require correction. My condominium, at 6620 Lake Washington Blvd NE, is the subject of a very large error as the EIS states that we have 16 units. This statement is completely false since we only have 9 units. Furthermore it assigns a density of 32 units/acre to our condo where we only have 18 units per acre. (We are building # 34 in figure 3.1-8)This and other errors must be changed in the EIS. 2

Neighbors have noted that there are more than 15 errors and 82 omissions, in chapter 3.1 of the EIS. This is a failure rate of 40% which would be a grade of F for most classes. It certainly cannot stand as the basis for the narrative or future decisions made based upon the EIS.

These calculations are misleading by an astronomical amount. This greatly overstates the intensity of development that is seen as land use in the subject area. I also note numerous miscalculations, approximately 10, in other properties on Figure 3.1-8 and recognize that 3.1-8 has left off 6 multifamily buildings that exist in the study area. Five of the buildings are two unit buildings and one has 7 units. The resulting land use review is highly skewed when these are not included and highly misleading. Please correct these errors as well.

Finally, I want to comment about the single family homes and the fact that they are inappropriately under represented. Single Family homes make up two thirds of the land use in the study area, yet the EIS makes a very false statement on a couple of occasions "the majority of the surrounding area is developed with multifamily residential densities." The truth is in direct conflict with the statement in the study and thus the EIS will need correcting. There are actually 81 single family homes of which half are small single family buildings. There are only

44 are multifamily buildings in the identified study area, and the majority of those (30) are 1 or 2 story buildings. Land use is not evaluated on multifamily buildings alone. Single family buildings make up most of the land use character of the area.

2 cont.

I am noting the changes above on behalf of myself and my spouse, my HOA, participants in STOP and participants in "One Neighborhood Block" and all the neighbors in the study area. I look forward to seeing a better, more accurate description of land use in the final EIS.

I am attaching two documents that will point out areas of miscalculations and misstatements in Chapter 3.1.

3

Sincerely,

Karen Levenson
HOA President, The Park, A Condominium
6620 Lake Washington Blvd NE #101
Kirkland WA 98033

3

ENVIRONMENTAL ANALYSIS

This chapter analyzes the impacts of the Proposal and the No Action Alternative on the following elements of the environment:

- Land Use
- Plans and Policies
- Aesthetics
- Transportation
- Construction Impacts

This analysis reviews the affected environment, potential significant impacts, and mitigation measures for each element of the environment. The affected environment discussion describes the current character and environment on the project site and surrounding area. The impact analysis describes potential significant impacts associated with implementation of the alternatives. Mitigation measures identify regulatory requirements and other potential measures to reduce the significant environmental impacts of the alternatives.

3.1 LAND USE

3.1.1 Affected Environment

The analysis area for land use patterns consists of the proposal site and surrounding area. For purposes of reviewing neighborhood land use patterns, we have examined land use patterns in an area generally bounded by Lake Washington to the west, State Street to the east, 7th Avenue South to the north and NE 64th Street to the south (see Figure 3.1-1).

The study area is described.

Land Use Patterns

Project Site

Based on data from the King County Department of Assessments, the project site consists of 52,600 sf, or approximately 1.21 acres. Topographically, the site consists of two relatively flat

areas separated by a steep grade change that runs north south through the approximate center of the site (See Figure 2.9). The eastern portion of the site sits about ten feet higher than the western portion of the site.

The northeastern portion of the site is developed with a private single family residence and shed. This area is landscaped with lawn and ornamental landscaping(See Figure 3.1-2). Access to this portion of the site is from 10th Avenue South. Pedestrian access is provided via a sidewalk on 10th Avenue South. The southeastern portion of the site is undeveloped and covered in brush and shrubs.

FIGURE 3.1-1 STUDY AREA

Adjacent to the corner of 10th Avenue South/Lake Street South, the northwest portion of the site is developed with a 2,114 sf commercial building containing a dry cleaner and restaurant and paved parking area. In the remainder of the western portion of the site, there is some remnant asphalt pavement and concrete slabs from a prior use. The western portion of the site contains shrubs, deciduous trees (alder, cottonwood and maple), and brush primarily along the southern edge and in the steep slope area (See Figure 3.1-3). Access to the western portion the site is from Lake Street South. Pedestrian access is via a sidewalk on Lake Street South. A crosswalk is located at Lake Street South and 10th Avenue South.

Surrounding Area

Immediately adjacent to the site, properties are developed for residential uses. Directly west of the site, properties are developed with single family and multifamily waterfront residential buildings. Public waterfront access is provided by Settler's Landing, a small public park with 60 linear feet of waterfront. To the north and south, adjoining properties are developed with multifamily residential buildings. To the east, adjoining properties are developed with a single family residential building and multi-family development (See Figure 3.1-4).

In the larger surrounding area, the majority of the area is developed with multifamily residential uses, especially to the north and south along Lake Street South/Lake Washington Boulevard (See Figure 3.1-5).

In this area, the only exceptions to the multifamily residential development pattern are a few scattered single family residences, public waterfront parks and a small commercial use on the corner of NE 64th Street/Lake Washington Boulevard. In addition to Settler's Landing, larger

In the study area the majority are SINGLE FAMILY NOT MULTI FAMILY
(81 are 1-2 story Single Family buildings, 44 are 1-3 story MF Buildings)

waterfront parks include David E. Brink Park to the north and Marsh Park to the south (See Figure 3.1-6). To the east, property is developed with a mix of single and multifamily residential development (See Figure 3.1-7).

FIGURE 3.1-2 EXISTING DEVELOPMENT EASTERN PORTION OF SITE

FIGURE 3.1-3 EXISTING DEVELOPMENT WESTERN PORTION OF SITE

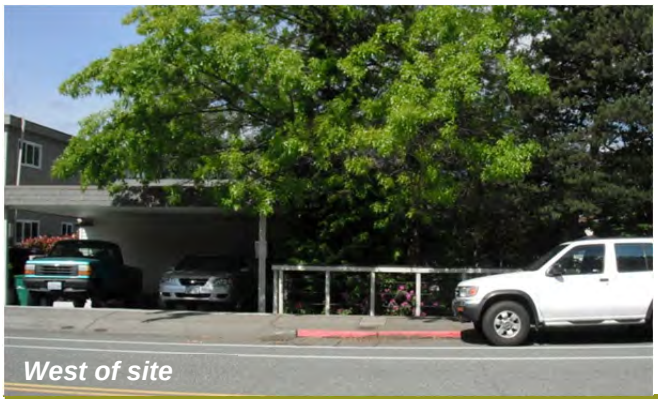

FIGURE 3.1-4 ADJOINING DEVELOPMENT

FIGURE 3.1-5: EXISTING DEVELOPMENT EXAMPLES: LAKE STREET S/LAKE WASHINGTON BOULEVARD

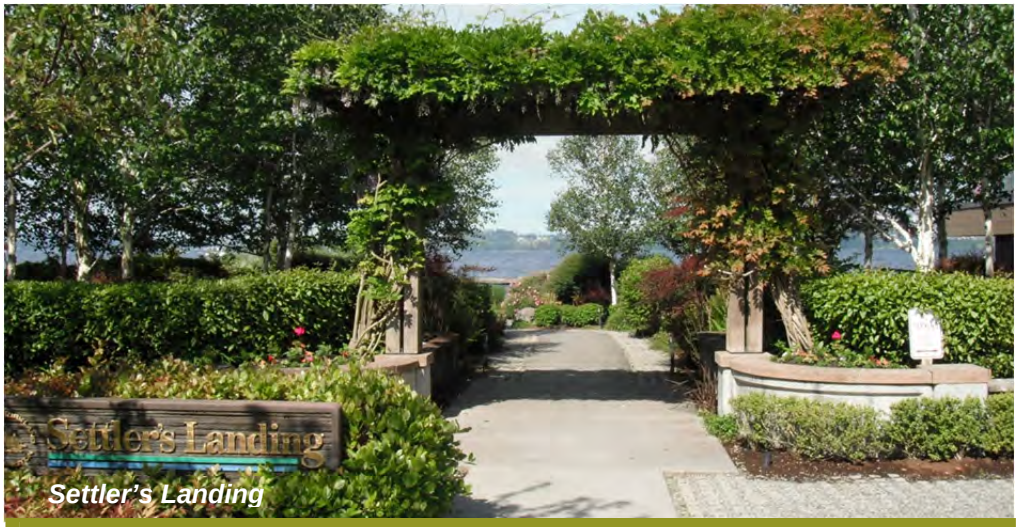

FIGURE 3.1-6 WATERFRONT PARKS

FIGURE 3.1-7 EXISTING DEVELOPMENT EXAMPLES: 10TH AVENUE SOUTH

1 NOTE: Kirkland's 2004 EIS states that in Kirkland we measure intensity of use as residentia density in units per acre and commercial use areas are measured by Floor Area ratios. While some jurisdictions may measure residential density by things like lot coverage, etc, that is not the method chosen with the EIS for the Comp Plan in Kirkland

Density

Overview

Density is generally defined as the amount of residential development permitted on a given parcel of land. It is typically measured in dwelling units per acre – the larger the number of units permitted per acre, the higher the density; the fewer units permitted, the lower the density. Minimum lot area per dwelling unit requirements are a common direct way to regulate density.

There are 43.560 square feet in one acre. Four units per acre equals a minimum lot size of 10,890 sf; 8 units per acre, 5,445 sf; 24 units per acre, 1,815 sf, etc.

1 Alternatively, jurisdictions may elect not to address density directly, but rather use development standards, such as lot coverage, maximum height and parking standards, to control the overall size, intensity and density of development.

Many jurisdictions, including Kirkland, use both approaches as a way to regulate density. In residential zones (single family and multifamily), the Kirkland's Zoning Code establishes minimum lot area per dwelling unit for each residential zone (see Table 3.1-1). Residential uses are also allowed in many of the City's commercial zones, including the Community Business (CB), Neighborhood Business (BN), Central Business District (CBD), Totem Lake (TL), Juanita Business District (JBD), and Rose Hill Business District (RHBD) zones. In

2 these commercial zones, residential densities are not regulated by lot size, but rather by development standards, such as building height, lot coverage, parking standards, setback requirements and other similar standards.

Table 3.1-1 City of Kirkland Residential Zones

Zoning Designations	Minimum Lot Area per Dwelling unit (SF)	Units per Acre
RS 35	35,000	1.24
RS 12.5	12,500	3.48
RS 8.5	8,500	5.12
RS 7.2	7,200	6.05
RS 6.3	6,300	6.91
RS 5.0	5,000	8.7
RM 3.6	3,600	12.1
RM 2.4	2,400	18.2
RM 1.8	1,800	24.2

Source: City of Kirkland Zoning Code

Existing Densities

As shown in Figure 3.1-8, multifamily residential densities surrounding the project site vary significantly. In general, the majority of the surrounding area is developed with multifamily residential densities ranging roughly between 10 to 30 units per acre. Immediately north, south and west of the project site, developed multifamily residential densities range from 10 to 40 units per acre. Property immediately east of the subject site is developed with a mix of single and multifamily development, although located in a medium density (RM 3.6) zone.

3 The study area ranges from 1-40 per acre with only 4 of 126 properties being greater than 24/ac. These 4 were built in 1968

3 Majority is not Multifamily! 2/3 of the bldgs are Single Family

Why ignore single family homes?

5 In the larger surrounding area, developed residential densities range from a low of 5 units per acre to a high of 177 units per acre, with most of the developments at 10 to 40 units per acre. Because many of these properties are less than one acre in size, actual development is proportional to the ratio of the site size to one acre. The highest density development in the area, at 177 units per acre, contains 38 units on a lot size of 9,343 sf. This development was constructed when the lakebed area was allowed to be included in the density calculation. This is no longer permitted, only upland area is used to calculate density and overwater structures are no longer permitted.

5 Whole paragraph is garbage 15 miscalculations in the identified 38 properties 177/acre is actually 40/ac

2 Actually the historical documents show that residential use was totally removed for BN zones that were made "Residential Market - Commercial." Also Res Mkt-Commercial was to be a new very low (lowest) intensity use due to taffic ingress and egress problems at the site of each of the Residential Market - Commercial properties. Final note: Kirkland is in the process of looking at density caps in commercial zones

No.	PIN	No. of Units	Lot Size	Units Per Acre	SqFt per Unit
1	5555000000	4	16,695	10.4	4,174
2	1720800400	4	9,000	19.4	2,250
3	1720800335	3	6,000	21.8	2,000
4	2560880000	2	6,002	14.5	3,001
5	4098500000	11	38,938	12.3	3,540
6	8937000000	4	8,400	20.7	2,100
7	2560900000	4	13,868	12.6	3,467
8	3810950000	11	42,233	11.3	3,839
9	7698200000	38	9,343	177.2	246
10	8127900000	23	42,833	23.4	1,862
11	9197570000	13	58,469	9.7	4,498
12	1924100000	8	27,900	12.5	3,488
13	2286600000	4	11,100	15.7	2,775
14	3298580000	4	16,078	10.8	4,020
15	0825059209	4	7,365	23.7	1,841
16	0825059272	7	8,772	34.8	1,253
17	7698320000	2	7,492	11.6	3,746
18	7981500000	4	15,874	11.0	3,969
19	0825059276	4	16,624	10.5	4,156
20	3888350000	4	14,754	11.8	3,689
21	0825059238	2	17,939	4.9	8,970
22	9354900055	4	17,998	9.7	4,500
23	9195250000	6	20,299	12.9	3,383
24	9354900370	9	17,500	22.4	1,944
25	1419780000	12	22,330	23.4	1,861
26	9354900430	2	9,000	9.7	4,500
27	0825059244	3	8,880	14.7	2,960
28	0825059024	60	101,750	25.7	1,696
29	6641300000	8	18,150	19.2	2,269
30	6818000000	56	102,700	23.8	1,834
31	7804260000	12	29,486	17.7	2,457
32	8662700000	7	28,687	10.6	4,098
33	0825059219	2	8,450	10.3	4,225
34	6640800000	16	21,621	32.2	1,351
35	9320450000	9	30,928	12.7	3,436
36	Mutpl	21	80,593	11.4	3,838
37	1310400000	5	5,493	39.7	1,099
38	0825059114	2	3,780	23.0	1,890

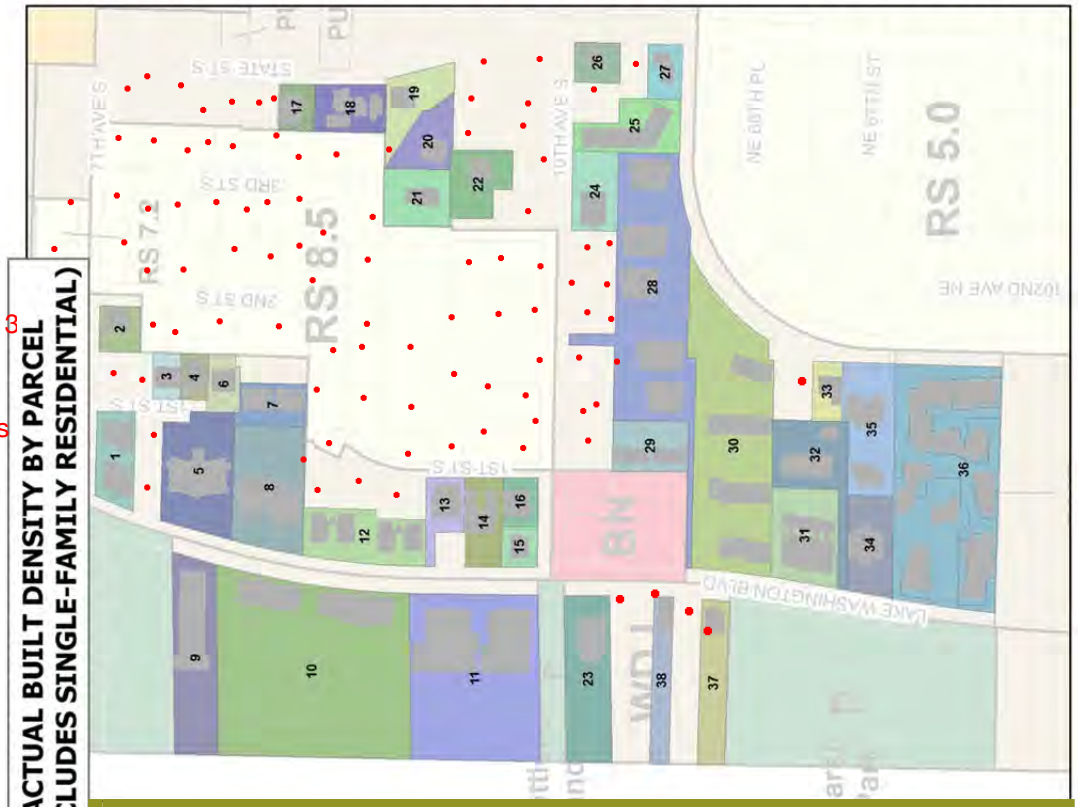

FIGURE 3.1-8 MULTIFAMILY DENSITIES

Why exclude all the single family residential???

There are nearly 3 times as many singlenfamily developments as multifamily buildings!!!

NOTE:
Dots indicate single family

Source: City of Kirkland

IMPORTANT: There are a total of 15 errors in these 38 density calculations. For example: #34 is my condo bldg and it has 9 units not 16. The density therefore is 18/acre not 32. The property size for #37 was incorrect. It is actually a density of 10/acre not 40. This leaves only 3 developments larger than 24/acre. #28 and #16 both built in 1968, and #9 was miscalculated with an incorrect site size. It was built at a density of 40/acre (NOT 177) over the water in 1969. This overwater is no longer allowed and, in general, the east side of LWB has different restrictions than the west side due to western properties being along the shoreline.

Comment letters submitted during the appropriate comment period stated that density was not a proxy but an independent issue involving things like loss of privacy to next door neighbors, ingress/egress, light, sound, feeling of crowdedness. Ingress and egress are also much different than traffic congestion.

Characteristics of Density

In public policy discussions, density is sometimes used as a proxy for other community characteristics, including design quality, traffic congestion, property values and others. In preparation of this EIS, a short review of available information on the impacts of density was conducted. In general, much of the available information is based on a macro, neighborhood or community-wide impacts and does not address single site impacts. It is recognized that conditions at a single site can vary significantly from the macro-level conclusions described below.

The following is a brief summary of information from the Environmental Protection Agency (EPA), Urban Land Institute (ULI), American Institute of Architects (AIA) and other sources with respect to density and community character, traffic congestion, and property values.

- **Community Character**. In general, publications note that design, rather than density, drive community character. The following is an excerpt from *Livability 101*, from the AIA:

They just found citations to support the project. There are equal citations on the other side of the issues. Furthermore note the comments of emphasizing continuity and respect of existing neighborhood. Also to positively impact property values density must be "well placed" with attractive design and landscaping

In terms of building community, the most critical test of design quality is whether the new development enriches and enlivens the public realm. In existing neighborhoods, new buildings should emphasize continuity with existing neighborhood fabric, including similar materials, continuity along the street, and massing that establishes a sense of respect for nearby buildings. For any new construction, the street level should be designed to engage pedestrians, with lively retail use wherever possible and facades that feature multiple doorways and avoid blank walls. Buildings should use handsome, durable materials, particularly at and near street level, that convey a sense of commitment to being a good neighbor for years to come.[1]

- **Traffic congestion.** A study by the University of California Energy Institute considered 2001 National Household Transportation Survey data to document the relationship between fuel usage and land use density. This study found that, for area-wide densities greater than 50 units/square mile, total annual mileage on all household vehicles and total fuel usage generally decline with increasing housing density. Similarly, the ULI reports that doubling density decreases the vehicle miles travelled by 38%.[2] At the site-specific level, however, it is acknowledged that the additional of residential units can impact local traffic congestion. Please see Section 3.4 of this Draft EIS for discussion of potential transportation impacts associated with the proposal.

- **Property Values.** In *Higher-Density Development Myth and Fact*, the ULI notes that the value of real estate is determined by many factors and isolating the impact of one factor can be difficult. The publication cites several studies and concludes that multifamily housing has either no impact or potentially a slightly positive impact on appreciation rates. In particular, researchers at Virginia Tech University have concluded that over the long run, well-placed market rate apartments with attractive design and landscaping actually increase the overall value of detached houses nearby. The report further states that citizens should use the entitlement process to demand

1 American Institute of Architects. Liveability 101. 2005.
2 Urban Land Institute. Higher-Density Development Myth and Fact. 2005.

high-quality development in their communities while understanding that density and adjacent property values are not inversely related.

These publications point to the benefits of well-designed higher density housing at a community-wide basis. Because site-specific characteristics can vary widely, they do not address impacts, either positive or negative, at the site level. However, they do suggest that, even at the site-specific level, good design may be a key factor in maintaining and strengthening community character and preserving property values. Please see the aesthetics discussion in Section 3.3 of this Draft EIS for a review of aesthetics impacts and mitigating measures for the proposal.

Regulatory Overview

This totally ignores that BN zones had changes made to them over the years. One BN zone was made BN(1) to add farther restrictions upon the BN zone. The BN zone at 10th and Lake St S was given restrictions that it must meet the definition of Residential Market. This is not addressed at all in the review by the EIS. At the community meeting the EIS Consultants stated they would fully review the Residential Market description and restrictions then they completely left it out.

City of Kirkland Zoning Code

Project Site

When BN property had Residential Mkt - Commercial restrictions added, residential use was completely, intentionally removed as a permitted use and no longer allowed

The subject property is zoned Neighborhood Business (BN). Kirkland Zoning Code Section 40.10 establishes the use and development standards for the BN zone.

Permitted uses include a range of retail uses, private club or lodge, office, stacked dwelling units, church, school/daycare center, assisted living facility and convalescent center/nursing home. For residential and office uses such as the proposed action, the BN zone requires minimum setbacks of 20 feet from front property lines, 10 feet from rear property lines, and five feet from side property lines with both side yards equaling a total of 15 feet; maximum lot coverage of 80%; and maximum building height of 30 feet above average building elevation[3]. There is no minimum lot size established for office or minimum lot area per unit for stacked dwelling units. Required on-site parking is one space for each 300 sf of gross general office floor area, one space for each 200 sf of gross medical office floor area and 1.7 spaces for each dwelling unit (See Table 2-1).

In addition, the BN zone lists two special regulations that apply to stacked dwelling units:

1. This use, with the exception of a lobby, may not be located on the ground floor of a structure.

2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Chapter 95 KZC establishes the requirements for landscape buffers. For stacked dwelling units in the BN zone, the ground floor use determines the applicable landscape buffer.

Based on a proposed ground floor office use, the proposal must meet the requirements for Landscape Category C. For Landscape Category C, Section 95.42 establishes that if the adjoining property is a low density use, then landscaping that complies with Buffering Standard 1 is required. When property adjoins a medium or high density residential use, landscaping must comply with Buffering Standard 2.

[3] KZC 5.10.045 defines average building elevation as the weighted average elevation of the topography, prior to any development activity, either (1) under the footprint of a building as measured by delineating the smallest rectangle which can enclose the building footprint and then averaging the elevations taken at the midpoint of each side of the rectangle, or (2) at the center of all exterior walls of a building or structure.

Buffering Standard 1 requires a 15-foot wide landscaped strip with a 6-foot high solid screening fence or wall. The buffer must be planted with a mix of trees, shrubs and living ground cover as established in Section 95.42 KZC.

Buffering Standard 2 requires a 5-foot wide landscaped strip with a 6-foot high solid screening fence or wall. The buffer must be planted with a mix of trees and living ground cover as established in Section 95.42 KZC.

KZC 95.42.5 establishes that, where there are multiple buffering requirements along the same property line, a gradual transition between the different land use buffers must be provided and must occur totally within the area with the less stringent buffering requirement. The specific design of the transition must be approved by the City.

Based on a proposed ground floor retail use, the proposal must meet the requirements for Landscape Category B. Landscape Category B requires compliance with Buffering Standard 1 if the adjoining property is low, medium or high density use or zoning. As noted above, Buffering Standard 1 requires a 15-foot wide landscaped strip with a 6-foot high solid screening fence or wall. The buffer must be planted with a mix of trees, shrubs and living ground cover as established in Section 95.42 KZC.

Chapter 5 KZC defines a land use buffer as any structural, earth or vegetative form that is located along a boundary for the purpose of minimizing visual and noise impacts. Land use buffers may include, but are not limited to, berms, high shrub, dense stands of trees, trellises and fences.

Surrounding Area

As shown in Figure 3.1-9, zoning designations in the surrounding area include RM 3.6 to the north, east and south and WDI to the west. Also, a corner of an RS 8.5 zone is adjacent to the northeast corner of the site. Chapter 5 KZC defines the RM 3.6 and WD I zones as medium density zones and RS 8.5 as a low density zone. Primary uses and development standards for these zones are summarized in Table 3.1-2.

RM 3.6 and WD 1 zones allow up to 12 units per acre and RS 8.5 allows 5 units per acre. All allow only 60% lot coverage and require significant property line set backs.

So how does 118/acre fit? How is 80% lot coverage similar or compatible... especially since it will be built across 3 lots unlike any other building in the area

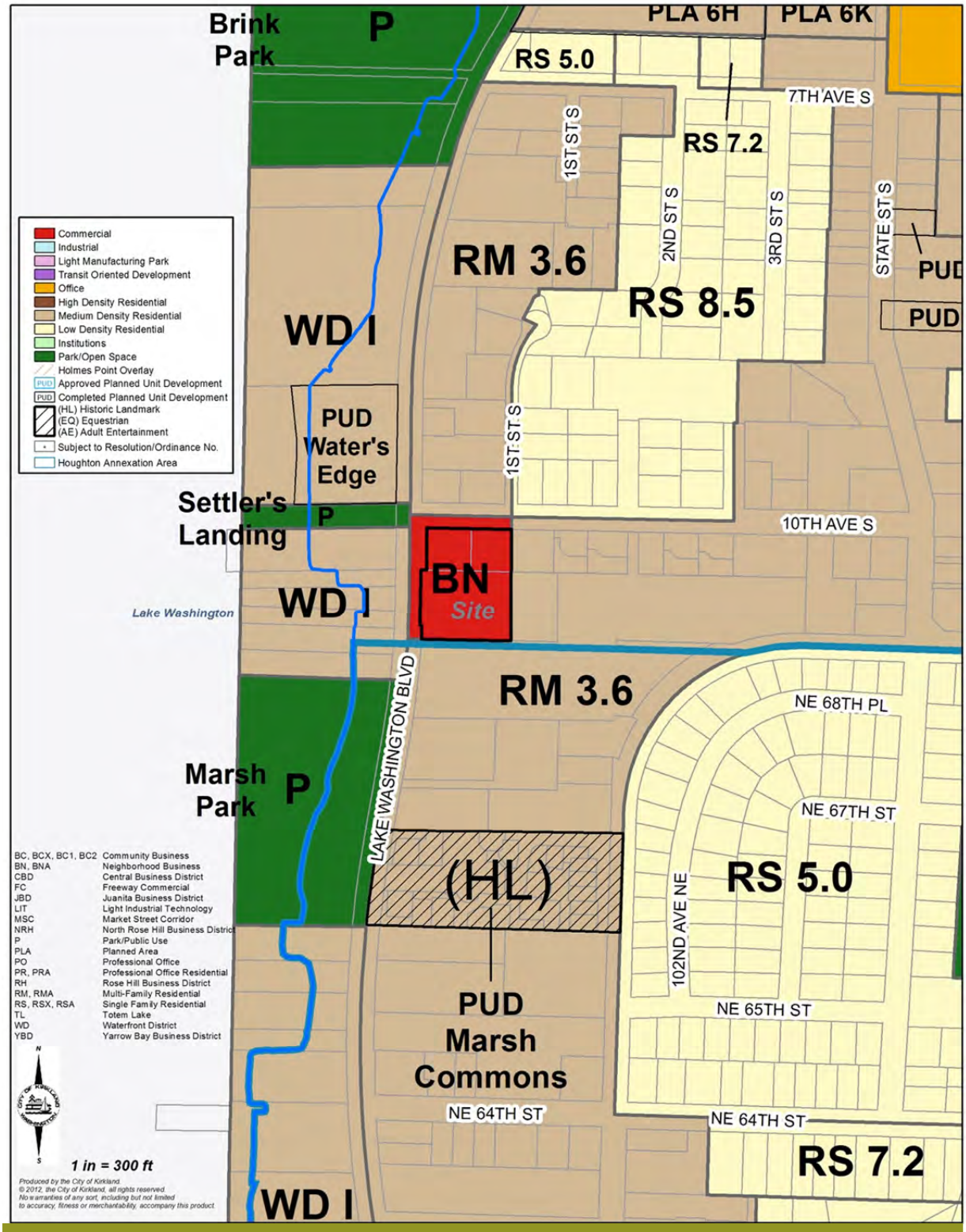

FIGURE 3.1-9 STUDY AREA ZONING DESIGNATIONS

Source: City of Kirkland

Table 3.1-2 Zoning Standards

	RM 3.6	WD I	RS 8.5
Permitted Uses	Detached dwelling units Attached, stacked dwelling units Church Piers, docks, boat lifts serving dwelling units School/daycare center Limited retail uses Assisted living facility Nursing home Public utility Government/Community Facility Public park	Detached dwelling units Attached, stacked dwelling units Public access facility Piers, docks, boat lifts serving dwelling units Marina Restaurant/tavern Public park Public utility Government/Community Facility Assisted living facility Boat launch Water taxi	Detached dwelling units Church School/day care Golf course Public utility Government/Community facility Public park
Minimum Lot Area per Unit	3,600 sf for residential uses 12/acre	3,600 sf for residential uses 12/acre	8,500 sf for residential units 5 per acre
Maximum Structure Height	25' to 30'[1]	30'	25'
Maximum Lot Coverage	60% to 70%[2] lot coverage is only allowed greater than 60% if nursing home	80%	50% to 70%[2] lot coverage is only allowed greater than 50% if nursing home

1. *Height standards are based on adjoining zoning designations. For example, if adjacent to a low density zone (other than RSX), height is limited to 25' above average building elevation. Otherwise, a 30 ft height is permitted.*
2. *Lot coverage varies based on the use. For example, in the RM 3.6 zone, residential development is limited to 60% lot coverage, a convalescent center or nursing home to 70%, etc.*

Source: City of Kirkland

This is a major bone of contention with the neighbors. The parcels were changed from shoreline residentia designation to Urban Mixed without notice and not discussed with city council or highlighted in their packet. Plain black and white text covertly made this change. Residential would have maintained 12 units per acre maximum and 60% lot coverage.

Shoreline Master Program

Kirkland's Shoreline Master Program (SMP) contains policy direction for how Kirkland's water bodies governed by the Shoreline Management Act (SMA) should be treated, including land use designations, development, conservation and restoration goals and policies. Lake Washington is classified as a shoreline of statewide significance and therefore all lands within 200 feet of the lake's ordinary high water mark are subject to the jurisdiction of the SMA and the provisions of Kirkland's SMP.

On the project site, approximately 10,386 square feet is within the 200 foot shoreline area (see Figure 3.1-10) and is designated "Urban Mixed" which is defined as "high intensity land uses, including residential, commercial, recreational, transportation and mixed-use development." The Department of Ecology found the "Urban Mixed Use" environment designation for a portion of the site consistent with the SMA and WAC 173-26 (State Master Program Guidelines), when it approved the City's Shoreline Environments Designation Map in 2010. Only the portion of the site in the designated shoreline area is subject to the SMP requirements.

The required SMP development permit for the proposed action is a Shoreline Substantial Development Permit (SDP). Kirkland Zoning Code Chapter 83 establishes permitted uses and development standards for the Urban Mixed Use designation as follows:

- Maximize site development potential within the context of regulatory requirements and environmental and market conditions. Allowed uses: Stacked dwelling units, office and retail uses are permitted with approval of an SDP.
- Minimum lot area per unit: 1,800 square feet for multifamily residential; no minimum for commercial uses. Minimum lot size requirements apply only to the area within the shoreline jurisdiction. On June 7, 2011, the City approved an amendment to Chapter 83 that removed the minimum lot size requirement for multifamily residential, in order to match the BN zoning standard. However, the Proposal was submitted before the amendment was approved and is subject to the 1,800 sf minimum lot area per unit standard for the area within the shoreline jurisdiction.
- Structure height: 41 feet maximum for all uses.
- Maximum lot coverage: 80% for all uses.

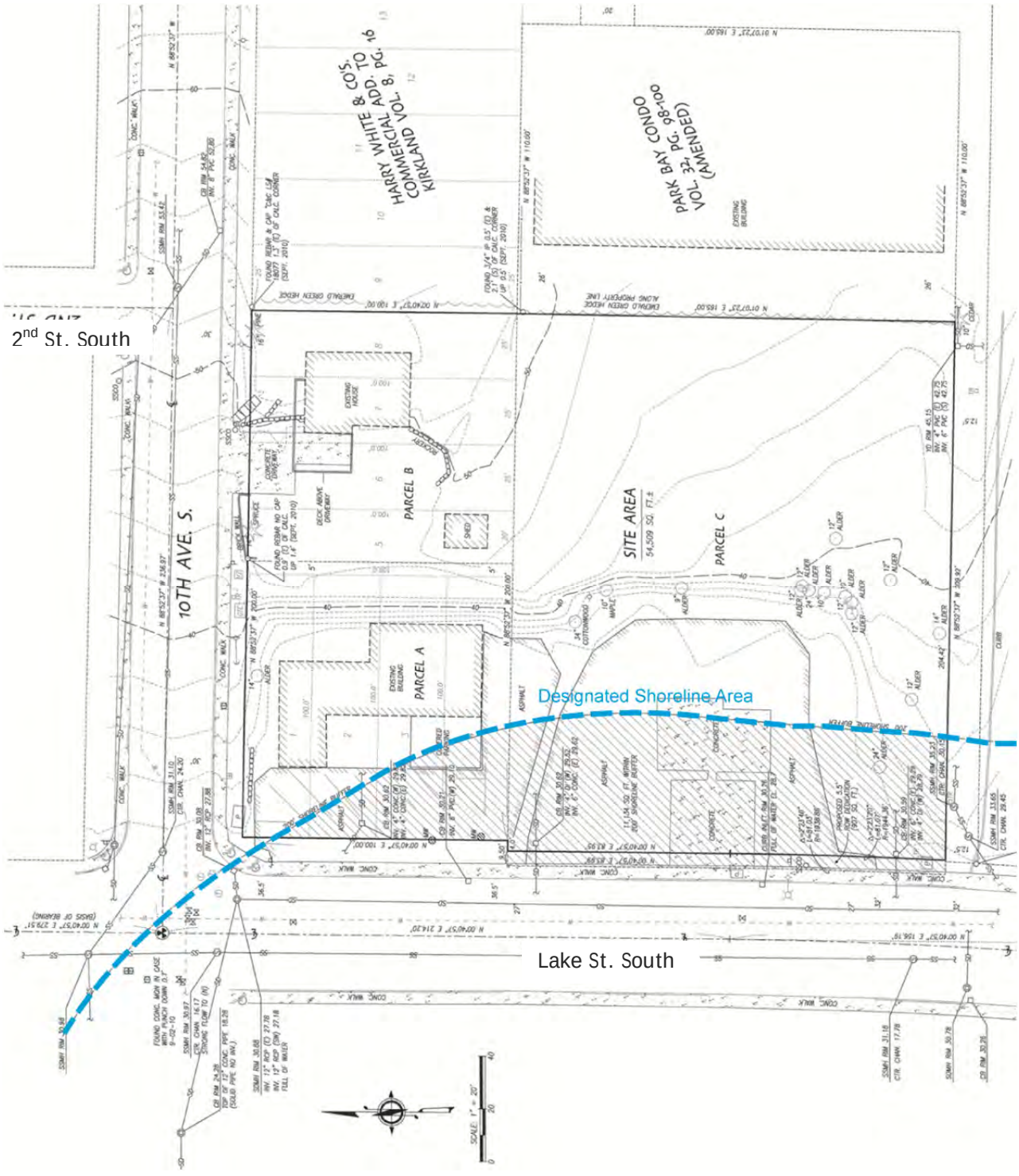

FIGURE 3.1-10 SHORELINE DESIGNATION AREA

Source: City of Kirkland, Charles Morgan & Associates

3.1.2 Significant Impacts

Alternative 1 (No Action)

All of these comparisons are crazy. Neighbors asked for a lower intensity alternative and a consultant to the city suggested it would be a good idea but the developer asked for the EIS be scaled back to fit into his budget.

Land Use Patterns

Under the No Action alternative, there would be no change to the site. The existing single family residence in the northeastern portion of the site and commercial buildings on the lower portion of the site would remain as the currently existing. No additional development would occur on the site.

Since the site would experience no change from existing conditions, it is not anticipated that new significant land use compatibility impacts would result from the No Action Alternative. Because much of the surrounding area is well landscaped and maintained, existing site features in 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.

Alternative 2

Of course the citizens want something built here and discarded items, etc should be cleaned up no matter what.

Land Use Patterns

Under the Proposed Action, use of the site would be intensified with redevelopment for 143 residential dwelling units, approximately 6,200 sf of office space and supporting parking. Existing retail, restaurant and single family residential uses would be replaced by multifamily residential and office uses. Existing site structures would be demolished and vegetation removed and replaced with the proposed development. The existing site elevation would be significantly altered, particularly in the eastern portion of the site.

Incorrect: 2/3 of bldgs are actually Single Family

As described previously, the site is surrounded by properties that are zoned for and primarily developed in a multifamily land use pattern. The proposal is for a mixed use development in which multifamily housing would predominate. From this perspective, the Proposed Action would be consistent with the surrounding land use pattern. As required under the BN zoning, a portion of the ground floor of the Proposal would be for office use. While no office use was observed in the study area, the proposed office area is limited to 6,200 sf and is not expected to significantly impact existing land use patterns in the area.

Along the northeast boundary of the site, adjoining development consists of single family residences in a medium density residential zone. Along this edge, potential height and bulk impacts could be mitigated through appropriate use of landscape buffers. The proposed landscape buffers would be located in trenches along the east property line and much of the north and south property lines, resulting in buffers that would be significantly below the elevation of adjoining properties. At finished grade, the buffer would be 12 feet or more below the top of the retaining wall. Along the north and south property lines, landscape buffers would also be below retaining walls, gradually rising to meet adjoining grades toward the western part of the site. As assessed by the City's Urban Forester, much of the proposed landscape buffer area would not receive adequate sunlight, likely resulting in die-off of lower branches and hindered long-term tree growth. Adequate drainage and root growth area are also concerns.[4] Because buffer plantings would not be visible from adjoining properties and are unlikely to thrive, the proposed landscape buffer would not meet its intended purpose.

[4] Personal communication. Deborah Powers, City of Kirkland Planning and Community Development. June 2012.

Not True: There were 15 miscalculations in their 38 property selection. The highest density, once corrected was 40/acre and there were only 3 other properties > 24. Two are 26 units per acre and one is 35 units per acre. All were built under non-restrictive zoning in 1968 & 1969

Density

With 143 units on a 1.21 acre site, the proposal would result in a density of approximately 118.4 dwelling units per acre. As shown in Figure 3.1-9, this is at the high end, but within the range of densities found in the study area. As noted in the discussion of density above, the primary impacts of density are likely to be associated with site aesthetics and traffic congestion. These topics are discussed in Sections 3.3 and 3.4, respectively, in this Draft EIS.

Regulatory Requirements

The proposal meets the fundamental use standards for the BN zone and for the Urban Mixed designation in the designated shoreline area. It should be noted that the shoreline Urban Mixed designation at the time the Proposal was submitted required a minimum lot area per unit of 1800 sf. Within the 10,370 sf designated shoreline area, a total of 5.77 units would be allowed. Rounding up is permitted if the density calculation result in a fraction greater than .50, resulting in a total of six permitted units in this area. The applicant is proposing five dwelling units in this area, consisting of two units on the third floor, two units on the fourth floor and one unit on the fifth floor (see Appendix 1).

Again this ignores the fact that these properties had their BN zone farther restricted in 1995 and every year since. Urban Mixed was done on the sly.

Based on Chapter 95 KZC and the proposed ground floor office use, landscape buffers of at least 15 feet in width are required adjacent to the single family use to the east and at least five feet in width adjacent to the medium density use to the south and along the southern part of the eastern boundary. As shown in the landscape plan (Figure 2.3), the Proposal meets or exceeds the width requirements, but does not meet the requirement for a gradual transition between the differing land use buffers along the east property line.

It should be noted that the proposed buffer widths would not permit ground floor retail uses, which require a 15-foot wide buffer adjacent to all residential uses adjoining the site.

In addition, depending on the location, the proposed site elevation of the buffer area would be below the elevation of the adjacent properties and 10th Avenue South (See Figure 2-3 and Appendix 1). Vegetation planted in these buffers would be visible from the new units within the site, but would not be visible from the adjoining properties or 10th Avenue South for many years, if ever. As proposed, the buffers would not meet the intent of minimizing the visual impact of the development.

3.1.3 Mitigating Measures

Applicable Regulations and Commitments

The proposed development would be required to comply with applicable provisions of the Kirkland Zoning Code and Shoreline Master Program. Adherence to these regulations will help ensure that the proposal is consistent with the surrounding land use pattern.

As required by Section 95.42 KZC, required landscape buffers shall provide effective screening for adjacent properties. The proposed site plan needs to be revised to meet the intent of the required landscape buffers. Modifications to the proposed site plan to meet this requirement could include shifting the retaining walls along the east, north and south property lines from the outer edge of the buffer to the inner edge and installing the landscape buffer between the

All mitigations are worthless in actually mitigating the issues. They are like purchasing a candy bar and small water bottle when you are told to get food and water in case of an earthquake.

Yes you purchased food and water but it will be worthless having you prepared for many days of survival

retaining walls and property lines, widening the buffers to provide an adequate area along the retaining walls for a raised platform so that planted vegetation provides screening above the fence line at time of planting, or other measures as approved by the City.

In addition, to meet the requirement of 95.42.5 KZC, the proposed site plan needs to be revised to provide for a gradual transition in buffer widths along the east property line.

Other Mitigation Measures

In order to allow for future retail use of the site, landscape buffers would need to be modified to meet the standard for Buffering Standard 1 which requires a 15-foot width.

3.1.4 Significant Unavoidable Adverse Impacts

The proposal would result in a greater density of land use on the project site. This change to the land use pattern to include multifamily use is consistent with the surrounding land use pattern and the Kirkland Zoning Code. With recommended mitigation, no significant unavoidable adverse impacts are anticipated.

As shown throughout the markups, land use intensity is already cited in Kirkland as being measured in units per acre and not any other method of calculation.

Then throughout the document there are misstatements claiming the majority of the area is multifamily buildings wherein that is categorically untrue. The vast majority are actually Single Family Homes of (about 50% one story bldgs). Only 44 of 125 buildings are multifamily in the area.

Even the multifamily structures tend to be small. 6 are single story, 24 are two stories tall and only 14 are 3 stories. There are no structures greater than 3 stories.

The change to use pattern is very inconsistent and is not consistent with Kirkland zoning code. Our code states that where there is a conflict between zoning and later passed ordinances and plans the most restrictive provisions apply. Even taken liberally this would mean that 12 units per acre is the most residential that is

ID on Map	Parcel Number	Link to Assessor	# of Bldgs	# of Stories	total # of units	Lot Sq Ft	Lot Acres	EIS Calculation	Address	Neighbor Calculation
1	5555000000	http://info.kingcour	2	3	4	16695	0.38	10.4	711 1ST ST S	10.53
2	1720800400	http://info.kingcour	1	2	4	9000	0.21	19.4	121 7TH AVE	19.05
3	1720800335	http://info.kingcour	1	2	3	6000	0.14	21.8	714 1ST ST S	21.43
4	2560880000	http://info.kingcour	1	2	2	6002	0.14	14.5	720 1ST ST S	14.29
5	4098500000	http://info.kingcour	1	3	11	39938	0.89	12.3	725 1ST ST S	12.6
6	8937000000	http://info.kingcour	1	2	4	8400	0.19	20.7	730 1ST ST S	21.05
7	2560900000	http://info.kingcour	2	2	4	13868	0.32	12.6	734 1ST ST S	12.5
8	3810950000	http://info.kingcour	1	3	11	42233	0.97	11.3	735 1ST ST S	11.34
9	7698200000	http://info.kingcour	1	3	38	41436 not	0.95	177	733 Lake S	40
10	8127900000	http://info.kingcour	2	3	23	37900 not	0.87	23.4	807 Lake S	26.43
11	9197570000	http://info.kingcour	2	3	13	102564 not	2.35	9.7	905 LAKE ST	5.53
12	192410000	http://info.kingcour	4	2	8	27900	0.64	12.5	816 LAKE ST	12.5
13	2286600000	http://info.kingcour	1	2	4	11100	0.25	15.7	935 1ST ST S	16
14	3298580000	http://info.kingcour	1	2	4	16078	0.37	10.8	945 1ST ST S	10.81
15	825059209	http://info.kingcour	1	2	4	7365	0.17	23.7	8 10TH AVE S	23.52
16	825059272	http://info.kingcour	1	2	7	8772	0.2	34.8	20 10TH AVE	35
17	7698320000	http://info.kingcour	1	2	2	7492	0.17	11.6	735 STATE ST	11.74
18	7981500000	http://info.kingcour	4	2	4	15874	0.36	11	751 STATE ST	11.11
19	825059276	http://info.kingcour	1	2	4	16624	0.38	10.5	903 STATE ST	10.53
20	3888350000	http://info.kingcour	2	2	4	14754	0.34	11.8	911 STATE ST	11.76
21	825059238	http://info.kingcour	2	1	2	17939	0.41	4.9	904 3RD ST S	4.87
22	9354900055	http://info.kingcour	2	2	5 NOT 4	17998	0.41	9.7	912 3RD ST S	12.2
23	9195250000	http://info.kingcour	1	3	6	36537 not	0.84	12.9	1003 LAKE ST	7.14
24	9354900370	http://info.kingcour	1	3	9	17500	0.4	22.4	303 10TH AVE	22.5
25	1419780000	http://info.kingcour	1	2	12	22330	0.51	23.4	315 10TH AVE	23.53
26	9354900430	http://info.kingcour	1	2	2	9000	0.21	9.7	333 10TH AVE	9.5
27	825059244	http://info.kingcour	1	1	3	8880	0.2	14.7	1017 STATE S	15
28	825059024	http://info.kingcour	5	3	60	101750	2.34	25.7	10212 NE 68th	25.64
29	6641300000	http://info.kingcour	2	2	8	18150	0.42	19.2	10108 NE 68T	19.05
30	6818000000	http://info.kingcour	4	3	56	102700	2.36	23.8	6750 NE LAKE	23.73
31	7804260000	http://info.kingcour	1	3	12	29486	0.68	17.7	6736 LAKE W/	17.84
32	8662700000	http://info.kingcour	2	2	7	28687	0.66	10.6	6714 LAKE W/	10.61
33	825059219	http://info.kingcour	1	1	2	8450	0.19	10.3	6707 LAKEVIE	10.53
34	6640800000	http://info.kingcour	1	3	9 NOT 16	21621	0.5	32	6620 LAKE W/	18
35	9320450000	http://info.kingcour	2	3	16 (in 2 bld	30928	0.71	12.7	6627 LAKEVIE	22.5
36	Multiple	multiple	8	2	21	80593	1.85	11.4	Marsh Commo	11.35
37	1310400000	http://info.kingcour	1	2	5	21869 not	0.5	39.7	6721 LAKE W/	10

38	825059114	http://info.kingcour	1	1	2	15319 not	0.35	23	1025 LAKE ST	5.71		
J STEPHEN	1720800480	http://info.kingcour	1	2	2	7050	0.16	12.5	709 1ST ST S	12.5	MISSING MULTIFAMILY	
BC HARASI	3892100010	http://info.kingcour	1	2	2	7279	0.17	11.76	740 3RD ST S	11.76	MISSING MULTIFAMILY	
BD HARASI	3892100005	http://info.kingcour	1	2	2	7279	0.17	11.76	744 3RD ST S	11.76	MISSING MULTIFAMILY	
BH HILLEAF	4149300035	http://info.kingcour	1	1	2	7080	0.16	12.5	944 1ST AVE S	12.5	MISSING MULTIFAMILY	
CB 10th and	8578700000	http://info.kingcour	7	3	7	31085	0.71	9.86	314 10TH AVE	9.86	MISSING MULTIFAMILY	
CN BOETTC	9354900410	http://info.kingcour	1	1	2	8750	0.2	10	323 10TH AVE	10	MISSING MULTIFAMILY	
A Key, Vash	825059204	http://www5.kingcc	1	1	1	14587	0.33	3	1011 Lake St	3		
B GODFREY	825059174	http://info.kingcour	1	2	1	18276	0.42	2.3	1015 LAKE ST	2.3		
C STYLE RC	825059298	http://info.kingcour	1	1	1	22528	0.52	1.92	6735 LAKE WA	1.92		
I STEPHENS	1720800485	http://info.kingcour	1	2	1	6360	0.15	6.66	711 1ST ST S	6.66		
K CAUNT V	1720800315	http://info.kingcour	1	2	1	7002	0.16	6.25	704 1ST ST S	6.25		
L SMITH MI	1720800320	http://info.kingcour	1	2	1	1001	0.11	9	706 1ST ST S	9		
M PRITT LA	1720800390	http://info.kingcour	1	1	1	6000	0.14	7.14	709 2ND ST S	7.14		
N PRITT LA	1720800365	http://info.kingcour	1	2	1	6000	0.14	7.14	715 2ND ST S	7.14		
O PRITT LA	1720800350	http://info.kingcour	1	2	1	9000	0.21	4.76	None Assigned	RS 8.5		
P PRITT LA	3892100130	http://info.kingcour	1	2	1	23954	0.55	1.8	733 2ND ST S	1.8		
Q KESSLEF	1720800214	http://info.kingcour	1	2	1	6000	0.14	7.14	702 2ND ST S	7.14		
R DELVECC	1720800215	http://info.kingcour	1	2	1	6000	0.14	7.14	708 2ND ST S	7.14		
S Storie Mar	1720800235	http://info.kingcour	1	2	1	12000	0.28	3.57	714 2ND ST S	3.57		
T JACOBS J	1720800255	http://info.kingcour	1	1	1	6000	0.14	7.14	722 2ND ST S	7.14		
U DELVECC	3892100060	http://info.kingcour	1	1	1	7666	0.18	5.55	728 2ND ST S	5.55		
V DIELLO E	3892100055	http://info.kingcour	1	1	1	8000	0.18	5.55	742 2ND ST S	5.55		
W UNG SRU	1720800305	http://info.kingcour	1	2	1	2100	0.05	20	211 7TH AVE S	20		1946
X O'NEILL J	1720800306	http://info.kingcour	1	2	1	3900	0.09	11.11	221 7TH AVE S	11.11		
Y YOUNG D	1720800295	http://info.kingcour	1	1	1	6000	0.14	7.14	709 3RD ST S	7.14		
Z YOUNG D	1720800285	http://info.kingcour	1	1	1	6000	0.14	7.14	711 3RD ST S	7.14		
AA CLAY BF	1720800275	http://info.kingcour	1	2	1	7500	0.17	5.88	713 3RD ST S	5.88		
AB KAEHLE	1720800265	http://info.kingcour	1	2	1	7500	0.17	5.88	723 3RD ST S	5.88		
AC YONKE	3892100065	http://info.kingcour	1	2	1	4665	0.11	9.09	729 3RD ST S	9.09		
AD LUNA G	3892100071	http://info.kingcour	1	1	1	8065	0.19	5.26	731 3RD ST S	5.26		
AE BOB STI	1720800105	http://info.kingcour	1	2	1	7500	0.17	5.88	255 7TH AVE S	5.88		
AF MARRA	1720800115	http://info.kingcour	1	2	1	7500	0.17	5.88	710 3RD ST S	5.88		
AG BOSCH	1720800130	http://info.kingcour	1	1	1	6000	0.14	7.14	712 3RD ST S	7.14		
AH BOSCH	1720800140	http://info.kingcour	1	2	1	3000	0.07	14.28	714 3RD ST S	14.28		1900
AI ROSNOV	1720800145	http://info.kingcour	1	2	1	6000	0.14	7.14	720 3RD ST S	7.14		
AJ HECK S	3892100020	http://info.kingcour	1	2	1	7279	0.17	5.88	728 3RD ST S	5.88		
AK BRATOF	3892100015	http://info.kingcour	1	1	1	7279	0.17	5.88	730 3RD ST S	5.88		

AL FALK RC	1720800190	http://info.kingcour	1	2	1	4680	0.11	9.09	703 STATE ST	9.09
AM SMYTH	1720800195	http://info.kingcour	1	2	1	3872	0.09	11.11	705 STATE ST	11.11
AN MILEWS	1720800180	http://info.kingcour	1	1	1	5700	0.13	7.69	709 STATE ST	7.69
AO RUITER	1720800170	http://info.kingcour	1	2	1	5700	0.13	7.69	713 STATE ST	7.69
AP PUJOL M	1720800154	http://info.kingcour	1	2	1	4271	0.1	10	717 STATE ST	10
AQ ZHOU S	1720800155	http://info.kingcour	1	2	1	4271	0.1	10	721 STATE ST	10
AR JOUBEF	3892100022	http://info.kingcour	1	2	1	4002	0.09	11.11	727 STATE ST	11.11
AS BRENT I	3892100023	http://info.kingcour	1	2	1	4007	0.09	11.11	731 STATE ST	11.11
AT SATRE F	192400050	http://info.kingcour	1	2	1	8098	0.19	5.26	905 1ST ST S	5.26
AU EVF INC	192400030	http://info.kingcour	1	1	1	9763	0.22	4.55	915 1ST ST S	4.55
AV LOW SU	192400070	http://info.kingcour	1	1	1	10,764	0.25	4	906 1ST ST S	4
AW VOLDAI	192400060	http://info.kingcour	1	1	1	8444	0.19	5.26	None Assigned	5.26
AX JEWELL	192400090	http://info.kingcour	1	1	1	8444	0.19	5.26	745 2ND ST S	5.26
AY VELDAL	192400080	http://info.kingcour	1	1	1	8582	0.2	5	None Assigned	5
AZ MATHEV	3892100050	http://info.kingcour	1	1	1	10793	0.25	4	744 2ND ST S	4
BA MATHEV	3892100045	http://info.kingcour	1	2	1	10773	0.25	4	746 2ND ST S	4
BB SCHUM/	3892100080	http://info.kingcour	1	1	1	15729	0.36	2.77	739 3RD ST S	2.77
BE TUBBES	192400020		1	2	1	10479	0.24	4.17	925 1ST ST S	4.17
BF HYATT D	825059184	http://info.kingcour	1	2	1	4799	0.11	12	None Assigned	12
BG BRASHE	192400040	http://info.kingcour	1	1	1	9405	0.22	4.55	930 1ST ST S	4.55
BI PAGE GA	4149300040	http://info.kingcour	1	2	1	7080	0.16	6.25	950 1ST AVE S	6.25
BJ LOOMIS	4149300005	http://info.kingcour	1	1	1	6357	0.15	6.66	100 10TH AVE	6.66
BK GLASEF	4149300010	http://info.kingcour	1	2	1	6357	0.15	6.66	110 10TH AVE	6.66
BL COOK P	4149300015	http://info.kingcour	1	1	1	6357	0.15	6.66	130 NE 10TH S	6.66
BM MEADO	4149300020	http://info.kingcour	1	2	1	6357	0.15	6.66	931 2ND ST	6.66
BN CORE T	4149300025	http://info.kingcour	1	1	1	7080	0.16	6.25	925 2ND ST S	6.25
BO MATHEV	4149300030	http://info.kingcour	1	1	1	7080	0.16	6.25	917 2ND ST S	6.25
BP VOLDAL	825059020		1	1	1	12672	0.29	5	None Assigned	5
BQ MATTH	825059070	http://info.kingcour	1	2	1	49140	1.13	0.88	905 3RD ST S	0.88
BR MATHEV	9354900135	http://info.kingcour	1	2	1	6800	0.16	6.25	910 2ND ST S	6.25
BS BINFOR	9354900150	http://info.kingcour	1	2	1	6500	0.15	6.66	916 2ND ST S	6.66
BT IVES TH	9354900165	http://info.kingcour	1	1	1	7500	0.17	11.76	922 2ND ST S	11.76
BU BROOLI	9354900180	http://info.kingcour	1	2	1	8800	0.2	5	921 3RD ST S	5
BV MATHEV	9354900195	http://info.kingcour	1	2	1	4900	0.11	12	913 3RD ST S	12
BY MATHEV	9354900210	http://info.kingcour	1	1	1	6550	0.15	6.66	909 3RD ST S	6.66
BZ DOW TA	9354900065	http://info.kingcour	1	2	1	7201	0.17	11.76	300 10TH AVE	11.76
CA REISMA	9354900085	http://info.kingcour	1	2	1	6000	0.14	7.14	310 10TH AVE	7.14
CC MAKI PA	9354900025	http://info.kingcour	1	1	1	13260	0.3	3.33	330 10TH AVE	3.33

CD GREEN	9354900260	http://info.kingcour	1	1	1	10000	0.23	4.35	29 10TH AVE S	4.35
CE SABEGH	9354900280	http://info.kingcour	1	2	1	4000	0.09	11.11	111 10TH AVE	11.11
CF SABEGH	9354900279	http://info.kingcour	1	2	1	4000	0.09	11.11	113 10TH AV S	11.11
CG LARSE	9354900300	http://info.kingcour	1	2	1	4529	0.1	10	135 10TH AVE	10
CH MOSA D	9354900295	http://info.kingcour	1	2	1	5472	0.13	7.69	137 10TH AVE	7.69
CI SINGH C	9354900320	http://info.kingcour	1	1	1	6000	0.14	7.14	205 10TH AVE	7.14
CJ CLARK K	9354900330	http://info.kingcour	1	1	1	4543	0.1	10	215 10TH AVE	10
CK WOLVEI	9354900335	http://info.kingcour	1	1	1	3708	0.09	11.11	209 10TH AVE	11.11
CL PETRAI	9354900340	http://info.kingcour	1	2	1	4543	0.1	10	223 10TH AVE	10
CM GUPTA	9354900345	http://info.kingcour	1	2	1	3708	0.09	11.11	217 10TH AVE	11.11
CO MEYER	825059187	http://info.kingcour	1	1	1	7200	0.17	11.76	1007 STATE S	11.76
CP QUILL J	4151800005	http://info.kingcour	1	1	1	14387	0.33	3.03	6713 LAKEVIE	3.03

Average density is 11.56

From:	Uwkkg@aol.com
To:	Eric Shields; Jeremy McMahan; Kurt Triplett; Robin Jenkinson; Potala EIS; Teresa Swan; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Toby Nixon; Bob Sternoff; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; C Ray Allshouse; Byron Katsuyama; Andrew Held; Glenn Peterson
Cc:	neighboringproperties@gmail.com; uwkkg@aol.com
Subject:	EIS Comments for the record of Public Hearing 8.14.12
Date:	Tuesday, August 14, 2012 3:35:12 PM

Hi Eric:

I have not yet opened Tony's findings and I'll likely not have the time since I am just receiving this hours before tonight's meeting, but certify that the neighbor calculations were done with assessor data and we had a crew double and triple check them. The link to each property's assessment site was included to make review of the calculations very easy to validate. Each of the council members and planning commissioners has received this information so they can open the link and verify anything they choose. 1

Regarding properties that are over the water, it would make sense to use the land for which the county believes the HOA owns and on which they pay taxes to the County and eventually to Kirkland. To choose any other number due to lake level increases, decreases, or other would not be correct. 2

There are also several other arguments regarding whether the properties on the water side should be included.

1) Clearly the city has a history of treating landward properties different than waterfront properties. There are separate waterfront zoning descriptions. WDI, WDII etc. So should these really be something that a property on the east side of boulevard is compared with?

2) Recall the wording of the Land Use Chapter "properties on the east side of Lake Washington Boulevard are restricted to 12 units per acre consistent with the properties to the north and south"... this says nothing about consistent with the properties to the West!!!

3) Also because most of the big ones mentioned are overwater and their impact on passers by along the street is usually just a small horizontal facade with the length of the building over the water. Clearly this is different than the massive horizontal facade along Lake St S proposed by Potala.

4) Also the idea of putting in extra density if you can put it over the water will never again be allowed. This has not been allowed for many, many years.

5) Finally, the consultants chose the boundaries as just the south side of 7th Ave S (not both sides of street), just the north side of 64th (not both sides of street) and the west side of State St (not both sides). One could make an argument that it would be inconsistent to then use both sides of the street for just the western boundary.

Best,
Karen Levenson
6620 Lake Washington Blvd NE # 101
Kirkland, WA 98033

When you couple both arguments, I think there is a pretty strong case especially since the densities due to overwater structures have been strictly disallowed for many, many years and will not ever be allowed again.

Thanks,
Karen Levenson

In a message dated 8/14/2012 2:13:10 P.M. Pacific Daylight Time, EShields@kirklandwa.gov writes:

Karen,

I asked Tony Leavitt on my staff to check out the density figures about which you have raised concerns. Attached are his findings. As he noted below, the figures were derived from assessor's data. For several of the properties the discrepancy has to do with the fact that for overwater structures we used the land area which is much smaller than the lot area that extends into the lake.

Eric Shields

From: Tony Leavitt
Sent: Monday, August 13, 2012 2:59 PM
To: Deborah Munkberg
Cc: Teresa Swan; Jeremy McMahan; Eric Shields
Subject: RE: EIS Comments

Deborah,

Attached is a response to the information that was submitted Karen Levenson. It should be noted that we are relying on King County Assessor's Data and discrepancies do exist.

I did correct the map to add 3 parcels that should have been included.

Tony Leavitt, Associate Planner
City of Kirkland Planning and Community Development
123 5th Avenue; Kirkland, WA 98033
Phone: 425.587.3253
Fax: 425.587.3232
tleavitt@kirklandwa.gov
Work Hours:

Monday thru Thursday, 6:30am to 5pm; Off on Fridays

From: Eric Shields
Sent: Monday, August 13, 2012 8:52 AM
To: Deborah Munkberg
Cc: Teresa Swan; Tony Leavitt; Jeremy McMahan
Subject: EIS Comments

Deborah,

Attached are comments about the density figures stated in the EIS. Tony Leavitt in the Planning Department will be checking the figures and we plan to have corrections available tomorrow night.

From:	Uwkkg@aol.com
To:	Uwkkg@aol.com; Eric Shields; Jeremy McMahan; Kurt Triplett; Robin Jenkinson; Potala EIS; Teresa Swan; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Toby Nixon; Bob Sternoff; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; C Ray Allshouse; Byron Katsuyama; Andrew Held; Glenn Peterson
Cc:	neighboringproperties@gmail.com
Subject:	Additional EIS Comments re: KZC 40.08 & 40.10 for the Public Hearing 8.14.12
Date:	Tuesday, August 14, 2012 4:04:28 PM

Dear City officials and staff:

BN zoning 40.08 and 40.10 require at least two things with respect to front yards that I cannot find mentioned anywhere in the EIS and I find renditions of buildings that completely ignore these requirements. 1

Can you tell me why there is no mention of the BN zoning requirement for a 20 foot front yard and for BN properties abutting Lake Washington Blvd / Lake St S there is specific requirement that properties taller than 25 feet have their front yard increased two feet for every foot of additional height.

Were the EIS consultants not given this info by the city or did they choose to ignore it? If I missed their comments on the matter, please feel free to point me in the right direction since I have looked and looked for it. Furthermore, all the renditions seem to thumb their nose at these required yards as the buildings are pulled right up to the sidewalk. This area is known for its beautiful front yards, trees, shrubs, flowers, statues, fountains etc. I've heard that Water's Edge pays $2800 per month per unit owner and much of this goes to maintaining its beautiful yard setback. I know our property is set way back from the road and we have gardens cascading over rockery, a statue, flowers, trees, etc. We will need some sort of revised discussion that includes KZC 40.08 and 40.10 as these are specific requirements of BN.

The requirement for enhanced setbacks along LWB has created the character of the area that draws in visitors. Why would a project be allowed if it doesn't continue this neighborhood character and the same commitment to community benefit as all the other properties? Will current property owners still be willing to invest so heavily in maintaining their beautiful gardens if Kirkland does not continue to enforce these policies for all?

Karen Levenson
6620 Lake Washington Blvd NE # 101
Kirkland, WA 98033

From:	Uwkkg@aol.com
To:	Potala EIS; Teresa Swan; Eric Shields; Robin Jenkinson; Kurt Triplett; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Glenn Peterson; Byron Katsuyama; C Ray Allshouse
Cc:	uwkkg@aol.com
Subject:	Potala EIS Hearing & Attendance decisions re: not attending
Date:	Tuesday, August 14, 2012 4:36:57 PM

Dear City Officials and Staff:

I wanted to make sure and communicate some information about tonight's public hearing for the Potala Village EIS.

Many of us have chosen to submit our comments in writing between now and August 24th and will not be attending the public hearing. I want to make sure and communicate that this is not a waning of interest or a waning of commitment on the part of neighbors. We will not rest or stop pursuing this until the intended "right size" development for the neighborhood is the outcome. 1

Second, it is important to emphasize that our absence does not signify that we agree with the EIS, nor does it signify that we find it less worth challenging. As a matter of fact, the gross mis-representations and errors may likely provide some of the BEST assistance to neighbors if/when further legal challenge is in front of us.
This is because the EIS was done backwards starting with a proposal and then determining the objectives, because none of the proposals meet the stated objectives, because numerous Kirkland policies (like BN setbacks) were not even commented upon and were disregarded with the aesthetics chapter, because there was no review of the legal settlement of 1979 and how it continues to apply to this property... etc. This list could literally go on for pages, but I'll stop here. 2

For myself, I am choosing not to attend since the hearing will be presided upon by the planning director. As one of many neighbors, I feel that we have been treated in a very dismissive fashion by most of the staff in this department. Certainly when we initially pointed out the issues with the proposal, we were told not to worry ourselves. When we tried to get public records, several neighbors were sent away empty handed (I finally agreed to be the sole requestor since after several attempts I finally got through the blockade. The process of records retrieval, even when successful, was made long and arduous. During the appropriate EIS comment period we presented the issues relevant to the neighborhood and later found that many of our issues were also kicked to the side as things that would not be studied (we did not get the required explanations of why the staff considered these as not worthy of further investigation). Also prior to scoping meeting we asked for the scoping document and were given a run-around, as if no one understood what we were asking for (the document was called "scoping document"). Later during the actual scoping hearing we repeated the request for an alternative that would be something close to the density that the neighbors felt was part of the Comp Plan (we'd already asked for this during initial comment period and land use attorney had written about this requirement) - Planning Director decision was for only a no-build alternative or the 143 unit proposal. When we asked why, we were told that the lower density "would not meet the DEVELOPERS objective. This was dismissive of both the neighbors and of a separate consultant hired by City of Kirkland. The city's consultant specifically advised that it is inappropriate to have the objectives be that of the developer (our land use attorney had provided the same information, as had the neighbors). 3

So as you can see, I feel that showing up to point out errors in the planning departments handling of the neighborhood concerns would fall upon deaf ears when given to the director of that department. I feel that reminding the planning director that the neighbors asked for a thorough and accurate and unbiased review (at the appropriate comment time) would similarly go nowhere. I feel that reminding the director that neighbors stated their concerns about inherent bias (due to the hiring of a consultancy company wherein employees previously were on staff in Kirkland planning department) would go no where since he was the one who made the decision to hire Inova. Similarly comments were made about bias of Inova staff due to prior connections between the consultant and the applicant's attorney.... 4

I just don't hold out any hope that my comments would go anywhere. I believe others in the neighborhood feel similarly dismissed and may not be attending tonight's meeting.

I am sorry to have such frustrated opinion of how we have been treated and how we have been harmed by wreckless application of facts, misstatements and lack of lawful review. As you can see, my comments and my frustration are best kept to an email rather than being delivered in public at a microphone.

Thank you for taking the time to consider my comments.

Sincerely,
Karen Levenson

4
cont.

From:	Uwkkg@aol.com
To:	Potala EIS; Teresa Swan
Cc:	Eric Shields; Robin Jenkinson; Kurt Triplett; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Glenn Peterson; Byron Katsuyama; C Ray Allshouse; neighboringproperties@gmail.com
Subject:	Potala EIS density graph for Public Hearing 8.14.12
Date:	Tuesday, August 14, 2012 5:09:21 PM
Attachments:	PDFSHO~1.PDF

Good evening:
For tonight's meeting and for the record, please look at page two of the attached PDF which shows the SF homes as well as multifamily structures in graphic form. You'll see that everything currently built, whether multifamily or single family is in a relative range but then there is a massive spike upwards when a 118unit/acre proposal is added. We believe that this type of evidence shows that the DEIS is either very flawed or biased. The spike is not at all consistent with the surrounding land use as the consultants state. 1

The first page will depict the same thing if one is just focusing on single family homes. This would mistreat those that own single residents as they are 2/3 of the study area.

Karen Levenson
6620 Lake Washington Blvd NE # 101
Kirkland, WA 98033

Units per acre	UNITS PER ACRE
21	5
1	10
11	10
19	10
22	10
26	10
33	10
8	11
14	11
18	11
32	11
36	11
5	12
12	12
17	12
20	12
7	13
23	13
35	13
4	14
27	15
13	16
31	18
2	19
29	19
6	21
3	22
24	22
10	23
25	23
38	23
15	24
30	24
28	26
34	32
16	35
37	40
BN	118

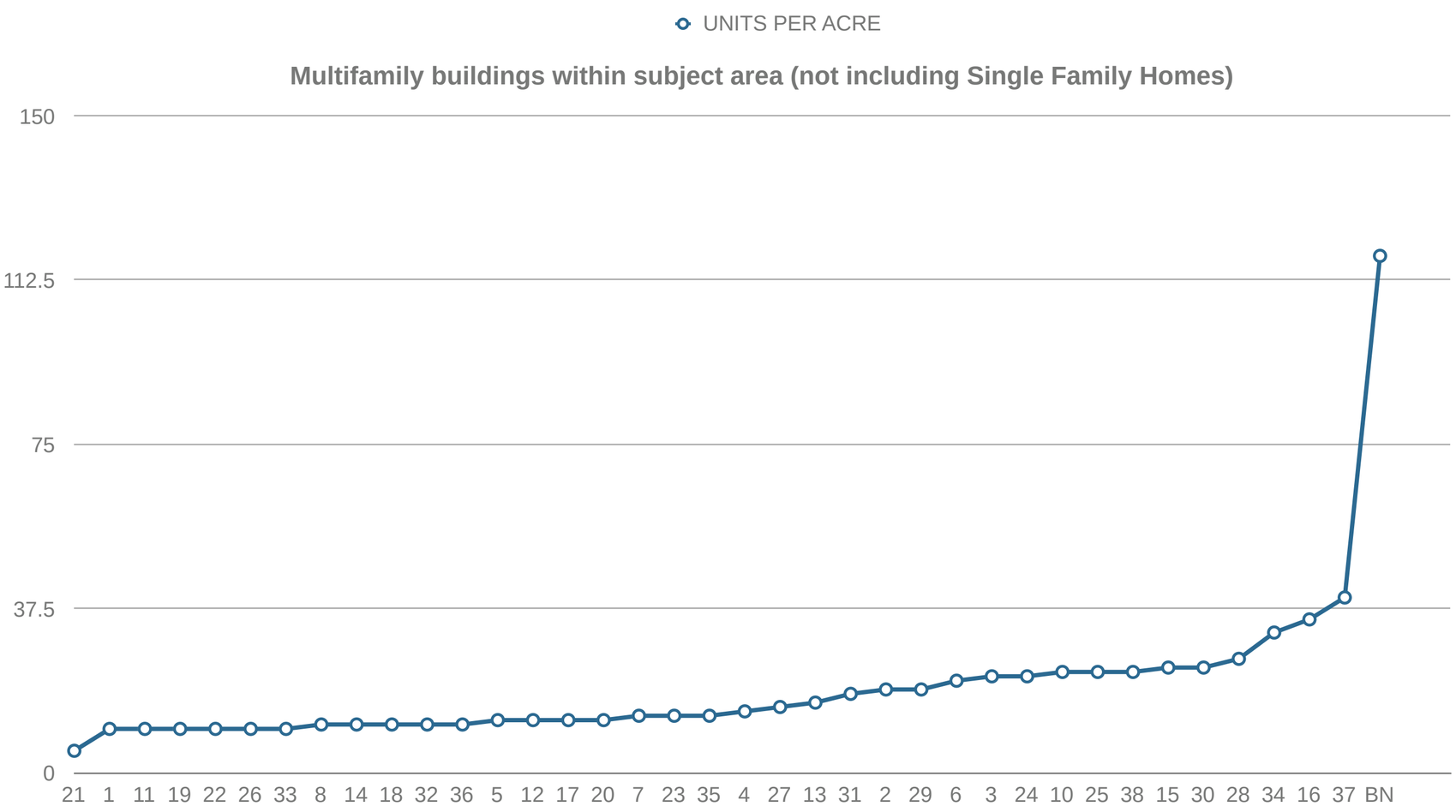

Table 1-1

Units per acre	UNITS PER ACRE
MF21	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
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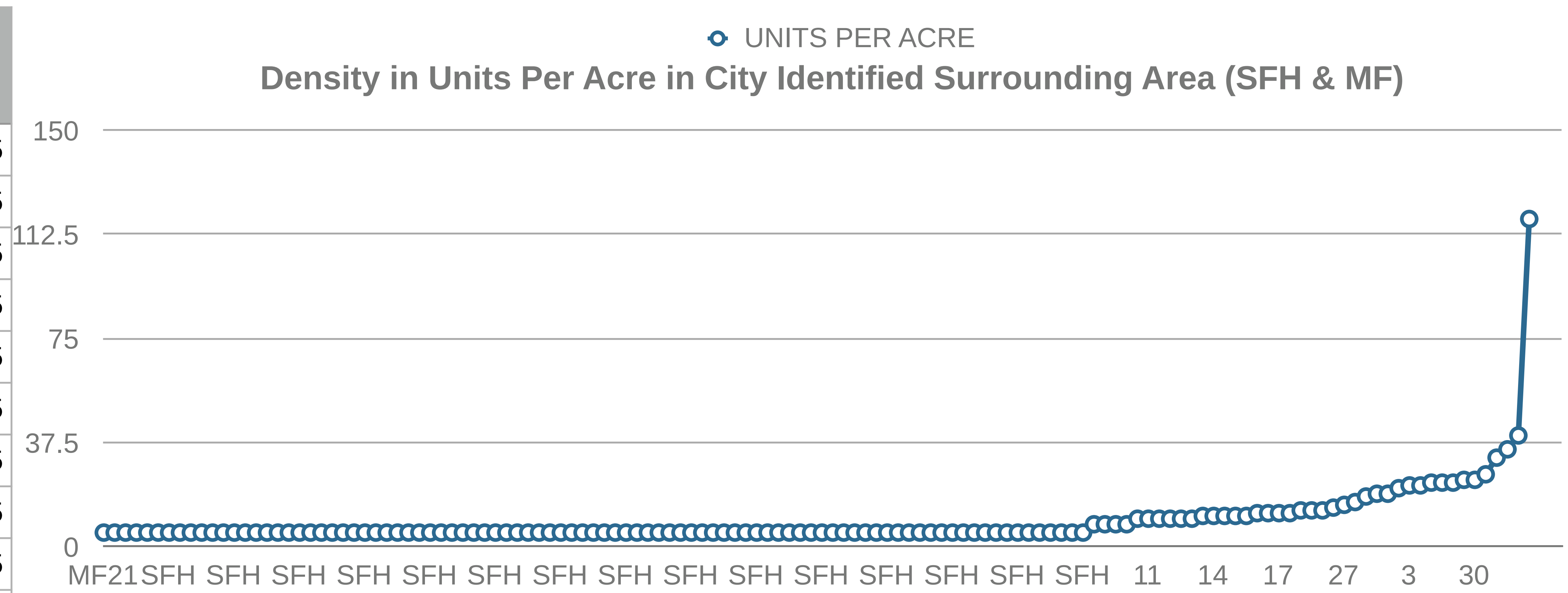
SFH	5



Units per acre	UNITS PER ACRE
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
SFH	5
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SFH	5
SFH	5
SFH	5
SFH	5
SFH	5

Units per acre	UNITS PER ACRE
SFH	8
SFH	8
SFH	8
SFH	8
1	10
11	10
19	10
22	10
26	10
33	10
8	11
14	11
18	11
32	11
36	11
5	12
12	12
17	12
20	12
7	13
23	13
35	13
4	14
27	15
13	16
31	18
2	19
29	19
6	21
3	22
24	22
10	23
25	23
38	23
15	24
30	24
28	26
34	32
16	35
37	40
BN	118

From:	uwkkg@aol.com
To:	Uwkkg@aol.com; Potala EIS; Teresa Swan
Cc:	Eric Shields; Robin Jenkinson; Kurt Triplett; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Glenn Peterson; Byron Katsuyama; C Ray Allshouse; neighboringproperties@gmail.com
Subject:	Re: EIS 2nd Attorney Letter for this DEIS Public Hearing
Date:	Tuesday, August 14, 2012 5:48:23 PM
Attachments:	Brian Lawler Letter to City regarding EIS process and alternatives.pdf

It appears the letter didn't attach previously.

Karen

-----Original Message-----
From: Uwkkg <Uwkkg@aol.com>
To: PotalaEIS <PotalaEIS@kirklandwa.gov>; tswan <tswan@kirklandwa.gov>
Cc: eshields <eshields@kirklandwa.gov>; rjenkinson <rjenkinson@kirklandwa.gov>; ktriplett <ktriplett@kirklandwa.gov>; Jmcbride <Jmcbride@kirklandwa.gov>; dmarchione <dmarchione@kirklandwa.gov>; psweet <psweet@kirklandwa.gov>; awalen <awalen@kirklandwa.gov>; bsternoff <bsternoff@kirklandwa.gov>; tnixon <tnixon@kirklandwa.gov>; dasher <dasher@kirklandwa.gov>; mmiller <mmiller@kirklandwa.gov>; jpascal <jpascal@kirklandwa.gov>; jarnold <jarnold@kirklandwa.gov>; aheld <aheld@kirklandwa.gov>; gpeterson <gpeterson@kirklandwa.gov>; bkatsuyama <bkatsuyama@kirklandwa.gov>; callshouse <callshouse@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>; uwkkg <uwkkg@aol.com>
Sent: Tue, Aug 14, 2012 4:52 pm
Subject: EIS 2nd Attorney Letter for this DEIS Public Hearing

Hi all:
Attached is the second land use attorney and his comments about neighbor involvement and request for the EIS as well as required full range of alternatives... and more. 1

Thank you for taking time to review these comments.

Karen Levenson
6620 Lake Washington Blvd NE #101
Kirkland, WA 98033

SOCIUSLAWGROUP PLLC

206.838.9100 MAIN PHONE
206.838.9101 MAIN FAX

Two Union Square
601 Union St, Suite 4950
Seattle, WA 98101

Brian E. Lawler
206.838.9136
blawler@sociuslaw.com

May 8, 2012

Mr. Eric R. Shields, SEPA Responsible Official (*via email and U.S.mail*)
Ms. Nancy Cox, Environmental Coordinator (*via email*)
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

Re: Potala Village Mixed Use Development - EIS
File Nos. SHR11-00002 and SEP11-00004

Dear SEPA Responsible Official Shields and Environmental Coordinator Cox:

This letter is written in reference to the on-going EIS process for the Potala Village Project. My clients share with the City the objective of a full, comprehensive, and legally adequate SEPA review process for the Potala Village project, consistent with both the requirements of SEPA and the City's Vision Statement. "Open-minded, imaginative design, and consideration of alternative courses of agency action is crucial to SEPA's ultimate quest – environmentally enlightened government decisionmaking. Richard L. Settle, *The Washington State Environmental Policy Act: A Legal and Policy Analysis,* Section 14 (b)(ii) (1999 Supplement).

We have three specific requests in this letter: (1) that the City acknowledge that the concerned citizens and neighbors will be allowed to participate to the fullest extent of the law and City policy; (2) that the City share, in an open and transparent way, the thought processes involved in the SEPA planning process, which at this point in time, means sharing the City's outline, recommendation, or similar document(s) on the results of the scoping process; and (3) that the City fully embrace the concept of a representative range of alternatives. As stated in *Weyerhauser v. Pierce County,* 124 Wn.2d 26, 873 P.2d 498 (1994), there must be a reasonably detailed analysis of a reasonable number and range of alternatives. One of the alternatives to be considered must be a development consistent with the density and scale of zoning density for surrounding properties.

Further concerns are reflected in the attached email of my client Karen Levenson.

Thank you.

Sincerely,

for Brian E. Lawler

cc: Client
City Manager, Kurt Triplett (*via email)*
City Attorney, Robin Jenkinson (*via email)*

Erin Knobler

From: Brian E. Lawler
Sent: Tuesday, May 08, 2012 9:22 AM
To: Erin Knobler
Subject: FW: Potala Scoping - "The Determined Final Scope" that you mention

Follow Up Flag: Follow up
Flag Status: Flagged

From: uwkkg@aol.com
To: TSwan@kirklandwa.gov, rjenkinson@kirklandwa.gov, eshields@@kirklandwa.gov
CC: KTriplett@kirklandwa.gov, EShields@kirklandwa.gov
Sent: 5/4/2012 3:37:41 P.M. Eastern Daylight Time
Subj: Potala Scoping - "The Determined Final Scope" that you mention

Hello Teresa (and others):
NEEDED ASAP - VERY IMPORTANT FOR NEIGHBOR ATTORNEY REVIEW PRIOR TO 5/8 MTG

I am sorry that I was not clear in my email. I do not need the notice of the "Scoping Comment Period" and I'm not challenging that at all.

What the neighbors (and our attorneys) want is what many agencies call a "Scoping Document." And it usually says "Scoping Document" on the first page. However, in your letter you refer to "The Determined Final Scope." That is exactly what we seek. .....At this point, I don't think any of the public has the information on what those decisions were....

We need to know what was decided upon and how each will be evaluated. In advance of the Draft EIS, we need to know a) What items were decided upon and b) What methods will be used to measure their impacts c) the predetermined levels that if exceeded will require mediation. All of these things are very important to have nailed down before we begin the study. The neighbor groups and the attorney's would like to review this information before the 5/8 meeting so that they can bring any questions to the meeting. It will be a waste of our time if we are not prepared to ask our questions.

For clarification, what we seek is the following:

1) Prior to public comment period Eric Shields had made some general observances on what was going to be included and then requested public comment to identify other issues - We need to know which issues ended up being added into the "Determined Final Scope."

2) We need to know the "Alternatives" that will be evaluated during the process. It is our understanding that at a minimum there must be the project alternative, a no action alternative and a lower impact alternative. Please let us know what is in the "Determined Final Scope."

3) We need to know how each of the items in the Scope will be investigated.

Traffic - How will the traffic impact be studied? (ingress and egress onto Lake St S and traffic flow)? Will the city choose a random sample of dates to evaluate? Choose an assortment of rainy and sunny days? What will be the criterion and at what level will the city require mitigation?

Wildlife -We have questions about "wildlife" - What wildlife is going to be investigated? Salmonoids with respect to anything getting into the lake from the known contamination in the soil? The neighborhood bald eagle that perches or roosts in the tree on the property? Who is going to do these investigations? Is there other wildlife that will be looked at? What impact will be acceptable? What is the benchmark that, if exceeded will need mitigation?

Views - As SEPA protects views, are we requiring a view study? Who will perform this and what is the threshold for when mitigation will be required?

Height, Bulk and Mass of the building(s) - What is going to be used for this analysis? Who is going to do the analysis? What will be the threshold when mitigation will be required?

Residential Density - What is going to be used for this analysis? Who is going to conduct the analysis? Since the State Environmental Checklist requires that that the project be evaluated for conformance with both the zoning code and the Comprehensive Plan and the surrounding properties ... how does this evaluation get done?

Soil contamination - The older soils report seems to be more troubling than the one that Mr Dargey and his group paid for later (but both indicated that more intensive study is still needed). Who will be investigating whether the earlier study was more correct or the one that didn't sound as bad? Also, it appears that there are different types of soil contamination that get investigated and/or remediated differently. How will we be certain of the results?

And finally, what "alternative" proposals will be used to fulfill the requirements that alternatives be explored?

Thank you ... I realize that we are just a few days before the May 8th meeting and that this causes a bit of a "fire drill" for you, however I did try to ask for "Determined Final Scope" yesterday. I just used the term that I knew better "Scoping Document."

Best,
Karen Levenson

-----Original Message-----
From: Teresa Swan <TSwan@kirklandwa.gov>

To: Uwkkg <Uwkkg@aol.com>
Cc: Kurt Triplett <KTriplett@kirklandwa.gov>; Janet Jonson <JJonson@kirklandwa.gov>; Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Toby Nixon <TNixon@kirklandwa.gov>; Eric Shields <EShields@kirklandwa.gov>
Sent: Thu, May 3, 2012 12:08 pm
Subject: RE: Potala EIS Scoping Document - Please send for review

Hi Karen: Thank you for your email. Attached is the scoping notice dated August 4, 2011 that was part of the notice for the SEPA Determination of Significance. You received a copy of this notice at the end of July 2011. As required by the City's adopted SEPA procedures, the City provided a 21-day comment period. The State SEPA Rules and the City's adopted SEPA procedures do not require a hearing on an EIS scope. The scoping process was completed last August 2011, a consulting team was selected based on the determined final scope and a three-party EIS contract was prepared.

This information was available on the Potala Village webpage last fall. At that point, the applicant put preparation of the Environmental Impact Statement (EIS) document on hold until last month when the EIS contract was signed and payment was submitted to prepare the document. The Draft EIS will contain a section on the scoping process, the comments received, and an evaluation of the comments, the final scope and how each issue in the scope will be studied. This may be the document that you were referring to in your email. The SEPA rules state that reasonable alternatives are to be evaluated. WAC 197-11-440(5)(b) says that "reasonable alternative" is one that could "feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation." This SEPA requirement would eliminate alternatives that are completely and substantially unrelated to the project's objectives or that drastically reduce its scope, such as an alternative at 12 or 24 units per acre. As stated on the Potala Village webpage, in the notice for the meeting and in the email to the listserv participants, the purpose of the meeting on May 8, 2012 is to provide information. The meeting is not required or mentioned in the SEPA Rules. From 6:30pm-7pm will be an open house when the public can ask questions. Display boards and handouts will be provided. Handouts will include the EIS process and schedule, and a fact sheet with questions and answers. The handouts will be available on the Potala Village webpage after the meeting. At 7pm Eric will make opening remarks and then the consultants will review the purpose of the Environmental Impact Statement (EIS) document, the process and schedule, opportunities to comment on the Draft EIS document and how the comments will be used, what is a Final EIS and how will the documents be used in the decision making process. Following the presentation, people will be able to ask questions about the EIS and the process. This is not a public hearing so no public testimony will be taken. Eric as the SEPA Official will oversee preparation of the Draft and Final EIS document. He will hold a public hearing on the Draft EIS sometime during the 30-day comment period to take oral comments. Written comments on the Draft EIS can be submitted anytime during the 30 day comment period. Chapter 197-11 WAC, SEPA Rules, does not include a comment period after issuance of the Final EIS. The City Council and the Planning Commission do not have a role in preparation of an EIS. Eric as the decision maker on the project's Shoreline Substantial Development Permit will consider the mitigating measures identified in the EIS in that permit decision. The project planner will consider the mitigating measures in reviewing the building

permit. I hope this information answers your questions and is helpful. Teresa From: Uwkkg@aol.com [mailto:Uwkkg@aol.com]
Sent: Thursday, May 03, 2012 9:19 AM
To: Eric Shields; Teresa Swan
Cc: Kurt Triplett; Robin Jenkinson; Janet Jonson; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon
Subject: Potala EIS Scoping Document - Please send for review

Hi Eric and Teresa:

Would you have the chance today to send me an email version of the EIS Scoping Document for the Potala Village site?

We have requests to get this to all the attorneys that are working with the various neighbor groups. We want them to have time to read and advise us before the 5/8/12 meeting.

From what I understand these documents can often be quite large and take a fair amount of time to read and review. Also, the specific question has been raised about a lower intensity option consistent with 12 or 24 units per acre - and the necessity that this be included in the study.

Lastly, can you explain more about the format for the 5/8 meeting? Who from the city, or council, or planning commission is there? Is it a one way dialog with the city giving information or a Q&A session that is more freeform? Is there opportunity for public testimony? We are a bit confused as we find Scoping Hearings (public hearings to evaluate whether the scoping document meets the goals of the community) that have been held in other jurisdictions when they do EIS. We are not sure if this is what you intend or if Kirkland is handling this another way.

Thanks very much,
Karen Levenson