



CITY OF KIRKLAND

Planning and Community Development Department

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DEVELOPMENT STANDARDS LIST

File: Potala Village Mixed Use Development, SHR11-00002

SHORELINE MASTER PROGRAM REGULATIONS

The following list contains some of the regulations applicable to the project. For a complete set of the regulations, see KZC Chapter 83.

KZC 83.190 Lot Size or Density, Shoreline Setback, Lot Coverage and Height

1. Calculation of Minimum Lot Size or Maximum Density

- b. For properties that are only partially located within the shorelines jurisdiction, the allowed density within the shorelines jurisdiction shall be based upon the land area located within the shorelines jurisdiction only. If dwelling units will be partially located within the shorelines jurisdiction, the City may approve an increase in the actual number of units in the shorelines jurisdiction; provided, that the total square footage of the units within the shorelines jurisdiction does not exceed the allowed density multiplied by the average unit size in the proposed development on the subject property.
- c. If a maximum density standard is used, the number of permitted dwelling units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.

KZC 83.390 Site and Building Design Standards

- 3. Buildings shall not incorporate materials that are reflective or mirrored.

KZC 83.440 Parking

1. General

- a. Only parking associated with a permitted or conditional shoreline use shall be allowed, except that within the Urban Mixed shoreline environment, surface or structured parking facilities may accommodate parking for surrounding uses and commercial parking uses.
- b. Parking as a primary use on a subject property is prohibited.

- 2. Number of Parking Spaces – Uses must provide sufficient off-street parking spaces. The required number of parking stalls established in Chapter [105](#) KZC, [KZC 50.60](#) and with the applicable parking standards for each use shall be met.

3. Parking Location

- a. Intent – To reduce the negative impacts of parking and circulation facilities on public spaces within the shoreline, such as shoreline public pedestrian walkways, public use areas, and view corridors along public rights-of-way.
- b. Standards – The applicant shall locate parking areas on the subject property according to the following requirements:
 - 3) Parking, loading, and service areas for a permitted use activity shall not extend closer to the shoreline than a permitted structure unless:
 - a) The parking is incorporated within a structure, subject to the following standards:
 - 1) The parking is subsurface; or
 - 2) The design of any above-grade structured parking incorporates vegetation and/or building surface treatment to provide an appearance comparable to the remainder of the building not used for parking.
 - b) The parking is accessory to a public park.
 - c) The parking is designed as a short-term loading area to support a water-dependent use.

4. Design of Parking Areas

a. Pedestrian Connections

- 1) Parking areas shall be designed to contain pedestrian connections to public pedestrian walkways and building entrances. Pedestrian connections shall either be a raised sidewalk or composed of a different material than the parking lot material.
- 2) Pedestrian connections must be at least five (5) feet wide, excluding vehicular overhang.

- c. Design of Structured Parking Facilities – Each facade of a garage or a building containing above-grade structured parking visible from a required view corridor, or facing a public pedestrian walkway, public use area, or public park must incorporate vegetation and/or building surface treatment to mitigate the visual impacts of the structured parking.

KZC 83.450 Screening of Storage and Service Areas, Mechanical Equipment and Garage Receptacles

- 1. Outdoor Use, Activity and Storage – Outdoor use, activity and storage areas must comply with the following:
 - b. Be located to minimize visibility from any street, Lake Washington, required public pedestrian walkway, public use area or public park.
 - c. Be screened from view from the street, adjacent properties, Lake Washington, required public pedestrian walkways, and other public use areas by a solid screening enclosure or within a building.
- 2. Mechanical and Similar Equipment or Appurtenances

- b. Rooftop appurtenances and at or below grade appurtenances shall be screened with vegetation or a solid screening enclosure or located in such a manner as to not be visible from Lake Washington, required public pedestrian walkways, or public use areas.
3. Garbage and Recycling Receptacles – Garbage and recycling receptacles must comply with the following:
- b. Be located to minimize visibility from any street, Lake Washington, required public pedestrian walkway, public use area or public parks.
 - c. Be screened from view from Lake Washington, required public pedestrian walkways, and other public use areas by a solid screening enclosure, such as a wooden fence without gaps, or within a building.
 - d. Exemptions – Garbage receptacles for detached dwelling units, duplexes, moorage facilities, parks, and construction sites, but not including dumpsters or other containers larger than a typical individual trash receptacle, are exempt from the placement and screening requirements of this subsection.

KZC 83.470 Lighting

1. General – Exterior lighting shall be controlled using limits on height, light levels of fixtures, light shields, time restrictions and other mechanisms in order to:
- a. Prevent light pollution or other adverse effects that could infringe upon public enjoyment of the shoreline;
 - b. Protect residential uses from adverse impacts that can be associated with light trespass from higher-intensity uses; and
 - c. Prevent adverse effects on fish and wildlife species and their habitats.
2. Exceptions –
- a. The following development activities are exempt from the submittal and lighting standards established in this section:
 - 1) Emergency lighting required for public safety;
 - 2) Lighting for public rights-of-way;
 - 3) Outdoor lighting for temporary or periodic events (e.g., community events at public parks);
 - 4) Seasonal decoration lighting; and
 - 5) Sign lighting governed by KZC [83.460](#).
3. Submittal Requirements – All development proposing exterior lighting within the shorelines jurisdiction, except as otherwise indicated in subsection (2) of this section, shall submit a lighting plan and photometric site plan for approval by the Planning Official. The plan shall contain the following:
- a. A brief written narrative, with accompanying plan or sketch that demonstrates the objectives of the lighting.

- b. The location, fixture type, mounting height, and wattage of all outdoor lighting and building security lighting, including exterior lighting mounted on piers or illuminating piers.
- c. A detailed description of the fixtures, lamps, supports, reflectors, and other devices. The description shall include manufacturer's catalog specifications and drawings, including sections when requested.
- d. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, and the illuminate levels of the elevations.
- e. Photometric data, such as that furnished by manufacturers, showing the angle of light emissions.
- f. Computer generated photometric grid showing footcandle readings every 20 feet within the property or site, and 15 feet beyond the property lines, including Lake Washington, if applicable. Iso-footcandle contour line style plans are also acceptable.

4. Standards

a. Direction and Shielding

- 1) All exterior building-mounted and ground-mounted light fixtures shall be directed downward and have "fully shielded cut off" fixtures as defined by the Illuminating Engineering Society of North America (IESNA), or other appropriate measure to conceal the light source from adjoining uses, to direct the light towards the ground and away from the shoreline, and to prevent lighting from spilling on to the lake water. For detached dwelling unit or associated appurtenances, this requirement shall apply to any light fixtures that are directed towards or face Lake Washington.

b. Lighting Levels

- 1) Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.
- 3) For properties in the Urban Mixed shoreline environment located adjacent to residential uses in another shoreline environment or for commercial uses located adjacent to residential uses in the Urban Residential shoreline environment, exterior lighting fixtures shall produce a maximum initial luminance value of 0.6 horizontal and vertical footcandles (as measured at three (3) feet above grade) at the site boundary, and drop to 0.1 footcandles onto the abutting property as measured within 15 feet of the property line.
- 4) Exterior lighting shall not exceed a strength of one (1) footcandle at the water surface of Lake Washington, as measured waterward of the OHWM.
 - c. Height of Light Fixtures – The maximum mounting height of ground-mounted light fixtures shall be 12 feet. Height of light fixtures shall be measured from the finished floor or the finished grade of the parking surface, to the bottom of the light bulb fixture.
 - d. Other
 - 1) Illumination of a building facade to enhance architectural features is not permitted.
 - 2) Where feasible, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight

hours or hours when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.

KZC 83.480 Water Quality, Stormwater, and Nonpoint Pollution

1. General – Shoreline development and use shall incorporate all known, available, and reasonable methods of prevention, control, and treatment to protect and maintain surface and/or ground water quantity and quality in accordance with Chapter 15.52 KMC and other applicable laws.
2. Submittal Requirements – All proposals for development activity or land surface modification located within the shorelines jurisdiction shall submit for approval a storm water plan with their application and/or request, unless exempted by the Public Works Official. The storm water plan shall include the following:
 - a. Provisions for temporary erosion control measures; and
 - b. Provisions for storm water detention, water quality treatment and storm water conveyance facilities, in accordance with the City's adopted surface water design manual in effect at the time of permit application.

3. Standards

- a. Shoreline development shall comply with the standards established in the City's adopted surface water design manual in effect at the time of permit application.
- b. Shoreline uses and activities shall apply best management practices (BMPs) to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving properties, wetlands or streams, and Lake Washington are not adversely affected, consistent with the City's adopted surface water design manual. All types of BMPs require regular maintenance to continue to function as intended.

Low impact development techniques shall be considered and implemented to the greatest extent practicable, consistent with the City's adopted surface water design manual.

- c. New outfalls or discharge pipes to Lake Washington shall be avoided, where feasible. If a new outfall or discharge pipe is demonstrated to be necessary, it shall be designed so that the outfall and energy dissipation pad is installed above the OHWM.
- d. In addition to providing storm water quality treatment facilities as required in this section and the City's Surface Water Master Plan, the developer and/or property owner shall provide source control BMPs designed to treat or prevent storm water pollution arising from specific activities expected to occur on the site. Examples of such specific activities include, but are not limited to, carwashing at detached, attached stacked (multifamily) residential sites and oil storage at marinas providing service and repair.
- e. No release of oils, hydraulic fluids, fuels, paints, solvents or other hazardous materials shall be permitted into Lake Washington. If water quality problems occur, including equipment leaks or spills, work operations shall cease immediately and the Public Works Department and other agencies with jurisdiction shall be contacted immediately to coordinate spill containment and cleanup plans.

It shall be the responsibility of property owners to fund and implement the approved spill containment and cleanup plans and to complete the work by the deadline established in the plans.

- f. All materials that come into contact with water shall be constructed of untreated wood, cured concrete, steel or other approved nontoxic materials. Materials used for overwater decking or other structural components that may come into contact with water shall comply with regulations of responsible agencies (i.e., Washington State Department of Fish and Wildlife or Department of Ecology) to avoid discharge of pollutants.
- g. The application of pesticides, herbicides, or fertilizers shall comply with the following standards:
 - 1) The application of pesticides, herbicides or fertilizers within shoreline setbacks shall utilize best management practices (BMPs) outlined in the BMPs for Landscaping and Lawn/Vegetation Management Section of the 2005 Stormwater Management Manual for Western Washington, to prevent contamination of surface and ground water and/or soils, and adverse effects on shoreline ecological functions and values.
 - 2) Pesticides, herbicides, or fertilizers shall be applied in a manner that minimizes their transmittal to adjacent water bodies. The direct runoff of chemical-laden waters into adjacent water bodies is prohibited. Spray application of pesticides shall not occur within 100 feet of open waters including wetlands, ponds, and streams, sloughs and any drainage ditch or channel that leads to open water except when approved by the City.
 - 3) The use of pesticides, herbicides or fertilizers within the shorelines jurisdiction, including applications of herbicides to control noxious aquatic vegetation, shall comply with regulations of responsible federal and state agencies.
 - 4) A copy of the applicant's National Pollutant Discharge Elimination System (NPDES) permit, issued from Washington State Department of Ecology, authorizing aquatic pesticide (including herbicides) to Lake Washington must be submitted to the Planning Department prior to the application

ZONING CODE STANDARDS

145.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

Washington Model Toxics Control Act

The subject site currently and historically has contained activities that are associated with potential site contamination. A Phase I Environmental Site Assessment was conducted in 2010 (Aspect Consulting, 2010). The purpose of this study was to identify, to the extent practicable using standard methods, the presence or likely presence of hazardous substances or petroleum products under conditions that indicate an existing release, a past release, or a material threat of a release into structures on the properties or into the ground, groundwater, or surface water of the properties. Key findings of the Phase I assessment include the following (See Figure 3.2-5 for parcel identification):

- Parcel A. Impacts associated with the dry cleaning operations appear to be limited to shallow groundwater in the area of the dry cleaning machine. A tire and battery automotive service shop operated on the property from 1958 until the mid-1970s.
- Parcel B. A service station operated on this parcel from 1957 until the early 1970s. At least three underground storage tanks (USTs) and possibly one hydraulic hoist remain on site from the former service station. According to the property owner, the USTs were decommissioned by filling with sand when the service station building was demolished.
- Parcel C. Tax assessor records indicate the home was heated by a pressure oil burner/oil burning unit. It is unknown whether the heating oil was stored in an above ground or underground storage tank, or if the tank was properly decommissioned.

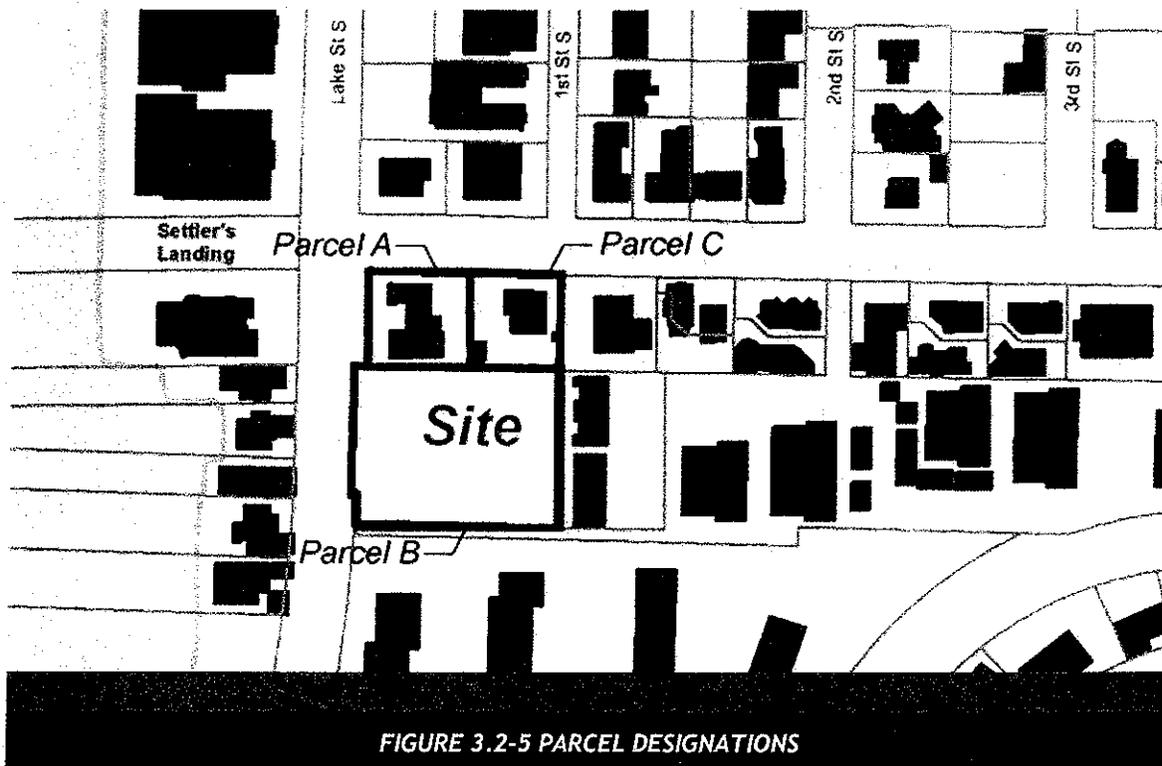


FIGURE 3.2-5 PARCEL DESIGNATIONS

Source: Aspect Consulting

The Washington Department of Ecology (Ecology) Toxics Cleanup Rules (referred to as the Model Toxics Control Act or MTCA) establish rules for remediation of contaminated soil and groundwater, and removal of underground storage tanks. These rules are summarized below.

Underground Storage Tanks

The removal of underground storage tanks is governed by Washington Underground Storage Tank Regulations as codified in the Washington Administrative Code 173-360. Under these rules, USTs are to be removed by providers certified by the state to properly design and implement the removal of underground storage tanks. Typical removal activities involve removing UST contents, reducing explosive gases to permissible levels, removing the tanks and piping, collecting soil and/or groundwater samples, disposal of the tanks and contaminated soil, and restoring the site. Ecology also prescribes specific reporting requirements including a decommissioning report that describes the tank removal and a UST site assessment report that describes the results of soil and groundwater sampling.

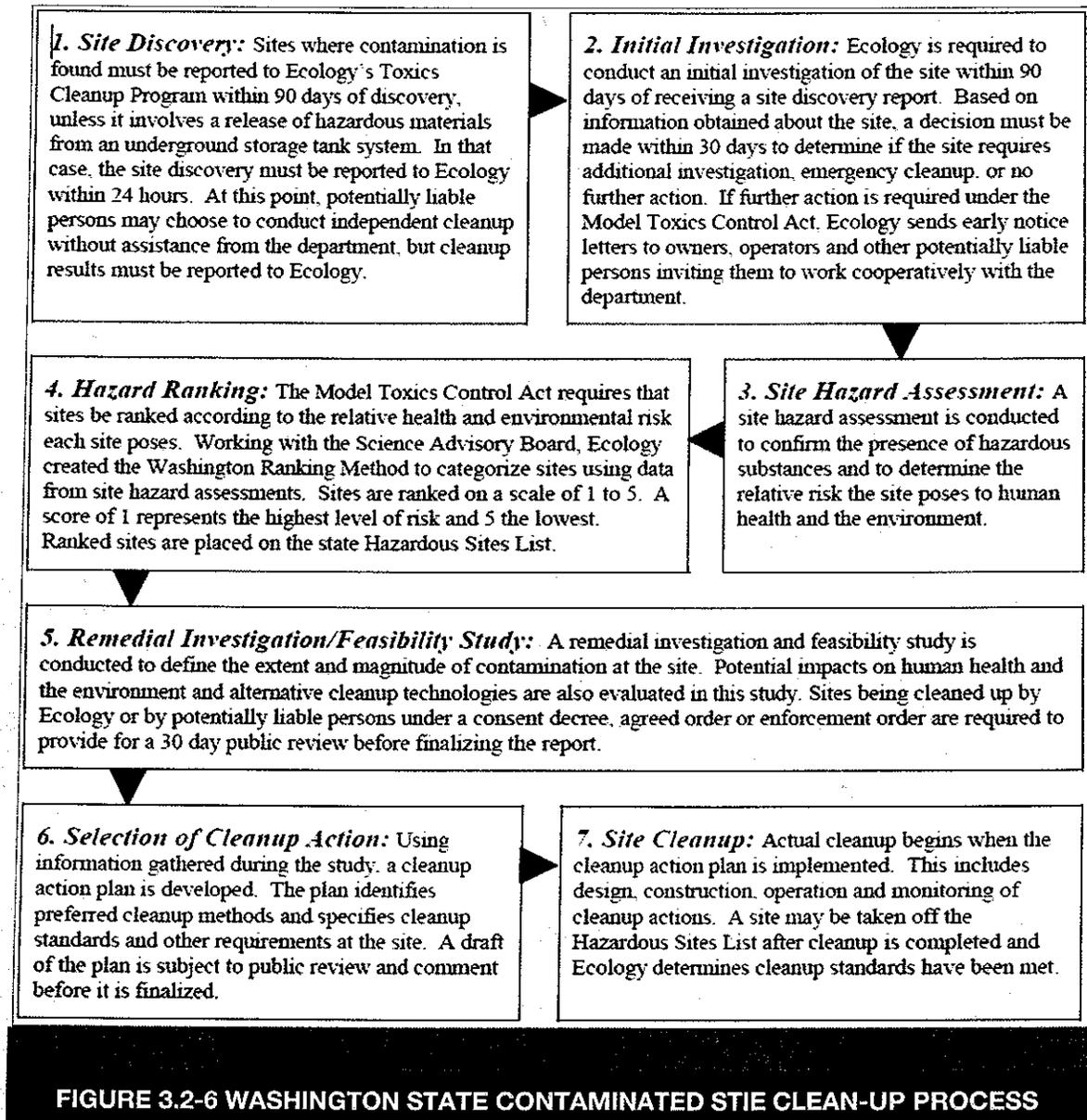
Contaminated Site Clean-up

Where soil and/or groundwater is found to be contaminated, the state requires property owner to comply with MTCA requirements as prescribed in WAC 173-340. In addition, the City would require demonstration that site clean-up activities are complete before issuance of development permits.

The first step in this process is to notify Ecology that contamination has been detected. This notification is the first step in the site cleanup process, referred to as Site Discovery. An overview of the site cleanup process is shown in Figure 3.2-6.

Should contamination be encountered the property owner must comply with MTCA requirements to remedy the contamination. Property owner actions must meet the following threshold requirements:

- Protect human health and the environment
- Comply with cleanup standards
- Comply with applicable state and federal laws
- Use permanent solutions to the maximum extent practicable
- Provide for a reasonable restoration time frame
- Provide for compliance monitoring
- Consider public concerns



Source: Washington Department of Ecology

Responsibility for Cleanup

Under MTCA, individuals that may be liable for cleanup include:

- A current or past facility owner or operator
- Anyone who arranged for disposal or treatment of hazardous substances at the site
- Anyone who transported hazardous substances for disposal or treatment at a contaminated site, unless the facility could legally receive the hazardous materials at the time of transport
- Anyone who sells hazardous substances with written instructions for its use, and abiding by the instructions results in contamination

All potentially liable persons must assume responsibility for cleaning up contaminated sites. Ecology has responsibility for overseeing site cleanup to make sure that investigations, public involvement and actual cleanup and monitoring are done correctly. In cases where there is more than one potentially liable person, the Ecology encourages those persons to get together to negotiate how the cost of cleanup will be shared. Although Ecology has the legal authority to order a cleanup, the MTCA Rules are set up to encourage a cooperative process, as outlined in Figure 3.2-6.

Mechanisms for Cleanup

There are a range of options for potentially liable persons to work with Ecology for site cleanup. These mechanisms allow Ecology to provide support to potentially liable persons, minimize costs by ensuring that cleanups meet state standards and minimize the potential that additional cleanup will be needed in the future. A summary of the most common mechanisms for working with Ecology is provided below:

Voluntary Cleanup Program

Cleanup efforts that are small or straightforward may be conducted independent of Ecology oversight. Because Ecology does not approve the cleanup, this approach may be problematic for property owners who need state approval to satisfy a buyer or lender. In order to address this need, a property owner may request a technical consultation through Ecology's Voluntary Cleanup Program. Under this program, the property owner submits a cleanup report for review by Ecology. Based on the review, Ecology either issues a letter stating that the site needs no further action or identifies the additional work needed.

Consent Decrees

A consent decree is a formal legal agreement outlining the work requirements and agreed to by the potentially liable persons, Ecology and the state Attorney General's office. Before being finalized, consent decrees must undergo a public review and comment period. Other specific types of consent decrees include De Minimus consent decrees, intended for landowners whose contribution to site contamination is insignificant in amount and toxicity, and prospective purchaser consent decrees, intended for persons not already liable for cleanup and wishing to purchase property for redevelopment or reuse.

Agreed Orders

An agreed order is a legally binding administrative order issued by Ecology and agreed to by the potentially liable person. Agreed orders are available for remedial investigations, feasibility studies and final cleanups. An agreed order describes the activities that must occur for Ecology to agree not to take enforcement action. Agreed orders are subject to public review and comment.

When an agreement with a potentially liable person cannot be negotiated or where any emergency exists, Ecology may issue an enforcement order. If the responsible party does not comply with the enforcement order, Ecology can clean up the site and later recover costs, including punitive damages.

1.6 MITIGATION MEASURES

The mitigating measures listed in Final EIS Section 1.6 include revised measures to allow ground floor retail and reduce off-street parking supply based on existing Comprehensive Plan policy guidance and revised measures to mitigate aesthetic impacts, transportation and construction phase impacts based on comments received on the Draft EIS. Deleted information is crossed out (XXXX) and inserted information is underlined in red (XXXX).

1.6.1 Land Use

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 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.

1.6.2 Plans and Policies

Applicable Regulations and Commitments

All new development on the subject property will be required to comply with the applicable standards of the Kirkland Zoning Code and, for the portion of the site within 200 feet of Lake Washington, the Shoreline Master Program.

Other Mitigation Measures

Revise the proposed site plan to allow ground floor retail uses. Please see Draft EIS Section 3.1 Land Use for a discussion of proposed mitigation to ensure that landscape buffers provide an effective transition between the subject property and adjoining land uses. In particular, Section 3.1 describes buffering standards for retail uses adjoining residential uses and identifies a mitigating measure recommending use of this standard to allow for future retail use. Under current regulations, office use would be allowed, but retail use would not be allowed unless a wider buffer is provided. Consistent with this mitigating measure and in order to meet the

intent of a residential market to provide a variety of services that support the surrounding neighborhood, the 15-foot wide landscape buffer standard for retail uses adjoining residential uses would need to be provided.

Provide a minimum ground floor story height of 13-feet to accommodate retail and restaurant uses.

Incorporate mitigating measures described in Please see Draft Final EIS Section 3.53 and 1.6.3 Aesthetics for a discussion of proposed mitigation to address potential impacts to community character and compatibility in scale and character.

Reduce off-street parking supply to the minimum required for the proposed use, pursuant to KZC Section 105.45 and/or 105.103.

If shared parking is proposed, require a Parking Management Plan be prepared that provides measures to ensure that shared parking supply will meet demand.

To assure follow-through of site clean-up, the applicant should ~~could~~ provide funds for a qualified consultant selected by and under the supervision of the City to oversee the site cleanup process. Oversight of the process would include regular progress reports to the City to document that the MTCA process is being followed and a process for review and resolution of issues should problems be encountered. In the case of a voluntary cleanup, the consultant would coordinate technical consultation with Ecology, documented by a letter stating that no further action is needed.

1.6.3 Aesthetics

Applicable Regulations and Commitments

The proposed development would be required to comply with applicable provisions of the Kirkland Zoning Code.

Other Mitigation

Building massing and size

To address building massing and size impacts, ~~consider~~ require the following measures:

- Set back the top floor along the west building façade an average of 10-feet from the façade on the floor below. ~~Stepped back upper floor as shown in Alternative Development Scenario 1 and 3.~~
- ~~Use of deep balconies or other features which provide horizontal modulation as shown in Scenarios 1-3.~~
- Reduce the perceived mass of the building by dividing it into two distinct building wings that are located on the north and south portions of the site with the wings separated by at least 40 feet where the building extends above the grade of adjacent properties. On the west side of the building where four floors are visible from off site, the separation should occur between all four floors. On the east where approximately two floors are below the adjacent grade, only the top two floors need be separated. The main building wings could be joined by a narrow connection if the connection is sufficiently recessed toward the interior portion of the site. This would be similar to Scenario 3, but with deeper recesses along either or both the west and east façades. A deeper recess along the west façade

would be preferred given its greater prominence and visibility. Alternatively, Development of separate buildings as shown in Alternative Development Scenario 2.

- ~~Reduced building footprint as shown in Alternative Development Scenarios 2 or 3.~~
- ~~Reduced number of building floors as shown in Alternative Development Scenarios 2 or 3.~~
- Along the north and south facades, provide exterior wall modulation for floors two through four that meets the intent of KZC Section 92.30 for vertical definition.
- Incorporate ~~ion~~ of measures to achieve architectural and human scale, as described in the Design Guidelines for Pedestrian-Oriented Business Districts and KZC 92.30.4 and 6.

Parking

To mitigate impacts related to the visual prominence of the driveway, consider the following design features:

- Enhanced landscaping around the driveway, such as densely planted landscape islands, foundation planting, trellis, screen or other features.
- Special pavement treatment to help identify the pedestrian area and enhance the visual appearance of the driveway.
- Use of lighting, seating areas, artwork or other features.
- Decorative grill, screening or similar architectural means which diminish the prominence of the parking entrance.

Landscaping

Improve the visibility of perimeter landscaping from adjoining properties through: ~~by providing for a more gradual transition in grade from adjoining sites,~~

- ~~s~~Setting the retaining walls back from the property line (with a reduced building footprint) and installing buffer plantings between the retaining walls and property lines; or
- ~~w~~Widening the buffers for space to install raised platforms along the inside of the retaining wall to install plantings so that the top of the landscaping exceeds the height of the fence at time of planting; or
- Other options that meet the intent of the City's landscape buffer requirements (KZC Chapter 95) as proposed by the Applicant and approved by the City.

Building Street Relationship

To improve the building/street relationship, ~~consider the following measures:~~

- ~~Match the first floor elevation to the elevation of the street frontage along Lake Street South as shown in Alternative Development Scenarios 2 and 3.~~
- ~~Consider~~provide additional landscaping and/or pedestrian features incorporating elements described in the Design Guidelines for Pedestrian-Oriented Business Districts and KZC 92.10.6 and 7.

Building Materials and Color

To address impacts associated with building color and materials, require compliance with KZC 95.35. 2 through 95.35.6. In addition, consider measures identified in the Design Guidelines for Pedestrian-Oriented Business Districts and KZC 92.35.1.

1.6.4 Transportation

Applicable Regulations and Commitments

Road Impact Fee

The City of Kirkland has adopted a Road Impact Fee Program that outlines the contribution that must be paid for new development, based on land use type, toward citywide roadway capacity improvement projects that have been planned to support concurrency. The estimated impact fee for the proposed project is \$378,275.

Frontage Improvements

As part of redevelopment, the project would provide frontage improvements as required by City development code. Frontage improvements would enhance the non-motorized facilities in the site vicinity.

Parking Garage

To ensure that adequate queuing is available between the street and the parking area and that commercial stalls are available at all times, the City Public Works Department shall review and approve the location of any security gate in the parking garage as part of building permit review.

Other Potential Mitigation Measures

Parking Management Strategies

The proposed parking supply meets the City's minimum requirements, and is expected to exceed the projected peak parking demand. Even so, it is possible that some parking demand generated by visitors to the office development or residential units could occur on public on-street spaces near the site. Since the on-site parking supply is expected to accommodate all parking demand generated by the project, the following parking management measures could be implemented to further encourage project-generated parking to occur on-site:

- Bundle parking with apartment leases (or condominium sales) to reduce the likelihood that residents will forego on-site parking and choose instead to park on the adjacent streets,
- Reserve parking spaces for the commercial uses and visitors in visible locations that are signed and easily accessible with no security gate,
- Provide signage that can be seen from the street indicating that visitor parking for commercial uses and residences are available inside the parking garage,
- Provide a kiosk in the common area that provides information on alternative transportation options; and
- Implement a parking management plan in which commercial parking is available to residents and their visitors on weekday evenings and weekends when not in use, and provide signage to clarify the availability of the additional spaces.

1.6.5 Construction Impacts

General Construction Mitigation Measures

Post the site with a readily visible sign and provide written notice to all residents within 300 feet of the site (and a copy to the City) with contact information to resolve concerns for

noise/vibration, air quality, light and glare, ~~transportation~~ truck traffic, construction employee parking, and other parking and access impacts. Provide the City with information about each concern and what measures are taken to resolved issues, if needed.

Noise/Vibration

Noise from construction activities would be subject to the limits in the Kirkland noise standards (KZC 115.95) and construction contractors would be required to comply with provisions of this code. The following contain both general and specific mitigation measures that could be undertaken to minimize noise and vibration-related impacts during construction.

General Noise Mitigation Measures

Because of the proximity of potentially sensitive land uses near the project site, the following project-specific mitigation is proposed.

- Limit construction-related activities to standard construction hours between 7 AM and 8 PM on weekdays and 9 AM - 6 PM on Saturdays.
- Limit the use of noise impact-type equipment, such as pavement breakers, pile drivers, jackhammers, sand blasting tools and other impulse noise sources, to work activity between 8 AM and 5 PM on weekdays.
- Whenever appropriate, substitute hydraulic impact tools with electric models to further reduce demolition and construction-related noise and vibration.
- Limit loud talking, music, or other miscellaneous noise-related activities.
- Provide properly sized and maintained mufflers, engine intake silencers, and where necessary engine enclosures on operating equipment.
- Turn-off idling equipment.

Specific Noise Mitigation Measures

Demolition, Earthwork and Shoring

- As necessary, deploy portable sound barriers around generators, compressors, tieback drill rigs, etc.
- As needed, construct temporary barriers of materials at least as dense as one-half-inch thick plywood with sound-dampening insulation.

Concrete Construction

- Where possible, pre-fabricate core-wall formwork at the contractor's off-site facility to minimize the use of electric saws and hammers on-site.
- Where possible, pre-fabricate reinforcing steel for the concrete core-wall curtains off-site to reduce the amount of noise associated with this work on-site.
- Where possible, locate the concrete pumping station and associated trucks to minimize impacts to residents in nearby buildings and other sensitive land uses proximate to the project site.

- Use hydraulic jacks to lift the core-wall formwork rather than disengaging, hoisting with crane, and re-attachment.

Interior Construction

- Pre-fabricate large duct risers and long interior runs and hoist them into place.
- Screen the building perimeter during steel fireproofing activities.

Air Quality

Site development would be required to adhere to Puget Sound Clean Air Agency's regulations and the City's construction best practices regarding demolition activity and dust emissions, including:

- As needed during demolition, excavation, and construction, sprinkle debris and exposed areas to control dust.
- As needed, cover or wet transported earth material.
- Provide quarry spall areas on-site prior to construction vehicles exiting the site.
- Wash truck tires and undercarriages prior to trucks traveling on City streets.
- Promptly sweep earth tracked or spilled onto City streets.
- Monitor truck loads and routes to minimize dust-related impacts.
- Use well-maintained construction equipment and vehicles to reduce emissions from such equipment and construction-related trucks.
- Avoid prolonged periods of vehicle idling.
- Schedule the delivery and removal of construction materials and heavy equipment to minimize congestion during peak travel times associated with adjacent streets.

Light and Glare

- Require construction-related lighting to be shielded and directed away from adjacent land uses.

Transportation, Parking and Access

- As part of building permit review, include a requirement that, should road repairs be required as a result of construction traffic, the applicant will pay for all repairs.

Prior to commencing construction on each block, require the prime contractor to prepare a Construction Management Plan. This plan would document the following:

- Truck haul-routes to and from the site.
- Peak hour restrictions for construction truck traffic and how those restrictions would be communicated and enforced.

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

In addition, the City has identified more specific construction phase mitigating measures for parking and truck traffic, as listed below.

- A construction parking plan shall be submitted to the Public Works Department Transportation Division for approval prior to issuance of a building permit. The plan shall address the following elements:
 - Name of the designated parking coordinator who will be the City’s contact person and person responsible for implementation of the construction parking plan
 - Number of construction workers on site by shift
 - Approximate number of parking spaces needed
 - Identification of measures to encourage carpooling
 - Map showing the designated area(s) for construction parking as approved in advance by the City. If the parking area(s) will be off-site, identification of a shuttle service or other measures to transport workers to the site.
 - Map showing the location of “No Construction Parking” signs in the neighborhood. The no construction parking area shall include Lake Street South/Lake Washington Boulevard from 5th Avenue South to NE 62nd Street, 10th Avenue South from Lake Street South to State Street South and side streets connecting 10th Avenue South and 7th Avenue South; and NE 64th Street between Lake Washington Boulevard and Lakeview Drive.
- A Construction Truck Circulation Plan shall be submitted to the Public Works Department Transportation Division for approval prior to issuance of a building permit. The plan shall minimize impacts on local streets and existing traffic congestion.
- Construction truck circulation shall be limited to the hours of 9 am and 3 pm, Monday through Saturday. No construction truck circulation on Saturdays is permitted during

community events in the downtown or near Lake Street South. The Public Works Department will provide the construction manager with dates of the Saturday community events in which construction truck circulation will not be permitted.

- An on-site sign shall be installed facing and visible from Lake Street South containing the contact information of the parking coordinator to accept and respond to public concerns. The sign shall stay in place until completion of the project.

Site Clean-up

The project would be required to comply with all applicable Washington Department of Ecology MTCA rules for remediation of contaminated soil and groundwater, and removal of underground storage tanks.

The project could be required to fund a consultant selected and hired by the City to monitor site clean-up and ensure compliance with Ecology's MTCA rules.

Best management practices to include:

- Pre-construction testing to confirm presence, nature, and extent of possible contamination
- Qualified hazardous material transporters
- Certified UST Decommissioning Supervisors
- Contaminated Material Sampling and Handling Plans that provide for containment and decontamination of equipment and personnel
- Use of hazard reduction zones
- Hazard communication and Health and Safety plans
- Workers trained in hazardous materials cleanup work
- Air monitoring at the site boundary

1.7 SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

The significant unavoidable adverse impacts listed below include revised Plans and Policies impacts as listed in Final EIS Section 3.3. Deleted information is crossed out (~~XXXX~~) and inserted information is underlined in red (XXXX).

1.7.1 Land Use

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.

1.7.2 Plans and Policies

No significant unavoidable adverse impacts are anticipated.

Even with proposed mitigation, local citizens may not accept the project, resulting in continued inconsistency with this portion of Comprehensive Plan Policy LU-5.9. The size, scale, and character of a building in a commercial zone by its purpose and nature may not be totally consistent with the adjacent residential buildings.

1.7.3 Aesthetics

Development on the project site will change its existing character and the long-term relationship of the site to the surrounding area over the long term. However, with implementation of proposed mitigating measures, the proposal is expected to meet the City's vision for development in the BN zone and no significant unavoidable adverse impacts to aesthetics are anticipated.

1.7.4 Transportation

Implementation of the proposed project would result in increased traffic volumes and delay at intersections near the site. However, the operational effects of the additional vehicles do not exceed the City's adopted thresholds for significance and thus they would not be considered a significant unavoidable adverse impact.

1.7.5 Construction Impacts

While some construction-related impacts would be unavoidable, with the proposed mitigating measures and given the anticipated short-term duration, none of the impacts are likely to be significant.

1.8 SIGNIFICANT AREAS OF CONTROVERSY

Significant areas of controversy surrounding the Proposal include:

- Whether the density and scale of the Proposed Action is compatible with the surrounding development character.
- The extent to which the Proposed Action will result in significant transportation impacts.
- Concern over the clean-up process for potential on-site contamination.

- **Local economic demand.** Applicant interest in development of this site is demonstration of local economic demand for the proposed development.
- **Citizen acceptance.** It is acknowledged that, based on public comment received on the Proposed Action, local citizen acceptance has not been demonstrated.

Standard 2: Provide the minimum amount of off-street parking necessary to serve market customers.

Draft EIS Section 3.4, Transportation, describes the City's parking requirements for the Proposed Action based upon the Kirkland Zoning Code (KCZ) Chapter 40.10 guidelines for multifamily, general office and medical office. Draft EIS Table 3.4-20 summarizes the parking spaces needed for the proposed project based upon these guidelines, which results in a required minimum supply of 313 spaces. However, the parking demand analysis presented in the Draft EIS indicates that the peak parking demand generated by the proposed project is expected to be lower than 313 spaces, so the proposed parking supply of 316 spaces would not reflect the minimum amount of off-street parking necessary to serve market customers.

KCZ Chapter 105.20 establishes that the City will determine residential guest parking requirements on a case-by-case basis. Section 105.45 allows parking to be shared between different uses as long as there is sufficient peak hour parking for both uses. To determine the minimum amount of off-street parking supply necessary to serve market customers, the following analysis was prepared.

Analysis of Minimum Parking Supply

For the proposed project, which includes 143 apartments and 6,200 square feet (sf) of commercial space, there would be two types of parking demand—1) parking demand for residents and their visitors, and 2) parking demand for employees and visitors or customers of the commercial space. Although it is currently expected that the commercial space would consist of office use, the parking analysis also considers the supply needed if the commercial space were instead used for retail and restaurant uses.

This analysis identifies the peak demand for the each potential land use, followed by a discussion of parking demand if shared parking is assumed. For shared parking, it is assumed that on-site parking is generally available for shared use and not assigned to specific uses. Under this scenario, a Parking Management Plan to assure that parking supply is available to meet demand would be necessary.

Residential Parking Demand

The parking demand analysis was prepared using rates published in the Institute of Transportation Engineers' (ITEs') *Parking Generation*⁶ and residential vehicle ownership statistics for the project study area published in the *2000 Census - Journey to Work Characteristics* report⁷. The published ITE weekday peak parking demand rate for suburban Low/Mid-Rise Apartment (ITE Land Use Code 221) is 1.23 vehicles per unit.⁸ However, for the census tracts that surround the site (225.00 and

⁶ Institute of Transportation Engineers [ITE], *Parking Generation*, 4th Edition, 2010.

⁷ Vol. 1: King County Census Tracts, PSRC, 2002.

⁸ *Parking Generation* does not provide a Saturday peak parking demand rate for the suburban Low/Mid-Rise Apartment use, but does provide a Saturday rate for comparable urban apartment use. Therefore, a Saturday rate for the Proposal was estimated using the proportional relationship between Saturday and weekday urban rates published for apartments. Based on this ratio, the analysis assumes a Saturday rate of 1.2 spaces per unit.

227.01), the Journey-to-Work survey data indicated that renter-occupied housing had an average of 1.2 to 1.4 vehicles per housing unit.

To provide a conservatively high estimate for peak residential parking demand, the higher end of the vehicle-ownership rates from the 2000 Census for this area (1.4 vehicles per unit) was applied to the residential component of the project. This estimate incorporates the higher census tract data and is higher than the ITE *Parking Generation* estimate. In addition, it is conservatively high given the proposed unit mix of about 85% studio and one-bedroom units. For these reasons, the analysis assumes that residential guest parking would be accommodated within the 1.4 spaces per unit estimate. Using this rate, the residential component is estimated to generate a peak demand of 201 vehicles.⁹ In addition, hourly parking demand for residential use was estimated based on data published in *Parking Generation* for apartments and applied to the weekday and Saturday peak parking demand estimates. The resulting hourly parking demand for the apartments is shown graphically on Figures 3.2 and 3.5.

Commercial Space Scenario 1 – Office Uses

For a scenario in which the commercial space would be occupied by office uses, the analysis assumed a split of 3,200-sf as general office and 3,000-sf medical office as presented in the *Potala Village Mixed Use Development Draft Environmental Impact Statement (DEIS)*.¹⁰ For the weekday parking analysis, the Office Building (Land Use Code 701) suburban rate was applied to the general office component and the Medical Office Building (Land Use Code 720) rate was applied to the medical office component. For the Saturday parking analysis, the published average Saturday peak demand rate was applied to the medical office component. Since there is no Saturday rate published for general office (as most offices are closed on Saturday), the Saturday peak rate was conservatively estimated to be half the weekday peak rate. Hourly parking demand for office and medical offices was estimated based on data published in *Parking Generation* and applied to the weekday and Saturday peak parking demand estimates. The resulting hourly parking demand for the commercial space with office use is shown graphically in Figure 3.2.

Commercial Space Scenario 2 – Retail and Restaurant Uses

For a scenario in which the commercial space would be retail, the analysis assumed that the 6,200-sf of commercial space would be evenly split between general retail and restaurant spaces. The respective weekday and Saturday rates from *Parking Generation* were applied -- Shopping Center (Land Use Code 820) rates were applied to the general retail component and suburban High Turnover Sit-Down Restaurant (Land Use Code 932) rates were applied to the restaurant component. Then, hourly parking demand accumulation percentages published for shopping center and high turnover restaurant in *Parking Generation* were applied to the weekday and Saturday peak parking demand estimates. It should be noted that the analysis assumes that the restaurant space would generate parking demand from 6:00 A.M. until midnight. The resulting hourly parking demand for the commercial space with retail/restaurant use is shown graphically in Figure 3.4.

Mixed Use Peak Parking Demand

For mixed-use developments that are expected to share on-site parking, it is important to account for the fact that each use may not generate its peak demand concurrently. For example, residential uses generate peak demand overnight while retail and office spaces generate their peak demand midday. Therefore, review of peak parking demand for mixed-use developments

⁹ 143 units multiplied by 1.4 and rounded up to the next whole number.

¹⁰ City of Kirkland, *Potala Mixed Use Development Draft Environmental Impact Statement*, July 2012.

that share parking must consider hourly parking demand rates for the pertinent uses, as well as the times of day that peak demand for the different uses would occur.

Mixed Use Residential/Office Development

Figure 3.2 shows the projected weekday and Saturday parking demand by time of day for each of the residential and office uses. As shown, the peak parking demand for residential and office components would not occur simultaneously -- peak parking demand for residential uses occurs overnight while peak parking demand for office uses occurs mid-morning. Figure 3.3 shows the projected weekday and Saturday parking demand by time of day for the combined uses. Based on these figures, the combined peak parking demand for the project with the office use scenario for the commercial space is estimated at 201 vehicles and is expected to occur overnight between midnight and 6:00 A.M.

To provide a buffer supply that would help reduce on-site circulation while drivers search for parking, accommodate daily and hourly fluctuations in demand, and accommodate excess visitor demand, the recommended supply for this scenario is 237 spaces. This recommended supply is based on a peak cumulative demand of 201 vehicles at 85% utilization ($201 \text{ spaces} / 0.85$), also shown on Figure 3.3.¹¹

Mixed Use Residential/Retail/Restaurant Development

Figure 3.4 shows the projected weekday and Saturday parking demand by time of day for each of the residential and retail/restaurant uses. Similar to the previous office scenario, the peak parking demand for the residential and retail/restaurant components would not occur simultaneously -- peak parking demand for residential uses occurs overnight, while peak parking demand for retail and restaurant spaces occurs during early evening. Figure 3.5 shows the projected weekday parking demand by time of day for the combined residential and retail/restaurant uses. Based on these figures, the combined peak parking demand for the project is estimated at 207 vehicles and is expected to occur between 11:00 P.M. and midnight, when the residential demand would be near its peak and some remaining demand from the restaurant use would be on site.

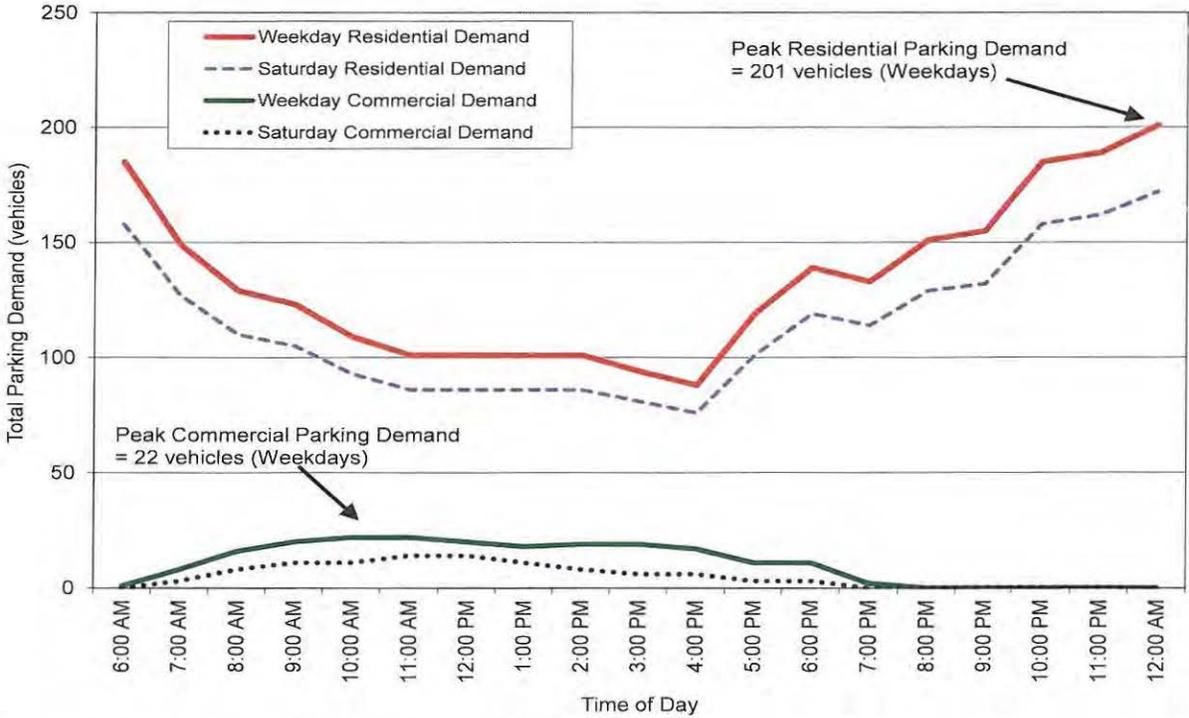
To provide a similar buffer supply as described for the prior scenario, a minimum parking supply of 244 spaces ($207 \text{ spaces} / 0.85$) would be recommended to accommodate parking demand if the commercial space is developed as retail and restaurant. This recommended supply for the project as mixed residential and retail/restaurant is also shown on Figure 3.5.

Conclusion and Recommendation

Based on the analysis presented above, and assuming shared parking, a minimum of 244 spaces is recommended to accommodate the typical peak parking demand of the proposed Potala Village mixed-use project. A supply of 244 spaces is projected to accommodate the typical peak parking demand generated by residential uses combined with either office or retail/restaurant uses and would also provide a buffer supply to accommodate daily fluctuations, excess visitor demand, and to minimize driver circulation.

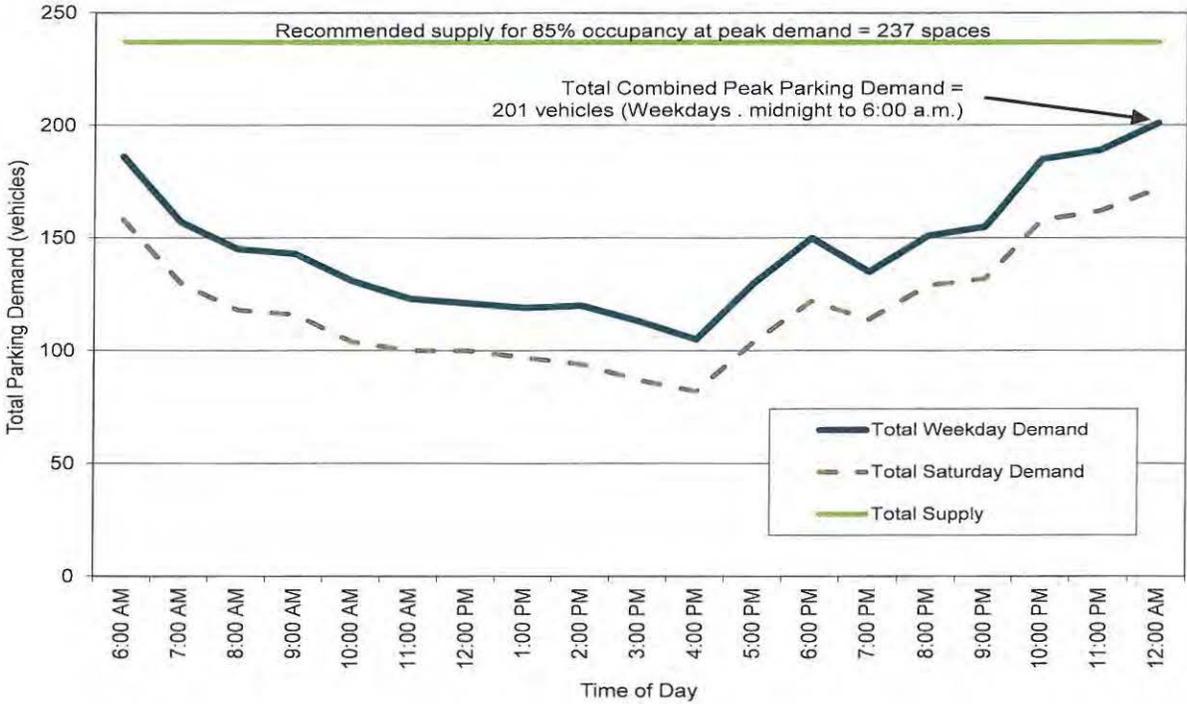
¹¹ 85% utilization is a standard assumption applied to estimate a parking supply buffer to accommodate routine fluctuations in demand and minimize the possibility of parking overspill.

Figure 3.2. Parking Demand by Land Use Type - Mixed Residential and Office



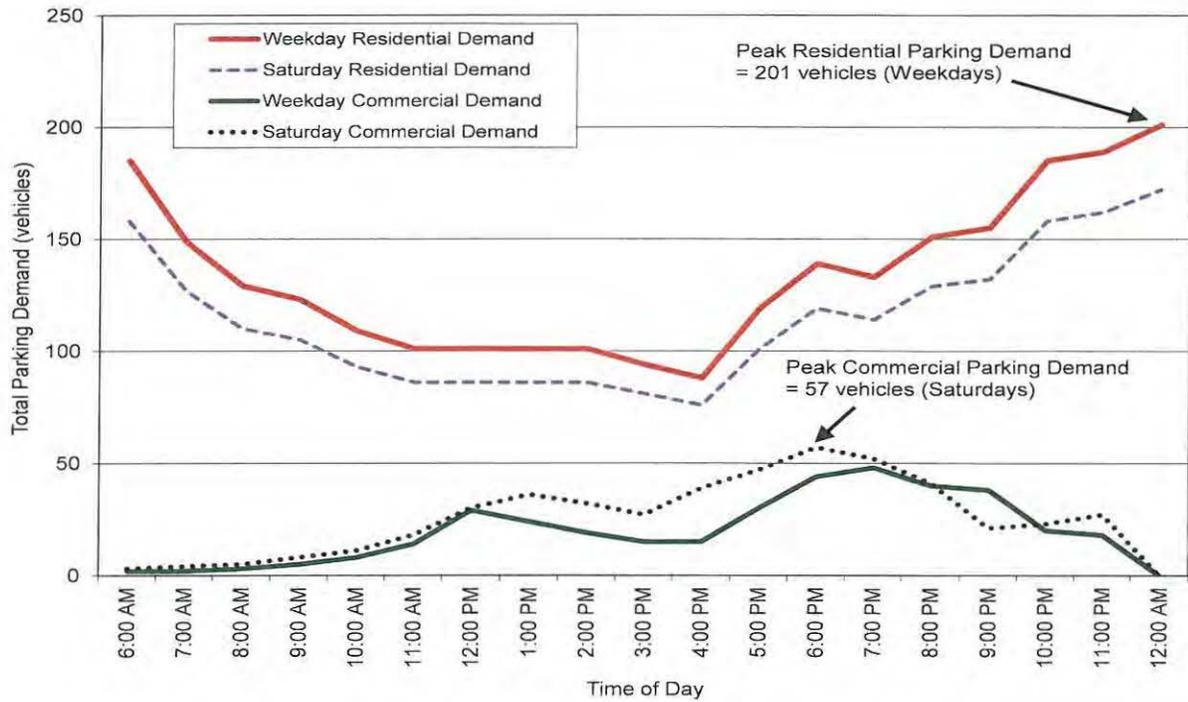
Source: Heffron Transportation, Inc., October 2012.

Figure 3.3. Combined Parking Demand - Mixed Residential and Office



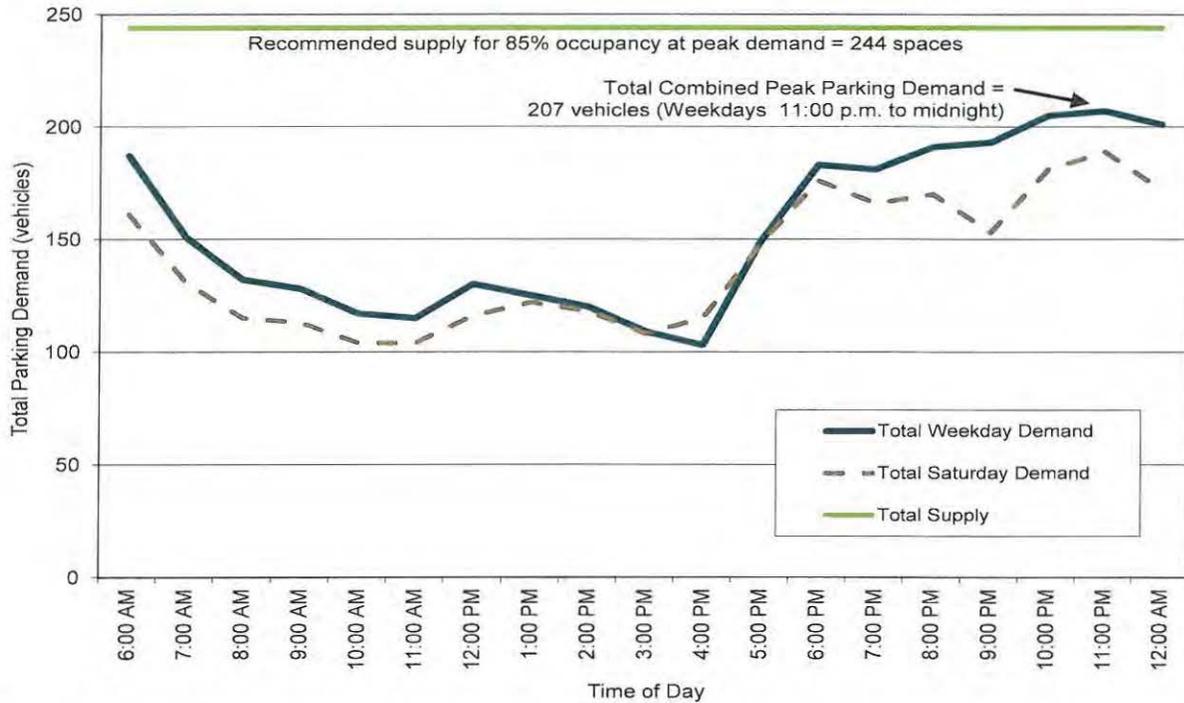
Source: Heffron Transportation, Inc., October 2012.

Figure 3.4. Parking Demand by Land Use Type - Mixed Residential, Retail and Restaurant



Source: Heffron Transportation, Inc., October 2012.

Figure 3.5. Combined Parking Demand - Mixed Residential, Retail and Restaurant



Source: Heffron Transportation, Inc., October 2012.

This minimum supply assumes that on-site parking would be shared among residential and commercial uses. In order to assure that shared parking works over the life of the development, a Parking Management Plan that provides measures to ensure that shared parking supply will meet demand would be necessary.

The Proposed Action proposes to provide 316 parking spaces. Based on the preceding discussion, the proposed number of parking stalls is greater than the minimum required off-street parking. In order to ensure consistency with Policy LU-5.9, off-street parking supply could be reduced to the minimum required for the proposed use, as established through KZC 105.45 and/or 105.20.

Standard 3: Ensure that building design is compatible with the neighborhood in size, scale, and character.

The third standard states that building design should be compatible with the neighborhood in size, scale and character and reinforces the Residential Market definition that describes the critical importance of residential scale and design. As described in Draft EIS Section 3.3, Aesthetics, the Proposed Action is generally out of scale and not in character with the surrounding neighborhood in terms of building size and massing, visual prominence of parking, landscaping, building street relationship and building materials/color. Draft EIS Section 3.3.3 provides a menu of mitigating measures to mitigate these impacts and improve compatibility with the surrounding neighborhood. Final EIS Section 3.5 provides additional conclusions and refined mitigating measures based on information in the Draft EIS, together with public comment received during the comment period.

Conclusions

Based on this revised analysis, the mitigating measures and significant unavoidable adverse impacts for Draft EIS Section 3.2, Plans and Policies are revised as shown below. Deleted information is crossed out (~~XXXX~~) and inserted information is underlined in red (XXXX).

Revised Mitigation Measures

Applicable Regulations and Commitments

All new development on the subject property will ~~would~~ be required to comply with the applicable standards of the Kirkland Zoning Code and, for the portion of the site within 200 feet of Lake Washington, the Shoreline Master Program.

Other Potential Mitigation Measures

Revise the proposed site plan to allow ground floor retail uses. Please see Draft EIS Section 3.1 Land Use for a discussion of proposed mitigation to ensure that landscape buffers provide an effective transition between the subject property and adjoining land uses. In particular, Section 3.1 describes buffering standards for retail uses adjoining residential uses and identifies a mitigating measure recommending use of this standard to allow for future retail use. Under current regulations, office use would be allowed, but retail use would not be allowed unless a wider buffer is provided. ~~Consistent with this mitigating measure and in order to~~ To meet the intent of a residential market to provide a variety of services that support the surrounding neighborhood, the 15-foot wide landscape buffer standard for retail uses adjoining residential uses would need to be provided.

Provide a minimum ground floor story height of 13-feet to accommodate retail and restaurant uses.

Incorporate mitigating measures described in Please see Draft Final EIS Section 3.53 Aesthetics for a discussion of proposed mitigation to address potential impacts to community character and compatibility in scale and character.

Reduce off-street parking supply to the minimum required for the proposed use, pursuant to KZC Section 105.45 and/or 105.103.

If shared parking is proposed, require a Parking Management Plan be prepared that provides measures to ensure that shared parking supply will meet demand.

To assure follow-through of site clean-up, the applicant should ~~could~~ provide funds for a qualified consultant selected by and under the supervision of the City to oversee the site cleanup process. Oversight of the process would include regular progress reports to the City to document that the MTCA process is being followed and a process for review and resolution of issues should problems be encountered. In the case of a voluntary cleanup, the consultant would coordinate technical consultation with Ecology, documented by a letter stating that no further action is needed.

Revised Significant Unavoidable Adverse Impacts

~~No significant unavoidable adverse impacts are anticipated.~~

Even with proposed mitigation, local citizens may not accept the project, resulting in continued inconsistency with this portion of Comprehensive Plan Policy LU-5.9. The size, scale, and character of a building in a commercial zone by its purpose and nature may not be totally consistent with the adjacent residential buildings.



May 11, 2011

Lobsang Dargey
P.O. Box 13261
Everett, WA 98201

Dear Mr. Dargey:

Subject: Potala Village, Permit No. SHR11-00002

The application you submitted on February 23, 2011, for the proposal identified above, has been reviewed for completeness. As of today, we have determined that your application is complete and the decision on your application should be forthcoming within 120 days, or by September 8, 2011. This time may be extended if additional materials are required as we proceed with your permit review, if your project is appealed, or if other conditions arise (see RCW 36.70B.090 for details regarding Washington State requirements).

If you have any questions, please call me at (425)587-3258. More information is available at www.kirklandpermits.net.

Sincerely,

PLANNING AND COMMUNITY DEVELOPMENT

A handwritten signature in cursive script, appearing to read "Teresa Swan".

Teresa Swan
Senior Planner

cc: Permit Number SHR11-00002

Teresa Swan

From: Atis Freimanis <freimanis@sbcglobal.net>
Sent: Friday, June 17, 2011 1:07 AM
To: Teresa Swan
Subject: Concern about planned Potala development SHR11-00002 / SEP11-00004

June 17, 2011

Dear Teresa Swan,

As per the notification on the signs posted on the property I am writing to voice concerns about the Potala Village development submitted under permit requests SHR11-00002 and SEP11-00004. My home is located on the east boundary of the proposed development and I am on the board of the Park Bay Condo Association that represents the 8 condominiums on the east boundary.

It appears that this project is designed only to maximize profits and density with little or no consideration to the negative impact to the neighborhood, shoreline area, or how the natural run-off into the lake occurs. The project maximizes hard surfaces and will disrupt the natural flow and filtration coming from up the hill, particularly on the south boundary where a natural path of flow can be seen going well up the hill beside the Monterey Bay Apartments. The proposal plans to remove all trees and vegetation including the large tree in the south west corner of the property that is directly in the shoreline zone. In addition to that tree being a natural filter for run-off as mentioned above, I have on seen eagles perching in that tree as they monitor the lake for fish. Minimally the project should be modified to retain that tree and maintain a significant buffer on the south property line.

A further concern involves contaminants from the former gas station storage tanks and seepage from Michael's cleaners that could escape into the lake should the site be disrupted. Although the developer has stated that these contaminants will be removed safely, I would anticipate that a more detailed, SEPA sanctioned study should be performed to ensure that the shoreline zone and the lake itself remain pristine both during the construction and also if the project is ever completed.

The massive scale of this project seems like it could easily overwhelm the sensitive shoreline zone and should instead be redesigned to have less hard surfaces and retain more of the natural filtration already in place.

Please add me as a party of record to this and any further permit requests related to the project in question.

Sincerely,

Atis Freimanis
Park Bay Condo Association
10108 NE 68th St #4
Kirkland WA 98033

Teresa Swan

From: Atis Freimanis <freimanis@sbcglobal.net>
Sent: Monday, June 20, 2011 4:08 PM
To: Teresa Swan
Subject: Further concerns about Potala village development SHR11-00002 / SEP11-00004

Dear Teresa Swan,

After further reviewing the Potala village development proposal outlined in SHR11-00002 and SEP11-00004 I am very concerned about the over-reaching scale of this project within a neighborhood residential area. The objective of BN (Business Neighborhood) zoning is to allow neighborhood business development that might indeed be good for the neighborhood. This oversized, big box colossus, spanning three separate properties is clearly designed to merely exploit poorly specified zoning for maximum profit and has nothing to do with enhancing the neighborhood. I urge the city to reconsider any and all easements, environmental impact study waivers, tax advantages or other considerations that may be granted this project.

POTALA_V_LANDSCAPE_PLAN.pdf references setbacks on all sides of the property:

- 1) A 15 foot landscape buffer on the north (10th Ave), but the drawing shows parts of the building protruding into that buffer. This easement should not be granted.
- 2) A 10 foot landscape buffer on the south. Here, once again the drawing shows something other than trees in the southwest corner of the property. If the developer wants to have a door or other access at this point, they should have a further setback that does not compromise the landscape buffer. I have already mentioned in a previous email that the tree in the southwest corner of the property in the shoreline area should be retained. Note that a 10 foot setback is being claimed based on office use, however the bulk of the property line is residential use.
- 3) A 15 foot landscape buffer on the east, but the drawing shows that the southern section of the east property line only has a 10 foot buffer. Further, the proposed trees along that property line are not consistent (replaced by shrubs in some places). This creates an inconsistent treeline from the Park Bay condos to the east (where I live). Once again, no easement should be granted on the east side of the property.

There are a number of instances where some part of the building plans (eg. false deck etc.) protrude into the setback. This should not be allowed.

In general, the setbacks/buffers all around the property are completely insufficient taking into account that you will have new Potala residences staring directly into existing residences. It is one thing to have a view of the back of a neighborhood business where there are little or no windows, but having people stare into each other's lives on a regular basis is a completely different matter.

Further to the close proximity concern I would list glare from walkway lights which will be on all night. Note that the massive structure will also completely block natural daylight from the west in the evening hours.

As a homeowner along the east property line, I am concerned whether sufficient measures have been made to ensure that there will be no pooling of water on our property once the retaining wall is put in. I am also not satisfied that sufficient analysis has been made to ensure that once the huge amounts of earth are removed, there will still be sufficient natural filtration in place to protect the lake from receiving direct (unfiltered) flows from above.

Section 3.1.11 Buffer Zones BMP C102 of the Potala_V_stormwater_polution_control.pdf describes a stream and wetland buffer area and a native growth protection area. Given that the exact route of a stream is difficult to predict underground and a plant's need for sunlight, I am concerned about the effect of a building that both digs deep and builds high in such close proximity to a stream and native growth protected area, particularly in the shoreline area of the project. These setbacks need to be increased.

It appears that the developer is stating exemptions or non applicability to most of the environmental impact study requirements. How can it be that a massive structure defined by the city as a "Substantial Development" is so benign to environmental impact? This needs to be re-evaluated.

I am sure you have heard numerous concerns from other neighbors about the traffic and parking problems that this project will pose. I agree with my neighbors that this will create significant strain on the streets.

Perhaps it is my error, but I did not see any documents on the web site related to the size/shape of the in-building parking stalls. Previously there was concern that the width of the planned stalls did not meet the required 8 feet in stalls where supporting pillars and in place. Can you please confirm that all planned parking spaces meet the full 8 foot (unobstructed) requirement. Also, I am unconvinced that the narrow access and large number of vehicles that will need to get in/out of this single parking access door will lead to anything but increased street parking regardless of the number of new in-building stalls.

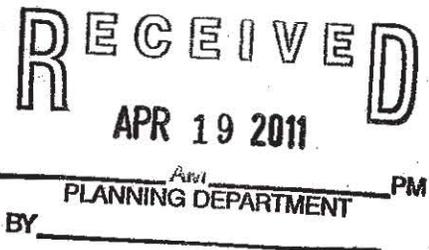
In conclusion, I request that the city take a step back and consider the overall impact that such an over-reaching development will have on a great neighborhood. Let's not allow poor zoning planning in the past be exploited without challenge. No-one is against this site being developed as the neighborhood business area it was envisioned as - it is the over development of the site that is in question. Why tarnish a beautiful residential neighborhood with a structure that does not bring positive value to the area? Please consider any and all options to reduce the massive scale of this development into something that fits in with the surrounding area and residents.

Regards

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

March 23, 2011

Teresa Swan
 Senior Planner
 Planning and Community Development Department
 City of Kirkland
 123 Fifth Avenue
 Kirkland, WA 98033-6189



Subject: Pending Permits SEP11-00004 and SHR11-00002

The lots for these permits have been zoned as Business Use (Zone BN) and the owner/developer is entitled to use the property within those guidelines. The surrounding lots are all Residential, but the BN has been around for a long time.

Yes, it will bring in more cars. It will block some views. And the minimum required parking per the zoning may not be adequate (I request that any variance for fewer-than-required parking spots be denied). Yet in the end, the property owner is entitled to build, at a minimum, within the currently allowed zoning because the City has implicitly said he can once he gets permits showing he'll comply.

If anyone has objections to the allowed zoning, then they should have voiced them a while ago to have the zoning changed; to raise red flags and hold this up now is completely unfair to the owner, just as it would be if your neighbors got in the way of an allowed, permissible use of your property just because they didn't like it (if you live in a 2-story home with a view built in the last 25 years, how did the owners behind and next to you like your home when it was built?). A legal battle will also be expensive, and the owner will ultimately win at the City's, and thus our, expense if he complies with the zoning requirements.

When someone considers buying or renting property, before they purchase they should take a look at the zoning of the surrounding lots and figure out if they can tolerate their future development. And if the zoning is proposed to be changed afterward, then they need to speak up if they object (I did once on my street, and the City listened and denied the re-zone). From what I can tell so far, no one can say they objected with the City about the BN zoning until now. I suspect this project will go forward essentially as it's proposed, and the anger should be directed at the zoning decision made long ago, and at the complacency of those who are now concerned.

We've had many instances in recent years of "concerned citizens" speaking for a vocal group which may or may not speak for a majority, and then tying up legitimate projects with litigation. I'd prefer our City not be known for that nor compel us taxpayers to foot the legal bill for sabre rattling.

And from another perspective, it's currently an eyesore, mostly-vacant lot with weeds and two ugly buildings. I welcome the improvements. I have no economic interest in nor relationship to this project in any way.

A handwritten signature in cursive script that reads "Brian Tucker".

Brian Tucker
 442 13th Avenue West
 Kirkland

RECEIVED

APR 18 2011

PLANNING DEPARTMENT PM

BY _____

Casey and Sam Sibert
6610 Lake Washington Blvd NE
Kirkland, WA 98033

City of Kirkland
Planning Department
c/o Teresa Swan

Dear Ms Swan,

Please accept this letter as a notice of concern regarding the development of parcels #082505-9233, 935490-0220 and 935490-0240. These are the parcels that are currently being proposed for 143 apartment units known as Potala Village. The surrounding Moss Bay and Lakeview neighborhoods have clearly restricted residential to 12 units per acre and the Moss Bay neighborhood plan describes "Lands on the east side of Lake Washington Boulevard, south of 7th Avenue South and west of the midblock between First and Second Streets South, are also appropriate for multifamily uses at a density of 12 dwelling units per acre. This designation is consistent with permitted densities to the north and south along Lake Washington Boulevard.

We are usually supporters of growth and wish to see the city of Kirkland thriving and looking toward the future. We cannot, however, support growth that negatively impacts the quality of life that brings new business and residents to the community. The proposed development is simply too dense for its location along Lake Washington Blvd, a street that is already at capacity with regard to traffic. The addition of a possible 300 cars entering and leaving this property is not tolerable. The very atmosphere that attracts people to Kirkland is at risk if our park like boulevard must absorb so many new residents in so small a space.

Thank you,

Casey & Sam Sibert

Teresa Swan

From: Chantelle Phillips <chantellemarie@me.com>
Sent: Friday, June 17, 2011 10:33 AM
To: Teresa Swan
Subject: Public Comment re: Proposed Development at 1006 Lake Street

Dear Ms. Swan,

I am a resident of Kirkland's Moss Bay neighborhood and wish to be added as a "party of record" for permit requests SHR11-00002 and SEP11-00004.

I oppose the suggested development and feel very strongly that the development will have adverse environmental and traffic density impacts.

Additionally, it is completely out of alignment with the existing neighborhood.

This will also clearly have a significant effect on our property value and reduce the city property taxes we pay.

As a community, we ask that you please consider all of the negative impact this project will have to the Kirkland area before making a final decision.

Sincerely,

Chantelle Phillips
905 Lake St. S.
Kirkland, WA

