



KEY ISSUES

3.1 INTRODUCTION

This Chapter provides a discussion of four topic areas that are the focus of many of the comments on the Draft EIS. These include (1) Draft EIS alternatives and a lower density alternative; (2) density calculations and characterization; (3) the Residential Market designation in the City's Comprehensive Plan; and (4) potential mitigating measures for aesthetics impacts. For each of these topics, this Chapter provides expanded discussion, corrections and/or clarification, as applicable. In addition, this introduction includes a brief discussion of the purpose of an EIS as established in the SEPA Rules.

Purpose of the EIS

Some Draft EIS comments focus on the purpose and role of the EIS in the review process. The following provides a summary of information in the SEPA Rules (WAC 197-11), describing the purpose and role of an EIS.

Regarding the purpose of an EIS, WAC 197-11-400 includes the following points in describing the purpose of an EIS:

1. The primary purpose of an EIS is to ensure that SEPA's policies are an integral part of the ongoing programs and actions of state and local government.
2. An EIS shall provide impartial discussion of significant environmental impacts and shall inform decision makers and the public of reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality.
3. Environmental impact statements shall be concise, clear, and to the point, and shall be supported by the necessary environmental analysis. The purpose of an EIS is best served by short documents containing summaries of, or reference to, technical data and by avoiding excessively detailed and overly technical information. The volume of an EIS does not bear on its adequacy. Larger documents may even hinder the decision making process.

4. The EIS process enables government agencies and interested citizens to review and comment on proposed government actions, including government approval of private projects and their environmental effects. This process is intended to assist the agencies and applicants to improve their plans and decisions, and to encourage the resolution of potential concerns or problems prior to issuing a final statement.

The SEPA Rules also note that EISs should focus on environmental considerations and that SEPA contemplates that the general welfare, social, economic, and other policy considerations will be taken into account in weighing alternatives and making final decisions. However, an EIS is not required to evaluate and document all of the possible effects and considerations of a decision or to contain the balancing judgments that must ultimately be made by the decision makers.

The Draft EIS allows the lead agency to consult with members of the public, affected tribes, and agencies with jurisdiction and with expertise. The Final EIS may supplement, improve or modify the analysis, make factual corrections, or develop and evaluate alternatives not previously given detailed consideration by the agency (WAC 197-11-560).

3.2 DRAFT EIS ALTERNATIVES

The Draft EIS considers two primary alternatives. Alternative 1, No Action, would retain the site as it currently exists, with no new development or change to access, parking or vegetation on the site. Alternative 2, Proposed Action, is based on the private development proposal submitted to the City of Kirkland. It would consist of a mixed use development containing approximately 6,200 sf of commercial use (general and medical office), 143 residential units and 316 parking stalls. The residential density of the Proposed Action is 118.4 units/acre.¹

The Draft EIS also includes three alternative development scenarios that illustrate three different design options. Compared to the Proposed Action, the design options would result in fewer residential units, with an estimated 90 to 110 dwelling units (residential density of 74.5 to 91 units/acre), depending on the scenario. Draft EIS sections 3.3, Aesthetics, and 3.4, Transportation, consider impacts associated with these alternative development scenarios. In Draft EIS Section 3.3, the impacts of the alternative design scenarios on building size and massing, parking, landscaping, building street relationship and building materials and color are discussed. In Draft EIS Section 3.4, trip generation, intersection delay and level of service impacts resulting from the alternative development scenarios are evaluated.

Many Draft EIS comments state that a lower density alternative, such as 12 to 24 units/acre, should be considered in the EIS. The City has reviewed these comments and concludes that the Draft EIS adequately addresses potential development alternatives, based on the following:

- **Reasonable Alternatives.** The SEPA Rules (WAC 197-11) state that an EIS must study reasonable alternatives. A reasonable alternative is defined to mean an action that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts, either directly or

¹ Based on a development of 143 residential units and a lot size of 52,600 sf.

indirectly, through requirement of mitigation measures.² The SEPA Rules do not define the term “objective.” The Draft EIS lists the Proposal’s objectives as follows:

- Maximize site development potential within the context of regulatory requirements and environmental and market conditions.
- Redevelop the site to create an attractive residential mixed use development.
- Ensure that site development is financially feasible and sustainable.
- Create a development that is an asset to Kirkland’s citizens and is compatible with the surrounding area.

A reduction to a density of 12 to 24 units/acre would result in a development of 15 to 30 units. This scale of development is significantly different than the proposed 143 units and it is reasonable to conclude that it does not meet the objectives of the Proposal.

- **Alternative Development Scenarios.** The Draft EIS includes three alternative development scenarios that illustrate comparative differences in building mass, scale and neighborhood compatibility. These alternative scenarios address impacts associated with density, including neighborhood compatibility and transportation impacts. As noted above, the alternative scenarios are estimated to provide for 90 to 110 units, with densities ranging from 74.5 to 91 units/acre. These alternative development scenarios function similar to Alternatives 1 and 2 in the EIS in that they identify impacts from different design alternatives and measures to mitigate identified impacts.

With respect to neighborhood compatibility (Draft EIS Section 3.3, Aesthetics), the analysis of the alternative development scenarios provides the basis for mitigation measures that could address the compatibility impacts. Example measures include reduced building footprint, upper level stepbacks, reduced number of building floors, expanded landscape areas and matching the first floor elevation to the street frontage, among others. Although these measures are not specifically focused on density, implementation of some or all of them could result in reduced density.

Draft EIS Section 3.4, Transportation, includes an analysis of trip generation and levels of service associated with each of the development scenarios. The analysis of alternative development scenarios finds lower levels of net new trips and small incremental effects on intersection delay, but no effects on levels of service. Accordingly, no changes to proposed mitigation are identified based on the alternative development scenarios.

- **Conservative Analysis.** The No Action and Proposed Action bracket the potential range of development and provide the City with the discretion to incorporate EIS mitigation to address identified impacts related to neighborhood compatibility, comprehensive plan consistency, traffic and parking. The alternative development scenarios provide information on the environmental effects of modifying some aspects of the Proposal. Because the 143 unit analysis provides a “worst case” or maximum development analysis from the perspective of environmental impacts, and the alternative development scenarios

² WAC 197-11-786

disclose the impacts of modified scale, addition of a mid-range alternative would not provide new information on which to base additional mitigation.

Lower Density Alternative

As described above, the City concludes that the analysis of the No Action and Proposed Action alternatives and the evaluation of alternative development scenarios provide adequate information on which to base future decisions for approving, conditioning or denying permits associated with the Proposed Action. At the same time, the City recognizes the continued citizen interest in a more explicit discussion of potential impacts associated with a lower density alternative. In order to respond to this interest, this section of the Final EIS provides a qualitative review of potential impacts from a lower density alternative. Potential impacts are discussed in comparison to the Proposed Action and potential changes to mitigating measures are identified.

A proposed site plan for the lower density alternative has not been prepared, but assumptions about the alternative include the following:

- 6,200 sf of commercial space, comparable to the Proposed Action
- 30 - 44 residential dwelling units (24 - 36 units/acre)
- Development in a single building, comparable to the Proposed Action
- Total building area would depend on the size of the residential dwelling units. If 1,300 sf to 1,600 sf units are assumed, the estimated total building area is estimated to be 90,000 to 160,000 sf³
- Development consistent with the Kirkland Zoning Code Neighborhood Business (BN) zoning standards and Shoreline Master Program Urban Mixed designation standards are assumed

Land Use

Impacts. Under this scenario, the total building area is estimated at approximately 40% to 70% the size of the Proposed Action, but could be incrementally larger or smaller, depending on the size of the residential units. The smaller building size would likely result in a smaller building footprint and correspondingly larger area for landscaping and public and private open space. Similarly, the smaller building size may also require less site excavation, compared to the Proposed Action, in order to fit on the site. Site density would be within the range of multifamily densities in the site vicinity (see Final EIS Figure 3.1).

Similar to the Proposed Action, the site would be required to meet development standards required under the BN zoning and Shoreline Master Program Urban Mixed designations.

Overall, it is likely that the building size and mass would be more similar to surrounding development than the Proposed Action. The relatively smaller building footprint would provide flexibility for larger landscaped areas and other open space amenities relative to the Proposed Action.

³ Based on King County Assessor's data for the study area, the average multifamily unit size is 1,600 sf. Based on floor plans provided by the applicant, the total residential area is estimated to be approximately 44% of the total building square footage (including parking). This information was used to estimate total building area for a 30 to 44 unit residential development scenario. It was assumed that some smaller units would be provided, so a range of 1,300sf to 1,600 sf was assumed.

Mitigation. Mitigating measures identified in Draft EIS Section 3.1 (Land Use) are applicable to the lower density alternative and no additional mitigating measures would be required.

Plans and Policies

Impacts. Similar to the Proposed Action, the lower density alternative would be generally consistent with applicable policies in the Community Character, Economic Development, and Land Use elements and the Moss Bay and Lakeview neighborhood plans of the Comprehensive Plan. Development would be located where urban services are available and would promote a compact land use pattern, although to a lesser degree than the Proposed Action. Development would also provide new housing and employment to meet City growth targets and would locate highest densities (although lower than the Proposed Action) near shops, services and transportation hubs.

The consistency of the lower density alternative with policies in the Community Character and Land Use elements that address visual identity, urban design principles, and neighborhood character would be dependent on proposed building and site design. Mitigating measures identified in Final EIS Section 3.5 (Aesthetics) would help ensure consistency with these policies.

Consistency with Policy LU-5.9, which establishes standards for the Residential Market designation would also depend on proposed building and site design. However, the smaller building size may provide greater flexibility in site development to achieve compatibility in scale with the surrounding neighborhood. Site development and ground floor building height to allow retail use and measures to promote local citizen acceptance would be necessary to achieve consistency with this policy. It is unknown whether this scenario would meet local economic demand in terms of economic feasibility for development.

The low density scenario would be similar to the Proposed Action with respect to consistency with the Washington Model Toxics Control Act.

Mitigation. Revised Plans and Policies mitigating measures are found in Section 3.4 of this Final EIS and would be applicable to the lower density alternative. No additional mitigating measures would be required.

Aesthetics

Impacts. Draft EIS Section 3.3 describes aesthetics impacts in terms of building size and massing, parking, landscaping, building street relationship and building materials and color. Potential impacts of a lower density alternative for each of these topics are summarized below.

- **Building size and massing.** As noted above, the total building envelope is estimated at approximately 40% to 70% the size of the Proposed Action, but could be incrementally larger or smaller, depending on the size of the residential units. The smaller building size would likely result in a smaller building footprint. Overall, it is likely that the building size and mass would be more similar in scale to the surrounding neighborhood.
- **Parking.** Due to site constraints, the location of the parking area is likely to be as shown in the Proposed Action. Depending on how this entrance is designed, it may or may not be consistent with the character of the area.

- **Landscaping.** The smaller building area may provide a correspondingly larger area for landscaping and open space. The smaller building area may also reduce the need for site excavation to fit onto the site, reducing the height of perimeter retaining walls and increasing the overall visibility of on-site landscaping.
- **Building street relationship.** The building street relationship would be dependent on the proposed building and site design, along with design techniques for the area between the sidewalk and the building.
- **Building materials and color.** Similar to the Proposed Action, the compatibility of building materials and color with the surrounding area would be dependent on proposed building and site design.

Mitigation. Revised Aesthetics mitigating measures are found in Section 3.5 of this Final EIS and would be applicable to the lower density alternative. No additional mitigating measures would be required.

Transportation

Impacts. Compared to the Proposed Action, total trip generation, intersection delay and level of service impacts would be reduced. Because trip generation would be reduced, the potential for pedestrian and bicycle conflicts at the site driveway would also be reduced. Parking demand would be decreased and fewer parking stalls would be required.

It should be noted that the transportation impacts associated with the Proposed Action do not meet the City's standard for significance and no mitigation to address intersection delay or level of service is proposed. Therefore, the difference between the No Action, the Proposed Action and a lower density alternative is not considered significant from a SEPA perspective.

Mitigation. Mitigating measures identified in Draft EIS Section 3.4 (Transportation) are applicable to the lower density alternative. In addition, in response to comment on the Draft EIS, an additional measure regarding the proposed parking garage has been added (see Final EIS Section 1.6.4) and would be applicable to the lower density alternative. No additional mitigating measures would be required.

Construction Impacts

Impacts. Construction impacts would be comparable to those described in Draft EIS Section 3.5, although due to the likely smaller building envelope impacts may be incrementally reduced. For example, given that the building envelope would be smaller than the Proposed Action, site excavation would potentially be less than described for the Proposed Action, resulting in relatively fewer truck trips to and from the site. Similarly, the projected 15-month construction period for the Proposed Action may be somewhat reduced.

Mitigation. Mitigating measures identified in Draft EIS Section 3.5 (Construction Impacts) are applicable to the lower density alternative. In addition, in response to comment on the Draft EIS, additional mitigating measures have been added (See Final EIS Section 1.6.5) and would be applicable to the lower density alternative. No additional mitigating measures would be required.

3.3 STUDY AREA DENSITY CALCULATIONS AND CHARACTERIZATION

A number of Draft EIS comments focus on Draft EIS Figure 3.1-8 Multifamily Densities. Comments on the table discuss (1) errors in the table; and (2) the calculation of density for development along the Lake Washington shoreline. In addition, several comments questioned the characterization of the study area as primarily multi-family. Each of these topics is addressed below.

Draft EIS Figure 3.1-8 Multifamily Densities

Draft EIS Figure 3.1-8 consists of a map of the vicinity around the subject site and a table showing density calculations for multifamily development in this area.

Table Corrections

Several comments describe missing and incorrect density information in the table and provide additional data. Based on City review of the comments, the figure has been corrected and is shown as Final EIS Figure 3.1. Deleted information is crossed out (XXXX) and inserted information is underlined in red (XXXX).

As shown in Figure 3.1, the changes make three corrections to existing entries and add three new entries. Of the three existing entries, the corrected density is increased in two entries and decreased in one entry. The three additional entries are for relatively small multifamily uses, with densities ranging from 9.8 to 12.4 units/acre. Taken as a whole, these corrections do not change the discussion of this figure in Draft EIS Section 3.1 (Land Use).

Lake Washington Shoreline Density Calculations

A number of Draft EIS comments question the density calculations along the Lake Washington shoreline, stating that lot sizes shown in Figure 3.1-8 are inaccurate. For example, Draft EIS Figure 3.1-8 shows that Lot No. 9 has a site area of 9,343 square feet and 38 residential units, resulting in a calculated density of 177.2 units/acre. Draft EIS comments identify a lot area of 41,436 sf, for a resulting density of 39.9 units/acre. Similar concerns are raised regarding the density calculations for Lots 11, 23, 37 and 38. Please see the highlighted rows in Final EIS Figure 3.1 for the shoreline lots.

Data used by the City to calculate lot area comes from the King County Department of the Assessor (see Appendix A). For the purpose of calculating density, the difference between the City and Draft EIS commenter lot size assumptions comes from whether dry land only or both dry land and water area are used as the basis for determining lot size. With respect to Lot No. 9, the Draft EIS states that the existing development was constructed when the lakebed area was allowed to be included in the density calculation. Since adoption of the Washington Shoreline Management Act in 1974, the City does not permit overwater structures and uses only the upland (dry land) area to calculate density.⁴ Accordingly, the densities shown in Draft EIS Figure 3.1-8 are calculated based on dry land area, without regard for water area. Draft EIS comments state that the density calculation should be based on total (land and water) site area as shown in the King County Assessor's parcel information. Table 3-1, below, illustrates the difference in site area and density calculations for the affected sites.

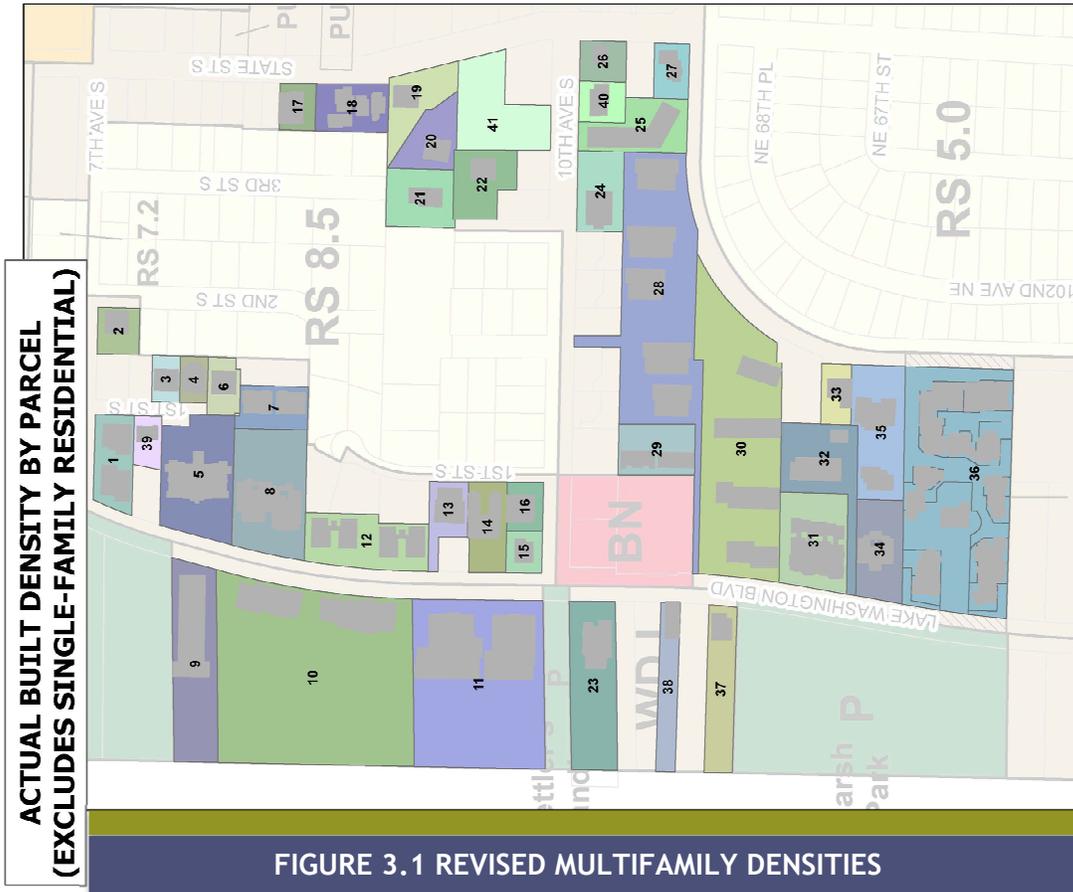
⁴ See KZC Section 30.10 (Waterfront District Zones), which states "May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density." (Regulation 6)

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	2560800000	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	2285600000	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	5	17,998	12.1	3,600
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	1,686
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	9	21,621	18.1	2,402
35	9320450000	16	30,928	22.5	1,933
36	Multiple	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
39	1720800480	2	7,050	12.4	3,525
40	9354900410	2	8,750	10.0	4,375
41	8578700000	7	31,085	9.8	4,441

Deleted text
Updated text

Shoreline lots

XXX



Source: City of Kirkland

Table 3-1 Shoreline Density Calculations⁵

Lot No.	King County Parcel No.	No. of Units	Dry Land Area		Land and Water Area	
			Lot Size	Density (units/acre)	Lot Size	Density (units/acre)
9	7698200000	38	9,343 sf	177.2	41,436 sf	39.9
11	9197570000	13	58,469 sf	9.7	102,564 sf	5.5
23	9195250000	6	20,299 sf	12.9	36,537 sf	7.2
37	1310400000	5	5,493 sf	39.7	21,869 sf	10
38	0825059114	2	3,780 sf	23	15,319 sf	5.7

Source: City of Kirkland, King County Assessor’s Office

As shown in Table 3-1, a calculation of density based on dry land area results in densities on the sites in question ranging from 9.7 to 177.2 units/acre, consistent with the information provided in the Draft EIS. It is recognized that, if both water and dry land area are assumed in the density calculation, the resulting residential densities would range from 5.5 to 39.9 units/acre, significantly lower than the information provided in the Draft EIS.

Characterization of Density

Several comments state that the Draft EIS inaccurately describes the area as predominantly multifamily, with scattered single family residences. The comments refer to the discussion in Draft EIS Land Use Section 3.1.1, Surrounding Area, excerpted below.

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 [Draft EIS] 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 [Draft EIS] 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

⁵ Although Lot No. 10 is located along the shoreline, Draft EIS comments did not question the dry land/water area assumptions for this site. The dry land area of Lot No. 10 is 42,833 sf. If the water area were included, the lot size would be 118,693 sf. Draft EIS comments state that the correct lot size for Lot No. 10 is 37,900 sf. It appears that these comments are based on information from the King County online parcel map viewer, which shows the lot size as 37,900 sf (<http://gismaps.kingcounty.gov/parcelviewer2/>). City data is based on King County Assessor’s maps, which show land and water area for all shoreline parcels (see Appendix A). The reason for the discrepancy in King County data is unknown. However, based on the data shown in Appendix A, the City has not changed the 42,833 sf dry land lot area for Lot No. 10.

Boulevard. In addition to Settler's Landing, larger 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 [Draft EIS] Figure 3.1-7).

As the comments note, these paragraphs are primarily focused on the portion of the study area extending north and south along Lake Street South and Lake Washington Boulevard and do not include the existing single family areas to the east. Accordingly, this text is revised as follows. Deleted text is crossed out (XXXX) and inserted information is underlined in red (XXXX).

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 [Draft EIS] Figure 3.1-4).

To the north and south along Lake Street South/Lake Washington Boulevard, 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 [Draft EIS] Figure 3.1-5). For example, along the Lake Street South/Lake Washington Boulevard frontage shown in Final EIS Figure 3.1, there are a total of 245 residential units, of which 240 are in multifamily structures and 5 are in single family structures.

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 waterfront parks include David E. Brink Park to the north and Marsh Park to the south (See [Draft EIS] Figure 3.1-6).

To the east, property is developed with a mix of single and multifamily residential development (See Figure 3.1-7). To the northeast and southeast, areas zoned for single family residential development (RS 8.5 and RS 5.0) are fully developed as established single family residential neighborhoods.

3.4 RESIDENTIAL MARKET DESIGNATION

Several comments address the Draft EIS discussion of the Comprehensive Plan Residential Market designation. As described in Draft EIS Section 3.2.1, the Comprehensive Plan designates the subject site as a Residential Market, defined as follows:

A residential market is an individual store or very small, mixed use building/center focused on local pedestrian traffic. Residential scale and design are critical to integrate these uses into the residential area. Uses may include corner grocery stores, small service businesses (social service outlets, daycares), Laundromats, and small coffee shops or community gathering places.

Policy LU-5.9, excerpted below, provides policy guidance for the Residential Market designation:

Allow residential markets, subject to the following development and design standards:

- *Locate small-scale neighborhood retail and personal services where local economic demand and local citizen acceptance are demonstrated.*
- *Provide the minimum amount of off-street parking necessary to serve market customers.*
- *Ensure that building design is compatible with the neighborhood in size, scale, and character.*

Draft EIS Section 3.3.2 discusses the consistency of the Alternative 2 (Proposed Action) with the Residential Market designation and Policy LU-5.9, excerpted below:

Consistent with the Residential Market designation, the Proposal would include a small mixed-use commercial area for office use. However, the intent of the residential market is to focus on pedestrian traffic, which is more likely to occur with retail uses than with the proposed office use.

Policy LU-5.9 identifies development and design standards for residential markets. The first standard addresses the location of neighborhood retail and personal services. In the case of the Proposal, the site is located in a BN zone and site that has already been designated as a residential market, consistent with this standard. The second standard addresses parking standards, establishing a goal of minimizing off-street parking. The proposed parking is based on the City's standard minimum parking requirements. The third standard states that building design should be compatible with the neighborhood in size, scale and character. Please see Section 3.3 Aesthetics of this Draft EIS for additional discussion of proposed development scale and character.

Comments on the Draft EIS discussion state that the Proposed Action is not small, local citizen opposition is strong, the commercial use does not serve the neighborhood, and the building design is not compatible with the neighborhood. In order to address these comments, an expanded discussion of Policy LU-5.9 is provided below, focused on the three development and design standards listed in this policy.

Standard 1: Locate small-scale neighborhood retail and personal services where local economic demand and local citizen acceptance are demonstrated.

This standard reinforces the Comprehensive Plan definition of a Residential Market regarding size, focus on the local neighborhood and types of anticipated commercial uses. The standard includes references to size, type of use, economic demand and citizen acceptance. Each of these is discussed below.

- **Small-scale.** An assessment of whether the Proposed Action is “small or very small” depends on the standard of comparison. If, as noted in some of Draft EIS comments, the basis for comparison is the surrounding neighborhood, the Proposed Action is not small. As shown in Draft EIS Figure 3.3-14, the proposed building footprint is significantly larger than building footprints of existing surrounding development.

The Draft EIS assumes a comparison to the type and nature of development permitted in the Comprehensive Plan’s hierarchy of commercial districts. A Residential Market is the smallest commercial area designation; larger designations include Urban Center, Activity Area, Business District and Neighborhood Center. At the high end of this hierarchy, the Totem Lake Urban Center has a height limit of 160 feet and no side or rear yard requirements. The Downtown Activity Area has a height limit of 55 feet, no required yards and no maximum lot coverage standard. The Community Business (BC) zone, which is the implementing zone for the Neighborhood Center designation, does not require rear or side yard setbacks, allows building height to exceed 30 feet if approved through a zoning process and allows a wide range of commercial uses with no size limitation. None of these commercial areas establishes a maximum density standard. Comparatively, the Residential Market designation establishes a height limit of 30 feet, minimum 20 foot front yard, 10 foot rear and side yards, and limit of 10,000 sf for commercial uses, and is small in scale relative to the hierarchy of commercial designations. Within this context, the Proposed Action is a relatively small development and consistent with the hierarchy of commercial areas established in the Comprehensive Plan.

- **Neighborhood retail and personal services.** The commercial uses proposed by the Proposed Action would include 6,200 sf of general office and medical offices. These uses are not retail and may, although are not assured to, provide personal services. Retail, general office and medical office uses are all permitted in the BN zone, the implementing zoning designation for the Residential Market land use designation. Retail uses, however are not proposed.

As noted in the Draft EIS, the proposed landscape buffer widths are sufficient only for offices and would preclude ground floor retail uses, which require a 15-foot buffer adjacent to residential uses. Draft EIS Section 3.1 includes a mitigating measure to increase landscape buffers to allow future retail use of the site. With this mitigation, the Proposed Action would be consistent with a 15-foot buffer for retail use.

The ground floor story height is also important for accommodating and supporting retail and restaurant uses. For example, KZC 50.62 establishes a ground floor story height in the CBD ranging from 13 feet to 15 feet. Additional story height makes commercial spaces more inviting to customers and more marketable to future tenants.

- **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.

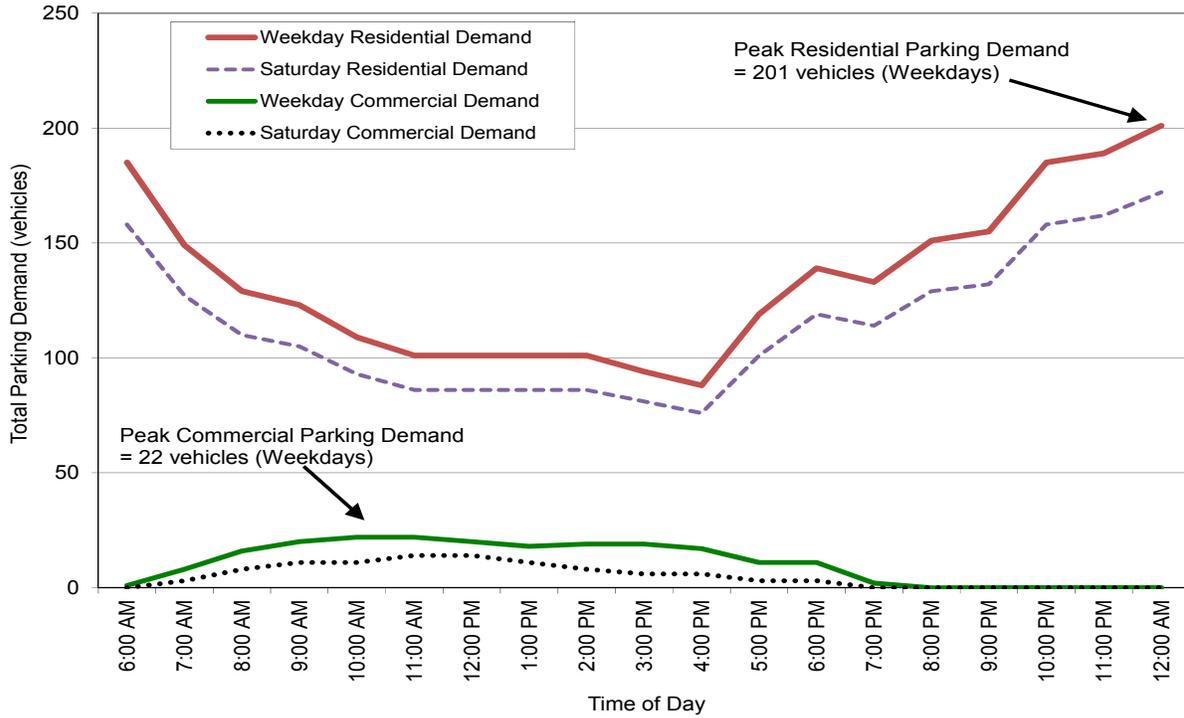
To provide a similar buffer supply as described for the prior scenario, a minimum parking supply of 244 spaces ($207 \text{ spaces} / 0.85$) would be recommended to accommodate parking demand if the commercial space is developed as retail and restaurant. This recommended supply for the project as mixed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

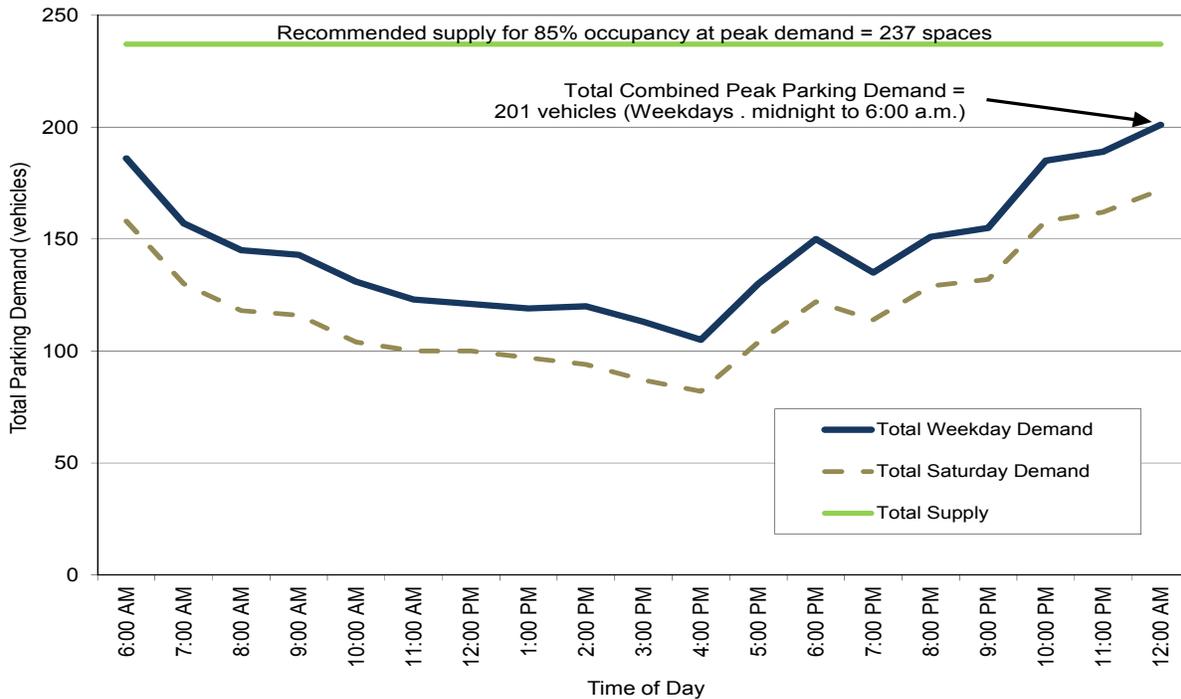
¹¹ 85% utilization is a standard assumption applied to estimate a parking supply buffer to accommodate routine fluctuations in demand and minimize the possibility of parking overspill.

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



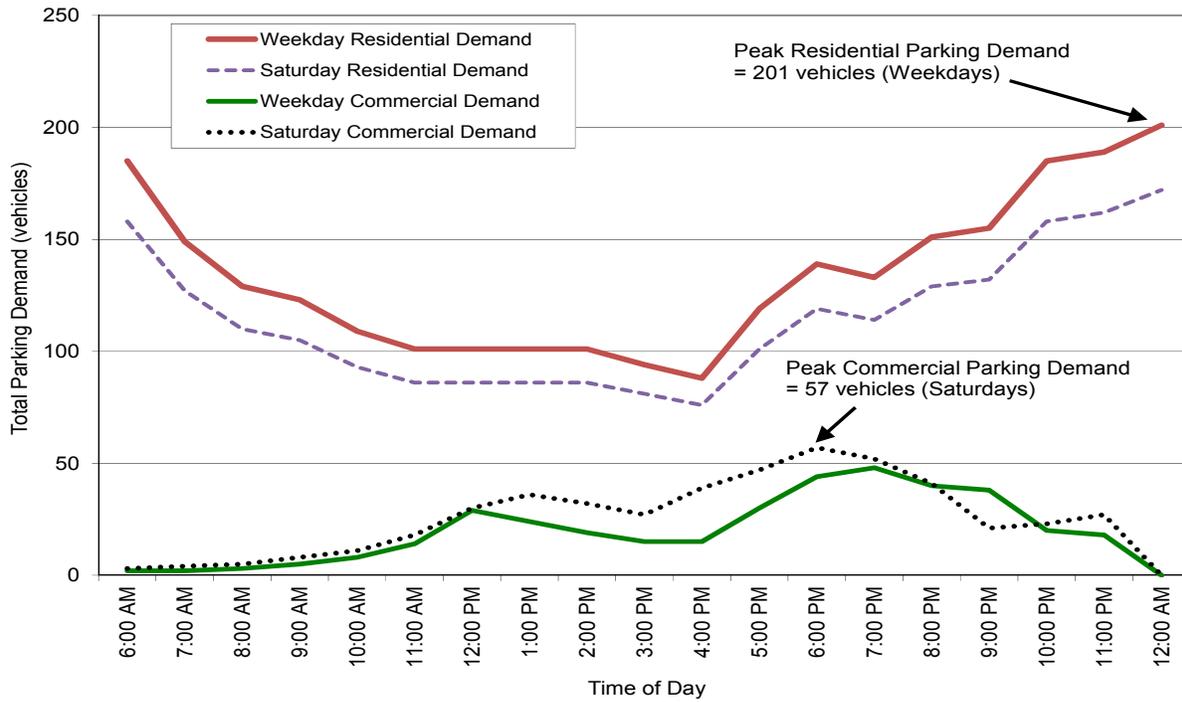
Source: Heffron Transportation, Inc., October 2012.

Figure 3.3. Combined Parking Demand - Mixed Residential and Office



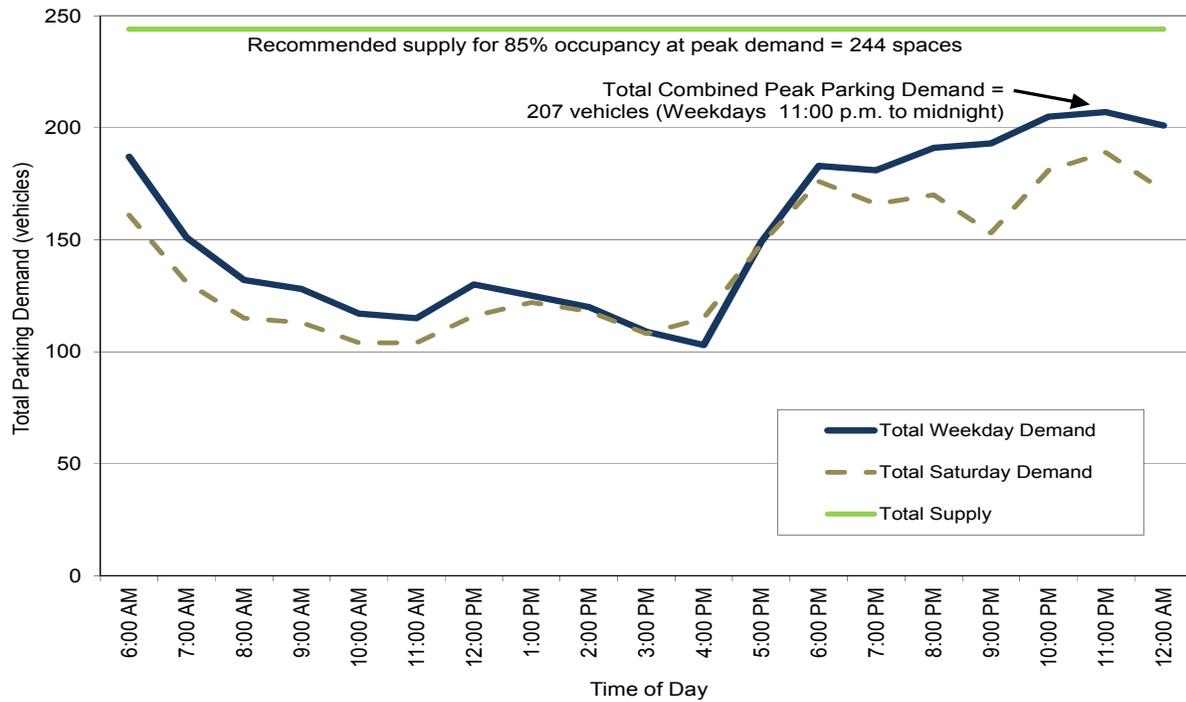
Source: Heffron Transportation, Inc., October 2012.

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 (XXX) 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.

3.5 AESTHETICS MITIGATION

Draft EIS Section 3.3 (Aesthetics) evaluates the compatibility of the Proposal with existing neighborhood character in the project vicinity. Specifically, the impact analysis makes the following conclusions with respect to the visual character of the Proposal:

- **Building Size and Massing.** *Building size and mass appear to be out of scale with the surrounding neighborhood and adjacent development.*
- **Parking.** *The visual prominence of parking due to the proposed location and design treatment of the parking entrance is generally out of character with development in the study area.*
- **Landscaping.** *The perimeter landscape buffers may not fulfill the intent of the buffer requirement due to their location below adjoining site grades. The lack of visible landscaping from adjoining properties may be particularly significant for the adjoining the development to the east, which is closest in proximity to the proposed development, relative to other adjoining uses.*
- **Building Street Relationship.** *The first floor elevation below street level could result in poor visibility and pedestrian access for ground floor retail. However, the 30' foot building setback provides the opportunity to design this area as a public plaza and incorporate design techniques that provide strong connections to and visibility from the adjacent sidewalk on Lake Street South.*
- **Building Materials and Color.** *Proposed building colors may not be consistent the general color palette found in the neighborhood.*

In order to identify mitigating measures, Draft EIS Section 3.3.3 describes three alternative development scenarios and evaluates the impacts of these scenarios with respect to building size and massing, parking, landscaping, building street relationship and building materials and color. The Draft EIS analysis was used to help identify a menu of potential mitigating measures, listed in Draft EIS Section 3.3.3. The following additional conclusions and refined mitigating measures are based on information in the Draft EIS, together with public comment received during the comment period.

Building Size and Massing. The scale of the Proposal should be reduced to better fit with surrounding development. The size of building footprint, the length of unmodulated exterior building facades and apparent mass of the west façade are all important factors in influencing the appearance of building size and massing.

The alternative development scenarios provide some basis for comparison with the Proposal.

- Scenario 1 features an interior courtyard, which does not help to reduce the appearance of bulk and mass from most public vantage points.
- By dividing the development into three buildings, Scenario 2 would result in buildings that are closer in scale to the surrounding area. The disadvantages of Scenario 2 include (1) the overall height and scale of the eastern building, which is set on the high side of the site, and (2) the need for greater east/west separation between buildings, which, because of

the site configuration, would be more effective in reducing the appearance of building size and mass from Lake Street South and properties to the east.

- Scenario 3 provides relatively larger scale modulation along the east and west facades, but retains a large footprint and does not modulate the north and south facades.

The relative size of existing development in the surrounding vicinity is also a good basis for comparison of bulk and scale. The footprint and size of most developments in the vicinity are much smaller than the Proposal. The Water's Edge development, located to the northwest of the site, has the largest footprint in the immediate area and is generally accepted as a development that is compatible with the surrounding area. Water's Edge has a first story that extends across the entire site and second and third stories that are divided into two separate buildings, separated by approximately 40 feet. Using the footprints of the upper stories of Water's Edge as a guide, two buildings of roughly the same size would fit on the subject property.

Measures that could help reduce building mass and size include separation of the development into two separate buildings or the appearance of two separate buildings; measures to reduce scale along the north and south facades; upper story setbacks; and smaller scale modulations. Each of these is described below.

- **Building separation and east/west facades.** Separation of the development into two buildings, or the appearance of two separate buildings, should be required. The separation should follow an east/west axis to minimize the appearance of height and bulk from Lake Street South and properties to the east. Separation of the project into two buildings is only necessary for the upper stories. Allowing portions of the structure below the grade of adjacent properties to extend across the entire site would not significantly impact the perception of building mass.

As an alternative to separating the upper stories into two completely separate buildings, a single building with two main wings located on the north and south portions of the site with a narrow connection parallel to Lake Street South between each wing would also meet the goal of reducing building size and massing.

The separation between buildings or wings should be wide enough to be effective in reducing in building mass. The Proposal provides two long recesses extending from the east and west sides of the building. Each recess is approximately 20 feet wide, for a combined width of 40 feet. However, because of the size of the Proposal, a 20-foot separation does little to reduce the perceived scale of the project from most vantage points. As demonstrated by the view of Alternative Development Scenario 3 from Lake Street South, a wider separation is more effective in reducing the perceived scale. Under this approach, a 40-foot separation (comparable to the separation between the Water's Edge buildings and to the combined width of the recesses in the Proposal) between building wings where they are visible from off-site would reduce the perceived scale of the project, consistent with nearby development. Building wings may be joined by a narrow connection if the connection is recessed toward the interior portion of the site.

- **North and south facades.** Measures are also needed to reduce the scale of the project along the north and south facades. Building recesses should be incorporated to break the façade into distinct smaller facades, as described in KZC Section 92.30 for vertical

definition. Balconies with open railings are permitted within the modulation at a maximum depth of five feet.

- **Upper story setback.** As shown in Alternative Development Scenarios 1 and 3, the top story along the west building façade should be set back an average 10 feet from the façade of the floor below.
- **Small scale modulations.** The building should include balconies or other small scale modulations, as shown in the alternative design scenarios. Design techniques to improve architectural and human scale should be incorporated, such as those in KZC Sections 92.30.4 and 92.30.6, and the Kirkland Design Guidelines for Pedestrian Oriented Business Districts.

Revised Mitigating Measures

Based on this additional analysis, the mitigating measures for Draft EIS Section 3.3, Aesthetics are revised as shown below. Deleted information is crossed out (XXXX) and inserted information is underlined in red (XXXX).

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 facades. 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.