

**POTALA VILLAGE MIXED USE DEVELOPMENT  
FINAL ENVIRONMENTAL IMPACT STATEMENT MITIGATION MEASURES  
AND ZONING CODE REQUIREMENTS  
December 20, 2013**

The City of Kirkland issued the *Potala Village Mixed Use Development Draft Environmental Impact Statement (EIS)* on July 12, 2012, and the Final EIS on November 2, 2012. The Draft EIS and Final EIS may be referenced collectively herein as the “EIS.” The EIS has identified probable, significant impacts that would occur with the future development of the Potala Village Mixed Use project together with a number of potential measures to mitigate those significant impacts.

Where a mitigation measure includes the words “shall” or “will,” inclusion of that measure is mandatory. Where “should” or “would” appear, the mitigation measure may be considered as a source of additional mitigation, as feasible or necessary.

The applicant met with City staff on November 1, 2013 to discuss the mitigation measures and Zoning Code requirements listed below. The applicant then sent staff a response packet including conceptual drawings for review. The staff analysis is based on the conceptual drawings that were submitted by the applicant. A complete review of the building permit application drawings will be necessary to be sure that the mitigations are met.

**I. ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Chapter 1 of the Draft EIS and Final EIS identify significant impacts, unavoidable adverse impacts and mitigation measures for potential impacts to land use, plans and policies, aesthetics, transportation, and construction impacts. Please refer to the Draft and Final EIS for the complete text associated with each element of the environment. The following is a summary of the mitigation measures applicable to identified impacts for each element of the environment evaluated in the EIS.

The mitigations are shown in ***bold italics***, followed by the applicant’s response to each mitigation and staff analysis of that response. The applicant has also supplied updated project renderings and preliminary plans to illustrate compliance with the EIS mitigations (see Attachments 1 and 2).

**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.***

**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 Kirkland Zoning Code, 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.***

#### APPLICANT'S RESPONSE

The proposed design has been revised to meet the intent of 95.42 of the Kirkland Zoning Code. However, the City's proposal of 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 is not feasible at the east and south property lines since there would be no way to provide windows on lower level units in these areas and doing so would hamper the site excavation and shoring.

- Kirkland Zoning Code Section 5.10.085 defines a land use buffer as ... "Any structural, earth or vegetative form that is located along a boundary for the purpose of minimizing visual and noise impacts. Land use buffers may include, but are not limited to, berms, high shrubs, dense stands of trees, trellises and fences."
- Nowhere in this definition are retaining walls or other non-permeable materials prohibited in the land-use buffer nor is there any requirement that the land-use buffer be located at the grade of the adjacent property or right-of-way.
- Section 95.42 of the Kirkland Zoning Code describes minimum Land-Use Buffer requirements.
- Nowhere in these requirements are retaining walls or other non-permeable paving materials prohibited in the land-use buffer nor is there any requirement that the land use buffer be located at the grade of the adjacent property or right-of-way.
- The following revisions are proposed to meet the intent of the Kirkland Zoning Code to minimize visual and noise impacts.
- At the east and south property lines, locate a portion of the land-use buffer (at least 1/2 of the required buffer and also at the very least adequate to meet planting requirements, whichever is greater) at or near adjacent grade and sloping towards the interior of the site from the property line at a 2:1 ratio. On north side, locate the buffer in a similar fashion (at or near grade at the property line and sloping at a ratio of 2:1) to the east and south but instead of breaking the buffer into two (2) distinct levels, all of the required buffer will occur in one.
- All of the required trees and tall shrubs would be located in this area.
- Locate the remainder of the required buffer on the east and south at finish grade adjacent to the face of building.
- Locate the 6 foot tall fence at the property line except for along 10th Avenue South where no fence is required (a 42" tall guardrail will be provided along 10th Avenue South to protect pedestrians).
- In order to meet the intent of minimizing visual and noise impacts, we are open to providing a higher rate of planting and larger initial trunk diameter/height for the required trees and large shrubs than is required by the Kirkland Zoning Code.
- It should also be noted that a significant amount of the potential visual and noise impacts are mitigated due to a large portion of the building being located below the grade of adjacent properties and public right-of-ways.
- The proposed buffer locations and configuration have been approved by city staff as of a meeting held with the City on November 1st 2013.

#### STAFF ANALYSIS

Staff agrees with the above proposal and the Kirkland Zoning Code analysis (see Attachment 1, Drawings 1/8, 5/8, 6/8, 7/8 and 8/8 and Attachment 2, Drawings A3.01 through A3.04 for a graphic

representation). The proposed buffers will provide effective screening for adjacent properties and meet the intent of Section 95.42 of the Kirkland Zoning Code.

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

(The Kirkland Zoning Code has different buffering requirements depending on the adjoining property use and the use of the subject property. In this case, the buffering requirement for a ground floor office use on the subject property would be a 5 foot wide buffer from the multifamily uses to the east and 15 foot wide buffer from the single family use to the east. The buffering requirement for ground floor retail on the subject property would be a 15 foot wide buffer from either multifamily or single family uses.)

#### APPLICANT'S RESPONSE

The proposed design has been revised to meet the intent of the EIS and the Kirkland Zoning Code.

- Revisions to the site plan are proposed along the entire east, north and south property line to provide a continuous, minimum 15 foot wide land-use buffer.
- As stated previously, the buffered area would be composed of the following components.
- At the east and south property lines, locate a portion of the land-use buffer (at least 1/2 of the required buffer and also at the very least adequate to meet planting requirements, whichever is greater) at or near adjacent grade and sloping towards the interior of the site from the property line at a 2:1 ratio. On north side, locate the buffer in a similar fashion (at or near grade at the property line and sloping at a ratio of 2:1) to the east and south but instead of breaking the buffer into two (2) distinct levels, all of the required buffer will occur in one.
- All of the required trees and tall shrubs would be located in this area.
- Locate the remainder of the required buffer on the east and south at finish grade adjacent to the face of building.
- Locate the 6 foot tall fence at the property line except for along 10th Avenue South where no fence is required (a 42" tall guardrail will be provided along 10th Avenue South to protect pedestrians).
- In order to meet the intent of minimizing visual and noise impacts, we are open to providing a higher rate of planting and larger initial trunk diameter/height for the required trees and large shrubs with than is required by the Kirkland Zoning Code.
- It should also be noted that a significant amount of the potential visual and noise impacts are mitigated due to a large portion of the building being located below the grade of adjacent properties and public right-of-ways.
- The proposed buffer locations and configuration have been approved by city staff as of a meeting held with the City on November 1st 2013.

#### STAFF ANALYSIS

Staff agrees with the above proposal and the Kirkland Zoning Code analysis. Revisions to the site plan are proposed along the entire east, north and south property line to provide a continuous, minimum 15 foot wide land-use buffer. This is the maximum buffer requirement for the east property line and so a transition in buffer widths is not necessary.

#### **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.***

#### APPLICANT'S RESPONSE

The following revisions are proposed to meet the intent of the neighborhood business zone, the EIS and Kirkland Zoning Code.

- Modify the site plan along the entire east, north and south property line to provide a minimum 15 foot wide land-use buffer.
- As stated previously, the buffered area would be composed of the following components.
- At the east and south property lines, locate a portion of the land-use buffer (at least 1/2 of the required buffer and also at the very least adequate to meet planting requirements, whichever is greater) at or near adjacent grade and sloping towards the interior of the site from the property line at a 2:1 ratio. On north side, locate the buffer in a similar fashion (at or near grade at the property line and sloping at a ratio of 2:1) to the east and south but instead of breaking the buffer into two (2) distinct levels, all of the required buffer will occur in one.
- All of the required trees and tall shrubs would be located in this area.
- Locate the remainder of the required buffer on the east and south at finish grade adjacent to the face of building.
- Locate the 6 foot tall fence at the property line except for along 10th avenue south where no fence is required (a 42" tall guardrail will be provided along 10th Avenue South to protect pedestrians).
- In order to meet the intent of minimizing visual and noise impacts, we are open to providing a higher rate of planting and larger initial trunk diameter/height for the required trees and large shrubs with than is required by the Kirkland Zoning Code.
- It should also be noted that a significant amount of the potential visual and noise impacts are mitigated due to a large portion of the building being located below the grade of adjacent properties and public right-of-ways.
- The proposed buffer locations and configuration has been approved by city staff as of a meeting held with the City on November 1st 2013.

#### STAFF ANALYSIS

Staff agrees with the above proposal and the Kirkland Zoning Code analysis. Revisions to the site plan are proposed along the entire east, north and south property line to provide a continuous, minimum 15 foot wide land-use buffer. This is the maximum buffer requirement for a retail use in the Neighborhood Business (BN) zone.

#### **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.***

#### APPLICANT'S RESPONSE

The proposed design meets the requirements of the KZC and the Shoreline Master Program.

#### STAFF ANALYSIS

The proposed design will comply with the applicable standards of the Kirkland Zoning Code and, for the portion of the site within 200 feet from the ordinary high water line 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. 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.**

### APPLICANT'S RESPONSE

The proposed design has been revised to meet the intent of the EIS and the Kirkland Zoning Code.

- Revisions are proposed to the site plan along the entire east, north and south property line to provide a minimum 15 foot wide land-use buffer.
- As stated in the response above, the buffered area would be composed of the following components.
- At the east and south property lines, locate a portion of the land-use buffer (at least 1/2 of the required buffer and also at the very least adequate to meet planting requirements, whichever is greater) at or near adjacent grade and sloping towards the interior of the site from the property line at a 2:1 ratio. On north side, locate the buffer in a similar fashion (at or near grade at the property line and sloping at a ratio of 2:1) to the east and south but instead of breaking the buffer into two (2) distinct levels, all of the required buffer will occur in one.
- All of the required trees and tall shrubs would be located in this area.
- Locate the remainder of the required buffer on the east and south at finish grade adjacent to the face of building.
- Locate the 6 foot tall fence at the property line except for along 10th avenue south where no fence is required (a 42" tall guardrail will be provided along 10th Avenue South to protect pedestrians).
- In order to meet the intent of minimizing visual and noise impacts, we are open to providing a higher rate of planting and larger initial trunk diameter/height for the required trees and large shrubs with than is required by the Kirkland Zoning Code.
- It should also be noted that a significant amount of the potential visual and noise impacts are mitigated due to a large portion of the building being located below the grade of adjacent properties and public right-of-ways.
- The proposed buffer locations and configuration has been approved by city staff as of a meeting held with the city on November 1st 2013.

### STAFF ANALYSIS

Staff agrees with the above proposal and the Kirkland Zoning Code analysis. Revisions to the site plan are proposed along the entire east, north and south property line to provide a continuous, minimum 15 foot wide land-use buffer. This is the maximum buffer requirement for a retail use in the BN zone.

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

### APPLICANT'S RESPONSE

The proposed design meets the intent of the EIS and the Kirkland Zoning Code.

- The current proposed design provides a ground floor story height of at least 13-feet.
- The proposed design of the ground floor story height presented at a meeting held with the city on November 1st 2013 has been approved by City staff.

#### STAFF ANALYSIS

The applicant has proposed and will be required to provide a minimum ground floor story height of 13 feet for the leasable commercial space to accommodate retail and restaurant uses. This will not be a requirement for the commercial parking area.

***Incorporate mitigating measures described in Final EIS Section 3.5 and 1.6.3: Aesthetics to address potential impacts to community character and compatibility in scale and character.***

#### APPLICANT'S RESPONSE

The proposed design has been revised to meet the intent of the EIS and the Kirkland Zoning Code. Please see our responses to these measures in their respective sections.

#### STAFF ANALYSIS

See analysis in Section 1.6.3: Aesthetics below.

***Reduce off-street parking supply to the minimum required for the proposed use, pursuant to Kirkland Zoning Code 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.***

#### APPLICANT'S RESPONSE

The proposed design has been revised to meet the intent of the EIS and the Kirkland Zoning Code.

- Parking will be provided at a rate of 1.7 stalls per residential unit and 1 stall per 300 sf of commercial space.
- In order to satisfy the EIS requirement to keep parking supply to a minimum, commercial parking stalls shall be allowed to be used for visitor parking on evenings and weekends when not in use. Signage shall be provided to clarify the availability of these spaces.
- The proposed parking strategy was presented at a meeting held with the city on November 1st 2013 and has been approved by City staff.

#### STAFF ANALYSIS

The applicant's proposal meets the requirements of the EIS and the Kirkland Zoning Code. The Kirkland Zoning Code requires 1.7 stalls/residential unit and 1 stall/300 sf of commercial space. Section 105.45 allows two uses (in this case commercial and guest stalls for residential) to use the same parking area.

***To assure follow-through of site clean-up, the applicant should 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.***

#### APPLICANT'S RESPONSE

The applicant will 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 will 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.

#### STAFF ANALYSIS

The City has selected a consultant (Kane Environmental, Inc.) to oversee the site cleanup process. Kane Environmental, Inc. will be under the supervision of the City, but will be funded by the applicant.

#### **1.6.3 Aesthetics**

##### ***Applicable Regulations and Commitments***

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

#### APPLICANT'S RESPONSE

The proposed design meets the intent of the EIS and the Kirkland Zoning Code. This has been confirmed by city staff as of a meeting held with the City of Kirkland on November 1st 2013.

#### STAFF ANALYSIS

The proposed design meets the intent of the EIS and the Kirkland Zoning Code. Staff will review the complete building permit application and any additional revisions to be sure that they meet the Kirkland Zoning Code requirements as of February 23, 2011 (as required in Superior Court Judge Monica Benton's decision).

#### ***Other Mitigation***

##### ***Building massing and size***

***To address building massing and size impacts, 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.***

#### APPLICANT'S RESPONSE

The proposed design meets the intent of the EIS and the Kirkland Zoning Code.

- On the west building façade, the top floor is setback an average of 10-feet from the façade on the floor below.
- The proposed set back has been confirmed and approved by city staff as of a meeting held with the City of Kirkland on November 1st 2013.

#### STAFF ANALYSIS

The proposed top floor setback meets this mitigation.

***-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.***

#### APPLICANT'S RESPONSE

The proposed design has been revised to meet the intent of the EIS and the Kirkland Zoning Code.

- The current design divides the building into two distinct wings approximately 95 feet in width located on the north and south portions of the site. • The wings are separated by 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 occurs between all four floors.
- On the east where approximately two floors are below the adjacent grade, only the top two floors are separated.
- The proposed modulation has been confirmed and approved by city staff as of a meeting held with the City of Kirkland on November 1st 2013.

#### STAFF ANALYSIS

Staff agrees with the above proposal. It meets the intent of the EIS mitigation to reduce the perceived mass of the building by dividing it into two distinct building wings.

***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.***

#### APPLICANT'S RESPONSE

The proposed design meets the intent of the EIS and the Kirkland Zoning Code.

- The current design proposes a connection between the north and south wings with a maximum depth on residential levels 3 and 4.
- On these residential levels the resulting recess on the east is a minimum 15 feet deep. On the west the recess is a minimum 90 feet deep on residential level 3 and a minimum of 80 feet deep on residential level 4 where the west facade is required to be setback an additional 10 feet.
- On residential Level 2 where we are not required to have a separation between wings on the east (residential level 2 is below the grade of adjacent property), the depth of the connection between wings is 60 feet maximum. There is no recess on the east. The depth of the recess on the west is the same as above.
- On residential level 1 where we are not required to have a separation between wings on the east and due to the fact that the residential lobby is located in the 40 foot separation between wings, the connection between wings shall be a maximum 110 feet deep and the resulting recess on the west is a minimum of 45 feet.
- The relationship between residential levels 1, entry level and residential level 2 results in a terraced courtyard that provides both public and private landscaped open space.
- The proposed modulation has been confirmed and approved by city staff as of a meeting held with the City of Kirkland on November 1st 2013. See attached drawings and renderings.

#### STAFF ANALYSIS

Staff agrees with the above proposal. It meets the intent of the EIS mitigation to reduce the perceived mass of the building by dividing it into two distinct building wings.

***-Along the north and south facades, provide exterior wall modulation for floors two through four that meets the intent of Kirkland Zoning Code Section 92.30 for vertical definition.***

#### APPLICANT'S RESPONSE

The proposed design has been revised to meet the intent of the EIS and the Kirkland Zoning Code.

- Kirkland Zoning Code Section 92.30 vertical definitions - applies to CBD zones not BN zones.
- Therefore while the project proposes modulation to meet the intent of Kirkland Zoning Code 92.30, the depth of the proposed modulation deviates slightly from the requirements of Kirkland Zoning Code 92.30.
- The current design proposes that the north and south elevations be modulated by a 30'(w) x 15'(d) recess located as close to the middle of the elevation as possible.
- Kirkland Zoning Code 92.30 requires a maximum un-modulated facade of 120 feet. The facades in the current design are all well within this maximum
- This recessed modulation is proposed for all levels above finish grade on both the north and south elevations and has been confirmed and approved by city staff as of a meeting held with the City of Kirkland on November 1st 2013. See attached drawings and renderings.

#### STAFF ANALYSIS

Staff agrees with the above proposal. It meets the intent of the EIS mitigation and the intent of Kirkland Zoning Code Section 92.30 by reducing the perceived mass of the building.

***-Incorporate measures to achieve architectural and human scale, as described in the Design Guidelines for Pedestrian-Oriented Business Districts and Kirkland Zoning Code 92.30.4 and 6.***

#### APPLICANT'S RESPONSE

The proposed design meets the intent of the EIS and the Kirkland Zoning Code.

- Measures to achieve architectural and human scale, as described in the Design Guidelines for Pedestrian-Oriented Business Districts and Kirkland Zoning Code 92.30.4 and 6 as well as others shall be incorporated into the design of the exterior elevations.
- This has been confirmed and approved by city staff as of a meeting held with the City of Kirkland on November 1st 2013. See attached drawings and renderings.

#### STAFF ANALYSIS

The proposed design meets the intent of the EIS and the Kirkland Zoning Code. The applicant will also be including special building materials, color and details to help provide interest and human scale (see Attachment 1). Staff will review the complete building permit application and any additional revisions to be sure that they meet the intent of this mitigation to achieve architectural and human scale.

#### ***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.***

#### APPLICANT'S RESPONSE

The proposed design meets the intent of the EIS and the Kirkland Zoning Code.

- Landscaped areas are proposed adjacent to both sides of the parking garage entry
- This has been confirmed and approved by city staff as of a meeting held with the City of Kirkland on November 1st 2013.

#### STAFF ANALYSIS

The proposed design meets the intent of the EIS and the Kirkland Zoning Code. Staff will review the complete building permit application and any additional revisions to be sure that they meet the intent of this mitigation to reduce the visual prominence of the driveway.

***-Special pavement treatment to help identify the pedestrian area and enhance the visual appearance of the driveway.***

#### APPLICANT'S RESPONSE

The proposed design meets the intent of the EIS and the Kirkland Zoning Code

- Special paving is proposed at the driveway to the parking garage entry.
- This has been confirmed and approved by city staff as of a meeting held with the City of Kirkland on November 1st 2013.

#### STAFF ANALYSIS

The proposed design meets the intent of the EIS and the Kirkland Zoning Code. Staff will review the complete building permit application and any additional revisions to be sure that they meet the intent of this mitigation to reduce the visual prominence of the driveway.

***-Use of lighting, seating areas, artwork or other features.***

#### APPLICANT'S RESPONSE

The proposed design meets the intent of the EIS and the Kirkland Zoning Code.

- A public plaza with lighting, seating or artwork is proposed
- The plaza is accessed from the corner of Lake Street South and 10th Avenue South or the near middle of the project site along Lake Street South.
- This has been confirmed and approved by city staff as of a meeting held with the City of Kirkland on November 1st 2013.

#### STAFF ANALYSIS

The proposed design meets the intent of the EIS and the Kirkland Zoning Code. Staff will review the complete building permit application and any additional revisions to be sure that they meet the intent of this mitigation to reduce the visual prominence of the driveway.

***-Decorative grill, screening or similar architectural means which diminish the prominence of the parking entrance.***

#### APPLICANT'S RESPONSE

The proposed design meets the intent of this measure.

- This measure has been determined by city staff to no longer be applicable to this project as of a meeting held with the City of Kirkland on November 1st 2013

#### STAFF ANALYSIS

The parking garage entrance is set back and faces north so it will not be necessary to use a decorative grill or screening to diminish the prominence of the parking entrance from Lake Street South which was the intent of this mitigation. The proposed design meets the intent of the EIS and the Kirkland Zoning Code. Staff will review the complete building permit application and any additional revisions to be sure that they meet the intent of this mitigation.

### **Landscaping**

**Improve the visibility of perimeter landscaping from adjoining properties through:**

- Setting the retaining walls back from the property line (with a reduced building foot print) and installing buffer plantings between the retaining walls and property lines; or**
- 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.**

### APPLICANT'S RESPONSE

The proposed design has been revised to meet the intent of 95.42 Kirkland Zoning Code. However, the City's proposal of 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 is not feasible at the east and south property lines since there would be no way to provide windows on lower level units in these areas and doing so would hamper the site excavation and shoring.

- Kirkland Zoning Code 5.10.085 defines a land use buffer as...

"Any structural, earth or vegetative form that is located along a boundary for the purpose of minimizing visual and noise impacts. Land use buffers may include, but are not limited to, berms, high shrubs, dense stands of trees, trellises and fences."

- Nowhere in this definition are retaining walls or other non-permeable materials prohibited in the land-use buffer nor is there any requirement that the land-use buffer be located at the grade of the adjacent property or right-of-way.
- 95.42 Kirkland Zoning Code describes minimum Land-Use Buffer requirements.
- Nowhere in these requirements are retaining walls or other non-permeable paving materials prohibited in the land-use buffer nor is there any requirement that the land use buffer be located at the grade of the adjacent property or right-of-way.

The following revisions are proposed to meet the intent of the Kirkland Zoning Code to minimize visual and noise impacts.

- At the east and south property lines, locate a portion of the land-use buffer (at least 1/2 of the required buffer and also at the very least adequate to meet planting requirements, whichever is greater) at or near adjacent grade and sloping towards the interior of the site from the property line at a 2:1 ratio. On north side, locate the buffer in a similar fashion (at or near grade at the property line and sloping at a ratio of 2:1) to the east and south but instead of breaking the buffer into two (2) distinct levels, all of the required buffer will occur in one.
- All of the required trees and tall shrubs would be located in this area.
- Locate the remainder of the required buffer on the east and south at finish grade adjacent to the face of building.
- Locate the 6 foot tall fence at the property line except for along 10th Avenue South where no fence is required (a 42" tall guardrail will be provided along 10th Avenue South to protect pedestrians).
- In order to meet the intent of minimizing visual and noise impacts, we are open to providing a higher rate of planting and larger initial trunk diameter/height for the required trees and large shrubs with than is required by the Kirkland Zoning Code.
- It should also be noted that a significant amount of the potential visual and noise impacts are mitigated due to a large portion of the building being located below the grade of adjacent properties and public right of ways.

- The proposed buffer locations and configuration has been approved by city staff as of a meeting held with the city on November 1st 2013.

#### STAFF ANALYSIS

Staff agrees with the above proposal and the Kirkland Zoning Code analysis. The proposed buffers will improve the visibility of perimeter landscaping from adjoining properties.

#### ***Building Street Relationship***

***To improve the building/street relationship, provide additional landscaping and/or pedestrian features incorporating elements described in the Design Guidelines for Pedestrian-Oriented Business Districts and Kirkland Zoning Code 92.10.6 and 7.***

#### APPLICANT'S RESPONSE

The proposed design meets the intent of the EIS and the Kirkland Zoning Code.

- Landscaped areas and pedestrian features are proposed at the corner of Lake Street South and 10th Avenue South.
- In addition to the landscaped areas, the project proposes a public plaza with outdoor seating that may either be accessed from the corner of Lake Street South and 10th Avenue South or near the middle of the project site along Lake Street South.
- The project also proposes several other prescribed elements listed in Kirkland Zoning Code 92.10.6 and 7 including:
  1. Balconies above the entry level at the corner of Lake Street South and 10th Avenue South,
  2. Distinctive use of materials and
  3. A minimum of 100 square feet of sidewalk area or pedestrian-oriented open space in addition to the area required to produce a 10-foot-wide sidewalk as required under Kirkland Zoning Code 110.52
- The proposed design has been approved by city staff as of a meeting held with the city on November 1st 2013.

#### STAFF ANALYSIS

The proposed design meets the intent of the EIS and the Kirkland Zoning Code. This mitigation mainly addresses Lake Street South since the applicant will be providing a 15 foot wide buffer on the 10<sup>th</sup> Street South side of the development. Staff will review the complete building permit application and any additional revisions to be sure that they meet the intent of this mitigation to achieve a good building/street relationship by providing additional landscaping and pedestrian features.

#### ***Building Materials and Color***

***To address impacts associated with building color and materials, require compliance with Kirkland Zoning Code 95.35.2 through 95.35.6. In addition, consider measures identified in the Design Guidelines for Pedestrian-Oriented Business Districts and Kirkland Zoning Code 92.35.1.***

#### APPLICANT'S RESPONSE

Kirkland Zoning Code Sections 95.35.2 through 95.35.6 do not exist in the Kirkland Zoning Code. It is assumed that the intended the Kirkland Zoning Code reference is Sections 92.35.2 through 92.35.6. The proposed project complies with these sections of the Kirkland Zoning Code.

- None of the materials prohibited by Kirkland Zoning Code 92.35.2 through 92.35.6 are proposed.
- As of a meeting held with the city on November 1st 2013 the proposed design is approved as long as the final design complies with the above the Kirkland Zoning Code requirements.

STAFF ANALYSIS

Kirkland Zoning Code Section 92.35.1 lists measures that provide interesting visual detail to buildings. Kirkland Zoning Code Section 92.35.2 prohibits mirrored glass and other highly reflective materials; corrugated fiberglass; and chain link fencing, except for temporary purposes, such as during construction. Kirkland Zoning Code Section 92.35.3 regulates the use of metal siding on building facades. Kirkland Zoning Code Section 92.35.4 regulates the use of concrete block, masonry unit or cinder block wall which is visible from a street or public park. Kirkland Zoning Code Section 92.35.5 regulates the design of awnings. Kirkland Zoning Code Section 92.35.6 regulates the covering of existing building facades and so does not apply to this development since it will be new construction. The proposed design meets the intent of the EIS and the Kirkland Zoning Code. Staff will review the complete building permit application and any additional revisions to be sure that they meet the above Kirkland Zoning Code requirements.

**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.***

APPLICANT'S RESPONSE

The developer agrees to pay the road impact fee.

STAFF ANALYSIS

The developer must pay the road impact fee.

***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.***

APPLICANT'S RESPONSE

Frontage improvements as required by City Development Code shall be provided.

STAFF ANALYSIS

Frontage improvements shall be provided and will include the following street and pedestrian improvement conditions:

1. The subject property abuts Lake Street South (an arterial type street) and 10th Street South (a Neighborhood Access type street). Kirkland Zoning Code Sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way (ROW) abutting the subject property. Sections 110.30-110.50 establish that the streets must be improved with the following:

Lake Street South

A. Remove the existing curb and gutter (due to age and deterioration) and replace with new type A standard curb and gutter 1 foot east of the existing alignment (current parking, bike lane, and drive lane widths are minimum at this location and 1 foot widening is needed to enhance safety and function).

- B. Remove the existing sidewalk and install a new 10 foot wide sidewalk with street trees in tree grates (30 feet on center). The 10 foot walk is required because of the proposed ground floor commercial use.
- C. Install new storm drainage collection as necessary.
- D. The ROW varies along the frontage and it appears that a dedication is needed in front of the vacant lot to encompass the said improvements. Conversely, the ROW is wider than needed in front of the lot with the existing business use.

10th Street South

- E. Remove the existing curb, gutter and sidewalk and install new curb and gutter (same alignment), a 4.5 foot landscape strip with street trees 30 feet on-center, and a new 5 foot wide sidewalk.

**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.***

APPLICANT'S RESPONSE

Noted: An internal security gate is proposed and shall be shown on the plans for the City Public Works Department to review.

- The proposed location of the internal security gate has been approved by city staff as of a meeting held with the city on November 1st 2013.

STAFF ANALYSIS

The location of any security gate in the parking garage must allow for adequate queuing between the street and the parking area and ensure that commercial stalls are available at all times. Staff will review the complete building permit application and any additional revisions to ensure that these requirements are met, since the exact location of any security gate is not known yet.

**Other Potential Mitigation Measures**

**Parking Management Strategies**

***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,***

APPLICANT'S RESPONSE

The developer is currently investigating several methods of sale/rent options. It is in the best financial interest of the developer to have all available residential stalls occupied, utilized and paid for. Therefore, bundled sales may not be the chosen sales method but whatever method is chosen it will seek to maximize utilization of all available on-site parking.

STAFF ANALYSIS

The "Parking Management Strategies" Section lists a number of potential mitigations that *could* be implemented. Staff will not require this mitigation, but will require the mitigations listed below to encourage parking on site.

***-Reserve parking spaces for the commercial uses and visitors in visible locations that are signed and easily accessible with no security gate,***

APPLICANT'S RESPONSE

The currently proposed locations of commercial and visitor parking comply with this requirement.

- As of a meeting held with City of Kirkland staff on November 1st 2013, it has been determined that in order to satisfy the EIS requirement to keep parking supply to a minimum, the shared parking reserved for commercial use and visitor parking shall be allowed to be located on the entry level.

STAFF ANALYSIS

In order to satisfy the EIS requirement to keep parking supply to a minimum, commercial parking stalls shall be allowed to be used for visitor parking on evenings and weekends when not in use for commercial tenants. Signage shall be provided to clarify the availability of these spaces. These commercial stalls will be located at the entry level at visible locations where there is 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,***

APPLICANT'S RESPONSE

The proposed project shall provide signage that can be seen from the street indicating that visitor parking for commercial uses and residences are available inside the parking garage. The location of this signage will most likely be above the proposed garage entry unless a more preferable location is proposed by the City.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Provide a kiosk in the common area that provides information on alternative transportation options; and***

APPLICANT'S RESPONSE

A city approved kiosk shall be provided in an appropriate location that provides information on alternative transportation options.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-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.***

APPLICANT'S RESPONSE

A parking management plan in which commercial parking is available to residents and their visitors on weekday evenings and weekends when not in use will be implemented and signage will be provided.

The currently proposed locations of commercial and visitor parking comply with this requirement.

- As of a meeting held with City of Kirkland staff on November 1st 2013, it has been determined that In order to satisfy the EIS requirement to keep parking supply to a minimum, the shared parking reserved for commercial use and visitor parking shall be allowed to be located on the entry level.

STAFF ANALYSIS

In order to satisfy the EIS requirement to keep parking supply to a minimum, commercial parking stalls shall be allowed to be used for visitor parking on evenings and weekends when not in use by commercial tenants. Signage shall be provided to clarify the availability of these spaces. These commercial stalls will be located at the entry level at visible locations where there is no security gate.

**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, truck traffic, construction employee parking, and other parking and access impacts.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***Provide the City with information about each concern and what measures are taken to resolve 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.***

APPLICANT'S RESPONSE

Major construction activity will be limited to those specified hours. Some work may take place outside of these hours provided that is not noise producing.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-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.***

APPLICANT'S RESPONSE

Major construction activity will be limited to those specified hours. Some work may take place outside of these hours provided that is not noise producing.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Whenever appropriate, substitute hydraulic impact tools with electric models to further reduce demolition and construction-related noise and vibration.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Limit loud talking, music, or other miscellaneous noise-related activities.***

APPLICANT'S RESPONSE

While some loud talking is necessary for safe jobsite communication, it will be limited to only what is necessary.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Provide properly sized and maintained mufflers, engine intake silencers, and where necessary engine enclosures on operating equipment.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Turn-off idling equipment.***

APPLICANT'S RESPONSE

Care will be taken to limit idling equipment, recognizing that some equipment needs to be idling or running for external accessories to function.

STAFF ANALYSIS

The developer must comply with the mitigation.

***Specific Noise Mitigation Measures  
Demolition, Earthwork and Shoring***

***-As necessary, deploy portable sound barriers around generators, compressors, tieback drill rigs, etc.***

APPLICANT'S RESPONSE

We will have portable sound barriers on site and will deploy them as is prudent.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-As needed, construct temporary barriers of materials at least as dense as one-half-inch thick plywood with sound-dampening insulation.***

APPLICANT'S RESPONSE

We will have these on site and deploy them as prudent.

STAFF ANALYSIS

The developer must comply with the mitigation.

***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.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Where possible, pre-fabricate reinforcing steel for the concrete core-wall curtains offsite to reduce the amount of noise associated with this work on-site.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-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.***

APPLICANT'S RESPONSE

**The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.**

STAFF ANALYSIS

The developer must comply with the mitigation.

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

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***Interior Construction***

***-Pre-fabricate large duct risers and long interior runs and hoist them into place.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Screen the building perimeter during steel fireproofing activities.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***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.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Provide quarry spill areas on-site prior to construction vehicles exiting the site.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Wash truck tires and undercarriages prior to trucks traveling on City streets.***

APPLICANT'S RESPONSE

As a truck wash will generate excessive contaminated material (high pressure water spraying petroleum coated truck parts), it will be used only as necessary along with other best management practices that will be used to control track out on to City streets.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Promptly sweep earth tracked or spilled onto City streets.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Monitor truck loads and routes to minimize dust-related impacts.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Use well-maintained construction equipment and vehicles to reduce emissions from such equipment and construction-related trucks.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Avoid prolonged periods of vehicle idling.***

APPLICANT'S RESPONSE

Care will be taken to limit idling equipment, recognizing that some equipment needs to be idling or running for external accessories to function.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Schedule the delivery and removal of construction materials and heavy equipment to minimize congestion during peak travel times associated with adjacent streets.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***Light and Glare***

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

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***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.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***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.***

APPLICANT'S RESPONSE

The contractor will provide a construction management plan documenting all required information.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Peak hour restrictions for construction truck traffic and how those restrictions would be communicated and enforced.***

APPLICANT'S RESPONSE

Contractor will provide a construction management plan documenting all required information.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Truck staging areas (e.g., locations where empty or full dump trucks would wait or stage prior to and during loading or unloading.)***

APPLICANT'S RESPONSE

Contractor will provide a construction management plan documenting all required information.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Construction employee parking areas.***

APPLICANT'S RESPONSE

Contractor will provide a construction management plan documenting all required information.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-Measures to reduce construction worker trips such as rideshare, shuttles, carpool, transit passes or related programs.***

APPLICANT'S RESPONSE

Contractor will provide a construction management plan documenting all required information.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-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.***

APPLICANT'S RESPONSE

Contractor will provide a construction management plan documenting all required information.

STAFF ANALYSIS

The developer must comply with the mitigation.

***-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.***

APPLICANT'S RESPONSE

Contractor will provide a construction management plan documenting all required information.

STAFF ANALYSIS

The developer must comply with the mitigation.

*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.*

#### APPLICANT'S RESPONSE

A construction parking plan containing all the specified information shall be submitted to the Public Works Department Transportation Division for approval.

#### STAFF ANALYSIS

The developer must comply with the mitigation.

*-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.*

#### APPLICANT'S RESPONSE

A Construction Truck Circulation Plan shall be submitted to the Public Works Department Transportation Division for approval which minimize impacts on local streets and existing traffic congestion.

#### STAFF ANALYSIS

The developer must comply with the mitigation.

*-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.*

#### APPLICANT'S RESPONSE

Limiting construction trucking to the hours of 9 am to 3 pm (only 6 hours per day with no lunch hour) will increase the duration of the excavation by approximately one month. We believe that there would be a lesser overall impact to traffic if longer trucking hours are permitted so that the duration of this

phase of the project can be reduced. Truck haul routes will be coordinated to avoid heavy traffic (trucks would not be traveling northbound in the peak PM hours).

STAFF ANALYSIS

The Public Works Department will work with the construction manager to determine the best plan for construction truck circulation

***-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.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s) when and where it is applicable to our construction work.

STAFF ANALYSIS

The developer must comply with the mitigation.

***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.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s).

STAFF ANALYSIS

The developer must comply with the mitigation.

***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.***

APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s).

STAFF ANALYSIS

The developer must comply with the mitigation.

***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***

## APPLICANT'S RESPONSE

The developer agrees to comply with the measure(s).

## STAFF ANALYSIS

The developer must comply with the mitigation.

## II. OTHER CODE REQUIREMENTS

The following issues pertain to other City regulations and are not part of the EIS mitigation measures. On May 9, 2013, Superior Court Judge Monica Benton issued a decision which directed the City to review an application for a building permit on the Potala Village site "based on the zoning and land use regulations in effect on the date of the shoreline substantial development permit application, i.e. February 23, 2011." Staff has provided the applicant with the following code requirements for their building permit submittal.

The code requirements are shown in ***bold italics*** and are followed by a staff analysis of the issue.

### ***LOCATION OF DRIVEWAY ON LAKE STREET SOUTH OR ON 10<sup>TH</sup> AVENUE SOUTH***

***Access to the project will be from Lake Street South.***

## STAFF ANALYSIS

- Per Public Works' Driveway Policy, driveways onto arterial streets are discouraged if alternative access is available. During the pre-application conference, staff directed the applicant to locate the project driveway off of 10<sup>th</sup> Avenue South as far away as possible from the intersection with Lake Street South.
- In a follow-up meeting, per the City's request, the applicant provided a preliminary site plan that located a driveway off of 10<sup>th</sup> Avenue South, close to the site's eastern property line. The proposed driveway met the driveway spacing criteria. Staff reviewed the site plan with the applicant's team and found:
  - Sight distance looking to the east was limited by the driveway grade and on-street parking.
  - To meet the sight distance requirements, the grade of the driveway into the garage would need to be shallower, but a shallower driveway would present severe maneuverability constraints and make the garage layout inefficient.
  - Also, parking along the project frontage on 10<sup>th</sup> Avenue South would have to be removed to meet sight distance requirements.
- In consideration of the sight distance and the loss of parking, to meet Public Works' Driveway Policy, Public Works staff directed the applicant to locate the driveway off of Lake Street South at least 150 feet away from 10<sup>th</sup> Avenue South and as far away from the apartment driveway to the south of the site as possible.
- Subsequently, the applicant presented a site plan meeting the 150 feet driveway spacing requirement from 10<sup>th</sup> Avenue South.
- Through the State Environmental Policy Act (SEPA) and EIS review processes, Public Works staff required safety analyses at the proposed driveway to ensure that it would operate safely.
- The SEPA traffic analysis in the EIS reviewed historical collision data along Lake Street South. The analysis did not indicate a safety problem that would prevent a driveway on Lake Street South.

- Public Works staff also reviewed the historical collision data from Washington State Department of Transportation (WSDOT) and the City's own data set. Based on staff's review, Public Works staff concurs with the SEPA and EIS reports. There have been two collisions or less per year along the project frontage along Lake Street South and at the intersection of Lake Street South/10<sup>th</sup> Avenue South. There have been no pedestrian or bicycle collisions along the project frontage. The intersection of Lake Street South/10<sup>th</sup> Avenue South and the project frontage have collision rates less than the City average of 0.54 collisions per MEV (one million entering vehicles).
- During the SEPA and shoreline substantial development permit processes and through public written comments, the residents off 10<sup>th</sup> Avenue South opposed locating the project driveway off 10<sup>th</sup> Avenue South and opposed removing on-street parking off 10<sup>th</sup> Avenue South.
- The conclusion reached by staff is that a driveway on Lake Street South is safer and more effective than a driveway on 10<sup>th</sup> Avenue South.

The following are examples of similar driveways in Kirkland:

- The office building at 5800 Lake Washington Blvd which is approximately five blocks south of the project site has 70,000 square feet and generates approximately 104 PM peak hour trips (17 entering and 87 exiting), more than three times the number of vehicles exiting the site than Potlatch Village during the PM peak hour and its driveway is operating safely.
- None of the driveways along Lake Street South, within half a mile of the project site, are considered to be high collision locations.
- There are a number of development projects where the Public Works Department has allowed access onto a principal arterial: Rose Hill Shopping Center, Ford Dealership, Honda Dealership, Taco Time, Ondine Mixed Use, Columbia Athletic Club, FIAT Dealership, Toyota Scion Dealership, Juanita Village, and an office development at the southwest corner of NE 85<sup>th</sup> Street/132<sup>nd</sup> Avenue NE.
- Staff also continues to receive comments from residents on 10<sup>th</sup> Avenue South indicating opposition to a driveway on 10<sup>th</sup> Avenue South.

WHERE TO LOCATE DRIVEWAY ALONG LAKE STREET SOUTH?

***Driveway will be located 150 feet south of the intersection of Lake Street South and 10<sup>th</sup> Avenue South and as far north of the southern boundary of the project site as possible.***

STAFF ANALYSIS

After the EIS was completed, the applicant proposed a driveway entrance closer to the middle of the site on Lake Street South. Staff has denied this driveway location and will require the applicant to locate the driveway off of Lake Street South at least 150 feet away from 10<sup>th</sup> Avenue South and as far away from the apartment driveway to the south of the site as possible per Public Works Driveway Policy.

TANDEM PARKING

***Tandem parking will not be allowed in the proposed development.***

STAFF ANALYSIS

The applicant's request for tandem stalls is not in compliance with Kirkland Zoning Code Chapter 180, Plates 1 through 4 which show minimum dimensions for parking spaces and parking areas. These plates do not have an alternative for tandem parking stalls. The applicant could have proposed an alternative to the Plates as is described in Kirkland Zoning Code Section 105.103.2.a (the Code in place on February

23, 2011). In order to do this, the request for the tandem stalls would have had to have been considered as part of the Process I review required for the shoreline substantial development permit. This request was not made when the applicant applied for the shoreline substantial development permit. Consequently, tandem stalls will not be approved.

COLUMNS IN PARKING STALLS

***Columns will be allowed to encroach into the required minimum parking stall dimensions, but not into accessible parking stalls or access spaces (design submittal to be review by City Staff).***

STAFF ANALYSIS

The Kirkland Zoning Code was silent on the subject of columns in parking stalls as of February 23, 2011 (columns were neither explicitly allowed nor prohibited). In the past, staff allowed columns to encroach into stalls if they met safe dimensions for parking design. Staff will review applicant’s final parking design as would have been done at the time the application was submitted.

Exception: State adopted accessibility code does not allow for column intrusion into the required accessible parking or access spaces. Columns will not be allowed in accessible parking stalls or access spaces.

DETERMINATION OF GROUND FLOOR

***“Ground floor” will be determined per Zoning Code definition.***

STAFF ANALYSIS

“KZC Section 5.10.345 defines Ground Floor as follows:

The floor of a structure that is closest in elevation to the finished grade along the façade of the structure that is principally oriented to the street which provides primary access to the subject property.”

This definition will be used in determining what floor of the building is the ground floor. Since Lake Street South provides primary access to the subject property, the floor of the structure that is closest in elevation to the finished grade along the Lake Street South façade is the ground floor of the structure.

COMMERCIAL USES ON THE GROUND FLOOR

***75% of the total gross floor area of all structures on the subject property must contain commercial uses or parking for commercial uses.***

STAFF ANALYSIS

KZC Special Regulation #3 for Office Use in the BN zone in place on February 23, 2011 states, “At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.” Parking is considered a part of the primary use since it is not a separate listing in the use zone chart, so parking for commercial uses is included in the 75% calculation.

RESIDENTIAL USE ON THE GROUND FLOOR

***Residential uses, with the exception of a lobby cannot be located on the ground floor.***

#### STAFF ANALYSIS

Special regulation #1 for Stacked Dwelling Units in the BN zone in place on February 23, 2011 states that stacked dwelling units, with the exception of a residential lobby, may not be located on the ground floor of a structure. This does not preclude the use of commercial stalls for residential guest parking in off hours (per EIS mitigation). Those commercial stalls are allowed on the ground floor.

#### ROOFTOP APPURTENANCES

***Rooftop Appurtenances conform to the regulations in Kirkland Zoning Code Section 115.120.***

#### STAFF ANALYSIS

The regulations relating to required screening and allowable height and size are outlined in Kirkland Zoning Code Section 115.120. The applicant's final proposal will be reviewed for compliance with the Building Code and the Kirkland Zoning Code requirements as part of the building permit application.

#### SITE REMEDIATION

***Site remediation is required for contaminated soil and groundwater, and removal of underground storage tanks.***

#### STAFF ANALYSIS

Under the terms of the shoreline substantial development permit issued for the project, site remediation is required for contaminated soil and groundwater, and removal of underground storage tanks. The City has hired a consultant (Kane Environmental) to monitor site clean-up and ensure compliance with Department of Ecology rules.

#### Attachments

1. Applicant's EIS response package renderings
2. Applicant's EIS response package plans



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LAKE ST. S & 10TH AVE KIRKLAND, WA

Drawing Title

VIEW OF  
NORTH WEST  
CORNER

Date:

Job No: 11-04-2013

Drawing No:



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VIEW OF  
WEST  
ELEVATION

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Drawing Title

VIEW OF  
EAST  
ELEVATION

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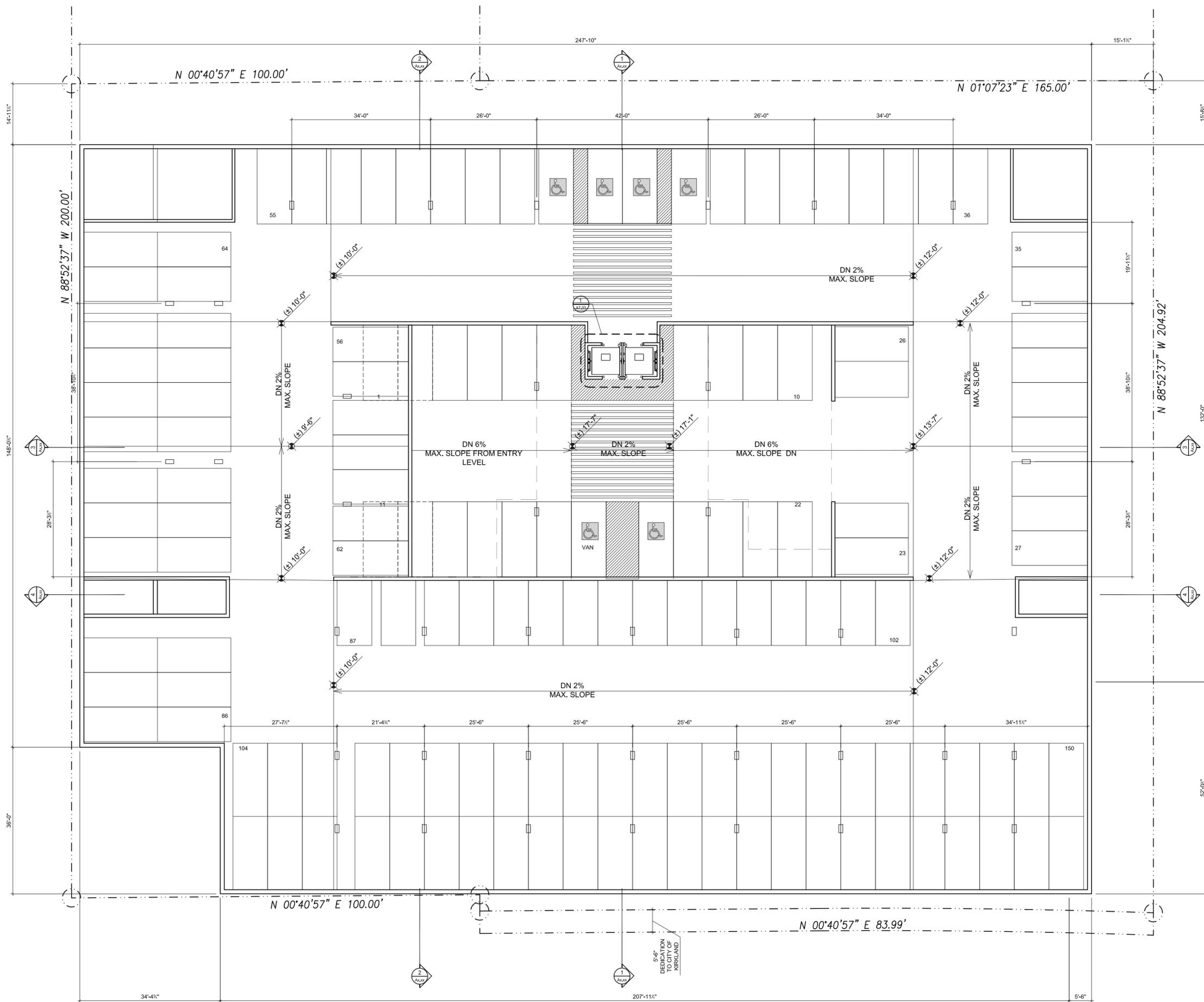
Drawing Title

VIEW OF  
NORTH  
ELEVATION

Date:

Job No: 11-04-2013

Drawing No:



**PARKING LEVEL 1 PLAN**

1/8" = 1'-0"



**KEY NOTES**

- 1 .
- 2 .

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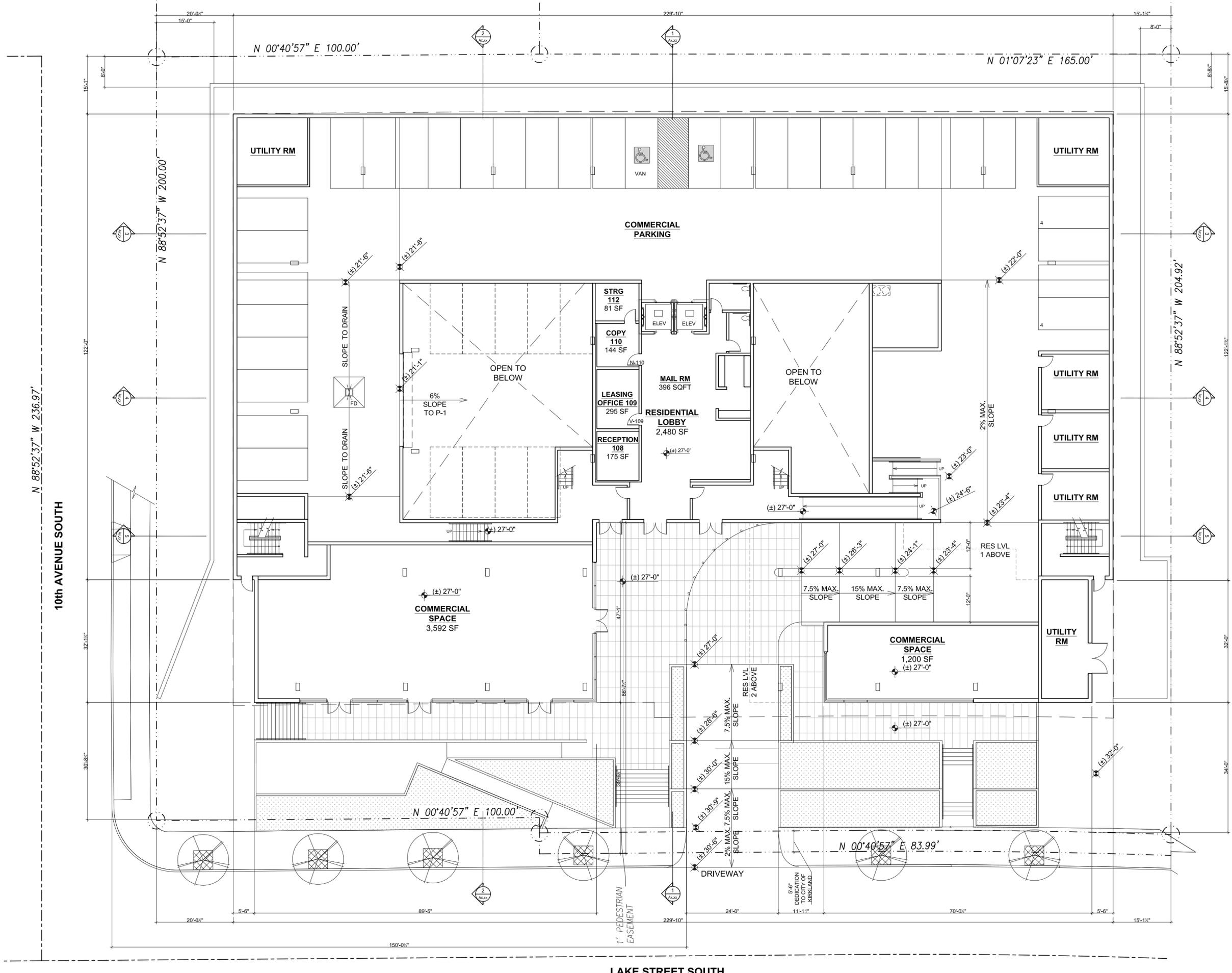
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Drawing Title  
**PARKING LEVEL 1**

Date: 11/01/2013  
 Job No: -

Drawing No.  
**A2.01**  
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**GROUND LEVEL PLAN (NEW DRIVE WAY LOCATION)**

1/8" = 1'-0"



**KEY NOTES**

- 1 .
- 2 .

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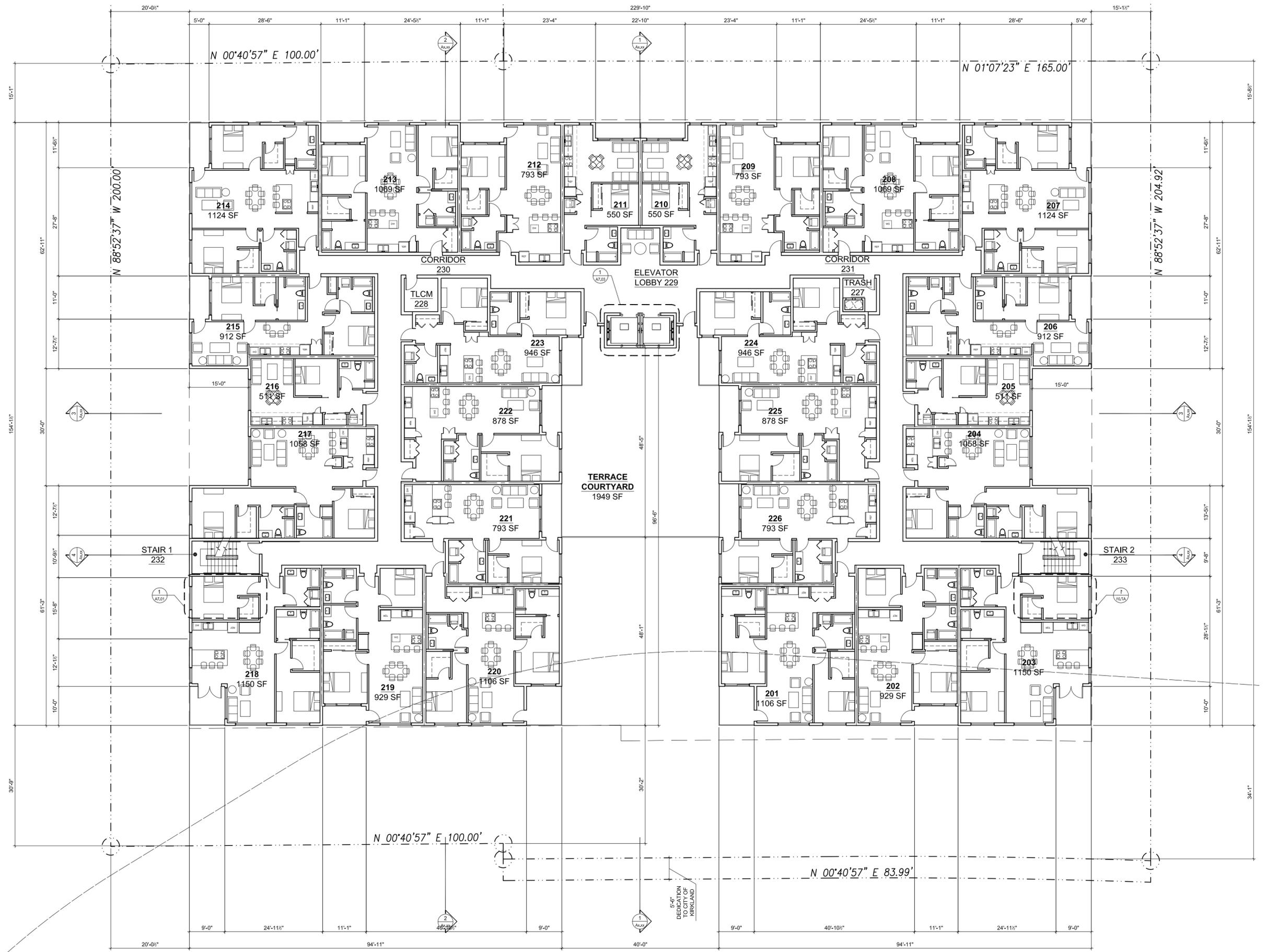
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Drawing Title  
**GROUND LEVEL PLAN (NEW DRIVEWAY)**

Date: 11/01/2013  
Job No:

Drawing No.  
**A2.02A**  
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**RESIDENTIAL LEVEL 2 PLAN**

1/8" = 1'-0"



**KEY NOTES**

- 1
- 2

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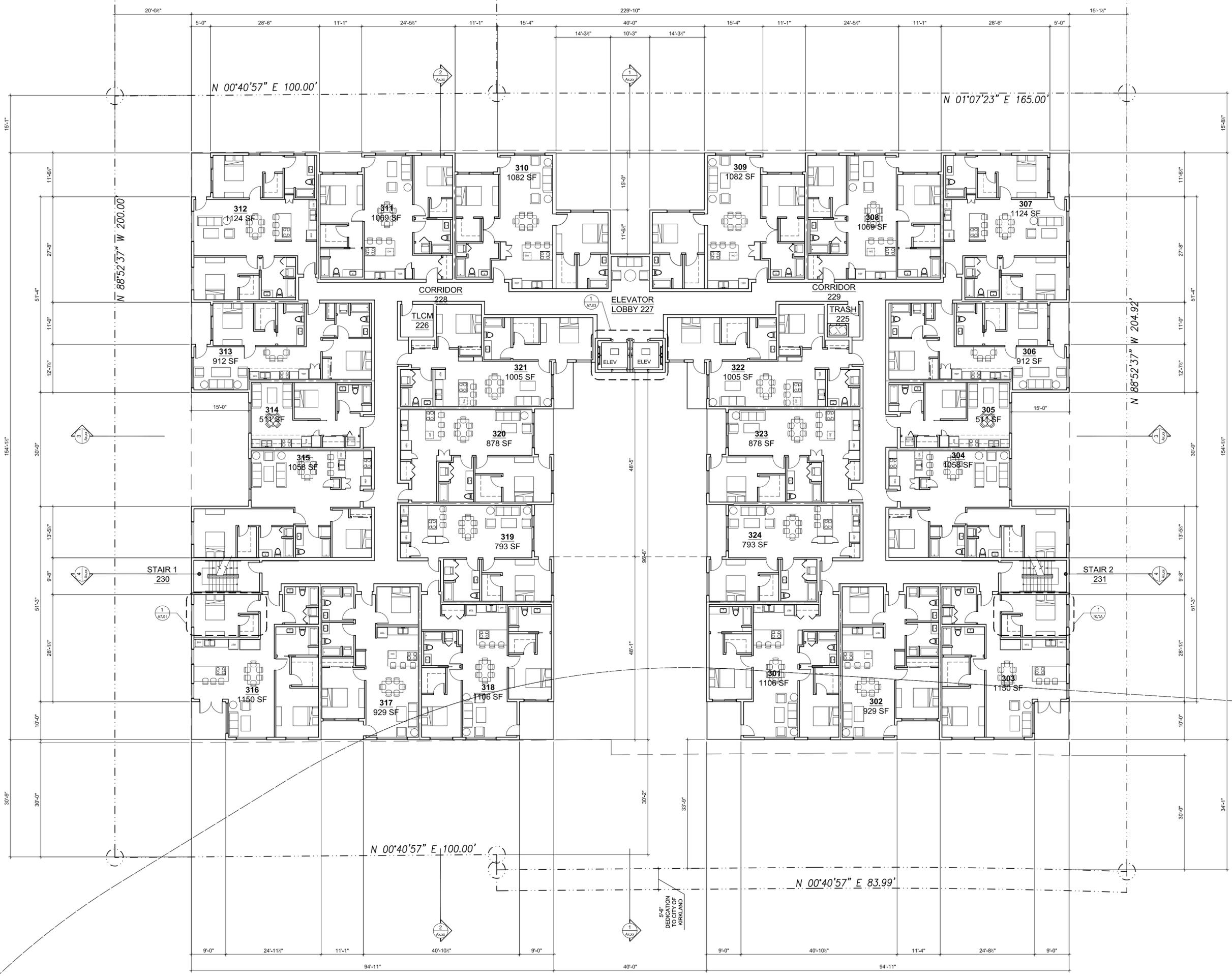
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Drawing Title  
**RESIDENTIAL  
 LEVEL 2 PLAN**

Date: 11/01/2013  
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**RESIDENTIAL LEVEL 3 PLAN**

1/8" = 1'-0"



**KEY NOTES**

- 1 .
- 2 .

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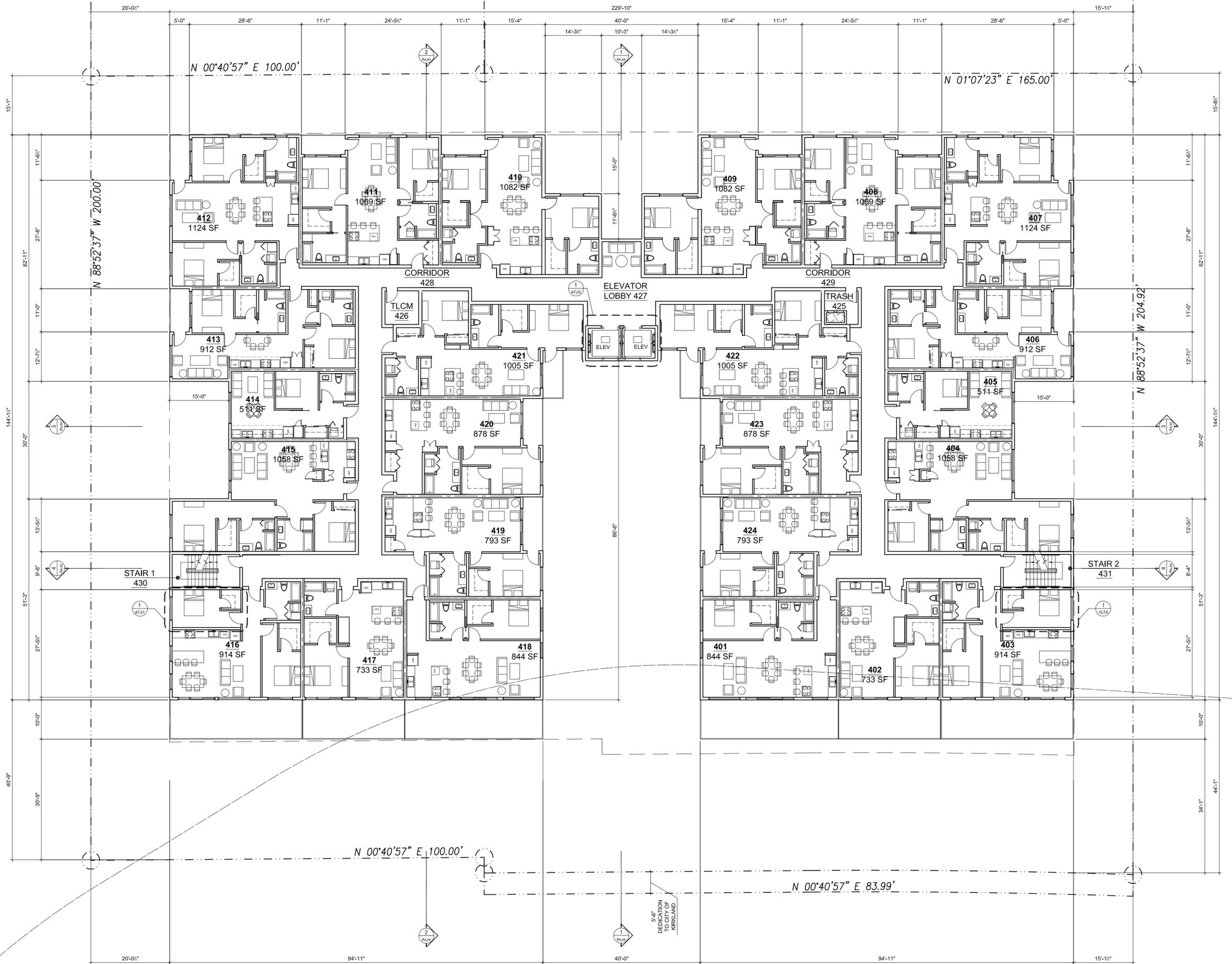
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Drawing Title  
**RESIDENTIAL  
 LEVEL 3 PLAN**

Date: 11/01/2013  
 Job No: -

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**RESIDENTIAL LEVEL 4 PLAN**

1/8" = 1'-0"



**KEY NOTES**

- 1 .
- 2 .

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Drawing Title  
**RESIDENTIAL  
 LEVEL 4 PLAN**

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Drawing No.  
**A2.06**  
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# WEST ELEVATION @ BUILDING



# WEST ELEVATION @ PROPERTY LINE

WEST ELEVATION

1/8" = 1'-0"



KEY NOTES

- ① .
- ② .

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Drawing Title

WEST ELEVATION

Date: 11/01/2013

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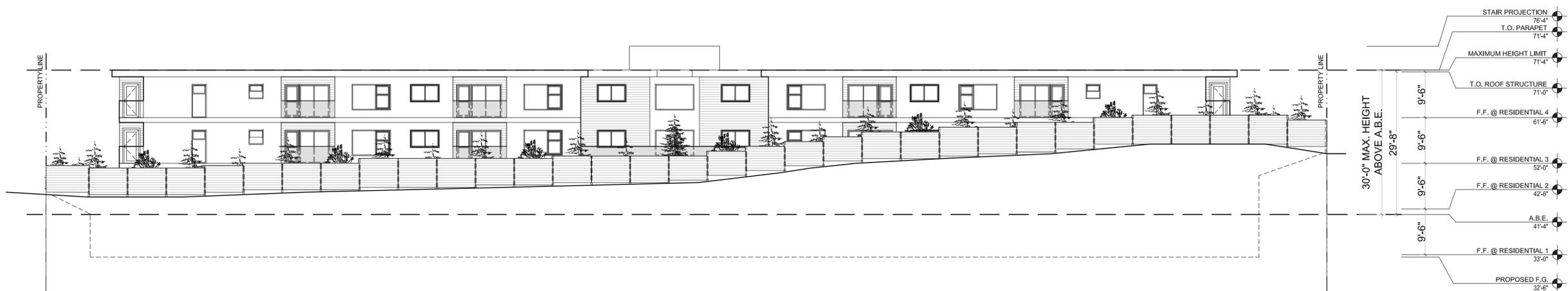
**A3.02**

BUILDING PERMIT  
SUBMITTAL





# EAST ELEVATION @ BUILDING



# EAST ELEVATION @ PROPERTY LINE

**EAST ELEVATION**

1/8" = 1'-0"



**KEY NOTES**

- ① .
- ② .

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Drawing Title

**EAST ELEVATION**

Date: 11/01/2013

Job No:

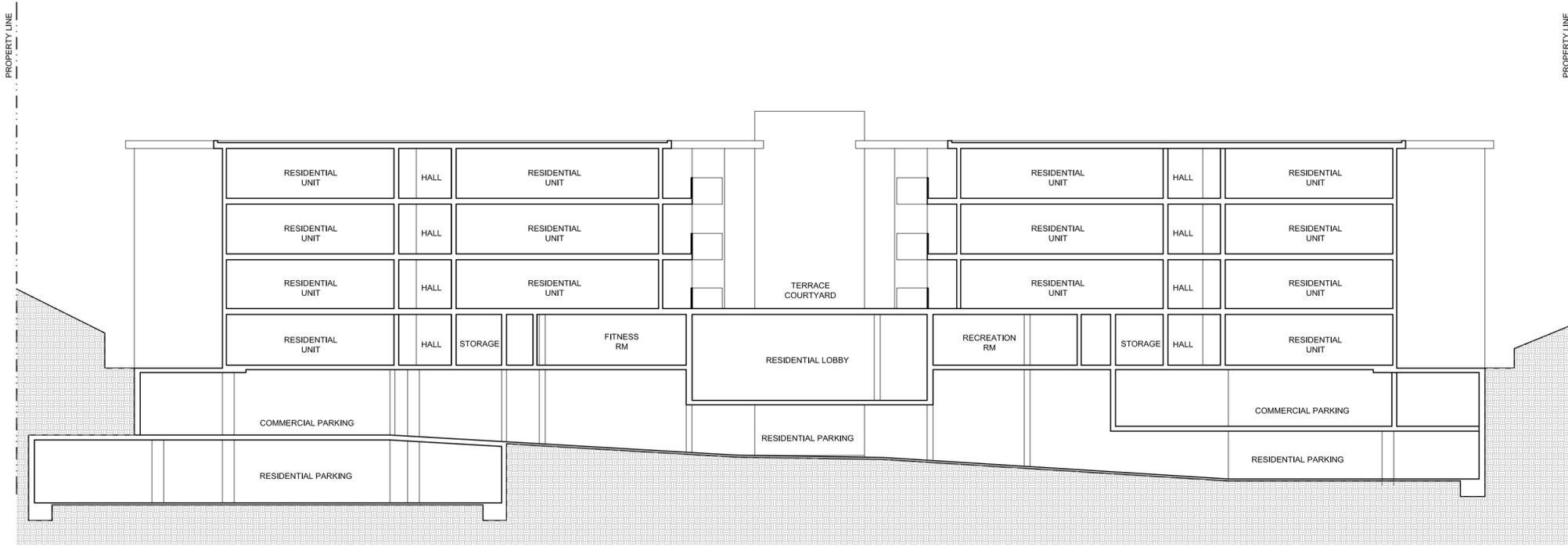
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**A3.04**

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STAIR PROJECTION	76'-4"
T.O. PARAPET	71'-4"
MAXIMUM HEIGHT LIMIT	71'-4"
T.O. ROOF STRUCTURE	71'-0"
F.F. RESIDENTIAL LEVEL 4	61'-6"
F.F. RESIDENTIAL LEVEL 3	52'-0"
F.F. RESIDENTIAL LEVEL 2	42'-6"
A.B.E.	41'-4"
F.F. RESIDENTIAL LEVEL 1	33'-0"
F.G. @ REAR YARD	32'-6"
F.F. ENTRY LEVEL	27'-0"
COMMERCIAL PARKING SOUTH	23'-7"
COMMERCIAL PARKING NORTH	21'-4"
RESIDENTIAL PARKING	13'-7"
RESIDENTIAL PARKING	9'-6"



**SECTION 3**

**SECTIONS**

1/8" = 1'-0"



**KEY NOTES**

- ① .
- ② .

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**SECTIONS**

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