



**CITY OF KIRKLAND**  
Planning and Community Development Department  
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## **MEMORANDUM**

**To:** David Ramsay, City Manager  
**From:** Eric Shields, Planning Director  
**Date:** August 20, 2008  
**Subject:** e-mail from David Martin

### **RECOMMENDATION**

Authorize the mayor to sign the proposed response letter.

### **BACKGROUND DISCUSSION**

Mr. Martin wrote to the City Council expressing concerns about tree removal in connection with a development at 8543 124<sup>th</sup> Ave NE. Mr. Martin's concerns were reviewed by the City's Urban Forester, Deb Powers. The attached response letter was prepared based on her findings.

**From:** David Martin [mailto:david.martin@otak.com]  
**Sent:** Thursday, July 24, 2008 1:05 PM  
**To:** KirklandCouncil  
**Subject:** Tree Removal at 8543 124th Avenue NE

Attached is a Tree Plan that I received in October 2006 from Jeremy McMahan of the Planning Department. The plan was for the demolition and clearing of the property at 8543 124<sup>th</sup> Avenue NE, in anticipation of the eventual construction of a condominium complex called Villa Rosa. I was happy to see that a significant number of trees were being retained on the north side of the property, effectively shielding the development from the Highlands in Kirkland complex where I live. As development has continued on the property, the trees that are shown in the plan as being retained have been systematically destroyed one by one until now there are virtually no trees left. This prompts me to ask two questions:

1. Why does the City have a Tree Ordinance when it apparently has no effect on a property owner's destruction of trees?
2. If the destruction is being done in violation of the Tree Ordinance, why is there no enforcement by City staff?

As far as I can determine, since the issuance of the demolition permit in 2006, only building permits have been issued (in January and May 2008). I do not believe there was ever a tree removal permit for this property.

Please advise.

Thank you.

David Martin  
8707 123<sup>rd</sup> Lane NE  
Kirkland, WA 98033  
425-890-7422



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September 3, 2008

**DRAFT**

David Martin  
8707 123<sup>rd</sup> Lane NE  
Kirkland, WA 98033

Re: City of Kirkland Tree Regulations / Villa Rosa

Dear Mr. Martin,

Thank you for your email regarding Kirkland's tree regulations and development review process for the Villa Rosa condominium project at 8543 124<sup>th</sup> Avenue NE. You are correct in your observations that tree removal occurred in multiple phases on this project, resulting in fewer trees being retained with each development phase. However, after reviewing the history of this development, the City's Urban Forester determined that there was not a violation of the City's tree regulations.

The intent of Kirkland's tree regulations is to retain desirable trees on developing sites to the extent possible, while still allowing the development to move forward in a timely manner. For the Villa Rosa development, tree preservation was reviewed prior to three phases of development; demolition, land surface modification and construction. During the demolition and land surface modification phases, a significant number of trees were required to be retained.

However, during the construction phase, removal of a number of additional trees was necessary. Since the Villa Rosa property is in a Residential Multi-family (RM) zone, the required yard on the north perimeter of the site is only five feet wide. The City's Urban Forester determined that many of the large existing Douglas fir on the project's north perimeter would not remain viable after sustaining substantial permanent root loss and severe pruning to accommodate the proposed structures.

The City has just begun the process of reviewing and potentially revising Kirkland's tree regulations. The City Council held a study meeting on this topic on September 2. Following initial direction from the Council, a more in-depth review will occur by the Planning Commission in early 2009. We welcome your input as we undertake this process.

Thank you again for offering your comments on this important subject. If you would like more information about Kirkland's tree regulations and our update process, please contact Urban Forester Deb Powers at [dpowers@ci.kirkland.wa](mailto:dpowers@ci.kirkland.wa) or 425-587-3261.

Sincerely,  
Kirkland City Council

by James Lauinger, Mayor

cc: Eric Shields, Planning Director  
Deb Powers, Urban Forester  
Susan Greene, Planner