



CITY OF KIRKLAND CITY COUNCIL

Penny Sweet, Mayor • Jay Arnold, Deputy Mayor • Neal Black • Kelli Curtis
Amy Falcone • Toby Nixon • Jon Pascal • Kurt Triplett, City Manager

Vision Statement

Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY Relay Service 711 • www.kirklandwa.gov

AGENDA KIRKLAND CITY COUNCIL MEETING City Council Chamber Tuesday, January 21, 2020 5:30 p.m. – Study Session 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website www.kirklandwa.gov. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (425-587-3190) or the City Manager's Office (425-587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 425-587-3190. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

PLEASE CALL 48 HOURS IN ADVANCE (425-587-3190) if you require this content in an alternate format or if you need a sign language interpreter in attendance at this meeting.

ITEMS FROM THE AUDIENCE provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

PUBLIC HEARINGS are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION (PETER KIRK ROOM)*
 - a. Proposed 2020-2021 Transportation Commission Work Plan Review
 - b. Kirkland Zoning Code Chapter 95 Code Amendments – Tree Code
4. *HONORS AND PROCLAMATIONS*
5. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
6. *PUBLIC HEARINGS*
7. *SPECIAL PRESENTATIONS*

***QUASI-JUDICIAL MATTERS** Public comments are not taken on quasi-judicial matters, where the Council acts in the role of judges. The Council is legally required to decide the issue based solely upon information contained in the public record and obtained at special public hearings before the Council. The public record for quasi-judicial matters is developed from testimony at earlier public hearings held before a Hearing Examiner, the Houghton Community Council, or a city board or commission, as well as from written correspondence submitted within certain legal time frames. There are special guidelines for these public hearings and written submittals.

ORDINANCES are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City's official newspaper.

RESOLUTIONS are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a

8. CONSENT CALENDAR

a. Approval of Minutes

(1) January 7, 2020

(2) January 9, 2020

b. Audit of Accounts and Payment of Bills and Payroll

c. General Correspondence

d. Claims

(1) Claims for Damages

e. Award of Bids

(1) 108th Avenue NE Water and Sewer Replacement Project

f. Acceptance of Public Improvements and Establishing Lien Period

(1) 2018 Water System Improvement Project

(2) NE 116th Street/124th Avenue NE Dual Left Turn Lanes Project

(3) Pleasant Bay Apartments Storm Line Replacement Project

(4) 800 Megahertz (MHz) and Alerting System Project - Station 27

g. Approval of Agreements

h. Other Items of Business

(1) November 2019 Financial Dashboard Report

(2) Park Play Area Enhancements Project - Revenue Appropriation

(3) 2020 City Council Calendar Adjustments

(4) Procurement Report

9. BUSINESS

- a. State Legislative Update #1
- b. Totem Lake Connector Project Update
- c. City Council Regional Committee Assignments
- d. 2020 Board and Commission Interview Committee Selection

10. REPORTS

- a. *City Council Regional and Committee Reports*
- b. *City Manager Reports*
 - (1) Calendar Update

11. ITEMS FROM THE AUDIENCE

12. EXECUTIVE SESSION

- a. Pending Litigation
- b. To Review the Performance of a Public Employee

13. ADJOURNMENT

ITEMS FROM THE AUDIENCE

Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority. All other limitations as to time, number of speakers, quasi-judicial matters, and public hearings discussed above shall apply.

EXECUTIVE SESSIONS may be held by the City Council only for the purposes specified in RCW 42.30.110. These include buying and selling real property, certain personnel issues, and litigation. The Council is permitted by law to have a closed meeting to discuss labor negotiations, including strategy discussions.

**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Joel Pfundt, AICP CTP, Transportation Manager
Julie Underwood, Interim Public Works Director

Date: January 9, 2020

Subject: PROPOSED 2020-2021 TRANSPORTATION COMMISSION WORK
PLAN REVIEW

RECOMMENDATION:

It is recommended that the City Council review and discuss the proposed 2020-2021 work plan for the Transportation Commission.

BACKGROUND DISCUSSION:

The proposed 2020-2021 Transportation Commission Work Plan was developed by the Commission itself and uses the same format as the two previous biennial work plans. The format was a major departure from prior work plans and has been used successfully to guide the Commission's work for the last four years. The work plan is structured around five areas that are intended to describe the level of Commission involvement:

- **Own:** The Commission "owns" these items and has the greatest responsibility and control of outcomes.
- **Influence:** The Commission has a key role in shaping outcomes.
- **Housekeeping:** These are items that are needed to keep the Commission running smoothly and important items that need to be acted on annually.
- **Respond and Advise:** These are items about which the Commission is advisory or asked for comment. This category also includes that items may come up from time to time that are not on the original work plan but need a response.
- **Future Topics:** These are items that are not scheduled for the current work plan but need to be reviewed periodically for inclusion in a subsequent work plan.

Each item in the work plan is sorted into one of these five areas and then further defined by stating the Commission's current prioritization, a short description, an estimate of staff time needed to work with the Commission, and a quarterly schedule estimating when it will be brought to the Commission. Also, as part of the quarterly schedule element of the work plan, ongoing work items are shown and approximate City Council presentation milestones are identified.

The attached proposed work plan has been updated significantly to reflect items that have been completed, as well as changes either in the status of items or their priority. The Commission discussed the development of the 2020-2021 Work Plan at its meetings on September 25, October 23, and December 4, 2019. It took a hard look at what the top priorities are for the next two years and where the Commission can be most effective in supporting its mission.

Notable new additions for review by the Commission include the Sound Transit NE 85th Street Bus Rapid Transit Station Area Plan, the Sustainability Master Plan, and the NE 128th Street Corridor Study.

The *Kirkland Municipal Code* defines the Commission's mission as "to advise the public works department, city manager, and city council in leading the city's efforts to create and maintain a transportation system that enhances the economic, social, and environmental quality of life in our city now and into the future."

Attachment A: Proposed 2020-2021 Transportation Commission Work Plan

PROPOSED 2020-2021 TRANSPORTATION COMMISSION WORK PLAN

PRIORITY: 1 = High and 5 = Low

- * = Council Milestone
- = Commission Work Item
- = Ongoing Work Item

■ = New or moved

TASK	TOPIC	CURRENT PRIORITY	DESCRIPTION	ESTIMATED FTE BY TASK	2020				2021			
					1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.
WE OWN THESE TOPICS:												
1	CIP PROCESS	2	Status report, and annual review and feedback on CIP.	0.1			■				■	
2	CIP PROJECTS	1	Review and provide comment on CIP related projects and studies to ensure consistency with TMP.	TBD	■	■	■	■	■	■	■	■
3	TMP IMPLEMENTATION	2	Identify and recommend to Council measures for tracking TMP implementation, as well as on-going monitoring.	TBD	■	■	■	■	■	■	■	■
4	TRANSPORTATION PLANNING FOR MAJOR DEVELOPMENT PROJECTS	1	Update Transportation Impact Analysis Guidelines to be consistent with TMP and codify in KMC.	0.3	■	*						
5	GREENWAYS	3	Review and provide input on project prioritization and implementation to ensure consistency with design guidelines and TMP.	0.1	■	■						
6	TRANSPORTATION CONCURRENCY	2	Review and provide input on annual status and implementation report in order to monitor program and identify potential improvements.	0.1				■				■
7	CROSS KIRKLAND CORRIDOR (CKC) MASTER PLAN	3	Review and provide input on project prioritization and implementation to ensure consistent and continued progress on all aspects of the CKC Master Plan, emphasizing improvements in the Master Plan and progress toward all aspects of the Master Plan.	TBD	■	■	■	■	■	■	■	■
9	ACTIVE TRANSPORTATION PLAN (SAFE AND ACTIVE TRANSPORTATION)	2	Review status and implementation of current plan. Assist with scope development and provide feedback to staff on study results.	0.25	*	■	*					
11	WORK PLAN	2	Develop biennial Work Plan and present to Council at annual meeting of the Council and Commission.	0.1	*				*			
12	FINN HILL STREET STANDARDS	3	Review street design standards and connections in Finn Hill Neighborhood.	0.1		■		■				
13	NE 128TH ST CORRIDOR STUDY	2	Review and guidance on results of multimodal access study, conceptual engineering and ADA issues.	0.25		■			*			
14	TRANSPORTATION MASTER PLAN UPDATE	1	Review status and implementation of current plan. Assist with scope development and provide feedback to staff on study results	0.25					■	■	■	■
WE INFLUENCE THESE:												
15	REGIONAL AND STATEWIDE, COORDINATION AND ADVOCACY	1	Review and advise on regional and statewide transportation policy issues that impact Kirkland, currently including I-405 Master Plan Implementation, SR 520 Rest of the West, RapidRide K-Line, North Eastside Mobility Project, I-405/ NE 132nd St Interchange and Eastrail.	TBD	■	■	■	■	■	■	■	■
16	SOUND TRANSIT IMPLEMENTATION	1	Review proposals related to ST3, I-405 Bus Rapid Transit and transit service integration.	0.5		■			■			■
17	VISION ZERO/SAFETY (SAFE AND ACTIVE TRANSPORTATION)	1	Review and advise on development and implementation of Vision Zero program.	0.1	*		*				■	
18	TRANSPORTATION IMPACT FEES	4	Annual report on implementation and status.	0.1				■				■
19	SAFER ROUTES TO SCHOOL (SAFE AND ACTIVE TRANSPORTATION)	2	Review and advise on development of safer routes to school plan to improve safety on streets near schools.	0.5	*	■	*					
20	NE 85TH ST I-405 BUS RAPID TRANSIT STATION AREA PLAN	1	In coordination with Planning Commission, review and advise on transportation related components of the station area plan.	0.25	■	■	■	■	■	■	■	*
21	SUSTAINABILITY MASTER PLAN	3	Review and advise on transportation related components of the Sustainability Master Plan.	0.1		*		*				
22	TRANSPORT DEMAND MANAGEMENT	5	Receive updates City's TDM program and our innovative regional partnerships.	TBD	■	■	■	■	■	■	■	■
HOUSEKEEPING:												
23	CONDUCT ANNUAL ELECTION	NA		NA					■			■
WE RESPOND AND ADVISE ON THESE:												
24	CITY ORDINANCES, POLICIES & PLANS	2	Review as requested by staff or Council.	NA								

26	ONGOING MAINTENANCE	4	Review as requested by staff or Council.	NA										
	ADA TRANSITION PLAN	5	Review as requested by staff or Council.	NA										
27	LINKAGES TO THE SR 520 TRAIL	3	Review as requested by staff or Council.	NA										
28	NEIGHBORHOOD PLANS & DEVELOPMENT	3	Review as requested by staff or Council.	NA										
29	NEIGHBORHOOD SAFETY PROGRAM	3	Review as requested by staff or Council.	NA										
FUTURE TOPICS:														
30	GREENHOUSE GAS REDUCTION MONITORING	3	Track progress of Kirkland Transportation plans to reduce greenhouse gases.	NA										
31	AUTONOMOUS, CONNECTED, ELECTRIC AND SHARED VEHICLES (ACES)	3	Potential future work program item.	NA										



CITY OF KIRKLAND
Planning and Building Department
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Deb Powers, Urban Forester
 Jeremy McMahan, Planning and Building Deputy Director
 Adam Weinstein, AICP, Planning and Building Director

Date: January 21, 2020

Subject: Draft Code Amendments, Kirkland Zoning Code Chapter 95
 Tree Management and Required Landscaping, File Number CAM18-00408

Staff Recommendation

City Council should receive the Planning Commission's recommendations (Attachment 1) and a briefing on [Kirkland Zoning Code Chapter 95 \(KZC 95\)](#) draft code amendments for review of substantive issues prior to adopting the draft code. This initial Council discussion is not intended to be a comprehensive review of the draft code. Rather, the focus is on the key issues that have presented the greatest challenges during the process.

Background

Over the last 18 months, the Planning Commission (PC) has diligently worked on code amendments to KZC 95. Prior to the public hearing and subsequent PC and Houghton Community Council (HCC) final recommendations, the City Council reviewed draft KZC 95 code amendments at the joint study session with the PC on October 1, 2019. Information presented in the October 1 staff memo that remains unchanged is referenced by page number herein. Links to staff memos and study topics up to the public hearing are provided in the tables below.

For the first six months of the project, the PC carefully reviewed technical data, how the current code works, related policy issues and options for code changes. The following table is a summary of the topics for those meetings and links to meeting packets:

Date/Link		Study Session Topic
June 28, 2018	PC	Understanding KZC 95, Tree Canopy Cover 101
July 12, 2018	PC	Preliminary project scope
Aug 9, 2018	PC	2018 field study findings on KZC 95 efficacy
Aug 27, 2018	HCC	Briefing on PC progress
Sept 13, 2018	PC	Preliminary code changes with low-level policy impacts
Sept 27, 2018	PC	Preliminary code changes with moderate policy impacts
Nov 8, 2018(A) Nov 8, 2018(B)	PC	A) Review 2018 Tree Canopy Assessment B) Review 1st draft KZC 95 , options, initial public feedback

Nov 20, 2018	CC	Briefing on PC progress, 1st draft KZC 95, staff recommendations, options, emerging issues
Nov 26, 2018	PC-HCC	Joint review of major code amendments, preliminary public feedback. Discuss canopy cover vs tree density credits.

The PC considered the more straightforward code amendments with the least policy impacts within that first six months. By late 2018, the PC had begun to work on the most complex and controversial code amendments involving tree retention with development. Intending to get feedback that would provide a greater level of clarity and predictability on the remaining code issues, staff was directed to get consensus feedback from a stakeholder group consisting of members of the Finn Hill Neighborhood Alliance (FHNA), the Master Builders Association of King and Snohomish Counties (MBAKS) and other interested individuals. Staff met with the stakeholder group for six months on development code-related concepts, including the tiered approach outlined in Attachment 2. The Planning Commission resumed work on the code following the initial discussions with the stakeholders as summarized by study session topic in the table below:

Date/Link		Study Session Topic
Feb 14, 2019	PC	Review stakeholder position on remaining code issues, review 2nd draft KZC 95 , consider staff recommendations and other city tree codes
Feb 25, 2019	HCC	Briefing on PC progress, status of code amendments
Apr 25, 2019	PC-HCC	Joint briefing on status of code amendments
May 23, 2019	PC	Review stakeholder's 2-tiered approach and resulting effects of proposed codes, study tree trunk diameter (DBH) data, provide direction on code
May 30, 2019	HCC	Briefing on May 23 PC meeting topics
July 11, 2019	PC	Review 3rd draft KZC 95 , 6 remaining key code issues, stakeholder feedback and other city tree codes, provide direction on code
Jul 22, 2019	HCC	Review 4th draft KZC 95 and the 6 remaining key code issues using the HCC's Guiding Principles, consider options, prepare for hearing
Oct 1, 2019	CC-PC	Review staff-stakeholder process and key code changes prior to hearing
Nov 5, 2019	PC-HCC	Public hearing, initial joint PC-HCC deliberations

Having received considerable stakeholder feedback directly and through over 10 staff-stakeholder meetings, the PC moved forward in July 2019 with code amendment options that strike a balance between predictable regulations while meeting the City's guiding goals and policies in Kirkland's Comprehensive Plan. As part of their consideration of the stakeholder group's recommended tree retention standards, the PC examined development review outcomes for tree retention based on the current regulations compared to outcomes based on the stakeholder's proposed code provisions (Attachment 3). From there, the PC's code amendment decisions balanced achieving a more prescriptive and streamlined tree ordinance against what the PC found were acceptable results in tree removal or retention (Attachment 4). The resulting draft code was presented at the November 5, 2019 joint PC-HCC public hearing for greater community review and feedback.

Following the hearing, the HCC continued deliberations separately on [November 25, 2019](#), resulting in its recommendations to the PC (Attachment 5). In preparation for the HCC

deliberations, then-HCC member Neal Black contributed an enormous amount of time collaborating with staff on code changes that improved the clarity and administration of the draft KZC 95. That revised draft was used by the HCC and PC as the basis for their deliberations. While recommending adoption of most of the draft code, the two code provisions that the HCC expressed concern over that may prompt the HCC to exercise disapproval jurisdiction are:

- Prohibiting homeowner landmark tree removal where no development activity is involved (95.23.5a).
- Retaining Tier 2 trees (see Attachment 2) without a quota limiting the number of trees a developer is expected to retain (would be added to 95.30.4b).

A discussion and recommendations for code amendments on these two areas of concern are noted with an asterisk (*) under Key Code Changes below.

The PC continued deliberations on [December 12, 2019](#), carefully considering the HCC's recommendations and written public testimony received since the public hearing. The resulting PC recommendations to the City Council (Attachment 1) and resulting draft KZC 95 (Attachment 6) integrate code changes from a legal, code enforcement, staff and stakeholder perspective, forming the draft KZC 95 for City Council consideration for adoption.

Throughout the KZC code amendment process, staff has provided regular briefings to the City Council at two study sessions, 8 Council sub-committee meetings, and at the March 2019 Council Retreat.

To assist in review of the draft KZC 95, two versions are attached. Attachment 6 indicates completely deleted and entirely new code provisions with strikeouts and red text. This annotated format is intended to easily distinguish the draft amendments from the original code, not track insignificant word changes or editorial markups. References to current code sections are noted (*previous 95.xx*) while reorganized code sections are indicated by (*moved*) or (*consolidated*). One placeholder is noted for a PC-requested code change that has not been determined yet. A clean copy of the draft code is provided in Attachment 7. A simplified "table of contents" outline of the revised Chapter is provided on pages 5-6 in the [November 5, 2019](#) joint PC-HCC public hearing meeting memo.

Key Code Changes

The key code changes discussed below reflect the most substantive issues addressed in the draft code that resulted from the public hearing, HCC deliberations and PC recommendations.

In outlining these key changes, the City Council has requested that staff identify areas of disagreement within the stakeholder group (as represented by FNHA and MBAKS) on key code changes. We attempt to do so below but encourage a more comprehensive review of related written and oral testimony for a complete understanding of their respective positions. The FHNA submitted a letter to the Planning Commission on December 10, 2019 indicating the FHNA's position on recent draft KZC 95 key code changes (Attachment 8). It is not clear that the letter is consistent with oral testimony as it related to Tier 2 tree retention. MBAKS presented an altogether new draft KZC 95 on November 22 with substantially more code changes than the PC had requested from the stakeholders (Attachment 9). Without specific comments on more

recent draft KZC 95 amendments, the MBAKS position on areas of agreement or disagreement with FHNA is more difficult to articulate and may not be accurately described below.

1. Tree removal allowances – Draft KZC 95.23.2

Issues:

- Some owners of larger properties feel that the current tree removal allowance is not equitable, particularly when larger properties are heavily treed.
- Preemptive tree removal prior to permit submittal is an “unintended consequence” of complying with a code that some deem too restrictive. Intern findings indicate a prevalence of preemptive tree removal.

Options:

- Allow additional tree removal on larger properties
- Consider how other cities prohibit preemptive tree removal, for example, Renton prohibits tree removal or land clearing on any site for the purposes of preparing that site for future development.

Code Recommendations:

- Allow increased tree removals per larger property sizes; however, lower the number of trees from the initially-proposed draft code for lot sizes of 10,000 to 20,000 square feet (from 4 to 3) and lot sizes 20,000 square feet or larger (from 6 to 4) allowed annually. Allow the removal of overgrown hedges comprising trees over 6 inches DBH. Don't allow “banking” of tree removals for future years (i.e. 6 trees in year one instead of 2 trees per year for three years) due to complexity of tracking and potential accelerated canopy loss.
- To disincentive preemptive removals, don't accept applications for short plats and subdivisions within one year of tree removal, with a two-year timeframe where Landmark trees are removed.

Area of Stakeholder Disagreement: The FHNA-MBAKS group is generally in concurrence on the topic of tree removal allowances, with the exception that MBAKS advocates for “banking” or borrowing against future tree removals.

Questions: Does the City Council believe the proposed tree removal allowances address homeowner equity issues? Are the proposed numbers of trees allowed for annual removal per property size appropriate? Are proposed rules to address preemptive removals appropriate?

2. Landmark tree definition and removal - Draft KZC 95.10.15d and i

Issues: A field study showed only 10% of all trees retained on development sites are large trees over 22-inch trunk diameter, reducing urban forest health and resiliency. Preemptive tree removals regularly occur on development sites. Larger trees provide the maximum amount of public benefits such as improving air and water quality in the interim as newly-planted trees grow large enough to begin to contribute benefits. But protecting the very largest trees in an

urban forest and planting new trees creates a gap of the “mid-sized/aged trees” that would otherwise ensure an even succession of benefits over time.

Options: Considered other cities’ high-priority tree definitions (Issaquah, Lake Forest Park, Redmond, Bellevue, Medina, Renton, Vancouver WA and Olympia). Define by size over 30 inches DBH (Redmond, Issaquah).

Code Recommendation: Retain 30-inch or greater trunk diameter (DBH) trees in good-excellent condition on development sites. Limit preemptive removals of Landmark trees on development sites with a 24-month permit application wait period following Landmark tree removal. Outside of development, limit Landmark tree removal to one every 24 months. In addition, the PC encouraged implementation of a robust public information campaign so homeowners are aware of the change; otherwise, there may not be widespread compliance.

The landmark tree approach may retain additional large trees when compared to existing regulations. However, the new condition ratings will result in removal of “fair” landmark trees that might have been protected under current regulations and protection of large trees on typically-sized Kirkland lots will remain quite challenging. Lot clustering requirements and code flexibility provide new tools for retention (see Attachment 4).

Areas of Disagreement between Stakeholders: FHNA recommends that the definition of a Landmark tree be extended to include 26-inch DBH trees and agrees that Landmark trees should not qualify for removal without a permit. MBAKS draft code implies that with non-development tree removals, Landmark trees can be removed as an allowance (no permit) except with a Forest Management Plan. Note this is not consistent with the stakeholder’s original Tier 1/Landmark tree definition (see Attachment 2).

Questions: Does the City Council agree with the proposed Landmark tree definition? Are the proposed 30” size threshold and condition ratings appropriate?

3. Grove definition - Draft KZC 95.10.15a

Issue: Most trees that are retained on development sites are protected with a 5 Year Maintenance Agreement that, once it expires, allows the trees to be removed under the homeowner tree removal codes (the draft code proposes increased tree removal allowances – no permit - on larger properties). However, designated tree groves are protected through a covenant (formerly easement). With short plats and subdivisions, grove designation allows the trees located on one lot to satisfy the tree credit requirements for all the lots in the development. Unless the grove designation is recorded on the title of the subject property, a future homeowner would be unaware how the trees on their property mitigated the effects of the development over a much larger area. Some developers feel they’re required to retain groves with trees of lesser quality and object to easements as the mechanism for protecting dedicated groves as easements encumber the property.

Options: Examine other municipal tree codes that protect tree groves, including Bellevue, Issaquah, Kenmore, Mercer Island, Renton, Sammamish, Shoreline, and Woodinville. Revise code so easement and maintenance requirements are in the same code section. Consider increasing the size (currently 6-inch DBH) and number (currently three) of trees that may

constitute a grove. Develop standards for health and structure of trees worthy of protection. Clarify grove designations on sites undergoing remodels/additions. Utilize a covenant rather than an easement to protect dedicated groves.

Code Recommendation: Define groves so that trees must be in excellent to good condition as defined in proposed health and structure rating table. Keep current grove definition for “three or more trees with touching/overlapping crowns” but increase the size threshold to specify that at least three trees must meet a minimum 12-inch DBH size.

Increasing the size and establishing condition ratings will reduce protection of groves when compared to the current regulations (see Attachment 4), although the protected groves may be of higher quality.

In response to MBAKS suggestions, staff has worked with the City Attorney to develop and begin using covenants rather than easements for protection of grove trees.

Area of Disagreement between Stakeholders: MBAKS proposes defining groves as a “group of trees (that) share community-definitional characteristics to Landmarks,” consisting of either

- 3 or more trees with at least one 30-inch DBH tree, or
- 5 or more trees with at least one 22-inch DBH tree.

FHNA has been aligned with this definition; however, it is unclear if FHNA’s reduced Landmark tree threshold, from 30 inches DBH to 26 inches DBH, would apply to trees within groves.

The MBAKS position on grove protection has shifted over the course of the KZC 95 code amendments, from promoting a modest code clarification to, more recently, objecting to the grove covenant altogether.

Questions: Does the City Council agree with the proposed grove definition? Are the size thresholds appropriate?

4. Tier 2 tree definition - Draft KZC 95.10j

Issue: The current high (trees in setbacks – retain if possible), moderate (other trees – retain if feasible), low (unhealthy or removal unavoidable) retention values for existing trees on development sites are perceived as too subjective.

Options: Aside from retention standards for landmark and grove trees, define which other trees should be protected during development and standards of protection. Options considered have been retention by credit count (require retention up to a quota), retention based on location (setbacks), and a combination (see HCC recommendation).

Code Recommendation: Delete high-moderate-low retention value definitions. Add landmark and grove tree definitions (above) with the highest level of protection and very specific retention requirements (below) for Tier 1 trees. Consistent with current practice, keep the “high retention value” concept of retaining high quality trees in setbacks but define Tier 2 trees using specific condition ratings and very specific retention requirements (below).

Elimination of moderate retention value trees and proposed condition ratings will result in removal of additional trees outside of setbacks as well as "fair" condition trees in setbacks that might be protected under current regulations (see Attachment 4).

Area of Disagreement between Stakeholders: The December 10 FNHA letter appears to support the Tier 2 retention standards as proposed, but oral testimony indicates that FNHA is still interested in a quota approach with a substantial increase in credit requirements (80-100 per acre rather than the previous 50 credits per acre recommendation). Prior to the public hearing, MBAKS advocated for a 50 credit per acre quota approach that allows the applicant the discretion to remove any Tier 2 trees, provided that the quota is met by any combination of retaining or planting new trees. More recently, MBAKS maintained that the draft code lacks an acceptable level of predictability and a tree credit quota is necessary so "staff can't make developers require more tree retention."

Staff and the Planning Commission share the same interest in making the development permit process less subjective. See page 4 in the November 5, 2019 PC/HCC memo for 7 specific code changes that the PC has included in the draft code to increase code certainty and consistency. Generally, applicants seek to meet only the minimum required credits on development sites, hastening the loss of canopy cover. The PC opted to not use a "credit quota system" after analyzing the significant tree and associated canopy loss results as applied to 22 SF development sites (see Attachment 3). The most recent MBAKS proposal takes the same quota approach using a different credit per area calculation. Depending on land use type, the MBAKS formula calculates a fraction of tree credits varying from 0.20 for low-use intensity areas up to 1 credit per 1,000 square feet of single-family residential areas. Note that this calculation results in lower credit requirements than the stakeholder group's previously-proposed 50 credits per acre.

Question: Does the City Council agree that the proposed Tier 2 tree retention provisions, maintaining the current focus on trees in setbacks, are appropriate?

5. Retention requirements to retain Tier 1/Tier 2 trees

The current code reads "retain trees to the maximum extent possible" and that the applicant "shall pursue [tree retention] where feasible," which was perceived by some developers as too subjective and inconsistently applied. More predictable outcomes mean code provisions would need to clearly identify the applicant's guaranteed development rights, regulatory expectations and the code flexibility requirements required to retain Tier 1/Tier 2 trees in four distinct topical portions of the code:

- Codify specific development rights for density, lot coverage, floor area ratio, and minimum building envelope dimensions - Draft KZC 95.30.4a(1), 95.30.4b(1)

Issues: Objectionable levels of unpredictability when developers plan the location of structures in relation to retained trees on a development site. Developers want to gauge which trees must be retained during brief feasibility study periods.

Options: Require applicants to adjust building configurations to protect trees “within the site interior” (Bellevue), “not within the building footprint of the principal building on the lot, excluding those trees where alternative design of the building is feasible in retaining the tree” (Medina), or “outside the area of land disturbance except where necessary to install site improvements, e.g., driveways, utilities, etc.” (Mercer Island).

Code Recommendation: Specifies that the application of the code will not reduce allowed density, lot coverage, or floor area ratio. Incorporates stakeholder’s specific building envelope dimensions using a footprint that may shift/move within the boundaries of the property and applicable setbacks. These dimensions are more stringent for Tier 1 trees and more generous for Tier 2 trees.

- Site plan alterations - Draft KZC 95.30.4a(2), 95.30.4b(2)

Issue: Objectionable levels of unpredictability when developers initially design structural features and configurations in relation to retained trees on a development site.

Options: Specify when and how site improvements shall be designed and constructed to protect trees with specific characteristics (Redmond, Shoreline), or require an applicant to show where alternative design of the building is feasible in retaining the tree (Medina), or consider Reasonable Use Exception language so an applicant would need to apply for an exception to the Hearing Examiner (or another decision-making body) if the code prevents any reasonable economic use of the owner’s property (Redmond, Lake Forest Park).

Code Recommendation: Incorporates stakeholder’s expectations on how and to what extent proposed improvements will be designed or modified that are more stringent for Tier 1 trees and more generous for Tier 2 trees.

- Tree protection practices/methods - Draft KZC 95.30.4a(3), 95.30.4b(3)

Issue: Objectionable levels of unpredictability on the specific tree protection measures that will be required for retained trees expected to sustain the impacts of construction.

Code Recommendation: Incorporates stakeholder’s measures appropriate for Tier 1/Tier 2 tree retention.

- Variations to development standards - Draft KZC_95.30.4a(4), 95.304b(4) and 95.30.7b

Issues: Some developers believe that tree retention requirements lead to overly burdensome site constraints. Greater predictability and successful tree retention can be achieved with specific variations to development standards such as setback requirements and shortplat/subdivision lot clustering and lot size reductions.

Code Recommendation: Allow greater flexibility with certain zoning/development standards to retain trees in single family and short plat/subdivision developments that are more stringent for Tier 1 trees.

Area of Disagreement between Stakeholders: FHNA generally supports “staff recommendations that accommodate some of the ‘predictability’ concerns raised by builders...they...guarantee building pad dimensions, lot coverage, FAR, and the density of units allowed by applicable zoning.”

Although these requirements to retain Tier 1/Tier 2 trees originated from stakeholder participation, very little of the site plan alteration, tree protection practices and variations to development plan requirements are specified in the MBAKS-proposed code or supported in their correspondence and oral testimony (Attachment 9). Ambiguous draft code language drafted by MBAKS and included in Attachment 9 such as “plan to retain in good faith” and “submit a development proposal that *avoids* Tier 1 Trees” lessens code predictability.

Question: *Does the City Council agree that the guaranteed development rights, proposed building envelope dimensions, site plan alterations, tree protection practices and allowed variations to development standards are appropriate?*

6. Eliminate phased tree retention with short plats/subdivisions (IDP) - Draft KZC 95.30.7a

Issues: The IDP process was created in 2010 (the last major tree code amendment) as a response to the development community requesting more predictability for tree removal with short plats and subdivisions. The IDP process requires tree retention/removal decisions to be made early in the design of the development, whereas “phased” developments allow tree removal as each demolition, clearing/grading and building permit is submitted and approved. More recently, phased short plat/subdivision plan review results in protracted discussions and disagreements about tree retention between staff and permit applicants. Phased development results in the public perception that all trees fenced with initial site grading will be retained when the homes are built. Neighbors don’t feel that they are able to understand and comment on tree retention at the short plat or subdivision stage because the impact have not been fully disclosed. Developers are concerned that they don’t always have home plans and full civil drawings during the land use permit and that their ability to modify the IDP after approval is limited.

Code Recommendation: Eliminate the option for phased short plat/subdivision development, thus mandating Integrated Development Plans (IDP). Clarify and streamline modification provisions for approved short plats/subdivisions.

Area of Disagreement between Stakeholders: FHNA strongly supports the adoption of mandatory of IDPs throughout the City. Currently, MBAKS’ position on mandatory IDP is unclear; in a November 4, 2019 email to select FHNA, HCC and PC members, Gina Clark stated MBAKS support for IDP; however, the November 22, 2019 MBAKS draft code asserts “if a short plat or subdivision is being proposed and the location of all proposed improvements cannot be established, a phased tree retention plan review is required,” indicating mandatory IDPs may not be an area of full agreement between stakeholders.

Questions: *Does the City Council agree that mandating the IDP process is appropriate and are the streamlined IDP modification procedures adequate?*

7. Summary of Areas of Agreement Between Stakeholders Addressed in Proposed Code

The summary of twelve stakeholder meeting discussions (Attachment 2) and the [October 1, 2019](#) joint City Council-PC staff memo, pages 3-7, outlines code amendments that, at the time, did not appear to be areas of disagreement between stakeholders. These areas include:

- New Landmark, Tier 1 and Tier 2 tree definitions
- Revised grove definitions
- Increased tree removals based on property size; not allowing tree removal “banking”
- Preventing preemptive tree removals prior to development
- Tree condition ratings
- Specific requirements and priorities to retain Tier 1/Tier 2 trees: building footprint dimensions, site plan alterations, tree protection practices and variations to development standards
- Expanded development standards to retain trees on multifamily, commercial & mixed-use developments
- Not awarding credits for planting arborvitae
- Addressing undesirable tree species in the Prohibited Plant List
- Codifying the monetary value of in-lieu-of trees for payment into City Forestry Account
- Language on requiring summer-planted trees be watered

Policy-Related Issues

The policy-related issues below were addressed in the [October 1, 2019](#) joint City Council-PC staff memo on pages 7-8. Additional information on these issues of concern is provided below. City Council’s inquiries or requests for additional information that were made at the October 1 study session are shown in Attachment 11 with policy-related issues that have been recently raised by the PC and HCC.

Tree canopy cover goals

After thoroughly examining the issue, the PC decided that developing a more precise credit-to-canopy cover formula or converting entirely to canopy cover-based requirements is not desirable at this time. To gauge the immediate effectiveness of the proposed code changes, the current code has been used as a baseline for comparison. The City will continue to periodically monitor its [canopy cover](#) for guidance on where/how to meet its 40 percent tree canopy cover goal.

The PC acknowledges there are other opportunities to increase canopy cover city-wide, as described in the objectives of [Kirkland’s Urban Forestry Strategic Management Plan](#) (UFSMP). Achieving these objectives may involve multiple departmental coordination or taking a city-wide programmatic approach to urban forestry management.

Tree codes and affordable housing

Unless zoning standards change substantially, the proposed KZC 95 complements rather than presents a barrier to achieving an affordable and diverse housing stock in Kirkland. The standards for retention are generally more lenient than current regulations, development rights are guaranteed and specified, and additional code flexibility is added to help developers with retention efforts. The PC is currently studying “missing middle” and ADU code provisions, and

nothing in the proposed KZC 95 code amendments would hamper these efforts. As housing codes change in response to increasing density, adjustments to KZC 95 can reflect that growth while maintaining a livable city and region.

Solar arrays and other property use

Tree removal is already allowed under the 2-per rule (or more as proposed). A clarified code provision allows greater tree removal for the installation of solar panels with development. As previously discussed, staff is only aware of one tree conflict with solar installation and that was related to a large ground-mounted solar array. Additional tree removals could be considered as part of solar-related electrical/building permits, however that would add review time, disincentivizing solar energy system installations. The City could consider a code provision that grants additional tree removal beyond the allowances for installed/active solar panels (Issaquah grants "removal of tree(s) preventing solar access to buildings incorporating active solar devices...").

Private views

Private views are not regulated by the City, as stated in Kirkland Comprehensive Plan policy CC-4.5. Property owners can explore guaranteed view corridors by working with adjacent property owners in developing a view covenant.

Require or incentivize planting conifer/native tree species

The PC acknowledges that species diversity is an important performance measure for healthy, sustainable urban forests. The existing credit system incentivizes the retention of native conifers on development sites by awarding them 1.5 times the credits – a provision that has remained in the draft code. However, the PC has determined that regulating for species diversity on private property increases code complexity and presents too many challenges such as effective code enforcement. Discussions with MBAKS indicated that incentives (i.e., credit bonuses for planting native vs ornamental trees) are not meaningful since the cost of planting is so minimal relative to the total project cost. The PC concurs with staff that greater success could be achieved through managing public trees for species diversity (see [Kirkland Urban Forest Strategic Management Plan](#)) and by developing tree planting incentives and programs that promote species diversity. The City could establish community guidelines for the selection of suitable tree species and incentivize tree species diversity on private property with tree giveaways and similar programs.

Plant trees rather than retain trees on development sites

Science does not support the concept that tree planting is an effective alternative towards meeting canopy cover goals, as described in an online *This Week in Kirkland* bulletin, [Tree Code Update: The Importance of Preservation](#) published April 11, 2018. However, the City may want to explore incentives for increasing canopy cover on public/private property.

Public Feedback

Public feedback on potential tree code amendments was obtained in two phases. Staff obtained initial feedback in 2018 through Juanita Farmers Market and Crossing Kirkland pop-up stands, at City Hall for All and by holding two facilitated stakeholder workshops – one attended by individuals interested in tree protection and another attended by members from the development community. Responses to the questions asked at each of these events are

recorded in Attachment 10. At the 2019 Sustainability Forum event, an overwhelming number of attendees focused on trees and urban forestry issues, prompting subsequent special interest meetings.

High levels of general public interest in the tree code updates is expressed in an unusually large number (over 900) webpage listserv subscribers signed up to receive project updates. The second phase of public outreach was conducted during the period staff was focused on stakeholder involvement, from late 2018 through May 2019. To communicate the issues and complexities of the project and maintain the broader community's continued awareness, staff published several articles in [This Week in Kirkland](#) online bulletins and produced and released a series of three [videos](#) in the spring and summer 2019, generating over 4,000 YouTube and Facebook hits.

Staff provided project updates at Kirkland Alliance of Neighborhood (KAN) and other neighborhood meetings and served as a technical resource at the Finn Hill Neighborhood Alliance Tree Code Tutorial event. Prior to the public hearing on November 5, 2019 staff held an open house with handouts, maps and other display materials and was available to answer questions about the draft tree codes. Standard noticing for the public hearing was given, with direct notification to the Kirkland Developers Partnership, MBAKS, consulting arborists and tree care companies and the Eastside Audubon Society. Over 60 [written testimonials](#) have been submitted to the City and at the public hearing, 18 meeting attendees provided oral testimony on the draft code amendments to KZC 95.

Next Steps

At the October 1, 2019 joint PC-City Council study session, the City Council requested that, prior to adoption, a review of the Planning Commission recommendation occur with a study session. Staff will schedule future study sessions or meetings with Council based on responses to the questions set forth above. Substantive changes to the draft code may warrant additional public comments and/or hearings.

The City Council has expressed interest in simultaneously adopting changes to Kirkland Municipal Code 1.12.100, tree code enforcement, in conjunction with the adoption of the KZC 95 amendments. Previously considered in 2018 with the Holmes Point Overlay (KZC 70) amendments, both code updates were tabled at the time, with Council's desire to complete amendments to the geologic hazard regulations (KZC 85) and tree regulations (KZC 95) before further consideration of the HPO and KMC amendments. Although the PC understands the KMC is not within PC jurisdiction, they expressed a desire that City Council direct changes that further strengthen tree code enforcement, having made such an extensive effort on KZC 95 code amendments.

Both KZC and KMC code changes involve comprehensive implementation phases. Public education and outreach related to KZC 95 and KMC 1.12.100 requirements geared for developers, arborists and homeowners are an incentive for greater code compliance. Prior to adoption of KZC 95, staff will be seeking additional direction from the City Council on effective dates and options related to vesting of projects.

Attachments

1. PC Recommendation to City Council
2. Stakeholder Meeting Topic Summary
3. 22 Development Scenario Analysis
4. Effects of Proposed Code Changes
5. HCC Recommendations to PC
6. Draft Kirkland Zoning Code Chapter 95
7. Draft Kirkland Zoning Code Chapter 95 – Clean Copy
8. FHNA December 10, 2019 Letter to PC
9. MBAKS November 22, 2019 New Draft KZC 95
10. Public Feedback Phase I
11. Responses to Policy-Related Questions and Requests for Additional Information

cc: File Number CAM18-00408
Planning Commission
Houghton Community Council



CITY OF KIRKLAND
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123 5th Avenue, Kirkland, WA 98033
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MEMORANDUM

To: Kirkland City Council

From: Kirkland Planning Commission

Date: January 9, 2019

Subject: Planning Commission Recommendation
Amendments to Kirkland Zoning Code Chapter 95
Tree Management and Required Landscaping, File Number CAM18-00408

INTRODUCTION

The Planning Commission has concluded 18 months of study on amendments to Kirkland Zoning Code Chapter 95 - Tree Management and Required Landscaping and now presents our final recommendations to the City Council for consideration and adoption. Our objective in this process has been to strike an appropriate balance between adding clarity and predictability to the City's tree regulations while honoring the City's adopted goals and policies for environmental stewardship and a healthy, resilient urban forest.

In developing our recommendation, the Commission has met 14 times to consider information provided by staff, the City Council, the Houghton Community Council, various stakeholders, and the broader community. All of this input served as the basis to develop a draft code for consideration at our November 5th joint public hearing with the Houghton Community Council. The Planning Commission left the record open for additional written testimony until our deliberations on December 12th. At that final meeting we considered all public testimony, as well as the recommendation of the Houghton Community Council, and finalized our recommendation to the City Council.

Throughout this process, certain groups and individuals have dedicated tremendous time and energy to a shared goal of improving Kirkland's tree regulations. The Planning Commission offers special thanks to the working group comprised of the representatives the Master Builders Association of King and Snohomish County (MBAKS), the Finn Hill Neighborhood Alliance (FNHA), and other dedicated Kirkland residents for their efforts. The Commission has incorporated a significant amount of their work into the proposed regulations. In respect of their efforts, the Planning Commission and Houghton Community Council offered the working group additional time at the public hearing to present their work and explain points of consensus and areas of ongoing disagreement. Gina Clark, representing MBAKS, and Scott Morris, representing FNHA, took this opportunity as the first speakers at our joint hearing. Their testimony can be watched starting at the 22:30 minute mark in the [public hearing](#) video. MBAKS took the opportunity to testify that the working group, Planning Commission, Community Council, and staff had failed - without offering specificity on the requested points of consensus

and areas of ongoing disagreement. FNHA took the opportunity to speak regarding the objectives of the working group, points where the working group was generally aligned (Tier 1 trees), and areas where there was not consensus (Tier 2 trees).

The specific issues raised by MBAKS and FNHA are addressed in more detail below and in staff's memo. The Planning Commission obviously takes issue with the MBAKS contention that our efforts have failed and were surprised by that characterization. The Community Council, the Planning Commission, and the community as a whole have invested significant time and resources to developing this recommendation. We have listened intently to the issues and solutions that MBAKS has presented to us throughout this process. We have worked diligently listening to all constituents to develop a balanced approach and we take issue with MBAKS contention that these efforts have failed because they do not feel that all of their solutions are included in the final product.

We appreciate the work of the Houghton Community Council during the process in sharing their recommendations and in improving the clarity and organization of the draft code. The Planning Commission has accepted most of the Community Council's recommendations into the draft that we recommend to Council and we highlight the two key differences (tree quota and Landmark tree retention) below. It should be noted that we support the Community Council's recommendation to review regulations for parking lot landscaping standards. We will include future review of these standards in our upcoming recommendations on the 2020-2023 Planning Work Program.

Regulating trees is an important and challenging task. Tree codes touch on many disparate community values such as environmental stewardship, property rights, housing affordability, private views, climate change, and community character to name a few. The City has established itself as a leader in sustainability and climate action with programs and initiatives like Kirkland Green and our King County Cities Climate Collaboration (K4C) commitment and tree retention and planting are key components of Kirkland's sustainability. Every community that chooses to regulate trees and each participant in Kirkland's process weighs these values differently. That means there is no "right" answer. Rather, the City must consider adopted goals and policies that express community-held values, listen to its constituents, then develop regulations that best balance community interests. The Planning Commission has listened attentively and deliberated extensively in developing our recommendation. We extended the process significantly to seek consensus in the community on as many aspects of the code as possible. It is clear that consensus on all topics is not likely, leaving difficult decisions for the Commission and City Council on a number of issues.

KEY ISSUES

The Planning Commission would like to highlight the following key issues that we have deliberated and outline our rationale for these specific recommendations. The staff report to City Council will contain a full assessment of the draft code but following are the topics that have been the most controversial and, consequently, have received the Planning Commission's greatest attention.

1. General

For purposes of regulating tree retention with development, our recommendation is separated into two tiers of trees. The largest and most significant trees are regulated as Tier 1 trees and subject to the most stringent retention standards and would be reviewed for retention regardless of their location on the development site. Smaller and less significant trees are regulated as Tier 2 trees and subject to lower standards for retention and would only be reviewed for retention if they are located in a required setback.

2. Landmark Trees

The draft code establishes a new category of trees regulated as Landmark trees. These are trees that have a minimum 30" trunk diameter (DBH) and are in good-excellent condition. Landmark trees are subject to the highest standard for retention (Tier 1) and are subject to more stringent standards for homeowner removal.

The concept for regulating Landmark trees came from the stakeholder group, which recommended singling out large iconic trees for special protection during development. Throughout our deliberations, the concept of these special protections has been supported by public testimony, but there have been divergent opinions regarding the size of these trees (24"-30" DBH has been the common range) and whether homeowners should be allowed to remove these trees.

Regarding establishing a size threshold for Landmark trees, the Commission supports a minimum size of 30" DBH. We know that large trees have large critical root zones and that makes them challenging to retain on typical single family-sized Kirkland lots. Therefore, we do not recommend expanding these retention standards to trees smaller than 30" DBH.

Regarding a homeowner's ability to remove Landmark trees absent development activity, our concern is that by establishing stringent development regulations for Landmark trees, an incentive is created for developers or property owners to eliminate such trees prior to application for development permits. To address this concern, the draft code considered at the public hearing prohibited homeowner Landmark tree removal. In their recommendation, the Houghton Community Council objects to this prohibition. The Planning Commission is now recommending compromise language that would allow homeowner removal of Landmark trees, with a permit, subject to the following limitations:

- Only one Landmark tree per every 24 months
- Require robust replacement plantings
- No short plat or subdivision applications for 24 months after removal of a Landmark tree (rather than recommended 12 months for other tree removals)

3. Trees in Setbacks

The draft code also establishes regulations for retention of trees that are not Landmark or Grove trees with development. Consistent with the City's current practice, these are

trees located toward the perimeter of the site, in setbacks where buildings are not allowed. By virtue of their location, these trees have the greatest likelihood of retention. The Commission is recommending regulations that add predictability, assurance of basic development rights, and flexibility in code standards to improve this approach to tree retention.

The MBAKS has pressed for the elimination of protection of trees in setbacks and proposed to replace it with regulations that establish a quota that, aside from Tier 1 tree retention, allows an applicant the discretion to remove any trees as long as the quota is met by planting new trees. The Houghton Community Council recommends a hybrid approach, accepting the proposed Tier 2 approach of protecting trees in setbacks subject to a quota of 50 credits per acre. This would allow any trees in excess of that quota to be cut, regardless of whether they are impacted by the proposed development. In the absence of (or if too few) existing trees can be retained, the applicant must plant new trees to meet a lower (30) credit quota.

The Planning Commission considered the quota approach and, based on specific data provided by staff, concluded that it would allow a significant increase in tree removal with development when compared to the City's current regulations. We know from the 2018 canopy assessment that the City has lost 253 acres of tree canopy since 2010 in our single family neighborhoods, attributed to robust development activity. Based on those findings, we cannot recommend regulations that would significantly accelerate this canopy loss in these neighborhoods. FNHA has suggested the alternative of increasing the quota to 80-100 credits per acre, but it is not clear how that approach would add additional clarity or predictability than our recommendation to keep the focus on trees in setbacks with additional standards of predictability and additional code flexibility.

4. Short Plats and Subdivisions – Elimination of Phased Review Option

In the interest of providing additional predictability around tree retention associated with short plats and subdivisions, both for developers and for neighbors of development, the draft code eliminates phased review of tree retention plans. The City had previously eliminated the phased review option for short plats and subdivisions in the Holmes Point Overlay and the Commission now recommends a consistent Citywide approach. A comprehensive review of tree retention earlier in the process through an integrated development plan (IDP) will result in better decisions about tree retention and more transparency to neighbors about what the final product will look like. In response to concerns from the development community about this requirement, the draft code contains streamlined and clarified provisions for modifications to approved IDPs.

5. Enforcement

The Planning Commission understands that the City Council will be considering updates to the enforcement and penalty provisions of the Kirkland Municipal Code (KMC) related to violations of the tree regulations. While the code enforcement provisions of the KMC are not the purview of the Planning Commission, we have worked hard on updating the tree regulations and support efforts to ensure that these regulations are followed, and violations result in appropriate penalties. Public testimony has expressed concern that

there are blatant violations of current regulations and that current enforcement and penalties are not adequate to deter these violations. The Planning Commission supports stiffer penalties, especially for those who knowingly violate the regulations for profit (i.e. – in violation of permit conditions) and those who are in the business of trees and are thus responsible for knowing the rules (i.e. – developers and arborists).

CONCLUSION

After over a year of careful study, the Planning Commission is pleased to recommend adoption of amendments to the City's tree regulations that balance multiple community interests in a manner that is consistent with the guiding goals and policies established in the Comprehensive Plan.

6/24/19 revisions

1/6/20 revisions reflecting HCC/PC recommendations or stakeholder areas of disagreement

STAKEHOLDER AREAS OF AGREEMENT	Continue using tree density credits rather than canopy cover
	Eliminate High, Moderate and Low Retention Value Trees
	Agree in principle to define trees of merit, i.e. what's worthy of retention and the extent of requirements
	Agree in principle to increase tree credit requirements per acre – Later, became an area of disagreement when MBAKS defined 50 credits per acre as a tree removal quota.
	A covenant rather than an easement is preferred by MBAKS for grove protection - Official City Document #089 has been revised to a Grove Protection Covenant instead of Easement with encumbrances on the protected trees, not the land.
	Agree in principle to cap total number of credits awarded for individual existing trees Stakeholders propose 11 credits maximum (correlates to 30" dbh tree). Staff may lower to 8 credits (24" dbh tree) pending PC direction.
	Don't award credits for arborvitae or other slow-growing/small-statured trees
	Agree in principle to increase species diversity and a more uneven-aged urban forest
	Landmark/grove tree location: anywhere on development site
	Landmark/grove tree size and number of trees - Stakeholders propose 30" dbh Landmark trees. (MBAKS) groves of 3 or more must include one Landmark (30" dbh) or 5 or more that include one 24" dbh. PC: grove = 3 or more, each with a minimum 12" DBH (12/12/18).
	Landmark/grove condition - Good to excellent per industry standards. (MBAKS feels the current definition is often applied to trees of limited significance or health).
	Landmark/grove application of credits – If Landmark/grove trees meet or exceed 50 credits per acre, no other trees are required to be planted PC: Landmark trees/groves shall be retained using standards in matrix below. Tier 2 trees must be retained if criteria is met (12/12/18).
	What development rights are applicants guaranteed towards Tier 1 Landmark/grove tree retention? - see matrix below and draft code
	What modifications/site plan alterations are required to retain Tier 1 Landmark/grove trees? - see matrix below and draft code
Tier 1 challenges - mock scenario exercise showed 30" dbh threshold trees may be challenging to retain due to: <ul style="list-style-type: none"> Low percentage of 30" dbh trees on pre-development sites to begin with (2018 field study) Largest root zone (30' CRZ radius, 60' diameter) typically covers small-average size lots. Singles out the most mature trees rather than a broader range of older trees High likelihood that the outcome on small and average size properties is no/few 30" Landmark retention Best chance of success may be large lots that are not maxing out lot coverage and medium to large short plats and subdivisions where clustering can be a new tool 	

	Tier 2 tree location: in setbacks
	Tier 2 tree size: minimum 6" dbh
	Tier 2 tree condition: Good to excellent per industry standards
	Tier 2 application of credits: in the absence of Landmark/grove trees, existing Tier 2 trees in setbacks must be retained. If Tier 2 trees meet or exceed 50 credits per acre, no additional planting is required. If not, planting is required to 30 credits per acre.
	Determine what development rights are guaranteed for applicants to retain Tier 2 trees - Discussed May 1, May 13, May 29, and June 5, 2019. See Tier 2 matrix/draft code below
	Determine what modifications/site plan alterations are required to retain Tier 2 trees – same as above
	Define trees that are <i>not</i> required to be retained or count towards tree density credits. - Defined as trees in poor health and/or have significant defects in structure that cannot be mitigated with treatment. Can be expected to decline regardless of management. The species or individual tree may possess characteristics that are incompatible or undesirable in landscape settings or be unsuited for the intended use of the site. Use Prohibited Plant List for undesirable species such as cottonwoods, etc.
	Don't require supplemental trees that grow to a certain size in 10 years and/or require native species. - Not typical code language. Requiring tree species on private property adds complexity to the code and additional review time. Better as incentive
	The hazard tree definition per TRAQ/industry standard is justified and clearly distinguished from emergency tree removal. Strike proposed language from code, refer to standard.
	MBAKS objects to adding the term "immovable" to tree protection fence requirements. "Immovable" is an update on response to the public, City Council and Planning Commission regarding prevalence of fence creep/tree damage on construction sites. Staff is open to clarification on wording or further discussion of pros/cons of pier block vs driven fence posts. Strike proposed "immovable" language from draft code
REQUESTS FOR INFORMATION	Did the intern's data record the sizes of trees retained or the sizes of trees removed or both? Is the City estimating the prevalence of 30" diameter trees that have been retained during development activity or does data include info on trees that were removed during such activity? The intern collected data on the end results of the tree code: the number of retained trees and their sizes, plus the number of new trees planted to meet credits. What we found was plenty of new trees are planted and there's a low percentage of large retained trees, causing an uneven-aged urban forest. In response, staff went back through the arborist's reports of the same projects and obtained/shared additional data regarding the trees original to the development site, categorized by size. That data is reflected in the yellow columns in Attachment 4 to the 5/23/19 PC memo.
	Does the City have field data on groves to continue preserving groves in the same way as the current code? - Not from the intern's field work, but we do have general data from the canopy assessment. In the non-annexed city boundary under the current code, canopy cover increased from 2002 to 2010 in SFR areas. From 2010 to 2018 within the same boundary, the greatest canopy loss of any land use was SFR. The estimated average number of trees removed (no development) over the same period is relatively low (approx. 1K/year).
	Does the City have data that breaks down land use and trees? That is, does the City know what zoned areas have what percentage of current tree canopy, what has been lost, and where the areas of potential gains could be seen over the next 20-years?

	<p>Yes, the canopy assessment shows data in various land use/other geographic areas. Yes, it shows changes in canopy for all those areas from 2010 to 2018, the most recent canopy assessment cycle. It also shows potential planting areas for each land use classification.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">POLICY-RELATED ISSUES/DISCUSSION</p>	<p>MB-FH: in 95.05 there is no stated goal of balancing the needs of City landowners, nor recognition that those owners will bear all the costs of implementing Chapter 95. Is there room to insert recognition of the ‘cost’ side of the equation? Staff has not circled back to this section in our draft but is open to ongoing comment and discussion. KZC 95.05.2(c, d, e) addresses development in the context of tree retention. KZC 95.30 establishes that “the City’s objective is to retain as many viable trees as possible on a developing site while still allowing the development proposal to move forward in a timely manner.” The assertion that “owners will bear all the cost of implementing...” may not be true or appropriate code language. The City Council has suggested that the City Manager explore alternative methods to increase canopy cover on municipal property/city-wide</p>
	<p>MB-FH: Does the City have a concurrent plan, or is willing to include in 95.05, the City’s role to improve tree canopy and urban tree health on municipal land? And to update the 2013 Urban Forest Management Plan? - Speaking to municipal tree management is not the purpose of zoning codes, however it is addressed in KZC 95.05 in the general sense (see above). Requires CMO direction, involves Parks and Public Works depts. Updates to the Urban Forestry Strategic Management Plan are on the Planning Dept Work Plan, pending resources. Studying the precise relationship between tree credit requirements and canopy cove goals may be added to the Planning Dept Work Plan</p>
	<p>MB-FH: If data supports that greater gains could be found in some areas of the City on municipal land, should policy reflect that data and strategy shift to include ways to fund and implement (City Forestry Account?) - Data supports slowing canopy loss on private property, namely SFR. The primary purpose and current use of City Forestry Account funds is to plant trees on public property.</p>
	<p>MB-FH: Short verbiage if possible when all this is done. We agree with City it’s still too long - Determined by the PC, HCC and City Council. The KZC 95 code revision project timeline was extended for 6 months to involve stakeholders.</p>
	<p>MB-FH: Provide annual review with community and industry stakeholders on how the code is working in practice. Develop a community advisory committee for code implementation over the next few years. Propose to Council that KZC 95 is brought back for necessary amendments at 12, 18 and 24 months based on staff/stakeholder feedback? - Open for discussion. May be added to Planning Dept Work Plan.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">NOT SUPPORTED BY PC</p>	<p>“Borrow” against future tree removals – as previously discussed, the City can’t track “borrowed” removals on its permit database. “Borrowing” against future tree removals doesn’t meet intent of code to slow canopy loss. Staff is concerned with abuse of rules by developers, who are already incentivized to cut trees prior to filing permits. The draft code partially closes loophole with a 12-month delay on permit filing. Need to discuss consequences of Landmark/best tree removed from potential development sites then waiting 13 months to file permits.</p>
	<p>Continue to allow “phased” development tree removal in addition to the Integrated Development Plan review (IDP) as an option – Tree removals that occur with multiple development phases often resulting in the public perception of “saved” trees getting removed. IDP requires tree retention decisions made early in the SPL/SUB design process, when access roads and utilities are planned. MBAKS would like to retain phased review for short plats (<10 lots) while allowing larger builders to use IDP. This is not an area of agreement between stakeholders</p>

MBAKS-FHNA Stakeholder Group
 Tier 1/Tier 2 Code Concepts
 Revised July 11, 2019

<i>Tier 1 General Principles</i>		
LOCATION – anywhere on a development site except within Tier 1 building footprint guaranteed area SIZE – Landmark tree = 30” dbh GROVES – 3 or more trees with one 30” dbh or 5 or more trees with one 24” dbh CONDITION – good-excellent condition per industry standards CREDITS – per PC direction 7/11/19, Landmark trees/groves must be retained regardless of credits REPLANTING STANDARD – per PC direction 7/11/19, replanting is triggered when retained trees do not meet/exceed 30 tree density credits per acre (current code)		
<i>The applicant is guaranteed...</i>	<i>The applicant shall pursue/City will require these site plan alterations to retain Tier 2 trees...</i>	<i>...and the City has the authority to vary these development standards...</i>
General support for 40’ wide front facade x 36’ deep building pad, with an attached 20’ x 20’ allowed behind that pad. The 20’ x 20’ pad can shift from side-to-side. Total pad length is 56-60’ deep. This is based on feedback on garage locations, standard room sizes and access to rooms behind garage. No adjustments are made for larger lots by area. Maximums allowed by the applicable zoning for: FAR Lot coverage Density	<u>Site plan modifications</u> Flip (mirror) house and driveway configuration 10’ front setbacks, 5’ rear setbacks Selection of side yard setbacks (5’ min/15’ total) Design deck, patio, paths to retain trees Relocate utilities when it’s an option with PW approval Avoid rockery, retaining wall locations in Tier 1 CRZs Shore basements and other extensive excavations Cantilever structures over CRZs <u>Shortplat/subdivision alterations</u> Cluster houses/lots Reroute access roads Relocate utilities as applicable (see above) Rearrange property lines (same as clustering) <u>Arboricultural methods</u> Air spade excavations Bore/tunnel under CRZs rather than trench Additional CRZ protection (plywood, steel, mats, etc.)	<u>Site plan modifications</u> 10’ front/5’ rear setbacks Modify garage width limits 18’ x 18’ parking pad limits Parking pads designed to retain Landmarks Modify ROW frontage improvement requirements (no landscape strip, etc.) Building height limitations per PC direction 5/23/19 <u>Shortplat/subdivision alterations</u> Allow 3’ side yard setbacks with internal lots Reduce lot size when clustering, while allowing full FAR & lot coverage through averaging

<i>Tier 2 General Principles</i>		
<p>LOCATION – within setbacks SIZE – 6” dbh or greater CONDITION - in good/excellent health and structure per industry standard but will be clearly defined for greatest predictability. Includes: Windfirm if isolated (or remains as part of a grove) No “weed trees” such as cottonwood or alder per Prohibited Plant List (doesn’t apply in critical areas/buffers) CREDITS – per PC direction 5/23/19 no credit quotas apply to require removal of Tier 2 trees REPLANTING STANDARD - replanting is triggered when retained trees do not meet/exceed 30 tree density credits per acre per current code. May use table format for # trees per lot size. Incentivize replanting large/native conifers by awarding additional credits.</p>		
<i>To retain Tier 2 trees, the applicant is guaranteed...</i>	<i>To retain Tier 2 trees, the applicant shall pursue/City will require these site plan alterations...</i>	<i>...and the City has the authority to vary these development standards...</i>
<p>A 50’ by 50’ building pad, setbacks allowing. For front facades wider than 50’ (setbacks allowing), less 10% of the distance between side setbacks (i.e. – with a 70’ lot with two 5’ side setbacks and a 60’ front façade, applicant reduces front facade width by 6’ to an allowed 54’ width)</p> <p>Maximums allowed by the applicable zoning for: FAR Lot coverage Density</p>	<p><u>Site plan modifications</u></p> <p>Shift or flip (mirror) building footprint/driveways Selection of front and side yard setbacks (5’ min/15’ total) per applicable zoning requirements Shift the building footprint on the lot to take advantage of the setback modifications/reductions allowed Redesign deck, patio, path for tree retention Avoid retaining wall/rockeries where possible</p> <p><u>Arboricultural methods</u></p> <p>Bore for utilities less than 2” diameter</p>	<p><u>Site plan modifications</u></p> <p>Reductions of front yard setbacks by 5’ and rear yard setbacks that are not directly adjacent to another parcel’s rear yard but that are adjacent to an access easement or tract by 5’ Modify garage requirements to allow “snout house” designs Modify ROW frontage improvement requirements (no landscape strip, etc.) with PW approval</p> <p><u>Shortplat/subdivision alterations</u></p> <p>Reduce lot size when clustering, while allowing full FAR & lot coverage through averaging</p>

KZC Code Comparison: Current Tree Code to Draft Code Proposals

Random sampling of 22 recently-issued SFR developments
Revised January 9th, 2019

BP #	Property Size (Sq. Ft.)	Under current KZC 95			Under Stakeholder's tree retention approach			+/- Retained Trees	+/- Retained Groves	+/- Retained Trees >30" dbh
		High /Moderate/Low Retention Values+current grove definition			Landmarks + 50 credits per acre quota+increased grove qualification					
		Trees retained	Groves retained	Trees >30" dbh retained	Trees retained	Groves retained	Trees >30" dbh retained			
5491	7,560	0	0	0	0	0	0	0	0	
7677	7,701	0	0	0	0	0	0	0	0	
5718	7,235	1	0	1	1	0	1	0	0	
6307	32,612	6	1	3	3	1	3	-3	0	
7533	8,500	6	1	1	5	1	1	-1	0	
7358	7,232	19	2	0	2	0	0	-17	-2	
604	7,640	6	1	1	4	1	1	-2	0	
6345	7,290	4	1	0	1	0	0	-3	-1	
6810	7,252	3	0	1	1	0	1	-2	0	
792	9,115	3	1	1	3	1	1	0	0	
4584	5,444	4	1	0	1	0	0	-3	-1	
2800	7,644	1	0	0	1	0	0	0	0	
603	6,980	5	0	0	1	0	0	-4	0	
7055	5,544	4	0	1	2	0	0	-2	0	
4380	12,266	2	0	1	1	0	1	-1	0	
4585	4,752	2	0	0	2	0	0	0	0	
6258	8,963	1	0	0	0	0	0	-1	0	
5851	8,142	5	0	0	0	0	0	-5	0	
4799	9,181	6	0	0	0	0	0	-6	0	
488	8,024	4	0	1	2	0	0	-2	0	
1336	7,200	4	1	2	4	1	2	0	0	
4622	6,065	0	0	0	0	0	0	0	0	
Totals		86	9	13	34	5	11	-52	-4	-2

Under Planning Commission draft KZC 95			+/- Retained Trees	+/- Retained Groves	+/- Retained Trees >30" dbh
Tier 1 and 2 building envelopes, specific site plan alterations/variations to development standards, groves as 3 @ 12" DBH					
Trees retained	Groves retained	Trees >30" dbh retained			
0	0	0	0	0	0
0	0	0	0	0	0
2	0	1	1	0	0
5	1	3	-1	0	0
6	1	1	0	0	0
16	1	0	-3	-1	0
5	1	1	-1	0	0
4	1	0	0	0	0
2	0	1	-1	0	0
3	1	1	0	0	0
2	0	0	-2	-1	0
1	0	0	0	0	0
5	0	0	0	0	0
2	0	0	-2	0	-1
2	0	1	0	0	0
2	0	0	0	0	0
0	0	0	-1	0	0
0	0	0	-5	0	0
0	0	0	-6	0	0
2	0	0	-2	0	-1
4	1	2	0	0	0
0	0	0	0	0	0
63	7	11	-23	-2	-2

Observations: Under the current KZC 95 tree code, an additional 52 trees and 4 groves were retained in comparison to the Stakeholder approach.





Under the current KZC 95 tree code, an additional 23 trees and 4 groves were retained in comparison to the Planning Commissions draft code.

Tree condition ratings have now been included in the analysis. "Fair" condition trees have been excluded for retention under Stakeholder and Planning Commission drafts. The results are that some retained groves are smaller with fewer trees and two landmark trees that have been retained under current code would be eligible for removal.





Amendments to Kirkland Zoning Code Chapter 95
Effects of Proposed Code Changes - Compared to Current Code

No change, tree retention or tree removal
 Greater tree retention on development sites, less homeowner tree removals
 Less tree retention on development sites, greater homeowner tree removals
 Unknown or untested

	PROPOSED CODE	STAKE-HOLDER ¹	WHAT WILL THE PROPOSED CODE DO?	DOES THE CURRENT CODE ADDRESS THE ISSUE?	CANOPY EFFECT ²	ANTICIPATED RESULT ³
Development Requirements	Tier 1 - Landmark tree	✓	Protect 30" dbh (trunk diameter) trees in good-excellent health	Yes; retains 30" dbh trees where practicable		o No change in tree retention on typical sites + Retention may be improved on clustered short plats/subdivisions & large lots
	Tier 1- Grove	✓	Redefine groves by quantity and size: 3 or more trees with one 30" dbh minimum tree, or 5 or more trees with one 24" dbh minimum tree	Yes; without size or number limits		- Grove size requirements will result in retaining largest/oldest tree stock and replanted new trees, rather than retaining evenly-diverse tree ages/sizes.
	Tier 2 trees	✓	Retain trees in good-excellent condition located in setbacks	Yes; using "high retention value" trees in setbacks definition		+ Greater code clarity with condition ratings - Slightly less tree retention without "Moderate Retention Value" tree protection
	Tree condition ratings	✓	Define trees' health/structure, retain "good-excellent" trees only	No; current definitions are considered too subjective		+ Greater code clarity with specific tree condition ratings - Significantly less tree retention without "Fair" tree protection
	Building envelope dimensions	✓	Guarantees development rights using specific building envelopes: Tier 1: 40'w x 40'd with contiguous/shifting 20'w x 20'd Tier 2: 50'w x 50'd footprint, or Building facades greater than 50'w: the maximum footprint shall be less 10% a distance between side setbacks, etc.	Yes; but simply focuses on retaining trees in setbacks		+ Greater predictability for developers - Increased code complexity for all - Increased code text - Increased difficulty at development feasibility phase - Increased design/review time applying 2 building envelope dimension standards
	Extent of tree retention requirements	✓	Specify requirements for: Site plan alterations (building design and configuration on lot) Tree retention/protection methods	No; current "retain if feasible" or "to the maximum extent possible" language is considered too subjective		+ Greater predictability for developers + Greater code clarity
	Code flexibility elsewhere	✓	Allow variations to other codes/standards to retain trees	No; current "retain if feasible" or "to the maximum extent possible" language is considered too subjective		+ Greater predictability for developers + Greater code clarity
	Retention & replanting priorities	----	Clarify priority of requirements: 1-retain, 2-plant on site, 3-plant offsite, 4-payment in lieu of planting	Yes		+ Greater predictability for developers + Greater code clarity
	Integrated Development Plans (IDP)- Tree retention decisions upfront with shortplat & subdivision design	FHNA	Eliminate phased development review process Limit tree removals that occur at various permit stages Streamline modification section of code Require Planning Director decision for modifications	Yes; however, IDP is optional and modifications require Hearing Examiner decision		+ Greater predictability for developers + Greater awareness of tree protection and removals upfront for all + More information available to neighbors + Greater successful tree retention with early planning
	No credits for arborvitae	✓	Prevent excessive use of arborvitae planted on development sites in response to field study findings	No; arborvitae is currently eligible for tree density credits when planted as replacement trees		+ Supplemental tree planting that best meets code intent
Homeowner Tree Removals	No landmark tree removal	FHNA	Prohibit removal of 30" dbh trees unless hazard/nuisance (permit)	No		+ Protects iconic landmark trees before and after development
	Tree removals per lot size	----	Allow without a permit: 2 removals for lots <10,000 sq ft 4 removals for lots 10,000-20,000 sq ft 6 removals for lots >20,000 sq ft >6 removals with Forest Management Plan for lots >35K NEW: require same number of remaining trees as allowed for removal as a trigger for replacement trees	Yes, but currently limited to 2 tree removals every 12 months on any size property. Replacements are triggered with the removal of the last 2 trees on the property.		+ More equitable across different property sizes - Greater tree removal at one time on larger properties
	Prevent preemptive tree removals	----	Cannot submit development permits for 12 months following tree removal Prohibit girdling, define tree removal by "felling"	No		+ Less preemptive removals + Equitable code compliance + Prevention of hazard trees
	Hedge removal	----	Allow tree removal for overgrown hedges if the number of trees is greater than allotted per property size Replacements required.	No		- Greater number of allowed tree removals at one time
	Authority to order removal of severely infected trees	----	Lessen massive tree failure from disease/pest outbreak	No		n/a - preventative (ie: Dutch Elm/Emerald Ash Borer)

 No change, tree retention or tree removal
  Greater tree retention on development sites, less homeowner tree removals
  Less tree retention on development sites, greater homeowner tree removals
  Unknown or untested

Prior Discussion Topics

APPROACH	STAKEHOLDER ¹	WHAT WOULD THIS APPROACH DO?	DOES THE CURRENT CODE ADDRESS THE ISSUE?	CANOPY EFFECT ²	ANTICIPATED RESULT ³
<i>Establish a 50 credit per acre quota</i>	MBAKS	Allow tree removal at applicants' discretion upon reaching a 50 credit per acre quota	No; retain to meet or exceed 30 credits per acre with trees in setbacks (areas with greatest success for retention)		- Significantly less trees and density credits retained
<i>Increase planting requirements</i>	✓	Increase planting standard from 30 to 50 tree credits per acre (9 new trees on an average 7,500 square foot lot)	Yes; current standard is 30 credits per acre (5 new trees on 7,500 square foot lot)		+ Long-term gains in canopy cover ⁴ may be achieved, however overcrowding and poorly-located new trees likely result in nuisance/hazard trees within 10 years
<i>Require native/conifer tree species</i>	FHNA	Require native trees, particularly conifers be planted to meet tree credits	Yes; through an incentive (not requirement) that awards 1.5x tree credits to retain native conifers	?	o Greater stormwater benefits are achieved with the retention of existing conifers versus planting new trees (regardless of type or species) o Plant with species diversity objectives, (avoid invasive vegetation)
<i>No protection for Tier 1 groves</i>	MBAKS	Eliminate grove protection covenant altogether	Yes; in addition, staff has accommodated MBAKS with Modest code changes to the grove easement Redefined legal description (2017) Replaced easement with covenant as legal instrument		- Tier 1 Landmark/Grove trees not protected if grove covenant is eliminated - Subsequent property owners will have no awareness of covenant
<i>Public tree management goals</i>	✓	Identify and implement efforts to increase canopy cover on municipal property (parks and right-of-way)	No; Kirkland Zoning Codes regulate land use and development on private property		+ Long-term gains in canopy cover ⁴ can be achieved by maintaining, protecting and planting public trees per the 2018 Canopy Assessment & Urban Forest Strategic Management Plan
<i>Increase tree protection enforcement and inspections</i>	FHNA	Reduce on-site incidents that result in tree/root damage	Yes; however, project sequencing could be addressed	?	o Could increase enforcement and inspections when resources are available o Could increase penalty fines, especially with repeated offenses
City Council items?					
City Council items?					
City Council items?					

¹STAKEHOLDER - code provisions that a stakeholder group collaboratively developed/have reached consensus agreement on. The stakeholder group consists of self-appointed members from Master Builders of King and Snohomish Counties, Finn Hill Neighborhood Alliance and others. Individual groups' support is noted where applicable.

²CANOPY EFFECT - as observed in the analysis of 22 recently-issued Single Family development permits in Attachment 4 using the current tree code as a baseline for comparison.

³ANTICIPATED RESULT – (o) No or negligible, (+) Positive, (-) Negative change based on the analysis in Attachment 4.

⁴Long-term canopy gains refer to tree growth in approximately 20 years; however, canopy cover in Kirkland is analyzed in 7 to 8-year cycles.



CITY OF KIRKLAND
Planning and Building Department
 123 5th Avenue, Kirkland, WA 98033
 425.587.3600 - www.kirklandwa.gov

MEMORANDUM

To: Kirkland Planning Commission

From: Houghton Community Council

Date: December 4, 2019

Subject: Houghton Community Council Recommendation
 Amendments to Kirkland Zoning Code Chapter 95
 Tree Management and Required Landscaping, File Number CAM18-00408

INTRODUCTION

The Houghton Community Council (HCC) respectfully submits our recommendations to the Kirkland Planning Commission for amendments to Kirkland Zoning Code Chapter 95 - Tree Management and Required Landscaping. The HCC has considered all of the thoughtful public testimony received over the course of this project, both in writing and at the November 5th public hearing. In particular, the HCC extends our thanks to the stakeholder group comprised of the representatives the Master Builders of King and Snohomish County, the Finn Hill Neighborhood Alliance, and other dedicated Kirkland residents for their many hours of work aimed at improving Kirkland's tree regulations.

Early in the amendment process, the HCC, in collaboration with the Planning Commission, developed the following guiding principles for our analysis of the Chapter 95 code amendments.

1. Strive to achieve a healthy, resilient urban forest with a 40 percent tree canopy cover
2. Strive for an objective process with predictable outcomes
3. Consider homeowner preferences for sunlight to generate solar energy and/or photosynthesis, as well as views
4. Allow modifications to proposed building plans to retain trees that would not result in unreasonably negative consequences to property owners
5. Promote simplicity and make code easier to implement

The guiding principles acknowledge the goal of a 40% tree canopy cover for our city. They also recognize that our regulation of tree canopy must strike a balance with our citizens' ability to enjoy their homes, and to allow new development within our city with reasonable restrictions that are predictable and consistently applied. We support the "Right Tree, Right Place" philosophy of the Arbor Day Foundation, among others. This includes an expectation for the city to promote tree canopy in all its land uses, and not place a disproportionate burden on single-family residential property, particularly new development.

The HCC finds that, with the recommended changes noted below, the proposed amendments are generally consistent with these principles.

KEY ISSUES

We do call attention to provisions in the draft code that are of particular concern to the HCC. Based on our deliberations, these are regulations that the HCC finds contrary to our guiding principles and adoption of these regulations may be cause for the HCC to exercise our disapproval jurisdiction pursuant to KMC 1.12 and KZC 160.95. The following provisions of the draft code rise to that level of concern:

Prohibition of landmark tree removal on properties not being developed (Section 95.23.5a).

HCC Concern: We believe that Kirkland should not force citizens to retain a tree that seriously conflicts with their desire for sunlight for gardening, views, solar energy or simply the mental and physical benefits of sunlight. To do so will cause citizens to resent our city government, and may well lead some to remove trees preemptively to avoid their regulation.

Retention of Tier 2 trees without a cap or quota establishing the maximum number of tree credits a developer is expected to retain.

HCC Concern: Providing an objective, predictable process for determining the trees that must be retained for development has been a primary objective in improving Kirkland's tree regulations. We are convinced that the only effective way to achieve this is through a quantifiable tree credit quota system.

RECOMMENDATION

The HCC recommends that the Planning Commission incorporate the following changes to the draft code. We would note that, with the exception of the Key Issues highlighted above, most of these recommendations are intended as clarifications to make the code easier to read and implement and are supported by staff.

- A. Draft Code Version:** As discussed at the public hearing with the Planning Commission, staff accepted edits from HCC members and Planning Commissioners that might improve the clarity and administration of the draft code without changing the substance or intent of the draft. To that end, HCC member Neal Black provided detailed suggestions for improvements to the draft code. Councilmember Black's suggestions have been reviewed and endorsed by both the HCC and staff and have been used by the HCC in our deliberations as the baseline version of the code. HCC and staff recommend that this improved version of the code be used by the Planning Commission as their working draft as well.
- B. Recommended Amendments:** The HCC recommends the following additional amendments to the draft code:

1. 95.10 Definitions:

95.10.4 DBH – For trees with multiple trunks, strike “a cumulative sum” of multiple trunks in favor of the industry standard formula. The industry standard is the square root of the sum of the DBHs squared. Add a provision for the calculation of DBH of multi-trunked trees that only stems of at least three (3) inches diameter at 4.5 feet height above average grade shall be included in the calculation.

95.10.16a Grove – Strike “provided that groves will not be deemed Hedge trees,” add language to ensure that groves preserved through development (KZC 95.51.3) cannot be removed as hedges

95.10.16c Hedge Trees – Add language to the end of the second sentence so that it reads “A Hedge will not be deemed a Grove or comprise regulated trees.”

2. 95.23 Tree Pruning and Removal on Private Property in the Absence of Development Activity:

95.23.5a- Do not prohibit landmark tree removal

95.23.5d - Strike “with notification” from the table to clarify that notification is not a requirement for these tree removals

95.23.7 - Preemptive language should only apply to the removal of landmark trees rather than the more broadly defined regulated trees

3. 95.30 Tree Retention Associated with Development Activity

95.30.2a – Modify the threshold for triggering a Tree Plan review with remodels/additions so that it is triggered with a 50% increase in the footprint rather than a 50% increase in the total square footage of improvements. This would recognize that upper story additions may not have impacts on trees.

95.30.4.a1 – Change “...in combination with...” to “...in addition to...” to clarify that the 20’x20’ footprint is additive to the 40’x40’ footprint

95.30.4.b – Establish a 50 tree credits per acre quota which may determine retention of Tier 2 trees. This would allow any existing Tier 2 trees to be removed once a quota of 50 tree credits per acre as calculated in 95.34 (including all Regulated trees) is reached. This does not allow removal of Tier 1 trees except as provided in 95.30.4.a. The proposed Tier 2 retention standards should still apply to ensure the application reaches the quota, but the trees chosen for retention to achieve the quota shall be determined by the applicant. If existing trees provide less than 50 credits per acre or necessary tree removal causes the property to fall below the 50 credit quota, then, the applicant must replant as necessary to meet a minimum of 30 credits per acre. When adopted, this section would require integration with other requirements of the draft code.

95.30.7 – Clarify that the intent is not to decrease the allowed FAR and

Maximum Lot Coverage for clustered short plats and subdivisions

4. 95.32 Tree and Soil Protection During Development Activity
 - 95.32.1–Delete this section because as it is already stated in 95.23.7
 - 95.32.3.b – Recommend that staff develop pre-approved plans as handouts to show applicants the standard for protective signs
 - 95.32.4.a – Replace “light soils” with a more specific standard for fill over a CRZ

5. 95.34 Tree Planting Requirements Related to Development Activity
 - 95.34.2 – Clarify that tree credits for retaining existing native conifers may exceed the cap of 11 credits due to the 1.5 times credit multiplier
 - 95.34.2 – Recommend that staff keep a list of other non-native large conifer species that will receive the 1.5 credit to add predictability
 - Table 95.34– Replace the term “Significant Trees” in the Title with the current term “Regulated Trees”. Add “and above” to the 30” DBH category for clarification
 - 95.34.5.b – For off-site planting of required tree credits, require a 5-year preservation agreement rather than preservation “in perpetuity”

6. 95.44 Internal Parking Lot Landscaping Requirements
 - 95.44.1 – Develop more robust parking lot landscaping requirements. This will accomplish the following objectives:
 - Ensure that trees in parking lots will have more space to mature than the current small landscape islands
 - Trees will have a more meaningful contribution to reducing the heat island effect from large parking lots
 - Large commercial and multifamily parking lots will contribute more meaningfully to the City’s canopy goals
 The Community Council would ask the Planning Commission to consider requirements and incentives, potentially including parking reductions, to achieve these objectives.

7. 95.50 Installation Standards for Required Parking
 - 95.50.12 – Clarify to read as follows: “Final Inspections – These requirements shall be completed prior to final inspection.”

CONCLUSION

The Houghton Community Council appreciates the dedication of the Planning Commission, community members, and staff in improving the City’s tree regulations. We hope that all of our collaborative efforts will produce a tree code that will serve as a model for other communities to manage their urban tree canopy.

KIRKLAND ZONING CODE CHAPTER 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING**Sections:**

- 95.05 Purpose and Intent
- 95.10 Definitions
- 95.20 **Tree Removal Permit Exemptions**
- 95.21 Public Tree **Removal and Pruning (consolidated)**
- 95.23 **Tree Pruning and Removal on Private Property in the Absence of Development Activity (consolidated)**
- ~~95.25 Sustainable Site Development (moved/consolidated)~~
- 95.30 Tree Retention Associated with Development Activity
- ~~95.32 Incentives and Variations to Development Standards (moved/consolidated)~~
- 95.32 Tree and Soil Protection during Development Activity (moved)
- ~~95.33 Tree Density Requirement~~
- 95.34 Tree Planting Requirements Related to Development Activity (moved/consolidated - previously "Tree Density Requirement" and "Supplemental...")
- 95.40 Required Landscaping **Based on Zoning District**
- ~~95.41 Supplemental Plantings~~
- 95.42 ~~Minimum Land Use Buffer Requirements~~
- 95.43 Outdoor Use, Activity, and Storage
- 95.44 Internal Parking Lot Landscaping Requirements
- 95.45 Perimeter Landscape Buffering for Driving and Parking Areas
- 95.46 Modifications to **Required Landscaping and Buffer Standards**
- 95.47 Nonconforming Landscaping and Buffers
- 95.50 Installation Standards for Required Plantings
- 95.51 Tree and Landscape Maintenance Requirements
- 95.52 Prohibited Vegetation
- 95.55 Enforcement and Penalties
- 95.57 City Forestry Account

95.05 Purpose and Intent

1. Trees and other vegetation are important elements of the physical environment. They are integral to Kirkland's community character and protect public health, safety and general welfare. Protecting, enhancing, and maintaining healthy trees and vegetation are key community values. Comprehensive Plan Policy NE-3.1 describes working towards achieving a healthy, resilient urban forest with a City-wide tree canopy coverage of 40 percent. The many benefits of healthy trees and vegetation contribute to Kirkland's quality of life by:

- a. Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus reducing the public and private costs for storm water control/treatment and utility maintenance;
- b. Improving the air quality by absorbing air pollutants, mitigating the urban heat island effect, assimilating carbon dioxide and generating oxygen, and decreasing the impacts of climate change;
- c. Reducing the effects of excessive noise pollution;
- d. Providing cost-effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;
- e. Providing visual relief and screening buffers;
- f. Providing recreational benefits;
- g. Providing habitat, cover, food supply and corridors for a diversity of fish and wildlife; and
- h. Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability of the community.

2. Tree and vegetation removal in urban areas has resulted in the loss to the public of these beneficial functions. The purpose of this chapter is to establish a process and standards to provide for the protection, preservation, replacement, proper maintenance, and use of significant trees, associated vegetation, and woodlands located in the City of Kirkland.

The intent of this chapter is to:

- a. Maintain and enhance canopy coverage provided by trees for their functions as identified in KZC 95.05(1);
- b. Preserve and enhance the City of Kirkland's environmental, economic, and community character with mature landscapes;
- c. Promote site planning, building, and development practices that work to avoid removal or destruction of trees and vegetation, that avoid unnecessary disturbance to the City's natural vegetation, and that provide landscaping to buffer the effects of built and paved areas;
- d. Mitigate the consequences of required tree removal in land development through on- and off-site tree replacement with the goals of halting net loss and enhancing Kirkland's tree canopy to achieve an overall healthy tree canopy cover of 40 percent City-wide over time;
- e. Encourage tree retention efforts by providing flexibility with respect to certain other development requirements;
- f. Implement the goals and objectives of the City's Comprehensive Plan;
- g. Implement the goals and objectives of the State Environmental Policy Act (SEPA); and
- h. Manage trees and other vegetation in a manner consistent with the City's ~~Natural Resource Management Plan~~ **Urban Forest Strategic Management Plan; industry standards; and best management practices established by the International Society of Arboriculture (ISA) and the American National Standards Institute (ANSI) for Management of Trees During Site Planning, Development and Construction, Pruning, and Tree Risk Assessment.**
- i. Preserve and protect street trees, trees in public parks and trees on other City property.

95.10 Definitions (note that all definitions related to the size, condition, arrangement, number in a group, etc. are consolidated under "tree" below)

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise. Definitions that apply throughout this code are also located in Chapter 5 KZC.

1. Caliper – ~~The American Association of Nurserymen industry standard for trunk measurement of nursery stock, applicable to required replacement trees. Caliper shall be the trunk diameter measured six (6) inches above the ground for up to and including 4-inch caliper size and 12 inches above the ground for larger sizes.~~
2. Critical Root Zone (CRZ) –~~The area surrounding a tree at a distance from encircling the trunk which is of a tree equal to one (1) foot radius for every inch of DBH trunk diameter measured at 4.5 feet from grade or otherwise determined by a qualified professional (example: one (1) foot radius per one (1) inch DBH). Example: a 24-inch DBH tree has a 24-foot radius CRZ measured from the face of the trunk.~~
3. Crown – The area of a tree containing leaf- or needle-bearing branches.
4. Diameter at Breast Height (DBH) – The diameter or thickness of a tree trunk measured at 4.5 feet ~~from the ground above average grade. DBH is also known as Diameter at Standard Height (DSH). For trees with multiple trunks at 4.5 feet height, only trunks 3" DBH or greater shall be included. Where a tree splits into several trunks close to ground level, the DBH for the tree is the square root of the sum of the DBH for each individual stem squared (example with 3 trunks: DBH = square root [(stem1)² + (stem2)² + (stem3)²]). If a tree has been removed and only the stump remains that is below 4.5 feet tall, the size of the tree shall be the diameter of the top of the stump.~~
5. Dripline – The distance from the tree trunk, that is equal to the furthest extent of the tree's Crown.
6. Impact – A condition or activity that **adversely** affects **any** part of a tree, including, **but not limited to**, the trunk, branches, or CRZ.

7. **Inner Critical Root Zone** – an area half the distance of the CRZ that, when impacted, may compromise the structural integrity of the applicable tree. Example: a 24-inch DBH tree has a 12-foot radius Inner Critical Root Zone measured from the face of the trunk.

~~x. **Limit of Disturbance** – The boundary between the protected area around a tree and the allowable site disturbance as determined by a qualified professional measured in feet from the trunk. (redefined as Tree Protection Zone)~~

~~x. **Public Works Official** – Designee of the Public Works Director.~~

8. **Qualified Professional** – An individual with relevant education and training in arboriculture or urban forestry, having two (2) or more of the following credentials:

- International Society of Arboriculture (ISA) Certified Arborist;
- Tree Risk Assessor Qualification (TRAQ) as established by the ISA (or equivalent);
- American Society of Consulting Arborists (ASCA) registered Consulting Arborist;
- Society of American Foresters (SAF) Certified Forester for Forest Management Plans;
- **Board Certified Master Arborist as established by the ISA.**

For tree retention associated with a development permit, a Qualified Professional must have, in addition to the above credentials, a minimum of three (3) years' experience working directly with the protection of trees during construction and have experience with the likelihood of tree survival after construction. A Qualified Professional must also be able to prescribe appropriate measures for the preservation of trees during land development.

9. **Prohibited Plant List** – The Planning and Building Department shall make available a list of trees, which may include other vegetation, that are invasive, noxious, or inappropriate species for replacement trees or for retention.

~~x. **Retention Value** – The Planning Official's designation of a tree based on information provided by a qualified professional that is one (1) of the following:~~

~~a. **High**, a viable tree, located within required yards and/or required landscape areas. Tree retention efforts shall be directed to the following trees if they are determined to be healthy and windfirm by a qualified professional, and provided the trees can be safely retained when pursuing alternatives to development standards pursuant to KZC 95.32:~~

~~1) **Specimen trees**;~~

~~2) **Tree groves and associated vegetation that are to be set aside as preserved groves pursuant to KZC 95.51(3)**;~~

~~3) **Trees on slopes of at least 10 percent**; or~~

~~4) **Trees that are a part of a grove that extends into adjacent property, such as in a public park, open space, critical area buffer or otherwise preserved group of trees on adjacent private property. If significant trees must be removed in these situations, an adequate buffer of trees may be required to be retained or planted on the edge of the remaining grove to help stabilize**;~~

~~b. **Moderate**, a viable tree that is to be retained if feasible; or~~

~~c. **Low**, a tree that is either (1) not viable or (2) is in an area where removal is unavoidable due to the anticipated development activity.~~

~~x. **Significant Tree** – A tree that is at least six (6) inches in diameter at breast height (DBH) as measured at 4.5 feet from the ground.~~

10. **Significantly Wooded Site** – A subject property that has a number of significant trees with Crowns that, **when outlined in aerial imagery**, cover at least 40 percent of the **total area of the property**.

11. **Site Disturbance** – Any development, construction, or related operation that could alter the subject property, including, but not limited to, soil compaction; tree or stump removal; road, driveway, or building construction; installation of utilities; or grading.

~~x. **Specimen Tree** – A viable tree that is considered in very good to excellent health and free of major defects, as determined by the City's Urban Forester.~~

12. **Topping** – Indiscriminate cuts made between branches that leave a stub, used to reduce the height or crown size of an established tree. Topping is not an acceptable practice pursuant to best management practices in the ANSI A300 Pruning Standards.

13. **Tree Protection Zone (TPZ)** – The outer boundary of a tree's protected area, as determined by a Qualified Professional, intended to protect individual trees, groups of trees' trunks, roots and soil from construction-related impacts. TPZ is measured in feet from the face of the trunk and may be determined using Critical Root Zone, Dripline, exploratory root excavations or other methodologies. The TPZ is variable depending on species, age and health of the tree, soil conditions and proposed construction. TPZ denotes the location of tree protection fencing.

14. **Tree Removal** – The removal of a tree, through either direct or indirect actions, including but not limited to: (1) clearing, damaging, **girdling**, or poisoning, **in each case**, resulting in an unhealthy or dead tree; (2) **removal of at least half of the live crown** **Topping that results in removal of more than 25% of the live Crown**; or (3) damage to roots or trunk that is likely to destroy the tree's structural integrity.

15. **Trees** – A tree or a group of trees may fall under one of the following definitions for purposes of this chapter:

a. **Grove** – A group of three (3) or more ~~significant~~ **Regulated Trees** with overlapping or touching Crowns, each with a minimum 12-inches DBH, in **excellent or good condition per KZC.95.30.3; provided, that groves preserved through development per KZC 95.51.3 shall not be removed as hedges.**

b. **Hazard Trees** – ~~A tree that meets all the following criteria:~~

~~A tree with a combination of structural defects and/or disease which makes it subject to a high probability of failure;~~

~~Is in proximity to moderate to high frequency targets (persons or property that can be damaged by tree failure); and~~

~~The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed.~~

A tree assessed by a Qualified Professional as having an Imminent or High-Risk Rating using the ISA Tree Risk Assessment Qualification (TRAQ) method in its most current form, as applied in KZC 95.23.10.

c. **Hedge Trees** – Five (5) or more trees of the same species with overlapping or touching Crowns that have been planted by a current or former owner of a subject property in a linear formation, typically to function as a screen or barrier. A Hedge will not be deemed a Grove and trees within a hedge will not be deemed regulated trees.

d. **Landmark Tree** – a **Regulated Tree** with a minimum 30-inch DBH in excellent or good condition per KZC.95.30.3.

e. **Nuisance Tree** – A tree that meets either of the following criteria:

1) Is causing obvious physical damage to private or public structures, including, but not limited to: a sidewalk, curb, road, driveway, parking lot, building foundation, or roof; or

2) Has sustained damage from past maintenance practices **or from naturally-occurring events such as wind, ice or snow-loading.**

The problems associated with a Nuisance Tree must be such that they cannot be corrected by reasonable practices, including, but not limited to: pruning of the Crown or roots of the tree, bracing, or cabling to reconstruct a healthy Crown.

f. **Public Tree** – A tree located in parks, within maintained or unmaintained public rights-of-way, in a stormwater facility, or on other property owned by the City.

g. ~~Significant~~ **Regulated Tree** – A tree that is at least six (6) inches DBH ~~as measured at 4.5 feet from the ground~~ **that is not listed on the Prohibited Plant List.**

h. **Street Tree** – A **Public Tree** located within the public right-of-way; provided, that, if the trunk of the tree straddles the boundary line of the public right-of-way and the abutting property, it shall be ~~considered to be~~ on the abutting property and subject to the provisions of this chapter.

i. **Tier 1 Tree(s) – Landmark Trees and Groves.**

j. **Tier 2 Tree** – ~~(current code: "High Retention Value" Tree)~~ **A Regulated Tree with any portion of the trunk** located in a Required Yard or a required landscaping area **in excellent or good condition per KZC 95.30.3, subsection (c).** ~~Tree retention efforts shall be directed to the following trees if they~~

are determined to be healthy and windfirm by a qualified professional, and provided the trees can be safely retained when pursuing alternatives to development standards pursuant to KZC 95.32...

x. ~~Viable Tree~~ — A significant tree that a qualified professional has determined to be in good health, with a low risk of failure due to structural defects, is windfirm if isolated or remains as part of a grove, and is a species that is suitable for its location.

16. Wildlife Snag – The remaining trunk of a tree that is intentionally reduced in height and usually stripped of its live branches.
17. Windfirm – A condition of a tree in which it withstands average peak local wind speeds and gusts.

95.20 Tree Removal Permit Exemptions

The following activities are exempt from the provisions of this chapter:

1. Emergency Tree Removal. Any tree that poses an imminent threat to life or property may be removed. The City must be notified within seven (7) days after the emergency tree removal with evidence of the threat for removing the tree to be considered exempt from this chapter. If the Planning Official determines that the emergency tree removal was not warranted or if the removed tree was required **to be retained or planted pursuant to a development permit, then the removal will be subject to code enforcement, including fines and restoration.** The Planning Official may require that the party obtain a tree removal permit ~~and/or require that replacement trees and vegetation be replanted as mitigation.~~
2. Utility Maintenance. Trees may be removed by the City or utility provider in situations involving interruption of services provided by a utility only if pruning cannot solve utility service problems. Utility maintenance shall conform to a City-approved Utility Vegetation Management Plan.
3. Commercial Nurseries or Tree Farms. A nursery or tree farm owner may remove trees that are being grown to be sold as Christmas or landscape trees.

95.21 Public Tree Removal and Pruning (consolidated/reorganized)

1. Public Tree Removal. ~~No person~~ **Other than City crews**, no person, directly or indirectly, ~~shall remove any significant tree on any property within the City any Public Tree (including any Tree Removal as defined in KZC 95.10.15)~~ without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempt per KZC 95.20. The City will not authorize removal of any Public Tree by any private party unless the tree is determined to be a Hazard Tree or Nuisance Tree.
2. **Public Tree Pruning. The pruning of Public Trees, including Street Trees, shall conform to the following:**
 - a. Other than City crews, no person, directly or indirectly, shall prune, trim, modify, alter, or damage any Public Tree without first obtaining a Public Tree pruning permit as provided in this chapter, unless the activity is exempt per KZC 95.20 ~~or subsection (5) of this section falls within one of the exceptions set forth in subsection (b) below related to Street Trees.~~
 - b. It is the responsibility of the ~~abutting~~ adjacent property owner to maintain Street Trees abutting their property, which may include **minor pruning of up to one and a half (1.5)-inch diameter branches for sidewalk clearance;** watering, and mulching. ~~...the abutting property owner shall apply for a permit by filing a written application with the City.~~ A Public Tree pruning permit is required to trim, modify, alter, **or substantially prune branches of a Street Tree more than one and a half-inch in diameter.** The City reserves the right to have City or utility crews perform routine pruning and maintenance of Street Trees.
 - c. **The pruning of Public Trees, including Street Trees, shall conform to the most recent version of the American National Standards Institute (ANSI) A300 Pruning Standards or as outlined in a City-approved Utility Vegetation Management Plan.**

95.23 Tree Pruning and Removal on Private Property ~~Not Associated with in the Absence of Development Activity~~ (consolidated/reorganized)

Tree and vegetation removal in urban areas has resulted in the loss of beneficial functions provided by trees to the public. The majority of tree canopy within the City of Kirkland is on private property. The purpose of this section is to establish a process and standards to slow the loss of tree canopy on private property resulting from tree removal, contributing towards the City's canopy goals and a more sustainable urban forest.

1. Tree Removal on Private Property. No person, directly or indirectly, shall remove any Regulated Tree **(including any Tree Removal as defined in KZC 95.10.15)** from private property without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempt per KZC 95.20 or is subject to the tree removal allowances set forth in KZC 95.23.5.
2. Tree Pruning on Private Property. ~~A permit is not required to prune trees on private property. Pruning which results in the removal of at least half of the live crown will be considered tree removal and subject to the provisions in KZC 95.23.~~

~~Tree topping is not allowed. If a tree required by this chapter is smaller than six (6) inches in diameter and is topped, it must be replaced pursuant to the standards in Chapter 1.12 KMC. If a tree six (6) inches or larger in diameter is topped, the owner must have a qualified professional develop and implement a 5-year restoration pruning program.~~

Any private property owner may prune trees on their property without a permit, subject to the following:

- a. Any pruning of Landmark Trees or Groves preserved pursuant to KZC 95.51.3 by private property owners shall conform to the most recent version of the ANSI A300 Pruning Standards.
 - b. Private property owners shall not prune trees located in wetlands, streams, or their buffers.
3. Tree Removal Notification Form. The Planning and Building Department shall make available a tree removal notification form. **The tree removal notification form may be used by property owners to request review by the Planning and Building Department for compliance with applicable City regulations.**
 4. Tree Removal Permit Application Form *(reorganized)*. ~~The Planning and Building Department and Public Works Department shall establish and maintain~~ **make available** a tree removal permit application form. ~~to allow property owners to request...~~ **Applicants requesting to remove trees must** **Property owners required by this chapter to obtain a tree removal permit shall** submit a completed permit application **for City review of tree removal** for compliance with applicable City regulations. The tree removal **permit** application form shall ~~include~~ **require**, at a minimum, **submission** of the following:
 - a. A site plan showing the approximate location of all **Regulated Trees on the subject property**, their ~~size~~ **DBH**, and their species, along with the location of structures, driveways, access ways, and easements **on the subject property.**
 - b. For required replacement trees, a planting plan showing the location, size, and species of ~~the new~~ **each replacement tree to be planted on the subject property**, in accordance ~~to the standards~~ **with the tree replacement requirements set forth in KZC 95.23.8.**
 5. Tree Removal Allowances *(reorganized)*. Any private property owner of developed property may remove a specified number of ~~up to two~~ **(2) significant Regulated** trees from their property within a ~~12-~~ **24-month period based on the table below** without having to apply for a tree removal permit; provided, that:
 - a. **The trees are not Landmark Trees;**
 - b. **The removal of a Landmark Tree has not occurred within 24 months;**
 - c. The trees are not located in wetlands, streams, or their buffers; are not located on properties in the Holmes Point Overlay area; are not located within the City's shoreline jurisdiction; **and do not consist of a preserved Grove pursuant to KZC 95.51.3.** Trees within shoreline jurisdiction are subject to additional tree removal and replacement standards if the tree(s) to be removed are located within the required shoreline setback. See Chapter 83 KZC for additional standards;
 - d. There is no active application for development activity for the subject property;
 - e. The trees were not required to be retained or planted as a condition of previous development activity per **KZC 95.40, 95.42-45;**
 - f. All the additional standards for tree replacement described in **KZC 95.23.8** are met.

Table x Tree Removal Allowances

Lot Size	Maximum number of allowed Regulated Tree removal every 12 months	Minimum number of Regulated Trees that must remain (see also 95.30.9.e)
Lots up to 10,000 sq. ft.	2	2
Lots 10,000 to 20,000 sq. ft.	3	3
Lots 20,000 sq. ft. or greater	4	4
Lots greater than 35,000 sq. ft.	May remove more than 6 trees with a Forest Management Plan	To be determined through review of the Forest Management Plan

6. Tree Removal Permit. A Tree Removal Permit is required if a property owner is requesting to exceed the allowances in subsection (5) of this section, to remove Landmark trees or to remove Hazard Trees or Nuisance Trees pursuant to subsection 10 of this section.
7. Tree Removal on Private Property Prior to Development Permits. The City will not accept any application for a short plat or subdivision for a property with a pending tree removal permit or tree removal notification. Further, with the exception of approved removals of Hazard Trees or Nuisance Trees per KZC 95.23.9, for a period of 12 months following the most recent removal of a Regulated Tree or a period of 24 months following the most recent removal of a Landmark Tree on a subject property (including girdling), the City will not accept any application for a short plat or subdivision for the subject property.
8. Tree Removal Permit Decision and Appeals.
- The City shall review each tree removal permit application within 21 calendar days and either approve, approve with conditions or modifications, deny, or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process.
 - The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.
 - Time Limit. Tree removal by felling shall be completed within one (1) year from the date of permit approval or the permit is void.
9. Tree Replacement Requirements (reorganized).
- ~~x. Tree Retention. For single family homes, cottages, carriage units, two/three-unit homes, two (2) trees shall be required to remain on the subject property (replaced with e below).~~
- Tree Replacement. For every Regulated Tree that is removed and is not required to remain based on subsection (5)(b)(1) of this section, the City encourages the planting of a replacement tree that is appropriate to the site.
 - Street-Public Trees. For every Street-Public Tree that is removed, the City shall require a minimum one-for-one tree replacement in a suitable location.
 - (Placeholder for Landmark tree replacement standards)
 - Holmes Point Overlay Zone. The removal of any tree in the Holmes Point Overlay Zone requires the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be approved by the Planning Official.
 - Hedge Trees. For the approved removal of Hedge Trees, the City shall require a one-for-one replacement in a suitable location.
 - The Last Regulated Trees on Certain Lots. For the removal of one (1) or both of the last two (2) Regulated Trees on lots containing single-family homes, cottages, carriage units, or two/three-unit homes under 10,000 square feet, approval of a tree removal permit is required and the City is authorized to require the planting of replacement trees, on a one-for-one basis, that are appropriate to the site subject property and in locations on the subject property that are suitable. For the removal of one (1) or more of the last three (3) Regulated Trees on any lots under 20,000 square feet but at least 10,000 square feet, approval of a tree removal permit is required and the City is authorized to require the planting of replacement trees, on a one-for-one basis, that are appropriate to the subject property and in locations on the subject property that are suitable. For the removal of (1) or more of the last four (4) Regulated Trees on any lots 20,000 square feet or greater, approval of a tree removal permit is required and the City is authorized to require the planting of replacement trees, on a one-for-one basis, that are appropriate to the subject property and in locations on the subject property that are suitable. The replacement trees required by this subsection shall be at least six (6) feet tall for conifers and at least 2-inch Caliper for deciduous or broad-leaf evergreen trees.
 - Other Circumstances. For all other circumstance, uses not listed in subsection (5)(b)(1) of this section, a tree removal permit is required the required tree replacement will be based on the required landscaping standards in KZC 95.40 through 95.50.
10. Removal of Hazard Trees or Nuisance Trees. Any private property owner seeking to remove any number of Regulated Trees that are Hazard Trees or Nuisance Trees from their developed or undeveloped property shall first obtain approval of a tree removal permit and meet the requirements of this subsection. Removal of a Hazard Tree or Nuisance Tree by the applicable property owner does not count toward the allowed number of tree removals set forth in KZC 95.23.5, if the nuisance or hazard condition is not obvious if the conditions giving rise to the nuisance or hazard are evident in a photograph or, in the case of a Hazard Tree, the conditions giving rise to the hazard are supported by a Tree Risk Assessment prepared by a Qualified Professional in accordance with KZC 95.23.10 and approved by the City. The City may order diseased trees removed from private property as Hazard Trees to prevent the spread of a disease/pest that would cause catastrophic decline in tree health and failure.
11. Tree Risk Assessments for Hazard Trees.
- If the conditions giving rise to a hazard are not evident in a photograph, a Tree Risk Assessment report prepared by a Qualified Professional explaining how the tree, or trees, meet the definition of a Hazard Tree is required. Tree Risk Assessments shall follow the method for developing a tree risk rating set forth in the ISA Tree Risk Assessment Manual.
 - The method for developing a tree risk rating set forth in the ISA Tree Risk Assessment Manual involves assessing levels of tree risk as a combination of the likelihood of a tree failing and impacting a specified target and the severity of the associated consequences should the tree or any part of the tree fail. Potential targets are permanent structures or an area of moderate to high use. Where a potential target does not exist, applicants should consider routine pruning and maintenance.
 - Where a tree is found to have a high risk or imminent extreme ("extreme" is the proper terminology for the highest risk rating per the revised Manual) risk rating, the Planning Official may approve mitigation measures to reduce the risk rather than approving the removal of the entire tree.
 - Where a tree is found to have a high risk or extreme risk rating and mitigation of the risk through pruning or moving of potential targets is not feasible, the Planning Official shall approve the removal of the tree as a Hazard Tree.
12. ~~Trees in Critical Areas or Critical Areas Buffers. See Chapter 90 KZC.~~ Trees in Wetlands, Streams, or their Buffers. See Chapters 85 and 90 KZC. (section moved from KZC 90)
- Hazard Trees or Nuisance Trees in wetlands, streams, or their buffers shall be removed in a manner that creates a Wildlife Snag;
 - If creation of a Wildlife Snag is not feasible, then the felled tree shall be left in place unless the Planning Official approves tree removal in writing; and
 - The removal of any tree in a wetland, stream, or their buffers shall be replaced with one (1) to three (3) native tree species at a minimum height of six (6) feet in close proximity to where the removed tree was located depending on the size, quality, and species of removed tree. The Planning Official shall determine the location and required number of replacement trees.
 - No trees shall be removed from a wetland, stream, or their buffers unless determine to be Nuisance Trees or Hazard Trees. Any tree removal shall be authorized in advance through a tree removal permit unless emergency tree removal is warranted per KZC 95.20.1.
13. Forest Management Plan.
- Traditional forest management may require selective tree removal to meet objectives for sustainable growth, composition, health, and quality. A Forest Management Plan may be submitted for developed, Significantly Wooded Sites of at least 35,000 square feet in size in which removal of more than two (2) trees is requested where tree removal exceeds the allowances of KZC 95.23.5 and is not exempt under KZC 95.20. A Forest Management Plan must be developed by a Qualified Professional and shall include the following:
 - A site plan depicting the location of all Regulated Trees (a survey identifying tree locations is not required) with a numbering system of the trees (with corresponding tags on trees in the field). The site plan shall include the DBH, species, and condition of each tree;

- ii. Identification of trees proposed to be removed, including reasons for their removal and a description of low impact removal techniques pursuant to subsection (12)(b) of this section.
 - iii. A reforestation plan that includes location, size, species, and timing of installation;
- b. The following Forest Management Plan standards shall apply:
- i. Trees to remain should be dominant or co-dominant in the stand, healthy and Windfirm.
 - ii. No removal of trees from ~~critical areas~~ **wetlands, streams**, or their buffers, unless otherwise permitted by this chapter.
 - iii. **No removal of Landmark Trees or Groves, unless otherwise permitted by this chapter.**
 - iv. No removal of ~~healthy~~ trees that would cause trees on adjacent properties to become hazardous.
 - v. The reforestation plan ensures perpetuity of the wooded areas. The size of planted trees for reforestation shall be a minimum of three (3) feet tall.
 - vi. Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, native shrubs, ground cover, and stumps shall be retained where feasible. Where not feasible, appropriate erosion control measures to be approved by the City shall be implemented.
 - vii. Removal of tree debris shall be done pursuant to Kirkland Fire Department standards.
 - viii. Recommended maintenance prescription for retained trees with a specific timeline ~~for such management.~~
- c. **The Planning Official may require a performance security pursuant to KZC 175 in order to ensure that the reforestation requirements of the approved Forest Management Plan are met.**

95.25 Sustainable Site Development (*consolidated, moved to section 95.30.6b*)

95.30 Tree Retention Associated with Development Activity (*reorganized*)

~~Introduction. The City's objective is to retain as many viable trees as possible on a developing site while still allowing the development proposal to move forward in a timely manner. To that end, the City requires approval of a tree retention plan in conjunction with all development permits resulting in site disturbance and for any tree removal on developed sites not exempted by KZC 95.20. This section includes provisions that allow development standards to be modified in order to retain viable significant trees.~~

~~In order to make better decisions about tree retention, particularly during all stages of development, tree retention plans will require specific information about the existing trees before removal is allowed. Specific tree retention plan review standards provided in this section establish tree retention priorities, incentives, and variations to development standards in order to facilitate preservation of viable trees (removed).~~

~~A minimum tree density approach is being used to retain as many viable trees as possible with new development activity. The requirement to meet a minimum tree density applies to new single family homes, cottages, carriage units, two/three unit homes, and new residential subdivisions and short subdivisions. If such a site falls below the minimum density with existing trees, supplemental planting is required. A tree density for existing trees to be retained is calculated to see if new trees are required in order to meet the minimum density for the entire site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the required tree density (consolidated/moved to 95.34).~~

~~The importance of effective protection of retained trees during construction is emphasized with specific protection standards in the last part of this section. These standards must be adhered to and included on demolition, grading and building plans as necessary (removed.)~~

~~Applicants for a development permit are encouraged to confer with City staff as early in the design process as possible so that the applicable tree planting and retention concepts principles found in this chapter can be incorporated into the design of the subject property. The Planning Official and the applicant shall work in good faith to find reasonable solutions.~~

1. Tree Retention Plan **General Requirements**. An applicant for a development permit must submit a Tree Retention Plan that complies with this section. A Qualified Professional may be required to prepare certain ~~components~~ **submittal elements** at the applicant's expense. If proposed development activities call for more than one Tree Retention Plan **element**, the Planning Official may require the more stringent of, or a combination of, the **elements** based on the nature of the proposed development activities. If the proposed activity is not clearly identified in this chapter, the Planning Official shall determine the appropriate Tree Retention Plan requirements.

~~The chart in subsection (5) of this section sets forth the tree retention plan requirements for development activities and associated tree removal. Applicants for development are encouraged to confer with City staff as early in the design process as possible so that the applicable tree planting and retention concepts can be incorporated into the design of the subject property. The Planning Official may waive a component of the tree retention plan if the Planning Official determines that the information is not necessary (removed this section and chart).~~

(Sections 2-4 reorganized)

2. Tree Retention Plan Review **Applicability**. **Unless otherwise exempt pursuant to KZC 95.20 or subject to the exception in subsection (a) of this section**, any proposed development of the subject property requiring approval through a building permit; land surface modification permit; demolition permit; and/or Design Review, Process I, IIA, or IIB, described in Chapters 142, 145, 150 and 152 KZC, respectively, shall include a Tree Retention Plan ~~to be considered as part of that process. Based on the tree retention plan information submitted by the applicant and the Planning Official's evaluation of the trees relative to the proposed development on the subject property, the Planning Official shall designate each tree as having a high, moderate, or low retention value as defined in KZC 95.10, Definitions, for application towards the regulations in this chapter. Tree Retention Plans containing reports of one or more Qualified Professionals in which the field work was completed over 3 years ago may need to be updated with current data.~~

- a. Exception. A Tree Retention Plan is not required for additions to and remodels of existing improvements in which the total square footage of the proposed improvements is less than 50 percent of the total square footage of the existing footprint on the subject property **and no development activity is proposed within the CRZ of Tier 1 Trees or Tier 2 Trees.**
- b. Additional tree retention and protection regulations apply to (*moved/consolidated*):
 - 1) Properties within jurisdiction of the Shoreline Management Act as set forth in Chapter 83 KZC;
 - 2) **Properties with Critical Areas or Critical Area Buffers as set forth in Chapters 85 and 90 KZC;** and
 - 3) Properties within the Holmes Point Overlay Zone as set forth in Chapter 70 KZC.

3. Tree Retention Plan ~~Components~~ **Submittal Requirements**. Tree Retention Plans shall contain the following information ~~as specified in the chart in subsection (5) of this section~~, unless waived by the Planning Official:

- a. A tree Inventory containing the following. The inventory may be noted on the site plan or in the report of a Qualified Professional, listing the following:
 - 1) All existing **Regulated** Trees on the subject property **identified by a consistent** numbering system ~~(with corresponding tags on trees)~~ **in the report** of a Qualified Professional **or site plan** and onsite tree tags **or flagging**. The inventory must also include Regulated Trees that are on adjacent properties **with that appear to have** ~~drip lines~~ **CRZs** extending onto the subject property ~~line~~;
 - 2) ~~Limits of disturbance (LOD)~~ **The CRZ and the proposed TPZ** of all existing **Regulated** Trees **specified in feet from the face of each tree trunk**. The inventory must also include the **approximate LOD CRZ and proposed TPZ of Regulated Trees** that appear to have ~~LODs~~ **CRZs** extending onto the subject property;
 - 3) **Size Existing Regulated Tree** DBH;
 - 4) Proposed tree ~~status~~ **removals**;
 - 5) ~~Brief general health~~ or Condition rating of **Regulated** Trees (i.e., poor, fair, good, excellent, etc.) per KZC 95.30.3, subsection (c); and
 - 6) Tree ~~type~~ **species and/or common name**.

- b. Site plan depicting the following. **The site plan must be drawn to scale** showing the following (*reorganized*):
 - 1) Location of all proposed improvements, including building footprint, access, utilities, applicable setbacks **Required Yards**, buffers, and required landscaped areas clearly identified. ~~If a short plat or subdivision is being proposed and the location of all proposed improvements cannot be established, a phased tree retention plan review is required as described in subsection (6)(a) of this section;~~
 - 2) Surveyed location may be required of **Regulated** Trees on the subject property. The site plan must also show the approximate trunk location and critical root zone of **Regulated** Trees with driplines extending over the subject property line that are **potentially Impacted** on adjacent properties;
 - 3) Trees labeled corresponding to the tree inventory numbering system **per subsection (a) of this section**;
 - 4) ~~LODs~~ **CRZs** drawn to scale around all trees potentially impacted by site disturbances resulting from grading, demolition, or construction activities (including approximate ~~LOD~~ **CRZs** of all trees of off-site trees with overhanging driplines that are potentially Impacted by site disturbances on adjacent properties);
 - 5) Location of tree protection ~~measures~~ **fences at the proposed TPZs**, with distances from the applicable trunks to fences noted on the site plan. **Specific tree protection standards during construction are described in KZC 95.32. These standards must be adhered to and included on demolition, grading, and building permit plans;**
 - 6) Trees proposed ~~tree status~~ to be removed, noted by an 'X' or by ghosting out;
 - 7) Proposed locations of any ~~supplemental~~ **replacement** trees to be planted to meet tree density **credits** or the minimum number of trees as outlined in KZC 95.34.
- c. An arborist Report containing **of a Qualified Professional with** the following:
 - 1) ~~A complete description of each tree's health, condition, and viability.~~ **The condition rating for each Regulated Tree based on its health and structure, including Regulated Trees that appear to have driplines-CRZs extending onto the subject property. The condition rating for each Regulated Tree shall be assessed using the following criteria:**

Condition Rating	Tree Structure <i>Root flare, trunk condition, branch assembly</i>	Tree Health <i>Twig and leaf density, size and growth, pest/pathogen issues</i>
Excellent	Trunk and root flare are sound and solid, no visible defects or cavities. Generally symmetric crown. Branch spacing, structure and attachments are normal for species and free of defects.	High vigor with little to no twig dieback, discoloration or defoliation. No apparent pest problems. New growth has normal to exceeding shoot length. Leaf size and color normal. Exceptional life expectancy for the species.
Good	Well-developed structure. Defects are minor and can be corrected. Codominant stem formation may be present. Trees that are part of a designated grove may have major asymmetries/deviations form an open-grown form of the same species.	Vigor is normal for species. No significant damage due to diseases or pests. Any twig dieback, defoliation or discoloration is minor (less than 25% of the crown). Typical life expectancy for the species. Trees that are part of a designated grove may have reduced vigor compared to an open-grown form of the same species.
Fair	A single defect of a significant nature such as a trunk cavity or multiple moderate defects such as large girdling roots, trunk damage, evidence of decay that are not practical to correct or would require multiple treatments over several years.	New growth is stunted or absent. Twig dieback, defoliation, discoloration, and/or dead branches may compromise from 25-50% of the crown. Damage due to insects or diseases may be significant and associated with defoliation but is not likely to be fatal. Below average life expectancy.
Poor	High to imminent risk trees (hazard). Structural problems cannot be corrected. Failure may occur at any time.	Poor vigor, unhealthy and declining. Low foliage density with extensive (more than 50%) twig and/or branch dieback. Smaller-than-normal leaf size and little evidence of new growth. Potentially fatal pest infestation.

- 2) For trees not **viable suitable** for retention, a description of the reason(s) for removal **must be given** based on poor health; high risk of failure due to **poor** structure, **other** defects, or unavoidable isolation (windfirmness); or unsuitability of species, etc., and for which no reasonable alternative action is possible (pruning, cabling, etc.);
- 3) The **Qualified Professional's** description of the method(s) used to determine the ~~limits of disturbance~~ **TPZs** (i.e., **CRZ formula, root plate diameter exploratory root excavations**, or a case-by-case basis description for individual trees);
- 4) Any special instructions specifically outlining any work proposed within the ~~limits of disturbance protection area~~ **CRZ of retained trees** (i.e., **additional protection from soil compaction, hand-digging, tunneling or boring, root pruning, mitigating any grade changes, monitoring during development activity, and aftercare**), **including potentially Impacted trees on adjacent properties**;
- 5) ~~For development applications~~ A discussion of timing and installation of tree protection measures that must include fencing in accordance with the tree protection standards in KZC 95.32, **including any anticipated changes to tree protection fence location or other activity within the CRZ of retained trees during project construction (i.e. material delivery, equipment access, landscaping, etc.);**
- 6) Describe the impact of necessary tree removal to the trees to be retained, including those in a Grove or on adjacent properties;
- 7) The suggested location and species of replacement trees to be planted. The report shall include planting and maintenance specifications pursuant to KZC 95.50, 95.51, and 95.52.

4. Tree Retention Plan Review Standards for Development of Single-Family Dwellings, Short Plats, Subdivisions, and Two/Three-Unit Homes.

~~In order to retain trees, the applicant should pursue provisions in Kirkland's codes that allow development standards to be modified.~~ **To retain Regulated Trees, the applicant shall modify its proposed design, consistent with the provisions in this chapter that allow development standards to be modified.** The authority to make decisions under this chapter **resides** with the Planning Official for building permits, land surface modification permits, and/or demolition permits or with the applicable decision authority for Design Review, Process I, IIA, or IIB permits described in Chapters 142, 145, 150 and 152 KZC, respectively (*moved from deleted Tree Retention Table and current code 95.30.5 and 95.32*):

The City does not require tree retention efforts that would reduce maximum allowed density or number of lots or maximum allowed Floor Area Ratio (FAR) or Maximum Lot Coverage or that preclude required access and utility connections.

Tree Retention Plan review and approval shall be based on compliance with the following provisions:

- a. Tier 1 Trees located anywhere on the subject property shall be retained using the following standards:
 - 1) The applicant is entitled to a maximum building footprint, where consistent with applicable dimensional standards, in a configuration of 40-foot wide by 40-foot deep building footprint, in addition to a contiguous 20-foot wide by 20-foot deep building footprint that may shift location around Tier 1 Trees. An applicant is not required to limit the building footprint pursuant to this section where the limitation is not necessary to retain one or more Tier 1 Tree(s).

~~The applicant shall not install an impervious surface within the CRZ of any tree to be retained without the authorization of the Planning Official. The Planning Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root induced damage to the impervious surface. To the greatest extent practical, utility trenches shall be located outside of the CRZ of trees to be retained. The Planning Official may require that utilities be tunneled under the roots of trees to be retained if the Planning Official determines that trenching would significantly reduce the chances of the tree's survival (current code 95.34).~~

In order to retain Tier 1 trees, the applicant shall pursue, and the Planning Official is authorized to require, site plan alterations, such as adjustments to the location of building footprints, adjustments to the location of driveways and other access ways, or adjustment to the location of walkways, easements, or utilities, including the following:

 - a) Shift or flip (mirror) the location of building footprints and driveways;
 - b) Selection of the required front yard on corner lots in the RSA and RSX zones and selection of the required side yard to meet the 15-foot total required in RS zones;
 - c) Adjust deck, patio, and path designs;
 - d) Relocate utilities when gravity and location of existing mains permit;

- e) Avoid rockery/retaining walls located within CRZs;
- f) Shore basements and other extensive excavations in order to avoid impact within CRZs;
- g) Cantilever structures over CRZs; and
- h) With short plats and subdivisions, clustering per KZC 95.30.7, subsection (b), rearrangement of property lines within the applicable short plat or subdivision, relocation of access roads, and relocation of utilities.

3) The applicant shall employ arboricultural methods such as air excavations, boring under roots instead of trenching, and using additional CRZ protection per KZC 95.34.

4) The applicant may pursue the following variations prior to restricting/adjusting the building footprint, and the Planning Official (or Public Works Official, where applicable) is authorized to allow these variations to development standards:

- a) ~~No required yard shall be reduced by more than five (5) feet in residential zones.~~ Allow 10-foot front and 5-foot rear Required Yards;
- b) Allow variations to the garage requirements of KZC 115.43.3;
- c) Allow variations to the maximum lot coverage by not more than 10 percent, where necessary, and the driveway width does not exceed a width of 20 feet to extend access due to building footprint location;
- d) Allow 18-foot by 18-foot parking pads;
- e) Modify right-of-way frontage improvement requirements, such as waiving any required landscape strip.;
- f) Allow up to a 5-foot increase in building height where the additional height is clearly related to tree retention (i.e., locating mechanical equipment in the attic, avoiding excavation or fill, etc.);
- g) With short plats and subdivisions, allow 3-foot required side yards within the proposed short plat or subdivision.

~~b. Requirements of the Kirkland Zoning Code may be modified by the Planning Official as outlined below when such modifications would further the purpose and intent of this chapter as set forth in KZC 95.05 and would involve trees with a high or moderate retention value (current code 95.32) Tier 2 Trees shall be retained using the following standards:~~

1) The applicant is entitled to a maximum building footprint of the following configuration, where consistent with applicable dimensional standards:

- a) 50-foot wide by 50-foot deep building footprint, or
- b) For parcels where an applicant could otherwise construct a Front Façade that is wider than the 50-foot wide building footprint, the allowable width of the Front Façade shall be determined by measuring the distance between the Required Yards parallel to and along the Front Façade and reducing that width by 10% as provided in the formula below:

$$\text{MAXIMUM FRONT FAÇADE WIDTH} = (\text{DISTANCE BETWEEN REQUIRED YARDS}) - (\text{DISTANCE BETWEEN REQUIRED YARDS} \times 10\%)$$

For example: a 70-foot wide lot with a 60-foot wide front building facade and two 5-foot side Required Yards results in a 10 percent, or 6-foot reduction, to the building pad width, which totals a 54-foot maximum building envelope width.

An applicant is not required to limit the building footprint pursuant to this section where the limitation is not necessary to retain one or more Tier 2 Tree(s).

~~Required Yards. Initially, the applicant shall pursue options for placement of required yards as permitted by other sections of this code, such as selecting one (1) front required yard in the RSX zone and adjusting side yards in any zone to meet the 15-foot total as needed for each structure on the site. The Planning Official may also reduce the front, side or rear required yards; provided, that:~~

- a. ~~No required side yard shall be less than five (5) feet; and~~
- b. ~~The required front yard shall not be reduced by more than five (5) feet in residential zones. There shall not be an additional five (5) feet of reduction beyond the allowance provided for covered entry porches;~~
- c. ~~Rear yards that are not directly adjacent to another parcel's rear yard but that are adjacent to an access easement or tract may be reduced by five (5) feet;~~
- d. ~~No required yard shall be reduced by more than five (5) feet in residential zones. (current code 95.30.1-3, replaced with:)~~

2) ~~...the Planning Official is authorized to require site plan alterations to retain trees with a high retention value. Such alterations include minor adjustments to the location of building footprints, adjustments to the location of driveways and access ways, or adjustment to the location of walkways, easements or utilities. (current code 95.32.5) The applicant shall not install an impervious surface within the CRZ of any tree to be retained without the authorization of the Planning Official. The Planning Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root induced damage to the impervious surface. To the greatest extent practical, utility trenches shall be located outside of the CRZ of trees to be retained. The Planning Official may require that utilities be tunneled under the roots of trees to be retained if the Planning Official determines that trenching would significantly reduce the chances of the tree's survival (current 95.34)~~

In order to retain Tier 2 trees, the applicant shall pursue and the Planning Official is authorized to require site plan alterations, including the following:

- a) Shift or flip (mirror) the location of building footprints and driveways;
- b) Selection of the required front yard on corner lots in the RSA and RSX zones and selection of the required side yard to meet the 15-foot total required in RS zones;
- c) Reduce required front yard by up to 5 feet and reduce any rear yards that are not directly adjacent to another parcel's rear yard but that, instead, are adjacent to an access easement or tract by up to 5 feet;
- d) Shift the building footprint on the lot to take advantage of the modifications/reductions allowed in subsection (4);
- e) Adjust deck, patio, and path designs;
- f) Avoid rockery/retaining walls located within CRZs; and
- g) Bore under roots within TPZs for utilities less than 2 inches diameter.

~~In order to retain trees, the applicant should pursue provisions in Kirkland's codes that allow development standards to be modified. Examples include but are not limited to number of parking stalls, right-of-way improvements, lot size reduction under Chapter 22.28 KMC, lot line placement when subdividing property under KMC Title 22, Planned Unit Developments, and required landscaping, including buffers for lands use and parking/driving areas. Requirements of the Kirkland Zoning Code may be modified by the Planning Official as outlined below when such modifications would further the purpose and intent of this chapter as set forth in KZC 95.05 and would involve trees with a high or moderate retention value. Required Yards. Initially, the applicant shall pursue options for placement of required yards as permitted by other sections of this code, such as selecting one (1) front required yard in the RSX zone and adjusting side yards in any zone to meet the 15-foot total as needed for each structure on the site. The Planning Official may also reduce the front, side or rear required yards; provided, that... (current code 95.32) The applicant may pursue the following variations prior to restricting/adjusting the building footprint, and the Planning Official (or Public Works Official, where applicable) is authorized to allow these variations to development standards:~~

- a) Allow 10-foot front and 5-foot rear Required Yards;
- b) Allow variations to the garage requirements of KZC 115.43.3;
- c) Allow variations to the maximum lot coverage by not more than 10 percent, where necessary, and the driveway width does not exceed a width of 20 feet to extend access due to building footprint location;
- d) Modify right of way frontage improvement requirements, such as waiving any required landscape strip;
- e) With short plats and subdivisions, clustering per KZC 95.30.7, subsection (b).

5. **Modifications to General Landscaping Requirements Tree Retention Plan Review Standards for Development of Multifamily, Commercial, Mixed Use, and Cottage/Carriage Development.**

~~Authority to Grant and Duration. If the proposed development of the subject property requires approval through Design Review or Process I, IIA, or IIB, described in Chapters 142, 145, 150, and 152 KZC, respectively, a request for a modification will be considered as part of that process under the provisions of this section. The City must find that the applicant meets the applicable criteria listed in subsections (2)(b) and (2)(c) of this section. If granted under Design Review or Process I, IIA, or IIB, the modification is binding on the City for all development permits issued for that development under the building code within five (5) years of the granting of the modification.~~

~~If the above does not apply, the Planning Official may grant a modification in writing under the provisions of this section (previous 95.46.2).~~

~~In order to retain trees, the applicant should pursue provisions in Kirkland's codes that allow development standards to be modified. Examples include but are not limited to number of parking stalls, right-of-way improvements, lot size reduction under Chapter 22.28 KMC, lot line placement when subdividing property under KMC Title 22, Planned Unit Developments, and required landscaping, including buffers for lands use and parking/driving areas.~~

~~Requirements of the Kirkland Zoning Code may be modified by the Planning Official as outlined below when such modifications would further the purpose and intent of this chapter as set forth in KZC 95.05 and would involve trees with a high or moderate retention value (current code 95.32)~~

To retain Regulated Trees in Required Yards and/or required landscape areas, the applicant shall modify its proposed design, consistent with the provisions in this chapter that allow development standards to be modified. The authority to make decisions under this chapter resides with the Planning Official for building permits, land surface modification permits, and/or demolition permits or with the applicable decision authority for Design Review, Process I, IIA or IIB permits described in Chapters 142, 145, 150 and 152 KZC, respectively.

The City does not require tree retention efforts that would reduce maximum allowed density or Lot Coverage or that preclude required access and utility connections.

~~The applicant shall not install an impervious surface within the CRZ of any tree to be retained without the authorization of the Planning Official. The Planning Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface. To the greatest extent practical, utility trenches shall be located outside of the CRZ of trees to be retained. The Planning Official may require that utilities be tunneled under the roots of trees to be retained if the Planning Official determines that trenching would significantly reduce the chances of the tree's survival. (current code 95.34.3)~~

Tree Retention Plan review and approval shall be based on compliance with the following provisions for Regulated Trees located in Required Yards and/or required landscape areas. Regulated Trees in these areas shall be retained to the maximum extent possible using the following standards:

- a. **Adjust deck, patio, and path designs;**
- b. **Relocate utilities when gravity and location of existing mains permit;**
- c. **Avoid rockery/retaining walls located within CRZs;**
- d. **Shore basements and other extensive excavations in order to avoid impact within CRZs;**
- e. **Cantilever structures over CRZs;**
- f. **Employ arboricultural methods such as air excavations, boring under roots instead of trenching, and using additional CRZ protection per KZC 95.34;**
- g. **Modify right-of-way frontage improvement requirements, such as waiving any required landscape strip;**
- h. ~~Common Recreational Open Space. Reductions or variations~~ **Reduce or vary the area**, width, or composition of any required common recreational open space may be granted;
- i. Vary parking lot design and/or access driveway requirements when the Public Works Official and Planning Official both determine the variations to be consistent with the intent of City policies and codes; and
- j. Vary requirements pertaining to stormwater if approved by the Public Works Official under KMC 15.52.060.

6. **Tier 1 Tree and Tier 2 Tree Retention Priorities. The City may authorize the removal of Tier 1 Trees and Tier 2 Trees otherwise required by this chapter to be retained if:**

- a. **After utilizing the required site plan alterations and allowed variations to development standards listed in KZC 95.30.4 and 95.30.5, encroachment into the CRZ of one or more Tier 1 Tree or Tier 2 Tree would result in either of the following:**
 - 1) **One or more Tier 1 Trees or Tier 2 Trees that are unsuitable for retention per the condition ratings in KZC 95.30.3, subsection (c), in which case the City may authorize the removal of the applicable Tier 1 Trees or Tier 2 Trees; or**
 - 2) **Conditions in which the retention of a Tier 2 Tree compromises a Tier 1 Tree's suitability for retention, in which case the City may authorize the removal of the applicable Tier 2 Tree.**

~~b. All activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purpose and intent of this chapter as described in KZC 95.05. Examples of sustainable site development include building placement with minimal site impact, habitat protection, water conservation, heat island reduction, storm water flow runoff control and water quality, and utilization of the site's natural services such as solar and wind.~~

~~Applicants requesting alternative compliance shall submit a site assessment report prepared by a qualified professional detailing how the proposed alternative measures will be equal or superior to the benefits provided by the established trees to be removed. Qualifying projects shall implement sustainable site development strategies throughout the construction process as well as contain measurable performance standards for the techniques used. Examples of sustainable site development include building placement with minimal site impact, habitat protection, water conservation, heat island reduction, storm water flow runoff control and water quality, and utilization of the site's natural services such as solar and wind. (previous 95.25)~~

Proposed alternative measures using sustainable site development strategies and qualifying sustainability certifications result in development sites that are equal or superior to the intent of this chapter, such as:

- 1) **Low Impact Development (LID) standards within the Public Works Pre-Approved Plans and Policies and King County Stormwater Manual;**
- 2) **International Living Futures Institute (ILFI) Living Building Challenge;**
- 3) **Leadership in Energy and Environmental Design (LEED);**
- 4) **Built Green Net Zero;**
- 5) **Salmon Safe, ILFI Net Zero or Passive House programs; and**
- 6) **The installation of renewable energy system hardware, such as solar panels or wind turbines.**

Requests to use alternative measures and procedures shall be reviewed by the Planning Official, who may approve, approve with conditions or modifications, or deny the request. The Planning Official and the applicant shall work in good faith to find reasonable solutions.

7. **Additional Tree Retention Plan Standards for Short Plats and Subdivisions (in response to PC/HCC requests to further clarify this section, the order of prior revisions has been changed).**

~~For lots created through a short subdivision, subdivision, or planned unit development with an approved Tree Retention Plan, the applicant must comply with the Tree Retention Plan approved with the short subdivision, subdivision, or planned unit development unless subsection (6)(a) of this section, Phased Review, applies (previous 95.30.c5)~~

~~a. Phased Review.~~

~~1) If during the short plat or subdivision review process the location of all proposed improvements, including the building footprint, utilities, and access, was not able to be established, the applicant may submit a Tree Retention Plan that addresses trees only affected by the known improvements at the time of application. Tree removal shall be limited to those affected areas.~~

~~2) A new Tree Retention Plan shall be required at each subsequent phase of the project as more information about the location of the proposed improvements is known subject to all of the requirements in this section.~~

3) ~~Phased review of Tree Retention Plans is not permitted in the Holmes Point Overlay zone. In the HPO zone, subdivision or short plat applications shall provide a comprehensive review of Tree Retention Plans as outlined in subsections (2) through (5) of this section.~~

~~For lots created through a short subdivision, subdivision, or planned unit development with an approved Tree Retention Plan, the applicant must comply with the Tree Retention Plan approved with the short subdivision, subdivision, or planned unit development unless subsection (6)(a) of this section, Phased Review, applies. (previous 95.30.6a)~~

~~For Tree Retention Plans approved during the short plat or subdivision review process that established the location of all proposed improvements, including the building footprint, utilities, and access... (previous 95.30.6b)~~

a. **Clustering of Lots Associated with Short Plats and Subdivisions.** The Planning Director may approve variations to minimum Lot Size and maximum Floor Area Ratio and Lot Coverage requirements in order to facilitate retention of Tier 1 Trees and Tier 2 Trees where necessitated by retention of trees in protective tracts or where lot sizes are averaged in order to retain trees. The following standards shall apply:

1) Lot sizes may be averaged with no minimum lot size specified, provided there is no increase in the allowed density or number of lots otherwise allowed for the subject property;

2) The subject property is entitled to maintain the total aggregate maximum Floor Area Ratio (FAR) and Maximum Lot Coverage that would otherwise be permitted for the subject property under a conventional short plat or subdivision. The maximum FAR and/or Maximum Lot Coverage requirements may be adjusted proportionate to the Lot Size reduction(s), provided there is no net increase in the aggregate FAR and/or aggregate Lot Coverage otherwise allowed for the subject property.

~~The applicant shall submit a Tree Retention Plan that includes the components identified in the following chart based on the proposed development activity... prior to short plat or subdivision recording (previous 95.30.5(5))... The variations and resultant restrictions shall be included in a recorded agreement and binding on future owners of the lots.~~

b. ~~Modifications. Modifications to Tree Retention Plan for Short Plats and Subdivisions. A Tree Retention Plan modification request shall contain information as determined by the Planning Official based on the requirements in subsection (5) of this section, Tree Retention Plan.~~ **Modifications to the Tree Retention Plan may be approved by the Planning Director pursuant to the following criteria:**

1) The need for the modification was not known and could not reasonably have been known before the Tree Retention Plan was approved;

2) The modification is necessary because of special circumstances that are not the result of actions by the applicant regarding the size, shape, topography, or other physical limitations of the subject property relative to the location of proposed and/or existing improvements on or adjacent to the subject property; and

3) There is no practicable or feasible alternative development proposal that results in fewer additional tree removals.

c. ~~Public Notice for Modifications. The Hearing Examiner~~ **Planning Director** shall not approve or deny a modification pursuant to this subsection without first providing notice of the modification request consistent with the noticing requirements for the short plat **or subdivision** and providing opportunity for comments for consideration by the ~~Hearing Examiner~~ **Planning Director**. Said comment period shall not be less than 14 calendar days (previous 95.30.6b(3)). The fee for processing a modification request shall be established by City ordinance (previous 95.30.6b).

95.32 Tree and Soil Protection during Development Activity

Prior to development activity or initiating tree removal on the site, vegetated areas, individual trees and soil to be preserved shall be protected from potentially damaging activities **during development activity per ISA and ANSI standards for tree protection as follows:**

1. **Placing Materials near Trees.** No person may conduct any activity within the **TPZ** of any tree designated to remain, including, but not limited to, operating or parking equipment, placing solvents, storing building material or stockpiling any materials, or dumping concrete washout or other chemicals. During construction, no person shall attach any object to any tree designated for protection.

2. ~~Protective Barrier~~ **Tree Protection Fence.** Before development, land clearing, filling, or any land surface modifications, the applicant shall:

a. Erect and maintain readily visible temporary protective tree fencing ~~along at~~ **at** the approved ~~Limits of Disturbance~~ **TPZ** which completely surrounds the protected area of all retained trees, groups of trees, vegetation and native soil. Fences shall be constructed of chain link and be at least six (6) feet high, unless other type of fencing is authorized by the Planning Official.

b. Install highly visible signs spaced no further than 15 feet along the entirety of the Tree Protection Fence. Said sign must be approved by the Planning Official and shall state at a minimum "Tree and Soil Protection Area, Entrance Prohibited" and provide the City phone number for code enforcement to report violations.

c. **Site plans showing approved tree retention/protection shall be displayed on development sites in plain view with the general contractor or other responsible party's phone number.**

d. Prohibit excavation or compaction of soil or other potentially damaging activities within the fence; provided, that the Planning Official may allow such activities approved by a qualified professional and under the supervision of a qualified professional retained and paid for by the applicant.

e. **If any disturbance is proposed within the Inner Critical Root Zone of one or more Regulated Trees on a neighboring property, the applicant shall provide evidence that the owner of said tree(s) has been notified in writing of the potential impact. The Planning Official may waive this requirement if the applicant's Qualified Professional can demonstrate, through non-injurious methods such as pneumatic root excavations, that there are no roots within the Inner Critical Root Zone.**

f. Maintain the Tree Protection Fence in ~~place~~ **its approved location** for the duration of the project until the Planning Official authorizes its removal.

g. Ensure that any approved landscaping done in the protected zone subsequent to the removal of the barriers shall be accomplished with machinery from outside the protected zone or by hand.

h. In addition to the above, the Planning Official may require the following:

1) If equipment is authorized to operate within the ~~protected zone~~ **CRZ**, the soil and CRZ of a tree must be covered with mulch to a depth of at least six (6) inches or with plywood, steel plates or similar material in order to protect roots and soil from damage caused by heavy equipment.

2) Minimize root damage by hand-excavating a 2-foot-deep trench, at the edge of the CRZ, to cleanly sever the roots of trees to be retained. Never rip or shred roots with heavy equipment.

3) Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.

4) Maintenance of trees throughout construction period by watering and fertilizing.

3. **Grade.**

a. The grade shall not be elevated or reduced within the CRZ of trees to be preserved without the Planning Official's authorization based on recommendations from a qualified professional **in compliance to ANSI A300 Part 5 Standard Practices for the Management of Trees and Shrubs During Site Planning, Site Development and Construction.** ~~The Planning Official may allow coverage of up to one-half (1/2) of the area of the tree's critical root zone with light soils (no clay) to the minimum depth necessary to carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree's survival.~~

b. If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's CRZ, it shall be permanently stabilized to prevent soil erosion and suffocation of the roots.

c. The applicant shall not install an impervious surface within the CRZ of any tree to be retained without the authorization of the Planning Official. The Planning Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface.

- d. To the greatest extent practical, utility trenches shall be located outside of the CRZ of trees to be retained. The Planning Official may require that utilities be tunneled under the roots of trees to be retained if the Planning Official determines that trenching would significantly reduce the chances of the tree's survival.
 - e. Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, it is encouraged that shrubs, ground cover and stumps be maintained on the individual lots, where feasible.
4. Directional Felling. Directional felling of trees shall be used to avoid damage to trees designated for retention.

5. Additional Requirements. The Planning Official may require additional tree protection measures that are consistent with accepted urban forestry industry practices, **including maintenance pursuant to KZC 95.51.**

95.33 95.34 Tree and Soil Protection during Development Activity Tree Density-Planting Requirements Related to Development Activity

The required minimum tree density is 30 tree credits per acre for...~~The tree density may consist of existing trees pursuant to the tree's retention value, supplemental trees or a combination of existing and supplemental trees pursuant to subsection (2) of this section.~~ **This section establishes the minimum tree planting requirements for development permits using a tree credit system. This section does not establish a maximum retention standard for existing trees.**

1. **Trees Required to be Planted to Meet Tree Density Requirements.** The required tree density for replanting is 30 tree credits per acre for single-family homes, cottages, carriage units, two/three-unit homes, short plats, and/or subdivisions and associated demolition and land surface modification.
2. ~~Tree Density Calculation.~~ **Applicability of Tree Credits.** The tree credit value that corresponds with DBH shall be found in Table 95.33-134. **The maximum number of credits awarded to any one individual tree is 11 credits.** Existing native conifers (or other conifer species as listed by the ~~Urban Forester Planning Department~~) shall count 1.5 times credits for retention). ~~For the purpose of calculating required minimum tree density...~~ For individual lots in a short plat or subdivision with an approved Tree Retention Plan, the required tree density applies to each lot within the short plat or subdivision (*current code 95.30.5*). ~~Supplemental Trees Planted to Meet Minimum Density Requirement. For sites and activities requiring a minimum tree density and where the existing trees to be retained do not meet the minimum tree density requirement, supplemental trees shall be planted to achieve the required minimum tree density (current code 95.33.2 0).~~ Trees planted in the following locations shall not count towards tree density credit requirements.
 - a. in the public right of way, areas to be dedicated as public right of way, and vehicular access easements not included as lot area with the approved short plat or subdivision.
 - b. Existing trees transplanted to an area on the same site ~~shall not count toward the required density~~ unless approved by the ~~Urban Forester Planning Official~~ based on transplant specifications provided by a Qualified Professional that will ensure a good probability for survival (*current code 95.33*)

**Table 95.34.
Tree Density for Existing Regulated Trees
(Credits per minimum diameter – DBH)**

DBH	Tree Credits	DBH	Tree Credits	DBH	Tree Credits
3 – 5"	0.5			38"	15
6 – 10"	1	24"	8	40"	16
12"	2	26"	9	42"	17
14"	3	28"	10	44"	18
16"	4	30"	11	46"	19
18"	5	32"	12	48"	20
20"	6	34"	13	50"	21
22"	7	36"	14		

3. **Tree Density Credit Calculation.** In calculating tree density credits...**To calculate required tree density credits,** divide the square foot area of the subject lot by 43,560 (**the square foot equivalent to one acre**). The resulting number is then multiplied by 30, the minimum tree density credit requirement for one acre. In calculating required tree density credits, any fraction of credits shall be rounded up to the next whole number from a 0.5 or greater value.

Example: an 8,500-square-foot lot would need six (6) tree credits ($8,500/43,560 = 0.195 \times 30 = 5.8$, or six (6) credits). **The tree density for the lot would be exceeded/met by retaining two (2) existing Landmark Trees and two (2) existing 12-inch DBH Tier 2 Trees that are conifers (tree densities may be exceeded to retain Landmark Trees and existing native conifers count 1.5 times credits). Or, the tree density for the lot would be met by retaining two (2) existing 14-inch DBH deciduous Tier 2 Trees.**
4. ~~Minimum Size and Tree Density Value for Supplemental Trees~~ **Replacement Trees.** The required minimum size of a ~~supplemental~~ **replacement** tree worth one (1) tree credit shall be ~~six (6) feet tall for Thuja/Arborvitae~~ four (4) feet tall for native or other conifers and 2-inch Caliper for deciduous or broad-leaf evergreen trees. (*Placeholder for Landmark tree replacement standards*). Additional credits may be awarded for larger replacement trees. **Trees planted to form a clipped or sheared hedge or living wall will not be counted toward tree density credits. Supplemental Thuja/Arborvitae (or other slow-growing conifers as listed by the Planning Department) planted on development sites shall not count towards tree density credits on a lot.** The installation and maintenance shall be pursuant to KZC 95.50 and 95.51 respectively.
5. **Replacement Tree Locations.** In designing a development and in meeting the required ~~minimum~~ tree density, the replacement trees shall be planted pursuant to KZC 95.50 in the following order of priority:
 - a. On-Site. The preferred locations for new trees are:
 - 1) On individual residential building lots
 - 2) In preserved Groves, Critical Areas or Critical Area Buffers.
 - 3) Adjacent to storm water facilities as approved by Public Works under KMC 15.52.060.
 - 4) Site perimeter – The area of the subject property that is within 10 feet from the property line.
 - 5) Entrance landscaping, traffic islands, and other common areas **within the development of** residential subdivisions.
 - b. Off-Site. When room is unavailable for planting the required replacement trees on site, then they may be planted at another approved location in the City. **Trees that are planted off site from the subject property shall be subject to a 5 Year Maintenance Agreement.**
6. ~~City Forestry Account~~ **Payment in Lieu of Planting.** When the Planning Official determines on-site and off-site locations are unavailable, then the applicant shall pay an amount of money ~~approximating the current market value of the supplemental trees~~ **in lieu of planting, utilizing the most recent version of the Pacific**

Northwest International Society of Arboriculture (PNW ISA) "Species Ratings for Landscape Tree Appraisal" unit costs for conifers and deciduous trees, multiplied by the number of required tree credits into the City Forestry Account pursuant to KZC 95.57.

95.40 Required Landscaping based on Zoning District (reorganized/consolidated with 95.41)

1. User Guide. Chapters 15 through 56 KZC containing the use zone or development standards tables assign a landscaping category to each use in each zone. This category is either "A," "B," "C," "D," or "E." If you do not know which landscaping category applies to the subject property, you should consult the appropriate use zone or development standards tables.

Requirements pertaining to each landscaping category are located throughout this chapter, except that Landscaping Category E is not subject to this section.

Landscape Categories A, B, C, D, and E may be subject to additional related requirements in the following other chapters:

- a. Various use zone charts or development standards tables, in Chapters 15 through 56 KZC, establish additional or special buffering requirements for some uses in some zones.
- d. Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405 and SR-520 rights-of-way, and the Cross Kirkland Corridor railbanked rail corridor or the Eastside Rail Corridor.
- e. KZC 115.135, Sight Distance at Intersections, which may limit the placement of landscaping in some areas.
- f. Chapter 22 KMC addresses trees in subdivisions.

2. Use of Significant Existing Vegetation.

- a. General. The applicant shall apply subsection KZC 95.30, Tree Retention Plan Procedure to retain existing native trees, vegetation and soil in areas subject to the landscaping standards of this section. The Planning Official shall give substantial weight to the retained native trees and vegetation when determining the applicant's compliance with this section.
- b. Supplement. Replacements. The City may require the applicant to plant trees, shrubs, and groundcover according to the requirements of this section to supplement the existing vegetation in order to provide a buffer at least as effective as the required buffer.
- c. Protection Techniques. The applicant shall use the protection techniques described in KZC 95.32 to ensure the protection of significant existing vegetation and soil.

3. General. The applicant shall provide the supplemental replacement landscaping specified in subsection (2) of this section in any area of the subject property that:

- a. Is not covered with a building, vehicle circulation area or other improvement; and
- b. Is not in an area to be planted with required landscaping; and
- c. Is not committed to and being used for some specific purpose.

4. Standards. The applicant shall provide the following at a minimum:

- a. Living plant material which will cover 80 percent of the area to be landscaped within two (2) years. If the material to be used does not spread over time, the applicant shall re-plant the entire area involved immediately. Any area that will not be covered with living plant material must be covered with nonliving groundcover, i.e.: mulch. Preference is given to using native plant species. See Kirkland Native Tree/Plant Lists.
- b. One (1) tree for each 1,000 square feet of area to be landscaped. At the time of planting, deciduous trees must be at least two (2) inches in caliper and coniferous trees must be at least five (5) feet in height.
- c. If a development requires approval through Process I, IIA or IIB as described in Chapters 145, 150 and 152 KZC, respectively, the City may require additional vegetation to be planted along a building facade if:
 - 1) The building facade is more than 25 feet high or more than 50 feet long; or
 - 2) Additional landscaping is necessary to provide a visual break in the facade.
- d. In RHBD varieties of rose shrubs or ground cover along with other plant materials shall be included in the on-site landscaping.
- e. If development is subject to Design Review as described in Chapter 142 KZC, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.

5. Landscape Plan Required. In addition to the Tree Retention Plan required pursuant to KZC 95.30, application materials shall clearly depict the quantity, location, species, and size of plant materials proposed to comply with the requirements of this section and shall address the plant installation and maintenance requirements set forth in KZC 95.50 and 95.51. Plant materials shall be identified with both their scientific and common names. Any required irrigation system must also be shown.

95.41 Supplemental Plantings (deleted/consolidated with 95.40)

95.42 Minimum Land Use Buffer Requirements

The applicant shall comply with the provisions specified in the following chart and with all other applicable provisions of this chapter. Land use buffer requirements may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the zone that the adjoining property is in.

LANDSCAPING CATEGORY	ADJOINING PROPERTY	*Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
A		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)	
B		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)		
C		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)		
D		Must comply with subsection (2) (Buffering Standard 2)			
E					
Footnotes:		*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, Finn Hill Neighborhood Center, Houghton/Everest Neighborhood Center, Business District Core or is located in TL 5, this section KZC 95.42 does not apply.			

This chart establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:

1. For standard 1, the applicant shall provide a 15-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The land use buffer must be planted as follows:
 - a. Trees planted at the rate of one (1) tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half (2-1/2) inch caliper, minimum, and/or coniferous trees eight (8) feet in height, minimum. At least 70 percent of trees shall be evergreen. The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.
 - b. Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two (2) years, planted at the following sizes and spacing, depending on type:
 - 1) Low shrub – (mature size under three (3) feet tall), 1- or 2-gallon pot or balled and burlapped equivalent;
 - 2) Medium shrub – (mature size from three (3) to six (6) feet tall), 2- or 3-gallon pot or balled and burlapped equivalent;
 - 3) Large shrub – (mature size over six (6) feet tall), 5-gallon pot or balled and burlapped equivalent.
 - c. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the shrubs or trees.
2. For standard 2, the applicant shall provide a 5-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The landscaped strip must be planted as follows:
 - a. One (1) row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of 2-inch caliper, minimum, and/or coniferous trees at least six (6) feet in height, minimum. The spacing may be increased to 15 feet to accommodate larger species and avoid long-term crowding. At least 50 percent of the required trees shall be evergreen.
 - b. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the trees.
3. Plant Standards. All plant materials used shall meet the most recent American Association of Nurserymen Standards for nursery stock: ANSI Z60.1.
4. Location of the Land Use Buffer. The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.
5. Multiple Buffering Requirement. If the subject property borders more than one (1) adjoining property along the same property line, the applicant shall provide a gradual transition between different land use buffers. This transition must occur totally within the area which has the less stringent buffering requirement. The specific design of the transition must be approved by the City.
6. Adjoining Property Containing Several Uses. If the adjoining property contains several permitted uses, the applicant may provide the least stringent land use buffer required for any of these uses.
7. Subject Property Containing Several Uses. If the subject property contains more than one (1) use, the applicant shall comply with the land use buffering requirement that pertains to the use within the most stringent landscaping category that abuts the property to be buffered.
8. Subject Property Containing School. If the subject property is occupied by a school, land use buffers are not required along property lines adjacent to a street.
9. Encroachment into Land Use Buffer. Typical incidental extensions of structures such as chimneys, bay windows, greenhouse windows, cornices, eaves, awnings, and canopies may be permitted in land use buffers as set forth in KZC 115.115(3)(d); provided, that:
 - a. Buffer planting standards are met; and
 - b. Required plantings will be able to attain full size and form typical to their species.

95.43 Outdoor Use, Activity, and Storage

Outdoor use, activity, and storage (KZC 115.105(2)) must comply with required land use buffers for the primary use, except that the following outdoor uses and activities, when located in commercial or industrial zones, are exempt from KZC 115.105(2)(c)(1) and (2)(c)(2) as stated below:

1. That portion of an outdoor use, activity, or storage area which abuts another outdoor use, activity, or storage area which is located on property zoned for commercial or industrial use.
2. Outdoor use, activity, and storage areas which are located adjacent to a fence or structure which is a minimum of six (6) feet above finished grade, and do not extend outward from the fence or structure more than five (5) feet; provided, that the total horizontal dimensions of these areas shall not exceed 50 percent of the length of the facade or fence (see Plate 11).
3. If there is an improved path or sidewalk in front of the outdoor storage area, the outdoor use, activity or storage area may extend beyond five (5) feet if a clearly defined walking path at least three (3) feet in width is maintained and there is adequate pedestrian access to and from the primary use. The total horizontal dimension of these areas shall not exceed 50 percent of the length of the facade of the structure or fence (see Plate 11).
4. Outdoor dining areas.
5. That portion of an outdoor display of vehicles for sale or lease which is adjacent to a public right-of-way that is improved for vehicular use; provided, that it meets the buffering standards for driving and parking areas in KZC 95.45(1); and provided further, that the exemptions of KZC 95.45(2) do not apply unless it is fully enclosed within or under a building, or is on top of a building and is at least one (1) story above finished grade.
6. Outdoor Christmas tree lots and fireworks stands if these uses will not exceed 30 days, and outdoor amusement rides, carnivals and circuses, and parking lot sales which are ancillary to the indoor sale of the same goods and services, if these uses will not exceed seven (7) days.

95.44 Internal Parking Lot Landscaping Requirements *(the PC recommends that the City Council put more robust parking lot requirements on the 2020 Planning Work Program)*

The following internal parking lot landscape standards apply to each parking lot or portion thereof containing more than eight (8) parking stalls.

1. The parking lot must contain 25 square feet of landscaped area per parking stall planted as follows:
 - a. The applicant shall arrange the required landscaping throughout the parking lot to provide landscape islands or peninsulas to separate groups of parking spaces (generally every eight (8) stalls) from one another and each row of spaces from any adjacent driveway that runs perpendicular to the row. This island or peninsula must be surrounded by a 6-inch-high vertical curb and be of similar dimensions as the adjacent parking stalls. Gaps in curbs are allowed for stormwater runoff to enter landscape island.
 - b. Landscaping shall be installed pursuant to the following standards:
 - 1) At least one (1) deciduous tree, two (2) inches in caliper, or a coniferous tree five (5) feet in height.
 - 2) Groundcover shall be selected and planted to achieve 60 percent coverage within two (2) years.
 - 3) Natural drainage landscapes (such as rain gardens, bio-infiltration swales and bioretention planters) are allowed when designed in compliance with the stormwater design manual adopted in KMC 15.52.060. Internal parking lot landscaping requirements for trees still apply. Refer to Public Works Pre-Approved Plans.
 - c. Exception. The requirements of this subsection do not apply to any area that is fully enclosed within or under a building.
2. Rooftop Parking Landscaping. For a driving or parking area on the top level of a structure that is not within the CBD zone or within any zone that requires design regulation compliance, one (1) planter that is 30 inches deep and five (5) feet square must be provided for every eight (8) stalls on the top level of the structure. Each planter must contain a small tree or large shrub suited to the size of the container and the specific site conditions, including desiccating winds, and is clustered with other planters near driving ramps or stairways to maximize visual effect.

3. If development is subject to Design Review as described in Chapter 142 KZC, the City will review the parking area design, plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required landscaping and design of the parking area as part of Design Review approval.

95.45 Perimeter Landscape Buffering for Driving and Parking Areas

1. Perimeter Buffering – General. Except as specified in subsection (2) of this section, the applicant shall buffer all parking areas and driveways from abutting rights-of-way and from adjacent property with a 5-foot-wide strip along the perimeter of the parking areas and driveways planted as follows (see Figure 95.45.A):
 - a. One (1) row of trees, two (2) inches in caliper and planted 30 feet on center along the entire length of the strip.
 - b. Living groundcover planted to attain coverage of at least 60 percent of the strip area within two (2) years.
 - c. Natural drainage landscapes (such as rain gardens, bio-infiltration swales and bioretention planters) are allowed when designed in compliance with the stormwater design manual adopted in KMC 15.52.060. Perimeter landscape buffering requirements for trees in driving and parking areas still apply. Refer to Public Works Pre-Approved Plans.
2. Exception. The requirements of this section do not apply to any parking area that:
 - a. Is fully enclosed within or under a building; or
 - b. Is on top of a building and is at least one (1) story above finished grade; or
 - c. Serves detached dwelling units exclusively; or
 - d. Is within any zone that requires design regulation compliance. See below for Design District requirements.
3. Design Districts. If subject to Design Review, each side of a parking lot that abuts a street, through-block pathway or public park must be screened from that street, through-block pathway or public park by using one (1) or a combination of the following methods (see Figures 95.45.A, B, and C):
 - a. By providing a landscape strip at least five (5) feet wide planted consistent with subsection (1) of this section, or in combination with the following. In the RHBD Regional Center (see KZC Figure 92.05.A) a 10-foot perimeter landscape strip along NE 85th Street is required planted consistent with subsection (1) of this section.
 - b. The hedge or wall must extend at least two (2) feet, six (6) inches, and not more than three (3) feet above the ground directly below it.
 - c. The wall may be constructed of masonry or concrete, if consistent with the provisions of KZC 92.35(1)(g), in building material, color and detail, or of wood if the design and materials match the building on the subject property.
 - d. In JBD zones:
 - 1) If the street is a pedestrian-oriented street, the wall may also include a continuous trellis or grillwork, at least five (5) feet in height above the ground, placed on top of or in front of the wall and planted with climbing vines. The trellis or grillwork may be constructed of masonry, steel, cast iron and/or wood.
 - 2) If the wall abuts a pedestrian-oriented street, the requirements of this subsection may be fulfilled by providing pedestrian weather protection along at least 80 percent of the frontage of the subject property.
 - e. If development is subject to Design Review as described in Chapter 142 KZC, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.
4. Overlapping Requirements. If buffering is required in KZC 95.42, Land Use Buffering Standards, and by this subsection, the applicant shall utilize the more stringent buffering requirement.

Perimeter Parking Lot Landscaping

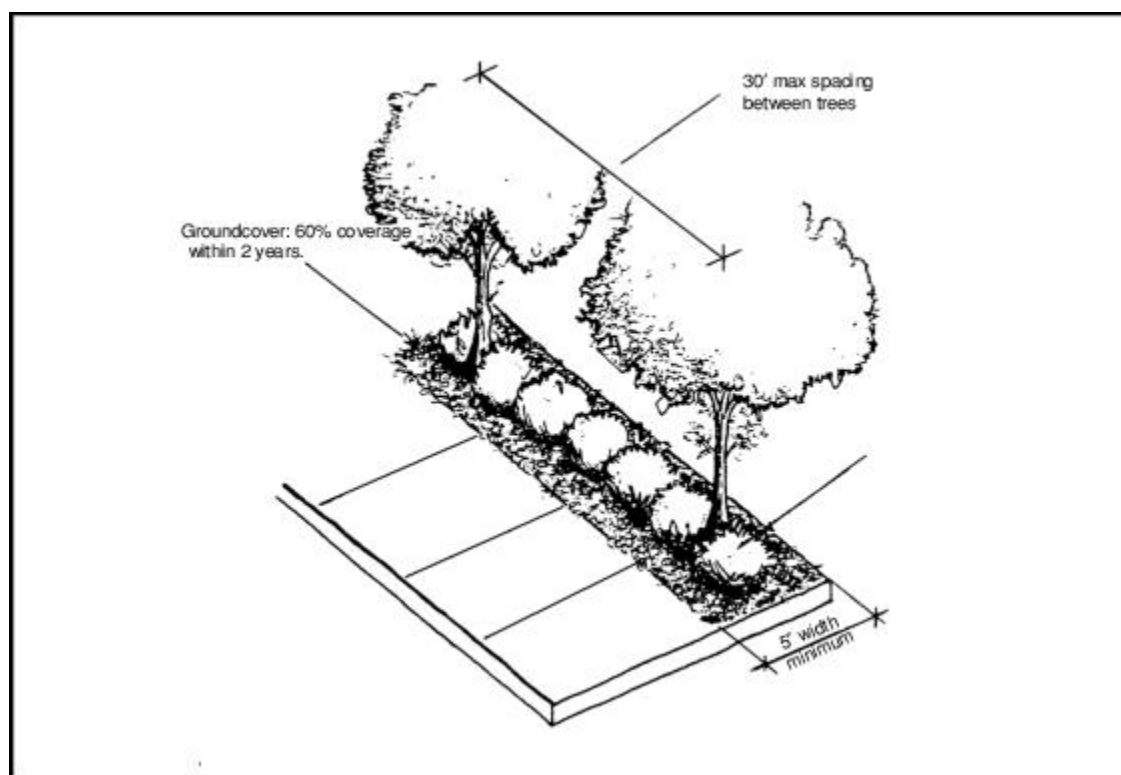


FIGURE 95.45.A

Perimeter Parking – Examples of Various Screen Wall Designs

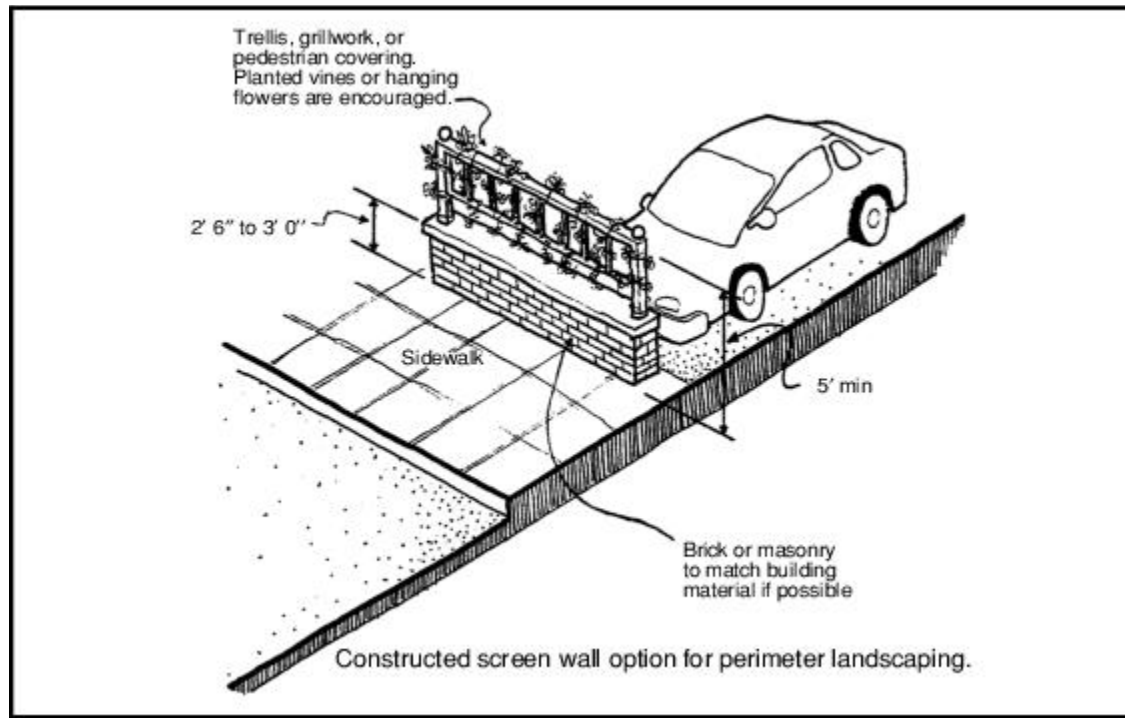


FIGURE 95.45.B

Perimeter Parking – Examples of Various Screen Wall Designs

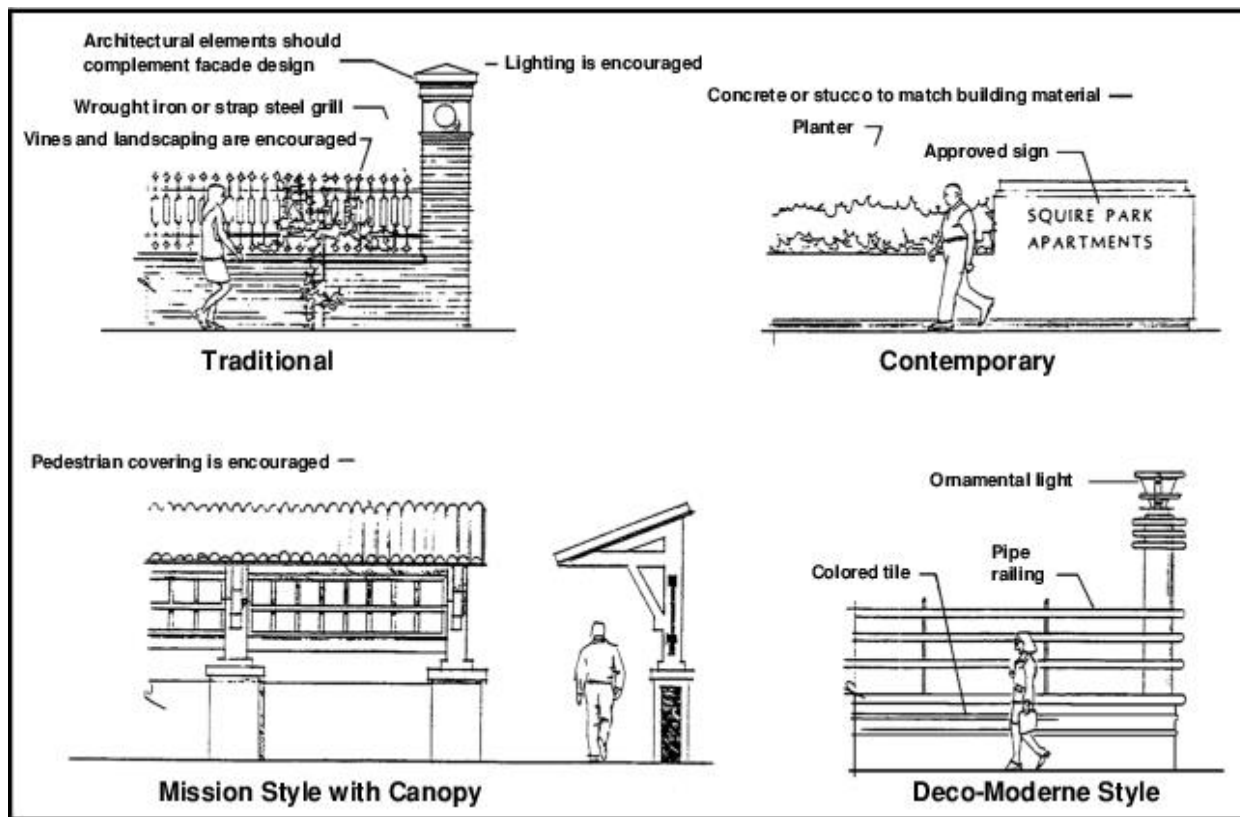


FIGURE 95.45.C

95.46 Modifications to Required Landscaping and Buffer Standards

1. Modification to Land Use Buffer Requirements. The applicant may request a modification of the requirements of the buffering standards in KZC 95.42. The Planning Official may approve a modification if:
 - a. The owner of the adjoining property agrees to this in writing; and
 - b. The existing topography or other characteristics of the subject property or the adjoining property, or the distance of development from the neighboring property decreases or eliminates the need for buffering; or
 - c. The modification will be more beneficial to the adjoining property than the required buffer by causing less impairment of view or sunlight; or
 - d. The Planning Official determines that it is reasonable to anticipate that the adjoining property will be redeveloped in the foreseeable future to a use that would require no, or a less intensive, buffer; or
 - e. The location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer.
2. Modifications to General Landscaping Requirements.
 - a. Authority to Grant and Duration. If the proposed development of the subject property requires approval through Design Review or Process I, IIA, or IIB, described in Chapters 142, 145, 150, and 152 KZC, respectively, a request for a modification will be considered as part of that process under the provisions of this section. The City must find that the applicant meets the applicable criteria listed in subsections (2)(b) and (2)(c) of this section. If granted under Design Review or Process I, IIA, or IIB, the modification is binding on the City for all development permits issued for that development under the building code within five (5) years of the granting of the modification.

If the above does not apply, the Planning Official may grant a modification in writing under the provisions of this section.
 - b. Internal Parking Lot Landscaping Modifications. For a modification to the internal parking lot landscaping requirements in KZC 95.44, the landscape requirements may be modified if:
 - 1) The modification will produce a landscaping design in the parking area comparable or superior to that which would result from adherence to the adopted standard; or
 - 2) The modification will result in increased retention of significant existing vegetation; or
 - 3) The purpose of the modification is to accommodate low impact development techniques as approved by the Planning Official.
 - c. Perimeter parking lot and driveway landscaping. For a modification to the perimeter landscaping for parking lots and driveways, the buffering requirements for parking areas and driveways may be modified if:
 - 1) The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or
 - 2) The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or
 - 3) The modification will provide a visual screen that is comparable or superior to the buffer required by KZC 95.45; or
 - 4) The modification eliminates the portion of the buffer that would divide a shared parking area serving two (2) or more adjacent uses but provides the buffer around the perimeter of the shared parking area.

95.47 Nonconforming Landscaping and Buffers

1. The landscaping requirements of KZC 95.40, Required Landscaping Based on Zoning District, KZC 95.43 Outdoor Use, Activity and Storage, KZC 95.44, Internal Parking Lot Landscaping, and KZC 95.45, Perimeter Landscape Buffering for Driving and Parking Areas, must be brought into conformance as much as is feasible, based on available land area, in either of the following situations:
 - a. An increase of at least 10 percent in gross floor area of any structure; or
 - b. An alteration to any structure, the cost of which exceeds 50 percent of the replacement cost of the structure.
2. Land use buffers must be brought into conformance with KZC 95.42 in either of the following situations:
 - a. An increase in gross floor area of any structure (the requirement to provide conforming buffers applies only where new gross floor area impacts adjoining property); or
 - b. A change in use on the subject property and the new use requires larger buffers than the former use.

95.50 Installation Standards for Required Plantings

All required trees, landscaping and soil shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All required landscaping shall be installed in the ground and not in above-ground containers, except for landscaping required on the top floor of a structure.

When an applicant proposes to locate a subterranean structure under required landscaping that appears to be at grade, the applicant will: (1) provide site-specific documentation prepared by a qualified expert to establish that the design will adequately support the mature size of specified trees and other vegetation species; and (2) enter into an agreement with the City, in a form acceptable to the City Attorney, indemnifying the City from any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the King County Recorder's Office.

1. Compliance. It is the applicant's responsibility to show that the proposed landscaping complies with the regulations of this chapter.
2. Timing. All landscaping shall be installed prior to the issuance of a certificate of occupancy, except that the installation of any required tree or landscaping may be deferred during the summer months to the next planting season, but never for more than six (6) months. **Trees should be planted in the fall, winter or early spring, between October and April, or must be irrigated.**

Deferred installation shall be secured with a performance bond pursuant to Chapter 175 KZC prior to the issuance of a certificate of occupancy.

3. Grading. Berms shall not exceed a slope of two (2) horizontal feet to one (1) vertical foot (2:1).
4. Soil Specifications. Soils in planting areas shall have soil quality equivalent to Washington State Department of Ecology BMP T5.13. The soil quality in any landscape area shall comply with the soil quality requirements of the Public Works Pre-Approved Plans. See subsection (9) of this section for mulch requirements.
5. Plant Selection.
 - a. Plant selection shall be consistent with the appropriate Kirkland Plant Lists, which is ~~produced by the City's Natural Resource Management Team~~ **shown on the Planning Department webpage and** available in the Planning and Building Department. **Species diversity is encouraged by planting species other than those listed, with Planning Official approval.**
 - b. Plants shall be selected and sited to produce a hardy and drought-resistant landscape area. Selection shall consider soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Preservation of existing vegetation is strongly encouraged.
 - c. ~~Prohibited Materials.~~ Plants listed in the Kirkland Prohibited Plant List **shall not be planted in any required landscape areas.** Additionally, there are other plants that may not be used if identified in the Kirkland Plant List as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, or when not provided with enough growing space.
 - d. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual.
 - e. Plants shall meet the minimum size standards established in other sections of the KZC.
 - f. Multiple-stemmed trees may be permitted as an option to single-stemmed trees for required landscaping provided that such multiple-stemmed trees are at least 10 feet in height and that they are approved by the Planning Official prior to installation.

6. **Plant Location. Newly-planted replacement trees should generally be planted at least 3 feet away from property lines. Planting large trees under/within proximity to overhead utilities shall be avoided. Newly-planted replacement trees may be checked for the approved locations as a final inspection procedure on development sites. Replacement trees must be planted in a manner that allows the tree species to mature to its full height and width. Trees shall be located with the appropriate spacing from buildings and other trees, soil volume should not be restricted for the mature size of the tree and soil should be amended in accordance with the storm water code. Trees shall be installed so that the root flare is at or slightly above the finished ground elevation in order to promote a healthy root structure and identify any girdling roots at the time of planting**

7. Fertilization. All fertilizer applications to turf or trees and shrubs shall follow Washington State University, National Arborist Association or other accepted agronomic or horticultural standards. **Fertilizer may include soil drenches to increase fungal biota and chemical root growth stimulators.**

8. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required plantings must provide an irrigation system, using either Option 1, 2, or 3 or a combination of those options. **Selected irrigation option shall be specified on the Landscape or Tree Plan.** For each option irrigation shall be designed to conserve water by using the best practical management techniques available. These techniques may include, but not be limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation during rainy periods, automatic controllers to ensure proper duration of watering, sprinkler head selection and spacing designed to minimize overspray, and separate zones for turf and shrubs and for full sun exposure and shady areas to meet watering needs of different sections of the landscape.

Exceptions, as approved by the Planning Official, to the irrigation requirement may be approved xeriscape (i.e., low water usage plantings), plantings approved for low impact development techniques, established indigenous plant material, or landscapes where natural appearance is acceptable or desirable to the City. However, those exceptions will require temporary irrigation (Option 2 and/or 3) until established.

- a. Option 1. A permanent built-in irrigation system with an automatic controller designed and certified by a licensed landscape architect as part of the landscape plan.
 - b. Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own, once established.
 - c. Option 3. Irrigation by hand, **which includes the use of water bags.** If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.
9. Drainage. All landscapes shall have adequate drainage, either through natural percolation or through an installed drainage system. A percolation rate of one-half (1/2) inch of water per hour is acceptable.
 10. Mulch.
 - a. Required plantings, except turf or areas of established ground cover, shall be covered with two (2) inches or more of organic mulch to minimize evaporation and runoff. Mulch shall consist of materials such as yard waste, sawdust, and/or manure that are fully composted.
 - b. All mulches used in planter beds shall be kept at least six (6) inches away from the trunks of shrubs and trees.
 11. Protection. All required landscaped areas, particularly trees and shrubs, must be protected from potential damage by adjacent uses and development, including parking and storage areas. Protective devices such as bollards, wheel stops, trunk guards, root guards, etc., may be required in some situations.

12. **Final Inspection. These requirements shall be completed prior to final inspection.**

95.51 Tree and Landscape Maintenance Requirements

The following maintenance requirements apply to all trees, including street trees, and other vegetation required to be planted or preserved by the City:

1. **Responsibility for Regular Maintenance.** Required trees and vegetation, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required landscaping elements. ~~Plants that die must be replaced in kind (moved below).~~ It is also the responsibility of the property owner to maintain street trees abutting their property pursuant to KZC 95.21.
2. **Maintenance Duration.** Maintenance shall be ensured in the following manner except as set forth in subsections (3), (4) and (5) of this section:
 - a. **Commercial, Industrial and Multifamily Development.** All required landscaping shall be maintained throughout the life of the development. Plants that die must be replaced in kind.
 - b. **Single Family Residential Development.** Any existing tree or other existing vegetation designated for preservation in a tree retention plan shall be maintained for a period of five (5) years following issuance of the certificate of occupancy for the individual lot or development. After five (5) years, all trees on the property are subject to KZC 95.23 unless:
 - 1) The tree ~~and associated vegetation (remove per recent grove covenant revisions)~~ are in a grove that is protected pursuant to subsection (3) of this section; or
 - 2) The tree or vegetation is considered to be a public benefit related to approval of a Planned Unit Development; or
 - 3) The tree or vegetation was retained to partially or fully meet requirements of KZC 95.40 through 95.45, Required Landscaping and Zoning.
3. **Maintenance of Preserved Grove.** Any applicant who has a grove of trees identified for preservation on an approved Tree Retention Plan pursuant to KZC 95.30(2) shall provide prior to occupancy the legal instrument acceptable to the City to ensure preservation of the grove ~~and associated vegetation~~ in perpetuity, except that the agreement may be extinguished if the Planning Official determines that preservation is no longer appropriate.
4. **Maintenance in Holmes Point Overlay Zone.** Vegetation in designated Protected Natural Areas in the Holmes Point Overlay Zone is to be protected in perpetuity pursuant to KZC 70.15(8)(a). **Significant Regulated** trees in the remainder of the lot shall be protected in perpetuity pursuant to KZC 70.15(8)(b).
5. **Nonnative Invasive and Noxious Plants.** It is the responsibility of the property owner to remove nonnative invasive plants and noxious plants **per the City's Prohibited Plant List, King County and Washington Weed Agencies** from the vicinity of any tree or other vegetation that the City has required to be planted or protected. Removal must be performed in a manner that ~~will not harm the tree~~ **is not injurious** to required trees and vegetation.
6. **Landscape Plans and Utility Plans.** Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature size both above and below ground. See the Kirkland Plant List for additional standards.

95.52 Prohibited Vegetation

Plants listed in the Kirkland Prohibited Plant List shall not be planted in the City or required to be retained.

For landscaping not required under this chapter, this prohibition shall become effective on February 14, 2008. The City may require removal of prohibited vegetation if installed after this date. Residents and property owners are encouraged to remove pre-existing prohibited vegetation whenever practicable.

95.55 Enforcement and Penalties

Upon determination that there has been a violation of any provision of this chapter, the City may pursue code enforcement and penalties in accordance with the provisions of Chapter 1.12.100 KMC, **Special Provisions Relating to Code Enforcement of Tree Regulations in Chapter 95 KZC. Notwithstanding the provisions of Chapter 1.12.100 KMC, Tree Topping shall result in the following penalties:**

1. **Required Trees.** Trees that were required to be planted or retained by this chapter that are less than six (6) inches DBH that have been damaged by Topping must be replaced pursuant to the standards in Chapter 1.12 KMC.
2. **Restoration.** For trees greater than six (6) inches DBH that have been damaged by Topping, property owners must have a Qualified Professional develop and implement a restoration pruning plan.

95.57 City Forestry Account

1. **Funding Sources.** All civil penalties received under this chapter and all money received pursuant to KZC 95.34.6 shall be used for the purposes set forth in this section. In addition, the following sources may be used for the purposes set forth in this section:
 - a. Agreed upon restoration payments imposed under KZC 95.55 or settlements in lieu of penalties;
 - b. **Agreed upon payment in lieu of planting replacement trees under KZC 95.34.6;**
 - c. Sale of trees or wood from City property where the proceeds from such sale have not been dedicated to another purpose;
 - d. Donations and grants for tree purposes;
 - e. Sale of seedlings by the City; and
 - f. Other monies allocated by the City Council.
2. **Funding Purposes.** The City shall use money received pursuant to this section for the following purposes:
 - a. Acquiring, maintaining, and preserving wooded areas within the City;
 - b. Planting and maintaining trees within the City;
 - c. Establishment of a holding public tree nursery;
 - d. Urban forestry education;
 - e. Implementation of a tree canopy monitoring program; or
 - f. Other purposes relating to trees as determined by the City Council.

KIRKLAND ZONING CODE CHAPTER 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING**Sections:**

- 95.05 Purpose and Intent
- 95.10 Definitions
- 95.20 Tree Removal Permit Exemptions
- 95.21 Public Tree Removal and Pruning
- 95.23 Tree Pruning and Removal on Private Property in the Absence of Development Activity
- 95.25 Sustainable Site Development
- 95.30 Tree Retention Associated with Development Activity
- 95.32 Incentives and Variations to Development Standards
- 95.32 Tree and Soil Protection during Development Activity
- 95.33 Tree Density Requirement
- 95.34 Tree Planting Requirements Related to Development Activity
- 95.40 Required Landscaping Based on Zoning District
- 95.41 Supplemental Plantings
- 95.42 Minimum Land Use Buffer Requirements
- 95.43 Outdoor Use, Activity, and Storage
- 95.44 Internal Parking Lot Landscaping Requirements
- 95.45 Perimeter Landscape Buffering for Driving and Parking Areas
- 95.46 Modifications to Required Landscaping and Buffer Standards
- 95.47 Nonconforming Landscaping and Buffers
- 95.50 Installation Standards for Required Plantings
- 95.51 Tree and Landscape Maintenance Requirements
- 95.52 Prohibited Vegetation
- 95.55 Enforcement and Penalties
- 95.57 City Forestry Account

95.05 Purpose and Intent

1. Trees and other vegetation are important elements of the physical environment. They are integral to Kirkland's community character and protect public health, safety and general welfare. Protecting, enhancing, and maintaining healthy trees and vegetation are key community values. Comprehensive Plan Policy NE-3.1 describes working towards achieving a healthy, resilient urban forest with a City-wide tree canopy coverage of 40 percent. The many benefits of healthy trees and vegetation contribute to Kirkland's quality of life by:

- a. Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus reducing the public and private costs for storm water control/treatment and utility maintenance;
- b. Improving the air quality by absorbing air pollutants, mitigating the urban heat island effect, assimilating carbon dioxide and generating oxygen, and decreasing the impacts of climate change;
- c. Reducing the effects of excessive noise pollution;
- d. Providing cost-effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;
- e. Providing visual relief and screening buffers;
- f. Providing recreational benefits;
- g. Providing habitat, cover, food supply and corridors for a diversity of fish and wildlife; and
- h. Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability of the community.

2. Tree and vegetation removal in urban areas has resulted in the loss to the public of these beneficial functions. The purpose of this chapter is to establish a process and standards to provide for the protection, preservation, replacement, proper maintenance, and use of significant trees, associated vegetation, and woodlands located in the City of Kirkland.

The intent of this chapter is to:

- a. Maintain and enhance canopy coverage provided by trees for their functions as identified in KZC 95.05(1);
- b. Preserve and enhance the City of Kirkland's environmental, economic, and community character with mature landscapes;
- c. Promote site planning, building, and development practices that work to avoid removal or destruction of trees and vegetation, that avoid unnecessary disturbance to the City's natural vegetation, and that provide landscaping to buffer the effects of built and paved areas;
- d. Mitigate the consequences of required tree removal in land development through on- and off-site tree replacement with the goals of halting net loss and enhancing Kirkland's tree canopy to achieve an overall healthy tree canopy cover of 40 percent City-wide over time;
- e. Encourage tree retention efforts by providing flexibility with respect to certain other development requirements;
- f. Implement the goals and objectives of the City's Comprehensive Plan;
- g. Implement the goals and objectives of the State Environmental Policy Act (SEPA); and
- h. Manage trees and other vegetation in a manner consistent with the City's Urban Forest Strategic Management Plan; industry standards; and best management practices established by the International Society of Arboriculture (ISA) and the American National Standards Institute (ANSI) for Management of Trees During Site Planning, Development and Construction, Pruning, and Tree Risk Assessment.
- i. Preserve and protect street trees, trees in public parks and trees on other City property.

95.10 Definitions

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise. Definitions that apply throughout this code are also located in Chapter 5 KZC.

1. Caliper – The industry standard for trunk measurement of nursery stock, applicable to required replacement trees. Caliper shall be measured six (6) inches above the ground.
2. Critical Root Zone (CRZ) – The area encircling the trunk ~~which is~~ of a tree equal to one (1) foot radius for every inch of DBH. Example: a 24-inch DBH tree has a 24-foot radius CRZ measured from the face of the trunk.
3. Crown – The area of a tree containing leaf- or needle-bearing branches.
4. Diameter at Breast Height (DBH) – The diameter or thickness of a tree trunk measured at 4.5 feet ~~from the ground~~ above average grade. For trees with multiple trunks at 4.5 feet height, only trunks 3" DBH or greater shall be included. Where a tree splits into several trunks close to ground level, the DBH for the tree is the square root of the sum of the DBH for each individual stem squared (example with 3 trunks: $DBH = \text{square root} [(stem1)^2 + (stem2)^2 + (stem3)^2]$). If a tree has been removed and only the stump remains that is below 4.5 feet tall, the size of the tree shall be the diameter of the top of the stump.
5. Dripline – The distance from the tree trunk, that is equal to the furthest extent of the tree's Crown.
6. Impact – A condition or activity that adversely affects any part of a tree, including, but not limited to, the trunk, branches, or CRZ.
7. Inner Critical Root Zone – an area half the distance of the CRZ that, when impacted, may compromise the structural integrity of the applicable tree. Example: a 24-inch DBH tree has a 12-foot radius Inner Critical Root Zone measured from the face of the trunk.
8. Qualified Professional – An individual with relevant education and training in arboriculture or urban forestry, having two (2) or more of the following credentials:

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- International Society of Arboriculture (ISA) Certified Arborist;
- Tree Risk Assessor Qualification (TRAQ) as established by the ISA (or equivalent);
- American Society of Consulting Arborists (ASCA) registered Consulting Arborist;
- Society of American Foresters (SAF) Certified Forester for Forest Management Plans;
- Board Certified Master Arborist as established by the ISA.

For tree retention associated with a development permit, a Qualified Professional must have, in addition to the above credentials, a minimum of three (3) years' experience working directly with the protection of trees during construction and have experience with the likelihood of tree survival after construction. A Qualified Professional must also be able to prescribe appropriate measures for the preservation of trees during land development.

9. Prohibited Plant List –The Planning and Building Department shall make available a list of trees, which may include other vegetation, that are invasive, noxious, or inappropriate species for replacement trees or for retention.
10. Significantly Wooded Site – A subject property that has a number of ~~significant~~ trees with Crowns that, when outlined in aerial imagery, cover at least 40 percent of the total area of the property.
11. Site Disturbance – Any development, construction, or related operation that could alter the subject property, including, but not limited to, soil compaction; tree or tree stump removal; road, driveway, or building construction; installation of utilities; or grading.
12. Topping – Indiscriminate cuts made between branches that leave a stub, used to reduce the height or crown size of an established tree. Topping is not an acceptable practice pursuant to best management practices in the ANSI A300 Pruning Standards.
13. Tree Protection Zone (TPZ) – The outer boundary of a tree's protected area, as determined by a Qualified Professional, intended to protect individual trees, groups of trees' trunks, roots and soil from construction-related impacts. TPZ is measured in feet from the face of the trunk and may be determined using Critical Root Zone, Dripline, exploratory root excavations or other methodologies. The TPZ is variable depending on species, age and health of the tree, soil conditions and proposed construction. TPZ denotes the location of tree protection fencing.
14. Tree Removal – The removal of a tree, through either direct or indirect actions, including but not limited to: (1) clearing, damaging, girdling, or poisoning, in each case, resulting in an unhealthy or dead tree; (2) Topping that results in removal of more than 25% of the live Crown; or (3) damage to roots or trunk that is likely to destroy the tree's structural integrity.
15. Trees – A tree or a group of trees may fall under one of the following definitions for purposes of this chapter:
 - a. Grove – A group of three (3) or more Regulated Trees with overlapping or touching Crowns, each with a minimum 12-inches DBH, in excellent or good condition per KZC.95.30.3; provided, that groves preserved through development per KZC 95.51.3 shall not be removed as hedges.
 - b. Hazard Trees - A tree assessed by a Qualified Professional as having an Imminent or High-Risk Rating using the ISA Tree Risk Assessment Qualification (TRAQ) method in its most current form, as applied in KZC 95.23.10.
 - c. Hedge Trees – Five (5) or more trees of the same species with overlapping or touching Crowns that have been planted by a current or former owner of a subject property in a linear formation, typically to function as a screen or barrier. A Hedge will not be deemed a Grove and trees within a hedge will not be deemed regulated trees.
 - d. Landmark Tree – a Regulated Tree with a minimum 30-inch DBH in excellent or good condition per KZC.95.30.3.
 - e. Nuisance Tree – A tree that meets either of the following criteria:
 - 1) Is causing obvious physical damage to private or public structures, including, but not limited to: a sidewalk, curb, road, driveway, parking lot, building foundation, or roof; or
 - 2) Has sustained damage from past maintenance practices or from naturally-occurring events such as wind, ice or snow-loading.

The problems associated with a Nuisance Tree must be such that they cannot be corrected by reasonable practices, including, but not limited to: pruning of the Crown or roots of the tree, bracing, or cabling to reconstruct a healthy Crown.
 - f. Public Tree –A tree located in parks, within maintained or unmaintained public rights-of-way, in a stormwater facility, or on other property owned by the City.
 - g. Regulated Tree – A tree that is at least six (6) inches DBH that is not listed on the Prohibited Plant List.
 - h. Street Tree – A Public Tree located within the public right-of-way; provided, that, if the trunk of the tree straddles the boundary line of the public right-of-way and the abutting property, it shall be on the abutting property and subject to the provisions of this chapter.
 - i. Tier 1 Tree(s) – Landmark Trees and Groves.
 - j. Tier 2 Tree –A Regulated Tree with any portion of the trunk located in a Required Yard or a required landscaping area in excellent or good condition per KZC 95.30.3, subsection (c).
16. Wildlife Snag – The remaining trunk of a tree that is intentionally reduced in height and usually stripped of its live branches.
17. Windfirm – A condition of a tree in which it withstands average peak local wind speeds and gusts.

95.20 Tree Removal Permit Exemptions

The following activities are exempt from the provisions of this chapter:

1. Emergency Tree Removal. Any tree that poses an imminent threat to life or property may be removed. The City must be notified within seven (7) days after the emergency tree removal with evidence of the threat for removing the tree to be considered exempt from this chapter. If the Planning Official determines that the emergency tree removal was not warranted or if the removed tree was required to be retained or planted pursuant to a development permit, then the removal will be subject to code enforcement, including fines and restoration. The Planning Official may require that the party obtain a tree removal permit ~~and/or require that~~.
2. Utility Maintenance. Trees may be removed by the City or utility provider in situations involving interruption of services provided by a utility only if pruning cannot solve utility service problems. Utility maintenance shall conform to a City-approved Utility Vegetation Management Plan.
3. Commercial Nurseries or Tree Farms. A nursery or tree farm owner may remove trees that are being grown to be sold as Christmas or landscape trees.

95.21 Public Tree Removal and Pruning

1. Public Tree Removal. Other than City crews, no person, directly or indirectly, any Public Tree (including any Tree Removal as defined in KZC 95.10.15) without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempt per KZC 95.20. The City will not authorize removal of any Public Tree by any private party unless the tree is determined to be a Hazard Tree or Nuisance Tree.
2. Public Tree Pruning. The pruning of Public Trees, including Street Trees, shall conform to the following:
 - a. Other than City crews, no person, directly or indirectly, shall prune, trim, modify, alter, or damage any Public Tree without first obtaining a Public Tree pruning permit as provided in this chapter, unless the activity is exempt per KZC 95.20 or falls within one of the exceptions set forth in subsection (b) below related to Street Trees.
 - b. It is the responsibility of the adjacent property owner to maintain Street Trees abutting their property, which may include minor pruning of up to one and a half (1.5)-inch diameter branches for sidewalk clearance; watering, and mulching. A Public Tree pruning permit is required to trim, modify, alter, or substantially prune branches of a Street Tree more than one and a half-inch in diameter. The City reserves the right to have City or utility crews perform routine pruning and maintenance of Street Trees.
 - c. The pruning of Public Trees, including Street Trees, shall conform to the most recent version of the American National Standards Institute (ANSI) A300 Pruning Standards or as outlined in a City-approved Utility Vegetation Management Plan.

95.23 Tree Pruning and Removal on Private Property ~~Not Associated with~~ in the Absence of Development Activity

Tree and vegetation removal in urban areas has resulted in the loss of beneficial functions provided by trees to the public. The majority of tree canopy within the City of Kirkland is on private property. The purpose of this section is to establish a process and standards to slow the loss of tree canopy on private property resulting from tree removal, contributing towards the City’s canopy goals and a more sustainable urban forest.

1. **Tree Removal on Private Property.** No person, directly or indirectly, shall remove any Regulated Tree (including any Tree Removal as defined in KZC 95.10.15) from private property without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempt per KZC 95.20 or is subject to the tree removal allowances set forth in KZC 95.23.5.
2. **Tree Pruning on Private Property.**
Any private property owner may prune trees on their property without a permit, subject to the following:
 - a. Any pruning of Landmark Trees or Groves preserved pursuant to KZC 95.51.3 by private property owners shall conform to the most recent version of the ANSI A300 Pruning Standards.
 - b. Private property owners shall not prune trees located in wetlands, streams, or their buffers.
3. **Tree Removal Notification Form.** The Planning and Building Department shall make available a tree removal notification form. The tree removal notification form may be used by property owners to request review by the Planning and Building Department for compliance with applicable City regulations.
4. **Tree Removal Permit Application Form** The applicable City department shall make available a tree removal permit application form. Property owners required by this chapter to obtain a tree removal permit shall submit a completed permit application for City review for compliance with applicable City regulations. The tree removal permit application form shall require, at a minimum, submittal of the following:
 - a. A site plan showing the approximate location of all Regulated Trees on the subject property, their DBH, and their species, along with the location of structures, driveways, access ways, and easements on the subject property.
 - b. For required replacement trees, a planting plan showing the location, size, and species of each replacement tree to be planted on the subject property, in accordance with the tree replacement requirements set forth in KZC 95.23.8.
5. **Tree Removal Allowances** Any private property owner of developed property may remove a specified number of Regulated trees from their property within a 12-or 24-month period based on the table below without having to apply for a tree removal permit; provided, that:
 - a. The trees are not Landmark Trees;
 - b. The removal of a Landmark Tree has not occurred within 24 months;
 - c. The trees are not located in wetlands, streams, or their buffers; are not located on properties in the Holmes Point Overlay area; are not located within the City’s shoreline jurisdiction; and do not consist of a preserved Grove pursuant to KZC 95.51.3. Trees within shoreline jurisdiction are subject to additional tree removal and replacement standards if the tree(s) to be removed are located within the required shoreline setback. See Chapter 83 KZC for additional standards;
 - d. There is no active application for development activity for the subject property;
 - e. The trees were not required to be retained or planted as a condition of previous development activity per KZC 95.40, 95.42-45;
 - f. All the additional standards for tree replacement described in KZC 95.23.8 are met.

Table x Tree Removal Allowances

Lot Size	Maximum number of allowed Regulated Tree removal every 12 months	Minimum number of Regulated Trees that must remain (see also 95.30.9.e)
Lots up to 10,000 sq. ft.	2	2
Lots 10,000 to 20,000 sq. ft.	3	3
Lots 20,000 sq. ft. or greater	4	4
Lots greater than 35,000 sq. ft	May remove more than 6 trees with a Forest Management Plan	To be determined through review of the Forest Management Plan

6. **Tree Removal Permit.** A Tree Removal Permit is required if a property owner is requesting to exceed the allowances in subsection (5) of this section, to remove Landmark trees or to remove Hazard Trees or Nuisance Trees pursuant to subsection 10 of this section.
7. **Tree Removal on Private Property Prior to Development Permits.** The City will not accept any application for a short plat or subdivision for a property with a pending tree removal permit or tree removal notification. Further, with the exception of approved removals of Hazard Trees or Nuisance Trees per KZC 95.23.9, for a period of 12 months following the most recent removal of a Regulated Tree or a period of 24 months following the most recent removal of a Landmark Tree on a subject property (including girdling), the City will not accept any application for a short plat or subdivision for the subject property.
8. **Tree Removal Permit Decision and Appeals.**
 - a. The City shall review each tree removal permit application within 21 calendar days and either approve, approve with conditions or modifications, deny, or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process.
 - b. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.
 - c. **Time Limit.** Tree removal by felling shall be completed within one (1) year from the date of permit approval or the permit is void.
9. **Tree Replacement Requirements**
 - a. **Tree Replacement.** For every Regulated Tree that is removed the City encourages the planting of a replacement tree that is appropriate to the site.
 - b. **Public Trees.** For every Public Tree that is removed, the City shall require a minimum one-for-one replacement in a suitable location.
 - c. **Holmes Point Overlay Zone.** The removal of any tree in the Holmes Point Overlay Zone requires the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be approved by the Planning Official.
 - d. **Hedge Trees.** For the approved removal of Hedge Trees, the City shall require a one-for-one replacement in a suitable location.
 - e. **The Last Regulated Trees on Certain Lots.** For the removal of one (1) or both of the last two (2) Regulated Trees on lots containing single-family homes, cottages, carriage units, or two/three-unit homes under 10,000 square feet, approval of a tree removal permit is required and the City is authorized to require the planting of replacement trees, on a one-for-one basis, that are appropriate to the subject property and in locations on the subject property that are suitable. For the removal of one (1) or more of the last three (3) Regulated Trees on any lots under 20,000 square feet but at least 10,000 square feet, approval of a tree removal permit is required and the City is authorized to require the planting of replacement trees, on a one-for-one basis, that are appropriate to the subject property and in locations on the subject property that are suitable. For the removal of (1) or more of the last four (4) Regulated Trees on any lots 20,000 square feet or greater, approval of a tree removal permit is required and the City is authorized to require the planting of replacement trees, on a one-for-one basis, that are appropriate to the subject property and in locations on the subject property that are suitable. The replacement trees required by this subsection shall be at least six (6) feet tall for conifers and at least 2-inch Caliper for deciduous or broad-leaf evergreen trees.
 - f. **Other Circumstances.** For all other circumstance, the required tree replacement will be based on the required landscaping standards in KZC 95.40 through 95.50.
10. **Removal of Hazard Trees or Nuisance Trees.** Any private property owner seeking to remove any number of Regulated Trees that are Hazard Trees or Nuisance Trees from their developed or undeveloped property shall first obtain approval of a tree removal permit and meet the requirements of this subsection. Removal of a Hazard Tree or Nuisance Tree by the applicable property owner does not count toward the allowed number of tree removals set forth in KZC

95.23.5, if the conditions giving rise to the nuisance or hazard are evident in a photograph or, in the case of a Hazard Tree, the conditions giving rise to the hazard are supported by a Tree Risk Assessment prepared by a Qualified Professional in accordance with KZC 95.23.10 and approved by the City. The City may order diseased trees removed from private property as Hazard Trees to prevent the spread of a disease/pest that would cause catastrophic decline in tree health and failure.

11. Tree Risk Assessments for Hazard Trees.

- a. If the conditions giving rise to a hazard are not evident in a photograph, a Tree Risk Assessment report prepared by a Qualified Professional explaining how the tree, or trees, meet the definition of a Hazard Tree is required. Tree Risk Assessments shall follow the method for developing a tree risk rating set forth in the ISA Tree Risk Assessment Manual.
- b. The method for developing a tree risk rating set forth in the ISA Tree Risk Assessment Manual involves assessing levels of tree risk as a combination of the likelihood of a tree failing and impacting a specified target and the severity of the associated consequences should the tree or any part of the tree fail. Potential targets are permanent structures or an area of moderate to high use. Where a potential target does not exist, applicants should consider routine pruning and maintenance.
- c. Where a tree is found to have a high risk or extreme risk rating, the Planning Official may approve mitigation measures to reduce the risk rather than approving the removal of the entire tree.
- d. Where a tree is found to have a high risk or extreme risk rating and mitigation of the risk through pruning or moving of potential targets is not feasible, the Planning Official shall approve the removal of the tree as a Hazard Tree.

12. in Wetlands, Streams, or their Buffers. See Chapters 85 and 90 KZC.

- a. Hazard Trees or Nuisance Trees in wetlands, streams, or their buffers shall be removed in a manner that creates a Wildlife Snag;
- b. If creation of a Wildlife Snag is not feasible, then the felled tree shall be left in place unless the Planning Official approves tree removal in writing; and
- c. The removal of any tree in a wetland, stream, or their buffers shall be replaced with one (1) to three (3) native tree species at a minimum height of six (6) feet depending on the size, quality, and species of removed tree. The Planning Official shall determine the location and required number of replacement trees.
- d. No trees shall be removed from a wetland, stream, or their buffers unless determine to be Nuisance Trees or Hazard Trees. Any tree removal shall be authorized in advance through a tree removal permit unless emergency tree removal is warranted per KZC 95.20.1.

13. Forest Management Plan.

- a. Traditional forest management may require selective tree removal to meet objectives for sustainable growth, composition, health, and quality. A Forest Management Plan may be submitted for developed, Significantly Wooded Sites of at least 35,000 square feet in size in where tree removal exceeds the allowances of KZC 95.23.5 and is not exempt under KZC 95.20. A Forest Management Plan must be developed by a Qualified Professional and shall include the following:
 - i. A site plan depicting the location of all Regulated Trees (a survey identifying tree locations is not required) with a numbering system of the trees (with corresponding tags on trees in the field). The site plan shall include the DBH, species, and condition of each tree;
 - ii. Identification of trees proposed to be removed, including reasons for their removal and a description of low impact removal techniques pursuant to subsection (12)(b) of this section.
 - iii. A reforestation plan that includes location, size, species, and timing of installation;
- b. The following Forest Management Plan standards shall apply:
 - i. Trees to remain should be dominant or co-dominant in the stand, healthy and Windfirm.
 - ii. No removal of trees from wetlands, streams, or their buffers, unless otherwise permitted by this chapter.
 - iii. No removal of Landmark Trees or Groves, unless otherwise permitted by this chapter.
 - iv. No removal of trees that would cause trees on adjacent properties to become hazardous.
 - v. The reforestation plan ensures perpetuity of the wooded areas. The size of planted trees for reforestation shall be a minimum of three (3) feet tall.
 - vi. Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, native shrubs, ground cover, and stumps shall be retained where feasible. Where not feasible, appropriate erosion control measures to be approved by the City shall be implemented.
 - vii. Removal of tree debris shall be done pursuant to Kirkland Fire Department standards.
 - viii. Recommended maintenance prescription for retained trees with a specific timeline
- c. The Planning Official may require a performance security pursuant to KZC 175 in order to ensure that the reforestation requirements of the approved Forest Management Plan are met.

95.30 Tree Retention Associated with Development Activity

The City's objective is to mitigate the impacts of incremental canopy loss due to development by establishing clear standards for the retention of existing trees and standards for planting and maintenance of new trees.

Applicants for a development permit are encouraged to confer with City staff as early in the design process as possible so that the tree planting and retention principles found in this chapter can be incorporated into the design of the subject property. The Planning Official and the applicant shall work in good faith to find reasonable solutions.

1. **Tree Retention Plan General Requirements.** An applicant for a development permit must submit a Tree Retention Plan that complies with this section. A Qualified Professional may be required to prepare certain submittal elements at the applicant's expense. If proposed development activities call for more than one Tree Retention Plan element, the Planning Official may require the more stringent of, or a combination of, the elements based on the nature of the proposed development activities. If the proposed activity is not clearly identified in this chapter, the Planning Official shall determine the appropriate Tree Retention Plan requirements.
2. **Tree Retention Plan Applicability.** Unless otherwise exempt pursuant to KZC 95.20 or subject to the exception in subsection (a) of this section, any proposed development of the subject property requiring approval through a building permit; land surface modification permit; demolition permit; and/or Design Review, Process I, IIA, or IIB, described in Chapters 142, 145, 150 and 152 KZC, respectively, shall include a Tree Retention Plan Tree Retention Plans containing reports of one or more Qualified Professionals in which the field work was completed over 3 years ago may need to be updated with current data.
 - a. **Exception.** A Tree Retention Plan is not required for additions to and remodels of existing improvements in which the total square footage of the proposed improvements is less than 50 percent of the total square footage of the existing footprint on the subject property and no development activity is proposed within the CRZ of Tier 1 Trees or Tier 2 Trees.
 - b. **Additional tree retention and protection regulations apply to:**
 - 1) Properties within jurisdiction of the Shoreline Management Act as set forth in Chapter 83 KZC;
 - 2) Properties with Critical Areas or Critical Area Buffers as set forth in Chapters 85 and 90 KZC; and
 - 3) Properties within the Holmes Point Overlay Zone as set forth in Chapter 70 KZC.
3. **Tree Retention Plan Submittal Requirements.** Tree Retention Plans shall contain the following information, unless waived by the Planning Official:
 - a. **Inventory.** The inventory may be noted on the site plan or in the report of a Qualified Professional, listing the following:
 - 1) All existing Regulated Trees on the subject property identified by a consistent numbering system in the report of a Qualified Professional or site plan and onsite tree tags or flagging. The inventory must also include Regulated Trees that are on adjacent properties that appear to have CRZs extending onto the subject property;

- 2) The CRZ and the proposed TPZ of all existing Regulated Trees specified in feet from the face of each tree trunk. The inventory must also include the approximate CRZ and proposed TPZ of Regulated Trees that appear to have CRZs extending onto the subject property;
- 3) Existing Regulated Tree DBH;
- 4) Proposed tree removals;
- 5) Condition rating of Regulated Trees (i.e., poor, fair, good, excellent, etc.) per KZC 95.30.3, subsection (c); and
- 6) Tree ~~type~~-species and/or common name.

b. Site plan. The site plan must be drawn to scale showing the following:

- 1) Location of all proposed improvements, including building footprint, access, utilities, applicable Required Yards, buffers, and required landscaped areas clearly identified.
- 2) Surveyed location may be required of Regulated Trees on the subject property. The site plan must also show the approximate trunk location of Regulated Trees with that are potentially Impacted on adjacent properties;
- 3) Trees labeled corresponding to the tree inventory numbering system per subsection (a) of this section;
- 4) CRZs drawn to scale around all trees potentially impacted by site disturbances resulting from grading, demolition, or construction activities (including approximate CRZs of all trees that are potentially Impacted by on adjacent properties);
- 5) Location of tree protection fences at the proposed TPZs, with distances from the applicable trunks to fences noted on the site plan. Specific tree protection standards during construction are described in KZC 95.32. These standards must be adhered to and included on demolition, grading, and building permit plans;
- 6) Trees proposed to be removed, noted by an 'X' or by ghosting out;
- 7) Proposed locations of any replacement trees to be planted to meet tree density credits or the minimum number of trees as outlined in KZC 95.34.

c. Report of a Qualified Professional with the following:

- 1) The condition rating for each Regulated Tree based on its health and structure, including Regulated Trees that appear to have CRZs extending onto the subject property. The condition rating for each Regulated Tree shall be assessed using the following criteria:

Condition Rating	Tree Structure <i>Root flare, trunk condition, branch assembly</i>	Tree Health <i>Twig and leaf density, size and growth, pest/pathogen issues</i>
Excellent	Trunk and root flare are sound and solid, no visible defects or cavities. Generally symmetric crown. Branch spacing, structure and attachments are normal for species and free of defects.	High vigor with little to no twig dieback, discoloration or defoliation. No apparent pest problems. New growth has normal to exceeding shoot length. Leaf size and color normal. Exceptional life expectancy for the species.
Good	Well-developed structure. Defects are minor and can be corrected. Codominant stem formation may be present. Trees that are part of a designated grove may have major asymmetries/deviations form an open-grown form of the same species.	Vigor is normal for species. No significant damage due to diseases or pests. Any twig dieback, defoliation or discoloration is minor (less than 25% of the crown). Typical life expectancy for the species. Trees that are part of a designated grove may have reduced vigor compared to an open-grown form of the same species.
Fair	A single defect of a significant nature such as a trunk cavity or multiple moderate defects such as large girdling roots, trunk damage, evidence of decay that are not practical to correct or would require multiple treatments over several years.	New growth is stunted or absent. Twig dieback, defoliation, discoloration, and/or dead branches may compromise from 25-50% of the crown. Damage due to insects or diseases may be significant and associated with defoliation but is not likely to be fatal. Below average life expectancy.
Poor	High to imminent risk trees (hazard). Structural problems cannot be corrected. Failure may occur at any time.	Poor vigor, unhealthy and declining. Low foliage density with extensive (more than 50%) twig and/or branch dieback. Smaller-than-normal leaf size and little evidence of new growth. Potentially fatal pest infestation.

- 2) For trees not suitable for retention, a description of the reason(s) for removal must be given based on poor health; high risk of failure due to poor structure, other defects, or unavoidable isolation (windfirmness); or unsuitability of species, etc., and for which no reasonable alternative action is possible (pruning, cabling, etc.);
- 3) The Qualified Professional's description of the method(s) used to determine TPZs (i.e., CRZ formula, exploratory root excavations, or a case-by-case basis description for individual trees);
- 4) Any special instructions specifically outlining any work proposed within the CRZ of retained trees (i.e., additional protection from soil compaction, hand-digging, tunneling or boring, root pruning, mitigating any grade changes, monitoring during development activity, and aftercare), including potentially Impacted trees on adjacent properties;
- 5) A discussion of timing and installation of tree protection measures that must include fencing in accordance with the tree protection standards in KZC 95.32, including any anticipated changes to tree protection fence location or other activity within the CRZ of retained trees during project construction (i.e. material delivery, equipment access, landscaping, etc.);
- 6) Describe the impact of necessary tree removal to the trees to be retained, including those in a Grove or on adjacent properties;
- 7) The suggested location and species of replacement trees to be planted. The report shall include planting and maintenance specifications pursuant to KZC 95.50, 95.51, and 95.52.

4. Tree Retention Plan Review Standards for Development of Single-Family Dwellings, Short Plats, Subdivisions, and Two/Three-Unit Homes.

To retain Regulated Trees, the applicant shall modify its proposed design, consistent with the provisions in this chapter that allow development standards to be modified. The authority to make decisions under this chapter resides with the Planning Official for building permits, land surface modification permits, and/or demolition permits or with the applicable decision authority for Design Review, Process I, IIA, or IIB permits described in Chapters 142, 145, 150 and 152 KZC, respectively

The City does not require tree retention efforts that would reduce maximum allowed density or number of lots or maximum allowed Floor Area Ratio (FAR) or Maximum Lot Coverage or that preclude required access and utility connections.

Tree Retention Plan review and approval shall be based on compliance with the following provisions:

a. Tier 1 Trees located anywhere on the subject property shall be retained using the following standards:

- 1) The applicant is entitled to a maximum building footprint, where consistent with applicable dimensional standards, in a configuration of 40-foot wide by 40-foot deep building footprint, in addition to a contiguous 20-foot wide by 20-foot deep building footprint that may shift location around Tier 1 Trees. An applicant is not required to limit the building footprint pursuant to this section where the limitation is not necessary to retain one or more Tier 1 Tree(s).

In order to retain Tier 1 trees, the applicant shall pursue, and the Planning Official is authorized to require, site plan alterations, such as adjustments to the location of building footprints, adjustments to the location of driveways and other access ways, or adjustment to the location of walkways, easements, or utilities, including the following:

- a) Shift or flip (mirror) the location of building footprints and driveways;
- b) Selection of the required front yard on corner lots in the RSA and RSX zones and selection of the required side yard to meet the 15-foot total required in RS zones;
- c) Adjust deck, patio, and path designs;
- d) Relocate utilities when gravity and location of existing mains permit;
- e) Avoid rockery/retaining walls located within CRZs;
- f) Shore basements and other extensive excavations in order to avoid impact within CRZs;

- g) Cantilever structures over CRZs; and
- h) With short plats and subdivisions, clustering per KZC 95.30.7, subsection (b), rearrangement of property lines within the applicable short plat or subdivision, relocation of access roads, and relocation of utilities.

3) The applicant shall employ arboricultural methods such as air excavations, boring under roots instead of trenching, and using additional CRZ protection per KZC 95.34.

4) The applicant may pursue the following variations prior to restricting/adjusting the building footprint, and the Planning Official (or Public Works Official, where applicable) is authorized to allow these variations to development standards:

- a) Allow 10-foot front and 5-foot rear Required Yards;
- b) Allow variations to the garage requirements of KZC 115.43.3;
- c) Allow variations to the maximum lot coverage by not more than 10 percent, where necessary, and the driveway width does not exceed a width of 20 feet to extend access due to building footprint location;
- d) Allow 18-foot by 18-foot parking pads;
- e) Modify right-of-way frontage improvement requirements, such as waiving any required landscape strip.;
- f) Allow up to a 5-foot increase in building height where the additional height is clearly related to tree retention (i.e., locating mechanical equipment in the attic, avoiding excavation or fill, etc.);
- g) With short plats and subdivisions, allow 3-foot required side yards within the proposed short plat or subdivision.

b. Tier 2 Trees shall be retained using the following standards:

1) The applicant is entitled to a maximum building footprint of the following configuration, where consistent with applicable dimensional standards:

- a) 50-foot wide by 50-foot deep building footprint, or
- b) For parcels where an applicant could otherwise construct a Front Façade that is wider than the 50-foot wide building footprint, the allowable width of the Front Façade shall be determined by measuring the distance between the Required Yards parallel to and along the Front Façade and reducing that width by 10% as provided in the formula below:

$$\text{MAXIMUM FRONT FAÇADE WIDTH} = (\text{DISTANCE BETWEEN REQUIRED YARDS}) - (\text{DISTANCE BETWEEN REQUIRED YARDS} \times 10\%)$$

For example: a 70-foot wide lot with a 60-foot wide front building facade and two 5-foot side Required Yards results in a 10 percent, or 6-foot reduction, to the building pad width, which totals a 54-foot maximum building envelope width.

An applicant is not required to limit the building footprint pursuant to this section where the limitation is not necessary to retain one or more Tier 2 Tree(s).

2) In order to retain Tier 2 trees, the applicant shall pursue and the Planning Official is authorized to require site plan alterations, including the following:

- a) Shift or flip (mirror) the location of building footprints and driveways;
- b) Selection of the required front yard on corner lots in the RSA and RSX zones and selection of the required side yard to meet the 15-foot total required in RS zones;
- c) Reduce required front yard by up to 5 feet and reduce any rear yards that are not directly adjacent to another parcel's rear yard but that, instead, are adjacent to an access easement or tract by up to 5 feet;
- d) Shift the building footprint on the lot to take advantage of the modifications/reductions allowed in subsection (4);
- e) Adjust deck, patio, and path designs;
- f) Avoid rockery/retaining walls located within CRZs; and
- g) Bore under roots within TPZs for utilities less than 2 inches diameter.

3) The applicant may pursue the following variations prior to restricting/adjusting the building footprint, and the Planning Official (or Public Works Official, where applicable) is authorized to allow these variations to development standards:

- a) Allow 10-foot front and 5-foot rear Required Yards;
- b) Allow variations to the garage requirements of KZC 115.43.3;
- c) Allow variations to the maximum lot coverage by not more than 10 percent, where necessary, and the driveway width does not exceed a width of 20 feet to extend access due to building footprint location;
- d) Modify right of way frontage improvement requirements, such as waiving any required landscape strip;
- e) With short plats and subdivisions, clustering per KZC 95.30.7, subsection (b).

5. Tree Retention Plan Review Standards for Development of Multifamily, Commercial, Mixed Use, and Cottage/Carriage Development.

To retain Regulated Trees in Required Yards and/or required landscape areas, the applicant shall modify its proposed design, consistent with the provisions in this chapter that allow development standards to be modified. The authority to make decisions under this chapter resides with the Planning Official for building permits, land surface modification permits, and/or demolition permits or with the applicable decision authority for Design Review, Process I, IIA or IIB permits described in Chapters 142, 145, 150 and 152 KZC, respectively.

The City does not require tree retention efforts that would reduce maximum allowed density or Lot Coverage or that preclude required access and utility connections.

Tree Retention Plan review and approval shall be based on compliance with the following provisions for Regulated Trees located in Required Yards and/or required landscape areas. Regulated Trees in these areas shall be retained to the maximum extent possible using the following standards:

- a. Adjust deck, patio, and path designs;
- b. Relocate utilities when gravity and location of existing mains permit;
- c. Avoid rockery/retaining walls located within CRZs;
- d. Shore basements and other extensive excavations in order to avoid impact within CRZs;
- e. Cantilever structures over CRZs;
- f. Employ arboricultural methods such as air excavations, boring under roots instead of trenching, and using additional CRZ protection per KZC 95.34;
- g. Modify right-of-way frontage improvement requirements, such as waiving any required landscape strip;
- h. Reduce or vary the area, width, or composition of any required common recreational open space;
- i. Vary parking lot design and/or access driveway requirements when the Public Works Official and Planning Official both determine the variations to be consistent with the intent of City policies and codes; and
- j. Vary requirements pertaining to stormwater if approved by the Public Works Official under KMC 15.52.060.

6. Tier 1 Tree and Tier 2 Tree Retention Priorities. The City may authorize the removal of Tier 1 Trees and Tier 2 Trees otherwise required by this chapter to be retained if:

- a. After utilizing the required site plan alterations and allowed variations to development standards listed in KZC 95.30.4 and 95.30.5, encroachment into the CRZ of one or more Tier 1 Tree or Tier 2 Tree would result in either of the following:

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- 1) One or more Tier 1 Trees or Tier 2 Trees that are unsuitable for retention per the condition ratings in KZC 95.30.3, subsection (c), in which case the City may authorize the removal of the applicable Tier 1 Trees or Tier 2 Trees; or
- 2) Conditions in which the retention of a Tier 2 Tree compromises a Tier 1 Tree's suitability for retention, in which case the City may authorize the removal of the applicable Tier 2 Tree.

Proposed alternative measures using sustainable site development strategies and qualifying sustainability certifications result in development sites that are equal or superior to the intent of this chapter, such as:

- 1) Low Impact Development (LID) standards within the Public Works Pre-Approved Plans and Policies and King County Stormwater Manual;
- 2) International Living Futures Institute (ILFI) Living Building Challenge;
- 3) Leadership in Energy and Environmental Design (LEED);
- 4) Built Green Net Zero;
- 5) Salmon Safe, ILFI Net Zero or Passive House programs; and
- 6) The installation of renewable energy system hardware, such as solar panels or wind turbines.

Requests to use alternative measures and procedures shall be reviewed by the Planning Official, who may approve, approve with conditions or modifications, or deny the request. The Planning Official and the applicant shall work in good faith to find reasonable solutions.

7. Additional Tree Retention Plan Standards for Short Plats and Subdivisions

a. Clustering of Lots Associated with Short Plats and Subdivisions. The Planning Director may approve variations to minimum Lot Size and maximum Floor Area Ratio and Lot Coverage requirements in order to facilitate retention of Tier 1 Trees and Tier 2 Trees where necessitated by retention of trees in protective tracts or where lot sizes are averaged in order to retain trees. The following standards shall apply:

1) Lot sizes may be averaged with no minimum lot size specified, provided there is no increase in the allowed density or number of lots otherwise allowed for the subject property;

2) The subject property is entitled to maintain the total aggregate maximum Floor Area Ratio (FAR) and Maximum Lot Coverage that would otherwise be permitted for the subject property under a conventional short plat or subdivision. The maximum FAR and/or Maximum Lot Coverage requirements may be adjusted proportionate to the Lot Size reduction(s), provided there is no net increase in the aggregate FAR and/or aggregate Lot Coverage otherwise allowed for the subject property.

The variations and resultant restrictions shall be included in a recorded agreement and binding on future owners of the lots.

b. Modifications. Modifications to the Tree Retention Plan may be approved by the Planning Director pursuant to the following criteria:

- 1) The need for the modification was not known and could not reasonably have been known before the Tree Retention Plan was approved;
- 2) The modification is necessary because of special circumstances that are not the result of actions by the applicant regarding the size, shape, topography, or other physical limitations of the subject property relative to the location of proposed and/or existing improvements on or adjacent to the subject property; and
- 3) There is no practicable or feasible alternative development proposal that results in fewer additional tree removals.

c. Public Notice for Modifications. The Planning Director shall not approve or deny a modification pursuant to this subsection without first providing notice of the modification request consistent with the noticing requirements for the short plat or subdivision and providing opportunity for comments for consideration by the Planning Director. Said comment period shall not be less than 14 calendar days. The fee for processing a modification request shall be established by City ordinance.

95.32 Tree and Soil Protection during Development Activity

Prior to development activity or initiating tree removal on the site, vegetated areas, individual trees and soil to be preserved shall be protected from potentially damaging activities during development activity per ISA and ANSI standards for tree protection as follows:

1. Placing Materials near Trees. No person may conduct any activity within the TPZ of any tree designated to remain, including, but not limited to, operating or parking equipment, placing solvents, storing building material or stockpiling any materials, or dumping concrete washout or other chemicals. During construction, no person shall attach any object to any tree designated for protection.

2. Tree Protection Fence. Before development, land clearing, filling, or any land surface modifications, the applicant shall:

a. Erect and maintain readily visible temporary protective tree fencing at the approved TPZ which completely surrounds the protected area of all retained trees, groups of trees, vegetation and native soil. Fences shall be constructed of chain link and be at least six (6) feet high, unless other type of fencing is authorized by the Planning Official.

b. Install highly visible signs spaced no further than 15 feet along the entirety of the Tree Protection Fence. Said sign must be approved by the Planning Official and shall state at a minimum "Tree and Soil Protection Area, Entrance Prohibited" and provide the City phone number for code enforcement to report violations.

c. Site plans showing approved tree retention/protection shall be displayed on development sites in plain view with the general contractor or other responsible party's phone number.

d. Prohibit excavation or compaction of soil or other potentially damaging activities within the fence; provided, that the Planning Official may allow such activities approved by a qualified professional and under the supervision of a qualified professional retained and paid for by the applicant.

e. If any disturbance is proposed within the Inner Critical Root Zone of one or more Regulated Trees on a neighboring property, the applicant shall provide evidence that the owner of said tree(s) has been notified in writing of the potential impact. The Planning Official may waive this requirement if the applicant's Qualified Professional can demonstrate, through non-injurious methods such as pneumatic root excavations, that there are no roots within the Inner Critical Root Zone.

f. Maintain the Tree Protection Fence in its approved location for the duration of the project until the Planning Official authorizes its removal.

g. Ensure that any approved landscaping done in the protected zone subsequent to the removal of the barriers shall be accomplished with machinery from outside the protected zone or by hand.

h. In addition to the above, the Planning Official may require the following:

- 1) If equipment is authorized to operate within the CRZ, the soil and CRZ of a tree must be covered with mulch to a depth of at least six (6) inches or with plywood, steel plates or similar material in order to protect roots and soil from damage caused by heavy equipment.
- 2) Minimize root damage by hand-excavating a 2-foot-deep trench, at the edge of the CRZ, to cleanly sever the roots of trees to be retained. Never rip or shred roots with heavy equipment.
- 3) Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.
- 4) Maintenance of trees throughout construction period by watering and fertilizing.

3. Grade.

a. The grade shall not be elevated or reduced within the CRZ of trees to be preserved without the Planning Official's authorization based on recommendations from a qualified professional in compliance to ANSI A300 Part 5 Standard Practices for the Management of Trees and Shrubs During Site Planning, Site Development and Construction.

- b. If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's CRZ, it shall be permanently stabilized to prevent soil erosion and suffocation of the roots.
- c. The applicant shall not install an impervious surface within the CRZ of any tree to be retained without the authorization of the Planning Official. The Planning Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface.
- d. To the greatest extent practical, utility trenches shall be located outside of the CRZ of trees to be retained. The Planning Official may require that utilities be tunneled under the roots of trees to be retained if the Planning Official determines that trenching would significantly reduce the chances of the tree's survival.
- e. Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, it is encouraged that shrubs, ground cover and stumps be maintained on the individual lots, where feasible.

4. Directional Felling. Directional felling of trees shall be used to avoid damage to trees designated for retention.

5. Additional Requirements. The Planning Official may require additional tree protection measures that are consistent with accepted urban forestry industry practices, including maintenance pursuant to KZC 95.51.

95.34 Tree Planting Requirements Related to Development Activity

This section establishes the minimum tree planting requirements for development permits using a tree credit system. This section does not establish a maximum retention standard for existing trees.

- 1. Trees Required to be Planted to Meet Tree Density Requirements. The required tree density for replanting is 30 tree credits per acre for single-family homes, cottages, carriage units, two/three-unit homes, short plats, and/or subdivisions and associated demolition and land surface modification.
- 2. Applicability of Tree Credits. The tree credit value that corresponds with DBH shall be found in Table 95.34. The maximum number of credits awarded to any one individual tree is 11 credits. Existing native conifers (or other conifer species as listed by the Planning Department) shall count 1.5 times credits for retention). individual lots in a short plat or subdivision with an approved Tree Retention Plan, the required tree density applies to each lot within the short plat or subdivision. Trees planted in the following locations shall not count towards tree density credit requirements.
 - a. in the public right of way, areas to be dedicated as public right of way, and vehicular access easements not included as lot area with the approved short plat or subdivision.
 - b. Existing trees transplanted to an area on the same site unless approved by the Planning Official based on transplant specifications provided by a Qualified Professional that will ensure a good probability for survival.

**Table 95.34.
Tree Density for Existing Regulated Trees
(Credits per minimum diameter – DBH)**

DBH	Tree Credits	DBH	Tree Credits	DBH	Tree Credits
3 – 5"	0.5			38"	15
6 – 10"	1	24"	8	40"	16
12"	2	26"	9	42"	17
14"	3	28"	10	44"	18
16"	4	30"	11	46"	19
18"	5	32"	12	48"	20
20"	6	34"	13	50"	21
22"	7	36"	14		

3. Tree Density Credit Calculation. To calculate required tree density credits, divide the square foot area of the subject lot by 43,560 (the square foot equivalent to one acre). The resulting number is then multiplied by 30, the minimum tree density credit requirement for one acre. In calculating required tree density credits, any fraction of credits shall be rounded up to the next whole number from a 0.5 or greater value.

Example: an 8,500-square-foot lot would need six (6) tree credits (8,500/43,560 = 0.195 X 30 = 5.8, or six (6) credits). The tree density for the lot would be exceeded/met by retaining two (2) existing Landmark Trees and two (2) existing 12-inch DBH Tier 2 Trees that are conifers (tree densities may be exceeded to retain Landmark Trees and existing native conifers count 1.5 times credits). Or, the tree density for the lot would be met by retaining two (2) existing 14-inch DBH deciduous Tier 2 Trees.

4. Minimum Size Replacement Trees. The required minimum size of a replacement tree worth one (1) tree credit shall be four (4) feet tall for native or other conifers and 2-inch Caliper for deciduous or broad-leaf evergreen trees. Additional credits may be awarded for larger replacement trees. Trees planted to form a clipped or sheared hedge or living wall will not be counted toward tree density credits. Supplemental Thuja/Arborvitae (or other slow-growing conifers as listed by the Planning Department) planted on development sites shall not count towards tree density credits on a lot. The installation and maintenance shall be pursuant to KZC 95.50 and 95.51 respectively.

5 Replacement Tree Locations. In designing a development and in meeting the required tree density, the replacement trees shall be planted pursuant to KZC 95.50 in the following order of priority:

- a. On-Site. The preferred locations for new trees are:
 - 1) On individual residential building lots
 - 2) In preserved Groves, Critical Areas or Critical Area Buffers.
 - 3) Adjacent to storm water facilities as approved by Public Works under KMC 15.52.060.
 - 4) Site perimeter – The area of the subject property that is within 10 feet from the property line.
 - 5) Entrance landscaping, traffic islands, and other common areas within the development of residential subdivisions.
- b. Off-Site. When room is unavailable for planting the required replacement trees on site, then they may be planted at another approved location in the City. Trees that are planted off site from the subject property shall be subject to a 5 Year Maintenance Agreement.

6. Payment in Lieu of Planting. When the Planning Official determines on-site and off-site locations are unavailable, then the applicant shall pay an amount of money in lieu of planting, utilizing the most recent version of the Pacific Northwest International Society of Arboriculture (PNW ISA) "Species Ratings for

Landscape Tree Appraisal” unit costs for conifers and deciduous trees, multiplied by the number of required tree credits into the City Forestry Account pursuant to KZC 95.57.

95.40 Required Landscaping based on Zoning District

1. User Guide. Chapters 15 through 56 KZC containing the use zone or development standards tables assign a landscaping category to each use in each zone. This category is either “A,” “B,” “C,” “D,” or “E.” If you do not know which landscaping category applies to the subject property, you should consult the appropriate use zone or development standards tables.

Requirements pertaining to each landscaping category are located throughout this chapter, except that Landscaping Category E is not subject to this section.

Landscape Categories A, B, C, D, and E may be subject to additional related requirements in the following other chapters:

- a. Various use zone charts or development standards tables, in Chapters 15 through 56 KZC, establish additional or special buffering requirements for some uses in some zones.
- d. Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405 and SR-520 rights-of-way, and the Cross Kirkland Corridor railbanked rail corridor or the Eastside Rail Corridor.
- e. KZC 115.135, Sight Distance at Intersections, which may limit the placement of landscaping in some areas.
- f. Chapter 22 KMC addresses trees in subdivisions.

2. Use of Significant Existing Vegetation.

- a. General. The applicant shall apply subsection KZC 95.30, Tree Retention Plan Procedure to retain existing native trees, vegetation and soil in areas subject to the landscaping standards of this section. The Planning Official shall give substantial weight to the retained native trees and vegetation when determining the applicant’s compliance with this section.
- b. Replacements. The City may require the applicant to plant trees, shrubs, and groundcover according to the requirements of this section to supplement the existing vegetation in order to provide a buffer at least as effective as the required buffer.
- c. Protection Techniques. The applicant shall use the protection techniques described in KZC 95.32 to ensure the protection of significant existing vegetation and soil.

3. General. The applicant shall provide the replacement landscaping specified in subsection (2) of this section in any area of the subject property that:

- a. Is not covered with a building, vehicle circulation area or other improvement; and
- b. Is not in an area to be planted with required landscaping; and
- c. Is not committed to and being used for some specific purpose.

4. Standards. The applicant shall provide the following at a minimum:

- a. Living plant material which will cover 80 percent of the area to be landscaped within two (2) years. If the material to be used does not spread over time, the applicant shall re-plant the entire area involved immediately. Any area that will not be covered with living plant material must be covered with nonliving groundcover, i.e.: mulch. Preference is given to using native plant species. See Kirkland Native Tree/Plant Lists.
- b. One (1) tree for each 1,000 square feet of area to be landscaped. At the time of planting, deciduous trees must be at least two (2) inches in caliper and coniferous trees must be at least five (5) feet in height.
- c. If a development requires approval through Process I, IIA or IIB as described in Chapters 145, 150 and 152 KZC, respectively, the City may require additional vegetation to be planted along a building facade if:
 - 1) The building facade is more than 25 feet high or more than 50 feet long; or
 - 2) Additional landscaping is necessary to provide a visual break in the facade.
- d. In RHBD varieties of rose shrubs or ground cover along with other plant materials shall be included in the on-site landscaping.
- e. If development is subject to Design Review as described in Chapter 142 KZC, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.

5. Landscape Plan Required. In addition to the Tree Retention Plan required pursuant to KZC 95.30, application materials shall clearly depict the quantity, location, species, and size of plant materials proposed to comply with the requirements of this section and shall address the plant installation and maintenance requirements set forth in KZC 95.50 and 95.51. Plant materials shall be identified with both their scientific and common names. Any required irrigation system must also be shown.

95.41 Supplemental Plantings *(deleted/consolidated with 95.40)*

95.42 Minimum Land Use Buffer Requirements

The applicant shall comply with the provisions specified in the following chart and with all other applicable provisions of this chapter. Land use buffer requirements may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the zone that the adjoining property is in.

LANDSCAPING CATEGORY	ADJOINING PROPERTY	*Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
A		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)	
B		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)		
C		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)		
D		Must comply with subsection (2) (Buffering Standard 2)			
E					
Footnotes:		*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, Finn Hill Neighborhood Center, Houghton/Everest Neighborhood Center, Business District Core or is located in TL 5, this section KZC 95.42 does not apply.			

This chart establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:

1. For standard 1, the applicant shall provide a 15-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The land use buffer must be planted as follows:
 - a. Trees planted at the rate of one (1) tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half (2-1/2) inch caliper, minimum, and/or coniferous trees eight (8) feet in height, minimum. At least 70 percent of trees shall be evergreen. The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.
 - b. Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two (2) years, planted at the following sizes and spacing, depending on type:
 - 1) Low shrub – (mature size under three (3) feet tall), 1- or 2-gallon pot or balled and burlapped equivalent;
 - 2) Medium shrub – (mature size from three (3) to six (6) feet tall), 2- or 3-gallon pot or balled and burlapped equivalent;
 - 3) Large shrub – (mature size over six (6) feet tall), 5-gallon pot or balled and burlapped equivalent.
 - c. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the shrubs or trees.
2. For standard 2, the applicant shall provide a 5-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The landscaped strip must be planted as follows:
 - a. One (1) row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of 2-inch caliper, minimum, and/or coniferous trees at least six (6) feet in height, minimum. The spacing may be increased to 15 feet to accommodate larger species and avoid long-term crowding. At least 50 percent of the required trees shall be evergreen.
 - b. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the trees.
3. Plant Standards. All plant materials used shall meet the most recent American Association of Nurserymen Standards for nursery stock: ANSI Z60.1.
4. Location of the Land Use Buffer. The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.
5. Multiple Buffering Requirement. If the subject property borders more than one (1) adjoining property along the same property line, the applicant shall provide a gradual transition between different land use buffers. This transition must occur totally within the area which has the less stringent buffering requirement. The specific design of the transition must be approved by the City.
6. Adjoining Property Containing Several Uses. If the adjoining property contains several permitted uses, the applicant may provide the least stringent land use buffer required for any of these uses.
7. Subject Property Containing Several Uses. If the subject property contains more than one (1) use, the applicant shall comply with the land use buffering requirement that pertains to the use within the most stringent landscaping category that abuts the property to be buffered.
8. Subject Property Containing School. If the subject property is occupied by a school, land use buffers are not required along property lines adjacent to a street.
9. Encroachment into Land Use Buffer. Typical incidental extensions of structures such as chimneys, bay windows, greenhouse windows, cornices, eaves, awnings, and canopies may be permitted in land use buffers as set forth in KZC 115.115(3)(d); provided, that:
 - a. Buffer planting standards are met; and
 - b. Required plantings will be able to attain full size and form typical to their species.

95.43 Outdoor Use, Activity, and Storage

Outdoor use, activity, and storage (KZC 115.105(2)) must comply with required land use buffers for the primary use, except that the following outdoor uses and activities, when located in commercial or industrial zones, are exempt from KZC 115.105(2)(c)(1) and (2)(c)(2) as stated below:

1. That portion of an outdoor use, activity, or storage area which abuts another outdoor use, activity, or storage area which is located on property zoned for commercial or industrial use.
2. Outdoor use, activity, and storage areas which are located adjacent to a fence or structure which is a minimum of six (6) feet above finished grade, and do not extend outward from the fence or structure more than five (5) feet; provided, that the total horizontal dimensions of these areas shall not exceed 50 percent of the length of the facade or fence (see Plate 11).
3. If there is an improved path or sidewalk in front of the outdoor storage area, the outdoor use, activity or storage area may extend beyond five (5) feet if a clearly defined walking path at least three (3) feet in width is maintained and there is adequate pedestrian access to and from the primary use. The total horizontal dimension of these areas shall not exceed 50 percent of the length of the facade of the structure or fence (see Plate 11).
4. Outdoor dining areas.
5. That portion of an outdoor display of vehicles for sale or lease which is adjacent to a public right-of-way that is improved for vehicular use; provided, that it meets the buffering standards for driving and parking areas in KZC 95.45(1); and provided further, that the exemptions of KZC 95.45(2) do not apply unless it is fully enclosed within or under a building, or is on top of a building and is at least one (1) story above finished grade.
6. Outdoor Christmas tree lots and fireworks stands if these uses will not exceed 30 days, and outdoor amusement rides, carnivals and circuses, and parking lot sales which are ancillary to the indoor sale of the same goods and services, if these uses will not exceed seven (7) days.

95.44 Internal Parking Lot Landscaping Requirements

The following internal parking lot landscape standards apply to each parking lot or portion thereof containing more than eight (8) parking stalls.

1. The parking lot must contain 25 square feet of landscaped area per parking stall planted as follows:
 - a. The applicant shall arrange the required landscaping throughout the parking lot to provide landscape islands or peninsulas to separate groups of parking spaces (generally every eight (8) stalls) from one another and each row of spaces from any adjacent driveway that runs perpendicular to the row. This island or peninsula must be surrounded by a 6-inch-high vertical curb and be of similar dimensions as the adjacent parking stalls. Gaps in curbs are allowed for stormwater runoff to enter landscape island.
 - b. Landscaping shall be installed pursuant to the following standards:
 - 1) At least one (1) deciduous tree, two (2) inches in caliper, or a coniferous tree five (5) feet in height.
 - 2) Groundcover shall be selected and planted to achieve 60 percent coverage within two (2) years.
 - 3) Natural drainage landscapes (such as rain gardens, bio-infiltration swales and bioretention planters) are allowed when designed in compliance with the stormwater design manual adopted in KMC 15.52.060. Internal parking lot landscaping requirements for trees still apply. Refer to Public Works Pre-Approved Plans.
 - c. Exception. The requirements of this subsection do not apply to any area that is fully enclosed within or under a building.
2. Rooftop Parking Landscaping. For a driving or parking area on the top level of a structure that is not within the CBD zone or within any zone that requires design regulation compliance, one (1) planter that is 30 inches deep and five (5) feet square must be provided for every eight (8) stalls on the top level of the structure. Each planter must contain a small tree or large shrub suited to the size of the container and the specific site conditions, including desiccating winds, and is clustered with other planters near driving ramps or stairways to maximize visual effect.

3. If development is subject to Design Review as described in Chapter 142 KZC, the City will review the parking area design, plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required landscaping and design of the parking area as part of Design Review approval.

95.45 Perimeter Landscape Buffering for Driving and Parking Areas

1. Perimeter Buffering – General. Except as specified in subsection (2) of this section, the applicant shall buffer all parking areas and driveways from abutting rights-of-way and from adjacent property with a 5-foot-wide strip along the perimeter of the parking areas and driveways planted as follows (see Figure 95.45.A):
 - a. One (1) row of trees, two (2) inches in caliper and planted 30 feet on center along the entire length of the strip.
 - b. Living groundcover planted to attain coverage of at least 60 percent of the strip area within two (2) years.
 - c. Natural drainage landscapes (such as rain gardens, bio-infiltration swales and bioretention planters) are allowed when designed in compliance with the stormwater design manual adopted in KMC 15.52.060. Perimeter landscape buffering requirements for trees in driving and parking areas still apply. Refer to Public Works Pre-Approved Plans.
2. Exception. The requirements of this section do not apply to any parking area that:
 - a. Is fully enclosed within or under a building; or
 - b. Is on top of a building and is at least one (1) story above finished grade; or
 - c. Serves detached dwelling units exclusively; or
 - d. Is within any zone that requires design regulation compliance. See below for Design District requirements.
3. Design Districts. If subject to Design Review, each side of a parking lot that abuts a street, through-block pathway or public park must be screened from that street, through-block pathway or public park by using one (1) or a combination of the following methods (see Figures 95.45.A, B, and C):
 - a. By providing a landscape strip at least five (5) feet wide planted consistent with subsection (1) of this section, or in combination with the following. In the RHBD Regional Center (see KZC Figure 92.05.A) a 10-foot perimeter landscape strip along NE 85th Street is required planted consistent with subsection (1) of this section.
 - b. The hedge or wall must extend at least two (2) feet, six (6) inches, and not more than three (3) feet above the ground directly below it.
 - c. The wall may be constructed of masonry or concrete, if consistent with the provisions of KZC 92.35(1)(g), in building material, color and detail, or of wood if the design and materials match the building on the subject property.
 - d. In JBD zones:
 - 1) If the street is a pedestrian-oriented street, the wall may also include a continuous trellis or grillwork, at least five (5) feet in height above the ground, placed on top of or in front of the wall and planted with climbing vines. The trellis or grillwork may be constructed of masonry, steel, cast iron and/or wood.
 - 2) If the wall abuts a pedestrian-oriented street, the requirements of this subsection may be fulfilled by providing pedestrian weather protection along at least 80 percent of the frontage of the subject property.
 - e. If development is subject to Design Review as described in Chapter 142 KZC, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.
4. Overlapping Requirements. If buffering is required in KZC 95.42, Land Use Buffering Standards, and by this subsection, the applicant shall utilize the more stringent buffering requirement.

Perimeter Parking Lot Landscaping

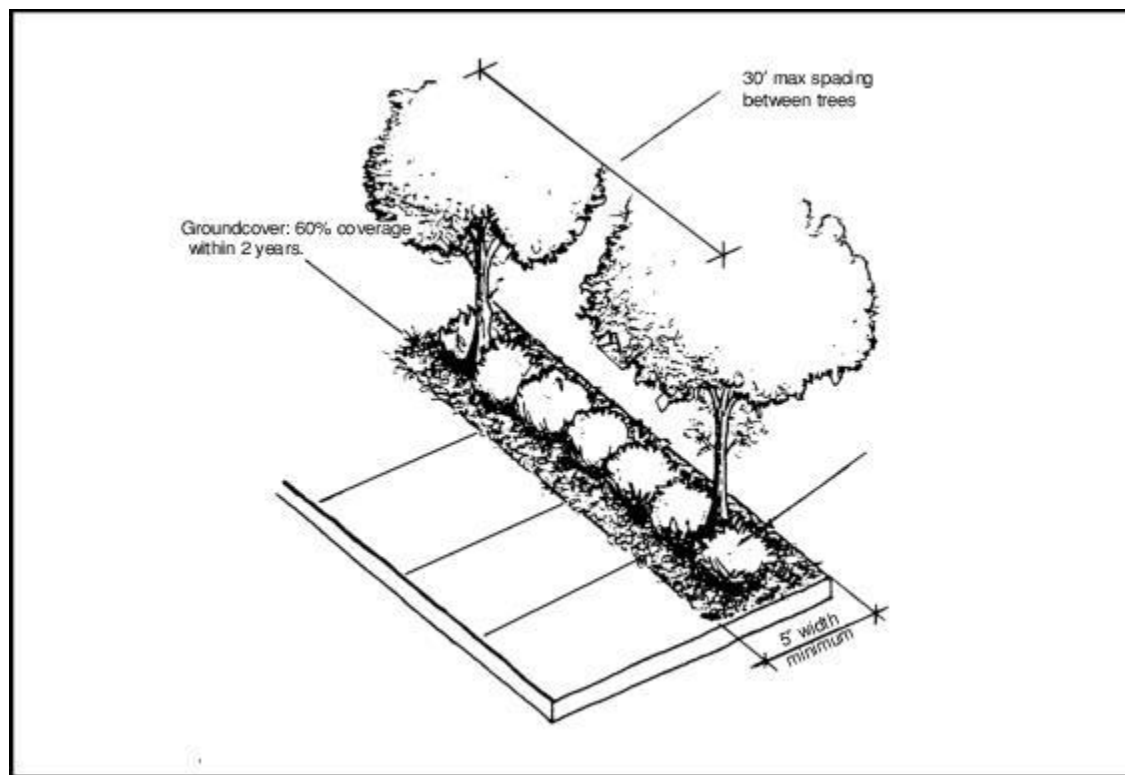


FIGURE 95.45.A

Perimeter Parking – Examples of Various Screen Wall Designs

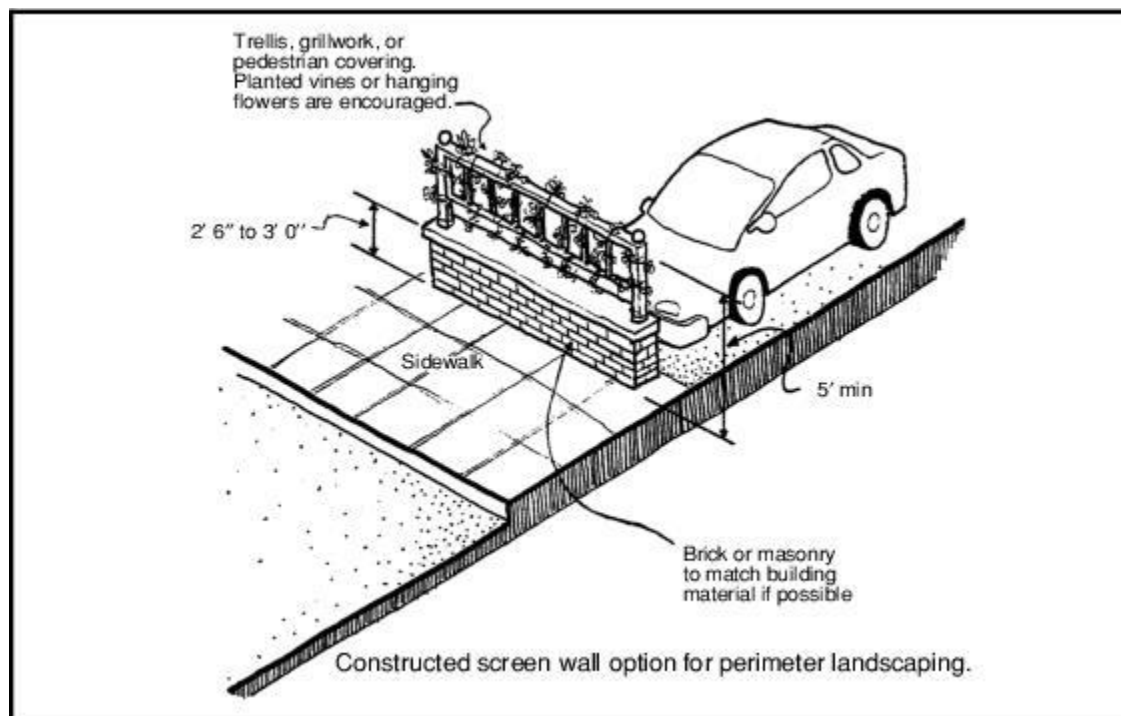


FIGURE 95.45.B

Perimeter Parking – Examples of Various Screen Wall Designs

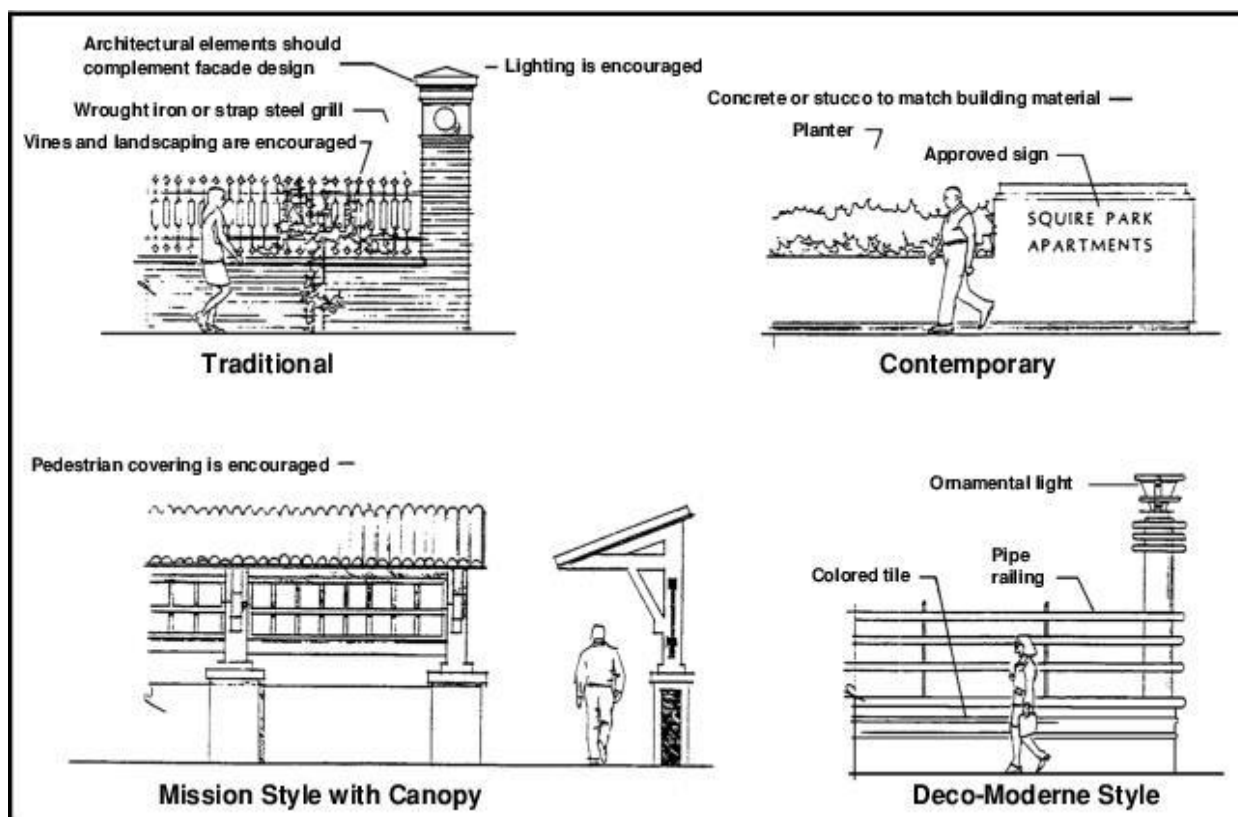


FIGURE 95.45.C

95.46 Modifications to Required Landscaping and Buffer Standards

1. Modification to Land Use Buffer Requirements. The applicant may request a modification of the requirements of the buffering standards in KZC 95.42. The Planning Official may approve a modification if:

- a. The owner of the adjoining property agrees to this in writing; and
- b. The existing topography or other characteristics of the subject property or the adjoining property, or the distance of development from the neighboring property decreases or eliminates the need for buffering; or
- c. The modification will be more beneficial to the adjoining property than the required buffer by causing less impairment of view or sunlight; or
- d. The Planning Official determines that it is reasonable to anticipate that the adjoining property will be redeveloped in the foreseeable future to a use that would require no, or a less intensive, buffer; or
- e. The location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer.

2. Modifications to General Landscaping Requirements.

a. Authority to Grant and Duration. If the proposed development of the subject property requires approval through Design Review or Process I, IIA, or IIB, described in Chapters 142, 145, 150, and 152 KZC, respectively, a request for a modification will be considered as part of that process under the provisions of this section. The City must find that the applicant meets the applicable criteria listed in subsections (2)(b) and (2)(c) of this section. If granted under Design Review or Process I, IIA, or IIB, the modification is binding on the City for all development permits issued for that development under the building code within five (5) years of the granting of the modification.

If the above does not apply, the Planning Official may grant a modification in writing under the provisions of this section.

b. Internal Parking Lot Landscaping Modifications. For a modification to the internal parking lot landscaping requirements in KZC 95.44, the landscape requirements may be modified if:

- 1) The modification will produce a landscaping design in the parking area comparable or superior to that which would result from adherence to the adopted standard; or
- 2) The modification will result in increased retention of significant existing vegetation; or
- 3) The purpose of the modification is to accommodate low impact development techniques as approved by the Planning Official.

c. Perimeter parking lot and driveway landscaping. For a modification to the perimeter landscaping for parking lots and driveways, the buffering requirements for parking areas and driveways may be modified if:

- 1) The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or
- 2) The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or
- 3) The modification will provide a visual screen that is comparable or superior to the buffer required by KZC 95.45; or
- 4) The modification eliminates the portion of the buffer that would divide a shared parking area serving two (2) or more adjacent uses but provides the buffer around the perimeter of the shared parking area.

95.47 Nonconforming Landscaping and Buffers

1. The landscaping requirements of KZC 95.40, Required Landscaping Based on Zoning District, KZC 95.43 Outdoor Use, Activity and Storage, KZC 95.44, Internal Parking Lot Landscaping, and KZC 95.45, Perimeter Landscape Buffering for Driving and Parking Areas, must be brought into conformance as much as is feasible, based on available land area, in either of the following situations:
 - a. An increase of at least 10 percent in gross floor area of any structure; or
 - b. An alteration to any structure, the cost of which exceeds 50 percent of the replacement cost of the structure.
2. Land use buffers must be brought into conformance with KZC 95.42 in either of the following situations:
 - a. An increase in gross floor area of any structure (the requirement to provide conforming buffers applies only where new gross floor area impacts adjoining property); or
 - b. A change in use on the subject property and the new use requires larger buffers than the former use.

95.50 Installation Standards for Required Plantings

All required trees, landscaping and soil shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All required landscaping shall be installed in the ground and not in above-ground containers, except for landscaping required on the top floor of a structure.

When an applicant proposes to locate a subterranean structure under required landscaping that appears to be at grade, the applicant will: (1) provide site-specific documentation prepared by a qualified expert to establish that the design will adequately support the mature size of specified trees and other vegetation species; and (2) enter into an agreement with the City, in a form acceptable to the City Attorney, indemnifying the City from any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the King County Recorder's Office.

1. Compliance. It is the applicant's responsibility to show that the proposed landscaping complies with the regulations of this chapter.
2. Timing. All landscaping shall be installed prior to the issuance of a certificate of occupancy, except that the installation of any required tree or landscaping may be deferred during the summer months to the next planting season, but never for more than six (6) months. Trees should be planted in the fall, winter or early spring, between October and April, or must be irrigated.

Deferred installation shall be secured with a performance bond pursuant to Chapter 175 KZC prior to the issuance of a certificate of occupancy.

3. Grading. Berms shall not exceed a slope of two (2) horizontal feet to one (1) vertical foot (2:1).
4. Soil Specifications. Soils in planting areas shall have soil quality equivalent to Washington State Department of Ecology BMP T5.13. The soil quality in any landscape area shall comply with the soil quality requirements of the Public Works Pre-Approved Plans. See subsection (9) of this section for mulch requirements.
5. Plant Selection.
 - a. Plant selection shall be consistent with the appropriate Kirkland Plant Lists, which is shown on the Planning Department webpage and available in the Planning and Building Department. Species diversity is encouraged by planting species other than those listed, with Planning Official approval.
 - b. Plants shall be selected and sited to produce a hardy and drought-resistant landscape area. Selection shall consider soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Preservation of existing vegetation is strongly encouraged.
 - c. Plants listed in the Kirkland Prohibited Plant List shall not be planted in any required landscape areas. Additionally, there are other plants that may not be used if identified in the Kirkland Plant List as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, or when not provided with enough growing space.
 - d. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual.
 - e. Plants shall meet the minimum size standards established in other sections of the KZC.
 - f. Multiple-stemmed trees may be permitted as an option to single-stemmed trees for required landscaping provided that such multiple-stemmed trees are at least 10 feet in height and that they are approved by the Planning Official prior to installation.

6. Plant Location. Newly-planted replacement trees should generally be planted at least 3 feet away from property lines. Planting large trees under/within proximity to overhead utilities shall be avoided. Newly-planted replacement trees may be checked for the approved locations as a final inspection procedure on development sites. Replacement trees must be planted in a manner that allows the tree species to mature to its full height and width. Trees shall be located with the appropriate spacing from buildings and other trees, soil volume should not be restricted for the mature size of the tree and soil should be amended in accordance with the storm water code. Trees shall be installed so that the root flare is at or slightly above the finished ground elevation in order to promote a healthy root structure and identify any girdling roots at the time of planting.

7. Fertilization. All fertilizer applications to turf or trees and shrubs shall follow Washington State University, National Arborist Association or other accepted agronomic or horticultural standards. Fertilizer may include soil drenches to increase fungal biota and chemical root growth stimulators.

8. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required plantings must provide an irrigation system, using either Option 1, 2, or 3 or a combination of those options. Selected irrigation option shall be specified on the Landscape or Tree Plan. For each option irrigation shall be designed to conserve water by using the best practical management techniques available. These techniques may include, but not be limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation during rainy periods, automatic controllers to ensure proper duration of watering, sprinkler head selection and spacing designed to minimize overspray, and separate zones for turf and shrubs and for full sun exposure and shady areas to meet watering needs of different sections of the landscape.

Exceptions, as approved by the Planning Official, to the irrigation requirement may be approved xeriscape (i.e., low water usage plantings), plantings approved for low impact development techniques, established indigenous plant material, or landscapes where natural appearance is acceptable or desirable to the City. However, those exceptions will require temporary irrigation (Option 2 and/or 3) until established.

- a. Option 1. A permanent built-in irrigation system with an automatic controller designed and certified by a licensed landscape architect as part of the landscape plan.
 - b. Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own, once established.
 - c. Option 3. Irrigation by hand, which includes the use of water bags. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.
9. Drainage. All landscapes shall have adequate drainage, either through natural percolation or through an installed drainage system. A percolation rate of one-half (1/2) inch of water per hour is acceptable.

10. Mulch.

- a. Required plantings, except turf or areas of established ground cover, shall be covered with two (2) inches or more of organic mulch to minimize evaporation and runoff. Mulch shall consist of materials such as yard waste, sawdust, and/or manure that are fully composted.
- b. All mulches used in planter beds shall be kept at least six (6) inches away from the trunks of shrubs and trees.

11. Protection. All required landscaped areas, particularly trees and shrubs, must be protected from potential damage by adjacent uses and development, including parking and storage areas. Protective devices such as bollards, wheel stops, trunk guards, root guards, etc., may be required in some situations.

12. Final Inspection. These requirements shall be completed prior to final inspection.

95.51 Tree and Landscape Maintenance Requirements

The following maintenance requirements apply to all trees, including street trees, and other vegetation required to be planted or preserved by the City:

1. Responsibility for Regular Maintenance. Required trees and vegetation, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required landscaping elements. It is also the responsibility of the property owner to maintain street trees abutting their property pursuant to KZC 95.21.
2. Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (3), (4) and (5) of this section:
 - a. Commercial, Industrial and Multifamily Development. All required landscaping shall be maintained throughout the life of the development. Plants that die must be replaced in kind.
 - b. Single Family Residential Development. Any existing tree or other existing vegetation designated for preservation in a tree retention plan shall be maintained for a period of five (5) years following issuance of the certificate of occupancy for the individual lot or development. After five (5) years, all trees on the property are subject to KZC 95.23 unless:
 - 1) The tree are in a grove that is protected pursuant to subsection (3) of this section; or
 - 2) The tree or vegetation is considered to be a public benefit related to approval of a Planned Unit Development; or
 - 3) The tree or vegetation was retained to partially or fully meet requirements of KZC 95.40 through 95.45, Required Landscaping and Zoning.
3. Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for preservation on an approved Tree Retention Plan pursuant to KZC 95.30(2) shall provide prior to occupancy the legal instrument acceptable to the City to ensure preservation of the grove in perpetuity, except that the agreement may be extinguished if the Planning Official determines that preservation is no longer appropriate.
4. Maintenance in Holmes Point Overlay Zone. Vegetation in designated Protected Natural Areas in the Holmes Point Overlay Zone is to be protected in perpetuity pursuant to KZC 70.15(8)(a). Regulated trees in the remainder of the lot shall be protected in perpetuity pursuant to KZC 70.15(8)(b).
5. Nonnative Invasive and Noxious Plants. It is the responsibility of the property owner to remove nonnative invasive plants and noxious plants per the City's Prohibited Plant List, King County and Washington Weed Agencies from the vicinity of any tree or other vegetation that the City has required to be planted or protected. Removal must be performed in a manner that is not injurious to required trees and vegetation.
6. Landscape Plans and Utility Plans. Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature size both above and below ground. See the Kirkland Plant List for additional standards.

95.52 Prohibited Vegetation

Plants listed in the Kirkland Prohibited Plant List shall not be planted in the City or required to be retained.

For landscaping not required under this chapter, this prohibition shall become effective on February 14, 2008. The City may require removal of prohibited vegetation if installed after this date. Residents and property owners are encouraged to remove pre-existing prohibited vegetation whenever practicable.

95.55 Enforcement and Penalties

Upon determination that there has been a violation of any provision of this chapter, the City may pursue code enforcement and penalties in accordance with the provisions of Chapter 1.12.100 KMC, Special Provisions Relating to Code Enforcement of Tree Regulations in Chapter 95 KZC. Notwithstanding the provisions of Chapter 1.12.100 KMC, Tree Topping shall result in the following penalties:

1. Required Trees. Trees that were required to be planted or retained by this chapter that are less than six (6) inches DBH that have been damaged by Topping must be replaced pursuant to the standards in Chapter 1.12 KMC.
2. Restoration. For trees greater than six (6) inches DBH that have been damaged by Topping, property owners must have a Qualified Professional develop and implement a restoration pruning plan.

95.57 City Forestry Account

1. Funding Sources. All civil penalties received under this chapter and all money received pursuant to KZC 95.34.6 shall be used for the purposes set forth in this section. In addition, the following sources may be used for the purposes set forth in this section:
 - a. Agreed upon restoration payments imposed under KZC 95.55 or settlements in lieu of penalties;
 - b. Agreed upon payment in lieu of planting replacement trees under KZC 95.34.6;
 - c. Sale of trees or wood from City property where the proceeds from such sale have not been dedicated to another purpose;
 - d. Donations and grants for tree purposes;
 - e. Sale of seedlings by the City; and
 - f. Other monies allocated by the City Council.
2. Funding Purposes. The City shall use money received pursuant to this section for the following purposes:
 - a. Acquiring, maintaining, and preserving wooded areas within the City;
 - b. Planting and maintaining trees within the City;
 - c. Establishment of a holding public tree nursery;
 - d. Urban forestry education;
 - e. Implementation of a tree canopy monitoring program; or
 - f. Other purposes relating to trees as determined by the City Council.



December 10, 2019

Planning Commission
Kirkland City Hall
123 Fifth Avenue
Kirkland WA 98033

Amendments to Kirkland Tree Ordinance, Zoning Code Chapter 95

Dear Planning Commissioners:

The Finn Hill Neighborhood Alliance (“FHNA”) submits these comments on proposed amendments to the City of Kirkland’s tree ordinance, Chapter 95 of the Kirkland Zoning Code. Much has already been submitted to the Planning Commission in regard to the code. FHNA will therefore attempt to present its views briefly.

As a general matter, FHNA believes that the City should do its utmost to preserve healthy, mature trees of exceptional quality and that it should design its tree code to support Kirkland’s adopted objective of a resilient urban tree canopy of 40% coverage citywide. These principles support the following recommendations:

Tree retention and supplemental planting in connection with development activity

- ***Landmark tree definition: FHNA recommends that the definition of a Landmark tree be extended to include trees with trunk diameters of 26” DBH.***

Rationale: The Planning Department staff produced data earlier this year showing that only 11% of the trees standing on parcels that were developed between 2009 and 2013 were 30” DBH or more; another 10% of trees on those parcels were between 24” and 30” DBH. Setting the Landmark tree definition at 26” DBH would therefore provide the highest standard of tree protection to approximately 18-19% of Kirkland’s trees. FHNA understands that all of the trees with trunk diameters of 26” DBH are at least 40 years old; the loss of such trees will not soon be replaced. Furthermore, it should be noted that the highest standard of protection does not guarantee the preservation of Landmark trees. It is likely that most Landmark trees will be removed during development, a fact that makes it very important to broaden the class of trees warranting special protection.

- ***Tier 2 tree retention: FHNA supports the proposed code amendments presented in the staff’s memorandum relating to the retention of Tier 2 trees.***

Rationale: For various reasons, FHNA regards these amendments as imperfect, but they represent the best proposal that is likely to be adopted by the City. The Tier 2 retention proposals in the staff recommendation accommodate some of the “predictability” concerns raised by builders: they remove current provisions that seek the retention of trees in only “fair” condition and guarantee building pad dimensions, lot coverage, FAR, and the density of units allowed by applicable zoning. Builders have objected that the City would retain the right to require that building plans be flipped or patios be redesigned, but they haven’t sought to narrow or refine the language they object to.

Builders have instead advocated that tree preservation efforts be capped at 50 credits per acre. While FHNA supported the notion of limiting tree preservation efforts to a cap that preserved a significant tree canopy over a building lot (e.g. 25-30%), it is now clear to FHNA that 50 credits per acre for retained trees does not approach that level of canopy protection. It appears that a much higher cap – between 80 to 100 credits per acre – would be required, but there seems to be no political support for a tree credit based retention framework that is tied to preservation of a meaningful tree canopy. In consequence, FHNA supports the tree retention language in the draft ordinance prepared by staff as the most acceptable option for retaining trees.

- ***Integrated development plans (IDPs): FHNA strongly supports the adoption of mandatory of IDPs throughout the City.***

Rationale: This recommendation appears to have the support of the HCC as well. Our only additional comment is that all tree retention plans required to be submitted in conjunction with applications undergoing IPD review should be posted online, so that neighbors have a meaningful opportunity to review and comment on proposed tree removals and supplemental tree plantings.

- ***Supplemental tree plantings: FHNA recommends that the standard for supplemental tree planting be raised to 50 credits per acre, with a requirement that native species constitute a meaningful percentage of new plantings.***

Rationale: Kirkland’s urban tree canopy goal is 40%. The tree code cannot protect a 40% canopy cover through tree retention alone. It is therefore imperative that the code promote the planting of new trees on developed properties such that they conceivably could support a 40% canopy cover within a reasonable time frame, such as 20 years.

Unfortunately, no serious effort has been made during this tree code amendment proceeding to measure the City’s supplemental tree planting rules against its 40% canopy objective. There is no evidence in the record to support a finding that a supplemental planting requirement pegged to 30 tree credits

per acre will achieve a 40% canopy cover within two decades. To the contrary, the City's Urban Forester, Deb Powers, stated during a City Council review of the tree code on October 1, 2019, that planting trees at a density of 30 credits per acre over bare ground would produce a canopy of only 20% over a period of 20 years. If this assessment is correct, FHNA infers that the 30 credit standard will yield an even lower canopy percentage when applied to lots on which some existing trees remain (and for which credits will be awarded). FHNA has repeatedly requested reliable data correlating credits with long-term canopy results. Absent such data, FHNA can only conclude that, if a 30 credit standard will yield no more than a 20% canopy coverage in 20 years, a planting standard of 50 credits per acre is a conservative estimate of what will be required to achieve a 40% canopy cover, in line with the City's stated (and reasonable) canopy objective.

Some opponents of raising the supplemental planting standard to 50 credits argue that it would result in too many trees being on a newly developed property. However, this argument overlooks the fact that homeowners have a right to remove trees on their properties. They can judge how many trees are too many. Furthermore, FHNA would support language giving the City's arborist discretion to pare back on supplemental plantings to the extent that application of the 50 credits standard would result in overplanting. (In the event a waiver is granted, a developer should pay for the planting "excess" trees in areas of the City specified by City staff.)

Finally, FHNA urges the Planning Commission to specify endorse a requirement in the tree code that new plantings include a significant number of native species, preferably trees that will produce meaningful crowns over time. It will do little toward achieving the City's 40% canopy goal if tree planting requirements can be met with the installation of small ornamental trees.

Tree retention in non-development contexts

- ***Removal of regulated trees without a permit: FHNA supports the proposed code amendments forwarded by staff with respect to the number and type of trees that can be removed by homeowners annually without a permit.***
 - ***In particular, FHNA agrees that Landmark trees should not qualify for removal without a permit and that removals on larger lots be limited to 3 or 4 trees per year (as specified in the staff's proposal), with the proviso that the tree retention minimums for lots match the annual removal quotas (i.e. lots for which 3 regulated trees can be removed each year be required to retain the last 3 regulated trees on the lot, subject to removals allowed by permit)***
- ***FHNA recommends staff be instructed to establish standards for permit-based tree removals, so that homeowners will have the ability to seek approval for tree removals***

that exceed the standard annual quota of tree removals, based on a commitment to replant

- ***FHNA also recommends that tree removals that do not require a permit be allowed only if preceded by notice to the City.***

Rationale: FHNA supports staff's recommendation that relaxed allowances for tree removals "of right" be limited to 3 or 4 trees annually (depending on lot size) rather than 4 to 6 trees annually. The lower limit will slow the removal of trees that are needed to support the City's canopy objective. However, FHNA would support the creation of a permit scheme, with tree retention and tree removal standards, that would allow homeowners to remove more than the stated quota of regulated trees upon a showing of need and a replanting plan. (A permit process is referenced in the tree code, but standards for the issuance of permits are not specified.)

FHNA also supports staff's position that Landmark trees should not be subject to removal as a matter of right. To allow such cutting would create perverse incentives for homeowners to chop down Landmark trees before selling their properties to developers. This would undermine the goal of tree code amendments to preserve these exceptional trees.

FHNA also advocates that homeowners be required to give a simple notice to staff of their intent to remove regulated trees. Unless notification is required, the City cannot enforce its annual removal quotas or gather information on the rate at which existing regulated trees are being removed in non-development contexts.

Conclusion

As noted above, FHNA has based its recommendations on the belief that the tree code should be an effective instrument – if not the sole instrument – for enabling the City to achieve its 40% canopy coverage goal. During the HCC discussions, some HCC members have asked about the origins of this goal and even suggested that it should not take precedence over other desires, such as the desire for a garden or for solar panels.

In response, FHNA notes that the City's canopy goal is already part of the Comprehensive Plan, which is not under review in this proceeding. The canopy goal is, more importantly, rational and if, anything modest, relative to the potential for a robust tree canopy in this portion of the country. The American Forest organization proposed an urban canopy goal of 40% for North American cities many years ago. It has since abandoned a singular 40% goal for all US cities because it may be too ambitious for desert or grasslands communities (e.g. Phoenix or Des Moines); however, it has never suggested that a 40% objective would be aggressive for a suburban community in the Pacific Northwest.

Letter to Planning Commission
December 10, 2019

Now is no time for complacency in regard to Kirkland's canopy. Data presented in the Kirkland Urban Tree Canopy Assessment of 2018 show that the city's canopy has fallen from 40.7% to 38.3% between 2010 and 2017. This should not be viewed as a minor decrease of just 2.4%. In fact, it represents a 5.9% reduction of the urban canopy throughout the city ($2.4/40.7 = 5.9\%$). In areas that have experienced significant development, the loss of canopy reduction has been striking. In Kingsgate, the canopy reduction has been 14% (a loss of 71 acres out of 510 acres) and in the Holmes Point area, the reduction has been 10% (a loss of 30 acres out of 305 acres). These are serious declines and while FHNA supports the effort to balance retention and predictability, any revision to the code must be assessed in terms of whether it helps the City regain and retain its canopy goals or impairs its ability to meet that objective.

Respectfully submitted,

FINN HILL NEIGHBORHOOD ALLIANCE



Scott Morris, President

Cc: Adam Weinstein
Jeremy McMahan
Deborah Powers
Kurt Triplett
City Council
FHNA Board of Directors
Gina Clark, Master Builders Association of King and Snohomish Counties

KIRKLAND ZONING CODE CHAPTER 95 – TREE RETENTION AND SUPPLEMENTAL REPLANTING**Sections:**

- 95.05 Purpose and Intent**
- 95.10 Definitions**
- 95.22 Tree Removal Permit Exemptions**
- 95.24 Public Tree Removal and Pruning**
- 95.26 Tree Retention Associated with Development Activity**
- 95.28 Supplemental Tree Planting Requirements Related to Development Activity**
- 95.30 Tree Location Prioritization**
- 95.32 Retention Incentives**
- 95.34 Tree and Soil Protection During Development Activity**
- 95.36 Off-Site Tree Planting or Fee In-Lieu**
- 95.38 Enforcement and Penalties**
- 95.50 City Forestry Account**

95.05 Purpose and Intent.

The purpose of this chapter is to establish process and standards for the preservation of trees, to retain or plant viable trees in the right location on development sites, and to maintain a sustainable urban canopy in the City of Kirkland. Specifically, it is the intent of this chapter to:

- Promote the public health, safety, and welfare of the citizens of Kirkland without preventing the reasonable development of land;
- Ensure equitable access to trees and the benefits they provide to all the citizens of Kirkland;
- Implement the goals and objectives of the City's Comprehensive Plan, the City's Urban Forest Strategic Management Plan, the City's Urban Tree Canopy Assessment, and the State Environmental Policy Act (SEPA);
- Promote flexible site planning and building practices that maintain the City's natural topography, soils, and vegetation features;
- Provide an appropriate amount and quality of tree retention related to future land uses;
- Improve the aesthetic quality of the built environment by reducing impacts on wetlands, streams and the natural environment
- Minimize surface and ground water runoff, soil erosion, land instability, sedimentation, siltation, and pollution of waterways;
- Provide for increased permeable surfaces that allow for infiltration of surface water into ground water resources, reduction in the quantity of storm water discharge, and improve the quality of storm water discharge;
- Improve noise and air pollution, mitigate urban heat islands, and decrease the overall impacts of climate change;
- Provide visual relief, screening buffers, and insulating protection from severe weather conditions;
- Providing habitat, cover, food supply and corridors for a diversity of fish and wildlife, and recreational uses for citizens;

- Provide for regulations that are clear, understandable, user friendly, easy to administer, and cost effective to enforce.

95.10 Definitions.

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise. Definitions that apply throughout this code are also located in Chapter 5 KZC.

1. Caliper – Caliper of the trunk shall be the trunk diameter measured six (6) inches above the ground for up to and including 4-inch caliper size and 12-inches above the ground for larger sizes.
2. Critical Root Zone (CRZ) – The area surrounding a tree at a distance from the trunk, which is equal to one (1) foot for every inch of trunk diameter measured at 4.5 feet from grade or otherwise determined by a qualified professional. Example: a 24-inch DBH tree has a 24-foot radius CRZ encircling the trunk.
3. Crown – The area of a tree containing leaf- or needle-bearing branches.
4. Diameter at Breast Height (DBH) – The diameter or thickness of a tree trunk measured at 4.5 feet above average grade. Trees whose stems diverge below ground level are considered separate trees. A tree that has one stem at ground level but that splits into two or more stems above ground level use the following method to determine DBH. Where a tree splits into several trunks below typical DBH, the DBH for the tree is the square root of the sum of the DBH for each individual stem squared (example with three stems: $DBH = \text{square root of } [(stem 1)^2 + (stem 2)^2 + (stem 3)^2]$).
5. Dripline – The distance from the tree trunk that is equal to the furthest extent of the tree's crown.
6. Group of Trees – A group of three (3) or more significant trees with overlapping or touching crowns, one of which is a minimum 30-inch DBH, or a group of five (5) or more significant trees, one of which is a minimum 24-inch DBH. A Group of Trees is considered a Tier 1 tree.
7. Hazard Tree – A tree assessed by a qualified arborist as having an Imminent or High-risk rating using the ISA Tree Risk Assessment Qualification (TRAQ) method in its most current form, as applied in KZC 95.XX.XX.
8. Heavily Wooded Site: A subject property that has a number of trees with crowns that cover at least 40 percent of the property
9. Hedge – Five (5) or more trees of the same species planted in linear formation, typically to function as a screen or barrier. Hedges are not Tier 1 trees or Groups of Trees.
10. Inner Critical Root Zone – An area half the distance of the Critical Root Zone. Example: a 24-inch DBH tree has a 12-foot radius Inner Critical Root Zone encircling the trunk.
11. ISA – International Society of Arboriculture
12. Impact – A condition or activity that affects any part of a tree including the trunk, branches, and Critical Root Zone.
13. Landmark Tree – A significant tree with a minimum single trunk 30-inch DBH in excellent-good condition per KZC 95 XX.XX, likely to survive at least additional years, and does not qualify for removal as a hazard, nuisance, or emergency according to this chapter.
14. Limits of Disturbance (LOD) - The boundary between the area of minimum protection around a tree and the allowable site disturbance as determined by a qualified professional.
15. Minimum Tree Density – The minimum number of trees per acre a development site must achieve through tree retention or supplemental planting measured in tree unit credits.
16. Nuisance Tree -A tree that meets any of the following criteria:
 - a. Is causing obvious physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation, utilities or roof; or
 - b. Has sustained irreversible damage from past maintenance practices; or

- c. Causes increased maintenance or potential safety hazard such as from thorns, roots or fruit.
17. Planning Official – Designee of the City of Kirkland’s Planning and Building Director.
 18. Public Works Official – Designee of the City of Kirkland’s Public Works Director.
 19. Qualified Professional – An individual with relevant education and training in arboriculture or urban forestry, having two (2) or more of the following credentials:
 - a. International Society of Arboriculture (ISA) Certified Arborist;
 - b. Tree Risk Assessor Qualification (TRAQ) as established by the ISA (or equivalent);
 - c. American Society of Consulting Arborists (ASCA) registered Consulting Arborist;
 - d. Society of American Foresters (SAF) Certified Forester for Forest Management Plans; or
 - e. Board Certified Master Arborist as established by the ISA.
 20. Significant Tree – A tree that is at least six (6) inches in diameter at breast height (DBH) as measured at 4.5 feet from the ground.
 21. Street Tree – A tree located within the public right-of-way; provided, that if the trunk of the tree straddles the boundary line of the public right-of-way and the abutting property, it shall be considered to be on the abutting property and subject to the provisions of this chapter.
 22. Tier 1 – Level of tree retention and supplemental planting standards applied to Landmark trees and a Group of Trees associated with development.
 23. Tier 2 – Level of retention and supplemental planting standards applied to significant trees associated with development.
 24. Tree Topping – The severe cutting back of limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree as to remove the normal canopy and disfigure the tree.
 25. Tree Removal – The removal of a tree, through either direct or indirect actions, including but not limited to: (1) clearing, damaging, girdling or poisoning resulting in an unhealthy or dead tree; (2) removal of more than 25% of the live crown; or (3) damage to roots or trunk that is likely to destroy the tree’s structural integrity.
 26. Tree Density Credit (TDC) – The measurement for assessing existing trees, retention thereof, and planting of new trees. Expressed per 1,000 square feet site area.
 27. Public Tree – A tree located in parks, along public rights-of-way, on City property.
 28. Windfirm – A condition of a tree in which it withstands average peak local wind speeds and gusts.

95.20 Tree Removal Permit Exemptions.

The following are exempt from the provisions of this chapter:

1. Emergency Tree Removal. Any tree that poses an imminent threat to life or property may be removed. The City must be notified within seven (7) days of the emergency tree removal with evidence of the imminent threat. If the Planning Official determines the emergency was not warranted, the removal will be subject to code enforcement including fines and restoration pursuant to section 95.XX.XX.
2. Utility Maintenance. If pruning cannot first solve an interruption of service, trees may be removed by the City or utility provider. Utility maintenance shall conform to a City-approved Utility Vegetation Management Plan.
3. Commercial Nurseries or Tree Farms. A nursery or tree farm owner may remove trees that are being grown to be sold as Christmas or landscape trees.

95.22 Public Tree Removal and Pruning.

The purpose of this section is to establish process and standards for tree removal and pruning on public property.

1. **Public Tree Removal.** Other than City crews, no person, directly or indirectly, shall remove any tree on any City property, or any tree in the public right-of-way, without first obtaining a tree removal permit unless the tree is determined to be a hazard or nuisance.
2. **Public Tree Pruning.** Any public tree pruning shall conform to the most recent version of the American National Standards Institute (ANSI) A300 - Part 1 pruning standards or as outlined in an approved Utility Vegetation Management Plan.
 - a. **Parks, Unmaintained City Right of Way, Stormwater and Other City Facilities.** Other than City crews, no person, directly or indirectly, shall prune, trim, modify, alter or damage any tree in a public park or on any other City property without first obtaining a Public Tree Pruning permit as provided in this chapter.
 - b. **Street Trees.** It is the responsibility of the adjacent property owner to maintain street trees abutting their property, which may include minor pruning. The City reserves the right to have City or utility crews perform routine pruning and maintenance of street trees.

95.24 Private Property Tree Removal and Pruning with No Development Activity.

The purpose of this section is to establish process and standards for private property tree removal and pruning with no development activity.

1. **Tree Pruning on Private Property.** Any private property owner may prune trees on their property without a permit, except authorization from the City is required for work in critical areas or buffers.
2. **Tree Removal Exceptions.** Property owners may remove a maximum number of significant trees in one twelve-month period based on lot size, with the following exceptions:
 - a. Property owners may not remove trees that are not protected under a Voluntary Tree Conservation Easement;
 - b. Trees that are within the '5-Year Maintenance Covenant' period following development activity may not be cut;
 - c. An application for development has been filed;
 - d. Per Table 95.24.1, based on lot size, a private property owner may borrow against the maximum number of trees that may be removed in one twelve-month period with notice provided to the Planning Official. No permit is required. The owner may borrow up to two (2) years of future removal allowances. The property owner may not remove additional trees until the future years have expired.
3. **Removal of Significant Trees with Permit Required.** Removal beyond the provisions of .1 and .2 in this section requires a permit.

Table 95.24.1
TREE REMOVAL ALLOWANCES WITHIN A 12-MONTH PERIOD

LOT SIZE	MAXIMUM NUMBER OF SIGNIFICANT TREES ALLOWED TO BE REMOVED EVERY 12 MONTHS WITHOUT PERMIT
Lots up to 10,000 sq. ft.	2
Lots 10,000 to 20,000 sq. ft.	4
Lots 20,000 sq. ft. or greater	6
Lots over 35,000 square feet with a Forest Management Plan	>6
<i>Landowner may borrow against two (2) future years' removal allowances</i>	

4. Significant Tree Removal Permit. Private property owners requesting to remove trees exceeding allowances in Table 95.24.1 shall submit a completed permit application to the Planning Official, including:
 - a. A site plan showing the approximate location of significant trees, size (DBH) and species, along with the location of structures, driveways, access ways and easements;
 - b. For required replacement trees, a planting plan showing location, size and species of the new trees in accordance to standards set forth in KZC 95.36, Supplemental Tree Planting Requirements.
5. Tree Removal Permit Application Review and Appeals.
 - a. For requests exceeding Table 95.24.1, the City shall review the application within 21 calendar days and either approve, approve with conditions or modifications, deny, or request additional information. Any decision to deny shall be in writing along with the reasons for the denial and the appeal process.
 - b. The decision of the Planning Official is appealable per KZC 145.
 - c. Tree removal shall be completed within one (1) year from the date of permit approval.
6. Removal of Hazard or Nuisance Trees. Any private property owner seeking to remove any number of significant trees which are a hazard or nuisance in excess of their standard allowance from private property or the public right-of-way shall first obtain approval of a tree removal permit and meet the requirements of this subsection.
 - a. Tree Risk Assessment. If the nuisance or hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a nuisance or hazard tree is required. Removal of nuisance or hazard trees does not count toward the tree removal limit if the nuisance or hazard is verified.
 - b. Trees in Critical Areas or Critical Areas Buffers. See Chapter 90 KZC.
 - c. The removal of any tree in the Holmes Point Overlay Zone requires the planting of a native tree of a minimum of six (6) feet in height in proximity to where the removed tree was located. Selection of native species and timing of installation shall be approved by the Planning Official.
 - d. Removal of Unreasonable Obstruction. The unreasonable obstruction of views, sunlight or solar access by planting, uncontrolled growth or maintenance of trees satisfying the

minimum requirements for relief in KZC XX.XX.X constitutes a private nuisance subject to redress as provided in KZC XX.XX.X. If a person shall plant, maintain or permit to grow any tree which unreasonably obstructs the view from, sunlight from reaching, or access to solar power to the primary living or entertainment area of any other parcel of property within the City of Kirkland as set forth in KZC XX.XX.XX, then a complainant shall have rights set forth in this chapter. *(This will require writing and adoption of a new code section acknowledging the importance, and sometimes conflicts, that arise between trees, solar, light and views, and neighboring properties/individual properties. Please reference Medina Municipal Code, Chapter 18.16)*

7. Forest Management Plan. A private property owner seeking to remove trees on developed, heavily wooded sites of at least 35,000 square feet in size where tree removal exceeds the allowances of KZC 95.24 and is not exempt under Table 95.24.1, shall submit a Forest Management Plan.
 - a. Forest Management Plan Requirements. A Forest Management Plan must be developed by a qualified professional and shall include the following:
 - i. A site plan depicting the location of all significant (a survey identifying tree locations is not required) with a numbering system of the trees (with corresponding tags on trees in the field). The site plan shall include size (DBH), species, and condition of each tree;
 - ii. Identification of trees to be removed, including reasons for their removal and a description of pursuant to subsection (11)(b) of this section;
 - iii. A reforestation plan that includes location, size, species, and timing of installation.
 - b. Forest Management Plan Standards. The following Forest Plan Management standards shall apply:
 - i. Trees to remain should be dominant or co-dominant in the stand, healthy and windfirm.
 - ii. No removal of trees from critical areas and buffers, unless otherwise permitted.
 - iii. No removal of Landmark trees or dedicated Group of Trees, unless otherwise permitted.
 - iv. No removal of trees that would cause trees on adjacent properties to become hazardous.
 - v. The reforestation plan ensures perpetuity of the wooded areas. The size of planted trees for reforestation shall be a minimum of three (3) feet tall.
 - vi. Logging operations shall be conducted as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, native shrubs, ground cover and stumps shall be retained where feasible. Where not feasible, appropriate erosion control measures to be approved by the City shall be implemented.
 - vii. Removal of tree debris shall be done pursuant to Kirkland Fire Department standards.
 - viii. Recommended maintenance prescription for retained trees with a specific timeline.
 - ix. The Planning Official may require performance security pursuant to KZC 175 in order to assure reforestation requirements of the approved forest management plan.

95.26 Tree Retention Associated with Development Activity.

1. Tree Retention Purpose. The City and applicant shall work collaboratively to retain trees, comply with private property rights, toward a balanced retention plan.
2. Tree Retention Plan. For all development, a Tree Retention Plan shall be submitted with the initial land use and/or development application. The qualified professional arborist and surveyor shall work together to identify, tag, and survey all significant trees. The city shall work with the applicant in the early planning stages to assist as possible.
3. Modifications to the Tree Retention Plan. Modifications may be approved pursuant to the following criteria:
 - a. Modification Prior to Development or Construction Activity - The Director may approve a modification request to remove Tier 1 or Tier 2 trees previously identified for retention if:
 - i. Tier 1 or Tier 2 trees inventoried in the original Tree Retention Plan have not yet been removed;
 - ii. An updated arborist report and site development plan is submitted to the Director outlining the reasons retention onsite is untenable as proposed in the original plan.
 - iii. The updated arborist report provides alternatives for tree retention and/or planting of Tier 1 or Tier 2 previously identified for retention.
 - iv. The modified, alternative plan is approved by the City within twenty-one (21) business days and shall be approved by the Director.
 - v. The updated arborist report and alternative plan, once approved by the Director, shall be posted on the project website that is maintained by the Planning Official, and available to the public.
 - b. Modification During Development or Construction –
 - i. Significant trees may be identified for retention during plan development phases that present potential conflicts with utilities, driveways, home footprints, excavations, and other planned improvements.
 - ii. These trees, planned to retain in good faith, may be found during construction activities to present such conflicts.
 - iii. If conflicts between construction and trees arise that present a potential challenge to retention, the City-designated and applicant arborists, as well as the City's site inspector, shall schedule a field meeting within seven (7) business days.
 - iv. The field meeting shall determine whether agreed upon measures to retain the originally proposed tree(s) are possible within approved site design parameters. If no such agreement is possible within 10 business days of conflict notice, the tree(s) may be removed. If removal is required, replanting may be required, according to this title.
4. Tree Retention Plan Components. The tree retention plan shall contain the following, unless waived by the Planning Official:
 - a. A tree inventory and report containing the following:
 - i. A numbering system of all existing significant trees on the subject property (with corresponding tags on trees); the inventory must also include significant trees on adjacent property with driplines extending over the subject property line;
 - ii. Limits of disturbance (LOD) of all existing significant trees (including approximate LOD of off-site trees with overhanging driplines);
 - iii. Brief general health or condition rating of these trees (i.e.: poor, fair, good, excellent, etc.);

- iv. Proposed tree status (retained or removed);
 - v. Tree type or species, DBH, assessment of health and structural viability, windfirmness following development, and tree unit credit pursuant to this chapter; and
- b. A site plan depicting the following:
- i. Location of all proposed improvements, including building footprint, access, utilities, applicable setbacks, buffers, and required landscaped areas clearly identified. If a short plat or subdivision is being proposed and the location of all proposed improvements cannot be established, a phased tree retention plan review is required as described in subsection (6)(a) of this section;
 - ii. Accurate location of significant trees on the subject property (surveyed locations may be required). The site plan must also include the approximate trunk location and critical root zone of significant trees that are on adjacent property with driplines extending over the subject property line;
 - iii. Trees labeled corresponding to the tree inventory numbering system;
 - iv. Location of tree protection measures;
 - v. Indicate LOD drawn to scale around all trees potentially impacted by site disturbances resulting from grading, demolition, or construction activities (including approximate LOD of off-site trees with overhanging driplines);
 - vi. Proposed tree status (trees to be removed or retained) noted by an 'X' or by ghosting out; and
 - vii. Proposed locations of any supplemental trees and any required trees to meet tree density or minimum tree unit credits as outlined in KZC 95.33.
- c. An arborist report containing the following:
- i. A complete description of each tree's health, condition, and viability;
 - ii. A description of the method(s) used to determine the limits of disturbance (i.e., critical root zone, root plate diameter, or a case-by-case basis description for individual trees);
 - iii. Any special instructions specifically outlining any work proposed within the limits of the disturbance protection area (i.e., hand-digging, tunneling, root pruning, any grade changes, clearing, monitoring, and aftercare);
 - iv. For trees not viable for retention, a description of the reason(s) for removal based on poor health, high risk of failure due to structure, defects, unavoidable isolation (windfirmness), or unsuitability of species, etc., and for which no reasonable alternative action is possible must be given (pruning, cabling, etc.);
 - v. Describe the impact of necessary tree removal to the remaining trees, including those in a Group of Trees or on adjacent properties;
 - vi. For development applications, a discussion of timing and installation of tree protection measures that must include fencing and be in accordance with the tree protection standards as outlined in KZC XX.XX; and
 - vii. The suggested location and species of supplemental trees to be used when required. The report shall include planting and maintenance specifications pursuant to KZC 95.XX and 95.XX.

5. Lot Clustering to Retain Tier 1 or Tier 2 Trees. With short plats and subdivisions, the Director may approve variations to minimum Lot Size, maximum Floor Area Ratio, and Lot Coverage requirements to facilitate retention of Tier 1 and Tier 2 trees in protective tracts or where lot sizes are averaged in order to retain trees. If approved, the following standards shall apply:
 - a. Lot sizes may be averaged with no minimum lot size specified, provided there is no increase in the allowed density or number of lots otherwise allowed for the subject property;
 - b. The maximum Floor Area Ratio and/or Lot Coverage requirements may be adjusted proportionate to the Lot Size reduction(s), provided there is no net increase in the aggregate Floor Area ratio and/or aggregate Lot Coverage otherwise allowed for the subject property. The variations and resultant restrictions shall be included in a recorded agreement and binding on future owners of the lots.
 - c. Tier 1 and Tier 2 Tree Retention Priorities. The City may authorize the removal of Tier 1 and Tier 2 trees required for retention if:
 - i. After utilizing the required site plan alterations and allowed variations to development standards listed in KZC and 95.30.5, encroachment into the CRZ would result in either of the following:
 - a) Tree(s) that are unsuitable for retention per the condition ratings in KZC 95.XX.X
 - b) The retention of a Tier 2 tree compromises a Tier 1 tree's suitability for retention.
6. Retention and Supplemental Planting for Tier 1 Trees. Tier 1 trees consist of Landmark trees and Groups of Trees. Tier 1 trees shall be retained, unless otherwise allowed.
 - a. Landmark Trees: Are recognized as having exceptional value adding to the character of the community because of their age, size, and condition.
 - b. Groups of Trees share community-definitional characteristics to Landmarks, and are given similar protections.
 - i. If a tree is designated a Tier 1 tree it shall be retained, provided that such retention cannot:
 - ii. Reduce maximum allowed density or number of lots; or
 - iii. Reduce maximum allowed Floor Area Ratio (FAR) or Lot Coverage; or
 - iv. Reduce building pads to no less than 40' wide at any point of the building design, or
 - v. Interfere with access and utility connections.
 - c. To retain Tier 1 trees, an applicant shall submit a development proposal that avoids Tier 1 trees. Tier 1 trees shall be retained through primary building location including flip or mirroring of the primary building and driveway, and relocation of decks, patios, and walkways.
 - d. To treat projects, properties, and applicants fairly and equitably, to reduce City staff and applicant time and resources, and to help provide community clarity over potential Tier 1 tree retention, a Tier 1 Tree Mitigation and Site Design Conference (Conference) shall be scheduled between the applicant, the applicant and City's arborists, and the Planning Official after survey and arborist reviews are complete, and as early as possible under preliminary review.
 - e. The Conference purpose is to approve a site design with Tier 1 retention measures that prioritize avoidance of Tier 1 trees. All parties involved with the Conference shall complete Tier 1 retention measures within twenty-one (21) business days. Once agreement on Tier 1 measures is obtained, it shall be posted on an online project site and maintained by the City's Planning Official.
 - f. If agreement cannot be reached within twenty-one (21) business days that balances the site's primary building footprint with retention of Tier 1 tree(s), then:

- i. The primary building footprint is maintained;
 - ii. The applicant shall plant first on-site, if possible, outside the building footprint and pursuant to the on-site planting requirements of this section, or off-site, pursuant to the off-site planting requirements of this section, and at the discretion of the Planning Official, at a rate of three new trees for every removed Tier 1 tree (3:1);
 - iii. Supplemental planting, location prioritization, and maintenance standards of this chapter shall apply to Tier 1 trees;
 - iv. It is the intent of the City that Tier 1 trees be replaced with high quality trees that shall have the best chance of long-term health and condition when located in the right place; and
 - v. Applicant's shall pay \$2200 into the City's Tree Forestry Account for every Tier 1 tree removed.
7. Retention and Supplemental Planting Requirements of Tier 2 Significant Trees.
- a. Tree Density Per Acre. A minimum tree density per 1,000 square feet of site area shall be required to retain or plant following development activities. Unless otherwise exempted, the requirement to meet a minimum tree density applies to all development activities in various zones, including new single-family homes; residential subdivisions and short subdivisions; mixed-use developments; commercial and industrial developments; municipal and institutional developments; and utility developments.
 - i. Tree retention or a combination of retention and supplemental planting shall be required to meet minimum tree density for development in each land use zone, as adopted in the City of Kirkland's updated Comprehensive Plan.
 - ii. Tree Credit Density for retained trees is calculated to determine if supplemental trees are required to be planted to meet the minimum.
 - iii. If Tree Density Credits are met through retention of significant trees, planting supplemental trees is not required, and the applicant has fully fulfilled the City's requirements. No further trees need to be retained on the lot once TDC have been met. The City shall not require any additional tree retention or planting measures once the minimum per acre tree densities are met.
 - iv. Location prioritization for both retained and planted trees is established.
 - v. The City shall not require tree retention or planting efforts that would:
 - a) Reduce maximum allowed density or number of lots; or
 - b) Reduce maximum allowed Floor Area Ratio (FAR) or Lot Coverage; or
 - c) Reduce a 50-foot wide by 50-foot deep building footprint; or
 - d) For front building facades wider than 50 feet, the maximum building footprint shall not be reduced less 10 percent of the distance between side required yards. For example: a 70-foot wide lot with two 5-foot side required yards results in a 60-foot wide building pad which can then be reduced by 10 percent, or 6-foot reduction to the building pad, which totals a 54' wide building envelope; or
 - e) Interfere with access and utility connections; or

- f) Exceed specified credit requirements.
- In exceptional cases, the Planning Official may allow for removal of existing trees beyond the retention standards if the applicant demonstrates the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives.
 - Incentives are provided for retention beyond minimum tree densities, and outside of location prioritization areas, as defined in section 95.XX.XX
- b. Tree Density Credit Requirement. The required minimum Tree Density Credits (TDC) varies by land use zoning designation and are calculated as a fraction of required minimum per 1000 square feet of site area. The minimum TDC per acre are provided in Table 95.X.XX.XX.
- i. Tree density may consist of retained trees, supplemental trees, or a combination of both.
 - ii. Retained trees transplanted to an area on-site may count toward required TDC if approved by the Planning Official based on specifications provided by the applicant's qualified professional arborist that will ensure a good probability for survival. Trees transplanted off-site do not count toward the required density.
 - iii. TDC requirements shall be based on the full site area, excluding retained trees in wetlands, streams, landslide hazard areas, and/or associated critical areas buffers.
 - iv. If a development site falls below the minimum TDC with retained trees, supplemental tree planting is required to requirement per Table 95.26.2.
 - v. The applicant has met the requirements of Tier 2 once the minimum per acre tree densities are obtained through retention, planting, or a combination of retention and planting. The City shall not require any additional tree retention or planting measures once the minimum per acre tree densities are met.
 - vi. Where supplemental trees are required to be planted, a minimum size requirement is established to meet the required TDC.
 - vii. The DBH of the tree shall be measured in inches. The tree credit value that corresponds with DBH values is found in Table XX.XX.XX.
 - viii. If the site allows, TDC on a lot shall not be achieved through the retention or replanting of only one large tree that achieves TDC minimum.
 - ix. Retained cottonwood, vine maple, and alder trees shall not count toward the tree density requirement.

**Table 95.26.2
TREE DENSITY CREDITS BY ZONE**

LAND USE TYPE	USE INTENSITY	REQUIRED MIN TREE CREDITS PER 1000 SQ. FT.
Single-Family Residential* *If lots smaller than 7,200 sf and/or the proposal is a short subdivision in the DC or CR zone the required credit may be reduced in half	Low/Moderate	1
Multifamily	Moderate	.40
Industrial Commercial Mixed-Use	High	.35
Public Facilities* *Including schools, public hospitals, municipal buildings, institutional	High	.35
Public Parks and Open Space	Low/Moderate	.75
Downtown Commercial	High	.20

- a. Tree Density Credit Calculation. For the purpose of calculating required minimum tree density, public right-of-way, areas to be dedicated as public right-of-way, and vehicular access easements are not included as lot area within an improved plat shall be excluded from the area used for calculation of tree density. Critical areas and associated buffers to be maintained by the development shall be excluded from the area used for calculation of Tree Density Credits, but supplemental plantings may occur in those areas.
- b. Tree Density Credit Calculation for Retained Trees.
 - i. Diameter at breast height (DBH) of the tree shall be measured in inches.

- ii. The TDC value that corresponds with DBH values shall be found in Table 95.24.2. These credits shall be multiplied by one and one-half for existing native conifers (or other conifer species as approved by the Planning Official).
 - iii. Retained alder, cottonwood, and vine maple trees shall not count toward TDC. No credits shall be given for retention of arborvitae.
 - iv. Existing trees located in critical areas and those protected within the native growth protection area tract or easement to be established by the proposal shall not count toward TDC requirement.
 - v. In calculating tree density credits, TDC shall be rounded up to the next whole number from a one-half or greater value.
- c. Supplemental Trees Planted to Meet Minimum Tree Density Requirement.
- i. For sites where existing (predevelopment) TDC is insufficient to meet TDC minimums, retention of existing identified trees consistent with KZC 95.XX.XX shall be a top priority of the site design. Additional TDC shall be achieved through supplemental planting on site.
 - ii. The Planning Official may allow for removal of trees beyond these retention standards only when the applicant demonstrates that the proposed activity requiring additional removal of existing trees is the only reasonable alternative that will accomplish the applicant's objectives, and only when supplemental trees are provided to meet tree density credit requirements. In such instances, the City may require additional on-site supplemental tree planting and/or a fee in lieu of additional supplemental tree planting to achieve higher tree density credit than the minimum required by Table 95.26.2.
- d. Minimum Size and TDC Value for Supplemental Trees. The required minimum size of a supplemental tree worth one credit for six (6) feet tall for native or other conifers and two-inch caliper for deciduous or broad-leaf evergreen trees. The installation and maintenance shall be pursuant to KZC 95.XX.XX, Landscaping Regulations.

Table 95.26.3
Tree Density Credits for Retained or Supplemental Planted Trees

DBH	Tree Density Credits
Planted 6' Conifer, or 2" cal. Deciduous	1
Planted 8' Conifer, or 3" cal. Deciduous	2
6" – < 8"	1
8" – < "12	2
12" – < 18"	3
18" – < 22"	5
22" – < 26"	7
26" – >	9
Conifer over deciduous	1.5 x Tree Credit Above
Landmark Tree (30" and above)	1.5 x Tree Credit above

Tree Density Credit Calculation Examples using Table XX.XX.XX and Table XX.XXX.XX

Example: An 8,000-square-foot single family lot would need 8 tree credits ($8,000/1000 = 8$). The tree density credits on the lot could be retained by one 12-inch to 18-inch tree (3 credits) and one 18-inch to 22-inch or one 8-inch (5 credits). Another option would be one 10-inch (2 credits), one 18-inch(5 credits), and one 6-inch (1 credit) existing tree for a total of 8 credits. Another option would be to retain one 20" tree (5 credits) and plant one 8' conifer ($1.5 \times 2 \text{ credits} = 3 \text{ credits}$) for a total of 8 credits.

Example: A two-acre industrial site would need 30 tree credits ($87,120 \text{ square feet}/1,000 = 87.12 \times .35 = 30.49$ or 30). TDC could be met by a retaining three 24-inch trees (21 credits), and planting nine 2" caliper deciduous trees (9 credits) for a total of 30 credits.

95.28 Supplemental Tree Planting Requirements Related to Development Activity.

1. The minimum size for supplemental trees shall be six (6) feet for conifer, two-inch caliper for deciduous.
2. In some circumstances the Planning Official may consider smaller-sized supplemental trees if the applicant can demonstrate they are more suited to the site conditions, to the species, and will be planted in quantities to meet the intent of this section.
3. The planting of native and/or species diverse trees is encouraged to help ensure the health, longevity, and age diversity of Kirkland's tree canopy.
4. A ten (10%) reduction in required Tree Credit Density shall be given to the applicant for the planting of all native trees or combination of all native or drought tolerant trees from a City approved list of

drought tolerant trees.

5. No credits shall be given or count towards minimum TDC for supplemental planting of arborvitae, alder, cottonwood, or vine maple.

95.30 Tree Location Prioritization.

It is the preference of the City to retain and plant trees on-site, with the right tree in the right place. Right tree, right place minimizes negative impacts to the environment, building footprint, use and enjoyment of private property, maintenance and intended function of buildings, and gives retained and planted trees the best chance to establish and thrive as a healthy part of a diverse canopy.

The City shall approve design and landscape plans that retain and/or plant trees in the following on-site locations (in order of priority):

1. Required site perimeter or rear or front yard setbacks;
2. Adjacent to critical areas, associated buffers, and near trees or corridors that provide habitat value;
3. Significant trees that form a continuous, healthy canopy;
4. Significant trees on slopes greater than 20%;
5. Locations that do not interfere with the use and enjoyment of private property, or the maintenance and intended function of buildings on the development site (exceptions are made for Landmark trees and Groups pursuant to KZC 95.26.6)
6. Provide a screening function, enhance privacy between existing and new neighborhoods, help add to or preserve community character, provide relief from blight or harsh light, or screen uses with adjacent zoning;
7. Adjacent to stormwater facilities as approved by public works;
8. Within required common open spaces and recreation spaces as established by the approved site plans; and
9. Incorporated into the development site's approved landscape plans.

95.32 Incentive Measures.

It is the intent of the City to retain trees on site while allowing for flexible site and building design, providing visual buffers, and improving environmental and esthetic quality. Bonuses may be earned by the applicant by providing site development and building standards or retention or planting measures that better the requirements of this section or incorporate standards and methods found in other chapters of KZC and KMC.

1. Incentive measures may include but are not limited to:
 - a. Retention or replanting of additional significant trees that enhance slope stability and reduce potential for soil erosion;
 - i. Planting of native understory landscaping within the canopy area of each significant tree that must include shrubs that will mature to a full range of understory plant heights, that would be supported by the development site's soil and tree canopy, as determined by the qualified City and applicant arborists;
 - ii. Sustainable site development strategies and qualifying sustainability certifications such as:
 - a) Low Impact Development (LID) standards within the Public Works Pre-Approved Plans and Policies and King County Stormwater Manual;
 - b) International Living Futures Institute (ILFI) Living Building Challenge;
 - c) Leadership in Energy and Environmental Design (LEED);
 - d) Built Green Net Zero;

- e) Salmon Safe, ILFI Net Zero or Passive House programs that will be equal or superior to the provisions of KZC 95; or
- f) The installation of renewable energy system hardware such as solar panels or wind turbines.
- iii. Site design such as lot clustering that allows for the retention of, but not limited to, habitat corridors, heavily wooded sites, additional buffers between critical areas, wetlands or streams, and visual buffers between new and existing neighborhoods.
- iv. Significant tree(s) retained on the interior of the lot that provides energy savings through winter wind protection or summer shading;
- v. Retention of an additional twenty (20%) of significant TDC on the interior of the lot above Table 95.24.2.
- b. Incentives provided to the applicant may include:
 - i. Tree density credits up to a maximum of eight (8) credits for incentive measure provided;
 - ii. Expedited permit review;
 - iii. Reduction of permit fees;
 - iv. Additional FAR or Lot Coverage, or density bonus;
 - v. A reduction in on-site or off-site parking requirements;
 - vi. Setback adjustments; or
 - vii. Other bonuses at the discretion of the Planning Official.

95.34 Tree and Soil Protection During Development Activity

Prior to development activity or initiating tree removal on the site, vegetated areas, individual trees and soil to be preserved shall be protected from potentially damaging activities during development activity as follows:

1. All minimum required tree protection measures shall be shown on the tree retention plan and the site grading plan. Project site plans shall include a summary of the project-specific tree protection measures;
2. Tree Protection Fence. Before development, land clearing, filling or any land alteration, the applicant shall:
 - a. Erect and maintain readily visible temporary protective tree fencing at the approved Limits of Disturbance which surrounds the protected area of all retained trees, groups of trees, vegetation and native soil. Fences shall be constructed of chain link and be at least six (6) feet high, unless other type of fencing is authorized by the Planning Official.
 - b. Install highly visible tree protection area signs spaced no further than 25 feet along the entirety of the Tree Protection Fence. Said sign must be approved by the Planning Official and shall state at a minimum "Tree and Soil Protection Area, Entrance Prohibited" and provide the City phone number for code enforcement to report violations.
 - c. Install Site plans showing approved tree retention/protection on development sites in plain view with the general contractor or other responsible party's phone number.
 - d. Prohibit excavation or compaction of soil or other potentially damaging activities within the fence; provided, that the Planning Official may allow such activities approved by a qualified professional and under the supervision of a qualified professional retained and paid for by the applicant.
2. Prohibit placing materials near trees. No person may conduct any activity within the protected area of any tree designated to remain, including, but not limited to, operating or parking equipment,

placing solvents, storing building material or stockpiling any materials, or dumping concrete washout or other chemicals. During construction, no person shall attach any object to any tree designated for protection.

- a. If any disturbance is proposed within the Inner Critical Root Zone of significant trees on a neighboring property, the applicant shall provide evidence that the owner of said tree(s) has been notified in writing of the potential impact. The Planning Official may waive this requirement if the applicant's arborist can demonstrate, through non-injurious methods such as pneumatic root excavations, that there are no roots within the Inner Critical Root Zone.
 - b. Maintain the Tree Protection Fence in its approved location for the duration of the project until the Planning Official authorizes its removal.
 - c. Ensure that any approved landscaping done in the protected zone subsequent to the removal of the barriers shall be accomplished with machinery from outside the protected zone or by hand.
 - d. In addition to the above, the Planning Official may require the following:
 - i. If equipment is authorized to operate within the Critical Root Zone, the soil and critical root zone of a tree must be covered with mulch to a depth of at least six (6) inches or with plywood, steel plates or similar material in order to protect roots and soil from damage caused by heavy equipment.
 - ii. Minimize root damage by hand-excavating a 2-foot-deep trench, at edge of Critical Root Zone, to cleanly sever the roots of trees to be retained. Never rip or shred roots with heavy equipment.
 - iii. Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.
 - iv. Maintenance of trees throughout construction period by watering and fertilizing.
3. Grade.
- a. The grade shall not be elevated or reduced within the Critical Root Zone of trees to be preserved without the Planning Official's authorization based on recommendations from a qualified professional. The Planning Official may allow coverage of up to one-half (1/2) of the area of the tree's Critical Root Zone with light soils (no clay) to the minimum depth necessary to carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree's survival.
 - b. If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's Critical Root Zone, it shall be permanently stabilized to prevent soil erosion and suffocation of the roots.
 - c. The applicant shall not install an impervious surface within the Critical Root Zone of any tree to be retained without the authorization of the Planning Official. The Planning Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface.
 - d. To the greatest extent practical, utility trenches shall be located outside of the Critical Root Zone of trees to be retained. If tree roots must be disturbed within the critical root zone, a qualified professional report recommending the best construction method will be required.
 - e. Trees to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, it is encouraged that shrubs, ground cover and stumps be maintained on the individual lots, where feasible.
4. Directional Felling. Directional felling of trees shall be used to avoid damage to trees designated for retention.

95.36 Off-Site Tree Planting or Fee In-Lieu.

1. When an applicant can demonstrate through a qualified arborist analysis that the base tree densities required under Table 95.24.2 for on-site tree retention and planting cannot be reasonably achieved, and no other on-site planting options are available, the Director may approve off-site planting or fee in-lieu paid directly into the City's Tree Forestry Account.
 - a. Allowable sites for off-site plantings may include, but are not limited to, sites within City limits:
 - i. City-owned properties;
 - ii. Private open space such as critical areas or Native Growth Protected Areas (NGPA), parks, or street rights-of-way;
 - iii. Private property with written consent and agreement of the owner;
 - iv. Residential neighborhoods that have, as identified by the Kirkland Urban Tree Canopy Assessment (2018), the lowest Urban Tree Canopy and greatest need for increased tree canopy based on Census tract data;
 - v. Institutional (hospitals, mental health facilities), municipal (including K-12 educational facilities), government, or non-profit properties with written consent and agreement of the parties; or
 - vi. Other properties as determined by the Director.
 - b. Cost of tree planting shall be at the expense of the applicant. The amount of the fee for planting shall cover the cost of the tree(s) at current market value, installation (labor, transportation, equipment, staking, mulching), maintenance for five years (watering, warranty, and monitoring), and fund administration.
 - c. Fees for installation and maintenance shall be determined by the average of three (3) bids obtained by the City and agreed upon by the City and applicant.
 - d. Fees shall be paid to the City at the time of:
 - i. Recording for single detached homes in a subdivision or short subdivision and townhome developments; or
 - ii. Prior to issuance of building permits for all other development.

95.38 Enforcement and Penalties

Upon determination there has been a violation of any provision of this chapter, the City may pursue code enforcement and penalties in accordance with the provisions of Chapter 1.12.100 KMC, Special Provisions Relating to Enforcement of Tree regulations in Chapter 95 KZC. Tree topping shall result in the following penalties:

1. Required Trees. Trees that were required to be planted or retained by this chapter that are less than six (6) inches DBH that have been topped must be replaced pursuant to the standards in Chapter 1.12 KMC.
2. Restoration. For topped trees greater than six (6) inches DBH, property owners must have a qualified professional develop and implement a restoration pruning plan.
3. Fines. If restoration of a topped tree is impossible, the City shall impose a monetary fine of \$250 (?) per tree payable directly into the City Forestry Account.

95.40 City Forestry Account

1. Funding Sources. All civil penalties received under this chapter and all money received pursuant to KZC 95.XX shall be used for the purposes set forth in this section. In addition, the following sources may be used for the purposes set forth in this section:

- a. Agreed upon restoration payments under KZC 95.XX or settlements in lieu of penalties;
 - b. Agreed upon payment in lieu of planting required trees under KZC 95.36;
 - c. Sale of trees or wood from City property where the proceeds from such sale have not been dedicated to another purpose;
 - d. Donations and grants for tree purposes;
 - e. Sale of seedlings by the City; and
 - f. Other monies allocated by the City Council.
2. Funding Purposes. The City shall use money received pursuant to this section for the following purposes:
- a. Acquiring, maintaining, and preserving treed areas within the City;
 - b. Planting and maintaining trees within the City;
 - c. Establishment of a holding public tree nursery;
 - d. Urban forestry education, public outreach and communication that includes establishment of an Environmental Justice Fund to broaden community engagement and input;
 - e. Implementation of a tree canopy monitoring program, including data collection and establishment of measures;
 - f. Assist to fully staff, fund, and implement an Urban Forestry Management Department within the City of Kirkland which shall include a Public Tree Retention, Replacement, and Monitoring Program pursuant to the Urban Forestry Strategic Management Plan and the Urban Tree Canopy Assessment; and
 - g. Other purposes relating to trees as determined by the City Council.



KZC 95 Code Amendments

Public Feedback Phase I

August-October 2018



Juanita Farmer's Market 8/31/18
Crossing Kirkland City-wide Block Party 9/8/18
City Hall for All Event/Presentation 10/6/18

Question: if you were in charge of trees in Kirkland, what kind of rules would you make?

No hurting [trees] unless [they're] weak and going to [be removed] anyway

Kirkland's assets are its tall, mature trees – keep our neighborhoods green!

Grow More [trees]!

More compost bins available ☺

I would every time you cut down 1 tree you have to plant 2 native trees

I wouldn't cut any of them down!

[Plant] as many trees as possible

Increase tree canopy coverage goal, [and] maintain, don't cut down mature trees, especially for construction of new mansions. Study urban heat island effect, health data & localized cooling. Lift up sidewalks & trim roots that have heaved the pavement instead of removing and replacing trees.

Balance growth/tree retention, [better coordinate] different [City] departments' interests with trees

[There should be more] equity between homeowners' [tree removal] allowances vs. developers [tree retention requirements]

We need trees for privacy and sound/dust barrier

More trees [for their] benefits

[Unless] potentially hazardous, save for squirrel habitat

Preserve the large old growth, replace with greater than what is taken away (trees)

Be more diligent with street/park tree maintenance, especially street/sidewalk clearance

I'm all for preservation of trees, but please be open minded that in certain situations, pruning and/or cutting is necessary

[Allow] payment in lieu of replacement trees on private property [so that replacements can go somewhere void of trees] like Spinney Park

Trees/veg cleared from sidewalk

Cut down trees & sell `em for City \$ funds

Allow in critical areas [tree] prun[ing] for light

If a tree blocks my view, I want it cut down

Tree code enforcement [should be] part of the tree code update. [Require] stop work order for people who break code. Suspend or revoke their business license. Fix loopholes

[] indicates additions to clarify the original comment



KZC 95 Code Amendments

Public Feedback Phase I

August-October 2018



More trees and understory plants everywhere. Preserve large trees
Clarify the process by which you can have a tree declared unhealthy or unsafe, and therefore you can cut it down without affecting your annual limit

Finn Hill Residents Stakeholder Meeting, September 17, 2018

1. Question: What are your concerns with the current tree code?

Tree credit [requirement is] inconsistent with goals for canopy coverage. It incentivizes native forest conversion into a non-native forest. Only way it works is with non-native deciduous trees.

Credits/rules don't align with tree growth/biology. Should be using PNW data and survival rate

Sidewalk planting strip longevity messing up sidewalk

Unfair processes/double standard between residents and developers

Statistics on canopy cover [should] only come from [what's within] City jurisdiction or boundary lines

[That] developers [don't] know their role in city-wide canopy goals

Developing [occurring] despite consequences of fines, etc. Up front work [occurs such as tree retention plans] but [there's] no follow-through with code enforcement.

No protection for adjacent property owners' trees

Need better signage for tree protection

[Concerned with] preserving trees with trail systems. Walkability and root zone [conflict]

[Code is] onerous and expensive for residents [and small contractors] specifically re: [tree protection] fencing. Doesn't make sense. [Even with fencing, there are] impacts [to] tree/plant health

[Code] too specific, doesn't achieve general goals

There is a lack of:

- Developer awareness on tree canopy maximization

- Tree categories (significant, heritage, etc.) and incentives to save them

- Maintenance bond

- Enforcement and fines correlated to tree size

- Understanding of [protected tree] maintenance responsibility of developer/owner

- IDP [requirement on a citywide basis]

- Financial support from City for resident tree preservation

Tree Preservation isn't coordinated between various agencies/utilities

Where in the process the tree standard is created and applied?

Interpretation of code language [too lax] ("if feasible" etc.)

Notice of development doesn't have tree plan, [is] not online.

[] indicates additions to clarify the original comment



KZC 95 Code Amendments

Public Feedback Phase I

August-October 2018



More equality with 2-per 12 months tree removal, specifically regarding larger properties

2. Complete this statement: A "good tree code" in Kirkland is...

One that helps homeowners plant, replace, manage trees depending on where they are [located]

One that provides construction solutions to owners when they have a tree [retention] problem

One that consistently meets with 40% canopy goal for City boundaries only

One that incentivizes native tree usage via tree credit [requirements]

Integrated with rest of development code

Accommodating of different neighborhoods' character

Integral, connected to policy goal of healthy, sustainable urban forest/tree canopy goals

Correlated between lot size and tree code policy with balance between simple and cost effective

3. Complete this statement: A "good tree code" in Kirkland has...

Contractors sign [an] affidavit for tree responsibilities over time [after development]

Precedence over other development processes

Ongoing financial responsibility through HOA or similar [legal] vehicle for maintenance of PNA/required [tree] replanting or a bond for x years [after development]

Mandatory education for developers, including [required trees] follow up

Clear [tree protection] plans included on [public] notices, [job sites] with [code] enforcement [contact #]

Economic incentives for public to do the right thing

Acknowledgment of "downstream" consequences of [tree] removal, [tree] removals included in stormwater assessment

A proactive city-wide education campaign and partnership with Lake Washington Technical College

Clear online resource to identify tree problem and Next Steps [for permits]

Maintenance requirements for City-owned property and conservation easements

Different tree classifications [for] species, cultural [significance] and heritage [trees], etc.

Development Community Stakeholder Meeting, September 21, 2018

1. Question: What are your concerns with the current tree code?

[Code is] inflexible for atypical lot dimensions

[Code is] unpredictable:

[It's an] outlier from other building codes

Updates [are unpredictable]

Interpretation/implementation [is not consistent] between different staff and over time

[] indicates additions to clarify the original comment



KZC 95 Code Amendments

Public Feedback Phase I

August-October 2018



[In how tree] credits [are] practice[d]

[There's] no objective measure

[Needs] clearer definitions and environmental connection [to] "significant" and "exceptional"

[Too] subjective standards, especially staff consistency [over time]/training [for new staff]

Lack of "grove" definition

[Code] minimum[s are] subjective, [result in] additional requirements as opposed to other building code minimums. [Results in unnecessary] one-sided negotiation [that favors staff].

Process timing too swift, not enough time for review

[In regards to] "canopy" [cover] vs. [trunk diameter at] breast height:

DBH is easier to measure

Canopy can be manipulated

[Concerned with] implementation of [increased] tree replacement [requirements] and [having] arborist on site during [construction]

2. Complete this statement: A "good tree code" in Kirkland is...

Objective

Accommodating of the original intention of a plat layout

Respectful of property rights

Takes into account other advancements in environmental tech [such as] water and solar

Predictable and consistent

Flexible [with a] transparent process to [address] problematic anomalies of code [that are] not really working

Equitable

Balanced between predictable and flexible

Accommodating of a fee program in lieu of [tree] replanting [on site]

Accommodating of tree replanting [vs. tree retention]

Consistent [with] meaning/definitions for decision-making rationale and construction methods (root zones)

Not requiring an on-site arborist

3. Complete this statement: A "good tree code" in Kirkland has...

A clear process flowchart similar to LID process, especially for "flexible" situations [such as] difficult lots

Third party appeals/arbitration process with option for Hearing Examiner

An IDP option [as opposed to requiring it for all shortplat/subdivisions citywide]

[] indicates additions to clarify the original comment



KZC 95 Code Amendments

Public Feedback Phase I

August-October 2018



No IDP requirement [would rather it be an option]

"Black and white" clear definitions, standards

A better definition of "grove"

Science-based qualifications

[Has a] legal protection [mechanism that's] not [an] easement

When [is it] applied?

Requests for information and additional responses to policy-related questions

1. *Would lowering the 30" dbh (trunk diameter) landmark tree size make a difference?* See page 5 in the November 5, 2019 PC/HCC memo. Within development scenarios, lowering the 30" dbh threshold was shown to have little consequence with tree retention on average-sized lots. As previously discussed, retaining a large tree with a large critical root zone on an average lot with 50 percent minimum lot coverage will continue to be a challenge. A lower threshold could result in more retention on short plats and subdivisions if lots are clustered in a manner that preserves trees. Outside of development, lowering the landmark threshold may help to avoid preemptive removals of mid-size/aged trees within 18-28" dbh.
2. *Is landmark tree pruning prohibited?* To encourage proper care of landmark trees, this section was reorganized for clarity with ANSI standards as the basis for landmark tree and grove pruning.
3. *Why should a homeowner's desire for sunlight, gardens, and views be "trumped" by the City's 40 percent canopy cover goal?* As discussed, the public benefits of trees are the basis for Kirkland's canopy cover goal and tree code. How KZC 95 supports or detracts getting to that goal are decisions for the PC/CC to consider, not whether to change the policy goals in the Comprehensive Plan.
4. *Will the code amendments help us meet our 40 percent tree canopy cover goal? Why don't we use canopy cover as a code requirement instead of tree credits?* A tree density "credit" is a code requirement metric originally based on timber stocking models. Tree credits equate to increasing inches of trunk diameter and are a general indicator of tree size which generally translates, albeit indirectly, to tree canopy cover. Tree canopy cover is the outline of leaves as seen from above, usually derived from aerial imagery for the purpose of planning and goal-setting. After thoroughly examining the use of canopy cover as a regulatory metric, the PC made a decision that developing a more precise credit-to-canopy cover formula or converting entirely to canopy cover-based requirements is not a consideration at this time, mainly because it would be overly burdensome on property owners and City staff to attempt to measure or enforce canopy cover on a lot-by-lot basis.
5. *What are the tree removal rules for condominium properties with Homeowners Associations (HOA)?* The City currently accepts tree removal applications from HOAs that include common areas and tracts. A condominium property is considered one property for purposes of the tree code; tree removal requests are required to come from the HOA board rather than individual owners of units within the complex. The proposed increase in allowed tree removals and lowered square footage requirements for Forest Management Plans are intended to provide more equitable tree removals on larger properties.
6. *Can Kirkland ban cottonwood trees in KZC 95?* As discussed, undesired tree species will be addressed in an administrative, not regulatory manner using Kirkland's Prohibited Plant List. A codified ban is too broad because native tree species, while unsuitable for some properties, are appropriate in critical areas, stormwater detention facilities, park open spaces, steep slopes, etc. For these purposes, the intent of the Prohibited Plant List is to not credit planting of trees like alders and cottonwoods as replacement trees and to not require retention of such trees on private property outside of critical areas and their buffers.

7. *Does the draft code provide enough predictability for the development review process?* Predictability is a term that has been used to describe a high level of consistency and certainty when code requirements are applied (synonymous with "prescriptive"). KZC 95 was written to provide flexibility for various development scenarios, using code language such as retain trees "if feasible" or to "the maximum extent possible." Consequently, the Planning Official's authority to require site plan alterations to retain trees often results in lengthy negotiations between applicants and staff. The MBAKS stakeholders were instrumental in specifying regulatory expectations and the extent of the measures for tree retention. Code changes to increase predictability include:
- Eliminating the "if feasible/maximum extent possible" and other subjective language
 - Eliminating the Low, Moderate and High Retention Value tree definitions
 - Specific tree condition ratings
 - Tier 1/Tier 2 guaranteed building envelope dimensions
 - Eliminating phased review (IDP)
 - Establishing a clear order of priorities for tree retention and replanting
8. *How do applicants know they've exhausted their options to try to retain trees in setbacks?* When they've run through the Tier 2 "menu" developed by the stakeholders.
9. *How many review cycles can applicants expect?* Revisions depend on whether the proposed improvements/permit application follows the code. We've spent a lot of time collaborating on a draft code that adds clarity and predictability to the development review process. Depending on the number of revisions it takes the applicant to achieve code compliance, the City can't issue a permit.
10. *How is it determined whether the house or tree "wins?"* By using the clear regulatory expectations that were developed by the stakeholders: the specific site plan alterations, variations to development standards etc. which need to be used first to retain existing Tier 1/Tier 2 trees. If no trees or less than the equivalent of 30 credits per acre can be retained, then planting is required to bring the credits up to the minimum required. With the exception of Tier 1 trees, that's how Kirkland's current code works...to meet or exceed the minimum tree density. As we reviewed in our tabletop exercises with the stakeholder group, the tree "loses" when impacts are too great to the critical root zone.
11. *Can an applicant remove trees anywhere on the property if they are not Tier 1 or 2? Yes. Within a critical area (or similarly protected area)? No – KZC 70, 83, 85 etc. still apply. How will anyone know ahead of time what trees may likely be retained or not?* You'd know by applying Tier 1/Tier 2 criteria in the draft code for building envelopes, site plans, etc. that was developed with the stakeholders.
12. *Why doesn't the proposed ordinance give builders the option to pay an in-lieu fee if retention onsite is not possible?* We checked with the City Attorney on the stakeholders' proposal to assess a \$2,000 penalty for the authorized removal of a landmark tree. The CAO's response is that the City requiring payment for legal tree removal would be interpreted as a tax not specifically authorized by State law and case law.

13. *Should the nuisance tree definition include below-ground structures?* The statement "includes but is not limited to...building foundation," in addition to the "root pruning" section implies below-ground structures; however, "underground utilities" have been added to the list. Note that the current KZC definition of structure is "Anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner", so would include above and below ground structures.
14. *Why doesn't Kirkland use (x) tree code like other cities?* Although the majority of KZC 95 code changes were informed by the MBAKS-FHNA stakeholders, the PC considered other municipal tree codes regarding specific code issues, many of which are noted in the November 8, 2018 PC meeting memo and the January 21, 2020 City Council memo. In most cases, such as requirements that mandate tree species, the objective to streamline the code was a higher priority than to increase flexibility or take a customized approach that increased code complexity.
15. *Should replacement tree planting requirements specify appropriate distances from property lines so tree branches do not grow to encroach on a neighboring property?* Currently, the draft code requires replacement trees be planted 3 feet from property lines. Establishing a canopy setback is problematic for a number of reasons:
- Trees do not grow in a predictable manner - aerial photos makes it clear that canopy does not typically respect property lines.
 - Developing standards for what trees may be planted where in the property would be challenging to codify, administer with permits, and enforce.
 - Final tree planting locations and species are often made by builders in the field.
 - Planting new trees toward the center of a lot will not result in long term viability.
- Tree growth over impervious surfaces and property and city boundary lines collectively contributes to overall canopy cover. Note: conversely, neighbors may welcome an adjacent property's tree growing over a property line.
16. *Are there circumstances where "topping" trees is okay?* Topping can result in branch or whole tree failure and so many other issues that it's not considered an acceptable practice under industry standards for pruning.
17. *Why do public tree replacement standards in KZC 95.23.8b use a "minimum" one-for-one requirement?* Public tree replacement standards and their application vary between the Public Works and Parks departments; therefore, the minimum standard is codified. Because these requests involve the removal of a public asset, the administering department reserves the right to potentially require greater replacement.
18. *Why grant City authority to order the removal of severely diseased trees?* The primary purpose is to minimize the City's cost for public tree removal from Emerald Ash Borer (EAB). Having no code provision puts the City in a vulnerable position if EAB infects private trees first.



KIRKLAND CITY COUNCIL MEETING MINUTES
January 07, 2019

1. CALL TO ORDER

Mayor Sweet called the study session to order at 5:30 p.m. and the regular meeting to order at 7:30 p.m.

2. ROLL CALL

ROLL CALL:

Members Present: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Members Absent: None.

3. STUDY SESSION

a. City Debt and the Debt Issuance Process

PMF Financial Advisors LLC Director Fred Eoff provided the presentation; also attending/responding to Council questions from PMF was Analyst Maggie Marshall and Pacifica Law Group (Bond Counsel) Partners Deanna Gregory and Stacey Lewis; City Manager Kurt Triplett, Deputy City Manager Tracey Dunlap, Finance and Administration Director Michael Olson and Deputy Director David Goldman.

4. COUNCILMEMBER(S) OATH OF OFFICE

Municipal Court Judge John Olson administered the oath of office to Councilmembers Curtis, Falcone and Nixon.

a. Kelli Curtis

b. Amy Falcone

c. Toby Nixon

5. SELECTION OF MAYOR AND DEPUTY MAYOR

Motion to Select Councilmember Penny Sweet as Mayor.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Toby Nixon

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Motion to Select Councilmember Jay Arnold as Deputy Mayor.

Moved by Councilmember Kelli Curtis, seconded by Councilmember Toby Nixon

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Council recessed for a short break.

6. HONORS AND PROCLAMATIONS

None.

7. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Olaf Baumgartner
Larry Youman
Stephanie Lecovin
Greggory Busch
Birgitta Hughes

c. Petitions

8. PUBLIC HEARING

None.

9. SPECIAL PRESENTATIONS

None.

10. CONSENT CALENDAR

a. Approval of Minutes

(1) December 10, 2019

The minutes were acknowledged via approval of the consent calendar.

b. Audit of Accounts and Payment of Bills and Payroll

Payroll: \$4,068,214.35

Bills: \$8,279,869.08

CAC1119 check #s 709724 – 709889 wire #137

CAC1219 check # 709890
CAC1819 check #s 709891 – 710051 wire #138
CAC2719 check #s 710052 – 710311 wire #140
LBC27B wire #s 136, 139
Purch Card/Nov ACH

c. General Correspondence

d. Claims

(1) Claims for Damages

Claims received from Evelyn Herrera-Lopez, Shivali Sharma, and Michael Walzack were acknowledged via approval of the consent calendar.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Sales Tax Report

The report was acknowledged via approval of the consent calendar.

(2) Procurement Report

The report was acknowledged via approval of the consent calendar.

Motion to Approve the Consent Calendar.

Moved by Councilmember Kelli Curtis, seconded by Councilmember Amy Falcone

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

11. BUSINESS

City Manager Kurt Triplett introduced Interim Public Works Director Julie Underwood, who was in attendance.

a. Draft Legislative Support Agenda

City Manager Kurt Triplett noted that Management Analyst Andreana Campbell would be providing additional legislative support to Ms. McKay and the Council during the current legislative session. Intergovernmental and Economic

Development Manager Lorrie McKay then provided an overview of the legislative priorities and support items for Council approval.

Motion to Approve the 2020 legislative support agenda, as presented.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Kelli Curtis

Vote: Motion carried 6-1

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Jon Pascal, and Mayor Penny Sweet.

No: Councilmember Toby Nixon.

- b. O-4714 and its Summary, Relating to Granting New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, a Non-Exclusive Communications Master Use Permit for the Right, Privilege, and Authority to Make Use of the Permit Area for Communications Purposes

Public Works Deputy Director John Starbard provided an overview of the proposed Communications Master Use Permit for the City Council. The draft ordinance will be brought back for Council consideration at a future regular meeting.

- c. Regional Economic Development Partnerships: Startup 425 and the Innovation Triangle

Regional Business Partnership Manager Ellen Miller-Wolfe and Consultant Duncan Milloy provided an overview of the report and responded to Council questions.

Council recessed for a short break.

12. REPORTS

- a. City Council Regional and Committee Reports

Councilmembers shared information regarding Councilmember Curtis' appointment as the Sound Cities Association's alternate to the King Conservation District Advisory Committee; the upcoming Houghton Community Council and City Boards and Commissions recruitments; a Lake Washington School District/City Coordination meeting; a dedication ceremony in honor of Doreen Marchione at the Kirkland Plaza Apartments; recent traffic camera hearings at the Municipal Court; an upcoming King County Regional Law Safety and Justice Committee meeting; an update of Active Transportation Safety Council activities; an upcoming Eastside Transportation Partnership meeting; an upcoming Water Resource Inventory Area (WRIA) 8 meeting; a meeting with King County Councilmember Claudia Balducci; a Mayors' meeting; an upcoming Puget Sound Regional Council session for newly elected Councilmembers; the Sound Cities Association Public Issues Committee meeting; the East Metro Training Group Academy firefighter graduation; the Google Lights event on the Cross Kirkland Corridor; the Nourishing Network food drive; the Grand Menorah Lighting at

Kirkland Marina Park; a Chanukah celebration at Congregation Kol Ami; an upcoming East King County Chambers of Commerce Legislative Coalition Breakfast; an upcoming Kirkland Business Roundtable; the upcoming memorial service for Bob Neir; the upcoming groundbreaking for the Juanita Beach Park Bathhouse. Councilmembers then discussed vacant positions on regional committees as well as the upcoming Sound Cities Association appointments.

b. City Manager Reports

(1) KTUB Incident: Police Chief Investigation Findings and Next Steps

City Manager Kurt Triplett provided an update on the Police Chief Investigation Findings as well as discussions with the YMCA and KTUB about next steps and future relations.

(2) Kirkland Talks

City Manager Kurt Triplett reported on the launch of the Kirkland Talks conversations beginning with the first meeting on January 21, 2020 at the Lake Washington Institute of Technology.

(3) Updated Board and Commission application

City Manager Kurt Triplett provided a draft of the updated Board and Commission application and received feedback from the Council.

(4) Calendar Update

Councilmembers requested an item for their next meeting to address event conflicts in their 2020 meeting schedule in accordance with past practice.

13. ITEMS FROM THE AUDIENCE

None.

14. EXECUTIVE SESSION

Mayor Sweet announced that Council would enter into executive session to discuss pending litigation and to review the performance of a public employee, would return to regular meeting after a twenty-minute session, and would take no further action on return. Council completed their session at 10:43 p.m. Also attending portions of the session were City Manager Kurt Triplett, Deputy City Manager Tracey Dunlap, Senior Assistant City Attorney Stephanie Croll, and Human Resources Director Chris Thomas.

a. Pending Litigation

b. To Review the Performance of a Public Employee

15. ADJOURNMENT

The Kirkland City Council study session and regular meeting of January 7, 2020 was adjourned at 10:45 p.m.

Kathi Anderson, City Clerk

Penny Sweet, Mayor

KIRKLAND CITY COUNCIL SPECIAL MEETING

**Kirkland Business Roundtable
Kirkland City Hall
Council Chamber
123 Fifth Avenue
Kirkland, WA 98033**

**January 9, 2020
8:00 a.m.**

Minutes

1. CALL TO ORDER

The event commenced at 8:00 a.m.; due to an expected quorum of Councilmembers in attendance, the event was noticed as a special City Council meeting.

2. ROLL CALL

Present: Mayor Penny Sweet, Deputy Mayor Jay Arnold and Councilmembers Neal Black, Kelli Curtis, Amy Falcone and Toby Nixon.

3. BUSINESS ROUNDTABLE AGENDA

A State Legislative Session Panel Discussion with Representatives Larry Springer and Vandana Slater, and a presentation on the Community Advisory Group formed to review elements of a possible 2020 Fire & Emergency Medical Services Ballot Measure were on the morning's agenda.

4. ADJOURNMENT

The January 9, 2020 Kirkland Business Roundtable event/Special Meeting of the Kirkland City Council concluded at 9:26 a.m.

Kathi Anderson, City Clerk

Penny Sweet, Mayor



CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: January 9, 2020
Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

It is recommended that the City Council acknowledge receipt of the following Claim(s) for Damages and refer each claim to the proper department (risk management section) for disposition.

POLICY IMPLICATIONS

This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.040).

BACKGROUND DISCUSSION

The City has received the following Claim(s) for Damages from:

- (1) GTS Drywall
10819 120th Avenue NE
Kirkland, WA 98034

Amount: to be determined

Nature of Claim: Claimant states damages occurred due to flooding and raw sewage originating from hillside drainage above property.

- (2) Mindy Harrington
10002 WE 130TH Lane, Apt #1
Kirkland, WA 98033

Amount: unspecified

Nature of Claim: Claimant states damages occurred to personal vehicle driver side mirror while stopped at a red light when struck by a passing police vehicle using lights/siren.

- (3) Dale D. Naeseth
13640 NE 42nd Street
Bellevue, WA 98005

Amount: \$1223.91

Nature of Claim: Claimant states damages occurred to passenger side tires when he struck a pothole while driving on NE 20th Street.

(4) Merissa S. Stricker
13242 NE 40th Street
Bellevue, WA 98005

Amount: \$1,181.48

Nature of Claim: Claimant states damages occurred to passenger side tire and rim when she struck a pothole while driving on 120th Avenue NE.

Note: Names of Claimants are no longer listed on the Agenda since names are listed in the memo.



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Patrick Herbig, P.E., Project Engineer
Rod Steitzer, P.E., Capital Projects Manager
Julie Underwood, Interim Director of Public Works

Date: January 9, 2020

Subject: 108TH AVENUE NE WATER & SEWER REPLACEMENT PROJECT—AWARD

RECOMMENDATION:

Staff recommends that the City Council award a construction contract for the 108th Avenue NE Water & Sewer Replacement Project (Project) to Marshbank Construction, Inc., of Lake Stevens, Washington, in the amount of \$5,426,676.32.

By taking action on this item under the Consent Calendar, the City Council is authorizing an award of a construction contract for the subject Project.

BACKGROUND DISCUSSION:

This Project calls for water main and sewer main replacement in 108th Avenue NE between NE 68th Street and NE 53rd Street (see Attachment A, "Vicinity Map"). Specific improvements include:

- Replacing 4,200 lineal feet of 8- and 12-inch concrete sewer main with 12-inch PVC sewer main;
- Replacing 2,200 lineal feet of 8-inch asbestos concrete water main with 12-inch ductile iron water main;
- Constructing nine new ADA curb ramps;
- Installing 1,100 square feet of green bicycle lanes;
- Overlaying 108th Avenue NE from NE 68th Street to NE 60th Street;
- Overlaying two of three lanes of 108th Avenue NE from NE 60th Street to NE 53rd Street; and
- Replacing and upgrading three median islands on 108th Avenue NE.

Benefits of the Project include lower costs for sewer system maintenance, greater reliability of the water main system, roadway rehabilitation, channelization, and non-motorized improvements.

With an engineer's estimate of \$6,674,411 for construction, six bids were received on December 19, 2019. Marshbank Construction was the lowest responsible bidder. The low bid is

approximately \$1,247,735 less than the engineer's estimate. The bid results are shown in Table 1, below.

Table 1: Bid Results

Contractor	Total
Marshbank Construction	\$5,426,676.32
Rodarte Construction	\$5,482,810.06
Shoreline Construction	\$5,659,872.08
Interwest Construction	\$5,718,657.73
<i>Engineers Estimate</i>	\$6,674,411.00
Kar-Vel Construction	\$6,735,120.63

Project funding and anticipated expenses are identified in the Project Budget Report (see Attachment B) and summarized in Table 2, below:

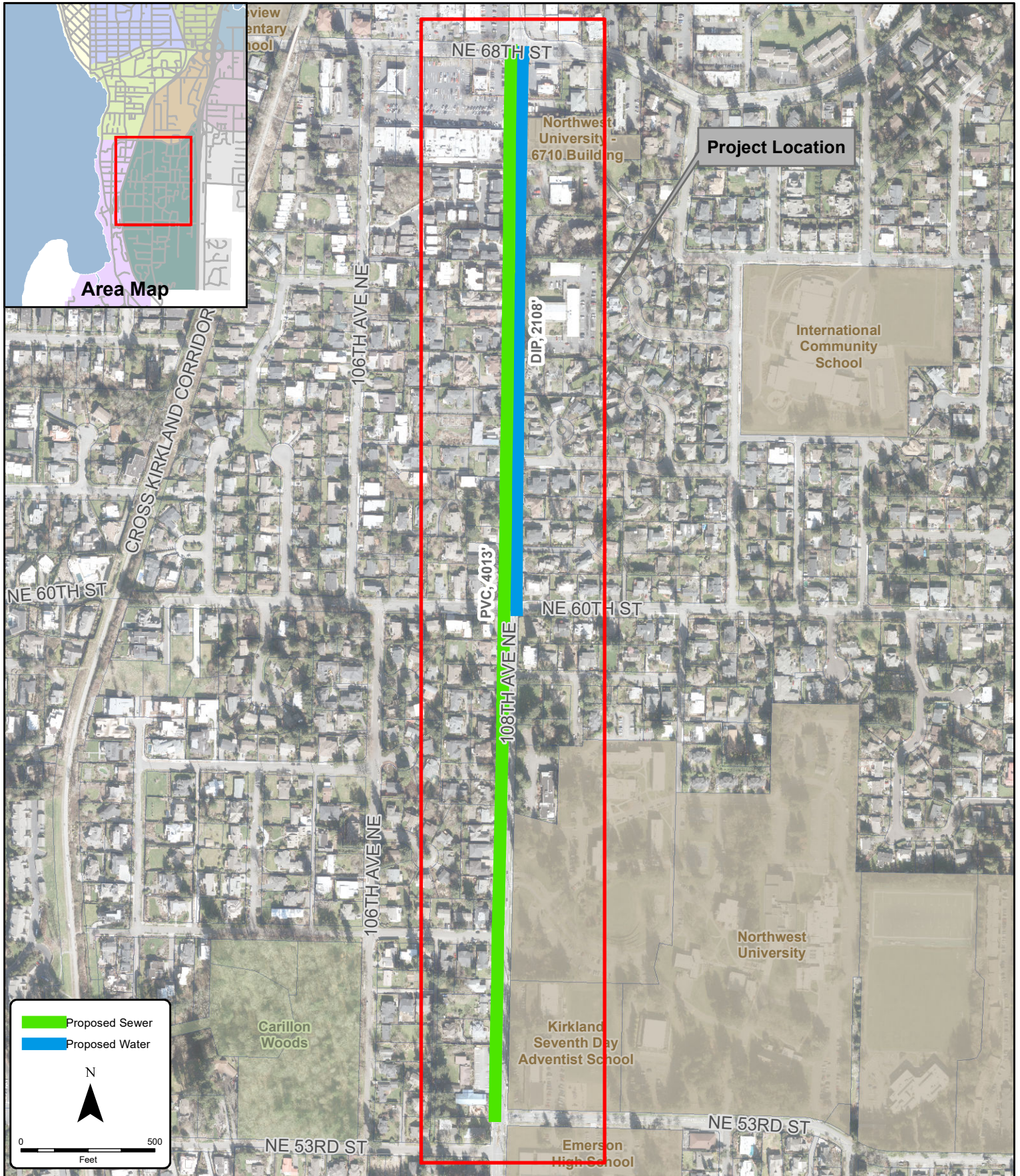
Table 2: Funding and Anticipated Expenses

Expense	Amount
Engineering, Inspection, Admin, Outreach, Permitting	\$1,990,000
Construction	\$5,426,677
Contingency	\$1,700,423
Anticipated Expense Total	\$9,117,100
Funding (2019-2024 CIP)	\$9,117,100
Difference	-zero-

Although the bid is approximately \$1,247,735 below the engineer's estimate, staff is recommending increasing the construction contingency from \$667,441 to \$1,700,423 to account for a certain high-risk work element. The Project calls for the replacement of a 30-foot-deep sewer manhole at NE 54th Street in the vicinity of other utilities and where there is high ground water. The manhole replacement work also necessitates significant traffic control coordination and public outreach. Any unused funds will be returned to the water and sewer construction reserves following the close out of the project.

Based on the bids received and reference checks, staff recommends awarding the construction contract. Pending the City Council's approval of the award at its January 21, 2020 meeting, staff will begin the pre-construction public outreach process by notifying adjacent property owners with an informational mailer describing the Project. This information, together with a regularly-updated construction schedule, also will be posted on the City's website. Construction notice signs will be installed on higher volume streets leading to the project area in advance of the construction, and portable construction notice signs will be placed on adjacent residential streets a few days prior to construction. Door hangers describing the work also will be distributed to all adjacent homes and businesses at least 24 hours prior to construction.

Attachment A: Vicinity Map
Attachment B: Project Budget Report

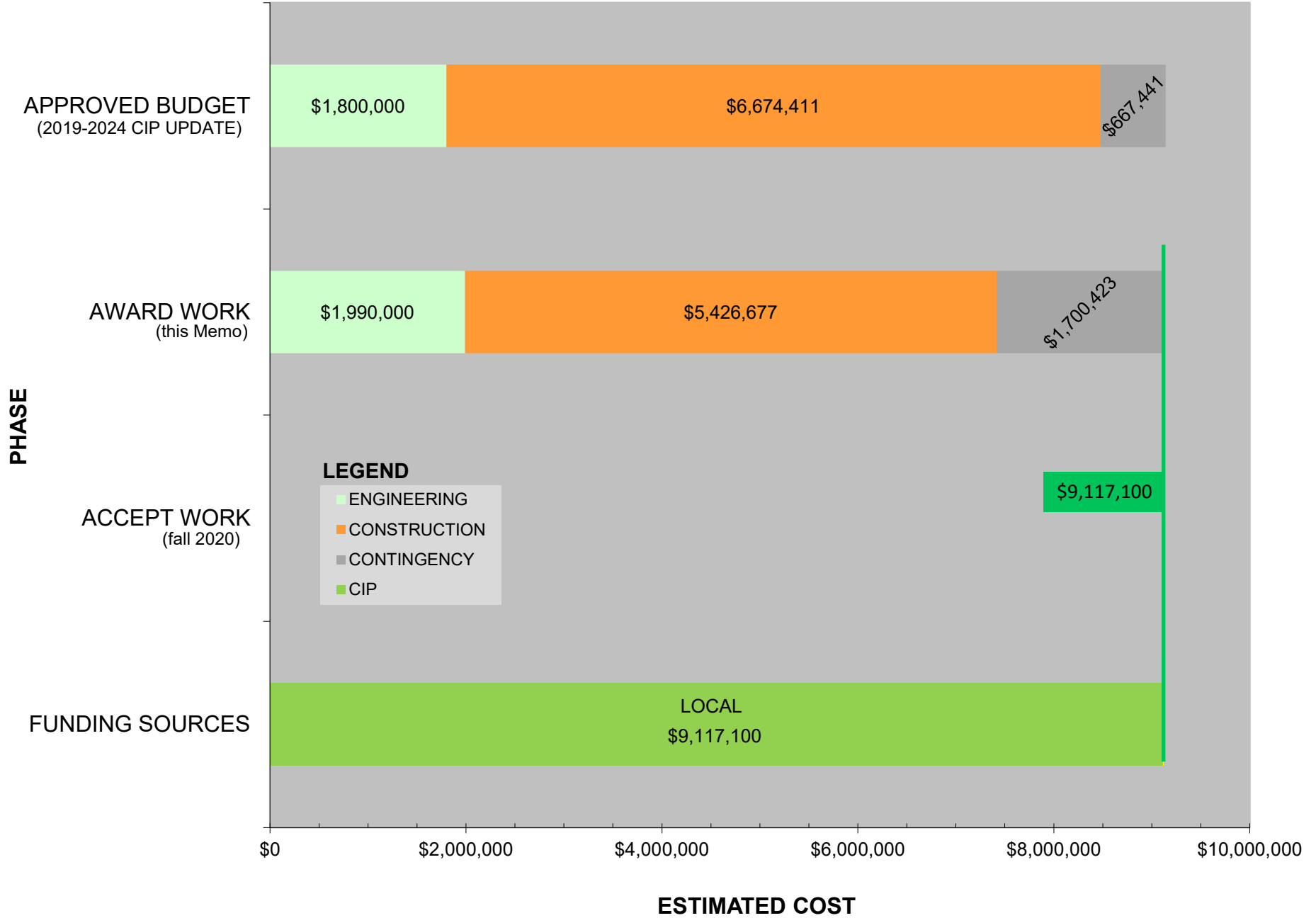


Vicinity Map
108th Avenue Water and Sewer Replacement Project

Project Budget Report

108th Avenue Water & Sewer Replacement Project (WAC0520000 SSC0520000)

Attachment B





CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Brian Baker, Senior Project Coordinator
Rod Steitzer, P.E., Capital Projects Manager
Julie Underwood, Interim Director of Public Works

Date: January 21, 2020

Subject: 2018 WATER SYSTEM IMPROVEMENT PROJECT—ACCEPT WORK

RECOMMENDATION:

Staff recommends that the City Council:

- Accept the work on the 2018 Water System Improvement Project (Project) as constructed by CR Construction of Snoqualmie, Washington, thereby establishing the statutory lien period; and
- Return excess funds of \$569,974 to Utility Rates and Connection Fee funding sources.

By taking action on this item under the Consent Calendar, the City Council is accepting the work on the construction contract for the subject Project, establishing a lien period, and returning excess funds.

BACKGROUND DISCUSSION:

There are three separate Capital Improvement Projects that make up the 2018 Water System Improvements. They are the 104th Avenue NE Watermain Replacement (WAC102), the NE 112th Street Watermain Improvement (WAC158), and the NE 113th Street Watermain Improvement (WAC159) (see Vicinity map, Attachment A). The Project that is the subject of this staff report called for the replacement of over 3,000 lineal feet of aging 6-inch asbestos concrete water main with 8-inch ductile iron water main on NE 113th Place. The replacement of this part of Kirkland's Water System is very timely because the watermain on NE 113th Place experienced a partial failure in December 2018, requiring the City Maintenance Crews to perform temporary repairs.

At its January 7, 2019 meeting, the City Council awarded the Project construction contract to CR Construction in the amount of \$879,735.35. Construction began on March 25, 2019 and reached substantial completion on July 24, 2019.

Funding and Expenses

The total amount distributed to the contractor was \$673,751, which is \$205,984 below the contract amount. Through the execution of the contract, one change order was issued: a \$205,984 deductive change order for cost savings because actual quantities were less than estimated.

The largest reduction in quantities was attributable to work in the NE 112th Street segment of the 2018 Water System Improvements. A construction field review of NE 112th Street watermain revealed that an emergency replacement occurred in 1993 with ductile iron material, which has greater than 26 years of anticipated life remaining. To better track capital improvements, emergency repairs, and maintenance of City assets, the City has invested in an asset management software (Lucity) and implemented a process to record construction improvements in Kirkland's Geographic Information System (GIS); this will assist the City in developing the scope of work for future projects.

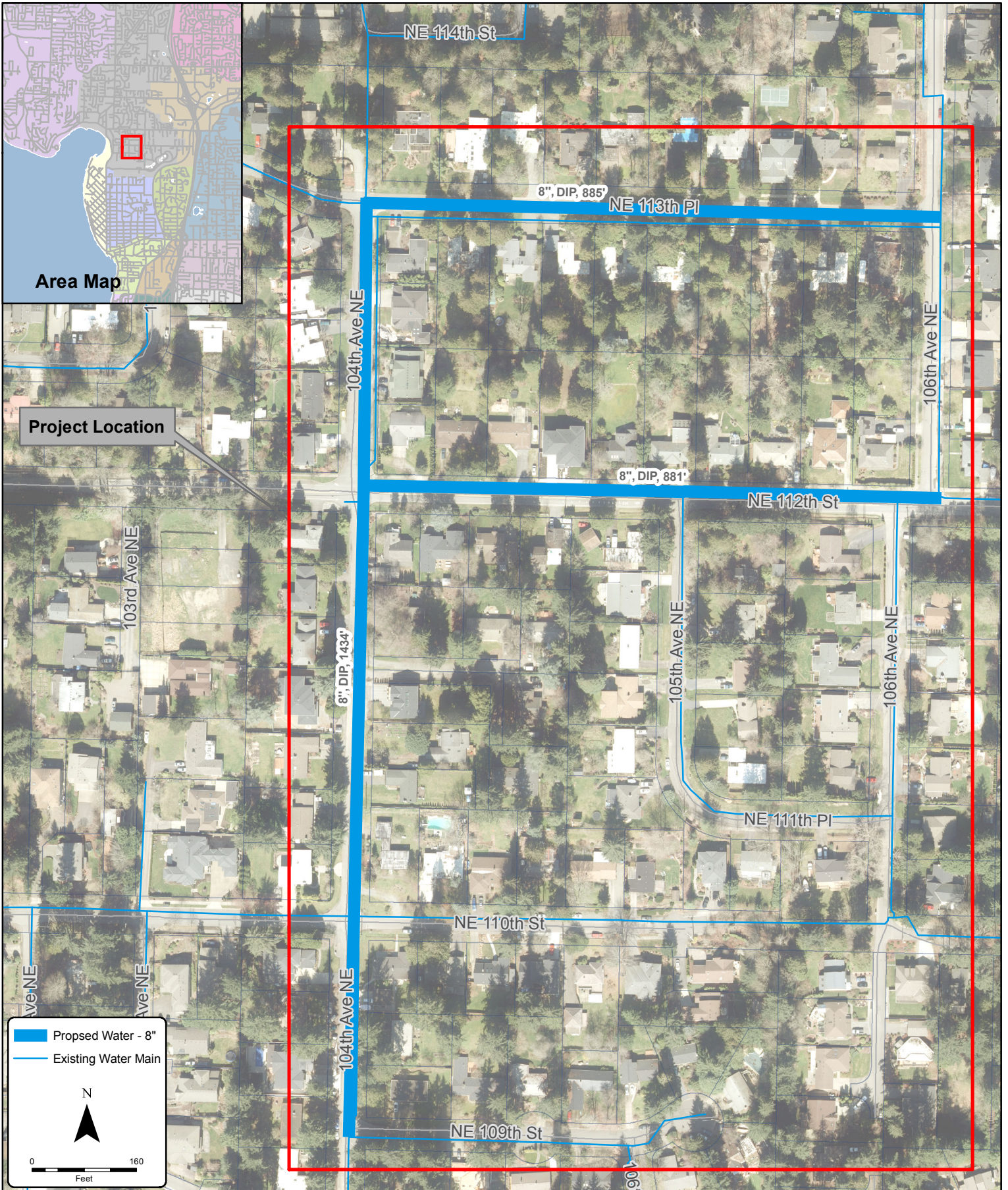
Total project expenses are shown in Table 1, below:

Table 1: Funding vs. Expenses

Anticipated Expenses	2019 Updated Funding Amount	Expense Amount	Balance
Design/Inspection/Staff/Permitting	\$605,000	\$446,975	\$158,025
Right-of-Way / Easement	\$10,000	\$ 0	\$ 10,000
Construction	\$879,736	\$673,751	\$205,985
Contingency	\$195,964	\$ 0	\$195,964
TOTAL	\$1,690,700	\$1,120,726	\$569,974
Funding			
2019-2024 CIP Adopted 12/7/19	\$1,690,700		

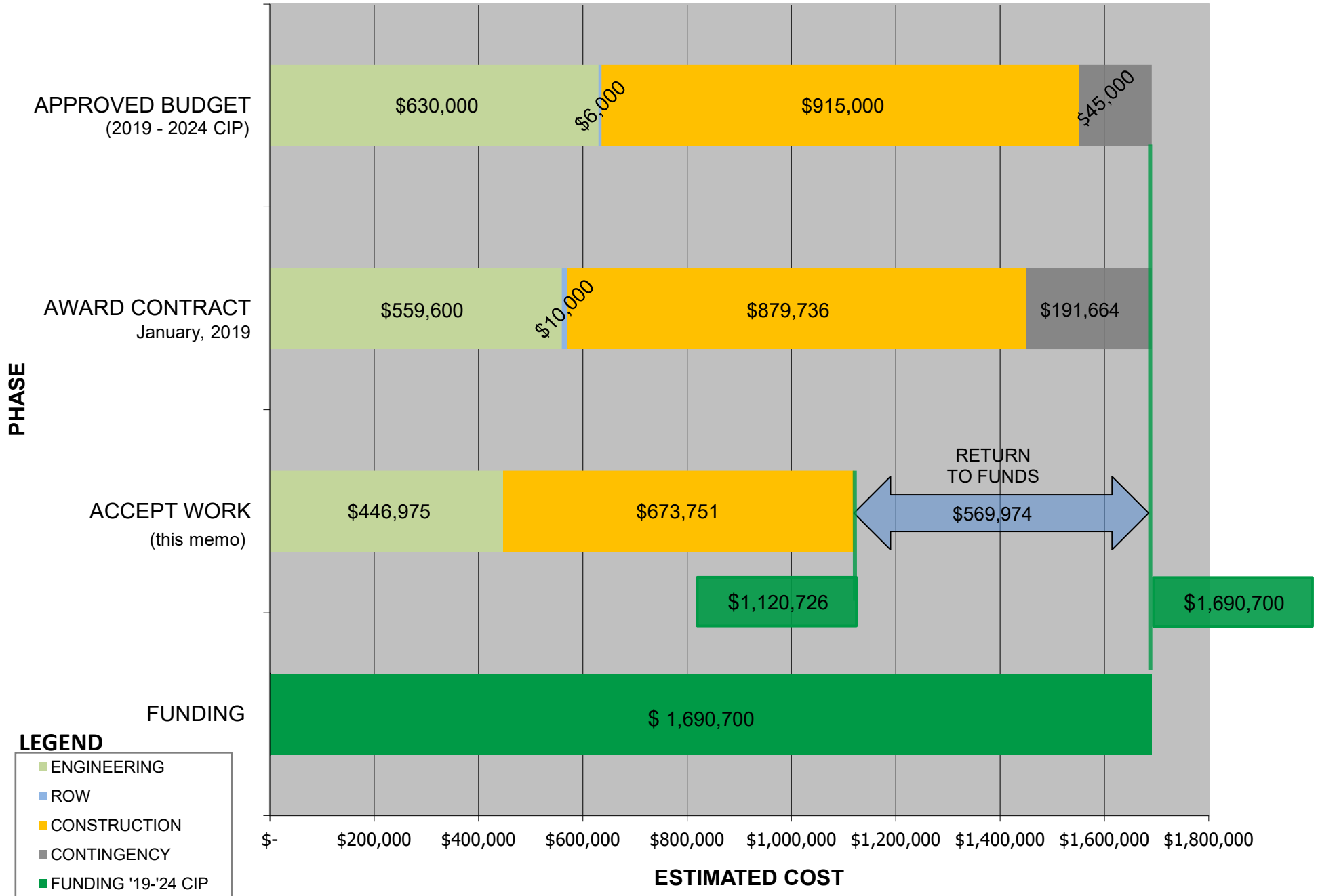
*Revenue numbers shown above represent CIP updates at the 12/7/2019 City Council Meeting

Attachment A: Vicinity Map
Attachment B: Project Budget Report
Attachment C: Fiscal Note



**2018 WATER SYTEM UPGRADE PROJECT
(WAC-0102,WAC-0138, WAC-0139)
PROJECT BUDGET REPORT**

Attachment B



FISCAL NOTE*CITY OF KIRKLAND*

Source of Request							
Julie Underwood, Public Works Director							
Description of Request							
One-time transfer returning unspent project balances from WAC1020000, WAC1580000, and WAC1590000 to the Water/Sewer Capital Construction Reserve. The projects were originally funded through water utility rates and connection fees Unspent project balances at the time of the accept-work memo are estimated to be about \$570,000.							
Legality/City Policy Basis							
Fiscal Impact							
One-time transfer to return approximately \$570,000 to the Water/Sewer Capital Reserve. Actual funds returned will be determined based on final available project balances.							
Recommended Funding Source(s)							
<i>Reserve</i>	Description	2020 Est End Balance	Prior Auth. 2019-20 Uses	Prior Auth. 2019-20 Additions	Amount This Request	Revised 2020 End Balance	2020 Target
	Water/Sewer Capital CN Rsv.	11,100,663	(8,375,965)	1,979,988	570,000	5,274,686	N/A
<i>Revenue/Exp Savings</i>							
<i>Other Source</i>							
Other Information							
Note: Prior authorized 19-20 uses of the Water/Sewer Capital Construction Reserve listed above include changes from the December 10th CIP update.							

Prepared By	Kyle Butler, Financial Planning Supervisor	Date	January 8, 2020
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CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Laura Drake, P.E., Project Engineer
Rod Steitzer, P.E., Capital Projects Manager
Julie Underwood, Interim Director of Public Works

Date: January 9, 2020

Subject: NE 116TH STREET/124TH AVENUE NE DUAL LEFT TURN LANES—ACCEPT WORK

RECOMMENDATION:

Staff recommends that the City Council accept the work on the NE 116th Street/124th Avenue NE Dual Left Turn Lanes Project (Project) by NPM Construction Co. of Maple Valley, Washington, thereby establishing the statutory lien period.

By taking action on this item under the Consent Calendar, the City Council is accepting the work on the construction contract for the subject project.

BACKGROUND DISCUSSION:

The intersection of NE 116th Street and 124th Avenue NE is a major one for the City. Traveling north, it provides connection between the North Rose Hill neighborhood and the commercial and residential areas of Totem Lake, Lake Washington Technical College is located to the east of the intersection, and the I-405 on-/off- ramps at NE 116th Street are west of it (see Attachment A, Vicinity and Area Map). Since the Totem Lake area is experiencing significant growth, this intersection improvement is timely because it serves as a new southern-central “gateway” to the Totem Lake area as well as improves service.

The Project improved safety and transportation efficiency for all modes of travel through the intersection. The Project is listed under Policy TL-29.2 of the Kirkland *Comprehensive Plan*, a policy for projects and design principals to improve transportation with the development of the Evergreen Health Medical Center campus.

At its April 17, 2018 meeting, the City Council awarded the Project construction contract to NPM Construction Co. in the amount of \$801,361.00. Work to procure the long lead signal equipment began on May 14, 2018. Material fabrication was complete on November 19, 2018 and field construction began on March 25, 2019. The work was substantial completion on August 21, 2019.

Project Funding and Expenses

Through the execution of the contract, three change orders were issued:

- Change order 1 resolved a storm water utility conflict.
- Change order 2 revised the location of a surface water quality system component (Filterra) due to a differing site condition.

- Change order 3 for revisions to the location of the traffic signal system poles needed due to underground utility conflicts.

The change orders added \$108,671.94 and forty working days to the contract. However, quantities for the project were less than expected by \$36,619.59. Therefore, total payments to the contractor totaled \$873,413.35.

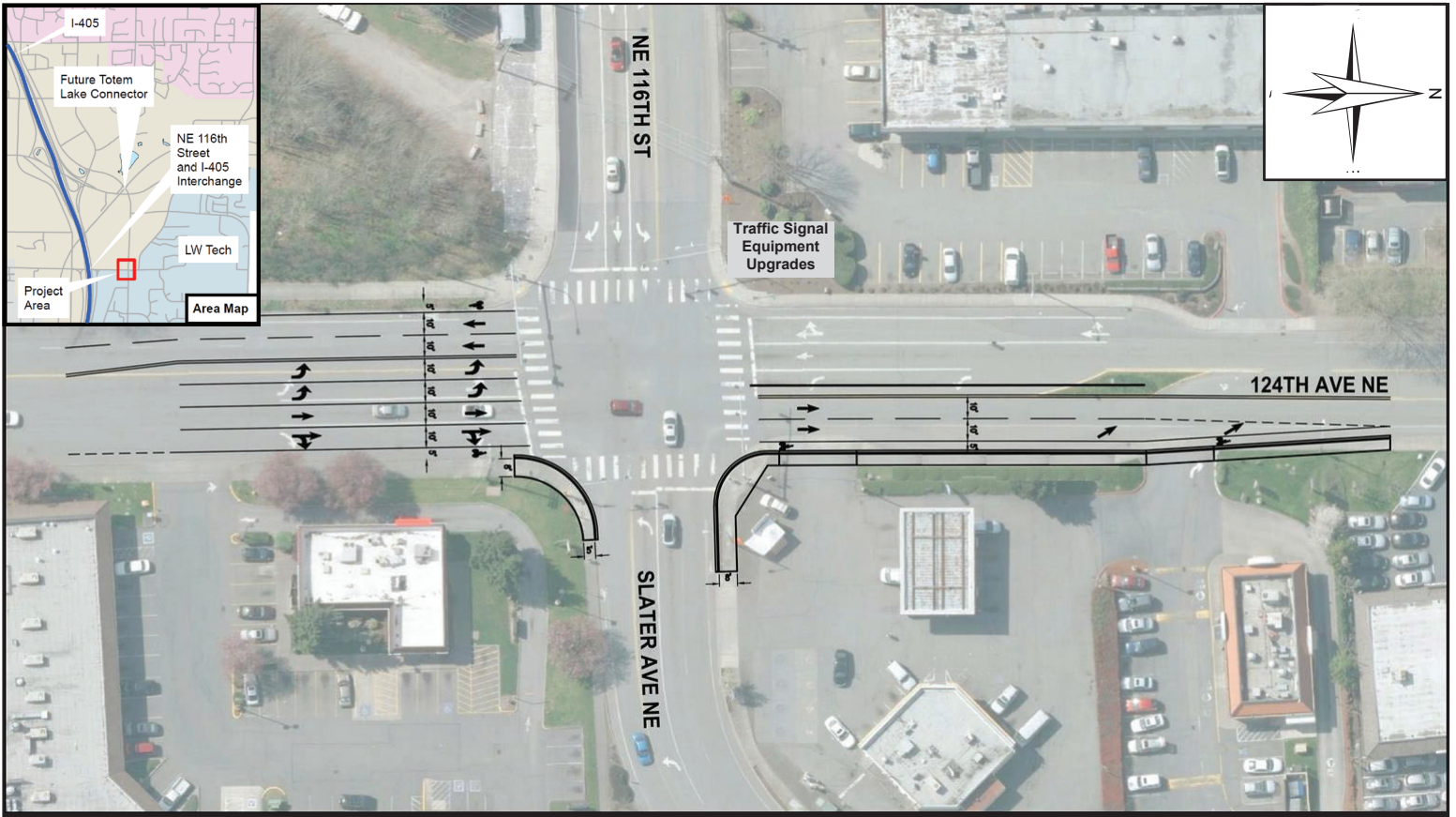
The Project was funded through a combination of City and Transportation Improvement Board (TIB) grant funding. The original TIB funding amount was \$790,000 based upon the engineer's estimate provided to TIB at the time of application for the grant. However, as is customary with TIB grants, eligible expenses are calculated after the work is complete. For this Project, eligible expenses were \$81,225 less than at the time of award because the accepted bid was less than the engineer's estimate. This reduced the TIB funding contribution from \$790,000 to \$708,775. Total project funding and expenses are shown in Table 1, below:

Table 1: Project Sources and Expenses

Sources	
Impact Fee Revenue	\$585,000
Initial TIB Grant	\$790,000
Less TIB Adjustment	(\$81,225)
Total Funding	\$1,293,775
Expenses	
YTD Expenses	(\$1,295,817)
Net Journal Entry (Pending)	\$2,476
Total Expenses	(\$1,293,341)
Balance	
Anticipated Balance	\$434

Attachment A: Vicinity Map

Attachment B: Project Budget Report

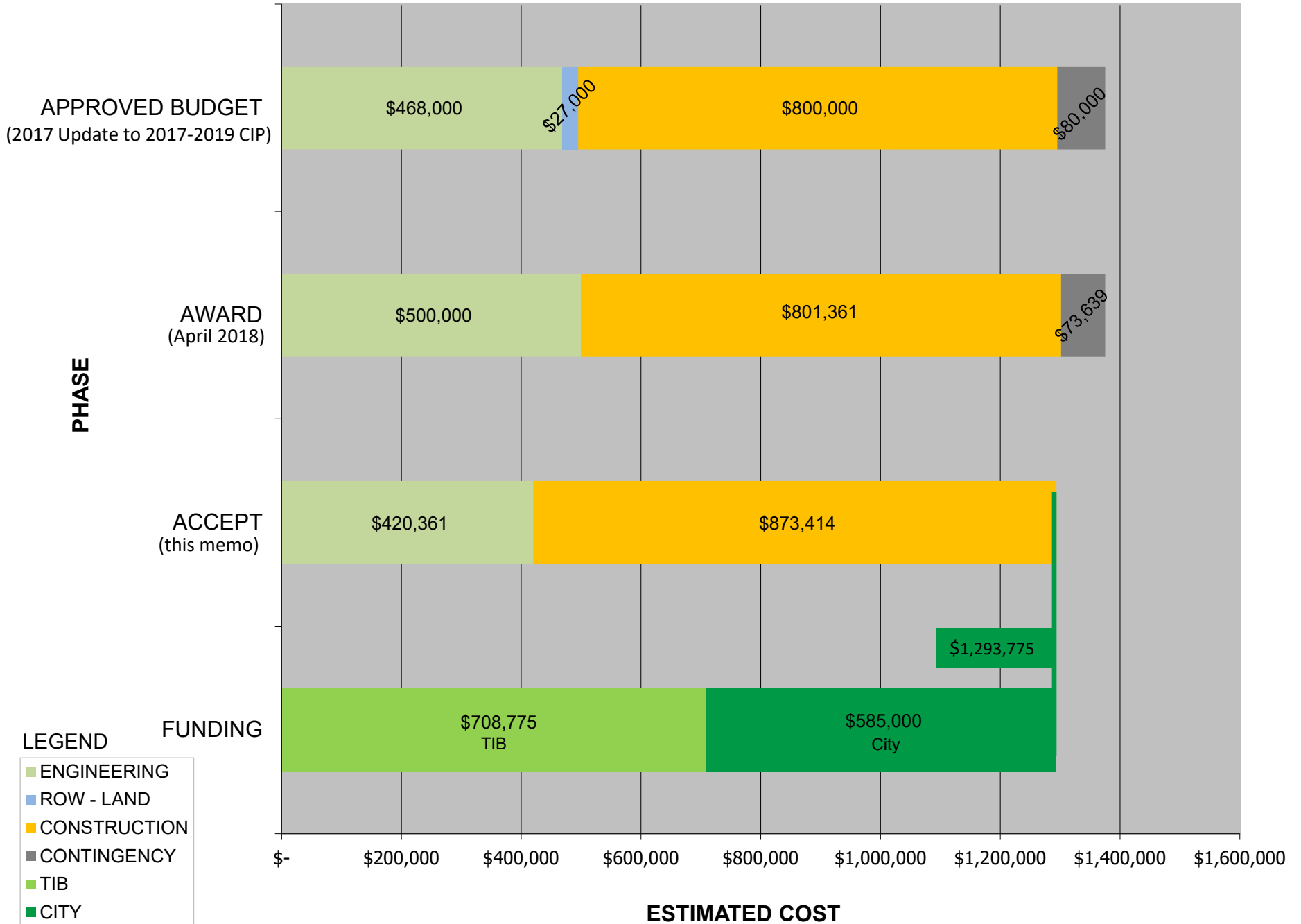


Vicinity Map
NE 116th St and 124th Ave NE Northbound Dual Left Turn Lanes

**NE 116th St / 124th Ave NE Dual Left Turn Lane Improvements
(NM 0092)**

Attachment B

PROJECT BUDGET REPORT



LEGEND

- ENGINEERING
- ROW - LAND
- CONSTRUCTION
- CONTINGENCY
- TIB
- CITY



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Patrick Herbig, P.E., Project Engineer
Rod Steitzer, P.E., Capital Projects Manager
Julie Underwood, Interim Director of Public Works

Date: January 9, 2020

Subject: PLEASANT BAY APARTMENTS STORM LINE REPLACEMENT PROJECT—
ACCEPT WORK

RECOMMENDATION:

Staff recommends that the City Council:

- Accept the work on the Pleasant Bay Apartments Storm Line Replacement Project (Project) as constructed by Pacific Siteworks of Clinton, Washington, thereby establishing the statutory lien period; and
- Return excess funding of \$103,860 to the Surface Water Utility funding source.

By taking action on this item under the Consent Calendar, the City Council is accepting the work on the construction contract for the subject project and returning excess funds.

BACKGROUND DISCUSSION:

The Pleasant Bay Apartment Complex was flooded by surface water surcharging from the existing storm system in October 2015. Hydraulic analysis showed that the existing storm system was undersized and that a new storm water conveyance pipe was needed through the Pleasant Bay Apartments Complex. The Project was added to the Capital Improvement Program in 2015 with funds first available in 2017. The Project called for the replacement of an existing 12-inch concrete storm sewer pipe with 750 lineal feet of 18-inch diameter PVC pipe. (see Attachment A, Vicinity Map).

At its December 13, 2018 meeting, the City Council awarded the Project construction contract to Pacific Sitework in the amount of \$350,251.00. Construction began on March 25, 2019 and reached substantial completion on June 21, 2019.

Funding and Expenses

Total amount distributed to the contractor was \$350,031.00, which is \$220.00 less than the contract amount. Through the term of the contract, one change order was issued in the amount of \$7,714.00 to add an additional storm structure to avoid a mismarked private utility. Additionally, material quantities were less than expected by \$7,934.00. The Project budgeted \$10,000 for temporary construction access to the site, but the owner granted the city access at no cost.

The Project's budget-to-actual expenses are shown in Table 1, below:

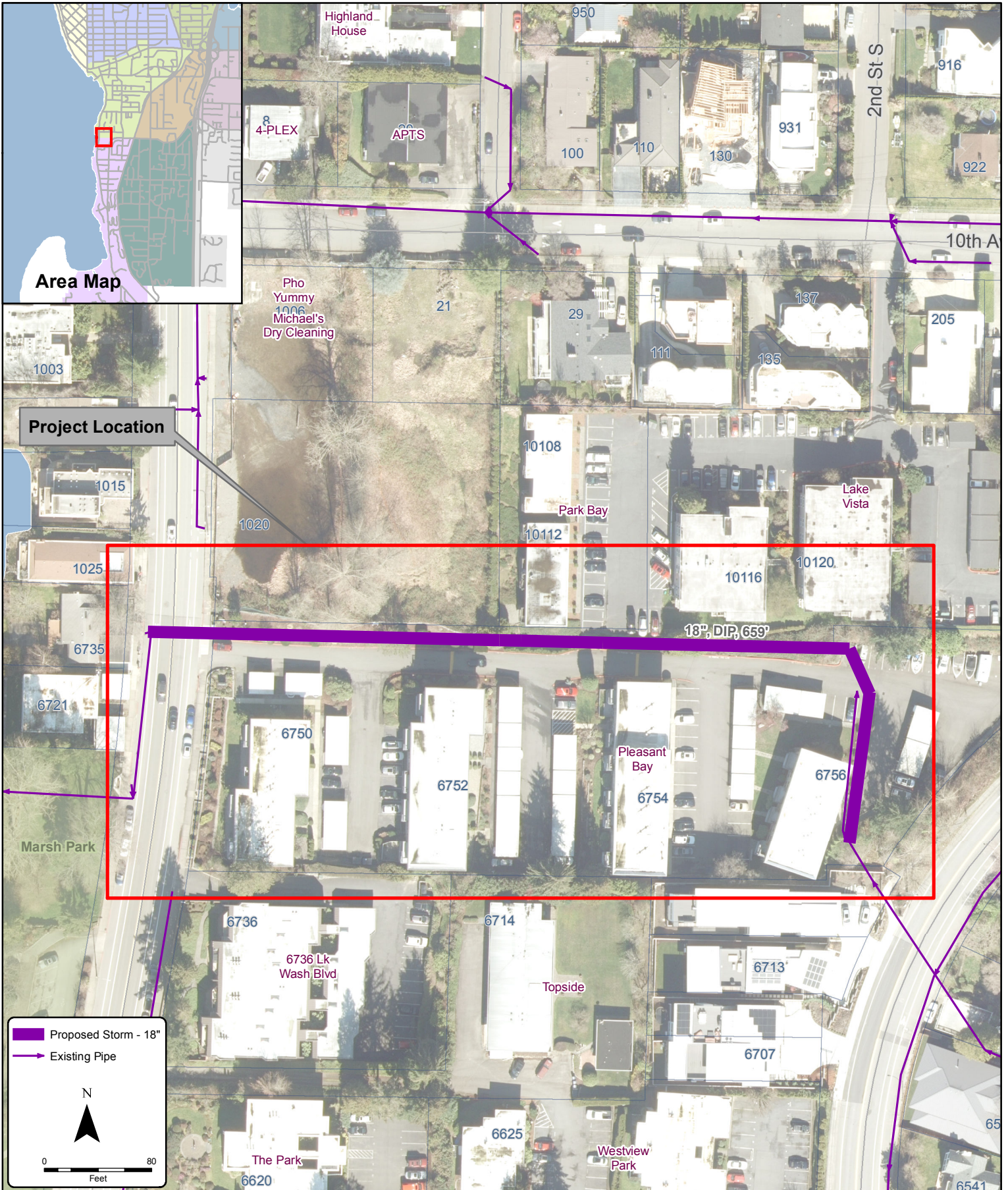
Table 1: Budget v. Actual

Expense Items	Budgeted	Actual	Difference
Design/Inspection/ Staff/Permitting	\$ 232,330	(\$223,109)	\$9,221
Right-of-Way /Easement	\$ 10,000	-zero-	\$10,000
Construction	\$ 350,251	(\$350,031)	\$220
Contingency	\$ 84,419	-zero-	\$84,419
TOTAL	\$ 677,000	(\$573,140)	\$103,860

Staff had an opportunity to observe the system performance during the December 2019 major rain events and the system had enough capacity to convey surface water drainage. Staff is recommending that the City Council accept the work for the project and return excess funds to the Surface Water Utility funding source.

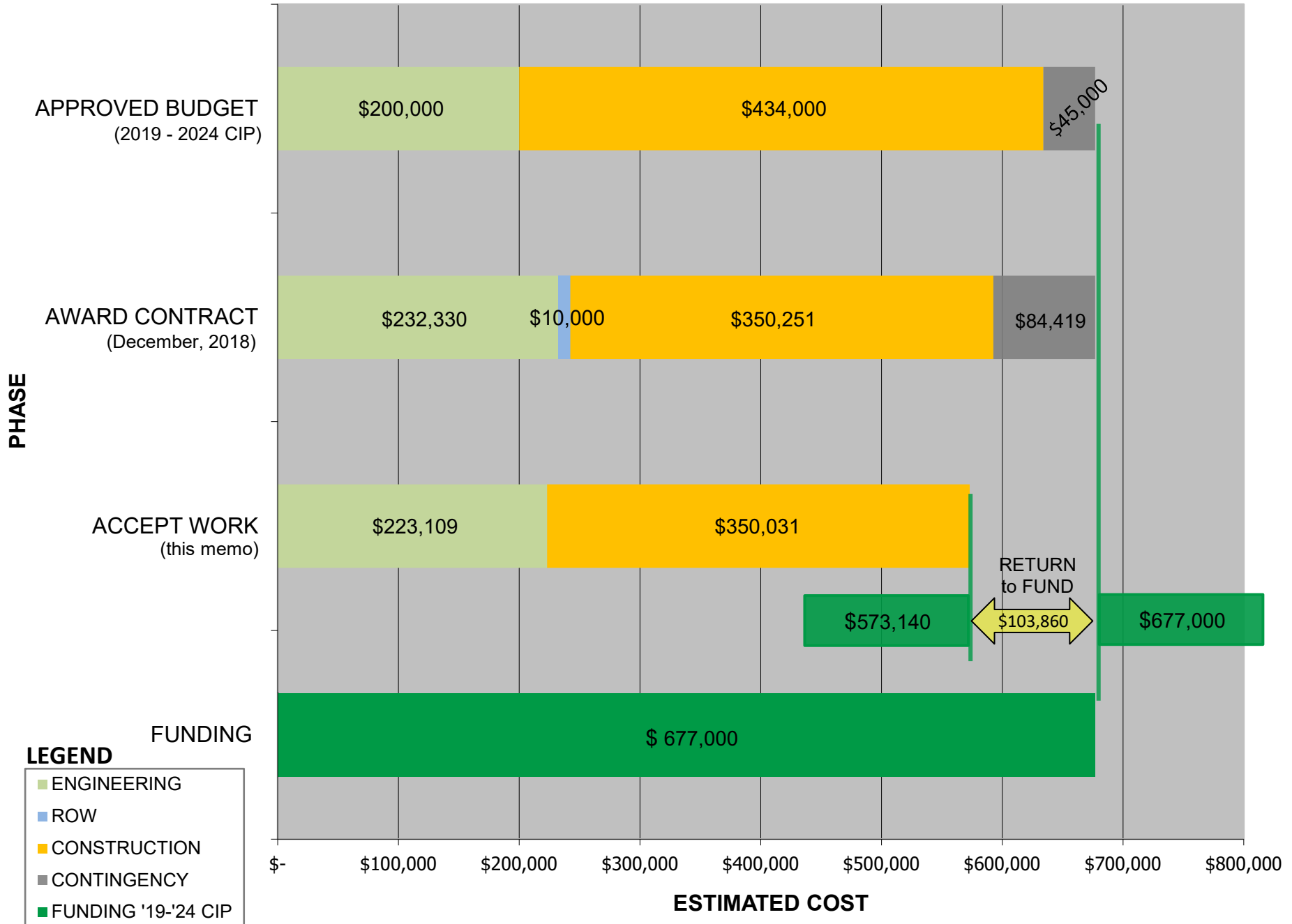
Attachment A: Vicinity Map

Attachment B: Project Budget Report



**PLEASANT BAY APARTMENT LINE REPLACEMENT PROJECT
(SDC - 09300)
PROJECT BUDGET REPORT**

Attachment B



FISCAL NOTE*CITY OF KIRKLAND*

Source of Request							
Julie Underwood, Public Works Director							
Description of Request							
One-time transfer returning unspent project balance from the Pleasant Bay Apt. Line Replacement project (SDC093000) to the Surface Water Construction Reserve. The projects were originally funded through Surface Water Utility Rates. Unspent project balances at the time of the accept-work memo are estimated to be about \$104,000.							
Legality/City Policy Basis							
Fiscal Impact							
One-time transfer to return approximately \$104,000 in Surface Water Utility Rates to the Surface Water Capital Reserve. Actual funds returned will be determined based on final available project balances.							
Recommended Funding Source(s)							
<i>Reserve</i>	Description	2020 Est End Balance	Prior Auth. 2019-20 Uses	Prior Auth. 2019-20 Additions	Amount This Request	Revised 2020 End Balance	2020 Target
	Surface Water CN Rsv.	2,307,965	(2,792,989)	1,378,983	104,000	997,959	N/A
<i>Revenue/Exp Savings</i>							
<i>Other Source</i>							
Other Information							
Note: Prior authorized 19-20 uses of the Surface Water Construction Reserve listed above include changes from the December 10th, 2019 CIP update.							

Prepared By	Kyle Butler, Financial Planning Supervisor	Date	January 9, 2020
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**CITY OF KIRKLAND**

Fire Department · 123 Fifth Avenue, Kirkland, WA 98033
425.587.3650 (Fire) · www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Dave Van Valkenburg, Deputy Fire Chief

Date: January 6, 2020

Subject: Release Retainage Fees for alerting system at Fire Station 27 – RELEASE RETAINAGE

RECOMMENDATION:

Staff recommends that the City Council take the following action:

- Release retainage totaling \$5,110.39 to Jaymarc for installation of the 800MHz alerting systems and testing work at Fire Station 27.

BACKGROUND DISCUSSION:

The purpose of this project was to upgrade the alerting systems at Station 27. System improvements brought the alerting system up to new alerting system and industry best practices.

This project was approved as part of a 2017-2018 service package to improve alerting and communications systems for Station 27. An addendum to the contract to provide additional pathway lighting in hallways was approved by City Staff. Installation and testing were completed in December of 2018.

The overall service package was under budget with a savings of \$8,623.00.

Project	Status	Budget	Actual
Alerting System, St. 27	Completed, tested, accepted	\$ 95,000.00	\$ 75,139.09
Amended work, St. 27	Completed, tested, accepted		\$ 6,077.52
Retainage			\$ 5,110.39
			\$ 86,377.00
Remaining Funds		\$ 8,623.00	



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Ave, Kirkland, WA 98033 · 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Shannon Olson, Financial Planning Manager
Ellen Sumargo, Accountant

Date: January 13, 2020

Subject: MONTHLY FINANCIAL DASHBOARD REPORT

RECOMMENDATION:

It is recommended that the City Council receive the monthly Financial Dashboard Report

BACKGROUND DISCUSSION

This report was previously provided to the Council Finance and Administration Committee and will now be presented to the City Council each month on the consent agenda.

The Financial Dashboard is a high-level summary of some of the City's key revenue and expenditure indicators. It provides a budget to actual comparison for year-to-date revenues and expenditures for the general fund, as well as some other key revenues and expenditures. The report also compares this year's actual revenue and expenditure performance to the prior year.

November 2019 Financial Dashboard
January 15, 2020

Revenues:

- Total General Fund revenues through November are higher than the year-to-date expectations and are almost to the annual budget. Taxes are the major contributors of the revenues, with sales tax and property tax the two strongest contributors. Sales tax and property tax together account for over 42% of the total revenues.
- Sales tax revenues through November are 99% of the budget and 11.5% higher than last year. Continuing the year-to-date growth pattern earlier, Contracting has the largest dollar gains, contributing over 41% of the total growth. Without Contracting, the year-to-date growth would have been 6.7%.
- Business license fees are above the budget, yet 6.1% lower than 2018. Last year's revenue was higher primarily due to database reconciliation that resulted in back payments from formerly unlicensed businesses. Furthermore, following the transition to the State Business Licensing System, companies are paying shorter *pro rata* City business license fees this year to align their renewal dates with the State of Washington.
- Development revenues are down 18.2% compared to 2018. This decline was mainly caused by less revenue from building permits, which account for 60% of the total decline. The high revenue in 2018 was driven by large development projects, such as Kirkland Urban and The Village at Totem Lake. Nevertheless, this year's activity remains higher than years prior to 2018.
- Gas tax revenues are 2.5% lower than last year. The decline is not caused by lower gas price since the tax is set at a fixed amount per gallon. Less revenues indicate less gas consumption, which is most likely due to the growing popularity of eco-friendly vehicles.

Expenditures:

- Total General Fund expenditures are below expected levels through November 2019, yet 1.7% higher than at the same time last year.
- Fire suppression overtime expenditures are higher than the budget, mainly due to backfills to meet the daily minimum staffing levels particularly when there were vacancies among line battalion chiefs earlier this year. Last year expenditures were still higher due to firefighters being deployed to fight the wildfires in California, Oregon, and Washington.
- Contract jail costs are far below expected levels and 10.6% less than last year, sitting at 59.9% of the budget. The monthly average inmate days through November 2019 is 22.4% lower than in 2018.
- Year-to-date fuel costs are at 64.4% of the budget and 15.7% lower compared to 2018. Earlier this year, there were multiple vacancies within Maintenance Center Operations, which caused a reduction in fuel consumption. Also, they had a staffing shortage again in November, which contributed to the decline in their fuel costs.

City of Kirkland Financial Dashboard
Annual Budget Status as of 11/30/2019

Percent of Year Complete: 91.67%

	2019 Budget	Year-to-Date Actual 2019	% Received/ % Expended	Year-to-Date Actual 2018	Status		Current Month	Last Month
					YTD Change: 18 to 19 \$	%		
General Fund								
Total Revenues	103,212,234	102,392,426	99.2%	99,198,555	3,193,871	3.2%		
Total Expenditures	100,548,339	86,722,201	86.2%	85,262,883	1,459,319	1.7%		

Key Indicators (All Funds)

	2019 Budget	Year-to-Date Actual 2019	% Received/ % Expended	Year-to-Date Actual 2018	YTD Change: 18 to 19 \$	%	Current Month	Last Month
Revenues								
Sales Tax	24,513,700	24,267,102	99.0%	21,768,554	2,498,548	11.5%		
Utility Taxes	14,235,451	12,548,858	88.2%	13,129,568	(580,710)	-4.4%		
Business License Fees	3,654,771	3,726,277	102.0%	3,968,193	(241,916)	-6.1%		
Development Fees	11,262,762	11,206,584	99.5%	13,697,542	(2,490,958)	-18.2%		
Gas Tax	1,913,173	1,660,564	86.8%	1,703,751	(43,187)	-2.5%		
Expenditures								
GF Salaries/Benefits	70,752,159	62,729,496	88.7%	59,135,650	3,593,846	6.1%		(1)
Fire Suppression Overtime	837,321	1,288,785	153.9%	1,781,029	(492,245)	-27.6%		
Contract Jail Costs	522,280	312,666	59.9%	349,877	(37,211)	-10.6%		
Fuel Costs	605,882	390,191	64.4%	462,603	(72,411)	-15.7%		

Status Key

Revenues are higher than expected or expenditures are lower than expected
 Revenues or expenditures are within expected range
 WATCH - Revenues lower/expenditures higher than expected range



NOTES:

(1) Excludes Fire Suppression Overtime



CITY OF KIRKLAND
Department of Parks & Community Services
123 5th Avenue, Kirkland, WA 98033 425.587.3300
www.kirklandwa.gov

To: Kurt Triplett, City Manager

From: Mary Gardocki, Park Planning and Development Manager
Lynn Zwaagstra, Director of Parks and Community Services

Date: January 21, 2020

Subject: Revenue Appropriation – PKC0660000: Park Play Area Enhancements

RECOMMENDATION:

That the City Council authorize the appropriation of new revenue in the amount of \$147,675.70 to the CIP Project - PKC0660000: Park Play Area Enhancements. As described in the attached Fiscal Note, the funds are payment from the Kirkland Urban South development for a Park Road Access License agreement and the Park Crane & Tie Back Easement.

BACKGROUND DISCUSSION:

The next phase of the campus development at Kirkland Urban has begun. Known as Kirkland Urban South, the project will again temporarily utilize the east boundary of the park, and the project owners have entered into a Temporary License Agreement with the City. In addition to the license payment, the project owners will also be required to restore the impacted areas of the park to the current conditions as well as construct a new plaza and assembly area.

Kirkland Urban South's full payment was \$166,637.26, which include \$18,961.56 for Leasehold Excise Tax (LET) which is passed through to the State and is calculated based on the rental fee. After accounting for the LET pass through, the rental fee of \$147,675.70 is available to be applied to this project. These revenues will be reinvested in Peter Kirk Park through this account.

Attachment A: Fiscal Note

FISCAL NOTE

CITY OF KIRKLAND

Source of Request							
Lynn Zwaagstra, Director of Parks and Community Services							
Description of Request							
Recognize revenues of \$166,637.26 for park fee-in-lieu related to the Kirkland Urban South rental of park space for the use of a private developer during construction. The department is requesting that the full rental fee of \$147,675.70 will be applied to the Park Play Area Enhancements Project (PKC0660000). Total receipts were \$166,637.26 after adding Leasehold Excise Tax (LET) of \$18,961.56 which is passed through to the State of Washington. The PKC0660000 project is an annually funded CIP project to provide resources for play area improvement opportunities city-wide.							
Legality/City Policy Basis							
The private developer of Kirkland Urban South rented public park space easements for several months of temporary access and space for construction equipment. Due to the length of this arrangement Leasehold Excise Tax must be paid to the State under RCW 82.29A.							
Fiscal Impact							
One-time appropriation of new rental revenue. After rounding to the nearest dollar, this will add \$147,676 to the General Capital Fund (310) for PKC0660000 and \$18,962 to the General Fund (010) for the LET pass-through payment. The PKC066000 project's available balance for 2020 will be increased from \$406,082 to \$553,757 if this fiscal note is adopted. More details on PKC0660000 below in the "Other Information" section.							
Recommended Funding Source(s)							
Reserve	Description	2020 Est End Balance	Prior Auth. 2019-20 Uses	Prior Auth. 2019-20 Additions	Amount This Request	Revised 2020 End Balance	2020 Target
Revenue/Exp Savings	New unbudgeted fee-in-lieu revenue of Park Rental fees from Kirkland Urban South redevelopment, adding \$166,638 in new appropriations. \$147,676 in the General Capital Fund (310) and \$18,962 in the General Fund (010). Revenue account numbers - 310*345816, 010*345816						
Other Source							
Other Information							
The Park Play Area Enhancements Project (PKC0660000) is an annually funded CIP project that was adopted in the 2019-24 CIP Update with planned funding contributions of \$265,000 in 2019, \$250,000 in 2020 and \$150,000 each year for 2021-24. Including this fiscal note, pre-2019 balances, and actual expenditures to date, the project's 2020 available balance will be \$553,756.94.							
Prepared By	Kyle Butler, Financial Planning Supervisor				Date	January 8, 2020	



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Ave, Kirkland, WA 98033 · 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk/Public Records Officer
Michael Olson, Director of Finance and Administration

Date: January 9, 2020

Subject: 2020 City Council Calendar Adjustments

RECOMMENDATION:

That the City Council consider adjustments to its August, November and December meeting calendar. By approving the consent calendar, the Council is authorizing the changes to the Council calendar.

BACKGROUND DISCUSSION:

Council's past practice has been to cancel its second meeting in the months of August and December to allow for a summer and winter recess. Council practice has also been to move the first meeting in August to allow for Councilmember participation in National Night out and the first meeting in November to avoid conflicts with the November general election.

The first meeting in December is rescheduled to a special meeting date on the second Tuesday of the month in order to accommodate end of year budget/fiscal adjustments.

The following changes to the 2020 Council calendar will be made contingent on approval of the Consent Calendar:

- Move the Tuesday, August 4th Council meeting to Wednesday, August 5th to allow Councilmembers to participate in the August 4th National Night Out activities;
- Cancel the August 18th meeting to allow for the annual Council summer recess;
- Move the Tuesday, November 3rd Council meeting to Wednesday, November 4th to allow Councilmembers to participate in the November 3rd election night activities;
- Cancel the December 1st and 15th Council meetings and add a special meeting on December 8th to allow for the annual Council winter recess.



CITY OF KIRKLAND

Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Greg Piland, Financial Operations Manager

Date: January 6, 2020

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF JANUARY 21, 2020

This report is provided to apprise the Council of recent and upcoming procurement activities where the cost is estimated or known to be in excess of \$50,000. The "Process" column on the table indicates the process being used to determine the award of the contract.

The City's major procurement activities initiated since the last report dated December 10, 2019 are as follows:

	Project/Purchase	Process	Estimate/Price	Status
1.	Totem Lake Northshore Utility District sewer connection	Job Order Contracting	\$479,687.23 (Construction total)	Task authorization awarded to Forma Construction of Seattle, WA.
2.	Public defender services	Request for Qualifications	\$630,315.00	Amended contract awarded to Stewart, MacNichols & Harmell, Inc. P.S. of Kent, WA.
3.	132 nd Square Park storm retrofit design services	Request for Qualifications	\$248,036.00	Amended contract awarded to AHBL, Inc. of Tacoma, WA.
4.	Rose Point lift station construction inspection	Request for Qualifications	\$221,024.00	Contract awarded to Land Development Consultants, Inc. of Woodinville, WA based on qualifications per RCW 39.80.
5.	Juanita Beach Park Bathhouse project	Invitation for Bids	\$2,395,000.00	Contract awarded to Synergy, Inc. of Woodinville, WA.
6.	Purchase of property located at 14256 100 th AVE NE	Real Estate Purchase	\$360,000.00	Purchase and sale agreement entered with King County.

Please contact Greg Piland if you have any questions regarding this report.



CITY OF KIRKLAND
City Manager's Office
 123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
 www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lorrie McKay, Intergovernmental Relations & Economic Development Manager

Date: January 10, 2020

Subject: 2020 STATE LEGISLATIVE PRIORITIES UPDATE #1

RECOMMENDATION:

It is recommended that the City Council receive its first update on the City's 2020 State Legislative Priorities (Attachment A).

BACKGROUND DISCUSSION:

At its November 6, 2019 regular meeting, Council amended and adopted the City's State Legislative Priorities for the 2020 legislative session, a short 60-day session that officially opens Monday, January 13. The "priorities" segment of the City's legislative agenda (Attachment B) is the primary focus for Council's Legislative Workgroup, staff and the City's contract lobbyists during session.

The City Council's Legislative Workgroup, consisting of Mayor Sweet, Deputy Mayor Arnold and Councilmember Curtis, is staffed by the City Manager, the Intergovernmental Relations & Economic Development Manager and Management Analyst Andreana Campbell, with participation from Waypoint Consulting Group, the City's contracted lobbyist. Deputy Mayor Arnold is the Chair the Legislative Workgroup, which meets weekly to track the status of the City's priorities and it provides support and oversight of strategies for achieving the priorities.

Kirkland's adopted 2020 Legislative Priorities

- Kirkland supports new local funding and policy tools to address homelessness and create more affordable housing, such as:
 - Exempting homeless shelters from utility connection charges
 - Extending the date of a qualifying local tax for an affordable housing levy to November 30, 2021
 - Adding Accessory Dwelling Units as improvements to Single Family Dwellings that qualify for a three-year property tax exemption
- Kirkland supports authorizing limited commission officers to review automated traffic safety camera citations
- Kirkland supports capital budget funding for prioritized local infrastructure projects.
 - 90th Ave NE school walk improvements (1st LD)
 - Juanita Dr. - 79th Way NE to NE 120th St. (1st LD)
 - Lighting at 132nd Square Park (45th LD)
 - Lighting along KKC south of NE 124th St. and under I-405 (45th LD)

- Kirkland supports exempting street maintenance from the Public Works threshold limitations
- Kirkland supports formalizing procedures to maximize development potential of lands adjacent to the I-405 & NE 85th Street Interchange

Since adopting the 2020 priorities, the Legislative Workgroup worked through November and December to meet with the nine members of the City's state delegation. The purpose of these conversations is to vet the City's priorities to identify concerns and to identify support. Where the Workgroup finds support, it determines willingness of lawmakers to champion the city's priorities. Where the Workgroup finds concerns, it endeavors to address those. The Legislative Workgroup also highlighted to all nine legislators Kirkland's strong support of gun safety bills consistent with the federal and state constitutions and shared Kirkland's language now in the support agenda.

During this process, the Workgroup received feedback from both the Washington Building Trades Council, as well as from the Chair of the House Local Government Committee, on the City's priority proposal to exempt street maintenance from the public works threshold limitations. The feedback has led to a decision not to pursue legislative action or bill language this session on this issue.

To summarize the issue, the problem that the City is trying to solve is that street maintenance projects are relatively small and often needed at disparate locations throughout the city, making it hard to find contractors willing to bid on them when there are so many other larger projects for them to bid. So, the City intended to advocate for exempting them from threshold limitations in order to do these projects ourselves.

While the Building Trades Council was not supportive of Kirkland's proposal, they are understanding of the city's issue and have offered to help Kirkland find interested contractors. City staff are reaching out to the Building Trades representatives. In addition, Representative Pollet (D) 46 and Chair of the House Local Government Committee where the bill was heard last year, said that he will not be hearing bills on this issue in the 2020 session. Rather, he has asked the Capital Projects Advisory Review Board (CPARB) to study remaining issues and bring back a report and recommendations for next session. City staff have reached out to the MRSC, who is leading this study effort for CPARB.

So, rather than pursue legislative action or bill language on this issue in 2020, the city will work with the Building Trades and contractors and with the MRSC on the report to the legislature.

Since November 6, the progress made on preparing to advocate for the city's remaining priorities is shown below:

- **Exempting homeless shelters from utility connection charges**
 - ✓ Prime sponsor in the Senate is Senator Derek Stanford (D) LD 1
 - ✓ Prime sponsor in the House is Representative Amy Walen (D) LD 48

At the writing of this memo, the corresponding bill language had not yet been filed.
- **Extending the date of a qualifying local tax for an affordable housing levy to November 30, 2021**
 - ✓ Prime sponsor in the Senate is Senator Rebecca Saldaña (D) LD 37
 - ✓ Prime sponsor in the House is Representative June Robinson (D) LD 38

This priority is a proposal to amend HB 1406, which was passed in the 2019 session. At the writing of this memo, the corresponding trailer bill had not yet been filed.

- **Adding Accessory Dwelling Units as improvements to Single Family Dwellings that qualify for a three-year property tax exemption**
 - ✓ Prime sponsor in the Senate is Senator Patty Kuderer (D) LD 48 and cosponsored by Senators Darneille, Dhingra, Hunt, Mullet, and Wilson.
 - ✓ Prime sponsor in the House is Representative Amy Walen (D) LD 48

Senate bill 6231 (Attachment C), relating to providing a limited property tax exemption for the construction of accessory dwelling units was filed and is scheduled for hearing on January 15 in the Committee on Housing Stability & Affordability. City Councilmember Kelli Curtis testified in Olympia on the bill. The House version had not yet dropped.
- **Authorizing limited commission officers to review automated traffic safety camera citations**
 - ✓ Prime sponsor in the House is Representative Larry Springer (D) LD 45
 - ✓ No prime sponsor in the Senate has been identified at the writing of this memo

At the writing of this memo, the corresponding bill language had not yet been filed.
- **Support capital and transportation budget funding for prioritized local infrastructure projects**
 - ✓ Juanita Dr. - 79th Way NE to NE 120th St. (LD 1) Sponsored by Senator Derek Stanford and Representatives Kloba and Duerr (Attachment D)
 - ✓ Lighting CKC, south of NE 124th St. and under I-405 (45 LD) Sponsored by Senator Manka Dhingra and Representatives Goodman and Springer (Attachment E)

No sponsors were identified for the other two projects presented.
- **Formalize procedures to maximize development potential of lands adjacent to the I-405 & NE 85th Street Interchange**

Council added this issue to the 2020 priorities with an understanding that there would be no legislative action or bill language this session. Rather, the purpose of including this is to keep the discussion about maximizing WSDOT's surplus land in the ROW for development in front of lawmakers, as the NE 85th St Interchange project moves toward construction in 2021. (Attachment F)

Recently, the City's Planning Department raised a concern related to the station area planning at I-405 and NE 85th, whereby the City is at risk losing grant funding and legal protections that it received in 2019 to develop a Station Area Plan for the 85th/405 BRT station. The grant funding and legal protections were opportunities pursued in provisions in House Bill 1923, concerning increasing urban residential building capacity, which was sponsored by Representative Fitzgibbon and passed in 2019. The City received \$150,000 to supplement our \$450,000 budgeted planning effort.

The City's grant application was to deliver two of the elements suggested in HB 1923 – a form-based code and a planned action ordinance. The stipulation in the grant is that these elements must be adopted by April 1, 2021 or Commerce will hold out 30% of the grant money. HB 1921 also affords legal protection for related ordinances adopted by April 1, 2021. While the city will endeavor to meet the April deadline, the city may not meet it if doing so compromises our planned robust community engagement on the Station Area Plan. Mayor Sweet sent a letter to the Commerce Department to this effect. (Attachment G)

Representative Fitzgibbon has introduced HB 2343, concerning urban housing supply, as a bill to fix issues with HB 1923 (Attachment H). 2343 is scheduled for hearing on January 16. While City staff are reviewing HB 2343 for potential impacts to the City, the bill does include an extension of the deadline which would resolve Planning's concerns of losing grant funding and legal protections. Without bill analysis at the writing of this memo, the

Workgroup recommends council discuss elevating HB 2343 to Priority status at its January 21 meeting.

KIRKLAND'S BILL REVIEW PROCESS:

State bill drafts are introduced daily in Olympia by lawmakers in the Senate and House. The City's review process is initiated at that point, relevant bills are flagged for the City to review. These bills are assigned to department(s) and subject-matter experts for review to determine potential impacts to the City. This process also includes staff making an initial assessment and recommendation on the City's position on a given bill (Support/Oppose/Neutral/Monitor). Intergovernmental staff then provide reviewed bills, their analysis and staff's recommendations (Attachment I) to Council's Legislative Workgroup. The Workgroup, who's activities are guided by the adopted legislative agenda's general principles, as well as the City Council's Goals, discuss and confirm staffs' recommendations.

The "Bill Status and Position Tracker" Report is provided to Council within the legislative update memo, prepared for each council meeting. The Tracker communicates the positions on bill proposals that the Workgroup recommends the City take, based on the process described above. The bill tracker is updated on Fridays, following the weekly meeting of the Legislative Workgroup. While a DRAFT Bill Status & Position Tracker Report is attached to this memo (Attachment J), it was not reviewed by the Workgroup on January 10, as members used their Friday meeting to meet with Senator Dhingra.

From this point, Intergovernmental Relations staff then relay the City's position on bill proposals to the City's legislative lobbyist, who take appropriate action on behalf of the City at state committee hearings in Olympia.

If, during the session, a proposed bill (of concern to the City) is determined to be beyond the scope of the legislative agenda's general principles, or not in sync with the Council Goals, then the Legislative Workgroup will bring the bill proposal before the full Council for consideration and discussion at its next regular council meeting.

AWC'S ANNUAL CITY ACTION DAYS CONFERENCE (January 28-29):

The Association of Washington Cities (AWC) will host its annual City Action Days on Tuesday, January 28 and Wednesday the 29. The AWC's conference portion of the two-day event is being scheduled a little differently this year (See link to [schedule](https://wacities.org/events-education/conferences/city-action-days/schedule) at <https://wacities.org/events-education/conferences/city-action-days/schedule>).

All seven of Kirkland's City Councilmembers plan to participate in both the AWC conference and in meetings with state delegation members.

Staff are arranging meetings with members of the City's delegation. Additional scheduling considerations during the conference include any hearings scheduled on the City's priority bills, the AWC's Tuesday afternoon legislative reception, and the Tuesday evening Eastside Cities Dinner.

Attachments: Attachment A – Status update on the City's 2020 State Legislative Priorities
Attachment B – Adopted 2020 Legislative Priorities
Attachment C – Bill text for Senate Bill 6231 (Sen. Kuderer)
Attachment D – Local Project – Juanita Dr. 79th Way NE to NE 120th
Attachment E – Local Project – Trail Lighting on CKC under I-405 in Totem Lake
Attachment F – Position Paper – Maximizing WSDOT Surplus Land
Attachment G – Mayor's Letter to Commerce Re: Grant Funding Deadline
Attachment H – Bill text for House Bill 2343 (Rep. Fitzgibbon)
Attachment I – Jan. 10, Bill Analysis & Recommendation Report (1/2 - 1/9)
Attachment J – Jan. 10, DRAFT Bill Status & Position Tracker Report (1/2 - 1/9)

2020 Legislative Priority	Bill #	Prime Sponsor	Status
<p>New local funding and policy tools to address homelessness and create more affordable housing, such as:</p> <ul style="list-style-type: none"> Exempting homeless shelters from utility connection charges Extending the date of a qualifying local tax for an affordable housing levy to November 30, 2021 Adding Accessory Dwelling Units as improvements to Single Family Dwellings that qualify for a three-year property tax exemption 	<p>HB SB</p> <p>HB SB</p> <p>HB SB 6231</p>	<p>Rep. Walen Sen. Stanford</p> <p>Rep. Robinson Sen. Saldana</p> <p>Rep. Walen Sen. Kuderer</p>	<p>12/18 – ORP Draft</p> <p>12/30 – 1406 Trailer Bill</p> <p>1/15 – Heard in S. Housing Stability & Affordability</p>
Authorizing limited commission officers to review automated traffic safety camera citations	HB	Rep Springer	1/11 – ORP Draft
<p>Support capital and transportation budget funding for prioritized local infrastructure projects, such as:</p> <ul style="list-style-type: none"> 90th Ave NE school walk improvements (1st LD) Juanita Dr. - 79th Way NE to NE 120th St. (1st LD) Lighting at 132nd Square Park (45th LD) Lighting CKC, south of NE 124th St. and under I-405 (45th LD) 		<p>Sen. Stanford</p> <p>Rep Goodman</p>	<p>Senate member form being completed (due 2/7) House member form being completed (due 2/14)</p> <p>House member form being completed (due 2/14) Senate member form being completed (due 2/7)</p>
Exempt street maintenance from the Public Works threshold limitations			
Formalize procedures to maximize development potential of lands adjacent to the I-405 & NE 85th Street Interchange	HB 2343	Rep Fitzibbons	1/16 – 8am Hearing in H. Environment & Energy

* No HIGHLIGHTS = No change in status from last update.



CITY OF KIRKLAND 2020 LEGISLATIVE AGENDA

General Principles

Kirkland supports legislation to promote the City Council's goals and protect the City's ability to provide basic municipal services to its citizens.

- Protect shared state revenue sources available to the City, including the State Annexation Sales Tax Credit, and provide new revenue options and flexibility in the use of existing revenues.
- Support long-term sustainability efforts related to City financial, environmental and transportation goals.
- Support reestablishing the partnership between cities and the State to ensure that critical mandates are funded and vital services are provided to all of the residents of the state.

City of Kirkland 2020 Legislative Priorities

- Kirkland supports new local funding and policy tools to address homelessness and create more affordable housing, such as:
 - Exempting homeless shelters from utility connection charges
 - Extending the date of a qualifying local tax for an affordable housing levy to November 30, 2021
 - Adding Accessory Dwelling Units as improvements to Single Family Dwellings that qualify for a three-year property tax exemption
- Kirkland supports authorizing limited commission officers to review automated traffic safety camera citations
- Kirkland supports exempting street maintenance from the Public Works threshold limitations
- Kirkland supports formalizing procedures to maximize development potential of lands adjacent to the I-405 & NE 85th Street Interchange
- Kirkland supports capital budget funding for prioritized local infrastructure projects.
 - 90th Ave NE school walk improvements (1st LD)
 - Juanita Dr. - 79th Way NE to NE 120th St. (1st LD)
 - Lighting at 132nd Square Park (45th LD)
 - Lighting along CKC south of NE 124th St. and under I-405 (45th LD)

SENATE BILL 6231

State of Washington

66th Legislature

2020 Regular Session

By Senators Kuderer, Darneille, Dhingra, Hunt, Mullet, and Wilson, C.

Prefiled 01/10/20. Read first time 01/13/20. Referred to Committee on Housing Stability & Affordability.

1 AN ACT Relating to providing a limited property tax exemption for
2 the construction of accessory dwelling units; amending RCW 84.36.400;
3 and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 84.36.400 and 2013 c 23 s 350 are each amended to
6 read as follows:

7 Any physical improvement to single-family dwellings upon real
8 property, including constructing an accessory dwelling unit, whether
9 attached to or within the single-family dwelling or as a detached
10 unit on the same real property, shall be exempt from taxation for the
11 three assessment years subsequent to the completion of the
12 improvement to the extent that the improvement represents thirty
13 percent or less of the value of the original structure. A taxpayer
14 desiring to obtain the exemption granted by this section must file
15 notice of his or her intention to construct the improvement prior to
16 the improvement being made on forms prescribed by the department of
17 revenue and furnished to the taxpayer by the county assessor:
18 PROVIDED, That this exemption cannot be claimed more than once in a
19 five-year period.

1 The department of revenue shall promulgate such rules and
2 regulations as are necessary and convenient to properly administer
3 the provisions of this section.

4 NEW SECTION. **Sec. 2.** This act applies to taxes levied for
5 collection in 2021 and thereafter.

6 NEW SECTION. **Sec. 3.** The provisions of RCW 82.32.805 and
7 82.32.808 do not apply to this act.

--- END ---

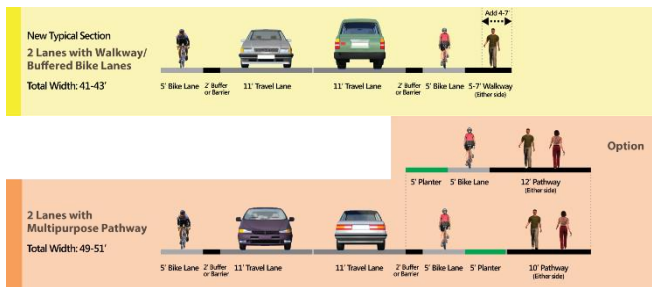


District 1 Local Project - Project can be scaled or phased as funding allows.

1. Juanita Drive - 79th Way NE to NE 120th Street

REQUEST: \$650,000 to widen approximately 1,000 feet of the existing roadway cross section to accommodate thru lanes, bicycle lanes, and an ADA compliant sidewalk on the east side of Juanita Drive.

The project area is along Juanita Drive and through Juanita Woodlands Park. The peak traffic flow volume is 900 vehicles per hour and there have been 19 recorded crashes in this area. Elected officials and community members have identified accessibility and safety deficiencies. The proposed improvements, as described above, would be constructed in the configuration shown in the top section of the image that follows.



To provide a more pleasant and safer environment through Juanita Woodlands Park, an alternative road section could be constructed. The alternative section adds a five-foot-wide planter strip on the east side of Juanita Drive to provide separation between cyclists and pedestrians. The cost to construct the alternative section is approximately \$1,000,000. The largest percentage of the cost is reflected in the need to construct walls to accommodate the existing topography and to construct surface water improvements.

Safety, connectivity and accessibility for the Juanita Drive corridor are a priority for the City of Kirkland and the City has prioritized and funded nonmotorized and safety improvements adjacent to Juanita Woodlands Park (see map). Together, the improvements will provide accessibility between 79th Way NE and NE 132nd Street.

Timeline: Design and construction of the thru lanes, bicycle lanes, and ADA compliant sidewalk expected to be complete by the third quarter of 2021.





District 45 Local Project - *Project can be scaled or phased as funding allows.*

1. Trail Lighting – Cross Kirkland Corridor (CKC) at I-405 underpass in Totem Lake

Request: \$650K to design and install lighting on the CKC next to the Totem Lake Connector Pedestrian and Bicycle Bridge.

The project includes design, construction, and project management for safety lighting on the CKC from 120th Avenue NE, under the I-405 overpass, to the entrance of the Totem Lake Connector bridge.

The elevated freeway (I-405) over the CKC Trail segregates and isolates this section of the trail. The dark, unlit space through which the corridor passes is often used in ways that are illegal or undesirable, curtailing public use. The CKC Master Plan turns this space into a usable and safe neighborhood asset. The first step in creating a usable space is lighting. Adding lighting to this space under I-405 would link east and west Totem Lake, activate the existing dead space and deter undesirable activities. The proposal installs 12 pedestrian lights and 4 flood lights between 120th Avenue NE and the Totem Lake Connector. Together with the planned aesthetic lighting on the bridge, this section of the trail will provide an important gateway between the residential areas along the CKC to the south and the Totem Lake Urban Center to the north.

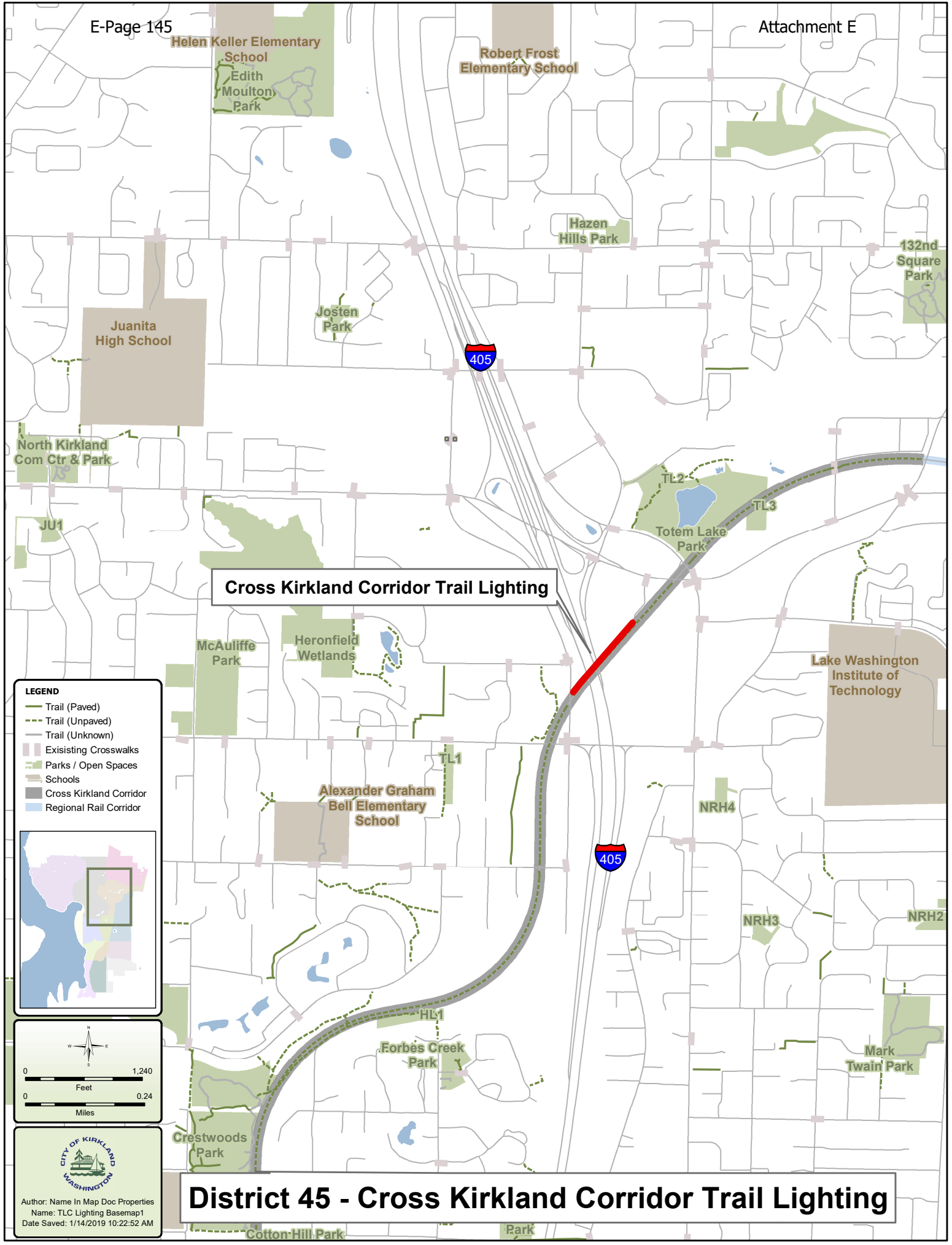


Kirkland's Totem Lake Urban Center is experiencing tremendous growth and re-development with more than one million square feet of commercial, office, and institutional space and 3,000 residential units currently in the permitting and/or construction stages. The lighting and bridge will be a catalyst to connect the quadrants of the Totem Lake Urban Center with alternative active transportation options.



As part of the new spine of the Eastside's emerging active transportation network, the Valley Segment of the ERC, and the Redmond Spur will link Kirkland's Totem Lake Urban Center to Woodinville and Redmond as well as complete a key link in the regional trail system connecting the Sammamish River Trail (11 miles), the Burke- Gilman Trail (20 miles), the Redmond Central Connector (2.3 miles), and the Tolt Pipeline Trail (14 miles) with other regional trails such as the ERC/CKC.

Timeline: Design and construction of the lighting is expected to be constructed around the same timeframe as the Totem Lake Connector bridge and is expected to be complete by the end of 2022.



Helen Keller Elementary School
Edith Moulton Park

Robert Frost Elementary School

Hazen Hills Park

132nd Square Park

Juanita High School

Josten Park

405

North Kirkland Com Ctr & Park

JU1

TL2

TL3

Totem Lake Park

Cross Kirkland Corridor Trail Lighting

McAuliffe Park

Heronfield Wetlands

Lake Washington Institute of Technology

TL1

Alexander Graham Bell Elementary School

NRH4

NRH3

NRH2

405

Forbes Creek Park

Mark Twain Park

Crestwoods Park

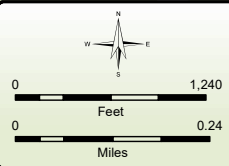
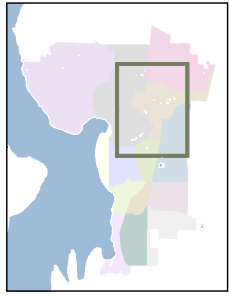
HL1

District 45 - Cross Kirkland Corridor Trail Lighting

Cotton Hill Park

Park

- LEGEND**
- Trail (Paved)
 - Trail (Unpaved)
 - Trail (Unknown)
 - Existing Crosswalks
 - Parks / Open Spaces
 - Schools
 - Cross Kirkland Corridor
 - Regional Rail Corridor



CITY OF KIRKLAND WASHINGTON

Author: Name In Map Doc Properties
Name: TLC Lighting Basemap1
Date Saved: 1/14/2019 10:22:52 AM

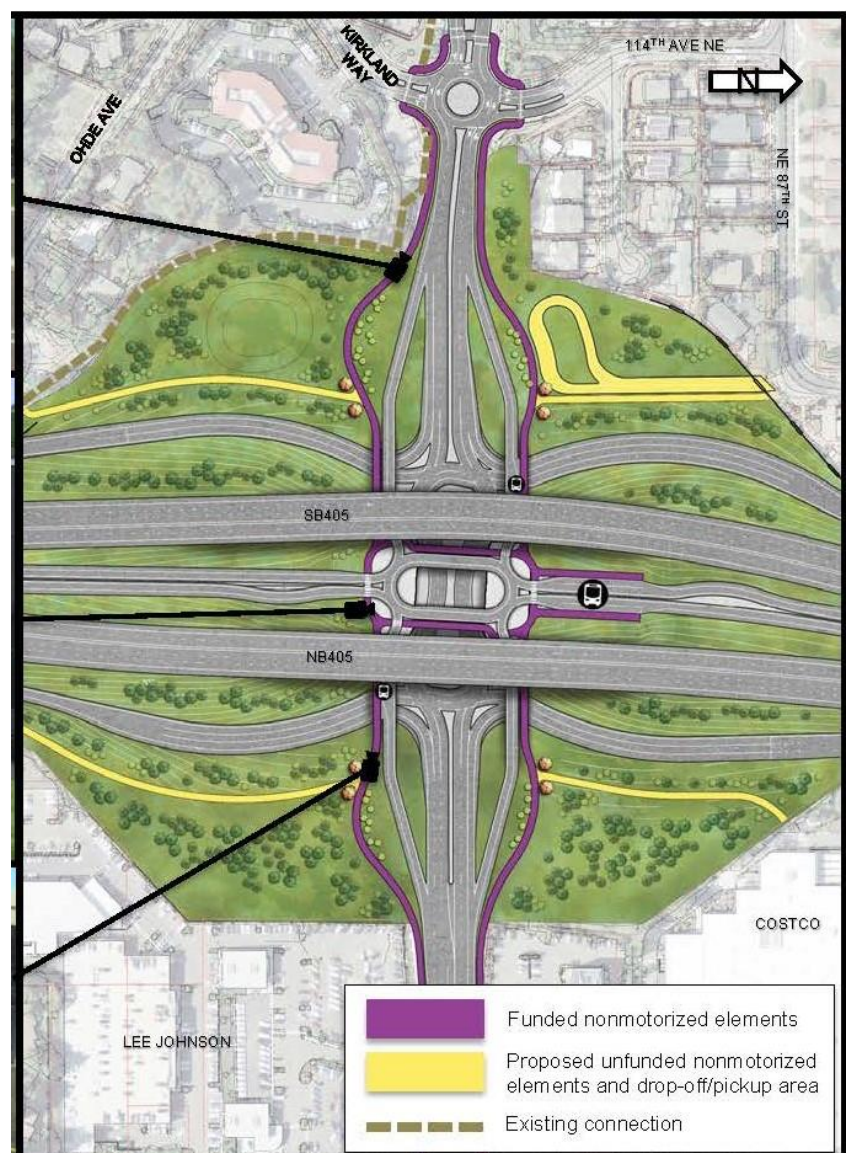
- Kirkland supports formalizing procedures to maximize development potential of lands adjacent to the I-405 & NE 85th Street Interchange

The Kingsgate Park and Ride TOD pilot project that the legislature authorized in 2019 includes a report to the legislature that will identify barriers to similar projects in the future.

The issues of redeveloping WSDOT property and surplus property that is in WSDOT/FWHA right-of-way are two issues that will likely be highlighted in the pilot report. The report will help inform WSDOT and the legislature on determining how to open their surplus properties in the future for purposes of TOD.

Making land available for TOD in these locations accomplishes two key objectives for the City. First, it enables adaptive new use of land that is closest to transit and generate more ridership. Second, it enables planning public/private infrastructure for the land in a manner that ties pedestrians and bikes into the fabric of the adjoining neighborhoods to solve last mile impediments.

Kirkland wants to keep this issue on the front burner by expressing its support for authorizing WSDOT to surplus its land around BRT stations (like the station planned for I-405 and NE 85th) for purposes of TOD.

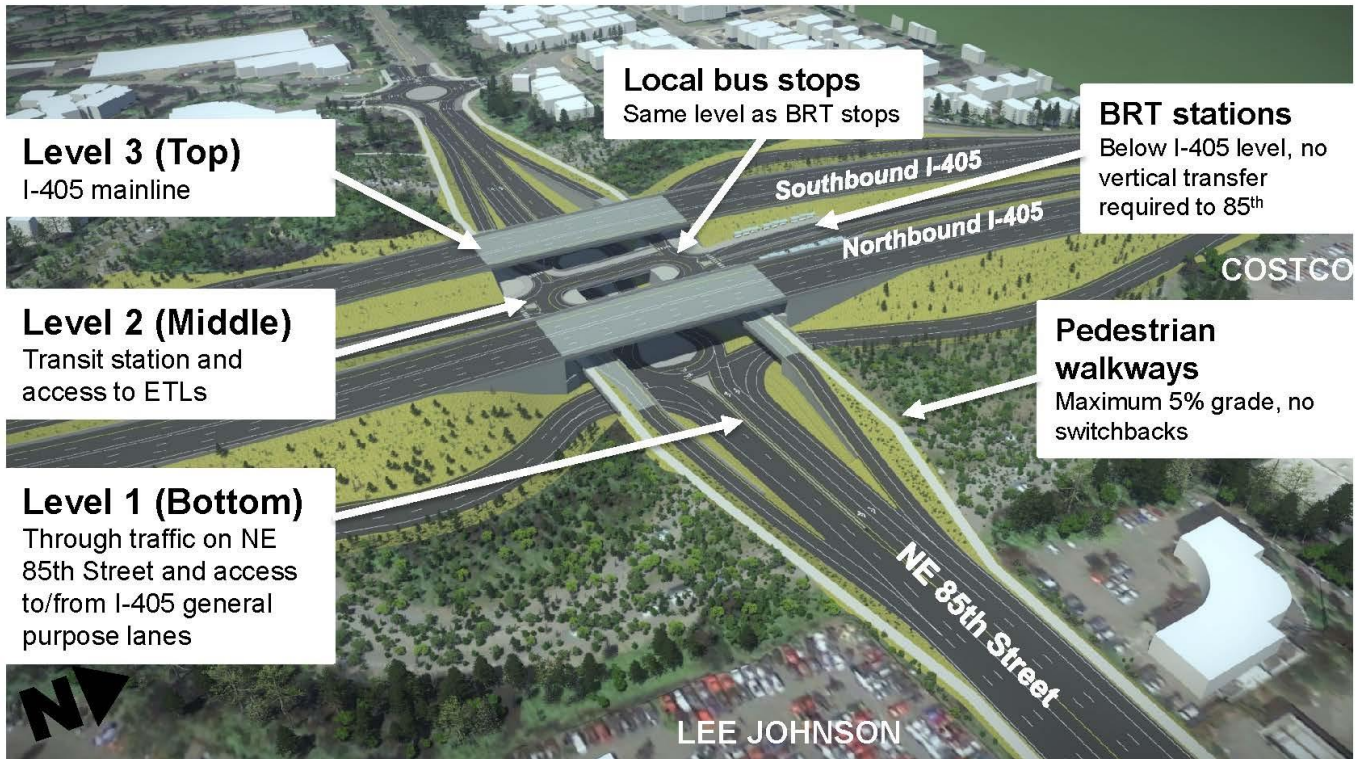


Rendering of BRT station area plan at NE 85th St. & I-405 (2024 target completion)

Existing Conditions: NE 85th St Vicinity



Future (2024) Conditions





September 26, 2019

Dave Anderson
GMS Managing Director
1011 Plum Street SE
Olympia, WA 98504-2525

RE: E2SHB 1923 Grant Application for City of Kirkland Station Area Plan for I-405/NE 85th Street Bus Rapid Transit (BRT) Station Area

Dear Mr. Anderson,

On behalf of the Kirkland City Council, I authorize the attached scope of work and budget request for E2SHB 1923 grant funding. Kirkland's grant request is for funding assistance to increase Kirkland's residential building capacity in conjunction with the City's planning efforts surrounding a new Bus Rapid Transit (BRT) Station.

The grant availability is timely for Kirkland. With Sound Transit's BRT Station at Kirkland's NE 85th Street/I-405 interchange opening in 2024, the City is in the early stages of creating a Station Area Plan for the walkshed around the interchange to consider substantial increases in housing and mixed-use development. If approved, our grant application will enable the City to develop a **Planned Action Ordinance** and **Form Based Codes** in conjunction with the funded Station Area Plan study. The City has issued the RFQ for the Station Area Plan and is currently in the consultant selection process. The additional grant funding requested will:

- Enable a more robust environmental review of alternatives and identification of project-specific mitigation measures, resulting in the ability to adopt a Planned Action Ordinance with Council approval of the Station Area Plan
- Adopt Form Based Codes for the station area to assist the community in visualizing the planned density and accompanying non-motorized infrastructure, as well as developing transitional zoning between the station area and neighboring low density neighborhoods.

Because these tasks are complex and the Station Area Plan holds extraordinary potential to increase housing supply and streamline permitting, we are requesting \$150,000 in grant funding.

The City Council established the following vision for the Station Area as part of our 2018 adoption of the Rose Hill Neighborhood Plan:

A thriving Rose Hill Business District along NE 85th Street provides employment, shopping, services, and transit-accessible housing for Kirkland residents and visitors throughout the region, allowing the community to easily access goods and services on foot or by bike. Over time, the commercial corridor has become more mixed use and walkable, with apartments and condominiums over neighborhood shops, parking tucked away behind buildings, and pedestrian walkways providing access to the surrounding residential neighborhoods. A walkable, transit-oriented pedestrian corridor has emerged around the NE 85th Street/I-405 transit hub, transitioning from more automobile-centric uses to neighborhood-serving shops, offices, and residences.

Key to the City's initiative for the Station Area Plan is Sound Transit's *2016 Sound Transit 3* Plan, which identifies the NE 85th Street/I-405 area as a planned BRT station along the I-405 corridor. The BRT station, authorized under Sound Transit's 2016 Sound Transit 3 Plan, would establish 10-minute peak service at this key interchange and create nonmotorized connections between the station, adjoining neighborhoods, and the Cross Kirkland Corridor. Key to leveraging this regional investment will be revising the land use within walking and biking distance of the station so future Kirkland residents can take full advantage of the regional transit investment.

In addition to developing a Station Area Plan, the City has nominated Greater Downtown Kirkland, including the Station Area, for designation as an Urban Center in the King County Countywide Planning Policies. The Kirkland City Council authorized the nomination with the adoption of the 2019-2021 Planning Work Program, based on policy language in the City's Comprehensive Plan that identifies the greater downtown area – with its excellent (and improving) transit service – as an optimal place for continued employment and residential growth.

We understand that E2SHB 1923 requires the City to adopt the ordinances and/or plans that result from the grant by April 1, 2021. While the City will make a concerted effort to meet the deadlines, the Station Area Plan will likely result in a substantial change to the physical environment surrounding the BRT station, requiring a robust public engagement process. We note this because there is a chance the City will not meet the deadlines due to our commitment to fully engaging our community in this important process. While we understand that a portion of the grant will be withheld if we do not complete the project by the deadline, we believe that you will find our completed project exemplary in creating significant new residential density along this important new high frequency transit corridor.

Sincerely,
KIRKLAND CITY COUNCIL

A handwritten signature in blue ink that reads "Penny Sweet". The signature is fluid and cursive, with the first name "Penny" and last name "Sweet" clearly legible.

Penny Sweet, Mayor

cc: Kirkland City Council

HOUSE BILL 2343

State of Washington

66th Legislature

2020 Regular Session

By Representative Fitzgibbon

Prefiled 01/09/20.

1 AN ACT Relating to urban housing supply; amending RCW 36.70A.600,
2 43.21C.495, 36.70A.620, and 43.21C.500; reenacting and amending RCW
3 36.70A.030; creating a new section; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 36.70A.600 and 2019 c 348 s 1 are each amended to
6 read as follows:

7 (1) A city planning pursuant to RCW 36.70A.040 is encouraged to
8 take the following actions in order to increase its residential
9 building capacity:

10 (a) Authorize development in one or more areas of not fewer than
11 five hundred acres that include at least one train station served by
12 commuter rail or light rail with an average of at least fifty
13 residential units per acre that require no more than an average of
14 one on-site parking space per two bedrooms in the portions of
15 multifamily zones that are located within the areas;

16 (b) Authorize development in one or more areas of not fewer than
17 ~~((five))~~ two hundred acres in cities with a population greater than
18 forty thousand or not fewer than ~~((two))~~ one hundred ~~((fifty))~~ acres
19 in cities with a population less than forty thousand that include at
20 least one bus stop served by scheduled bus service of at least four
21 times per hour for twelve or more hours per day with an average of at

1 least twenty-five residential units per acre that require no more
2 than an average of one on-site parking space per two bedrooms in
3 portions of the multifamily zones that are located within the areas;

4 (c) Authorize at least one duplex, triplex, or courtyard
5 apartment on each parcel in one or more zoning districts that permit
6 single-family residences unless a city documents a specific
7 infrastructure of physical constraint that would make this
8 requirement unfeasible for a particular parcel;

9 (d) Authorize a duplex, triplex, or courtyard apartment on one or
10 more parcels for which they are not currently authorized;

11 (e) Authorize cluster zoning or lot size averaging in all zoning
12 districts that permit single-family residences;

13 ~~((e) Authorize attached accessory dwelling units on all parcels
14 containing single-family homes where the lot is at least three
15 thousand two hundred square feet in size, and permit both attached
16 and detached accessory dwelling units on all parcels containing
17 single-family homes, provided lots are at least four thousand three
18 hundred fifty-six square feet in size. Qualifying city ordinances or
19 regulations may not provide for on-site parking requirements, owner
20 occupancy requirements, or square footage limitations below one
21 thousand square feet for the accessory dwelling unit, and must not
22 prohibit the separate rental or sale of accessory dwelling units and
23 the primary residence. Cities must set applicable impact fees at no
24 more than the projected impact of the accessory dwelling unit. To
25 allow local flexibility, other than these factors, accessory dwelling
26 units may be subject to such regulations, conditions, procedures, and
27 limitations as determined by the local legislative authority, and
28 must follow all applicable state and federal laws and local
29 ordinances;))~~

30 (f) Adopt a subarea plan pursuant to RCW 43.21C.420;

31 (g) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii),
32 except that an environmental impact statement pursuant to RCW
33 43.21C.030 is not required for such an action;

34 (h) Adopt increases in categorical exemptions pursuant to RCW
35 43.21C.229 for residential or mixed-use development;

36 (i) Adopt a form-based code in one or more zoning districts that
37 permit residential uses. "Form-based code" means a land development
38 regulation that uses physical form, rather than separation of use, as
39 the organizing principle for the code;

1 (j) Authorize a duplex on each corner lot within all zoning
2 districts that permit single-family residences;

3 (k) Allow for the division or redivision of land into the maximum
4 number of lots through the short subdivision process provided in
5 chapter 58.17 RCW; (~~and~~)

6 (l) Authorize a minimum net density of six dwelling units per
7 acre in all residential zones, where the residential development
8 capacity will increase within the city. For purposes of this
9 subsection, the calculation of net density does not include the
10 square footage of areas that are otherwise prohibited from
11 development, such as critical areas, the area of buffers around
12 critical areas, and the area of roads and similar features;

13 (m) Create one or more zoning districts of medium density in
14 which individual lots may be no larger than three thousand five
15 hundred square feet and single-family residences may be no larger
16 than one thousand two hundred square feet;

17 (n) Authorize accessory dwelling units in one or more zoning
18 districts in which they are currently prohibited;

19 (o) Remove minimum residential parking requirements related to
20 accessory dwelling units;

21 (p) Remove owner occupancy requirements related to accessory
22 dwelling units; and

23 (q) Adopt new square footage requirements related to accessory
24 dwelling units that are less restrictive than existing square footage
25 requirements related to accessory dwelling units.

26 (2) A city planning pursuant to RCW 36.70A.040 may adopt a
27 housing action plan as described in this subsection. The goal of any
28 such housing plan must be to encourage construction of additional
29 affordable and market rate housing in a greater variety of housing
30 types and at prices that are accessible to a greater variety of
31 incomes, including strategies aimed at the for-profit single-family
32 home market. A housing action plan may utilize data compiled pursuant
33 to RCW 36.70A.610. The housing action plan should:

34 (a) Quantify existing and projected housing needs for all income
35 levels, including extremely low-income households, with documentation
36 of housing and household characteristics, and cost-burdened
37 households;

38 (b) Develop strategies to increase the supply of housing, and
39 variety of housing types, needed to serve the housing needs
40 identified in (a) of this subsection;

1 (c) Analyze population and employment trends, with documentation
2 of projections;

3 (d) Consider strategies to minimize displacement of low-income
4 residents resulting from redevelopment;

5 (e) Review and evaluate the current housing element adopted
6 pursuant to RCW 36.70A.070, including an evaluation of success in
7 attaining planned housing types and units, achievement of goals and
8 policies, and implementation of the schedule of programs and actions;

9 (f) Provide for participation and input from community members,
10 community groups, local builders, local realtors, nonprofit housing
11 advocates, and local religious groups; and

12 (g) Include a schedule of programs and actions to implement the
13 recommendations of the housing action plan.

14 (3) If adopted by April 1, ((2021)) 2023, ordinances, amendments
15 to development regulations, and other nonproject actions taken by a
16 city to implement the actions specified in subsection (1) of this
17 section, with the exception of the action specified in subsection
18 (1)(f) of this section, are not subject to administrative or judicial
19 appeal under chapter 43.21C RCW.

20 (4) Any action taken by a city prior to April 1, ((2021)) 2023,
21 to amend their comprehensive plan, or adopt or amend ordinances or
22 development regulations, solely to enact provisions under subsection
23 (1) of this section is not subject to legal challenge under this
24 chapter.

25 (5) In taking action under subsection (1) of this section, cities
26 are encouraged to utilize strategies that increase residential
27 building capacity in areas with frequent transit service and with the
28 transportation and utility infrastructure that supports the
29 additional residential building capacity.

30 (6) A city ((with a population over twenty thousand)) that is
31 planning to take at least two actions under subsection (1) of this
32 section, and that action will occur between July 28, 2019, and April
33 1, 2021, is eligible to apply to the department for planning grant
34 assistance of up to one hundred thousand dollars, subject to the
35 availability of funds appropriated for that purpose. The department
36 shall develop grant criteria to ensure that grant funds awarded are
37 proportionate to the level of effort proposed by a city, and the
38 potential increase in housing supply or regulatory streamlining that
39 could be achieved. Funding may be provided in advance of, and to
40 support, adoption of policies or ordinances consistent with this

1 section. A city can request, and the department may award, more than
2 one hundred thousand dollars for applications that demonstrate
3 extraordinary potential to increase housing supply or regulatory
4 streamlining.

5 (7) A city seeking to develop a housing action plan under
6 subsection (2) of this section is eligible to apply to the department
7 for up to one hundred thousand dollars.

8 (8) The department shall establish grant award amounts under
9 subsections (6) and (7) of this section based on the expected number
10 of cities that will seek grant assistance, to ensure that all cities
11 can receive some level of grant support. If funding capacity allows,
12 the department may consider accepting and funding applications from
13 cities with a population of less than twenty thousand if the actions
14 proposed in the application will create a significant amount of
15 housing capacity or regulatory streamlining and are consistent with
16 the actions in this section.

17 (9) In implementing chapter 348, Laws of 2019, cities are
18 encouraged to prioritize the creation of affordable, inclusive
19 neighborhoods and to consider the risk of residential displacement,
20 particularly in neighborhoods with communities at high risk of
21 displacement.

22 **Sec. 2.** RCW 43.21C.495 and 2019 c 348 s 4 are each amended to
23 read as follows:

24 If adopted by April 1, (~~2021~~) 2023, amendments to development
25 regulations and other nonproject actions taken by a city to implement
26 RCW 36.70A.600 (1) or (4), with the exception of the action specified
27 in RCW 36.70A.600(1)(f), are not subject to administrative or
28 judicial appeals under this chapter.

29 **Sec. 3.** RCW 36.70A.620 and 2019 c 348 s 5 are each amended to
30 read as follows:

31 In counties and cities planning under RCW 36.70A.040, minimum
32 residential parking requirements mandated by municipal zoning
33 ordinances for housing units constructed after July 1, 2019, are
34 subject to the following requirements:

35 (1) For housing units that are affordable to very low-income or
36 extremely low-income individuals and that are located within one-
37 quarter mile of a transit stop that receives transit service at least
38 (~~four~~) two times per hour for twelve or more hours per day, minimum

1 residential parking requirements may be no greater than one parking
2 space per bedroom or .75 space per unit. A city may require a
3 developer to record a covenant that prohibits the rental of a unit
4 subject to this parking restriction for any purpose other than
5 providing for housing for very low-income or extremely low-income
6 individuals. The covenant must address price restrictions and
7 household income limits and policies if the property is converted to
8 a use other than for low-income housing. A city may establish a
9 requirement for the provision of more than one parking space per
10 bedroom or .75 space per unit if the jurisdiction has determined a
11 particular housing unit to be in an area with a lack of access to
12 street parking capacity, physical space impediments, or other reasons
13 supported by evidence that would make on-street parking infeasible
14 for the unit.

15 (2) For housing units that are specifically for seniors or people
16 with disabilities, that are located within one-quarter mile of a
17 transit stop that receives transit service at least four times per
18 hour for twelve or more hours per day, a city may not impose minimum
19 residential parking requirements for the residents of such housing
20 units, subject to the exceptions provided in this subsection. A city
21 may establish parking requirements for staff and visitors of such
22 housing units. A city may establish a requirement for the provision
23 of one or more parking space per bedroom if the jurisdiction has
24 determined a particular housing unit to be in an area with a lack of
25 access to street parking capacity, physical space impediments, or
26 other reasons supported by evidence that would make on-street parking
27 infeasible for the unit. A city may require a developer to record a
28 covenant that prohibits the rental of a unit subject to this parking
29 restriction for any purpose other than providing for housing for
30 seniors or people with disabilities.

31 (3) For market rate multifamily housing units that are located
32 within one-quarter mile of a transit stop that receives transit
33 service at least four times per hour for twelve or more hours per
34 day, minimum residential parking requirements may be no greater than
35 one parking space per bedroom or .75 space per unit. A city may
36 establish a requirement for the provision of more than one parking
37 space per bedroom or .75 space per unit if the jurisdiction has
38 determined a particular housing unit to be in an area with a lack of
39 access to street parking capacity, physical space impediments, or

1 other reasons supported by evidence that would make on-street parking
2 infeasible for the unit.

3 **Sec. 4.** RCW 43.21C.500 and 2019 c 348 s 6 are each amended to
4 read as follows:

5 Project actions described in this section that pertain to
6 residential, multifamily, or mixed-use development evaluated under
7 this chapter by a city or town planning under RCW 36.70A.040 are
8 exempt from appeals under this chapter on the basis of the evaluation
9 of or impacts to the following elements of the environment, provided
10 that the appropriate requirements for a particular element of the
11 environment, as set forth in subsections (1) and (2) of this section,
12 are met.

13 (1) Transportation. A project action pertaining to residential,
14 multifamily, or mixed-use development evaluated under this chapter by
15 a city or town planning under RCW 36.70A.040 is exempt from appeals
16 under this chapter on the basis of the evaluation of or impacts to
17 transportation elements of the environment, so long as the project
18 does not present significant adverse impacts to the state-owned
19 transportation system as determined by the department of
20 transportation and the project is:

21 (a) (i) Consistent with a locally adopted transportation plan; or

22 (ii) Consistent with the transportation element of a
23 comprehensive plan; and

24 (b) (i) A project for which traffic or parking impact fees are
25 imposed pursuant to RCW 82.02.050 through 82.02.090; or

26 (ii) A project for which traffic or parking impacts are expressly
27 mitigated by an ordinance, or ordinances, of general application
28 adopted by the city or town.

29 (2) Aesthetics. A project action pertaining to residential,
30 multifamily, or mixed-use development evaluated under this chapter by
31 a city or town planning under RCW 36.70A.040 is exempt from appeals
32 under this chapter on the basis of the evaluation of or impacts to
33 the aesthetics element of the environment, so long as the project has
34 undergone the design review process at the appropriate local
35 government level. For purposes of this subsection, "design review"
36 means a formally adopted local government practice of examining
37 public and private projects for their aesthetic, architectural, or
38 urban design quality and compatibility with nearby development. For
39 purposes of this subsection, the design review process may, but is

1 not required to, include a design review board, a separate and
2 appealable design review administrative decision, or design review
3 criteria evaluated as part of the building permit approval process.

4 (3) For purposes of this section, "impacts to transportation
5 elements of the environment" include impacts to transportation
6 systems; vehicular traffic; waterborne, rail, and air traffic;
7 parking; movement or circulation of people or goods; and traffic
8 hazards.

9 **Sec. 5.** RCW 36.70A.030 and 2019 c 348 s 2 are each reenacted and
10 amended to read as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Adopt a comprehensive land use plan" means to enact a new
14 comprehensive land use plan or to update an existing comprehensive
15 land use plan.

16 (2) "Affordable housing" means, unless the context clearly
17 indicates otherwise, residential housing whose monthly costs,
18 including utilities other than telephone, do not exceed thirty
19 percent of the monthly income of a household whose income is:

20 (a) For rental housing, sixty percent of the median household
21 income adjusted for household size, for the county where the
22 household is located, as reported by the United States department of
23 housing and urban development; or

24 (b) For owner-occupied housing, eighty percent of the median
25 household income adjusted for household size, for the county where
26 the household is located, as reported by the United States department
27 of housing and urban development.

28 (3) "Agricultural land" means land primarily devoted to the
29 commercial production of horticultural, viticultural, floricultural,
30 dairy, apiary, vegetable, or animal products or of berries, grain,
31 hay, straw, turf, seed, Christmas trees not subject to the excise tax
32 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
33 hatcheries, or livestock, and that has long-term commercial
34 significance for agricultural production.

35 (4) "City" means any city or town, including a code city.

36 (5) "Comprehensive land use plan," "comprehensive plan," or
37 "plan" means a generalized coordinated land use policy statement of
38 the governing body of a county or city that is adopted pursuant to
39 this chapter.

1 (6) "Critical areas" include the following areas and ecosystems:

2 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
3 used for potable water; (c) fish and wildlife habitat conservation
4 areas; (d) frequently flooded areas; and (e) geologically hazardous
5 areas. "Fish and wildlife habitat conservation areas" does not
6 include such artificial features or constructs as irrigation delivery
7 systems, irrigation infrastructure, irrigation canals, or drainage
8 ditches that lie within the boundaries of and are maintained by a
9 port district or an irrigation district or company.

10 (7) "Department" means the department of commerce.

11 (8) "Development regulations" or "regulation" means the controls
12 placed on development or land use activities by a county or city,
13 including, but not limited to, zoning ordinances, critical areas
14 ordinances, shoreline master programs, official controls, planned
15 unit development ordinances, subdivision ordinances, and binding site
16 plan ordinances together with any amendments thereto. A development
17 regulation does not include a decision to approve a project permit
18 application, as defined in RCW 36.70B.020, even though the decision
19 may be expressed in a resolution or ordinance of the legislative body
20 of the county or city.

21 (9) "Extremely low-income household" means a single person,
22 family, or unrelated persons living together whose adjusted income is
23 at or below thirty percent of the median household income adjusted
24 for household size, for the county where the household is located, as
25 reported by the United States department of housing and urban
26 development.

27 (10) "Forestland" means land primarily devoted to growing trees
28 for long-term commercial timber production on land that can be
29 economically and practically managed for such production, including
30 Christmas trees subject to the excise tax imposed under RCW 84.33.100
31 through 84.33.140, and that has long-term commercial significance. In
32 determining whether forestland is primarily devoted to growing trees
33 for long-term commercial timber production on land that can be
34 economically and practically managed for such production, the
35 following factors shall be considered: (a) The proximity of the land
36 to urban, suburban, and rural settlements; (b) surrounding parcel
37 size and the compatibility and intensity of adjacent and nearby land
38 uses; (c) long-term local economic conditions that affect the ability
39 to manage for timber production; and (d) the availability of public

1 facilities and services conducive to conversion of forestland to
2 other uses.

3 (11) "Freight rail dependent uses" means buildings and other
4 infrastructure that are used in the fabrication, processing, storage,
5 and transport of goods where the use is dependent on and makes use of
6 an adjacent short line railroad. Such facilities are both urban and
7 rural development for purposes of this chapter. "Freight rail
8 dependent uses" does not include buildings and other infrastructure
9 that are used in the fabrication, processing, storage, and transport
10 of coal, liquefied natural gas, or "crude oil" as defined in RCW
11 90.56.010.

12 (12) "Geologically hazardous areas" means areas that because of
13 their susceptibility to erosion, sliding, earthquake, or other
14 geological events, are not suited to the siting of commercial,
15 residential, or industrial development consistent with public health
16 or safety concerns.

17 (13) "Long-term commercial significance" includes the growing
18 capacity, productivity, and soil composition of the land for long-
19 term commercial production, in consideration with the land's
20 proximity to population areas, and the possibility of more intense
21 uses of the land.

22 (14) "Low-income household" means a single person, family, or
23 unrelated persons living together whose adjusted income is at or
24 below eighty percent of the median household income adjusted for
25 household size, for the county where the household is located, as
26 reported by the United States department of housing and urban
27 development.

28 (15) "Minerals" include gravel, sand, and valuable metallic
29 substances.

30 (16) "Permanent supportive housing" is subsidized, leased housing
31 with no limit on length of stay, paired with on-site or off-site
32 voluntary services designed to support a person living with a
33 disability to be a successful tenant in a housing arrangement,
34 improve the resident's health status, and connect residents of the
35 housing with community-based health care, treatment, (~~and~~) or
36 employment services.

37 (17) "Public facilities" include streets, roads, highways,
38 sidewalks, street and road lighting systems, traffic signals,
39 domestic water systems, storm and sanitary sewer systems, parks and
40 recreational facilities, and schools.

1 (18) "Public services" include fire protection and suppression,
2 law enforcement, public health, education, recreation, environmental
3 protection, and other governmental services.

4 (19) "Recreational land" means land so designated under RCW
5 36.70A.1701 and that, immediately prior to this designation, was
6 designated as agricultural land of long-term commercial significance
7 under RCW 36.70A.170. Recreational land must have playing fields and
8 supporting facilities existing before July 1, 2004, for sports played
9 on grass playing fields.

10 (20) "Rural character" refers to the patterns of land use and
11 development established by a county in the rural element of its
12 comprehensive plan:

13 (a) In which open space, the natural landscape, and vegetation
14 predominate over the built environment;

15 (b) That foster traditional rural lifestyles, rural-based
16 economies, and opportunities to both live and work in rural areas;

17 (c) That provide visual landscapes that are traditionally found
18 in rural areas and communities;

19 (d) That are compatible with the use of the land by wildlife and
20 for fish and wildlife habitat;

21 (e) That reduce the inappropriate conversion of undeveloped land
22 into sprawling, low-density development;

23 (f) That generally do not require the extension of urban
24 governmental services; and

25 (g) That are consistent with the protection of natural surface
26 water flows and groundwater and surface water recharge and discharge
27 areas.

28 (21) "Rural development" refers to development outside the urban
29 growth area and outside agricultural, forest, and mineral resource
30 lands designated pursuant to RCW 36.70A.170. Rural development can
31 consist of a variety of uses and residential densities, including
32 clustered residential development, at levels that are consistent with
33 the preservation of rural character and the requirements of the rural
34 element. Rural development does not refer to agriculture or forestry
35 activities that may be conducted in rural areas.

36 (22) "Rural governmental services" or "rural services" include
37 those public services and public facilities historically and
38 typically delivered at an intensity usually found in rural areas, and
39 may include domestic water systems, fire and police protection
40 services, transportation and public transit services, and other

1 public utilities associated with rural development and normally not
2 associated with urban areas. Rural services do not include storm or
3 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

4 (23) "Short line railroad" means those railroad lines designated
5 class II or class III by the United States surface transportation
6 board.

7 (24) "Urban governmental services" or "urban services" include
8 those public services and public facilities at an intensity
9 historically and typically provided in cities, specifically including
10 storm and sanitary sewer systems, domestic water systems, street
11 cleaning services, fire and police protection services, public
12 transit services, and other public utilities associated with urban
13 areas and normally not associated with rural areas.

14 (25) "Urban growth" refers to growth that makes intensive use of
15 land for the location of buildings, structures, and impermeable
16 surfaces to such a degree as to be incompatible with the primary use
17 of land for the production of food, other agricultural products, or
18 fiber, or the extraction of mineral resources, rural uses, rural
19 development, and natural resource lands designated pursuant to RCW
20 36.70A.170. A pattern of more intensive rural development, as
21 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
22 to spread over wide areas, urban growth typically requires urban
23 governmental services. "Characterized by urban growth" refers to land
24 having urban growth located on it, or to land located in relationship
25 to an area with urban growth on it as to be appropriate for urban
26 growth.

27 (26) "Urban growth areas" means those areas designated by a
28 county pursuant to RCW 36.70A.110.

29 (27) "Very low-income household" means a single person, family,
30 or unrelated persons living together whose adjusted income is at or
31 below fifty percent of the median household income adjusted for
32 household size, for the county where the household is located, as
33 reported by the United States department of housing and urban
34 development.

35 (28) "Wetland" or "wetlands" means areas that are inundated or
36 saturated by surface water or groundwater at a frequency and duration
37 sufficient to support, and that under normal circumstances do
38 support, a prevalence of vegetation typically adapted for life in
39 saturated soil conditions. Wetlands generally include swamps,
40 marshes, bogs, and similar areas. Wetlands do not include those

1 artificial wetlands intentionally created from nonwetland sites,
2 including, but not limited to, irrigation and drainage ditches,
3 grass-lined swales, canals, detention facilities, wastewater
4 treatment facilities, farm ponds, and landscape amenities, or those
5 wetlands created after July 1, 1990, that were unintentionally
6 created as a result of the construction of a road, street, or
7 highway. Wetlands may include those artificial wetlands intentionally
8 created from nonwetland areas created to mitigate conversion of
9 wetlands.

10 NEW SECTION. **Sec. 6.** (1) No later than October 1, 2020, the
11 department of ecology shall initiate the rule-making process to
12 remove parking as an element of the environment within WAC 197-11-444
13 and as a component of the environmental checklist within WAC
14 197-11-960, as those sections existed on the effective date of this
15 section.

16 (2) This section expires July 1, 2021.

--- END ---

Reviewer Analysis & Position Recommendation Report (01/02/20-01/09/20)
City of Kirkland

Bill #	Short Description	Sponsor	Date Completed	City Priority	Summary	Rec. Position
HB 1671	Disposing of confiscated firearms.	Dolan	02/05/2019		PD Review indicates "Support" with no analysis provided.	Support
HB 2229 (SB 6079)	Clarifying the scope of taxation on land development or management services.	Sullivan	01/06/2020		Purpose of bill is to remove barriers to the creation of affordable housing. Unsure if this would have a material financial impact on the City of Kirkland.	Support
HB 2237 (SB 6075)	Concerning local effort assistance.	Blake	01/06/2020		This bill applies to school districts with enrichment programs. Don't believe there would be any impact to the City of Kirkland.	Neutral
HB 2240 (SB 6077)	Concerning high capacity magazines.	Valdez	01/07/2020		PD thinks this will be difficult to enforce. How will LE prove that the person in possession of a magazine didn't buy it prior to the law going into effect?	Monitor
HB 2245 (SB 6084)	Concerning roundabouts.	Barkis	01/06/2020		Sounds like bill will make it lawful for trucks and buses to use both lanes of a multi lane roundabout to travel through the roundabout, making the overall size of the roundabouts smaller. This will make it easier to design roundabouts that will encourage lower speeds by drivers and should increase safety for all users, particularly people walking and biking at the crosswalks.	Support
HB 2248	Expanding equitable access to the benefits of renewable energy through community solar projects.	Doglio	01/06/2020		This bill will not impact the City fiscally. The community solar market has not been developed and this bill will serve as a catalyst to create this type of solar panel system. The implementation would fill an equity gap as lower income community members would have the opportunity to participate in the solar power generation and savings.	Support
SB 6075 (HB 2237)	Concerning local effort assistance.	Takko	01/06/2020		This bill applies to school district enrichment programs. Don't believe there would be any fiscal impact to the City of Kirkland.	Neutral
SB 6077 (HB 2240)	Concerning high capacity magazines.	Kuderer	01/07/2020		PD thinks this will be difficult to enforce. How will LE prove that the person in possession of a magazine didn't buy it prior to the law going into effect?	Monitor

SB 6084 (HB 2245)	Concerning roundabouts.	Takko	01/06/2020		Sounds like bill will make it lawful for trucks and buses to use both lanes of a multi lane roundabout to travel through the roundabout, making the overall size of the roundabouts smaller. This will make it easier to design roundabouts that will encourage lower speeds by drivers and should increase safety for all users, particularly people walking and biking at the crosswalks.	Support
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Bill Status and Position Tracker Report
City of Kirkland

E-Page 65

Bill #	Abbrev. Title	Leg. Status	Sponsor	Position	City Priority
HB 2229 (SB 6079)	Land dev. & management/tax	H Prefiled	Sullivan	Support	
HB 2240 (SB 6077)	High capacity magazines	H Prefiled	Valdez	Monitor	
HB 2241 (SB 6076)	Assault weapons	H Prefiled	Peterson	Monitor	
HB 2245 (SB 6084)	Roundabouts	H Prefiled	Barkis	Support	
HB 2248	Community solar projects	H Prefiled	Doglio	Support	
SB 6077 (HB 2240)	High capacity magazines	S Prefiled	Kuderer	Monitor	
SB 6084 (HB 2245)	Roundabouts	S Prefiled	Takko	Support	

** Staff recommendations may change as issues in Olympia evolve.*

Other NOTES: Bills with an "Oppose*" position recommendation - The Legislative Workgroup's approach with bills indentified with "Oppose" is to check-in with AWC, and monitor while continuing to analyze and evaluate from there. In other words, the City is not taking action (not signing-in or testifying) on these bills at this time.

REVIEW DRAFT

NEUTRAL Bill Tracker Report
City of Kirkland

HB 2202	Law enf./firearm training	H Prefiled	Klippert	Neutral	
HB 2237 (SB 6075)	Local effort assistance	H Prefiled	Blake	Neutral	
SB 6045	Vulnerable public way users	S Prefiled	Takko	Neutral	
SB 6075 (HB 2237)	Local effort assistance	S Prefiled	Takko	Neutral	

** Staff recommendations may change as issues in Olympia evolve.*



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Aaron McDonald, P.E., Senior Project Engineer
Rod Steitzer, P.E., Capital Projects Manager
Julie Underwood, Interim Public Works Director

Date: January 9, 2020

Subject: TOTEM LAKE CONNECTOR—PROJECT UPDATE

RECOMMENDATION:

It is recommended that the City Council receive an update about the Totem Lake Connector project. This staff report provides background information for context and provides information about current activities and schedule, including that associated construction is underway now, and that the bridge itself has been advertised for bids and bids will be opened on March 6.

BACKGROUND:

The Totem Lake Connector (“TLC”) is a key project that complements an array of public and private projects occurring in the Total Lake area. Such a project is contemplated in a number of City planning documents, including the *Totem Lake Park Master Plan*, the *Cross Kirkland Corridor Master Plan*, the *Transportation Master Plan*, and the Kirkland 2035 community conversation process. The TLC also features in regional planning efforts by the Puget Sound Regional Council and the Eastrail Regional Advisory Council. The Eastrail Regional Advisory Council brings together all the owners and right-holders of the rail corridor to provide an integrated planning platform as further trail development takes place.



The bridge will connect directly to Totem Lake Park.

Several public meetings and City Council updates have occurred over the years to get the project to where it is today. Staff has provided the staff reports from several City Council meetings since February 2017 that provide a history of discussions and decisions about the TLC (see Attachment A). A summary of them is provided in the matrix below.

Presentation/Discussion Date	Summary of Corresponding Staff Report
February 2017 Council Retreat	Details the goals for the CKC, along with history and updates on many CKC-related initiatives, of which the Totem Lake Connector is but one.
April 4, 2017 Council Meeting	Provides a short discussion of past and current project activities, along with an update on the March 16 th public open house, project survey responses, and a preview of upcoming project milestones.
June 6, 2017 Council Meeting	Discussion of the public process, open houses held to-date, and presentation of the four bridge alternatives that were recommended to City Council for discussion and selection of a preferred alternative for final design.
December 12, 2017 Council Mtg.	Provides a project update, as well as discussion of design features including: pedestrian railing, deck (functional) lighting, overlook opportunities, and aesthetic (structure) lighting. Also included was a restatement of the goals and objectives for the project.
March 6, 2018 Council Meeting	Provides a project update, and a thorough discussion of the proposed overlook structure and dimensions.

CURRENT ACTIVITIES AND SCHEDULE:

1. Relocation of Utility Line—Associated Construction Underway Now

In preparation for construction of the bridge, a conflicting 8-inch sanitary sewer line owned by Northshore Utility District is being relocated so that it will be outside of the bridge project footprint. Construction has started and is scheduled to be complete by mid-February 2020.

2. Advertisement

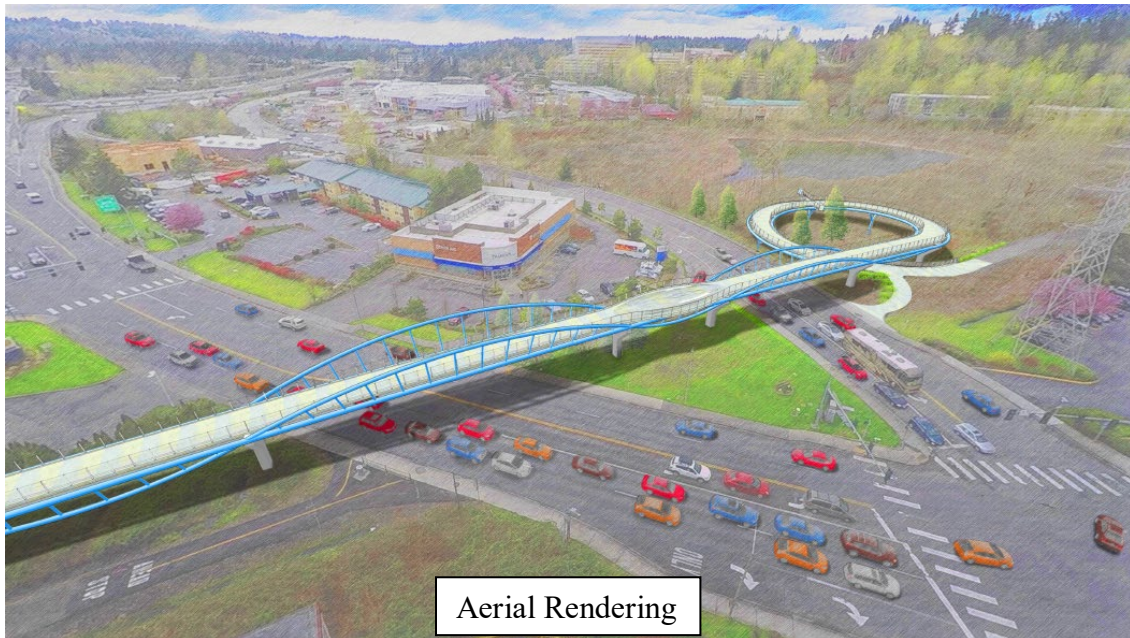
The project has been advertised (4-6 weeks advertisement period). The bid opening is scheduled for March 6th.

3. Contract for Construction Management/Inspection Services

A Request for Qualifications for construction management support and inspection work was advertised and Statements of Qualifications were submitted by four firms. A consultant selection will occur near the end of January.

4. Coordination with Other Projects

In addition to the TLC, there are many other projects being built in the Totem Lake area by private entities, the Northshore Utility District, and the City itself. With so much going on at the same time and in such close proximity, all parties need to be in close contact and coordination with each other. Because this is a big topic, staff will return on February 4 to provide more information about the coordination of projects in Totem Lake.



Aerial Rendering

5. Anticipated Schedule

Significant milestones in the project schedule include:

Complete Final Design	December 6, 2019
Advertise Construction Contract (six-week period)	Jan-Feb 2020
Bid Opening	March 6, 2020
Council Award	April 2020
Notice to Proceed (procurement)	April 2020
Begin Site Preparation	May 2020
Begin Major Construction	June/July 2020
Construction Completion	Feb 2022



Rendering view looking east

6. Permitting Update

The project required permits from the City and several other agencies. All external permits are in hand. All remaining permits are anticipated to be in hand by the time the City is ready to award a contract. The remaining permit issue relates to the addition of an accessway for the benefit of the Northshore Utility District to allow access to one of their facilities.

CITY/LOCAL	OUTSIDE AGENCIES
SEPA	National Environmental Policy Act
Sensitive Areas Review	Hydraulic Project Approval
Land Surface Modification	Corps Nationwide Permit
	Ecology General Stormwater Permit

BUDGET UPDATE:

Through the 2019-2024 Capital Improvement Plan update, an additional \$580,000 was added to the project budget. The current approved budget is now \$18,290,700. As discussed with the Council previously during the CIP update process, approximately \$10 million of the budget will be financed through Councilmanic debt. The exact timing and amount of the debt will be determined after bids are open and as part of the budget and CIP discussions with the Council throughout the year. All projected costs are within this budget and include a 10% construction contingency.

NEXT STEPS:

Construction outreach efforts have begun and will include: project-specific signs, signs illustrating all city investments in the Totem Lake area, web-based information updates, and other efforts to ensure the residents and business communities have the opportunity to be fully informed.

Attachment A: Staff Reports from Previous City Council Meetings



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

ATTACHMENT A

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathy Brown, Director of Public Works
Joel Pfundt, Transportation Manager
Dave Snider, P.E., Capital Projects Manager
Ray Steiger, P.E., Operations Planning Manager
Kari Page, Senior Neighborhood Outreach Coordinator
Aaron McDonald, P.E., Senior Project Engineer

Date: January 12, 2017

Subject: CROSS KIRKLAND CORRIDOR - 2017 FEBRUARY COUNCIL RETREAT

Background

The vision for the Cross Kirkland Corridor transformation includes an unmatched path for walking and biking, a stunning linear park, and a site for future transit. The [Master Plan](#) includes places where people gather, a safe way to travel to a friend's house, a speedy way to get to work, fun places for play and reflective spaces full of stillness. The Master Plan goals provide a guide for achieving this vision.

- **Connect Kirkland:** The Cross Kirkland Corridor is fundamentally about making connections: connecting to the city via the corridor but also connecting the city back to the corridor. The corridor can connect to existing transit, future transit and potentially become home to high capacity transit. Innovative alternative transit between the corridor and downtown Kirkland is another example of a potential connection. The corridor connects people—neighbors, kids and schools, businesses and their employees and customers—in a new model for contemporary communities.
- **Shape a place unique to Kirkland:** More than a corridor that connects, the Cross Kirkland Corridor is a place, a destination, and an attraction. Kirkland is a city of diverse residents, and the corridor will welcome and serve all residents and visitors of all ages and abilities. The corridor will also capture the unique qualities that make Kirkland special—both in its design and in the programs and events it supports.
- **Foster a greener Kirkland:** The Cross Kirkland Corridor master plan will shape the development of an ecologically and environmentally enhanced corridor even as it

becomes an intensively used and integral part of city life. The corridor's greatest contribution to sustainability extends beyond its own project limits to offer the opportunity for all of Kirkland to become more sustainable. By providing sustainable, regional amenities, the corridor makes Kirkland 'greener.'

- **Activate Kirkland and evolve with time:** The corridor can lead the whole city forward to achieve existing and new goals. It is designed to adapt and evolve over time to meet the needs of a growing city. The corridor offers balanced transportation solutions that today might include improved connections to transit, and also future possibilities which may one day include high capacity transit. The corridor is envisioned as a catalyst for change and growth as under-utilized areas of the city increasingly become home to new businesses and residents.

The Cross Kirkland Corridor is viewed as a regional connector that serves Kirkland and the broader region. It is part of a much larger Eastside Rail Corridor (ERC) envisioned to provide regional connections for active transportation and more. The ERC Regional Advisory Council, (comprised of the owners and easement holders King County, Sound Transit, Redmond, Kirkland, and PSE) studied conditions, constraints, and opportunities along the ERC in 2013. In the end, they produced a report (A Corridor for the Ages) which included the following agreed upon vision for the ERC.

The ERC provides a rare and unique opportunity to develop a major north-south corridor for multiple, important purposes: mobility, utility infrastructure, and recreation. Development of the ERC will help shape our region for decades. It will provide uses and connections that will link jobs and housing, serve growing communities, offer amenities to business and residents, and support the protection of King County's natural resources—the protected forest land and open space to the east. The corridor offers exciting near-term possibilities, as well as the chance to be part of something even bigger and grander. Planned carefully, the ERC will become a "Corridor for the Ages," stretching from Vancouver to Vancouver, and beyond. Realizing this potential will take time, effort and shared regional resources. The Regional Advisory Council has begun that work. The purpose of this preliminary report is to outline the start of a shared planning process that will make the ERC a truly regional legacy.

The City of Kirkland has made rapid progress toward the vision of the CKC by removing the railroad tracks and constructing the Interim Trail within three years of purchasing their portion of the ERC. The 5.75-mile corridor runs through the heart of Kirkland and is the first section of the ERC mainline to be made available to the public. The CKC Interim Trail is a ten-foot-wide, crushed gravel trail extending from the South Kirkland Park & Ride to the Totem Lake Business District. It's "interim" because the [CKC Master Plan](#) calls for future improvements and connections to the many neighborhoods, parks, schools and businesses along the Corridor.

The City has leveraged approximately \$10M of outside funds and allocated approximately \$13M of City funds toward the CKC including the purchase just four years ago. Today, the CKC boasts over 15 secondary trail connections and a total of 28 counting the original primary trail connections built during the Interim Trail construction.

See Attachment A for the CKC trail map showing all connections and Attachment B for photos of some of the new trail connections. The secondary trail connections, added after the Interim Trail, were identified, prioritized and in many cases built by the community (with both City and private sector funding). These include:

Neighborhood Safety Program funded CKC Connections

1. Stairs from NE 68th Street
2. Stairs and bridge connection from 116th Avenue NE
3. Improved connection from NE 60th Street
4. Walkway Improvement 2nd Ave
5. Walkway Improvement 111th Ave NE at CKC
6. Walkway Improvement 8th Street South at Railroad Ave
7. Trail Connection at Forbes Creek Drive

CKC Connections funded by other sources

8. Stairs at NE 64th Street and the CKC
9. Stairs at Terrace Park
10. Stairs at Crestwoods Park/Cotton Hill
11. Stairs at NE 55th Street
12. Walkway and bridge to the Houghton Shopping Center
13. Walkway next to Google from 6th Street
14. Walkway next to Google to Lakeview Elementary School
15. Walkway next to Google at 7th Street

As more trail connections and amenities are made, the CKC will evolve, grow, and strengthen the quality of life for Kirkland and the region. Today's investments will become the catalysts for more improvements not only along the CKC but the entire ERC and region.

Maintenance Program

CKC maintenance plan was adopted 6/16/15 with the 2015-2016 Biennial Budget update (O-4483). The attached table (Attachment C) contains the approved CKC Maintenance Work Plan by task.

Over the past year, a number of additional maintenance items have been identified for consideration in future budgets:

- Through successful implementation of the Neighborhood Safety Program and capital improvement projects, numerous new connections have been created, linking neighborhoods and businesses to the CKC. At this time, there is no formal maintenance program to address the upkeep of these connections.
- Invasive plant species are rampant along the CKC. The Public Works Department has successfully partnered with volunteer groups to remove a fraction of the invasives; however, over the long term, the City might consider a more comprehensive approach

to removal of invasive species and rehabilitation of natural areas.

- Tree and brush removal requirements (especially along accesses to CKC) are significantly higher than anticipated.
- The neighbors and users of the CKC frequently request higher levels of maintenance service than provided for by the current budget. Litter removal, for example, is a task that could be increased in the future if deemed a high enough priority in balance with other transportation system needs.

In addition to service level considerations, City staff is working through some operational challenges associated with the new CKC maintenance program:

- Some of the activities are presenting detour and concurrent use challenges; heavy use along the corridor presents difficulties of operations that are not confined to one location (i.e., corridor dust control/spraying, corridor tree removal, mowing). Longer durations with lower productivity are anticipated in future.
- Programs are developing with significant volunteer opportunities (invasive species removal, stair/access way construction). The City's heavy use of volunteer labor has raised bargaining unit questions from City staff who are covered by the Teamsters' Collective Bargaining Agreement. The City's Public Works and Human Resources departments are working through these issues.

Public Works staff will continue to monitor the CKC Work Program. Once the new Maintenance Management System (Lucity) is in place, various level of service assumptions can be modelled and brought forward to Council for consideration.

Major Bridge Connections

The South Kirkland Park and Ride (SKPR) Connector Bridge and the NE 124th Street/124th Avenue NE Bridge (Given the working title of the "Totem Lake Connector Bridge") are two projects at (near) opposite ends of the Cross Kirkland Corridor (CKC). Both of these projects help to satisfy the principle goals of the CKC Master Plan by helping to connect Kirkland, fostering a greener Kirkland and shaping a place unique to Kirkland.

The large elevation difference between the SKPR and the CKC creates challenges for all, and barriers for some pedestrians and bicyclists. The SKPR Bridge



Project is a bridge and elevator structure that would provide a direct connection for persons of all abilities. Similarly, the Totem Lake Connector Bridge (TLCB) will provide a safe bicycle and pedestrian connection between Totem Lake Park and the CKC. The current street level crossings are daunting for pedestrians and bicyclists, due to high traffic volumes and multiple intersecting streets.

South Kirkland Park & Ride:

- The SKPR Bridge has been put on hold, due to prohibitively high costs associated with construction constraints at the Park and Ride, and the potential for a less expensive design approach with the approval of ST3, including a South Kirkland Park and Ride light rail station.
- The design concept, as originally conceived, provided a landmark entrance to the CKC at south City limits and an ADA-accessible multi-modal connection between the SKPR/Transit Oriented Development and the CKC.
- With the approval of ST3, City of Kirkland staff will work with Sound Transit and King County Metro on options to create the planned connection at a lower cost.
 - Metro staff has expressed a willingness to close down as much of the facility as necessary during construction to lower costs.
 - City staff hopes to work with Sound Transit to pursue the concept of expanding the South Kirkland Park and Ride Garage in the early stages of ST3. The site is currently significantly overbooked, and could use the added capacity today. Adding to the existing garage could provide a same-level platform for a bridge landing, providing less expensive solutions to the grade separation problems.

Totem Lake Connector Bridge:

- The project consists of a pedestrian/bike bridge across the intersection of NE 124th Street & 124th Avenue NE/Totem Lake Blvd, with a connection to Totem Lake Park.
- Total preliminary project budget is \$12.8M: \$1.5M for design, \$11.3M for construction (\$6.3M secured with \$6.4M identified as "external" not yet secured). This budget is based on rough, preliminary concepts; cost projections will be refined as design progresses and choices that impact length, width and visual appeal are made.
- Design: Ongoing -- December 2016 to March 2018. There is a potential award of \$923,000 from the Puget Sound Regional Council (PSRC) pending. If awarded this grant, staff will request that the amount be appropriated to the design phase of the project.
- Design is anticipated to be completed March 2018 in preparation for grant funding applications – construction-ready plans support applications and result in higher project selection scores.
- Construction: Anticipated to immediately follow the design (March 2018) pending additional funding being secured.
- Initial public outreach shows high interest in project and outcome.

More information on the Totem Lake Connector Bridge design and public outreach process will be brought to the Council at one of the February Council meetings.

With the successful implementation of these two projects, the Cross Kirkland Corridor will be more usable, inviting, and exciting, providing a strong start to future phased implementation of the CKC Master Plan. These two projects will be viewed as places to meet, destinations and landmarks both within the CKC, and the larger community.

Transit opportunities

A key part of the vision for the Cross Kirkland Corridor articulated in the Master Plan is that it is to remain a transportation corridor. The CKC is envisioned not only to be a great corridor for walking and biking, but also a corridor for future high capacity transit to serve the mobility needs to Kirkland and the region. The opportunity presented by the CKC to serve as a high capacity transit corridor will present itself as the City moves forward with its partners to implement the ST3 System Plan and Metro CONNECTS plan. It will also play a role in studies such as the 6th Street Corridor Study and the upcoming citywide Transit Plan.

Opportunities to coordinate with Sound Transit exist at several locations:

- NE 85th St – Connectivity to Downtown, Kirkland Urban, Google and other surrounding neighborhoods.
- Totem Lake:
 - Coordination regarding construction of the pedestrian-bike bridge and infrastructure improvements in the vicinity of the CKC.
 - Access improvements to the NE 128th Freeway Station.
 - Transit Oriented Development at the Kingsgate Park and Ride. This proposal will be a coordinated effort between the City, King County Metro, the Washington State Department of Transportation (which owns the site), and Sound Transit.
- South Kirkland Park and Ride:
 - Partnering on improving walking and biking access between the CKC and the park and ride in the short term, while also adding additional park and ride capacity.
 - Long-term – setting the stage for future light rail coming to South Kirkland Park and Ride by 2041, consistent with the adopted ST3 system plan.

Summary

Much work has been done by the City of Kirkland toward the vision in the Cross Kirkland Corridor Master Plan. The trail is highly used and has quickly become a cherished community asset. The successful efforts to date will continue into the future.

Attachment A – CKC Interim Trail Connection Map

Attachment B – CKC Interim Trail Connection Images

Attachment C – CKC Maintenance Work Program

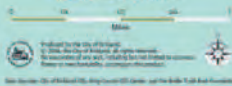
kirklandwa.gov/crosskirklandcorridor · explorekirkland.com
[facebook.com/crosskirklandcorridor](https://www.facebook.com/crosskirklandcorridor)



THE CROSS KIRKLAND CORRIDOR INTERIM TRAIL

CROSS KIRKLAND CORRIDOR Interim Trail Connections and Surrounding Amenities

- Boat Launch
- Boat Moorage
- Baseball / Softball
- Basketball
- Facilities Rental
- Fishing
- Gardening
- Interpretive Walks
- Off-Leash Dog Area
- Picnicking
- Playground
- Public Dock
- Restrooms
- Soccer
- Swimming (Summer)
- Tennis
- Volleyball
- Community Facility
- Post Office
- Transit Center
- Park & Ride
- Parking
- Hospital
- Fire Stations
- Overpass
- Park Trail / Walkway
- Cross Kirkland Corridor
- Waterfront-Ownership
- Eastside Rail Corridor
- King County-Owned
- Future Redmond Central Connector
- Bicycle Lane
- Kirkland City Limit
- Neighborhood / Minor Street
- Major Street
- Interstate / Freeway
- Kirkland Park / Open Space
- Other Park / Open Space
- School
- Primary Trailhead
- Secondary Trailhead
- CKC Trail Mile Marker



Primary trailhead is a non-urgent connection of the CKC to a major arterio (usually, but not always, a freeway). Primary trailheads are accessible to those with mobility challenges but do not require steps or other access.

Secondary trailhead is a more urgent connection typically built by volunteers to connect neighborhoods or go to the lake. The site and accessibility of these trailheads are dependent upon the character of the surrounding area and level of use. These connections are not accessible to those with mobility challenges. Some have bicycle ramps and others are provided to be enhanced via a primary trailhead station when funding becomes available.

Trailhead access points are the location of access to each trailhead on the map.



CKC Master Plan Goals



ANNOUNCEMENTS / INFORMATION

kirklandwa.gov/crosskirklandcorridor · explorekirkland.com
[facebook.com/crosskirklandcorridor](https://www.facebook.com/crosskirklandcorridor)



116th Avenue NE



NE 55th Street



Crestwoods Park



Cotton Hill Park



NE 64th Street



Terrace Park



6th Street S.



Future South Kirkland Park and Ride Bridge



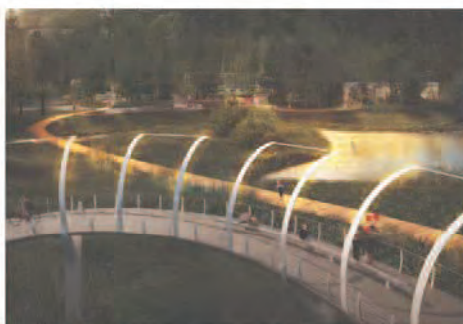
Lakeview Elementary School



7th Avenue S.



Houghton Shopping Center



Future NE 124th Street/Totem Lake Blvd. Bridge



NE 68th Street



CROSS KIRKLAND CORRIDOR
PUBLIC WORKS MAINTENANCE ACTIVITIES
2016

	Activity # (old)	Activity # (new)	Task Name	Est Frequency (LOS)	Est annual total (hrs) 2016	Volunteer hrs	Actual (hrs) 2016	notes
"PROACTIVE"	129	129	mowing	2X per year	80		127.0	July
	130	160T	tree pruning	1X every 5 years	32		40.0	
	131	160N//131	spraying	3X per year	240		50.0	
	131a	160N	invasive species eradication	4X per year	640		205.5	
	131b	160N	invasive species eradication			650		significant volunteer effort in 2016
	132a	160L	litter pickup/mutt mits	daily	520		603.0	
	132b	160L	litter pickup	4X per year				
			empty non-WMI garbage cans	weekly	0			
	134	160M	daily inspection	daily	520		218.5	
	136	136	Bridge inspection	1X every 2 yrs				
	141	134G	blading/leveling	2X per year	48		108.0	
	157	157	RRFB battery replacement	1X every 5 years	1			
	714	714	storm system cleaning	annually	48			numbers not available at print
	770	772	maintain ditching	annually	200			numbers not available at print
			ditch debris inspection	annually	16			
	new	160S	dust control	1X per year				
"REACTIVE"	130	160D/T//134T	tree/brush removal	monthly	96		922.5	access paths included in 2016 #s
	132	160L	illegal dumping removal	monthly	48			
	133	160G	graffiti abatement	4X per mo	96		66.0	
	134	134F	fence repair	monthly	48		41.0	
	134	774	erosion control	monthly (winter only)	16			
	134	160L	work party debris removal	monthly	48			
	164	164	sign repair	2X per year	8			
POST CITY-COUNCIL ADOPTION								
	120		saw cutting	1X per year	na		1.0	
	121		hot patch	2X per year	na		105.0	approaches and widenings
	123		concrete repair	2X per year	na		27.5	
	128		sweeping	2X per year	na		3.0	
	134A		stair construction	3X per year	na		312.5	coordination with Neighborhood svcs
	134B		donation benches	1X per year	na		20.0	
	134S		ADA stalls	1X per year	na		3.5	
	141		center medians	1X per year	na		52.0	near cross streets
	145		extruded curb	1X per year	na		22.0	near cross streets
			bridge/culvert access crossings	1X per year	na			numbers not available at print
		donation bench installation	1X per year	na				
		flagging for contractor work	2X per year	na				
					2704.7		2928.0	



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Aaron McDonald, P.E., Senior Capital Projects Engineer
David Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Department Director

Date: March 23, 2017

Subject: TOTEM LAKE CONNECTOR PROJECT UPDATE

RECCOMENDATION:

City Council to receive a briefing including the following:

- A short discussion of past and current project activities.
- An update on the most recent March 16th public open house.
- An overview of collected responses to the project survey and questions asked at the recent open house.
- A preview of upcoming project milestones and discussion of future updates/presentations.

Staff will be seeking Council input on which bridge design concepts should move forward for more detailed design and costing at the Study Session.

BACKGROUND DISCUSSION:

On February 21, 2017, the City Council approved R-5239, adopting the 2017-2018 City Work Program (Attachment A). One element of the Work Program is to "Implement the Cross Kirkland Corridor Master Plan focused on the Totem Lake Connector and South Kirkland Park and Ride connection to further the goals of *Balanced Transportation, Parks, Open Spaces and Recreation Services, Economic Development, and Neighborhoods.*" This briefing focuses on the Totem Lake Connector Bridge.

At the Study Session held on February 7, 2017, staff provided City Council an update on the project progress. At that time, staff discussed:

- Selection process of the preferred design consultant (COWI North America).
- Cross Kirkland Corridor Master Plan (CKC-MP) goals that are the "touchstones" for design.
- The critical nature of this connection for both the regional trail, and as a unifying element of the Totem Lake neighborhood.
- Efforts to involve the public, city commissions and other interested parties in the project.

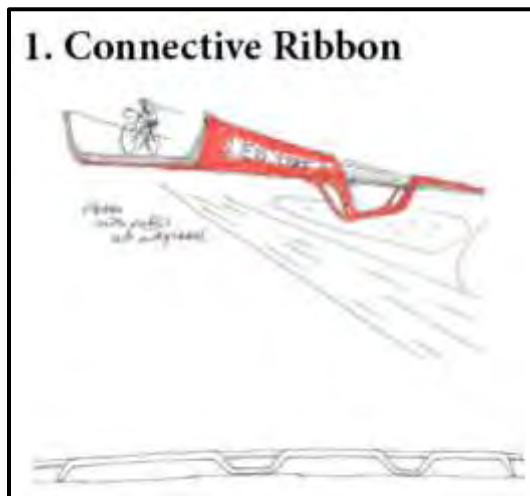
- A general discussion of the upcoming major project milestones, public open houses, and anticipated timeline for completion of design. Also discussed was the current project budget, including an award of \$923,000 in Federal Congestion Mitigation and Air Quality grant administered through the Puget Sound Regional Council (PSRC).

Initial design information has been gathered and the design team is positioned to move forward with developing up to three preferred alternatives. The current work will help identify these alternatives.

Alternative Development and Selection

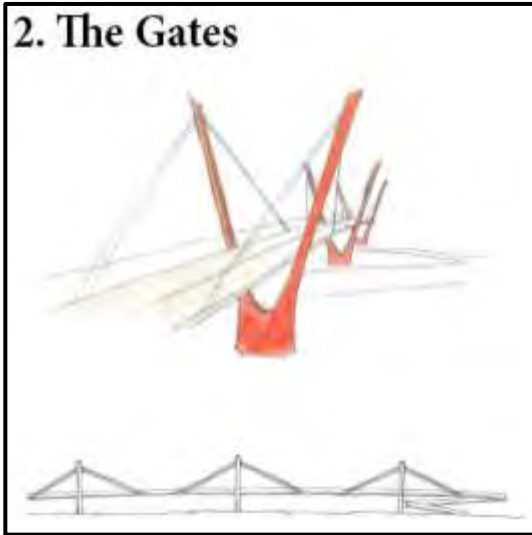
Identifying the top design alternatives and a preferred bridge/trail section width are key elements in keeping the project on-track to meet the design completion target date of March 2018. This date was selected due to a prospective PSRC call for construction grant applications in May 2018. Although an application can be made without a completed bid-ready design, the City will be more competitive in the process with one.

To achieve this, staff has been gathering information through surveys both online and at two open houses held to-date. At the March 16 Open House, a series of specific questions were asked to gauge the public response to five bridge concepts, along with questions about how the concepts appeared to meet specific goals of the project and city. Staff also began exploring a preferred deck width and connected this to how the width effects the cost of the structure. The five concepts, along with the design cues considered are shown below:



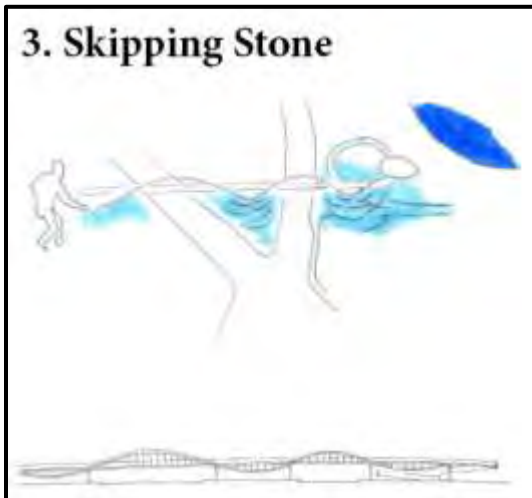
- 1.) Connective Ribbon: A ribbon-like bridge with integrated art in the form of text--poetry--and/or a pattern, which can be illuminated at night. The ribbon can descend to the traffic island while the bridge deck continues with transparent railing, creating an unexpected opening at the bridge deck, above the island, where a sculptural form stands.

2. The Gates



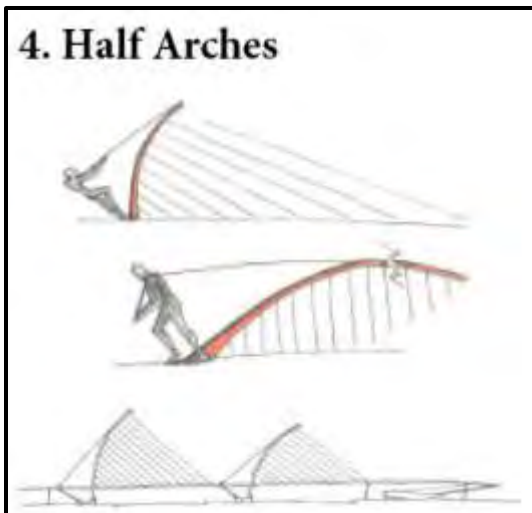
- 2.) The Gates: A memorable procession of structure celebrating the arrival of the Cross Kirkland Corridor trail to Totem Lake. The repetitive structure offers the economy of sculptural towers and an assisted girder span arrangement.

3. Skipping Stone

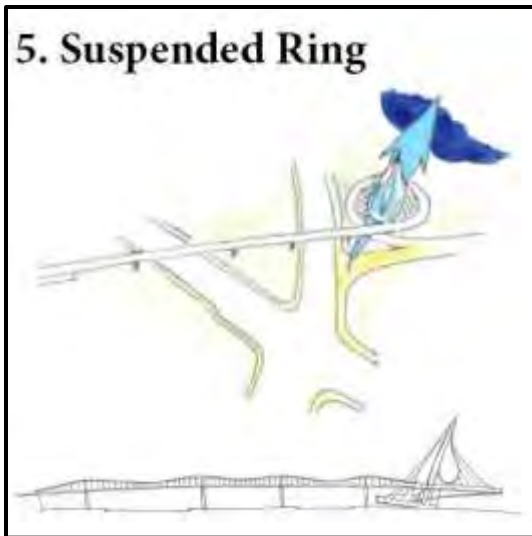


- 3.) Skipping Stone: A fluid form, engaging the connection between Lake Washington and Totem Lake. The motion of a skipping stone toward Totem Lake expresses the connection between the community and nature.

4. Half Arches



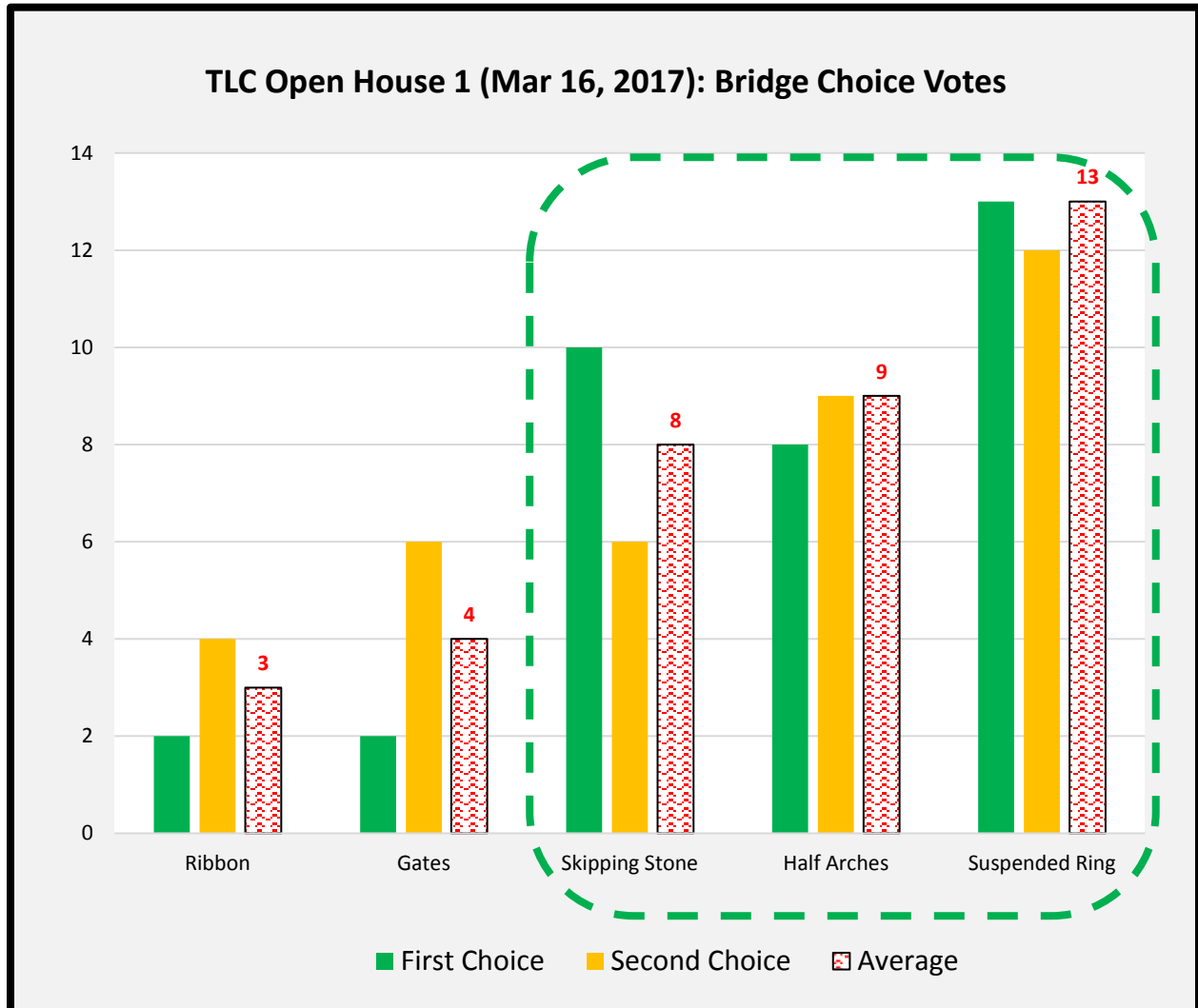
- 4.) Half Arches: Offers a landmark form and expressive gesture of motion toward Totem Lake. Two "half-arch" spans step down toward the Lake. Paired vertical elements create a series of portals, an exciting experience providing a sense of passage.



- 5.) Suspended Ring: A visual way-finding linkage through the new corridor and park areas that connects the community to nature. A special "droplet" portal within the cables supporting the "apparently hovering" loop ramp structure frames the view onto Totem Lake.

When the public was asked to list their first and second most-preferred concepts, the following preferences emerged (highlighted by the green dashed line in Table 1 below):

Table 1. Bridge Choice Votes

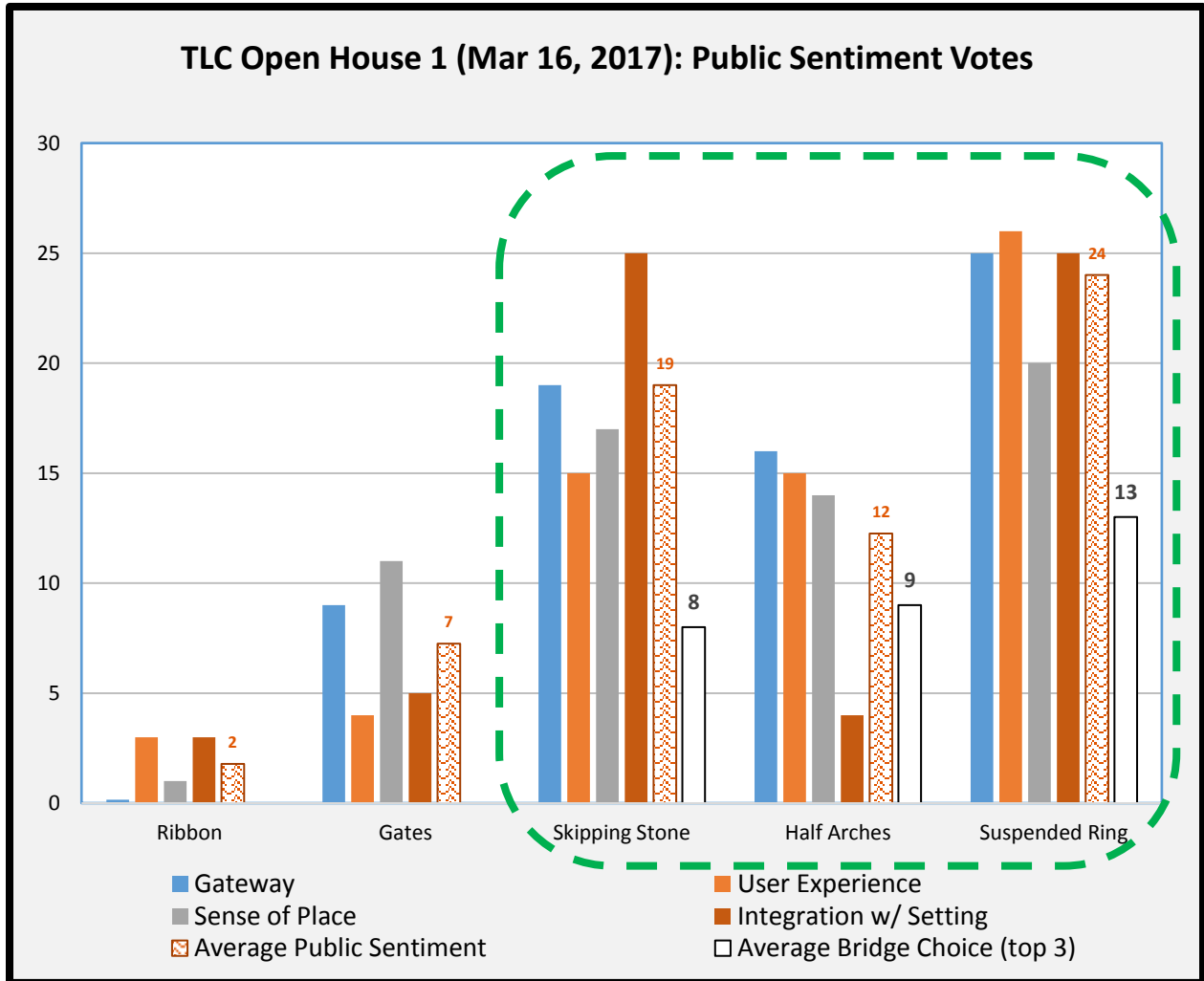


Participants were then asked to rank the bridge concepts according to which ones best represent the design goals listed below:

- *Gateway Feature (distinct memorable form)*
- *User Experience (provides interesting experience while traveling along)*
- *Sense of Place (establishes a landmark that defines the community)*
- *Integration with the Setting (stands in harmony with its environment and surroundings)*

A preference was shown for the concepts highlighted by the green dashed line – the same ones emerging from the previous question (Table 2 below):

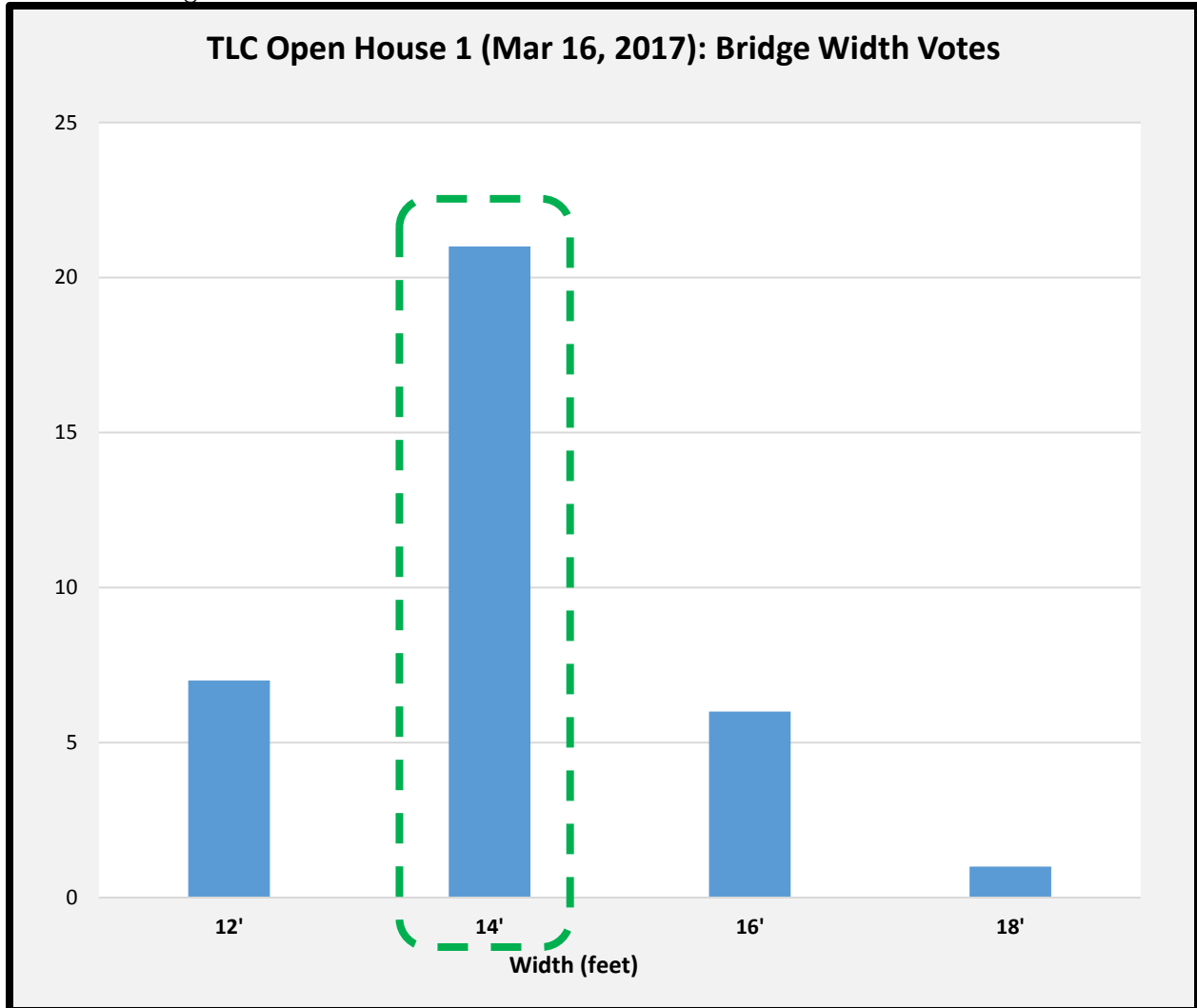
Table 2. Public Sentiment Votes



An interesting idea that emerged is the possibility of combining the top two concepts - the fluid motion of the "Skipping Stone" concept, paired with the "Suspended Ring" concept which includes an expressive sculptural form in the support cables while minimizing impacts as the ramp would "float" above the wetland (no in-wetland supports).

Staff also created an exercise to show participants the actual potential widths (by using tape and “creating” each bridge deck width on the floor of the room). When participants were asked which width they preferred, staff noted the following result (Table 3 below):

Table 3. Bridge width Votes



Next Steps:

The design team and staff, based on the preferences expressed in the graphs above, recommend to focus more detailed design and costing work on these three alternatives. Staff is seeking concurrence or edits to this recommendation from the Council. Staff will return to Council in late May or early June with the results of this work and a recommendation on a preferred alternative as the next step in advancing to the final design.

RESOLUTION R-5239

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
SETTING PRIORITY GOALS FOR 2017-2018 AND ADOPTING THE 2017-
2018 CITY WORK PROGRAM.**

1 WHEREAS, in 2011 and 2012 the City Council approved annual
2 City Work Programs, but desires that subsequent City Work Programs
3 be adopted as biennial initiatives to better align with the biennial budget
4 process; and
5

6 WHEREAS, the City Council has adopted ten Goals for the City
7 that articulate key policy and service priorities and guide the allocation
8 of resources for Kirkland through the budget and capital improvement
9 programs; and
10

11 WHEREAS, due to economic cycles and fiscal constraints, equal
12 progress cannot be made on all City Goals at all times and the City
13 Council must prioritize certain Goals at certain times; and
14

15 WHEREAS, in 2017-2018 the City Council desires to respond to
16 strong growth and economic development, retain a high quality of life
17 in Kirkland, and provide efficient, cost-effective City services to an
18 informed and engaged public; and
19

20 WHEREAS, to help achieve these purposes in 2017-2018, the Council
21 prioritizes the Goals of Public Safety, Dependable Infrastructure,
22 Balanced Transportation, Financial Stability, Economic Development
23 and Parks, Open Spaces and Recreation Services; and
24

25 WHEREAS, the City Council believes it is appropriate to adopt a
26 2017-2018 City Work Program to help implement these priority Goals,
27 identify the priority focus of the City of Kirkland's staff and resources,
28 and enable the public to measure the City's success in accomplishing its
29 major policy and administrative goals; and
30

31 WHEREAS, the 2017-2018 City Work Program is a list of high
32 priority, major cross-departmental efforts, involving significant financial
33 resources designed to maintain public safety and quality of life in
34 Kirkland, as well as an effective and efficient City government; and
35

36 WHEREAS, since over the course of two years new issues may
37 arise that require substantial City resources and City Council review, the
38 adopted 2017-2018 City Work Program will be evaluated during the mid-
39 biennial budget process to proactively determine whether emerging
40 items can be accommodated, deferred, or if the City Work Program must
41 be revised or reprioritized;

42 NOW, THEREFORE, be it resolved by the City Council of the City
43 of Kirkland as follows:
44

45 Section 1. The 2017-2018 City Work Program consisting of the
46 following initiatives is adopted:
47

- 48 1. Implement the Cross Kirkland Corridor Master Plan focused
49 on the Totem Lake Connector and South Kirkland Park and
50 Ride connection to further the goals of **Balanced**
51 **Transportation, Parks, Open Spaces and Recreation**
52 **Services, Economic Development, and**
53 **Neighborhoods.**
- 54 2. Renovate Fire Station 25, construct new Station 24, and
55 site new Station 27 to further the goals of **Public Safety**
56 and **Dependable Infrastructure.**
- 57 3. Explore potential ballot measures for Fire Station
58 modernization and public safety operations to further the
59 goals of **Public Safety, Dependable Infrastructure,**
60 and **Financial Stability.**
- 61 4. Expand Maintenance Center capacity to meet the service
62 needs of the larger City to further the goals of
63 **Dependable Infrastructure, and Parks, Open Spaces**
64 **and Recreation Services.**
- 65 5. Partner with A Regional Coalition for Housing, churches
66 and non-profits to construct a permanent women and
67 family shelter in Kirkland to further the goals of **Human**
68 **Services and Housing.**
- 69 6. Fund capital investments to support growth in Totem Lake
70 Urban Center to further the goals of **Economic**
71 **Development, Balanced Transportation, and Parks,**
72 **Open Spaces and Recreation Services.**
- 73 7. Replace the City's core financial and human resources
74 software to further the goal of **Financial Stability.**
- 75 8. Facilitate Community Policing through implementation of
76 Police Strategic Plan to further the goals of **Public Safety**
77 and **Neighborhoods.**
- 78 9. Partner with Sound Transit, the State Department of
79 Transportation and King County Metro Transit to ensure
80 that investments along I-405 serve Kirkland's mobility
81 needs to further the goals of **Balanced Transportation**
82 and **Economic Development.**
- 83 10. Procure a new solid waste contract and engage King
84 County and Kirkland residents to determine the future of
85 the Houghton Transfer Station and Houghton Landfill to
86 further the goals of **Environment and Dependable**
87 **Infrastructure.**
- 88 11. Enhance resident and business engagement in Kirkland
89 through community-based initiatives that foster a safe,

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inclusive and welcoming city and a love of Kirkland to further the goals of **Public Safety, Neighborhoods** and **Economic Development**.

Section 2. The City organization shall demonstrate the operational values of regional partnerships, efficiency and accountability as the 2017-2018 City Work Plan is implemented.

Section 3. The City Manager is hereby authorized and directed to develop implementation steps and benchmarks for each initiative in the 2017-2018 City Work Program, prioritize resources and efforts to achieve those benchmarks, and periodically update the Council regarding progress on these efforts.

Passed by majority vote of the Kirkland City Council in open meeting this 21st day of February, 2017.

Signed in authentication thereof this 21st day of February, 2017.


MAYOR

Attest:


City Clerk



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Aaron McDonald, P.E., Senior Capital Projects Engineer
Kathy Brown, Public Works Department Director
Dave Snider, Capital Improvement Projects Manager

Date: May 24, 2017

Subject: TOTEM LAKE CONNECTOR PROJECT – ALTERNATIVE SELECTION

RECOMMENDATION:

City Council to select by motion one of four bridge alternatives to advance to final design.

With City Council approval, staff will move forward with design and will provide status reports to the Council throughout the design process, including at 30% design and sometime prior to final design.

BACKGROUND DISCUSSION:

The Totem Lake Connector Bridge Project (Project) will provide a safe and alternative route for users of the Cross Kirkland Corridor (CKC) across the NE 124th St/124th Ave NE/Totem Lake Blvd. intersection, one of Kirkland's busiest. This Project is a key component of the Cross Kirkland Corridor Master Plan and compliments the Totem Lake Park improvements, providing an unmatched viewing opportunity from high above the lake/wetland complex. The Project also supports development of the CKC as part of a region-wide transportation network providing opportunities for alternative commuting, recreation, and community gathering spaces. Locally, it supports development of the Totem Lake Urban Center into a vibrant, pedestrian-friendly location that will ultimately provide housing, retail, and entertainment options for current and future area residents.

The Project is included in the 2017-2022 Capital Improvement Program as project CNM-0086-100 with a current budget of \$12.86M (\$5,730,100 funded and \$6,379,900 unfunded). The current work focuses on developing and selecting a preferred design alternative which, with City Council approval, will be developed into a completed close-to-bid-ready design package for use in pursuing outside funding opportunities for construction. The Project is also a key item in the 2017-2018 City Work Program (Initiatives 1 and 6).

The Project schedule is built around an upcoming competitive Congestion Mitigation and Air Quality (CMAQ) grant opportunity with a call for proposals occurring in May, 2018. Other grant

opportunities (such as 2017 TIGER Grant) are also recognized and will be pursued, as-appropriate. Major milestones to achieve the May 2018 timeline are shown below in Table 1:

Table 1. Project Schedule

Notice to Proceed issued to COWI NA for Alternatives Development	Selection of Final Alternative for Design	30% Design Submitted for Selected Alternative	Design Complete	CMAQ Call for Proposals
November 2016	June 2017	July 2017	March 2018	May 2018

To support the Alternatives Development and Selection process, three meetings have been held with City Council. The focus of each of these meetings was:

- February 3, 2017 – Council Retreat
 - Project and goals for the CKC discussed: *Connect Kirkland, Shape a place unique to Kirkland, Foster a greener Kirkland, Activate Kirkland and Evolve with time.*
- February 7, 2017 – Council Study Session
 - Project update: discussion of the design team selection process, public outreach plan, and discussion of the Project schedule and outcomes.
- April 4, 2017 – Council Study Session
 - Project update: provided results of public open houses and online survey, and previewed upcoming project milestones and decisions. Discussed key design parameters including Level of Service goals and potential deck widths.
 - At this meeting, City Council selected 3 alternatives to advance for further study – subsequently, a 4th alternative was included after additional City Council polling results.

PUBLIC PROCESS:

To anchor the public process, a series of open house meetings were held to involve the public in identifying alternatives that best meet the goals of both the CKC Master Plan and the project design objectives to develop a bridge structure that achieves:

- *Gateway Feature* (distinct, memorable feature while traveling along or beneath the bridge).
- *Sense of Place* (establishes a landmark that defines existing and future community).
- *Integration with Setting* (design of a structure that stands in harmony with its environment and responds to its surroundings).
- *User Experience* (Provides interesting experience while traveling along the bridge).

These are important guides to keep in mind as alternatives are evaluated.

Open House #1 (February 2, 2017, Kirkland Justice Center)

This open house was focused on re-introducing the Project to the public and reminding participants of all the work that had been done to-date that supported this Project including; development of the CKC Master Plan, Totem Lake Park Master Plan, Totem Lake Neighborhood Plan, Transportation Master Plan, and Eastside Rail Corridor planning. Displays are presented as Attachment A.

Open House #2 (March 16, 2017, Kirkland Justice Center)

At this second open house, 33 participants were shown the boards from the first open house, with two new additions: Bridge Elements and Features, and Bridge Concept Studies (Attachment B). Participants were asked to identify their favorite concept.

As a second exercise to identify preferred bridge widths, a mock-up of the various width options was provided by using tape on the floor to "create" the different widths for participants to experience. Participants favored a 14 foot width (21 out of 35 votes).

Open House #3 (May 4, 2017, Kirkland Justice Center)

At the 3rd open house, a new series of display boards was presented that included photo renderings of each of the 4 selected alternatives. Various viewpoints and details are presented in each board for each bridge alternative, maintaining the same layout for each board to aid in comparisons between the alternatives (Attachment C).

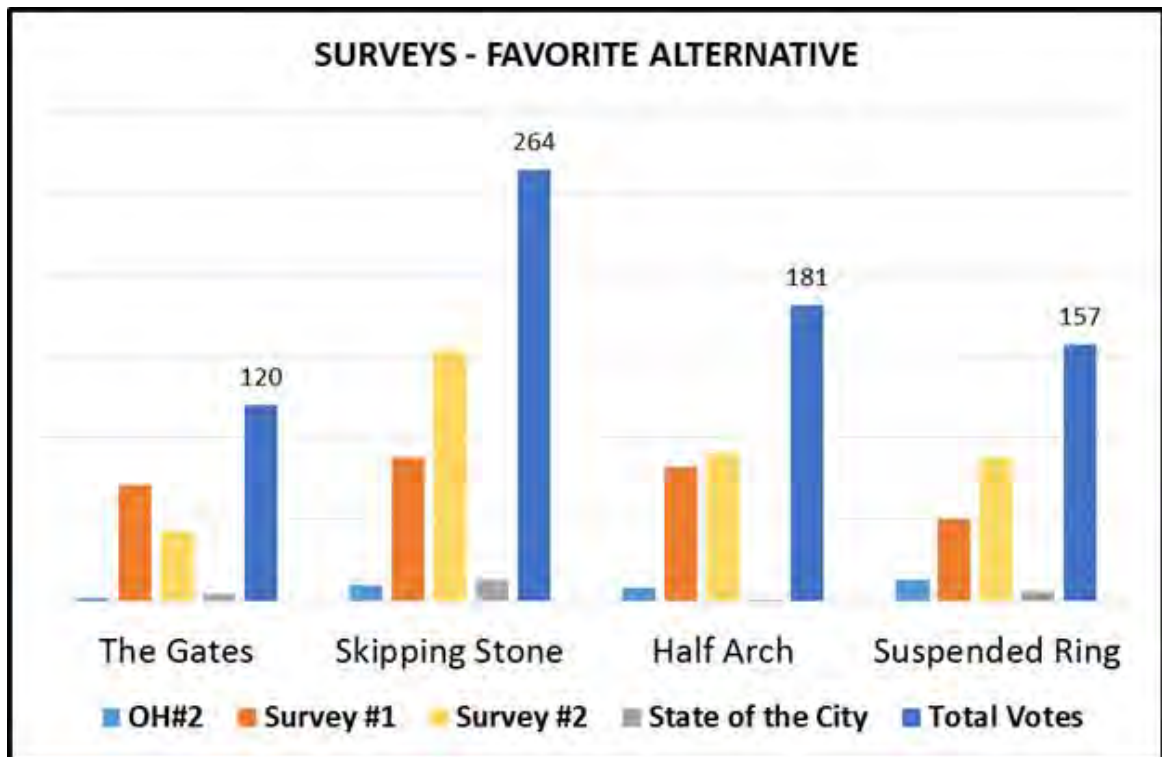
Due to unfavorable weather that evening, turnout was low (7 people) and a poll was not taken (all participants had previously submitted their favorites in an online survey)

Online Survey Results

A number of online surveys were developed to help gauge interest in, and identify favorite concept(s) to aid in refining selections and understanding preferences. Two surveys were conducted and the results are presented in Figure 1 below:

Figure 1. Survey Results

Total responses: 698



Note that although we had many participants (698), this was not a statistically valid methodology, and respondents represent a small fraction of the residents, businesses, and travelers that will experience the finished product. We also note that the area is growing rapidly, and decisions today will affect the experience of future residents, businesses, and users of the city transportation infrastructure.

TRANSPORTATION COMMISSION COMMENTS:

(These comments represent a synopsis of discussions at several Transportation Commission meetings and are provided by Joel Pfundt, City of Kirkland Transportation Engineering Manager)

In February and April of 2017, City staff presented the Project to the Transportation Commission for review and comment.

In February, staff described the process, goals, scope, schedule and current challenges. The Commission was very supportive of the Project and saw the potential it has to connect the different quadrants of Totem Lake. Commission members encouraged staff to carefully balance the various design elements of the Project.

In April, staff provided an update on the status of the Project design. The Commission was supportive of a width of 14 feet for the bridge because it balances the desired level of service with project cost. The majority of the Commission (five members) preferred the Skipping Stone alternative, while the Half Arch and Suspended Ring were each

supported by one Commissioner. There was a desire to combine the Skipping Stone and Suspended Ring alternatives, but a recognition that the design challenges and costs of this option deemed it to be impractical.

CULTURAL ARTS COMMISSION COMMENTS:

(These comments represent a synopsis of discussions at the May 17th Cultural Arts Commission Meeting – prepared by Ellen Miller-Wolfe, City of Kirkland Economic Development Manager)

Members of the Cultural Arts Commission had many different opinions about the bridge designs. Several had difficulty envisioning the future Totem Lake and whether or not it or the present Totem Lake, or some hybrid, should inform the design of the bridge. Also, Commissioners discussed whether the bridge should be an icon that draws visitors to Totem Lake or whether the bridge design should be tailored to the views of its principal consumers, the pedestrian and bike travelers it will carry. The Commission also discussed whether the bridge should mimic the landscape like the skipping stone design, or be contrasting like the more angular designs and the “exclamation point”, the suspended ring. All agreed that the bridge touchdown in Totem Lake Park, as a part of the Park, needed to be seriously considered.

There were outliers among Commissioners who preferred the Arches and more angular designs, but for the majority of members, the preference was for the Skipping Stone design with its curvilinear lines and horizontality. However, there also was strong support for the Suspended Ring, as the “surprise” or “exclamation point” from another design.

There was general sentiment that light and color could add to whatever design was chosen and provide more of a dramatic and iconic look. The Commission asked that these elements be seriously considered and incorporated as the design of the bridge advances. There were misgivings about the number of current and future power lines that would mar the presence of the bridge. In concert with the bridge cabling, many felt that there would be too much of a cluttered setting. (See Attachment D for meeting minutes)

BERGER PARTNERSHIP COMMENTS:

The Berger Partnership was asked to review the four alternatives and to comment on how they integrated with the Cross Kirkland Corridor Master Plan, and the Totem Lake Master Plan. In general, Berger is pleased with the potential designs and provided comments on the concepts as well as technical considerations. Their comments are provided in Attachment E.

OTHER PUBLIC FORUMS:

A number of other presentations were provided to interested groups including:

Neighborhoods	Businesses/Groups	Councils/Boards
KAN (x2), Moss Bay	Kirkland Conversations (x2)	Parks (x2)
Juanita, Norkirk	Kiwanis	Youth Council

DESIGN ACCOMPLISHMENTS:

A number of studies were undertaken to define and inform key design elements/decisions:

- 1) Basis of Design – document defining key technical aspects such as governing design codes, design life, bridge geometry, design loads, deflection and vibration criteria.
- 2) Level of Service (LOS) – study process that defines the uses, numbers of users, and future expected uses to assist in determining the expected traffic volumes (pedestrians, bicyclists, runners, skaters, etc.) to be accommodated.
- 3) Recommended Width – in conjunction with the LOS study, an iterative process that uses models, studies, and real-world data from similar environments to identify a width that provides the designated LOS, and provides an acceptable user experience now, and in the future.
- 4) Type, Size and Location (TS&L) Study – a formal design document following well-established procedures that identifies critical details of each bridge design, articulates the process followed to evaluate and document variations, and provides a detailed cost estimate based on design considerations and the best available cost data to-date.

TYPE, SIZE AND LOCATION DOCUMENT AND ALTERNATIVES EVALUATION:

The Type, Size and Location (TS&L) study presents reviewers and decision makers with a concise presentation of the background studies and information used to develop and evaluate selected concepts. This allows for an informed final concept selection. The following list shows the major headings contained in the attached 40-page report (Attachment F):

1. Executive Summary
2. Bridge Design Criteria
3. Project Goals and Objectives
4. Project Constraints
5. Project Studies
6. Structural Alternatives
7. Alternative Evaluation
8. Recommendation and Conclusions

Also part of the TS&L study are supporting studies, estimates, drawings, and other information used to inform the above. Appendices included are:

Appendix A	10% Drawings	Appendix H	Level of Service & Width
Appendix B	Cost estimate	Appendix I	Public Outreach
Appendix C	Basis of Design	Appendix J	Arborist Survey
Appendix D	Geotechnical Borehole Logs	Appendix K	Stopping Sight Distance
Appendix E	Draft Wetlands Delineation	Appendix L	Utilities
Appendix F	APE Request Letter	Appendix M	Alignment Studies
Appendix G	Hazardous Materials Report		

PROJECT GOALS AND OBJECTIVES:

The following City of Kirkland Project Goals and Objectives were considered throughout the development of the Project and are presented below:

- Fulfill the Vision – *Distinguish the CKC as a unique cultural and recreational destination for the community and region. Provide an experience beyond that of a typical regional trail. Design a structure that stands in harmony with its surroundings and responds to the various constraints and features of the site.*
- Support Economic Development – *Utilize the corridor’s development to catalyze economic growth, encouraging residential and commercial development that can charge the corridor and city with energy and vitality.*
- Connect to Regional Trails – *Connecting to new and existing trail facilities will make the CKC available to more users and regional destinations. A convenient, direct link between the currently disconnected CKC Trail segments will greatly increase the functionality of the trail and will attract users.*
- Non-Motorized Transportation Artery – *The CKC will connect with significant growth and high-density use areas to provide unimpeded travel. Ensuring connections are made with the CKC and key streets, schools, parks, commercial land, and transit will maximize public benefit.*
- Safety – *The Totem Lake Connector Project will significantly improve safety by providing CKC users with a grade-separated crossing of NE 124th Street and Totem Lake Boulevard. Crime Prevention through Environmental Design (CPTED) will be implemented by providing clear sightlines throughout the project.*
- Create a Destination – *The CKC and TLC are envisioned to become destinations. This linear “park” with the future redevelopment of Totem Lake Park, provides Kirkland residents and visitors with superb recreational opportunities and an enjoyable environment to travel within and between places.*
- Ease of Construction/Fabrication – *Minimizing traffic disruption at the busiest intersection in Kirkland.*
- Minimize Environmental Impacts – *Limit impacts to nearby wetlands and natural site features.*

PROJECT CONSTRAINTS:

The items that were considered to have the greatest effect on the Project design and/or were critical from a project success perspective are:

- Utilities - *multiple public and private utilities exist along, or crossing the corridor and are considered in the design. Additional City IT infrastructure is planned to be integrated into the final design.*
- Wetlands/Permitting – *wetland delineation, cultural resources reviews, and Hazardous Materials inventories have been completed.*
- Traffic Impacts – *minimizing traffic disruptions during construction have been key considerations during alternatives development.*
- Constructability – *ease of fabrication and cost have been at the forefront during alternatives development.*
- Future Transit – *future transit easements have been maintained with each alternative.*
- Geotechnical – *limited preliminary geotechnical borings to determine general foundation conditions have been completed. Work indicates that most foundations will reach depths of over 40 feet to provide adequate support.*
- Drainage – *alternatives are being developed to manage both existing drainage along the CKC in the project area, and additional drainage requirements to support the structure. This design process is also being coordinated with multiple other city projects in the area to identify any efficiencies and/or opportunities.*

PROJECT STUDIES:

A number of studies and information gathering exercises were performed to understand:

- Aesthetics/Public Opinion – *as detailed in Public Process above, the Project is designed to meet the four objectives. A robust public outreach process was completed to ensure city residents had multiple opportunities to provide input.*
- Geotechnical Environment – *a preliminary investigation to support the alternatives development and cost estimate. Future work will add to, and verify sub-surface conditions and inform seismic design work.*
- Level of Service – *an extensive multi-discipline study to verify desirable trail/deck width and plan for expected current and future levels of use.*
- Cost Estimate – *a detailed line-item cost estimate using current established prices. Of note is the potential variation in commodities prices (steel) and the current and future economic and construction environments.*

STRUCTURAL ALTERNATIVES:

Four (4) alternatives were developed and further explored to provide a number of choices to select from.

Alternative Evaluation

The following discussion illustrates the criteria developed by the Team to allow comparison of the alternatives, along with an expected range of design and construction costs. The Team has developed a more detailed cost estimate than would normally be

available at this point in the process to support the decision process. Table 2 below gives estimated costs using a high steel cost (\$2/lb). The table also illustrates the percentage of each range using the least expensive option as the base (100%):

Table 2. Cost Comparison

	Option A: The Gates	Option B: Skipping Stone	Option C: Half Arches	Option D: Suspended Ring
Comparative Cost (High Steel Price)	\$16.4M	\$16.6M	\$19.2M	\$20.8M
% of Lowest Cost Option	100%	101%	117%	127%

The above estimates include all costs to complete construction. Ongoing maintenance needs are separate and costs have not been estimated.

Criteria were developed to support comparisons between the four alternatives as shown below in Table 3. Note that the "Operations and Maintenance" criterion is merely a ranking that reflects the relative cost and complexity of ongoing maintenance and periodic repairs. The Operations and Maintenance scores are not intended to represent cost estimates. A higher score in this category means that maintenance and repairs will be relatively less complex and will cost relatively less. For example, the Skipping Stone received a high score because it will have a low future maintenance cost compared to other options. The Suspended Ring received a low score, because this option will be more complex and costly to maintain than the other options, primarily due to the need to regularly paint large amounts of steel in this design.

Table 3. Evaluation Criteria (Higher number = better score)

Criteria	A Gates	B Skipping Stone	C Half Arches	D Suspended Ring	RAW DATA
Public Preference (from survey data)	17	36	26	22	
Total Project Costs - Phase II	100	99	85	79	
*TOTAL =	117	135	111	101	

Criteria	A Gates	B Skipping Stone	C Half Arches	D Suspended Ring	PROFESSIONAL JUDGMENT
Additional project Costs	8	7	7	3	
Environmental Impacts	3	3	3	5	
Geotechnical	8	8	6	10	
Structural	6	10	6	8	
Constructability	10	8	7	4	
Operations & Maintenance	8	9	8	4	
*TOTAL =					
	43	45	37	34	
*IN ALL CASES, THE HIGHEST NUMBER INDICATES HIGHEST-SCORING OPTION					

CONSULTANT DESIGN TEAM RECOMMENDATION:

While the choice is a City Council decision, the design team has made a recommendation of the option that in their professional judgment best supports the city goals for the Project:

- Recommended Alternative – Skipping Stone Design
- Recommended Deck Width – 14 feet
 - Note: a 14 foot width provides enough space for all anticipated uses without crowding. A 14 foot width may be divided with a centerline if desired/needed. To delineate separated uses (i.e., bikes and pedestrians) a minimum width of 16 feet would be required. The design team estimates this would add \$1.5M - \$2M to each of the options. The design team does not recommend additional widening to support use delineations due to the limitations on free movement, safety (speed differentials), and the potential for creating user conflicts.

Structural Alternatives

Four (4) bridge options have been developed as part of the Type, Size and Location study. Each of the options are shown below with key items highlighted.

Alignment and Profile

Initial studies were undertaken to explore alignment and profile alternatives. It was determined that an alignment where the centerline of the bridge profile was shifted to the west side of the

corridor was optimal for current and future improvements along the trail. A simple linear alignment with a "loop" structure at the park end is efficient, practical, and provides for an interesting park overlook and user experience.

Bridge Approaches

The south approach to the bridge is envisioned to be a fill-slope structure composed of retained earth and/or Mechanically Stabilized Earth (MSE) wall as a cost efficiency.



(Retained earth)

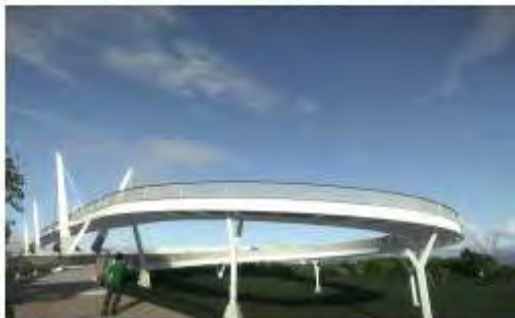
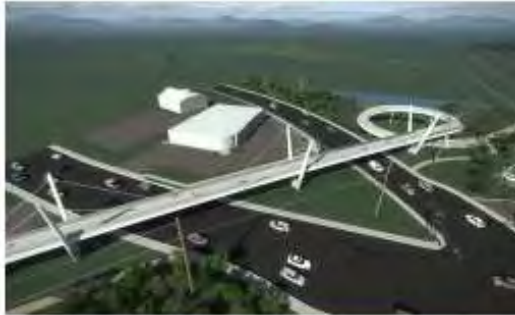
(MSE wall)

The bridge profile was determined to have a maximum 4.75% grade on the south approach, and a maximum grade of 4.3% along the "loop" centerline of the north approach, providing a grade on the inside of the loop of less than 5%. This profile meets all ADA requirements and allows for an uninterrupted grade on ascent/descent of the bridge structure. Paving will be used on the south approach to allow for limited settlement common to this type of construction without cracking.

Bridge Alternatives

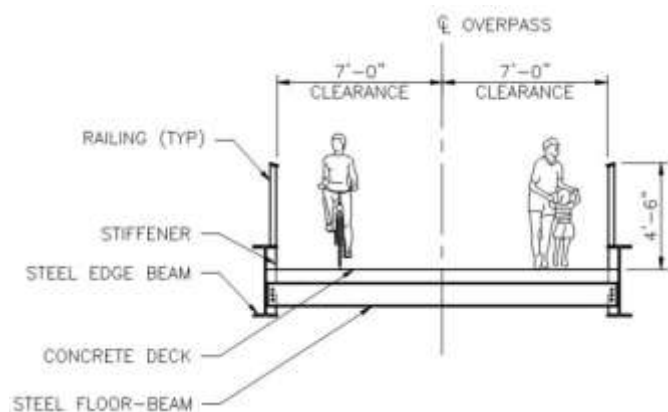
The four selected alternatives are shown below, along with a discussion of specific engineering and construction details. Also included is a typical bridge cross-section for each alternative.

OPTION A- THE GATES

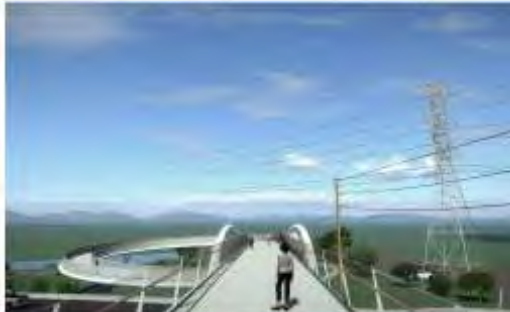
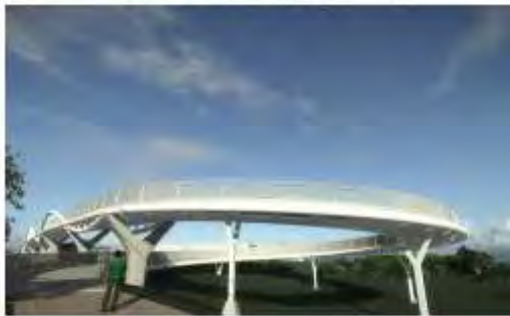


The Gates are comprised of a series of three V-shaped towers with stay cables supporting the bridge spans at their third points on each side of the deck. This option utilizes symmetric spans with equal towers at each location.

- Foundations and Substructure
 The V-shaped towers are supported on pedestals attached to drilled-shaft foundations approximately 50 feet in depth.
- Superstructure
 A simple and effective superstructure utilizing 2 edge beams, floor beams and concrete deck. Pedestrian railings attach to the top of the edge beams.
- Constructability
 Construction can be accomplished using a balanced cantilever method. The decks are built-out in equal increments from the supports to the middle sections, which will then be dropped into place and spliced in with a single night-time road closure for each span (2 total)
- Vibration Analysis
 Preliminary analysis indicates the need for damping structures on the two center spans. The dampers can be easily attached and remain accessible for adjustments and maintenance.

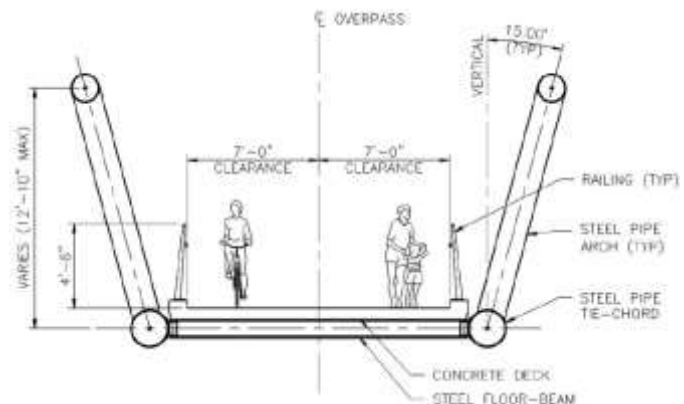


OPTION B - SKIPPING STONE




The Skipping Stone has a strong fluid form that engages the connection between Lake Washington and Totem Lake. The sense of motion of a skipping stone implies a reconnection between the community and nature

- Foundations and Substructure
The main spans are placed on post-tensioned "Y" piers supported on single drilled shafts. The same support system is used for the ramp structure, except that the drilled shafts are of a smaller diameter.
- Superstructure
The Skipping Stone uses a system similar to The gates, except that the steel edge beams are composed of circular sections. Concrete curbs on each side of the deck provide attachment for railings.
- Constructability
Construction is straight-forward, but requires a larger laydown area for assembly of the steel arch components. Roadway closures may be a bit longer to place the main spans, but can be accomplished during night-time.
- Vibration Analysis
Damping is unlikely to be needed with this design due to the inherent stiffness of the structure.

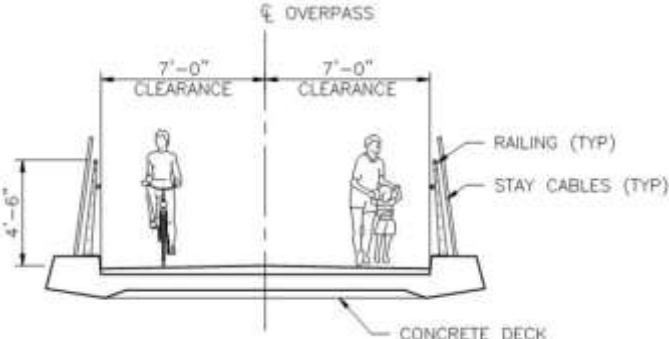


OPTION C - HALF ARCHES

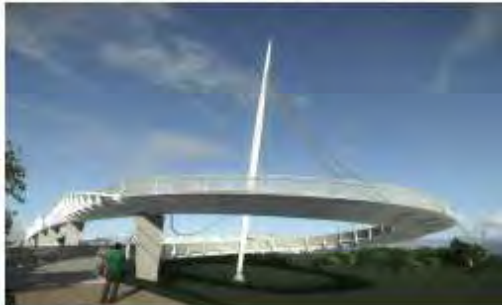


The Half Arches features two spans stepping down towards the lake and providing a landmark form with an expressive gesture of motion toward Totem Lake. Paired vertical elements create a series of portals and providing an interesting experience for users moving across the bridge.

- Foundations and Substructure**
 Each of the steel towers is supported on two drilled shaft foundations with backstay cable tie-down piers placed adjacent. Soil anchors are also anticipated to resist uplift forces. The loop ramp is supported on six circular concrete columns each on a single drilled shaft.
- Superstructure**
 Deck sections are a combination of Cast-In-Place (CIP) sections at the higher-force areas, along with pre-cast panel sections, which can be erected one panel at a time in a balanced fashion.
- Constructability**
 The most complicated part to construct will be the arch support towers and arches. The arches will be assembled on the ground and lifted into place. The loop ramp will be a formed and CIP construction.
- Vibration Analysis**
 This option may require damping to resist user-induced vibrations. Further analysis will be needed to determine the exact need and placement.

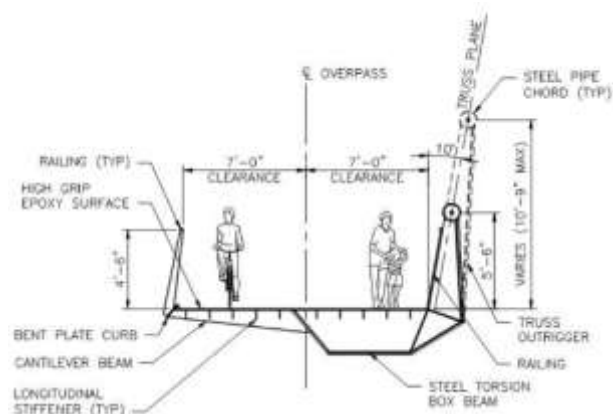


OPTION D - SUSPENDED RING



The Suspended Ring places the main structural feature at the edge of Totem Lake Park and creates a visual way-finding element. Special "water droplet" portals are created within the cone of cables supporting the 'hovering' ramp structure above the wetlands.

- Foundations and Substructure
 The main bridge sits on five piers, each supported by a single drilled shaft foundation. For the loop ramp, support is provided by a single mast attached to a drilled shaft with a floating attachment to allow some movement when loaded.
- Superstructure
 The superstructure is a unique built-up steel torsion box girder that resists bending and lateral loads. Support is provided by cables placed along the inside circumference of the ramp, providing an unobstructed view from the outer ramp edge.
- Constructability
 This option requires the most complex fabrication and placement operations for erection of the loop ramp.
- Vibration Analysis
 The Suspended Ring will require substantial dampening in the loop ramp structure. Dampers would be installed within the torsion box with access hatches for maintenance.



Conclusion

Staff is asking City Council to select a preferred alternative to advance to final design. While staff does not offer a recommendation, they have provided multiple viewpoints of various stakeholders, along with technical criteria, to aid City Council in selecting the alternative that best suits the multiple needs of the project and the City, now and into the future. If the Council needs additional information, staff will work to provide it as soon as possible in order to maintain the 2018 CMAQ grant deadline. If Council is prepared to select an alternative, it should do so by motion.



Cultural Arts Commission Meeting Minutes
May 17, 2017 4:00-6:00pm
Kirkland City Hall – Council Chambers

Present: Ryan James (Chair), Carol Belval (co-chair), Gaerda Zeiler, Marianna Hanefeld, Lani Brockman, Dawn Laurant, Nancy Whittaker, Michelle Lustgarten, Sophie Dutton, Barbie Collins-Young, Linda Paros.
Staff: Ellen Miller-Wolfe, Philly Marsh

Absent: Christine Exline, Dana Nunnally,

Guests: Aaron McDonald, 124th Street Bridge Project Manager

Welcome:

Meeting came to order at 4:05pm. Minutes from the April 19 retreat were approved (Marianna moved, Michelle seconded, unanimous)

Totem Lake Connector

Aaron recapped the status of the project and presented various views of the four designs in consideration for the bridge.

The Cultural Arts Commission offered their input and discussed what it liked and didn't like about the presented bridge designs as well as presented individual commissioner concerns for Aaron to incorporate into the June 6th memo to City Council. (Comments are from individuals unless otherwise noted).

- Are there any concerns about disrupting bird flight patterns?
- What discussions around color have occurred? (Color has a lot to do with design and how it sits in landscape).
- One commissioner is drawn to the half arches because it is iconic.
- One commissioner stated that "If the goals are to integrate/provide a gateway/sense of place and focus on user experience, these designs do not achieve them. Nothing portrays a sense of place or gateway."
- Several commissioners alluded to the bridge built for the future Totem Lake area and lead the area into the future. The bridge will become better integrated the farther into the future.
- Like the suspended ring because it offers opportunities for specialized lighting that becomes iconic in Kirkland.
- The skipping stone is the only one that offers a sense of place because of the water symbolism and color that could be incorporated.
- From a walking perspective, unobstructed views out should be provided. All of the cables overhead make it too cluttered. Cables competing with the powerlines are very distracting
- The gates and half arches compete with too many other things in the environment.
- Curvilinear shapes complement the surrounding environment.

- The suspended ring from the lake view looks like an art piece and becomes a focal statement piece.
- The gates design feels like a slingshot and is very angular.
- The skipping stone has the best dramatic view.
- Skipping stones can go further with color and is the best mimic of the landscape and contrast with vertical buildings that will sprout around it.
- Skipping stone can become very dramatic with lighting and color.
- Is it possible to combined Skipping Stone and Suspended Ring?
- Suspended ring is the iconic option –a surprise and unique. It differentiates Kirkland and creates something to explore.
- One commissioner had the expectation that the bridge design was going to be something more awe inspiring.
- Skipping stone is a bridge that can be found anywhere. Conceptually this commissioner likes it, but it does not seem iconic.
- A commissioner liked the half arches as it was best for a gateway.
- Several commissioners commented that too many cables in the area clutter and obstruct the sky and expanses.
- Suspended ring and rain drop shape is iconic.
- Lighting and color can add a lot to the design
- CAC needs to be involved all the way through the design process to have input into light and color decisions.
- The least like option is The Gates.
- Half Arches and Gates seem out of scale. This commissioner was critical of too much blockiness in the supports.
- Recommendation to bury the wires.
- What are the connections to neighborhoods?

Fire Station 25

There were four candidates that were interviewed and Perri Howard was selected as the artist for Fire Station 25. The majority of the project will take place over this summer.

Call for CKC Artist

This year the artist is required to be more involved in the community and have 3-5 community engagement opportunities through large publicly attendee events. The call will go out ASAP so the artist can take advantage of the summer months.

Staff Updates

Parks Projects Update: Carolyn Law is under contract for the art consultant working with Berger Partnership to develop ideas for the Totem Lake Park.

An RFP is out for an art consultant to assist with three other parks projects.

Greenway Projects Update: Staff is finalizing an RFQ for an art consultant to develop a workbook of ideas that will be approved by the Cultural Arts Commission and City Council and then given to the

Greenway Project Managers to use with the neighborhoods while creating these Greenways. Greenway projects will be up to \$1000 with work performed by neighborhood groups.

Sidewalk Art Update: The first medallion was installed in the South Parking Lot and a specifications sheet is being prepared for project managers of future sidewalk projects. Medallions will be ordered from the steel fabricator as needed, so there is no reason to store them at the City.

Park Lane Update: Staff met with Kirkland Arts Center to handoff two-year operation of the Park Lane Outdoor Sculpture Gallery to KAC in accordance with the public benefit requirement of the seismic update contract with the City.

Utility Boxes: Staff was asked by community activist Sue Contreras to bring the idea of wrapping utility boxes to the Commission. There are two in downtown she would like covered. She wants to represent something historical. Barbie, Lani and Marianna are happy to assist with consulting on artwork on boxes.

Village at Totem Lake: CenterCal, developer of the Totem Lake Mall is interested in local artists but would like to start with the retention of a curator to develop concepts. Staff has suggested several names of artists that are familiar with Totem Lake projects, but commissioners can give Ellen any other suggestions for art consultants.

Access for All

Sub regional plans need to be completed before money gets distributed. Lani Brockman reported that StudioEast is slated to get \$275,000 annually for 7 years. Staff is trying to put together an informational session for organizations to learn more.

Budget

The budget that was developed in the retreat and included in the April meeting minutes was approved. (Gaerda moved, Lani seconded, unanimous)

Meeting adjourned at 5:47pm

Minutes prepared by Philly Marsh

Memo



To: Name
From: Guy Michaelsen
Subject: Memorandum

Date: 5.19.17
Page: 1 of 4

We are thrilled to see the Totem Lake Connector (TLC) taking steps toward realizing the vision of the Cross Kirkland Corridor Master Plan. In reviewing the current four alternatives, we offer the following input to be weighed as the alternatives are considered to move forward to the next steps of realization.

Overall Considerations

We offer the following general input or considerations that apply to all of the bridge alternatives.

Consider the Bridge Purpose: As the only new grade-separated crossing on the CKC, the TLC is necessary to bridge trail users over the most heavily traveled streets on the corridor. It is inherently a challenge to get trail users to choose to use a bridge. Therefore, the TLC must become the intuitive and obvious choice by making it attractive and rewarding to cross and easy to use, with adequate space and ramping to make it functionally successful.

Bridge as Experience: The TLC must be a rewarding experience for its users. The best user experience on the bridge will be ascending or descending the eastern spiral, both for the design and also for the rich environment through which it passes, with views of Totem Lake Park and green hillsides beyond. The experience of the spiral will be the reward for choosing to cross the bridge. All current designs provide a stunning engineered ring, but all seem to focus on movement along the trail. There is a need to provide spaces and eddies for people to stop on the spiral (particularly those climbing) to enjoy the experience and the views. Beyond places to pause, these can be culturally rich places with integrated art and storytelling (interpretive) opportunities.

Bridge as Icon: As the TLC will be seen from afar, it invites the opportunity to craft an icon, and all the designs are certainly achieving that purpose. In assessing the iconic quality, it is important to remember for bridge users, the crossing of 124th and Totem Lake Boulevard, while highly visible, will not be a rewarding part of the crossing. However striking from afar, crossing traffic is not particularly rewarding. A caution is to not let the icon of the bridge from afar become more important than the experience and function of crossing the bridge.

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From: Guy Michaelsen
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One consideration to enhancing the street portion of the crossing would be to shape an introverted experience, which is not one of the current proposals and would be a significant design departure. The overhead elements shown in the master plan rendering, while not structural elements, were an attempt to craft edges and overhead that could create a more introverted experience. While an introverted bridge could be considered, we are not compelled to make that a recommendation, simply a consideration.

The Triangle: One of the assets of the TLC alignment is the existence of the traffic triangle under the bridge to break the crossing into smaller spans and provide structural support, as all the proposals do. However, the triangle can also be used as an opportunity to craft a landscape element that is born of terra firma and supports the bridge. This could be every bit as iconic as the bridge itself, and very unique to the TLC. None of the current schemes seem to leverage the opportunity of the triangle beyond merely being a location of a structural support. Further design development should leverage this area (however small it may become as roadway projects may reduce its size).

The West Approach: As the CKC approaches NE 124th Street from the undercrossing of I-405, the trail is currently in a trench and grade drops to the street. This existing condition is a natural place to use a prism of fill to create an on-grade approach that seamlessly and intuitively will lift trail users to the crossing while also better connecting the trail to the adjacent properties that currently back on the corridor. This connection could encourage redevelopment to front on and activate the corridor. An added benefit of an on-grade approach is that it can easily incorporate a potentially heavily used stair connection to 124th to draw users to the bridge who might otherwise be obligated to cross on the surface streets. All four bridge schemes show the bridge extending well south of NE 124th.

We recommend that the grading studies attempt to locate the south bridge abutment at 124th and provide all grade transition to the south on fill, where it can become valued landscape and potentially interface with adjacent properties. An added benefit of such a move is that it would significantly save costs, as the fill is less expensive than the bridge. It would also reduce the perceived length of the bridge, therefore making it more intuitive and desirable for trail users to cross. If the western approach is to

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become fill instead of bridge structure, there might be a need to “rebalance” the structural members across the reduced length of the bridge.

Scheme-Specific Considerations:

Skipping Stone: The structural truss, while less high and visible from afar, can be every bit, and perhaps more, of an icon for the TLC. It is unique to its place, with a rich and very honest design. The truss “skipping” above the deck as it crosses 124th helps to buffer and “introvert” the experience of crossing the street, which is positive. The eastern ring, while structurally simple, works well and is interesting to pass under as the spiral connects to grade. The skipping stone design appears to be nicely flexible to accommodate an on-grade fill approach from the west.

Half Arches: While a stunning piece of engineering, it feels almost too grand for this location and seems to be driven more by the TLC as an icon from afar than by the experience of crossing the bridge. The emphasis seems to be investing in the engineering over the street at the cost of the spiral experience. The westernmost half arch seems to be at odds with the idea of a western fill-based approach. As an alternative, a single half arch in the triangle with the ability to support both spans feels like a more appropriately scaled structural gesture for this crossing.

The Gates: The gates are a simple and clean design, though it may almost be too subtle as an icon. We like the rhythm of the gates when viewed from afar, yet the cable structure does not significantly add to the experience of passing over the bridge. The westernmost gate/tower could be incorporated as part of a sculptural abutment to the west if a fill solution is used at that spot. While intriguing, it is not particularly unique in its appearance or a signature shaped by this place. We appreciate the flared columns supporting the spiral.

Suspended Ring: This is a completely unique form and differs from the other three schemes as it places the structural focus of the bridge off center into the natural area, weaving it into the signature experience of crossing the bridge. While counterintuitive to place the signature away from the roadway crossings, we believe this is more iconic as a juxtaposition inserted into the Totem Lake landscape. While highly subjective, we have not seen a bridge like this before, making it both innovative and iconic, though it does recall the “Hovenring” that so many stakeholders gravitated to during the CKC

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master plan process. We also appreciate the robust structural truss crossing the streets, as this solution buffers trail users from the traffic below, providing a more introverted experience. Like Skipping Stone, this scheme adapts well to an on-grade fill approach from the west.

Preferences:

Based on both measuring the functional success, but also subjective judgement, we recommend further development of the Suspended Ring or Skipping Stone schemes, with a passion for the Suspended Ring as a unique icon for the city and an experience that is unique and strong enough to draw people in. It is easy to imagine the Suspended Ring gracing the covers of magazines and Kirkland materials with its beautiful backdrop of Totem Lake. We believe it best meets the vision for the Totem Lake Connector initiated in the CKC master plan process.

We hope our observations and recommendations are of value as you consider the next steps in developing the Totem Lake Connector and are happy to be able to further this conversation with you.

End of Memo



CITY OF KIRKLAND
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathy Brown, Public Works Director
Dave Snider, P.E., Capital Projects Manager
Aaron McDonald, P.E., Senior Project Engineer

Date: November 30, 2017

Subject: TOTEM LAKE CONNECTOR BRIDGE - PROJECT UPDATE

RECOMMENDATION:

City Council to:

- Receive a project update along with a review of the current design elements, and
- Provide direction to staff on pedestrian hand railing, lighting features, and overlooks.

BACKGROUND DISCUSSION:

The Totem Lake Connector (TLC) Bridge project (Project) will provide a critical link within the evolving local Totem Lake and regional non-motorized transportation network. The Project is an important component of multiple long-range planning efforts: the Totem Lake Park Master Plan, the Cross Kirkland Corridor (CKC) Master Plan, the Totem Lake Business District Plan, and the Totem Lake Neighborhood Plan.

The following goals from the *Cross Kirkland Corridor Master Plan* provided guidance to the Project:

- Connect Kirkland
- Shape a place unique to Kirkland
- Foster a greener Kirkland
- Activate Kirkland and evolve with time

Some of the project-specific city goals and objectives identified by the Project Team for the Project and identified in the June 6, 2017 City Council meeting memo are listed below:

- Fulfill the Vision – *Distinguish the CKC as a unique cultural and recreational destination for the community and region. Provide an experience beyond that of a typical regional trail. Design a structure that stands in harmony with its surroundings and responds to the various constraints and features of the site.*

- Support Economic Development – *Utilize the corridor's development to catalyze economic growth, encouraging residential and commercial development that can charge the corridor and city with energy and vitality.*
- Connect to Regional Trails – *Connecting to new and existing trail facilities will make the CKC available to more users and regional destinations. A convenient, direct link between the currently disconnected CKC Trail segments will greatly increase the functionality of the trail and will attract users.*
- Non-Motorized Transportation Artery – *The CKC will connect with significant growth and high-density use areas to provide unimpeded travel. Ensuring connections are made with the CKC and key streets, schools, parks, commercial land, and transit will maximize public benefit.*
- Safety – *The Totem Lake Connector Project will significantly improve safety by providing CKC users with a grade-separated crossing of NE 124th Street and Totem Lake Boulevard. Crime Prevention through Environmental Design (CPTED) will be implemented by providing clear sightlines throughout the Project.*
- Create a Destination – *The CKC and TLC are envisioned to become destinations. This linear "park" with the future redevelopment of Totem Lake Park, provides Kirkland residents and visitors with superb recreational opportunities and an enjoyable environment to travel within and between places.*
- Ease of Construction/Fabrication – *Minimizing traffic disruption at the busiest intersection in Kirkland.*
- Minimize Environmental Impacts – *Limit impacts to nearby wetlands and natural site features.*

At its June 6, 2017 meeting, City Council selected the *Skipping Stone* concept as the preferred alternative to advance to final design. That selection completed the initial design phase (Phase 1) where the structure type, size, and location were determined. The subsequent design work (Phase 2) has focused on refining structure details and identifying specific treatments such as railing type, deck lighting, and Totem Lake Park overlook solutions. The product of Phase 2 will be a complete set of plans and specifications suitable for grant application submittals and/or contractor bidding. Following is a discussion of the current design work with proposed options for each element, along with a preview of aesthetic (structure) lighting design ideas. The Project Team recently presented these options to the Kirkland Cultural Arts Commission for discussion and recommendation. The majority of the Commission supports the proposed designs. More detail may be found in Attachment A, TLC Current Design Work.

CURRENT DESIGN ELEMENTS - PEDESTRIAN RAILING, DECK LIGHTING, AND OVERLOOK DISCUSSION

Pedestrian Railing

With the desire to maintain the strong physical and structural gestures of the *Skipping Stone* design, the Project Team identified a number of preliminary alternatives for pedestrian safety railing that were assessed against the following criteria:

- Cost
- Constructability
- Transparency/Comfort
- Low Climb-ability
- Aesthetic Implications
- Maintenance

When the alternatives were assessed and scored against the criteria, the Picket Fence and the Cable Net alternatives scored very favorably. Further visual assessments were conducted using computer generated images and it became clear that the Cable Net system best supports the need to provide appropriate user protection while seamlessly blending with the structure and maintaining a “light touch.” This affords a highly transparent and strong visual experience when on, or off the bridge.

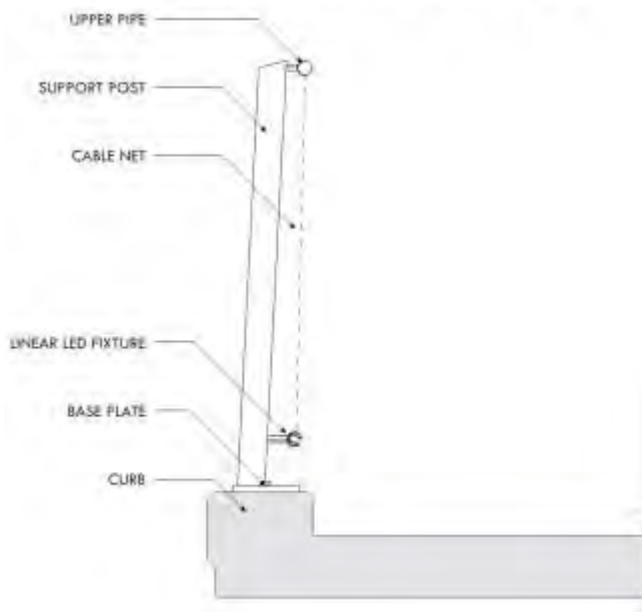


Deck Lighting

Deck lighting (or functional lighting) is another key design element. The same scoring method used for the railing alternatives was employed to narrow-down the lighting choices. The criteria applied to this item include:

- Invisible
- Low Cost
- Vandalism Resistant
- Easy Installation
- Comfortable Lighting
- Low Maintenance

Scoring of the lighting alternatives revealed that a deck lighting configuration concealed within the handrail system best met the above design criteria. This alternative was further explored to determine where the lighting system should be placed. A placement within the lower part of the railing structure provides adequate lighting for users, is not distracting to roadway users below, and keeps light spill-over minimized (a “best practice” when protecting critical habitats nearby). The Project Team has included an option to add additional lighting on the opposite side of the deck in the future if higher levels of lighting are desired. However, the current concept of lighting from one side meets all applicable standards and safety lighting levels.

OVERVIEW - RECAP, RAILING AND LIGHTING**LOWER RAIL**

- This location does not create glare or spillover challenges.
- The continuous rail allows for a uniform lighting strategy.
- The pipe presents a location easy to install and maintain, it also can serve as a low voltage raceway.
- Initial lighting installed on one side, conduit to allow for future installation on opposing pipe.

Cultural Arts Commission Comments

Both the Cable Net railing concept, and the lower rail-mounted deck lighting system have been presented and fully discussed with the Cultural Arts Commission. At its November 15, 2017 meeting, the Commission enthusiastically endorsed the suggested approach to each item, agreeing that the Cable Net system, and the lower rail-mounted deck lighting system best meet the goals of the design, and support the goal of maintaining a strong bridge form expression.

Overlook

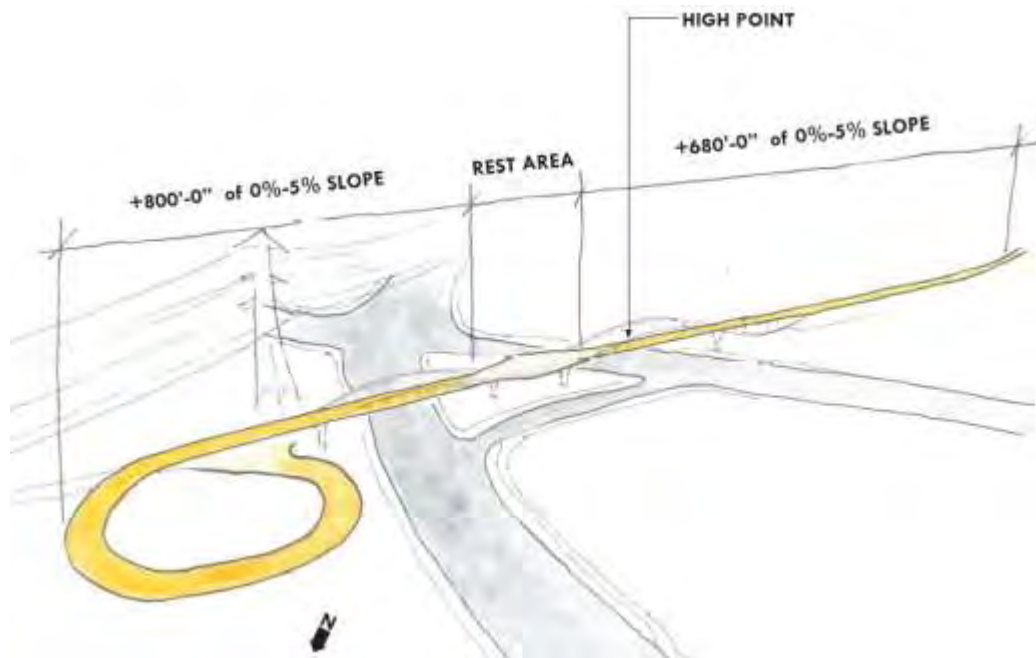
The Project Team considered a number of potential options for overlooks. The design guidelines that defined this process are:

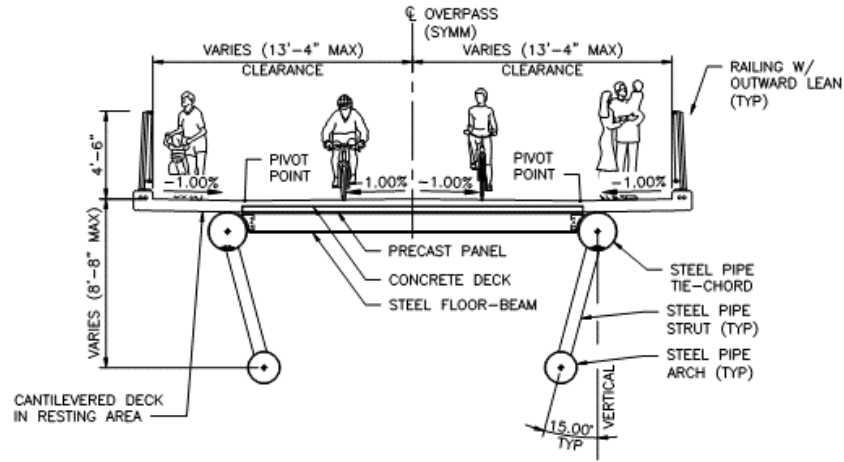
- | | | |
|---|--|---|
| <p>Experience</p> <ul style="list-style-type: none"> • Memorable • Exhilaration • Unexpected • Comfortable Overlook | <p>Form and Function</p> <ul style="list-style-type: none"> • Limits Shadowing of Wetland • Engages Structural Form • Elegant as experienced from Boardwalk | <p>Spatial</p> <ul style="list-style-type: none"> • Not too close to the Street • Right distance from the power lines |
|---|--|---|

Two areas of the bridge structure have been identified for viewing opportunities: the high-point area over the traffic island (the "Rest Area") and the spiral-ramp area adjacent to Totem Lake (the "Overlook").

1) Rest Area

The Rest Area is a natural location to provide a moment of pause and lingering as users reach the nominal high-point of the structure. This area provides a location that can be easily widened at minimal cost while meeting the design guidelines above. The deck width has been expanded to provide over 26' of total deck width (from 14' trail width) at the widest point.





Rest Area Overlook Dimensions – widest point

The Rest Area can be configured in a number of ways, from leaving “as-is” in a basic concrete form, to adding interesting surface treatments to delineate the area. This area can also provide a place of stopping and resting, suitable for seating if desired.

REST AREA - ONE CONCEPT, THREE DIFFERENT EXPRESSIONS

01 PIXELATED RIPPLES

Utilizing gradient pixelization to filter the ripple pattern to create a dynamic visual effect and allow for ease of application.



02 GRAPHIC RIPPLES

Graphic simplification of the pattern into a simplified palette.



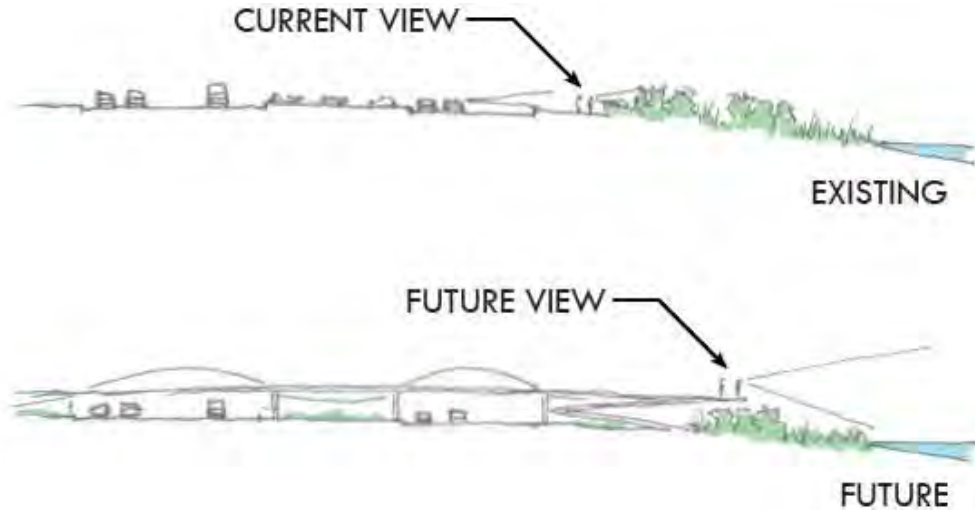
03 ABSTRACT RIPPLES

Abstraction of the ripple into a gradient field that highlights the center of the space.



2) *Spiral-Ramp Overlook*

The spiral ramp area presents an unmatched opportunity to create a special experience while also maintaining the essential function of a trail. The bridge structure creates a new option to provide an intimate and unusual immersion into the park experience that does not now exist.



The Project Team has created a concept that closely adheres to the guidelines above. The "Plank" concept creates an unexpected and engaging experience in an elegant and streamlined way. It is highly complementary to the strong physical form of the bridge structure while integrating seamlessly to provide an unmatched user experience.

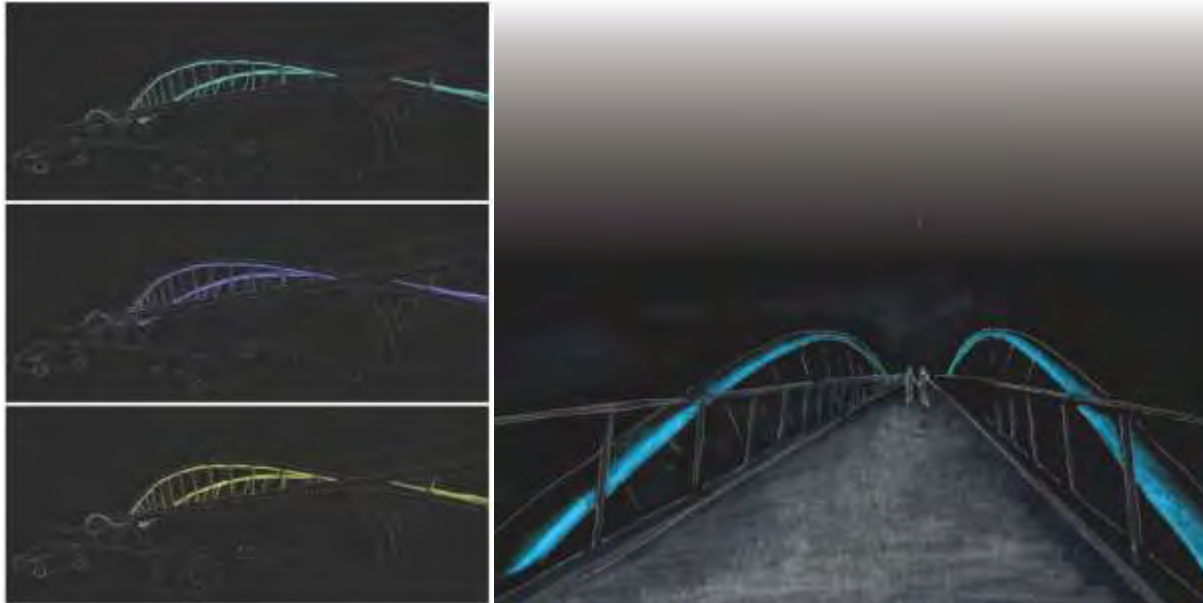
THE OVERLOOK - EXPERIENCE 'THE PLANK'



The majority of the Cultural Arts Commission was strongly supportive of this design approach and endorses The Plank concept.

Aesthetic (Structure) Lighting

The aesthetic lighting (or structure lighting) component presents a rich opportunity to highlight the “iconic” form from afar while also enhancing the experience for the user.

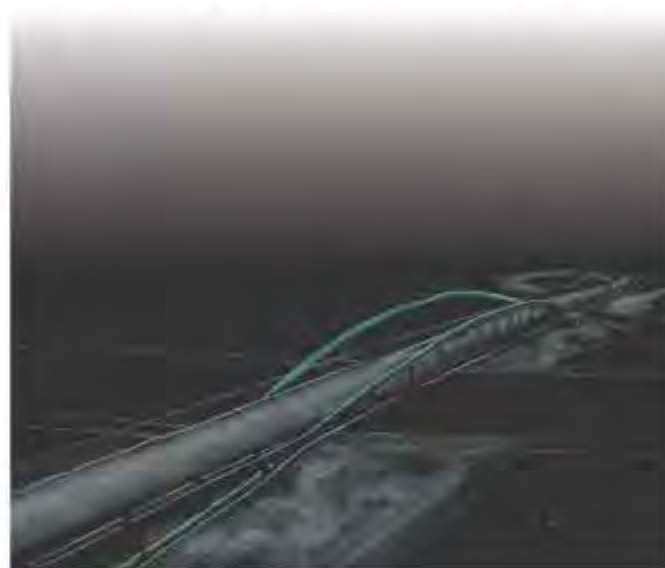


Placing the lighting “inside” strongly highlights the form of the structure without the excess glare and light-waste of illuminating from “outside.”

The bridge structure also presents opportunities to enhance the lighting at ground level in a muted and subdued fashion. This avoids distracting roadway users while providing an opportunity to present a less-seen part of a bridge structure that highlights the strong repetitive form that is key to an efficient and easily constructible asset.

AESTHETIC LIGHTING - SECONDARY FUNCTIONAL DOWNLIGHTING

- Secondary downlight fixtures mounted between cross beams to provide additional illumination along side trail, traffic island, and north side.
- These downlight fixtures to match cool color rendering of deck lighting to constitute a consistent color for functional lighting complementary of RGB aesthetic lighting.



BUDGET UPDATE:

Initial project scope and cost estimate for design and construction was estimated at \$12.86M. With the selection of the Skipping Stone as the preferred alternative, along with the direction to design to a 14-foot width, costs are now expected to be \$17.2M. The December update to the CIP will reflect this adjustment. As a reminder, the design phase for this project was fully funded in the CIP, and \$5,730,100 in City funding has been budgeted. Staff is seeking grant funding opportunities to fill the funding gap. City Council will receive a separate update on the CIP Update during the regular December 12th meeting.

NEXT STEPS:

The Project Team will continue to refine concepts for pedestrian railing, deck (functional) lighting, and overlook concepts. Other continuing design work includes: aesthetic (structure) lighting, stormwater infrastructure, IT infrastructure, and construction impact mitigation along with associated permits. The Project Team is also planning two more open houses to present the current work to the public and discuss the Project. The Project Team will return to City Council for a final update with the results of those open house meetings.

Cost validation/Constructability Review (CV/CR)

In order to provide an independent check on expected construction cost, along with providing for an outside review to identify any potential cost savings, Public Works has solicited firms to conduct a CV/CR review of the Project at the 60% design level. This review will be conducted within the next month or so. While the bridge type, size, and location have been selected, there may be opportunity to achieve additional cost saving measures while maintaining the bridge form and function. We will also review the unit bid items and unit costs to validate the current construction cost estimate.

CONCLUSION:

The Totem Lake Connector Bridge Project is on track to deliver final plans, specifications, and cost estimate in March, 2018. The City will use the final design documents when applying for all appropriate grant funding opportunities as they become available. The City of Kirkland's Public Works recently teamed-up with King County to submit a \$10M Tiger Grant Application for 2018 to close the Project funding gap and the results of that application will be made public in the spring of 2018.

What has been created to date is a structure that connects many crucial elements of a re-developing and growing Totem Lake Neighborhood and Business District. The Project Team is seeking discussion and feedback on the selected design elements from City Council. If City Council agrees with the design direction, the Project Team will move forward with finalizing the design and final submittals.



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MEMORANDUM

To: Kurt Triplett, City Manager

From: Aaron McDonald, P.E., Senior Project Engineer
Dave Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: February 22, 2018

Subject: TOTEM LAKE CONNECTOR – PROJECT REVIEW AND OVERLOOK DISCUSSION

RECCOMENDATION:

City Council to:

- Receive an overview of the major decisions, actions, and activities that have occurred to advance the Project to the current point in design; and,
- Review the proposed overlook structure and provide staff final direction on design

BACKGROUND DISCUSSION:

The Totem Lake Connector is an integral component of a number of City planning efforts to-date including the Totem Lake Park Master Plan (Dec. 2013), Cross Kirkland Corridor Master Plan (June 2014), Transportation Master Plan (Dec. 2015), and Kirkland 2035 planning efforts (Dec. 2015). There is also a regional nexus with planning efforts of the Puget Sound Regional Council and the Eastside Rail Corridor (ERC) Regional Advisory Council, which brings together all owners of the ERC, along with easement rights holders to provide an integrated planning platform as further trail development takes place.



The bridge will connect directly to Totem Lake Park.

To achieve this vision, capital project NM-0086-100, the "NE 124th ST/124th Ave NE Pedestrian Bridge & Construction" was developed, which has been shortened to "Totem Lake Connector", or "TLC".

The Project envisioned a robust process to align the design efforts with the various plans and user needs, while also affording maximum opportunity for public participation and input. The process started with the development of many of the plans referenced above. As an example,

the development of the Totem Lake Park Master Plan conceptualized a bridge as an integral part of the park development, providing an unmatched opportunity for an unusual elevated viewpoint. This creates an immersive experience for the park user, providing a park vantage point that would not otherwise be possible. Many of the Park's features also integrate with the CKC Master Plan and the bridge structure to create a seamless and integrated whole that melds the engineered and constructed environment with the natural, organic experience of being in-nature.

A number of opportunities for City Council to stay current on progress of the design have occurred, including:

Table 1. City Council Meeting

Memo Title	City Council Meeting Date
2017 - February Council Retreat	February 2, 2017 (City Council Retreat)
Totem Lake Connector Project Update	April 4, 2017 (City Council Study Session)
Totem Lake Connector Project – Alternative Selection	June 6, 2017 (City Council Meeting)
Totem Lake Connector Bridge – Project Update	Dec 12, 2017 (City Council Study Session)

A number of these meetings also included members of the Project Team (Team) and included presentations. The following is a short synopsis of the items discussed in each of these memos.

Memo Content Synopsis

- 2017 – February Council Retreat:* Details the goals for the CKC, along with history and updates on many CKC-related initiatives, of which the Totem Lake Connector is but one.
- April 4, 2017 TLC Project Update:* Provides a short discussion of past and current project activities, along with an update on the March 16th public open house, project survey responses, and a preview of upcoming project milestones.
- June 6, 2017 TLC Alternative Selection:* Discussion of the public process, open houses held to-date, and presentation of the four bridge alternatives that will be recommended to City Council for discussion and selection of a preferred alternative for final design.
- December 12, 2017 TLC Project Update:* Provided a project update, as well as discussion of design features including: pedestrian railing, deck (functional) lighting, overlook opportunities, and aesthetic (structure) lighting. Also included was a restatement of the goals and objectives for the project.

Please refer to these memos in Attachment A (arranged in chronological order).

Public Outreach Discussion

The Public Outreach process was envisioned to be an integral part of the design process – design of a structure such as this requires a process that is inclusive, provides opportunity for input, and reflects the communities' needs. The Team achieved this by offering multiple opportunities for the public to become involved. This process started long ago with the

participation of the public in creating the many City plans developed over the previous years, some of which specifically included the bridge as a component.

The Team participated in a number of public forums including those listed below:

Table 2. Public Open House Meeting

Public Open Houses	Discussion
Open House #1 (February 2, 2017, Kirkland Justice Center – 58 attendees)	Genesis and need for the project, connections locally and regionally, proposed location and viewpoints of, and from the site.
Open House #2 (March 16, 2017, Kirkland Justice Center – 44 attendees)	Bridge experience, deck width, bridge concepts to be studied/advanced (concepts selected by City Council).
Open House #3 (May 4, 2017, Kirkland Justice Center – 39 attendees)	Presentation of four bridge options selected by City Council. Participants ranked options based on criteria. Results presented to City Council.
Open House #4 (February 7, 2018, Kirkland Justice Center – 40 attendees)	Presentation on selected design elements: guardrails, deck lighting, rest area, overlook, aesthetic lighting.

Attendees at the recent Open House #4 were very engaged and thoughtful with their questions. We invited the attendees to submit e-mail comments to the city project manager and a number of them did. We have provided those e-mails in Attachment B. We also include a staff synopsis of the major themes that were expressed during the open house. These are appended as Attachment C. We have also provided the presentation display boards as Attachment D presented at each open house.

A number of other public forums were attended by members of the Team including:

Table 3. Public Forums

Neighborhoods	Businesses/Groups	Councils/Boards
KAN (x2), Moss Bay, Juanita, Norkirk	Kirkland Conversations (x3), Kiwanis	Parks (x2), Youth Council

The Team also interfaced with the Kirkland Cultural Arts Commission (Attachment E), the Kirkland Transportation Commission (Attachment F), and the Berger Partnership (Attachment G), who developed the CKC Master Plan and the Totem Lake Park Master Plan.

Overlook Designs

A design detail that has generated some recent public discussion are the overlooks. There are two overlook opportunities that have been explored:

- *The Resting Area* – a widening of the bridge deck to nearly twenty seven feet that is located at the high-point/approximate mid-point of the structure. This area will also feature a colored-patterned surface treatment and could also host seating.
- *The Overlook* – a unique structure providing a dramatic view and experience, located along the spiral ramp structure.



While the Resting Area presents a viable opportunity to provide a resting and/or seating area upon the bridge, the real challenge is to provide a park overlook that fits with the bridge design and aesthetics. The Design Team has produced a memo (Attachment H) that describes their process for developing the overlook, along with certain considerations that are an integral part of the design of the current overlook concept.

Budget Update

The current budget was adopted in the 2017-2022 CIP Update by City Council at their December 12, 2017 meeting. The budget reflects costs based on current contracts, a 60% construction cost estimate, and estimated costs for project management, construction inspection/management, and other soft-costs.

Project Budget (17'-22' CIP)	Funded Amount (includes a \$993K federal grant)	Unfunded Amount
\$17,200,000	\$6,480,100	\$10,719,900

Staff continues to actively seek outside grant funding. Currently, the City has partnered with King County on a \$10 million TIGER Grant application submitted in October, 2017. The results of this application should be made public in the next month or so. Other grant opportunities are on the horizon and the current staff thought is to have a complete “shovel-ready” plan set as a strategy for elevating the City’s grant application prospects. Staff is also identifying options for reprioritizing this project in the CIP to provide Council with potential scenarios for increased City funding.

Also, the Team is currently participating in an independent cost validation/constructability review to obtain an independent look at certain assumptions and to confirm currently anticipated costs. We expect these results in late March/early April.

Next Steps

To bring the design to a 100% level, the overlook concept, the finalizing of the lighting (both functional and architectural), and the structure’s color are the current areas of focus. This check-in with City Council provides an additional opportunity for consideration of the breadth

and depth of both City and Design Team efforts to-date. By reviewing the decisions made, a clear picture is presented showing how the design progressed, together with key decisions that were made after active consultation with the Public and City Council.

To achieve this, the Design Team is requesting that City Council discuss and provide direction to the Team as to whether the overlook is an acceptable response to the need for viewing and experiential opportunities. If the City Council approves the current design, the Team will continue with design refinement and tasks leading to delivery of the completed design in March/April 2018. The Team anticipates returning to City Council to present the final design and gain formal acceptance.

Even before the design is complete, staff have already turned their attention towards identifying funding opportunities and preparing for any upcoming grant call for applications that are a good fit for the Project.

CONCLUSION:

The City, along with the Design Team, have created a unique bridge design that supports the goals and vision of the City for this important and needed improvement. The ability to seamlessly cross the NE 124th St/Totem Lake Boulevard intersection along the Cross Kirkland Corridor is key to providing transportation alternatives, both within the Totem Lake area as well as connections to the wider regional non-motorized trail network.

The design being presented blends many attributes sought in a well-executed design. It is based on sound engineering and design of public facilities; it supports multiple functions related to its environment; it is aesthetically pleasing and efficient; it involves input from multiple sources; and it presents a unified whole.

The overlook presents the most challenging design detail – both from an engineering perspective, but also from a public perception standpoint. It is such a unique item that it has elicited much interest from both City staff and the Public. The Design Team has invested extensive effort in developing and refining this design detail to ensure it can be implemented. While we believe that the concept presented fulfills all of the goals and vision of the Project, we recognize that not everyone has a favorable opinion of this singular item. In order to move the design to completion, we request that City Council provide a final check on the acceptability of the overlook design presented, or direction to modify or even re-design the overlook if this is the desired direction.



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MEMORANDUM

To: Kurt Triplett, City Manager
From: Amy Bolen, Executive Assistant
Date: December 5, 2019
Subject: City Council Committee Assignments for 2020

RECOMMENDATION:

That the City Council confirms the Mayor's proposed Council committee assignments for 2020.

BACKGROUND DISCUSSION:

Sound Cities Association has approved the 2020 SCA appointments of Regional Board and Committees for elected officials (Attachment A). Kirkland Council assignments are as follows:

King Conservation District Advisory Committee (KCD)	Kelli Curtis (alternate)
PSRC Growth Management Policy Board (GMPB)	Jay Arnold
Regional Law, Safety and Justice Committee (RLSJC)	Jon Pascal
Regional Transit Committee (RTC)	Jon Pascal
Regional Water Quality Committee (RWQC)	Penny Sweet
Solid Waste Advisory Committee (SWAC)	Penny Sweet

City Council committees, work groups and regional committee assignments were discussed at the January 7, 2020 Council meeting. The Mayor and Deputy Mayor met and finalized the assignment list based on those conversations. The Mayor's proposed Council committee assignments are included in Attachment B.

2020 SCA Regional Board & Committee Appointments

Advisory Council on Aging and Disability Services (ADS Advisory Council)

Seat	Name	City	Caucus
Member	Marli Larimer	Kent	S
Member	Sofia Aragon	Burien	S

Affordable Housing*

Seat	Name	City	Caucus
Member	Claude DaCorsi	Auburn	S
Member	Nancy Tosta	Burien	S
Member	Ryan McIrvine	Renton	S
Member	Lynne Robinson	Bellevue	N
Alt	Marli Larimer	Kent	S
Alt	Tanika Padhye	Redmond	N
Alt	Zach Hall	Issaquah	N
Alt	Rob McFarland	North Bend	SNO

*Two-year terms expire 12/31/2020

Board of Health (BOH)

Seat	Name	City	Caucus
Member	Susan Honda	Federal Way	S
Member	David Baker	Kenmore	N
Alt	Krystal Marx	Burien	S
Alt	Janice Zahn	Bellevue	N

King County Regional Census Committee

Seat	Name	City	Caucus
Member	De'Sean Quinn	Tukwila	S
Member	Debra Srebnik	Kenmore	N

Children and Youth Advisory Board (CYAB)

Seat	Name	City	Caucus
Member	Kevin Schilling	Burien	S
Member	Varisha Khan	Redmond	N

Domestic Violence Initiative Regional Task Force (DVI)

Seat	Name	City	Caucus
Member	Traci Buxton	Des Moines	S
Member	Yolanda Trout-Manuel	Auburn	S
Member	Tanika Padhye	Redmond	N
Member	Dana Parnello	Maple Valley	S
Alt	Satwinder Kaur	Kent	S
Alt	Dawn Dofelmire	Algona	SV
Alt	Jared Nieuwenhuis	Bellevue	N
Alt	Joseph Cimaomo, Jr.	Covington	S

Key:

No color = Returning
 Grey = Unexpired term
 Yellow = New Appointment
 Green = Alt moved to Member
 Teal = 2nd Alt moved to Alt

Emergency Management Advisory Committee (EMAC)

Seat	Name	City	Caucus
Member	Marianne Klaas	Clyde Hill	N
Member	Bob Baggett	Auburn	S
Member	Linda Olson	Maple Valley	S
Alt	David Carson	Redmond	N
Alt	Alan Gothelf	North Bend	SNO
Alt	Pam Fernald	SeaTac	S

Greater Seattle Partners

Seat	Name	City	Caucus
Member	Nancy Backus	Auburn	S

Growth Management Planning Council (GMPC)

Seat	Name	City	Caucus
Member	Leanne Guier	Pacific	SV
Member	Matt Larson	Snoqualmie	SNO
Member	Thomas McLeod	Tukwila	S
Member	Satwinder Kaur	Kent	S
Member	Pam Stuart	Sammamish	N
Member	Chris Reh	Issaquah	N
Alt	Syd Dawson	Maple Valley	S
Alt	Salim Nice	Mercer Island	N
Alt	Debra Srebnik	Kenmore	N
Alt	Ryan McIrvine	Renton	S

HealthierHere Governing Board

Seat	Name	City	Caucus
Member	Semra Riddle	Lake Forest Park	N
Alt	Barbara de Michele	Issaquah	N

*Erin Sitterley Member through 4/30/2020

Joint Recommendations Committee (JRC)

Seat	Name	City	Caucus
Member	Clyde Hill	SeaTac	S
Member	De'Sean Quinn	Tukwila	S
Member	Chris Ross	Sammamish	N
Member	Amy McHenry	Duvall	SNO

King Conservation District Advisory Committee (KCD)

Seat	Name	City	Caucus
Member	Brenda Fincher	Kent	S
Member	Mark Phillips	Lake Forest Park	N
Member	Amy McHenry	Duvall	SNO
Alt	Victoria Hunt	Issaquah	N
Alt	Susan Boundy-Sanders	Woodinville	N
Alt	Kelly Curtis	Kirkland	N

2020 SCA Regional Board & Committee Appointments

King County Flood Control District Advisory Committee (KCFCDAC)

Seat	Name	City	Caucus
Member	Leanne Guier	Pacific	SV
Member	Henry Sladek	Skykomish	SNO
Member	Michelle Hogg	Duvall	SNO
Member	Karen Moran	Sammamish	N
Alt	Carol Benson	Black Diamond	SV
Alt	Linda Johnson	Maple Valley	S
Alt			
Alt			

King County Law Enforcement Officers' and Fire Fighters' Plan 1 (LEOFF1) Disability Retirement Board

Seat	Name	City	Caucus
Member	Kevin Schilling	Burien	S

Local Hazardous Waste Management Program (LHWMP) Management Coordination Committee (MCC)

Seat	Name	City	Caucus
Member	Krystal Marx	Burien	S

Mental Illness and Drug Dependency (MIDD) Oversight Committee King County

Seat	Name	City	Caucus
Member	Brenda Fincher	Kent	S
Alt	Gary Harris	Woodinville	N

Puget Sound Clean Air Agency (PSCAA) Advisory Council

Seat	Name	City	Caucus
Member	Satwinder Kaur	Kent	S

PSRC Economic Development District Board (EDDB)

Seat	Name	City	Caucus
Member	Ed Prince	Renton	S
Member	Lydia Assefa-Dawson	Federal Way	S
Alt	Lindsey Walsh	Issaquah	N
Alt	Betsy Robertson	Shoreline	N

PSRC Executive Board

Seat	Name	City	Caucus
Member	Amy Ockerlander	Duvall	SNO
Member	Chris Roberts	Shoreline	N
Member	Allan Ekberg	Tukwila	S
Alt	David Baker	Kenmore	N
Alt	James McNeal	Bothell	N
Alt	Nancy Tosta	Burien	S
2 nd Alt	Jeff Wagner	Covington	S
2 nd Alt	Angela Birney	Redmond	N

PSRC Growth Management Policy Board (GMPB)

Seat	Name	City	Caucus
Member	Jay Arnold	Kirkland	N
Member	Traci Buxton	Des Moines	S
Member	Ed Prince	Renton	S
Alt	Tola Marts	Issaquah	N
Alt	Phillipa Kassover	Lake Forest Park	N
Alt	Claude DaCorsi	Auburn	S

PSRC Operations Committee

Seat	Name	City	Caucus
Member	Chris Roberts	Shoreline	N
Alt	Dana Ralph	Kent	S

PSRC Transportation Policy Board (TPB)

Seat	Name	City	Caucus
Member	Kate Kruller	Tukwila	S
Member	Dana Ralph	Kent	S
Member	Mary Lou Pauly	Issaquah	N
Alt	Peter Kwon	SeaTac	S
Alt	Wendy Weiker	Mercer Island	N
Alt	John Wright	Lake Forest Park	N

Regional Law, Safety and Justice Committee (RLSJC)

Seat	Name	City	Caucus
Member	Krystal Marx	Burien	S
Member	Jon Pascal	Kirkland	N
Member	Yolanda Trout-Manuel	Auburn	S
Member	Toni Troutner	Kent	S
Member	Lydia Assefa-Dawson	Federal Way	S
Member	Chris Ross	Sammamish	N
Member	Kim-Khanh Van	Renton	S
Member	Mason Thompson	Bothell	N

2020 SCA Regional Board & Committee Appointments

Regional Policy Committee (RPC)

Seat	Name	City	Caucus
Member	Angela Birney	Redmond	N
Member	John Stokes	Bellevue	N
Member	Dave Hill	Algona	SV
Member	Nancy Backus	Auburn	S
Alt	James McNeal	Bothell	N
Alt	Armondo Pavone	Renton	S

Regional Transit Committee (RTC)

Seat	Name	City	Caucus
Member	Leanne Guier	Pacific	SV
Member	Kathy Hougardy	Tukwila	S
Member	Susan Chang	Shoreline	N
Member	Ryan McIrvine	Renton	S
Member	Kim Lisk	Carnation	SNO
Member	Jon Pascal	Kirkland	N
Member	Jennifer Robertson	Bellevue	N
Member	Bob Baggett	Auburn	S
Alt	Toni Troutner	Kent	S
Alt	Mary Lou Pauly	Issaquah	N
Alt	Jeralee Anderson	Redmond	N
Alt	Dave Hill	Algona	SV

Regional Water Quality Committee (RWQC)

Seat	Name	City	Caucus
Member	Leanne Guier	Pacific	SV
Member	Penny Sweet	Kirkland	N
Member	Benson Wong	Mercer Island	N
Member	Yolanda Trout-Manuel	Auburn	S
Alt	Conrad Lee	Bellevue	N
Alt	Zandria Michaud	Kent	S

Solid Waste Advisory Committee (SWAC)

Seat	Name	City	Caucus
Member	Phillippa Kassover	Lake Forest Park	N
Member	Penny Sweet	Kirkland	N

Council Committee Assignments

Revised January 15, 2020

CITY COUNCIL COMMITTEES/WORK GROUPS	SCHEDULE	MEMBERS
City/LWSD Coordinating Committee	Quarterly, as needed	Pascal, Falcone
Disability Board	Odd months, 3rd Tuesday, 4:30 pm	Black, Arnold
Legislative Work Group (<i>only during Legislative session</i>)	Every Friday during Legislative session, 3:30 pm	Arnold (Chair), Sweet, Curtis
Tourism Development Committee (TDC)	Monthly, 1st Thursday, 9 am	Nixon
Transportation Ad-Hoc Work Group	Every 2 weeks, Friday at 2:30 pm	Pascal, Arnold, Sweet

REGIONAL COMMITTEES:		MEMBER	ALTERNATE
Cascade Water Alliance (CWA) Board	Fourth Wednesday, 3:30 pm, Cascade office	Sweet (Chair)	Pascal
Cascade Water Alliance (CWA) Finance	Third Wed Jan-Oct, 2nd Wed Nov-Dec, 2:30 pm, @ Cascade	Sweet (Chair)	
Eastside Transportation Partnership (ETP)	Second Friday, 7:30 am, Bellevue School District	Arnold	Black
Eastside Human Services Forum Board (EHSF)	Third Wednesday, every other month, 8:30 am	Falcone	Nixon
Eastrail (formerly Eastside Rail Corridor Regional Advisory Council ERC RAC)	Quarterly, day/time varies	Arnold	Pascal
I-405/SR 167 Executive Advisory Group (EAG)		Arnold	
King County Cities Climate Collaboration (K4C)	Meets weekly during Leg. Session, less often otherwise	Arnold	Black
King County EMS Advisory Task Force	Meets as needed	Sweet	Nixon
Metropolitan Solid Waste Advisory Committee (MSWAC)	Second Friday, 11:30 am, King Street Center in Seattle	Sweet	Nixon
NORCOM Principle Delegate		Pascal	
Puget Sound Regional Council (PSRC) Transit Oriented Development (TOD)	Quarterly, day/time varies	Arnold	Falcone
Water Resource Inventory Area (WRIA 8)	Third Thursday every other month, 3 pm, @ Bellevue DOE	Black	Arnold



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Ave, Kirkland, WA 98033 · 425.587.3100
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk/Public Records Officer
Michael Olson, Director of Finance and Administration

Date: January 9, 2020

Subject: 2020 Board and Commission Interview Committee Selection

RECOMMENDATION:

That the City Council appoints three members to this year's Council Board and Commission Interview Selection Committee.

BACKGROUND DISCUSSION:

Council adopted Resolution 4911 at their March 6, 2012 meeting which updated Council's procedures, reduced the maximum number of applicants to be interviewed per vacancy to three, and included the following:

Appointment Process

Upon receipt of applications, the Council will review the applications and reduce the number of applicants for interview to three applicants for each vacancy. For example, if there were two vacancies on a board or commission, the Council would reduce the pool of applicants to be considered to six. In cases where the number of applicants for interview require a reduction from the number that have applied, an ad hoc committee of the Council will be appointed by lot to review and recommend to the entire Council those to be interviewed for each board or commission and those recommended not to be interviewed.

Council further updated their Policies and Procedures with the passage of Resolution 5145 in September 2015. Chapter 8, relating to Board and Commission appointments, includes section 8.08, pertaining to Appointment/Reappointment, which states, in part, "All advisory board members completing their term who are interested in and eligible for reappointment may be reappointed by the City Council for a second term without an open competitive process." Council's interview selection committee will be provided input from the board chairs for consideration as to whether any such appointments without a competitive process should be recommended to the full Council.

The 2020 process will begin with a posting of upcoming vacancies during the fourth week of January. Council will need to select by lot the three members of the selection committee. The selection committee will need to meet during the third week of February and will forward their recommendations of three candidates per vacancy to the full Council for consideration at their March 3, 2020 meeting.

The full Council will then act to accept the recommendations, alter the recommendations, or add additional candidates to be interviewed for any of the positions.

A special meeting date of Thursday, March 19th, has been scheduled to conduct interviews and make appointments for seats whose terms will end on March 31, 2020.