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	1e. The completed Phase I of this project provided a promenade that parallels the entire shoreline and includes seating, adjacent vegetation, and trash receptacles. This phase of the project carefully maintains access to the promenade and improves pedestrian site circulation. Permanent seating is incorporated into the edge of the relocated play area adjacent to the bathhouse, and is also provided by the art installation on the north side of the playground.
3. Buildings shall not incorporate materials that are reflective or mirrored.	The proposed buildings, play structure, and art installation do not use reflective or mirrored materials. The metal roofs of the bathhouse and pavilions are non-reflective. The art installation and the exteriors of the bathhouse and pavilions are wood.
KZC 83.400 Tree Management and Vegetation in Shoreline Setback	
KZC 83.400.1 includes specific requirements for retention of significant trees in the shoreline setback, and required compensation when trees are removed.	The proposed project does not include any tree removal in the shoreline setback. The entire project will only remove two small trees near the upland edge of shoreline jurisdiction, on the upland side of the existing bathhouse. Care has been taken to retain the large weeping willow at the north end of Wetland D.
KZC 83.400.3 provides requirements for re-vegetating the shoreline setback. Per 3.b.1)a): Water-Dependent Uses or Activities – The applicant shall plant native vegetation, as necessary, in at least 75 percent of the property's shoreline frontage for the nearshore riparian area located along or near the water's edge, except for the following areas, where the vegetation standards shall not apply: those portions of water-dependent development that require improvements adjacent to the water's edge, such as fuel stations for retail establishments providing gas sales, haul-out areas for retail establishments providing boat and motor repair and service, boat ramps for boat launches, swimming beaches or other similar activities shall plant native vegetation on portions of the nearshore riparian area located along the water's edge that are not otherwise being used for the water-dependent activity. Per 3.f.: Alternative Compliance – Vegetation required by this subsection shall be installed unless the applicant demonstrates one (1) of the following: 1) The vegetation will not provide shoreline ecological function due to existing conditions, such as the presence of	Most of Juanita Beach Park's Lake Washington shoreline frontage and setback is an active swimming beach area, with pockets of native vegetation in wetlands and buffers that were installed as part of the Juanita Beach Park Phase I Improvements project. A concrete promenade also parallels the shoreline; any vegetation planted upland of the promenade would provide little benefit to the Lake Washington ecosystem, and would further be a barrier to public access and views. The vegetation might also compromise safety if it screens young or inexperienced swimmers from lifeguards, parents, or others. West of the formal swim beach, the shoreline is already vegetated with a mix of native trees, shrubs, and groundcovers in wetlands and riparian buffers. The proposed project will also compensate for permanent loss of existing wetland and stream buffer area (currently mowed lawn) by installing native vegetation in stream and wetland buffers. These permanent losses are all upland of the

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extensive shoreline stabilization measures that extend landward from the OHWM; or 3) The vegetation will substantially interfere with the use and enjoyment of the portion of the property located between the primary structure and OHWM, such as the existing structure is located in very close proximity to the OHWM; the area in between the primary structure and the OHWM is encumbered by a sanitary sewer, public pedestrian access easement, public access walkway or other constraining factors; or 4) The required vegetation placement will obstruct existing views to the lake, at the time of planting or upon future growth, which cannot otherwise be mitigated through placement or maintenance activities. The applicant shall be responsible for providing sufficient information to the City to determine whether the vegetation placement will obstruct existing views to the lake.	shoreline setback, and are conversions of existing vegetated condition to impervious surface or some other development. Disturbance of wetland and stream buffers (currently lawn), both in and upland of the setback, is considered temporary when the area will be returned to lawn or some other improved vegetated condition. Any conversion of lawn waterward or east of the bathhouse to a vegetated condition other than lawn would either obstruct views or physical access.
KZC 83.480 Water Quality, Stormwater, and Nonpoint Pollution	
1. General – Shoreline development and use shall incorporate all known, available, and reasonable methods of prevention, control, and treatment to protect and maintain surface and/or ground water quantity and quality in accordance with Chapter 15.52 KMC and other applicable laws.	The project's construction-related and operational stormwater management strategies are consistent with City code. No pollution-generating impervious surfaces are being added to the project. Runoff from impervious areas around the bathhouse will be routed into a vegetated swale.
KZC 83.500.5 Wetland Buffer Fence or Barrier	
5. Wetland Buffer Fence or Barrier – Prior to beginning development activities, the applicant shall install a 6-foot-high construction-phase chain link fence or equivalent fence with silt screen fabric, as approved by the Planning Official and consistent with City standards, along the upland boundary of the entire wetland buffer. The construction-phase fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all wetland buffers and the developed portion of the site, either (a) a permanent 3- to 4-foot-tall split rail fence; or (b) equivalent barrier, as approved by the Planning Official. Installation of the permanent fence or equivalent barrier must be done by hand where necessary to prevent machinery from entering the wetland or its buffer.	Split-rail fencing is proposed around the enhanced stream and wetland buffer areas, not at the edges of all regulatory buffers which would bisect walkways, active open space, and the swim beach. The location and orientation of the proposed bathhouse, the removal of an existing trail paralleling Juanita Creek/Wetland A, and the expanded vegetated buffer area together will further limit access into the buffer fringing Juanita Creek/Wetland A. Activity in that area will be reduced by the proposed project with the installation of the vegetated buffer and bathhouse where there is currently open lawn and a playground. Fencing this stretch of buffer was not required as part of Phase I, and the need for it will be even less after implementation of Phase II. Per Ecology suggestion, salmonberry, a thorny native shrub, has been incorporated into the plant schedule to act as a further deterrent to trespass.

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KZC 83.500.7 Modification of Wetlands	
a. No land surface modification shall occur and no improvement shall be located in a wetland, except as provided in this subsection. Furthermore, all modifications of a wetland shall be consistent with *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc., 1998).	The proposed wetland fill requires a Shoreline Variance. The *Kirkland's Streams, Wetlands and Wildlife Study* states a "primary goal for wetlands in the Juanita Creek Basin is to protect and preserve the high quality wetland areas from further impacts." The report does not identify any wetlands in the project area.
b. Submittal Requirements – The applicant shall submit a report prepared by a qualified professional and fund a review of this report by the City's consultant.	The *Wetland/Stream Delineation Report and Mitigation Plan* contains all of the required information (Shannon & Wilson, Inc., 2017).
c. Decisional Criteria – The City may only approve an improvement or land surface modification in a wetland if: 1) The project demonstrates consideration and implementation of appropriate mitigation sequencing as outlined in KZC 83.490(2); 2) It will not adversely affect water quality; 3) It will not adversely affect fish, wildlife, or their habitat; 4) It will not have an adverse effect on drainage and/or storm water detention capabilities; 5) It will not lead to unstable earth conditions or create an erosion hazard or contribute to scouring actions; 6) It will not be materially detrimental to any other property or the City as a whole; 7) Compensatory mitigation is provided in accordance with the table in subsection (8) of this section; 8) Fill material does not contain organic or inorganic material that would be detrimental to water quality or fish and wildlife habitat; 9) All exposed areas are stabilized with vegetation normally associated with native wetlands and/or buffers, as appropriate; and 10) There is no feasible alternative development proposal that results in less impact to the wetland and its buffer.	The proposed wetland modification is consistent with the decision criteria as outlined below: c1) As outlined in the *Wetland/Stream Delineation Report and Mitigation Plan* (Shannon & Wilson, Inc., 2017), the project has undergone a rigorous mitigation sequencing process. Per KZC 83.490.2.a, mitigation sequencing includes consideration of the project requirements, which is an important factor for this park project. c2) The proposed project does not add any pollution-generating impervious surfaces. The project's construction-related and operational stormwater management strategies are consistent with City code. Water quality will not be adversely affected. c3) The project will enhance the higher-functioning natural areas on the site with improvements to buffers that are currently sand or lawn. Wetlands C and D and their buffers do not provide significant ecological benefits to fish or wildlife. c4) The project has been designed consistent with the City's stormwater code such that there will be no adverse effects on drainage, groundwater recharge, or shoreline protection. c5) The project includes use of best management practices (BMPs), including appropriate stabilization measures, to minimize erosion. The proposed wetland modification will not contribute to scour. c6) The project will benefit the City and the region by improving the park user experience on the site and by providing a functional lift in Juanita Creek,

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	Wetland A and Wetland B buffers, and will not harm other properties. c7) After review of Phase I impacts and mitigation elements and further discussion with Ecology, it was agreed that the proposed wetland fill requires a minimum of 0.11 acre (4,866 square feet) of wetland enhancement when using the standard mitigation ratio of 6:1 for Category III wetland impacts. The project will implement the required wetland enhancement in Juanita Bay Park. A detailed accounting of the completed Phase I and proposed Phase II impacts, and completed Phase I and proposed Phase II mitigation, is included in the *Wetland/Stream Delineation Report and Mitigation Plan* (Shannon & Wilson, Inc., 2017). c8) All fill materials will meet standard specifications, be clean, and be stored and applied per plans to avoid adverse impacts. c9) Exposed areas will be stabilized consistent with the temporary erosion and sediment control plan. As shown on the plans, the existing lawn wetlands (C and D) are proposed to be converted to upland lawn. No other wetland areas are proposed to be modified. c10) Alternative development proposals that result in less impact to the wetlands are not considered feasible, because they would prevent achievement of one of the project's primary purposes, which is to make the available open space more functional for users.
KZC 83.500.9 Wetland Buffer Modification	
a. Departures from the standard buffer requirements shall be approved only after the applicant has demonstrated consideration and implementation of appropriate mitigation sequencing as outlined in KZC 83.490(2).	As outlined in the *Wetland/Stream Delineation Report and Mitigation Plan* (Shannon & Wilson, Inc., 2017), the project has undergone a rigorous mitigation sequencing process. Per KZC 83.490.2.a, mitigation sequencing includes consideration of the project requirements, which is an important factor for this park project.
b. Approved departures from the standard buffer requirements of subsection (4) of this section allow applicants to modify the physical and biological conditions of portions of the standard buffer for the duration of the approved project. These approved departures from the standard buffer requirements do not permanently establish a new regulatory buffer edge. Future development	The need for the departures approved as part of Phase I, mostly related to maintenance of lawn in buffers, is not changing with Phase II, and if anything, the need is increasing. Conversion of lawn in buffers to another vegetation type, beyond what is proposed in this project, would significantly hamper the park's ability to provide public access

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activities on the subject property may be required to re-establish the physical and biological conditions of the standard buffer.	and recreation space to an increasing number of users.
c. Modification of Wetland Buffers When Wetland Is Also to Be Modified – Wetland buffer impact is assumed to occur when wetland fill or modification is proposed. Any proposal for wetland fill/modification shall include provisions for establishing a new wetland buffer to be located around the compensatory mitigation sites and to be equal in width to its standard buffer specified in subsection (4)(a) of this section or a buffer reduced in accordance with this section by no more than 25 percent of the standard buffer width in all cases, regardless of wetland category or basin type.	Implementing off-site wetland mitigation in the same basin as the project, as required by code, limits the number of available opportunities for wetland enhancement. In this highly urbanized basin, no opportunities to enhance wetland of the minimum size required and having 125 feet (requirement for enhancement of Category II wetlands) of vegetation surrounding it could be located. The proposed mitigation is in the same basin and in a similar landscape position as the impacted wetlands, but the property shape, location of existing development, and on-site hydrologic and vegetative conditions preclude placement of the entire enhancement area 125 feet from existing development. Further, for those potential mitigation areas that have sufficient width of buffer vegetation, an unintended and adverse consequence of this requirement is that small islands of restoration may occur in a landscape that itself could benefit from restoration, or damage to native communities or further harm to already degraded areas might occur in the process of accessing the suitable mitigation area. These isolated islands of enhancement might also be more vulnerable to colonization by invasive species from the surrounding, unenhanced community. This proposal will maximize enhancement without degrading adjacent areas, which meets the ultimate intent of critical areas protection code.
d. Modification of Wetland Buffers When Wetland Is Not to Be Modified – No land surface modification may occur and no improvement may be located in a wetland buffer, except as provided for in this subsection. 1) Types of Buffer Modifications – Buffers may be reduced through one (1) of two (2) means, either (a) buffer averaging, or (b) buffer reduction with enhancement. A combination of these two (2) buffer reduction approaches shall not be used: a) Buffer averaging requires that the area of the buffer resulting from the buffer averaging is equal in size and quality to the buffer area calculated by the standards specified in subsection (4) of this section. Buffers may not be reduced at any point by more than 25 percent of	The proposed project is pursuing a Shoreline Variance from this code section to allow reduction of Wetland A's buffer by more than 25%. Further, a buffer reduction proposal consistent with the code would require that the buffer be "… planted … to yield over time a reduced buffer that is equivalent to undisturbed Puget Lowland forests in density and species composition." Neither buffer averaging nor buffer reduction to less than 25% of the standard buffer are feasible without substantial compromise of the project's objectives to provide the best balance of usable open space by park users for picnicking, play, sunbathing, and other recreation; retain the existing weeping willow tree at the north

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the standards specified in subsection (4) of this section, unless approved through a shoreline variance. Buffer averaging calculations shall only consider the subject property. b) Buffers may be decreased through buffer enhancement. The applicant shall demonstrate that through enhancing the buffer (by removing invasive plants, planting native vegetation, installing habitat features, such as downed logs or snags, or other means), the reduced buffer will function at a higher level than the existing standard buffer. The reduced on-site buffer area must be planted and maintained as needed to yield over time a reduced buffer that is equivalent to undisturbed Puget lowland forests in density and species composition. At a minimum, a buffer enhancement plan shall provide the following: (1) a map locating the specific area of enhancement; (2) a planting plan that uses native species, including groundcover, shrubs, and trees; and (3) a monitoring and maintenance program prepared by a qualified professional consistent with the standards specified in subsection (10) of this section. Buffers may not be reduced at any point by more than 25 percent of the standards in subsection (4)(a) of this section. Buffer reductions of more than 25 percent approved through a shoreline variance will be assumed to have direct wetland impacts that must be compensated for as described in subsection (8) of this section. 2) Decisional Criteria – An improvement or land surface modification may be approved in a wetland buffer only if: a) The development activity or buffer modification demonstrates consideration and implementation of appropriate mitigation sequencing as outlined in KZC 83.490(2); b) It is consistent with *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc., 1998); c) It will not adversely affect water quality; d) It will not adversely affect fish, wildlife, or their habitat; e) It will not have an adverse effect on drainage and/or storm water detention capabilities, ground water recharge or shoreline protection;	edge of Wetland D; and provide the view corridors necessary to accommodate off-site property owners and public safety, among others. Providing a forested buffer where lawn is currently would dramatically shrink the available recreation space at the park. The code under d.1) makes an assumption that buffer reductions greater than 25% will have direct wetland impacts that require compensation. At this site, the proposed buffer reduction will not harm Wetland A; the "reduction" is essentially only on paper and is regulatory only, and not an actual reduction in function. The impacted buffer area is lawn and an active playground space, and is separated from the stream and Wetlands A and B by an asphalt path or the concrete promenade. The proposed placement of the relocated bathhouse and playground will provide separation between the playground and Wetland A (which will reduce some of the noise impacts to Wetland A from the playground). Further, 12,822 square feet of what is now lawn will be enhanced between the relocated bathhouse and Wetland A with native shrubs and herbaceous plants. The proposed alteration of Wetland A's buffer in this area is beneficial, not an adverse impact. Under d.2), the proposed buffer modification is consistent with the decision criteria as outlined below: 2a) As outlined in the *Wetland/Stream Delineation Report and Mitigation Plan* (Shannon & Wilson, Inc., 2017), the project has undergone a rigorous mitigation sequencing process. Per KZC 83.490.2.a, mitigation sequencing includes consideration of the project requirements, which is an important factor for this park project. 2b) The 1998 *Kirkland's Streams, Wetlands and Wildlife Study* states a "primary goal for wetlands in the Juanita Creek Basin is to protect and preserve the high quality wetland areas from further impacts." The report does not identify any wetlands in the project area, much less "high quality" wetlands. As recommended in the report, the project is enhancing stream and wetland buffers. 2c) The proposed project does not add any pollution-generating impervious surfaces. The

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f) It will not lead to unstable earth conditions or create an erosion hazard; g) It will not be materially detrimental to any other property or the City as a whole; h) Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat; i) All exposed areas are stabilized with vegetation normally associated with native wetland buffers, as appropriate; and j) There is no feasible alternative development proposal that results in less impact to the buffer. As part of the modification request, the applicant shall submit a report prepared by a qualified professional and fund a review of this report by the City's consultant. The report shall assess the water quality, habitat, drainage or storm water detention, ground water recharge, shoreline protection, and erosion protection functions of the buffer; assess the effects of the proposed modification on those functions; and address the 10 criteria listed in subsection (9)(d)(2) of this section.	project's construction-related and operational stormwater management strategies are consistent with City code. Water quality will not be adversely affected. 2d) The project will enhance the higher-functioning natural areas on the site with improvements to buffers that are currently sand or lawn. Wetlands C and D and their buffers do not provide significant ecological benefits to fish or wildlife. 2e) The project has been designed consistent with the City's stormwater code such that there will be no adverse effects on drainage, groundwater recharge, or shoreline protection. 2f) The project includes use of BMPs, including appropriate stabilization measures, to minimize erosion. 2g) The project will benefit the City and the region, and will not harm other properties. 2h) All fill materials will meet standard specifications, be clean, and be stored and applied per plans to avoid adverse impacts. 2i) Exposed areas will be stabilized consistent with the temporary erosion and sediment control plan. As appropriate, existing lawn areas within buffers that are temporarily impacted by the project will be restored to lawn. As shown on the plans, some temporarily impacted buffer areas will be revegetated with native shrubs and emergent as part of the bathhouse stormwater management system. 2j) Alternative development proposals that result in less impact to the buffer are not considered feasible, because they would interfere with the project's primary purpose.
KZC 83.500.12 Shoreline Variance for Wetland Modification or Wetland Buffer Modification	
a. Submittal Requirements – As part of the shoreline variance request, the applicant shall submit a report prepared by a qualified professional and fund a review of this report by the City's qualified professional. The report shall include the following: …	The *Wetland/Stream Delineation Report and Mitigation Plan* contains all of the required information (Shannon & Wilson, Inc., 2017).
b. Decisional Criteria – The City may grant approval of a shoreline variance only if all of the following criteria are met:	b1) The definition of feasible in KZC 83.80.42 includes recognition of the project's intended use and intended purpose. The Parks Department and Parks Board have carefully considered and weighed

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1) No other permitted type of land use for the property with less impact on the sensitive area and associated buffer is feasible; 2) The proposal has the minimum area of disturbance; 3) The proposal maximizes the amount of existing tree canopy that is retained; 4) The proposal utilizes to the maximum extent feasible innovative construction, design, and development techniques, including pervious surfaces, that minimize to the greatest extent feasible net loss of sensitive area functions and values; 5) The proposed development does not pose an unacceptable threat to the public health, safety, or welfare on or off the property; 6) The proposal meets the mitigation, maintenance, and monitoring requirements of this chapter; 7) The granting of the shoreline variance will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures under similar circumstances.	the project's intended use and purpose in the siting and design of all project components. Eliminating the low-functioning wetlands is essential to the project's purpose of retaining and expanding usable and functional public recreation space outside of the park's natural areas. b2) The amount of land disturbance has been minimized, and is limited to that necessary to demolish and build specified structures and restore wetland lawn areas to more usable ground. b3) The proposed bathhouse building was shifted a little farther west in order to avoid and preserve an existing willow tree at the south edge of the existing playground at the edge of Wetland D and the upland edge of Wetland A's buffer. Only two small trees will be removed as a result of the project just inside shoreline jurisdiction; the trees are not located in buffers. b4) The proposal will not result in a net loss of sensitive area functions and values. As stated previously, the existing wetland/stream buffers proposed to be modified are currently mowed lawn or some other improvement that is used heavily by the public year-round. The impacted areas are also separated from native shrub/wooded wetlands and wetland/stream buffers by asphalt walkways and concrete promenade. b5) Public health, safety, and welfare will not be degraded by the proposed project, and may be improved with the new location of a formal lifeguard station at the south end of the new bathhouse and a bathhouse orientation that facilitates effective police officer patrols. b6) The project's mitigation, maintenance, and monitoring requirements are consistent with the City's code, except for the element included in the Shoreline Variance request, and will result in a net improvement in ecological functions. b7) As outlined in this letter, the proposed variance meets the Shoreline Variance criteria and is consistent with the SMP and Comprehensive Plan. As such, approval of this variance would not be a grant of special privilege. Other properties that can demonstrate consistency and that the criteria are met would similarly be granted a variance.

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KZC 83.510.5 Stream Buffer Fence or Barrier	
Prior to beginning development activities, the applicant shall install a 6-foot-high construction-phase chain link fence or equivalent fence, as approved by the Planning Official and consistent with City standards, along the upland boundary of the entire stream buffer with silt screen fabric. The construction-phase fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all stream buffers and the developed portion of the site, either (a) a permanent 3- to 4-foot-tall split rail fence; or (b) equivalent barrier, as approved by the Planning Official. Installation of the permanent fence or equivalent barrier must be done by hand where necessary to prevent machinery from entering the stream or its buffer.	Short-term placement of construction fencing will be a requirement of the Contractor. The applicant is not proposing to install fencing at the upland edge of the regulatory buffer, as it extends into lawn and planned active use areas. However, the enhanced Wetland A/Juanita Creek buffer west of the volleyball courts and portions of the enhanced buffer on the west side of the proposed bathhouse will have a split-rail fence. A similar proposal was approved by the City as part of Phase I.
KZC 83.510.7 Stream Buffer Modification	
a. Departures from the standard buffer requirements shall be approved only after the applicant has demonstrated consideration and implementation of appropriate mitigation sequencing as outlined in KZC 83.490(2).	As outlined in the *Wetland/Stream Delineation Report and Mitigation Plan* (Shannon & Wilson, Inc., 2017), the project has undergone a rigorous mitigation sequencing process. Per KZC 83.490.2.a, mitigation sequencing includes consideration of the project requirements, which is an important factor for this park project.
b. Approved departures from the standard buffer requirements of subsection (4)(a) of this section allow applicants to modify the physical and biological conditions of portions of the standard buffer for the duration of the approved project. These approved departures from the standard buffer requirements do not permanently establish a new regulatory buffer edge. Future development activity on the subject property may be required to re-establish the physical and biological conditions of the standard buffer.	The need for the departures approved as part of Phase I, mostly related to maintenance of lawn in buffers, is not changing with Phase II, and, if anything, the need is increasing. Conversion of lawn in buffers to another vegetation type, beyond what is proposed in this project, would significantly hamper the park's ability to provide public access and recreation space to an increasing number of users.
c. Types of Buffer Modification – Buffers may be reduced through one (1) of two (2) means, either (1) buffer averaging; or (2) buffer reduction with enhancement. A combination of these two (2) buffer reduction approaches shall not be used. 1) Buffer averaging requires that the area of the buffer resulting from the buffer averaging be equal in size and quality to the buffer area calculated by the standards specified in subsection (4)(a) of this section. Buffers may not be reduced at any point by more than one-third (1/3) of	Buffer averaging is not feasible without substantial compromise of the project's objectives to provide the best balance of usable open space by park users for picnicking, play, sunbathing, and other recreation; retain the existing weeping willow tree at the north edge of Wetland D; and provide the view corridors necessary to accommodate off-site property owners and public safety, among others. Buffer reduction with enhancement is proposed, but a Shoreline Variance may be needed if the code is

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the standards in subsection (4)(a) of this section, or not by more than one-fourth (1/4) in the shoreline areas of the RSA and RMA zones and O. O. Denny Park. Buffer averaging calculations shall only consider the subject property. 2) Buffers may be decreased through buffer enhancement. The applicant shall demonstrate that through enhancing the buffer (by removing invasive plants, planting native vegetation, installing habitat features such as downed logs or snags, or other means) the reduced buffer will function at a higher level than the standard existing buffer. The reduced on-site buffer area must be planted and maintained as needed to yield over time a reduced buffer that is equivalent to an undisturbed Puget lowland forest in density and species composition. A buffer enhancement plan shall at a minimum provide the following: (a) a map locating the specific area of enhancement; (b) a planting plan that uses native species, including groundcover, shrubs, and trees; and (c) a monitoring and maintenance program prepared by a qualified professional consistent with the standards specified in KZC 83.500(11). Buffers may not be reduced at any point by more than one-third (1/3) of the standards in subsection (4)(a) of this section, or not by more than one-fourth (1/4) for the shoreline areas in the RSA and RMA zones and O. O. Denny Park.	interpreted to require all of the reduced buffer to be "… planted … to yield over time a reduced buffer that is equivalent to undisturbed Puget Lowland forests in density and species composition." Providing a forested buffer where lawn is currently would dramatically shrink the available recreation space at the park, and interfere with existing shoreline views.
d. Decisional Criteria – An improvement or land surface modification may be approved in a stream buffer only if: 1) The project demonstrates consideration and implementation of appropriate mitigation sequencing as outlined in KZC 83.490(2); 2) It is consistent with *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc., 1998) or the Shoreline Restoration Plan (The Watershed Company, 2010); 3) It will not adversely affect water quality; 4) It will not adversely affect fish, wildlife, or their habitat; 5) It will not have an adverse effect on drainage and/or storm water detention capabilities; 6) It will not lead to unstable earth conditions or create an erosion hazard or contribute to scouring actions;	The proposed buffer modification is consistent with the decision criteria as outlined below: d1) As outlined in the *Wetland/Stream Delineation Report and Mitigation Plan* (Shannon & Wilson, Inc., 2017), the project has undergone a rigorous mitigation sequencing process. Per KZC 83.490.2.a, mitigation sequencing includes consideration of the project requirements, which is an important factor for this park project. d2) As recommended in the *Kirkland's Streams, Wetlands and Wildlife Study* report, the project is enhancing stream and wetland buffers. d3) The proposed project does not add any pollution-generating impervious surfaces. The project's construction-related and operational stormwater management strategies are consistent with City code, and will ultimately discharge water

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7) It will not be materially detrimental to any other property or the City as a whole; 8) Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat; 9) All exposed areas are stabilized with vegetation normally associated with native stream buffers, as appropriate; and 10) There is no practicable or feasible alternative development proposal that results in less impact to the buffer. As part of the modification request, the applicant shall submit a report prepared by a qualified professional and fund a review of this report by the City's consultant. The report shall assess the habitat, water quality, storm water detention, ground water recharge, and erosion protection functions of the buffer; assess the effects of the proposed modification on those functions; and address the 10 criteria listed in subsections (7)(d)(1) through (10) of this section.	into Lake Washington, not Juanita Creek. Water quality will not be adversely affected. d4) The project will enhance the higher-functioning natural areas on the site with improvements to buffers that are currently sand or lawn. d5) The project has been designed consistent with the City's stormwater code such that there will be no adverse effects on drainage. d6) The project includes use of BMPs, including appropriate stabilization measures, to minimize erosion. The proposed buffer modification will have no influence on scour. d7) The project will benefit the City and the region, and will not harm other properties. d8) All fill materials will meet standard specifications, be clean, and be stored and applied per plans to avoid adverse impacts. d9) Exposed areas will be stabilized consistent with the temporary erosion and sediment control plan. As appropriate, existing lawn areas within buffers that are temporarily impacted by the project (e.g., are not proposed to be converted to impervious surface or some other improvement) will be restored to lawn. As shown on the plans, some temporarily impacted buffer areas will be revegetated with native shrubs and herbaceous plants as part of the bathhouse stormwater management system. d10) Alternative development proposals that result in less impact to the buffer are not considered feasible, because they would interfere with the project's primary purpose.
KZC 83.510.8 Shoreline Variance for Stream Relocation or Modification or Stream Buffer Modification	
a. Submittal Requirements – As part of the shoreline variance request, the applicant shall submit a report prepared by a qualified professional and fund a review of this report by the City's qualified professional. The report shall include the following: …	A wetland/stream delineation report and mitigation plan containing all of the required information has been prepared for the proposed project (Shannon & Wilson, Inc., 2017).
b. Decisional Criteria – The City may grant approval of a shoreline variance only if all of the following criteria are met:	b1) The property has been in recreational use for 100 years, and its continued use for public access and recreation is supported by the Comprehensive Plan and the SMP.

Shoreline Master Program Code Section and Code Excerpt or Summary	Compliance Analysis
1) No other permitted type of land use for the property with less impact on the sensitive area and associated buffer is feasible; 2) The proposal has the minimum area of disturbance; 3) The proposal maximizes the amount of existing tree canopy that is retained; 4) The proposal utilizes to the maximum extent feasible innovative construction, design, and development techniques, including pervious surfaces, that minimize to the greatest extent feasible net loss of sensitive area functions and values; 5) The proposed development does not pose an unacceptable threat to the public health, safety, or welfare on or off the property; 6) The proposal meets the mitigation, maintenance, and monitoring requirements of this chapter; 7) The granting of the shoreline variance will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures under similar circumstances.	b2) The amount of land disturbance has been minimized, and is limited to that necessary to demolish and build specified structures and restore wetland lawn areas within the stream buffer to more usable ground. b3) The proposed project will not remove any trees from the stream buffer. Overall tree canopy cover on the site will increase after implementation of the mitigation plan. b4) The proposal will not result in a net loss of sensitive area functions and values. As stated previously, the existing wetland/stream buffers proposed to be modified are currently mowed lawn or some other improvement that is used heavily by the public year-round. The impacted areas are also separated from native shrub/wooded wetlands and wetland/stream buffers by asphalt walkways and concrete promenade. b5) Public health, safety, and welfare will not be degraded by the proposed project, and may be improved with the new location of a formal lifeguard station at the south end of the new bathhouse and a bathhouse orientation that facilitates effective police officer patrols. b6) The project's mitigation, maintenance, and monitoring requirements are consistent with the City's code and will result in a net improvement in ecological functions. b7) As outlined in this letter, the proposed variances meet the Shoreline Variance criteria and are consistent with the SMP and Comprehensive Plan. As such, approval of this Shoreline Variance would not be a grant of special privilege. Other properties that can demonstrate consistency and that the criteria are met would similarly be granted a Shoreline Variance.
KZC 141.70.3 Procedures – Variances	
a. General – Applications for a shoreline variance permit shall follow the procedures for a Process IIA permit review pursuant to Chapter 150 KZC, except as otherwise provided in this section. If the proposal that requires a shoreline variance is part of a proposal that requires additional approval through a Process IIB, the entire proposal will be decided upon using that other process.	Noted.

Shoreline Master Program Code Section and Code Excerpt or Summary	Compliance Analysis
b. Notice of Application and Comment Period 1) In addition to the notice of application content established in Chapter 150 KZC, notice of applications for shoreline variance permits must also contain the information required under WAC 173-27-110. 2) The minimum notice of application comment period for shoreline variance permits shall be no fewer than 30 days.	Noted.
c. Notice of Hearing – The Planning Official shall distribute notice of the public hearing at least 15 calendar days before the public hearing.	Noted.
d. Burden of Proof 1) WAC 173-27-140 establishes general review criteria that must be met. 2) WAC 173-27-170 establishes criteria that must be met for a variance permit to be granted.	The first two sections in this table specifically address WAC 173-27-140 and -170.
e. Decision 1) Approval by Department of Ecology. Once the City has approved a variance permit it will be forwarded to the State Department of Ecology for its review and approval/disapproval jurisdiction under WAC 173-27-200. 2) The permit shall state that construction pursuant to a permit shall not begin or be authorized until 21 days from the date that the Department of Ecology transmits its decision as provided in WAC 173-27-200; or until all review proceedings are terminated if the proceedings were initiated within 21 days from the filing date as defined in RCW 90.58.140. 3) Appeals of a shoreline variance permit shall be to the State Shoreline Hearings Board and shall be filed within 21 days of the filing date which is the postmarked date that the City mailed the permit decision to the Department of Ecology, as set forth in RCW 90.58.180.	Applicant understands the decision and appeal process. No analysis necessary.
f. Effect of Decision – For shoreline variance permits, no final action or construction shall be taken until the termination of all review proceedings initiated within 21 days from the date the Department of Ecology transmits its decision on the shoreline variance permit.	Noted.
g. Complete Compliance Required 1) General – Except as specified in subsection (2) of this section, the applicant must comply with all aspects, including conditions and restrictions, of an approval granted under this chapter as authorized by that approval.	Applicant will comply with all conditions of the City's and Ecology's approval.

Shoreline Master Program Code Section and Code Excerpt or Summary	Compliance Analysis
2) Exception – Subsequent Modification – WAC 173-27-100 establishes the procedure and criteria under which the City may approve a revision to a permit issued under the Shoreline Management Act and the shoreline master program.	
h. Time Limits – Construction and activities authorized by a shoreline variance permit are subject to the time limitations under WAC 173-27-090.	Applicant understands the time limits. No analysis necessary.

CLOSURE

The findings and conclusions documented in this report have been prepared for specific application to this project and have been developed in a manner consistent with that level of care and skill normally exercised by members of the environmental science profession currently practicing under similar conditions in the area, and in accordance with the terms and conditions set forth in our agreement. The conclusions presented in this report are professional opinions based on interpretation of information currently available to us and are made within the operational scope, budget, and schedule constraints of this project. No warranty, express or implied, is made.

SHANNON & WILSON, INC.

We appreciate the opportunity to be of service to you. If you have any questions or would like clarification of the information provided herein, please call me at (206) 695-6685.

Sincerely,

SHANNON & WILSON, INC.

Amy Summe
Senior Biologist/Permit Specialist

Enc. References (1 page)
Figure 1 - Site Plan Before and After
Figure 2 – Usable Space Outside of Buffers and Installed Stormwater Infrastructure
Figure 3 - Option 2 – Juanita Beach Park Bathhouse Replacement Project
Figure 4 - Option 3 – Juanita Beach Park Bathhouse Replacement Project
Figure 5 - View Analysis

AJS: KLW/ajs

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The Watershed Company, 2010, Shoreline Restoration Plan: Report prepared for City of Kirkland Department of Planning and Community Development, Kirkland, WA, November. Available: http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/SMP+Restoration+Plan.pdf

EXISTING CONDITIONS

PROPOSED CONDITIONS

LEGEND

- Sand/Gravel
- Lawn
- Shrub/Tree
- Paved
- Bldg
- Play Area
- Shoreline Jurisdiction
- Shoreline Setback
- Stream Buffer
- Wetland Buffer
- Wetland

N
W E
S

0 50 100
Feet

Juanita Beach Park Property
Kirkland, Washington

SITE PLAN
BEFORE AND AFTER

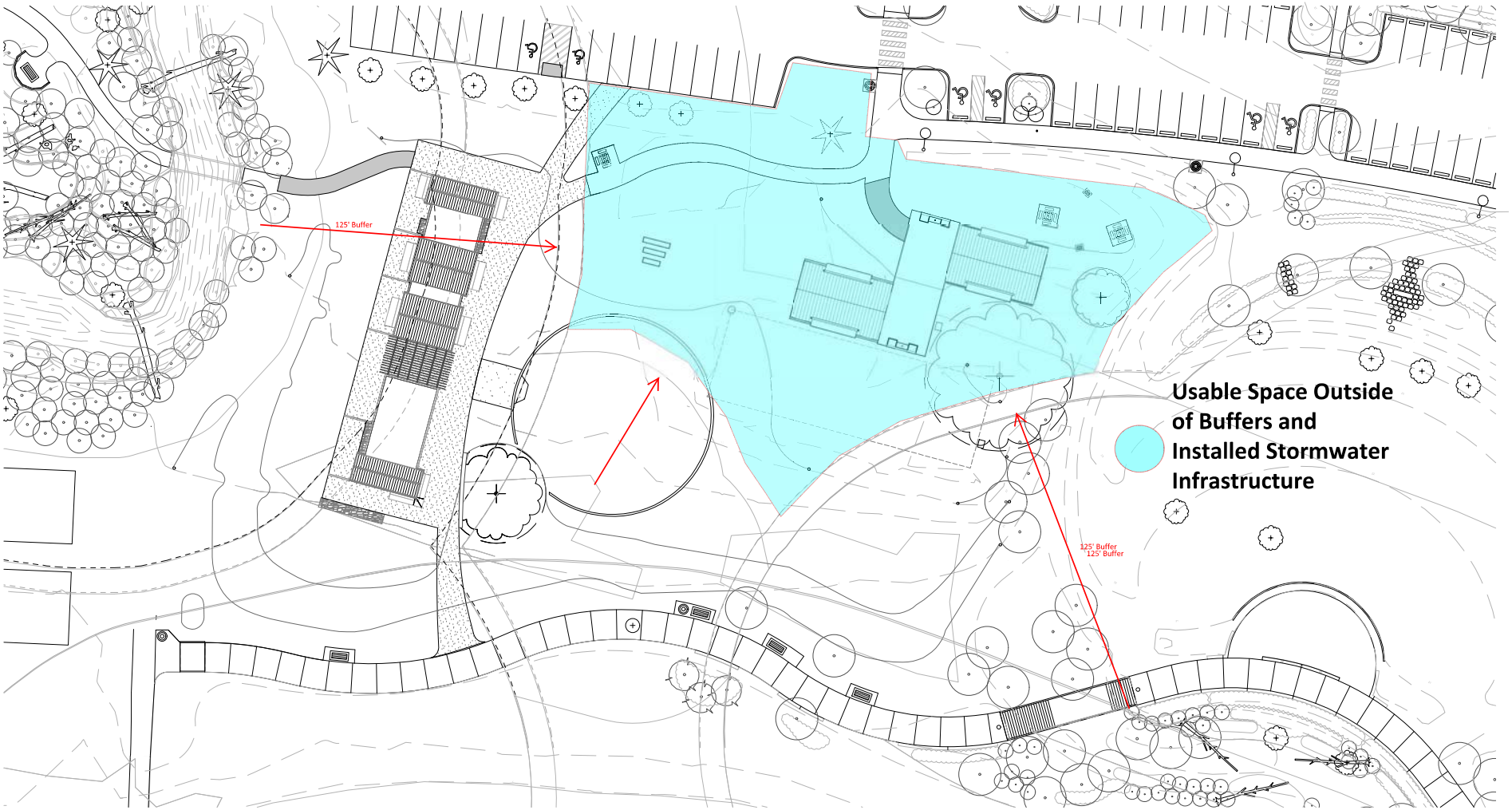
February 2019 21-1-22161-006

SHANNON & WILSON, INC.
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS

FIG. 1

Filename: T:\21-1\22161_Juanita_Beach_Park_Bathhouse\AV_mxd\January_2019_Revisions\FIG-6_SP_BeforeAfter.mxd Date: 1/29/2019 CCB

CALL BEFORE YOU DIG: 1-800-424-5555



1 SITE PLAN
SCALE: 1" = 20'

0 20' 40'

FIGURE 2

PATANO STUDIO ARCHITECTURE
603 STEWART ST. SUITE 500
SEATTLE, WA 98101

FILE	ENGR.	REVIEW	SCALE	DATE
			AS SHOWN	4/27/2018

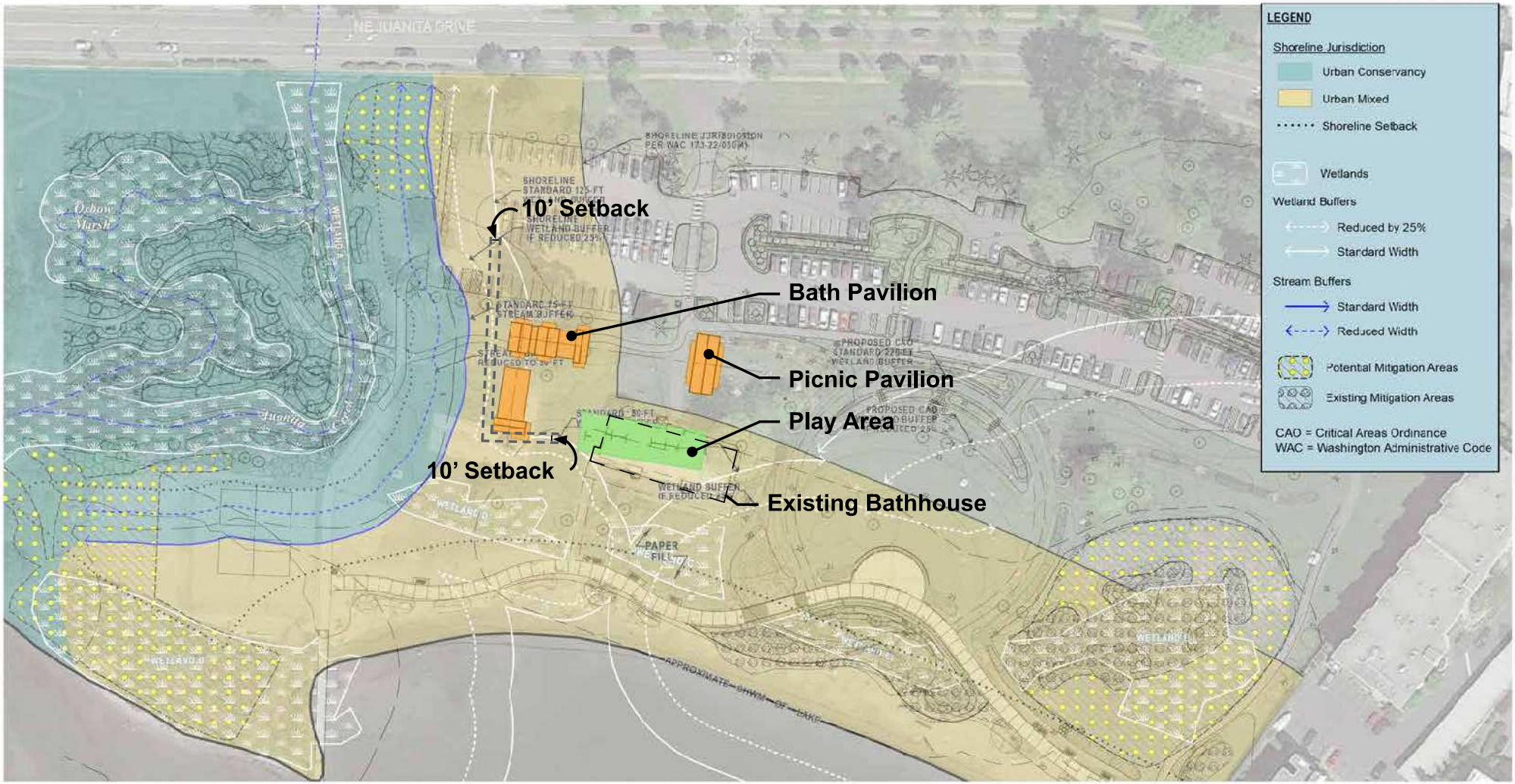
NO.	REVISION	BY	REVIEW	DATE

CITY OF KIRKLAND
PUBLIC WORKS DEPARTMENT
123 FIFTH AVENUE - KIRKLAND, WA 98033-6189 - (206)828-1243

CPK 0119 100
JUANITA BEACH PARK
BATHHOUSE REPLACEMENT
SITE PLAN

SHEET
A1.0

SITE PLAN



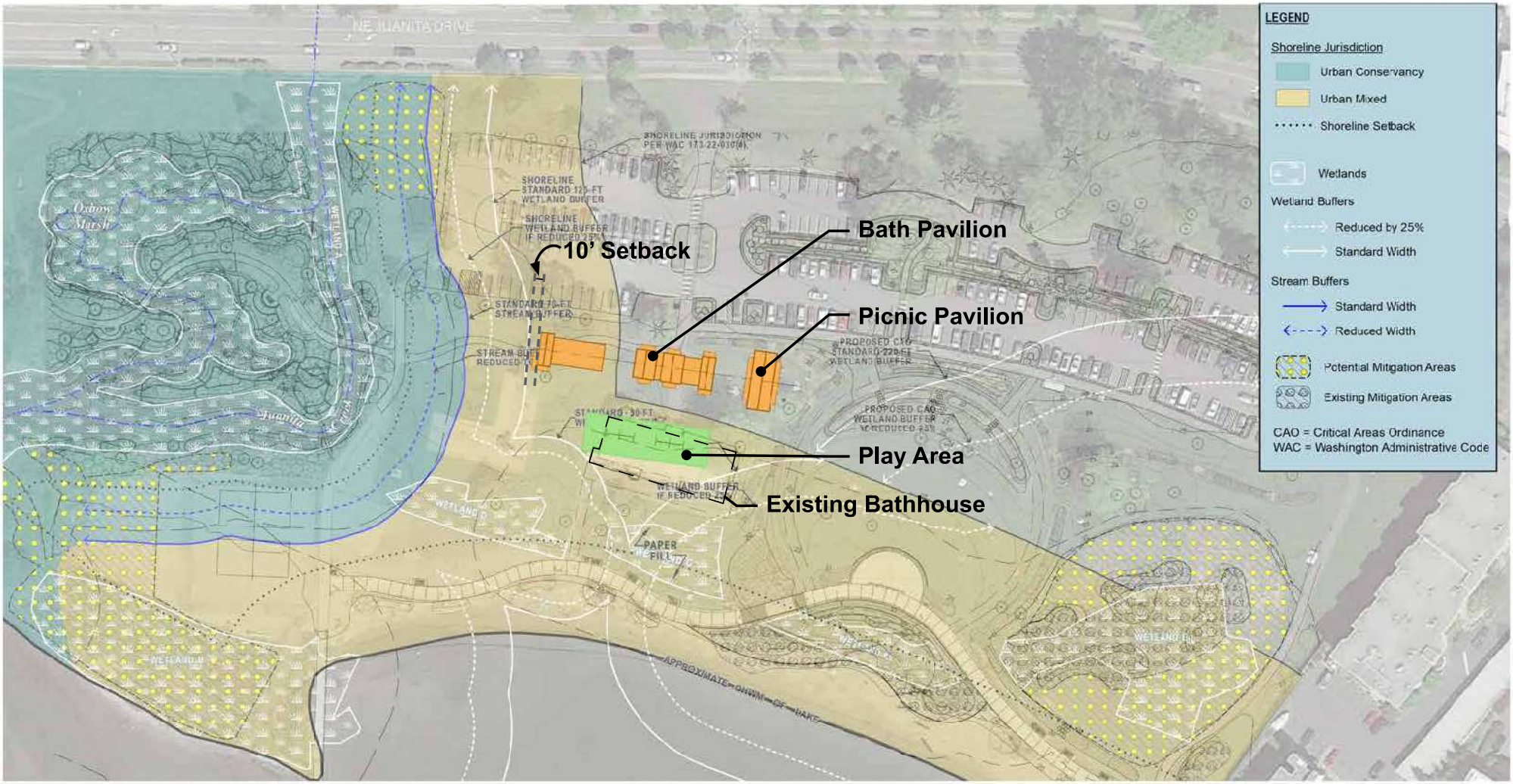
PATANO STUDIO ARCHITECTURE

OPTION 2- JUANITA BEACH PARK BATHHOUSE REPLACEMENT PROJECT

KIRKLAND, WASHINGTON | MAY 11, 2016

FIGURE 3

SITE PLAN



PATANO STUDIO ARCHITECTURE

OPTION 3- JUANITA BEACH PARK BATHHOUSE REPLACEMENT PROJECT

KIRKLAND, WASHINGTON | MAY 11, 2016

FIGURE 4

INN ON THE PARK
PROPOSED VIEW FROM UNIT 203
FIGURE 5A

INN ON THE PARK
EXISTING CONDITION FROM UNIT 203
FIGURE 5B

INN ON THE PARK
PROPOSED VIEW FROM UNIT 305
FIGURE 5C

INN ON THE PARK
EXISTING CONDITION FROM UNIT 305
FIGURE 5D