



## CITY OF KIRKLAND

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 - (425) 587-3225  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

### CITY OF KIRKLAND NOTICE OF DECISION

**May 5, 2015**

**Permit application:** BDR Kirkland II ([SUB14-01426](#))  
**Location:** [1118 2<sup>ND</sup> Street](#)  
**Applicant:** Paul Glosniak  
**Project description:** Two lot short plat of 13,000 square foot lot into a 7200 square foot lot fronting on 2nd Street, and a 5800 square foot lot in the back accessed via a private driveway easement.  
**Decisions Included:** Short Plat (Process I)  
**Project Planner:** Sean LeRoy  
**Department Decision:** **Approval with Conditions**

Eric Shields, Director  
Department of Planning and Community Development

Decision Date:	May 1, 2015
Appeal Deadline:	May 19, 2015

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

#### **How to Appeal:**

*Only the applicant or those persons who previously submitted written comments or information to the Planning Director are entitled to appeal this decision.* A party who signed a petition may not appeal unless such a party also submitted independent written comments or information. An appeal must be in writing and delivered, along with fees set by ordinance, to the Planning Department by 5:00 p.m., May 19, 2015. For information about how to appeal, contact the Planning Department at (425)587-3225. An appeal of this project decision would be heard by the Hearing Examiner.

#### **COMMENT TO CITY COUNCIL:**

If you do not file an appeal, but would like to express concerns about policies or regulations used in making this decision or about the decision making process, you may submit comments to [citycouncil@kirklandwa.gov](mailto:citycouncil@kirklandwa.gov). Expressing your concerns in this way will not affect the decision on this application, but will enable the City Council to consider changes to policies, regulations or procedures that could affect future applications.

## CONDITIONS OF APPROVAL

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of these development regulations. This attachment references current regulations and does not include all of the additional regulations. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed.
  
2. Prior to recording the short plat, the applicant shall:
  - a. Obtain a demo permit to remove the existing single family residence.
  - b. Revise the plat documents to include the regulations found in KMC 22.28.042:
    - (1) FAR for Lot 2 is restricted to:
      - (a) Maximum of 30% of lot size; **OR**
      - (b) Maximum of 35% of lot size with the following restrictions:
        - Primary roof form of all structures peaked with minimum pitch of 4:12; and
        - All structures set back at least 7.5' from side property lines
    - (2) Accessory Dwelling Unit on Lot 2 is not permitted.

**II. SITE AND NEIGHBORHOOD CONTEXT**

Zoning District	RS 7.2
Comprehensive Plan Designation	LDR-6; low density residential, 6 units per acre
Property Size	13,000 sf
Current Land Use	Low Density Residential
Proposed Lot Sizes <i>for zones with</i>	Lot 1: 7,200 sf Lot 2: 5,800 sf
Lot Size Compliance	See Section V.A below for a compliance analysis
Terrain	The slope has a gradual slope from the south property line (234') to the north property line (242').
Trees	There are 13 significant trees on the site; one of which is high retention value. Two significant trees located off site may be affected by the proposed development. Attachment 4 shows the location, tree number, and general health of the trees, as assessed by the applicant's arborist. The applicant is proposing phased review of the short plat pursuant to KZC 95.30.6.a. See Attachment 3, Development Standards, for information on the City's review of the arborist report as well as tree preservation requirements.
Access	Access is currently taken off of 2 <sup>nd</sup> Street. Proposed lots will take access off of 2 <sup>nd</sup> Street.
Neighboring Zoning and Development	
• North	RS 7.2; single family residential
• South	RS 7.2; single family residential
• East	RS 7.2; single family residential
• West	RS 6.3; single family residential

### III. PUBLIC NOTICE AND COMMENT

A. The public comment period for this application ran from September 10, 2014 to October 6, 2014. Below is a summary of public comments followed by a brief staff response.

1. *COMMENTS:*

***Density***

- *The project does not meet the minimum zoning requirement of 7,200 sf per lot, and is thereby out of character with the remainder of the neighborhood, and will increase tree removal.*
- *Approving this project will have a negative impact on market values, pricing and property values for surrounding parcels.*

***Trees***

- a. *Concerned over development damaging root structure to private, off-site, neighboring trees.*
- b. *The City should ensure that tree fencing protection and guidelines are appropriately followed.*
- c. *Request for further information on site and residential building plans in so far as they impact trees.*
- d. *Concern for the row of established Leyland Cedar trees which line the eastern boarder of the subject property.*
- e. *Objection to the increasing density and removal of mature trees on the subject property.*
- f. *Developer/owner will calculate tree density on the basis of the individual lots (as proposed), thereby allowing more tree removal, circumventing the density intent.*
- g. *General trend in the neighborhood of remaining trees being topped or trimmed for a 50% reduction of canopy.*
- h. *Removal of several significant mature trees would result in a loss of privacy for adjacent properties.*

2. *STAFF RESPONSE:*

a. ***Density, Character of Neighborhood and Property Values***

- (1) The City's subdivision ordinance allows a variety of options for lot size flexibility when short platting. For properties not subject to KMC 28.030, 22.28.040, 22.28.41 and 22.28.048, the minimum lot size of a proposed plat shall be deemed to be met if at least half of the proposed lots meet the minimum lot size as required in the zoning district in which the property is located. The remaining lots may contain less than the minimum established by the zoning district, depending upon which zone the subject property is located in. The subject property is located in the RS 7.2 zone, which allows the smaller lot to be a minimum of 5,000 sf. The proposal complies with this regulation, since the smaller lot will be 5,800 sf.

- (2) The City has no data to support the assertion that property values will be negatively affected as a result of this proposed development.

*b. Trees:*

- (1) The applicant has supplied a phased tree plan including a report from a qualified professional, tree inventory and tree plan site plan. The report includes all significant trees on-site and off-site trees which may be impacted with development. The City's consulting Arborist has reviewed the applicant's materials and typed the on-site trees in accordance with the standards set forth in KZC 95.10.13 – High, Moderate and Low. High Retention Value trees are viable trees located within a required yard (setback) and/or required landscape areas. Moderate Retention Value trees are trees which are viable and to be retained if feasible. Low Retention Value trees are defined as trees either that are not viable or are located in an area where removal is unavoidable due to the anticipated development activity. The requirements of the Kirkland Zoning Code may be modified by the Planning Official as outlined in KZC 95.05 and would involve trees with a high or moderate retention value. Through the review of the materials submitted by the applicant and site visits, the City has determined the property contains one High Retention Value tree – Tree #142, a Blue Noble Fir. The remainder of trees on site were typed either Moderate or Low Retention Value, due to poor location, poor or declining health and/or historical mismanagement. For a complete assessment of each tree's health, viability and retention value, see Attachment 4.
- (2) In addition to the trees on the subject property, the applicant's Arborist has addressed preliminary measures to be taken in the field to mitigate and lessen impacts to off-site trees. As the development process continues, the applicant's arborist will be required to update the findings relative to the type of work allowed under the respective permit. The City has reviewed the applicant's recommendations and supplied further details on measures that should be evaluated as the development cycle continues. For this information, see Attachment 4 of the staff report.
- (3) The City's standards for retention, specific to tree density credits and on-going maintenance including pruning, are found in KZC 95.33 and 95.21, respectively. Required tree credits for low density properties are 30 tree credits per acre. Tree credits are relative to a tree's diameter, see the chart in KZC 95.33.1. For lots in a short plat, the tree density is calculated for each lot within the plat. 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.

The City allows proper, industry specific maintenance of trees, including pruning. However, pruning which results in the removal of at least half of the live crown will be considered a tree removal and subject to the provisions in KZC 95.23.

Similarly, tree topping is not allowed under the City of Kirkland's Tree Code, see KZC 95.21.

**IV. CRITERIA FOR SHORT PLAT APPROVAL**

- A. Facts:** Municipal Code section 22.20.140 states that the Planning Director may approve a short subdivision only if:
1. There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
  2. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Planning Director shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.
- Zoning Code section 145.45 states that the Planning Director may approve a short subdivision only if:
3. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
  4. It is consistent with the public health, safety, and welfare.
- B. Conclusions:** The proposal complies with Municipal Code section 22.20.140 and Zoning Code section 145.45. It is consistent with the Comprehensive Plan. With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations and there are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. It will serve the public use and interest and is consistent with the public health, safety, and welfare because it will add housing stock to the City of Kirkland in a manner that is consistent with applicable development regulations.

**V. DEVELOPMENT REGULATIONS**

- A.** The following is a review, in a checklist format, of compliance with the design requirements for subdivisions found in KMC 22.28. All lots comply with the minimum lots sizes for this zone.

Not Applicable	Complies as proposed	Complies as conditioned	<b>Code Section</b>
			<b>KMC 22.28.042: Lots – Small Lot Single Family Market and Norkirk Neighborhoods</b> <i>For subdivisions not subject to KMC 22.28.30 or .040 or .048, minimum lot size is met if at least 50% of the lots meet the minimum lot size <b>and the remaining lots meet the following requirements:</b></i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In RS 6.3 and RS 7.2 zones, substandard lots are at least 5,000 square feet

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Portion of any flag lots less than 30' wide and used for driveway is not counted toward minimum lot area
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FAR is restricted on face of plat to:  Maximum of 30% of lot size; <b>OR</b> Maximum of 35% of lot size with the following restrictions: a. Primary roof form of all structures peaked with minimum pitch of 4:12; and b. All structures set back at least 7.5' from side property lines
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	An ADU prohibition is recorded on the face of the short plat
Not Applicable	Complies as proposed	Complies as conditioned	<b>Code Section</b>
			<b>KMC 22.28.050 – Lots - Dimensions</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lots are shaped for reasonable use and development
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimum lot width is 15' where abutting right-of-way, access easement, or tract

**VI. SUBSEQUENT MODIFICATIONS**

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

**SHORT PLAT DOCUMENTS – RECORDATION – TIME LIMIT (KMC 22.20.370)**

**VII.** The short plat must be recorded with King County within seven (7) years of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat.

**VIII. APPENDICES**

Attachments 1 through 5 are attached.

1. Vicinity Map
2. Plans
3. Development Standards
4. Tree Plan
5. Public Comments

**IX. PARTIES OF RECORD**

Applicant: Paul Glosniak, BDR Development, 1100 Main Street, Bellevue, WA 98004  
 Parties of Record  
 Department of Planning and Community Development  
 Department of Public Works  
 Department of Building and Fire Services



**BDR KIRKLAND II**  
**SUB14-01426**

14TH AVE

13TH AVE

1ST ST

2ND ST

12TH AVE

3RD ST

**Van  
Aalst  
Park**

**1118 2ND ST**

11TH AVE

11TH PL

**RS 6.3**

10TH AVE

10TH AVE



**P**

**Tot Lot  
Park**

9TH AVE





**BDR KIRKLAND II SHORT PLAT**

FILE NO. SUB14-01426

SW 1/4, NW 1/4 SECTION 5, TOWNSHIP 25 N, RANGE 5 E, W.M.  
CITY OF KIRKLAND, KING COUNTY, WASHINGTON

**DEDICATION**

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED BEING ALL OF THE OWNERS OF THE LAND HEREBY SHORT SUBDIVIDED, HEREBY DECLARE THIS SHORT PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SHORT SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN HEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS SHORT PLAT FOR ALL PUBLIC PURPOSES AS INDICATED HEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACE, UTILITIES AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS SHORT PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SHORT SUBDIVIDED WAIVE FOR THEMSELVES, THEIR HEIRS, AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF KIRKLAND, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SHORT SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF KIRKLAND.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SHORT SUBDIVIDED AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF KIRKLAND, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SHORT SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUBSURFACE WATER FLOWS WITHIN THIS SHORT SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SHORT SUBDIVISION. PROVIDED, THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELEASING THE CITY OF KIRKLAND, ITS SUCCESSORS OR ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF KIRKLAND, ITS SUCCESSORS, OR ASSIGNS.

THIS SUBDIVISION DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNER.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.

BDR KIRKLAND II LLC, A WASHINGTON LIMITED LIABILITY COMPANY:

BY: \_\_\_\_\_  
ITS: MANAGER

**ACKNOWLEDGMENT**

STATE OF WASHINGTON )  
 ) SS  
COUNTY OF KING )

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT PAUL GLOSNIK SIGNED THIS DEDICATION AND ON OATH STATED THAT (HE/SHE) WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE MANGER OF BDR KIRKLAND II LLC, A WASHINGTON LIMITED LIABILITY COMPANY TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: \_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC: \_\_\_\_\_  
PRINTED NAME OF NOTARY PUBLIC: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
RESIDING AT: \_\_\_\_\_  
MY APPOINTMENT EXPIRES: \_\_\_\_\_

**APPROVALS**

CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

EXAMINED, REVIEWED, AND APPROVED BY THE CITY OF KIRKLAND PURSUANT TO THE SHORT SUBDIVISION PROVISIONS OF TITLE 22 (LAND SUBDIVISION), KIRKLAND MUNICIPAL CODE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
DIRECTOR, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DEPARTMENT OF ASSESSMENT

EXAMINER AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
KING COUNTY ASSESSOR  
TAX ACCOUNT NO 124500 2862

**SURVEYOR NOTES**

1. HORIZONTAL DATUM: NAD 83/91, WASHINGTON STATE PLANE COORDINATES- NORTH ZONE. BASED ON CITY OF KIRKLAND PUBLISHED GPS SURVEY CONTROL. THE BOUNDARY SHOWN HEREON REFERENCED THE FOLLOWING SURVEY SOURCES:

A) RECORD OF SURVEY RECORDED IN VOLUME 82 OF SURVEYS, PAGE 47 RECORDS OF KING COUNTY, WASHINGTON. HELD THIS SURVEY FOR THE BLOCK AND ROTATED +2 58'03" TO BE ON THE ABOVE NOTED HORIZONTAL DATUM.

B) BURKE AND FARRAR'S KIRKLAND ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 27, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 21 OF PLATS, PAGES 90, RECORDS OF KING COUNTY, WASHINGTON.

C) RECORD OF SURVEY RECORDED IN VOLUME 123 OF SURVEYS, PAGE 19 RECORDS OF KING COUNTY, WASHINGTON.

D) CITY OF KIRKLAND LOT LINE ALTERATION NO. LLA-06-00024 RECORDED UNDER RECORDING NO. 20070215001966 RECORDS OF KING COUNTY, WASHINGTON.

E) KING COUNTY ASSESSOR'S MAP FOR THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M.

F) CITY OF KIRKLAND HORIZONTAL AND VERTICAL CONTROL DATABASE.

2. BASIS OF POSITION (STATE PLANE COORDINATES): HELD CITY OF KIRKLAND COK\*84 (N 252,138.087, E 1,301,882.185) - FOUND 2" BRASS DISK STAMPED "TRIAD ASSOC WC T 25N, R5E, 1/4 S 6/ S 5, LS 19620, 2002" ON CENTERLINE OF 10TH AVE OPPOSITE HOUSE NO. 115, DOWN 0.4 FEET.

3. BASIS OF BEARING (STATE PLANE COORDINATES): HELD THE BEARING BETWEEN THE ABOVE NOTED BASIS OF POSITION AND CITY OF KIRKLAND COK\*34 (N 254591.042, E 1301853.456 GRID) - FOUND 2" IRON PIPE WITH NAIL IN CASE IN THE CENTERLINE OF 18TH AVENUE BETWEEN 1ST STREET AND 2ND STREET SOUTH OF HOUSE #108, DOWN 1.0 FEET BELOW SURFACE.

4. BASIS OF POSITION (CADASTRAL): HELD MONUMENTED 5.00 FOOT OFFSET EAST OF THE INTERSECTION OF 3RD STREET AND 13TH AVENUE (N 253,059.451, E 1,302717.681 GRND).

5. BASIS OF BEARINGS (CADASTRAL): HELD BEARING BETWEEN THE ABOVE NOTED BASIS OF POSITION CADASTRAL AND FOUND MONUMENTED 5.00 FOOT OFFSET EAST OF THE INTERSECTION OF 3RD STREET AND 10TH AVENUE TO BE N 03°45'48" W PER DIRECT OBSERVATION.

6. MONUMENTATION NOTED AS FOUND WAS FIELD VISITED ON JUNE 3, 2014.

7. VERTICAL DATUM: NAVD 1988 PER CITY OF KIRKLAND SURVEY CONTROL DATABASE.

MASTER BENCHMARK: CITY OF KIRKLAND BENCHMARK #128 -FOUND CHISLED SQUARE AT THE NORTHWEST CORNER OF CONCRETE PATHWAY/CROSS WALK CENTERLINE OF MARKET STREET ON SOUTH SIDE OF 9TH AVENUE. ELEVATION = 142.96 FEET. (NAVD 1988)

SITE BM#1: GOLDSMITH SURVEY CONTROL POINT MKR\*1- SET CONCRETE NAIL AND TAG ON THE SOUTH LINE OF DRIVEWAY TO HOUSE NO. 1118 PROJECTED WEST AND 4.8 FEET +/- WEST OF THE FACE OF CURB ON THE EAST SIDE OF 2ND STREET. SEE MAP FOR PLOTTED LOCATION. ELEVATION = 235.82 FEET.

SITE BM#2: GOLDSMITH SURVEY CONTROL POINT MKR\*3 - SET REBAR AND CAP 13.2 FEET NORTH OF FENCE ON SOUTH PROPERTY LINE AND 13.4 FEET EAST OF END GRAVEL DRIVE ON SOUTH SIDE OF LAWN. SEE MAP FOR PLOTTED LOCATION. ELEVATION = 237.18 FEET.

8. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES UNLESS NOTED OTHERWISE. GRID DISTANCES AND COORDINATES WERE REDUCED TO GROUND DISTANCES USING A COMBINATION FACTOR OF 0.999970228. WHERE GRID DISTANCE DIVIDED BY COMBINATION FACTOR EQUALS GROUND DISTANCE.

9. PLANIMETRIC AND TOPOGRAPHIC INFORMATION SHOWN HEREON WAS FIELD LOCATED ON JUNE 2 THROUGH JUNE 5, 2014 AND IS CURRENT TO THOSE DATES ONLY. ELEVATIONS WERE TAKEN ACROSS THE SITE AND ARE AVAILABLE ELECTRONICALLY BUT ARE NOT ALL SHOWN HEREON FOR SAKE OF CLARITY.

10. UNDERGROUND UTILITIES SHOWN HEREON ARE PER A COMBINATION OF FIELD LOCATED SURFACE OBSERVABLE FEATURES, PAINTED LOCATIONS BY APPLIED PROFESSIONAL SERVICES (APS) AND RECORDS OF THE APPLICABLE UTILITY PURVEYOR. ALL LOCATIONS SHOULD BE VERIFIED PRIOR TO ANY CONSTRUCTION.

11. THE LEGAL DESCRIPTION AND EASEMENTS SHOWN HEREON, IF ANY, ARE PER CHICAGO TITLE COMPANY ORDER NO. 0015257-ETU DATED APRIL 29, 2014 AND SUBSEQUENT SUPPLEMENTS THERETO. ONLY EASEMENTS NOTED IN SCHEDULE B OF THE ABOVE NOTED REPORT THAT CAN BE PLOTTED ARE SHOWN HEREON.

12. THE SUBJECT PROPERTY CONTAINS 13,001 SQUARE FEET OR 0.298 ACRES.

**LEGAL DESCRIPTION**

LOT 7, EXCEPT THE NORTH 15 FEET THEREOF;

AND LOT 8, EXCEPT THE SOUTH 20 FEET THEREOF;

IN BLOCK 134 OF BURKE & FARRAR'S KIRKLAND ADDITION TO THE CITY OF SEATTLE DIVISION NO. 27, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 21 OF PLATS ON PAGE 90 IN KING COUNTY, WASHINGTON.

**RECORD MATTERS**

SPECIAL EXCEPTIONS

1. COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES AND STATEMENTS, IF ANY, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON BURKE & FARRAR'S KIRKLAND ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 27, VOLUME 21 OF PLATS, PAGE 90.

ALL PERTINENT INFORMATION IS SHOWN HEREON.

2. PAYMENT OF THE REAL ESTATE EXCISE TAX, IF REQUIRED.

THE LAND IS SITUATED WITHIN THE BOUNDARIES OF LOCAL TAXING AUTHORITY OF CITY OF KIRKLAND.

PRESENT RATE OF REAL ESTATE EXCISE TAX AS OF THE DATE HEREIN IS 1.78 PERCENT.

ANY CONVEYANCE DOCUMENT MUST BE ACCOMPANIED BY THE OFFICIAL WASHINGTON STATE EXCISE TAX AFFIDAVIT. THE APPLICABLE EXCISE TAX MUST BE PAID AND THE AFFIDAVIT APPROVED AT THE TIME OF THE RECORDING OF THE CONVEYANCE DOCUMENTS.

AN ADDITIONAL \$5.00 ELECTRONIC TECHNOLOGY FEE MUST BE INCLUDED IN ALL EXCISE TAX PAYMENTS.

IF THE TRANSACTION IS EXEMPT, AN ADDITIONAL \$5.00 AFFIDAVIT PROCESSING FEE IS REQUIRED.

FISCAL

3. GENERAL AND SPECIAL TAXES AND CHARGES, PAYABLE FEBRUARY 15, DELINQUENT IF FIRST HALF UNPAID ON MAY 1, SECOND HALF DELINQUENT IF UNPAID ON NOVEMBER 1 OF THE TAX YEAR (AMOUNTS DO NOT INCLUDE INTEREST AND PENALTIES):

YEAR:	2014
TAX ACCOUNT NO.:	124500-2862-06
LEVY CODE:	1700
ASSESSED VALUE-LAND:	\$520,000.00
ASSESSED VALUE-IMPROVEMENTS:	\$1,000.00
GENERAL AND SPECIAL TAXES:	
BILLED:	\$5,915.24
PAID:	\$2,957.62
UNPAID:	\$2,957.62

FISCAL

4. A DEED OF TRUST TO SECURE AN INDEBTEDNESS IN THE AMOUNT SHOWN BELOW,

AMOUNT:	\$330,000.00
DATED:	DECEMBER 10, 2002
TRUSTOR/GRANTOR:	JOHN J. CONDIE, A SINGLE MAN, AS HIS SEPARATE ESTATE
TRUSTEE:	CHICAGO TITLE CO - UNIT 12
BENEFICIARY:	WASHINGTON MUTUAL BANK, A WASHINGTON CORPORATION
RECORDING DATE:	DECEMBER 30, 2002
RECORDING NO.:	20021230003571

DOCUMENT ESTABLISHES RIGHTS WHICH CANNOT BE PLOTTED HEREON.

5. A JUDGMENT, FOR THE AMOUNT SHOWN BELOW, AND ANY OTHER AMOUNTS DUE:

AMOUNT:	\$4,002.02
AGAINST:	JOHN J. CONDIE
IN FAVOR OF:	FIA CARD SERVICES NA
DATE ENTERED:	NOVEMBER 14, 2012
JUDGMENT NO.:	12-9-29693-1
SUPERIOR COURT CASE NO.:	12-2-36904-6
ATTORNEY FOR CREDITOR:	ROBERT CHARLES SCANLON

DOCUMENT ESTABLISHES RIGHTS WHICH CANNOT BE PLOTTED HEREON.

**GOLDSMITH**  
LAND DEVELOPMENT SERVICES  
1215 114th Ave SE, Bellevue, WA 98004 | PO Box 3565, Bellevue, WA 98009  
T 425 462 1080 F 425 462 7719 www.goldsmithengineering.com

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RECORDER'S CERTIFICATE

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ M IN BOOK \_\_\_\_\_ OF \_\_\_\_\_ AT PAGE \_\_\_\_\_ AT THE REQUEST OF HUGH G. GOLDSMITH & ASSOCIATES, INC.

\_\_\_\_\_  
AUDITOR, KING COUNTY DEPUTY COUNTY AUDITOR

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF BDR KIRKLAND II, LLC, IN JULY, 2014.

*Mark A. Mauger*  
MARK A. MAUGER, PLS 29277



**BDR KIRKLAND II PRELIMINARY SHORT PLAT**

CITY OF KIRKLAND	KING COUNTY	WASHINGTON
SCALE: N/A	DATE: 3/4/2015	JOB NO.: 14098
DWN: EMALM	CHK: MMAUGER	SHEET: 1/4



# BDR KIRKLAND II SHORT PLAT

## FILE NO. SUB14-01426

CONTINUED FROM SHEET 1/4

6. IN THE EVENT THAT THE LAND IS OCCUPIED OR INTENDED TO BE OCCUPIED BY THE OWNER AND A SPOUSE OR REGISTERED DOMESTIC PARTNER AS A HOMESTEAD, THE CONVEYANCE OR ENCUMBRANCE OF THE LAND MUST BE EXECUTED AND ACKNOWLEDGED BY BOTH SPOUSES OR BOTH REGISTERED DOMESTIC PARTNERS, PURSUANT TO RCW 6.13 WHICH NOW PROVIDES FOR AN AUTOMATIC HOMESTEAD ON SUCH LAND.

7. IN THE EVENT TITLE TO SAID LAND IS ACQUIRED BY THE PARTY(IES) NAMED BELOW, THE POLICY(S), WHEN ISSUED, WILL SHOW THE FOLLOWING ADDITIONAL ITEM(S) IN SCHEDULE B, UNLESS DISPOSED OF TO THE SATISFACTION OF THE COMPANY:

PARTY(IES): BDR HOMES, LLC  
ITEM(S): 8 AND 9

8. A JUDGMENT, FOR THE AMOUNT SHOWN BELOW, AND ANY OTHER AMOUNTS DUE:

AMOUNT: \$39,265.90  
AGAINST: BDR CONSTRUCTION, INC, DBA BDR HOMES  
IN FAVOR OF: WASHINGTON STATE DEPARTMENT OF REVENUE  
DATE ENTERED: NOVEMBER 2, 2004  
JUDGMENT NUMBER: 04-9-38536-4  
SUPERIOR COURT CASE NUMBER: 04-2-34706-8

NOTE: THE ABOVE JUDGMENT MAY BE A LIEN ON SAID LAND IF THE JUDGMENT DEBTOR NAMED HEREIN IS THE SAME PARTY AS BDR HOMES, LLC.

ESTABLISHES RIGHTS WHICH CANNOT BE PLOTTED HEREON.

9. A JUDGMENT, FOR THE AMOUNT SHOWN BELOW, AND ANY OTHER AMOUNTS DUE:

AMOUNT: \$41,213.45  
AGAINST: BDR CONSTRUCTION, INC, DBA BDR HOMES  
IN FAVOR OF: WASHINGTON STATE DEPARTMENT OF REVENUE  
DATE ENTERED: JANUARY 24, 2005  
JUDGMENT NUMBER: 05-9-02727-0  
SUPERIOR COURT CASE NUMBER: 05-2-03155-7

NOTE: THE ABOVE JUDGMENT MAY BE A LIEN ON SAID LAND IF THE JUDGMENT DEBTOR NAMED HEREIN IS THE SAME PARTY AS BDR HOMES, LLC.

DOCUMENT ESTABLISHES RIGHTS WHICH CANNOT BE PLOTTED HEREON.

10. YOUR APPLICATION FOR TITLE INSURANCE WAS PLACED BY REFERENCE TO ONLY A STREET ADDRESS OR TAX IDENTIFICATION NUMBER. BASED ON OUR RECORDS, WE BELIEVE THAT THE LEGAL DESCRIPTION IN THIS REPORT COVERS THE PARCEL(S) OF LAND THAT YOU REQUESTED. IF THE LEGAL DESCRIPTION IS INCORRECT, THE SELLER/BORROWER MUST NOTIFY THE COMPANY AND/OR THE SETTLEMENT COMPANY IN ORDER TO PREVENT ERRORS AND TO BE CERTAIN THAT THE CORRECT PARCEL(S) OF LAND WILL APPEAR ON ANY DOCUMENTS TO BE RECORDED IN CONNECTION WITH THIS TRANSACTION AND ON THE POLICY OF TITLE INSURANCE.

### GENERAL NOTES

ADDRESSING SHALL BE IN ACCORDANCE WITH KIRKLAND BUILDING DIVISION POLICY MANUAL NUMBER 9.001, ASSIGNMENT OF STREET NUMBERS AND ROAD SIGNAGE.

UTILITY MAINTENANCE: EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE SANITARY SEWER OR STORM WATER STUB FROM THE POINT OF USE ON THEIR OWN PROPERTY TO THE POINT OF CONNECTION IN THE CITY SANITARY SEWER MAIN OR STORM WATER MAIN. ANY PORTION OF A SANITARY SEWER OR SURFACE WATER STUB, WHICH JOINTLY SERVES MORE THAN ONE PROPERTY, SHALL BE JOINTLY MAINTAINED AND REPAIRED BY THE PROPERTY OWNERS SHARING SUCH STUB. THE JOINT USE AND MAINTENANCE SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THIS SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS AND ASSIGNS.

PUBLIC RIGHT OF WAY SIDEWALK AND VEGETATION MAINTENANCE: EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR KEEPING THE SIDEWALK ABUTTING THE SUBJECT PROPERTY CLEAN AND LITTER FREE. THE PROPERTY OWNER SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF THE VEGETATION WITHIN THE ABUTTING LANDSCAPE STRIP. THE MAINTENANCE SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THIS SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS, AND ASSIGNS.

### STORMWATER COVENANT

EACH LOT WITHIN THE SUBDIVISION HAS A STORMWATER FACILITY (DRYWELL) WHICH IS DESIGNED TO AID STORM WATER FLOW CONTROL FROM THE DEVELOPMENT. THE STORMWATER FACILITY ON EACH PROPERTY SHALL BE OWNED, OPERATED AND MAINTAINED BY THE OWNER OF THAT PROPERTY UNLESS OTHERWISE NOTED BY A PUBLIC DRAINAGE EASEMENT. THE CITY OF KIRKLAND SHALL HAVE THE RIGHT TO INGRESS AND EGRESS THE PROPERTY FOR INSPECTION OF AND TO REASONABLY MONITOR THE PERFORMANCE OPERATIONAL FLOWS OR DEFECT OF THE STORMWATER FACILITY. IF THE CITY OF KIRKLAND DETERMINES RELATED MAINTENANCE OR REPAIR WORK OF THE STORMWATER FACILITY IS REQUIRED, THE CITY OF KIRKLAND SHALL GIVE NOTICE TO THE OWNER OF THE SPECIFIC MAINTENANCE AND/OR REPAIR WORK. IF THE ABOVE REQUIRED MAINTENANCE OR REPAIR IS NOT COMPLETE WITHIN THE TIME SET BY THE CITY OF KIRKLAND, THE CITY OF KIRKLAND MAY PERFORM THE REQUIRED MAINTENANCE OR REPAIR OR CONTRACT WITH A PRIVATE COMPANY CAPABLE OF PERFORMING THE STORMWATER FACILITY MAINTENANCE OR REPAIR AND THE OWNER WILL BE REQUIRED TO REIMBURSE THE CITY FOR ANY SUCH WORK PERFORMED. THE OWNER IS REQUIRED TO OBTAIN WRITTEN APPROVAL FROM THE CITY OF KIRKLAND PRIOR TO REPLACING, ALTERING, MODIFYING OR MAINTAINING THE STORMWATER FACILITY.

### PRIVATE EASEMENT PROVISIONS

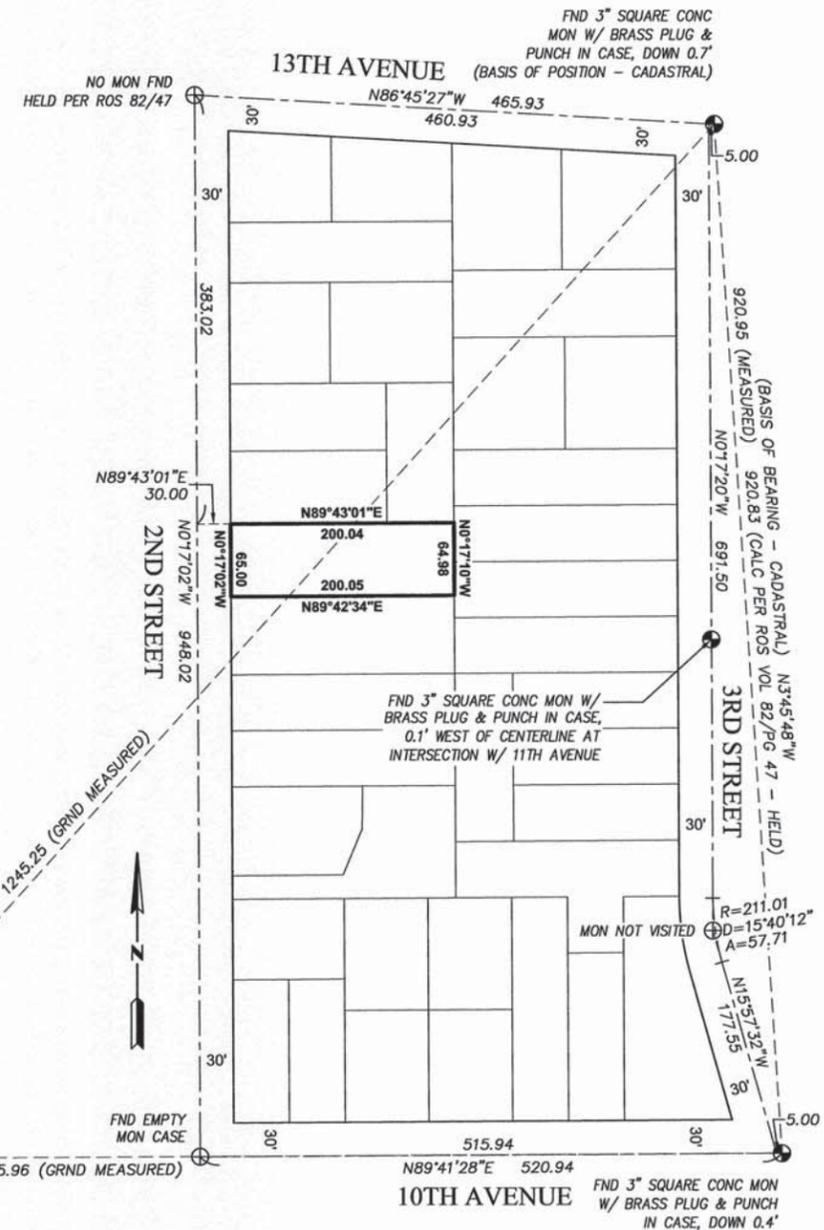
THE 15-FOOT PRIVATE ACCESS AND UTILITY EASEMENT SHOWN OVER AND ACROSS LOT 1 ALONG THE SOUTH PROPERTY LINE IS ESTABLISHED FOR THE BENEFIT OF LOT 2, FOR THE PURPOSE OF VEHICULAR INGRESS AND EGRESS AND THE INSTALLATION, OPERATION AND MAINTENANCE OF PRIVATE UTILITY SERVICE LINES SERVING LOT 2. WHEN NECESSARY TO REPAIR, CLEAN, RECONSTRUCT OR MAINTAIN THE UTILITY SERVICES LINE, THE PROPERTY OWNER (TO WHOM THE EASEMENT IS GRANTED) SHALL HAVE THE RIGHT OF ENTRY FOR THAT PURPOSE. THE BENEFITTED LOT OWNERS ARE RESPONSIBLE FOR THE MAINTENANCE OF THE EASEMENT AREA. HOWEVER, THE OWNER OF ANY LOT SHALL BE SOLELY RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE CAUSED BY THE OWNER OF A LOT TO THE ACCESS AND UTILITY EASEMENT. EACH OWNER MAY USE THEIR RESPECTIVE PROPERTY SO LONG AS SUCH USE DOES NOT INTERFERE WITH THE OTHER'S ABILITY TO ACCESS THEIR PROPERTY. THE COVENANTS HEREIN SHALL RUN WITH THE LAND AND SHALL FOREVER BE BINDING UPON ALL PARTIES, THEIR HEIRS, SUCCESSORS AND ASSIGNS.

SW 1/4, NW 1/4 SECTION 5, TOWNSHIP 25 N, RANGE 5 E, W.M.  
CITY OF KIRKLAND, KING COUNTY, WASHINGTON

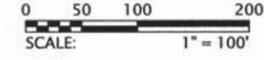
COK\*34  
FND 2" IRON PIPE  
W/ NAIL IN CASE

(BASIS OF BEARING - STATE PLANE COORDINATES) N0°40'14"W 2455.20 (GRND) 2455.16 (MEASURED)

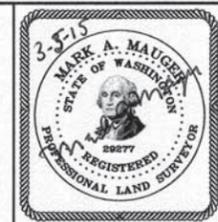
COK\*84  
FND 2" BRASS CAP STAMPED  
"TRIAD ASSOC WC T25N,R5E,  
1/4 S6/S5 LS 19620, 2002"  
(BASIS OF POSITION - STATE  
PLANE COORDINATES)



### CONTROL SKETCH



**GOLDSMITH**  
LAND DEVELOPMENT SERVICES  
1215 114th Ave SE, Bellevue, WA 98004 | PO Box 3565, Bellevue, WA 98009  
T 425 462 1080 F 425 462 7719 www.goldsmithengineering.com



## BDR KIRKLAND II PRELIMINARY SHORT PLAT

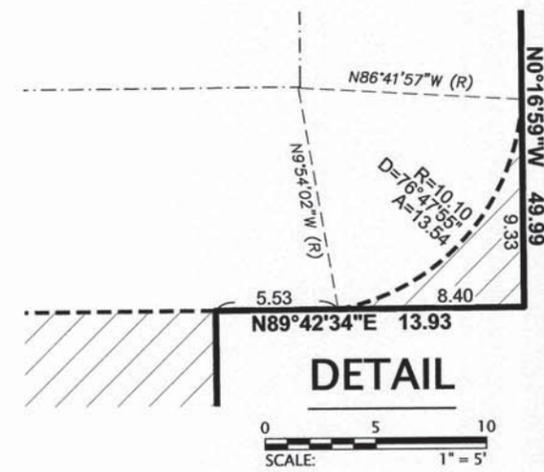
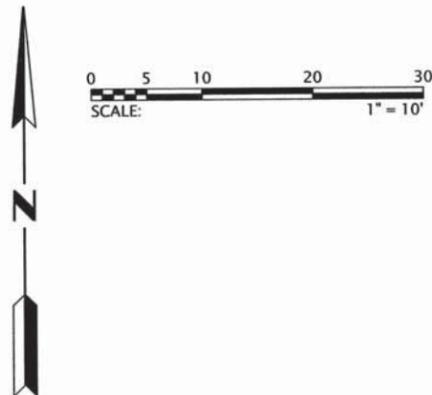
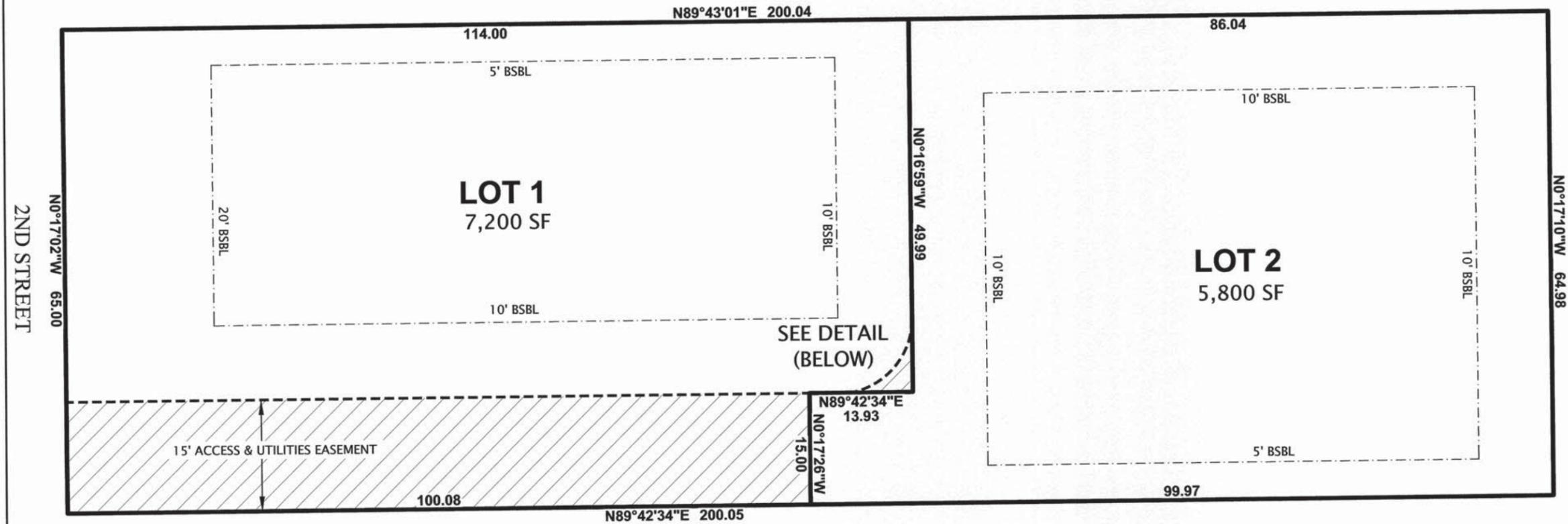
CITY OF KIRKLAND	KING COUNTY	WASHINGTON
SCALE: 1"=100'	DATE: 3/4/2015	JOB NO.: 14098
DWN: EMALM	CHK: MMAUGER	SHEET: 2/4



**BDR KIRKLAND II SHORT PLAT**

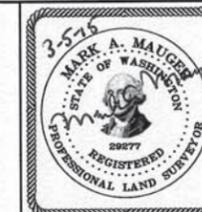
FILE NO. SUB14-01426

SW 1/4, NW 1/4 SECTION 5, TOWNSHIP 25 N, RANGE 5 E, W.M.  
CITY OF KIRKLAND, KING COUNTY, WASHINGTON



**PROPOSED LOTS & EASEMENTS**

**GOLDSMITH**  
LAND DEVELOPMENT SERVICES  
1215 114th Ave SE, Bellevue, WA 98004 | PO Box 3565, Bellevue, WA 98009  
T 425 462 1080 F 425 462 7719 www.goldsmithengineering.com



**BDR KIRKLAND II  
PRELIMINARY SHORT PLAT**

CITY OF KIRKLAND	KING COUNTY	WASHINGTON
SCALE: 1"=100'	DATE: 3/4/2015	JOB NO.: 14098
DWN: EMALM	CHK: MMAUGER	SHEET: 3/4





**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
**123 Fifth Avenue, Kirkland, WA 98033**  
**425.587.3225 ~ [www.kirklandwa.gov](http://www.kirklandwa.gov)**

## SHORT PLAT DEVELOPMENT STANDARDS LIST

**File:** SUB14-01426

*This application must comply with all applicable standards. The listing below outlines those standards in a typical development sequence.*

*KMC refers to Kirkland Municipal Code, KZC refers to Kirkland Zoning Code*

### TREE PLAN SUMMARY

#### **KMC 22.28.210 & KZC 95.30 Significant Trees.**

A Tree Retention Plan was submitted with the short plat. During the review of the short plat, all proposed improvements were unknown. Therefore KZC Section 95.30 (6)(a) – Phased Review applies in regards to tree retention. There are 13 significant trees on the site, of which 11 are viable. These trees have been assessed by staff and the City's Arborist. They are identified by number in the following chart.

Chart should only address on-site trees.

<b>Significant Trees:</b>	<b>High Retention Value</b>	<b>Moderate Retention Value</b>	<b>Low Retention Value</b> (V) – viable (NV) – not viable
161			viable
142	<b>X</b>		
278			viable
276			viable
277		<b>X</b>	
Unlabeled hazelnut		<b>X</b>	
251			viable
252			viable
253			viable
255			viable
264			viable
263			viable
262			viable

#### **NOTES:**

The only high retention value tree on-site is tree #142. Tree #277 is a moderate retention value tree due to its location outside of the required yards. The unlabeled western hazelnut (*Corylus cornuta*) outside of the required yards on lot 2 is the only other moderate retention

value tree on-site. The holly, tree #161 is a viable low retention value tree in that it will continue to grow but has been badly harmed by past pruning practices, including topping. Trees #278 and 276 are viable low retention value trees due to their amount of decay and poor form caused by past pruning. Trees #251, 252, 253, 255, 262, 263 and 264 are Leyland cypress forming an unmaintained hedge along the eastern property line. While they are currently healthy they have been sheared in the past to maintain their height and width. In order to restore these trees as their originally intended hedge they would require topping, which is a poor arboricultural practice. Also, the Leyland cypress does not re-grow leaves from woody growth.

ROW trees: no concerns at this time.

Neighbor's trees: Tree #143 and 275 require an area of careful trenching including hand digging, air spade or hydro-spade with a vacuum truck to maintain the structural roots and accomplish the installation of the proposed water and sanitary sewer utilities within the drip line of these trees. Directional boring is also an option to install these utilities with minimal harm to the existing tree. I recommend requiring this as a condition unless the neighbor indicates that they are looking to remove this tree. Tree #279 was not present the day of my site visit.

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No trees are to be removed with an approved short plat or subdivision permit. Based on the approved Tree Retention Plan, the applicant shall retain and protect all viable trees throughout the development of each single family lot except for those trees allowed to be removed for the installation of the plat infrastructure improvements with an approved Land Surface Modification permit. Subsequent approval for tree removal is granted for the construction of the house and other associated site improvements with a required Building Permit. The Planning Official is authorized to require site plan alterations to retain High Retention value trees at each stage of the project. In addition to retaining viable trees, new trees may be required to meet the minimum tree density per KZC Section 95.33.

<b>PRIOR TO RECORDING</b>
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**KMC 22.20.362 Short Plat - Title Report.** The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the short plat documents; containing a legal description of the entire parcel to be subdivided; describing any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; any encumbrances on the property; and any delinquent taxes or assessments on the property.

**KMC 22.20.366 Short Plat - Lot Corners.** The exterior short plat boundary and all interior lot corners shall be set by a registered land surveyor. If the applicant submits a bond for construction of short plat improvements and installation of permanent interior lot corners, the City may allow installation of temporary interior lot corners until the short plat improvements are completed.

**KMC 22.20.390 Short Plat - Improvements.** The owner shall complete or bond all required right-of-way, easement, utility and other similar improvements.

**KMC 22.28.110-130 Vehicular Access Easements.** Municipal Code sections 22.28.110 and 22.28.130 establish that if vehicular access within the plat is provided by means other than rights-of-way, the plat must establish easements or tracts, compliant with Zoning Code Section 105.10, which will provide the legal right of access to each of the lots served.

**KMC 22.32.010 Utility System Improvements.** All utility system improvements must be

designed and installed in accordance with all standards of the applicable serving utility.

**KMC 22.32.020 Water System.** The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.

**KMC 22.32.030 Stormwater Control System.** The applicant shall comply with the construction phase and permanent stormwater control requirements of the Municipal Code.

**KMC 22.32.040 Sanitary Sewer System.** The developer shall install a sanitary sewer system to serve each lot created.

**KMC 22.32.050 Transmission Line Undergrounding.** The applicant shall comply with the utility lines and appurtenances requirements of the Zoning Code.

**KMC 22.32.080 Performance Bonds.** In lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond, or submit evidence that an adequate security device has been submitted and accepted by the service provider (City of Kirkland and/or Northshore Utility District), for a period of one year to ensure completion of these requirements within one year of plat/short plat approval.

**KZC 90.55 Monitoring and Maintenance of Wetland Buffer Modifications:**

Modification of a wetland buffer will require that the applicant submit a 5-year monitoring and maintenance plan consistent with the criteria found in 95.55 and which is prepared by a qualified professional and reviewed by the City's wetland consultant. The cost of the plan and the City's review shall be borne by the applicant.

**KZC 90.100.3 Monitoring and Maintenance of Stream Buffer Modifications:**

Modification of a stream buffer will require that the applicant submit a 5-year monitoring and maintenance plan consistent with KZC section 95.55. This plan shall be prepared by a qualified professional and reviewed by the City's wetland consultant. The cost of the plan and the City's review shall be borne by the applicant.

**KZC 118 Hazardous Liquid Pipelines:**

If the subject property is within 150 feet of the Olympic Pipeline, include the following statement on the face of the plat "All development activity, landfilling, excavation and construction is subject to the setback requirements of KZC 118, Hazardous Liquid Pipelines"

<b>LAND SURFACE MODIFICATION AND/OR BUILDING PERMIT REQUIREMENTS</b>
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**KZC 20.10-60.187 Required Yards for Multi-family Development:** The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

**KZC 95.35.2.b.(3)(b)i Tree Protection Techniques.** A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.

**KZC 95.34 Tree Protection.** Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 4 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number; (4) prohibiting excavation or compaction of earth or other damaging activities within the barriers unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light

machinery or by hand.

**KZC 95.45 Tree Installation Standards.** All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.

**KZC 110.60.5 Street Trees.** All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

**KZC 95.50.2.b Tree Maintenance.** For detached dwelling units, the applicant shall submit a 5-year tree maintenance agreement to the Planning Department to maintain all pre-existing trees designated for preservation and any supplemental trees required to be planted.

**KZC 95.52 Prohibited Vegetation.** Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

**KZC 105.10 Vehicular Access Easements or Tracts.** The access easement or tract shall be 15 feet wide and contain a paved surface 10 feet in width. The access easement or tract shall be screened from the adjacent property to the south with a minimum five-foot high sight-obscuring fence; or vegetation that will provide comparable screening to a five-foot fence within two years of planting; along the entire easement or tract outside the required front yard.

**105.10.2 Pavement Setbacks.** The paved surface in an access easement or tract shall be set back at least 5 feet from any adjacent property which does not receive access from that easement or tract. An access easement or tract that has a paved area greater than 10 feet in width must be screened from any adjacent property that does not receive access from it. Screening standards are outlined in this section.

**KZC 105.47 Required Parking Pad.** Except for garages accessed from an alley, garages serving detached dwelling units in low density zones shall provide a minimum 20-foot by 20-foot parking pad between the garage and the access easement, tract, or right-of-way providing access to the garage.

**KZC 115.25 Work Hours.** It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning Official.

**KZC 115.40 Fence Location.** Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

**KZC 115.42 Floor Area Ratio (F.A.R.) Limits.** Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

\*\*Small Lot shall not exceed 30% FAR; provided that:

- Roof form is peaked with a minimum pitch of 4/12, and
- Structure is located 7.5' from all side property lines

\*\*FAR may be increased to 35%.

**KZC 115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones.** Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley. Whenever practicable, garage doors

shall not be placed on the front façade of the house. Side-entry garages shall minimize blank walls. For garages with garage doors on the front façade, increased setbacks apply, and the garage width shall not exceed 50% of the total width of the front façade. These regulations do not apply within the disapproval jurisdiction of the Houghton Community Council. Section 115.43 lists other exceptions to these requirements.

**KZC 115.75.2 Fill Material.** All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

**KZC 115.90 Calculating Lot Coverage.** The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations. See Section 115.90 for a more detailed explanation of these exceptions.

**KZC 115.95 Noise Standards.** The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

**KZC 115.115 Required Setback Yards.** This section establishes what structures, improvements and activities may be within required setback yards as established for each use in each zone.

**KZC 115.115.3.g Rockeries and Retaining Walls.** Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

**KZC 115.115.3.n Covered Entry Porches.** In residential zones, covered entry porches on dwelling units may be located within 13 feet of the front property line if certain criteria in this section are met. This incentive is not effective within the disapproval jurisdiction of the Houghton Community Council.

**KZC 115.115.3.o Garage Setbacks.** In low density residential zones, garages meeting certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.

**KZC 115.115.3.p HVAC and Similar Equipment:** These may be placed no closer than five feet of a side or rear property line, and shall not be located within a required front yard; provided, that HVAC equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

**KZC 115.115.5.a Driveway Width and Setbacks.** For a detached dwelling unit, a driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard surfaced areas located in the front yard by a 5-foot wide landscape strip. Driveways shall not be closer than 5 feet to any side property line unless certain standards are met.

**KZC 115.135 Sight Distance at Intersection.** Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

**KZC 145.22.2 Public Notice Signs.** Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

**PRIOR TO OCCUPANCY**

**KZC 110.60.6 Mailboxes.** Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

Contact: Tom Jensen – tjensen@kirklandwa.gov

1. Prior to issuance of Building, Demolition or Landsurface Modification permit applicant must submit a proposed rat baiting program for review and approval. Kirkland Municipal Ordinance 9.04.040
2. A demolition permit is required for removal of existing structures prior to recording.
3. Plumbing meter and service line shall be sized in accordance with the current UPC. We are currently using the 2012 edition.
4. Building permits must comply with the International Building, Residential and Mechanical Codes and the Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland. Kirkland currently has adopted the 2012 editions.
5. Structures must comply with International Energy Conservation Code as adopted and amended by the State of Washington. We are currently using the 2012 edition.
6. Kirkland reviews, issues and inspects all electrical permits in the city. Kirkland currently uses the 2014 Washington Cities Electrical Code chapters 1 and 3 as published by WABO.
7. Structures must be designed for seismic design category D, wind speed of 85 miles per hour and exposure B.

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Contact: Grace Steuart at 425-587-3660; or gsteuart@kirklandwa.gov

Fire hydrants in the area are adequate to provide coverage. The hydrant on the corner of 12th Ave and 2nd Street shall be equipped with a 5" Storz fitting.

Fire flow in the area is approximately 1200 gpm, which is adequate.

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Permit #: SUB01426

Project Name: Condie Short Plat

Project Address: 1118 2nd St

Date: March 31st, 2015

PUBLIC WORKS CONDITIONS

Building and Land Surface Modification (Grading) Permit Process:

Philip Vartanian, Development Engineer

Phone: 425-587-3856 Fax: 425-587-3807

E-mail: [pvariantian@kirklandwa.gov](mailto:pvariantian@kirklandwa.gov)

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at [www.kirklandwa.gov](http://www.kirklandwa.gov).

2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The fees can also be review the City of Kirkland web site at [www.kirklandwa.gov](http://www.kirklandwa.gov) The applicant should anticipate the following fees:

- o Water, Sewer, and Surface Water Connection Fees (paid with the issuance of a Building Permit)
- o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
- o Water Meter Fee (paid with the issuance of a Building Permit)
- o Right-of-way Fee
- o Review and Inspection Fee (for utilities and street improvements).
- o Building Permits associated with this proposed project will be subject to the traffic, park, and school impact fees per Chapter 27 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s). Any existing buildings within this project which are demolished will receive a Traffic Impact Fee credit, Park Impact Fee Credit and School Impact Fee Credit. This credit will be applied to the first Building Permits that are applied for within the project. The credit amount for each demolished building will be equal to the most currently adopted Fee schedule.

3. All street and utility improvements shall be permitted by obtaining a Land Surface Modification (LSM) Permit. A Building Permit for a new house cannot be applied for before the LSM is applied for; only one house per tax parcel can be applied for in advance of subdivision recording.

4. The subdivision can be recorded in advance of installing all the required street and utility improvements by posting a performance security equal to 130% of the value of work. Contact the Development Engineer assigned to this project to assist with this process.
5. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.
6. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.
7. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).
8. A completeness check meeting is required prior to submittal of any Building Permit applications.
9. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.
10. All subdivision recording mylar's shall include the following note:
  - o Utility Maintenance: Each property owner shall be responsible for maintenance of the sanitary sewer, storm water stub, rain garden, permeable pavement, or any infiltration facilities (known as Low Impact Development) from the point of use on their own property to the point of connection in the City sanitary sewer main or storm water main. Any portion of a sanitary sewer, surface water stub, rain garden, permeable pavement, or any infiltration facilities, which jointly serves more than one property, shall be jointly maintained and repaired by the property owners sharing such stub. The joint use and maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.
  - o Public Right-of-way Sidewalk and Vegetation Maintenance: Each property owner shall be responsible for keeping the sidewalk abutting the subject property clean and litter free. The property owner shall also be responsible for the maintenance of the vegetation within the abutting landscape strip. The maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

If the lots have on-site private storm water facilities, include this language on the subdivision recording document:

o Maintenance of On-site Private Stormwater Facilities: Each Lot within the Subdivision has a stormwater facility (infiltration trench, dry wells, dispersion systems, rain garden, and permeable pavement) which is designed to aid storm water flow control for the development. The stormwater facility within the property shall be owned, operated and maintained by the Owner. The City of Kirkland shall have the right to ingress and egress the Property for inspection of and to reasonable monitoring of the performance, operational flows, or defects of the stormwater/flow control facility.

If the City of Kirkland determines related maintenance or repair work of the stormwater facility is required, the City of Kirkland shall give notice to the Owner of the specific maintenance and/or repair work required. If the above required maintenance or repair is not completed within the time set by the City of Kirkland, the City of Kirkland may perform the required maintenance or repair, or contract with a private company capable of performing the stormwater facility maintenance or repair and the Owner will be required to reimburse the City for any such work performed.

The Owner is required to obtain written approval from the City of Kirkland prior to replacing, altering, modifying or maintaining the storm water facility.

#### Sanitary Sewer Conditions:

1. The existing sanitary sewer main within the public right-of-way along the front of the property is adequate to serve all the lots within the proposed project.
2. Provide a 6-inch minimum side sewer stub to each lot.
3. All side sewer stubs serving the property shall be PVC type pipe per Public Works Pre-approved Plans Sanitary Sewer Design Criteria. Any side sewer not meeting this standard shall be removed and replaced.

#### Water System Conditions:

1. The existing water main in the public right-of-way along the front of the subject property is adequate to serve this proposed development.
2. Provide a separate 1" minimum water service from the water main to the meter for each lot; City of Kirkland will set the water meter.
3. The existing water service shall be abandoned unless otherwise approved by the Development Engineer or Construction Inspector.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 2009 King County Surface Water Design Manual and the Kirkland Addendum. See Policies D-2 and D-3 in the PW Pre-Approved Plans for drainage review information, or contact city of Kirkland Surface Water staff at (425) 587-3800 for help in determining drainage review requirements. Summarized below are the levels of drainage review based on site and project characteristics:

Small Project Drainage Review (Types II)

☐ Small project drainage reviews Type II, primarily based on the amount of impervious surface area. Type II projects involve between 2,000 and 9,999ft<sup>2</sup> impervious surface areas, with a total of no more than 5,000ft<sup>2</sup> of new impervious area and not more than a total of 9,999ft<sup>2</sup> impervious surface area added since 01/08/01.

Drainage report (Technical Information Report) any proposed infiltration system for the site must meet the requirements of City of Kirkland Policy D-8.

2. This project is in a Level 1/Potential Direct Discharge Area, and is required to comply with core drainage requirements in the 2009 King County Surface Water Design Manual.

To qualify for direct discharge, the applicant must demonstrate (at a minimum):

- The conveyance system between the project site and Lake Washington will be comprised of manmade conveyance elements and will be within public right-of-way or a public or private drainage easement, AND

- The conveyance system will have adequate capacity per Core Requirement #4, Conveyance System, for the entire contributing drainage area, assuming build-out conditions to current zoning for the equivalent area portion and existing conditions for the remaining area; or,
  - This project may qualify for an exception to flow control if the target surfaces will generate no more than a 0.1 cfs increase in the existing site conditions 100-year peak flow.
3. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater low impact development facilities on-site (per section 5.2 in the 2009 King County Surface Water Design Manual). See PW Pre-Approved Plan Policy L-1 for more information on this requirement. Since there is limited storm conveyance available offsite, the onsite infiltration options must be fully utilized. Infiltration rates should be established by a soil's engineer for storm infiltration options.
  4. Amended soil per Ecology BMP T5.13 is recommended for all landscaped areas.
  5. Provide a level one off-site analysis (based on the King County Surface Water Design Manual, core requirement #2).
  6. Provide an erosion control report and plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 2009 King County Surface Water Design Manual.
  7. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.
  8. Connect the existing house and driveway to a storm drain system.
  9. Provide a separate storm drainage connection for each lot. All roof and driveway drainage must be tight-lined to the storm drainage system or utilize low impact development techniques.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts 2nd St. This street is a Neighborhood Access type street. Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

A. Match existing street width.

B. Remove and replace existing improvements. Install new curb and gutter, 4.5 ft. planter strip with street trees 30 ft. on-center, and 5 ft. wide sidewalk.

2. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced.

- Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.

- Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2-inches thick and the subgrade shall be compacted to 95% density.

3. For driveway requirements see PW Policy R-4. All driveways must be paved.

4. The driveway for each lot shall be long enough so that parked cars do not extend into the access easement or right-of-way (20 ft. min.)

5. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle. See Public Works Pre-approved Policy R.13 for the sight distance criteria and specifications.

6. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.

7. Underground all new and existing on-site utility lines and overhead transmission lines.

8. Underground any new off-site transmission lines.

9. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on 2nd St is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement. The final recorded subdivision mylar shall include the following note:

Local Improvement District (LID) Waiver Agreement: Chapter 110.60.7.b of the Kirkland Zoning Code requires all overhead utility lines along the frontage of the subject property to be converted to underground unless the Public Works Director determines that it is infeasible to do so at the time of the subdivision recording. If it is determined to be infeasible, then the property owner shall consent to the formation of a Local Improvement District, hereafter formed by the City or other property owners. During review of this subdivision it was determined that it was infeasible to convert the overhead utility lines to underground along the frontage of this subdivision on 2nd St. Therefore, in consideration of deferring the requirement to underground the overhead utility lines at the time of the subdivision recording, the property owner and all future property owners of lots within this subdivision hereby consent to the formation of a Local Improvement District hereafter formed by the City or other property owners

10. New street lights may be required per Puget Power design and Public Works approval. Contact the INTO Light Division at PSE for a lighting analysis. If lighting is necessary, design must be submitted prior to issuance of a grading or building permit.

**2014**

Zsofia Pasztor

**TREE IDENTIFICATION & EVALUATION  
JUNE 2014**



**Zsofia Pasztor**  
**Certified Horticulturist CPH 2459**  
**Arborist PN-5795A, and Tree Risk Assessor 480**  
**Landscape Designer; Certified LID Consultant**  
**10 – 108th St. SE**  
**Everett, Washington 98208**  
**425-210-5541**  
**zs.pasztor2011@gmail.com**

Dear Mr. Glosniak,

On June 21<sup>st</sup> 2014, at your request, I performed a complete tree identification and evaluation at the address of 1118 – 2<sup>nd</sup> St Kirkland WA.

This report is a summary of my observations and conclusions.

### **Definition of the assignment**

You contacted me because you are considering building on the property and the City of Kirkland requires an evaluation of the existing trees and a report completed by a Tree Risk Assessor Arborist also.

As you and I discussed, my assignment was to:

- evaluate the health and condition of the trees at this time
- identify each tree affected by the work on the site
- determine if preservation is possible before, during and after construction
- recommend a preservation and if needed, mitigation plan
- write and submit to you a report

### **Summary of findings**

Visiting the site and examining the trees I found that a total of 5 trees are on the property that are significant. The condition of the trees varies. Some are very sick and others are in fair condition. The trees have some structural problems. None of the trees are high or moderate value, most are nuisance trees and their preservation is not possible.

As it is stated in the city's Tree Code:

"Nuisance Tree- A tree that meets either 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, or roof; or
- b. Has sustained damage from past maintenance practices.

The problems associated with the 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, and/or cabling to reconstruct a healthy crown."

"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, sensitive 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;

Moderate, a viable tree that is to be retained if feasible; or

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."

## Methodology

To evaluate the trees and to prepare the report, I drew upon my 30 years of experience in the field of horticulture, site management, and arboriculture and my formal education in natural resources management, natural habitat ecology, plant identification, and plant physiology. I also followed the protocol of the International Society of Arboriculture (ISA) for Visual Assessment (VA) that includes looking at the overall health of the tree as well as the site conditions. This is a scientifically based process to look at the entire site, surrounding landscape and soil, as well as a complete look at the trees themselves.

In examining the trees, I looked at such factors as: size, vigor, canopy and foliage condition, density of leaves, injury, insect activity, root damage and root collar health, crown health, evidence of disease-causing bacteria, fungi or virus, dead wood and hanging limbs.

## Field Data

The following is a list of the trees on site. The trees are drawn on a rough map.

- # 160. *Prunus cerasiformis* Hollywood Red Flowering Plum 8" dbh; 12 feet dripline radius; 20 feet tall, fair condition; the tree is growing in an urban area where its roots are compacted regularly. It is surrounded by the street, the driveway, sidewalk and a lawn. It can be preserved however and in order to do so, a temporary chain link protection fence of not lower than 5 feet should be erected following the outline of the sidewalk, driveway and street edges. It is marked on the map.
- # 161. *Ilex aquifolium* English Holly 19.1" dbh between its two trunks (13" and 14" individually); 8 feet dripline radius; 20 feet tall, fair condition; the tree is growing in an

urban area where its roots are compacted regularly. It is surrounded by the street, the driveway and a lawn. It has been sheared and topped in the past. Holly trees are non-native and invasive in the Northwest. It is a nuisance tree. I recommend removal.

- # 142. *Abies procera* *Glauca* Blue Noble Fir 13" dbh; 9 feet dripline radius; 40 feet tall, fair condition; the tree is growing in an urban area where its roots are compacted regularly. It is surrounded by the street, the neighbor's driveway and lawn. It either had an injury in the past or was topped, but at about 20 feet off the ground it splits into two trunks. Included bark is present at this junction. The canopy has some dieback. It is where the proposed driveway will be built, therefore successful preservation is not possible, the tree is low value and I recommend removal.



143.English Holly



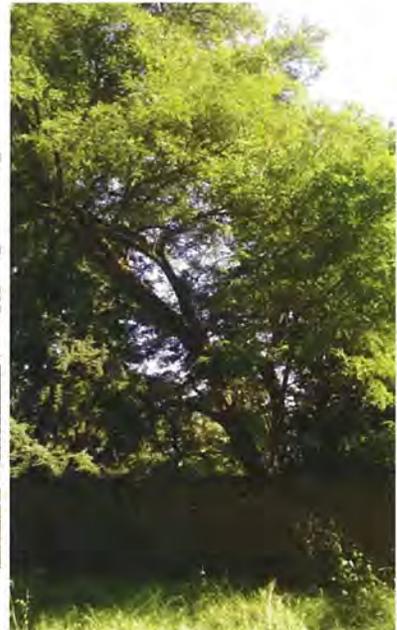
142.Noble Fir



143.English Walnut

- # 143. *Juglans regia* English Walnut 26" dbh; 20 feet dripline radius; 40 feet tall, good condition; the tree is high value as it is in good condition and can be preserved. The tree is growing near the property line on the neighbor's property to the south, with its roots under the current driveway. Its canopy has been pruned to allow traffic moving freely below it. Because the new driveway is proposed in the same place, the tree will not experience any additional stress. The fence should remain in the same place so no construction activity will take place closer to its trunk than the current traffic related disturbances. It is growing into the utility lines and will need maintenance pruning.
- # 279. *Acer sp. ?* Possibly a Maple; because the neighbor was not home, I could not walk onto their property to investigate the tree up close, and as it is a small tree growing under the English Walnut tree, the walnut covers it. 8" dbh; 8-10 feet dripline radius; 20 feet tall. The tree is growing near the property line on the neighbor's property to the south, with its roots under the current driveway. Because the new driveway is proposed in the same place, the tree will not experience any additional stress. The fence should remain in the same place so no construction activity will take place closer to its trunk than the current traffic related disturbances.

- # 275. *Robinia pseudoacacia* Black Locust; 30” dbh; 15 feet dripline radius; 45 feet tall, good condition; the tree is high value as it is in good condition and can be preserved. The tree is growing near the property line on the neighbor’s property to the south, with its roots under the current lawn. The fence should remain in the same place so no construction activity will take place closer to its trunk than the current lawn maintenance related disturbances.
- # 277. *Pseudotsuga menziesii* Douglas Fir 33” dbh; 20 feet dripline radius; 60 feet tall, very poor condition; the tree has been damaged by topping and pruning in the past and has structural problems. Therefore it is ‘Low value’ according to the city’s Code. It is leaning without self-correcting, has hangers, dead wood, dieback and decay in the canopy. It splits into two main trunks at about 30 feet off the ground and has severe included bark. I recommend removal.



277. Douglas Fir

and 279. Black Locust

- # 278. *Malus domestica* Apple 9” dbh; 8 feet dripline radius; 25 feet tall, very poor condition; the tree has been mutilated by pruning in the past and has severe decay and die back in its canopy and trunk. It is a nuisance tree. I recommend removal.



278. Apple



276. Cherry

- # 276. *Prunus sp.* Cherry 15.2" dbh between its 3 trunks (9", 8" and 9"); 12 feet dripline radius; 30 feet tall, very poor condition; the tree has been mutilated by pruning in the past and has severe decay and die back in its canopy and trunk. It is dying and is a nuisance tree. I recommend removal.

The trees listed below were planted and maintained as a hedge for many-many years. This means they are planted too close and were topped and severely sheered regularly season after season. Several years ago the hedge was abandoned and maintenance were stopped. As a result the trees are now large, developed multiple trunks with included bark, weak attachments and decay which starting to develop at the crotches and old pruning wounds.

These trees are Low value because they are unhealthy and their root zones are within the proposed development excavation footprint. I recommend removal and replanting with trees appropriate for the site.

- # 251. *Cupressocyparis x leylandii* Leyland Cypress 32" dbh; 20 feet dripline radius; 60 feet tall, very poor condition; the tree has been damaged by topping and pruning in the past and has structural problems. Therefore it is 'Low value' according to the city's Code. It has hangers, dead wood, dieback and decay in the canopy and severe included bark. I recommend removal.
- # 252. *Cupressocyparis x leylandii* Leyland Cypress 17" dbh; 12 feet dripline radius; 60 feet tall, very poor condition; the tree has been damaged by topping and pruning in the past and has structural problems. Therefore it is 'Low value' according to the city's Code. It has hangers, dead wood, dieback and decay in the canopy and severe included bark. I recommend removal.

- # 253. *Cupressocyparis x leylandii* Leyland Cypress 18” dbh; 12 feet dripline radius; 60 feet tall, very poor condition; the tree has been damaged by topping and pruning in the past and has structural problems. Therefore it is ‘Low value’ according to the city’s Code. It has hangers, dead wood, dieback and decay in the canopy and severe included bark. I recommend removal.
- # 255. *Cupressocyparis x leylandii* Leyland Cypress 20” dbh; 14 feet dripline radius; 60 feet tall, very poor condition; the tree has been damaged by topping and pruning in the past and has structural problems. Therefore it is ‘Low value’ according to the city’s Code. It has hangers, dead wood, dieback and decay in the canopy and severe included bark. I recommend removal.
- # 262. *Cupressocyparis x leylandii* Leyland Cypress 26” dbh; 12 feet dripline radius; 60 feet tall, very poor condition; the tree has been damaged by topping and pruning in the past and has structural problems. Therefore it is ‘Low value’ according to the city’s Code. It has hangers, dead wood, dieback and decay in the canopy and severe included bark. I recommend removal.
- # 263. *Cupressocyparis x leylandii* Leyland Cypress 17” dbh; 14 feet dripline radius; 60 feet tall, very poor condition; the tree has been damaged by topping and pruning in the past and has structural problems. Therefore it is ‘Low value’ according to the city’s Code. It has hangers, dead wood, dieback and decay in the canopy and severe included bark. I recommend removal.
- # 264. *Cupressocyparis x leylandii* Leyland Cypress 20” dbh; 14 feet dripline radius; 60 feet tall, very poor condition; the tree has been damaged by topping and pruning in the past and has structural problems. Therefore it is ‘Low value’ according to the city’s Code. It has hangers, dead wood, dieback and decay in the canopy and severe included bark. I recommend removal.

#	160	161	142	143	251	252	253	255	262	263	264	275	276	277	278	279	Total
keep	x			x								x				x	4
remove		x	x		x	x	x	x	x	x	x		x	x	x		12
replace		x	x		x	x	x	x	x	x	x			x			10
lost canopy		200 sqft	200 sqft		1256 sqft	452 sqft	452 sqft	615 sqft	452 sqft	615 sqft	452 sqft			1256 sqft			5950 sqft
Replaced canopy																	Approx.. 2000 sqft

A total of 3 deciduous trees and 12 narrow evergreen trees should be planted once construction is done, to replace the ones removed. They should be at least 6 feet tall if conifers are used or 2” caliper if they are deciduous trees. The replacement canopy will not recover the removed canopy fully in the following 10 years, but as it is, many of the existing are planted too closely and are unhealthy because of it.

The site will be able to successfully grow the recommended trees, even with the two proposed homes. The new trees can be planted in groups and the evergreen trees can form a hedge that needs minimal pruning maintenance.

The following is a list of suggested tree species:

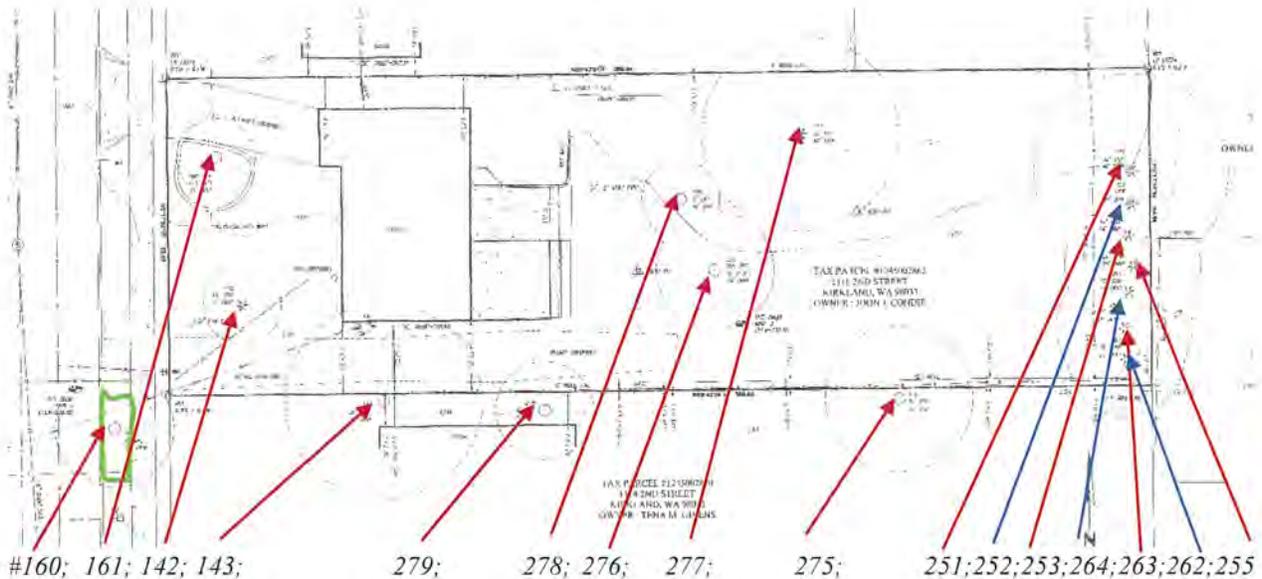
Conifers:

- *Xanthocyparis nootkatensis* 'Pendula' Weeping Alaska Yellow Cedar
- *Abies lasiocarpa* Subalpine Fir
- *Thuja occidentalis* Arborvitae
- *Cupressus sempervirens* Italian Cypress
- *Taxus baccata* 'Fastigiata' Irish Yew
- *Ginkgo biloba* 'Fastigiata' Narrow Ginkgo is a conifer, but deciduous, 2" caliper required

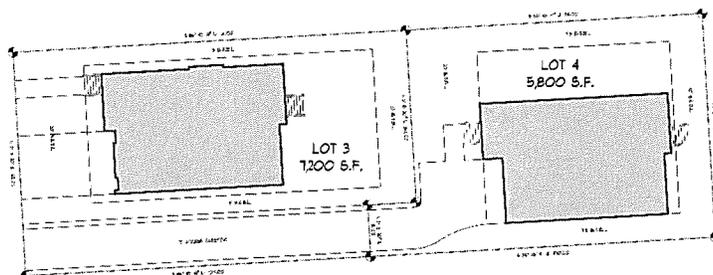
Deciduous:

- *Styrax japonicas* Japanese Snowbell (wider tree)
- *Cornus Eddie's White Wonder* White Hybrid Dogwood (wider tree)
- *Acer rubrum* 'Sunset' Sunset Red Maple
- *Carpinus betulus* 'Fastigiata' Narrow Hornbeam
- *Fagus sylvatica* 'Red Obelisk' Red Obelisk Beech

The survey done by Goldsmith Engineering shows the existing trees on the site:



Green outline is temporary protection fence placement for the tree #160.



**NEW SITE PLAN**

REVISIONS	
NO.	DATE
1	
2	
3	
4	
5	
BDR HOMES, LLC 1118 2nd Street Kirkland, WA 1118 2nd Street Kirkland, WA	
Kirkland II	
SITE PLAN HEIGHT CALLS OPEN SPACE DIAG.	
DATE	
NO.	
DATE	
NO.	
SHEET A0.1	

*Proposed site plan shows the property to be developed only*

**Waiver of Liability**

There are many conditions affecting a tree’s health and stability, which may be present and cannot be ascertained, such as, root rot, previous or unexposed construction damage, internal cracks, stem rot and more which may be hidden. Changes in circumstances and conditions can also cause a rapid deterioration of a tree’s health and stability. Adverse weather conditions can dramatically affect the health and safety of a tree in a very short amount of time.

While I have used every reasonable means to examine these trees, this evaluation represents my opinion of the tree health at this point in time. These findings do not guarantee future safety nor are they predictions of future events.

The tree evaluation consists of an external visual inspection of an individual tree’s root flare, trunk, and canopy from the ground only unless otherwise specified. The inspection may also consist of taking trunk or root soundings for sound comparisons to aid the evaluator in determining the possible extent of decay within a tree. Soundings are only an aid to the evaluation process and do not replace the use of other more sophisticated diagnostic tools for determining the extent of decay within a tree.

As conditions change, it is the responsibility of the property owners to schedule additional site visits by the necessary professionals to ensure that the long-term success of the project is ensured. It is the responsibility of the property owner to obtain all required permits from city, county, state, or federal agencies. It is the responsibility of the property owner to comply with all applicable

laws, regulations, and permit conditions. If there is a homeowners association, it is the responsibility of the property owner to comply with all Codes, Covenants, and Restrictions (CC&R's) that apply to tree pruning and tree removal.

This tree evaluation is to be used to inform and guide the client in the management of their trees. This in no way implies that the evaluator is responsible for performing recommended actions or using other methods or tools to further determine the extent of internal tree problems without written authorization from the client. Furthermore, the evaluator in no way holds that the opinions and recommendations are the only actions required to insure that the tree will not fail. A second opinion maybe sought if the Client so desires. The client shall hold the evaluator harmless for any and all injuries or damages incurred if the tree examined fails for any reason or if the evaluator's recommendations are not followed or for acts of nature beyond the evaluator's reasonable expectations, such as severe winds, excessive rains, heavy snow loads, etc.

Should you have any questions or concerns, or if I may be of further assistance, please call.

Sincerely,



Zsafia Pasztor;  
Certified Horticulturist Cert. # 2459  
Certified Arborist Cert. # PN5795A;  
Certified Tree Risk Assessor Cert. # 480  
Certified LID Consultant and Designer  
Landscape Designer and Construction Consultant

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**ATTACHMENT 1 – GLOSSARY****Terms Used in This Report, on the Tree Condition and Their Significance**

In an effort to clearly present the information for each tree in a manner that facilitates the reader's ability to understand the conclusions I have drawn for each tree, I have collected the information in a report format. This report was developed by Zsofia Pasztor and it is based upon the *Tree Risk Assessment in Urban Areas and the Urban/Rural Interface* course manual and the *Tree Risk Assessment Form*, both sponsored by the International Society of Arboriculture, and the *Hazard Tree Evaluation Form* from the book, *The Evaluation of Hazard Trees in Urban Areas*, by Matheny and Clarke. The descriptions were left brief in the report in an effort to include as much pertinent information as possible, to make the report manageable, and to avoid boring the reader with infinite levels of detail. However, a review of these terms and descriptions will allow the reader to rapidly move through the report and understand the information.

- 1) **TREE LOCATION**--indicates what general area of the site the tree is on, or whether the tree is Off the Project property.
- 2) **TREE #**—the individual number of each tree.
- 3) **SPECIES**—this describes the species of each tree with both most readily accepted common name and the officially accepted scientific name.
- 4) **DBH**—Diameter-at-Breast-Height. This is the standard measurement of trees taken at 4.5 feet above the average ground level of the tree base.
  - i) Occasionally it is not practical to measure a tree at 4.5 feet above the ground. The most representative area of the trunk near 4.5 feet is then measured and noted on the spreadsheet. For instance, a tree that forks at 4.5 feet can have an unusually large swelling at that point. The measurement is taken below the swelling and noted as, '28.4" at 36"'.
  - ii) Trees with multiple stems are listed as a "clump of x," with x being the number of trunks in the clump. Measurements may be given as an average of all the trunks, or individual measurements for each trunk may be listed.
  - (iii) Every effort is made to distinguish between a single tree with multiple stems and several trees growing close together at the bases.
- 5) **DRIP LINE**—the radius, the distance from the trunk to the furthest branch tips (sometimes the average of these measurements around the tree).
- 6) **% LCR**—Percentage of Live Crown Ratio: the relative proportion of green crown to overall tree height. This is an important indication of a tree's health. If a tree has a high percentage of Live Crown Ratio, it is likely producing enough photosynthetic activity to support the tree. If a tree has less than 30 to 40% LCR it can create a shortage of needed energy and can indicate poor health and vigor.
- 7) **SYMMETRY**—is the description of the form of the canopy. That is, the balance or overall shape of the canopy and crown. This is the place I list any major defects in the tree shape—does

the tree have all its foliage on one side or in one unusual area. Symmetry can be important if there are additional defects in the tree such as rot pockets, cracks, loose roots, weak crown etc. Symmetry is generally categorized as Generally Symmetrical, Minor Asymmetry or Major Asymmetry:

- i) Gen. Sym.—Generally Symmetrical. The canopy/foliage is generally even on all sides with spacing of scaffold branches typical for the species, both vertically and radially.
- ii) Min. Asym.—Minor Asymmetry. The canopy/foliage has a slightly irregular shape with more weight on one side but appears to be no problem for the tree.
- iii) Maj. Asym.—Major Asymmetry. The canopy/foliage has a highly irregular shape for the species with the majority of the weight on one side of the tree. This can have a significant impact on the tree's stability, health and hazard potential—especially if other defects are noted such as cracks, rot, root defects.

8) **FOLIAGE/BRANCH**—describes the foliage of the tree in relation to a perfect specimen of that particular species. First the branch growth and foliage density is described, and then any signs or symptoms of stress and/or disease are noted. The condition of the foliage, or the branches and buds for deciduous trees in the dormant season, are important indications of a tree's health and vigor.

i) For Deciduous trees in the dormant season:

- The structure of the tree is visible,
- The quantity and quality of buds indicates health, and is described as
- good bud set, average bud set, or poor bud set. These are abbreviated
- in the spreadsheet as: gbs, abs, or pbs.
- The amount of annual shoot elongation is visible and is another major
- indication of tree health and vigor. This is described as:
  - a) Excellent, Good, Average, or Short Shoot Elongation. These are abbreviated in the spreadsheet as ESE, GSE, ASE, OR SSE.

ii) For evergreen trees year round and deciduous trees in leaf, the color and density of the foliage indicates if the tree is healthy or stressed, or if an insect infestation, a bacterial, fungal, or viral infection is present. Foliage is categorized on a scale from:

- Dense—extremely thick foliage, an indication of healthy vigorous
- growth,
- Good—thick foliage, thicker than average for the species,
- Normal/Average—thick foliage, average for the species, an indication
- of healthy growth,
- Thin or Thinning—needles and leaves becoming less dense so that
- sunlight readily passes through; an indication that the tree is under
- serious stress that could impact the long-term survivability and safety
- of the tree,
- Sparse—few leaves or needles on the twigs, an indication that the tree
- is under extreme stress and could indicate the future death of the tree
- Necrosis—the presence of dead twigs and branchlets. This is another
- significant indication of tree health. A few dead twigs and branches
- are reasonably typical in most trees of size. However, if there are dead
- twigs and branchlets all over a certain portion of the tree, or all over
- the tree, these are indications of stress or attack that can have an

- impact on the tree's long-term health.
- Hangers—a term to describe a large branch or limb that has broken off
- but is still hanging up in the tree. These can be particularly dangerous
- in adverse weather conditions.

9) **CROWN CONDITION**—the crown is uppermost portion of the tree, generally considered the top 10 to 20% of the canopy or that part of the canopy above the main trunk in deciduous trees and above the secondary bark in evergreen trees.

i) The condition of the tree's crown is a reflection of the overall health and vigor of the entire tree. The crown is one of the first places a tree will demonstrate stress and pathogenic attack such as root rot.

ii) If the **Crown Condition** is healthy and strong, this is a good sign. If the crown condition is weak, broken out, or shows other signs of decline, it is an indication that the tree is under stress. It is such an important indication of health and vigor that this is the first place a trained forester or arborist looks to begin the evaluation of a tree. Current research reveals that, by the time trees with root rot show significant signs of decline in the crown, fully 50% or more of the roots have already rotted away. **Crown Condition** can be described as:

- Healthy Crown—exceptional growth for the species.
- Average Crown—typical for the species.
- Weak Crown—thin spindly growth with thin or sparse needles.
- Flagging Crown—describes a tree crown that is weak and unable to grow straight up.
- Dying Crown—describes obvious decline that is nearing death.
- Dead Crown—the crown has died due to pathological or physical injury. The tree is considered to have significant stress and/or weakness if the crown is dead.
- Broken out—a formerly weak crown condition that has been broken off by adverse weather conditions or other mechanical means.
- Regenerated or Regenerating—formerly broken out crowns that are now growing back, Regenerating crowns may appear healthy, average, or weak and indicate current health of the tree.
- Suppressed—a term used to describe poor condition of an entire tree or just the crown. Suppressed crowns are those that are entirely below the general level of the canopy of surrounding trees which receive no direct sunlight. They are generally in poor health and vigor.
- Suppressed trees are generally trees that are smaller and growing in the shade of larger trees around them. They generally have thin or sparse needles, weak or missing crowns, and are prone to insect attack as well as bacterial and fungal infections.

10) **TRUNK**—this is the area to note any defects that can have an impact on the tree's stability or hazard potential. Typical things noted are:

- i) **FORKED**—bifurcation of branches or trunks that often occur at a narrow angle.

ii) **INCLUDED BARK**—a pattern of development at branch or trunk junctions where bark is turned inward rather than pushed out. This can be a serious structural defect in a tree that can and often does lead to failure of one or more of the branches or trunks especially during severe adverse weather conditions.

iii) **EPICORMIC GROWTH**—this is generally seen as dense thick growth near the trunk of a tree. Although this looks like a healthy condition, it is in fact the opposite. Trees with Epicormic Growth have used their reserve stores of energy in a last ditch effort to produce enough additional photosynthetic surface area to produce more sugars, starches and carbohydrates to support the continued growth of the tree. Generally speaking, when conifers in the Pacific Northwest exhibit heavy amounts of Epicormic Growth, they are not producing enough food to support their current mass and are already in serious decline.

iv) **INTERNAL STRUCTURAL WEAKNESS**—a physical characteristic of the tree trunk, such as a **kink, crack, rot pocket, or rot column** that predisposes the tree trunk to failure at the point of greatest weakness.

v) **BOWED**—a gradual curve of the trunk. This can indicate an Internal Structural Weakness or an overall weak tree. It can also indicate slow movement of soils or historic damage of the tree that has been corrected by the curved growth.

vi) **KINKED**—a sharp angle in the tree trunk that indicates that the normal growth pattern is disrupted. Generally this means that the internal fibers and annual rings are weaker than straight trunks and prone to failure, especially in adverse weather conditions.

vii) **GROUND FLOWER**—an area of deformed bark near the base of a tree trunk that indicates long-term root rot.

11) **ROOT COLLAR**—this is the area where the trunk enters the soil and the buttress roots flare out away from the trunk into the soil. It is here that signs of rot, decay, insect infestation, or fungal or bacterial infection are noted. **NAD** stands for **No Apparent Defects**.

12) **ROOTS**—any abnormalities such as girdling roots, roots that wrap around the tree itself that strangle the cambium layer and kill the tree, are noted here.

13) **COMMENTS**—this is the area to note any additional information that would not fit in the previous boxes or attributes about the tree that have bearing on the health and structure of the tree.

14) **CURRENT HEALTH RATING**—A description of the tree's general health ranging from dead, dying, poor, senescent, suppressed, fair, good, very good, to excellent.

15) **PNW-ISA TREE RISK ASSESSMENT RATINGS FOR HAZARD POTENTIAL**--The Pacific Northwest Chapter of the International Society of Arboriculture now certifies arborists as *Certified Tree Risk Assessors* using an adjusted scale of 3 to 12 points based upon 4 component parts. They are:

i) **TARGET RATING**--A scale of zero to three points depending upon the amount of use within the range of the tree and the amount of injury or damage that might occur if the tree or component part does fail. Target is both the level of use and the quality/value of the target combined with the foreseeable amount of injury or damage that will likely occur should the tree or component part fail.

- 0 Points, no target. **No Hazard.**

- 1 Point, Low human use or low target value.
  - 2 Points, Moderate human use or moderate target value.
  - 3 Points, High or constant human use or high target value.
- ii) **SIZE OF PART**-- The larger the tree or component part that fails, the greater the potential for injury or damage.
- 1 Point = small branches or trunks up to 4 inches in diameter.
  - 2 Points = branches or trunks from 4.1 to 19.9 inches in diameter.
  - 3 Points = large branches or trunks greater than 20 inches in diameter.
- iii) **PROBABILITY OF FAILURE**--This component ranks the likelihood that the observed defect(s) will fail in a reasonable amount of time in the foreseeable future. The probability of failure automatically has associated with it threshold of action recommended to reduce or minimize the potential failure and associated injuries or damages that might occur.
- 1 Point = Minor defect is not likely to lead to imminent failure.
    - a) No further action is required.
  - 2 Points = One or more defects are well established but would typically not lead to failure for several years.
    - a) Corrective action might be useful to prevent future problems but only if time and money is available. Not the highest priority for action. Generally “retain and monitor” is acceptable action.
  - 3 Points = The defect(s) is serious and failure is likely.
    - a) Corrective action is required in weeks or months.
  - 4 Points = The defect(s) are serious and imminent failure is likely.
    - a) Action is required in days or weeks.
  - 5 Points = The tree or component parts are already failing. Failure is imminent. This is an *emergency situation*.
    - a) *Corrective action is required immediately today.*
- iv) **OTHER RISK FACTORS**--Issues or factors that reflect site conditions or other factors that the risk assessors believes will contribute to a higher overall risk level and were not adequately addressed in the previous three components of risk assessment. These might include aspects such as newly exposed trees, abnormal soil moisture levels not normally seen, proximity of heavy machinery on the site or adjacent to the site, etc.
- 0 Points--No additional factors warrant a point.
  - 1 Point--some factor that adds to the potential for failure, injury, or damage.

16) **ISA HAZARD RATING**--The combined component ratings of *Target Rating, Size of Part, Probability of Failure, and Other Risk Factors* on a scale of 2 through 12.

17) **RECOMMENDATION**— this is an estimate of whether or not the tree is of sufficient health, vigor, and structure that it is worth retaining. Specific recommendations for each tree are included in this column. They may include anything from pruning dead wood, mulching, aerating, injecting tree-based fertilizer into the root system, shortening into a habitat tree or wildlife snag, or to completely removing the tree.

- i) **Monitor:** “Monitor” is a specific recommendation that the tree be reevaluated on a routine basis to determine if there are any significant changes in health or structural stability. “Monitor annually” (or bi-annually, triannually, etc.)” means the tree should be

looked at once every year (or every 2 or 3 years, etc.) This yearly monitoring can be a quick look at the trees to see if there are any significant changes. Significant changes such as storm damage, loss of crown, partial failure of one or more roots, etc. require that a full evaluation be done of the tree at that time.

**NOTE: TREES WITH THE SAME DESCRIPTION AND DIFFERENT RATINGS:**

Two trees may have the same descriptions in the matrix boxes, one may be marked "Hazard," while another may be marked "Non-Hazard." The difference is in the degree of the description--early "necrosis" versus advanced "necrosis" for instance. Another example is center rot or base rot. In a Western Red Cedar or Oak tree the presence of low or even moderate rot is not significant and does not diminish the strength of the tree. However, low levels of rot in the base of a Douglas Fir or Big Leaf Maple tree in an area known to have virulent pathogens present is highly significant and predisposes that tree to windthrow. Again, these descriptions were left brief in an effort to include as much pertinent information as possible, to make the report manageable, and, not to bore the reader with infinite levels of detail.

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**ATTACHMENT 2– REFERENCES**

1. Dunster, Dr. Julian A., R.P.F., M.C.I.P. *Interpreting Resistograph Readings, A Manual for Users of the Resistograph Decay Detection Instrument*. Bowen Island, Canada: Dunster & Associates, 2000.
2. Eric Allen, et al. *Common Tree Diseases of British Columbia*. Victoria: Canadian Forest Service, 1996.
3. Harris, Richard W. et al. *Arboriculture, Integrated Management of Landscape Trees, Shrubs, and Vines*. 4<sup>th</sup> ed. Upper Saddle River: Prentice Hall, 2004.
4. Matheny, Nelda P. and Clark, James R. *Evaluation of Hazard Trees*. 2<sup>nd</sup> ed. Savoy: The International Society of Arboriculture Press, 1994
5. Mattheck, Claus and Breloer, Helge. *The Body Language of Trees, A Handbook for Failure Analysis*. London: HMSO, 1994.
6. Pacific Northwest Chapter-ISA. *Tree Risk Assessment in Urban Areas and the Urban/Rural Interface*. Course Manual. Release 1.5. PNW-ISA: Silverton, Oregon, 2012.
7. Robert Van Pelt *Champion Trees of Washington State* University of Washington 1996
8. City of Seattle *Director's Rule 16-2008*
9. Arthur Lee Jacobson *Trees of Seattle* Second Edition Seattle, Washington 2006
10. Edward F. Gilman *An Illustrated Guide to Pruning* Third Edition Delmar 2012
11. May Teilgaard Watts; Tom Watts *Winter Tree Finder* Nature Study Guild Publ. NY 1970
12. Bob Doppelt, Mary Scurlock, Chris Frissell, James Karr *Entering The Watershed* Pacific River Council Washington DC, 1993
13. Rodney W. Tyler *Winning The Organics Game* ASHS Press VA 1996
14. US Dept. of Transportation Federal Highway Administration *Roadside Revegetation: An Integrated Approach to Establishing Native Plants* 2007
15. Matheny and Clark in *Trees and Development: A Technical Guide to Preservation of Trees during Land Development* (Harris 1992, Helliwell 1985)
16. *Guide to Plant Appraisal, 9<sup>th</sup> Edition*, written by the Council of Tree and Landscape Appraisers.





## CITY OF KIRKLAND

Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033 - (425) 587-3225

[www.kirklandwa.gov](http://www.kirklandwa.gov)

### CONSULTING ARBORIST LAND USE PERMIT REVIEW CHECKLIST

Permit Number: SUB14-01426

Address: 1118 2<sup>nd</sup> Street

First Review Due By:

Assigned Planner:

Assigned Public Works Reviewer:

#### **Planner:**

- Conduct Completeness Review of Tree Plan.
- Clarify if trees need to be typed. If previously typed, copy to Arborist
- Tree Density calcs needed? Yes  No
- ROW Improvements required? Yes  No
- Review permit history/GIS for any additional relevant tree information (prior zoning permits, shoreline, Holmes Point, etc.) and make copies to include in UF routing.
- Clearly indicate require yards on site plan for tree typing
- Send to Arborist (preferably electronically, use inbox **only** if you email him that you have placed information there):
  - 1<sup>st</sup> review date, permit number.
  - Complete arborist report and all tree plan information with any additional background needed.
  - A copy of this checklist.
- Contact Consulting Arborist to schedule 1<sup>st</sup> meeting to review this checklist and plans.

#### **Consulting Arborist:**

- Meet with planner to review plans.
- Conduct UF review (see review process on pages 3-4).
- Coordinate with Public Works as needed for r.o.w. trees.
- If revisions required, complete the following:
  - Email 1<sup>st</sup> review comments to planner.
  - Try to be clear enough that planner can review revisions.
- When UF review complete, complete the following:
  - Complete tree data on page 2.
  - Return checklist to assigned planner.
  - Redline plans as needed and return to planner.

#### **Revisions**

- Planner determine if Consulting Arborist needs to review
- If Consulting Arborist needs to review, planner contacts Arborist and routes

#### **Planner:**

- Enter Arborist 1<sup>st</sup> review comments into review letter/staff report.
- Update Tree Review information in Energov **permit** case (Additional Info/Planning/Tree Review).
- Scan arborist report & approved site plan into Permit case in Energov.
- Sign off Arborist Review workflows in Energov with actual arborist review dates.
- If grove of high retention value trees, protection per 95.51? Yes  No

**TREE DATA SHEET**

Planner complete the following:

Lot Size: 13,000 sf

Tree Density Required: 9

Consulting Arborist to complete this form and route to planner with comments & recommendations on plans or in document

Right-of-way or parks trees impacted: Yes  No

Trees on adjoining property impacted: Yes  No  tree #143 will be severely impacted

Existing grove of high retention value trees: Yes  No  If Yes, indicate on site plan and identify impacts to grove:

Will proposal impact preserved grove: Yes  No  If yes, describe:

Site Plan Alterations Required: Yes  No  (*KZC 95.30*) identify less impactful trenching techniques within dripline of tree #143

Development Standards Varied: Yes  No  (*KZC 95.32*)

Chart should only address on-site trees.

<b>Significant Trees:</b>	<b>High Retention Value</b>	<b>Moderate Retention Value</b>	<b>Low Retention Value</b> <b>(V)</b> – viable <b>(NV)</b> – not viable
161			viable
142	<b>X</b>		
278			viable
276			viable
277		<b>X</b>	
Unlabelled hazelnut		<b>X</b>	
251			viable
252			viable
253			viable
255			viable
264			viable
263			viable
262			viable

The only high retention value tree on-site is tree #142. Tree #277 is a moderate retention value tree due to its location outside of the required yards. The unlabelled western hazelnut (*Corylus cornuta*) outside of the required yards on lot 2 is the only other moderate retention value tree on-site. The holly, tree #161 is a viable low retention value tree in that it will continue to grow but has been badly harmed by past pruning practices, including topping. Trees #278 and 276 are viable low retention value trees due to their amount of decay and poor form caused by past pruning. Trees #251, 252, 253, 255, 262, 263 and 264 are Leyland cypress forming an unmaintained hedge along the eastern property line. While they are currently healthy they have been sheared in the past to maintain their height and

width. In order to restore these trees as their originally intended hedge they would require topping, which is a poor arboricultural practice. Also, the Leyland cypress does not re-grow leaves from woody growth.

ROW trees: no concerns at this time.

143

Neighbor's trees: Tree #142 and 275 require an area of careful trenching including hand digging, air spade or hydro-spade with a vacuum truck to maintain the structural roots and accomplish the installation of the proposed dry water and sanitary sewer utilities within the dripline of these trees. Directional boring is also an option to install these utilities with minimal harm to the existing tree. I recommend requiring this as a condition unless the neighbor indicates that they are looking to remove this tree. Tree #279 was not present the day of my site visit.

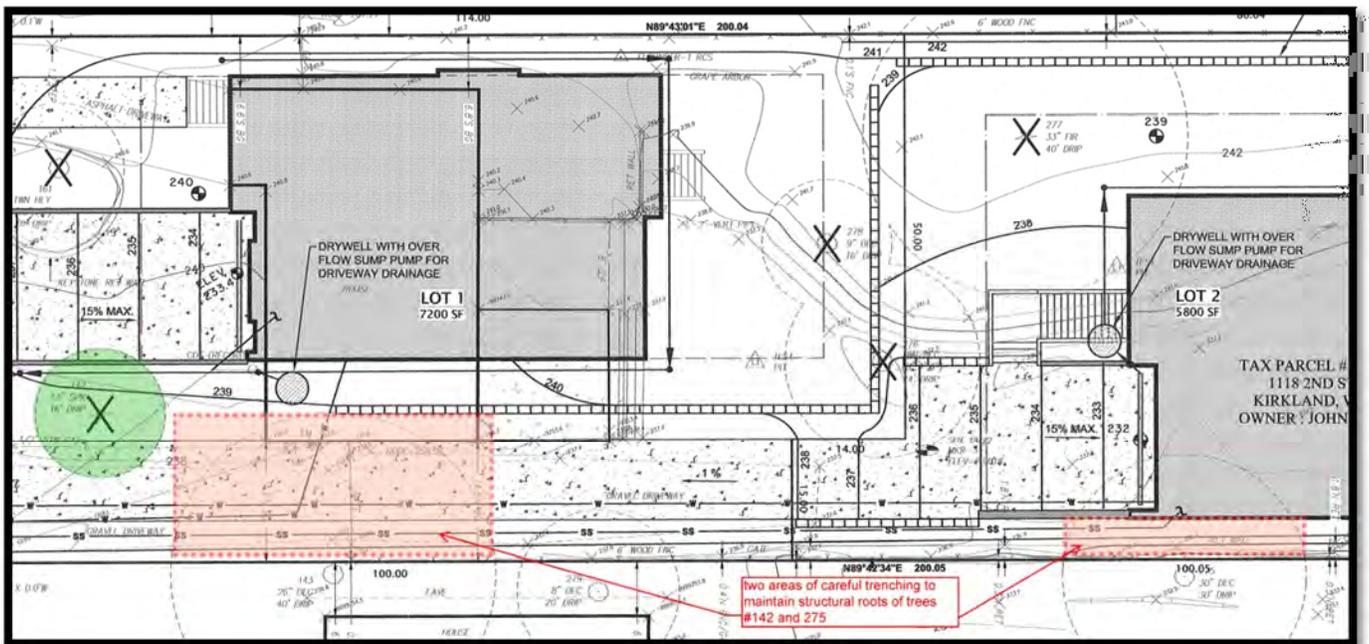


Figure 1: showing high retention value tree #142 and two areas requiring careful trenching to preserve neighbor's trees



Tree #161 and 142, left to right



Unlabelled western hazelnut, *Corylus cornuta*, in the northeast corner of lot



Neighbor's tree #143

-----Original Message-----

From: Patrick Lofy [<mailto:plofy@earthlink.net>]

Sent: Tuesday, September 16, 2014 3:08 PM

To: Sean LeRoy

Subject: Permit # SUB14-01426

Hi Sean,

I'm writing to get more information on permit number SUB14-01426 requesting to sub-divide a 13000 sq ft lot in the Norkirk neighborhood into two lots - one 7200 and one 5800 sq ft.

It was my understanding that the minimum sq ft for lots in this neighborhood is 7200 sq ft, so I'm unsure why this is even being considered. This small lot size is very uncharacteristic for this neighborhood. We chose to live in this neighborhood specifically to avoid this type of over-building and cramming houses onto small lots that goes on in other areas.

I will submit a more formal comment later, but at this time, I was simply trying to understand the zoning and applicable codes that would even allow for this, as it seems pretty clear to me in the codes that the minimum lot size for this neighborhood is 7200 sq ft.

Thanks for your assistance.

Patrick

Patrick Lofy  
[plofy@earthlink.net](mailto:plofy@earthlink.net)

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City of Kirkland Planning Dept.  
Attn: Sean LeRoy  
Email: [sleroy@kirklandwa.gov](mailto:sleroy@kirklandwa.gov)  
Kirkland, WA

RE: BDR Kirkland II Short Plat, Case # SUB14-01426  
Located at 1118 2<sup>nd</sup> Street

To whom it may concern,

With regard to the above referenced short plat application, we wish to register our strong opposition to this requested short plat.

The minimum lot size in our Norkirk neighborhood is 7,200 SF, I believe; exceptions are made which allow 90 % of this.

That would mean that 6,480 is allowable, but this request proposes a lot of **less than 6,000 SF!**

Norkirk is not Wallingford; nor is it Ballard; we do not want it to become a neighborhood like those.

We have lived in Norkirk for 30 years, and have watched a steadily increasing decrease in lot sizes.

**DENSITY is a 4-letter word** in our minds, and a lot of 5,800 SF is the definition of increased density.

We strongly urge you to reject this kind of proposal in the Norkirk neighborhood.

I am copying the entire City Council so that they are aware of our thoughts on this.

Most sincerely,

Peter Speer & Marian Osborne  
1520 2<sup>nd</sup> Street  
Kirkland, WA

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**From:** Bradley Clem [<mailto:bradleycllem@gmail.com>]  
**Sent:** Saturday, September 20, 2014 4:24 PM  
**To:** Sean LeRoy  
**Cc:** Claudia Jensen  
**Subject:** Permit SUB14-01426

Dear Mr. LeRoy,

We live next door to the proposed short plat on the north side.

We want you to know that we are strongly opposed to dividing this lot into two pieces, especially since one of the two will be only 5800 sq ft. As we understand it, this is much smaller than city rules allow and we see no reason to allow such a small lot except to make more money for the developer. We are not in favor of Kirkland becoming a city of tiny lots with large house footprints and fewer and fewer mature trees.

We were involved in a short plat a few years ago and, as far as we know, all city rules concerning lot size were followed. Why should such an exception be allowed now? We don't see the benefit to the neighborhood.

However, whatever construction occurs next door, we are very concerned about our large hemlock trees on the south side of our property as well as our mature locust tree near the southeast corner. We expect all rules to be followed and enforced concerning protecting the roots of our trees and will be watching carefully as construction progresses.

We would like your assurance that drip line protection will be established for our trees and monitored throughout the construction process because, in our experience, developers often ignore the rules and it is up to those directly impacted ([i.e.us](http://i.e.us)) to confront the construction workers and ensure the protections are enforced. We would like to avoid this.

Thank you,

Bradley Clem and Claudia Jensen  
1120 2nd Street  
Kirkland, WA 98033  
[bradleyclem@gmail.com](mailto:bradleyclem@gmail.com)  
[jensen.claudia@gmail.com](mailto:jensen.claudia@gmail.com)

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**From:** Steve Loudon [[mailto:steve\\_louden@yahoo.com](mailto:steve_louden@yahoo.com)]  
**Sent:** Monday, September 22, 2014 3:17 PM  
**To:** Sean LeRoy  
**Subject:** Information regarding permit # SUB14-01426

Hi Sean:

I got a notice of a permit application (SUB14-01426) at 1118 2nd St. I was hoping to get some more information on the actual site plan and specifically the details on the trees bordering the property's east and north sides. I went on the mybuildingpermit.com website but didn't see this information. (Apologies if I missed it.)

Do you have that detail?

Thanks,

Steve

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**From:** [griqua@aol.com](mailto:griqua@aol.com) [<mailto:griqua@aol.com>]  
**Sent:** Thursday, September 25, 2014 10:04 AM  
**To:** Sean LeRoy  
**Cc:** [plofy@earthlink.net](mailto:plofy@earthlink.net); [Carl.Paschke@microsoft.com](mailto:Carl.Paschke@microsoft.com)  
**Subject:** Permit # SOB 14-01426

Dear Sir,

I am a resident and property owner on 3rd Street, Kirkland, whose property has a direct line of sight to the property on 2nd Street currently under consideration for short plat development.

I am particularly concerned about any damage to, or removal of, the row of established Leyland Cedar trees that lines the eastern border of the subject property. These trees provide a high degree of privacy and shade protection to the contiguous lots on 3rd Street, and have a significant aesthetic and materially beneficial effect to the neighborhood.

As a Park Steward for the Green Kirkland Partnership, I am also aware of the importance of maintaining, and indeed, augmenting, our urban forest.

I therefore request that preservation of these trees, and any other substantive vegetation along the eastern property line, be at least one condition of approval of the above permit.

Thank you for your consideration,

Ronald Shapiro, MD  
1045 3rd Street, Kirkland, Wa 98033  
[griqua@aol.com](mailto:griqua@aol.com)

---

**From:** Patrick Lofy [<mailto:patricklofy2024@gmail.com>]

**Sent:** Thursday, September 25, 2014 12:53 PM

**To:** Sean LeRoy

**Subject:** Permit # SUB14-01426

To Sean and all it may concern:

I just wanted to submit my objection to the subject permit request to subdivide 1118 2<sup>nd</sup> St. in Kirkland, WA 98033. This lot lies in an area of Kirkland where lot sizes are supposed to be a minimum of 7200 sq ft. While I realize there may be other provisions in the code that may allow for exceptions that would enable this subject lot to be subdivided, that does not mean it should be done. A 5800 sq foot lot in this neighborhood would be very uncharacteristic of the surrounding lots. Based on my observations of area maps and my knowledge of the area, there are only a couple of lots of this small size in this neighborhood, and these other lots of that smaller size all have some unusual landscape issues (e.g. hillsides) which may have necessitated the smaller lots. This is not the case for 1118 2<sup>nd</sup> St.

We chose to move to this neighborhood specifically to avoid this type of over-building and cramming houses onto small lots that goes on in other areas. If this subdivision request is granted, that is exactly what would happen. There would be no way to build on these two lots and preserve any type of yard space that is consistent with the rest of the neighborhood.

Moreover, there are many mature trees on this lot that could be preserved if it was maintained as one lot. There is plenty of buildable space with this lot kept as is. If it is subdivided, these beautiful trees will be removed/pruned to allow for more buildable space on the subdivided lots. I have watched many trees in the area taken down or pruned so high to lose the privacy and aesthetic beauty they previously provided (most without approval), so I know this is unfortunately the likely outcome. These trees provide a high degree of privacy and shade protection to the contiguous lots on 3rd Street (and neighboring 2<sup>nd</sup> street lots), and provide a significant aesthetic benefit to the entire neighborhood. We need to be protecting our urban forests, and this subdivision, if allowed to proceed, will most assuredly lead to the loss of the much of this vegetation.

I hope you take this into account and deny this subdivision request and help to preserve some very mature trees and a beautiful lot in Kirkland's Norkirk neighborhood.

Thank you for your consideration,

Patrick

Patrick Lofy  
1059 3<sup>rd</sup> St  
Kirkland, WA 98033  
[patricklofy2024@gmail.com](mailto:patricklofy2024@gmail.com)

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Ann & I own the home just east of the proposed Short Plat. Our address is 1055 3<sup>rd</sup> St, Kirkland WA 98033

We have 4 major concerns with the proposed short plat plan

1. Proposing a lot 5,800 sq foot seems inconsistent with the general lot sizes in our neighborhood. Of the 84 lots within the neighboring blocks only 2 of 84 lots are 5800 sq ft or smaller (2%). Approving this scale & density within East of Market will have a negative impact on market values and a general reduction in pricing, property values & tax basis over time.
2. Per Kirkland tree density mandates, a 13,000 sq ft lot requires the retention of 9 significant trees. I have a concern that they will calculate the tree density after the short plat is approved thus requiring the retention of 6 trees on the larger lot and only 3 on the smaller lot. I do not believe the larger lot has 6 trees to start, and if they were to only retain 3 on the smaller lot that would significantly reduce tree density and generally circumvent the tree density intent. If the short plat is approved we feel strongly that tree density should be calculated over the 13,000 sq ft lot and not allow the builder to maximize tree elimination based on short plat tree density circumvention.
3. Per Ron's comments below, the natural tree line offers homes in surrounding lots significant privacy and shading but more importantly a natural habitat for wild life. We have a number of raccoons, birds and squirrels that call that tree line their home and it would be an utter shame to destroy their natural habitat.
4. Lastly, we've noticed a trend in the neighborhood that trees that do remain get raked of their limbs to light-up backyard sunlight. I doubt the intent of the tree density prescription is to retain the tree roots & truck; then strip the tree of the limbs for 50% of the tree.

We appreciate development of Kirkland in a mindful way and love the character of East of Market. If you were to approve the short plat it would be a bitter shame to let the builder have their way with the lot, circumvent tree density intents, and then shave the trees to their minimum in order to maximize their profits.

In our opinion short plat if you were to approve, then approval should be with condition

1. Tree density measured pre-short plat
2. Tree retention means TREE retention, not just retention of the roots & trunk

Our preference of course is to **reject the short plat request** and to have the builder put up a home in scale & stature our neighbor would value.

Exhibits

- a) Only 2 lot of the 84 in this neighborhood are 5800 sq ft or less:



- b) Trees of concern (IMG 3535)
- c) Hacked/raked trees (IMG 3537)

We appreciate your consideration;

Carl Paschke  
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