



City of Kirkland
Planning and Building
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MEMORANDUM

To: Planning Commission

From: Tony Leavitt, Senior Planner
Jon Regala, Planning Supervisor
Allison Zike, AICP, Deputy Planning and Building Director
Adam Weinstein, AICP, Planning and Building Director

Date: January 2, 2025

Subject: **Streamlining Design Review Briefing, File No. CAM24-00881**

Recommendation

Receive a briefing and hold a study session to discuss staff's recommended approach to amend City codes, including design guidelines, to comply with State-mandated requirements of Washington State House Bill 1293 (HB 1293) related to the design review process and regulations.

Focus Areas for Planning Commission

The Planning Commission (PC) should focus on the below questions for discussion while reviewing the memorandum and attachments:

1. Do Commissioners have any questions or feedback on staff's recommended code amendment approach to achieve compliance with HB 1293?
2. Do Commissioners have any questions or feedback on staff's public engagement plan?
3. Is there any additional information that the PC would find helpful for staff to include in a future briefing on this process?
4. Does the PC have any feedback on the current design review process or priorities for the future process?

Background

HB 1293 (see Attachment 1) requires that the City apply only clear and objective regulations to the exterior design of new development, that the design review process be conducted concurrently with the review and decision process for project permits, and that the design review process may not include more than one public meeting. The regulations must be implemented by the City within 6 months of the periodic Comprehensive Plan update adoption, which means a deadline of June 30, 2025.

For the design review process, a clear and objective regulation:

- Must include one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation; and

- May not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.

Kirkland's Current Design Review Process

In April 1999, the City established the Design Review Board process, which has since helped foster high quality urban design/buildings within the City's Design Districts (e.g., Totem Lake, Downtown Kirkland, Bridle Trails). The process involves review by either the Design Review Board (DRB) as part of a public discretionary review process, or by staff as part of an Administrative Design Review (ADR) process (see Attachment 2 for an overview of each process).

Projects that require review by the DRB must comply with the applicable design guidelines¹ based on the property's design district designation. The guidelines are intended to be less prescriptive to allow the DRB more flexibility in administering the requirements.

Most projects that go through the DRB review process require at least one Conceptual Design Conference (CDC) meeting and at least two Design Response Conference (DRC) meetings for approval. A CDC meeting is where the applicant provides multiple concepts to the DRB for discussion and receives approval to move forward to the DRC. The DRC is used to review the project for consistency with applicable design guidelines and approval of the project.

ADR projects are required to comply with the design regulations contained in Kirkland Zoning Code Chapter 92². The regulations in Chapter 92 are more prescriptive requirements than the design *guidelines* and are administered by City Staff. This review is done prior to, or as part of, the building permit application.

A good example of the difference between a design regulation and a design guideline is how bulk and mass are addressed by vertical building modulation in the Central Business District.

KZC Section 92.30.1.b.2 contains a design regulation that states the following:

- 1) *CBD 4, CBD 6, CBD 8: Along First Street, Second Street South, First Avenue South, and Fifth Street, the maximum length of a facade is 120 feet. Any facade that exceeds 120 feet along the right-of-way shall comply with the following requirements:*
 - a. *Shall be divided by a 30-foot-wide modulation of the exterior wall so the maximum length of the facade is 120 feet without this modulation.*
 - b. *The modulation shall be 20 feet in depth and shall start at finished grade and extend through all floors.*
 - c. *Decks and roof overhangs may encroach up to three (3) feet (per side) into the modulation.*

¹ <https://www.kirklandwa.gov/Government/Departments/Development-Services-Center/Tools-and-Resources#DesignGuidelines>

² <https://www.codepublishing.com/WA/Kirkland/?KirklandZ92/KirklandZ92.html#92.05>

The Design Guidelines for Pedestrian Oriented Business Districts contain a design guideline that states “vertical building modulation should be used to add variety and to make large buildings appear to be an aggregation of smaller buildings”.

This a good example of a design guideline that would not meet the requirements of a HB 1293 as the guideline is not a “clear and objective regulation” that an applicant can use to determine permissibility.

Related State Legislative Implementation Project

Staff would also note that HB 1293 implementation is being undertaken as part of a concurrent project that is focusing on middle housing and implementation of State housing-related mandates in residential zoning districts. These two projects will proceed concurrently, but with periodic coordination meetings to ensure consistency in approach.

Recommended Amendment Approach

The City has hired a locally-based consultant, Framework, to analyze the City’s current design review process and provide options to Staff about how the process can be modified to comply with the “one meeting” requirement. Framework will also work with City Staff to present a recommendation for any necessary Zoning Code amendments to the PC. Finally, Framework will propose amendments to the City’s design guidelines/or regulations to ensure they are clear, objective, and “ascertainable,” including the consolidation of the current six guideline documents into one. This consolidation is not a requirement of HB 1293, but staff believes it would help make the guidelines easier to navigate for developers and the larger community, ensure consistency among similar projects, and allow for more streamlined updates in the future.

Public Engagement

While there is limited time to conduct public engagement with this project, community outreach will build on 2044 Comprehensive Plan engagement efforts and involve community members, including, but not limited to, community stakeholders, organizations/associations representing residents, and the design/development community. Because this is a highly technical update, the outreach plan is focused on individuals and organizations who are well-versed in issues of housing development, affordable housing, and design.

At minimum, staff will use the following engagement tools during this phase of amendments:

- **Project webpage** – A project webpage for easy reference to the State requirements, the City’s design review process, and project documents.
- **Email List** – An email list sign up will be made available for this project. Staff will also utilize existing email alert lists.
- **Focus Groups** – Conduct focus group meetings with developers (including commercial, market-rate and affordable housing developers), architects, DRB members, organizations representing residents (e.g., Kirkland Alliance of Neighborhoods), and others to gain professional insight and feedback on potential code amendments.
- **Open House** – An open house would provide the community an opportunity to engage with project material, staff, and elected or appointed members of the

City. The tentatively scheduled open house would occur prior to, or immediately before, a public hearing. It will be scheduled on a day where Commissioners or Councilmembers will have an opportunity to attend.

Other engagement tools may also be employed, such as City social media accounts and attending public events.

Draft Project Timeline

The following is a draft timeline for this project. Note, this is a tentative timeline and is subject to change.

Meetings/Open House	Mtg. Date/Timeframe
Planning Commission Briefing	January 9, 2025
City Council Briefing	February 2025
Planning Commission Study Session	April 2025
Public Open House	May 2025
Planning Commission Public Hearing	May 2025
City Council Meeting (adoption)	June 2025

Next Steps

With PC feedback on the questions posed above, staff will begin the study and amendment process.

Attachments

1. House Bill 1293
2. Design Review Process in Kirkland Brochure