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MEMORANDUM

To: Planning Commission

From: LeAndra Baker-Lewis, Senior Planner
Allison Zike, AICP, Deputy Planning Director
Adam Weinstein, AICP, Planning & Building Director

Date: August 29, 2024

Subject: **2044 Comprehensive Plan Continued Public Hearing: Market Street Corridor Plan and Land Use Element, File No. CAM22-00032**

Special Note for September 12, 2024 Public Testimony

At the August 22, 2024 public hearing on the Land Use and Market Street Corridor Plan, Planning Commission voted to close the record for further spoken testimony. The September 12 hearing will *not* include spoken testimony; however, the record for written testimony is open until the beginning of the meeting. Written comments can be emailed to PlanningCommissioners@kirklandwa.gov and will be distributed to all Planning Commissioners.

Recommendation

Receive written public testimony until September 12, 2024, and continue the public hearings for the following Comprehensive Plan elements:

- Market Street Corridor Plan
- Land Use Element

During the continued public hearing, the Planning Commission (PC) should deliberate and make a recommendation to City Council (Council).

The PC and community should note that the record remains open for written testimony to be submitted until the PC begins deliberations, but the September 12 public hearing will not include spoken testimony on this item.

Background

At the previous PC public hearing for the Market Street Corridor Plan on July 11, 2024, the PC voted unanimously to continue the hearing to their regularly scheduled August 22, 2024 meeting. The item was previously continued from the original public hearing for the Neighborhood and Subarea Plans on May 23, 2024. This memorandum provides a broad summary of the Market Street Corridor Plan being deliberated on at the August

22, 2024 PC meeting. The May 23, 2024 meeting packet materials¹ and July 11, 2024 meeting packet materials² should be consulted for a comprehensive account of the background information PC will consider in their discussions.

At previous PC public hearings for the Land Use Element on May 23, June 13, and August 22, 2024, the PC voted unanimously to continue each hearing, most recently voting on August 22, 2024 to continue their deliberations on the Land Use Element at the regularly scheduled meeting on September 12, 2024. The PC also voted to keep the record open for additional written testimony from the public; testimony may be received by the PC up until the meeting start time on September 12.

The below subsections contain footnotes that reference materials previously provided to the PC. This memorandum is intended to provide only a high-level overview of the status of elements being considered on September 12, 2024, and the previous meeting materials should be referenced for the entire body of background information for PC to consider in their deliberations.

Market Street Corridor Plan

Policy MS-8

At the August 22, 2024 meeting, the PC voted to continue the public hearing for the Market Street Corridor to their September 12, 2024 meeting. The PC began discussion of the subject plan on July 11, including recognition of public comments received on the plan, and focused on Policy MS-8, which reads:

“Appropriate building height for the corridor is up to two to three stories – two stories in general, and three stories in the neighborhood shopping and service nodes described in Policy MS-4. Additional height may be allowed as established in the Zoning Code to encourage a variety of roof forms, and as part of the design review process.”

Since the original adoption of Policy MS-8, the policy has become redundant as zoning regulations have been established to incorporate the referenced height maximums. Consistent with streamlining edits made in all other Planning Commission-recommended Neighborhood Plans, staff has recommended the deletion of policy MS-8 within the Market Street Corridor Plan. This policy does relate to another proposed policy within the staff-recommended Land Use Element of the Comprehensive Plan, Policy LU-2.4, which would direct staff to amend the zoning along identified frequent transit corridors, such as Market Street, to create additional capacity for higher-intensity residential uses.

Should the PC wish to retain Policy MS-8, an amendment to the staff-recommended plan will be required. While retention of the policy does not preclude the implementation of Policy LU-2.4 through the study of modified zoning along Market Street, if the policy is retained it may be examined for amendment again in the future (and would require

¹<https://kirklandwa.primegov.com/meetings/ItemWithTemplateType?id=424&meetingTemplateType=2>

²<https://kirklandwa.primegov.com/Public/CompiledDocument?meetingTemplateId=1647&compileOutputType=1>

amendment if allowed heights in the Corridor were increased). It should be noted that this would occur if Policy LU-2.4 is adopted by Council *and* if the Market Street Corridor is included in the associated study area for consideration, and then only when such a project is directed by Council to be addressed on a 3-year Planning Work Program.

Other Policies

The PC also discussed amending policies MS-7, MS-10 (now MS-9), MS-11 (now MS-10) and MS-14 to emphasize achieving increased sustainability and reduced cost of building through adopted design regulations. The amendments replace language within the policies that previously called for design review with direction to implement design regulations, and standardizes terms used.

Draft Transportation Strategic Plan (TSP) Recommendation for Market Street Corridor Study

The Market Street Corridor, as discussed by staff and the PC, and emphasized through public testimony, is a vibrant area of the City with good access to parks, schools, and nearby commercial areas. Market Street itself accommodates many modes of transportation including private motor vehicles, high frequency transit, freight, bicycles and pedestrians. In recognition of the unique nature of this area, the TSP includes a recommendation to conduct a corridor study to further review the emerging and competing needs on Market Street, recognizing the constrained environment (i.e., limited right-of-way and a tree-lined median) and anticipating further transportation improvements that may be needed. The corridor study would include community engagement, safety and crash analysis, as well as more detailed transportation analysis of the corridor.

Land Use Element

On May 23, 2024, the PC began the public hearing for the Land Use Element, and received spoken testimony related to the goals and policies therein. The May 23, 2024 meeting packet³ includes background information on the draft Element, including a draft goals and policies matrix that provides a side-by-side comparison of the existing and revised draft goal and policy language. The June 13, 2024 meeting packet⁴ and August 22, 2024 meeting packet⁵ both included a list of minor updates made in the draft element that is included therein. Staff has again included an updated version of the full Land Use Element in this memorandum (see Attachment 2) with minor edits to draft policy LU-2.4 since the August 22 packet.

Draft Policy LU-2.4 (related to additional capacity along transit corridors)

The inclusion of this draft policy, and the potential amendments discussed in this subsection, acknowledge that the policies included in the Comprehensive Plan should be intentionally crafted, including consideration of the work the City has already completed to identify areas appropriate for future growth. Iterating on the drafts are an

³ <https://kirklandwa.primegov.com/meetings/ItemWithTemplateType?id=426&meetingTemplateType=2>

⁴ <https://kirklandwa.primegov.com/portal/item?id=451>

⁵ <https://kirklandwa.primegov.com/Public/CompiledDocument?meetingTemplateId=1743&compileOutputType=1>

expected part of the process as staff, the PC, and Council continue to hear from members of the community and consider the objectives and Vision for the 2044 Plan. In consideration of the large volume of public comments received by the PC and Council related specifically to Land Use policy LU-2.4 (exploring additional capacity along transit corridors), staff briefed Council on this policy at the August 7, 2024 Council meeting. The staff memorandum for the August 7 Council meeting includes extensive background information on the issue, as well as options for how the PC or Council could consider amending draft policy LU-2.4⁶. At the August 7 Council meeting, the majority of Councilmembers requested that the PC continue to discuss Policy LU-2.4. Specific guidance provided to the PC includes:

- Establish “sign posts” and implementation steps in the policy language that make it clear what steps should be taken prior to any future increases to capacity, including what the public process and environmental review process should be at each step; and
- Consider prioritizing the high frequency corridors for future study, taking into account whether high-frequency transit service is in-place, transportation concurrency, the desire to leverage public investments in transit, connections to growth centers, the availability of public services (including parks and schools), and other factors.

Staff has compiled several alternate versions of Policy LU-2.4 for the PC’s consideration, including options drafted by Commissioners and provided directly to staff (see Attachment 3). The referenced document in Attachment 3 provides a brief description of the intent behind each respective policy option, as well as background on if the option has been included in previous element drafts. The alternate versions are arranged in order of least restrictive to most restrictive.

Potential Land Use Map Amendments Related to Frequent Transit Corridors

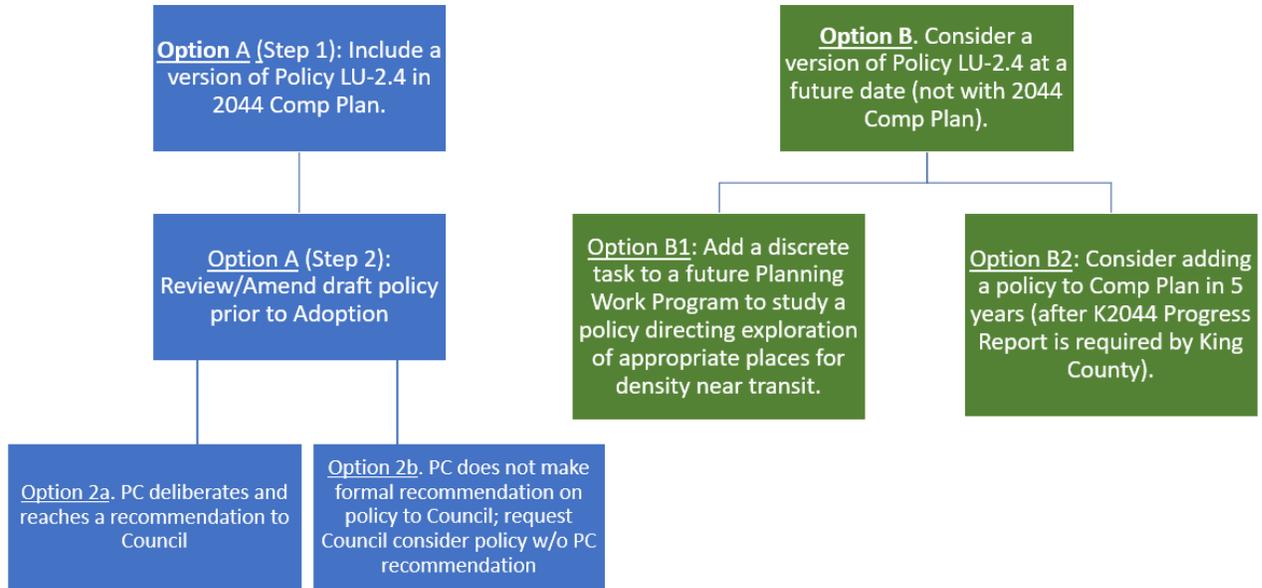
As drafted, proposed Policy LU-2.4 relates to the frequent transit corridor overlays shown on the draft K2044 Land Use Map (see Attachment 2, Figure LU-4). The overlays are not a formal land use designation, but have been proposed by staff in order to provide a transparent indicator to the community of the locations that could *potentially* be considered for increased residential capacity. However, it is not technically necessary to include these overlays on the Land Use map in order to consider land use designation or Zoning Code amendments in the future, and the PC could make an amendment to remove the overlay from the map in their deliberations. Another option to amend the map could also be to remove or alter specific corridors, as has been discussed previously by the PC.

PC Review/Deliberation Options for Policy LU-2.4

At this point in the process to review the Land Use Element, and specifically Policy LU-2.4, there are still multiple options available as next steps prior to adoption of the 2044

⁶ https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2024/august-7-2024/9b_business.pdf

Comprehensive Plan. Below are two distinct “decision paths” the PC could opt to recommend, each with corresponding options.



Relation to City’s Diversity, Equity, Inclusion, and Belonging (DEIB) Roadmap

The 2044 Comprehensive Plan Update is intended to further implement City DEIB objectives, as well as incorporate new requirements from Washington State, Puget Sound Regional Council (PSRC), and King County Countywide Planning policies related to documenting and addressing exclusionary practices (past and present) and racially disparate impacts of past policies. Additionally, City staff and the PC have received numerous public comments from community members that reference the connection between Planning policies in the Comprehensive Plan and the City’s progress towards being welcoming and inclusive for all. The following is provided as background information on the City’s DEIB roadmap and relation to the Comprehensive Plan.

The Comprehensive Plan underwent an Equity Review in 2022/23, which involved the City Manager’s DEIB Division, who participated throughout the entire process. The Plan’s Draft Vision Statement and Guiding Principles capture the essence of the importance of DEIB; see draft Vision Statement below:

*Draft 2044 Vision Statement (Planning Commission Recommended Version)
 Kirkland is a place where all people are valued. The city is dedicated to celebrating diversity and inclusion while combating racism and discrimination.*

Kirkland is accessible for people of all abilities to walk, bike, roll, utilize transit services, and new innovative modes of travel. Diverse housing accommodates residents in every stage of life and is accessible to shops, services, and job opportunities citywide.

Kirkland is innovative and economically resilient, providing public services and capital infrastructure that accommodates growth.

Kirkland is a sustainable city that preserves and enhances our natural and built environment for current and future generations. Kirkland is resilient and livable in the face of climate change.

The Comprehensive Plan's DEIB prioritization is fully supported and in alignment with the City's values which City Council has prioritized through legislation, and City Council goals which are memorialized in the following adopted resolutions and Goals:

- Resolution R-5240⁷ (2017)– declaring Kirkland a safe, inclusive, and welcoming community for all people.
- Resolution R-5434⁸ (2020) – ensuring the safety and respect of Black people, committing to examining and dismantling interpersonal, institutional, and structural racism in Kirkland.
- Resolution R – 5548⁹ (2022)– adopting the Diversity, Equity, Inclusion, and Belonging 5-Year Roadmap.
- 2023-2024 City Council Goals¹⁰ - Inclusive and Equitable Communities is named first on the list.

The City of Kirkland has a very engaged community and strives to increase the level of engagement by bringing more residents that usually do not engage regularly in civic life. Those community members are highlighted in the Comprehensive Plan as focus populations that include cultural demographics that represent the City's diverse social ecology. The City strives through the implementation work of its DEIB 5-year roadmap to make policies that are equitable and inclusive of all people. In doing this work, it is important not only to ensure that policies do not directly exclude but also ensure that we are deliberately and mindfully including by thinking of everyone, even those that do not have the means to civically engage.

Public Comments

Public comments received over 2022-2024, through August 30, 2024 (prior to the publication of this memo for the continued public hearings) are available on the K2044 webpage¹¹. Public comments are also available organized by subject matter¹². Additional public comments received after the publication date of this memorandum will be provided to the PC prior to the September 12, 2024 public hearing and compiled and posted on the K2044 webpage after the hearing.

⁷ https://kirkland.prelive.opencities.com/files/sharedassets/public/v/1/city-council/agenda-documents/2017/feb-21-2017/9a_publichearings-1.pdf

⁸ https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/resolutions/9a1_business.pdf

⁹ <https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-managers-office/resolution-r-5548.pdf>

¹⁰ <https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-managers-office/pdfs/2023-2024-kirkland-city-council-goals.pdf>

¹¹ https://www.kirklandwa.gov/files/sharedassets/public/v/1/planning-amp-building/kirkland-2044-comp-plan/2022.12.06-2024.05.01_public-comments_k2044.pdf

¹² https://www.kirklandwa.gov/files/sharedassets/public/v/1/planning-amp-building/kirkland-2044-comp-plan/2022.04.19-2024.05.01_public-comment-tracker_k2044_1.pdf

Next Steps

The remaining PC Public Hearing for the K2044 Comprehensive Plan Update is as follows:

- September 26, 2024 (6pm): Public Hearing #4
Topics: Housing Element, Appendix (Historical, glossary, Housing Needs Assessment, Community Profile)

Prior to public hearing #4, staff will host an Open House for the community at City Hall from 4:00 pm to 5:30 pm. The Open House will allow staff to provide background information and answer any questions community members may have prior to the opportunity to provide public testimony at the hearing.

A joint study session for the PC to relay their recommendation on the draft Comprehensive Plan to Council is tentatively scheduled for October 15, 2024. Final adoption of the full Plan by Council is scheduled for December 10, 2024, and public comments are accepted until that date.

Attachments

1. Draft Updated Market Street Corridor Plan (updated since July 11, 2024 public hearing version)
2. Draft Land Use Element Update (updated since August 22, 2024 public hearing version)
3. Land Use Policy LU-2.4 Options