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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 12, 2024

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

Special Note for August 22, 2024 Public Testimony

In order to hear from as many people as possible at the August 22, 2024 Comprehensive Plan public hearing, the Chair of the Planning Commission (PC) intends to **authorize any individual wishing to provide oral comments to speak for a maximum of 2 minutes**, rather than the typical 3 minutes. Written comments are also welcome and may be provided 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 August 22, 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) for each element or chapter.

The PC and community should note that the record remains open for written testimony to be submitted until the PC begins deliberations, and spoken testimony will also be received during the August 22 PC meeting.

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, 2024 and June 13, 2024, the PC voted unanimously to continue the hearing to their August 22, 2024 regularly scheduled meeting. 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. At the June 13, 2024 meeting, the PC voted to re-open the record for spoken testimony at the August 22, 2024 public hearing.

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 August 22, 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 July 11, 2024 meeting, the PC voted to continue the public hearing for the Market Street Corridor to their August 22, 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 packet⁴ 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 the following updates since the June 13 packet:

- Minor amendments to policies to incorporate comments from Washington State Department of Fish and Wildlife, Lake Washington School District, and the Duwamish Tribe; and
- Edits to Policy LU-2.4 to incorporate guidance provided by Council at their August 7, 2024 meeting.

The PC should vote on a recommendation for the Market Street Corridor Plan and the Land Use Element in its entirety at the August 22, 2024 meeting.

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

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

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 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-2.4⁵. 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 include:

- 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.

The amended draft policy, as included in the full draft element (see Attachment 2), is provided below:

Policy LU-2.4: Explore additional capacity for higher-intensity residential uses along identified frequent transit corridors once the NE 85th St Station Area residential development has achieved a number of residential units with vested permits equal to the affordable housing pioneer provision, and ensure development regulations enable diverse housing options and small-scale retail and commercial opportunities. Evaluation of this additional capacity should occur pursuant to the framework established below:

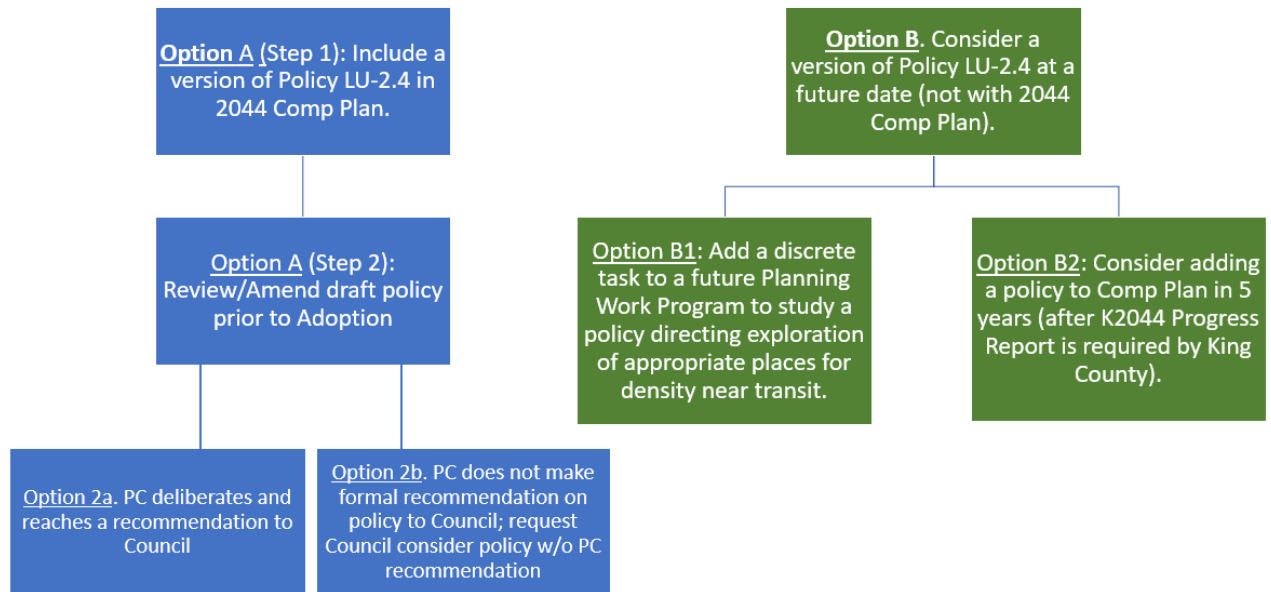
- ***Prioritization.** Increases to capacity near frequent transit corridors should be considered individually per transit corridor segment, and should be studied in the below priority order per discrete tasks adopted in the Planning Work Program:*
 - Tier 1 (top priority): Bus Rapid Transit lines with dedicated funding for implementation (e.g., K Line and STRIDE Line).*
 - Tier 2 (secondary priority): Tier 2 capacity increases should be studied pursuant to the following priorities:*

⁵ https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2024/august-7-2024/9b_business.pdf

1. *Transit corridors with existing frequent service (15-minute headways or less during commute hours) that travel through or connect the City's Regional Growth Centers.*
 2. *Transit corridors with existing frequent transit service that do not travel through or connect the City's Regional Growth Centers if new transit service is funded beyond 2024 service levels.*
- *Public Process. Evaluating additional capacity pursuant to Policy LU-2.4 would be conducted pursuant to the provisions of Process IV described in Chapter 160 of the Kirkland Zoning Code (i.e., ultimate decision by City Council based on a Planning Commission recommendation) and would take the form of Zoning Code/Map amendments. The process would involve the following steps:*
 1. *The process will be initiated through the inclusion into the Planning Work Program of study of one or more transit corridors for increased capacity. The Planning Work Program extends over three years and is approved annually by the City Council based on a Planning Commission recommendation.*
 2. *Conduct environmental review pursuant to the State Environmental Policy Act (SEPA) analyzing the specific environmental effects of each proposal. While the Supplemental SEIS prepared for the Comprehensive Plan will be the foundation for the environmental review, supplemental environmental review will be conducted to evaluate potential environmental impacts at the corridor scale – including impacts on transportation infrastructure, public services, schools, and utilities. Other technical studies may be needed to support this analysis, such as a corridor study.*
 3. *Conduct public outreach, including meetings with established organizations and individuals representing the City's diverse community and interests.*
 4. *Undertake noticing of each zoning proposal, as required in the Zoning Code, and including at least two public notice signs along each corridor proposed for rezoning.*
 5. *Staff will prepare staff reports outlining possible rezoning options, which will be presented to Planning Commission in at least one study session and in advance of a public hearing. Additional capacity should only be granted after sufficient technical analysis in support of additional capacity has been completed, and there are assurances (e.g., dedicated funding) that adequate infrastructure capacity will be in place to support additional density.*
 6. *A public hearing will be held for each proposal.*
 7. *After the public hearing, the Planning Commission will make a recommendation to City Council on each rezoning proposal, and City Council will decide whether to adopt.*
 - *Decisional Criteria. In determining the geographic boundaries of any zoning amendments, and associated maximum building heights, densities, and other changes to development regulations, the following criteria should be taken into account:*

1. *Existing and planned multimodal infrastructure and transit service to accommodate density.*
2. *Existing and planned parks and open spaces (public and private).*
3. *The ability of the change to expand the City's supply of affordable housing.*
4. *School capacity to accommodate added density.*
5. *Street safety for all modes.*
6. *A gradual transition of intensity with the highest intensity uses located closest to the center of the corridors and the lowest intensity uses located at the outer edges of the corridors.*
7. *The need for sufficient grocery, commercial, and retail services to enable a complete community centered on the key transit corridors.*
8. *The extent to which the capacity increase promotes 10-minute neighborhoods.*

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



Public Comments

Public comments received over 2022-2024, through August 15, 2024 (prior to the publication of this memo for the continued public hearings) are available on the K2044 webpage⁶. Public comments are also available organized by subject matter⁷. Additional public comments received after the publication date of this memorandum will be

⁶ 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

⁷ 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

provided to the PC prior to the June 13 public hearing and compiled and posted on the K2044 webpage after the hearing.

Next Steps

The remaining PC Public Hearing date 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 June 13, 2024 public hearing version)