



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

MEMORANDUM

Date: March 1, 2011

To: Kurt Triplett, City Manager

From: Paul Stewart, Deputy Planning Director
Eric Shields, Planning Director

Subject: City Council/Planning Commission Joint Meeting
And 2011-2013 Planning Work Program (File MIS09-00010)

Recommendation

Staff recommends the following:

- Conduct the annual joint meeting with the Planning Commission
- Review the proposed 2011 – 2013 Planning Work Program and direct staff to bring back a final work program for adoption
- Review the Planning Commission's recommendation on the Private Amendment Requests
- Discuss with the Commission other topics as appropriate

Background

The City Council and Planning Commission conduct a joint meeting each year. The joint meeting is intended to review the proposed Planning Work Program and the progress on major long range planning projects. It is also an opportunity to discuss other topics of mutual interest. Following the joint meeting and with direction from the City Council, staff will bring back a resolution adopting the proposed work program at a regular Council meeting.

The Planning Commission held their annual retreat on January 13th, 2011. At the retreat the Planning Commission reviewed the 2010 projects and discussed the proposed work program as well as other items of interest which are noted in their transmittal memo. This year, City Manager Kurt Triplett attended the retreat in order to meet the Commission and present his perspectives and priorities for the City – including the 2011 citywide work program items which were subsequently adopted by the City Council.

Attachment 1 is the transmittal memo from the Planning Commission to the City Council. Attachment 2 is the *Proposed 2011-2013 Planning Work Program* as generally recommended by the Commission. Attachment 3 is a description and summary of the tasks reflected in the proposed work program. (Note: For comparison, Attachment 4 is the previous 2010-2012 work program adopted by the City Council on April 6, 2010.)

In 2010, the Planning Commission worked on a number of major projects. Attachment 5 lists the Planning Commission agenda topics for 2010. These projects included the Touchstone (Park Place) plan amendments and zoning in response to the Growth Management Hearings Board decision, the Comprehensive Plan update (including neighborhood boundaries in the annexation area), miscellaneous Zoning Code amendments, and the Shoreline Master Program for the annexation area. For all these projects the Commission recommended approval and the City Council concurred.

The proposed Planning Work Program shows general staffing levels for the major categories for 2011. With annexation coming up and budget limitations staffing for long range projects have been reduced from previous years. We are anticipating the need for staffing to be available for development review as a result of annexation. For the first six to nine months of 2011, staffing levels will be somewhat comparable to 2010 at around 5-6 FTE's. However as the 2011 major projects are completed (i.e. neighborhood plans, TOD) some staffing will be available for the other long range projects but at a 1.0 FTE position less than previous years

As a result of the economic slowdown, the City continues to experience budget constraints. Between 2007 and 2009, the Planning Department lost the equivalent of approximately 5 FTE (full time equivalent staff) generally consisting of vacant positions, interns and contract planners. In addition there are no one-time service packages to fund the long range projects (e.g. professional services, special notices or mailings, traffic analysis, etc.). This has somewhat limited our ability to do certain outreach efforts.

For example, due to budget reductions we are no longer able to mail out extensive flyers or notices. Staffing levels have been reduced – many of these outreach tasks and data collection were previously handled by interns. Staffing reductions have also resulted in fewer resources for graphics design and layout (e.g. flyers) and information technology (web pages, surveys, and data analysis). The other factor affecting resources is annexation – most departments are working intensively to gear up for the annexation effective date.

Proposed 2011 – 2013 Planning Work Program

The proposed 2011-2013 Planning Work Program is shown in Attachment 2. The Planning Commission recommended approval of the work program at their January 27th meeting. The work program has been slightly modified following the Planning Commission's review to reflect a revised schedule for a couple of the tasks. In addition there are two projects that are being discussed at the March 10 Planning Commission meeting that could affect the work program (Private Amendment Requests and Miscellaneous Code Amendments).

Task 1.5 consists of the Private Amendment Requests (PAR's) to amend the Comprehensive Plan. The City received three requests. The Planning Commission's

Threshold Review of these requests will occur at the March 10th Commission meeting. The Commission's recommendations on which PAR's merit further consideration and when will be presented to the Council at the March 15th study session. For more information about the PAR's in advance of the meeting, the Council can review the Planning Commission packet on the [Private Amendment Requests](#) prior to the joint meeting. This item will be brought back to the Council at a regular meeting for action.

Task 3.1 is the Miscellaneous Code Amendments project. Staff is now suggesting that it be broken into "groupings" with one of the bundles consisting of minor code amendments that would be taken up first as staff time is available. A bundle or grouping of more substantive amendments would occur in late 2011 or 2012. Staff will be discussing this approach with the Commission on March 10th. It is suggested that the Council review the March 10th Planning Commission packet on the [Miscellaneous Code Amendments](#) prior to the joint meeting.

Due to the timing of the Commission meeting, the Commission's recommendation on these two PAR's and code amendments is not included in this packet but will be transmitted to the Council at the joint meeting on March 15th.

The proposed Planning Work Program shows eight major long range planning categories with individual tasks identified within each category. These tasks are described in more detail in the *Summary of Tasks* (Attachment 3). It is important to note that there are several projects that began in 2010 that will carry-over to 2011. Staff resources have been committed to these tasks so it will be difficult to undertake any new major projects until mid-2011.

In looking at those proposed work program tasks that will involve the Planning Commission, we've grouped the tasks into three sets of priorities noted below. The first set is those projects that began in 2010 and will continue until 2011. The second set includes those projects that would start in 2011, and the third set of projects lists those that could be undertaken beginning in mid-year depending on staffing availability and level of priority. Two of the projects are the on the citywide work program list of priorities - the South Kirkland Park and Ride (Task 4.1) and Totem Lake (Task 3.2).

Work in progress to complete in 2011

- Touchstone Planned Action appeals (Task 1.6)
- Lakeview and Central Houghton Neighborhood Plans (Tasks 2.1 and 2.2)
- CBD ground floor use regulations (Task 3.3)
- Zoning regulations and design standards for the South Kirkland Park & Ride TOD (Task 4.1)
- Shoreline Master Program for the annexation area (Task 5.1)

New projects to start in 2011

- Annual Comprehensive Plan Update (Task 1.1)
- Private Amendment Requests Threshold Review (1.5)
- Miscellaneous code amendments (Task 3.1)

- Totem Lake code assessment (Task 3.2)
- LID/Green Codes (Task 5.2)

Projects to consider mid-year (depends on staff availability, the PAR threshold review and the Totem Lake code assessment).

- PAR's selected for consideration (Task 1.5)
- Neighborhood plan assessment (Task 2.3)

The City has committed significant staffing resources to the first category – particularly the neighborhood plans, South Kirkland TOD and the SMP for the annexation area. It is anticipated that the SMP will be completed by June and the other two by the fall of 2011.

Of the tasks noted above, there are four projects where there is some discretion or choices on the timing and priority. The first is Task 1.5 – Private Amendment Requests. The Planning Commission conducted a threshold review on March 10th and a recommendation to the City Council will be provided at the joint meeting. The Commission and Council have the discretion based on criteria to determine if any or all requests will be further considered through a public review process

The second item for consideration is the neighborhood plan assessment (Task 2.3). The intent is to spend some time in 2011 exploring ideas or options on how and when the City updates neighborhood plans. This would occur prior to undertaking a new neighborhood plan update.

A third item relates to code amendments (Task 3.0). The City Council has adopted a Totem Lake Action Plan. The intent of this is to look at a variety of approaches to promoting economic development in the Totem Lake neighborhood. One of the tasks is to scope out our zoning regulations to see if there are impediments to redevelopment (Task 3.2). Staff has begun to work on this as time permits. If there are amendments to be considered as a result of this scoping, they could then be processed in the third or fourth quarter of 2011.

Another code amendment project is the annual bundle of miscellaneous code amendments (Task 3.1). As noted above, staff is recommending sequencing the amendments into various bundles with an initial grouping consisting of non-policy amendments (Process IVA) and the more substantive amendments occurring in late 2011 or 2012.

The work program shows the next round of neighborhood plans (Bridle Trails and South Rose – Task 2.4) beginning in the latter part of 2011 following the completion of the Lakeview and Central Houghton Neighborhood Plans (Task 2.1 and 2.2) and the Neighborhood Plan assessment (Task 2.3). The work program shows staffing levels of 1.0 FTE for the Bridle Trails/South Rose Hill Neighborhood Plan update. Attachment 6 shows the Comprehensive Plan and Neighborhood Plan update schedule.

It is important to note two major efforts that will occur in 2013-2014. One is the GMA required plan update (Task 1.3) and the other is critical area regulations amendments (Task 5.3). These are major efforts requiring considerable staffing resources, extensive public outreach and funding. The state currently requires these to be completed by December 2014.

Summary and Policy Questions

Following the joint meeting, and based on the direction of the City Council, staff will prepare the final Planning Work Program for adoption by the Council at the April 5th regular meeting. At the April 5th meeting, staff will also bring the determination of private amendment requests to the Council for action.

Staff resources are generally available to accomplish the work program tasks as proposed in 2011 and 2012 – however these resources are committed to projects already underway (e.g. neighborhood plans, South Kirkland Park and Ride). The ability to take on significant new projects is limited until the latter part of 2011. Also, the impact of annexation from permitting and development review projects is still unknown. The Council will need to make a determination on the PAR's – staff has recommended to the Planning Commission that only one PAR be considered in 2011 with the other two being evaluated in 2012.

Policy questions for the City Council on the 2011-2012 Planning Work Program are:

- Do these projects reflect the priority for the City and Planning Commission?
- Is the timing and sequencing of the projects appropriate?
- What is the initial direction on the Private Amendment Requests (Task 1.5)?
- Is the approach to assessing neighborhood plans and scheduling appropriate (Task 2.0)?
- Is the Council in agreement on the approach to the Code Amendment tasks (Task 3.0)?

Attachments

1. Planning Commission Transmittal Memo
2. Proposed 2011 – 2013 Planning Work Program
3. Summary of Work Program Tasks
4. Adopted 2010-2012 Planning Work Program
5. 2010 Planning Commission Agenda Topics
6. Neighborhood Plan Schedule



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MEMORANDUM

Date: March 3, 2011

To: Kirkland City Council

From: C. Ray Allshouse, Chair
Kirkland Planning Commission

Subject: Joint Meeting with the City Council and Proposed Planning Work Program

Introduction

On behalf of the Planning Commission we look forward to the annual joint meeting with the City Council on March 15, 2011 to review the proposed 2011-2013 Planning Work Program and discuss other topics of interest. Along with the discussion on the work program we will also convey our recommendation on the threshold review of the Private Amendment Requests that we considered at our March 10th Planning Commission meeting. The joint meeting is also an opportunity to check in with the Council on our progress and Council expectations. We would also like to get Council feedback on some particular discussion items.

On January 13, 2011 the Planning Commission held their annual retreat to review the past year as well as the proposed Planning Work Program as recommended by staff. We began the retreat with remarks from City Manager Kurt Triplett. This was our first opportunity to meet with Mr. Triplett and the first time a city manager had attended a Commission retreat. We appreciate that. Mr. Triplett shared with the Commission his perspectives and priorities for the City and previewed his recommendations on the citywide work program which were subsequently adopted by the City Council. Several of those work program efforts involve the Planning Commission (e.g. the South Kirkland Park and Ride, Totem Lake and the Eastside Rail Corridor).

We would also like to note the change in the Commission makeup. The City Council temporarily added two additional positions with residents from the annexation area (Jon Pascal and George Pressley). Their participation during this interim period has been a benefit to the Commission's discussion.

Following the retreat, the Commission met again on January 27th to review a revised work program and at that meeting make a recommendation of adoption to the City Council. Of note are two items which the Commission will be discussing at its March 10th Commission meeting: Private Amendment Requests and Miscellaneous Zoning Code

Amendments. We understand that the Commission's discussion will occur after the City Council agenda packet has been prepared. At the joint meeting we will be transmitting our recommendation to the City Council on these items.

At the joint meeting we would propose the following discussion items:

- Staff Overview
- Introductory Comments from the Chair
- Planning Work Program
- Private Amendment Requests
- Zoning Code Amendments
- Neighborhood Plans
- Public outreach
- Other topics of interest

Individual Commission members will take the lead on each of these items.

2010 Work Program Projects

The Commission continues to have an active workload. In 2010, the Commission met 19 times compared to 21 times in 2009. Attachment 5 to this packet is a list of the Commission meeting dates and topics. Last year the Commission also held joint meetings with the Houghton Community Council (HCC) on three occasions regarding the Comprehensive Plan Update, neighborhood plans, the Miscellaneous Code Amendments and the South Kirkland Park and Ride. This is something relatively new and in 2011 additional joint meetings are contemplated. This approach is discussed further in the memo. In addition to the HCC meetings, the Commission met with representatives from the Transportation Commission and the Parking Advisory Board.

In 2010 four major projects were completed by the Planning Commission and transmitted to the City Council with a recommendation of approval. These include the Touchstone amendments, the Comprehensive Plan update (including neighborhood boundaries in the annexation area), miscellaneous code amendments and Shoreline Master Program amendments related to the annexation area. For all of these projects the City Council adopted the plan and code amendments as recommended by the Commission with very few changes.

Proposed 2011 – 2013 Planning Work Program

The Commission reviewed the work program at our retreat and again on January 27th. We concurred with the list of projects and general schedule. For 2011, the Commission will be focusing on the following projects:

- Minor updates to the Comprehensive Plan
- Private Amendment Request(s) as determined by the City Council
- Completing the Lakeview and Central Houghton Neighborhood Plans
- Conducting an assessment of the neighborhood plan process
- Miscellaneous code amendments as directed by the Council
- South Kirkland Park and Ride TOD zoning regulations and design guidelines
- Low impact development and green codes

Discussion Topics

Neighborhood Plans

Attention to neighborhood plans continues to be a priority for the Planning Commission. Work on the Lakeview and Central Houghton Neighborhood Plans began in early 2010 with adoption anticipated in late 2011. In the case of these two neighborhood plans, the Houghton Community Council (HCC) has taken the lead on the updates. Representatives from the Planning Commission served on the Lakeview Neighborhood Advisory Group (Jay Arnold) and on the Central Houghton Neighborhood Advisory Group (Byron Katsuyama). The Planning Commission will review the plans as drafted by the HCC beginning in March with joint public hearings to be scheduled in June.

Over the past several years, the City has utilized a variety of approaches to neighborhood plans (citizen advisory committees, working groups, workshops, open houses, etc). Typically neighborhood plans take two to three years to complete. This is consistent with similar time frames for neighborhood plans in the cities of Bellevue and Redmond. It appears that this current effort will take a little less than two years.

The Commission has expressed an interest in looking at different approaches to neighborhood plans. To that end, we are suggesting that prior to undertaking the next round of neighborhood plans (South Rose Hill and Bridle Trails), we take some time to assess the neighborhood planning process (Task 2.3 on the work program). We would like to begin that discussion this spring or summer. This would be a discussion over the course of 2-3 Planning Commission meetings and would also involve meeting with representatives from neighborhood associations.

Public Outreach

We support the City's efforts to provide as much opportunity for interested parties to be involved in long range projects. Staff provided us with a listing of the various materials and formats that have been used when undertaking a long range planning project.

- Web page for each project
- List serv for notices and status of upcoming events for projects
- Notices sent to the Chamber of Commerce and Kirkland Alliance of Neighborhoods
- Signs posted in the appropriate neighborhood or location
- Articles in City Update
- Press releases
- Open houses
- Formation of citizen advisory groups
- Meetings with representatives of civic and professional organization
- Presentations to neighborhood associations
- Public workshops
- Web based surveys
- Information posted on the City's cable station

We know that, while required, a public hearing is not always the most effective way to get public input. We would like to explore other creative strategies such as web postings, electronic polling or social media to engage the public that are perhaps more interactive. We would appreciate the Council's thoughts on these ideas.

Houghton Community Council

We noted in last year's transmittal memo that an area of concern for the Commission is the potential for conflicting or separate standards within Houghton's jurisdiction. This became an issue with the tree regulations, affordable housing regulations and to some extent the shoreline master program. The City Council was faced with significant differing recommendations from the Planning Commission and the HCC.

In 2010, the Planning Commission and Houghton Community Council began to have more joint meetings. The intent was for each group to hear the same information at the same time with ideas that issues could be resolved earlier than later.

This approach will continue into 2011 particularly for the neighborhood plans and the South Kirkland Park and Ride – these items will be the subject of joint public hearings in order for the public to address their comments to both bodies. It also saves staff time by having to put together one packet. Because the South Kirkland Park and Ride TOD and the neighborhood plans are within the HCC jurisdiction, this has resulted in a number of extra meetings for both groups. We have been alternating the joint meetings with one occurring on a Monday evening when the HCC typically meets and the next on a regular Thursday when the PC usually meets.

However, we still have concerns about the cost effectiveness, efficiency and policy implications. While we recognize the current statutory authority, we would sincerely hope that the City will strive to have consistent standards on the major issues that have citywide applicability. We thought it is important to note that while we will take into account the HCC perspective, the Commission will be considering the broader citywide policy interests in making our recommendations on the Comprehensive Plan and Zoning Regulations to the City Council. At times this may result in differing recommendations.



2011-2013 PLANNING WORK PROGRAM

Summary of Tasks

Planning & Community Development

February 2011

POLICIES, PLANS & REGULATIONS

Task 1: Comprehensive Plan Update (.5 FTE)

1.1 Annual Comprehensive Plan Update

In 2010 the Planning Department initiated a number of amendments to the Comprehensive Plan including the following items adopted by the City Council in December 2010:

- minor housekeeping amendments;
- revisions associated with the Kingsgate, North Juanita and Fill Hill annexation;
- an updated Capital Facilities Plan (CFP); and
- policies regarding electrical vehicle infrastructure.

For 2011, only a few city-initiated amendments are necessary (e.g. the Capital Facilities Plan). However – other work program tasks such as the Private Amendment Requests or Totem Lake initiatives may result in more substantive tasks (see discussion below).

1.2 Annexation Neighborhood Boundaries: The 2010 annual plan update also included resolution of the neighborhood boundaries for the annexation area Kingsgate, North Juanita and Finn Hill Neighborhoods. The opportunity was left open for the Finn Hill Neighborhood to divide if the residents could come to a consensus on a preferred boundary. Staff will continue to support those community conversations and any changes could be incorporated into a future annual plan amendment.

1.3 Growth Management Act (GMA) – Comprehensive Plan Update. The Growth Management Act (RCW 36.70A.130) requires cities and counties to review and if needed, revise their comprehensive plans and development regulations every seven years. Last year legislation was approved extending the deadline to December 1, 2014 for King County and all its cities (including Kirkland). The City supported this legislation as it will give the City a chance to incorporate the annexation area into the Comprehensive Plan.

However, the Comprehensive Plan update will be a major planning effort and will be staff and time intensive probably taking a minimum of two years to complete. The work program anticipates this beginning in 2013 with some preliminary work in late 2012. Funding resources will likely be needed for preparation of an Environmental Impact Statement and transportation modeling.

This process would generally include the following:

- New vision statement
- Extensive community outreach and involvement
- Revised land use and capacity analysis
- New transportation network and list of projects
- Revised level of service standards
- Updated Capital Facilities and Transportation Elements

- Framework for revisions to the impact fee program
- Environmental Impact Statement

In 2010, the Growth Management Planning Council allocated new housing and employment targets for 2031 to all the cities and King County through the countywide planning process. As part of the plan update, Kirkland will need to determine how and where to accommodate the targets in the land use plan. As a result, a revised transportation plan would be considered based on a new horizon year of 2031 along with possible amendments to the City's level of service standards for capital facilities (parks, transportation, etc.). This has to occur before the city updates its impact fee rate study.

1.4 Transportation Principles and Policies

The Transportation Commission continues to explore a new direction on transportation that does not focus only on the automobile. This initial effort which has been presented to the Planning Commission, Houghton Community Council and City Council establishes principles to form the basis for decision-making and recommended policy changes.

These principles are:

- Move people
- Be sustainable
- Create partnerships
- Link to land use

As the Commission moves forward, amendments to the City's Comprehensive Plan and concurrency system would occur. This would also guide CIP projects and transportation funding. It is likely that this would be incorporated into the general GMA plan update (Task 1.3).

1.5 Private Amendment Requests

December 1, 2010 was the deadline for private amendment requests applications to be submitted (every two years). Private amendment requests are submitted to request amendments to the Comprehensive Plan and (if necessary, a rezone). Three such requests were submitted by the application deadline. They are:

- Rhoda Altom (611 4th Avenue): Request in the Moss Bay Neighborhood to change from PLA5C to CBD 5 to clarify allowed density.
- Jeffrey S. Howard (12035 & 12203 Juanita Drive NE and 12034 76th Ave. NE): Request in the Finn Hill Neighborhood to change property zoned commercial (BNA) to allow residential (RMA 2.4) and to change property zoned RMA 5.0 to RMA 2.4.
- MRM Kirkland, LLC (434 Kirkland Way): Request to change Comprehensive Plan and zoning for a mixed use (retail/office; retail/office/multi-family; or retail/multifamily and increase the allowed height.

These private amendment requests will be part of a Threshold Review process beginning in February. This process entails the Planning Commission reviewing the individual

requests and making a recommendation to the City Council on whether or not to study the request further for possible amendments to the Comprehensive Plan and zoning. Of the three requests submitted by the December 1, 2010 deadline, the third request (MRM Kirkland) would require significant staffing and time to process. The Planning Commission conducted a Threshold Review of the requests at their March 10, 2011 meeting.

1.6 Touchstone SEIS and Planned Action Ordinance

In 2010, staff devoted considerable time and effort in the various appeals of the Touchstone private amendment request to the Growth Management Hearings Board and the courts. Several of the appeals will continue to be considered in 2011. Below is a summary of the Parkplace litigation and appeals.

Davidson Serles & Assoc., et al. v. City of Kirkland, et al., Superior Court No. 09-2-02204-6 SEA: This was an action for declaratory and injunctive relief. The action challenged the adequacy of the environmental impact statement (EIS) prepared for the Planned Action Ordinance, Master Plan, Comprehensive Plan amendments, and Zoning Code amendments related to the Touchstone and Altom private amendment requests. The action alleged that the EIS failed to identify, consider, and evaluate a full range of alternatives for the proposed action.

Davidson Serles sought to have the Court declare that the EIS was inadequate and to have the City enjoined from taking action to implement the referenced ordinances. Touchstone filed a motion seeking the dismissal of the action in which the City joined. In June 2009, the Superior Court Judge granted summary judgment and dismissed the case. Davidson Serles filed an appeal with the Court of Appeals. See, Appeal No. 64072-1 below.

Davidson Serles & Assoc., et al. v. City of Kirkland, et al., Court of Appeals No. 64072-1: This was the appeal from the dismissal of Davidson Serles and Continental Plaza's Superior Court action. Oral argument was conducted on November 1, 2010. On January 24, 2011, the Court of Appeals issued its opinion and concluded that several of Davidson Serles' issues could only be raised before the Growth Management Hearing Board and were properly dismissed by the Superior Court. The Court of Appeals further concluded that the challenge to the Planned Action Ordinance as properly dismissed by the Superior Court. The Court of Appeals concluded that the Superior Court erred in granting summary judgment as to a spot zoning issue raised by Davidson Serles because Touchstone and the City failed to specifically address the issue in the motion for summary judgment. The issue of spot zoning will be back before the Superior Court, but the balance of the Superior Court summary judgment decision was affirmed.

Davidson Serles has requested reconsideration of the part of the opinion in which the Court of Appeals affirmed the Superior Court on grounds that "no EIS was required for the City of Kirkland to enact the planned action ordinance . . . [and

therefore] an inadequate EIS could not form the basis of a claim against a planned action ordinance.” The Court of Appeals recently asked for a response from Touchstone and the City. The response is due mid-March.

Davidson Serles & Assoc., et al. v. City of Kirkland, et al., Central Puget Sound Growth Management Hearings Board No. 09-3-0007c (Davidson Serles I): This was a petition before the Central Puget Sound Growth Management Hearings Board (the “Board.”) Davidson Serles sought review of Ordinance Nos. 4170 and 4171 which amended the Comprehensive Plan and Zoning Code, respectively, in association with the private amendment request for the Parkplace project. Among other grounds, Davidson Serles challenged the ordinances for: lack of compliance with the State Environmental Policy Act; inadequate service by transportation and other public facilities; lack of financing plans for capital improvements; and intensity of development inconsistent with the County-wide Planning Policies for King County.

The Board issued its decision on October 5, 2009. While it upheld the ordinances with respect to a number of the Davidson Serles’ objections, the Board found that the City should have considered off-site alternatives to the Parkplace project and that amendments to the Capital Facilities and Transportation Elements of the City’s Comprehensive Plan were necessary.

On August 16, 2010, the City issued a Final Supplemental Environmental Impact Statement. In September 2010, the City Council passed Ordinance 4257 to reaffirm its previous approval of Ordinances 4170 and 4171 and passed Ordinance 4258 adopting amendments to the Comprehensive Plan to include all necessary transportation improvements. A compliance hearing was conducted before the Board on November 2, 2010. On February 2, 2011, the Board issued a finding of compliance and closed the case.

City of Kirkland v. CPSGMHB/Davidson Serles & Assoc., et al., Superior Court No. 09-2-43855-2 SEA: This is the City and Touchstone’s challenge to the 2009 decision by the Board. Touchstone and the City moved to have the matter stayed while the City complies with the Board’s decision. On March 10, 2010, the Superior Court stayed the matter. The parties are in discussion about stipulating to the dismissal of this matter.

Davidson Serles & Assoc., et al. v. CPSGMHB/City of Kirkland, et al., Superior Court No. 09-2-43060-8: This was Davidson Serles and Continental Plaza’s challenge to the 2009 decision by the Board. After filing for review by the Superior Court, Davidson Serle asked the Board to certify its decision for direct review by the Court of Appeals. The Board certified its decision and the Court of Appeals accepted discretionary review. See, Appeal No. 64751-2-I below.

Davidson Serles & Assoc., et al. v. CPSGHB/City of Kirkland, et al., Court of Appeals No. 64751-2-I: This was Davidson Serles and Continental Plaza’s appeal from the decision of the Board. Oral argument was conducted on November 1,

2010. The Court of Appeals issued its opinion on December 29, 2010, affirming the Board decision to remand, but not invalidate the City ordinances.

Davidson Serles & Assoc., et al. v. City of Kirkland, et al., Superior Court No. 10-2-35867-6 SEA: This is an action for declaratory and injunctive relief. The action challenges the adequacy of the Final Supplemental Environmental Impact Statement prepared in response to the 2009 decision of the Board.

Davidson Serles & Assoc., et al. v. City of Kirkland, et al., Central Puget Sound Growth Management Hearings Board No. 10-3-0012 (Davidson Serles II): This was a second petition filed with the Central Puget Sound Growth Management Hearings Board (the "Board.") Davidson Serles challenged the adequacy of the Supplemental Environmental Impact Statement prepared in response to the 2009 decision of the Board and Ordinance 4258 passed in September 2010. Davidson Serles filed an amended petition alleging that the transportation element of the City's Comprehensive Plan as amended by Ordinance 4257 did not comply with GMA. A hearing on the merits, including the City's motion to dismiss, was held December 21, 2010. On February 2, 2011, the Board dismissed and closed the case.

In December, after 28 meetings, the Design Review Board approved the design for all buildings in the development. This approval was also appealed by Davidson Serles and Associates to the City's Hearing Examiner. The hearing on the appeal is scheduled for March 24, 2011.

Task 2: Neighborhood Plans (2.0 FTE for 2011)

2.1 and 2.2 Lakeview and Central Houghton Neighborhood Plans.

The City initiated work on the Lakeview and Central Houghton Neighborhood Plans in late 2009. Over the past several months the Neighborhood Advisory Groups have been meeting and have completed their initial review and recommendations. While it was anticipated that the groups would meet 4-5 times, due to the interest and discussion topics the Central Houghton group met 9 times over the course of eight months and the Lakeview Neighborhood group met 13 times.

The 2010 – 2012 Planning Work Program anticipating completing the neighborhood plans by the end of 2010. Looking at the remaining work to be done including finalizing the draft plan and zoning regulations, public outreach, public hearings, Planning Commission recommendation and City Council and HCC action the process is now scheduled to be completed by October of 2011.

2.3 Neighborhood Planning Assessment

During the discussion on the annexation area neighborhood boundaries, comments were noted regarding the approach to neighborhood plans. Are there ways to be more efficient or expeditious? Should we study broader areas at one time? How do we effectively engage the public? Task 2.3 is intended to undertake an assessment and discussion on our neighborhood planning process. The work program shows this

occurring in the latter part of 2011 (following completion of the Lakeview and Central Houghton Neighborhood Plans and prior to undertaking any new neighborhood plans).

2.4 Bridle Trails and South Rose Hill Neighborhood Plan

Depending on the outcome of 2.3 above, some staff would be available to undertake another neighborhood plan update. Bridle Trails and South Rose Hill are currently “next-in-line” for an update. However, due to budget considerations, staff resources for neighborhood plans have been reduced which could affect the timing and level of effort devoted to the next neighborhood plan update.

2.5 Everest and Moss Bay Unless additional resources or approaches are identified, updates to other neighborhood plans would occur after completion of the GMA required Comprehensive Plan update which is due December 1, 2014.

Task 3: Code Amendments (.7 FTE)

3.1 Miscellaneous Code Amendments

Staff continues to maintain a list of potential code amendments and, as new issues arise, staff is constantly adding to and updating the list. The work program generally strives to have an on-going code update task each year. The 2010 bundle was adopted by the Council on January 4, 2010. The work program shows this beginning in the second half of 2011 when staffing would be more available. The miscellaneous code update would be undertaken in two phases. The initial phase would be for minor code amendments under an abbreviated process (IVA) that do not involve the Planning Commission. A second phase would begin later in the year and would consist of more substantive code amendment issues.

3.2 Totem Lake

On December 7, 2010 the City Council approved a “Totem Lake Preliminary Action Plan” for the Totem Lake Business District. This is a high priority for the City Council. The action plan is an outcome from the September 16, 2010 Totem Lake Symposium which brought together several interested participants to discuss catalysts needed to stimulate the revitalization of Totem Lake. One of the items is to look at the zoning to see if there are impediments to economic development. An initial scoping will occur in the first half of 2011 to determine if zoning code amendments are needed which could be processed in the second half of the year.

3.3 CBD Retail

The City is considering allowing flexibility for street level storefront uses in some portion of the downtown. The amendments have been scoped to consider four “end of block” areas to potentially allow ground floor office uses. The Planning Commission’s public hearing is scheduled for March 10, 2011 and the amendments will be before the City Council in April, 2011.

Task 4: Housing (.7 FTE)

4.1 TOD at South Kirkland Park and Ride

In December 2008, the City Council adopted amendments to the Comprehensive Plan that support “transit oriented development” including affordable housing at the South Kirkland Park and Ride facility. On January 26th, 2009 the Houghton Community Council approved the amendments but expressed strong interest in ensuring that their issues and questions were addressed with the zoning and design regulations. Part of the park and ride lot is located in Bellevue. At that time, Bellevue indicated they were not interested in pursuing this issue; however staff continued to explore the potential for a Kirkland-only project.

King County revised the plan and came up with a potential project on the Kirkland portion of the park and ride. Zoning regulations are still needed to implement the plan policies. The City of Bellevue and Kirkland have developed “Principles of Agreement” to establish the framework for this project.

With the initiation of the neighborhood plans for Lakeview and Central Houghton, advisory group participants raised questions regarding the proposed TOD project. Efforts are currently underway to draft the zoning regulations and design standards to include public workshops. There have been joint study sessions meetings between the Planning Commission and Houghton Community Council and the public workshops have been held. A joint public hearing is scheduled for March 24 with City Council review and consideration in May. It is anticipated that this task will be completed by June 2011.

4.2 Housing Preservation

As a result of staffing resources being allocated to other tasks in 2011, work on preservation housing could occur in 2012. This would entail an inventory of potential properties, contacting property owners to gauge interest and exploring options for preservation of existing housing.

4.3 Affordable Housing Strategies

There are a number of other on-going staff efforts on housing including working with ARCH (A Regional Coalition for Housing) on the Housing Trust Fund, preservation of affordable housing, funding programs, and education.

Task 5: Natural Resources/Environmental Stewardship (1.2 FTE)

5.1 Shoreline Master Program (SMP)

On December 1, 2009 the City Council approved the Shoreline Master Program generally in accordance with the Planning Commission’s recommendation. The City transmitted the SMP to the Department of Ecology (DOE) along with a required checklist that shows how the SMP meets the adopted State guidelines. DOE approved the SMP on July 26, 2010 and on August 3 the City Council approved the ordinance.

The City then began work on the SMP for the annexation area. On November 3, 2010, after a recommendation by the Planning Commission, the City Council approved the Resolution of Intent to adopt amendments to the SMP to incorporate the annexation area into the SMP. The City submitted the SMP to DOE and they have deemed the submittal to be complete and DOE has completed the public comment period.

DOE received three comments and is currently summarizing the comments to transmit to the City for a response. DOE will then prepare a decision letter with their findings along with any recommended or required changes. The decision letter will then be transmitted to the City for consideration. If changes are necessary, the City Council could take action in response to DOE and either agree to the proposed changes or submit an alternative proposal for DOE's approval. It is likely DOE will approve the SMP with few if any changes. Staff is currently working on implementation procedures, forms and handouts.

5.2 Low Impact Development (LID) and Green Codes

The City's Green Building Team (Planning, Public Works and Building) have developed a list of actions to promote sustainability and encourage low impact development and green building techniques. On January 4, the work program and approach was approved by the City Council. Many, but not all tasks, will involve the Planning Commission. The Green Codes project was presented to the Planning Commission at their January 27th meeting and to the Houghton Community Council at their February 28th meeting.

5.3 Critical Area Regulations

In accordance with state law, the City will need to amend its Critical Area Regulations. However, similar to the deadline for the Comprehensive Plan update, the timeline was extended in the legislative session. As a result this effort would occur in 2013-2014.

Based on experiences in other jurisdictions and comments from the Department of Ecology, our regulations will need to be revised, particularly to address buffer widths and our wetland classification system. This will require funding resources to assist in this update due to the technical, scientific and environmental issues that need to be addressed. This project may also be the appropriate time to review our slope regulations.

5.4 Urban Forestry Program

In 2011, the focus will shift away from regulations to urban forestry management and education. In 2011 staff will undertake a canopy analysis. A consultant has been selected and the professional services contract and scope of work is currently being negotiated. The findings will be presented to the City Council. The city is also pursuing grant funding to undertake a citywide urban forestry management plan.

5.5 Natural Resource Management Plan and Environmental Stewardship

In 2003 the City adopted a Natural Resources Management Plan. The City has in place a "Green Team" consisting of representatives from several City departments that meet on a regular basis to coordinate activities and programs. Over the past year, the team has been focusing its efforts on implementation actions (education, funding, and programs). The Green Team has also broadened its role to address greenhouse emissions in response to the US Mayors Climate Protection Agreement, of which the City is participating. The City Council adopted a [Climate Action Plan](#) in April 2009.

Task 6: Database Management (.1 FTE)

Database management consists of a number of sub-tasks such as our Community Profile, land use inventory, capacity analysis, and housing data that are used for a variety of purposes including neighborhood plans, economic development and the Comprehensive Plan. In addition we are required to provide data on buildable lands and benchmarks to King County. In 2011 data from the decennial census will become more readily available.

6.1 Community Profile

In 2004, the City updated its [Community Profile](#). With new census information available and with the major GMA Comp Plan scheduled for 2013-2014 (Task 1.3), a revised Community Profile would need to be prepared to provide the basic demographic and economic data in order to commence the Plan update. The work program shows this beginning in mid-2012.

6.2 Land Use Capacity

An analysis of our land use capacity is also necessary to determine if there is sufficient land available and zoned to accommodate our housing and employment targets. This is another task that is essential to undertaking our major GMA Plan Update (Task 1.3) and would occur in late 2012 and early 2013.

Task 7: Regional Coordination (.1 FTE)

This task involves participating on a variety of countywide and regional forums including the Puget Sound Regional Council, the King County Growth Management Planning Council, the Suburban Cities Association and Sound Transit.

Task 8: Annexation (.5 FTE)

8.1 Annexation Transition & 8.2 Conduct Census

Staff will continue to work on tasks associated with the annexation which will take effect on June 1, 2011. The State requires a census of the population in the annexation area within 30 days of the effective date. Staff has issued an RFP to retain services to conduct the census and awaiting pending legislation that would considerably reduce the costs by relying on the recent decennial census data.

Planning Commission Agenda Topics for 2010

Attachment 5

Meeting Date	Topic	Meeting Type
January 14	Transportation Conversation Proposed Planning Work Program Joint Meeting with City Council	Study Session Study Session Study Session
February 11	Central Business District Zoning – Deferred Zoning Amendment Issues	Study Session
March 11	2010 Comprehensive Plan Amendments Study Revised Rules of Procedure	Study Session Study Session
April 22	Touchstone Supplemental EIS	Study Session
May 13	Review Procedures for working with the Houghton Community Council Annexation Area Neighborhood Boundaries Miscellaneous Zoning Code Amendments Phase I	Study Session Study Session Study Session
May 27	Miscellaneous Zoning Code Amendments Phase I Minor Zoning Code and Subdivision Ordinance Amendments - follow up to the SMP Update	Hearing Study Session
June 10	Parkplace Draft Supplement EIS	Study Session
June 24	Minor Zoning Code and Subdivision Ordinance Amendments - follow up to the SMP Update Parkplace Draft Supplemental EIS	Hearing Hearing
July 22 Regular Meeting	Parkplace Draft Supplemental EIS and Amendments PC Rules on Public Comment	Study Session Study Session
July 22 Joint Meeting with PAB	Downtown Parking Standards	Study Session
August 12 Joint Meeting with HCC	2010 Comprehensive Plan Amendments Miscellaneous Zoning Code Amendments Phase II Code Enforcement Amendments	Study Session Study Session Study Session
August 23 Joint Meeting with HCC	Lakeview Neighborhood Plan Update	Study Session
August 26	Shoreline Master Program Amendments for the Annexation Area Parkplace Supplemental EIS	Study Session Study Session
September 23	Shoreline Master Program Amendments for the Annexation Area Miscellaneous Zoning Code Amendments Phase II Zoning Code Amendments for Code Enforcement	Study Session Study Session Study Session
October 14	Shoreline Master Program Amendments for the Annexation Area 2010 Comprehensive Plan Amendments	Hearing Hearing
November 4	2010 Miscellaneous Zoning Code Amendments East Side Rail Corridor	Hearing Study Session
November 18	CBD 1 Ground Floor Storefront Uses Neighborhood Boundaries	Study Session Study Session
December 13	Planning Commission Retreat Topics	Study Session
December 13 Joint Meeting with HCC	South Kirkland Park and Ride	Study Session

COMPREHENSIVE PLAN & NEIGHBORHOOD PLAN UPDATE SCHEDULE

January, 2011

Note: Schedule Subject to Change

NEIGHBORHOOD	STATUS	WORK PROGRAM SCHEDULE	NOTES
Lakeview	Completed –1985	2009 – 2011	Plan process underway
Central Houghton	Completed –1985	2009 – 2011	Plan process underway
Bridle Trails	Completed –1986	2012 - 2013	Could combine as one plan with South Rose Hill
South Rose Hill	Completed – 1991 Partial update in 2002	2012 - 2013	
Everest	Completed –1988	TBD	
Moss Bay	Completed –1989	TBD	
Annexation Neighborhoods <ul style="list-style-type: none"> • Kingsgate • North Juanita* • Finn Hill 	Boundaries determined in 2010.	Could occur prior to Everest/Moss Bay or after North/South Juanita	.
North & South Juanita	Partial Updated Completed –1990	TBD	*The annexation “North Juanita” was combined with the existing “North Juanita”
GMA Comp Plan Update	Major update completed - 2005	2013 - 2014	State requires GMA update by Dec. 1 2014
Totem Lake	Completed – 2002	TBD	Some Amendments occurred in 2008 & 2009
NE 85 th Street Corridor Plan	Completed - 2001	TBD	
North Rose Hill	Completed - 2003	TBD	
Highlands	Completed - 2005	TBD	Could combine with Market & Norkirk schedule
Market & Norkirk	Completed - 2007	TBD	