



CITY OF KIRKLAND

Planning and Community Development Department

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www.ci.kirkland.wa.us

MEMORANDUM

Date: February 5, 2008

To: Planning Commission

From: Paul Stewart, Deputy Planning Director

Subject: Planning Work Program and Joint Meeting with City Council
(File No. MIS08-00007)

Recommendation

- Staff recommends the Commission recommend to the City Council the adoption of the proposed 2008-2010 Planning Work Program (Attachment 1).
- Staff also requests the Commission identify items for discussion at the joint meeting with the City Council.
- Commission provide direction on key points or items to be included in the transmittal letter from the Commission to the City Council.

Introduction

The Commission held their annual retreat on January 10, 2007. At the retreat, the Commission reviewed the draft Planning Work Program. The joint meeting with the Council is scheduled for **March 4, 2008 at 6:00 pm in the Peter Kirk Room**. Dinner will be served at 5:30 pm. The purpose of the joint meeting is to review the work program and discuss other items as appropriate. Following the joint meeting, staff will bring back the work program for adoption by the City Council at a subsequent meeting.

Planning Work Program

The Commission was in general agreement with the overall work program with the following revisions.

Neighborhood Plans (Task 2)

After reviewing the Neighborhood Plan Update Schedule, the Commission preferred to move the Moss Bay and Everest neighborhoods to the top of the list (See Attachment 2). Based on the level of current development activity, public interest in the downtown and issues that need attention, the Commission felt that these two neighborhoods merited updates earlier than later. The Lakeview

neighborhood plan has not yet commenced. A Private Amendment Request (PAR) for Yarrow Bay Plaza was deferred to the Lakeview Neighborhood Plan with the understanding that the plan would begin this year. If the Lakeview Neighborhood Plan does not move forward, the applicant would want the PAR to move forward.

At the February 13th meeting staff would appreciate a more in-depth discussion on neighborhood plans. Past experience tells us that neighborhood plans take 2-3 years to complete. At our current rate it would take over 25 years to work through the sequence of neighborhood plans. Some of the existing neighborhood plans have not been updated since the 1970's. Staff is exploring possible approaches to speeding up the process. The Commission also expressed an interest, where feasible, in undertaking two neighborhoods either concurrently or under one process. From a resource perspective, each neighborhood requires a minimum 1.0 FTE staff level.

Questions for consideration by the Commission include:

- What is the core value of neighborhood plans? What do neighborhoods want out of their plans?
- How do neighborhood plans relate to city-wide initiatives, goals and policies (e.g. affordable housing, transportation, etc.)?
- Can the plans be simplified? Are there ways to reduce repetition?
- Should plans be combined?
- How do we do plans faster with the staff resources we have? Is it acceptable to complete a new plan every other year?

Staff intends to meet with neighborhood representatives to discuss some of these questions. The draft work program will also be transmitted to the Houghton Community Council on February 25th.

Housing (Task 5)

The Commission expressed a strong interest in having this as a priority for 2008 and this is high on the list of City Council issues. The Council has appointed a Council subcommittee to guide the overall effort. This topic will again be the subject of the Council's annual retreat in La Conner on March 28th. The Commission will be reviewing the City's affordable housing regulations and revising them as appropriate. In process is an effort by the City of Kirkland, King County and the City of Bellevue to potentially amend the Comprehensive Plan and zoning in both cities at the South Kirkland Park and Ride lot to allow a transit oriented residential development with a significant amount of affordable housing. At the joint meeting, the Commission may want to address the overall topic of housing with the Council.

Small Lot Standards (Task 6)

At the retreat the Commission discussed expanding the program to retain small lots to other neighborhoods besides Market and Norkirk. The work program reflects adding this as a task in the latter part of 2008 and early 2009. While this could be addressed specifically through individual neighborhood plans, this task would provide a general analysis of lot sizes and patterns to give us a baseline on the potential for application to other areas of the City.

Downtown

The Commission is well aware that recent downtown development activity has resulted in increased attention to downtown issues – particularly height. At the February 5th City Council meeting, the Council was presented with a petition with approximately 300 signatures. The petition calls for the Council to stop all downtown building permits until a “Future Plan and Vision is completed and agreed to by the community.” (see Attachment 3). The Council did not take action at the meeting but directed staff to return with options for their consideration. Some options may include addressing height or zoning which could result in significant shifts to the work program.

Commission Items

Private Amendment Requests

The Commission discussed the process for accepting and reviewing private amendment requests. These are typically requests to amend the zoning and Comprehensive Plan. (Note: Staff would suggest that we also include private requests to amend the Zoning Code as well). This is a two-step procedure under Chapter 140 of the Zoning Code as a Process IV (see Attachment 4).

Section 140.20 of the code notes that the Planning Department can establish a deadline for submitting citizen-initiated proposals. The City has established a biennial schedule for citizen initiated requests with the deadline for submittal on December 1 of every other year – the next submittal date for the 2009 process is December 1, 2008.

The issue that merits discussion is what to do with requests that come in after the submittal deadline. In some instances requests have been submitted after completion of the threshold review. At the retreat the Commission recommended that the application deadline established be definitive.

Questions for the Commission to consider are:

- How strict or flexible should the application deadline be?
- What do we do with requests that come in after the application deadline or after the threshold review determination?
- When is the appropriate time frame to consider expanding a study area?

- Are the threshold review criteria adequate or do they need revising?
- Should there be a significant fee increase for requests that meet the threshold review for further consideration?

Also note that an amendment to the Comprehensive Plan can be initiated by the City or the public.

Other Joint Meeting Items

Besides the Planning Work Program and private amendment requests, are there other items that the Commission would like to address with the Council at the joint meeting?

Transmittal Memo

As part of the packet for the joint meeting staff will prepare a transmittal memo from the Commission to the Council. The transmittal memo will cover the following points:

- Introduction
- Accomplishments and Projects Completed
- Discussion on the Planning Work Program (highlighting key issues)
- Planning Commission Agenda Topics for 2007
- The Proposed 2008-2010 Planning Work Program
- Work Program Summary of Tasks

Staff would request direction from the Commission on the key issues to be addressed with the transmittal memo along with any other items that should be included in the memo.

Attachments

- Attachment 1: Draft Planning Work Program
- Attachment 2: Neighborhood Plan Schedule
- Attachment 3: Petition on downtown to City Council
- Attachment 4: Zoning Code Chapter 140

2008

2009

2010

TASK	PROJECT MANAGER	2008 STAFF	2008												2009				2010				
			J	F	M	A	M	J	J	A	S	O	N	D	1st	2nd	3rd	4th	1st	2nd	3rd	4th	
SPECIAL TASKS																							
8	Downtown	McMahan	.4 FTE																				
9	Impact Fees	Swan																					
10	Database Management	Goble	.2 FTE																				
11	Regional Plans	Shields	.1 FTE																				
12	Annexation	Shields/Swan	1.0 FTE																				
	• Potential Annexation Area																						
	• Bridleview Annexation																						

NEIGHBORHOOD PLAN UPDATE SCHEDULE

February 2008

Note: Schedule Subject to Change

Comprehensive Plan & Neighborhood Plans
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Moss Bay	2008-2009
Everest	2009-2010
Comprehensive Plan Chapters	2010-2011
Lakeview & Central Houghton	2011-2012
North & South Juanita	2012-2013
Bridle Trails & South Rose Hill	2013-2014
Totem Lake	2014-2015
North Rose Hill	2015-2016

G-08-214

*******PETITION TO STOP HIGH-RISE BUILDINGS*******
IN DOWNTOWN KIRKLAND

Received

JAN 22 2008

November 12, 2007

City of Kirkland

Attention: Kirkland City Council and Downtown Advisory Committee (DAC)
City of Kirkland
123 5th Ave
Kirkland, WA 98033

RE: Request to Stop all Downtown Building Permits until a "Future Plan and Vision" is Completed and Agreed to By the Community.

We, the undersigned, are writing to share our concerns, relative to the need for the City Council to complete and enact a "Future Plan and Vision" for Downtown Kirkland.

Until that time, the City Council should stop the issuance of all building permits under the current zoning guidelines.

These guidelines specifically relate to building along Lake Street, which currently allows for high-rise buildings (up to 5 floors) directly facing Lake Street in the key central block of Downtown Kirkland. The City Council and DAC need to listen to the voices of Kirkland residents which declare that zoning as it pertains to height needs to be reduced, not increased, especially in CBD1 along Lake Street.

In order to protect the remaining downtown Kirkland charm, the zoning must be changed immediately to allow for no more than 2-3 stories along Lake Street.

Please see a list of Supporting Materials and Signature Page of concerned citizens that support our requests. If you have any questions, please contact Andy Chavez at agchavez@verizon.net or Rob Brown at robbrown1@aol.com.

Thanks you for your urgent consideration of this matter.

Chapter 140 – AMENDMENTS TO THE COMPREHENSIVE PLAN

Sections:

- 140.05 User Guide
- 140.10 Applicable Process
- 140.15 Initiation of Proposals
- 140.20 Threshold Determination for Citizen-Initiated Proposals
- 140.25 Factors to Consider in Approving an Amendment to the Comprehensive Plan
- 140.30 Criteria for Amending the Comprehensive Plan
- 140.35 Emergency Plan Amendment
- 140.40 Response to a Court or Growth Management Hearings Board Appeal or Decision
- 140.45 Responsibility To Review

140.05 User Guide

This chapter establishes a mechanism for the City to amend the Comprehensive Plan, Title 17 of the Kirkland Municipal Code. If you are interested in proposing an amendment to the Comprehensive Plan, or if you want to participate in the decision on a proposed amendment, you should read this chapter.

140.10 Applicable Process

The City will use Process IV described in Chapter 160 KZC to review and decide upon a proposal to amend the Comprehensive Plan.

140.15 Initiation of Proposals

An amendment to the Comprehensive Plan may be initiated by the City or by the public.

140.20 Threshold Determination for Citizen-Initiated Proposals

1. General – The Planning Department can establish a deadline for submitting citizen-initiated proposals. Applicants will be required to submit an application, a review fee and any other pertinent information determined necessary to consider the request. The citizen-initiated proposals shall only be considered in conjunction with the City's regular review of the Comprehensive Plan described in KZC 140.45.
2. Process – Citizen-initiated proposals require a two-step review process using Process IV described in Chapter 160 KZC:
 - a. A threshold review to determine those proposals that are eligible for further consideration; and
 - b. A final decision.
3. Criteria – The City shall use the following criteria in selecting proposals for further consideration. Proposals must meet subsection (3)(a) of this section, and either subsection (3)(b) or (3)(c) of this section:
 - a. The City has the resources, including staff and budget, necessary to review the proposal; and
 - b. The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan; or
 - c. All of the following:

- 1) The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and
- 2) The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process; and
 - a) The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two years); and
 - b) The proposal is located in a neighborhood for which a neighborhood plan will not be reviewed in the near future (generally not in the next two years).

140.25 Factors to Consider in Approving an Amendment to the Comprehensive Plan

For both City and citizen-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

1. The effect upon the physical, natural, economic, and/or social environments.
2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods.
3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.
4. The quantity and location of land planned for the proposed land use type and density.
5. The effect, if any, upon other aspects of the Comprehensive Plan.

140.30 Criteria for Amending the Comprehensive Plan

The City may amend the Comprehensive Plan only if it finds that:

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.

140.35 Emergency Plan Amendment

1. General – The City may initiate an emergency plan amendment to the Comprehensive Plan outside of the annual plan amendment process. An emergency amendment is an amendment necessary for the immediate protection of public health, safety, property or peace.
2. Process
 - a. The City Council shall hold a public hearing using the process described in KZC 160.40 for notice; KZC 160.45 for staff report; KZC 160.55, 160.65 and 160.70 for public hearing; and KZC 160.90 for publication and effect.

- b. The Planning Official shall notify the Planning Commission in writing about the proposed emergency amendment at least 14 days before the public hearing. If the amendment is within the jurisdiction of the Houghton Community, the Houghton Community Council shall also be notified.
- c. If the proposed amendment is within the jurisdiction of the Houghton Community Council, the Houghton Community Council shall hold a joint hearing with the City Council.
- d. The City Council shall adopt an emergency plan amendment by an appropriate resolution or ordinance that includes a statement of the facts justifying the emergency.
- e. If the City Council approves a resolution or ordinance, it shall become effective within the jurisdictional area of the Houghton Community Council only upon:
 - 1) Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or
 - 2) Failure of the Houghton Community Council to disapprove the resolution ordinance within seven calendar days after City Council approval. The vote to disapprove the resolution or ordinance must be approved by resolution by a majority of the entire membership of the Community Council.

140.40 Response to a Court or Growth Management Hearings Board Appeal or Decision

The City may use the process described in KZC 140.35 to make an amendment to the Comprehensive Plan in response to a court or Growth Management Hearings Board appeal or decision.

140.45 Responsibility To Review

According to state law, the City shall review the Comprehensive Plan regularly to determine if any changes are desirable.