



**CITY OF KIRKLAND**  
**Planning and Building Department**  
**123 5th Avenue, Kirkland, WA 98033**  
**425.587.3600- [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Adam Weinstein, AICP, Planning & Building Director  
Jeremy McMahan, Deputy Planning & Building Director  
Scott Guter, AICP, Senior Planner

**Date:** April 6, 2021

**Subject:** Totem Bowl Community-Initiated Amendment Request (Phase 1)  
File No. CAM20-00674

**Staff Recommendation**

It is recommended that City Council review the Planning Commission's recommendation to move ahead with further review of the proposed Community-Initiated Amendment Request (CAR) application by Totem Bowl & Investment (Totem) and provide direction on whether the proposal can proceed to Phase 2 study as recommended.

**Background**

Totem Bowl & Investment has applied for a Community-Initiated Amendment Request (CAR) for a zoning text amendment. The text amendment would create a new use listing in the BCX zone that would allow mixed use development up to five stories in height consistent with the policies of the Bridle Trails Neighborhood Plan.

The City uses a systematic process to amend the Comprehensive Plan, and to make changes to the Zoning Map or Zoning Code that are necessary to implement such Plan amendments. There are two ways changes can be made. The City can initiate the change, or a CAR may be initiated by the public.

CARs may be made by an individual, property owner, neighborhood organization, or other groups. CARs are considered once every other year, during odd years. Each CAR that is submitted must go through a two-phase process as described below.

Phase 1

The Planning Commission makes a threshold review of the CAR and recommends to the City Council if it should be considered further based on criteria specified in the Kirkland Zoning Code (see below). If the CAR is within the jurisdiction of the Houghton Community Council (HCC), the Community Council will also make a recommendation to the Planning Commission. Note the subject CAR is not within HCC jurisdiction. The City Council reviews the recommendation of the Planning Commission at a public meeting and determines if the request should be studied further. The Council also determines if the request will go to Phase 2 in the current

year or subsequent year, depending on the number of requests, available resources, and the Planning and Building Department's work program.

## Phase 2

A CAR approved by City Council for additional study moves to Phase 2 following an application and payment of fees by the proponent. During the second phase, the merits of the proposal are evaluated, and potential options are considered. The City may expand the geographical study area beyond that proposed by the applicant. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The City Council considers the recommendation and makes the final decision on the request. If the CAR is within the jurisdiction of the HCC, the HCC may exercise its disapproval jurisdiction for any request that is approved by the City Council.

KZC 135.25 establishes the following criteria for amending the text of the Zoning Code:

The City may amend the text of this code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland; and
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

## **Request**

The property owner of the TechCity Bowl site, Totem Bowl & Investment, has submitted a CAR for the Bridle Trails Shopping Center properties located at 13005, 13033 and 13049 NE 70<sup>th</sup> Place and 6501 and 6615 132<sup>nd</sup> Avenue NE (see Attachment 1). The request is to develop a design program, development standards, and design guidelines for all properties within the Bridle Trails Shopping Center consistent with the Comprehensive Plan's Bridle Trails Neighborhood land use Policy BT-7 (see Analysis below). The applicant's reason for the proposal is to implement the land use policy to encourage the redevelopment of the shopping center and fulfill the neighborhood plan's vision.

The project is included in the adopted [2020-2022 Planning Work Program](#) (Resolution R-5442). Task #19, Bridle Trails Shopping Center Zoning, identifies this CAR under review through the 4<sup>th</sup> Quarter of 2021.

## **Analysis**

Should this action proceed, amendments would need to be consistent with the following Bridle Trails Neighborhood Center policy:

### Policy BT 7:

*Encourage redevelopment of the Bridle Trails Neighborhood Center into a lively, pedestrian-oriented, transit-supportive, mixed-use residential and commercial neighborhood center.*

*Three-story mixed-use residential and commercial development is allowed and substantial commercial uses should continue to provide shops and services to the neighborhood. Commercial uses should be oriented to adjacent arterials with wide sidewalks and pedestrian pathways should connect uses on site and with adjacent properties. "[Design Guidelines for Pedestrian Oriented Business Districts](#)" should be used with careful attention to architectural scale, massing and upper story step backs, pedestrian orientation and connections, compatibility with surrounding residential uses and commercial uses across NE 70th St., building modulation, and use of materials to reduce the appearance of bulk and mass.*

*In addition to the above standards, allow mixed-use development up to five stories after the City Council has approved development standards, design guidelines, and a design program encompassing all properties within the neighborhood center. These development and design guidelines should address program requirements for such items as a minimum acreage threshold beyond which a grocery store and master sign plan would be required, pedestrian connections, vehicular access, types and organization of uses within the subject property and along adjacent streets, building and massing forms, children's recreation space, public amenities and the additional criteria/performance standards listed below:*

- *Neighborhood-serving retail is provided and oriented to adjoining rights-of-way and internal pedestrian pathways, with a grocery store and mix of complementary uses such as hardware store, or drug store.*
- *Residential (rather than office) should be the predominant use on upper floors with a percentage of affordable housing units consistent with City standards.*
- *Green building standards and sustainable site standards are included in development.*
- *Taller building forms are located away from adjoining residential properties.*
- *Pedestrian-oriented design elements are incorporated into the development such as plazas to create public gathering spaces with public art, water features, and landscaping.*
- *Driveways are consolidated to minimize impacts on surrounding streets, adjacent residential uses, and to foster a pedestrian-oriented site design.*
- *Parking and transportation impacts are minimized to create a pedestrian-oriented neighborhood center.*
- *A master sign plan should be required to ensure attractive signage and wayfinding.*
- *A gateway feature is provided at the corner of NE 70th Pl. and 132nd Ave NE.*

Policy BT-7 establishes a policy framework whereby the City may allow development up to five stories in height if specifically identified public interests are achieved. If the CAR application advances to Phase 2, the process will require the applicant to demonstrate to the community and the City how these public interests will be achieved in conjunction with more intensive development of the properties.

### **Planning Commission Meetings & Recommendation**

The Planning Commission held two meetings to consider the proposed CAR, on January 28, 2021 ([meeting materials](#)) and on March 25, 2021 ([meeting materials](#)).

At the initial meeting in January, the Planning Commission considered the requested CAR. Public comment from counsel representing the Totem's neighboring property owner in the shopping center, ROIC Washington, LLC (ROIC), stated that ROIC has an aversion to specific, binding illustrations portrayed in Totem's CAR application. Following extensive discussion and deliberation, the Planning Commission voted to delay a recommendation to City Council. The continuance was intended to provide the applicant and ROIC additional time to discuss how they could collaborate on the CAR in a manner that achieves the City objectives established in Comprehensive Plan Policy BT-7.

Attachment 2 is a joint letter from the two property owners representing their proposal for advancing the CAR application. The letter includes six conclusions and points of agreement between ROIC and Totem. The letter requests that the City and the Planning Commission consider these six points as "guardrails" that should guide the City's decision making going forward.

On March 25, 2021, the Planning Commission reviewed the joint letter and considered the following staff analysis and recommendation.

#### **Staff Analysis of Joint Letter**

Staff noted that the joint letter presents some challenges when trying to develop standards as set forth in Policy BT-7 because of the stated resistance to illustrating specific features within the shopping center. The Totem applicant is able to commit to more specificity because they are ready to redevelop their properties. ROIC is understandably less able to commit to more specificity because they have no near-term redevelopment plans and are concerned that obligating something specific (like a plaza in a specific location) could interfere with a legitimate future improvement (like a grocery store). The policy asks for a comprehensive and coordinated approach to commercial orientation, organization of uses within the subject property and along adjacent streets, massing forms, providing logical external and internal vehicular and pedestrian connections, plazas, gateway features, and other pedestrian-oriented amenities. This is the paradigm that BT-7 established, but it should be understood that the City should not expect the owners to provide illustration of concepts/regulations that might be perceived as contrary to the owner's interests. If the City concludes that an illustration or level of specificity is needed to implement a policy or regulation, then the City will need to develop that product. As with any legislative action of this nature, the property owners and all members of the community will have the opportunity to participate in the public process of creating the regulations.

Staff Recommendation

Staff recommends moving forward with Phase 2 CAR consideration with some important qualifications. The City will be undertaking a legislative process to consider whether to amend the Kirkland Zoning Code and any associated standards adopted by the Kirkland Municipal Code. This does not include a quasi-judicial master plan but will include whatever legislative regulations, guidelines, or graphics the City deems necessary to implement Policy BT-7 for development over three stories. The authority to ultimately approve or reject such amendments lies solely with the City Council, as established in KZC 160, and the City cannot agree to any "guardrails" that would limit the outcome of that legislative process before it begins. The Phase 2 process should foster collaboration between the property owners and the broader community while reserving all legislative authority around successful implementation of Policy BT-7 in a manner that serves the public interest.

Planning Commission's Recommendation

The Planning Commission concurred with staff's analysis and recommends that the CAR be allowed to proceed with further study. During their deliberations, the Planning Commission noted that the City and the shopping center owners should be cognizant of any unintended consequences of drafting standards for the shopping center since redevelopment will occur in multiple phases. In particular, it was discussed that during early phased redevelopment the community may not receive the full set of expected amenities outlined in Policy BT-7. For example, redevelopment of a smaller parcel may not yield a grocery store. However, the regulations will need to include standards such that, as development is phased in over time, the community is assured that the benefits anticipated in Policy BT-7 will be achieved and that each phase includes tangible contributions of the required amenities.

**Attachments:**

1. CAR Application
2. Joint Letter from Totem Bowl & ROIC

cc: File Number CAM20-00674

Applicant

**DEVELOPMENT  
SERVICES**BUILDING • FIRE • PLANNING • PUBLIC WORKS  
www.mybuildingpermit.com • www.kirklandpermits.net**Citizen Amendment  
Request**

(also known as Citizen Amendment Request)

*Planning Department**Complete this form to submit at City Hall.***MEMORANDUM**

TO: Interested Parties

DATE: April 2018

FROM: Planning and Building Department

SUBJECT: **CITIZEN AMENDMENT REQUESTS TO THE COMPREHENSIVE PLAN, ZONING CODE AND ZONING MAP**

In General, the City considers citizen amendment proposals once every other year during odd years (2017, 2019 etc.) as part of the City's Annual review of the Comprehensive Plan. All citizen initiated amendment requests must be submitted by December 1, prior to the year of their consideration. The schedule is noted below.

The purpose of this memo is to describe the process to be used for citizen amendment requests.

**I. WHO MAY PROPOSE AN AMENDMENT?**

Any individual, property owner, neighborhood organization or other group may propose to amend the Comprehensive Plan, The Zoning Code or the Zoning Map. For site specific requests, if the property owner is not making the request, then the property owner must be notified of the amendment (see attached Affidavit of Service). Before applying, we recommend that you contact the Planning Department to get a better understanding of the process and obtain any background information that might be relevant to the request. **Please contact Joan Lieberman-Brill at 425-587-3254 in the Kirkland Planning and Building Department for more information.**

**II. WHAT IS AN APPROPRIATE PROPOSAL?**

The Comprehensive Plan is a document describing the long-range plan for the City. It consists of a land use map, and general elements such as Land Use, Housing, Transportation and Capital Facilities. It also includes 14 neighborhood plans. Requests may be submitted to amend any aspect of the Plan -- the land use map, the general elements or a neighborhood plan.

A citizen amendment proposal may also amend the Zoning Map or the Zoning Code, if necessary to implement the Comprehensive Plan Change. If a rezone is requested, in order to qualify as a CAR the proposed residential density must be outside the density range shown on the applicable neighborhood plan land use map.

Citizen amendment requests that involve a significant change in use or in density for a specific property or a major policy change in a neighborhood may be deferred to the applicable neighborhood plan.

**III. HOW TO APPLY AND WHAT IS THE DEADLINE FOR SUBMITTING A REQUEST?**

Complete the attached application and submit to the Planning and Building Department at Kirkland City Hall, 123 5th Avenue, Kirkland, WA 98033 along with the required review fee for Phase 1. If you have any questions on completing the application, contact the Planning & Building Department at 425-587-3600 and in particular Joan Lieberman-Brill at 425-587-3254.

Applications must be submitted no later than December 1st of each year (December 1, 2018, 2020, etc.) for consideration of the request in odd years (2019, 2021, etc.). If that deadline is missed, then an interested party would need to wait and apply no later than December 1st of the next year.

#### IV. WHAT IS THE REVIEW PROCESS FOR AMENDMENT REQUESTS?

| Phase 1 or 2 | Review Process  | Timeline                          |
|--------------|---|-----------------------------------|
| 1            | Cut-off date for applications for citizen amendment requests to be received by the city.  | December 1, 2018                  |
| 1            | Houghton Community Council holds a study session to review the requests within their jurisdiction and prepares a threshold recommendation to the Planning Commission  | February - March 2019             |
| 1            | Planning Commission holds a study session and makes a threshold recommendation to the City Council.   | February - April 2019             |
| 1            | City Council reviews the recommendation at a public meeting and makes a threshold decision to determine which amendment requests should be further reviewed by the City. Also determined is which requests will go to Phase 2 in the current year of review or a subsequent year, depending on the number of requests, available resources and the Planning and Building Department's work program. | April - May 2019                  |
| 2            | Houghton Community Council (if applicable) and Planning Commission study the selected requests, For site specific proposals, the study area may be expanded to include other adjacent properties, if appropriate.   | June - July - August 2019 or 2020 |
| 2            | Houghton Community Council (if applicable) and Planning Commission hold public hearings and formulate recommendations whether or not the Plan Zoning Code and/or Zoning Map should be amended.  | July and October 2019 or 2020     |
| 2            | City Council reviews amendment requests along with the recommendations from the Planning Commission and Houghton Community Council (if applicable) and then approves, denies or modifies the request. City Council may hold a study session on the request before final action is taken.  | December 2019 or 2020             |
| 2            | Houghton Community Council, if request within their Jurisdiction, approves or disapproves the ordinance adopted by the City Council   | December or January 2019 or 2020  |
| 2            | Requests that involve the Shoreline Area Chapter of the Comprehensive Plan and/or the shoreline regulation in Chapters 83 and 141 of the Zoning Code require a hearing and approval by the State Department of Ecology along with coordination with that department.  |                                   |

All dates are approximate and subject to change.

In Phase 2, some requests may be carried over to the following year for study and a final decision.



| Phase 1 Fee   | Phase 2 Fee  |
|---|--|
| Decision whether to further study request   | Study and decision on the request  |
| The fee is due with the application submittal. Check with the Planning Department for the current fee schedule. | The fee is due before the first study session in Phase. Check with the Planning Department for the current fee schedule. |

If the request is from a recognized City Neighborhood Association for an amendment to the general city-wide elements or to a neighborhood plan, the fees are waived. Fees are not waived for amendments that affect specific properties, including Comprehensive Plan, Zoning Code and / or Zoning Map changes.

## VI. WHEN CAN THE APPLICANT AND THE PUBLIC PROVIDE INPUT IN THE PROCESS?

During both Phase 1 and Phase 2, the applicant and the public may provide oral comments at the study sessions and public hearings before the Planning Commission and Houghton Community Council. Written comments may be submitted for all study sessions and the public hearings.

When the City Council considers the requests in either Phase 1 or Phase 2, the applicant and public may provide oral comments on request at the beginning of their meeting under "Comments from the Audience" section of the agenda. Written comments may be submitted in advance of the meeting preferably at least 15 calendar days before the meeting so that the written comments can be included in the City Council meeting packet. No oral comments are taken at the City Council study session or when the City Council is deliberating its final decision on the amendments.

In addition to the public meetings, interested parties may contact the Planning and Building Department at 425-587-3600 to request information about the citizen amendment requests or they may come to City Hall to review the official files.

## VII. WHAT CRITERIA ARE USED FOR THE THRESHOLD DETERMINATION IN PHASE 1?

The City shall use the following threshold review criteria, found in Section 140.20 of the Zoning Code, in selecting proposals for further consideration. Proposals must meet 1 and either 2 or 3:

1. The City has the resources, including staff and budget, necessary to review the proposal.
2. The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan.
3. **All of the following:**
  - a. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and
  - b. 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
    1. The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two years); and
    2. 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). *See past and future neighborhood plan schedule attached.*



**VIII. WHAT ARE THE CRITERIA USED TO APPROVE A REQUEST IN PHASE 2?****A. For a Comprehensive Plan Amendment, the City shall use the following criteria, found in Section 140.30 of the Zoning Code, in approving a request. Proposals must meet all for the following criteria:**

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 the other goals, policies and provision 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.
5. When applicable, the proposed amendment must be consistent with the Shoreline Management Act and the City's adopted Shoreline Master Program. (For properties or areas within 200 feet of Lake Washington or within wetlands associated with the lake, see Chapters 83 and 141 of the Zoning Code and the Shoreline Area Chapter of the Comprehensive Plan.)

**B. For a Zoning Code Amendment, the City shall use the following criteria, found in Section 135.25 of the Zoning Code, in approving a request. Proposals must meet all of the following criteria:**

1. The amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The amendment bears a substantial relation to public health, safety or welfare; and
3. The amendment is in the best interest of the residents of Kirkland.
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted Shoreline Master Program. (For properties or areas within 200 feet of Lake Washington or within wetlands associated with the lake, see Chapters 83 and 141 of the Zoning Code and the Shoreline Area Chapter of the Comprehensive Plan.)

**C. For a Zoning Map Amendment, the City shall use the following criteria, found in Section 130.20 of the Zoning Code, in approving a request. Proposals must meet all of the following criteria:**

1. Conditions have substantially changed since the property was given its present zoning or the proposal implements the policies of the Comprehensive Plan; and
2. The proposed rezone bears a substantial relationship to the public health, safety or welfare; and
3. The proposed rezone is in the best interest of the community of Kirkland.

## APPLICATION FOR AMENDMENTS TO THE COMPREHENSIVE PLAN, ZONING CODE AND ZONING MAP

### I. CONTACT INFORMATION:

|   |                                       |
|---|---------------------------------------|
| A. Applicant Name:                                  | Totem Bowl & Investment               |
| B. Mailing Address:                                 | 13033 NE 70th                         |
| C. Telephone Number:                                | 425.827.0785                          |
| D. Email Address:                                   | Thevelomann@msn.com                   |
| E. Property Owner Name if different than applicant: | Don Wells- President/Managing Partner |
| F. Mailing Address:                                 | Same                                  |
| G. Telephone Number:                                | 206.818.6688                          |
| H. Email Address:                                   | Thevelomann@msn.com                   |

Note: If the applicant is the property owner or is representing the property owner, then the property owner must sign the last page. If the applicant is neither the property owner nor representing the property owner, then the affected property owner must be notified. Send or hand-deliver a copy of this completed application to all affected property owners. Complete the attached Affidavit of Service that this has been done.

Copies of staff reports and meeting agendas will be sent by email unless you request to the project planner that you want copies mailed to you.

### II. FOR SITE SPECIFIC PROPOSAL:

|  |  |
|--|--|
| A. Address of proposal (if vacant provide nearest street names):   | 13005, 13033 and 13049 NE 70th Place<br>6501 and 6615 132nd Avenue NE  |
| B. King County Tax Parcel number(s):   | See Exhibit A  |
| C. Describe improvements on property if any:   | Typical auto-oriented strip retail shopping center. Typical uses include restaurants, grocery store, bowling alley, gas station and convenience store, drugstore, hardware store and other retail uses. No housing is on site. |
| D. Attach a map of site that includes adjacent street names:   | See Exhibit B  |
| E. Current Zoning on subject property:   | BCX  |
| F. Current land use designation & permitted density shown on appropriate neighborhood plan land use map: | The current land use designation is commercial mixed-use (see Exhibit C). Three floors are currently allowed and a minimum of 25% of the site area is required to be retail uses, located along adjacent arterials.            |

**III. FOR ALL PROPOSALS****A. Description of Proposal:**

This proposal will address the implementation and requirements of Policy BT-7 and includes the development of a Design Program, Development Standards and Design Guidelines for all the properties within the Bridle Trails Shopping Center. The Design Program, Development Standards and Design Guidelines will address the criteria and requirements within Policy BT-7. The existing zoning code will be amended to add the necessary regulations to support the Design Program, Development Standards and Design Guidelines.

**B. Description of the specific reasons for making the proposal:**

To implement Bridle Trails Neighborhood Plan Policy BT-7 and encourage the redevelopment of the Bridle Trails Shopping Center to fulfill the Bridle Trails Neighborhood Plan vision.

**C. Description of how the proposed amendment relates to the following criteria:**

1. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan.

This proposal will implement the Bridle Trails Neighborhood Plan Policy BT-7

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.

The Bridle Trails Neighborhood Plan was adopted in Dec 2018. This CAR proposal could be approved by the Planning Commission and City Council by the end of 2021. Therefore, the earliest redevelopment of the Tech City Bowl property could occur in 2022, four years after adoption of the Bridle Trails Neighborhood Plan. If this proposal is delayed, then redevelopment of the Tech City Bowl property could not occur until 2024 at the earliest. This would prolong the noncompliance of the Zoning Code with the Comprehensive Plan and further the delay in achieving the vision of the Bridle Trails Neighborhood Plan.

3. The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan

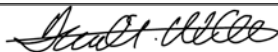
This proposal will provide the means to bring the Zoning Code into compliance with the Comprehensive Plan by implementing Bridle Trails Neighborhood Plan Policy BT-7.

#### IV. PROPERTY OWNER'S SIGNATURE OR SERVICE OF AFFIDAVIT:

- A. If the applicant is the property owner, or is a legal representative of the property owner, then the property owner must sign below.

#### ORIGINAL SIGNATURES ONLY - NO COPIES

Name - Signature:



Name - Print:

Donald T. Wells

Property Owner or Legal Representative:

Shareholder and legal representative

Date:

November 18, 2020

Address:

13033 NE 70th, Kirkland, WA 98033

Telephone:

206.818.6688

- B. If the applicant is neither the property owner nor a legal representative of the property owner, then the affected property owner must be notified as follows: Send or hand-deliver a copy of this completed application to all affected property owners (Exhibit A or Exhibit B); and Complete the attached Affidavit of Service that confirms that a copy of the completed application form has been provided to all property owners. Submit the Affidavit of Service along with Exhibit A and/or Exhibit B with the application form and fee.

Attachments to include:

1. Affidavit of Service (available at the Planning Counter)
2. Exhibit A (see requirements above)
3. Exhibit B (see requirements above)

**Alternate Formats:** People with disabilities may request materials in alternate formats.

**Title VI:** Kirkland's policy is to fully comply with Title VI of the Civil Rights Act by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from its programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with the City.

To request an alternate format, file a complaint or for questions about Kirkland's Title VI Program, contact the Title VI Coordinator at 425.587.3011 (TTY Relay: 711) or [titlevicoordinator@kirklandwa.gov](mailto:titlevicoordinator@kirklandwa.gov).

# **EXHIBIT A**

## **Supplemental Application**

### **II. For Site Specific Proposal:**

B. King County Tax Parcel numbers: 124150-0277

124150-0276

124150-0285

124150-0288

124150-0310

124150-0305

# EXHIBIT B

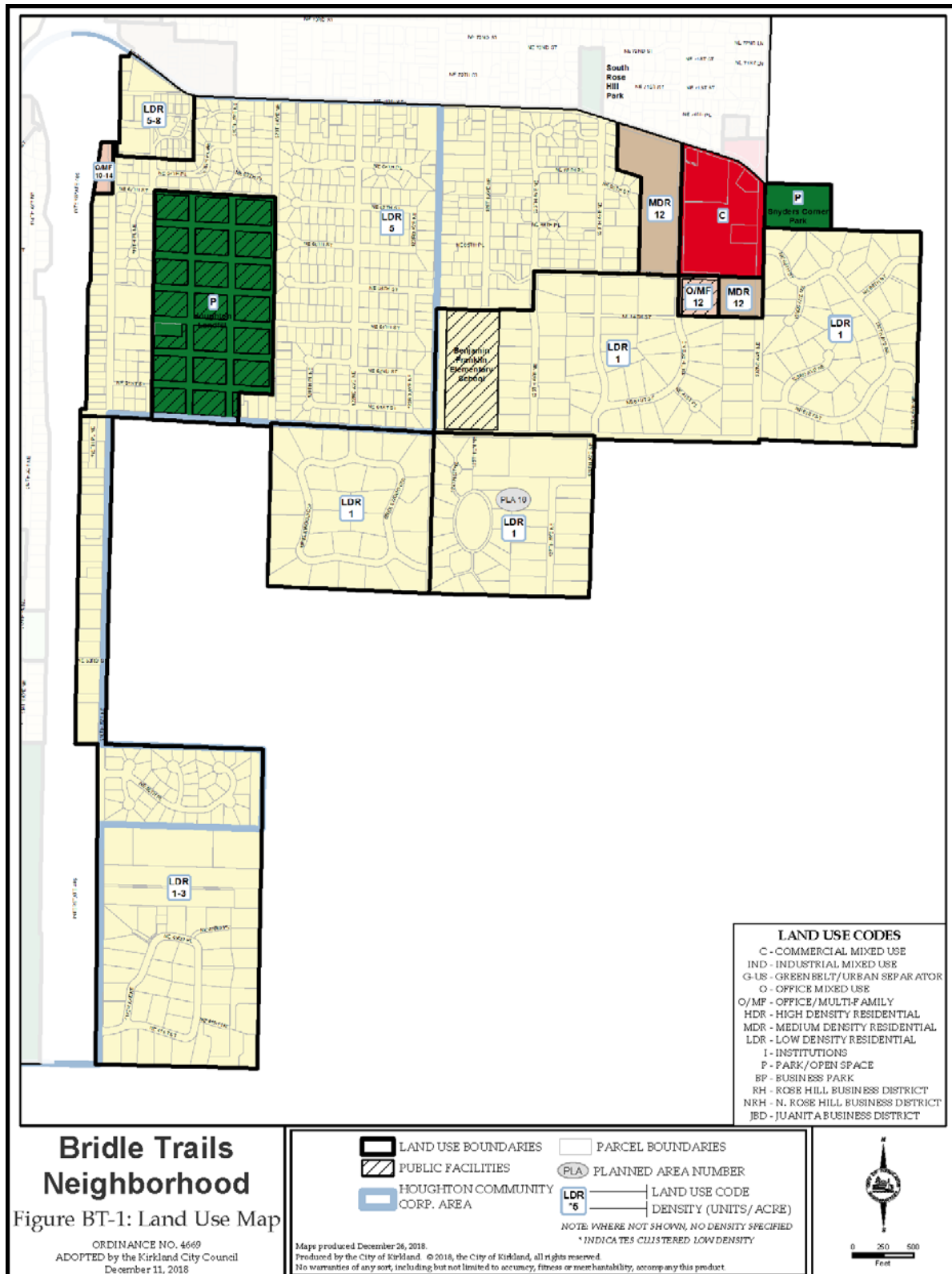
## II. D. For Site Specific Proposal: Site Map





# EXHIBIT C

## II. F. For Site Specific Proposal: Current Land Use Designation



## EXHIBIT D

Design Program, Development Standards,  
and Design Guidelines

THE CITY OF KIRKLAND

# Bridle Trails Shopping Center Mixed-Use Development

Design Program, Development Standards, and Design Guidelines

Adopted by the City Council pursuant to  
Kirkland Municipal Code Section \_\_\_\_\_

Attest:

\_\_\_\_\_  
Penny Sweet,  
Mayor

\_\_\_\_\_  
Adam Weinstein,  
Director,  
Planning

Prepared by CollinsWoerman in collaboration  
with HEWITT

# EXHIBIT D

## Design Program, Development Standards, and Design Guidelines

# DRAFT OUTLINE

### POLICY OVERVIEW

#### 1. Introduction

- Location and Boundary
- Purpose
- Project Naming

#### 2. Demographics and Community Engagement

- Neighborhood Demographics
- Community Engagement Summary

#### 3. Vision

#### 4. Application

#### 5. Review Process: Determining Compliance

#### 6. Modifications

#### 7. Phasing

- Phase 1 (TCB)
- Future Phasing

#### 8. City of Kirkland Bridle Trails Neighborhood Plan

- BT-7
- BT-15
- BT-18
- BT-19
- BT-29

#### 9. Design Intent

- Create a Vibrant Neighborhood
- Keep the Bridle Trails unique Character Intact
- Create safe and usable open space
- Pedestrian and Bicycle Friendly
- Mitigate Increased Traffic
- Provide Affordable Housing
- Sustainability
- Below Grade Parking

### DESIGN PROGRAM: DEVELOPMENT STANDARDS

#### 10. Program Requirements

- Pedestrian Space
- Open Space
- Arts Commitment
- Environmental Sustainability Commitment
- Community Serving Retail
- Parking

#### 11. Public Amenities, Access, and Organization of Uses

- Proposed Street Network
- Pedestrian Connections
- Organization of Uses - Design Districts
- Street Frontage
- Pedestrian Space
- Open Space and Community Amenities

#### 12. Street Classification

- Link to existing networks to contribute to a healthier, pedestrian-oriented environment
- Street Sections

# EXHIBIT D

## Design Program, Development Standards, and Design Guidelines

# DRAFT OUTLINE

### DESIGN GUIDELINES

#### 13. Design Guidelines: All Districts

- Site Planning
  - Streetscape
  - Public Spaces
  - Environmental Considerations
  - Pedestrian Connections and Wayfinding
  - Lighting
  - Screening of Trash and Service Areas
  - Signage
- Building design
  - Orientation to the Street
  - Massing / Articulation
  - Blank Wall Treatments
  - Encourage High-Quality Design
  - Building Diversity
  - Sustainability and Green Building Goals

#### 14. Design Guidelines: District-Specific

- 130th Avenue NE
  - Site Planning - Character and Uses
  - Building Design - Articulation and Massing
- NE 70th Place
  - Site Planning - Character and Uses
  - Building Design - Articulation and Massing
- 132nd Avenue NE
  - Site Planning - Character and Uses
  - Building Design - Articulation and Massing
- Internal
  - Site Planning - Character and Uses
  - Building Design - Articulation and Massing

#### 15. Open Space

### NOTES

Image Credits

**EXHIBIT E****AFFIDAVIT OF SERVICE - FILE NO. \_\_\_\_\_**

| Document Served  | Process                      |
|--|------------------------------|
| <input type="checkbox"/> Challenge (including procedures to file a Response)   | <input type="checkbox"/> IIB |
| <input type="checkbox"/> Response to Challenge                                 | <input type="checkbox"/> III |
| <input type="checkbox"/> Application for Community-initiated Amendment Request | <input type="checkbox"/> IV  |
| (check appropriate box in each column)   |                              |

Donald T. Wells, being first duly sworn on oath deposes and says that I am 18 years of age or older. That I served the above-indicated document by mail or personal service upon the following-named persons who constitute all of the parties entitled to receive same and to participate in the land use proceeding identified in the Planning and Building Department File No. \_\_\_\_\_. A copy of the document is attached to this affidavit.

The persons who were served by mailing, postage prepaid, and the address to which mailed are set forth in Exhibit "A" to this affidavit and which by this reference is incorporated herein.

The persons who I served by personal service are listed on Exhibit "B" to this affidavit which exhibit is by this reference incorporated herein. For the purposes of this affidavit, "personal service" means hand-delivery of the document to the person being served, or in the alternative, hand-delivery to another adult who also makes his or her home at the residence of the person served.

I certify and declare, under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed this 27th day of November, 2020 at


Kirkland, WA (City and State/City and Country)

Donald T. Wells

(Printed Name)

11/27/2020

(Date)

  
(Signature)

# EXHIBIT E



## EXHIBIT "A"

**AFFIDAVIT OF SERVICE - FILE NO. \_\_\_\_\_**

Service was accomplished as to the following persons by mailing a copy of the identified document, postage prepaid, to that person at the indicated address:

| Party   | Home Address | Date of Mailing |
|---|--------------|-----------------|
| Kirkland Station LLC<br>C/O Desa Jacqueline<br>7285 N Sunrise Vista<br>Prescott, AZ 86315               |              | 11/27/2020      |
| Kirkland Station<br>C/O Irving Sonkin P.S.<br>12715 NE Bel Red Rd.<br>Bellevue, WA. 98005-2627          |              | 11/27/2020      |
| ROIC WA. LLC<br>C/O Richard Schoebel<br>11250 El Camino Real, Suite 200<br>San Diego, CA. 92130-2677    |              | 11/27/2020      |
| City Of Kirkland<br>Planning Department<br>Attn: Janice Coogan<br>123 5th Avenue<br>Kirkland, WA. 98033 |              | 11/27/2020      |

CITIZEN AMENDMENT REQUEST APPLICATION | TECHCTY BOWL | COLLINSWOERMAN

# EXHIBIT E



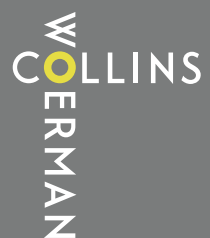
## EXHIBIT "B"

**AFFIDAVIT OF SERVICE - FILE NO. \_\_\_\_\_**

The following persons were served with copies of the indicated document by personal service. "Personal service" means hand delivery of the document to the person hereafter named, or in the alternative, hand delivery to another adult who also resides at the residence of the person named:

| Party | Home Address | Person To Whom<br>Delivered, if<br>not Named Party | Date<br>of Service |
|-------|--------------|--|--------------------|
|       |              |  |                    |





ARCHITECTURE PLANNING INTERIORS SUSTAINABILITY

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**ROIC WASHINGTON, LLC**  
11250 El Camino Real, #200  
San Diego, CA 92130

**Totem Bowl and Investment**  
c/o Don Wells – Confidential  
13033 NE 70<sup>th</sup> Pl.  
Kirkland, WA. 98033

March 18, 2021

Via Email

City of Kirkland Planning Commission  
PlanningCommissioners@kirklandwa.gov

**RE: Bridle Trails Neighborhood Center Planning Efforts**

Dear Kirkland Planning Commission:

Since the January 28<sup>th</sup> Planning Commission meeting, ROIC Washington, LLC (ROIC) and Totem Bowl & Investment (Totem) have participated in weekly meetings to determine how the parties can work together to develop zoning regulations, design guidelines, and a design program (the Regulations) for the Bridle Trails Neighborhood Center (Bridle Trails). Each meeting included ROIC's CEO and COO, Totem's principals, legal counsel, architects, and on-the-ground staff. During these meetings, the parties have acknowledged the potential difficulties involved with preparing the Regulations when Totem desires to redevelop in the near term, while ROIC desires to continue its ongoing retail operations during this time period and desires to redevelop later.

ROIC appreciates that Totem has acknowledged ROIC's concerns that "conceptual" plans drawn on ROIC's property could, without proper guardrails, be improperly construed as binding requirements that could interfere with ROIC's operations. At the same time, ROIC acknowledges that Policy BT-7 obligates Totem to prepare the Regulations for the entire Bridle Trails Area.

The parties looked to the language of Policy BT-7 to advance the City's vision, Totem's redevelopment plans, and ROIC's interest in not encumbering its existing retail operations with new regulations. ROIC and Totem used this background information to reach the following conclusions and agreements as the City moves forward through this process:

- 1. Not a Master Plan.** Policy BT-7 does not call for a Bridle Trails Master Plan. It only calls for the Regulations to address the items specified in

Policy BT-7. Thus, Totem agrees that its preparation of the Regulations will not include a Master Plan on ROIC's property.

2. **Applicability.** Policy BT-7 specifies that the Regulations are applicable when a proposal exceeds three stories for "mixed-use development up to five stories." Thus, Totem agrees that its preparation of the Regulation will explicitly state that the Regulations are applicable only for a mixed-use development that exceeds the existing three-story height limit. This provision will be included in Section 4 of Totem's Outline for the Regulations, titled "Application."
3. **Equitable Allocation of BT-7 Amenities / Obligations.** ROIC and Totem agree that all property in Bridle Trails should be responsible for providing the desired amenities specified in Policy BT-7 and that the Regulations will require the amenities only when the property redevelops as a mixed-use development over three stories. The equitable allocation will require close coordination between the parties as Totem proceeds to Phase 2.
4. **Cooperation.** ROIC and Totem agree that ongoing collaboration and cooperation are necessary as Totem moves to Phase 2. Thus, Totem agrees to: (i) provide its draft Regulation materials to ROIC's for review and comment at least seven business days prior to Totem providing the materials to the City; (ii); make itself available for communications with ROIC at a mutually agreeable time prior to submittal to the City; and (iii) invite ROIC to all meetings with City Staff regarding the Regulations. ROIC agrees to timely respond to Totem's materials. The Parties will endeavor to create Regulations that are mutually beneficial and consistent with Policy BT-7.
5. **Ongoing Business Operations.** Any redevelopment of property in Bridle Trails must accommodate existing ongoing business operations, including the existing ingress/egress, customer parking, and truck loading. The parties acknowledge that real property matters, such as easements, also exist, but those are private matters that are beyond the scope of the Regulations.
6. **Informed Deliberations.** Totem, with ROIC's input, will provide the City Council, City Staff, the Planning Commission, and the public with tools to evaluate Totem's drafted Regulations. These tools will include illustrative concepts that depict how varying regulations, if adopted, could impact the redevelopment of Bridle Trails. Illustrative concepts could include massing diagrams depicting the effects of different setbacks, site plans showing the impacts of open space or lot coverage requirements, among others.

Redeveloping a Neighborhood Center with four different owners is a complicated and challenging endeavor. Totem and ROIC have spent valuable time and resources to

reach these five points of agreement that, if followed, will help make the City's vision a reality while recognizing the rights, needs, and on-the-ground realities of the Bridle Trails property owners. To build on this momentum, Totem and ROIC jointly request that City Staff and the Planning Commission acknowledge that the "guardrails" are consistent with the Bridle Trails Comprehensive Plan Amendment, including Policy BT-7. Totem and ROIC also request that the Planning Commission and the City act consistently with the guardrails as the City reviews and processes the Regulations prepared by Totem with ROIC's ongoing review and input. ROIC and Totem thank the City Staff and Planning Commission for its attention to the Bridle Trails Neighborhood Center.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stuart Tanz". The signature is fluid and cursive, with the first name "Stuart" and last name "Tanz" clearly distinguishable.

Stuart Tanz  
ROIC, CEO

A handwritten signature in dark ink, appearing to read "Don Wells". The signature is cursive and somewhat stylized, with the first name "Don" and last name "Wells" clearly distinguishable.

Don Wells  
Totem Bowl and Investment

cc:  
Scott Guter, Kirkland Senior Planner  
[SGuter@kirklandwa.gov](mailto:SGuter@kirklandwa.gov)

Jeremy McMahan, Deputy Director  
[jmcmahan@kirklandwa.gov](mailto:jmcmahan@kirklandwa.gov)