



**CITY OF KIRKLAND**  
**Planning and Building Department**  
**123 5th Avenue, Kirkland, WA 98033**  
**425-587-3600**

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**MEMORANDUM**

**To:** Planning Commission

**From:** Scott Guter, AICP, Senior Planner  
Jeremy McMahan, Deputy Planning and Building Director

**Date:** November 22, 2021

**Subject:** Bridle Trails Neighborhood Center Community-Initiated Amendment Request (Phase 2), File No. CAM20-00674

**Recommendation**

At the November 30, 2021 meeting the Planning Commission should continue to review the Phase 2 Community-Initiated Amendment Request (CAR) application by Totem Bowl & Investment, provide feedback and further direction on discussion topics listed below, and identify any additional information the Commission would like to further study at subsequent Planning Commission meetings.

Topics for resolution on November 30 include:

- Required Yards (Setbacks)
- Lot Coverage
- Affordable Housing
- Signs
- Green Building Standards
- Review Process
- Building Height
- Upper Story Step Backs

Topics for future meetings, pending additional information from property owners and staff review, include:

- Proposed Parking Reductions
- Neighborhood-Serving Retail Requirements (including grocery store requirement)
- Pedestrian and Vehicular Access Requirements
- Public Amenities and Children's Recreation Space
- Design Guidelines

**Background**

Totem Bowl & Investment (Totem) 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 chapter of the Comprehensive Plan (Policy BT-7 is included as Attachment 1).

The Planning Commission reviewed the Phase 2 Community-Initiated Amendment Request (CAR) at their [October 14, 2021](#) and [October 28, 2021](#) meetings and provided direction on what staff and the applicant should bring back before the Commission for further consideration.

The goal of these study sessions is for the Commission to provide staff with direction in order to draft zoning regulations and design guidelines for consideration at a public hearing.

**October 14, 2021 meeting recap:** The applicant presented their proposed approach to developing a design program, development standards, and design guidelines for the Bridle Trails Neighborhood Center. This proposal was divided into four categories: Uses, Massing, Parking & Transportation, and Public Benefits. The following is a summary of the Planning Commission's direction from the study session:

Uses-

- The applicant should provide ideas on what commercial mix could work within the neighborhood center beyond what is defined as retail.
- A discussion should be had between ROIC and Totem confirming that ROIC is amenable to providing the grocery store.

Massing-

- The applicant should provide larger upper-story step backs from surrounding external property boundaries.
- The applicant should address height on lower portion of site and Policy BT-7 five-story limit.
- The applicant should provide examples of massing that can activate streets and pedestrian access ways, and addresses concerns over perceived building mass from surrounding properties.

Parking & Transportation-

- The applicant should provide multi-modal solutions addressing current and future parking and transportation needs of the neighborhood center.
- The applicant should provide information on the access around and through the neighborhood center.

Public Benefits-

- The applicant should work with other property owners and staff to outline the distribution of public benefits within the neighborhood center identified in Policy BT-7.
- The applicant should identify community gathering opportunities within neighborhood center.

**October 28, 2021 meeting recap:** The applicant returned with more information on the Uses and Massing categories. The following is a summary of the Planning Commission's direction from the study session:

Uses-

- Redevelopment of the center will require a grocery store. The applicant and ROIC should continue with their discussions on providing a grocery store or grocery services within the neighborhood center. City staff should research the parameters of a grocery store and provide examples from Kirkland.
- The community agreed to five stories if development provides great retail and other public amenities. Requirements for retail and amenities should be scalable to the various sizes of development parcels within the center.
- City staff and the applicant should return with standards for retail (and similar active neighborhood-serving uses) along the exterior and interior of the neighborhood center. Private amenities that don't benefit the public should be regulated separately along these frontages.

#### Massing-

- Building height should avoid an apparent 6<sup>th</sup> story.
- Setbacks, and upper-story step backs for the neighborhood center should be responsive to its surroundings and existing height limits in the neighborhood. The applicant and staff should provide specific setbacks and step back standards for Planning Commission to consider.

#### Parking & Transportation-

- Will need more data on parking and vehicular access to the center.

#### Community Benefits-

- Green building standards and affordable housing requirements should reflect the climate and housing affordability crises.
- Community benefits like open space, retail, and other amenities should be organized around a pedestrian circulation network and arranged so that phased development results in complementary arrangement of buildings and amenities.

### **Discussion**

Since the October 28, 2021 meeting staff has developed draft recommendations for code amendments related to massing, green building, affordable housing, and signs. Staff and the applicant have met to discuss staff's recommendations. While in agreement with many of the recommendations, the applicant intends to present alternative proposals related to staff's recommendations related to measurements maximum height (stories) along 70<sup>th</sup> and upper story step backs around the perimeter of the site. The applicant believes that there are other techniques than can achieve the same objectives for these two issues. Staff has not received the alternatives in time to include with this memo, so those materials will be emailed to the Commission under separate cover or presented at the at the November 30, 2021 meeting. While the recommendations below address the design program and performance standards outlined in Policy BT-7, staff is open to consider standards that the applicant may propose that meets the same policy objectives.

### **Required Yards (Setbacks)**

Staff Analysis: The City regulates setbacks as “required yards”. Kirkland Zoning Code (KZC) Section 5.10.775 defines required yards as the following:

#### Required Yard

Those areas adjacent to and interior from the property lines and involving the following designations (if two (2) required yards are coincidental, the yard with the greater dimensions shall predominate):

1. Front: That portion of a lot adjacent to and parallel with any front property lines and at a distance therefrom equal to the required front yard depth.
2. Rear: That portion of a lot adjacent to and parallel with the rear property line and at a distance therefrom equal to the required rear yard depth.
3. Side: That portion of a lot adjacent to and parallel with the side property line and at a distance therefrom equal to the required side yard depth. All yards not otherwise categorized shall be designated side yards.

Most uses currently allowed within the BCX zone have a 20-foot required front yard (along NE 70<sup>th</sup>, 130<sup>th</sup> Ave NE, NE 65<sup>th</sup>, and 132<sup>nd</sup> Ave NE) and 0-foot required side and rear yards. General regulations for all commercial zones in Chapter 35, including the BCX zone, prohibit surface parking areas between the street and building unless no feasible alternative exists.

*Policy BT-7 directs commercial uses to be oriented to adjacent arterials with wide sidewalks and pedestrian pathways.*

The Planning Commission has reviewed the applicant’s proposal where street level commercial development abuts public sidewalks with a 0-foot required front yard along NE 70<sup>th</sup> and 132<sup>nd</sup> NE. The applicant also proposes that street-level residential uses along 130<sup>th</sup> Ave NE provide a 7-foot required front yard from the property line to allow a transition between the public and private realm. A similar treatment seems to make sense for NE 65<sup>th</sup> St.

Staff Recommendation: Staff supports the proposed reductions from the current 20-foot required yards as a way of creating a more pedestrian-oriented district. As discussed in the upper story step back section below, these smaller required yards require attention to the related massing impacts on the surrounding neighborhood.

- Allow for a 0-foot required front yard for pedestrian-oriented commercial uses facing external streets and internal access ways.
- Allow for 7-foot required front yard for street-level residential uses (Attached or Stacked Dwelling Units and Assisted Living Facility Uses) on neighborhood access streets NE 65<sup>th</sup> Street and 130<sup>th</sup> Ave NE.
- Allow 0-foot rear and side required yards. These yards are along property lines internal to the neighborhood center.

## **Lot Coverage**

Staff Analysis: The City regulates all structures and any other hardscape on a property as lot coverage. Lot coverage for an allowed use is calculated as a percentage of total lot area. Currently, all commercial zones regulated in Chapter 35 KZC have a maximum of 80 percent lot coverage.

*Policy BT-7 is silent on regulating lot coverage.*

Staff Recommendation: No change to zoning standards regulating lot coverage, retain 80 percent allowance.

## **Affordable Housing**

Staff Analysis: Currently, most commercial zones within Chapter 35 KZC encourage or require affordable housing when development contains four or more residential units. The BCX zone, as a relic of County zoning, does not require affordable housing with development.

*Policy BT-7 requires that redevelopment above 3 stories with residential uses provide a percentage of affordable housing units consistent with City standards.*

Staff Recommendation: Include City standard zoning language requiring at least 10 percent of the units as affordable housing for developments greater than 3 stories with four or more residential units.

## **Signs**

Staff Analysis: Currently, BCX does not require a master sign plan with development. The existing shopping center has a master sign plan.

*Policy BT-7 requires that development above 3 stories include a master sign plan to ensure attractive signage and wayfinding.*

Staff Recommendation: Require that signs for a development above 3 stories be proposed within a Master Sign Plan.

## **Green Building Standards**

Staff Analysis: Currently, BCX does not require development meet green building standards. Other neighborhood centers in Chapter 35 KZC require development to be designed, built and certified to achieve or exceed one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.

The City's [Sustainability Master Plan](#) (SMP), adopted in December 2020, identifies goals and actions for new development. One goal of the SMP is to certify all new construction as High-Performing Green Building by 2025. At the October 28, 2021 Planning Commission meeting, the applicant stated that they are in support of developing standards consistent with the goals and actions of the SMP. On [November 3, 2021](#), City staff proposed an implementation plan to City Council to develop high performing building standards consistent with the goals and actions of the SMP. The City Council directed staff to move forward with developing regulations for High Performing Buildings and staff anticipates adoption in 2022. These codes will likely supersede the green building standards established with this amendment.

*Policy BT-7 requires green building standards and sustainable site standards to be included in development above 3 stories.*

Staff Recommendation: Adopt the green building standards of other neighborhood centers (Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified), with the understanding that these standards will be replaced by the City's high-performing building standards when adopted.

### **Review Process**

Staff Analysis: Currently, the BCX zone does not require design review with development.

*Policy BT-7 requires all future development of the neighborhood center to be subject to design review, using current Design Guidelines for Pedestrian Oriented Business Districts.*

Staff Recommendation: Require design review for all permitted uses within the BCX zone. The Guidelines will be adapted to reflect the unique conditions of this neighborhood center (for review at a future meeting).

### **Building Height**

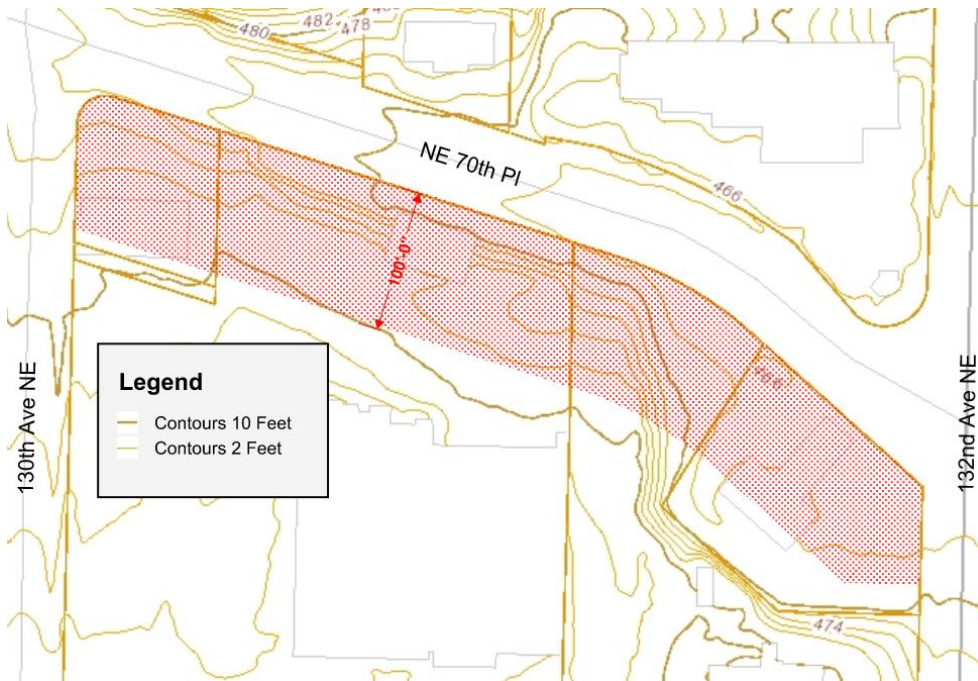
Staff Analysis: Like many zones, BCX zoning regulates maximum building height by setting a specific height in feet above an average building elevation (ABE), which is a weighted average elevation of the topography, prior to any development activity where a proposed building would be developed. BCX currently has a maximum building height of 30 feet above ABE with 3-foot of additional height allowed for developments with 13-foot commercial floors.

In order to attain a 5-story building, the applicant is proposing a maximum 60-foot above ABE across the entire site. Additionally, the applicant proposes that an additional 5-feet in height should be allowed for buildings providing a grocery store to allow for the additional refrigeration equipment needed for this type of use.

For a level site, these proposed height limits would result in 5-story buildings. However, on a sloping site, these limits may result in an apparent height of greater than 5-stories when viewed from the lower portion of the site. For the Bridle Trails center, the lower portion of the site is primarily along NE 70<sup>th</sup>.

A majority of the existing neighborhood center is relatively flat with slopes near south and north property lines. The northern slope ascends from NE 70th Place about twelve feet within the first 100 feet of the site (see fig below). Limiting building height to 60-feet above the elevation of NE 70th along this frontage would result in a predictable building height along this portion of the neighborhood center and reduce the visual mass of the project affecting surrounding residential properties to the north and west of the site.

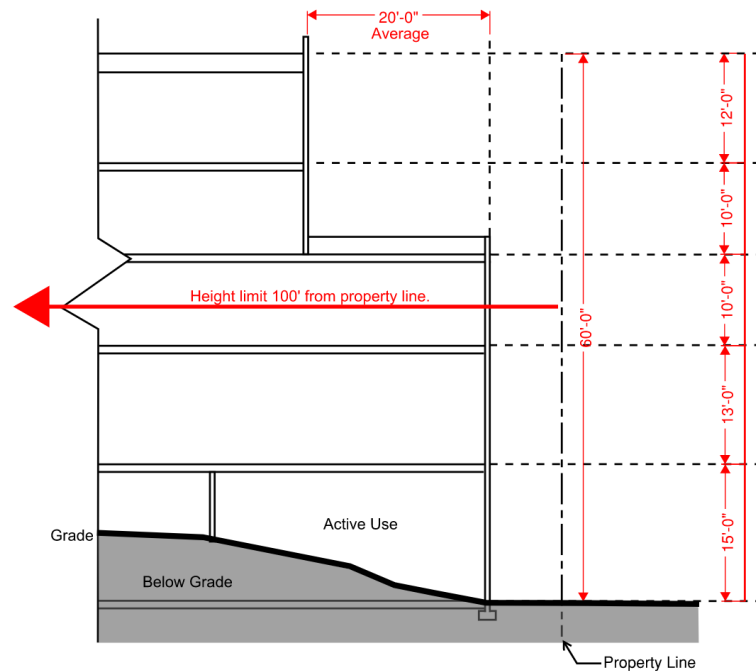




*Policy BT-7 allows for redevelopment of the neighborhood center up to 5-stories. The policy also states that taller building forms should be located away from adjoining residential properties.*

**Staff Recommendation:** Staff is in support of setting a maximum elevation for buildings above average building elevation. However, given that the ascending slope from NE 70<sup>th</sup> Place may result in a six-story (or perceived sixth story) structure viewed by surrounding residential properties, staff suggests controlling the height within 100 feet from the property line. The City uses this approach at fixing a maximum height above the property line at the street level to mitigate the impacts of an urban edge as land use shifts to a lower intensity residential use.

- General: 60-feet above ABE
- Along NE 70th Place: No portion of a building within 100 feet of NE 70th Place may exceed a height of 60 feet above NE 70th Place measured at the midpoint of the frontage of the subject property on the abutting right-of-way. The Design Review Board is authorized to allow rooftop amenities within this 100-foot height limit.



- If building includes a grocery store: In addition to the height exceptions of KZC 115.60 an additional 5 feet is allowed for buildings providing a grocery store.
- Add standard height exceptions: Decorative parapets may exceed the height limit by a maximum of 4 feet with an average perimeter height not exceeding 2 feet, and buildings with 4:12 peaked roof may extend 8 feet above the height limit.

Note: As discussed above, the applicant intends to provide materials that may support an alternate approach to the height limit within 100 feet of NE 70th that achieves the same objective of diminishing/eliminating the visibility of an apparent 6<sup>th</sup> story.

### Upper-Story Step Backs

Staff Analysis: The City defines step backs in Kirkland Zoning Code Section 5.10.885.1:

Step Back: An upper story building step back is the horizontal distance between a building facade and the building facade of the floor below.

The applicant has proposed a 15-foot average upper story setback from the property line above the third floor. Staff agrees that building mass should be recessed from the building façade after the third floor, as a majority of the surrounding zones limit building height to 30-feet. However, under the applicant's proposal development may occur further away from the exterior property lines and avoid any upper-story setback - resulting in a 5-story vertical building front. For example, under the applicant's proposal, a building that is located 15-feet from the property line would not require any upper story setback and a building that is located 7-feet from the property line would only have an 8-foot average upper story setback.

The Planning Commission has requested options that would ensure that the mass of upper stories actually recede from lower stories to mitigate the impacts of reduced



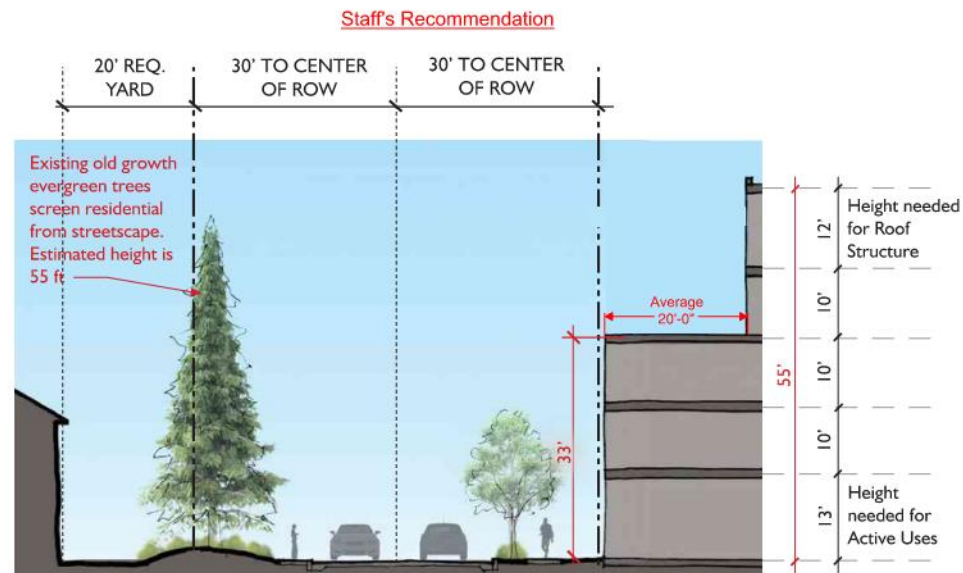
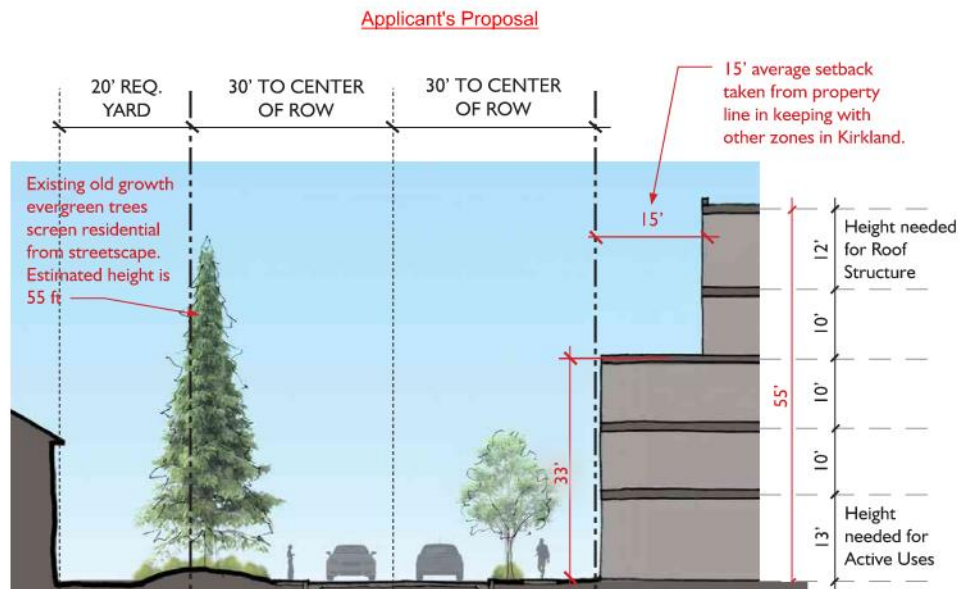
required yards and increased allowed building heights. Staff recommends that an average step back taken from the building façade rather than the property line to allow for a more predictable massing outcome. While the Design Review Board (DRB) reviews the design implementation of average upper story step backs, the zoning standards should create some certainty by defining the metric for measuring step backs and not rely on the DRB to negotiate with the developer about carving away development potential.

*Policy BT-7 states that upper story step backs should be used to control the massing of buildings within the neighborhood center.*

Staff Recommendation:

- Require an average 20-foot upper story step back after the 3rd story for building facades facing within 100 feet of adjacent right-of-way. This minimum step back requirement would be similar to that of many other zones in the City that regulate step backs including the Finn Hill Neighborhood Center. This would provide greater and more predictable relief from taller building massing.

## 130th Ave NE Sections



- Adopt the City's standard formula for averaging step backs: Total Upper Story Step Back Area = (Linear feet of front property line(s), not including portions of the site without buildings that are set aside for vehicular areas) x (Required average step back) x (Number of stories proposed above the third story). The Design Review Board is authorized to allow rooftop amenities within the step back area.

The average calculation allows for some upper-story floors to be placed closer to the property line but on average be stepped back 20 feet.

**Note:** As discussed above, the applicant intends to provide materials that may support an alternate approach to the recommended step backs that achieves the same objective of mitigating building mass as directed by Policy BT-7.

### **Discussion Questions**

At the November 30, 2021 meeting staff would like the Planning Commission to provide direction on the following:

1. Are the proposed code amendments recommended for required yards, lot coverage, affordable housing, signs, green building standards, and design review ready to take to a public hearing?
2. Based on staff's recommendations for building height and upper-story step backs, or alternate approaches recommended by the applicant, does the Commission have enough information to support and approach that can be taken to a public hearing?
3. Are there any other massing topics or concerns that have not been addressed with staff and the applicant's recommendations?

Additional materials noted in the beginning of this memo and previously discussed with the Planning Commission will be reviewed at future study session(s) to receive Commission direction prior to a public hearing.

### **Attachments**

1. Policy BT-7
2. Public Comment

cc: File Number CAM20-00674



**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.*



## Scott Guter

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**From:** Megan Davidson <Megan.Davidson@alliant.com>  
**Sent:** Wednesday, November 10, 2021 3:47 PM  
**To:** Scott Guter  
**Subject:** RE: Bridle Trails Shopping Rezone

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

**Categories:** Long Range

I appreciate your swift response. We are actually in Bridle View, right across from the shopping center, in the Bridle View neighborhood. There are definite concerns about what the increase in traffic does for an equestrian community. While Bellevue is battling to take down signs noting horse crossings, I would argue that we need more of them. They are a warning to drivers to be more careful. We need them along 132<sup>nd</sup> – north and south of the 60<sup>th</sup> Ave. crossing with 132<sup>nd</sup>. If drivers are afraid of the damage a horse might do to their car, it is even worse if they hit a person crossing the street. Additionally, it is common for cars going south on 132<sup>nd</sup> to slow, not stop, and turn right onto 60<sup>th</sup>. As I am often on that side of the street, on top of a horse, there have been too many near misses to count. Someone is going to get hurt. We need better warnings – a blinking red? Stop light camera?

My concerns are multiple:

- The double-standard in land usage – developers having an advantage over single family homeowner;
- The increase in density, putting more cars on the road in the immediate area where horses, joggers, and hikers are all working their way to and from a park; and
- There should be no common space used between horses and bicycles. They need to be kept very separate – with adequate space between them. A horse will easily spook and the rider be hurt due to a bicycle, with the cyclist at risk as well. Horses are beautiful and special, but they are “prey” animals, with an elevated flight response... Bikes and horses should have at least 10' between them, then even if a horse spooks, the cyclist should have time to get out of the way...

I appreciate having density goals, but equity and safety are at least as important. Thanks for your attention.

### Megan Davidson, ARM, CRIS

Vice President

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**From:** Scott Guter <SGuter@kirklandwa.gov>  
**Sent:** Wednesday, November 10, 2021 3:26 PM  
**To:** Megan Davidson <Megan.Davidson@alliant.com>  
**Subject:** Re: Bridle Trails Shopping Rezone

**This message has originated outside the organization.**

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Megan,

Thank you for your email. I really appreciate your comments. As the project planner for this [Community-Initiated Amendment](#) I'm tasked with enacting Policy BT-7 of the [Bridle Trails Neighborhood Plan](#). The policy outlines the community's vision of the neighborhood's only shopping center. The neighborhood plan also identifies where low-density development should be retained and what tools the neighborhood will employ to add housing in these areas (see Policies BT-1 - 5). The least dense and more equestrian parts of the neighborhood are south of NE 65th Street.

City staff, the Planning Commission and the CAR applicant also see opportunity to improve the stormwater conditions of the shopping center with redevelopment utilizing more modern regulatory standards and green building practices.

I am interested in your thoughts on the equestrian relationship with the shopping center. The neighborhood plan identifies facilities and improvements near NE 60th Street and along 116th Avenue NE (Policy BT-9). Are there any additional improvements you think should be connected to the shopping center? Policies BT-18, 19, and 21 identify the equestrian, pedestrian and bike accessways. Staff has already noted the proposed Greenway connection (identified as future pedestrian and bicycle improvements) along 130th Ave NE that should be enhanced adjacent to the shopping center.

Again, thank you for your input and I appreciate any additional comments you may have. By the way, the next Planning Commission study session on this project will be held on Monday, November 30th. You can watch and participate in this meeting through the Zoom link that will be provided on the Planning Commission [webpage](#).

Please feel free to contact me anytime.

Sincerely,

**Scott Guter**, AICP | LEED AP

Senior Planner | City of Kirkland | Planning and Building Department

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**From:** Megan Davidson <[Megan.Davidson@alliant.com](mailto:Megan.Davidson@alliant.com)>  
**Sent:** Wednesday, November 10, 2021 8:13 AM  
**To:** Scott Guter <[SGuter@kirklandwa.gov](mailto:SGuter@kirklandwa.gov)>  
**Subject:** Bridle Trails Shopping Rezone

As an 18 year resident of Bridle Trails, and one who has worked hard my entire life for the opportunity to live in a neighborhood that allows me to ride my horse from my house to a park that I help support, the idea of more density and more cars, without an understanding of the safety of horses alongside the road is concerning.

Additionally, when Kirkland has the ability to fine residents for having more than two horses on an acre, stacking people to increase density gives pause for thought. Our neighborhood already has issues with flooding based on the build-out of Bridle View Shopping Center and runoff due to too much concrete, more housing makes less sense.

Additionally, as single family homeowners, across the street, we are stopped from building more than one home per acre.

Why is a developer allowed to violate/change zoning laws that homeowners are not?

We all just want fairness - and a lifestyle we have worked so very hard for.

Thank you for your attention.

**Megan Davidson, ARM, CRIS**  
 Vice President  
**Alliant Specialty**  
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