

# 2017 PLANNING COMMISSION



BELLEVUE

**Meeting**  
**6:30 pm April 26**

**Location**

*Commission meetings are held in the Council Conference Room unless otherwise posted.*

**Public Access**

*All meetings are open to the public and include opportunities for public comment.*

425-452-6800  
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[www.bellevuewa.gov](http://www.bellevuewa.gov)

**APRIL 26**



# Bellevue Planning Commission

## AGENDA

### Regular Meeting

April 26, 2017

6:30 PM - Regular Meeting

City Hall, Room 1E-113, 450 110<sup>th</sup> Avenue NE, Bellevue WA

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6:30 PM – 6:35 PM                      Call to Order

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6:35 PM – 6:40 PM                      Roll Call

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6:40 PM – 6:45 PM                      Approval of Agenda

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6:45 PM – 7:00 PM                      Communications from City Council, Community Council,  
Boards and Commissions and Staff

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7:00 PM – 7:45 PM                      Public Comment

*The public is kindly requested to supply a copy of any presentation materials and hand-outs to the Planning Commission so it may be included in the official record.*

*Please note, public comment for items related to a public hearing already held is limited to 3 minutes.*

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7:45 PM – 8:45 PM                      Study Session

1

*Threshold Review Study Session: 2017 Annual Comprehensive Plan Amendments (CPA)*

Staff: Nicholas Matz, Senior Planner, Planning & Community Development Dept.

General Order of Business – Staff will present information about the plan amendment subject to threshold review and geographic scope considerations.

*Anticipated Outcome - The Planning Commission will make a decision on geographic scope of the plan amendment up for consideration, describe additional information that would help the Commission to make an informed decision regarding*

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*threshold review and set the public hearing for threshold review.*

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8:45 PM – 9:45 PM

Study Session

69

*Downtown Livability – Review of Draft Downtown Land Use Code Amendment (LUCA)*

Staff: Carol Helland, Land Use Director, Development Services Dept.

Patricia Byers, Code Development Manager, Development Services Dept.;

Emil King, AICP, Strategic Planning Manager, Planning & Community Development Dept.

General Order of Business – This is the third study session (past - Mar 22, Apr 19 2017) post Planning Commission public hearing (Mar 08 2017).

1. Staff presents follow-up on issues and request for information from the last meeting (Apr 19).
2. Each Planning Commissioner states the issues that are most important to them and potential solutions, where applicable.
3. Staff presents information per the scheduled review timetable.
4. The Planning Commission and Staff discuss differences and potential resolution and/or additional follow-up needed.

*Anticipated Outcome – The Planning Commission will work towards making a recommendation to City Council.*

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9:45 PM – 10:00 PM

Minutes to be Signed (Chair):

-

Draft Minutes Previously Reviewed & Now Edited:

-

New Draft Minutes to be Reviewed:

March 1, 2017

March 8, 2017

March 22, 2017

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10:00 PM – 10:15 PM

Public Comment

*Please note, public comment for items related to a public hearing already held are limited to 3 minutes.*

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10:15 PM

Adjourn

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Please note:

- Agenda times are approximate only.



# Bellevue Planning Commission

- Generally, public comment is limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic. The last public comment session of the meeting is limited to 3 minutes per person. The Chair has the discretion at the beginning of the comment period to change this.

## Planning Commission Members:

John deVadoss, Chair  
Stephanie Walter, Vice Chair  
Jeremy Barksdale  
John Carlson  
Michelle Hilhorst  
Aaron Laing  
Anne Morisseau

John Stokes, Council Liaison

## Staff Contacts:

Terry Cullen, Comprehensive Planning Manager 425-452-4070  
Emil King, Strategic Planning Manager 425-452-7223  
Janna Steedman, Administrative Services Supervisor 425-452-6868  
Kristin Gulledge, Administrative Assistant 425-452-4174



DATE: April 26, 2017

TO: Chair deVadoss and Planning Commission Members

FROM: Dan Stroh, Planning Director 452-5255  
[dstroh@bellevuewa.gov](mailto:dstroh@bellevuewa.gov)  
 Nicholas Matz AICP, Senior Planner 452-5371  
[nmatz@bellevuewa.gov](mailto:nmatz@bellevuewa.gov)  
 Terry Cullen AICP, Comprehensive Planning Manager 452-4070  
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SUBJECT: Threshold Review Study Session: 2017 Annual Comprehensive Plan Amendments (CPAs)

*The Comprehensive Plan is a document which guides the nature and intensity of development in the City. An amendment to the Plan is a mechanism by which the City may modify its land use, development or growth policies.*

**-LUC 20.30I.120 - Purpose.**

Pursuant to the state Growth Management Act, the Bellevue City Code allows private parties to apply for site-specific Comprehensive Plan Amendment proposals. These privately-initiated applications are accepted and processed annually; they are not part of a broader City initiative. Under the City Code, these applications are reviewed through a multi-step process, involving:

- Consideration of geographic expansion (to determine whether the geographic extent is properly defined)
- Threshold Review (to determine whether the application is eligible for full review)
- Final Review (substantive consideration)

The City processes these private application through the procedures and criteria set forth in the Land Use Code.

This memo:

- Introduces the Crossroads Subarea/Bellevue Technology Center (17-104627 AC)—the sole proposed Comprehensive Plan amendment (CPA) in [2017 Threshold Review](#)
- Identifies whether shared characteristics with similarly situated property exist, for consideration of the expansion of the geographic scope of the proposal ([LUC 20.30I.140.F](#))
- Reviews the purpose of Threshold Review in Bellevue’s plan amendment process and the Decision Criteria at [LUC 20.30I.140](#) which form the basis for the Threshold Review public hearing, with its staff recommendation, public testimony in written and oral form, and application materials as the record upon which the Planning Commission will make its recommendation ([LUC 20.30I.130.A.1.a](#)) at a later date.

**Requested Commission action tonight**

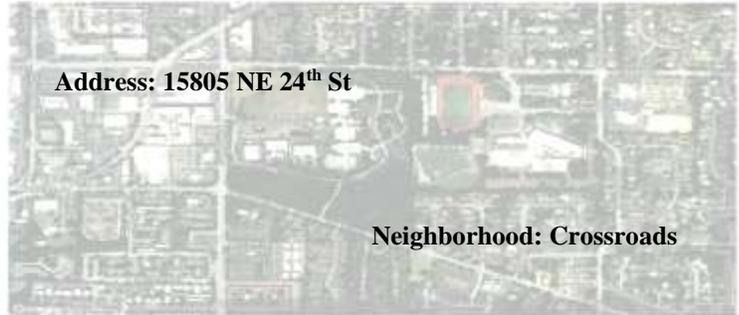
Request	Summary Guidance
1. Conduct initial review of the current application	See below and the <a href="#">application</a>

2. Consider expansion of the geographic scope of the proposal	Provide direction tonight on geographic expansion. PCD staff recommend <i>no</i> on expansion.
3. Set a June 14, 2017, Threshold Review public hearing date	Make a motion to do this at the end of the Study Session tonight

Additional questions related to the Threshold Review public hearing will be in the PCD staff report recommendation. The staff report will be available with the May 25, 2017, published public hearing notice for the June 14, 2017 Threshold Review public hearing.

**Crossroads Subarea/Bellevue Technology Center CPA**

This [privately-initiated application](#) would propose new policies in the General Land Use and Economics sections of the Crossroads Subarea Plan; amend Policies S-CR-16, S-CR-63 and S-CR-66; and amend Figure S-CR.1 accordingly in order to enable redevelopment of the Bellevue Technology Center site (formerly Unigard.)



Crossroads Subarea - BTC orthographic view

**Consideration of the Expansion of the Geographic Scope of the proposal**  
**(ii) Consideration of Geographic Scope**

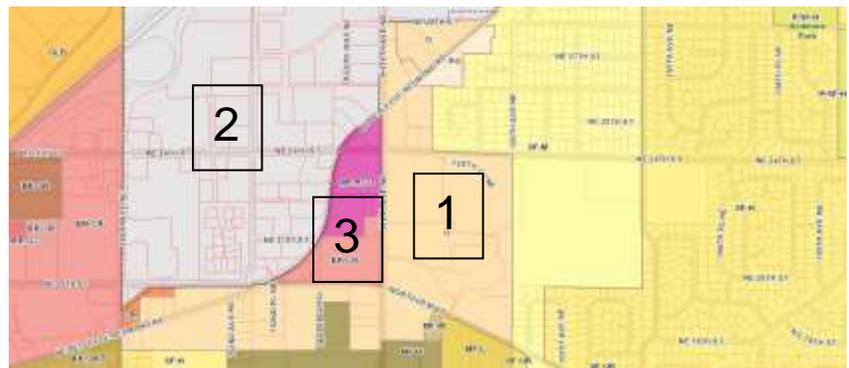
*Prior to the public hearing, the Planning Commission shall review the geographic scope of any proposed amendments. Expansion of the geographic scope may be recommended if nearby, similarly-situated property shares the characteristics of the proposed amendment’s site. Expansion shall be the minimum necessary to include properties with shared characteristics...*

**-LUC 20.30I.130.A.1.a.ii**

The subject site is referenced in the text of the proposed policy amendments. It is bounded on three sides by public streets, and on the fourth (eastern) side by Interlake High School and by the backyards of 7 single family homes in the Park Place and Bellewood East neighborhoods.

The site (1) is in the center of an arc of Office-designated property in Crossroads that curves around Redmond/Group Health (2) and the easternmost “foot” (3) of the BelRed neighborhood.

Staff has concluded and recommends that as presented, the site is of an appropriate geographic scope and does not warrant geographic expansion. The Commission will be asked tonight to consider geographic expansion and concur with or modify this recommendation on geographic scope.



Office-designated areas in north Crossroads

## **Purpose of Threshold Review**

Threshold Review is the first step in Bellevue's two-part plan amendment review process. Its purpose is to determine the amendments that should be included in the annual Comprehensive Plan Amendment (CPA) work program and move forward for full evaluation. It is important to note that a decision to include a proposal in the work program simply says it is an eligible matter for consideration; this by no means presupposes any judgment as to its ultimate merits or whether, after further analysis, it should be adopted into the Comprehensive Plan.

Per the Bellevue Land Use Code, the Planning Commission makes a recommendation to the City Council on which items to include in the annual CPA work program. After consideration of the Commission's recommendation, the Council ultimately decides on the work program. The Commission's recommendation is based on decision criteria set forth in the Land Use Code (presented below).

At this stage, Threshold Review, consideration is based on whether the matter is appropriate for review and further study. Substantive issues (such as overall policy consistency, traffic, etc.) are not addressed in Threshold Review but rather at the full review or Final Review stage, for applications that advance into the work program.

### **Land Use Code Excerpt: CPA Decision Criteria at 20.30I.140**

- A. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and
- B. The proposed amendment is in compliance with the three year limitation rules set forth in LUC 20.30I.130.A.2.d; and
- C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and
- D. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. Significantly changed conditions are defined as:

**LUC 20.50.046 Significantly changed conditions.** Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046); and

- F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and
- G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning

Policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code; or

H. State law requires, or a decision of a court or administrative agency has directed such a change.

### **Using Final Review to address merit-based issues**

The applications that have passed through Threshold Review will be considered in the annual CPA work program. This entails the substantive review (Final Review) of proposals, and examines the specific merits of proposed amendments.

As the second step in this process, Final Review is also used to fulfill GMA requirements that *all* of the amendments proposed to the Comprehensive Plan be considered together so that cumulative impacts can be understood.

Final Review will address substantive issues such as the Comprehensive Plan Land Use Strategy for locating jobs and housing growth; consistency in plan review; and impacts such as traffic generation.

### **Community engagement and outreach at Threshold Review (Current Stage)**

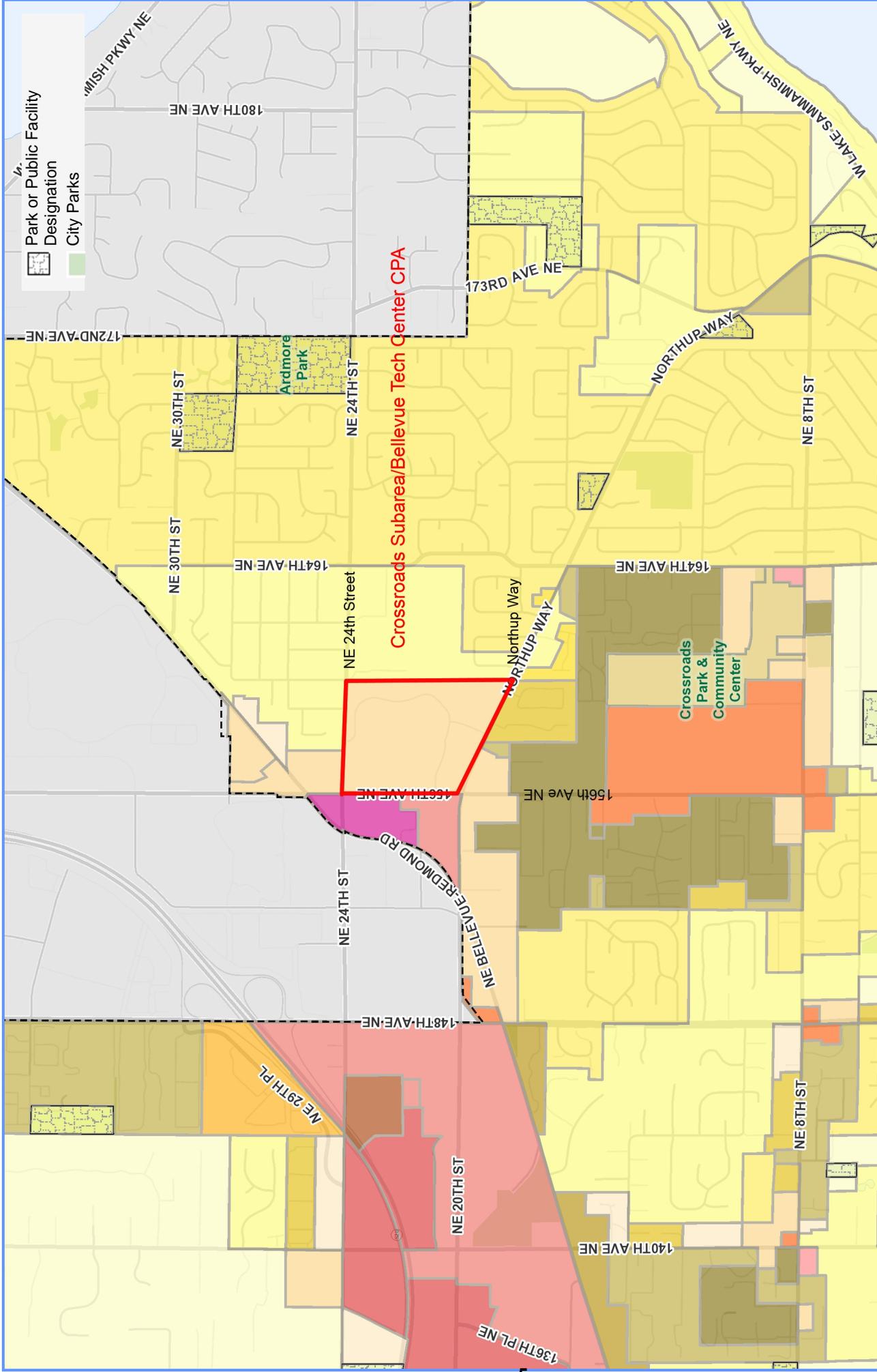
There has been early public engagement on this privately-initiated CPA proposal, including the following:

- Early outreach to previous (2014) parties of record
- Responding in writing to each public comment submitted
- Expanded web page material
- Invitations by Planning and Community Development planning and neighborhood liaison staff to neighborhood and community associations to discuss the 2017 Comprehensive Plan application/process
- “Drop-in” office hours by Planning staff at Crossroads Mini City Hall
- Official Weekly Permit Bulletin notice as required

The City has received 37 comments on the Crossroads Subarea/Bellevue Tech Center CPA and has received 43 requests for party of record status.

### **Attachments**

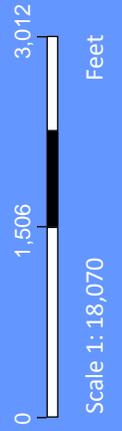
1. Area Map
2. [Crossroads Subarea/Bellevue Tech Center application materials](#)
3. [Public comment to date](#)
4. [Threshold Review Decision Criteria](#)



Crossroads Subarea/Bellevue Tech Center CPA



# Crossroads Subarea/BTC CPA site map



**City of Bellevue Comprehensive Plan Amendment Application Addendum**

Bellevue Technology Center

City File No. 17-104627 AC

January 31, 2017 – UPDATED April 18, 2017

**Block 1.** *Requests information for site-specific amendments.*

The Comprehensive Plan Amendment (“Proposal”) is a series of text amendments related to a 46-acre Office designated property at 156<sup>th</sup> Avenue NE and NE 24<sup>th</sup> Street in the Crossroads Subarea.

**Block 2.** *Proposed amendment language. This can either be conceptual or specific amendatory language; but please be as specific as possible so that your proposal can be adequately evaluated. If specific wording changes are proposed, this should be shown in ~~strike-out~~ / underline format. Attached additional pages as needed.*

The Proposed text amendment language is below:

Comp Plan Element	Policy	Proposed Comp Plan Amendment Language
<b>Crossroads Subarea</b>		
	New CR Policy (Land Use)	<u>Encourage innovative, infill transit-oriented development opportunities for the office area east of 156<sup>th</sup> Avenue NE between Northup Way and NE 24<sup>th</sup> Street (known as Bellevue Technology Center) that promote multi-modal transit usage, preservation of open space, trees and the park-like character.</u>
	New CR Policy (Economics)	<u>Strengthen and encourage the economic vitality within the office area east of 156<sup>th</sup> Avenue NE between Northup Way and NE 24<sup>th</sup> Street through the implementation of infill, transit-oriented development projects and other land use techniques.</u>
	New CR Policy (Transportation) [Updated 4/17]	<u>Encourage innovative transportation demand management strategies for new transit-oriented development projects, including enhanced commute trip reduction programs and privately-operated shuttles to encourage transit ridership.</u>
	S-CR-16	<u>Encourage the city to purchase land or support conservation easements or other public-private partnership opportunities for parks and open space if appropriate land becomes available.</u>
	S-CR-22 [Updated 4/17]	<u>Implement the recommended improvements for facilities as identified in the Transportation Facilities Plan. Evaluate and propose additional improvements for consideration in the Transportation Facilities Plan update to support transit-oriented development opportunities at Bellevue Technology Center, including improvements that support and implement the City’s recently adopted Multimodal Level-of-Service (MMLoS) metrics and targets, as applicable.</u>

	S-CR-26 [Updated 4/17]	Encourage neighborhood stability by providing transportation mitigation measures when improving the regional system. <u>For new transit-oriented development projects, prioritize transportation mitigation measures that promote congestion-relief, support multimodal transportation investments, and provide an attractive streetscape and pedestrian environment.</u>
	S-CR-63	Multifamily use is not allowed within District B, <u>except as authorized in S-CR-66 for the area bounded by NE 24<sup>th</sup> Street and Northup Way (known as the Bellevue Technology Center).</u> Existing multifamily uses within District B can be converted to senior housing, senior congregate care, assisted living and nursing homes.  [Discussion omitted]
	S-CR-66	<u>Office use as a conditional use is appropriate for the property east of 156<sup>th</sup> Avenue NE between Northup Way and NE 24<sup>th</sup> Street (commonly known as Unigard).</u>  <i>Discussion: This area is should be developed under a conditional use permit with attention given to retaining large strand of trees, views through the site from adjacent streets and the open character of the site.</i>  <u>Provide for transit-oriented development opportunities for multi-family housing, senior housing and office, with an emphasis on the information technology and business services target clusters, within the area bounded by NE 24<sup>th</sup> Street and Northup Way (known as the Bellevue Technology Center), and with FARs and heights that are not to exceed the standards of the Office designation that are applicable City-wide, except that heights along those areas directly adjacent to Interlake High School may reach up to 70 feet. Support land use changes to encourage moderate, transit-oriented infill office and residential densities that leverages the adjacent bus-rapid transit assets and the 1/2 mile proximity to future Overlake Village light rail station.</u>  <i>Discussion: This area is envisioned for moderate transit-oriented development which may be achieved through a development agreement or other land use approval mechanisms. Future transit-oriented development should give attention to the northwest “meadow” area, including exploring the potential using conservation easements or other public-private partnership opportunities to ensure preservation and provide public access, preservation of the existing stands of trees and the park-like character.</i>

	Figure S-CR.1	Amend to make consistent with new S-CR-63 and S-CR-66.
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**Block 3.** *Support for the proposed amendment. Explain the need for the amendment – why is it being proposed? Describe how the amendment is consistent with the Comprehensive plan vision. Include any data, research, or reasoning that supports the proposed amendment. Attach additional pages as needed.*

In 2015, the City adopted a major update to the Comprehensive Plan. The updated Comprehensive Plan identified the Bellevue Technology Center as located within one of Bellevue’s five major employment centers. *Attachment A, p. 2-3* (Map ED-1). The Bellevue Technology Center is located at 156<sup>th</sup> Avenue NE and NE 24<sup>th</sup> Street at the edge of the Bel-Red subarea and just south of Microsoft’s global headquarters in Redmond. *Id.* The 46-acre Bellevue Technology Center is one of the City’s largest office designated areas that is located *outside* of a mixed-use center, which presents a significant, catalyst opportunity to support the City’s land use and economic development goals, including the targeted support, recruitment and investment in the information technology cluster.

The Bellevue Technology Center is also strategically located among key transit infrastructure. *Attachment A, p. 4.* Metro’s Rapid Ride “B” Line stops directly adjacent to the Bellevue Technology Center. The “B” Line runs between Redmond, Kirkland, Overlake Transit Center with Downtown Bellevue, connecting major employment centers. The Bellevue Technology Center is also within ½ mile walkshed of the Overlake Village Light Rail station on 152<sup>nd</sup> Avenue NE opening in 2023.

In the 2015, update, the City reiterated its commitment to providing a diversity of commercial areas outside Downtown to provide an array of business and development opportunities and to serve other parts of the community (LU-23). Over the last five years, the Bellevue Technology Center has become the international headquarters of one of Washington’s fastest growing private companies and the regional headquarters for numerous information technology companies that want to locate within proximity to Bel-Red technology hub. Given the proximity to major transit infrastructure, including the adjacent “B” Line bus rapid transit and future light rail within a ½ mile walkshed, the Bellevue Technology Center presents an excellent opportunity to implement the Puget Sound Regional Council’s Growing Transit Communities Compact (“Compact”) strategies for transit-oriented development around major transit infrastructure. The City signed the Compact in 2014.

The Compact calls for using land “efficiently” around transit stations and adopting innovative zoning to encourage transit-supportive densities. Bellevue Technology Center is currently developed at a 0.16 floor area ratio (FAR), which stems from pre-Growth Management Act subarea plan policies and concomitant zoning agreements first made in the 1970s that limit the opportunity for moderate infill growth. In fact, the City has not reviewed some of these Subarea policies since 1988.

The Proposed amendment would better align Bellevue Technology Center with the City’s vision, particularly in supporting the City’s target economic development clusters and promoting strategic opportunities for infill density to encourage transit-oriented development while still preserving the Property’s park-like character. Indeed, Bellevue Technology Center is exploring partnership with

Forterra, a leading regional conservation organization, to permanently conserve key portions of the Bellevue Technology Center campus, including the iconic meadow and stands of trees for the future.

The Proposal is warranted in order to achieve the City’s Comprehensive Plan vision, particularly:

Comprehensive Plan	Policy Language (emphasis added)
LU Policy-23	<b><u>Provide a diversity of commercial areas outside the Downtown to provide an array of business and development opportunities</u></b> and to serve other parts of the community
LU Policy-25	<b><u>Assess the compatibility of commercial uses and other more intense uses when located in mixed use and predominantly residential areas.</u></b>
LU Policy-27	<b><u>Encourage the master planning of multi-building</u></b> and multi-parcel developments and large institutions <b><u>to emphasize aesthetics and community compatibility. Include circulation, landscaping, open space, storm drainage, utilities, and building location and design in the master plan.</u></b>
LU Policy-33	<b><u>Preserve open space and key natural features through a variety of techniques</u></b> , such as sensitive site planning, <b><u>conservation easements</u></b> , transferring density, land use incentives and open space taxation.
ED Policy-21	<b><u>Support economic development in the city’s commercial areas.</u></b>
ED Policy-23	<b><u>Emphasize the value of a range of commercial centers to provide opportunities for a diverse range of businesses.</u></b>
ED Policy-26	<b><u>Where a commercial revitalization effort involves significant changes to plans and regulations that may impact a residential neighborhood, develop strategies to avoid or minimize these impacts.</u></b>
ED Policy-31	<b><u>Maintain and update integrated land use</u></b> and transportation plans <b><u>to guide the future of the city’s major commercial areas and help them respond to change.</u></b>
ED Policy-35	<b><u>Promote and nurture entrepreneurial development in Bellevue</u></b> by exploring ways to retain or create areas where small or <b><u>emerging businesses can develop and flourish.</u></b>
TR Policy-4	<b><u>Incorporate transit-supportive and pedestrian-oriented design features in new development through development review.</u></b>
TR Policy-65	<b><u>Support a frequent transit network in Bellevue</u></b> that serves transit hubs and population and <b><u>employment centers with reliable commuter and all-day service</u></b>

	<b><u>and seamless interface between transit routes, East Link, and other modes.</u></b>
TR Policy-84	<b><u>Research and apply best practices of other cities and systems to guide city actions and advocacy in pursuit of the best community outcomes for developing and operating high capacity transit.</u></b>
UD Policy-2	Preserve and enhance trees as a component of the skyline to retain the image of a “City in a Park.”
UD Policy-27	<b><u>Integrate high quality and inviting public and semi-public open spaces into major development.</u></b>

Additionally, the Proposal is necessary to enhance consistency with the following policies:

<b>Comprehensive Plan</b>	<b>Policy Language</b>
LU Policy-1	Promote a clear strategy for focusing the city’s growth and development as follows: 1. Direct most of the city’s growth to the Downtown regional growth center and to other areas designated for compact, mixed use development served by a full range of transportation options. 2. Enhance the health and vitality of existing single family and multifamily residential neighborhoods. 3. Continue to provide for commercial uses and development that serve community needs.
LU Policy-2	Retain the city’s park-like character through the preservation and enhancement of parks, open space, and tree canopy throughout the city.
LU Policy-3	Promote a land use pattern and an integrated multimodal transportation system.
LU Policy-4	Support a land use vision that is consistent with the GMA goals, the regional Vision 2040, and the King County Countywide Planning Policies.
LU Policy-5	Accommodate adopted growth targets of 17,000 additional housing units and 53,000 additional jobs for the 2006-2031 period and plan for the additional growth anticipated by 2035.
LE Policy-9	Work with regional partners to achieve a mix of jobs and housing that makes it possible for people to live closer to where they work.
LU Policy-32	Acquire and maintain a system of parks, open space and other landscaped areas to perpetuate Bellevue’s park-like setting and enhance the livability of the city’s neighborhoods.
ED Policy-2	Promote local businesses and locally-produced goods and services.
ED Policy-5	Develop and maintain regulations that allow for

	continued economic growth while respecting the environment and quality of life of city neighborhoods
ED Policy-9	Work with the business community and residential interests to promote community interests and to address differences in a manner that minimizes conflict.
ED Policy-15	Encourage high quality design and urban amenities for public and private development, maintaining development standards to recognize that a quality built environment helps attract the talented workers who will sustain economic growth.
ED Policy-16	Encourage development of a range of housing opportunities to accommodate Bellevue's growing workforce.
ED Policy-32	Continue to identify, construct and maintain infrastructure systems and facilities required to promote and sustain a positive economic climate. Anticipate needs and coordinate city infrastructure investments with economic development opportunities.
ED Policy-36	Maintain and regularly update the Economic Development Plan to ensure the city's focus areas and goals are forward-looking and targeted while being flexible enough to be able to respond to market changes.
ED Policy-37	As part of on-going Economic Development strategic planning, consider the use of organizational and financial tools or investments, including public-private partnerships where appropriate, to catalyze or leverage private sector and other resources to accomplish the City's economic development and land use vision.
TR Policy-6	Encourage private developers of adjacent or nearby properties to execute agreements to provide joint use and funding of shared parking facilities.
TR Policy-7	Ensure that land use changes near high capacity transit stations are consistent with the Comprehensive Plan, recognizing that: <ol style="list-style-type: none"> <li>1. Transit may support more intense development around some stations;</li> <li>2. Transit supportive design and orientation may be implemented without changes to land use intensity; and</li> <li>3. Land use plan map changes would be precluded in existing single family designations and environmentally sensitive areas</li> </ol>
TR Policy-13	Promote use of mobility options by requiring new development to incorporate design features such as: <ol style="list-style-type: none"> <li>1. Preferential parking for carpools and vanpools;</li> <li>2. Special loading and unloading facilities for carpools and vanpools;</li> </ol>

	<ul style="list-style-type: none"> <li>3. Transit passenger facilities, including comfortable bus stops and waiting areas that may be integrated in the building design; and</li> <li>4. Secure and covered bicycle parking, showers, lockers, and related facilities to support bicycle commuters</li> </ul>
TR Policy-68	Integrate pedestrian and bicycle access to transit as a means to serve neighborhoods.
TR Policy-69	Ensure that transit services and facilities in Bellevue and the Eastside are high priorities for regional system plans and improvements consistent with the Bellevue Transit Master Plan.
TR Policy-70	Secure transit system facilities and service to support planned land use.
TR Policy-71	Advocate for transit service enhancements paired with city commitments to implement transit-supportive infrastructure.
TR Policy-72	Work with transit providers to maintain and expand frequent and reliable transit service in Bellevue to support community needs, the city's land use plans and mode share targets.
TR Policy-73	Implement infrastructure and technology to support reliable transit arrival and travel along the frequent transit network.
TR Policy-74	Ensure that the transit system includes commuter parking facilities that are located and managed to intercept trips close to the trip origins.
UD Policy-3	Foster and value the preservation of open space as a dominant element of the city's character.
UD Policy-4	Create a safe, engaging and attractive pedestrian environment throughout the city using appropriate urban design features.

**Block 4a.** *Evaluating the proposed amendment. Explain how the proposed amendment is consistent with the Threshold Review Decision Criteria in LUC Section 20.301.140 (see Submittal Requirements Bulletin #53). Attach additional pages as needed. The Planning Commission may recommend inclusion of a proposed amendment to the Comprehensive plan in the Annual comprehensive Plan Amendment Work Program if the following criteria have been met:*

*A. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and*

The Proposal are site-specific Comprehensive Plan text amendments to the Crossroads Subarea Element. The Proposal is most appropriately addressed through the Comprehensive Plan update.

*B. The proposed amendment is in compliance with the three-year limitation rules set forth in LUC 20.301.A.2.d.; and*

The Crossroads Subarea plan was most recently amended in 2007 to address planning efforts involving revitalizing the Crossroads Mall; however, the pertinent policies addressed by the Proposal were most recently amended in 1988. The Proposal complies with the three-year limitation.

*C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and*

The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council. As noted above, the City has ceased its policy of regular Subarea Element updates. Though the City Council has indicated in the past that a future evaluation of the City's Subarea Element review policy may be forthcoming, the outcome of any future Subarea Element policy is unknown. Due to this uncertainty, and the potential two plus year lag time to reinitiating programmatic Subarea Element review, the Proposal is most appropriate for the 2017 review cycle.

*D. The proposed amendment can be reasonably reviewed within the resources and time frame of the annual Comprehensive Plan work program; and*

The Proposal presents a site-specific text amendment. The Proposal comports with the Growth Management Act mandate for annual review of the City's land use Plan. RCW. 36.70A.130.

*E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of "significantly changed conditions"; and*

Though growth itself does not constitute a changed circumstance, the intensity and rate of growth or development can be a changed circumstance. The following factors are all considered when looking at the changed circumstances: the rate, timing, and pace of development and the length of time since the Subarea Plan Element was last reviewed, as well as the effect of the proposal on housing targets and building land capacity, and the effect on existing planned infrastructure.

The key Subarea Plan policies at issue were last amended in 1988, nearly thirty years ago. Since then, a multitude of factors have resulted in significantly changed conditions that merit evaluation of the function of the Comprehensive Plan as a whole an integrated, policy-level guidance document.

Significantly changed conditions include:

- Emergence of Information Technology and Business Services Cluster. The City last addressed these key policies in 1988. At that time, Microsoft had just recently moved to its Redmond global headquarters just north of the Property. Understandably, the 1988 Subarea Plan does not reflect emerging global information technology cluster. Indeed, the Bellevue Technology Center was developed as an owner-occupied campus for an insurance company.

The City's Economic Development Plan, adopted in 2014 by the City Council, recognizes that information technology and business services are key economic drivers for the City.

Since 1988, the employment patterns and densities in Crossroads and the vicinity have transformed dramatically. Microsoft has emerged as the center of a global information technology cluster with more than 30,000 employees just north of the Bellevue Technology Center. The City designated Bellevue Technology Center part of a Major Employment Center. *Attachment A, p. 3.* More recently, the City has envisioned Bel-Red to the west as an employment hub and Redmond approved a 1.2M square foot office complex with a hotel/conference center within ½ mile of the Property. Today, information technology is the City’s largest target employment cluster with over 25,000 employees. These conditions did not exist when the City last addressed these Crossroads Subarea policies. Since the prior owner sold the Bellevue Technology Center in 2012, Bellevue Technology Center has become global headquarters to one of Washington’s fastest growing private companies and numerous information technology businesses, including Hitachi and InterGen. The City’s adopted Economic Development Plan calls for recruiting such technology firms. *See Economic Development Plan, Strategy 1.4.* Bellevue Technology Center is a success story in encouraging growth among the City’s target economic clusters. The changing employment patterns, particularly in information technology, within Crossroads and its proximity since the adoption of S-CR 66 is a significantly changed condition that warrants further evaluation to ensure that the City’s land use and economic development policies remain consistent.

- Establishment of Rapid Ride Bus Rapid Transit “B” Line on NE 24<sup>th</sup> Street Adjacent to the Property. The addition of bus-rapid transit adjacent to Bellevue Technology Center requires of the City’s policies in relation to supporting transit-oriented development, land use and economic development priorities that have not be revisited for this Crossroads Property since 1988. The City has previously recognized that adjacency to bus rapid transit was a significantly changed condition (2013 Bellevue Apartments Proposal (Ordinance No. 6144)).
- Light Rail Connection to Downtown Redmond. In November 2016, Puget Sound voters approved Sound Transit 3 (“ST-3”), which will connect the existing Eastlink light rail to downtown Redmond by 2024. Once operational, accessing Downtown Redmond will be only three light rail stops away from Overlake Village and Bellevue Technology Center. Downtown Redmond is a regional growth center and is home to a number of major technology-based employers and a growing diversity of housing options that serve those employees. According to the City’s Economic Development Plan, a significant portion of Bellevue’s workers live in Redmond. The Plan also calls for leveraging the planned Eastlink light rail corridor, including “promoting community driven transit-oriented development opportunities around light rail stations and other major transit facilities.” *See Strategy A.1.2.*

The Bellevue Technology Center is strategically located within the Overlake Village walkshed to provide opportunities to expand employment growth in key target clusters through infill office development that leverages the proximity to Redmond employers and employees. With the passage of ST-3, the opportunities to leverage transit investment are even greater. Since ST-3 was adopted in 2016, this opportunity to support local and regional economic development priorities is a significantly changed condition not unanticipated in the City’s current Crossroads Subarea policies, particularly S-CR-66 which was last amended in 1988.

- City’s Evolving Transit-Oriented Development Policies. In 2009, the City adopted the Bel-Red Subarea Plan update, which including planning for the Overlake Village light rail station. But the City limited the station area planning efforts to a ¼ mile walkshed. This constrained visioning effort excluded the Bellevue Technology Center campus across 156<sup>th</sup> Avenue NE.

In 2014, the City signed onto the Puget Sound Regional Council’s Growing Transit Communities Compact (“Compact”). The Compact strategies identify an emerging consensus that cities should be planning for transit-oriented development densities within ½ mile of light rail stations. The Bellevue Technology Center is within ½ mile of the Overlake Village station and within a walkable range for transit users. *Attachment A, p 4.* This emerging consensus is also consistent with Vision 2040, which sets “preferred targets” of 15-20 dwelling units per acre and 50 jobs per acre around high-capacity transit. Vision 2040, p. 81. As evidenced by the adoption of the Compact, the City now recognizes the emerging planning consensus that its policies should be using land efficiently within ½ mile of stations, investing time and policy efforts to supporting employment and housing densities and supporting transit-oriented development in order to invest in economic vitality is a significantly changed condition since the City’s 2009 Bel-Red efforts. Moreover, the City has never evaluated the consistency of S-CR-66 with the City’s current transportation policies. The introduction of directly adjacent bus-rapid transit and light rail within a ½ mile walkshed is a significantly changed condition for the Property that must be evaluated at a policy-level.

According to the Seattle Times, since 2010, the Crossroads neighborhood had experienced the largest increase in transit ridership in the Puget Sound region. This increased Crossroads neighborhood transit ridership is an additional significantly changed conditions that was not anticipated by these 1988-era Crossroads Subarea policies that warrants policy-level review, particularly in the light of the City’s adopted 2014 Economic Development Plan policies to leverage the planned Eastlink light rail corridor and promote transit-oriented development.

- Compliance with Growth Management Act. The City adopted S-CR-66 prior to the adoption of the Growth Management Act. Since then, the City has adopted Growth Management Act-compliant development regulations and review procedures. The continuation of such pre-GMA policies are a significantly changed condition that merits policy-level review.

*F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and*

N/A.

*G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code; or*

As a site-specific amendment, the Proposal is consistent with the Growth Management Act, particularly the Urban Growth, Reduce Sprawl, Economic Development, Open Space and Recreation, Property Rights, Environment and Public Participation planning goals.

The Proposal is also consistent with King County countywide Planning Policies, include the Environment (EN-1), Development Patterns (DP-2, DP-5, DP-6) and Economy (DC-17) policies.

H. *State law requires, or a decision of a court or administrative agency has directed such a change.*

N/A.

17-104627 AC Threshold Review Public Comment February through April 20, 2017

## Matz, Nicholas

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**From:** Reid Miller <Reid.Miller@microsoft.com>  
**Sent:** Thursday, April 20, 2017 10:13  
**To:** Matz, Nicholas  
**Subject:** RE: Sherwood Forest follow-up - What is the city doing to manage growth in the area - community transportation planning framework

Please include me as a party of record. I am opposed to any additional commercial development this side of 156<sup>th</sup>. We do not need any more traffic and urbanization in our residential area.

Thank you,  
Reid Miller

**From:** Regi John [mailto:regj\_st@hotmail.com]  
**Sent:** Saturday, April 8, 2017 8:19 AM  
**To:** NMatz@bellevuewa.gov; TCullen@bellevuewa.gov; EKish@bellevuewa.gov; sfccbellevue@hotmail.com  
**Subject:** Fw: Sherwood Forest follow-up - What is the city doing to manage growth in the area - community transportation planning framework

Hello Emily, Nicholas and Terry,

Thank you for taking the time out of your evening to meet with the community and educate us on this new rezone route that KBR, owners of Bellevue Tech. Center, is now attempting.

As you saw, residents are extremely concerned and against continued growth beyond the "red line" that is 156th Ave NE.

I've bcc'ed the folks who had attended.

Folks who attended the meeting,

Thank you for caring for our community and city and taking the time out of your evening to attend the meeting.

Please respond directly to Nicholas to be made Party of Record.

The City of Bellevue, and owners of BTC need to hear it loud and clear from the community that we are not for any changes to the PUD for the property.

In addition to the rampant growth that is beginning to tip the balance onto the negative with respect to quality of life in Bellevue.

Thx

Regi

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**From:** [NMatz@bellevuewa.gov](mailto:NMatz@bellevuewa.gov) <[NMatz@bellevuewa.gov](mailto:NMatz@bellevuewa.gov)>  
**Sent:** Friday, April 7, 2017 1:26 PM  
**To:** [regj\\_st@hotmail.com](mailto:regj_st@hotmail.com)  
**Cc:** [TCullen@bellevuewa.gov](mailto:TCullen@bellevuewa.gov); [EKish@bellevuewa.gov](mailto:EKish@bellevuewa.gov)  
**Subject:** RE: Sherwood Forest follow-up - What is the city doing to manage growth in the area - community transportation planning framework

Thank you to all for inviting us out to your communities this week. I appreciate the opportunity now to follow through on additional information requests we heard. This one is about the transportation planning in the Crossroads/NE Bellevue area. Most of this material is compiled by the Community Relations Coordinator and Neighborhood Liaison Emily Kish, so you'll be seeing this again through the Neighborhood Enhancement Process.

The Addendum to the 2014-2014 Transportation Facilities Plan EIS (for 2016-2027 TFP) includes growth and development projections to 2027, and can be found here. The information for Crossroads and NE Bellevue begins on page 32 of the document. The TFP itself identifies all major transportation projects planned and funded to 2027. There is additional transportation info in the Chevy Chase document (attached).

Below is some **additional information** that the city uses to predict levels of growth and then plan for the infrastructure that responds to that growth.

#### **Development Impacts to 164<sup>th</sup> Ave NE**

- The long-term impacts of development projected for Bellevue by 2027 are discussed in the *City's 2016-2027 Transportation Facilities Plan Final Environmental Impact Statement (EIS) Addendum*. These projections are based on relative capacity for growth, permitted projects in the pipeline and adopted plans. The projections are not equal to the total capacity for development, but instead reflect the proportion of forecasted growth expected to occur. This document divides the City into several Mobility Management Areas (MMAs) for analysis purposes.

- The Crossroads MMA, which is a bit smaller than the Crossroads Neighborhood Area boundary, is expected to receive approximately 17,000 additional square feet of office, retail and other land uses, and 544 additional multifamily units, by 2027.
- The NE Bellevue MMA, which is about the same size as the NE Bellevue Neighborhood Area boundary, is expected to receive approximately 15,800 additional square feet of office, retail and other land uses; two additional single-family units; and one additional multifamily unit, by 2027.
- The City uses traffic impact fees, collected from new development projects, to fund street improvement projects that are scoped under the current, adopted *Transportation Facilities Plan*. With new development, the payment of fee is considered to be adequate mitigation for long-term traffic impact.
- The Transportation Facilities Plan does not identify operational improvements to 164<sup>th</sup> Avenue NE; however, the document does identify unfunded plans for future bicycle and pedestrian improvements. More information about the Transportation Facilities Plan and EIS can be found at (<http://www.bellevuewa.gov/transportation-facilities-plan.htm>).
- 164<sup>th</sup> Avenue NE, from NE 8<sup>th</sup> Street to Northup Way, will be resurfaced in 2017 (*Teresa Becker, [tbecker@bellevuewa.gov](mailto:tbecker@bellevuewa.gov)*)

Available transportation **mapping and data sources** on the City web site:

<https://cobgis.bellevuewa.gov/Html5Viewer/index.html?viewer=piyn> (Projects in Your Neighborhood)

[http://www.bellevuewa.gov/transportation\\_plans\\_studies.htm](http://www.bellevuewa.gov/transportation_plans_studies.htm) (Capital Projects in neighborhoods)

<http://www.bellevuewa.gov/transportation.htm> (City Transportation Department and transportation services)

<http://www.bellevuewa.gov/neighborhood-safety.htm> (Transportation Levy approved ballot measures plan).

Nicholas Matz AICP

Senior Planner

425 452-5371

**Matz, Nicholas**

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**From:** sumir@comcast.net  
**Sent:** Thursday, April 20, 2017 9:59  
**To:** Matz, Nicholas  
**Subject:** Regarding BTC proposed development

I am a Sherwood Forest homeowner residing in this neighborhood for 42 years. I have seen too many negative changes in & around this neighborhood & surrounding areas. The city has allowed too much growth without changing the infrastructure to support development. Allowing BTC to add more office space will only add to the existing traffic congestion. It concerns me that quality of life in our neighborhood has already been negatively affected by commercial & private development. Please restrict any further growth around our neighborhood. I hope my concerns are taken into consideration during your deliberations & final decisions.

Sincerely,

Rose Reid  
Sumir@comcast.net  
Sherwood Forest Homeowner  
16044 NE 26th St  
Bellevue, WA 98008  
Sent from XFINITY C  
onnect Mobile App

## Matz, Nicholas

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**From:** Bill Capodanno <billcap@outlook.com>  
**Sent:** Wednesday, April 19, 2017 22:24  
**To:** Matz, Nicholas; Krista Capodanno  
**Subject:** Objections to KBS Proposal for BTC

I wanted to formally register my significant concerns about the KBS proposal to radically transform the BTC, formerly Unigard. I live just blocks away on 161st AVE NE, off of Northup and moved to Bellevue in 2001. Over the last 16 years, we've seen plenty of change in this Crossroads area, some of it better than others. However, this is by far the most concerning proposed change to the area that provides no foreseeable benefits to the communities in and around the area.

The massive amount of development, from the old nursery on 156th that is now townhomes, and the growth in the area has made traffic in and around the area unbearable. I work in downtown Seattle and it often takes me less time from when I get on 520 in Seattle to the 148th AVE S exit than it does to get to my house once leaving 520. 156th Avenue is a parking lot during the morning rush hour and construction isn't even completed on the project on the corner of Northup/156th or at the old Haggen. It would be helpful to see previous traffic studies in the area and compared them to the current situation. It can only get immeasurable worse once those units are completed and cars are attempting to turn onto Northup into oncoming traffic. This doesn't even account for all the influx of likely cars from the redevelopment of the former Group Health site in Redmond.

My son is about to graduate from Interlake, my daughter is in 9th grade and I have a son in 7th grade at Tillicum. Interlake was once almost shut down, was remodeled and now is forced to use portables because there is not enough space. This doesn't even account for all the likely influx of new students as a result of the nearby townhomes across the previously mentioned sites. It has often taken me five minutes to pull out of my street onto Northup in the morning due to the line of cars coming from east towards W Lake Sammamish. There is a crosswalk that is a hazard to pedestrians as evidenced by an Interlake student being hit by a car in the crosswalk that has no blinking lights.

KBS has a right to explore ways to increase their property value but they were well aware of the PUD when they purchased the property. There is plenty of high density commercial zones that exist in Bellevue and no need to add additional office space east of 156th when there are other viable locations in the city that don't dramatically change the existing character, long range plans and livability of the area. It is often more convenient and less time consuming to go to Redmond or Issaquah now than deal with the congestion to get to core of downtown Bellevue.

I look forward to making my voice heard in person at the upcoming hearings so the planning commission realizes the irreversible damage this proposal will have for the surrounding neighborhoods.

Regards,  
Bill Capodanno

## Matz, Nicholas

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**From:** Ian Morrison <imorrison@mhseattle.com>  
**Sent:** Wednesday, April 19, 2017 11:34  
**To:** Matz, Nicholas  
**Subject:** Bellevue Technology Center CPA  
**Attachments:** Application Addendum Narrative Update 4 18 17.pdf; CPA Application Policy Update 4 18 17.pdf

Dear Nicholas:

Per our conversation, the Applicant has amended the proposed Comprehensive Plan amendment policies to add some additional transportation policy language. The Applicant reserves the right to further refinements as we continue our public outreach with the community. As you know, we're holding a public open house focused on transportation issues this Thursday (4/20 at 5:30) at the Bellevue Technology Center campus. The goal is to continue the conversations with neighbors about how to support economic development and growth while also addressing the current and potential future transportation issues in the neighborhood. I have attached the updated proposed language as an addendum and as an updated narrative. Please feel free to contact me with questions.

Thanks.

Ian

Ian S. Morrison  
Attorney-at-Law

MCCULLOUGH HILL LEARY, PS  
701 FIFTH AVENUE, SUITE 6600  
SEATTLE, WA 98104  
DIRECT: 206.812.3380  
TEL: 206.812.3388  
FAX: 206.812.3389  
[IMORRISON@MHSEATTLE.COM](mailto:IMORRISON@MHSEATTLE.COM)  
[WWW.MHSEATTLE.COM](http://WWW.MHSEATTLE.COM)

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## Matz, Nicholas

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**From:** Lee Sargent <LeeSgt@aol.com>  
**Sent:** Wednesday, April 19, 2017 10:24  
**To:** Matz, Nicholas  
**Subject:** Involvement in and concern about Crossroads Plan modifications

I believe you already have me as a party of record for the Crossroads CPA. If not, please add me in that capacity.

My concern remains the overall health of this area. We have been growing rapidly especially with condominium and apartment capacity of late. This has not been fully developed and is still an unknown in the impact that will be felt by this increase. The amount of traffic will be increased as will the entering and leaving of the roads. The foot traffic will increase. It is changing the residential environment for the rest of us due to the high density aspect of the process. Once the changes are established the rest of the environment will be changed and it will be irrevocable once started. The current usage of the BTC property gives a good barrier against serious commercial and high density residential hustle bustle and a feeling of a park that separates the two areas. I think the existing PUD helps support that feeling. I see no reason to change it. (I have lived in the area for over 35 years and worked at Unigard Park (BTC) for over 32 of those years.)

Please keep me informed.

Thanks,

Lee Sargent  
425-641-7568  
16246 NE 24<sup>th</sup> ST  
Bellevue, WA 98008-2414

**Matz, Nicholas**

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**From:** Hadden Hoppert <hhoppert@gmail.com>  
**Sent:** Wednesday, April 19, 2017 8:57  
**To:** Matz, Nicholas  
**Subject:** #17-104627-AC to be discussed on April 26th planning meeting?

Is the OTC application #17-104627-AC going to be discussed at the April 26th Planning meeting?

## Matz, Nicholas

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**From:** Tracey Ed <tracey.edc@gmail.com>  
**Sent:** Wednesday, April 19, 2017 8:31  
**To:** Matz, Nicholas  
**Subject:** BTC; 17-104627 application

Mr. Matz,

As a resident of the Sherwood Forest Neighborhood I would like to record my opposition to the proposed new policies and amendments in application 17-104627-AC for the Crossroads Subarea/Bellevue Technology Center. **I would also like to become a party of record for this application.**

Being a resident of Northeast Bellevue has allowed me to experience and live through the rapid growth in population and housing development for the BelRed area. I understand that Bellevue's Comprehensive plan calls for this growth and sets the vision, policies and guidelines for the future of our city and my neighborhood.

The Comprehensive and Crossroad subarea plans also define Bellevue's 2035 - Vision to include: Our neighborhoods epitomize Bellevue's reputation as a "City in a Park". To accomplish this vision the plan defines many strategies and policies within the Land Use section (page 41), among them:

- LU-1: The growth strategy for Bellevue: Enhances the health and vitality of existing single family and multifamily residential neighborhoods.
- LU-2: Retain the city's park-like character through the preservation and enhancement of parks, open-space, and tree canopy throughout the city.
- LU-13: Support neighborhood efforts to maintain and enhance their character and appearance.
- LU-14: Protect residential areas from impacts of non-residential usage of a scale not appropriate to the neighborhood.
- LU-33: Preserve open space and key natural features through a variety of techniques, such as sensitive site planning conservation easement, etc.

And on the Environment section (page 230) it declares that "As Bellevue has matured, environmental sustainability has assumed a higher priority in public policy." Additionally, the comprehensive plan on its tree canopy section (page 240) indicates that: "Bellevue's tree canopy city-wide is currently 36%. American Forest recommends a city-wide goal of 40% to maintain environmental benefits." The Bellevue Comprehensive plan goal is to INCREASE citywide canopy cover to meet this 40% standard recommendation.

In complete accord with the comprehensive plan, the policies and strategies for the city, and specifically for the Crossroads subarea plan, Policy S-CR-66 was created to ensure the BTC property would be consistent with the city vision. For many years, Policy S-CR-66 and the PUD on the property have played a monumental role on the crossroad area neighborhood. According to the vision, the limited development, open space and tree canopy in the property have provided a buffer zone between the residential area to the east of 156th Ave NE and the anticipated multifamily development west of 156th Ave NE.

The applicants want to remove the restrictions that were put in place specifically for that property because they prevent out-of-state investors from further development on the lot. Ironically, the argument is that Policy S-CR-66 is inconvenient because it has survived the passage of time. As brilliantly stated on the 2014 Annual Threshold Review CPA recommendation: "The Crossroads Subarea plan remains effective, in part because of policy CR- 66 applied to a site that was sensitive to its owner and surrounding community then, as its continued to impact on the community is sensitive today."

Now more than ever is important to maintain the policy in place. As more and more growth impacts the area, more traffic, noise and pollution develop in the area. I know that I speak for many members of the community when I bring up the traffic issues that are already crippling the intersection of 156th and 24th street, the access to our local schools and the devastating loss of evergreen trees in the area. Removing the long-term restrictions on the BTC property will only increase these problems and severely diminish the quality of life for the residents of the crossroads neighborhoods.

The restrictions for the site were in place long before the current owner purchased the lot. The neighborhoods are not asking for more limitations or more restrictions on the owners, we only ask that the agreements in place are respected. For the sake of the current neighborhoods around the BTC lot, please deny the application and ratify Policy S-CR-66 once again.

Thank you very much for your consideration.

Sincerely,  
Tracey Bevan-Carrigan  
2454 159 AV NE  
30+ year resident

## Matz, Nicholas

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**From:** Marilyn Mayers <mayersmarilyn@gmail.com>  
**Sent:** Wednesday, April 19, 2017 7:04  
**To:** Matz, Nicholas  
**Subject:** Changes to Crossroads CPA

Hello Nick and other City staff,

I am a 30 year resident in the Crossroads area. I am urging the City to not make changes to the PUD currently in place for BTC. Bellevue is losing tree canopy at a rapid pace. The boundary of 156th has all along been intended to serve as a buffer between increasingly dense urbanization and neighborhoods. The BTC borders a high school and neighborhood which need to be sheltered from the noise and pollution that eliminating trees on BTC property would create. The city made a commitment long ago to work with the neighborhood to channel growth west of 156th. Honor the commitment and renew your commitment to protecting our city's tree canopy. If Bellevue is to be a City in a Garden, then at the very least stand up for whatever remaining stands of trees we have in the city.

Thank you!

Marilyn Mayers  
1907 161 Avenue NE  
Bellevue, WA 98008  
206) 455-4031

## Matz, Nicholas

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**From:** Emmanuel Solis Nepote <EmSolis@live.com>  
**Sent:** Wednesday, April 19, 2017 0:30  
**To:** Matz, Nicholas  
**Cc:** Emmanuel Solis Nepote  
**Subject:** 17-104627-AC Bellevue Technology Center

Mr. Matz,

As a resident of the Sherwood Forest Neighborhood I would like to record my opposition to the proposed new policies and amendments in application 17-104627-AC for the Crossroads Subarea/Bellevue Technology Center. I would also like to become a party of record for this application.

Being a resident of Northeast Bellevue has allowed me to experience and live through the rapid growth in population and housing development for the BelRed area. I understand that Bellevue's Comprehensive plan calls for this growth and sets the vision, policies and guidelines for the future of our city and my neighborhood.

The Comprehensive and Crossroad subarea plans also define Bellevue's 2035 - Vision to include: *Our neighborhoods epitomize Bellevue's reputation as a "City in a Park"*. To accomplish this vision the plan defines many strategies and policies within the Land Use section (*page 41*), among them:

LU-1: The growth strategy for Bellevue: Enhances the health and vitality of existing single family and multifamily residential neighborhoods.

LU-2: Retain the city's park-like character through the preservation and enhancement of parks, open-space, and tree canopy throughout the city.

LU-13: Support neighborhood efforts to maintain and enhance their character and appearance.

LU-14: Protect residential areas from impacts of non-residential usage of a scale not appropriate to the neighborhood

LU-33: Preserve open space and key natural features through a variety of techniques, such as sensitive site planning conservation easement, etc.

And on the Environment section (*page 230*) it declares that "*As Bellevue has matured, environmental sustainability has assumed a higher priority in public policy.*" Additionally the comprehensive plan on its tree canopy section (*page 240*) indicates that "*Bellevue's tree canopy city-wide is currently 36%. American Forest recommends a city-wide goal of 40% to maintain environmental benefits.*" The Bellevue Comprehensive plan goal is to INCREASE citywide canopy cover to meet this 40% standard recommendation.

In complete accordance with the comprehensive plan, the policies and strategies for the city, and specifically for the Crossroads subarea plan, **Policy S-CR-66** was created to ensure the BTC property would be consistent with the city vision. For many year Policy S-CR-66 and the PUD on the property have played a monumental role on the crossroad area neighborhood. According to the vision, the limited development, open space and tree canopy in the property have provided a buffer zone between the residential area to the east of 156th Ave NE and the anticipated multifamily development west of 156th Ave NE.

The applicants want to remove the restrictions that were put in place **specifically** for that property because they prevent out-of-state investor from further development on the lot. Ironically they argument is that Policy S-CR-66 is inconvenient because it has survived the passage of time. As brilliantly stated on the 2014 Annual Threshold Review CPA recommendation: "*The Crossroads Subarea plan remains effective, in part because of policy CR-66 applied to a site that was sensitive to its owner and surrounding community then, as its continued to impact on the community is sensitive today.*"

Now more than ever is important to maintain the policy in place. As more and more growth impacts the area, more traffic, noise and pollution develop in the area. I know that I speak for many members of the community when I bring up the traffic issues that are already crippling the intersection of 156th and 24th street, the access to our local schools and the devastating loss of evergreen trees in the area. Removing the long-term restrictions on the BTC property will only increase these problems and severely diminish the quality of life for the resident of the crossroads neighborhoods. Remember that the restriction for the site were in place long time before the current owner purchased the lot. The neighborhoods are not asking for more limitations or more restrictions on the owners, we only ask that the agreements that were in place are respected. For the sake of the current neighborhoods around the BTC lot, please deny the application and ratify Policy S-CR-66 once again.

Thank you very much for you consideration

Sincerely  
Emmanuel Solis

## Matz, Nicholas

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**From:** Regi John <regij\_st@hotmail.com>  
**Sent:** Tuesday, April 18, 2017 23:15  
**To:** Matz, Nicholas  
**Cc:** Council; PlanningCommission; Cullen, Terry  
**Subject:** Latest BTC rezone attempt; make party of record

Hello Nicholas,

I appreciate you taking the time out of your evening to talk to the community about the latest attempt by the owners of BTC to rezone the property. It was indeed an informative session.

Please make me (Regi John, regij\_st@hotmail.com) a Party of Record of this rezone application and process.

Needless to say, I am **completely opposed** to any attempts to remove the PUD that has been in place for the property. The PUD was put in place after much forethought and negotiations between the owners of BTC, the community and the City. The PUD has stood the test of time and ensured the continued existence of the last verdant open space in that portion of Bellevue. Thereby maintaining the livability of the area, and Bellevue's City-in-a-Park motto. For how long though one wonders?

Bellevue however has already crossed a tipping point with out-of-control growth that over the last few years. The impact of this rampant growth has been:

1. Horrendous traffic conditions especially at peak times in the morning and evenings. It is completely ridiculous that it takes me 20 minutes to travel a mere 2 miles on 24th St! Additionally, it is no longer safe for my children to be either walking or riding their bikes in our neighborhood streets as a result. That is not the sort of neighborhood Bellevue should be.
2. Bellevue is becoming a concrete jungle, with 156th Ave NE being what appears to be the final demarcation between grey concrete on the west, as a result of the out-of-control growth, and the last set of greenery and open spaces on the east, outside of dedicated parks. How can Bellevue continue to be a City-in-a-Park if BTC is rezoned, and the trees torn out and the open spaces replaced with buildings and parking lots?
3. Schools are overflowing and over capacity. My daughter at Interlake High School has to attend classes in makeshift portable classrooms. As the City continues to issue new housing permits this situation will only get worse.
4. Beyond roads, its becoming clear that other aspects of the infrastructure are unable to keep pace with this growth. The slightest bit of wind is enough for neighborhoods to lose power. I dread opening my water bill as the sticker shock worsens, despite our best attempts at continuing to curb our water usage.

It's now time for the City to invest in improving the livability and satisfaction indices of its residents. Invest in parks and recreation facilities, not more buildings and parking lots. Let not Bellevue slide away from being one of the most livable cities in the country.

Thank you.

## Matz, Nicholas

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**From:** Anne Coughlin <doctorannecoughlin@gmail.com>  
**Sent:** Thursday, April 13, 2017 22:45  
**To:** Matz, Nicholas  
**Subject:** CPA17-104627

Dear Nicholas,

Thanks for coming out to the community meeting at Interlake. Please make me a person of record on the rezoning of BTC sub-area.

KBR intends to build apartments at BTC, across the city promised red line of 156th. Only 20% of current construction on 156th is occupied and traffic is a nightmare. Trees are disappearing every week. People, including myself, chose to live in East Bellevue to enjoy the trees, small yards, birds of suburbia. Bellevue, a city in a park was its identity. Downtown was to be developed, along with Bel-Red corridor, ending at 156th. This is currently being pushed by this project and its owners who would have apartments at and beyond 162nd. I have received a request from KBR to buy my home at 169th. They will push as far as the city allows and I hope that members of the city council love the city, land and citizens enough to stop them at the red line.

Anne Coughlin

## Matz, Nicholas

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**From:** Michael Maley <michaelpmaley@gmail.com>  
**Sent:** Wednesday, April 12, 2017 20:58  
**To:** Matz, Nicholas  
**Subject:** #17-104627-AC

Nicholas,

I am emailing in regards to #17-104627-AC. What is the proposal? The signage is a bit more vague than the previous one. I contacted the city to oppose the previous project proposal at the Bellevue Technical Center. As a Crossroads area resident and BTC worker, I find the area already too crowded, dangerous to drive, and hazardous to walk. Loosing what little green space we have in the area is also a bad thing.

Thanks,  
Michael Maley  
[michaelpmaley@gmail.com](mailto:michaelpmaley@gmail.com)

## Matz, Nicholas

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**From:** Ian Morrison <imorrison@mhseattle.com>  
**Sent:** Monday, April 10, 2017 14:17  
**To:** Matz, Nicholas  
**Cc:** Cullen, Terry; Stroh, Dan; Mark Jackson  
**Subject:** Bellevue Technology Center Comprehensive Plan amendment  
**Attachments:** BTC Comp Plan letter 4 7 17.pdf

Nicholas:

Good afternoon. As we discussed last week, KBS is planning on hosting a voluntary outreach event about their proposed Comprehensive Plan amendment application on Thursday, April 20<sup>th</sup> at 5:30 PM at Bellevue Technology Center.

These invitations went out to neighbors generally within a ¼ mile of campus. No formal role for the City, but of course, any City staff is welcome to attend if you're interested. We will report back regarding the community conversation. Thanks.

Ian

Ian S. Morrison  
Attorney-at-Law

MCCULLOUGH HILL LEARY, PS  
701 FIFTH AVENUE, SUITE 6600  
SEATTLE, WA 98104  
DIRECT: 206.812.3380  
TEL: 206.812.3388  
FAX: 206.812.3389  
[IMORRISON@MHSEATTLE.COM](mailto:IMORRISON@MHSEATTLE.COM)  
[WWW.MHSEATTLE.COM](http://WWW.MHSEATTLE.COM)

NOTICE: This communication may contain privileged or confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.



April 7, 2016

Dear Neighbor:

In an effort to provide you, our neighbors, with regular updates about changes coming to the Bellevue Technology Center (BTC), we want to update you on new efforts we have underway.

We met many of you at the two open house events we held last year. One of the main themes we heard at these events was concerns about traffic impacts that new development on the BTC site could have on the neighborhood. We also understand that regional transportation, local traffic patterns and neighborhood circulation each have an impact and should be considered holistically as we move ahead.

As part of our work with the City, we're committed to investing substantial private funds in new transportation and traffic mitigation solutions. Given the comments we heard from neighbors, we determined that a broader conversation about growth and transportation solutions is important. As a result, we filed a Comprehensive Plan amendment that reflects our vision for BTC and how modest infill development can be an opportunity to support smart transportation planning and mitigation, including potential new investments in signals and lanes.

As a next step, and to better understand the transportation planning and mitigation measures most important to the community, **we're holding an open house event on April 20, 2017 at the BTC Amenities Building from 5:30 – 7:30 PM.** The address is 2125 158<sup>th</sup> Court NE in Bellevue.

At this meeting, you'll have an opportunity to review the mitigation areas and traffic strategies we believe are priorities for investment -- and then weigh in with input / feedback on what's most important to you, as a neighbor. We'll then share this information with the City as we carrying forward the conversation about the future of BTC.

As we continue to move through the process with the City of Bellevue, we are happy to meet with community groups, neighbors and businesses. If you're interested in meeting with us, or if you have a questions, please reach to us at: [info@bellevuetechcenter.net](mailto:info@bellevuetechcenter.net) or (425) 732-4543.

Sincerely,

Mark Jackson  
Bellevue Technology Center

## Matz, Nicholas

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**From:** Regi John <regij\_st@hotmail.com>  
**Sent:** Saturday, April 08, 2017 8:19  
**To:** Matz, Nicholas; Cullen, Terry; Kish, Emily; sfccbellevue@hotmail.com  
**Subject:** Fw: Sherwood Forest follow-up - What is the city doing to manage growth in the area - community transportation planning framework  
**Attachments:** CC Annual Mtg Info\_20170327.pdf

Hello Emily, Nicholas and Terry,  
Thank you for taking the time out of your evening to meet with the community and educate us on this new rezone route that KBR, owners of Bellevue Tech. Center, is now attempting.

As you saw, residents are extremely concerned and against continued growth beyond the "red line" that is 156th Ave NE.

I've bcc'ed the folks who had attended.

Folks who attended the meeting,  
Thank you for caring for our community and city and taking the time out of your evening to attend the meeting.  
Please respond directly to Nicholas to be made Party of Record.

The City of Bellevue, and owners of BTC need to hear it loud and clear from the community that we are not for any changes to the PUD for the property.

In addition to the rampant growth that is beginning to tip the balance onto the negative with respect to quality of life in Bellevue.

Thx  
Regi

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**From:** NMatz@bellevuewa.gov <NMatz@bellevuewa.gov>  
**Sent:** Friday, April 7, 2017 1:26 PM  
**To:** regij\_st@hotmail.com  
**Cc:** TCullen@bellevuewa.gov; EKish@bellevuewa.gov  
**Subject:** RE: Sherwood Forest follow-up - What is the city doing to manage growth in the area - community transportation planning framework

Thank you to all for inviting us out to your communities this week. I appreciate the opportunity now to follow through on additional information requests we heard. This one is about the transportation planning in the Crossroads/NE Bellevue area. Most of this material is compiled by the Community Relations Coordinator and Neighborhood Liaison Emily Kish, so you'll be seeing this again through the Neighborhood Enhancement Process.

The Addendum to the 2014-2014 Transportation Facilities Plan EIS (for 2016-2027 TFP) includes growth and development projections to 2027, and can be found here. The information for Crossroads and NE Bellevue begins on

page 32 of the document. The TFP itself identifies all major transportation projects planned and funded to 2027. There is additional transportation info in the Chevy Chase document (attached).

Below is some **additional information** that the city uses to predict levels of growth and then plan for the infrastructure that responds to that growth.

#### **Development Impacts to 164<sup>th</sup> Ave NE**

- The long-term impacts of development projected for Bellevue by 2027 are discussed in the *City's 2016-2027 Transportation Facilities Plan Final Environmental Impact Statement (EIS) Addendum*. These projections are based on relative capacity for growth, permitted projects in the pipeline and adopted plans. The projections are not equal to the total capacity for development, but instead reflect the proportion of forecasted growth expected to occur. This document divides the City into several Mobility Management Areas (MMAs) for analysis purposes.
- The Crossroads MMA, which is a bit smaller than the Crossroads Neighborhood Area boundary, is expected to receive approximately 17,000 additional square feet of office, retail and other land uses, and 544 additional multifamily units, by 2027.
- The NE Bellevue MMA, which is about the same size as the NE Bellevue Neighborhood Area boundary, is expected to receive approximately 15,800 additional square feet of office, retail and other land uses; two additional single-family units; and one additional multifamily unit, by 2027.
- The City uses traffic impact fees, collected from new development projects, to fund street improvement projects that are scoped under the current, adopted *Transportation Facilities Plan*. With new development, the payment of fee is considered to be adequate mitigation for long-term traffic impact.
- The Transportation Facilities Plan does not identify operational improvements to 164<sup>th</sup> Avenue NE; however, the document does identify unfunded plans for future bicycle and pedestrian improvements. More information about the Transportation Facilities Plan and EIS can be found at (<http://www.bellevuewa.gov/transportation-facilities-plan.htm>).
- 164<sup>th</sup> Avenue NE, from NE 8<sup>th</sup> Street to Northup Way, will be resurfaced in 2017 (*Teresa Becker, tbecker@bellevuewa.gov*)

Available transportation **mapping and data sources** on the City web site:

<https://cobgis.bellevuewa.gov/Html5Viewer/index.html?viewer=piyn> (Projects in Your Neighborhood)

[http://www.bellevuewa.gov/transportation\\_plans\\_studies.htm](http://www.bellevuewa.gov/transportation_plans_studies.htm) (Capital Projects in neighborhoods)

<http://www.bellevuewa.gov/transportation.htm> (City Transportation Department and transportation services)

<http://www.bellevuewa.gov/neighborhood-safety.htm> (Transportation Levy approved ballot measures plan).

Nicholas Matz AICP  
Senior Planner  
425 452-5371



*One City*

Committed in Excellence

*Please be aware that email communication with City staff is a public record and is subject to disclosure upon request.*

## Chevy Chase Neighborhood Association Annual Meeting | 3. 27. 2017

NEIGHBORHOOD OUTREACH LIAISON: Emily Kish ([ekish@bellevuewa.gov](mailto:ekish@bellevuewa.gov))



### TRANSPORTATION PROJECTS

- 140<sup>th</sup> Ave. NE (NE 8<sup>th</sup> St. to NE 24<sup>th</sup> St.), will be resurfaced in 2017 (Teresa Becker, [tbecker@bellevuewa.gov](mailto:tbecker@bellevuewa.gov)).
- 164<sup>th</sup> Ave. NE (NE 8<sup>th</sup> St. to Northup Way), will be resurfaced in 2017 (Teresa Becker, [tbecker@bellevuewa.gov](mailto:tbecker@bellevuewa.gov)).
- Proposition 2 Transportation Levy Candidate Projects Interactive Map  
<http://cobgis.maps.arcgis.com/apps/webappviewer/index.html?id=09c18ec993ef48258a923be5ee80247d>
- Projects in Your Neighborhood Interactive Map  
<https://cobgis.bellevuewa.gov/Html5Viewer/index.html?viewer=piyn>
- EastLink & Spring District development (<http://www.bellevuewa.gov/light-rail.htm>).

### UTILITIES PROJECTS

- The Bel-Red Road sewer capacity improvements project includes upsizing a portion of sewer in Bel-Red Road from 148<sup>th</sup> Avenue NE to NE 20<sup>th</sup> Street. The new, approximately 1,600 linear feet of 15-inch sewer pipe, will be installed on west bound lane, parallel to the existing 8-inch sewer line, which will be abandoned in place. This is a joint project between the City and the developer of Hyde Square, who is leading and executing the project (Biorol Shaha, [bshaha@bellevuewa.gov](mailto:bshaha@bellevuewa.gov)).
- The Phase 1 AC water main replacement will replace approximately 8,600 linear feet of four- and six-inch AC water main pipe at the intersection of 152<sup>nd</sup> Place NE and NE 20<sup>th</sup> Street (Abe Santos, [asantos@bellevuewa.gov](mailto:asantos@bellevuewa.gov)).

### DEVELOPMENT PROJECTS

- The Highland Middle School redevelopment at NE Bel-Red Road and 148<sup>th</sup> Avenue NE will take about two and a half years to complete, from the start of the permit process to the end of construction. The Bellevue School District will be meeting with the City in early April to review the 35% plans, and plan to begin construction in 2018, after Tillicum Middle School is complete (Toni Pratt, [TPratt@bellevuewa.gov](mailto:TPratt@bellevuewa.gov)).
- Construction has begun for "Crossroads Village," on NE 15<sup>th</sup> Street and 158<sup>th</sup> Place NE. The townhome project will be constructed in two phases and produce 176 units. A private, retail street will traverse the development, connecting NE 15<sup>th</sup> Street with Crossroads Mall (Sally Nichols, [SPNichols@bellevuewa.gov](mailto:SPNichols@bellevuewa.gov)).
- The Senior Housing Assistance Group (SHAG) will begin construction of the Crossroads Senior Housing Project, which is adjacent to the Crossroads Mall movie theater. This project will provide 185 senior housing units, approximately 50% of which will be affordable (Sally Nichols, [SPNichols@bellevuewa.gov](mailto:SPNichols@bellevuewa.gov)).
- Dick's Sporting Goods will replace the Sports Authority at Crossroads Mall, and improvements will be made to the parking area (Christina LaVelle, [clavelle@bellevuewa.gov](mailto:clavelle@bellevuewa.gov)).
- Hyde Square is currently under construction on the corner of NE 20<sup>th</sup> Street and 156<sup>th</sup> Avenue NE. This four-building project will produce 618 new units, 35 of which will be affordable (Sally Nichols, [SPNichols@bellevuewa.gov](mailto:SPNichols@bellevuewa.gov)).
- Bellevue School District construction information (<http://www.bsd405.org/departments/facilities/construction/>).

### UPCOMING MEETINGS & EVENTS

- "Better Together" Civil Discourse Forum with Dr. David E. Smith | 3. 29. 2017 | 6:30 pm | City Hall
- Affordable Housing Strategy Online Open House (<http://www.bellevueaffordablehousing.com/open-house>); closes April 4<sup>th</sup>
- Cultural Conversations (women only) | 4. 25. 2017 | 1 - 2:30 pm | Crossroads Community Center



## Matz, Nicholas

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**From:** Els Blomme <eblomme@gmail.com>  
**Sent:** Thursday, April 06, 2017 22:14  
**To:** Matz, Nicholas  
**Subject:** Bellevue Technology Center application

Dear Nicholas,

Thank you for explaining the BTC request and approval process to the neighbors last night.

Is the comprehensive plan available in hard copy?

I hereby would like to request to become a party of record and share the following initial concerns:

- the intersections with 156th Ave NE that will be affected are already bottlenecks today during rush hour - which seems to stretch for most of the day with Microsoft and Interlake school traffic.
- hundreds more apartments are under construction at the intersection of 156th Ave NE and Northup. Once complete, these will add a lot more cars to that intersection - 1000 or more? As neighbors pointed out at a heated meeting at city hall for this particular property last year, the city's required number of parking spots will not be sufficient for the number of cars that residents will have.
- any traffic impact study should not be done until these units are filled, i.e. people are actually living there. It should be conducted during normal traffic days and times, not during the summer months when there is no school and lots of people are on vacation.
- the neighborhoods east of BTC only have 2 main roads into west Bellevue: Northup/NE 20th and 24th Street. If crossing 156th Ave NE becomes even harder, it will discourage us further from driving to Bellevue to shop, dine, etc. It is faster to drive to Redmond and Issaquah and spend our money there.
- distance to the light rail station should not be measured as the crow flies, since that is not how people get to the station. If the BTC argument is that people will walk to the train station, then the walking distance should be measured.
- with all the new construction all throughout the city and PSE's planned overhead high voltage power lines, trees are coming down "everywhere". We won't be true to our State's "evergreen" moto much longer.
- more people does not only mean more cars on the road, but more strain on existing infrastructure in general. Unlike Downtown, this part of Bellevue is not designed for walking. If you want to go somewhere, you have to drive there. That goes for stores, restaurants, church, parks. More high density housing means less outdoor space and more people needing parks to play or walk or ride their bikes, but the parking lots at good nearby parks are full already.

I am not against growth in and of itself. However, I do believe that it needs to be carefully planned, looking at the long term and broader picture (i.e. including Redmond's plans for this area).

Best regards,

Els

## Matz, Nicholas

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**From:** Pam Johnston <pamjjo@msn.com>  
**Sent:** Thursday, April 06, 2017 12:23  
**To:** Matz, Nicholas  
**Cc:** loretta@mstarlabs.com; PlanningCommission  
**Subject:** 17-104627 AC Bellevue Technology Center is too far from the station to be transit-oriented development for light rail  
**Attachments:** MoreThanHalf-Mile\_RedmondTechCtrStationTOBellevueTEchCenter-thick.jpg

RE: 17-104627-AC Bellevue Technology Center Comp Plan Amendments  
<http://www.ci.bellevue.wa.us/pdf/Land%20Use/02-23-17-Weekly-Permit-Bulletin.pdf>  
<http://www.bellevuewa.gov/pdf/Land%20Use/17-104627-AC.pdf>

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Redmond Technology Center Station (Station) is too far from the Bellevue Technology Center (BTC) to be a transit-oriented development for light rail. Thus, a change in the Crossroads Subarea Plan to encourage "transit-oriented" development does not warrant this within the ½ mile walkshed for light rail. All considerations for 17-104627 AC in regards to light rail should be rejected.

King County Metro Transit: Access to Transit Report of July 1, 2015 states "The easy way to identify the walk shed is to draw a ½ mile buffer around the station to define the walk shed. In reality though, the walk access with the defined circle depends on the street and sidewalk network within the buffer."

According to King County, Transit-Oriented Design typically includes higher density, mixed use development in 10 minute walk circle. BelRed has defined these "development nodes" to be generally within a quarter-mile radius of the light rail station.

While these numbers are approximate,

- The radius the Station to BTC NW corner greater than .4 mile. **This is not within the .25 radius for transit oriented design.**
- The walk from the Station to BTC NW corner is greater than .6 mile walk, uphill. **This is greater than the .5 mile, 8-10 minute walk defined for transit-oriented design.**

## BACKGROUND

From King Country Metro Transit: Access to Transit Report of July 1, 2015

P. 8 "A common transit agency metric for access to transit is the number of people who live or work within ¼ mile of a bus stop or station"

Pg. 37 "As a general rule, people will walk between a ¼ mile and ½ mile to reach transit."

"Approximate Walk Times

¼ mile = 3-5 minutes to walk

½ mile = 8-10 minutes

1 mile = 12-15 minutes"

<http://metro.kingcounty.gov/am/reports/2015/metro-access-to-transit-July2015-report.pdf>

See also: <http://www.kingcounty.gov/depts/transportation/planning/tod.aspx>

From The BelRed SubArea Plan

<http://www.bellevuewa.gov/pdf/PCD/SP01.BelRed2010.pdf>

Development Nodes The nodal development pattern **concentrates development in the vicinity of potential future light rail stations**, generally within a quarter-mile radius. Development nodes are located in the vicinity of Overlake Hospital, at 122nd Avenue NE, at 130th Avenue NE, and at 152nd

Avenue NE (with a station in Redmond). These nodes would be mixed-use in nature, with a high level of pedestrian access and amenities. Land use intensities in these nodes can reach a maximum development intensity of 4.0 FAR, but only through participation in an incentive system that provides public amenities in exchange for higher densities. Maximum building heights vary by development node, with the highest allowed heights near the center of the nodes. As with intensity, these maximum heights above the base zoning height limits are allowed only through participation in the amenity incentive system.

See also: [http://apps.bellevuewa.gov/gisdownload/PDF/Planning/Zoning\\_36x52.pdf](http://apps.bellevuewa.gov/gisdownload/PDF/Planning/Zoning_36x52.pdf)

Sincerely,  
Pamela Johnston

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*Pamela Johnston*  
3741 122nd Ave NE  
425.881.3301

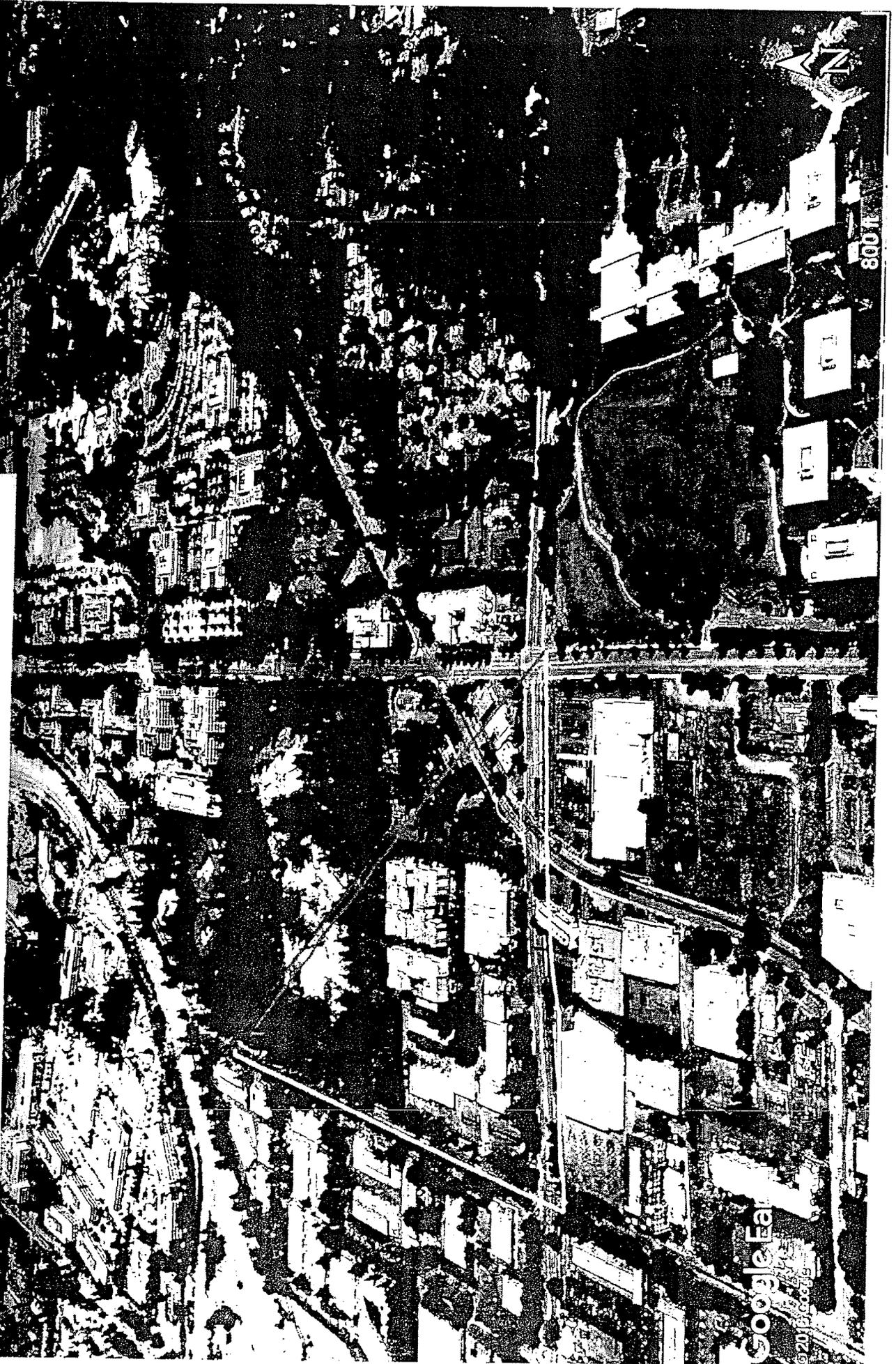
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# Redmond Tech. Ctr. Station to Bellevue Technology Ctr

.25 mile radius (red)

.6 mile walk (yellow)

BTC is greater than .4 mile radius (blue)



## Matz, Nicholas

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**From:** Els Blomme <eblomme@gmail.com>  
**Sent:** Thursday, April 06, 2017 22:14  
**To:** Matz, Nicholas  
**Subject:** Bellevue Technology Center application

Dear Nicholas,

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Is the comprehensive plan available in hard copy?

I hereby would like to request to become a party of record and share the following initial concerns:

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I am not against growth in and of itself. However, I do believe that it needs to be carefully planned, looking at the long term and broader picture (i.e. including Redmond's plans for this area).

Best regards,

Els

## Matz, Nicholas

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**From:** Anne Drebin <adrebin346@gmail.com>  
**Sent:** Thursday, April 06, 2017 10:41  
**To:** Matz, Nicholas  
**Subject:** Project #17-104627-AC

Hello Mr. Matz. Thank you for attending our neighborhood meeting last night. Please add me as a party of record for this project.

I am very unhappy about and strongly oppose KBS SOR's application to amend the comprehensive plan for the Bellevue Technology Center. I have lived in Bellevue my whole life and have resided in the Sherwood Forest neighbor for nearly 20 years. All the development going on around the area makes me sick at heart. We're being swallowed by apartment complexes and our views and open spaces are being gobbled up.

To take away this beautiful open space would be tragic. I'm begging the City to uphold and respect the current designation and preserve this open space. KBS knew of, and understood, this restriction when they purchased the property. Their actions are driven purely by greed and with no regard for the community.

They are saying they have no current plans to develop the property. I don't believe that for a second. They are either doing this to plan for development, or increase the value for a future sale. I recently attended an open house put on by the developers. They are showing multiple 4 story buildings, houses and a coffee shop. They say they will preserve a portion of the meadow, but I don't even believe that. Plus the meadow is only part of the issue, what about all those trees that are home to many birds and other native wildlife? Those are all essential parts of our neighborhood and need to be preserved as well.

In addition, the traffic in the area is already unbearable, particularly during rush hour. It can take upwards of 45 minutes to travel 4 miles from my house to I-90. This is only going to get worse as more of the apartments under construction are completed. The way things are going now, the City is making it nearly impossible for anyone living east of 156<sup>th</sup> to get to DT Bellevue. Personally, I do most of my shopping, dining, etc. in Redmond now.

I respectfully request that the City to reject KBS's application and retain the current status on the BTC property.

Thank you.

Regards,

Anne Drebin  
16245 NE 28<sup>th</sup> St.  
Bellevue, WA 98008  
[Adrebin346@gmail.com](mailto:Adrebin346@gmail.com)

## Matz, Nicholas

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**From:** Jean Herod <jean.s.herod@gmail.com>  
**Sent:** Monday, April 03, 2017 14:59  
**To:** Matz, Nicholas  
**Subject:** Re: Bellevue Tech Center

Please see my previous email of 3-11-17. I have heard nothing from you.

Is there someone else that can help me get the information requested?

Hoping for the courtesy of a reply.

Jean Herod  
[jean.s.herod@gmail.com](mailto:jean.s.herod@gmail.com)

On Sat, Mar 11, 2017 at 5:57 PM, Jean Herod <[jean.s.herod@gmail.com](mailto:jean.s.herod@gmail.com)> wrote:

Please advise the exact nature of the changes to the land use law with regard to the development of the open land at the above location.

Thank you

## Matz, Nicholas

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**From:** Dwight Englund <dwight.englund@gmail.com>  
**Sent:** Monday, April 03, 2017 9:39  
**To:** Matz, Nicholas  
**Subject:** Party of Record Request

Re: Comment on Bellevue Technology Center

My wife and I noticed a sign regarding a request for zoning changes at this property (Northup Way and 156th). We also noticed that virtually all of the trees on the south side of the property where we were walking had a metal tag on them. If the metal tags on the trees at the Tech Center mean that they are slated for removal, that would dramatically change the character of the neighborhood.

I grew up in the Enatai area just of south downtown Bellevue in the '50's and '60's. My parents built a house and owned the better part of an acre, most of which was in trees. When they sold the house many years later, we were grieved when the developer stripped the land of every tree and built a mansion, a story I know you have heard many times before.

While I firmly believe in the rights of property owners like myself, Bellevue has too many areas that have been allowed to destroy its very unique 'Northwest appeal'. Many people move into this area because they are drawn to the natural beauty that the city of Bellevue has worked hard to preserve for decades. But, too often, those same people take no responsibility for continuing the tradition.

My comment is this: I hope that the development of this property preserves a healthy balance between space devoted to buildings and that which is devoted to preserving the natural beauty of our city.

Thanks.

Dwight Englund  
(425)883-1069

## Matz, Nicholas

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**From:** Dave Gray <dgray@outlook.com>  
**Sent:** Thursday, March 30, 2017 8:42  
**To:** Matz, Nicholas  
**Subject:** 17-104627-AC - Bellevue Technology Center Comprehensive Plan Amendment

Hello Nicholas. Could you please add me as a party of record for this? I'm hoping that we can preserve the city's vision of 156<sup>th</sup> being a bright line, east of which is a neighborhood oriented area. Certainly with all the recent development around 156<sup>th</sup> and Bel-Red between 24<sup>th</sup> and 20<sup>th</sup>, there are many neighborhood impacts that are not yet understood.

Thanks,

dave

Sent from [Mail](#) for Windows 10

## Matz, Nicholas

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**From:** erin howard <e\_howard13@hotmail.com>  
**Sent:** Wednesday, March 29, 2017 8:12  
**To:** Matz, Nicholas  
**Cc:** Council; EBCC  
**Subject:** Crossroads Subarea Plan/Bellevue Technology Center application (17-104627 AC).

Mr. Matz,

I'd like to become a party of record for this application. The current owners of the site knew the property restrictions when purchasing the property, and arguably got a great deal as a result. Given the other future light rail station locations within Bellevue, other sites are better suited for the kind of development the current owners continue to propose. (I'm thinking about the seemingly great choice REI made.) In addition to traffic along NE 24th St., additional concerns include the continued deterioration of the tree canopy and impact to residents adjacent to the property and their property values. I personally live further down NE 24th Street near Bennett Elementary and would like to stand with my nearby neighbors.

Thanks!  
Erin Howard  
Community Resident

## Matz, Nicholas

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**From:** Me Smith <ps1360@comcast.net>  
**Sent:** Monday, March 20, 2017 16:30  
**To:** Matz, Nicholas  
**Subject:** Bellevue Technical Center  
**Attachments:** DailyAMTrafficJam156th-BelRed; PedXng156thNE20th; ATT00001.txt

Dear Nicholas,

I am sending pictures to you of the traffic congestion facing the pedestrians and commuters at the corridor surrounding the Bellevue Technical Center. There is currently ongoing construction for a large apartment complex at the corner of 156th Ave NE and NE 20th, construction for a town-home complex near Crossroads off of NE 15th St. and planned construction at the Bellevue Technical Center. These pictures show you what our traffic is like on a typical weekday morning BEFORE any of these complexes are complete and housed. I know the recent LIV apartment complex isn't full yet. After 4:30 you can reverse the pictures to see what it is like to try to turn onto 156th from Bel-Red Rd. The green left-turn arrow allows cars onto a street that cannot accept them. Many times only 2 can make it through the large intersection only to be hung up with a portion of the car partially in the intersection or across the pedestrian walkway.

On any weekday the traffic lights are unable to meet the demands of the traffic on the streets. There are cars left in the intersection when the light changes. Today cars were unable to make a right turn onto 156th off of Northrup Way because the traffic had not advanced up the street to allow them to move around the corner even when they had the green light. The traffic was stopped completely from NE 20th Street to NE 24th Street. What are we going to do when one more construction of housing goes in on this intersection at BTC? There are no places to add bus stops to offer any relief, there are as many as the corners will allow now. The sidewalks were widened to allow for more pedestrian traffic a few years ago.

We need green space. I know McCullough Hill Leary was given the green light to build but the thinning of trees has already started, unchecked. Where there was a thick border of trees along 156th, you can now see large holes and gaping areas where many have been removed. Please do something. We need the birds and the trees. Bellevue had at one time been a green city, but it is no longer so.



3/21/2017



3/21/2017

**Matz, Nicholas**

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**From:** Jean Herod <jean.s.herod@gmail.com>  
**Sent:** Saturday, March 11, 2017 17:57  
**To:** Matz, Nicholas  
**Subject:** Bellevue Tech Center

Please advise the exact nature of the changes to the land use law with regard to the development of the open land at the above location.

Thank you

Jean Herod

## Matz, Nicholas

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**From:** Edward McDonald <mcdonaldedwardr@gmail.com>  
**Sent:** Wednesday, March 08, 2017 14:02  
**To:** Matz, Nicholas  
**Subject:** RE: File Number: 17-104627-AC

One of the key arguments offered by BTC for the CPA is the proximity to the future light rail station at Overlake Center. This argument fails

It should be pointed out that:

1. The light rail station is located in Redmond.
2. Only A SMALL SLIVER of one corner of the meadow (perhaps 150-200 ft. of the 46 acres) is within a half mile arc of the Redmond light rail station at Overlake Center.
3. 100% of all the current buildings AND all of the area proposed development for BTC expansion lies outside of a half mile radius from the Overlake light rail station.
4. BTC has stated that they do not plan to develop the meadow.
5. The location of the light rail station should be irrelevant to the above referenced CPA.

Regards,  
Edward McDonald  
15936 NE 127<sup>th</sup> PL  
Bellevue, WA 98008  
425-881-8453  
[mcdonaldedwardr@gmail.com](mailto:mcdonaldedwardr@gmail.com)

## Matz, Nicholas

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**From:** Shawn Donohue <shawndonohue@comcast.net>  
**Sent:** Wednesday, March 08, 2017 10:25  
**To:** Matz, Nicholas  
**Cc:** Council; EBCC; Cullen, Terry; Stroh, Dan  
**Subject:** RE: Opposition to Rezoning efforts at 156 between NE 24 and Bel-Red Rd

Mr. Matz,

Can you let me know the procedure to officially register my opposition to the CPA application submitted by the BTC in January 2017. I have reviewed their application and am decidedly opposed to their proposals.

A very small portion of the property is within the new ½ mile walkshed of the new Light Rail station, and most is quite a bit outside this area. Most portions of the BTC are far greater than the newly increased ½ mile guideline. People will not walk these distances (especially during the rainy seasons – late fall through early summer) and will clog the streets making travel impossible through this area.

Too Soon. – With the other major developments projects already in progress we should slow down so we will know how livability will be affected. BTC's suggestion that the pace of growth is a factor for favorable consideration of their proposed changes is absurd.

I live in Tam o'Shanter and my travel options are severely restricted by Lake Sammamish. West Lake Sammamish Parkway is already over capacity, and NE 8<sup>th</sup>, Northup and NE 24<sup>th</sup> are my options for travel. All will be adversely affected if the CPA is amended. Many current residents will be without options.

The 'Threshold Review' process is beginning soon, how can I add my voice to this process?

Sincerely,

Shawn Donohue

**From:** NMatz@bellevuewa.gov [mailto:NMatz@bellevuewa.gov]  
**Sent:** Monday, February 27, 2017 12:42 PM  
**To:** shawndonohue@comcast.net  
**Cc:** Council@bellevuewa.gov; EBCC@bellevuewa.gov; TCullen@bellevuewa.gov; DStroh@bellevuewa.gov  
**Subject:** RE: Opposition to Rezoning efforts at 156 between NE 24 and Bel-Red Rd.

Mr. Donohue-

Thank you for your comments regarding the Crossroads Subarea Plan/Bellevue Technology Center application (17-104627 AC). This has been referred to the responsible staff, which is me. This private application has been submitted as a site-specific proposed Comprehensive Plan amendment (CPA) for 2017 review, and is not a city initiative.

As we discussed this morning in our telephone conversation you will become a party of record to the Crossroads Subarea Plan/Bellevue Technology Center CPA. This means that you will receive official notice (via the email address you provided when you submitted your comments separately to me as a result of information on the public notice sign

installed on February 23, 2017 on the property) of all noticed actions including public hearings regarding this CPA. This also means you will receive information regarding Planning Commission and City Council study and action events.

You can also refer to the CPA web pages for status information at:  
[http://www.bellevuewa.gov/comprehensive\\_plan\\_amendments.htm](http://www.bellevuewa.gov/comprehensive_plan_amendments.htm).

The Planning Commission's review process for privately-initiated, site-specific CPAs such as the Crossroads Subarea Plan/Bellevue Technology Center application extends over the course of the year to include a two-part review; the first part, known as Threshold Review, will get underway in early spring. The CPA public engagement process is early and continuous, and we will keep you informed of it

Nicholas Matz AICP  
Senior Planner  
425 452-5371



*One City*

Bellevue, WA

**From:** Shawn Donohue [<mailto:shawndonohue@comcast.net>]  
**Sent:** Friday, February 24, 2017 9:59  
**To:** Matz, Nicholas <[NMatz@bellevuewa.gov](mailto:NMatz@bellevuewa.gov)>  
**Cc:** Council <[Council@bellevuewa.gov](mailto:Council@bellevuewa.gov)>; EBCC <[EBCC@bellevuewa.gov](mailto:EBCC@bellevuewa.gov)>  
**Subject:** Opposition to Rezoning efforts at 156 between NE 24 and Bel-Red Rd.

I want to register my opposition to the rezoning applications submitted to the City of the Bellevue Technology Center. Specifically:

POLICY S-CR-63. Multifamily use is not allowed within District B. Existing multifamily uses within District B can be converted to senior citizen housing, senior congregate care housing, assisted living and nursing homes

POLICY S-CR-66. Office use as a conditional use is appropriate for the property east of 156th Avenue NE between Northup Way and NE 24th Street (commonly known as Unigard).

Congestion and explosive growth in this area has already reduced livability in this area and areas connected. I live in Tam o' Shanter and the traffic congestion is horrible. My children attend Interlake HS and at times I experience a delay of over 20 minutes to drive from my home in Tam o' Shanter to their school. The traffic backup in that area is horrible and will only get worse with the currently planned construction of Apartment and Mixed use buildings.

Please help maintain the livability in our communities. I need information regarding how to formally register my opposition.

Thanks.

Shawn Donohue  
(425) 503-9328





**Matz, Nicholas**

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**From:** Edward McDonald <mcdonaldedwardr@gmail.com>  
**Sent:** Tuesday, March 07, 2017 17:06  
**To:** Matz, Nicholas  
**Subject:** File Number: 17-104627-AC

Please add my name as a party of record to the latest action by the owners of the Bellevue Technology Center (Uniguard property) regarding the above file number.

Regards,  
Edward McDonald  
15936 NE 127<sup>th</sup> PL  
Bellevue, WA 98008  
425-881-8453  
mcdonaldedwardr@gmail.com

## Matz, Nicholas

---

**From:** Thierry Perraut <tperraut@gmail.com>  
**Sent:** Friday, March 03, 2017 21:47  
**To:** Matz, Nicholas  
**Cc:** Council; EBCC  
**Subject:** I would like you to record my opposition to this land use action

Attn: Mr. Nicholas Matz  
CC: Bellevue City Council

Dear Mr Nicholas Matz,

I'd like you to record my opposition to this proposed land use action.

I believe that there are already too many high density multi family housing developed around the Overlake / Crossroads area in both Redmond and Bellevue cities.

This additions without fixing the roads will make 156th Ave and 24th St even worth than they are. And with all the already approved constructions, it's going to be getting almost impassible. I work in Seattle and often take more time from 24th St (east of 156th Ave NE) to 520 than the rest of my commute, especially in the evening.

At the very least, if the 156th Ave NE / 24th ST / Bel-Red "triangle" nightmare was transformed with a roundabout, the situation would likely be more acceptable for all drivers. Right now, it's competing with Seattle Denny's triangle and Mercer St nightmares in term of congestion. Let's have Bellevue and Redmond be innovative cities, and not only focus on future light rail.

Sincerely,  
Thierry Perraut  
425 283 6409  
[tperraut@gmail.com](mailto:tperraut@gmail.com)

Site Specific:  
Crossroads Subarea/Bellevue Technology  
Center  
Location: 15805 NE 24th St  
Subarea: Crossroads  
Neighborhood: Crossroads  
File Number: 17-104627-AC  
Description: Propose new policies in the  
General Land Use and Economics sections of  
the Crossroads Subarea Plan; amend Policies SCR-16,  
S-CR-63 and S-CR-66; and amend Figure  
S-CR.1 accordingly.  
Date of Application: January 31, 2017  
Completeness Date: February 23, 2017  
Applicant Contact: Mark Jackson - KBS SOR  
156th Ave NE, LLC 206-737-4321  
Planner Email: [nmatz@bellevuewa.gov](mailto:nmatz@bellevuewa.gov)  
Planner: Nicholas Matz AICP, 425-452-5371

**Matz, Nicholas**

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**From:** Linda Nguyen <gelinstar@yahoo.com>  
**Sent:** Saturday, February 25, 2017 23:44  
**To:** Matz, Nicholas  
**Cc:** Council; EBCC  
**Subject:** Comprehensive Plan Update

Dear Nicholas,

Please advise on how the community can voice their opposition of the proposed Comprehensive Plan Update for the Crossroad Subarea/Bellevue Technology area 2017. The city of Bellevue has responded to the need for high-density development with the Spring District and Overlake Area rezoning and correctly excluded the Bellevue Technology Center as a buffer area between development and single family homes and schools.

Currently the city's needs of high density planning and development has already been addressed via the previous Comprehensive Planning As with the earlier zoning requests, there is no change to location of rail or community that would require revisiting the previous comprehensive plan.  
Thus this request should be denied.

Thank you,  
Linda Nguyen  
2113 182nd Ave NE

**Matz, Nicholas**

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**From:** Susan Tucker <tosue2k@yahoo.com>  
**Sent:** Saturday, February 25, 2017 11:20  
**To:** Matz, Nicholas  
**Subject:** Bellevue technology center

I want to voice my string objections to development of this property! The grounds and surrounding wood offer a buffer between the already over developed overland area and our homes! Northup is already overwhelming crowded with Microsoft traffic, now more apartments are being built everywhere and the city doesn't seem to care about the impact on the homes in the area and resulting traffic. We do not need. This property developed. Any more commercial businesses can move to the new developments around 120th and 124th where there are not private residence to be negatively impacted. It's bad enough Redmond has allowed development of the old group health hospital property! They can't even fill the apartments and senior housing that already exists in the area. I have lived in Bellevue most of my life and am seriously looking to move somewhere else!  
Susan tucker.

Sent from my iPhone

Matz, Nicholas

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**From:** Shawn Donohue <shawndonohue@comcast.net>  
**Sent:** Friday, February 24, 2017 9:59  
**To:** Matz, Nicholas  
**Cc:** Council; EBCC  
**Subject:** Opposition to Rezoning efforts at 156 between NE 24 and Bel-Red Rd.

I want to register my opposition to the rezoning applications submitted to the City of the Bellevue Technology Center. Specifically:

POLICY S-CR-63. Multifamily use is not allowed within District B. Existing multifamily uses within District B can be converted to senior citizen housing, senior congregate care housing, assisted living and nursing homes

POLICY S-CR-66. Office use as a conditional use is appropriate for the property east of 156th Avenue NE between Northup Way and NE 24th Street (commonly known as Unigard).

Congestion and explosive growth in this area has already reduced livability in this area and areas connected. I live in Tam o' Shanter and the traffic congestion is horrible. My children attend Interlake HS and at times I experience a delay of over 20 minutes to drive from my home in Tam o' Shanter to their school. The traffic backup in that area is horrible and will only get worse with the currently planned construction of Apartment and Mixed use buildings.

Please help maintain the livability in our communities. I need information regarding how to formally register my opposition.

Thanks.

Shawn Donohue  
(425) 503-9328



**Donohue Consulting, LLC**  
PROVIDING PROVEN BUSINESS SOLUTIONS SINCE 1993

## Matz, Nicholas

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**From:** Albert Ting 7070 <alt7070@hotmail.com>  
**Sent:** Thursday, February 23, 2017 15:29  
**To:** Matz, Nicholas  
**Subject:** Crossroads Subarea & BTC

Hi Nicholas, can you please send me all info regarding the permit for 17-104627-AC?

Thx,  
Albert Ting  
258 W Lake Samm Pkwy SE  
Bellevue, WA 98008

Sent from Mail for Windows 10

**Matz, Nicholas**

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**From:** Plummer David F. <pdf3@comcast.net>  
**Sent:** Thursday, February 23, 2017 10:55  
**To:** Matz, Nicholas  
**Subject:** Photo for File Number: 17-104627-AC

Hi Mr. Matz!

Can you post some better photos for the subject file? (The current posted photos are not readable - just a lot of black stuff.)

RSVP,

David Plummer

**Matz, Nicholas**

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**From:** Hadden Hoppert <hhoppert@gmail.com>  
**Sent:** Thursday, February 23, 2017 10:09  
**To:** Matz, Nicholas  
**Subject:** 17-104627-AC Propose new Policies for BTC

Can you explain to me what this permit is about? Can I get the full filing information?

## Threshold Review CPA Decision Criteria at 20.30I.140

- A. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and
- B. The proposed amendment is in compliance with the three year limitation rules set forth in LUC 20.30I.130.A.2.d; and
- C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and
- D. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. Significantly changed conditions are defined as:

**LUC 20.50.046 Significantly changed conditions.** Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046); and

- F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and
- G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code; or
- H. State law requires, or a decision of a court or administrative agency has directed such a change.

### (ii) Consideration of Geographic Scope

Prior to the public hearing, the Planning Commission shall review the geographic scope of any proposed amendments. Expansion of the geographic scope may be recommended if nearby, similarly-situated property shares the characteristics of the proposed amendment's site. Expansion shall be the minimum necessary to include properties with shared characteristics...



April 21, 2017

**SUBJECT**

Downtown Livability Land Use Code Update

**STAFF CONTACTS**

Carol Helland, Land Use Division Director, 452-2724  
[chelland@bellevuewa.gov](mailto:chelland@bellevuewa.gov) *Development Services Department*

Patricia Byers, Code Development Manager 452-4241  
[pbyers@bellevuewa.gov](mailto:pbyers@bellevuewa.gov) *Development Services Department*

Emil A. King AICP, Strategic Planning Manager 452-7223  
[eaking@bellevuewa.gov](mailto:eaking@bellevuewa.gov) *Planning and Community Development*

**DIRECTION NEEDED FROM PLANNING COMMISSION**

- Action
- Discussion
- Information

**BACKGROUND**

Over the past 18 months, the Planning Commission has been reviewing and further refining recommendations from the Downtown Livability Citizen Advisory Committee (CAC). The Draft Downtown LUC (Land Use Code) Update currently before the Planning Commission represents the second installment of code amendments necessary to advance the Downtown Livability Initiative following adoption by Council of the “Early Wins” code amendments in March 2016.

**Public Engagement**

On March 8, 2017, the Planning Commission conducted a public hearing on the draft Downtown LUC Update. All written comment and verbal testimony has been provided to the Planning Commission, along with a summary of themes in the March 22 and April 19 meeting packets

Staff also continues to meet and interact with Downtown stakeholders regarding elements in the Draft LUC Update. This has helped create a better understanding of the issues and helps in the development of specific code refinements for the Commission to consider.

## SUMMARY OF INITIAL DIRECTION FROM PLANNING COMMISSION

The following is initial direction from the Planning Commission regarding changes to the March 8, 2017 Public Hearing Draft of the Downtown Land Use Code. The Commission’s changes will be incorporated into a Consolidated Land Use Code Package for final Commission review and action in the form of a recommendation to Council.

<b>Date</b>	<b>Initial Commission Direction</b>	<b>Status</b>
<b>General</b>		
3/22	Amend the draft Code to reflect the “Early Wins” Code amendments enacted by Ordinance 6277.	<i>Matrix included in 4/19 packet materials comparing Early Wins vs. Public Hearing Draft Code language. No changes necessary to draft Code to reflect Commission direction.</i>
<b>Affordable Housing</b>		
3/22	Include a 1.0 FAR exemption for affordable housing, and that the exemption be used in conjunction with the multifamily tax exemption program.	<i>Commission’s recommendation to be forwarded to Council for consideration as part of citywide Affordable Housing Strategy.</i>
<b>Amenity Incentive System</b>		
3/22	Revise the dimensional requirement table in section 20.25A.060 to show the base FAR to be 90% of the proposed maximum FAR in all instances.	<i>Revisions included in 4/19 packet material; will be integrated into Consolidated Code Package.</i>
3/22	Create a dedicated account for in-lieu fees collected through the amenity incentive system, and expend only for acquisition or improvement of publicly accessible open space within Downtown.	<i>Revision included in 4/19 packet materials; will be integrated into Consolidated Code Package.</i>
4/19	Provide more granularity and transparency regarding the collection, fund allocation, expenditure and accounting of in-lieu fees	<i>Will be integrated into Consolidated Code Package.</i>
4/19	Incorporate suggested edits to incentive system regarding Pedestrian Corridor bonus and transferability, Lake to Lake Trail, plaza criteria, arts amenity, and green building certification.	<i>Revisions included in 4/19 packet material; will be integrated into Consolidated Code Package.</i>
4/19	Do not further explore (1) concept of “Super Bonus” or (2) elimination of incentive system with replacement by additional development requirements.	<i>No changes necessary to draft Code to reflect Commission direction.</i>
<b>Tower Spacing and Other Requirements</b>		
3/22	Bring back additional information regarding the 80-foot tower spacing and 40-foot tower setback.	<i>Information regarding comparable cities and revised approach to tower spacing and departures developed for 4/19 Commission meeting.</i>

<b>Date</b>	<b>Initial Commission Direction</b>	<b>Status</b>
4/19	Reduce 40-foot tower setback in draft Code from internal property lines to 20 feet.	<i>Will be integrated into Consolidated Code Package.</i>
4/19	Modify definition of tower (75 feet to 100 feet) and raise point at which tower spacing applies (above 80 feet of building height).	<i>Revision included in 4/19 packet material; will be integrated into Consolidated Code Package.</i>
4/19	Bring back examples to support additional Commission discussion of 60-foot vs. 80-foot tower separation within project limit.	<i>Staff to provide supporting material for 5/3 meeting.</i>
4/19	Remove 10% outdoor plaza requirement for buildings that exceed trigger height (i.e. current maximum height).	<i>Will be integrated into Consolidated Code Package.</i>
<b>District and Site-Specific Issues</b>		
3/22	Amend Perimeter Overlay A-1 south of NE 12th Street from 102nd Avenue NE eastward to 112th Avenue NE to become Perimeter Overlay A-2.	<i>Revision included in 4/19 packet material; will be integrated into Consolidated Code Package.</i>
3/22	Incorporate changes reflected by the BDR and John L. Scott property representatives for Perimeter Overlay A-3 and B-3.	<i>Revisions included in 4/19 packet materials; will be integrated into Consolidated Code Package.</i>
4/19	Retain the Draft Code maximum height of 345 feet for the DT-O-2 District.	<i>No changes necessary to draft Code to reflect Commission direction.</i>
4/19	Bring back additional information on the implications of allowing multi-tower projects that span the DT-MU District and B-2 Overlay to have a residential tower height of 264 feet in the B-2 portion.	<i>Staff to provide supporting material for 5/3 meeting.</i>
4/19	Amend Downtown Sidewalk map in portions of DT-OLB to reflect proximity to I-405 abutments.	<i>Revision included in 4/19 packet material; will be integrated into Consolidated Code Package.</i>
4/19	Raise maximum parking garage height in DT-OLB, remove Active Uses requirement for garages that front 114th Ave NE and ensure garages have glazed openings and are compatible with urban environment.	<i>Revision included in 4/19 packet material; will be integrated into Consolidated Code Package.</i>
4/19	Additional discussion of increasing maximum nonresidential floorplates between 40 feet and 80 feet in DT-OLB Districts.	<i>Material included in 4/26 packet material.</i>
<b>Parking Flexibility</b>		
3/22	Bring back approaches relating to Downtown parking flexibility for further discussion.	<i>Approaches for parking flexibility included in 4/19 and 4/26 packets.</i>
4/19	Remove 20% shared parking reduction allowed in existing (adopted) Code, and remove flexibility amendments in draft Code.	<i>Language included in 4/26 packet for Commission consideration.</i>

Date	Initial Commission Direction	Status
<b>Miscellaneous</b>		
3/22	Revise definition of Active Uses to include specific examples.	<i>Revised definition included in 4/19 packet, with additional refinements in 4/26 packet.</i>

**APRIL 26 MEETING**

Staff has included the following information in this packet based on Commission direction in support of their continuing review of issues.

**Packet Material for April 26 Meeting**

- Downtown Parking Flexibility..... Att. 1
- Definition of Active Uses ..... Att. 2
- OLB District – Focus on Floorplates between 40 feet and 80 feet..... Att. 3
- Code Clarifications ..... Att. 4

**MAY 3 MEETING**

Staff is intending to supply information in the May 3 Commission packet to support discussion of the following items.

**Material to be Supplied for May 3 Meeting**

- Project examples to support Commission discussion of 60-foot vs. 80-foot tower separation within project limit.
- Implications of allowing multi-tower projects that span the DT-MU District and B-2 Overlay to have a residential tower height of 264 feet in the B-2 portion.

**POST-PUBLIC HEARING MEETING SCHEDULE**

The proposed schedule below anticipates completion of the Commission’s work in a timeframe that will facilitate delivery of its recommendation to Council by June 5 for final review and approval.

- Meeting 1            March 22, 2017 – *Completed.*
- Meeting 2            April 19 – *Completed.*
- Meeting 3            April 26
- Meeting 4            May 3
- Meeting 5            May 10
- Meeting 6            May 24

**ATTACHMENTS**

1. Topic: Downtown Parking Flexibility
2. Topic: Definition of Active Uses
3. Topic: OLB District-Specific Topics – Focus on Floorplates between 40 feet and 80 feet
4. Topic: Code Clarifications

## Topic: Downtown Parking Flexibility

April 26, 2017 Commission Study Session

### PLANNING COMMISSION INITIAL DIRECTION FROM APRIL 19:

Initial direction on Downtown Parking Flexibility was provided by the Planning Commission on April 19. During that meeting, the Planning Commission concluded that inclusion of additional parking flexibility in the draft code could not be adequately evaluated without results of a Comprehensive Downtown Parking Study. The necessary study has been funded in the 2017-18 budget, but has not been initiated. The Planning Commission directed staff to prepare draft code for its consideration that:

1. Removes the flexibility amendments that were included in the Downtown Update draft prepared for the public hearing (with the understanding that these elements could be re-evaluated at a future date after the Comprehensive Downtown Parking Study is complete)
2. Amends the existing code provisions to eliminate the 20% reduction allowed where uses served by shared parking have overlapping hours of operation.

Draft Code for Planning Commission consideration:

#### LUC 20.25A.050.C Shared Parking

1. General. In the Downtown, this subsection supersedes LUC [20.20.590.I.1](#) – 2. Subject to compliance with other applicable requirements of this Code, the Director of the Development Services Department may approve shared development or use of parking facilities located on adjoining separate properties or for mixed use or mixed retail use development on a single site if:
  - a. A convenient pedestrian connection between the properties or uses exists; and
  - b. The availability of parking for all affected properties or uses is indicated by directional signs, as permitted by Chapter [22B.10](#) BCC (Sign Code).
2. Number of Spaces Required.
  - a. Where the uses to be served by shared parking have overlapping hours of operation, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements for the uses served. ~~reduced by 20 percent of that total number; provided, that the Director may approve a further reduction of that total number if the property owner or owners demonstrate to the satisfaction of the Director that the resulting provision of parking will be adequate for the proposed uses.~~

**Commented [HC1]:** April 26 Draft for Commission consideration - Reflects Commission discussion on April 19

b. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.

3. Documentation Required. Prior to establishing shared parking or any use to be served thereby, the property owner or owners shall file with the King County Division of Records and Elections and with the Bellevue City Clerk a written agreement approved by the Director of the Development Services Department providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

**Potential Implications of the Initial Planning Commission Direction:**

Staff notes that this provision for shared parking has been used across Downtown since the inception of the existing Land Use Code by small to very large developments, and could potentially create some unintended consequences if eliminated. The shared parking provisions are applicable to new development as well as re-tenanting. This code provision is especially well used when re-tenanting occurs in smaller, multi-use buildings at the outer edges of downtown. If this provision is deleted from the Land Use Code, there will potentially be leasable spaces that cannot be re-tenanted upon the relocation of an existing tenant leading to vacant storefronts, leading to negative economic impacts.

**ALTERNATIVE TO THE PLANNING COMMISSION INITIAL DIRECTION:**

On March 22, the Planning Commission began its discussion of the Public Hearing Draft Code relating to parking flexibility. This original discussion included consideration of modifications to the public hearing draft that would make clear that the Director does not have the authority to modify residential guest parking standards. It was also stated that any parking demand studies required by the code would need to be based on Bellevue-specifics, not comparable jurisdictions, and be performed by a professional traffic engineer using the ITE (Institute of Transportation Engineers) manual as reference. There was also interest in ensuring that the Director would accept a parking demand study that complies with professional methodologies.

The code draft provided below provides an alternative to the Planning Commission Initial Direction provided on April 19 that incorporates the prior direction provided on March 22. This alternative would allow the 20% reduction for shared parking that is permitted by the code in effect today, provided it was supported by a parking study that met professional methodologies described by the Planning Commission in their March 22 meeting.

**LUC 20.25A.050.C Shared Parking**

1. General. In the Downtown, this subsection supersedes LUC [20.20.590.I.1](#) – 2. Subject to compliance with other applicable requirements of this Code, the Director of the Development Services Department may approve shared development or use of parking facilities located on

**Commented [HC2]:** April 26 Draft for Commission consideration – Continues to allow 20% reduction of shared parking for overlapping uses, provided the reduction is supported by a parking study the meets professional standards.

adjoining separate properties or for mixed use or mixed retail use development on a single site if:

- a. A convenient pedestrian connection between the properties or uses exists; and
- b. The availability of parking for all affected properties or uses is indicated by directional signs, as permitted by Chapter [22B.10](#) BCC (Sign Code).

2. Number of Spaces Required.

a. Where the uses to be served by shared parking have overlapping hours of operation, ~~the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements for the uses served reduced by 20 percent of that total number; provided, that the~~ Director may approve a reduction of up to 20 percent further reduction of that the total required parking stalls pursuant to the provisions of LUC 20.25A.080.H number if the property owner or owners demonstrate to the satisfaction of the Director that the resulting provision of parking will be adequate for the proposed uses.

b. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.

3. Documentation Required. Prior to establishing shared parking or any use to be served thereby, the property owner or owners shall file with the King County Division of Records and Elections and with the Bellevue City Clerk a written agreement approved by the Director of the Development Services Department providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

## **20.25A.080 Parking Standards**

### **H. Director's Authority to Modify Required Parking.**

Through approval of an administrative departure pursuant to LUC 20.25A.030.D.1, the Director ~~shall may~~ modify the minimum or maximum parking ratio for any use in LUC 20.25A.080.B, with the exception of required visitor parking for residential uses, if the following criteria are met as follows:

1. The modified parking ratio is supported by a parking demand analysis performed by a professional traffic engineer, as follows: provided by the applicant, including but not limited to:

**Commented [HC3]:** April 26 Draft for Commission consideration – Updates professional standards applicable to preparation of a parking study consistent with the Planning Commission discussion on March 22.

- a. Documentation ~~supplied by the applicant regarding actual of the estimated~~ parking demand for the proposed use adheres to professional methods; ~~and~~
- b. Evidence in available ~~planning and~~ technical studies or manuals relating to the proposed use; ~~and~~
- c. Parking demand analysis for the proposed use may take into consideration how parking supply for a similar use has been calculated and performed at other locations in Bellevue where available or other comparable circumstances in other jurisdictions. ~~Required parking for the proposed use as determined by other compatible jurisdictions.~~

Commented [KEA4]: Slight re-wording of language in April 19 Commission packet.

2. Periodic Review. The Director may require periodic review of the proposed review of the reduced parking supply to ensure the terms of the approval are being met.
3. Assurance Device. The Director may require an assurance device pursuant to LUC 20.40.490 to ensure compliance with the requirements and intent of subsection F.1 of this section.
4. Shared or off-site parking is not available or adequate to meet demand.
5. Any required Transportation Management Program will remain effective.

**ANALYSIS:**

The Downtown CAC did not include changes to Downtown parking ratios in their Final Report. They instead recommended to Council that a Comprehensive Downtown Parking Study be conducted. Council subsequently provided funding for such a study in the 2017-18 budget, with the full scope to be defined. At this time, Council has not provided direction when they might initiate the study. In this interim period, the parking discussion before the Planning Commission has focused on flexibility and visitor parking.

Over the past few years there have been inquiries for increased parking as more office workers occupy the same 1,000 square feet that the parking ratios are based on. There are also requests for less parking, especially for residential projects that feel 1.0 stall per unit is too much based on demand in the transit rich Downtown. Looking at 42 market-rate residential projects in Downtown between 1987 and 2015, 12 were built at a parking ratio of just over 1.0 stall per unit. There appears to a growing trend for projects to come in at the low end of what is required. Of the eight apartment projects that came online from 2010-2015, two were at the minimum, and the average of them all was only 1.15 stalls per unit.

The Commission has discussed opportunities for flexibility throughout the draft Land Use Code, but has expressed some concern about parking flexibility if it were to go too low and perhaps add to congestion with people driving around looking for a place to park. The materials provided in this attachment presents language that will accomplish the initial direction provided by the Planning Commission on April 19. An alternative is also provided for Planning Commission consideration that would continue to allow a 20% reduction in shared parking when uses have overlapping hours of operation, provided that the reduction is supported by a parking study that meeting professional standards for methodology. The alternative is intended to provide the Planning Commission with language that blends feedback from the Planning Commission received on both March 22 and April 19.

## Topic: Definition of Active Uses

April 26, 2017 Commission Study Session

### SUMMARY OF ISSUE FROM PUBLIC COMMENT:

Lack of clarity regarding the definition of Active Uses. Commenters have stated that definition should be improved to clearly list qualifying uses along with those that would not qualify.

### DIRECTION FROM COMMISSION:

On March 22, the Planning began a discussion of the draft definition of “Active Uses.” There was Commission direction to revise the definition to include specific examples of qualifying uses. Staff reviewed the Land Use Charts and suggests the following revised definition and administrative departure provisions. This version is modified from the April 19 definition to incorporate comments from McCullough Hill Leary LLC regarding adding select “Service Uses” in the Land Use Charts as qualifying “Active Uses.”

### ANALYSIS:

Active Uses are a cornerstone of the draft code framework. They are integral to the Building/Sidewalk Design Guidelines, land use activation adjacent to pedestrian bridges, and how FAR exemptions are treated. The discussion to-date has expressed a desire to provide more flexibility and expand qualifying uses as compared with the existing code definitions for “Retail Uses” and “Pedestrian-Oriented Frontage.” The revised definition references a specific list of uses that qualify as Active Uses, and a mechanism to consider other uses as Active Uses that are not otherwise listed in the definition, based on their unique circumstances through the administrative departure process.

Suggested amendments to the definition of Active Use – LUC 20.25A.020.A

**DT – Active Uses:** Those uses listed in LUC 20.25A.050 under “Cultural, Entertainment and Recreation”, “Wholesale and Retail” (with the exception of recycling centers and gas stations), and “Service Uses” (limited to finance, insurance, real estate services; barber and beauty shops; photography studios; shoe repair; and travel agencies). Those uses listed in LUC 20.25A.050 under “Residential” (including entrance lobbies and private indoor amenity space), “Service Uses” (except those uses listed above), “Transportation and Utilities”, and “Resources” are not considered Active Uses, but may be determined to meet the definition for an Active Use through an administrative departure pursuant LUC 20.25A.030.D.1 and 20.25A.070.C.2. An Active Use must meet the design criteria in FAR Exemption for Ground Level and Upper Level Active Uses in LUC 20.25A.070.C.1 and the design guidelines for the applicable right-of-way designation in LUC 20.25A.170.B. ~~Uses within a building that support pedestrian activity and promote a high degree of visual and physical interaction between the building interior and adjacent public realm. Entrance lobbies, private indoor amenity space, service uses, and enclosed privatized spaces are typically not considered active uses.~~ (NEW)

**Commented [KEA1]:** April 26 Draft for Commission consideration – Reflects direction from Commission on March 22 to revise Active Use definition to include specific examples. Incorporates public comment from April 19 meeting regarding qualifying Service Uses.

Suggested new paragraph - LUC 20.25A.070.C.1.c

Designation of an Active Use. The Director may approve an Active Use not otherwise listed in the definition contained in LUC 20.25A.020, through an administrative departure pursuant to LUC 20.25A.030.D.1 if the following criteria are met:

- i. The use is within a building and supports pedestrian activity;
- ii. The use promotes a high degree of visual and physical interaction between the building interior and the adjacent public realm; and
- iii. The use meets the design criteria in FAR Exemption for Ground Level and Upper Level Active Uses in LUC 20.25A.070.C.1.a and b, and the design guidelines for the applicable right-of-way designation in LUC 20.25A.170.B.

**Commented [KEA2]:** April 26 Draft for Commission consideration – New administrative departure provision for Active Uses. Unchanged from April 19 draft.

## OLB District-Specific Topics: Sidewalks, Parking Garages, Larger Floorplates

April 26, 2017 Commission Study Session

### INITIAL DIRECTION ON APRIL 19

The Planning Commission gave Staff initial direction to include the following in the consolidated code:

1. Sidewalks. The Downtown Sidewalk Dimension Map, Figure 20.25A.090.A.1. Remove required sidewalks for NE 4<sup>th</sup> Avenue and NE 6<sup>th</sup> Avenue between 112<sup>th</sup> Avenue NE and I-405.
2. Parking Garages
  - Increase the height for above grade parking in DT-OLB South from 40 feet to 55 feet.
  - Remove “active use” requirement from 114<sup>th</sup> Avenue NE in consolidated code in LUC 20.25A.180.D.6.b.i.
  - Amend the design guidelines in consolidated code in LUC 20.25A.180.D.6.b to include:
    - ...
    - ix. Profiles of parking structure floors should be concealed and not visible to the public through façade treatments and materiality, [while providing openings consistent with residential and non-residential buildings](#);
    - [x. Parking garages and structured parking should be designed to be compatible with the urban streetscape](#);
    - [xi. Sill heights and parapets should be sufficient to screen view of automobiles](#); and
    - [xii. Rhythm and spacing of openings should reflect a typical commercial or residential development](#).

### SUMMARY OF FLOORPLATE TOPIC FROM PUBLIC COMMENT:

1. Larger Floorplates. Both Brian Franklin and Bob Wallace requested larger floor plates. Brian Franklin asked for 30,000 square feet rather than 20,000 square feet at 80 feet or higher, or no smaller than 24,000 square feet at any height. Bob Wallace requested an increase from 20,000 square feet to 22,000 square feet in DT-MU and OLB for nonresidential over 80 feet or to exclude nonresidential buildings in the DT-OLB and DT-MU from the diminishing floorplate requirement in LUC 20.25A.075.A.2. He also requested an increase from 30,000 square feet to 40,000 square feet in DT-OLB Nonresidential between 40 feet and 80 feet. Finally, he suggests an increase from 20,000 square feet to 30,000 square feet above 80 feet for OLB nonresidential.

**DRAFT CODE REFERENCE:** The floor plate sizes are in Draft Code LUC 20.25A.060.A.4 and in the analysis section below.

**DIRECTION FROM PLANNING COMMISSION:** None

**ALTERNATIVES:**

1. Larger Floor Plates
  - a. Retain the Draft Code as it is.
  - b. Amend the Draft Code to incorporate one or all of the stakeholders’ requests.
  - c. Amend the Draft Code to incorporate a site-specific departure to increase floor plates by no more than 20 percent between 40 feet and 80 feet.

**ANALYSIS:**

1. Larger Floorplates

The OLB nonresidential floorplate sizes are depicted below with the requests from the stakeholders.

	<b>40’ to 80’</b>	<b>Over 80’</b>
<b>Current Code</b>	22,000 sq. ft.	N/A (Building height limit 75’)
<b>Draft Code</b>	30,000 sq. ft.	20,000 sq. ft.
<b>Wallace Request</b>	40,000 sq. ft.	22,000 sq. ft. or 30,000 sq. ft. for tech.
<b>Franklin Request</b>	-----	More than 30,000 sq. ft. or no smaller than 24,000 sq. ft. at any height

The direction from the CAC and the Planning Commission was to work toward taller, more slender towers. Further, the CAC wanted more open space, and more light and air between buildings as they go increase in height. Larger floor plates, as requested, will make these goals more difficult. The floor plates from 40 feet to 80 feet have increased 36 percent from the current code to the Draft Code. Also, heights will increase significantly from 75 feet in the current code to 86 feet in DT-OLB North, 403 feet in DT-OLB Central, and 230 feet in DT-OLB South. Though these increases are significant, Staff prepared a new departure to respond to the request for even larger floorplates. This departure would provide an opportunity for a 20 percent site-specific increase to the floorplates between 40 feet to 80 feet, where the increase will not undermine livability requirements.

LUC 20.25A.060.A.4

**Commented [BT(1)]:** April 26 Draft for Planning Commission consideration.

Downtown Land Use District	Building Type (2)(5)	Minimum Tower Setback above 45' Where Building Exceeds 75'	Maximum Floor Plate Above 40' (4)	Maximum Floor Plate Above 80' (4)	Maximum Lot Coverage (13)	Maximum Building Height	Floor Area Ratio: Base / Maximum (3)	Tower Separation Above 45' Where Building exceeds 75'	Trigger for additional height
Note: The dimensions for the other districts were deleted for the sake of brevity.									
DT-OLB North (between NE 8th Street and NE 12th Street)	Nonresidential	40' (15)	30,000 (17) gs/f	20,000 gs/f	100%	86'	2.5 / 3.0	80'	N/A (10)
	Residential	40' (15)	20,000 gs/f	13,500 gs/f	100%	104'	2.5 / 3.0	80'	N/A (10)
	Above-Grade Parking	N/A	20,000 gs/f	N/A	75%	45'(9)	N/A	N/A	N/A (10)
DT-OLB Central (between NE 4th Street and NE 8th Street)	Nonresidential	40' (15)	30,000 (17) gs/f	20,000 gs/f	100%	403'	2.5 / 6.0	80'	90' (7)
	Residential	40' (15)	20,000 gs/f	13,500 gs/f	100%	403'	2.5 / 6.0	80'	105' (7)
	Above-Grade Parking	N/A	20,000 gs/f	N/A	75%	45' (9)	N/A	N/A	N/A (10)
DT-OLB South (between Main Street and NE 4th Street)	Nonresidential	40' (15)	30,000 (17) gs/f	20,000 gs/f	100%	230'	2.5 / 5.0	80'	90' (7)
	Residential	40' (15)	20,000 gs/f	13,500 gs/f	100%	230'	2.5 / 5.0	80'	105' (7)
	Above-Grade Parking	N/A	20,000 gs/f	N/A	75%	45' (9)	N/A	N/A	N/A (10)

• • • •

(17) Modification with Criteria. The maximum floor plate between 40 feet and 80 feet may be increased through an administrative departure pursuant to 20.25A.030.D.1 if the following criteria are met:

- a. The maximum allowed floorplate is increased by no more than 20 percent;
- b. All buildings or portions of buildings located above 40 feet shall include a minimum building separation of 40 feet. The required separation shall provide for a continuous building separation corridor that extends between I-405 and I 12<sup>th</sup> Ave NE; and
- c. The applicant demonstrates that the increased floorplate size does not affect the light, air or privacy for pedestrians or adjacent properties, and any publicly accessible space that is located in the vicinity.

**Commented [BT(2)]:** Allows for flexibility.

**Commented [BT(3)]:** Continuous corridor provides permeability between Downtown and I-405.

## Topic: Code Clarifications

### April 26, 2017 Commission Study Session

NOTE: All page references below are to the public hearing draft Land Use Code included in the March 8 and March 22 Commission packets.

#### 1. Summary of Issue from Public Comment: Protect against spillover lighting.

##### Draft Code References:

- Pedestrian-scaled lighting is required in through-block connections, open space, and streetscapes that is, by definition, lower to the ground and will not cause as much glare. LUC 20.25A.160.D.4.f and .E.2.1, pages 110 and 112; LUC 20.25A.170.A1.b.vi., page 114;
- Lighting from new developments is required to be directed away from adjacent developments and less intense uses to minimize adverse impacts. LUC 20.25A.150.A.2.c, page 101;
- Orientation of lighting must be toward sidewalks and public spaces. LUC 20.25A.170.A.6, page 120;
- No glare into residential units or adjacent developments or streets. LUC 20.25A.180.D.7, page 132; and
- Dimmable exterior lighting. LUC 20.25.180.D.7.b.vi, page 137.

Additionally, the current code provisions in LUC 20.20.522, which will remain in effect after adoption of the draft code, requires:

- Cutoff shields on lighting in parking lots and driveways; and
- Other exterior lights must be designed to avoid spillover glare beyond site boundaries.

**Clarification:** The updated and current code include enhanced protection against spillover lighting, as suggested by this comment.

#### 2. Summary of Issue from Public Comment: Soften the mandates in the Through-Block Connections.

**Draft Code Reference:** Through-Block Pedestrian Connection standards and guidelines can be found in in LUC 20.25A.160.D; page 108.

**Clarification:** Mid-block Connections were renamed “Through-Block Pedestrian Connections” in March 2016 as a part of the Early Wins package. They can be found in the current code in LUC 20.25A.060.A. Along with the name change, a new provision, LUC 20.25A.060.E.was added to provide more flexibility to the applicant. Though the Through-Block Pedestrian Connections have been moved in the updated code to LUC 20.25A.160.D, page 160 and the flexibility provision did not move with them, they are still subject to the administrative departure procedure in LUC 20.25A.030, page 12. This procedure offers applicants the flexibility requested.

- 3. Summary of Issue from Public Comment:** Make sure that alleys function as alleys and provide a location for solid waste receptacles.

**Draft Code Reference:** LUC 20.25A.160B.2.iv, p. 105; states that site servicing equipment should be located away from the public sidewalk and through-block connections.

**Clarification:** The design guideline will help to keep sidewalks clear of mechanical equipment and solid waste receptacles. Also, the Transportation keeps the right-of-way clear as a part of its development review. Finally, a Director's Rule is being drafted by Solid Waste Division of the Utilities Department that will address these concerns. When this rule is complete, it will be adopted by reference into the updated Downtown Code. Altogether, these provisions ensure that solid waste receptacles and other servicing equipment will be kept off the sidewalks and right-of-way and in the alley or building.

# Upcoming Planning Commission Meeting Schedule

<u>Mtg</u>	<u>Date</u>	<u>Agenda Item Topic</u>	<u>Priority</u>	<u>Agenda Type</u>	<u>Location</u>
17-8	26-Apr-17	Comprehensive Plan Amendment Cycle Study Session	2	Discussion of plan amendment scope & types of information that will help the Commission in plan amendment review.	City Hall
		Downtown Livability Land Use Code	2	Downtown Livability Study Session #3 Post Public Hearing	
17-9	3-May-17	Downtown Livability Land Use Code	2	Downtown Livability Study Session #4 Post Public Hearing	City Hall
17-9	10-May-17	Downtown Livability Land Use Code	2	Downtown Livability Study Session #5 Post Public Hearing	City Hall
17-10	24-May-17	Downtown Livability Land Use Code	2	Downtown Livability Study Session #6 Post Public Hearing	City Hall
17-11	14-Jun-17	Comprehensive Plan Amendment Cycle Threshold Review	1	Public hearing	City Hall
		Comprehensive Plan Amendment Cycle Threshold Review	2	Study Session to make recommendation to City Council regarding threshold determination for plan amendments in cycle.	
17-12	28-Jun-17	Comprehensive Plan Amendment Cycle Threshold Review	2	Study Session to make recommendation to City Council regarding threshold determination for plan amendments in cycle.	City Hall
17-13	12-Jul-17	Digital Transition	3	Commission get an orientation on digital packets.	City Hall
		Planning Commission Post Retreat - Guiding Principles & Public Engagement	3	Commission reviews current guiding principles and public engagement practices and amends, as needed.	
17-14	26-Jul-17	TBD			
The Planning Commission will set public hearings, as needed, when the Commission approaches the conclusion of their deliberations.					

## Gulledge, Kristin

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**From:** michelekherman@gmail.com  
**Sent:** Wednesday, April 19, 2017 5:17 PM  
**To:** PlanningCommission; Council  
**Cc:** bill@summerhours.com  
**Subject:** Comment for Tonight's study Session on Livability

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Planning Commissioners and City Councilmembers:

I learned last night, less than 1 full day before the Commission Study Session, that the Fana Group is now going to propose developing a property on the SE corner of NE 4<sup>th</sup> and 106<sup>th</sup> Ave to a height of 460 ft. As we understand it, the Fana plan was approved months ago at a height of 302 ft., which already significantly exceeds the maximum stated height in the Land Use Code for the relevant district of 250 ft. Approving this request would be grossly unfair, at best, and at worst, amounts to an unconstitutional taking from downtown residents.

Despite the proposed LUC amendments being marked as a "Livability Initiative," numerous residents living in downtown have already submitted feedback concerning the proposed LUC upzoning proposals, especially S. of 4<sup>th</sup> St. The feedback includes concerns over loss of views and view corridors due to increased building heights and FARS, and increased traffic, congestion and safety concerns, resulting from more commuters and downtown residents in the upzoned downtown districts. Approval of Fana's proposal would be grossly unfair to the many Bellevue Towers residents who purchased south-facing condos above the 25<sup>th</sup> floor at a substantial premium to ensure that their views would be preserved according to the regulations.

It turned out that the regulations were not at all transparent because a maximum height did not mean a maximum height. There were footnotes and other provisions, incomprehensible to the general public, which actually permitted developers to build to heights of 302 ft. But the lack of transparency does not stop there, nor does it stop with the existing LUC. The proposed amendments seem to make regulation even less transparent.

The City of Bellevue has held public hearings, open houses, etc. to solicit public comment on the proposed amendments. But the public, e.g., downtown residents who are not LUC experts and don't have the time to investigate the details personally, have no ability to participate in the process in any meaningful way.

The City has claimed that the upzoning will result in taller and skinnier buildings. In order to evaluate that claim, I sought data showing the actual maximum heights and FARS for current downtown developments. I was unable to find that data because it does not exist. I note and appreciate that the City has been very cooperative in helping me access the best information they have. That information is from development project proposals. The City sent me hundreds of pages from which I was supposed to be able to figure out the relevant information. Liz Stead, Urban Design Planning Manager with the City, who is an expert on the LUC, was kind enough to walk me through the documentation and answer my questions. That said, there is no final FAR information, only what is proposed and in some cases it needs to be calculated. Clearly there are differences from the proposals and the completed projects.

Importantly, the amenity system and incentive programs create many different opportunities for added heights and FAR exemptions, adding to the confusion about property heights and actual FARS. The existing amenity system is far too complex and not well documented for any member of the general public to be able to understand if there is proper oversight, consistent application, and if the public is receiving any benefit whatsoever from the amenities and incentives that are pledged by developers. The proposed amendments to the LUC do nothing to make the system simpler, provide

for meaningful oversight, or add any transparency to the process. Rather, the proposed amendments make the system with incentives even more complex and therefore less transparent.

The Seattle Times ran an article in Sunday's paper (April 16, 2017) in which it reported on the City of Seattle's failure to properly oversee the incentive program for affordable housing (programs that Bellevue also has and is proposing new incentives for affordable housing). Here is a quote from the article that reasonably sums up the oversight issue:

O'Brien became interested in an audit in 2015 when a hotel-workers union raised an alarm about the city letting a developer make a smaller payment than it should have.

The union, UNITE HERE Local 8, came across the case while investigating the development of a new hotel in the Denny Triangle neighborhood. Local 8 realized the city was planning to demand a \$9 million payment when it could have charged \$12 million.

The city ultimately agreed to seek \$12 million after a legal challenge by the union. But the case raised questions about Incentive Zoning, says Stefan Moritz, Local 8's director of strategic affairs. The city wasn't calculating developer contributions in a very transparent way.

Similarly, Bellevue is not calculating developer contributions in a transparent way. Residents who don't have the ability to "investigate" or to "audit," cannot reasonably be expected to constructively participate in a process and protect their individual and collective interests.

While courts have had difficulty, in some cases, articulating a test to determine when a regulation becomes a taking, there is no set formula and courts have held that they must look to the particular circumstances of the case. The US Supreme Court has identified some relevant factors to consider: the economic impact of the regulation, the degree to which the regulation interferes with investor-backed expectations, and the character of the government action. Here Bellevue residents paid premiums for views, and other expectations based on current regulations. Those investments would be lost if the views are taken, and downtown Bellevue, for the other reasons mentioned, becomes a less desirable place to live. The government action here is unjustified in that the general public including affected downtown residents cannot meaningfully participate in evaluating the proposed amendments, or exceptions and waivers to the existing LUC, such as Fana's proposal, because the regulations and their implementation are too complex and lack transparency. I hope you will consider these views in the Executive Session this evening scheduled to discuss the legal risks of the current proposal.

I urge the City to go back to the drawing board, find a way to simplify the code, agree on actual livability objectives that are inclusive of residents' input, and develop a mechanism for evaluating the benefit of developer contributions in a transparent way.

Sincerely,  
Michele Herman  
Bellevue Towers resident

## Gulledge, Kristin

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**From:** Ian Morrison <imorrison@mhseattle.com>  
**Sent:** Wednesday, April 19, 2017 1:43 PM  
**To:** Cullen, Terry  
**Cc:** King, Emil A.; Helland, Carol; Courtney Flora  
**Subject:** Downtown Livability Plaza East  
**Attachments:** Planning Commission Plaza East 4 19 17.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Terry,

Good afternoon. Enclosed are Clarion Partner's comments on the Downtown Livability Initiative for tonight's meeting. I'd appreciate if you would be willing to distribute these comments to the Commissioners.

As always, thanks for your assistance.

Ian

Ian S. Morrison  
Attorney-at-Law

MCCULLOUGH HILL LEARY, PS  
701 FIFTH AVENUE, SUITE 6600  
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# MCCULLOUGH HILL LEARY, PS

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April 18, 2017

VIA HAND DELIVERY

John deVadoss, Chair  
Bellevue Planning Commission  
450 110<sup>th</sup> Avenue NE  
Bellevue, Washington 98009

Re: Downtown Livability Initiative, Plaza East

Dear Chair deVadoss:

We are writing on behalf of Clarion Partners, owner of Plaza East, which is located at 11100 NE 8<sup>th</sup> Street in Bellevue's Downtown-MU zone. Clarion appreciates the City's continued efforts on the Downtown Livability Initiative and the Commission's consideration of these comments.

As you may know, the owners of Plaza East have struggled to lease the ground floor tenant spaces for years. For almost a decade, nearly 12,000 sq. ft. of tenant space has remained vacant, due to a combination of factors that include floor area ratio ("FAR") limitations, pedestrian-oriented frontage restrictions, and retail/restaurant parking requirements.

In May 2016, the City adopted Ordinance 6289, an interim official control that designated banks and financial institutions as "pedestrian oriented uses" and "retail activities" for purposes of defining edge conditions and application of the floor area ratio exceptions contained in LUC 20.25A.020.B.3. This interim control was intended to increase flexibility and create new leasing opportunities at Plaza East. This effort was greatly appreciated. However, due to other LUC limitations, this interim control did not achieve its intended goal, and ground floor spaces remain vacant. Clarion is hopeful that the Downtown Livability Initiative will address the remaining issues, allowing it to attract high-quality tenants to Plaza East that will activate NE 8<sup>th</sup> Street.

To that end, we have the following specific comments on the current draft Land Use Code ("LUC") amendments:

- Clarion Supports the Proposed Base FAR Increase. Clarion supports the Planning Commission recommendation to increase the base FAR in the DT-MU zone to 4.5.
- The "Active Use" Definition Must Be Expanded to Include Specified Service Uses. The Active Use definition is critical because it will govern how Building/Sidewalk Design Guidelines and FAR exemptions are applied. Under the proposed Land Use Code amendments, up to 1 FAR of "Active Uses" may be treated as exempt for FAR purposes. However, despite an expressed desire to provide more flexibility and expand qualifying uses

beyond existing "Retail Use" and "Pedestrian-Oriented Frontage (POF)" definitions, the "Active Use" definition is currently proposed to be *more restrictive* than the current LUC. The current draft amendment to LUC 20.25A.020.A would exempt all "Service" uses from the definition of Active Use, regardless of whether they meet the design criteria for FAR exemptions in LUC 20.25A.070.C. Non-qualifying uses would include finance, insurance and real estate services; barber and beauty shops; photography studios; shoe repair, and travel agencies. These uses serve building tenants, they activate the pedestrian realm, and there is no reason to exempt them from the definition of "Active Use." We ask the Planning Commission to recommend expanding the Active Use definition to include these specified service uses. If it does not, the LUC updates will provide less flexibility than the current LUC.

- Parking Minimums Should Be Decreased in the DT-MU Zone. One of the reasons it is difficult to lease space in Plaza East to a small deli or sandwich shop intended to serve employees who work within walking distance is because the LUC requires a minimum of 10 parking spaces/1,000 nsf. This is extremely difficult to achieve, and it is excessive in this location. Mere blocks away in the DT-0-1 and DT-0-2 zones, there is no minimum parking requirement for restaurants. We understand that the City will soon undertake a comprehensive parking demand analysis to study parking issues in more detail, but this parking issue needs to be addressed now, as part of the Livability Initiative. We ask that you reduce minimum parking requirements in the DT-MU zone, particularly for restaurant uses.

We appreciate your attention to these comments, and we look forward to working with you and City staff as you formulate your final recommendations to City Council.

Sincerely,



Courtney E. Flora

cc: Emil King, AICP, Strategic Planning Manager  
Carol Helland, Land Use Division Director

## Gulledge, Kristin

---

**From:** Pam Johnston <pamjjo@msn.com>  
**Sent:** Wednesday, April 19, 2017 3:16 PM  
**To:** john@devadoss.net  
**Cc:** PlanningCommission  
**Subject:** RE: Are our developer incentives fair and competitive

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

## DATA

### Per **City Presentation January 2016: BelRed Plan and Incentives**

At [http://www.bridletrailscommunity.org/document\\_category.asp?cat\\_id=12&name=General+Meeting](http://www.bridletrailscommunity.org/document_category.asp?cat_id=12&name=General+Meeting)

### TIER 1 Amenities

- LIV by GRE, 54 rental units affordable at 80% area median income
  - Part of 452 new apartments on 156th Ave NE (former Angelo's Nursery)
- Spring District/Security Properties Phase I residential under construction
  - \$516,000 fee-in-lieu to ARCH housing fund
- Sherwood Center next residential project under BelRed zoning
  - Project will include either affordable units or fee-in-lieu

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### TIER 1 Amenities

- Spring District/Security Properties Phase I residential under construction
  - ~\$190,000 fee-in-lieu for parks/streams
- Spring District, initial office development
  - ~\$700,000 fee-in-lieu for parks/streams

*Note: Approximately 1-acre Spring District Park included in development agreement*

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Having reviewed this, I found that I was mistaken in some of the fees, since the Spring District residential listed is only Phase 1.

That makes the story look like this:

\$516,000 fee-in-lieu to ARCH housing ~ROUND NUMBERS \$500,000 fee-in-lieu, \$2000 rent (studio now at \$1717) 309 apartments

= 250 months' rent

~ 20 years rent on one apartment

~ 0.3% for 20 years

~\$190,000 fee-in-lieu for parks/streams ~ROUND NUMBERS \$200,000 fee-in-lieu, \$2000 rent

= 100 months' rent

= ~8 years rent on one apartment

~ 0.1% tax for 20 years. Not much money for parks.

**Park Costs: \$2.5 million in Bridle Trails for one frugal park and one piece of land**

Yes. A summary of expenses is provided below:

Corner Park:

Land cost + expenses: \$655,881

Construction: 728,193

Sub-total (Corner Park): \$1,384,074

140<sup>th</sup> Street Park:

Land cost + expenses: \$886,553

House demo: 58,309

Sub-total (140<sup>th</sup> St): \$944,862

General (Includes initial planning & Acheson work)

Engr/Planning/Permits/Misc. \$113,619

Project Management 139,500

Total Bridle Trails Expenses: \$2,582,055

Note: Spring District "Park" is not a city park. It is plaza space.

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**From:** John deVadoss [mailto:jdevados@gmail.com]

**Sent:** Wednesday, April 19, 2017 9:58 AM

**To:** Pam Johnston <pamjjo@msn.com>

**Cc:** planningcommission@bellevuewa.gov

**Subject:** Re: Are our developer incentives fair and competitive

Thank you Pam.

Speaking for myself -

1) I am not a fan of taxes; it creates additional bureaucracy, and once it starts it will snowball into additional taxation.

2) My belief is that we should focus on those incentives that may not be naturally motivated by the market - keep it as simple as possible, and time-bound, not in perpetuity IMHO. So, I would stay out of complicated inflation based models that attempt to keep these incentives going on ...

Tell us more about what your view of the BelRed issues please.

john

On Wed, Apr 19, 2017 at 2:06 PM, Pam Johnston <pamjjo@msn.com> wrote:

Are we charging enough for developer incentives? What about inflation? The term seems too long to make adjustments. We should review if our incentives are competitive now, track that yearly, change every five years, plus adjust for inflation yearly. I've seen other places that adjust for inflation.

Can we look at the dollars going into this compared to a simple tax? Not that a tax is what we want, but could it be a way to know we are charging a fair price?

BelRed endured an almost unprecedented clinical crisis. Results so far may not be the model we need for comparison.

Patricia Johnston  
3741 122nd Ave NE,  
425-881-3301

## Gulledge, Kristin

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**From:** Matz, Nicholas  
**Sent:** Thursday, April 20, 2017 10:37 AM  
**To:** Regi John  
**Cc:** Council; PlanningCommission; Cullen, Terry  
**Subject:** RE: Latest BTC rezone attempt; make party of record

Regi-

Thank you for your comments regarding the Crossroads Subarea Plan/Bellevue Technology Center application (17-104627 AC). This has been referred to the responsible staff, which is me. This private application has been submitted as a site-specific proposed Comprehensive Plan amendment (CPA) for 2017 review, and is not a city initiative.

You are a party of record to the Crossroads Subarea Plan/Bellevue Technology Center CPA. This means that you will receive official notice (via the email address you provided when you submitted your comments separately to me as a result of information on the public notice sign installed on February 23, 2017 on the property or as a result of the Weekly Permit Bulletin publishing for February 23, 2017) of all noticed actions including public hearings regarding this CPA. This also means you will receive information regarding Planning Commission and City Council study and action events.

You can also refer to the CPA web pages for status information at:  
[http://www.bellevuewa.gov/comprehensive\\_plan\\_amendments.htm](http://www.bellevuewa.gov/comprehensive_plan_amendments.htm).

The Planning Commission's review process for privately-initiated, site-specific CPAs such as the Crossroads Subarea Plan/Bellevue Technology Center application extends over the course of the year to include a two-part review; the first part, known as Threshold Review, will get underway on April 26<sup>th</sup> with a scheduled Threshold Review study session. The CPA public engagement process is early and continuous, and we will keep you informed of it.

Nicholas Matz AICP  
Senior Planner  
425 452-5371



*One City*

Committed to Excellence

*Please be aware that email communication with City staff is a public record and is subject to disclosure upon request.*

**From:** Regi John [mailto:regij\_st@hotmail.com]  
**Sent:** Tuesday, April 18, 2017 23:15  
**To:** Matz, Nicholas <NMatz@bellevuewa.gov>  
**Cc:** Council <Council@bellevuewa.gov>; PlanningCommission <PlanningCommission@bellevuewa.gov>; Cullen, Terry <TCullen@bellevuewa.gov>  
**Subject:** Latest BTC rezone attempt; make party of record

Hello Nicholas,

I appreciate you taking the time out of your evening to talk to the community about the latest attempt by the owners of BTC to rezone the property. It was indeed an informative session.

Please make me (Regi John, [regi\\_st@hotmail.com](mailto:regi_st@hotmail.com)) a Party of Record of this rezone application and process.

Needless to say, I am **completely opposed** to any attempts to remove the PUD that has been in place for the property. The PUD was put in place after much forethought and negotiations between the owners of BTC, the community and the City. The PUD has stood the test of time and ensured the continued existence of the last verdant open space in that portion of Bellevue. Thereby maintaining the livability of the area, and Bellevue's City-in-a-Park motto. For how long though one wonders?

Bellevue however has already crossed a tipping point with out-of-control growth that over the last few years. The impact of this rampant growth has been:

1. Horrendous traffic conditions especially at peak times in the morning and evenings. It is completely ridiculous that it takes me 20 minutes to travel a mere 2 miles on 24th St! Additionally, it is no longer safe for my children to be either walking or riding their bikes in our neighborhood streets as a result. That is not the sort of neighborhood Bellevue should be.
2. Bellevue is becoming a concrete jungle, with 156th Ave NE being what appears to be the final demarcation between grey concrete on the west, as a result of the out-of-control growth, and the last set of greenery and open spaces on the east, outside of dedicated parks. How can Bellevue continue to be a City-in-a-Park if BTC is rezoned, and the trees torn out and the open spaces replaced with buildings and parking lots?
3. Schools are overflowing and over capacity. My daughter at Interlake High School has to attend classes in makeshift portable classrooms. As the City continues to issue new housing permits this situation will only get worse.
4. Beyond roads, its becoming clear that other aspects of the infrastructure are unable to keep pace with this growth. The slightest bit of wind is enough for neighborhoods to lose power. I dread opening my water bill as the sticker shock worsens, despite our best attempts at continuing to curb our water usage.

It's now time for the City to invest in improving the livability and satisfaction indices of its residents. Invest in parks and recreation facilities, not more buildings and parking lots. Let not Bellevue slide away from being one of the most livable cities in the country.

Thank you.

Regi John  
15803 NE 27th Pl  
Bellevue - 98008

## Gulledge, Kristin

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**From:** Kevin Whittaker <Kevin.Whittaker@wnco.com>  
**Sent:** Wednesday, April 19, 2017 12:23 PM  
**To:** PlanningCommission  
**Subject:** Rezoning to bypass height restrictions in downtown Bellevue

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it may concern,

I live in the south tower of Bellevue Towers. Before I purchased my home here, I did my due diligence and researched the downtown Bellevue zoning and how it might impact what is, for me, a huge investment. I learned what the potential height limits would be for any building that might be built in proximity to Bellevue Towers and how it would affect the most important component of my prospective property's value: it's view! We based our decision to buy on this information.

Please do not allow developers (who had the same opportunity to do their due diligence prior to investing in downtown Bellevue property) to simply change the rules to benefit their investment at the expense of the rest of us! It's bad enough that developers have already been granted generous waivers that encroach beyond height limits most of us had assumed to be set in stone. Please don't pull the rug out from under all of us that make the Bellevue Community the great place it is. We actually live here, love living here, and worked long and hard to enjoy our little slice of life here.

Thanks for your time,

Kevin Whittaker  
10700 NE 4th St Unit 2802  
Bellevue, WA 98004

# A SHORTCOURSE

## ON LOCAL PLANNING



Department of Commerce

### A Short Course on Local Planning

Hosted by The City of Bainbridge Island  
280 Madison Avenue, North, Bainbridge Island, WA 98110  
Thursday June 29, 2017, 6:15 – 9:15 p.m.

**Agenda:**

- 6:15– 6:30 WELCOME AND INTRODUCTIONS.....Commerce**
- 6:30 – 7:00 THE LEGAL BASIS OF PLANNING IN WASHINGTON..... Phil Olbrechts, Attorney at Law**  
The statutory basis of planning in Washington State, and early planning statutes.  
Constitutional issues in land use planning.
- 7:00 - 7:30 COMPREHENSIVE PLANNING BASICS.....Gary Idleburg, Planner**  
What is planning, and why is it important? Overview of the Growth Management Act requirements for local planning. Ideas and tools for implementing and updating the comprehensive plan.
- 7:30 – 7:40 BREAK**
- 7:40 – 8:10 ROLES AND RESPONSIBILITIES.....Dave Osaki, Planner**  
Roles and responsibilities in the planning process. Legislative vs quasi-judicial decisions, tips for encouraging public involvement, best practices for effective meetings.
- 8:10- 8:50 OPEN GOVERNMENT LAWS .....Phil Olbrechts, Attorney at Law**  
Open Public Meetings Act and Introduction to the Public Records Act. This training meets the requirements of RCW 42.30.205 requiring every member of a governing body to take Open Public Meetings Act training within 90 days of taking an official role, and every four years thereafter, as long as they remain in that role. Attendees will receive a certificate of training.
- 8:50-9:15 QUESTIONS AND ANSWERS.....All**



Planning Association  
of Washington



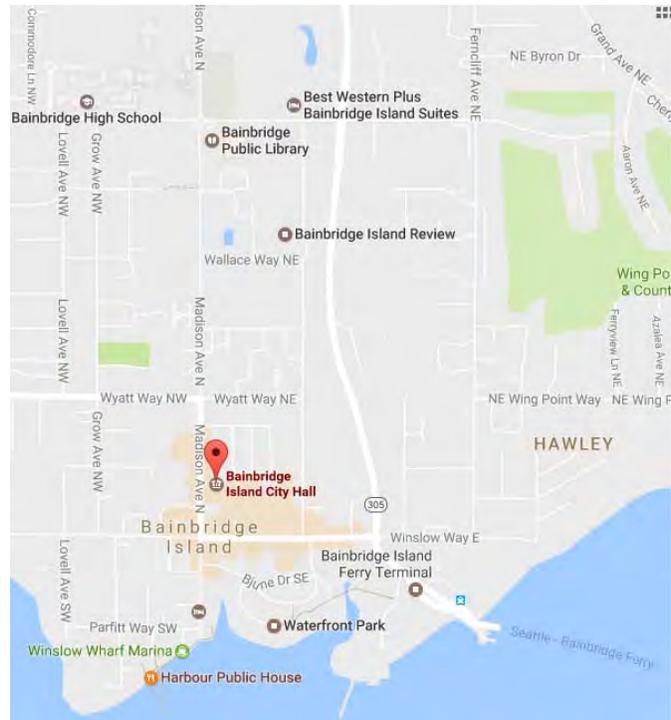
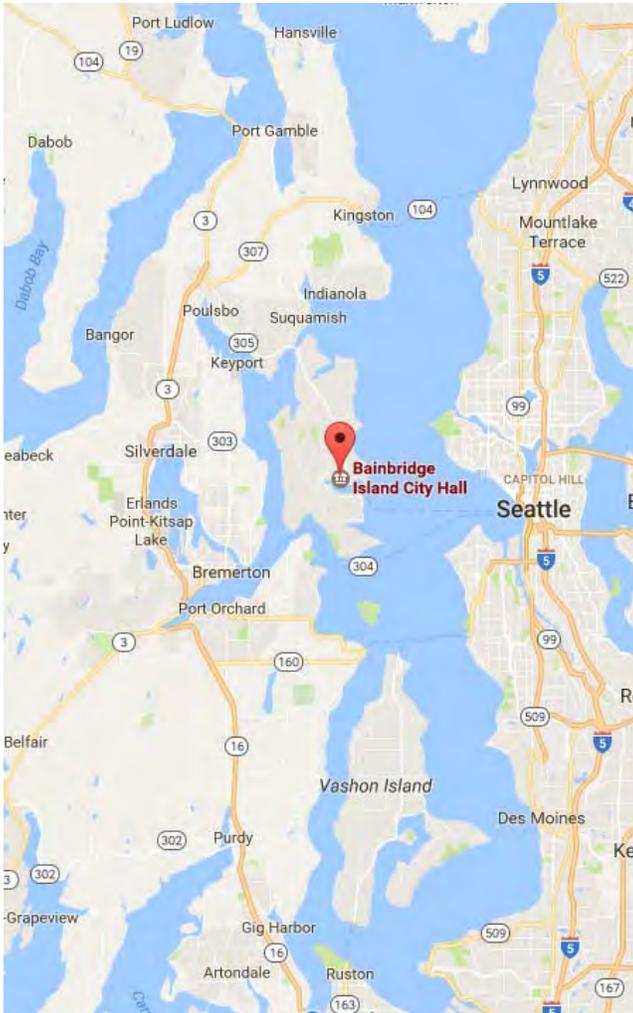
American Planning Association  
Washington Chapter



**REGISTRATION:** Please register by June 22, 2017, by sending an email with your name, organization and title (if applicable) and the location of the short course you wish to attend to [shortcourse@commerce.wa.gov](mailto:shortcourse@commerce.wa.gov) or by leaving the same information at 360 725-3064. Registration is not required, but helps for planning purposes; all will be welcome at the event. There is no cost to attend.

**SEE ALL UPCOMING IN PERSON COURSES AND VIDEO OPTIONS ON THE SHORT COURSE WEB PAGE AT:** [www.commerce.wa.gov/serving-communities/growth-management/](http://www.commerce.wa.gov/serving-communities/growth-management/). Agendas and presentations for past courses will be on the web site for the calendar year.

**MAP OF LOCATION:**



[Seattle –Bainbridge Ferry Schedule](#)  
(Ferry leaves for Seattle at 9:45 p.m.)  
Crossing time 35 minutes

- City elected officials will earn 3 CML credits in Community Planning and Development
- County elected officials will receive 2 core credits towards Certified Public Official Training
- For WCIA members, attendance at the Short Course provides COMPACT training credit
- For RMSA members, the Short Course meets the requirements of the land use advisory member standards
- For WSBA members, viewing the video series provides 1 CLE Legal Credit, and 0.75 other credits (Activity # 1011672)

**A Short Course on Local Planning: Training citizen planners since 1977**

The Short Course is an opportunity for planning commissioners, local government staff, elected officials, and community members to learn about our state’s legal framework for planning, comprehensive planning and community development processes, and public involvement in the planning process.

[www.commerce.wa.gov/serving-communities/growth-management/](http://www.commerce.wa.gov/serving-communities/growth-management/) 360.725.3064

**HOST:** Gary Christensen, AICP  
Director, Planning and Community Development, City of Bainbridge Island  
[gchristensen@bainbridgewa.gov](mailto:gchristensen@bainbridgewa.gov), 206.780.3756

**MODERATOR:** Gary Idleburg, Senior Planner, Washington State Department of Commerce  
[Gary.Idleburg@commerce.wa.gov](mailto:Gary.Idleburg@commerce.wa.gov) 360.725.3045

**PRESENTERS:** Phil Olbrechts, Attorney at Law, Olbrechts and Associates PLLC  
[olbrechtslaw@gmail.com](mailto:olbrechtslaw@gmail.com) 360.691.1078

Dave Osaki, AICP, Planning Manager, City of Mukilteo  
[dosaki@mukilteowa.gov](mailto:dosaki@mukilteowa.gov) 425.263.8042

## ADDITIONAL TRAINING AND EDUCATIONAL OPPORTUNITIES IN WASHINGTON

**Department of Commerce, Growth Management Services** <http://www.commerce.wa.gov/serving-communities/growth-management/>. See the Short Course Manual and Videos under the “Short Course on Local Planning” Key Topic.

**Municipal Research and Services Center of Washington** at [www.mrsc.org](http://www.mrsc.org): See [A Planner’s Pocket Reference](#) at [www.mrsc.org/subjects/planning/PocketRef.aspx](http://www.mrsc.org/subjects/planning/PocketRef.aspx), which includes glossaries, web links for land use, environment, housing, census, economics, transportation, technical tools, model codes, and land use law.

**Washington State Office of the Attorney General** Trainings on Open Government, Open Public Meetings Act and Public Records Act training at [www.atq.wa.gov/OpenGovernmentTraining.aspx](http://www.atq.wa.gov/OpenGovernmentTraining.aspx)

## OUR SHORT COURSE PARTNERS

**Planning Association of Washington (PAW)** is a statewide, grass-roots, non-profit incorporated in 1963, with the mission to “provide unbiased practical planning education to the citizens of Washington State”. PAW created the Short Course on Local Planning and is a Founding Partner. [www.planningpaw.org](http://www.planningpaw.org) Partner since 1980.

**The Washington Cities Insurance Authority (WCIA)** is a liability insurance risk pool which supports member risk management through education. WCIA encourages their members to attend the Short Course on Local Planning because it is recognized as a tool for reducing land-use liability. [www.wciapool.org/](http://www.wciapool.org/) Partner since 2009.

**Washington Chapter of the American Planning Association (WA-APA)** [www.washington-apa.org/](http://www.washington-apa.org/) Partner since 2014.

**Association of Washington Cities (AWC)** and the **Risk Management Services Agency (RMSA)** [www.awcnet.org/](http://www.awcnet.org/) and [www.awcnet.org/PropertyLiability.aspx](http://www.awcnet.org/PropertyLiability.aspx) See **GMA Comp Plan Conversation Starter** videos . [www.awcnet.org/ResourcesResearch/GMACompPlanConversationStarters.aspx](http://www.awcnet.org/ResourcesResearch/GMACompPlanConversationStarters.aspx) Partner since 2015.

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CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

March 1, 2017  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair deVadoss, Commissioners Carlson, Barksdale, Hilhorst, Laing, Morisseau, Walter

COMMISSIONERS ABSENT: None

STAFF PRESENT: Terry Cullen, Emil King, Nicholas Matz, Department of Planning and Community Development; Carol Helland, Patricia Byers, Department of Development Services

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER  
(6:35 p.m.)

The meeting was called to order at 6:35 p.m. by Chair deVadoss who presided.

ROLL CALL  
(6:35 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioners Morisseau and Walter, both of whom were excused.

APPROVAL OF AGENDA  
(6:35 p.m.)

A motion to approve the agenda was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS  
(6:36 p.m.)

Mayor Stokes said he was looking forward to listening to the discussion and preparing for the upcoming public hearing on the downtown livability work. He said while he is not able to attend every Commission meeting, he faithfully keeps up with reading the minutes. The Council is looking forward to getting the Commission's recommendation.

Commissioner Barksdale reported that the Wilburton CAC is making good progress. At the last meeting the group was presented with demographics information to help inform the discussion and contextualize the work. The next meeting is slated for March 2 and the focus will be the

survey data, economic data, and case studies from other cities that have undergone similar development.

#### STAFF REPORTS (6:39 p.m.)

Comprehensive Planning Manager Terry Cullen reported that the work to transition to a fully digital format for the Commission is continuing. He said the iPads are in and are being loaded with software. Once the transition is completed, the Commissioners will access the packet information in the same way the Councilmembers access their packets using an application called iLegislate. Opportunity will be taken in April to talk with the Commission about technology and legal issues.

With regard to the Commission's schedule, Mr. Cullen noted that March 22 has been set aside for continuing the downtown livability study following the public hearing on March 8. Once the downtown livability work is completed, a discussion will be programmed to address some post-retreat follow-up items, including public engagement and guiding principles.

Mr. Cullen said he recently met with Commissioner Barksdale. In that meeting, Commissioner Barksdale stated that developers or citizens often present complex problems they face, or are likely to face, based on decisions made by the Planning Commission. For example, developers and citizens have raised challenges resulting from the lack of or increase in height and/or FAR. Understanding the needs of the developers and citizens is key to any decision made by the Commission, but currently the Commission's primary opportunity for obtaining deeper level feedback from the groups is outside of the Commission meetings. While not scalable, the context is necessary to make well-informed policy recommendations. Another means is needed for gaining an understanding of the deeper context and rationale for the concerns raised by developers and citizens that will allow the Commission to dive deeper into conversations with the groups beyond the limited time and structure typically available during public comment or a public hearing.

Mr. Cullen noted that he had sent that statement out to the Commissioners for a response directly back to him. He said he received two comments. Chair deVadoss wrote to say he understands the issue and appreciates the problem raised by Commissioner Barksdale. He went on to ask how the issue can be addressed without creating additional time and workload commitments for the Commission and the staff, and without creating an alternate to the public hearing, that is devolving to a town hall scenario. Commissioner Walter wrote to say she would like to discuss the issue during a Commission meeting.

Commissioner Hilhorst said she had not responded because she was unclear of the context and whether the intent was to create a new approach in the Commission's guidelines. Commissioner Barksdale said he did not have a particular solution in mind and was open to exploring the problem. The three- to five-minutes allowed the public to speak is not always sufficient. One option might be to ask for information to be submitted ahead of time. Another option might be to develop a new forum in which to engage with developers and citizens on the more technical issues.

Commissioner Carlson commented that during his tenure as Chair of the Commission when the Shoreline Master Plan was being developed he directed stakeholders to meet directly with staff as a way of streamlining the process. He said he also did not hesitate to meet with staff or stakeholders off the clock in between meetings. Commissioner Barksdale said the first approach

was consistent with the intent he was trying to convey, but the second was not scalable and went against it.

Commissioner Laing allowed that the issue raised was well taken. He said the best he had been able to do as a Commissioner and as a member of the Downtown Livability Initiative CAC was the latter approach of meeting directly with stakeholders outside of Commission meetings. He agreed that time is the limiting factor for the Commissioners. During the Downtown Livability Initiative CAC process, the co-chairs encouraged the CAC members to go out, sit with people over a cup of coffee to discuss issues, including staff. The approach is in no way a substitution for the process of having a public meeting, but it is a plausible approach, even if on a limited scale. Other than holding a lot more meetings, there is no real approach that is scalable.

Chair deVadoss supported the need to garner all the information possible. He commented that work tends to expand to fill all available time. He expressed caution about having more meetings or placing more of a burden on the individual Commissioners and the staff. Clearly there is a need to have an established and fair process in terms of receiving information from people. He reminded the Commissioners that the nature of public engagement with the Commission was not discussed at the retreat and suggested it should be put on a future agenda for discussion.

Mr. Cullen said that could certainly be done. He pointed out that in his conversation with Commissioner Barksdale, however, it was agreed that the desire to obtain information is not necessarily a public engagement issue.

Mayor Stokes said he understood the struggle. He stressed the concern about making sure all Commissioners have access to the same information and avoiding situations that could be construed by some as undue influence. The Council operates somewhat differently in that it conducts both study sessions and briefing sessions. Councilmembers certainly can meet with constituents, but every such meeting is put on the books for all to see. In the briefings, a concerted effort is made to make sure every Councilmember has the opportunity to have the same briefing, or the same meeting with the individuals who come in. Of course, there is also a very real need to avoid information overload.

#### PUBLIC COMMENT (6:55 p.m.)

Mr. Todd Woosley, PO Box 3325, noted that while he serves as a member of the Transportation Commission, he was ~~present~~ representing only himself. He suggested it would be very good for the Planning Commission and the Transportation Commission to meet jointly on occasion given that land use and transportation issues are clearly interrelated. With regard to downtown livability, he said what is being planned has the potential to make the downtown area far more livable. Mobility is a key element of livability. An analysis has been done by staff on the impacts of the proposed zoning changes as related to the operations of downtown intersections by 2030. The proposed zoning changes will not affect traffic generation based on the market demands, but it will move development closer to I-405, and that will trigger less of an increase in congestion in the core. In the time since the study was done, however, about half a dozen transportation projects that were assumed by the model to be funded and built by the target year of 2030 will not be built by that year. Accordingly, the No Build scenario for transportation improvements should be given the most consideration. It shows roughly a doubling of vehicle delay in the downtown during the evening peak period. There is no clear understanding of how the system will function at full buildout, either at the current zoned density or at any level of increased density. The citizens would be much better served if that information were in hand. Any private

sector development would be required to analyze all the impacts of the full buildout, and the city should hold itself to the same standard before deciding how much, if any, new density can be supported.

Mr. Patrick Bannon, president of the Bellevue Downtown Association, said one answer to the issue raised by Commissioner Barksdale is that the organization could partner in programming with the staff and the Commission on downtown livability in the future. In the near term, the organization could look at stakeholder and resident feedback in a coordinated way. With regard to the Downtown Livability Initiative, he said the BDA has been working to reach consensus since the draft code was first released on key items. He said the BERK report took a look at development prototypes across the zones and tested how to preserve or maintain land values with certain cost assumptions. The findings were clear, and the ULI panel agreed, that the base FARs should be increased fairly significantly in order to stay true to the Council principles and avoid downzoning conditions. The BERK analysis did not, however, inform the community as to what the base FAR should be in order to achieve certain policy goals around where and how growth should occur; it really looked at maintaining the basic FARs so as not to upset the land values. With that in mind, the BDA strongly recommends setting the base FARs within a fairly high percentage of the proposed maximum FARs. The conclusion reached is that they should be set at the 90 percent level to encourage the density and to leave an appropriate margin for bonuses and public amenities. In addition, the BDA suggests looking at administrative departures for the flexible amenity, and encourages establishing the opportunity for a super bonus through the Council departure process that would require a development agreement and an extraordinary public benefit. The organization is going to look to advance the affordable housing exemption into the downtown Land Use Code. That may require seeking direction from the Council in order to keep things on schedule. Hopefully the exemption can also be combined with the multifamily tax exemption. Further work is needed in the overlay zones, particularly in the A-1, and additional flexibility should be considered to ensure that housing in a five-over-one or five-over-two construction method will be able to achieve its full potential, including affordable housing, and deliver public amenities. The 40-foot internal property line setback is causing issues in terms of developable site areas and capacity on certain properties; the BDA recommends keeping the setback at 20 feet. The Commission should also consider reducing the fee in-lieu exchange rate to the bonus amenity exchange rate; it is currently at \$28 per square foot and should be reduced to \$25 per square foot.

Commissioner Carlson asked if the BDA had a position on the proposed space between buildings. Mr. Bannon said the organization would encourage as much flexibility as possible. Feedback has been received that the 80-foot requirement would be too onerous, though it is understood that there is a Council principle and direction from the CAC to mitigate height increases and in some cases FAR increases above the current maximums.

Mr. Alex Smith, 700 112th Avenue NE, spoke representing 700 112th LLC and addressed the issue of transit-oriented development within a quarter mile of the East Main and Downtown stations, and the best practice as it relates to density around rail stations and other transportation centers of reducing the parking requirements to create some certainty for ~~developers develops~~, realized through a parking study and a negotiation with the city. If the parking were to be reduced through a determined formula with the planning department, the Planning Commission and others, the requirement could be reduced and the funds could be put toward the development itself, and toward the bonus amenity system if that would be appropriate. In addition to the subject of transit-oriented development, one could increase the FAR within the code to benefit those that are within a quarter mile. The public benefit would be more density and more certainty. He said when he first learned about Sound Transit coming to the Eastside, he was not a

fan and did not believe it would be a good deal for the taxpayers. Now that it is here, however, any stimulus toward ridership should be seriously embraced. Hopefully ridership will exceed Sound Transit's projections and all will feel they have gotten their money's worth.

Mr. Jeff Taylor with the Keldo Group said he was not ~~present~~ representing anyone in particular. When the 40-foot setback idea was raised, as well as the requirement to separate towers by 80 feet, an exercise was undertaken relative to the downtown as built to determine which projects would not be in compliance with the code as proposed. He pointed out that nearly 95 percent of the highrise structures would not be in compliance with either the 40-foot setback from internal property lines or the 80-foot separation requirement. He said he personally was involved in the Bravern and Civica projects. If the proposed code were in place currently, the Civica project would be only a single building. As indicated by the Bellevue Downtown Association, there needs to be some degree of flexibility allowed in dealing with the 80-foot separation requirement, allowing for the creative design of spaces for tenants to use. In order for the Bravern to be compliant under the proposed code, two of the highrise buildings would need to be removed. Bellevue Towers would not be compliance because of the 40-foot setback, and because there is not quite 80 feet between the two buildings. John Su's project would also not be compliant, nor would the Avalon project.

Mr. John Stout with Webber Thompson Architects said the diagram provided in the latest draft of the code, which was first published in the March 1 draft, illustrates what the 40-foot setback does, and the 20-foot setback for sites under 30,000 square feet. He showed that the approach breaks a 600-foot superblock into four parcels, which occurs only infrequently in the city. Even with some assumed assemblages for practical purposes, breaking a superblock into seven sites would mean each site would have more than 30,000 square feet. The 40-foot setback would squeeze the interior lots down to only about an 85-foot buildable tower footprint area. Properties with irregular lot lines, of which there are many in the downtown, would see their building footprints squeezed down even tighter, leaving portions of sites completely unbuildable. That is without taking into account the effect of the midblock connections. There are a lot of irregularly shaped parcels that are interior to the superblocks and they would be very negatively affected.

Mr. Taylor said many of the interior lots in downtown Bellevue will not be feasible to develop under the proposed code. At the very least, they will be greatly devalued.

Commissioner Barksdale pointed out that the proposed 40-foot setback and 80-foot tower spacing requirements are intended to address light and air. He asked if the current spacing requirements negatively impact the issue. Mr. Taylor said it is possible to work around the current requirements in that they allow for some flexibility, including moving towers around on sites in order to achieve the objective.

Mr. Brian Franklin said the Bellevue Downtown Association has over the past several weeks facilitated getting property owners together to coalesce around some general themes. There is a growing consensus in favor of setting the FAR base at 90 percent of the maximum. Extensive consideration has been given to the Sheraton site. What was presented for the site during the time the Commission was considering the view corridor is exactly what is being asked of the Commission. One issue specific to the OLB property owners along I-405 is the rear parking facing the freeway. There is a unique water table in the area that abuts into I-405, making subterranean parking extremely challenging. What is needed is allowance to produce a parking structure 55 feet tall facing the freeway; it would need to undergo a design process to avoid being a blight to the community as they drive along I-405. Allowing for the parking would allow for meeting the new density envisioned for the corridor. If forced to put parking all underground,

there will be a number of negative side effects encountered. With regard to the tower issue, he said CollinsWoerman was brought in to discuss what a tower should be. They looked at codes from Seattle, Vancouver, New York and other cities around the world and found that different planners come to different conclusions. However, in just talking about best practices for towers, what seems to come to the fore is fire and life safety. Having towers too close together could mean when one tower catches fire it will easily spread to the next one. That is the reason for the 20-foot setback required by the International Building Code. Outside of that, it usually comes down to planners and owners coming together in considering individual sites with an eye on building the best tower possible. For the Sheraton site, the current 20-foot setback requirement works well because the corners of the buildings come into each other, and all of the residents in the buildings will have good views. To change that requirement will be to ask planners to anticipate the future of all the different sites in downtown Bellevue.

Mr. Andy Lakha with Fortress Development, 500 108th Avenue NE, said his property abuts NE 8th Street and Bellevue Way. He said he plans an iconic project on the site that will be unlike anything that exists in the state. Work has been underway with the Planning Commission for many months on a development agreement concept to help achieve the vision. The property faces the busiest streets in the downtown. A portion of the property is in the DT-MU Deep B zone, but the majority of it is in the DT-MU zone. The Commission opened the door to the development agreement idea, which seems like the best way to achieve two equal height towers and fabulous pedestrian spaces. Six months later some questions were raised about the development agreement process that suggested it was not the best course. The late response was surprising. The goal is to create a great project rather than to focus on the process. The discussions with staff over the last two weeks have suggested a new path instead of the development agreement. The Commission has already blessed the idea of taller towers in part of the B-2 overlay for the Fortin site. Staff is not suggesting the same approach should be considered instead of a development agreement since it is already part of the new code. Having two equal-height towers is the best design solution for the site, but the Fortin approach would require two towers of slightly different heights. He said he was prepared to look at the Fortin approach. He proposed some additional language to the Fortin footnote to make the approach possible on the Fortress site.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, said at the beginning of the process a request was made to allow two 300-foot towers on the Fortress site. The Commission balked at allowing them as a matter of right. The issue of proceeding with a development agreement was raised and discussed, but it was never really resolved by the Commission. There was feedback from the staff that the development agreement approach did not fit well in the model, so it was back to the drawing board. The Fortin approach appeared to be something that would work. The Fortin site is obviously much closer to the Vuecrest neighborhood. If a diagonal line were drawn along the western edge of the downtown to represent the wedding cake scenario, two towers of roughly equal height could fit within it using the Fortin model. The distance from Vuecrest to the Fortress site is the same as the distance from the north boundary of the downtown to the DT-O2 district. The Fortin approach could be applied to the Fortress site by taking the footnote already blessed by the Commission and extending it, allowing towers that are taller than on the Fortin site but shorter than what is allowed in the DT-O2 district to the east.

Mr. Carl Van der Hoek, 342 102nd Avenue SE, addressed the issue of a through-block connection in Old Bellevue halfway between 100th Avenue SE and Bellevue Way and directly south of Downtown Park. He said as outlined, the connection only goes halfway through the block and then stops. Also, as shown the connection is not located in a superblock. According to the text on page 134 of the packet, the intent of a through-block connection is to provide a

pedestrian connection and an opportunity for increased pedestrian movement through the superblocks, thereby reducing their scale. The scale of the block in question in Old Bellevue does not need to be reduced. The connection would in fact interfere with truck loading activities. The connection would also draw pedestrians away from Main Street, which is where the city wants pedestrians to be. When development does occur, just as it has on adjacent sites, it will be high-end, high-scale and well lit. It may also have storefronts and good landscaping, but it should not be called out as a through-block connection.

Mr. Ian Morrison, 701 5th Avenue, Suite 6600, Seattle, said a variety of property owners are looking at development opportunities under the new downtown livability approach. He reiterated the concerns voiced about the proposed tower spacing requirement and said it may in many zones prohibit the opportunity to achieve the Council principle calling for a signature skyline. The PMF representatives have expressed concerns about how the requirement might affect their tower in the OLB district. On the Fortress site, the requirement would limit the development potential to approximately 38 percent of the site. He noted that the staff are continuing to seek opportunities and solutions and said he would encourage that conversation. The work done by CollinsWoerman should be taken into account. Bellevue needs to identify a solution that will work for Bellevue, but the International Building Code solution, which calls for a 20-foot separation from property lines, is a solution that works and provides for light and air. Property owners and architects have creative ways to make towers work under the current standards.

Commissioner Carlson said he was not aware of any Commissioner, Councilmember or staff who like the results of the 40/80 proposal. He thanked those who have brought the issue to the forefront.

#### STUDY SESSION (7:37 p.m.)

##### Downtown Livability – Review of Draft Downtown Land Use Code Amendment

Mr. Cullen reminded the Commissioners that the public hearing on the topic was scheduled for March 8.

Land Use Director Carol Helland said the direction given staff by the Commission on February 8 was incorporated into the March 1 packet materials.

Chair deVadoss commented that the study has required a great deal of work by the Commission and the staff. He allowed that the Commissioners likely were prepared to offer feedback in regard to text, syntax and grammar and suggested any such feedback should be shared with staff via email in the interest of time. He also proposed using the meeting time to focus on the few things that matter most.

Commissioner Laing noted that some of the direction given by the Commission has been incorporated in the living draft, but some of it has not. He suggested the Commission should take the meeting time to make changes to the document before it becomes the public hearing draft.

Ms. Helland clarified that staff on February 8 sought from the Commission reflections on the document and approval to move it forward to the public hearing. The thumbs up was needed in order to prepare the required staff report to demonstrate whether the code amendment complies with the terms of the Land Use Code and is consistent with the Comprehensive Plan. The things that ended up incorporated into the draft were those things around which there was consensus.

All of the changes from the February 8 document were accepted and the revised document became the base document. Clear direction was not given by the Commission as part of the conversation about measuring [base FAR](#) based on 90 percent of the new maximum, so it was not included in the redraft. If there is a desire to go in a direction that is inconsistent with the economic analysis that was undertaken by [BERK.it](#) will require more work by staff that cannot be completed ahead of the public hearing on March 8.

Commissioner Laing said he did not believe the discussion of the Commission relative to using 90 percent rather than 85 percent was inconsistent with the economic analysis. It is in fact fully consistent. He said it was his recollection that Chair deVadoss had clearly asked the Commissioners how they felt about the approach, and after some discussion his takeaway was that there was consensus around the table. If nothing the Commission discusses ahead of the public hearing will be incorporated into the public hearing draft, reaching consensus on any particular point during the conversation will not establish anything.

Ms. Helland explained that the purpose of the conversation was to provide an opportunity for the Commission to go through the entire document given that there were differences of opinion on various topics in the draft. The [March 1 Commission](#) meeting was scheduled to answer questions ahead of the public hearing about how the code operates and the provisions of the code. She also stated that the issues outlined for consideration in the staff report are things the staff have continued to hear by way of themes; they are discussed in the public comment section starting on page 16. During the study session following the public hearing, the Commission may direct staff to make changes to the code to answer the questions. The Commissioners were encouraged to send comments involving errata directly to staff for attachment to the public hearing draft to be addressed later. The Commission may also want to identify areas the public should focus on in the public hearing.

With regard to the 90 percent notion, Ms. Helland explained that the BERK report analyzed the percentage as it related to the old maximum FAR. What the staff understood the Commission to indicate was a desire to set the threshold at 90 percent of the new maximum FAR and spreading it to apply citywide, which would involve a much bigger amendment. However, there are some areas where the old maximum FAR and the proposed new maximum FAR are the same, so in that respect the report analyzed the proposed new approach and was thus within the realm of things that could have been expected as a change from the Commission for incorporation into the final draft.

Commissioner Laing said he saw nothing in any of the materials from the City Council indicating that the findings of a study will constrain the Commission. That would tie the hands of the Commission when it comes to making a recommendation based on all of the information received, not just the BERK study and the ULI findings.

Chair deVadoss said there was a clear request by a large number of Commissioners to schedule an additional study session ahead of the public hearing to ask clarifying questions and receive answers from the staff. The Commission has learned much in just the last couple of weeks, and the comments from the Bellevue Downtown Association and others have been very helpful.

Commissioner Hilhorst noted that one area highlighted in the staff report was affordable housing. It has, however, been stated that the affordable housing issue will be deferred while the affordable housing technical advisory group completes its work. Ms. Helland said the code document includes a section in the FAR table that indicates affordable housing is to be determined. The intention is that affordable housing will indeed be addressed later. The Bellevue

Downtown Association has asked for an early read from the Council on the topic and that might enable incorporating it sooner. She said her suspicion was that during the public hearing comments will be made about process relative to the interest in accelerating the affordable housing discussion so the affordable housing exemption can be included in the downtown livability work instead of having to come back later.

With regard to parking, Commissioner Hilhorst said comments have been made about enhancing flexibility in calculating parking ratios and standards, but it has also been said the parking study will not happen during the downtown livability exercise, and whatever gets included in the proposed code could change in the next year. Ms. Helland said currently there are many specified uses in the downtown and some unspecified uses. There is limited opportunity to do site-specific studies on unspecified uses to come up with a parking demand. The proposed code includes an approach that is similar to what is in place in Bel-Red, which allows site-specific studies even where parking ratios are stipulated if based on certain criteria. The approach could allow for considering reduced parking ratios adjacent to the light rail stations. The long-range parking study has been funded for the budget year 2017-2018 but will not be part of the recommendation on downtown livability except for the process change to allow deviations and flexibility.

Commissioner Hilhorst noted that the document talks about walkability but does not comment on traffic flow in terms of cars and other modes. Strategic Planning Manager Emil King said the Downtown Transportation Plan update work began a year or so before the downtown livability work began. Based on Council direction, the two planning efforts are to be synced. The Downtown Livability Initiative CAC took the recommendations from the Downtown Transportation Plan and tried to integrate the code-related elements into their recommendations. They are included in the draft code [before the Planning Commission](#) and include things like sidewalk widths. The potential FAR changes have also been analyzed. The transportation-related policy work on the downtown subarea plan, which is part of the Comprehensive Plan, is a companion effort that will not necessarily need to be hooked onto the Land Use Code adoption. Commissioner Hilhorst highlighted the need for the public to be made aware of all the pieces, some of which are not part of the proposed code but which are relevant.

Returning to the issue of parking, Ms. Helland said she did not want to presuppose the recommendation of the Commission. She said there has been discussion on both sides of leaving the current parking requirements intact and waiting until the comprehensive parking study is done. The new language from Bel-Red was put into the draft to essentially solicit public comment and feedback, but at the end of the day it will be up to the Commission to decide if the changes should be advanced or if the current recommendations should be retained.

Commissioner Carlson asked how much flexibility to the parking standards, particularly around transit-oriented development areas, was intended. Ms. Helland said currently there is not necessarily a bookend on flexibility. A limit was added on how much parking could be shared along with a requirement for a study to demonstrate adequacy for the uses proposed. Currently in Bel-Red and for unspecified uses in the downtown, a parking study can be done that describes the demand, evaluates it and recommends an appropriate parking level to meet the demand. The amount of parking is never allowed to be zero, however.

Commissioner Carlson asked what the argument is for substituting the Bel-Red approach for the existing downtown plan. Ms. Helland said it hinges on the call for flexibility made by the Downtown Livability Initiative CAC. There is some degree of flexibility already included in the downtown code given that for certain uses, such as hotel, there is no associated parking ratio. In

those instances, a parking study is required to develop the amount of parking needed. The Bel-Red approach would allow for either exceeding the parking ratios or to be lower than the parking ratios based on a study analyzing the uses to be in a development. Office buildings now typically have more people in the same amount of space, so in fact the traditional level of parking that has been provided may be serving a larger population. Even with improved ~~mode splits~~ ~~modesplits~~ and more transit usage, parking may not be adequate, so in some cases questions are asked about exceeding the parking allowed in the current code. On the other hand, developers of uses such as transit-oriented development hold the view that their tenants have higher rates of transit usage and accordingly make the argument that less parking is needed.

Commissioner Carlson said lower parking ratios make him nervous for two reasons. First, if the models are not met, people drive around looking for a place to park, and that adds up to more congestion. Bellevue's retail economy is built on plentiful and available parking. Second is the freeloader effect given that some have no problem sending people off to park in areas that are nearby, which is unfair to those businesses that are making parking available. He cautioned against moving away from the existing parking plan for the downtown while looking to update the code. Ms. Helland said there certainly have been comments to that effect, but there have also been comments made in favor of allowing for flexibility. Developers know that once parking studies are done, the onus of meeting the expectations is on them. There is very strict language about overflow parking into other developments and the need to impose additional restrictions on tenants if the parking demands adopted for the building cannot be met.

Commissioner Carlson allowed that parking is expensive to build, particularly underground parking, so it is no surprise that the development community would prefer to see the thresholds lowered. The question is what happens to the overall health of the downtown economy as a result.

Commissioner Hilhorst called attention to the street and pedestrian circulation standards on page 14 and asked if the boundary is established for the Wilburton-Grand ~~e~~Connection Planning Initiative. She said it would be good to know how many of the downtown properties will border the connection. Property owners may conclude the Commission's recommendation on the Downtown Livability Initiative code will set things in stone and be surprised to learn things could change based on the outcome of the Wilburton-Grand Connection initiative. Ms. Helland said the scope of the Wilburton-Grand Connection initiative includes a defined area. Currently, the pedestrian corridor itself is a defined area in the Land Use Code by legal description. That does not mean there will be no change to the edges and fringes as the planning process moves forward. The project manager is doing a very good job of notifying the property owners that are included in the scope of the initiative and along the pedestrian corridor to encourage their participation.

Mr. King added that Wilburton and the Grand Connection often are listed together and appear to be a single project. They are certainly tied together. The Grand Connection will run from Meydenbauer Bay through the downtown and over to the Eastside Rail Corridor. The Wilburton CAC process that is under way is separate from the work on the Grand Connection. The game plan for the Grand Connection as it goes through downtown Bellevue will include having the Council give the nod to the conceptual plan and vision. The implementation phase will involve going back to see if any code or design guideline modifications will be needed. Much of the Grand Connection route is co-terminus with the pedestrian corridor, but there are properties from the front doors of Bellevue Square and the Bellevue Arts Museum down through the [center of the city](#) ~~that~~ will need a second look when it comes to implementing the project. Ms. Helland noted that the pedestrian corridor provisions in 20.25A.090 reflect the current code requirements,

updated with appropriated cross referencing. If future amendments are needed to create some better implementation tools, only the one section of the downtown code will need to be addressed.

Commissioner Hilhorst pointed out that the reference to November 2, 2017 draft LUC update on page 18 of the packet should be revised to reflect a 2016 date.

Chair deVadoss asked if there had been any early feedback relative to the Bel-Red parking provisions. Ms. Helland said the reason staff has continued to seek inclusion of the approach is that the feedback from the stakeholders has been that they like the flexibility included in Bel-Red and that they would like to see it carried over to the downtown. The parking sections as drafted is a translation of the Bel-Red flexibility to the downtown context.

Commissioner Barksdale asked what process will be utilized to evaluate whether or not the livability objectives are met by the code changes. Ms. Helland said staff has walked through each section of the code comparing the new provisions against the specific downtown livability objectives and Council principles. Staff have also been meeting with property owners who have been bringing their projects forward. Concerns have been voiced about the 40-foot setback and 80-foot tower separation requirements, though some have indicated the provisions would work for their properties. Additional meetings are scheduled to occur prior to the public hearing. Staff agrees that there is some need for additional flexibility in the 80-foot tower separation requirement, which was a game-changer recommended by the CAC. It is not surprising that much of the development on the ground would not meet the proposed standard, but current development patterns were cited by the CAC as part of their interest in seeking a change. The construction that has occurred to date has not quite achieved what was hoped. Staff also believes there should be some flexibility allowed with respect to the 40-foot setback requirement.

Commissioner Barksdale said he would like regular updates once the code goes into effect as to how things are progressing.

Commissioner Laing said it was his understanding that the SEPA threshold determination of non-significance had been issued on February 16, 2017. He asked if any comments had been received or appeals filed. Ms. Helland said no comments had been received. Under the terms of the Land Use Code, the threshold determination is actually part of the code and it would go together with any appeal of the code to the Growth Management Hearings Board. She said any comments received regarding the determination of non-significance will be provided to the Commission.

Commissioner Laing called attention to the definitions beginning on page 29. He said he was perplexed by the build-to line and the setback. The build-to line is defined as being a location along a designated block or right-of-way where a building must be constructed, and it is the back of the required sidewalk unless designated otherwise by the director. The setback is defined as a space unoccupied by structures except where intrusions are specifically permitted by the code. Front setbacks are measured from the back of the required sidewalk to the face of the building, while other setbacks are measured from the property line. He asked how there can be a setback from the build-to line if the building must be constructed to the back of the sidewalk, and why the required sidewalk should be the build-to line unless designated otherwise by the director instead of unless designated otherwise by the code. One cannot both build to the back of the sidewalk and comply with the setback, and it should be the code that determines whether or not a building is to be built to the back of the sidewalk. Ms. Helland explained that the setback and build-to lines do not apply in the same locations. The setback from the downtown boundary is an

actual setback and does not involve a build-to line. The build-to line is the mechanism for bringing buildings up to the back of the sidewalk, but there are opportunities, such as major public open space minor publicly accessible space, that could be adjacent to the sidewalk and in need of being taken into account. She agreed the language giving the director the flexibility to make the determination should be revised. In every instance where the director is given the flexibility to do something different the administrative departure requirements kick in. Where developers come in with a proposal for wider sidewalks than required by the code, or for open space, there should be opportunity to override the build-to line.

With regard to the base FAR issue, Mr. King reiterated that the BERK analysis for many of the zones looked at both 80 percent and 90 percent of the current maximum FAR. In some zones the current maximum FAR is the same as the proposed maximum FAR, so the technical analysis for those zones has already been done. The BERK report landed on 85 percent for those zones. The recommendation includes changes to the maximum FAR for the OLB central and south zones, as well as the MU district for non-residential.

Commissioner Barksdale noted that during public comments someone raised the point that the BERK analysis considered land value but not the growth plan. Mr. King said that comment was correct. The BERK analysis did a very thorough job of looking at where the new base FAR should be set in order to protect existing land values. Clearly there is room for the public, the Commission and the Council to weigh in from a policy standpoint about any additional thought that should go into the some of the zones where the city might want to encourage development. The ULI group essentially examined the BERK analysis with an eye on making sure it was consistent with the Council principles.

Ms. Helland pointed out that in the amenities chart there were some amenities that were valued differently based on the neighborhoods in which they were located. That was done as an attempt to incent more the amenities where they are most needed.

Chair deVadoss called attention to the list submitted by the Bellevue Downtown Association and sought input from the Commission and staff.

Commissioner Laing said he absolutely supported the first and second items on the list. He said he also supported the third item but noted that clearly there needs to be more detail. He noted this support for the fourth item and recognized that the issue has been tabled. With regard to the fifth item, he said the concern of the Commission initially was about allowing additional height beyond what is already allowed in the A-1 overlay district in the northeast corner of the downtown that immediately abuts the Vuecrest neighborhood. He pointed out that situation is different to the east of 100<sup>th</sup> Avenue NE because of the existing uses. He indicated his support for item six, and for item seven as a concept that is not yet flushed out. The amenity system is intended to be aspirational by highlighting what the city would like to see developed. The value of each amenity should be high enough that developers will want to incorporate them.

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Commissioner Barksdale reminded the Commission that he had previously raised the issue of making the amenity system more lean instead of having it be fixed over time. He noted his support for items two and seven on the Bellevue Downtown Association list.

Commissioner Hilhorst thanked the Bellevue Downtown Association for providing some concrete feedback. She said she was generally in agreement with all seven items on the list. The views of the property owners with regard to the 40-foot setback are clear and should not be diminished. The 80-foot tower spacing concept that has been under discussion for the last two

years should not immediately be thrown out because there is good reasoning behind it, including Council direction. The need to identify some flexibility is clear, but so is the need to preserve the light and air elements the spacing is intended to achieve. With respect to the A-1 overlay district, she recalled that the Commission kept heights lower in the top left quadrant because of the feedback from the local community.

Commissioner Carlson said he was curious about where the 40-foot setback came from. He said it did not come from either the Council or the Commission. Ms. Helland said the genesis of the 40-foot tower setback was a response to applying the 80-foot tower separation consistently on properties in common ownership and across property lines. The concern was that a single property owner seeking to comply with the 80-foot separation requirement would spread the two towers to the property edges, thus diminishing the tower separation with any tower on a neighboring site. What staff have heard loud and clear that the devil is in the details and there is a need to allow for flexibility.

Continuing, Ms. Helland said there have been some misunderstandings resulting in a confluence of two sections of the code. The setback provision is in the current code for Bellevue Way, NE 8<sup>th</sup> Street and NE 4<sup>th</sup> Street and has been translated directly in the proposed code. The setback can be modified and is essentially adjacent to the street frontage. The 40-foot tower setback is measured from interior property lines but is intended to be the perimeter. Many of the blocks in the downtown involve several different parcels, including the Lincoln Square site which has numerous different parcels. The setback does not apply to all of the interior property lines to a project limit, it applies to the perimeter. Some who have come forward to determine how the 40-foot setback requirement would apply to their projects have found the requirement perfectly acceptable after learning exactly how it would be applied, though allowing for a modification route would be appropriate.

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Commissioner Barksdale asked if there has been any feedback from those who live and work in the downtown about issues regarding light and air, which is the driver for the 80-foot tower separation requirement. Mr. King said there was a desire identified during the Downtown Livability Initiative CAC process for increased tower separation. The approaches utilized by other cities was studied in an effort to identify best practices. He agreed, however, that in applying a best practice from other jurisdictions to Bellevue, it should always be done with an eye on Bellevue's local circumstances. The CAC received input from the public but it was before getting down to the details of the code provisions. The detailed work done to date has been at the Commission level.

**\*\*BREAK\*\***

## STUDY SESSION

### 2017 Comprehensive Plan Amendment Cycle

Senior Planner Nicholas Matz reported that five amendments had been submitted for the 2017 review and evaluation process: two privately initiated site-specific proposals, Bellevue Technology Center and Eastgate Office Park, and three proposals the Council will be asked to initiate, Complete Streets, East Main station area, and the Downtown Transportation Plan update. The application that will be taken to threshold review is the Bellevue Technology Center.

The city's annual Comprehensive Plan amendment process includes two steps, threshold review and final review. The threshold review process is used to determine if a proposal should be an

amendment. In the final review stage, the Commission takes on the merits of each proposal. Each step involves Commission study sessions, a public hearing and a recommendation to the City Council.

The list of benchmarks are originally set out included a community listening workshop for the Bellevue Technology Center application, but that has since been eliminated in favor of using other means of public engagement, including going out to mini city hall in Crossroads Mall during office hours and inviting people to come and talk about the proposal. Staff will also make themselves available to meet with neighborhood associations to get them engaged and informed ahead of the Commission's first study session, but without creating a record that should only occur inside the hearing process.

Mr. Matz said the schedule calls for coming back to the Commission for a study session in April in anticipation of a threshold review public hearing in June. At the study session, each application will be introduced in more detail and the questions identified during the review will be shared with the Commission. The issue of expanding the geographic scoping of each application will be addressed at that time. The Council will be asked to take action on the Commission's recommendation, and their action will establish the work program. The Commission's heavy lifting for each application will kick off in September. A recommendation for each application will then be forwarded to the Council for action before the end of the year.

Chair deVadoss said that there were comments made during the 2016 annual Comprehensive Plan amendment process regarding the criteria for threshold review. He said it would be helpful to understand the process involved in reevaluating the criteria. Mr. Matz explained that changing any of the criteria would require amending the Land Use Code, something that would have to be included on the work program. He said any such action would not be completed in time to affect the 2017 cycle.

Commissioner Hilhorst recalled that Bellevue's process is somewhat different from other jurisdictions in that it starts with minimal data during the threshold review phase and more robust data during the final review phase. Questions were asked in 2016 by some Commissioners about why more detailed information was not submitted up front. Mr. Matz said Bellevue is actually not that much different from other jurisdictions. The threshold review phase involves looking at issues from the 10,000-foot level, and at that level it is not necessary to know how many trips will be generated and other specific data; what needs to be understood is how the proposal fits into the larger picture. The two-step process was developed several years ago at the direction of the Growth Management Hearings Board.

Mr. Cullen said the Commission will have a study session on April 26 and in the spirit of the retreat, time could be taken then to define the boundaries and the types of data the Commission would like to see. He added that the Bellevue Technology Center application will be the only one for which the Commission will need to conduct a threshold review. The threshold review phase involves making qualitative-type decisions, and the Commission struggled during the last cycle in that it was looking for specific and objective criteria for moving applications forward or not moving them forward. Some of the criteria is open to interpretation. The Commission can be informed by objective criteria, but it will never be definitively defined by data, which means it will always come down to a judgment call. The decisions made to move applications forward are not based on the merits of the proposed amendments, rather the decisions are simply about whether or not each proposal should be added to the work program.

Mr. Matz said there is a decision criteria in the final review phase that allows for measuring the

relative impacts, transportation and otherwise, for purposes of determining if a given development can be accomplished under the intended zoning. At the threshold review phase, the focus is on whether or not each proposal is in compliance with the Comprehensive Plan for the specific area, and what the potential impacts might be do not play a role in that context.

Mr. Cullen added that in 2016 an attempt was made to run the rezoning and Comprehensive Plan amendment processes concurrently, and the result was a great deal of confusion. Most of the testimony received was about the rezoning and site-specific issues. He said staff would seek to guide the Commission away from taking that path and to keep the bulk of the dialog on the policy issues.

Commissioner Barksdale said he appreciated the approach that will seek qualitative feedback from the community, which will lead to the development of more targeted questions to be brought forward during the threshold review. Mr. Matz said being able to target questions around the potential impacts for what the Comprehensive Plan already considers to be transportation solutions will be helpful. The criteria is unchanged, but the manner in which the issues are to be framed is what is different from previous years.

Commissioner Barksdale recommended structuring the engagement with the community around the objectives the Commission will be looking to achieve through the Comprehensive Plan. The approach would generate feedback on how the proposed amendment will in some way help to achieve the outcomes.

Commissioner Hilhorst asked if it were premature to ask what about the Bellevue Technology Center application is different from when it was previously submitted. Mr. Matz said it is fair to say what the applicant has done is taken a couple of steps backwards and are identifying what they are trying to accomplish in light of what is going on in the area and in light of the community's longstanding concerns. The proposal still seeks to add and change policy to influence redevelopment of the site.

#### MINUTES (9:29 p.m.)

Noting that there were fewer than four members present, Mr. Cullen said the Commission's bylaws states that a meeting must have a quorum of not less than four members at the opening of a meeting, and that a quorum shall be considered to exist until the meeting is adjourned irrespective of the members continuing to be present. Actions taken shall be by the majority vote of the members present and voting.

January 25, 2017

A motion to approve the minutes as submitted was made by Commissioner Hilhorst. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

February 8, 2017

Commissioner Hilhorst called attention to the second full paragraph on page 10 of the minutes and noted the "Commissioner Laing that approach..." should be revised to read "Commissioner Laing said that approach...."

A motion to approve the minutes as amended was made by Commissioner Hilhorst. The motion

was seconded by Chair deVadoss and the motion carried without dissent; Commissioner Barksdale abstained from voting as he had not been present at the meeting.

PUBLIC COMMENT - None  
(9:32 p.m.)

ADJOURN  
(9:32 p.m.)

A motion to adjourn the meeting was made by Commissioner Hilhorst. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

Chair deVadoss adjourned the meeting at 9:32 p.m.

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

March 8, 2017  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair deVadoss, Commissioners Carlson, Barksdale, Hilhorst, Laing, Walter

COMMISSIONERS ABSENT: Commissioner Morisseau

STAFF PRESENT: Terry Cullen, Dan Stroh, Emil King, Department of Planning and Community Development; Carol Helland, Patricia Byers, Mike Brennan, Department of Development Services,

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER  
(6:39)

The meeting was called to order at 6:39 p.m. by Chair deVadoss who presided.

ROLL CALL  
(6:39 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Morisseau who was excused.

Chair deVadoss took a moment to acknowledge the time, energy and hard work by members of the community, the Commissioners, Mayor Stokes and the staff team that went into the downtown livability Land Use Code amendment.

APPROVAL OF AGENDA  
(6:39 p.m.)

A motion to approve the agenda was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

PUBLIC COMMENT  
(6:40 p.m.)

Mr. ~~Court~~ Olsen, 15817 SE 26th Street, suggested strongly and recommended that the city consider designating if not all at least a part of the Spring District as a special net zero energy district. If not net zero, the area should at least be designated a high-energy efficiency district. Now is the time to take such an action given that most of the area has not yet been built. Other

parts of the country are taking the initiative, which is consistent with the goal of keeping energy usage down and help save the planet.

Ms. Laura Goodwin Hurdelbrink spoke on behalf of the Bellemeade Homeowners Association. She thanked the city and the maintenance staff for their work on the streets during the difficult winter months.

Ms. ~~Betsy~~Betsy Hummer, 14541 SE 26th Street, noted that quite a while ago there was a joint City Council/Planning Commission meeting at the fire training facility. At the meeting one of the Councilmembers mentioned that Bellevue is a very desirable place in which to build and that amenities are wanted for the various neighborhoods, things like public places and affordable housing. In some places developers can just pay a fee in-lieu so they do not have to develop affordable housing, and that is a real disservice to the city. There should be a greater diversity of all different types of people throughout the city, so there should be affordable housing in any kind of residential situation, especially in [highrises](#)~~high rises~~. She said in her neighborhood Bellevue College is building market-rate student housing, new homes in higher-end developments are being built, there is affordable housing at Hidden Village, and there are apartments that are market rate for the most part but which also take Section 8 vouchers. Imagine Housing is next to that, which is near the Fir Terrace development. Many of the older homes in the area are affordable. The same pattern of mixing housing affordability should be repeated throughout the city.

#### INTRODUCTORY COMMENTS BY STAFF (6:46 p.m.)

Department of Development Services director Mike Brennan explained that ahead of the public hearing staff would take a few minutes to provide background and context for the Downtown Livability Initiative, a journey that started in 2013 and has involved a lot of people, time and energy.

Planning Director Dan Stroh explained that the downtown subarea is the subject of the proposed code update. He said the area boundaries are NE 12th Street to the north, 100th Avenue NE to the west, I-405 to the east, and Main Street with a few exceptions to the south. The area encompasses some 410 acres, which is only about two percent of the city's overall land area but which is the area in which the majority of continued residential and non-residential growth is expected to occur. The public hearing is a milestone date for the draft code package. Once a final recommendation is formulated by the Commission, it will be forwarded to the City Council for review and final adoption.

Mr. Stroh said the Council launched the work by establishing a scope and project principles to guide the effort. A Land Use Code audit was conducted to look at what has been achieved so far, how the code has been working since its adoption in 1981, and determining where there is room for improvement. The Downtown Livability Initiative CAC worked with the audit and developed fairly broad level recommendations that were handed to the Council which in turn formally initiated the code amendment process.

The Planning Commission provided some initial direction. Some items were gleaned and detailed and became a set of early wins. The package of early wins included a requirement for every building to provide weather protection. One of the more complicated pieces of the update involves the amenity incentive system. It was subjected to quite a bit of economic analysis that was peer reviewed by the Urban Land Institute. All of the work to date has been incorporated

into the draft Land Use Code amendments package that is the subject of the public hearing. Following the public hearing, the Commission will continue its work of refining its recommendation.

Public engagement has been key throughout the process. There are close to 1400 persons on the email interest list and information is continually shared with them proactively. There have been focus groups, walking tours, open houses throughout the process, as well as small groups and one-on-one meetings with various stakeholders and interested parties. There were a large number of CAC meetings and there have been a large number of Planning Commission meetings at which the public has been allowed to offer comments.

Mr. Stroh said the current code was for the most part developed in 1981. From time to time it is a good thing to step back and make detailed reviews to make sure the code, which has a huge impact on leveraging billions of dollars of private investment, is up to date. The theme of the work to update the code has been building on success. Downtown Bellevue is the envy of many cities and the focus has been on working from that base in taking things to the next level going forward in creating a competitive and livable environment for the 21st Century. Much attention has been paid to the need for a stronger and more vibrant pedestrian environment that is convenient and attractive. The residential community in the downtown is the fastest residential neighborhood in the city, and a code is needed that will work well in supporting those residents. As the downtown has matured, it has developed distinctive neighborhoods, so one objective of the update work has been to enhance the character of the different neighborhoods. There was a parallel effort undertaken that involved transportation planning, and the code update is intended to incorporate the outcome of that work, called the Downtown Transportation Plan.

Mr. Stroh said the code update is just one part of a broader livability agenda for the downtown. A series of other work items is under way, including a focus on enhancing pedestrian crossings, completing Downtown Park, and developing a vision for the Grand Connection stretching from the Meydenbauer Bay waterfront through the heart of the downtown and across I-405 to Wilburton.

Land Use Director Carol Helland explained that the details of the code are intended to fulfill the reality of the vision. She said staff have worked hard with the Commission to receive direction and translate it into code language that can be applied over time to achieve the vision of the CAC, the Commission and the Council for the downtown.

Code Development Manager Patricia Byers said the zoning map serves as the foundation for the code. She said the perimeter overlay districts are intended to create a gentle transition into abutting residential districts, thus the zoning in those areas is a bit more restrictive.

With regard to how the code relates to livability, Ms. Byers said the first factor is walkability. The proposed code makes improvements to the through-block connections, increases sidewalk widths for multiple streets, and seeks to make all downtown streets more pedestrian oriented. Neighborhood character is a livability factor and a map in the code shows how the downtown is divided into distinct neighborhoods. In neighborhoods where an outdoor plaza is needed, the value of the amenity bonus system points are bumped up in the proposal.

How urban form is addressed plays into livability as well. Urban form dictates such things as the amount of light and air between the towers, variability in the built environment, and memorability in the skyline.

With regard to urban form, Ms. Helland noted that the proposed code touches on things like tower setbacks, tower separation, diminished maximum floor plates as buildings get taller, outdoor plaza requirements, and a range of sections that address urban form characteristics aimed at ensuring implementation of the vision of the CAC, the Commission and the Council.

Ms. Byers reiterated that the perimeter zoning districts serve the purpose of creating graceful transitions between the urban forms of the downtown and the adjacent residential neighborhoods. There is a requirement for a linear 20-foot landscape buffer from the downtown boundary. Buildings within the perimeter districts are required by the proposed code to step back above a certain height, the intent of which is to avoid creating a wall of buildings overshadowing the adjacent neighborhoods.

Strategic Planning Manager Emil King explained that the amenity incentive system is a discrete section of the code. The proposed code makes a number of significant changes to the existing amenity system. Through the process, the stakeholders, the Commission and the staff have all learned a lot about the details that go into successfully examining an incentive system that is more than 30 years old and updating it. The joint Commission/Council workshop in November 2015 was guided by a set of Council principles that were specific to the incentive system. The amenities have been subjected to a great deal of analysis by the consulting firm BERK, the staff, and by a third-party review conducted by a panel from the Urban Land Institute. The desired outcomes include having amenities that make sense for the downtown, and having a list of things that will be true incentives for development.

Mr. King explained that the code is structured to outline overall development standards for things like floor plates, weather protection, landscaping, and a full set of design guidelines. Under the proposed code, development wanting to go above and beyond the base heights and FARs will be required to participate in the incentive system. The Commission spent considerable time looking [at](#) the areas in which additional height and FAR may be warranted. The draft code includes a list of 18 amenities, some of which are in the current code, and others of which came out of the CAC process and were vetted by the Commission. In the latter category are things like enhanced streetscapes, alleys with addresses and freestanding canopies. The flexible amenity was a key part of the discussion and allows developers to propose something that is not on the amenity list and have it taken through a process aimed at establishing an appropriate bonus. The code is structured to focus heavily on the open space and public realm; 75 percent of all points are to be earned in that category. A fee in-lieu provision has been added that allows developers an option to on-site performance.

Mr. King noted that the Downtown Livability Initiative CAC and the Commission have served in the role of station area planning, unlike South Bellevue and East Main where there were separate station area planning efforts. All of Bellevue has transit-supported densities and uses, but the CAC and the Commission focused in specifically on the things that can be done in and around the downtown station as well as the portion of the downtown that is adjacent to the East Main station, which lies just outside the downtown boundary. The groups looked at things like upgrading sidewalks and the pedestrian realm around those areas. Substantial density and height increases are proposed for the DT-OLB, Civic Center and A-3 and B-3 overlay districts. The proposal also looks at ways to better connect the pedestrian corridor and the existing bus transit center to the downtown station.

Ms. Helland said one area that is new in the proposed code is the green and sustainability features. The city has historically had land use features and as part of the early wins they were bumped up. The green and sustainability factors enhance the city's focus on sustainability and

ecological performance, seek to soften the urban environment and increase green features in the public realm.

With regard to the mixed use downtown provisions, Ms. Helland noted that the code update accommodates a broader range of uses and seeks to be more flexible. The Land Use Code tends to peg uses very specifically. Urban uses may essentially trend in different directions and the intent was to make sure the code is ~~flexible too inflexible~~ flexible to capture those trends. The provisions also seek to level the playing field between residential and non-residential uses in the DT-MU.

Ms. Helland stated that the affordable housing provisions are reserved in the Land Use Code. The city is currently looking at opportunities to promote affordable housing for a broad range of populations. The list of ideas that have surfaced include allowing an FAR exemption of up to 1.0 for affordable housing. That provision is not in the proposed code but would be added based on the recommendations of the citywide affordable housing strategy effort.

The need for flexibility and departures was heard throughout the CAC and Commission processes. Specifically, it was noted that the code needs to be nimble in able to incorporate architectural designs and departures that are not contemplated by the code. The code should not be a barrier, rather it should foster unique and high-quality designs while at the same time being transparent enough to understand what the outcomes will be. The proposed code includes a range of departures, some of which are administrative and some of which require development agreements and Council action.

The proposed code seeks to incent more slender buildings in the downtown to promote and facilitate light and air. The proposal also seeks to foster distinct architecture and memorable skylines. The amenities to achieve taller buildings have a livability premise in that the taller and more slender buildings will be spaced further apart and will accommodate more plaza space at the ground level.

Ms. Helland said the Commission at its March 1 meeting identified several key topics to be resolved, including the calculation of base FARs and base building heights; the scope of administrative approvals; consideration of a downtown-wide super bonus; the timing for inclusion of the affordable housing FAR exemption; consideration of additional height flexibility in perimeter areas not adjacent to single family districts; tower separation and tower setbacks; the exchange rate for paying a fee in-lieu of providing amenities; and administrative modification of the parking ratios. The list of site-specific topics included the maximum height limits in the DT-O2; increases in the FAR above the maximum in the DT-OLB through a Council-approved departure; height increases above the maximum in the DT-MU and B-2 perimeter overlay districts through a Council-approved departure; appropriate code provisions for the A-3/B-3 perimeter overlay districts; and ownership of 101st Avenue NE.

Mr. Stroh said the public hearing is a key step in the ongoing public involvement process. Following the public hearing the Commission will continue its deliberations in follow-up study sessions. The target date for the Commission to conclude its efforts is the end of April. Once the Commission hands its recommendation off to the Council, the Council will begin its review and adoption process.

Commissioner Hilhorst said at the joint Council/Commission session and again in 2016 she had called for an amenity to provide a function such as a fire station or other official city function. She asked why it was not included on the list of amenities. Ms. Helland said the flexible amenity was intended to capture that idea and other notable ideas that might be brought forward. No

particular examples were included so as not to limit anyone's creativity.

## PUBLIC HEARING STUDY SESSION

(7:23 p.m.)

Comprehensive Planning Manager Terry Cullen welcomed the public and briefly explained the rules governing public hearings. He said the testimony and information presented would be deliberated by the Commission in future study sessions.

A motion to open the public hearing was made by Commissioner Carlson. The motion was seconded by Commissioner Hilhorst and the motion carried unanimously.

Mr. Brian Brand spoke representing the Bellevue Downtown Association (BDA). He said he serves as co-chair of the Land Use and Livability Committee, and is a partner with Baylis Architects which is currently celebrating its 45th year in Bellevue. During that time, the firm has worked on many projects in Bellevue, including in the downtown. He acknowledged the excellent progress made by the CAC, the Commission, the Council and the staff in getting the proposed amendment to where it is. It has been 35 years since the current code was written and the update work is critical to shaping a strong, healthy and livable city. BDA members have been engaged throughout the process, and the organization has over the years served as a partner in creating a vibrant downtown. The draft code is almost there; it is certainly headed in the right direction. Consensus has been reached by the Committee members in regard to several key issues that should be added to the code. The Commission was urged to adopt the recommendations. The BDA favors the targeted increase in building heights to encourage thinner towers, distinctive and memorable architecture, less bulky buildings and more light and air. Additional flexibility, improved guidelines and updated code tools will help create a better code. Except for a few targeted areas where additional density is encouraged, the maximum FAR or density in the downtown districts will remain unchanged. The result will be better designs that will respond to the market and anticipate the needs of the community. Ultimately, the new code will help guide where and how growth will occur. The Commissioners were thanked for their time, leadership and commitment to the process.

Mr. Patrick Bannon, president of the BDA. He said the organization has been working in the community for the past 43 years and has as its mission strengthening the economic and cultural vitality of the downtown. He presented to the Commission an updated version of the core recommendations from the BDA that he presented to the Commission on March 1 and stressed that there was Committee consensus for each item. He asked the Commission to set the base FAR and building height in the code at 90 percent of the new maximum FAR and building height to provide a uniform and predictable standard across the districts. He encouraged administrative approval of the flexible amenity within the maximum height and FAR. An option for projects to apply for a super bonus of additional FAR and height beyond the maximum through a Council departure development agreement should be included in the code; the super bonus should not exceed 1.0 FAR. With regard to affordable housing, the Commission was strongly encouraged to recommend or seek Council direction to advance the affordable housing exemption into the Land Use Code package for consideration. Considerable thought has been given to the A perimeter district in proximity to the single family residential neighborhoods and the BDA believes there is additional opportunity around height flexibility, specifically allowing up to 70 feet within the A-1 perimeter to achieve housing. The 40-foot setback from internal property lines requirement for towers should be eliminated in favor of retaining the current 20-foot setback. The fee in-lieu exchange rate should be reduced from the proposed \$28 per square foot to \$25 per square foot, and the rate should be benchmarked and adjusted over time as the

market evolves. The Commission should call for a thorough transportation study to determine how the proposed Land Use Code amendment will affect the transportation network in the downtown. The code should memorialize the expectation to come back to the code within a five-year timeframe. Additional process flexibility should be incorporated around the 80-foot tower separation requirement, and the city's design review process should include digital street views. Concepts brought forward by the Committee for further review include looking at density around light rail stations, and looking at possibly reducing parking around light rail stations for residential uses. Two pages of additional comments, critiques and clarifications identified by the Committee were presented to the Commission for review.

Commissioner Carlson commented that according to the BDA, the justification for setting the base FAR and heights at 90 percent of the new maximums was to establish a clear, consistent and predictable standard. However, the call for including an option for projects to get a super bonus of additional FAR through a Council departure process appears to be just the opposite. He asked for an example of what might qualify for a super bonus. Mr. Bannon answered that if an applicant wants to be encumbered with a Council departure process and work through a development agreement in consideration for an extraordinary amenity, whatever it might be, they should not be precluded from doing so. Those wanting to stick to the predictable path should have a predictable path to follow. In other markets, super bonuses have been allowed for things like affordable housing. One potential super bonus in the downtown could be related to the Grand Connection.

Chair deVadoss asked if the call for a transportation study can be inferred as a belief that the BDA believes the city has not yet done such a study. Mr. Bannon said the BDA and the community will want additional confidence to know the full and potential impacts associated with incorporating the proposed changes into the Land Use Code. The existing study may show a similar result, but the study should be done so that whatever land use changes are made in the next iteration of the Downtown Transportation Plan are fully understood and planned for.

Mr. Robert Wallace, PO Box 4184, said he is the managing partner of entities that own ten parcels in the downtown, primarily in the DT-MU and DT-OLB districts. He commended the Commission for the volume of work accomplished to date. He presented the Commission with a letter summarizing a few concerns that in some instances could preclude the kind of development the city and the property owners envision. He said he looked forward to seeing the Land Use Code amendment process reaching a conclusion, and agreed that the code should be reviewed every five years.

Mr. Jim Hill spoke representing Kemper Development Company, 575 Bellevue Square. He said he serves as a member of the BDA livability committee and that he supported the comments made by Mr. Bannon. He added his appreciation for the work done to date by the Commission and the staff. Setting the base FARs and heights at 90 percent of the new maximum FARs and heights is an important step and a good way to go. The proposed 40-foot setback requirements should be removed in favor of the current setback requirement. More flexibility for the tower spacing requirements should be included. The proposed 80-foot spacing will severely limit feasibility for many sites. A thorough transportation study should be conducted to determine what is needed to support the planned growth of the downtown. A parking study should also be conducted before there is any action to reduce the parking ratios in the downtown. The pedestrian corridor standards should not create arbitrary or unnecessary burdens to development. The current standard says the pedestrian corridor should average 60 feet wide and in no case be less than 40 feet. Sixty feet is the equivalent of five highway lanes and seems a bit ambitious. The standards for the corridor should not create uncertainty or be subject arbitrary decision

making. Artwork is something that could fall into that category. Outdoor dining and café spaces should be encouraged along the pedestrian corridor.

In response to Mr. Hill's comment about artwork being subject to arbitrary decision making, Commissioner Barksdale asked what the alternative should be. Mr. Hill said everyone can live with certainty and predictability. Where there are open-ended ideas about what constitutes significant art, there can be problems. He allowed that while on one hand it is nice to have flexibility, getting to predictability is always important.

Mr. Todd Woosley, 10633 SE 20th Street, said he serves on the Transportation Commission but was present representing only himself. He thanked the Commission for the tremendous amount of work done to date on something that is critically important to the city. The downtown is a remarkable place. It is about halfway built out, has gotten nicer in every development cycle, and has become a far more livable place. The Commission was encouraged to adopt everything having to do with livability other than increases in densities. He said he was concerned about the lack of understanding about the impacts on the transportation system from any increases in density, let alone from the currently zoned densities. The city simply does not know how the system will function at the build buildout under either the current densities or the proposed densities. He supported the BDA's call for a complete traffic study. The traffic study that has been done shows only a snapshot of what the downtown might be like in 2030 and it shows it will take twice as long as it currently takes during the evening peak period to get through the downtown. Adequate capacity is needed to accommodate those who live and work in the downtown. The city is looking at investing in a new fire station, and one criteria being looked at is response times. The impacts on the response times for all emergency service providers should be included in the traffic analysis needed prior to making any changes in density. The downtown represents less than three percent of the city's land mass and there are many other single family neighborhood areas in Bellevue that are perfectly capable of accommodating growth.

Commissioner Carlson asked if the Commission would be better served by holding off making a recommendation relative to building heights until a traffic analysis, possibly with a parking component, is completed. Commissioner Woosley said his concern was not with building height rather with building densities. A building that is taller but has the same FAR will generate the same number of trips. Where additional FAR is allowed, addition trips will be generated. The information a traffic study would offer should be part of making a more informed decision.

Commissioner Carlson asked where in Bellevue more growth should be allowed to happen. Commissioner Woosley said there is room for growth in the neighborhoods. In the Spring District and in Eastgate there is room to handle growth graciously. A thorough analysis on the economic viability of the code provisions should be done for those areas.

Mr. Dave Meissner, 16541 Redmond Way, Redmond, expressed his support for leaving the tower setback at 20 feet. He reminded the Commission that he had previously shared his plans for a revised project for the Conner building under the proposed new downtown code. Given the uncertainty and timing of the new code, the decision was made to move forward under the current code. Issues of light and air are addressed through the International Building Code. Mandating a setback greater than what is currently required will significantly compromise future development. Tweaks and changes that result in making FAR more expensive will ultimately make things less affordable, not more affordable.

Mr. Andrew Miller with BDR Homes, BDR Capital Partner, 11100 Main Street, thanked the Commissioners for their time and perseverance. He said it was with great disappointment that he

was not able to offer his support for the proposed code. In the southeast corner of the downtown, there are a lot of changes going on. He said his property is located on one leg of a gateway/front door site. Of the four corners of the intersection, heights in the DT-MU are set to be increased, height and density increases are planned for the Wig property, and a park will be constructed on the property across the street, leaving only one corner not addressed in the proposal. The code as presented will breed mediocre design solutions adjacent to a light rail station. Bellevue should not settle for it and deserves better. The Downtown Livability Initiative CAC recommendation includes three entire pages dedicated to the light rail station to be located at City Hall; there is only one passing reference to the other light rail station that will affect the downtown. There is much wrong with the proposal, including the 40-foot tower setback, the 20-foot buffers applied to his property for reasons that no longer exist, specific uses and heights with rationale that no longer exist, a code and incentive system that assumes everything is flat, and a new incentive system that will make projects harder. The BDR and John L. Scott property representatives believe they have put in extraordinary effort to demonstrate a vision for the future. What was proposed was a stepped project, a welcoming grand stairway and a grand concourse, in short a project that really fits the context. The code as currently written points toward squatty, wood frame structures that will serve as unwelcoming buttresses against the street. It is shocking that the code as proposed will not allow for bringing forward a great responsive vision. The Commission can still save the day, however, by changing the code to include the changes recommended by the group. The proposal represents the first code rewrite in 30 years but it is still hamstrung by precedent in the East Main area, the very shackles that should be thrown off. The code certainly does not represent a leap into the future, which makes the work of the last few years meaningless. The East Main area deserves to be part of the future of Bellevue.

Mr. Phil McBride spoke representing the owners of Bellevue Main LLC, the property at 11040 Main Street that houses John L. Scott, a company that just celebrated its 85th year. He said the building houses 200 employees and there is a need for more room, which the proposed building would provide. There is a \$3.7 billion taxpayer investment that is going to stop right in front of the building, and if that fact is not addressed, something will be missed. Most of the recommended code changes reference the areas within a quarter mile of a light rail station. There is a clear need for transit-oriented developments near the light rail stations to boost ridership. The vision provided for the properties along Main Street will not be cheap to build, but it is inspirational and something to be excited about. There are restrictions on the property because of elevation changes, but the proposed project offers a lot of amenities, including a through-block connection, a walk corridor, and amenities for the neighborhood. There have been many visits with the Commission and many public and private conversations, but in none of those conversations has the answer been no; in fact, all that has been heard is encouragement to keep going. It is disappointing that the code as written will not allow the project as outlined. As written, the code as drafted supports a five-over-two building, which is not what Bellevue needs. The Commission was asked to instruct the staff to include the requested code changes.

Mr. Alex Smith, 700 112th Avenue NE, spoke representing 700 112th LLC. He thanked the Commission and the staff for diligence that has gone into the proposed amendment. He voiced support for the recommendations made by the BDA, and echoed the comments of Mr. Stroh about what the code objectives are trying to achieve. It is not density for the sake of density. The desire is to build a better and more livable downtown. Density is a very important component of making the downtown more livable. The super bonus, while possibly not well named, should be supported as a departure process for adding more density or height where appropriate. The super bonus does not necessarily contradict the need for other properties, especially in the DT-OLB, that need predictability to support their business models.

Mr. Jeff Taylor with the Keldoon Group said one of the unintended consequences of the proposed 40-foot setback is that property owners with large sites will have a huge incentive to subdivide their properties into 30,000 square-foot sites and sell them. The result would be a bunch of independent projects as opposed to a well thought out master plan development over larger parcels. Allowing for flexibility in regard to the 80-foot tower separation requirement also makes sense. As drafted, 75 percent of what it will take to get from the base to the max must come from open space. He said he did not know who would want to exercise the flexible amenity if it requires going to the Council to bridge the gap in some form. The code should be drafted to allow flexibility through administrative actions instead. With regard to the BERK analysis, he said it was very extensive and thorough. It is not possible, however, to analyze every potential outcome given elements such as specific site soil conditions, market conditions, location, access points and water table issues. Every property owner would like to be allowed to fully build out their sites without having to provide any amenities. For those on the lower tier, however, for 60 percent of their FAR they will either have to write a check or provide some public benefit; even so, it will be difficult for them to get from the base to the max. Seventy percent of the zones are at 75 percent, and there are some below 50 percent. The range from 41 percent to 100 percent does not make sense. Another fundamental challenge is that for the exact same office building, someone in the DT-OLB South would have to write a check for \$3.125 million or provide public amenities in that amount, while someone in ~~another~~ zone would pay nothing at all. Given that both buildings would be chasing the same tenants, the property owner in the DT-OLB South would be fundamentally at a disadvantage. The same applies to height. All of that goes to why the BDA and about every downtown property owner supports setting the base at 90 percent of the new maximum for both FAR and height.

Mr. Larry Martin with Davis Wright Tremaine, 777 108th Avenue NE, spoke representing Mr. Smith and 700 112th LLC. He said the amenity system as proposed is an unlawful tax on development. He noted that he had submitted his explanations in a letter to the Commission to become part of the record. There are many aspects of the incentive system that are unsound, but the most telling point is that it puts the greatest monetary burden on the owners of property who will receive the greatest increase in development capacity as a result of the proposed zoning changes. The required amount of amenities is tied to rezoning, not to the impacts of development. The impacts of a given building will be roughly the same regardless of the zone it is constructed in. By crossing a zoning boundary, the cost of the required public amenities changes as a result of pegging the base FAR to 85 percent of the maximum allowed under the current zoning. Under the proposal, zones that already have a relatively high maximum FAR are required to provide fewer public amenities as compared to zones that currently have a low maximum FAR. The amenity system is thus a tax on the reclassification of land, a tax on constructing buildings, or a tax on development. Whichever term is used, a tax or charge, direct or indirect, on any of those activities is prohibited by state law. The problem can be fixed by following the recommendation of the BDA to set the base FAR and height at 90 percent of the new maximums for all zones, though it is unclear why the city would want to impose a charge on height when taller and skinnier buildings is exactly what the city wants to see. The approach would go ~~a long~~ way toward eliminating the unfairness by spreading the burden more fairly and coming closer to actually dealing with impacts. It would also be consistent with the fact that about ten percent of the FAR for downtown development has been earned through the bonus amenity system. He also urged the Commission to encourage density near light rail stations. There are many reasons why that is a best practice in other communities throughout the country that have light rail. He provided for the record a ULI study from December 2016 of nearly 10,000 apartment units, both transit-oriented development and non transit-oriented development in which it was found that people in transit-oriented development apartments commute by public transit at a rate five times greater than non transit-oriented development residents. The study also

found that local governments reap substantial fiscal benefits from transit-oriented development, including higher net tax revenues and lower impacts on public services. Also submitted was copies of an email from Senior Planner Kevin McDonald along with a transportation analysis that was done to look at the zoning proposed by the downtown livability amendments. In the email, Mr. McDonald confirmed that there will be less impact on traffic congestion downtown with the zoning changes than without them due to the shift of future development to the DT-OLB sites that have excellent access to and from I-405 and other transportation corridors to the east. More development can be accommodated at the OLB locations with less impact than the same development located on sites closer to the downtown core. The benefits of excellent vehicular access at the OLB sites will be enhanced by proximity to the light rail stations. He suggested the Commission should consider exempting some quantity of transit-oriented development from the calculation of FAR as a way of encouraging the use.

Commissioner Walter referred to the chart offered by Mr. Taylor and noted that it showed the maximum FARs in the 85 percent range. She also noted that Mr. Martin had stated that 90 percent lines up with past practices and asked how that percentage can be justified. Mr. Taylor responded by saying that historically getting to the maximum FAR has been achieved almost exclusively by providing below grade structured parking. Typically, that brought developments to the point of only needing about ten percent more. One could make the argument that taking the credit for below grade parking off the table equates to a downzone. Mr. Martin pointed out that the staff report includes a review of a large number of past projects and outlines how bonus FAR has historically been earned. That is where the 90 percent figure pops up.

Ms. Brittany ~~Fortin~~ Barker with the Fortin Group, 10112 NE 10th Street, Suite 202, said the organization is focused on positioning its 11-acre site in Northwest Village to accommodate redevelopment over the long term in a way that will achieve many of the goals and ideals articulated in the downtown livability study. She thanked all those involved in the work that has gone into the downtown Land Use Code updates. Fortin Group has played an active role throughout the Downtown Livability Initiative process; it worked closely with the CAC and continues to work closely with staff and community members. Meetings, open houses and one-on-one discussions with neighbors have been held over the past five years to collaboratively develop a future vision for what will be a truly exemplary mixed use project on the site. The result will be neighborhood amenities, active streetscapes, open space, retail and more. The updated code amendments and the amenity incentive system will help facilitate the realization of the shared goals. The proposed dimensional standards appear to be feasible as they apply to the vision. Fortin Group is looking forward to confirming the detailed calculation method that has been referenced by the BERK study, the assumptions, and the use of the flexibility amenity option with staff, hopefully before the legislation is put through to the Council. With regard to the podium typology, the floor plate trigger height should be increased by five to eight feet to allow for taller retail and more feasible and appropriate podium forms within the current height recommendation.

Mr. John Stout with Webber Thompson Architects, 225 Terry Avenue North, Seattle, focused on the 40-foot setback and 80-foot tower separation proposed requirements. He shared with the Commission an image showing how difficult development would be under the 40-foot setback requirement, along with an indication of the existing projects in the downtown that would not comply. He noted that the Bravern would lose two of its towers under the proposal. That site, which is well over 30,000 square feet, is irregularly shaped. Bellevue Towers are not as close to the property lines as they appear but are not set back 40 feet and would likely only have a single tower. Avalon Towers would also probably be only a single tower on the northeast corner. For smaller projects like Elements, the buildings are right up next to the property line, so a 40-foot

setback would kill all development on that site. The proposed setback diagram included in the draft code supposes an imaginary super block that is cleanly divided into four big parts, but sites in the downtown in reality are much different. The block between NE 2nd Street and NE 4th Street, even with some assemblages assumed, has six different parcels. The 40-foot setback would remove much of the developable area. Two of the sites would lose 55 percent, and another would lose 71 percent of the buildable tower area. Using another sample block, he noted that only one of parcels falls under 30,000 square feet, qualifying it for the 20-foot setback. The small and narrow sites would all have to develop with midrise structures, which is essentially a downzone. The proposed 40-foot setback, 80-foot tower spacing, and 20-foot street setback proposals will greatly reduce the development potential of the downtown, by as much as 50 percent on many parcels, leaving them undeveloped and without public amenities. The desire to provide open space at the street level will inherently be ignored due to interior setbacks pushing all tower developments to the street frontage. The new setback protects sites that may not develop for decades at the expense of sites that are ready to develop, which is not a formula for growth and transformation. Reducing the setback to 20 feet and including an incentive for tower spacing in the FAR bonus system would be a good way to ensure that current and future development will have a path forward.

Mr. Wayne Webber with Webber Thompson Architects, 1521 2nd Avenue, Seattle, said he began his architectural career in Bellevue in 1971 working for El Baylis. He said he has worked on many Bellevue projects over the years. He endorsed the letter from the BDA and expressed his admiration for the planners who have worked very hard to development the proposed code. With regard to the proposed 40-foot setback, he said the outcome will be a severe downzone for many sites along with a diminution of property values and a significant loss of potential tax revenue. It will also reduce the density and preclude the kind of development everyone envisions for the downtown. The list of salient and important suggestions and proposals from the CAC included reducing sprawl, achieve the vision of the downtown as a vibrant mixed use center, encourage the Great Place strategy, accommodate a residential population of 19,000 by 2035, and improve the area's residential setting. All of those goals would be precluded by the 40-foot setback. The 40-foot setback would result in building pads that are too small and impractical for tower development. Two-tower projects would be subject to the 40-foot setback at the side lots as well as the 80-foot setback between towers, resulting in killing the project outright and relegating the site to only midrise developments. A 40-foot setback is unheard of in an urban setting, particularly in cities that are trying to reduce sprawl, incentivize a regional growth center, and encourage the Great Place strategy. The stringent setback will have the opposite effect by devaluing property and discouraging or killing development that would otherwise achieve the goals.

**\*\*BREAK\*\***

Mr. Scott Matthews with Vulcan Development, 505 5th Avenue South, Suite 900, Seattle, thanked the Commission and the staff for the sustained and extraordinary effort that has gone into the planning process. He said Vulcan seeks to provide a rate of return for the owner but also seeks to be thoughtful about engaging the local neighborhoods and community stakeholders in addition to having a soft footprint on the environment. When things are done right, they stand the test of time. Vulcan is very much attracted to the arc of Bellevue's future but regrettably has been slow in identifying opportunities. Bellevue is poised to compete on a local and national basis, as well as on an international basis. He concurred with the comments made by the 40-foot setback and the 80-foot tower separation proposals, and agreed with the need to be flexible with regard to parking. Many of the fast-growing companies in the region started off in buildings under 200,000 square feet. Proving opportunities on the Eastside for companies to grow

incrementally is very important, and what they need is predictability. The proposals regarding the crosswalk connections could use a bit more study and consideration. Consideration should also be given to the grade conditions relative to the pedestrian corridor and how it might impinge on being able to meet the goals. He said Vulcan looks forward to working with the city and in seeing Bellevue keep its place relative to growth in the region.

Mr. Craig Davenport with MZA Architects, 600 108th Avenue NE, voiced support for the recommendations outlined by the BDA. He said the firm has been working on projects in Bellevue over the past year and a half that have been on hold waiting for the code update. The proposed 40-foot setback was not made known until recently and will severely impact several projects. The structural requirements for towers at the allowed heights, especially the core size, reduces the amount of leasable space, and in many cases the 40-foot setback will leave very little site to work with; the requirement will mean many projects will simply not go forward. The 75-foot tower limit spread over the entire downtown core does not feel right. Tower separation makes sense when going beyond 450 feet to 600 feet, but not at 75 feet. The Grand Connection vision is very existing for the downtown, yet the bonus points for providing for the corridor is proposed to be reduced from 16 times the square footage to 13.3 times. The cost of bringing the Grand Connection online will be very high, and while it is something everyone wants to provide, developers could lose a lot of otherwise developable land, for which they will receive a reduction in the amenity bonus. It is a super bonusable area, an area where FAR can be added to the top of the maximum FAR which if not used can be sold into the downtown core and transferred to another site. In effect, property owners will see the value of their property reduced by reducing the multiplier. The bonus should be kept at 16 times the square footage or increased. With regard to parking, he agreed provision should be made for reducing the parking requirements within a certain distance of light rail transit stations. Parking is quickly becoming a project driver as the towers go higher. Where the Elevate project is concerned, below level six there are water table issues and the costs go up astronomically. The parking requirements are serving to limit project size and density. The city needs to take a close look at the downtown parking requirements, what can be done with shared parking, and how much having transit will help.

Mr. Tim Jackson with PMF Investments, 15015 Main Street, suite 203, thanked the Commissioners for the time put into updating the code. He said organizations like Futurewise and [NAIOPMeiop](#) that think about smart growth and planning are weighing in on the process. Their findings are [remarkablyremarkable](#) consistent with each other and with the points raised by the BDA. Most of the work done to develop the proposed code is encouraging and will assure a strong future for downtown Bellevue. There are, however, a few things that need to be addressed, including the tower spacing and setting the base FAR at a fair level. In the current real estate market, things that are not incentivized are difficult to bring online. In most cases, it is the incentives that make it possible to achieve the financing necessary to make projects happen.

Mr. Ian Morrison, 701 5th Avenue, Suite 6600, spoke on behalf of PMF Investments, echoed the points made by the BDA and by some of the other property owners in the DT-OLB district. PMF's interest is in the Sheraton site, which is a gateway site on Main Street and 112th Avenue NE. The request for the potential for additional FAR to support transit-oriented development around the future East Main station should be considered. The transportation study already done by the city recognizes that around light rail stations there is an opportunity to achieve some density that will not have the same level of impact on the transportation network. The Sheraton gateway site is a perfect place to think about strategic opportunities for density while respecting the placemaking reflected in the Council principles, the neighborhood context, and minimizing the impacts on the transportation system. The Commission should recommend the approach to the Council.

Mr. Mike ~~Yellam~~~~Yellum~~, 10655 NE 4th Street, spoke representing the ~~Fana~~~~Fanta~~ Group of companies. He added his support to the comments made by the BDA. He said it appears the proposed code update splits the DT-O2 zoning into maximum heights that are different. It is unfair to bifurcate the different zones, and a single height increase should apply to the DT-O2 zone. He said the 80-foot tower separation proposed requirement is unrealistic. The small lot exemption should be encouraged and maintained. The 20-foot setback from internal property lines should be retained.

Ms. Katherine Crouch-Hughes, 10203 NE 31st Place in the Northtowne community, said the local neighborhood group has been closely following the livability of Bellevue for a couple of decades. She said the allocation of amenities tied to open space is the right thing to do. The fees in-lieu should be tied to projects rather than paid into a central money pot. The fees should flow back to the specific development site. If the fees do not stay with the property, nothing will have been solved. The 80-foot tower separation as proposed should be approved along with the proposed 40-foot setback to achieve the goals regarding light and air. The base height and FAR should be set at 80 percent rather than 90 percent. No super bonus of any kind should be allowed.

Mr. Mike Neilson, 10650 NE 9th Place, said the 40-foot setback, had it been in place 20 years ago, would have resulted in a much different downtown, one without many of the current developments. He said the Washington Square superblock, which he represents, will support about one million square feet of development along NE 8th Street. The problem with increasing height without increasing the FAR is that unless for-sale products are developed, the additional height will not be used. Office developers are not going to choose smaller floor plates in exchange for taller buildings because there would be no real return on the investment and no financier will loan on it. The approach will work for condominium developments that are to be sold. The problem with that is that in the state of Washington the condominium legislation is very onerous, the result of which has been developers shying away from building that product. Under the proposal, tower heights can be increased, but if the site will not accommodate the amenities required for the increased height, the development will have to pay a fee in-lieu. That is counterintuitive. The existing DT-O1 zone has no restrictions on residential. At the end of the day, residential living in the downtown will create vibrancy. More needs to be done to stimulate downtown living and to encourage developers to build condominiums.

Mr. Jonathan ~~Kagle~~~~Kagel~~ said he serves as director of the Vuecrest Community Association, Box 312, said the association is celebrating its 70th year in Bellevue. He thanked the Commissioners and staff who have worked with the organization over the past few years, and for considering the adjacent neighborhoods around the perimeter of the downtown. The perimeter overlay district has done much to reduce the concerns of the Vuecrest neighborhood and to preserve the transition from the urban area to lower-density single family homes. The call for super bonuses and the suggestion to increase the allowed height in the perimeter district by ten feet is somewhat disconcerting. He said he understood the justification for the fee in-lieu issue, but the neighborhood would like to see the collected fees will go toward developing amenities in the areas impacted. He noted that 20.25A.E talks about sunlight and shadows but is limited to public spaces and neighboring developments; it should be expanded to include adjacent neighborhoods. The proposed code talks about alleys with addresses but says nothing about alleys that are used as alleys. Developments such as the one on the corner of 100th Avenue NE and NE 10th Street have no garbage service because there are no alleys; instead, a 36-square-foot garbage area is located right next to the street and it serves the development that has more than 100 apartment units. There are no guidelines in the code about where to put recycling, dumpsters and the like that used to be located in alleys. He noted that there are a lot of numbers and abstract

concepts that have been talked about relative to the economics of the incentive system; it would be helpful to see some examples. Another issue that should be addressed is how to deal with old credits from the incentive system that is currently in place.

Mr. Arnie Hall, 17227 SE 40th Place, thanked the Commissioners for their hard work. He said he shared the aspirations of the Downtown Livability Initiative and the work of the CAC. He said as an architect, builder and developer, it is imperative to support the recommendations of the BDA, including the 90 percent baseline, not deferring the affordable housing issue, and retaining the 20-foot setback requirement. There are many creative design professionals who have practiced in Bellevue for years who are smart enough to figure out how to create public amenities if the restrictions imposed by the new Land Use Code amendment are removed. Two things are inevitable: prices are not going down, and Bellevue fees are not going down. Seattle is a friendlier place than Bellevue to develop in from a developer's standpoint

Mr. Andy Lakha, 500 108th Avenue NE, said he owns approximately three acres of the site where the Cost Plus World Market is located at Bellevue Way and NE 8th Street. He said he has been a resident of Bellevue for 20 years and has been looking for a dream project. The project proposed for the site in question will define his commitment to the city. He thanked the Commission for all their work and said he has been having conversations with the Commission for more than a year. The message all along has been the same, that no more FAR is needed, and that no more parking is needed. The intent is to provide great pedestrian open space and iconic buildings. What is needed to make the project work is just a little more height. The Commission has already proposed increasing height for the Fortin site to the west, the modest height increase requested will fit in nicely with the gentle rise of heights in the downtown core. The site is unique and deserves attention. The block is north of Bellevue Square and is far from the edges of the downtown. It can accept more height. The dual midblock connectors on the site dictate the need for more height. The location deserves an iconic design with greater height. The project as planned will set a new benchmark for high-quality pedestrian space in the downtown. Additional height ~~will~~ provide the opportunity for better tower spacing and better pedestrian access areas. The citizens of Bellevue want and need more iconic architecture and better amenities in the downtown. The Commission was reminded that the CAC endorsed building height up to 300 feet for the location. The request can be accomplished by adding to the Fortin footnote. The Commission was urged to support the request. He said the 40-foot setback should be eliminated as it will kill many projects, including his. He noted his support for all nine points listed in the BDA letter to the Commission.

Mr. Jack McCullough, 701 5th Avenue, Seattle, said the request for the Lakha site has been consistent over the months. Some of the feedback has been that the request represents a radical proposal. The fact is the code amendment process has already led to height increases to the west and east of the site. The footnote incorporated into the code for the Fortin site, completely appropriately, allows building height up to 264 feet on the 11-acre site to the west, which is much closer to the Vuecrest neighborhood. To the east in the DT-O2 zone, building heights under the proposal are allowed up to 460 feet. Mr. Lakha is asking for 300 feet, a request that is in line with the downtown wedding cake. Making a simple addition to the Fortin footnote is one approach to solving the problem. If the city truly wants to see taller slender towers, the Lakha site will serve as the poster project. With regard to the 40-foot setback, he pointed out that size site is less an issue than site dimensions. Many downtown sites are not neatly rectangular. The 40-foot setback requirement runs counter to how Bellevue has approached development in the downtown. For the last 35 years, the city has been clear about allowing projects that are ready to be built to go forward. There has not been any attempt to protect sites that may not be developed. The effect of the 40-foot buffer will be to protect sites that may not be developed, possibly for a

generation, while punishing sites that are ready to develop. Had that approach been taken 35 years ago, the current downtown skyline would not exist. The first draft of the proposed code came out three and a half months ago. Despite all the visioning work that has been done, the code is where the rubber hits the road. The public hearing represents the first time the Commission has been able to hear comments on the document from a broad swath of the development community. Codes and plans are wonderful things, but unless things actually get built, they exist only in a book. The people who are going to build what the code envisions are those who have addressed the Commission during the hearing. He suggested the work of the Commission may just have begun. The time should be taken to get it right, even if that means the work will carry on for a few more months. Exogenous features like SEPA review or the BERK report should not become handcuffs to the Commission's ability to do the right thing.

Ms. Pamela Johnston, 3741 122nd Avenue NE, said she is a resident of Bridle Trails. She suggested that more important than the downtown skyline is the human scale for those in the downtown. She said Guangzhou China is a 24-hour city. Downtown Bellevue should also be a 24-hour city. Currently too many of the places in the downtown are dead both during the night and during the day. The north side of Bellevue Square should be compared to other cities; the side is dead and it is hard to walk down the street to get to Starbucks. Bellevue should be ~~not~~ only livable but lovable. With regard to the incentives, she said she could envision having bubble canopies everywhere. Some incentives may get overused and it is unclear how they will be controlled. If there are going to be lots of canopies, there should be order to what comes first and what comes second versus canopies. Many people are moving into the downtown and the city needs to make sure it keeps play spaces, and not just in the park. It is unclear about how the public process plays into the incentives. Along with keeping the amenities in the same area as the buildings, the city should deal with keeping the utilities needed in the downtown in the downtown and out of the neighboring areas. If the fee in-lieu process is used, the funds should be used appropriately for projects and not allowed to just flow into a general fund for projects in other neighborhoods. It is not clear how the growth cycle will pace itself out. It is unclear how the mix of retail will be addressed. Development in the downtown should allow for room to grow. Parking at the mall is good because it is easy to find a place to park, shop and then go home. The mall, however, is all focused on the interior rather than outwardly. It is unclear if there are incentives to make the roofs of shorter towers pretty for the benefit of those living in taller towers looking down on them. It is unclear if there are any incentives for LEED certified buildings. The public needs to be involved in every process along the way.

Mr. Scott Douglas, 304 112th Avenue West, Seattle, said the current code was written in 1981, the year he graduated from college and began his architectural career. He said the code is a bit like the property in the neighborhood that has become a bit run down and needs an influx of new energy. He pointed out that building height in Bellevue is based on the finished average grade. That means the architects and planners must calculate what the base of a building will be in its final form two years down the road. Seattle keeps it simple and height is measured from the midpoint of a major street elevation, a factor that can be known from day one. He said he was aware of a commercial office building in downtown Bellevue where some games were played with the finished average grade in order to elevate the measuring point that is beyond the intent of the code. He said he was also aware of a residential project that exploited the approach to the point of at least six extra feet beyond the intent of the code. It would be much easier if Bellevue would implement an approach similar to Seattle's. When it comes to calculating FAR, there is a provision in the Bellevue code that allows for the mechanical spaces to be excluded. Accordingly, architects must anticipate the final mechanical design that in many cases is not determined for years after design on a building begins. Seattle has a flat [rate](#) of about 3.5 percent of square footage that can be excluded from the FAR calculation.

A motion to close the public hearing was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and the motion carried unanimously.

## STUDY SESSION (9:49 p.m.)

### Downtown Livability – Downtown Land Use Code Amendment

Chair deVadoss proposed taking time to internalize the feedback before digging into the details.

Commissioner Walter noted that much was said about the fee in-lieu proposal and accountability for it. What some other jurisdictions do with fees in-lieu is put the money into a fund. Fees in-lieu for an open space are kept separated from fees in-lieu for affordable housing. She said the Commission should recommended establishing a policy for how to treat fee in-lieu payments to create both transparency and accountability.

Commissioner Barksdale said he would welcome seeing some alternatives to discuss.

Commissioner Hilhorst said it was clear during the public hearing that there is a desire to retain the current 20-foot setback and to not go forward with the proposed 40-foot setback. She allowed that the 40-foot proposal grew out of the proposed requirement for 80-foot tower separation, which the Commission has been discussing for a year. Nothing was said about the 80-foot separation issue until the 40-foot setback issue was raised. She said she would like to see from staff some options for staying close to the 20-foot setback while achieving the desired tower spacing. Ms. Helland said the Commission has the latitude to recommend a different outcome. She said the staff will do any analysis that would be helpful in making a decision.

Commissioner Carlson suggested the Commission had not heard much feedback about the 80-foot separation rule because there had not been discussions with those directly affected. The approach looks great conceptually but may present problems operationally. He said it would be good to know what tower separation requirements are for the top ten cities in Washington state by population. Ms. Helland said staff would bring some information back to the Commission.

Commissioner Walter said she would like to see some charts comparing base FAR and height at 85 percent and 90 percent. She said she also wanted to know which approach fits best with the analysis done by the consultants.

Ms. Helland commented that some of the testimony offered had been heard before, but some was new. She said staff would bring the information back grouped by themes for the Commission's review.

Commissioner Laing noted that the comment was made by one member of the public that through-block connections not associated with super blocks are in fact alleys. He said he would like information about the proposed connections to determine if some of them should be called alleys. Ms. Helland staff could provide additional information on the topic. With respect to the specific through-block connection referenced, it was mistakenly included on the map and the correction has been added to the errata sheet.

Mr. Cullen said the next Commission meeting was on the calendar for March 22. He noted that the meeting on April 12 was during school break and said he would contact the Commissioners

individually to determine if a different date should be identified.

#### PUBLIC COMMENT

Ms. Pamela Johnston, 3741 122nd Avenue NE, pointed out that not many cities in Washington state have towers. She suggested the staff should research the requirements of Seattle, Portland, San Diego, Sacramento, Phoenix, Vancouver, Calgary and Edmonton.

#### ADJOURN

A motion to adjourn was made by Commissioner Hilhorst. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

Chair deVadoss adjourned the meeting at 9:58 p.m.

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

March 22, 2017  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair deVadoss, Commissioners Carlson, Barksdale, Hilhorst, Laing, Morisseau, Walter

COMMISSIONERS ABSENT: None

STAFF PRESENT: Terry Cullen, Dan Stroh, Emil King, Department of Planning and Community Development; Mike Brennan, Carol Helland, Patricia Byers, Department of Development Services

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER  
(6:35 p.m.)

The meeting was called to order at 6:35 p.m. by Chair deVadoss who presided.

ROLL CALL  
(6:35 p.m.)

Upon the call of the roll, all Commissioners were present.

APPROVAL OF AGENDA  
(6:36 p.m.)

Commissioner Hilhorst proposed moving approval of the meeting minutes to follow public comment.

A motion to approve the agenda as amended was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None  
(6:36 p.m.)

STAFF REPORTS  
(6:37 p.m.)

Comprehensive Planning Manager Terry Cullen introduced Eric Synn, a member of the Parks and Community Services Board.

Mr. Synn reported that staff gave the Parks and Community Services Board a presentation on March 14 on the Land Use Code and the Board was asked if the proposed code would meet Bellevue's needs for parks and community services. After a full discussion, the conclusion reached was that it would not, particularly in relation to the incentive system. The proposed code does not do enough to ensure that additional park land will come through development in the near future, and the options presented to developers through the incentive system historically have been passed over. The proposal has pet amenities as part of the incentive system. Downtown Park, Ashwood Park, the waterfront and the other park elements are sufficient to sustain the current population, but it is clear that those resources will not be sufficient to sustain the projected population increases.

Commissioner Hilhorst said it would be very helpful to have the Parks and Community Services Board develop a detailed written synopsis of where the proposed code falls short. Mr. Synn said the Board looks forward to working closely with the Commission moving ahead.

Commissioner Morisseau added that the Commission would benefit from having the Board provide specific ideas for addressing the specific issues and needs. Mr. Synn said one issue is the fact that as drafted the incentive for providing open space does not define the aspects of the space. Open space can take several forms and can incorporate various elements to make them welcoming places for the public, but they can just as easily simply be a bit of landscaping with concrete planters located near a road or vehicle entrance that would not be used at all by the public. In making their presentation to the Board, the staff offered a number of very good open space examples. He agreed to have the Board offer additional comments in writing. He suggested it would also be helpful for Chair deVadoss to meet with the Parks and Community Services Board chair.

Mayor Stokes reported that the Council appointed former Transportation Commission member and chair Ernie Simas to fill the vacant Council seat. Councilmember Simas was involved in the Downtown Livability Initiative by serving as co-chair of the CAC. He will be a good addition to the Council.

With regard to the remarks made by Mr. Synn, Mayor Stokes expressed an interest in knowing more about why the issues were just being raised by the Parks and Community Services Board given that the Commission has been working on the proposed code amendment for a long time. He said if there are any additional meetings to be held, he as liaison would want to be involved in coordinating them. The Commission has a lot of work to do without adding anything to the list. He said neither he nor the Council were aware of concerns by the Parks and Community Services Board.

Mayor Stokes said during the study session, the staff would present a process for moving forward. The goal is to have the transmittal memo ready for review by May 24 and to transmit the package to the Council in June. If extra meetings are needed, they will be scheduled. The Council wants the schedule followed so it can receive the recommendation and start its work on the code amendment.

Mr. Cullen noted that the Commission's desk packet included an email from Michelle Herman. He said the email came with an attachment that was 143 pages long and accordingly was not printed out. It was, however, sent to all Commissioners electronically.

Mr. Cullen introduced new senior planner Deborah ~~Munkford~~ Mungford, a certified planner with

extensive experience in the planning field. She was most recently a principal in 3 Square Blocks, a well regarded consulting firm. She has both private and public sector experience, having worked many years ago in Bellevue's parks department. Her specialties include comprehensive planning, neighborhood planning, community engagement and environmental review. She is currently assigned to assist with development of the city's affordable housing strategy and is expected to be working on the multiyear neighborhood area planning project as well as other work.

**PUBLIC COMMENT**  
(6:54 p.m.)

Ms. Michelle Herman, a resident of Bellevue Towers, said she lives in unit 3616 which faces south and west. She said there are several things that would be helpful for downtown residents in evaluating the proposals. It would be helpful to know if the maximums listed in the chart on page 36 showing height and FAR and other data are actually maximums or if there are exemptions allowed, if there are bonuses that will allow for going beyond the stated maximums, and if rooftop equipment is included. It is also difficult to compare the proposed changes to the current code and it would be helpful to have a table comparing the two. With regard to the developments constructed after 2000 under the current code, it is difficult to say for sure what their FARs and actual heights are, and it would be useful to have information about some currently developed properties. From Bellevue Towers, DT-O2 South offers the only remaining view corridor. Early on in the process there was a proposal from the CAC to go from 250 feet to 400 feet in the zone. The residents argued against increasing heights beyond 250 feet, and the Commission decided during the meeting to keep the height at 250 feet. There is historical fact that the Commission intended to keep the DT-MU district the same as the DT-O2 South district, and the Commission should do so for the one lot on the southwest corner of 106th Avenue NE and NE 4th Street that is not currently developed.

Commissioner Carlson asked Ms. Herman to clarify the statement in her materials relative to the promise that residents depended on when buying. Ms. Herman said when she purchased her unit on the 36th floor, she looked at the code and was informed that the maximum height south of NE 4th Street was 250 feet. A huge premium was paid to be on a higher floor, and the premiums for the higher floors is even more now. It turns out the maximum 250 feet was not in fact a maximum given that the code allows an additional 15 percent for providing some amenities, and an additional 15 feet for rooftop equipment, taking the actual height up to 302 feet, something those not schooled in the code can easily determine. The code said 250 feet maximum and that was relied on in buying a unit on the higher floors for which a premium was paid.

Mr. Bill Herman, a resident of Bellevue Towers, said he was frustrated by the fact that the current amenity incentive system is being interpreted as a lifetime entitlement. The system should be no more than a ten-year promise after which it should be reviewed and renewed. It is infuriating that structured parking is proposed to be made a permanent incentive. The old maximum height based on the parking requirement blows all of the potential lift that could be put toward amenities. The basic height should be lowered even if no one wants parking anymore. In the future parking may not be needed at all, and moving the new base height to the old maximum height means the value to the amenity system will be lost forever. The code should go forward on the understanding that all amenities will be phased out. The issue of livability is supposedly at the heart of the discussion, but it is not really being discussed and as such is not really understood by downtown residents. Additionally, what the Commission is being told about traffic, that it will not get worse and that everything will be transit in the future, does not make sense to downtown residents because it does not jive with what they see happening.

Ms. Pamela Johnston, 3741 122nd Avenue NE, called attention to a video called driving downtown Bellevue, Washington, USA. She said the film just shows a car driving around the downtown. She said she counted the number of pedestrians she saw coming from her house to City Hall and came up with only 36. She said recently she met some late 20s/early 30s visitors to Bellevue who commented that Bellevue is not really a city and had not found anything to do once their conference ended for the day. The Commission should be looking at how things are put together so that the end result will be a lively city, but growth should not occur too fast and ahead of figuring out how to get the right things done first.

Mr. Todd Woosley with Hal Woosley Properties, PO Box 3325, said he was not speaking as a member of the Transportation Commission but rather on behalf of the Kramer family, owner of property in Eastgate. He noted that somewhat late in the process of updating the Eastgate Land Use Code, local citizens who believed they would be impacted by the proposal raised concerns about traffic congestion in the area. The Council recognized the problem and authorized an additional study that resulted in some relatively affordable recommendations that are poised for approval. For a modest investment of about \$6 million, the congestion going from Bellevue College down 148th Avenue SE and 150th Avenue SE to Newport Way can be reduced by 40 percent, significantly improving the mobility and accommodating additional development in the area. The approach taken serves as a great example of how the city can respond to concerns about increasing congestion resulting from continued development. A broader study for the area is also being initiated, and the Washington State Department of Transportation is currently designing a new shoulder lane on I-90 that will help Eastgate traffic get onto the freeway eastbound. Studies looking at how to accommodate existing congestion and additional trips in the downtown should be done as part of the livability update.

Mr. Jonathan Kagle, 9342 Vineyard Crest, said he was representing himself only and not the Vuecrest Community Association. He said he has attended many of the Commission's meetings focused on downtown livability and participated to some extent in the CAC process. The CAC process began with a focus on creating a balance between amenities and additional height and density, but it seems like with the Commission the balance is changing as things like spacing and incentives are being chipped away. Getting community members to participate in the process has been difficult given the volume of information. The Commission should seek ways to gain broader community involvement in getting closer to making a recommendation. Some specific development examples would be very helpful in comparing the existing code to the proposed code.

Mr. Patrick Bannon, president of the Bellevue Downtown Association, said he recently took the opportunity to look at the early wins ordinance and compare it to language in the draft code. He said he made contact with city staff seeking clarification with regard to where and in what cases the code language has actually changed, such as the midblock connection conditions that are a bit different from the actual ordinance language that was adopted by the Council. The Commission should be supplied with the information. He said he was looking forward to hearing from the Parks and Community Services Board about their concerns regarding the amenity incentive system. He noted that he served as a member of the Downtown Livability Initiative CAC and pointed out that the March 9 staff memo does a very good job of listing how the draft Land Use Code connects to the Council principles and the CAC's recommendations.

Councilmember Kevin Wallace provided the Commissioners with copies of a table of information from Strategic Planning Manager Emil King about what amenity points have been used in the past. He noted that the Council principles included compliance with the law and

avoiding downzones. If amenities are taken away without adding new ones, or adding new ones that are more expensive, the effect is a downzone. The table showed amenities proposed to be taken away and those proposed to remain, which he noted are few in number. Of those remaining, their utilization averaged only 9.47 percent. In the current paradigm that involves going from a base of 3.0 FAR to a maximum of 5.0, ten percent of the difference would be 0.3. In other words, going from 90 percent of the base to the maximum in the new paradigm will be about three times more than the average of the projects. Taking the pedestrian corridor out of the mix yields an even worse number at 5.48 percent average. The median is only 0.57. Most developers have used the parking and residential bonuses, and very few have used the other things. He encouraged adding more amenities to the list to avoid an effective downzone. The early wins ordinance, which was unanimously recommended by the Commission and unanimously adopted by the Council just a year ago, should serve as a guide.

Mr. Carl Vander Hoek, 9 103rd Avenue NE, spoke representing the Vander Hoek Corporation. He said he generally supported the comments made by the Bellevue Downtown Association in the letter presented to the Commission on March 8, specifically the need for a comprehensive transportation study and a use-specific parking study to measure the effects of the changes to the Land Use Code. He said he also concurred with the need to revisit the issue after five years. Referencing section 20.25A.160 and the issue of throughblock connections, he called attention specifically to NE 1st Place in Old Bellevue half a block north of Main Street and a block west of Bellevue Way. The little portion of alley is on a relatively small-sized block. The alley is in place and is used by pedestrians. It should be removed from the map because it does not go all the way through the block. Promoting it as a pedestrian thoroughfare will take people away from the Main Street businesses.

#### DRAFT MINUTES APPROVAL (7:25 p.m.)

Mr. Cullen explained that the city attorney in reviewing the Commission's by-laws made the finding that conducting business once a quorum is no longer present is not allowed. The minutes from January 25, 2017 and February 8, 2017 were previously approved by the Commission but without a quorum being present.

##### A. January 25, 2017

A motion to approve the minutes as submitted was made by Commissioner Hilhorst. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

##### B. February 8, 2017

A motion to approve the minutes as submitted was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and the motion carried without dissent; Commissioner Barksdale abstained from voting because he had not been present at the meeting.

Commissioner Hilhorst proposed addressing the March 1, 2017 and March 8, 2017 meeting minutes later in the meeting.

#### STUDY SESSION (7:27 p.m.)

##### A. Downtown Livability

Planning Director Dan Stroh noted that he was joined by Department of Development Services director Mike Brennan. He allowed that it has taken a great deal of work to update a code that is 35 years old. Throughout the process, the theme has been building on the success of downtown Bellevue. Livability has been the driving force of taking the downtown to the next level. The formal public hearing on March 8 marked a milestone in the process going back to the days of the Downtown Livability Initiative CAC. He said the plan for moving forward takes into account the comments made by Mayor Stokes about the need to keep the issue moving toward the finish line, as well as the procession discussion that occurred at the Commission's annual retreat.

Chair deVadoss agreed that the journey had been a long one for the Commission and the staff as well as the public. The public hearing was very successful. He asked the Commissioners to comment on the hearing and to offer advice on how to expedite things going forward.

Commissioner Hilhorst said the public hearing involved some very good feedback. She said there are possibly some early wins that could be tackled first, including the site at 112th Avenue NE and Main Street. The proposal made by the property representatives might be the way to go. The recommendation of the Bellevue Downtown Association was excellent and she said she agreed with much of what the organization recommended. She said she was not solidified on the issue of 80-foot tower spacing, which is complicated by the 40-foot setback. The Commission has asked staff to identify some options for mitigating the issue.

Commissioner Carlson said the fundamental question that should be addressed at the outset is whether or not downtown Bellevue has been served well by the existing code. He said he believed the answer to the question is yes and by almost every measure. All that exists in the downtown was made possible by the existing plan. That raises the issue of whether or not major revisions to the plan are actually needed. He said he did not concur with those who believe that major changes are needed, but he allowed that some minor revisions would be in order. The new base FAR should be set at 90 percent of the new maximum, and the proposed 40-foot setback should be swept through. The downtown code has served the area well and will continue to do so into the future with only a few minor adjustments.

Commissioner Walter commented that with change comes winners and losers. She said she did not want to see anyone lose, however, especially where the focus is on improving livability. What is lacking is a clear indication of how the proposed code will actually improve livability for those who live in the downtown. She said she would like to see closer discussions occur between downtown residents and those who want to build there. The tables in the document are confusing and could use some clarification. She said she liked the idea that setting the base FAR at 90 percent of the new maximum would be equitable, but said she would like to hear either from BERK or the Urban Land Institute if the approach would work for them. It has been explained that parking has been pulled in, which is why the proposal was made relative to 90 percent, and it has been said that it will be difficult to achieve the last ten percent, yet the concept of a super bonus has been floated, which creates more questions. She said she is a proponent of having affordable housing built on the same property where it is earned. If the real issue is return on investment, everyone should be open and honest about saying so. She said she likes the idea of separating towers by 80 feet and would not want to see the idea completely swept away, but it may be better to develop a ratio system aimed at getting light and air at the ground level given existing conditions. The issue raised by the Parks and Community Services Board is also important. When adding density, it will be important to keep and enhance all existing parks while adding more park facilities in the geographic areas where the amenities are earned. She added that she would like to see a parks designation adopted so that park land will remain park

land in perpetuity.

Commissioner Laing said he keeps coming back in his mind to the problem the solution is trying to solve. The original orientation of the Downtown Livability Initiative CAC included a walking tour of the downtown in the spring of 2013 that focused on the outcomes the current code has produced over the last 35 years. At the heart of it all, what is being discussed is a rezone. Typically, the basis for a rezone is changed circumstances. Rezones are also made to implement the Comprehensive Plan, and they must be in the public interest. At the macro level, only two things have changed over the last 35 years: the coming of light rail to the city, and the significant increase in the residential population of the downtown to more than 15,000. Those are in fact profound changes that impact the concept of livability. As the downtown has filled in under the current code, the lack of publicly accessible ground-level open space has become apparent. It is not that there is less of it, but the lack has been felt more as development has gone vertical. One challenge over the past four years has been less about the need to preserve ground-level open space and more about the need to incentivize the provision of more of it going forward. The CAC operated under the do no harm principle. There is no problem in the pejorative sense, rather there are opportunities at hand. The Commission should seek to identify consensus around some high-level things. One of the big things is the Council direction to not effect a downzone; another is to have an incentive system that is actually an incentive system. The most profound changes under consideration, which the Commission has rather tacitly accepted, are the ideas that the city will no longer provide an FAR bonus for structured parking or residential development. Historically, developers have achieved 90 percent to 100 percent of their allowed FAR just by providing parking, residential, or both. If those are taken away and the base FAR is not increased to the 90 percent level, the effect will be a de facto downzone, and the incentive system will become an extortion system.

Commissioner Barksdale encouraged the Commission to keep the community and the notion of livability in mind in thinking through the proposal. He said developer economics are clearly important, but there needs to be a balance with the interests of downtown residents, pedestrians and bicycle riders.

Commissioner Morisseau said she grew up in Haiti where the systems in place in Bellevue do not exist. She said she appreciates the fact that the community is allowed to be part of the process. To the point that the current code does not need to be changed, she said she strongly disagreed. Bellevue is growing whether anyone likes that fact or not. The Commission has the responsibility to accommodate the growth. The update needs to be done thoughtfully and needs to take into account the concerns of the community. Change is always difficult because people are afraid of losing something. In this case, the Commission needs to find ways to acknowledge the feared losses and mitigate for them. In terms of the incentive system, she said her fear was that the new system will do nothing differently from the existing system. Affordable housing is clearly needed in the community and something should be put in place that will actually work. The fee in-lieu approach is not the answer.

Chair deVadoss asked the Commissioners to point out any big rock issues.

Commissioner Laing agreed with Commissioner Morisseau about the need for affordable housing. He moved that the code be amended to include a 1.0 FAR exemption for affordable housing, and that the exemption be used in conjunction with the multifamily tax exemption program. The motion was seconded by Commissioner Carlson and the motion carried without dissent.

Commissioner Walter said she simply did not have enough information to weigh in on the motion and said she would abstain.

Commissioner Hilhorst asked if the multifamily tax exemption exists currently in the downtown or if it would need to be added. Commissioner Laing said the Council adoption of the program included the downtown.

Mr. Stroh said the process began on the strength of the notion that much about the downtown codes continues to work well and that nothing should be done to harm those facets. The Land Use Code audit clarified what works well, what should be tweaked and where there is room for improvement to take things to the next level. He said staff had hoped to have the chance to process the input from the public hearing and to in some cases bring forward some additional analysis and options before making a final recommendation.

Chair deVadoss said if a few of the big rock issues could be cleared out, the Commission could progress much quicker through the rest of the proposal.

Commissioner Hilhorst said she would prefer to have Commissioner Laing work through his list without making a motion on each one.

Commissioner Laing said if the Commission does not start working on the draft document and turning it into something, it will soon be May and things will not be done. Nothing will be final until the Commission acts on a recommendation to send forward to the Council. Unless the Commission takes votes and directs staff to make changes, the process will not move forward.

Given that statement, Commissioner Barksdale said he would prefer to see any motion taken to be in the form of directing staff to revise the draft document.

Commissioner Laing accepted the friendly amendment to revise his motion to direct staff to include a 1.0 FAR exemption for affordable housing, and that the exemption be used in conjunction with the multifamily tax exemption program.

Commissioner Walter said her concern was in regard to making sure any affordable housing units are built on site. Commissioner Laing said under his suggestion, affordable units would have to be built on site, and a developer could not receive the FAR exemption where the choice was made to pay a fee in-lieu. Additionally, the multifamily tax exemption program would not come into play where a fee in-lieu was paid.

The motion carried unanimously.

A motion to direct staff to revise the draft code so that the base FAR in all zones and in all instances is 90 percent of the proposed maximum FAR. The motion was seconded by Commissioner Carlson.

Commissioner Laing clarified that his motion would change the FAR base/maximum column in the dimensional requirement table in section 20.25A.060 to show the base FAR to be 90 percent of the proposed maximum FAR in all instances.

Commissioner Walter reiterated her call for some analysis by the consultants to the notion of setting the base FAR at 90 percent of the new maximum FAR. Some clarification is needed in regard to what the change would yield.

Commissioner Morisseau concurred. She reminded the Commission that the recommendation of the CAC did not include making the same increase across the entire area. In some areas the CAC recommended an increase in the FAR, but in other areas they did not.

Commissioner Hilhorst agreed as well. She suggested adding a column to the chart to show the delta so everyone can be on the same page.

Commissioner Laing pointed out that the Commission has all of that information. The Commission has heard from virtually every stakeholder as well as from the Bellevue Downtown Association that setting the base FAR at 90 percent of the proposed new maximum is not only the equitable way to address the removal of parking and residential from the incentive system, it is the only way to ensure that across all zones building the exact same building in different zones would not trigger different provisions under the amenity system. The BERK analysis said if the parking and residential bonus is removed, the base FAR would need to be increased to about 85 percent of the maximum just to maintain threshold viability. The bottom line of the data presented to the CAC, which was the same data presented earlier in the meeting by Councilmember Wallace, was that providing structured parking under the existing code earned developers over 90 percent of the maximum FAR, and in many cases it was closer to 100 percent, leaving left over bonus FAR unused. Based on the data in the BERK analysis and 35 years of actual permit data, the base FAR needs to be recalculated to 90 percent of the maximum FAR. The CAC did not have the BERK analysis to consider, but the CAC was cognizant of the data and was concerned from day one that the removal of the parking bonus would result in a massive downzone for the downtown. The only way to avoid it based on the data is to set the new base FAR at 90 percent of the maximum FAR.

Commissioner Carlson said it was his understanding that the intent of the motion was not to deviate from the existing code but rather to restore what would otherwise be a deviation.

Commissioner Walter said her struggle was with the fact that various experts have said different things. She said she did not have the clarity she needed to vote one way or another on the motion.

Commissioner Barksdale asked what policy outcomes the BERK analysis intended to achieve. Mr. Stroh allowed that the staff had hoped to key up the conversation with a lot more context in hand. One thing the consultant was looking at was the Council principles, one of which was where properties were allowed greater height and FAR there should be some offsetting provision in the incentive system that would compensate for the impacts. The difference is not just between 85 percent and 90 percent, it is the context between the existing FAR versus the new FAR. Where properties are being upzoned and where new FAR is being created, there is no difference being asked for in terms of offsetting the impacts through the incentive system. There are actually pros and cons about the various ways to go, and there are arguments on both sides. The intent of staff was to bring the information back in a more systematic way so the Commission could fully understand what was analyzed, what the alternatives are, and what the actual tradeoffs are for the various alternatives.

Commissioner Hilhorst pointed out that the BERK data came relatively late to the process and said it would not be unreasonable to ask for a little more clarity. Adding a column to the chart showing the delta could provide that.

Chair deVadoss called for the vote. The motion carried with Commissioners deVadoss, Carlson,

Barksdale and Laing voted for; Commissioners Morisseau and Hilhorst voted against; Commissioner Walter abstained from voting.

With regard to the map of the Perimeter A district along the northern boundary of the downtown, Commissioner Laing proposed having the A-1 district from 102nd Avenue NE eastward to 112th Avenue NE become A-2. A-2 zoning allows for five-over-one mixed use projects, with retail and shops at the ground level and woodframe apartments or condominiums above. In order for the development style to be viable, a 70-foot height limit is needed. The A-1 has a 55-foot height limit. The issue was discussed by the CAC and is part of the Bellevue Downtown Association's recommendation. The area of the A-1 district along the northern perimeter does not have abutting single family uses across the street. Any purely commercial project in the district would be limited to a building height of 40 feet.

Commissioner Morisseau asked if Commissioner Laing's ~~if his~~ proposal would include bumping up the FAR from 3.0 to 3.25. Commissioner Laing said that would depend on where the base FAR is set as a percentage of the new maximum FAR.

A motion to have the A-1 district from 102nd Avenue NE eastward to 112th Avenue NE become A-2 was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale.

Commissioner Morisseau asked staff if they could foresee any unintended consequences with the proposal. Mr. Stroh noted that the CAC recommended increasing building height to 70 feet in the Perimeter A district, which is designed to serve as a transition zone. In earlier discussions with the Commission, quite a bit of time was spent thinking about where the additional height would be appropriate and where it might raise issues relative to transitioning to the neighborhoods. The current proposed code captures the earlier direction from the Commission to increase heights in the Perimeter A from 55 feet to 70 feet, tailored to where the additional height makes sense and where a more graceful transition to the neighborhoods could be maintained with the current 55 feet, a limit that has been in place for many years and which continues to be appropriate. Height can be a very sensitive matter for neighborhoods directly up against a downtown, and downtown Bellevue is unusual in that it has very healthy neighborhoods pressing up against the edges of the downtown. One unintended consequence of going to 70 feet could be a less graceful transition.

Commissioner Barksdale asked approximately how much increased density could be expected from going up an additional 15 feet for residential uses. Mr. Stroh said the maximum FAR would not change. There are a couple of consequences about the way the building envelope might change with the additional height. What the CAC discussed was a proposal for a more generous bay for retail on the ground floor, and the potential for spreading out the height of the individual floors. There could also be instances in which buildings that could max out their FAR in only four stories over a concrete base could gain a fifth story.

Commissioner Carlson asked if the additional height would in fact encourage more residential development. Mr. Stroh said there could be instances in which that would be the case. An FAR of 3.5 is probably achievable in a four-over-one structure, so typically the height increase would not be likely to lead to more residential.

Commissioner Laing said the five-over-one format in the areas where the multifamily tax exemption is used is the key vehicle for providing affordable housing. He said he saw increasing height to 70 feet, coupled with the multifamily tax exemption and the FAR exemption, as an opportunity to provide affordable units.

Commissioner Walter said she would not be able to make a determination as to additional height in the Perimeter A district without first seeing some light and shadow studies and how McCormick Park might be impacted. The existing buildings across the street from the park have retail on the ground floor and residential above. Commissioner Laing suggested that given the arc of the sun, buildings at either 55 feet or 70 feet on the south side of 112th Avenue NE would be unlikely to cast a shadow onto the park.

The motion carried with Commissioners Laing, Morisseau and Barksdale voting for, and Commissioner Walter voting against; Commissioners Hilhorst and Carlson abstained from voting.

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A motion to place monies collected through the fee in-lieu system be placed into a dedicated account and be expended only for the acquisition or improvement of publicly accessible open space within the downtown was made by Commissioner Laing. The motion was seconded by Commissioner Walter.

Commissioner Laing said his motion was in support of comments made by the Commission as well as the public relative to the fee in-lieu system.

Commissioner Morisseau asked if there could be any unintended consequences associated with the approach. Mr. Stroh said the intent of the fee in-lieu system was to have funds to spend on the most important amenities for the downtown. He said he could not think of any unintended consequences.

Commissioner Walter stated that for transparency purposes, placing collected fees in-lieu into a dedicated fund makes the most sense. Other municipalities take that approach.

Land Use Director Carol Helland said a similar fund was created for the Bel-Red area.

The motion carried unanimously.

A motion to direct staff to change the draft code to reflect the early wins Ordinance 6277 was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale.

Commissioner Laing noted that Mr. Bannon on behalf of the Bellevue Downtown Association pointed out that there have been changes made that differ from the early wins ordinance. The Commission's unanimous recommendation relative to the early wins reflected the unanimous recommendation of the CAC, and the Council in turn unanimously approved it. The draft code should accurately reflect what was previously approved.

The motion carried unanimously.

With regard to the handout provided by the BDR and John L. Scott property representatives, Commissioner Laing pointed out that the property stakeholders have faithfully attended the Commission meetings for at least a year. During the whole time they have pleaded with the Commission to provide the staff with specific direction.

A motion to direct staff to incorporate the changes reflected in the John L. Scott/BDR public hearing handout was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst.

Commissioner Laing explained that the proposal would involve making a few modifications to the dimensional chart in 20.25A.060.B.5 to insert a new section, and to make some tweaks to the dimensional chart for the Perimeter A-3 and B-3 districts. The overall issue is that the property is split between A-3 and B-3 zoning, which have different heights and FARs. The property owners would like to be able to share the allowed density on both sites, something the current code does not allow. Their request is not unlike the request made relative to the Fortin site where there is also split zoning. The result would be a project that is viable and more in keeping with the East Main station area. The site is close to both the East Main and downtown light rail stations.

Commissioner Carlson commented that across Main Street from the properties there used to be houses, and the code was written to reflect that fact. The coming of light rail means the houses are gone and there will be a park and a light rail station. The property owners would like the site to serve as a gateway to the downtown, and nearly everyone has agreed that their proposal would be nice to see. Changes to the code are needed, however, to accommodate the plan.

Commissioner Morisseau said she would support the motion. She noted, however, that that the Bellevue Downtown Association has called for properties next to light rail to be allowed more FAR.

Commissioner Walter said she agreed with everything except the notion of changing from a 20-foot setback to a 10-foot setback. She said she would prefer to retain the 20-foot minimum setback from the downtown boundary. Commissioner Morisseau concurred.

Commissioner Laing pointed out that the downtown boundary is on the other side of the street.

Commissioner Carlson said the argument of the stakeholders is that the 20-foot setback from the downtown boundary was created more than 30 years ago to buffer single family homes from downtown development. With regard to the BDR/John L. Scott properties, that condition no longer exists. The 10-foot buffer serves as a compromise between the old code and the new urban edge created by the new light rail station across Main Street. The 20-foot buffer is a suburban response to an urban edge.

Commissioner Walter pointed out that just because the property owners could build what they have shown to the Commission if the code change were made, there is no guarantee that they will.

The motion carried unanimously.

Mr. Brennan proposed a structure for moving the process forward. He noted that there had been a significant amount of public engagement to date. The March 8 public hearing was a major milestone. Information from the hearing was captured. Other boards and commissions may choose to weigh in as well. Conversations with stakeholders are continuing to occur, and ~~the~~ information from them will be shared with the Commission. At its retreat in the fall of 2016, the Commission expressed an interest in being efficient and getting agreement up front regarding processes and how information is to be packaged. There is a clear need and desire to be thoughtful about how to manage public input at all levels to maintain an open dialog and transparency.

Mr. Brennan said the approach for bringing information back will be key. He noted that the Commission began the study session discussing several topics around which it did not quite have the information needed to advance a decision. For each of the big rock topics, staff intends to

collect the public input provided by stakeholders and summarize it. Where additional analysis is needed, staff will undertake it as necessary to help identify the pros and cons. Staff also intends to set out alternatives so the Commission will have something to react to. Direction given by the Commission will be translated into the draft code.

Mr. Brennan said the interest of the Council to see the issue moved forward expeditiously was made clear by Mayor Stokes. He shared with the Commission a proposed schedule for getting through the various topical areas, though he noted that holding a meeting on April 12 could be challenging in regard to the availability of Commission members and staff and suggested the meeting could be moved to April 19 to accommodate the Bellevue School District spring break. He proposed scheduling meetings on April 19, April 26, May 3, May 10 and May 24.

Chair deVadoss suggested that individual Commissioners wanting to discuss some specific analysis with staff should schedule times with staff outside of Commission meetings. He also asked if the topics proposed for April 26 and May 3 could be combined into a single meeting. Mr. Brennan said staff will put together a complete package of information to help move the Commission through the topics as quickly as possible.

Mr. Cullen informed the Commissioners that in addition to the downtown livability topic, the April 26 meeting will include a study session on a Comprehensive Plan amendment for the Bellevue Technology Center, and the expectation is that a fair number of people will attend. He also explained that the threshold review public hearing for the Bellevue Technology Center amendment will occur on June 14, then on June 28 there will be a study session on the proposal. It will not be possible to continue the downtown livability work into the month of June.

Ms. Helland commented that the matrix that begins on page 3 of the packet outlines the major themes from public comment and the public hearing. She said staff divided the comments into theme categories and assigned them to specific meetings for discussion. She said staff had already identified incentive zoning, tower design and building height as big rock issues requiring additional information. Staff will bring that information to the Commission along with analysis about the district- and site-specific topics. The closing and process topic discussion will involve tying up topics that do not fit neatly into any of the identified themes, such as the scope of administrative departures, whether or not there should be a super bonus, the affordable housing issue, the SEPA review that has been undertaken, and the request for a transportation study. The less complex topics will be batched for moving them forward quickly, and the Commission will also be asked to go through the errata sheet.

Mr. King called attention to page 15 of the packet and the definition of active uses. He noted that the definition was added as part of the code update. It is an important definition and in some ways replaces the old way of talking about detailed uses or pedestrian-oriented frontage. The CAC and the Commission have been clear about not wanting to end up with empty retail frontages that were either bonused or achieved through exemptions. The public comments relative to the new definition indicated it still lacks clarity and proposed that it should specifically list active uses. He said staff intentionally drafted the definition to allow for flexibility and thus did not include specific active uses. Instead the characteristics of active uses are outlined as being things that support pedestrian activity and a high degree of visual and physical interaction between the building and the public realm. The definition does include a few examples of what active uses are not.

Mr. King said private indoor amenity space, which is listed in the definition as not appropriate, was called out during the public hearing as something that is actually appropriate. He

recommended retaining the definition as drafted.

Chair deVadoss concurred with the staff recommendation. To include in the definition examples of active uses is to run the risk of missing something.

Commissioner Laing disagreed. He said one of the problems with pedestrian-oriented frontage and the concept of active uses is that it means anything and nothing. In all instances the code should be easily understood, and that means the definition should explicitly spell out what active uses are and what they are not. He recommended directing staff to go back and list every single use that is an active use and every single use that is not an active use so there will be no disagreement.

Commissioner Barksdale suggested listing only what are not active uses, which by definition would mean all other uses are active uses. Commissioner Laing said he could agree to taking that approach.

Mr. King reiterated that as drafted the definition is included to describe the characteristics of active uses, to provide for flexibility, and to include a non-exhaustive list of things that are typically not active uses. The current code attempts to define pedestrian-oriented frontage and retail spaces by including a list of some 20 things, but it has been cited as being problematic by developers wanting to put in things that were not specifically listed.

Code Development Manager Patricia Byers added that any attempt to include all things that are permitted and all things that are not permitted will invariably miss something.

Commissioner Hilhorst agreed that the definition should provide clarification and transparency with regard to allowed and not allowed uses.

Commissioner Walter proposed including allowed and not allowed uses along with a process for addressing the things not included on either list.

There was agreement to direct staff to revise the definition to include specific examples.

Turning to the topic of parking standards, Mr. King reminded the Commissioners that the Downtown Livability Initiative CAC did not proffer a specific recommendation and called for a comprehensive downtown parking study. Comments have been made by the public and the Commission about the need for more flexibility relative to parking. Language was included in the draft code that would allow developers through a parking study to provide either more or less parking than what is required by the standard. There has been input from stakeholders about a straight reduction in the minimum parking to 0.5 stalls per unit for developments within a quarter mile of light rail stations. Currently, developments in those areas are generally required to provide one stall per unit. Others have suggested nothing should be decided about parking until a comprehensive parking study is done. There is money in the adopted budget for a comprehensive parking study, though staff have not yet been given direction to proceed.

Continuing, Mr. King said others commented that providing the amount of parking required by the code can actually limit the size of projects. Quite a few called for flexibility when it comes to parking requirements. Some highlighted in the draft code the reference to “actual parking demand” under director’s authority to modify the required parking and questioned how a study could determine actual demand for some future time; “estimated parking demand” would be a more appropriate term. Attention was also called to the term “compatible jurisdictions” and staff

agree that the term “comparable jurisdictions” relative to parking demand analyses would be more appropriate.

Mr. King proposed three alternatives: 1) Retain language in the draft code regarding the Director’s authority to modify the required parking; revise the reference to “actual parking demand” to read “estimated parking demand;” revise the reference to “compatible jurisdictions” to read “comparable jurisdictions” and have it be based on criteria such as scale of downtown, mix of uses, mode split, transit access, and proximity to freeway system. 2) Modify the draft code language to include a lower limit for the extent to which parking may be reduced, and clarify references to “actual parking demand” and “compatible jurisdictions” as in Alternative 1; allow a departure for residential uses no lower than 0.5 stalls per unit where the existing minimum is 1.0 stall per unit, except in DT O-1 and O-2 where the existing minimum is zero stalls per unit and for certain types of affordable housing where parking can go down to 0.25 stalls per unit); reduce other land uses by up to 50 percent from the minimum standard through a parking demand analysis; and 3) Eliminate the ability for the Director to modify the required parking. He said the recommendation of staff was Alternative 2.

Mr. King informed that Commissioners that since preparing the packet materials, staff looked back at 47 residential projects in the downtown between 1987 and 2015, including market-rate apartment projects, condominiums, some affordable housing projects and senior projects. Of the 42 market-rate projects, 12 have a parking ratio of just over 1.0. The general trend for residential is to come in at the low end of what is required. The eight apartment projects that have come online since 2010, two came in at exactly the minimum, and the average of them all was only 1.15.

Commissioner Laing proposed combining some of the language changes of Alternative 1 into Alternative 2. Additionally, an element of Alternative 3 should be incorporated, namely eliminating the ability of the director to modify the required parking. An administrative departure should be allowed, but it should be clear the director does not have the authority to modify visitor or guest parking. If changes to the parking requirements in Bellevue are to be allowed based on parking studies, all decisions need to be based on Bellevue-specific studies, not comparable jurisdictions. Additionally, any parking demand analysis should be provided by a professional traffic engineer and the code should be clear about that. The code should also specifically reference the ITE manual. With regard to the director’s authority to change the parking requirements, where a developer complies with having a professional engineer conduct a Bellevue-specific study that complies with professional methodologies, the director should not be allowed to simply disallow a proposed change out of hand. With regard to how light rail will impact the parking demand in the downtown, the time to conduct a study will be after light rail is fully operational.

Commissioner Carlson reiterated that the current code has served the city very well in a number of ways of which transportation is a good example. Bellevue is more pedestrian friendly than it used to be, it is easier to bike around and is getting more so, Bellevue is more transit friendly than it was 30 years ago, and Bellevue is still a driver-friendly city. The basis for the success of Bellevue can be attributed to having ample and plentiful parking. There are those who would prefer that Bellevue not be friendly for automobiles and who would like to constrain the supply of parking to make driving less convenient. What that will translate into is more congestion all around. Bellevue needs to continue to provide ample parking going forward.

Given the lateness of the hour, Chair deVadoss proposed taking up the issue of parking again at the next meeting.

There was agreement to schedule the next Commission meeting for April 19.

**PUBLIC COMMENT**  
(9:42 p.m.)

Ms. Pamela Johnson, 3741 122nd Avenue NE, stressed the need to have the downtown code be comparable with the Bel-Red code.

Mr. Jonathan Kagel, 9242 Vineyard Crest, echoed the comment of Commissioner Carlson that if it is not broken, it should not be fixed. While the Council cautioned against any downzoning, some community members are concerned about upzoning. There may need to be a different way of looking at things. One way would be to keep the existing code as it is and adding an incentive system on top of it. The current code is somewhat ugly, but it could be cleaned up. Another approach would be to retain the current code and add to it the new code, allowing developers to choose which code they want to follow, phasing out the one that over time is not used much.

Mr. Bill Herman, 10700 NE 4th Street, said he would not support addressing affordable housing through a FAR exemption. That is the wrong approach, and the downtown is the wrong venue. The big problems in the downtown are mobility and transportation, and that is what the update should be addressing. Affordable housing should be tied into some type of employer program to assure that those who take advantage of affordable housing will both live and work in Bellevue. It makes no sense that new construction in the downtown can be affordable. With regard to safety, what the city is focusing on is things like Vision Zero, narrowing lanes and lowering speed limits, all of which could lower traffic capacity. It would make sense to make those decisions first before making lifetime commitment to zoning issues. Incentives should not continue forever. The city should back off on making a parking a requirement; it should be retained as an incentive, which would give the city the option at some time of phasing it out. Once the base FAR and height is increased, no one will ever choose the parking incentive.

Commissioner Barksdale asked for clarification of why there should not be an FAR exemption for affordable housing. Mr. Herman said once FAR is increased, mobility is made worse. The city should not be seeking to provide brand new housing for people who cannot afford housing. It would be more appropriate to locate affordable housing outside of the downtown. There is no guarantee that people in the affordable housing units will not be working in Renton, and that would put more cars on the road.

**DRAFT MINUTES REVIEW**

- A. March 1, 2017
- B. March 8, 2017

There was agreement to put off approval of the minutes to the next meeting.

**ADJOURN**

A motion to adjourn was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

Chair deVadoss adjourned the meeting at 9:53 p.m.