

March 26, 2019

Bellevue Planning Commission, planningcommission@bellevuewa.gov

CC: Department of Planning and Community Development, nmatz@bellevuewa.gov

RE: Bellevue Technology Center Redevelopment (File #19-104146 AC)

Dear Chair Barksdale and Planning Commissioners:

Reference is made to our earlier letter dated March 1, 2019, in which we summarized the neighbors' view on KBS' Comprehensive Plan amendment ("CPA") application to allow further development of the Bellevue Technology Center ("BTC") site. This letter provides a detailed analysis of said application. We are attaching six documents that outline our review:

1. **Comparison to KBS' 2017 application** – attachment 1 demonstrates the 2019 application is fundamentally the same as the 2017 application.
2. **Affected Policies per KBS** – KBS quotes a long list of policies that allegedly support their request, however, the key underlying assumptions are invalid. See attachment 2 for details.
3. **Affected Policies per our analysis** – we have identified 61 Comprehensive Plan policies that are impacted by this request. We have detailed each one, along with notes. See attachment 3.
4. **Compliance with King County Countywide Planning Policies** – the applicant failed to take into consideration 4 county-wide policies. See attachment 4.
5. **Evaluation of significant changes from the Comprehensive Plan** – KBS outlines 6 significantly changed conditions since the last time the Comprehensive Plan was amended. Attachment 5 demonstrates there are no significant changes from the Comprehensive Plan.
6. **Evaluation of significant changes since 2014 Planning Commission Threshold Review** – there are no significant changes that would warrant approval of the requested amendment. See attachment 6.

While we can discuss which policies are affected, it is clear that **no significant change has occurred**, not since the Planning Commission denied KBS' CPA application in 2014, or since the last time the pertinent Comprehensive Plan map or text was amended, or since their 2017 CPA application. After carefully analyzing the application, it is clear to us that KBS' intent has not changed: **they aim to further develop the entire site**, and are not merely proposing multi-family housing with an affordable component.

Approval of the current amendment (and subsequent applications required to redevelop the BTC site) **would adversely impact our quality of life**: it would materially change the character of the surrounding residential neighborhoods by eliminating the buffer the site provides from development to the west, traffic congestion in the area would increase dramatically, and Bellevue would forever lose a green gem that the City has protected for 47 years. Our City had the foresight in 1972 to ensure that we preserve the open space and tree canopy for generations to come. This vision was voiced in the PUD.

The PUD is an integral part of the Comprehensive Plan, which lays out a strategy for growth in the city, while protecting our residential neighborhoods. **Please stick to the Plan; decline the application.**

Sincerely,

[signature pages to follow]

Attachment 1 – Comparison to 2017 Application

KBS filed a Comprehensive Plan amendment (“CPA”) in 2017, which they withdrew at the eleventh hour before the Planning Commission was to make a decision on June 26, 2017 when they believed approval would not be forthcoming.

We have evaluated whether there are any material changes from KBS’ 2017 CPA application:

Proposed Policy Items	In 2019 CPA application?	In 2017 CPA application?
Multi-family residential development	Y	Y
With affordable housing component	Y	N
With multi-modal mobility options, park-like character preservation	Y	Y
With senior housing component	Y	Y
Infill transit-oriented development (“TOD”)	Y	Y
With office	Y	Y
With retail uses	Y	N
With service uses	Y	Y
Provide graceful edges with the surrounding neighborhoods	Y	N
Conservation easements to protect the meadow	Y	Y
Transportation demand management strategies	Y	Y
Update the City’s Transportation Facilities Plan to support TOD at BTC	Y	Y
Transportation mitigation measures	Y	Y

3 new concepts have been introduced:

1. Affordable housing

KBS added a voluntary commitment to provide a minimum of 10% of multi-family housing to families at or below 80% of Area Median Income (“AMI”) for rental properties or at or below 100% or 120% of AMI (depending on which section of the application you read) for for-sale housing units.

As outlined in other attachments to this letter, BTC is not located in an area targeted for economic or residential growth (Crossroads, BelRed, Wilburton/Hospital, Downtown, Factoria, and Eastgate). Per the Comprehensive Plan: “A small amount of growth is anticipated in other areas spread throughout the city through natural redevelopment and infill that is allowed under current zoning.” Changing the zoning from Office is in direct conflict with the land use vision. Our research shows that the proposed development does not qualify for any affordable housing incentives. City staff presented an update on affordable housing to City Council on 3/4/19 and stated the City is on track for its affordable housing units, without including units that might be offered by development on the BTC site, which development is prohibited anyway.

This leads us to only one conclusion: **the applicant's ultimate goal is to redevelop the entire site**, which could triple the square footage. Offering some affordable housing is merely a ruse, a cost of doing business to KBS.

2. Retail use

BTC is not located in an area targeted for growth. Per the Comprehensive Plan, infill development is allowed under current zoning. Since BTC is zoned Office, retail is not appropriate on this site.

Furthermore, establishing retail on this property is in direct conflict with the Crossroads Subarea plan, which designates Crossroads Shopping Center as the commercial hub of the Subarea. (Policy S-CR-9)

3. Graceful transition to the surrounding neighborhoods

The entire BTC site as currently designed is a graceful transition to the surrounding neighborhoods. The existing policies and agreements provide the language needed to accomplish this goal; no new language is required.

Conclusion: while there have been some minor changes to the current application, it is in essence no different from the 2017 CPA proposal.

Attachment 2 – KBS' Assumptions

KBS proposes new language for certain Comprehensive Plan Policies and lists the Policies that allegedly support their application.

However, the KBS proposal is predicated on certain flawed assumptions:

- **Assumption 1:** BTC is located within the watershed of the Overlake Village light rail station.
 - **False:** the walking distance from the future light rail station exceeds 0.5 miles and the walking time exceeds 10 minutes. The application designates the southeast section of the property for housing, which is the furthest distance on the property from the light rail station. The walking distance would be over one mile. The site is not located in one of the four areas around future light rail stations in Bellevue that qualify for transit-oriented design.
- **Assumption 2:** BTC's location in a major employment center *"presents a significant, catalyst opportunity to support the City's land use and economic development goals"*.
 - **False:** the site serves as a buffer to the surrounding residential neighborhoods and is not located in one of the targeted *"areas anticipated to accommodate a significant portion of the city's projected growth."* (Comprehensive Plan Map LU-4)
- **Assumption 3:** The BTC site is located in a mixed-use / commercial area.
 - **False:** it is currently subject to the Crossroads Subarea plan but will become part of the NE Bellevue Subarea when the neighborhood area planning (Great Neighborhoods) is complete. The site is being moved to the NE Bellevue neighborhood to better align with its current and future use: it is located among residential neighborhoods and its function in the Comprehensive Plan is to serve as a buffer for those residential neighborhoods. The only reason it was developed as office space, is that neighbors and the City granted special status under a PUD to limit development and protect the character of these residential neighborhoods. Further development of the site would jeopardize the character of the residential neighborhoods to its east, north and south.
- **Assumption 4:** They can further develop the site while protecting the meadow and the trees.
 - **False:** the only way to not increase their "concrete footprint" would be to build upwards, which is something KBS has voiced a strong opposition to during their rezoning application in 2016. The PUD protects the meadow, the trees, and every aspect of the site. KBS brought in Forterra as a ruse to show that they care about the environment – protecting what few trees remain and what is left of the meadow after they have developed the site is insufficient for true conservation.

Conclusion: while KBS quotes a long list of policies that allegedly support their request, the key underlying assumptions are invalid.

Attachment 3 – Affected Comprehensive Plan Policies Per Our Analysis

Whereas attachment 2 summarizes why we disagree with KBS’ interpretation of certain Policies, this attachment outlines our interpretation of the Comprehensive Plan Policies that would be affected by the proposed amendment.

Given the location of BTC on the borders of the Crossroads, NE Bellevue and BelRed Subareas, we have reviewed the Comprehensive Plan as well as the relevant Subarea plans, since they would be directly affected by any changes to the BTC site.

As you review the proposed amendment, we would like to highlight the following policies:

Comprehensive Plan Policy	Policy Language (emphasis added)	Notes
CE-3	Ensure that the process which identifies new commercial areas or expands existing areas considers the impacts of potential development on affected residential neighborhoods and results in decisions that are consistent with other policies in the Comprehensive Plan.	Any further development on this site would have a significant impact on the residential neighborhoods that surround this property.
CE-4	Balance the interests of the commercial and residential communities when considering modifications to zoning or development regulations.	The residents of the community have been very clear over the years of their desire for the property to remain protected by the PUD. Any change to the site puts commercial interests ahead of residential interests.
CE-9	Use a range of public forums and opportunities including commissions, boards, and the community council to facilitate citizen engagement in the planning process.	The City applied this policy to create the PUD in 1972. Changing or voiding the PUD would violate this policy. The City has done a good job informing the public, however, “engaging” requires the City to truly listen to the citizens’ feedback, which has been very clear: uphold the existing agreements that govern the site. We want to preserve the site as is.
LU-25	Assess the compatibility of commercial uses and other more intense uses when located in mixed use and predominantly residential areas.	Further development of the site is not compatible with the residential areas and schools surrounding the site. 156 th Avenue NE has been and should remain the dividing line between the higher density development to its west and the residential neighborhoods to its east.

N-7	<p>Support the capacity of local neighborhood communities to actively engage and respond to changing internal neighborhood needs and external stresses.</p>	<p>The neighborhood has come together each and every time a CPA or other major request has been filed by the applicant and has been very clear on their desire for BTC to remain protected for future generations. We have been thoughtful in our feedback and have clearly articulated the importance of this site to the neighborhood.</p> <p>The neighborhood is experiencing increasing pressure and stress from major development happening in our backyard. This includes Esterra Park, Hyde Square, LIV, and other planned developments in Redmond's Overlake Urban Center. We are supportive of Bellevue's growth plan and simply ask that the policies in the Comprehensive Plan, including the site-specific agreements, be upheld.</p>
TR-1	<p>Integrate land use and transportation decisions to ensure that the two mutually support the Comprehensive Plan.</p>	<p>The City states on their website that only 4 light rail stations qualify for transit-oriented-design <i>"due to well-established city policy preserving existing single-family neighborhoods"</i>. This policy of preserving existing single-family neighborhoods also applies to the area surrounding the Overlake Village light rail station.</p> <p>(http://www.ci.bellevue.wa.us/light-rail-station-areas.htm)</p>
TR-7	<p>Ensure that land use changes near high capacity transit stations are consistent with the Comprehensive Plan, recognizing that:</p> <ol style="list-style-type: none"> 1. Transit may support more intense development around some stations; 2. Transit supportive design and orientation may be implemented without changes to land use intensity; 3. Land use plan map changes would be precluded in existing single family designations and environmentally sensitive areas. 	<p>See TR-1 note.</p>

TR-28	Monitor traffic growth on collector arterials and take measures to keep volumes within reasonable limits.	There is significant traffic coming up on Northup Way, NE 24 th Street, and West Lake Sammamish Parkway from communities east and south of Bellevue (Issaquah, Sammamish, Snoqualmie, etc.). BelRed and 156 th Ave NE carry a lot of traffic coming to/from Redmond and Kirkland. The City has no plans for traffic enhancement in the surrounding area (see 2019-2024 Transportation Improvement Plan).
TR-35	Review transportation systems impacts of proposed developments and require appropriate mitigation as necessary. Prohibit development approval if the development will cause the area level of service in one or more Mobility Management Areas to fall below the adopted standard , unless demand management or other system improvements are provided to mitigate the transportation impacts.	Given the current gridlock in the area, extensive new developments in various stages of approval and no plans for traffic improvements, it would be ill advised to increase the number of cars coming in and out of the site.
TR-40	Work actively and cooperatively with other Eastside jurisdictions and regional and state agencies to plan, design, fund and construct regional transportation projects that support the city's Comprehensive Plan.	We understand that the City is taking Redmond and Kirkland into account in its traffic studies, however, traffic coming from communities to our east (Issaquah, Sammamish, Snoqualmie, etc.) is increasing as well and should also be included. Issaquah, Sammamish and Snoqualmie are home to a large number of Microsoft employees who commute through our residential neighborhoods to go to work: there are no major arterials east of 148 th Ave NE, forcing traffic from these communities to take West Lake Sammamish Parkway towards Overlake, often via Northup Way or NE 24 th Street.
TR-44	Inform, consult with, and otherwise involve other affected jurisdictions in the city's transportation planning efforts.	See TR-40 note.

TR-46	Require development within Bellevue to include mitigation for significant transportation impacts on other jurisdictions, and work with other jurisdictions to ensure that development within their borders includes mitigation for significant transportation impacts on Bellevue.	Redmond's Overlake Urban Center has a material impact on NE Bellevue and the BelRed connecting corridor. Per Bellevue's 2019-2024 Transportation Improvement Plan, there are no traffic improvements planned adjacent to this rapidly growing Urban Center. Approved projects include: Seritage (Sears site) and Esterra Park (former Group Health site). We would like to understand how Redmond is going to mitigate traffic in Bellevue. Furthermore, there is significant housing development in Issaquah and other jurisdictions to the east, resulting in increased commuter traffic through NE Bellevue. Are any of these jurisdictions providing transportation mitigation?
ED-26	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.	You cannot further develop this property without negatively impacting the residential neighborhoods to its east, south and north, and without impacting access to area schools. Several schools are within a mile of the BTC site: Interlake High School, Sherwood Forest Elementary School, Highland Middle School, Eton School, and Medina Academy.
PA-2	Obtain land throughout the community to meet present and future parks and open space needs.	The PUD provides for open space that residents can use through a public easement, essentially making the meadow a park. Through effective land use policies the City was able to accomplish its goals for open space at zero cost.
UD-86	Identify vista points and landmarks as major trees, buildings and landforms to preserve as Bellevue develops.	BTC is a key component of the character of our neighborhoods, serving as a landmark to NE Bellevue. The neighbors enjoy the views of the Olympics from the meadow. Downtown Bellevue and Seattle used to be visible as well. The meadow and the urban forest at BTC are landmarks that signal you are about to enter our residential neighborhoods.
S-CR-16	Encourage the city to purchase land for parks and open space if appropriate land becomes available.	See PA-2 note.

S-NE-11	Develop a long-range plan for acquisition of needed parks and recreation facilities in the Subarea when updating the Parks and Recreation Plan.	The PUD provides for open space and a recreation area for the residents. While the City did not have to pay for a park, the PUD essentially established a park for the neighborhood.
S-NE-28	Upgrade arterials adjacent to the Subarea to facilitate access to freeways for Subarea residents .	Any further development of the BTC site will make it even harder for the Subarea residents to access the freeways.
S-BR-76	Continue to coordinate with the City of Redmond on the planning and implementation of land use and facilities that have cross-jurisdictional impacts , and work together to mitigate such impacts . Coordination may include but is not limited to systematic sharing of information, joint advocacy for regional investments benefiting the two areas, and financial contributions toward facilities that mitigate interjurisdictional impacts.	In 2015 the City of Redmond approved rezoning that would allow Microsoft to increase building heights of 9 or 10 stories on its East Campus. Construction of a 1.2 million square foot complex at the former Group Health site is under way (Esterra Park). Redevelopment of the Sears site (Seritage) has been approved by the City of Redmond and will bring 500 homes, a hotel, and 453,000 square feet of commercial space. These 3 developments alone will significantly impact traffic density in Bellevue. We need to understand how this traffic will be mitigated before more development is approved in areas adjacent to Redmond. Moreover, this development only reinforces the need for BTC to remain a buffer to the surrounding neighborhoods.

Approving the proposed amendment would jeopardize the following policies:

Comprehensive Plan Policy	Policy Language (emphasis added)	Notes
CE-2	Consider the interests of the entire community and the goals and policies of this Plan before making land use decisions. Proponents of change in land use should demonstrate that the proposed change responds to the interest and changing needs of the entire city, balanced with the interests of the neighborhood most directly impacted by the project.	The residents of the neighborhoods most directly impacted by the requested amendment have made it clear over many years that they do not want further development of this site.

LU-2	Retain the city's park-like character through the preservation and enhancement of parks, open space, and tree canopy throughout the city.	The PUD is a perfect example of how to support this policy and the City's proclamation of Bellevue being a "City in a Park": the PUD protects both the meadow and the trees. Moreover, the City needs to preserve this urban forest to meet its tree canopy goals.
LU-11	Maintain stability and improve the vitality of residential neighborhoods through adherence to, and enforcement of, the city's codes .	KBS has not demonstrated they adhere to the City's codes. Infractions include offering monthly parking spaces to the public for rent, clearing the forest, not maintaining landscaping required after installing new parking spaces.
LU-13	Support neighborhood efforts to maintain and enhance their character and appearance.	Neighbors feel very strongly about preserving the site as is – buildings well integrated in their surrounding natural environment. This site has served as a buffer between the higher density development west of 156 th Avenue NE and the low-density residential neighborhoods east of 156 th Avenue NE. Eliminating this buffer would certainly change the character and appearance of these neighborhoods to the east, south and north.
LU-14	Protect residential areas from the impacts of non-residential uses of a scale not appropriate to the neighborhood .	NE Bellevue (the Subarea that BTC will become part of) is a residential area. A development of the scale envisioned by the requested amendment would not fit in with the Subarea's character.
LU-29	Help communities to maintain their local, distinctive neighborhood character , while recognizing that some neighborhoods may evolve.	BTC is a key component of the character of our neighborhoods, serving as a landmark to NE Bellevue. The natural features of the site provide a transition from the hustle and bustle of BelRed and Overlake to the quiet neighborhoods to its east, north and south.
LU-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.	See LU-2 note. Suburban residential areas make up 65% of Bellevue's urban tree canopy (An Assessment of Urban Tree Canopy, Bellevue WA, September 2018). In order to meet the City's 40% tree canopy goal, we must preserve and protect the urban forest at BTC.

LU-33	Preserve open space and key natural features through a variety of techniques, such as sensitive site planning, conservation easements, transferring density, land use incentive and open space taxation.	See LU-2 note.
N-1	Maintain neighborhoods as safe and welcoming environments for everyone to enjoy.	The BTC site in and of itself is what welcomes us to our neighborhood when we drive east from BelRed or south from Overlake. The meadow and the trees have a calming effect and welcome us home.
N-9	Preserve and develop distinctive neighborhood character within Bellevue's diverse neighborhoods.	See LU-2 and LU-14 notes.
N-15	Ensure Neighborhood area plans and policies are consistent with the other policies of the Comprehensive Plan.	Components of the newly proposed NE Policies are inconsistent with the Comprehensive Plan.
HO-3	Maintain the character of established single family neighborhoods , through adoption and enforcement of appropriate regulations .	If KBS did its due diligence when it acquired the BTC site, it should have been aware of the development restrictions. The City should uphold the agreements that govern the site. Further building out the site would change the character of the established single family neighborhoods east of 156 th Avenue NE.
TR-2	Strive to reduce congestion and improve mobility.	Through the implementation of the PUD, the City strives to limit congestion by managing growth on the site. Any further development of the site will only increase congestion, and restrict mobility and access to schools.
TR-14	Require new developments that place significant impacts on the transportation system to implement transportation management programs to reduce drive-alone commute trips to the site.	KBS is putting the burden of transportation improvements on the City in its proposed language.
TR-145	Preserve the safety and livability of residential streets through an adequately funded neighborhood traffic safety program.	The closest major arterial to BTC is 148 th Ave NE. Commuters from Issaquah, Sammamish and Snoqualmie are using West Lake Sammamish Parkway to get to Overlake, often via Northup Way and NE 24 th St. As these minor arterials that go by the BTC site have become more congested, drivers (including Bellevue Fire Department) are cutting through residential neighborhoods, thereby

		impacting the safety and livability of residential streets. This is particularly true for the areas around our schools.
ED-5	Develop and maintain regulations that allow for continued economic growth while respecting the environment and quality of life of city neighborhoods.	BTC is located in a residential neighborhood, not in an area designated for growth. The site is outside a designated TOD zone and outside the growth corridor.
EN-12	Work toward a citywide tree canopy target of at least 40% canopy coverage that reflects our “City in a Park” character and maintain an action plan for meeting the target across multiple land use types including right-of-way, public lands, and residential and commercial uses.	The PUD fully supports the City’s policy of a 40% tree canopy. The latest study of the urban tree canopy reports NE Bellevue has a 30% tree canopy (BTC was included in NE Bellevue). Furthermore, the study recommends that suburban residential areas carry a 50% goal in order for the city to meet its overall 40% goal. It is imperative that we continue to protect and preserve the urban forest at BTC as we collectively strive to meet our tree canopy goals. (An Assessment of Urban Tree Canopy, Bellevue WA, September 2018)
EN-43	Maintain land use regulations that limit the amount of impervious surface area in new development and redevelopment city-wide.	The PUD fully supports this policy. Keep the PUD in place.
EN-57	Provide incentives to private property owners to achieve specific habitat improvement goals, including retention and enhancement of native vegetation.	The PUD fully supports this policy. Keep the PUD in place to preserve the habitat for the animals that live on the property.
EN-71	Preserve a proportion of the significant trees throughout the city in order to sustain fish and wildlife habitat.	See EN-12 and EN-57 notes.
PA-5	Obtain, for preservation , natural areas that are sensitive to urbanization or represent a valuable natural and aesthetic resource to the community.	The PUD supports this policy. Keep the PUD in place.
PA-8	Develop partnerships with other public agencies and the private sector to provide parks, open space , and cultural and recreation facilities in the city.	The PUD supports this policy. Keep the PUD in place.
UD-2	Preserve and enhance trees as a component of the skyline to retain the image of a “City in a Park”.	See EN-12 note.
UD-3	Foster and value the preservation of open space as a dominant element of the city’s character.	The PUD fully supports this policy. Keep the PUD in place.

UD-6	Encourage the green and wooded character of existing neighborhoods.	See EN-12 note.
UD-7	Support neighborhood efforts to maintain and enhance their character and appearance.	The neighborhood has come together each and every time a CPA or other major request has been filed by the applicant and has been very clear on their desire for BTC to remain protected for future generations. We have been thoughtful in our feedback and have clearly articulated the importance of this site to the neighborhood.
UD-57	Preserve vegetation , with special consideration given to the protection of groups of trees and associated undergrowth, specimen trees, and evergreen trees.	See EN-12 note.
S-CR-1	Maintain land uses as depicted on the Land Use Plan (Figure S-CR-1).	The Crossroads Subarea plan calls for office use on the site and nothing else. The office square footage on the site has been maxed out.
S-CR-2	Protect existing single family neighborhoods from encroachment by more intense uses.	The PUD protects against encroachment. Keep the PUD in place.
S-CR-3	Encourage land use density that will not intensify vehicular congestion .	See TR-2 note.
S-CR-4	Ensure that any development of remaining vacant land in Crossroads is compatible with surrounding uses .	BTC sits in a residential neighborhood. Further development would not be compatible with the neighborhood. Furthermore, 156 th Ave NE is a clear dividing line between the higher-density development to the west and the lower-density development to the east.
S-CR-9	Reinforce the vitality of Crossroads Shopping Center by limiting further expansion of community level retail districts.	Bringing retail to BTC would violate this policy and conflict with the Subarea plan's goal to make Crossroads mall the commercial hub of the Subarea.
S-CR-11	Limit multifamily development to those locations designated on the Land Use Plan.	The goal of the Crossroads Subarea plan was to make Crossroads mall the center of the Subarea. As a result, multi-family housing is concentrated around the mall. BTC is one mile away from the mall.
S-CR-14	Encourage the preservation of open space and existing vegetation within new residential development.	The application suggests removing a large stand of trees to make room for residential development. This is in direct conflict with this policy.
S-CR-25	Discourage through traffic along residential streets.	See TR-40 and TR-145 notes.

S-CR-35	Consider restrictions on land development and density as a viable means of controlling unacceptable levels of traffic congestion .	The PUD fully supports this policy. Keep the PUD in place.
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.	Allowing KBS to build multifamily housing on the property would violate this policy.
S-CR-66	Office use as a conditional use is appropriate for the property east of 156 th Avenue NE between Northup Way and NE 24 th Street (commonly known as Unigard).	It was noted in the discussion (p.72) in the Comprehensive Plan that this area should be developed under a conditional use permit with attention given to retaining the large stand of trees, views through the site from the adjacent streets, and the site's open character.
S-NE-1	Enhance or improve the existing residential character through landscaping, building orientation, and building design for all new development and improvements.	The PUD ensures that BTC enhances the residential character of the neighborhood.
S-NE-5	Minimize through traffic in existing or new residential areas by encouraging it to use the principal arterials and collector arterial system, except 164 th Avenue north of Northup Way and south of N.E. 8 th Street, using traffic diverters and other selected traffic engineering measures.	The City is not targeting the site for growth in order to preserve and protect the residential neighborhoods from increasing traffic in residential areas. Despite the intent of Policy S-NE-5, 164 th Ave NE has effectively become another collector arterial from NE 24 th St to SE 14 th St. Neighbors near Interlake High and Sherwood Forest Elementary Schools have nicknamed it "Highway 164".
S-BR-6	Concentrate the majority of future Bel-Red growth into a series of mixed use, pedestrian-friendly and transit-oriented development nodes, with higher density and height therein, as enabled through a land use incentive system. Within each node, provide for tiered building heights, with maximums at the center.	During the July 23, 2014 Planning Commission public hearing, Planning Commissioner Tebelius agreed with an earlier statement made by staff that the development activity occurring on the old Angelo's site (now LIV apartments) was contemplated at the time of the Bel-Red planning effort. The decision of the City at the time was to make sure not to include the area to the east of 156 th Avenue NE in that effort. The City plans for transit-oriented design in the core of the Bel-Red Subarea. BTC is not located in a transit-oriented development node.

S-BR-7	Implement land use incentive system that makes available additional floor area ratio (FAR) and height in exchange for infrastructure and amenities that contribute to the public good.	Increasing BTC's FAR would eliminate green space and trees, add to traffic congestion – how would that contribute to the public good? The PUD contributes to the best interest of the public good. Keep the PUD in place.
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The BTC site and the smaller office/commercial space just north of Bel-Red Road will be moved into the NE Bellevue Subarea when the neighborhood area planning process for NE Bellevue is complete. These sites provide for commercial use at an appropriate transitional scale with surrounding residential neighborhoods. By moving these sites into NE Bellevue, the City is effectively concentrating property that is not targeted for growth into the NE Bellevue Subarea. The City has made it clear that 156th Ave NE is the dividing line for growth. They evaluated the BTC site during the BelRed planning process and decided the site was not part of BelRed.

There are many noteworthy excerpts we could quote from the Comprehensive Plan that are not policies per se. We would like to quote (typo included) this sentence from the Maintaining Neighborhood Character section: *“Success will require balancing the the needs of the whole city while avoiding a “one size fits all” approach to neighborhood planning that undermines neighborhood distinctiveness.”* NE Bellevue’s distinctive character is residential. **156th Avenue NE should remain the dividing line between the mixed use, higher density development to its west and low-density residential development to its east.**

Conclusion: approving the requested amendment would contradict many Comprehensive Plan Policies.

Attachment 4 – Compliance with King County Countywide Planning Policies

We reviewed how the proposed amendment would fit within the 2012 King County Countywide Planning Policies (“KCCP”) and have concluded the amendment would contradict the following policies:

KCCP Policy	Policy Language (emphasis added)	Notes
DP-4	Concentrate housing and employment growth within the designated Urban Growth Area. Focus housing growth within countywide designated Urban Centers and locally designated local centers . Focus employment growth within countywide designated Urban and Manufacturing/Industrial Centers and within locally designated local centers.	BTC is not located in Bellevue’s targeted growth areas: Downtown, BelRed, Crossroads, Eastgate, Factoria and Wilburton.
DP-29	Concentrate housing and employment growth within designated Urban Centers.	BTC is not located in a designated Urban Center.
DP-42	Design new development to create and protect systems of green infrastructure, such as urban forests, parks, green roofs, and natural drainage systems, in order to reduce climate-altering pollution and increase resilience of communities to climate change impacts.	Eliminating the natural elements of the site would be in direct conflict with this policy.
DP-44	Adopt design standards or guidelines that foster infill development that is compatible with the existing or desired urban character.	The property is designed as a buffer between the residential areas to the east and the hustle and bustle of BelRed and Overlake Village to the west. Further development of the site is incompatible with the character of the surrounding neighborhoods.

Conclusion: KBS’ application has not taken the KCCP into consideration. This demonstrates, once again, the applicant’s rush to develop the property without regard for the County’s policies, the City’s Comprehensive Plan, and the neighbors’ values.

Attachment 5 – Significant Changes from Comprehensive Plan

We have evaluated whether there was significant change in 2 ways:

- Are there any significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended? (see below)
- What has changed since the Planning Commission denied KBS' Comprehensive Plan amendment ("CPA") application in 2014? (see Attachment 6)

The Comprehensive Plan was updated in 2015. It is a forward-looking document with a clear vision on where the growth areas in the city should be: *"Growth in Bellevue is focused in denser mixed use centers, like Downtown, BelRed, and Eastgate, while maintaining the city's outstanding natural environment and the health and vitality of established residential neighborhoods. ... A small amount of growth is anticipated in other areas spread throughout the city through natural redevelopment and infill that is allowed under current zoning."* (Comprehensive Plan, Land Use element, pp. 31, 37) Much of this growth is focused near certain future light rail stations through carefully planned transit-oriented development ("TOD").

The BTC site is currently governed by the Crossroads Subarea Plan and will be moved to the NE Bellevue Subarea. These Plans have not been updated since the 1980s, however, the BTC/Unigard site itself has had much attention and frequent reviews by an updated Subarea Plan, Bellevue Hearing Examiners, City Planning Department, Planning Commission, and Bellevue City Council as follows:

- April 10, 1972 - Resolution 1955 City Council approves PUD plans.
- September 25, 1972 - Ordinance 1846 City Council approves Unigard PUD.
- January 7, 1992 - Ordinance 4318 and Concomitant Agreement define full development of the site and City Council reaffirms the terms and conditions of the original PUD.
- April 2, 2007 - Ordinance 5729 - Crossroads Subarea Plan includes S-CR-66 for the BTC site.
- January 31, 2014 - KBS requests CPA (to vacate the PUD).
- July 30, 2014 - Planning Commission votes 5-1 with one abstaining to deny Comprehensive Plan amendment request, thereby following the City's Planning Department's recommendation.
- September 8, 2014 - KBS withdraws CPA application before reaching Bellevue City Council.
- March 6, 2015 - KBS requests information from the City of Bellevue on how to amend an existing PUD.
- August 13, 2015 – File 15013369-LI – the city approves KBS' request to remove 11 significant trees to add 27 parking stalls.
- April 29, 2016 - KBS requests rezone (to vacate the PUD). Appeared to bypass the Planning Department & Planning Commission...who both had recently said NO. KBS later withdrew this request.
- January 31, 2017 - KBS files for a CPA (to vacate the PUD).
- June 26, 2017 – KBS withdraws CPA application just hours before the Planning Commission was to make a decision
- January 31, 2019 – KBS files for a CPA (to vacate the PUD).

In Block 4a, section E of its current application KBS discusses 6 significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. We are addressing each of these items below.

1. Compliance with Growth Management Act

The City of Bellevue adopted the Growth Management Act (“GMA”) in 1990, well before the City Council reaffirmed the terms of the original PUD with Ordinance 4318 on January 7, 1992.

Moreover, **the GMA was taken into account in the Comprehensive Plan.**

The Washington State GMA requires state and local governments to manage the State’s growth by identifying and protecting critical areas and natural resource lands, designating urban growth areas, preparing comprehensive plans and implementing them through capital investments and development regulations. The Subarea Plans are consistent with the overall Comprehensive Plan (volume 1) and are in compliance with the GMA. The City of Bellevue is in compliance with the requirements of this act: the City has a comprehensive plan that identifies and protects critical areas (such as BTC through the PUD) and development nodes (such as Downtown and Bel-Red), and includes Subarea plans that are consistent with the overall Comprehensive Plan.

The applicant is correct in stating that the current NE Bellevue Subarea plan does not address office-designated areas. Why would it? Until the neighborhood area planning is complete and subarea boundaries are redrawn, NE Bellevue is zoned for residential use and does not include any office or commercial space.

2. Missing-Middle Housing Commitment

The Housing element in **the Comprehensive Plan does address affordable housing.** The City Council adopted the Affordable Housing Strategy (“AHS”) in 2017, which is currently being implemented. The AHS calls out Eastgate, Crossroads Village, Wilburton Commercial, Downtown and Bel-Red as Residential Target Areas for development. Just like the Comprehensive Plan, the AHS focuses growth in these areas and near the future light rail stations, i.e. TOD areas. Additionally, in an update to City Council on 3/4/19, the City stated they are on track to meet their affordable housing goals.

There is no significantly changed condition for BTC, because it is not and will not be in one of the target areas identified for affordable housing growth. While Microsoft’s investment in affordable housing may boost the number of new affordable housing units, the creation of public-private partnerships was anticipated in the Comprehensive Plan (Policy HO-26). Affordable housing growth is similar to economic growth and should be managed within the framework of the Comprehensive Plan and its supporting policies, such as the AHS. BTC is not located in an area targeted for any type of growth.

3. Housing Emergence of Information Technology and Business Services Cluster

Note: We are unclear what “housing” refers to in this title and have prepared our remarks below assuming the correct title is still “Emergence of Information Technology and Business Services Cluster”.

Microsoft has been in the area since 1986 and was a large employer well before the 2015 Comprehensive Plan update. It is irrelevant who BTC's tenants are. Chances are that Mod Pizza can expand its corporate offices further at BTC by filling vacant space.

The KBS application misrepresents BTC's place in the overall employment center landscape. Their application fails to show the entire "Map ED-1. Major Employment Centers". As the header to this map states, it simply represents commercial space within the city. Various maps in the Comprehensive Plan and related documents all show that BTC is not located in an area targeted for growth, e.g.

- Figure 61 in the 2015 Bellevue Transit Master Plan shows population growth for 2014-2030 of 0 at BTC.
- Figure 62 in the 2015 Bellevue Transit Master Plan shows employment growth for 2010-2030
 - is projected at 100 jobs at BTC.
 - To occur mainly in Factoria, Eastgate, Downtown, Spring District and Crossroads Village.
- Map LU-4 in the 2015 Comprehensive Plan shows Mixed Use Centers and calls out TOD centers. BTC is not located in any of these centers.
- Attachment B of the 3/4/19 AHS update to City Council shows the City's growth corridor. BTC is not in this corridor.

There is no significant change.

4. Establishment of RapidRide Bus Rapid Transit "B" Line on NE 24th Street Adjacent to the Property

The RapidRide "B" line was introduced in 2011.

Prior to 2011 BTC was serviced by transit routes 230, 245, 249, and 253. Since 2011 BTC is serviced by transit routes 226, 245, 249, and RapidRide "B".

RapidRide "B" was in place at the time the Comprehensive Plan was updated. There is no significant change.

5. Light Rail Connection to Downtown Redmond

Light rail was taken into account in the Comprehensive Plan. The voters' approval of "Sound Transit 3" in November 2016 does not change the location of the Overlake Village station, nor does it add any stations in the vicinity of BTC. Adding stations in Downtown Redmond does not constitute a significantly changed condition as these stations will be more than 4 miles away from BTC.

6. City's Evolving Transit-Oriented Development Policies

KBS claims to be in the 0.5-mile walkshed of the Overlake Village light rail station. Our community has measured the shortest walking distance, not the way the crow flies (none of us had wings), from the Overlake Village light rail station to BTC with the following results:

- Distance to the nearest NW corner of the BTC site: 0.7 miles
- Walking time to the nearest NW corner of the property: 14 minutes, not taking the topography and weather into account (there is a significant hill between 152nd Ave NE and 156th Ave NE)
- Distance to the nearest existing BTC building: 0.85 miles

BTC is not within the Overlake Village light rail station walkshed. Only the northwestern most tip of the property is within a 0.5-mile radius from the Overlake Village light rail station. This is where the meadow is located, the part of the property KBS proposes to protect through a conservation easement. Thus, any buildings would be located outside of the 0.5-mile radius, well over a 15-minute walk away.

The Comprehensive Plan contains a clear vision on TOD. The BTC site simply does not meet the criteria for TOD designation.

Conclusion: based on our research above, the Comprehensive Plan **amendment application does not meet the significant change criterion.**

A comment by Planning Commissioner John Carlson made on June 23, 2014 still holds: *"any time actions are taken to deviate from the Comprehensive Plan, there should be a compelling and justifiable reason for doing so. In the case of the Bellevue Technology Center there are no changed circumstances that warrant revising the Comprehensive Plan. The argument made by Mr. McDonald that a deal is a deal (in reference to the PUD and Concomitant Agreement) and that there are many commercial properties, both in Bellevue and in the area where the Bellevue Technology Center is located, was right on point. An argument simply cannot be made that commercial development should be allowed in an area where it is clearly not wanted, especially given that other commercial properties are in want of lessees."*

Attachment 6 – Significant Changes Since 2014 Threshold Review

We have evaluated whether there has been significant change in 2 ways:

- Are there any significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended? (see Attachment 5)
- What has changed since the Planning Commission denied KBS' Comprehensive Plan amendment ("CPA") application in 2014? (discussed below)

A summary timeline showing key dates in BTC land use matters is included in Attachment 3. The 2014 events are relevant in this discussion:

- January 31, 2014 - KBS requests CPA (to vacate the PUD).
- July 30, 2014 - Planning Commission votes 5-1 with one abstaining to deny the CPA request, thereby following the City's Planning Department's recommendation.
- September 8, 2014 - KBS withdraws CPA application before reaching Bellevue City Council.

In order to evaluate what has changed since July 2014, when the Planning commission voted to not include BTC's CPA request in the 2014 annual CPA work program, we answered 2 questions:

- Are the reasons they said no last time still valid today?
- Are there any new components to the current application that the planners need to evaluate?

Our answers to these questions are outlined below.

1. Are the reasons for denying the 2014 request still valid today?

City planners concluded in their 2014 Annual Threshold Review CPA Recommendation that the significantly changed conditions criterion had not been met. Their analysis seems just as relevant today as it did 5 years ago. Some excerpts from that Review follow.

"The existing policy had guided BTC/Uniguard site development as a sensitive but successful part of the Crossroads neighborhood community, while the general Comprehensive Plan anticipated redevelopment in BelRed and the impact of Sound Transit."

"The application does not demonstrate significantly changed conditions in regard to the pace of development within the vicinity of the site, pending investments in Sound Transit infrastructure or the dated relationship of policies to implementation. The city deliberately did not include areas east of 156th in the original BelRed subarea planning process in order to maintain appropriate transitions from Overlake Village. ... The sensitivity of this site for the adjacent neighborhood and special conditions on the office use continue to be appropriate, despite the passage of time."

"The passage of time is not a significantly changed condition. The Crossroads Subarea Plan remains effective in part because Policy CR-66 applied to a site that was sensitive to its owner and surrounding community then, and its continued impact on the community is sensitive

today. The sensitivity of this site for the adjacent neighborhood and special conditions on the office use continue to be appropriate, despite the passage of time.”

The BTC/Unigard site has always been viewed as a buffer zone to protect our residential neighborhoods from the explosive growth west of 156th Avenue NE. This is why the PUD and Concomitant Agreement were developed between the BTC/Unigard property owners, the City of Bellevue, and the residential community. **156th Avenue NE must remain a clear dividing line between the high growth areas to the west and the residential neighborhoods to the east.**

On July 23, 2014 Planning Commissioner Hilhorst agreed with Commissioners Walter and Carlson. The owners of the residential properties surrounding the BTC site purchased their homes with an understanding of the agreements that are in place, and KBS clearly understands the limitations thereof. If approved, and the property is allowed to redevelop, there will be no opportunity to turn the clock back. A natural barrier has been retained because of the PUD and Concomitant agreement and it should be preserved at all costs.

During the same meeting, Planning Commissioner Tebelius agreed with the statement made by staff at the May 14, 2014 meeting that the development activity occurring on the old Angelo's site (now LIV apartments) was contemplated at the time of the Bel-Red planning effort. The decision of the City at the time was to make sure not to include the area to the east of 156th Avenue NE in that effort. Nothing has changed that would warrant reconsidering that position.

2. Has KBS introduced any new concepts in their current request?

a. Affordable housing

In their current CPA, KBS introduces affordable housing in the proposed residential development. In their 2017 CPA request, KBS had a provision for housing as well. This round, they layered on some affordable housing. The Affordable Housing Strategy (“AHS”) calls out Eastgate, Crossroads Village, Wilburton Commercial, Downtown and Bel-Red as Residential Target Areas for development. Just like the Comprehensive Plan, the AHS focuses growth in these areas and near the future light rail stations. As discussed in Attachment 5, affordable housing growth should be managed like economic and residential housing growth, i.e. within the framework of the Comprehensive Plan and its supporting policies, such as the AHS. **BTC is not located in an area targeted for growth.**

b. Transit-oriented development

In 2017 KBS introduced the transit-oriented development (“TOD”) framework in its CPA application. Our community has measured the shortest walking distance, not the way the crow flies (none of us could fly), from the Overlake Village light rail station to the KBS site with the following results:

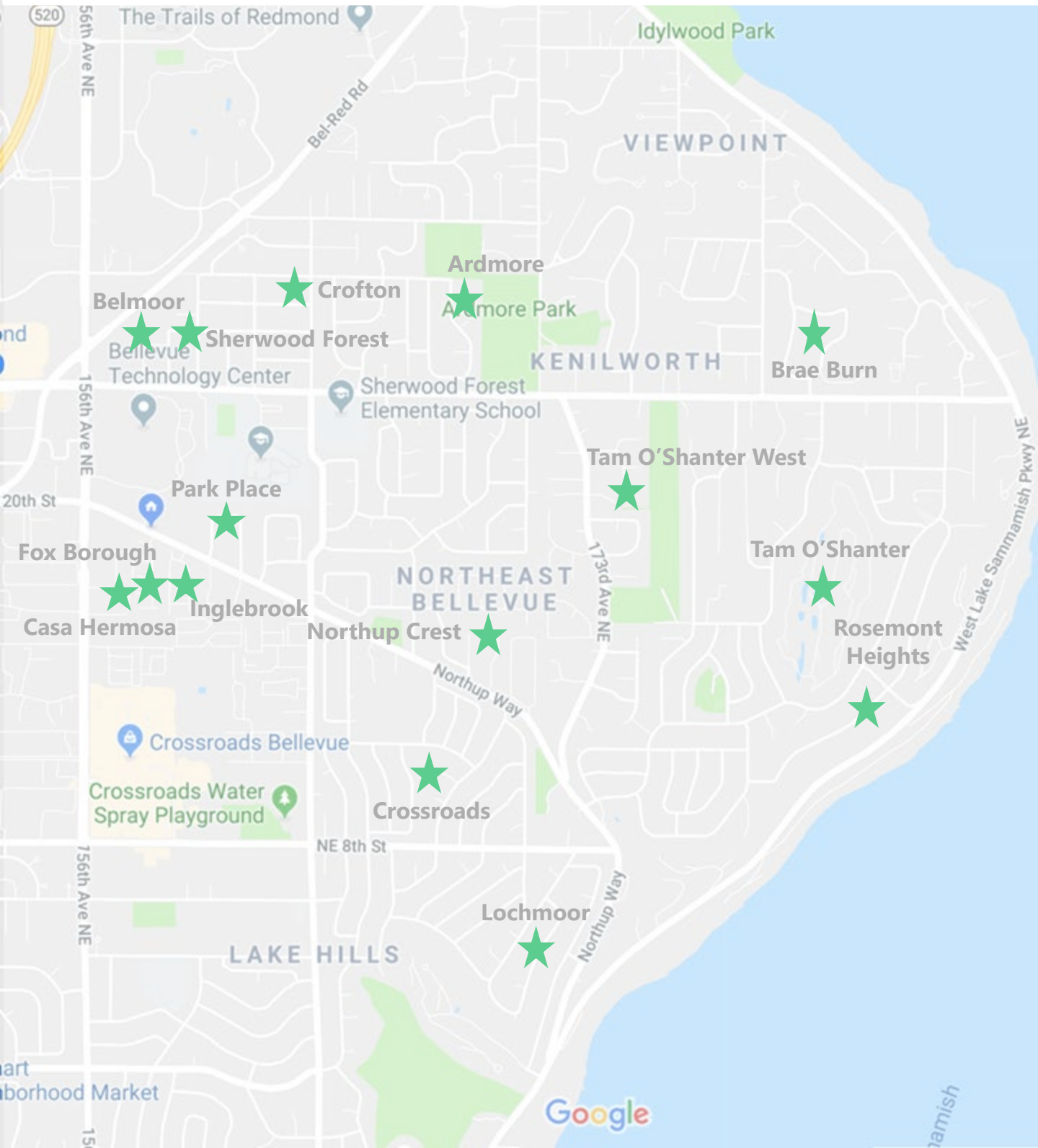
- Distance to the nearest NW corner of the BTC site: 0.7 miles
- Walking time to the nearest NW corner of the property: 14 minutes, not taking the topography and weather into account (there is a significant hill between 152nd Ave NE to 156th Ave NE)
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BTC is not within the Overlake Village light rail station walkshed. Only the northwestern most tip of the property is within a 0.5-mile radius from the Overlake Village light rail station. This is where the meadow is located, the part of the property KBS proposes to protect through a conservation easement. Thus, any buildings would be located outside of the 0.5-mile radius, well over a 15-minute walk away.

Conclusion: there are no significant changes that would warrant approval of the requested amendment. All parties should uphold the agreements and policies that protect the BTC site and the surrounding neighborhoods. The Concomitant Agreement dated January 8, 1991, included in Ordinance No. 4318 dated January 13, 1992 and approved by the Bellevue City Council, states: *"The proposed Phase III represents the last phase of the Unigard PUD as approved by the City Council on April 10, 1972 by resolution No. 1955. No additional development on the site will be permitted."*

Neighborhood Coalition

15 Neighborhoods working together





Ardmore

Mariko Rose

Name

Neighborhood Lead

Title

4/12/19

Date



Belmoor

Michael King

Name

Michael King
President Belmoor Homeowners Assoc.

Title

4/4/19

Date



Brea Burn

KATHERINE ENSLEIN

Name

RESIDENT

Title

4 2019

Date



CASA HERMOSA

Marti MacLean

Name

Secretary to the Board
(HOA)

Title

4-11-19

Date



Crofton

Emergl Kuhn

Name

Board member

Title

April 2019

Date



Crossroads

Molly Hubbard

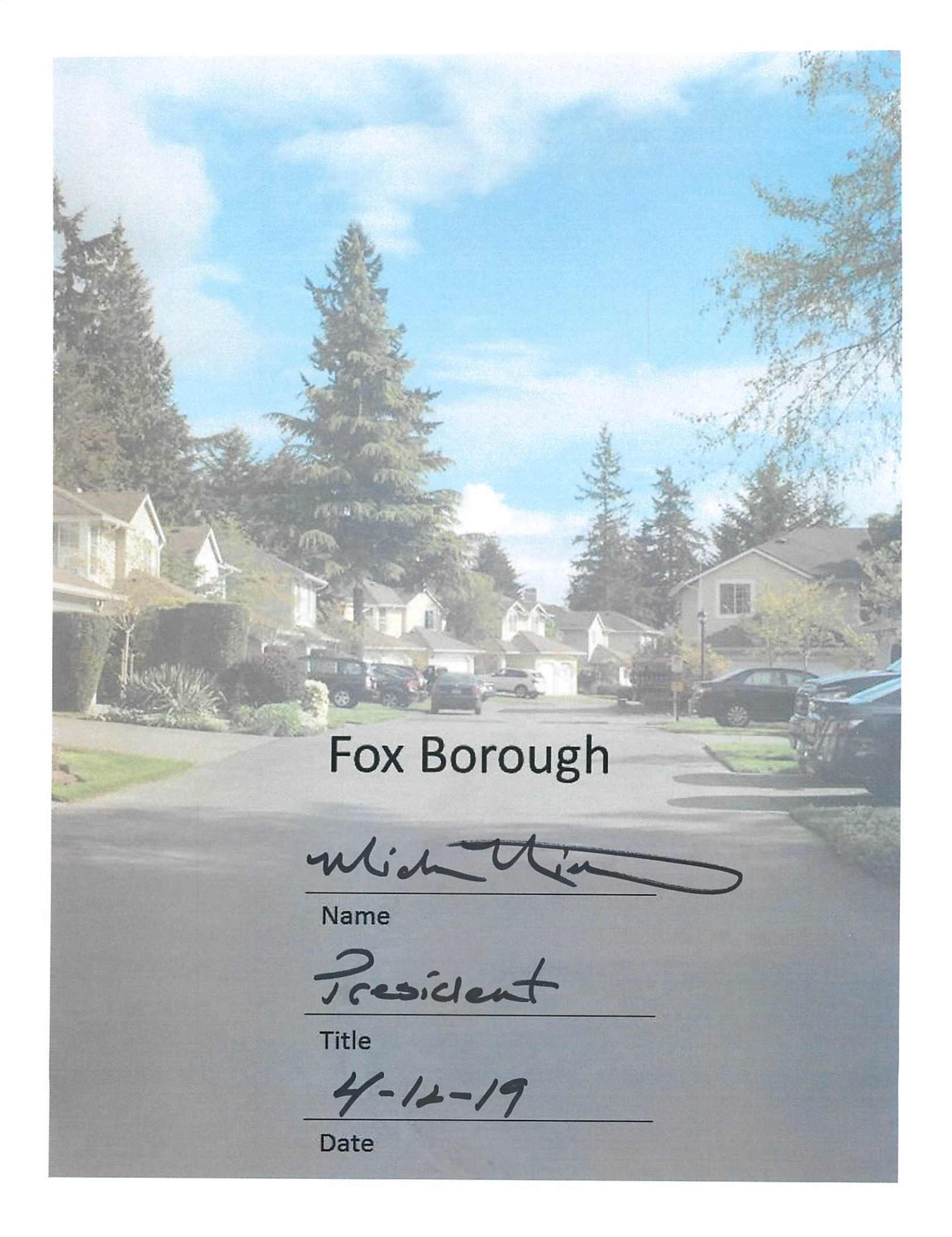
Name

Neighborhood
Leader / Crossroads

Title

4 - 12 - 19

Date



Fox Borough

Mich Thia

Name

President

Title

4-12-19

Date



Inglebrook

Dana Sant
Name

President HOA
Title

4/4/2019
Date



Lochmoor

Sally Lawrence
Name

Neighborhood Lead
Title

April 14, 2019
Date



Northup Crest

Anne Coughlin

Name

Lead

Title

04/2019

Date



Park Place

Brian L. Whitth

Name

Neighborhood
leader

Title

3/28/2019

Date



RoseMont Heights

Els Blomme

Name

Neighborhood Lead

Title

4/2/19

Date



Sherwood Forest

Emmanuel Solis

Name

President

Title

April 2019

Date



Tam O'Shanter

Jeff MacNichols

Jeff MacNichols

Name

(With Unanimous Support of Board)

President, Tam O'Shanter Golf
and Country Club

Title

3.26.19

Date

Tam O'Shanter West

Julie DuBois Julie DuBois
Name

Neighborhood Lead
Title

3/29/2019
Date