



# Bellevue Planning Commission

**Wednesday, March 23, 2016**

6:30 to 9:30 p.m. ■ 1E-113

City Hall ■ 450 110th Avenue NE, Bellevue

## Agenda

Regular Meeting

- |           |  |
|-----------|--|
| 6:30 p.m. | <p><b>1. Call to Order</b><br/><i>Michelle Hilhorst, Chairperson</i></p> <p><b>2. Roll Call</b><br/><i>Michelle Hilhorst, Chairperson</i></p> <p><b>3. Approval of Agenda</b></p>  |
| 6:35 p.m. | <p><b>4. Public Comment*</b><br/><i>Limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic</i></p> <p><b>5. Communications from City Council, Community Council, Boards and Commissions</b></p> <p><b>6. Staff Reports</b></p> <p><b>7. Draft Minutes Review</b></p> <p><b>8. Study Session</b></p>  |
| 7:00 p.m. | <p><b>A. Eastgate/I-90 Corridor Implementing Regulations</b><br/>Review of concomitant agreements in proposed OLB2 zoned areas.<br/><i>Patricia Byers, Code Development Manager</i><br/><i>Terry Cullen, Comprehensive Planning Manager</i><br/>Review of current and planned transportation improvements in Eastgate.<br/><i>Franz Loewenherz, Senior Transportation Planner</i></p> <p><b>B. Vision Zero Comprehensive Plan Amendment</b><br/>Review of the Transportation Element policy recommendation for Vision Zero from the Transportation Commission, initiated as a Comprehensive Plan Amendment by City Council.<br/><i>Kevin McDonald, Senior Transportation Planner</i></p> <p><b>C. Expansion of Floor Area Exception for Assisted Living Uses through Provisions of Affordable Housing</b><br/>Review of proposed code amendment to allow an incentive in the code for affordable assisted living.<br/><i>Carol Helland, Land Use Division Director</i><br/><i>Terry Cullen, Comprehensive Planning Manager</i></p> |

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9:30 p.m.

9. **Public Comment\*** - *Limited to 3 minutes per person*
10. **Adjourn**

*Agenda times are approximate*

### **Next Planning Commission Meeting – April 13, 2016**

#### **Planning Commission members**

Michelle Hilhorst, Chair

John deVadoss, Vice Chair

Jeremy Barksdale

John Carlson

Aaron Laing

Anne Morisseau

Stephanie Walter

Mayor John Stokes, Council Liaison

#### **Staff contacts**

Terry Cullen, Comprehensive Planning Manager 425-452-4070

Emil King, Strategic Planning Manager 425-452-7223

Michael Kattermann, Senior Planner 425-452-2042

Janna Steedman, Administrative Services Supervisor 425-452-6868

*\* Unless there is a Public Hearing scheduled, "Public Comment" is the only opportunity for public participation.*

*Wheelchair accessible. American Sign Language (ASL) interpretation available upon request. Please call at least 48 hours in advance: 425-452-5262 (TDD) or 425-452-4162 (Voice). Assistance for the hearing impaired: dial 711 (TR).*



March 14, 2016

**SUBJECT**

Eastgate OLB 2 Zone and Concomitants

**STAFF CONTACTS**

Terry Cullen, Comprehensive Planning Manager, [tcullen@bellevuewa.gov](mailto:tcullen@bellevuewa.gov), 452-4070  
*Planning and Community Development Department*

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

**DIRECTION NEEDED FROM PLANNING COMMISSION**

- Action
- Discussion
- Information

**GOAL FOR STUDY SESSION:** Planning Commission to provide direction on the repeal or partial repeal of concomitant agreements in the proposed OLB 2 District.

**POLICY CONSIDERATIONS**

**POLICY S-EG-19.** Reinforce the area's location on the Mountains to Sound Greenway, accentuate Eastgate as a major entry into Bellevue, and emphasize the emerging urban character of the Eastgate I-90 corridor through the application of land use regulations, public amenity incentives, and design guidelines.

**POLICY S-EG-20.** Provide graceful edges and transitions between more intense development and existing residential land uses by maximizing the use of existing vegetation and topography to buffer and maintain compatibility between different land uses through land use regulations.

**POLICY S-EG-40.** Protect the surrounding neighborhoods from future development in the I-90 Business Park by observing transition area requirements from residential uses as well as maintaining landscape buffers.

*Discussion: Encourage retention of significant open space in the I-90 Business Park in conjunction with utilization of the remaining Development potential. Apply the OLB-OS designation in support of this policy. [Amended Ord. 5392]*

**POLICY S-EG-38.** Retain sufficient vegetation on the eastern side of the Sunset property to visually buffer Bellevue Community College.<sup>1</sup>

## **APPLICABLE CODE**

### **20.30A.155 Concomitant agreement**

The City is specifically authorized to require that the applicant enter into a concomitant agreement with the City as a condition of the rezone, and may through that agreement impose development conditions designed to mitigate potential impacts of the rezone and development pursuant thereto.

### **20.10.280 Office and Limited Business District (OLB)**

Office and Limited Business Districts provide areas for the location of integrated complexes made up of offices, hotels or motels, eating establishments and retail sales accessory to permitted uses. Such districts are located in areas that abut and have convenient access to freeways and major highways.

### **20.25H.120 Designation of critical area and buffers**

#### **A. Designation of Critical Areas.**

The following geologic hazard areas are hereby designated critical areas subject to the regulations of this part.

...

2. Steep Slopes. Slopes of 40 percent or more that have a rise of at least 10 feet and exceed 1,000 square feet in area.

...

#### **C. Structure Setbacks.**

1. General. The requirements of this section apply along with any other dimensional requirements of the Land Use Code (see LUC [20.20.010](#), [20.20.130](#), [20.20.190](#) and Parts [20.25A](#) – 20.25G). The most restrictive dimension controls. Structure setbacks are required in order to:
  - a. Minimize long-term impacts of development adjacent to critical areas and critical area buffers; and
  - b. Protect critical areas and critical area buffers from adverse impacts during construction.
2. Minimum Setback of Structures.
  - a. Landslide hazards Toe-of-slope setback of 75 feet.
  - b. Steep slopes Toe-of-slope setback of 75 feet.
3. Structure Setback Modification. Structure setbacks may be modified only through an approved critical areas report.

**Proposed Office/Limited Business 2 (OLB 2)** – A land use district that provides areas for the location of integrated complexes made up of offices, hotels or motels, eating

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<sup>1</sup> The concomitant agreement associated with the Sunset Corporate Campus is not proposed to be repealed, so the buffer would remain intact.

establishments, and retail sales within walking distance to support businesses and employees. The OLB 2 district has greater intensity and a greater mix of uses than OLB. Such districts are located in areas that abut and have convenient access to freeways, major highways and transit. Attachment A shows the proposed zoning.

### **CAC Discussion**

The CAC report states: “4. For properties in the study area that are currently subject to **Concomitant Zoning Agreements**, those Agreements should be reviewed for current relevance and applicability. As appropriate, the terms of those Agreements should remain in effect, be incorporated into Land Use Code regulations or Design Guidelines, or be deleted.”

### **Discussion**

Concomitant agreements are part of the current regulatory environment in Eastgate. A concomitant agreement is a form of land use control that was applied prior to the authorization of the use of development agreements by the state legislature in 1995. By using a concomitant agreement, communities could condition development by applying property specific provisions at the time of zoning or rezoning. Development provisions within the agreement are applied to the property until the concomitant is amended or repealed. If there is a conflict between the land use code and the conditions established in the concomitant agreement, the provisions of the concomitant agreement will prevail. For example, if the underlying zoning of the parcel allows medical office uses, but they are prohibited by the concomitant agreement, medical offices will not be allowed for that property. The power to apply, amend, or repeal a concomitant agreement lies with the city council.

The concomitant agreements applicable in the Eastgate Study area were presented on December 9, 2015. Most of the concomitant agreements in the Eastgate area are within the proposed OLB 2 zone. A chart of these concomitant agreements are provided in Attachment D. Staff recommends the rezoning on most of the parcels on which there is a concomitant agreement, thereby making the concomitant agreements ineffective. The reason for this recommendation is that the conditions of the concomitant agreements have already been met, are not consistent with the Eastgate vision, or the condition is now required by code. The landscape buffers, though they may be reduced, will still be in place.

There are two code provisions that might affect the information about buffers below: steep slopes and Transition Area Design Districts. TADDs exist in areas where non-residential uses are adjacent to residential uses. Here are some highlights of the code requirements for TADDs.

- Purpose: To soften the transition between multifamily zones to single family districts and commercial districts to residential districts.
- Districts Receiving Transition: Less intense districts
- Districts Providing Transition: More intense districts

- Definition of TADD: Within 300 feet of the single family districts listed in the chart or within 150 feet of the multifamily districts in the chart.
- Maximum height would have to be determined
  - NMU, would possibly be 30-45 feet like CB
  - OLB2, would possibly be 30-45 feet like OLB
- Modification to the height is allowed if:
  - The building pad is 20 feet below property line receiving transition,
  - Doesn't exceed height for the district and
  - Same or better result as original requirement.
- 20 feet landscape buffer, min 4 feet height – 5 feet in 3 years.
- Must screen surface parking lots
- Must comply with Transition Area Design Guidelines and Site Design Standards and Building Design Standards

The map in Attachment B shows where those TADDs are located, along with the proposed zoning, and concomitant agreements. In addition, the steep slopes may also result in a larger setback. In areas where there are steep slopes of 40 percent or more, there is a setback of 75 feet from the toe of slope. The 75 foot setback might apply and there may be a vegetative buffer requirement as well. The map in Attachment B shows where these steep slopes are located.

There are 6 concomitant agreements that would be repealed or partially repealed if the proposed OLB 2 zone were approved. See Attachment A. There are several concomitant agreements that would be repealed on the north side of I-90 if the proposed OLB 2 district were to be adopted. The concomitant agreements on the south half of the I-90 Office Park are numbered 6015, 33217, and 11390. Concomitant agreement 6015 was amended by two other agreements, 331217 and 11390. If the southern part of the I-90 Office Park were rezoned, the vegetative buffers would be reduced to 20 feet on the east side of the I-90 Office Park. This 20 foot buffer is required as a part of Transition Area Design District. The west side buffer would be reduced from 30 feet to 10 feet. The code requires a 10 foot landscape buffer on the edges of developments in the OLB districts, but since this side is not adjacent to a residential zone, the 20 foot buffer would not apply. The east side of I-90 Office Park buffer would be reduced from 60 feet to 20 feet because it would be a Transition Area Design District. The south half could be reduced, but the north half of this buffer would not be reduced because the concomitant would be effective on the north half. Other than these conditions, the rest of the conditions of these three concomitant agreements have been completed, are inconsistent with the Eastgate vision, or the conditions have been codified.

There are three concomitant agreements that would be repealed along with the new OLB 2 zoning on the south side of I-90, and they are numbered: 8532, 7930, and 18767. With respect to 8532 and 7930, most of the conditions in both agreements have been met or are now codified. In 8532, the restriction on uses to wholesale trade and office uses is not consistent with the Eastgate vision for OLB 2 and that agreement

should be repealed. Similarly, 18767 has a requirement for affordable housing if more than 10 permanent dwellings are built onsite. This property was developed with a hotel and no affordable housing was required. This concomitant agreement would be repealed if the site is rezoned. Staff recommends that the concomitants in these areas be rezoned and that the concomitant agreements be repealed as discussed above.

## **CRITERIA FOR LAND USE CODE AMENDMENTS**

### **20.30J.135 Decision criteria.**

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The City may approve or approve with modifications a proposal to amend the text of the Land Use Code if:

**A. The amendment is consistent with the Comprehensive Plan;**

Rezoning and repealing the above concomitant agreements will provide changes to the Land Use Code that are consistent with the Comprehensive Plan regarding Eastgate. It will accentuate the emerging urban character of the Eastgate I-90 corridor and still provide graceful transitions between more intense development and existing residential land uses.

**B. The amendment enhances the public health, safety or welfare; and**

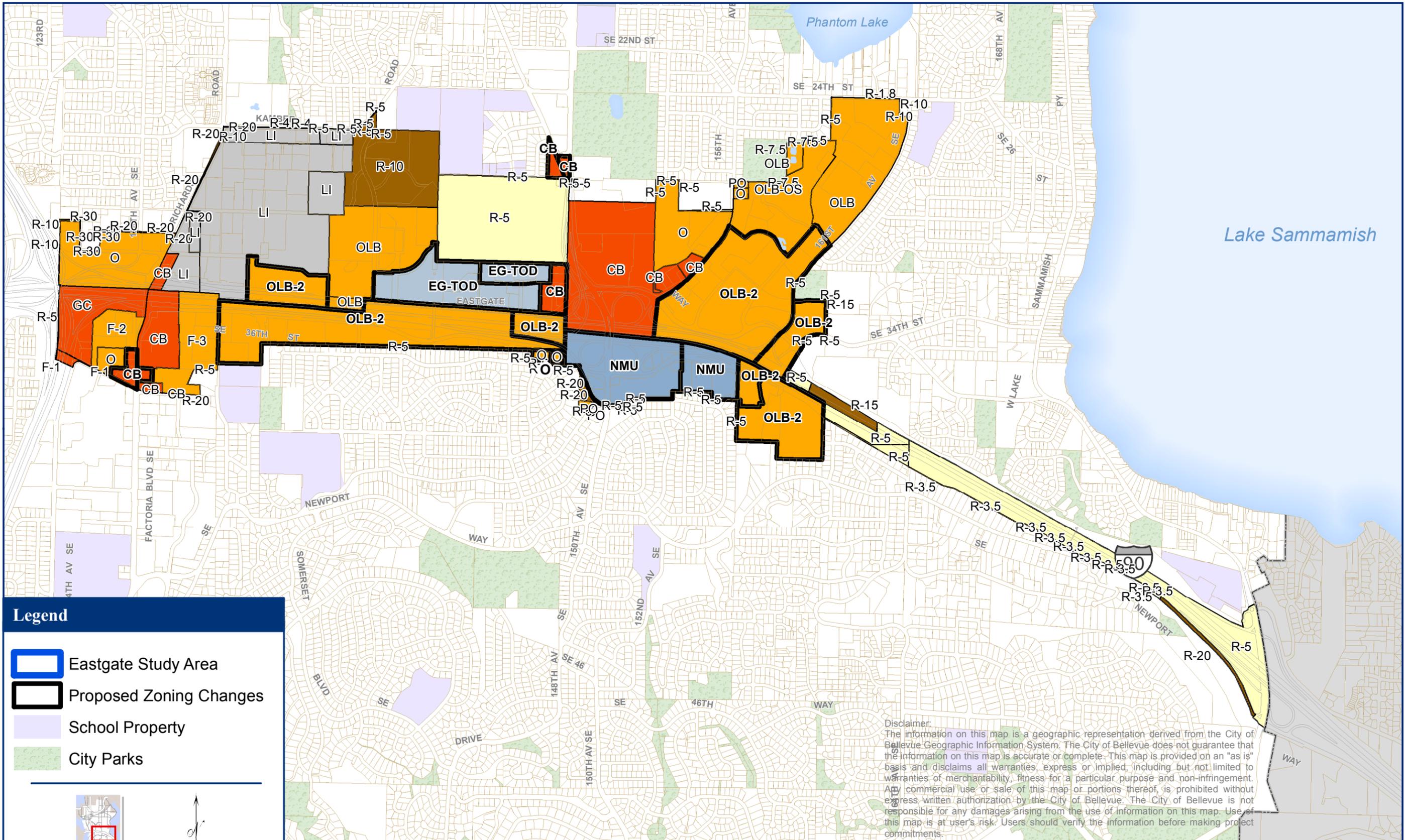
The amendments will enhance the public health, safety, and welfare by ensuring that development in Eastgate is zoned appropriately with uses that are consistent with the Eastgate vision. The new zoning will enhance the health, safety, and welfare of the public by providing safe and pleasant places to live, work, and visit in Eastgate.

**C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.**

The Comprehensive Plan and the Eastgate CAC report were all prepared by and for those who live, work and own property in Bellevue. These proposed amendments are a result of the thoughtful work that went into the Comprehensive Plan and Eastgate CAC report and are in the best interest of the citizens and property owners of the City of Bellevue.

## ATTACHMENTS

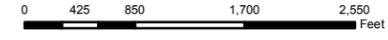
- A. Map of Proposed Eastgate Zoning
- B. Map of Proposed Eastgate Zoning, Concomitant Agreements, and Adjacent Residential Districts
- C. Map of Proposed Eastgate Zoning and Adjacent Topography (Steep Slopes)
- D. Concomitant Agreement Chart



**Legend**

-  Eastgate Study Area
-  Proposed Zoning Changes
-  School Property
-  City Parks






Sources:  
City of Bellevue

**Disclaimer:**  
The information on this map is a geographic representation derived from the City of Bellevue Geographic Information System. The City of Bellevue does not guarantee that the information on this map is accurate or complete. This map is provided on an "as is" basis and disclaims all warranties, express or implied, including but not limited to warranties of merchantability, fitness for a particular purpose and non-infringement. Any commercial use or sale of this map or portions thereof, is prohibited without express written authorization by the City of Bellevue. The City of Bellevue is not responsible for any damages arising from the use of information on this map. Use of this map is at user's risk. Users should verify the information before making project commitments.

# Proposed Eastgate Zoning

## Map B - February 2016







## Eastgate Implementation- Concomitant Conditions and Responses

## ATTACHMENT D

<b>AREAS PROPOSED FOR OLB-2 REZONE</b> <i>Repeal these concomitants and ordinances in the legislative rezone ordinance</i>			
<b>Concomitant</b>	<b>Condition</b>	<b>Response</b>	<b>What Will Be Given Up</b>
Concomitant: 7930 Ordinance: 3162 (1982)  Root Sports 3626 156th SE Eastgate Subarea	Development of this site shall be limited to wholesale trade uses (general merchandise) and office uses. The specific Land Use Code reference numbers of the permitted uses include numbers 51, 61, 63, 65, and office general. Other appropriate general commercial uses may be permitted only if reviewed and approved through the conditional use process.  If uses on the site change or the parking demand otherwise increases, the appropriate number of additional parking stalls required by the Land Use Code shall be provided on the site at that time unless previously provided and marked.	The restriction on uses is not consistent with the Eastgate vision and should be repealed.  Required by code.	Restriction on uses.  Nothing
Concomitant: 8532 Ordinance: 3276 (1983) Homestead Suites	OLB design review required by Section 20.25C of the Land use Code shall include consideration of building design, landscaping, parking, access, exterior lighting, signing and preservation of existing vegetation. Specific attention shall be given to the steep slopes on the southern end of the property to the ravine to insure that no significant environmental impacts occur as a result of development of that site.	This is required by code.	Nothing
3700 132nd SE Factoria Subarea	Development of the site shall include the retention of the large evergreen trees located along the south property line.  Cut and fill activities and construction of any rockeries shall take place outside the drip lines of any existing significant trees.	This requirement was met. Future protection of large stands of trees is supported by policy in the Factoria subarea plan.  This is required by code.	Nothing  Nothing
<b>I-90 Corporate Campus and the portions of the Sunset Village Area near 156<sup>th</sup> Ave SE<sup>1</sup> (Southern half to be rezoned, northern half to remain under concomitant agreement)</b>			
Concomitant: 6015 Ordinance: 2818 (1980)  I-90 Corporate Campus and most of the eastern half of the Sunset Village area Eastgate Subarea	AREA (A) a. A perimeter buffer shall be established 30 feet from the property line on the easterly portion adjoining 156 <sup>th</sup> Avenue S.E. and along the north property line in the vicinity of 153 <sup>rd</sup> Avenue S.E.	This type of condition is now addressed by the transition design district. Transition design requirements will be supported by policy and implemented in code. Although, the buffer would presently only be 20 feet under the current code.	Approximately 10 feet of landscape buffer on 156 <sup>th</sup> Avenue S.E. if the Transition Area Design District is applied. No change to the buffer on 153 <sup>rd</sup> Avenue S.E
<u>EDITS:</u> Concomitant: 33217 Ordinance: 5418 (2002)  I-90 office park: Advanta, Boeing	AREA (A) b. Administrative design review shall be required prior to the issuance of the building permit and shall include landscaping, vegetation, circulation, parking, access, building design and exterior treatment.	Design review will be required for this area by policy and zoning code.	----
15900 SE Eastgate Way Eastgate Subarea	AREA (B) a. A vegetative buffer will be retained on 161 <sup>st</sup> Avenue S.E. extending 60 feet west from the property line.	This requirement was met and recorded as a buffer in which no building is allowed as part of the plat CC&F I-90 Business Park, Division 1 Instrument number 198203180677. Future development could potentially modify this requirement. This type of condition is now addressed by the transition design district. Transition design requirements will be supported by policy and implemented in code. Although, the buffer would presently only be 20 feet under the current code.	The buffer is currently in place. If the parcels were redeveloped, the buffer could be reduced to 20 feet in the rezoned area because it is in a Transition Area Design District. That area would be the rezoned area

<sup>1</sup> Should the City rezone the southern portion of the office park and not the northern portion, then the rezone ordinance would repeal those portions of the concomitant zoning agreement (CZA) that previously governed the southern portion. The rezone ordinance should specifically reference the CZA and invalidate, through the City's rezone and police power authority, those portions of the CZA governing the southern portion. The rezone ordinance should also include a statement that it is the intention of the City Council that the conditions governing the northern portion in the CZA remain effective.

Eastgate Implementation- Concomitant Conditions and Responses

AREAS PROPOSED FOR OLB-2 REZONE <i>Repeal these concomitants and ordinances in the legislative rezone ordinance</i>			
Concomitant	Condition	Response	What Will Be Given Up
			fronting on 161 <sup>st</sup> Avenue S.E. on the southern half. The northern half would stay in place.
	<p>AREA (B)</p> <p>b. A continuous vegetative buffer will be retained along S.E. 24th Street extending 100 feet south from the property line. Said perimeter buffer shall then extend south and west along the subject property to proposed Detention Pond A. This portion of the buffer shall be 60 feet in depth. Detention Pond B shall be located no closer than 60 feet from S.E. 24th and shall be landscaped in accordance with the landscape plan required under Drainage Recommendation 1 of the Hearing Examiner. Location and depth of the landscape treatment adjacent to the school site shall be determined by the administrative design review process. <del>In view of the steep terrain and the adequacy of sight screening by existing standing trees and other vegetation a 30-foot buffer from the property line shall be required on the west perimeter of Area (B) fronting on 156th Avenue S.E. In view of the steep terrain and the adequacy of sight screening by existing standing trees and other vegetation, a 30-foot buffer from the property line shall be required on the west perimeter of Area (B) fronting on 156<sup>th</sup> Avenue S.E.; except that in view of the steep terrain, sight screening offered by existing vegetation and increased heights allowed, a 50-foot buffer from the property line shall be required on the west perimeter of Area (B), Parcel 1, New Campus fronting on 156<sup>th</sup> Avenue S.E.</del> The existing trees within the perimeter area should be retained and 25 feet of the buffer area on the interior of the site shall be planted with a mixture of medium scale evergreen trees and shrubs to add to the visual buffer from adjacent properties.</p>	<p>This type of buffering and screening condition is addressed by the transition design district and through typical design review. Transition design requirements and design review will be supported by policy and implemented in code. Although, the buffer would presently only be 20 feet under the current code.</p> <p>Detention pond requirements have been met. Redevelopment on this site or an amendment to the Design Review could eliminate this requirement if no concomitant is in place.</p>	This portion of the concomitant area would stay in place.
Continued...  Concomitant: 6015 Ordinance: 2818 (1980)  I-90 Corporate Campus and most of the eastern half of the Sunset Village area Eastgate Subarea  <u>EDITS:</u> Concomitant: 33217 Ordinance: 5418 (2002)	<p>AREA (B)</p> <p>c. Administrative design review shall be required prior to the issuance of the building permit and said review shall include landscaping, circulation, building design, and exterior treatment.</p>	<p>Design review will be required for this area by policy and zoning code.</p> <p><i>This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.</i></p>	Nothing
	<p>AREA (B)</p> <p>a. That section of Area (B) south of the LI designated area and recommended for OLB zone shall be subject to development standards of the OLB zoning district.</p>	This is required by code.	Nothing
	<p>AREA (B)</p> <p>e. The proposed hotel located in the OLB zone shall be limited to a maximum of 300 or less rooms.</p>	This requirement has been met.	Nothing
	<p>AREA (B)</p> <p>f. <del>Because of the broad range of uses permitted in the LI-zoned area, uses requiring outside storage in residential transition zones as marked on the preliminary plat map and uses that are exclusively retail in character are prohibited. The following uses shall be prohibited in the LI zone:</del></p> <p>1) <del>Residential development.</del></p> <p>2) <del>All uses within Wholesale and Retail District except Standard Land Use Code Reference No. 51. Food service establishments shall be permitted when primarily operated for the benefit of on-site employees.</del></p> <p>3) <del>All uses within the transportation and utilities district will require a conditional use, provided a conditional use will not be required for power sub-stations and electrical generation facilities which serve the site. However, all such power sub-stations and electrical generation facilities must be totally sight screened from any surrounding residentially zoned property and must be designed and constructed in such a manner that</del></p>	This restriction on uses is not consistent with the Eastgate vision and these restrictions should be repealed to allow for a greater mix of uses while maintaining a focus on office uses in the new zoning code.	Number of uses would expand.

Eastgate Implementation- Concomitant Conditions and Responses

AREAS PROPOSED FOR OLB-2 REZONE <i>Repeal these concomitants and ordinances in the legislative rezone ordinance</i>			
Concomitant	Condition	Response	What Will Be Given Up
I-90 office park: Advanta, Boeing  15900 SE Eastgate Way Eastgate Subarea	<p><del>they result in not increase in noise level above that existing at the time of this reclassification, measured at the property line of the site. "Noise level" as used in this section shall mean the average noise level measured over a 24 hour period, excluding noise caused by aircraft.</del></p> <p><del>4) All uses within the Services District with the exception of Standard Land use Code References Nos. 63, 634 and 637.</del></p> <p><del>5) All uses within the Recreation Land use District except Standard Land Use Code Reference No. 76.</del></p> <p><del>6) All uses within the Resource District.</del></p> <p><del>7) The only uses within the Manufacturing District that are prohibited are those listed under the Standard Land Use Code References Nos. 24, 321-327, and 3997.</del></p> <p><u>Uses within the Reserved Area shall be limited to those uses allowed pursuant to LUC Section 20.25L.010B, as amended. Uses within the Data Center Parcel shall be limited to the uses in existence on the Data Center Parcel as of the date of this Amendment, generally described as follow:</u></p> <p><u>1) The use described as "Computer Program, Data Processing and Other Computer Related Services" in LUC Section 20.10.440, Services chart, which use may include computer training facilities and office space for employees supporting the computer related services function;</u></p> <p><u>2) Emergency power generator and other mechanical support systems for the data processing facility;</u></p> <p><u>3) Warehousing space; and</u></p> <p><u>4) Employee fitness center for use solely by the Owner's current and former employees and contractors and by the family members of such current and former employees and contractors.</u></p>		
Continued...  Concomitant: 6015 Ordinance: 2818 (1980)	<p>AREA (B)</p> <p><u>g. The gross floor area of development within the Development Area shall be limited to the lesser of: (a) 500,000 square feet; or (b) the gross floor area determined by applicable floor area ratio (FAR) regulations in the Land Use Code, as such applicable regulations may be amended.</u></p>	The Development Area is a subset of the larger area and current development complies with this condition. If this concomitant were repealed there would be no policy or code support for this limitation on total floor area. Development on these parcels would be limited by the zoning code rules, which this condition anticipates.	The development area cap is in the northern area which would not be rezoned.
	<p>AREA (C)</p> <p>a. A minimum 25 foot vegetative screen shall be retained adjacent to 161<sup>st</sup> Avenue S.E.</p>	This type of buffering and screening condition is addressed by the transition design district. Transition design requirements will be supported by policy and implemented in code. Although, the buffer would presently only be 20 feet under the current code.	The buffer would change from 25 feet to 20 feet.
	<p>AREA (C)</p> <p>b. Sufficient site screening and landscaping shall occur on the border between the southerly portion of the park site and the north portion of the remaining Area (C).</p>	This type of buffering and screening condition is addressed by the transition design district and through typical design review. Transition design requirements and design review will be supported by policy and implemented in code.	Nothing
	<p>AREA (C)</p> <p>c. Administrative design review shall be required prior to issuance of a building permit to include landscaping, circulation, building design, and exterior treatment.</p>	Design review will be required for this area by policy and zoning code.	Nothing
	<p>STREET IMPROVEMENTS</p> <p>i. The internal roadways developed on the subject parcel shall be dedicated to the City of Bellevue in conjunction with proponent's application of a building permit or permits on the subject parcel.</p>	This requirement has been met.	Nothing
	<p>STREET IMPROVEMENTS</p> <p>ii. Widening of 156<sup>th</sup> Avenue S.E. and sufficient channelization and frontage improvements shall be required prior to any one or all of the following events:</p> <p>1) Occupancy of newly constructed buildings in Area (A)</p> <p>2) Occupancy of new construction in the OLB zone.</p> <p>3) In conjunction with plat improvement requirements.</p>	<p>This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify traffic impacts and specify appropriate mitigation.</p> <p><i>This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.</i></p>	Nothing

Eastgate Implementation- Concomitant Conditions and Responses

AREAS PROPOSED FOR OLB-2 REZONE <i>Repeal these concomitants and ordinances in the legislative rezone ordinance</i>			
Concomitant	Condition	Response	What Will Be Given Up
I-90 Corporate Campus and most of the eastern half of the Sunset Village area Eastgate Subarea  EDITS: Concomitant: 33217 Ordinance: 5418 (2002)  I-90 office park: Advanta, Boeing  15900 SE Eastgate Way Eastgate Subarea	4) Prior to 5,000 new vehicle trips being generated as the result of development of Area (B)		
	STREET IMPROVEMENTS iii. Widening of S.E. Eastgate Way and proper channelization and frontage improvements shall take place where any one or all of the following occurs: 1) Prior to occupancy of any new structure proposed in the OLB zone. 2) In conjunction with plat improvement requirements. 3) Prior to 5,000 new vehicle trips being generated as the result of development of Area (B)	This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify traffic impacts and specify appropriate mitigation.  <i>This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.</i>	Nothing
	STREET IMPROVEMENTS iv. Frontage improvements shall be made to S.E. 24 <sup>th</sup> Street in conjunction with plat improvements in Area (B) if the proposed development generates substantial additional traffic onto S.E. 24 <sup>th</sup> Street.	This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify traffic impacts and specify appropriate mitigation.	Nothing
	STREET IMPROVEMENTS v. Prior to occupancy of any buildings in Area (C), frontage improvements shall be made by the applicant on the east side of 161 <sup>st</sup> Avenue S.E.	This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify traffic impacts and specify appropriate mitigation.	Nothing
	STREET IMPROVEMENTS vi. Upon approval by the Public Works Department and at the expense of the developer, developer agrees to provide signalization of the southern project entrance roadway and S.E. Eastgate Way.	This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify traffic impacts and specify appropriate mitigation.	Nothing
	STREET IMPROVEMENTS vii. Upon approval by the Public Works Department, the developer shall signalize 156 <sup>th</sup> Avenue S.E. and S.E. Eastgate Way. After building permits have been issued for Areas (A) and (B) that generate 5,000 new vehicle trips from Area (A) or 3,0000 new vehicle trips from Area (B), mandatory signalization, as well as approach and channelization modifications on 156 <sup>th</sup> Avenue S.E. and S.E. Eastgate Way shall be developed or no additional building permits will be issued. Upon approval of the Public Works Department, the developer may signalize 161 <sup>st</sup> Avenue S.E. and S.E. Eastgate Way, as well as construct approach and channelization modifications at developer's expense or through other sources of funding. In the event such signalization, approach and channelization modification are not constructed prior to the time that volume warrants are met for signalization at the intersection, no additional building permits shall be issued for any area located on the subject site.	This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify traffic impacts and specify appropriate mitigation.  <i>This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.</i>	Nothing
	STREET IMPROVEMENTS viii. The above street improvements and facilities shall be installed by applicant at is sole cost and expense, except for those improvements under Street Improvement Number b. (156 <sup>th</sup> Avenue S.E. widening) which shall be 49% funded by applicant.	If this concomitant were repealed and future development were to occur, the developer would be required to pay for street improvements related to project impacts.	Nothing
	ACCESS a. Access from Areas (A), (B) and (C) shall be allowed in accordance with the proponent's Master Plan with the following exceptions: 1) Access from Area (B) onto 161 <sup>st</sup> Avenue S.E. shall not be allowed, provided a driveway is allowed for providing emergency and fire access only. Any such driveway shall be constructed at the option and sole expense of the applicant in accordance with the standards and conditions of the Public Works Department. 2) Existing access points on the east side of 156 <sup>th</sup> Avenue S.E. should be phased out as long as established businesses do not require such access or until a change of use occurs. 3) Access from Area (A) is limited to the one point proposed in the Master Plan, provided that the existing access to and from 156 <sup>th</sup> Avenue S.E. to the existing service station and adjoining lot shall be allowed to continue.	These requirements have been met. However, redevelopment on this site or an amendment to the Design Review could eliminate this requirement if no concomitant is in place.	Nothing

Eastgate Implementation- Concomitant Conditions and Responses

AREAS PROPOSED FOR OLB-2 REZONE <i>Repeal these concomitants and ordinances in the legislative rezone ordinance</i>			
Concomitant	Condition	Response	What Will Be Given Up
<p>Continued....</p> <p>Concomitant: 6015 Ordinance: 2818 (1980)</p> <p>I-90 Corporate Campus and most of the eastern half of the Sunset Village area Eastgate Subarea</p> <p><u>EDITS:</u> Concomitant: 33217 Ordinance: 5418 (2002)</p> <p>I-90 office park: Advanta, Boeing</p> <p>15900 SE Eastgate Way Eastgate Subarea</p>	<p>NON-MOTORIZED CIRCULATION</p> <p>a. Sidewalks on 161<sup>st</sup> Avenue shall be completed in accordance with Street Improvement Number e. as set forth herein. If conditions set forth in Street Improvement Number e. have not been met, frontage improvements and sidewalks on the east side of 161<sup>st</sup> Avenue shall be completed with sidewalks on S.E. Eastgate Way. Sidewalk and frontage improvements along the proposed park site on 161<sup>st</sup> Avenue S.E. would not be required of the applicant if the site is conveyed to the City. Sidewalks along S.E. Eastgate Way shall be constructed in conjunction with Street improvement Number c. discussed herein or prior to occupancy of any building in the OLB zone. Sidewalks on the west side of 156<sup>th</sup> Avenue shall be constructed in conjunction with Street Improvement number b. set forth herein. Plat improvement requirements may cause modification of the conditions set forth above and shall be subject to complete review by the Department of Public Works.</p>	<p>This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify impacts and specify appropriate mitigation. Existing and proposed Comprehensive Plan policies would also support continued development of non-motorized transportation alternatives.</p>	Nothing
	<p>NON-MOTORIZED CIRCULATION</p> <p>b. Sidewalks on the east side of 156<sup>th</sup> Avenue S.E. to SE 28<sup>th</sup> street will be constructed in conjunction with Street Improvement Number b. as set forth herein or in conjunction with plat improvement requirements.</p>	<p>This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify impacts and specify appropriate mitigation. Existing and proposed Comprehensive Plan policies would also support continued development of non-motorized transportation alternatives.</p>	Nothing
	<p>NON-MOTORIZED CIRCULATION</p> <p>c. Construction of a sidewalk on the west side of 161<sup>st</sup> Avenue S.E. south of the access road shall be in conjunction with Street Improvements Number e. as set forth herein or in conjunction with plat improvement requirements.</p>	<p>There requirement has not been met, but there is an access trail in this location, consistent with NON-MOTORIZED CIRCULATION (e.) below.</p>	Nothing
	<p>NON-MOTORIZED CIRCULATION</p> <p>d. The sidewalk connection between 156<sup>th</sup> Avenue S.E. and 161<sup>st</sup> Avenue S.E. between the OLB and LI zones shall be located in the landscaped area immediately north of S.E. Eastgate Way for better and safe pedestrian use and access. Sidewalk construction shall take place if any or all of the following occur:</p> <ol style="list-style-type: none"> <li>1) Construction of internal roads.</li> <li>2) Prior to occupancy of any new building in the OLB zone.</li> <li>3) In conjunction with plat construction requirements.</li> </ol>	<p>This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify impacts and specify appropriate mitigation. Existing and proposed Comprehensive Plan policies would also support continued development of non-motorized transportation alternatives. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify impacts and specify appropriate mitigation. Existing and proposed Comprehensive Plan policies would also support continued development of non-motorized transportation alternatives.</p>	Nothing
	<p>NON-MOTORIZED CIRCULATION</p> <p>e. Construction of an access trail is required from 156<sup>th</sup> Avenue S.E. around the perimeter of this site along 161<sup>st</sup> Avenue S.E. to S.E. Eastgate Way. Applicant shall dedicate a 15 foot easement for public use and maintenance of the trail. The exact location of the trail and its design shall be approved by the Public Works and Parks Departments. Construction of the access trail shall occur in conjunction with plat improvement requirements or prior to occupancy of any building in the LI zone.</p>	<p>This requirement has probably been met. The trail is established in the specified location, but it isn't clear that there is a dedicated easement for it. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify impacts and specify appropriate mitigation. Existing and proposed Comprehensive Plan policies would also support continued development of non-motorized transportation alternatives.</p>	Nothing
	<p>DRAINAGE</p> <p>a. <del>Applicant agrees to dedicate Detention Ponds A and B on the Master Plan to the City of Bellevue. Pond C, if constructed, shall also be dedicated to the City. Owner has dedicated Detention Pond A on the Master Plan to the City of Bellevue.</del> Applicant agrees to submit a landscape plan for all detention ponds for review and approval by the Public works Department prior to occupancy of any new building in the LI zone or in conjunction with plat improvement requirements.</p>	<p>This requirement has been met. However, redevelopment on this site or an amendment to the Design Review could eliminate this requirement if no concomitant is in place.</p>	
	<p>DRAINAGE</p> <p>b. Prior to construction of any drainage facilities in the Vasa Creek system, applicant shall seek review and approval by the Public Works Department of drainage into the Vasa Creek system.</p>	<p>This is required by code.</p>	Nothing
	<p>DRAINAGE</p>	<p>This is required by code.</p>	Nothing

Eastgate Implementation- Concomitant Conditions and Responses

AREAS PROPOSED FOR OLB-2 REZONE <i>Repeal these concomitants and ordinances in the legislative rezone ordinance</i>			
Concomitant	Condition	Response	What Will Be Given Up
Continued...  Concomitant: 6015 Ordinance: 2818 (1980)  I-90 Corporate Campus and most of the eastern half of the Sunset Village area Eastgate Subarea  <u>EDITS:</u> Concomitant: 33217 Ordinance: 5418 (2002)  I-90 office park: Advanta, Boeing  15900 SE Eastgate Way Eastgate Subarea	c. Prior to construction of any drainage facilities in the Phantom Lake system, applicant shall seek review and approval by the Public Works Department of off-site drainage facility requirements from the project to Phantom Lake.	<i>This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.</i>	
	OFFICE ZONES a. Development of Office uses in the proposed O zones of Areas (A) and (C) shall be limited to low intensity uses as defined in Resolution 3451.	This restriction on uses is not consistent with the Eastgate vision and these restrictions should be repealed to allow for a greater mix of uses while maintaining a focus on office uses in the new zoning code.	
	TRAFFIC FLOWS a. The City shall monitor traffic flows entering and leaving the site at least every six months. If the results of any such analysis indicate that traffic flows will reach levels projected in the "Trip Generation Comparisons Table," (City Staff Recommended Zoning, reduced by the amount attributable to R-20), Hearing Examiner, Pack 4, Page 37, for the reclassification proposal within the six-month period next following, then any building permits issued for the construction of buildings within the site thereafter will be issued only upon the condition that the Owner take such action as determined by the City to be necessary to assure that such additional building or buildings will not result in traffic flows above the levels designated in such table. Such conditions could include, but need not be limited to carpooling or vanpooling requirements, additional transit, parking restrictions or such other methods that the City deems appropriate. <u>Trips generated by the use or development of a public park located in or accessed through the Reserved Area shall not be counted for purposes of determining traffic flow levels.</u>	If the concomitant were repealed there would be limited ability to enforce the on-going monitoring requirements. Since this condition was part of the project approval and also a condition of SEPA, there could be limited ability to enforce this provision. However, redevelopment on this site or an amendment to the Design Review and/or Master Plan could eliminate this requirement if no concomitant is in place. If the concomitant were repealed and future development were to occur, the developer would be required to pay for street improvements related to project impacts.  <i>This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.</i>	
	SANITARY LANDFILL AREAS a. Since sanitary landfill areas may be unsuitable for standard design support, any dedicated roadways or buildings located on the sanitary landfill areas shall be designed and constructed to the specification of a qualified soils engineer to meet both foundation support and methane gas considerations.	This is required by code.	Nothing
	ADDITIONAL MITIGATING CONDITIONS a. No manufacturing of explosive materials will be allowed within the reclassification site.	Limitations on emissions, toxic materials, and the manufacturing of explosives are unlikely to be necessary outside of an industrial context, but future development will need to meet all applicable environmental protection standards and regulations as currently required by local, state, and federal law.	Nothing
	ADDITIONAL MITIGATING CONDITIONS b. All uses within the reclassification site must meet all then current published Environmental Protection Agency emission standards.		Nothing
	ADDITIONAL MITIGATING CONDITIONS c. No substance on the then current list of toxic materials of the Environmental Protection Agency shall be discharged into the air or sewers from the reclassification site, nor shall the outside storage of such materials be allowed.	<i>This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.</i>	Nothing
	ADDITIONAL MITIGATING CONDITIONS d. All lighting on the site shall be directed to the interior of the site, and shall not spill over onto adjacent residential property.	This type of condition is addressed by the transition design district and through typical design review. Transition design requirements and design review will be supported by policy and implemented in code.  <i>This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.</i>	Nothing
	ADDITIONAL MITIGATING CONDITIONS e. The Owner shall retain the existing trees which are of substantial height and healthy condition which are presently located in the perimeter areas surrounding the subject property.	This type of condition may be addressed by the transition design district. Transition design requirements will be supported by policy and implemented in code and policy in the Eastgate subarea will encourage the retention of existing trees and vegetation.	Nothing
	MASTER PLAN a. Development on the reclassification site shall also be subject to all restrictions and conditions contained in that certain "Master Plan," as attached to the Findings and Recommendations of the Hearing Examiner, as amended therein and by Ordinance 2818.	Policy will support a master plan being required for further redevelopment of this site.  <i>This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.</i>	Nothing
Continued...			

Eastgate Implementation- Concomitant Conditions and Responses

AREAS PROPOSED FOR OLB-2 REZONE <i>Repeal these concomitants and ordinances in the legislative rezone ordinance</i>				
Concomitant	Condition	Response	What Will Be Given Up	
<p>Concomitant: 6015 Ordinance: 2818 (1980)</p> <p>I-90 Corporate Campus and most of the eastern half of the Sunset Village area Eastgate Subarea</p> <p><u>EDITS:</u> Concomitant: 33217 Ordinance: 5418 (2002)</p> <p>I-90 office park: Advanta, Boeing</p> <p>15900 SE Eastgate Way Eastgate Subarea</p>	<p>MASTER PLAN</p> <p>b. <u>Development within Area (B), Parcel 1, New Campus is subject to the site plan referred to in the Findings of Fact, Conclusion of Law and Recommendation dated October 23, 2002 in connection with City of Bellevue File Number 02-138873 LQ (hereinafter “2002 Hearing Examiner’s Recommendation”) as “Attachment H” and attached to this Amendment as Exhibit C and incorporated herein by this reference (the “Site Plan”). The Master Plan is hereby superseded by the Site Plan for Area (B), Parcel 1, New Campus only to the extent that the provisions of the Site Plan are inconsistent with the Master Plan.</u></p> <p>1. <u>The area shown as the Retained Vegetation Area on the Site Plan shall be subject to the following development restrictions: Within the Retained Vegetation Area (RVA) the Owner shall leave undisturbed all trees and other vegetation within the area, except for the removal of diseased or dying vegetation which presents a hazard or for the implantation of an enhancement plan required or approved by the City. Any work, including removal of dead, diseased, or dying vegetation, is subject to permit requirements of City of Bellevue codes. The City of Bellevue shall have the right, but not the obligation, to enforce the requirements, terms, and conditions of this restriction by any method available under law. The obligation to ensure that all terms of the RVA are met is the responsibility of the Owner.</u></p> <p>2. <u>The entire 20 feet of the 20-foot setback shown on the Site Plan and bordering 160<sup>th</sup> Avenue S.E. shall be landscaped with Type III vegetation, as Type III vegetation is defined in LUC Section 20.20.520, as amended.</u></p> <p>3. <u>The entire 8 feet of the 8-foot setback shown on the Site Plan and forming the southern boundary of Area (B), Parcel 1, New Campus shall be landscaped with Type II vegetation, as Type II vegetation is defined in LUC Section 20.20.520, as amended.</u></p>	<p>This type of buffering condition is addressed by the transition design district and through typical design review. Transition design requirements and design review will be supported by policy and implemented in code.</p> <p>However, the conditions regarding the Retained Vegetation Area would be supported by policy, but if the concomitant were repealed there would be limited ability to enforce it. Since this condition was part of the project approval and also a condition of SEPA, there could be limited ability to enforce this provision. However, redevelopment on this site or an amendment to the Design Review and/or Master Plan could eliminate this requirement if no concomitant is in place.</p>		
	<p>MASTER PLAN</p> <p>c. <u>Public access to the Reserved Area shall generally be provided as shown on the access plan referred to in the 2002 Hearing Examiner’s Recommendation as “Attachment I” and attached to this Amendment as Exhibit D and incorporated herein by this reference.”</u></p>			
	<p><u>Any reference in the 1980 CZA is hereby amended to include a new Section 10 as follows: “10. Any reference in the 1980 CZA to the “LI designated area” or “LI zoned area or “LI zones” shall mean Area (B), Parcel 1 as legally described in Exhibit A to the 1980 CZA. Any reference in the 1980 CZA to the “OLB designated area” or “OLB zoned area” or “OLB zones” shall mean Area(B), Parcel 2 as legally described in Exhibit A to the 1980 CZA.”</u></p>	<p>This condition is included for information only so the rest of the amendment to the concomitant can be understood.</p> <p><i>This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.</i></p>		
<p>Concomitant: 11390 Ordinance: 3666 (1986)</p> <p>Key Bank Property on 156<sup>th</sup> 3240 156th SE Eastgate Subarea</p>	<p>The following uses shall be prohibited:</p> <p>a. Residential Development;</p> <p>ii. All uses within the Wholesale and Retail Chart except Standard Land Use Code Reference Nos. 552, Auto and Marine Accessories (Retail); 553, Gasoline Service Stations; 58, Eating and Drinking Establishments and 5998, Garden, Supplies.</p> <p>iii. All uses within the Services Chart with the exception of Standard Land use Code Reference Nos. 63, 634, 637 and 641, Child Care Services (All Categories), Business Services, Building Maintenance and Warehousing.</p> <p>iv. All uses within the Recreation Land Use Chart except Standard Land Use Code Reference No. 76 Parks.</p> <p>v. All uses within the Resource Chart.</p> <p>vi. Uses within the Manufacturing Chart section of the Standard Land Use Code Reference Nos. 24, 321-327, and 3997, Lumber and Wood Manufacturing: stone, clay, glass manufacturing; sign manufacturing.</p>	<p>This restriction on uses is not consistent with the Eastgate vision and these restrictions should be repealed to allow for a greater mix of uses while maintaining a focus on neighborhood-serving retail and services in the new zoning code.</p>	---	
	<p>Any permit for remodeling or redevelopment shall include upgrades of the landscaping to meet current standards in effect at the time of application. In addition, the types and location of landscaping shall be design to complement adjacent OLB properties or to higher standards.</p>	<p>This requirement was met.</p>	Nothing	

Eastgate Implementation- Concomitant Conditions and Responses

AREAS PROPOSED FOR OLB-2 REZONE <i>Repeal these concomitants and ordinances in the legislative rezone ordinance</i>			
Concomitant	Condition	Response	What Will Be Given Up
	The balance of Lot 2, shall be consolidated with adjacent OLB property as part of platting approval of service station sites.	This requirement was met.	Nothing
	Access to 156 <sup>th</sup> Avenue S.E. shall be limited as follows: i. Access to 156 <sup>th</sup> Avenue S.E. shall be continued to be permitted for the property which is the subject of this reclassification (the two service station sites). Access to 156 <sup>th</sup> Avenue S.E. from adjoining property by way of crossing the property which is the subject of this reclassification is prohibited. ii. Existing access to 156 <sup>th</sup> Avenue S.E. from the balance of Lot 1 shall be permitted to continue only until such time as that property is substantially redeveloped at which time such access shall be prohibited.	This requirement was met.	Nothing
Continued...  Concomitant: 11390 Ordinance: 3666 (1986)  Key Bank Property on 156th 3240 156th SE Eastgate Subarea	Prior to the issuance of any future building permits for remodeling or reconstruction of the structures on this property, the owner shall obtain any necessary permits for, and complete the construction of, any facilities, structures, or piping to obtain compliance with the State Water Pollution Control Law (RCW 90.48) and Bellevue City Code (9.12.020 and 23.76.030). This condition is intended to include soil and water quality testing sufficient to determine the integrity of existing underground fuel storage tanks.	This requirement was met.	Nothing
	Prior to the completion of any future remodeling or modification of any structures on this property, the owner shall install oil/water separators meeting the current Development Standards in the storm drainage systems of these properties. Plans for the installation of these separators, and the types and operating characteristics of the devices installed, shall be submitted to the Storm and Surface Water Utility for approval prior to installation. All necessary permits shall be obtained by the owner prior to installation of said separators.	This requirement was met.	Nothing
	In addition to the special conditions provided in the preceding paragraph 1, there shall continue to be applicable to the property each and every special condition applying to the property as set forth in the Concomitant Zoning Agreement dated May 7, 1980 (Clerk's Receiving No. 6015) except to the extent that said special conditions may be inconsistent with the special conditions of this Concomitant Zoning Agreement, in which event the special conditions of this Concomitant Zoning Agreement shall be controlling.	See concomitant 6015, above.  All of the conditions applied to this property from concomitant 6015 have been met, or could be supported with policy and code work.	Nothing
Concomitant: 18767 Ordinance: 4482 (1993) Candlewood Suites  15805 SE 37 <sup>th</sup> Eastgate Subarea	If the property is developed for ten housing units or greater, at least ten (10%) of the units buildable under the original maximum density must be affordable units and at least twenty percent (20%) of the units buildable as a result of the increase in density from the original maximum density to the total number of approved units must be affordable units provided to meet the minimum ten percent (10%) requirement of the original maximum density, up to fifteen percent (15%) above the original maximum density. "Affordable units" shall be defined as set forth in LUC 20.50.100.  For the purpose of calculating the number of required affordable units, the original maximum density possible under the O and OU zoning is sixty-four (64) units. All required affordable units shall remain "affordable" for the lifetime of the OLB zoning classification and shall be dispersed across the range of unit sizes and throughout the property.  Prior to issuance of a building permit, the owner shall sign any necessary agreement with the City to implement these affordable housing requirements. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing the owner to obtain financing for development of the property, consistent with any applicable provisions of the Land Use Code in effect at the time of issuance of the development permit(s).	In the early 1990s affordable housing was a mandatory requirement and development condition. When the program transitioned into a voluntary program, properties subject to the mandatory affordable housing conditions were able to buy their way out of the requirement by rezoning their property and paying a fee-in-lieu.  This property has developed since the condition was imposed with a hotel and since permanent dwelling units were not created, the development avoided this condition.	



March 23, 2016

**SUBJECT**

Eastgate/I-90 Corridor Implementing Regulations - Review of current and planned transportation improvements in Eastgate.

**STAFF CONTACT**

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**DIRECTION NEEDED FROM PLANNING COMMISSION**

- Action
- Discussion
- Information

**DISCUSSION**

The purpose of this agenda item is to provide an overview of how transportation and land use planning are coordinated in the Eastgate project, and to provide an overview of past, present and future planned transportation projects and programs. This item is for your information only and does not require any action.

The Eastgate/I-90 Land Use and Transportation Project began almost 6 years ago in October 2010 when the Bellevue City Council appointed a Citizen Advisory Committee (CAC). The CAC went through a planning process from November 2010 through April 2012. That process included monthly meetings, several public open houses, online surveys, stakeholder interviews, presentations to interest groups and website updates.

What came out of that work was a preferred alternative to enhance the economic vitality of the I-90 corridor, provide for neighborhood retail services, improve transportation and mobility, upgrade the area's environmental quality and visual character and support the institutional mission of Bellevue College. The planning horizon for this vision is the year 2030.

The project started with this larger, visionary and conceptual study of the area. The City's Comprehensive Plan outlines Bellevue's long-term (20+ years) land use and transportation visions. Long-range transportation plans are prepared for various subareas of the City or for specific components of the transportation system. These plans include a wide range of improvement projects designed to meet the mobility goals of the plan area. Examples are the Bel-Red Plan (adopted Feb 2009), the Eastgate I-90 Land Use & Transportation Project study (completed in 2012) Pedestrian and Bicycle

Transportation Plan (update adopted Feb 2009), and the Bellevue Transit Plan (update adopted in 2014). Key projects from these plans and studies are included in the Comprehensive Transportation Project list, which is an element of the Bellevue Comprehensive Plan.

Projects contained in either the City of Bellevue's 2015-2021 Capital Investment Program Plan (CIP) or the 2016-2027 Transportation Facilities Plan Project List (TFP) for the Eastgate Area are reflected in the attached maps and in the spreadsheets on the following pages.

By way of background the:

- The **Transportation Facilities Plan (TFP)**, reflecting a comprehensive, citywide study, collects the priority projects identified in the long-range plans, as well as other emerging transportation facility needs and opportunities. The TFP serves as an implementation plan constrained by identified City and other revenues that are projected for the next 12 years.
- The **Capital Investment Program (CIP) Plan** reflects funding to implement the City's highest priority capital needs, such as Transportation, Parks and Utility facilities for a seven-year period. The CIP is adopted by the Bellevue City Council every two years through the biennial budget update process. Transportation projects funded in the CIP represent projects identified in the TFP that are likely to be needed in the short term. It may also include projects, based on operational, safety and maintenance needs identified by City staff, the public or other sources, that were not included in the TFP.

Staff will present an overview of each project at the Planning Commission meeting. People are welcome to contact the City for further information or details about any of these projects or any concerns you may have.

**City of Bellevue Projects in Eastgate Area  
2015-2021 Capital Investment Program Plan**

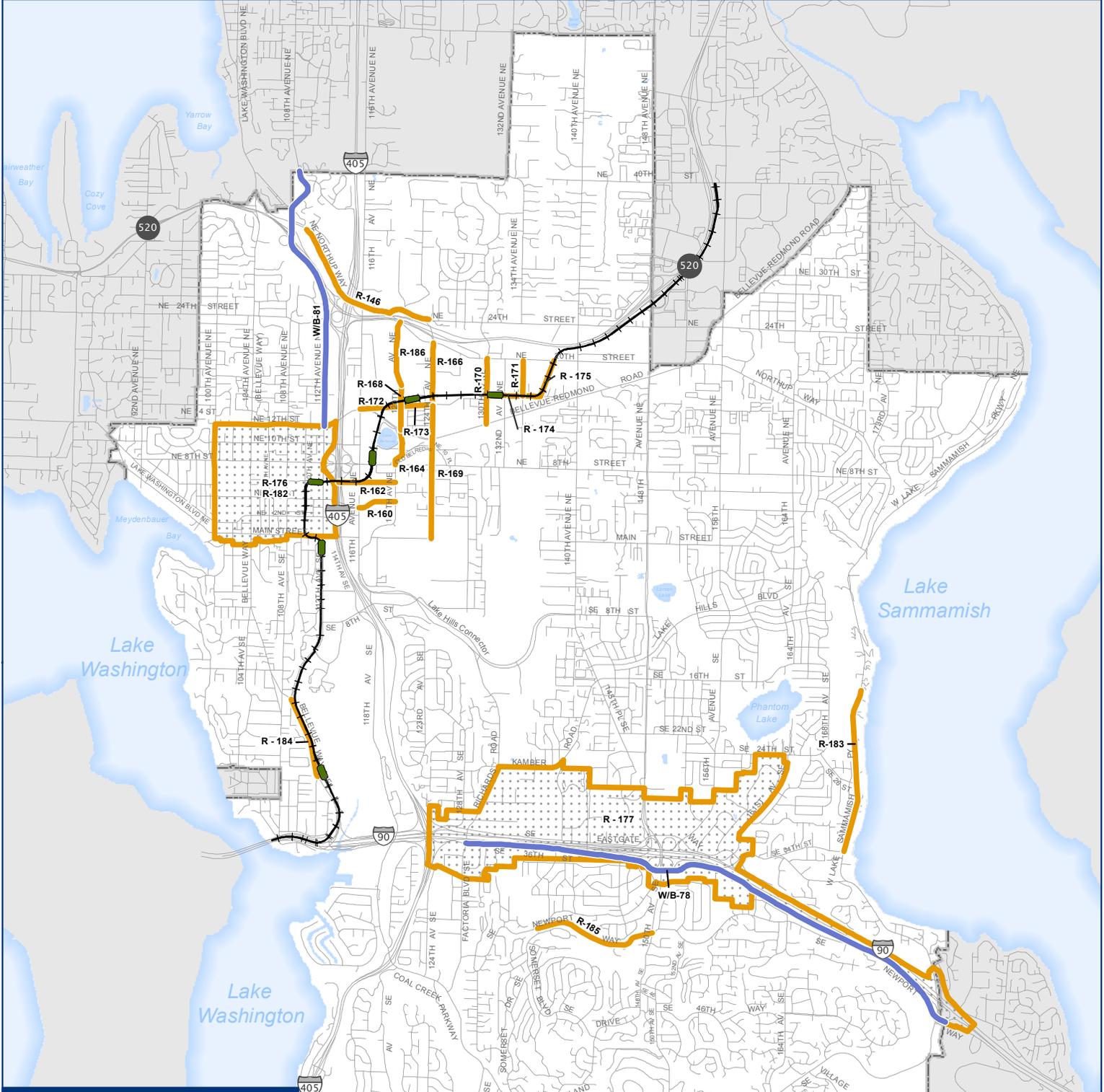
R-185	Newport Way - Somerset Blvd to 150th Ave SE	This project budget will conduct a design alternatives analysis in coordination with the community, complete design, and includes a placeholder for construction of the identified roadway and non-motorized improvements to SE Newport Way between Somerset Boulevard and 150th Avenue SE. Specific improvements may include sidewalks on at least one side, pedestrian crossing facilities, bike lanes on both sides, turn lanes where necessary, and other potential roadway amenities including illumination, landscaping, irrigation, storm drainage and water quality treatments.
R-177	Eastgate Subarea Plan Implementation	Implementation of priority projects recommended in the 2012 Eastgate/I-90 Land Use and Transportation Plan. Funding may be used to advance implementation of two specific Eastgate Plan priority projects: 1) The Bellevue College Connection project which would improve transit travel time for all routes serving the campus and more directly connect Eastgate and Bellevue College to the broader transit network; and 2) Bike lane improvements on Eastgate Way between Richards Road and SE 35th Street, which will provide safer, multi-modal connections to local/regional destinations. Other Eastgate Subarea Plan identified priorities may also be advanced.
W/B-78	Mountains to Sound Greenway/Factoria Boulevard to Lakemont Boulevard	This project will advance the design of priority segments of the Mountains to Sound Greenway Trail between Factoria Boulevard SE and Lakemont Boulevard SE. This project will continue work initiated by the Mountains to Sound Greenway Trail Design Study, completed in 2012 with funding from the Pedestrian and Bicycle Access Improvements program (CIP Plan No. PW-W/B-56). Trail design will typically include a 12 foot wide, hard surface cross-section. Various trail corridor segments will include additional design elements that may include trailhead treatments, way-finding and signage; planted roadway medians, street trees, and/or landscaped trail buffers; bridges, crosswalks, and mid-block crossings; lighting, trail furniture, and public art; and natural storm drainage practices. The current project budget is intended to fully fund the design phase for all at-grade segments between Factoria Boulevard and Lakemont Boulevard and the design of grade separated crossings of Factoria Boulevard and the interchange ramps between I-405, I-90, and Factoria Boulevard. Future project implementation may occur in phases or include interim facilities dependent upon funding availability and coordination with other public capital investments or private developments along the project alignment.

**City of Bellevue Projects in Eastgate Area  
2016-2027 Transportation Facilities Plan Project List (TFP)**

Number	Project	Description
TFP-252	Bellevue College Connection: Kelsey Creek Rd/Snoqualmie River Road/142nd PI SE from 145th Place SE to SE 36th St	This project will reconstruct the roadway to support frequent transit buses service, construct sidewalks and accessible bus stops and modify the 142nd PI SE/SE 32nd St intersection. Included is a separated multi-use paved path connecting 145th PI SE bike lanes to the Mountains to Sound Greenway Trail. Also included is weather protection on 142nd PI SE for transit users, pedestrians and bicyclists. A Bellevue College Transit Center will be developed along the corridor. The project will likely be implemented in partnership with Bellevue College and other agencies. The funding allocation will advance the design in partnership with potential project partners.
TFP-247	Eastgate Way/Richards Road to SE 35th Place	This project will install bicycle lanes, where missing through the Eastgate corridor. Completion of the missing link in the sidewalk between Richards Road and 139th Avenue SE may be implemented in coordination with adjacent development.
TFP-253	150th Avenue SE/Eastgate Way SE	This project will evaluate and determine a preferred intersection improvement option. Options may include: Option A: Add second NB left turn lane, add second EB right-turn lane, add second WB through lane past 148th Ave SE. Add E-W bike lanes through intersection. Option B: Construct multi-lane roundabout. The project will also evaluate/accommodate upgraded ped and bike crossings, planned Eastgate Way bike lanes, and gateway treatments.
TFP-195	150th Avenue SE/SE 37th Street/I-90 off-ramp	Option A: The project will add a second eastbound right-turn lane, add a second westbound left-turn lane, add an eastbound through lane past the I-90 eastbound on-ramp, extend the southbound left turn pocket, and extend the third southbound lane from the I-90 on-ramp to SE 38th Street. Option B: The project will construct a multi-lane roundabout. Option C: The project will construct a roundabout per Option B plus construct a multi-lane roundabout at 150th Avenue SE/SE 38th Street, and landscape median between SE 38th Street and SE 37th Street. With any of the three options, upgrade the pedestrian and bicycle crossings and install gateway treatment. The funding allocation will implement either Option A or B.

TFP-246	150th Avenue SE/south of SE 38th Street to Newport Way	The project will evaluate the need for improvements for the segment south of SE 38th Street to Newport Way, including the intersection at 150th Avenue SE and Newport Way SE. Issues to be considered include vehicular safety and circulation, pedestrian accommodation, and bicycle mobility. The project is located on priority bicycle corridor NS-4: Somerset-Redmond Connection. Project elements will be determined through the predesign process and may include roadway widening and channelization changes, sidewalks, bicycle facility, street lighting, and landscaping.
TFP-175	SE 34th Street/162nd PI SE to West Lake Sammamish Pkwy	This project will construct a curb, gutter, sidewalk and bikelane or wide curb lane on the north side where missing; accommodate a wide curb lane on the south side, if feasible.
TFP-266	I-90 Factoria Blvd Exit Expansion	In coordination with the Mountains to Sound Greenway project (TFP-243), this project will advance the design to relocate the current trail to allow a second I-90 Eastbound to Factoria Boulevard off ramp lane through the undercrossing of the interchange ramp between I-405 and I-90 Eastbound. The trail will be rerouted to new bridges crossing the I-405 to I-90 interchange ramps and the I-90 to Factoria Boulevard off ramp.

# 2015 - 2021 Transportation CIP Projects



## Legend

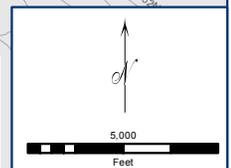
- Eastlink Rail
- Proposed Station
- Intersection Project
- Maintenance and Minor Capital Project
- Roadway Projects
- Walkway/Bikeway Projects

## Notes:

1. Projects M-1, M-2, M-7, M-15, M-19, M-20, R-46, R-155, R-156, R-159, R-181, R-187, R-188, R-189, W/B-49, W/B-56 and W/B-76 are not shown as they are in multiple locations throughout the City.
2. Projects R-82 and R-83 are not shown as they are administrative projects.

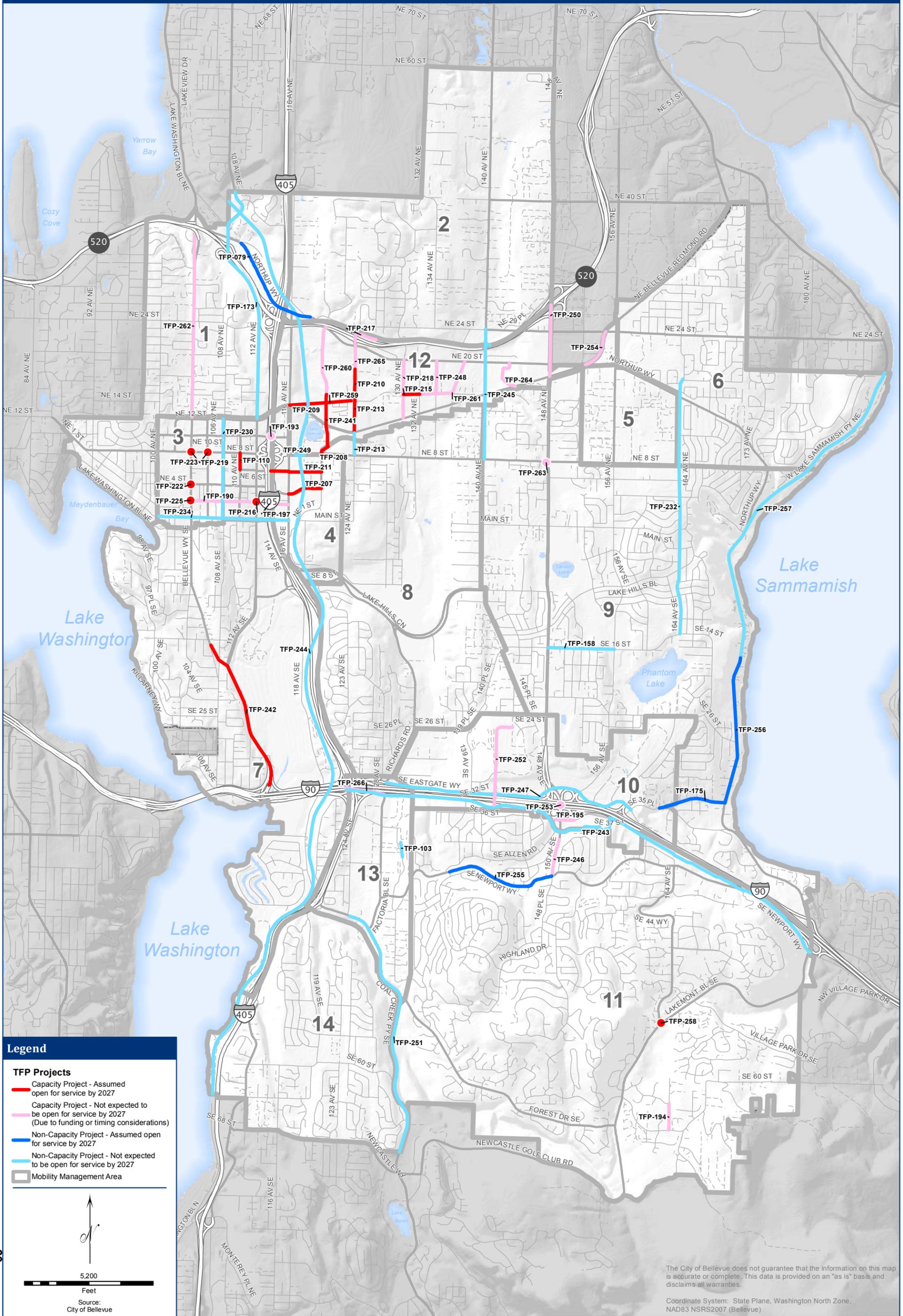
The City of Bellevue does not guarantee that the information on this map is accurate, complete. This data is provided on an "as is" basis and disclaims all warranties.

Coordinate System: State Plane, Washington North Zone, NAD83 NRSR2007 (Bellevue)



Source: City of Bellevue

# 2016-2027 Transportation Facilities Plan



**Legend**

**TFP Projects**

- Capacity Project - Assumed open for service by 2027
- Capacity Project - Not expected to be open for service by 2027 (Due to funding or timing considerations)
- Non-Capacity Project - Assumed open for service by 2027
- Non-Capacity Project - Not expected to be open for service by 2027
- Mobility Management Area

5,200  
Feet  
Source:  
City of Bellevue

The City of Bellevue does not guarantee that the information on this map is accurate or complete. This data is provided on an "as is" basis and disclaims all warranties.

Coordinate System: State Plane, Washington North Zone, NAD83 NSRS2007 (Bellevue)



**DATE:** March 16, 2016  
**TO:** Chair Hilhorst and Members of the Bellevue Planning Commission  
**FROM:** Bellevue Transportation Commission  
Kevin McDonald, AICP, Senior Transportation Planner, 452-4558  
[kmcdonald@bellevuewa.gov](mailto:kmcdonald@bellevuewa.gov)  
**SUBJECT:** Vision Zero Comprehensive Plan Amendment - Transportation Element  
Policy Recommendation from the Transportation Commission

On December 7, 2015, the City Council unanimously adopted Resolution 9035 (Attachment 1) endorsing Vision Zero and directing the Transportation Commission to review the existing Comprehensive Plan to determine if any updates, revisions, or additional policies are warranted in light of Vision Zero and other transportation network goals. Having received a recommendation from the Transportation Commission, the City Council on March 7, 2016, initiated a Comprehensive Plan Amendment to integrate Vision Zero policy into the Transportation Element.

## **BACKGROUND**

Vision Zero is an approach to traffic safety that has the ultimate goal of ending traffic deaths and serious injuries. It is a framework for a multi-faceted approach to create a transportation system that is safe for all users. Components of a Vision Zero programmatic approach to safety include several categories of actions: Education; Encouragement; Enforcement; Engineering; Equity; and Evaluation.

### **Vision Zero**

Vision Zero began in Sweden in the 1990s, where it was adopted as national policy. At the core of Vision Zero is the premise that death and injury on city streets is preventable. For the most part, an injury or death is not the result of an “accident”, but rather these result from “collisions” that significantly affect the most vulnerable users of the roadway—people who are walking and bicycling. Collisions often stem from behaviors that are dangerous and inappropriate, and from street design that may encourage such inappropriate behavior. Within a Vision Zero framework, streets are designed to encourage and reinforce safe, positive behavior.

Vehicle speed is a fundamental predictor of collision survival for people walking and biking. Therefore, street design should emphasize safety, predictability and the potential for human error, coupled with targeted education and rigorous, data-driven enforcement. Vision Zero instills a holistic, new way of thinking about traffic fatalities and serious injuries—that they are not inevitable.

Vision Zero is a multi-faceted approach to safety in Bellevue that would:

- Design and manage streets to encourage safe and context-appropriate behavior of all roadway users;
- Provide infrastructure that accommodates all travel modes, and creates a protected environment for the most vulnerable users;
- Build a complete and connected non-motorized transportation network that supports people who are walking and bicycling;
- Educate the community to instill awareness and respect for one another in the environment of shared streets; and
- Enforce traffic safety laws with emphasis on roadways and intersections that have high collision rates, and especially where collisions involve vulnerable road users.

The city intends to make streets safe for everyone. Support for these efforts exists in the form of Comprehensive Plan policies, ongoing safety programs, Council direction, and endorsement of design manuals. Vision Zero goes one step farther in that it would succinctly and explicitly embed city policies and efforts into a unifying framework.

Existing policies, programs, direction and endorsements include:

- Comprehensive Plan: Council adopted the Transportation Element in August 2015 as part of the ten-year Comprehensive Plan update. Transportation Element policy addresses the safety for all users of the transportation system.
- Pedestrian and Bicycle Implementation Initiative (PBII): PBII is a complement of action-oriented efforts that will advance the implementation of the 2009 Pedestrian and Bicycle Transportation Plan to make Bellevue a great place to walk and bike.
- U.S. Department of Transportation Mayor’s Challenge: Along with 200 other cities across the nation, the city of Bellevue—in April 2015— joined the U.S. Department of Transportation Challenge for Safe People, Safer Streets, to encourage mayors and local elected officials to take significant action to improve the safety for people while they are walking or riding a bicycle. Each jurisdiction takes an approach targeted to the needs of the community, while staying true to the idea that human errors in judgment shouldn’t lead to death and serious injury.
- National Association of City Transportation Officials (NACTO): In March 2014, the city of Bellevue endorsed the NACTO Urban Street Design Guide to recognize that streets must be designed in a manner that is safe, sustainable, multi-modal and context-appropriate for all users.

### **Transportation Element Policies – Support for Safety**

Policies in the Transportation Element support the Transportation Vision of a system that integrates leading safety and efficiency techniques to provide safe and reliable mobility options for people wherever they need to go throughout the city, for whatever

purpose they are traveling, and whether they are walking, riding a bicycle, taking transit and/or driving a car.

The goal of the Transportation Element and its supporting policies articulate the safety considerations for the transportation system design, operation and maintenance.

**Transportation Element Goal** “To maintain and enhance a comprehensive multimodal transportation system to serve all members of the community.”

**Roadways Chapter** - *Policies that address management of the city’s street system to meet community mobility needs.*

**TR-53.** Maintain and enhance safety for all users of the roadway network.

**TR-55.** Maintain a collision reduction program to identify high collision locations, evaluate potential safety improvements and implement recommended changes.

**TR-56.** Provide street lighting where needed and appropriate based on neighborhood context to improve visibility and safety while minimizing light/glare spillover.

**TR-57.** Minimize visual distractions, extraneous objects, and excessive clutter along arterials.

**TR-58.** Minimize the number of driveways on arterials to improve the pedestrian environment and reduce the potential for pedestrian and vehicle collisions.

**Transit** - *Policies that address the provision of transit service and access to transit in Bellevue.*

**TR-76.** Develop and maintain safe and convenient pedestrian access to transit stops and stations, through shared responsibility with transit providers, that:

1. Provides short, direct routes within a ten-minute walk;
2. Designs the pedestrian environment to be usable by all people, to the greatest extent possible, without adaptation;
3. Maximizes safety for pedestrians at street crossings; and
4. Gives priority to pedestrian access and safety.

**TR-77.** Facilitate intermodal transfers and increased access to transit stations through partnerships with public and private providers of transit and shuttle services with an emphasis on safety for people transferring between the station platform and the various modes.

**TR-91.** Implement standards and guidelines to create transit stations that are valued places in the community by providing:

1. Comfortable and safe access to the surrounding community;
2. Space that is comfortable for both large and small numbers of people; and

3. Design that encourages social interaction.

**TR-94.** Maintain and enhance safety when incorporating high capacity transit along Bellevue streets, through the use of street design features, materials, street signage and lane markings that provide clear, unambiguous direction to drivers, pedestrians, and bicyclists.

**TR-97.** Ensure that agreements with transit providers include elements to provide long-term safety and security, operation and maintenance of stations.

**Pedestrian and Bicycle Transportation Chapter - *Policies that address increasing the opportunities to provide people with safe, comfortable and connected pedestrian and bicycle facilities in Bellevue.***

**TR-105.** Implement the Pedestrian and Bicycle Transportation Plan and prioritize projects that:

1. Address safety issues;
2. Provide access to activity centers;
3. Provide access to the transit and school bus systems;
4. Complete and connect planned pedestrian or bicycle facilities;
5. Develop primary north-south and east-west bicycle routes through the city;
6. Improve multimodal level of service along travel corridors; and
7. Serve residents who have special accessibility needs.

**TR-109.** Ensure that a safe, permanent, and convenient alternative facility is present prior to the permanent vacation of an off-street pedestrian or bicycle facility.

**TR-110.** Support education and information programs to promote a share the road/share the trail message.

**TR-116.** Improve the opportunities for pedestrians to safely cross streets at intersections and designated mid-block locations.

**Neighborhood Protection Chapter - *Policies that address how the city will protect neighborhoods from impacts associated with the transportation system, such as noise, congestion, and cut-through traffic in coordination with the policies of the Neighborhoods Element.***

**TR-145.** Preserve the safety and livability of residential streets through an adequately funded neighborhood traffic safety program.

**TR-153.** Employ traffic calming measures to slow vehicular travel speed along residential streets and to reduce the volume of cut-through traffic.

## **Transportation Commission Review and Recommendation**

The Transportation Commission found policy support in the Transportation Element, as indicated in the previous section, for existing programs and projects intended to address safety issues for people using the transportation system in Bellevue, especially the people who are most vulnerable to serious injury or death from collisions with motorized vehicles. The Commission determined, however, that more could be done, and that a comprehensive, coordinated and programmatic approach to traffic safety under Vision Zero would help Bellevue maintain, enhance and monitor progress in a citywide effort to achieve zero traffic deaths and serious injuries by 2030.

Having reviewed the Transportation Element of the Comprehensive Plan and a potential Vision Zero framework in study sessions on January 14 and February 11, 2016, the Transportation Commission recommended several policy amendments (Attachment 2). These policy recommendations were offered to the Council on March 7, 2016 in response to direction from Resolution 9035. New and amended policies would be integrated in the appropriate chapter of the Transportation Element, supported by background narrative that describes the intent of Vision Zero.

### Transportation Commission Transmittal

In their transmittal messages to the Council, Transportation Commission Chair Scott Lampe and Vice-Chair Janice Zahn noted that while existing safety programs in Bellevue give the city a relatively low rate of collisions and injuries compared to other cities in the region, there is still some work to do to achieve the goal of Vision Zero. Mr. Lampe noted that over the past 10 years there have been about 40 collisions per year that resulted in injury to pedestrians, 30 collisions per year with injury to bicyclists, and about 400 collisions annually that resulted in injury to people driving cars. Of those collisions, a total of 15 have resulted in a fatality. Without focusing specifically on the causes of these collisions, the Commission instead determined that additional steps could be taken as we strive to reduce serious injury and death toward zero.

For instance, documentation of injury collisions is not in a format that is readily searchable. One of the benefits of a programmatic approach in a Vision Zero Action Plan would be to develop a searchable database that could be used to inform project design and funding priorities.

The Transportation Commission heard from the community and worked with staff during two study sessions to explore all of the existing policies in the Comprehensive Plan that support programs and projects that advance traffic safety. Mr. Lampe acknowledged the excellent programs, such as the Neighborhood Traffic Safety Program, and the Accident Reduction Program that help people to be safe while driving, walking and riding bicycles.

Ms. Zahn noted that the city can and should do more to promote safety on city streets. A Vision Zero framework in Bellevue would be based on the 6 E's of traffic safety:

- **Education:** Inform residents about traffic laws and safe behavior for travelers of all ages and abilities
- **Encouragement:** Provide incentives for safe behavior
- **Enforcement:** Implement strategies to more effectively enforce traffic laws and regulations
- **Engineering:** Employ street design techniques to make streets safe for everyone, especially for the most vulnerable users
- **Equity:** Ensure that safety applies to everyone no matter who you are, what mode you are using, or where in the city you are traveling
- **Evaluation:** Monitor progress, adjust strategies, and celebrate success

Bellevue currently does all of these “Es” to some degree, but lacks an overarching framework for safety that Vision Zero would provide.

The Commission reviewed each of the policies in the Transportation Element and determined that it would be helpful to integrate new policy support related to Vision Zero. Ms. Zahn reiterated that an important policy recommendation is to establish a Vision Zero Action Plan that would take a comprehensive and programmatic approach to traffic safety. Such a programmatic approach would require additional data – to better understand where and why collisions are occurring – and perhaps also to add emphasis on some or all of the six traffic safety “Es” in the effort to achieve zero deaths and serious injuries. There may be a budget implication to develop and implement a programmatic approach. However, such an approach would help make existing programs more effective and possibly identify new ways achieve the goal of Vision Zero.

### **Council Action – Initiating a Comprehensive Plan Amendment**

Having received the Transportation Commission recommendation, the Council unanimously approved the following Motion:

“Initiate a Comprehensive Plan Amendment proposal into the 2016 CPA work program, under *LUC 20.30I.B.1.a*, for policies within the Transportation Element informed by Vision Zero, as recommended by the Transportation Commission.”

Council action to initiate a Vision Zero Comprehensive Plan amendment begins the process of public and environmental review of this policy recommendation in the context of all proposed policy amendments this year.

## **NEXT STEPS**

Beginning with this Planning Commission study session on March 23, 2016, and in subsequent meetings, Transportation Department staff will work with the Planning Commission to represent the Transportation Commission's recommendation.

## **ATTACHMENTS**

1. Resolution 9035
2. Vision Zero Transportation Commission Policy Recommendation

3302-RES  
12/7/2015

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 9035

A RESOLUTION endorsing Vision Zero, for the city of Bellevue to strive to achieve zero traffic deaths and serious injuries on Bellevue streets by 2030, and directing the Transportation Commission to review the Comprehensive Plan to determine if any updates, revisions, or additional policies are warranted in light of Vision Zero and other transportation network goals.

WHEREAS, the worldwide Vision Zero movement is founded on the belief that death and injury on city streets is unacceptable and preventable; and

WHEREAS, the life, safety and health of residents, employees and visitors to Bellevue is the City Council's highest priority; and

WHEREAS, in the past decade there have been over 450 collisions involving pedestrians and fifteen people have lost their lives as result of collisions on streets in Bellevue; and

WHEREAS, the U.S Department of Transportation, through the Mayor's Challenge for Safe People, Safer Streets has challenged mayors and local elected officials to take significant action to improve the safety of transportation networks for pedestrians and bicyclists of all ages and abilities; and

WHEREAS, the City of Bellevue has endorsed the National Association of City Transportation Officials (NACTO) Urban Street Design Guide to recognize that streets must be safe, sustainable, resilient, multi-modal and economically beneficial for all users; and

WHEREAS, cities and states around the country, including the State of Washington and the cities of Seattle and Kenmore, have established Vision Zero/Target Zero initiatives specifically focused on the needs of the agency; and

WHEREAS, the Transportation Element of the Bellevue Comprehensive Plan provides policy intent and support for a wide range of traffic safety measures; and

WHEREAS, the City of Bellevue implements programs, services and standards that are foundational to the Vision Zero movement that utilize education, targeted enforcement, implement best design practices, provide encouragement and incorporate evaluation to enhance traffic safety; and

WHEREAS, examples of Bellevue's traffic safety programs and services include the Accident Reduction Program, Neighborhood Traffic Safety Program,

police enforcement, school zone safety initiatives, and signal and street lighting improvements; and

WHEREAS, the Bellevue Pedestrian and Bicycle Transportation Plan identifies projects to complete a safe and connected non-motorized transportation system in Bellevue; and

WHEREAS, the Pedestrian and Bicycle Implementation Initiative seeks to define priorities with a focus on accelerating the rate of completion of the projects identified in the Pedestrian and Bicycle Transportation Plan; and

WHEREAS, a Comprehensive Plan amendment to incorporate Vision Zero could provide the policy framework to advance traffic safety improvements in a coordinated manner throughout the Bellevue transportation system; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES  
RESOLVE AS FOLLOWS:

Section 1. The City of Bellevue endorses Vision Zero as part of a comprehensive effort to strive to achieve zero traffic deaths and serious injuries on Bellevue streets by 2030.

Section 2. The City Council directs the Transportation Commission to review the existing Comprehensive Plan to determine if any updates, revisions, or additional policies are warranted in light of Vision Zero and other transportation network goals. The Transportation Commission will report its findings and recommendations to the City Council for its consideration in determining whether to initiate any Comprehensive Plan amendments.

Passed by the City Council this 7<sup>th</sup> day of December, 2015,  
and signed in authentication of its passage this 7<sup>th</sup> day of December,  
2015.

(SEAL)

  
\_\_\_\_\_  
Claudia Balducci, Mayor

Attest:

  
\_\_\_\_\_  
Kyle Stannert, Acting City Clerk

**VISION ZERO  
BELLEVUE**



**TOWARD ZERO FATALITIES AND SERIOUS INJURIES  
ON BELLEVUE STREETS**

**Transportation Commission Recommendation for 2016 Comprehensive Plan Amendment**

**Initiated by Motion of the City Council on March 7, 2016**

**Transportation Element – Vision Zero Policy Amendments**

**Roadways Chapter**

**Roadways** - *Policies that address design and management of the city's street system to meet community mobility needs and safety expectations.*

- **TR-A.** Strive to achieve zero traffic deaths and serious injuries on Bellevue streets by 2030.
- **TR-B.** Develop a programmatic approach to Vision Zero that integrates components of Education; Encouragement, Enforcement; Engineering; Equity; and Evaluation.
- **TR-C.** Design and manage streets to foster safe and context-appropriate behavior of all roadway users.
- **TR-53.** Maintain and enhance safety for all users of the roadway network, regardless of demographics and geography.
- **TR-55.** Maintain a collision reduction program to identify high collision locations, evaluate and prioritize potential safety improvements and implement recommended changes.

**Pedestrian and Bicycle Transportation Chapter**

**Pedestrian and Bicycle Transportation** - *Policies that address increasing the opportunities to provide people with safe, comfortable, protected and connected pedestrian and bicycle facilities in Bellevue.*

- **TR-D.** Strive to provide separation between motorized vehicles, pedestrians, and bicyclists, as feasible, reasonable and appropriate to the context.

## **Accompanying Narrative in the Transportation Element**

### **Vision Zero**

Bellevue City Council Resolution 9035 (December 17, 2015) endorsed Vision Zero – recognizing that death and serious injury on city streets is unacceptable and preventable. Policies related to Vision Zero are integrated throughout the Transportation Element to support implementing context-appropriate traffic safety measures for all travel modes and to emphasize protecting the most vulnerable users. In a comprehensive, coordinated and programmatic manner, Bellevue will maintain, enhance and monitor progress in a citywide effort to achieve zero traffic deaths and serious injuries by 2030.

#### **WHAT IS VISION ZERO?**

Vision Zero is an approach to traffic safety that has the ultimate goal of ending traffic deaths and serious injuries. It is a framework for a multi-faceted approach to create a transportation system that is safe for all users. Components of a Vision Zero programmatic approach to safety include several categories of actions: Education; Encouragement; Enforcement; Engineering; Equity; and Evaluation.



March 23, 2016

**SUBJECT**

FAR Increase for Assisted Living Uses through Provision of Affordable Housing  
File No. 16-126684 AD

**STAFF CONTACT**

Carol Helland, Land Use Director  
Development Services Department

452-2724 [chelland@bellevuewa.gov](mailto:chelland@bellevuewa.gov)

Terry Cullen, Comprehensive Planning Manager 452-4070 [tcullen@bellevuewa.gov](mailto:tcullen@bellevuewa.gov)  
*Planning and Community Development*

**DIRECTION NEEDED FROM PLANNING COMMISSION**

- Action
- Discussion
- Information

**DISCUSSION**

On December 14, 2015, representatives of Aegis Living came before the Council in Oral Communications with a request to initiate and expedite a Land Use Code Amendment (LUCA) that would affect their property in the BR-MO District. They presented specific LUCA language that would allow the maximum floor area dedicated to “assisted living” use in the Bel Red Medical Office District (BR-MO) to exceed the base FAR of 1.0 up to a maximum FAR of 2.0, subject to provision of a fee-in-lieu affordable housing incentive.

The City Council discussed the merits of undertaking a code amendment to achieve the objectives of the Aegis Living proposal on February 1 and March 7, 2016. On March 7, after consideration of the Aegis request and recommendations made by staff, the Council initiated a LUCA to enable increased density in multifamily districts city-wide for assisted living where combined with on-site or fee-in-lieu provision of affordable housing.

The LUCA presented this evening for Planning Commission review enables the density increase in BelRed and Downtown where residential density is currently governed by FAR. Eastgate does not currently govern residential density by FAR, but that approach is under consideration as part of the Eastgate/I-90 Corridor Code Amendment Initiative. Because the framework for the provision of amenities in the Eastgate is currently under consideration by the Planning Commission as part of that code amendment initiative, increased density for affordable housing in Eastgate will be evaluated as part of the

amenity bonus program for that area when the land use plan is developed later this year. The LUCA presented to the Planning Commission this evening focuses on BelRed and Downtown, where the code framework already exists to support this Housing Strategy “early win.”

The LUCA presented this evening for Planning Commission consideration applies in all areas of the BelRed subarea where:

1. Residential density is governed by FAR
2. The FAR Amenity System does not apply, and
3. Assisted living, congregate care and nursing home uses are permitted.

The resulting amendment would expand the excepted FAR for affordable housing uses to the BelRed-Medical Office (BR-MO) and BelRed-Office Residential (BR-OR) land use districts. The balance of the districts either except affordable housing as an amenity currently, or do not permit assisted living, congregate care and nursing home uses. Therefore, amendments to the code outside these two land use districts are not necessary to achieve the Council direction. In Downtown, excepted FAR for affordable housing uses would be permitted in any land use district where assisted living, congregate care or nursing home uses are allowed.

Where the amendment is applicable, the new language would except up to 1 FAR of affordable housing from the calculation of FAR for a residential project if certain criteria are met. If the affordable housing is provided on-site, the amount of excepted FAR would be negotiated through a development agreement and the affordable housing would be required to meet applicable design criteria, a public benefit must be shown to be derived from development of affordable housing at the proposed location, and an agreement must be executed with the City to ensure that the affordable housing remains on the site for the life of the project.

If the affordable housing is not provided on-site, the applicant is required to pay a fee-in-lieu, and must execute an agreement with the City to ensure that the use remains dedicated to assisted living, congregate care or nursing home for the life of the project. In BelRed, calculation of the in-lieu-fee would be based on the affordable housing amenity rates adopted into the BelRed code. Affordable housing is not currently an amenity offered in the Downtown code. As a result, payment of the in-lieu-fee in Downtown would be negotiated through a Council-approved development agreement.

A draft LUCA for Planning Commission consideration is included with this memorandum as Attachment A. Sections of the Land Use Code that are relevant to the Planning Commission consideration of the LUCA have been included with this memorandum as Attachment B for ease of reference.

## **NEXT STEPS**

The Planning Commission is being asked to review the materials prepared by staff to develop a LUCA that enables increased density in BelRed and Downtown for assisted

living where combined with on-site or fee-in-lieu provision of affordable housing. As indicated above, development of LUCA language necessary to enable increased density for assisted living uses in Eastgate will be undertaken as a component of that workprogram later this year.

The targeted timing to bring this LUCA forward through the Planning Commission review process is as follows:

<b>Targeted Timing</b>	<b>Milestones</b>
<b>March</b>	<ul style="list-style-type: none"> <li>• Introduction of the topic to the Planning Commission (3/23)</li> <li>• Notice of Application (SEPA/Public Hearing)</li> </ul>
<b>April</b>	<ul style="list-style-type: none"> <li>• Study Session to finalize code for Public Hearing</li> <li>• Issuance of SEPA Threshold Determination</li> </ul>
<b>May</b>	<ul style="list-style-type: none"> <li>• Public Hearing</li> <li>• Finalize Planning Commission recommendations to Council</li> </ul>
<b>June</b>	<ul style="list-style-type: none"> <li>• Council Study Session</li> <li>• Council Action</li> </ul>

**ATTACHMENTS**

- A. Draft Land Use Code Amendment
- B. Land Use Code Sections relevant to Planning Commission Review

**FAR Increase for Assisted Living Uses though Provision of Affordable Housing  
File No. 16-126684 AD**

Section 1. Land Use Code Section 20.25A.020.B.3 is hereby amended as follows:

B. Exceptions to Dimensional Requirements.

.....

3. Floor Area Ratio Exceptions.

a. Up to a maximum of 1.0 FAR of the floor area in a project limit that is devoted to retail activities will not be counted for the purpose of calculating FAR in the proportions set forth in LUC 20.25A.115, so long as the retail activities are designed and located in compliance with:

i. LUC 20.25A.115;

ii. Guidelines 2 and 3 for “A” Rights-of-Way in Section IV.F of the Design Guidelines –Building/Sidewalk Relationships; and

iii. If applicable, Guidelines and Standards for Upper Level Retail in Section IV.F of the Design Guidelines – Building/Sidewalk Relationships.

b. In the area of the Downtown bounded on the west by Bellevue Way, on the east by 112th Avenue NE, on the south by NE 4th Street and on the north by NE 8th Street, the maximum Floor Area Ratio may be exceeded if the major pedestrian corridor is constructed as required by LUC 20.25A.100.E.1, or the major public open space is constructed as required by LUC 20.25A.100.E.4. The maximum Floor Area Ratio may only be exceeded by the amount provided for under the major pedestrian corridor amenity bonus, LUC 20.25A.030.C.16 or by the amount provided for under the major public open space amenity bonus, LUC 20.25A.100.E.4.d.vi, or by a combination thereof.

c. Up to 1 FAR of floor area dedicated to on-site affordable housing in a congregate care senior housing, nursing home or assisted living project shall not be counted for the purposes of calculating the FAR, provided that:

i. The square footage of excepted floor area shall be negotiated through a Council-approved development agreement that is consistent with Chapter 36.70B RCW;

ii. The bedroom mix and exterior finishes shall be comparable to the market rate units, but interior design, unit size, amenities and interior finishes may vary;

iii. A public benefit shall be derived from the development of affordable housing in the proposed location; and

iv. An agreement in a form approved by the City shall be executed by the applicant and recorded with the King County Record's Office, or its successor organization, requiring the affordable housing to remain for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

d. Up to 1 FAR of floor area dedicated to Congregate Care Senior Housing, Nursing Home, or Assisted Living uses shall not be counted for the purposes of calculating the FAR, provided that the applicant:

i. Pays a fee-in-lieu of providing on-site affordable housing, negotiated through a Council-approved development agreement that is consistent with Chapter 36.70B RCW, for each square foot of excepted floor area; and

ii. Executes and records with the King County Record's Office, or its successor organization, an agreement in a form approved by the City dedicating the excepted floor area to Congregate Care Senior Housing, Nursing Home, or Assisted Living uses for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

Section 2. Land Use Code Section 20.25D.080.B.3 is hereby amended as follows:

B. Exceptions to Dimensional Requirements.

.....

3. Floor Area Ratio Exceptions.

a. Per the FAR Amenity Incentive System, LUC 20.25D.090, floor areas dedicated to affordable housing, public restrooms, and child care/nonprofit uses shall not be counted for the purpose of calculating FAR.

b. Each square foot of ground floor retail and enclosed plaza meeting the criteria set forth below shall not be counted for the purpose of calculating FAR:

i. Ground Floor Retail Uses: Ground floor retail uses as defined in LUC 20.25D.130.A shall not be counted provided the following limitations are met:

(1) The ground floor retail shall only be eligible for exception if located within a multi-story, multi-use building;

(2) The ground floor retail shall meet the requirements set forth in LUC 20.25D.130.A, Bel-Red Subarea Development Standards, applicable to retail uses;

(3) Outside the nodes the maximum depth of tenant space eligible for exception is 60 feet; and

(4) Inside the nodes ground floor retail shall not be counted.

ii. Enclosed Plazas shall not be counted provided the following limitations are met:

(1) The enclosed plaza shall be clearly visible and accessible from the public right-of-way;

(2) The enclosed plaza shall coordinate with and complement ground floor retail uses to the maximum extent feasible;

- (3) At least 10 percent of the surface area of the enclosed plaza shall be landscaped;
- (4) The enclosed plaza shall contain at least one sitting space for each 100 square feet of plaza;
- (5) The enclosed plaza shall be a minimum size of 1,000 square feet;
- (6) Only 4,000 square feet of the enclosed plaza shall be excepted for the purpose of calculating FAR;
- (7) The enclosed plaza shall have a minimum horizontal dimension (width and depth) of no less than 20 feet;
- (8) The enclosed plaza shall be signed as “Public Access” and open to the public from 7:00 a.m. to 9:00 p.m. daily or during business hours, whichever is longer. The sign for the enclosed plaza shall be visible from the public right-of-way; and
- (9) Any use or feature for the exclusive use of the building users or tenants shall be counted for the purpose of calculating FAR.

c. In the BR-MO and BR-OR land use districts, up to 1 FAR of floor area dedicated to on-site affordable housing in a congregate care senior housing, nursing home or assisted living project shall not be counted for the purposes of calculating the FAR, provided that:

i. The square footage of excepted floor area shall be negotiated through a Council-approved development agreement that is consistent with Chapter 36.70B RCW;

ii. The bedroom mix and exterior finishes shall be comparable to the market rate units, but interior design, unit size, amenities and interior finishes may vary;

iii. A public benefit shall be derived from the development of affordable housing in the proposed location; and

iv. An agreement in a form approved by the City shall be executed by the applicant and recorded with the King County Record's Office, or its successor organization, requiring the affordable housing to remain for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

d. In the BR-MO and BR-OR land use districts, up to 1 FAR of floor area dedicated to Congregate Care Senior Housing, Nursing Home, or Assisted Living uses shall not be counted for the purposes of calculating the FAR, provided that the applicant:

i. Pays the residential fee-in-lieu of providing on-site affordable housing, pursuant to LUC Chart 20.25D.080.B.3.c, in the fee amount required by LUC Chart 20.25D.090.C for each square foot of excepted floor area; and

ii. Executes and records with the King County Record's Office, or its successor organization, an agreement in a form approved by the City dedicating the excepted floor area to Congregate Care Senior Housing, Nursing Home, or Assisted Living uses for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

Relevant Sections of the Land Use Code:

20.25D.070 Land Use Charts.

The following charts apply to Bel-Red. The use charts contained in LUC 20.10.440 do not apply within the Bel-Red land use districts.

Chart 20.25D.070

Residential Uses in Bel-Red Land Use Districts.

**Commented [HC1]:** included just for reference purposes, no amendments needed. Highlights point to where amendments would apply.

		Residential – Bel-Red Districts						
		Bel-Red Medical Office/ Node	Bel-Red Office Residential/ Nodes	Bel-Red Residential Commercial Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
STD LAND USE CODE REF	LAND USE CLASSIFICATION	BR-MO/ MO-1	BR-OR/ OR-1 OR-2	BR-RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR-ORT
1	Residential (1)							
	Single-Family Dwelling		P 2/		P 2	3	P 2	P
	Two to Four Dwelling Units Per Structure		P/P	P	P	3	P 2	P
	Five or More Dwelling Units Per Structure (5)		P/P	P	P	3	P 2	P
12	Group Quarters: Dormitories, Fraternal Houses,							

**ATTACHMENT B**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential – Bel-Red Districts						
		Bel-Red Medical Office/ Node	Bel-Red Office Residential/ Nodes	Bel-Red Residential Commercial Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR-MO/ MO-1	BR-OR/ OR- 1 OR-2	BR- RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR-ORT
	Excluding Military and Correctional Institutions, and Excluding Secure Community Transition Facilities							
	Rooming House (6)		P	P	P		P	P
13 15	Hotels and Motels	P/P	P/P	P		P	P	
	Congregate Care Senior Housing (1)	P/P	P/P	P	P		P	
6516	Nursing Home (1)	P/P	P/P	P	P		P	
	Assisted Living (1)	P/P	P/P	P	P		P	

**Commented [HC2]:**  
 FAR increase was identified by Council as appropriate anywhere residential density is governed by FAR. This LUCA would be applicable where:  
 1. assisted living is permitted and  
 2. the amenity chart currently does not apply

**ATTACHMENT B**

		Residential – Bel-Red Districts						
		Bel-Red Medical Office/ Node	Bel-Red Office Residential/ Nodes	Bel-Red Residential Commercial Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
STD LAND USE CODE REF	LAND USE CLASSIFICATION	BR-MO/ MO-1	BR-OR/ OR- 1 OR-2	BR- RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR-ORT
	Accessory Dwelling Unit (4)	P/	P/		P		P	P

Existing uses in the Bel-Red District are regulated pursuant to LUC 20.25D.060.

Key

- P – Permitted Use
- C – Conditional Use (see Parts 20.30B and 20.30C LUC)
- A – Administrative Conditional Use (see Part 20.30E LUC)

Notes: Uses in land use districts – Residential.

(1) An agreement shall be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain as senior housing for the life of the project.

(2) A minimum density of 10 units per acre shall be achieved for new single-family dwelling units. This requirement does not apply to work-live units.

(3) Work-live units are the only housing permitted in BR-GC.

(4) Accessory dwelling units may be established in existing or permitted (P) single-family structures subject to the performance criteria of LUC 20.20.120.

(5) Bicycle parking shall be provided pursuant to LUC 20.25D.120.G.

(6) See LUC 20.20.700 for general development requirements for rooming house.

**Commented [HC3]:**  
nyone who takes advantage of the FAR increase will need to keep the facility is permanent senior housing status for the life of the project.

**20.25D.080 Dimensional Requirements**

**Commented [HC4]:** ncluded just for reference purposes, no amendments needed. Highlights point to where amendments would apply.

**A. General.**

This subsection (Chart 20.25D.080.A, Dimensional Requirements in Bel-Red Districts) sets forth the dimensional requirements for each land use district in the Bel-Red Subarea. The Dimensional Requirements of Chart 20.20.010 do not apply in the Bel-Red Land Use Districts. Each structure, development, or activity in a Bel-Red Land Use District shall comply with these requirements except as otherwise provided in this section. If a number appears in a box at the intersection of a column and a row, the dimensional requirement is subject to the special limitation indicated in the corresponding Note.

Chart 20.25D.080.A

Dimensional Requirement in Bel-Red Districts.

Bel-Red Land Use District (19)	Tower Type (1) (17)	Minimum Setbacks/Stepbacks (3) (5) (7) (8) (10)			Gross SF/Floor Above 40 ft. (gsf/f) (16) (20) (21)	Gross SF/Floor Above 80 ft. (gsf/f) (16) (20) (21)	Maximum Impervious Surface/Lot Coverage (6)	Building Height (4)(22)		Floor Area Ratio (4) (9)		
		Front	Rear	Side				Base	Max.	Base	Max.	
MO-1	Nonresidential				28,000	28,000						
OR-1		0 (2)	0 (14)	0 (14)			75%	45	150	1.0	4.0	
RC-1	Residential				28,000/12,000	9,000						
OR-2	Nonresidential				28,000	28,000						
RC-2		0 (2)	0 (14)	0 (14)			75%	45	125	1.0	4.0	
	Residential				28,000/12,000	9,000						
RC-3	Nonresidential				28,000			45	70	1.0	4.0	
(15)		0 (2)	0	0		NA	75%	(13)	(13)			
	Residential				28,000							
CR (15)	Nonresidential				28,000			45	70	1.0	2.0	
		0 (2)	0	0		NA	75%	(13)	(13)			

**ATTACHMENT B**

Bel-Red Land Use District (19)	Tower Type (1) (17)	Minimum Setbacks/Stepbacks (3) (5) (7) (8) (10)			Gross SF/Floor Above 40 ft. (gsf/f) (16) (20) (21)	Gross SF/Floor Above 80 ft. (gsf/f) (16) (20) (21)	Maximum Impervious Surface/Lot Coverage (6)	Building Height (4)(22)		Floor Area Ratio (4) (9)	
		Front	Rear	Side				Base	Max.	Base	Max.
			Residential							28,000	
R	Nonresidential	0 (2)	0	0	NA	NA	75%	30	45	1.0	2.0
	Residential										
MO	Nonresidential	0 (2)	0	0	28,000	NA	75%	70	70	1.0	1.0
OR	Residential				28,000						
GC	Nonresidential	0 (2)	0	0	NA	NA	75%	45	45	1.0	1.0
	Residential										
ORT	Nonresidential	20	30	20	NA	NA	75%	45(11)	45 (11)	0.75	0.75
	Residential										
All	Parking (12) (18)				NA	NA	75%	30	30	0.5	0.5

Notes: Chart 20.25D.080.A Dimensional Requirement in Bel-Red Districts.

(1) For the purposes of this chart, a tower is determined to be nonresidential or residential if more than 50 percent of the gross floor area of the tower is devoted to that use. This distinction does not apply to the requirement for providing FAR amenities per this Part.

(2) Where building height exceeds 45 feet, and the building is located within 15 feet of the front property line, the building shall incorporate a 15-foot-deep stepback in that facade at a height no more than 40 feet above the average finished grade along that facade.

## ATTACHMENT B

- (3) All rear and side yards shall contain landscaping as required by LUC 20.20.520 and 20.25D.110.
- (4) The maximum building height and FAR may be achieved only by participation in the FAR Amenity System, LUC 20.25D.090.
- (5) A building facade on any street identified as a Required Sidewalk-Oriented Development pursuant to LUC 20.25D.130.C shall incorporate a 15-foot-deep stepback in that facade at a height no more than 40 feet above the average finished grade along that facade.
- (6) Impervious Surface/Lot Coverage is calculated after subtracting all critical areas and critical area buffers; provided, that coal mine hazards (LUC 20.25H.130) and habitat associated with species of local importance (LUC 20.25H.150) shall not be subtracted. See LUC 20.20.460 for exceptions and performance standards relating to impervious surface.
- (7) See LUC 20.20.030 for designation and measurement of setbacks.
- (8) See LUC 20.25H.035 for additional critical area setbacks.
- (9) See LUC 20.25H.045 for calculation of density/intensity on sites in the Critical Areas Overlay District.
- (10) Certain non-critical area setbacks on sites in the Critical Areas Overlay District may be modified pursuant to LUC 20.25H.040.
- (11) Maximum building height in the BR-ORT land use district shall be measured from average existing grade. See LUC 20.25D.130.D.4.d for additional transition edge development requirements.
- (12) The ground floor of a parking structure shall include required ground floor uses pursuant to LUC 20.25D.130.A.
- (13) Maximum building height west of 156th Avenue NE. Maximum building height located within 50 feet of the back of sidewalk along 156th Ave NE shall not exceed 45 feet as measured from the sidewalk grade adjacent to the building front. Maximum building height located greater than 50 feet from the back of sidewalk along 156th Ave NE shall not exceed 70 feet as measured from average existing grade.
- (14) Where building height exceeds 80 feet, all floors above 40 feet shall include a minimum side setback of 25 feet and a minimum rear setback of 25 feet as measured from the property line. Where building heights

## ATTACHMENT B

exceed 80 feet, a minimum separation of 50 feet for buildings on the same site shall be maintained for all floors above 40 feet. See subsection B of this section for exceptions to this minimum setback/stepback dimensions.

(15) Maximum facade lengths west of 156th Avenue NE. The facade of any single building fronting on 156th Ave NE shall not exceed a maximum length of 150 feet. All buildings or portions of buildings located above the sidewalk grade measured adjacent to 156th Ave NE shall include a minimum building separation of 40 feet. The required minimum separation shall provide for a continuous building separation corridor that extends from 156th Ave NE to Bellevue-Redmond Road.

(16) Gross square feet per floor may be averaged for floor plates located above 40 feet.

(17) For the purposes of determining tower type, hotels and motels shall be considered nonresidential.

(18) For parking structure minimum setbacks refer to specific land use district.

(19) In the OR-1 and OR-2 Land Use Districts, all new development located on any site greater than five acres and less than 30 acres in size on May 26, 2009, shall provide a minimum of 20 percent of total project gross square feet as residential use. A phased development shall provide the proportional minimum of residential use required per phase, except when approved as a component of a catalyst project Master Development Plan and the proportional development requirement is modified pursuant to a development agreement (see LUC 20.25D.035).

(20) The 28,000 gsf/f above 40 feet applies only to towers that do not exceed 80 feet. For residential towers, the maximum gross square feet per floor above 40 feet and at or below 80 feet is 12,000 gsf/f. For residential towers the maximum gross square feet per floor above 80 feet is 9,000 gsf/f.

(21) Denotes roof height above average finished grade.

(22) Variance from building height pursuant to Part 20.30G LUC is not permitted in any Bel-Red land use district.

### Relevant Definitions

**Assisted Living.** An establishment which provides living quarters and a variety of limited personal care and supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent or nursing home. These facilities may consist of individual dwelling units

## ATTACHMENT B

of a barrier-free design, with separate bathroom facilities, a full kitchen or no kitchen. The facility may provide a minimal amount of supportive health care monitoring, such as assistance with medication, but is limited to health care services which do not require state or federal licensing. In addition, these facilities may have a communal dining area, recreation facilities (library, lounge, game room), laundry facilities and open space.

**Congregate Care Senior Housing.** A complex of dwellings, exclusively designed for and occupied by households having at least one person 62 years of age or older, which provides common facilities such as but not limited to dining, recreation, and practical nursing care. Some of the dwellings may contain kitchens; some may not. For purposes of this definition, a kitchen is defined as an area containing a refrigerator, range, 220 volt oven and a sink which are permanent to the unit.

**Nursing Home.** Any home, place or institution which operates or maintains facilities providing convalescent or chronic care, for 24 consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operating to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this Code; provided, that any nursing home providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW [71.12.560](#) and [71.12.570](#). See Chapter [18.51](#) RCW.



## Proposed, Upcoming Planning Commission Schedule March 23, 2016

The Bellevue Planning Commission typically meets on the second and fourth Wednesdays of each month. Meetings begin at 6:30 p.m. and are held in the Council Conference Room (Room 1E-113) at City Hall, unless otherwise noted. Public comment is welcome at each meeting.

*The schedule and meeting agendas are subject to change.* Please confirm meeting agendas with city staff at 425-452-6868. Agenda and meeting materials are typically posted no later than the Monday prior to the meeting date on the city's website at:

<http://www.bellevuewa.gov/planning-commission-agendas-2016.htm>

<b><u>Date</u></b>	<b><u>Tentative Agenda Topics</u></b>
April 13, 2016	<ul style="list-style-type: none"><li>• Study Session, Height and Form (continued), Incentive System, Proposed Downtown Livability Code Amendment.</li><li>• Study Session, Single Family Room Rental, Staff update on how the code is working.</li><li>• Quarterly Check-in (Planning Commission and City Staff)</li></ul>
April 27, 2016	<ul style="list-style-type: none"><li>• Study Session, Transit Oriented Development-Use and Physical Functionality, Proposed Eastgate Code Amendment.</li><li>• Public Hearing and Study Session, Assisted Living and Affordable Housing Bonus Incentive, Proposed City-wide Code Amendment.</li><li>• Study Session, Low impact Development (LID) Principles, Proposed City-wide Code Amendment.</li><li>• Study Session, Critical Areas, Proposed, City-wide Code Amendment.</li></ul>
May 11, 2016	<ul style="list-style-type: none"><li>• Final Commission Recommendations and Transmittal to City Council, Assisted Living and Affordable Housing Bonus Incentive, Proposed City-wide Code Amendment.</li><li>• Study Session, Incentive System, Open Space, Streetscape, Proposed Downtown Livability Code.</li></ul>
May 25, 2016	<ul style="list-style-type: none"><li>• Public Hearing and Study Session, Critical Areas, Proposed City-wide Code Amendment.</li><li>• Threshold Public Hearing and Study Session, 2016 Annual Comprehensive Plan Amendments.</li></ul>

- Study Session, Economic Functionality, Eastgate Transit Oriented Development Area, Proposed Eastgate Code Amendment.
- Study Session, Low impact Development (LID) Principles, Proposed City-wide Code Amendment.

June 8, 2016

- Final Commission Recommendations and Transmittal to Council, Critical Areas, Proposed City-wide Code Amendment.
- Study Session, Downtown Livability Incentive System, Proposed Downtown Livability Code.

June 22, 2016

- Study Session, Design Guidelines Transit Oriented Development, Neighborhood Mixed Use and Office Limited Business-2 zoning districts, Proposed Eastgate Code Amendment.
- Public Hearing and Study Session, Low Impact Development, Proposed City-wide Code Amendment.

**Cullen, Terry**

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**From:** Klaas Nijhuis <info@mailva.evite.com>  
**Sent:** Wednesday, March 16, 2016 4:35 PM  
**To:** PlanningCommission  
**Subject:** Message about ARCH Community Recognition Awards



## Event Update

### **ARCH Community Recognition Awards**

"Hi all, We hope you will be able to be part of the celebration. Could you take look at your calendar in the next day or so and let us know about your availability to attend. We are looking to finalize the food and drink order. Thanks, and looking forward to seeing you there."

[View Invitation](#)

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## Cullen, Terry

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**From:** Cullen, Terry  
**Sent:** Monday, March 14, 2016 4:36 PM  
**To:** Anne Morisseau; Jeremy Barksdale; John Carlson; John deVadoss; Laing, Aaron; Laing, Aaron; Michelle Hilhorst; PlanningCommission; Stephanie Walter; Stokes, John  
**Subject:** FYI: Lincoln Square Expansion Office Tower Topping Out Milestone

FYI Only

Hello Commissioners

Commissioner Anne Morisseau sent this information along and thought you might find it interesting. Please see the email and links below.

Sincerely

Terry Cullen, AICP  
Comprehensive Planning Manager  
City of Bellevue Planning and Community Development Department  
450 110<sup>th</sup> Ave NE  
Bellevue, WA 98004

TCullen@bellevuewa.gov  
(425) 452-4070

**From:** Anne Morisseau [mailto:anne.morisseau@gmail.com]  
**Sent:** Saturday, March 12, 2016 10:48 AM  
**To:** M Hilhorst <hilhorstm@hotmail.com>  
**Cc:** Cullen, Terry <TCullen@bellevuewa.gov>  
**Subject:** Lincoln Square Expansion Office Tower Topping Out Milestone  
**Importance:** High

Hi Michelle & Terry,

It was nice seeing you on Wednesday. It was quite an informative session.

Below, please find a link to more detailed information about the scope of the Lincoln Square Expansion. I thought maybe you may want to share with the rest of the commission.

Have a nice weekend.

Anne  
425.446.9942

**“ A society grows great when old men plant trees whose shade they know they shall never sit in.” –Greek proverb, Anonymous**



# BE IN THE KNOW

 Lincoln Square | EXPANSION

UPDATES AT THE BELLEVUE COLLECTION

COMMUNITY BUILDING  
*by* BUILDING *our* COMMUNITY



*Lincoln  
Square  
Expansion*

*Topping  
Out at  
the  
Office  
Tower*

March 11,  
2016

Today, a construction milestone was achieved as the final steel beam of the office tower at the Lincoln Square Expansion was ceremoniously hoisted into place.

[Click here](#) to learn more about this exciting occasion and newly announced retailers coming to The Expansion.

VISIT THE WEBSITE

[lincolnsquareexpansion.com/office](http://lincolnsquareexpansion.com/office)

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## Cullen, Terry

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**From:** Carol Ann Caparros <carolann@wepetitionandlobby.com>  
**Sent:** Sunday, March 13, 2016 12:05 PM  
**To:** PlanningCommission  
**Subject:** Water Treatment Safety

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



First Responders petition for safety standard at water treatment plants.

See First Responders Comments @  
[www.watertreatmentsafety.com](http://www.watertreatmentsafety.com)

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[Click here to unsubscribe](#)

## Cullen, Terry

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**From:** King, Emil A.  
**Sent:** Wednesday, March 09, 2016 1:49 PM  
**To:** PlanningCommission; Cullen, Terry  
**Subject:** FW: Livability Study Comment Letter  
**Attachments:** FinalPropValuesLet3216\_03 09 2016[2].pdf

**From:** Matt Anderson [mailto:manderson@htland.com]  
**Sent:** Wednesday, March 09, 2016 1:45 PM  
**To:** Stroh, Dan <DStroh@bellevuewa.gov>  
**Cc:** King, Emil A. <EAKing@bellevuewa.gov>; Natalie Price <NPrice@allisonpr.com>  
**Subject:** Livability Study Comment Letter

Dan:

On behalf of the Fortin Group, I would like to submit the attached comment letter for the Planning Commission's consideration. I look forward to seeing you at the meeting this evening.

Thanks

Matt

**Matt Anderson**  
PRINCIPAL & SENIOR PROJECT DIRECTOR

H E A R T L A N D

HEARTLAND LLC 1301 First Avenue Suite 200 Seattle, WA 98101

TEL 206 682-2500 EXT 131 • DIRECT 206 805-2468 • CELL 206 850-4035 • FAX 206 467-1429

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# HEARTLAND

March 9, 2016

Dan Stroh  
Director of Planning and Community Development  
City of Bellevue  
450 110<sup>th</sup> Ave. NE  
Bellevue, WA 98009  
*Via Email: [DStroh@bellevuewa.gov](mailto:DStroh@bellevuewa.gov)*

*RE: The Downtown Livability Study – The Value of Placemaking*

Dear Mr. Stroh:

As you know, Fortin Group is focused on positioning its Bellevue Village Property (zoned DNTN-MU with the B Overlay) to accommodate long-term redevelopment that will achieve many of the goals and ideals articulated in the Downtown Livability Study. Given that the Planning Commission is going to focus on FAR/height at their March 9 meeting, we feel this may be an opportune time to offer some perspectives on the relationship between quality placemaking and property values.

The following points summarize the key findings, which are discussed in more detail in the body of the letter:

1. Neighborhoods adjacent to downtowns benefit as new development brings amenity rich and pedestrian oriented urban spaces—placemaking creates value.
2. Over the past 20 years, the homes on the eastside of Vuecrest with their views of the evolving downtown skyline and proximity to services have increased in value at a slightly faster rate than the homes on the west side of the neighborhood with views of Lake Washington.

**Placemaking Creates Value:**

One of the primary challenges faced by every major planning initiative is stakeholders' fear of change. Most of this fear comes from concerns that the changes will have a negative effect on property values in adjacent neighborhoods. The data does not support such a conclusion in our experience. Our empirical understanding of property values is established through market activity—the buying/selling/renting over time establishes our perception of how the “market” values a particular asset.

It has been suggested that future home buyers (the “market” for their homes) will prefer – and therefore place a higher value on – the neighborhood as it exists today. Comparing the type of place created under the current “wedding-cake” zoning in Exhibit A (consisting of 6-9 story buildings with no public spaces) versus our vision in Exhibit B (pushing the same density into taller, slender towers), it is clear that current zoning would not allow for the creation of a major pedestrian oriented public space.

**Exhibit A: Development Under Existing Zoning**



Yet these are precisely the types of public spaces that home buyers and homeowners find highly desirable.

To address those who express concern about property values, we would ask the following questions:

- Will a future homebuyer value the ability to walk to and through activated, pedestrian oriented public plazas?
- Will current and future residents of the Northwest Village have a greater sense of place and neighborhood identity if there is a vibrant public space within which to build community?

We believe the answer to both questions is yes.

**Exhibit B: Fortin Vision**



Project for Public Spaces (PPS) is a highly regarded nonprofit planning, design and educational organization focused on creating great public spaces. If they have not done so already, we would encourage the Planning Commission to explore the deep resources on their website at [www.pps.org](http://www.pps.org). Exhibit C below details the wide range of public benefits associated with high quality placemaking. While higher real estate values are on the list, we are struck by the less quantifiable but more important benefits such as “sense of belonging” and “improved sociability.” There is only one opportunity to create this type of holistic value in the northwest village.

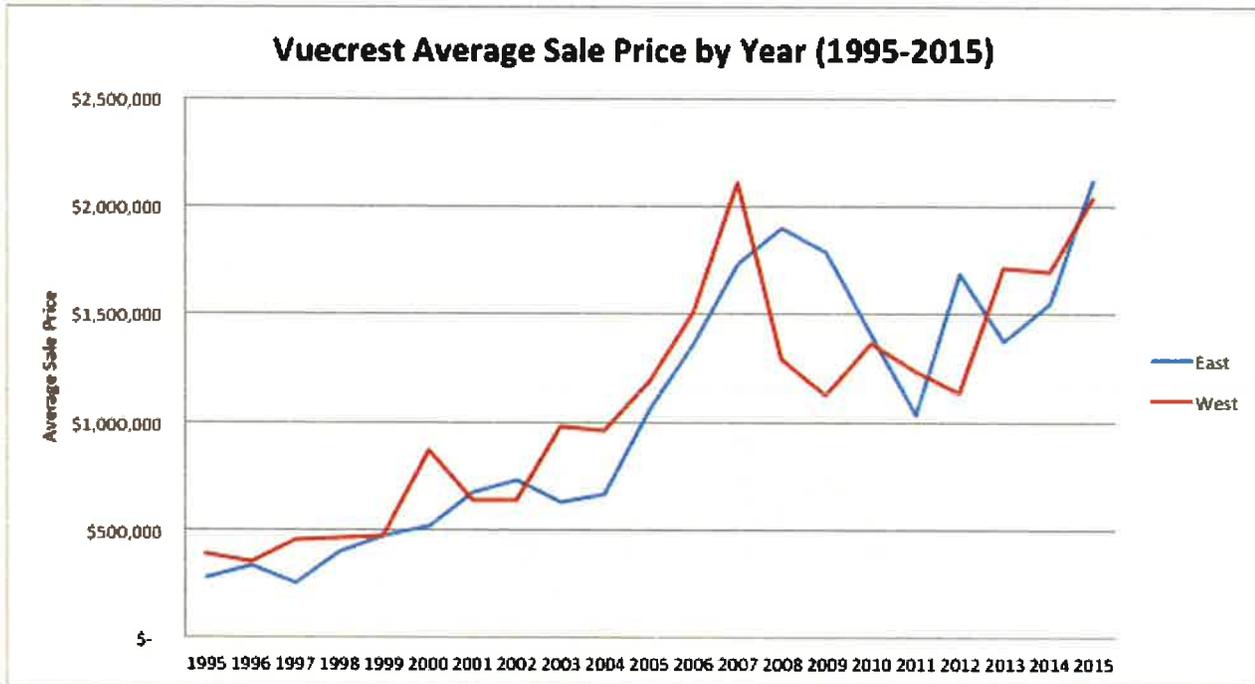
**Exhibit C: The Benefits of Great Places, Project for Public Spaces**



**The Value of the City View and Walk Scores:**

Any residential real estate agent can tell you about the value associated with “city views.” This value can also be quantified by looking at sales data. We reviewed all of the residential sales in the Vuecrest neighborhood between 1995 and 2015.

Vuecrest is a great case study in the value of views because it splits fairly evenly into a west half with views of Lake Washington and an east half with views of the evolving city skyline. The compound annual growth rate (CAGR) in home sale prices in the west half of the neighborhood over the 20 year period was 8.2 percent while the east half was 10.1 percent.



Water views are some of the most sought after in all of Puget Sound, so the slightly higher value appreciation in the east half of Vuecrest is somewhat surprising. Views are not, however, the only difference between the two halves of the neighborhood.

The west half of the neighborhood is between 1/3 and 2/3 of a mile from the amenities of Bellevue Village and downtown while most of the east side is within the magical 1/4 mile radius that is shown to draw people out of their cars. Walk Scores on the west side of the neighborhood are around 50 while the east side is in the 80s. In addition to bedrooms and walk-in-closets, homebuyers look at Walk Scores and views, and it is their incremental decision to buy that establishes property values.

While the data can't tell the entire story, it does help make the point that Vuecrest and other neighborhoods surrounding downtown will benefit from the growth of a downtown that combines great public spaces and a vibrant mix of uses to create a truly great sense of place.

We appreciate the complexity of revising the downtown zoning code and we look forward to working with City Staff, the Planning Commission and the City Council to find ways in which we can help nurture the downtown that Bellevue desires.

Sincerely,

HEARTLAND LLC

A handwritten signature in blue ink, appearing to read "Matt Anderson", with a long horizontal flourish extending to the right.

Matt Anderson  
Principal & Senior Project Director

CC: Emil King  
Patti Wilma  
Planning Commission Members

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

February 24, 2016  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-112

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

COMMISSIONERS ABSENT: Commissioner Morisseau

STAFF PRESENT: Mike Kattermann, Terry Cullen, Planning and Community Development Department; Patricia Byers, Development Services Department

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:34 p.m. by Chair Hilhorst who presided.

2. ROLL CALL

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

3. APPROVAL OF AGENDA

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

4. PUBLIC COMMENT

Mr. Jack McCullough spoke representing Beacon Capital Partners, owners of the Sunset North and Lincoln Executive Center properties in the Eastgate corridor. He noted that the group was actively involved in the Eastgate/I-90 study and were instrumental in bringing forward the transit-oriented development concept which ultimately was firmly embraced by the CAC. One site that came up in conversations with the CAC was referred to as Lot 10 at Sunset North. The small site, which is located directly across the street from the park and ride garage, is the best near-term infill development site for transit-oriented development in the entire subarea. It currently has no use committed to it, it is high and dry, and it is ready to go. The recommendation of the CAC was to designate the site for transit-oriented development and the Planning Commission should recommend the same. There will be some new owners of the property who will be eager to see it developed.

Ms. Michelle Wannamaker, 4045 149th Avenue SE, said the recently published Bellevue Transportation Demand Management Plan indicates that the number of workers in Eastgate is

expected to increase by 55 percent by 2027; the current 17,000 workers are projected to increase to more than 25,000, an increase of 9000 over 11 years. The report also sets as a goal having 42.8 percent of people in Bellevue using mass transit, bicycles and other non-motorized options by 2027. Subtracting the 42.8 percent from the 9000 translates into an additional 5000 vehicles on the streets of Eastgate. Everyone who drives through Eastgate will be affected, the residents of Eastgate in existing single family residential neighborhoods will pay the highest price. There are already issues with getting into and out of the neighborhoods, and there are issues involving cut-through traffic; 136th Avenue SE is so bad the neighbors have asked for a roundabout and speed bumps; and 146th Avenue SE is not far behind and likely will need a stop light at SE 36th Street. Allowing the growth will violate Comprehensive Plan Policy S-EG-3, which calls for encouraging office and retail land uses that take advantage of freeway access, transit service and non-motorized transportation alternatives without adversely impacting residential neighborhoods. If the city allows the growth and traffic gets too bad, it could adversely affect any businesses in the new transit-oriented development buildings. If traffic is too bad, people will simply not come to Eastgate at all. The Commission has the opportunity to do things right and to build infrastructure before allowing growth to occur. At the very least, growth should not be allowed in the OLB-2 on SE 36th Street because of the resulting impacts on the local neighborhoods.

Mr. Wenhong Fan, 3273 164th Place SE, voiced support for allowing Neighborhood Mixed Use as proposed. Bellevue is known for technology and beauty, and people like to live where there is easy access to the freeway, and where there are good schools. The Eastgate area has all of that the Neighborhood Mixed Use will make Eastgate even more livable and attractive for the years to come. Eastgate should be made into a friendly urban center like many other areas have done successfully, including along Westlake Avenue in the South Lake Union area of Seattle. Roadway infrastructure will be needed along with the growth to make all the pieces work together. Good planning will result in people wanting to come to the area, including businesses.

Ms. Alice Wong, 14521 SE 60th Street, also indicated support for the Neighborhood Mixed Use approach which will have a positive impact. The zone will be far more family friendly than a commercial zone. She said she drives her children to choir and swimming classes via 148th Avenue SE every day after school while traffic is bad. It would be good to bring infrastructure online before new development is permitted. Bellevue is growing fast and most residents are proud of that, but the challenges will need to be faced.

## 5. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS

Mayor Stokes praised the Commissioners for working through so many difficult issues. He said the Council was very happy to receive the low-hanging fruit options for the Downtown Livability Initiative process. The Council has agreed to move forward with the pedestrian crossway between the Kemper Development Company developments in the downtown. He said he intended to reserve time at an upcoming Commission meeting to provide a briefing on where the city intends to go over the coming year or two. One major planning effort being ramped up is the grand connection from Meydenbauer Bay to the east side of I-405.

## 6. STAFF REPORTS

Senior Planner Mike Kattermann reminded the Commissioners about the planning commissioner short course scheduled for March 2 at City Hall. He urged those interested in attending to sign up. He also reminded the Commissioners about the open house on March 9 which will start at 5:30 p.m. in the City Hall concourse, and noted that the regular meeting would start at 7:00 p.m.

## 7. DRAFT MINUTES REVIEW

### A. January 27, 2016

Mr. Kattermann pointed out that the edits to the first paragraph on page 7 and the last paragraph on page 12 requested by the Commission on February 10 had been made.

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

### B. February 10, 2016

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

## 8. STUDY SESSION

### A. Eastgate/I-90 Corridor Implementing Regulations

Code Development Manager Patricia Byers reminded the Commissioners that three new zones are proposed for the Eastgate corridor: EG-TOD, NMU and OLB-2. The latter is more complicated because it involves the areas covered by concomitant agreements and may be a zone that could be applied citywide. It grew out of the Eastgate/I-90 CAC study process, and gained support through the Comprehensive Plan update process in the form of Policy S-EG-X2, and the current focus is on drafting code language that supports the concept.

Ms. Byers explained that the OLB land use designation was originally all about the 70s and 80s office parks that were usually oriented toward highways and freeways. The OLB-2 as proposed is more generous with regard to allowed uses and allows for greater intensity. The idea is to have those who work in the office be able to easily walk to service and retail uses while providing easy access to highways, freeways and transit. The Eastgate/I-90 CAC highlighted its desire to see well-designed and attractive office environments developed on both sides of I-90. They also wanted to allow for infill growth to a maximum FAR of 1.0; allow for ground floor retail, service and restaurant uses to create a thriving district; develop safe and convenient pedestrian access; and build on the proximity of the area to the Mountains to Sound Greenway. Comprehensive Plan policies S-EG-3 and S-EG-4 support the proposed OLB-2 district, while Policy S-EG-6 specifically seeks to ensure that increases in impervious surface area or storm water runoff will not increase the quantity or worsen the storm water quality entering public drainage systems, streams, Phantom Lake, Lake Washington and Lake Sammamish. Since the 80s when the office parks were rezoned and developed, the storm water requirements have become much more stringent.

Commissioner Barksdale asked how policies are evaluated to determine if they are being implemented in ways that will achieve the desired outcomes. Ms. Byers said the work of transitioning from policy to concept to the Land Use Code belongs to the Commission. Mr. Kattermann added that most policies are qualitative in nature rather than quantitative. One way to measure how well policies are implemented is by looking at how the code matches up with the policies. Commissioner Barksdale said he would like to see accompanying language that specifically highlights what will actually be measured.

Ms. Byers noted that the issues of safety, convenience and access via an integrated internal circulation system is outlined in Policy S-EG-14. Connectivity within the subarea for pedestrians and bicycles is detailed in Policy S-EG-17, and the need to protect the surrounding neighborhoods from future development in the I-90 Business Park is called out in Policy S-EG-40.

Chair Hilhorst highlighted the importance of protecting the surrounding neighborhoods from future development and said she would like staff to come back with visuals.

Commissioner Carlson pointed out that the chief way the city deals with protecting the neighborhoods is by channeling the majority of growth into the already existing commercial areas such as Bel-Red and the downtown. Chair Hilhorst agreed but noted that the Commission's direction is to make some changes along the I-90 corridor, which in many places backs up to existing residential areas.

Commissioner Carlson asked if the park and ride lot is set for expansion in the next 15 to 20 years. Ms. Byers said there is no move to expand it as part of the current Eastgate/I-90 proposal. She said she would make inquiries as to whether there are any long-term plans to expand it.

Commissioner Walter pointed out that the entire Eastgate plan rests heavily on having adequate transit services. She said she recently attempted to ride a bus from Eastgate into Seattle at 9:00 a.m. and found all the buses to be full. The fact that transit service is lacking is disconcerting in that it is contributing to more cars on the streets. Ms. Byers said she would return with additional information about the transit plans for the area.

Comprehensive Planning Manager Terry Cullen reported that he had recently had a conversation with Ms. Wannamaker who voiced the same concern. The question raised then was what plans are being made by the transit authorities to accommodate all the additional office workers who will occupy the new developments in the Eastgate corridor. He said he is following up on the transit planning process. Commissioner Walter said one approach would be for the city to develop and operate its own shuttle service.

Chair Hilhorst asked if code changes could be put in place that are contingent on transit levels of service adequate to address the new growth. Commissioner Laing explained that by state law, new development cannot be allowed where there is inadequate transportation infrastructure. Level of service (LOS) acts like a report card to give grades ranging from A to F based on vehicle delay at signalized intersections, where F is complete gridlock. Jurisdictions are allowed to add development to the point of LOS F. In Bellevue, the LOS standards vary by area and are set by the City Council. In other words, the Council can set as a matter of policy how long vehicles can sit at intersections. Regionally, what cities have done instead of adding infrastructure or requiring more transit service is to simply lower the LOS thresholds. Issues relating to subarea equity, in which some areas are well served and others are not, have led to reductions in bus service and increased transit costs. The problems are real, but unfortunately the engineering solutions get tied up in the political processes that are outside the scope of the Planning Commission. Under the Growth Management Act, growth is supposed to pay for growth, and new development is not allowed to come online without a funded plan to also bring online the required infrastructure.

Mr. Kattermann explained that the Growth Management Act requires something called concurrency. The statute requires that there be a strategy in place to construct or fund the necessary infrastructure to support growth within six years of the new development that needs it. Jurisdictions are allowed to determine how much congestion they will permit. One jurisdiction

he recalled that has actually put a moratorium on development due to traffic concerns is King County, and that was done in the mid 90s. With regard to tying development to the provision of transit services, some jurisdictions have begun utilizing a multimodal approach that incorporates all modes of travel, not just vehicle delay at intersections. The city has begun the development of a multimodal approach.

Mr. Cullen said the challenge with transportation concurrency for communities like Bellevue lies in part with the fact that there is so much pass-through traffic. As far as the Eastgate area is concerned, the capacity on I-90 is probably too low to accommodate the peak flows, and the result is the communities around the freeway are impacted by not being able to freely access it. The local communities get punished so to speak because of the pass-through traffic. The multimodal approach is preferable in that it reflects a more integrated approach that better serves the community.

Turning to the issue of manufacturing uses in the OLB-2, Ms. Byers suggested the appropriate uses would be measuring, analyzing, controlling instruments, photographic, medical and optical goods, watches and clocks, and computer software. She informed the Commissioners that the footnotes in the OLB-2 use charts were not correct in the draft materials and would be corrected.

Commissioner Laing asked about food and beverage manufacturing and asked if that could include a brewery, a distillery, or a winery with a tasting facility. He noted that Footnote 6 allows such uses only where combined with an eating and drinking establishment. Ms. Byers said that footnote was included in the NMU district and if deemed appropriate could be used for the OLB-2 district as well. Commissioner Laing said it would be a good thing have a winery or a brewery within walking distance of offices and hotels, but he agreed the uses should only be allowed in conjunction with Footnote 6.

Commissioner Laing drew attention to apparel, fabric, accessories and leather goods manufacturing on the use chart and asked if that would include a boutique clothing store that makes its own goods to sell on site. He commented that the primary use would be retail but it would have a manufacturing component. The same could be true with shoes. Mr. Kattermann noted that the Commission had previously discussed the issue and concluded that it comes down to the level of activity for the different components. If the primary business is retail and the manufacturing is a minor component, the manufacturing is an accessory use and as such would be permitted even without Footnote 6. Ms. Byers said those same uses would not normally be appropriate for an office environment should the manufacturing component be the primary use and the retail sales a subordinate use.

Commissioner Barksdale asked if it would be appropriate to include an “S” in the use chart indicating uses allowed as subordinate to a primary use. Ms. Byers said the city has moved away from taking that approach by clearly defining subordinate use in another part of the code.

With regard to the recreation land use chart, Ms. Byers said as drafted uses that are generally compatible with an office environment, such as health clubs and art galleries, are shown as permitted outright, by administrative conditional use permit, or by conditional use permit, whereas large outdoor recreational uses, such as a zoo or a fairgrounds, are not permitted.

Commissioner deVadoss suggested that commercial amusements, video arcades and electronic games, should not be excluded. The other Commissioners concurred and concluded the use should be permitted outright. There also was agreement that the public assembly outdoor use would not be appropriate in the zone.

Chair Hilhorst asked if there are any paths in the Eastgate area that people might want to use on horseback. Mr. Kattermann said he could not think of any. There was agreement not to permit the stables and riding academies use.

With regard to residential uses, Ms. Byers pointed out that as drafted all types are permitted with the exception of single family dwellings, which are not permitted, and assisted living facilities, which require a conditional use permit.

Commissioner Laing said he was surprised to see assisted living allowed by conditional use. Ms. Byers said she would seek to know why the conditional use requirement came about in the draft.

Commissioner Carlson asked if any of the recommendations made at the behest of neighbors in the Spiritridge area would be trumped by permitting the residential uses as outlined for the OLB-2. Ms. Byers said she did not believe so but would follow up to verify that.

Chair Hilhorst drew attention to the transient lodging use and noted that while a hostel might be a good fit in the zone, a homeless shelter may not be. Ms. Byers said requiring a conditional use permit might be the way to go for homeless shelters; it would certainly allow for addressing all of the impacts.

Commissioner Laing noted that Seattle requires a conditional use permit for homeless shelters even if they are located in an industrial area. One of the impacts that should be considered is the queuing that is often associated with the use given that shelters are not generally open 24 hours a day, and that can be addressed through a conditional use permit. Hotels and motels should be permitted uses. The Commissioners agreed.

Ms. Byers explained that as drafted the only use allowed under the resources land use classification was veterinary clinic and hospital. She noted that boarding and commercial kennels would be permitted as a subordinate use, and that doggy day care as a use is covered under the services category.

Commissioner deVadoss asked if a business conducting GMO research would fall into the resources category. Mr. Kattermann said the use falls under the services category as a permitted use.

Turning to the services category, Ms. Byers explained that the focus is on providing those services someone in an office environment would want to take advantage of. She noted that while most of those types of uses were permitted outright, governmental services, including executive, legislative, administrative and judicial, and protective functions and related activities, were listed as allowed through an administrative conditional use permit. Primary and secondary schools would also be allowed through an administrative conditional use permit.

Chair Hilhorst pointed out that as drafted child care services are not permitted but a child day care center is. Ms. Byers said she would research that and report back to the Commission.

Commissioner Barksdale questioned why repair services such as watch, TV, electrical and upholstery were not shown as permitted. Commissioner Walter pointed out that vocational schools that teach those skills are allowed. There was agreement to permit both uses.

Commissioner Walter called attention to the hospitals use and reminded the Commissioners about the previous discussion about stand-alone emergency rooms being more like a hospital than a medical clinic. The approach used for the downtown should be used in the OLB-2.

Ms. Byers called attention to the transportation category and noted that large regional uses such as bus terminals and taxi headquarters are not allowed in the OLB-2. As drafted, the transportation uses that are allowed essentially mirror those that are allowed in the OLB zone, which are more local transportation uses.

Commissioner Walter suggested that rail transportation, including right-of-way, yards, terminals and maintenance shops is out of place in the zone even under a conditional use permit. There was consensus not to allow the use even with a conditional use permit.

Commissioner Barksdale asked why radio and television broadcasting studios is included in the transportation and utilities category. Ms. Byers explained that the standard land use classification handbook classifies the use as a utility.

Commissioner Laing questioned not allowing for auto parking commercial lots and garages given how oversubscribed the park and ride is. People are choosing to park at the college and in other areas because the lot is full. Allowing them might actually spur some more public investment should the agencies realize they may see some competition from the private sector.

Commissioner Walter said her understanding was just the opposite, that people are in fact parking in the park and ride and then walking up to the college. Commissioner Laing allowed that it could simply be a matter of who gets there first. Ms. Byers noted that Bellevue College has reported that is happening. Chair Hilhorst said regardless of who is parking there, the fact is the park and ride is full and it would make sense to allow for commercial lots and garages to serve the area generally.

Commissioner Walter commented that a concrete parking structure is not aesthetically pleasing and would not necessarily be a good fit.

Commissioner Laing agreed that parking lots are auto oriented. The fact is, however, that there is already quite a lot of hide and ride parking going on. While it is a good thing they are focused on taking transit, it is not a good thing that the park and ride is so full they cannot park where they should be parking. It is the transit service that is creating the demand for more parking. Because the demand is not being met, the parking is being pushed out into business and residential areas. If the private sector is not permitted to come in and meet the demand, the demand will not be met, and that is a problem. The vision for the corridor is clear, but the Commission should allow commercial parking if for no other reason than to give the Council the opportunity to discuss the issue.

Commissioner Walter said she could see allowing the use in the OLB-2 zones in the western part of the corridor, but not in the eastern part closer to the neighborhoods. Large parking structures simply do not fit with the nearby residential uses. Commissioner Laing said he did not disagree with that approach. He proposed allowing the use but including a footnote regarding location restrictions.

Commissioner deVadoss suggested that it cannot be said with any degree of certainty what the world of automotive transportation will look like in 15 or 20 years. It would be presumptive to say just how things will play out. Commercial lots and garages should be allowed, but in very restricted areas.

There was consensus to allow auto parking, commercial lots and garages, with the footnote allowing them only in the OLB-2 zone to the west of 142nd Avenue SE.

Mr. Kattermann pointed out that the park and ride use itself is allowed only with a conditional use permit, and that due to the issues of placement, access and aesthetics, all of which impacts surrounding areas and views. He questioned why a commercial parking garage would be treated any differently given that the impacts are similar if not the same. There was agreement to allow the use with a conditional use permit.

Ms. Byers reviewed with the Commissioners the uses on the wholesale and retail chart proposed to be allowed.

Commissioner Walter asked how recycling centers are defined. Ms. Byers said they are small areas that collect recyclable goods. Commissioner Walter said the fact that apartment buildings do not have recycling collections has never made sense. She suggested allowing some recycling in the OLB-2 zone so apartment dwellers will have some place to put their recycling.

Chair Hilhorst reminded the Commissioners that in presenting the early wins to the Council, there was some confusion as to what a recycling center is. While it could be defined as a large building that does the actual work of recycling, the Commission had in mind a much smaller use, a collection area rather than a processing facility. Ms. Byers said she would check into the solid waste issue and what is being done in that realm and then report back to the Commission.

Chair Hilhorst said she understood why retail boat sales were not permitted in the zone, namely the size of the lot needed. She asked, however, if the notion of a boat showroom could be entertained, particularly with a footnote saying the use is only allowed inside a building and that no outdoor storage would be allowed.

Commissioner Walter asked if taking that approach would open the door to indoor showrooms for trucks, cars, motorcycles and RVs as well. Chair Hilhorst said she would be alright with that.

With regard to concomitant agreements, Ms. Byers said they are site-specific regulations that are usually in response to some neighborhood concern. There are several concomitant agreements in place in the Eastgate corridor. For many of them, the conditions are either redundant, already met, or are not in line with the vision for the OLB-2 zone. The question is whether or not the concomitant agreements should be done away with by rezoning the individual properties to which they are attached.

Commissioner Walter said philosophically she liked getting rid of the concomitant agreements. She said she was struck, however, because the proposed buffers are in most cases much smaller.

Ms. Byers suggested it would be helpful to have a discussion about transition areas and how they work. The transition area code specifically deals with the issue of buffers. The code works like an overlay and establishes the basic standards for uses that abut other uses. Additional requirements apply for properties that fall within the transitional area design district. Even if the concomitant agreements are done away with, most of which are old and difficult to enforce, the design guidelines and development standards will still be in play.

Commissioner Laing said the concomitant agreements are basically mitigation agreements that were put in place for specific developments. The only way anything will meaningfully change on any of the properties to which the concomitant agreements are attached will be if a property owner goes through another permitting process. The code elements that are in place will provide the necessary controls.

Commissioner Walter said she was not opposed to having the concomitant agreements go away provided there will be something in place to provide a similar result.

Ms. Byers agreed to pull together for the March 23 meeting a tutoring session on the transition area codes so the Commission can fully understand what removing the agreements will mean on the ground. She noted that the next steps in the study will involve reviewing the draft Land Use Code for the EG-TOD district, the draft public amenity incentive system, the draft design guidelines, and moving ahead with the public outreach process which will initially involve sending out letters.

Commissioner Barksdale asked if the public outreach could involve a survey to generate some preliminary input. Ms. Byers said the CAC report constitutes preliminary input. People can also provide written comments to the Commission or attend a meeting and provide input in person. Mr. Cullen added that surveys are most helpful once there are draft recommendations in hand. The initial public outreach will seek to inform, to invite the public to attend the Commission meetings at which the guidelines will be developed, and to invite comment.

## 9. PUBLIC COMMENT

Ms. Michelle Wannamaker, 4045 149th Avenue SE, thanked the Commissioners for recognizing the issues relative to King County Metro. She pointed out that transit is a regional issue as well as an issue local to the Eastgate corridor. In talking about transit-oriented development, the assumption is that those who live in the residential units will be transit users, but if the transit services are not there for them to use, they will use cars to get around. She also thanked the Commission for its initial conclusion not to allow the FAR for the RV park site to be too high. The owner of the property is pushing for a six-story residential tower, but as has been pointed out there are many other uses that would be appropriate there. In talking with those living nearby, most indicated a desire to see uses ranging from a Trader Joe's to independent restaurants and a hardware store.

Chair Hilhorst made it clear that no final decision regarding the FAR for the RV park site has been made by the Commission. What was presented previously to the Commission was a recommendation for an FAR of 1.0. The property owner was seeking an FAR of 2.5 and the Commission discussed seeking something in between. The Commission will discuss the issue again before making a final recommendation.

Mr. Bucky Walter, 3702 136th Place SE, voiced his support for allowing commercial parking lots in the corridor. The parking lots on the frontage road on the south side of I-90 quickly fill up and the spillover parking ends up in residential areas. He pointed out that there is a Neighborhood Enhancement Project kicking off for the Eastgate neighborhoods and it would make sense to coordinate any surveys with that project to avoid any confusion.

Ms. Misa Averill, 400 112th Avenue NE, commented that a business such as GameWorks would be appropriate for the Eastgate corridor. They are focused primarily on adults and do not allow persons below a certain age after a certain time of day. She said she was happy to hear the Commission talk about changing transient lodging to conditional use. In addition to allowing auto showrooms, furniture showrooms should also be allowed; such uses typically do not stock on site and deliver from a warehouse. With regard to the LI district, she said more information is needed with regard to the types of manufacturing, wholesale trade and distribution activities.

## 10. ADJOURN

A motion to adjourn was made by Commissioner Laing. The motion was seconded by Commissioner deVadoss and the motion carried unanimously.

Chair Hilhorst adjourned the meeting at 9:13 p.m.

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

March 9, 2016  
7:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: Terry Cullen, Nicholas Matz, Patti Wilma, Emil King, Department of Planning and Community Development

COUNCIL LIAISON: Not Present

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:08 p.m. by Chair Hilhorst who presided.

2. ROLL CALL

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

3. APPROVAL OF AGENDA

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

4. PUBLIC COMMENT

Dr. Jeff Johnson, 5611 119th Avenue SE, said he is the owner of Newport Hills Professional Center directly across the street from the Newport Hills Shopping Center. He said his practice has been there for 30 years. It is exciting to see changes coming to the area. The Commission was asked to include his property in the scope of the proposed Newport Hills Comprehensive Plan amendment so it can have complementary height, form and structure.

Ms. Mary Smith, 1632 109th Avenue SE, addressed her proposed Comprehensive Plan amendment dealing with park lands preservation and protection. She said she served as one of the original members of the Save Mercer Slough committee that was instrumental in saving the land to become part of the Mercer Slough Nature Park. Land for more parks is becoming scarce and the city should treasure the parks it has. No one can see into the future and changes in use may be considered, but it should be required that the public who paid for park lands must be involved in any decision to change them. Park lands acquired through bond measures should remain park land unless the public votes to change the usage. Any park lands used for six months or longer should be considered permanent, consistent with state law. Park lands should be designated with their own zoning category so citizens are aware that the zoning is for parks only.

Under extreme conditions when parks are to be used for non-park uses, the Comprehensive Plan should be amended appropriately.

Mr. Geoff Bidwell, 1600 109th Avenue SE, said he has for many years been involved in protecting the Mercer Slough Nature Park. With regard to the proposed park lands Comprehensive Plan amendment, he concurred and fully supported Ms. Smith's comments. The amendments are necessary to protect taxpayer investments in park lands from non-park uses, including the sale of any park lands. The Commission was asked to consider a property that was purchased in 1988 through a Bellevue park bond measure supported by Bellevue taxpayers. The land was acquired by City Council resolution which states that the site, known as the Balitico property, was selected as having the highest priority for land acquisition, and it was necessary to retain view of the Slough from Bellevue Way and to provide an appropriate entrance to the park. Reference was made to an article from the *Seattle Times* written in 1988 dealing with the acquisition of the Balitico property and the citizens that worked to achieve the goal. He provided the Commission with a drawing of the trailhead of the Mercer Slough Nature Park and its improvements as authorized by the City Council. He also submitted a copy of the assessor's report of the Balitico property that was completed in 2011 showing that the property is unimproved and has a zoning of R-1 to protect the wetlands from high-intensity use. That is completely false and is contrary to the reason the City Council and taxpayers approved the purchase of the park land in 1988. It is clear that stronger language is needed to protect the city's unique and irreplaceable park lands for the present and into the future.

Mr. Jonathan Kagel, president of the Vuecrest Community Association, PO Box 312, thanked the Commission and the planning department for considering the concerns previously addressed about the areas immediately adjacent to Vuecrest along the 100th Avenue NE corridor. The Association favors restoring the originally defined building heights immediately adjacent to the neighborhood. There remain concerns about the Deep B area which is very close to the Vuecrest and Northtowne neighborhoods. The area was designated for lower heights during previous planning efforts. The current height limit is 90 feet and the CAC proposed allowing height up to between 180 and 240 feet. Reaching the full proposed height would require a development plan, but nothing has been said about when such a plan would be required. The default height of 90 feet should be retained, and anyone wanting to build a taller tower should be required to go through the process of putting together a development plan and have it fully reviewed by planning, the Council and the adjacent neighbors. The process would take time, but extraordinary increases in height should require extraordinary planning and coordination. In the downtown area, there have been a lot of different bonuses earned. The Association would like to know more about the economics of those bonuses and what the exchange rate might be. Having a large backlog of bonuses that could be transferred could undermine many of the goals of the Downtown Livability Initiative.

Ms. Heather Trescases, executive director of Eastside Heritage Center, 11660 Main Street, said she attended many of the meetings of the Downtown Livability Initiative CAC. The Eastside Heritage Center sees the initiative as an opportunity to tell the Bellevue story. In going through the process, the Commission should take the same view. Downtown Bellevue is a destination for businesses and residents of the greater Eastside and also for tourists. Providing a sense of place will be critical to the character and vibrancy of the downtown, just as it is for any major metropolitan area. As Bellevue's mid-century modern suburban roots transform into 21st Century urban living and experiences, architects and developers should be inspired to honor the past. The city should provide a framework for them to do so through a variety of means, including interpretive signage, preservation of historic structures, preservation of significant historic features, and the utilization of historic images in new buildings. The amenity incentive system also provides opportunity to build community and connect people with their heritage

through the inclusion of space for non-profits, cultural uses and experiences. Challenges have been incurred with some of the use-related amenities in the past, but allowing for flexibility in the code can provide for opportunities and encourage partnerships for public benefit. The Commissioners were asked to keep in mind the role history can play in providing a sense of place and community identity.

Mr. Todd Bennett, 11100 Main Street, said his company BDR has been headquartered in Bellevue for over 30 years. He said the property at the northwest corner of Main Street and 112th Avenue NE on which is situated the old Lexus building is directly across the street from the planned East Main light rail station and the lid park. The site, along with the property to the west occupied by John L. Scott, represents a unique opportunity to create a signature gateway project at one of the few key gateway entry points into Bellevue. The properties are perfectly situated to provide a world-class transit-oriented development adjacent to a transit station. Under the current zoning and height restrictions, the most likely development scenario for the properties is four- or five-story mixed use over retail, an approach that certainly does not take full advantage of the key gateway location and adjacency to the light rail station. The property could be developed with a far more interesting mix of retail, office and residential uses under the proposed zoning and height changes, and could yield opportunity for open spaces and gathering spaces. Taller and skinnier buildings are more pleasing to the eye and offer a number of other benefits relative to light and air. He said he has been working with John L. Scott and other neighbors in the area to create a vision for what is being called the East Main district. The focus is on a plan that will respond to and take advantage of the light rail station while creating a gateway and character for the area. The staff recommendations for zoning and height are supported in general, but the FAR and height increase in Perimeter A should not be limited to residential uses only.

Mr. Phil McBride, Chief Operating Officer for John L. Scott, owner of the building at 11040 Main Street, said the property is only 200 feet from the East Main light rail station. He said John L. Scott worked with BDR to create the vision that was on display during the open house. The vision is for a development with office uses in the buildings in the front and residential uses in the buildings behind. He said he is excited to see what is happening in the area and to be part of charting a course forward for the evolution of the city.

Ms. Christy Becker, 10116 SE 6th Street, spoke as the associate director for housing and case management at Hopelink. She said everyone deserves the opportunity to have a safe, healthy and affordable home. A recent article published in the *Journal of Urban Affairs* found that for every additional \$100 in median rent, there is a 15 percent increase in homelessness in urban areas, and a 39 percent increase in suburban and rural areas. There is a clear need to prioritize affordable housing. Hopelink has seen an increase in the number of families struggling to locate affordable housing in Bellevue and east King County. Families are often paying a high percentage of their incomes for rent, leaving little for basic needs. Many working families are exiting homeless housing and are unable to locate affordable housing in Bellevue, forcing them to move out of the area even though they work in the city. The city has been a partner in serving the needs of low-income families and residents over the years. Hopelink provides Bellevue community members with food, housing, emergency financial assistance, heating assistance, employment services, and education. The package of services offered is designed to help people stabilize and to give them the tools and skills they need to exit poverty. Affordable housing in the community is a key factor needed for success. The Commission was asked to prioritize affordable housing for very low income, low income and moderate income housing units and to commit to implementing a development incentive for affordable housing.

Mr. Mike Nielson, 6557 127th Place SE, spoke as the former executive director of Imagine Housing. He said he spent the better part of his 40-year career developing and operating

affordable housing. He expressed concern about housing affordability in Bellevue. Over the years, many citizen surveys and focus groups have listed affordable housing as a priority. Approximately 50 percent of the new housing units to be developed in Bellevue over the next 20 years are going to be in the downtown area. If that is the case, the only way the city will be able to impact affordability will be to take aggressive steps to assure that a percentage of the new downtown units will be affordable. Bellevue will not be able to meet its affordability goals unless that is done. Additionally, much of the new development in the downtown will include wage earner retail jobs. Already those who hold such jobs cannot afford to live in Bellevue. That means they must seek housing outside of the city and travel to and from their jobs, impacting the transportation system. Developers are not going to develop affordable housing unless there are incentives to do so. In fact, it often takes mandatory inclusionary zoning to get affordable units included in the mix. The Commission was urged to take an aggressive look at creating incentive bonuses for affordable housing in the downtown.

Mr. Bill Herman, a resident of Bellevue Towers at NE 4th Street and 106th Avenue NE, stressed that when all the updates are considered and voted on, there should be a full understanding of the complete package. Parts of the package are currently missing, including a transportation plan that takes into account the additional FAR in the MU district, as well as the diminished capacity resulting from midblock crosswalks and having more pedestrians, bike lanes and narrower lanes to slow traffic. Traffic volumes on I-405 actually diminished by half a percent between 2012 and 2014, but trip times increased 46 percent during that same period. Where gridlock exists, traffic volume decreases. With regard to the bonus amenity system, the staff have recommended fixing the fact that developers earn maximum incentives by providing underground parking by making it a requirement. The proposed approach, however, would give the additional height anyway, thus institutionalizing the broken system. A different approach should be tried, one that does not require underground parking or giving any bonus for it; it will still happen and the de facto backdoor downzoning will go away. The Commissioners were urged to clarify what is really meant by height limits. In the O-1 district, the limit is 450 feet and nothing is allowed to exceed that limit. In other downtown districts, however, the limit is actually allowed to be exceeded for various reasons.

Ms. Margot Blacker, 200 99th Avenue NE, thanked the Commission for its hard work. She said she participated in the 1981 rezone of the downtown, and the controversial 1992-1993 work that established scaled down height limits that has proven over time to serve the downtown well. All the arguments being made now about slender tall towers and plenty of amenities were made back then as well. The Vuecrest and Northtowne neighborhoods live next to a giant. With increased height and density consideration must be given to what the impacts will be on the surrounding neighborhoods. The Northtowne Community Club is opposed to any increased heights on the west and north side of the downtown. If increased heights are allowed, certain amenities should be required, including affordable housing. At one time in the past Bellevue had inclusionary housing requirements, but they were voted away. Northtowne wants to see McCormick Park extended to 112th Avenue NE. She agreed with Ms. Trescases that Bellevue needs to preserve and express its history.

Dr. Russ Paravecchio, 2495 158th Place NE, spoke against the proposed Naficy Comprehensive Plan amendment. He said the Sherwood Forest residents do not want to be at odds with city government, or viewed as obstructionists. The neighborhood supports controlled growth but not irresponsible growth that is willing to expend things that should be considered inviolate. Those who live in residential areas that have been specifically set aside for that use should be able to believe their properties will not come to a bad end because of poor planning that results in decreased property values. Bad planning results in traffic that makes it very difficult to access residential areas and reduces overall safety. It is not responsible, ethical or right to make

planning changes that will negatively impact established residential areas. The Sherwood Forest residents should not be asked to suffer the impacts that would result from approving the Naficy Comprehensive Plan amendment. Protective mechanisms in place should stand and should not be skirted around. Infrastructure should be built ahead of time to accommodate future growth.

Ms. Karen Campbell, 2447 160th Avenue NE, said she is a Sherwood Forest resident and taxpayer. She asked the Commission not to approve the proposed Naficy Comprehensive Plan amendment. The area should be kept in the Crossroads subarea and not be allowed to be transferred to the Bel-Red subarea. The Bel-Red subarea was previously allowed to encroach on the Crossroads area, something that should not have been allowed to happen. Notice of that action was not provided in a timely manner, and the result is the LIV apartments and more apartments going up on the corner of NE 20th Street and 156th Avenue NE, as well further down on 156th Avenue NE. Traffic is terrible and it takes several cycles to get through an intersection. Even emergency vehicles are unable to get through. The Naficy structure is a one-story school and dental office. There are tall fir trees on the site that should not be cut down. The property is a little over half an acre in size, which is only twice the size of many properties in Sherwood Forest. Taller buildings in the area are not needed in the area given that taller buildings are already going up in the Overlake Park area that will allow the residents to look down into the Sherwood Forest neighborhood. Property values in Sherwood Forest are not increasing, largely due to the increased traffic and development. Neighborhood values should be kept and respected, and the neighborhood should remain safe. Increased development will bring in more crime. The environmental checklist filed with the city is incomplete and inconsistent; it says in one place there will be between 60 and 120 residents and workers, and in other place that there will be between 200 and 400 residents and workers. All of that will add tremendously to the existing traffic, and there are no plans in place to fully address the traffic. The proposed light rail alignment has been moved further away from the neighborhood, making it more difficult to access, and there are no plans to increase bus services. The city was supposed to keep a gateway to the neighborhoods, but that has failed. No more rezones are needed, and the open space in the area needs to be kept open. The Overlake Village master plan will house between 30,000 and 40,000 people once it is completed, and that is about half the size of Seattle's South Lake Union neighborhood.

Ms. Valerie Barber, 4644 122st Avenue SE, said there are inaccuracies in the Newport Hills Comprehensive Plan amendment request. The suggestion is made that traffic might decline as a result of going from Neighborhood Business (NB) to Multifamily-High (MF-H), but it makes no sense at all. Where there are 180 homes, there are 180 times two or more cars. The current retail center does not have that much traffic during peak times. The proposal also states that the current retail center is fairly vacant, which is incorrect. A number of services are offered that are vital to the neighborhood, and only two of the 15 spaces are vacant. The businesses have succeeded in spite of attempts on the part of the landlord to limit long leases that encourage building improvements. The parking lot will have only a few cars during the morning hours, but during the evening there will be a hundred and eighty cars or more, which testifies to the success the businesses are enjoying. More high-density housing is simply not needed in the neighborhood.

Mr. Sam Chung with Baylis Architects, 10801 Main Street, spoke representing Dr. Naficy in support of the proposed Naficy mixed use Comprehensive Plan amendment. He pointed out that changed conditions make the proposed amendment both timely and appropriate. Since the Comprehensive Plan was adopted for the site, the adjacent Bellevue zoning and land use has been substantially modified by the Bel-Red corridor plan, and the Bellevue Transit Master Plan which includes the East Link extension. The Bel-Red subarea plan increased the allowed FAR from 2.0 to 4.0, and increased heights from 45 feet to 75 feet. Additionally, Redmond has increased the zoning capacity on lands around the subject property. Dr. Naficy's property is

surrounded by much higher density and allowed building height. Sound Transit's East Link Overlake Village station will be within a half mile/ten-minute walk of Dr. Naficy's property, and King County Metro already provides two service routes on 156th Avenue NE. The subject property is located within the 300-foot planning gap between Bellevue and Redmond, and good planning makes the proposed amendment very rational. He voiced support for expanding the geographic scope as suggested by the staff, and agreed that it should not extend south of Bel-Red Road. The concerns of the public in nearby residential areas are understandable. However, because of the FAR cap limit placed on Dr. Naficy's property, all that can be seen fronted on the street is a parking lot and an underutilized building. If the amendment is approved, the site will have an FAR base of 1.0 and the opportunity to increase that by including things like affordable housing through the bonus incentive system.

Mr. Steven Roberts, 620 West Lake Sammamish Parkway, said he works with Congregations for the Homeless whose mission is to help single men on the Eastside move from homelessness to independent living. The national initiative to end homelessness focuses on the lack of affordable housing as the major cause of homelessness. There are quite a few affordable housing units in Bellevue, though the waiting list for them averages four years and stretches out to six years. Congregations for the Homeless does a really good job of working with homeless men. It can help them get off the street into shelters; it can help them get a job; it can help them deal with their issues and addictions and health issues; and it can help get them into subsidized housing. There is, however, no place for the men to go once they achieve stability and are ready to pay rent. Affordable housing is desperately needed, especially in association with transit-oriented development. The only other option for the men is to find housing in some other city.

Mr. Alex Smith, 700 112th Avenue NE, spoke on behalf of 700 112th LLC. He said the property is currently zoned DT-OLB. He thanked the Commission for being allowed to participate in the stakeholder forum earlier in the evening. The event prompted a good exchange of ideas and helped to illustrate what is possible. The design team from CollinsWoerman along with land use attorney Larry Martin has given thought to what downtown livability means and has identified some exciting opportunities for the community, as well as some constraints. The constraints demonstrate how important it is to include flexibility in the Land Use Code. Sites that serve important public purposes should not be underdeveloped. Limiting FAR on the subject property to a maximum of 6.0 will result in buildings that are significantly smaller than what the site and the neighborhood needs. The model demonstrated at the forum utilized an FAR of 8.0. The site is one block from the downtown light rail station and Bellevue transit center, and is also adjacent to I-405 HOV access and the NE 8th Street ramp. Given the opportunity, a convention-serving hotel could be constructed on the site, increasing the viability of Meydenbauer Center. Depending on the design, the site could contribute to the Grand Connection as well as future development in the Civic Center neighborhood. The property is highly visible from the north, south and east. It could become a civic landmark giving a sense of arrival and creating a sense of place. The Commissioners were encouraged to think in terms of flexibility where warranted rather than in terms of absolutes.

Mr. David MacDuff, 419 Occidental Avenue South, Suite 300, Seattle, spoke representing the applicant for the Newport Hills Shopping Center Comprehensive Plan amendment. He said the proposed amendment is based on a number of reports that have been compiled for the Newport Hills area over the years. The neighborhood has a wonderful character and much effort has been put in by the neighborhood and the city to come up with a plan that will work. No such plan has been put together to date that works for all involved. The proposed amendment seeks to continue combining a mix of retail and commercial uses with residential uses in the form of townhomes. The vision is for something far different from what exists in the neighborhood currently, something that will offer many things that matter to the community. There is not sufficient

demand to rebuild the center with new retail of the type that are currently there, but that does not preclude existing users from coming into the new retail spaces if their business model accommodates it. The proposed approach does result in a reduction in the amount of commercial space currently on the site. A design concept is being prepared and will be shared with the public when it is ready, and the intent is to work with the neighbors and the neighborhood as well as with the city.

Mr. Jack McCullough, 701 Fifth Avenue, Suite 6600, Seattle, commented that there has been some suggestions that for some zones in the downtown there may be an interest in providing additional height without allowing for additional FAR. He suggested that would be a useless venture. Developers will not readily take advantage of additional height in the absence of additional FAR because as buildings get taller and floor plates get smaller, buildings become more expensive and less efficient. The amenity bonus system is a delicate creature. It was crafted in 1981 and it has served its purpose, not the least of which is getting developers to put parking underground, and getting developers to construct residential projects in the downtown. The amenity schedule does not impose significant cost on projects and the city should be careful in seeking to fine-tune it. If changed radically to an approach that will impose high costs, the result will be a de facto economic downzone, and developers will not develop new projects. One way to mitigate that is to provide additional FAR. Many people have worked for many years to make light rail in Bellevue a reality and construction is getting under way. No new plans for the downtown should be adopted if they do not include substantial increases in density to take advantage of light rail.

Mr. Mike Nielsen, 10650 NE 9th Place, Unit 2524, said he was part of the development team that originally developed the two Washington Square condominium towers but now is a principal with West 77 Partners which is currently developing the Hilton Hotel adjacent to the condominiums at the corner of NE 10th Street and 108th Avenue NE. He said he is also part of the ownership group that owns the balance of the Washington Square superblock. The Commission previously recommended that staff evaluate a potential height and FAR increase in the DT-O2 North zone, or the three half blocks that sit between Bellevue Way and 110th Avenue NE on the north side of NE 8th Street. Each of the O2 zones impact the city in different ways, and a continuity relative to them may be inconsistent with the zoning objectives of the downtown. NE 8th Street serves as a gateway to downtown Bellevue; that is certainly evident in the fact that most of the traffic coming into the downtown uses NE 8th Street. The West 77 Partners site is unique in that it has a maximum height of 250 feet and an FAR of 6.0 and sits directly across the street to the O1 zone for which a proposal has been made to increase the height limit to 600 feet and the FAR to 8.0. The model shared during the forum compared what could be created under the existing zoning and what would be there with an increase in height and FAR. The Commissioners were thanked for at least asking staff to look at increasing height and density for the site. There appears to be some support for increasing the height, though increasing density is a more sensitive issue. The opportunity exists to allow for flexibility in how the FAR is allocated. The number of persons living in the downtown is steadily increasing, but there remains a dearth of places for children to safely enjoy. The desire is that the Washington Square site will be designed to include open spaces and areas for kids to play and adults to gather. Increased height and density can help to bring that about at the street level.

Ms. Heidi Dean, 11661 SE 56th Street, said she currently serves as the merchant liaison and shopping center revitalization chair for the Newport Hills Shopping Center for the community club, but stressed that she was not speaking for the club. She said the community has for many years been asking for help in revitalizing the shopping center. The concern is that what has been proposed will not revitalize the shopping center; rather it will simply create infill housing and a strip of retail left to appease the residents, which is not what the residents have asked for. It is not

what was envisioned during the Heartland study in 2010. Including a certain amount of housing on the site has always been understood as a way of helping to support the retail, but what is being proposed does not fit the vision. The application is misleading in representing the center as currently being fairly empty. In fact, it is evident that whoever filled out the application knows little to nothing about it, including the fact that a bus line serving Bellevue and Seattle runs through Newport Hills. The lack of notification regarding the Commission meeting and the fact that the topic would be introduced is disconcerting; in fact she said she had been told the issue would not be introduced until the April 13 Commission meeting. The lack of communication between the city and the Newport Hills community is troubling. It has been rumored that the property owner has been shopping the property around since June, a fact that was only verified at the forum prior to the Commission meeting. The community has been clear about wanting to be part of the planning conversation. Changing the zoning from NB is not what the community wants; it wants the local businesses. There is no reason for the shopping center having empty spaces, except that it has been made impossible to rent them out because they have been made “un-tenantable”. The Heartland study is really no longer applicable given how much change that has occurred in the area and a new study should be done.

5. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS

Commissioner Morisseau said she met with the Fortin Group a week ago and learned their vision for their property on 100th Avenue NE across from the Vuecrest neighborhood.

6. STAFF REPORTS

Chair Hilhorst said she has been meeting regularly with Comprehensive Planning Manager Terry Cullen to discuss the Commission’s full schedule. She noted that there is much that must be done in the coming five months or so and suggested the need for additional meetings or to start meetings earlier in the day. She asked the Commissioners to share with her their thoughts about how to proceed.

7. DRAFT MINUTES REVIEW - None

8. STUDY SESSION

A. 2016 Annual Comprehensive Plan Amendment Applications

Senior Planner Nicholas Matz said introduction of the Comprehensive Plan amendment applications is only the first of many steps associated with the amendment process. He clarified that the Comprehensive Plan can under the Growth Management Act only be amended once annually and each of the submitted applications will ultimately be considered as a single amendment to the Comprehensive Plan. The proposed amendments will, however, be considered individually. The work program will be established by the City Council based on the recommendations the Commission will make after a public hearing. At the threshold review stage, the focus is on determining whether or not the proposed amendments should be considered for Comprehensive Plan amendment; those that make the cut are included the work program. At the final review stage, each proposed amendment is studied on its own merits. The recommendations of the Commission will be forwarded to the City Council for final action. Both phases include a public hearing.

Mr. Matz clarified that the only question before the Commission was whether or not the geographic scope for each proposed amendment should be expanded. In all there are five

proposed amendments, three of which are site specific. He said the Commission will be asked to consider whether or not the proposed actions for the site-specific amendments should be addressed applied to more than just the subject site. The non site-specific amendments propose amendments to the text of the Comprehensive Plan, and the presumption that the amendments apply citywide leave no question of geographic scope.

i. Naficy Mixed Use 16-123605 AC

Mr. Matz said the privately initiated application would amend the map designation for the 0.574 acre site at 15700 Bel-Red Road from Office (O) to Bel-Red Residential-Commercial node 3 (BR-RC-3). A concurrent rezone application has been submitted along with Comprehensive Plan amendment application. The applicant's stated purpose is to allow for a denser mixed use center, additional housing support, and improved pedestrian activity in the neighborhood. In reviewing Comprehensive Plan amendment applications, however, the focus is on what could happen under a given designation and zoning, not just what the applicant proposes. The existing FAR allows up to 0.5, but the BR-RC-3 has a base FAR of 1.0 and a 45-foot height limit, which can be increased to an FAR of 4.0 and a 70-foot height limit. The Naficy site is currently developed with a medical-dental office building with surface parking.

The Land Use Code states that expansion of the geographic scope is recommended for a site-specific proposal if nearby, similarly-situated property shares the characteristics of the proposed amendment site, and indicates that expansion is to be limited to the minimum necessary to include properties with shared characteristics. The purpose of geographic scoping is to look at the circumstances and situation of the subject properties and conclude whether or not the same conversation should be held about a broader set of properties in the area. Mr. Matz explained that because the site-characteristics of the Naficy property are shared by the other adjacent sites, the recommendation of staff was that geographic scoping should be expanded to include all properties northwest of Bel-Red Road, east of 156th Avenue NE, and south of NE 28th Street.

Commissioner deVadoss asked why the staff was not proposing to expand the geographic scope to include the properties to the southeast of Bel-Red Road. Mr. Matz said Bel-Red Road serves as a hard line, and as a result the sites to the southeast do not share the same characteristics.

Mr. Matz said to date one letter has been received which is strongly opposed to the proposed Comprehensive Plan amendment, and several emails have also been received. During the community rezone meeting held prior to the Commission meeting, several people noted their specific interest in the proposal. All written comments will be included as part of the staff recommendation.

Commissioner deVadoss said he was unclear as to how staff reached the conclusion that the nearby properties share similar characteristics with the subject property. Mr. Matz said the Naficy site is zoned Office and is home to a small older single-level office building that has been developed for some time. The site has surface parking that is shared by the surrounding properties along with the Office zoning. The properties to the southeast of Bel-Red Road are primarily zoned Professional Office (PO), a zone that is significantly different when it comes to contemplating redevelopment. There is Office to the south. The properties proposed for inclusion through geographic scoping have a similar set of developed circumstances. They are all affected by the issues raised by the applicant relative to access and proximity to higher-density areas. The properties to the north of the proposed geographic scoping area are in Redmond, as are the properties to the west.

Commissioner deVadoss suggested that using boundaries between cities as the criteria for

rezoning activities opens the door to a number of complications and unintended consequences. Mr. Matz clarified that the focus of the geographic scoping centers on the issue of the proximity and density proposed affects all of the properties equally.

Commissioner Carlson asked staff to comment on the testimony provided by the public regarding the proposed amendment. Mr. Matz said no conclusions have yet been reached with regard to what impacts, if any, the proposed action would have on the community. The staff report will ultimately take into account the implications for the geographic footprint recommended by the Commission.

Commissioner deVadoss opposed expanding the geographic scope as proposed by staff. The move could open the door to some problems with respect to the boundaries. The action also does not take into account the contextual issues associated with the Bellevue Technical Center site to the east of 148th Avenue NE. Without the larger context, the perspective is too narrow. Chair Hilhorst pointed out that by widening the geographic scope, the context circle will be widened as well. Not expanding the scope will not result in considering that site. Mr. Matz said all of the considerations that were given to the Bellevue Technical Center site will be taken into account if the geographic scope is expanded.

Chair Hilhorst asked staff to also include transportation data as the review moves forward. Mr. Matz said he absolutely would do that.

There was consensus of the Commissioners to expand the geographic scope as proposed in the staff memo. Chair Hilhorst directed staff to prepare a threshold review recommendation for the Naficy Comprehensive Plan amendment.

ii. Eastgate Office Park

Mr. Matz said the privately initiated application seeks to amend the map designation on the 14-acre site located at 153325-15395 SE 30th Place in the Eastgate subarea from Office (O) to Office Limited Business (OLB). In the submittal documents, the applicant stated that the Eastgate/I-90 Land Use and Transportation study missed a major opportunity to add moderate density to the site, and that to do so would be in support of the Eastgate vision for a transit-oriented development and mixed use center. From the perspective of the applicant, there is a limit on the ability to develop the site. Moving to a different designation would allow for a richer variety of density. There are currently four buildings on the site. The Commission is familiar with the Eastgate/I-90 plan and that will be made part of the conversation going forward regardless of the geographic scoping. The applicant believes the OLB designation would yield more flexibility under the potential FAR that could occur on the site.

Mr. Matz recommended expanding the geographic scoping to include two sites to the west that are similarly situated. Both have older suburban office buildings of the same general low-density design of the subject property. The sites also share similar access and are zoned Office.

The Commissioners were informed that the only inquiry to date was from the owner of the Subaru dealership seeking to know the particulars of the proposal.

Commissioner Carlson asked why the site was not originally wrapped into the Eastgate/I-90 study. Mr. Matz said that question will be answered in the report after digging into the work that was done.

Commissioner Morisseau suggested a visit to the site by the Commissioners would be helpful.

Mr. Matz said the Commission will be provided with pictures of the site in the report, and if needed a site visit could possibly be arranged.

There was consensus among the Commissioners to expand the geographic scope as proposed in the staff memo. Chair Hilhorst directed staff to prepare a threshold review recommendation for the Eastgate Office Park Comprehensive Plan amendment.

iii. Newport Hills Comprehensive Plan 16-123752 AC

Mr. Matz said the privately initiated application would amend the map designation for the 5.9 acre site at 5600 119th Avenue SE in the Newport Hills subarea from Neighborhood Business (NB) to Multifamily-High (MF-H). He pointed out that the applicant has suggested that 4.6 of the 5.9 acres would be designated MF-H and zoned R-30; the balance of the site along 119th Avenue SE would remain NB. The applicant's stated purpose in making the application is in support of redevelopment with a mix of uses, with a larger housing component. The applicant believes the NB designation is consistent with the policy redevelopment focus of the Newport Hills subarea plan but does not go far enough to promote the density needed to activate redevelopment.

Mr. Matz said staff was not suggesting any expansion of the geographic scope. The owner of the gas station site has been in contact with staff and is interested in observing as the process moves forward, and is paying particular attention to what will happen to the grocery store site. The owner of the real estate office near the subject property has also been in contact with staff.

Chair Hilhorst took a moment to explain that she got her passion for land use planning through working over a decade to see the Newport Hills Shopping Center revitalized. There have been years when the majority of spaces in the shopping center were empty; ironically the proposal has come forward at a time with the majority of the spaces are filled. It is exciting to see such a high level of interest in seeing the site redeveloped. It was disappointing that no notice of the issue being before the Planning Commission was given to the Newport Hills community. The neighborhood has a long history with the city, but something clearly was missed. Newport Hills is a very active community and the city will need to rebuild its level of communication and trust.

Commissioner deVadoss asked if there were a way to provide for visibility when applications are submitted. Mr. Matz reiterated that the introduction of amendment applications and the establishment of geographic scope is the first step of many. He said the lessons learned from the St. Luke's application in 2015 in terms of adequate notification and community involvement have been built into the current process. Information about the applications submitted is readily available, though it could be the city needs to be more proactive in getting the information out. The first step having been taken, efforts will be taken going forward to make sure there will be public involvement.

Commissioner Walter said she is a member of NextDoor and highlighted the application as a good opportunity for getting the word out and expressing opinions. People want to be in the know and part of the solution, and when they do not hear about things they feel as if something has been withheld from them and that they are not being treated as equal partners.

There was consensus among the Commissioners to expand the geographic scope as proposed in the staff memo. Chair Hilhorst directed staff to prepare a threshold review recommendation for the Newport Hills CP Comprehensive Plan amendment.

There was consensus of the Commissioners to not expand the geographic scope as proposed in

the staff memo. Chair Hilhorst directed staff to prepare a threshold review recommendation for the Newport Hills CP Comprehensive Plan amendment.

iv. Park Lands Policy #1

The Commissioners were directed to the text of the two non site-specific Comprehensive Plan amendments in the packets. He said the gist of the proposal is to restrict or regulate review in changes of use of acquired park lands and park property variously by citizens, the Parks Board and the city's formal rezone process. Because the proposed policy would apply citywide, the question of geographic scoping does not come into play.

v. Park Lands Policy #2

Mr. Matz said the applicant has proposed three new policies restricting or regulating review in changes in use of acquired park lands and park property variously by citizens, the Parks Board and the city's formal rezone process, and requiring city owned park lands to be zoned with a 'Park' zoning designation. Because the proposed policy would apply citywide, the question of geographic scoping does not come into play.

Mr. Matz stressed that the City Council and the Planning Commission both have the authority to initiate Comprehensive Plan amendments into the process. On March 7, the Council directed the Commission to initiate a Comprehensive Plan amendment for what are called Vision Zero Transportation Element policies. The Commission will be working closely with the Transportation Commission to develop those policies and bring them forward. Amendments initiated by the Council start with the final review process.

A motion to extend the meeting to 10:00 p.m. was made by Commissioner deVadoss. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

B. Downtown Livability Land Use Code Update

Strategic Planning Manager Emil King noted that the stakeholder exhibits and open house event earlier in the evening served as a good way to talk openly about ideas, visions for development, and community benefits. He reported that on March 7 the Council adopted the package of Downtown Livability Initiative early wins without making any changes.

Mr. King reminded the Commissioners that the MU equalization issue along with the Deep B and Civic Center districts were discussed on February 10 but no preliminary recommendations were made. He added that no staff recommendation for any part of the OLB district between 112th Avenue NE and the freeway has been made in this meeting packet pending a City Council study session tentatively set for March 21 that will include a discussion of the view corridor issues from major public spaces.

The attention of the Commissioners was drawn to the Downtown A overlay district. It was noted the Downtown Livability Initiative CAC recommended allowing residential building height up to 70 feet in the zone that currently has a limit of 55 feet. Their rationale was that the increased height would allow for more ample floor-to-ceiling space, particularly for ground floor uses, and would potentially allow for more building articulation and open space. Mr. King said staff believes the recommendation is warranted for most of the overlay district, but not for the area by the library and the area by Vuecrest. The proximity to single family zoning in those two areas warrants retaining the 55-foot height limit. In the areas with the additional 15 feet, upper level setbacks would still be required.

Commissioner Laing said he would not necessarily support the height change to 70 feet all along 100th Avenue NE. The additional height is especially appropriate along Main Street and along the southwest corner of Downtown Park. Staff's observation about the abutting single family neighborhoods to the west is well taken. He added that in order to create viable retail spaces on the ground floor, the opportunity to have somewhere between 15 and 16 feet of clearance is needed. Being able to go up to 70 feet allows for maximum flexibility at the street level, and provides for very livable units higher up.

Mr. King moved onto the Downtown MU A and B overlays which have been generally referred to as the East Main planning area. It is the area north of Main Street between 112th Avenue NE and 110th Avenue NE where both BDR and John L. Scott are located. The CAC made no recommendation relative to changing the height and density allowed in the B overlay in this area, but recommended up to 70 feet for residential in the A overlay. The Commission's direction was for staff to re-look at the height and FAR possibilities for both overlay districts. Across the street to the east is the OLB area for which the CAC recommended building height to 200 feet and FAR up to 5.0. The East Main station area CAC has not yet finalized its recommendation for the area but is considering recommending FAR between 4.0 and 5.0 and buildings between 200 feet and 300 feet high.

Mr. King said after considering all the particulars, staff concluded it could support slightly more density in the A design district along Main Street by allowing FAR at 5.0 and height at 70 feet. For the B design district, staff believes the current FAR of 5.0 should be retained, but building height at 200 feet is warranted as a way of syncing the efforts of the Downtown Livability Initiative CAC and the work of the East Main CAC. In an earlier conversation about the residential and non-residential FAR in the A and B districts, it was noted that non-residential FARs are significantly lower. In A, residential is allowed an FAR of 3.5, whereas office is limited to 1.0, giving incentive to build residential in the areas closest to the neighborhood. In B, residential is 5.0 and office is 1.5.

Commissioner deVadoss said the distinction between residential and non-residential appears to be somewhat arbitrary. Mr. King said the policy difference has been in place for a long time. Residential aspects have been more desired for the edges of the downtown than an array of strictly retail and office buildings. Some think the characteristics of a building with an FAR of 5.0 are the same for residential or non-residential, but in fact they are quite different in terms of light and glare, what the buildings look like, the desired floor plates and traffic movements, among others. Given that the outside edges of the downtown have a lot of residential, residential has long been thought to be the more compatible use.

Community Development Manager Patti Wilma pointed out that a large portion of the Professional Office-zoned site to the southwest of the intersection of Main Street and 112th Avenue SE will have a park on the lid covering the light rail line. The park will serve as a de facto buffer between the residential to the south and the more intense uses in the DT-MU/East Main area.

Commissioner Laing said the Downtown Livability Initiative CAC did not give a lot of attention to the A and B overlay districts. There is what some downtown stakeholders refer to as the commercial penalty associated with residential having either no FAR limit or a large difference in the allowed FAR. The explanation that residential uses on the edges of the downtown are more compatible with residential uses that ring the downtown makes sense in transition areas. However, the CAC expressed concern about continuing the differential given that the priority given to residential to date has achieved its goal. Mr. King said the CAC focused on equalizing

the FAR in the large swath of the DT-MU district outside of the A and B overlay districts.

Chair Hilhorst asked when the East Main CAC will have its recommendations ready. Mr. King said the group is currently focused on building height and FAR for the area east of 112th Avenue SE between Main Street and SE 6th Street. The CAC will likely need a couple more meetings to reach a conclusion, but their current discussion is on FAR in the range of 4.0 to 5.0 and building height between 200 and 300 feet. Part of the area is influenced by the view corridor between City Hall and Mount Rainier.

Ms. Wilma said the DT-O1 district takes in the core part of the downtown. She said the CAC recommended no change to the FAR. However, the outcome of combining building height of up to 600 feet with an unlimited residential FAR was not necessarily the intent of the CAC. Staff's recommendation is to limit FAR to 10.0 for residential buildings that exceed 450 feet in height, and otherwise to have no limit on residential FAR below 450 feet as it is today. Under that approach, buildings above 450 feet will be allowed to have roughly the square footage they would achieve today in a structure that does not exceed 450 feet. Both residential and non-residential buildings are recommended to build up to 600 feet. Staff also recommends eliminating the 15-foot height for mechanical equipment, leaving the screening requirements to deal with mechanical equipment. Tower spacing, floor plate setbacks and special open space requirements would also apply. Fundamental to the CAC's recommendation is that any additional height for FAR must be earned by the provision of exceptional amenities.

The Commissioners had no questions.

With regard to the DT-O2 district, Mr. King noted that staff had been directed to look at potential additional height and FAR for the area to the north of NE 8th Street. He said keeping the same 6.0 FAR and allowing up to 400-foot buildings would help to reinforce the wedding cake better than going from 450 feet and 600 feet all the way down to 300 feet across the street. The recommendations for the MU district to the north allow for 200-foot and 300-foot tall buildings. The benefit of having more light and air between towers and ground level open space with tower spacing is warranted. He recommended allowing height up to 400 feet in this area, above the 300-foot recommended by the CAC, without increasing the allowed FAR.

Commissioner Morisseau asked why the FAR should not be increased along with increasing the height. Mr. King said the potential for additional FAR was analyzed by the staff. However, throughout the CAC process whenever there was talk of additional height or FAR they focused back to the issue of urban form. As a result, their recommendations do not include just adding FAR throughout downtown, but rather just in the OLB district and in the MU district through equalization. The zoning in the downtown is already fairly dense and retains the earmark of having the most dense zoning of any growth area in the city. The CAC analyzed an FAR of 7.2 in the O2 and 9.6 for the O1, but concluded that additional FAR was not warranted.

Commissioner deVadoss said the Commission is not required to dogmatically adhere to the recommendations of the CAC. Mr. King agreed. He said the task of the Commission is to thoroughly review the CAC recommendations and amend them as the Commission sees fit in developing a recommendation of its own to send on to the Council.

With regard to the DT-O2 east district, Mr. King said the area takes in the western half of the Bravern block and the western half of the City Hall block. The zone currently has an FAR of 6.0 and a height limit of 350 feet. He said the recommendation of the staff was for no change to current zoning.

Mr. King said the DT-O2 south district lies to the south of NE 4th Street and west of 110th Avenue NE. He said the recommendation of the staff was to proceed with the CAC recommendation for increasing the height from 250 feet to 300 feet without increasing the FAR from the current limit of 6.0. The area is largely built out, but there are key redevelopment sites that are of interest to stakeholders, including Bellevue Towers.

Mr. King said he would seek preliminary planning direction from the Commission in April.

A motion to extend the meeting to 10:10 p.m. was made by Commissioner Walter. The motion was seconded by Commissioner deVadoss and the motion carried unanimously.

#### 9. PUBLIC COMMENT

Mr. Mike Nielsen, 10650 NE 9th Place, said the O1 zone currently has an FAR of 8.0 for commercial development and an unlimited FAR for residential. The recommendation is to increase that to an FAR of 10.0, yet right across the street the FAR steps down to 6.0, and then to a 5.0 in the MU district to the north. He suggested looking for a midpoint. A modest increase is warranted given some of the height parameters under consideration.

#### 10. ADJOURN

A motion to adjourn was made by Commissioner Walter. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

Chair Hilhorst adjourned the meeting at 9:59 p.m.