

# 2017 PLANNING COMMISSION



BELLEVUE

**Meeting**  
**6:30 pm June 28**

**Location**

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

**Public Access**

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

425-452-6800  
[planningcommission@bellevuewa.gov](mailto:planningcommission@bellevuewa.gov)

[www.bellevuewa.gov](http://www.bellevuewa.gov)

**JUNE 28**



# Bellevue Planning Commission

THIS MEETING HAS BEEN CANCELED

## AGENDA

### Regular Meeting

June 28, 2017

6:30 PM

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

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6:30 PM – 6:35 PM	Call to Order Roll Call Approval of Agenda	
6:35 PM – 6:45 PM	Communications from City Council, Community Council, Boards and Commissions and Staff	
6:45 PM – 7:00 PM	Public Comment <i>The public is kindly requested to supply a copy of any presentation materials and hand-outs to the Planning Commission so it may be included in the official record.</i> <i>Please note, public comment for items related to a public hearing already held are limited to 3 minutes.</i>	
7:00 PM – 8:00 PM	Study Session <i>Comprehensive Plan Amendments – Threshold Review – Bellevue Technology Center</i> Staff: Nicholas Matz, AICP, Senior Planner, Planning & Community Development General Order of Business – The staff report was presented, and the public hearing held, on June 14, 2017. The Planning Commission is expected to deliberate and take action on a recommendation for City Council.	<u>1</u>
8:00 PM – 8:30 PM	Elections <i>Planning Commission Officer Elections</i> Current Officers: John deVadoss, Chair Stephanie Walter, Vice-Chair	<u>11</u>

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General Order of Business – The Planning Commission will hold their annual election of officers. There are two officer positions up for election – Chair and Vice-Chair. The Planning Commission will agree upon the rules of procedure and conduct a separate election for each officer.

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8:30 PM – 8:45 PM

Minutes to be Signed (Chair):

-

Draft Minutes Previously Reviewed & Now Edited:

-

New Draft Minutes to be Reviewed:

May 10, 2017

May 24, 2017

June 14, 2017

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8:45 PM – 9:00 PM

Public Comment

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9:00 PM

Adjourn

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Please note:

- Agenda times are approximate only.
- Public comment is limited to 5 minutes per person. The Chair has the discretion at the beginning of the comment period to change this.

Planning Commission Members:

John deVadoss, Chair

Stephanie Walter, Vice Chair

Jeremy Barksdale

John Carlson

Aaron Laing

Anne Morisseau

John Stokes, Council Liaison

Staff Contacts:

Terry Cullen, Comprehensive Planning Manager 425-452-4070

Emil King, Strategic Planning Manager 425-452-7223

Janna Steedman, Administrative Services Supervisor 425-452-6868

Kristin Gullede, Administrative Assistant 425-452-4174

*\* 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).*

**\*IMPORTANT-Please click on the following public service announcement. It contains important information regarding access and parking at City Hall.**

<https://goo.gl/ZgS3pa>



# City of Bellevue *MEMORANDUM*

DATE: June 22, 2017

TO: Chair deVadoss and members of the Bellevue Planning Commission

FROM: Nicholas Matz AICP, Senior Planner 452-5371  
[nmatz@bellevuewa.gov](mailto:nmatz@bellevuewa.gov)  
Terry Cullen AICP, Comprehensive Planning Manager 452-4070  
[tcullen@bellevuewa.gov](mailto:tcullen@bellevuewa.gov)

SUBJECT: June 28, 2017, Threshold Review Study Session on the Crossroads Subarea/Bellevue Technology Center 2017 site-specific Annual Comprehensive Plan Amendment (CPA)

## PLANNING COMMISSION ACTION

On June 28, 2017, the Planning Commission will hold its Threshold Review Study Session after holding and closing the June 14, 2017 Threshold Review public hearing for the Crossroads Subarea/ Bellevue Technology Center CPA.

At the meeting, staff will ask you to deliberate and to recommend whether the application should be initiated into the 2017 Comprehensive Plan amendment work program under LUC 20.30I.140 and to recommend the appropriate geographic scope for the application in accordance with LUC 20.30I.130.A.1.a.ii. Such recommendation will be transmitted to City Council for consideration at its July 24, 2017 meeting; the Commission chair typically presents the recommendation.

The staff recommendation for the 2017 application is summarized below. The full report is available [online](#) and can be requested in print. Both versions include the staff recommendation, the application materials, public comment summary, and a site map; the online version has links.

## STAFF RECOMMENDATION SUMMARY

The Threshold Review Decision Criteria for a proposed Comprehensive Plan Amendment are set forth in the Land Use Code in Section 20.30I.140. Based on the criteria, Department of Planning and Community Development staff recommendation is shown below in summary, and in detail in the report materials provided to Commissioners along with the May 25, 2017, notice of Threshold Review public hearing.

1. **Crossroads Subarea/Bellevue Technology Center 17-104627 AC):** The application proposes new policies in the General Land Use, Economics and Transportation sections of the Crossroads Subarea plan; amend existing Policies S-CR-16, S-CR-22, S-CR-26, S-CR-63 and S-CR-66; and amend Figure S-CR.1 accordingly in order to enable redevelopment of the 46-acre Bellevue Technology Center site.
  - **Staff recommendation:** Do not include in the CPA work program; do not expand the geographic scope of the proposal. The proposal does not meet two of the Threshold Review Decision Criteria:

**20.30I.140.E.** *It does not address significantly changed conditions on the subject property or its area where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole.* Placing more growth capacity on this site is not part of Bellevue’s overarching growth strategy of managing growth and development while working to protect and enhance neighborhoods;

**20.30I.140.G.** *It is inconsistent with current general policies in the Comprehensive Plan for site-specific proposals.* Increased commercial density on this site is not aligned with the Comprehensive Plan’s identified target areas for major mixed use/commercial growth.

## **JUNE 14, 2017 THRESHOLD REVIEW PUBLIC HEARING**

Forty-seven speakers provided testimony at the public hearing. See the agenda packet under Minutes for the draft record.

### **PUBLIC COMMENT**

As of June 21, 2017, 103 [comments](#) have been received. An online petition at [change.org](#) has 1,184 supporters and includes 401 comments. All of these are part of the public record.

Commission and public access to these extensive comments and the petition and its comments directed the creation of an online “book.” This device is searchable and includes a table of contents. The book also references the online petition text. The comments are documented as they are received, although it is inevitable that some duplication of signers and comment occurs across the email and petition comment platforms. For example, 26 of the written comments received were copies of the signed online petition.

### **BACKGROUND**

The 2017 list of initiated applications has been established to consider amendments to the Comprehensive Plan. The list is the tool the city uses to consider proposals to amend the Comprehensive Plan. Such consideration is limited to an annual process under the state Growth Management Act.

Threshold Review action produces proposed amendments for the annual CPA work program. This 2017 annual CPA work program consists of four steps:

#### Threshold Review

1. Planning Commission study sessions and public hearings to recommend whether initiated proposals should be considered for further review in the annual work program (*current step*);
2. City Council action on Planning Commission recommendations to establish the annual work program (July);

#### Final Review

3. Planning Commission study sessions and public hearings to consider and recommend on proposed Comprehensive Plan Amendments (early fall);
4. City Council action on Planning Commission recommendations (late fall).

## **PUBLIC NOTICE**

The 2017 annual CPAs were introduced to the Planning Commission with a March 1, 2017, management brief. The Crossroads Subarea/BTC application was introduced to the Commission during an April 26, 2017 study session. Notice of the Application was published in the Weekly Permit Bulletin on February 23, 2017, and mailed and posted as required by LUC 20.35.420. Notice of the June 14, 2017, Threshold Review Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on May 25, 2017, and included notice sent to parties of record.

## **RESEARCH REQUESTED BY PLANNING COMMISSION FROM APRIL 26 STUDY SESSION**

- *How many times has there been a request to change the BTC PUD or plan designation since the original 1972 PUD/plan? - Commissioner Hilhorst*

There appear to be **seventeen** separate permitting actions associated with the full site including the original 1972 PUD/plan. **Five** of actions were to requests to change the PUD development capacity or plan designation. **Seven** were to build out or modify the terms of the PUD without changing the development capacity or plan designation because the PUD was completed in different stages. The permitting actions included **three** rezone actions and **two** PUD attempts predating the 1972 approval; one in 1966 and another in 1968. The site was annexed in 1964 (Sherwood Forest.)

- *How many rezoning, recent or pending have or are about to happen in neighboring Redmond? - Commissioner Hilhorst*
- *There is building across the border in Redmond that affects this area. Bring data to the next meeting. - Commissioner Morisseau*

How does Bellevue account for Redmond and its Urban Centers development in our growth strategies? Data provided by the City of Redmond indicates buildout of its designated areas continues apace; this data is incorporated into the transportation modeling the cities conduct using the joint Bellevue/Kirkland/Redmond (BKR) traffic model. It is also incorporated into the other infrastructure planning such as water and sewer that occurs. We are not, however, planning for infrastructure outside of these currently planned areas being built out. That was affirmed in the

2015 major Comprehensive Plan Update and in growth projections in city mobility management areas (MMA) in the Northeast Bellevue area.

As of early May, 2017, citywide information provided by the City of Redmond shows:

- # Twenty-seven residential subdivisions (773 Dwelling Units or DU) are under construction with seventeen more (169 DU) under review
- # Three commercial projects (18,000 square feet) are under construction and thirteen more (218,000 square feet) are under review
- # Thirteen mixed-use projects (720 DU, 3,000 square feet) are under construction with fifteen more (936 DU, 43,000 square feet) under review

The City of Redmond continues to focus its city-initiated Comprehensive Plan Amendments on policy implementation for these build-out areas of southeast Redmond. The following items of interest in the [2016-2017](#) docket show the following items of interest:

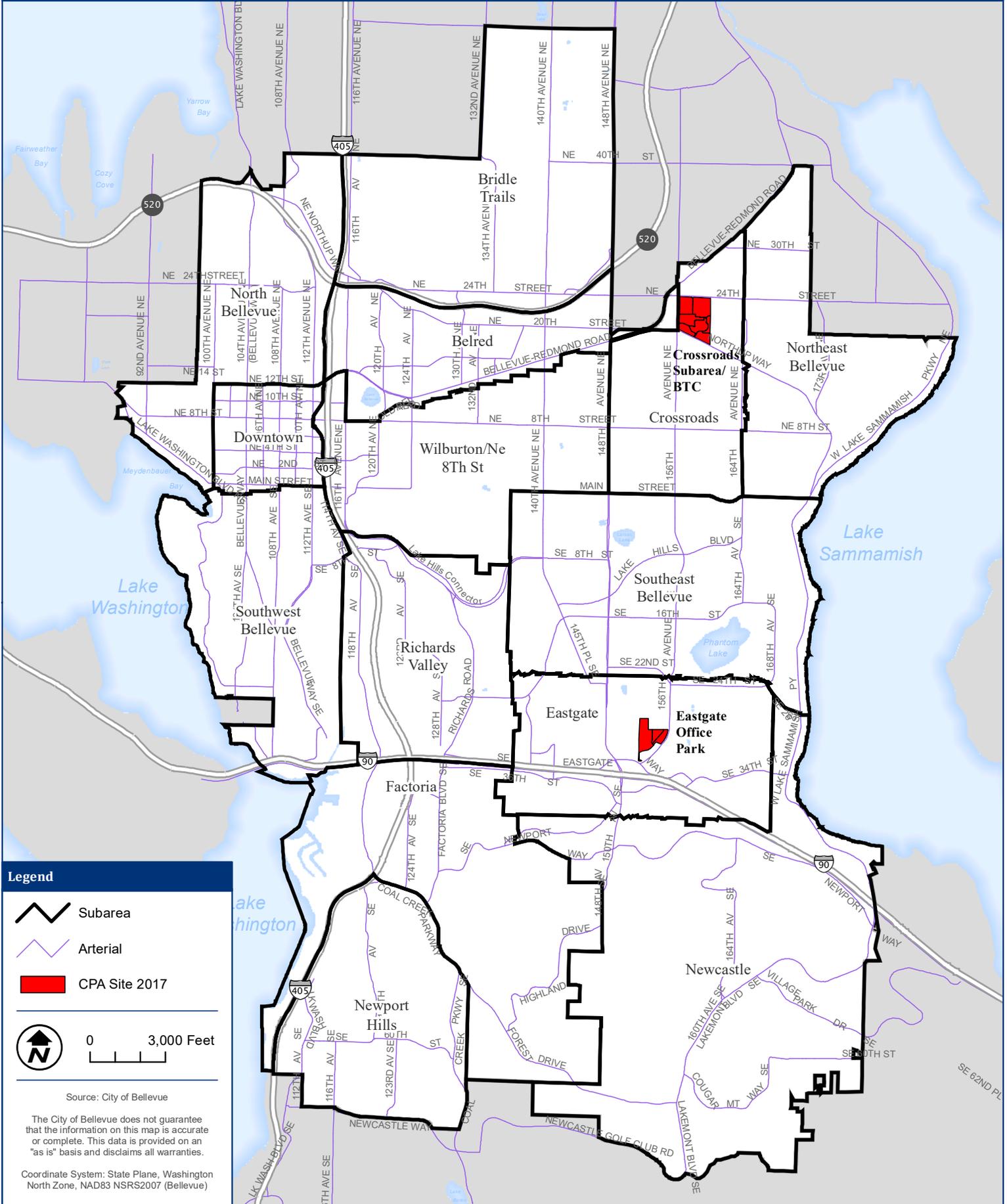
- #3: Updates to Overlake Urban Center boundary
- #6: Updates to policies and regulations as follow up to the Growing Transit Communities Partnership, including East Corridor implementation
- #11: Potential policy amendment to designate one or more local centers
- #17: Update for Marymoor Subareas of SE Redmond
- #18: Updates for Overlake Village (infrastructure)
- #23: Updates for the area near Southeast Redmond light rail station and park and ride

## **ATTACHMENTS**

1. 2017 site-specific CPAs citywide map
2. Application site map
3. Threshold Review Decision Criteria (LUC 20.30I.140) and Consideration of Geographic Scope (LUC 20.30I.130.A.1.a.ii)



# 2017 Comprehensive Plan Amendments



**Legend**

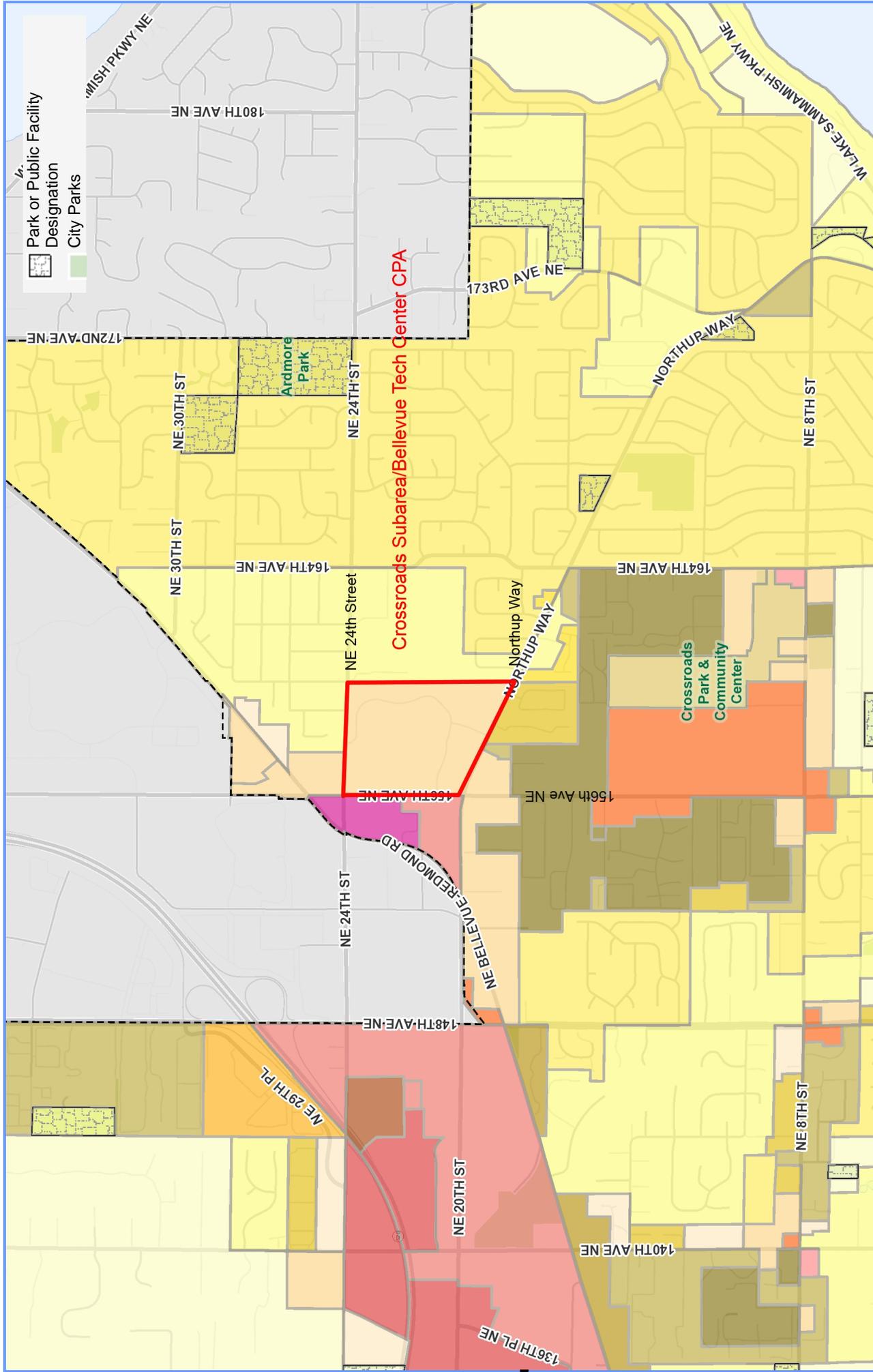
- Subarea
- Arterial
- CPA Site 2017

0 3,000 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.

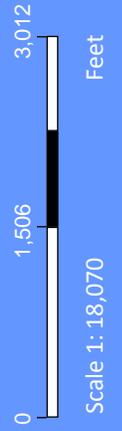
Coordinate System: State Plane, Washington North Zone, NAD83 NSRS2007 (Bellevue)



Crossroads Subarea/Bellevue Tech Center CPA



# Crossroads Subarea/BTC CPA site map



Scale 1: 18,070

### **20.30I.140 Threshold Review Decision Criteria**

The Planning Commission may recommend inclusion of a proposed amendment to the Comprehensive Plan in the Annual Comprehensive Plan Amendment Work Program if the following criteria have been met:

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

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

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

#### **(ii) Consideration of Geographic Scope**

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



June 28, 2017

**SUBJECT**

Planning Commission Officer Elections

**DIRECTION NEEDED FROM PLANNING COMMISSION**

- Action
- Discussion
- Information

**BACKGROUND**

Annually, the Planning Commission elects two officer positions from within its membership – Chair and Vice-Chair. The elections are typically held on the last scheduled meeting of June. The term of office will be August 1, 2017 through July 31, 2018. Newly elected officers are seated with the first scheduled meeting in September typically. The current officers are seated through to the last scheduled meeting in July. August is considered to be a summer break, and no Planning Commission meetings are scheduled during this month.

Generally, the role of the Chair is to run the Planning Commission meetings in a good and orderly fashion, coordinate with the City staff and City Council liaison on matters affecting the Commission, and represent the Planning Commission at City Council and special events or meetings. The Vice Chair serves as an alternate to the Chair when the Chair cannot fulfill their responsibilities or as designated by the Chair.

There will be a separate election for each officer position. The general process is outlined below and repeated for each of the two officer positions' elections:

1. The Chair will ask for nominations. A second is not required.
2. The Chair will close the nominations. A motion to close is not required.
3. If there is only one nominee, the Chair will simply declare the nominee elected.
4. If there is more than one nominee, the Chair will call for a separate vote for each nominee. Voting is done with a voice vote by each individual Commissioner.
5. The election is declared final when one nominee receives the majority of votes.
6. If no nominee receives a majority of votes after the first round of voting, then successive rounds of voting are conducted until one candidate receives a majority of the votes.
7. The elections process is concluded once the two officer positions have been elected.

**RECOMMENDATION**

It is recommended that the Planning Commission affirm the procedures for electing officers as described above and proceed to elect new officers for the 2017/2018 term of office.

# Upcoming Planning Commission Meeting Schedule

<u>Mtg</u>	<u>Date</u>	<u>Agenda Item Topic</u>	<u>Priority</u>	<u>Agenda Type</u>	<u>Location</u>
17-12	June 28, 2017	Comprehensive Plan Amendment Cycle Threshold Review	2	Study Session to make recommendation to City Council regarding threshold determination for plan amendments in cycle.	City Hall
		Planning Commission Elections	1	Annual elections for Chair and Vice-Chair officer positions.	
17-13	July 12, 2017	Digital Transition	3	Commission get an orientation on digital packets and iPads.	City Hall
		Planning Commission Post Retreat - Guiding Principles & Public Engagement	3	Commission reviews current guiding principles and public engagement practices and amends, as needed.	
17-14	July 26, 2017	Grand Connection Phase 1 Framework	3	Commission receives an information only presentation.	City Hall
		Affordable Housing Strategy - Presentation	3	Commission receives an information only presentation.	
	<b>Summer Break</b>	<b>No meetings will be held in August.</b>			
17-15	September 13, 2017	TBD			
17-16	September 27, 2017	Comprehensive Plan Amendment Cycle Final Review	2	Study Session to review all of the plan amendments together in the annual plan amendment work program.	City Hall
17-17	October 11, 2017	TBD			
17-18	October 25, 2017	Comprehensive Plan Amendment Cycle Final Public Hearing	1	Public hearing	City Hall
		Comprehensive Plan Amendment Cycle Final Review	2	Study Session to make recommendation to City Council regarding all the plan amendments in the annual work program.	City Hall
17-19	November 8, 2017	Comprehensive Plan Amendment Cycle Final Review	2	Study Session to make recommendation to City Council regarding all the plan amendments in the annual work program.	City Hall
17-20	November 15, 2017	Annual Retreat (tentative)			
17-21	December 13, 2017	TBD			

The Planning Commission will set public hearings, as needed, when the Commission approaches the conclusion of their deliberations.

# PLANNING COMMISSION DESK PACKET - CORRESPONDENCE



**June 28, 2017**

Planning Commission Meeting

## Cullen, Terry

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**From:** Pam Johnston <pamjjo@msn.com>  
**Sent:** Friday, June 16, 2017 11:22 PM  
**To:** PlanningCommission; Cullen, Terry; Matz, Nicholas  
**Subject:** Wednesday July 14 Hearing

I want to personally thank you all for taking the time to hear from everyone at the meeting Wednesday night. For Commission members and staff, I thank you for putting in the time to get through the hours that this bulk of work represents. While I know that you have great pride in your work, a comp change amendment deserves special attention. I appreciate the level of your attention throughout the meeting, especially when you did not anticipate it. Many people felt hat the neighborhood leaders covered their main concerns that they were able to leave, but you stayed. I also appreciate your fairness in handling outburst, especially tricky for those who have never been at the meeting and have waited so long to speak. Also thank you for your handling of the children. Getting them off to bed was a very thoughtful.

-pamela johnston

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*Pamela Johnston*  
3741 122nd Ave NE  
425.881.3301

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CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

May 10, 2017  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Commissioners Carlson, Barksdale, Laing, Morisseau, Walter

COMMISSIONERS ABSENT: Chair deVadoss, Commissioner Hilhorst

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

COUNCIL LIAISON: Not Present

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER  
(6:34 p.m.)

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

ROLL CALL  
(6:34 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Laing, who arrived at 6:59 p.m., and Chair deVadoss and Commissioner Hilhorst, both of whom were excused.

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

Commissioner Carlson suggested the agenda should be amended to take public comment only until 7:00 p.m., to take up the study session at that time, and to follow the study session with presentations from staff.

Comprehensive Planning Manager Terry Cullen pointed out that staff planned to include in their comments information germane to the study session discussion. It would be challenging to have the Commission discussion first and follow it up with the staff comments.

Land Use Director Carol Helland said the Commission had previously asked staff to return with additional information. She said some of that information was included in the packet materials, but added that staff planned to supplement that information through the use of slides and illustrations. It would be helpful to allow staff to go through the requested information ahead of each topic.

A motion to amend the agenda to conclude public comment at 7:00 p.m., and to approve the agenda as amended, was made by Commissioner Barksdale. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

#### COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS - None

(6:39 p.m.)

#### STAFF REPORTS - None

(6:39 p.m.)

#### PUBLIC COMMENT

(6:39 p.m.)

Mr. Mike Latori, 500 106th Avenue NE, Unit 611, said he serves as a member of the board of the Bellevue Towers Condominium Association. He said Bellevue Towers has 539 units in two towers in the DT-O1 district. The residents will all be impacted in one way or another as a result of any changes to the Land Use Code and are therefore interested in actively involved in following the process. The work done to date is appreciated but it must be said that after reviewing the multiple studies, reports and hearing testimony it is not an easy task to comprehend or disseminate to others much of the data. One of the goals of the Downtown Livability Initiative was to promote open space and light by building taller and skinnier buildings. The proposed changes, however, do not translate into skinnier buildings, just taller buildings. That will be especially true if the currently proposed 40-foot setback, 80-foot tower separation and ten percent floor plate reduction requirements are removed. Maximum building heights should be true maximums and there should be no tradeoff allowed to exceed the maximum. Specifically in the DT-O2 South district, the 250-foot maximum height in the current code is not in fact the maximum; there are footnotes and appendices that allow 15 percent additional height for amenities and another 15 feet for roof equipment and enclosures, making the true maximum height 302 feet. Many Bellevue Towers residents purchased south-facing units at a premium based on the current 250-foot maximum height, and the proposal to raise the maximum height to 365 feet would negatively impact the views and values for many Bellevue Towers residents. It is not a matter of protecting views, rather it has to do with making sound decisions based on actual data. To change the parameters after the fact will require well-thought-out and explainable justifications, none of which can be found in any of the studies or reports. Height limits should be maintained as written for the core of the DT-O1 and DT-O2 districts. The current amenity incentive system should be simplified by the listing of very specific community needs and not what is incorporated into the design of a new building. The various reports stipulate 23 specific amenities, each of which can be interpreted in many ways, and which may result in very little community benefit. Amenities should be more specific and defined as contributing to the community. Amenities built into the design of proposed buildings should be eliminated because their value is more toward marketing the building rather than benefiting the community.

Mr. Kevin Whitaker, 10770 NE 4th Street, Unit 2802 in Bellevue Towers, concurred with the previous speaker. He said many downtown people are frustrated because of the opacity of the process, the regulations and the governing documents that are defining the rules in the downtown. Most did their due diligence when they sought to purchase units in the downtown, and they made certain assumptions based on what was included in the regulations with regard to building height and setbacks. The regulations directly impact their investments in their homes. The process has created some cynicism in regard to what is going on, and the dense data is not

something lay persons can dig into and understand. The data is seemingly being used as justification for what amounts to a wealth transfer. Many feel the rug is being pulled out from under them by the process and by interests seeking to take advantage of a lack of sophistication on the part of downtown residents.

Commissioner Carlson asked if downtown residents who purchased units under the old building height rules could have a claim that changing the rules to allow taller buildings that take away views amounts to a taking.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, said the short answer is no. If conditions are placed on a project that prevent it from being used, or which are out of proportion to an impact a project creates can be interpreted as a taking. However, in terms of loss of value, which is the implication relative to loss of views, the courts have said that to create a taking a property's value must be diminished by something like 85 to 90 percent. A good example would be downzoning a property so that it could only be used for a park. He called attention to the fact that several weeks ago Chair deVadoss sent him off to address and resolve the height issue, and said that mission had been accomplished. The language in the proposed footnote 12 creates opportunity to allow for additional height under limited circumstances in the B2 district. With regard to parking, he suggested leaving the 20 percent discount alone. There may be some issues in Old Bellevue, but not in the rest of the downtown relative to mixed use projects. To tinker on one part of the parking formula but not another could lead to unanticipated results. He suggested the information in the Commission's packet wraps up the direction given to staff except for the issue of tower separation relative to 60 feet versus 80 feet.

Mr. Arnie Hall, 17227 SE 40th Place, thanked the Commissioners for their hard work. He suggested that two important issues are yet to be determined. The first is the trigger height. The Commission made the difficult decision of agreeing to raise the new base FAR to 90 percent of the new maximum FAR. To be consistent, the trigger height should be set at 90 percent of the new maximum height to avoid any unintended consequences or advantages between properties in the downtown. Developers contribute in many ways, including through traffic impact fees, frontage improvements, on-site and off-site traffic mitigation, and in other ways. Making things even across the downtown will be consistent with the Commission's decision on the base FAR. The second issue is the parking reduction. He agreed that the 20 percent reduction for mixed use projects in the downtown has worked well. It has caused some concern in Old Bellevue and any revisions to the parking code should address the challenges in that part of the city.

Mr. Patrick Bannon spoke as president of the Bellevue Downtown Association (BDA). He said one issue that has come up several times centers on the usability of and how to navigate the code. He suggested the Commission should provide direction to the Council in the transmittal memo to ensure that a very clear index and understandable guide to the new code is included in the Land Use Code update. With regard to the base height issue, he said there remains on the table a significant discrepancy in the DT-OLB where the base height is at 26 percent of the new maximum, which results in having to provide far more amenities when compared to the other zones. He said he has had opportunity to have conversations with Bellevue Downtown Association members and with downtown residents, some of whom are new to the process and some of whom have been with the process for a long time. There appears to be some confusion about where additional FAR has been proposed. Consistent with the CAC, the process to date has continued to emphasize additional FAR in the DT-OLB district along I-405. The Commission has also looked at possible additional FAR relative to the site at Main Street and 112th Avenue NE. The CAC and the Commission both reached the conclusion that the non-residential FAR should be matched with the residential FAR in the DT-MU district. Otherwise,

the height changes considered for the downtown do not include additional density, though there is still on the table consideration for exempting some FAR for affordable housing.

Mr. Bill Herman, 10770 NE 4th Street, spoke representing L for Bell, a group of about 150 people who oppose the draft Land Use Code. He said the issue of equalization is bad for livability and was controversial at the CAC level. He proposed leaving equalization out of the final recommendation. The justification for it is to balance incentives between commercial and residential in the DT-MU. The proposed FAR increase is a 100 percent increase, which is not justified. Commercial traffic in the DT-MU is not wanted. Rush hour traffic is the downtown's biggest problem, and putting commercial traffic a half a mile away or more from the transit center is not the answer. It would be preferable to have the new density in the DT-OLB. Tall and skinny buildings are better than short and boxy buildings for reasons of livability. The 425 Center had the option of building half the floorplate and twice the height and chose not to. Developers will not want to build taller and skinnier unless forced to do so. The Commission should vote to remove all of the additional height.

Mr. Brian Brand with Baylis Architects said he also serves as co-chair of the BDA's livability committee. He said he has been involved in pushing for the code update for the past 13 years and especially over the last four years. The BDA supports flexibility in height increases minus FAR density increases. Taller and slimmer buildings will improve the design and livability benefits. Flexibility is needed to create the opportunity for more creative designs. Tower height cannot be increased without making floorplates smaller. The BDA has not proposed increasing the FAR and in fact does not want to see additional density except in the DT-OLB. Taller buildings that do not include more density are necessarily slimmer buildings. The benefits are more light and air, improved view corridors, and more spacing between towers. As currently written, FAR and height are pretty well matched, so buildings that achieve their maximum FAR end up being shorter and fatter, the very type of design that blocks views through their sites and cutting out light and air.

Ms. Michelle Herman, 10770 NE 4th Street, encouraged Commissioner Carlson to broaden his question about new building height resulting in a taking. Given that there have been numerous concerns raised about the process and the lack of ability for certain parts of the community to participate effectively, and given the number of objections that have been raised with regard to not only the proposed changes but also the current code, she suggested asking if the collective changes could result in a takings claim. She thanked Mr. Bannon for recently reaching out to her and initiating a very good conversation about residents and developers who appear to be completely opposed on various issues could work better together going forward. There is potential common ground. Upzoning the DT-OLB would be a good compromise given that it is close to both transit and I-405, meaning that additional traffic will not be brought into the downtown core. The argument has been made that people will walk from the light rail station into the downtown core, but that will require that they walk uphill for three quarters of a mile. Most will likely choose to drive instead. Adding density to the DT-OLB only makes sense. With regard to the amenity incentive system, the city should try a staged approach, beginning with some upzoning in the DT-OLB and fixes to the amenity system to see what happens before changing them for the entire downtown. Adherence to the wedding cake design is a red herring; there is no wedding cake design for the DT-OLB and there is no reason to adhere to it strictly and rigorously because upzoning the district will not impact transitions to the neighborhoods.

STUDY SESSION  
(7:05 p.m.)

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

Strategic Planning Manager Emil King noted that the packet included a reprint of the materials from the May 3 meeting packet, as well as the consolidated code draft capturing the Commission's direction to date following the March 8 public hearing.

With regard to downtown parking, Mr. King said the direction received from the Commission on April 26 was to remove the flexibility that had been included in the public hearing draft of the code to allow developers to go either above or below the parking ratios through a parking study. The Commission had also expressed a desire to have more discussion about the current code provisions about the 20 percent shared parking discount.

Land Use Director Carol Helland commented that the consolidated code provisions reflecting the Commission's direction had the code flexibility removed with respect to the modification. The only modification left relative to the 20 percent shared parking discount was to allow it only through a parking study rather than automatically.

Mr. King shared with the Commissioners a graph showing the cumulative parking demand by type of use. He explained that overlapping businesses can operate with different peak hours, which is the philosophy behind shared parking.

Commissioner Walter said she was satisfied with changing the language to allow for a 20 percent shared parking reduction through a parking study. Ms. Helland said that code language could be found on page 68 of the packet.

Commissioner Morisseau said the 20 percent shared parking reduction has been highlighted as being a problem in the Old Bellevue area. She asked why that would be the case given that the code applies citywide. Mr. King acknowledged that there are a number of issues related to parking in Old Bellevue that have been raised before the Commission over the last year. Others have said there are parts of the city that are becoming built out and where shared parking exists it is not signed and operated appropriately, making it difficult to use.

Commissioner Carlson suggested the problem is not exclusive to Old Bellevue. Old Bellevue is in fact the canary in the coal mine and the issue is going to be a downtown-wide issue if the city does not get a handle on it. He said he questioned why the city was expanding Downtown Park without including a single additional parking space. With the residential and the commercial on Main Street in Old Bellevue, the parking issue is a collision that did not need to happen. The issue will pop up in more and more places throughout the city over time. Ms. Helland reminded him that the Commission had previously recommended including in the transmittal memo to the Council a request that a comprehensive parking study be undertaken soon. The study has in fact been funded and staff have started cataloging ideas to put forward as part of the recommendation in the transmittal memo relative to items that go beyond the code.

Commissioner Laing said the language regarding the shared parking provision should be clear that it is for non-residential uses only, and that required residential visitor parking cannot be used as part of the shared parking. Mr. King called attention to page 153 of the packet and suggested using the language that was drafted in talking about the parking reductions. Commissioner Laing said that would work for him. Ms. Helland agreed to make the change.

Answering Commissioner Morisseau's request to clarify the 20 percent reduction, Ms. Helland explained that under the current code the 20 percent discount is provided automatically without

any parking study. The language of the consolidated code includes a requirement for a parking study to ensure that the parking supply will meet the demand based on the peak usage requirement. Other jurisdictions allow a discount of anywhere between 20 and 30 percent on the hope that things will work out in the wash, though some jurisdictions do in fact require a parking study to justify up to a 20 percent discount.

Commissioner Laing said it was his understanding that Commissioner Carlson was going to need to leave the meeting early and suggested focusing on the big rocks prior to his departure.

Commissioner Laing commented that a letter from Wallace Properties had been included in the Commission's May 3 packet. The letter contained some very specific recommendations.

A motion to direct staff to incorporate the proposed changes from the Wallace Properties May 10, 2017, letter to the Commission into the draft code was made by Commissioner Laing.

Commissioner Morisseau said she was not entirely comfortable in doing that. She noted the need to discuss floorplate size and stated that part of the Wallace letter makes reference to floorplate size. Commissioner Laing said the intent of his motion was to generally accept the suggestions made in the letter. Once incorporated into the draft, the Commission will be able to see how the changes play out before going forward.

Commissioner Morisseau pointed out that the Wallace letter states that the fee in-lieu rate should be \$25 per square foot rather than \$28 per square foot, and that is not something the Commission has talked about. The letter also proposes larger floorplates. She said she was not comfortable having either of those items in the draft. Commissioner Laing said he would accept carving out those two items as a friendly amendment to his amendment.

Commissioner Carlson said he would be willing to second the motion without the friendly amendment. He added, however, that he was amenable to the amendment.

Commissioner Laing said he had been working on the downtown livability issue for the past four years along with others in the room. He suggested that with the way the conversation was going, the Commission would spend the entire meeting talking about minor variations of the same information that has been under discussion for four years. What will happen is the Commission will find itself on May 24 having run out of time to make recommendations and will try to do something meaningful without having meaningfully moved the draft forward. He said he wanted to move things forward, taking advantage of having five Commissioners in the room before there would be only four.

Commissioner Walter suggested that putting everything into the draft for review on May 24 would not necessarily serve as a productive use of the Commission's time.

Commissioner Carlson said the Commission has been talking about most of the topics for a very long time. He said the direction set forth in the Wallace letter is the direction the Commission should take. He said he would be willing to carve out the issues Commissioner Morisseau had expressed concern about and discuss them separately.

Commissioner Carlson seconded Commissioner Laing's motion.

Commissioner Barksdale called out the need to notate the source for the various changes to the draft. Code Development Manager Patricia Byers said staff could do that.

The motion carried with Commissioners Barksdale, Carlson and Laing voting for, and Commissioner Morisseau voting against.

Commissioner Laing called attention to a letter dated May 10, 2017, from PMF Investments in which a suggestion was made to allow floorplates only in the DT-OLB South zone between 80 and 150 feet to be increased by 25 percent, up to 25,000 square feet, subject to the same standards of tower separation and light and air impacts as proposed in the staff recommendation.

A motion to direct staff to incorporate into the draft the change recommended in the May 10, 2017, PMF Investment letter was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

Commissioner Laing said he would not take part in any discussion of the Elan/Fortress project. He said during his tenure as co-chair of the Downtown Livability Initiative CAC, he was contacted on a few occasions, without any bad intent, by representatives of the property owner asking him in his professional capacity as a land use attorney to assist with a rezone of the property. He clarified that the proposal before the Commission is not something he ever had a substantive conversation about. He said he disclosed his communications with the property owner to the city attorney and to the city's ethics officer a little over a year ago, and subsequently made the decision not to participate in any way in discussion anything that involves the Elan/Fortress property or their proposal. Ms. Helland noted that the Elan/Fortress property representative has come to the table claiming satisfaction with the information that is in the packet.

Commissioner Carlson left the meeting.

With regard to the amenity incentive system, Mr. King said the two items for which the Commission previously requested follow-up information were the list of bonusable amenities and a shorter periodic review cycle of seven years rather than ten. The Wallace letter covers about half of the proposed amenities. Additionally, the list of suggested bonusable amenities highlighted by the public included sports and recreation facilities; public open air markets; museums; publicly accessible amenity spaces on rooftops or tops of podiums; roof gardens; residential amenity space; mid-block pedestrian crossings; and through-block connections. He said five of those items were included in the Wallace letter and accordingly would be added to the draft code.

Commissioner Barksdale asked how likely it was the market would provide the listed amenities without an incentive to do so. Mr. King said certainly a few of them would be incorporated into develops without being incentivized. Commissioner Barksdale said he would favor not including the listed items.

Ms. Helland said one item on the list is currently a requirement and the request has been to make it a bonusable amenity, namely the through-block connections. Commissioner Walter asked what would qualify as a residential amenity space and Ms. Helland said that would be things like an exercise room, swimming pool or meeting rooms just for the use of residents in the building.

Commissioner Barksdale said any item the market will take care of or which does not provide a public benefit should not be on the list of amenity incentives. He suggested residential amenity space is one such item. Ms. Helland clarified that the Wallace letter calls for bonusing publically accessible spaces on building rooftops or on the top of podiums, which is not the same as

residential amenity space.

Commissioner Morisseau said anything that is already a requirement should remain a requirement. She noted that some from the public and stakeholder community have actually recommended getting rid of the amenity incentive system, making some of the items on the list requirements instead. Ms. Helland said as part of the initial discussion with the Commission, questions were asked about the items currently in the consolidated code, with a focus on whether there are too many of them, or whether there are too few of them and new ones should be added. Commissioner Morisseau agreed with Commissioner Barksdale that items the market will take care of on its own should not be added to the list.

Commissioner Laing pointed out that as drafted, ten percent of the allowable FAR must be earned by providing bonusable amenities. If the amenity incentive system is done away with, it will be necessary to just give every development the full amount of FAR and to simply require different items. Determining what should and should not be required would take a long conversation. He suggested focusing instead on what should and should not be on the list of bonusable amenities.

Ms. Helland said the list of amenities starting on page 161 of the packet are consistent with the amenity principles discussed by the Council and the Commission in the joint meeting. The question is whether the amenities suggested in the Wallace letter should be added, or if any of the amenities suggested by the public should be added.

Commissioner Laing pointed out that what is suggested in the Wallace letter is a way of allowing small lots the opportunity to actually earn the last ten percent of the maximum FAR. Small lots are problematic for a number of reasons, including limited space for including ground-level amenities. Rooftops and the upper level of podiums are in many instances the only place to provide amenities on small lots. He agreed that interior residential amenity space should not be bonusable. Ms. Helland said the items listed, absent the interior residential amenity space, could be drafted as applying only to small lots.

Commissioner Walter asked if the flexible amenity could be written to apply to small lots. Commissioner Laing said the flexible amenity should be allowed to stand on its own. The list of amenities serve as a menu of items developers can order, whereas the flexible amenity is intended to allow for creative alternatives. Mr. King allowed that as written the flexible amenity gives developers the opportunity to suggest alternatives through a specific process. It has historically been viewed as encompassing larger and more grandiose items that are not on the list, but it could be interpreted as taking into account a number of small things as well. Ms. Helland said the flexible amenity essentially serves as a departure for small sites.

Mr. King sought clarification from the Commission as to whether the proposed amenities highlighted in the Wallace letter should be considered as applying to small lots only or for all lots.

Commissioner Morisseau said she would prefer to not add the Wallace suggestions and instead rephrase the flexible amenity to address alternative amenities for small lots. Ms. Helland said there are a couple of approaches that could be taken that would neck down the need to expand the list of amenities. One option would be to rely on the flexible amenity, which would not require much rewriting. Another option would be to acknowledge that small sites of 40,000 square feet or less face different challenges by creating a departure for them, which is an approach the Commission has been amenable to in the past. The third option would be to retain

the body of amenities as they have been drafted.

Commissioner Laing said things like sports and recreation facilities, public open air markets, museums and through-block connections are all items that developers can only avail themselves of if they have a substantial project limit. Midblock pedestrian crossings could be done by any developer. He stressed the importance of having items on the list that small property owners can take advantage of and said he could support adding the highlighted items suggested by the public, with the exception of interior residential amenity space.

Commissioner Walter suggested a small lot might or might not have room for a public open air market. She proposed including the list of amenities suggested by the public as examples under the flexible amenity, though not as an exhaustive list. The Commissioners concurred and Ms. Helland said staff would take a stab at it.

There was also agreement to include from the Wallace letter small sites amenities publically accessible rooftops or amenity spaces, amenity spaces on roofs of podium or tower structures, roof gardens that are not necessarily publically accessible, and enhanced landscaping.

With regard to adaptive management, Commissioner Barksdale said the approach is data driven rather than time driven. He said developers put their stake in the ground at the permit stage. Given the plans that are already in the works, plus those coming through in permits, it is possible to project the effects on the downtown area. The city should be able to revisit the amenity incentive system based on what is coming through and make adjustments accordingly rather than waiting for a specific number of years.

Commissioner Walter asked how the approach would be administered, where the data would be collected and monitored, and how the city would know it was time to revise the amenity incentive system. Commissioner Barksdale agreed it would be easier to do the look back on a set time schedule, but he suggested that what is easy is not always effective. By tracking the data, the city could shift the weighting of the individual items or sunset particular amenities based on what is coming through development projects.

Ms. Helland said an approach that has been used by the state legislature and indeed by the city in some cases involves reporting on implementation. She said the seven- to ten-year update could be retained while agreeing to report out on an annual basis on the amenities that are being used. Where the need to make course corrections is identified, the corrections could be made based on that information. An annual reporting form could be developed to track the amenities used.

Commissioner Laing reminded the Commission that the Downtown Livability Initiative CAC unanimously recommended a five-year look-back. Of course there is a concern that even given the best intentions, the look-back might not happen unless prioritized by the Council. Mr. King noted that as drafted, the code calls for a period review every seven to ten years as initiated by the Council. The Commission previously discussed shortening the time interval or undertaking an alternative approach. Commissioner Barksdale said he would prefer to see both the backstop and the tracking report included in the code.

There was agreement to use five to seven years as the backstop timeline.

With regard to the tower separation issue, Mr. King noted that the Commission had previously given direction to have a 20-foot setback from interior property lines between project limits. That direction has been written into the code. The definition of a tower has also been revised to reflect

100 feet rather than 75 feet, and to indicate that the tower spacing must occur at 80 feet rather than 45 feet in line with previous direction given by the Commission.

Mr. King noted that the Commission had asked for additional discussion in regard to 80-foot versus 60-foot tower spacing. He said the Wallace letter addresses the subject but mainly focuses on one site for which an analysis was done. He asked the Commissioners to comment as to whether the direction in the Wallace letter should apply everywhere in the downtown or just to the site highlighted in the letter.

Commissioner Laing commented that ever since the stakeholder started to understand the tower spacing issue, the Commission has engaged in whack-a-mole. Staff has been amazing at bringing forward research on approaches used by other cities and indeed other countries. He proposed leaving the language in the draft as is and challenge someone to come in on May 24 with something that will actually work. If the Commission likes it, it can adopt it or make changes.

A motion to retain the language in the current adopted Land Use Code relative to tower setback and tower spacing for the May 24 meeting was made by Commissioner Laing.

Commissioner Laing clarified that the current code calls for 40-foot tower separation based on the building code. Ms. Helland added that the current code carries the separation requirement across property lines, and pointed out that the building code does not apply a tower separation requirement on an individual property, thus under the existing code there is no tower separation on a single project limit. Commissioner Laing said he understood that.

Commissioner Barksdale asked what the setback is in the current code. Ms. Helland said it defaults to the building code, which is 20 feet from property lines unless property lines are combined. On a single site, there is no prescribed limit between buildings given that multiple buildings on a single site are considered to be a single building for purposes of administration of the building code. There is no provision in the current Land Use Code about building separation. She reminded the Commission that the notion of building separation was a hallmark of the Downtown Livability Initiative CAC recommendation for light and air.

Commissioner Laing respectfully disagreed that building separation was a hallmark of the CAC's recommendation. He said he did not recall having any meaningful conversations at the CAC level about tower separation. There was talk about light and air, but no specific call to increase tower separation, just as the CAC did not make a recommendation for taller buildings with the exception of the DT-OLB district and some minor tweaks. The CAC operated on the principle of doing no harm.

Commissioner Barksdale said if the CAC advocated in favor of more light and air, and if the code does not currently require tower separation within a single property, the goal of achieving more light and air will not be reached. Commissioner Laing pointed out that projects would still have to meet the building code, and the draft also proposes new design guidelines that talk about reducing floor plates for taller buildings. No one has come forward screaming that their towers are too close together. As outlined, tower separation feels like a solution looking for a problem. The Commission has spent a huge amount of well-intentioned time trying to come up with something different from the existing code that will not gut redevelopment in the downtown. It has not found it yet, so things should be kept as they are, leaving the door open to someone coming forward with a compelling case for why things should be different.

Commissioner Barksdale asked if the CAC discussed the issue of light and air on the

understanding that currently there is insufficient light and air, or because it was being aspirational. Commissioner Laing said the conversations at the CAC level about light and air were nowhere near as in-depth as the conversations had to date on the topic by the Commission. Light and air is certainly not an unimportant thing. The CAC talked a lot about the amenity system, about the DT-OLB district, about the sidewalk and landscaping standards, and about the need for more park land in the downtown. Very little time was spent on tower separation outside of considering taller buildings if they are skinnier.

Commissioner Morisseau said the recommendations of the CAC represent a vision, and the work done by the Commission is focused on implementing that vision. The vision of the CAC was to increase light and air, and requiring towers to be separated is how to implement the vision. For stakeholders, the issue has been the combination of an 80-foot tower separation and a 40-foot set from interior property lines. The Commission concluded that separating towers by 60 to 80 feet would be workable for many stakeholders if done in conjunction with a setback of only 20 feet, and would also achieve the goal of increasing light and air. If there are going to be taller buildings, it makes sense that the distance between them should be increased. She also noted that Commissioner Carlson had asked for more discussion of 60 feet versus 80 feet but was not present to participate in the discussion. The language of the consolidated code should be retained, allowing for either a 60- or 80-foot tower separation requirement.

Ms. Helland said the tower separation issue has been in the draft since November. In multiple meetings between staff and stakeholders, tower separation of 60 or 80 feet was not the lightning rod. The problem was the setback from interior property lines. The draft code has removed the initial 40-foot setback in favor of the current 20-foot setback, which is consistent with the building code.

The motion made by Commissioner Laing was not seconded.

Commissioner Walter said she would be comfortable with a 60-foot tower separation in place of the 80-foot requirement in the draft code.

A motion to change the 80-foot tower separation requirement to 60 feet was made by Commissioner Morisseau. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

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

(8:26 p.m. to 8:37 p.m.)

With respect to reducing floorplate size above the trigger height, Mr. King noted staff had previously received from the Commission direction to remove the ten percent outdoor plaza requirement. A related element and one of the objectives was to yield a more slender urban form. Good examples were previously given in regard to how the proposed ten percent floorplate reduction would play out. One argument made by Commissioner Laing was that floorplate reductions would probably be more important in some parts of the downtown and less important in others.

For the DT-O1 district, the draft code is written to require a ten percent reduction in the maximum floorplate size of 13,500 square feet for a residential tower where it exceeds the current building height of 450 feet. If done equally on each façade, the ten percent reduce is not significant. A develop could choose to reduce the floorplate on a single side or on all four side. There are provisions in the code that allow for diminishing floorplates and averaging them from

80 feet and up, provided that no one floorplate exceeds the maximum allowed in the zone. The intent is to result in a more elegant structure. Non-residential office towers in the same zone typically have larger floorplates, up to 24,000 square feet above 80 feet. A reduction of ten percent will result in a reduction of each façade by about five feet if done equally.

Mr. King commented that office floorplates can be more impactful given that they are larger than residential floorplates. He urged the Commissioners to keep in mind the feasibility of reducing floorplate size in new development, noting that stakeholders had questioned the feasibility of dropping below 20,000 square feet for office. The Commission should consider where floorplate reductions of more than ten percent might make sense for given uses and given zones.

Commissioner Laing reiterated the statement in made at the last meeting about the ten percent reduction in the floorplate would result in an almost imperceptible change from outside the building. He said he understood the concern expressed by the BDA about not getting taller and slimmer buildings, just taller buildings with essentially the same mass. He said he was not in a position to just pick a square footage and require developers to make it work. At the same time, it would be disingenuous to allow for height increases in exchange for skinnier buildings without having something specific in the code that requires skinnier buildings.

Commissioner Morisseau said she had previously asked staff to come to the Commission with examples of approaches used by similar cities. Mr. King said staff's research on office development has shown that the floorplate sizes of 20,000 square feet to 24,000 square feet are fairly typical. Some jurisdictions allow larger floorplates closer to ground level. The interesting forms of some of the iconic skylines across the country clearly to involve a tapering down of floorplate size, though it is typically done to achieve a sculptural element. Vancouver, B.C. allows residential floorplates below 12,000 square feet. Clearly floorplate reduction is more of an issue for office developments given their need for more space per floor. However, a highrise with 24,000 square foot floorplates going up to 600 feet would require some land assemblage of up to 28 acres. There are bonuses available in the DT-O1, but some creativity would need to come into play to have an office building go up to the maximum height.

Commissioner Laing said he hoped input would be received from design professionals before the Commission makes a final recommendation to the Council that will be absolutely opposed to the notion of livability. Mr. King proposed retaining in the draft the ten percent floorplate reduction requirement while keeping an ear open to hear from the public and stakeholders about how to assure taller and more slender towers.

Ms. Helland noted that the Wallace letter suggests alternative directions for the maximum floor plates in the DT-MU. The suggestion was that the maximum floor plate for office should be increased so that once the ten percent reduction is applied it would be effectively brought back down to 20,000 square feet.

Commissioner Morisseau asked what the lowest floorplate size would be in the DT-MU with the ten percent reduction. Ms. Helland said in that district above 80 feet the floorplate would be less than 20,000 square feet. As drafted, the DT-MU allows floorplates up to 22,000 square feet up to 40 feet and 20,000 square feet above 80 feet. The suggestion is to equalize the floorplate sizes in the district at 22,000 square feet so that when the ten percent reduction kicks in the floorplate will not be reduced to less than 20,000 square feet. Commissioner Morisseau said if the goal is more slender buildings, a smaller floorplate will achieve that.

Commissioner Walter agreed that mathematically that makes sense, but the question is whether

or not such buildings would get built. A smaller floorplate would ensure thinner buildings, but it might also make invisible buildings.

Commissioner Laing said that was his concern as well. He said he had been running scenarios with 22,000 square feet as the basic commercial floorplate to determine what actual heights would be achievable and the types of properties that would be needed. In the Denny Triangle in Seattle, which is admittedly a unique circumstance, the tower width above 75 feet cannot be more than 80 percent of the north-south façade. The purpose is allow for light from the east-west exposure and by having some restriction on the north-south façade, allowance is made for the sun at its lowest angle in the sky to shine between buildings. He stressed that he was not endorsing that approach, rather that he was saying there are other ways of putting a metric in the code that might have the same effect, though in a more flexible manner.

Commissioner Walter allowed that Bellevue has both sunshine and shadows to address. Bellevue also has the issue of livability. What the code should bring about is buildings that can get built, buildings that are appealing, and a downtown people will want to live in.

There was agreement to retain the code as drafted with the ten percent reduction in floorplate size.

Commissioner Walter asked to have the materials for the May 24 meeting delivered to the Commissioners sooner rather than later to allow for thoroughly reviewing it. Said it would also be helpful to ask the public to submit comments a week in advance of the meeting so they can also be reviewed and considered.

Commissioner Barksdale agreed but added that while developer economics are important, the Commission should have a balanced perspective with a focus on both livability and developer economics.

Ms. Helland said staff went over the materials previously prepared by them and compared them to the Wallace letter and the PMF Investments letter from May 10 and concluded that the DT-OLB floorplate issue had been subsumed in the direction given by the Commission with respect to PMF Investments. Additionally, suggested language has been drafted in regard to the Elan/Fortress project which the property representative has indicated is consistent with the needs of his client, so it could be moved to the consolidated code.

Commissioner Morisseau said she and Commissioner Hilhorst were concerned after speaking to the Elan/Fortress stakeholder that the proposed approach could be deemed spot zoning. She asked how many sites within the DT-MU B-2 overlay would be impacted by the change. Ms. Helland said staff conducted a review and found the approach not dissimilar to what was done with the Bellevue Gateway site. She said the approach acknowledges that there are thin areas where a zoning line essentially bisects a site, triggering the need for flexibility for development across the zoning line. In the B-2, the Elan/Fortress site is the only property assemblage that is bisected by the Deep B line, so the footnote would apply to the site but would not currently apply to any other site. It would not, however, be a spot zone because there could be other sites assembled that could meet the same characteristics within the B-2. The footnote allows for some flexibility with regard to variable building height for multiple towers on the site, with a maximum height of 288 feet.

Commissioner Walter said it was her recollection that the maximum tower height would be no more than 220 feet. Ms. Helland the footnote only addresses situations where properties are split

by a zoning line. The building height of 288 feet is allowed for a single building in the B-2 perimeter district adjacent to the DT-MU.

Commissioner Morisseau pointed out that the Wallace letter called for adjusting the fee in-lieu rate from \$28 per square foot to \$25 per square foot. Ms. Helland said the rate seeks to incent the amenities earned to place them on the property rather than paying the fee in-lieu. Commissioner Morisseau agreed with that notion and commented that the purpose of the amenity incentive system is to get the community what it wants and needs to the advantage of all. However, 75 percent of open space was put on the amenity incentive list for a reason and it should be built on site. The difference between \$25 per square foot and \$28 per square foot could potentially make that happen.

Commissioner Laing said his take on the fee in-lieu was different. At the CAC level and since, the big thing has been the idea of publically accessible ground floor open space, the best example of which is Downtown Park. The CAC and the Commission has recognized the difficulties associated with coming up with an assemblage. The city could choose to exercise its condemnation authority to get the land it needs for park facilities, but the Commission has been sensitive to the idea of investing fees in-lieu in the area of the project that generated the fees. He said rather than getting into the specific dollar amount of the fee in-lieu, he would prefer to do a downtown-only park impact fee, an approach that is allowed by state law by designating the downtown as a district. Any impact fees collected within the district must be kept in a segregated account and must be spent in the district. One thing about park, school and transportation impact fees is that property owners cannot be charged twice. Where there is a transportation impact fee to address a needed intersection improvement, if the developer opts to build the intersection improvement, a credit against the impact fees is awarded. In a situation in which downtown property owners and developers had a choice between putting publicly accessible ground level open space on their properties or paying a park impact fee, there would be some integrity many could buy into. Making the fee as high as possible to encourage developers to provide facilities on their properties could run up against the legal challenge of nexus proportionality, and requiring the payment of more money to not build something could be tenuous. Probably the only way to actually see more publicly accessible park space in the downtown will be by instituting a park impact fee.

Commissioner Walter noted the Commission had previously discussed the notion of having a park impact fee and she indicated her support for the approach. For every square foot of space people will live and work in, there should be an amount of space dedicated for them to recreate. Ms. Helland said a park impact fee would require a considerable amount of research and preparation to calibrate. The Comprehensive Plan calls for looking for ways and financial avenues to create park space. That could certainly be added as a recommendation in the transmittal memo.

Commissioner Walter asked Commissioner Laing if he would support a fee in-lieu of between \$25 per square foot and \$28 per square foot for amenities other than park facilities. He voiced concern over a tacit admission of overcharging. He said he would not support anything that would become a deterrent to development.

Commissioner Morisseau said she wanted to see a system put in place that will benefit the citizens and the community.

Commissioner Laing agreed but stressed that downtown Bellevue is the golden goose. The property taxes that are generated by the downtown, along with the retail sales taxes collected

there, comprise a significant bulk of the city's operating budget. The vitality and viability of the downtown is what allows the vast majority of the residents of Bellevue to pay some of the lowest property taxes in the state. Bellevue is a world-class city because of the downtown, and that is why getting the downtown code right is so important.

Commissioner Morisseau agreed but said the question is how to make sure what the Commission is trying to accomplish will actually work.

Commissioner Walter said the fee in-lieu largely comes down to do it now versus do it later somewhere else. There is invariably more cost involved in the do it later somewhere else scenario. The needs to be transparency and comparability so downtown residents will know how things might change over time. She said she supported \$28 per square foot.

Commissioner Barksdale asked what the difference is between a fee in-lieu and an impact fee. Ms. Helland explained that the fee in-lieu involves participation in the amenity incentive system. Instead of building an amenity, the developer pays a fee instead. The funds flow into a pool that is used to construct the amenities for which the fees are collected. An impact fee is a construct of state law. State law allows for the collection of impact fees for transportation, parks, fire and schools. Bellevue currently collects transportation impact fees and collects for schools on behalf of school districts in the area. There must be a master plan and a capital facilities plan, and the city must demonstrate where the facilities are that are needed and how they will be charged. A component of obligation is then assigned to the development community to support building out the capital facilities plan. Impact fees are relatively complex to set up.

Commissioner Laing said the Wallace letter makes it clear that some projects have no choice but to pay the fee in-lieu. If there is a fee in-lieu that is intentionally set higher than what the impact is in order to encourage people to build rather than pay, some will be forced to pay the fee by virtue of literally not having enough property. The fee in-lieu at whatever level it is set should not have a disparate impact on those with smaller properties. Those who cannot provide amenities on their sites should not have to pay more than it would cost if they could provide amenities on their sites.

Commissioner Morisseau asked if staff could include in the code language that takes into account those situations. Ms. Helland said there are other approaches that could be utilized. One approach would be not to adjust the cost but rather to include another small site departure. She offered to have staff come back with a recommendation for a departure approach.

#### MINUTES TO BE SIGNED/REVIEWED (9:25 p.m.)

Commissioner Walter gave staff direction to seek review and approval of the minutes at the May 24 meeting.

#### PUBLIC COMMENT (9:26 p.m.)

Mr. Don Hassen, 650 Bellevue Way spoke as a resident of One Lincoln Tower. He said the 425 Center building and the Bellevue expansion will be coming online by the end of the summer. He said it would be nice to wait for those two huge buildings to be occupied in order to determine what the actual and real impact will be on the city relative to parking and traffic, as well as livability generally. There should be no rush to come to a decision on May 24 when a much more

informed decision could be made six months or so after the buildings are built and occupied.

Mr. Eric Sinn, 10906 NE 39th Place, spoke representing the Parks and Community Services Board. He said the Board recognizes the work done by the Commission and does not want to be a stopper in the process that is under way. The Board is working to develop a definition of open space and when done will share it with the Commission. On the question of whether a plaza constitutes an open space, specific examples were reviewed in which the incentive structure might not benefit the community or be sustainable to Bellevue. One example shared involved the open space or plaza that is behind Bakes Place in downtown Bellevue. The site fits the requirements but actually provides very little value to the community in regard to accessibility or visibility. It is a green space that is approached via a number of stairs, and the main access point is through the entrance to the building. The Board concluded that for a plaza to be considered open space it should be publicly visible, accessible, on publicly or privately owned land that operates or is available for leisure, play or sport, or serves to protect or enhance the natural environment, and is consistent with the desired uses of the community. He noted the willingness of the Board to continue supporting the process by addressing any particular questions.

Commissioner Walter asked if the Board reached any conclusion as to whether open space is park space. Mr. Sinn said that issue is still under discussion by the Board. There is in place a comprehensive parks and open space plan that the city follows. It is part of the long-term strategy relative to the sustainability of parks within the city. That plan, however, provides no set definition of open space. There is a clear need to come up with a definition

Mr. Jeff Taylor with the Keldoan Group, 10400 NE 4th Street, Suite 500, represented 700 112th LLC that has a property in the DT-OLB Central where the floorplate sizes if reduced by ten percent would fall to only 18,000 square feet. An efficient office floorplate wants to be around 22,000 square feet to 24,000 square feet. It all has to do with distance from the core. The Z corridors from exiting need to be a certain distance from the interior side of the hallway to the window line, making the space as efficient as possible around the entire building. The same approach is utilized across the country. The exception is high-tech companies which want bigger floorplates to get as many employees in the space as possible. The concept of reducing floorplates is good, but there should be a minimum size for office to avoid structures that will not be competitive. He voiced support for the flexible amenity but said if approval will involve going before the City Council, not too many developers will opt for it. Staff should be given flexibility to approve flexible amenities up to a maximum number of points.

Mr. Larry Martin with Davis Wright Tremaine, 777 108th Avenue NE, said he continued to find confusion the ramification of the base height and the trigger height. The dimensional standards chart beginning on page 42 in the packet has two identical columns that sets a base and trigger height for each zone. The base height appears to reflect the FAR discussions the Commission had. Properties are not allowed to build beyond the base height unless it earns amenity points. The trigger height for each zone is the very same height, but it is a separate section in the code. Developers will no longer have to provide ten percent open space upon exceeding the trigger height, but the code still calls for reducing floorplate size. There is an arbitrariness and unfairness associated with having different base height and trigger height numbers for each zone. There is no ramification for base height or trigger height in the DT-O1 district until 345 feet or 450 feet, depending on residential or non-residential. However, in the DT-OLB Central district the trigger height and the base height both kick in at 90 feet or 105 feet, depending on residential or non-residential. The same 400-foot building in those two zones would be treated differently. The correction made to set the base FAR at 90 percent of the new maximum FAR should be made to the base height and trigger height requirements by setting each at 90 percent of the new

maximum for each zone. Where DT-OLB gets a big increase in development, they end up paying for a lot of amenities disproportionate to other zones where the increase in development capacity was not as great, even though they can build bigger buildings. It has nothing to do with impacts, it is all based on how additional development capacity is given. That takes things into the unfair and illegal zone.

Mr. Alex Smith with 700 112th LLC, 700 112th Avenue NE, noted that Mr. Martin's argument had been summarized in prior submissions to the Commission. He thanked the Commissioners for their dedication and said he looked forward the meeting on May 24.

Commissioner Barksdale asked why developers would not want to go before the Council for approval of a flexible amenity. Mr. Taylor said the assumption is that it would take a long time and be very expensive. It is also unclear when it would occur, at the beginning of the process or at some time partway through the process.

ADJOURN  
(9:44 p.m.)

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

Commissioner Walter adjourned the meeting at 9:44 p.m.

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

May 24, 2017  
6:30 p.m.

Meydenbauer Center  
11100 NE 6th Street, Rooms 401-403

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: Terry Cullen, Dan Stroh, Emil King, Liz Stead, Department of Planning and Community Development; Patricia Byers, Department of Development Services

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER  
(6:30 p.m.)

The meeting was called to order at 6:30 p.m. by Chair deVadoss who presided.

ROLL CALL  
(6:30 p.m.)

Upon the call of the roll, all Commissioners were present

APPROVAL OF AGENDA  
(6:31 p.m.)

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

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None  
(6:31 p.m.)

PUBLIC COMMENT  
(6:32 p.m.)

Mr. Richard Gary, 10700 NE 4th Street, said he and his wife live in Bellevue Towers. He noted that the downtown livability effort is in its fifth year but despite the passage of time, the Commission and the Council was urged to defer adoption of any Land Use Code changes until the Lincoln Tower expansion and Center 425 projects are fully occupied and their impact on downtown traffic and safety is measured. Together the two projects comprise almost two million square feet of leasable space, with 3000 new parking stalls. The projects will bring thousands of

new users into the area, and like the proposed code amendments will result in added density and congestion and will have a profound impact on livability. It would be unwise and unnecessary to act until all the facts that can possibly be known are known. There is an additional reason for deferring action, namely that the terms of three City Council members expire at the end of the year. One Councilmember, Kevin Wallace, president and COO of Wallace Properties, has announced he will not seek reelection. The two other Councilmembers have said they will seek reelection. The impact of changes to the code will be both substantial and permanent, and they should be deferred to 2018 when a new Council with a longer-term outlook, and without the presence of a member with conflicted interests, will be seated. The livability initiative process has been heavily weighted in favor of developers since its inception. Nothing illustrates that better than the Commission's actions on May 10 when Commissioner Laing, a partner in the law firm that represents Wallace Properties, proposed that numerous Land Use Code modifications set forth in a letter dated April 26 from Wallace Properties, and supplemented on May 10, be incorporated directly into the amendments without discussion. The Commission adopted the motion with only one Commissioner dissenting. The action was an insult to downtown residents and confirmed the suspicions of bias and self-interest that many downtown residents hold.

Mr. Bill Herman, 10700 NE 4th Street, a resident of Bellevue Towers, ~~tried to present~~ showed the Commissioners a video showing traffic on Bellevue Way backed up between NE 4th Street and I-90. The video was taken at 3:00 p.m. on a Friday. The video could not be opened on the presentation computer. The Commission has said that traffic has not changed in 20 years, that all added trips in the downtown have been absorbed by public transit, and that traffic is not currently a problem and will not be a problem. The experience, however, is different and there is still half the downtown to be built out under the existing code. The 2013 transportation study calls for another 200,000 cars per day. The study did not account for the upzone, which is about a 50 percent density increase. The draft land use audit states that only about 78 percent of available FAR has been used to date. Just increasing height will still yield a 28 percent increase in the FAR. In the DT-OLB and the DT-MU there will be a doubling of the FAR. The 1.0 FAR affordable housing exemption will apply everywhere. The residential FAR in the DT-O1 will be set at 10, and adding 1.0 for affordable housing and another 1.0 for the retail exemption will yield an FAR of 12. The Lincoln expansion weighs in at 6.5 FAR, so what is contemplated is twice that. Once action is taken by the city it will be irreversible. There should at least be a study about what should be done with the 200,000 cars but also the extra 100,000 that will come from the upzone. The methods for traffic studies that do not account for trip time, only volume, are broken. The corridor capacity report showed a drop in volume but a 46 percent increase in trip time in two years.

Mr. Andrew Miller with BDR, 11100 Main Street, noted that a few months ago the Commission proposed meeting with staff to discuss how to make reality out of a responsive design to an interesting corner of the downtown. Staff took the Commission's direction about the East Main area and looked at the properties facing Main Street. He said after a full discussion with the staff, he concurred with what was in the code. The project is reliant on getting a bump of 1.0 FAR for affordable housing. He said he was happy to see the staff and the Commission all viewing the site as a unique opportunity to do something better for the city.

Mr. Phil McBride, 11040 Main Street, took a moment to thank the Commission and the staff for their work. He said the result will be a good project for the city. It will certainly take advantage of the investment in light rail being made by Sound Transit.

Mr. Don Rich, 10700 NE 4th Street, said he moved to Bellevue from Silicon Valley six years ago and said as a result of living in a highrise in San Francisco he understood the value of the

view and aesthetics of highrise living. Business brought him to Bellevue and he said he was impressed with the wedding cake concept for the downtown and made his decision to buy in downtown Bellevue accordingly. He said his unit in Bellevue Towers faces the south side of the DT-O1 district and is high above what he anticipated to be any future development. The Fanta Group presented its plans in 2016, and concerns were expressed about light and so forth in regard to their project going up to 300 feet. It appeared to be a done deal, but now they have come back asking for more height. It is difficult to understand exactly how much height the project might be allowed. The Commission was encouraged to hold the line on the wedding cake design which offers integrity and understanding of future development, both for residents and developers. The Fanta Group's original plans apparently penciled out and they should hold the line on that and not seek to go any higher. The wedding cake should not be allowed to bleed over into other areas.

Mr. Mike Lattore, 500 106th Avenue NE, said he is a Bellevue Towers resident. He said the time for the Commission to present its recommendation to the City Council was approaching and said he would not take the time to readdress any specific codes. However, downtown residents believe the Land Use Code update has become so convoluted and complex that few know what to expect. The input from the residential community has seemed to have very little effect; it has been overshadowed by the commercial developers. There have been concerns raised about questionable participation by Councilmembers and Commissioners, with members of each having strong ties with commercial development. The Downtown Livability Initiative CAC did not have a single member who was a resident of the downtown area. Downtown residents do not believe their interests are being taken into consideration. Much input has been offered by downtown residents, but when and if considered it has been outweighed by the commercial perspective to enhance building. The proof is in the size and complexity of the proposed amendments. The codes have so many varied, undefined or unclear interpretations along with a flawed amenity incentive system, and has no follow-up or accountability built into any of the amendments that would conclude a developer met the commitment to the community. If the recommendations go forward as drafted, they will only confuse everyone with regard to what is going to be allowed in the future and with the potential of the community being taken advantage of. The objectives of the Downtown Livability Initiative was to better achieve the vision for the downtown as a vibrant mixed use center; enhance the pedestrian environment; and improve the area as a residential setting. Hopefully the Commission will present to the Council a very clear summary that is specific to how those objectives will be met.

Mr. Lance Ramsey, 500 106th Avenue NE, said he has lived in Bellevue Towers for four years. He said no one in the room was anti development, but many believe the process has not equally represented the interests of the residents. He said the people were looking for appropriate due diligence and a thoughtful process. They do not believe that has been achieved. While the process has admittedly been difficult and challenging for everyone involved, there are some on the Commission who have stood up for the residents. Furthermore, while the process has been at least in name focused on improving livability, the process has instead been largely focused on upzoning and catering to the interests of developers rather than downtown residents. Livability issues like parking and parks have been kicked down the road. The process has not been transparent and has been very hard to track. The process should be paused. There are many elements of the proposal for which their impact remains unknown. It would be irresponsible not to assess the results of all the changes to have a full public discussion about them.

Ms. Jackie Ramsey, 500 106th Avenue NE, said for four years downtown residents have been voicing their concerns regarding livability, both in person and in writing. The appearance of the numerous signs held by members of the audience was intended to call attention to the fact that

the interests of downtown residents have been subsumed by the attention and activity of those who lobby the Commission for a living, none of whom live in the downtown and must deal with the results of their decisions. It is disturbing to see the requests of a single developer become immediately incorporated into recommendations, while the recommendations of residents are routinely swept aside. That does not feel good to downtown residents who are not anti-development but who also are not for development at any cost. The Commission and the Council was urged to better understand the infrastructure, safety and traffic impacts of the recommendations before proceeding.

Mr. George Hatune, 10700 NE 4th Street, said he has been a resident and homeowner in Bellevue for 20 years and has worked in the downtown for the last ten years. He said he loves being able to walk to work, the park and the grocery store. Downtown Bellevue is a much better place than it was 20 years ago, with much more to do and better entertainment options. He said he is not against development and in fact wants to see more healthy development in the downtown. He said his recent purchase of a condominium in Bellevue Towers involved talking to real estate agents and planners at city hall, and reading over the current land use rules and the preliminary livability report. That did not, however, yield an accurate picture of what the true height restrictions were, what the density would be, what the buildings would be shaped like, and if the wedding cake design would be followed. He suggested revising the report to be more transparent and clear about the actual maximum heights and densities will be for each zone, including any amenities and mechanical screening around which there remains room for interpretation. A visualization of what things will actually look like if built up to the maximum heights should be created and included in the report; that would show what the wedding cake would actually look like. That would help folks make an informed decision about whether or not the plan is good.

Ms. Gina Attilo, 177 107th Avenue NE, said she is a resident of Bellevue Pacific Tower, having recently moved to Bellevue from Colorado. She said she has a child attending Chinook middle school and another at Spirit Ridge, so much of her time is spent traveling back and forth. She said she is often stuck on Bellevue Way, and things have gotten worse. She voiced concern over what things will be like in the next ten years and said she has considered moving out of the downtown. Other families have the same issues. There is currently a safety issue for pedestrians in downtown Bellevue. She said she and her children have been nearly hit by cars many times while walking to Safeway for milk, and was present when a pedestrian recently was hit and killed. She suggested adding something to the amendments a requirement for all builders to put aside money into a downtown Bellevue pedestrian safety fund. Working with the department of transportation or the police chief, a safety plan should be developed that incorporates best practices, such as speed humps on NE 2nd Street so fast cars would bottom out and have to slow down. Traffic is going to increase and pedestrian safety will suffer.

Mr. Sesh Vilapor, 500 106th Avenue NE, said he is a resident of Bellevue Towers and has for 25 years conducted research in the field of future studies and has written and spoken all over the world, especially about climate change. He said over the long term, the proposed upzone along with the existing conditions in Bellevue will add millions of tons of carbon dioxide to the atmosphere. Consideration should be given to making the upzones and the existing conditions carbon neutral. Unless the Commission assumes that climate change is a hoax perpetrated by the Chinese.

Ms. Michelle Herman, 10700 NE 4th Street, a resident of Bellevue Towers, pointed out that at the April 26 Commission meeting Commissioner Laing commented that the proposed code would not result in taller and skinnier buildings. He said if there was going to be a conversation

about changing building height, massing and form, the focus should be on requiring what will actually be a skinnier building and not just the portion of the building that exceeds the old maximum height. That is something the residents have been saying for a long time. Commissioner Laing went on to say he would consider potentially not supporting any increases, but by May 10 Commissioner Laing made a full about face by moving right off the bat to incorporate the recommendations of Wallace Properties that had been distributed just prior to the meeting and which the residents had not had time to review. His motion was approved. The proposal recommends increased floor plates, reducing the setbacks and eliminating open spaces, which are all things downtown residents oppose. The livability process has been flawed and heavily biased toward the development community since its inception. The concerns of residents about substantive and due process issues have been ignored over and over again. In recent weeks and in light of the notable shift, residents began looking into things and found real conflicts of interest which are pervasive from the City Council all the way through the Planning Commission. There is a duty for Councilmembers and Commissioners to recuse themselves from decisions where they have conflicts of interest. Violations in the context of legislative policy decisions require a showing that an official specifically intended for his or her actions to create a special benefit for himself or herself, or for another person. It seems like that has happened during the process in spades. According to the *Seattle Times*, Councilmember Wallace, an owner of Wallace Properties, was the one who appointed Commissioner Laing to the Planning Commission. According to the article, other Councilmembers objected, which is unusual, and felt the process by which Commissioner Laing was appointed was covert and unauthorized. There are real issues of process. Downtown residents have felt ignored; they really do care about their homes and would like the Commission to correct the mistakes that have been made over the last four-plus years.

Commissioner Laing took a moment to speak to the issue. He said of all the comments received by the Commission from the various downtown residents, he found Ms. Herman's to be the most persuasive and on point relative to the recommendation of the Downtown Livability Initiative CAC, which he co-chaired, and his own view on downtown livability. In one of her comment letters, Ms. Herman pointed out that the issue is not what goes on in the DT-OLB. Supporting an upzone and height increases and increased density in that zone might be okay, but the changes proposed for the core and other parts of the downtown, especially with regard to height increases, could be problematic. He said he had uniformly raised questions going all the way back to the CAC process about increasing heights anywhere but in the DT-OLB. The Commission meeting minutes from May 10 indicates that subsequent to his motion, the issue of heights was carved out of the recommendation and was tabled for further discussion. The minutes also reflect in the discussion subsequent to his motion that he continued to raise questions about why the city should be considering increased heights anywhere but in the DT-OLB.

Continuing, Commissioner Laing added that a little over a year ago he was accused of having another conflict of interest relating to the Fortress project. A property owner's representatives contacted him in his professional capacity as a land use attorney about helping them upzone their site. He said three times he declined to represent them. They are represented by able counsel, but he said he has continued to recuse himself from any discussion of their issue. During the past week he said he has been accused of two additional conflicts of interest, one relating to his law firm's representation of Wallace Properties on wholly unrelated matters, and his alleged representation of the Bellevue Towers residents association given his outspokenness about the proposed height increases. He said he was asked on May 23 by the City Manager if he represented the Bellevue Towers residents for those reasons. He said he had spent a couple of hours on the phone and in face-to-face meetings with other stakeholders who are concerned at

his vocal opposition to the proposed height increases and the concerns raised by the Bellevue Towers residents going all the way back to the end of the CAC process. It is ironic and somewhat hurtful that the issues are being raised at the eleventh hour. A careful review of the motion made on May 10 indicates inclusion of recommendations from five letters into the draft code for discussion purposes only without taking a position on any of them. The Wallace letter was primarily focused on the DT-OLB, and the changes made to the draft code have nothing to do with looking at heights outside of the DT-OLB. He said if the Bellevue Towers residents believe he should recuse himself from the discussion of tower heights and the proposed height increases, they are free to do so. He said he would take counsel from his fellow Commissioners accordingly, but he stressed that no other Commissioner has been more opposed to the proposed height increases.

Mr. Don Hassen, 650 Bellevue Way, said he is a resident of One Lincoln Tower. He suggested the lack of attendance of the meeting was due to comments from residents falling on deaf ears. He suggested a town hall meeting should be scheduled to allow for open discussion about how to cooperate and get things done. He said his main concern is that time is not of the essence. The Commission was asked to wait for nine months to allow the Lincoln Tower expansion and the Center 425 projects are fully occupied and their impacts are determined. Once decisions are made, they cannot be undone. The whole problem could have been largely addressed by saying the building height is 302 feet rather than 250 feet, with a footnote indicating the taller height is allowed only by meeting certain requirements. When condominium buyers are seeking to purchase units, they ask their real estate agents what the surrounding heights are, and everyone is saying it is 250 feet. The documentation needs to be cleaned up very soon.

Mr. Kevin Whitaker, 10700 NE 4th Street, said he is a Bellevue Towers resident. He agreed with the comments made by the previous Bellevue Tower residents. The process has lacked transparency and access. He suggested including education pieces to help people understand the code. The actual maximum heights should be clear. He also agreed that there should be opportunity for a full back and forth between community members and Commissioners.

Mr. Ian Morrison, 701 5th Avenue, Suite 6600, Seattle, spoke on behalf of PMF Investments. He thanked the Commission for undertaking a thoughtful and deliberative process and for the work done by the Commission, the community and the staff to reach consensus on the big rock issues. He said PMF Investments has the Sheraton site at the corner of 112th Avenue NE and Main Street and is very excited about the opportunities that will result by the work done by the Commission and the staff. The DT-OLB district will support some strategic density. The Commission tasked the property owner to work with staff to find a solution relative to the treatment of the parking garages facing I-405. The idea was to yield an attractive façade for the garages. He reported that after much work and discussion with staff, a solution has in fact been identified that will work for staff and the property owners.

Mr. Patrick Bannon, president of the Bellevue Downtown Association, thanked the Commissioners for their time and commitment to shaping the draft Land Use Code. The Commission throughout the process has been receptive to public comment and thoughtful in discussing the issues. After four years of discussion, the BDA is pleased to see the draft code reach the point of transmittal from the Commission to the Council where the conversation will continue. The proposed code is far superior to the existing code. The intent of the CAC in recommending height increases has been to see more slender buildings constructed that create more light and air and a better outcome for the downtown. The Commission has limited density increases to the DT-OLB, and has leveled at 5.0 the FAR for residential and non-residential in the DT-MU district and on the gateway corner at Main Street and 112th Avenue NE. A few

additional changes to the code will continue to be strongly recommended as the process moves forward, including the base height calculation, especially in the DT-OLB where there is a dramatic gap between the base height and the maximum height where the amenity calculation occurs. Based on the comments made by downtown residents, there is a need for additional community conversation, particularly around transportation and safety in the downtown. Fortunately, the residents passed a transportation levy in 2016 that will yield funds for safety projects. The Council has also adopted a Vision Zero policy that hopefully everyone will get further engaged with.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, spoke on behalf of Fortress Development. He observed that Commissioner Laing has brought to his deliberations a possibly unnecessarily conservative approach to disqualifying himself from discussing certain issues. For the record, he said no one from Fortress Development contacted Commissioner Laing in the early part of the proceedings. He said he has been serving as counsel for the group from the beginning. Possibly a prior owner contacted Commissioner Laing. From the point of view of Fortress Development, Commissioner Laing's recusal relative to the matters is unnecessary, though additional conservatism harms no one. He added that there are two or three projects that have been in the process for two years or more that have permits and ADRs that are waiting to come out. He said he is working with them and suggested it would be unfair and inequitable to change the rules on them at the last minute after investing hundreds of thousands of dollars. Some transition vesting language is being worked on to be incorporated into the final ordinance. He said the Commission's process, though long, has been good. Through two Commission chairs, the Commission has done a good job of providing for transparency and allowing for public input and participation. There is a certain urgency to see things wrapped up given the number of persons with sites who have been watching the process and who are looking forward to proceeding to invest in the downtown under the new code.

#### STUDY SESSION (7:26 p.m.)

With regard to the proposal made to delay the process, Commissioner Hilhorst explained that the Commission has clearly been directed by the Mayor to complete the process. She said forwarding the package to the Council at the conclusion of the meeting should not be interpreted as the Commission not having heard the requests made by the residents. The Commission serves at the pleasure of the Mayor and the Council.

Comprehensive Planning Manager Terry Cullen said the public hearing for the Downtown Livability Initiative Land Use Code amendment was held on March 8 and noted that subsequently there had been several study sessions. He said the understanding is that the Commission would conclude its work by the end of the meeting and transmit the package to the Council.

Planning Director Dan Stroh said the work began with the Downtown Livability Initiative CAC which undertook a lengthy process to determine what about the code was working well and what could work better. Their findings were forwarded to the Council who in turn passed the work on to the Commission. He said the term "downtown livability" is part of a much larger agenda that includes the Downtown Transportation Plan, parks, public safety and other elements of livability. The code piece is one part of the livability agenda but not the only piece. It hones in on what the city can do to influence private development to do what it can and should to mitigate the impacts of growth for a better outcome. The downtown code has been amended at times over the years, but each amendment has been very surgical. The proposed code represents the first sweeping

update of the code since its 1981 adoption. The ~~proposed code~~ ~~complex~~ is very complex with many moving parts, and that is why the process has taken so long.

Continuing, Mr. Stroh said the agenda called for discussing a few outstanding issues, reviewing the final package for consistency with the Council principles and the intent of the CAC, and reviewing the transmittal memo.

Strategic Planning Manager Emil King said the work of the Commission will be forwarded along with the transmittal memo to the City Council. The Council will then hold a series of study sessions before acting to approve the package. He noted that two open questions had been included in the packet, specifically any additional direction on the ten percent floorplate reduction, and the DT-OLB South alternative design treatment for parking garages. With regard to the latter, he said the district is a gateway into the downtown and noted that agreement had been reached relative to design that includes art and green space at the lower levels, and glazing that replicates either a residential or office building from freeway height and above, though without resulting in a need to fully ventilate the space by means other than natural ventilation.

Mr. King pointed out that all public comments received had been included in the packet and the desk packet. He also clarified that the matrix on pages 17 to 22 of the packet included an annotated table of contents indicating the changes and new content for each code section. The packet from pages 23 to 169 contained the March 8 public hearing draft with strike underline of all the direction given by the Commission over the last four meetings. The Council principles were included on page 7 of the packet, along with the principles relating to the incentive zoning system that were adopted by the Council in January 2016. The packet on pages 177 and 178 included the relationship to livability statement or objectives that went out with the public hearing draft. Direction received from the Commission at the May 10 meeting was itemized on pages 2 to 6.

With regard to the issue of floorplate reduction above the trigger height, Mr. King reminded the Commission that the issue was raised by Commissioner Laing who questioned ~~if~~ the ten percent reduction in the draft code was sufficient to result in taller and more slender buildings. The Commission previously discussed the fact that the DT-O1 and DT-O2 districts were the zones where the issue was most pertinent given that the districts typically yield floorplates of a bigger size because of the allowances for office buildings in the 20,000 to 24,000 square foot range. Given that residential towers are not as big, the question was whether or not anything more than a ten percent reduction for residential is needed.

Turning to the DT-O2 district, Mr. King said the area is split between the area to the north of NE 8th Street, east of 110th Avenue NE, and south of NE 4th Street. He allowed that the Commission had discussed the development potential in those areas and what it could mean for that general part of the downtown and how it would be consistent with the wedding cake. Staff took the approach of looking at the Commission's current code recommendation and looking at whether redevelopment would yield buildings that could pierce the building heights. The district was reviewed in terms of the area west of 106th Avenue NE, which includes the northern part of the Avalon/Safeway project, and the area east of 106th Avenue NE, which includes Expedia and the Fanta properties. The Avalon/Safeway project did not build to the maximum building height allowed by code. The west area essentially has two 25,000 square foot redevelopment sites, provided lot ownership were to be aggregated. There is an existing 20-foot public right-of-way that runs from NE 4th Street to NE 2nd Street and it could severely limit building heights that could be achieved without taking some extraordinary measures.

Mr. King said staff looked at each of the properties. The DT-O2 zone allows FAR to 6.0, but it would take going through a process to get even a full 1.0 FAR exemption for retail. Staff also assumed the affordable housing exemption of 1.0 FAR. In a nutshell, development of each of the 20,000 square foot sites, with floorplates below the typical 9000 square feet for residential, would see buildings of up to 240 feet in height, assuming a podium filling the site and accounting for rooftop mechanical equipment. The city is not interested in vacating the 20-foot public right-of-way given that it serves a unique function.

The Commissioners were informed that the staff recommendation for the DT-O2 South was to split it into two segments divided by 106th Avenue NE and to retain the current height limit of 250 feet and the provision for an additional 15 percent increase most developments get for a total of 288 feet, as well as the five-foot increase for mechanical equipment.

Commissioner Morisseau asked if staff considered the possibility of someone coming in and buying all of the sites and pulling together a single 50,000 square foot site, and whether a building that includes an overpass over the right-of-way could achieve 345 feet in height. Mr. King said the city has in the past been approached about options to build over the 20-foot right-of-way, and has also been approached about vacating the right-of-way. The conclusion reached was that there would be no merit to pursuing either approach. If the two sites functioned as a single combined development site, the development potential could be put into a single tower exceeding 250 feet. However, given the unique circumstance of the right-of-way and the city's commitment to retaining it would mean a development could not get enough FAR to build above 250 feet or so.

Mr. Stroh said given how unlikely it is to achieve a tower in the DT-O2 South west of 106th Avenue NE, it would be a better outcome to adopt into the code the existing height limit. He said that was the staff recommendation.

Commissioner Morisseau said it was her recollection that height in the DT-O2 South district was recommended to be 345 feet. Mr. King said the current recommendation is essentially 300 feet plus an extra 45 feet, plus up to 20 feet for mechanical equipment. The currently adopted code lists 250 feet plus up to 38 feet.

With regard to the original concept for the, Mr. Stroh said the issue of requiring ten percent of the ground floor of sites be required to be a publicly accessible open space came from trying to follow through on the promise of taller buildings resulting in more slender building forms and additional open space. He said staff holds the view that the required open space is an important element of allowing additional building height, and would recommend retaining the provision in the draft code. The provision would not affect buildings that are maxing out under the existing height allowances, but if additional height is to be used, it should be accompanied by a requirement for ten percent open space.

Chair deVadoss opened the floor to input from the Commissioners.

Commissioner Laing said he would like to see a global change within the draft document to spell out all numbers using words followed by numerals in parentheses. Code Development Manager Patricia Byers said she had no issue with taking that approach, except in the tables the approach would not be practical. Commissioner Laing agreed the tables should show only numerals.

Commissioner Laing pointed out that throughout the part 20.25A, the downtown overlay section, the area the overlay applies to is alternately referred to as "downtown," "downtown subarea,"

with the word subarea sometimes capitalized and sometimes not, and “downtown district,” sometimes capitalized and sometimes not. He recommended that in 20.25A.010, the general section, a single term should be defined and used. Commissioner Carlson concurred.

Commissioner Laing commented that throughout the code draft there are references to “this code” and “the code” with the word code being capitalized and not. There are also references to “Land Use Code” and “LUC” without it being clear whether the reference is to the entire Land Use Code or just the downtown subarea. He recommended at a minimum the term should be capitalized and it should be clear what is being referred to.

Commissioner Laing said there is in the draft no definition of “alley” in 20.25A.020. A definition is needed given that there is an entire section about alleys with addresses. In the definition section it is specifically stated that among the definitions not applicable to the downtown is the definition in the general code to alley. He recommended either using the existing definition for alley or creating a new one and expressed a preference for using the existing definition. Commissioner Hilhorst agreed. Commissioner Laing said the first definition not applicable to the downtown in subsection 20.25A.020.B should be stricken.

In that same vein, Commissioner Laing referred to the definition of project limit in 20.25A.020.A, the definitions that only apply in the downtown. He noted that a project limit is defined as a lot, portion of a lot, combination of lots, or portions of combined lots treated as a single development parcel for purposes of the Land Use Code. In reading through the downtown code, the most common word used to refer to the project limit is “site” which under the existing code is defined as a lot or group of lots associated with a certain application, building or buildings, or other development. The draft code repeatedly uses the word “site” even though the new project limit definition sounds a lot like what is also defined as site. Additionally, “lot” is defined as a single parcel of land irrespective of the method of legal description. He recommended eliminating the reference to “project limit” and use the definition for “site” as it is already used through the existing code. Commissioner Hilhorst said she would support making that change.

Commissioner Laing said the definition section defines “public realm” as streets, parks and other open spaces and the accessible parts of private buildings. He said it should instead refer to the publically accessible parts of private buildings. Additionally, all instances in which “public realm” is used throughout the code include the concept of publicly accessible, except in the definition.

Commissioner Laing said the definition for “interior property line” in the draft code refers to a property line other than the build-to line. He said it should refer to a property line other than the build-to line within a project site. There could be an aggregation of lots and therefore multiple property lines, but what the term refers to is the interior exterior line.

Commissioner Laing pointed out that the definition for “small site” refers to a lot equal or less than and should in fact say equal to or less than 40,000 square feet in area.

Commissioner Laing said the definition of “tower” refers to any building located in the downtown subarea. He suggested striking “in the downtown area” given that the definitions only apply in that area.

With regard to subsection B of 20.25A, Commissioner Laing noted that the section refers to definitions that do not apply in the downtown. However, the definition section of the Land Use

Code includes multiple subsections regarding building height. He recommended that the definitions that start out with building height should be listed in subsection B if the intent is that they do not apply in the downtown.

Commissioner Laing commented that throughout the code the word “which” is used where the word “that” should be used. Additionally, the words “should” and “must” are used where the word “shall” is correct.

Commissioner Carlson said it has always been his view that laws should be written as clearly and comprehensible as possible for the average lay person to read. Often the code says the building height is something like 300 feet, but then it allows 15 percent more through incentives and another 12 feet for mechanical equipment. Rather than saying 300 feet, the code should say 360 and include a footnote or asterisk indicating what the base height is and how that number can be increased. Commissioner Barksdale agreed and suggested that images providing graphical clarity should be included. He said he would also like to see included links or references to places outside the code where additional information can be found regarding the key concepts.

Commissioner Walter agreed, particularly with regard to including graphics to compare what was with what is coming. It would be best if on the website the images could be in 3-D. Chair deVadoss noted that members of the public had also called for visual representations.

Commissioner Laing pointed out that throughout the draft the word “will” should be replaced with “shall.”

Commissioner Barksdale recommended having periodic focus groups with the community and use the input to iteratively improve the code. With regard to the annual performance review of the amenity incentive system, he emphasized the need to use it to identify the amenities that actually get used. He said he also would like to see targets set for each amenity and language included in the code indicating that once a set percentage of a given target is reached, there should be a discussion about whether or not to continue with that amenity.

Chair deVadoss asked how that would be done. Commissioner Barksdale said underground parking has been an amenity for many years, yet the market has shifted to where it will provide underground parking whether it is incentivized or not. As the market shifts toward including other amenities, even if they are not incentivized, the amenity should be dropped from the list. Ms. Byers said if there are amenities that are simply not used at all, it would be an easy thing to remove them from the list and possibly replace them with something else. It would be far more difficult, however, to determine an upper limit and phase out an amenity by virtue of it being routinely selected. Open space as an amenity should probably be kept on the list even if every development incorporates it. Commissioner Barksdale said the weighting for the amenities all developments are using could be changed over time as the result of a performance review, and Ms. Byers agreed.

Commissioner Morisseau commented that in order to determine trends relative to the use of various amenities, the review period should be longer. Reviewing the list of amenities used every year or every other year would not paint a true picture. The review period should be at least five years long. Commissioner Barksdale said his concept of an annual review entailed looking every year at all of the permits applied for or granted and taking stock of the extent to which the various amenities were used. Commissioner Morisseau said she understood that but reiterated that it would take several years of data to show true trend lines. Ms. Byers said an annual review could be done to mark down which amenities are used, and the five- to seven-year review could

take up those annual reports and use them to identify trends. Commissioner Barksdale agreed and said setting thresholds could trigger the need for a deeper review.

Commissioner Walter said it was her understanding that the Commission had directed staff to show building height as the maximum, including the 15 percent/10 percent and the allowance for mechanical equipment. Mr. King said the amended land use charts that start on page 58 have the 15 percent/10 percent included, but the allowance for mechanical equipment is not included. If directed to do so, staff could change the maximum building height to be inclusive of the mechanical equipment.

There was consensus to show maximum building height as being inclusive of mechanical equipment. Mr. Stroh said that change could be made, but he clarified that the mechanical height is non-habitable space. It needs to be enclosed for aesthetic purposes, but it is height of a different kind. That is why it has traditionally been listed as a separate height calculation. He said in making the change staff would seek to make clear that mechanical equipment height is different. He clarified that where the maximum building height is set at 250 feet, it will be shown as 308 feet. A footnote will be included to indicate the height includes 20 feet for mechanical equipment.

Commissioner Walter pointed out that when comparing the new code with the old code it will appear as though the Commission has recommended significant height increases in all areas. It will no longer be possible to compare apples to apples when it comes to height.

Commissioner Laing allowed that he had from the start raised the issue of the build-to line. He said the problem with it is that as defined the build-to line is the back of the required sidewalk unless upon the request of the applicant it is designated otherwise by the director. There does not appear to be criteria for the director to adhere to in making a determination, and a standardless standard is not a lawful standard. The definition is in 20.25A.020 on page 27 of the packet, and the dimensional requirements in 20.25A.060.A.1 on page 53 states that buildings are built to the build-to line which is either the property line or the right-of-way line unless otherwise determined by the director. Seattle's zoning designations often include a hyphen and a "P" standing for pedestrian-oriented overlay. Under the "P" all of the streets in the city associated with the pedestrian-oriented overlay applies is listed. Bellevue's code should at a minimum list the types of streets shown in 20.25A.010.B.4 and 20.25A.010.B.5. The draft should be clear based on street type. He proposed changing the definition of the build-to line to include the specific types of streets to which the build-to line is applicable. If it is all of them, there should be some very clear language setting for on what basis the director can designate otherwise.

Land use director Liz Stead said it would fall to her to make such decisions. She explained that flexibility is needed in the code to allow developers to pull their buildings back from the sidewalk to provide space for things like outdoor cafés and outdoor plazas. A strict interpretation of the code that all buildings must be at the build-to line, accommodation for the open spaces residents have said they appreciate would not be possible. The flexibility allows for providing some relief while keeping most of the buildings at the sidewalk in support of livability. Commissioner Laing thanked Ms. Stead for her explanation but pointed out that there is nothing said about if, when and how such flexibility decisions are to be made. Absent criteria to follow, the director is left to make decisions for personal reasons.

Commissioner Hilhorst agreed that if flexibility is to be allowed, there should be criteria governing it. Commissioner Walter added that if positions were to change in between a project that spans two different directors could wind up with a huge financial burden based on what was

on someone's mind that was not written down versus what someone else may decide.

Ms. Stead said further information about when deviating from the build-to line would be appropriate could be added to the design guidelines.

Commissioner Laing suggested language along the lines of "buildings are built to the build-to line, which is either the property line or the right-of-way line, except where a plaza, building modulation or other ground-level open space is proposed." That would put it on the developer to design it in.

Chair deVadoss commented that where the builder is given the flexibility to pull back from the build-to line, their building would have a smaller footprint and the site would have more open space. He asked why they should be restricted from being allowed to do that. Commissioner Laing suggested the concern of the city is that a regular pulling back of buildings from the build-to line to accommodate landscaping or something else could have the effect of creating a separation and obviating the pedestrian connection with what is going on inside the buildings. Retreating from the build-to line should be allowed but for specific reasons.

There was agreement to include Commissioner Laing's suggested language.

Commissioner Laing thanked staff for respectfully disagreeing with the Commission about the ten percent open space issue. He suggested flagging the fact that the outdoor plaza space was listed in paragraph B of 20.25A.030. Going forward with the Commission's recommendation, subsection B.1.a.v would need to be stricken.

With regard to 20.25A.030, Commissioner Laing noted the section talks about the applicable review. All of 20.25A.030 talks about design review but confusingly it says the director shall not approve the design review unless the master development plan is amended to include certain elements. It should refer to the design review permit. Developers ~~don't to do~~ receive design review, rather they must go through design review. The effective approval section, 20.25A.030.A.1, should also refer to a design review permit rather than design review, and should be revised to read "Approval of the design review permit, the master development plan and/or any development agreement where required shall constitute the terms and conditions governing the development."

With regard to the departures in 20.25A.D.1, Commissioner Laing reiterated the importance of the lower case code issue in paragraph (b), the decision criteria. He referred to (b)(v) and suggested revising it to read "...allowed through a development agreement approved pursuant to...."

Commissioner Laing pointed out that 20.25A.030.D.2, which used to be titled legislative departures but which has been changed to City Council departures, and which could simply be called Council departures, the word "legislative" continues to appear in the text on the top of page 35 in the packet. He suggested the word should be deleted but said he was most concerned about "process to foster adaptive reuse of buildings that existed as of adoption date of this code..." and the same provision below. He said it amounts to spot zoning and seems to indicate the City Council can enter into a development agreement with a single property owner and allow a prohibited use in their building for adaptive reuse. The language is not consistent with RCW 36.70B.180, the state enabling legislation for development agreements which require development agreements to be consistent with adopted development regulations. He said "...process to foster adaptive reuse of buildings that existed as of adoption date of this code..."

should be stricken along with subsection (a)(i). There was general agreement to make the change.

Commissioner Hilhorst drew attention to the issue of tower spacing and said it was her understanding the Commission had previously landed on 60 feet instead of 80 feet. She proposed creating an amenity for 80-foot tower spacing to encourage developers. Mr. King said that is a recommendation that could be included in the transmittal memo.

Commissioner Hilhorst said her intent in recommending removal of the ten percent open space requirement was tied to creating a park impact fee instead. By pooling the fees, a more cohesive and planned park amenity could be created for downtown residents. Mr. Stroh said open space is very important in dense urban environments and is clearly important to livability. There are instances of dense urban development where open space has not a consideration and the resulting environment is not as livable. In the case of the downtown, there is a combination of things needed to achieve the desired level of open space. One way is through park capital investment on the part of the city, and a park impact fee would be one engine driving such investments. It is not known, however, if a park impact fee is something the Council will ultimately look favorably on, and it would take quite a while to set it up. The thinking is that at least for buildings that are going to take advantage of additional height, there should be an offset in terms of the impact resulting from the additional height. The ten percent open space tied to allowing additional height would capture that. The Commission could in the transmittal to the Council outline its commitment to achieving open space in the downtown and suggest that adoption of a park impact fee would be a better mechanism for meeting the ten percent open space. Adoption of a park impact fee could be coupled with eliminating the ten percent open space requirement, but until then the opportunity to achieve open space in exchange for height should not be lost.

Commissioner Hilhorst pointed out the need for the Commission to reach a conclusion with regard to reducing floorplate size above a certain height as a way of ensuring taller and skinnier buildings.

Commissioner Walter agreed. She commented that in the DT-O1 district, the draft code will yield skinnier residential buildings but not non-residential buildings. For non-residential, the floorplates remain the same size all the way up both under the current code and the proposed code. Residential floorplates reduce from 24,000 square feet to 22,000 square feet above 40 feet, and to 13,500 above 80 feet. Mr. King said residential floorplates will always be smaller under both the current code and the proposed code. A developer in the DT-O1 district wanting to exceed 345 feet must reduce floorplate size by ten percent based on a 24,000 square foot floorplate. Commissioner Walter pointed out that a reduction of ten percent from 24,000 square feet is much less than the reduction for residential floorplates that drop from 22,000 square feet to 13,500 square feet. She said the issue is very complex and having a drawing would be very helpful. She also noted that the definition section includes nothing about the trigger for additional height.

Commissioner Morisseau pointed out that the Wallace letter sought an increase in floorplate size in some areas. She asked how the 30,000 square foot floorplates in the DT-OLB work with the 25 percent increase allowed between 80 feet and 150 feet, and what the new maximum floorplate size is. Mr. King called attention to page 59 of the packet and said the direction given previously by the Commission was to incorporate the changes outlined in the May 10 Wallace Properties letter, as well as the May 10 PMF Investments letter. Changes were made to the draft code relative to the non-residential or office floorplate in the DT-OLB South district. The maximum floorplate above 80 feet is 20,000 square feet, and footnote 16 allows a 25 percent increase

between 80 feet and 150 feet. The required ten percent reduction in floorplate size would occur above 150 feet. The maximum floorplate size between 40 feet and 80 feet is 30,000 square feet.

Commissioner Hilhorst referred to the DT-O2 building heights and asked if the Commission needs to approve the recommendation of staff as it was presented. Mr. King said if the Commission wants to incorporate the staff recommendation, it should either be accepted or kept as it is in the current draft.

A motion to accept the recommendation of staff relative to building heights in the DT-O2 district was made by Commissioner Hilhorst. The motion was seconded by Commissioner Laing and the motion carried unanimously.

With regard to the ten percent floorplate reduction issue, Commissioner Hilhorst said she was not ready to lock in that specific percentage. She said she would prefer to leave the issue open in the transmittal to the Council.

Chair deVadoss noted that the Parks and Community Services Board addressed the Commission on several occasions and he said he did not believe the Commission addressed their concerns around the metrics for parks and open space. He said he would rather push for a stronger case toward meeting the metrics outlined by the Parks and Community Services Board. Commissioner Morisseau agreed the transmittal memo should include a bullet point addressing the issue.

Commissioner Walter applauded the input from the Parks and Community Services Board regarding parks and open space. She proposed including the ten percent open space in the code as outlined by staff, and including in the transmittal a strongly worked recommendation to institute a park impact fee.

Commissioner Barksdale argued that open spaces provided should be more accessible by the public. The public should not have to walk far to access non-concrete open space areas in the downtown.

Commissioner Laing spoke in favor of setting the new base height or trigger height at 90 percent of the new maximum height as recommended by the BDA. He said that will level the playing field for all districts in the downtown.

A motion to maintain the requirement for ten percent open space until such time as a park impact fee is adopted was made by Commissioner Walter. The motion was seconded by Commissioner Morisseau.

Commissioner Morisseau said she would not want to see the ten percent requirement restricted to a park impact fee. She said she wants to see the park impact fee issue addressed, but not in the code itself.

Commissioner Walter said funds collected through a park impact fee, once adopted, could only be used for parks. Bellevue needs parks in the downtown, especially as more people chose to live in the downtown.

Commissioner Morisseau agreed that the issue of instituting a park impact fee should be addressed, but not in code language. She also pointed out that it has not yet been determined if open space can be termed park space.

Commissioner Barksdale said even if a park impact fee is ultimately adopted, the ten percent open space requirement should not be done away with.

Commissioner Hilhorst said her concern with going forward with the ten percent open space requirement and a request for the Council to consider a park impact fee was that the park impact fee could end up being layered on top of the ten percent open space. She said she would prefer to have a single approach for achieving park space in the downtown.

Commissioner Walter said the park impact fee could possibly be used to create open space and prioritized to creating parks in the northern and southern parts of the downtown first.

Commissioner Barksdale pointed out that as development in the downtown continues, there will be less and less land available for park facilities. The ten percent open space requirement allows for the establishing of open space on private land. Mr. Stroh agreed and said the approach is aimed at assuring there will be publicly accessible open space at the ground level of buildings that are allowed to be taller. In terms of having adequate space for parks elsewhere, land would have to be publically acquired. There are some areas identified in the subarea plan for new parks in the downtown, and they are on larger pieces of land. There are some deficits that hopefully can be addressed in a coordinated fashion in time. The staff stressed that publicly accessible open spaces are not in fact public parks, but they do offer a significant amenity value. They must be designed to be attractive places and people will want to use, but they are not actually parks.

Commissioner Carlson said the interpretation he drew from the presentation made by the Parks and Community Services Board was that open spaces are less than parks. Plazas where people can go to relax and enjoy the outdoors, even if they are privately owned, are de facto parks and are good things to have. He stressed the need to keep an eye on the big picture.

Commissioner Laing said the impact of the trigger height associated with the ten percent rule varies significantly depending on where a property is located. He noted that the maximum height in the DT-OLB Central district is 403 feet, and the trigger height for non-residential is 90 feet. For the same height in the DT-MU Civic Center, the trigger height is at 115 feet. This equates to about an additional 2.0 of FAR before triggering the open space requirement. With regard to residential buildings, in the DT-MU, where the building height is 400 feet, the trigger height is 230 feet, and in the DT-OLB the trigger height is 105 feet. The unanimous recommendation of the CAC was to extend the DT-MU zoning to the DT-OLB. As proposed, the new DT-OLB zoning has many of the characteristics in terms of height and other things, but there is a vast disparity. For the exact same building on opposite sides of the street but in different zones, the ten percent open space would kick in for residential projects at 125 feet lower. Similar issues arise in comparing DT-OLB South with the DT-MU. In regard to the DT-MU, the building will not even meet the definition of a tower as outlined in the proposed code. The 90 percent rule proposed by the BDA is simple and fair across all zones, but at a minimum the trigger heights should be equalized for the DT-OLB zones.

As a friendly amendment, Commissioner Laing said the DT-OLB Central non-residential trigger height should be 115 feet, and the residential should be 230 feet; and in the DT-OLB South the trigger height for non-residential should be 115 feet and 230 feet for residential. Commissioner Walter said she would accept the friendly amendment.

With regard to the motion on the floor relative to having both the ten percent rule and a park impact fee, Commissioner Laing pointed out that under state law a developer cannot be required

to mitigate the same impact twice.

Commissioner Carlson urged Commissioner Walter to withdraw her motion in favor of introducing a motion that incorporates what Commissioner Laing proposed.

Commissioner Walter withdrew her motion and Commissioner Morisseau withdrew her second to the motion.

A motion to reintroduce the ten percent open space requirement per the recommendation of the staff for the trigger heights, and to amend the DT-OLB Central and DT-OLB South trigger heights so that the non-residential trigger height for each is 115 feet and the residential trigger height for each is 230 feet, was made by Commissioner Laing. The motion was seconded by Commissioner Walter and the motion carried unanimously.

With regard to the floorplate reduction requirement above the trigger height, Mr. Stroh noted that as drafted the requirement is for a ten percent reduction.

Commissioner Laing said he had spent a lot of time talking to downtown stakeholders who very much want the additional height and very much want the flexibility needed to design a building. They have assured him that taller, slender buildings will be built. He said he had not heard anything that makes him believe that will in fact happen, and there is nothing in the code as drafted that actually requires that outcome. He said he wanted the record to reflect that he did not support any of the additional height increases in the downtown, with the exception of the modest increase that was proposed for the perimeter district and what has been proposed for the DT-OLB, two areas that were thoroughly discussed at the CAC level and which were unanimously recommended by that group. The CAC punted the issue of additional heights in other portions of the downtown. As drafted, there is nothing prescriptive that requires a developer going from 400 feet to 600 feet to make the building more slender. He said while he is generally supportive of the carrot over the stick, but when it comes to taller more slender buildings, the stick approach might be the better approach.

Commissioner Walter suggested that any floorplate reduction of less than 20 percent would be imperceptible. She recommended 25 percent as a starting point for discussion. Commissioner Hilhorst said that seemed fair to her.

Mr. King remarked that the market generally wants to deliver floorplates of 24,000 square feet for office. A ten percent reduction would take that down to 21,600 square feet. A 25 percent reduction would take it down to 18,000 square feet above the trigger height. The point of the floorplate reduction is to result in more slender buildings, but the market dynamics need to be taken into account.

Commissioner Laing said the conversations at the CAC level included the notion of increasing building height as a way of achieving an iconic skyline. There was a concern voiced about not wanting everything to look like a well-manicured lawn with everything the same. There is nothing in the draft code that requires any developer to do that. As a practical matter, allowing more height without additional FAR will mean floorplates will have to be reduced. A 25 percent reduction would result in a meaningful and noticeably reduced façade length. Several stakeholders, however, have stated that in reality no one will ever build an office building to the maximum height because they will run out of FAR well short of that mark. It will be residential buildings that will seek to go higher, and their floorplates are smaller anyway. Reducing residential below 13,000 square feet may not even be viable. A ten percent floorplate reduction

will not stop anyone from developing a building, but it potentially will not result in a form the Commission has talked about.

Commissioner Walter said if that is the case, there is no reason to allow buildings up to 600 feet in the downtown core. Commissioner Laing said there conceivably could be a site in the DT-O1 that is large enough to accommodate a single tower up to 600 feet, with all floorplates up to 345 feet at the full 24,000 square feet and all subsequent floors reduced to 21,600 square feet. In that scenario, however, the single tower would have a massive amount of space around it.

Commissioner Hilhorst asked if the Commission could offer a recommendation for the Council to review a floorplate reduction of between 10 and 25 percent above the trigger height and allow them to have the thorough discussion. Mr. King asked if the focus would be only on the downtown core or in all of the zones, and if the floorplate reduction of more than ten percent would apply only to office buildings. Commissioner Hilhorst allowed that the focus had been on just the downtown core.

Mr. Stroh said the way to translate the approach into the code would be to say where there is height above the trigger height, the recommendation would be to include a range of between 10 and 25 percent for non-residential buildings, then in the transmittal memo explaining the thinking behind the recommendation and what the intent is. He said he would have the same apply across the downtown. On the residential side, there would be no floorplate reduction given the smaller floorplates.

Commissioner Laing said it would require a site about nine acres in size in order to get to 288 feet in the DT-O2 zone, and an additional nine acres in order to get to the 460 feet with full-sized floorplates.

A motion giving direction for non-residential buildings to include above the trigger height a floorplate reduction ranging from 10 to 25 percent across the downtown districts, and a ten percent reduction for residential buildings above the trigger height, was made by Commissioner Walter. The motion was seconded by Commissioner Laing and the motion carried unanimously.

With regard to the issue of setting the base building height at 90 percent of the new maximum building height for each district, Commissioner Morisseau said she would be uncomfortable doing so given that the Commission had not thoroughly discussed it. Mr. Stroh said the original staff recommendation took into account the need to have enough height to use the base FAR. It recognized the fact that increasing the base FAR triggers the need for additional height to use it. In the original proposal where the FAR was being increased, the new base heights were set at what are currently the maximum heights. For example, in the DT-O1 district, the base height in the current code is 450 feet. The current code provides for a substantial increase across the board in the base heights. The notion of setting the base height at 90 percent of the new maximum heights applies more broadly than the FAR because as has been pointed out there are only a few areas in the downtown where additional FAR is being added. There are, however, numerous districts in the downtown where additional height is provided under the draft code. In the DT-O1, for instance, no FAR is added, but the height increases from 450 feet to 600 feet. The eighth Council principle for downtown incentive zoning calls for ensuring participation in the updated incentive system in order to achieve any increases in the currently permitted maximum densities and/or heights. The idea is that with additional height there will be opportunities for more slender buildings, additional open space, and some charging for the amenity system to offset some of the impacts of additional height. If the 90 percent rule were adopted, in the DT-O1 district, the base height would become 540 feet. That would mean an increase from 450 feet to 540 feet without

any participation in the incentive system. Some developers might decide that 540 feet is high enough and they would not have to participate in the incentive system at all. As previously directed by the Commission, the base FAR is set at 90 percent of the new maximum FAR. Because the FAR will not change in most districts, with the old maximum heights becoming the new base heights, the old maximum FARs can be achieved. It is possible that with the new higher bases, additional height will be needed, but that analysis has not been done.

Commissioner Laing said his biggest concern lies with the DT-OLB and the vast disparity with the base building height, which is the same issue associated with the trigger height.

A motion to make the base height and trigger height for both residential and non-residential in the DT-OLB Central and DT-OLB South districts the same as the trigger height for the additional height in those zones was made by Commissioner Laing. The motion was seconded by Commissioner Carlson.

Commissioner Laing noted for the record that the trigger height for non-residential is 115 feet, and for residential it is 230 feet.

The motion carried unanimously.

Commissioner Morisseau said she would like to see the Commission add to its recommendation to the Council the legal ramifications of the amenity incentives. She noted that the staff on several occasions promised a presentation to the Commission but did not follow through.

Commissioner Laing noted that a written communication had been received from PMF Investments regarding parking structures in the DT-OLB. He said it was his understanding that the PMF Investments representatives and staff met and came to an agreement but said he was not sure that agreement had made its way into the draft code. Mr. King said it would be proper for the Commission to move inclusion of the agreement.

A motion to include in the draft code the recommendation outlined in the May 24, 2017, PMF Investments letter delivered to the Commission by Ian Morrison was made by Commissioner Laing. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

Commissioner Laing called attention to veterinarian hospitals and clinics in the use tables on page 52 and suggested “hospital” should be changed to read “animal hospital.” He noted that the use table regarding culture, entertainment and recreation has a category for boarding and commercial kennels. The associated footnote 6 explains that boarding and commercial kennels are allowed as subordinate uses to veterinary clinics and hospitals, which should also read “animal hospitals.” There is also a provision in the code that allows for boarding or commercial kennels on page 46 in footnote 9, which refers back to the table on page 44, which refers to boarding and commercial kennels being permitted as subordinate uses to pet grooming or pet daycare. He suggested that footnote 6 should also refer to pet grooming or pet daycares.

There was agreement to make that change.

Commissioner Laing called attention to the limitations on modification in part 20.25A.D.2 on page 36. He noted that in paragraph (c)(ii) it states that development agreements may not be used to depart from the FAR bonus values, and suggested that it should say “shall not be used.” He further noted that in paragraph (c)(iii) the phrase “are not appropriate” should read “shall not be

used.” The changes are needed to avoid having developers make an end run around staff to get four Councilmembers to vote for something that they could not get the staff to approve. Additionally, in paragraph (c)(iv) “shall not be used” should replace “may not be used” for much the same reason.

There was agreement to make the changes.

Commissioner Walter called attention to section 25.25A.C. page 86 regarding shared parking and suggested the language of paragraph (C)(3)(b)(i) should refer to an independent parking analysis performed by a professional traffic engineer. She also proposed eliminating paragraph (c)(iii) entirely. The analysis must be focused on the specific site in the specific location.

There was agreement to make the changes.

Chair deVadoss commented that the Parks and Community Services Board serves the Council, and the Council is able to get their feedback directly and to make sure the Board is in agreement. Additionally, he said he has on multiple occasions reached out to the Transportation Commission for feedback but has not met with success. He said he would like that group to provide input regarding traffic directly to the Council.

Mr. Stroh said that is certainly something that could be included in the transmittal memo. He said the transmittal memo will also capture the Commission’s comments regarding establishing a parks impact fee; the floorplate reduction range of 10 to 25 percent; ensuring the incentive zoning system is on solid legal ground; the 1.0 FAR affordable housing exemption with the use of the multifamily tax exemption; the need for a comprehensive downtown parking study; and the need for a fund accounting system for collected fees-in-lieu;

Commissioner Walter pointed out the need to including a timeline on the use of fees in-lieu so that they cannot be collected and allowed to build up indefinitely. She noted that in some jurisdictions, fees not used within a set period of time are refunded. Mr. Stroh said he could include mention of that in the transmittal memo.

#### REVIEW OF MINUTES (10:18 p.m.)

##### A. April 19, 2017

Commissioner Walter noted that in the last paragraph on the first page “Steward Heath” should read “Stewart Heath.”

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

##### B. April 26, 2017

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

##### C. May 10, 2017

There was agreement to defer approval of the minutes until the next Commission meeting.

PUBLIC COMMENT  
(10:20 p.m.)

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, provided the Commissioners with written copies of information regarding the Bellevue Technology Center Comprehensive Plan amendment. He said the site was the subject of a Comprehensive Plan amendment three years ago in which the focus was on setting up a process. The amendment was ultimately withdrawn on the encouragement to go forward with a rezone. Two and a half years were spent working on a rezone with the staff to the tune of hundreds of thousands of dollars. During last winter issues arose regarding traffic modeling and the suggestion was made that the better course of action would be to seek a Comprehensive Plan amendment. The intent is to get in front of the City Council with information regarding the issues and to have the Council make a decision. If the Commission passes the proposed amendment through the first round, which will not equate to an endorsement, there will be key issues to be evaluated, including public benefit, additional traffic analysis specific to the site, and looking at phasing development keyed to traffic improvements. One approach would be to pass the amendment through to the next round but add special conditions to it to make it clear certain information needs to be carried forward to the Council.

Mr. Eric Sinn with the Parks and Community Services Board reaffirmed the commitment of the Board to work in partnership with the Commission. He noted that the Board is actively working with the Department of Parks and Community Services to developing a definition of open space. He also noted that a suggested definition of plaza had been submitted. The Commissioners were thanked for discussing the issue of a park impact fee and recognizing the value of having park facilities. There was a definitive example of the financial benefit of parks highlighted in the *Bellevue Reporter* when the Spark apartments in the Spring District were opened. In the article, reference was made to the fact that REI made the decision to locate its headquarters there was made on Bellevue's commitment to green space. The Commission was asked to recognize that parks create value.

ADJOURN  
(10:26 p.m.)

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

Chair deVadoss adjourned the meeting at 10:26 p.m.

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

June 14, 2017  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: Commissioner Morisseau

STAFF PRESENT: Terry Cullen, Nicholas Matz, Department of Planning and Community Development

COUNCIL LIAISON: Not Present

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER  
(6:39 p.m.)

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

ROLL CALL  
(6:39 p.m.)

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

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

There was agreement to amend the agenda by adding reports from staff.

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

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None  
(6:40 p.m.)

STAFF REPORTS  
(6:40 p.m.)

Comprehensive Planning Manager Terry Cullen said the last meeting in June is when the election of Commission officers normally takes place. However, given that the June 28 meeting agenda is full, he recommended moving the election of officers to the first meeting in July.

Commissioner Carlson said his concern was whether or not there would be a full complement of Commissioners at the ~~June~~July 13 meeting. He said he was not sure he would be there.

Commissioner Barksdale said he would be out of town on that date. Commissioner Laing reported that he would be traveling on that date as well.

There was consensus to hold the Commission elections at the ~~June~~July 28 meeting.

#### PUBLIC COMMENT (6:47 p.m.)

Ms. Sake Letove, 3831 145th Avenue SE, read into the record an email from Linda Novahack on behalf of the Eastgate Residents Council regarding the operations and maintenance facility (OMFE) Sound Transit will be constructing in the Bel-Red area. The email noted that the OMFE master development plan was presented by Sound Transit to the Council on June 12. As proposed, the plan places the majority of the Sound Transit facility on the northern portion of the site, landlocked between the railroad tracks to the west and 120th Avenue NE to the east. The most southerly portion of the site borders NE 12th Street and allows an opportunity to develop a campus that perfectly suites an area for supportive housing and a men's low-barrier shelter adjacent to the planned transit-oriented development site. The other attractive aspect of the OMFE surplus property is the reduced land cost offered to developers to build affordable housing. By statute, 80 percent of the entire Sound Transit surplus inventory must be utilized for affordable housing based on the 80-80 rule. The opportunity exists to continue to develop the surplus property as a light industrial campus, the most successful location to incorporate the shelter use as research suggests. It is best for the community, and mitigations can be substantially less located near the downtown area where services are so closely located. The community has a unique opportunity to finally embrace the men's low-barrier shelter by siting it at an appropriate location where the success rates can be measured.

#### INTRODUCTORY COMMENTS BY STAFF (6:47 p.m.)

Mr. Cullen said the public hearing on the Bellevue Technology Center was the sole item on the agenda. The Commission will conduct a study session on the topic on June 28 and will at that meeting make a recommendation to be forwarded to the City Council. The expectation is that the Commission will conclude its review by June 28 in order to allow the Council to hear the issue in July.

Mr. Cullen said Senior Planner Nicholas Matz would first present a report and a recommendation, and would outline the overall plan amendment and the process that is involved. He said the Commission would be allowed to ask clarifying questions about the information presented before taking formal action to open the public hearing. The applicant or applicant representatives will be allowed to speak first for up to 15 minutes, following ~~with~~which three neighborhood spokespersons representing a collection of neighborhoods will be allowed up to 15 minutes total to speak. It is expected that the comments made by those representing the neighborhoods will preclude some individual testimony and help to expedite the public hearing without compromising effectiveness. The balance of the public hearing will then be given over to testimony from individuals for up to three minutes each.

The public was respectfully asked to maintain the decorum of the meeting and to refrain from shouting out remarks during the meeting. Mr. Cullen said the chair is charged with maintaining a

meeting environment in which everyone can feel comfortable in sharing their views regardless of whether or not others agree with them.

Mr. Matz said a single site-specific Comprehensive Plan amendment was before the Commission for ~~2017 threshold review~~ [Threshold Review](#). He explained that the city uses an annual process to accept applications to amend the Comprehensive Plan. The Growth Management Act limits the process to one time annually. All of the various applications made are brought together for a cumulative and consistent review. The threshold action, which some have referred to as a docketing function, sets applications for consideration in the annual work program, which is established when the City Council acts on the recommendations of the Commission to establish it. The Council is scheduled to take action on the work program on July 24.

Mr. Matz said there are two site-specific Comprehensive Plan amendments for consideration. The Bellevue Technology Center in the Crossroads subarea in an area bounded by Northup Way, 156th Avenue NE, NE 24th Street, Interlake high school and some residential neighborhoods. The other application involves the Eastgate Office Park which passed the ~~threshold review~~ [Threshold Review](#) in 2016 but was deferred for action to 2017. It will be in the ~~final review~~ [Final Review](#) package the Commission will take up in ~~final review in~~ the fall.

Also in the mix are two applications that have been initiated by the City Council, namely the Complete Streets and Downtown Implementation Plan policy updates. The East Main Comprehensive Plan amendment is a third application under consideration.

Mr. Matz said the Bellevue Technology Center is a 46-acre site. The privately initiated application proposes new policies in the general land use, economic and transportation sections of the Crossroads subarea plan, and amendments to existing policies as well as Figure S-TR-1 in order to enable redevelopment of the Bellevue Technology Center site. There are residential neighborhoods to the east, north and south of the site. The whole of the Crossroads subarea lies generally to the south of the site. The Bel-Red district is situated to the west of the site, and to the northwest and further to the north are the city of Redmond's Overlake area and the former Group Health site.

During the Commission's study session on April 26, the issue of expanding the geographic scope of the application was considered. The ~~conclusion reached~~ [Commission agreed with a staff recommendation](#) was that the geographic scope should not be expanded based on the criterion of similarly situated properties. It was determined that the size of the Bellevue Technology Center makes it uniquely situated to take advantage of the [proposed](#) Comprehensive Plan amendment and that surrounding properties, due to their size, could not do that.

Mr. Matz said the recommendation of the staff was that the application does not meet ~~threshold review~~ [Threshold Review](#) and to not include it in the work program. Specifically, two of the application criteria that must be met in order to advance the application fall short. ~~The First, the~~ application does not address significantly changed conditions [\(LUC 20.30I.140.E.\)](#) The citywide Comprehensive Plan update was adopted by the City Council in 2015, laying out the city's overall growth strategy, specifically in the Land Use, Economic Development and Neighborhood elements. ~~P, which is that~~ placing more growth on the Bellevue Technology Center site is not part of the overarching strategy of managing growth and development while working to protect and enhance neighborhoods. While the specific text of the Crossroads subarea plan was not included in the updates to the general elements of the plan, there has been no significant change since the 2015 plan adoption with regard to the overall growth strategy. The passage of time is [also](#) not a significantly changed condition. The Crossroads subarea plan remains effective in part

because the policies apply to the site that was sensitive to its owner and the surrounding community in 1972, and its continued impact on the community is sensitive still. The sensitivity of the site for the adjacent neighborhood and special conditions on the office use continue to be appropriate despite the passage of time. ~~The Staff also asserts that the~~ growth strategy policies that are suggested by the applicant to apply to the site are also included the significantly changed criteria review.

The second criterion not met by the application is consistency with current general policies in the Comprehensive Plan for site-specific amendment proposals (LUC20.30I.140.G) for accommodating the city's projected growth and targeted areas, with clear dividing lines in the subarea and appropriate transitions along those lines. The proposal for increased commercial density on the Bellevue Technology Center site is not aligned with the Comprehensive Plan's identified target areas for major mixed use and commercial growth as shown on map LU-4, which indicate the target mixed use areas that are anticipated to accommodate a significant portion of the city's projected growth. While the eastern edge of the Bel-Red district includes a portion of a high-density node along 156th Avenue NE across from the subject site, a clear dividing line is established along the center of the arterial. The Bellevue Technology Center lies on the east side of the dividing line and is outside any area envisioned by the Comprehensive Plan to accommodate denser urban development. The subject site along with other office and commercially designated properties on the east side of 156th Avenue NE and Bel-Red Road NE provides for commercial development at an appropriate transition scale to the residential neighborhoods to the east and the south.

Mr. Matz said it is not that the extension of higher density implementing the growth strategy to the Bellevue Technology Center site is a reasonable suggestion, rather it is that the city plans for growth in certain defined areas and then plans the infrastructure needed to support the growth in those areas. Conversely, areas not planned or targeted for growth have tools to protect them. The subarea policies and discussions reflect that.

~~-Proximity is not a standard for long-range planning, and the significant work for the city with significantly changed conditions is unanticipated. A finding of significantly changed conditions is needed to warrant further review.~~ None of the things argued for the Bellevue Technology Center site that are in proximity to the site, thus warranting an extension of the city's growth strategy policy framework, were unanticipated by the city in planning for growth in Crossroads.

Mr. Matz said to date there has been a great deal of public comment received. Several different platforms were used to convey access to the comments, including online searchable access to a Flippingbook document, and printed materials. He said comments had been received from 124 persons and included 91 parties of record. An online petition was circulated; the language of the petition and the names of the persons who signed it were made part of the public record. A number of persons who signed the petition also included comments that will be included in the record for review ahead of the June 28 study session.

~~-The Commission received a comment letter in which the application was analyzed, the letter was signed by representatives of ten different neighborhood associations in which the application was analyzed. Everyone, including the applicant, have been participating in a civil and engaged manner. The applicant has also submitted comments on a public hearing meeting they held, on a transportation analysis they performed, and on the staff recommendation. With the exception of the applicant's comments and one comment supporting changes that are required to enable height and density redevelopment of the area, all of the public comments and inquiries have been opposed to advancing the proposal out of threshold review. Everyone, including the applicant, All~~

parties to the review process have been participating in a civil and engaged manner.

With the exception of the applicant's comments and one comment supporting changes that are required to enable height and density redevelopment of the area, all of the public comments and inquiries have been opposed to advancing the proposal out of Threshold Review.

Comments opposed to the proposed Comprehensive Plan amendment fall into various themes. The proposal risks the unique and sensitive relationship the site holds for the community, specifically the meadows, trees and low-impact visual access that is protected by the PUD. The PUD established an agreement between the community, the city and the property owners that the Comprehensive Plan and the Crossroads subarea plan continue to reflect. The focus of the proposal on urban growth, density and infrastructure factors is discounted by those opposed to the proposal. The idea that 156th Avenue NE is a boundary is supported, as is the notion that the neighbors adjacent to targeted high-density growth areas continue to deserve protection as the policies specify. The public comments included specific and repeated mention of how growth in Bellevue and the area has severely affected people's quality of life as well as their choices about travel and access, and how the communities are having to weather the impacts of and are being overwhelmed by what they feel is never-ending change.

Chair deVadoss thanked everyone in the audience for their participation in the process.

## PUBLIC HEARING

(7:09 p.m.)

Chair deVadoss said he would limit comments to three minutes during the public hearing. The audience was urged to raise their hands in support of comments made rather than commenting verbally.

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

Mr. Jeff Rader, senior vice president with KBS, spoke representing the property owner. He said KBS acquired the Bellevue Technology Center site in 2012 and targeted the property for purchase for many of the reasons highlighted by the neighbors, including the meadow, the trees and the park-like setting. KBS wants to preserve and enhance the park-like setting while re-energizing the center with technology and headquarter tenants. The center has been a success because high-quality tenants want to be there. Since KBS acquired the property, occupancy has been increased by 30 percent to where the center is now fully occupied. The center is home to the headquarter of MOD Pizza, the second fastest growing company in the state; and is home to the headquarters of a number of tech companies. Sixty percent of the current tenants are tech companies that provide high-quality living wage jobs that are contributing to Bellevue's economy. A conversation with the city about opportunities to support economic growth began in 2014. The focus was on preserving the elements of the center that are cherished by KBS, the tenants and the community. For the past four years, KBS has conducted outreach to the city and the community. Five public open houses were held to explore opportunities to meet the city's land use, housing, economic and transportation goals by providing for moderate transit-oriented development opportunities for new jobs and housing next to a rapid transit station on NE 24th Street and within 15 minutes walking distance of a future light rail station. It has been communicated that KBS wants to build on the meadow, but that is not the case. KBS is committed to permanently preserving the meadow and the tree buffers. For that reason, KBS reached out to [Forterra](#), a leading conservation organization. KBS is committed to

mitigating traffic impacts and to that end has hired two leading transportation engineers to study and identify mitigation measures that go well beyond the traffic that may be generated by the infill development. KBS is committed to the transit-oriented development concept and would be willing to phase development in accord with the Overlake light rail station that will be built in the future. It is the right time for the conversation. There have been significant changed conditions.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, praised the Commissioners for taking their jobs seriously and maintaining open minds. He suggested that after hearing the applicant's position, the Commission will conclude that the application does in fact meet the threshold criteria and should be moved forward. The proposal that was on the table three years ago ended on a 2-2 vote, after which the applicant elected ~~to~~ withdraw the application. At that time, the proposed amendment was not substantive, rather it sought the establishment of a process to create a visioning concept for how to move forward with possible redevelopment of the Bellevue Technology Center campus. The message then was clear that the proposed path was not the appropriate path to pursue, and that what should be pursued was a rezone application. Beginning in 2014, a rezone application was pursued for two years at extraordinary expense. No stone was left unturned. During the winter of 2016, much to the surprise and chagrin of the property owner, ~~that~~ the rezone process was not in fact the appropriate process to pursue and that the way to go would be a Comprehensive Plan amendment. Dutifully in response to direction from the city, the focus was shifted toward filing a substantive Comprehensive Plan amendment with nine amendments to the text and the maps.

Continuing, Mr. McCullough pointed out that the staff report indicates that of the seven criteria set forth in LUC 20.30.L.140, five are without question met by the application. The only two issues, therefore, are whether or not the significantly changed conditions criterion is met, and whether or not the consistency with the Comprehensive Plan and the Countywide Planning Policies criterion is met. With regard to changed conditions, the staff report does not cite or apply the appropriate standard, which the Commission must do. The staff report finds that the proposal does not address significantly changed conditions on the subject property or the surrounding area where such change has implications of a magnitude that needs to be addressed for the Comprehensive Plan to function as a whole. That is not what the code says. Rather, the code says the criterion to be applied is that the proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. The pertinent Comprehensive Plan map or text was last amended 30 years ago. Accordingly, changed conditions should be measured from 2015 should in fact be measured from 1988, which is the last time the Crossroads policy at issue was amended. The application as submitted identifies five ways in which conditions have changed significantly since 1988, including the emergence of Microsoft and business services clusters within a quarter mile of the site; a new bus rapid transit line running adjacent to the Bellevue Technology Center site; the 2014 adoption of the transit-oriented development policies; the passage of ST-3; and the 1990 adoption of the Growth Management Act. The staff report does not address single one of those changed conditions; it includes nothing that says the application does not satisfy that criteria.

Mr. McCullough shared with the Commissioners aerial photographs of the subject area, beginning with shots taken in 1965 and continuing with photos taken in 1977, 1996 and 2009, as well as maps showing where the bus rapid transit will run. The evidence is clear that the changed conditions criterion is met by the application. With regard to consistency with the Comprehensive Plan and the Countywide Planning Policies, it was noted that the staff report indicates growth is intended to be located only in certain areas of the downtown. The staff report goes on to say the target areas are for major mixed use commercial growth and are intended to

accommodate a significant portion, but not all, of the city's projected growth. The growth strategy acknowledges that some job and housing growth will occur outside of the mixed use centers. The Bellevue Technology Center site is identified as a major employment center on map ED-1 of the city's Comprehensive Plan. The Comprehensive Plan also states that housing and employment growth will not only occur outside the mixed use centers, it can occur inside a major employment center.

The staff review is erroneous and mischaracterizing the Comprehensive Plan view of where growth can occur. Growth can occur in areas other than the downtown, Bel-Red and Eastgate, including on the Bellevue Technology Center site. The criterion of consistency with the Comprehensive Plan and the Countywide Planning Policies is met by the application.

Mr. McCullough reiterated that the goal of the property owner is to provide long-term legal non code-based protections for the meadow and the trees. The protections would be based in private contracts. A map of the city's major employment centers was shown to the Commissioners, and Mr. McCullough pointed out that Bellevue Technology Center is identified as one of the city's major employment centers.

Mr. McCullough proposed the Commission should condition approval of the docketing of the application with four specific conditions. For three years the property owner has been trying to get the information together that is applicable to the site and put it in front of a decision-making body so that someone can make a reasoned decision about what should happen on the site. Making a decision not to docket the application for full review means the property will once again be locked out, leaving out the opportunity to put all the information in front of the city's decision makers. The application should be docketed, leaving to the property owner the burden of showing public benefit, to provide additional transportation studies to match up with what the city is doing, to conduct additional public outreach, and to come up with a phasing plan so that implementation aligns with the funding and construction of the Overlake light rail station.

Mr. Edward McDonald, 15936 NE 27th Place, spoke on behalf of a coalition of 13 neighborhoods. He noted that the coalition had prepared a detailed rebuttal of the Bellevue Technology Center Comprehensive Plan amendment request. He noted that the neighborhoods in the coalition collectively have over 2000 homes, and that each of the neighborhoods had signed support for the rebuttal document. The property owner KBS is asked to amend the Comprehensive Plan, but their real objective is to vacate the PUD, rezone the site and build to the maximum possible and then flip the property. The proposed amendment is the third submitted for the site in the last three and a half years. The proposal on the table in 2014 was voted down 5-1, with one abstaining. The subsequent rezone attempt was unproductive, and the current request is basically a repackaged version of the 2014 Comprehensive Plan amendment with a new spin focused on significantly changed circumstances.

Ms. Els ~~BloomeBlomma~~, 1010 185th Avenue NE, said the proponent states their Comprehensive Plan amendment request is warranted because it will allow for achieving 14 Comprehensive Plan policies and that it is needed to enhance consistency with another 28 policies. The proposal, however, is based on three key assumptions, the first of which is that the Bellevue Technology Center site is located within the walkshed of the Overlake Village light rail station. Transit-oriented development is a hip concept, but its definition ~~carriesearies~~ depending on the source. Most sources agreed that a walkshed for light rail is defined as a ten-minute or half-mile walk. Online maps put the Bellevue Technology Center property at 0.7 miles from the proposed light rail station, which takes about 20 minutes to walk from the northwest corner of the site, which happens to be the meadow that the applicant says will be preserved, which means any building

on the site will be even further from the light rail station. The conclusion is that the Bellevue Technology Center site is not eligible for transit-oriented development treatment.

Ms. ~~Bloome~~~~Blomma~~ said the second assumption is that the Bellevue Technology Center site is located in a mixed use or commercial area. The fact is it is located in a residential neighborhood and is designed to serve as a buffer to the residential neighborhoods to the east, north and south, and the higher density mixed use areas to the west. The clear dividing line is 156th Avenue NE. As part of the neighborhood area planning initiative, the Bellevue Technology Center site will become part of the Northeast Bellevue neighborhood and will no longer part of the Crossroads neighborhood, and Northeast Bellevue is residential. Bellevue is not opposed to growth, but the Comprehensive Plan clearly targets areas in which mixed use and commercial growth should occur. Those are the areas in which infrastructure investments are being made.

Ms. ~~Bloome~~~~Blomme~~ shared with the Commissioners a map showing office developments that are projected to have about 300,000 square feet. She noted that the projections, which were for 2027, still show the Bellevue Technology Center site at its current density, and she pointed out that office developments of that size occur primarily adjacent to residential uses. If approved, the amendment would allow the Bellevue Technology Center property to almost triple its density, which would be in keeping with densities that occur along I-90, in the downtown and in the new Spring District.

The third assumption is that the site can be further developed while protecting the meadow and the trees. However, unless the property owner intends to build vertically, it will not be possible to increase the footprint and still protect the meadow and the trees. In 2015, an administrative amendment was granted that allowed for cutting down 11 mature trees to create more parking on the site. The trees were replaced with much smaller trees, about half of which appear to have died. Removing mature trees jeopardizes the health and safety of the remaining trees in a given stand during high wind storms.

Mr. John Emel, 15849 Northup Way, said nothing has really changed since 2014. With regard to the 2014 Bellevue Technology Center Comprehensive Plan amendment request, Commissioner Diane Tebelius remarked that at the time the Bel-Red planning was taking place, the city made sure not to include the area east of 156th Avenue NE. At that time, Commissioner Tebelius said nothing had changed to suggest reconsideration of that position. Commissioner Michelle Hilhorst made the point that owners of property in the Bellevue Technology Center vicinity bought with the understanding that an agreement was in place to bar further development and maintain the natural barriers of the site. She went on to say there is no turning back the clock if development is allowed, and that the PUD must be preserved at all cost.

Continuing, Mr. Emel said the Bellevue Technology Center property owner has introduced the concept of transit-oriented development. The fact is the site is too far from the light rail station to qualify. It is a walk of seven-tenths of a mile, which on a good day takes 14 to 15 minutes to walk, and on a bad day 20 minutes.

KBS highlighted five areas of change. Mr. Emel agreed that the IT and business services sectors have grown as stated, but the growth was planned for in the 2015 Comprehensive Plan. The rapid ride B-line, mentioned as a new development, was instituted in 2011 and was incorporated into the 2015 Comprehensive Plan. Prior to 2011, there were four routes serving the area, and there are currently four routes serving the area. The claim has been made that approval of ST-3 changes things, but the Overlake station will not be any closer, and light rail was already ~~part~~~~pat~~ of the planning in the Comprehensive Plan. The planned new station in Redmond will be four

miles from the Bellevue Technology Center site. The claim that the transit-oriented development zone is applicable is not true. Bellevue embraces transit-oriented development in certain areas, but the Bellevue Technology Center site is not in a transit-oriented development zone. Transit-oriented development was incorporated into the 2015 Comprehensive Plan and is nothing new. Bellevue adopted the Growth Management Act in 1990, and reaffirmed the Bellevue Technology Center PUD in January 1992. The Growth Management Act is incorporated in the 2015 Comprehensive Plan.

The only reasonable conclusion that can be drawn with regard to the five areas of change highlighted by the applicant is that there has been no significant change since the 2014 Comprehensive Plan.

Ms. ~~Bloome~~Blomme pointed out that the rebuttal letter was written by the staff recommendation was released. She said there are 14 policies that need to be carefully considered, and commented that 30 policies would be jeopardized by approval of the Comprehensive Plan amendment. The issues center around four criteria: maintaining the character of the residential neighborhoods; protecting the open space and the tree canopy; reducing traffic congestion; preserving the safety and livability of the residential streets.

The letter submitted to the city from KBS in reaction to the opposition comments offered several concessions to their application. Their offer includes a substantial voluntary public benefit package, which is not needed because all of the benefits already exist under the PUD. Their offer includes additional transportation studies at their expense, but they have had years to provide additional traffic improvement proposals but the public has seen none. They are offering to undertake additional outreach regarding transportation challenges and potential mitigation, but the public would like to see the existing gridlock addressed before any additional development is allowed in the area. They are offering to phase over time implementation of future development, but if they are willing to wait that long there is no need to give them a blank check up front. The city should uphold the PUD and continue to protect the site.

Mr. McDonald said the coalition of neighborhoods believes there are no significantly changed conditions. Nothing has changed since the Commission said no to the property owner in 2014. The applicant has failed to justify amending the Comprehensive Plan, and 156th Avenue NE must remain as a clear dividing line separating the residential neighborhood from the high-growth areas to the west. The PUD was negotiated between the property owner, the city and the community, and concessions were made by each party. The community believes the agreement was intended to be permanent. The coalition wants the Commission to say no to the KBS Comprehensive Plan amendment, and to do what the City Council did in 1992 relative to the John Hancock property, now the Bellevue Technology Center property, in which the proponent was denied the opportunity to move forward with a development. They appealed and were told no a second time. The Council then reaffirmed the terms and conditions of the 1972 PUD. The Commission was asked to do the same.

Mr. Neil Nelson, 871 171st Place NE, said he has been involved in each recurring discussion of what is now the Bellevue Technology Center site. He said in 1972 a very civil process was undertaken which resulted in an agreement between the community, the city and John Hancock as to what development could take place on the site. Two phases of development were identified, and when John Hancock came back for the second phase of development they expressed a desire to step outside of the agreement but were denied. The current request to amend the Comprehensive Plan would replace some of the concomitant agreement. The applicant's proposal is based on the general goals of the city with regard to transit, employment,

attractiveness, pedestrian corridors and the like. The proposal, however, ignores the fact that in 1972 the residents gave up existing single family zoning and allowed commercial development to come in on the basis of a full understanding of what that development would be. Any change to the existing agreement must specify the exact uses to be allowed and the exact distribution of the uses throughout the property.

Ms. Carol Walker, 1908 160th Avenue NE, said her family moved to northeast Bellevue in 1969 and has been there ever since. At the time, the property in question was a horse farm and there were gravel paths where there are now sidewalks. She said she now walks her dog where she used to walk with her children around the wonderfully wooded property. If development is allowed and the trees are removed, they will never come back. She said she has always understood that the property has always been a desirable and valuable site. Local residents believe the decisions made in 1972 and subsequently were made to protect the neighborhood, but every few years the property owner seeks to change the agreement. She said she would be thrilled to see the open areas of the site turned into a public park and preserved forever. Instead, local residents feel betrayed because the expectations set down in 1972 are being eliminated without a clear understanding of what the final outcome will be.

Ms. Ann Kauflin, 16856 NE 14th Place, said she moved to Bellevue 22 years ago. Reading from the Commission meeting minutes of July 30, 2014, she noted that Commissioner Walter voiced support for the recommendation of staff, having read over all the materials and finding no compelling argument for moving the proposal forward. Commissioner Carlson commented that anytime actions are taken to deviate from the Comprehensive Plan, there should be a compelling and justifiable reason for doing so, and that in the case of the Bellevue Technology Center there were no changed circumstances warranting revising the Comprehensive Plan. He went on to say that the argument made by Mr. McDonald that a deal is a deal and that there are many commercial properties both in Bellevue and in the area where the Bellevue Technology Center is located were right on point, and that no argument can be made that commercial development should be allowed in an area where it is clearly not wanted. Commissioner Hilhorst agreed with Commissioners Walter and Carlson and went on to say that the owners of the residential properties surrounding the Bellevue Technology Center site purchased their homes with an understanding of the agreement that is in place, and the new owner of the Bellevue Technology Center clearly understands the limitations that are in place. She added that if approved and the property is allowed to redevelopment, there would be no opportunity to turn the clock back; a natural barrier has been retained because of the agreement and it should be preserved at all costs. Commissioner deVadoss noted that he lives near the Bellevue Technology Center property and said he could see no compelling reason to change the deal that is in place. Commissioner Tebelius agreed with the statement made by staff at the May 14 meeting that development activity occurring on the old Angelo's site was contemplated at the time of the Bel-Red planning effort, and that the decision of the city at the time was to make sure not to include the area east of 156th Avenue NE, and that nothing had changed to suggest reconsideration of that position.

Mr. Pat Tierney, 1406 177th Avenue NE, said he graduated with a civil engineering degree and spent ten years in the aerospace industry and 31 years with the Department of Veterans Affairs, with the last 15 years spent working on planned unit developments. He said he was one of 12 in the United States that could ~~approve~~approved an association's planned unit development. He said he moved to the Sherwood Forest neighborhood in 1971 as the discussions regarding the Unigard site were ongoing, which were finalized in 1972 in an agreement to retain open space, the trees and to have buffered streets along NE 24th Street and Northup Way. He said he is now retired and it takes ten minutes to travel down Northup Way from 140th Avenue NE to 148th Avenue NE during non-peak hours. There are now 460 units on the old Angelo's Nursery site,

and 640 units being planned right across the street, and there is no open space. There are already problems with traffic that will only get worse. People living in the Sherwood Forest area wanting to get to the downtown must use Northrup Way or NE 24th Street. Coming from Seattle traffic gets off at 148th Avenue NE and uses NE 24th Street to get to the neighborhood. Over the past 45 years there have been few improvements with regard to traffic flow. He said when he was working with developers on planned unit developments, there were always compromises made in which the developer got more density and the city got more open space. Three parties would have to agree to change the PUD that is in place: the city, the neighborhood and the property owner.

Ms. Diane Kerry, 16223 NE 26th Street, said she has lived at that address since 1979. She said she cares about her city and her neighborhood and was present to voice her concerns. She said she could remember Bellevue before Bellevue Square; Evergreen East before Microsoft; Eastside Group Health before Avalon; Angelo's Nursery before LIV; and Evergreen Village before the Hyde Square Apartments. Those good memories have been replaced by the frustration of traffic and sterile architecture with little or no landscape. With regard to the Bellevue Technology Center application, she said she remembers meeting neighbors and walking her dogs on the site and creating long-time friends; kids sledding on the hill at the first sign of snow; the tall fir tree adorned with lights at Christmas; walking the upper meadow to see fireworks in the distance on the 4th of July; the friendly security guards; and voles hiding in holes and birds nesting in the meadow. She said she did not want to see the abundant trees and open space become a meadow. The city is already overwhelmed with traffic. Passthrough traffic has increased, and drivers ignore speed limits and stop signs. No progress has been made between the cities of Redmond and Bellevue to address the traffic issues. The city has continued to permit more development, which has only added to the problem. She urged the Commission to reject the proposed Comprehensive Plan amendment for all of those very personal reasons.

Ms. Janet Henry, 1812 161st Avenue NE, said she has been at that address for just over 24 years. She said her property faces the Bellevue Technology Center property on the other side of 160th Avenue NE. She said the experience of the neighbors has been that since 2012 when KBS purchased the Bellevue Technology Center property, the focus has constantly been on trying to get out of the PUD. The organization knew full well what the PUD limits were when they bought the property. In 2014 they filed a Comprehensive Plan amendment request, and in 2015 they filed a request for an administrative amendment to the parking. In 2016 they sought a rezone request, and in 2017 they filed another Comprehensive Plan amendment. The neighbors wonder if the property owner can be trusted when they make promises of the sort they are currently making. A request was made in 2015 to remove 11 significant trees to make room for 27 parking spaces on the strength of the argument by the property owner that the office buildings were projected to be fully tenanted by the fall of that year. The request was granted, the trees were cut down, and the parking spaces were created. The parking spaces are now empty, the replacement trees that were planted were allowed to die, and signs have gone up around the property indicating that monthly parking is available to anyone in the city for \$150 per month. It is clear they did not need the extra parking spaces. It was also surprising to hear from the KBS representative that the site is 100 percent leased given that the KBS website shows there is much space for lease, including an entire QVE building available for sublease with about 68,000 square feet. KBS is on record saying it cares about the environment, and that they chose the site because of the park-like environment, but on the KBS website it says clearly that when properties are identified for acquisition, KBS develops a business plan for each asset, including a well-defined distribution strategy, and target cash returns. The approach seems contrary to saving the environment.

Mr. Bruce Whittaker, 1924 160th Avenue NE, said he and his wife live in Park Place, a residential development at the southeast corner of the Bellevue Technology Center site, just to the south of the baseball diamond at the high school. He said his house looks out to the west, adjoins the Bellevue Technology Center property, and has views of the trees that provide an excellent buffer between the commercial development on 156th Avenue NE and the residential areas to the east. He said in looking to purchase the home in which he now lives he conducted due diligence by meeting with the Bellevue Technology Center property owner and by visiting City Hall to look at all of the documents and was satisfied that the restrictions were substantial and that they would remain in place. The 156th Avenue NE corridor between NE 40th Street and Crossroads is a good example of the traffic problems facing the area. The corridor can actually be walked faster than it can be driven, especially during the evening peak period. The original PUD got things right. It was set up properly and it should be left in place as recommended by the staff.

Ms. Toren Elsey, 2064 West Lake Sammamish Parkway, said she has been a resident of the area for more than 31 years. She said she remembers as a child walking through the Bellevue Technology Center site to stores, walking the back way to Crossroads, and going to Angelo's Nursery after school with her mom. She said she also enjoyed seeing the horses on the horse farm. The amount of development already happening around the area is disconcerting. Light rail is coming to Overlake; LIV Bel-Red is where Angelo's used to be; and Hyde Square is coming with 618 apartments. All of that development is occurring very close to the Bellevue Technology Center area. Development is happening in Redmond as well, including on the old Group Health site. Even the Microsoft main campus is within a mile of the Bellevue Technology Center site. She said she works in sustainability at the University of Washington and is every day reminded how important it is to have green space, especially in urban areas, that creates habitat for wildlife, improves air quality, and improves the well being of everyone. The city should consider preserving the small amount of green space left in the ever-developing Overlake area.

Ms. Gail Toney, 1910 160th Avenue NE, said her property is adjacent to the Bellevue Technology Center on the east quarter. She said the Council's vision statement talks about embracing the future while respecting the past. The Bellevue Technology Center site clearly falls into that category. The property has been treasured by the citizens for decades and is an important part of the neighborhoods' past as well as the future. The Commissioners were asked to respect the past and uphold the decisions and agreements that were made to protect the neighborhoods. The Council's vision statement goes on to talk about neighborhoods being defined by the people, as being safe and friendly places to live, and repeatedly talks about Bellevue as a city in a park. The livability of the neighborhoods would be severely impacted by development of the site. The concept of a city in a park is diminished daily by the loss of more and more of the tree canopy and natural spaces. The Bellevue Technology Center site has one of the last remaining significant stands of trees in the city. Keeping the trust of the city is also a big part of the Council's vision statement. Keeping the trust of the residents by continuing to be a community that cares for all people is another vision. Citizens in the city are expressing with more frequency frustration with the way in which city government is letting them down. The Commission can help keep trust in the city by putting the citizens first and not capitulating to all the developers who come to Bellevue. The vision for regional roads that limit the impacts on neighborhoods is lovely in concept, but in reality there is no place for more roads in the area. Cut-through traffic in the neighborhoods is already substantial and will only increase. If the vision for Bellevue is to be a city inspired by nature with an abundance of open space, every effort should be put into trying to stop destroying the natural and open spaces of which there are very few left. They should be protected. The success of Bellevue as a city and the strength of the neighborhoods is not a fluke, rather it stems from decades of community work, foresight and

planning. Past city officials recognized the need to protect the Bellevue Technology Center site and the current city officials should do the same. Many in the area purchased their homes knowing they were protected by the PUD, the natural barrier and the wooded nature of the site. KBS has presented conceptual plans at its open house events that show large buildings being built within 50 feet of some backyards. One of the things Mr. McCullough did not note is that while growth is expected in areas other than Bel-Red and the downtown, the infill that is allowed under the current zoning does not include the Bellevue Technology Center site. The amendment is not wanted, is not necessary, and should be rejected.

Ms. Gracie Toney, 1910 160th Avenue NE, said her home is next to the Bellevue Technology Center. She said she loves to ride her bike there and ~~take~~ walks with her dog there. The site is one of the only big places in Bellevue left with trees. If they cut down all the trees and put up big buildings, she said she would no longer be able to see them, and the homes of animals would be destroyed. In the morning when her mother drives her and her sister to school, sometimes 40 or more cars go by before getting out of the neighborhood. If lots of buildings are put up on the Bellevue Technology Center site, it will not be possible to get out of the neighborhood.

Ms. Gabby Toney, 1910 160th Avenue NE, said she hoped the city would not let all the trees on the Bellevue Technology Center site be taken down and the meadow removed because lots of birds and animals live there. She said she likes to walk her dog there and to be out in nature with all of the trees. She said not long ago she was with her mom driving down the street in front of the Bellevue Technology Center. The mountains could be seen along with the sunset, and it was beautiful. Now there are just tall ugly apartments and the beautiful sunset can no longer be seen. In the movie The Lorax, all the trees got cut down and the people has to use fake air and fake trees. She said she was worried that in the future Bellevue's world might be like that. As the Lorax said, unless someone like you cares a whole awful lot, nothing is going to get better, it's not.

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

Ms. Karen Campbell, 2447 160th Avenue NE, said she is a Sherwood Forest resident just north of the Bellevue Technology Center site. She shared with the Commission a photographic tour of the neighborhood. She said residents of Northeast Bellevue are well aware of the traffic problems given the rating of LOS E-. Development of the area has increased, including the Spring District, the old Redmond Group Health site and the massive apartments on the west side of 156th Avenue NE. The views and the trees are disappearing, and sunlight during the day is being diminished.

Mr. Ruby Coache, 15869 Northup Way, said she is 11 years old and lives in a neighborhood across from the Bellevue Technology Center. She said she is a fifth grader and a Girl Scout. She pointed out that some signs were placed outside of the Bellevue Technology Center to inform everyone about the public hearing, but they were stolen by some adults, which is a really bad thing. She said lots of people are thinking about cutting down the trees and ~~replacing~~ replacing them with parking lots and buildings. She said she did not agree with doing that. Trees and plants ~~give~~ give oxygen, and cutting down the trees will mean the oxygen level will immediately become lower in the area. It takes a day to cut down a tree, but it takes many years to grow one. Traffic is bad and she has even been late for school because her mom could not get out of the neighborhood. The animal habitat in and around the Bellevue Technology Center will be destroyed if the trees are cut down. The animals should be allowed to rest in peace. Every year she goes up to the meadow and sleds down the hill during the winter when there is snow. Building buildings and parking lots will mean kids cannot do that anymore.

Ms. Jennifer Wong, 4505 152nd Lane SE, said she and her twin sister Julie, both 15 years old, used to live in Shanghai, China's biggest city and a global financial hub. She said every day she struggled with tall skyscrapers, cars, subways and other things, and played in parks with manmade lakes. The city largely lacked green space and pollution continues to be a huge problem caused by daily traffic flows, the burning of fossil fuels, and the huge population. Most importantly, Shanghai lacks trees to offset the daily emissions.

Ms. Julie Wong, 4505 152nd Lane SE, said she and her sister moved to Bellevue when they were 11 and they were surprised by the diversity of the area, where the air is fresh and the water is drinkable and the sky is blue. Pollution is not only a problem in Shanghai, however. During the recent spring break, her class traveled to New York and upon landing it seemed like being back in Shanghai with the familiar smells of pollution. New York, like Shanghai, has tall skyscrapers, subways, cars and pretty much everything besides green space. Even though New York and Shanghai are miles apart, they face similar problems. The skyscrapers are so close to each other than there is no buffer between residential and commercial areas. Bellevue should not be allowed to become another Shanghai or another New York. Bellevue should flourish and become an economic center while preserving nature.

Ms. Amy Lee, 3068 169th Avenue NE, spoke as vice president of the Ardmore Community Club and opposed to the Bellevue Technology Center Comprehensive Plan amendment. The Community Club represents some 300 households and is a social group rather than a political group. She said by talking to people in the Northeast Bellevue communities she has learned that people care about the issues, but they have a deep emotional pain at the thought of losing the environmental habitat of the trees and the meadow. It is important to their quality of life and what they value about Bellevue as a city in a park. Members of the Community Club were encouraged to sign the petition and did so. She presented the Commission with eight pages of signatures from the Silver Glen active retirement community that is located at the intersection of NE 20th Street and Bel-Red Road.

Mr. John Latino, 16516 NE 27th Place, stated his opposition to further development on the Bellevue Technology Center site. He said he opposed amending the Comprehensive Plan so as to enable such development. He said he purchased his home in large part because of the residential feel and the abundance of trees and open space, much of which is contributed by the Bellevue Technology Center property. Bellevue is known as a city in a park and it should work to keep it that way. Development of the Bellevue Technology Center site will ruin the character of the area and would have a negative impact on home values in addition to~~additional~~ overall quality of life.

Mr. Kurt Howler, 16243 NE 30th Street, said he moved to Bellevue in 1966 when what is now the Bellevue Technology Center was the Hungerford dairy farm. The farm had been there for a long time and the residential developments had moved in beside them, and the residences were protected by the trees on the south, the east and the north sides. Whether designed that way or not, the trees provided a buffer. In the late 1960s the property was sold and the developer wanted to do things that were incompatible with the nearby residential areas. The Sherwood Forest neighborhood engaged a well-known land use lawyer who suggested taking a long-range view of the property. With his guidance, the neighborhood worked with the city and the landowner to come up with something that would work for the long term. The plan that was crafted allowed the owner to put in a commercial development that could not be seen from three sides. Over time, the site has developed exactly as envisioned. Nothing has changed from the original vision, and no changes should be allowed on the property.

Ms. Marilyn McGuire, 16223 NE 25th Street, said she moved into the Sherwood Forest community in 1961, and as an adult returned in 1995 to live in the same property. She said her dad used to say it is not possible to put two pounds of anything in a one-pound bag. Much has been said about attempts to do that with all of the building and all of the traffic, and the result is a risk to quality of life. The approach of KBS has been to do whatever needs to be done to get things changed. Their efforts have been disingenuous. There will be no benefit for the neighbors if the site is allowed to redevelop. The result will be more traffic, less green, and a triple-sized footprint. The neighborhood property values are important, the PUD is important, and quality of life is important. Just as school children need adults to get involved in preventing bullying, the neighborhoods need the city to preserve quality of life, homes, streets and neighborhoods. The Commission was asked to deny the Comprehensive Plan amendment by just saying no.

Ms. Pamela Johnson, 3741 122nd Avenue NE, said she attended the Sound Transit meeting at the Highland Community Center on June 13 where it was evident that there is fear in the community that the city will be overrun with development. Many who attended voiced fears that their neighborhoods would be taken over next. KBS is not an ordinary developer and the Bellevue Technology Center is not an ordinary property. The fact is there is a PUD in place that was agreed to years ago. Everyone fears a land grab, and the proposed Comprehensive Plan amendment is just a different kind of land grab. A deal is a deal and the facts are the facts. Throughout the city where the new light rail route will run there are neighborhoods that will need to be preserved. Proximity to a station is not a good argument for simply taking over a neighborhood with transit-oriented development. The property owner is allowed under the law to continually seek to change the land use on their site, but their continual coming back with a new idea is not wearing down the community. The property owner has conducted public outreach, but that has not necessarily included listening to the public; if they had listened, they would know that the community does not support their proposal. The transportation level of service in the area is rated E-, which is the lowest grade there is. There is a Comprehensive Plan policy on the books calling for 40 percent tree canopy, and it would be good to know what percentage tree canopy there is in the area of the Bellevue Technology Center site. The city needs to have a way of dialing back growth until the infrastructure is ready.

Mr. Grant Gilkinson, 16008 NE 26th Street, said he is a second generation Sherwood Forest resident. He said his mother, a past member of the Planning Commission, moved to Bellevue in 1962. The PUD that is in place is the direct result of work by long-term residents who wanted to preserve open space for kids, many of whom had enjoyed the original farm on the Bellevue Technology Center site. The PUD allowed change to happen on the site while also allowing for the future to be controlled. An agreement is an agreement and it should be left in place.

Mr. Reggie John, 15803 NE 27th Place, spoke as the current president of the Sherwood Forest Community Club. He said the vision outlined in Bellevue Comprehensive Plan includes growing in a manner ~~that~~ enhances the livability of the community while maintaining ~~those~~ elements that residents cherish. Growth in Bellevue is focused in denser mixed use centers like downtown, Bel-Red and Eastgate, while maintaining the city's outstanding natural environment and the health and vitality of established residential neighborhoods. To the residents, the vision is compelling, but it is at risk. The residents of Sherwood Forest and the neighboring communities urge the Commission to uphold the recommendation of the planning staff to not approve the policy changes proposed by KBS.

Ms. Sheila Dupree, 1700 159th Place NE, said she came to the Eastside for the first time in her dad's 1947 Pontiac via ferry across the lake. She suggested that all of the residents opposed to the proposed Comprehensive Plan amendment should simply band together and buy the property

and turn it into a park. Or the city should buy the land and turn it into a park.

Ms. Janet Castaniela, 2447 161st Avenue NE, noted that the online petition had been signed by more than a thousand people, and the petition taken door to door has been signed by more than 400 people. People willingly opened their doors and invited the petitioners in to talk about the issue and to ask what they can do. There have been community meetings as well. Traffic congestion has been a top topic, as has preserving the PUD.

Mr. Bryce Eden, 816 2nd Avenue, Seattle, spoke as the state policy director at FutureWise. He said for over 25 years the organization had worked to prevent sprawl in order to protect Washington's resources and make the urban areas livable for and available to all. The organization focuses on preventing the conversion of natural resource areas, such as working farms and forests, to subdivisions while directing growth and ensuring an equitable approach to affordable housing, effective transportation, and environmental quality in urbanized areas. He said he was present in support of updating the Comprehensive Plan and the proposed amendment. Bellevue is required to abide by Vision 2040 as well as the Countywide Planning Policies in addition to its own policies. Bellevue is also a signatory of the growing transit community strategy, which is supported by goals and strategies in the Comprehensive Plan. In its analysis moving forward, Sound Transit is using a walkshed minimum of half a mile. Within the Sound Transit system plan they have added dollars for transit-oriented development as well as access funds. The access funds are for anywhere between a half a mile and three-quarters of a mile, and FutureWise is working closely with them to identify a policy that will push them to a mile. Through current studies across the nation, it is known what high-capacity frequent transit results in the opportunity to walk further than previously anticipated under regular metro. In addition, Sound Transit runs a three- to six-mile bike shed. The Bellevue Technology Center site is part of the significant change due to the recent developments within Sound Transit's policies included in the ST-3 system plan. He suggested the Commission should continue to look at how Vision 2040 impacts the growth and development within Bellevue and on the Bellevue Technology Center site specifically.

Commissioner Carlson commented that one of the issues with mass transit, whether it be by bus or light rail, is the availability of parking for commuters. He asked where FutureWise sees that happening. Mr. Eden said the current Sound Transit plan relies on park and ride lots in urbanized areas, to which ST-3 adds some 15,000 spots. The fact is, the area will grow by more than a million people whether anyone wants the growth to occur or not. To accommodate that growth, the city is going to need to allow for gentle infill development that will use the infrastructure being put in place. Sound Transit will continue to relieve the pressure on the roadways, in part by relying on transit-oriented development opportunities.

Commissioner Carlson pointed out that in fact parking is going away at the same time bus and light rail services are expanding. He said many drive first in order to access the bus and light rail and he asked where that parking will occur. Mr. Eden said the point of the site is that people will not be driving there. It should be understood that there will be a wide range of uses across all of it. It will not be possible to make transit accessible for everyone, so there will need to be multiple options. The only way to do that is by providing transit-oriented development options such as on the Bellevue Technology Center site to allow people who do not need to use their cars to access the site in alternative modes. Part of the vision will be less parking overall. In Seattle, the transit commute rate for new people arriving in the region is well over 70 percent. Alternative modes of transportation will be needed to alleviate some of the traffic congestion on the current roadways, which cannot be expanded any more. Commissioner Carlson said the Seattle vision of increasing density in single family neighborhoods is not the Bellevue approach. Mr. Eden allowed that

FutureWise is fully supportive of increased density across the central Puget Sound region, which also happens to be a requirement under the Growth Management Act and under the Bellevue Comprehensive Plan and under Vision 2040. Commissioner Carlson said Bellevue's focus has been on directing growth in the downtown, the Spring District and Eastgate specifically to preserve the character of the single family neighborhoods.

Commissioner Barksdale said the FutureWise website says the organization focuses on preventing the conversion of wildlife habitat, open space, farmland and working forests to subdivisions and development. He suggested that statement seems contrary to supporting development on the Bellevue Technology Center site that will in fact remove habitat and open space. Mr. Eden said within the Growth Management Act there is something called the Urban Growth Boundary which is intended to prevent sprawl. Density needs to be increased inside the Urban Growth Boundary through the use of gentle infill that protects open spaces. If that is not done, the result will be sprawl beyond North Bend up toward Snoqualmie Pass, destroying natural forests and making traffic even worse.

Mr. Emmanuel Solis, 2447 161st Avenue NE, apologized that the Commission has had to hear the same arguments over and over again for the last four years. He said the residents of northeast Bellevue are also very tired of having to defend the community from the interests of out of state companies that are focused only on profit. The Bellevue Technology Center site is what it is because of the PUD that is in place; without the PUD, the trees and the open space would all be gone. The PUD preserves the meadow and all of the trees, not just the trees around the perimeter. The PUD is doing the work it was designed to do. The meadow and the trees have been preserved, and development has been allowed on the site. By following the recommendation of staff, nothing will be taken away from KBS. KBS is asking for something they have never had, and they are asking that something be taken away from the community and be entrusted to them. One good thing about all the years of meetings and hearings and documentation is that the northeast Bellevue communities have banded together with a common cause.

Commissioner Carlson informed the chair that he would need to leave the meeting soon, and he noted that because Commissioner Laing had already left, his leaving would mean the Commission would not have a quorum. Mr. Cullen confirmed that absent a quorum, the meeting would need to stop.

Chair deVadoss noted that comments can be submitted online at any time.

A member of the audience suggested the Commission had heard enough to be able to say no to the Comprehensive Plan amendment and to not move it to the next phase. Mr. Cullen explained that the intent of a public hearing is to allow anyone who wants to share their viewpoint to do so in a caring and respectful environment.

Ms. Michelle Niethammer, 15897 Northup Way, thanked the Commissioners for their time. She said the PUD has been valuable in preserving green space through solid planning. In areas where there is no PUD in place, such as in Redmond, the result has been clearcutting ahead of development. Taking away the restrictions from the Bellevue Technology Center property will give KBS a blank check. The property owner has not submitted any development plans for the site in order to keep secret their real intent. The trees will come down and it will take many years for them to grow back. KBS says is has engaged ~~Forterra~~~~Terra~~ to create permanent conservation for the site. That is something that is already in place with the PUD. All ~~Forterra~~~~Terra~~ would do is protect what does not get destroyed. The property owner claims the city has not given consideration to the Bellevue Technology Center site in the Comprehensive

Plan, but in fact the site has been more planned than any square inch of land in the entire city. The site has been documented up, down, right and left. To say the site has been overlooked in the planning process is utterly ridiculous. KBS talks about transportation studies, but they have had three years to do them, though they have not shared the results of a single one. Traffic in the area during the peak hours is bad and is getting worse, and the peak period is expanding. People are having to plan their lives around when they can get into and out of their communities. Much has been said about transit-oriented development, which in short involves building around train stations. The concept does not extend to buying a piece of property and hoping the bus drives by. The Bellevue Technology Center has 300,000 square feet of office space, which makes it a major employment center. It does not, however, make it unique as the same exists in other areas around the city. The Commission was urged to avoid overdeveloping the city. There is huge development coming, and the last thing the city wants is vacant buildings and developers going bankrupt and trying to sell properties. The Spring District is planned and should be allowed to fully develop before figuring out what more is needed. She guaranteed that in six years, everyone will still be happy to have the Bellevue Technology Center green space.

Mr. Cullen said Commission could decide to either end the public hearing or continue it to another date. Either approach would require a formal action. He strongly recommended against letting a lack of quorum cause the meeting to end abruptly.

A motion to continue the public hearing until 9:45 p.m. was made by Commissioner Carlson. The motion died for lack of a second.

Commissioner Walter suggested limiting testimony to two minutes each. The suggestion was not discussed further.

Chair deVadoss said if possible, he would like to continue the public hearing even without a quorum. Mr. Cullen explained that absent a quorum, there would be no public record. The Commission cannot conduct business without a quorum.

A member of audience expressed frustration at the notion of ending the public hearing without everyone being allowed to speak. He said he had skipped his son's last Boy Scout meeting in order to be present, and said he was sure others in the room were waiting to speak.

Chair deVadoss said if the meeting must end, the public hearing should be carried over to the next Commission meeting. He said he would entertain a motion to continue the public hearing to June 28.

Commissioner Barksdale suggested limiting the public hearing time on June 28 to no more than one hour. Chair deVadoss pointed out that there were 30 people on the sign-up sheet who had not yet spoken. At three minutes each, that would be a minimum of an hour and a half. He said to be conservative, at least two hours should be allowed.

Commissioner Barksdale asked if testimony at the next meeting could be limited to just those persons who are on the list. Mr. Cullen said public hearings are open to the public and to anyone who wants to speak. The Commission can, however, put a time limit on the length of the hearing, and the continued public hearing could begin with those already on the list.

A motion to carry over the public hearing to June 28 and to limit it to an hour and a half was made by Commissioner Barksdale. The motion was seconded by Commissioner Walter and the motion carried unanimously.

Mr. Shawn Sheridan, 17419 NE 12th Street, said he raised four children at that address. He said his eldest is currently enrolled in college in New York City and reports having nightmares of coming home and finding the trees cut down. When home, she walks past the grove of trees on the Bellevue Technology Center twice daily, and she is distraught when she thinks about what might happen to the site. New York City without Central Park would be a nightmare. More than a hundred years ago someone had the foresight to save land in the middle of a very dense city. He said in coming home every day, he purposefully drives through the Bellevue Technology Center site in order to relieve his stress. He said he was amused by the arguments of KBS that appear to be legal maneuvering rather than an attempt to do what is right. To say they want to go from 0.16 usage to 0.5 usage and to call it a small increase is laughable. They would not be laughing if someone were proposing to cut their salaries by the same percentage on the claim that it is only a small change.

Mr. Hayden Hoppert, 1905 160th Avenue NE, said he was opposed to the Comprehensive Plan amendment. The applicant says the map and Comprehensive Plan has not been amended since 1988, but in fact the entire Comprehensive Plan was updated and readopted very recently. It is clear the property has been looked at since 1988. The property owner says that development on the site is not excluded, that there are other concentration areas. While that is true, that is not the intent of where the growth is focused; other growth is considered to be organic and will occur without requiring huge public hearings and tripling the amount of development on a given site. The neighborhood property owners feel that in general KBS has been disingenuous in many of their dealings, making it hard to believe them when they say they have no specific plans for the site and when they say they will save the trees.

Mr. Robert Pomeroy, 16055 NE 28th Street, said he has been a resident of Sherwood Forest for 20 years. He noted his support for keeping the PUD in place permanently. If the arguments of the applicant sways the Commission, the timing is not right for redeveloping the site given all the construction in the areas targeted for high density on the west side of 156th Avenue NE and the impact of those changes cannot yet be measured. He said he regularly is a pedestrian on 156th Avenue NE and often passes cars.

Mr. Mark Thorpe, 2604 169th Avenue NE, said there are two major issues with the proposal. Traffic is one. In the presentation made by KBS a couple of years ago they talked about a thousand additional parking slots. Now they are talking about people coming to the site by bus and light rail, which is not what their intent was two years ago. Anything that will add to traffic in the area will not be welcomed. The applicant says they will preserve the meadow and the trees, but in fact the PUD that is in place already does that; no additional protections are needed. The photos submitted by the applicant showing changes in the area are all focused on the area to the west and the south. If photos were to be taken to the east and the north, they would show that nothing has really changed for a very long time. He pointed out that more than a hundred persons were in attendance at the public hearing, and added that the last time there was a public hearing regarding the site a similar number of persons attended. People clearly care about the site. The recommendation of the staff should be approved.

Ms. Deb Wexler, 15811 Northup Way, said she has lived in the area for only three years but chose the area in large part due to the greenbelt on the Bellevue Technology Center property. She said her thought at the time was that Bellevue did things right. She said when she asked about the greenbelt, she was told that it was to be permanent. The PUD does more than preserve memories, it also preserves property values and lifestyles. The applicant has asked to be allowed to move the proposal forward, in part to allow for more community outreach. The neighborhoods

would like to know how many more times they will need to say the same things before being heard.

Mr. John ~~Haro~~~~Harrow~~, 2431 161st Avenue NE, said he has lived in Sherwood Forest for 30 years. He noted that page 3 of the Commission packet included a statement from planning staff regarding traffic impacts from the Overlake Village developments in Redmond. Included in the statement was the notion that Bellevue is not planning for infrastructure outside of currently planned areas. That was affirmed in the 2015 major Comprehensive Plan update and the growth projections in the Northeast Bellevue Mobility Management Areas. Based on public information, the formerly Group Health site will have 1400 residential units, 1.4 million square feet of commercial, and at least 675 parking stalls, possibly twice that many when they are done. Overlake Village South will have 1805 parking stalls. The LIV apartments have 476 parking stalls. Sherwood Center apartments have 800 parking stalls. The Microsoft OBAT (Overlake Business & Advanced Technology zone) height limit approval means they can take the original campus buildings ~~rebuild~~~~can be rebuilt~~ up to nine stories and have an unknown number of parking stalls. That is a total of 3756 known parking stalls. The KBS documents call for 2785 parking stalls on the Bellevue Technology Center site, which would bring the total to 5500 parking stalls coming into the Overlake area. If the cities of Redmond and Bellevue are interested in traffic improvements to accommodate all the traffic from new developments in the area, and if they are interested in promoting high-density live/work solutions to reduce traffic congestion, it is questionable as to why they are approving so many new developments with attached large parking facilities. The Commission was urged to agree with the recommendation of the staff.

Mr. Lee Sergeant, 16246 NE 24th Street, said he has lived at his current address for 38 years. He said he worked at Unigard for 32 years and walked to and from work. He said originally there was gravel on the side of the road to walk on but the city has since put in paved sidewalks on both sides of the street, which has reduced the number of accidents at 164th Avenue NE and NE 24th Street. The city has done a good job, but there is still room for improvement. Until additional improvements are made, the obvious choice is to wait until some future time to even consider changes to the Bellevue Technology Center site.

Ms. Kathy Benetary, 16255 NE 26th Street, said she has been a Bellevue resident since 1983 and purchased her home in Sherwood Forest in 2001. She pointed out that the schools are at capacity and parents face a race to register their students on a first come-first served basis. There is no room for additional students. She said her daily commute is very stressful because it is not easy to get into and out of the neighborhood. There is new development happening all around the area, all of which will make traffic worse. Local residents are feeling betrayed by the city and no longer brag about how nice a place ~~to live~~ Bellevue is to live. The Commission was urged to reject the proposal.

Commissioner Carlson pointed out that a lot of the development people are concerned about is occurring in Redmond.

Mr. Dan Krevinson, 2555 162nd Avenue NE, said he moved into his present residence in 1988 and has seen a lot of changes in development. He suggested the city should be celebrating the success of the PUD that is in place, and those who worked to see it instituted should be acknowledged. The Commission was urged not to pass the Comprehensive Plan amendment on to ~~final review~~Final Review.

Mr. Reed Miller, 15929 NE 27th Place, said the applicant has claimed to have performed

outreach to the community, but has said nothing about the response received. The fact is they have consistently ignored it. They should probably have checked with the community before purchasing the site. They have chosen to talk about the amount of time they have invested, which has really been time spent trying to subvert the PUD in direct opposition to the community. The time they have spent is irrelevant, and so ~~is~~ their expense. There are plenty of locations in Bellevue being allowed to grow and develop. KBS knowingly chose to purchase the site knowing the PUD was in place, also knowing that the previous owner tried and failed to remove it. The PUD was put in place specifically to prevent further development on the site and its purpose has not changed, nor has the community's support for the PUD. The community has been fighting the fight longer than the current applicant and will continue to fight long after they have given up and sold the site to the next guy who thinks the PUD and the community can be steamrolled. The Commission was asked to consider the cumulative time put in by all the unpaid people opposing the proposal each time the issue has come around.

Mr. Bill Kapadano, 1904 161st Avenue NE, said his home is just around the corner from the Bellevue Technology Center site. He said he grew up on the East Coast but moved to the Seattle area in 1999 to work for Amazon and Microsoft. He said he believes in moving forward but also in protecting the past. He said he moved to Bellevue because of the city's diversity. He said as a business person and as a marketer, KBS has done a terrible job of researching and understanding their audience. They have done a poor job of trying to solve problems by talking to their target audience, and especially of trying to understand the needs of the target audience. Sometimes businesses make investments that fail, and when they do they must move on to the next thing. The Bellevue Technology Center site is a battle the community is willing to stay in for the long haul. KBS has really done nothing to engage with the community and the Commission should vote down the proposed Comprehensive Plan amendment.

Mr. Shawn Donohue, 1617 185th Avenue NE, said his home is in the Tam O'Shanter community. He said there are probably 2000 homes between his and the Bellevue Technology Center, the owners of which must rely on only two roads, both of which skirt the Bellevue Technology Center site. If the site is redeveloped and the expected traffic evolves, adding to the traffic from all the current development, there will be far more pain. Traffic is already at LOS E- and there are no options. He said his wife is from Madrid where there is a light rail system, but no one walks to access the train, they all drive or gets someone to drop them off. There are no places to build additional roads, so there is no way to mitigate all the extra traffic. He said he owns two homes in the Tam O'Shanter community and is afraid that his property values will drop because of the traffic issues.

Ms. Heidi Wrestler, 917 168th Avenue NE, said she had the pleasure of growing up in the 1970s at 1903 143rd Place SE. She said she watched the widening of 148th Avenue. Houses were lifted up and rolled out in the middle of the night to accommodate the work. The businesses that developed along 148th Avenue were interspersed with residences and kids had places to go get jobs. She said her concern is that ten years down the road 164th Avenue NE, the only escape route from her neighborhood, will also be widened, with houses lifted up and rolled away. Once that street becomes a boulevard, the beautiful trees in the affected neighborhoods will be lost. When the new extension for I-405 to SR-520 was done, trees had to come down, pushing the road closer to the neighborhoods, and increasing the overall noise. Taking trees out will mean noise levels will increase and water quality will be reduced. The sidewalks around Crossroads Mall should be repaired.

Ms. Pam Toelle, 14845 NE 13th Street, said she lives in the Chevy Chase community which has been involved in community issues since its inception. She said she has been involved with land

use and transportation issues along with the Sherwood Forest community over the years. She said her personal goal is to preserve and protect neighborhoods from more intense uses, which is a Comprehensive Plan policy. Times have changed: 148th Avenue, which used to be a two-lane country road, is now a major boulevard and is often referred to as alternate I-405. In the 1970s there were two PUDs established: the Bamco property across from Highland school, and the Unigard property. Both were planned and designated PUDs to protect neighborhoods from more intense uses and different kinds of uses. The Bamco PUD limits the kinds of uses in businesses near the school to those that will not attract children. The Unigard PUD was established to protect the neighborhoods from different kinds of uses and intensity of uses. Under King County, the Hungerford farm was zoned OU, and then later OU-R, which means designated for residential. In both cases, the reasons for establishing the PUDs have not changed. She said she was proud to be part of a community that worked with the city in pioneering a process that keeps property owners from annually seeking amendments for the same properties.

Ms. Carolyn Stanley, 1915 177th Avenue NE, said her property is at the dividing line between Redmond and Bellevue. She noted that the current electric grid is operating at capacity, yet development continues without adequate infrastructure. Redmond recently came to her neighborhood to talk about the water pipeline that will be coming down NE 24th Street in the next two years. That project will trigger huge traffic impacts. She said her son is a senior at Interlake high school where the motto is Honesty, Integrity and Scholarship. That motto is how the children are asked to live. City employees should have the same motto. She said in her professional life she works as an advocate for families and children, those facing domestic violence situations and those without a voice. She said there is family disintegration and a loss of connection going on in the community. More traffic means less time together. There are learning and cognitive developmental issues that have come as a result of people living in large cities that have been documented by the World Health Organization, the Centers for Disease Control, the Department of Health and Human Services. Overdevelopment has negative impacts on children and their families, impairing the ability of children to learn how to read, affecting executive functions, creating behavioral issues, and triggering hyperactivity and sleep deprivation. Cancers have been identified as being triggered by high traffic and pollution in cities across the nation and around the world. There is an increased impact on physical health, resting heart rates and blood pressure, increased cortisol levels, increased lipids and heart disease in children. In January 2016 there was a car accident on 160th Avenue NE and Northup Way that she witnessed. She said she helped direct traffic because the police could not get there for half an hour because of the traffic. The safety of Bellevue's children must be considered.

Chair deVadoss thanked Commissioner Carlson for staying so the Commission could retain a quorum for the public hearing and make it all the way through the list of persons signed up to speak.

A motion to close the public hearing and to rescind the motion to continue the public hearing to June 28 was made by Commissioner Barksdale. The motion was seconded by Commissioner Walter and the motion carried unanimously.

**PUBLIC COMMENT**  
(10:21 p.m.)

Mr. Guy McGrauby, 2428 159th Avenue NE, noted that in the neighborhoods around the Bellevue Technology Center there are some 2000 homes. The Hyde Park development alone has more than 1100 units. The infrastructure in place was meant to serve 2000 households, but now it will need to serve 3000 households. Every year the traffic problems have become worse as more

development has occurred. It can take up to ten minutes during peak times to get out of the neighborhood.

ADJOURN  
(10:23 p.m.)

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

Chair deVadoss adjourned the meeting at 10:23 p.m.