City of Bellevue

# MEMORANDUM

DATE: June 6, 2008

TO: Bellevue Planning Commission

FROM: Paul Inghram AICP, Comprehensive Planning Manager 452-4070
pinghram@bellevuewa.gov
Michael Bergstrom AICP, Senior Planner 452-6866
mbergstrom@bellevuewa.gov
Nicholas Matz AICP, Senior Planner 452-5371
nmatz@bellevuewa.gov

SUBJECT: June 11, 2008 Public Hearings on 2008 Annual Comprehensive Plan Amendment Threshold Review and Site-specific Geographic Scoping

Vander Hoek Multifamily, South Kirkland TOD, Coal Creek UGB
(Public hearings on four previous 2008 CPA applications were held on May 14)

## INTRODUCTION

The 2008 List of Initiated Applications has been established to consider amendments to the Comprehensive Plan. The List—included at the end of this memo—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.

**Please note:** Both the Wilburton Village Mixed-Use CPA (hearing originally scheduled for May 14, 2008) and the Pazooki CPA (hearing scheduled for June 11, 2008) have been withdrawn by their applicants. See Attachments 1 and 2, respectively.

Threshold Review action produces proposed amendments for the annual CPA work program. This 2008 annual CPA work program consists of four steps:

1. Planning Commission study sessions and public hearing to recommend whether initiated proposals should be considered for Comprehensive Plan amendment (March-June);
2. City Council action on Planning Commission recommendations to establish the annual work program (summer);
3. Planning Commission study sessions and public hearing to consider and recommend on proposed Comprehensive Plan Amendments (fall); and
4. City Council action on Planning Commission recommendations to adopt amendments (fall).

## PLANNING COMMISSION ACTION

On June 11, 2008 the Planning Commission will hold public hearings to consider the second set of applications for the 2008 CPAs under Threshold Review (a first set of 2008 CPA applications

held public hearings on May 14, 2008). The Planning Commission is asked to recommend by motion those suggestions that should be initiated for Comprehensive Plan amendment under LUC 20.30I.140. The Commission is also asked to recommend by motion on geographic scoping under LUC 20.30I.130.A.1.a.ii.

Sample motion language (for reference): I move *initiation/no further consideration* of the *name* CPA suggestion for the 2008 Annual Comprehensive Plan Amendment process, *expanded/not expanded* through geographic scoping as outlined in the staff report.

## THRESHOLD REVIEW DECISION CRITERIA

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 are recommending that one of the second set of CPA proposals (Coal Creek UGB) should be included in the 2008 annual CPA work program. These recommendations are explained for each CPA in their respective Attachments.

**Staff Recommendation Summary**

| CPA Application<br>**SS**-Site specific<br>**NSS**- Non site specific | Description of Initiated Applications<br>*Subarea* | Attachment<br>**Staff recommendation for work program inclusion**<br>*Geographic Scoping* |
|---|---|---|
| Vander Hoek<br>Multifamily (**SS)**<br>*08 103615 AC*<br>*08 103616 LQ* | Map change of 0.27 acres from MF-H (Multifamily-High) to DNTN (Downtown)<br>117 102nd Ave SE<br>*Southwest Bellevue/Downtown* | Attachment 3<br>**No**<br>*Do not expand geographic scope* |
| South Kirkland TOD<br>(**SS**)<br>*08 103700 AC*<br>*08-103701 LQ* | Map change of 3.64 acres from MF-M (Multifamily-Medium) to newly proposed Transit Oriented Development designation<br>10800 NE 38th Street<br>*North Bellevue* | Attachment 5<br>**No**<br>*Do not expand geographic scope* |
| Coal Creek UGB<br>(**NSS**)<br>*08-109519 AC* | Amend the Urban Growth Boundary to include all of Bellevue's Coal Creek Park entirely within the urban area; include the relocated area within Bellevue's Potential Annexation Area (PAA); and establish a P/SF-M (Public/Single Family-Medium) designation | Attachment 7<br>**Yes** |

## PUBLIC NOTICE and COMMENT

The proposed 2008 amendments were introduced to the Planning Commission during study sessions on March 12 and April 2, 2008. Notice of the Applications was published in the Weekly Permit Bulletin on March 6, 2008 and April 24, 2008 and mailed and posted as required by LUC 20.35.420. Notice of the June 11, 2008 Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on May 22, 2008.

The city has received additional comment on the Vander Hoek CPA and South Kirkland CPA since the hearing notice was published on May 22, 2008. These new comments are included as

attachments immediately following each staff report attachment. Public comments that have been received prior to May 22, 2008 are already included as part of the staff report attachment for each CPA.

**ATTACHMENTS**

Each materials attachment contains a staff report recommendation, vicinity map, the applicant's application materials, and any written public comments that have been received.

1. Wilburton Village Mixed Use Development CPA withdrawal
2. Pazooki CPA withdrawal
3. Vander Hoek CPA materials
4. Vander Hoek CPA additional public comment
5. South Kirkland CPA materials
6. South Kirkland CPA additional public comment
7. Coal Creek UGB CPA materials
8. Threshold Review Decision Criteria (LUC 20.30I.140) and Consideration of Geographic Scoping (LUC 20.30I.130.A.1.a.ii)

June 6, 2008

# 2008 Annual Comprehensive Plan Amendments

| **S**ite-**S**pecific (**SS**)<br>**N**on **S**ite-**S**pecific (**NSS**)<br>*CPA application (AC)*<br>*Rezone application (LQ)* | Application<br>*Subarea* | PC ***Threshold Review*** Public Hearing | Applicant | Contact Planner |
|---|---|---|---|---|
| Vander Hoek<br>Multifamily (**SS**)<br>*08 103615 AC*<br>*08 103616 LQ* | Map change of 0.27 acres from MF-H (Multifamily-High) to DNTN (Downtown)<br>117 102nd Ave SE<br>*Southwest Bellevue/Downtown* | ***June 11, 2008*** | Vander Hoek Corporation | Nicholas Matz<br>(425) 452-5371<br>nmatz@bellevuewa.gov |
| ~~Pazooki (**SS**)~~<br>~~*08 103680 AC*~~<br>~~*08 103683 LQ*~~ | ~~Map change of 0.4 acres from SF-M (Single Family-Medium) to SF-H (Single Family-High)~~<br>~~504 98th Ave NE~~<br>~~*North Bellevue*~~ | *Withdrawn by applicant* | ~~Pazooki~~ | ~~Nicholas Matz~~<br>~~(425) 452-5371~~<br>~~nmatz@bellevuewa.gov~~ |
| South Kirkland TOD (**SS**)<br>*08 103700 AC*<br>*08-103701 LQ* | Map change of 3.64 acres from MF-M (Multifamily-Medium) to newly proposed Transit Oriented Development<br>10800 NE 38th Street<br>*North Bellevue* | ***June 11, 2008*** | King County Department of Transportation | Michael Bergstrom<br>(425) 452-6866<br>*mbergstrom@bellevuewa.gov* |
| Coal Creek UGB (**NSS**)<br>*08-109519 AC* | Amend the Urban Growth Boundary to include all of Bellevue's Coal Creek Park entirely within the urban area; include the relocated area within Bellevue's Potential Annexation Area (PAA); and establish a P/SF-M (Public/Single Family-Medium) designation | ***June 11, 2008*** | City of Bellevue | Nicholas Matz<br>(425) 452-5371<br>*nmatz@bellevuewa.gov* |
| Newport Professional Buildings (**SS**)<br>*08 103679 AC* | Map change of 0.62 acres from PO (Professional Office) to CB (Community Business)<br>4307 and 4317 Factoria Blvd. SE<br>*Factoria* | *May 14, 2008* | Lorge | Nicholas Matz<br>(425) 452-5371<br>nmatz@bellevuewa.gov |
| Sambica (**SS**)<br>*08-103705 AC*<br>*08-103706 LQ* | Map change of 6.5 acres from SF-H (Single Family-High), NB (Neighborhood Business) and MF-M (Multifamily-Medium) to most appropriate designation for current and future uses<br>4114 West Lake Samm. Pkwy SE<br>*Newcastle* | *May 14, 2008* | Sambica | Nicholas Matz<br>(425) 452-5371<br>*nmatz@bellevuewa.gov* |
| Oh (**SS**)<br>*08-103739 AC*<br>*08-103740 LQ* | Map change of 0.32 acres from SF-H (Single Family-High) to MF-M (Multifamily-Medium)<br>12624 SE 30th Street<br>*Richards Valley* | *May 14, 2008* | Oh | Nicholas Matz<br>(425) 452-5371<br>*nmatz@bellevuewa.gov* |

| | | | | |
|---|---|---|---|---|
| Lee (**SS**)<br>*08 103731 AC*<br>*08 103733 LQ* | Map change of 0.56 acres from SF-M (Single Family-Medium) to PO (Professional Office)<br>1111 148th Ave NE<br>*Wilburton/NE 8th Street* | *May 14, 2008* | Lee | Nicholas Matz<br>(425) 452-5371<br>*nmatz@bellevuewa.gov* |
| ~~Wilburton Village Mixed Use Development (SS)~~<br>~~*08 103709 AC*~~ | ~~Map change of 12.6 acres from GC (General Commercial) to CB (Community Business) with an overlay district to enable a mixed-use "Wilburton Village"~~<br>~~*Wilburton/NE 8th Street*~~ | *Withdrawn by applicant* | ~~KG Investments~~ | ~~Paul Inghram~~<br>~~(425) 452-4070~~<br>~~*pinghram@bellevuewa.gov*~~ |
| ~~Wilburton Village Mixed Use Development (NSS)~~<br>~~*08-103710 AC*~~ | ~~Amend the Wilburton/NE 8th Street Subarea Plan to amend and create policies in support of an overlay district to enable a mixed-use "Wilburton Village"~~<br>~~*Wilburton/NE 8th Street*~~ | *Withdrawn by applicant* | ~~KG Investments~~ | ~~Paul Inghram~~<br>~~(425) 452-4070~~<br>~~*pinghram@bellevuewa.gov*~~ |
| ~~Newport Covenant Church (SS)~~<br>~~*08 103697 AC*~~ | ~~Map change of 5.5 acres from SF-H (Single-Family High) to (N) CB (Community Business)~~<br>~~12800 SE Coal Creek Parkway~~<br>~~*Newport Hills/Factoria*~~ | *Withdrawn by applicant* | ~~Newport Covenant Church~~ | ~~Michael Kattermann~~<br>~~(425) 452-2042~~<br>~~*mkattermann@bellevuewa.gov*~~ |

**Attachment 1**

# McCullough Hill, PS

June 2, 2008

Paul Inghram
Bellevue Dep't of Planning & Community Development
450 110th Ave. NE
PO Box 90012
Bellevue, WA 98009

RE: Withdrawal of Wilburton Village Comp Plan Amendment Applications

Dear Mr. Inghram:

By this letter, John C. ("Jack") McCullough, acting as the authorized agent of the applicant, KG Investments Management, voluntarily withdraws the site-specific and policy comprehensive plan amendment applications for the Wilburton Village mixed-use development, filed under permit numbers 08-103709AC (site-specific) and 08-103710AC (policy) (the "Wilburton Village" applications). Applicant reserves the right to initiate comprehensive plan amendment applications for the same property at any time, including the next three years, by withdrawing this application prior to the completion of threshold review.

Please feel free to contact us if you have any questions regarding this letter and the withdrawal of the Wilburton Village applications.

Sincerely,

Jack McCullough
Attorney for Applicant, KG Investments Management

cc: KG Investments Management

701 Fifth Avenue • Suite 7220 • Seattle, Washington 98104 • 206.812.3388 • Fax 206.812.3389 • www.mhseattle.com

**Attachment 2**

# McCullough Hill, PS

May 28, 2008

Paul Inghram
Bellevue Dep't of Planning & Community Development
450 110th Ave. NE
PO Box 90012
Bellevue, WA 98009

RE: Withdrawal of Pazooki Comp Plan Amendment Application

Dear Mr. Inghram:

By this letter, Paul Pazooki, acting as the authorized agent of Alireza Pazooki and Fariba Mostaghim, voluntarily withdraws the comprehensive plan amendment and concurrent rezone application for the property located at 504 98th Ave. NE in the City of Bellevue, filed under permit number 08703689AC (the "Pazooki" application). Applicant reserves the right to initiate comprehensive plan amendment applications for the same property at any time, including the next three years, by withdrawing this application prior to the completion of threshold review.

Please feel free to contact us if you have any questions regarding this letter and the withdrawal of the Pazooki application.

Sincerely,

Jesse DeNike
Attorney for Applicant, Paul Pazooki

cc: Alireza Pazooki and Fariba Mostaghim
Paul Pazooki

# ATTACHMENT 3

Vander Hoek Multifamily

2008 Annual Threshold Review Recommendation and Consideration of Geographic Scoping
Site-Specific Amendment

## Vander Hoek Multifamily

**Staff recommendation:** Recommend that the City Council **not include** the Vander Hoek CPA into the 2008 annual CPA work program. Do **not expand** the geographic scope of the proposal.

| | |
|---|---|
| Permit Number: | 08-103615 AC |
| Subarea: | Southwest Bellevue/Downtown |
| Address: | 117 102nd Ave SE |
| Applicant: | Vander Hoek Corporation |

### PROPOSAL

This privately-initiated application would amend the map designation of this 0.27-acre site from MF-H (Multifamily-High) to DNTN (Downtown), moving it from the Southwest Bellevue Subarea to the Downtown Subarea.

The application site currently is a parking lot. If the CPA is adopted, the site would need to be rezoned to allow redevelopment or expansion consistent with the land use provisions of the Downtown-Old Bellevue zoning district (Perimeter Subdistrict A). See Attachment A for the application materials and Attachment B for a site map.

The Downtown-Old Bellevue (OB) district generally allows the full range of residential densities and other, limited commercial uses. There are two differences between OB and R-30. First is in allowed uses. The OB district allows Retail uses that the R-30 does not, and it allows many Service uses by right (P) that are conditionally permitted (C) in the R-30. The OB district also allows a greater range of Recreation uses than in R-30. Also, the R-30 district allows Resource uses that the OB district does not.

The second difference is in dimensions. Although both districts allow a similar range of residential uses, the OB allows more intensity of that residential use through its dimensional standards. See Attachment C.

### THRESHOLD REVIEW DECISION CRITERIA

The Threshold Review Decision Criteria for an initiated Comprehensive Plan Amendment proposal are set forth in the Land Use Code Section 20.30I.140. Based on the criteria, Department of Planning and Community Development staff has concluded that the proposal **should not be included** in the annual CPA work program.

This conclusion is based on the following analysis:

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

*The appropriate land use designation for the property at 117 102nd Ave SE is a matter appropriately addressed through the Comprehensive Plan.*

B. The proposed amendment is in compliance with the three-year limitation rules set forth in LUC 20.30I.130.A.2.d; and

*The three-year limitation does not apply to this proposal to amend the site designation. This application was submitted last year but was withdrawn by the applicant before the City Council could act on the Planning Commission's Threshold Review recommendation to include it in Final Review. The Land Use Code allows such withdrawal and preserves the applicant's right to re-apply within three years of the original application if it occurs before a decision of the City Council on Threshold Review.*

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

*This suggestion does not raise policy or land use issues that would be more appropriately addressed by an ongoing work program. The Meydenbauer Bay Project identified primary areas for potential land use changes and a secondary area that was explicitly defined to look only at the impacts of primary area land use changes, not to include any land use changes itself. The Vander Hoek Multifamily CPA site is within this latter study area.*

D. The proposed amendment can be reasonably reviewed within the resources and timeframe of the Annual Comprehensive Plan Amendment Work Program; and

*The suggestion cannot be reasonably reviewed within the resources and time frame of the current Annual Comprehensive Plan Amendment Work Program.*

*The proposal that came forward last year engendered tremendous community concern about the stability of the Downtown boundary for surrounding properties and neighborhoods, and the precedent of a site-specific application being allowed to move it. There are major implications to amending the Downtown boundary that are larger than this site.*

*If the City Council wishes to examine the Downtown boundary at all, it would be preferable to do this systematically with the major seven-year update of the Comprehensive Plan scheduled to begin in 2011.*

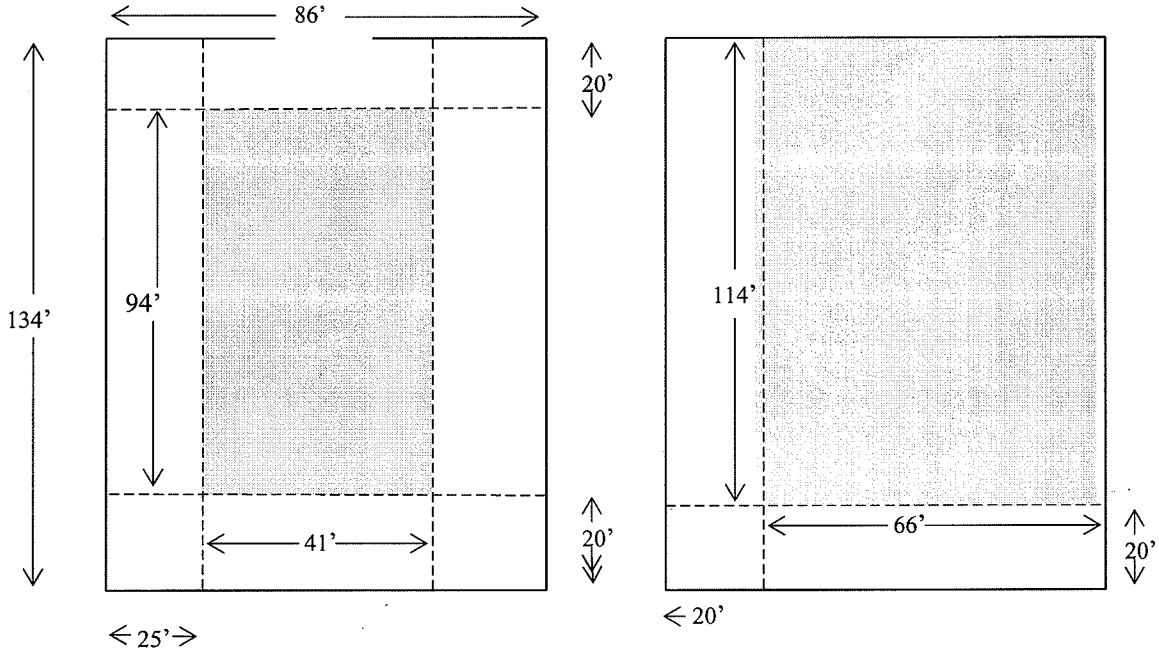
E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. Significantly changed conditions are defined as:

**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).

*The proposed amendment does not address significantly changed conditions since the last time the Plan map was amended, where such change has implications of a magnitude that need to be addressed for the Plan to function as an integrated whole.*

*The application cites as evidence of significantly changed conditions the 1985 adoption of Downtown Perimeter Design District regulations, including stringent residential transition requirements. The application states a belief that these regulations create an equivalent buffer to that represented by the existing Downtown boundary and its locational buffering of Wildwood Park, and that development under existing non-Downtown regulations would create a worse outcome under subarea policy implementation.*




Existing R-30 Designation*

DNTN OB Perimeter Subdistrict A*
No boundary expansion

**North is up in these diagrams. See Attachment C*

*The framework for identifying a significantly changed condition here is the Plan's strong focus on maintaining the Downtown boundary. Within this framework, a proposed amendment has to demonstrate evidence that changing the Downtown boundary is necessary because something was not anticipated by the establishment of that boundary, and that the fix needs to be made for the Plan to function as an integrated whole.*

*The adoption of Perimeter Design District requirements in 1985 did not actually affect the Downtown boundary itself. As explained in Criterion D, there are bigger issues of the Downtown boundary that go beyond dimensional issues within this site under various designations. While the application may argue a superior site design, this is not itself evidence of a significantly changed condition to warrant moving the boundary. The adoption of Perimeter Design District requirements does not prevent the site from being developed in a manner anticipated by the Plan when the Downtown boundary was adopted.*

; 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

*There is no new evidence this year supporting expansion of the geographic scope of this amendment proposal.*

*A previous basis for expansion of geographic scope was that the Forum Condominiums—located west of this application site and actually split by the Downtown/Southwest Bellevue Subarea boundary—are affected by the same significantly changed conditions as characterize the application site and are thus similarly situated. However, the Planning Commission last year declined to expand the geographic scope because it did not see a need to extend Downtown street retail use requirements west into existing residential areas that had not been built in consideration of Downtown zoning.*

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 (GMA), other state or federal law, and the Washington Administrative Code (WAC); or

*Because this proposed amendment does not establish significantly changed conditions to warrant amending the Downtown boundary, it is inconsistent with current Southwest Bellevue Subarea Plan Policy S-SW-8 directing development to "Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods".*

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

*State law or a decision of a court or administrative agency has not directed the suggested change.*

**PUBLIC COMMENT**

Several written comments and some telephone inquiries have been received on this application as of May 19, 2008. The comments include an allegation of a conflict of interest for the applicant in regards to his position on the Meydenbauer Bay Project committee. The City Attorney responded to this allegation. See Attachment D. Additional public comment addresses the larger issue of the Downtown boundary. See Attachment E.

**ATTACHMENTS**

A. Application materials
B. Site map
C. Intensity comparison chart
D. City Attorney letter
E. Public comment

# Attachment A

Department of Planning & Community Development

*Application*

425-452-6800 www.cityofbellevue.org

## COMPREHENSIVE PLAN AMENDMENT

| APPLICATION DATE: 1.30.08<br>FOR CPA YEAR: 20 07 | TECH INITIALS | PROJECT FILE # 08.103615AC |
|---|---|---|

1. Project name Vander Hoek Multi-Family
2. Applicant name Vander Hoek Corporation Agent name Tom Frye, Jr.
3. Applicant address #9 - 103rd Avenue NE - Bellevue, WA 98004
4. Applicant telephone (425) 453-1655 fax (425)453-4037 e-mail stuvhc@nwlink.com
5. Agent telephone (425) 454-0566 fax (425) 453-8013 e-mail fryet@baylisarchitects.com

This is a proposal to initiate a site-specific Comprehensive Plan Amendment [xx] (Go to **Block 1**)
This is a proposal to initiate a non site-specific Comprehensive Plan Amendment [ ] (Go to **Block 2**)

**BLOCK 1**

Property address and/or 10-digit King County parcel number 066600-0350-01 & 2607900000.

Proposed amendment to change the map designation from existing MF-H to proposed Downtown/ Old Bellevue.
Site area (in acres or square feet) ±11,561 SF (0.27 AC)
Subarea name Southwest Bellevue change to Downtown/Perimeter/Old Bellevue.
Last date the Comprehensive Plan designation was considered ___/___/79.
Current land use district (zoning) R30.
Is this a concurrent rezone application? [x] Yes [ ] No Proposed land use district designation CBD-OB/A.

Go to **BLOCK 3**

Community Council: N/A [x] East Bellevue [ ]

**BLOCK 2**

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

Not Applicable.

Reference Element of the Comprehensive Plan (e.g., Land Use, Transportation, Housing, Capital Facilities):

Last date the Comprehensive Plan policy or text was considered ___/___/___.

Go to **BLOCK 3**

**BLOCK 3**
Support for the proposed amendment. Explain the need for the amendment—why is it being proposed? Describe how the amendment is consistent with the vision of the Comprehensive Plan. Include any data, research, or reasoning that supports the proposed amendment. Attach additional pages as needed.

SEE ATTACHED

Go to **BLOCK 4**

**BLOCK 4a**
Evaluating the proposed amendment. Explain how the proposed amendment is consistent with the Threshold Review Decision Criteria in LUC Section 20.30I.140 (see Submittal Requirements Bulletin #53). Attach additional pages as needed.

SEE ATTACHED

**BLOCK 4b** ***complete this section only for a site-specific concurrent rezone***
Evaluating the proposed concurrent resone. Explain how the proposed rezone would be reviewed under Rezone Decision Criteria in Land Use Code Section 20.30A.140. Attach additional pages as needed.

SEE ATTACHED

**I have read the Comprehensive Plan and Procedures Guide** ✓

**NOTICE OF COMPLETENESS:** Your application is considered complete 29 days after submittal, unless otherwise notified.

Signature of applicant Stuart A Vanden Hoek Date 1/26/08

*I certify that I am the owner or owner's authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owner's agent regarding the property at the above-referenced address for the purpose of filing applications for decisions, permits, or review under the Land Use Code and other applicable Bellevue City Codes and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.*

*I certify that the information on this application is true and correct and that the applicable requirements of the City of Bellevue, RCW, and the State Environmental Policy Act (SEPA) will be met.*

*Signature* Stuart A. Vanden Hoek *Date* 1/26/08
*(Owner or Owner's Agent)*

**BLOCK 3**

Urban activities, living, economic vitality, and development excitement that in 1979 were all dreams for downtown in general and Old Bellevue in particular, are now a reality. This parcel is on the edge of this district, being north of Wildwood park and across the street from the Courtyard Apartments, and is much more naturally suited for urban development than lower-density residential development associated with its MF-H designation. A small portion of the CBD boundary, that for over 26 years has gone un-noticed, is now receiving attention for its awkward location.

Though the MF-H Comprehensive Plan designation in 1979 was probably used originally to act as a "buffer" between downtown and lower density residential uses, the subsequent implementation in 1985 of Perimeter Design Districts created a whole series of stringent urban design guidelines, building/sidewalk relationship requirements, and reductions to the underlying Downtown height, bulk, density, and parking provisions – consequently now achieving "buffering" in ways unanticipated twenty-eight (28) years ago. The Perimeter A designation proposed for this parcel is the most restrictive in the Downtown, offering the most protection to neighboring uses, and has significantly greater design sensitivity and review than any underlying MF-H/R30 development would receive.

This proposal is to relocate the CBD boundary about 130 feet to the south of its present location, just to the west of 102nd Avenue SE, thereby changing the Comprehensive Plan designation from MF-H to Downtown/Old Bellevue, and changing the zoning from R30 to CBD-OB Sub-district A for the following reasons:

- To create consistent street frontage and sidewalk relationships along both sides of 102nd SE to strengthen the pedestrian experience and economic vitality for both sides of the street;
- To relocate the CBD 20-foot landscape buffer from its present location in the middle of a block to allow for continuous pedestrian frontage from Main Street to Wildwood Park;
- To align the CBD boundary and its associated 20-foot landscape buffer on both sides of 102nd SE;
- To slightly increase the amount of CBD-OB zoned land to enhance the economic viability of existing and future retail business resulting in an enhancement to the pedestrian experience on all the streets in Old Bellevue; and
- Finally, moving the CBD boundary to the north side of Wildwood Park would effectively increase the apparent extent of the park by virtue of the 20-foot landscape buffer being located immediately adjacent to the north, and being up to 15 feet deeper than the usual 5-foot landscape setback in the current MF-H use.

We believe this amendment is consistent with the vision of the Comprehensive Plan for the following reasons:

1) The Comprehensive Plan allows for 55 foot heights directly across the street to the east. (Policy UD-71),(Policy LU-9)

**BLOCK 3** *(Cont'd)*

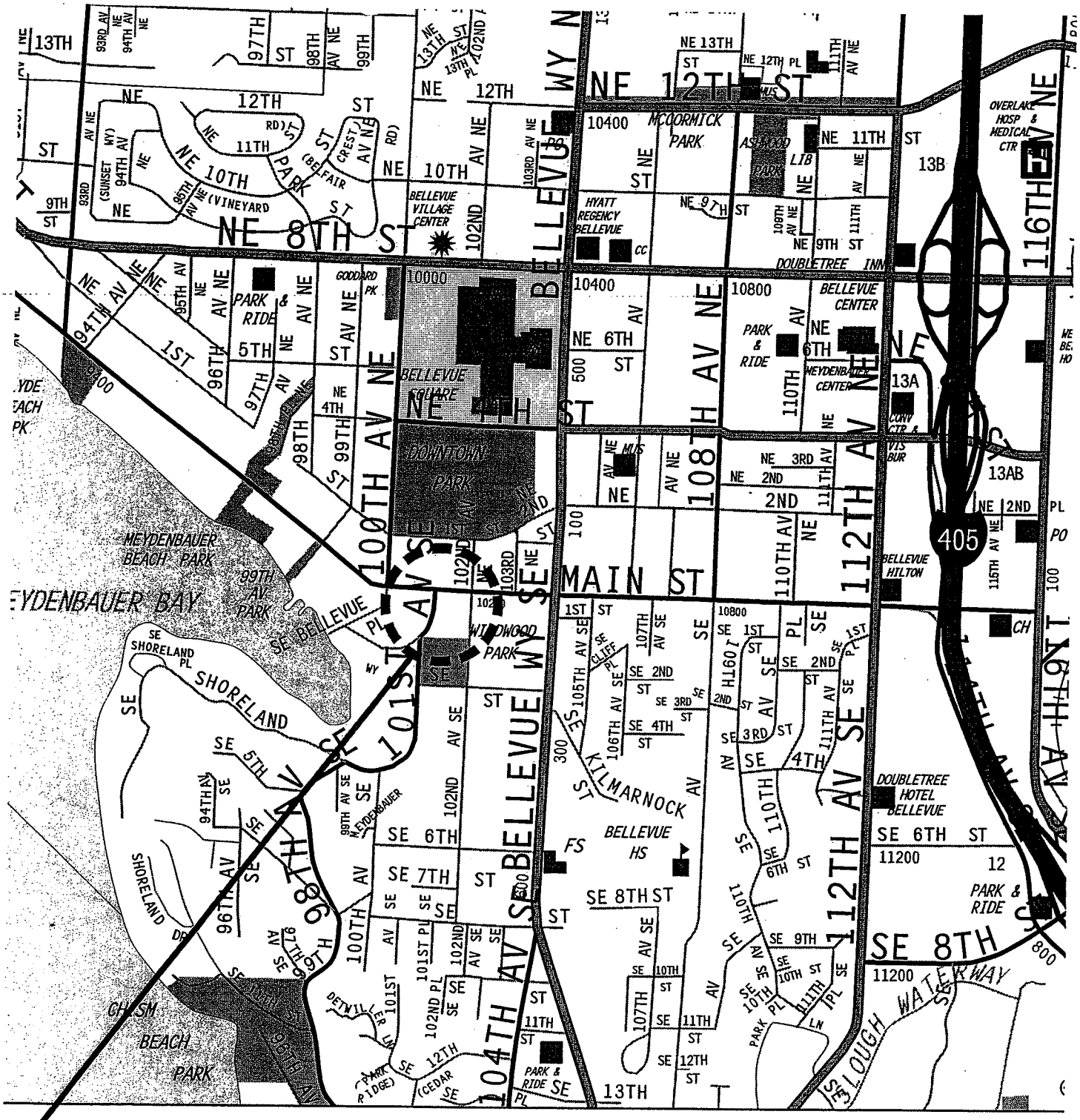
2) By moving the 20 foot CBD buffer to the south property line, the CBD buffer would line up with the buffer as it heads easterly while providing for Policy UD-58.

3) By changing the zoning to CBD-OB/A, perimeter district design guidelines in place since 1985 and affecting the property across the street, could now be utilized to create a more compatible and consistent urban fabric on both sides of the street. For the community and neighborhood, this would create more predictability and less confusion to the building structures. From an urban design standpoint, this would replicate the pattern of structures both across the street and to the north. (Policy UD-3),(Policy UD-71),(S-DT-37)

4) With the zoning change and the street design guidelines, again, both sides of the street would coordinate together. This would potentially affect landscaping, lighting, and sidewalk design, as well as linear façade design on the building. (Policy UD-4), (Policy UD-43), (Policy UD-56), (Policy UD-58),(S-DT-35)

5) This zoning change would also enhance the vitality and viability of the Old Bellevue commercial neighborhood. Providing for more living opportunities, and at the same time providing a more broad customer base for the commercial neighborhood would also benefit the pedestrian activity in Old Bellevue. (Policy ED-24),(LU-29),(LU-31)(S-DT-7),(S-DT-26)

6) With the additional density achieved with the zoning change, more residents in the neighborhood would help to activate an underutilized Wildwood Park to the south.




Proposed Downtown Boundary Relocation

Vander Hoek Multi-Family
Vicinty Map
No Scale

BLOCK 4a (20.301.140 Threshold Review Decision Criteria)

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

**RESPONSE:**
We believe the adjustment of the CBD boundary can only be handled through the Comprehensive amendment process.

B. **The proposed amendment is in compliance with the three year limitation rules set forth in LUC 20.301.130.A.2.d; and**

**RESPONSE:**
We believe the proposed amendment for these two parcels is in compliance with the 3-year limitation rules in LUC 20.301.130.A.2.d.

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**

**RESPONSE:**
We believe the proposed amendment is not addressed by any known ongoing work program approved by City Council.

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

**RESPONSE:**
We believe the proposed amendment should be able to be reviewed within the City's resources and time frame for the annual Comprehensive Plan amendment work program.

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

**RESPONSE: SITE "CONTEXT" CHANGES**
The first significant way conditions changed since the Comprehensive Plan designation of MF-H was initiated in 1979 is that a 55 foot apartment building was constructed across 102nd SE to the east, in the CBD/Old Bellevue/Subdistrict A-Perimeter Design District.

The second thing that has changed is that the property owner to the north of our property approached us with a development project in mind for his property. At that point it became more obvious, with the fact that his property required the 20 foot CBD setback to be placed on it, that a project on our property in R30 zoning, would be dramatically different from the CBD-OB/A project he is proposing next door, or the 55 foot tall building across the street.

And third, immediately across 102nd SE to the east and south, there has been one condominium/townhome complex constructed and occupied, and it's second phase has just started construction.

**RESPONSE: LEGISLATIVE CHANGES**
Also changed since 1981 when the original 20 foot CBD buffer was put in place (remember the height allowed for a residential building in CBD-OB in 1981 was a basic height of 150 feet, and

a maximum height of 200 feet) is that additional design guidelines were put in place in 1985. This is not to say that our 11,000 sf lot would ever get close to 120 feet however, due to the floor area ratio limitation. In the 1985 Perimeter Design Guidelines, the residential height allowance was reduced to 55 feet directly across the street from this site. Our position is that in 1985 there was no reconsideration for how that reduction in the height allowance to 55 feet directly across the street, if placed on our R30 land, would achieve the same buffering purpose the R30 residential zoning achieved when 200 foot tall building could have prior to 1985 been built to the north. Nor was there reconsideration in 1985 of how Wildwood Park also served as a buffer between the new 55 foot CBD-OB zoning if it was placed on the R30 land. These are the changed conditions that need to be examined.

It's also apparent in doing our research, that our R30 land simply was not included in this 1985 reconsideration because Resolution 4329 (b) dated April 2, 1984 did not include it in the study scope. And, that's probably why the 20 foot CBD buffer dividing the Forum property and our property never was reconsidered either. From our perspective this was an oversight at the time. However, the 1986 Old Bellevue Study did call for the CBD line to be moved to the south edge of the Forum property. As everyone knows, this was never done.

In a similar vein, currently the Meydenbauer Waterfront Park Land Use Plan is recommending changing the R-30 zoning of a parcel of land south of the Chevron Station on Main Street to OB-A zoning.

**RESPONSE: PHYSICAL CHANGES**

The physical situation is such that the proposed relocation of the CBD boundary would help the Downtown Old Bellevue Subarea to better achieve its general Economics, Residential Development, Urban Design, and Retail Policies goals;

**Economics**

- Maintain an attractive economic environment to encourage private investment.

**Residential Development**

- Provide for a mix of urban residential types and densities in the Downtown.
- Allow urban residential uses in all districts within the Downtown.
- Allow residential uses in mixed-use structures or complexes.
- Urban residential uses shall predominate in some area of the Downtown.

**Urban Design**

- Create a pedestrian environment with a sense of activity, enclosure, and protection.
- Minimize the adverse impact of Downtown development on residential neighborhoods with consideration of through-traffic, views, scale, and land use relationships.
- Consider the impact of new development upon views from neighborhoods and existing buildings.
- Provide for a sense of approach and entry to the Downtown.

**Retail Focus**

- Additional specialty retail, comparison retail, and restaurants shall be encouraged.

**Meydenbauer Park Connectivity**

- Provide enhanced pathway opportunities to connect the perimeter of the park's primary study area with South portion of the Old Main CBD.

In addition, the proposed boundary relocation would enhance the opportunity to achieve more specific Perimeter Area and Old Bellevue policy goals while not negatively impacting any of the goals of the Southwest Subarea;

**Perimeter Area - General Land Use**

- It is the policy of the City to define Perimeter Areas along the north, west, and south boundaries of the Downtown, based on their potential for affecting surrounding residential areas.
- It is the purpose of Perimeter Areas to provide stability both within the Downtown and within surrounding residential areas through the promotion of residential, institutional, and convenience service/retail uses.

**Perimeter Area - Urban Design**

- Special design standards and design guidelines for Perimeter Areas have been established that will break down the scale of new development and add activities and physical features that will be compatible both with the Downtown and surrounding residential areas.
- Landscaping and green space standards have been established to mitigate the potential impacts on surrounding residential neighborhoods.

**Old Bellevue – General Land Use**

- The Main Street area has already been recognized for its unique character and special role in the Downtown. Design Standards for this area have already been established which encourages specialty retail, residential development, pedestrian activity, existing scale, and improved traffic flows.

**Old Bellevue - Circulation**

- Development intensity will be related to the degree of participation in achieving circulation and pedestrian objectives.

**Old Bellevue – Urban Design**

- Building intensity will be linked to the extent of provision for the pedestrian through street-scape improvements, midblock pedestrian circulation, public use spaces, pedestrian-attracting activities (show windows, etc.), appropriate building design, and adequate openness for view and light.

**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**

**RESPONSE:**

We believe the proposed "expansion" of the CBD, by relocating the boundary, is the minimum needed to make property development and street use experiences more consistent along both sides of 102nd Avenue SE, and would eliminate a unique condition around the perimeter of the CBD whereby the boundary line is one parcel away from a major park that provides significant buffering (to residential to the south).

Any development on a parcel in CBD-OB/A will receive significant staff and neighborhood scrutiny as a result of a project needing to conform to the following urban design requirements:

- Downtown dimensional requirements.
- Downtown floor area amenity incentive requirements.
- Downtown walkway and sidewalk requirements.
- Old Bellevue development requirements.
- Perimeter Design District A – development standards.
- Perimeter Design District A – design guidelines.
- Design Guidelines Building/Sidewalk relationships.

- Design Review.
- SEPA Review.
- Building Permit.

Only the last two reviews are required of a project on the existing MF-H/R30 parcels.

**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**

**RESPONSE:**
We believe the proposed amendment is consistent with and enhances Bellevue's compliance with Countywide Planning Policies and the Growth Management Act. We believe the proposed amendment is consistent with other state or federal law and the Washington Administrative Code.

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

**RESPONSE:**
Does not apply.

**BLOCK 4b (20.30A.140 Rezone Decision Criteria)**

A. **The rezone is consistent with the Comprehensive Plan; and**

RESPONSE:
This rezone proposal is consistent with the proposed amendment of Comprehensive Plan from MF-H to Downtown/Perimeter/Old Bellevue.

B. **The Rezone bears a substantial relation to the public health, safety or welfare; and**

RESPONSE:
This rezone bears a substantial relation to the public health, safety or welfare by potentially invigorating this street with retail uses and providing more eyes on both the park and the street than the basic R30 would otherwise provide.

C. **The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed land use district classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and**

RESPONSE:
This rezone is warranted in order to achieve consistency with the Comprehensive Plan, and the proposed zoning classification is appropriate for reasonable development of the subject properties and will relocate an awkwardly placed, midblock, landscape buffer to a location of greater benefit to the neighborhood – adjacent to Wildwood Park.

D. **The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and**

RESPONSE:
This rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property because the adjoining uses are existing CBD-OB permitted uses, and Wildwood Park is situated immediately south of the 20-foot CBD boundary landscape buffer this parcel must provide, consequently benefiting from the additional plant and animal life.

E. **The rezone has merit and value for the community as a whole.**

RESPONSE:
This rezone will allow more urban housing to be provided than the R30 zone allows, furthering the achievement by the City of Bellevue of its GMA housing goals.

Proposed Downtown Boundary Relocation
Vander Hoek Multi-Family

Proposed Downtown Boundary Relocation

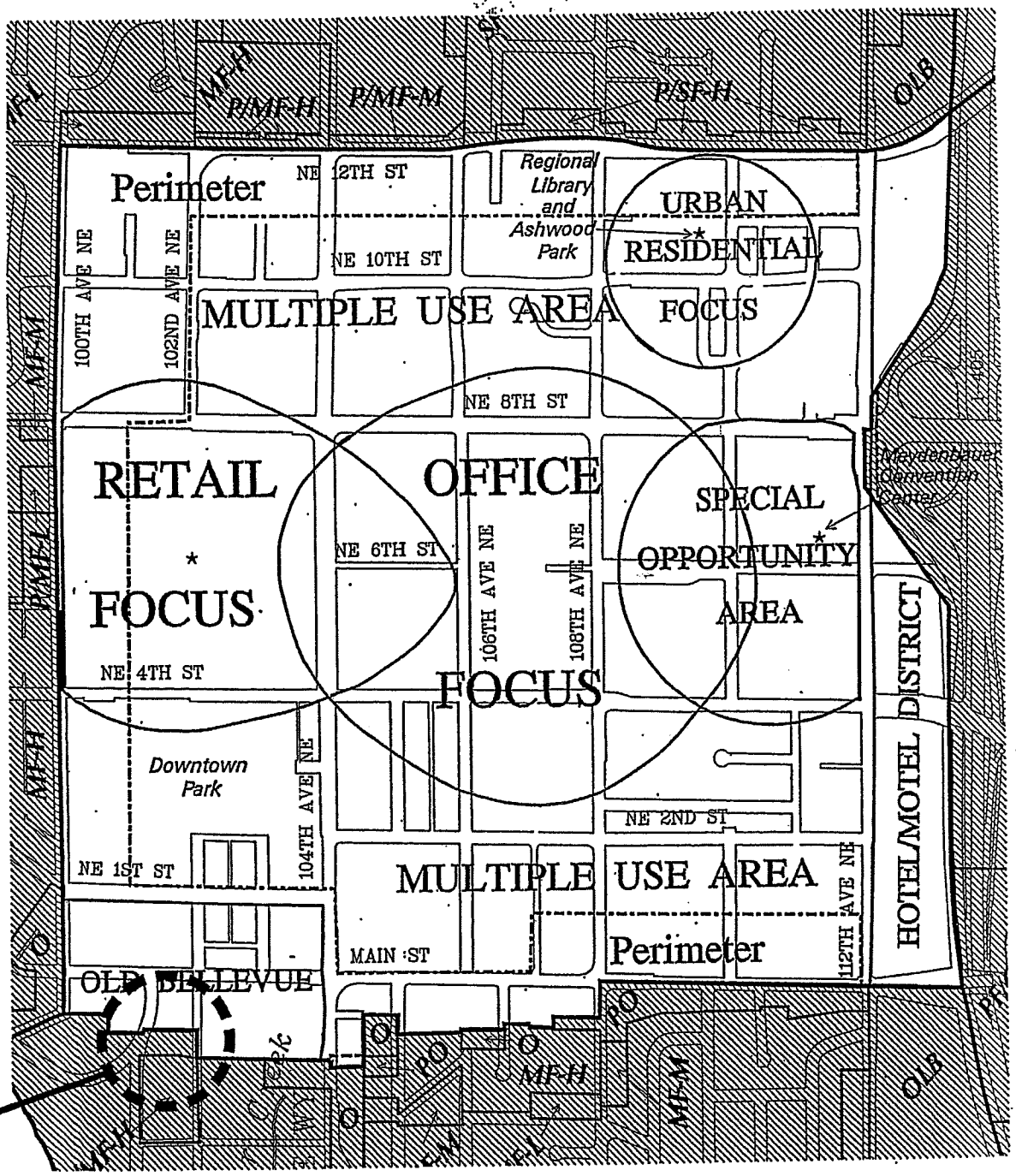



*FIGURE S-DT.1*

Proposed Downtown Boundary Relocation

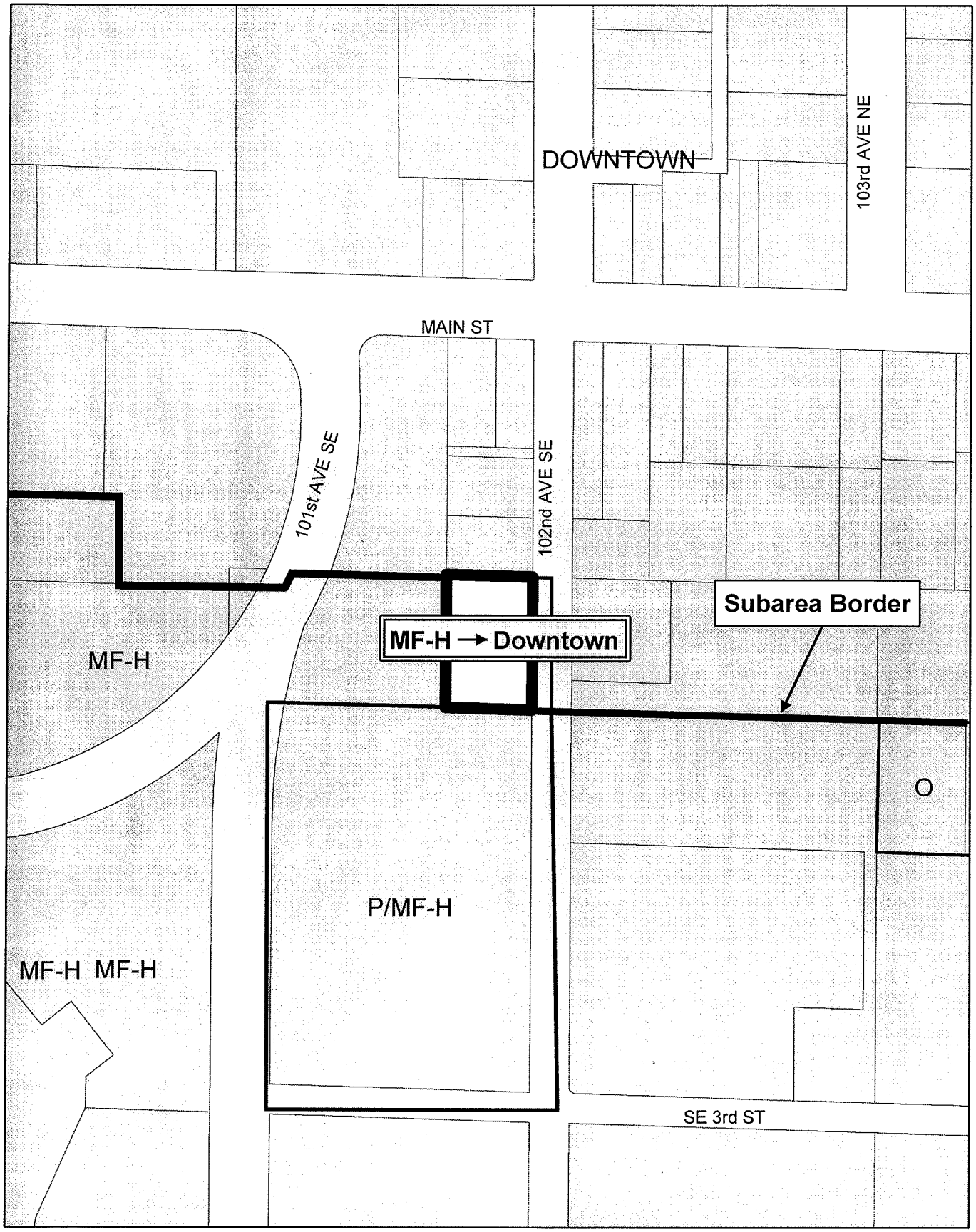
## Downtown Land Use Plan

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SF | Single Family | PO | Professional Office | PF/ | Public Facility | | School |
| MF | Multi-Family | O | Office | P/ | Park | ▲ | Fire Station |
| -L | Low Density | OLB | Office, Limited Business | | Subarea Boundary | ★ | Public Facility |
| -M | Medium Density | NB | Neighborhood Business | | Planning District | | Railroad Track |
| -H | High Density | CB | Community Business | | City Limit | | |
| -UR | Urban Residential | GC | General Commercial | | | | |
| | | LI | Light Industrial | | | | |

RECEIVED
JAN 30 2008
PERMIT PROCESSING

This map is a graphic representation. It is not to be relied on for survey accuracy; it is not intended to specify acreage, dimensions or exact densities of development. Any reproduction or sale of this map, or any portion thereof, is prohibited without the express written authority of the City of Bellevue. This material is owned and copyrighted by the City of Bellevue.

# Attachment B




VanderHoek Multifamily

Proposed Comprehensive Plan Designations

117 102nd Ave SE

March 2008

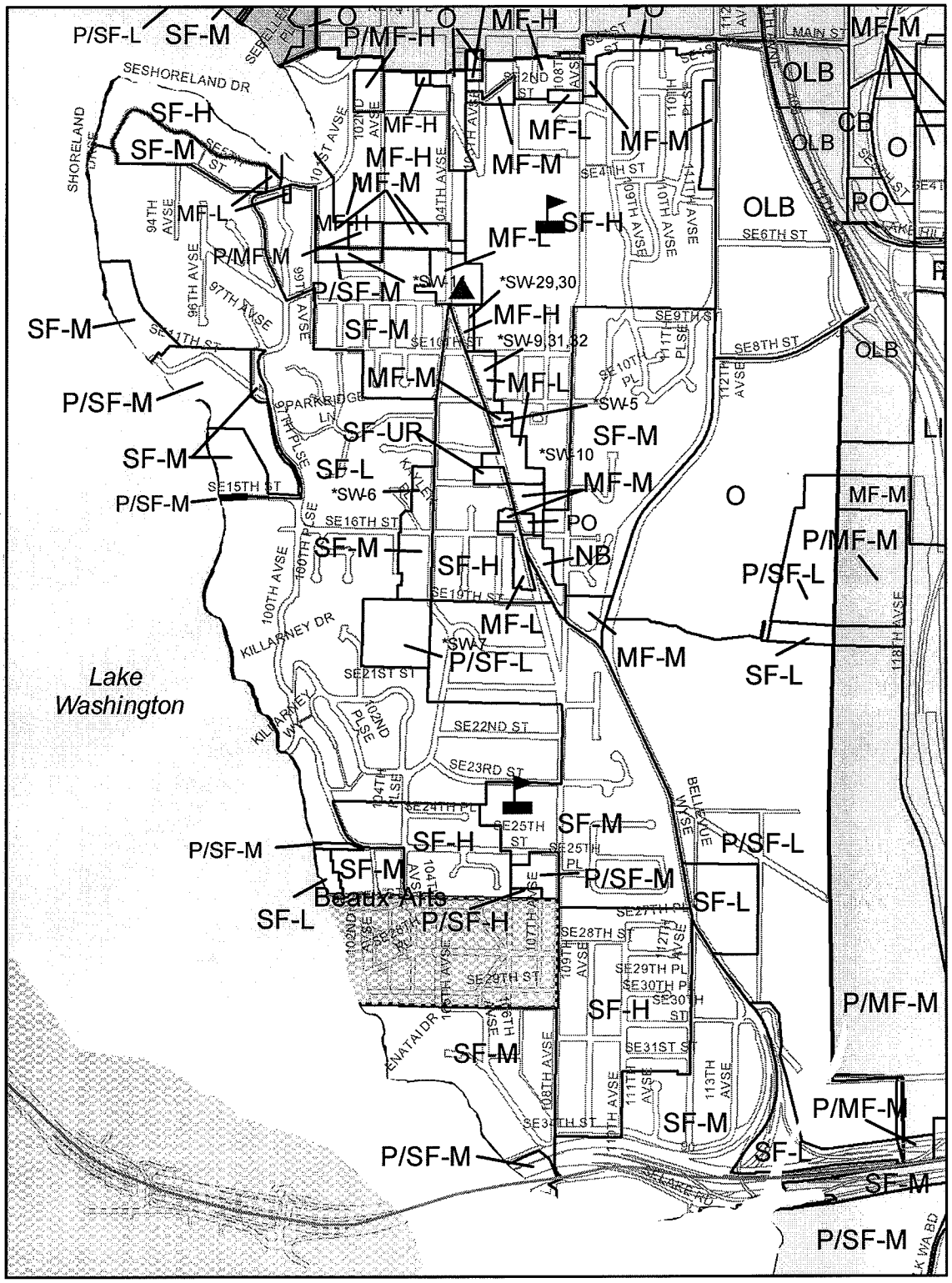



*FIGURE S-SW.1*

**Southwest Bellevue Land Use Plan**

N

Fire Stations
Public Schools
Planning Districts
Bellevue City Limits (6/2005)
Lakes

* See Ord 5487

| | |
|---|---|
| SF | Single Family |
| MF | Multi Family |
| -L | Low Density |
| -M | Medium Density |
| -H | High Density |
| -UR | Urban Residential |
| PO | Professional Office |
| O | Office |
| OLB | Office, Limited Business |
| OLB-OS | Office, Open Space |
| NB | Neighborhood Business |
| CB | Community Business |
| GC | General Commercial |
| LI | Light Industrial |
| PF | Public Facility |
| P | Park |

# VanderHoek Multifamily Attachment C

## Comparison of General Development Requirements: DNTN-OB --Perimeter Subdistrict A, and R-30

| Zone | Building Type | Min. Setbacks (ft.) | | | | Max. Lot Coverage (%) | Min. Parking Stalls | Bldg. Height (ft.) | | FAR | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | F | R | DTB | S | | | Basic | Max. | Basic | Max. |
| DNTN-OB (A) | Nonresidential | 0 | 0 | 20 | 0 | 100** | Retail: 4:1,000 nsf<br>Office: 3.5:1,000 nsf | 30 | 40 | 0.5 | 1.0 |
| | Residential | 0 | 0 | 20 | 0 | 100** | 1.0 per unit | 30 | 55 | 2.0 | 3.5 |
| R-30 | Residential | 20 | 25 | 5 min., total 15* | | 35 | 1 bed/studio: 1.2 unit<br>2 beds: 1.6 unit<br>3+ beds: 1.8 unit | 40 | 40 | NA | NA |

* Sides increase to 20 if building ht. exceeds 30'
**100% is not possible due to required 20' setback from the DT boundary

## Comparison of Potential Residential Development Intensities: DNTN-OB -- Perimeter Subdistrict A, and R-30

| Zone | Buildable area by setbacks | Floorplate area measured by setbacks | Resulting sq. ft.* | | Resulting FAR density* | | | Equivalent DU/acre** |
|---|---|---|---|---|---|---|---|---|
| | | | 2 stories 30 feet | 3 stories 40 feet | 2 stories 30 feet | 3 stories 40 feet | 4 stories 55 feet | |
| DNTN OB (A) | 114 x 66 | 7,524 | 15,048 | 22,572 | 1.3 | 2.27 | 2.6 | 15-30 |
| R-30 | 94 x 41 | 3,854 sf | 7,708 | 11,562 | 0.66*** | 1.0*** | - | 8-12 |

*presumed understory or underground parking
**presumed 1,000 square foot units
***measured in FAR equivalent to R-30 dwelling units/acre

Attachment C

# Attachment D

**City of Bellevue**

P.O. Box 90012 • Bellevue, WA • 98009-9012

April 8, 2008

Meydenbauer Bay Neighbors Association
Attn: Marvin B. Peterson, President
227 Bellevue Way NE – PMB 278
Bellevue, Washington 98004

**RE: Vander Hoek Comprehensive Plan Amendment (08-103615 AC)**

Mr. Peterson:

Thank you for your interest in the Meydenbauer Bay planning effort and taking the time to bring your concerns about a perceived conflict of interest represented by the above Comprehensive Plan Amendment to the City's attention. As you know, the proposal is to amend the Comprehensive Plan designation from MF-H (Multifamily-High) to DNTN (Downtown), moving property owned by the Vander Hoek Corporation at 117 102nd Ave SE from the Southwest Bellevue Subarea into the Downtown Subarea. This property lies outside the boundary of, but in the vicinity of the Meydenbauer Bay planning area. In a separate planning study, the City has appointed a Steering Committee, including Mr. Stuart Vander Hoek, to develop recommendations for a new land use vision for the Meydenbauer Bay area.

You have requested that Mr. Vander Hoek recuse himself from further participation in the Meydenbauer Bay Steering Committee because this proposed Comprehensive Plan Amendment presents a conflict of interest. While Mr. Vander Hoek is free to make his own determination about the propriety of continuing in his role as Steering Committee member, the City has determined that there is no conflict that requires Mr. Vander Hoek to cease participating in the Committee.

City committee members are governed by the ethics and conflicts rules set forth in RCW ch. 42.23. *See* Bellevue City Code Section 3.92.020. As a member of the Meydenbauer Bay Steering Committee, Mr. Vander Hoek is covered by these provisions. Under these applicable laws, Mr. Vander Hoek is prohibited from:

- Using his position to secure special privileges for himself;
- Accepting any compensation for his role on the Steering Committee, except from the City;
- Accepting employment or participating in any business activity that would require or cause him to divulge confidential information obtained while participating in the Steering Committee activities;
- Disclosing or using any confidential information obtained while participating in the Steering Committee activities; or
- Benefiting from any contract entered into by or under the supervision of the Steering Committee

The Meydenbauer Bay Steering Committee is tasked with developing recommendations for a park plan and updated land use vision that help meet the City's existing goals of reconnecting the Meydenbauer neighborhood with the waterfront and downtown. The planning area under consideration by the Steering Committee does not include the site that is the subject of the Vander

Hoek Corporation's Comprehensive Plan amendment. Therefore, suggestions made by the Steering Committee do not include suggested land use or other changes for that site.

Furthermore, as a member of the Meydenbauer Bay Steering Committee, Mr. Vander Hoek has no decision-making authority over proposed changes to the Land Use Code or Comprehensive Plan that may result from the Meydenbauer Bay planning efforts. Following the receipt of recommendations by the Steering Committee, the City's Planning Commission will develop recommended Land Use Code and Comprehensive Plan amendments for consideration by the City Council. The Council will make any final decisions about proposed amendments.

Finally, the Meydenbauer Bay Steering Committee has no role in the review or approval of the Comprehensive Plan amendment proposed by the Vander Hoek Corporation.

Mr. Vander Hoek's continued participation in the Meydenbauer Bay Steering Committee does not violate the City's code of ethics for city committee members, and the City will not require or request his recusal from continued participation. Please feel free to contact me if you have any questions about the City's position.

Sincerely,

OFFICE OF THE CITY ATTORNEY
CITY OF BELLEVUE
Lori M. Riordan, City Attorney

Mary Kate Berens
Deputy City Attorney

Cc: Mayor Degginger, Members of the City Council
Steve Sarkozy, City Manager
Doug Leigh, Co-Chair, Meydenbauer Bay Steering Committee
Iris Tocher, Co-Chair, Meydenbauer Bay Steering Committee
Jennifer Robertson, Chair, Bellevue Planning Commission
Matt Terry, Director, Department of Planning & Community Development
Dan Stroh, Director, Planning Division, PCD
Patrick Foran, Director, Department of Parks & Community Services
Myrna Basich, City Clerk
Lori Riordan, City Attorney
David Bricklin
Stuart Vander Hoek

# Attachment E



**Matz, Nicholas**

**From:** Ludwig, Cindy A [cindy.a.ludwig@boeing.com]
**Sent:** Thursday, May 22, 2008 2:34 PM
**To:** Matz, Nicholas
**Cc:** Council
**Subject:** FW: #08-103615AC

Dear Mr. Matz,

For the record, I agree with the comments made by Renay Bennett. Policy S-SW-8 is a significant milestone for ALL surrounding residential neighborhoods and any shifting of the downtown subarea borders should not be granted. Especially with the proposed massive re-zoning in the Bel-Red Corridor. When the Bel-Red development is constructed, there will be very little distinction between downtown and the Corridor, please do not allow further erosion of our residential boundaries. The current policy was established with much negotiation and forethought, successfully bridging a huge contentious issue between the Downtown developers and the Bellevue residents at large. General buy-in was only achieved because this policy was agreed to, with the understanding it is not negotiable in the future. These borders are still not negotiable and an approval of this proposal would severely undermine the trust and cooperative agreement we established with the current, lawful policy. We should not have to defend this policy year after year, we each deserve peaceful enjoyment of our residential property without the threat of encroaching development. I respectfully request you to disapprove Comprehensive Plan Amendment #08-103615AC.

Cindy Ludwig
12336 NE 24th Street
Bellevue, WA 98005

----- Original Message -----
**From:** Renay Bennett
**To:** NMatz@bellevuewa.gov
**Cc:** council@bellevuewa.gov
**Sent:** Thursday, May 22, 2008 1:32 PM
**Subject:** #08-103615AC

Dear Mr. Matz,

The Bellecrest Neighborhood Association does not support the proposed Comprehensive Plan Amendment, # 08-103615AC. We did not support it last year when this was first submitted.

Policy S-SW-8 states: "Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods."

When this policy was put into effect, it was a culmination of many, many meetings and much discussion on the up-zone of the downtown. It was decided and promised at that time that the downtown boundaries would not be changed and that the neighborhoods would be protected from the growth of the downtown.

The Comprehensive Plan is not something that should be changed to suit a single individuals desire for increased density. While the size of the property is .27 acres, the precedent that this will set, if allowed to proceed, will be dangerous and upsetting to many, many residents who rely on the lawful nature of the Comprehensive Plan. A few years ago, during the Downtown Implementation Plan, a downtown property owner proposed to upzone the area south of downtown (Bellecrest and Surrey Downs) all the way to S.E. 4th. Wisely, this was not adopted and discussion ensued about not changing the boundaries

of the downtown because of policy and a commitment not to do so.

This current proposed changing of the boundaries is the camels nose under the tent and will be a beacon call to any other landowner adjacent to the edges of the downtown to upzone his property, thereby increasing the boundaries of the downtown.

A clear and direct policy in the Comprehensive Plan is a strong way to show the exact intent of the City as it relates to its residents. This policy, S-SW-8 is explicit about keeping the downtown boundaries to prevent the spread of Downtown into our residential neighborhoods.

Bellevue residents deserve the consistency of the Comprehensive Plan as a long range vision for our city and we appreciate the City Council and staff commitment to supporting both the Comprehensive Plan and our neighborhoods.

Respectfully,
Renay Bennett, President
Bellecrest Neighborhood Association

## Matz, Nicholas

**From:** DSyltebo@aol.com
**Sent:** Thursday, May 22, 2008 9:04 AM
**To:** Matz, Nicholas; PlanningCommission; Council
**Subject:** please do not approve the request

City of Bellevue, Planning and Community Development:

My husband and I are opposed to the request called the "Pazooki CPA Application" at 504 98th Ave NE in the Lochleven neighborhood. We are not necessarily opposed to two smaller houses on the lot vs. one "mega mansion" like the one built at 98th at NE 5th Street (which has been sitting empty for many months now).

What we ARE opposed to is the expansion of the rezoning area to stretch into the neighborhood any further west than 98th Ave NE. In this neighborhood, we have many older homes and mature trees--which we'd like to preserve whenever possible. We also have many families with children who ride their bikes and walk on these streets. If the density of the housing increases, so will the number of cars on the streets, making it more dangerous for children to play and people to walk.

Please help keep the charm and safety of our neighborhood intact. As the downtown grows up and out, neighborhoods like ours will be harder to find. The unique qualities of the Lochleven neighborhood are worth preserving.

Thank you,

Danna Syltebo Anderson and Kermit K. Anderson
9539 NE 5th Street
Bellevue, WA 98004

Get trade secrets for amazing burgers. Watch "Cooking with Tyler Florence" on AOL Food.

**Matz, Nicholas**

**From:** Renay Bennett [renaybennett@msn.com]
**Sent:** Thursday, May 22, 2008 1:32 PM
**To:** Matz, Nicholas
**Cc:** Council
**Subject:** #08-103615AC

Dear Mr. Matz,

The Bellecrest Neighborhood Association does not support the proposed Comprehensive Plan Amendment, # 08-103615AC. We did not support it last year when this was first submitted.

Policy S-SW-8 states: "Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods."

When this policy was put into effect, it was a culmination of many, many meetings and much discussion on the up-zone of the downtown. It was decided and promised at that time that the downtown boundaries would not be changed and that the neighborhoods would be protected from the growth of the downtown.

The Comprehensive Plan is not something that should be changed to suit a single individuals desire for increased density. While the size of the property is .27 acres, the precedent that this will set, if allowed to proceed, will be dangerous and upsetting to many, many residents who rely on the lawful nature of the Comprehensive Plan. A few years ago, during the Downtown Implementation Plan, a downtown property owner proposed to upzone the area south of downtown (Bellecrest and Surrey Downs) all the way to S.E. 4th. Wisely, this was not adopted and discussion ensued about not changing the boundaries of the downtown because of policy and a commitment not to do so.

This current proposed changing of the boundaries is the camels nose under the tent and will be a beacon call to any other landowner adjacent to the edges of the downtown to upzone his property, thereby increasing the boundaries of the downtown.

A clear and direct policy in the Comprehensive Plan is a strong way to show the exact intent of the City as it relates to its residents. This policy, S-SW-8 is explicit about keeping the downtown boundaries to prevent the spread of Downtown into our residential neighborhoods.

Bellevue residents deserve the consistency of the Comprehensive Plan as a long range vision for our city and we appreciate the City Council and staff commitment to supporting both the Comprehensive Plan and our neighborhoods.

Respectfully,
Renay Bennett, President
Bellecrest Neighborhood Association

**Matz, Nicholas**

**From:** Kathleen Bullock [applevalleybellevue@yahoo.com]
**Sent:** Thursday, May 22, 2008 1:59 PM
**To:** Matz, Nicholas
**Cc:** Council
**Subject:** #08-103615AC

I just received a copy of an email from Renay Bennett speaking against a proposed amendment to the Comprehensive plan: "*The Bellecrest Neighborhood Association does not support the proposed Comprehensive Plan Amendment, # 08-103615AC. We did not support it last year when this was first submitted.*
*Policy S-SW-8 states: "Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods."*

As president of the Apple Valley Neighborhood Association, I would like to state that we do not support the amendment either. We (that includes you as our elected officials) need to preserve our neighborhoods. The idea of a CBD was to keep the development contained. We already are impacted by traffic, buildings casting shadows and blocking sunlight, noise, polution etc. We expect the council to protect the integrity of our single family neighborhoods and to stand firm.

Kathleen Bullock
10548 NE 25th Street
Bellevue, WA 98004
425-822-1459

applevalleybellevue@yahoo.com

## Matz, Nicholas

**From:** Anita Skoog [askoog@gvakm.com]
**Sent:** Thursday, May 22, 2008 8:40 AM
**To:** Matz, Nicholas; Inghram, Paul
**Subject:** VanderHoek CPA 2008
**Attachments:** MBNA - VanderHoek Letter - April 21, 2008.doc

Nicholas & Paul –

Attached are additional comments regarding the VanderHoek 2008 CPA.
Please add them to the file, along with the April 2, 2008 that I emailed to Nicholas two days ago, and give both to the Planning Commission.
I apologize for the length of the letter, but this is a significant issue with many aspects that need to be dealt with.

Thank you,
Anita Skoog Neil
Meydenbauer Bay Neighbors Association

P.S. Nicholas – I will contact you in the next several days (& prior to the Public Hearing) to "get up to speed" with the CPA process, as you so graciously offered.

Nicholas Matz and Paul Inghram
Planning and Community Development
City of Bellevue
PO Box 90012
Bellevue, WA 98009

May 21, 2008

**RE: VanderHoek 2008 CPA Request**

Dear Nicholas and Paul:

In reviewing the file on the VanderHoek property 2008 Comprehensive Plan Amendment Re-Zone request, including the 2007 CPA request which was withdrawn before it went to Council, we have determined that we have some **additional observations/comments to add to our comment letter submitted April 2, 2008:**

**Wildwood Park deserves to have a buffer from the CBD.**

- **Staff has seemed to think the R30 buffer around the park has no current purpose** –"The reason for the difference is not clear. Perhaps the intent at the time the zoning was adapted was to buffer (Wildwood) Park from Downtown development."
- **It appears to us that the R30 zoning buffer was, and remains to be, a deliberate, well-thought-out strategy** to buffer the park from the more intense development allowable under CBD/OB-A.
- The **current R30 zoning allows <u>less height</u>, <u>much less lot coverage</u>, <u>no retail</u>** – all aspects of CBD zoning that the Park (& neighborhood) deserves protection from.
- **Speculation** about whether the City should have re-visited this issue when it instituted the CBD Perimeter Design District is a moot point. We contend that **the 20 ft setback buffer introduced under this designation does not compensate or mitigate the ramifications of the more intense development allowable under CBD/OB-A, as the applicant contends.**

**Historical Issues - The VanderHoek property is not a "split-zone" property.**

- The owner has made references to his property as having "split-zoning" (like the Forum property, to the west), and in the past has attempted to identify, and potentially include, "other" split-zone properties in his re-zone efforts, in order to justify his re-zone request.
- The subject property is stand-alone and is zoned R30; only in the Owner's desire to co-develop with the owner to the north does the concept of "split-zone" come about.

**Historical Issues - Changing "Split-zone" zoning is a "Can of Worms".**

- We are uncertain why staff previously pursued the concept of "split-zoning", under the 2007 review, but we note that staff had said that "there is no obvious explanation for City's intent behind split zoning".
- **It appears to us that the City clearly originally instituted split-zoning to protect residential areas from the intensity allowed under CBD zoning.** The CBD Perimeter Design District is simply **another layer in the "wedding cake"** effect designed by the City and

community, i.e. transitioning from DNTNO to DNTN-MU to DNTN-OB, through SubDistrict B and SubDistrict A, to R-30, etc.

- Additionally, we note that even considering pursuing the concept of re-zoning for "split-zoned" properties, opens up the preverbal "can of worms". **We note that the applicant had suggested, and staff had considered, including other "split-zone" properties along the south CBD border for re-zone** (in 2007).
- Discussion of this concept even caused staff to **consider re-zone of neighboring** "non-split zone" properties, and specifically referenced "**the Yacht Club site and the sites immediately north of it"** – reference 2006 emails. **This expansive thinking is exactly what causes the community to be concerned in terms of "unanticipated consequences of an adopted policy" (see Threshold Review Decision Criteria), and the eventual "creep" of the Downtown.**
- Lastly, as the applicant points out (June 2007 email) –"As we know, **the bigger issue here is the neighborhood reaction to our request, and their perceived precedent setting for moving the CBD line**. Staff has reviewed other locations with split zoning on the edge of the CBD and chosen to not include those sites in the CPA process."

**Historical Issues – Geographic Scoping (2007) –reveals another "Can of Worms".**

- Staff had recommended the CPA request should be included in the 2007 CPA workload, & had recommended it for expansion of geographic scope. The Planning Commission recommended it be included in the 2007 CPA workload, but not for geographic expansion.
- The applicant, then **informally appealed in favor of geographic scoping** (June 2007 emails/letter), to allow him to **maximize his lot coverage**, and gave **examples** of how he'd be affected under: Current zoning, Planning Commission recommendation, and Staff recommendation, which **progressively showed the increase in lot coverage each alternative would provide.**
- We are pleased that (April 2008), staff's states," Expanding the geographic scope is not recommended. There are no changes in area uses since last year's application to warrant changing the scoping recommendation the Planning Commission made last year."

## Threshold Review Decision Criteria:

- **The major differences between the applicant's 2007 and 2008 CPA requests are:**
  1) **The 3rd Changed Site Condition cited is the "down-zone" of the Bellewood property from O to R30**, as 77% of the property was R30, and the property is to be developed under R30 (east and south of the subject property, across 102nd Ave SE). This is not a changed site condition.
  2) **Introduction of Legislative Changes**

The **applicant** gives **historical information** on the **1981** and **1985 design guideline** changes, and **references the current Meydenbauer Park Planning effort,** and contends:

a) **No one reconsidered** design parameters for adjacent R30 zoning when the **1985 CBD Perimeter Design District** was adopted. We contend that this was deliberate, as there was no need for this, and there would have been no public support to do so.

b) **No one reconsidered** that **Wildwood Park** could function as the **new buffer** from an extended CBD Perimeter Design District A. We contend that this was deliberate, as there would have been no community support to do so.

c) **No one followed through** on discussions in 1986 (the applicant, being co-chair of the Citizens Advisory Committee for that study) to move the CBD line to the south edge of the Forum property.

d) Lastly, "**currently the Meydenbauer Waterfront Park Land Use Plan** is recommending **changing the R30 zoning** of a parcel of land south of the Chevron Station on Main Street **to OB-A zoning**." The City has not made any recommendations to the Planning Commission or Council regarding any zone changes. Additionally, that project (the applicant, being a member of the Citizens Advisory Committee for that project) is an **on-going work program approved by City Council** and as such, this reference could imply that this CPA request should be dealt with under that program, rather than the CPA process.

**Historical & Current Issues – Threshold Review Decision Criteria.**

- As we are **writing** this **prior to staff** releasing their **2008 Recommendation Report** on this CPA, we would like to express our **concern that staff's conclusion** to include the **CPA** in the **2007** workload, was **not adequately supported by the Decision Criteria.** We are concerned that they may come to the same conclusions for 2008. **Since "a proposal must meet <u>all</u> of the criteria to be included in the annual CPA work program", we think these issues** are significant. Specifically concerning:

1) **Criteria C –"The proposed amendment does not raise policy or land use issues that are more appropriately addresses by an ongoing work program approved by the City Council."**
   * In evaluating the 2007 CPA request, staff says "The VanderHoek property is within the Meydenbauer Bay Project secondary study area. However, map designation changes within the secondary study area are not expected."
   * As referenced above, the applicant however, in his 2008 CPA request references, "In a similar vein, currently the Meydenbauer Waterfront Park Land Use Plan is recommending changing the R30 zoning of a parcel of land south of the Chevron Station on Main Street to OB-A zoning".
   *** Clearly, the applicant views his property as "being addressed" by "an ongoing work program", and as such his CPA request does not meet Criteria C.**

2) **Criteria E – "The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended"** (please refer to definition of "significant changed conditions").
   * In evaluating the 2007 CPA request, staff says" **it appears** that the VanderHoek property & Forum Condominium property to the west were **designated MF-H to create a cushion between the Downtown subarea to the north and Wildwood Park** to the south…However, with the 1985 adoption of the CBD Perimeter Design District, the issue of having less intense Downtown development cushion the SW Bellevue subarea and Wildwood Park is addressed through the development regulation and design review established by LUC section 20.25A.090."
   * The **applicant had researched** through City (past?) staff whether **changing his and similar R30 zone situations were discussed when the CBD Perimeter Design District was adopted** (emails May 2007), and apparently this was not discussed. **The applicant**

**contends that this was an oversight; we contend that this was intentional, again due to the resulting layering of the "wedding cake" effect.**

3) **Criteria G – "The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals…"**
   * Staff's 2007 evaluation said" Preliminary analysis suggests that this request is likely consistent with current general policies in the city-wide Comprehensive Plan, but further review is necessary regarding SW Bellevue Subarea Policy S-SW-8 (which is): **"Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods"**
   *(staff then goes on to say) "**As the proposed amendment considers the best location for the Downtown Subarea boundary taking into account changed conditions since 1979, Policy S-SW-8 may also be reconsidered (our underlying), taking into account these changes conditions and the intent of this policy."**
   ***Clearly staff was saying that the CPA request WAS NOT consistent with the Comprehensive Plan, and that in fact, they were proposing to change the Comprehensive Plan so that the request would conform (!).**
   * July 2007 email from staff to a resident states, "A CPA would need to be consistent with Comprehensive Plan policies or include and amendment that would maintain consistency. In this case, the staff report was anticipating that modification to S-SW-8 were likely as part of the CPA."
   * **We contend that "the shoe either fits or it doesn't". The community relies on its Comprehensive Plan to ensure stability; we find this logic to be faulty and very unsettling for the neighborhoods.**

**Public Comment – from 2007 request.**

- "It is truly **staggering that staff would suggest that we set aside a longstanding policy** that protects business interests and neighborhoods alike..." – Stacie LeBlanc Anderson (Surrey Downs Community Club)
- **This "is an attempt to increase the boundaries of the Downtown, pure and simple…the precedent that this will set, if allowed to proceed, will be dangerous and upsetting to many**"…it "will be a beacon call to any other landowner adjacent to the edges of the Downtown to upzone his property by also increasing the boundaries of the Downtown." – Renay Bennett (Bellecrest Neighborhood Assoc)
- **"The City Council…who approved the CBD plan in 1981 promised that the perimeter boundaries of the CBD would remain the same**. This **promised certainty** to the neighborhoods surrounding the CBD…Because many years have passed since these boundaries were approved does not mean that it is time to re-evaluate whether they are appropriate for today's Bellevue. **There have been changed circumstances, but those changes are the very ones that we envisioned when we affirmed the CBD plan. The plan is working**. That does not mean that the next block beyond the CBD boundaries needs to change to meet a property owner's request. **The strength of Bellevue planning has been that it has been able to provide a strong economic core, but retain excellent neighborhoods**. That was achieved because of the certainty that the perimeter boundaries and heights would remain the same." – Nan Campbell (a **two-term former Councilmember, during 1980's)**
- Finally, we must again quote Nan Campbell when she said:"**In my view the VanderHoek CPA should be denied. The Comprehensive Plan Amendment process was not intended to**

**address such a significant issue as the changing of the perimeter boundary and allowable heights of the CBD."**

**Conclusion:**

**The CPA request does not meet the Re-zone Decision Criteria:**

- It is **not consistent** with the Comprehensive Plan
- It does **not bear a substantial relation** to the public health, safety, or welfare; adding more residential/retail does not minimize the potential for crime/problems.
- It is **not warranted** in order to achieve consistency with the Comprehensive Plan (as it is not consistent); it does not meet a need for additional property in the proposed land use district (there are other sites in the area/zoning classification awaiting development); it does not meet the applicant's perceived need to re-zone, in order to facilitate"reasonable" redevelopment of the subject property. Again, the CBD line here is deliberate, not awkward as the applicant contends.
- The requested re-zone **DOES introduce materially detrimental impacts** on uses (Wildwood Park) and property (Meydenbauer House Condos, Meydenbauer Condos, etc), in the immediate vicinity of the subject property. It deprives the Park and residential uses adjacent to the Park of the reduced density benefits that the existing R30 zoning affords.
- The re-zone has **no merit or value for the community as a whole**; it is simply an economic desire on the behalf of the applicant; there is no shortage of housing units or retail at present in the CBD.

**This response is long; the issue is substantial**. We appreciate your attention to this important decision.

Respectfully Submitted,

Anita Skoog Neil
Meydenbauer Bay Neighbors Association
Co-Founder

## Matz, Nicholas

**From:** Anita Skoog [askoog@gvakm.com]
**Sent:** Tuesday, May 20, 2008 3:13 PM
**To:** Matz, Nicholas
**Subject:** VanderHoek Zone Change
**Follow Up Flag:** Follow up
**Due By:** Thursday, May 22, 2008 12:00 AM
**Flag Status:** Red
**Attachments:** MBNA - VanderHoek letter-Revised 5-19-08.doc

Nicholas –

Attached is the letter that I read and submitted to the Planning Commission on April 2, 2008 regarding the 2008 VanderHoek CPA. I noticed upon reviewing the VanderHoek file last week, that it was not included, and would like it added to the file and given to the Planning Commission.

Please note that I have made two small changes since writing the letter, and that is clarification of Examples Two and Three, under Site Context Changes.

Now that I have reviewed the VanderHoek file, I will have more comments, and will submit them to you by May 21. When I spoke with you at the Bellevue Expo last Thursday, you indicated that Staff will make it's recommendations concerning this CPA by May 22, with a staff report by May 23, and that there was still time to submit.

Thank you very much,
Anita Skoog Neil
Meydenbauer Bay Neighbors Association

Paul Inghram and Nicholas Matz
**Planning and Community Development**
City of Bellevue
PO Box 90012
Bellevue, WA 98009

April 2, 2008

**Dear Mr. Inghram and Mr. Matz:**

**Meydenbauer Bay Neighbors Association** does not support the application for re-zone for the VanderHoek property, at 117 102nd Ave SE, Bellevue, project number #08-103615AC.

The application is in essence the same application that the owner withdrew in 2007; we believe because he knew he would be turned down. His withdrawal letter of June 22, 2007 cites that he felt that he had **not made a strong enough case a year** ago about "**changed conditions**" to warrant "winning" his zone change. There is still **no justification** for this rezone request, as demonstrated below:

**Site Context Changes**:

- **Example one** is a property that was constructed **in accordance with the existing zoning**; this is not a Site Change
- **Example two** is simply a **statement of fact**, that the adjacent owner would like to co-develop, and is not a Site Change. The existing zoning for the subject and neighboring properties were clearly in effect when the owner purchased the subject property in 1996.
- **Example three** is not a Site Change, 77% of the property east and south was originally zoned R30; 23% of the property was, in essence, **down-zoned** from Office to R30, to accommodate an R30 development on the total site.

**Legislative Changes**:

- The **owner's reference** to 1981/CBD buffers and 1985/Perimeter Design Guidelines and his opinion that there was **no reconsideration** of the effect on the subject property is **immaterial.** The community groups have consistently **upheld the 1979** Downtown/SW Bellevue **Subarea Plans** as **THE boundary of Downtown** at any time it may have been brought up for re-consideration.
- The 1985 "reconsideration" he cites would not have included the subject property or the Forum property because there would be **no community support** for such a task.
- The **Meydenbauer Waterfront Park Land Use Plan** is a work **in progress**. **No recommendation** has been forthcoming from the City as cited; and any **zone change** does **not** have community **support.**

**Physical Changes:**

- The Downtown Core is exploding with economic, residential, urban design, and retail expansion. The **Perimeter Areas** of Downtown **are just that – perimeter areas**. The community has been very clear over the years that the perimeter areas should "wedding cake" down and **transition** into **lessening densities** of multi-residential uses, as development approaches single family residences.
- Pathway connectivity to Meydenbauer Park is best achieved through open space, sidewalks and natural "connectors – the community does **not support zone change to achieve connectivity**.
- In **contradiction** to the owner's claim, the zone request **absolutely negatively impacts** the goals of the SW Subarea.

**Policy S-SW-8 says: "Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods**".

- Other aspects of a boundary change:
  - It would **impact** the **stability** of the Southwest and North Bellevue Subareas – any zone change of this sort **encourages** future **geographic scoping** (or the **spread of zone change**)
  - **Old Bellevue's "unique character**" would be modified to "Downtown character"; this request does **not support** the **special character** of this area.
  - Any **increased density** will impact **traffic congestion** in an already congested area. This is a **two lane road**, without parking.

**Response to Owner's Response:**

- The **1979 Subarea plan** was **well-thought out** and **deliberately** set the Perimeter Areas as current zoning exhibits.
- Placing **CDB zoning next to Wildwood Park** does **not benefit** the community; the surrounding residential area is specifically protected by transitional R-30 zoning from the CBD. **To use Wildwood Park as a buffer is faulty logic**.
- The City is doing just fine in its design reviews of R30 zoning, a **boundary change** is **not necessary** to create a **"better design**". Nor do many of the design requirements apply to properties this far "off Main".

**Summary:**

- There is **nothing awkward** about the **CBD boundary**; it was **intentionally established** as it is through years of planning and **community support**.
- For a **stable** City **environment**, residential areas still need **stair-stepped densities**; there is **no justification** for **expanding the Perimeter Design Districts** to be the **new "buffer**". The **current zoning gently transitions** from R30 to R20 to R10; any **move of the CBD boundary** would simply give the residential areas **less real buffer**.
- The **owner cites** his request as creating "**more predictability and less confusion**" to building structures. What it **actually** would do is create a **lot of unpredictability** and a lot of **confusion** to the **stable order that citizens expect of the zoning policies that their City passes and implements.**

We are **pleased** to see that this proposal is **not** being **recommended** by Staff for potential **expansion of geographic scope**. To do so would truly be "the camel's nose under the tent". The community will **not support** this zone request or any consideration for geographical scoping.

This proposal does **not** adequately **support** the **Threshold Review Decision Criteria** to proceed through the 2008 Comprehensive Plan Amendment process, and as such **should be denied**.

Respectfully Submitted,

Anita Skoog Neil
Co-Founder/ Treasurer
Meydenbauer Bay Neighbors Association

## Matz, Nicholas

**From:** Kathy Gwilym [kathio@comcast.net]
**Sent:** Wednesday, May 14, 2008 3:07 PM
**To:** Matz, Nicholas; PlanningCommission; Council
**Subject:** Pazooki and VanderHoek CPA

I am writing to oppose a rezone of either property in the Old Bellevue neighborhood. The same criteria applies considering rezoning of either property as applied within the last three years. There has not been enough change to warrant granting either rezone. Actually, granting of such a rezone would result in a de-stabilization of the area, in my opinion. There is sufficient opportunity for redevelopment under current guidelines. All property owners in the area need to be able to count on stable zoning practices to give them confidence in their investment and its use.

I oppose spot zoning and geographic scoping in either case. This is one of the oldest, most successful, upscale neighborhoods in close proximity to the downtown. Most cities would be envious of such a success so close in. Protect the long term planning and thought that was given to this years ago. Don't start experimenting with something that is working so well. Thank you.

Kathy Gwilym

## Matz, Nicholas

**From:** Anita Skoog [askoog@gvakm.com]
**Sent:** Monday, May 05, 2008 6:37 PM
**To:** Matz, Nicholas
**Subject:** Question regarding VanderHoek CPA

Nicholas –

I see that the Threshold Hearing is still slated for June 11th for the VanderHoek CPA request. Is there any new information that has been added to the file since the first meeting held on April 2nd, or would it be better for me to come in and inspect the file?

Is the public hearing similar in format to the first planning meeting on this issue, except for the fact that the Planning Commission actually decides whether the request meets the Threshold Criteria? If this is not the case, how do I understand the process, etc for this next stage?

Thank you,
Anita

**Matz, Nicholas**

**From:** Renay Bennett [renaybennett@msn.com]
**Sent:** Wednesday, April 02, 2008 4:53 PM
**To:** Matz, Nicholas
**Subject:** Fw: Vanderhoek CPA #07-104540-AC
**Importance:** High

----- Original Message -----
**From:** Renay Bennett
**To:** council@bellevuewa.gov
**Sent:** Wednesday, May 23, 2007 3:49 PM
**Subject:** Vanderhoek CPA #07-104540-AC

Dear Mayor Degginger and members of the City Council,

The above referenced file is an attempt to increase the boundaries of the downtown, pure and simple.

While the size of the property is .27 acres, the precedent that this will set, if allowed to proceed, will be dangerous and upsetting to many, many residents who have always been told that the downtown boundaries will not be changed - and were promised not only that, but also would be protected from the impacts of the growth of the downtown.

This proposed changing of the boundaries is the camels nose under the tent and will be a beacon call to any other landowner adjacent to the edges of the downtown to upzone his property by also increasing the boundaries of the downtown.

Equally alarming is the staff recommendation to not only pass this through the threshold review, but also to expand the geographic scope. This is completely and totally unacceptable that staff would behave in this manner, going against long-standing council policy, Comprehensive Plan Policy and promises to the neighborhoods.

Respectfully,
Renay Bennett
President
Bellecrest Neighborhood Association

Meydenbauer Bay Neighbors Association
227 Bellevue Way Northeast -- PMB 278
Bellevue, Washington 98004

March 26, 2008

Honorable Mayor Grant Degginger
gdegginger@bellevuewa.gov
450 110th Ave. NE
PO Box 90012
Bellevue WA, 98009-9012

CC: Doug Leigh, Co-Chair Meydenbauer Bay Steering Committee
dougl@mithun.com; wbcc@comcast.net

Iris Tocher, Co-Chair Meydenbauer Bay Steering Committee

Jennifer Robinson, Chairman Bellevue Planning Commission

Subject: Conflict of Interest & Special Privilege

Dear Mayor Degginger,

The March 6, 2008 Weekly Permit Bulletin identified an application made by Tom Frye of Baylis Architects to amend the Bellevue Comprehensive Plan relating to property located at 117 102nd Ave SE, Bellevue WA. This amendment requests a map change of 0.27 acres from MF-H (Multifamily-High) to DNTN (Downtown) to support a rezone to DNTN-OB (Downtown-Old Bellevue) in Perimeter District A. The Subject Property is within the Meydenbauer Bay Park and Land Use Plan Study Area and is adjacent to park property.

Further investigation has shown that the Subject Property is owned by the Vander Hoek Corporation. It is believed that Mr. Stuart A. Vander Hoek is the President of the Vander Hoek Corporation. In Spring of 2007, prior to its first meeting, Mr. Vander Hoek was appointed as a member of the City of Bellevue's Meydenbauer Bay: Park and Land Use Plan -- Steering Committee (the "Committee") and has continued to serve in that position into 2008.

In light of Mr. Vander Hoek's relationship to the Subject Property and as is made clear in the recent (and previous) rezoning and Comprehensive Plan amendment requests relating to the Subject Property, Mr. Vander Hoek has a direct (as opposed to potential) pecuniary interest in the decisions, actions, recommendations and oversight responsibility of the Committee. There is nothing hypothetical or speculative about his interests.

In addition, it has been determined by the State of Washington that a decision changing the zoning code made in favor of one party is considered a "special

privilege" within the meaning of the statute prohibiting municipal officers from using their positions to secure special privileges and exemptions. In light of Mr. Vander Hoek's relationship to and appointment by the City, any change in the zoning of the Subject Property and any change in zoning recommended by the Committee or the Planning Commission related to or affecting the subject property, is a special privilege granted to Mr. Vander Hoek as a member of the Committee and other committees.

We believe it is mandatory that Mr. Vander Hoek recuse himself from and take no further part in the actions of the Committee relating to the Land Use Plan. We also believe that Mr. Vander Hoek's work on the Committee has incurably tainted the entire work of the Committee, and especially any findings, decisions and proceedings of the Committee to date as to the Land Use Plan; and such must be withdrawn and reconsidered by an impartial board or committee.

The actions being requested are imperative to prevent an obvious conflict of interest and improper influence in the decision-making process by Mr. Vander Hoek based on Mr. Vander Hoek's direct pecuniary interest in the outcome; and to assure the citizens of Bellevue that any changes in the use and zoning of properties to Downtown / Old Bellevue and that are within and adjacent to the Meydenbauer Bay Park Land Use Plan Study Area be made in a fair manner in favor of and on behalf of the residents of Bellevue, and not due to the influence of any particular developer or development organization.

Respectfully,

Marvin B. Peterson
President

cc: City Manager, Steve Sarkozy SSarkozy@bellevuewa.gov
City Planning Director, Matt Terry MTerry@bellevuewa.gov
City Parks Director, Patrick Foran PForan@bellevuewa.gov
City Clerk, Myrna Basich MBasich@bellevuewa.gov
City Attorney, Lori Riordan LRiordan@bellevuewa.gov
David A. Bricklin, Esq. Bricklin@bnd-law.com

## Matz, Nicholas

**From:** Renay Bennett [renaybennett@msn.com]
**Sent:** Tuesday, March 25, 2008 10:31 AM
**To:** Matz, Nicholas
**Subject:** File Number: 08-103615 AC

Hi Nicholas,
Please put the both me personally and the Bellecrest Neighborhood Association Board down as a party of record in opposition to this project. As you know, I have serious concerns about the downtown being expanded beyond its current borders and going against long standing Comprehensive Plan Policy as well as in direct oppositionto City Council mandates.
Best regards,
Renay Bennett
President
Bellecrest Neighborhood Association

## Matz, Nicholas

**From:** Anita Skoog [askoog@gvakm.com]
**Sent:** Wednesday, March 12, 2008 1:01 PM
**To:** Matz, Nicholas
**Subject:** Request for Information

Nicholas-

Regarding the 2008 Comprehensive Plan Application for the VanderHoek property at 117 102nd Ave SE, could you please email to me the zoning specifications of MF-H (Multifamily-High) zoning and for DNTN (Downtown) zoning.
I'd appreciate that information as soon as possible, as I see this in on the agenda for the Planning Commission this evening.

Thank you,
Anita Skoog Neil

## Matz, Nicholas

**From:** Stacie LeBlanc [stacie.leblanc@clearwire.net]
**Sent:** Thursday, May 22, 2008 4:57 PM
**To:** Matz, Nicholas
**Cc:** Council; Stacie LeBlanc Anderson; Renay Bennett; Anita Skoog; Susan; Nan Campbell
**Subject:** Van der Hoek CPA

Paul Inghram and Nicholas Matz
Planning and Community Development
City of Bellevue
PO Box 90012
Bellevue, WA 98009

April 22, 2008

With regard to the proposed 2008 Van der Hoek CPA proposal, the Surrey Downs Community Club remains opposed to any changes in the borders of the Downtown. The borders were negotiated for as a compromise, and an attempt to balance the Downtown business and property interests with the interests of the neighborhoods. This was an effort to maintain and encourage the future livability, vibrancy and longevity of the neighborhoods adjacent to the Downtown.

In 2007, the Surrey Downs Community Club Board along with the Bellecrest Neighborhood Association Board, and several other neighborhood association members from West Bellevue strongly objected to this proposed change in the boundaries, as it is expressly against promises made by the Bellevue City Council, as well as against Comprehensive Plan Policy.

We do not support the proposed Van der Hoek CPA or any change in the borders of the Downtown.

Best Regards,

Stacie LeBlanc Anderson
Vice President, Surrey Downs Community Club
stacie.leblanc@clearwire.net

Below is the letter I sent in 2007:

Wed, 23 May 2007 17:16:23 -0700

Dear Mayor Degginger and members of the City Council,

I would like to encourage you to reject the current Van der Hoek CPA proposal to enlarge the borders of the Downtown. It is truly staggering that staff would suggest that we set aside a longstanding policy that protects business interests and neighborhoods alike, and has worked for many years by establishing firm boundaries of the Downtown and the "wedding cake" policy.

The current policy was agreed upon years ago after much discussion and compromise, and a promise was made to the neighborhoods to keep the density and impacts from the Downtown from encroaching on the neighborhoods. Firm borders encourage healthy neighborhoods and healthy Downtown businesses that neighborhood residents can walk to and patronize.

The Planning Commission and the Council would be wise not to revisit the policy of having firm borders between the Downtown and the neighborhoods, unless the desired outcome is to invite similar CPA reconsiderations of current Downtown properties for downzoning to parks or other lower density uses.

Best Regards,

Stacie LeBlanc Anderson
Vice President, Surrey Downs Community Club
stacie.leblanc@clearwire.net

# Attachment 4

**Matz, Nicholas**

**From:** Renay Bennett [renaybennett@msn.com]
**Sent:** Thursday, May 22, 2008 3:30 PM
**To:** Matz, Nicholas
**Subject:** Re: #08-103615AC

Hi Nicholas,
I just saw the permit bulletin and noticed that staff is not recommending the inclusion of hte Vanderhoek proposal. This is great news for us and we are very happy! Can you tell me why?
Best,
REnay

----- Original Message -----
**From:** NMatz@bellevuewa.gov
**To:** renaybennett@msn.com
**Cc:** KMccool@bellevuewa.gov
**Sent:** Thursday, May 22, 2008 2:41 PM
**Subject:** RE: #08-103615AC

Ms. Bennett:

Thank you for commenting on this Comprehensive Plan Amendment (CPA) application.

I have added these separate comments to the public record and will include these comments in the Planning Commission's review of materials for the Vander Hoek CPA public hearing. The City Council is in receipt of these comments; please note that following Planning Commission review and public hearing, the Commission's Threshold Review recommendations for all of the 2008 amendment proposals will be presented to Council for consideration this summer.

Nicholas Matz AICP

Senior Planner

425 452-5371

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**From:** Renay Bennett [mailto:renaybennett@msn.com]
**Sent:** Thursday, May 22, 2008 1:32 PM
**To:** Matz, Nicholas
**Cc:** Council
**Subject:** #08-103615AC

Dear Mr. Matz,

The Bellecrest Neighborhood Association does not support the proposed Comprehensive Plan Amendment, # 08-103615AC. We did not support it last year when this was first submitted.

Policy S-SW-8 states: "Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods."

When this policy was put into effect, it was a culmination of many, many meetings and much discussion on the up-zone of the downtown. It was decided and promised at that time that the downtown boundaries would not be changed and that the neighborhoods would be protected from the growth of the downtown.

The Comprehensive Plan is not something that should be changed to suit a single individuals desire for increased density. While the size of the property is .27 acres, the precedent that this will set, if allowed to proceed, will be dangerous and upsetting to many, many residents who rely on the lawful nature of the Comprehensive Plan. A few years ago, during the Downtown Implementation Plan, a downtown property owner proposed to upzone the area south of downtown (Bellecrest and Surrey Downs) all the way to S.E. 4th. Wisely, this was not adopted and discussion ensued about not changing the boundaries of the downtown because of policy and a commitment not to do so.

This current proposed changing of the boundaries is the camels nose under the tent and will be a beacon call to any other landowner adjacent to the edges of the downtown to upzone his property, thereby increasing the boundaries of the downtown.

A clear and direct policy in the Comprehensive Plan is a strong way to show the exact intent of the City as it relates to its residents. This policy, S-SW-8 is explicit about keeping the downtown boundaries to prevent the spread of Downtown into our residential neighborhoods.

Bellevue residents deserve the consistency of the Comprehensive Plan as a long range vision for our city and we appreciate the City Council and staff commitment to supporting both the Comprehensive Plan and our neighborhoods.

Respectfully,
Renay Bennett, President
Bellecrest Neighborhood Association

# ATTACHMENT 5

South Kirkland TOD

2008 Annual Threshold Review Recommendation and Consideration of Geographic Scoping
Site-Specific Amendment

# South Kirkland Park and Ride Transit Oriented Development (TOD)

**Staff recommendation:** Recommend that the City Council **not include** the South Kirkland Park and Ride Transit Oriented Development CPA into the 2008 annual CPA work program. **Do not expand** the geographic scope of the proposal.

| | |
|---|---|
| Permit Number: | 08-103700 AC |
| Subarea: | North Bellevue |
| Address: | 10800 NE 38th Street |
| Applicant: | Gary Prince, King County Department of Transportation |

## PROPOSAL

The South Kirkland Park and Ride facility is located on two adjacent parcels, totaling 6.97 acres. One parcel (the eastern 3.32 acres) lies within Bellevue, and the other (the western 3.65 acres) is located in Kirkland.

This non-city initiated application would amend the City of Bellevue Comprehensive Plan map designation on the Bellevue parcel from MF-M (Multifamily-Medium) to a new land use designation allowing transit-oriented development (preliminarily called "TOD"). See Attachment A for the application materials and Attachment B for a site map.

If the CPA is adopted, the site would need to be rezoned to allow mixed use development, including multifamily residential up to 60 dwelling units per acre and associated office and retail space. This would require the creation of a new district in the Land Use Code and a zoning map change to implement the new Comprehensive Plan provisions. The site currently lies in the R-15 land use district.

A companion Comprehensive Plan Amendment has been initiated by the City of Kirkland for the parcel that lies in that jurisdiction.

Although specific development plans have not been produced, the major components of future development envisioned by King County, if the CPA is approved, include:

- Expansion of the park and ride facility by approximately 250 stalls, from the current 603 stalls to 853 stalls (this would not expand the site area);
- Transit passenger loading and unloading areas;
- Residential development of up to 60 units per acre, or a Floor Area Ratio of 2.0;
- An affordable housing component (quantity and level of affordability has not yet been defined);
- Incidental office and retail (quantity not specified);
- Building height limit of 65 feet;

- Parking associated with the residential, office, and retail components (quantity not specified, but would be in addition to the 250 stall increase for the park and ride facility).

## THRESHOLD REVIEW DECISION CRITERIA

The Threshold Review Decision Criteria for an initiated Comprehensive Plan Amendment proposal are set forth in the Land Use Code Section 20.30I.140. Based on the criteria, Department of Planning and Community Development staff has concluded that the proposal **should not be included** in the annual CPA work program.

This conclusion is based on the following analysis:

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

*The application meets this criterion. Creation of a new land use designation and the application of a land use designation to a specific site is a matter appropriately addressed through amendment of the Comprehensive Plan.*

B. The proposed amendment is in compliance with the three-year limitation rules set forth in LUC 20.30I.130.A.2.d; and

*The application meets this criterion. The property, policy topic, or land use issue which is the subject of this application has not been reviewed by the City within the last three years, and therefore the application complies with the three-year limitation rules.*

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

*The application meets this criterion. There is no ongoing work program in which the policy or land use issues raised by this proposal would be more appropriately addressed.*

D. The proposed amendment can be reasonably reviewed within the resources and timeframe of the Annual Comprehensive Plan Amendment Work Program; and

*The application does not meet this criterion. The application raises policy issues and has potential city-wide implications that require more in-depth review than can be reasonably accomplished within the resources and timeframe of the 2008 Annual Comprehensive Plan Amendment Work Program. Implementation of the request requires the creation of a new land use designation and district unlike any that exist in Bellevue, and raises several issues. It would introduce a density of 60 units per acre, twice that allowed in the city's most intensive multifamily district outside of*

*downtown and potentially the Bel-Red area. Compatibility with nearby residential areas would need to be addressed, and specific land use standards addressing such development aspects as parking and urban design would likely need to be developed. The potential impacts of non-transit vehicle trips generated by a relatively dense mixed-use development would need to be evaluated.*

*It would be difficult to create this policy basis without considering the potential for it to be applied to other existing or future park-and-ride facility locations, and some of those locations may be more suitable for TOD development than others due to physical, environmental, geographical, or other characteristics. Developing a TOD designation that is flexible enough to apply elsewhere, while structured in a way that avoids unintended consequences, will require more time and resources than that afforded by the current CPA work program.*

E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. LUC 20.50.046 defines "Significantly changed conditions" as:

> **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 LUC, Amendment and Review of the Comprehensive Plan.

; and

*The application meets this criterion. The subject property was reclassified in 1996 from R-1 to R-15 (with conditions) as part of a larger area rezone initiated by the City of Bellevue in accordance with the North Bellevue Subarea Plan of the Comprehensive Plan. The reclassification had no practical effect on the use of the site, since the park and ride facility existed prior to the reclassification as a conditional use in the R-1 district and has continued as a conditional use in the R-15 district. The public ownership of the property and the purpose for which it is used has undoubtedly allowed it to withstand the market forces that might have otherwise resulted in its development in accordance with the R-15 zoning.*

*In the twelve years since the reclassification, much has changed and will continue to change that affects individual lifestyles and commute habits. Traffic congestion, fuel prices, commute times and distances, and affordable housing shortages have all increased dramatically in recent years and are likely to continue to do so. At the same time, the supply of developable land that is physically and geographically suitable for more intense development, particularly transit oriented development, is in decline. The current R-15 zoning does not provide sufficient development potential to address these issues at this site. TOD projects in King County and elsewhere have successfully combined lower vehicle ownership and operating costs, higher transit ridership, and greater housing choice and affordability.*

*The number of users of the South Kirkland Park and Ride has increased over the years, and the facility now operates at capacity. Demand will continue to grow, and the eventual replacement of the SR 520 bridge, if funded through tolls as the state currently intends, is estimated to increase transit ridership by up to 23%.*

*In August 2007 King County Metro, WSDOT, and the Puget Sound Regional Council were notified by the U.S. Department of Transportation that they won a federal Urban Partnership Grant competition for funds to use toward SR 520 bridge replacement and corridor improvements. The TOD that this comprehensive plan amendment would lead to would support those improvements.*

*The groundwork that has been laid for SR 520 bridge replacement and corridor improvements, combined with increased traffic congestion, fuel prices, commute times and distances, and demand for affordable housing, constitute significantly changed conditions. TOD at this site would respond to the changed conditions that have occurred over the past several years, anticipate the continuation of current housing and commute trends, and support the SR 520 bridge and corridor improvements that are now in the planning stages.*

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

*The applicant has not requested, and Staff does not recommend, consideration of expansion of the geographic scope of this amendment proposal. If the CPA is ultimately approved, the new TOD land use designation would be applied to the subject property through the creation of a new district in the Land Use Code and a zoning map change on the subject property.*

*However, if a policy basis for Transit Oriented Development is established in the Comprehensive Plan, it could be written in such a way that anticipates possible future implementation of that policy at other locations subject to site/area characteristics and/or decision criteria. In other words, even though only the subject property would initially be zoned for the proposed use, similar zoning could be applied elsewhere through future zoning map amendments.*

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 (GMA), other state or federal law, and the Washington Administrative Code (WAC); or

*The application meets this criterion. Preliminary analysis suggests that this request is likely consistent with current general policies in the Comprehensive Plan. It is*

*also likely consistent with policy implementation in the CPPs and GMA for urban growth areas development. If this proposed amendment is included in the annual work program additional analysis will be conducted prior to determining whether this request is fully consistent with all applicable and specific policies and regulations.*

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

*This criterion does not apply to this application. State law, or a decision of a court or administrative agency has not directed the suggested change.*

## PUBLIC COMMENT

As of May 21, 2008, one comment letter has been received on this application. As stated above, a companion Comprehensive Plan Amendment has been initiated by the City of Kirkland for the parcel that lies in its jurisdiction. A letter of support for the Bellevue application was submitted by Kirkland Mayor Jim Lauinger. Mayor Lauinger points out that transit oriented development at this site has been identified by the Kirkland City Council as a top strategy to achieve affordable housing (see Attachment C - Public Comments).

## ATTACHMENTS

A. Application materials
B. Site maps
C. public comments

# Attachment A

## COMPREHENSIVE PLAN AMENDMENT

| APPLICATION DATE: FOR CPA YEAR: 20 | TECH INITIALS | PROJECT FILE # |
|---|---|---|
| 1/31/08 | G | 08-103700 |

1. Project name South Kirkland Transit Oriented Development
2. Applicant name King County Department of Transportation Agent name Gary Prince
3. Applicant address: 201 S. Jackson St., MS KSC-TR-0815, Seattle, WA 98104
4. Applicant telephone 206-263-6039 fax 206-263-3187 e-mail gary.prince@kingcounty.gov
5. Agent telephone _____ fax _____ e-mail _____

This is a proposal to initiate a site-specific Comprehensive Plan Amendment ☒ (Go to **Block 1**)
This is a proposal to initiate a non site-specific Comprehensive Plan Amendment ☐ (Go to **Block 2**)

**BLOCK 1**

Property address and/or 10-digit King County parcel number
: 202505 9230 and 202505 9081

Proposed amendment to change the map designation from existing MF-M to proposed Transit Oriented Development.

Site area (in acres or square feet) parcel 9230 158,950 (Bellevue) parcel 9081 144,425 sq ft (Kirkland) Total parcel 303,375

Subarea name North Bellevue Subarea.

Last date the Comprehensive Plan designation was considered __/__/__. Unknown

Current land use district (zoning) MH-M.

Is this a concurrent rezone application? ☒ Yes ☐ No Proposed land use district designation Transit Oriented Development.

Go to **BLOCK 3**

Community Council: N/A ☐ East Bellevue ☐

**BLOCK 2**

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

Reference Element of the Comprehensive Plan (e.g., Land Use, Transportation, Housing, Capital Facilities):
Last date the Comprehensive Plan policy or text was considered ___/___/___.

Go to **BLOCK 3**

**BLOCK 3**

Support for the proposed amendment. Explain the need for the amendment—why is it being proposed? Describe how the amendment is consistent with the vision of the Comprehensive Plan. Include any data, research, or reasoning that supports the proposed amendment. Attach additional pages as needed.

The Comprehensive Plan envisions increasing the supply and diversity of housing and encourages mixed use residential in commercial areas. The plan states that "residential densities that support transit use should be located along major transit corridors and near urban activity centers." This goal certainly applies to the South Kirkland Park and Ride which is adjacent to the heavily travelled SR520 corridor. The proposed project also includes a major component of affordable housing which is a "Major Housing Policy" for the City.

Housing Policies HO-11, HO-13, HO-17 address projects of this size and character by encouraging in-fill and mixed use development on underutilized parcels.

**POLICY HO-11.** Encourage housing opportunities in mixed residential/commercial settings throughout the city.

**POLICY HO-13.** Ensure that mixed-use development complements and enhances the character of the surrounding residential and commercial areas.

**POLICY HO-17.** Encourage infill development on vacant or under-utilized sites that have adequate urban services and ensure that the infill is compatible with the surrounding neighborhoods.

Housing Policies HO-22, HO-23, and HO-26 speak directly to this project.

**POLICY HO-22.** Work cooperatively with King County, A Regional Coalition for Housing (ARCH), and other Eastside jurisdictions to assess the need for, and to create, affordable housing.

**POLICY HO-23.** Review Land Use Code regulations to remove barriers or unnecessary standards that discourage affordable multifamily housing and to refine affordable housing incentives so they are more successful.

**POLICY HO-26.** Involve both the public and private sectors in the provision of affordable housing.

ARCH has been involved with the redevelopment of this site and has participated with the King County TOD program on affordable housing supply at other TOD projects.

Changes in land-use are necessary for a housing project to proceed on this location. This project has support from other local governments and it is closely tied to the Urban Partnership Project for redevelopment of the SR520 project. Funding for additional park and ride stalls has been granted by the federal government to the Urban Partnership Project coordinated by PSRC, WSDOT, and King County.

Bellevue's transportation plans are consistent with the rezoning of this parcel. The proposed project would provide additional transportation choices to housing residents and additional park and ride capacity will encourage additional bus and/or rail use at this site.

Transportation Policies TR-1 and TR-2 speak to the coordinated approach to this project.

**POLICY TR-1.** Integrate land use and transportation decisions to ensure that the transportation system supports the Comprehensive Plan Land Use vision.

**POLICY TR-2.** Work actively and cooperatively with other Eastside jurisdictions and regional and state agencies to plan, design, fund and construct regional transportation projects that carry out the city's transportation and land use goals.

Coordination with King County, the City of Kirkland, and the participants in the Urban Partnership is a key cornerstone of improving transportation choices at this parcel. Policy TR-8 suggests that large surface parking lots not intervene between developments and the pedestrian environment.

**POLICY TR-8.** Incorporate transit-supportive and pedestrian-friendly design features in new development through the development review process. Examples include:
1. Orient the major building entries to the street and closer to transit stops;
2. Avoid constructing large surface parking areas between the building frontage and the street;
3. Provide pedestrian pathways that minimize walking distances to activities and to transit stops;
4. Cluster major buildings within developments to improve pedestrian and transit access;
5. Provide weather protection such as covered walkways or arcades connecting buildings in major developments, and covered waiting areas for transit and ridesharing;
6. Design for pedestrian safety, including providing adequate lighting and paved, hazard-free surfaces;
7. Provide bicycle connections and secure bicycle parking and storage convenient to major transit facilities;
8. Use design features to create an attractive, interesting pedestrian environment that will stimulate pedestrian use;
9. Design transit access into large developments, considering bus lanes, stops, and shelters as part of project design; and
10. Encourage the availability of restrooms for public use.

South Kirkland P & R is currently only a large surface parking lot in a hostile pedestrian environment. The redesign would create an environment conducive to pedestrians and provide ready access to transit services.

Policy TR-12 recommends other key strategies which are a component of Urban Partnership such as telecommuting and flexible work hours.

**POLICY TR-12.** Encourage employers to help reduce peak hour commute trips by facilitating employees use of telecommuting, flexible work hours, compressed work week schedules, and other scheduling options.

For additional detail on the Urban Partnership proposals in each of these areas the grant application is posted at http://www.upa.dot.gov/agreements/docs/termsheetseattle.htm.

Policies TR-23 and TR-29 also support this project.

**POLICY TR-23.** Coordinate improvements and operations among travel modes, providing connections between modes.

**POLICY TR-29.** Develop the transportation system in a manner that supports the regional land use and transportation vision presented in Vision 2020, Destination 2030 and the Countywide Planning policies for King County.

This project will provide integrated connections for many transportation modes and is supported by the PSRC's long-range plans. PSRC is a co-applicant in the Urban Partnership grant application. Policy TR-32 supports the planning currently proceeding between King County, Bellevue, and the City of Kirkland.

**POLICY TR-32.** Develop and implement strong interjurisdictional agreements for cooperative solutions to land use and transportation problems that cross the city border.

Go to **BLOCK 4**

**BLOCK 4a**
Evaluating the proposed amendment. Explain how the proposed amendment is consistent with the Threshold Review Decision Criteria in LUC Section 20.30I.140 (see Submittal Requirements Bulletin #53). Attach additional pages as needed.

The replacement of the SR520 bridge, and proposed tolling on this bridge, will increase the usage of park and ride stalls located at South Kirkland P & R. The Comprehensive Plan did not envision the toll rates proposed in the recent SR520 Finance Plan. The proposed toll rates – up to $10 round trip – will significantly increase demand for transit service. The SR520 Finance Plan envisions a 23% increase in transit ridership and up to 10% diversion to other routes. Providing additional parking at the South Kirkland P & R is an effective strategy to reduce demand on the SR520 bridge and improve traffic congestion.

An improved transit facility – with new passenger loading amenities – will also increase ridership from non P & R users. A new facility is likely to include amenities such as real-time bus information, improved shelters, and access to retail services. The proposal also includes the potential for a rail connection on the BNSF right-of-way which borders the site.

The threshold decision criteria identify a number of reasons to amend the comprehensive plan.

Without a change in the comprehensive plan, redevelopment of this parcel for mixed use would not occur. Based on information from the City of Bellevue the policy and land use issues are not currently part of a work program approved by the City Council. As noted above, the significant changed conditions include the development of a toll bridge on this corridor, the rapid increases in housing prices since the last comprehensive plan, the priority for inclusion of affordable housing in the program. Also redevelopment of this site has strong support from the City of Kirkland. Transit Oriented Development has emerged as a successful strategy to increase transit ridership. TOD projects in King County, and around the nation, have successfully combined lower car ownership, high transit ridership, affordability and park and ride.

A TOD on this site will need a higher density than currently zoned. Other projects in the vicinity have accommodated multi-story housing projects and this is the anticipated housing type at this location.

**BLOCK 4b** ***complete this section only for a site-specific concurrent rezone***
Evaluating the proposed concurrent resone. Explain how the proposed rezone would be reviewed under Rezone Decision Criteria in Land Use Code Section 20.30A.140. Attach additional pages as needed.

King County is requesting a new zoning for this parcel to accommodate the mix of uses and inclusion of multiple transportation modes. Rezoning the parcel is consistent with the goals of the Comprehensive Plan which requests higher urban density. The Comprehensive Plan also anticipates steps to reduce congestion and providing additional transportation choices which can only be accomplished with a rezone. The addition of affordable housing meets important community objectives for both Kirkland and Bellevue.

The proposed project will not be materially detrimental to adjoining parcels. There is significant elevation and physical separation from other residential housing in the vicinity. There will be traffic impacts from the proposed project; mitigation steps will be proposed as part of the project.

The proposed zoning classification is approximately 60 dwelling units per acre with a height limit of 65 feet. The proposed FAR is 2.0. The TOD zoning classification would include a transit passenger loading and unloading areas, park and ride, housing, and incidental retail and office development.

**I have read the Comprehensive Plan and Procedures Guide** ☐

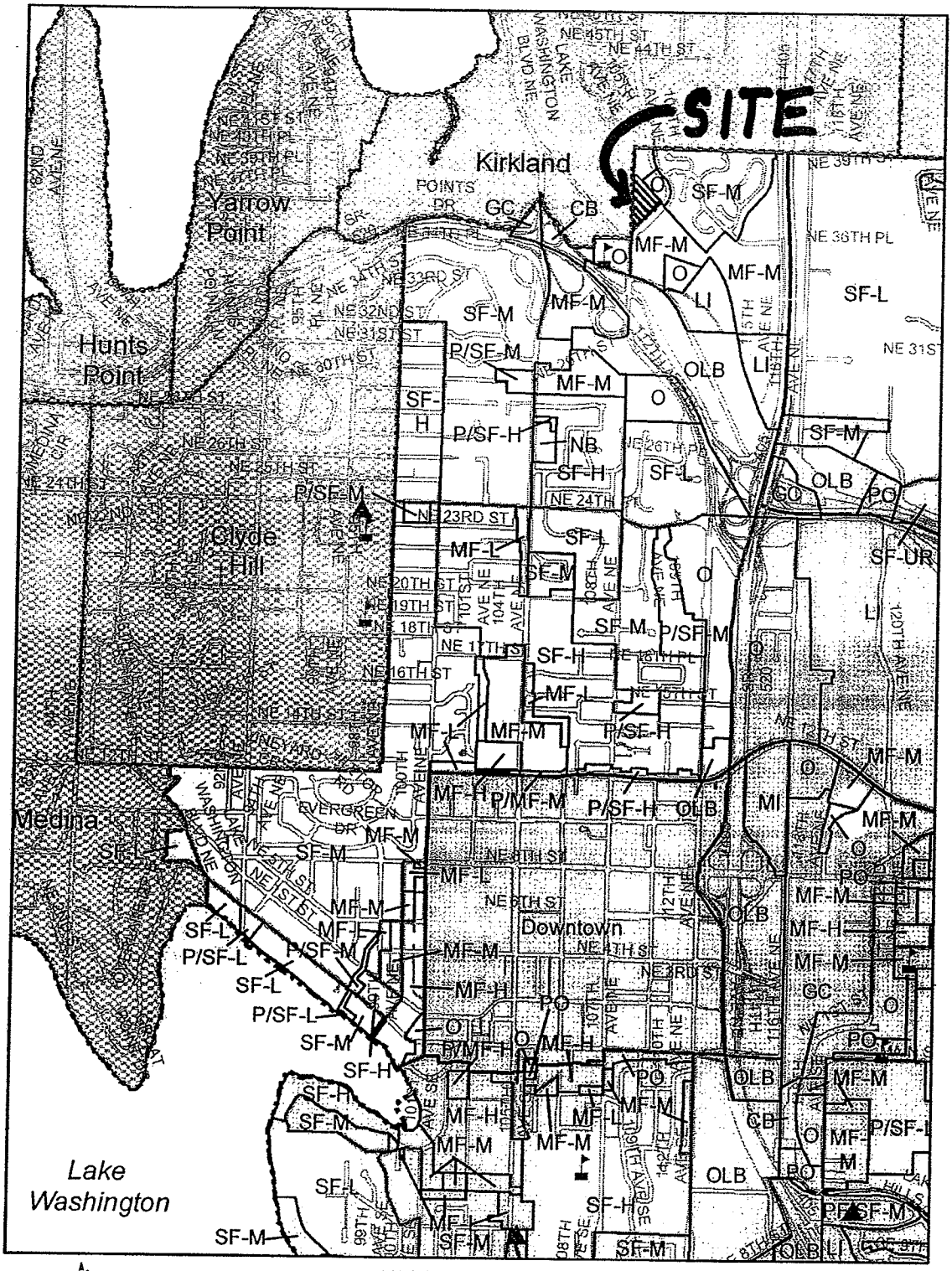



*FIGURE S-NB.1*

**North Bellevue Land Use Plan**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SF | Single Family | PO | Professional Office | GC | General Commercial | ▲ | Fire Stations |
| MF | Multi Family | O | Office | LI | Light Industrial | | Public Schools |
| -L | Low Density | OLB | Office, Limited Business | PF | Public Facility | ▬ | Bellevue City Limits (6/2005) |
| -M | Medium Density | OLB-OS | Office, Open Space | P | Park | | Lakes |
| -H | High Density | NB | Neighborhood Business | | | | |
| -UR | Urban Residential | CB | Community Business | | | | |

N

**NOTICE OF COMPLETENESS:** Your application is considered complete 29 days after submittal, unless otherwise notified.

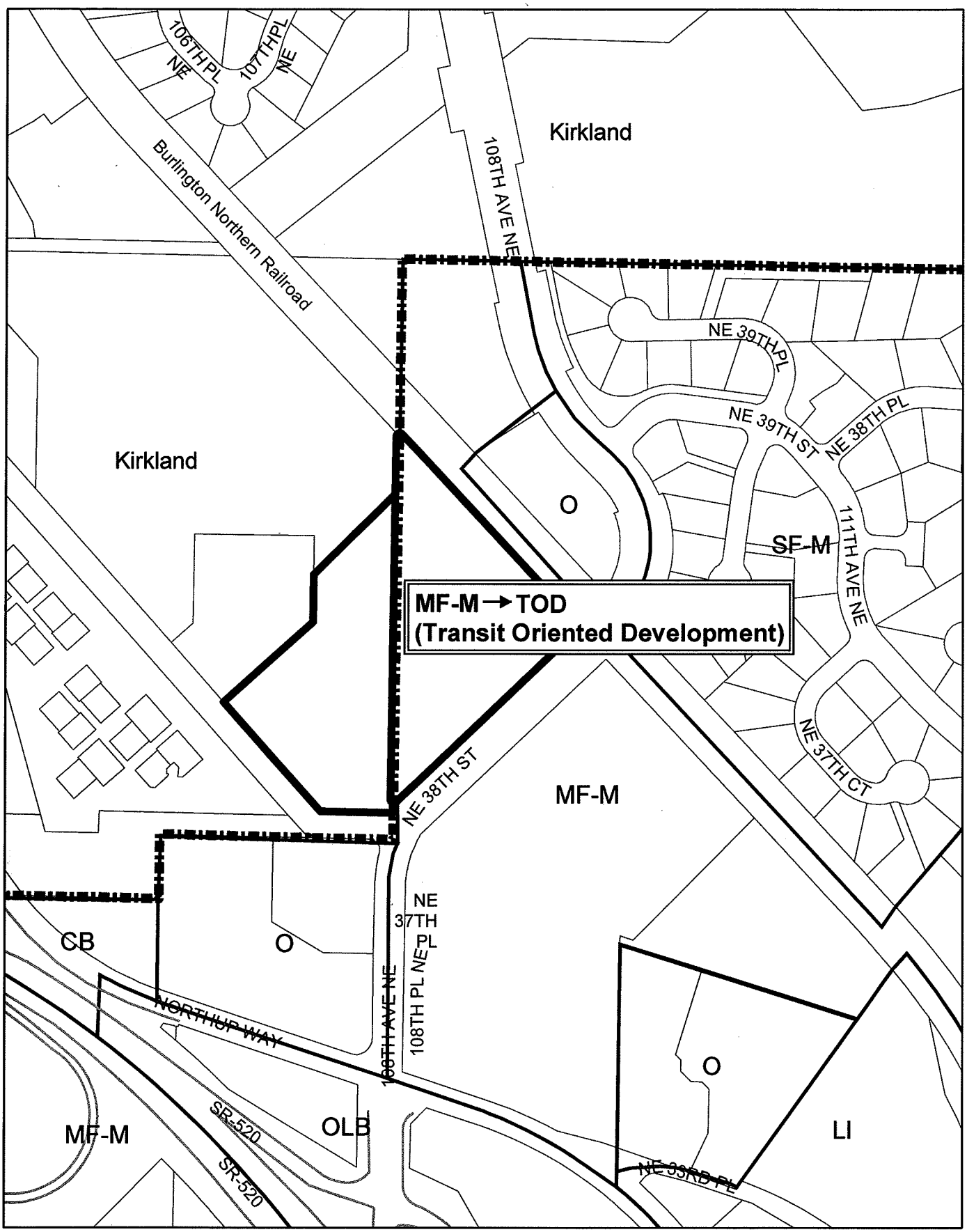
Signature of applicant _____ Date 1/31/2008

*I certify that I am the owner or owner's authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owner's agent regarding the property at the above-referenced address for the purpose of filing applications for decisions, permits, or review under the Land Use Code and other applicable Bellevue City Codes and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.*

*I certify that the information on this application is true and correct and that the applicable requirements of the City of Bellevue, RCW, and the State Environmental Policy Act (SEPA) will be met.*

*Signature* _____ *Date* 1/31/2008
*(Owner or Owner's Agent)*

# Attachment B




N

March 2008

South Kirkland TOD CPA

Proposed Comprehensive Plan Designations

10800 NE 38th St

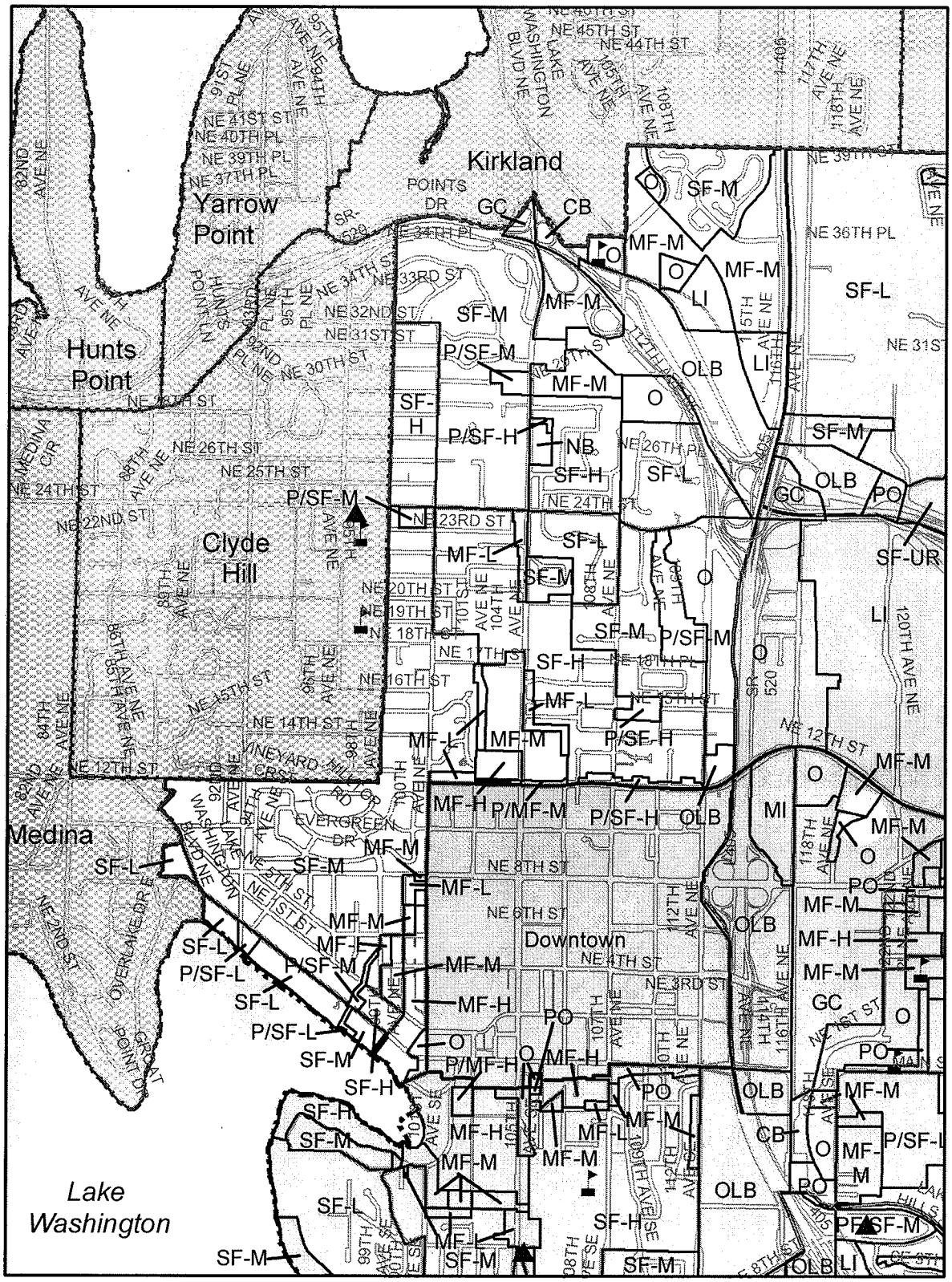



*FIGURE S-NB.1*

## North Bellevue Land Use Plan

| | | | | | |
|---|---|---|---|---|---|
| SF | Single Family | PO | Professional Office | GC | General Commercial |
| MF | Multi Family | O | Office | LI | Light Industrial |
| -L | Low Density | OLB | Office, Limited Business | PF | Public Facility |
| -M | Medium Density | OLB-OS | Office, Open Space | P | Park |
| -H | High Density | NB | Neighborhood Business | | |
| -UR | Urban Residential | CB | Community Business | | |

Fire Stations

Public Schools

Bellevue City Limits (6/2005)

Lakes

N

# Attachment C

March 14 2008

The Honorable Grant Degginger
Mayor, City of Bellevue
P.O. Box 90012
Bellevue, WA 98009-9012

Dear Mayor Degginger:

Even as our communities continue to grow, we face increased challenges in housing affordability. Our teachers, police officers, and health care providers are being priced out of the market. In East King County, nearly 24,000 households (17% of all households) are paying more than 30% of their income for housing, and 12,000 households pay more than half their income for housing, making them severely cost-burdened. Middle income families are having to moving further and further out to find housing and then have to drive longer distances for jobs and services thus contributing to our congested roads.

We now have a unique opportunity to address this issue with a transit oriented development (TOD) at the South Kirkland Park and Ride. This site, owned by King County, is located within the corporate limits of Kirkland and Bellevue. The preliminary TOD concept includes a significant share of affordable housing units to be included in a mixed income housing development at the site. We intend to involve ARCH in this effort.

Both cities would need to work cooperatively to explore the potential for this project and both cities would need to amend their respective Comprehensive Plans and zoning. The City of Kirkland is very enthusiastic about this opportunity. At our City Council retreat in 2007, the creation of affordable housing at this site through transit-oriented-development was among the top two strategies supported by the Council, and its study is included on our adopted Planning Work Program.

At a recent meeting of the Kirkland City Council, Council members heard from the King County Department of Transportation regarding its interest and general intent to move forward with the development of a TOD project at the site. The Kirkland Council concluded that we would like to proceed with the development of general "Principles of Agreement" that will outline the objectives and expectations for the project that the two cities and King County can endorse as we move forward with this effort. We look forward to working closely with the City of Bellevue on this important issue.

Sincerely,

Mayor James L. Lauinger
City of Kirkland

cc: Kirkland City Council
David Ramsay, Kirkland City Manager

Dan Stroh, Planning Director, City of Bellevue
Arthur Sullivan, ARCH
Gary Prince, King County Metro
File: ZON08-00002

# Attachment 6

June 3, 2008

Jennifer Robertson, Chair
Bellevue Planning Commission
City of Bellevue
450 110th Avenue NE
Bellevue, WA 98009

Dear Bellevue Planning Commission:

We are writing to you at a critical time for both Kirkland and Bellevue, as our cities make important decisions regarding Comprehensive Plan Amendments for this year. Last month, Kirkland's mayor wrote to Mayor Degginger to encourage him to support a request to study the Comprehensive Plan Amendment proposed by King County for consideration of transit oriented development (TOD) at the South Kirkland Park and Ride. Since this site is located within the corporate limits of Kirkland and Bellevue, our cities will need to work cooperatively to explore the potential for TOD in this location.

The City of Kirkland is very excited about this unique opportunity, as the potential exists for the development of a significant share of affordable housing units to be included in a mixed income housing development at the site. Kirkland is poised to move forward this summer with the study of a Comprehensive Plan Amendment for the site.

We are very concerned at this point, as we understand that the City of Bellevue staff is recommending that the Planning Commission not include this amendment among those to be considered this year. We urge the Bellevue Planning Commission to recommend that the City Council consider this application in the CPA 2008 annual work program. If the City of Bellevue does not move this project forward, the $6.25 million dollars in Federal funding for 250 additional parking spaces included in the Lake Washington Urban Partnership will be reallocated.

We understand that Bellevue staff is concerned that the consideration of TOD at the South Kirkland Park & Ride may have implications for future development at other Park & Ride sites located within the city of Bellevue. However, we believe strongly that the conditions at the South Kirkland Park & Ride are unique, and that the site can be viewed as an independent entity with potential that may not exist at other locations. The site's location near the freeway and office uses, its sloped topography that may enable greater height and densities, and the interest in promoting affordable housing at the site on the parts of both Kirkland and King County are distinct differences that exist only at South Kirkland.

We would like to proceed with the development of general "Principles of Agreement" that will outline the objectives and expectations for the project that the two cities and King County can

endorse as we move forward with this effort. We cannot do this important work without the participation of the City of Bellevue. We would very much appreciate your support in this effort to consider amendments to our Comprehensive Plans.

Sincerely,
KIRKLAND CITY COUNCIL

By James L. Lauinger
Mayor

cc: Bellevue City Council
Matt Terry, Planning and Community Development Director
Dan Stroh, Planning Director
File: ZON08-00002

# ATTACHMENT 7

Coal Creek Park UGB

2008 Annual Threshold Review Recommendation and Consideration of Geographic Scoping Site-Specific Amendment

## Coal Creek Park UGB

**Staff recommendation:** Recommend that the City Council **include** the Coal Creek Park UGB CPA into the 2008 annual CPA work program.

| | |
|---|---|
| Permit Number: | 08-109519 AC |
| Subarea: | Factoria/Newcastle |
| Address: | N/A |
| Applicant: | City of Bellevue |

### PROPOSAL

This application initiated by the Planning Commission would ratify King County Comprehensive Plan amendment action to amend the Urban Growth Boundary (UGB) to include all of Bellevue's unincorporated Coal Creek Park Natural Area entirely within the urban area; and it would include the relocated area within Bellevue's Potential Annexation Area (PAA); and it would establish a P/SF-M (Public/Single Family-Medium) Comprehensive Plan designation.

The purpose of this amendment is to allow for the annexation of the unincorporated portions of the park as a result of its ownership transfer from King County to Bellevue via a 2005 interlocal agreement. Annexation enables Bellevue to assure its community responsibilities to this park under the Comprehensive Plan and the Growth Management Act. These responsibilities specifically are to own, operate, and maintain parks, open space, recreation and community facilities and programs and other municipal programs, facilities and property inside its boundaries. Having the park within the city boundaries assures a sufficient stewardship role over this park, now the largest in the city's parks and open space system. Implementing Comprehensive Plan policy on property outside of the UGB is very difficult, and it is impossible to maintain park trails and restore natural environmental features to Bellevue standards represented by the Land Use Code and its Critical Areas functions.

The city has already submitted a Docket item to King County to amend the King County Comprehensive Plan through their 2008 CPA Update. This King County CPA action will move the UGB in the county's comprehensive plan so that the area may be eligible for annexation by Bellevue; this application is the parallel city action.

Actions subsequent to both of these (county and city) comprehensive plan amendments include rezoning and annexation. See Attachment A for vicinity and Comprehensive Plan maps.

### THRESHOLD REVIEW DECISION CRITERIA

The Threshold Review Decision Criteria for an initiated Comprehensive Plan Amendment proposal are set forth in the Land Use Code Section 20.30I.140. Based on the criteria,

Department of Planning and Community Development staff has concluded that the proposal **should be included** in the annual CPA work program.

This conclusion is based on the following analysis:

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

*The appropriate land use designation on the unincorporated portions of this city-owned site is a matter appropriately addressed through amendment of the Comprehensive Plan.*

B. The proposed amendment is in compliance with the three-year limitation rules set forth in LUC 20.30I.130.A.2.d; and

*The three-year limitation does not apply to this proposal to amend the site designation.*

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

*This suggestion does not raise policy or land use issues that would be more appropriately addressed by an ongoing work program.*

D. The proposed amendment can be reasonably reviewed within the resources and timeframe of the Annual Comprehensive Plan Amendment Work Program; and

*The suggestion can be reasonably reviewed within the resources and time frame of the current Annual Comprehensive Plan Amendment Work Program.*

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:

> **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).

*The proposed amendment addresses significantly changed conditions since the last time the Plan map was amended. The transfer of ownership is a significantly changed condition to the subject property because it allows for the first time the city to implement Park and Recreation element policies regarding natural area*

*restoration in Coal Creek. This is a change that has implications of a magnitude that need to be addressed for the Comp Plan to function as an integrated whole.*

*The transfer of park ownership is a significantly changed condition that was the culmination of regional coordination efforts between the city and the county. With the change in ownership, stewardship and maintenance responsibilities shifted to the city from the county. This changed condition recognizes the Parks and Open Space System Plan (2003) intent for both Regional Coordination and Preserving Open Space goals for the park.*

*The Interlocal Agreement governing the transfer redefined expectations for the continued environmental health of the park, and clearly defined the city as the responsible party. The proposed amendment is now necessary to allow the Plan to facilitate annexation. In turn, annexation facilitates the city's jurisdiction, necessary to implement these expectations under regional policy requiring all jurisdictions to use the full range of regulatory and land preservation tools available to create, maintain and steward the regional open space system which has been cooperatively identified for community character and open space development.*

; 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

*N/A.*

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

*This proposed amendment is consistent with current general policies in the Comprehensive Plan Parks and Recreation Element for park acquisition and preserving open space, and in the Annexation Element for development according to comprehensive plan policies (AN-7) and interlocal agreements to address solutions to regional concerns (AN-20). The purpose of this amendment is to allow for the annexation of the unincorporated portions of the Bellevue-owned park. Annexation enhances Bellevue's ability to assure its community responsibilities to this park under the Comprehensive Plan and the Growth Management Act.*

*The application's consistency with Comprehensive Plan policies means it is also likely consistent with policy implementation in the CPPs:*

- ***Policy FW-27*** *for all jurisdictions to cooperatively identify, establish, protect and steward...open space corridors of regional significance;*
- ***Policy CC-7*** *to include in this process the development of management plans and strategies to sustain the corridors open space benefits...;*
- ***Policy CC-11*** *to have all jurisdictions work cooperatively to ensure parks and open spaces are provided as development and redevelopment occur; and*
- ***Policy CC-12*** *requiring all jurisdictions to use the full range of regulatory and land preservation tools available to create, maintain and steward the regional open space system which has been cooperatively identified for community character and open space development.*

*The focus of these policy sets are typically larger and regional in scale, in keeping with the open space role of the park.*

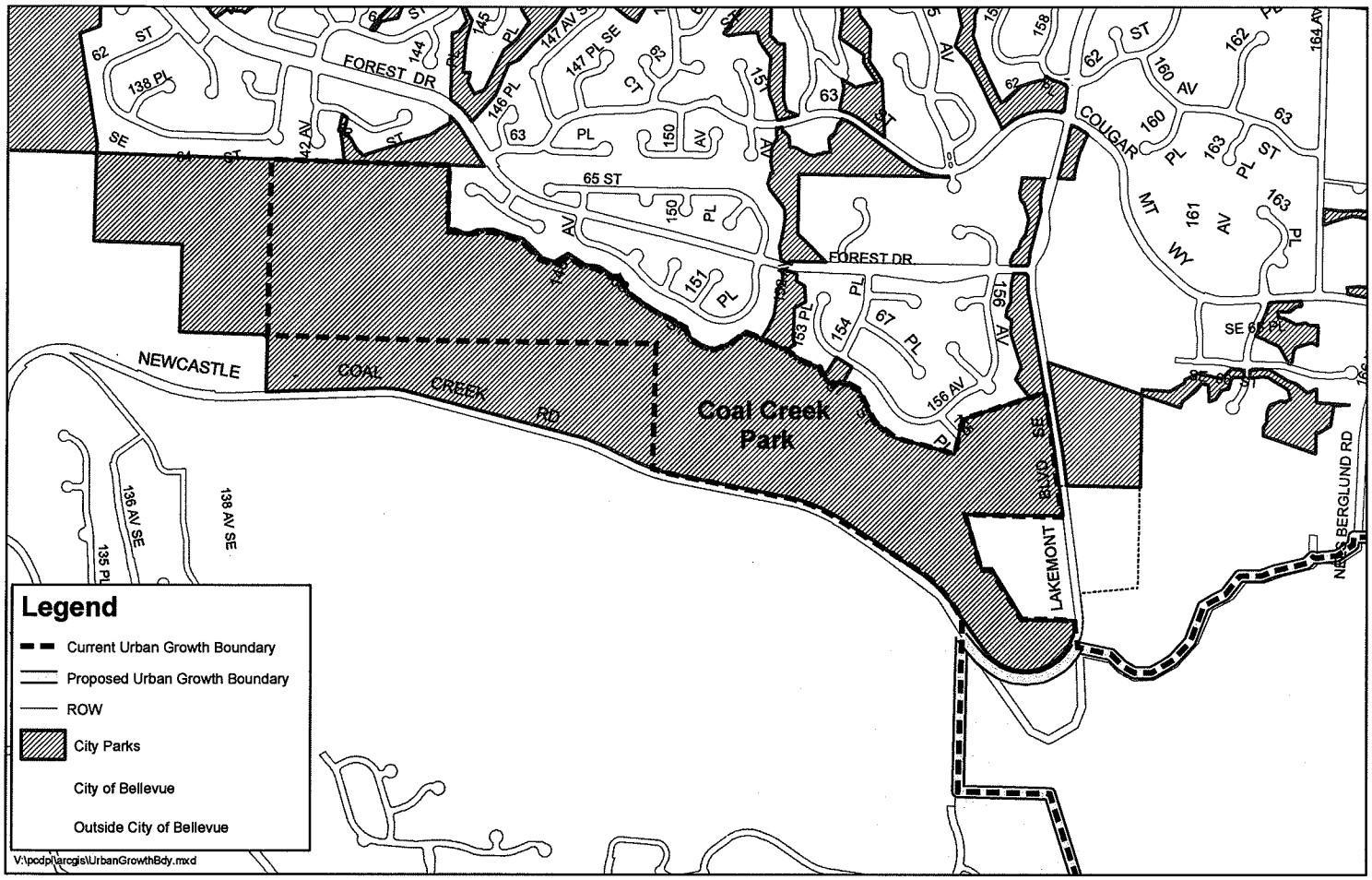
H. State law requires, or a decision of a court or administrative agency has directed such a change.

*State law at RCW 35A.14.005 prohibits annexation beyond the Urban Growth area Boundary. Moving the boundary line is necessary to realize the city's stewardship responsibilities towards this park.*

**PUBLIC COMMENT**

Several inquiry comments (see Attachment B) from adjacent residents and park users have been received on this amendment as of May 20, 2008.

# Attachment A




= 986 feet

City of Bellevue
IT Department
GIS Services

Plot Date: 7/26/2007

NORTH

## City of Bellevue

# Coal Creek Park UGB Adjustment

Map Location

This map is a graphic representation derived from the City of Bellevue Geographic Information System. It was designed and intended for City of Bellevue staff use only; it is not guaranteed to survey accuracy. This map is based on the best information available on the date shown on this map. Any reproduction or sale of this map, or portions thereof, is prohibited without express written authorization by the City of Bellevue.

NOTE: If you have specific questions concerning information contained on this map, please contact the sponsoring department as shown on this map.

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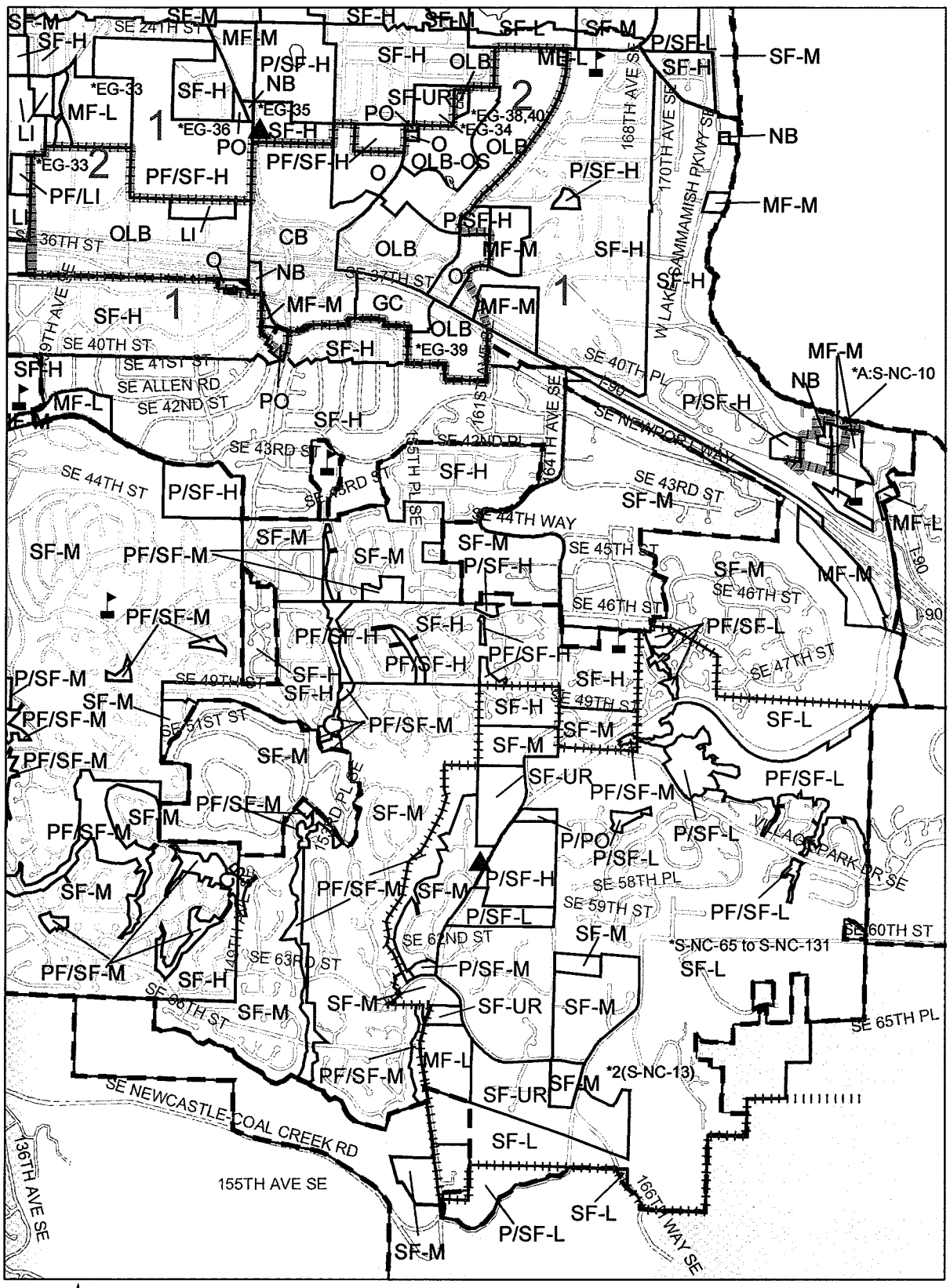


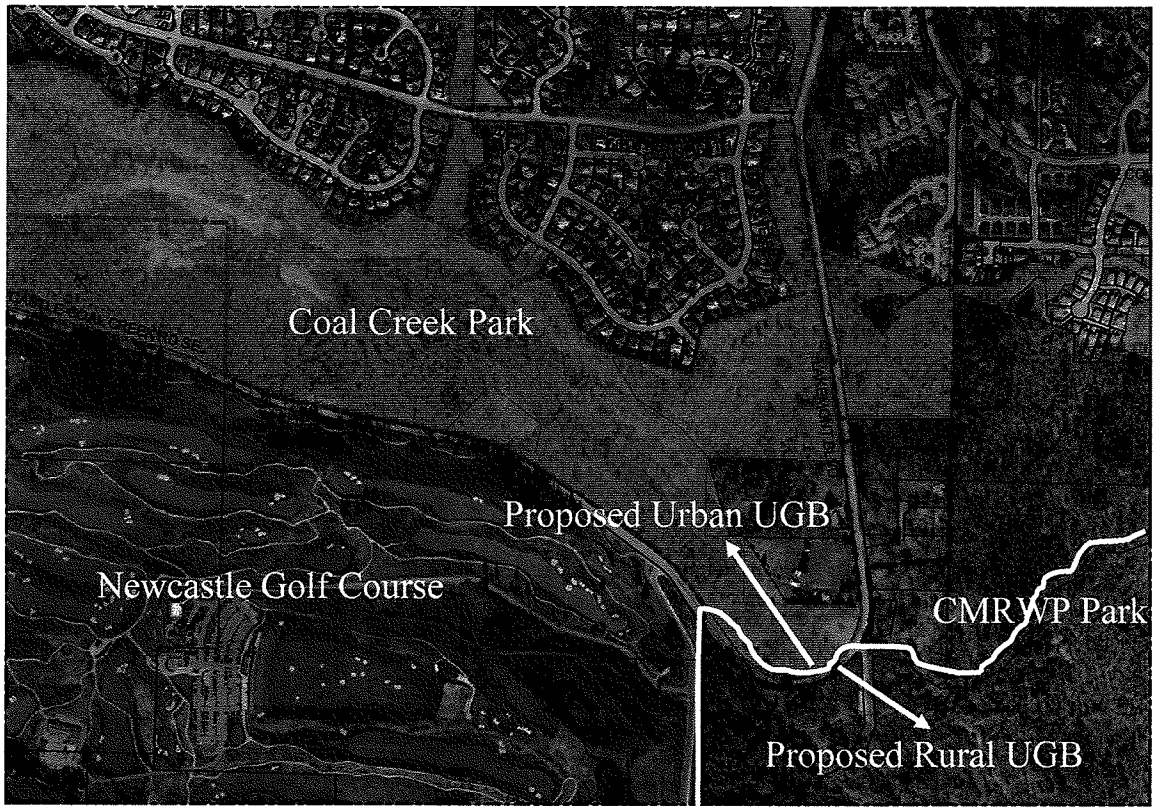

*FIGURE S-NC.2*

## Newcastle Land Use Plan

| | | | | | |
|---|---|---|---|---|---|
| SF | Single Family | PO | Professional Office | GC | General Commercial |
| MF | Multi Family | O | Office | LI | Light Industrial |
| -L | Low Density | OLB | Office, Limited Business | PF | Public Facility |
| -M | Medium Density | OLB-OS | Office, Open Space | P | Park |
| -H | High Density | NB | Neighborhood Business | | |
| -UR | Urban Residential | CB | Community Business | | |

Fire Stations
Public Schools
Planning Districts
Lakes
Bellevue City Limits (6/2005)
Village Overlay

N


Coal Creek Park
Proposed Urban UGB
Newcastle Golf Course
CMRWP Park
Proposed Rural UGB

# Attachment B

**Matz, Nicholas**

**From:** Jim Loring [design@eskimo.com]
**Sent:** Monday, April 28, 2008 5:29 PM
**To:** Matz, Nicholas
**Subject:** Re: Coal Creek UGB CPA link

Mr. Matz -

Thanks for taking the time to discuss this with me today. I'll share my notes and the Planning Commission packet material with friends as we pull all this park information together.

Regards - Jim

Jim Loring
1815 153rd Avenue South East
Bellevue, Washington 98007-6141
T 425.829.7793
E design@eskimo.com

NMatz@bellevuewa.gov wrote:

> Mr. Loring-
>
> Here is the link to the March 12 PC Study Session on the Coal Creek UGB CPA proposal:
>
> http://www.bellevuewa.gov/pdf/Planning%20Commission/PacketPlanningCommissionAgenda3-12-08c.pdf
>
> Nicholas Matz AICP
> Senior Planner
> 425 452-5371

## Matz, Nicholas

**From:** Emily C. Palmgren [emily@metsgroup.net]
**Sent:** Friday, April 25, 2008 10:10 PM
**To:** Matz, Nicholas
**Subject:** RE: application -109519-AC

Thank you Nicholas for getting back to me.
I got worried for a moment that it would be used to develop more homes but it sounds like the city will keep in as a park, just be able to maintain it?

---

**From:** NMatz@bellevuewa.gov [mailto:NMatz@bellevuewa.gov]
**Sent:** Friday, April 25, 2008 4:54 PM
**To:** Emily C. Palmgren
**Subject:** RE: application -109519-AC

Ms. Palmgren-

The city received title to Coal Creek Park in a settlement with King County. Although the city now owns it, because the county used to own it, the park is on the rural side of the boundary line dividing urban areas from rural areas under the state's Growth Management Act (GMA). This boundary line is called the Urban Growth Boundary.

The city would like to have jurisdiction over the park. We can't do this with the unincorporated portions of the park on the rural side of the UGB, because state statutes do not allow annexation of rural areas. The purpose of this amendment is to allow for the annexation of the Bellevue-owned park. Annexation enhances Bellevue's ability to assure its community responsibilities to this park under the Comprehensive Plan and the Growth Management Act. Having the park within the city boundaries assures a sufficient stewardship role over this park, because it is now the largest in the city's parks and open space system.

The application will do the following

- include the City of Bellevue's Coal Creek Park entirely within the urban area;
- include the relocated area within Bellevue's Potential Annexation Area (PAA); and
- establish a P/SF-M (Public/Single Family-Medium) Comprehensive Plan designation.

The UGB would relocate to the southern right-of-way of Newcastle-Coal Creek Parkway between the two existing points where it crosses the road now as it includes the park on the rural side of the UGB (see the PDF that I attached to this email).

The city has already submitted a Docket item to King County to amend the King County Comprehensive Plan through their 2008 CPA Update. This King County CPA action will move the UGB in the county's comprehensive plan; the Coal Creek UGB initiating action is the parallel city action.

Actions subsequent to both of these (county and city) comprehensive plan amendments include rezoning and

annexation.

Please contact me with additional questions.

Nicholas Matz AICP
Senior Planner
425 452-5371

---

**From:** Emily C. Palmgren [mailto:emily@metsgroup.net]
**Sent:** Friday, April 25, 2008 12:58 PM
**To:** Matz, Nicholas
**Subject:** application -109519-AC

Hi Nicholas,
I am a resident of the Forest Ridge neighborhood. Our home backs up to the Coal Creek Green Belt. I am curious to understand the below application.
Can you explain what area this would effect.

Thank you,
Emily

---

**From:** mshbnyehud@aol.com [mailto:mshbnyehud@aol.com]
**Sent:** Thursday, April 24, 2008 12:56 PM
**To:** Emily C. Palmgren
**Subject:**

Emily:
I'm out of town and don't have access to my Forest Ridge Estates email list. The following item was emailed out today and I thought it was worthwhile to pass it along to the neighborhood. I have no further details, but perhaps others do.
Michael

# NOTICE OF APPLICATION

**Coal Creek Park Urban Growth Boundary (UGB)**
Amend the UGB to include all of Bellevue's Coal Creek Park entirely within the urban area, include the relocated area within Bellevue's Potential Annexation Area (PAA), and establish a P/SF-M (Public-Single Family-Medium) Comprehensive Plan designation.
**Location:** generally north of Newcastle-Coal Creek Parkway and west of Lakemont Boulevard
**Subarea:** Factoria/Newcastle
**Neighborhood:** Forest Ridge
**File Number:** 08-109519-AC
**Date of Application:** March 12, 2008
**Completeness Date:** March 12, 2008
**Applicant Contact:** Nicholas Matz AICP nmatz@bellevuewa.gov
**Planner Email:** nmatz@bellevuewa.gov
**Planner:** Nicholas Matz AICP, 425-452-5371

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# ATTACHMENT 8

**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…