Bellevue Planning Commission

Wednesday, February 24, 2016
6:30 to 9:30 p.m. ▪ 1E-112 **(Please note room change)**
City Hall ▪ 450 110th Avenue NE, Bellevue

Agenda

Regular Meeting

6:30 p.m.	**1.**	**Call to Order** *Michelle Hilhorst, Chairperson*	
	2.	**Roll Call** *Michelle Hilhorst, Chairperson*	
	3.	**Approval of Agenda**	
6:35 p.m.	**4.**	**Public Comment*** *Limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic*	
	5.	**Communications from City Council, Community Council, Boards and Commissions**	
	6.	**Staff Reports**	
	7.	**Draft Minutes Review** January 27, 2016 February 10, 2016	
	8.	**Study Session**	
7:00 p.m.		A. **Eastgate/I-90 Corridor Implementing Regulations** New Office Limited Business-2 (OLB-2) zone. *Patricia Byers, Code Development Manager* *Terry Cullen, Comprehensive Planning Manager*	Pg. 1
	9.	**Public Comment*** - *Limited to 3 minutes per person*	
9:30 p.m.	**10.**	**Adjourn**	

Agenda times are approximate

Next Planning Commission Meeting – March 9

Planning Commission members

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

Mayor John Stokes, Council Liaison

Staff contacts

Terry Cullen, Comprehensive Planning Manager 425-452-4070
Emil King, Strategic Planning Manager 425-452-7223
Michael Kattermann, Senior Planner 425-452-2042
Janna Steedman, Administrative Services Supervisor 425-452-6868

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

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

City of Bellevue

PLANNING COMMISSION

DATE: February 24, 2016

TO: Chair Hilhorst and Planning Commission Members

FROM: Trish Byers, Code Development Manager, pbyers@bellevuewa.gov, 452-4241
Development Services Department
Erika Rhett, AICP, Senior Planner, erhett@bellevuewa.gov, 452-2898
Planning and Community Development

SUBJECT: Eastgate/I-90 Land Use and Transportation Project Implementation: Neighborhood Mixed Use (NMU) Zoning Code and Light Industrial (LI) Land Use Code Amendments

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DIRECTION NEEDED FROM PLANNING COMMISSION

Action
X Discussion
Information

At this study session, the Planning Commission is requested to review proposed zoning code for the OLB-2 (Office Limited Business-2) district. Discussion and direction on the proposed land use code amendments is requested but no formal action is requested at this time.

BACKGROUND

In late 2013 Council directed staff and the Planning Commission to begin work to implement the recommendations of the Eastgate/I-90 Citizen's Advisory Committee (CAC). After much study and public input, the CAC proposed a vision for Eastgate that included the following elements:

- A transit-oriented development (TOD) center near Bellevue College and the Eastgate Park and Ride
- A doubling of intensity in office and commercial areas offering a greater mix of uses to serve nearby workers and residents
- Multi-modal transportation improvements throughout the corridor, and
- A coherent corridor identity that reflects Eastgate as a gateway to Bellevue on the Mountains to Sound Greenway

Last year the Planning Commission reviewed policy changes to the Comprehensive Plan to implement the Eastgate vision. Policy changes were adopted by Council in August 2015 with the rest of the Comprehensive Plan update. Since that time the Planning Commission has held

five study sessions to review land use concepts and provide staff with preliminary guidance on the development of Land Use Code amendments that will implement the vision.

OFFICE LIMITED BUSINESS-2 (OLB-2) DISTRICT

In the *Final Report* the CAC envisioned a more dynamic and well connected office environment along both sides of the I-90 corridor. Growth would occur through infill, replacing the existing pattern of scattered office development and office parks with office development at about double the intensity (maximum FAR of 1.0). Well-designed development that includes ground floor retail, service, and restaurant uses and a pedestrian-friendly environment creates a thriving business district. The availability of transit and the proximity to the Mountains to Sound Greenway provide multi-modal options for commuting workers.

Policy implementation of this vision involved the creation of a new zoning district – the Office Limited Business-2 (OLB-2) district. The OLB-2 zone will be one of four zones that implement the Office Limited Business (OLB) land use designation. Currently, the Office Limited Business (OLB), Factoria 2 (F2) and Factoria 3 (F3) zones implement the OLB land use designation. The Comprehensive Plan defines OLB land use as: *A land use designation that provides areas for office, hotels, or motels. Uses such as eating establishments, retail sales, and services are permitted to provide the amenity of shopping and services within easy walking distance to support nearby businesses ad employees.* The proposed definition of the OLB-2 district is strongly tied to the land use designation:

> ***Office/Limited Business 2 (OLB 2)*** *– A land use district that provides areas for the location of integrated complexes made up of offices, hotels or motels, eating establishments, and retail sales within walking distance to support businesses and employees. The OLB 2 district has greater intensity and a greater mix of uses than OLB. Such districts are located in areas that abut and have convenient access to freeways, major highways and transit.*

Areas proposed to be zoned OLB-2 are shown in gold in Attachment 1.

The following Comprehensive Plan policies are based on the recommendations of the Eastgate CAC and support the proposed OLB-2 district.

> **POLICY S-EG-3.** Encourage office and retail land uses that take advantage of freeway access, transit service, and non-motorized transportation alternatives without adversely impacting residential neighborhoods.
>
> *Discussion: Intense office development can generate adverse traffic impacts and block residential views. Site design also can impact residential quality. To support this policy, office and retail development should be well designed so that it is compatible with surrounding neighborhoods and be oriented around a multi-modal transportation system that reduces vehicular congestion and traffic impacts.*

POLICY S-EG-4. Encourage the integration of restaurants and other commercial uses that serve local workers into and adjacent to office development to enhance the mix of uses within walking distance of employment areas.

Discussion: The reason for encouraging restaurants and other commercial services within office developments is to reduce vehicular traffic between the office parks and retail areas. Retail areas are intended to serve primarily local needs.

POLICY S-EG-6. Ensure that increases in impervious surface area or stormwater runoff will not increase the quantity or worsen the stormwater quality entering public drainage systems, streams, Phantom Lake, Lake Washington, and Lake Sammamish.

Discussion: Construction activities should control erosion and sedimentation. This could include seasonal limitation on grading activities, natural vegetative filtration, and use of the best available technology. Storm water quality from developments should be improved prior to discharge into the public drainage system.

POLICY S-EG-14. Improve safety, convenience, and access by ensuring that internal circulation systems are integrated with the street system to improve multimodal mobility within and between developments.

POLICY S-EG-17. Improve connectivity within the subarea for pedestrians and bicycles where opportunities exist by integrating land uses, improving roadway safety for all modes of travel, and linking commercial, office, parks, and public spaces with trails and pathways.

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

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

During a work session on October 14, 2015 the Planning Commission discussed the uses that should be allowed in the OLB-2 district. During that discussion, the commission compared the Office (O), Office Limited Business (OLB), Factoria 2 (F2), Factoria 3 (F3), Downtown Office Limited Business (DNTN-OLB), and BelRed Office/Residential (BR-OR) districts to explore what might be a good fit for the OLB-2 district. Attachment 2 includes the use tables that were prepared following that discussion.

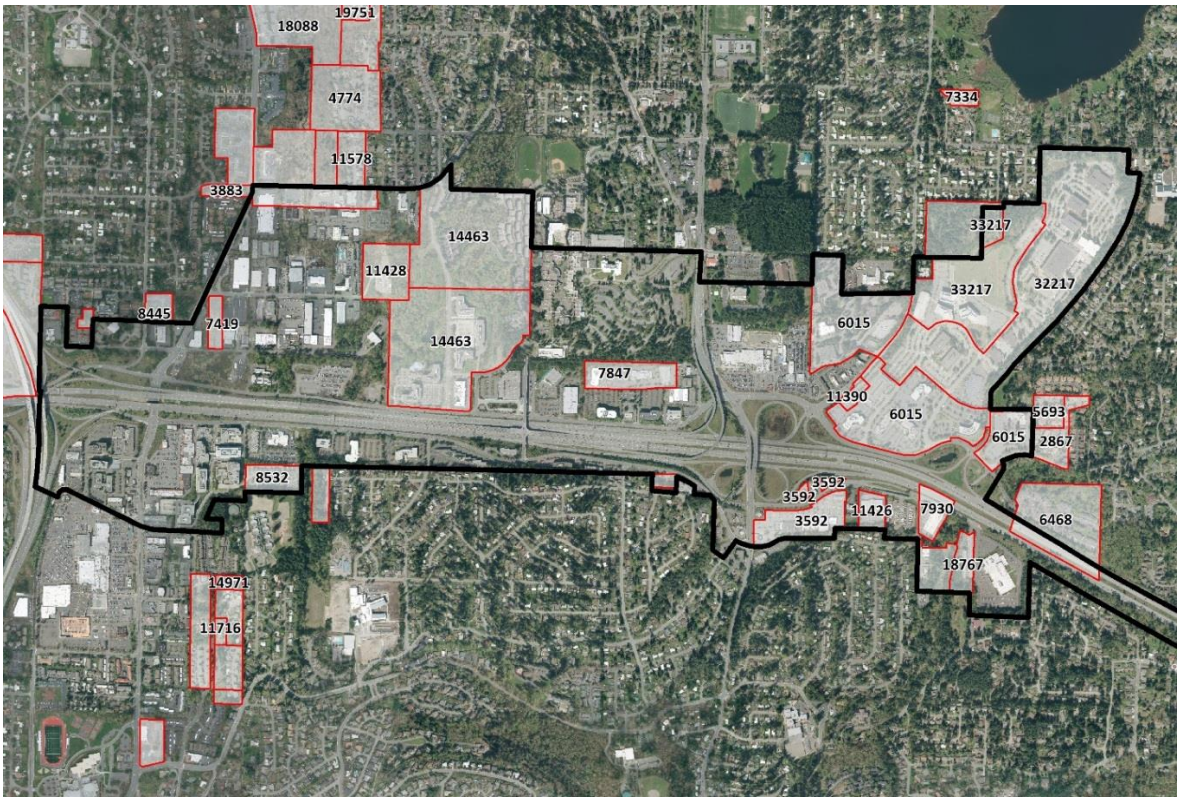
Attachment 2 also includes other proposed zoning code amendments to define the OLB-2 district. Maximum FAR[1] of 0.75-1.0 and maximum building heights of four to six stories was the

[1] FAR = Floor Area Ratio. This is a calculation of allowed development intensity that compares the amount of building area to the amount of site area. A 20,000 square foot site with a 20,000 square foot building on it would have an FAR of 1.0. The configuration of the 20,000 square foot building is

recommended level of intensity by the CAC. While the CAC recommendation establishes some basic information about the type of development that should be allowed in this area, there are several development standards still needed to fully implement the OLB-2 district. Using the same comparison zones, staff created a proposed set of development standards for Planning Commission review (Attachment 2). In order to address compatibility with nearby single-family neighborhoods, development in this district would be subject to the Transition Area Design District (TADD)[2] as well as design guidelines. Staff is drafting design guidelines that will be presented to the Planning Commission this spring.

CONCOMITANT AGREEMENTS IN THE OLB-2 AREA

In December 2015 staff provided an overview on the concomitant agreements in the Eastgate corridor. Concomitant agreements provide property-specific development regulations that could make the implementation of the Eastgate vision a challenge. At the current time, the city's strategy is to repeal all the concomitant agreements in the areas proposed for rezone with a single action. Please refer to the December 9, 2015 memo to the Planning Commission for more information.



determined by building purpose and design as well as other development standards such as maximum height and lot coverage.

[2] Most of the areas proposed for OLB-2 zoning are subject to the TADD under current zoning.

There are several concomitant agreements that exist in the area of the proposed OLB-2 zoning (Attachment 3). Some of the issues addressed in these concomitants include design and development standards that have become redundant because the city now has similar rules in place (such as the Transition Area Design District), or the provisions will be replicated in the proposed land use code for the OLB-2 district (such as requiring design review). Several of the provisions for the I-90 office park area require the construction of specific improvements such as roads, sidewalks, and traffic signals, which have already been accomplished.

It is important to note that the north half of the I-90 office park is not included in the proposed rezone to OLB-2. This area was not included in the original CAC proposal. If the southern half of the office park is rezoned and the concomitant is repealed it will only be repealed within the rezoned area. What that means is that concomitant provisions that apply to the north half of the I-90 office park will remain in place. At a future date, the property owner(s) of the north half of the I-90 office park could request a rezone to OLB-2. If so, that will require a Hearing Examiner rezone process and will allow the concomitant conditions to be addressed on an individual basis and with public notice and involvement.

NEXT STEPS

Staff will continue to bring land use code amendments forward to the Planning Commission for review. This includes proposed zoning codes for the EG-TOD district, a public amenity incentive system, and proposed design guidelines for the corridor. After initial Planning Commission review of the proposed land use code, a public hearing will be scheduled. Public outreach on specific issues will occur concurrently with Planning Commission review and general outreach will be conducted prior to the public hearing.

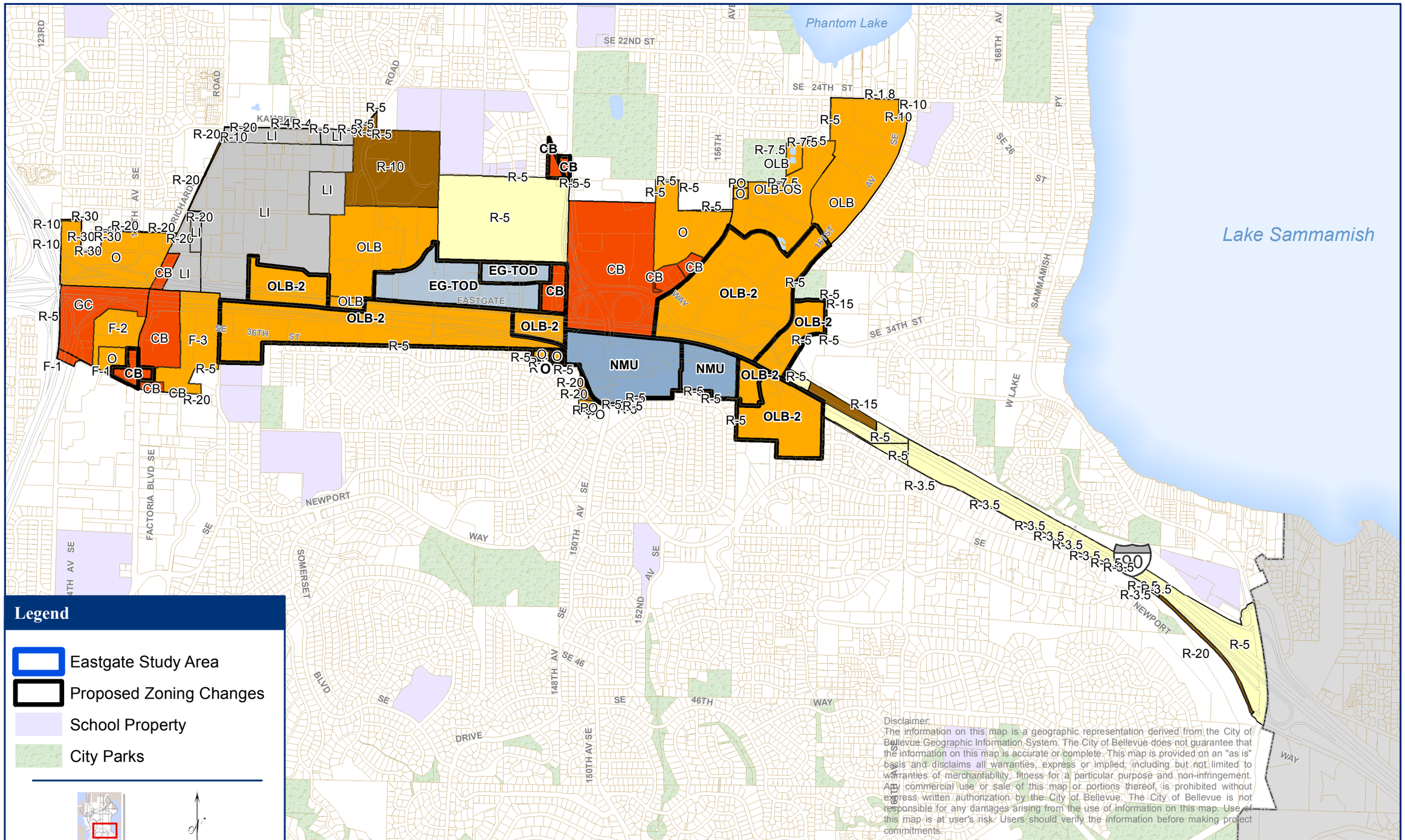
At the Planning Commission meeting on January 27, 2016 there were two aspects of the proposed Neighborhood Mixed Use (NMU) code that were not discussed prior to the end of the meeting: the proposed development standards table and the resolution of the concomitant agreements in the proposed NMU area. Staff will bring back the NMU development standards table for discussion at the meeting where it introduces development standards for the TOD area. Since the concomitant agreements for the NMU area primarily dealt with issues that will be addressed in the design guidelines, it would be appropriate to hold that discussion until the design guidelines are introduced.

DISCUSUSSION QUESTIONS

- Are the use tables for the OLB-2 district consistent with the Eastgate vision and the Planning Commission direction?
- Are the development standards for the OLB-2 district consistent with the Eastgate vision?
- Are there any concerns about removing the concomitant agreements in place for this district?

ATTACHMENTS

1. Map showing proposed OLB-2 Areas
2. Proposed Land Use Code Amendments
3. Concomitant Zoning Agreements in effect for properties proposed to be zoned OLB-2.



Legend

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

0 425 850 1,700 2,550 Feet

0 0.15 0.3 0.45 0.6 Miles

Sources:
City of Bellevue

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

Proposed Eastgate Zoning

Map B - February 2016

City of Bellevue
GIS Services

Date: 2/11/2016 File Name: V:\pcdp\arcgis\EastgatePlan_2014\ZoningMaps\EastgateLU_ProposedZoning_MapB_20Feb2016_17x11.mxd

IT Department

PROPOSED EASTGATE OLB-2 DISTRICT

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20.10.285 Office/Limited Business 2 (OLB 2) – A land use district that provides areas for the location of integrated complexes made up of offices, hotels or motels, eating establishments, and retail sales within walking distance to support businesses and employees. The OLB 2 district has greater intensity and a greater mix of uses than OLB. Such districts are located in areas that abut and have convenient access to freeways, major highways and transit.

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20.25__.___ Land use charts.

Uses in land use districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Office/ Limited Business 2
		OLB 2
2 and 3	Manufacturing (1,4)	
21	Food and Beverage Products Mfg.	
22	Textile Products Mfg.	
23	Apparel, Fabric, Accessories and Leather Goods Mfg.	
24	Lumber and Wood Products Mfg.	
25	Furniture and Fixtures Mfg.	
26	Paper Products Mfg.	
27	Printing, Publishing and Allied Industries	
28	Chemicals and Related Products Mfg.	
31	Rubber Products Mfg.	
314	Misc. Plastic Products Mfg.	
321 322 324 325 327	Light Stone, Clay, and Glass Products Mfg.; Glass, Pottery and China Ceramic Products, Stone Cutting and Engraving	
329	Handcrafted Products Mfg.	

STD LAND USE CODE REF	LAND USE CLASSIFICATION	**Office/ Limited Business 2**
		OLB 2
3427	Computers, Office Machines and Equipment Mfg.	
3433 3434 3435 3436 3437	Electrical Equipment Mfg.; Appliances, Lighting, Radio, TV Communications, Equipment and Component Parts	
3491 3492 3493 3495 3497	Fabricated Metal Products Mfg.; Containers, Hand Tools, Heating Equipment, Screw Products, Coating and Plating	
35	Measuring, Analyzing and Controlling Instruments, Photographic, Medical and Optical Goods; Watches and Clocks Mfg.; Computer Software	P
3997	Signs and Advertising Display Mfg.	
3999	Misc. Light Fabrication Assembly and Mfg. Not Elsewhere Classified	

Notes: Uses in land use districts – Manufacturing[1]

(1) Manufacturing uses exclude concrete batch plants and primary metal industries such as foundries, smelters, blast furnaces and rolling mills.

(2) Paper products manufacturing excludes paper and pulp manufacturing in LI Districts.

(3) Manufacture of flammable, dangerous or explosive materials is excluded in LI Districts.

(4) An office is permitted if accessory and subordinate to a manufacturing use.

[1] *Code writer's note: The changes shown to the notes for all of the following land use tables only reflect proposed changes for the Eastgate project. Proposed footnote changes related to other land use code amendments (such as those for Downtown Livability) are not reflected here.*

(5) Food and beverage public tasting rooms are permitted only as a subordinate use to the manufacturing use.

(6) Permitted only when combined with an eating and drinking establishment.

(7) Permitted only when combined with a retail store.

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Chart 20.25___.___

Uses in land use districts

		Recreation – Nonresidential Districts
STD LAND USE CODE REF	**LAND USE CLASSIFICATION**	**Office/ Limited Business 2** **OLB 2**
7	Cultural Entertainment and Recreation	
711	Library, Museum	P
7113	Art Gallery	P
712	Nature Exhibitions: Aquariums, Botanical Gardens and Zoos	
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but Excluding School Facilities	A
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs	P
7213	Drive-In Theaters	
	Adult Theaters (7)	P
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go-Cart Tracks, BMX Tracks and Skateboard Tracks	
73	Commercial Amusements: Video Arcades, Electronic Games	
7411	Recreation	

Recreation – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Office/ Limited Business 2 OLB 2
7413 7422 7423 7424 7441 7449	Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools (2,11)	C
744	Marinas, Yacht Clubs	
7413 7414 7415 7417 7425	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreation Instruction	A8
7491 7515	Camping Sites and Hunting Clubs	
76	Private Leisure and Open Space Areas Excluding Recreation Activities Above	P
	Public/Private Park	P
	Stables and Riding Academies	
	Boarding or Commercial Kennels	
	City Park* (10)	P/C

Notes: Uses in land use districts – Recreation

(2) For carnivals, see LUC 20.20.160.

(3) Recreation activities do not include athletic clubs in O, LI and GC Districts.

(7) Adult theaters are subject to the regulations for adult entertainment uses in LUC 20.20.127.

(8) Athletic and health clubs are permitted without administrative conditional use approval if subordinate to a permitted use.

(9) Recreation activities are restricted to health clubs, recreation instruction, and gymnasiums in NB Districts and the total floor area for all combined recreation activity uses may not exceed 5,000 square feet per NB site.

*(10) City parks are generally permitted in all zones. However, the following types of uses or facilities in City parks in single-family or R-10 zones require conditional use approval: lighted sports and play fields, sports and play fields with amplified sound, community recreation centers, motorized boat ramps, and beach parks on Lake Washington, Lake Sammamish, Phantom Lake and Larson Lake. Nonrecreation uses in City parks in all zones outside the Downtown require conditional use approval, except that the permit requirements for wireless communication facilities shall be as set forth in LUC 20.20.195. For purposes of this requirement, "nonrecreation use" means a commercial, social service or residential use located on park property but not functionally related to City park programs and activities.

(11) See LUC 20.20.190 for additional regulations.

* Not effective within the jurisdiction of the East Bellevue Community Council.

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Chart 20.25__.__

Uses in land use districts

	Residential – Nonresidential Districts	
STD LAND USE CODE REF	**LAND USE CLASSIFICATION**	**Office/ Limited Business 2** **OLB 2**
1	Residential	
	Single-Family Dwelling (3)	
	Two to Four Dwelling Units Per Structure (6)	P
	Five or More Dwelling Units Per Structure (6)	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities (16)	P
	Rooming House (17)	P
	Senior Citizen Dwellings (4,7*)	P
13 15	Hotels and Motels Transient Lodging	P
	Congregate Care Senior Housing (4,7*,16)	P
6516	Nursing Home	P

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential – Nonresidential Districts **Office/ Limited Business 2** **OLB 2**
	(7*,16)	
	Assisted Living (4,7*)	C
	Accessory Dwelling Unit (9)	

* Not effective within the jurisdiction of the East Bellevue Community Council.

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Notes: Uses in land use districts – Residential

(3) A boardinghouse or bed and breakfast is permitted in a single-family dwelling, provided the requirements of LUC 20.20.140 are met.

(4) An agreement must be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain in perpetuity as senior housing.

(7) In Planning Districts A and B of the Crossroads Subarea and in Planning District E of the Crossroads Subarea north of NE 8th Street, existing legal nonconforming multifamily uses can be converted to senior citizen housing, congregate care senior housing, assisted living or nursing homes. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.*

(8) These residential uses are permitted in NB Districts only if located on the second floor and above the permitted ground floor nonresidential uses.

(9) Accessory dwelling units are permitted only as subordinate to single-family dwellings and are subject to the provisions of LUC 20.20.120.

(16) See LUC 20.20.190 for additional regulations.

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

* Not effective within the jurisdiction of the East Bellevue Community Council.

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Chart 20.25_.___

Uses in land use districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Resources – Nonresidential Districts **Office/ Limited Business 2** **OLB 2**
8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)	
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs	
	Marijuana Production	
8192	Other Horticultural Specialties: Medical Cannabis Collective Gardens (4)	
821	Agricultural Processing	
	Marijuana Processing	
8221	Veterinary Clinic and Hospital (5)(7)	P
8222	Poultry Hatcheries	
83	Forestry, Tree Farms and Timber Production	
8421	Fish Hatcheries	
85	Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction	

Notes: Uses in land use districts – Resources

(1) In the R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20, R-30, NB, PO, O, OLB, F1, F2, F3, LI, GC, NMU, and CB Districts agriculture is limited to the production of food and fiber crops.

(2) Agriculture processing excludes grain mill products manufacturing and slaughtering in LI Districts.

(4) Medical cannabis collective gardens are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

(5) See LUC 20.20.130.E for additional regulations.

(6) See LUC 20.20.535 for general development requirements for marijuana uses.

(7) Boarding and commercial kennels are permitted as a subordinate use to a veterinary clinic and hospital meeting the criteria of LUC 20.20.130.

Chart 20.25_.___

Uses in land use districts

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*Not effective within the jurisdiction of the East Bellevue Community Council.

Services – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	**Office/ Limited Business 2**
		OLB 2
6	Services	
61	Finance, Insurance, Real Estate Services	P
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair	P
6241	Funeral and Crematory Services	
6262	Cemeteries	
629	Child Care Services (3,4)	
	Family Child Care Home in Residence	P
	Child Day Care Center	P
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies and Employment	P
634	Building Maintenance and Pest Control Services	
637	Warehousing and Storage Services, Excluding Stockyards	
639	Rental and Leasing Services: Cars, Trucks, Trailers,	

Services – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	**Office/ Limited Business 2**
		OLB 2
	Furniture and Tools	
641	Auto Repair and Washing Services (26)	
649	Repair Services: Watch, TV, Electrical, Upholstery	
	Professional Services: Medical Clinics and Other Health Care Related Services	P
	Professional Services: Other	P
	Pet Grooming and Day Care (28)	P
6513	Hospitals	C
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape	
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions	A
672 673	Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops	A
	Limited Governmental Services: Protective Functions (21)	P
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions (22)	P
674 675	Military and Correctional Institutions (27)	
	Secure Community Transition Facility	

Services – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	**Office/ Limited Business 2**
		OLB 2
	(23,24)	
681	Education: Primary and Secondary (25,27)	A
682	Universities and Colleges (27)	P
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P
691	Religious Activities (27)	P
692 (A)	Professional and Labor Organizations Fraternal Lodge	P
692 (B)	Social Service Providers	P
	Administrative Office – General	P
	Computer Program, Data Processing and Other Computer-Related Services	P
	Research, Development and Testing Services	P

Notes: Uses in land use districts – Services

(1) Finance, insurance, real estate services are permitted only if commercially or industrially related in LI Districts.

(2) Personal services are permitted in LI Districts only if located in a multiple function building or complex.

(3) Refer to Chapter 20.50 LUC for definitions of child care service, family child care home, and child day care center.

(4) A child care service may be located in a community facility in any land use district pursuant to LUC 20.20.170.E.

(5) These uses are permitted in LI Districts only if located in a multiple function building or complex.

(6) Automobile rental and leasing services require administrative conditional use approval and are subject to the decision criteria in LUC 20.20.135.

(8) Auto repair and washing services are permitted only if washing services are a subordinate use to a permitted or special use in Downtown-MU Districts.

(9) Professional services are permitted in LI Districts only if located in a multiple function building or complex.

(10) Governmental services include maintenance shops in LI and GC Districts.

(21) Uses are limited to neighborhood community police stations of 1,000 square feet or less.

(22) Uses are limited to 1,000 square feet, except for protective functions which are limited to community police stations of 1,500 square feet or less.

(23) No portion of a property on which a Secure Community Transition Facility is proposed to be located may be within 300 feet of the boundary of any land use district within which the SCTF use is prohibited. The required 300 feet shall be measured in accordance with the policy guidelines established by the Department of Social and Health Services pursuant to RCW 71.09.285(4), now or as hereafter amended.

(24) Secure Community Transition Facilities are subject to the regulations for Secure Community Transition Facilities in LUC 20.20.750.

(25) Primary and secondary educational facilities are an administrative conditional use in all land use districts; provided, that in all residential land use districts and the DNTN-R District a Conditional Use Permit is required for:

(a) The siting of such educational facility on a site not previously developed with an educational facility; or

(b) The addition to or modification of a site previously developed with an educational facility where that addition or modification involves:

(i) An increase of 20 percent or more in the number of students occupying the school. The increase shall be measured against the number of students for which the school was designed prior to the addition or modification, without regard to temporary structures that may have been added to the site over time. If there is no information establishing the number of students for which the school was originally designed, then the increase shall be measured against the average number of students occupying the school in the three academic years immediately preceding the proposed addition or modification; or

(ii) A change in the age group of students occupying the school, or the addition of an age group where such age group was not previously served at the school, except that the addition of students younger than kindergarten age consistent with the definition of school in LUC 20.50.046 shall not be considered a change in the age group of students or an addition of an age group for purposes of this subsection. For purposes of this subsection, age group refers to elementary, middle, junior or high school, as defined and used by the school district operating the school; or

(iii) The addition of facilities or programs that may result in impacts not anticipated at the time the original school was developed, including, for example: development of lighted ballfields or the addition of lighting to existing ballfields; development of an exterior sound amplification system; development of fixed outdoor seating; or a proposal to increase the height of the facility pursuant to LUC 20.20.740.A.3.b.

(27) See LUC 20.20.190 for additional regulations.

(28) Boarding and commercial kennels are permitted as a subordinate use to pet grooming or pet day care if they meet the criteria of LUC 20.20.130.

Chart 20.20_.___

Uses in land use districts

Transportation and Utilities – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Office/ Limited Business 2
		OLB 2
4	Transportation, Communications and Utilities	
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters	
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)	
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C12
	Accessory Parking (6)(24)	P
46	Auto Parking: Commercial Lots and Garages (24)	
	Park and Ride (5) (24)	C
475	Radio and Television Broadcasting Studios	P
485	Solid Waste Disposal (19)	

Transportation and Utilities – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Office/ Limited Business 2 OLB 2
	Highway and Street Right-of-Way (24)	P
	Utility Facility	C
	Local Utility System	P
	Regional Utility System	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)	A
	Off-Site Hazardous Waste Treatment and Storage Facility (8)	
	Essential Public Facility (20)	C
	Regional Light Rail Transit Systems and Facilities (25)	C/P
	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Office/ Limited Business
	Satellite Dishes (18)	P
	Electrical Utility Facility (22)	A/C 22

Notes: Uses in land use districts – Transportation and Utilities[1]

(5) Park and Ride. A park and pool lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area

of an existing use shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a Conditional Use Permit.

(6) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to LUC 20.10.440.

(7) On-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 are only permitted as administrative conditional use approvals as a subordinate use to a permitted or special use. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.

(8) Off-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.

(10) These uses are permitted only if located in a multiple function building or complex.

(12) Aircraft transportation is limited in these districts to government and hospital heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.

(13) Design Review approval, Part 20.30F LUC, or a Change of Use Permit is required to establish a commercial parking facility. Refer to LUC 20.25A.050E for additional development requirements.

(14) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use. This note does not prohibit locating WCF: a) on any residential structure or undeveloped site in R-20 or R-30 Land Use Districts; or b) on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any residential land use district.

(16) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast and relay facilities.

(19) Refer to LUC 20.20.820 for general requirements applicable to solid waste disposal facilities.

(20) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).

(21) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.400, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.

(22) For the definition of electrical utility facility, see LUC 20.50.018, and for reference to applicable development regulations relating to electrical utility facilities, see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by Figure UT.5a of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC, complete an alternative siting analysis as described in LUC 20.20.255.D and comply with decision criteria and design standards set forth in LUC 20.20.255. For expansions of electrical utility facilities not proposed on sensitive sites as described by Figure UT.5a, the applicant shall obtain Administrative Conditional Use Permit approval under Part 20.30E LUC and comply with decision criteria and design standards set forth in LUC 20.20.255.

(23) Battery Exchange Stations are ancillary to Motor Vehicle Transportation, and are permitted through the applicable review process as a component of that use. Operators of Battery Exchange Stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.

(24) Electric Vehicle Infrastructure, excluding Battery Exchange Stations, is ancillary to motor vehicle parking and highways and rights-of-way, and is permitted through the applicable review process as a component of that use.

(25) Refer to Part 20.25M LUC, Light Rail Overlay District, for specific requirements applicable to EPF defined as a regional light rail transit facility or regional light rail transit system pursuant to LUC 20.25M.020. A conditional use permit is not required when the City Council has approved a regional light rail transit facility or regional light rail transit system by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

Chart 20.25_.___

Uses in land use districts

		Wholesale and Retail – Nonresidential Districts
STD LAND USE CODE REF	**LAND USE CLASSIFICATION**	**Office/ Limited Business**
		OLB 2
5	Trade (Wholesale and Retail) (39)	
51	Wholesale Trade: General Merchandise, Products, Supplies, Materials and Equipment except the following: (1)	
5111 5156 5157 5191 5192	Wholesale Trade: Motor Vehicles, Primary and Structural Metals, Bulk Petroleum (2)	
5193	Scrap Waste Materials, Livestock	
	Recycling Centers	
521 522 523 524	Lumber and Other Bulky Building Materials Including Preassembled Products (3)	
5251	Hardware, Paint, Tile and Wallpaper (Retail)	
5252	Farm Equipment	
53	General Merchandise: Dry	P

Wholesale and Retail – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Office/ Limited Business OLB 2
	Goods, Variety and Dept. Stores (Retail)	
54	Food and Convenience Store (Retail) (27)	P
5511	Autos (Retail)	P
	Trucks, Motorcycles, Recreational Vehicles (Retail)	
	Boats (Retail)	
552	Automotive and Marine Accessories (Retail)	
553	Gasoline Service Stations (40)	A 34
56	Apparel and Accessories (Retail)	P
57	Furniture, Home Furnishing (Retail)	
58	Eating and Drinking Establishments (16)	P 28
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies	P
	Adult Retail Establishments (31)	
59	Marijuana Retail Outlet	
5961	Farm Supplies, Hay, Grain, Feed and Fencing, etc. (Retail)	
596	Retail Fuel Yards	
5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries and Light Supplies and Tools	
5999	Pet Shop Retail	P

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Wholesale and Retail – Nonresidential Districts Office/ Limited Business OLB 2
	Computers and Electronics (Retail)	P

*Not effective within the jurisdiction of the East Bellevue Community Council.

Notes: Uses in land use districts – Wholesale and Retail

(1) Wholesale trade includes sales offices for these goods.

(2) Wholesale trade of motor vehicles, primary and structural metals, and bulk petroleum includes sales offices for these goods and excludes tank farms.

(3) Bulk retail includes sales offices for these goods.

(4) Automobile (retail) is subject to the decision criteria in LUC 20.20.135.

(6) Retail auto sales are permitted only in the following locations:

West of 148th Avenue SE between SE Eastgate Way and Bellevue College, on properties fronting wholly or partially on 148th Avenue SE. Retail auto sales located in this area shall be subject to design review per Part 20.30F LUC, which shall in particular address and control spillover lighting, and associated vehicle inventory storage shall predominantly occur within a building or buildings. Transition area landscape buffers consistent with LUC 20.25B.040.C shall be provided along interior property lines that abut properties located within OLB and LI land use districts.[2]

(7) Motorcycle (retail) requires administrative conditional use approval in LI Districts.

(11) Furniture and home furnishings are limited to uses with on-site warehousing in LI Districts.

(12) Computer supplies are permitted as a subordinate use to computer sales in LI and GC Districts.

(15) Eating and drinking establishments are permitted in LI Districts only if located in a multiple function building or complex.

(16) Eating and drinking establishments may include liquor sales only if operated under a Class A or C liquor license issued by the Washington State Liquor Control Board. Eating and drinking establishments with other classes of liquor licenses require administrative conditional use approval.

[2] *Code writer's note: Footnote 6 is currently applied to Auto Sales in the OLB but the property referred to in this footnote is proposed to be rezoned from OLB to CB as part of the Eastgate project. As a result, the footnote should be removed from OLB zone and placed on the CB zone.*

(20) Garden supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment in NB, CB, F1, NMU and Downtown-MU Districts.

(24) No on-site outdoor display or inventory storage.

(27) Food and convenience stores (retail) must contain at least 75 percent square footage of retail food sales not for consumption on premises.

(28) Drive-in windows are not permitted.

(31) Adult retail establishments are subject to the regulations for adult entertainment uses in LUC 20.20.127.

(34) Gasoline service stations may include subordinate convenience stores.

(35) Any business which combines two or more permitted retail sales uses and also includes subordinate retail sales uses shall be limited in size to 50,000 square feet.

*(36) Retail uses in CB Districts in the following subareas, as designated in the Comprehensive Plan, are limited in size to 100,000 gross square feet or less: Bridle Trails, Evergreen Highlands, Newcastle, North Bellevue, Northeast Bellevue, Richards Valley, South Bellevue, Southeast Bellevue, and Wilburton; provided, that in CB Districts in the Wilburton Subarea, retail uses may be allowed to exceed 100,000 gross square feet through a Council-approved development agreement that is consistent with Chapter 36.70B RCW and includes design guidelines that (a) address the potential impacts of that scale of retail use, and (b) are consistent with the vision of Comprehensive Plan Policy S-WI-3 regarding the creation of a "retail village" on the commercial area west of 120th Avenue NE.

(39) All wholesale and retail uses, which offer shopping carts to customers, shall (a) designate a shopping cart containment area as defined in BCC 9.10.010; (b) display signage around shopping cart corrals and at the perimeter of the shopping cart containment area that provides notice that unauthorized removal of a shopping cart from the premises constitutes theft under RCW 9A.56.270 and unauthorized abandonment of a shopping cart more than 100 feet away from the parking area of a retail establishment or shopping cart containment area is a Class 3 civil infraction as defined in RCW 7.80.120; and (c) display information on each shopping cart that is consistent with the labeling requirements of RCW 9A.56.270 and includes a 24-hour toll-free phone number to report abandoned shopping carts. Abandoned shopping carts or shopping carts located outside of a shopping cart containment area constitute a public nuisance under BCC 9.10.030(H) and may be abated through the provisions of Chapter 1.18 BCC.

(40) Battery Exchange Stations are ancillary to Gasoline Service Stations, and are permitted through the applicable review process as a component of that use. Operators of Battery Exchange Stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.

(41) See LUC 20.20.535 for general development requirements for marijuana uses.

(42) In the NMU district, microbreweries are allowed when combined with an eating and drinking establishment.

[1] *Code reviser's note: Ordinance 6016 amends these notes and unintentionally omits the amendments made by Ordinance 5989. At the city's request, the amendments of Ordinance 5989 have been retained.*

AREAS PROPOSED FOR OLB-2 REZONE *Repeal these concomitants and ordinances in the legislative rezone ordinance*		
Concomitant	**Condition**	**Response**
Concomitant: 7930 Ordinance: 3162 (1982) Root Sports 3626 156th SE Eastgate Subarea	Development of this site shall be limited to wholesale trade uses (general merchandise) and office uses. The specific Land Use Code reference numbers of the permitted uses include numbers 51, 61, 63, 65, and office general. Other appropriate general commercial uses may be permitted only if reviewed and approved through the conditional use process.	The restriction on uses is not consistent with the Eastgate vision and should be repealed.
	If uses on the site change or the parking demand otherwise increases, the appropriate number of additional parking stalls required by the Land Use Code shall be provided on the site at that time unless previously provided and marked.	This is required by code.
Concomitant: 8532 Ordinance: 3276 (1983) Homestead Suites 3700 132nd SE Factoria Subarea	OLB design review required by Section 20.25C of the Land use Code shall include consideration of building design, landscaping, parking, access, exterior lighting, signing and preservation of existing vegetation. Specific attention shall be given to the steep slopes on the southern end of the property to the ravine to insure that no significant environmental impacts occur as a result of development of that site.	This is required by code.
	Development of the site shall include the retention of the large evergreen trees located along the south property line.	This requirement was met. Future protection of large stands of trees is supported by policy in the Factoria subarea plan.
	Cut and fill activities and construction of any rockeries shall take place outside the drip lines of any existing significant trees.	This is required by code.
I-90 Corporate Campus and the portions of the Sunset Village Area near 156th Ave SE[1]		
Concomitant: 6015 Ordinance: 2818 (1980) I-90 Corporate Campus and most of the eastern half of the Sunset Village area Eastgate Subarea <u>EDITS:</u> Concomitant: 33217 Ordinance: 5418 (2002) I-90 office park: Advanta, Boeing 15900 SE Eastgate Way Eastgate Subarea	AREA (A) a. A perimeter buffer shall be established 30 feet from the property line on the easterly portion adjoining 156th Avenue S.E. and along the north property line in the vicinity of 153rd Avenue S.E.	This type of condition is now addressed by the transition design district. Transition design requirements will be supported by policy and implemented in code. Although, the buffer would presently only be 20 feet under the current code.
	AREA (A) b. Administrative design review shall be required prior to the issuance of the building permit and shall include landscaping, vegetation, circulation, parking, access, building design and exterior treatment.	Design review will be required for this area by policy and zoning code.
	AREA (B) a. A vegetative buffer will be retained on 161st Avenue S.E. extending 60 feet west from the property line.	This requirement was met and recorded as a buffer in which no building is allowed as part of the plat CC&F I-90 Business Park, Division 1 Instrument number 198203180677. Future development could potential modify this requirement. This type of condition is now addressed by the transition design district. Transition design requirements will be supported by policy and implemented in code. Although, the buffer would presently only be 20 feet under the current code.
	AREA (B) b. A continuous vegetative buffer will be retained along S.E. 24th Street extending 100 feet south from the property line. Said perimeter buffer shall then extend south and west along the subject property to proposed Detention Pond A. This portion of the buffer shall be 60 feet in depth. Detention Pond B shall be located no closer than 60 feet from S.E. 24th and shall be landscaped in accordance with the landscape plan required under Drainage Recommendation 1 of the Hearing Examiner. Location and depth of the landscape treatment adjacent to the school site shall be determined by the administrative design review process~~. In view of the steep terrain and the adequacy of sight screening by existing standing trees and other vegetation a 30 foot buffer from the property line shall be required on the west perimeter of Area (B) fronting on 156th Avenue S.E.~~ <u>In view of the steep terrain and the adequacy of sightscreening by existing standing trees and other vegetation, a 30-foot buffer from the property line shall be required on the west perimeter of Area (B) fronting on 156th Avenue S.E.; except that in view of the steep terrain, sightscreening offered by existing vegetation and increased heights allowed, a 50-foot buffer from the property line shall be required on the west perimeter of Area (B), Parcel 1, New Campus fronting on 156th Avenue S.E.</u>	This type of buffering and screening condition is addressed by the transition design district and through typical design review. Transition design requirements and design review will be supported by policy and implemented in code. Although, the buffer would presently only be 20 feet under the current code. Detention pond requirements have been met. Redevelopment on this site or an amendment to the Design Review could eliminate this requirement if no concomitant is in place.

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

AREAS PROPOSED FOR OLB-2 REZONE *Repeal these concomitants and ordinances in the legislative rezone ordinance*		
Concomitant	**Condition**	**Response**
	The existing trees within the perimeter area should be retained and 25 feet of the buffer area on the interior of the site shall be planted with a mixture of medium scale evergreen trees and shrubs to add to the visual buffer from adjacent properties.	
Continued… Concomitant: 6015 Ordinance: 2818 (1980) I-90 Corporate Campus and most of the eastern half of the Sunset Village area Eastgate Subarea <u>EDITS:</u> Concomitant: 33217 Ordinance: 5418 (2002) I-90 office park: Advanta, Boeing 15900 SE Eastgate Way Eastgate Subarea	AREA (B) c. Administrative design review shall be required prior to the issuance of the building permit and said review shall include landscaping, circulation, building design, and exterior treatment.	Design review will be required for this area by policy and zoning code. *This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.*
	AREA (B) a. That section of Area (B) south of the LI designated area and recommended for OLB zone shall be subject to development standards of the OLB zoning district.	This is required by code.
	AREA (B) e. The proposed hotel located in the OLB zone shall be limited to a maximum of 300 or less rooms.	This requirement has been met.
	AREA (B) f. ~~Because of the broad range of uses permitted in the LI zoned area, uses requiring outside storage in residential transition zones as marked on the preliminary plat map and uses that are exclusively retail in character are prohibited. The following uses shall be prohibited in the LI zone:~~ ~~1) Residential development.~~ ~~2) All uses within Wholesale and Retail District except Standard Land Use Code Reference No. 51. Food service establishments shall be permitted when primarily operated for the benefit of on-site employees.~~ ~~3) All uses within the transportation and utilities district will require a conditional use, provided a conditional use will not be required for power sub-stations and electrical generation facilities which serve the site. However, all such power sub-stations and electrical generation facilities must be totally sight screened from any surrounding residentially zoned property and must be designed and constructed in such a manner that they result in not increase in noise level above that existing at the time of this reclassification, measured at the property line of the site. "Noise level" as used in this section shall mean the average noise level measured over a 24 hour period, excluding noise caused by aircraft.~~ ~~4) All uses within the Services District with the exception of Standard Land use Code References Nos. 63, 634 and 637.~~ ~~5) All uses within the Recreation Land use District except Standard Land Use Code Reference No. 76.~~ ~~6) All uses within the Resource District.~~ ~~7) The only uses within the Manufacturing District that are prohibited are those listed under the Standard Land Use Code References Nos. 24, 321-327, and 3997.~~ <u>Uses within the Reserved Area shall be limited to those uses allowed pursuant to LUC Section 20.25L.010B, as amended.</u> <u>Uses within the Data Center Parcel shall be limited to the uses in existence on the Data Center Parcel as of the date of this Amendment, generally described as follow:</u> <u>1) The use described as "Computer Program, Data Processing and Other Computer Related Services" in LUC Section 20.10.440, Services chart, which use may include computer training facilities and office space for employees supporting the computer related services function;</u> <u>2) Emergency power generator and other mechanical support systems for the data processing facility;</u> <u>3) Warehousing space; and</u> <u>4) Employee fitness center for use solely by the Owner's current and former employees and contractors and by the family members of such current and former employees and contractors.</u>	This restriction on uses is not consistent with the Eastgate vision and these restrictions should be repealed to allow for a greater mix of uses while maintaining a focus on office uses in the new zoning code.
	AREA (B) <u>g. The gross floor area of development within the Development Area shall be limited to the lesser of: (a) 500,000 square feet; or (b) the gross floor area determined by applicable floor area ratio (FAR) regulations in the Land Use Code, as such applicable regulations may be amended.</u>	The Development Area is a subset of the larger area and current development complies with this condition. If this concomitant were repealed there would be no policy or code support for this limitation on total floor area. Development on these parcels would be limited by the zoning code rules, which this condition anticipates.
	AREA (C) a. A minimum 25 foot vegetative screen shall be retained adjacent to 161st Avenue S.E.	This type of buffering and screening condition is addressed by the transition design district. Transition design requirements will be supported by policy and implemented in code. Although, the buffer would presently only be 20 feet under the current code.

Eastgate Implementation- Concomitant Conditions and Responses

AREAS PROPOSED FOR OLB-2 REZONE *Repeal these concomitants and ordinances in the legislative rezone ordinance*		
Concomitant	**Condition**	**Response**
Continued… Concomitant: 6015 Ordinance: 2818 (1980) I-90 Corporate Campus and most of the eastern half of the Sunset Village area Eastgate Subarea <u>EDITS:</u> Concomitant: 33217 Ordinance: 5418 (2002) I-90 office park: Advanta, Boeing 15900 SE Eastgate Way Eastgate Subarea	AREA (C) b. Sufficient site screening and landscaping shall occur on the border between the southerly portion of the park site and the north portion of the remaining Area (C).	This type of buffering and screening condition is addressed by the transition design district and through typical design review. Transition design requirements and design review will be supported by policy and implemented in code.
	AREA (C) c. Administrative design review shall be required prior to issuance of a building permit to include landscaping, circulation, building design, and exterior treatment.	Design review will be required for this area by policy and zoning code.
	STREET IMPROVEMENTS i. The internal roadways developed on the subject parcel shall be dedicated to the City of Bellevue in conjunction with proponent's application of a building permit or permits on the subject parcel.	This requirement has been met.
	STREET IMPROVEMENTS ii. Widening of 156th Avenue S.E. and sufficient channelization and frontage improvements shall be required prior to any one or all of the following events: 1) Occupancy of newly constructed buildings in Area (A) 2) Occupancy of new construction in the OLB zone. 3) In conjunction with plat improvement requirements. 4) Prior to 5,000 new vehicle trips being generated as the result of development of Area (B)	This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify traffic impacts and specify appropriate mitigation. *This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.*
	STREET IMPROVEMENTS iii. Widening of S.E. Eastgate Way and proper channelization and frontage improvements shall take place where any one or all of the following occurs: 1) Prior to occupancy of any new structure proposed in the OLB zone. 2) In conjunction with plat improvement requirements. 3) Prior to 5,000 new vehicle trips being generated as the result of development of Area (B)	This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify traffic impacts and specify appropriate mitigation. *This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.*
	STREET IMPROVEMENTS iv. Frontage improvements shall be made to S.E. 24th Street in conjunction with plat improvements in Area (B) if the proposed development generates substantial additional traffic onto S.E. 24th Street.	This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify traffic impacts and specify appropriate mitigation.
	STREET IMPROVEMENTS v. Prior to occupancy of any buildings in Area (C), frontage improvements shall be made by the applicant on the east side of 161st Avenue S.E.	This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify traffic impacts and specify appropriate mitigation.
	STREET IMPROVEMENTS vi. Upon approval by the Public Works Department and at the expense of the developer, developer agrees to provide signalization of the southern project entrance roadway and S.E. Eastgate Way.	This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify traffic impacts and specify appropriate mitigation.
	STREET IMPROVEMENTS vii. Upon approval by the Public Works Department, the developer shall signalize 156th Avenue S.E. and S.E. Eastgate Way. After building permits have been issued for Areas (A) and (B) that generate 5,000 new vehicle trips from Area (A) or 3,0000 new vehicle trips from Area (B), mandatory signalization, as well as approach and channelization modifications on 156fh Avenue S.E. and S.E. Eastgate Way shall be developed or no additional building permits will be issued. Upon approval of the Public Works Department, the developer may signalize 161st Avenue S.E. and S.E. Eastgate Way, as well as construct approach and channelization modifications at developer's expense or through other sources of funding. In the event such signalization, approach and channelization modification are not constructed prior to the time that volume warrants are met for signalization at the intersection, no additional building permits shall be issued for any area located on the subject site.	This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify traffic impacts and specify appropriate mitigation. *This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.*
	STREET IMPROVEMENTS viii. The above street improvements and facilities shall be installed by applicant at is sole cost and expense, except for those improvements under Street Improvement Number b. (156th Avenue S.E. widening) which shall be 49% funded by applicant.	If this concomitant were repealed and future development were to occur, the developer would be required to pay for street improvements related to project impacts.
	ACCESS a. Access from Areas (A), (B) and (C) shall be allowed in accordance with the proponent's Master Plan with the following exceptions:	These requirements have been met. However, redevelopment on this site or an amendment to the Design Review could eliminate this requirement if no concomitant is in place.

Eastgate Implementation- Concomitant Conditions and Responses

AREAS PROPOSED FOR OLB-2 REZONE *Repeal these concomitants and ordinances in the legislative rezone ordinance*		
Concomitant	**Condition**	**Response**
Continued…. Concomitant: 6015 Ordinance: 2818 (1980) I-90 Corporate Campus and most of the eastern half of the Sunset Village area Eastgate Subarea <u>EDITS:</u> Concomitant: 33217 Ordinance: 5418 (2002) I-90 office park: Advanta, Boeing 15900 SE Eastgate Way Eastgate Subarea	1) Access from Area (B) onto 161st Avenue S.E. shall not be allowed, provided a driveway is allowed for providing emergency and fire access only. Any such driveway shall be constructed at the option and sole expense of the applicant in accordance with the standards and conditions of the Public Works Department. 2) Existing access points on the east side of 156th Avenue S.E. should be phased out as long as established businesses do not require such access or until a change of use occurs. 3) Access from Area (A) is limited to the one point proposed in the Master Plan, provided that the existing access to and from 156th Avenue S.E. to the existing service station and adjoining lot shall be allowed to continue.	
	NON-MOTORIZED CIRCULATION a. Sidewalks on 161st Avenue shall be completed in accordance with Street Improvement Number e. as set forth herein. If conditions set forth in Street Improvement Number e. have not been met, frontage improvements and sidewalks on the east side of 161st Avenue shall be completed with sidewalks on S.E. Eastgate Way. Sidewalk and frontage improvements along the proposed park site on 161st Avenue S.E. would not be required of the applicant if the site is conveyed to the City. Sidewalks along S.E. Eastgate Way shall be constructed in conjunction with Street improvement Number c. discussed herein or prior to occupancy of any building in the OLB zone. Sidewalks on the west side of 156th Avenue shall be constructed in conjunction with Street Improvement number b. set forth herein. Plat improvement requirements may cause modification of the conditions set forth above and shall be subject to complete review by the Department of Public Works.	This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify impacts and specify appropriate mitigation. Existing and proposed Comprehensive Plan policies would also support continued development of non-motorized transportation alternatives.
	NON-MOTORIZED CIRCULATION b. Sidewalks on the east side of 156th Avenue S.E. to SE 28th street will be constructed in conjunction with Street Improvement Number b. as set forth herein or in conjunction with plat improvement requirements.	This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify impacts and specify appropriate mitigation. Existing and proposed Comprehensive Plan policies would also support continued development of non-motorized transportation alternatives.
	NON-MOTORIZED CIRCULATION c. Construction of a sidewalk on the west side of 161st Avenue S.E. south of the access road shall be in conjunction with Street Improvements Number e. as set forth herein or in conjunction with plat improvement requirements.	There requirement has not been met, but there is an access trail in this location, consistent with NON-MOTORIZED CIRCULATION (e.) below.
	NON-MOTORIZED CIRCULATION d. The sidewalk connection between 156th Avenue S.E. and 161st Avenue S.E. between the OLB and LI zones shall be located in the landscaped area immediately north of S.E. Eastgate Way for better and safe pedestrian use and access. Sidewalk construction shall take place if any or all of the following occur: 1) Construction of internal roads. 2) Prior to occupancy of any new building in the OLB zone. 3) In conjunction with plat construction requirements.	This requirement has been met. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify impacts and specify appropriate mitigation. Existing and proposed Comprehensive Plan policies would also support continued development of non-motorized transportation alternatives. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify impacts and specify appropriate mitigation. Existing and proposed Comprehensive Plan policies would also support continued development of non-motorized transportation alternatives.
	NON-MOTORIZED CIRCULATION e. Construction of an access trail is required from 156th Avenue S.E. around the perimeter of this site along 161st Avenue S.E. to S.E. Eastgate Way. Applicant shall dedicate a 15 foot easement for public use and maintenance of the trail. The exact location of the trail and its design shall be approved by the Public Works and Parks Departments. Construction of the access trail shall occur in conjunction with plat improvement requirements or prior to occupancy of any building in the LI zone.	This requirement has probably been met. The trail is established in the specified location, but it isn't clear that there is a dedicated easement for it. If the concomitant were repealed and new development were allowed under new zoning, it would be subject to project and environmental review that would identify impacts and specify appropriate mitigation. Existing and proposed Comprehensive Plan policies would also support continued development of non-motorized transportation alternatives.
	DRAINAGE a. ~~Applicant agrees to dedicate Detention Ponds A and B on the Master Plan to the City of Bellevue. Pond C, if constructed, shall also be dedicated to the City.~~ <u>Owner has dedicated Detention Pond A on the Master Plan to the City of Bellevue.</u> Applicant agrees to submit a landscape plan for all detention ponds for review and approval by the Public works Department prior to occupancy of any new building in the LI zone or in conjunction with plat improvement requirements.	This requirement has been met. However, redevelopment on this site or an amendment to the Design Review could eliminate this requirement if no concomitant is in place.
	DRAINAGE	This is required by code.

AREAS PROPOSED FOR OLB-2 REZONE *Repeal these concomitants and ordinances in the legislative rezone ordinance*		
Concomitant	**Condition**	**Response**
	b. Prior to construction of any drainage facilities in the Vasa Creek system, applicant shall seek review and approval by the Public Works Department of drainage into the Vasa Creek system.	
	DRAINAGE c. Prior to construction of any drainage facilities in the Phantom Lake system, applicant shall seek review and approval by the Public Works Department of off-site drainage facility requirements from the project to Phantom Lake.	This is required by code. *This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.*
	OFFICE ZONES a. Development of Office uses in the proposed O zones of Areas (A) and (C) shall be limited to low intensity uses as defined in Resolution 3451.	This restriction on uses is not consistent with the Eastgate vision and these restrictions should be repealed to allow for a greater mix of uses while maintaining a focus on office uses in the new zoning code.
	TRAFFIC FLOWS a. The City shall monitor traffic flows entering and leaving the site at least every six months. If the results of any such analysis indicate that traffic flows will reach levels projected in the "Trip Generation Comparisons Table," (City Staff Recommended Zoning, reduced by the amount attributable to R-20), Hearing Examiner, Pack 4, Page 37, for the reclassification proposal within the six-month period next following, then any building permits issued for the construction of buildings within the site thereafter will be issued only upon the condition that the Owner take such action as determined by the City to be necessary to assure that such additional building or buildings will not result in traffic flows above the levels designated in such table. Such conditions could include, but need not be limited to carpooling or vanpooling requirements, additional transit, parking restrictions or such other methods that the City deems appropriate. <u>Trips generated by the use or development of a public park located in or accessed through the Reserved Area shall not be counted for purposes of determining traffic flow levels.</u>	If the concomitant were repealed there would be limited ability to enforce the on-going monitoring requirements. Since this condition was part of the project approval and also a condition of SEPA, there could be limited ability to enforce this provision. However, redevelopment on this site or an amendment to the Design Review and/or Master Plan could eliminate this requirement if no concomitant is in place. If the concomitant were repealed and future development were to occur, the developer would be required to pay for street improvements related to project impacts. *This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.*
Continued… Concomitant: 6015 Ordinance: 2818 (1980) I-90 Corporate Campus and most of the eastern half of the Sunset Village area Eastgate Subarea <u>EDITS:</u> Concomitant: 33217 Ordinance: 5418 (2002) I-90 office park: Advanta, Boeing 15900 SE Eastgate Way Eastgate Subarea	SANITARY LANDFILL AREAS a. Since sanitary landfill areas may be unsuitable for standard design support, any dedicated roadways or buildings located on the sanitary landfill areas shall be designed and constructed to the specification of a qualified soils engineer to meet both foundation support and methane gas considerations.	This is required by code.
	ADDITIONAL MITIGATING CONDITIONS a. No manufacturing of explosive materials will be allowed within the reclassification site.	Limitations on emissions, toxic materials, and the manufacturing of explosives are unlikely to be necessary outside of an industrial context, but future development will need to meet all applicable environmental protection standards and regulations as currently required by local, state, and federal law. *This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.*
	ADDITIONAL MITIGATING CONDITIONS b. All uses within the reclassification site must meet all then current published Environmental Protection Agency emission standards.	
	ADDITIONAL MITIGATING CONDITIONS c. No substance on the then current list of toxic materials of the Environmental Protection Agency shall be discharged into the air or sewers from the reclassification site, nor shall the outside storage of such materials be allowed.	
	ADDITIONAL MITIGATING CONDITIONS d. All lighting on the site shall be directed to the interior of the site, and shall not spill over onto adjacent residential property.	This type of condition is addressed by the transition design district and through typical design review. Transition design requirements and design review will be supported by policy and implemented in code. *This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.*
	ADDITIONAL MITIGATING CONDITIONS e. The Owner shall retain the existing trees which are of substantial height and healthy condition which are presently located in the perimeter areas surrounding the subject property.	This type of condition may be addressed by the transition design district. Transition design requirements will be supported by policy and implemented in code and policy in the Eastgate subarea will encourage the retention of existing trees and vegetation.
	MASTER PLAN a. Development on the reclassification site shall also be subject to all restrictions and conditions contained in that certain "Master Plan," as attached to the Findings and Recommendations of the Hearing Examiner, as amended therein and by Ordinance 2818.	Policy will support a master plan being required for further redevelopment of this site. *This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.*
	MASTER PLAN	

AREAS PROPOSED FOR OLB-2 REZONE *Repeal these concomitants and ordinances in the legislative rezone ordinance*		
Concomitant	**Condition**	**Response**
Continued… Concomitant: 6015 Ordinance: 2818 (1980) I-90 Corporate Campus and most of the eastern half of the Sunset Village area Eastgate Subarea <u>EDITS:</u> Concomitant: 33217 Ordinance: 5418 (2002) I-90 office park: Advanta, Boeing 15900 SE Eastgate Way Eastgate Subarea	b. <u>Development within Area (B), Parcel 1, New Campus is subject to the site plan referred to in the Findings of Fact, Conclusion of Law and Recommendation dated October 23, 2002 in connection with City of Bellevue File Number 02-138873 LQ (hereinafter "2002 Hearing Examiner's Recommendation") as "Attachment H" and attached to this Amendment as Exhibit C and incorporated herein by this reference (the "Site Plan"). The Master Plan is hereby superseded by the Site Plan for Area (B), Parcel 1, New Campus only to the extent that the provisions of the Site Plan are inconsistent with the Master Plan.</u> 1. <u>The area shown as the Retained Vegetation Area on the Site Plan shall be subject to the following development restrictions: Within the Retained Vegetation Area (RVA) the Owner shall leave undisturbed all trees and other vegetation within the area, except for the removal of diseased or dying vegetation which presents a hazard or for the implantation of an enhancement plan required or approved by the City. Any work, including removal of dead, diseased, or dying vegetation, is subject to permit requirements of City of Bellevue codes. The City of Bellevue shall have the right, but not the obligation, to enforce the requirements, terms, and conditions of this restriction by any method available under law. The obligation to ensure that all terms of the RVA are met is the responsibility of the Owner.</u> 2. <u>The entire 20 feet of the 20-foot setback shown on the Site Plan and bordering 160th Avenue S.E. shall be landscaped with Type III vegetation, as Type III vegetation is defined in LUC Section 20.20.520, as amended.</u> 3. <u>The entire 8 feet of the 8-foot setback shown on the Site Plan and forming the southern boundary of Area (B), Parcel 1, New Campus shall be landscaped with Type II vegetation, as Type II vegetation is defined in LUC Section 20.20.520, as amended.</u>	This type of buffering condition is addressed by the transition design district and through typical design review. Transition design requirements and design review will be supported by policy and implemented in code. However, the conditions regarding the Retained Vegetation Area would be supported by policy, but if the concomitant were repealed there would be limited ability to enforce it. Since this condition was part of the project approval and also a condition of SEPA, there could be limited ability to enforce this provision. However, redevelopment on this site or an amendment to the Design Review and/or Master Plan could eliminate this requirement if no concomitant is in place.
	MASTER PLAN c. <u>Public access to the Reserved Area shall generally be provided as shown on the access plan referred to in the 2002 Hearing Examiner's Recommendation as "Attachment I" and attached to this Amendment as Exhibit D and incorporated herein by this reference."</u>	
	<u>Any reference in the 1980 CZA is hereby amended to include a new Section 10 as follows: "10. Any reference in the 1980 CZA to the "LI designated area" or "LI zoned area or "LI zones" shall mean Area (B), Parcel 1 as legally described in Exhibit A to the 1980 CZA. Any reference in the 1980 CZA to the "OLB designated area" or "OLB zoned area" or "OLB zones" shall mean Area(B), Parcel 2 as legally described in Exhibit A to the 1980 CZA."</u>	This condition is included for information only so the rest of the amendment to the concomitant can be understood. *This provision would apply to the areas covered by concomitant 11390 and ordinance 4827, below.*
Concomitant: 11390 Ordinance: 3666 (1986) Key Bank Property on 156th 3240 156th SE Eastgate Subarea	The following uses shall be prohibited: a. Residential Development; ii. All uses within the Wholesale and Retail Chart except Standard Land Use Code Reference Nos. 552, Auto and Marine Accessories (Retail); 553, Gasoline Service Stations; 58, Eating and Drinking Establishments and 5998, Garden, Supplies. iii. All uses within the Services Chart with the exception of Standard Land use Code Reference Nos. 63, 634, 637 and 641, Child Care Services (All Categories), Business Services, Building Maintenance and Warehousing. iv. All uses within the Recreation Land Use Chart except Standard Land Use Code Reference No. 76 Parks. v. All uses within the Resource Chart. vi. Uses within the Manufacturing Chart section of the Standard Land Use Code Reference Nos. 24, 321-327, and 3997, Lumber and Wood Manufacturing: stone, clay, glass manufacturing; sign manufacturing.	This restriction on uses is not consistent with the Eastgate vision and these restrictions should be repealed to allow for a greater mix of uses while maintaining a focus on neighborhood-serving retail and services in the new zoning code.
	Any permit for remodeling or redevelopment shall include upgrades of the landscaping to meet current standards in effect at the time of application. In addition, the types and location of landscaping shall be design to complement adjacent OLB properties or to higher standards.	This requirement was met.
	The balance of Lot 2, shall be consolidated with adjacent OLB property as part of platting approval of service station sites.	This requirement was met.
	Access to 156th Avenue S.E. shall be limited as follows: i. Access to 156th Avenue S.E. shall be continued to be permitted for the property which is the subject of this reclassification (the two service station sites). Access to 156th Avenue S.E. from adjoining property by way of crossing the property which is the subject of this reclassification is prohibited.	This requirement was met.

AREAS PROPOSED FOR OLB-2 REZONE *Repeal these concomitants and ordinances in the legislative rezone ordinance*		
Concomitant	**Condition**	**Response**
	ii. Existing access to 156th Avenue S.E. from the balance of Lot 1 shall be permitted to continue only until such time as that property is substantially redeveloped at which time such access shall be prohibited.	
Continued… Concomitant: 11390 Ordinance: 3666 (1986) Key Bank Property on 156th 3240 156th SE Eastgate Subarea	Prior to the issuance of any future building permits for remodeling or reconstruction of the structures on this property, the owner shall obtain any necessary permits for, and complete the construction of, any facilities, structures, or piping to obtain compliance with the State Water Pollution Control Law (RCW 90.48) and Bellevue City Code (9.12.020 and 23.76.030). This condition is intended to include soil and water quality testing sufficient to determine the integrity of existing underground fuel storage tanks.	This requirement was met.
	Prior to the completion of any future remodeling or modification of any structures on this property, the owner shall install oil/water separators meeting the current Development Standards in the storm drainage systems of these properties. Plans for the installation of these separators, and the types and operating characteristics of the devices installed, shall be submitted to the Storm and Surface Water Utility for approval prior to installation. All necessary permits shall be obtained by the owner prior to installation of said separators.	This requirement was met.
	In addition to the special conditions provided in the preceding paragraph 1, there shall continue to be applicable to the property each and every special condition applying to the property as set forth in the Concomitant Zoning Agreement dated May 7, 1980 (Clerk's Receiving No. 6015) except to the extent that said special conditions may be inconsistent with the special conditions of this Concomitant Zoning Agreement, in which event the special conditions of this Concomitant Zoning Agreement shall be controlling.	See concomitant 6015, above. All of the conditions applied to this property from concomitant 6015 have been met, or could be supported with policy and code work.

Planning Commission Schedule

February 24, 2016

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

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

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

Date	**Tentative Agenda Topics**
Mar 2, 2016	State Department of Commerce – Short Course on Local Planning (hosted by the City of Bellevue)
Mar 9	Downtown Livability Annual Comprehensive Plan Amendments
Mar 23	Eastgate Land Use Code Single Family Room Rental
Apr 13	Downtown Livability Annual Comprehensive Plan Amendments
Apr 27	Eastgate Land Use Code Low impact Development (LID) Principles
May 11	Downtown Livability
May 25	Eastgate Land Use Code Low impact Development (LID) Principles

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

January 27, 2016 | Bellevue City Hall
6:30 p.m. | City Council Conference Room 1E-113

COMMISSIONERS PRESENT:	Chair Hilhorst, Commissioners Carlson, Barksdale, deVadoss, Laing, Morisseau, Walter
COMMISSIONERS ABSENT:	None
STAFF PRESENT:	Mike Kattermann, Terry Cullen, Erika Rhett, Planning and Community Development Department; Patricia Byers, Development Services Department
COUNCIL LIAISON:	Not Present
GUEST SPEAKERS:	None
RECORDING SECRETARY:	Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:36 p.m. by Chair Hilhorst who presided.

2. ROLL CALL

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

3. APPROVAL OF AGENDA

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

4. PUBLIC COMMENT

Mr. Todd Woosley with Hal Woosley Properties spoke representing the owner of the RV Park in Eastgate. He reiterated his support for allowing the construction of multifamily housing on the site in the new Neighborhood Mixed Use district, with an FAR of up to 2.5 rather than the FAR of 1.0 recommended by the staff. The fact is making a recommendation for any FAR is premature because the Planning Commission has not yet had the opportunity to look at the development economics for the zoning district. He shared with the Commissioners a map showing the urban areas in King, Pierce and Snohomish counties and pointed out that the Eastgate neighborhood between downtown Bellevue, Issaquah and Renton is in the middle of an urban area. The proposed FAR of 1.0 is nowhere close to an urban density. It is appropriate for Bellevue to focus its highest density uses in the central business district, but an FAR of 1.0 will cause the market to skip over Eastgate and build in Totem Lake, Issaquah, Renton and so forth. Eastgate should have the opportunity to accommodate growth in an economically feasible fashion. If the existing value of a single family home on a lot zoned to allow a four-plex is $500,000, each lot would only be worth $100,000, and no one would sell their $500,000 house for $400,000, even with a fourfold increase in density. With a six-plex, the lot values would go

down a bit each, and the overall value would be $540,000, still not enough to warrant selling the home. At the eight-plex level, the lot values come down even more and the overall price reaches the point where someone might seriously consider selling their home. Of course, there is about a 15 percent owner sales cost and that amount has to be accounted for, so even with an eightfold increase in density, the seller would only net about $44,000. The point is there has to be a significant increase in the zone density for selling to make any economic sense. When the Eastgate/I-90 study was adopted, no one anticipated that the housing market would be what it is currently with its current demand for more housing and affordability. An FAR of 2.5 will help make that possible.

Commissioner Carlson asked if the residential real estate market in Bellevue is back to where it was prior to the recession. Mr. Woosley said it appears to be stronger now than it was then. Low interest rates and strong job growth are both partially responsible, but it is largely due to the regulatory restrictions that are limiting the zoning capacity.

Mr. Clark Kramer, 1610 North First Street, Yakima, said he learned during a recent meeting with staff that removing the zoning qualifications for an auto dealership is being considered for the RV site in Eastgate. He asked that that not be done. The desire is to be given an FAR of 2.5, but should that not come about eliminating a use that is already allowed would equate to a downzoning of the site. The need for housing is clear and would be a far better fit for the area.

Mr. Brian Paladar, principal with Group Architect, said he has been working with property owner Clark Kramer and American Family Homes, the developer hoping to construct multifamily homes on the site. Group Architect has very recent direct experience in working with the Bel-Red codes. The Eastgate/I-90 study report outlined recommendations for what should happen in the area, but much has changed since the report was adopted. The report also sets forth a number of goals for the area, including the provision of affordable housing to accommodate the workforce and to serve the needs of Bellevue College students. Any project that provides affordable housing will need to be financially viable and will need to provide enough units to make a difference. The zoning proposed by staff with an FAR of 1.0 applies to more than just the RV site. With an FAR that low, any building on the site would be very small in terms of what could be done on the site given the amount of land left over. Architecturally, there are many things that could be done in line with reinforcing the city in a park character referenced in the report, particularly with a higher FAR. Sufficient density is needed in order to allow for putting revenues from the project back into the project in the form of quality. A lower FAR will result in surface parking, less open space, and far less quality. How to deal with recreational trails and adjacency to residential properties are issues dealt with for every project, especially in transitional zones. There are ample opportunities to do something really innovative with the site. Given the grade differential between the site and surrounding single family developments, it would be possible to mix and match and step the massing in ways that will respect the existing single family residences

Mr. John Shaw, Director of Multifamily Acquisitions for American Family Homes, said his firm is currently doing due diligence on the RV site. He said his firm is currently designing and building close to 500 units in Renton, Sammamish, Issaquah and Seattle. He said when an FAR goes above 2.5, the opportunity to achieve a win-win situation is enhanced by yielding more units along with incentives such as affordable housing and open space. For a project under way in Issaquah, the base FAR is 1.25, but through their incentive-based program an FAR of 2.0 can be achieved. The site is adjacent to a bike trail and is close to the main park and ride. In most instances, an FAR of 1.0 is considered the base and going above it requires working with the incentive system.

5. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None

6. STAFF REPORTS

Senior Planner Mike Kattermann reminded the Commissioners about the planning commissioner short course coming up on March 2. He said that will be from 6:00 p.m. to 9:00 p.m. at City Hall. Invitations will be sent to all area cities.

Mr. Kattermann introduced Terry Cullum, new comprehensive planning manager, and noted that he would be transitioning into staffing the Commission in the next month or so.

Mr. Cullen said he has had the good fortune to have served both as staff for planning commissions and chair of a planning commission. He noted that accordingly he has a lot of respect for the work of the Commission and appreciation for the work provided on behalf of the community. He said his work experience includes more than 25 years in long-range planning as well as in critical infrastructure and state law enforcement planning. He explained that most recently he worked for the Columbia River Gorge National Scenic Area and lived in Hood River.

7. DRAFT MINUTES REVIEW

A. January 13, 2016

Commissioner Walter called attention to the first paragraph on page 8 and suggested revising the last sentence to read "She questioned whether protecting views from City Hall but nowhere else was preferential treatment."

A motion to approve the minutes as amended was made by Commissioner deVadoss. The motion was seconded by Commissioner Walter and the motion carried without dissent; Commissioners Laing and Morisseau abstained from voting because they had not attended the meeting.

8. STUDY SESSION

A. Eastgate/I-90 Corridor Implementing Regulations

Noting that he was not feeling well and needed to excuse himself, Commissioner Laing took a moment to offer a few comments. He noted that he had posed a question to Mr. Kattermann regarding references to some of the actual downtown zones in some of the tables in the footnotes. With regard to allowing building height of up to 70 feet, he said the maximum building height could never be achieved with an FAR of 1.0. The current RV Park is not a permitted use going forward, which means the property owner will not be permitted to continue doing what they are already doing, except as a nonconforming use, and at the same time the proposed height and FAR limits will not allow for a viable redevelopment. An FAR of 1.0 is quite low for an area where mixed use is desired. Essentially the entire Eastgate/I-90 area is a transit-oriented development node. There are existing provisions in the code that are aimed at mitigating impacts irrespective of what height and density are allowed, including the transition area requirements. The Commission should be provided with an economic analysis before making a final recommendation. The Eastgate plan was developed in light of the approach taken in the Bel-Red corridor and in the downtown under which there is a base height and base FAR that can be exceeded up to the maximum through the provision of amenities. If the maximum FAR ends up being 1.0, there will be nothing to incentivize new development or redevelopment. The better approach would be to allow a higher FAR but require clustering or other approaches

that will yield more open space. An FAR of 1.0 will yield nothing more than low-rise units with a lot of surface parking.

Commissioner Laing left the meeting.

Senior Planner Erika Rhett informed the Commissioners that implementing the vision for the Eastgate/I-90 corridor will require the creation of new codes. Three new zones are proposed to be created, and amendments are needed to the existing Light Industrial (LI) zone.

Code Development Manager Patricia Byers explained that because the use chart has numerous columns, it is a bit unwieldy. To address that issue, the form of the code may be revised to better consolidate the Eastgate portion of the code.

Ms. Rhett reminded the Commissioners that the LI area of Eastgate is primarily in Richards Valley. The CAC recommendations included loosening up the allowed uses to include research and development and flex-tech, both of which could benefit Bellevue College and the tech industry generally. The Commission in July gave direction to follow the CAC recommendations. The Commission also talked about other types of restrictions based on the industrial lands analysis that was done as part of the Comprehensive Plan update. There was agreement that existing businesses in the Richards Valley should not be made nonconforming, and that size restrictions or other limitations were unnecessary. She noted that the resulting changes to the land use charts could be found in Attachment 1 in the form of removing the footnote that requires computer programming, data processing and other computer-related services, research and development and testing services to be located in a multiple function building.

Commissioner Walter commented that there is very little light industrial land left in Bellevue. The fact is computer uses can locate anywhere, but light industrial uses can only be located in the LI zone. She voiced concern that opening another area for computer uses will further hamper opportunities for siting LI uses. She said she her preference would be to not change the footnote, allowing computer uses in LI only if they have a manufacturing component. Ms. Rhett said the Commission discussed that issue in a larger conversation and concluded that the biggest threat to the gobbling up of LI properties is recreational uses. The Richards Valley is dominated with recreational uses that need large, inexpensive spaces. The proposed limitation on research and development and computer uses was specifically outlined by the CAC. If the desire is to limit LI areas to manufacturing uses, it will be necessary to consider whether or not recreational uses should be limited.

Commissioner Walter asked if a reduced demand for manufacturing uses precipitated allowing recreational uses to locate in LI areas. Ms. Rhett said the industrial lands report found that Bellevue has not had the type and quality of industrial land that would command a regional presence. Absent a regional presence, the uses in the LI areas are locally oriented. Traditionally, LI zoning has allowed lots of different types of uses that would be difficult to fit into other zones. Some recreational uses may be allowed in the General Commercial (GC) zone, but finding a building in that zone large enough to accommodate an indoor shooting range is much more difficult; additionally, there is more competition for GC sites, so the price is higher. Over time, the LI zone in Bellevue has become a zone where almost anything goes; the same is true of many cities across the nation.

Chair Hilhorst said it was her understanding that even if the list of allowed uses in the zone is expanded, the uses that are currently allowed will not go away. Over time, it is possible the zone could see a flip back to true manufacturing uses. Ms. Rhett suggested that the modest changes to the zone that are proposed are not enough to affect the economics of land prices in Richards

Valley, but they do allow the potential for different types of development. Manufacturing in general has changed significantly to where one is more likely to see a research and development facility manufacture prototypes, or have everything from design to implementation in a single space.

Commissioner Carlson asked if the proposed changes will make it easier or harder for the businesses already located in LI to remain there. Mr. Rhett said the changes should have no effect of that sort at all. It could in fact help get some of the vacant spaces leased.

Commissioner Walter commented that the Pacific Northwest Ballet is having to move out of its current location as a result of light rail coming through. They are looking for a home and there may be similar businesses also looking for a site. If too many changes are made to the LI zone before uses located in the Bel-Red corridor have the opportunity to redistribute themselves, the true demand for the zone may not be fully realized. Ms. Rhett said the proposed changes will not eliminate the LI zone for those uses. Commissioner Walter pointed out that while that may be the case, the uses will have to compete for the available spaces. Ms. Rhett agreed that over the long run that could be the case, but there are sufficient vacancies currently to accommodate the demand.

Commissioner Morisseau asked how the types of research and development uses will be specified in order to minimize the impacts on the surrounding neighborhoods. Ms. Rhett said any time someone comes in for any type of permitting, be it building or land use, the city reviews the use to determine if they adhere to all local, state and federal rules, particularly with regard to environmental issues. Most of the time, if a use is permitted and the effects of the use are completely contained within the building, the use will not be denied or required to provide any mitigation. If there are vibration, noise or other impacts, however, mitigation can be required. Currently, computer programming, data processing and other computer-related services, research and development and testing services are permitted outright, but they must be clustered in a building that has other industrial uses in it. By removing the note, those types of uses could be allowed without having to be associated with other industrial uses.

Commissioner deVadoss commented that it would be in the best interest of the community to be less restrictive rather than overly restrictive.

Commissioner Carlson asked if the staff recommendations are in line with the recommendations of the Eastgate/I-90 CAC. Ms. Rhett said they are the same.

Commissioner Morisseau said she was not comfortable with having research and development permitted outright in the LI zone. She proposed allowing the use through a conditional use permit instead. Ms. Rhett said the conditional use permit process would certainly be a more restrictive approach and would not be consistent with the recommendation of the CAC. Commissioner Morisseau said her concern relates to not knowing what type of research and development facilities will want to locate in the LI zone. There could be a use that could impact the surrounding residential areas should there be a leak of some sort.

Commissioner Walter pointed out that research and development is a permitted use in several zones and asked if the concern regarding the use in the LI zone is tied to the proximity of residential uses. Commissioner Morisseau said her concern is based on being close to where people live.

Ms. Byers said Footnote 3 under manufacturing on the land use chart excludes the manufacture of flammable, dangerous or explosive materials from LI district. Ms. Rhett said the majority of

research and development that would locate in the LI is the type of occurs on computers and which involves nothing flammable, dangerous or explosive for which there would be no need to impose limits. Commissioner Morisseau said that may be the case for the short term but no one knows what type of uses there will be in the future. Ms. Rhett said one approach would be to look into how research and development is defined, seeking to exclude uses that would not be compatible with nearby residential uses.

Ms. Byers said staff would give the issue some thought and come back with a suggestion.

Turning to the Eastgate Plaza area, which was termed the neighborhood mixed use area by the CAC, Ms. Rhett reminded the Commissioners that the CAC saw the area as the place for neighborhood-oriented goods and services. As such, they highlighted the need for safe and convenient pedestrian access, convenient auto access, and additional density with upper story offices and residences. Their report specifically recommended allowing hotels and prohibiting auto sales. The idea behind the prohibition against auto sales stemmed from the perceived loss of neighborhood commercial development with the Safeway at Sunset Plaza on the north side of I-90, and the CAC did not want to see a further erosion of the availability of neighborhood services. In the recent Comprehensive Plan update, the Commission recommended and the Council adopted a number of policies that apply to the Neighborhood Mixed Use district, including policy EG-3 which encourages office and retail land uses in places where there is freeway access, transit service, and transportation alternatives without adversely impacting residential neighborhoods. Policy EG-10 focuses on the availability of multifamily housing as appropriate to separate office and retail uses from single family neighborhoods or in mixed use developments where there is close proximity to transit or neighborhood-serving commercial uses, with a special emphasis on meeting the needs of Bellevue College. Policy EG-43 calls for retaining neighborhood-serving commercial uses through flexible zoning that allows a rich combination of neighborhood retail and services.

Commissioner deVadoss commented that the Commission should be somewhat aspirational. He noted that in some cities there are auto sales occurring inside malls, so caution should be taken in simply prohibiting auto sales.

Ms. Rhett noted that when the topic was discussed previously by the Commission, there was strong consensus that manufacturing uses should not be allowed in the Neighborhood Mixed Use, with the exception of food and beverage products and handcrafted products provided there is a neighborhood component. Subordinate uses normally come in at 25 percent of the principal use.

Commissioner Walter said it appeared to her that a line was being drawn between manufacturing by hand and by equipment. She suggested that some manufacturing uses would fit into both categories, including sewing and furniture making. Ms. Rhett said a person making things on a sewing machine, even a commercial sewing machine, is much different from a sewing manufacturing facility that has a room full of machines creating products. The difference is not so much the use of machines but mass production manufacturing.

Mr. Kattermann pointed out that a person sewing a few things in their garage is not classified a manufacturing use but rather a home occupation use. Commissioner Walter asked if that is defined somewhere. Ms. Byers said codes are written to be somewhat general and it is often necessary to make decisions on a case-by-case basis. The land use director has the authority to put unclassified uses into categories.

Commissioner Walter said her concern was centered on the vague way in which the code is

written. She said she has seen people take what is vague and turn it into whatever they want it to be, and once things get away it is very difficult to bring them back in line.

Commissioner Carlson asked if a use like Bellevue Brewing Company would have difficulty locating in Eastgate. Ms. Rhett said if the intent was to brew a product and ship it out wholesale, the use would not be allowed. However, if the intent was to brew and serve the product at their restaurant, it would because the restaurant is a neighborhood use.

Commissioner Walter commented that a use such as tool and die manufacturer, or someone making parts for vintage cars, can be very noisy and require large machinery. It could be argued, however, that the use produces handcrafted products. Commissioner Carlson pointed out that economically such a use would be far better off locating somewhere in the Valley. Commissioner Walter said her concern is that people will be very creative in seeking out loopholes, and the result could be a small manufacturing use that impacts the surrounding residential uses. Ms. Rhett stressed that codes cannot be written to address every circumstance. Accordingly, they are drafted to focus on those things that are most likely to happen and that could potentially happen within categories. Beyond that, safety nets are put in place in the form of noise and nuisance ordinances that are enforced through code compliance.

Ms. Byers clarified that the NMU zone is primarily where Albertsons is located just down the hill from a residential area. In between the two is transition area zoning that provides certain protections.

Ms. Rhett observed that when the Commission discussed recreational uses, careful consideration was given to what is allowed there now and what neighborhood-scale would be appropriate in the NMU. Based on the direction given, uses with more of a regional draw were prohibited on the use chart, including horse stables, BMX tracks, zoos and outdoor public assemblies. Uses with more of a neighborhood orientation were shown as allowed, including parks, bowling, health clubs, art galleries, libraries and theaters. Some uses that fall in between are listed as requiring a conditional use permit, including indoor public assembly and recreation centers.

Commissioner Morisseau asked why indoor public assembly uses are allowed but not outdoor public assembly uses, such as miniature golf. Ms. Rhett said uses in the public assembly category can only be picked and chosen if a note is included allowing for that. To allow things like miniature golf, the use could be shown on the chart as a conditional use along with a note excluding the use of a certain size. Public assembly uses generally are quite large and tend to be out of scale as a neighborhood use, and they tend to draw people in from around the region and not just the neighborhood.

Commissioner Morisseau said she was trying to understand why some uses were allowed but not others. As drafted, sports arenas are allowed, which is generally a large use that also has a regional draw. Ms. Byers said size is certainly a consideration, even for indoor public assembly uses. However, with an indoor use, light and noise occur indoors, whereas with outdoor public assembly uses light and noise occurs outdoors and has more of an impact on surrounding properties.

Chair Hilhorst said she could see allowing indoor soccer or an indoor ice rink but not a large sports arena like Key Arena. She asked if those use types could be separated. Ms. Byers golf courses, tennis courts, community clubs, athletic fields, play fields, recreation centers swimming beaches and pools are shown as allowed through conditional use, which is consistent with how they are regulated currently. Recreation activities that tend to occur more indoors, such as skating, bowling, gymnasiums, athletic clubs, health clubs and recreation instruction, are shown

as permitted, essentially drawing a line between public recreation uses and public assembly uses. She agreed that miniature golf as a use fits better as a recreational use.

Commissioner Morisseau pointed out that athletic fields and driving ranges, which are allowed, will have outdoor lighting, while miniature golf, which probably also would have outdoor lighting is not permitted. Ms. Byers said that is the conditional use approach is used. She pointed out that the various use classifications come from a very old book that will not be done away with any time soon. In the meantime, the addition of notes and improved definitions will help to provide clarifications. Commissioner Morisseau said at the very least public assembly outdoor should be treated exactly the same as public assembly indoor and allowed through conditional use.

Ms. Rhett noted that public assembly indoor is allowed outright in the Community Business (CB) zone, which includes the Eastgate Plaza site. The thinking was that the use should not be done away with altogether, but that additional controls should be put on it through conditional use. Public assembly outdoor is allowed in the CB zone through conditional use. Commissioner Morisseau said her preference would be to make public assembly indoor, public assembly outdoor, recreation activities golf courses, tennis courts etc., and recreation activities skating, bowling etc., the same and require a conditional use permit for each.

Ms. Byers explained that the difference between a conditional use permit and an administrative conditional use permit is that the former goes before the hearing examiner and the latter is decided by the land use director. Developers generally prefer the administrative conditional use process primarily because it takes less time. Commissioner Morisseau said in that case she would recommend each be subject to the administrative conditional use process.

Mr. Rhett pointed out that public assembly outdoor and recreation activities are currently both required to go through the conditional use process. Chair Hilhorst asked what the difference between the two approaches relative to public notice and the ability of the public to comment. Ms. Rhett said there is public notification and the ability to comment for both. However, with the conditional use process, the public can not only submit a written comment, they can appear before the hearing examiner to make their case.

Chair Hilhorst said she favored flexibility but also wanted to see the maximum protections for the adjacent neighborhood. Ms. Byers said both approaches give the public opportunity to respond and comment. The staff analysis under both is fairly similar; the only difference with the conditional use process is that everything is checked out by the hearing examiner who hears both sides, if there are sides. The hearing examiner writes a report, as does the land use director in the case of an administrative conditional use, and in both cases the public has the ability to appeal the decision to a higher level of authority.

Commissioner Morisseau said she would support all four categories being permitted, either as a conditional use or administrative conditional use. She said her preference would be for administrative conditional use.

Chair Hilhorst said she would be willing to accept either approach given that both allow for public input.

There was consensus to change all four to administrative conditional use.

Ms. Rhett drew attention to the concern voiced by Commissioner Laing about the current RV park use becoming nonconforming. She agreed the concern should be addressed and proposed

having staff do some research as to where the use should fall on the use chart. She said it definitely would be in the recreation category. If the old definitions work, the use should be allowed through conditional use, but if not and it falls under private leisure and open space areas excluding recreation activities, the use already is permitted outright. Chair Hilhorst asked staff to give the Commission an update at the next meeting.

A motion to extend the meeting to 9:00 p.m. was made by Commissioner Carlson. The motion was seconded by Commissioner deVadoss and the motion carried unanimously.

Ms. Rhett pointed out that the use chart permits most types of residential uses, though group quarters and hotels are allowed through conditional use. Single family homes and accessory dwelling units are not allowed and there currently are none in the area. In a meeting on January 22 with members of the public, there was agreement to give more consideration to affordable housing; that issue will be raised with the Commission at a later date.

Ms. Byers commented that transient lodging had been added along with hotels and motels. She said while the use has always been allowed, the words "transient lodging" were not previously included in the use chart. Transient lodging can include uses such as hostels and homeless shelters that do not fall fully into the hotel or motel category. She said she would need to do a little more research to determine if something like "Airbnb" would be included as a transient lodging use.

Ms. Byers pointed out that the use profile, with the exception of excluding single family housing, mirrors the CB zone, which underlies the Eastgate Plaza property. The zoning the RV Park is subject to is GC, so including the RV park area would be to open up a number of residential uses there that would not be allowed under the current zoning.

Commissioner Carlson commented that the Salvation Army facility in Crossroads is used as a gym, it has a computer lab, and it has a multipurpose room. At night the building is opened to serve as a homeless shelter. He asked how something like that would be categorized in the Eastgate corridor. Ms. Rhett said organizations like the Salvation Army do from time to time operate homeless shelters on a temporary basis. As a government, the city is limited in how it can regulate churches, which the Salvation Army is. Ms. Byers said the use would probably fall on the services chart under religious activities. In facilities that house several different uses, the classification is usually made on the basis of the primary use.

Turning to the resources use chart, Ms. Rhett said only uses proposed to be allowed in the NMU were agriculture, production of food and fiber crops, dairies, livestock and fowl, excluding hogs; and veterinary clinic and hospital. She noted that the footnote attached to the agriculture use limits the use to food and fiber crops, such as community gardens.

With regard to the veterinary clinic and hospital use, Ms. Byers reminded the Commissioners that in the downtown, grooming and boarding had been added as a subordinate use. She asked if the same should be done for the NMU. There was agreement to do so.

Chair Hilhorst asked what the difference is between grooming and boarding and boarding and commercial kennels. Ms. Byers said the latter is a use whose only purpose is to board animals. Many veterinary clinics include kennels in which animals can be kept, but boarding is not their primary use. Chair Hilhorst commented that in her neighborhood someone converted a disused 7-Eleven to a boarding facility, including spaces outside. They sell some products, but their primary use is doggy daycare. She suggested that residents in and around the NMU would like having that option. Ms. Byers added that such places are subject to specific regulations regarding

noise and health issues. In the resources category, boarding is allowed as a subordinate use to veterinary clinics and hospitals. Pet grooming, a use that actually falls under the services category, could also be allowed to include boarding. Doggy daycare, which also would fall under the services category, is not currently a permitted use. Chair Hilhorst said she would like to see it listed as a permitted use.

Ms. Rhett said the Eastgate/I-90 CAC recommended allowing a wide variety of service and retail uses, and their recommendation is reflected on the services use chart. Most of the traditional service uses are shown as permitted on the chart. Larger uses, such as government offices and schools, are shown as requiring a conditional use permit. Things with more of a regional draw, such as crematoriums, warehouses, hospitals and correctional institutions, are not deemed appropriate in the NMU zone and in fact are prohibited.

Commissioner Morisseau asked why contract construction services, building construction, plumbing, paving and landscaping, is not allowed in the NMU as proposed. Ms. Byers said the use specifically references contractor yards which generate a lot of dust and stacks of materials.

Ms. Rhett said the transportation and utilities chart is fairly straightforward. She said there is a lot of similarity between the GC and CB zones and their use provisions were largely carried over to the NMU zone, with the exception of prohibiting some of the larger regional uses, such as bus terminals, taxi headquarters, vehicle maintenance facilities, airports, and commercial parking structures either surface or structured as a primary use.

Commissioner Morisseau asked about the regional light rail transit systems and facilities use which was shown as allowed outright and by conditional use. Ms. Byers explained that the attached footnote indicates when a conditional use would be required. Mr. Kattermann said in short the use would be permitted outright with a development agreement approved by the City Council. Ms. Rhett allowed that currently there is no light rail passing through the Eastgate corridor but there could be in the distant future.

Chair Hilhorst called attention to the use wireless communication facility and asked if the reference was to buildings housing equipment and not to transmission towers. Ms. Byers noted that Footnote 14 prevents the locating of wireless communication facilities from locating on a site with a residential use, except in the R-20 and R-30 land use districts. Footnote 16 makes reference to the general development standards for wireless communications facilities, and Footnote 21 exempts antennas and all associated equipment provided they comply with the federal standards.

With regard to the wholesale and retail use chart, Ms. Rhett said the approach used was to essentially allow neighborhood-scale retail, such as hardware stores, general merchandise, grocery stores, gas stations, drug stores and pet shops. Larger regional-scale uses such as auto sales, wholesale, lumber and farm supplies, are prohibited. She said the intent of the CAC was clear about wanting to see neighborhood commercial development. Staff has thought about how to create an incentive or requirement for neighborhood commercial in the NMU, but a solution has not been identified. More information on the issue will be brought before the Commission at a future meeting.

Ms. Rhett said the issue with auto sales is that permitting them in the NMU is in direct conflict with the recommendation of the CAC. Auto sales is an allowed use in the OLB and CB zones but as proposed would be restricted in the NMJ and the transit-oriented development area.

Chair Hilhorst agreed that consideration should be given to options other than auto sales on the

traditional lot. She questioned whether or not the CAC even considered cars being sold in mall locations. Flexibility should be included to allow for a different future relative to auto sales. Ms. Rhett said the CAC looked at the issue of auto sales fairly closely. The owners of the Honda and Toyota dealerships were involved in the discussions and were very resistant to the idea of a more modern style car dealership. Chair Hilhorst pointed out that Tesla is displaying cars on the second story of Bellevue Square, which is entirely different from the traditional approach. She said she could support prohibiting the traditional surface lot auto sales approach in the NMU but would want to allow for flexibility to address how cars may be sold in the future. Mr. Kattermann said that could be done by restricting outdoor auto sales and storage. The approach to selling cars in a mall typically occurs in higher intensity urban areas, something the CAC did not recommend for the NMU zone. If the intent of the Commission is to allow for the new approach to auto sales, the notes on the chart will need to be very clear.

Ms. Byers referred to the category of eating and drinking establishments and noted that Footnote 42 is consistent to the approach taken with the manufacturing use chart that says a microbrewery is only allowed in conjunction with an eating and drinking establishment. Footnote 42 in fact conflicts with Footnote 37, which establishes a percentage.

Chair Hilhorst asked if the use chart prohibits drive-through windows in the NMU. Ms. Byers stressed that they are not prohibited in the zone, though they are prohibited in the transit-oriented development area and in the NB zone.

A motion to extend the meeting to 9:15 p.m. was made by Commissioner Walter. The motion was seconded by Commissioner deVadoss and the motion carried unanimously.

Ms. Rhett said the three issues yet to be discussed were the development standards table, the concomitant agreements, and the RV park request.

Addressing the comment made by Mr. Woosley, Ms. Rhett said an economic analysis has been completed, though staff wants to run some additional scenarios for the transit-oriented development area. The additional information is likely to be in hand in February or March.

Chair Hilhorst noted that the staff was in agreement with the recommendation of the CAC for an FAR of 1.0 on the RV park site. The request made by the property owner, however, is for an FAR of 2.5.

Commissioner Morisseau said the FAR of 1.0 is too restrictive, while the FAR of 2.5 is too high. She asked if something in between would work for all parties involved. She also asked if the city has an incentive program that would allow for going beyond a base FAR of 1.0 to a higher number. Ms. Rhett said the issue of the incentive system will be discussed in conjunction with the economic analysis. The argument has been made that there is not enough of an upzone between the proposed FAR of 1.0 and the de facto FAR of 0.5 to initiate much of an incentive system, so the proposal is to allow the upzone without a requirement for participating in an incentive system. Beyond just giving consideration to what will happen on the one parcel, thought needs to be given to what will happen within the corridor. The only place where intensities of an FAR of around 2.0 is the transit-oriented development area, which is intended to have a concentration of activity served by high-capacity transit and other services. The only other places in the city with equal or greater density are the downtown and the Bel-Red corridor. In determining what the allowed density should be on the RV park site, the Commission should consider the strategy is for growth citywide and the broader implications. That conversation will occur over the next few months.

Commissioner deVadoss stressed the need for the Commission to fully understand the request. With regard to Bel-Red, the argument is made about transit coming to the corridor, yet it is still a long way off. The possibility should not be ruled out for the Eastgate corridor. Ms. Rhett said high-capacity transit will be coming to Bel-Red in less than a decade, whereas high-capacity transit in the Eastgate corridor has not been determined let alone planned.

Commissioner Barksdale said he could support an FAR of 2.5 for the RV park site, but would be comfortable seeking an in-between density that would work for everyone. Ms. Rhett called attention to pictorial examples of developments at an FAR of 2.0 and greater located in the downtown. She said the Commission will need to carefully consider whether the massing that goes along with that much density can accommodate the desire for open space, greenery and community gathering spaces in the corridor. Commissioner Barksdale asked about the need for the greater density in order to make a project on the site pencil out. Ms. Rhett said there are a lot of factors that go into making a project pencil out; different types of development may pencil out at different levels of density and with different commitments to achieving public improvements. The property owner has called for an FAR of 2.5 in order to make a specific project idea work, but that is not to say another type of development would not be economically viable at a lower density.

Commissioner Walter asked if a development making good use of the land could be achieved with an FAR of less than 2.5. Ms. Rhett said the current zoning for the site is GC which allows for a quite a variety of uses. The multifamily use in general is not allowed in GC currently, but if that changes the site could yield a development far different from what is on the land currently. The property owner has asked specifically if it would be okay to have a multifamily development at a high level of intensity on the site. Saying yes or no to that question will not change the viability of any of the other uses that are allowed.

Commissioner Morisseau asked to come back with an FAR in between the 1.0 and 2.5 that would meet the vision the CAC recommended for the RV park site. While it is true there is no light rail in the corridor currently, the long-term vision is for light rail in the corridor and for the corridor to serve as a gateway for the city.

Chair Hilhorst agreed with comments from other Commissioners about the need to be flexible in regard to the property and the corridor. The city's growth areas are the downtown, Bel-Red and Eastgate. The Commission has spent a lot of ~~time~~ the last year talking about increasing density in supporting the housing needs in the area near Bellevue College and the transit station. She said she ~~could see no reason not to have the need addressed with land across~~ is not sure why that could not jump over the highway on to the other side. ~~Growing Eastgate will~~ In response to an earlier comment by Ms. Rhett, she stated we are not takin~~ge~~ ~~anything~~ away from Bel-Red if we grow Eastgate. There is enough for everybody to have something. And to the point that it is a growth area, it is one of the growth areas with so much potential. She would like to be flexible in what that looks like. She said maybe the thought of the CAC was to really keep that side a neighborhood, more compatible with the neighborhood, and respects that. But in 10 years that may change because of the amount of growth occurring and the ~~The~~ Commission should ~~take the~~ have the ~~longer~~ 50-year ~~view~~ discussion now versus the 5-10 year discussion or somebody else has that discussion in 10 years when they redo the Comprehensive Plan.~~and realize that the need for housing will continue to grow~~. Ms. Rhett said the CAC studied various alternatives that would have significantly increased the residential capacity of the corridor, but ultimately that was not made part of the preferred alternative. In order to create residential development at higher densities, it is necessary to have a pedestrian and transit orientation along with a combination of uses that collectively create a true transit-oriented development. The notion that the entire corridor will become a transit-oriented development is very futuristic. It is not possible

to envision even in the next 20 years being able to walk from Eastgate Plaza to Bellevue College, or to be able to get around between the different subdistricts without a car. The CAC focused on allowing the potential for residential. Multifamily residential development is not allowed on the RV park site at all as things stand currently, and the proposed FAR of 1.0 represents a doubling of the allowed intensity. The vision of the CAC is about concentrating residential development in the transit-oriented development area to make it successful.

Mr. Kattermann noted that the issue is on the Commission's schedule for continued discussion in March.

9. PUBLIC COMMENT

Mr. John Shaw with American Classic Homes said his firm is looking at the RV park site because it sees it as a transit-oriented development. The vision includes incorporating bike rooms and other amenities to give the tenants an increased opportunity to either bike, use electric cars, walk or take transit. The site is similar to a site the company is focused on in Issaquah which is right on a trail and within biking distance of the transit center.

Mr. Ross Klinger, a commercial broker specializing in land development, said there is a massive shortage of housing in the area. Over the last year, 70,000 people moved to the area, and 64,000 new jobs were created regionally. However, only 12,000 housing units are being delivered per year regionally. There is less than a month's home inventory supply in Bellevue. National developers want to be in Bellevue, but the sites available to them appear to be highrise sites. The rents do not pencil highrise. There are no podium development sites with six-story structures available anywhere. An FAR of 2.5 is needed to make a six-store residential structure work. For industrial zones in Seattle, the FAR is 2.5. Bellevue is a bit backwards when it comes to the low FAR ratios.

Ms. Leisha Averill, 400 112th Avenue NE, suggested that allowing transient housing, including homeless shelters, will be inviting a different element to the area. There have been discussions about 24-hour plazas that will potentially be in place in the downtown and to do the same in the Eastgate corridor near surrounding residential zoning, and inviting transients in, will not improve the area. Homeless persons who are not carefully monitored will wander into residential areas.

Mr. Todd Woosley with Hal Woosley Properties thanked the Commission for its full and open discussion regarding the RV park site. He commented that one reason the CAC argued against allowing additional auto sales was because the Safeway went away. There used to be two grocery stores and the risk of losing the second was a real concern for the CAC. Auto sales did not, however, trigger the loss of the Safeway, rather the auto dealership moved in because property owners and the Safeway wanted to do a significant remodel on a tired old center. That triggered a requirement from the city to move the buildings from the back of the site to the front, and moving the parking from the front to the back, something which could not be supported economically. The ultimate outcome was a sea of cars far more dense than what would be seen at a grocery store, and the loss of a grocery store. Auto sales in the NMU should not be viewed as a threat to the Albertsons, rather it is a backup opportunity to what could replace the RV Park if higher densities for residential are kept low.

Mr. Brian Paladar with Group Architects agreed that there is much evaluation still needed before decisions are made. He said some of the most successful examples in other jurisdictions include exemptions from the FAR calculations for things like affordable housing and corner store retail. The same could be set for a car lot along with maximum size limits. The argument that higher density development in the Eastgate corridor is not needed because there are opportunities

elsewhere in the city is weak at best. In the Bel-Red zone, the base FAR is 1.5, but the LIV project did not pencil until it was able to achieve an FAR of 2.25 using the incentive system plus the base FAR. Not counting the exemption from the FAR calculation given for affordable housing, the project works out to an overall FAR of about 2.5. Projects pencil for a lot of different reasons based on various land uses, but if housing is what is really needed, developers will want to bring it online.

10. ADJOURN

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

Chair Hilhorst adjourned the meeting at 9:26 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

February 10, 2016 | Bellevue City Hall
6:30 p.m. | City Council Conference Room 1E-113

COMMISSIONERS PRESENT:	Chair Hilhorst, Commissioners Carlson, Barksdale, deVadoss, Morisseau, Walter
COMMISSIONERS ABSENT:	Commissioner Laing
STAFF PRESENT:	Emil King, Patti Wilma, Dan Stroh, Bradley Calvert, Department of Planning and Community Development; Kevin McDonald, Department of Transportation
COUNCIL LIAISON:	Not Present
GUEST SPEAKERS:	None
RECORDING SECRETARY:	Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:31 p.m. by Chair Hilhorst who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Carlson, who arrived at 6:51 p.m., and Commissioner Laing, who was excused.

3. APPROVAL OF AGENDA

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

4. PUBLIC COMMENT

Ms. Brittney Barker with Fortin Group, 10112 NE 10th Street, Suite 202, said Fortin Group is a multigenerational family owned real estate asset management company that owns about ten acres in the Northwest Village area of the downtown to the north of Bellevue Square, including the Bellevue Village Shopping Center, Bellevue Village North office building, and La Chateau apartments. Fortin Group has been actively involved in the livability study since its inception in 2011. A team of urban planning, feasibility and urban transportation experts has been formed to help inform the range the options under the current zoning, and what may be deliverable under new zoning. Fortin Group supports the forward-thinking urban design approach the Commission is studying, particularly in the way it emphasizes connectivity, walkability, open space and civic vitality. Support was voiced for the recommendation of the Downtown Livability Initiative CAC for updating the “Deep B” overlay zoning to provide a welcome alternative to the wall that would otherwise be created by the current zoning, effectively blocking off surrounding neighborhoods to the downtown and greatly reducing options for the provision of public amenities.

Mr. Andrew Miller, 11100 Main Street, spoke representing BDR Holdings as well as John L. Scott Real Estate. He said the BDR property is located on the northwest corner of 112th Avenue NE and Main Street, and John L. Scott is the property immediately to the west. The properties together are just under three acres and have just under 450 linear feet of frontage on Main Street. The properties are only 200 yards or so from where the new East Main light rail station will be. Unlike other downtown perimeter properties, there is a significant grade coming up Main Street, and the properties are within the walkshed of two light rail stations. Additionally, the properties are located at a gateway intersection, and there will be a park to the south of Main Street once light rail is completed. The property owners to the north and west are interested in the changes happening in conjunction with East Main and are interested in the coalition building efforts that are under way. There are some excellent opportunities for the city, the residents of Surrey Downs, and the future users of the East Main light rail station. Changing the zoning and the incentives correctly will resolve many challenges facing the area. The intersection of Main Street and 112th Avenue is the first one encountered when entering the downtown from the Main Street crossing of I-405. It would be appropriate to create a visually unique and pedestrian-engaging connection to the downtown via a grand stair anchored at the intersection. Redeveloping the two properties to include external/internal retail would give Surrey Downs residents and light rail users an engaging space with restaurants and retail. Excess parking in a garage on site could also solve part of the concern that the East Main station will have no parking. Such a project could help to create a presence for the East Main station area. Increased height and FAR would be needed to bring it all about. The Commission was asked to direct the staff to further study the area in light of the unique set of parameters for the area, including the light rail station, the work being done by the East Main CAC, the hill climb into the downtown, and the need for the right zoning and incentives that will help to create a transit-oriented development that will best leverage the significant investment in the light rail system.

Ms. Darcie Durr spoke as general counsel for West 77 Partners, 10620 NE 9th Place, a real estate developer headquartered in Downtown Bellevue. She asked the Commission to direct staff to further study the DT-O2 subdistrict on the north side of the downtown core, with particular attention paid to the height and FAR limits for the superblock fronting NE 8th Street between 106th Avenue NE and 108th Avenue NE. She noted that the O2 north zone is bordered by the O1 zone to the south and MU to the north. The vision for the block is consistent with the existing Comprehensive Plan policies which identify NE 8th Street as a major gateway into the downtown. Policy S-DT-48 calls for gateways that have a sense of quality and permanence. The Downtown Livability Initiative CAC recommended an increase of 150 feet of height in the O1 district for a new limit of 600 feet. The CAC recommended an increase of only 50 feet for a new limit of 300 feet in the O2 zone. While that might make sense for other O2 subdistricts, it will not lead to desirable results along NE 8th Street given the disparity of 300 feet in the distance of a single street. The CAC got it right for the O1 zone, but a lack of corresponding increase in the O2 north zone will create a lopsided result, certainly not the sense of quality and permanence called for in a signature gateway into the downtown. The Commission is also being asked to look at increases in height to 300 feet for the MU zone for residential; that zone is directly to the north of the O2 north district. Going to 300 feet in the MU and the O2 will negate the transition and the distinction between the MU and the downtown districts. A corresponding increase in height and FAR for the O2 zone district is needed to preserve the other districts. The 2004 Comprehensive Plan established 106th Avenue NE as an entertainment avenue, and highlights NE 10th Street as a candidate for a major public amenity. The current O2 zoning has not, however, produced the desired entertainment district. The opportunity exists to spur that kind of development by allowing additional height and FAR. West 77 Partners has partnered with Dr. Emil Melezia of UNC Chapel Hill in an attempt to make its corner of Downtown Bellevue as vibrant as possible. His research shows that density and compactness leads to vibrancy. The

opportunity now exists for the city to realize the Comprehensive Plan goals of a signature gateway along NE 8th Street and to create an entertainment district along 106th Avenue NE.

Mr. Carl Vander Hoek with Vander Hoek Corporation, 9 103rd Avenue NE, thanked the Commissioners for their continued input on topics of vital importance to the future of Bellevue. He said the most important leg of the work lies ahead. Based on the recommendations of the Downtown Livability Initiative CAC, consultant work should be conducted related to the analysis of a variety of options, economic outcomes, transportation and parking. The work should commence immediately to be useful in the process. The Commission should request of the Council to initiate the intended further analysis to be conducted by the Downtown Livability Initiative consultants. Based on the recommendation of the CAC, building heights should be considered for an increase in the Old Bellevue perimeter design districts A and B. The recommendation was to go from 55 feet to 70 feet in Perimeter A, and the recommendation should be fully analyzed. There is a need for code language clarifications regarding the DT-OB Perimeter A and B districts relative to non-residential FAR, specifically language regarding the minimum and maximum FAR; unless clarified, the language could limit the potential for hotel development in Old Bellevue. The packet materials discuss an 80-foot separation between towers and noted that should a property owner choose to develop close to a property line, the developable area of an adjacent site could be impacted, leaving whoever develops last having to squeeze a tower on a smaller floor plate depending on the placement of neighboring towers that develop first, leading to a race to develop first and speeding up the natural market pace of development and growth of the area beyond the infrastructure improvement timeline. With regard to the intersection analysis technical memo in the packet, the question should be asked how staff supports the methodology behind the computer modeling and signal improvements to arrive at the conclusion that after the proposed height and FAR increases, the overall growth projections for Bellevue through 2030 remain the same, and that there will be a decrease of eight percent in average delay per vehicle at downtown intersections. If there is a shorter delay for vehicles, there will be a longer delay for pedestrians crossing the street. More information on the methodology and assumptions is needed.

Ms. Todd Woosley with Hal Woosley Properties spoke representing the Kramer family, owners of the Eastgate RV site. He said he was encouraged by the Commission's previous discussion that considered the requested FAR for the site. The Commission asked for a better understanding of what a development at the proposed FAR could look like, and he presented them with a brochure for the LIV Bel-Red development in the Bel-Red corridor that serves as a good example of what could happen. The Commissioners were encouraged to look at what is possible, and were informed that architectural drawings for the RV site will be submitted to the Commission for consideration at the next meeting.

Mr. Alex Smith with K. Smith Enterprises, 700 112th Avenue NE, said the business' property is in the DT-OLB zone. The highly visible site is directly east of the Meydenbauer Center and kitty corner from City Hall. He noted that with him were Harold Moniz and Arlan Collins with CollinsWoerman, land planners and architects, and land use attorney Larry Martin with Davis Wright Tremaine. He expressed support for the general direction embodied in the CAC's recommendations to significantly increase development capacity in the DT-OLB zone adjacent to I-405. The Commission was encouraged to include in its recommended code revisions a process to allow flexibility to depart from the development standards, an approach adopted by some other major cities, including Vancouver, B.C., to ensure that rigid numerical standards do not stand in the way of truly superior projects that add value. Highly visible and accessible sites that can serve as gateways and which have the potential to become city landmarks cry out for

expertly crafted design solutions. Exceptional projects do not always fit within prescribed boxes. Providing for flexibility should be allowed to achieve superior results that will benefit the community by creating memorable places.

Mr. Patrick Bannon, president of the Bellevue Downtown Association, said the organization has grown up along with the city of Bellevue. The members, including the land use and livability committee, are reviewing the information along with the Commission. In reviewing the recommendations of the CAC relative to height and form, the Commission will be taking a step toward updating the Land Use Code that is 30 years old and better align future development with the great place strategy that is already part of the Downtown Subarea Plan. Most would agree with the goal of achieving a better built environment and pedestrian realm through great projects that will improve livability, attract residents and jobs, enhance values, and support Bellevue as a healthy and vibrant city for years to come. The proposals to equalize the commercial and residential FAR, and to increase heights, are intended to achieve those outcomes. There will certainly be a need for additional analysis and scrutiny as the options are reviewed. In the final analysis, there should be allowance made for departures for projects that meet the intent and objectives of the code and livability principles. The shading and shadow studies are valid. However, it is unclear whether orienting every new tower in a certain direction will achieve the absolute best outcome for the downtown. Descriptive design guidelines and principles along with predictable and guided flexibility in height, form and spacing should ultimately lead to stronger designs and better outcomes and livability.

Mr. Jonathan Kagel, president of the Vuecrest Community Association, PO Box 312, said the community of 204 families is located to the northwest of Bellevue Square and has been around for almost 70 years. The area is unique in that it is a single family area adjacent to a quickly growing and dynamic downtown area. The "Deep B" area is just a block from single family homes that are limited to a single story. Depending on the outcome, there is the potential that within a block of the traditional rambler-style single family community there will be towers ranging up to 240 feet high. That is hardly in keeping with the wedding cake format. Vuecrest residents understand and embrace the way in which the downtown is growing, and they understand that in the coming years there will be additional changes. The change should, however, be controlled in a way that will retain the uniqueness of Vuecrest. Opportunity should be taken to think of the Northwest Village area as a whole, and the Vuecrest community should have a place at the table along with other interests. The best choice for the Northwest Village area will be something close to a Comprehensive Plan showing how buildings and walkways can work together without being overly prescriptive.

Mr. Walter Scott with Legacy Corporation, 400 112th Avenue NE, echoed the comments of Mr. Smith, Mr. Bannon and Mr. Kagel relative to the need for flexibility in the rules. The Legacy Corporation site is immediately east of City Hall between 112th Avenue NE and I-405. The site slopes down to the freeway and the uniformity of midblock connections might require some discretion to allow for an option that might work out better for all concerned.

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

Chair Hilhorst reported that on February 1 she presented the Commission's early wins recommendations to the City Council. She said the recommendations were very well received and the Council said kudos are due to the Commission. Questions were asked of staff and the answers will be coming back to the Council.

6. STAFF REPORTS

Strategic Planning Manager Emil King reminded the Commissioners about the state Department of Commerce short course on local planning to be held at City Hall on March 2.

With regard to staff transitions, Mr. King said Terry Cullen, the recently hired Comprehensive Planning Manager, will be taking over as staff liaison to the Commission in a couple of weeks. He also informed the Commissioners that Erika Rhett has taken a job as a consultant and will leave city employment in about a week.

7. DRAFT MINUTES REVIEW

A. January 27, 2016

Chair Hilhorst called attention to the fifth sentence of the last paragraph on page 12 of the minutes and noted that her comment about growing Eastgate not taking anything away from Bel-Red was in fact in response to a comment that had been made earlier in the meeting by Ms. Rhett. She said she would like the minutes revised to reflect the question as well as the comment made.

Commissioner Carlson referred to the first paragraph on page 7 and noted that his reference to "Bellevue Brew" should be changed to read "Bellevue Brewery."

There was agreement to hold approval of the minutes to the next meeting.

8. STUDY SESSION

A. Downtown Livability Land Use Code Update

Mr. King briefly reviewed the Downtown Livability Initiative study schedule. He noted that the Council is currently slated to take action on the early wins as early as February 16. The ongoing review and refinement work on the overall Downtown Livability Initiative will take a number of months and ultimately will result in the transmittal of a package of recommendations to the City Council for review and adoption.

Planning Director Dan Stroh said the topic of urban form and height will be one of the more interesting elements of the overall discussion. He said the recommendations of the Downtown Livability Initiative CAC have been taken to heart, and every attempt is being made to carry them forward. However, the CAC left unanswered a number of questions in regard to urban design outcomes aimed at increasing livability and quality of life. If additional height and FAR are allowed in some areas, it should be allowed with an eye on achieving better outcomes. There are a suite of items in front of the Commission as it works through the full CAC report, including open space, refinements to the pedestrian corridor, the bonus incentive system, and changes to the subarea plan. The intent is to have the study wrapped up by the end of the third quarter of the year.

Mr. King noted that interest has been expressed in allowing members of the public to come in and talk for more than five minutes regarding ideas and projects. Based on that desire, a window of time has been scheduled for an hour before the March 9 Commission meeting in which folks can come in, set up displays, and talk informally with Commissioners. The opportunity has been made known to all on the Downtown Livability interested citizens list, is posted on the

Commission's website, and will be forwarded to the Bellevue Downtown Association and other organizations.

Senior Planner Kevin McDonald stated that at the beginning of the Downtown Transportation Plan work, expectations were set for downtown growth in terms of land use, employment and population through the horizon year of 2030. Much of the work was based on a market forecast. As of 2010, the downtown employment figure stood at 42,000; that number is forecast to increase to 70,300 by 2030. The population of about 7,000 in 2010 is forecast to go to about 19,000 by 2030.

A map of the downtown was shown to the Commissioners that indicated an assigned distribution of the projected 2030 population and employment growth figures based on the market forecast for land use changes, the existing 2010 zoning, and the availability of redevelopable land. In terms of employment, the greatest intensity of employment is anticipated to be in the core of the downtown and in the hospital district. A second map indicating population growth showed a more scattered pattern. Using a combined population and employment metric for the downtown, the Commissioners were shown how the intensities in the downtown could spread out by 2030. It was noted the metric is important in that it directly relates to how the transportation system functions and where transportation investments should be made to serve the expected population and employment.

Mr. McDonald shared with the Commissioners the average annual weekday traffic volumes at specific measured points along different arterials in the downtown between 1990 and 2010. He noted that despite all the land use growth that occurred in the 20-year period, traffic volumes stayed relatively constant. The work to develop the Downtown Transportation Plan included adding three years of growth between 2010 and 2013; surprisingly, the relative constancy continued. In the opinion of staff, the constancy is the result of a transportation strategy that encompasses all modes of travel. Between 1990 and 2013, the city has made improvements to all modes and has provided incentives for people to use modes other than single-occupant vehicles. The result of incentives, disincentives and infrastructure investments has been changes in the way people choose to get to, from and around the downtown. On the land use side, as the downtown area has grown, more jobs and more housing have come online along with more services and amenities, and more people are choosing to get around on foot, by bicycle or by transit. In 1990, people used their cars to get around, in part because it was necessary to travel longer distances to get to what they wanted to do; as the downtown has filled in with more land uses, there are more choices, trips are shorter, and people are choosing not to use their cars.

Chair Hilhorst commented that telecommuting is certainly more prevalent than it was in previous years, which translates into fewer people coming into the downtown to go to work. Mr. McDonald said telecommuting is a part of the "all of the above" strategies and is specifically in the transportation demand management package. Various employers, including the city, provide incentives and disincentives for different modes of travel, and one of the incentives is the opportunity to work from home. Telecommuting reduces the travel demand on city streets and the need to accommodate parking in the downtown.

Commissioner Carlson asked if the model includes data regarding traffic using I-405. Mr. McDonald said traffic volumes on I-405, I-90 and SR-520 have increased over the years. He agreed to provide information to the Commission with regard to the specific volumes. Commissioner Carlson suggested the fact that traffic volumes in the downtown have remained relatively steady could be tied to the fact that between 1990 and 2013, NE 4th, NE 6th, NE 10th and NE 12th streets were expanded. The increased options for cars to travel could be the reason why congestion has not increased. Mr. McDonald allowed that route options is a clear benefit of

having a more complete roadway network. One way traffic volume is measured involves what are called screenlines. Screenlines are lines drawn along the perimeter of a geography, and all traffic passing through the imaginary line is measured. The Downtown Transportation Plan work included screenline metrics. Despite the fact that there are more travel options, the screenline volumes around the perimeter of the downtown were shown not to have changed. The number of persons transitioning across the screenlines has not been reduced, but they are traveling in buses, in carpools/vanpools, by bicycle, or on foot.

Commissioner Walter suggested that the information about traffic volumes remaining steady defies what is actually encountered by those driving in the downtown in their cars. It feels as though traffic volumes are up and congestion is worse. Mr. McDonald said the traffic volume numbers were one of the surprising discoveries of the Downtown Transportation Plan.

Commissioner deVadoss asked how Bellevue's traffic picture compares to cities such as Portland and Vancouver, B.C. Mr. McDonald said steady traffic data is not an anomaly for urban areas that offer intense mixed use development that is well served by transit and good walking environments. Like Bellevue, those cities offer more than a central business district to which people flock in the morning and leave after work; each is a downtown made up of neighborhoods where people live, work, shop and are entertained. As such cities grow and diversify in their land uses, they are not seeing commensurate increases in traffic volumes even while seeing a commensurate increase in person throughput.

Mr. McDonald noted that the land use pattern from the Downtown Transportation Plan, which was built on the 2010-2013 forecast, was in part based on a redistribution of growth based on the potential to change the zoning in some areas of the downtown. One such area was the DT-OLB area along I-405 where potential growth could be created by allowing for taller buildings and an increased FAR, resulted in the movement of some jobs to that district. The change in vehicle travel patterns and levels of service resulting from the redistribution was also considered. All capacity projects in the pipeline were included in the model. Most of the roadways in the downtown are about as wide as they can get, but that does not mean transportation capacity for vehicles cannot be improved. Many of the capacity projects, however, will occur outside of the downtown, though they will have a direct impact on the levels of service for vehicle travel in the downtown. The model showed that the redistribution of land use under the Downtown Livability Initiative and the Downtown Transportation Plan scenarios would result in a slight difference in vehicle volumes, average vehicle delay, and the total hours of vehicle delay in the downtown. Maps of the downtown showing the intersection levels of service under both scenarios were shown to the Commissioners. In both instances, levels of service were better on the west side of the downtown and worse on the east side of the downtown closer to the freeway. The slight change in the average vehicle delay at downtown intersections that results from the Downtown Livability Initiative scenario can be attributed to the fact that employment would rise in the DT-OLB area, resulting in fewer trips on the downtown streets.

Mr. King clarified that the CAC gave direction in its report to further analyze the model impacts of both changing the zoning in the DT-OLB zone and the DT-MU district. Those are the only two recommendations in the report that have an effect on the allowable FARs in the downtown, and the modeling was done in part to determine the impacts of both approaches.

Commissioner deVadoss said he would like to see staff develop a worst case/best case scenario.

Commissioner Morisseau asked how the modeling results compare to the current levels of service. Mr. McDonald said in the 2010 baseline, the overall downtown average level of service

for all system intersections was C, and the average vehicle delay was 27 seconds. Under the 2030 scenario, the average vehicle delay rose to 48 seconds.

Community Development Manager Patti Wilma focused the discussion on the height and form recommendations from the CAC and the follow-up staff analysis. She reminded the Commissioners that the CAC developed recommended principles relative to what potential height and form changes needed to accomplish. Specifically, the CAC directed that any changes would need to result in better urban design outcomes; continue to distinguish Bellevue's special market niche held by the downtown; help to deliver additional amenities that enhance livability and character; address impacts from additional height having to do with public views, shadows, tower spacing and other issues; and continue to provide for appropriate transitions between the downtown and adjoining residential areas while promoting better and more complementary linkages.

Height and form relates to livability in a number of different ways. It can: bring about opportunities for more light and air between buildings by allowing additional height; bring about opportunities for more ground-level open space; promote variability in building heights; reinforce district identity; add "lift" to the incentive system through allowing additional height or FAR; create a more distinctive skyline; encourage more interesting and memorable architecture; and add density around light rail transit investment.

Ms. Wilma shared with the Commission a map of so-called "soft sites", which are those likely to be redeveloped by 2030. She noted that within the "Deep B" and DT-MU Civic Center areas were shown as having the opportunity for redevelopment. For the balance of the MU district near Bellevue Square and Downtown Park, the opportunity for redevelopment is limited, while along Main Street to the east of Bellevue Way there is quite a bit of redevelopment potential.

The CAC recommendations applicable to the entire downtown area included addressing the impacts that may result from additional height by using design guidelines, tower spacing, mitigating for shadows, and ensuring permeability from I-405 for public views. Ms. Wilma said the recommendation of staff was for an 80-foot separation between towers 40 feet above grade; subjecting all floors above the current maximum height to additional tower spacing and diminished floor plate requirements; and provide exceptions for small sites.

Community Development Program Manager Bradley Calvert explained that under the International Building Code, the building separation standard is 40 feet. In reality, best practices have typically landed at closer to 80 feet. He shared with the Commissioners an example of a residential development on half a superblock which under the current requirements could fit four highrise structures on podiums that would largely cover the entire site. By increasing height and increasing the tower separation to 80 feet, the same site could yield three towers, allowing for additional open space at the ground level and variation in building height, without changing the FAR.

Commissioner Carlson asked what the Chamber of Commerce and the development community have said about the modeling outcome. Ms. Wilma said they have been supportive of additional building height and equalizing the FAR in the DT-MU for commercial and residential uses. Staff have not heard of any specific opposition to increasing tower separation.

Mr. Calvert noted that from the perspective of standing on the sidewalk, increasing tower separation gives permeability to the sky and avoids the canyon effect. Shadowing of the sidewalk is also substantially reduced.

Mr. Calvert said the recommendation is to increase tower separation to 80 feet; allow for a departure to the rule for design excellence to include fluid and slender forms and unique forms; increasing the tower separation for developments seeking increased height and FAR; allow for increasing the maximum floor plate provided tower separation is increased by the same percentage increase; and providing exceptions for sites under 30,000 square feet. Sites on which tower separation of 80 feet is not feasible may not be appropriate for multiple towers.

With regard to fluid, slender and unique forms, Mr. Calvert said opportunity should be allowed to reduce the tower separation distance where curved or angled/irregular façades are utilized in ways that would not be harmful to the pedestrian realm. In such cases, the amount of surface area under the 80-foot threshold would be substantially smaller.

Commissioner deVadoss said he could see the benefits associated with increasing tower separation, but asked if there are any potential negative tradeoffs. Mr. Calvert said in most cases there would be no negative impacts, only a repositioning of towers on sites in ways that will optimize the amount of light and air reaching the pedestrian realm.

Mr. Calvert said the issue of the last property to develop getting squeezed out can be addressed by considering early on the placement of towers relative to neighboring properties.

Commissioner deVadoss asked if there were a way to assure an equitable solution. Mr. Calvert said that would need to be further investigated to determine if there should be a guideline or recommendation. Ms. Wilma said at the preliminary development stage it would play out with staff asking the developer to indicate how they could or could not assure tower separation in regard to adjacent properties. Working together will yield the best outcomes. Commissioner deVadoss asked if the city could simply require a separation of at least 40 feet from a property line. Mr. Calvert said that approach could be taken.

Mr. Calvert pointed out that requiring a separation of 80 feet between towers on two small sites of less than 30,000 square feet would make the sites entirely undevelopable. Accordingly, the recommendation of staff is to require a 20-foot setback from the property line and a 15-foot setback from any public-facing street right-of-way. The approach would yield at least 40 feet of separation between two properties while assuring a pedestrian-scale look and feel at the ground level. A 30,000 square-foot site under the recommendation would yield a floor plate of about 18,000 square feet. Because the maximum allowable floor plate in the DT-MU is 20,000 square feet, some tweaking may be necessary.

Ms. Wilma said staff also was recommending buildings with façades of 120 to 140 feet should be required to include substantial articulation, which is the direction that was given by the CAC. There is no current dimensional standard that says articulation must begin at a certain level above ground level. The guidelines would indicate what the articulation is intended to accomplish, and it would be left to the designer to provide. There are some industry standards that come into play for the podium level of buildings.

Mr. Calvert said one of the recommendations relative to floor plate size is that for anything above the existing maximum height, up to the proposed maximum height, the floor plates would be reduced by 20 percent. The idea is to allow for more slender forms while also satisfying the desire for additional tower separation for pursuing extra height or FAR, and to yield a generally better aesthetic.

With regard to connected floor plates, the Commissioners were informed that under the Land Use Code, buildings under 70 feet in height are allowed to exceed the maximum floor plate size

for the purpose of creating a more continuous form, and to allow for safe and efficient exiting. The code allows for including the floor area of residential units or other building uses, though the connection cannot occur more than three floors above 40 feet in height. The code calls for a provision to require a change in the elevation of a building to make it appear as distinct and separate elements. The result has been buildings with very long façades and buildings with a center "donut" courtyard, both of which involve overly large massing that defeats the purpose of the FAR.

Mr. Calvert said the recommendation relative to small sites was to address the overall scale of massing; reinforce the intent of "separate and distinct building elements"; modify the connecting floors quantity; and remove the allowance of habitable floor area within the connection. With regard to internal courtyard buildings, the connection should be between three and seven feet in depth and have a functional relationship to the overall façade length of 7.5 percent. Notches that currently are only required to start at the fourth floor should go all the way to grade, creating a distinct separation that breaks up the massing. The intent of the connecting floor plate provision is to allow for safe and efficient exiting, but under the current approach the connections are being turned into usable space, circumventing the intent.

For typical sites, the recommendation is to offer dimensional guidance to enhance the appearance of separate buildings; improve the human/building scale relationship; and reduce the scale of massing. The intent is to provide guidelines rather than specific dimensions relative to the proportional relationships necessary to establish an aesthetic of distinctly separate buildings. The separation between the spaces should be the same as the width of the building. In high-traffic areas, the result would be scale that is more related to pedestrians in the form of building entrances, stoops, recesses or protrusions every so many feet.

Commissioner deVadoss said the proposed approach appears to be quite prescriptive. He asked if the developer could be given the leeway of coming back with alternatives that meet the general intent. Mr. Calvert said there is room for departure. The proportions are intended to serve as a starting point. Ms. Wilma added that under the current approach, staff does not have the leeway to modify the dimensional requirements in any way. It would be preferable to be able to work with designers and developers to achieve results that meet the intention of the code.

With regard to wind, shade and shadowing, Ms. Wilma said the CAC recommended maximizing sunlight on throughblock connections and addressing any impacts that may result from additional height or density. Staff supports the direction and recommends using tower stepbacks, canopies, marquees, awnings and green roofs to deflect wind; using tower separation to maximize light and air at the ground level; and orient the shortest building façades in the north-south to mitigate wind and shade impacts at the pedestrian level.

Mr. Calvert added that any development that provides a public space that earns FAR amenity incentive system points should be required to provide a study showing that the building orientation will not leave the open space in permanent shade and shadow. He said the same orientation would serve to mitigate the impacts of wind. The north-south orientation, along with providing stepbacks on all façades oriented toward public space, is part of the staff recommendation. The staff recommendation also calls for providing a green roof, a parapet with a minimum height of four feet, or stepbacks at 40 feet and 80 feet to mitigate down drafts and wind speed.

Ms. Wilma noted that the CAC also recommended adding direction on articulation for building massing, along with a continued strong emphasis and focus on ground-level treatments, and building off the 15 percent/15-foot rule to accommodate architectural integration of mechanical

equipment or interesting roof forms. She said the recommendation of staff supports the CAC direction. To emphasize the base, middle, top, the podium height should be clarified as being limited to 45 feet to the top of the podium roof. Mr. Calvert noted that where the floor plate size for all floors above the existing maximum height is reduced, the natural result will be distinctions between the base, middle and top of buildings.

Commissioner Walter asked if there had been any feedback from developers relative to the increase cost associated with constructing articulated structures as opposed to big square boxes. Ms. Wilma agreed it is probably more expensive to build a taller building with more articulation. However, the tradeoff is additional floors that will lease out at higher rates, yielding the opportunity to recapture the investment.

Commissioner Carlson suggested the Commission would benefit from having a public hearing before making any final decisions as a way to hear directly from developers and others what they think of the recommendations. Commissioner Barksdale said the open house will provide the public an opportunity to comment. The public hearing is a good medium for eliciting comments, but an open house is a more conversational environment. Ms. Wilma agreed and urged all of the Commissioners to attend. There is also opportunity for the public to share their views at every Commission meeting. Mr. King reminded the Commissioners that the Commission will ultimately conduct a public hearing on the full package of recommendations, but ahead of that event there will be opportunity for the public to comment more informally.

Ms. Wilma noted that for the DT-MU, the CAC recommended considering FAR of up to 5.0 for both residential and non-residential. She said staff supports that recommendation. With regard to building height in the district, the direction of the CAC was to consider allowing up to 300 feet for residential and 200 feet for non-residential, and using design guidelines to spell out the details relative to public views, shadows, tower spacing, transition and the effects on the pedestrian level. Staff supports the recommendations of the CAC and recommends requiring open space, more tower spacing and reduced floor plates for existing the current maximums, and eliminating the 15-foot height limit for mechanical equipment, relying instead on screening and location criteria.

The CAC did not address the DT-MU "C" overlay district but staff has identified the need for some changes. All portions of the "C" overlay have the same dimensional requirements as the underlying DT-MU zoning. The only difference is that to build in any of the districts, developers must provide neighborhood services. The recommendation of staff is to eliminate the "C" overlay. The population in the downtown and the market is driving the uses that are provided in particular developments. Currently in the downtown there are four grocery stores, nine cleaners, and three large drugstores. Additionally, a large hardware store is located just east of I-405. The market has clearly come in to fill the need for neighborhood services that was called out 25 years ago, and the code no longer needs to call for them.

Chair Hilhorst asked if there has been any feedback from the downtown community or the Bellevue Downtown Association. Ms. Wilma said written feedback has been received with the opinion that the "C" overlay neighborhood services called out in the code are lacking for downtown. There was discussion regarding the market deciding where the uses need to be located based on rents and the populations to be served.

Commissioner Walter commented that if only a certain type of use is allowed in a district, the demand for the space will be smaller than if any use is allowed there. With less of a demand, rents will be lower. Lifting the code requirements could result in a higher demand, in which the desired use may not locate in the downtown. Mr. King clarified that the "C" area is not limited to

the uses listed, rather that neighborhood service uses need to be provided in order to get to the maximum height and FAR. In the opinion of staff, the market is driving the provision of the uses and there is no need to include them as special requirements.

Commissioner deVadoss voiced his support for the staff recommendation.

Ms. Wilma directed attention to the DT-MU Civic Center district along 112th Avenue NE between NE 4th Street and NE 8th Street and noted the CAC had recommended consideration of an FAR of 6.0 for both residential and non-residential uses, and mitigating the impacts through tower design and separation, permeability from I-405, connectivity with Wilburton and the pedestrian environment. Staff concurs with the recommendation. The CAC also recommended allowing building height to 350 feet for both residential and non-residential and utilizing design guidelines to address and mitigate for public views, shadows, tower spacing, transition and the effects on the pedestrian realm. Staff supports the recommendation and also recommends requiring open space, more tower spacing and reduced floor plate size where the current maximum height is exceeded, and eliminating the 15-foot height limit for mechanical equipment.

The topography of the DT-MU Civic Center district drops off toward the freeway and the CAC proposed giving consideration to increasing the allowed floor plate size. There is already in the code an accommodation where floor plates above 40 feet can be averaged, and that provision addresses the desire of the CAC.

Ms. Wilma said the “Deep B” area is adjacent to the Vuecrest neighborhood. The CAC recommended no change to the allowed FAR for the district but did recommend considering an increase in building heights to between 160 and 240 feet, with an average height of 200 feet, for residential uses only. They also recommended using design guidelines to address public views, shadows, tower spacing, transition and the effects on the pedestrian environment. The staff are in support of the CAC recommendations and also supports requiring open space, more tower spacing, and reduced floor plates where buildings exceed the current maximums; limiting single towers to a height of 160 feet; and requiring a development agreement where multiple building projects seek additional height.

Commissioner deVadoss asked Ms. Wilma for her professional opinion regarding the proposal. Ms. Wilma said the northwest corner of the downtown is very different from the southeast corner even though the zoning criteria are the same for both. The edges of the downtown that are adjacent to sensitive receptors need to be looked at in a very customized way. The Council was clear in stating that any additional building height will need to be a good deal for the surrounding neighborhoods as well, which calls for paying special attention to tower spacing and open space. The development agreement process is open to the public and gives all the opportunity to be involved, and that is a good way to make sure the needs of all are met.

Commissioner Carlson commented that the Vuecrest neighborhood is unique in that it runs right up to the periphery of the downtown, with only a two-lane road separating the areas. The recommendation will allow for very tall buildings very close to single family homes. Ms. Wilma said if she were a resident there she would want any actions taken to assure that she could still feel good about living there, and that new development would be of the highest quality. She said responsible density is the right approach and that can happen through codes and guidelines.

Commissioner Carlson observed that development can impact the value of properties being developed as well as the properties surrounding new development. He asked how the proposal might impact property values within the Vuecrest neighborhood. Ms. Wilma said a poor job of redeveloping the “Deep B” area could negatively impact property values. The fact is the

downtown has become a draw and good development can have a positive impact. She shared with the Commissioners drawings comparing the existing approach with the proposed approach and what could be yielded given a variable building height scenario.

Ms. Wilma sought from the Commission direction regarding the issues raised by the West 77 Partners and BDR Holdings/John L. Scott representatives. Mr. King said in the opinion of the staff, the issues fall outside the foglines established by the CAC. The request relative to both is to keep the sites in the mix as the Commission works on downtown livability. The properties are within the scope of the Downtown Livability Initiative work, but both are seeking additional analysis relative to exceeding the recommendation of the CAC for building height and FAR.

Commissioner Morisseau asked how tall the towers are that lie on NE 8th Street between 108th Avenue NE and 110th Avenue NE. Ms. Wilma said they are in the hundred-foot range. Mr. King noted that the CAC recommended building height of 300 feet in the DT-O2 district and no change to the current FAR. West 77 Partners would like to see an analysis of building height up to 400 feet and an FAR of 8.0.

Commissioner Walter said she favored additional study relative to the BDR Holdings/John L. Scott sites, but was not clear as to what did not get done during the CAC process relative to the West 77 Partners site. Mr. King said the DT-O2 district is interesting in that there is a piece to the north of NE 8th Street, a piece to the south of NE 4th Street, and a piece that encompasses half of the Bravern and half of the City Hall block. The issue is that the area north of NE 8th Street may have some different circumstances that were lumped together with the CAC's overall look at the three areas.

There was agreement to continue analyzing the BDR Holdings/John L. Scott and West 77 Partners properties.

Commissioner Carlson commented that the recommendations of the CAC in all respects sound fine on paper, but the fact is they encompass some very real changes. He said he would feel more comfortable soliciting more input from the community before making any recommendations.

Commissioner deVadoss said he believed the CAC and staff recommendations are pointed in the right direction. He reiterated, however, that he would like to see a public hearing conducted to gain more input from the community.

There was agreement not to give staff any specific direction relative to the "Deep B" area until after the public forum on March 9.

With regard to the DT-MU Civic Center and DT-MU areas, the Commissioners generally concurred with the CAC and staff recommendations but agreed not to reach a conclusion until after the March 9 public forum.

A motion to extend the meeting to 9:45 p.m. was made by Commissioner deVadoss. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

9. PUBLIC COMMENT

Mr. Carl Vander Hoek with Vander Hoek Corporation, 9 103rd Avenue NE, thanked the Commissioners for asking good questions and for wanting to hear more from the public and the Bellevue Downtown Association. He cautioned the Commission to be careful in making decisions relative to average annual weekday traffic counts in that the problem with averages is

that they are averages. Some of the materials presented around job and population growth indicated potential development sites, and it would be good for them to be made public for consideration.

Ms. Darcie Durr with West 77 Partners, 10620 NE 9th Place, thanked the Commissioners for their time and hard work in studying the issues. She said she would have an exhibit ready for the March 9 meeting and would readily answer any questions in advance of that meeting.

Ms. Linda Abe with Su Development, 1100 106th Avenue NE, said the company is committed to doing interesting highrise building through good design. She agreed that plain square buildings cost less to construct, so incentives and bonuses are needed in order to make quality designs pencil out.

10. ADJOURNMENT

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

Chair Hilhorst adjourned the meeting at 9:31 p.m.