Bellevue Planning Commission

Wednesday, July 30, 2014
6:30 to 9:30 p.m. ▪ 1E-113
City Hall ▪ 450 110th Ave. NE, Bellevue

Agenda – *revised**

***Special Meeting**

5:30 p.m. A. **OPMA and PRA Training**
State required training presentation on the Open Public Meetings Act and Public Records Act
Room 1E-112

Regular Meeting – *Room 1E-113*

6:30 p.m. 1. **Call to Order**
Aaron Laing, Chairperson

2. **Roll Call**

3. **Public Comment***
Limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic

4. **Approval of Agenda**

5. **Communications from City Council, Community Council, Boards and Commissions**

6. **Staff Reports**
Paul Inghram, Comprehensive Planning Manager

7. **Study Session**

7:00 p.m. A. Horizon View area wide rezone proposal — Pg. 1
Introduction of the proposal to rezone Horizon View A
Nicholas Matz, Planning and Community Development

7:30 p.m. B. Annual Comprehensive Plan amendments – Bellevue Technology Center — Pg. 9
Continue deliberation of the Bellevue Technology Center CPA and make a recommendation to Council
Paul Inghram and Nicholas Matz, Planning and Community Development

8. **Public Hearing**

7:45 p.m. A. Land Use Code Amendment to address recreational marijuana — Pg. 125
Hear public comment regarding the proposed amendment
Catherine Drews, Legal Planner, Development Services

9. **Study Session**

9:00 p.m. A. Land Use Code Amendments to address recreational marijuana
Deliberate and make a recommendation to Council

Catherine Drews, Legal Planner, Development Services

10. **Other Business**

11. **Public Comment*** - *Limited to 3 minutes per person*

12. **Draft Minutes Review**

    A. June 25, 2014

13. **Next Planning Commission Meeting – September 10**
    - Public hearing – Horizon View rezone
    - Public hearing – Camp and Conference Center and clean up code amendments
    - Public hearing – Single Family Rental Housing code amendments

9:30 p.m. 14. **Adjourn**

Agenda times are approximate

Planning Commission members

Aaron Laing, Chair
Michelle Hilhorst, Vice Chair
John Carlson
Jay Hamlin
Diane Tebelius
John deVadoss
Stephanie Walter

John Stokes, Council Liaison

Staff contact:

Paul Inghram 452-4070
Michelle Luce 452-6931

** 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

MEMORANDUM

DATE: July 23, 2014

TO: Chair Laing and Members of the Planning Commission

FROM: Nicholas Matz AICP, Senior Planner, 452-5371, nmatz@bellevuewa.gov
Department of Planning & Community Development

SUBJECT: Study Session – Horizon View A neighborhood legislative (area wide) rezone

In response to a request from property owners, on June 16, 2014, the City Council initiated the legislative rezone of the recently annexed Horizon View A neighborhood from R-3.5 to R-2.5. Horizon View A is located alongside the Hilltop and Horizon View C neighborhoods in south Bellevue. See Attachment 1.

Consistent with Process IV per LUC 20.35.400: City Council legislative decisions, this rezone proposal requires review and a public hearing before the Planning Commission. The City Council will make a final decision following the recommendation of the Planning Commission. No action is required at this time. This study session is intended to provide background information for the Planning Commission. Following tonight's study session, the Planning Commission will be asked to schedule a public hearing for September 10.

BACKGROUND

Earlier this year members of the Horizon View A community contacted the city's Neighborhood Outreach staff to express concerns about proposed development activities in their neighborhood. The community expressed concern that the existing R-3.5 zoning, with its 10,000 square foot minimum lot size, could enable an increase in short plat activity incompatible with their existing neighborhood character. Horizon View A is located in the recently annexed area alongside the Hilltop and Horizon View C neighborhoods in south Bellevue. The roughly half-acre (21,000 square feet) average lot size in Horizon View A, with views through and from the lots, represents this existing character.

During the city's review of a proposed two-lot short plat (14-126585 LN) 59 comments have been received, which express various concerns. The majority of comments are related to the compatibility with current lot and home sizes and potential threats to the existing territorial views caused by the construction of new homes. Also included in the comments was a concern that annexation did not examine the appropriate zoning for Horizon View A as it did in the Hilltop and Horizon View C areas. All three areas were part of the 2012 South Bellevue Annexation.

During the annexation process, residents in both nearby Hilltop and Horizon View C sought rezones to R-2.5—with its 13,500 square feet minimum lot size—because they believed it would be more compatible with their relatively large lots and lack of sewers. Hilltop advocated for their rezone in advance of annexation using pre-annexation zoning, adopted in Ordinance 6018. Horizon C agreed to an assurance by the city to conduct a post-annexation area-wide rezone. The

Planning Commission held a hearing and made an affirmative recommendation for Horizon View C, leading to a September 2012 Council adoption of the rezone through Ordinance 6095.

In response to the recent short plat and with an understanding of the rezones previously achieved by Horizon View C and Hilltop, members of Horizon View A petitioned the City Council to initiate a legislative rezone to address their similar situation. Rezones can occur as individual rezone applications, which are reviewed by the Hearing Examiner, or as area-wide "legislative" rezones that are reviewed through the legislative process by the Planning Commission and City Council. In initiating the rezone process, Councilmembers noted an issue of fairness in assuring that all three recently-annexed neighborhoods could make reasonable examination of their zoning and its appropriateness. Councilmembers were clear that initiating the process would allow review of the merits of the proposal and that the Council's action did not presume approval or denial of the rezone.

The rezone request is consistent with the Comprehensive Plan land use designation. Both R-3.5 and R-2.5 zoning are consistent with the Single Family-Medium Comprehensive Plan designation for this South Bellevue area. Therefore, this rezone request does not necessitate a Comprehensive Plan amendment.

ANALYSIS

What are factors to consider with regard to an area wide rezone of Horizon View-A?

1. *Neighborhood character*
   The approximately 100 Horizon View A lots are generous in size, although somewhat smaller on average (21,000 square feet) than the 41 lots in Hilltop (40,000 square feet) and the 28 lots in Horizon C (26,000 square feet). In addition, Horizon A's existing public sewer distinguish them from the individual septic systems that predominate in Hilltop and Horizon C. However, all three share similar view characteristics through and from lots in their areas high on the hill overlooking Bellevue and to the east and west.

2. *Perceptions of equitable treatment*
   Some Horizon View A owners may see access to rezoning as an issue of equity. Despite the differences in circumstance between them and Horizon C and Hilltop, they feel that the other two neighborhoods had more of an opportunity to examine zoning as part of the annexation process. However, concern regarding zoning did not become a concern until the issue of a recent short plat.

3. *Equivalency with pre-annexation zoning*
   The City zoning established after annexation is nearly equivalent to the pre-annexation King County zoning of R-4. Both zonings have similar size, setback, and height dimensions. See Attachment 2.

4. *Growth management*
   Cities are urban areas, with expectations of infrastructure and urban—albeit single-family—densities. Horizon View A has urban infrastructure in place including public sewers. The Horizon C and Hilltop neighborhoods lack these urban features. Generally, it is desirable to encourage infill development where infrastructure is in place and there is sufficient land. Changing the zoning may decrease the potential for infill development.

5. *Varying perceptions of value*
   Some property owners may view existing R-3.5 zoning as the best support for their current property value, and may wish to have the opportunity to short plat if they so desire and their lot meets the minimum requirements. Changing the zoning to R-2.5 will establish a higher minimum lot size which will make it unlikely that any of the 30 or so existing lots identified by the City as potentially eligible for short platting under current R-3.5 zoning would then be able to take advantage of short platting. Alternatively, some owners view a change to R-2.5 as a better outcome for maintaining neighborhood values tied to the existing large lot character of the area.

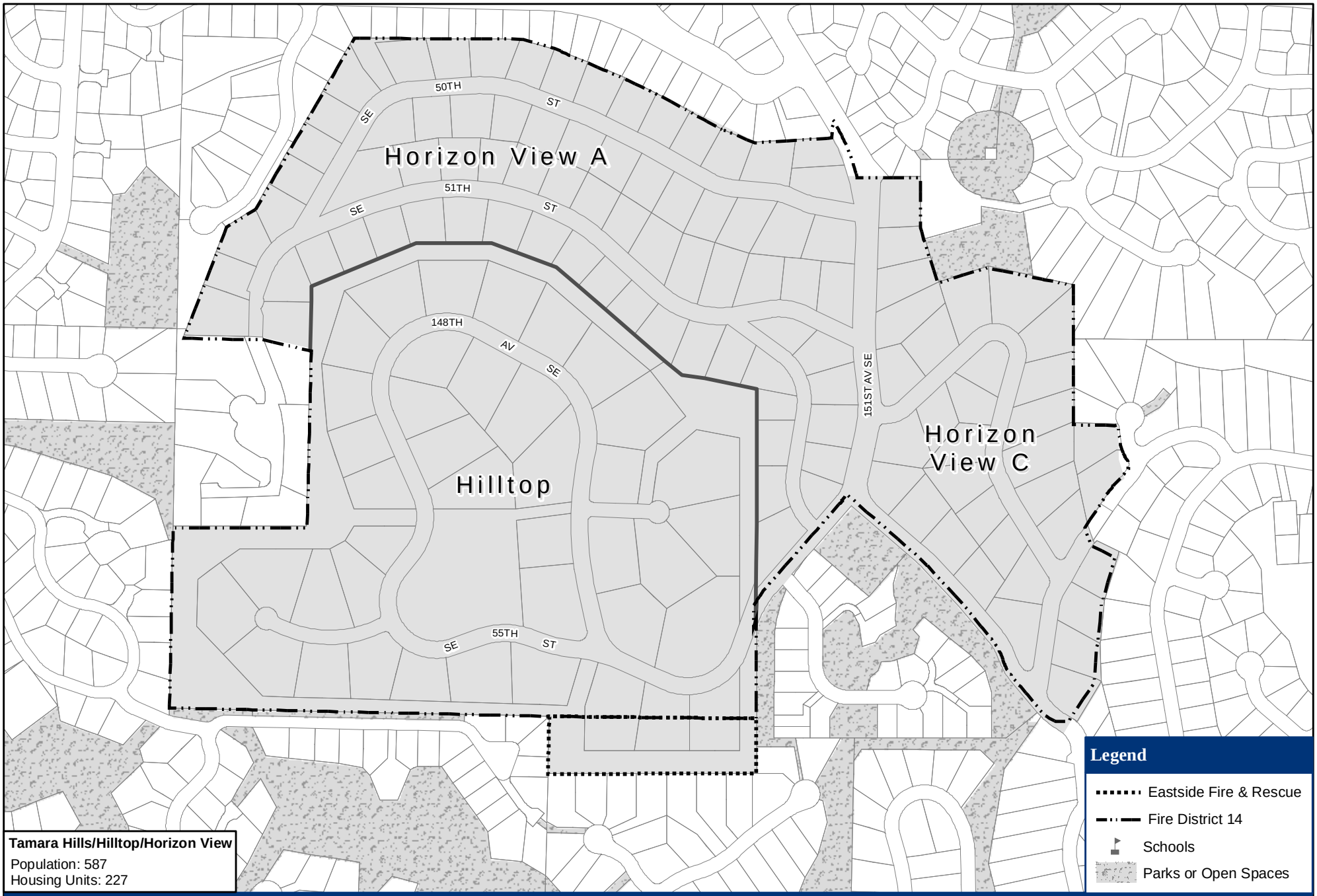
What information would help the Commission further analyze this proposal to rezone Horizon View A?

NEXT STEPS

Staff recommends scheduling a public hearing to consider the rezone proposal on September 10, 2014. Staff will prepare a staff report and return with additional information as requested.

ATTACHMENTS

1. Horizon View A, Hilltop and Horizon View C area map
2. Chart comparing Bellevue R-3.5 zoning, R-2.5 zoning, King County R-4 zoning



City of Bellevue
GIS Services

South Bellevue Annexations

Hilltop & Horizon View

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

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

450
Feet

Sources:
City of Bellevue

Attachment 1

Dimensional chart comparison for Bellevue and King County zoning

Dimensional Standards	**Bellevue R-3.5 (current)**	**Bellevue R-2.5 (requested)**	**King County R-4 (prior to annexation)**
Dwelling units per acre	3.5	2.5	4 (base density)
Lot area (minimum square feet)	10,000	13,500	85% of base density x lot area
Lot width (minimum feet)	70	80	30
Lot depth (minimum feet)	80	80	n/a
Street frontage (minimum feet)	30	30	30
Front setback (minimum feet)	20	20	10 (min. 20 driveway length)
Interior setback (min/combo feet)	5/15	5/15	5
Rear setback (minimum feet)	25	25	n/a
Building height (maximum feet)	30	30	35
Lot coverage (maximum pct.)	35	35	55

City of Bellevue

MEMORANDUM

DATE: July 23, 2014

TO: Chair Laing and members of the Bellevue Planning Commission

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

SUBJECT: 2014 site-specific Annual Comprehensive Plan Amendments (CPA) Threshold Review and Geographic Scoping – Bellevue Technology Center

The Planning Commission will be asked to continue its review of the Bellevue Technology Center application at the July 30th study session. The Planning Commission held a public hearing and deliberated on two plan amendment applications at its May 14th meeting. However, consideration of the Bellevue Technology Center application ended with a split 2-2 vote. The tie vote means that there was no decision or recommendation by the Commission. This study session will be a continuation of the Commission's May 14th deliberations as if no recommendation had yet been made, which is accurate. At this time, because the vote failed, no recommendation has been made. While there are times when a split vote is unavoidable, it is preferable for the Commission to be able to make an affirmative decision for or against the application to provide Council with a clear recommendation.

The public hearing remains closed. Members of the Commission who were not present on May 14th may participate in the deliberations on the proposal provided that they have a duty to fully review the testimony and record of the public hearing in order to participate in making a recommendation to Council. The parties of record were notified of the need to take this item up again. Members of the public may comment during the public comment period of the meeting.

The staff report, materials provided in the May 14th packet, the materials submitted by the applicant and the public at the public hearing, and the minutes of the May 14th meeting are attached for your review.

It is anticipated that the Planning Commission's recommendation will be presented to the City Council in early September. Following the City Council's direction on threshold review the Planning Commission will be asked to conduct the final review analysis of those applications included in the work program.

Attachments:

1. Staff report on the Bellevue Technology Center application.
2. Memo to the Planning Commission, dated May 7, 2014, and attachments
3. Materials submitted at the public hearing
4. May 14, 2014, Planning Commission meeting minutes as approved
5. Response to Questions Regarding Consideration of the Bellevue Technology Center Comprehensive Plan Amendment

2014 Annual Threshold Review CPA Recommendation
and Consideration of Geographic Scoping
Site-Specific Amendment

Bellevue Technology Center

Staff recommendation: Do not include the Bellevue Technology Center CPA in the 2014 annual CPA work program. If included, **do not expand** the geographic scope of the proposal.

Application Number: 14-123945 AC
Subarea: Crossroads
Original Addresses: 2010 156th Ave NE, 15805 NE 24th Street, 15800 Northup Way
Applicant(s): BTC/McCollough Hill Leary PS

PROPOSAL
This is the Threshold Review stage of the annual Comprehensive Plan amendment (CPA) process. The purpose of Threshold Review is to determine whether a proposed amendment should be considered for Comprehensive Plan amendment.

This privately-initiated application proposal would replace **Policy S-CR-66** in the Crossroads Subarea Plan. This policy applies to the 46-acre Unigard (now called the Bellevue Technology Center) site located on 156th Avenue NE and bounded by Northup Way and NE 24th Street. Interlake High School and other residential property bound the property along its eastern border. See Attachment 1.

The existing policy:

> **Policy S-CR-66:** Office use as a conditional use is appropriate for the property east of 156th Avenue NE between Northup Way and NE 24th Street (commonly known as Unigard).
>
> *Discussion: This area should be developed under a conditional use permit with attention given to retaining large stands of trees, views through the site from adjacent streets and the open character of the site.*

The policy proposed by the applicant:

> **Policy S-CR-XX:** Encourage potential uses and/ or development standards for the property east of 156th Avenue NE between Northup Way and NE 24th Street (commonly known as the Bellevue Technology Center, formerly the Unigard campus) that allow additional development on the property compatible with neighboring development, that address potential traffic congestion and the preservation of the Property's existing open character, tree stands and views through the site from adjacent streets.

The applicant's stated purpose is to "initiate a community outreach process to engage City and specifically Sherwood Forest stakeholders—including residents, employers,

open space/parks advocates and local governments—in considering the Property's potential uses in a neighborhood-sensitive context with specific focus on enhancing the Property's existing open spaces, trees, vegetation and views."

REVIEW OF STAFF RECOMMENDATION

Staff recommends not including this Comprehensive Plan amendment application in the 2014 work program.

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

The application does not establish the appropriateness of addressing this policy through amendment of the Comprehensive Plan when amending the existing PUD has not been pursued first, especially in that the proposed policy wording recognizes the need for continuing existing policy provisions for preserving the site's unique characteristics.

The application does not demonstrate significantly changed conditions in regard to the pace of development within the vicinity of the site, pending investments in Sound Transit infrastructure, or the dated relationship of policies to implementation. The city deliberately did not include areas east of 156th in the original BelRed subarea planning process in order to maintain appropriate transitions from Overlake Village. There are no light rail stations planned within ¼ mile of this site. The sensitivity of this site for the adjacent neighborhood and special conditions on the office use continue to be appropriate, despite the passage of time.

The proposed CPA is inconsistent with Countywide Planning Policies for concentrating housing and employment growth within locally designated urban centers.

BACKGROUND

The site, formerly and for years known as Unigard, has a long development history through the implementation of a planned unit development (PUD). This saw construction first in 1973, with the latest buildings built in 2000. The site currently has approximately 306,000 net square feet of office and 240,000 square feet of parking and service square footage in nine buildings on 46 acres.

Key components of the PUD over the years have been the protection of the open space "meadow" and large stand of trees in the northwest and southwest parts of the site, respectively, as well as views of and through the site, and the mitigation of traffic impacts.

Once the Comprehensive Plan policy (adopted in 1979 and amended in 1988) established the characteristics of open space preservation, scenic tree cover and neighborhood compatibility, the owners developed office buildings through series of development actions implemented over time. While allowing development capacity to be concentrated

(and preserving meadow and tree areas) the PUD set a limit on total square footage and lot coverage limits.

THRESHOLD REVIEW DECISION CRITERIA

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

This conclusion is based on the following analysis:

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

While the appropriate land use designation on a specific site or sites is a matter appropriately addressed through amendment of the Comprehensive Plan, in this case it is not clear why applicant has not chosen to pursue amending the existing PUD, as opposed to this CPA. The applicant's own proposed policy wording recognizes the need for continuing existing policy provisions for preserving the site's existing open character, tree stands, and views through the site from adjacent streets.

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

The three-year limitation does not apply to this proposal to replace the policy.

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

The proposed amendment does not raise policy or land use issues.

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

The proposed amendment can be reasonably reviewed.

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

Significantly changed conditions. Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This

definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046); and

The proposal does not address significantly changed conditions where changes related to the pertinent Plan map or text have implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. The application does not demonstrate significantly changed conditions in regard to the pace of development within the vicinity of the site, pending investments in Sound Transit infrastructure, or the dated relationship of policies to implementation;

Pace of development within the vicinity of the site

The pace and intensity of development within the vicinity of a site are only significant when the Comprehensive Plan fails to anticipate the rate and timing of that growth. It is clear that the city anticipates the rate and timing of growth in BelRed and more specifically the effect of this growth rate on surrounding subareas. The BTC site was deliberately not considered in the original BelRed Subarea planning in order to maintain an appropriate transition from the Overlake Village area in the west to the residential neighborhood to the east and in part because it did not fall within a quarter-mile of potential EastLink station sites.

The development of the site formerly known as Angelo's and the planning for the Sound Transit light rail station were contemplated at the time of the BelRed planning effort and the city made the decision at that time to not include the area east of 156th Avenue in the rezone process. No significant changes have occurred in this area which were not anticipated since the adoption of the BelRed plan.

Pending investments in Sound Transit infrastructure

The city looked at and continues to look at Sound Transit investments, as significant conditions that have been anticipated by the Comprehensive Plan. It is true that LRT is coming to the general area, but there is no strong relationship to this site. The BTC site was not included in the BelRed Subarea Plan and is not within ¼ mile radius of an LRT station. Their presence, and the significant plan amendments related to their siting have not come as a surprise to the city in continuing to implement policy in the surrounding subareas. The planning of the Overlake Village station was contemplated during the BelRed planning process that concluded in 2009.

Dated relationship of policies to implementation

The passage of time is not a significantly changed condition. The Crossroads Subarea Plan remains effective, in part because policy CR-66 applied to a site that was sensitive to its owner and surrounding community then, and its continued impact on the community is sensitive today. The sensitivity of this site for the adjacent neighborhood and special conditions on the office use continue to be appropriate, despite the passage of time.

F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and

Expansion is not being considered.

The Land Use Code states that expansion of the geographic scope is recommended for a site-specific proposal if nearby, similarly-situated property shares the characteristics of the proposed amendment site. Expansion shall be the minimum necessary to include properties with shared characteristics.

Staff does not recommend expansion of the geographic scope of the proposed Bellevue Technology Center CPA. The Crossroads Subarea Plan policy is specific to the former Unigard campus and its PUD approval. This suggests there are no shared characteristics properties near the application site that warrant expansion of the geographic scope.

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

The proposed CPA is inconsistent with Countywide Planning Policy for:

DP-4: *Concentrate housing and employment growth within the designated Urban Growth Area. Focus housing growth within countywide designated Urban Centers and locally designated local centers. Focus employment growth within countywide designated Urban and Manufacturing/Industrial Centers and within locally designated local centers.*

The proposed CPA is not inconsistent with Countywide Planning Policy for:

DP-39: *Develop neighborhood planning and design processes that encourage infill development, redevelopment, and reuse of existing buildings and that, where appropriate based on local plans, enhance the existing community character and mix of uses.*

and:

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

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

PUBLIC COMMENT

PCD received 31 public comments as of April 22; these are included in as Attachment 3. Almost without exception they are opposed to the policy replacement proposal on the grounds that it risks the unique and sensitive relationship that this site holds for the community and specifically the meadow, trees and low-impact visual access protected by the PUD's regulatory structure. Specific mention is made of traffic impacts; the use, value and preservation of the open space and its potential loss; and people's choices about this neighborhood based on the agreements established in the PUD.

The comments reflect a concern that the community is weathering impacts they perceive from development already approved and underway to the north and west of Crossroads.

ATTACHMENTS

1. Application materials
2. Site map
3. Public comments received to date

Attachment 1

Department of Planning & Community Development
425-452-6800 www.bellevuewa.gov

Application for
COMPREHENSIVE PLAN AMENDMENT

CPA YEAR 20__ APPLICATION DATE:	TECH INITIALS	AMANDA PROJECT FILE:

1. Project name Crossroads Subarea Comp Plan Amendment
2. Applicant name McCullough Hill Leary / Agent name Ian Morrison
3. Applicant address 701 Pike St / Suite 6600
4. Applicant telephone (206) 812.3380 fax (206) 812.3389 e-mail imorrison@mhlseattle.com
5. Agent telephone (___) Same fax (___) Same e-mail Same

This is a proposal to initiate a site-specific Comprehensive Plan Amendment proposal ☐ (Go to **Block 1**)
This is a proposal to initiate a non site-specific Comprehensive Plan Amendment proposal ☑ (Go to **Block 2**) N/A per Nicholas Matz 2/28/14

BLOCK 1
Property address and/or 10-digit King County parcel number 15805 NE 24th Street.

Proposed amendment to change the map designation from existing N/A to proposed N/A.
Site area (in acres or square feet) 46 acres.
Subarea name Crossroads.
Last date the Comprehensive Plan designation was considered __/__/07.
Current land use district (zoning) Office.
Is this a concurrent rezone application? ☐Yes ☑No Proposed land use district designation _____.

Go to **BLOCK 3** Community Council: ☑N/A ☐ East Bellevue

BLOCK 2
Proposed amendment language. This can be either conceptual or specific amendatory language; but please be as specific as possible so that your proposal can be adequately evaluated. If specific wording changes are proposed, this should be shown in ~~strike out~~/underline format. Attach additional pages as needed.

See attached.

Received
FEB 28 2014
Permit Processing
City of Bellevue

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

Last date the Comprehensive Plan policy or text was considered __/__/07.
Go to **BLOCK 3**

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

See attached

Go to **BLOCK 4**

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

See attached

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

N/A

I have read the Comprehensive Plan and Procedures Guide ☑

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

Signature of applicant _____ Date 1/31/14 + revised 2/28/14

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

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

Signature _____ *Date* 1/31/14 + revised 2/28/14
(Owner or Owner's Agent)

City of Bellevue Comprehensive Plan Amendment Application Addendum
Crossroads Subarea Plan: Community Visioning for 156th Ave NE & NW 24th Street Gateway
January 31, 2014

Block 1. *Requests information for site-specific amendments.*

The Comprehensive Plan Amendment (the "Proposal") is a site-specific amendment. See Block 1.

Block 2. *Proposed amendment language. This can either be conceptual or specific amendatory language; but please be as specific as possible so that your proposal can be adequately evaluated. If specific wording changes are proposed, this should be shown in ~~strike out~~/ underline format. Attach additional pages as needed.*

The Proposal is a text amendment to the Crossroads Subarea Element to encourage a community visioning process for the property located east of 156th Avenue NE between NW 24th Street and Northrup Way in the City of Bellevue (the "Property"). The Property is located within the Crossroads Subarea and is adjacent to the Sherwood Forest neighborhood across NW 24th Street.

The Proposal does not include a change in the Comprehensive Plan designation or seek a concurrent rezone. The Proposal does not include any development plans for the Property.

The Proposal is intended to initiate a community outreach process to engage City and specifically Sherwood Forest stakeholders – including residents, employers, open space/parks advocates and local governments – in considering the Property's potential uses in a neighborhood-sensitive context with specific focus on enhancing the Property's existing open spaces, trees, vegetation and views.

The Proposed text amendment language is below:

Comp Plan Element	Policy	Proposed Comp Plan Amendment Language
Crossroads Subarea		
	S-CR-66	~~Office use as a conditional use is appropriate for the property east of 156th Avenue NE between Northrup Way and NW 24th Street (commonly known as Unigard).~~ ~~*Discussion: This area is should be developed under a conditional use permit with attention given to retaining large strand of trees, views through the site from adjacent streets and the open character of the site.*~~ Encourage potential uses and/or development standards for the property east of 156th Avenue NE between Northrup Way and NW 24th Street (commonly known as the Bellevue Technology Center, formerly the Unigard campus) that allow additional development on the property compatible with neighboring development, that address potential traffic congestion and the preservation of the Property's existing open character, tree stands and views through the site from adjacent streets.

City of Bellevue Comprehensive Plan Amendment Application Addendum
Crossroads Subarea Plan: Community Visioning for 156th Ave NE & NW 24th Street Gateway
January 31, 2014

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

The City's Comprehensive Plan Vision, in part, defines a vibrant future for the City serving as: (1) a regional economic center with a strong and diverse economy; (2) a dedicated steward of environmental quality, where key natural features are preserved and restored; (3) a model of superior urban design and "people places;" (4) a leader in meeting regional challenges; and (5) an active and engaged community.

The Proposal is consistent with this Vision. Particularly, the Proposal encourages an active and engaged community-driven process to help consider the potential opportunities for the Property, which is generally considered a community gateway to the Sherwood Forest neighborhood.

The Proposal will help shape potential redevelopment opportunities with an emphasis on retaining the Property's existing open character, tree stands and views from adjacent streets. One key goal is to develop a set of updated Crossroads Subarea Element policies that may provide direction to potential development that enhances the existing assets while providing sensitive opportunities for superior "people places" and economic activities. The Proposal fits with the City's vision as a regional economic, environmental and urban design leader.

The Proposal is consistent with current Comprehensive Plan policies, including the following:

- LU Policy-9: Maintain compatible use and design with surrounding built environment when considering new development or redevelopment within an already developed area.
- LU Policy-11: Encourage the master planning of large developments which emphasize aesthetics and community compatibility. Include circulation, landscaping, open space, storm drainage, utilities, and building location and design in the master plan.
- LU Policy-12: Retain land availability for specific commercial uses which are important to the community.
- LU Policy-13: Reduce the regional consumption of underdeveloped land by facilitating redevelopment of existing developed land when appropriate.
- LU Policy-15: Encourage dedication of open space and preservation and restoration of trees and vegetation to perpetuate Bellevue's park-like setting and enhance the city's natural environment.
- LU Policy-36: Encourage continued development of office uses in designated districts.
- ED Policy-27: When a commercial revitalization effort involves significant changes to plans and regulations that may impact a residential neighborhood, develop strategies to avoid or minimize those impacts.
- UD Policy-18: Preserve significant trees and mature vegetation, with special consideration given to the protection of trees and associated undergrowth, specimen trees and evergreen trees.
- UD Policy-22: Foster and value private open space as a contribution to the visual character of the community.

- S-CR-4: Ensure that any development of remaining vacant land in Crossroads is compatible with surrounding uses.

As the City readily acknowledges, the Subarea Elements have not been updated for many years.

The Crossroads Subarea Element was last updated in 2007 with the Crossroads Center Plan. Even then, the Center Plan focused on the Crossroads Center as the Subarea's commercial "heart." This most recent update did not address the Sherwood Forest neighborhood policies. The policies specifically referencing the Property were last evaluated in 1988 with Resolution 5035. The adopted Crossroads Subarea Element is dated in relationship to the Property and the broader neighborhood.

Additionally, the current Crossroads Subarea Element contains policies that act as regulatory as opposed to the broad "policy level" guidance mandated by the Growth Management Act. *See* S-CR-62; 63; 66. The Proposal may lead to improved Comprehensive Plan consistency under the GMA.

The Crossroads Subarea's dated policies are even more significant in light of Sound Transit's Eastlink light-rail station to be constructed at Overlake Village Station (located off of 152nd Avenue NE). The Property is located approximately one-half mile from the future Overlake Village Station.

The Proposal supports the City's Comprehensive Plan vision and policies to encourage environmental stewardship, high quality "people places" and compatible redevelopment of existing land. The Proposal begins an inclusive dialogue regarding the community's vision for the Property.

Block 4a. *Evaluating the proposed amendment. Explain how the proposed amendment is consistent with the Threshold Review Decision Criteria in LUC Section 20.30I.140 (see Submittal Requirements Bulletin #53). The Planning Commission may recommend inclusion of a proposed amendment to the Comprehensive Plan in the Annual Comprehensive Plan Amendment Work Program if the following criteria have been met:*

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

The Proposal is a site-specific Comprehensive Plan amendment to the Crossroads Subarea Element. The Proposal is most appropriately addressed through the Comprehensive Plan update.

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

The most recent amendment to the affected Comprehensive Plan Element occurred in 2007 with the Crossroads Center Plan amendment. As noted above, the City has ceased the practice of periodically updating the Subarea Elements. The Proposal complies with the three-year limitation.

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

The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council. As noted above, the City has ceased its policy of regular Subarea Element updates. The City Council has indicated that a future

evaluation of the City's Subarea Element review policy may be forthcoming after the 2014 Comprehensive Plan major update. However, the outcome of any future Subarea Element policy is unknown. Due to this uncertainty and the potential two plus year lag time to reinitiating programmatic Subarea Element review, the Proposal is most appropriate for the 2014 review cycle.

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

The Proposal presents a site-specific text amendment proposing an area-wide text amendment. The Proposal comports with the Growth Management Act mandate for annual review of the City's land use plan. RCW 36.70A.130. Staff recommendations for the 2014 Comprehensive Plan review work program include a proposed boundary adjustment to an adjacent property into the Crossroads Subarea. These related amendments will provide opportunities for staffing efficiencies.

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

While growth itself does not constitute a changed circumstance, the intensity and rate of growth or development can be a changed circumstance. The following factors are all considered when looking at the changed circumstances: the rate, timing, and pace of development and the length of time since the Subarea Plan Element was last reviewed, as well as the effect of the proposal on housing targets and buildable land capacity, and the effect on existing and planned infrastructure.

The Proposal addresses changed conditions within the surrounding area which will improve the Crossroads Subarea Element's effectiveness as an integrated, policy-level guidance document.

The Property is adjacent to a Subarea boundary with the immediately western Bel-Red Subarea on 156th Street. The City adopted the Bel-Red Subarea plan in 2009. The Bel-Red Plan emphasizes mixed-use, pedestrian friendly and transit-oriented development nodes in anticipation of the future light rail stations. Multiple mixed-use developments are complete or currently under construction in the Bel-Red Subarea immediately across 156th Street from the Property (e.g. Walgreens on NE 24th Street, Goodman Real Estate mixed-use development on the former Angelo's Nursery site).

Additionally, Sound Transit is planning significant infrastructure investment in the Eastlink light-rail station to be constructed at Overlake Village Station (located off of 152nd Avenue NE). The $2.8 billion Eastlink light-rail project is targeted to be operational by 2023. The Property is located approximately one-half mile from the Overlake Village Station, which will be key transit connection.

The Crossroads Subarea text was last amended in 2007 with the Crossroads Center Plan. However, the Crossroads Center Plan did not address policies related to the Sherwood Forest neighborhood. Instead, the Property is governed by Subarea policies last evaluated in 1988 with Resolution 5035, including some policies that act more like regulatory standards. Over twenty-five years have passed since the last review of these applicable Subarea policies. This is inconsistent with the GMA and the City's Comprehensive Plan intent to provide broad statements of community goals and policies.

Taken together, the pace of development within the vicinity of the Property, the pending $2.8 billion Sound Transit infrastructure investments, including Overlake Village Station, and the twenty-five year period since the evaluation of applicable Crossroads Subarea policies constitutes significantly changed conditions that support the Proposal's community visioning process for the Property.

F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and

N/A.

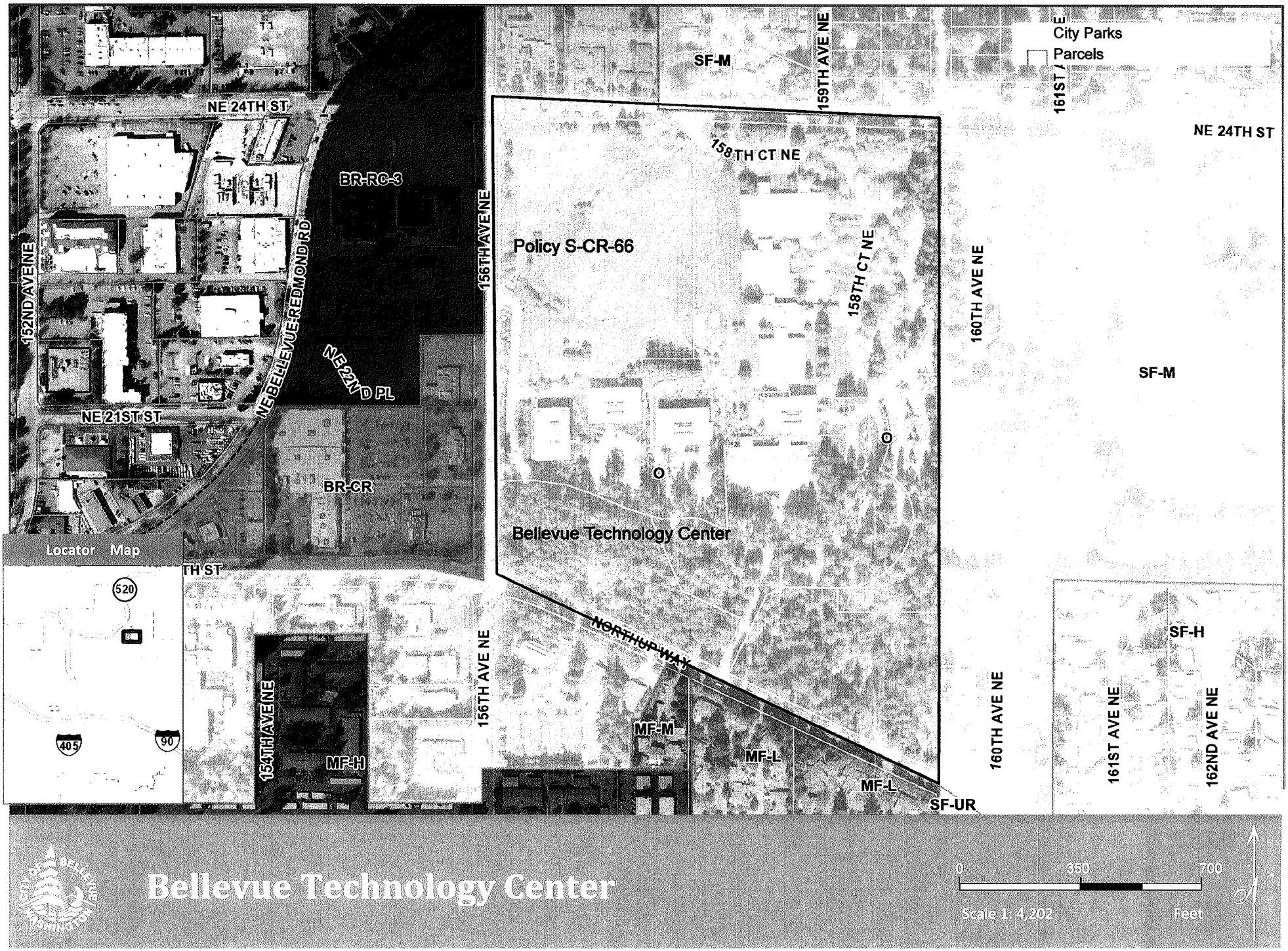
G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act, other state or federal law,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

As a site-specific amendment, the Proposal is consistent with the Growth Management Act, particularly the Urban Growth, Reduce Sprawl, Economic Development, Open Space and Recreation, Property Rights, Environment and Public Participation planning goals.

The Proposal is also consistent with King County Countywide Planning Policies, including the Environment (EN-1), Development Patterns (DP-2, DP-5, DP-6) and Economy (DC-17) policies.

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

N/A.



Bellevue Technology Center

Map Generated on: 03/10/2014

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

Attachment 2

Matz, Nicholas

From: jehenry01@comcast.net
Sent: Tuesday, April 22, 2014 2:36 PM
To: Matz, Nicholas
Subject: Re: Land Use Proposal #14-123945AC

Mr. Matz -

As you know, I previously forwarded my brief comments of concern in regards to the above Land Use Proposal at the Bellevue Technology Center site. At this point, based on gaining further understanding of the proposal, via the web links that you forwarded (thank you) and in meeting with neighborhood leaders, I feel that I need to reiterate my concerns. I understand that the staff proposal is due to the Planning Commission later this week, and I would ask that you make my comments, along with those of all other concerned neighbors, available to all members of the staff who will be compiling the staff recommendation.

The Proposal: First, in reading the following from the March 12, 2014 Planning Commission notes (page 41), the applicant seems to be very vague in stating what they actually wish to do, but the statement "compatible with neighboring development" concerns me greatly. They have noted that they would also work with Sherwood Forest leaders, but everyone needs to understand that many, many residents in several neighborhoods (north of NE 24th, west of 160th Ave NE, and south of Northup Way) are impacted by any development that would potentially happen to this area.

Policy S-CR-XX:

Encourage potential uses and/ or development standards for the property east of 156 th Avenue NE between Northrup (sic) Way and NW (sic) 24th Street (commonly known as the Bellevue Technology Center, formerly the Unigard campus) that allow additional development on the property compatible with neighboring development, that address potential traffic congestion and the preservation of the Property's existing open character, tree stands and views through the site from adjacent streets.

The applicant's stated purpose is to "initiate a community outreach process to engage City and specifically Sherwood Forest stakeholders —including residents, employers, open space/parks advocates and local governments —in considering the Property's potential uses in a neighborhood-sensitive context with specific focus on enhancing the Property's existing open spaces, trees, vegetation and views."

I would suggest to the Council that the "neighboring development" is already putting the future livability of our neighborhoods under great stress. Any further development would simply become intolerable. For example:

Traffic congestion: For all of the individuals living in the noted adjacent neighborhoods, as well as those living further down Northup Way and NE 24th, we are already finding the congestion in this several block area (bounded by 164th Ave NE and 156th Ave NE, and NE 24th and Northup Way) very difficult, and creating concerns about safety. For anyone who has to turn left onto Northup Way during any busy traffic times, it is very difficult, time consuming, and frequently unsafe to do so. Parents trying to drop students at Interlake High School find that intersection so

difficult to navigate that they use our neighborhood (160th Ave NE and 161st Ave NE) as a cut-through to drop students at 'the path', creating even further congestion and safety issues in our neighborhood.

I have been told, although I have not verified the accuracy, that the current project under development at the former Angelo's Nursery site (bounded by 156th Ave NE and Bel-Red Road) will include 450 housing units and 600 parking spaces. Additionally, we have the impending Overlake Village project which will add countless more cars - and pedestrians - to this already saturated area. I cannot even begin to imagine what the impact of those two projects will mean for accessibility to all of our neighborhoods.

As such, I would suggest that any further development, beyond that already planned, would only lead to an intolerable situation.

City of Bellevue livability: I have owned my home at 1812 161st Ave NE for 21 years. Part of what drew me to Bellevue (from Seattle) was the urban living, the fact that Bellevue still had significant green spaces, and old growth trees. I chose my neighborhood in part due to the large open space / trees that are a part of the BTC (formerly Unigard) site. I have watched the Bellevue green spaces slowly erode over the past 21 years, and at an alarming rate in the past couple of years. The BTC site is one of the last open spaces of any size in this area. I implore the Council to not let that become jeopardized due to development wishes. We need trees as a buffer for sound and to assist with cleaning air pollution! The "mini trees" / decorative type put in by developers do not satisfy either of these needs. I have traveled to many cities and many countries, and I have witnessed firsthand those unfortunate - and highly polluted / noisy - areas where they did not take care in carefully preserving existing green spaces and mature trees.

While I understand that the current owners would like to re-visit the existing PUD, I would also note that they bought this property knowing full well that the PUD was in existence, and supported by the surrounding neighborhoods. It seems disingenuous to want to change it now. While everyone seems to indicate understanding of the importance of green spaces, it would appear that there is usually a belief that it should be in "someone else's" plan.

Someone said to me the other day "you can't stop progress" and I shuddered at that mindset. **Clearly, it would not be progress to take the livability and beauty of Bellevue further backward by allowing development on one our last existing open spaces.**

While we fully recognize that this property does not belong to the neighborhoods, it is most certainly an essential part of our neighborhoods. It creates a necessary sound barrier from the ever increasing traffic on 156th Ave NE, it provides trees for air quality and heat reduction, and it provides a momentary respite of openness and beauty for those driving / walking by. We have all appreciated that the property owners have allowed walkers to use the walking paths, one of the few areas in Northeast Bellevue where you can exercise walk without being on streets / sidewalks. I encourage our City Planners to continue to uphold the PUD which has long been recognized as essential to the neighborhoods of NE Bellevue, and which becomes increasingly more so with other development in the area.

Thank you for your consideration.

Janet Henry

From: NMatz@bellevuewa.gov
To: jehenry01@comcast.net
Sent: Monday, March 24, 2014 3:26:15 PM
Subject: RE: Land Use Proposal #14-123945AC

Ms. Henry-

This is an application by the owners of this property to amend the Comprehensive Plan policy that applies to it in the Crossroads Subarea Plan. Here is a link to the Weekly Permit Bulletin documenting the application http://www.bellevuewa.gov/weekly_permit_bulletin.htm.

Here is a description of the proposal from the March 12, 2014 Planning Commission Study Session http://www.bellevuewa.gov/planning-commission-agendas-2014.htm (the Bellevue Technology Center materials start on p. 41 of 90 pages of the March 12 Packet Materials link, using Acrobat Reader).

I will add your email address to the parties of record for this application 14-123945 AC. You will hear about additional study sessions and receive details about the upcoming proposed public hearing on May 14, 2014.

Please let me know how I can provide additional information.

Nicholas Matz AICP
Senior Planner
425 452-5371

One City
Committed to Excellence

From: jehenry01@comcast.net [mailto:jehenry01@comcast.net]
Sent: Saturday, March 22, 2014 12:24 PM
To: Matz, Nicholas
Subject: Land Use Proposal #14-123945AC

Mr. Matz -
I would like to comment on the proposal for further development of the above referenced property (formerly known as the Unigard property). Please add me as a party of record to this action, so that I may receive updates and any information pertaining to this proposal.

For the past 21 years, I have lived in the neighborhood immediately adjacent to the east (at 1812 161st Ave NE). I know that this property has been under discussion for further development on other occasions, and it is my understanding that a number of years ago, after working with the surrounding neighborhoods, the city put a policy in place to prevent this.

I am extremely concerned about the loss of further green areas in our city. On a regular basis, we see huge areas of trees / greenery removed for development, and as a resident, I am concerned about what this does to the quality of life in our city. In the instance of the property under discussion, these trees and green area provide an important break between our residential area and the very busy roadway and commercial businesses of 156th Avenue. Allowing removal of any more

of these trees would have a significant detrimental impact to the quality of life in our neighborhood, and the surrounding neighborhoods, as well as on property values.

Additionally, I'm sure that city planners are aware of the traffic congestion which has continued to increase in this area. With the current development projects underway (at the former Group Health property, and the former Angelo's nursery property on 156th), this traffic will only continue to become more congested. Additional residents and/or workers at the Unigard property would only add to the issue.

I do understand the nature of on-going development and the need to balance that with neighborhoods. My fear is that Bellevue will lose much of its most desirable qualities, if we allow continuing development without regard to preservation of natural green spaces. In the case of this property in my neighborhood, that loss would be untenable and I must strenuously protest any action to do such.

Please advise me what further actions I can take to help ensure we preserve this space.

Thank you.

Janet Henry
jehenry01@comcast.net
1812 161st Ave NE
Bellevue, WA 98008
425.643.3597

Matz, Nicholas

From: Levian Graham Brink <levianb@aol.com>
Sent: Tuesday, April 22, 2014 4:08 AM
To: Matz, Nicholas
Subject: Letter re Project #14-123945AC
Attachments: brink.Project 14-123945AC.pdf

Dear Mr. Matz-

Please see my attached letter for your consideration as you make a recommendation to the Planning Commission on Project #14-123945AC on the Bellevue Technology Center Site.

I would also ask to be made a "Party of Record" re this project. Please send emails to: LevianB@aol.com.

Thank you so much.

Kindest Regards-
Levian Brink
425-941-2937

April 19, 2014

Re: Project #14-123945AC

Dear Mr. Matz and Staff,

I am writing to encourage you and your staff to formally recommend to the Bellevue Planning Commission that they REJECT the proposed amendment for Policy S-CR-66 at the Bellevue Technology Center (BTC) property. The change in wording is vague and would most surely leave the door open to additional development in the future. More development at that site is something that I am opposed to, along with a majority of our immediate neighborhood. I am not anti-development. I get excited when I see the long term plans for our city. I love the city of Bellevue and all that it has to offer. However, growth should be planned responsibly and with all factors considered, so I hope that our representatives at the City take seriously their sworn duty to consider the interests and desires of the residents whom they represent.

First and foremost, we are concerned about the traffic problems that already exist in our area. During rush hour, school hours, and even lunch time, it takes entirely too long to get out of our neighborhood and head east beyond any of the 148th Street intersections. When I see the proposed future plans for the Bel-Red corridor, I shudder to think how much worse the traffic will get if the planning is not carefully controlled and mitigated. Thankfully, the area of development stops at the western side of 156th and we would like to keep it that way. To do otherwise would destroy the buffer that the BTC property offers between the residential community of Northeast Bellevue and our ever growing city.

However, I am sure you will hear the traffic argument many times over, so instead I wanted to focus my remarks on a more subtle but equally important reason to reject the proposed amendment. It is for what you discussed as 'Community Health' with Ms. Anne Bilké at your 3/12/14 Planning Commission meeting, and what I will call 'Personal Health' for the intents of this letter.

We moved into our home on 161st Ave. NE (just south of Interlake) in June 2003 when my children were ages 8 and 12. A couple of years later a family moved into one of the homes whose backyard bordered the wooded area of then Unigard. We became instant friends and spent countless hours at their home and in the backyard. The forest was a magical, giant kingdom for the young children and it grew into a quiet, peaceful haven for some in their teens. Over all those years, my son kept a nature journal marking down his discoveries and observations of the flora and fauna throughout the changes of the seasons. He observed some interesting wildlife like Barred owls, coyotes, deer, and Aplodontias, a unique rodent and the only species in their family. He was a Botany enthusiast and identified and noted all sorts of native and unique plants growing in the woods. So many times I said a prayer of gratitude that my son had a safe and calming place to wander, to find solace and peace, as well as to explore his curiosity and grow in his knowledge and appreciation of the natural world. I have often wondered if he will pursue a field of study that channels that passion of his and if he will look back at his time in those woods as the beginning of that journey.

For many, a 'Community Health' rationale is theoretical, but for our family, it's reality. I love to think that current and future generations will have that same privilege. There is plenty of development in Bellevue, but less and less natural and open space; therefore, we need to take care to preserve what we do have. In Richard Louv's insightful and timely book, Last Child in the Woods, he says, *"Prize the natural spaces and shorelines most of all, because once they're gone, with rare exceptions they're gone forever. In our bones we need the natural curves of hills, the scent of chapparal, the whisper of pines, the possibility of wildness. We require these patches of nature for our mental health and our spiritual resilience."* So in closing, I want respectfully implore you to vote to preserve the natural habitat at the BTC property by rejecting the proposed amendment, thus encouraging the mental, physical and emotional health of our community.

Thank you for your consideration-

Levian Graham Brink

Levian Graham Brink | 1913 161st Ave. NE | Bellewood East No. 6 neighborhood

Matz, Nicholas

From: Janet Castaneda <castaneda.janet@gmail.com>
Sent: Monday, April 21, 2014 11:24 PM
To: Matz, Nicholas
Subject: Project #14-123945AC - Bellevue Technology Center

Hello Mr. Matz,

I'm writing regarding the land usage proposal for the area around Bellevue Technology Center (Project #14-123945AC). I'm a resident of Sherwood Forest and it is impossible to pass the opportunity to express my opinion about this new project proposal that will definitively impact our way of living, our community, our city and our environment.

My family moved to Sherwood Forest a couple years ago, when the time came to decide on the place to live for the long run and set roots my husband and I had no reservations moving to this neighborhood.

We are a young couple that could go for the option of living in a new development or a place somewhere in downtown but we strongly believe one of the most important assets of Sherwood Forest is the appreciation our community has for maintaining and protecting our trees and green areas and we couldn't find those values in any other place.

We all have big trees in our properties and the responsibilities that come attached to them, cleaning the roof in the windy season, maintaining clean streets, etc. but we all do it and we love it because we believe is a privilege to be in the city but still live in harmony with our environment.

The proposal puts at high risks this picture of a perfect place to live, a place where we can teach our kids that is still possible to find balance and respect and value nature.

I consider the Bellevue Technology Center to be and Eden within the city. It is true this is an office space but they take such good care of the land. The big trees that surround the property are invaluable to our city not to mention how hard it is to find a place with open hills like the ones this property has. We were for the longest time trusting this place was safe by the agreement the city made years ago about not developing any further this area. It is hard to believe things can change and we can lose this place as well.

We have some many projects going on in nearby streets that I find it hard to believe this property can become one more place where we prefer profitability over the sustainability. It was devastating to see the Group Health area become a clear space ready to host an apartment complex and office space. I really want you to consider if this is the future you want for the BTC area, not to mention all the issues that come with it: traffic, safety and nearby schools overpopulation. Please remember 156th and 24th street are narrow streets that connect most of the northeast community and taking on more traffic and noise will have a severe impact in our neighborhood.

I encourage you to maintain this property as is and vote for this place to remain and open space where we all can continue appreciating the beauty of nature for generations to come.

Please make me a party of records to receive future updates and notices regarding this project.

Sincerely,

Janet Castaneda

2447 161st Ave NE

Bellevue, WA 98008

Matz, Nicholas

From: Laurey Berteig <laureyb@westminster.org>
Sent: Monday, April 21, 2014 10:08 PM
To: Matz, Nicholas
Subject: Bellevue Technical Center Proposed #14-123945AC

Dear Sir,

My wife and I have lived in the Sherwood Forest area for the past 14 years and have enjoyed the community very much. I work as a pastor at Westminster Chapel on NE. 24th Street and drive the corridor 5 or 6 times a day from early morning to late at night. I am deeply concerned about the traffic congestion that has taken a dramatic shift in the last 3 years. I am concerned that the city planning department cannot be aware of just how serious a problem this has become. In addition to the volume of cars lining up from Bel Red Road to access Interlake High School and Sherwood Forest Elementary on NE 24th street (especially around 7AM – 8 AM), the city planners have also approved 2 Private Schools and a Day Care Center all with VERY POOR ingress and egress. The 2 private schools have long line ups of cars waiting to get back onto NE 24th street after dropping of their children. Parents continue to take huge and careless risks by pulling out in front of oncoming traffic endangering themselves and other motorists because they are so frustrated with the longs waits. I have seen numbers of close calls at the Day Care Center because of parents turning from NE 24th Street onto 160th Ave. and then stopping in the middle of the street with cars backed up onto NE 24th Street. Cars are waiting to pull into the Day Care Center while other parents with children are walking out between parked cars and crossing 160th Ave., while other motorists are trying to wind their way through the maze of stopped cars in an already narrow street and almost hitting children!!!

Now we hear that the city planners are about to approve more residential development on the Bellevue Technology Center. Really? The Crossroads area between 164th and 156th is an already high density area that has created a great deal of congestion. There is an assisted living complex on the corner of NE 24th and 156th Ave. where drivers are trying to access the driveways. We now have an extremely popular strip mall on NE 24th and 156th with the addition of Walgren's and Trader Joe's. Once again, traffic is greatly impacted trying to access to NE 24th. The street lights between Bel Red Road and 156th are very close together and it can take 20 minutes and many light changes to get through 148th, Bel Red Road and 156th on NE 24th during "rush hour" commutes. There is another residential building under construction where the nursery used to be located.

We respectfully ask the planning commission to reconsider such a decision as this may have a negative impact on the community and result in undue hardship for the surrounding residential areas.

Also, at present there is very little open space or parks in this immediate area. The green space (in the formerly Unigard area) is the one open space where dog owners and other adults can walk the paths and get away from crowded sidewalks .

Yours sincerely,

Laurence Berteig
2892 160th Place NE
Bellevue, WA. 98008

Matz, Nicholas

From: Jered Aasheim <jereda@icloud.com>
Sent: Monday, April 21, 2014 9:53 PM
To: Matz, Nicholas
Subject: Project #14-123945AC

Mr. Matz,

I am a homeowner in the Park Place neighborhood adjoining the Bellevue Technology Center (BTC) property that is requesting an amendment for future building development. I would like to share a few concerns that I have as a homeowner adjacent to the property:

- ***Increased Traffic*** - as a resident for the last 8 years, I have steadily seen the traffic on NE 20th increase and am concerned that further developments here will only worsen the problem. The AM/PM peak hours are particularly concerning.
- ***Increased Noise*** - related to traffic, the road noise behind my home has steadily increased due to traffic and I am concerned this will only grow with future developments.
- ***Loss of Green Belt*** - my home backs up to the tree stands on the east side of the BTC property which was one of the major reasons that I purchased this home. I am concerned that allowing development on this part of the property will eliminate this buffer from urban noise.

Thank you for considering this feedback in your upcoming recommendation to the Planning Commission on the proposed Comprehensive Plan Amendment.

Sincerely,

Jered & Shannon Aasheim
1827 160th Ave NE
Bellevue, WA 98008

Matz, Nicholas

From: Russell Paravecchio <dr.r.paravecchio@comcast.net>
Sent: Monday, April 21, 2014 7:01 PM
To: Matz, Nicholas; PlanningCommission
Cc: Sherwood Forest CC; Mike & Masami Koenig; kslt51@comcast.net; Vicki net>
Subject: Bellevue Technology Center-Project #14-123945AC

Dear Nicholas Matz

As a Belmore addition resident of Sherwood Forest just across NE 24th from the site of reference, I can literally see the green grass of that site from my back deck. That kind of observation was obviously just part of the reason, but unquestionably a considerable reason why I chose to build my home in this neighborhood i.e. the unencumbered openness and general "green" feel available in an area which additionally bears the other attributes of the location. I felt that both the commitments to a responsible and respectful approach to nature by northwesterners and the laws they promulgated to protect not only our natural environment but our personal environment, i.e. our neighborhoods and our way of life would serve a major life investment like building a home here in good stead.

The good news is that the current rules and regulations have properly proven -even in the face of challenge- that these current rules are defensible and enforceable as an appropriate mandate of the will of the people. They are tried, tested , proven and I might emphasize, correct in their protection of our homes as major life investments as well as to our inalienable rights to our quality of life.

The bad news is that when a large and financially powerful organization feels hindered by a community which has historically protected these rules of community respect and preservation of the integrity and livability of neighborhoods, they will self-servingly set out to simply change or do away with the established rules. This is likely one of those occasions.

I implore you to not let that happen. Please correctly continue the time, tested, and proven mandate to preserve the integrity of our neighborhood, the existing buffer zone, green space, and environment.

Further consider the safety issues as they impact the school next to it.

Lastly dare we consider the traffic impact? My neighbors and I travel home every night through the NE 24th/156th NE intersection and anyone who does can't help understand that it it would be an irresponsibility of tantamount proportions to knowingly allow any further impact upon that intersection. Here's yet another part of this picture where responsible land use must act decisively and consistently with the mandates which historically have been enacted and repeatedly been reinforced into precedent to protect these interests.

Planners allowed a new Walgreen's and Trader Joe's to move into its current site with its significant impact on traffic. It also appears that a new AT&T store and another business or two are similarly opening in that complex. In addition to that, however, a new 450 unit complex is being erected just behind them in an area which heretofore generated little or no traffic. Thus we haven't yet seen the additional impact of all of that on the same set of already hideously impacted intersections and now we are being asked to entertain a rule change to enable another gigantic impact. Are there any environmental impact statements which are required to address traffic issues? Are they verified as to actually having credible information and are the results taken into account? Even if allowing the 450 unit complex to proceed in the face of all this was simply a mistake, we can not afford any more mistakes of any magnitude let alone that magnitude in that area. Allowing Project #14-123945AC to proceed would indeed be such a mistake.

I apologize if this letter in any way appears to imply any negativity to you personally. It certainly is not intended to do so. I have every reason to suspect that you are one of our most valuable allies and defenders of the current regulations to respect and preserve our community interests. After all, our planers have historically rebuked such proposals before. It's just difficult, however, to merely even list the negative impacts our community has suffered and the incongruity of philosophy these impacts represent without somehow seeming negative in other regards.

Ultimately, I respectfully request, however, that if you have the ability to summarily dismiss any such rule change proposal as a restatement of the many already considered and denied before it without the community having to go to the effort to defeat it, please do so. If not please continue the good work shown by the PUD's precedent in denying various applications for amendments to the PUD requesting additional development on that site historically from 1973 to 1998 and

accept this letter as evidentiary fodder which your commission can use to similarly deny this proposal within the process required.

Thank you for your time and consideration.

Sincerely,

Russell Paravecchio, MS, DMD, FADSA
Diplomate, National Board of Anesthesiology
2495 158th Pl NE
Bellevue, Wa 98008

Matz, Nicholas

From: sumir@comcast.net
Sent: Monday, April 21, 2014 4:05 PM
To: Matz, Nicholas
Subject: Bellevue Technical Center

Dear Mr Matz,

My name is Rose Reid and I have lived in Sherwood Forest for 39 years and have seen many changes within our neighborhood and the properties surrounding our community. Some of the changes have been positive but in more recent years the rapid growth surrounding our community have not been as positive. With the construction currently be done on 156th, I am very concerned about the quality of life for out community and moreso the environmental inpact this growth will have on traffic. The infrastructure will not changed, resulting in increased traffic which is already BAD. It seems developers are quick to construct placing the cart before the horse.

I am writing regarding The Bellevue Technical Center Project #14-123945AC. It is unclear what future development on this site will be but surely it will only add to our current and soon to be increased traffic congestion along NE 24th & 156th. I hope the City of Bellevue will curtail any further development on this piece of property to save our city from more environmental issues than we already have to deal with.

Respectfully submitted,

Rose Reid
Longtime Resident of Sherwood Forest
Concerned Citizen

Matz, Nicholas

From: Diane Parry <dianeparry@frontier.com>
Sent: Monday, April 21, 2014 3:55 PM
To: Matz, Nicholas
Subject: Bellevue Technology Center, Project #14-123945-AC

To: Nicholas Matz, Bellevue City Staff dated 4/21/2014

Subject: Bellevue Technology Center – Proposed Land Use Action

Ref: Project # 14-123945-AC, Bellevue Technology Center 2010 156th Avenue NE

We wish to object to the Bellevue Technology application to change the current status of the property (PUD).

WHY? As a resident of Sherwood Forest Neighborhood since 1979, we have witnessed increased traffic and noise pollution. Because of the traffic congestion on NE 24th throughout the day, cars are detouring through our neighborhood to avoid backups on NE 24th. Not only do they drive through but some do not adhere to safe speeds, putting our neighbors and students from Interlake and Sherwood Forest schools, which walk the streets, at risk. Trying to exit our neighborhood is more challenging as well.

We are already faced with dense development of properties surrounding us, i.e. the Angelo's and Group Health properties.

Please protect Sherwood Forest and our neighbors on the south of Bellevue Technology Center from encroaching development and continue to give us room to "breath" and enjoy the natural habitat that has been part of this land for many decades.

We invite you to visit the area and our neighborhood to witness to the negative impacts that are already in play and reject Bellevue Technology's application.

The bottom line is – what is the point of an agreed upon and signed Planned Urban Development if it can be made null and void?

Thank you.

Robert and Diane Parry

16223 NE 26th Street

Bellevue, WA 98008

Matz, Nicholas

From: Wes <w_ono@hotmail.com>
Sent: Monday, April 21, 2014 3:52 PM
To: Matz, Nicholas
Cc: Wes
Subject: Bellevue Technology Center - Project #14-123945AC

Dear Mr. Matz,

I understand that there is a proposed change to the land use for the Bellevue Technology Center (formerly Unigard) property. I am opposed to increased development on the property.

I have lived in the Sherwood Forest area since 1985, and have personally experienced the stresses caused by development in the northeast Bellevue area. Of particular note is the increased congestion on the neighborhood streets, including 156th NE, 164th NE, Bel-Red, NE 30th, NE 24th and NE 20th (Northup Way). The proposal would allow development that would generate additional traffic on these already congested streets.

Also, northeast Bellevue has little in the way of open space, and the proposal would sacrifice a significant portion of the little open space that remains. Additional development on the property would also reduce the existing buffer between the nearby neighborhoods and the increasingly developed Overlake area.

Many years ago a Planned Unit Development (PUD) was put into place to limit the development of the property. There has been additional building on the site, but my understanding is that the development is all within the terms of the PUD. I see no reason to alter the PUD at this time.

I would like to be added as a party of record for this project so that I can remain informed on the steps in this process.

Sincerely yours,

Wes Ono
16060 NE 28th Street
Bellevue, WA 98008
w_ono@hotmail.com

Matz, Nicholas

From: Richard Tanaka <rickandgeri@msn.com>
Sent: Monday, April 21, 2014 3:28 PM
To: Matz, Nicholas
Cc: Richard Tanaka
Subject: Project #14-123945AC

Dear Mr. Matz,

My family and I live at 2436 161st Avenue NE, in Sherwood Forest, Bellevue. We have lived here for over forty years. During this time I have watched with great pride as the neighborhood grew and progressed. I marvel at the good fortune I had to invest in a home here, to raise my family here, and to retire here.

But good fortune does not come without hard work and investments in the future. You can see this reflected in the homes, the schools, and the roads throughout Sherwood Forest and the adjoining neighborhoods. Perhaps one of the most important of these investments in the future was preserving the natural green belt along 156th Avenue NE between 24th Street and Northrup way, the old Unigard site. This green belt provides a natural divide, separating the homes, schools and traffic of the neighborhoods from the commercial development to the west of 156th Avenue NE.

And I emphasize the above phrase "investments in the future." Investments in the neighborhoods are ultimately investments in the people, the families, the parents that will retire in their homes, and the children they will raise. They are investments whose returns are measured by the improvements and progress in the quality of life of the people. These returns cannot be measured in dollars and cents.

Corporations and businesses measure progress by bigger revenues and higher profits. For them, "investments in the future" are to achieve more revenues and more profits. For them, "cash is king."

Will we continue to invest in the improvements and progress in the quality of life of the people by preserving the natural boundary provided by the green belt along 156th Avenue NE? Will we heed the foresight and wisdom of those who worked so hard before us to preserve this natural boundary between the neighborhoods and the commercialization to the west. I say yes!

Please join me.

Thank you.

Sent from my iPad

Matz, Nicholas

From: Toney, Gayle <Gayle.Toney@AviationCapital.com>
Sent: Monday, April 21, 2014 2:08 PM
To: Matz, Nicholas
Subject: Bellevue Technology Center/Project 14-123945AC
Attachments: City of Bellevue-14-123945AC.pdf

Dear Mr. Matz,

Attached please find a letter providing comments to the proposed Comprehensive Plan Amendment for the Bellevue Technology Center (Project 14-123945AC).

As a long time Bellevue resident, I have witnessed the transformation of our city from a quiet suburb of Seattle with easy access to freeways, schools and services to a city that is becoming saturated with decreased livability as a consequence. Northeast Bellevue, in and around the Crossroads area, has become mired with traffic issues and which will continue to worsen as more development is completed. Getting to and from our homes, schools, sporting and other activities for our children and even the simplest things such as a trip to the grocery store have all been greatly impacted by the ever increasing traffic volumes in the area. Getting to I-90 from the Crossroads/Overlake areas can take as long as a trip to Seattle itself. The very things that attracted us to Bellevue are the things we see slipping away.

I urge the City's Planning Department Staff to recommend to the Planning Commission that the proposed CPA for the Bellevue Technology Center be denied in order to avoid further traffic issues, to preserve open spaces for quality of life and environmental issues, and to preserve the quality of life for homeowners and residents east of 156th Avenue N.E.

Please include the attached letter in the Planning Commissions record for the upcoming May 14th hearing. I plan to mail hard copies as well.

Thank you.

Kind regards,
Gayle Toney

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April 21, 2014

City of Bellevue Planning Commission
Planning & Community Development
P.O. Box 90012
450 110th Ave. NE
Bellevue, WA 98009

Re: Bellevue Technology Center Project No. 14-123945 AC

Ladies and Gentlemen:

I am the owner of Lot 6 of the Park Place Subdivision, located at 1910 160th Avenue N.E. in Bellevue. I have lived at this address since 1998 and previous to that resided at 1812 161st Avenue N.E. My property faces the east side of the Bellevue Technical Center ("BTC") site and has views of mature fir trees and other vegetation on the BTC property.

I am writing in opposition of the proposed Comprehensive Plan Amendment to policy S-CR-66.

For many years the City of Bellevue (the "City") has recognized the need to preserve the trees and open spaces on the BTC site and to provide a much needed buffer between homes in east Bellevue and the businesses and the increasingly intolerable traffic in the Crossroads and Overlake areas. This site is a treasure in a city that has lost way too much of its natural canopy, beauty and open spaces to development.

Traffic Concerns: If further development of the BTC is permitted, traffic, which is already extremely heavy in the area will become increasingly challenging to navigate. The traffic congestion in Northeast Bellevue has made ingress and egress to our neighborhoods progressively difficult and dangerous, particularly during the AM/PM peak hours. The 4 mile commute from my office in downtown Bellevue to my home averages 30 or more minutes. Northup Way, N.E. 24th Street and 156th Avenue N.E. are already exceedingly congested and do not have the capacity to handle higher traffic volumes. We have yet to experience the impact of the current and planned development in the Crossroads and Overlake areas.

The City's own website provides the following information: ***"The transportation Department's Neighborhood Traffic Safety Services (NTSS): group manages the impact that vehicles, both moving and parked, have on Bellevue neighborhoods. Traffic and parking conditions on residential streets can greatly affect neighborhood livability. When problems become a daily occurrence, our sense of community and personal well-being is compromised. When streets are safe and pleasant, our quality of life is enhanced. Our goals include creating a safer roadway environment for all users, enhancing neighborhood livability, and engaging the community to become active participants in the traffic safety process."***

Sadly, our streets don't feel safe, particularly for pedestrians trying to cross the street at intersections such as 24th / 156th, or for those of us who must turn left onto busy streets such as Northup Way during morning and evening rush times. The livability of our neighborhoods has been greatly compromised by traffic which the area's infrastructure is not equipped to handle. More development of the BTC site would only further diminish livability in the area.

Open/Green Spaces: Northeast Bellevue has very limited open spaces and parks. It is essential to preserve the few spaces that are left for future generations. We need places that are easily accessible and safe.

Impact on Schools: Access to the neighborhood schools (Sherwood Forest Elementary, Highland Middle School and Interlake High School) is already extremely challenging. Added developments in the area will put a huge strain

on schools that are already at capacity. Our neighborhoods are being used as cut-throughs for Interlake traffic and this problem will worsen with increased traffic in the area.

Environmental Concerns: Development and the addition of more impervious surfaces create surface water impacts on surrounding areas. The BTC site provides an urban haven for wildlife including raccoons, rabbits, Aplodontia (mountain beavers), frogs, many species of birds including owls, hawks, water fowl, stellar jays and eagles—coyotes and deer have also been seen on the site. The tree canopy provided by the large stand of fir trees provides reduction of glare/heat to our neighborhoods, particularly during the evening hours when the sun is descending. The trees provide an essential filter for the pollution created by the increasing traffic congestion in the area.

I encourage City planners to uphold the PUD on the BTC site and to preserve the trees and open spaces, now and for future generations. I also encourage the City to promote **redevelopment** of existing spaces that are underutilized because of their age or design. There are "space for lease" signs on nearly every office building along Bel-Red Road and in other sectors of the City. Let's incentivize developers to rejuvenate and redevelop rather than sacrificing every parcel of land and diminishing the City's livability. As folk singer Joni Mitchell sang in her song "*Big Yellow Taxi*" in the early 70's: "*Don't it always seem to go, that you don't know what you've got 'til it's gone...they paved paradise and put up a parking lot*". I hope that the Planning Commission and City Council will recognize the importance of this site to the community and deny the application for a Comprehensive Plan Amendment for policy S-CR-66.

Respectfully,

Gayle C. Toney

Gayle C. Toney

Matz, Nicholas

From: Emmanuel Solis <emsolis@live.com>
Sent: Monday, April 21, 2014 12:29 PM
To: Matz, Nicholas
Subject: Comments on Bellevue Technology Center-Project #14-123945AC

Dear Mr. Matz,

As a resident of Interlake area I would like to make my voice heard regarding the proposed land use 14-123945-AC for the Bellevue Technology Center (formerly known as Unigard).

I'm deeply concerned with the way in which our area is being over-developed and how impervious the planning commission has been to the voice of the local residents whose livelihood is being impacted by the reduction of open green spaces in our community.

The Bellevue Technology Center is the last green space left in our community, it is the last buffer zone between a well establish residential community and the commercial development west of 156th Ave NE.

In the last years the city has approved, and development has started for almost 2,000 new residential until on 156th Ave NE (Overlake Village and GRE Real State) which will have a massive negative impact on traffic, schools and environment.

The already extremely congested corner of N.E. 24th Street and 156th Avenue N.E. which is essentially the only entry or outlet to our community will now be forced to support even more traffic from/to Microsoft and other employers and the SR520 highway.

The very challenging access to the neighborhood schools (Sherwood Forest Elementary, Highland Middle School and Interlake High School) will only become worse as the addition of 2,000 more families will strain our public school even more.

Our community has already lost hundreds of trees and acres of green space to new development and the Bellevue Technology Center tree canopy and meadow are an extremely important filter for the pollution created by the increasing traffic congestion in the area in addition to be an outdoor space for the community.

For the sake of current communities and health of the city please please put a cap on the amount of development that this section can withstand. I know I speak for many others in our community when I recommend that the proposal to expand development on this site and change policy S-CR-66 be denied.

Thank you very much for your consideration

Emmanuel Solis

Sherwood Forest resident

Matz, Nicholas

From: Darlene Truong <dartruong@gmail.com>
Sent: Monday, April 21, 2014 11:55 AM
To: Matz, Nicholas
Subject: Project #14-123945-AC, Bellevue Technology Center 2010 156th Ave NE

Dear Mr. Matz,

I hope this email finds you well. It has come to my attention that there is a proposed development in the Bellevue Technology Center. My family and I live in in the adjoining neighborhood of Sherwood Forest and are deeply concerned about the impacts of this possible building development.

Many of the northeast Bellevue residents are specifically concerned about the increase in traffic volume this development would bring and I completely echo their sentiments. Traffic during peak times, particularly when my husband and I are commuting home, are very congested already. Adding more development would make a traffic situation that is already bad, even worse for residents.

One of the things I love about living in my neighborhood is that we have a great community. We have with all the nearby schools, meadow, and surrounding trees. I enjoy seeing families go for strolls and play with their dogs in the open green space as well as sliding down the hill in the meadow when it snows. It would be an extreme disappointment to lose the sense of community we have if the development were to occur.

My family and I hope that you will recognize the impact of what this new development will bring and I sincerely hope that this space will remain open for the residents and families to enjoy. Thank you for taking the time to read this email and to consider these concerns.

Sincerely,

Darlene Truong, MSW

2605 162nd Ave NE

Bellevue, WA 98008

Matz, Nicholas

From: Hadden Hoppert <hhoppert@gmail.com>
Sent: Monday, April 21, 2014 11:51 AM
To: Matz, Nicholas
Subject: Re: project 14-123945AC (unigard property)

Thank you. I will do my best to be there and speak my piece. In case it isn't clear, I am concerned about the loss of natural habitat, the potential loss of a "buffer" zone from the current big boom development, and the increased traffic (in neighborhoods that are already bad and getting worse).

Do you have any other suggestion besides showing up at the meeting that you think will affect the outcome?

On Mon, Apr 21, 2014 at 8:54 AM, <NMatz@bellevuewa.gov> wrote:

Mr. Hoppert-

Yes. The May 14th meeting of the Planning Commission will include the Threshold Review public hearing on both annual CPAs this year (Mountvue Place and Bellevue Technology Center).

Nicholas Matz AICP

Senior Planner

425 452-5371

One City
Committed to Excellence

From: Hadden Hoppert [mailto:hhoppert@gmail.com]
Sent: Friday, April 18, 2014 4:46 PM

To: Matz, Nicholas
Subject: Re: project 14-123945AC (unigard property)

Matz, Nicholas

From: Tess McMillan <tessmcm@gmail.com>
Sent: Monday, April 21, 2014 11:27 AM
To: Matz, Nicholas
Cc: PlanningCommission
Subject: Comments regarding Bellevue Technology Center Proposal #14-123945-AC

Dear Mr. Matz,

I am writing to oppose the above proposal.

My background: I live in Sherwood Forest, on NE 28th Street near 164th Ave NE. I have been in this area since 1995 and purchased my current home in 2001. My property is a third of an acre, which I landscaped and planted with my own hands to be a Certified Backyard Wildlife Sanctuary. The nearly 100 trees and shrubs and countless woody and herbaceous plants give refuge to rufous and annas hummingbird, mountain chickadee, black-capped chickadee, red-shafted flicker, downy flicker, nuthatch, wren, bush tit, american robin, thrush, rufous towhee, barred owl, stellar's jay, banded pigeon, dark-eyed junco, song sparrow, red-tailed hawk, sharp-shinned hawk, rabbit, gray squirrel, and townsends chipmunk, to name a few.

Since I bought my house, this neighborhood has undergone tremendous negative change with a heavy impact on tranquillity, wildlife, pedestrian safety, and clean air. In describing the impacts, I don't even know where to start.

We now have 24/7 noise from the 520 freeway, there is 24 hour noise from construction all around us, I am forced to smell and hear car washes that operate at all hours of the day and night, we have lost tree canopy and noise buffer from the Microsoft campus, and we will be losing many more trees when the Group Health plan goes through. There is now so much pollution in my neighborhood that even though all my windows are covered with storm windows, I have black soot that I have to wipe off my windowsills every week. Some hours of the day, I can't sit in my backyard because of the noise from the freeway. When I leave my neighborhood, at least twice a month I am nearly involved in a car accident due to the increased number of drivers from the high school parking lot being in such a hurry that they drive across traffic.

The permit application: I have read the permit application notice for the Bellevue Technology Center many times in the past week and been baffled by the language, so I had to have it explained to me. It is my opinion that any kind of application that is this vague and this broad and over-reaching necessarily has a nefarious aim. I urge you to reject the application. Here are only a couple of my many reasons:

We are losing our parks and green spaces and buffers to development.
This part of Bellevue has become almost an orphan with plans by Redmond for multistorey high-occupancy buildings. We lost Angelos -- which as a nursery provided at least a respite for some birds and small wildlife and instead are gaining a hugely-dense development there. The Unigard campus (and I prefer to call it Unigard Campus and not Bellevue Technology Center -- as many of the clients in the center offer low-paid, contract jobs without benefits that cater to companies outsourcing for cheap H1B labor and I reject this model on principle) was and is our only real park-like buffer. The city seems to ignore the fact that we live here and just builds to suit commercial interests. I have been told the city promised us it would preserve the Unigard property. Why then, is the city entertaining the current proposal?

Potential for increasing stress through permanent paved structures.
Please see my research project at
http://perviousconcrete.wordpress.com/ . All you need to read is the "Background and Definition" to see that we are over capacity in our density in this neighborhood. We don't need more buildings with more temporary daytime workers

creating more waste, more emissions, more noise, more tall buildings for migrating birds to fly into, and more pressure on the environment. On the contrary, we need more trees, more green spaces, less paved structures and parking areas, less noise, and more wildlife.

This residential neighborhood is the place where as homeowners deserve peace and quiet; it is where we come at the end of the day to rest, and we have paid a price to be here. With the increased traffic from schools, we have asked for traffic calming but the city denied our requests. We asked to preserve the tree canopy at the Group Health property but the city denied our request. We asked to limit the density of the Angelo's project and the city denied our request. I am very upset that the city takes the side of developers and lets us "fend for ourselves".

I could go on but it would be just another depressing reminder of how the city has ignored us as residents and citizens.

Please reject this proposal and preserve our last bit of parkland, wildlife habitat and woodland buffer against high-rises. I would, in fact, like to see much tougher restrictions on building now that land and clean water are so precious.

I would like to be informed of future communications and actions relating to this proposal.

Thank you,

Tess

Tess McMillan
Bellevue, WA 98008

Matz, Nicholas

From: Lee Sargent <LeeSgt@aol.com>
Sent: Monday, April 21, 2014 11:27 AM
To: Matz, Nicholas
Subject: Bellevue Technology Center - Proposed Land Use Action Ref: Project# 14-123945-AC

To: Bellevue Planning Commission
Subject: Bellevue Technology Center - Proposed Land Use Action

Ref: Project# 14-123945-AC, Bellevue Technology Center 2010 156th Avenue NE

I would like to add my concern about the proposed land use change that has been proposed.

We have seen a lot of changes in the this location and have been concerned about them for some time. The nature of this location seems to make the proposers think that we are not concerned about this area-formerly called Unigard Park-is developed. It seems that a subtle wording change that makes the area a part of the business community development ignores the proximity of residential concerns.

The BTC provides a needed green belt area zone of more limited traffic activity then the potential business proposal lures us into thinking is reasonable.

The area has lots of business building activity that has not been resolved as to how much it will impact those living close by.

We do not need this unsettling and potentially divisive resolution to be accepted. Especially at this time.

Sincerely,
Lee Sargent
16246 NE 24th ST
Bellevue, WA 98008
425-641-7568

Matz, Nicholas

From: frr4@comcast.net
Sent: Monday, April 21, 2014 11:00 AM
To: PlanningCommission
Subject: Proposed Comprehensive Plan Amendment to Policy S-CR-66 - Bellevue Tech Center

I am sure that the esteemed panel understands that this opportunity to amend the policy is done at a time prior to the realized effects of the surrounding uncompleted projects occurs. For if it was to be considered after, it simply would not have a chance. Let's not allow the cart before the horse on this proposal.

Thank you for your work toward the betterment of our city.

Regina Barker
29 year resident

Matz, Nicholas

From: gary dubois <garyatremax@msn.com>
Sent: Monday, April 21, 2014 9:56 AM
To: Matz, Nicholas
Subject: Sherwood Forest, Project #14-123945AC

Mr. Matz
Bellevue Planning Commission

I live in the above neighborhood and need to express my concern about any development of the meadow area at the Bellevue Technical Center site at Ne 24th and 156th Ave NE. I believe the above project is a step in a process to permit construction that would limit access and use of the specific open space. I also believe that there is an existing record or agreement to keep that space open and undeveloped.

We use the meadow for dog walks and appreciate the frequent use by others. We moved to Sherwood Forest in 2005 and have enjoyed access to this meadow at least 3 times per week, regardless of weather.

Traffic concerns are relevant, preservation of green space is important, maintaining the commitment made to this community when Unigard developed the property is most important.

Please include me as a Party of Record for notices and meetings about this project.

Gary DuBois
15915 NE 26th Street
Bellevue WA 98008

garyatremax@msn.com
206-465-7596

Matz, Nicholas

From:	Krista Capodanno <kcap@msn.com>
Sent:	Sunday, April 20, 2014 11:53 PM
To:	Matz, Nicholas
Cc:	Bill Capodanno
Subject:	Bellevue Technology Center—Project #14-123945AC

Dear Mr. Matz,

I am writing to express our concern about the proposed changes to the Bellevue Technology Center located at 156th and Northup. We live in the neighborhood (Bellewood East No. 6) located behind this property.

Increased development of this property would cause more traffic congestion. It is already difficult to get out of our neighborhood in the morning. It is not uncommon to wait 5 minutes or more for a break in the traffic on Northup in the morning when we are driving our children to school. Friends that we carpool with often complain about how difficult it is to get out of our neighborhood at peak traffic times.

Also, further development of this property would significantly change the look and sound of our neighborhood. The trees and forest feel add to the beauty of our neighborhood and block the noise/sight of the development all along 156th.

Please add us as a "person of record" so that we may receive any future communication/information regarding Bellevue Technology Center—Project #14-123945AC.

Sincerely,
Krista and Bill Capodanno
1904 161st Ave NE
Bellevue, WA 98008

kcap@msn.com

Matz, Nicholas

From: Regi John <regij_st@hotmail.com>
Sent: Sunday, April 20, 2014 9:59 PM
To: Matz, Nicholas
Cc: Regi John
Subject: Bellevue Technology Center—Project #14-123945AC

To,
Nicholas Matz
Senior Planner
Bellevue Planning Commission
City of Bellevue

Re: Bellevue Technology Center—Project #14-123945AC

Mr Matz,
I am a resident of the Sherwood Forest community. My home is just off NE 24th St, on 160th Ave NE.

Members of the Sherwood Forest Community Club recently informed residents such as myself of potential new development that is to occur at the Bellevue Technology Center (formerly Unigard).

It is my understanding that an agreement had already been made with the community, the previous owners and the Planning Commission to not have any further development of the area. And to continue to keep the greenery and open space as is.

Now with ownership of the area under an out-of-state company, it appears that an attempt is being made to rescind this previous agreement.

As a resident of the community just across the street from Bellevue Technology Center, and therefore directly impacted, I find this news to be extremely disturbing and am completely against any further development in the area.

As it is, traffic in the neighborhood at peak times in the morning and evening are extremely bad. It takes me 20 minutes to go from 148th Ave NE to 160th Ave NE on NE 24th St EVERY day between 5 - 6pm. That's less than 2 miles.

The expanse of trees and open green space is a welcome respite to the bustle and concrete vista of the neighboring Crossroads area. It gives the neighborhood and Interlake H.S. area a degree of calm and quietness that adds a very attractive characteristic to the area. In the afternoons, you will find kids from the Interlake H.S. long- distance team running through the cool shade of the trees. And in the evenings families strolling. When it snows, the open space is packed with kids sledding down the gentle slopes.

All this will be lost should new development come into this area.

As a Microsoft employee, I completely understand the need for development and expansion. As a home owner in the area, I know that development and expansion could improve the market value of my home.

But it must not be done at the expense of the community and green space in the community.

Please do not hesitate to contact me.

Thank you.

Regi John
15803, NE 27th Pl
Bellevue 98008
425-836-2786

Matz, Nicholas

From: JSH <haro123@msn.com>
Sent: Sunday, April 20, 2014 3:37 PM
To: Matz, Nicholas
Subject: Project# 14-123945-AC, Bellevue Technology Center 2010 156th Avenue NE
Attachments: LetterToBPCreBTC-CPA-JHaro_140419.pdf

Mr. Matz,

Re: Project# 14-123945-AC, Bellevue Technology Center 2010 156th Avenue NE

Please convey the above letter to the Planning Commission as part of your 4/24 package.

Also, may I also be added as a "Party of Record" to Project# 14-123945-AC ?

Please let me know if I can provide any additional information.

Best Regards,

John Haro
2431 161st Ave N.E.
Bellevue, WA 98008

March 17, 2014

From: John Haro

To: Bellevue Planning Commission

Subject: Bellevue Technology Center - Proposed Land Use Action

Ref: Project# 14-123945-AC, Bellevue Technology Center 2010 156th Avenue NE

Dear Bellevue Planning Commission,

In learning that there could be a possible change in zoning that would allow future building development on the Bellevue Technology Center, (formerly Unigard), property, I am writing to ensure you are aware that there are many northeast Bellevue residents that have concerns regarding this proposal.

As a homeowner family in the Sherwood Forest neighborhood since 1987, we are particularly concerned that additional building development on this property would increase traffic volumes around the BelRed, 156th Ave NE, and NE 24th St. triangle which would make it increasingly difficult for northeast Bellevue residents to drive to and from their neighborhoods. While walking, safely crossing these intersections would also be more difficult.

I would like to express my hope that the Planning Commission and City Council will recognize the value of the property undeveloped as it is, and vote to allow it to continue to remain an open space where eastside families of all ages can enjoy a meadow-like setting where the sky can still be seen in our increasingly urban world.

Very truly yours,

John Haro
2431 161st Ave NE
Bellevue, WA 98008

Matz, Nicholas

From: Deborah Dvorak Owens <deborahdvorak@hotmail.com>
Sent: Sunday, April 20, 2014 3:00 PM
To: Matz, Nicholas
Subject: Bellevue Technology Center #14-123945AC

Mr. Matz:
I would like to request to be made a party of record for the proposed land use action for the Bellevue Technology Center (aka: Unigard Campus#14-123945AC. Please let me know any other actions that I should take to fight this particular project from moving forward and redeveloping the land. I am very concerned as a homeowner in the Sherwood Forest/Crossroads area that by developing this property would not only have negative impacts on my property values, but also environmental impacts.

As a homeowner and resident of the Bellewood East #6 neighborhood since 1992, I am concerned about the this pending land use proposal at the Bellevue Technology Center. I am opposed to further development of the Bellevue Technology Center, and believe that preserving the natural environment as it stands today and the stand of fir trees is extremely important to East Bellevue.

Keeping the open park-like setting at the Bellevue Technology Center should be preserved at all costs. If the land use proposal is changed to allow further development of the property there are many negative impacts for my neighborhood. Traffic would increase in an area that is very congested not only during the commute hours. The property supports flora and fauna and acts as a buffer to not only pollution, but traffic noises as well. If the property is developed further, the trees that would be eventually removed would no longer act as protection against high wind storms and would put our neighborhood trees at risk during future wind storms.

The area has already been overdeveloped, in my opinion, and I would ask that this proposal for the Bellevue Technology Center be denied.

Thank you for your time,

Deborah Dvorak

Deborah K. Dvorak
C: 425.985.5523
E: deborahdvorak@hotmail.com

Matz, Nicholas

From: Bill Owens <billowenz@yahoo.com>
Sent: Sunday, April 20, 2014 11:39 AM
To: Matz, Nicholas
Subject: Bellevue Technology Center; File# 14-123945-AC
Attachments: Bellevue Technology Center.doc

Dear Mr. Matz,

I have attached my letter on this PUD. Thank you.

-Bill Owens

To: Bellevue Planning Commission

Subject: Bellevue Technology Center - Proposed Land Use Action

Ref: Project# 14-123945-AC, Bellevue Technology Center 2010 156th Avenue NE

Dear Bellevue Planning Commission,

I am very concerned with this project passing for many reasons.

We bought this house in 1992 to live in the suburbs; away from the hectic and crowded city of Seattle, and have some peace and quiet. This is now more densely populated than any of Seattle is. With the added 600 unit apartments in the former Angelo's Nursery and the development in the former Group Health property it will get even more congested.

The forest and meadow not only provide a sanctuary, buffer from the city sound, and a feel of community separated from the overloading of commercial development in the surrounding area, but it also provides an old growth stand of trees that blocks the windstorms from weakening the smaller stands of trees in our neighborhood that could fall on our houses.

A traffic study would be needed if this measure passes. It is already so bad that parents of Interlake High School students are bypassing the closer entrance at the front of the school to drop them off in back on our streets just because the traffic is so backed up in front. That just loads up the traffic in our neighborhood even more. We wouldn't be able to get out of our neighborhood onto Northup Way if the Unigard area gets more developed.

There is not one type of service be it grocery, pharmacy, hardware, mall, medical, dental, fast food, or sit down restaurant that isn't within a mile of our neighborhood. Do we really need more?

We recommend that the proposal to expand development on this site be denied. Cutting down this forest would adversely affect the quality of life in our neighborhood.

Sincerely,

William Owens
16032 NE 19th Place
Bellevue, WA 98008
Bellewood East No. 6

Matz, Nicholas

From: Marilyn McGuire <m2mmcguire@comcast.net>
Sent: Saturday, April 19, 2014 4:02 PM
To: Matz, Nicholas
Subject: Bellevue Technology Center Request for Development--Project #14-123945AC

Dear Mr. Matz and the Bellevue Planning Commission,

Over the past weeks, I have learned of unprecedented development projects in both Bellevue and Redmond that will seriously affect those of us in the Sherwood Forest, Northeast Bellevue neighborhood. The proposed future development of the Bellevue Technology Center is the lastest in a series of large, long term proposed changes in the quality of life in this area. I am writing to you to express my concerns about allowing more development, and unspecified development efforts at that, to continue in an already highly impacted, relatively small area.

As a homeowner since 1995 and a member of a family that has lived in Sherwood Forest since the 1960's, I am especially concerned about the impact of this potential project. The traffic is already very congested and difficult at all hours of the day on the streets around all this potential development. Proliferations of condominiums and other projects are already of great concern to us as they will tax roadways that are not capable of this volume. The traffic congestion already makes it difficult for us to drive in our own neighborhood. The NE 24th and 156th intersection, for example, is already beyond difficult at many times of the day, every day. It is also difficult for pedestrians to cross streets safely at these high volume times. It appears as though each project is considered individually without considering the total impact of them on residents who are trying to get to and from their homes, students who are trying to get to schools, and people who want to walk on these streets.

I would like to express my hope that you will table this project at present. The plan is very vague; there is no real plan to what the development could be. We need to know what is proposed and its actual impact before making this decision. We have all been promised that the Technology Center would not be further developed before this latest application. There is sufficient development in this area to already tax the neighborhoods and the supportive structures like roadways. There must be a point where additional development cannot be adequately sustained. I believe we are at that place now. Furthermore, the small bit of green that the Technology site offers would add greatly to a neighborhood that is being overrun with high rise buildings and other urban-like projects. Please decide to leave this area undeveloped.

Sincerely yours,
Marilyn McGuire
16223 NE 25th St.
Bellevue, WA 98008

Matz, Nicholas

From: Edward McDonald <mcdonaldedwardr@gmail.com>
Sent: Saturday, April 19, 2014 3:16 PM
To: Matz, Nicholas
Subject: RE: Land Use - Unigard

Dear Mr. Matz,

This is a follow-up to our earlier phone conversation and email.

I wanted to go on record with you regarding my strong opposition to any further development of the Unigard property. I have owned my home in Sherwood Forest for over 30 years, raised a family here, and retired in my home just north of the Unigard property. It seems like every time the property is sold, the new owners want negate a long standing plan and the permanent agreement (promise) that was made with the community. I spoke at meetings the last time changes were proposed by John Hancock. I have not changed my feelings that earlier commitments MUST be honored.

Bellevue and Redmond have approved strategic plans for extensive development to the area west of 156 Ave NE. The Group Health Hospital and Angelo's Nursery sites are prime examples of the changes taking place in our back yard. Bellevue's Bel-Red development plan and with Redmond's Overlake plan, along with Sound Transit's Link Light Rail provide more than adequate development opportunity and a strategic roadmap without any need to expand east of 156th Ave NE on a piece by piece basis. We are a residential community and want to keep it that way. Our trees and open space will provide the necessary buffer to the planned development that I have referenced.

I plan on attending all meetings the city has regarding this property. I would ask you and the Bellevue Planning Commission to say No the further Unigard development.

Sincerely,
Edward McDonald
15936 NE 27th Pl
Bellevue, WA 98008
425-881-8453

From: NMatz@bellevuewa.gov [mailto:NMatz@bellevuewa.gov]
Sent: Thursday, April 17, 2014 2:21 PM
To: mcdonaldedwardr@gmail.com
Subject: RE: Land Use - Unigard

Mr. McDonald-

You are a party of record to this CPA application so you will get notice of the Threshold Review public hearing scheduled for May 14, 2014 before the Planning Commission at Bellevue City Hall. The Commission meeting at which the public hearing will be held starts at 6:30 pm.

Nicholas Matz AICP
Senior Planner
425 452-5371

Matz, Nicholas

From: brucewhitt@comcast.net
Sent: Thursday, April 17, 2014 4:45 AM
To: Matz, Nicholas
Cc: Gayle Toney; levianb@aol.com; Nancy Whittaker
Subject: Bellevue Technology Center File No 14-123945 AC: COMMENTS
Attachments: Bellevue Technology Comment Letter 1.docx

Mr, Matz,
Please see our attached comments on the above Bellevue Technology Center Center. Please include these comments in the record for the upcoming Planning Commission Hearing on May 14th, 2014.
Thanks,
Bruce Whittaker
1924 160th Ave NE
Bellevue, WA 98008
425-442-7324

April 17, 2014

From: Bruce and Nancy Whittaker

1924 160th Ave NE, Bellevue WA 98008

Lot 9 Park Place

To: City of Bellevue Planning Commission

Re: Bellevue Technology Center File No.14-123945 AC

We are the owners of Lot 9 of the Park Place Subdivision, directly adjoining the Bellevue Technical Center site along the easterly boundary. Our Lot is buffered by a significant stand of fir trees along the easterly portion of the BTC site. We have the following comments on the above land use action:

Traffic: The AM/PM peak hour traffic congestion in the area is already intolerable. Even during the mid-day hours, it is a long wait to exit 160th Ave NE and 161st Ave NE onto Northup Way. The 156th Ave NE corridor between crossroads and NE 40th Street is so congested during peak hours, walking the route is faster than driving! With the additional development projects currently underway (formerly Group Health Property, Angelo's Nursery) the traffic will continue to become more congested. Allowing more development within the Bellevue Technical Center will only add to already intolerable traffic congestion.

Existing Stands of Trees and Open Space: The existing site contains stands of mature fir trees and other varieties of trees. These trees provide an incredibly effective development buffer for the surrounding residents from light, glare and sound. The trees also provide a green open space character to the neighborhood that enhances livability and quality of life for the whole community. The meadow in the northwest portion of the site also provides a wonderful green open space.

Drainage: With the addition of more impervious surfaces, more surface water impacts are likely for the surrounding developments.

We believe that the original PUD designers made the right recommendations on this site. The site was designed specifically to preserve the trees and open space character. We recommend that the proposal to expand development on this site and change policy S-CR-66 be denied. The surrounding infrastructure for roads, drainage and open space are not adequate to support more development on this site. Reducing the number of trees or existing meadow space will adversely affect the livability and quality of life in this community.

Matz, Nicholas

From: jehenry01@comcast.net
Sent: Saturday, March 22, 2014 12:24 PM
To: Matz, Nicholas
Subject: Land Use Proposal #14-123945AC

Mr. Matz -
I would like to comment on the proposal for further development of the above referenced property (formerly known as the Unigard property). Please add me as a party of record to this action, so that I may receive updates and any information pertaining to this proposal.

For the past 21 years, I have lived in the neighborhood immediately adjacent to the east (at 1812 161st Ave NE). I know that this property has been under discussion for further development on other occasions, and it is my understanding that a number of years ago, after working with the surrounding neighborhoods, the city put a policy in place to prevent this.

I am extremely concerned about the loss of further green areas in our city. On a regular basis, we see huge areas of trees / greenery removed for development, and as a resident, I am concerned about what this does to the quality of life in our city. In the instance of the property under discussion, these trees and green area provide an important break between our residential area and the very busy roadway and commercial businesses of 156th Avenue. Allowing removal of any more of these trees would have a significant detrimental impact to the quality of life in our neighborhood, and the surrounding neighborhoods, as well as on property values.

Additionally, I'm sure that city planners are aware of the traffic congestion which has continued to increase in this area. With the current development projects underway (at the former Group Health property, and the former Angelo's nursery property on 156th), this traffic will only continue to become more congested. Additional residents and/or workers at the Unigard property would only add to the issue.

I do understand the nature of on-going development and the need to balance that with neighborhoods. My fear is that Bellevue will lose much of its most desirable qualities, if we allow continuing development without regard to preservation of natural green spaces. In the case of this property in my neighborhood, that loss would be untenable and I must strenuously protest any action to do such.

Please advise me what further actions I can take to help ensure we preserve this space.

Thank you.

Janet Henry
jehenry01@comcast.net
1812 161st Ave NE
Bellevue, WA 98008
425.643.3597

Matz, Nicholas

From: Syd Darlington <darmkting@comcast.net>
Sent: Saturday, March 22, 2014 8:24 AM
To: Matz, Nicholas
Subject: Re: 2014 Annual Comprehensive Plan Amendments RE: Bellevue Tech Center

Hi Nicholas,

Thanks for the info. I want to be a Party of Note in this process, and put on record right now that my wife and I are totally opposed to the request for a re-zoning of this property. We will make every effort to make our feelings felt, including attending whatever review meetings will be held, starting, I understand, May 14th.

Sincerely,

Syd Darlington,
1810 160th Avenue NE,
Bellevue, WA 98008.
425-643-9415

----- Original Message -----
From: NMatz@bellevuewa.gov
To: darmkting@comcast.net
Sent: Tuesday, March 18, 2014 10:01 AM
Subject: 2014 Annual Comprehensive Plan Amendments RE: Bellevue Tech Center

Syd Darlington-

This is an application by the owners of this property to amend the Comprehensive Plan policy that applies to it in the Crossroads Subarea Plan. Here is a link to the Weekly Permit Bulletin documenting the application http://www.bellevuewa.gov/weekly_permit_bulletin.htm.

Here is a description of the proposal from the March 12, 2014 Planning Commission Study Session http://www.bellevuewa.gov/planning-commission-agendas-2014.htm (the Bellevue Technology Center materials start on p. 41 of 90 pages of the March 12 Packet Materials link, using Acrobat Reader).

I will add your email address to the parties of record for this application 14-123945 AC. Please let me know how I can provide additional information.

Nicholas Matz AICP
Senior Planner
425 452-5371

One City
Committed to Excellence

From: Syd Darlington [mailto:darmkting@comcast.net]
Sent: Saturday, March 15, 2014 8:17 AM
To: Matz, Nicholas
Subject: Bellevue Tech Center

Hello Nicholas,

I see an application for some kind of change to the regs for the above. What does this entail? As you see below, our neighborhood abuts their campus....

Syd Darlington,
1810 160th Avenue NE,
Bellevue, 98008.

Matz, Nicholas

From: Marilyn Mayers <mayersmarilyn@gmail.com>
Sent: Friday, March 21, 2014 5:01 PM
To: Matz, Nicholas
Cc: Vladimir Vulovic; Levian Graham Brink
Subject: Project 14-123945AC

Hello Mr. Matz,

I understand that the area around Bellevue Technology Center is once again under discussion for possible development. I am a resident at 1907 161 Avenue NE, Bellevue, and am very troubled by what may yet become another of Bellevue's capitulation to development interests.

The city assured the neighborhood years ago that this property would not be any further developed. The green space, tree canopy and sound barrier today provide a small hedge separating what will become a major development along 156th Avenue from our neighborhood. They are to to be treasured and protected, not given away to business interests.

Bellevue has lost much of its canopy over the past decades and the quality of life in Bellevue has suffered as a result. As development moves forward, it is important that boundaries to residential neighborhoods be respected.

Everyone knows that pressure to capitulate to development will become more intense--that is precisely when the city's commitment to the natural environment will be tested and hopefully not found wanting. If being a "city in a garden" is to be anything other than a slogan to obfuscate development plans, the City needs to recommit to sustaining the little remaining green space we have in the city.

I understand you intend to hold a public hearing regarding this on May 14th. Please alert me to any OTHER hearing prior to that date.you intend to hold regarding this proposed land use. I would also appreciate your sending as a pdf file any documents related to this proposed land use action--or at least email links so that we can review these beforehand. Thank you. I look forward to further communication from and with you.

Sincerely,

Dr. Marilyn Mayers

Matz, Nicholas

From: greg bohrer <gregbohrer@yahoo.com>
Sent: Friday, March 21, 2014 4:52 PM
To: Matz, Nicholas
Subject: Bellevue Technical Center

RE: development of Bellevue Technical Center

To whom it may concern - I am a local resident living adjacent to this property and am concerned about the potential of redevelopment of the space.

My belief is that there is plenty of room/open space that can be developed on the Northwest Corner of this property... the "meadow" contains few trees and is already facing existing development. I would ask that any development be focused in that area of the property and preserve the last significant stand of trees in the entire area.

Please make me a part of record so I may stay engaged.
best regards

Greg Bohrer
H: 425-746-4216
Cell: 206-498-9927
gregbohrer@yahoo.com

RECEIVED
MAR 24 2014
Development Services

JOHN & DACIA EMMEL
15849 NORTHUP WAY, BELLEVUE WA 98008

March 20, 2014

City of Bellevue
Development Services Center
PO Box 90012
Bellevue, WA 98009-9012

To Whom It May Concern,

I would like to comment on the Bellevue Technology Center filing 13-106688-GH.

It is my understanding that the Bellevue Technology Center would like to further develop their property. I think this is an absolutely awful idea as it will have a huge impact upon the neighboring areas. Crossroads already has huge difficulties with heavy traffic and the intersections of 156th NE and NE 20th and 156th NE and NE 24th are ghastly at all times of day. Add to that the lengthy period when trucks and heavy machinery will share the roads during construction and you have the recipe for a very unfavorable impact on the quality of life for those of us living nearby in Crossroads.

I strongly recommend against allowing further development in the Bellevue Technology Center park.

Sincerely,

John C. Emmel

City of Bellevue

MEMORANDUM

DATE: May 7, 2014

TO: Chair Tebelius and members of the Bellevue Planning Commission

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

SUBJECT: May 14, 2014, Public Hearings on 2014 site-specific Annual Comprehensive Plan Amendments (CPA) Threshold Review and Geographic Scoping

PLANNING COMMISSION ACTION

On May 14, 2014, the Planning Commission is scheduled to hold public hearings to consider the 2014 site-specific applications for CPA under Threshold Review. The Planning Commission is asked to recommend whether the applications should be initiated into the 2014 Comprehensive Plan amendment work program under LUC 20.30I.140 and to recommend the appropriate geographic scope for each application in accordance with LUC 20.30I.130.A.1.a.ii.

A map showing the locations of the two applications is included in Attachment 1. The Threshold Review criteria are included in Attachment 2. A staff report providing analysis of each application and a staff recommendation was posted online on April 24, made available to the applicants, and mailed to the Planning Commission. ***Please bring your copies of the staff reports to the meeting.***

At the meeting, the Planning Commission will be asked to open a public hearing for each application. Staff will provide a brief review of the request and the staff recommendation, followed by public testimony. After the Commission conducts the two public hearings, the Commission will be asked to deliberate on each request and make individual recommendations.

Sample motion language (for reference):

> I move to recommend *initiation/no further consideration* of the [*name*] Comprehensive Plan amendment application for the 2014 Annual Comprehensive Plan work program, and *expanded/not expanded* through geographic scoping [to include the named properties].

BACKGROUND

The 2014 list of initiated applications has been established to consider amendments to the Comprehensive Plan. The list is the tool the city uses to consider proposals to amend the Comprehensive Plan. Such consideration is limited to an annual process under the state Growth Management Act.

Threshold Review action produces proposed amendments for the annual CPA work program. This 2014 annual CPA work program consists of four steps:

Threshold Review

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

Final Review

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

THRESHOLD REVIEW DECISION CRITERIA

The Threshold Review Decision Criteria for a proposed Comprehensive Plan Amendment are set forth in the Land Use Code in Section 20.30I.140. Based on the criteria, Department of Planning and Community Development staff recommendations are shown below in summary, and in detail in the report materials previously provided to Commissioners along with the April 24, 2014, notice of Threshold Review public hearing.

RECOMMENDATIONS SUMMARY

1. Mountvue Place 14-123964 AC (14510 NE 20th St)
   - **Staff recommendation**: Include in CPA work program; do not expand geographic scope
   - Proposed map change from split BelRed-Commercial/Residential (BR-CR and BelRed-General Commercial (BR-GC) to all BelRed-Commercial/Residential (BR-CR)
   - 4.67-acre site

2. Bellevue Technology Center 14-123945 AC (2010 156th Ave NE, 15805 NE 24th St, 15800 Northup Way)
   - **Staff recommendation**: Do not include in CPA work program; do not expand geographic scope
   - Proposed replacement of subarea policy applicable to this site
   - 46-acre site

PUBLIC NOTICE AND COMMENT

The applications were introduced to the Planning Commission during study session on March 12, 2014. Notice of the Application was published in the Weekly Permit Bulletin on March 13, 2014, and mailed and posted as required by LUC 20.35.420. Notice of the May 14, 2014, Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on April 24, 2014 and included notice sent to parties of record.

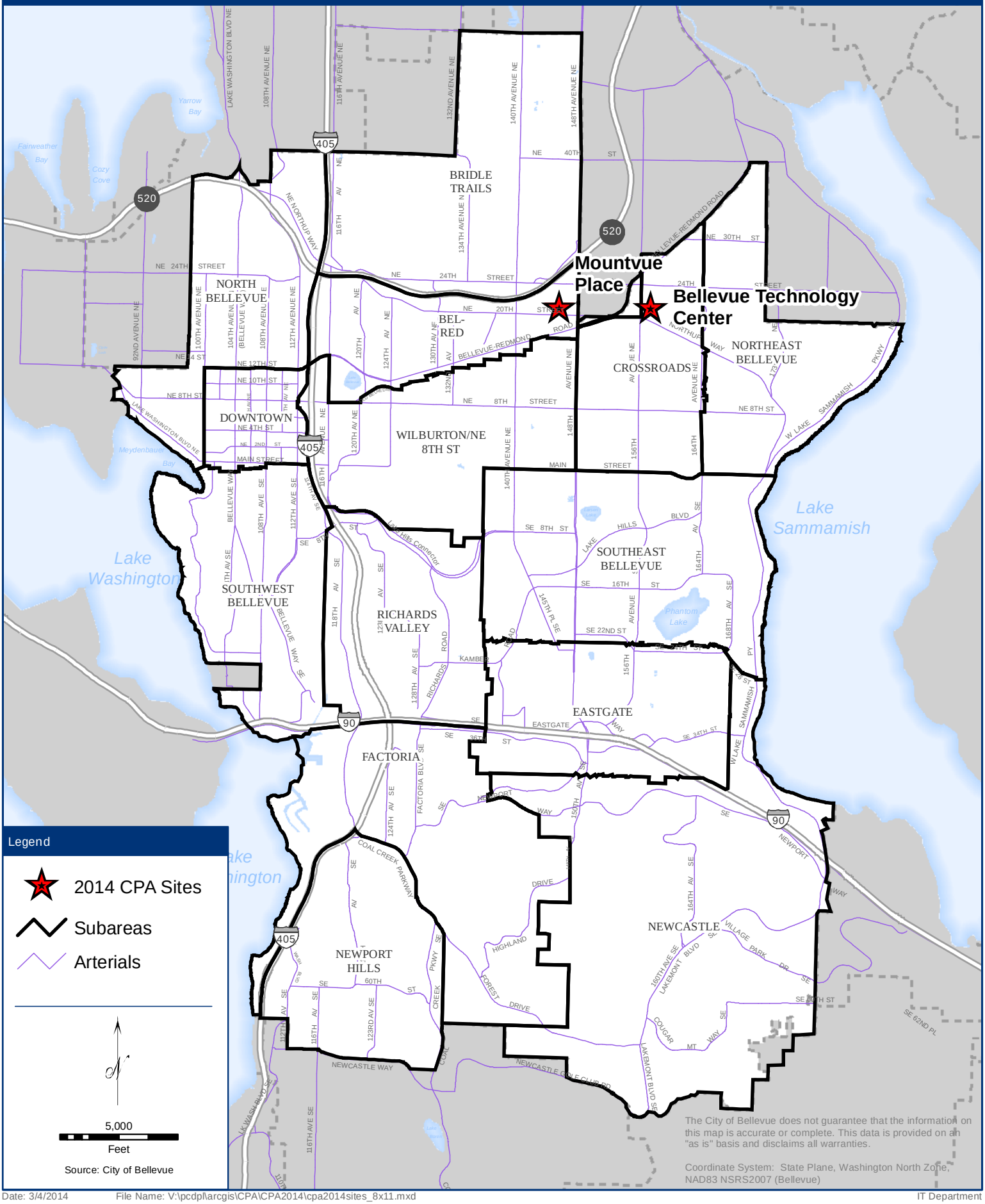
Public comments received before April 23 were included in the staff report materials previously sent to Commissioners. Public comments received after that date and to May 6 are included in Attachment 3.

ATTACHMENTS

1. 2014 site-specific CPAs citywide map
2. Threshold Review Decision Criteria (LUC 20.30I.140) and Consideration of Geographic Scoping (LUC 20.30I.130.A.1.a.ii)
3. Additional public comments received through May 6, 2014

2014 Comprehensive Plan Amendments

City of Bellevue
GIS Services



Date: 3/4/2014 File Name: V:\pcdpl\arcgis\CPA\CPA2014\cpa2014sites_8x11.mxd IT Department

20.30I.140 Threshold Review Decision Criteria

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

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

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

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

(ii) Consideration of Geographic Scope

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

May 6, 2014

Planning & Community Development
Attn: Mr. Nicolas Matz

I'm writing regarding the land usage proposal for the area around Bellevue Technology Center (Project #14-123945AC). I'm a resident of Sherwood Forest and it is impossible to pass the opportunity to express my opinion about this new project proposal that will definitively impact our way of living, our community, our city and our environment.

My family moved to Sherwood Forest a couple years ago, when the time came to decide on the place to live for the long run and set roots my husband and I had no reservations moving to this neighborhood.

We are a young couple that could go for the option of living in a new development or a place somewhere in downtown but we strongly believe one of the most important assets of Sherwood Forest is the appreciation our community has for maintaining and protecting our trees and green areas and we couldn't find those values in any other place.

We all have big trees in our properties and the responsibilities that come attached to them, cleaning the roof in the windy season, maintaining clean streets, etc. but we all do it and we love it because we believe is a privilege to be in the city but still live in harmony with our environment.

The proposal puts at high risks this picture of a perfect place to live, a place where we can teach our kids that is still possible to find balance and respect and value nature.

I consider the Bellevue Technology Center to be and Eden within the city. It is true this is an office space but they take such good care of the land. The big trees that surround the property are invaluable to our city not to mention how hard it is to find a place with open hills like the ones this property has. We were for the longest time trusting this place was safe by the agreement the city made years ago about not developing any further this area. It is hard to believe things can change and we can lose this place as well.

We have some many projects going on in nearby streets that I find it hard to believe this property can become one more place where we prefer profitability over the sustainability. It was devastating to see the Group Health area become a clear space ready to host an apartment complex and office space. I really want you to consider if this is the future you want for the BTC area, not to mention all the issues that come with it: traffic, safety and nearby schools overpopulation. Please remember 156th and 24th street are narrow streets that connect most of the northeast community and taking on more traffic and noise will have a severe impact in our neighborhood.

I encourage you to maintain this property as is and vote for this place to remain and open space where we all can continue appreciating the beauty of nature for generations to come.
Please make me a party of records to receive future updates and notices regarding this project.

Sincerely,

Janet Castañeda

Janet Castaneda | Sherwood Forest Resident
2447 161st Ave NE
Bellevue, WA 98008

City of Bellevue

Planning & Community Development,

Project #14-123945AC - Bellevue Technology Center

As a resident of Interlake area I would like to make my voice heard regarding the proposed land use 14-123945-AC for the Bellevue Technology Center (formerly known as Unigard).

I'm deeply concerned with the way in which our area is being over-developed and how impervious the planning commission has been to the voice of the local residents whose livelihood is being impacted by the reduction of open green spaces in our community.

The Bellevue Technology Center is the last green space left in our community, it is the last buffer zone between a well establish residential community and the commercial development west of 156th Ave NE.

In the last years the city has approved, and development has started for almost 2,000 new residential until on 156th Ave NE (Overlake Village and GRE Real State) which will have a massive negative impact on traffic, schools and environment.

The already extremely congested corner of N.E. 24th Street and 156th Avenue N.E. which is essentially the only entry or outlet to our community will now be forced to support even more traffic from/to Microsoft and other employers and the SR520 highway.

The very challenging access to the neighborhood schools (Sherwood Forest Elementary, Highland Middle School and Interlake High School) will only become worse as the addition of 2,000 more families will strain our public school even more.

Our community has already lost hundreds of trees and acres of green space to new development and the Bellevue Technology Center tree canopy and meadow are an extremely important filter for the pollution created by the increasing traffic congestion in the area in addition to be an outdoor space for the community.

For the sake of current communities and health of the city please please put a cap on the amount of development that this section can withstand. I know I speak for many others in our community when I recommend that the proposal to expand development on this site and change policy S-CR-66 be denied.

Thank you very much for your consideration

Emmanuel Solis

Sherwood Forest resident

David & Kimberly Gray
16250 NE 30th Street
Bellevue, WA 98008
david_m_gray@hotmail.com

May 5, 2014

Planning & Community Development
Attn: Mr. Nicolas Matz
450 110th Ave. NE
P.O. Box 90012
Bellevue, WA 98009

To: Chair Tebelius and Bellevue Planning Commissioners
Subject: Bellevue Technology Center – Proposed Land Use Action
Ref: Project 14-123945-AC, Bellevue Technology Center 2010 156th Avenue NE

Dear Mr. Matz and Chair Tebelius,

My family and I would like to go on record opposing change to the site known as the Bellevue Technology Center. We are Bellevue residents within walking distance of this open space. Please add us as a party of record so that we may receive updates and any information regarding the proposal.

I am opposed to the development on the following grounds:

1) Impact to local traffic will be chaotic, especially during a time when three major development projects are underway. These developments are the lot of former Angelo's, the development and clearing of the Group Health area, and the development in the Sears parking lot which is in Redmond but none the less affects the area. We cannot afford more development in this area which is already strained with the recent redevelopment in the Trader Joe's area. These traffic pressures not only make it difficult to get into and out of our neighborhoods, they also bleed into the surrounding neighborhoods. I live on 30th street, and there is so much traffic during "rush hours" that I feel unsafe retrieving may mail. When opening my mailbox, I must stand in the street due to Bellevue's mailbox installation regulations. I frequently feel unsafe doing so. It is also too much traffic to allow my young children to play in the front yard.

2) Impact to open spaces and green areas. This current space provides a beautiful natural balance to the commercial developments around it, and a pleasing buffer between these developments and our neighborhoods. I know many folks who enjoy this natural refuge, and though it is a beautiful space year round, I myself have fond memories of sledding on the hills with my children Otis and Macy when it snows.

The current development is superbly fulfilling the original planning purposes. It should not be changed.

Thank you,

David, Kimberly, Otis, and Macy Gray

To: Chair Tebelius and Bellevue Planning Commissioners
Subject: Bellevue Technology Center – Proposed Land Use Action
Ref: Project 14-123945-AC, Bellevue Technology Center 2010 156th Avenue NE

We have lived in Bellewood East since1977. The Unigard woods and meadow have played an important part in the lives of our family for more than 35 years – sledding in the winter, walking in the summer and flying kites in the fall.

The woods and meadow have also served to define the neighborhoods of Bellewood East, Park Place, and Sherwood Forrest. All these neighborhoods consist of residential housing, schools, and churches, with the residential areas of northeast Bellevue extending all the way to Lake Sammamish. The Unigard woods and meadow provide a clear separation between these neighborhoods and the commercial developments west of 156th Ave NE. The current construction on 156th Ave NE and the proposed future development of the Bel-Red corridor and Overlake area make this separation more important than ever.

We hope you will accept the staff recommendation to reject the proposed amendment to the Crossroads Subarea Plan.

Brian R Ummel
Deborah Ummel

Brian and Deborah Ummel
1912 161st Ave NE
Bellewood East No 6
Northeast Bellevue

May 4,2014

To: Chair Tebelius and Bellevue Planning Commissioners
Subject: Bellevue Technology Center-Proposed Land Use Action
Ref: Project 14-123945-AC Bellevue Technology Center

I have enjoyed living in the Sherwood Forest Neighborhood since 1974. I feel a duty to help preserve the remaining green spaces.

Years ago our neighborhoods worked to establish S-CR-66, a policy that would protect and preserve the quality of life we enjoyed. When the current owners purchased the now BTC they were aware the PUD existed. If that policy is now ignored it will negatively impact our area with increased building and traffic congestion.

I urge you to not include the Bellevue Technology Center CPA in the 2014 CPA work program. Please do not allow the development of one of our area's last existing green spaces.

Thank you for your consideration.

Sincerely,

Diane Kelso

Diane Kelso
16217 NE 26th Street
Bellevue WA 98008
dbkelso@gmail.com

April 26, 2014

Bellevue Planning Commission
Bellevue Technology Center- Project #14-123945AC
450 110th Ave. NE
P.O. Box 90012
Bellevue, WA 98009

Dear Bellevue Planning Commission,

It has come to my attention that there is a proposed development in the Bellevue Technology Center. My family and I live in in the adjoining neighborhood of Sherwood Forest and are deeply concerned about the impacts of this possible building development.

Many of the northeast Bellevue residents are specifically concerned about the increase in traffic volume this development would bring and I completely echo their sentiments because I already experience traffic jams daily. Traffic during peak times on Northup Way, N.E. 24th Street and 156th Ave N.E is already extremely congested when my husband and I are commuting home. Adding more development would make a traffic situation that is already bad, even worse for residents.

One of the things I love about living in my neighborhood is that we have a great community. We have nearby schools, a meadow, and surrounding trees. I enjoy seeing families go for strolls and play with their dogs in the open green space as well as sliding down the hill in the meadow when it snows. It would be an extreme disappointment to lose the sense of community we have if the development were to occur.

My family and I hope that you will recognize the impact of what this new development will bring and I sincerely hope that this space will remain open for the residents and families to enjoy. Thank you for taking the time to read this letter and to consider these concerns.

Sincerely,

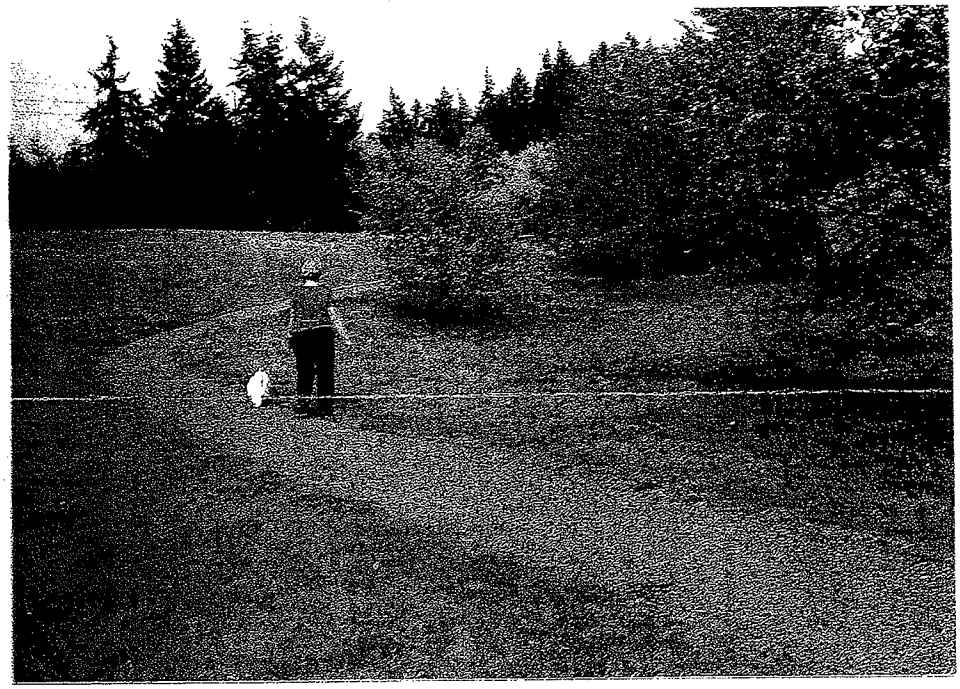
Darlene Truong
2605 162nd Ave NE
Bellevue, WA 98008

Project 14-123945 AC

Dear Mr. Bellevue Councilman ~ April 22, 2014

Please don't take away my open field exercise place.

Your friend, *Lili,* the Dog



If you have any questions, contact my owners, Bruce and Carol Walker, Park Place, 1908 160 AV NE 98008

Matz, Nicholas

From: John McCall <jjmccall@comcast.net>
Sent: Tuesday, April 22, 2014 4:58 PM
To: Matz, Nicholas
Subject: Fw: Project #14-123945AC

----- Original Message -----
From: John McCall
To: n.matz@bellevuewa.gov
Sent: Tuesday, April 22, 2014 2:24 PM
Subject: RE: Project #14-123945AC

Dear Mr. Matz,

My wife and I want to comment on the proposed Bellevue Technical College (old Unigard site)development.
We are long-time Sherwood Forest residents and, like many others you've heard from, are deeply concerned about the proposed development.
If the property in question is developed further, it will definitely have a negative impact on our quality of life.
How? The level of noise and traffic congestion has increased significantly in our neighborhood over the years. Further development in addition to that already occurring on 156th Ave and Overlake will only make matters worse. We will also lose a valuable Green Belt buffer. People hike through the area and kids use the hill for sledding in the winter.
So, in summary, we hope the Bellevue Planning Commission will take citizen concerns into account and honor the commitment to keep the old Unigard site free from further development.
Thank you for your consideration.
Sincerely,

John and Jean McCall
16230 NE 27th St.
Bellevue, WA 98008

Comments of Gayle C. Toney to the City of Bellevue Planning Commission—May 14, 2015

Good Evening Commissioners,

My name is Gayle Toney and I reside at 1910 160th Avenue N.E. in Bellevue. I have owned my home at this location for over 15 years. My home faces the eastern border of the Bellevue Technology Center property.

I speak tonight in opposition of the proposed Comprehensive Plan Amendment to Policy S-CR-66 for the Bellevue Technology Center property.

Over the last 40 years, City Planners have carefully considered the development of the BTC site and have recognized its importance as a critical buffer to the homes and schools east of 156th Avenue N.E. Many homeowners, including myself, have purchased our homes with the knowledge that a PUD is in place which would preserve this site and limit the development. Likewise, buyers of the BTC site also would know that a long standing PUD has existed on this property.

The City's Planning Staff has reviewed the CPA application and I strongly believe that they have made the correct recommendation to not include it in the CPA work program. Along with findings in the Staff report released on April 24, 2014, there are numerous reasons why further development of this site should not be allowed. Time does not permit summarizing each and every one. However, I would submit that a primary concern of nearly anyone who lives, works or commutes in or through East Bellevue is the ever increasing traffic issues in the area. We have yet to experience the impact of the developments at the former Angelos' site off of 156th and of Overlake Village at the former Group Health site in neighboring Redmond. There is no doubt that once these sites are complete traffic congestion will significantly increase. The area is already saturated and further development will only create more congestion and decrease the livability of our neighborhoods. Accessing Northup Way from my street can often take up to 5 minutes and has become increasingly dangerous as I turn left to take my children to Sherwood Forest Elementary School. My commute time to and from my job in downtown Bellevue has more than doubled in recent years.

In the nearly 25 years that I have lived in Bellevue, the City has lost way too much of the tree canopy and natural beauty to development. The things that enticed me to move to the eastside from the congestion of Seattle are slowly slipping away and we are facing many of the same issues as our neighbors to the west. It is essential that we preserve open spaces and trees and other vegetation for future generations. These are critical not only for the environment but for the well-being of the city's citizens. The BTC site is a treasure that needs to be protected. It is a rare place in a city that is becoming increasingly developed where wildlife can co-exist with mankind. We need to cherish, preserve and protect these types of open spaces.

I strongly urge the Planning Committee to concur with the recommendation of the staff to not include the Comprehensive Plan Amendment to Policy S-CR-66 proposal related to the BTC site in the CPA work program. Thank you.

SHERWOOD FOREST COMMUNITY CLUB
P.O. Box 7344, Bellevue, WA 98008

BELLEVUE TECHNOLOGY CENTER – COMPREHENSIVE PLAN AMENDMENT APPLICATION
PLANNING COMMISSION THRESHOLD HEARING (5/14/2014)

SHERWOOD FOREST COMMUNITY CLUB STATEMENT
(John Haro, SFCC V.P.)

In 1972, Sherwood Forest Community Club was an active participant with Unigard Insurance Company and the City of Bellevue in the discussions, negotiations, and ultimate creation of the master Planned Unit Development (PUD) on the Unigard, (now Bellevue Technology Center), property adjacent to the Sherwood Forest residential neighborhood.

The PUD adopted by the Bellevue City Council allowed for development of 325,000 square feet of office space in 3 phases on the Bellevue Technology Center site while preserving the open meadow and the wooded area on the southern portion of the site.

The open meadow and the woods have been preserved, the intended 3 phases of development have been completed, and the maximum allowable square footage permitted to be constructed on the site has been exhausted.

It is the opinion of Sherwood Forest Community Club that the applicant's proposed amendment to the language in Crossroads Subarea policy CR-66 is site-specific to the Bellevue Technology Center property.

(cont. on next page)

(cont.)

Further, Sherwood Forest Community Club believes the Comprehensive Plan Amendment submitted by McCullough Hill Leary is an attempt to pave the way for additional development on the site.

We urge the commission to reaffirm that The Bellevue Technology Center property has been fully developed consistent with the terms and conditions of an adopted PUD, and that no further development potential exists for the property.

Thank you.

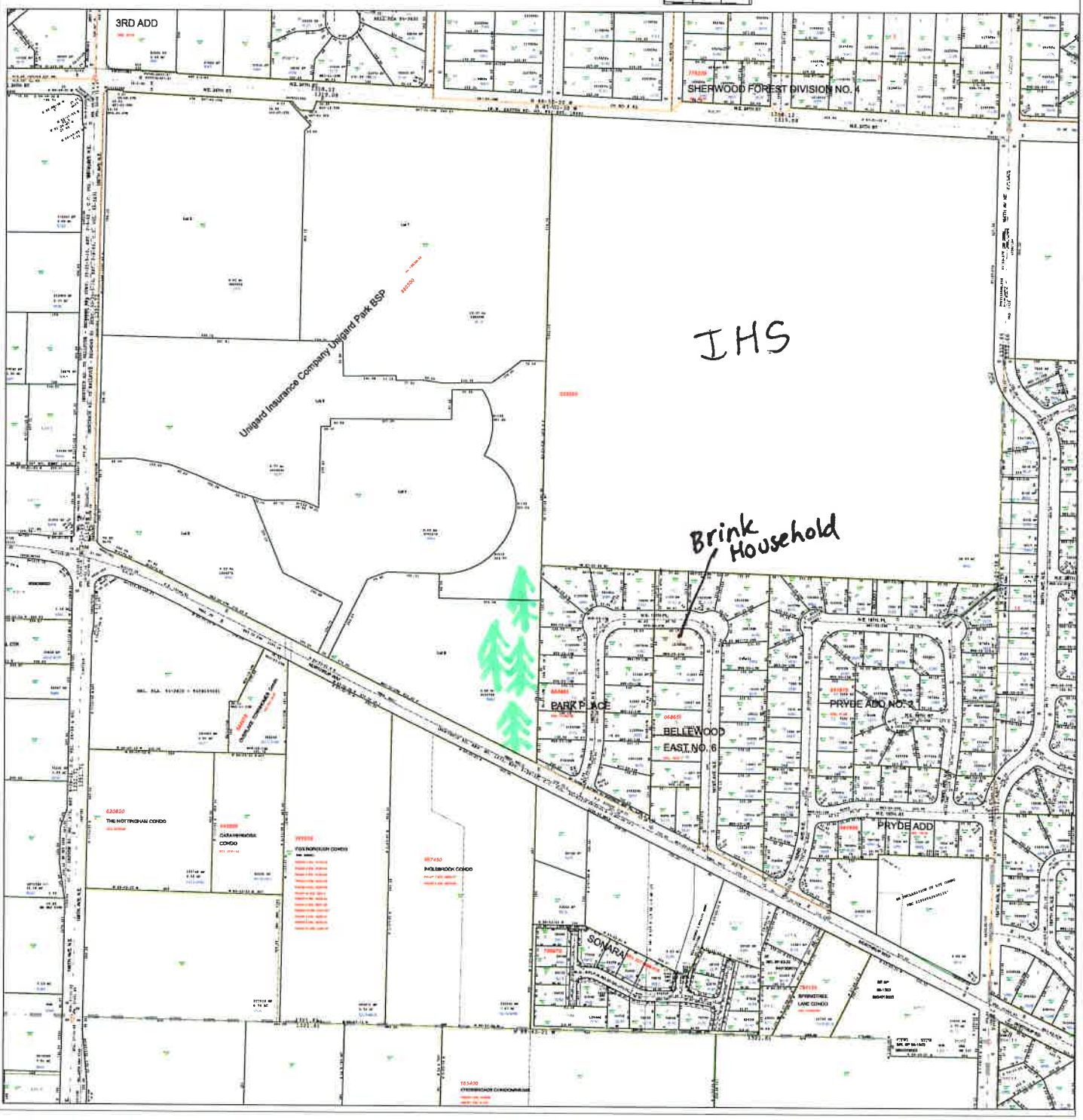
Sherwood Forest Community Club

John Haro, Vice President
2431 161st Ave NE
Bellevue, WA 98008

King County
Dept of Assessments

NE 26-25-05

Aug 10, 2010



April 19, 2014

Re: Bellevue Technology Center - Project #14-123945AC

Dear Members of the Planning Commission,

I am writing to the Bellevue Planning Commission to encourage you all to concur with the Staff's recommendation to REJECT the proposed amendment for Policy S-CR-66 at the Bellevue Technology Center (BTC) property. I have read through the 4/24/14 Staff Report to the best of my ability and can see that they were very thorough in their reasoning. I have very little to add to that in technical and legal terms, but I can certainly offer some perspective as a caring, engaged member of the adjacent neighborhood specifically and as a conscientious, tax-paying member of the Bellevue community at large.

Let me say at the outset that I am not anti-development. I love the city of Bellevue and all that it has to offer and I get excited when I see the long term plans that you all have worked so hard to put into place. However, growth should be meticulously and carefully planned, considering all factors, so I hope that our representatives at the City take seriously their duty to consider the interests and desires of everyone whom they represent.

More development at that site is something that I am opposed to, along with a majority, if not all, of our immediate neighborhood. First and foremost, we are concerned about the traffic problems that already exist in our area. During rush hour, school hours, and even lunch time, it takes entirely too long to get out of our neighborhood and head east beyond any of the 148th Street intersections. When I see the proposed future plans for the Bel-Red corridor, I shudder to think how much worse the traffic will get if the planning is not carefully controlled and mitigated. Thankfully, the area of development stops at the western side of 156th and we would like to keep it that way. To do otherwise would destroy the buffer that the BTC property offers between the residential community of Northeast Bellevue and our ever growing city.

However, I am sure you will hear the traffic argument many times over re this issue, so instead I wanted to focus my remarks on a more subtle but equally important reason to reject the proposed amendment. It is for what was discussed as 'Community Health' with Ms. Anne Bilké at your 3/12/14 Planning Commission meeting, and what I will call 'Personal Health' for the intents of this letter.

We moved into our home on 161st Ave. NE (just south of Interlake) in June 2003 when my children were ages 8 and 12. A couple of years later a family moved into one of the homes whose backyard bordered the wooded area of then Unigard. We became instant friends and spent countless hours at their home and in their backyard. The forest was a magical, giant kingdom for the young children and it grew into a quiet, peaceful haven for some in their teens. Over all those years, my son kept a nature journal marking down his discoveries and observations of the flora and fauna throughout the changes of the seasons. He observed some interesting wildlife like Barred owls, coyotes, deer, and Aplodontias, a unique rodent and the only species in their family. He was a Botany enthusiast and identified and noted all sorts of native and unique plants growing in the woods. So many times I said a prayer of gratitude that my son had a safe and calming place to wander, to find solace and peace, as well as to explore his curiosity and grow in his knowledge and appreciation of the natural world. I have often wondered if he will pursue a field of study that channels that passion of his and if he will look back at his time in those woods as the beginning of that journey.

For many, a 'Community Health' rationale is theoretical, but for our family, it's reality. I love to think that current and future generations will have that same privilege. There is plenty of development in Bellevue, but less and less natural and open space; therefore, we need to take care to preserve what we do have. In Richard Louv's insightful and timely book, Last Child in the Woods, he says, *"Prize the natural spaces and shorelines most of all, because once they're gone, with rare exceptions they're gone forever. In our bones we need the natural curves of hills, the scent of chapparal, the whisper of pines, the possibility of wildness. We require these patches of nature for our mental health and our spiritual resilience."* So in closing, I want respectfully implore you to reject the proposed amendment, thereby voting to preserve the natural habitat at the BTC property and encouraging the mental, physical and emotional health of our community.

Thank you for your consideration-

Mrs. Levian Graham Brink

Levian Graham Brink | 1913 161st Ave. NE | Bellewood East No. 6 neighborhood

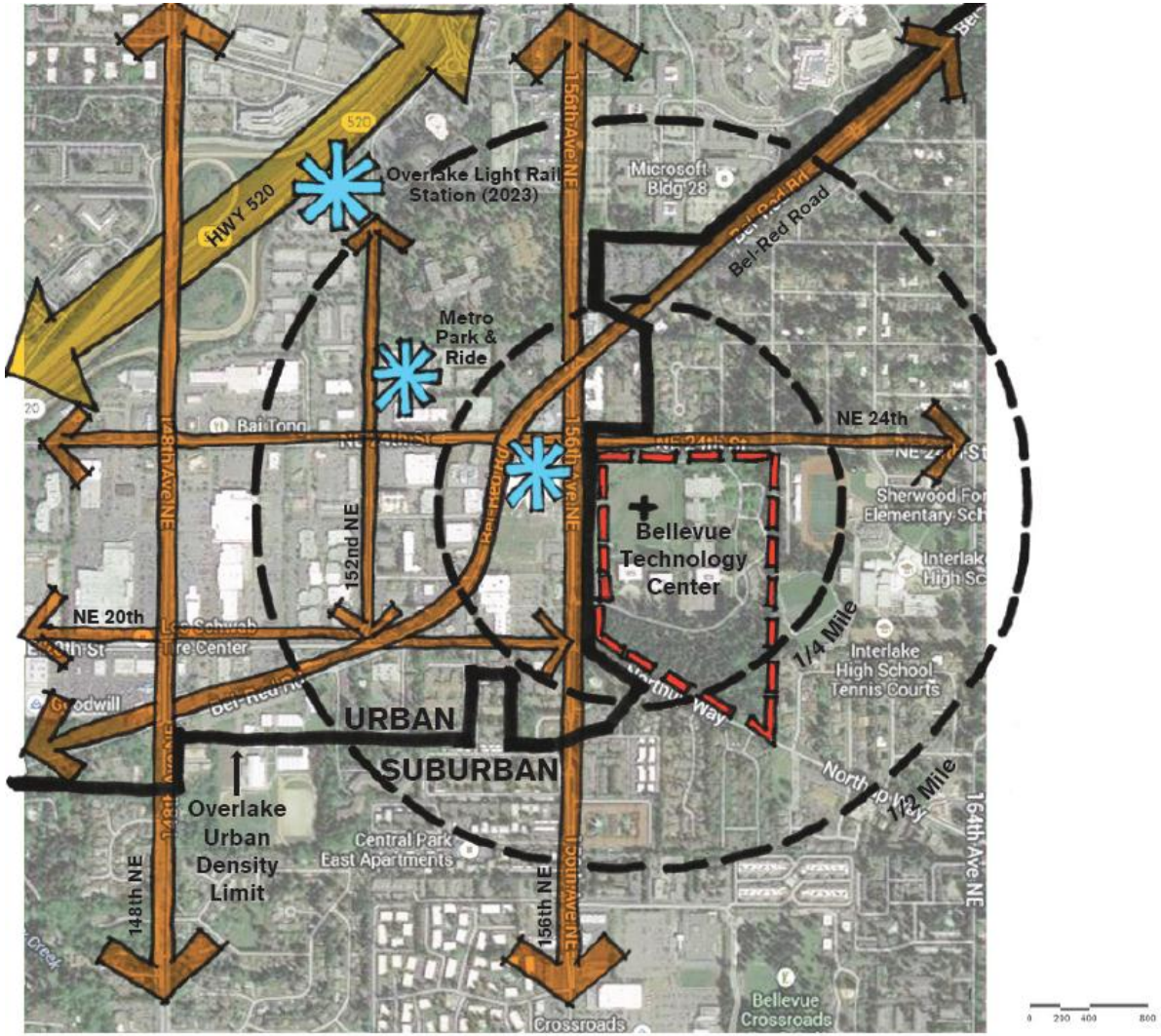
BELLEVUE TECHNOLOGY CENTER

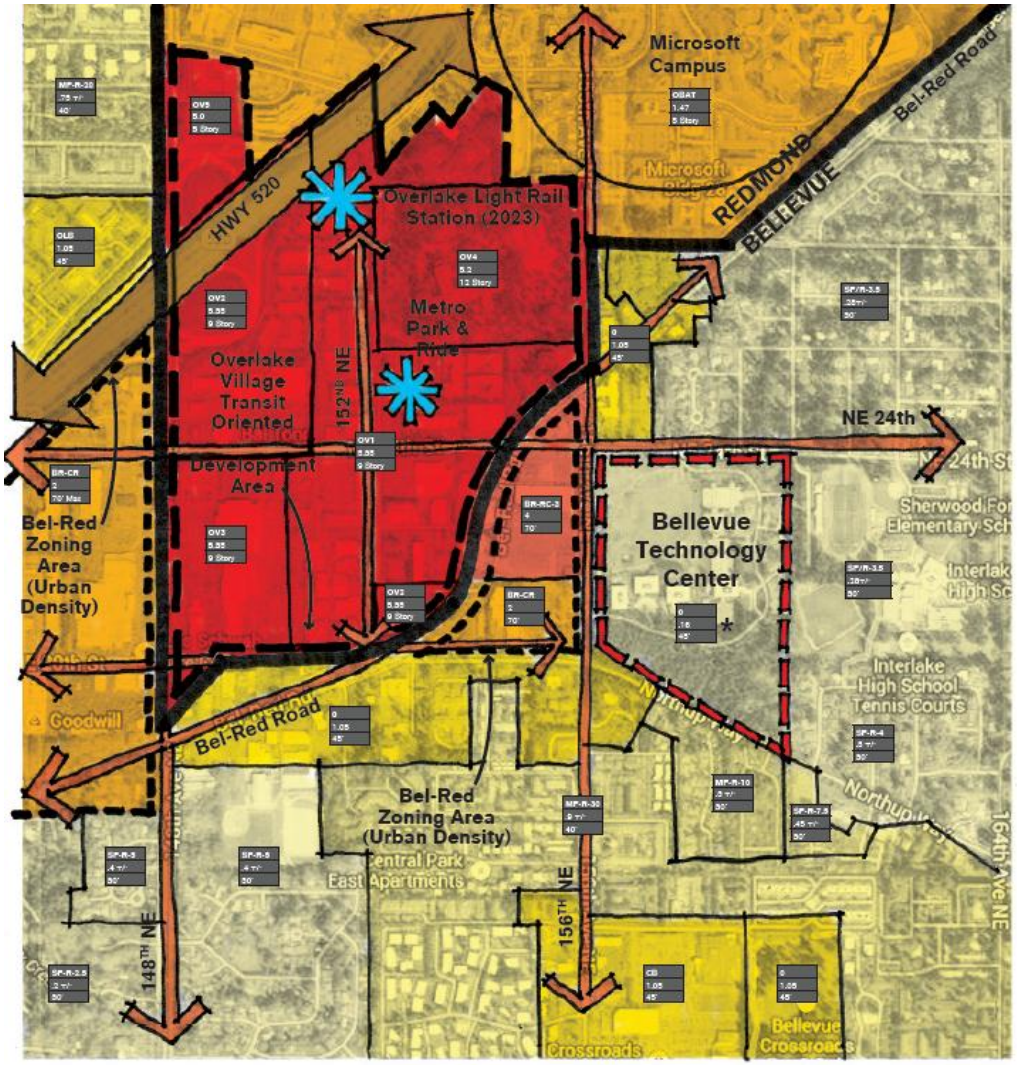
CITY OF BELLEVUE COMPREHENSIVE PLAN AMENDMENT PROPOSAL

BELLEVUE PLANNING COMMISSION MAY 14, 2014

McCullough Hill Leary, PS
Land use law | Real estate law | Business law

Overlake Light Rail
Microsoft Campus
NE 24th Street
Bellevue Technology Center
156th Ave NE
Crossroads Mall
N

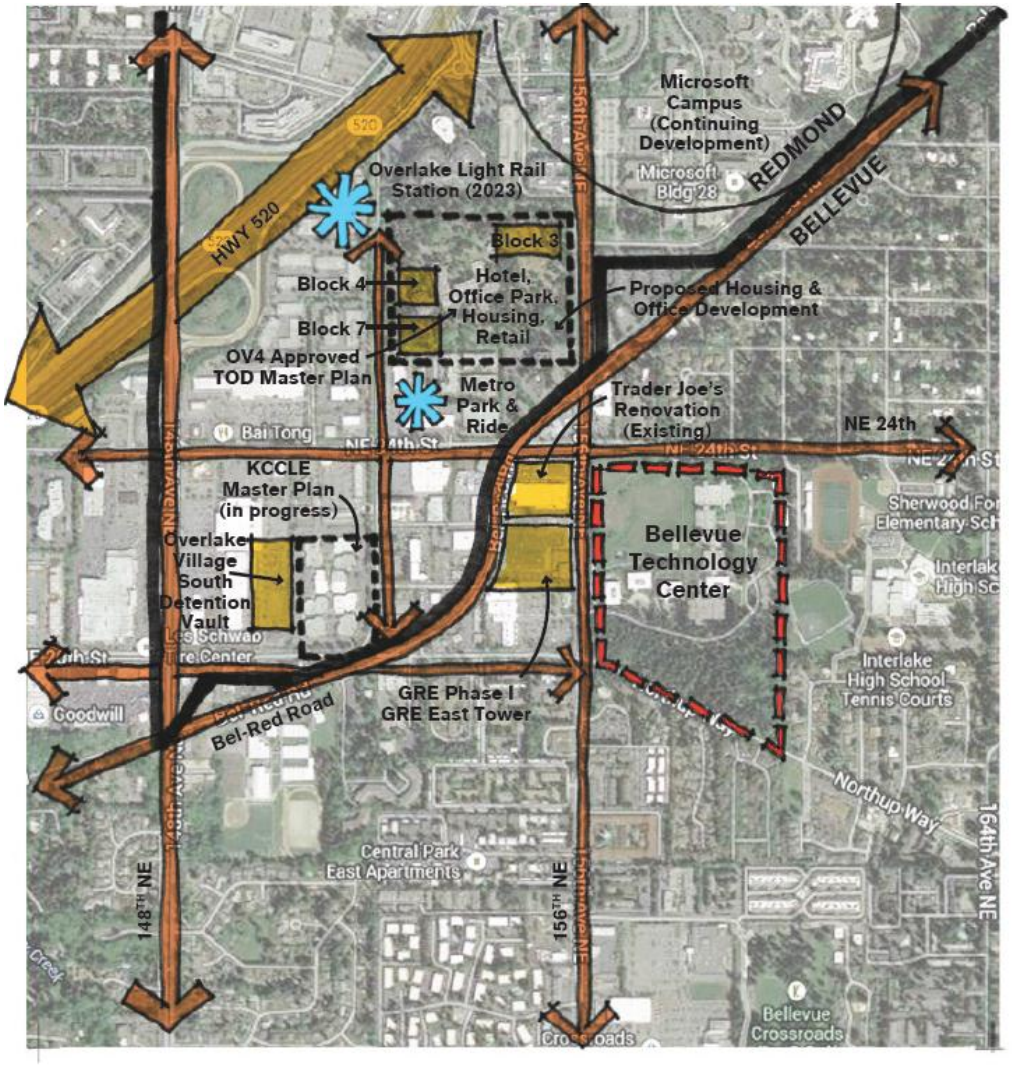

Overlake Light Rail Station (2023)
HWY 520
Microsoft Bldg 28
Bel-Red Road
Metro Park & Ride
NE 24th
Bellevue Technology Center
Sherwood Forest Elementary School
Interlake High School
NE 20th
152nd NE
148th Ave NE
156th Ave NE
1/4 Mile
Interlake High School Tennis Courts
URBAN
SUBURBAN
Northup Way
1/2 Mile
164th Ave NE
Overlake Urban Density Limit
Central Park East Apartments
148th NE
156th NE
Bellevue Crossroads
Crossroads



FAR > 5.0

FAR < 0.5

* FAR limited by Development Agreement



PROJECTS:

Overlake Village-Block 3
7 Story Office

Overlake Village-Block 4
7 Story Apartments (221 Units)

Overlake Village-Block 7
7 Story Apartments (261 Units)

GRE Phase I
6 Story Apartments (168 Units)

GRE East Tower Phase II
4-6 Story Apartments (101 Units)

Overlake Village South Detenion Vault

MASTER PLAN:

Overlake Village-Zone 4 Master Plan (Approved)

Sound Transit East Link Master Plan (Review)

Overlake Village-KCCLE Master Plan (Review)

EXISTING CROSSROADS SUBAREA COMPREHENSIVE PLAN POLICY (S-CR-66)

"Office use as a conditional use is appropriate for the property east of 156th Avenue NE between Northup Way and NE 24th Street (commonly known as Unigard).

Discussion: This area shall be developed under a conditional use permit with attention given to retaining large stands of trees, views through site from adjacent streets and the open character of the site."

- First adopted in 1979; City last amended the S-CR-66 policy in 1988
- Imposes regulatory controls more appropriate for development standards

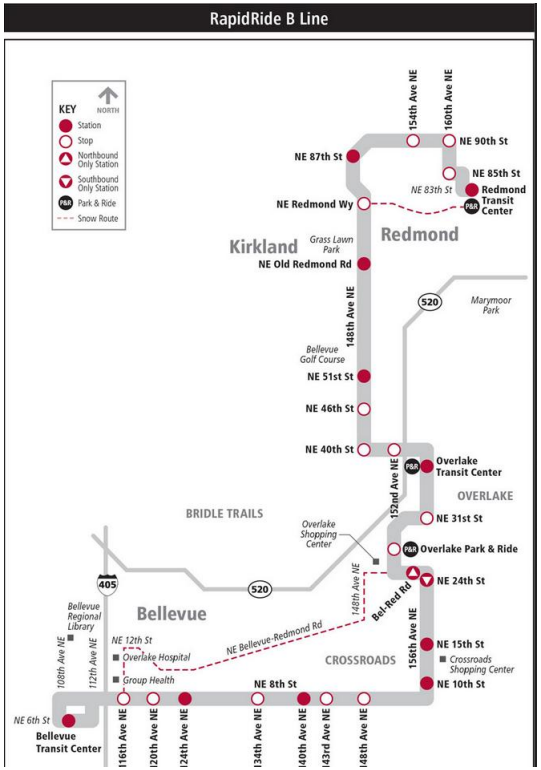
PROPOSED CROSSROADS SUBAREA COMPREHENSIVE PLAN AMENDMENT

- Goal is to initiate a community planning process regarding BTC:

"Encourage potential uses and/or development standards for the property east of 156th Avenue NE between Northup Way and NE 24th Street (commonly known as the Bellevue Technology Center, formerly the Unigard campus) that allow additional development on the property compatible with the neighboring development, that address potential traffic congestion and the preservation of the Property's existing open character, tree stands and views through the site from adjacent streets."

SIGNIFICANTLY CHANGED CONDITIONS

- Multi-modal transit infrastructure
  - Crossroads Subarea policies do not reflect Rapid Ride operations
    - B Line route launched in 2011
    - Stops directly adjacent to BTC
  - Crossroads Subarea policies do not support travel choices within 10 minute walkshed of light rail



SIGNIFICANTLY CHANGED CONDITIONS

- Pace of development adjacent to Crossroads Subarea edge at 156th Ave. NE
  - City has not considered Crossroads Subarea policy S-CR-66 since 1988
  - Bel-Red Subarea Plan does not include policies for interface with eastern edge:
    - Inter-jurisdictional coordination with Redmond ***to the north*** of Crossroads Subarea (S-BR-76)
    - 156th Ave. NE node ***to the west*** of Crossroads Subarea (S-BR-89)
  - Proposal provides an opportunity for conversation regarding appropriate transition

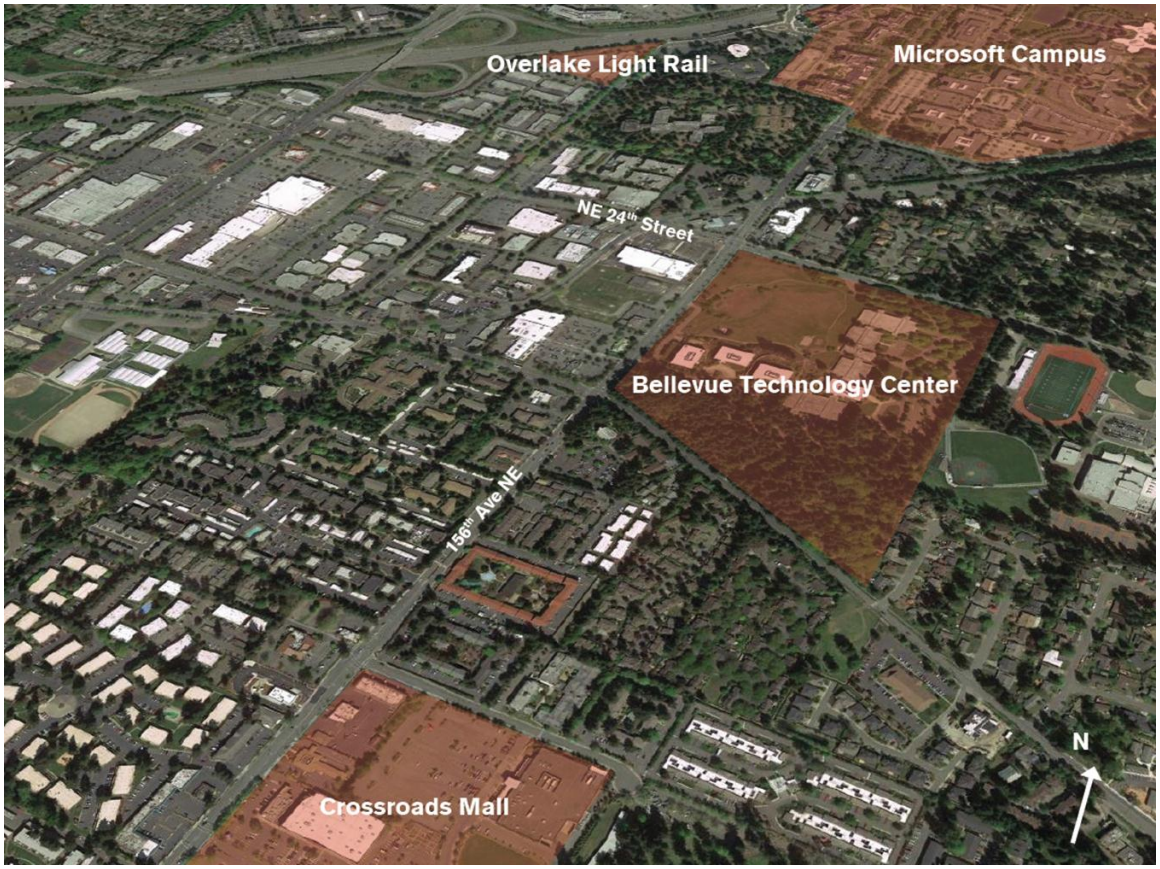
CONSISTENT WITH COMPREHENSIVE PLAN

Land Use	Existing Comp Plan Element Policies	Proposal
LU Policy-9	Maintain compatible use and design with surrounding built environment when considering new development or redevelopment within an already developed area.	Supports policy
LU Policy-13	Reduce the regional consumption of underdeveloped land by facilitating redevelopment of existing developed land when appropriate.	Supports policy
LU Policy-15	Encourage dedication of open space and preservation and restoration of trees and vegetation to perpetuate Bellevue's park-like setting and enhance the City's natural environment.	Supports policy
LU Policy-36	Encourage continued development of office uses in designated districts.	Supports policy
Economic Development		
ED Policy-27	Where a commercial revitalization effort involves significant changes to plans and regulations that may impact a residential neighborhood, develop strategies to avoid or minimize these impacts.	Supports policy
Crossroads Subarea		
S-CR-4	Ensure that any development of remaining vacant land in Crossroads is compatible with surrounding uses.	Supports policy
S-CR-46	Assure the use of existing vegetation as a screen between differing uses and which provides landscaping on new development.	Supports policy
S-CR-62	Allow office uses with design review within this district as illustrated on the Land Use Plan.	Supports policy

CONSISTENT WITH KING COUNTY COUNTYWIDE PLANNING POLICIES

Development Patterns	Existing Countywide Planning Policies (CPP)	Proposal
DP Policy-2	Promote a pattern of compact development within the Urban Growth Area that includes housing at a range of urban densities, commercial and industrial development, and other urban facilities, including medical, governmental, institutional, and educational uses and parks and open space. The Urban Growth Area will include a mix of uses that are convenient to and support public transportation in order to reduce reliance on single occupancy vehicle travel for most daily activities.	Consistent with CPP
DP Policy-4 (emphasis added)	Concentrate housing and employment growth within the designated Urban Growth Area. Focus housing growth within countywide designated Urban Centers and locally designated local centers. Focus employment growth within countywide designated Urban and Manufacturing/Industrial Centers and ***within locally designated local centers***.	Consistent with CPP because BTC site is located within a City designated community commercial center
DP Policy-5	Decrease greenhouse gas emissions through land use strategies that promote a mix of housing, employment, and services at densities sufficient to promote walking, bicycling, transit, and other alternatives to auto travel.	Consistent with CPP
DP Policy-6	Plan for development patterns that promote public health by providing all residents with opportunities for safe and convenient daily physical activity, social connectivity, and protection from exposure to harmful substances and environments.	Consistent with CPP
DP Policy-39	Develop neighborhood planning and design processes that encourage infill development, redevelopment, and reuse of existing buildings and that, where appropriate based on local plans, enhance the existing community character and mix of uses.	Consistent with CPP

QUESTIONS


Overlake Light Rail
Microsoft Campus
NE 24th Street
Bellevue Technology Center
156th Ave NE
Crossroads Mall
N

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

May 14, 2014 Bellevue City Hall
6:30 p.m. City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Tebelius, Commissioners Hamlin, Laing, deVadoss

COMMISSIONERS ABSENT: Commissioners Carlson, Ferris, Hilhorst

STAFF PRESENT: Paul Inghram, Nicholas Matz, Department of Planning and Community Development;

GUEST SPEAKERS: Bjong Wolf Yeigh, Kelly Snyder, UW Bothell

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

At 6:45 p.m. Chair Tebelius asked Mr. Bjong Wolf Yeigh to make a presentation regarding University of Washington Bothell while waiting for a quorum to officially call the meeting to order.

2. COMPREHENSIVE PLAN SPEAKING EVENT UW BOTHELL CHANCELLOR BJONG WOLF YEIGH

Mr. Bjong Wolf Yeigh, University of Washington Bothell Chancellor, was introduced and welcomed by Chair Tebelius. He explained that the Bothell campus of the University of Washington was founded in 1990 as one of five branch campuses. By 2009 the Bothell branch had an enrollment of less than 2500, but since then enrollment has nearly doubled and Bothell is the fastest growing campus in the state. It is also one of the most diverse campuses in the state. The branch enjoys over 14,000 alumni.

Mr. Yeigh said about half of the student body is drawn from King County, and a quarter from Snohomish County. Within King County, the Eastside, specifically Bellevue, brings the highest number of students. The largest transfer institution is Bellevue College; the fifth largest is the University of Washington Seattle. While the trend for schools on the East Coast and other areas of the United States has been to close programs and downsizing, the University of Washington Bothell campus has been enjoying exactly the opposite. The projection is that over the next three to five years enrollment for the Bothell campus will hit 7500 students.

Every effort is being put into growing smartly, manageably and sustainably. One thrust area has been increasing and celebrating diversity. Five years ago the number of students coming from underrepresented and underserved communities totaled less than ten percent; that number has since risen to 51 percent. Programs are designed to be truly interdisciplinary. The largest program currently is interdisciplinary arts and sciences, but STEM, the second largest program - science, technology, engineering and mathematics - is expected to be the largest program very soon.

Mr. Yeigh said the Bothell branch expects to see a 23 percent increase in freshman class enrollment in the fall. In order to accommodate the enrollment increase, 29 new full-time professors were added in the fall of 2013, and 23 additional faculty will be added in the fall of 2014.

The school's strategic plan was set in motion in 2008. During the first six-year phase, the school met with tremendous success. During the second phase, which covers the next three years, the anticipation is several critical areas will be addressed and the enrollment will push upward toward the 7500 mark. The branch offers two very successful programs at the Eastside Leadership Center, namely the MBA program and a baccalaureate program in business. By 2020 the school anticipates having between 1000 and 2000 FTEs in Bellevue by offering hybrid classes as well as weekend and evening classes tailored to working professionals and others.

Ms. Kelly Snyder, Assistance Vice Chancellor for Government and Community Relations, said during her senior year at the University of Washington she served as an intern in Bellevue's planning department. She said her particular focus was on the South Bellevue annexations as well as the Neighborhood Enhancement Program. She said the University of Washington Bothell operates a very robust program in Bellevue. Growth of higher education campuses does not happen overnight. There are always challenges, not the least of which is funding. The state board of community and technical colleges goes through a rigorous process in submitting projects to the legislature for funding. The University of Washington Bothell goes through a similar process except that it is through the University of Washington that culminates in proposals being forwarded to the governor and from the governor to the legislature for budget approval. The process can take six to ten years and is in no way a sure thing. Instead of building new facilities, leasing space can be done quickly and with much less fuss.

Ms. Snyder said University of Washington Bothell met with local employers in Bellevue to talk curriculum. Specifically they were asked for input on what they see as most important and what they want to see in the employees they hire. The Leadership MBA was created in part from those conversations. The program is housed in Bellevue at the Eastside Leadership Center. Undergraduate MBAs are also offered. The University of Washington Bothell partners with Bellevue College and automatically admits to the program those students meeting the core standards. Many of the international students enrolled at Bellevue College came to the United States wanting a four-year degree and the partnership with University of Washington Bothell is seen as key in making that happen.

Buildings have slowly been added to the University of Washington Bothell campus over time. The first space in Bellevue was leased in 2010. The new science and academic building, Discovery Hall, will open in the fall of 2014 to accommodate STEM students. A new student activity center will also be open soon.

Ms. Snyder said the University of Washington Bothell offers student housing. An apartment complex adjacent to the campus was purchased and it houses 270 students. Residents must sign a code of conduct contract that includes quiet hours between 10:00 p.m. and 8:00 a.m. RAs live in each dorm and are tasked with holding the students accountable, and those who violate the code of conduct can be kicked out of the dorm and out of school. There is a vacant piece of property the school has its eye on; the neighbors are concerned about what might develop on it but they recognize it would be in their best interest for the school to purchase and develop it. Students who commute more than 30 miles to the campus are given preference when it comes to the apartments. Student housing is offered as an auxiliary service and it must pay for itself.

The city of Bothell is currently working to update its Comprehensive Plan. The campus was developed as a planned unit development and any time the university wants to construct a new building it is necessary to go through the hearing examiner. All development must comply with the height restrictions, setbacks and parking requirements. All off-campus buildings, such as the apartments, must comply with the underlying zoning. The leased property in Bellevue is located on a site zoned Office. It houses classrooms and a few faculty offices as well as a few meeting rooms. Growth is anticipated to continue in Bellevue and expansion to a different location may occur.

Mr. Yeigh said the *Seattle Times* education reporting team wrote a very nice story recently about the University of Washington Bothell entitled "Where the Future Goes to College." The article outlined in a very positive light what the school has to offer. In addition to being a part of the University of Washington, the campus intends to become a university for Washington by providing access to students who want a college degree while working hard to control the costs of education. The campus has focused on providing the resources needed by students to make them successful, including the student success center, tutoring services, and academic and other types of counseling.

Mr. Yeigh said University of Washington Bothell is looking forward to celebrating its silver anniversary in the coming school year. The relationships with Bellevue College and the city of Bellevue will continue as a way of providing more and better academic services.

Commissioner Hamlin said he currently is enrolled in the certificate program in urban science at Simon Fraser University in British Columbia, a program not currently offered by the University of Washington. He said the branch campuses are very well designed. The one in Surrey is situated above a mall and the one downtown is a center of activity. He asked if consideration has been given to expanding the University of Washington Bothell campus more in the downtown instead of in the outlying areas. Mr. Yeigh said the University of Washington Bothell long-range planning highlights how critical the Bellevue location is. There have been conversations about retaining the Eastside Leadership Center space and about renting space in the downtown. There are some sticking points associated with locating in the downtown, but the intent is to continue researching the option.

Commissioner deVadoss congratulated Mr. Yeigh on the growth of University of Washington Bothell but commented that with growth comes challenges. He asked what specific challenges associated with rapid growth have been identified. Mr. Yeigh said the real challenge is space. Nationally schools average about 200 square feet per student. In Washington, most schools have above 100 square feet per student. University of Washington Bothell is the most compressed campus in the state with only 83 square feet per student, even with the new Discovery Hall which added 75,000 square feet to the campus and accommodates 1000 students. As enrollment growth continues, additional space will be needed along with focusing on other modes of instruction, including online classes and having four quarters annually instead of three.

Ms. Snyder pointed out that investment in higher education by the state has been steadily decreasing over the last few years. It has fallen from 70 percent state subsidized per student to 30 percent. Overall, the sliver of the state's investment in the entire University of Washington accounts for only four percent of the organization's budget. The university gets more from the federal government and private donors than it does from the state of Washington. University of Washington Bothell, as a member of the East King County Chamber of Commerce Legislative

Coalition, has been working with Eastside legislators to see the importance of investing in education both on the operating side and the capital side.

Chair Tebelius commented that Bellevue College solicits enrollment from foreign students. The college currently has 1000 foreign students but offers no place to house them. That is creating huge problems for local neighborhoods. She asked if University of Washington Bothell solicits foreign students and if so, what is done to provide housing for them. Mr. Yeigh said University of Washington Bothell does not actively recruit international students. The organization has a clear mission to serve students from the state of Washington so recruitment within the state is given top priority. There are, however, international students who are interested in attending University of Washington Bothell; the connection is often made through word of mouth. Currently, 92 percent of the student body comes from the state of Washington. Many of the international students currently on campus live in the residence halls. The organization is seeking to provide more housing options for all of its students, not just international students.

Ms. Snyder noted state funding of educational institutions has been reduced for both two-year and four-year institutions. The state allowed the four-year institutions to increase their tuition rates, and the two-year institutions have been allowed to recruit internationally as a way to survive the budgetary crisis.

Chair Tebelius said it was her understanding that the University of Washington Seattle offers evening and weekend classes to graduates who might otherwise not be able to attend during the day. She asked if University of Washington Bothell might be considering the same approach, possibly as a way to enhance revenues. Mr. Yeigh said the three University of Washington campuses operate independently and as such he was not able to comment on what the University of Washington Seattle offers by way of programs. The Eastside Leadership Program is similar in some ways in that it offers certificates and refresher educational programs to help folks transition from one career to another or to further the development of their chosen professions. He said University of Washington Bothell has also visited the Joint Base Lewis McChord which has a desire to have more of a presence on the Eastside aimed at helping soldiers and airmen transition to civilian life.

Ms. Snyder said University of Washington Bothell assists a number of people in transitioning from one career to another. There are those who have done well in a first career but are interested in becoming teachers; the University has a program that takes about a year in which they learn how to put together a curriculum and how to use their skills in a classroom setting. A computer certification program is also offered that takes about a year. Owing to space issues, the University is working to shorten program times. The registered nurse Bachelor of Science nursing program takes one year with classes held only one day per week. For the electrical engineering program, all of the classes are offered after 3:30 in the afternoon.

Chair Tebelius asked what the University of Washington Bothell's experience has been with regard to students coming out of high school unprepared for college. Mr. Yeigh said the students present with varying degrees of preparation. Generally they are excellent students, but often they lack someone at home they can talk to about how to do certain things, like study and manage their time. University of Washington Bothell has looked at its entry level programs with an eye on being more inquiry based and focused on more engagement. The results have been noticeable in reduced dropout rates and greater student success.

Answering a question asked by Commissioner deVadoss, Mr. Yeigh said different schools have

different needs relative to student housing. He said he has been associated with campuses where all of the students stay on campus, including Dartmouth, Stanford and Princeton, as well as non-residential campuses. The experience of the students clearly is different for residential campuses. For non-residential campuses, a good rule of thumb is to provide housing for about ten percent of the student body. University of Washington Bothell was built as a commuter campus, but providing some level of housing does not mean the mission has changed. To make it work, however, a critical mass of about 500 units is needed.

BREAK

Chair Tebelius reported that on May 12 there was a discussion before the Council relative to compliance with the state statutes relative to the sale of marijuana. She asked Councilmember Stokes to bring the Commission up to speed on the issue which the Commission was tasked with addressing.

Councilmember Stokes said the city chose to put an interim ordinance in place to address issues before businesses were allowed by the state to apply for the use. The interim ordinance was developed by staff and approved by the Council. When the state Attorney General handed down his opinion that local jurisdictions could retain the authority to ban the sale of marijuana, the Council considered its options. After a full and complete discussion, the Council concluded that because the voters had approved the legalization of marijuana, the use should be permitted provided there are firm rules in place to control the use. The Council has directed the Commission to take up the issue of drafting an ordinance.

Comprehensive Planning Manager Paul Inghram said the tentative schedule has the Commission reviewing draft regulations in June and conducting a public hearing and forwarding a recommendation to the Council in September ahead of the expiration date of the interim regulations.

Chair Tebelius suggested the Commission would benefit from having someone from the police department share their concerns and suggestions. Councilmember Stokes agreed given that enforcement will be a key issue.

Mr. Inghram said the May 7 forum on diversity in the community was well attended. It was open to all boards and commissions, the Network on Aging, and the East Bellevue Community Council. Five panelists talked about their vision regarding diversity in the city. A summary of the meeting is being drafted for the boards and commissions to consider relative to the Comprehensive Plan update. At the meeting it was pointed out that the barriers diversity sometimes presents initially are often overcome when people get to know each other. Crossroads was held up as a great place to interact with a number of different cultures, and people talked about ways to encourage similar activities in other parts of the city.

Commissioner deVadoss stressed the need to take an expansive view of diversity, a view that goes beyond just language and ethnicity.

With the arrival of Commissioner Laing at 7:50 p.m., a quorum was reached and the meeting was officially called to order by Chair Tebelius.

3. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioners Carlson, Ferris and Hilhorst, all of whom were excused.

4. PUBLIC COMMENT - None

5. APPROVAL OF AGENDA

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

6. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCIL, BOARDS AND COMMISSIONS - None

7. STAFF REPORTS - None

8. PUBLIC HEARING

A. Comprehensive Plan Amendment: Mountvue Place 14-123964 AC (14510 NE 20th Street)

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

Senior Planner Nicholas Matz explained that under the annual Comprehensive Plan amendment review process the Commission conducts a hearing on the threshold review and geographic scoping for all applications. At the threshold review stage, the Commission determines whether or not an application should be considered for the Comprehensive Plan amendment process and the work program. The Commission's recommendation is forwarded to the Council which ultimately establishes the work program. Those applications that make onto the work program are reviewed by the Commission in the final review stage where the merits of each are addressed. Under the Growth Management Act, amendments to the Comprehensive Plan can be made only once each year.

Mr. Matz said the privately initiated Mountvue Place application involves the property at 14510 NE 20th Street which currently is split between BR-CR and BR-GC. The proposal is to effect a map change to BR-CR for the entire site. The recommendation of staff is to include the application as part of the 2014 work program but not to expand the geographic scoping. The zoning split is the historical result of subarea planning that was not anticipated through the Bel-Red planning process. The current zoning split is inconsistent with what Bel-Red intends for mixed use redevelopment in the BR-CR district. The stated purpose of the applicant is to eliminate the split so as to permit a unified development that would be difficult to achieve with two different zones on a single property.

Mr. Matz said in the opinion of staff the application meets the decision criteria for threshold review. In particular it addresses the significantly changed conditions criterion. The split designation was not identified during the Bel-Red, nor was it anticipated by the current plan map or text. In final review it will be seen that the application is consistent with general policies that specifically align with Bel-Red purpose and intensities for redeveloping properties.

The property to the west has two designations but in that instance the split follows a clear

property line. To the east is Fred Meyer, so it does not make sense to expand the geographic scope beyond the subject property.

Mr. Joe Tovar, 540 Dayton Street, Edmonds, spoke representing the applicants. He shared with the Commissioners maps showing the split zoning and the uses adjacent to the property. The property currently contains two one-story buildings and two two-story buildings. All access is from a single driveway connecting with NE 20th Street. The uses in the buildings include retail, restaurant and office. He agreed with the findings of the staff report and the recommendation to recommend including the application on the work program. The property owners would like to construct a mixed use project on the property, including a significant residential component. The current split zoning prohibits consolidated site planning.

Chair Tebelius asked if the property owners would proceed toward constructing a mixed use project on the site if the change sought by the application were to be not approved. Mr. Tovar said the zoning on the NE 20th Street side does allow for mixed use, but the back portion does not. Theoretically it can be done but it would be a design challenge to make it work horizontally. The feasibility studies done to date indicate something on the order of 400 units could be constructed along with some combination of retail, office and restaurant uses.

Chair Tebelius asked if the mixed use project would trigger traffic problems. Mr. Tovar said the subarea plan contemplates the addition of thousands of housing units over time. Light rail is coming to the corridor, and there already is bus transit serving the area, which is also walkable.

A motion to close the public hearing was made by Commissioner Laing. The motion was seconded by Commissioner Hamlin and it carried unanimously.

B. Comprehensive Plan Amendment: Bellevue Technology Center 14-123945 ACC (2010 156th Avenue NE, 15805 NE 24th Street, 15800 Northup Way)

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

Mr. Matz said the privately initiated application seeks to replace policy S-CR-66 with a policy reading "Encourage potential uses and/or development standards for the property east of 156th Avenue NE between Northup Way and NE 24th Street commonly known as the Bellevue Technology Center, formerly the Unigard campus, additional development on the property compatible with neighboring development that address potential traffic congestion, the preservation of the property's existing open character, tree stands, and views to the site from adjacent streets." The stated purpose of the property owner is to seek a community outreach process to engage the city and Sherwood Forest stakeholders in considering the potential uses of the property in a neighborhood-sensitive context, with a specific focus on enhancing the open spaces, trees, vegetation and views.

Mr. Matz said the recommendation of staff was to not include the amendment application in the 2014 work program. Current policy S-CR-66 has guided the relationship between the Bellevue Technology Center/Unigard site and the surrounding neighborhoods over the years as a sensitive but successful part of the Crossroads community. The application does not establish the appropriateness of addressing policy S-CR-66 through an amendment to the Comprehensive Plan because amending the existing PUD, which is a regulatory solution available to the property owners, has not been thoroughly explored. Significantly changed conditions have not been

demonstrated. The city intentionally did not include areas east of 156th Avenue NE in the original Bel-Red subarea planning process in order to maintain appropriate transitions from Overlake Village and other areas. There are no light rail stations planned within a quarter mile radius of the subject property so it would be difficult to conclude the planning or infrastructure associated with Sound Transit is an unanticipated condition. The sensitivity of the site for the adjacent neighborhood, and special conditions on the office use, continue to be appropriate despite the passage of time. Policy S-CR-66 is a good example of a policy that has stood the test of time in providing both the property owner and the surrounding community with an awareness of what is supposed to be happening on the site.

Mr. Matz said the property is designated Office. If the proposal is advanced there will follow a comprehensive discussion around the redevelopment potential. All available tools would be examined, including amending the existing PUD.

The significantly changed conditions criterion is not met by the application. The pace of growth in the area is not necessarily a significantly changed condition. Pending investments in Sound Transit point to and will benefit Bel-Red, but they are not at play in that they were anticipated. Just because a policy was written a long time ago does not mean it no longer works. It would be inconsistent to concentrate housing and employment growth outside the urban core.

Mr. Jack McCullough spoke representing the applicant. He said Unigard acquired the property in the early 1970s as the location for its campus. It was a completely different time in the history of the city; the PACCAR building was the only tall building in the downtown. The premise of the application is that the restrictions on the Bellevue Technology Center site is a relic of a land use that dates back four decades. In the early 1990s Unigard stepped forward with a desire to expand its campus, the result of which was the second set of buildings. In the 20 years since the property has been an owner-occupied campus responding to the goals and policies of the user rather than the goals and policies of the city. The campus served the needs of Unigard. Unigard was acquired by QBE, an Australian company which later sold the property. The new owners are asking the question of what the property wants to be 40 years after its initial development.

Continuing, Mr. McCullough noted that the application does not seek a particular designation, nor does not seek a particular intensity of traffic use. In essence the application seeks to start a conversation predicated on the fundamental issue of changed conditions. The zoning of the site has not been reviewed in almost 20 years, and really 40 years. Zoning for the site was fundamentally set in the 1970s and since that time there has been huge changes in the city in terms of development and traffic. In terms of transportation, SR-520 was built, the King County Metro park and ride lot was built, RapidRide has begun operations with a stop immediately across the street from the property, and Sound Transit is gearing up to bring light rail through the city. There is zoning in the area with FARs as high as 5.0 while the effective FAR of the subject property, which is maxed out under the existing zoning and agreements, is 0.16, while immediately across 156th Avenue NE to the west is 24 times more intense. Development all around the property has gone on steadily while for 40 years the Bellevue Technology Center site has sat quietly.

The existing subarea policy S-CR-66 requires a conditional use permit and requires that attention be paid to retaining large stands of trees, views to the site from adjacent streets, and the open character of the site. The property owner is not proposing to change any of those things. The proposed Comprehensive Plan amendment seeks to start a 21st Century conversation about what ought to happen to the site. Some additional development should be allowed provided it is

compatible with neighboring development, addresses traffic congestion, and preserves the open character, tree stands and views from adjacent streets.

Mr. McCullough said the property owner has reached out to the neighborhoods with an invitation to sit down and talk about a vision for the site that would be outside the conditions of the existing PUD, which only allows office uses. The predominant use occurring along 156th Avenue NE and 152nd Avenue NE is multifamily. While that may not be the best use for the site, it is one that could preserve significant stands of trees and views. A very polite letter was received from the neighborhood in which it was stated a conversation would not be occurring. While a agreeing to a conversation of any kind could imply a willingness to look at change, a conversation is all the property owner wants to have.

Mr. McCullough suggested the significantly changed condition criterion can easily be met when looking all the way back to the 1970s, or even looking back only as far as the 1990s when the site was last touched. Policy S-CR-66 itself has not been considered since 1988. The transition the site is to accommodate can be accommodate with something more than an FAR of 0.16 and with something other than an office use. Even an FAR of 0.3 would be less intense than the single family neighborhoods that surround the property.

All the property owner is seeking is a study. Sooner or later the forces of change are going to end up dictating what happens on the site, and the property owner would prefer to get ahead of that by sitting down with the community and coming up with a plan for reinvesting in the site that will provide for modest additional density while saving the natural features of the site. The property owner is not proposing a large increase in density that will lead to additional traffic. It should be noted, however, that the argument that decries the generation of traffic in an area well served by transit stands the principle of growth management on its head.

Commissioner Laing asked what inconsistency exists between the current policy and the zoning. Mr. McCullough said no inconsistency is being asserted, nor does one need to be asserted in order to amend the Comprehensive Plan. It must only be demonstrated that there are changed conditions, that time has passed, and that there is a general consistency with the Comprehensive Plan otherwise. Commissioner Laing asked what the proposed policy language would allow that the existing policy language does not allow. Mr. McCullough said it has been suggested that the property owner should explore the PUD process, but that must proceed under the existing zoning. It is not clear to the property owner what the position would be should an attempt be made to rezone some portion of the site without laying some foundation, however, abstract, in the Comprehensive Plan. The PUD exercise might work out fine, but fundamentally there is the sense that the current zoning is old.

Commissioner Laing said it would not be permissible to change the zoning on the site to something that would create an inconsistency. He said he did not see anything in the language of the existing policy that speaks to a specific zoning designation. The current policy also does not appear to preclude redevelopment of the site, nor does the policy language limit the zoning on the site to a specific zoning designation. Mr. McCullough said the policy language states that office use, as a conditional use, is appropriate for the property. That could be interpreted as meaning an office use is appropriate but other uses are not necessarily excluded.

Commissioner Hamlin asked if there is a square footage limitation currently in place. Mr. McCullough allowed that there is in the PUD and that the limit has been reached.

Commissioner Laing asked if the PUD restricts uses on the property in perpetuity and if the PUD gives the surrounding community a say over what happens on the property. Mr. McCullough said the property owner would be happy to revisit the PUD; that invitation has been put out there. If the proposed amendment does not proceed, that may be the property owner's next course of action. The likelihood is that the property owner would seek to have the limits lifted along with other elements. Addressing the PUD does not, however, seem like a logical first step because the Office zone is restrictive as to type of use.

Commissioner Laing asked if the city has said that the only allowed use from a zoning standpoint on the site is office, which would indicate the city construes the policy as written to limiting the use on the site to office. Mr. Matz said he would answer that question during the study session rather than during the public hearing. Mr. McCullough said he has received no official view from the city. If the answer is that the policy is not limiting, the entire exercise may not be necessary.

Mr. Bruce Whittaker, 1924 160th Avenue NE, said his property is Lot 9 of the Park Place subdivision, which borders the southeast portion of the site. The subdivision also borders Interlake high school to the north. There are two access points for the subdivision, both of which connect with Northup Way. He said his back yard looks out over a stand of fir trees that is between 100 and 200 feet wide. Any development that might change that would be a significant concern. Page 2 of the staff report indicates that key components of the PUD over the years have been the protection of open space meadow and the large stand of trees in the northwest and southwest parts of the site. There should be no misunderstanding that the concerns regarding trees relate to all edges of the site, particularly the entire east boundary. The meadow is in the northwest part of the site and there are very few trees there. The prime concerns are retaining the trees and the open space, both of which contribute to making the community livable, and traffic which in the morning and evening peak times makes accessing Northup Way very difficult. He agreed with the staff report that 156th Avenue NE has in the past and should continue to serve as a bright line buffer and separator of the residential areas to the north. He asked the Commission to accept the recommendation of the staff.

Mr. Ken Shiring, 16223 NE 28th Street, said he purchased his home in Sherwood Forest when the Unigard site was an active horse farm. After becoming a member of the Sherwood Forest Community Club there were period meetings with Charles Palmer, the president of Unigard, and Richard Chapin, attorney for Unigard. The product of those meetings became the policy S-CR-66. He said he served on the Planning Commission for eight years, leaving in 2003. He said in 2005 he was appointed to serve on the Bel-Red corridor CAC. The staff have done an exceptional job in commenting on the important points of the proposed land use action. The most important points appear on page 3. The Unigard site, now known as the Bellevue Technology Center, is not a relic. It was deliberately not considered in the original Bel-Red subarea planning in order to maintain an appropriate transition from the Overlake Village area to the west to the residential neighborhood to the east. No significant changes have occurred in the area that were not anticipated since the adoption of the Bel-Red plan. The Commission was encouraged to reject the proposed Comprehensive Plan amendment.

Mr. John Haro, 2431 161st Avenue NE, spoke as vice president of the Sherwood Forest Community Club. He read into the record a prepared statement which noted that in 1972 the Club was an active participant with the Unigard Insurance Company and the city of Bellevue in the discussions, negotiations and ultimate creation of the master planned unit development on the site now called the Bellevue Technology Center, which is adjacent to the Sherwood Forest

neighborhood. The PUD adopted by the Bellevue City Council allowed for the development of 325,000 square feet of office space in three phases while preserving the open meadow and wooded area on the southern portion of the site. The meadow and the woods have been preserved, and the intended three phases of development have been completed, and the maximum allowable square footage has been exhausted. In the opinion of the Club, the applicant's proposed amendment to the language of policy S-CR-66 is site-specific to the Bellevue Technology Center property. The Club further believes that the Comprehensive Plan amendment is an attempt to pave the way for additional development on the site. The Commission was urged to reaffirm that the site has been fully developed consistent with the terms and conditions of the adopted PUD and that no further development potential exists for the property.

Ms. Gayle Toney, 1910 160th Avenue NE, said she has owned her home in the Park Place subdivision for over 15 years, and noted that her property faces the eastern border of the Bellevue Technology Center property. She spoke in opposition to the proposed Comprehensive Plan amendment. Over the last 40 years city planners have carefully considered the development of the site and have recognized its importance as a critical barrier and buffer for the homes and schools to the east of 156th Avenue NE. Many homeowners purchased their properties with the knowledge that a PUD is in place that will preserve the site and limit development on it. The buyers of the Bellevue Technology Center site should also have known about the longstanding PUD. The city staff have reached the correct conclusions regarding the proposed amendment. There are numerous reasons why additional development on the site should not be allowed. The primary concern of all who live, work or commute through East Bellevue is the ever-increasing traffic. The impacts resulting from development of the former Angelo's site and the former Group Health site have yet to be experienced, but there is no doubt that traffic congestion will significantly increase. Further development in the area will only increase congestion levels and decrease the livability of the neighborhoods. Accessing Northup Way is becoming increasingly dangerous as well as time consuming. Accessing either the local grade school or the high school from the neighborhoods has become difficult. Over the years, the city as a whole has lost far too much of its tree canopy and natural beauty to development; the very things that have made Bellevue a livable and enticing community are slowly slipping away. It is essential to preserve sites like the Bellevue Technology Center even if they are relics. Relics in fact need to be preserved because they are critical both to the environment and the well-being of the citizens. The Commission was urged to concur with the recommendation of the staff to not include the proposed Comprehensive Plan amendment in the work program.

Mr. David Carls, 173 NE 22nd Street, Redmond, said he works in the Bellevue Technology Center development and his children attend Sherwood Forest elementary school. He noted that the parking garage has had to battle to keep water out of it. The fact that the site has little permeable surface and thus is able to retain rainwater is good for the area and should be considered. The schools in the area are already at capacity and already must contend with heavy traffic to get to and from home; further development will only make that problem worse. The property should be left as it is.

Mr. Manuel Solis, 2447 161st Avenue NE, said those who live near the Bellevue Technology Center site love it because it is open and green, a place everyone can enjoy. More than 2000 units are going to be developed in the next two years to the west of 156th Avenue NE. The schools are already operating at capacity and traffic is already beyond capacity. If the agreement that has been in place for many years is changed, the result will be more congestion and more saturation of the space. The property owner clearly wants to see the agreement changed so the

site can be developed some more. The property owner should do the right thing and follow the agreement. The Commission was encouraged to follow the staff recommendation.

Ms. Michele Neithaumer, 15897 Northup Way, said she serves as president of the Foxborough Homeowners Association which is situated immediately across the street from the Bellevue Technology Center property. She said the area is unique in that it is primarily residential. As one drives Northup Way and crosses 156th Avenue NE an area of homes and large old growth trees is encountered. It is not an office development. The website for the investor that owns the Bellevue Technology Center property indicates 40 percent of the space is not currently occupied. It is questionable why it is necessary to build more office space when what is already there is not rented out. With development comes growth, and with growth too often comes a ripping out of trees and space that is not leased. Longs Drugs sits across the street from the complex; that business folded and the building has been vacant for several years. Trader Joe's moved and their old site is vacant. Precor Fitness moved around the corner, leaving their old space vacant. Top Food and Drugs closed and that location is vacant. After Circuit City folded, their space sat empty for many years. So while there is development going on in the area, there is also existing vacant space. The capacity of 156th Avenue NE has been reached making it very difficult to get around. She said her office is 1.2 miles from her house and often it takes as much as 30 minutes to drive that distance. People in the area are moving toward the lake so as the area develops more and more traffic is being pushed into residential streets, creating safety concerns. The Bellevue Technology Center should be left as it is.

Mr. Don Miles, 15817 Northup Way, said a PUD is an agreement and is not the same as a Comprehensive Plan policy. The fact that the PUD is in place means the city has already agreed to how much development the property can have. The PUD allows for 325,000 square feet, but the site is actually advertises as having nine buildings totaling 326,000 square feet, which exceeds the agreement. The site borders residential to the east and south and any changes in the planning would need to consider increasing the amount of space separating commercial uses from residential. There should be no additional access points onto Northup Way unless the city is willing to create a four-lane configuration.

Ms. Nancy Grinzell, 16814 NE 30th Street, said she has been in her home since the Bellevue Technology Center site was a horse farm. When the property was originally sold to Unigard, the agreement was that most of the site would remain open space and that the trees would be preserved. The agreement that is in place is not irrelevant. The site serves as a transition between commercial and residential. Traffic is clearly an issue and it is as bad as everyone has represented it to be. One of the things that goes along with the increased traffic is increased frustration, and that reduces safety for all concerned. To say the area can handle more traffic is simply not true, and public transit will not solve the problems. It is disturbing to hear the property owner's representative say the policy should be rewritten to allow for mixed use without specifying what kind of development they have in mind. The PUD limits the amount of square footage allowed and those limits should be retained. The Commission was asked to vote down the proposal.

Ms. Pamela Toelle, 14845 NE 13th Street, said for most people the largest single investment they make involves the purchase of their home. All of those who own properties around the Bellevue Technology Center site have made significant investments that they wish to protect. The residents of Sherwood Forest worked closely with Unigard and the city in creating a covenant in the form of a PUD. She said she served on the subarea committee that reviewed the policy in question. The committee wanted to retain the OU designation but because the city had changed

the designation so that was not allowed. The site was originally developed under King County zoning which the city accepted. The PUD and its restrictions has been upheld by the City Council at least twice, and by a hearing examiner who was very specific about the ten percent lot coverage. The Crossroads subarea plan specifically states that multifamily housing is not allowed in Area B, which is where the Bellevue Technology Center site is situated. There are all manner of other policies that call for preserving and protecting residential neighborhoods from more intensive uses. The reasons behind the conditions specified in the PUD have not changed: the Sherwood Forest neighborhood is still there.

Ms. Kathleen Rochet-Zuko, 16205 NE 27th Street, noted that it was stated earlier in the meeting that Crossroads has become a community meeting place. The Bellevue Technology Center site serves the same purpose. Every day people can be seen their walking their dogs and enjoying the area. Hopefully a future generation will not look back and wish the open space had been left undeveloped.

A motion to close the public hearing was made by Commissioner Hamlin. The motion was seconded by Commissioner Laing and it carried unanimously.

9. STUDY SESSION

A. Comprehensive Plan Amendment: Mountvue Place 14-123964 AC (14510 NE 20th Street)

A motion to recommend initiation of the Mountview Place Comprehensive Plan amendment application for the 2014 Annual Comprehensive Plan work program, and to not expand the geographic scoping was made by Commissioner Hamlin. The motion was seconded by Commissioner Laing.

Chair Tebelius voiced concern about the proposal and said if allowed the result will be multifamily housing which will have a huge impact on traffic.

The motion carried 3-1 with Commissioners Hamlin, Laing and deVadoss voting for, and Chair Tebelius voting against.

B. Comprehensive Plan Amendment: Bellevue Technology Center 14-123945 ACC (2010 156th Avenue NE, 15805 NE 24th Street, 15800 Northup Way)

Commissioner Laing asked if the city has taken the position that no use other than office is allowed for the site under the Comprehensive Plan as it currently exists. Mr. Matz said the city's position is that Office zoning allows the permitted uses allowed under the designation. Commissioner Laing asked if the Comprehensive Plan policy S-CR-66 restricts the zoning on the site to Office and Office alone. Mr. Matz said the policy is specific as to what office should do on the site. Staff does not read the policy as restricting the site to only Office. The policy states a preference as a result of the community conversation, but it does not preclude other uses permitted in the Office district. Commissioner Laing asked if the property owner could rezone the property to a residential use without changing the policy in question. Mr. Matz said rezoning to a residential category would be inconsistent with the Comprehensive Plan designation of Office. In order to rezone to a designation other than office, it would first be necessary to effect a Comprehensive Plan amendment.

Mr. Inghram said no specific interpretation of the policy has been issue by the city. He said it would appear that a change to residential would to be inconsistent with the policy that clearly says Office is appropriate. The policy does not, however, on its face preclude changing the zoning.

Chair Tebelius asked if the present owner at the time of purchasing the property was aware of the restriction on the property as described by the community. Mr. Matz said he could not speak to whether or not the present owner was aware of the restrictions. The PUD, however, is clearly a matter of record. The property was purchased in 2010 and in 2012 the property owner sought an interpretation from staff as to what the zoning was and what the PUD was on the site. A reasonable person could conclude it would have been surprising to find the property owner had purchased the site without having done an investigation as to any restrictions.

Chair Tebelius asked if the city has ever thought about purchasing the land for a park. Mr. Matz said that approach has been given consideration. Mr. Inghram added that different people have discussed that option at different times. There is not, however, any official city plan to seek acquisition of the site for use as a park.

Commissioner Hamlin said the task before the Commission is to determine whether or not the application meets the threshold criteria. He added that a vote to approve adding the issue to the work program would not be the same as a vote to change how the site is developed; it would only trigger additional and more thorough review in the final phase. He suggested the application does in fact meet the threshold review criteria. The issue of significantly changed conditions is met by the fact that the area has changed significantly. Additionally, the amendment is not inconsistent with the general policies for the area.

Mr. Matz said the changed circumstances criterion does not equate to no change having occurred but rather whether or not the city's planning has anticipated the change. There has been a great deal of change in the area over the years, all of which has been anticipated by the Comprehensive Plan.

Commissioner Hamlin agreed that 156th Avenue NE should continue to serve as a demarcation line, but the site in question is Office and has been for a long time.

Commissioner Laing echoed the comments of Commissioner Hamlin. He said in working through the criteria he reached the same conclusion, which is not the same thing as endorsing the proposal. Often in talking about long-range planning people tend to go to the end result of envisioning what the end development will look like on at site. Changing the Comprehensive Plan designation or even effecting a rezone is not the same as entertaining a site-specific application. The issues of traffic, tree retention, open space and many others all get dealt with at the project level. Imagining all the bad things that could come about and using them as a reason to reject a long-range planning effort is not appropriate. In the case of the Bellevue Technology Center there is completely different issue, the PUD and the conditions it imposes. The PUD is in fact not a covenant, and there is case law that says it is an improper use of the zoning authority to restrict a property in perpetuity as if it were a covenant. There is, however, a public process for changing a PUD, and it will be an inescapable part of doing anything more with the property. He said for the limited purpose of studying the issue further, he would vote in favor of adding the amendment to the 2014 work program.

Chair Tebelius said she would support the recommendation of the staff. She agreed that the

change that has occurred has all been anticipated and addressed by the Comprehensive Plan. She also agreed that 156th Avenue NE is and has always intended to be the demarcation between uses. The position of staff is consistent with the Countywide Planning Policies. The current property owner likely knew, or should have known, about the restrictions.

A motion to recommend no further consideration of the Bellevue Technology Center Comprehensive Plan amendment application for the 2014 Annual Comprehensive Plan work program, and to not expand the geographic scoping, was made by Commissioner deVadoss. The motion was seconded by Chair Tebelius. The motion failed on a 2-2 tie (Commissioners deVadoss and Tebelius voting in favor of the motion; Commissioners Hamlin and Laing opposed).

Mr. Inghram said staff would transmit to the Council the fact that the vote on the issue failed and that the issue is therefore not recommended to be included on the work program.

Commissioner Laing left the meeting.

10. OTHER BUSINESS - None

11. COMMITTEE REPORTS - None

11. PUBLIC COMMENT - None

12. DRAFT MINUTES REVIEW

A. February 26, 2014

A motion to approve the minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner deVadoss and it carried unanimously.

B. March 12, 2014

A motion to approve the minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner deVadoss and it carried unanimously.

C. March 26, 2014

A motion to approve the minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner deVadoss and it carried unanimously.

D. April 9, 2014

It was noted the minutes should reflect both Commissioners Carlson and deVadoss were present for the meeting and not absent as indicated.

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

14. NEXT PLANNING COMMISSION MEETING

A. May 28, 2014

15. ADJOURN

Chair Tebelius adjourned the meeting at 9:42 p.m.

_____ _____

Paul Inghram Date
Staff to the Planning Commission

_____ _____

Diane Tebelius Date
Chair of the Planning Commission

* Approved and corrected July 9, 2014

Response to Questions Regarding Consideration of the Bellevue Technology Center Comprehensive Plan Amendment

The Department of Planning and Community Development asks the Planning Commission to continue to deliberate on the Bellevue Technology Center plan amendment application at is July 30th meeting following its earlier tie vote (2-2) on May 14, 2014. The tie vote, with three Commission members absent, resulted in no action pursuant to the Commission's By-laws, and therefore no recommendation has been made. Applications for Comprehensive Plan amendments are considered legislative decisions in the Bellevue Land Use Code, where the City Council takes final action. Below are responses to questions about parliamentary procedure and the ability of the Planning Commission to take up this issue again following the tie vote.

Can the Commission take up the issue again if it has already voted?
Deliberations and votes on an amendment application can take place after the close of the public hearing at the same meeting or at a future meeting. In this case, the tie vote resulted in no decision, with three Commission members, due to their absence, being unable to cast votes. With a tie vote, the motion is said to be "lost," which results in no recommendation being presented to Council on this application.

While the Commission's By-laws do not address tie votes, the Commission has adopted Robert's Rules to govern in situations where the By-laws do not provide direction. In instances where a motion has been defeated, such as with the tie result at Planning Commission, Robert's provides for the "renewal" of a motion. A Commission member may re-make the motion from your May 14, 2014, meeting, and a new vote be taken among the Commission members who are present.

Would reconsideration of the Commission's earlier vote be appropriate?
No. A motion to reconsider requires that the matter be brought back before the Commission at the same or next regular meeting by someone who voted on the prevailing side on the original motion. The timeframe in which reconsideration might have been appropriate has passed and, due to the vote resulting in a tie, there was no prevailing side.

Does the Commission need to re-open the public hearing?
No. The public hearing has been held on the application for the purpose of collecting information from the applicant, the public and staff. Continuing deliberation on the proposal before the Commission does not present a need to collect additional information. A new public hearing could be required if the Commission made a substantive change to the proposal,[1] but that is not the case in this instance.

[1] LUC 20.35.410.C

Can commissioners vote on the application even if they were not present at the public hearing?
Yes. Commissioners who were not present at the public hearing have a duty to review all the materials from the public hearing so that they are fully informed of the application and the comments made by the public before participating in the discussion and voting on this application.

Can members of the public make additional comments on the application?
Under the Planning Commission's By-laws, one may comment during the public comment portion of any meeting and submit written comment on any issue. When a public hearing has already been held, oral comments are limited to three minutes rather than the standard five minutes.

What if the vote remains a tie?
There are times when tie votes are inevitable and, in such cases, the motion fails and the item cannot proceed. However, when possible, it is desirable to make an affirmative action, for or against an issue, to resolve it more clearly. In this case, a tie vote of the Planning Commission would result in no recommendation, for or against, the proposal. As the final decision maker, the City Council would be informed of the tie vote (together with Commission members voting in favor and in opposition to the proposal) and would retain its ability to either include or not include the amendment request in the annual work program.

Additional Resources:

LUC 20.35.400 Process IV: City Council, legislative actions.
http://www.codepublishing.com/wa/bellevue/?LUC

Robert's Rules of Order
http://www.rulesonline.com/index.html

Public Hearings: When and How to Hold Them, 5/2013, Municipal Research and Services Center
http://www.mrsc.org/subjects/governance/hearings.aspx

City of Bellevue

MEMORANDUM

DATE: July 23, 2014

TO: Chair Laing and members of the Bellevue Planning Commission

FROM: Catherine Drews, Legal Planner, 452-6134
cdrews@bellevuewa.gov

SUBJECT: Public Hearing, Deliberation , and Take Action
Recreational Marijuana Land Use Code Amendment (File No. 13-112380-AD)

At the July 30, 2014, meeting the Planning Commission will be asked to hold a public hearing on a range of options, including the City's interim regulations for recreational marijuana and modifications to those regulations proposed by the Planning Commission at the June 25 Study Session. Staff has prepared two draft ordinances comprising the bookends of these options to assist the Planning Commission in their consideration and deliberation of permanent regulations for recreational marijuana uses. At the conclusion of the public hearing and consideration of public comment staff requests the Planning Commission make a recommendation to the City Council.

When the Planning Commission opens the public hearing staff will discuss the various options recommended by the Planning Commission and review mapping that demonstrates the effect of the various modifications. Staff will also briefly review its recommendation and the public will be invited to provide oral or written comments. Following the close of the public hearing, the Planning Commission will hold a study session to deliberate and take action to make a recommendation to Council. Actions may include recommending either draft ordinance to the City Council or scheduling an additional study session in late August or early September for further consideration and subsequent recommendation to the Council.

Note on mapping. GIS informed staff today (July 23) that updated data on child care facilities has changed the number of available Light Industrial parcels indicated on the map demonstrating the Planning Commission June 25 proposed modifications. Map 2 (Attachment H to the Staff Recommendation) shows one available LI parcel. With the updated child care data there are four parcels LI available. Staff will provide amended maps during the public hearing.

Sample motion language (for reference):

> I move that the Planning Commission recommend to the Bellevue City Council adoption of the draft recreational marijuana uses Land Use Code amendments as presented in Attachment [A] or [B] to the Staff Recommendation.

ATTACHMENTS

1. Staff Recommendation with SEPA
2. Public Comments received through July 23, 2014.

City of Bellevue

MEMORANDUM

DATE: July 6, 2014

TO: Chair Laing, Members of the Planning Commission

FROM: Catherine A. Drews, Legal Planner, Development Services Department
cdrews@bellevuewa.gov, 425-452-6134

SUBJECT: Staff Recommendation: Recreational Marijuana Uses LUCA, File No. 13-112380-AD

This memorandum presents the report and recommendation of the Development Services Department (DSD) on the proposal to amend the Bellevue Land Use Code (LUC) to allow recreational marijuana producers, processors, and retailers (collectively "recreational marijuana uses") in appropriate land use districts in Bellevue. Recreational marijuana uses would be prohibited in residential areas.

At the conclusion of the June 25 study session, the Planning Commission discussed the possible need for additional study sessions after the public hearing, and after the Planning Commission reviews the new mapping and the effects of the direction provided on June 25. The subject matter of the public hearing is being noticed broadly to allow for consideration of a range of options, including those included in the interim regulations and those discussed by the Planning Commission on June 25 to maximize the possibility of staying on schedule as further described below. The Council has stated its desire to receive the Planning Commission's recommendation with adequate time to allow for adoption of permanent regulations before the expiration of the current interim regulations on October 21.

To address scheduling constraints, staff has included two proposed code amendments for the Planning Commission's consideration that comprise the bookends of a possible code amendment framework. The first proposed code amendment is based on the interim regulations with modifications to include the Planning Commission's direction from the June 25 study session (Option A). The second proposed code amendment comprises only the interim regulations (Ordinances Nos. 6133 B-1 and 6156) (Option B). Copies of both proposed code amendments are included with this memorandum as Attachments A (Option A) and B (Option B). It is anticipated that the two proposed code amendments and the new mapping will provide the opportunity for discussion of the desired outcome during the public hearing and allow the Planning Commission to take public comment on the range of options and topics. This process should allow the Planning Commission to recommend or amend either proposed code amendment without the need to hold a second public hearing, thus allowing for a timely recommendation to the Council.

Based on analysis of the two options using mapping produced by the City's GIS department, staff recommends that the Planning Commission consider recommending Option B, as it is most consistent with Council direction to begin with the interim regulations and not to prohibit the uses. The Planning Commission modifications have the potential consequence of virtually eliminating access to recreational marijuana uses by reducing the number of parcels to locate a recreational use. After conclusion of the July 30 public hearing and consideration of public comment, staff requests the Planning Commission either to prepare a recommendation to the City Council on the proposed code amendments included in either Attachment A or B, or to provide additional direction to staff. Below is sample motion language for the recommendation on either option A or B:

Draft motion language: *I move that the Planning Commission recommend to the Bellevue City Council adoption of the draft recreational marijuana uses Land Use Code amendments as presented in Attachment [A] or [B]*

Regulatory and Procedural Background

At the November 6, 2012, General Election, Washington voters approved Initiative 502 (I-502) legalizing the possession of limited amounts of marijuana. In Bellevue, over 59% of voters approved the initiative. I-502 became effective on December 6, 2012, and is codified into Chapter 69.50 RCW, the state Uniformed Controlled Substances Act.

In general I-502:

- Legalizes the use of marijuana by people 21 years and older. Adults may possess up to 1 ounce of marijuana, 16 ounces of marijuana-infused product in solid form, and 72 ounces of marijuana-infused product in liquid form;
- Specifies that only state-licensed marijuana production, processing, and sale of marijuana are permitted;
- Requires licensed facilities to be at least 1,000 feet from schools, public playgrounds, recreation centers, state-licensed day cares, public parks, public transit centers, libraries, and arcades[1]; and
- Limits signage to a maximum of one that is no larger than 11 square feet in area.

I-502 prohibits retail outlets from:

- Selling marijuana or marijuana products to anyone under the age of 21;
- Permitting anyone under the age of 21 from entering the premise;
- Displaying marijuana or marijuana products so they are visible from the public right-of-way; and
- Selling anything other than marijuana, marijuana-infused products[2], and paraphernalia; and

I-502 prohibits for all recreational uses from:

- Advertising in any medium, within 1,000 feet from schools, public playgrounds, recreation centers, state-licensed day cares, public parks, public transit centers, libraries, and arcades; and
- Advertising on publically-owned or operated property or within a public transit vehicle or shelter; and
- Consumption of marijuana and marijuana products on premises.

I-502 also establishes a standard for driving under the influence of marijuana. I-502 did not repeal or amend the Medical Cannabis Act, Chapter 69.51A RCW.

The Washington State Liquor Control Board ("LCB") is the agency tasked with developing and implementing regulations for recreational marijuana producers, processors, and retailers. The LCB published draft rules in the fall of 2013 and adopted final rules in December 2013.

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[1] These facilities are defined at WAC 314-55-010. The separation distance is measured as the shortest line between the property lines of the proposed recreational marijuana use and the uses listed in the Washington State Liquor Control Board's (LCB) rules. WAC 314-55-050(10).

[2] Marijuana extracts, such as hash, hash oil, shatter, and wax may be infused into products sold by a marijuana retailer, but the extracts alone may not be sold. WAC 314-55-079(1). On June 25, the LCB passed an emergency amendment (Emergency Rule #14-23) to its rules addressing infused products to require portion control, product consistency, and prohibiting products appealing to children. http://liq.wa.gov/rules/recently-adopted-rules (last visited July 8, 2014).

Under federal law, the production, processing, and dispensing of marijuana is illegal.[3] On August 29, 2013, however, the United States Department of Justice, Office of the Attorney General, ("DOJ") released updated guidance regarding marijuana enforcement. According to DOJ, the guidance was updated in response to state ballot initiatives, such as I-502, which legalize the possession of small amounts of marijuana and regulate the production, processing, and sale of marijuana. The guidance reiterates that DOJ is committed to using its investigative and prosecutorial resources to address the most significant threats to public safety related to marijuana crimes in "the most effective, consistent, and rational way." The guidance directs federal prosecutors to review potential marijuana-related charges in cases to determine whether the conduct at issue implicates one or more of the eight stated federal enforcement priorities set forth in the guidance. The DOJ guidance rests on expectations that state and local governments implement a strong and effective regulatory system.

During the Council's July 15, 2013, Study Session, staff sought and received direction to develop recommendations for an emergency interim zoning ordinance implementing land use regulations for recreational marijuana producers, processors, and retailers. Based on the LCB's schedule, there was insufficient time for the City to pursue enactment of permanent zoning regulations using the process generally employed under the Land Use Code of delegating consideration of proposed zoning to the Planning Commission for a public hearing and subsequent recommendation to Council. Instead of this process, the City used the emergency ordinance and interim zoning control processes allowed under the Growth Management Act ("GMA").

On October 7, 2013, staff presented recommendations to Council in preparation for adoption of an emergency ordinance implementing an interim zoning control. In response to the draft rules and to ensure that the City had appropriate zoning established for recreational marijuana uses, on October 21, 2013, the City Council adopted Ordinance No. 6133 B-1, a copy of which is included as Attachment C. This ordinance implemented an emergency interim zoning control regulating the location of recreational marijuana uses and providing performance standards intended to address impacts related to the operation of recreational marijuana uses. These standards went beyond the LCB's rules for security and odor control. Council subsequently held a public hearing on the ordinance as required under the GMA on December 2, 2013, and extended the ordinance for a six-month period as allowed under the GMA. The Council also adopted planning principles to direct the work of the Planning Commission, which are included as Attachment D.

Shortly after Council adopted planning principles on December 2, 2013, the Washington legislature began its 2013-14 session. During this session, there was uncertainty regarding what action the legislature would take on pending bills regarding recreational marijuana regulation and medical cannabis during the 2014 legislative session. Because of the legislative uncertainty, staff waited to introduce the recreational marijuana work to the Planning Commission.

The City Council again extended the interim regulations on March 17, 2014. During the public hearing, Council adopted Ordinance No. 6156 extending and amending Ordinance No. 6133 B-1 to require that marijuana retail outlets be located no closer than 1,000 feet to another marijuana retail outlet. A copy of Ordinance No. 6156 is included as Attachment E to this memorandum. The notice, however, for the March 17 public hearing did not anticipate this action, so another public hearing was held on May 12, 2014, to provide the public with an opportunity to comment on the amendment. Two people commented in opposition to marijuana uses in Bellevue.

Also at the May 12 Study Session, Council discussed imposing a moratorium on the acceptance and processing of permit and licensing applications for both recreational marijuana uses and medical cannabis

[3] 21 U.S.C. 801 et. seq.

collective gardens. A motion was made to impose a six-month moratorium, but the motion failed by a vote of 2 -5. At the close of the public hearing, Council directed staff to begin working with the Planning Commission to develop a recommendation for permanent regulations for recreational marijuana uses consistent with the planning principles adopted in December 2013.

Staff introduced the topic of permanent regulations for recreational marijuana uses to the Planning Commission on May 28. Staff presented additional information based on questions raised by the Planning Commission during study sessions on May 28 and June 11. Public comments were received both opposing and supporting recreational marijuana uses.

II. Recreational Marijuana in Colorado

Councilmember Stokes attended the June 25 study session and after hearing public comment and a presentation on recreational marijuana enforcement, requested information about the differences between how Boulder and Denver Colorado regulate recreational marijuana. Staff prepared a matrix comparing recreational separation distances proposed by Bellevue and those adopted in Boulder and Denver. The matrix is included as Attachment F. Many of the differences between Bellevue and Boulder/Denver may be attributable to differences in the state laws and regulations. For example, Boulder's system allows the conversion of legally-established medical marijuana businesses to recreational marijuana businesses, or the two may be co-located. These kinds of co-locations are not permissible under Washington's regulations, because retail licenses cannot be combined with any other license.

III. Proposals

The interim zoning regulations (Ordinances Nos. 6133 B-1 and 6156) were used as the starting point for the two proposed code amendments and include Council's adopted Bellevue-appropriate performance standards. These performance standards include separation requirements from other uses, and requirements beyond LCB rules for security and odor control. Both options prohibit recreational marijuana uses in residential land use districts and in neighborhood-oriented retail centers, such as Northtowne, Lake Hills, and Newport Hills.

To assist the Planning Commission and staff as they work to develop recommendations for the permanent regulation of recreational marijuana uses in Bellevue, the Council adopted project principles on December 2. See Attachment D. The principles represent Council's desire for Bellevue-appropriate regulations for recreational marijuana uses that protect neighborhood character, bolster security requirements, provide a predictable regulatory structure that is understandable and enforceable, and the permanent regulations are consistent with state law.

Option A contains the following provisions in addition those included in the interim regulations:

1. Increases the separation distance between recreational marijuana uses and certain uses from 1,000 feet to 1,320 feet;
2. Amends the park separation requirement by deleting the term "public," so that all parks fall within the separation requirement;
3. Defines "park" to mean those parks included on the City of Bellevue GIS mapping system;
4. Prohibits recreational marijuana uses in the Perimeter Design District, sub-district A;
5. Requires an Administrative Conditional Use Permit; and
6. Includes a provision addressing legally-established non-conforming uses consistent with the Land Use Code. This allows for the continuation of the use until it is abandoned.

To assist in consideration of the permanent regulations and to understand the effects of the direction received on June 25, the Planning Commission directed staff to prepare maps showing the additional

requirements under consideration. Although the Planning Commission did not direct staff to include religious institutions as a use that should be separated from recreational marijuana uses, the Commission did ask staff to map religious institutions with the 1,320 foot buffer. Staff has prepared three maps to assist the Planning Commission consideration of the permanent regulations:

1. Map 1: Interim Regulations with 1,000 foot buffer;
2. Map 2: Planning Commission Direction June 25 (without Religious Institutions); and
3. Map 3: Planning Commission Direction June 25 (with Religious Institutions buffered).

Maps 1, 2, and 3 are included respectively as Attachments G, H, and I. Map 2 contains the direction the Planning Commission provided to staff on June 25. Parks include only those parks available in the City's graphical information system (GIS). The City's GIS system contains two types of parks data: (1) city parks; and (2) other parks. The "other parks" layer consists of other regional parks, golf courses (Glendale, Tam O'Shanter), Chevy Chase Park, and Vasa Park. Consequently, only parks in the City's GIS data are included in Maps 2 and 3. The "other park" data is inconsistent with the definition of private parks in the Land Use Code, so parks must be defined specifically for recreational marijuana otherwise the provision will be difficult to administer and enforce. A comparison of the three maps demonstrates the following facts about the Planning Commission's June 25 direction:

1. Limits available parcels zoned Light Industrial to one; thus effectively banning production and processing uses that are not grandfathered to the interim regulations (Map 2);
2. With religious institutions buffered there are no LI zoned parcels available (Map 3)
3. Clusters retail uses in the Bel-Red and Lake Bellevue (map 2);
4. Reduces the number of parcels in Factoria for retail locations; and
5. Results in all current licensees proposed locations and those who have established locations,[4] becoming non-conforming uses.
6. The prohibition of recreational marijuana uses in the Perimeter Design District may create some confusion because the use is otherwise allowed in the land use districts underlying the design district, in other parts of downtown.
7. Adding religious institutions eliminates all Light Industrial parcels. Bel-Red would provide 3 parcels for retail uses and there would be 24 parcels available in Wilburton (South of 8th). (Map 3).

The maps also demonstrate that even without the elimination of the Perimeter Design District, Sub-district A, the Downtown is unavailable because of separation requirements. (See Maps 2 and 3).

Option B contains the interim regulations in Ordinances Nos. 6133 B-1 and 6156, and is consistent with the principles adopted by the City Council.

[4] Three producer processors and one retail outlet have submitted complete building permit applications to the City. These uses are vested to the development regulations, but are subject to future changes in the Bellevue City Code.

ANALYSIS OF CONSISTENCY WITH COUNCIL DIRECTION

Council Direction	Option A	Option B	Notes
Begins with Interim Regulations	Yes	Yes	
Consistent with Council Planning Principles?			
PP 1: Bellevue Appropriate. Establish appropriate land use zones for recreational marijuana uses. To the extent permitted, establish performance standards consistent with Ch. 69.50 RCW and Ch. 314-55-WAC that ensure the uses represent community values and goals set forth in the Comprehensive Plan	Yes and No	Yes	Mapping demonstrates that Option A results in clustering of retail uses, an effective ban on producers and processors, and making all existing uses non-conforming. Imposes permitting requirements not required of similar uses.
PP2: Protect Neighborhood Character. The uses shall not be located in residential land use districts. The uses shall be separated by 1,000 feet from schools, playgrounds, recreational center or facility, child care center, public park; public transit center; library; arcade where admission is not restricted to age 21 or older; or medical cannabis collective garden. The uses shall use appropriate ventilation to ensure abutting uses or properties are not impacted by order	Yes and No.	Yes	Both options prohibit the uses in residential land use districts. Option A increases separation distance to 1,320 feet and amends the scope of included parks to all parks. Two different standards may be confusing and may also create difficulty coordinating with LCB. Private parks are not mapped and will be difficult to administer.
PP3: Security measures are required. Must conform to state requirements and consistent with state requirements for securing controlled substances.	Yes	Yes	
PP4: Specific and Understandable. The permanent regulations should be specific about the requirements to locate and operate recreational marijuana uses so that qualified licensees understand what is expected under the regulation.	No	Yes	Option A increases separation distance to 1,320 feet and amends the scope of included parks to all parks. Two different standards may be confusing and may also create difficulty coordinating with LCB. Private parks are not mapped and will be difficult to administer.
*PP5: Administration and Enforcement is straightforward. Ensure regulations are capable of	No	Yes	Option B is consistent with state separation

Council Direction	Option A	Option B	Notes
being administered and enforced.			requirements of 1,000 feet providing consistency and predictability for the community and ease of administration and enforcement. Also, the 1,000 foot requirement is based on federal sentencing enhancements for marijuana crimes. The 1,320 foot separation requirement in Option A presumably is based on the size of a city block. Two different standards may be confusing and may also create difficulty coordinating with LCB. Private parks are not mapped and will be difficult to administer.
PP6: The Outcome Conforms to Applicable Law. The establishment and operation of recreational marijuana uses must conform with, and not frustrate state law. Recreational marijuana uses must conform to the applicable requirements of Ch. 69.50 RCW and Ch. 314-55 WAC.	No	Yes	Option A provides only one parcel in the LI for producers and processors.

*Non-land use directives were omitted.

Councilmember Stokes attended the June 25 study session and during deliberations inquired if the City required other retail uses to obtain an Administrative Conditional Use Permit (ACU). An ACU is used when the compatibility of a use is not fully understood, so imposing conditions to address that uncertainty is appropriate. An ACU is a Process II land use decision requiring notice, and providing opportunity for comment and an administrative appeal to the City Hearing Examiner.

The land use charts demonstrate the City's view of where both retail and agricultural uses are generally understood to be compatible by designating those uses as either permitted, ACU or CUP (conditional use permit) for existing retail and agricultural uses. Under the Wholesale and Retail Use charts, only retail auto sales, gas stations, and recycling centers require either a conditional use permit or an administrative conditional use permit in the land use districts where such uses are allowed. All other allowed retail uses are permitted outright. In Bel-Red, only auto sales require an administrative conditional use permit. Agricultural production and processing uses, where allowed, are also permitted outright. In the Light Industrial land use district, only rubber products manufacturing requires a conditional use permit. The LCB regulates marijuana producers operations, including the processes and equipment they may use to process marijuana. (*See e.g.*, WAC 314-55-095 through -125). Emissions from producers now fall under

the administration of the Puget Sound Clean Air Agency. Designating these uses as requiring an ACU is an indication that some aspect of these new uses may be unique or present challenges that need more tailored conditions based on the actual proposed location when a specific location is proposed.

IV. Staff Recommendation – Option B (Interim Regulations)

Because Option A is not consistent with Council direction, staff recommends approval of Option B to implement permanent regulations for recreational marijuana uses that allow the uses while providing mitigation from the impacts related to recreational marijuana impacts. The Planning Commission could also direct staff to proceed with Option A, provide alternative recommendation to staff, or direct staff to proceed with the following code amendments:

1. Land Use Charts. The Land Use Code Amendment (LUCA) will amend the General and Bel-Red, resource and wholesale and retail use charts to allow recreational marijuana uses as an allowed use in certain land use districts in the city. The LUCA also includes a new footnote to each chart directing users to the new LUC 20.20.710, requirements for recreational marijuana uses.
2. General Requirements: LUC 20.20.720, Recreational Marijuana Uses. LUC 20.20.710 is a new section that describes code applicability, the purpose for the provisions, and development requirements and performance standards. A summary of the provisions of LUC 20.20.710 follows:
    - Purpose (LUC 20.20.710.A). The purpose section informs applicants that only state-licensed recreational uses are allowed and only in appropriate land use districts. This section also reminds applicants that the possession, sale, and production of marijuana are illegal under federal law.
    - Definitions (LUC 20.20.710.C). The definition provision contains definitions specific to recreational marijuana uses. These new definitions apply only to recreational marijuana uses.
    - Compliance with Other Laws (LUC 20.20.710.D). This provision requires all recreational marijuana uses to comply with applicable state and city laws.
    - Limitations on Other Uses (LUC 20.20.710.E). This provision contains the separation requirements based on the uses in the LCB rules and 1,000 feet separation distance. Also included are the city-imposed separation requirements between recreational uses and medical cannabis collective gardens and between recreational marijuana retail outlets. Prohibits the uses in residential land use districts, prohibits retail outlets as subordinate or accessory uses, and requires all marijuana production occur indoors.
    - Marijuana Retail Outlets (LUC 20.20.710.F). This provision provides requirements address in odor and signage beyond the LCB rules.
    - Marijuana Producers and Processors (LUC 20.20.710.G). This provision provides additional performance standards for odor, signage, and secured and screened loading facilities.
    - Security (LUC 20.20.710.I). This provision imposes security requirements beyond those in the LCB's rules. Specifically, during non-business hours, all useable cannabis must be stored in a safe of substantially constructed and locked cabinet, as the state requires pharmacies to secure controlled substances. All cash must likewise be secured.
    - Release and Hold Harmless (LUC 20.20.710.I). Requires the permittee of a medical cannabis collective garden to provide a written release of liability and agreement to hold the City harmless from any liabilities or damages that arise from operation of the collective garden, specifically those related to arrest, seizure of property, or any claims by third parties relating to the operation of the collective garden.

- Conflicts (LUC 20.20.710.H). The conflicts section specifies that in the event of a conflict between the state's recreational marijuana provisions and LUC 20.20.710, the most restrictive provision shall apply.

V. STATE ENVIRONMENTAL POLICY ACT

Environmental review of this proposal is proceeding under the "Integrated SEPA/GMA" process authorized by WAC 197-11-210, to ensure consideration of environmental issues in the development of the draft LUCA. It is anticipated that the Environmental Coordinator for the City of Bellevue will determine that adoption of the proposed LUCA will not result in any probable, significant, adverse environmental impacts. Because a DNS is likely, the "Optional DNS Process" authorized by WAC 197-11-355 is also being used. The expected final threshold determination of nonsignificance (DNS) will be issued on July 10, 2014. A copy of the final threshold determination will be attached to this memorandum as Attachment J.

VI. PUBLIC NOTICE, PARTICIPATION, COMMENT AND RESPONSE

A Notice of Application for this proposed code amendment was published in the Weekly Permit Bulletin on June 5, 2014.

The recreational marijuana uses LUCA was introduced at a study session with the Planning Commission on May 28, 2014. A subsequent study session on recreational marijuana uses was held on June 25. During that study session, the Planning Commission directed staff to proceed to a public hearing on the proposed amendment, scheduled for July 24. Notice of the Public Hearing before the Planning Commission is scheduled to publish in the Weekly Permit Bulletin on July 10.

The proposed LUCA is within the jurisdiction of the East Bellevue Community Council (EBCC). A courtesy hearing is scheduled with EBCC at their regular meeting on September 2. Notice of the courtesy hearing will be published in the Seattle Times two weeks before the courtesy hearing. Typically the courtesy hearing is held before the Planning Commission's public hearing but because of scheduling and noticing constraints, staff was unable to schedule the courtesy hearing until September. Staff will return for a final public hearing on the LUCA following Council action. Final action by the EBCC is anticipated within 60 days of any Council action.

Under the requirements of the Growth Management Act, state agencies must be given an opportunity to review and comment on proposed amendments to the LUC. A copy of the draft recreational marijuana LUCA was provided to the state agencies for review on July 3, 2104. No comment letters were received by DSD before release of this staff report. Comments received after release of the staff report will be forwarded to the Planning Commission before the public hearing.

To date, the City has received one written comment on the proposed amendment requesting that recreational marijuana uses be distributed throughout the city and not concentrated in East Bellevue. Copies of this comment and any other received to date are located in the land use amendment file, which staff will make available for review upon request.

VII. APPLICABLE DECISION CRITERIA – LAND USE CODE PART 20.30J

The Planning Commission may recommend and the City Council may approve or approve with modifications an amendment to the text of the Land Use Code if:

A. The amendment is in accord with the Comprehensive Plan; and

The proposed amendment is consistent with the Comprehensive Plan, including the Land Use, Housing, and Human Services policies listed below. The proposed LUCA would provide a mechanism that mitigates impacts related to recreational marijuana uses, while allowing the uses to establish in appropriate land use districts throughout the City.

Land Use Element

Policy LU-1: Support a diverse and community in an open and natural setting comprised of strong residential communities composed of stable neighborhoods with a variety of housing types and densities; a vibrant, robust Downtown which serves as an urban center; other employment and commercial area; and distinctive community and neighborhood retail districts and distinctive community and neighborhood retail districts. Implement land use strategies by balancing community and neighborhood values, the neighborhood's quality of life, the natural environment, and the economy.

Policy LU-5. Ensure enough properly-zoned land to provide for Bellevue's share of the regionally-adopted demand forecasts for residential, commercial, and industrial uses for the next 20 years.

Policy LU-9. Maintain stability and improve the vitality of residential neighborhoods through adherence to, and enforcement of, the city's land use regulations.

Policy LU-12. Retain land availability for specific commercial uses which are important to the community.

Policy LU-22. Protect residential areas from the impacts of non-residential uses of a scale not appropriate to the neighborhood.

Policy LU-27. Encourage mixed residential/commercial development in all Neighborhood Business and Community Business land use districts where compatibility with nearby uses can be demonstrated.

Policy LU-29. Strengthen Downtown as the primary commercial area to provide local goods and services to the surrounding neighborhoods and to the residents and employees within the district.

Policy LU-34. Explore the appropriate long-term direction for the location of light industrial businesses such as light manufacturing and warehousing. Discussion: These uses are best situated in an area of limited traffic that facilitates the movement of goods. Because there are competing demands for this land from other business sectors, long-term impacts should be analyzed when considering the modification of land use regulations to permit additional uses in these areas. Retail sales in these areas should generally be limited to: 1. Uses that provide services to people employed in the area, and 2. Subject to a size limitation, uses that sell large items and bulk commodities requiring on-site warehousing (e.g., building materials, commercial equipment and supplies).

Policy LU-35. Maintain a balance of commercial and residential uses within the city. If appropriate, additional neighborhood-serving centers can be identified or expanded through the Comprehensive Plan update process.

Economic Development Element

Policy ED-3. Develop and maintain regulations that allow for continued economic growth while respecting the environment and quality of life of city neighborhoods.

Policy ED-20. Encourage economic development in designated locations through a mix of incentives, regulations, and strategic investments that support the city's adopted plans.

Housing Element

Policy HO-8. Protect residential areas from illegal land use activities through enforcement of city codes.

B. The amendment bears a substantial relationship to the public health, safety or welfare; and

The proposed amendment protects the public health and safety of the public by protecting neighborhoods from the unintended impacts related to the operation of recreational marijuana uses by requiring strict compliance with state and city law. The proposed amendment prohibits recreational marijuana uses from locating in residential land use districts and neighborhoods servicing residential areas where the uses would create incompatibility. Additional security and odor control provisions are included to protect adjacent uses where recreational marijuana uses are allowed.

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

The proposed amendment is in the best interest of Bellevue citizens as it will create consistent and predictable regulatory framework for recreational marijuana uses.

VII. RECOMMENDATION

Recommend the recreational marijuana uses LUCA as drafted in Attachment B and transmit the ordinance on to the City Council for final approval.

ATTACHMENTS

A. Draft Recreational Marijuana Uses Ordinance (Option A)
B. Draft Recreational Marijuana Uses Ordinance (Option B).
C. Ordinance No. 6133 B-1
D Council-approved project principles.
E. Ordinance No. 6156.
F. Colorado Marijuana Regulation Matrix
G. Map 1: Interim Regulations with 1,000 foot buffer
H. Map 2: Planning Commission Direction June 25 (without Religious Institutions)
I. Map 3: Planning Commission Direction June 25 (with Religious Institutions buffered)
J. Final DNS published on July 10, 2014

ATTACHMENT A

Option A
Proposed Draft Recreational Marijuana Regulations
Planning Commission Recommendations (June 25, 2014)

PROPOSED DRAFT RECREATIONAL MARIJUANA REGULATIONS: PC Recommendations

Section 1. Section 20.10.440 – Resource Land Use Charts - of the Bellevue Land Use Code is hereby amended to add as separate entries "recreational marijuana production" and "recreational marijuana processing" as a permitted use in the following land use districts: Light Industrial (LI), and to add the following new note 5:

(5) See LUC 20.20.710 for general development requirements for recreational marijuana uses.

The "recreational marijuana production" use shall be placed alphabetically in the use chart immediately below the "Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs" listing. "Recreational marijuana processing" shall be placed directly below "Agricultural Processing" (Standard Land Use Code Reference 821).

Section 2: Section 20.10.440 – Wholesale and Retail Land Use Charts - of the Bellevue Land Use Code is hereby amended to add under standard land use code reference 59 "Recreational marijuana retail outlet" as a permitted use in the following land use districts: GC; CB; F1; DNTN O-1; DNTN O-2; DNTN-MU; DNTN-OB; and DNTN-OLB, and to add the following new notes 41 and 42:

(41) See LUC 20.20.710 for general development requirements for recreational marijuana uses.
(42) Recreational marijuana uses are prohibited in the Perimeter Design District, Subdistrict A. See LUC 20.25A.090.

Comment [CoB CD1]: Planning Commision direction from June 25, 2014 Study Session

The "recreational marijuana retail outlet" use shall be placed in the use chart immediately below the "Adult Retail Establishments" listing.

Section 3. Section 20.25D.070 -- Resources in Bel-Red Land Use Districts Chart of the Bellevue Land Use Code is hereby amended to add as separate entries "recreational marijuana production" and "marijuana processing" as a prohibited use in all Bel-Red land use districts.

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The "recreational marijuana production" use shall be placed alphabetically in the use chart immediately below the "Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs" listing. "Recreational marijuana processing" shall be placed directly below "Agricultural Processing" (Standard Land Use Code Reference 821).

Section 4. Section 20.25D.070 -- Wholesale and Retail in Bel-Red Land Use Districts Chart of the Bellevue Land Use Code is hereby amended to add under standard land use code reference 59 "Recreational marijuana retail outlet" as a permitted use in the following land use districts: BR-OR/OR1/OR2; BR-RC-1; RC-2; RC-3; BR-GC; BR-CR; and BR-ORT, and to add the following new note 17:

(17) See LUC 20.20.710 for general development requirements for recreational marijuana uses.

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The "Recreational marijuana retail outlet" use shall be placed in the use chart immediately below the "Adult Retail Establishments" listing.

Section 5. A new section 20.20.710 of the Bellevue Land Use Code is hereby adopted as follows:

20.20.710 Recreational Marijuana Uses.

A. Purpose.

The purpose of this section is to regulate recreational marijuana producers, processors, and retailers under Chapter 69.50 RCW by identifying appropriate land use districts and establishing development and performance standards. Recreational marijuana producers, processors, and retailers shall only be permitted when licensed by the Washington State Liquor Control Board. The production, sale, and possession of marijuana remain illegal under the federal Controlled Substances Act. Nothing herein or as provided elsewhere shall be construed as authority to violate or circumvent federal law

Comment [CoB CD2]: Assist reader; Consistency with medical cannabis regulations

B. Applicability.

This section applies to recreational marijuana uses licensed by the Washington State Liquor Control Board. This section is not applicable to medical cannabis collective gardens, which are governed by LUC 20.20.526.

Comment [CoB CD3]: Clarity

C. Definitions Specific to Recreational Marijuana Uses.

The definitions codified at WAC 314-55-010, now or as hereafter amended, apply to this section. The following definitions are specific to recreational marijuana uses and shall have the following meanings:

1. "Director" means the Director of the City of Bellevue's Development Services Department or his or her designee.
2. "Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
3. "Marijuana processor" means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.
4. "Marijuana producer" means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

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5. "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products do not include useable marijuana.
6. "Marijuana retailer" means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.
7. "Park" means parks mapped in the City's GIS system.
8. "Recreational Marijuana Uses" means the collective of Marijuana producer, retailer, and processor.
9. "Retail outlet" means a location licensed by the state liquor control board for the retail sale of useable marijuana and marijuana-infused products.
10. "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

D. Required Review. An administrative conditional use permit (Part 20.30E LUC) is required to operate a recreational marijuana use. The director shall review applications to operate a medical cannabis collective garden for compliance with this section requirements of chapter 69.50 RCW, chapter 314-55 WAC, and all applicable City of Bellevue ordinances, standards, and codes, now or as hereafter amended.

~~E. Recreational marijuana producers, processors, and retailers must comply with all requirements of chapter 69.50 RCW, chapter 314-55 WAC, and all applicable City of Bellevue ordinances, standards, and codes, now or as hereafter amended.~~

E. Limitations on Uses. The following limitations shall apply to all marijuana producers, processors, and retailers, unless stated otherwise:

1. A marijuana producer, retailer, or processor, shall not be located within 1,320 feet of the following uses or any use included in Chapter 314-55 WAC now or as hereafter amended:
   a. Elementary or secondary school;
   b. Playgrounds;
   c. Recreation center or facility;
   d. Child care centers;
   e. ~~Public parks~~Parks;
   f. Public transit centers;
   g. Libraries;
   h. Any game arcade or
   i. Any medical cannabis collective garden.
2. No marijuana retailer shall be located within 1,000 feet of any other marijuana retailer.
3. No marijuana producer, processor, or retailer shall be allowed in single family and multi-family land use districts (R-1 – R-30; DNTN-R; BR-R).
4. No marijuana retailer is allowed as a subordinate or accessory use in any land use district.
5. Marijuana shall be grown in a structure. Outdoor cultivation is prohibited.

F. Marijuana Retail Outlets.

1. Odor. Marijuana odor shall be contained within the retail outlet so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the

Comment [CoB CD4]: Clarity. Regulatory predictability, ease of administration and enforcement.

Comment [CoB CD5]: Planning Commission direction from June 25, 2014 Study Session

Comment [CoB CD6]: Planning Commission direction from June 25, 2014 Study Session

Comment [CoB CD7]: Planning Commission direction from June 25, 2014 Study Session

Comment [CoB CD8]: Added for clarity

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marijuana retailer shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor.

2. Signage for Marijuana Retail Outlets. Retail outlets shall comply with WAC 314-55-155(1), now or as hereafter amended. Additionally, signage for retail outlets must undergo design review in those land use districts requiring such review in the City of Bellevue Sign Code, Chapter 22B BCC.

G. Marijuana Producers and Processors. Marijuana production and processing facilities are allowed only in the Light Industrial land use district and shall comply with the following provisions:

1. Marijuana production and processing facilities shall be ventilated so that the odor from the marijuana cannot be detected by a person with a normal sense of smell from any adjoining use or property;
2. Signage for marijuana producers and processors shall comply with the City of Bellevue Sign Code, Chapter 22B of the Bellevue City Code.
3. A screened and secured loading dock, approved by the director shall be required. The objective of this requirement is to provide a secure, visual screen from the public right of way and adjoining properties, and prevent the escape of odors when delivering or transferring marijuana, useable marijuana, and marijuana-infused products.

H. Security. In addition to the security requirements in chapter 315-55 WAC, during non-business hours, all recreational marijuana producers, processors, and retailers shall store all useable marijuana, marijuana-infused product, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For useable marijuana products that must be kept refrigerated or frozen, these products may be stored in a locked refrigerator or freezer container in a manner approved by the Director, provided the container is affixed to the building structure.

I. Nonconforming Uses

Recreational marijuana uses legally established on or before [insert effective date of ordinance] shall be considered nonconforming uses. The nonconforming use provisions in LUC 20.20.560 shall apply to recreational marijuana uses.

Comment [CoB CD9]: Required to address any uses which may or have legally-established under the interim regulations.

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I. Release of Liability and Hold Harmless

Comment [CoB CD10]: Consistency with medical cannabis collective gardens regulations.

The permittee of a recreational marijuana use shall provide an executed release in a form approved by the Bellevue City Attorney's office to the City of Bellevue, for itself, its agents, officers, elected officials and employees from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution or seizure of property, or liabilities of any kind that result from any arrest or prosecution for violations of federal or state law relating to operation or siting of a recreational use. Additionally, within the release document, the permittee of a recreational use shall indemnify and hold harmless the City of Bellevue and its agents, officers, elected officials, and employees from any claims, damages, or injuries brought by adjacent property owners or other third parties due to operations at the recreational marijuana use and for any claims brought by any of the recreational use's members, employees, agents, guests, or invitees for problems, injuries, damages, or liability of any kind that may arise out of the operation of the recreational marijuana use.

J. Conflicts

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In the event of a conflict between chapter 69.50 RCW, chapter 314-55 WAC, and this section, the most restrictive provision shall apply.

Section 5. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 6. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

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ATTACHMENT B

OPTION B
Interim Regulations (Ords. Nos. 6133 B-1 and 6156)

PROPOSED DRAFT RECREATIONAL MARIJUANA REGULATIONS: BASED ON INTERIM REGULATIONS

Section 1. Section 20.10.440 – Resource Land Use Charts - of the Bellevue Land Use Code is hereby amended to add as separate entries "recreational marijuana production" and "recreational marijuana processing" as a permitted use in the following land use districts: Light Industrial (LI), and to add the following new note 5:

(5) See LUC 20.20.710 for general development requirements for recreational marijuana uses.

The "recreational marijuana production" use shall be placed alphabetically in the use chart immediately below the "Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs" listing. "Recreational marijuana processing" shall be placed directly below "Agricultural Processing" (Standard Land Use Code Reference 821).

Section 2: Section 20.10.440 – Wholesale and Retail Land Use Charts - of the Bellevue Land Use Code is hereby amended to add under standard land use code reference 59 "Recreational marijuana retail outlet" as a permitted use in the following land use districts: GC; CB; F1; DNTN O-1; DNTN O-2; DNTN-MU; DNTN-OB; and DNTN-OLB, and to add the following new note 41:

(41) See LUC 20.20.710 for general development requirements for recreational marijuana uses.

The "recreational marijuana retail outlet" use shall be placed in the use chart immediately below the "Adult Retail Establishments" listing

Section 3. Section 20.25D.070 -- Resources in Bel-Red Land Use Districts Chart of the Bellevue Land Use Code is hereby amended to add as separate entries "recreational marijuana production" and "marijuana processing" as a prohibited use in all Bel-Red land use districts.

The "recreational marijuana production" use shall be placed alphabetically in the use chart immediately below the "Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs" listing. "Recreational marijuana processing" shall be placed directly below "Agricultural Processing" (Standard Land Use Code Reference 821).

Section 4. Section 20.25D.070 -- Wholesale and Retail in Bel-Red Land Use Districts Chart of the Bellevue Land Use Code is hereby amended to add under standard land use code reference 59 "Recreational marijuana retail outlet" as a permitted use in the following land use districts: BR-OR/OR1/OR2; BR-RC-1; RC-2; RC-3; BR-GC; BR-CR; and BR-ORT, and to add the following new note 17:

(17) See LUC 20.20.710 for general development requirements for recreational marijuana uses.

The "Recreational marijuana retail outlet" use shall be placed in the use chart immediately below the "Adult Retail Establishments" listing.

Section 5. A new section 20.20.710 of the Bellevue Land Use Code is hereby adopted as follows:

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20.20.710 Recreational Marijuana Uses.

A. Purpose.

The purpose of this section is to regulate recreational marijuana producers, processors, and retailers under Chapter 69.50 RCW by identifying appropriate land use districts and establishing development and performance standards. Recreational marijuana producers, processors, and retailers shall only be permitted when licensed by the Washington State Liquor Control Board. The production, sale, and possession of marijuana remains illegal under the federal Controlled Substances Act. Nothing herein or as provided elsewhere shall be construed as authority to violate or circumvent federal law

Comment [CoB CD1]: New provision from interim regulations

B. Applicability.

This section applies to recreational marijuana uses licensed by the Washington State Liquor Control Board. This section is not applicable to medical cannabis collective gardens, which are governed by LUC 20.20.526.

Comment [CoB CD2]: Clarity

C. Definitions Specific to Recreational Marijuana Uses.

The definitions codified at WAC 314-55-010, now or as hereafter amended, apply to this section. The following definitions are specific to recreational marijuana uses and shall have the following meanings:

1. “Director” means the Director of the City of Bellevue’s Development Services Department or his or her designee.
2. "Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
3. "Marijuana processor" means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.
4. "Marijuana producer" means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.
5. “Marijuana-infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products do not include useable marijuana.
6. "Marijuana retailer" means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.
7. “Recreational Marijuana Uses” means the collective of Marijuana producer, retailer, and processor.
8. “Retail outlet" means a location licensed by the state liquor control board for the retail sale of useable marijuana and marijuana-infused products.

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9. "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

D. Recreational marijuana producers, processors, and retailers must comply with all requirements of chapter 69.50 RCW, chapter 314-55 WAC, and all applicable City of Bellevue ordinances, standards, and codes, now or as hereafter amended.

E. Limitations on Uses. The following limitations shall apply to all marijuana producers, processors, and retailers, unless stated otherwise:

1. A marijuana producer, retailer, or processor, shall not be located within 1,000 feet of the following uses or any use included in Chapter 314-55 WAC now or as hereafter amended:
   a. Elementary or secondary school;
   b. Playgrounds;
   c. Recreation center or facility;
   d. Child care centers;
   e. Public parks;
   f. Public transit centers;
   g. Libraries;
   h. Any game arcade or
   i. Any medical cannabis collective garden.
2. No marijuana retailer shall be located within 1,000 feet of any other marijuana retailer.
3. No marijuana producer, processor, or retailer shall be allowed in single family and multi-family land use districts (R-1 – R-30; DNTN-R; BR-R).
4. No marijuana retailer is allowed as a subordinate or accessory use in any land use district.
5. Marijuana shall be grown in a structure. Outdoor cultivation is prohibited.

Comment [CoB CD3]: Added for clarity

F. Marijuana Retail Outlets.

1. Odor. Marijuana odor shall be contained within the retail outlet so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana retailer shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor.

2. Signage for Marijuana Retail Outlets. Retail outlets shall comply with WAC 314-55-155(1), now or as hereafter amended. Additionally, signage for retail outlets must undergo design review in those land use districts requiring such review in the City of Bellevue Sign Code, Chapter 22B BCC.

G. Marijuana Producers and Processors. Marijuana production and processing facilities are allowed only in the Light Industrial land use district and shall comply with the following provisions:

1. Marijuana production and processing facilities shall be ventilated so that the odor from the marijuana cannot be detected by a person with a normal sense of smell from any adjoining use or property;
2. Signage for marijuana producers and processors shall comply with the City of Bellevue Sign Code, Chapter 22B of the Bellevue City Code.
3. A screened and secured loading dock, approved by the director shall be required. The objective of this requirement is to provide a secure, visual screen from the public right of way and adjoining properties, and prevent the escape of odors when

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delivering or transferring marijuana, useable marijuana, and marijuana-infused products.

H. Security. In addition to the security requirements in chapter 315-55 WAC, during non-business hours, all recreational marijuana producers, processors, and retailers shall store all useable marijuana, marijuana-infused product, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For useable marijuana products that must be kept refrigerated or frozen, these products may be stored in a locked refrigerator or freezer container in a manner approved by the Director, provided the container is affixed to the building structure.

I. Release of Liability and Hold Harmless.

Comment [CoB CD4]: Consistency with medical cannabis collective gardens regulations.

The permittee of a recreational marijuana use shall provide an executed release in a form approved by the Bellevue City Attorney's office to the City of Bellevue, for itself, its agents, officers, elected officials and employees from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution or seizure of property, or liabilities of any kind that result from any arrest or prosecution for violations of federal or state law relating to operation or siting of a recreational use. Additionally, within the release document, the permittee of a recreational use shall indemnify and hold harmless the City of Bellevue and its agents, officers, elected officials, and employees from any claims, damages, or injuries brought by adjacent property owners or other third parties due to operations at the recreational marijuana use and for any claims brought by any of the recreational use's members, employees, agents, guests, or invitees for problems, injuries, damages, or liability of any kind that may arise out of the operation of the recreational marijuana use.

J. Conflicts

In the event of a conflict between chapter 69.50 RCW, chapter 314-55 WAC, and this section, the most restrictive provision shall apply.

Section 5. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 6. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

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ATTACHMENT C

1357-ORD
10/21/13

Option B-1

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6133 B-1

AN ORDINANCE of the City of Bellevue, Washington, adopting interim official zoning controls regarding recreational marijuana producers, processors and retailers for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations, to be effective immediately upon adoption, scheduling a hearing on the maintenance of the interim zoning ordinance and declaring an emergency.

WHEREAS, Washington votes approved Initiative 502 (I-502) on November 6, 2012. In relevant part, I-502 legalized the possession of small amounts of marijuana and marijuana-related products for persons age 21 and older, and directed the Washington State Liquor Control Board (LCB) to develop and implement rules to regulate and tax recreational marijuana producers, processors, and retailers by December 31, 2013; and

WHEREAS, the LCB re-filed its proposed rules regulating recreational marijuana uses on September 4, 2013, and accepted the proposed rules on October 16; and

WHEREAS, the LCB rules become effective on November 16, 2013, and the LCB will begin accepting license applications for recreational marijuana beginning November 18, 2013. Applicants will be required to identify a business location with their application submittals; and

WHEREAS, the LCB allocated four recreational marijuana retail licenses for the City of Bellevue, and there are no limits on the number of recreational marijuana producer and processor licenses to be issued; and

WHEREAS, the City of Bellevue Land Use Code (LUC) prohibits all recreational marijuana producers, processors, and retailers as uses in the City of Bellevue;

WHEREAS, the City Council deems it to be in the public interest to establish interim regulations advising the public where recreational marijuana producers, processors, and retail uses may be located in the City of Bellevue before the application deadline established by the LCB for state licensing for such uses; and

WHEREAS, the establishment or licensing of recreational marijuana uses may allow new uses that are incompatible with nearby existing land uses and lead to erosion of community character and harmony; and

Option B-1

WHEREAS, marijuana is still classified as a schedule I controlled substance under federal law and crimes related to marijuana remain subject to prosecution under federal law; and

WHEREAS, On August 29, 2013, the United States Department of Justice, Office of the Attorney General, ("DOJ") released updated guidance regarding marijuana enforcement. The guidance reiterates that DOJ is committed to using its limited investigative and prosecutorial resources to address the most significant threats to public safety related to marijuana crimes in "the most effective, consistent, and rational way." The guidance directs federal prosecutors to review potential marijuana-related charges on a case-by-case basis and weigh all information and evidence, including whether the operation is demonstrably in compliance with a strong and effective state regulatory system and if the conduct at issue implicates one or more of the eight stated federal enforcement priorities. The DOJ appears to not differentiate application of the guidance between medical cannabis and recreational marijuana; and

WHEREAS, pursuant to RCW 36.70A.390 a public hearing must be held within 60 days of the passage of this ordinance; and

WHEREAS, establishment of interim regulations of six months in duration for establishment of recreational marijuana producers, processors, and retailers will prevent substantial change until the land areas and the text of development standards applicable to recreational marijuana uses is reviewed, and any needed revisions are made to city codes; and

WHEREAS, the potential adverse impacts upon the public safety, welfare, and peace, as outlined herein, justify the declaration of an emergency; now therefore,

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

Section 1. Interim Regulation Adopted. Recreational marijuana producers, processors, and retailers shall comply with the following provisions:

A. Definitions. For the purposes of this interim regulation only, the definitions provided below and the definitions codified at WAC 314-55-010, now provided or as hereafter amended, shall apply to the provisions of this ordinance.

1. "Director" means the Director of the City of Bellevue's Development Services Department or his designee.

2. "Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of

Option B-1

the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

3. "Marijuana processor" means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.
4. "Marijuana producer" means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.
5. "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products do not include useable marijuana.
6. "Marijuana retailer" means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.
7. "Retail outlet" means a location licensed by the state liquor control board for the retail sale of useable marijuana and marijuana-infused products.
8. "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

B. Chapter 314-55 WAC, now or as hereafter amended, shall apply in addition to the provisions of this ordinance.

C. <u>Limitations on Uses</u>. The following limitations shall apply to all marijuana producers, processors, and retailers, unless stated otherwise:

1. A marijuana producer, retailer, or processor, shall not be located within 1,000 feet of the following uses or any use included in Chapter 314-55 WAC now or as hereafter amended:

   a. Elementary or secondary school;
   b. Playgrounds;
   c. Recreation center or facility;
   d. Child care centers;
   e. Public parks;
   f. Public transit centers;

Option B-1

g. Libraries;
h. Any game arcade or
i. Any medical cannabis collective garden.

2. No marijuana producer, processor, or retailer shall be allowed in single family and multi-family land use districts (R-1 – R-30).

3. No marijuana retailer is allowed as a subordinate or accessory use in any land use district.

4. Marijuana shall be grown in a structure. Outdoor cultivation is prohibited.

D. Marijuana Retail Outlets. For the purposes of this interim ordinance, marijuana retail outlets are considered within the land use classification of "Miscellaneous Retail Trade," and shall comply with all corresponding notes in the use charts for the underlying land use district where the retail outlet is located. Retail outlets shall also comply with the applicable requirements of Chapter 20.25 LUC, Special and Overlay Districts. Marijuana odor shall be contained within the retail outlet so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana retailer shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor. Retail outlets may only be located in following land use districts:

1. General Commercial (GC);
2. Community Business (CB);
3. Factoria Land Use District 1 (F1);
4. Downtown Office District (DNTN O-1);
5. Downtown Office District (DNTN O-2)
6. Downtown Mixed Use District (DNTN-MU);
7. Downtown Old Bellevue Business District (DNTN-OB);
8. Downtown Office and Limited Business District (DNTN-OLB)
9. Bel-Red Office Residential and Nodes (BR-OR/OR1/OR2)
10. Bel-Red Residential Commercial and Nodes (BR-RC-1, RC-2, RC-3);
11. Bel-Red General Commercial (BR-GC);
12. Bel-Red Commercial Residential (BR-CR);
13. Bel-Red Office Residential Transition (BR-ORT).

E. Signage for Marijuana Retail Outlets. Retail outlets shall comply with WAC 314-55-155(1), now or as hereafter amended. Additionally, signage for retail outlets must undergo design review in those land use districts requiring such review in City of Bellevue Sign Code, Chapter 22B BCC.

F. Marijuana Producers and Processors. For the purposes of this interim ordinance, marijuana producers are considered within the land use

Option B-1

classification "Agricultural Production of Food and Fiber Crops," and marijuana processors are considered within the land use classification "Agricultural production." Marijuana processors and producers shall comply with all corresponding notes in the use charts for the Light Industrial land use district. Marijuana producers and processors shall also comply with the applicable requirements of Chapter 20.25 LUC, Special and Overlay Districts. Marijuana production and processing facilities are allowed only in the Light Industrial land use district and shall comply with the following provisions:

1. Marijuana production and processing facilities shall be ventilated so that the odor from the marijuana cannot be detected by a person with a normal sense of smell from any adjoining use or property;
2. Signage for marijuana producers and processors shall comply with the City of Bellevue Sign Code, Chapter 22B of the Bellevue City Code.
3. A screened and secured loading dock, approved by the director shall be required. The objective of this requirement is to provide a secure, visual screen from the public right of way and adjoining properties, and prevent the escape of orders when delivering or transferring marijuana, useable marijuana, and marijuana-infused products.

G. Security. In addition to the security requirements in Chapter 315-55 WAC, during non-business hours, all recreational marijuana producers, processors, and retailers shall store all useable marijuana, marijuana-infused product, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For useable marijuana products that must be kept refrigerated or frozen, these products may be stored in a locked refrigerator or freezer container in a manner approved by the Director, provided the container is affixed to the building structure.

Section 3. Duration and Scope of Interim Regulations. The interim regulations imposed by this ordinance shall become effective on the date herein, and shall continue in effect for an initial period of sixty (60) days, unless repealed, extended, or modified by the City Council after subsequent public hearings and the entry of additional findings of fact pursuant to RCW 35A.63.220.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing on this ordinance within sixty (60) days of its adoption, or no later than December 20, 2013, so as to hear and consider public comment and testimony regarding this ordinance. Following such hearing, the City Council may adopt additional findings of fact, and may extend the interim regulations for a period of up to six (6) months. If a period of more than six months is required to complete consideration of any changes to city codes, the Council may adopt additional extensions after any required public hearing, pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Option B-1

Section 5. Permanent Regulations. The City Council hereby directs the staff to develop for its review and adoption permanent regulations to adopt the interim regulations adopted herein, and to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 6. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 7. Public Emergency. The City Council hereby finds and declares that a public emergency exists and that this ordinance is a public emergency ordinance necessary for the protection of the public health and safety and should, therefore, take effect upon adoption. The facts upon which this public emergency is based include all recitals set out in this ordinance as well as those facts contained in the legislative record.

Section 8. Effective Date. In accordance with RCW 35A.13.190, this ordinance, as a public emergency ordinance, shall take effect and be in force immediately upon adoption by a majority plus one of the City Council.

Passed by the City Council this 21st day of October, 2013 and signed in authentication of its passage this 21st day of October, 2013.

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich, City Clerk

Published October 24, 2013.

ATTACHMENT D

Project Principles for the

Regulation of Recreational Marijuana Producers, Processors, and Retailers

Approved by the Bellevue City Council

December 2, 2013

1. Bellevue Appropriate. Bellevue will establish appropriate land use zones for recreational marijuana producers, processors, and retailers ("recreational marijuana uses"). To the extent permitted, Bellevue will establish performance standards consistent with applicable provisions of Chapter 69.50 RCW and Chapter 314-55 WAC, now or as hereafter amended, that ensure these business represent the community values and goals set forth in the City's Comprehensive Plan.

2. Neighborhood Character is Protected. Recreational marijuana uses shall not be located in residential land use districts. Recreational marijuana uses shall be separated by 1,000 feet from elementary or secondary schools (public or private), playgrounds, recreation center or facility; child care center; public park; public transit center; library; and game arcade where admission is not restricted to persons age twenty-one or older, or a medical cannabis collective garden. Recreational marijuana use shall use appropriate ventilation to ensure abutting uses or properties are not impacted by odor.

3. Security Measures are Required. Recreational marijuana uses must have sufficient security measures to protect the public. Recreational marijuana uses must conform to state requirements for security and secure usable marijuana consistent with state pharmacy requirements for securing controlled substances.

4. Regulations are Specific and Understandable. The permanent regulations should be specific about the requirements to locate and operate recreational marijuana uses so that qualified licensees understand what is expected under the regulation.

5. Administration and Enforcement is Straightforward. Ensure regulations are capable of being administered and enforced. Development Services and the Bellevue police department should collaborate in matters of approval of license applications and renewals and where appropriate, enforcement.

6. The Outcome is in Conformance with Applicable Law. The establishment and operation of recreational marijuana uses must conform with, and not frustrate, the purpose of state law. Recreational marijuana uses must conform to the applicable requirements of Chapter 69.50 RCW and Chapter 314-55 WAC, now or as hereafter amended.

7. Processing of the Amendment is Inclusive. The code amendment process for recreational marijuana uses should seek and include input from a wide range of stakeholders.

ATTACHMENT E

1380-ORD
04/08/14

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6156

AN ORDINANCE extending Ordinance No. 6133 B-1, adopting interim official zoning controls regarding the regulation of recreational marijuana producers, processors and retailers for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations; providing for severability; and establishing an effective date.

WHEREAS, on November 6, 2012, Washington votes approved Initiative 502 (I-502), which in relevant part, legalized the possession of small amounts of marijuana and marijuana-related products for persons age 21 and older, and directed the Washington State Liquor Control Board (LCB) to develop and implement rules to regulate and tax recreational marijuana producers, processors, and retailers by December 31, 2013; and

WHEREAS, the LCB re-filed its proposed rules regulating recreational marijuana uses on September 4, 2013, and accepted the proposed rules on October 16; and

WHEREAS, the LCB rules became effective on November 16, 2013, and the LCB began accepting license applications for recreational marijuana uses on November 18, 2013; and

WHEREAS, the LCB allocated four recreational marijuana retail licenses for the City of Bellevue, and there are no limits on the number of recreational marijuana producer and processor licenses to be issued; and

WHEREAS, the City of Bellevue Land Use Code (LUC) prohibits all recreational marijuana producers, processors, and retailers as uses in the City of Bellevue;

WHEREAS, the City Council deems it to be in the public interest to establish interim regulations advising the public where recreational marijuana producers, processors, and retail uses may be located in the City of Bellevue before the application deadline established by the LCB for state licensing for such uses; and

WHEREAS, on October 21, 2013, in response to the licensing schedule published by the Washington State Liquor Control Board, the City Council adopted Ordinance No. 6133 B-1 implementing an emergency interim zoning ordinance regulating the location of recreational marijuana uses and imposing performance criteria intended to mitigate negative impacts arising from operation of recreational marijuana uses; and

WHEREAS, under the Growth Management Act (GMA), the City was required to hold a public hearing within 60 days of adopting Ordinance No. 6133 B-1, which public hearing was held on December 2, 2013, to receive public comment and extend Ordinance No. 6133 B-1 for a six-month period; and

WHEREAS, Ordinance No. 6133 B-1 will, by its own terms, expire on April 21, 2014, unless the City Council extends the ordinance as allowed by law; and

WHEREAS, on January 13, 2014 the Washington State Legislature convened and is considering several bills related to regulating recreational marijuana and reconciling medical cannabis with the recreational marijuana regulatory structure; and

WHEREAS, on January 14, 2014, the Washington State Attorney General issued its opinion (AGO No. 2014) that I-502 does not preempt counties, cities, and towns from banning recreational marijuana within their jurisdictions and that local ordinances that do not expressly ban state licensed marijuana licensees from operating within the jurisdiction but make such operation impractical are valid if the properly exercise the local jurisdiction's police power; and

WHEREAS, the establishment or licensing of recreational marijuana uses may allow new uses that are incompatible with nearby existing land uses and lead to erosion of community character and harmony; and

WHEREAS, marijuana is still classified as a schedule I controlled substance under federal law and crimes related to marijuana remain subject to prosecution under federal law; and

WHEREAS, On August 29, 2013, the United States Department of Justice, Office of the Attorney General, ("DOJ") released updated guidance regarding marijuana enforcement. The guidance reiterates that DOJ is committed to using its limited investigative and prosecutorial resources to address the most significant threats to public safety related to marijuana crimes in "the most effective, consistent, and rational way." The guidance directs federal prosecutors to review potential marijuana-related charges on a case-by-case basis and weigh all information and evidence, including whether the operation is demonstrably in compliance with a strong and effective state regulatory system and if the conduct at issue implicates one or more of the eight stated federal enforcement priorities. The DOJ appears to not differentiate application of the guidance between medical cannabis and recreational marijuana; and

WHEREAS, the extension of interim regulations of six months in duration for establishment of recreational marijuana producers, processors, and retailers will prevent substantial change until the land areas and the text of development standards applicable to recreational marijuana uses is reviewed, and any needed revisions are made to city codes; and

WHEREAS, the City has a compelling interest in the protection of the health and safety of all its residents, as well as a compelling interest in ensuring that the goals and policies contained within the Comprehensive Plan and other policy/planning documents are fulfilled; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorizes cities to adopt interim zoning ordinances provided the City Council holds a public hearing on the interim zoning ordinance within 60 days of the commencement of the ordinance; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 further authorizes Washington cities to extend interim zoning ordinances for additional periods of up to six months following a public hearing and adoption of findings of fact; and

WHEREAS, pursuant to BCC 22.02.050 and WAC 197-11-800(19), the adoption of this ordinance is exempt from environmental review under the State Environmental Policy Act; now, therefore,

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

Section 1. Extension of Interim Zoning Ordinance. Ordinance No. 6133 B-1 is hereby extended for an additional six-month period, unless repealed, extended or modified by the City Council after subsequent public hearing and the entry of additional findings of fact pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 2. Section 1.C of Ordinance 6133 B-1 shall be amended as follows:

C. Limitations on Uses. The following limitations shall apply to all marijuana producers, processors, and retailers, unless stated otherwise:

1. A marijuana producer, retailer, or processor, shall not be located within 1,000 feet of the following uses or any use included in Chapter 314-55 WAC now or as hereafter amended:

    a. Elementary or secondary school;
    b. Playgrounds;
    c. Recreation center or facility;
    d. Child care centers;
    e. Public parks;
    f. Public transit centers;
    g. Libraries;
    h. Any game arcade or
    i. Any medical cannabis collective garden.

2. No marijuana retailer shall be located within 1,000 feet of any other marijuana retailer.

3. No marijuana producer, processor, or retailer shall be allowed in single family and multi-family land use districts (R-1 – R-30).

4. No marijuana retailer is allowed as a subordinate or accessory use in any land use district.

5. Marijuana shall be grown in a structure. Outdoor cultivation is prohibited.

Section 3. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 4. Findings of Fact. The findings contained in this ordinance are hereby adopted as findings of facts to justify extending Ordinance No. 6133 B-1 imposing the interim zoning ordinance.

Section 5. Effective Date. This ordinance shall take effect and be in force on April 21, 2014.

Passed by the City Council this 17th day of March, 2014 and signed in authentication of its passage this 14th day of April, 2014.

(SEAL)

Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Lacey Hatch, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____

ATTACHMENT F

Comparison of recreational marijuana separation distances (in feet) and requirements by City Code						
Specified Uses	Bellevue, WA		Boulder, CO		Denver, CO	
	Retail	Production	Retail	Production	Retail	Production[1]
Primary Schools	1,000	1,000	1,000	500	1,000	NA
Secondary Schools	1,000	1,000	1,000	500	1,000	NA
Childcare	1,000	1,000	1,000	500	1,000	NA
Playgrounds	1,000	1,000	NA	NA	NA	NA
Recreational Centers	1,000	1,000	NA	NA	NA	NA
Public Parks	1,000	1,000	NA	NA	NA	NA
Public Transit Centers	1,000	1,000	NA	NA	NA	NA
Libraries	1,000	1,000	NA	NA	NA	NA
Game Arcade	1,000	1,000	NA	NA	NA	NA
Medical Marijuana Uses	1,000	1,000	NA	NA	1,000	NA
Between retail marijuana uses	1,000	NA	NA	NA	1,000	NA
Drug/Alcohol Treatment Center	NA	NA	1,000	500	1,000	NA
Jr. College, College, University	NA	NA	1,000	500	NA	NA
Between any rec marijuana use	NA	NA	500[2]	500[2]	NA	NA
Recreational Marijuana uses allowed in residential zones	No	No	No	No	Yes[3]	Yes[3]
Co-Location with Medical Marijuana uses allowed	No	No	Yes	Yes	Yes	Yes
Public hearing required	No	No	No	No	Yes	Yes[4]

[1] Denver separates marijuana production into cultivation, product manufacture, and testing uses
[2] No recreational marijuana use allowed within 500 feet of three other marijuana businesses
[3] Denver's form based zoning code regulates the building design rather than use but does specify certain zones as not allowing marijuana retail
[4] A public hearing is required for cultivation uses if plant husbandry was not a permitted use in the zone prior to legalization of recreational marijuana

Possible Recreational Marijuana Sites under Interim Regulations

For Illustrative Purposes Only

City of Bellevue
GIS Services

ATTACHMENT G -- MAP 1

SEE DETAIL A

DETAIL A

Par 4 Investments

Legend

Eliminated Facilities

- Youth Oriented Facilities
- Park and Ride
- All BellevueSchools (Public and Private)
- Bellevue Parks
- Child Care Parcels
- Libraries
- Other Parks

Potential Recreational Marijuana Sites

- Retailer
- Producer + Processor
- Eliminated Parcel
- 1000 ft buffer around current retail applicants
- Downtown Design District
- City Limits

Notes:
Following zoning classifications were used for each site type:
Producer: LI
Processor: LI
Retailer: CB, GC, F-1, DNTNO-1, DNTNO-2, DNTN-MU, DNTN-OB, DNTN-OLB, BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-GC, BR-ORT. BR-CR

To find suitable parcels the following types of parcels were buffered 1000ft:

1. Any Public Parks or Playgrounds
2. Public Transit Centers and P&Rs
3. Recreation Centers or Facilities
4. Any state-licensed Child Care Provider
5. Libraries
6. All Ages Game Arcade
7. All K-12 schools (Public & Private)

If any parcel landed within the buffer zone it was removed from the analysis, only parcels that did not cross the buffer boundary are being displayed.

This map is solely for illustrative purposes. Each potential location requires independent verification because the data has not been field-verified. The City does not guarantee any specific outcome.

3,800 Feet

Sources: City of Bellevue

* The WSLCB provides raw data only, that contains inaccuracies.
Any application detemined to be outside the City limits is not included in the map.

Date: 7/8/2014 File Name: V:\pcd\arcgis\MedMarijuanaSites\ZoningRecMarijuanaSitesI502July_2014_fb.mxd

IT Department

Possible Recreational Marijuana Sites Under PC June 25 Direction

For Illustrative Purposes Only

City of Bellevue
GIS Services

ATTACHMENT H - MAP 2

Happy Highway

The Novel Tree

Greensun

Par 4 Investments

SEE DETAIL A

DETAIL A

RedSpark LLC

30th Street Enterprises

Saturn Group

Lake Washington

Lake Sammamish

Yarrow Bay

Cozy Cove

Meydenbauer Bay

Phantom Lake

3,800 Feet

Sources:
City of Bellevue

Legend

Eliminated Facilities
- Park and Ride
- Youth Oriented Facilities
- Bellevue Parks
- Libraries
- Child Care Parcels
- All Bellevue Schools (Public and Private)

Potential Recreational Marijuana Sites
- Retailer
- Producer + Processor
- Eliminated Parcel
- City Limits

Notes:
Following zoning classifications were used for each site type:
Producer: LI
Processor: LI
Retailer: CB, GC, F-1, DNTNO-1, DNTNO-2, DNTN-MU, DNTN-OB, DNTN-OLB, BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-GC, BR-ORT. BR-CR

To find suitable parcels the following types of parcels were buffered 1/4 mile:

1. Any Public Parks or Playgrounds
2. Public Transit Centers and P&Rs
3. Recreation Centers or Facilities
4. Any state-licensed Child Care Provider
5. Libraries
6. All Ages Game Arcade
7. All K-12 schools (Public & Private)

If any parcel landed within the buffer zone it was removed from the analysis, only parcels that did not cross the buffer boundary are being displayed.

This map is solely for illustrative purposes. Each potential location requires independent verification because the data has not been field-verified. The City does not guarantee any specific outcome.

* The WSLCB provides raw data only, that contains inaccuracies.
Any application detemined to be outside the City limits is not included in the map.

an "as is" basis and disclaims all warranties.

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

Date: 7/8/2014 File Name: V:\pcd\arcgis\MedMarijuanaSites\ZoningRecMarijuanaSitesI502June_2014_fb.mxd IT Department

Possible Recreational Marijuana Sites Under PC June 25 Direction

With Religious Institutions Buffered
For Illustrative Purposes Only

City of Bellevue
GIS Services

ATTACHMENT I -- MAP 3

Happy Highway
The Novel Tree
Greensun
Par 4 Investments
RedSpark LLC
30th Street Enterprises
Saturn Group

Lake Washington
Lake Sammamish
Yarrow Bay
Cozy Cove
Meydenbauer Bay
Phantom Lake

Legend

Eliminated Facilities
- Park and Ride
- Youth Oriented Facilities
- All Bellevue Schools (Public and Private)
- Bellevue Parks
- Child Care Parcels
- Churches
- Libraries
- Private Parks

Potential Recreational Marijuana Sites
- Retailer
- Producer + Processor
- Eliminated Parcel
- City Limits

Notes:
Following zoning classifications were used for each site type:
Producer: LI
Processor: LI
Retailer: CB, GC, F-1, DNTNO-1, DNTNO-2, DNTN-MU, DNTN-OB, DNTN-OLB, BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-GC, BR-ORT. BR-CR

To find suitable parcels the following types of parcels were buffered 1/4 mile:

1. **Public and other parks in City's GIS database & Public playgrounds**
2. **Public Transit Centers and P&Rs**
3. **Recreation Centers or Facilities**
4. **Any state-licensed Child Care Provider**
5. **Libraries**
6. **All Ages Game Arcade**
7. **All K-12 schools (Public & Private)**
8. **All Churches**

If any parcel landed within the buffer zone it was removed from the analysis, only parcels that did not cross the buffer boundary are being displayed.

This map is solely for illustrative purposes. Each potential location requires independent verification because the data has not been field-verified. The City does not guarantee any specific outcome.

3,800
Feet
Sources:
City of Bellevue

* The WSLCB provides raw data only, that contains inaccuracies.
Any application detemined to be outside the City limits is not included in the map.

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

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

Date: 7/9/2014 File Name: V:\pcd\arcgis\MedMarijuanaSites\ZoningRecMarijuanaSitesI502JunewithChurches_2014_fb.mxd IT Department

ATTACHMENT J

DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: City of Bellevue, Development Services Department

LOCATION OF PROPOSAL: City-wide

DESCRIPTION OF PROPOSAL: Land Use Code Amendment establishing permanent regulations regulating recreational marijuana producers, processors, and retailers. The permanent regulations will replace interim regulations adopted by Ordinance No. 6133 B-1 and extended and amended by Ordinance No. 6156. File No. 14-130927-AD.

FILE NUMBERS: 14-130927-AD **PLANNER:** Catherine Drews, Legal Planner

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. The public and agency comment period was provided with the notice of application.

☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on _____.

Any appeal of the SEPA threshold determination on a Process IV action shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed with the 60-day time period set forth in RCW 36.70A.290.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project or if the DNS was procured by misrepresentation or lack of material disclosure.

Environmental Coordinator — 7/10/2014 Date

OTHERS TO RECEIVE THIS DOCUMENT:
☐ State Department of Fish and Wildlife / Stewart.Reinbold@dfw.gov; Christa.Heller@dfw.wa.gov;
☐ State Department of Ecology, Shoreline Planner N.W. Region / Jobu461@ecy.wa.gov; sepaunit@ecy.wa.gov
☐ Army Corps of Engineers Susan.M.Powell@nws02.usace.army.mil
☐ Attorney General ecyolyef@atg.wa.gov
☐ Muckleshoot Indian Tribe Karen.Walter@muckleshoot.nsn.us; Fisheries.fileroom@muckleshoot.nsn.us

Dear City Council Members, Planning Commission Members and Police Command Staff:

I'm Alexandra Charneski, co-founder of The Novel Tree, a recreational marijuana retail outlet. We are located at 1817 130th Ave NE in Bellevue. I'm local—I grew up in Woodinville, and my partner Chris McAboy grew up in Poulsbo.

As I'm sure most of you know, our store has stirred up quite a commotion on the part of Mr. Blaise Bouchand, owner of Maison de France, who has taken it upon himself to "represent" members of the community who are allegedly against our store being in the neighborhood. We do not feel that it is appropriate or necessary to "rally the troops" to come in and speak against Mr. Bouchand's personal attacks against us because, of course, the legalization of marijuana was the result of a very long political process in this state and in this community and we are operating a business in compliance with strict state and local regulations in a new industry that will generate tens of millions of dollars or more in annual tax revenues. I would, however, like to tell you a bit about our experience in this wonderful community in the last several weeks in the wake of the attacks by Mr. Bouchand, whom my partner Chris and I first met at the Planning Commission meeting on June 25th. Mr. Bouchand was very disrespectful to us at that meeting to say the least, but we all choose for ourselves how to comport ourselves in public. Mr. Bouchand chose to treat us as criminals. He has asserted that the "voters are holding the state hostage," but of course we live in a constitutional democracy that provides the population of the state and this community the opportunity to legalize marijuana just as it provides Mr. Bouchand the ability to attack us both publicly and behind our backs.

Shortly after we signed the lease for our shop, we had our walk-through with our architect and I could feel the hatred radiating from across the street as Mr. Bouchand paced back and forth in his storefront shaking his fists in our direction. Considering the fervor of his actions and words against us, I assumed everyone knew who we were, and I assumed *everyone* hated us. Putting up temporary window coverings during demolition at our store was such a relief! I soon learned that I could not have been more wrong, however, about how the *community* felt about us.

Because hiding behind closed shutters isn't something I'm good at, I set about what at first seemed like a daunting task of saying hello to the neighbors--the <u>same</u> neighbors who are on Mr. Bouchand's email distribution list and who supposedly supported his attacks against us. My goal was to simply put a friendly face to the "evil business" they had heard so much about. I want our neighbors and our community to know that we are good, professional, responsible, polite and courteous business people running a great business in a new industry that will bring a fortune in tax revenue to this state. I admit that in light of Mr. Bouchand's statements, though, I was surprised that I wasn't asked to leave anyone's shop: there were no torches or pitchforks coming at me, nobody threatened me, nobody was anything but polite and professional!

When I met with our neighbors, I answered many wide-ranging questions, including questions about security, which appears to have been one of Mr. Bouchand's rallying cries. I explained that the picture of "riff-raff" that may have been painted should not be a concern: our high prices will not appeal to "riff-raff." Nor will our security measures.

Chris and I had a great meeting recently with the deputy chief of police in Bellevue so that we could learn as much as possible from him about anything and everything that might be helpful to us as we open and grow our business, including security measures. We also traveled to Colorado recently and visited more than 40 retail marijuana stores in Denver and Boulder to learn as much as possible from store owners there (Colorado's system is, in a nutshell, very different, and in my opinion Washington—with its methodical approach and tight regulations—is doing it right). We have absorbed all of what we learned, and we have decided on a 24-camera video security system that will be second to none.

I've let the neighbors that I've spoken with so far know that they are welcome to stop by at any time to see our progress and our plans. We believe that with our high prices, upscale environment, tight security and our police department's hands-on approach, our store will contribute to the growth of the businesses around us. We intend our store to be the most upscale legal marijuana store in the nation. Our clientele will not be "riff-raff" feared by Mr. Bouchand; our clientele will be those who have made our community the great place that it is.

Getting back to the reception in our business neighborhood, what has happened as I have begun to meet our neighbors has been truly amazing, as contrasted with what I had half-expected based on the picture painted by Mr. Bouchand. Many business owners in the area have reached out to us to offer their support. We've been praised for standing our ground against Mr. Bouchand's onslaught. We've had offers from our business neighbors to help us with everything from manual labor to window displays. One businesswoman in the neighborhood said to us that "I was told to hate you, but after meeting you two I just can't." Our dog, Nico, was even given a new toy as a welcome-to-the-neighborhood gift.

We have had many business neighbors drop in to chat. One gentleman stopped by randomly to check in on our progress, and he barked at me "you're taking too long! Hurry up will you!" It was the sweetest insult I've ever heard. Another shop owner that was previously "against us" according to Mr. Bouchand sent me out of her shop with a genuine congratulations and a big welcome hug. Another local business owner that we haven't even met yet sent us the latest copy of Mr. Bouchands "argument" to alert us—in case we did not know—to what he was saying about us behind our backs. Other supportive business owners are also forwarding to us copies of Mr. Bouchand's emails to them, because Mr. Bouchand does not include us on his distribution list. In short, our neighbors have been kind, friendly, and supportive to us. It has actually become difficult to get work done at the store lately because there is always someone stopping by to say "hi". I wouldn't trade it for anything though. Many of the nearby entrepreneurs are also curious about setting up cross-marketing efforts with us.

Our business is controversial among a slice of the population. We know that. We know we will face emotional opposition from some quarters for quite some time. We also believe that we are in the best possible location in the best possible community, surrounded by the best possible people to be successful. We are proud to be setting up shop in our neighborhood and we look forward to making more connections with more of our business neighbors in the near future. We also know that publicly voicing support for marijuana is not something any of our neighbors should be required to do or even asked to do: that happened a very long time ago at the polls, where the community spoke in private

while casting their ballots without fear of retribution from those who might vilify them publicly for their views.

We invite anyone who may be interested to stop by our location to meet us in person, to learn about our business and about the new industry, to speak to us about any concerns they may have, and to see the artist renderings for the store that is now taking shape. Thank you very much. We are proud to be a part of, and to serve, this community.

Sincerely,

Allie Charneski

The Novel Tree
1817 130th Ave NE
Bellevue, WA 98005

From: Krista Hammer [mailto:khammer0@live.com]
Sent: Tuesday, July 08, 2014 09:13
To: Council
Cc: Arian Balkan; Linnea Eng; Holly Oppfelt; Julia Krill; Catherine Smith; Chris Oppfelt; ritzl@bsd405.org; mcdowelle@405.org; duenwaldT@bsd405.org; Marianne Heywood
Subject: Marijuana store 130th

Dear Bellevue City Council,

I live in the Bridal Trails neighborhood of Bellevue, and was very dismayed to hear that a recreational marijuana store is opening on 130th just outside of our neighborhood.

I have a teenage son who reports widespread use of marijuana among teens at his school and in town. He asked me once "why did all of the adults vote to legalize marijuana and then they tell all the kids not to use drugs?" I did not vote this way, and agree with him that we are sending very mixed messages to the kids. Now we will have a store very visible on 130th that we all use heading in and out of this very large neighborhood. I pass that location with my children in the car at least five to ten times a day. The store is also across the street from a church that runs programs for youths. Having it so visible and in such a convenient location sends the message to everyone that this drug is okay, recreational, and easily available to the adults. Location sends the message "legitimate business."

Our children are already under enough peer pressure to use drugs. We parents, public officials and school officials need to work together. Stoned kids don't learn in school, they drive on our roads endangering lives, they damage their brains and lungs. We've got a problem to be addressed in multiple ways by all of us. Please do what you can to keep this store from opening in this location.

Sincerely,

Krista Hammer
13126 NE 31st Place
Bellevue, WA 98005

From: Kaplan, John S. (Perkins Coie) [mailto:JKaplan@perkinscoie.com]
Sent: Thursday, July 10, 2014 6:36 PM
To: Drews, Catherine
Subject: Pot Store 130th Ave. NE

Catherine, I got your name via a response to an email from a neighbor on a neighborhood list-serve for the Rockwood neighborhood, where I live. The stores are not supposed to be "within 1000 feet of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or game arcade that allows minors to enter."

I'm sure it's been pointed out that this location is literally across the street from the Little Gym. It is also well within 1000 feet of Mini Mountain on 132nd Ave. NE. My older kids would take the bus after school to go to Mini Mountain for ski lessons and for transportation for skiing. These are 2 recreation centers or facilities within 1000 feet. That should be end of story. My neighborhood is already fed up with the increased crime and nuisance from having a methadone distributor on 140th Ave. NE, which the City seems to think was a great idea. We don't need the City trying to evade the state law on marijuana issues.

John Kaplan

John S. Kaplan | Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
JKaplan@perkinscoie.com
Office: (206) 359-8408
Fax: (206) 359-9408
Mobile: (206) 369-1634

From: stephmccord@comcast.net [mailto:stephmccord@comcast.net]
Sent: Monday, May 12, 2014 19:33
To: Council
Subject: marijuana

Dear Council Members,

We have lived in Bellevue for over 28 years. We have been a Boy Scout and Girl Scout leaders, participants in PTA and many school and community activities. It is with great concern for the children in our community that we address you about the possible sale of marijuana in Bellevue. The city of Bellevue prides itself and spends a great deal of resources on educating the young minds of our city. How unfortunate that the city may also be the undoing for many young people if the decision to sell marijuana is allowed to move forward.

According to many studies the long term and short term effects of marijuana not only will effect the minds of the citizens or our beautiful city, but may affect the future generations whose parents choose to smoke the drug. Below is an excerpt from http://www.drugfreeworld.org/drugfacts/marijuana/the-harmful-effects.html.

THE HARMFUL EFFECTS OF MARIJUANA

Photo credits: Alamy

The immediate effects of taking marijuana include rapid heart beat, disorientation, lack of physical coordination, often followed by depression or sleepiness. Some users suffer panic attacks or anxiety.

But the problem does not end there. According to scientific studies, the active ingredient in cannabis, THC, remains in the body for weeks or longer.

Marijuana smoke contains 50% to 70% more cancer-causing substances than tobacco smoke. One major research study reported that a single cannabis joint could cause as much damage to the lungs as up to five regular cigarettes smoked one after another. Long-time joint smokers often suffer from bronchitis, an inflammation of the respiratory tract.

The drug can affect more than your physical health. Studies in Australia in 2008 linked years of heavy marijuana use to brain abnormalities. This is backed up by earlier research on the long-term effects of marijuana, which indicate changes in the brain similar to those caused by long-term abuse of other major drugs. And a

number of studies have shown a **connection between continued marijuana use and psychosis.**

Marijuana changes the structure of sperm cells, deforming them. Thus even small amounts of marijuana can cause temporary sterility in men. Marijuana use can upset a woman's menstrual cycle.
Studies show that the mental functions of people who have smoked a lot of marijuana tend to be diminished. The THC in cannabis disrupts nerve cells in the brain affecting memory.
Cannabis is one of the few drugs which causes abnormal cell division which leads to severe hereditary defects. A pregnant woman who regularly smokes marijuana or hashish may give birth prematurely to an undersized, underweight baby. Over the last ten years, **many children of marijuana users have been born with reduced initiative and lessened abilities to concentrate and pursue life goals**. Studies also suggest that prenatal (before birth) use of the drug may result in birth defects, mental abnormalities and increased risk of leukemia1 in children.

Unfortunately, we have personally known people whose lives have been destroyed by abuse of this drug. We challenge you to do what is right and not allow the sale of this drug in Bellevue. Failure to do so will cause long term consequences for which this city council will be responsible.

Thank you,
Shawn and Stephanie McCord
12406 SE 47th St.
Bellevue, WA 98006

425-643-2715

Planning Commission Schedule

July 30, 2014

The Bellevue Planning Commission meets Wednesdays as needed, typically two or three times per 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 posted the Monday prior to the meeting date on the city's website at:

http://www.bellevuewa.gov/planning-commission-agendas-2014.htm

Date	Tentative Agenda Topics
Sept 10	• Public hearing – Horizon View rezone • Public hearing – Camp and Conference Center and clean up code amendments • Public hearing – Single Family Rental Housing code amendments
Sept 24	• Comprehensive Plan Update – continue review of draft sections
Oct 1	Annual retreat

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

June 25, 2014 Bellevue City Hall
6:30 p.m. City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Tebelius, Commissioners Carlson, Hamlin, Hilhorst, Laing, deVadoss, Walter

COMMISSIONERS ABSENT: None

STAFF PRESENT: Paul Inghram, Erika Conkling, Department of Planning and Community Development; Catherine Drews, Department of Development Services, Jim Montgomery, Police Department

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:33 p.m. by Chair Tebelius who presided.

2. ROLL CALL

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

New Commissioner Stephanie Walter was introduced. Commissioner Walter said she resides in the Spiritwood neighborhood and works in the field of healthcare finance.

3. PUBLIC COMMENT

Mr. Blaise Bouchand, 1950 130th Avenue NE, owner of Maison de France, spoke regarding the recreational marijuana business set to open at 1817 130th Avenue NE. He indicated he was speaking on behalf of Blue Sky church, 1720 130th Avenue NE, and Gaude Construction as well as himself. The letter he read into the record from the church stated that it is hard to believe the issue of allowing a recreational marijuana dealer to so close to the church is even being entertained. The church has a large number of children and youth, but also nearby is the Little Gym and Girl Scouts, uses that serve children. It is clearly not healthful to the community. People from the medical marijuana establishment have already been selling their product right behind the church building, right outside the youth room doors, to buyers who do not attend the church. The issue has been reported to the police as a recurring problem. Selling marijuana and increasing drug use will only cause problems and deteriorate the wonderful plans Bellevue has made. The letter he read into the record from Gaude Construction stated that the company was not aware of the existence of a recreational marijuana retailer on 130th Avenue NE. The construction company office houses many items, such as computers and power tools, that can easily be sold for quick cash to support drug users. The office and vehicles have been hit in the past. All businesses in the area will in fact be targets for drug users who need a quick $50 to get

their high. Speaking for himself, he said several business owners on 130th Avenue NE are concerned and opposed to the opening of a recreational marijuana drug dealer on that street. There are public health and safety issues at stake. The Commission should makes its recommendations accordingly and wisely to the City Council.

Chair Tebelius asked Mr. Bouchand what he would like to see done with the interim ordinance that is in place and which will remain so until October. Mr. Bouchand said the city could forbid recreational marijuana uses from locating within 1000 feet of uses that involve children. He said his preference would be to simply ban the use in Bellevue like 50 other cities in the state have done. That would reduce the city's liability risks and would mean less work for the police department.

Answering a question asked by Commissioner Carlson, Mr. Bouchand said the list of uses that cater to children in the immediate area of the proposed recreational marijuana retailer include the Little Gym, Girl Scouts, and the Blue Sky church. There is also a park and viewpoint nearby.

Ms. Teri Olson with Unique Art Glass, 1830 130th Avenue NE, said her business is located directly across from the proposed marijuana retail outlet. She noted her opposition to allowing the marijuana business to locate there. In Colorado lawmakers are looking at banning certain types of edible marijuana to protect children who cannot tell the difference between cookies and brownies that have and do not have marijuana. It is just a bad idea all around to allow a marijuana retail store so close to businesses that cater to children, and it is not a good fit with the other businesses along 1309th Avenue NE.

Mr. Fred Charb, 1840 130th Avenue NE, Suite 7, objected to the proposed recreational marijuana shop slated to be located across the street from his chiropractic office, about 400 feet away. He said the Washington State Liquor Control Board recommended that all recreational marijuana shops be located in former liquor store locations, which the 130th Avenue NE location is not. The city ordinance in place requires recreational marijuana shops to be located a minimum of 1000 feet from certain facilities that cater to children; the front door of the Little Gym is located in a direct line of sight from the proposed retail use and about 300 feet away, the GungFu martial arts studio across the parking lot from his business has students as young as four, and the Blue Sky church is located down the street and approximately 600 feet from the proposed marijuana retail shop. Colorado law is similar to the law in Washington, and in Colorado there recently have been numerous robberies and burglaries involving medical marijuana stores in the Denver area. The proposed 130th Avenue NE retailer will also be a target and will put the entire neighborhood at risk. The Commission was asked to not allow a recreational marijuana shop to be located as proposed; it should be located in a former state liquor store.

Ms. Ann Lampman, 3806 130th Avenue NE, said she has worked as a commercial real estate broker on the Eastside for almost 20 years. She said during the last year she has received numerous calls from entrepreneurs wanting to locate a recreational marijuana shop in commercial areas on the Eastside. In every single case, her landlord clients have refused to entertain the notion of allowing such a business in their buildings or complexes. In three cases clients surveyed their other tenants about allowing the use and each time all of the tenants opposed allowing the use in their building or business park. Several tenants indicated they would not renew their leases should such a use be allowed. Recreational marijuana shops could be a threat to occupancy rates. She said her home is just up the street from the recreational marijuana business proposed to locate on 130th Avenue NE. The arterial is heavily used by

children during the school year all the way down to NE 24th Street. Many eyes are on Bellevue right now. The city has the chance to get it right or to get it wrong. One way to get it right would be to allow businesses to have a say in where marijuana retailers are allowed to locate by establishing drug free zones.

Commissioner Carlson said it is possible that when Initiative 502 was on the ballot, many of the tenants that were surveyed may have voted in favor. The City Council has taken the position that because the majority of people in Bellevue voted to make it legal for people to possess and use marijuana recreationally in the privacy of their homes, the city should feel obligated to allow for the retail distribution of the product. The curious thing is that when it comes down to it, those would be affected by the use are generally opposed to it. He suggested it is entirely compatible and intellectually consistent to support the legal right of the people to possess and use marijuana while saying the product should not be allowed to be sold in Bellevue. Ms. Lampman allowed that while the majority of those voting supported the initiative, it was a minority of voters who showed up to vote. To fully understand where the majority stands, it would be necessary to survey all registered voters in the city. She stated that while the Commission has no say over what people do in the privacy of their own homes, it certainly has a voice in saying where uses and businesses are allowed to locate.

Mr. Chris McAboy, 1817 130th Avenue NE, spoke representing The Novel Tree, the retail marijuana business under discussion. He noted that previous speakers had referred to his business as a drug dealer, which by common definition is an unlicensed person selling illegal drugs. He clarified that the business is in the process of being licensed by the state, all plans have been submitted to the city of Bellevue, a lease has been signed, and all systems are go pending the proposed Land Use Code amendment addressing recreational marijuana. He noted his support for the regulations based on the recommendations of staff. There are arguments in play at the federal level about the legality of marijuana. The US Attorney General has issued a statement that essentially says that so long as the states abide by set terms the federal government cares about, they will not interfere. Currently marijuana is completely illegal in only 21 states. The Novel Tree will be a heavily taxed business. Marijuana users are not junkies and allowing the use will not turn Bellevue into a city of junkies. Surveys indicate that while 40 percent have tried marijuana, only ten percent actually use it. He noted that the issue of edible marijuana products was addressed earlier in the day by the Liquor Control Board and a rule change has been put into place that states the packaging for all edibles must be approved by the Board. The Board wants to make sure no packaging will resemble kids candies or treats, and that all such products will be sized as individual servings. Heavy security measures will be put in place at The Novel Tree to ensure no on-site consumption and to prevent crime. The truth is that pot shops in Denver are not being robbed or burglarized and the crime rates there dropped by nearly five percent. The direct neighbors to The Novel Tree, while initially opposed, are now on board and supportive. The most dangerous thing about cannabis is prohibitions against it which only fuel the black market. The location on 130th Avenue NE is about as far away from parks and schools as one can get in Bellevue, and nearly every corridor in every city is used by kids. Based on the state regulations, recreation centers are defined as supervised centers that provide a broad range of activities or events intended primarily for use by persons under 21 years of age, owned and/or managed by a charitable non-profit organization, city, county, state or federal government. The site on 130th Avenue NE is primarily industrial with such things as wholesale distribution centers, a brewing company and auto uses.

4. APPROVAL OF AGENDA

A motion to amend the agenda by eliminating item 7C, and to approve the agenda as amended, was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and it carried unanimously.

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

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram took a moment to welcome Commissioner Walter. He also urged the Commissioners to review the Item 7C materials and Comprehensive Plan update schedule. He noted that the Council was recently provided with an update and will receive a more detailed check-in with the Council in September while the Commission's process will still be under way. The Council will take the opportunity to identify any specific concerns for the Commission to address ahead of formulating its final recommendation.

Mr. Inghram reported that the Council also recently addressed the fact that members from the Horizon View plat have asked for a rezone from R-3.5 to R-2.5. The Council agreed to move forward with that rezone process so it has been added to the Commission's schedule.

7. STUDY SESSION

A. Land Use Code Amendments to Address Recreational Marijuana

Legal Planner Catherine Drews provided the Commissioners with copies of the emergency rule adopted earlier in the day by the Liquor Control Board addressing the edible marijuana issues.

Police Chief Jim Montgomery explained that over the years the term "zero tolerance" has been used in association with enforcing drug laws. He said the term would seem to imply that no one will be able to get away with anything, but of course that will never be the case. The department has been in contact with colleagues in Colorado, particularly in Denver, Lakewood, Colorado Springs and Boulder, given the notion that they hit the ground first and were further along. That, however, has not turned out to be the case. Most of those cities imposed and have continued with a moratorium, though Denver and Boulder are somewhat ahead of Bellevue. Denver has taken hands-off approach and as a result have experienced a significant increase in certain types of crimes in the neighborhoods where marijuana sales are occurring. That has not been the case in Boulder where the police department says there has not been an increase in crimes; they contribute that result largely to the fact that they put together a fairly aggressive campaign, something Bellevue is likely to emulate.

Continuing, Chief Montgomery said for the short term, Bellevue intends to dedicate a portion of a police staff person's time to get out into the business and residential neighborhoods to make sure everyone has a point of contact. The owners of marijuana retail sales businesses will also be contacted to make sure they understand the rules and all expectations. The police will also be collaborating with the Liquor Control Board which largely has the say-so with regard to governing the retail sales establishments. As a result of the position taken by the federal government with respect to banking, the retail stores will be expected to operate largely on cash only. How that will play out relative to making the stores targets for robberies and the like is not known but will need to be considered; certainly the retailers will need to take special precautions. Chief Montgomery said he does not anticipate a significant problem with people buying product

and openly using it in the parking lot, but a significant police presence will be assigned to discourage such activities. Where such activities are observed, the individuals involved will be cited and prosecuted.

Several cities in Colorado, even some that have moratoriums in place, have dedicate a full-time equivalent police person to spearhead their efforts. The same approach likely will be taken in Bellevue. If it becomes apparent, however, that the approach represents a significant drain on resources, the anticipation is that a conversation with the City Manager will be required to discuss the best use of staff.

Chief Montgomery stressed the need to have everyone on the same page relative to what the voters have actually approved. He showed the Commissioners how much a single ounce of marijuana is. He then said the big issue is marijuana-infused products, including liquid products, and showed the Commissioners brownies that included 16 ounces of marijuana, the amount that can be legally possessed. The liquid product can be infused into virtually anything that is edible and the THC level in up to ten times more potent as the leaves. In addition to legally being able to possess 16 ounces of solid product, it is also legal to possess up to 72 ounces of liquid marijuana-infused product. With marijuana-infused products, there will be no way for consumers to know the potency rate. The liquid product can also be added to leaf marijuana and smoked, significantly elevating the potency.

Commissioner Carlson asked if marijuana-related problems would be less likely, more likely or as likely to occur if Bellevue were to have no retail sales outlets at all. Chief Montgomery said it would be speculatory to say. As mobile as the society is, it is likely people would drive to where they could buy products. Proximity certainly makes it more convenient for people to obtain the products. The concerns about locating retail outlets close to schools are absolutely legitimate. Having distance requirements will help but will not completely solve the problems of kids obtaining products.

Commissioner Laing noted that according to the new rule from the Liquor Control Board marijuana-infused products that are designed to be especially appealing to children are prohibited. The list of things that are especially appealing to children includes cookies, brownies and rice crispy treats. Chief Montgomery said it was his understanding that such products will not be allowed to be sold off the shelf at retail establishments. Of particular concern to the police and fire departments is what is the improper use of those products. In fairness, retailers have no control over how their products are used.

Commissioner Laing said the Commission heard during petitions and communications from someone who intends to operate a retail outlet selling marijuana products discuss security measures, most of which are required by the state. The question is why so many security measures will be needed at all if the retail establishments will not impose public health, safety or welfare threats different from any retail establishment selling liquor. Chief Montgomery said only time will tell if the required extra security will be enough. Banks have security measures in place in part to reduce the likelihood of nefarious activities. Banks are not immune from such crimes, and retail marijuana sales establishments will not be either. Both certainly may be attractive targets both when open and closed, so it makes sense extra measures are required. The police department is certainly glad to see the security requirements.

Commissioner deVadoss asked Chief Montgomery what counsel he would give the Commission given the limit of the Commission's mandate and the concerns expressed by the public. Chief

Montgomery said the same question asked a few months or a year down the road would be more easily answered. Bellevue hoped to be able to garner some advice from the experience of cities in Colorado, but most of them are not that much farther ahead. Experience certainly was gained from having state liquor stores and the Liquor Control Board certainly has covered all the bases to the best of their knowledge. It is too early to know whether or not 1000 feet of separation from uses such as churches, schools and daycare centers is sufficient or needed at all. A group comprised of representatives from police, fire, code enforcement, parks, the city attorney's office and the Liquor Control Board has been put together and charged with working collaboratively in sharing information and in reaching out to other jurisdictions. As possible tweaks to existing codes are identified, they will be pushed forward through the proper channels.

Commissioner deVadoss asked if plans have been made to conduct outreach to the youth in Bellevue. Chief Montgomery said Bellevue is blessed by having school resource officers in most of the schools. They will have reaching out to students and their parents high on their list of things to do.

Commissioner Laing said one of the issues the Commission is wrestling with is drawing a distinction between parks or other uses that are privately owned and parks and uses that are publicly owned. He asked if there should be a difference between the way the city regulates the dispersion criteria relative to public or private facilities that are for all intents and purposes the same. Chief Montgomery answered that he did not believe from a law enforcement perspective that the distance requirements will make much of a difference, particularly in such instances. The Commission and the Council will need to sort through that issue. The police will act in all cases of folks misbehaving whether the behavior occurs on public or private land that is open to the public.

Commissioner Hilhorst asked what zoning districts allow recreational marijuana retail outlets in Colorado. Chief Montgomery said he did not have that information but could get it.

Chair Tebelius asked how many cities in the state will be allowing retail recreational marijuana stores. Chief Montgomery said his department has not surveyed that.

Answering a question asked by Commissioner Carlson, Chief Montgomery said he had not met with the Council as a whole to discuss the issues or to provide input. He said his aim is to remain as neutral as possible about the issue.

Chair Tebelius recognized city attorney Lori Riordin. Ms. Riordin allowed that her office will be responsible for enforcement.

Chief Montgomery was thanked for his insights and observations.

Ms. Drews said the Council has not given the Commission direction to consider a ban. The Council has looked at that issue and has decided not to move forward with a moratorium. She sought from the Commission direction to prepare a draft ordinance for consideration and to schedule a public hearing, preferably for July 30. That would allow for getting the permanent regulations in place before the interim regulations expire on October 21.

With regard to the comment made during petitions and communications about the preference for locating recreational marijuana retail outlets in previous state liquor store facilities, Ms. Drews said the Liquor Control Board held that approach up as a model. Jurisdictions are being very

careful with that notion, however, because alcohol stores are allowed in the Neighborhood Business zone and the Council has made a conscious decision not to allow any marijuana operations in residential areas.

Commissioner Walter noted from the staff memo that churches are not necessarily called out because they are primarily located in residential areas. Ms. Drews said the majority of churches in Bellevue are located in single family zones and therefore are without the scope of the marijuana uses. There are, however, churches in Bel-Red, Factoria and the downtown. If separation requirements were to drafted to include churches, retail marijuana uses could be barred from all areas in the city in direct opposition to the direction given by the Council to balance the protection of neighborhoods without creating an all-out ban.

With regard to hours of operation, Chair Tebelius noted that the state allows the retail sale of recreational marijuana to occur between the hours of 8:00 a.m. and 12:00 a.m., and said the staff proposal was for the city to be consistent with state law.

Commissioner Carlson reiterated his preference to ban completely the sale of recreational marijuana in the city of Bellevue.

The consensus was that the hours of operation in Bellevue should match those allowed under state law.

With regard to the separation requirements, Chair Tebelius pointed out that the Liquor Control Board rules require no less than 1000 feet from certain uses. Ms. Drews clarified that the Liquor Control Board has no separation requirement for liquor sales, though there is a notification requirement to all schools, churches and the like within 500 feet. She said the recommendation of staff was to have the city's separation requirement match that required by the state for recreational marijuana sales. She said the Commission could also consider recommending that retail marijuana operations be monitored to determine if adjustments to the separation distances are warranted. The attention of the Commissioners was called to two maps, one showing the quarter-mile and half-mile radii around every high school in the city, and one showing the quarter-mile radii around every grade and middle school in the city.

Chair Tebelius asked how many applications for recreational marijuana sales have been submitted and approved for Bellevue. Ms. Drews said to date the Liquor Control Board has issued a letter of approval to a single producer, otherwise there have been no applications approved by the Liquor Control Board for operations in Bellevue. The state will allow four retail stores in Bellevue, and the city will permit the siting of them only in accord with the Land Use Code regulations, which includes a 1000-foot separation distance between them to avoid clustering and the de facto creation of a marijuana district.

Commissioner Laing said two things characterize Bellevue: that it is a city in a park, and that it has a great school system. While there is insufficient information to say 1000 feet is better or worse than some other distance, the default position should be to increase the separation to a quarter mile for the two things that best characterize what the community is all about until such time as there is sufficient operating experience to make a more informed decision. A 1200-foot requirement would not impact the Novel Tree site. In fact the only site it would impact would be the Par 4 Investments site to the south of Main Street.

Commissioner Hamlin pointed that including parks in the larger separation could potentially

impact the Novel Tree site.

A motion to increase the separation requirement for schools, both public and private, to one-quarter mile was made by Commissioner Laing.

Mr. Inghram cautioned against making decisions based on motions for items that have not yet been subjected to a public hearing. Commissioner Carlson suggested that nothing gives direction better than a motion.

The motion was seconded by Commissioner Carlson. The motion carried 5-2, with Commissioners Hamlin and deVadoss voting no.

A motion to increase the park separation to 1320 feet was made by Commissioner Laing.

Ms. Drews commented that for administrative and enforcement purposes the separation requirements should be the same.

Commissioner Laing withdrew the motion.

Chair Tebelius said she would not object to increasing the separation distance so long as all of the specific uses called out in the staff memo were included and treated the same.

A motion to increase to a quarter mile the separation distance for playgrounds, recreation centers, childcare centers, public parks, public transit, libraries and game arcades was made by Chair Tebelius. The motion was seconded by Commissioner Hilhorst.

Commissioner Hilhorst said it would be helpful to have staff map the areas that would still allow locating a recreational marijuana retail establishment. Councilmember Stokes concurred and suggested there should also be a logical rationale determined.

The motion carried 5-2, with Commissioners Hamlin and deVadoss voting no.

Chair Tebelius stressed that the Commission has been given clear direction from the Council not to establish rules that will effectively ban all retail marijuana sales in the city. If the mapping exercise shows the effect of the motion will be just that, the Commission will need to reconsider.

On the question of whether or not additional uses should be recommended for separation, Chair Tebelius suggested that schools are schools and parks are parks regardless of whether they are private or public and as such should be treated the same.

Commissioner Laing said he felt strongly that the separation requirement should apply to churches and private parks. He agreed parks and schools, whether private or public, should be treated the same. If there is a valid police power reason for regulating the proximity of retail marijuana establishments to a public park, the same reason exists for a private park. The default position should be to require separation from the uses. If going forward the evidence shows the separation is not needed, the separation requirement can be either reduced or eliminated.

Chair Tebelius pointed out the statement of staff that if a separation of 1000 feet is required for all religious facilities, the result will be an effective ban on all marijuana uses from nearly all areas of the city. Commissioner Laing said he would like to see all religious facilities mapped as

well.

Commissioner Carlson suggested that if the public makes no distinction between public and private parks, the city should not either in requiring separation.

Ms. Drews said the public/private park discussion arose in relation to Vasa Park, which is a privately owned park for which one must pay admission to gain entrance. Anyone can enjoy a Bellevue city park without having to pay an admittance fee. With regard to the Bel-Red area, an incentive system is in place that will allow developers to add floor area to their projects by providing park space. All park space thus created will be dedicated to the city and become public parks. Developers choosing to put in park space without receiving anything in return from the city are free to choose if they want the space dedicated to the city or retained as private.

Commissioner Walter agreed that where there is no distinction made between the use of a private and public park, they should be treated the same. She questioned, however, whether the city actually has a full listing of all private parks in the city, and that could make enforcement of the separation requirement difficult if not impossible. Exactly what constitutes a park is also not spelled out.

Ms. Drews said she has lived in Bellevue since 1984 and the only private park she is aware of is Vasa Park.

Commissioner Laing said it has been his experience that jurisdictions like to require open space and pocket parks, but they also like the idea of not having to pay to maintain them. Developers are often required to create what amounts to private parks and to record easements making them open to the public, while the homeowners association is required to provide all maintenance and upkeep. It would be disingenuous to draw a distinction between those parks and public parks from a police power perspective.

A motion to treat the same all parks open to the public by simply referring to parks in the separation requirement was made by Commissioner Laing. The motion was seconded Commissioner Hilhorst and it carried 6-1, with Commissioner Hamlin voting no.

Chair Tebelius said she had not heard any motion regarding religious facilities and would move forward unless a motion was made. She said the same was true of facility of children.

Chair Tebelius asked for comment on the notion of recommending elimination of the downtown perimeter design district for recreational marijuana retail uses. Ms. Drews said the proposal initially was made by Commissioner Laing. She explained that the purpose of the district is to provide transition between the more intense downtown uses and the residential uses in the areas that border the downtown. The only place where recreational marijuana would be allowed would be on the south end of the district. As a design district, development in it requires a higher level of review focused on design, but not on uses.

Commissioner Laing said he had two reasons for proposing the elimination of the perimeter districts. First, the districts provide a transition function between the higher intensity downtown and the lower intensity single family neighborhoods surrounding the downtown. Second, during the Downtown Livability Initiative CAC meetings, the Committee heard from the Bellevue School District and community citizens that in time it is likely there will be a school located in the downtown.

Commissioner Hamlin pointed out that there is potential for residential and school uses in all areas, including Bel-Red, so the same argument could be applied. He said he did not buy the argument in the first place.

Commissioner Carlson asked if the Bellevue Downtown Association or the Chamber of Commerce has weighed in on the issue. Ms. Drews allowed that in three public hearings before the Council on the marijuana regulations and uses neither organization has offered any comment.

Commissioner deVadoss said the Council has been very clear about what it wants the Commission to do. The Commission can move the pieces around all it wants, but the Council has already made a decision. He agreed the argument for disallowing recreational marijuana uses in the perimeter districts could be made of other land use districts.

Commissioner Carlson noted that recreational marijuana retailers will be the only businesses selling a product that is illegal under federal law. Ms. Drews agreed that new territory is being charted. Councilmember Stokes said the Council considered that fact but concluded it was not a basis on which to made decisions.

Commissioner Hilhorst asked what would happen if the perimeter districts do allow recreational marijuana sale, a retailer chooses to locate there, and then a school gets built in the downtown within the required separation distance. Ms. Drews said the retailer would be grandfathered in.

A motion to exclude the Downtown Perimeter A design district from the table of downtown districts that allow recreational marijuana sales was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and the motion carried 4-3, with Commissioners Hamlin, Carlson and Walter voting no.

With regard to whether or not the Commission should recommend administrative condition use permits for recreational marijuana uses, Chair Tebelius noted the recommendation of staff was to not go in that direction.

Commissioner deVadoss commented that because recreational marijuana sales is a gray area and involved unchartered territories, and because the state has acknowledged that there may be special issues associated with the businesses, it makes sense to utilize the conditional use permit process. The conditional use permit exists to allow for placing conditions on uses to mitigate the impacts of the use. It may very well be that compliance with all state regulations will be sufficient to mitigate the impacts, but if a process is not put in place up front that looks at potentially adding mitigation above and beyond strict compliance with state law, the city will lose the opportunity. Churches, parks and a variety of other uses are required to obtain a conditional use permit.

Answering a question asked by Commissioner Hamlin, Ms. Drews said the city uses the conditional use permit process where impacts and compatibility issues are not fully known. Conditional use is the highest level of review the city does and is appealable to the Council. Between the rigorous state law, the interim city regulations, and what is known about how retail uses operate, the staff believes the conditional use approach is not warranted. Mr. Inghram added that the type of things typically addressed through the conditional use process include traffic, parking and landscaping. Churches are required to obtain a conditional use permit because they are often located in single family neighborhoods. Under the interim regulations,

recreational marijuana sales are allowed outright, although a building permit must be obtained for all tenant improvements. It is a change of use so it goes through land use review where conditions can be imposed. Mr. Inghram clarified that from a land use perspective recreational marijuana sales is just another retail operation, and other retail uses are not required to obtain a conditional use permit.

Commissioner Walter pointed out that there are some key difference between most retail uses and the recreational marijuana use. The recreational marijuana uses are cash only, require a much higher level of security, and are limited in total number, which may trigger increased traffic for each of the outlets.

Commissioner Hamlin asked if in fact the recreational marijuana uses will be cash only. From the audience, Mr. McAboy explained that his business has a banking account and will be able to accept debit and credit cards.

Mr. Inghram noted that banks house lots of cash and extra security but as a use they are not required to obtain a conditional use permit for that reason alone.

Commissioner Laing commented that there are things in the state regulations that are incompatible with the land use district requirements. Recreational marijuana uses will, for instance, be required to have a certain amount of transparency and window glazing that will not necessarily constitute pedestrian-oriented frontage. Ms. Drews allowed that anyone seeking to establish the use in the downtown will have to meet all the requirements of the Land Use Code in the same way all other retail uses there must. Commissioner Laing pointed out that one of the requirements of the city's code relative to the perimeter design districts is that retail uses cannot have tinted windows that prevent pedestrians from looking in. The Council has raised questions as well that could be addressed through the administrative conditional use process.

A motion to require recreational marijuana uses to obtain an administrative conditional use permit was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and the motion carried 6-1, with Commissioner Hamlin voting no.

Councilmember Stokes said the Council has consistently said the city has an obligation to allow for recreational marijuana sales while protecting the community. To that end it would be helpful to know what Boulder has done differently from Denver. He voiced concern over applying special rules to a private business entrepreneurs that are not applied to others. The extra hoops the entrepreneurs must jump through will create barriers for those who are only seeking to do what is legal to do.

Chair Tebelius questioned whether or not the Commission is ready to hold a public hearing on the topic. Mr. Inghram encouraged the Commission to hold the public hearing as scheduled. The city can update the interim ordinance with the proposed changes. The Commission is under no obligation to reach a final decision immediately following the public hearing, and if a follow-up study session is needed one could be scheduled.

There was agreement to conduct the public hearing on July 30.

BREAK

A motion to amend the agenda to move item 9, Other Business, election of chair and vice-chair,

to follow item 7A was made by Commissioner Hilhorst. The motion was seconded by Commissioner deVadoss and it carried unanimously.

9. OTHER BUSINESS

A. Election of Chair and Vice-Chair

Commissioner Carlson nominated Commissioner Laing to serve as chair.

There were no other nominations.

The nomination of Commissioner Laing to serve as chair carried unanimously.

Chair Tebelius handed the gavel to Commissioner Laing.

Commissioner Tebelius nominated Commissioner Hilhorst to serve as Vice-Chair.

There were no other nominations.

The nomination of Commissioner Hilhorst to serve as Vice-Chair carried unanimously.

7. STUDY SESSION (Continued)

B. Eastgate/I-90 Related Subarea Plan Amendments

Answering a question asked by Chair Tebelius, Senior Planner Erika Conkling explained that the Eastgate/I-90 CAC did not specify changes to the Eastgate subarea plan. The Eastgate subarea plan has not been changed for 20 years or so and there certainly are some things in it that no longer apply. In particular, the recommended approach toward land use in the subarea plan is inconsistent with the vision of the CAC. The staff memo outlines minimum number of changes necessary to effect the CAC's plan; none of the proposed changes are unnecessary.

Ms. Conkling asked the Commissioners to consider during the discussion whether or not the proposed changes capture the recommendations and implement the vision of the CAC. She noted that at the previous meeting the focus was on policies specific to the three subareas but pointed out that some policies cross subarea lines, including those relating to the Mountains To Sound Greenway. Policies are therefore included in both the Eastgate and Factoria subareas focused on developing the trail with pleasant, safe and non-motorized facilities that provide local and regional connections.

Chair Laing asked Commissioner Hamlin and Councilmember Stokes, both of whom served on the Eastgate/I-90 CAC, if anything in the memo was inconsistent with the recommendation of the CAC. Commissioner Hamlin said the only thing that stood out to him was the additional work related to the Factoria subarea. He allowed that while the proposal fits with the spirit of what the CAC intended, it goes beyond the CAC's actual recommendation. Councilmember Stokes agreed with Commissioner Hamlin and said nothing in the packet substantially changes the recommendation of the CAC.

Commissioner Tebelius called attention to Policy S-EG-LU1 and suggested the word "compact" is not necessary and should not be used, and proposed leaving out the reference to greater height

and intensity. The policy should call for focusing Eastgate growth into a mixed use center adjacent to the Eastgate transit center.

Councilmember Stokes said the CAC purposely discussed increasing heights in the area near the transit center. Developers and others addressed the CAC and supported the notion. Commissioner Hamlin added that the CAC held the view that the area is the right choice for greater height and intensity given its proximity to good transit and Bellevue College. He pointed out that the 15-member CAC, comprised of local community members, was in agreement with the final plan.

Commissioner Tebelius called attention to Policy S-EG-LU2 and said she did not support using the term "main street," and pointed out that the specific mixed use center mentioned is not identified. Ms. Conkling said the reference is to the mixed use center adjacent to the transit center. She agreed to include a modifier to make it clearer.

Commissioner Hamlin added that the CAC had not used the term "main street" but did talk about pedestrian access.

There was agreement to have the policy refer to a pedestrian-oriented street.

Commissioner Tebelius asked if Policy S-EG-1 also refers to the area near the transit center. Ms. Conkling said the policy is existing but is proposed to be modified. The policy speaks to the location of Eastgate as having good transportation access, but in the existing plan the reference is only to freeway access. The language revision is intended to link land use to more forms of transportation.

Chair Laing noted that he had previously suggested using throughout the document the phrase multimodal mobility instead of referring specifically to freeway access, transit service and non-motorized transportation alternatives, except where the reference is to a single form of transportation.

Councilmember Stokes suggested that somewhere in the document it should be spelled out clearly exactly what multimodal means.

Mr. Inghram allowed that generally using the word "multimodal" makes sense. However, the original intent of Policy S-EG-1 was to recognize the inherent advantage the subarea has by virtue having access to the I-90 freeway. He suggested making sure the policy language is less generic by specifically referencing freeway access, the park and ride, and the Mountains To Sound Greenway trail. The Commissioners concurred.

Commissioner Tebelius asked why Lake Sammamish was not listed in Policy S-EG-4. Ms. Conkling said the existing policy calls for protecting Phantom Lake and the intent of the proposed change is to make the language stronger and clearer.

Commissioner Hamlin said the Phantom Lake folks closely tracked the work of the CAC and provided a great deal of testimony. Lake Sammamish is outside the study area, though that does not mean it is unaffected. Commissioner Tebelius said there is runoff from the area into Lake Sammamish. Commissioner Hamlin said he did not recall that issue coming up but would not oppose adding a reference to Lake Sammamish and Lake Washington. There was agreement to include those lakes in the policy.

Answering a question asked by Commissioner Tebelius regarding Policy S-EG-ND-1, Ms. Conkling said the specific recommendation is to consider the transfer of development rights (TDRs). She said it was her understanding that the notion came from the Mountains To Sound Greenway Trust as a way of preserving resource lands outside of urban areas. Staff are currently undertaking an economic analysis on TDRs so "consider" and "if feasible" are used to couch the issue as broadly as possible. Commissioner Tebelius suggested eliminating the policy altogether. If the Council decides it wants to move ahead with TDRs, the specific policy language will not be necessary to make it happen.

Commissioner Hamlin said the CAC did discuss the TDR issue. He agreed, however, that the policy could be deleted. Councilmember Stokes confirmed that the Council is discussing the issue of TDRs separate from the Eastgate/I-90 recommendation.

There was agreement to remove the policy.

Commissioner Tebelius called attention to the staff comment regarding the proposed deletion of policies S-EG-5 and S-EG-6 and asked who determined that the segregation of uses supported by the policies had led to the current auto-oriented development that is no longer an attractive environment for employees. Ms. Conkling said the major change comes from the vision as a whole. Policy S-EG-5 calls for consolidating retail and commercial development into the Community Business and General Commercial boundaries, which is directly opposed to the CAC's vision for the subarea, which calls for commercial and retail uses mixed in with the office areas.

Mr. Inghram said the proposal is to create a new set of land use designations. The currently policy language would be inconsistent with putting commercial and retail uses in any new district that gets created.

With regard to Policy S-EG-10, Commissioner Tebelius allowed that while housing may be appropriate, the word "encourage" is not.

Councilmember Stokes pointed out that the discussion on that point was large at the CAC level. Commissioner Hamlin agreed and noted that the sentiment of the CAC was to encourage multifamily housing.

Chair Laing proposed striking "as a primary means of travel" from Policy S-EG-9.

Commissioner Tebelius asked what the idea is behind Policy S-EG-12. Ms. Conkling said if a project at the development review stage can make the case for having reduced parking by virtue of the fact that parking can be accommodated on-site or by leveraging transit, consideration should be given to reducing the parking requirements.

Chair Laing said his preference was to strike Policy S-EG-12 altogether given that it addresses a zoning level or design review level regulation. Project-related demand can always be accommodated on-site and in fact every developer is required to do just that. The policy is not appropriate at the subarea plan level.

Councilmember Stokes suggested using the far more general language of the second sentence of staff comment CoB14 for the policy instead. Chair Laing said that would make sense.

Chair Laing said Policy S-EG-14 is another policy in which use of the term "multimodal mobility" should be used in place of calling out a variety of transportation modes.

Answering a question asked by Commissioner Tebelius regarding Policy S-EG-T-1, Commissioner Hamlin said the CAC was very specific about the issue. Traffic in the area is horrendous and part of the answer is addressing the state-controlled entrances to the freeway. The policy language as proposed does a good job of capturing the view held by the CAC that reliving the congestion created by vehicles entering and existing I-90 is critical. The city cannot tell the state what to do so the word "collaborate" is used.

There was agreement not to change the language of the policy.

With regard to Policy S-EG-15, Commissioner Tebelius asked why the policy is needed at all. Commissioner Hamlin said the policy is aimed at getting people to think about alternatives to cars for getting around. There was agreement to retain the policy.

Turning to Policy S-EG-18, Commissioner Tebelius said she has never warmed to use of the term "sense of place." Commissioner Hamlin agreed that the policy as drafted is not clear. What the CAC wanted was policy language aimed at leveraging the Mountains To Sound Greenway. Councilmember Stokes added that the CAC was focused on wanting to see Eastgate turned into a true gateway into the city.

Mr. Inghram proposed simply deleting the “sense of place” phrase from the draft policy. There was agreement to go in that direction.

Answering a question asked by Commissioner Tebelius, Commissioner Hamlin said it was his understanding that Policy S-EG-CD-1 is focused on the transit-oriented development area of the subarea. Ms. Conkling said in fact the policy is not limited just to that area, though it could be. The idea is that design review should be used for every new building that goes in. The type of in-fill development likely to happen in the corridor will involve the land currently used for surface parking; there likely will be much less surface parking along with some structured parking. Design review is very helpful in those situations.

Mr. Inghram said in order to support a code a requirement for design review, it will be necessary to include policy language in the Comprehensive Plan highlighting the need for design review.

Commissioner Hamlin said comment CoB23 captures what the CAC talked about relative to an incentive system. He said the issue of incentives came up several times.

Chair Laing said he continues to have a concern regarding for form-based codes and incentive systems in that they can be used as tools for mischief. Form-based codes are highly prescriptive. The Council should not tie its hands relative to how it chooses to implement the Comprehensive Plan. It is not necessary to specifically mention form-based codes or design review for the city to choose to adopt either, or even an incentive system. However, if the policy language is included in the Comprehensive Plan, it becomes the way the Council must act. There are a variety of tools cities can use to get to the same place. He recommended against including policy language specifically directing the city to apply design review. He suggested the policy should be redrafted to allow for or consider design review.

Mr. Inghram allowed that the policy language could be written in accord with the suggestion of Chair Laing. He noted that the run-on of items is intended to capture what the CAC talked about, which was that when design review is done, the design features spelled out in the draft policy should be looked for.

Councilmember Stokes said the Council will be looking for any redevelopment in Eastgate to involve more than just boxes. The policy is intended to serve as a heads-up for developers about what the city would like to see.

A motion to extend the meeting by 15 minutes was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin and it carried unanimously.

Commissioner Tebelius observed that Policy S-EG-22 is very specific as drafted. Ms. Conkling said the language of the policy comes from the section of the vision that talks about design and fitting into the city's larger idea of a city in a park. Specifically, the Mountains To Sound Greenway is more than just a trail, it is a theme around which to organize. The specific examples spelled out in the policy are examples of ideas that come from the greenway. The existing policy simply encourages the preservation of sufficient natural vegetation to assure amenable views.

Commissioner Hamlin agreed that the policy could be written to be less prescriptive.

Councilmember Stokes suggested, and the Commissioners agreed, that the policy should be rewritten using the more descriptive language used in comment CoB26.

Chair Laing proposed striking "by applying design guidelines" from Policy S-EG-26 to avoid being prescriptive. There was agreement to do that.

Commissioner Tebelius questioned the need to include support for public art in Policy S-EG-28. Ms. Conkling said the list of items in the policy, including public art, includes things that could be included as part of the incentive system. Mr. Inghram added that the policy focus is on art that is part of a development. Art is an element that helps to create a sense of place.

Commissioner Tebelius said she did not understand use of the term "place-making" as used in Policy S-EG-CD-2. Staff agreed to take another look at the language in an effort to simplify it.

Commissioner Tebelius said she also did not understand the intent of Policy S-EG-CD-3. Ms. Conkling said the policy essentially encourages auto dealers to embrace the greening of the corridor. Absent a development permit requiring a land use review, any measures auto dealers take to follow the policy will be discretionary.

Chair Laing questioned the need to include the policy at all.

Commissioner Hamlin said the policy involves a bit of a stretch. What the CAC wanted to do was support the auto dealers that are in Eastgate.

Councilmember Stokes added that there are those in the community who do not want the existing auto dealers to expand. The request by an auto dealer to be allowed to locate on 148th Avenue SE encountered a lot of pushback and the preferred approach was to avoid having rows of autos facing the street by having the dealer utilize a garage.

Chair Laing said at the Planning Commission level the use table was amended requiring auto dealers to go through design review.

Ms. Conkling allowed that auto dealers will be subject to the umbrella policy calling for a general greening of the corridor, obviating the need for Policy S-EG-CD-3.

With regard to Policy S-EG-CI-1, Chair Laing proposed replacing "development partnerships" with "coordinate." He also suggested replacing "regional transit agencies" with "regional agencies" to increase the scope of the policy.

Answering a question asked by Commissioner Tebelius regarding Policy S-EG-35, Mr. Inghram explained that there are three single family zoning classifications, Single Family-Low, Single Family-Medium and Single Family-High. The Single Family-High referenced in the policy would be R-4 or R-5. He noted that the policy already exists and there is no call to change it, even though using policy language to indicate what color to paint the land use map is not the normal approach. Ms. Conkling added that the site in question is in fact outside of the Eastgate/I-90 study area.

Commissioner Tebelius referred back to Policy S-EG-P-1 and voiced concern about including issues relating to health. She suggested the city should not be in the business of telling its citizens they need to be healthy.

Commissioner Hamlin suggested the policy could leave off everything after the word "subarea." The Commissioners concurred.

Answering a question asked by Commissioner Tebelius, Ms. Conkling noted that Policy S-EG-D2-4 is also in the Factoria subarea. The policy is intended to support the potential for an incentive system. She said staff took direction from the Commission's previous study to redraft the policy to be less specific and to use the word "consider" in place of "develop."

Councilmember Stokes said the language of comment CoB49 could work very well as the policy.

Commissioner Hilhorst asked if Policy S-EG-D2-2 is really needed given that the same sentiment is expressed in other policies. Ms. Conkling agreed the policy language is very similar to other policy language.

Councilmember Stokes said the intent of the CAC was to indicate its desire to see a mixed use area between Bellevue College and I-90.

Chair Laing pointed out that the city will not in fact be the developer so the word "encourage" should be used in place of "develop."

Chair Laing said his preference for Policy S-EG-D2-3 would be to have it read "Retain neighborhood-serving commercial uses through flexible zoning." Councilmember Stokes agreed the draft policy is somewhat prescriptive and limiting.

8. COMMITTEE REPORTS - None

10. PUBLIC COMMENT - None

11. DRAFT MINUTES REVIEW

A. May 14, 2014

B. May 28, 2014

Action to approve the minutes was not taken.

12. NEXT PLANNING COMMISSION MEETING

A. July 9, 2014

13. ADOURN

A motion to adjourn was made by Commissioner Hilhorst. The motion was seconded by Commissioner Hamlin and it carried unanimously.

Chair Laing adjourned the meeting at 10:20 p.m.