



HOUSING  
DEVELOPMENT  
*consortium*



November 1, 2024  
Bellevue Planning Commission  
450 110th Ave NE  
Bellevue, WA 98004

**Subject: Strategic Recommendations for Affordable Housing Policy in Wilburton**

Dear Bellevue Planning Commission:

The Eastside Affordable Housing Coalition ("EAHC") and Housing Development Consortium ("HDC") extend our appreciation to the City of Bellevue for its commitment to updating the Wilburton code in a way that supports the City's housing need and stated goals for affordable housing at scale in a vibrant, transit-oriented neighborhood. **We support a well-calibrated affordable housing requirement as the best tool to achieve predictable affordable housing in Wilburton alongside robust overall development and growth.** We also recommend including phased program implementation and a balanced fee-in-lieu option.

Below is a summary of our key recommendations for moving forward with an effective and equitable affordable housing policy in Wilburton. We are sharing our position proactively and invite each commissioner to meet with us individually to discuss your questions. These comments are based on our review of the updated Wilburton draft code from [October 30, 2024](#).

## 1. Affordable Housing Requirement

**Recommendation:** Implement a base affordable housing requirement rather than relying solely on incentives. The affordable housing requirement approach ("Option A") prepared by City Staff is well-calibrated. *When implemented alongside other development cost-saving measures*, Bellevue can predictably realize affordable housing alongside robust private development in Wilburton. The economic analysis prepared by the City and an analysis prepared by the Eastside Affordable Housing Coalition support this conclusion.

**Rationale:** An affordable housing requirement establishes Bellevue as a regional leader in affordable housing and inclusive growth. **An affordable housing requirement will always produce more affordable housing than an incentive program using the same percentages and income targeting.** An incentive-only option does not apply to units built within the base FAR, only those units built above the base. A requirement treats affordable housing as a fundamental community need vs. an "amenity" that is selected by a landowner based on comparable costs. By requiring affordable housing, Bellevue's program will have a straightforward emphasis on affordable housing with *more predictable* outcomes for developers, landowners, investors, and lenders. A requirement will also avoid policy vulnerabilities in the future that can de-emphasize affordable housing. When amenity

Housing Development Consortium  
of Seattle-King County

1326 5th Avenue, Suite 230, Seattle, WA 98101  
206.682.9541 | [www.housingconsortium.org](http://www.housingconsortium.org)

systems inevitably need updating, it is possible to change amenity prioritization, modify weighting, or add competing amenity options. It's imperative for Bellevue to get this program right now. Legally, an affordable housing requirement can always be scaled down, but it can never be scaled up if the city is dissatisfied with a lack of affordable housing production.

We do not support an incentive-only approach to affordable housing in Wilburton. However, if an incentive-only model is selected, we agree with an approach that places a strong focus on affordable housing as the top priority and sets base FAR to no higher than 0.5 in all zones (or as low as possible without downzoning parcels). These measures will help prioritize affordable housing above the other amenity classes while strengthening the incentive itself.

## 2. Strategic Approach to AMI Levels and Set-Asides

**Recommendation:** Maintain the proposed 10% set aside at 80% AMI for rental units, with alternative options for lower incomes and adjusted set aside percentages. For ownership units, maintain the set-aside percentage of 15% at 100% AMI and 10% at 80% AMI.

**Rationale:** These calibrations reflect a balanced compromise position based on the City's own economic analysis and analysis from the Eastside Affordable Housing Coalition. This ensures that Wilburton's housing market remains both diverse and inclusive. To contextualize this compromise position, a detailed analysis provided by ARCH shows the upzone in Wilburton provides enough additional value to support a requirement of 10% set aside at 60% AMI for rental or 20% set aside at 80% AMI. Our recommended calibrations are *light touch* and can work alongside robust market-based development.

## 3. Fee-in-Lieu Option

**Recommendation:** Allow developers to pay a fee-in-lieu as an alternative to building units onsite. The calculation should encourage a balance of performance and payment based on a nexus study. Set a predictable fee-in-lieu schedule for both residential and commercial development by zone. A commercial fee-in-lieu option is necessary to balance residential and commercial demand.

**Rationale:** A fee-in-lieu option provides developers flexibility when there are barriers to creating affordable housing onsite. An affordable housing requirement—which leverages value added to development capacity through an upzone—is only feasible at moderate income levels and cannot effectively support units at low or very low-income levels. So, Fee-in-lieu also generates funding for lower-income affordable housing and ownership units, thus allowing the program to address a wider band of the housing crisis. As an example, the Seattle Office of Housing awarded \$77.5 million from fee-in-lieu payments in 2022 that provided gap funding for 902 low-income affordable rental units and 30 for-sale homes for moderate-income first-time homebuyers.

#### 4. Base Floor Area Ratio (“FAR”)

**Recommendation:** We do not recommend an incentive only approach as proposed in Option B. However, if an incentive-only model is selected, the base FAR should be set very low, around 0.5 FAR or as low as otherwise possible without downzoning parcels.

**Rationale:** In Option B, low base FAR will greatly strengthen the incentive and provide more potential for affordable housing as well as other community benefits.

#### 5. Leverage Existing Programs and Cost Reductions

**Recommendation:** Include additional code-based allowances to lower overall development costs. Specifically, we recommend that the affordable housing requirement be allowed to stack with MFTE. We also recommend further reducing open space requirements from 10% to 7% and consider viable exceptions for small sites.

**Rationale:** With an affordable housing requirement, removing barriers to all development types becomes a viable affordable housing strategy. Reduced development costs offset reduced revenue from affordable housing units, making compliance more feasible for developers while still meeting the city's housing needs.

#### 6. Phased Implementation

**Recommendation:** Include phased implementation. Limit the phase-in period for the pioneer provision to the first 100 affordable units with vested applications.

**Rationale:** We support a pioneer provision that reduces initial affordable housing requirements to encourage initial development activity in the neighborhood. This allows a transition period without forgoing greater future benefits to the public. Even if we assumed the full development of additional residential capacity in Wilburton at 14,800 units— which is highly unlikely— a 10% affordable housing requirement for the currently proposed 200 pioneer units would represent 2,000 total housing units across all income levels (13.5% of additional capacity). We believe that Bellevue should see full public benefit sooner.

#### Conclusion

We urge the City of Bellevue to consider these recommendations in the broader context of addressing the affordable housing crisis while creating a vibrant, transit-oriented Wilburton neighborhood. A well-calibrated affordable housing policy now can best ensure that the city meets its long-term housing goals, securing public benefits and fostering community resiliency. The well-calibrated proposal from staff is also economically feasible— and if passed along with a balanced

fee-in-lieu alternative, pioneer provision, and development cost-saving measures— will be supported alongside robust market-rate development.

We remain committed to supporting the City of Bellevue in crafting an effective affordable housing policy in collaboration with other stakeholders. Thank you for your continued engagement on this critical issue.

Sincerely,

Eastside Affordable Housing Coalition & HDC

**Patience Malaba**, Executive Director, Housing Development Consortium

**Hal Ferris**, co-chair, Eastside Affordable Housing Coalition

**Chris Buchanan**, co-chair, Eastside Affordable Housing Coalition



## Nesse, Katherine

---

**From:** Brady Nordstrom <brady@housingconsortium.org>  
**Sent:** Friday, November 1, 2024 11:43 AM  
**To:** PlanningCommission  
**Cc:** Whipple, Nicholas; Steiner, Josh; Saghar Amini; Patience Malaba; Chris Buchanan; hal.ferris@outlook.com; Yichuan Zhao; Dan Landes  
**Subject:** EAHC and HDC Comment on Wilburton Draft Code (11-1-2024)  
**Attachments:** EAHC\_WilburtonLUCA\_AHrequirement\_PlanningCommission\_11-1-2024.pdf

You don't often get email from brady@housingconsortium.org. [Learn why this is important](#)

**[EXTERNAL EMAIL Notice!]** Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Dear Bellevue Planning Commission:

The Eastside Affordable Housing Coalition (“EAHC”) and Housing Development Consortium (“HDC”) extend our appreciation to the City of Bellevue for its commitment to updating the Wilburton code in a way that supports the City’s housing need and stated goals for affordable housing at scale in a vibrant, transit-oriented neighborhood.

In advance of your consideration of the Wilburton LUCA, we wanted to proactively share our strategic compromise position and invite each commissioner to meet with us individually to discuss your questions. **We support a well-calibrated affordable housing requirement as the best tool to achieve predictable affordable housing in Wilburton alongside robust overall development and growth.**

Thank you for the consideration and we look forward to continued engagement with you and City staff.

Best Regards,  
Eastside Affordable Housing Coalition & HDC

--

**Brady Nordstrom** (*he/him*)  
Associate Director of Government Relations and Policy  
[Housing Development Consortium of Seattle-King County](#)  
1326 5<sup>th</sup> Avenue, Suite 230 | Seattle, WA 98101  
C: (253) 886-2099

## Nesse, Katherine

---

**From:** Craig Spiezle <craigsp@agelight.com>  
**Sent:** Monday, November 4, 2024 4:27 PM  
**To:** Bevan, Angus; Tarce, Amy  
**Cc:** King, Emil A.; Tyler, Laurie; PlanningCommission; Malakoutian, Mo  
**Subject:** RE:/ RE: Pinnacle South - Party of Record / 24-122583-LD / 21-104954-LP  
**Attachments:** NWBellevuePlanLochleven7-14.pdf; PinnacleNorthSouth-July2021.pdf

**[EXTERNAL EMAIL Notice!]** Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Thank you for taking my call today. I appreciate you taking the time to help provide clarify on the process. Speaking on behalf of over 100 neighbors, there was a great deal of confusion on the new plans and how the notice was not communicated to the parties of record for the Pinnacle Development. I think this is a teachable moment including the need to post the plans and not require a public records request. With 8 buildings and over 2,200 residential units planned adjacent to single family homes, this is perhaps the largest residential development project in the history of the City, there is a significant need for the public and city to understand the scope and impact. Transparency and discoverability to the permit and supporting documents are important for community engagement. I encourage links to these be provided on a city web page for the public to review.

We look forward to a review with staff and the planning commission on how their plan fits within the NW Bellevue Comp plan and the Northwest Village downtown district, specifically as it pertains to edges and transitions. I have copied the planning commission and Council liaison to raise visibility of this project.

I look forward to the public meeting on November 14<sup>th</sup> and plan to submit key concerns in advance. For reference the concerns the Lochleven and Vuecrest communities submitted in 2021 on this parcel apply today, and are submitted as a partial list of concerns. (see attached).

Craig Spiezle

---

**From:** Bevan, Angus <ABevan@bellevuewa.gov>  
**Sent:** Monday, November 4, 2024 11:39 AM  
**To:** Craig Spiezle <craigsp@agelight.com>; Tarce, Amy <ATarce@bellevuewa.gov>  
**Cc:** King, Emil A. <EAKing@bellevuewa.gov>; Tyler, Laurie <LTyler@bellevuewa.gov>  
**Subject:** RE: Meeting Request / RE: Pinnacle South - Party of Record / 24-122583-LD / 21-104954-LP

Good morning Craig,

Thanks for your email.

As a preface, the City has only recently received the Design Review application for Pinnacle South (24-122583-LD). The City has not yet undertaken a full review of the application outside of an initial

application completeness check. The notice of application is the beginning of a much larger body of review work that is to commence soon.

With respect to the Master Development Plan (21-104954-LP), no decision has been made at this stage. Now that we are in receipt of both master development plan and design review applications, we will process these in tandem.

The comment period displayed on the signs is a minimum comment period. These major applications will likely be in review for several more months prior to a determination being issued. There remains a substantial body of review work to be done by the City to ensure the application is consistent with City Code. This process may result in changes to the application as it is proposed today. You are entitled to make comments and submissions to the City after the minimum comment period has concluded and before the City makes a decision.

If you would like to get a full copy of the application, you can make a request through the City's records department at [DSRecords@bellevuewa.gov](mailto:DSRecords@bellevuewa.gov).

As a side note, Emil King is the director of Community Development. If you would like to direct the application to the attention of the land use director, you can CC in Toni Pratt [TPratt@bellevuewa.gov](mailto:TPratt@bellevuewa.gov).

Trust this helps. Feel free to call if needs be.

Kind regards,



**Angus Bevan**  
Senior Planner  
Development Services Department  
425-229-6607  
[abevan@bellevuewa.gov](mailto:abevan@bellevuewa.gov)

*Visit our [Virtual Permit Center](#) to schedule a one-on-one virtual appointment with review staff for general permitting questions.*

---

**From:** Craig Spiezle <[craigsp@agelight.com](mailto:craigsp@agelight.com)>  
**Sent:** Sunday, November 3, 2024 1:23 PM  
**To:** Bevan, Angus <[ABevan@bellevuewa.gov](mailto:ABevan@bellevuewa.gov)>; Tarce, Amy <[ATarce@bellevuewa.gov](mailto:ATarce@bellevuewa.gov)>  
**Cc:** King, Emil A. <[EAKing@bellevuewa.gov](mailto:EAKing@bellevuewa.gov)>  
**Subject:** Meeting Request / RE: Pinnacle South - Party of Record / 24-122583-LD / 21-104954-LP

**[EXTERNAL EMAIL Notice!]** Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

For reference I have attached documents pertaining to past concerns on this project, including my request to be a party of record, which has not been honored. The current plan is a major shift of what was presented by staff and the developer including but not limited to building Pinnacle North first, retaining the QFC and Bartel until the new spaces were completed. Further the increase from 10 stores to 14 stories is significant. While I see today the city placed new signs noting this changed on or around Sept 15<sup>th</sup>, this change was not obvious or called out from the signs that were places in 2021.

I would like to arrange a meeting to better understand how this scope has changed so dramatically, and why there has not been any earnest community engagement. From the materials that are available it appears the plan is in conflict with both the NW Bellevue Comp plan goals and the Northwest Village downtown district, specifically as it pertains to edges and transitions.

As Pinnacle is one of the largest single developments of residential units ever in the City of Bellevue, I believe the community, Planning Commission and Council needs need a full understand if the impact and adjacencies before proceeding.

I look forward to meeting and learning more.

Craig Spiezele  
On Behalf of the Lochleven Community

---

**From:** Craig Spiezele  
**Sent:** Saturday, November 2, 2024 3:28 PM  
**To:** [abevan@bellevuewa.gov](mailto:abevan@bellevuewa.gov); [atarce@bellevuewa.gov](mailto:atarce@bellevuewa.gov)  
**Cc:** King, Emil A. <[EAKing@bellevuewa.gov](mailto:EAKing@bellevuewa.gov)>  
**Subject:** Pinnacle South - Party of Record / 24-122583-LD / 21-104954-LP

Angus & Amy,

I just received a notice of the public meeting, but have not been provided the design review master plan application or any other information review. Can you provide this? The notice mailed out and received today November 2, only provides the link for the meeting and no information for the public to review or make comments on. Can you provide this so I may share with the adjacent neighborhoods? The absence to this information impedes the general public from submitting comments in the review period ending on November 14<sup>th</sup>. As a result, I hereby requesting the City extend the review period so the community may revied and provide public comment.

Respectfully,

Craig Spiezele  
On Behelf of Locheven Neighbors  
425-985-1421

July 14, 2021

via email [planningcommission@bellevuewa.gov](mailto:planningcommission@bellevuewa.gov)

City of Planning Commission  
City of Bellevue  
450 110th Ave NE  
Bellevue, WA 98004

Re: Northwest Bellevue Neighborhood Plan

Dear City of Bellevue Planning Commission

On behalf of concerned residents of Northwest Bellevue and the Lochleven neighborhoods, I would like to thank Elizabeth de Regt and Brooke Brod for their outreach in developing the amendments to the Northwest Bellevue Neighborhood Area Plan. Their efforts represent openness and inclusiveness and the resulting draft plan supports our shared goals of building a sustainable and vibrant community creating a sense of place and sense of community.

It is important to recognize Northwest Bellevue is not a single homogenous neighborhood and has several distinct neighborhoods with their own respective issues and priorities. As such, we are requesting page six of the draft plan to include mention of Lochleven as a unique sub-neighborhood with its rich history and character and adjacently to the downtown core and Bellevue Square.

As a follow up to last week's study session, we would like to reinforce the concern raised by a Commission member questioning how these plans complement and/or conflict with adjacent neighborhood plans. Heightening this issue is the Compressive Plan for the Bellevue Village District and the implications introduced by the Pinnacle North and Pinnacle South developments. The sheer size of this development will both metaphorically and physically overshadow the adjacent neighborhoods, negating many of the Northwest Bellevue Neighborhood plan's objectives including creating a sense of place and sense of community, promoting access and a sustainable environment.

Pinnacle's preliminary plans appear to be silent and /or potentially conflict with the City's comprehensive plan for the Bellevue Village District, and may significantly impact the draft Northwest Bellevue Neighborhood Plan being presented today.

We are requesting the Commission study Pinnacle's plans to insure they both comply with the previously approved Bellevue Village District plan and do not negatively impact the draft Northwest Bellevue Neighborhood Plan including but not limited to the following Bellevue Village District policies;

- S-DT-58 -Create intimacy for the pedestrian through the development of "alleys with addresses." These are small-scale pedestrian frontages accessed off of through-block connections.
- S-DT-59. Continue to provide neighborhood-oriented retail and service uses for the Northwest Village District as well as for the surrounding neighborhoods both within and outside Downtown.

- S-DT-63. Develop a neighborhood park in the Northwest Village District.
- S-DT-120. Provide an equitable distribution of Perimeter Areas along the north, west, and south boundaries of Downtown, based on their potential for protecting surrounding residential neighborhoods.
- S-DT-121. Provide incentives for multifamily residential uses and neighborhood-serving retail and service uses within Perimeter Areas to participate in traffic mitigation measures to reduce impacts on surrounding residential neighborhoods.
- S-DT-123. Establish development standards and design guidelines for Perimeter Areas that will break down the scale of new development and add activities and physical features that will be compatible both with the Downtown Subarea and surrounding residential areas.
- S-DT-124. Utilize sidewalk, landscaping, and green space treatments within Perimeter Areas to provide a transition from Downtown to surrounding residential neighborhoods

In summary, we encourage the Commission to look at the neighborhood plans in totality and reevaluate plans which may negatively impact adjacent neighborhoods for future generations.

Respectively,

Craig Spieze

on behalf of Concerned Citizens of the Northwest Bellevue

Elizabeth de Regt, COB Senior Planner, Neighborhood Programs, [ederegt@bellevuewa.gov](mailto:ederegt@bellevuewa.gov)

Brooke Brod, COB, Community Engagement Lead, [bbrod@bellevuewa.gov](mailto:bbrod@bellevuewa.gov)

July 6, 2021

via email [tyler@bellevuewa.gov](mailto:tyler@bellevuewa.gov) [corr@bellevuewa.gov](mailto:corr@bellevuewa.gov)

Ms Laurie Tyler  
Ms Carol Orr  
City of Bellevue  
Land Use & Planning Department  
450 110th Ave NE  
Bellevue, WA 98004

Re: Pinnacle Bellevue North / Permit #: 21-103192-LP / Permit #: 21-103195-LD  
Pinnacle Bellevue South / Permit #: 21-104954-LP

Dear Ms Tyler and Ms Orr,

On behalf of concerned residents of Northwest Bellevue, the signatories of this letter (attachment A), are requesting to be classified as “parties of record” for the permits listed above and have submitted the following comments.<sup>1</sup> These questions are raised in an effort to ensure Pinnacle’s plans align with the City of Bellevue’s (COB), policies and are in the best long-term interests of the City and its tax paying residents. Towards this goal we are requesting a comprehensive review for compliance and alignment to the 2021 Comprehensive Plan Amendments to the Northwest Bellevue Neighborhood Area Plan<sup>2,3</sup>, the COB Comprehensive Plan, Countywide Planning Policies (CPP), the Growth Management Act (GMA), Affordable Housing Strategy, City Tree Canopy plan and State Environmental Policy Act (SEPA).

In reviewing these concerns, it is important the COB appreciates the unique nature of this development and the direct impact on adjacent residential neighborhoods. This combined project is unlike any other development in the planning or construction stage in the City in both scope and direct neighborhood impact. Based on an analysis of building permits, the combined Pinnacle development (West, North and South), accounts for over 37% of the new residential units planned city wide.<sup>4</sup>

1. Traffic Impact Study - During the June public meeting the developer stated they did not have an estimate of the number of occupants (employees and residents) nor the combined traffic patterns from the grocery and drug stores, ride share services, school bus routes and deliveries. Pinnacle’s three projects reflect 37% of the planned residential units and 17% of the additional parking spaces in the downtown core. There is a substantial risk the increased vehicle traffic from this development

---

<sup>1</sup> Signatories’ street addresses will be provided on request. Email addresses are requested to be removed from any public records requests to help protect the privacy of signatories and reduce the risk email address harvesting.

<sup>2</sup> Final review pending July 14<sup>th</sup> <https://www.engagingbellevue.com/northwest-bellevue>

<sup>3</sup> NW Bellevue Draft Plan <https://bellevue.legistar.com/View.ashx?M=F&ID=9457205&GUID=AB54D8E3-E7C0-411F-8A8F-1A72A7970C63>

<sup>4</sup> Source: City of Bellevue permits as of Q1 2021 permits under consideration, in review and/or issued.

[https://bellevuewa.gov/sites/default/files/media/pdf\\_document/2020/Major%20Projects%20Downtown.pdf](https://bellevuewa.gov/sites/default/files/media/pdf_document/2020/Major%20Projects%20Downtown.pdf)



could push the COB to an “inflection point” creating sustained and frequent gridlock scenarios. As part of the traffic impact study, we are requesting a review of the risk of traffic spill over into residential neighborhoods as well as the potential benefits of opening NE 12<sup>th</sup> street to 100<sup>th</sup>. Reflecting the change in commuting patterns we are requesting the afternoon traffic studies, concurrency and operational analysis to expand the defined afternoon peak hour one hour longer to 7 pm. We would like to understand the impact to response times for fire and police, the impact to the bus holding zone on NE 10<sup>th</sup>, and an evaluation on the impact to the Mobility Implementation Plan (MIO) including the multimodal approach to addressing growth and concurrency as required by the GMA.<sup>5</sup>

2. Expanded sidewalks to accommodate walkers and cyclists - What are the plans for the sidewalks and landscaping buffers on the perimeter of the property? How will the plan support the multimodal model of the MIO? For reference the current combined curb, sidewalk and planting beds on NE 8<sup>th</sup> is now over 21 feet wide. It is suggested new sidewalks be designed consistent to the recent sidewalk improvements adjacent to McCormick Park on NE 12<sup>th</sup> street. Will the streets include striping for bike lanes on NE 10<sup>th</sup> and 102<sup>nd</sup> as specified in the MIO?
3. Environmental Impact / LEED Certification - We recommend the developers qualify for LEED certification, including demolition and construction addressing water reclamation and adoption of solar energy. Please describe what efforts Pinnacle will take to minimize the environmental, carbon and energy footprint?
4. City of Bellevue Tree Canopy - The COB has a goal to achieve a 40% tree canopy by 2050, yet the central business district is currently at 10%<sup>6</sup>. Not unlike the roof gardens of Alley 111, the Avalon Tower and other properties, we believe the plan should include roof top plantings and green roofs. Please provide an overview of the landscaping and efforts to both increase the canopy and reduce the carbon footprint. It is suggested at a minimum all of the lower residential buildings should have visible plantings and living roofs and the overall tree canopy for the development should be at least 40%.
5. Residential Parking Zones (RPZ) - While it has been confirmed RPZ permits are not available to occupants of Pinnacle or any residents east of 100th, what efforts are planned to increase proactive parking enforcement outside of the downtown core? Can the COB expand Diamond parking enforcement to include 99<sup>th</sup> Ave NE and surrounding streets? How can NW Bellevue residents be assured the COB will not expand RPZ 9 eligibility to include residents east of 100<sup>th</sup>?
6. Building Materiality - Reflectivity - The exterior glazing on Lincoln Square significantly reflects end of day sun and heat on the properties to the West. We are requesting the COB review the building materiality plans with an emphasis to limit and mitigate reflective glazing and exterior surfaces. The NW has recently experienced the hottest weather ever, and the COB should expect any reflective heat will only get worse, increasing the cooling requirements (and cost) to the adjacent neighborhoods. Not unlike requiring “shadow” studies, a reflective light study should be mandatory for all future COB development plans.

---

<sup>5</sup> COB Mobility Implementation Plan <https://BellevueWA.gov/mobility-plan>

<sup>6</sup> City of Bellevue Tree Assessment <https://bellevuewa.gov/city-government/departments/community-development/environmental-stewardship/trees-open-space>

7. Low Income Housing - Affordable housing has been highlighted in the neighborhood planning process. Does Pinnacle support Bellevue's Affordable Housing Strategy including affordable units and/or a fee in lieu of providing affordable housing?<sup>7</sup>
8. Building Heights- West side - What is the actual height of these as proposed? As submitted the number of floors varies from 10 to 11 stories. Considering the overall footprint from the number of buildings, has the COB considered limiting the low-rise buildings on the west side to 8 or 9 stories with roof top gardens versus the 10 and 11 stores as proposed to reduce the neighborhood and traffic impact?

Thank you for the opportunity to provide comments and participate in the planning review process. Collectively we look forward to building a sustainable and vibrant community, prioritizing the needs and rights of home owners, while promoting responsible development and stewardship for future generations. Feel free to contact me for additional input through the planning process.

Respectively,

Craig Spiegle

on behalf of Concerned Citizens of the NW Bellevue Neighborhood

Cc:

Elizabeth de Regt, COB Senior Planner, Neighborhood Programs, [ederegt@bellevuewa.gov](mailto:ederegt@bellevuewa.gov)

Rebecca Rodni, COB Neighborhood Traffic Safety Services [RRodni@bellevuewa.gov](mailto:RRodni@bellevuewa.gov)

Brooke Brod, COB, Community Engagement Lead, [bbrod@bellevuewa.gov](mailto:bbrod@bellevuewa.gov)

Kevin McDonald, COB Mobility Project Manager, [kmcdonald@bellevuewa.gov](mailto:kmcdonald@bellevuewa.gov) 425-452-4558

Orooba Mohammed, COB Transportation Impact [OMohammed@bellevuewa.gov](mailto:OMohammed@bellevuewa.gov) 425-452-4638

---

<sup>7</sup> City of Bellevue Affordable Housing <https://bellevuewa.gov/city-government/departments/community-development/housing>

**Attachment A - Residents of NW Bellevue - Parties of Record**

Pinnacle Bellevue North / Permit #: 21-103192-LP & #: 21-103195-LD

Pinnacle Bellevue South / Permit #: 21-104954-LP

*Due to privacy concerns the signatory's email addresses are not to be shared in any public records request*

Yining Chen  
Jian Chen  
Dong Chen  
Pei Chen  
Gang Cheng  
Yanji Cong  
Robert Cremin  
Jane Cui  
Geng Cui  
Jack Dai  
Lian Dai  
Don Dickson  
Liz Dickson  
Wei Duan  
Mike Eggenberger  
Lijiang Fang  
Min Fei  
Gary Flake  
Jennifer Flake  
Ann Fredericks  
David Fredericks  
Liping Gao  
Bonnie Grant  
Mike Hatmaker  
Hua Hong  
Yuchen Hu  
Ying Hu  
Wenjie Hu  
Bai Jianbin  
Eric Jing  
Cathie Jing:  
Don Kirshner  
Jean Kirshner  
Tian Li  
Hao Li

Tao Liu  
Xue Liu  
Yang Lu i  
Wenbin Meng  
Ruby Okada  
Paresh Rajwat  
Lauren Rajwat  
Tiffany Shao  
Cathy Sillers  
Coby Sillers  
Mike Song  
JL Song  
Helen Elizabeth (Liz) Spiezle  
Craig Spiezle  
Kexin Sun  
Yidian Sun  
Kevin Tolkin  
Laurie Tolkin  
Lan Wang  
Lei Wang  
Wei Wang  
Wei Wu  
Zhu Xiaolun  
Zhifang Yao  
Jin Yan  
Phil Yen  
Pei Yen  
Tiong-Keat Yeoh (TK)  
Weiwei Ying:  
Frank Yu  
Xiaojie Zhang  
Yong Zhang  
Jessie Zhao  
Saijing Zheng

## Nesse, Katherine

---

**From:** Craig Spiezle <craigsp@agelight.com>  
**Sent:** Monday, November 4, 2024 10:39 PM  
**To:** Bevan, Angus; Tarce, Amy  
**Cc:** King, Emil A.; Tyler, Laurie; PlanningCommission; Malakoutian, Mo  
**Subject:** Re: / RE: Pinnacle South - Party of Record / 24-122583-LD / 21-104954-LP

**[EXTERNAL EMAIL Notice!]** Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

One open question. Can you clarify that Pinnacle North is on hold?

Craig Spiezle  
<https://www.agelight.com>  
425-985-1421

---

**From:** Craig Spiezle  
**Sent:** Monday, November 4, 2024 4:26:53 PM  
**To:** Bevan, Angus <ABevan@bellevuewa.gov>; Tarce, Amy <ATarce@bellevuewa.gov>  
**Cc:** King, Emil A. <EAKing@bellevuewa.gov>; Tyler, Laurie <LTyler@bellevuewa.gov>;  
PlanningCommission@bellevuewa.gov <PlanningCommission@bellevuewa.gov>; MMalakoutian@bellevuewa.gov  
<MMalakoutian@bellevuewa.gov>  
**Subject:** RE:/ RE: Pinnacle South - Party of Record / 24-122583-LD / 21-104954-LP

Thank you for taking my call today. I appreciate you taking the time to help provide clarify on the process. Speaking on behalf of over 100 neighbors, there was a great deal of confusion on the new plans and how the notice was not communicated to the parties of record for the Pinnacle Development. I think this is a teachable moment including the need to post the plans and not require a public records request. With 8 buildings and over 2,200 residential units planned adjacent to single family homes, this is perhaps the largest residential development project in the history of the City, there is a significant need for the public and city to understand the scope and impact. Transparency and discoverability to the permit and supporting documents are important for community engagement. I encourage links to these be provided on a city web page for the public to review.

We look forward to a review with staff and the planning commission on how their plan fits within the NW Bellevue Comp plan and the Northwest Village downtown district, specifically as it pertains to edges and transitions. I have copied the planning commission and Council liaison to raise visibility of this project.

I look forward to the public meeting on November 14<sup>th</sup> and plan to submit key concerns in advance. For reference the concerns the Lochleven and Vuecrest communities submitted in 2021 on this parcel apply today, and are submitted as a partial list of concerns. (see attached).

Craig Spiezle

---

**From:** Bevan, Angus <ABevan@bellevuewa.gov>  
**Sent:** Monday, November 4, 2024 11:39 AM  
**To:** Craig Spiezle <craigsp@agelight.com>; Tarce, Amy <ATarce@bellevuewa.gov>  
**Cc:** King, Emil A. <EAKing@bellevuewa.gov>; Tyler, Laurie <LTyler@bellevuewa.gov>  
**Subject:** RE: Meeting Request / RE: Pinnacle South - Party of Record / 24-122583-LD / 21-104954-LP

Good morning Craig,

Thanks for your email.

As a preface, the City has only recently received the Design Review application for Pinnacle South (24-122583-LD). The City has not yet undertaken a full review of the application outside of an initial application completeness check. The notice of application is the beginning of a much larger body of review work that is to commence soon.

With respect to the Master Development Plan (21-104954-LP), no decision has been made at this stage. Now that we are in receipt of both master development plan and design review applications, we will process these in tandem.

The comment period displayed on the signs is a minimum comment period. These major applications will likely be in review for several more months prior to a determination being issued. There remains a substantial body of review work to be done by the City to ensure the application is consistent with City Code. This process may result in changes to the application as it is proposed today. You are entitled to make comments and submissions to the City after the minimum comment period has concluded and before the City makes a decision.

If you would like to get a full copy of the application, you can make a request through the City's records department at [DSRecords@bellevuewa.gov](mailto:DSRecords@bellevuewa.gov).

As a side note, Emil King is the director of Community Development. If you would like to direct the application to the attention of the land use director, you can CC in Toni Pratt [TPratt@bellevuewa.gov](mailto:TPratt@bellevuewa.gov).

Trust this helps. Feel free to call if needs be.

Kind regards,



**Angus Bevan**  
Senior Planner  
Development Services Department  
425-229-6607  
[abevan@bellevuewa.gov](mailto:abevan@bellevuewa.gov)

*Visit our [Virtual Permit Center](#) to schedule a one-on-one virtual appointment with review staff for general permitting questions.*

---

**From:** Craig Spiezle <[craigsp@agelight.com](mailto:craigsp@agelight.com)>  
**Sent:** Sunday, November 3, 2024 1:23 PM  
**To:** Bevan, Angus <[ABevan@bellevuewa.gov](mailto:ABevan@bellevuewa.gov)>; Tarce, Amy <[ATarce@bellevuewa.gov](mailto:ATarce@bellevuewa.gov)>  
**Cc:** King, Emil A. <[EAKing@bellevuewa.gov](mailto:EAKing@bellevuewa.gov)>  
**Subject:** Meeting Request / RE: Pinnacle South - Party of Record / 24-122583-LD / 21-104954-LP

**[EXTERNAL EMAIL Notice!]** Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

For reference I have attached documents pertaining to past concerns on this project, including my request to be a party of record, which has not been honored. The current plan is a major shift of what was presented by staff and the developer including but not limited to building Pinnacle North first, retaining the QFC and Bartel until the new spaces were completed. Further the increase from 10 stores to 14 stories is significant. While I see today the city placed new signs noting this changed on or around Sept 15<sup>th</sup>, this change was not obvious or called out from the signs that were places in 2021.

I would like to arrange a meeting to better understand how this scope has changed so dramatically, and why there has not been any earnest community engagement. From the materials that are available it appears the plan is in conflict with both the NW Bellevue Comp plan goals and the Northwest Village downtown district, specifically as it pertains to edges and transitions.

As Pinnacle is one of the largest single developments of residential units ever in the City of Bellevue, I believe the community, Planning Commission and Council needs need a full understand if the impact and adjacencies before proceeding.

I look forward to meeting and learning more.

Craig Spiezle  
On Behalf of the Lochleven Community

---

**From:** Craig Spiezle  
**Sent:** Saturday, November 2, 2024 3:28 PM  
**To:** [abevan@bellevuewa.gov](mailto:abevan@bellevuewa.gov); [atarce@bellevuewa.gov](mailto:atarce@bellevuewa.gov)  
**Cc:** King, Emil A. <[EAKing@bellevuewa.gov](mailto:EAKing@bellevuewa.gov)>  
**Subject:** Pinnacle South - Party of Record / 24-122583-LD / 21-104954-LP

Angus & Amy,

I just received a notice of the public meeting, but have not been provided the design review master plan application or any other information review. Can you provide this? The notice mailed out and received today November 2, only provides the link for the meeting and no information for the public to review or make comments on. Can you provide this so I may share with the adjacent neighborhoods? The absence to this information impedes the general public from submitting comments in the review period ending on November 14<sup>th</sup>. As a result, I hereby requesting the City extend the review period so the community may revied and provide public comment.

Respectfully,

Craig Spieze  
On Behalf of Locheven Neighbors  
425-985-1421

## Nesse, Katherine

---

**From:** phyllisjwhite@comcast.net  
**Sent:** Monday, November 4, 2024 4:56 PM  
**To:** PlanningCommission  
**Cc:** Malakoutian, Mo; Stokes, John; Zahn, Janice; King, Emil A.; Council; Robinson, Lynne; Hamilton, Dave; Lee, Conrad; Nieuwenhuis, Jared  
**Subject:** Requesting Support for WDFW's Aid for Environmental Protections for the Riparian Zones in the Wilburton/BelRed Subarea Growth Plans  
**Attachments:** WDFW-habitat-committee-riparian-mapping-june2024.pdf

**[EXTERNAL EMAIL Notice!]** Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Dear Chair Goeppele, Vice-Chair Cuellar-Calad, Planning Commissioners, and Deputy Mayor Mo Malakoutian,

I am writing to request your full support for the recommendations and concerns outlined in the recent letter from the Washington Department of Fish and Wildlife (WDFW) regarding the environmental protections within Bellevue, particularly focusing on tree retention, wildlife habitat, and riparian zones, which includes the riparian zones in our Wilburton /BelRed/NE 8<sup>th</sup> Street subarea as noted by the Washington Department of Fish and Wildlife (WDFW). The presence of priority fish and bird species in Kelsey Creek and Goff Creek streams are sighted on private properties in our neighborhood and warrants this status.

As highlighted by the WDFW, urban ecosystems and riparian zones are integral in supporting wildlife and mitigating the impacts of development. Their proposal to integrate its latest riparian management guidance into Bellevue's Comprehensive Plan zoning update is critical. Attached is WDFW's latest report for environmental protections guidance for riparian restoration projects, based on Best Available Science (BAS), and includes strategies such as utilizing Site Potential Tree Height (SPTH) at 200 years and Riparian Management Zones (RMZs) instead of traditional stream typing. These strategies are designed to ensure that our riparian zones can sustain long-term ecological function and resilience. It's essential that these plans align with recommendations from the WDFW and relevant state legislation to ensure environmental protections, equity, and resilience. Doing so later may be costly and ineffective.

### 1. **Tree Retention and Canopy Expansion**

To enhance tree protections in riparian zones, a recommended 3:1 tree replacement ratio, and meeting the "WDFW's Riparian Data Engine: An Aid for Identifying and Prioritizing Riparian Restoration Projects" 38% tree canopy retention for riparian management zones. Expanding the tree canopy is critical for mitigating urban heat, providing shade, and preserving ecosystem health.

### 2. **Riparian Zone Protections**

The WDFW's latest guidance on riparian management, based on Best Available Science (BAS), includes innovative strategies using Site Potential Tree Height (SPTH) at 200 years and establishing Riparian Management Zones (RMZs) rather than traditional stream typing. These guidelines recommend stream RMZs of 187–196 feet to support long-term ecological function,



particularly in areas with fish and other priority species, as seen in Kelsey Creek and Goff Creek, which flow through private properties in our neighborhood.

### 3. **Equity Considerations**

As we address growth, it's important to prioritize equity by reducing heat disparities, following King County's strategies. This will ensure that our plans address the needs of all community members and provide relief in the most heat-vulnerable areas.

The recommended stream RMZs, ranging from 187-196 feet as per WDFW's BAS recommendations, will significantly enhance protections for trees and wildlife, particularly in areas like Wilburton. The presence of salmon in Kelsey Creek, as noted in the city of Bellevue's recent records, and priority bird species further underscores the need for robust environmental protections.

I urge the planning team to adopt these BAS-informed recommendations and integrate them into the Comprehensive Plan update and subarea plan updates. Doing so will not only safeguard our urban ecosystems but also ensure that Bellevue remains a city that values and protects its natural habitat and its ecological environment.

Thank you for your consideration and attention.

Sincerely,

Phyllis White  
Wilburton/BelRed/NE 8th Street Resident

# **Riparian Data Engine: An Aid for Identifying and Prioritizing Riparian Restoration Projects**

Keith Folkerts and Robin Hale  
Habitat Program



# Overview

15-minute presentation:

- Context
- Who is involved?
- Why are we building this tool?
- What is this tool?
- Who are we building it for? How do we anticipate they will use it?
- How has it been received thus far?
- When will it be ready?

15-minute dialog/Q&A



# Who is Involved?

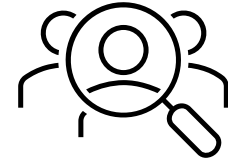


Legislature



WDFW Staff

Ken Pierce, Robin Hale  
Margen Carlson,  
Chris Conklin ...



Focus Group of  
Practitioners

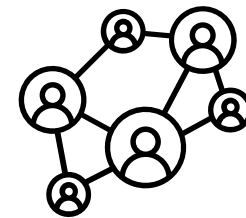


Groups  
Convened by the  
Legislature



Consultant  
Team: ESA

Mike Leech, Spencer  
Easton...



Key Users





# Context

A photograph of a stream with large logs and rocks, surrounded by a grassy field and a fence. The stream flows through a rocky bed with several large, dark logs and boulders. The water is clear and turbulent, creating white foam as it flows over the rocks. The banks are covered in green grass and some brown, mossy logs. In the background, there is a green lawn, a fence, and a bench.

We anticipate increasing interest and investment in riparian restoration.

Our tool delivers greater bang for the buck.



# Why are we Building this Tool?

- Purpose (proviso language):

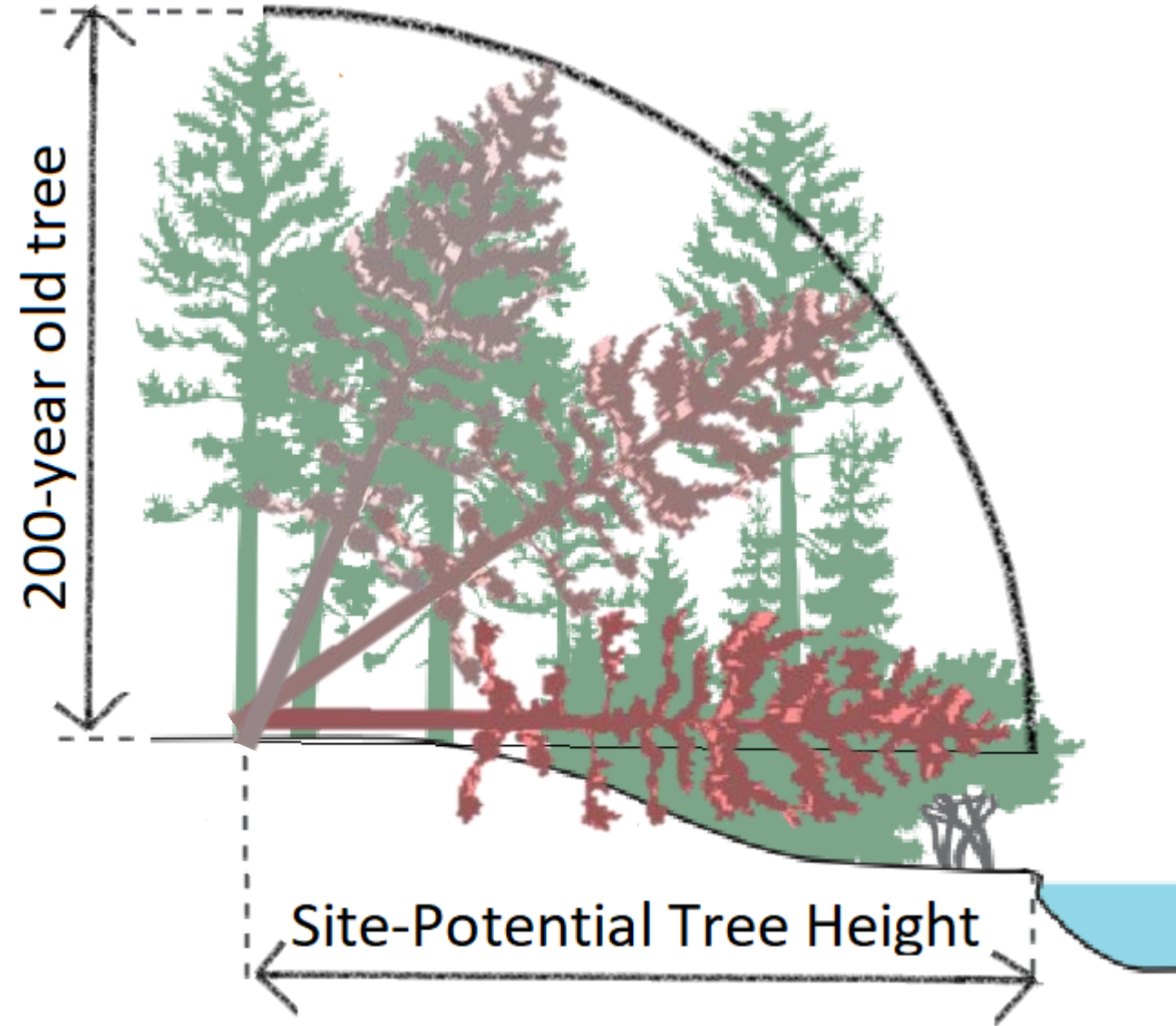
*...assess the status of current riparian ecosystems...identifying any **gaps in vegetated cover** relative to a science-based standard for a fully functioning riparian ecosystem and comparing ...[gaps] to water **temperature impairments**, known **fish passage barriers**, and status of **salmonid stocks**.*



# Proviso language

*“...relative to a science-based standard for a fully functioning riparian ecosystem...”*

Site-potential tree height of a 200-year-old tree (SPTH<sub>200</sub>) is the width from which full riparian functions are provided.

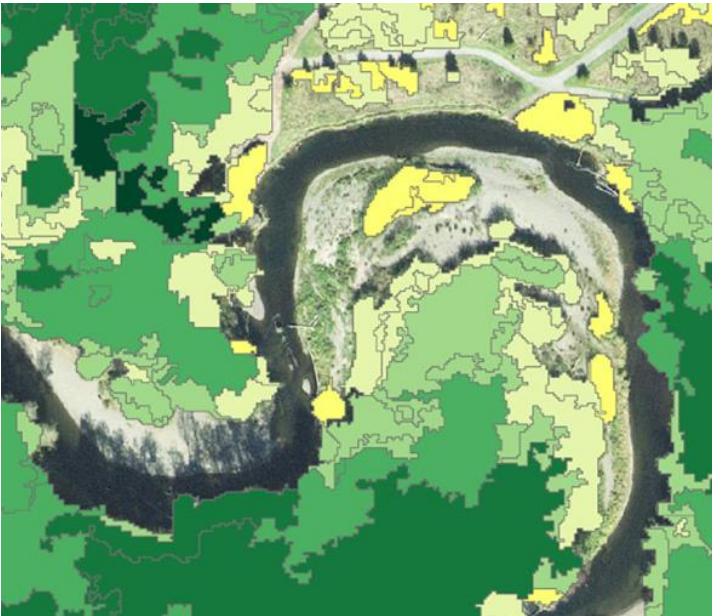


# What the Two Provisos Fund

The Legislature passed two provisos for ~\$1M/year for 3 years for WDFW to:

- Create new data (example: High Resolution Change Detection)
- Create a system to store, retrieve, and aggregate data (“Riparian Data Engine”)

Land cover data



 Riparian Data Engine





# What is this Tool?

This is an online decision support tool to help users identify and prioritize riparian areas for restoration projects.

*Interactive maps*

*Customizable filters*

*Data details and summaries*

**Riparian Data Engine** About Map Explorer Hi, Robin Hale Washington Department of FISH & WILDLIFE

Map Explorer: Nooksack Watershed (WRIA 1)

**Filters**

- Location**  
WATERSHED: Nooksack Watershed (WRIA 1)
- Search Criteria**  
TEMPERATURE IMPAIRED WATERBODIES  
 Ecology 305(b) List  
 Ecology 303(d) List  
 Not Impaired  
FISH PASSAGE BARRIERS  
 Unknown Passability  
 Not Passable  
 Passable  
 No Known Barrier  
SWIFD SALMON DISTRIBUTION  
 Salmon Bearing  
 Non-Salmon Bearing  
NON-VEGETATED %  
0 100  
TREE COVER %  
0 100  
Apply Clear

**Reaches Shown** Riparian Acres: 201,711 (29.49%) Stream Miles: 5,711 (22.5%)

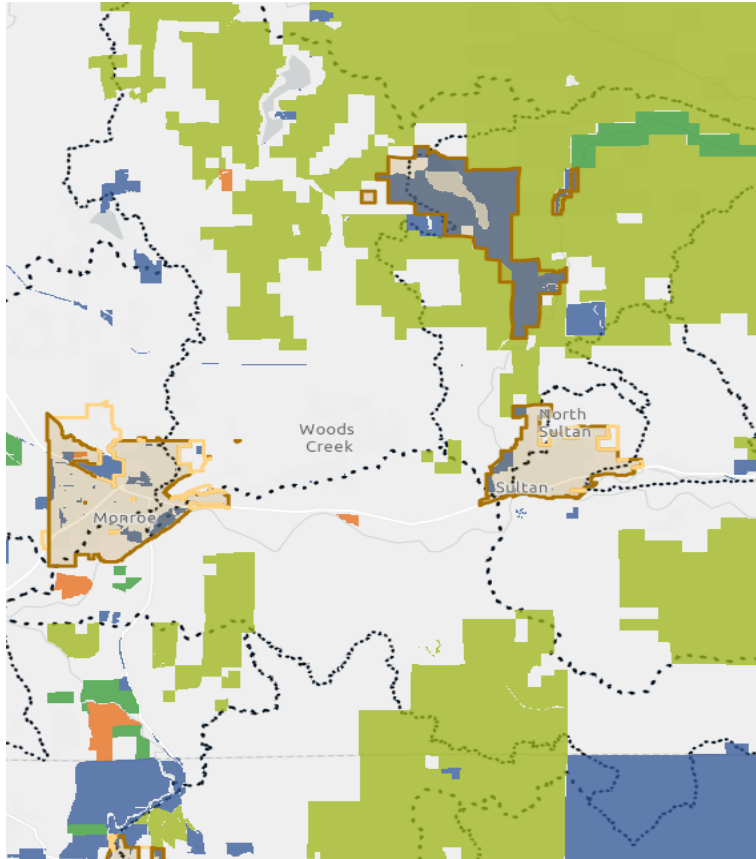
Search table... Clear Filters

PID	Stream	Ac...	Zo...	Tree Cover %	Non-Vegetated %	Temperature Impairments	SWIFD Salmon Distribution
{0268d8da-9c10-46eb-8b2d-c05...	Double D...	22.35	Flood...	2.85	3.38	5	Chum Salmon, Coho Salmon, PL...
{05DD8442-8623-4262-882E-27...	Canyon C...	3.52	Flood...	92.18	6.20	Not Impaired	Chinook Salmon, Coho Salmon, ...
{0c5c21b3-b675-49c4-ad42-787...		9.89	Flood...	0.00	11.55	5	Chum Salmon, Steelhead Trout
{0C862358-DC43-41F9-9896-5F...	Canyon C...	0.54	RMZ	100.00	0.00	Not Impaired	Steelhead Trout
{0D565E77-66E5-44F1-ACDA-D...	Dead Hor...	0.57	RMZ	81.80	18.20	Not Impaired	Chinook Salmon, Chum Salmon, ...
{0e030420-b338-417e-a9b0-b6c...		0.26	RMZ	98.11	2.27	2	Chinook Salmon, Chum Salmon, ...

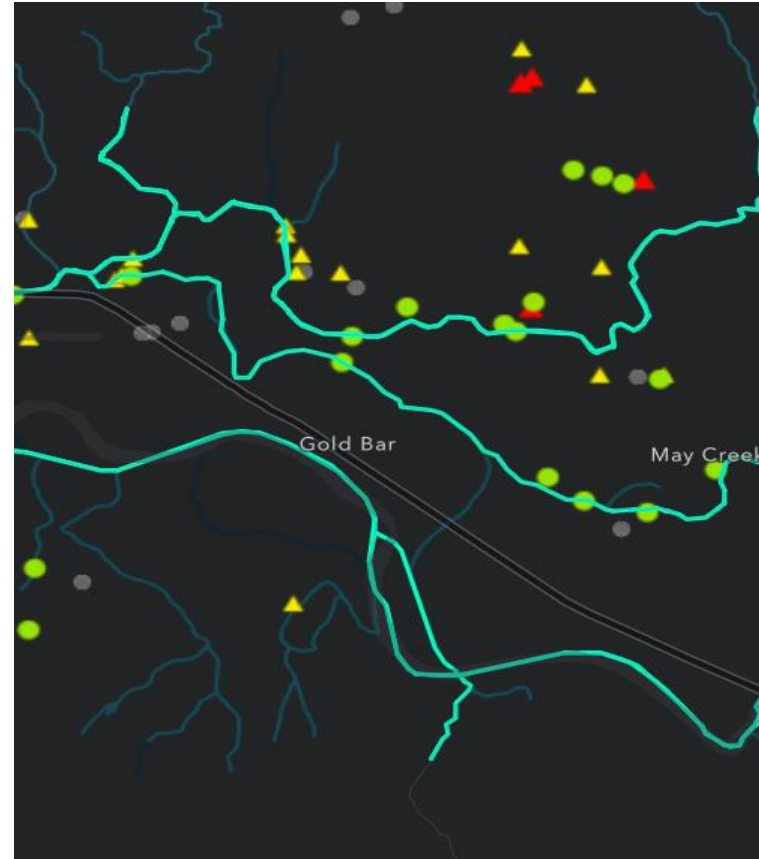


# Data we are Compiling for the Tool

**Boundaries:** Public lands, cities, parcels, land use, watersheds...



**Fish & streams:** Stock presence, passage barriers, water quality...

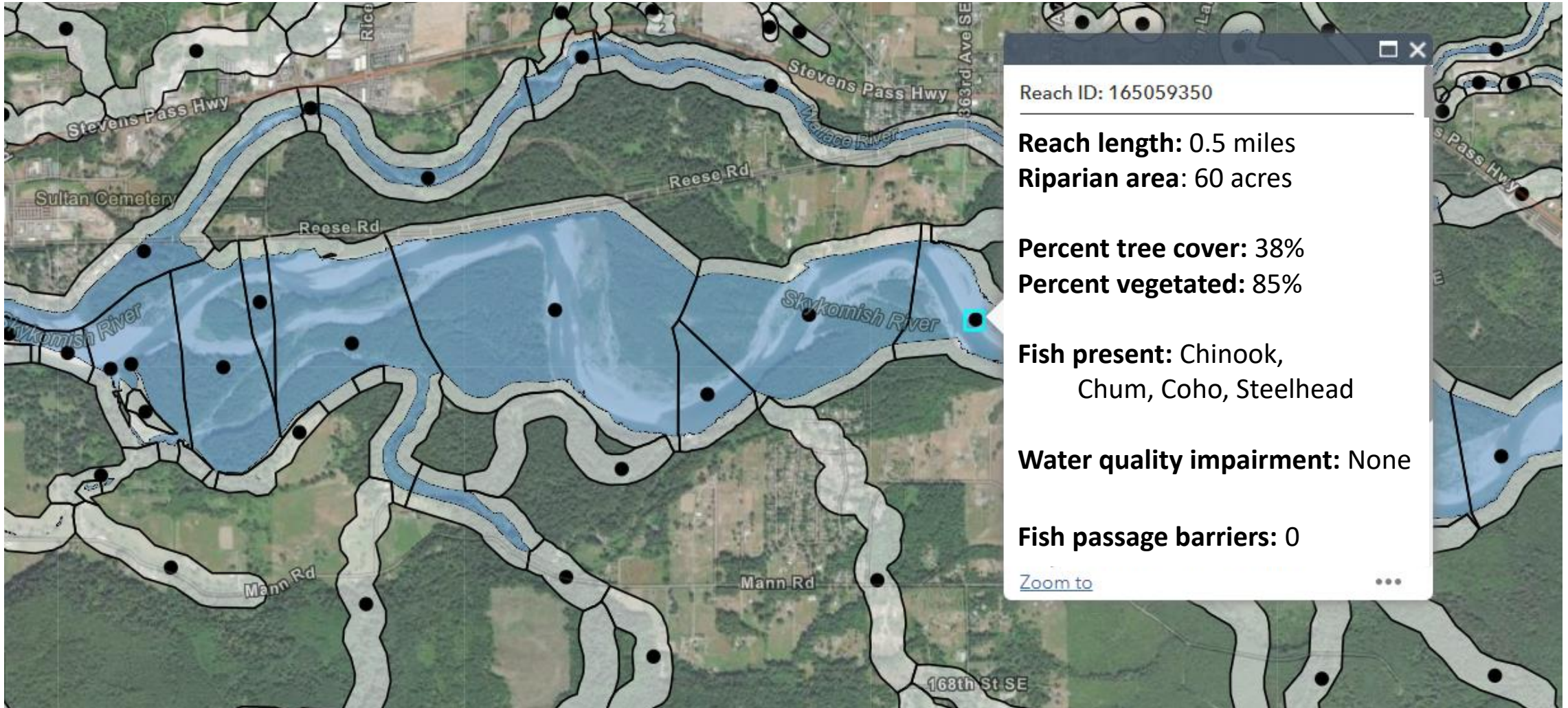


**Land cover:** Type (tree, shrub), vegetation height, change over time.





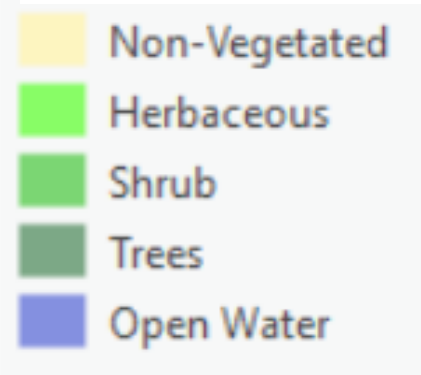
# Riparian Management Zones (RMZs)



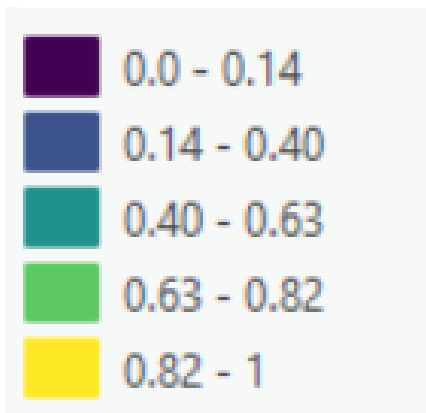


# Land cover data & Canopy metric

## Land cover



## Canopy metric



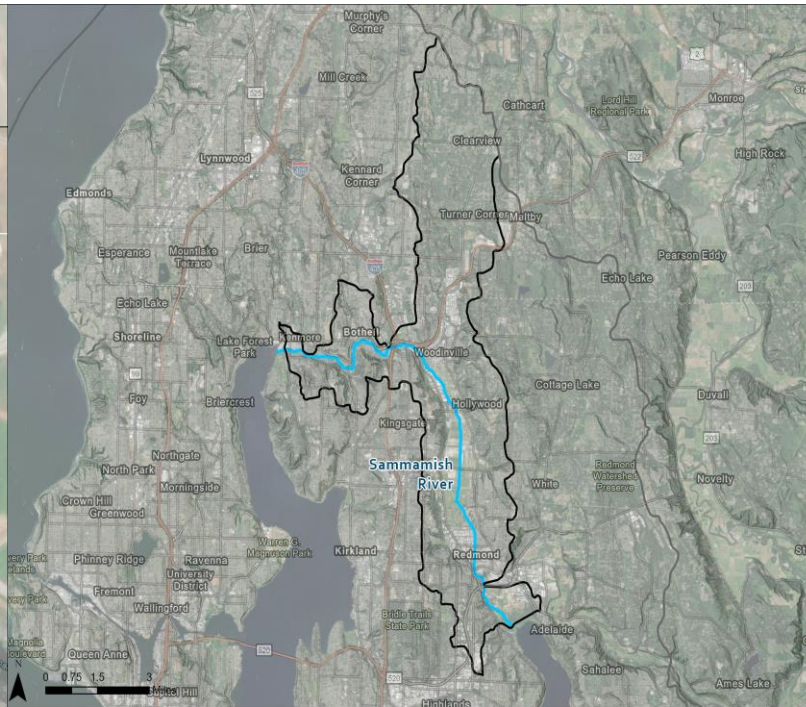


# Showing Results at Multiple Scales

Reach



Sub-watershed or River

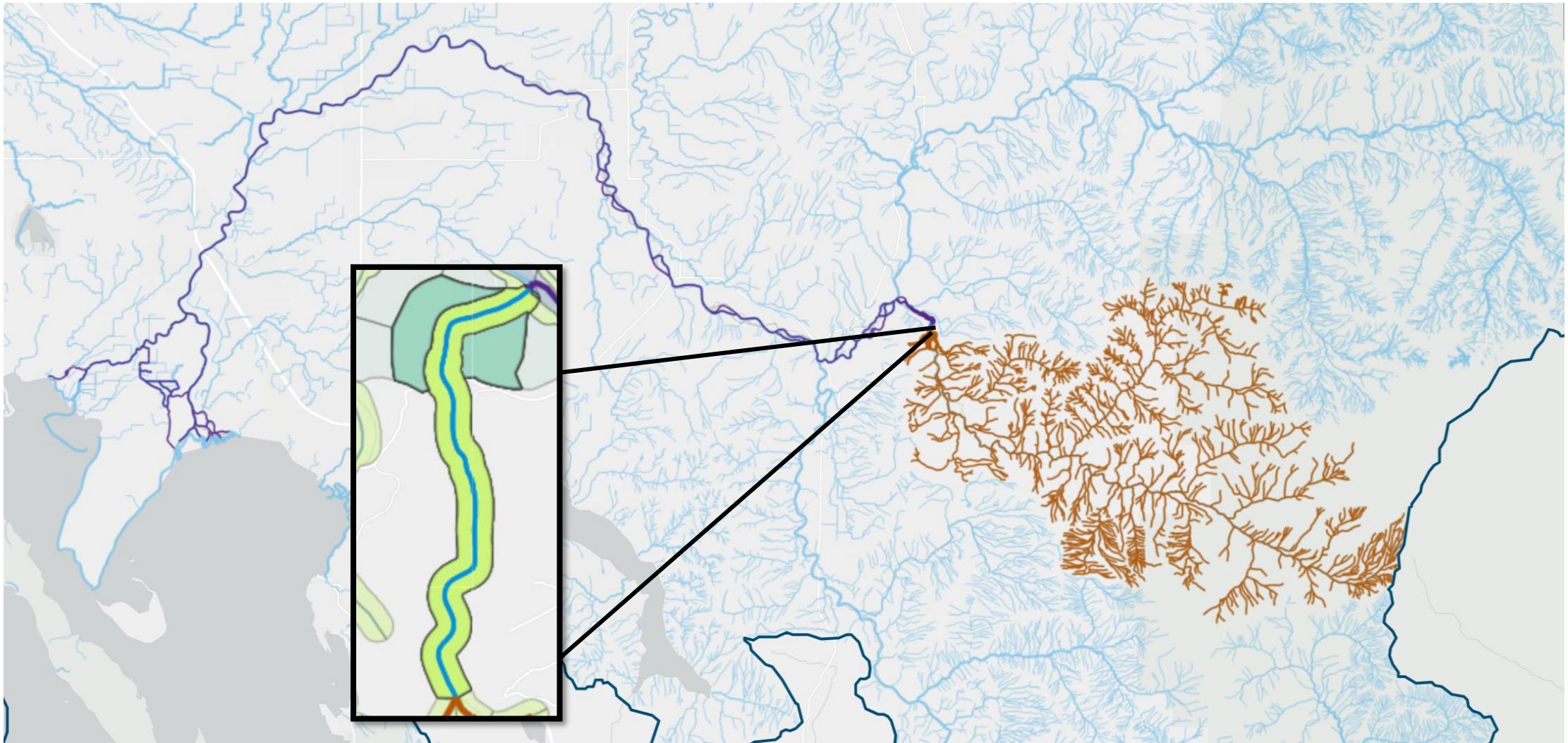


WRIA





# Upstream/downstream connections



# Who are We Building This Tool for?

Local riparian restoration practitioners

- Salmon recovery lead entities
- Conservation District staff

Regional entities involved with riparian restoration

- Salmon Recovery Funding Board
- State Conservation Commission

Policy level: Legislature, Riparian Roundtable



# How do We Anticipate This Tool will be Used?

Local riparian restoration practitioners

- Identify landowners to target with incentives
- Identify importance of opportunistic projects

Regional entities involved with riparian restoration

- Develop criteria to effectively distribute funds

Policy level: Legislature, Riparian Roundtable

- Right-size incentives to match the challenges.





# How has it been Received Thus Far?

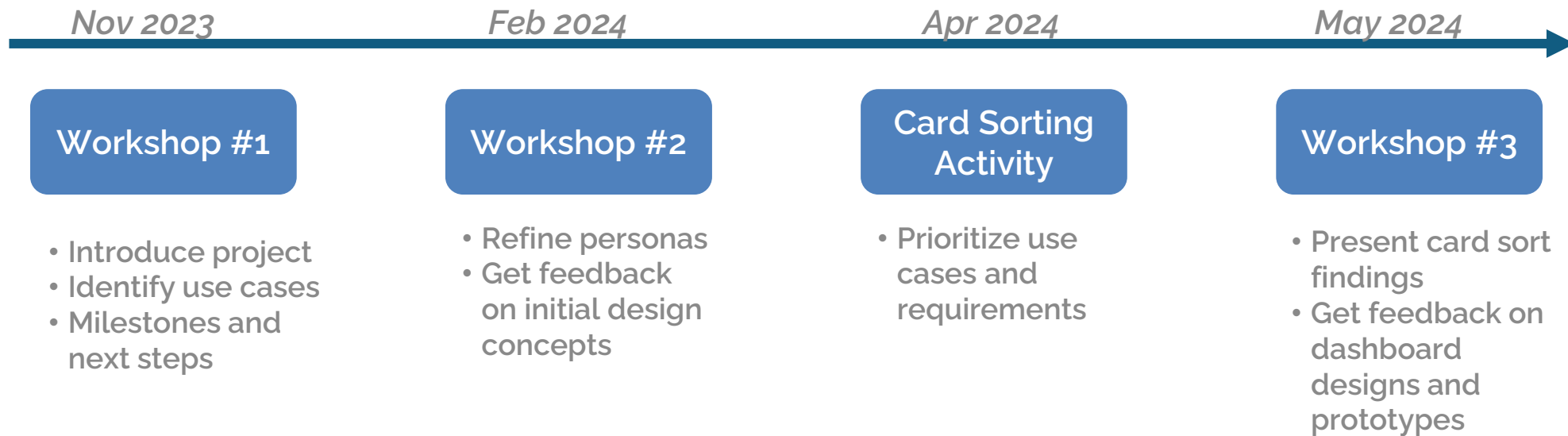
More-than-anticipated participation in workshops

- Conservation District staff
- Salmon Recovery Lead Entities
- Separate workshop for tribal leaders and their staff

We selected members of a focus group to help us build a tool that is relevant to their needs.



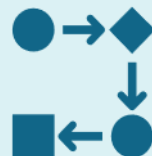
# Building a Useful Tool: Listening to our Stakeholders



## Deliverables:



Personas



Use Cases



Requirements



Prototypes



# Next Steps

- Continued improvements
  - Additional land cover and change data.
  - Expanded analysis capabilities.
- Continue to seek feedback
  - Continue dialog with tribes and stakeholders.
  - Design it to inform key users' most critical questions.
  - Improve user interface.
- Deploy it to key stakeholders.
- Seek ongoing funding.



The screenshot shows the homepage of the Riparian Data Engine. At the top, there is a navigation bar with the logo 'Riparian Data Engine', links for 'About' and 'Map Explorer', a user profile 'Hi, Mike Leech', and the 'Washington Department of FISH & WILDLIFE' logo. The main content area features a large banner image of a river flowing through a forest. Overlaid on the banner is the text 'RIPARIAN DATA ENGINE' and 'Data and tools for Riparian planning'. Below the banner, there is a 'Tools' section with a blue 'x' icon. Underneath is a 'Map Explorer' section with a map of Washington State and the text 'Browse watersheds to discover patterns in riparian reach data.' and an 'Explore' button. Below the map is a 'Data' section with the text 'The Platform brings together a wide collection of datasets that allow users to find and evaluate riparian conditions.' At the bottom, there are four data category boxes: 'Boundary Data' (listing Counties, WRIs, Watersheds, Cities/Urban Growth Areas, and Parcels), 'Fish Data' (listing SWIFD and ESA critical habitat), 'WDFW Data' (listing RMZs, Land Cover, Change Detection, Canopy Pattern Metric, and Fish Passage Barriers), and 'Other Data' (listing Protected Areas Database, Temperature impaired reaches, and Streams & waterbodies).

# When will it be Ready?

We anticipate this will be available to practitioners a year from now.

Our proviso and contract with ESA runs through June 2025.

The screenshot displays the 'Riparian Data Engine' web application. The interface includes a navigation bar with 'About' and 'Map Explorer' links, and a user profile for 'Hi, Robin Hale'. The main content area is titled 'Map Explorer: Nooksack Watershed (WRIA 1)' and features a map of the watershed. To the left of the map is a 'Filters' panel with the following sections:

- Location:** Watershed: Nooksack Watershed (WRIA 1)
- Search Criteria:**
  - TEMPERATURE IMPAIRED WATERBODIES:** Ecology 305(b) List, Ecology 303(d) List, Not Impaired (all checked)
  - FISH PASSAGE BARRIERS:** Unknown Passability, Not Passable, Passable, No Known Barrier (all checked)
  - SWIFD SALMON DISTRIBUTION:** Salmon Bearing (checked), Non-Salmon Bearing (unchecked)
  - NON-VEGETATED %:** Slider from 0 to 100
  - TREE COVER %:** Slider from 0 to 100

Below the filters, the 'Reaches Shown' section displays summary statistics: Riparian Acres: 201,711 (29.49%) and Stream Miles: 5,711 (22.5%). A table below this section lists individual reaches with columns for PID, Stream, Ac., Zo., Tree Cover %, Non-Vegetated %, Temperature Impairments, and SWIFD Salmon Distribution.

PID	Stream	Ac.	Zo.	Tree Cover %	Non-Vegetated %	Temperature Impairments	SWIFD Salmon Distribution
{0268d8da-9cf0-46eb-8b2d-c05...	Double D...	22.35	Flood...	2.85	3.38	5	Chum Salmon, Coho Salmon, Pl...
{05DD8442-8623-4262-882E-27...	Canyon C...	3.52	Flood...	92.18	6.20	Not Impaired	Chinook Salmon, Coho Salmon, ...
{0c5c21b3-b675-49c4-ad42-787...		9.89	Flood...	0.00	11.55	5	Chum Salmon, Steelhead Trout
{0C862358-DC43-41F9-9896-5F...	Canyon C...	0.54	RMZ	100.00	0.00	Not Impaired	Steelhead Trout
{0D565E77-66E5-44F1-ACDA-D...	Dead Hor...	0.57	RMZ	81.80	18.20	Not Impaired	Chinook Salmon, Chum Salmon,...
{0e030420-b338-417e-a9b0-b6c...		0.26	RMZ	98.11	2.27	2	Chinook Salmon, Chum Salmon,...





# Questions and Dialog

The screenshot displays the 'Riparian Data Engine' web application. The top navigation bar includes the logo, 'About', and 'Map Explorer' links, along with a user profile for 'Hi, Keith Folkerts' and the 'Washington Department of FISH & WILDLIFE' logo.

The main interface is divided into a left sidebar for filters and a right section for map exploration and data tables.

**Filters:**

- 1 Location:** A dropdown menu is set to 'Nooksack Watershed (WRIA 1)'.
- 2 Search Criteria:**
  - TEMPERATURE IMPAIRED WATERBODIES:** Three checkboxes are checked: 'Ecology 305(b) List', 'Ecology 303(d) List', and 'Not Impaired'.
  - FISH PASSAGE BARRIERS:** Four checkboxes are checked: 'Unknown Passability', 'Not Passable', 'Passable', and 'No Known Barrier'.
  - SWIFD SALMON DISTRIBUTION:** 'Salmon Bearing' is checked, and 'Non-Salmon Bearing' is unchecked.
  - NON-VEGETATED %:** A slider is positioned at 100%.
  - TREE COVER %:** A slider is positioned at 100%.

**Map Explorer: Nooksack Watershed (WRIA 1)**

The map shows a network of blue stream channels within a watershed boundary. Navigation controls (zoom in, zoom out, full screen) are visible on the left side of the map.

**Data Tables:**

Riparian Acres	
Total	201,711
Visible	59,377
% Visible	29.44%

Stream Miles	
Total	6,167
Visible	1,565
% Visible	25.37%

At the bottom of the filter sidebar, there are 'Apply' and 'Clear' buttons.



## Nesse, Katherine

---

**From:** phyllisjwhite@comcast.net  
**Sent:** Tuesday, November 5, 2024 4:08 PM  
**To:** PlanningCommission  
**Cc:** Malakoutian, Mo; Stokes, John; Zahn, Janice; King, Emil A.; Council; Robinson, Lynne; Hamilton, Dave; Lee, Conrad; Nieuwenhuis, Jared; Krueger, Morgan (DFW); Scoggins, Bethany Q (DFW); Dykstra, Jesse F (DFW)  
**Subject:** Re: Additional Information for Consideration to Protect the Riparian Zones in the Wilburton/BelRed Subarea Growth Plans

**[EXTERNAL EMAIL Notice!]** Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Dear Members of the Planning Commission,

I am following up on my previous email regarding the Wilburton/BelRed/NE 8th Street subarea growth plans.

I would like to add the following photos which I believe will further support the city of Bellevue's goals to protect our wildlife corridors:



A Hawk in a neighbor's yard.

---

A Bald Eagle flying over a neighbor's roof.



A Red-Tailed Hawk on a neighbor's roof.

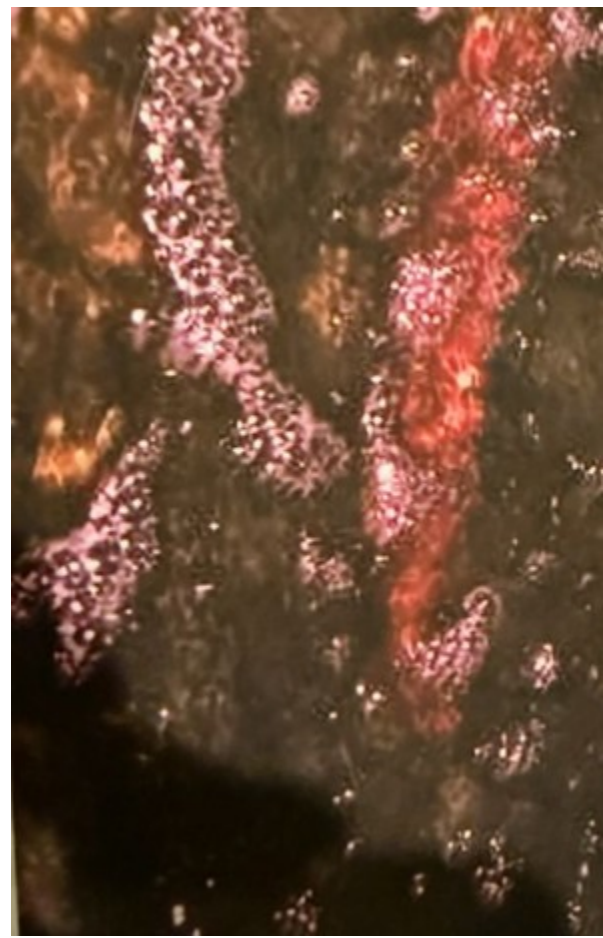


A bobcat on a neighbor's fence.





Fish in our neighbor's stream.



More fish in our neighbor's yard.

---

Fish sightings are not as frequent. Fish carcasses eaten by animals and left behind are still sighted. There are also crustaceans in the stream.

Sincerely,

Phyllis White  
Wilburton/BelRed/NE 8th Street Resident



On 11/04/2024 4:55 PM PST phyllisjwhite@comcast.net wrote:

Dear Chair Goepple, Vice-Chair Cuellar-Calad, Planning Commissioners, and Deputy Mayor Mo Malakoutian,

I am writing to request your full support for the recommendations and concerns outlined in the recent letter from the Washington Department of Fish and Wildlife (WDFW) regarding the environmental protections within Bellevue, particularly focusing on tree retention, wildlife habitat, and riparian zones, which includes the riparian zones in our Wilburton /BelRed/NE 8<sup>th</sup> Street subarea as noted by the Washington Department of Fish and Wildlife (WDFW). The presence of priority fish and bird species in Kelsey Creek and Goff Creek streams are sighted on private properties in our neighborhood and warrants this status.

As highlighted by the WDFW, urban ecosystems and riparian zones are integral in supporting wildlife and mitigating the impacts of development. Their proposal to integrate its latest riparian management guidance into Bellevue's Comprehensive Plan zoning update is critical. Attached is WDFW's latest report for environmental protections guidance for riparian restoration projects, based on Best Available Science (BAS), and includes strategies such as utilizing Site Potential Tree Height (SPTH) at 200 years and Riparian Management Zones (RMZs) instead of traditional stream typing. These strategies are designed to ensure that our riparian zones can sustain long-term ecological function and resilience. It's essential that these plans align with recommendations from the WDFW and relevant state legislation to ensure environmental protections, equity, and resilience. Doing so later may be costly and ineffective.

**1. Tree Retention and Canopy Expansion**

To enhance tree protections in riparian zones, a recommended 3:1 tree replacement ratio, and meeting the "WDFW's Riparian Data Engine: An Aid for Identifying and Prioritizing Riparian Restoration Projects" 38% tree canopy retention for riparian management zones. Expanding the tree canopy is critical for mitigating urban heat, providing shade, and preserving ecosystem health.

**2. Riparian Zone Protections**

The WDFW's latest guidance on riparian management, based on Best Available Science (BAS), includes innovative strategies using Site Potential Tree Height (SPTH) at 200 years and establishing Riparian Management Zones (RMZs) rather than traditional stream typing. These guidelines recommend stream RMZs of 187–196 feet to support long-term ecological function, particularly in areas with fish and other priority species, as seen in Kelsey Creek and Goff Creek, which flow through private properties in our neighborhood.

**3. Equity Considerations**

As we address growth, it's important to prioritize equity by reducing heat disparities, following King County's strategies. This will ensure that our plans address the needs of all community members and provide relief in the most heat-vulnerable areas.

The recommended stream RMZs, ranging from 187-196 feet as per WDFW's BAS recommendations, will significantly enhance protections for trees and wildlife, particularly in areas like Wilburton. The presence of salmon in Kelsey Creek, as noted in the city of Bellevue's recent records, and priority bird species further underscores the need for robust environmental protections.

I urge the planning team to adopt these BAS-informed recommendations and integrate them into the Comprehensive Plan update and subarea plan updates. Doing so will not only safeguard our urban ecosystems but also ensure that Bellevue remains a city that values and protects its natural habitat and its ecological environment.

Thank you for your consideration and attention.

Sincerely,

Phyllis White  
Wilburton/BelRed/NE 8th Street Resident

## Nesse, Katherine

---

**From:** Campbell Mathewson <cmathewson@cmrepartners.com>  
**Sent:** Monday, November 4, 2024 4:58 PM  
**To:** PlanningCommission  
**Subject:** Comment for 11.06.2024 Wilburton Vision Implementation LUCA meeting  
**Attachments:** Ditty Mathewson Planning Commission letter 11.04.2024.pdf

You don't often get email from cmathewson@cmrepartners.com. [Learn why this is important](#)

**[EXTERNAL EMAIL Notice!]** Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Dear City of Bellevue Planning Commission,

Please include the attached comment letter regarding the 11.06.2024 Wilburton Vision Implementation LUCA meeting in this week's Planning Commission packet. Please let me know if you have any questions. Thank you for your consideration.

Sincerely,

**Campbell Mathewson**

Manager / Ditty Mathewson, LLC

11647 NE 8th Street / Bellevue, WA 98005

M: 206-910-2448 / E: [cmathewson@cmrepartners.com](mailto:cmathewson@cmrepartners.com)

# Ditty Mathewson LLC

---

November 4, 2024

*Sent via email*

Planning Commission  
City of Bellevue  
450 110<sup>th</sup> Avenue NE  
Bellevue, WA 98004  
[PlanningCommission@bellevuewa.gov](mailto:PlanningCommission@bellevuewa.gov)

**Re: 11.06.2024 Wilburton Vision Implementation LUCA**  
*Comments from Ditty Mathewson, LLC, property owner in Wilburton*

Dear Planning Commissioners,

Thank you for your continued good work on the Wilburton rezone and for your efforts to engage the community and key stakeholders. This letter is submitted in response to the latest draft of the Wilburton Land Use Code Amendment (“LUCA”). We own a small, 22,564 square foot, site located at 11635 – 11647 NE 8<sup>th</sup> Street - a critical juncture between NE 8<sup>th</sup>, Eastrail, and the new Wilburton light rail station. **In fact, our site is a mere 250 feet from the entrance to the light rail station. We appreciate the City’s designation of our site as Urban Core which recognizes that this location is exactly where the City envisions significant residential density.** As a result, we engaged one of the region’s premier tower architecture firms, Weber Thompson, to provide renderings and a feasibility study. The attached renderings provide an overview of what we hope to achieve. **And while the current Urban Core designation certainly envisions such a tower, the current draft LUCA would prohibit such a project – primarily through the inability to achieve a significant increase in FAR. The attached renderings show a building built to an FAR of 17.0.**

We appreciate the move towards unlimited FAR for residential uses and reasonable zoning heights to achieve density near light rail. Small sites are an important part of the urban fabric of the City, infilling larger master-planned developments and providing continuity in the pedestrian realm. While huge strides have been made in the current draft of the Wilburton LUCA, there are still several elements that would severely impact small sites like ours, including:

- The current FAR values seem more aligned to large parcels and assemblages in the Urban Core zones. Small sites at critical hubs are ideal locations for residential density and urban scale projects, adjacent to pedestrian, bike and light rail corridors. Much larger base FAR values, or residential FAR exemptions, are needed for density on small sites. For example, a 20,000 SF site, with a base FAR of 3.0, and an unlimited maximum residential FAR, has only 60,000 SF of base development capacity. A residential tower on our site could accommodate 540,000 SF, which is an FAR of 27. That means the project would need to “earn” 24 bonus FAR. This is a challenging requirement unless the ability to achieve additional FAR is extremely easy to attain. The Mayor and a couple Bellevue Councilmembers saw an example of this with a Bosa tower in San Diego a couple of years

ago during the Bellevue Downtown Association study tour. **There seemed to be broad support for allowing “easily attainable” additional FAR, or other mechanisms to provide much larger FAR, on small sites given the public benefit of increased housing and the variety of scale achieved on small sites.**

- **Since small sites provide a great opportunity for providing additional residential density near light rail, we encourage the City to allow the Development Agreement opportunity on all sites or, at a minimum, on sites within 1,000 feet, or some other appropriate distance, from a light rail station.**
- Setbacks and stepbacks also become increasingly challenging on small sites when they remove as much as 10% of the buildable site area. As a result, we request exceptions from setbacks and stepbacks for small sites be included in the next LUCA draft. The attached renderings show a project that cannot meet the prescriptive stepback requirements in the current draft LUCA.
- Screening above-grade parking is important to the visual appearance of the pedestrian realm, but solutions exist that do not rely on small strips of commercial and residential uses above grade. We request flexibility to find other screening solutions for small sites.
- Flexibility to cantilever buildings over a portion of the sidewalk above 20-feet would allow increased density, as well as weather protection.
- Sidewalk and utility easement depths of no more than four feet (4’), which the City has agreed to on other sites, is critical to all practical below-grade parking.
- Trash loading is an issue on small sites and a waiver to allow trash pickup outside of the building structure is important. Thank you to staff for including these updates in the last iteration of the draft code.
- We request that Eastrail connections be incentives, rather than mandates, and that sites on which Eastrail is elevated (i.e., not at grade) be exempt from any connection requirements for obvious practical reasons.
- **As indicated above, small sites should get additional flexibility (i.e., more favorable exchange ratios) in an amenity system so they can develop at a cost that’s reasonably comparable to larger sites. The currently proposed green building ratios help us get closer to earning the bonus FAR necessary to support a tower on our site (thank you!), but the amenity program and FAR system still needs to make it much easier to obtain additional FAR to make a residential project like the one attached consistent with the City’s LUCA.**

Thank you again for your continued good work. We look forward to continuing to work with the City’s staff, planning commission and city council to help create an outstanding Wilburton neighborhood. Please do not hesitate to reach out with any questions.

Sincerely,

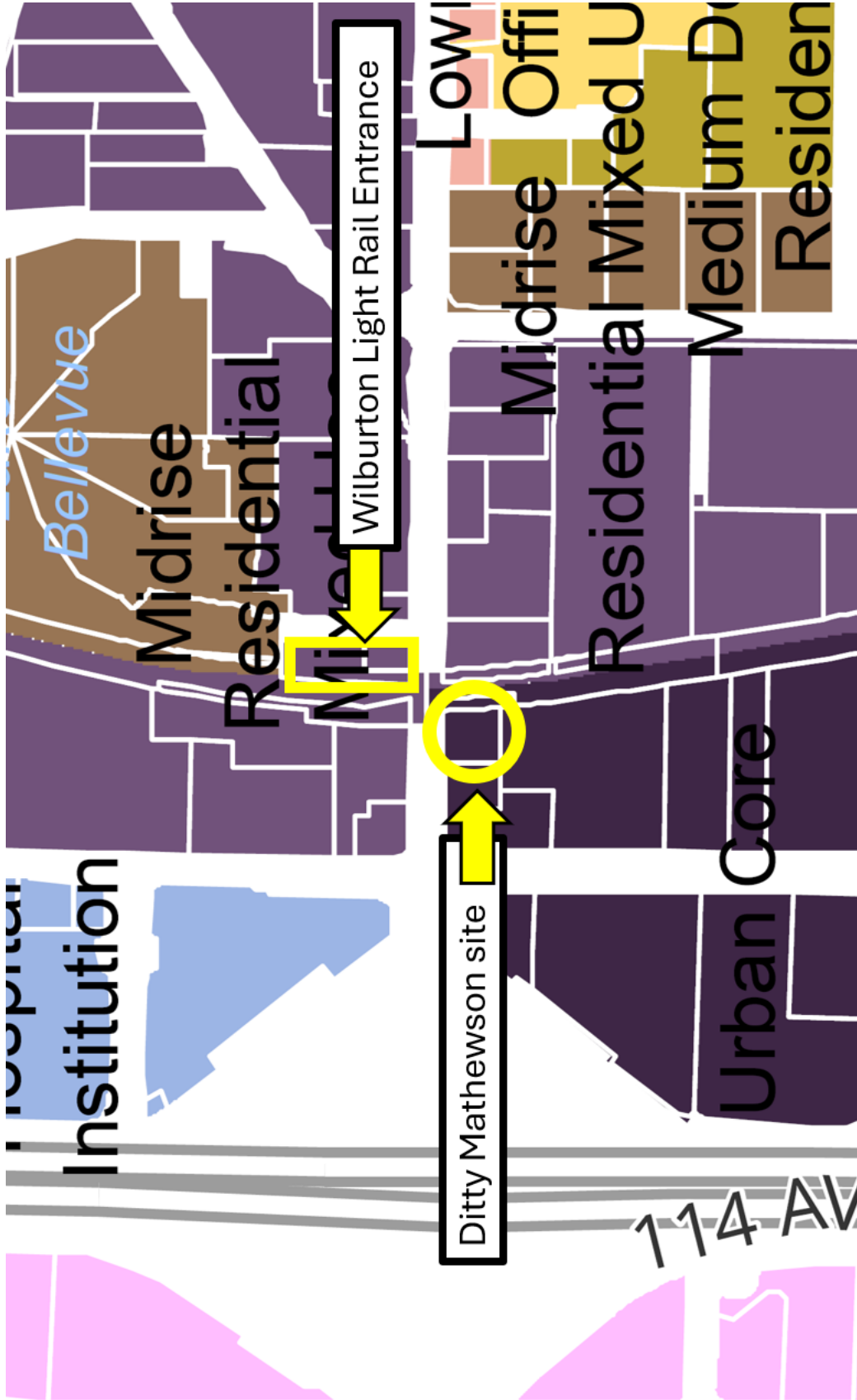


Campbell Mathewson

Manager - Ditty Mathewson LLC

11647 NE 8th Street - Bellevue, WA 98005 - M: 206-910-2448

E: [cmathewson@cmrepartners.com](mailto:cmathewson@cmrepartners.com)









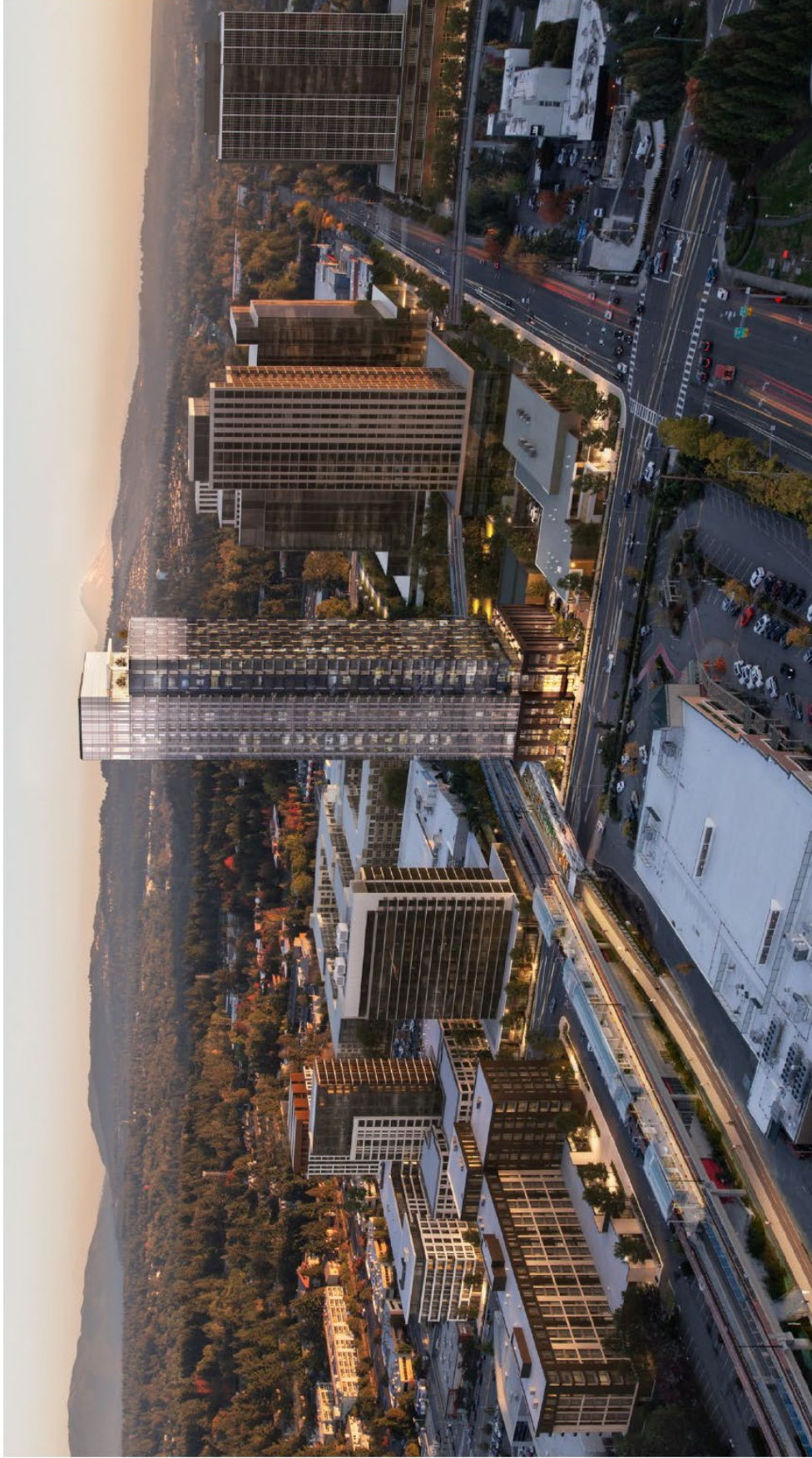
CONCEPTUAL IMAGES



Conceptual rendering of the ground level experience along NE 8th for the 11635 Site.



CONCEPTUAL IMAGES



Conceptual rendering of 450' tower at 11635 NE 8th directly adjacent to the new Wilburton light rail station and Eastrail Bridge.

11635 NE 8TH STREET | CMIRE PARTNERS

PAGE 12 | WEBER THOMPSON  
CONCEPTUAL RENDERING BY WEBER THOMPSON

## Nesse, Katherine

---

**From:** Jessica Clawson <jessica@mhseattle.com>  
**Sent:** Tuesday, November 5, 2024 10:51 AM  
**To:** PlanningCommission  
**Cc:** Johnson, Thara; Whipple, Nicholas; Steve Kramer; Andrew Coates  
**Subject:** KG comments Wilburton LUCA  
**Attachments:** PC letter KG comments.docx

You don't often get email from jessica@mhseattle.com. [Learn why this is important](#)

**[EXTERNAL EMAIL Notice!]** Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Planning commission:  
Please see the attached comment letter. Thanks.

Jessica M. Clawson  
McCullough Hill PLLC  
701 5th Avenue, Suite 6600  
Seattle, WA 98104  
(206) 812-3378  
Cell (206) 313-0981

Bellevue Planning Commission  
City of Bellevue  
450 110th Ave NE  
Bellevue, WA 98004

Dear Members of the Planning Commission,

We would like to begin by expressing our sincere appreciation for the tremendous effort and dedication that has gone into the development of the Wilburton Land Use Code Amendment (LUCA). This process, which has been nearly a decade in the making, presents an exciting opportunity to shape the future of the Wilburton area, and we are grateful for the opportunity to provide feedback on the proposed changes. We are grateful to staff for working so hard and listening as much as possible to stakeholders in the development of this code.

As a major property owner in Wilburton, we support the goals of the LUCA but would like to raise a few specific concerns and offer recommendations for adjustments that we believe would improve the feasibility and overall effectiveness of the code. The Commission should conduct a detailed review of every section of the proposed LUCA to evaluate their potential impacts on development costs, as even small requirements accumulate and can make projects financially infeasible, especially in the context of affordable housing. The following issues warrant careful consideration to ensure that development in Wilburton is both achievable and aligned with the city's broader goals for affordability, density, sustainability, and urban vibrancy.

### **1) Transportation Corridor Widths**

The proposed transportation corridor widths of 30 feet are unnecessarily wide, particularly when considering the land constraints in the Wilburton area. We recommend reducing the required widths of the smallest corridors from 30 feet to **25 feet**, which would still allow for efficient pedestrian and vehicle circulation while providing more flexibility for development. The larger corridors should similarly be reduced.

Additionally, the fire lane typology is currently set at 30 feet, but the **fire department's minimum requirement is typically 20 feet** for emergency access. Reducing the fire lane requirement to **20 feet** would better reflect the actual needs of the fire department and would free up valuable space for development. This reduction, while seemingly small, can have a significant impact—up to **90,000 square feet** of lost space in a high-rise development—translating to the potential loss of **90 residential units**. Such is the magnitude of the impacts of these large transportation corridors; we are hopeful that you review the code with these types of impacts in mind.

The pedestrian corridor requirement is 14 feet and it should be reduced to **10 feet**. Downtown's requirement is 6 feet, there is no reason Wilburton's pedestrian corridors should be over double Downtown's.

The code should be made clear that public access requirements in transportation corridors are for the surface of the street only, and do not include below-grade areas, or above grade areas.

Finally, **departures must be permitted from the Transportation standards**. There is currently no reliable and predictable process under which the required flexibility in the development of a new neighborhood can be sought in the transportation context. **This is a crucially important part of the LUCA.**

## 2) Open Space Requirements

The open space requirements for Wilburton exceed those of downtown Bellevue, which adds unnecessary costs to development. We urge the Planning Commission to reconsider these requirements to better align with downtown standards, as this will help to reduce financial burdens on developers.

Moreover, there is an opportunity to **double-count open space** when transportation corridors and fire lanes are used for pedestrian circulation. Currently, the LUCA disallows counting transportation corridors and fire lanes as open space, except for a few specific exceptions. The code should **allow transportation corridors to count toward open space requirements** when they primarily serve pedestrian circulation. This change would create more efficient use of available land while still fulfilling the goals of providing open and accessible public spaces.

## 3) Active Use Requirements

We support the goal of creating lively, engaging street frontages and really appreciate the expanded definitions for active use. However, the current **active use requirements** in the LUCA are unrealistic. Our development, for example, would require **two entire frontages at 100% active use or require active uses along the “backside” of a building**, which is highly unlikely to be feasible. We love active uses but buildings cannot support active uses on all four sides or 100% of a single side.

Active uses are struggling to lease in downtown Bellevue, and requiring 100% active uses on such a large portion of the building will likely result in **vacant or underutilized space**. The Commission should **reduce active use requirements to 50%** for active frontages. This adjustment would provide the necessary flexibility for developers to create a mix of uses that align with current market conditions while still maintaining a vibrant streetscape and active frontages. A 50% active use requirement would help to ensure that spaces are effectively leased and utilized, avoiding the risk of vacancies that could undermine the development's success.

In addition, as the owners of the first development adjacent to the Grand Connection, we applaud the focus on activating the Grand Connection and appreciate the ongoing design coordination. However, the projects are not yet designed, and we all are not clear yet on exactly where we will make physical connections based on the engineering of the Grand Connection. The requirement to make physical connection in the active use section should be optional. We will accomplish it where possible, but at this time we do not know exactly where.

Finally, when a project is part of a Master Development Plan, it is critical that the City does not require future phases that are not part of the then-current construction to come up to code requirements. This issue has and does become a significant barrier to redevelopment in downtown and in the current Wilburton neighborhood.

In conclusion, the Wilburton LUCA presents a tremendous opportunity for Bellevue, but it must strike a balance between the city's goals for growth and sustainability and the practical realities of development. Reducing transportation corridor widths, mandating flexibility in transportation review, adjusting open space requirements, and allowing more flexibility with active use requirements are critical steps toward achieving that balance. We trust that the Planning Commission will carefully consider these suggestions to help ensure that Wilburton remains a

vibrant, sustainable, and affordable neighborhood that can attract diverse development while serving the needs of the community.

Thank you once again for your time, consideration, and the work you are doing to make Wilburton a success. We look forward to the opportunity to continue to engage with you as this important process moves forward.

Sincerely,

Steve Kramer

KG Investments



## Nesse, Katherine

---

**From:** Jacquie Quarre <jacquie@tharsis.land>  
**Sent:** Tuesday, November 5, 2024 11:01 AM  
**To:** PlanningCommission  
**Subject:** Comment Letter for 11/6 Planning Commission Meeting  
**Attachments:** Beta Bellevue Comment Letter - Planning Commission 11.05.24.pdf

You don't often get email from jacquie@tharsis.land. [Learn why this is important](#)

**[EXTERNAL EMAIL Notice!]** Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Hello,

Please find the attached comment letter for the Planning Commission meeting tomorrow.

Jacquie

Jacquie Quarré  
Tharsis Law P.S.  
[jacquie@tharsis.land](mailto:jacquie@tharsis.land)  
Direct/cell: 425-891-7842



Tharsis Law  
Jacquie Quarré  
425-891-7842  
jacquie@tharsis.land

November 5, 2024

City of Bellevue Planning Commission  
450 110<sup>th</sup> Ave NE  
Bellevue WA 98004

**VIA EMAIL** to: [PlanningCommission@bellevuewa.gov](mailto:PlanningCommission@bellevuewa.gov)

**RE: City of Bellevue Wilburton LUCA Comment Letter**

Dear Planning Commission:

This firm represents Beta-Bellevue Auto Center, L.L.C. (“Beta-Bellevue”). Beta-Bellevue is the owner of property in City of Bellevue’s Wilburton planning area at 620 – 638 116<sup>th</sup> Ave NE. The Beta-Bellevue Property is a lightly developed ~134,00 SF parcel located *less than 500 feet away from the Sound Transit Wilburton Station*. We participated in the process of developing and adopting the Wilburton Subarea Plan, and now the Wilburton LUCA. We support the comment letter submitted by the Wilburton Property Owners Group (WPOG). This comment letter raises several issues that are particularly important to Beta-Bellevue.

The LUCA paves the way for redevelopment that will occur over the course of many decades. It is impossible to predict all the issues that will arise in that time. Currently, the draft LUCA lacks flexibility. Without flexibility everyone loses – redevelopment cannot happen, and existing businesses suffer. The City should give itself tools in the code to work collaboratively with property owners and businesses to achieve the Wilburton Vision, in particular transit-oriented development (TOD). This letter focuses on three main issues:

1. The City should permit existing uses and structures to continue while redevelopment occurs.
2. Transportation development requirements should be in the code, easy to understand, and flexible.
3. The City should allow departures from development standards to ensure that it does not prevent redevelopment on constrained sites that are central to the Wilburton Vision.

The Beta-Bellevue Property is an example of a mid-size site that needs flexibility to be redeveloped consistent with the Wilburton Vision. The Beta-Bellevue Property is located on 116<sup>th</sup> Ave NE and is currently being used as a Rivian Service Center.



The Grand Connection Crossing is planned to be located just south of the Beta-Bellevue Property, shown in orange in the figure below. The Sound Transit guideway cuts through the southeast corner of the Beta-Bellevue Property, shown on both figures. The Wilburton Subarea plan envisions the highest level of density on this property, which is zoned as “Urban Core”:



The current use of the Beta-Bellevue Property is an ideal use for the Wilburton neighborhood while redevelopment occurs over time and, with the right code, the area transitions into a TOD neighborhood. And when redevelopment is possible, the Beta-Bellevue Property will be central to making the Wilburton Vision a success. But the draft LUCA does not provide the right code framework to achieve these goals. In addition to the issues addressed by WPOG, the following three issues are important to resolve for the Beta-Bellevue Property.

**1. The nonconformity provisions should not penalize existing vibrant businesses who are paving the way for redevelopment to happen.**

The LUCA should encourage, not penalize, existing business that support the vitality of the Wilburton neighborhood as redevelopment occurs, and that bring people to Wilburton. The businesses that are in Wilburton are the workhorses that will keep neighborhood economy healthy and attract people as the area gradually transitions. The LUCA should:

- Allow existing nonconforming uses and sites to remain as permitted uses and structures, including allowing for reasonable changes to structures to allow valuable businesses to continue to operate in the future until larger-scale redevelopment is possible.
- Allow overall site development in phases without the need to bring all nonconformities across the development site into conformity at the outset.

**2. Transportation requirements should be in the code and offer flexible solutions for creating a TOD neighborhood.**

Transportation requirements are currently both confusing and rigid, causing uncertainty in costs and design that will prevent redevelopment. The LUCA should:

- Allow flexibility and departures from transportation standards. This is especially important for the Beta-Bellevue Property. Although the property is slightly larger than 100,000 square feet, which the draft LUCA currently sets as the limit for a small site, it is constrained by the Sound Transit guideway and some slopes that effectively reduce the site and make redevelopment more complex. The LUCA needs departures that allow the City to work with developers and architects to find solutions for sites that are crossed by the guideways that provide transit. Without flexibility, the City will not see redevelopment at the density that the Wilburton Subarea Plan envisions, if at all.
- Include standards for flexible access corridors and other types of multimodal transportation access. Transportation requirements should be in the code, not the Transportation Manual, to provide certainty to the City and developers.



- The transportation grid should not be in the LUCA. We have heard from the City that the grid is “conceptual” only – it is not necessary for the code, and only adds confusion.
- The requirements for Flexible Access corridors need to be further defined, again with more flexibility. Currently, the requirements for Flexible Access could chop-up sites and hinder redevelopment.

**3. Departures allow the flexibility that the City needs to achieve the Wilburton Vision.**

In addition to departures from the transportation standards outlined above, departures from codified numerical standards, other than FAR and height, must be allowed. The Beta-Bellevue Property, with the Sound Transit guiderail crossing it and location adjacent to both Eastrail and the future Grand Connection crossing, is a prime example of a site with constraints the will need flexibility to achieve the type of development that the City envisions. The LUCA should maintain broad authorization for departures (including departures to Chapter 20.20 of the LUC) as vehicles for flexibility and alternative incentive structures, instead of precluding the City from using these tools to their fullest potential in the future.

Thank you for the opportunity to provide comment and for your work on the Wilburton LUCA. We look forward to continuing engage with you as the process progresses.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Quarré". The signature is fluid and cursive, with a large initial "J" and a stylized "Q".

Jacquie Quarré  
Tharsis Law

## Nesse, Katherine

---

**From:** Jacquie Quarre <jacquie@tharsis.land>  
**Sent:** Tuesday, November 5, 2024 11:32 AM  
**To:** PlanningCommission  
**Subject:** Re: Comment Letter for 11/6 Planning Commission Meeting  
**Attachments:** Beta Bellevue Comment Letter - Planning Commission 11.06.24.pdf

You don't often get email from jacquie@tharsis.land. [Learn why this is important](#)

**[EXTERNAL EMAIL Notice!]** Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Hello,

If you have not already included my earlier letter in the packet, you can replace it with this version which corrects a few minor typos.

If it is already in the packet, that's ok.

Thank you!

Jacquie

Jacquie Quarré  
Tharsis Law P.S.  
[jacquie@tharsis.land](mailto:jacquie@tharsis.land)  
Direct/cell: 425-891-7842

---

**From:** Jacquie Quarre <jacquie@tharsis.land>  
**Date:** Tuesday, November 5, 2024 at 11:00 AM  
**To:** PlanningCommission@bellevuewa.gov <PlanningCommission@bellevuewa.gov>  
**Subject:** Comment Letter for 11/6 Planning Commission Meeting

Hello,

Please find the attached comment letter for the Planning Commission meeting tomorrow.

Jacquie

Jacquie Quarré  
Tharsis Law P.S.  
[jacquie@tharsis.land](mailto:jacquie@tharsis.land)  
Direct/cell: 425-891-7842



Tharsis Law  
Jacquie Quarré  
425-891-7842  
jacquie@tharsis.land

November 5, 2024

City of Bellevue Planning Commission  
450 110<sup>th</sup> Ave NE  
Bellevue WA 98004

**VIA EMAIL** to: [PlanningCommission@bellevuewa.gov](mailto:PlanningCommission@bellevuewa.gov)

**RE: City of Bellevue Wilburton LUCA Comment Letter**

Dear Planning Commission:

This firm represents Beta-Bellevue Auto Center, L.L.C. (“Beta-Bellevue”). Beta-Bellevue is the owner of property in City of Bellevue’s Wilburton planning area at 620 – 638 116<sup>th</sup> Ave NE. The Beta-Bellevue Property is a lightly developed ~134,000 SF parcel located *less than 500 feet away from the Sound Transit Wilburton Station*. We participated in the process of developing and adopting the Wilburton Subarea Plan, and now the Wilburton LUCA. We support the comment letter submitted by the Wilburton Property Owners Group (WPOG). This comment letter raises several issues that are particularly important to Beta-Bellevue.

The LUCA paves the way for redevelopment that will occur over the course of many decades. It is impossible to predict all the issues that will arise in that time. Currently, the draft LUCA lacks flexibility. Without flexibility everyone loses – redevelopment cannot happen, and existing businesses suffer. The City should give itself tools in the code to work collaboratively with property owners and businesses to achieve the Wilburton Vision, in particular transit-oriented development (TOD). This letter focuses on three main issues:

1. The City should permit existing uses and structures to continue while redevelopment occurs.
2. Transportation development requirements should be in the code, easy to understand, and flexible.
3. The City should allow departures from development standards to ensure that it does not prevent redevelopment on constrained sites that are central to the Wilburton Vision.

The Beta-Bellevue Property is an example of a mid-size property that needs flexibility to be redeveloped consistent with the Wilburton Vision. The Beta-Bellevue Property is located on 116<sup>th</sup> Ave NE and is currently being used as a Rivian Service Center.



The Grand Connection Crossing is planned to be located just south of the Beta-Bellevue Property, shown in orange in the figure below. The Sound Transit guideway cuts through the southeast corner of the Beta-Bellevue Property, shown on both figures. The Wilburton Subarea plan envisions the highest level of density on this property, which is zoned as “Urban Core”:





The current use of the Beta-Bellevue Property is an ideal use for the Wilburton neighborhood while redevelopment occurs over time and, with the right code, the area transitions into a TOD neighborhood. And when redevelopment is possible, the Beta-Bellevue Property will be central to making the Wilburton Vision a success. But the draft LUCA does not provide the right code framework to achieve these goals. In addition to the issues addressed by WPOG, the following three issues are important to resolve for the Beta-Bellevue Property.

**1. The nonconformity provisions should not penalize existing vibrant businesses who are paving the way for redevelopment to happen.**

The LUCA should encourage, not penalize, existing business that support the vitality of the Wilburton neighborhood as redevelopment occurs, and that bring people to Wilburton. The businesses that are in Wilburton are the workhorses that will keep neighborhood economy healthy and attract people as the area gradually transitions. The LUCA should:

- Allow existing nonconforming uses and sites to remain as permitted uses and structures, including allowing for reasonable changes to structures to allow valuable businesses to continue to operate in the future until larger-scale redevelopment is possible.
- Allow overall site development in phases without the need to bring all nonconformities across the development site into conformity at the outset.

**2. Transportation requirements should be in the code and offer flexible solutions for creating a TOD neighborhood.**

Transportation requirements are currently both confusing and rigid, causing uncertainty in costs and design that will prevent redevelopment. The LUCA should:

- Allow flexibility and departures from transportation standards. This is especially important for the Beta-Bellevue Property. Although the property is slightly larger than 100,000 square feet, which the draft LUCA currently sets as the limit for a small site, it is constrained by the Sound Transit guiderail and some slopes that effectively reduce the site and make redevelopment more complex. The LUCA needs departures that allow the City to work with developers and architects to find solutions for sites that are crossed by the guiderails that provide transit. Without flexibility, the City will not see redevelopment at the density that the Wilburton Subarea Plan envisions, if at all.
- Include standards for flexible access corridors and other types of multimodal transportation access. Transportation requirements should be in the code, not the Transportation Manual, to provide certainty to the City and developers.

- The transportation grid should not be in the LUCA. We have heard from the City that the grid is “conceptual” only – it is not necessary for the code, and only adds confusion.
- The requirements for Flexible Access corridors need to be further defined, again with more flexibility. Currently, the requirements for Flexible Access could chop-up sites and hinder redevelopment.

**3. Departures allow the flexibility that the City needs to achieve the Wilburton Vision.**

In addition to departures from the transportation standards outlined above, departures from codified numerical standards, other than FAR and height, must be allowed. The Beta-Bellevue Property, with the Sound Transit guiderail crossing it and location adjacent to both Eastrail and the future Grand Connection Crossing, is a prime example of a site with constraints that will need flexibility to achieve the type of development that the City envisions. The LUCA should maintain broad authorization for departures (including departures to Chapter 20.20 of the LUC) as vehicles for flexibility and alternative incentive structures, instead of precluding the City from using these tools to their fullest potential in the future.

Thank you for the opportunity to provide comment and for your work on the Wilburton LUCA. We look forward to continuing engage with you as the process progresses.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Quarré". The signature is fluid and cursive, with a large initial "J" and a stylized "Q".

Jacquie Quarré  
Tharsis Law

November 4, 2024

*By email to [planningcommission@bellevuewa.gov](mailto:planningcommission@bellevuewa.gov)*

City of Bellevue Planning Commission  
450 110th Avenue NE  
Bellevue, WA 98004

Re: *Comment on Current Draft Wilburton Land Use Code Amendments (“LUCA”)*

Dear Planning Commissioners:

Wilburton Property Owners Group (WPOG) believes the Wilburton area represents a unique opportunity for the City of Bellevue to achieve progress toward some of its most important goals. To help make this happen we have made significant progress with staff to find common ground on the proposed LUCA, which provides the blueprint for the future Wilburton neighborhood. We greatly appreciate the thoughtful engagement with staff that resulted in improvements in each draft of the LUCA. A top priority in Wilburton is to create more housing. To that end, WPOG has engaged in discussions with the staff team, other stakeholders, the affordable housing community, and experts about how to make the Wilburton framework spur meaningful development and progress toward Bellevue’s housing goals. Despite progress on many topics, and strong support for the overall heights and densities contemplated in the draft code, there remains a handful of final important issues that could cause headwinds for redevelopment in our already challenging economic climate.

The City’s recently commissioned economic analysis shows that rents need to increase at least 50% for even the most economical construction types to pencil. In this context, extra costs associated with the requirements in the LUCA must be considered in a cost-benefit analysis as part of the policymaking process. Increasing development costs and uncertainty through additional code requirements increases housing costs and will delay redevelopment. The City must also keep in mind that the Wilburton neighborhood currently does not exist; developers must have a good reason to select the Wilburton neighborhood over downtown and BelRed when they consider building in Bellevue. The Wilburton LUCA cannot put this neighborhood at a comparative disadvantage if the City wants growth around the light rail and future Grand Connection, and we urge you to think about how the Wilburton LUCA can incentivize implementation of the vision for the neighborhood. -The Comprehensive Plan and Wilburton Subarea Plan envision Wilburton as a high-density, Transit Oriented Development— making the most of the massive investments into the Sound Transit light rail and Eastrail. -The current draft LUCA still requires so much expense of property owners and is so rigid in its approach to redevelopment that it will deter development from achieving the City’s Wilburton Vision.

This letter highlights key areas where ~~we anticipate~~ the current draft LUCA increases housing costs (for affordable and market providers alike). We offer solutions ~~we believe that~~ will help achieve a code framework that meets the City’s goals for the Wilburton neighborhood, and we look forward to continued productive engagement with staff.

#### **A. Transportation Issues**

Many of the transportation requirements in the draft LUCA are unclear and will add uncertainty to development thus delaying and adding costs to redevelopment. The prescriptive dimensions have no tether to actual project impacts or requirements, and they will occupy developable area that could otherwise support housing or other priority amenities. Additionally, the proposed ‘grid system’ may make several sites undevelopable while adding little to no value to the community. The approach to

transportation requirements must be clear at the outset to avoid confusion, and a property owner should not need to chase down multiple (potentially conflicting) sources to understand what they will be asked to provide. *To solve these barriers to affordable, workforce, and market housing supply, the final LUCA should:*

- Flexibility and departures from transportation standards based on site-specific conditions are a must. For example, sites burdened by critical areas, sites crossed by Sound Transit guiderrails, and sites with unusual geography in the heart of the TOD need flexibility through departures from these standards to enable development.
- Remove 'grid system' maps and make transportation improvements through the transportation capital improvement process.
- Take transportation requirements out of the design manual and insert them in the LUC, to create predictability needed for new development.

## **B. Open Space Issues**

Making open space requirements that exceed those in other urban parts of the City reduces the size of buildings and takes away from new housing. *To solve these barriers to affordable, workforce, and market housing supply, the final LUCA should:*

- Set a 5% residential amenity area standard, achievable through public and private amenities, and encourage additional open space by dovetailing with the incentive program. This approach would be similar to other urban areas in Bellevue.
- Allow non-vehicular transportation improvements, or improvements that will not often be used by vehicles, like fire lanes, to count as open space. Affordable and market providers alike have been vocal about allowing such spaces (trails, open space, fire lanes, etc.) to do double and triple duty to activate ground levels and help new housing be built more quickly.
- Allow flexibility for offsite performance or apply a fee-in-lieu. Bellevue's park system is a crown jewel, and where off-site capital improvements, dedications, or fees in lieu make more sense than on-site performance, allow providers to contribute to and support the City's system.

## **C. Amenity Point Issues**

In order to achieve bonus floor area above the base FAR or base height, projects must earn amenity points from a menu in the LUCA. These amenities are features that represent a list of "nice to have, not must have" components of the Wilburton Vision. The current list of Wilburton amenities is much more limited than existing amenity lists in downtown, East Main, and BelRed sections of the LUC. The amenity and bonus system does not work for small sites seeking to build a tower, which is at odds with the Wilburton Vision and will ultimately yield less housing in the neighborhood. *To solve these barriers to affordable, workforce, and market housing supply, and to make Wilburton a comparatively more favorable neighborhood for development, the final LUCA should:*

- Expand the list of available amenities to match and exceed all other sections of the LUC.
- Recognize the unique challenges of building infill towers on small sites, and either increase the base FAR on small sites or increase the ratio of amenity points available on small sites.

## **D. Non-Conformity Issues**

We should not penalize existing businesses in Wilburton while we wait for redevelopment to become feasible and while we wait for sites to complete the entitlement process. The vitality of the neighborhood, and a significant portion of the City's budget in sales tax, could be put at risk. In several



instances, development will make the most sense in stages, and provisions should exist to encourage this to happen in conjunction with existing businesses. To solve these threats to neighborhood vitality, employment, and tax revenues, the final LUCA should:

- Allow existing nonconforming uses and sites to remain, in recognition of the time needed to build out the Wilburton Vision and in recognition of the significant economic contributions of existing businesses through sales tax revenues, employment, and neighborhood activation.
- Allow overall site development in phases under MDPs, including allocation of FAR across the project area, without the need to bring all nonconformities across the development site into conformity at the outset of a phased project.

### **E. Issues with Departures**

For the many reasons described throughout this document, departures from codified numerical standards, other than FAR and height, must be allowed. Wilburton includes a variety of unique conditions, such as proximity to I-405, adjacency to the Grand Connection and Eastrail, critical areas, and sites of varying sizes and configurations. As a new neighborhood gets built under a new code framework, a mechanism for flexibility is important for property owners and the City. Transportation departures must specifically be included. Flexibility benefits the City by giving it the authority to address and remedy unforeseen issues in the code when they arise in the normal course of development. To ensure the City can use these planning tools to provide affordable, workforce, and market housing supply, the final LUCA should:

- Maintain broad authorization for departures (including departures to Chapter 20.20 of the LUC) as vehicles for flexibility and alternative incentive structures, instead of precluding City Officials from using these tools to their fullest potential in the future.

### **F. Affordable Housing Issues**

We understand the Wilburton LUCA will include an affordable housing program. In partnership with City staff and affordable housing providers, significant progress has already been made toward finding common ground to achieve this goal, and we believe that if the above issues are addressed, then we can create a workable solution that will provide dramatic new housing opportunities in Wilburton across income levels. The draft LUCA only includes the mandatory affordable housing “Option A,” and we are still waiting to see the incentive-based “Option B.” It is critical to the policy discussion and analysis of overall costs to review the fully detailed proposals. To date, two areas of utmost importance are the fee-in-lieu option and the ability to overlap MFTE with affordable housing units. There is consensus with affordable housing stakeholders and WPOG that a \$13 per square foot fee-in-lieu is appropriate. The ongoing Nexus Study can validate this amount, but there is no reason to delay settling this amount in order to settle other policy conversations.

The lingering issues about the cost of development in Wilburton discussed above, and their likely impact on housing affordability, suggests that reducing the cost to construct housing has not been fully prioritized in the draft LUCA. Please consider our proposals as an opportunity to reduce costs and catalyze housing supply. Thank you for your focus on these issues.

Sincerely,

[SIGNATORIES]

## Nesse, Katherine

---

**From:** Kevin Wallace <kwallace@wallaceproperties.com>  
**Sent:** Tuesday, November 5, 2024 12:26 PM  
**To:** PlanningCommission  
**Subject:** Comments to Agenda Item 8 - Wilburton LUCA: Site Organization  
**Attachments:** Comment Letter to Wilburton LUCA 110624 Update.pdf

**[EXTERNAL EMAIL Notice!]** Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Dear Planning Commissioners,

Please find attached my comment letter to the November 6, 2024 Draft Wilburton LUCA. These are the comments that remain unresolved following months of collaboration with the city staff. The November draft is much better than the May draft, but additional revisions need to be made if Bellevue is to achieve the housing and jobs goals for Wilburton. I welcome the opportunity to discuss these comments with you as you have time -- please call or email me with any questions you have.

As you read this, think of a building as a block of cheese. Every time you make a road, sidewalk or pathway wider than necessary you take a slice out of that cheese of the same width. Unfortunately, in this context, each slice of cheese represents homes, and the thicker the slice, the more homes you eliminate. Eliminate too much and the project is no longer viable, so nothing gets built. It's vital for you not to *mandate* more width than necessary. Also keep in mind that a 200-unit apartment building is a \$100 million investment. No one is going to build projects with inferior design. If a project requires more driveway or sidewalk width to be successful, the developer will choose to do it. Loosening the regulatory grip, just to the point that projects have similar requirements to Downtown, will enable more projects to be viable, more housing to be built, and more jobs to be created.

With respect to Wednesday's conversation on Site Organization, my concerns are summarized as follows:

- Eliminate prohibition on surface parking. This is an unnecessary hardship on existing property owners and will cause difficulties with phased development.
- On the block limits, achieve parity with East Main and Bel-Red. East Main's block limit is 1,300 feet instead of 1,200. The infrastructure required on all four sides of the block is far less of a burden in BelRed.
- A minimum 10' wide paved surface for sidewalks is unreasonable. Reduce to the 6' requirement for sidewalks in BelRed. Extra width means smaller buildings means less housing units.
- The flexible access corridors are internal driveways, yet the sidewalk width is tantamount to Bellevue Way – there is no need to require 10' wide sidewalks on internal driveways.
- The 20' width of the drive surface on flexible access corridors is too narrow to meet the requirements of the transportation design manual for turning movements. Staff need to resolve these conflicts.
- The active transportation access corridor is unreasonably wide at 30', particularly where it is not being used for fire access. Reduce to 25' if vehicles and 15' if no vehicles. Incentivize the creation of ATAC's by providing FAR amenity points.

- This requirement is far wider than any comparable requirement in Downtown, Bel-Red or East Main. What is the rationale for the *mandatory* width? Width kills housing.
- Staff have not shown how a requirement for public streets meets the constitutional requirements for nexus and rough proportionality. This imposes an unnecessary restriction on development of these parcels. The public street requirement should be eliminated.
- Eastrail access:
  - Should only be mandated in locations where the connections can be made. Most of Eastrail has too much grade change between the private property and the Eastrail path for the mandated connection to be viable.
  - The city staff need to work with the County to enable the connections to be made, because private developers do not have the authority to build on the County's property.
  - Applicants need to be awarded amenity points as compensation for the cost of making the connections.
- There is no justifiable reason for mandating that property owners pay for Bellevue emergency vehicle access Eastrail as a condition to development of the private property. If the Bellevue Fire Department needs to access Eastrail it needs to condemn the access, and pay for it. Maintaining this unlawful requirement adds unnecessary costs and likely forces litigation. The city should delete it.
- The open space requirements are far more broad than Downtown. The additional requirements drive up the time, risk and cost of producing buildings in Wilburton, without need to do so. Make the open space/Outdoor Plaza requirements consistent with Downtown's land use code.
  - Open space includes landscape planters, swales and other items that should not be publicly accessible, yet the Wilburton code requires public access for all open space.
  - No one should be mandated to provide public access to their private buildings. It's one thing to enable pedestrian access across a site, but what is the public policy rationale for mandating that any member of the public can access a roof deck?
  - In Downtown, the publicly accessible open space is called "Outdoor Plaza", and applicants are awarded amenity points for providing them. They are only required to be provided where buildings exceed the trigger height.
  - There is no 10% open space requirement in Downtown.
- The requirement for a frontage path on private property between 8<sup>th</sup> and 12<sup>th</sup>, parallel to Eastrail, unnecessarily increases the cost and reduces viability of redevelopment of properties in this area. It is almost certain that this path will never be fully completed because every parcel would have to redevelop to make that happen. The better policy is to incentivize connections to the Eastrail path and eliminate this frontage path.
- The 30' wide landscape buffer adjacent to 405 is a giant taking of land without justification. Kaiser Permanente has a 5' landscape strip and 20' wide roadway before the building, which is adequate.

Thanks for considering these comments, as well as the remaining comments in the attachment, and please contact me if you have any questions.

*Kevin Wallace*

Wallace Properties, Inc.  
 330 112<sup>th</sup> Ave. NE #200  
 Bellevue, WA 98004  
 (425) 278-6363 (Direct)

(425) 802-5701 (Cell)





November 5, 2024

Janet Shull, Wilburton Initiative Lead  
 Nick Whipple, Director of Code and Policy  
 Rebecca Horner, Director of Development Services  
 Mark Poch, Assistant Director of Mobility Management  
 Via Email: [jshull@bellevuewa.gov](mailto:jshull@bellevuewa.gov), [rdhorner@bellevuewa.gov](mailto:rdhorner@bellevuewa.gov), [nwhipple@bellevuewa.gov](mailto:nwhipple@bellevuewa.gov),  
[mpoch@bellevuewa.gov](mailto:mpoch@bellevuewa.gov)

Re: Wilburton Vision Implementation Land Use Code Amendments  
 Comments Pertaining to **November 6, 2024 Wilburton LUCA revision**

Dear Wilburton Team:

Thank you for the modifications you made to the original Wilburton land use code amendment. The code is improved in many ways. For brevity, this letter only focuses on the remaining concerns. In addition, I am not addressing the affordable housing element in 20.20.128 in this letter. This letter follows my previously submitted comments in regard to the North Mixed-Use Highrise Area (North MU-H) bordered by NE 12<sup>th</sup> Street (north), 116<sup>th</sup> Ave. NE (west), NE 8<sup>th</sup> Street (south) and Eastrail (east). Please consider the following comments to the 11/6/24 draft Wilburton LUCA, presented in the order in which they appear in the code:

20.10.445.B.1	Permitted Uses. permits nearly all land uses outright, with a few reasonable limitations and, except for the surface parking limit, reasonable prohibitions.	<b>Request: Allow property owners to obtain a “permitted use letter” from the Director, similar to the current zoning certification letters, to be able to confirm that a specific use is permitted.</b>
20.10.445.C.9  20.25R.030.G.2	Prohibited Uses - Surface parking exceeding 10% of the lot area is a prohibited use. 15% for small sites.  Vehicular surface parking is prohibited except as provided in LUC 20.20.445.B	<b>Requested change:</b> <ul style="list-style-type: none"> <li>• <b>Preferred: Delete these sections. Instead, consider adding the rule from Downtown (20.25A.170.B) that says, “No surface parking or vehicle access shall be allowed directly between perimeter sidewalk and main pedestrian entrance.”</b></li> <li>• <b>Alternate: If the 10% ban is retained, add a section to the code that states a future phase of an MDP does not need to comply with this requirement until it is redeveloped (i.e., the rule applies to the construction area only), and exclude drive aisles from the calculation of parking area. The calculation area should be the perimeter of the off-street striped parking stalls, excluding drive aisles and loading zones. See LUC 20.20.590.K for reference.</b></li> </ul> <p>This requirement lacks parity with the other Growth Areas, and because most of the existing land in Wilburton has far more than 10% surface parking, it creates challenges with nonconforming uses and the ability to perform a phased MDP.</p>

<p>20.10.445.C.9.b</p>	<p>Existing nonconforming surface parking may be re-surfaced and re-stripped, provided no <u>additional hardscape coverage</u> is added and if restriping results in a <u>reconfigured parking area</u> or increases the number of parking spaces, the spaces shall meet the requirements in 20.20.590.</p>	<p><b>Requested change: Preferred: Delete entirely. Alternative: Change “a reconfigured parking area” to “additional hardscape coverage”, or else define what it means to reconfigure the parking area when you’re not adding new spaces or adding hardscape.</b></p> <p>This section remains an unnecessary burden. Property owners should be allowed to continue to maintain surface parking. It’s also unclear what “reconfigured” means. It should just be triggered if the quantity of stalls increases or hardscape is added.</p>
<p>20.20.010</p>	<p>Base FAR for Option A (mandatory) has been retained, but for Option B (voluntary) the base has been reduced by 0.5 FAR in UC, MU-H &amp; MU-M; 1.0 in MUR-M.</p>	<p><b>Requested change: Base FAR for the voluntary option should be reset to the original levels.</b></p> <p>The Base FAR should allow for a reasonable development capacity before any public benefits or affordable housing mandates are required.</p>
<p>20.20.010</p>	<p>Floorplate Limits</p>	<p>If UC is granted 35,000, North MU-H should receive parity.</p>
<p>20.20.128</p>	<p>Affordable Housing</p>	<p>This topic will be addressed in a separate communication.</p>
<p>20.20.420</p>	<p>Green Building</p> <p>See also the comments in the Wilburton bonus points section: 20.25R.050.D.2.g</p>	<p><b>Requested Changes:</b></p> <ul style="list-style-type: none"> <li>- <b>Make the green building standard consistent with Downtown and East Main. The staff notes provided in Comment A83 look like this is heading in a decent direction, but the final language needs to be evaluated.</b></li> <li>- <b>Eliminate the performance bond requirement (the bond requirement has now been eliminated and replaced with a placeholder).</b></li> </ul>
<p>20.20.525.C</p>	<p>New section on mechanical equipment overruns</p>	<p><b>Requested change: Include all other items that are permitted to overrun. Logically this would be provided in another section of the code, but it needs to be provided somewhere.</b></p> <p>The language in this section is fine for mechanical equipment, but elevator overruns and vestibules, stairs, roof deck elements, green roof, pet relief areas and mechanical screening should be added to the list. It would be nice to allow for occupied roof decks without them being considered a floor or above the height limit.</p>
<p>20.20.542</p>	<p>Modification of Development Regs</p>	<p>This pertains to affordable housing and will be addressed in a separate communication.</p>
<p>[20.20.560]</p>	<p>Nonconforming Sites – <b>WPOG added a placeholder for this. It’s not included in the City draft.</b></p>	<p><b>Requested change: Apply standards similar to East Main.</b></p> <p>A nonconforming use code needs to be developed using the Growth Area LUC’s as precedent: Downtown Nonconforming Sites (20.25A.040.C), Bel-Red Regulations Applicable to Existing Development (20.25D.060.G) and East Main Nonconforming uses, structures, and sites and exceptions for existing athletic club and accessory hotel use (20.25Q.040). Of these, East Main appears to</p>

		be the most detailed, and the exception for athletic club should be used for "exception for auto dealers" section in Wilburton.
20.20.725	Recycling and Solid Waste Collection Areas. New rules provided to allow/regulate permanent and temporary staging.	<p><b>Requested change: Exempt Small Sites from Subsection B (Permanent Staging) or provide alternative rules for Small Sites, which may need to have pickup from the public street.</b></p> <p><b>Subsection C (Temporary Staging) requires more clarity:</b></p> <ul style="list-style-type: none"> <li>- it is unclear why Director approval is specifically required for temporary staging. The Director always has approval whether the project complies with the LUC.</li> <li>- The approval of the pickup service provider should be a requirement for all of 20.20.725 or not at all. Why does it only apply to temporary staging?</li> <li>- The term “pedestrian clear zone” is not defined in the Wilburton LUCA or used anywhere else in the Bellevue LUC.</li> <li>- What is a circumstance where the pedestrian clear zone would be impacted and one of the items in C.2.b would not?</li> <li>- Small sites need to be exempted from the temporary staging rules, or special rules provided that allow access from public streets/sidewalks.</li> </ul>
20.25R.010.D.2	Master Development Plan requirements.	<p><b>Requested change: Implement WPOG’s proposal.</b></p> <p>The main issue with MDP’s is the need for clarity that future phases do not need to be brought into conformance with the code. WPOG proposed an acceptable section to address this.</p>
20.25R.010.D.4	Departures. Departures are limited to departures from numeric standards in 20.25R.020 through 20.25R.040 or other sections of the Land Use Code that provide for departures.	<p><b>Requested change: Broaden the list of items that are departable, and modify the departure criteria to allow more latitude in approving departure requests.</b></p> <p>The current code is <i>highly</i> constraining and it is certain that there will be many as-applied situations where the proposed code will not work well. The planners should be allowed broad discretion to work with the developers so that the code does not act as an unreasonable constraint on development.</p>
20.25R.020.B.2	<p>Maximum block limit of 1,200 feet, surrounded by any of the following: (i) public street rights-of-way; (ii) flexible access corridor; (iii) Active transportation access corridor; (iv) pedestrian corridor; (v) Eastrail corridor; or (vi) Grand Connection.</p> <p>The north-south dimension of a block shall be no more than 350’ long.</p>	<p><b>Requested changes:</b></p> <ul style="list-style-type: none"> <li>- <b>Increase 1,200 to 1,300 for parity with East Main (20.25Q.100.E.1).</b></li> <li>- <b>Change flexible access corridor to commercial driveway (see TDM Section 3.5.2).</b></li> <li>- <b>Delete requirement for active transportation access corridor.</b></li> <li>- <b>The above would be commensurate with Bel-Red (see 20.25D.140.A.3.a).</b></li> </ul> <p>This section only applies to sites of 100,000sf in area or more, and imposes truly excessive requirements that are not required for sites of 99,999 square feet, and not required in other growth areas of the City. The block limit concept occurs in East Main and Bel-Red too, but in Bel-Red it does not trigger the requirement to provide a Flexible Access Corridor as the driveway.</p>

20.25R.020.B.2.b.v	Dedication of new access corridor.	<b>This section should be moved to 20.25R.020.D – its own subsection. It does not belong in the Block Dimensions subsection. This language only covers the “nexus” part of the analysis. Provisions for “rough proportionality” need to be added.</b>
20.25R.020.B.2.c	Access corridors constructed across property lines.	<b>This is a good concept, but is only applicable to sites of 100,000 square feet or more. Also, unless both sides redevelop at the same time, it is likely that the second phase will not be able to complete its half. The first applicant should be allowed to build its half, only, if the second party signs an easement to commit to do so when they redevelop.</b>
20.25R.020.B.3.a	Access corridors required under this Chapter 20.25R.020 LUC shall be designed in accordance with the Transportation Design Manual	<b>Request: There needs to be code language that explains what a site of less than less than 100,000 square feet is supposed to do for its internal circulation. It appears that the intent is to have the TDM control, but the current draft does not require any driveways for these sites. If it is implied that the TDM is what is required, the TDM requires a minimum width of 26’, while the flexible access corridor drive lanes are 20’. When combined with the requirement below that “all sidewalks shall be a minimum paved width of 10’”, this could be interpreted to mean that an internal driveway on site of less than 100,000 sf has to be 6’ wider than a flexible access corridor.</b>
20.25R.020.B.3.b	b. All sidewalks shall be a minimum paved width of 10’.	<b>Requested changes:</b> <ul style="list-style-type: none"> <li>- The 10’ minimum is excessive. Sidewalk widths should be different for public streets vs. private driveways. The widths for all should be comparable to the widths in Bel-Red. Arterials, local streets and green streets in Bel-Red are required to have 6’ wide sidewalks (20.25D.110).</li> <li>- It is unclear whether this rule is intended to apply to sidewalks that are part of “access corridors”, meaning only applicable to sites 100,000 sf or larger, or if it applies any time a smaller site chooses to install a sidewalk. For low-volume public streets, 7’ is sufficient. For private driveways, 6’.</li> </ul>
20.25R.020.B.3.c.i	Buildings may project up to six feet over the width of a sidewalk.	<b>Requested change: Specify the minimum clear height above public sidewalk and interior sidewalk. 13’6” for interior. 20’ for public sidewalk. Allow 13’ 6” cantilever to count as weather protection, up to 16’.</b>
20.25R.020.B.3.c.iii	Buildings may be connected across an access corridor up to 75’ in width and with a minimum clear height of 20 feet above the corridor.	<b>Requested change: For access corridors that do not have vehicular access, reduce the vertical clearance from 20’ to 16’.</b>  For a midrise building, a 20’ high ground floor would impact the ability to provide 5 floors of residential at reasonable floor to floor heights and stay within the 70’ height limit for Type V construction.
20.25R.020.B.3.d	Flexible Access Corridor. A minimum 20’ wide drive aisle and 10’ wide sidewalks on either side and 5’ wide landscape strips on	<b>Requested change: Reduce sidewalk width to 6’, which is consistent with Bel-Red for internal driveways, and only require planter strips on one side. If a street is adjacent to a property line, do not require a sidewalk on the outside. If the 20’ wide driveway is maintained, provisions need to be made for the last 30’ before the curb cut, because 20’ is not wide</b>



	either side, plus 6” curbs. Total 51’.	<p><b>enough for the turning movements required in Section 3.1.3 of the TDM.</b></p> <p>This is only applicable if the lot is 100,000sf or more, creating an unnecessary hardship for these large sites. The flexible access corridor requirements are excessive for an internal driveway. The proposed modifications would allow greater building area because the <i>minimum</i> width would be 38’: 20’ drive aisle (20), 6’ sidewalks (12), 5’ planter (5), 6” curbs (1)</p>
20.25R.020.B.3.e	Active Transportation Access Corridor	<p><b>Requested change: Reduce minimum width to 15’ if no fire truck access is provided, and 25’ if fire access.</b></p> <p>The above widths allow for a 10’/20’ wide hard surface area plus 5’ for a soft surface area. This is only applicable if the lot is 100,000sf or more, creating an unnecessary hardship for these large sites. It is available for smaller sites if they want to use it to achieve amenity points. Other than amenity points, why would someone provide an ATAC instead of a Pedestrian Corridor?</p>
20.25R.020.B.3.f	Pedestrian corridor	<p><b>Requested change. Delete the requirement to “incorporate design elements of the adjacent right of way” because it is vague. Delete the requirement to comply with ADA – the entire site is required to comply with ADA, and sometimes alternative routes are necessary.</b></p> <p>New element that is 14’ wide. This is only required for sites 100ksf or larger, and an option for smaller sites that want to achieve amenity points by providing it.</p>
20.25R.020.B.3.h	Public Access Easement	This is a regulatory taking of a property right. Verify with land use counsel, but I believe the City needs to demonstrate nexus and rough proportionality.
20.25R.020.C.2	Required public streets.	<p><b>Requested change:</b> <b>Preferred: Delete.</b> <b>Alternative: Reduce width of sidewalks to 6’ and eliminate mandate for parking strips.</b></p> <p>Public streets are not required in the North MU-H area. Comment is included in support of other Wilburton property owners who are impacted. Burden is on the City to show how this requirement meets nexus/rough proportionality.</p>
20.25R.020.C.3.a	Eastrail access. Non-motorized access must be provided every 350’ along corridor.	<p><b>Requested changes:</b></p> <ul style="list-style-type: none"> <li>- <b>Modify the beginning point from 1,000 feet north to 800 feet north. This would still require at least two access points north of NE 8<sup>th</sup> Street, but in areas where it is topographically feasible to make the connections.</b></li> <li>- <b>Provide specifics about the nonmotorized access. How wide? ADA required? If a property has less than 350’ of frontage is an access point required or not? Is the requirement to provide it to the property line or to the Eastrail path? If the latter, how is the grade change addressed? How does a property owner gain the property rights to access the path?</b></li> </ul>

<p>20.25R.020.C.3.b</p>	<p>Eastrail access for emergency vehicles must be provided from the Design Market property.</p>	<p><b>Requested Change. Delete.</b></p> <p>This code language specifically targets the DM property by saying that the access point must be somewhere between 500 and 1,200 feet north of 8<sup>th</sup>. It lacks any nexus or rough proportionality to a proposed development on the DM site. It is also infeasible due to the grade change between the DM property and the Eastrail path, and the 20-30' wide swale on the Eastrail property. If the City requires this access right it needs to condemn the property and pay the cost itself.</p>
<p>20.25R.030.B</p>	<p>Active Uses. Requires 50% of all flexible access corridors, active transportation access corridors, public street rights of way, pedestrian corridor, east rail corridor and grand connection to be active uses, provided on at least two frontages.</p>	<p><b>Requested Change:</b></p> <ul style="list-style-type: none"> <li>- <b>Delete the 50% requirement from flexible access corridors, active transportation access corridors and pedestrian corridors and provide an FAR exemption and FAR amenity points if the active use is provided in those areas.</b></li> <li>- <b>In an MDP, the calculation must only apply to the construction area, not future phases.</b></li> </ul> <p>Again, this is a huge impact on sites greater than 100,000 sf, which are the only ones where flexible access corridors, active transportation access corridors and pedestrian corridors are required. It would force active uses into areas where it will likely not be successful. By comparison, active use is only required for 75% of the public street front in downtown – none on internal driveways, but FAR exemption is granted to incentivize more of it. This results in developers providing as much ground floor active use as possible, because it doesn't impact FAR.</p> <p>The definition of Active Use in 20.50.011 is expanded and includes residential units, amenity spaces and live/work spaces. This is helpful, but the sheer quantity of active use that would be required along all flexible access corridor will render large sites undevelopable.</p> <p>[Active use not required for Eastrail in the North MU-H area.]</p>
<p>20.25R.030.C</p>	<p>Open Space. Percentage requirement is reduced to 10% (previously 15%) of the site area. Open space is required to be publicly accessible at all times, and subject to a recorded easement. Design requirements (not guidelines) apply.</p>	<p><b>Requested changes:</b></p> <ul style="list-style-type: none"> <li>- <b>An “Outdoor Plaza” requirement should only be applied to 10% of the site area occupied by buildings exceeding 100' in height.</b></li> <li>- <b>FAR Amenity points should be given for this area at the same level as Downtown.</b></li> <li>- <b>Only “Outdoor Plaza” should be required to be publicly accessible and subject to the “hours and legal agreement” requirements of C.7. Other “open space”, like rooftop space or other non-ground floor portions of buildings, landscape planters, bioswales, should count toward the 10% requirement without being publicly accessible or subject to the expensive Outdoor Plaza design requirements.</b></li> <li>- <b>A portion of an Outdoor Plaza that allows emergency vehicle access should still count as Outdoor Plaza if it otherwise meets the Outdoor Plaza requirements. Emergency vehicle access only should not preclude consideration as open space (4.b)</b></li> </ul>

		<ul style="list-style-type: none"> <li>- <b>The requirement to be within 30” in elevation of a sidewalk in order to be considered a plaza is just as problematic in Wilburton as it is in Downtown. What happens with a sloped site?</b></li> <li>- <b>Delete 8.b (the second 8.b). These landscape buffer requirements have been problematic in Downtown. If this is preserved it absolutely must be departable, particularly where there is an intent to share a driveway along a property line.</b></li> </ul> <p>All but the last of these requests are consistent with Downtown requirements. There is no public policy rationale for mandating public access to a private building’s green roof, or to landscape planters that are not intended to be public but provide open space. Ask Amy Tarce about the landscape buffers in Downtown and the absurd requirements it generates.</p>
20.25R.030.E.4	Weather protection	<p><b>Requested changes:</b></p> <ul style="list-style-type: none"> <li>- <b>Modify to 9’ minimum and 13’ maximum. It’s important to have at least a 4’ range, particularly on sloped sites.</b> Talk to Toni Pratt about the TDM vs. land use code discrepancy in Downtown.</li> <li>- <b>Delete E.4.d. and replace with minimum 4’ from building face, but shall not impact street trees, light fixtures or other street furniture.</b> “In proportion to building and sidewalk” is vague.</li> <li>- <b>Delete the requirement for freestanding weather protection in E.4.e.</b> This is an unreasonably expensive mandate.</li> </ul>
20.25R.030.F.3.b	Bicycle parking.	<p><b>Requested change. The proposed language for short and long-term parking needs to be clearer as to whether the rule applies to all or some or one of the bicycle parking areas. It currently says:</b></p> <ul style="list-style-type: none"> <li>- bicycle parking <i>shall</i> be located on the same floor as a primary building entry</li> <li>- bicycle parking <i>may</i> be in a ground level parking garage with direct access outdoors</li> <li>- bicycle parking <i>may</i> also be located in upper floors of residential buildings.</li> </ul> <p><b>The added language in (4) does not help with clarity – it leaves it entirely in the discretion of the Director.</b></p>
20.25R.030.G.2.c.	Frontage path requiring 10’ in width is required from NE 8 <sup>th</sup> to NE 12 <sup>th</sup> .	<p><b>Requested change. Delete.</b></p> <p>The frontage path requirement is redundant with the Eastrail path burdens the properties because the area is needed for back of house and fire truck access. The proposed code requires connections to be made to Eastrail in the same area. This is the preferred alternative and there’s no need for both.</p>
20.25R.030.G.5	Landscape Buffer near I-405. 30’ wide buffer with landscaping.	<p><b>Requested change:</b>  <b>Preferred: Delete.</b>  <b>Alternative: Require a 25’ wide structure setback with a 5’ landscape strip. This would allow a 20’ wide roadway. The Kaiser Permanente project is a good example of this.</b></p>

		<p>This 30' wide buffer is an unreasonable taking of private property. There is no basis for such an onerous requirement and it unduly limits the ability to redevelop the land. The area adjacent to the freeway is where applicants will want to put back of house access drives and elevated parking. Requiring a 30' wide landscape strip eliminates that ability, unless the setback becomes 50'.</p>
20.25R.040.B.3.c	<p>Towers over 55 feet in height may be connected on one floor...</p>	<p><b>Requested change: “Any two towers built within a single project limit may connect on one floor above 55’ in height, provided that:”</b></p> <p>The current language is not sufficiently clear. I believe the proposed language expresses the intent.</p>
20.25R.040.B.3	<p>Active Use spaces</p>	<p><b>Requested changes:</b></p> <ul style="list-style-type: none"> <li>- <b>Is the measurement point for the ceiling clearly defined somewhere? Say “floor to floor” instead?</b></li> <li>- <b>The reference in 4.d is incorrect - .030.E.4?</b></li> <li>- <b>The horizontal length of the weather protection is unclear – 75%?</b></li> </ul>
20.25R.040.B.5	<p>Façade modulation</p>	<p><b>Requested change: Clarify the depth of façade modulation – suggestion is 5’.</b></p>
20.25R.040.D.2	<p>Building base (podium) – Max Podium Height. Max height along public ROW, flexible access corridor, active transpo corridor and open space is 55’.</p>	<p><b>Requested changes:</b></p> <ul style="list-style-type: none"> <li>- <b>Delete “open space”.</b></li> <li>- <b>Define what is supposed to happen after the podium. If the idea is to require a setback or modulation then provide the minimum depth of setback (5’) or the average modulation depth to be achieved (3’).</b></li> </ul> <p>This applies to both highrise and midrise buildings in front of not just public streets, but flexible access corridors, active transportation access and open space. Only 100,000 sf sites are subject to FAC and ATAC. If open space is included it basically means all four sides of the building, because open space is mandated everywhere, and includes landscape planters and such. Perhaps the intent was to apply it to the equivalent of Downtown’s “Outdoor Plaza” but the Wilburton code does not distinguish between open space and Outdoor Plaza. A five-foot setback is not unreasonable. More than that creates an unreasonable reduction in buildable area.</p>
20.25R.040.D.3	<p>Building Base - Mandatory Green Roof on Podium. At least 10% of the top of building podium shall contain a green roof.</p>	<p><b>Requested change: Delete.</b></p> <p>The requirement to provide green roof or landscaping on 10% of the exterior area on top of a building podium is redundant with the green factor. Not a requirement in other Growth Area LUC’s.</p>
20.25R.040.D.4.a	<p>Building Base - Parking Structures. 20 feet of habitable commercial use along public right of way, flexible access, active</p>	<p><b>Requested change: Delete.</b></p> <p>This is a poison pill for above-grade parking garages, which are necessary in the high water-table areas of Wilburton. The new requirements for windows, green walls, etc. address the aesthetics of parking garages without being prohibitive.</p>

	transportation, Eastrail, Grand Connection.	
20.25R.040.D.4.b	Treatment requirements for elevated parking	<b>Requested change: Define “pedestrian areas” and delete “open space”.</b>  “Pedestrian areas” is not defined, and “open space” is too broad. The current open space requirements span all areas of the site.
20.25R.040.E.2.a	Towers – Stepback. A 15' stepback is required for buildings that exceed 100' in height at 55' in façade heights facing public rights of way, flexible access, eastrail or Grand Connection.	<b>Requested change: Reduce the requirement on Flexible Access Corridor and Eastrail Corridor to 5'. Reduction from 15' on public streets should also be considered – that’s very deep.</b>
20.25R.050.A	Can exceed base FAR or base building height only by complying with amenity incentive.	Comment says that Option B will require 80% of amenity points to be earned from affordable housing. This would be wildly excessive given the proposed base FAR’s for Option B.
20.25R.050.D.2.a.	Bonus Points - Affordable Housing	<b>Requested change: Define “square foot of affordable housing”.</b>  This should be the gross square footage, not the rentable area, because it pertains to FAR points.
20.25R.050.D.2.b.	Bonus Points – Family-sized Housing	<b>Requested change: Define “square foot of the unit”.</b>  This should be the gross square footage, not the rentable area, because it pertains to FAR points.
20.25R.050.D.2.c	Amenity Incentive System - Open Space. 0.5 points for every sf beyond minimum required.	<b>Requested changes:</b> <ul style="list-style-type: none"> <li>- Allow points for public open space without regard to weather the minimum 10% is exceeded.</li> <li>- Increase the number of bonus points available to be in parity with Downtown (8.4:1-9.3:1).</li> <li>- “Meet all applicable requirements of this Part 20.25R.LUC” is unclear.</li> </ul>
20.25R.050.D.2.d	Eastrail corridor improvements – 16 points for every sf of (i) mixing zones and (ii) frontage paths beyond those required under 20.25R.030.	<b>Requested changes:</b> <ul style="list-style-type: none"> <li>- Delete “beyond those required under LUC 20.25R.030”.</li> <li>- It is unclear what falls into the calculable area of the “mixing zone”. The definition of mixing zone limits it to no less than 500 sf in area. Unclear how this is measured or why the minimum is 500. If improvements are made, the points should be awarded.</li> <li>- Does a mixing zone include “non-motorized access” in 20.25R.020.C.3.a.i? If not, why aren’t points provided for this?</li> </ul>
20.25R.050.D.2.f.ii	FAC, ATAC, Ped Corridor	<b>Requested changes:</b> <ul style="list-style-type: none"> <li>- Provide points for pedestrian corridor.</li> <li>- Make points similar to Downtown.</li> </ul>



		- Points for local streets are “linear foot” while FAC and ATAC are “square foot”. This is a huge difference. Public street, if the requirement is retained, should be square foot as well.
	Amenity Incentive System - FAR Bonus System – Other	All other amenity points in Downtown, BelRed and East Main should be examined and amenity points awarded at a similar level rate.
20.25R.050.E	Amenity Incentive System - Recording	<b>Requested change. Delete.</b>  What is the point of this? Recording fees are expensive and this seems unnecessary.
20.50.030.H.	Housing Expenses Definition	This leaves it up to the Director to define a “Utility Allowance”. This should be examined – how is the utility allowance defined for MFTE?
20.50.040.P	Plaza	Recommend deleting the word “paved” because plazas are not just paved.

Thank you for considering these comments.

Sincerely yours,



Kevin Wallace