

From: [Neal Mulnick](#)
To: [PlanningCommission](#); [Wilburton Vision](#); [Shull, Janet](#)
Cc: [King, Emil A.](#); [Abigail DeWeese](#); [Paul Etsekson](#); [Michele Mulnick](#); [Doug Rosen](#); [Adam Rosen](#); [Mason Ward](#)
Subject: Wilburton Vision Implementation Subarea Plan Transportation Policies - Comment Letter for 411 116th Avenue NE (Ford of Bellevue Site)
Date: Wednesday, March 27, 2024 3:28:50 PM
Attachments: [Max Alco TIC Ford 411 116th Ave NE Policy Comment Letter 32724.pdf](#)

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Dear Chair Bhargava and Ms. Shull,

Please find attached our comment letter regarding Transportation policies.

We are always available for any further discussion or questions. Thanks for all your efforts on this project.

Regards,
Neal

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Neal Mulnick

Clover Capital LLC

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14510 NE 20th Street - Suite 205, Bellevue, WA 98007



MAX CAPITAL LLC & ALCO INVESTMENT CO
14510 NE 20TH STREET – SUITE 205
BELLEVUE, WA 98007

March 27, 2024

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

And to: Janet Shull, ACIP CUD Initiative Lead
City of Bellevue

Via email to PlanningCommission@bellevuewa.gov and WilburtonVision@bellevuewa.gov

Re: Draft Wilburton Vision Implementation Subarea Plan Policies

Dear Chair Bhargava and Ms. Shull,

We represent the ownership of the nearly 4.5-acre AutoNation Ford site located at 411 116th Avenue NE within the Wilburton TOD Area. We have been following the Wilburton Vision Implementation Subarea Plan process closely. We are looking forward to seeing the Land Use Code Amendments come forward soon. We understand your discussion this week will focus on recommendations to guide drafting the LUCA's transportation approach. We offer the following comments on the meeting materials:

1. **Removing Parking Minimums is the Right Approach.** We strongly support the staff recommendation to remove minimum parking stall ratios in the Wilburton TOD Area, along with the companion Wilburton Vision CPA Policy S-WI-36 to “[u]se appropriate vehicle and bicycle parking supply and requirements to reflect trail and transit proximity and access, and local access needs.”

The Area will be connected regionally with Light Rail and Eastrail and will be connected to Downtown with the Grand Connection, so it's likely that future residents and workers in the Area will rely less on single occupant vehicles. Removing parking ratios does not mean that parking will not be constructed. Indeed, it is often a lender requirement to show that there is adequate parking to serve a project as noted correctly in the staff memo. Removing minimum parking stall ratios will instead help facilitate the expected gradual transition from SOV use as property owners and developers will be able to “right size” parking to meet anticipated demand at the time of a project. We think this is the right outcome and approach for Wilburton.

2. **Concern With the 70' Minimum Standard for “Flexible Access” Streets.** The Agenda Materials also identify and describe “Flexible Access” streets as “active transportation and essential vehicular access (i.e., garage access, pick-up/drop-off) to support future development.” Such “Flexible Access” streets are intended to be 70' wide to adjacent building face. Of course new developments will require access, and we support a

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thoughtful approach to locating garage and service access where it is feasible and has the least impact on the public realm; however, we have misgivings about the need for 70' in width to accommodate garage and waste access. Typically access to garage and service areas in urban settings is from alleys that are no more than 20' wide. This width minimizes vehicular presence and the potential for vehicular and pedestrian conflicts. The City has said that the design for these areas would be governed by the specific needs of a project—yet it has also identified a specific minimum width—which signals that the “Flexible Access” concept is going beyond a project-specific analysis. If the City envisions more than just garage access in these areas, then we request more clarity about how these areas are intended to be used, and how the large width is justified by project impacts.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'NM', with a small dot above the second 'M'.

Neal Mulnick

Cc: Emil King, City of Bellevue
Abigail DeWeese, HCMP

From: [Jacquie Quarre](#)
To: [PlanningCommission](#)
Cc: [Johnson, Thara](#); [Shull, Janet](#); [Panganiban, Justin](#); [Whipple, Nicholas](#); [Miller, Caleb](#)
Subject: 03/27/24 Planning Commission Meeting Comments Re: Wilburton
Date: Wednesday, March 27, 2024 3:34:27 PM
Attachments: [03.27.24 Planning Commission Letter.pdf](#)

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Dear Planning Commission,

Please find attached a letter with our comments for the meeting this evening regarding the Wilburton subarea updates. Please feel welcome to reach out if you have any questions.

We appreciate the hard work that you and City Staff are putting into this process.

Jacquie

Jacquie Quarré

Tharsis Law P.S.

jacquie@tharsis.land

Direct/cell: 425-891-7842



March 27, 2024

Tharsis Law
Jacquie Quarre
425-891-7842
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City of Bellevue Planning Commission
450 110th Ave NE
Bellevue WA 98004

VIA EMAIL TO: PlanningCommission@bellevuewa.gov

Copy to: Thara Johnson, Comp Planning Manager
 Janet Shull AICP CUD, Strategic Planning Manager
 Justin Panganiban, AICP, Senior Urban Designer/Planner
 Nick Whipple, Code and Policy Director
 Caleb Miller, Senior Planner

Dear Planning Commission:

We represent Beta-Bellevue Auto Center, L.L.C. (“Beta-Bellevue”). Beta-Bellevue is the owner of property in the City of Bellevue’s Wilburton planning area, located at 620-638 116th Ave NE (“Beta-Bellevue Property”). The Beta-Bellevue Property is a lightly developed, approximately 134,000 SF parcel located less than 500 feet from the Sound Transit Wilburton Station.

We support the Wilburton Subarea policy updates that envision the Beta-Bellevue Property as high-density transit-oriented development and support the recommendation in the Staff Memo to not impose a minimum parking requirement for new developments in Wilburton. However, we have concerns regarding the following LUCA concepts proposed in the Staff Memo: (1) a 70-foot *minimum* width for Flexible Access; and (2) the effective “grid” through properties established by requiring access points every 250-feet and 500-feet across a block. These concepts inhibit the flexibility intended for Flexible Access and limit the ability of architects to design innovative projects that achieve the density and walkability that the City wants for

Wilburton. A one-size-fits-all approach to access does not make sense for making the most of a truly unique TOD opportunity in Wilburton.

Fortunately, the City has the opportunity to take a different course of action in developing the LUCA. An alternative to prescribing minimum Flexible Access widths and access locations is to develop design guidelines in the LUCA and design standards in the forthcoming update to the Transportation Design Manual that give architects and City Staff the ability to collaborate and design truly flexible access routes through new developments in the locations and at the scales appropriate for the specific project, modes of transportation, and location in Wilburton. This is more aligned with proposed Wilburton policy updates S-WI.57, S-WI.60, S-WI.65, S-WI.66, and S-WI.71, S-WI.73, S-WI.77 and S-WI.81. Incentives could also be used to encourage certain types of access or amenities that the City is interested in achieving through privately-owned but publicly accessible access.

We provide the following comments in response to the Staff Memo:

- **OPPOSE: Prescriptive 70-Foot Minimum Flexible Access and the Locations Identified in Attachment C.** There should not be a *minimum* width of 70 feet for Flexible Access as mentioned in the Staff Memo. We support allowing many different amenities in privately-owned Flexible Access (such as bike lines, landscaping, stormwater infrastructure, etc.). But these amenities are better planned for during the entitlement process for a specific proposal with known details. The location and the size and layout of Flexible Access are best identified during project entitlement, which is also more consistent with the proposed policy update S-WI.65, which states: “Require publicly accessible internal access corridors to facility mobility and livability *through development review*” (emphasis added). We understand from conversations with City Staff that the map in Attachment C to the Staff Memo is illustrative and is not intended to prescribe locations of Flexible Access or included in the Comprehensive Plan updates or Wilburton LUCA. We agree that the map should not be included to avoid confusion.
- Imposing a 70-foot *minimum* width for Flexible Access during this level of planning will create a variety of unintended consequences with health/safety ramifications:
 - Related to the Beta-Bellevue Property, the map in Attachment C identifies a conceptual 70-foot minimum access located running along the property’s northern boundary. This location is less than 120 feet away from the intersection of 116th Ave NE and NE 8th Street.
 - We have previously submitted to the City a Transpo Group Study that identifies issues with access near this busy intersection. Transpo Group recommended that access be determined in response to future development in the area – not preset.
 - A 70-foot minimum width will prevent the type of redevelopment that the City is hoping to achieve with the Wilburton subarea policy updates. A 70-foot minimum width is substantial – this is 20 feet wider than the 50-foot minimum width currently required for two lanes of traffic with parking strips on both sides.

- A 70-foot minimum width does not take into account the unique property circumstances. For example, on the Beta-Bellevue Property there is a sizable easement for the Sound Transit light rail. Requiring one or more Flexible Access areas through the Beta-Bellevue Property when added to the area of the Sound Transit easement could severely limit the options for redeveloping the Beta-Bellevue Property and make it difficult to achieve the highest-density TOD development that is appropriately envisioned for that property.
- *If Flexible Access is required*, which we advise against, there should be a provision in the LUCA that allows the location and width to be administratively reduced or redistributed to different locations throughout a redevelopment in the entitlement process. This approach is consistent with the City's proposed policies and will provide the flexibility that is needed to design projects that achieve the density and accessibility that the City is envisioning in a manner that is safe and feasible. However, it would be simpler to avoid the minimum-width requirement altogether.
- **OPPOSE: Required Access Points at 500-foot and 250-foot To Impose a Grid.** We are not opposed to creating walkable blocks, but this objective does not require imposing 500/250-foot access points, which will similarly result in unintended consequences. This approach has the effect of imposing a grid of access points in Wilburton that we and many others have repeatedly advised against in prior comments. Requiring access points at set intervals, instead of determining the appropriate locations based on the unique site and needs of the project, could prevent redevelopment of the uses and densities that the City wants to see. It may also create unsafe conditions and increase traffic problems near busy intersections, such 116th and NE 8th Street. As noted above, Transpo Group advised against a preset access grid and recommended that the number and location of access connections be based on future development needs.
 - *If the LUCA imposes this grid of 500-foot and 250-foot access points*, which we advise against, there should be a provision in the LUCA that allows the access points to be administratively revised throughout the entitlement process. This will provide the flexibility that is needed to design projects that achieve the density and accessibility that the City is envisioning. That said, it is simpler for applicants, architects, and City Staff alike to not have the rigid requirement imposed in the first place and avoid having to craft exceptions.
- **SUPPORT: No Minimum Parking Requirement in Wilburton.** We also wanted to note that we support City Staff's recommendation that there should be no minimum parking requirement for new development in Wilburton, especially for the redevelopment of the Beta-Bellevue Property 500 feet from the Sound Transit station. This will help achieve the types of TOD development that the City would like to see and have the benefits that Staff outline on page 6 of the Staff Memo.

We appreciate the time and thought that the Commission and City Staff have put into this process on an ambitious schedule and look forward to continuing to work with you as the process continues.

Sincerely,

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

Jacquie Quarre
Tharsis Law

From: [Betsi Hummer](#)
To: [PlanningCommission](#); [Bhargava, Vishal](#); [Goeppele, Craighton](#); [Khanloo, Negin](#); [Malakoutian, Mo](#); [Ferris, Carolyn](#); [Jonny Lu](#); [Johnson, Thara](#); [King, Emil A.](#); [Kattermann, Michael](#); m.katterman@bellevuewa.gov
Subject: Bellevue College Rezone - Land Use Map
Date: Wednesday, March 27, 2024 3:51:27 PM

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Dear Planning Commissioners and Bellevue City Staff,
At the February 28 Planning Commission meeting I noticed that Bellevue College is slated for a rezone from residential - R5 - to Institutional - a land use designation that is not currently defined in Bellevue Code.

I am concerned because my house is included in the rezone. My address is 14541 SE 26 St - we are right next to the 100 acre College. My neighborhood, Sunset Ranch, and the other adjoining neighborhood, Fir Terrace, are both included in this rezone proposal.

I would like to know how this decision to rezone 2 distinct residential neighborhoods to Institutional was reached.

I would like to know why I, as the Neighborhood Liaison for Sunset Ranch to City Hall for over 20 years, was not notified or consulted about this change.

Once we find this out, I would like to know how this City outreach can change going forward; serious changes to neighborhoods should be relayed to the neighborhoods involved in dramatic changes before the changes are made public.

I would also like to know what our options are

- How would a rezone affect what we can do with our properties

- How can we change this proposed rezone

- What unintended consequences might it have.

Similar to the non-rezone of Crossroads, this would affect who we can sell our homes to - this seems like codifying redlining and taking away our property rights. Since 1969, the College has bought several homes in our neighborhoods - but not all, and not regularly. With HB1110 and the State rezoning all single family neighborhoods to multi family, Sunset Ranchers have a great opportunity to develop our half acre lots into multi family, thus building more private sector housing, and eventually creating more affordable housing. Especially considering our proximity to the College, this would be a much better solution, rather than forcing the College to be landlords, and away from its primary job as educators.

I would also like to know what can be done with the property if zoned Institutional, and how that will affect our intergenerational wealth of passing our properties on to our heirs.

Sunset Ranch has always been a part of the College's Master Plan - from 1969 to today. Bellevue College has always been zoned residential - even after several comprehensive plans and the Eastgate TOD. Why change now?

The current College Master Plan from 2017 is out of date due to COVID, changes to in-person attendance, and overall College attendance. The College has many 2 story, 50 year old buildings that are in dire need of updating and remodeling. The 100 acres is mainly taken up by underutilized parking lots. If the College needs to expand, it has plenty of room where it currently exists. It does not need Sunset Ranch or Fir Terrace for the next 20 years.

I would like the Planning Commission to ask staff on my behalf to explain all the observations I have made, questions I have posed, and opt to not rezone Sunset Ranch and Fir Terrace.

Also, please ask Staff to keep me and other neighborhoods informed of proposed changes before they are published - it's the least outreach with the greatest impact. Neighborhood Liaisons must be treated as any other worthy Community Base Organization to improve government transparency and community input.

Betsi Hummer 425.591.4784 betsihummer@yahoo.com

From: [Barb Braun](#)
To: [PlanningCommission](#)
Subject: PC Comments Braun 03272024
Date: Wednesday, March 27, 2024 4:03:43 PM
Attachments: [PlanningComComments Braun -3202024.pdf](#)

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Here are my comments for tonight's meeting

Planning Commission Comments

March 27, 2024

Good Evening Commissioners,

Thank you for the opportunity to speak. My name is Barbara Braun. I am active in several citizen groups here in Bellevue including People For Climate Action, 300 Trees and Trees4Livability. I live in Bellevue and ran a business in Bellevue for 15 years. I am here tonight to comment on the Wilburton and Tree Code topics.

Wilburton/BelRed:

LUCA TOPIC AREA 1: TRANSPORTATION, STREETS, AND BLOCKS. In general, the policies are good and I support them. However, I suggest policies be added to address heat mitigation such as requiring streets, uncovered parking lots, and other large paved or roofed services to have a certain density of trees and other green coverage to reduce summer heating effects. I don't think S-WI-77 is sufficient.

On the Proposed Policy Amendments, page 18, items S-WI-42-49, I like the policy comments but don't think they are strong enough. For example, S-WI-42 Support the development of an environmentally resilient neighborhood through a sustainable district framework, code updates, and public-private partnerships.

I hope this means the City will adopt and require a strong, comprehensive sustainable district framework to guide appropriate development so that it's not optional. LEED For Neighborhood Development or LEED ND was discussed as a possible framework in the workshops the City held. The positives about LEED ND are:

1. Familiarity. Developers are used to working with LEED.
2. It's comprehensive.
3. It includes certification and verification which is needed and should not be optional for the developers.

Policies 43-49 need to be strengthened. I would like to see words such as "support," "encourage," "seek opportunities" be made into stronger requirements rather than suggested options.

- **Require Support** strategies for net-zero and net-positive development, including renewable energy, net-zero carbon emissions, and net-zero waste.
- Support, **incent** and pursue partnerships toward the development of a district energy system.
- Identify and **incent** opportunities to pilot low-carbon building design principles toward the reduction of embodied carbon and greenhouse gas emissions throughout the project life cycle.
- **Require Encourage** the use of innovative, sustainable design and construction methods toward green affordable housing.
- Promote and **require** sustainable mobility through integrated transportation and land use planning,

increased access to low carbon transportation options, and innovative technologies.

- **Require** Encourage improvements that enhance the aesthetic and functional qualities of natural features, such as Sturtevant Creek, Lake Bellevue, and the wetland at 116th Avenue NE and Main Street.
- **Require** Seek opportunities through the development process to expand green stormwater infrastructure, tree canopy, and landscaping that enhances ecological functions and urban wildlife habitat connectivity.

Tree LUCA:

I am very happy with the strong draft. The minimum tree density approach is brilliant and easy-to-understand. The residents of our city are excited to see action on this, and we hope you fully adopt the recommendations of the Planning Team.

That said, we will need to take additional steps to preserve tree canopy as our City densifies. While the last canopy assessment was positive, recent trends are accelerating canopy erosion, for example the significant highway expansions.

In addition to tree codes, the City should take further actions, in partnership with others, to protect existing trees and forests, and to build new canopy as we grow. For example, we could:

- Replace the trees along our highways.
- Implement a city-wide street tree program.
- Actively protect the remaining forested areas of Bellevue.
- Work with the School District to reforest school properties.
- Educate and incent landowners to plant more trees, especially native and drought tolerant trees.

Thank you for listening to community and for taking action. We are encouraged by the continued commitment to a sustainable future.

On a final note, I would like to take a minute to congratulate you on the appointment of Jonny Lu to the Commission. Jonny is a well-educated, well-informed Bellevue resident who is excited to take a leadership role in shaping our city's future. He understands the diverse set of priorities and issues we face, brings unique expertise to the table, and will bring a balanced perspective to the Commission. His appointment is a great addition. Congratulations.

Thank you,
Barb Braun
13609 SE 43rd Place

From: [Sally](#)
To: [PlanningCommission](#)
Subject: LUCA for tree retention in Bellevue; Planning Commission Vacancy
Date: Wednesday, March 27, 2024 4:49:21 PM

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To the Planning Commission:

1. Regarding the proposed LUCA for tree canopy protection and tree retention. I have lived in NE Bellevue for 29 years. I'm concerned that current Bellevue City Code allows little in the way of protection for large trees on single-family lots.

I believe the proposed LUCA would make some improvements in the code, by:

- Defining Significant trees and Landmark trees to be protected
- Requiring a permit for removal of such trees, and,
- Creating a system of credits for trees retained

However, the proposed code does not spell out the process for inspections and penalties. My understanding is the existing government oversight is woefully inadequate for enforcing such permit provisions. Bellevue citizens need to be provided details on the resources and processes that will enable the improved code to be effectively administered.

2. Regarding the vacancy on the Planning Commission. As you consider applicants for the vacancy, I encourage you to consider appointing Jonny Lu. Jonny has been a strong supporter of the Save Coal Creek effort to preserve the Milt Swanson property in south Bellevue. He knows Bellevue well – he attended Stevenson Elementary and Odle Middle School with my son Philip. He is actively engaged in projects that will improve Bellevue as a community. He is thorough in his research and speaks well on the issues.

Thanks for the opportunity to comment.

Sally Lawrence
chair of Steering Committee, SaveCoalCreek.org
And Bellevue resident at 104 174th Place NE,
Bellevue 98008

Sent from [Mail](#) for Windows

From: [Abigail Pearl DeWeese](#)
To: [PlanningCommission](#)
Cc: [Gallant, Kristina](#); [Whipple, Nicholas](#); [Jodie Chavez](#); [Danielle Duval](#)
Subject: Tree Ordinance LUCA Comments
Date: Wednesday, March 27, 2024 4:55:08 PM
Attachments: [Tree Ordinance Comment Letter 3-26 \(1\).pdf](#)

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Hi Planning Commissioners and Staff,

Please attached comments from the Bellevue Chamber and NAIOP Washington State on suggested changes to the proposed "Tree Ordinance" LUCA on your agenda this evening. Please do not hesitate to reach out if you have any questions.

All the best,

Abbey

Abigail Pearl DeWeese

Hillis Clark Martin & Peterson P.S.

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3/26/2024

Via email to PlanningCommission@bellevuewa.gov

Re: Comments on Draft Tree Ordinance LUCA

Dear Chair Bhargava and Planning Commissioners,

We appreciate both the Commission and staff for the ongoing dedication to enhancing Bellevue's tree canopy. We also applaud the City's achievement of reaching the 40% tree canopy goal; prioritizing tree preservation, planting, and replacement is vital for Bellevue to uphold its identity as a "City in a Park" and in reaching our community's sustainability goals. In light of this, we are offering our feedback on the proposed Land Use Code Amendments aimed at supporting tree preservation, retention, replacement, and protection, collectively referred to as the "Tree Ordinance" in this letter.

While we fully support the overarching objectives of the Tree Ordinance, we harbor reservations regarding the proposed language and standards, which appear to lack grounding in data essential for sustaining and advancing Bellevue's current tree canopy coverage. Moreover, there is apprehension that these proposed measures may substantially escalate the costs associated with all forms of development, including the construction of new housing. Consequently, it is vital that the proposed Tree Ordinance undergoes revision to address specific concerns.

We believe that by addressing identified issues and introducing flexibility into the ordinance, we can foster a more balanced approach that effectively safeguards Bellevue's tree canopy while also facilitating responsible growth and development. As such, below are areas of feedback that we kindly ask you to consider to achieve these goals.

1. Provide True Flexibility to Achieve "The Right Tree in the Right Place" Goal

One of the stated purposes of the Tree Ordinance is to facilitate the concept of "the right tree in the right place" (LUC 20.20.900.A.3). While this objective is crucial, the current proposal falls short of achieving it. Under the proposed regulations, significant trees can only be removed in specific circumstances: (i) when maximum site density cannot be achieved without removal, (ii) when existing trees pose a hazard, or (iii) when removal is necessary for maintaining defensible space in wildland-urban interface areas. However, the absence of clear guidelines on how to demonstrate that "maximum density on the site cannot be achieved" introduces significant ambiguity, risk, and cost for applicants navigating the permit process. This lack of clarity poses a challenge for applicants seeking to remove trees that do not align with the development plan.

Moreover, while it may be theoretically possible to achieve maximum site density, practical constraints such as financial feasibility or infrastructure limitations may render such density unattainable. For instance, transitioning from a midrise to a high-rise building type to achieve maximum density could prove financially unviable and impede development. Similarly, challenges related to access and utilities may preclude the realization of full density. Consequently, the current framework requires revision. We ask that the Tree Ordinance be revised to allow for removal of any tree that conflicts with a development proposal, otherwise it will hinder development and unnecessarily add cost and risk. In turn, incorporating a functional Tree Credit system into development proposals, commensurate with the intensity of development envisioned for a particular zone, presents a viable solution. This approach not

only addresses concerns regarding tree removal but also ensures that development activities contribute to the overall enhancement of Bellevue's tree canopy, as discussed below.

2. Provide Data Behind Tree Credits Connected to Canopy Goal, and Recognize Different Development Typologies

The City has already met or nearly met its tree canopy goal. The materials provided to support the Tree Ordinance’s “Minimum Tree Credit” approach do not provide data on how the Ordinance is expected to function to maintain the goal. Further, the proposed “Minimum Tree Credit” ratios do not sufficiently distinguish between building types. We support the approach of allowing reduced ratios on lower density sites with multiple units rather than single-family units as this will aid HB 1110 implementation, but there is a significant difference between a development with two dwelling units per lot that could be achieved with a duplex or primary residence and ADU versus true multifamily development. Failing to distinguish, for example, between a duplex and a high-rise multifamily tower will significantly add cost and hinder development of the latter. The Tree Credit framework must be revised to reflect these different density typologies. We recommend the following minimum revisions to LUC Table 20.20.900.E.2:

Table 20.20.900.E.2. Minimum Tree Credits by Use, Nonresidential Land Use Districts

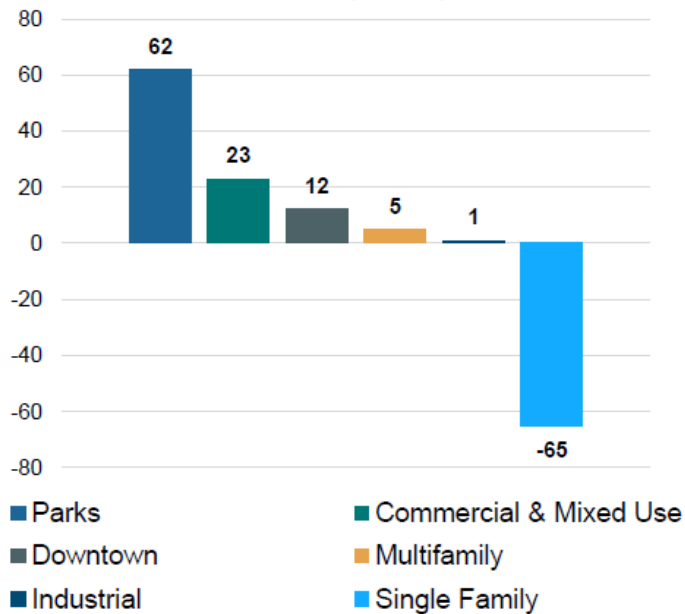
Use	Minimum Tree Credits per 1,000 Square Feet of Tree Canopy Site Area
Single-Family Dwellings	1
Two to Six Dwelling Units per Lot	0.75
<u>More than Six Dwelling Units Per Lot</u>	<u>0.4</u>
Commercial, Office, Light Industrial, and All Other Uses	0.5 <u>0.3</u>

3. Exempt Wilburton TOD Area and Bel-Red, Similar to Downtown and East Main

Similar to our concerns above, the Tree Credit system does not appear tailored to achieving the intensity of development envisioned in the Wilburton TOD Area or Bel-Red. These areas are envisioned in the Comprehensive Plan to allow true high-rise towers, yet this code equates the Tree Credit standards for multifamily development of two units per lot to what could be achieved for high-rise towers. In its current form, this will not support the level of development envisioned. Even if LUC Table 20.20.900.E.2 is amended as suggested above, the Tree Credit system is more suited to suburban and lower density development compared to true urban density. Further, the Wilburton TOD Area is envisioned as a “Sustainable District” and we assume there will be standards to achieve that vision that may conflict with the Tree Ordinance in unintended ways.

We strongly suggest the City exempt the Wilburton TOD Area and Bel-Red and explore implementing the flexible "Green Factor" requirement, similar to the one in Downtown and East Main, in the Wilburton TOD Area and Bel-Red. This approach has demonstrated success in both enhancing canopy coverage and facilitating development. This is evidenced by the City’s own data that shows tree canopy has *increased* in Downtown by more than 12 acres since the code was adopted with the Green Factor requirement in late 2017:

Tree Canopy Change by Land Use, 2019-2021 (Acres)



*Source: January 11 2024 City Council Materials

4. Fix Man-Made Critical Areas Interaction

The Tree Ordinance separates areas in Critical Areas and Buffers from the Tree Canopy Site Area and states that the standards for these areas are controlled by the Critical Areas Code. That’s workable for sites with critical areas that have environmental value; however, the City’s Critical Areas Code has a fundamental flaw in that it regulates man-made retaining walls and other man-made slopes as “geologically hazardous areas” where the Critical Areas Code applies. This is a major issue hindering development in Bel-Red, and if not fixed, will also hinder development in Wilburton and across the City as infill “middle housing” is proposed. The current version of the Tree Ordinance exacerbates this fundamental flaw by deferring to the Critical Areas Code for these areas and will result in additional time, risk, and cost in development projects. We understand the City plans to reopen its Critical Areas Code next year, but the lack of urgency on this matter has become a dire issue in development. We request that the man-made slope issue be fixed with this code update, or the Tree Ordinance should not exempt man-made steep slopes from the Tree Canopy Site Area.

5. Count Developer-Planted Street Trees and Other Areas Outside Tree Canopy Site Area, and Should Provide Credits for Existing Trees Greater than 2” Caliper

The Tree Canopy Site Area proposal suggests exempting "public rights-of-way" and "private streets in tracts" from the Tree Canopy Site Area requirements. While this exemption seems reasonable for calculating the number of tree credits needed for a site, it becomes less logical when considering tree planting locations. The City mandates that private developers plant numerous street trees, both in public rights-of-way and along private streets. If these trees are not permitted to count toward the Tree Credits

required for private development, it adds unnecessary costs to development without sufficient justification. Further, most of the areas where such trees will be planted are on private property because the City relies on easements rather than dedications for public sidewalks and considers these areas “public right of way” even though they are on private property. We kindly request that the Tree Ordinance allow developer-planted street trees to contribute towards Tree Credits. This adjustment would streamline the process and promote more efficient use of resources in alignment with the City's goals.

In a similar vein, we've noticed an inconsistency in the Tree Ordinance regarding tree credits. While credits are granted for newly planted trees with a 2” DBH, no such recognition is extended to retained trees with a diameter less than 6”. This discrepancy seems counterintuitive. We respectfully suggest enhancing the ordinance by awarding 1 Tree Credit for each retained tree surpassing the 2” DBH threshold. This adjustment would not only promote the preservation of existing trees but also foster a more balanced and inclusive approach to tree credit allocation.

In conclusion, while we recognize the importance of a Tree Ordinance aligned with the City's 40% tree canopy goal, we harbor significant reservations about the current draft of the proposed amendments. We are concerned that it may compromise the City's density objectives, particularly in areas like Bel-Red and Wilburton, and substantially inflate the costs associated with all forms of development, including housing. We earnestly urge you to convey these concerns to the staff and advocate for the updates outlined above. By addressing these issues, we can work together to ensure that the Tree Ordinance not only preserves Bellevue's natural landscape but also facilitates sustainable and affordable development for our community.

Sincerely,



Cc: Kristina Gallant, Planning Manager
Nick Whipple, Code and Policy Director

From: [Heidi Dean](#)
To: [Bhargava, Vishal](#); [Goeppeler, Craighton](#); [Ferris,Carolynn](#); [Cuellar-Calad, Luisa](#); [Lu, Jonny](#); avillaveces@bellevuewa.gov; [PlanningCommission](#)
Cc: [Pamela Johnston](#); artemis_21@comcast.net; [Dick Thompson](#); [Betsi Hummer](#); [Ann Brashear](#); [Phyllisjwhite](#); [Barbara Hughes](#); [Loretta Lopez](#); [Anne Coughlin](#)
Subject: Urban Design Element: Neighborhood Centers
Date: Wednesday, March 27, 2024 8:04:12 PM

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

Copy of Heidi Dean's public comment @ 3/27/2024 Planning Commission meeting. I ran out of time & didn't get to finish

Good evening Commissioners & staff:

I'm speaking tonight to bring to your attention some areas of concern and also some areas of interest & support re: proposed policy changes for Neighborhood Centers in the Urban Design & Arts Element.

First area of concern is UD-30, which seeks to wipe out the "Main Street" feel of Neighborhood Centers. WHY?? What's the point? For the majority of the Neighborhood Centers that "Main Street" feel is the appeal of the center, it's what brings people in & creates the "Third Places" we talk so much about. I think of Newport Hills in particular. NH resident John Eliason, who works for KCHA and knows the history of our neighborhood, noted in 2016 that Newport Hills was THE original planned community on the Eastside, with planned communities in Redmond, Snoqualmie & other places taking inspiration from its "Main Street" commercial district with residential built around it. "Main Street" shouldn't be a dirty word in the Comp Plan, just as "neighborhoods" shouldn't be. Several of you previously noted that seems to be where things are headed in this update.

Second area of concern is UD-30, which *presumes redevelopment* and talks about reconstructing streets & sidewalks that define the experience of entering each Neighborhood Center. Who do you think will determine the "experience" of entering the commercial district? Residents during our Neighborhood Plan update? Newport Hills enters Neighborhood Plan update as soon as the Comp Plan is done. It seems we're moving toward decision making being removed from us and given to the largest commercial property owner, Rainier NW, who owns the shopping center. Again, residents are being removed from decision making for their own neighborhood. We live with the everyday consequences of commercial property owners' actions.

First area of interest is UD-57, which encourages & enhances arts & cultural opportunities in Neighborhood Centers. We love that! We've been trying to do that for years but the shopping center owner says NO. He refused to work with former Arts Director Mary Pat Byrne to activate vacant spaces with pop-up shops, pop-up art installations, and other interesting collaborations that would have created vibrancy at the Newport Hills Shopping Center. Did you know we had a dance studio for over 30 years? They left because of slumlording. Did you know that about 75% of the businesses in our commercial district are owned by non-white people? Those businesses are owned by a mix of diverse communities. With the

exception of one of those businesses the owners were all foreign-born; most of them are owned by women. We would LOVE to see an even more diverse mix of businesses, both types & ownership, in our shopping center but the landlord says.... NO.

Second area of interest is UD-60 which would support partnerships & spaces for cross-cultural programming that contribute to intercultural engagement, learning, and exchange. **Again, WE LOVE THAT & have been trying to get the CoB to work with us on that.** Whether it's at the commercial district as a public/private partnership with the shopping center owner, or at one of the two vacant schools in our neighborhood, we would love to see a community center that could serve a number of purposes including cross-cultural classes, art, English language classes, educational classes, a senior center, a daycare, performance space, meeting space for groups including our community club, and more.

So, my ask tonight is: as you consider each of the policies, please keep the "NEIGHBORHOOD" in the Neighborhood Centers and keep it centered on people. I can tell you that Newport Hills already has a bike/ped friendly commercial district and we don't need a bunch of monkeying around with stuff, we just need changes made to the allowed uses and a new owner. I did a comprehensive inventory of the Neighborhood Centers last summer. The other Neighborhood Centers are doing just fine, they don't need what's being proposed either for them to be vibrant & accessible places. Thank you for your consideration.

- Heidi Dean
Newport Hills resident since December 2000

[Yahoo Mail: Search, Organize, Conquer](#)

From: [John Darvish](#)
To: [PlanningCommission](#)
Subject: Fwd: Please disregard the earlier email. Wilburton Medical Mixed-Use
Date: Wednesday, March 27, 2024 8:10:45 PM
Attachments: [PastedGraphic-1.png](#)
[PastedGraphic-4.png](#)

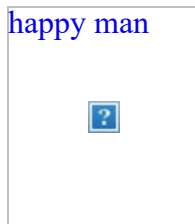
[EXTERNAL EMAIL Notice!] Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Hi Thara,

I sent this email yesterday but I didn't see it included in the written communications. Can you please include it?

Thank you,

John



John Darvish

CFO

Holistique Medical Center

Desk: 206-321-2202 Fax: 425-462-8919

Address: 1200 116th Ave NE Suite C. Bellevue, WA – 98004

Web: holistique.com Email: jdarvish@holistique.com

The above e-mail may contain patient identifiable or confidential information. Because e-mail is not secure, please be aware of associated risk of e-mail transmission. If you are communicating with a Holistique medical provider, nurse, or other staff members via e-mail, your acceptance of the risk and agreement to the terms and conditions for e-mail communications is implied.

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Begin forwarded message:

From: John Darvish <jdarvish@holistique.com>
Subject: **Please disregard the earlier email. Wilburton Medical Mixed-Use**
Date: March 26, 2024 at 5:35:48 PM PDT
To: Vishal Bhargava <VBhargava@bellevuewa.gov>, Negin Kanloo <khanloo.negin@gmail.com>, Luisa Cuellar-Calad <LFCalad@bellevuewa.gov>,Carolynn Ferris <CFerris@bellevuewa.gov>, Karol Brown <KBrown@bellevuewa.gov>, C Goeppelle <CGoeppelle@bellevuewa.gov>

Cc: Mo Malakoutian <mmalakoutian@bellevuewa.gov>, PlanningCommission@bellevuewa.gov

PLEASE DISREGARD earlier email. It was sent prematurely.

Dear Commissioners,

I hope you are well. I would like to thank you for all the care you have put into this critical planning phase for future of Bellevue. This is the city that we all love, want the best for it, and have shared in many ways. The diligence you have put in this process is amazing.

I would like to humbly recommend that Commissioners make a recommendation to eliminate Medical Office/Medical-Mixed-Use designation from the area across the street from Overlake Hospital. For the following reasons:

- Mixed-Use still supports medical use
- Troubled state of healthcare and hospitals in WA state
- Lack of need for Medical Office
- Proximity to light rail station
- Immediate need for housing
- Lopsided amount of prime land dedicated to Medical Office
- And finally, flexibility built in Mixed-Use designation.

Medical Mixed-Use with Focus on Medical is Another Way of Saying Medical Office

In a recent review of document named “Proposed Policy Amendments to Wilburton-NE 8th St”, on page 16 under the title: Wilburton Transit-Oriented Development (TOD) Area Vision, I found: (This statement is referring to the area across Overlake Hospital on 116th)

*Development along the future multimodal 116th Avenue corridor accommodates mixed-use development at a high-rise scale, with the area across from Overlake Medical Center including a **medical office mixed-use** focus that complements nearby hospitals and similar uses along 116th Avenue NE in BelRed to the north.*

This position is taken due to “complement nearby hospitals and similar use” No data is presented to support this position. This was clarified and confirmed after a quick correspondence with a planning staff. I believe the direction it is recommending is not following the recommendations commissioners made during the meeting of Feb. 28, 2024 and it does not support the data which I will present next.

Specifically during the following times on the video of Feb. 28t, commissioners repeatedly expressed their concern for overly prescribed medical office, reduction/removal of medical office designation, encouraging broadly-defined use, even asking for rethinking need for medical office, and finally distributed

medical service throughout the city: (1:02 Commissioner Brown), (1:06 Deputy Chair Goepple), (1:13 Commissioner Ferris), (1:13 Commissioner Khanloo), (1:15 Commissioner Brown), (1:49 Commissioner Brown), (1:52 Commissioner Ferris), (2:03 Deputy Chair Goepple), (2:04 Chair Bhargava), (2:34 Commissioner Ferris), (2:37 Commissioner Brown), (2:40 Commissioner Goepple).

The introduction of Medical Mixed-Use with focus on medical use is emphasizing medical rather residential. It is a compromise which does not take into account the immediate need for housing rather emphasized medical office again.

Let's take a closer look.

Mixed-use Still Supports Medical Office

Mixed-use designation still supports medical office use. If the need arises a medical office can be built to respond to the need. However, Medical office or Medical Mixed-use prohibits more meaningful development.

Unfavorable Healthcare Economy

According to WA State Hospital Association, Hospitals have lost 2.7 billion Dollars in 2022 alone, and 1.5 billion in the first half of 2023. They have continuously laid off staff, and cut services due to budget shortages. CEO of WA State Hospital Association said "Ongoing losses and basic hospital operations are unsustainable". Overlake and Children's hospitals are not immune from these unfortunate trends. This is specially not good news for expansion of medical services anytime soon in Wilburton area. How long will the recovery take? How long will the losses last? Is recovery guaranteed?

Lack of Need for Medical Office

No new medical office has been built outside of Overlake Hospital grounds for 40+ years.

Proximity to Light Rail Station

This area is between 1,000-2,000 feet to light rail station and is a prime location for TOD of residential nature

Over Committed Land for Medical Office

The land dedicated to Medical Office expands from NE 10th St to Northrup Ave. is overly optimistic of the anticipated medical needs. The following is a map of suggested medical office in the Wilburton area. Being in healthcare profession myself, I hope our citizens will never need this much healthcare in the next 20 years!



The areas committed to medical office north and South of Bel-Red

As the map suggests, the area north of Bel-Red road totals 2,600,000 Sqft (60 acres), at a modest FAR of 6, if fully developed, it will yield 15,600,000 Sqft of medical office. The area of south of Bel-Red 423,482 Sqft (9.7+ acres), it can yield, 2,541,000 Sqft of medical office.

In summary, current Sqft zoned as medical office in Wilburton is 3,000,000+ Sqft (70+ Acres) which can yield more than 18,000,000 Sqft of medical office. At this rate we can build a private hospital room for each resident of Bellevue, young and old!! (I have left medical institutions, Overlake and Children Hospitals, out of this study. It would be even more exaggerated had I included them!)

Lopsided commitment of land to Medical Office vs. Mixed-Use

Further review of Future Land Use Map (FLUM) one can compare, the area designated as Mixed-use between NE 10th Street and Main Street totals 2,535,222 Sqft vs Medical Office 3,000,000 Sqft. That is the difference of almost 500,000 Sqft more dedicated to Medical Office. Considering that one can still build medical offices in mixed-use zones, how much more is the the balance tilted towards medical office? One will wonder if this a fair division of land between Medical Office and Mixed-Use/Residential specially since we started this process to address the need for residential.



Comparing Sqft of land zoned MO vs MU on 116th Ave (not including Med. Inst.).

In Summary

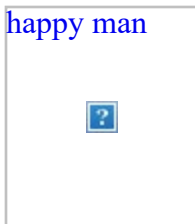
Given the troubled state of healthcare and hospitals in WA state, proximity to light rail station, immediate need for housing, lack of need for medical offices, lopsided amount of land dedicated to Medical Office, and flexibility built in Mixed-Use to accommodate medical office, I highly recommend eliminating medical office designation of any sort for the area across the street from the Overlake Hospital and assign simple Mixed-Use for this area. Mixed-use designation inside of TOD will accommodate medical use if and when it arises and allow for organic redevelopment of Wilburton area.

Finally, one would hope that the Planning Commission would address the lopsided division of prime land as a whole between Medical Office and Mixed-Use as a bigger challenge we are facing.

I am prepared to discuss and present more detailed data to support this recommendation.

Sincerely,

John Darvish



John Darvish

CFO

Holistique Medical Center

Desk: 206-321-2202 Fax: 425-462-8919

Address: 1200 116th Ave NE Suite C. Bellevue, WA – 98004

Web: holistique.com Email: jdarvish@holistique.com

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From: [Carol Hartoon](#)
To: [PlanningCommission](#)
Subject: Newport Hills zoning
Date: Wednesday, March 27, 2024 8:28:21 PM

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To Whom it May Concern,

I was working during your meeting with Newport Hills today and couldn't attend. Please note:

You do not have my permission to speak with Heartland and Rainer Northwest to discuss any plans to alter Newport Hills Shopping Center/commercial district. We residents do not want the area rezoned! We have gone great lengths to vote it down in the past. With so many other areas overdeveloping in our area, please respect our neighborhood's wishes to keep things on a small and neighborly level. We love our current small businesses and do not need more bougie market level retail in our area! Additionally, the sentiment that current businesses would be able to maintain their place here if rezoned is a complete fallacy.

Thank you for your time.

Sincerely,
Carol Hartoon
Newport Hills resident for 26 years

From: [Renay Bennett](#)
To: [PlanningCommission](#); [Bhargava, Vishal](#); [Goepppele, Craighton](#); [Khanloo, Negin](#); [Malakoutian, Mo](#); [Ferris,Carolynn](#); [Jonny Lu](#); [Johnson, Thara](#); [King, Emil A.](#); [Kattermann, Michael](#); m.katterman@bellevuewa.gov
Subject: institutional land use rezone of Bellevue College
Date: Thursday, March 28, 2024 9:02:17 AM

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Dear Planning commission members, et al.,

I was recently made aware of this proposed change. Will this change be copied to other school uses?

Thank you for your time,
Renay

Johnson, Thara

From: Bill Finkbeiner <billfinkbeiner@msn.com>
Sent: Wednesday, March 27, 2024 11:19 AM
To: PlanningCommission
Subject: Written communication for 3-27 planning commission meeting
Attachments: Wright Runstead Wilburton Rezone Comments 3-27.pdf; Wilburton Rezone Comments 3-27.pdf

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

Hello Thara. Could you please include these two attachments in the email going to planning commissioners for their meeting tonight?

Thank you!

Bill

To: Planning Commission

We, the undersigned, urge you to agree with the planning department staff recommended changes shown in the Future Land Use Map for areas 1 and 2 on the attached map for “highrise mixed use” designations. These areas are both within the quarter mile walkshed of light rail stations, within a block of the Eastrail, adjacent to the only Rapid Ride Bus line on the Eastside of Lake Washington (running on NE 8th), within a quarter mile of the terminus of the Grand Connection and have easy access to I-405. The billions of dollars of multimodal investment these facilities represent were made with the intent of creating an urban area with high densities and a variety of future development.

“Mixed Use” Provides a Flexible Framework to Deliver Housing

The clear current focus, of both the market, and the city of Bellevue, is increased housing, and the “mixed use” FLUM designation allows for residential development. Incentives can also be included in the upcoming Land Use Code Amendments (LUCA) which further prioritize housing above other uses. The combination of incentives and market demand will tip the scales of future development towards multifamily and ensures that this area helps the city meet its housing goals and depress housing costs by increasing supply. The flexibility allowed with the “mixed use” designation also ensures the opportunity for the community to respond to future market conditions and changing city priorities over the 20-year lifespan of the proposed Comprehensive Plan and zoning changes. The mixed use designation will also allow continuation of existing retail and business uses allowing them to continue to operate during the time before redevelopment. When redevelopment does occur, the “mixed-use” designation is essential to the long-planned vision of this dynamic, sustainable, urban neighborhood of the future. “Live, Work, Play” is a recurring theme for the future of this area and the “mixed-use” designation is best suited to achieve that vision.

“Highrise” Density is Appropriate

A Highrise designation also sets the stage for the future zoning that is the appropriate density for proximity to transit and planned bike/pedestrian improvements including the ‘complete street’ along 120th (with bike lanes and separated sidewalks). Appropriate modulation requirements like floorplate limits and flexible step backs from major arterials could be incorporated into future zoning and land use code to ensure that this density is achieved in a manner that respects zone transitions and is aesthetically pleasing. Furthermore, the natural topography of the area minimizes any impact on single-family neighborhood views. Finally, the Highrise designation and associated future zoning would enable the density to be accommodated in towers with a smaller ground space footprint, allowing for the public spaces and green areas that the city desires proximate to Eastrail.

We appreciate the work that you do and the dedication you have shown towards making this city a better place for current and future residents. We believe that by following the staff recommendation for these areas you will be achieving your ultimate goal of producing more housing in Wilburton, and following the vision laid out by the Council and the Wilburton CAC meant to create this great future neighborhood.

Sincerely,

Doug Exworthy
TRF Pacific

Kendall Anderegg
Mutual Materials

Campbell Mathewson
Rack and Road

Neal Mulnick
Max Capital LLC

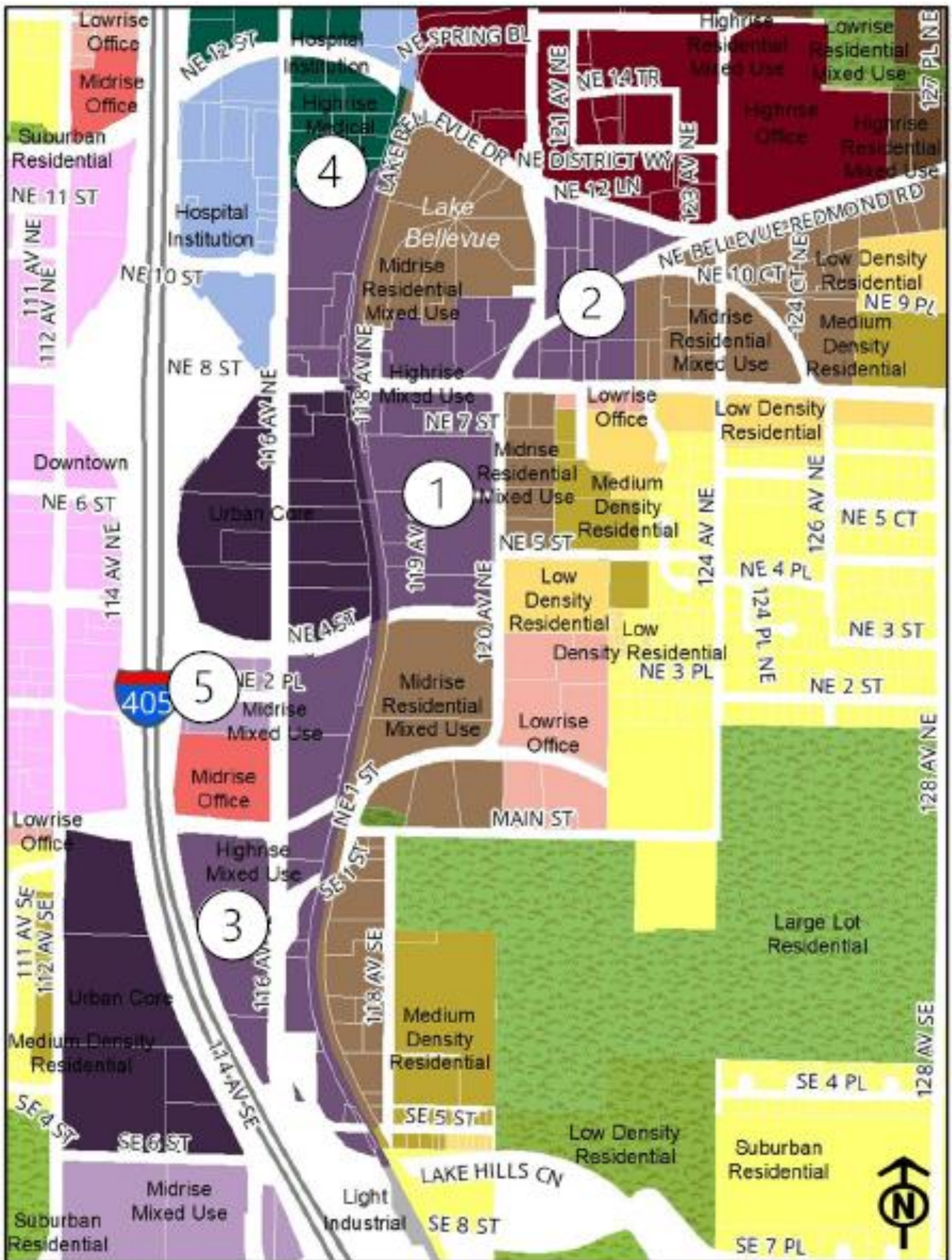
TJ Woosley
Brierwood Center

Bill Finkbeiner
Finkbeiner Building

Jon Roskill
Eragem Building

Kenny Dudunakis
Brierwood Apartments

Bob Griffith
The Pumphouse



March 27, 2024

Bellevue Planning Commission
planningcommission@bellevuewa.gov.

WILBURTON REZONE

Dear Commission Members:

When Wright Runstad & Company designed The Spring District, we strove to make a neighborhood that was vibrant, walkable, and leveraged light rail to create a true transit-oriented community. We are proud of the dynamic mix of office, retail and residential living that has been created.

We believe that the planning staff's recommendations for a Mixed-Use zone for the neighborhood to the south of us (shown on the attached map as areas 1 and 2) will build on the foundation laid by The Spring District and hope the Planning Commission concurs.

Thank you for your consideration and for the work you do for our community.

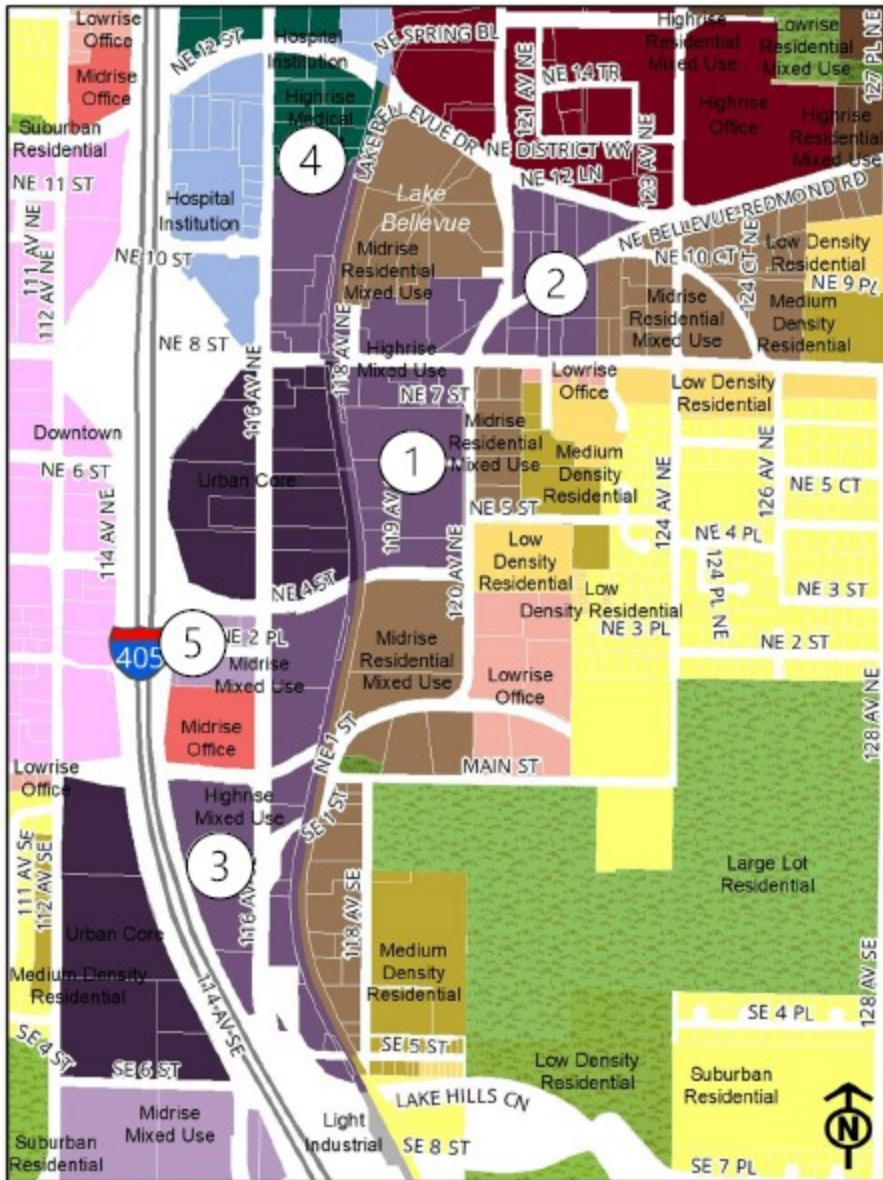
Sincerely,



Andy Bench
President

AB/jkh

Attachment



Johnson, Thara

From: Veronica Shakotko <Vshakotko@mbaks.com>
Sent: Wednesday, March 27, 2024 10:25 AM
To: PlanningCommission
Cc: Gallant, Kristina; Whipple, Nicholas
Subject: Tree LUCA Comments - March 27 Agenda
Attachments: MBAKS Bellevue Tree Code Comments 032724 PC Study Session 3.pdf

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Chair Bhargava and Planning Commissioners,

In preparation for this evening's study session on the tree LUCA, attached please find MBAKS' comment letter dated March 27, 2024.

MBAKS appreciates your thoughtful consideration. If you have any questions, please don't hesitate to contact me at vshakotko@mbaks.com or 425.435.8990.

Respectfully,
Veronica



Veronica Shakotko

Senior King County Manager
Master Builders Association of King and Snohomish Counties
m 425.435.8990
335 116th Ave. SE, Bellevue, WA 98004

Find us on [f](#) [t](#) [in](#) [i](#)

We believe everybody deserves a place to call home.





March 27, 2024

Bellevue Planning Commission
450 110th Ave. NE
Bellevue, WA 98004

RE: Tree LUCA Review 2 Study Session

Dear Chair Bhargava and Planning Commissioners:

With nearly 2,500 members, the Master Builders Association of King and Snohomish Counties (MBAKS) is the largest local homebuilders' association in the United States, helping members provide a range of housing choice and attainability. We aspire to be the most trusted and respected housing experts in the region. MBAKS welcomes the opportunity to comment on the proposed tree code amendments on the March 27 agenda.

To be successful at encouraging more trees and more homes, tree policies and regulations should include predictability and flexibility for homeowners and homebuilders. These policies and regulations should also enable more housing choices for community members looking for a home. When the rules that govern when and where a tree can be removed are vague, they lead to subjective determination and inconsistent application. This results in construction delays that drive up the cost of housing. Conversely, policies and regulations that are clear and objective avoid subjective interpretations and inconsistent application, allowing home remodels to move forward smoothly and homes to get built faster with fewer costly redesigns or delays.

MBAKS Recommended Tree Regulations:

When adopting tree codes, it is imperative that cities consider regulations that do not impede their ability to accommodate a growing population. Tree retention goals, as they apply to private land, should provide flexibility to meet a city's tree goals in a variety of ways.

• ***Applicability***

The GMA requires cities to plan for housing. Tree codes should be supported by meaningful analysis into the total number of lots and housing capacity affected by the proposed code, as well as potential impacts on Bellevue's plan to meet GMA growth targets. Any adopted tree regulations should not materially affect the City's ability to meet its housing goals.

MBAKS suggests adding language in the applicability section that aligns the tree code with Bellevue's obligations under the Growth Management Act to, among other things, reduce sprawl, protect the environment, and plan for and accommodate housing for all economic segments.





- **Definitions**

- **“Significant Tree”**: The reasoning is unclear why there is a proposed reduction in the minimum diameter from eight inches d.b.h. to six inches. Is there a basis in best available science for this change? Classifying trees by diameter at breast height (DBH) size or species prevents property owners from determining the best tree code compliance pathway for their projects with minimal restrictions. Owners need a range of options to use, maintain, and improve their properties; contribute to the community’s housing needs consistent with the jurisdiction’s tree goals.
- **“Tree Canopy Site Area”**: Subtracting areas like shoreline vegetation, critical area buffers, public rights-of-way, private roads in separate tracts and submerged lands from the gross site area for purposes of determining minimum tree density required for a site result in a disproportionate area of land on which to build homes.
- **“Tree Protection Zone (TPZ)”**: Requiring the greater of one foot of radius for every inch of d.b.h. or at least six feet would have a chilling effect on the building of affordable and attainable housing in the area. While MBAKS appreciates the option for an alternate determination established by an arborist, it does not provide the needed clarity and predictability for builders to take the substantial financial risk to purchase land and move forward on a project.

- **Minimum tree density and tree credits**

Setting a reasonable number of tree “credits” to be provided for a property is an effective way to manage tree goals and encourage tree retention. The code can incentivize retaining existing trees by providing more credits for retention than new trees. It can also incentivize retaining trees in desired locations or groupings by providing more credits for trees in groups or in setbacks.

It is important that the credit and canopy systems remain functionally flexible to achieve their purpose; adding additional requirements undermines their ability to work as intended. For example, a credit or canopy system should not include additional requirements to retain all trees over a certain size, or in certain areas of a property, or in certain groupings. Retention requirements will supersede broader credit or canopy requirements and negatively impact the time and cost of projects.

- **Lower minimum canopy thresholds**: MBAKS supports the concept of creating a lower minimum canopy threshold for development proposals which include multiple dwelling units per lot to better accommodate middle housing legislation (i.e. HB 1110 and HB 1337). MBAKS encourages the planning commission to consider lowering the canopy thresholds for both two or more units per lot and for single-family dwellings to a more reasonable threshold. This will provide more flexibility for more diversity in housing choice like ADUs, duplexes and townhomes, and will help keep costs down for all home buyers.
- **Retained trees**: MBAKS also urges the removal of language giving authorization to the Director to “consider the preservation” of significant trees in a certain order of priority. Rather, MBAKS encourages the planning commission to increase the tree credits to encourage the retention of existing trees. Requiring prioritization of certain sized trees; trees in certain groupings, or trees in certain locations, dramatically limit design flexibility, thereby preventing the most responsible development of land. Requiring a set proportion of trees to be retained on a lot may limit actual housing significantly below what is allowed in a neighborhood’s zoning. This is especially true if the



retention requirement includes areas of the property that are used for required roads, stormwater facilities, and other infrastructure.

- ***Dimensional standard modification for tree retention:*** MBACKS supports the concept of dimensional standard modification (e.g. reduced parking, front and rear yards) for tree retention but asks that the allowed modifications be sufficiently clear to avoid staff discretion and increase predictability.
- **Planted Trees**
 - ***Allow broader Fee-in-Lieu program use:*** MBACKS supports the concept of a fee-in-lieu program and asks the Planning Commission to consider allowing broader use. A fee-in-lieu program gives builders some flexibility when there is not ample room on site to support a tree. As a result, project applicants can pay into a tree fund that is solely earmarked for supporting the city's tree canopy. It can also be used as a method to address inequitable disparities in tree canopy, with funds helping to plant trees in areas within underserved neighborhoods that lack sufficient shade.
- **Tree Protection**
 - ***Requiring a covenant or maintenance assurance is overly burdensome:*** MBACKS disputes the notion that punitive measures are needed to ensure tree protection and asks the planning commission to remove or revise the language requiring covenants and maintenance assurance. Property owners have a legal obligation to follow all land use, environmental and tree-related codes, and having clear regulations in place allows them to develop their properties with confidence that they are acting in accordance with all relevant laws. New tree regulations should not constitute an infringement of land or property rights. Recent court decisions also call into question the legality of requiring a covenant for protection/maintenance that in effect is an exaction of a property right.

As Bellevue simultaneously works to update its comprehensive plan—guiding growth for the next 20 years—and address climate change, having balanced tree policies and regulations is even more critical. Having the right policies and regulations in place will help to meet the City's meet its obligations under the GMA to plan for and accommodate housing for all economic segments, address the City's most pressing housing needs, use existing infrastructure like roads, water, and sewer services, and protect green open spaces. This thoughtful approach to planning supports a healthy environment and has the added benefits of reducing pressure on our region's agricultural and resource lands.

If you have any questions, please don't hesitate to contact me at vshakotko@mbaks.com or 425.435.8990. Thank you for your consideration.

Sincerely,

Veronica Shakotko
Senior King County Government Affairs Manager
Master Builders Association of King and Snohomish Counties

CC: Kristina Gallant AICP, Planning Manager
Nick Whipple, Assistant Director

Johnson, Thara

From: John Darvish <jdarvish@holistique.com>
Sent: Tuesday, March 26, 2024 5:36 PM
To: Bhargava, Vishal; Negin Kanloo; Cuellar-Calad, Luisa; Ferris,Carolynn; Brown, Karol; Goepple, Craighton
Cc: Malakoutian, Mo; PlanningCommission
Subject: Please disregard the earlier email. Wilburton Medical Mixed-Use

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

PLEASE DISREGARD earlier email. It was sent prematurely.

Dear Commissioners,

I hope you are well. I would like to thank you for all the care you have put into this critical planning phase for future of Bellevue. This is the city that we all love, want the best for it, and have shared in many ways. The diligence you have put in this process is amazing.

I would like to humbly recommend that Commissioners make a recommendation to eliminate Medical Office/Medical-Mixed-Use designation from the area across the street from Overlake Hospital. For the following reasons:

- Mixed-Use still supports medical use
- Troubled state of healthcare and hospitals in WA state
- Lack of need for Medical Office
- Proximity to light rail station
- Immediate need for housing
- Lopsided amount of prime land dedicated to Medical Office
- And finally, flexibility built in Mixed-Use designation.

Medical Mixed-Use with Focus on Medical is Another Way of Saying Medical Office

In a recent review of document named “Proposed Policy Amendments to Wilburton-NE 8th St”, on page 16 under the title: Wilburton Transit-Oriented Development (TOD) Area Vision, I found: (This statement is referring to the area across Overlake Hospital on 116th)

*Development along the future multimodal 116th Avenue corridor accommodates mixed-use development at a high-rise scale, with the area across from Overlake Medical Center including a **medical office mixed-use** focus that complements nearby hospitals and similar uses along 116th Avenue NE in BelRed to the north.*

This position is taken due to “complement nearby hospitals and similar use” No data is presented to support this position. This was clarified and confirmed after a quick correspondence with a planning staff. I believe the direction it is recommending is not following the recommendations commissioners made during the meeting of Feb. 28, 2024 and it does not support the data which I will present next.

Specifically during the following times on the video of Feb. 28t, commissioners repeatedly expressed their concern for overly prescribed medical office, reduction/removal of medical office designation, encouraging broadly-defined use, even asking for rethinking need for medical office, and finally distributed medical service throughout the city: (1:02 Commissioner Brown), (1:06 Deputy Chair Goepple), (1:13 Commissioner Ferris), (1:13 Commissioner Khanloo), (1:15 Commissioner Brown), (1:49 Commissioner Brown), (1:52 Commissioner Ferris), (2:03 Deputy Chair Goepple), (2:04 Chair Bhargava), (2:34 Commissioner Ferris), (2:37 Commissioner Brown), (2:40 Commissioner Goepple).

The introduction of Medical Mixed-Use with focus on medical use is emphasizing medical rather residential. It is a compromise which does not take into account the immediate need for housing rather emphasized medical office again.

Let's take a closer look.

Mixed-use Still Supports Medical Office

Mixed-use designation still supports medical office use. If the need arises a medical office can be built to respond to the need. However, Medical office or Medical Mixed-use prohibits more meaningful development.

Unfavorable Healthcare Economy

According to WA State Hospital Association, Hospitals have lost 2.7 billion Dollars in 2022 alone, and 1.5 billion in the first half of 2023. They have continuously laid off staff, and cut services due to budget shortages. CEO of WA State Hospital Association said "Ongoing losses and basic hospital operations are unsustainable". Overlake and Children's hospitals are not immune from these unfortunate trends. This is specially not good news for expansion of medical services anytime soon in Wilburton area. How long will the recovery take? How long will the losses last? Is recovery guaranteed?

Lack of Need for Medical Office

No new medical office has been built outside of Overlake Hospital grounds for 40+ years.

Proximity to Light Rail Station

This area is between 1,000-2,000 feet to light rail station and is a prime location for TOD of residential nature

Over Committed Land for Medical Office

The land dedicated to Medical Office expands from NE 10th St to Northrup Ave. is overly optimistic of the anticipated medical needs. The following is a map of suggested medical office in the Wilburton area. Being in healthcare profession myself, I hope our citizens will never need this much healthcare in the next 20 years!



The areas committed to medical office north and South of Bel-Red

As the map suggests, the area north of Bel-Red road totals **2,600,000 Sqft (60 acres)**, at a modest FAR of 6, if fully developed, it will yield **15,600,000 Sqft of medical office**. The area of south of Bel-Red **423,482 Sqft (9.7+ acres)**, it can yield, **2,541,000 Sqft** of medical office.

In summary, current Sqft zoned as medical office in Wilburton is **3,000,000+ Sqft (70+ Acres)** which can yield more than **18,000,000 Sqft of medical office**. At this rate we can build a private hospital room for each resident of Bellevue, young and old!! (I have left medical institutions, Overlake and Children Hospitals, out of this study. It would be even more exaggerated had I included them!)

Lopsided commitment of land to Medical Office vs. Mixed-Use

Further review of Future Land Use Map (FLUM) one can compare, the area designated as Mixed-use between NE 10th Street and Main Street totals 2,535,222 Sqft vs Medical Office 3,000,000 Sqft. That is the difference of

almost 500,000 Sqft more dedicated to Medical Office. Considering that one can still build medical offices in mixed-use zones, how much more is the the balance tilted towards medical office? One will wonder if this a fair division of land between Medical Office and Mixed-Use/Residential specially since we started this process to address the need for residential.



Comparing Sqft of land zoned MO vs MU on 116th Ave (not including Med. Inst.).

In Summary

Given the troubled state of healthcare and hospitals in WA state, proximity to light rail station, immediate need for housing, lack of need for medical offices, lopsided amount of land dedicated to Medical Office, and flexibility built in Mixed-Use to accommodate medical office, I highly recommend eliminating medical office designation of any sort for the area across the street from the Overlake Hospital and assign simple Mixed-Use

for this area. Mixed-use designation inside of TOD will accommodate medical use if and when it arises and allow for organic redevelopment of Wilburton area.

Finally, one would hope that the Planning Commission would address the lopsided division of prime land as a whole between Medical Office and Mixed-Use as a bigger challenge we are facing.

I am prepared to discuss and present more detailed data to support this recommendation.

Sincerely,

John Darvish



John Darvish

CFO

Holistique Medical Center

Desk: 206-321-2202 Fax: 425-462-8919

Address: 1200 116th Ave NE Suite C. Bellevue, WA – 98004

Web: holistique.com Email: jdarvish@holistique.com

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Johnson, Thara

From: John Darvish <jdarvish@holistique.com>
Sent: Tuesday, March 26, 2024 1:26 PM
To: Bhargava, Vishal; Khanloo, Negin; Ferris, Carolyn; Brown, Karol; Goepppele, Craighton; Cuellar-Calad, Luisa
Cc: PlanningCommission; Malakoutian, Mo
Subject: Wilburton - Medical-Mixed Use designation

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

Dear Commissioners,

I hope you are well. I would like to thank you for all the care you have put into this critical planning phase for future of Bellevue. This is the city that we all love, want the best, and have shared in many ways. The diligence put in this process is amazing.

To remove any confusion, after reviewing the documents released for the March 27, 2024 meeting I **would like to humbly recommend that Commissioners make a recommendation to eliminate Medical Office/Medical-Mixed-Use designation from the area across the Overlake hospital. Furthermore, look into lopsided division of land between Medical Office and Mixed-Use Residential.** For the reasons listed below I believe this is the correct course of action.

In a recent review of document named "Proposed Policy Amendments to Wilburton-NE 8th St", on page 16 under the title: Wilburton Transit-Oriented Development (TOD) Area Vision, I found: (This statement is referring to the area across Overlake Hospital on 116th)

*Development along the future multimodal 116th Avenue corridor accommodates mixed-use development at a high-rise scale, with the area across from Overlake Medical Center including a **medical office mixed-use** focus that complements nearby hospitals and similar uses along 116th Avenue NE in BelRed to the north.*

This position is taken mainly to "complement nearby hospitals and similar use" This was clarified and cleared after a quick correspondence with a planning staff. I believe the direction it is recommending is not following the recommendations commissioners made during the meeting of Feb. 28, 2024 and it does not support the data which I will present next.

The introduction of Medical Mixed-Use with focus on medical use is emphasizing medical rather residential. It is a compromise which does not take into account the need for housing over medical office. After watching the video of the meeting of Feb.28th multiple times, the commissioners on numerous occasions unanimously expressed their desire to greatly reduce or remove medical office and dedicate more space to residential. In short more housing less medical. Mixed-medial emphasizes medical over residential.

Specifically during the following times on the video, commissioners expressed their concern for overly prescribed medical office, reduction/removal of medical office designation, encouraging broadly-

defined use, even asking for rethinking need for medical office, and finally distributed medical service throughout the city: (1:02 Commissioner Brown), (1:06 Deputy Chair Goepple), (1:13 Commissioner Ferris), (1:13 Commissioner Khanloo), (1:15 Commissioner Brown), (1:49 Commissioner Brown), (1:52 Commissioner Ferris), (2:03 Deputy Chair Goepple), (2:04 Chair Bhargava), (2:34 Commissioner Ferris), (2:37 Commissioner Brown), (2:40 Commissioner Goepple).

The land dedicated to Medical Office is overly optimistic of the anticipated medical needs. The hospitals in Washington state lost 2.1 billion in 2022 alone, and 1.5 billion in the first half of 2023. They have continuously laid off staff due the budget shortage. Overlake hospital is not immune from these unfortunate trends, it even led in some categories. This is not good news for expansion of medical services anytime soon in Wilburton area.

The following is a map of suggested medical office in the Wilburton area. Being in healthcare profession myself, I hope our citizens will never need this much healthcare in the next 20 years!



The areas committed to medical office north and South of Bel-Red

As the map suggests, the area north of Bel-Red road totals **2,600,000 Sqft (60 acres)**, at a modest FAR of 6, if fully developed, it will yield **18,000,000 Sqft of medical office**. The area of south of Bel-Red **423,482 Sqft (9.7+ acres)**, can yield, **2,541,000 Sqft** of medical office.

In total, current Sqft zoned as medical office in Wilburton is **3,000,000+ Sqft (70+ Acres)** which can yield more than **18,000,000 Sqft of medical office**. At the rate we can build a private hospital room for each resident of Bellevue!! (I have left medical institutions, Overlake and Children Hospitals, out of this study)

Further review of Future Land Use Map one can compare, the area designated as Mixed-use between NE 10th and Main Street totals 2,535,222 Sqft vs Medical Office 3,000,000 Sqft. That is the difference of almost 500,000 Sqft more dedicated to Medical Office. Considering that one can still build medical offices in mixed-use zones, how much more is the the balance tilted towards medical office? One will

wonder if this a fair division of land between Medical Office and Mixed-Use/Residential specially since we started this process to address the need for residential.



Comparing Sqft of land zoned MO vs MU on 116th Ave (not including Med. Inst.).

I hope you can see the need for eliminating medical office designation of any sort for the area across the street from the hospital and assign simple Mixed-Use for this area. Mixed-use designation inside of TOD will accommodate medical use and allow for organic redevelopment of Wilburton area.

Furthermore, one would hope that the Planning Commission would address the unfair division land as a whole between Medical Office and Mixed-Use as a bigger challenge we are facing.

I am available to discuss and present more detailed data to support this recommendation.

Sincerely,

John Darvish



John Darvish

CFO

Holistique Medical Center

Desk: 206-321-2202 Fax: 425-462-8919

Address: 1200 116th Ave NE Suite C. Bellevue, WA – 98004

Web: holistique.com Email: jdarvish@holistique.com

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Johnson, Thara

From: L Hubacka <pkisdawg@msn.com>
Sent: Monday, March 25, 2024 4:41 PM
To: PlanningCommission
Subject: Secure neighborhoods

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

We have resided in Bellevue since 1984. We know our taxes are excessive, but please use them wisely for LEGAL law abiding American citizens. Some of which need our help. Make the jail space available to hold law breakers & illegals & keep them off the streets. Sadly, Bellevue does have gangs & rising crime. We are concerned.

Also, please do not destroy our beautiful neighborhoods w/ multi units, apartments, high rises, etc. Thank you.

Johnson, Thara

From: Elaine Duncan <elaine.duncan@gmail.com>
Sent: Sunday, March 24, 2024 12:31 PM
To: PlanningCommission
Subject: Fwd: Tree Canopy Amendments - March 27, 2024 study session

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

Hi

I submitted this a couple of weeks ago, but do not see these comments in the written comments packet (unless I missed it, which is quite possible), so I am resending.

Thank you.

Elaine Duncan

----- Forwarded message -----

From: Elaine Duncan <elaine.duncan@gmail.com>
Date: Wed, Mar 6, 2024 at 9:03 AM
Subject: Tree Canopy Amendments - March 27, 2024 study session
To: <PlanningCommission@bellevuewa.gov>
Cc: Jo-Ellen Smith <cloudcnr@comcast.net>

Dear Members of the Planning Commission:

The board of the Cougar Mountain Residents Association (CMRA) offers the following comments on the proposed tree canopy regulations. We appreciate your consideration.

Cougar Mountain and similar areas will be uniquely impacted by the new rules

According to your data, the Cougar Mountain area has a tree canopy of 50-60%. Properties are zoned R-1, and many are multi-acre and/or abut heavily treed areas including Bellevue and King County parkland. The R-1 zoning designation is designed in part to protect steep slopes from overdevelopment, and many of the properties in the Cougar Mountain area include steep slope and/or stream critical areas and buffers. People who live here love the forested environment and generally want to preserve it. At the same time, we are aware of the dangers it can present.

Trees in this area tend to be large, with many landmark trees well over one hundred feet tall. While the city has increased protection for landmark trees because of their “contribution to neighborhood character and the city’s tree canopy goals,” we are concerned that the risks of such trees – notably disease and possibly fire hazards – have not been considered at all.

<https://www.heraldnet.com/news/blight-ravages-the-western-hemlock-washingtons-state-tree/>

<https://dnrtreelink.wordpress.com/2018/07/03/emerging-issues-with-western-hemlock-and-douglas-fir/>

Cougar Mountain is also unique in that, unlike the rest of Bellevue, it lies at elevations from 1000' to 1400' and frequently experiences snow and windy conditions not as prevalent at lower altitudes. All these factors make our large, old trees much more of a hazard than trees elsewhere in Bellevue.

Residents in more densely zoned areas may well want to require developers to preserve the few trees that exist, but they are also unlikely to face the expense of managing a large number of trees. We agree that areas like Bridle Trails should not continue to be singled out and penalized with regard to tree removal requirements. However, the proposed one-size-fits-all set of rules perpetuates that current penalty approach.

Any adopted rules should account for zoning as related to tree canopy. Homeowners in Cougar Mountain and similar areas already contribute generously to Bellevue's tree canopy, but they also face the challenges of managing that canopy and should not be penalized by expensive and bureaucratic requirements.

The redefinition of “tree health” should reflect changed circumstances

Your definitions propose to redefine trees from “healthy” to “viable,” with the criteria for viability to be developed. Any such criteria should recognize and account for the likelihood that a great number of trees in the Cougar Mountain area are reaching the end of their life span. While they may appear healthy, many (like the hemlocks noted above) are prone to relatively quick die-off, while other species (Doug fir) may fall over unexpectedly due to root disease or may snap off at the trunk or on large branches (big leaf maples). See the following links:

<https://www.oregonlive.com/environment/2022/11/record-number-of-firs-dying-in-oregon-washington-in-what-experts-call-firmageddon.html#:~:text=Fir%20trees%20in%20Oregon%20and,trees%20in%20the%20two%20states>

<https://www.sciencedirect.com/science/article/abs/pii/S0378112721007714>

<https://hortsense.cahnrs.wsu.edu/fact-sheet/douglas-fir-laminated-root-rot/>

<https://pnwhandbooks.org/plantdisease/host-disease/fir-douglas-true-laminated-root-rot>

The area's unique snow and wind conditions exacerbate these dangers. Just a few winters ago, a large tree fell on SE 60th Street, taking out electrical poles and leaving the entire area without power for four days.

Specific suggestions

We ask that more flexible options be available for R-1 zoning and forested areas:

- Support long-term canopy health by providing for reduced or no permits for removal of diseased or storm-compromised “significant” or “landmark” trees.
- Endorse natural replacement (tree self-seeding) as an option in forested areas.
- Relax the definitions of significant and landmark trees, e.g., the definition of “significant” goes from 8 inches to 16 to reflect current tree conditions, and “landmark” expands similarly.

Thank you for the opportunity to comment.

Cougar Mountain Residents Association
Board of Directors
17328 SE Cougar Mountain Drive
Bellevue, WA 98006

Board of Directors:	Jo-Ellen Smith	Don Bongdma
	Elaine Duncan	William Koch
	Rob Auffant	Carolyn Schwarz
	Steve Bolliger	Kristi Torgrimson

About CMRA

The Cougar Mountain Residents Association (CMRA) is a nonprofit Washington corporation that has been in existence since the 1960s. Our motto is: Connecting People, Preserving Community. We are a voluntary membership resident association serving homeowners along the SE Cougar Mt. Way, SE Cougar Mt. Drive, and SE 60th St. corridors. CMRA was formed to represent and give a more impactful voice to residents in land use issues before the three jurisdictions that govern our area and maintain our roads (Bellevue, King County, and Issaquah). We have coordinated legal action and input on area zoning issues and road conditions. Currently, we focus on improving communications among neighbors about issues of areawide concern such as traffic, crime, and mail theft. We also host neighborhood and community service events from time to time.