



Bellevue Planning Commission

Wednesday, July 9, 2014

6:30 to 10:00 p.m. ■ 1E-113

City Hall ■ 450 110th Ave. NE, Bellevue

Agenda

- | | | |
|-----------|---|--------|
| 6:30 p.m. | <ol style="list-style-type: none">1. Call to Order
<i>Aaron Laing, Chairperson</i>2. Roll Call3. Public Comment*
<i>Limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic</i>4. Approval of Agenda5. Communications from City Council, Community Council, Boards and Commissions6. Staff Reports
<i>Paul Inghram, Comprehensive Planning Manager</i> | |
| 7:15 p.m. | <ol style="list-style-type: none">7. Study Session<ol style="list-style-type: none">A. Single family rental housing code amendments
Continue review and development of draft code amendments
<i>Mike Bergstrom, Development Services</i> | Pg. 1 |
| 8:15 p.m. | <ol style="list-style-type: none">B. Comprehensive Plan Update
Review draft Urban Design and Citizen Engagement policy sections
<i>Paul Inghram, Scott MacDonald and Andrew Kidde, Planning and Community Development</i> | Pg. 23 |
| | <ol style="list-style-type: none">8. Other Business9. Public Comment* - <i>Limited to 3 minutes per person</i>10. Draft Minutes Review<ul style="list-style-type: none">• May 14, 2014• May 28, 2014• June 11, 201411. Next Planning Commission Meeting – July 23<ul style="list-style-type: none">• Horizon View rezone proposal• Comprehensive Plan Update – Utilities and Capital Facilities | |
| 9:30 p.m. | <ol style="list-style-type: none">12. Adjourn | |

Agenda times are approximate

Planning Commission members

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

John Stokes, Council Liaison

Staff contact:

Paul Inghram 452-4070
Michelle Luce 452-6931

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

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



MEMORANDUM

DATE: July 2, 2014

TO: Chair Laing and Members of the Planning Commission

FROM: Carol Helland, Land Use Director, 452-2724, chelland@bellevuewa.gov
Mike Bergstrom, Principal Planner, 452-2970, mbergstrom@bellevuewa.gov
Development Services Department

SUBJECT: Residential Room Rentals – Study Session on Permanent Regulations

INTRODUCTION

At your July 9, 2014 study session, the Planning Commission will review revised draft permanent regulations governing the rental of individual rooms in residential dwellings to multiple individuals. This study session follows study sessions held on March 12, April 23, and May 28, 2014. No action is requested at the July 9 meeting. If the Commission determines that the proposed regulations are ready for public hearing, the Commission may direct staff to schedule such hearing.

Staff recommends that the Planning Commission review and discuss the draft regulations, provide direction to Staff, and determine whether the next step should be an additional study session or a public hearing on the proposed regulations.

The draft ordinance is attached (Attachment A).

BACKGROUND

In September 2013 the City Council, in response to concerns raised by community residents about an emerging business model whereby an ownership group was purchasing homes with the intention of renting out individual rooms under separate lease agreements, adopted Ordinance No. 6128 (Attachment B) as an emergency measure to address, on an interim basis, that practice and its potential impacts. Initially in effect for six months, the provisions of Ordinance No. 6128 were later extended by Council adoption of Ordinance No. 6152. The interim regulations are now set to expire on September 23, 2014 unless extended again by Council. A public hearing on such an extension will be held before the City Council on August 4, 2014. Emergency measures are allowed under authority in Chapter 36.70A RCW and RCW 35A.13.190, and can be extended in periods of up to six months following a public hearing for each extension.

Council adopted the interim regulations to give the Planning Commission sufficient time to develop permanent regulations. To help the Commission in its work, Council approved a list of “guiding principles” (Attachment C), intended to result in narrowly-tailored permanent amendments to the Land Use Code to address the concerns expressed by the community.

ANALYSIS

The Planning Commission has previously seen (1) the interim regulations and (2) a previous draft of permanent regulations. The key features of both are summarized below:

Interim Regulations Currently In Effect (Attachment B):

Ordinance No. 6128 contains the following key features:

- It lowers the number of unrelated people who can live together from 6 to 4;
- It clarifies what constitutes “related persons” (in the definition of “family”);
- It allows more than 4 unrelated people to live together if they can demonstrate that they operate in a manner “functionally equivalent” to a family;
- It clarifies the definition of “boarding/rooming houses and bed and breakfasts”; and
- It provides for amortization of uses/leases that do not conform to the interim regulations.

Previous Draft Permanent Regulations, from May 28, 2014 Commission meeting (Attachment D):

The draft regulations reviewed by the Commission on May 28, 2014 contain these key features:

- It defines “Family” as any number of related adults, or a group of not more than 4 unrelated adults;
- It clarifies that, under the definition of Family, related persons count as 1 toward the 4 unrelated person limit in situations where related persons and unrelated persons live together;
- It creates a new use – “High Occupancy Dwelling” - for dwellings that are rented to 5 or more unrelated individuals;
- It does not include the concept of a “functionally equivalent” family;
- It establishes High Occupancy Dwelling as an Administrative Conditional Use (ACU) only in single-family dwellings and only in the following land use districts: R-1 through R-30, BR-OR/OR-1, BR-R, BR-CR, BR-ORT, and EH-A (districts in which a single-family dwelling is permitted);
- It establishes approval criteria for High Occupancy Dwelling in addition to the general ACU approval criteria contained in LUC 20.30E.140, addressing potential external impacts;
- It requires all renters in the High Occupancy Dwelling to be subject to a single lease;
- It requires that a contact person/responsible party reside on the premises; and
- It clarifies the definitions of “Bed and Breakfast” and “Boarding/Rooming House” to exclude “High Occupancy Dwelling”.

Current Draft Permanent Regulations (Attachment A):

The draft developed for discussion on July 9 takes a different approach than either the interim regulations or the previous draft. It is intended to accomplish the following:

- Allow the rental of an entire dwelling (no individual room rentals) to a “traditional” family, maximum 6 persons, unless all are related;
- Allow the rental of an entire dwelling (no individual room rentals) to a “self-identified” group (all unrelated or some combination of related/unrelated), maximum 6 persons total;

- Allow an owner-occupied dwelling to have a bed & breakfast or boarding house, maximum 2 rooms, subject to Home Occupation permit and all other current regulations;
- Regulate as a “rooming house” a dwelling that is not owner-occupied and offers individual rooms for rent in non-single-family districts.

The current draft establishes “Rooming House” as a use, defined as follows:

“Rooming House. A non-owner-occupied dwelling in which rooms are offered for rent or lease on an individual room basis.”

This definition, together with the draft regulations summarized below, is proposed because it is this form of rental structure which has been identified by the community as their primary concern.

Key features of the current draft include:

- A rooming house would be allowed only in multi-family and mixed-use land use districts, not in single-family districts.
- A rooming house would require an Administrative Conditional Use Permit.
- Special regulations would apply to rooming houses, similar to those included in the previous draft for “high occupancy dwellings” (see Section 4 of draft ordinance).
- Definitions of “Bed and Breakfast” and “Boarding House” would be revised to reflect owner-occupancy, and to specifically exclude “Rooming House”. All other existing regulations that pertain to Bed and Breakfast and Boarding House uses would remain unchanged, including the requirement for a Home Occupation permit for either use.
- Definition of “Family” would be changed to place a 6-person limit on the total number of occupants, unless all are related by blood, marriage, or adoption.
- No provision for “functionally equivalent” family.
- A new definition of “Single Housekeeping Unit” is proposed.
- As noted above, a new definition of “Rooming House” is proposed.
- Provision for amortization of certain legally-established uses/leases that do not conform to the permanent regulations

Administrative Conditional Use:

The ACU permit process is established by Part 20.30E LUC, and is a mechanism by which the City may require special conditions on development or on the use of land in order to ensure that designated uses or activities are compatible with other uses in the same land use district and in the vicinity of the subject property. All ACUs must comply with the decision criteria contained in LUC 20.30E.140, which are:

- A. The ACU is consistent with the Comprehensive Plan; and
- B. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

- C. The ACU will be served by adequate public facilities including streets, fire protection, and utilities; and
- D. The ACU will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- E. The ACU complies with the applicable requirements of this Code.

As stated above, the draft ordinance proposes that a Rooming House would require approval as an ACU. Therefore, a Rooming House would need to satisfy the criteria contained in LUC 20.30E.140, listed above. In addition, the following general development requirements are proposed specifically for Rooming Houses:

- The Rooming House will be located in a detached single-family dwelling on its own parcel; and
- The Rooming House will offer no more than (two/three/four/five/six) rooms for rent to not more than (two/three/four/five/six) individuals at any one time; and
- All rooms offered for rent shall be legally-established bedrooms; and
- A local owner, landlord, or registered agent shall be identified as the party responsible and accountable for compliance with the terms of the ACU; and
- Legal on-site parking exists or will be provided, in a quantity equal to the number of bedrooms in the leased residence; and
- Appropriate provisions will be made for maintenance of the property exterior; and
- Appropriate provisions will be made for refuse collection, including trash, recycling, and yard waste; and
- In addition to the criteria in paragraph A of this section, the City may, in approving, conditioning, or denying an application for a Rooming House ACU, consider or impose conditions to address the following:
 - The impacts that the proposed Rooming House may have on the residential character of the neighborhood or upon surrounding uses; and
 - Cumulative impacts of the proposed Rooming House in relation to other City-approved Rooming Houses in the immediate vicinity.
- A Rooming House shall comply with City of Bellevue noise and nuisance laws and health and safety codes, and with all other applicable City and State codes and regulations; and
- The designated owner, landlord, or registered agent shall be the “person responsible for the violation” in any civil violations proceedings under the terms of Chapter 1.18 BCC for failure to comply with this section. Tenants shall not be identified as responsible parties by virtue of signing a lease prepared by the owner, landlord, or registered agent for renting a room in a Rooming House.

An application for ACU is reviewed through Process II, per LUC 20.35.200. This process requires publication of a notice of application and provides opportunity for public comment. The Development Services Director issues the decision on the application, which is appealable to the City’s Hearing Examiner.

An important question is whether the requirement for an ACU *helps* or *hinders* the intent of these draft regulations. Finding a detached single-family dwelling with sufficient parking (or a vacant parcel on which such a dwelling could be built) in a multi-family or mixed-use district could prove difficult.

Setting the bar too high in terms of requirements and process could persuade a party to take their chances operating an illegal rooming house in a single-family district. The more that regulations dissuade parties from following the correct path to the desired outcome, the greater the chance they will operate outside of the rules, which places extra burden on neighbors and City code compliance staff to report and prove that a violation has occurred.

On the other hand, an ACU process ensures that potential impacts are properly mitigated and creates a permit record of the responsible party, which helps City staff quickly identify and contact the proper party if questions or issues arise.

CONCLUSION

Staff would like Commission input on a number of aspects of the draft regulations:

1. Do the regulations generally take the right approach?
2. Are the land use districts identified as appropriate/inappropriate for rooming houses the correct ones?
3. Should there be the maximum number of rooms and/or occupants in a rooming house? If so, what should that maximum be?
4. Is the ACU requirement necessary or desirable (Note: The regulations specific to rooming houses could remain with or without an ACU requirement; however, the ability to add conditions would not remain if no ACU were required, since there would be no permit to apply them to)?
5. Any other areas where the Commission would like to provide feedback.

Based on Commission direction, staff will return with a revised draft ordinance for either an additional study session or a public hearing.

RECOMMENDATION

1. Provide direction to staff for the completion of the draft ordinance; and *either*:
 - a. Direct staff to return with a revised draft at a future study session, *or*
 - b. Direct staff to schedule a public hearing on the proposal; *or*
2. Provide alternative direction to staff.

NEXT STEPS

Steps necessary to complete development and adoption of the permanent regulations are shown below. No dates have yet been set for these steps:

- Additional Planning Commission study session (if desired by Commission)
- East Bellevue Community Council courtesy hearing
- Planning Commission public hearing and recommendation to Council
- Council action on proposed ordinance
- East Bellevue Community Council public hearing and final action

ATTACHMENTS

- A. Draft Ordinance for Permanent Regulations
- B. Ordinance No. 6128 – Interim Regulations Currently In Effect
- C. Principles to Guide Development of Permanent Rental Housing Regulations
- D. Draft reviewed at May 28, 2014 Planning Commission Study Session

Attachment A

CITY OF BELLEVUE

ORDINANCE No. _____

(Title to be completed prior to adoption)

(Findings (i.e., "Whereas" statements) to be completed prior to adoption)

Draft text of proposed amendment

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.10.440 – Residential Land Use Charts - of the Bellevue Land Use Code is hereby amended to add "rooming house" as an administrative conditional use in the following land use districts: ~~R-10~~, R-15, R-20, R-30, OLB, CB, F1, F2, and F3, and to add the following related note 17:

Comment [CoB1]: No single-family districts.

[17. See LUC 20.20.700 for general development requirements for Rooming House.](#)

The "rooming house" use listing shall be placed in the use chart immediately above the "Senior Citizen Dwellings" listing.

Section 2. Section 20.25D.070 of the Bellevue Land Use Code is hereby amended to add "rooming house" as an administrative conditional use in the following land use districts: BR-OR, BR-RC, BR-R, BR-CR, and BR-ORT, and to add the following related note 6:

[6. See LUC 20.20.700 for general development requirements for Rooming House.](#)

The "rooming house" use listing shall be placed in the use chart immediately above the "Hotels and Motels" listing.

Section 3. Section 20.25F.010 of the Bellevue Land Use Code is hereby amended to add "rooming house" as an administrative conditional use in the following land use district: EH-A, and to add the following related note 12:

[12. See LUC 20.20.700 for general development requirements for Rooming House.](#)

The "rooming house" use listing shall be placed in the use chart immediately below the "Five or more dwelling units per structure" listing.

Section 4. Section 20.20.700 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.700 Rooming houses.

~~The requirements of LUC 20.20.140 apply to rooming houses.~~
A. ACU Required. Rooming Houses require Administrative Conditional Use (ACU), Part 20.30E, approval. In addition to the decision criteria contained in LUC 20.30E.140, an applicant for an ACU to establish a Rooming House shall demonstrate the following:

Comment [CoB2]: Similar standards to those drafted for high occupancy dwelling in previous draft.

Attachment A

1. The Rooming House will be located in a detached single-family dwelling on its own parcel; and
2. The Rooming House will offer no more than (two/three/four/five/six) rooms for rent to not more than (two/three/four/five/six) individuals at any one time; and
3. All rooms offered for rent shall be legally-established bedrooms; and
4. The ACU shall designate a local owner, landlord, or registered agent as the party responsible and accountable for compliance with the terms of the approved ACU; and
5. Legal on-site parking exists or will be provided, in a quantity equal to the number of bedrooms in the leased residence; and
6. Appropriate provisions will be made for maintenance of the property exterior; and
7. Appropriate provisions will be made for refuse collection, including trash, recycling, and yard waste.

B. In addition to the criteria in paragraph A of this section, the City may, in approving, conditioning, or denying an application for a Rooming House ACU, consider or impose conditions to address the following:

1. The impacts that the proposed Rooming House may have on the residential character of the neighborhood or upon surrounding uses; and
2. The cumulative impacts of the proposed Rooming House in relation to other City-approved Rooming Houses in the immediate vicinity.

C. A Rooming House shall comply with City of Bellevue noise and nuisance laws and health and safety codes, and with all other applicable City and State codes and regulations.

D. The owner, landlord, or registered agent designated pursuant to Section A.4 above shall be the "person responsible for the violation" in any civil violations proceedings under the terms of Chapter 1.18 BCC for failure to comply with this section. Tenants shall not be identified as responsible parties by virtue of signing a lease prepared by the owner, landlord, or registered agent for renting a room in a Rooming House.

Section 5. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Bed and Breakfast" to read as follows:

20.50.012 Bed and Breakfast. An owner-occupied dwelling which temporarily houses guests for profit. A Bed and Breakfast does not include a Rooming House as defined in LUC 20.50.044. (Refer to LUC 20.20.140 for General Development Requirements applicable to Bed and Breakfast uses).

Section 6. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Boarding House" to read as follows:

Comment [CoB3]: Sub-bullet 3 from previous draft (ability to add conditions in the future based on complaints) removed, since that ability already is given within 20.30E.

Comment [CoB4]: New requirement. Currently, any resident of a dwelling can apply for a home occupation permit (home occ is required for B&B).

Attachment A

20.50.012 Boarding House. An owner-occupied dwelling in which ~~roomers and/or boarders~~ individuals unrelated to the owner are housed and/or fed for profit. This definition includes Transient Lodging as defined in LUC 20.50.048. (SeeRefer to LUC 20.20.140 for General Development Requirements applicable to Boarding House uses). A boarding house does not include a Rooming House as defined in LUC 20.50.044.

Comment [CoB5]: New requirement. Currently, any resident of a dwelling can apply for a home occupation permit (home occ is required for boarding house).

Section 7. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to revise the definition of "Family" to read as follows:

20.50.020 Family. ~~Not more than six~~One or more persons, unless all are related by blood, marriage, or legal adoption, (but not more than six unrelated persons) living together as a single housekeeping unit. For purposes of this definition and notwithstanding any other provision of this Code, children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) will not be counted as unrelated persons.

Comment [CoB6]: Departure from current definition; based on Fayetteville Arkansas.

Section 8. Section 20.50.044 of the Bellevue Land Use Code is hereby amended to add a new definition of "Rooming House" to read as follows:

20.50.044 Rooming House. A non-owner-occupied dwelling in which rooms are offered for rent or lease on an individual room basis. (Refer to LUC 20.20.700 for General Development Requirements applicable to Rooming House uses).

Section 9. Section 20.50.046 of the Bellevue Land Use Code is hereby amended to add a new definition of "Single Housekeeping Unit" to read as follows:

20.50.046 Single Housekeeping Unit. One household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method. If the dwelling unit is rented, the household members must jointly occupy the unit under a single lease in order to be considered a single housekeeping unit.

Comment [CoB7]: Based on Los Angeles.

Section 10. Amortization for Certain Nonconforming Uses. Notwithstanding Section 20.20.560 of the Bellevue Land Use Code, any use of a structure or of land which does not conform to the regulations of the district in which the use exists due to changes in the definitions or other Land Use Code provisions adopted by this ordinance, which use lawfully existed on the date such changes became effective, shall be discontinued by one year from effective date of ordinance.

Section 11. Ordinance No. 6128, Ordinance No. 6152, and Ordinance No. _____ are hereby repealed.

Section 12. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 13. Effective Date. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Attachment A

Passed by the City Council this _____ day of _____, 2014 and signed in authentication of its passage this _____ day of _____, 2014.

(Seal and signature blocks will be added prior to adoption)

DRAFT

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6128

AN ORDINANCE of the City of Bellevue, Washington, adopting interim official zoning controls to address impacts resulting from the rental of multiple rooms in single-family dwellings to unrelated individuals, by amending the definitions of “boarding house” and “family” and creating a new definition of “rooming house”, for a period of six months, to be in effect while the City drafts, considers, holds hearings, and adopts permanent regulations, to be effective immediately upon adoption, scheduling a hearing on the maintenance of the interim zoning ordinance, providing for severability, and declaring an emergency.

WHEREAS, the Bellevue Comprehensive Plan seeks to maintain and strengthen the vitality, quality, and character of Bellevue’s residential neighborhoods while providing housing choices and affordability; and

WHEREAS, the City of Bellevue has begun an update of its Comprehensive Plan as mandated by the Growth Management Act, and that update will include a broader evaluation of the community’s housing policies, needs, and related issues; and

WHEREAS, the Bellevue City Council has recently heard numerous concerns from citizens about the rental of multiple rooms in single-family dwellings to unrelated individuals and under separate lease agreements, and the impacts of such rentals; and

WHEREAS, the concerns and impacts identified by citizens include the erosion of single-family neighborhood character, from a stable neighborhood character to one that is more transitory, increased density, declining property maintenance, and increased on-street parking, traffic, noise and instances of speeding, among others; and

WHEREAS, the Bellevue Land Use Code currently defines “family” as one or more persons (but not more than six unrelated persons) living together as a single housekeeping unit, but does not define “single housekeeping unit”; and

WHEREAS, the American Community Survey for 2007-2011 shows that the average single-family household size in Bellevue is 2.75 persons; and

WHEREAS, the Bellevue City Council has determined that this rental practice and its real and potential impacts threaten the vitality, quality, stability, and single-

family character of Bellevue's residential neighborhoods, and that emergency action is warranted to diminish this threat; and

WHEREAS, the adoption of the interim controls contained herein will address the immediate impacts resulting from the above-described rental practice, will protect the stability and character of Bellevue's single-family neighborhoods, and will provide an opportunity for the City to more fully research and develop appropriate long-term strategies; and

WHEREAS, the Bellevue City Council has determined that the termination of existing uses that do not conform to the interim controls by July 1, 2014, will fairly and reasonably balance the interests of property owners and users with the benefit to the public; and

WHEREAS, pursuant to WAC 197-11-880, actions that must be undertaken immediately or within a time too short to allow full compliance with the State Environmental Policy Act (SEPA), to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the provisions of that Act (see also BCC 22.02.050); and

WHEREAS, pursuant to RCW 36.70A.390 a public hearing must be held within 60 days of the passage of this ordinance; and

WHEREAS, the potential adverse impacts upon the public safety, welfare, and peace, as outlined herein, justify the declaration of an emergency; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. Section 20.20.140 of the Bellevue Land Use Code is hereby amended to revise the general development requirements applicable to "Boarding Houses and bed and breakfasts," to read as follows:

20.20.140 Boarding/rooming houses and bed and breakfasts.

Boarding/rooming houses and bed and breakfasts require a Home Occupation Permit, Part 20.30N LUC, approval. In addition, not more than two rooms may be rented to not more than two persons other than those occupying a single-family dwelling, provided there is compliance with health and building code requirements. The owner of the rooms to be rented shall provide off-street parking for such rooms at the rate of at least one parking stall for each room.

Section 2. Section 20.20.700 of the Bellevue Land Use Code is hereby deleted.

Section 3. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Boarding House," to read as follows:

20.50.012 B definitions.

Boarding/Rooming House. A dwelling in which roomers and/or boarders individuals unrelated to the owner are housed and/or fed for profit for any time period, including stays of 30 days or more. This definition includes, but is not limited to, Transient Lodging as defined in LUC 20.50.048. (Refer to see LUC 20.20.140 for General Development Requirements applicable to Boarding/Rooming House uses).

Section 4. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to revise the definition of "Family," to read as follows:

20.50.020 F definitions.

Family. One or more adult persons related by blood, marriage, or legal adoption (but not more than six unrelated persons); or a group of not more than four unrelated adult persons living together as a single housekeeping unit in a dwelling unit. A group of more than four unrelated adult persons living together in a dwelling unit may also be included within the definition of "Family" if they demonstrate to the Director that they operate in a manner that is functionally equivalent to a Family. Factors that shall be considered by the Director include whether the group of more than four unrelated persons:

- a. Shares the entire dwelling unit or act as separate roomers;
- b. Includes minor, dependent children regularly residing in the household;
- c. Can produce proof of sharing expenses for food, rent, or ownership costs, utilities, and other household expenses;
- d. Shares common ownership of furniture and appliances among the members of the household;
- e. Constitutes a permanent living arrangement, and is not a framework for transient living;
- f. Maintains a stable composition that does not change from year to year or within the year;
- g. Is not a society, fraternity, sorority, lodge, organization or other group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary; or
- h. Can demonstrate any other factors reasonably related to whether or not the group of persons is the functional equivalent of a family.

For purposes of this definition and notwithstanding any other provision of this Code, children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) will not be counted as unrelated persons.

Section 5. Amortization for Certain Nonconforming Uses. Notwithstanding Section 20.20.560 of the Bellevue Land Use Code, any use of a structure or of land which does not conform to the regulations of the district in which the use exists due to changes in the definition of "Boarding/Rooming House" in Section 20.50.012 and/or "Family" in Section 20.50.020, adopted on September 23, 2013, which use lawfully existed on the date such changes became effective, shall be discontinued by July 1, 2014.

Section 6. Duration and Scope of Interim Regulations. The interim regulations imposed by this ordinance shall become effective on the date herein, and shall continue in effect for an initial period of sixty (60) days, unless repealed, extended, or modified by the City Council after subsequent public hearings and the entry of additional findings of fact pursuant to RCW 35A.63.220.

Section 7. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing on this ordinance within sixty (60) days of its adoption, or no later than November 22, 2013, so as to hear and consider public comment and testimony regarding this ordinance. Following such hearing, the City Council may adopt additional findings of fact, and may extend the interim regulations for a period of up to six (6) months. If a period of more than six months is required to complete consideration of any changes to city codes, the Council may adopt additional extensions after any required public hearing, pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 8. Permanent Regulations. The City Council hereby directs the staff to develop for its review and adoption permanent regulations to adopt the interim regulations adopted herein, and to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 9. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

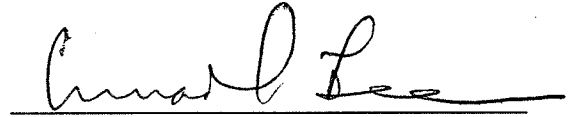
Section 10. Public Emergency. The City Council hereby finds and declares that a public emergency exists and that this ordinance is a public emergency ordinance necessary for the protection of the public health and safety and should, therefore, take effect upon adoption. The facts upon which this public emergency is based include all recitals set out in this ordinance as well as those facts contained in the legislative record.

Section 11. Effective Date. In accordance with RCW 35A.13.190, this ordinance, as a public emergency ordinance, shall take effect and be in force immediately upon adoption by a majority plus one of the City Council.

ORIGINAL

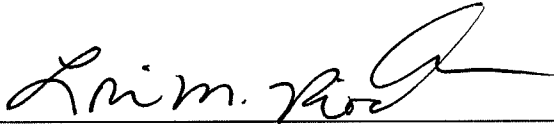
PASSED by the City Council this 23rd day of September,
2013, and signed in authentication of its passage this 23rd day of
September, 2013.

(SEAL)



Conrad Lee, Mayor

Approved as to form:



Lori M. Riordan, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published September 26, 2013,

Attachment C

Approved by Council on November 4, 2013

Planning Commission Principles to Guide Development of Permanent Rental Housing Regulations

Issue Presented: Residents of the Spiritwood neighborhood have raised concerns about an emerging business model in their single family neighborhood where an ownership group is purchasing homes with the intention of renting out individual rooms under separate lease agreements. If this practice is not curtailed, impacts on neighborhood livability are anticipated to continue and to increase over time.

Emergency Action Taken: On September 23, the City Council adopted Ordinance No. 6128 as an emergency ordinance under the authority in Chapter 36.70A RCW and RCW 35A.13.190. This interim zoning control (1) deleted the general development regulations applicable to rooming houses; (2) clarified that boarding home performance criteria apply to rooming houses; (3) amended the definition of "Boarding House;" and (4) amended the definition of "Family" to address impacts resulting from the rental of multiple rooms in single family dwellings to unrelated individuals.

Work Program Item: The Planning Commission is being asked to develop narrowly tailored permanent amendments to the Land Use Code that address issues presented by the Spiritwood neighbors.

Principles to Guide the Planning Commission Work

1. The Council-adopted emergency ordinance should be used as a starting point for the Planning Commission work.
2. Work on the code amendment should progress expeditiously, with the goal of having permanent regulations in place by July 2014.
3. The recommended amendments should be narrowly tailored to prevent the conversion of single family homes to dormitory-like uses. With this goal in mind, the regulations should seek to ensure that:
 - a. Impacts of unrelated persons occupying a rental house are not greater than the impacts associated with a group of related persons occupying a home.
 - b. Single family homes are not designed to support future conversion to dormitory-like uses.
 - c. Impediments are not created that would limit access to fair housing choices for protected classes of people.
 - d. Tools to limit impacts are capable of being enforced.
4. City-wide impacts of the permanent amendments should be evaluated to ensure that negative consequences on rental housing and appropriate housing design are minimized.
5. Work on the rental housing amendment should not be undertaken in a manner that will delay final completion of the Shoreline Master Program Update, and the City Council will consider extensions to the Emergency Rental Housing Ordinance if necessary to accommodate Planning Commission review of these permanent regulations.

6. Policy topics relating to housing affordability and availability are part of a longer term strategy that should not be undertaken during current development of the narrowly tailored amendments contemplated to address the Spiritwood issue. The Comprehensive Plan Update that is currently underway and expected to result in additional code development work late in 2014 is the proper forum to discuss broader policies such as:
 - a. Placing limits on garage conversions for living space;
 - b. Adopting additional single room occupancy regulations;
 - c. Evaluating the appropriate role of detached accessory dwelling units in the provision of fair housing choices;
 - d. Evaluating the single family home definition to ensure that it is appropriately specific to foster development of desired housing options without encouraging the commercial use of housing in single family neighborhoods;
 - e. Addressing “apodments” and micro-housing development trends; and
 - f. Considering the role of rental registration and inspection program options as a viable enforcement strategy.

CITY OF BELLEVUE

ORDINANCE No. _____

(Title to be completed prior to adoption)

(Findings (i.e., "Whereas" statements) to be completed prior to adoption)

Draft text of proposed amendment

Section 1. Section 20.10.440 of the Bellevue Land Use Code is hereby amended to identify "dwelling, high occupancy" as an administrative conditional use in the following land use districts: R-1, R-1.8, R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20, and R-30, and to add the following related note 17:

17. See LUC 20.20.455 for general development requirements for High Occupancy Dwelling.

Section 2. Section 20.25D.070 of the Bellevue Land Use Code is hereby amended to identify "dwelling, high occupancy" as an administrative conditional use in the following land use districts: BR-OR/OR-1, BR-R, BR-CR, and BR-ORT, and to add the following related note 6:

6. See LUC 20.20.455 for general development requirements for High Occupancy Dwelling.

Section 3. Section 20.25F.010 of the Bellevue Land Use Code is hereby amended to identify "dwelling, high occupancy" as an administrative conditional use in the following land use district: EH-A, and to add the following related note 12:

12. See LUC 20.20.455 for general development requirements for High Occupancy Dwelling.

Section 4. Section 20.20.140 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.140 Boarding/rooming houses and bed and breakfasts. Boarding/rooming houses and bed and breakfasts require a Home Occupation Permit, Part 20.30N LUC, approval. In addition, not more than two rooms may be rented to not more than two persons other than those occupying a single-family dwelling, provided there is compliance with health and building code requirements. The owner of the rooms to be rented shall provide off-street parking for such rooms at the rate of at least one parking stall for each room.

Section 5. Chapter 20.20 of the Bellevue Land Use Code is hereby amended to add a new Section 20.20.455 – High Occupancy Dwelling – to read as follows:

20.20.455 High Occupancy Dwelling.

A. ACU Required. High Occupancy Dwellings require Administrative Conditional Use (ACU), Part 20.30E, approval. In addition to the decision criteria contained in LUC 20.30E.140, an applicant for an ACU to establish a High Occupancy Dwelling shall demonstrate the following:

1. The High Occupancy Dwelling will be located in a single-family dwelling; and

Attachment D

Reviewed by Planning Commission May 28, 2014

2. All tenants will be subject to a single lease agreement; and
 3. Either the owner or a registered agent will reside on-site and will be considered one of the unrelated persons. In lieu of an owner or registered agent, the lease may designate one of the tenants as the party responsible and accountable for compliance with the lease and with the terms of the approved ACU; and
 4. Legal on-site parking exists or will be provided, in a quantity equal to the number of bedrooms in the leased residence; and
 5. Appropriate provisions will be made for maintenance of the property exterior; and
 6. Appropriate provisions will be made for refuse collection, including trash, recycling, and yard waste.
- B. In approving, conditioning, or denying an application for a High Occupancy Dwelling ACU, the City may consider, in addition to the criteria in paragraph A of this section, the following:
1. The impacts that the proposed High Occupancy Dwelling may have on the residential character of the neighborhood; and
 2. The cumulative impacts of the proposed High Occupancy Dwelling in relation to other City-approved High Occupancy Dwellings in the immediate vicinity; and
 3. The imposition of a condition under which the City reserves the right to impose additional conditions or to reconsider the High Occupancy Dwelling ACU within a certain timeframe from approval date, based on complaints filed with the City.
- C. A High Occupancy Dwelling shall comply with City of Bellevue noise and nuisance laws and health and safety codes, and with all other applicable City and State codes and regulations.
- D. The Director of the Development Services Department may impose conditions to mitigate any potential adverse impact on surrounding uses.
- E. Notwithstanding section A.3 above, the owner and landlord shall be the “persons responsible for the violation” in any civil violations proceedings under the terms of BCC 1.18 for failure to comply with High Occupancy Dwelling provisions of this section. Tenants shall not be identified as responsible parties by virtue of signing a lease prepared by the owner or landlord for renting a room in a High Occupancy Dwelling.

Section 6. Section 20.20.700 of the Bellevue Land Use Code is hereby deleted as follows:

~~**20.20.700 Rooming houses.** The requirements of LUC 20.20.140 apply to rooming houses.~~

Section 7. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of “Bed and Breakfast” to read as follows:

Attachment D

Reviewed by Planning Commission May 28, 2014

20.50.012 Bed and Breakfast. A dwelling which temporarily houses guests for profit. A Bed and Breakfast does not include a High Occupancy Dwelling as defined in LUC 20.50.018. (Refer to LUC 20.20,140 for General Development Requirements applicable to Bed and Breakfast uses).

Section 8. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Boarding House" to read as follows:

20.50.012 Boarding/Rooming House. A dwelling in which ~~roomers and/or boarders~~ individuals unrelated to the owner are housed and/or fed for profit. This definition includes Transient Lodging as defined in LUC 20.50.048. (SeeRefer to LUC 20.20.140 for General Development Requirements applicable to Boarding/Rooming House uses). A boarding/rooming house does not include a High Occupancy Dwelling as defined in LUC 20.50.018.

Section 9. Section 20.50.018 of the Bellevue Land Use Code is hereby amended to create a new definition of "Dwelling, High Occupancy" to read as follows:

20.50.018 Dwelling, High Occupancy. A building proposed to house, or currently houses, five or more unrelated individuals. (Refer to LUC 20.20.455 for General Development Requirements applicable to High Occupancy Dwelling uses).

Section 10. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to revise the definition of "Family" to read as follows:

20.50.020 Family. One or more adult persons related by blood, marriage, or legal adoption; or a group of not more than four unrelated adult persons (but not more than six unrelated persons) living together as a single housekeeping in a dwelling unit. Where related and unrelated adult persons live together, the related persons, as a group, counts as one of the four unrelated persons. For purposes of this definition and notwithstanding any other provision of this Code, children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) will not be counted as unrelated persons.

Section 11. Ordinance No. 6128, Ordinance No. 6152, and Ordinance No. _____ are hereby repealed.

Section 12. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 13. Effective Date. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2014 and signed in authentication of its passage this _____ day of _____, 2014.

(Seal and signatures to be provided prior to adoption)



MEMORANDUM

DATE: July 2, 2014

TO: Chair Laing and Members of the Planning Commission

FROM: Paul Inghram, AICP, Comprehensive Planning Manager, PCD 452-4070
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SUBJECT: Major Comprehensive Plan Update – Urban Design and Citizen Participation Element

The July 9th study session provides an opportunity to review draft changes to the Urban Design and Citizen Participation policies of the Comprehensive Plan. Staff will provide a general introduction of each chapter and be available to answer questions about the proposed changes. No formal action is requested at this time. Staff welcomes comments on the draft policies to help work towards preparation of a staff recommended draft plan, which is anticipated to be prepared in the early fall.

The Planning Commission and the city's other boards and commissions have been systematically reviewing individual policy areas and providing suggestions that will help guide the drafting of an updated plan. The Commission has completed an initial review of draft policies for land use, annexation, housing and economic development, and also for integration of the Eastgate/I-90 project. Upcoming study sessions in July and September are anticipated to review the community vision, the subarea boundaries, and the Utilities, Capital Facilities and Environment elements of the Comprehensive Plan as well as those sections that have been reviewed by other boards and commissions. Following review of the draft policy changes for individual parts of the plan, staff will work to develop a single consolidated plan draft. The consolidated draft will be an opportunity to resolved overlap or conflicts between chapters. It will be presented to the boards and commissions, there will be additional public outreach and a public hearing will be held by the Planning Commission.

The prior meeting packet included a summary of the work of the city's boards and commissions, discussion of the project schedule, and a template for the plan chapters. Since there was not sufficient time to review those items at the last meeting, staff can answer questions at this study session about the information previously provided as needed.

BACKGROUND

In October 2012 the City Council initiated the major update of the Comprehensive Plan with a schedule to complete the update by the end of 2014. The Comprehensive Plan is the holder of

the community's vision for the future of Bellevue, it sets policy that directs city actions and decisions, and it guides city investments in infrastructure. The plan addresses a wide range of topics, including land use, housing, transportation, parks, economic development and human services. The plan consists of four key components:

- The Community Vision statement illustrates the city we hope to become
- Elements of the plan include goals and policies that direct city actions
- Subarea Plans for each of fourteen geographic areas in the city
- Transportation Facility Plans that contain potential transportation projects

The Comprehensive Plan provides the overall policy structure that helps ensure consistency between the city's various functional plans as well as coordinating them with the city's plans for growth. The Comprehensive Plan tends to include broad, citywide policies that frame fundamental management of land uses and city resources.

Urban Design Element

Following up on the January 8, 2014, initial review of the approach to the Urban Design Element policies, staff will present draft policy changes for the Commission's consideration.

The Urban Design Element is focused on people and design. By guiding both private development and public investments to create a city that is dynamic, engaging, aesthetically appealing and functionally understandable, the city is able to work towards creating a community that is a great place to live and foster self-identity. Urban design policies, by their nature, create some overlap with corresponding parts of the Land Use, Housing, Transportation and Parks elements, while being focused on the design aspect of these features of the city's built and natural environment. In 2004, the city completed a modest review and revision of the Urban Design policies leaving most of the original policies intact. Ten years later, Bellevue has continued to grow as a vibrant and diverse community that is rooted by the natural character of its surroundings, the extensive parks and open spaces throughout the city as well as the character of its residential neighborhoods. Key issues, identified through public outreach efforts, feedback from the Planning and Arts commissions and through staff review, include the pedestrian experience and mobility, transit integration, sustainability, public health and aging in place.

Ultimately, the policies in this element strive to create the experience of the city while reinforcing the character of the community, the city as a whole and each of its distinct neighborhoods. This is accomplished through, not only the design of the built environment, but through the support of a rich array of cultural and artistic experiences.

How This Element Is Used

This element is used by a variety of departments throughout the city. Being the primary location of arts-related policies, this element guides the efforts and defines the vision of the Arts Program. These policies are also used by Development Services staff during design review of proposed development projects. Additionally, these policies are used by the Enhanced Right of Way and Urban Boulevards cross-departmental workgroup that develops and implements streetscape improvements.

Recognizing the multifaceted objectives of the chapter, it may be appropriate to rename it. Urban Design and the design review of new development is just one of the primary components of the element while the Urban Design title suggests it is the sole policy area and obscures the other roles of the element. Considering that the element is also home to policies about art, culture, the design of city infrastructure, and historic preservation, staff suggests creating a new title that captures a broader objective: Community Character.

Element Organization

Policies for the Community Character element are organized into five sections:

Character describes the larger vision of the city with subsections on Citywide Character, Residentially-dominated Neighborhoods, and Downtown, Commercial and Mixed-Use Centers.

Arts & Culture outlines the vision for the arts in Bellevue with policies supporting the Cultural Compass, which was adopted as the arts-related functional cultural plan by the City Council in 2004 and is currently undergoing its own update.

Design Quality specifically guides the building and site design of private and public development and includes subsections on Site and Building Design, Downtown, Commercial and Mixed-Use Development, Signs and Wayfinding, and Vegetation and Landscaping.

Public Space focuses on the design of public spaces and includes subsections on Public Space, Sidewalks, Walkways and Trails, Street Corridors and Transit Facilities.

Landmarks and Historic Resources promotes protecting historically significant landmarks and sites.

Draft updates to the Urban Design/Community Character policies are included in the table of Attachment 1.

Policy Approach

At its January 8, 2014, meeting the Planning Commission reviewed the approach to updating the Urban Design Element. Clear from the feedback from the Planning Commission was a desire to simplify and broaden the policies. With this in mind, efforts have been made to broaden and clarify the language of a number of the policies while maintaining much of the original policy intent. The element guides development to create a city that is diverse, appealing and functions cohesively.

Recognizing the growth pattern discussed in the Land Use Element, where the majority of future development will occur in Downtown and BelRed and that the vast majority of housing growth will be in various forms of multifamily housing, the updated policies attempt to better reflect the diversity of Bellevue's neighborhoods and development forms while maintaining and protecting the character of existing neighborhoods.

Citizen Participation Element

The Planning Commission first reviewed the existing Citizen Participation Element in June 2013. The element establishes policy for how the public can engage in and influence city planning and development projects. Citizen Participation is the first element in the plan. This

feature is noteworthy – many comprehensive plans include no citizen participation element at all – and it signals that engaging our citizens is of prime importance for Bellevue’s government.

The policies in the current element, however, need updating. First, they are overly focused on planning and land use decision making. The element would be stronger if it addressed citizen engagement throughout the city’s functions. Accordingly, staff is working to add several policies that apply citywide to provide an overall framing of community engagement in local government. Second, given the extraordinary increase in the diversity of Bellevue’s population, policies are being developed that emphasize engagement approaches that are more effective in reaching our diverse population. Finally we are looking to clarify and simplify the policies on public engagement in planning and land use.

Due to this change in emphasis, we suggest making a minor change to the chapter title to “Citizen Engagement” to better capture the policy intent of engaging the community throughout city decision making. Draft policy recommendations are enclosed along with a copy of the existing chapter (see Attachments 2 and 3).

Chapter Template

The city hired BERK Consulting to review the current Comprehensive Plan and to provide guidance on how the format and structure of the new plan could be improved. The objective for the plan is for it to be useful tool that is accessible to the community and effective at guiding city decisions. While the plan has numerous legal and technical aspects that it must respond to, the plan should be written and organized in a way that is reasonably readable for the average citizen, usable by city decision makers, and an effective tool for staff engaged in specific projects, whether permit review or design of new infrastructure.

The consultant identified several general objectives for the plan:

- Functionality – organization, consistency
- Accessible to the public – minimal use of jargon, concise, wayfinding, visually appealing
- Visual communication – clarity, maps readability and connection to policy, use of graphics

The consultant noted how the plan could be made more user friendly for both the public and staff by reducing jargon, improving clarity, and making the plan a more usable document. They suggested reducing “walls of text” that get between the introduction of a topic and the key policies and using a cleaner map layout to make them more readable. More extensive informational graphics could be integrated with the text to make it more useful and meaningful and may result in being able to reduce the overall amount of text.

The table below identifies a possible outline concept for individual plan chapters that could help organize the presentation of the vision, data, policies and actions in a consistent manner across all elements.

Potential Element Outline

Section	Description
Introduction	Similar to the current “Overview”
[Element] Vision and Framework	Could be emphasized by placement in a color block, or by font at the beginning of each element.
Today’s [Element] Conditions and Tomorrow’s Projections	
Today and Tomorrow	This would contain a brief summary of data and trends.
What does it mean?	A one-page or half page of “take aways” from the data.
Challenges and Opportunities	How the element responds to hurdles or future prospects.
Our [Element] Plan	A location for big ideas and directive maps, e.g. land use plan, urban design strategies, parks plan, etc.
What does success look like?	A summary of desired outcomes (that are monitored and translated into actions under the action plan below).
Goals & Policies	Both goals and policies should be numbered for easier reference.
Implementation	The city may wish to call out specific implementation opportunities and connections to functional plans.

The attached draft chapter template (Attachment 1) uses a mock-up of the Land Use Element to illustrate how an element of the updated plan could be organized according to the above table. If there is time and interest at the study session, staff will be available to discuss the template and answer questions.

Please note that the information contained in the template is *not* a recommended draft, but borrows from the current plan and other documents to help in illustrating the layout of the document only. Please disregard any of the specific wording included in the template. It is intended for illustration only.

The draft template attempts to respond to some of the review comments and update objectives by highlighting key information up front, integrating text and graphics to tell the reader the most important information, and using sidebars and callout boxes to discuss specific items. This template is not fully developed from a graphics standpoint, but rather is intended to express the potential layout of text, graphics, maps and policies. It would be used to guide development of staff’s recommended draft plan for review by the boards and commissions. A final plan, once adopted by Council, would be further enhanced graphically and designed for both printed and electronic layout.

The layout and organization of the plan is not a required policy component, but it is still very important to the public’s use of the plan. This layout could evolve further as the needs of individual chapters are defined and as the city receives comments during public review. Any suggestions or comments by Planning Commission at this time are welcome.

NEXT STEPS

Staff will continue to prepare policy review tables for the Commission’s consideration at the upcoming July study sessions. These are likely to include: Utilities, Capital Facilities and Vision, and the review of subarea boundaries.

July	Policy reviews of Urban Design, Utilities, Capital Facilities and Vision, and the review of subarea boundaries
Sept	Review of Environmental policies and work of other boards and commissions
Fall/winter	Release of full draft plan and hold public hearing on staff recommendation
Winter	Planning Commission review of staff recommendation
February	Present Planning Commission recommended draft update to Council
June	Council action (state deadline: June 30, 2015)

ATTACHMENTS

1. Draft Urban Design policy review table
2. Draft Citizen Engagement policies
3. Current Citizen Participation Element
4. Draft Chapter Template

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
		Urban Design Element	Community Character Element	
		CHARACTER		
		Citywide Character		
1	UD-67	Enhance the appearance, image, and design character of the Downtown to be an inspiring place to live, shop, play, and work.	<i>Enhance the appearance, image and design character of Bellevue to be an inspiring place to be.</i>	The original policy is specific to Downtown but should apply to the entire city.
2	UD-19	Preserve trees as a component of the skyline to retain the image of a "City in a Park."	<i>Preserve and enhance the tree canopy to retain and benefit from the image of Bellevue as a "City in a Park."</i>	Enhancing tree canopy has been identified as a key goal by the city.
3	UD-20	Preserve and encourage open space as a dominant element of the community's character.	<i>Encourage the preservation of open space as a dominant element of the community's character.</i>	
4	UD-22	Foster and value private open space as a contribution to the visual character of the community. Discussion: Types of open space can range from the purely visual in nature such as a stand of trees on a hillside, to very sophisticated settings for urban activities such as a carefully designed plaza for an office building.	Suggest remove.	Duplicative of UD-20 (line 3).
5	UD-75	Use urban design features to soften the public right-of-way and sidewalk environment as appropriate. These features include, but are not limited to, street trees, landscaping, water features, raised planter boxes, potted plantings, pedestrian-scaled lighting, street furniture, paving treatments, medians, and the separation of pedestrians from traffic.	<i>Create a safe, engaging and attractive pedestrian environment throughout the city using appropriate urban design features.</i>	The intent of the original policy is to create a quality pedestrian environment by using urban design features. Rewriting the policy allows the focus to be on that. Additionally, examples of urban design features can be given in the introduction to the Element.

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
6	UD-24	Take aggressive steps to protect waterfronts and make them accessible to the public so that they continue to give Bellevue an image of a city surrounded by natural beauty.	No change needed.	
Residentially-dominated Neighborhoods				
7	UD-61	Encourage the green and wooded character of existing neighborhoods.	No change needed.	
8	UD-60	Incorporate entry designs to residential neighborhoods such as low profile, identification signs, and landscaping which is in character with the neighborhood.	<i>Incorporate urban design elements that promote neighborhood identity and a sense of place.</i>	Entrance designs are one way to use urban design to promote neighborhood identity and a sense of place.
9	UD-63	Maintain vegetation along major neighborhood arterials.	No change needed.	
10	UD-64	Design collector arterials that go through residential neighborhoods to reduce traffic impacts and to support the existing residential character.	No change needed.	
11	UD-66	Enhance the appearance of neighborhoods, especially those that are older, with targeted city programs and services, such as landscaping and maintenance along the public right-of-way, sidewalk enhancements, identity treatments, and other actions that may enhance neighborhood appearance.	<i>Enhance the appearance of neighborhoods in need with targeted right-of-way improvements.</i>	The original policy implies that older neighborhoods are somehow in poorer condition. The real issue that the policy is attempting to address is enhancing the appearance of neighborhoods that have an established need for such improvement.
Downtown, Commercial and Mixed-Use Centers				
12	UD-68	Encourage rooflines which create interesting and distinctive forms against the sky within the Downtown.	<i>Encourage rooflines that create interesting and distinctive forms against the sky within the Downtown and other mixed use centers.</i>	The skyline is an important public amenity. With future growth planned for many mixed use centers, this policy should apply to all such areas.

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
13	UD-69	Develop a functional and attractive Downtown which is harmonious with adjacent neighborhoods by considering the impacts of through-traffic, views, building scale, and land use.	<i>Develop a functional and attractive Downtown that is harmonious with adjacent neighborhoods by considering the impacts of through-traffic, view, building scale, and land use.</i>	
14	UD-73	Create a pedestrian environment with a sense of activity and protection.	<i>Enhance and support an active, connected and functional pedestrian environment for all ages and abilities.</i>	Bellevue increasingly is seeing families and aging residents moving into mixed-use centers. Improved pedestrian amenities for the young and old are necessary to meet this growing demand.

ARTS & CULTURE

15	NEW-1	NEW POLICY	<i>Encourage art and arts programs that create understanding and respect among the city's diverse population.</i>	Art offers unique opportunities to create inter-cultural connections in the community.
16	UD-36	Encourage development, display, and performance opportunities for a wide range of artistic expression throughout the city.	No change needed.	
17	NEW-2	NEW POLICY	<i>Support the development of a wide array of cultural facilities throughout the city and the Eastside through local and regional strategies.</i>	City Council has expressed the desire to see cultural facilities addressed with a regional approach.
18	NEW-3	NEW POLICY	Support lifelong arts education for all skill levels.	Lifelong engagement in the arts is an important element in the development of a rich artistic culture. Engagement can involve going and seeing a performance or an exhibition, practicing a skill, learning, teaching and so much more.

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
19	UD-35	<p>Support a variety of artwork and arts activities in public places, such as parks, public buildings, and plazas.</p> <p>Discussion: Public Art such as sculptures, murals, reliefs, and art objects can transform the character of a place from the ordinary to the special. Public art may embellish a site, evoke emotion, create a memorable place, acknowledge community history, or be abstract and symbolic. Large or small, art pieces can stimulate the imagination and encourage people to explore them.</p>	<p><i>Support a variety of artwork in public places, such as parks, public buildings and plazas to build community and transform the character of a place from the ordinary to the special.</i></p>	<p>The original policy is specific to public art and publically available arts activities while the discussion is specific to public art. The city defines public art as physical objects and not performances or activities. Removing "arts activities" simplifies the policy to be focused on public art.</p>
20	UD-37	<p>Expand the city's public art collection; involve the community in selection of new major items; and encourage partnerships with other arts organizations and private enterprise in city artistic activities.</p>	<p><i>Expand the city's public art collection and involve the community in the selection of new major items.</i></p>	<p>Policy is focused on two different components; public art and partnerships between arts organizations and private enterprise. Private partnerships with arts organizations are one way of supporting arts organization, financially or otherwise. New policy below (line 21) incorporates this into policy language.</p>
21	NEW-4	<p>NEW POLICY</p>	<p><i>Support artists and arts groups working in the community through city programs and private partnerships.</i></p>	<p>This policy supports artists and arts groups working in the community. This support translates into a variety of forms including arts activities, performances, collaborative artworks and more.</p>

DESIGN QUALITY

Site and Building Design

22	UD-1	<p>Encourage high quality, attractive, architecturally appealing designs for major buildings in order to create distinctive visual reference points in the community.</p>	<p><i>Encourage attractive designs for the built environments that convey excellence in architecture, site design, and workmanship, durability in building materials and enrich the appearance of their surroundings.</i></p>	<p>Policy change incorporates language from UD-6 (line 23) and UD-2 (line 25).</p>
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Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
23	UD-6	<p>Design buildings located on the edge of public places using materials, forms, details and other architectural elements that will enrich the appearance of the places and encourage people to use them.</p> <p>Discussion: The quality of the surrounding buildings, sidewalks, and vegetation is as important as the internal space of public places. This involves a consideration of appropriate use, building bulk and character, lighting, planting, signs, and other elements which compose the built environment. Building design should avoid stark spaces, allow eye contact between people inside and outside buildings, and have attractive display windows.</p>	Combined with UD-1 (line 22).	
24	NEW-5	NEW POLICY	<i>Create iconic visual reference points in the community using innovative site and building designs.</i>	
25	UD-2	Support designs for the built environment that are visually stimulating and thoughtful and which convey excellence in architecture and workmanship, and durability in building materials.	Combined with UD-1 (line 22) and NEW-5 (line 24).	

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
26	UD-4	<p>Ensure that development relates, connects, and continues design quality and site functions from site to site.</p> <p>Discussion: Examples are shared driveways, similar landscaping, pedestrian connections, similar building form, collective open and public space, and continuous pedestrian protection from weather. Assets and attributes of adjacent sites, when connected or combined, improve the overall urban design of the area.</p>	<p><i>Ensure that site and building design relates and connects from site to site.</i></p> <p><i>Discussion: Examples are shared driveways, landscaping, pedestrian connections, compatible building form, collective open and public space, and continuous pedestrian protection from weather. Assets and attributes of adjacent sites, when connected or combined, improve the overall urban design of the area.</i></p>	<p>The discussion highlights the use of similar building form and landscaping. This promotes little variation from site to site. Compatible building forms and landscaping maintains functions from site to site while allowing for a more interesting and varied pedestrian experience.</p>
27	UD-3	<p>Encourage a variety of site and building designs which are compatible and consistent with surrounding development and that implement the policies of this Plan.</p>	<p>Combined with UD-4 (line 26).</p>	<p>Policy intent can easily be integrated into UD-4 (line 26). Encouraging a "variety of site and building design" implies that the city specifically wants a variety of different designs. While this may be true in some ways, specifically asking for it is too descriptive.</p>
28	UD-13	<p>Encourage water as an auditory and tactile design element in both the built and natural environment. In the built environment such features should be designed to minimize water loss and be required to utilize recirculating or recycled water.</p>	<p><i>Encourage visual, auditory and tactile design elements in both the built and natural environment that enhance the experience of the place.</i></p>	<p>Water is one element that can be used to create a memorable experience.</p>
29	UD-21	<p>Encourage major development to integrate public and semi-public open spaces. (See Public Places and Connections section)</p> <p>Discussion: Ensure that residents, employees, and visitors can enjoy a wide variety of open spaces throughout the community.</p>	<p><i>Integrate high quality public and semi-public open spaces into development that promote people to use them.</i></p>	<p>Strengthens language to be more in line with feedback from Bellevue's Best Ideas, the Joint Boards and Commissions Forum and the Public Forum.</p>

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
30	UD-5	Include accessible and attractive places for the general public, employees and visitors to wait, to be outdoors, or to socialize in more intensive commercial development. Less intensive commercial development should include such places for employees and visitors.	Combined with UD-21 (line 29).	
31	UD-7	Encourage private and institutional developers to include artists on design teams and incorporate artwork into the public areas of their projects through the use of incentives.	<i>Encourage private and public developers to integrate art into the design of the public areas of their projects.</i>	Clearer language.
32	UD-8	Design rooftop mechanical screening so that it is integral with building architecture. Consider the visual effects of technical advances such as satellite dishes, on building design.	<i>Provide rooftop mechanical equipment screening that is integral and comprehensive with building architecture.</i>	Language is outdated in many cases. It is best to leave the policy open to new technological developments.
33	NEW-6	NEW POLICY	<i>Encourage the use of solar panels and other environmental technologies into private and public development.</i>	The inclusion of solar panels or other environmental design equipment and features are not mentioned in the Urban Design Element. While solar panels would seem to be rooftop mechanical equipment, they clearly have a different effect on the appearance of a building than vents and other electrical equipment.
34	NEW-7	NEW POLICY	<i>Promote greenroofs and walls to enhance the character of Bellevue as a "City in a Park," reduce heating and cooling needs and to soften the visual impact of development.</i>	Greenroofs and walls provide an opportunity to contribute to the image of Bellevue as a "City in a Park," help meet environmental goals and to help mitigate the visual impacts of development.
35	NEW-8	NEW POLICY	<i>Provide design treatments for blank walls that are viewable from the public right of way.</i>	A policy is needed promote to promote design treatment of blank walls.

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
36	UD-10	Encourage public and private development to incorporate access to sunlight.	No change needed.	
37	UD-11	Encourage architectural elements that provide for both rain cover and access to sunlight in pedestrian areas. Discussion: Subtle elements such as awnings, arcades, and covered walkways can provide a choice of weather protection. Overhangs and recesses at entrances of buildings can also provide protection from the weather. Building materials that allow natural light into covered areas are encouraged.	<i>Provide both rain cover and access to sunlight in pedestrian areas using architectural elements.</i>	Strengthens language.
38	UD-39	Include clear and ample walkways from street sidewalks and parking areas to building entrances and within and between developments as a part of site design.	<i>Include clearly visible walkways from street sidewalks and parking areas to building entrances and within and between developments as a part of site design.</i>	Original policy is redundant with ADA requirements.
39	UD-9	Use site design, landscaping, and appropriate lighting to reduce the visual impact of parking lots to public areas.	<i>Reduce the visual impact of parking lots and parking structures to public areas using architectural design, site design, landscaping, screening and appropriate lighting.</i>	Policy is about reducing the visual impact of parking lots so that should lead the policy. Additionally, code allows for screening as an option so this should be listed.
40	UD-12	Place and design outdoor lighting around buildings, in parking lots, and along streets to prevent excessive glare into residential areas.	<i>Minimize excessive glare from outdoor lighting into residential areas using appropriate site design and technology.</i>	Policy should lead with the goal.
Downtown, Commercial and Mixed-Use Developments				
41	UD-71	Permit high intensity residential development subject to design criteria which assures a livable urban environment.	<i>Permit high intensity residential development subject to design criteria that assures a livable urban environment.</i>	All high intensity development should be subject to design criteria.

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
42	NEW-9	NEW POLICY	<i>Incorporate the character of the surrounding community into the architecture, landscaping and site design of commercial and mixed use centers.</i>	
43	UD-59	Assure that more intense development is compatible with adjacent, less intense development by incorporating elements in site and building design that soften the impact from commercial to residential areas or from multifamily to single-family areas.	<i>Ensure that perimeter areas of more intense developments use site and building designs that are compatible with and connect to surrounding development where appropriate.</i>	Proposed language incorporates the original policy intent while adding the importance of these areas connecting to surrounding areas where appropriate.
44	UD-56	Ensure that perimeter areas of major commercial and public centers use appropriate planting, lighting, and signs to blend with surrounding development and to be compatible with surrounding residential neighborhoods.	Combined with UD-59 (line 43).	Policy intention is easily incorporated into UD-59 (line 43).
45	UD-48	Encourage site and building designs that support and connect with existing or planned transit facilities in the vicinity. Cross Reference: See Transportation Element for suggestions for transit-supportive and pedestrian-friendly design features.	No change needed.	
46	UD-70	Use landscaping or greenspace to mitigate the potential impacts on surrounding neighborhoods.	<i>Mitigate potential impacts to surrounding neighborhoods using landscaping, greenspace and other urban design elements.</i>	Policy should lead with the goal. How the policy is achieved is broadened to allow for other solutions in addition to using landscaping and greenspace.
47	UD-72	Link the increased intensity of development with the increased pedestrian amenities, pedestrian-oriented building design, midblock connections, public spaces, activities, openness, sunlight, and view preservation.	<i>Link increased intensity of development with increased pedestrian amenities, pedestrian-oriented building design, through connections, public spaces, activities, openness, sunlight and view preservation.</i>	Slight grammatical change simplifies the language of the policy. Potentially updated per Downtown Livability recommendations.

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
48	UD-74	Discourage signs at upper levels of high-rise buildings with limited exception for hotel names and logos when compatible with the building's architecture.	<i>Maintian the skyline as a public view discouraging signs at upper levels of major buildings with limited exceptions.</i>	
49	UD-55	Incorporate architectural character, landscaping, and signs into commercial and public centers that make them appear and function cohesively.	No change needed.	
50	UD-57	Allow buildings to be sited at or near the public sidewalk as long as the full sidewalk potential is not diminished.	<i>Require buildings be sited at or near the public sidewalk as long as the full sidewalk potential is not diminished, as appropriate.</i>	Strengthen language while recognizing that it is not always appropriate.
51	UD-58	Allow buildings on adjacent but separate properties to have common walls.	Suggest remove.	This is already a common practice.

Signs and Wayfinding

52	UD-25	Assure that sign design and placement is compatible with building architecture.	<i>Ensure sign design and placement is compatible with building architecture, neighboring commercial signs and with the visual character of the community.</i>	Policies UD-25 with UD-26 and UD-27 are all about the compatibility of signs with surrounding elements; building architecture, neighboring signs in commercial developments, and the surrounding community. Combining the three policies allows for maintaining all previous policy intent while simplifying into one policy.
53	UD-26	Ensure compatible signs in commercial development with multiple businesses.	Combined with UD-25 (line 52).	See above.
54	UD-27	Ensure that signs are compatible with their surroundings. Signs should provide information and make a positive visual contribution to the character of the community.	Combined with UD-25 (line 52).	See above.

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
55	UD-28	Develop a public signage and wayfinding system throughout the city that reinforces the identity of Bellevue and its distinct neighborhoods.	<i>Develop <u>and maintain</u> a public signage and wayfinding system throughout the city that reinforces the identity of Bellevue and its distinct neighborhoods.</i>	Ensures that wayfinding will be up to date by including maintenance .
Vegetation and Landscaping				
56	UD-14	Encourage seasonal color plantings in public and semi-public areas.	Suggest remove.	Policy is in conflict with UD-16 (line 58). These plantings often don't work well with many public or semi-public areas.
57	UD-15	Use landscape design that is urban in character in more urban settings and use natural landscape design in more suburban settings.	<i>Use landscape designs that are appropriate for urban and suburban settings.</i>	Original policy is both too specific and unclear about what urban landscaping might be.
58	UD-16	Exemplify the Pacific Northwest character through the retention of existing vegetation and through use of native plants in new landscaping. Encourage water conservation in landscape designs. Discussion: The addition of new landscaping is important to soften the urban environment and to replace older vegetation as it dies.	<i>Exemplify the Pacific Northwest character through the use of appropriate plants in new landscaping.</i>	Policy as written is two policies; one on native plants and another on water conservation. Native plants are often not suited to many applications because they often require conditions that are not possible for the site like in many streetscapes. New policy addressing water conservation is proposed in NEW-10 (line 59).
59	NEW-10	NEW POLICY	<i>Promote water conservation in landscape and irrigation system designs.</i>	
60	UD-18	Preserve vegetation, with special consideration given to the protection of groups of trees and associated undergrowth, specimen trees, and evergreen trees. Discussion: Large trees can enhance the built environment when they frame streets, border parks and adjacent buildings, or become landmarks.	No change needed.	

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
61	UD-65	Clear and trim vegetation selectively when developing land to enhance views of prominent landforms and panoramas and soften views of commercial development.	Suggest remove.	Policy promotes clearing for views which may be out of character with an existing neighborhood.
62	UD-17	Consider the maintenance of existing and added vegetation in site design and development.	Suggest remove.	Weak policy with no clear action.

PUBLIC SPACE

Public Space

63	UD-29	<p>Provide a system of public places of various sizes and types throughout the community.</p> <p>Discussion: Because of their potential widespread use, public places should offer a variety of experiences and accommodations.</p>	<i>Provide a system of public places of various sizes and types throughout the community that offer a variety of experiences and accommodations.</i>	The proposed change incorporates key components of the discussion.
64	UD-30	<p>Ensure public places give access to sunlight, a sense of security, seating, landscaping, accessibility, and connections to surrounding uses and activities.</p> <p>Discussion: Much like public living rooms, public spaces deserve special attention with respect to materials, furnishings, art, lighting, floor covering, and color.</p>	No change needed.	
65	UD-32	Ensure access to sunlight in public places by avoiding building shadows during periods of the year and times of the day when outdoor activity is most prevalent.	Suggest remove.	Solar access is addressed in UD-30 (line 64).

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
66	UD-33	Incorporate pavilions in major public places that provide protection from inclement weather. While total enclosure is generally discouraged, some enclosure may be necessary.	<i>Incorporate weather protection into major public places.</i>	Weather protection is a broader term for what pavilions do.
67	UD-31	Consider the edges of public places that abut residential property for special design treatment that creates a buffer effect, but does not interfere with security or visual access.	<i>Consider the edges of public places that abut residential property for special design treatment that creates a buffer effect, but does not interfere with security or visual access.</i>	Simple revision.
68	UD-23	Preserve and enhance views of water, mountains, skylines, or other unique landmarks from public places as valuable civic assets.	<i>Identify and preserve views of water, mountains, skylines, or other unique landmarks from public places as valuable civic assets.</i>	Enhancing views of water could be understood as removing trees.
69	UD-34	Identify and maintain prime views from public places through regulations and standards.	Combined with UD-23 (line 68).	
Sidewalks, Walkways and Trails				
70	UD-38	Ensure continuous and ample sidewalks along principal, minor, and collector arterials which are integrated with abutting land uses. Discussion: Sidewalk design may include separation from streets, connections to walkway and trail systems, landscaping, and other pedestrian amenities that enhance the community and improve pedestrian comfort.	<i>Ensure continuous and safe sidewalks that are an adequate width to serve current and planned uses along principle, minor, and collector arterials that are integrated with abutting land uses.</i> <i>Discussion: Preferred sidewalk design provides connections to walkways and trail systems and buffers pedestrians from the street using landscaping, public art or other physical barriers to improve pedestrian comfort.</i>	Ample implies wide which is not always desirable or necessary for the pedestrian experience. The scale of the sidewalk should be in line with the level of use. In most cases, a buffer, created through separation from the street, landscaping or potentially public art, between the pedestrian and the street would help create a feeling of safety among pedestrians.
71	NEW-11	NEW POLICY	<i>Use appropriate street tree species and provide adequate rooting space to limit damage to sidewalk and street infrastructure.</i>	Conflicts between street trees and public sidewalks are expensive to repair, create potential tripping and mobility hazards and limit the health and lifespan of street trees.

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
72	UD-40	<p>Ensure that sidewalks, walkways, and trails are furnished, where needed and appropriate, with lighting, seating, landscaping, street trees, trash receptacles, public art, bike racks, railings, handicap access, newspaper boxes, etc. without interfering with pedestrian circulation.</p> <p>Discussion: Sidewalks, walkways, and trails should not be merely functional strips of pavement. In some cases, special decorative paving, special lighting, and comfortable seating should be installed. Street trees and parked cars can serve to provide a subtle separation and a sense of safety from moving vehicles. Crosswalks in certain places could be paved with distinctive materials to highlight the pedestrian system.</p>	<p><i>Ensure that sidewalks, walkways, and trails are furnished, where needed and appropriate, with lighting, seating, landscaping, street trees, planter strips, trash receptacles, public art, bike racks, railings, handicap access, newspaper boxes, etc. without interfering with pedestrian circulation.</i></p>	
Street Corridors				
73	UD-41	<p>Design vehicular and pedestrian routes to be visually appealing connections between different parts of Bellevue.</p>	<p><i>Design streets to be visually appealing connections between different parts of the city for motorists, bicyclists and pedestrians.</i></p>	<p>Motorists, bicyclists and pedestrians experience the city in much different ways. The needs of each of these user groups can be addressed in the design of streets</p>
74	UD-54	<p>Give identity and continuity to street corridors by using a comprehensive street tree plan and other landscaping to enhance circulation routes, soften the appearance of pavement and separate pedestrians from traffic.</p>	<p>No change needed.</p>	<p>The comprehensive street tree plan is being updated to more accurately represent the identity of areas.</p>

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
75	UD-42	<p>Design boulevards to be distinctive from other streets and to reinforce the image of Bellevue as a “city in a park.” Both within the right-of-way and on adjacent private development, utilize features such as gateways, street trees, median plantings, special lighting, separated and wider sidewalks, crosswalks, seating, special signs, street names, landscaping, decorative paving patterns, and public art. (See Figure UD.1)</p> <p>Discussion: These features may be achieved through a combination of public improvements in the right-of-way and private improvements consistent with city design guidelines.</p>	No change needed.	Figure UD.1 is being updated.
76	UD-43	<p>Provide clear and identifiable circulation systems into and through Bellevue’s large commercial blocks to improve pedestrian activity.</p> <p>Discussion: A combination of aligned building facades, passageways, covered walkways, consolidated parking areas, signs, markings, special paving, and other methods can be used.</p>	No change needed.	

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
77	UD-44	<p>Encourage special streetscape design for designated intersections that create entry points into the city or neighborhoods or that warrant enhanced pedestrian features. (See Figure UD.1)</p> <p>Discussion: Design features could include wider sidewalks, special signs, colorful planting, seating, improved lighting, prominent crosswalks, decorative paving patterns, and public art. Incorporate gateway treatments at designated intersections that are key entry points into the city and into smaller districts and communities within the city. Design of these intersections should take into account potential visual and physical obstructions such as mechanical equipment.</p>	<p><i>Design enhanced streetscapes at key entry points into the city and into smaller districts. (See Figure UD.1)</i></p> <p><i>Discussion: Design features could include wider sidewalks, special signs, colorful planting, seating, improved lighting, prominent crosswalks, decorative paving patterns, and public art. Incorporate gateway treatments at designated intersections that are key entry points into the city and into smaller districts and communities within the city. Design of these intersections should take into account potential visual and physical obstructions such as mechanical equipment.</i></p>	UD-44 and UD-45 (line 78) are easily combined into one policy.
78	UD-45	<p>Establish attractive gateways at all key entry points into the city and into smaller districts and communities within the city.</p> <p>Discussion: Study the concept of gateways to recommend various design treatments and locations at key entry points into the city and its neighborhoods. A gateway can be dramatic and obvious, sometimes including non-commercial signs, art, structures, and unique lighting in commercial areas. It can also be quiet and more subtle, using signs, a change in plant material or paving surface in residential areas.</p>	Combined with UD-44 (line 77).	

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
79	UD-62	Minimize the removal of existing vegetation when improving streets to preserve the natural character of neighborhoods.	<i>Minimize the removal of existing vegetation when improving streets to preserve the natural character of Bellevue .</i>	Minimizing the removal of existing vegetation when improving streets supports the retention of natural areas in more urban areas and in more residential areas. Since residents support the idea of Bellevue as a “city in a park,” this policy should apply to the entire city.
80	UD-46	Incorporate dramatic and imaginative landscape and art features when reconstructing streets and/or sidewalks at key gateways.	<i>Incorporate dramatic and imaginative landscape and art features when reconstructing streets and/or sidewalks at key intersections .</i>	Broadening the policy.
Transit Facilities				
81	UD-47	Work closely and cooperatively with the regional transit provider in the planning and design of any transit facility to ensure that the design of the facilities reflect the general character of Bellevue and the surrounding neighborhoods.	No change needed.	
82	UD-49	Design and coordinate the proximity of bike racks, wheelchair access, pedestrian amenities, and other modes of transportation with transit facilities.	No change needed.	
Freeways				
83	UD-50	Work with the state to achieve high quality design on new freeway projects, with special consideration for both views from the freeways and views of the freeways. Discussion: The city should work with the state and federal governments to see that appropriate alignments, landscaping materials, and lighting enhance the community’s image. Places where on/off ramps connect with city streets should receive particular attention.	<i>Work with the state and federal governments on new freeway projects to see that appropriate alignments, landscaping materials and lighting enhance the community's image while limiting noise.</i>	This is an outdated policy. Views from the freeway and of the freeway are not nearly as important as noise pollution, appropriate alignments, landscaping materials and lighting.

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
84	UD-51	<p>Encourage dense plantings, hedges, or large, fast-growing trees to act as visual screens at locations where existing views of or from freeways are unappealing.</p> <p>Discussion: The city should encourage the design of these “linear gateways” to improve the image of Bellevue and soften the visual impact of the freeways equitably throughout the city.</p>	No change needed.	
85	UD-52	<p>Ensure that all development abutting the freeway corridors includes special design features which provide an attractive entrance to the city and presents the city in an attractive manner.</p> <p>Discussion: Special design features include closely-planted, large plantings; unobtrusive signs; shielded lighting; and terraced building mass. Vegetation and architectural forms should be the predominant image from the freeway. Color is encouraged as an accent, but not a dominant characteristic.</p>	May require editing as findings from Downtown Livability become finalized.	
86	UD-53	<p>Integrate into the designs of frontage roads along the I-90 freeway corridor the Mountain-to-Sound greenway concept. Give particular attention to multiuse trails, large scale landscaping, and pedestrian amenities.</p>	No change needed.	

Line	Policy #	Existing Policy or New Topic	PROPOSED CHANGE	WHY?
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LANDMARKS AND HISTORIC RESOURCES

87	UD-76	<p>Preserve, enhance and interpret Bellevue’s historical identity.</p> <p>Discussion: Complete and maintain a comprehensive record of historic resources (including buildings, artifacts, and sites) and make available to individuals and community organizations.</p>	No change needed.	
88	UD-77	Recognize the heritage of the community by naming (or renaming) parks, streets, and other public places after major figures and events.	No change needed.	
89	UD-78	Designate historic landmark sites and structures and review proposed changes to ensure that these sites and structures will continue to be a part of the community and explore incentives for rehabilitation.	No change needed.	
90	UD-79	Identify vista points and landmarks such as major trees, buildings and landforms to preserve as Bellevue develops.	No change needed.	

Updated Policies under the Citizen Engagement Element

I. City-Wide Citizen Engagement

New Policy CE-1: Inform Bellevue residents on the City's operations, budget allocations, services and policies.

New Policy CE-2: Learn from Bellevue residents, through surveys and outreach, about their perception of City performance, budget priorities, and taxation, and use this information to improve service to the community.

New Policy CE-3: Provide access to the City's programs, services, and events to all Bellevue residents -- including accommodation for disabilities, and populations with limited English language ability.

New Policy CE-4: Conduct outreach on significant civic issues that is designed to reach all of Bellevue's population, including Bellevue's more isolated communities. Recognize that engaging some population groups may require alternative outreach methods and personal contact.

New Policy CE-5: Include businesses, non-profit organizations, and the Bellevue School district along with residents as the targets for outreach efforts.

New Policy CE-6: Invest in training for staff to ensure effective and appropriate communication with a diverse community.

New Policy CE-7: Educate Bellevue residents about pathways for citizen civic engagement, such as service on boards and commissions and volunteer opportunities, to foster civic leadership.

New Policy CE-8: Ensure that citizen engagement on significant public issues is both broad and deep through the use of multiple engagement strategies.

New Policy CE-9: Increase access to City government by conducting meetings and other events in a variety of venues in addition to City Hall.

II. Citizen Engagement in Planning and Land Use Projects

Policy CE -10 (revised CP-1): Encourage and facilitate expanded public participation in all planning processes.

Policy CE -11 (revised CP-1): Design user-friendly processes that inform and educate the public about the substance of issues involved in planning projects.

Policy CE -12 (revised CP-7): Utilize citizen advisory committees or other methods that represent a broad spectrum of viewpoints as part of the public involvement program when updating sub-area plans or other major planning efforts.

New Policy CE -13: Utilize a public involvement program, such as master planning, for large, complex public projects to ensure community engagement and to provide a predictable review process.

Policy CE -14 (revised CP-5): Provide guidance on how to engage in the City's land-use decision making to citizens who are affected by proposed new development.

Policy CE -15 (revised CP-3): Provide opportunities during the Comprehensive Plan amendment process for those in neighborhoods affected by potential new or expanded development to have input.

Policy CE -16 (revised CP-6): Encourage and emphasize open communication between developers and neighbors about the compatibility of proposed development with existing uses in the area

Policy CE -17 (revised CP-8): Utilize a number of forums including commissions, boards, and the community council and newer technologies such as the Internet and email to facilitate citizen participation in the planning process.

New Policy CE -18: Summarize the input given by citizens who participated in planning and land-use decision making projects and identify how citizen input was considered and/or incorporated into the plan. Make this material is available to the citizens who participated.

Policy CE -19 (revised CP-4): Balance the interests of the commercial and residential communities when considering modifications to zoning or development regulations.

Policy CE -20 (revised CP-2): Consider the interests of the entire community and the goals and policies of this Plan before making land use decisions. Proponents of change in land use should demonstrate that the proposed change responds to the interests and changing needs of the entire city, balanced with the interests of the neighborhoods most directly impacted by the project.

Policy CE -21 (revised CP-3): Ensure that Comprehensive Plan amendment decisions are consistent with the Comprehensive Plan.

Citizen Participation Element

GOAL:

To continue active community involvement in planning decisions.

OVERVIEW

Bellevue's Comprehensive Plan has evolved with extensive and continuous community involvement. The city recognizes that changes to the Plan affect the entire city, but acknowledges that the major impacts of development allowed by these changes are usually borne by residents in the immediate vicinity. As a result, public input is vital to appropriate and effective planning.



Bellevue emphasizes open communication for effective community planning (Planning Commission hearing held in the community).

In recognition of the important role that public input plays, the city ensures that the public has opportunities to participate in all planning efforts. To this end, the following policies should guide all future planning efforts.

POLICIES

POLICY CP-1. Encourage and facilitate expanded public participation in all planning processes. Design user-friendly processes that inform and educate the public about the substance of issues and how they can be involved.

POLICY CP-2. Consider the interests of the entire community and the goals and policies of this Plan before making land use decisions. Proponents of change in land use should demonstrate that the proposed change responds to the interests and changing needs of the entire city, balanced with the interests of the neighborhoods most directly impacted by the project.

POLICY CP-3. Ensure that the process which identifies new commercial areas or expands existing areas considers the impacts of potential development on affected residential neighborhoods and results in decisions that are consistent with other policies in the Comprehensive Plan.

POLICY CP-4. Balance the interests of the commercial and residential communities when considering modifications to zoning or development regulations.

POLICY CP-5. Develop and maintain Land Use Code provisions that define the process and standards relevant to each stage of land use decision making, and educate the public about these processes and standards to promote meaningful citizen participation.

Discussion: The specific criteria to be considered are defined in the Land Use Code and differ according to the land use decision under consideration.

POLICY CP-6. Encourage and emphasize open communication between developers and neighbors about compatibility issues.

POLICY CP-7. Prepare a public involvement program that is tailored to effectively and efficiently involve the public in major revisions to the General Elements and Subarea Plans of the Comprehensive Plan. Utilize citizen advisory committees or other methods that represent a broad spectrum of viewpoints as part of the public involvement program.

POLICY CP-8. Utilize a number of forums including commissions, boards, and the community council and newer technologies such as the Internet and email to facilitate citizen participation in the planning process.



Bellevue citizens are actively involved in planning improvements for their neighborhoods.



LAND USE ELEMENT

WHAT YOU WILL FIND IN THIS CHAPTER:

- ▶ A description of current land use conditions and a summary of anticipated future development trends.
- ▶ A description of the Vision and Framework for the Land Use Element.
- ▶ Goals and Policies to guide future development in keeping with the established Vision.
- ▶ An Action Plan that establishes implementation strategies and metrics for measuring success.

LAND USE VISION

Write an element-specific vision statement. Below are some excerpts from a draft overall Comprehensive Plan vision under review by the Planning Commission.

A community of diverse neighborhoods makes Bellevue a great place to raise a family, to live and work and to grow old. Businesses, buildings and housing types reflect the identity of individual neighborhoods and the diversity of the community.

Bellevue's abundant natural green spaces, land and water resources, fish and wildlife habitat and urban landscaping evoke the feeling of a "City in a Park."

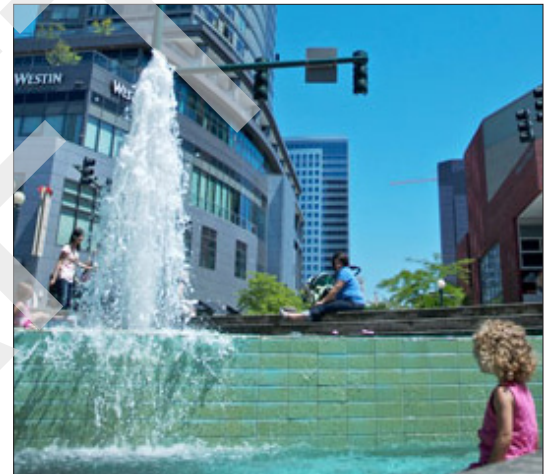
Land use and transportation are planned together to provide enhanced mobility and walkable urban environments less dominated by the auto. A variety of commercial areas, from small neighborhood centers to Downtown Bellevue, support businesses of all scales, making Bellevue a great place to launch and grow a business.

INTRODUCTION

The Land Use Element is one of the mandatory elements of the Comprehensive Plan under the state Growth Management Act (GMA). The Element addresses the general location and distribution of land uses within the city, and provides the framework for other Plan Elements that guide other aspects of land use:

- The Environmental and Shoreline Elements address the protection of natural systems, including critical areas.
- The Parks and Open Space Element includes direction on land to be set aside in the city's extensive system of parks and open spaces.
- The Housing Element incorporates policies about the mix and diversity of housing types.
- The Economic Element encourages land use planning and infrastructure investments to support commercial area development and renewal.
- The Urban Design Element addresses the aesthetics, design and quality of the built environment, including the compatibility between different types and densities of land uses.
- The Transportation Element is key to understanding the integration between land use and the city's multi-modal transportation system.
- The Capital Facilities and Utilities Elements address the infrastructure needed to serve planned land uses.

To fully understand the Comprehensive Plan's land use vision and how it is to be realized, the Plan should be read as a whole.



Downtown Bellevue is the crossroads of the Eastside and provides employment, residential, and cultural opportunities.



Caption

WHAT DOES IT MEAN?

- ▶ Bellevue is a mature city with opportunities for redevelopment within an urban forest canopy , open space and park system, and natural salmon-bearing streams
- ▶ With economic forces building a high-tech center most redevelopment will occur in Downtown.
- ▶ Other summary statistics?

LAND USE TODAY AND TOMORROW

TODAY'S CONDITIONS

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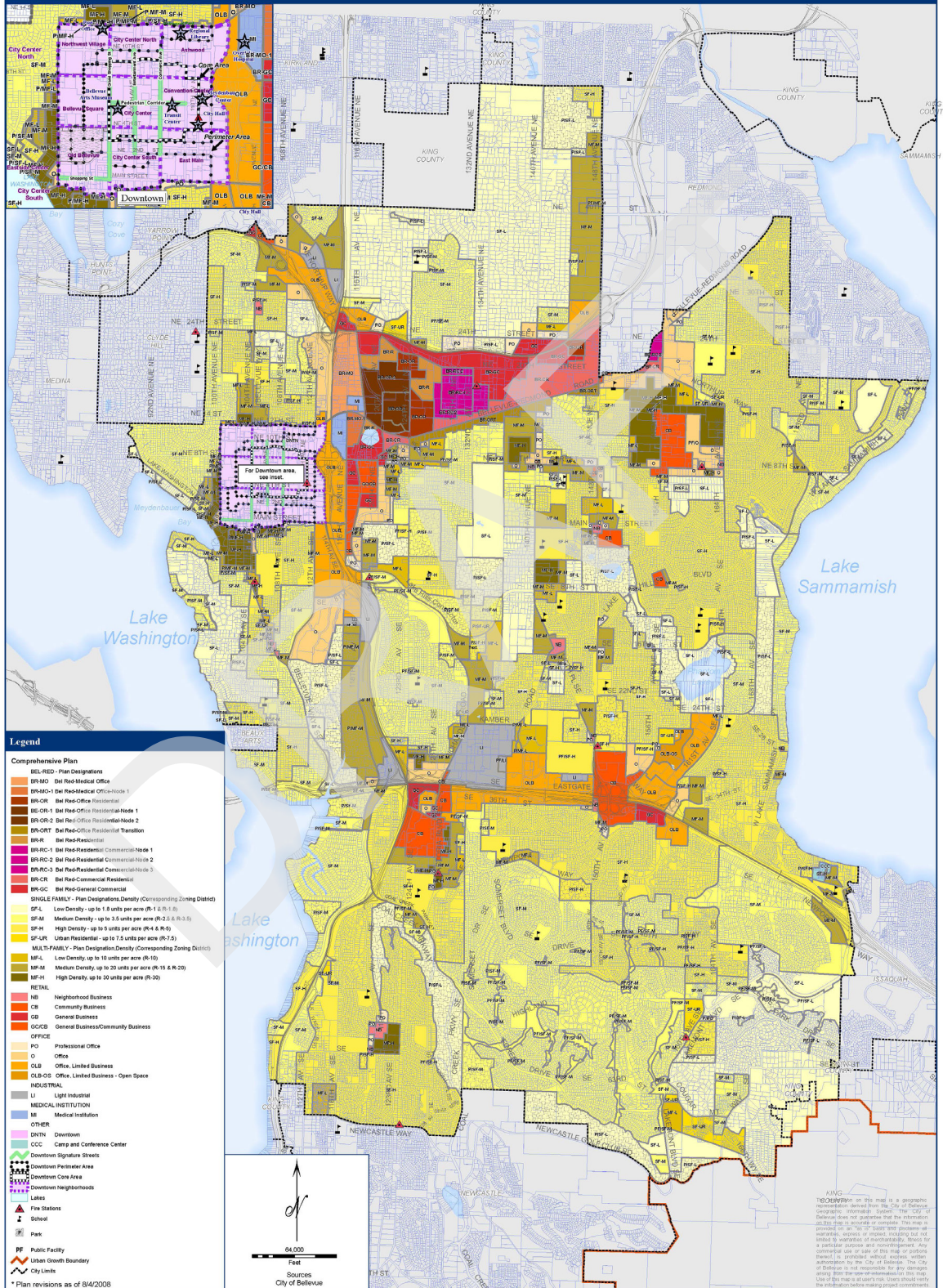


Caption

LAND USE ELEMENT AND VISION THEMES

How does the Land Use Element implement the Vision?

Comprehensive Land Use Plan



Legend

Comprehensive Plan

BELEVED - Plan Designations

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OTHER

- DWV Downtown
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Other Features

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- Red line: Downtown Pedestrian Area
- Blue line: Downtown Core Area
- Yellow line: Downtown Neighborhoods
- Green triangle: Lanes
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- Black triangle: School
- Black square: Park
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* Plan revisions as of 8/4/2008

Date: 7/31/2012

File Name: V:\pdp\largo\complan\2ksp_2k432.mxd

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GROWTH MANAGEMENT

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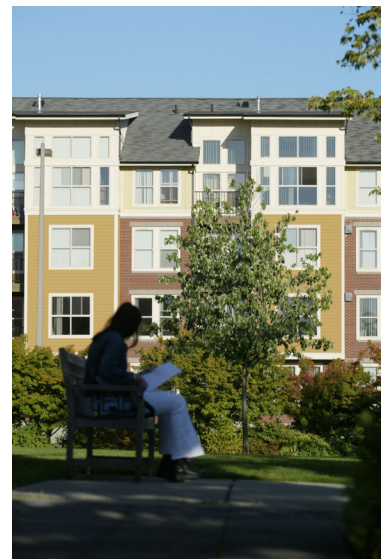
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[Use sidebars to discuss policy concepts or terms]

WHAT ARE GROWTH TARGETS?

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- ▶ Bellevue’s land use plan must create opportunities to accommodate the growth target
- ▶ Market conditions would determine the pace of growth.





LAND USE ELEMENT

WHAT YOU WILL FIND IN THIS CHAPTER:

- ▶ A description of current land use conditions and a summary of anticipated future development trends.
- ▶ A description of the Vision and Framework for the Land Use Element.
- ▶ Goals and Policies to guide future development in keeping with the established Vision.
- ▶ An Action Plan that establishes implementation strategies and metrics for measuring success.

LAND USE VISION

Write an element-specific vision statement. Below are some excerpts from a draft overall Comprehensive Plan vision under review by the Planning Commission.

A community of diverse neighborhoods makes Bellevue a great place to raise a family, to live and work and to grow old. Businesses, buildings and housing types reflect the identity of individual neighborhoods and the diversity of the community.

Bellevue's abundant natural green spaces, land and water resources, fish and wildlife habitat and urban landscaping evoke the feeling of a "City in a Park."

Land use and transportation are planned together to provide enhanced mobility and walkable urban environments less dominated by the auto. A variety of commercial areas, from small neighborhood centers to Downtown Bellevue, support businesses of all scales, making Bellevue a great place to launch and grow a business.

INTRODUCTION

The Land Use Element is one of the mandatory elements of the Comprehensive Plan under the state Growth Management Act (GMA). The Element addresses the general location and distribution of land uses within the city, and provides the framework for other Plan Elements that guide other aspects of land use:

- The Environmental and Shoreline Elements address the protection of natural systems, including critical areas.
- The Parks and Open Space Element includes direction on land to be set aside in the city's extensive system of parks and open spaces.
- The Housing Element incorporates policies about the mix and diversity of housing types.
- The Economic Element encourages land use planning and infrastructure investments to support commercial area development and renewal.
- The Urban Design Element addresses the aesthetics, design and quality of the built environment, including the compatibility between different types and densities of land uses.
- The Transportation Element is key to understanding the integration between land use and the city's multi-modal transportation system.
- The Capital Facilities and Utilities Elements address the infrastructure needed to serve planned land uses.

To fully understand the Comprehensive Plan's land use vision and how it is to be realized, the Plan should be read as a whole.



Downtown Bellevue is the crossroads of the Eastside and provides employment, residential, and cultural opportunities.



Caption

WHAT DOES IT MEAN?

- ▶ Bellevue is a mature city with opportunities for redevelopment within an urban forest canopy , open space and park system, and natural salmon-bearing streams
- ▶ With economic forces building a high-tech center most redevelopment will occur in Downtown.
- ▶ Other summary statistics?

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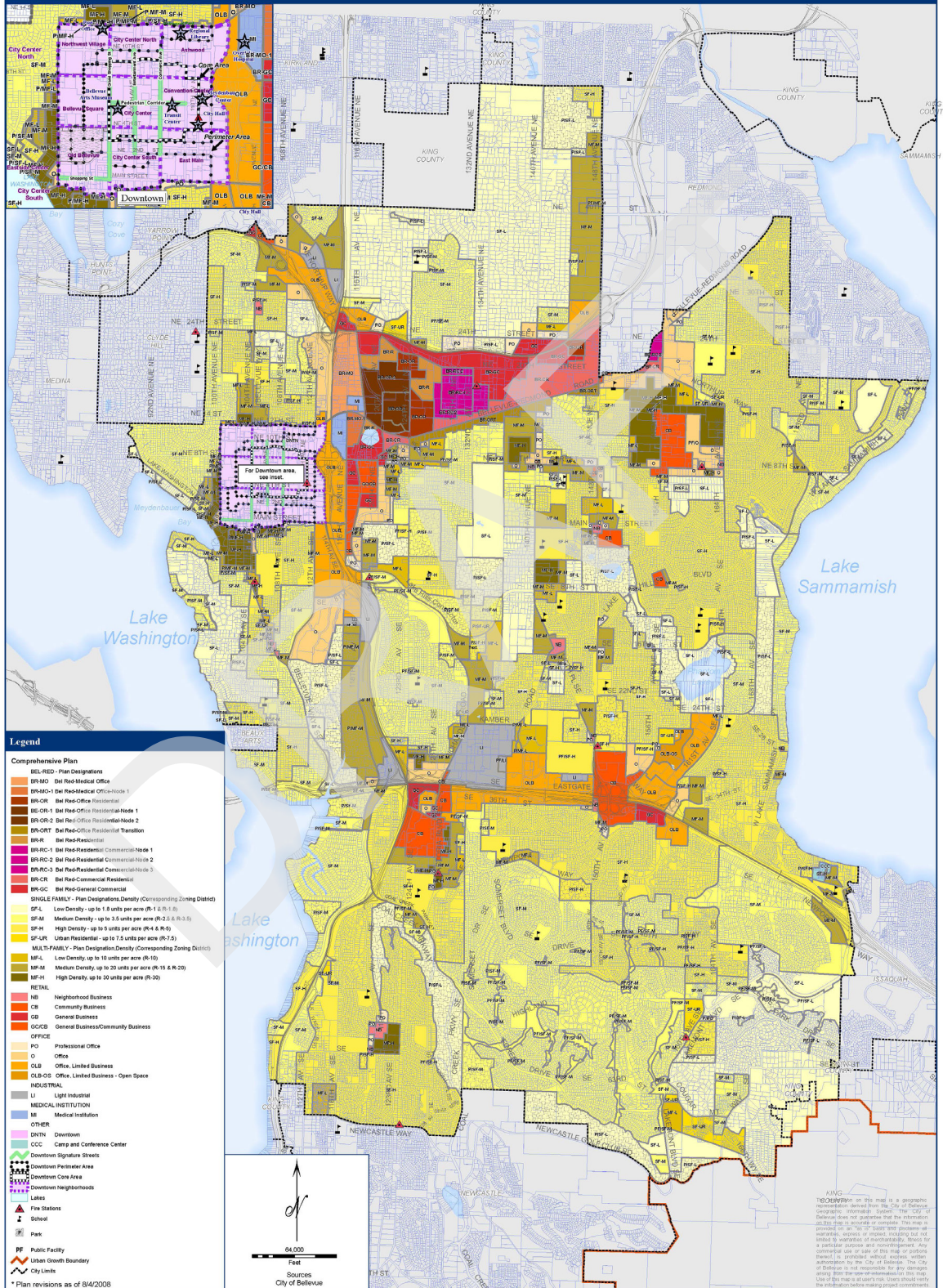


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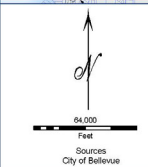
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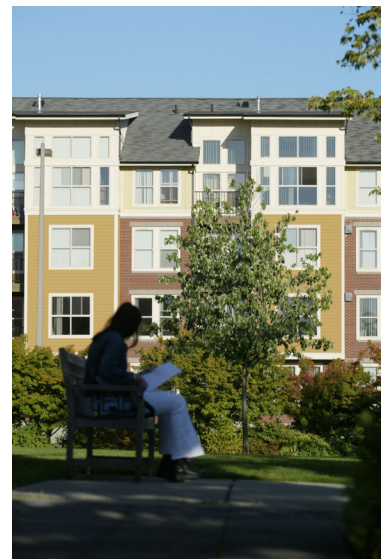
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Planning Commission Schedule

July 9, 2014

The Bellevue Planning Commission meets Wednesdays as needed, typically two or three times per month. Meetings begin at 6:30 p.m. and are held in the Council Conference Room (Room 1E-113) at City Hall, unless otherwise noted. Public comment is welcome at each meeting.

The schedule and meeting agendas are subject to change. Please confirm meeting agendas with city staff at 425-452-6868. Agenda and meeting materials are posted the Monday prior to the meeting date on the city's website at:

<http://www.bellevuewa.gov/planning-commission-agendas-2014.htm>

<u>Date</u>	<u>Tentative Agenda Topics</u>
July 23	<ul style="list-style-type: none">• Horizon View rezone proposal• Comprehensive Plan Update – continue review of draft sections – Utilities and Capital Facilities
July 30	<ul style="list-style-type: none">• Public hearing - Land Use Code amendments to address recreational marijuana• Comprehensive Plan Update
August	Summer Break – no meetings
Sept 10	<ul style="list-style-type: none">• Public hearing – Horizon View rezone• Public hearing – Camp and Conference Center and clean up code amendments• Single Family Rental Housing code amendments
Sept 17	Potential retreat date
Sept 24	<ul style="list-style-type: none">• Comprehensive Plan Update – continue review of draft sections – Environmental policies

Follow up. Completed on Wednesday, July 02, 2014.

From: Brad Andonian <brad@pande-cameron.com>

Sent: Fri 6/27/2014 3:06 PM

To: 'Maison de France'; sf@liq.wa.gov; mjlicencing@liq.wa.gov; res@liq.wa.org

Cc: PlanningCommission; karen@seattlewineco.com; robert@akmaonline.com; chellaigine@customtouchinteriors.net; 'Kim Lillian'; jboren@pjboren.com; stephanieal@girlscoutswv.org; tlgbellevue@thelittlegym.com; emgough@yahoo.com; afeldman@airbagservice.com; mike@eastsidehtg-ac.com; info@goswim.com; thisel@unitedwholesale.com; 'Farah Nakhayee'; juliecaynor@gmail.com; stevemorgan@bluesky-church.com; hansennp@aol.com; roba@harsch.com; 'Joe Razore'; info@italiancountryantiques.com; ajricci19@gmail.com; info@uniqueartglass.com; blaise@goudycc.com; lukewilliams@bluesky-church.com; todd.pietzsch@becu.org; john.robertson@bellevuebrewing.com; gmendez77@gmail.com; frdcharddc@yahoo.com; Montgomery, Jim; Balducci, Claudia; Wallace, Kevin R; jchelminiak@bellevue.gov; Lee, Conrad; Robertson, Jennifer S; Robinson, Lynne; Stokes, John;

Subject: RE: Written Communication via e-mail to the WSLCB regarding the proposed location of a marijuana drug dealer location at 1817 130th Avenue NE, Bellevue, WA 98005

Dear Sharon Foster, Chair of the WA State Liquor Control Board (WSLCB),

Dear Rick Darza, Director of the WSLCB, and,

Dear Becky Smith, marijuana Manager of the WSLCB,

I am Brad Andonian, a concerned citizen and business owner in Bellevue, WA.

My family owns property and a retail business across from the proposed marijuana retail location. We are adamantly opposed to permitting "Novel Tree" or any other marijuana retailer in this location [1817 130th Avenue NE, Bellevue, WA 98005]. The salient points Mr. Bouchand made below are correct, factual and clearly illustrate the location does not meet the I-502 code.

Sincerely,

Brad Andonian
Pande Cameron

From: Maison de France [<mailto:blaise@maisondefrance.com>]

Sent: Friday, June 27, 2014 2:54 PM

To: sf@liq.wa.gov; mjlicencing@liq.wa.gov; res@liq.wa.org

Cc: planningcommission@bellevuewa.gov; karen@seattlewineco.com; robert@akmaonline.com; chellaigine@customtouchinteriors.net; 'Kim Lillian'; Brad Andonian; jboren@pjboren.com; stephanieal@girlscoutswv.org; tlgbellevue@thelittlegym.com; emgough@yahoo.com; afeldman@airbagservice.com; mike@eastsidehtg-ac.com; info@goswim.com; thisel@unitedwholesale.com; Farah Nakhayee; juliecaynor@gmail.com; stevemorgan@bluesky-church.com; hansennp@aol.com; roba@harsch.com; 'Joe Razore'; info@italiancountryantiques.com; ajricci19@gmail.com; info@uniqueartglass.com; blaise@goudycc.com; lukewilliams@bluesky-church.com; todd.pietzsch@becu.org; john.robertson@bellevuebrewing.com; gmendez77@gmail.com; frdcharddc@yahoo.com; jmontgomery@bellevuewa.gov; cbalducci@bellevuewa.gov; krwallace@bellevuewa.gov; jchelminiak@bellevue.gov; cleeb@bellevuewa.gov; j.robertson@bellevuewa.gov; lrobinson@bellevuewa.gov; jstokes@bellevuewa.gov; bmacz@bellevuereporter.com; cyrus@cyrushabib.com; annbishoplampman@gmail.com; debbie@aiphone.com; jym@kellysautobody.com; scott@evanscompany.net; bellstore@frontier.com; eastsideautomotive@live.com; groggers@grgolfperformance.com; mike@andonianrugs.com; tonya.king@thyssenkrupp.com; blkgold@gmail.com; bob@trimechanical.com; audrey@madsciencefun.com; greed@n-smarketing.com; betty@graphicadserv.com; aj.kell@becu.org

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Dear Rick Darza, Director of the WSLCB, and,

Dear Becky Smith, marijuana Manager of the WSLCB,

My name is Blaise Bouchand, a local Bellevue business owner and resident, the spokesperson of more than 30 local businesses/residents (included in this e-mail list) located in the Bel-Red Road Corridor/Spring District of 130th Avenue NE-N.E. 20th Street area that are all concerned and all opposed, except one, about the opening in July 2014 of a recreational marijuana drug dealer at 1817 130th Avenue NE, Bellevue, WA 98005.

Pending the licence application issuance of the applicant's Bellevue recreational marijuana dealer called "Novel Tree", we would like you to be aware that this proposed location would be:

WITHIN A 1,000 FOOT BUFFER (I-502 Rule) FROM:

- The Girls Scout of America, an office/store facility in the front with a recreational center in the back (see yesterday's e-mail of the photograph of their playground located in the back of their building facility) for young girls playing outside during the year ;
- Academy of Kempo Martial Arts, a martial arts school catering mostly to children and young teenagers ;
- The Little Gym, a training center for children aged 2 through 10 years old ;
- Mad Science, a science preschool for children aged 3 to 5 years old ;
- Blue Sky Church, a Christian church which operates a Kids and Youth programs ;
- Over, at least, 2 dozens (and growing) concerned and opposed local businesses of having a recreational marijuana drug dealer at that location in our safe neighborhood ;
- The Hemp and Cannabis Foundation, an existing medical marijuana clinic (concerned and opposed to the opening of a recreational marijuana drug dealer, +- 100 foot from their door) ;

WITHING A CITY BLOCK FROM:

- Bridle Trails residential neighborhood (Cherry Crest Elementary School is located in that area as well) ;
- Bridle Trails State Park ;
- View Point City Park.

So, WE ASK, with all our respect, the WA State Liquor Control Board to please take into consideration our concerns and do not allow any recreational marijuana at that location for the above mentioned reasons in this e-mail.

WE WANT TO PROTECT OUR CHILDREN & OUR YOUTH from the exposure of illegal (under U.S. Federal law) marijuana drug dealing/consumption/addiction/public smell of a class I narcotic.

WE WANT TO PROTECT OUR LOCAL BUSINESSES AND OUR RESIDENTS OF BRIDAL TRAILS from being the potential target or the collateral damage of drug-related offenses and crimes in our safe neighborhood.

WE WANT TO CONTINUE WORKING AND LIVING IN A SAFE ENVIRONMENT, REFLECTING THE INTERNATIONAL AND HEALTHY IMAGE OF BELLEVUE: "A CITY IN THE PARK".

Please, do not hesitate to come in person to see for yourself or to contact me if you have any questions.

Thank you very much in advance for your time and your consideration when you will make your final decision.

Respectfully yours,

Blaise Bouchand, founder, interior designer
direct 425-829-2588
blaise@maisondefrance.com

MAISON DE FRANCE®

Haute Décoration Française

est. 1996

The Art of French Living®
1950 130th Avenue NE, Suite 2
Bellevue, WA 98005
425-688-1078 - f 425-688-1130
maisondefrance.com

Bonjour Dr. Chard,

Merci beaucoup for your e-mail as well as your oral communication in front of the Bellevue City Commission last Wednesday.

Thank you very much Unique Art Glass owner Linda Olson, Ann Bishop-Lampman (Bridle Trails resident) for speaking as well that evening.

Best regards,

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From: FRED CHARD [<mailto:frdcharddc@yahoo.com>]

Sent: Thursday, June 26, 2014 8:15 PM

To: Maison de France

Subject: Re: Fenced parking/playground of the Bellevue Girls Scouts of America Facility on NE 20th Street (within a 1,000 Feet of the proposed marijuana Drug Dealer location at 1817 130th Avenue NE)

Thanks for sending this to me. You did an outstanding job last evening! After everything I heard, especially from the police chief, it's hard to understand why the city council won't at least put a 1 year for more delay on the law being implemented. Maybe they'll make a free zone for the city of Bellevue.

Yes, I will do so Todd.

Thank you very much for your safety concerns and for attending the upcoming meeting in front of the City of Bellevue Planning Commission.

Best regards,

Blaise Bouchand, founder, interior designer
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Follow up. Completed on Wednesday, July 02, 2014.

From: Maison de France <blaise@maisondefrance.com>

Sent: Thu 6/26/2014 4:42 PM

To: mjlicencing@liq.wa.gov; sf@liq.wa.gov

Cc: PlanningCommission; karen@seattlewineco.com; robert@akmaonline.com; chellaigine@customtouchinteriors.net; Kim Lillian; Brad Andonian; jboren@pboren.com; stephanieal@girlscoutswv.org; tdbellevue@thelittlegym.com; emgough@yahoo.com; afeldman@airbagservice.com; mike@eastsideitg-ac.com; info@gosvim.com; thisel@unitedwholesale.com; Farah Nakhayee; juliecaynor@gmail.com; stevemorgan@bluesky-church.com; hansemp@aol.com; roba@harsch.com; Joe Razole; info@italiancountryantiques.com; ajricci19@gmail.com; info@uniqueartglass.com; blaise@goudycc.com; lukewilliams@bluesky-church.com; todd.pietzsch@becu.org; john.robertson@bellevuebrewing.com; gmendez77@gmail.com; frdchardd@yahoo.com; Montgomery, Jim; Balducci, Claudia; Wallace, Kevin R; jchelminiak@bellevue.gov; Lee, Conrad; Robertson, Jennifer S.; Robinson, Lynne;

Subject: Fenced parking/playground of the Bellevue Girls Scouts of America Facility on NE 20th Street (within a 1,000 Feet of the proposed marijuana Drug Dealer location at 1817 130th Avenue NE)

Message photo.JPG (1 MB)

Untitled attachment 00080.txt (365 B)



CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

May 14, 2014
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: Commissioners Carlson, Ferris, Hilhorst

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

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

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BREAK

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

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

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

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

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

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

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

3. ROLL CALL

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

4. PUBLIC COMMENT - None

5. APPROVAL OF AGENDA

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

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

7. STAFF REPORTS - None

8. PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. STUDY SESSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Laing left the meeting.

10. OTHER BUSINESS - None
11. COMMITTEE REPORTS - None
11. PUBLIC COMMENT - None
12. DRAFT MINUTES REVIEW

A. February 26, 2014

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

B. March 12, 2014

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

C. March 26, 2014

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

D. April 9, 2014

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

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

14. NEXT PLANNING COMMISSION MEETING
- A. May 28, 2014

15. ADJOURN

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

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

May 28, 2014
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Tebelius, Commissioners Carlson, Ferris, Hamlin, Hilhorst, Laing, deVadoss

COMMISSIONERS ABSENT: None

STAFF PRESENT: Paul Inghram, Mike Bergstrom, Department of Planning and Community Development; Catherine Drews, Development Services

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:35 p.m. by Chair Tebelius who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner deVadoss who arrived at 6:38 p.m.

3. PUBLIC COMMENT

Mr. James Lowe, a resident of 145th Place NE, said the principles provided by the Council for the development of permanent regulations relating to single family rental housing stated that the new regulations should ensure it would not encourage the commercial use of housing in single family neighborhoods. It is apparent that if an owner does not reside in a house, then the house is certainly being used only for commercial purposes. Therefore, the new regulations should require the owner to reside in the rental house. The proposed regulations state that onsite parking must be provided. The rental house in his neighborhood has onsite parking for four cars, but they do not all park onsite because they would have to park behind each other. The regulations should state that all renters must park onsite and not in the street. Single room rentals impact the value of single family housing in any given neighborhood. Where there is a rental close by, property values are very likely to be reduced. Potential buyers likely would not be inclined to purchase a home adjacent to a rental if their intent is to live there for the long term. Impacts on property values translate directly into reduced property taxes for the city.

Mr. Bernie Hayden, 2622 134th Avenue NE, said current Bellevue code is quite onerous relative to what persons in single family neighborhoods can do relative to parking a boat trailer or RV in a neighborhood. It would seem that regulations on renters should be every bit as strict, if not more strict. With regard to a family counting as a single person in high-occupancy buildings, he said as worded there could be six families with six members each living in a single home and

still be in compliance with the regulations.

Ms. Kayla Schott-Bresler, policy associate with the Housing Development Consortium of King County (HDC), 1402 3rd Avenue, Seattle, said the organization is pleased with the proposed changes to the Housing Element. One of the best ways to prevent and address homelessness is to ensure quality, permanently affordable housing is available across the income spectrum. Meaningful affordable housing incentives can help make that happen. HDC does not expect the private sector to meet the needs of Bellevue's lowest-income residents. Strong public subsidy, including investments in ARCH, will continue to be critical. The Commission was encouraged to adopt the revisions to the Housing Element that supports funding for low- and very low-income households, as well as the policies supporting regional partnerships and planning to address homelessness. The shared vision of Bellevue as a city that meets the housing needs of all citizens is attainable, but everyone will need to work together to get there.

Mr. Sean Martin with the Rental Housing Association of Washington (RHA), 2414 SW Andover Street, Seattle, suggested that some of the language within the proposal is overly complicated. The definition of family is certainly one issue as described by a previous speaker. A less complicated approach would simply be to limit the number of bedrooms that can be rented out in single family homes. That approach could also ease the concerns the RHA previously expressed about fair housing issues related to protected class status.

Ms. Loretta Lopez, 13419 NE 33rd Lane, spoke as president of the Bridle Trails Community Club. She said the Club has been following the Housing Element issue since January 2012 when it was made known the city might want to allow detached accessory dwelling units. One of the Club's subcommittees, chaired by Norm Hanson, is focused on the issue; she noted that Mr. Hanson had forwarded to the Commission an email in which he pointed out that detached accessory dwelling units are not a good fit with neighborhood character in most Bellevue neighborhoods and in particular in the Bridle Trails area. Such units, if allowed, would substantially change single family residential zones. Attached accessory dwelling units are acceptable, but not detached accessory dwelling units. Policy HO-16 calls for allowing both attached and detached accessory dwelling units in single family districts subject to specific development design and owner-occupancy standards. While it could be argued that the policy is big-picture language, experience indicates that big-picture statements can easily be interpreted as the basis for allowing what previously has not been allowed, which in the current instance is detached accessory dwelling units. Single family residential zones are important to the city for all kinds of reasons. The Bridle Trails Community Club does not believe allowing detached accessory dwelling units would be wise. Allowing them would in effect be changing the single family zoning without notice.

Ms. Barbara Benson, 14405 SE 17th Street, thanked the Commissioners for helping to identify solutions to the influx of room rentals in Bellevue's single family neighborhoods. She said over the last year she has watched a developer change the character of the Spiritwood neighborhood by purchasing and then converting houses into single room rentals. A home with three bedrooms was converted into a structure with many more bedrooms by eliminating the living spaces and the garage. An 8000-square-foot home has been built between two homes that are only about 2000 square feet. She said she has learned that single-room renters have month-to-month leases, probably with no background checks. Those living in single-room rental situations do not operate as families any more than strangers staying at a hotel do. When related persons are counted as one, a single family house can be packed, all without anyone seeking proof that the residents are related. The single-room rental business is far different from a single home rental,

and one band aid cannot apply to both. Where rent is charged by the room rather than on the house, the motivation is to create more rooms in order to maximize the return on investment. The more profitable the business model, the more houses that get purchased for the same intention. Families searching for affordable housing are no match for investors with deep pockets who pay full price with cash and no inspections. Soon those families will be squeezed out of buying any home in Bellevue. The invasion can be controlled by reducing the allowable number of rented rooms. Absent large profits, investors will either sell or rent the entire home to a family. Because the average number of bedrooms is three, the limit should be three single room renters, or two if the owner lives there as well. Such an approach would be easy to understand and would eliminate the disfiguring of houses while dissuading profiteers from erecting dormitory-like structures. The city needs to stop enabling the housing model. There are a lot of great people in Bellevue who love their single family neighborhoods and are invested in maintaining the character for which they were designed. Those people need help from the city.

Ms. Irene Fernands, 1705 146th Avenue SE, requested that the Commission's discussion on the single family housing rental code amendment be postponed for further review and input. The public has had less than a week to review the amendment, and half of that time was over a holiday weekend. Of particular concern are the amendments to the Land Use Code that would cover high-occupancy dwellings but which puts no limit on the number of persons who could occupy a home as long as they are under one lease, have one leasee in charge, and provide onsite parking. The purpose-built mega home in the Spiritwood neighborhood has nine-plus bedrooms, a six-car garage, and a driveway that could accommodate at least four additional cars. The landscaping for the house has been completed so it can only be assumed the home will soon be ready to be occupied. Filling the house with Bellevue College students will greatly impact the neighborhood. The house will be a dormitory, a business in a single family neighborhood. If the amendment is approved as written, it will be a disaster for the families in the neighborhood. Discussion on the amendment should be postponed until more input from the community is given, even if that means renewing the emergency ordinance now in place.

Mr. David Paynter, 1614 144th Avenue SE, voiced his support for the comments made by the RHA relative to tying the single room rental issue to the boarding house/bed and breakfast definition of limiting them to two rooms. He also voiced concern about the accelerated schedule being pursued and said property owners need adequate time to review the additional option of the high-occupancy dwelling administrative conditional use permit off-ramp. The main purpose of the emergency ordinance was to reduce the inappropriate uses in the neighborhoods, but the high-occupancy option seems to open the door to the uses. Bellevue has an affordable housing crisis, but haphazardly allowing multifamily uses in single family neighborhoods is not the right way to deal with the problem. If the high-occupancy off-ramp becomes part of the ordinance in the end, the owner or property manager should be the designated contacts and one or the other should be required to live at the house. With regard to legal onsite parking, the reference should be to legal offsite parking as required in the boarding house/bed and breakfast regulations. The impacts a high-occupancy dwelling may have on the residential character of a neighborhood should be defined and connected with the single family residential zoning requirements. The cumulative impacts notion as stated in the draft ordinance is very general and should be tightened up. The high-occupancy dwelling definition needs to be tightened up as well; it is far too open-ended and needs a maximum number of unrelated individuals.

Ms. Nanette Fricky, 14430 SE 19th Place, called attention to an email sent to the Commission ahead of the meeting by her husband. She noted that at all of the public hearings there has been overwhelming support to limit the number of houses being used for room rentals in a specific

area. If the high-occupancy permit approach is adopted, there should be a limit to the number of room rentals allowed in an area, otherwise it will be a slippery slope toward turning single family neighborhoods into multifamily neighborhoods. Undoubtedly the city does not intend to let that happen, but it needs to have a mechanism in place to prevent such consequences from even occurring. Limiting the number of rooms available for rent in any given house should also be adopted. The boarding house provisions only allow two rooms to be rented in an owner-occupied house, presumably to lessen the impact on single family neighborhoods. As currently proposed the amendment would allow an unlimited number of rooms for rent. Prior to adoption of any approach there should be a discussion of what other jurisdictions have tried, and it would be helpful to review both successes and failures. In drafting the amendment, the calendar should not be the driving force, even if the emergency ordinance will need to be renewed.

Ms. Stephanie Walter, 14418 SE 19th Place, said she had read the draft permanent ordinance intended to replace the emergency ordinance. The draft ordinance includes language referencing a new high-occupancy administrative conditional use permit. The Commission discussed at its April 23 meeting the administrative conditional use permit, but the extent it covers in the draft ordinance is unexpected. It appears effort has been put into the exceptions to the rule while not significantly refining the rule in response to public comments. Some elements favorably discussed by Planning Commissioners are not included. There is nothing new to aid in verification and enforcement, nor is the discussed intention to drop from four unrelated persons to three. Individual room rentals in a dwelling that is not occupied by an owner or registered agent can have serious consequences to persons or property. The swift approach the city has taken to address the issue of individual room rentals is to be lauded, but speed is secondary to accuracy. If necessary, the Spiritwood neighborhood would support passage of an additional temporary ordinance to allow time to hone the proposed permanent ordinance.

Ms. Margo Blacker, 2011 100th Avenue NE, spoke on behalf of the Northtowne Neighborhoods Association, which is the old Northtowne Community Club. She said there simply is no affordable housing in west Bellevue. There are no homes on the market under \$750,000. Ten houses within a three-block radius of her home are being torn down so that very large homes can be built. She agreed that the city either needs to extend the emergency ordinance or incorporate the comments made by the public into the proposed permanent ordinance. Northtowne is also concerned about single room rentals. Homes in the neighborhood are being constructed with as much as 10,000 square feet and nine bathrooms. The homes are being built for the foreign market. They will not be lived in by the owners. They will be rented out and used for businesses, and the neighborhood character will be lost. Many fear the large homes will eventually become little more than boarding houses. One solution may be the city's R-7.5 zone, which is not used very much and which accommodates cottage housing through a PUD. Northtowne needs an emergency ordinance to require setbacks on the downhill side of houses to stop the practice of building sheer walls on property lines. Additionally, front, back and side setbacks should increase as lot sizes increase.

Ms. Linda McClanahan, 14823 SE 18th Place, said she would like the Planning Commission to safeguard single family residents by including a more comprehensive definition of land use compatibility in policy L-29, and to promote neighborhood quality to facilitate healthy changes in neighborhoods while protecting residents from new housing that is out of character. Exactly what is meant by compatibility should be clearly spelled out. The 6700-square-foot home proposed for her cul-de-sac, designed architecturally in a style unlike any other nearby structure, is not compatible.

Mr. Ron Murk, 14824 SE 18th Place, supported the comments made by the Spiritwood residents. He said his property adjoins the 6700-square-foot home. The Commission should understand that the house is being built with the intent of operating an adult family home. The house will have ten bedrooms and nine bathrooms, but only a one-car garage and a twelve-foot driveway. The foundation pushes to the very limits of the setbacks required, and it will meet the height restrictions, all of which simply flaunts the restrictions put on single family homes. The house must be constructed before the owner can apply to the DSHS for an adult family home license; if the license is not approved, another use will need to be found for the house. Most families have at least two vehicles and most have more, so the current requirement to provide off-street parking for two vehicles is outdated. The city spends hours drafting the Comprehensive Plan, but it has no teeth when it comes to the Land Use Code. Once specific regulations in the Land Use Code are established, the Comprehensive Plan grants no authority to approve or deny individual single family building permits. He disagreed wholeheartedly with the high-occupancy dwelling definitions and with allowing it in single family dwellings. All garage conversions should be mandated to obtain a building permit.

Ms. Jane Mueller, 2420 123rd Avenue NE, voiced her support for the Spiritwood neighborhood. She said she has been following the single room rental issue and was supportive of the request to allow for ample time to draft a permanent ordinance. She said it took her years to save up money to put down as a deposit for her house, and even more years to pay off the mortgage. She said she chose the house based on its location in a single family neighborhood and on the character of the neighborhood. A neighbor chose to renovate his home and is now renting out single rooms in it to Bellevue College students and others, many of whom must park on city streets rather than in the driveway. A foreign buyer recently purchased a home in the Woodridge neighborhood and began modifications to accommodate renting out single rooms. When it was discovered the work was being done without proper permits, the work was halted. She said a friend of hers has gone through the experience of having an adjacent home turned into a frat house, an issue she has been dealing with for ten years. The number of persons allowed to live in a home should be limited, and the owner should be required to live in the home as well. People are understandably concerned about single-room rentals changing the character of their neighborhoods.

4. APPROVAL OF AGENDA

There was agreement to move agenda item 9 to precede agenda item 5.

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

9. OTHER BUSINESS

A. Recognition of Commissioner Ferris' Service on the Planning Commission

Chair Tebelius remarked that Commissioner Ferris has served the Commission and the city for the past eight years. She said his service has been exemplary.

Commissioner Hamlin said he had enjoyed working with Commissioner Ferris for the past six years. He noted that Commissioner Ferris is always very logical and educated in regard to subjects, particularly the subject of housing.

Commissioner Laing said his first experience with Commissioner Ferris was as a land use

attorney attending the meetings of the Meydenbauer Bay Park master plan committee of which Commissioner Ferris was a member. He said Commissioner Ferris's thoughtfulness and perspective have been invaluable to the Commission and will be sorely missed.

Commissioner Carlson said Commissioner Ferris is the most listened-to member of the Commission because of his great experience as a Commission member, his understanding of how policy is implemented, his practical experience in development, and his love for the city of Bellevue where he has been a resident for many years. He said Commissioner Ferris will be missed.

Commissioner Hilhorst thanked Commissioner Ferris for welcoming her to the Commission and for giving her support. She said Commissioner Ferris always has the best in mind for Bellevue and wants to keep it vibrant.

Councilmember Stokes said Commissioner Ferris is legendary in the community and will continue to influence the city in the years to come. The list of issues addressed by the Commission over the last eight years is substantial and Commissioner Ferris has been an integral part of the work. He said replacing Commissioner Ferris will be a difficult task given the professional expertise and experience Commissioner Ferris brought to the table.

Commissioner deVadoss highlighted Commissioner Ferris's thoughtful and measured approach to thinking through the pros and cons of each issue. He said Commissioner Ferris is also very good at listening to feedback, both from within the Commission and from the community.

Chair Tebelius noted that Commissioner Ferris served as chair of the Commission for two years, served on the Meydenbauer Bay Park master plan committee, and is currently serving on the Downtown Livability Initiative CAC. The list of issues tackled over the past eight years includes the Crossroads Center plan, Wilburton/Bel-Red, Eastgate/I-90, neighborhood livability, electrical facilities, Comprehensive Plan update, Downtown Livability Initiative, Shoreline Master Program, and light rail best practices. The code amendments taken up during that time include the Factoria design guidelines, medical institution district, shopping carts, marijuana, flood insurance regulations, helicopter landing pads, and electrical vehicle infrastructure.

Chair Tebelius said when she first was appointed to the Commission she was not sure she and Commissioner Ferris would ever agree on anything, but in fact numerous points of agreement have been found. She said she came to appreciate the advice Commissioner Ferris shared with the Commission. As a volunteer, Commissioner Ferris has spent hours and hours of his time in seeking to benefit the citizens of Bellevue.

Commissioner Ferris thanked the Commissioners for their kind words. He said his tenure on the Commission had been enjoyable and that he had learned a lot. While there has not always been full agreement on every point, the process has allowed for full and open discussions, and there has always been respect for the opinions of others. He said he will miss participating as a member of the Commission.

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

Comprehensive Planning Manager Paul Inghram informed the Commissioners that an open house on the Downtown Livability Initiative is scheduled for June 3 from 4:30 to 6:30 p.m. at City Hall.

7. STUDY SESSION

A. Land Use Code Amendment Regarding Recreational Marijuana

Councilmember Stokes said there is some urgency to the need to develop permanent land use regulations regarding recreational marijuana. It will also be important, however, to make sure it is done right. The Council understands the need to implement the will of the voters and to make sure the law is implemented. The law, however, is not perfect and some issues are still not clearly defined. The temporary ordinance that was implemented set out ground rules aimed at making sure there are protections in place. The interim ordinance will expire on October 21 and the schedule that has been penned is focused on having the permanent regulations ready ahead of that date, though it may become necessary to renew the interim ordinance.

Councilmember Stokes said the city is working closely with the school districts, the police department and others to make sure implementation in Bellevue will be done right.

Commissioner Carlson asked what the four lottery winners from Bellevue are guaranteed. Legal Planner Catherine Drews said they must each go through the application process with the Washington State Liquor Control Board, so all they have really won is the ability to be vetted for a license. The parameters of where they can operate are set forth in the Liquor Control Board's implementing rules and in the rules set up by the city. The state will make its licensing decisions based on its rules, however, without taking into consideration Bellevue's regulations. Any conflict with local jurisdiction rules and regulations will be up to the local jurisdiction to enforce.

Councilmember Stokes said the state will issue licenses to businesses, and those businesses will have registered an address with the state. That is not to say, however, that they will be able to actually operate at the address given due to the city's regulations, including the notion of avoiding having the businesses geographically concentrated. Three of the four lottery winners have addresses within the zones where the interim ordinance allows the use.

Chair Tebelius clarified that a motion for a moratorium on the use was defeated by the Council on the strength of a 5-2 vote. Accordingly there will be no moratorium and the work to develop a permanent ordinance must proceed. The Council also expressed certain concerns, including the thousand-foot distance restriction from schools. The distance rule is consistent with the federal sentencing enhancement under the Controlled Substance Act. There is a similar rule for alcohol retailers which must be located no closer than 500 feet from a school. Chair Tebelius asked if the Commission could recommend a requirement for more than a thousand feet from a high school and Ms. Drews allowed that could be done.

Commissioner Laing noted that on page 8 of the packet there is reference to an emergency rule being filed relative to measuring the thousand feet as the shortest distance property line to property line. The WAC, however, includes the old measurement approach. Ms. Drews said the emergency rule was filed and has been adopted.

Commissioner Laing said there is language in the Council's December 13 implementing principles that talks about conforming with and not frustrating the purpose of state law. The city

of Kent prevailed in a lawsuit that essentially disallowed the use completely. Bellevue has elected not to go in that direction, but the Council has not dismissed the notion of imposing a more stringent approach. The thousand-foot rule is one issue that could be more stringent. Another is hours of operation which under state law is limited to between 8:00 a.m. to midnight. Ms. Drews said the Commission could recommend a much shorter time period for hours of operation.

Commissioner Laing noted that the state statute is very careful in talking about parks, libraries and other public facilities. There are, however, private parks and facilities that should be taken into account. One use that is ostensibly missing from the list is churches which, as part of their operations, may include child care centers, recreation centers and other elements that do not meet the WAC definition. Ms. Drews allowed that the Commission is free to add to the list.

Answering a question asked by Chair Tebelius, Ms. Drews commented that under the state definition the privately owned Vasa Park would not be included. She pointed out that under the interim ordinance marijuana uses are prohibited in any residential neighborhood. Many churches are located in residential areas, as is Vasa Park. Chair Tebelius said she would favor adding language specifically including privately owned institutions or entities that operate as parks. She said she also wanted to make the Boys and Girls Club as well as Boy Scouts and Girl Scout locations are included. Ms. Drews said all recognized charitable organizations operating recreational centers fall within the state definition.

Commissioner Laing said the state definitions are too limiting as to types of facilities for uses, making it impossible to draw a practical distinction between them. If there is a police power reason for protecting a public park or playground, the same reasoning should apply to non-public parks and playgrounds. He said in suggesting a more Bellevue-specific approach than the state law, the Commission should be make sure it is not running afoul of what the Council intends. Councilmember Stokes said in approving having marijuana retail shops in Bellevue the Council chose to honor the will of the adults to have access. Caution will need to be taken in recommending limits that are so restrictive they essentially keep the use from locating in Bellevue. Certain classes certainly need to be protected, but not at the expense of effectively prohibiting the use.

Commissioner Carlson asked if the four chosen by lottery to be vetted for a license would have a legal claim had the Council followed the lead of Kent and other jurisdictions in disallowing the sale of marijuana. Commissioner Laing said there is no vested right. Councilmember Stokes said the Council does not believe they would.

Chair Tebelius said under case law jurisdictions have the right to prohibit the sale of marijuana, so the lottery winners would have no case. She asked, however, if changes made to the regulations for Bellevue after July 1 will trigger potential legal problems. Ms. Drews said the July 1 date comes from the stated intent of the Washington State Liquor Control Board to have the retail licenses issued in early July. Bellevue already has one recreational marijuana retailer who has applied and submitted a complete building permit application for their location, and they would be vested to the codes currently in place. Depending on circumstances, some retailers could end up vested under the interim regulations and some could end up vested under the new regulations. Chair Tebelius suggested that given that position, time is indeed of the essence and the better off everyone will be by having the new regulations in place sooner rather than later.

Answering a question asked by Chair Tebelius, Mr. Inghram said it would not be possible to issue a notice of application, notice of hearing, a staff report, conduct a public hearing, provide a transmittal to the Council and have the Council accept the transmittal and take action, putting a new ordinance into effect, by July 1.

Commissioner Carlson pointed out that if the four license holders rush ahead, fill out and submit applications to the city, whatever is done to draft new regulations will be superfluous. Ms. Drews said that is true.

Commissioner Laing stated the Council could do what it has already done, which is amend the existing interim ordinance. An action of that sort could be done very quickly. If there are recommendations the Commission has it believes the Council should consider immediately as part of amending the interim regulations prior to having a vesting issue, the Commission should act to submit those recommendations quickly. The point made by Councilmember Stokes about the Council wanting to honor the vote of the people is well taken, so no attempts should be made to recommend regulations that would essentially obviate the use. However, there are some things that should be done to address the larger concerns the Council, members of the Commission and the public have voiced. A recommendation from the Commission along those lines could easily be before the Council ahead of July 1.

Chair Tebelius noted that according to the Council principles recreational marijuana uses must have sufficient security measures to protect the public but said it is not clear what that means. Ms. Drews said one of the issues is that the Liquor Control Board implementing regulations have very strong security requirements. Their security requirements have been married to the medical marijuana/collective gardens regulations. Beyond the state requirements, the Bellevue regulations also require a secure safe or way to lock up cash, and screening to shield transfers from producers and processors to retailers.

Commissioner Laing observed that under the interim regulations, recreational marijuana retail outlets are outright permitted uses in the identified zones. He asked why the use is not required to go through administrative conditional use instead. Ms. Drews explained that the Land Use Code includes a provision that allows for miscellaneous retail uses and the provision includes the sale of alcohol and drugs. Marijuana retail outlets will operate similarly to alcohol stores, so it makes sense to fit them under those regulations.

Commissioner Laing commented that a property owner was recently convicted for growing marijuana in his home. Some people came to rob him, he shot them, and everyone will be going to jail. There is a distinction between marijuana and alcohol in that marijuana is still illegal under federal law. The use cries out for a conditional use permit, not to make it more difficult but to recognize the concerns that exist in the gray area.

Commissioner Hamlin said the regulations as they have been established are acceptable. The lead charted by the Liquor Control Board is okay to follow.

Commissioner deVadoss echoed the concerns voiced by Commissioner Laing regarding churches and the like and said that issue needs to be addressed. At the very least, the regulations regarding recreational marijuana is that they should be at least consistent with those pertaining to alcohol.

Answering a question asked by Commissioner Hilhorst, Ms. Drews said the use is currently

banned in the R-1 through R-30 zones. There are, however, some locations in the Bel-Red corridor and in the downtown MU district where the use is allowed even though housing is also allowed. Commissioner Hilhorst asked if the use would be allowed in a neighborhood shopping center. Ms. Drews said the Neighborhood Business zone is specifically prohibited under the interim zoning. Mr. Inghram said staff would bring to a future Commission meeting maps showing the locations where the use is permitted.

Commissioner Ferris agreed that the will of the voters needs to be accommodated in a reasonable manner. He agreed with the need to add to the list churches, private parks and facilities, particularly recreational sites that cater to children. The hours of operation need to be reasonable but should not include evenings.

Commissioner Carlson asked if the retail outlets will be limited as to size. Ms. Drews said they are not under the state rules. There are, however, many limitations on retail sizes throughout the Land Use Code, especially in the downtown. Anyone looking to site in a downtown location will also need to meet all the requirements of the downtown, including the design guidelines and all footnotes in the use charts. Commissioner Carlson pointed out that after the privatization of liquor, a business called Total Wine located just seven blocks from his house began advertising hundreds of kinds of wine, beer and spirits. He asked if there could be a store named Total Pot. Ms. Drews said she presumed there could be, though she added that the advertising of retail marijuana is strictly regulated by the state.

Commissioner Carlson suggested there is a difference between a liquor store and a head shop relative to how each impacts the neighborhood. A liquor store does not have much of an impact, but a marijuana store might for a number of reasons. The voters were clear about wanting to allow people to have marijuana legally in their homes and on their persons, but it would be interesting to know what the voters would have to say about selling the product in Bellevue. He suggested that the same threshold of support would not exist.

Commissioner Laing reiterated the need to include any kind of park or recreational facility that caters to children in the ordinance. With regard to permitting the use, he suggested the use should be processed as an administrative conditional use permit to address site-specific issues. With regard to zoning, he recommended that the use not be allowed in the perimeter design districts around the downtown and in Old Bellevue. He said he would prefer to see the separation requirement set at 1200 feet, which is more like three city blocks.

Chair Tebelius said she also would like to see more than a thousand feet of separation but said she would like to hear from staff about what would be reasonable.

Mr. Inghram said the issue will be before the Commission again on June 25.

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

B. Single Family Rental Housing Code Amendments

Principle Planner Mike Bergstrom said the notion of taking the time necessary to get it right has been espoused by many. If an extension of the interim ordinance is to be effected, the Council will need to act prior to its August break in order to give the East Bellevue Community Council time to ratify it; if it is put off until October, there will be a week of coverage exposure. The

other issues highlighted include dispersal requirements, off-street versus on-site parking, the number of unrelated persons allowed to occupy a house, and the definition of "family." During the Commission's previous discussions several different numbers were tossed around relative to how many unrelated persons should be allowed to occupy a house, but to date there has been no consensus. He allowed that the current definition of "family" is troubling even to staff, in part because of what the public brought up about actually related persons all counting as one under the definition, and the fact that as proposed the language could allow for four families of six or more members each. A better option might be to allow a single family of any number of related persons, and up to a set number of additional adults regardless of their relationship.

Mr. Bergstrom said it has also been noted that the issue of residential character needs to be better defined. Capping the number of rooms has been suggested along with allowing an increase only through an administrative conditional use permit. Other comments made include a requirement for the property owner or registered agent should be onsite, and the need for verification and enforcement. The high-occupancy dwelling/administrative conditional use concept was meant to substitute for the concept in the interim regulations of a functionally equivalent family. In early commenting there was a lot of pushback on that because of the parsing and monitoring of relationships that would be required. The idea of establishing a number that would be permitted outright and including a higher level of scrutiny for anyone wanting to exceed that cap, including the administrative conditional use process, with additional criteria specific to high-occupancy dwelling impacts.

Mr. Bergstrom said the term "onsite" as applied to parking relative to the high-occupancy dwelling use is interpreted to mean within the property boundaries. Saying "off-street" could mean close to the same thing, but that could also mean parking at a nearby school or church. The administrative conditional use process can also address the issue of residential character.

Chair Tebelius observed that the permit process is already established under city statutes and asked how anyone would know when the administrative conditional use approach should be used. Mr. Bergstrom said there are many uses allowed in the city through administrative conditional use approval. If someone were to construct a high-occupancy dwelling without seeking the correct permits, it would become an enforcement issue under which the remedy is acquiring all necessary permits and making sure all codes are met. The process can be difficult and lengthy, and there are penalties involved.

Chair Tebelius asked how the city could permit a 6000-square-foot home in a neighborhood in which all of the other houses are 1800 square feet. Commissioner Ferris said there are neighborhood livability regulations on the books that deal with things such as light and shadow, but even so where all required setbacks and stepbacks, along with the height and pervious surface requirements are met, the city can issue a building permit for a very large house even if they are out of scale with nearby houses. Many property owners choose to build very large homes with far more bedrooms and bathrooms than are needed to accommodate those who will live in those homes. The issue of whether or not a house will be lived in by the owner or rented out does not factor in.

Commissioner Carlson said it sounds like where someone is determined to break the rules and rent out individual rooms in a single family home in order to make some money, the only thing the city is telling them after all due process plays out is that they cannot continue doing what they are doing. He asked if the city could impose penalties like seizing the rents. Mr. Bergstrom said there are enforcement penalties written into the compliance codes, and those penalties can

lead to very hefty fines and property liens. There will clearly be people who just do not care, but some educational outreach would be in order given that most people will want to know what the rules are and will follow them.

Answering a question asked by Commissioner Carlson, Mr. Bergstrom said the issue of whether or not more time will be needed going forward is entirely up to the Commission to recommend to the Council. As currently envisioned, the schedule calls for a public hearing on July 9, transmittal of the issue to the Council later in July, and adoption by the Council at its only meeting in August. That will give the East Bellevue Community Council time to schedule action early in September ahead of the expiration of the interim ordinance.

Commissioner deVadoss noted that he had previously recommended allowing only up to three rather than four unrelated persons to share a house. He said he found the notion of a high-occupancy dwelling in a single family neighborhood to be a bit of an oxymoron. That approach could end up adding more complexity to the process. Additionally, the whole idea of counting related individuals as one is a bit of a step backwards. Mr. Bergstrom said that approach has been on the books for decades, and there is some tie-in to federal law as well.

Commissioner Hilhorst said she preferred setting the cap at three rather than four. She suggested that no strong arguments against that approach have been voiced. Mr. Bergstrom said the magic number between being reasonable and being too restrictive is an unknown. It can be argued that three is above the average household size in Bellevue. Setting the cap at two could certainly be problematic.

Commissioner Laing commented that the draft amendment was a lot to take in. He said he was not prepared to delve into it in depth and would prefer to see more time allowed. He agreed with the point made by Commissioner deVadoss about high-occupancy dwellings being inconsistent with the notion of single family neighborhoods. The issues of bulk and scale fall outside of the single room rental sphere. One major problem, however, is the lack of accountability in situations where a large number of persons are just cohabitating under different lease agreements; in those instances, there is no acting as a unit and there is no accountability as a unit.

With regard to section 20.20.455.A.3 of the proposed amendment, Commissioner Laing highlighted the language that allows for a tenant to be designated as the party of record in lieu of an owner or registered agent under the terms of the approved administrative conditional use. He said in college he shared a house with other students and always ended having to be the one who did the dishes and who had to explain to the owner why the rent was late. No one wants to be that person. In order to have full accountability, everyone in the house should feel the pressure to be a good neighbor and a good community neighbor. Everyone signing a lease should be jointly and severally liable. Where a single tenant decides not to pay his or her share of the rent, or to damage the property in some way, or to park on the sidewalk, everyone else should feel the compulsion to bring them around. He said he appreciates the work that has gone into drafting the amendment, but section A.3 represents a step in the wrong direction and does not actually get at the bottomline issue of accountability.

Commissioner Hamlin said he did not see any incongruity in the high-occupancy dwelling approach. As drafted, the provision would apply only when there are five or more unrelated individuals sharing a house. Where individuals come together to share a house there should in fact be just such a designation and the associated restrictions.

Commissioner Ferris said Bellevue has both single family and multifamily zones, and the proposed amendment appears to be an attempt to fit multifamily into a single family zone. He suggested the Commission should step back and address the issue of whether or not the approach really addresses the problem at hand. He said in listening to the public and the comments of the Commission he reached the conclusion that everyone is on the same page. The sticky part is how to draft the amendment in a way that will address all of the particulars while still allow people the right to rent out their homes. The high-occupancy dwelling approach looks and feels inconsistent with the nature of the single family zone. More time should be spent dealing with the allowed number of unrelated adults. He said he was supportive of capping it at four but more needs to be done to figure out how that would work and what it would look like. The single lease notion is a good idea, and having a greenscape requirement in the front yard is another good idea. Any property owner has the right to park along the curb in front of their home, so absolutely denying that right to single-room renters would be difficult to enforce; the best option of course would be to require a sufficient amount of off-street parking. The amendment needs to recognize that many extended families choose to live together. That task will not be easy to solve.

Chair Tebelius said she also was uncomfortable with the high-occupancy dwelling approach. It simply creates another layer without solving the problem. People will find ways to sneak in the back door to get what they want if the high-occupancy dwelling option is implemented. As drafted, the proposed amendment states that an owner or registered agent must reside on site, and also states that in lieu of an owner or registered agent a tenant can be designated as the responsible and accountable party; that inconsistency will need to be addressed. Mr. Bergstrom said the intent is to require an accountable person to live on site, be it the owner, a registered agent, or a designated tenant. The language of the amendment goes on to say that regardless of who the responsible party is, in the event of an enforcement action the city will be going after the owner and the landlord. Chair Tebelius said requiring the property owner or registered agent to live on site will lock it in.

Commissioner Carlson asked how the issue can be solved without accidentally ensnaring allowed uses such as adult family homes under the definition of family. Mr. Bergstrom explained that under the definition of family they are a protected class, which means they have rights the city cannot abridge.

Chair Tebelius said she could not see wrapping up the issue on the proposed schedule. She suggested the Commission should recommend to the Council an extension of the interim ordinance.

A motion to recommend to the Council extending the interim ordinance was made by Commissioner Carlson. The motion was seconded by Commissioner Laing and it carried unanimously.

C. Comprehensive Plan Update - Housing Element Policy Review

Chair Tebelius asked Commissioner Ferris to share his thoughts regarding the Housing Element and its policies.

Commissioner Ferris said housing affordability has been a passionate interest of his for more than 25 years. He said both he and his wife volunteer in that arena because having housing affordable to a full spectrum of residents is important to the health of the community, particularly

to its economic diversity. Not everyone will be able to find a place to live in Bellevue, but the city should do all it can to make housing available to them. Bellevue has an affordability problem; it is very difficult to buy a single family home on a modest income in the city. West Bellevue is completely out of reach as is most of the rest of the city. Bellevue along with some neighborhoods in Seattle led the nation in rental rate increases in 2013. Rents are increasing by as much as eight percent per year while workforce wages are either stagnant or increasing by only one or two percent per year. The increasing affordability gap will not be solved simply by increasing the zoning capacity and supply; the highrise towers in the downtown are expensive and the rents the owners need to support the structures are not affordable to the working class.

The Housing Element is a policy document. It establishes a framework but implementation is the key. The Commission should push to make sure implementation is addressed to avoid going another ten years looking at a policy statement that is dead with very little implementation to make it happen. Bellevue has good policy statements but very little production of housing that is affordable to the working force.

The single room rental issue is one manifestation of Bellevue's housing affordability problem. It is not just Bellevue College students who need affordable housing options. People do not go out seeking to just rent a single room, but they do so when they cannot find a more affordable option. At the other end of the spectrum is the issue of people buying oversize homes but not living in them.

Dupre and Scott is a recognized organization that surveys rental rates in various cities and neighborhoods. According to the organization, the rents charged for units in downtown Bellevue over the last five years have been affordable only to people who average 125 percent of the area median income, or those making \$100,000 and up. There are tools that have been adopted by cities across the country that have not been adopted in Bellevue or Seattle. The tools do not necessarily relate to zoning or land use; many of them involve ways in which funds and guarantees can be set up to reduce financing costs to help make rental rates more affordable. The Council should appoint a short-term ad hoc committee to research and recommend various tools. Unless something constructive is done, the issue will only grow worse. Historically, economic health suffers in communities that become stratified when there is a separation between those who work in the city and those who can afford to live in the city.

Chair Tebelius said Bellevue enjoys a very highly educated workforce, and also enjoys the fact that most of those people work for successful companies that pay high wages. Those individuals are in a position to pay more for housing, and that continues to drive up the price of housing. Commissioner Ferris said he is not aware of any tool that restricts the sale or rent of an existing privately owned property. There are active non-profits in the city that can take ARCH funds and combine them with tax credits and other sources of financing to buy an existing apartment building, the result of which is a restriction on rents in those buildings for long periods of time. There is, however, only so much money to go around and the longer the problem exists, the more expensive it will be to solve.

Commissioner Ferris said one tool cities can use is zoning that creates additional capacity. There are also tax credit approaches and access to HUD loans with lower upfront costs in exchange for lower rental rates over time. Reducing the amount of required parking in areas well-served by transit can also reduce development costs that can be translated into lower rental rates. No one tool will solve the problem; it will take a combination of tools. That is why a broad study is needed.

Chair Tebelius asked if the private sector is positioned in such a way that it can access tools from HUD that will translate into lower rents. Commissioner Ferris said there is not much by way of zoning actions that needs to be taken. One problem is that currently there is a big demand for high-end housing, and the greatest reward for the private landowner is to maximize rental rates. There will never be a true supply and demand economic model that will translate into building out of the affordable housing situation. There will need to be other mechanisms in place to make affordable housing happen.

Commissioner Carlson asked what percentage of Bellevue residents rent their units rather than own them. Commissioner Ferris said it is close to 50 percent. In Seattle the number of renters is a little over 50 percent. Mr. Inghram added that rentals make up about 15 percent of all single family housing units in Bellevue.

8. COMMITTEE REPORTS - None

9. OTHER BUSINESS - None

10. PUBLIC COMMENT

Mr. Jerry Hughes, 10231 44th Place SE, said the fact is that nearly any student in high school can explain how and where to obtain marijuana or other drugs. In most cases, the substances are available at the schools. The city is only playing a game aimed at determining where to locate four recreational marijuana retail stores where adults will be able to buy the product. It is not unlike claiming that barring sex stores in the city will keep kids from having sex.

Mr. Steve Kasner, 1015 145th Place SE, thanked the Commissioners for the work they do on behalf of the city and for the members of the public who spent time over the Memorial Day weekend reading through the proposed single room rental amendment. The issues are weighty and they will not be resolved over the course of a single weekend. Time needs to be allowed for some give and take with the community and with the Council. If the Council wants to see the interim ordinance extended, the East Bellevue Community Council can at any time schedule a special meeting to approve the Council's action. Kirkland has on occasion held joint Community Council and Planning Commission meetings for the purpose of focusing on specific topics, allowing people the opportunity to only have to testify once.

Ms. Patsy Murk, 14824 SE 18th Place, said she recently realized that the state is defying the federal government on the marijuana issue. But when the community seeks help from the city for protections against having large homes built, the city says it cannot help where group homes are involved because there are federal issues are involved. If the state is willing to defy the federal government relative to marijuana, the city should be willing to do the same in seeking to protect its citizens.

11. DRAFT MINUTES REVIEW

A. April 23, 2014

Action to approve the minutes was not taken.

12. NEXT PLANNING COMMISSION MEETING

A. June 11, 2014

13. ADJOURN

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

Chair Tebelius adjourned the meeting at 9:20 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

June 11, 2014
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: Commissioner Carlson

STAFF PRESENT: Paul Inghram, Janet Lewine, Erika Conkling, Department of Planning and Community Development; Mike Bergstrom, Department of Development Services; Arthur Sullivan, ARCH

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:37 p.m. by Chair Tebelius who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Hilhorst, who arrived at 6:45 p.m., and Commissioner Carlson, who was excused.

3. PUBLIC COMMENT

Mr. Blaise Bouchand, 1950 130th Avenue NE, owner of Maison de France, spoke on behalf of a dozen local businesses located near his place of business. He expressed serious concerns about the locating of a recreational marijuana dealer at 1817 130th Avenue NE within 1000 feet of two recreational centers that cater to children: Girl Scouts of Western Washington on NE 20th Street, and The Little Gym on 130th Avenue NE. The use will also be located within one block of the gates of the Bridle Trails residential neighborhood and next to an already operating medical marijuana clinic. All but one of the neighboring businesses are opposed to the use. The Commission was asked to take a look at the zoning and to recommend a reversal of the issuance of a business license to the use. Federal laws prohibit the possession and sale of marijuana. The American Medical Association recommends against legalizing the drug on the grounds that cannabis is a dangerous drug and a public health concern. According to The Foundation for a Drug Free World, 99.9 percent of cocaine users began by first using a gateway drug such as marijuana. The city should act to protect all of its citizens, from children to adults, to prevent the increase of drug-related crimes, the inevitable money laundering, the potential addictions and increase in drug users, the overpowering smell of pot in the streets, and the feeling that safety has been degraded, all of which could result from allowing a recreational marijuana dealer to locate at 1817 130th Avenue NE. It will be bad news for local businesses and for the city. Recommending a ban on pot sales in Bellevue would not be a bad idea if that is what is needed

to protect the citizens of Bellevue. The issue is urgent priority from the standpoint of public health and safety. Bellevue should remain a city in a park, not a junky city.

Ms. Gigi Meinig spoke representing the Area Agency on Aging. She said the agency serves 40,000 seniors and persons with disabilities throughout King County. She thanked the Commission for making universal design and aging in place key issues, and for including them as policies in the Comprehensive Plan. The policies will help 23,570 Bellevue residents to age in place. A chart showing demographic changes between 2000 and 2010 was shared with the Commissioners. It was noted that Bellevue's total population increased by 11 percent, and the number of persons 60 years of age and older increased by 20.3 percent. Of the non-white population aged 65 and older, the increase was 83.5 percent, and the number of persons 65 and older living below the federal poverty level increased by 38 percent.

Ms. Allie Charneski, 1817 130th Avenue NE, said she and her partner have been granted a license from the Washington State Liquor Control Board to operate a recreational marijuana business in Bellevue. She said the process of applying for licensure began eight months ago and has required a large number of steps, including thorough investigations by the Liquor Control Board. The business location is more than 1000 feet from all restricted entities in accord with state law. The brand will fit well with what the Bellevue citizens want and will be very conservative as far as pot shops go and will bring a positive light to the negative views of pot users.

Ms. Linda McClanahan, 14823 SE 18th Street, shared with the Commissioners photographs of the single family dwellings located on SE 18th Street where a 6700 square foot home and family care facility has been proposed. The house will be three times larger than any other house in the neighborhood and certainly is not in character with the neighborhood. It will replace a home that is between 1100 and 1200 square feet located on a cul-de-sac. The neighborhood has always had people who take pride in their homes and who are centered on family. If the city continues to approve megahomes in single family neighborhoods, it will not be protecting its neighborhoods, and it will push out retirees and startup families.

Mr. Ron Merck, 14824 SE 18th Place, said the megahome planned for the neighborhood will have ten bedrooms, two dining rooms, one kitchen, a one-car garage and a single-car driveway, all of which fits the code. The city needs to take a close look at the Land Use Code. For thing, there is no good definition of what single family housing is. The June 6 edition of the *Bellevue Reporter* says the city may use a program to incent affordable housing, and it talks specifically about multifamily. He said he did not know if the city has a good definition of what multifamily housing is either. Degradation is taking place in some Bellevue neighborhoods, particularly in the Lake Hills area but also elsewhere. He said he has seen what he interprets as code violations, including what appears to be two apartments being built in a single family area behind the new Lake Hills Shopping Center.

Mr. Chris McAboy, 1817 130th Avenue NE, owner of The Novel Tree, a proposed recreational marijuana business, clarified that one of the two recreation centers within 1000 feet of the business location is actually a retail and administration use. The second recreational use is a for-profit small gymnastics center near Bellevue Brewing and Angelo's lounge bar. The owner of the medical marijuana clinic nearby has indicated the lease will end in July and that it will not be renewed. He said he has been working closely with the city over the last eight months to make sure the location is valid and not in violation of any state or local codes. The Liquor Control Board limits signs advertising recreational marijuana businesses to slightly more than 1600

square inches, requires windows that prevent anyone from seeing into the store from the street or the sidewalk, and disallows any onsite consumption. Those who are opposing the business are doing so based on fear and unfamiliarity with the regulations. The business will, however, be a good neighbor.

4. APPROVAL OF AGENDA

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

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

Councilmember Stokes reported that interviews were held with six candidates to fill the vacant Commission seat. He said he hoped to be able to make an announcement on June 16.

Councilmember Stokes said the issue of housing is both complex and interesting. It is not yet fully before the Commission but it is coming.

Chair Tebelius said the Commission's annual retreat may be scheduled in July but likely will be held off until September. It will be held on a Wednesday evening not slated for a regular Commission meeting.

6. STAFF REPORTS - None

7. STUDY SESSION

A. Comprehensive Plan Update - Housing Element Policy Review

Mr. Inghram reminded the Commissioners that it left off its review of the policies at item 30, policy HO-23. He noted that the edits previously proposed were not reflected in the packet materials.

With regard to item 30, Commissioner Laing said in talking about providing affordable housing incentives the Commission should keep in mind the state constitution among other things. Seattle was successfully sued twice in the late 1980s over its well-intentioned affordable housing measures. The court found that municipal bodies cannot shift the social costs of development onto developers. Essentially the court said the cost must be carried by the entire community, not just developers, and regulations cannot be made to look like incentives when they really are not. Policy language is needed to make it clear the city is not trying to find a clever way of shifting the burden of providing affordable housing onto new development or redevelopment.

Chair Tebelius asked how that is supposed to play out in the real world. Commissioner Laing said there are options available under state law, including the multifamily property tax exemption.

Arthur Sullivan, director of A Regional Coalition for Housing (ARCH), said the Seattle court cases resulted in the passage of legislation to provide clarification on the use of incentive programs, even where they are mandatory. City's can require developers to provide affordable housing, but something must be given to them in exchange for the requirement. Item 41, Policy

HO-33, references the state property tax exemption program and other state-enabled programs. It is implied that anything a city does must be consistent with state law and case law. Mr. Sullivan said both voluntary and mandatory incentives are legal under state law. Commissioner Laing said rather than simply implying it, the policy language should include "consistent with state law."

Mr. Inghram commented that every policy must be consistent with state law and as such it is not necessary to include specific language to that effect in every policy. Commissioner Laing said the affordable housing incentive issue has been a source of litigation in communities from coast to coast. He disagreed that mandatory affordable housing programs are legal in Washington. That aside, it will be important not to have fuzzy policies that are not tied to specific state-enabling legislation. Mr. Sullivan said he would provide the Commission with the legislation that was approved about six years ago and updated about four years ago.

Chair Tebelius proposed shortening the Policy HO-23 to read "Encourage the development of affordable housing." Associate Planner Janet Lewine noted that the existing policy talks about removing barriers and unnecessary standards from the Land Use Code to help affordable housing succeed. That work has been largely done but it is an ongoing process.

Commissioner Hamlin said he preferred the positive spin the proposed policy language provides. Commissioner Laing agreed but said he would add "consistent with state-enabling legislation."

Commissioner deVadoss noted that some of the policies refer specifically to multifamily affordable housing, a reference that was not included in the proposed policy HO-23 but is made in policy HO-33. Ms. Lewine stated that the tax exemption program applies only to multifamily. Mr. Sullivan said there are specific reasons for referring to multifamily affordable housing in some of the policies. In policy HO-33 the reference to the state property tax exemption program is specific to multifamily, but the reference to partial exemptions from city permit fees is not limited to multifamily. He allowed that the word "multifamily" could possibly be removed from policy HO-33, but not from policy HO-25 where the intent is to specifically call out that affordable housing in centers is a good idea in that centers are convenient to employment and transit opportunities.

Commissioner Laing suggested that "especially" should be used rather than "including" in policy HO-25 to avoid establishing limiting conditions.

Mr. Inghram said the policy language says affordable housing is wanted throughout the city while recognizing that people who need affordable housing also benefit from having access to transit. Access is part of the affordability equation in that spending less on transportation makes housing more affordable.

Commissioner Laing said the proposed language for policy HO-25 could be construed as suggesting that down the road single family neighborhoods that are near transit centers should be rezoned to provide for multifamily housing. That is not consistent with the vision of the Comprehensive Plan relative to preserving and maintaining existing single family neighborhoods. He said his preference would be to have the policy read "Ensure that affordable housing opportunities are available throughout the city."

Commissioner Hamlin said the intent of the policy language is clear and admirable, but he agreed the reference to transit gets in the way.

Commissioner Hilhorst pointed out the need to retain some flexibility in the policy language to accommodate whatever the need will be in ten years.

There was consensus to word the policy as proposed by Commissioner Laing.

With regard to item 33, new policy 2b, Ms. Lewine explained that the affordable housing community have indicated the difficulties associated with finding appropriate sites in Bellevue for group facilities, like shelters. The use is not allowed in any single family zone; they are allowed mainly in the downtown and in multifamily districts greater than R-10. Some districts, including commercial districts that allow housing, particularly those near transit areas, have also been excluded from allowing the uses. The proposed policy language could lead to allowing the use in both Eastgate and Bel-Red.

Commissioner Laing asked why there was a reference to student housing in the action proposed section of the matrix, and why there was no express reference to shelters in the proposed policy language. He also asked what other barriers to siting group facilities and shelters exist. Ms. Lewine said the definition for group facilities includes dormitories and shelters. The prohibition exists in Bel-Red because there was a desire not to allow dormitories, but the unintended consequence has been that group facilities and shelters have also been prohibited.

Chair Tebelius suggested the issue is related to zoning and as such is not appropriated addressed in the Comprehensive Plan.

Commissioner Hilhorst asked if dormitories and student housing are prohibited in the Eastgate area. Mr. Inghram said dormitories and student housing are not allowed in many parts of the city, including Eastgate and Bel-Red, if they are not on a the campus of an educational institution.

Commissioner Laing suggested a separate policy is needed to deal with student housing versus shelters. He said things need to be called out for what they are in policy language. In the case of Eastgate and Bel-Red, there are specific subarea plan policies that may need to be reviewed. With regard to shelters, a specifically nuanced policy allowing the use should be inserted into the Bel-Red subarea plan rather having policy language that would apply citywide. He suggested the Eastgate language could read something like "Remove unintended barriers to student housing facilities in commercial and mixed use areas while retaining appropriate land use controls," and for the Bel-Red subarea there could be a policy along the lines of "Remove unintended barriers to shelters in commercial and mixed use areas while retaining appropriate land use controls." Mr. Sullivan said neighborhood plans follow the Comprehensive Plan. The issue of shelter is being discussed with a focus on different areas of the city. The question is whether or not it would be appropriate to include something in the Housing Element that is specific to the use.

Chair Tebelius asked how many shelters currently exist in Bellevue. Mr. Sullivan said there is one permanently located shelter. Temporary shelters come and go. The winter shelter that operated in the winter of 2013-2014 was located in Bel-Red as a temporary use. Redmond has one permanent shelter and also hosts temporary shelters. Chair Tebelius said it would not be good policy to remove from every zoning area the limits that preclude shelters. Mr. Sullivan said the temporary shelters have been located in what are essentially inappropriate locations, including churches in residential neighborhoods. The focus is on trying to find a more permanent solution outside of residential neighborhoods. The prohibitions in place prevent even

looking in more appropriate areas.

Commissioner Hilhorst asked if the city is currently targeting a location for building a permanent shelter. She suggested that if that is the case, that is where the Commission should be focusing. Mr. Sullivan said work was done in 2013 by a number of Eastside cities and agencies that provide shelters. That work resulted in the identification of a number of areas in Bellevue, Redmond and Kirkland that could be appropriate, though it did not zero in on any specific properties. For some of the areas that would be appropriate there are prohibitions against the use.

Commissioner deVadoss said he would prefer to zero in on those places that would be appropriate rather than handing down policy language that would apply citywide. Mr. Inghram said the challenge is that should the consortium of Eastside cities and agencies pull together funding to purchase a property on which to locate a shelter, they would not even be able to consider sites for which the zoning precludes the use. Cities generally do not change their codes for individual parcels, only for a class of parcels or for entire areas. All classes of properties must be treated uniformly and fairly.

Ms. Lewine said the proposed policy language would facilitate a change to the use chart relating to group facilities to allow for shelters in commercial and mixed use districts. Mr. Inghram said all appropriate land use controls would be retained around which the finer level of detail would be examined by the Commission. The way things stand, large portions of the city are off limits to all elements of the group housing classification, including dormitories and shelters.

Commissioner Hamlin said he likes the proposed policy language. He said it provides solid guidance and addresses the need for something alternative to locating temporary shelters at churches in residential areas. It allows for the possibility of looking at commercial and mixed use areas. As drafted, the language is appropriate Comprehensive Plan language.

Commissioner Laing suggested that at a bare minimum there needs to be a different policy for shelters. Clumping student housing with shelters is not a good approach. Mr. Inghram said the policy is not a blanket approach that will simply allow the uses everywhere. It directs the city to look at where they are allowed and where they are not. Where there are intentional exclusions, they should be allowed to stand. Where they are not intended, the policy will open the door to at least explore allowing them. Commissioner Laing said the policy needs to explicitly call out the uses it references. Mr. Inghram made it clear that with regard to a box with people in it, there is not much legal distinction between whether or not the occupants are students or homeless persons. If the city allows a dormitory, it would not be able to legally exclude a shelter, because from a land use standpoint it is the same type of building with people in it. ~~There would be potential unintended consequences to opening the door to student housing in that the door would also be open to all types of housing within the broad category, including shelters and dormitories. Policy language aimed at only one element within the broader class would not do away with the unintended consequence.~~

Chair Tebelius asked if the broader class could be broken down into individual classes. Mr. Inghram said the Land Use Code is already carved up into a number of classes, including single family, types of multifamily, senior housing and group quarters. However, if a class looks and acts the same as another class, it must be treated the same.

Commissioner Hamlin said given that understanding, a policy specifically referencing student

housing could in fact be misleading to the public.

Turning to item 34, policy HO-26, Chair Tebelius asked if the proposed added words are really needed. Ms. Lewine said the intent is to establish the city's active and collaborative relationships in providing affordable housing. Chair Tebelius suggested the language implies the city ought to be active. That is a decision the Council should make. She said she would prefer a statement calling for involving both the public and the private sectors in the provision of affordable housing.

With regard to item 35, policy HO-27, Chair Tebelius suggested the direction in the language to provide funding is inappropriate for a Comprehensive Plan. Mr. Sullivan said the Comprehensive Plan sets the direction for more than just land use. The Council has historically done exactly what the proposed policy states. In fact, when requests are made of the Council for funds they have set aside for affordable housing, the policy is cited. The language is consistent with past action and is not inconsistent with policy language used by other jurisdictions.

Mr. Inghram added that the language is not inconsistent with other aspects of the Comprehensive Plan. There are policies that call for funding infrastructure, transportation and parks. The policy language is not specific with regard to exact funding levels.

Commissioner Laing said there are some things the city by law must fund. He said his argument against using the word "provide" was that it takes away the Council's option in a given cycle to not provide for whatever valid reason it may have. The better verb would be "consider." The intent of the policy is important, but the word "provide" is too strong.

There was consensus to use the word "consider."

Commissioner Hilhorst asked why the language regarding assessing the housing fund guidelines every five years was proposed to be deleted. Ms. Lewine said the housing fund guidelines currently being followed by the city are the guidelines being followed by the consortium. The city previously had its own guidelines, and the reassessment language referred to Bellevue determining whether or not it needed its own guidelines. Mr. Sullivan said the guidelines being followed by the consortium are reassessed ~~as~~on a regular basis.

There was consensus to include in the policy the notion of assessing the housing fund guidelines on a regular basis.

Commissioner ~~deVadoss~~DeVadoss pointed out that item 36, policy HO-28, is very similar to item 34, policy HO-26. He suggested melding the two into a single policy. ~~Mr. Sullivan agreed to look into doing that.~~

Chair Tebelius said it was her understanding that the Downtown Livability Initiative CAC is addressing the issue outlined by item 37, policy HO-29. Commissioner Laing suggested the policy is redundant and does not really affect anything. Item 32, policy HO-25, covers it.

Mr. Sullivan said the new Countywide Planning Policies specifically call out looking at centers because of their access to transit. For that reason, a similar policy is being proposed for each of the consortium cities. He allowed that the argument could be made that the issue is covered by other policy language. The policy highlights the importance of the downtown and mixed use areas because they have good transit access.

Mr. Inghram commented that the policy was included in the Comprehensive Plan ten years ago even though it was recognized land costs in the downtown represent a challenge to providing affordable housing there. The updated policy language does not abandon the downtown as a good place for affordable housing.

Commissioner Laing said he could point to nearly a thousand affordable units that are being built within a block of each other at the intersection of Bellevue Way and Main Street. He said it could be argued that the policy has come to fruition. In any event, the policy is redundant and limiting.

There was consensus to strike item 37.

There was agreement to strike the word "multifamily" from item 41, policy HO-33.

Commissioner Laing voiced general support for item 44, policy HO-37, but suggested the wording was a bit clunky. He proposed having it read "Provide reasonable accommodation for housing for people with special needs in all areas, and avoid concentrations of such housing while protecting residential neighborhoods from adverse impacts." There was agreement to make the change.

Commissioner Laing suggested the second sentence of item 45, policy HO-38, should read "Provide a range of affordable housing options and support efforts to move homeless persons and families to long-term financial independence." The Commissioners agreed to make the change.

There was agreement to follow the suggestions of Chair Tebelius and Commissioner Laing to revise item 46, policy HO-39, to read "Collaborate with other jurisdictions and social service organizations in their efforts to obtain funds and operate emergency shelters and daycare centers that address homelessness."

With regard to item 47, new policy 8, Commissioner Laing suggested that as drafted the language could be construed as allowing for a temporary encampment that is not on a property that is owned and controlled by a religious organization. Mr. Sullivan explained that "within or outside" is intended to mean the physical building on the site but still on the property. There was agreement to revise the policy to read "Allow hosting of temporary encampments at religious facilities as a form of religious expression and consistent with state law pertaining to religious use."

Mr. Inghram explained that item 50, new policy 9, represented an attempt to combine ideas from several policies. The intent is to recognize that the city has adult family homes, that they must be treated in accordance with state law, and that they bring with them a certain demand on things like emergency services. He allowed that the policy was not absolutely necessary.

There was consensus to retain the policy and to move it to the special needs section.

A motion to amend the agenda by adding a short discussion of the Land Use Code amendment regarding recreational marijuana ahead of agenda item 7B was made by Commissioner Hamlin. The motion was seconded by Commissioner Laing and it carried unanimously.

B. Land Use Code Amendment Regarding Recreational Marijuana

Chair Tebelius noted that concern had been raised by members of the community about the siting of recreational marijuana uses.

Commissioner Hamlin voiced his support for the language of the amendment as originally proposed and would not seek to change it.

Commissioner Laing pointed out what appears to be a distinction between a publicly owned facility and a privately owned facility that are essentially the same, such as a publicly owned park versus a privately owned park. If there is a valid police power reason to have 1000 feet separation between a public park and a recreational marijuana use, the same reason should apply to a private park. He also suggested that churches should be on the list given that many of the state regulations call for are provided by churches, and proposed the downtown perimeter districts along NE 12th Street, 100th Avenue NE and Main Street should be excluded from the allowable zones given their proximity to residential areas. He commented that clearly the voters of Bellevue have spoke with regard to marijuana and it would not be in good faith for the Commission or the Council to find clever ways to subvert the will of the public by coming up with ways to keep the retailers out of the city entirely.

Answering a question asked by Commissioner Hilhorst, Mr. Inghram said staff would bring back to the Commission on June 25 a map showing distances ~~and the like.~~

Chair Tebelius asked if it would be possible to have the issue to the Council by June 30. Mr. Inghram said as far as the permanent regulations go it will be necessary to hold a public hearing, make a formal recommendation and transmit it to the Council, and that could not be done by June 30. The Commission could, however, spend time on June 25 developing an outline of specific recommendations and pass them on to the Council for inclusion in the interim regulations; it would then be up to the Council to choose whether or not to amend the emergency ordinance on June 30.

Chair Tebelius noted that the issue of what constitutes a facility for children has already come up regarding the proposed retail location on 130th Avenue NE. She said in her opinion there should be no distinction made between a privately owned or publicly owned facility that caters to children. Councilmember Stokes said that issue will need to be closely investigated given the complexities involved. The city will need to track what the Liquor Control Board does and avoid getting into arbitrary areas with different standards. If the Commission feels strongly about protecting specific uses and/or the separation requirements, it should make a recommendation along with a rationale for the Council to consider. The city will need to be very careful about applying the rules in a way that will rule out all areas of the city.

Mr. Inghram said broadly construed language could be used to remove the delineation between public and private parks, or between public and private schools. Separation from a retail or commercial operation, or a restaurant, could be very tricky. For instance, it could be difficult from a legal standpoint defining a restaurant that caters to kids from some other restaurant.

Commissioner deVadoss stressed the need for the city's rules to be consistent with the rules handed down by the Liquor Control Board. He added that the city should reserve the right to get smarter based on how things unfold, and to reassess the issue down the road and make adjustments as needed. Councilmember Stokes agreed. The whole issue is a grand experiment.

Hopefully the experience will be positive in the long run, but monitoring will certainly be needed.

C. Eastgate/I-90-Related Subarea Plan Amendments

Answering a question asked by Chair Tebelius, Mr. Inghram said each subarea plan has a number of policies. Ideally the plans are written to be concise and to avoid duplicating broader policies in the overall Comprehensive Plan. ~~However, the subarea plans are drafted in concert with the local community and if they have say over what they want their specific subarea plan to say, even if duplications occur.~~ The subarea plan update process, undertaken after the Comprehensive Plan update is completed, will present the opportunity to talk with the individual neighborhoods to identify the extent to which their plans should be revised. With regard to the Eastgate/I-90-related subarea plan amendments, he said the focus is not on the legitimacy of the existing subarea plans and policies, rather the focus is on what needs to be modified in order to implement the recommendations of the Eastgate/I-90 CAC.

Commissioner Hamlin clarified that the CAC had not drafted the policies under consideration. The group provided staff with guidance in the form of a report, and staff translated it into policy language.

Councilmember Stokes said the CAC was focused on the corridor, not the individual subareas within the corridor. No attempt was made to review the three plans for the three subareas in the study area. The recommendations that came out of the CACs work, however, had to be translated into policy language for inclusion in each of the subarea plans.

Ms. Conkling said many of the proposed changes add little of significance. Furthermore, the policy amendments affect only small portions of each of the three subareas that were in the study area. The changes to the Factoria subarea, for example, affect only the area near Factoria Village and the T-Mobile building. The Factoria subarea was updated last in 2005 as a result of the Factoria Area Transportation Study (FATS). Many of the policies in place are consistent with the recommendations from the Eastgate/I-90 study.

The major change encourages a mixed use node at Factoria Village with a new policy, S-FA-D2-1, focused on a pedestrian-friendly activity node served by transit, mixed use zoning with neighborhood retail and services, and incentives for the creation of public gathering spaces. The policy is consistent with the FATS update but puts a finer point on the area, which anchors both the Factoria commercial area and the south end of Eastgate.

Chair Tebelius pointed out that traffic in that part of Factoria is very bad. By encouraging a policy that favors mixed use zoning, the traffic will only get worse. The question is whether or not the traffic problems should be solved first. Ms. Conkling said one advantage of allowing residential or hotel uses near commercial and employment is the potential for people to live closer to where they work, thus requiring fewer trips by auto. One element of the Eastgate vision is an integration of land uses for that very reason.

Mr. Inghram pointed out that the Factoria Village site is currently zoned Community Business, a zone that allows for all the activities listed in the proposed policy. The policy is consistent with the zoning in place, and there is no call for changing the zoning.

Commissioner Hamlin pointed out that the CAC was focused on both land use and

transportation. It looked very carefully at the impacts of traffic in the entire study area. The recommendations address both.

Commissioner Laing said his concern with the proposed policy is that it could be interpreted as laying the foundation for a rezone that would render nonconforming what is currently on the ground, something that is a huge problem for shopping center owners. With regard to the notion of incentive zoning, he said his experience as a land use attorney has been that it is a tool for mischief. He said if he were the shopping center owner he would just keep doing maintenance but would never redevelopment it because having to comply with all of the subarea and Comprehensive Plan policies would simply not be feasible. The level of prescription and detail to which the city has gone to essentially plan all of the properties into the future is concerning.

Mr. Inghram said policy S-FA-D2-1 seeks to capture what the CAC recommended for the area. Another policy question to be addressed is whether or not the land use incentive system should be used to encourage some of the things the CAC wanted to see happen.

With regard to policy S-FA-D2-2, Commissioner Laing said he would prefer much broader language that directs consideration be given to the development of a land use incentive system that would allow for the redevelopment of the Factoria Village portion of the subarea as a mixed use center. Mr. Inghram said language along those lines could be drafted.

Commissioner Hilhorst suggested the notion of a pedestrian-friendly activity node served by transit is already there. It is not clear what else needs to be added or changed. The area is well served by transit. Councilmember Stokes said there is a lot of frustration on the part of those who live in the area around wanting it to be better. Factoria has always been a sort of in-between area that is off the freeway. Roadway projects have improved things, but people still believe it could be made better. Commissioner Hilhorst agreed the area lacks a certain cohesiveness but suggested the city may not be able to change that given all the individual property owners.

Chair Tebelius said she likes the eclectic nature of Factoria. She voiced concern that the policy changes could make it all look like the downtown.

Commissioner Hamlin commented that the CAC spent the least amount of time discussing the Factoria subarea on the belief that it is the most established.

Mr. Inghram agreed to tweak the policy language to make it broader and a little more focused on the community retail aspect.

Commissioner Laing suggested the phrase "emphasize multimodal mobility" as used in the transportation section should appear in policies for all three of the subarea plans. He suggested that too many of the draft policies are focused on transit, pedestrians or cars rather than including all aspects of mobility, and proposed changing policies for all three subareas to focus on multimodal mobility. Ms. Conkling said the intent is not to change any existing policy that has nothing directly to do with the recommendations of the CAC.

Mr. Inghram said the policies that address areas within the Eastgate/I-90 study area boundaries could certainly be addressed by the Commission. Policies that are broadly construed as referring to an entire subarea, or areas outside the study area boundaries, have not had public engagement and should be avoided.

Turning to the Richards Valley subarea, Ms. Conkling said the portion addressed by the CAC involved only the light industrial valley between Eastgate Way and Kamber Road. The proposed changes include strengthening the existing policies on the protection and enhancement of the natural environment. The existing policy encourages commercial areas to develop with sensitivities to their surroundings, and while that goes in the right direction it could be strengthened consistent with the recommendation of the CAC to focus on enhancing the natural environment by reducing impervious surfaces, improving the functions of wetlands or streams, incorporating natural drainage features, retaining trees, and restoring vegetative corridors.

Chair Tebelius suggested the proposed language is an example of being too specific. She said she would rather see broader and less limiting language that would encompass any type of environmental enhancement that could be done, including the specific ones listed.

Councilmember Stokes suggested including "including but not limited to" ahead of the specific approaches. There was consensus to make that change.

Commissioner Laing commented that when development occurs, the city can have the developer mitigate impacts, but it cannot require a developer to restore or enhance. Councilmember Stokes pointed out that the proposed policy does not require, it only encourages. Commissioner Laing said the actions in the draft policy are all laudable but they should be spelled out as examples not specific actions to be taken.

With regard to policy S-RV-4, Ms. Conkling said the existing policy says auto sales, auto rental and auto leasing uses are not appropriate on parcels in the light industrial district. She said the proposed revision shortens the language and makes it more direct in stating that the uses are not allowed. There was agreement to substitute "prohibit" for "do not allow."

Ms. Conkling said one of the major changes suggested by the CAC was to allow office uses in the area along Eastgate Way where the Humane Society is located. She said she met with the CEO and CFO of the Humane Society to talk about their plans for the property. Their suggestion was not to change the plans for their property at this time. However, they indicated they would like to see the King County site adjacent to them develop. Policy S-RV-LU-1 would allow for continuing the pattern of office use along Eastgate Way with some retail, service and restaurant uses mixed in the Richards Valley OLB area.

Chair Tebelius asked if there is anything currently that prohibits retail, services and restaurant uses along Eastgate Way. Ms. Conkling said there currently are no policies to support an office development there. Mr. Inghram said the current zoning is Light Industrial and the CAC supports changing it to Office Limited Business. The minimalist tactic would be to change the map and not include any policy language. Chair Tebelius said she would prefer that approach.

Commissioner Hamlin pointed out that the CAC, which was made up of local residents and interests, came up with the idea that the site would be a good place for office development.

Mr. Inghram added that the current Office Limited Business zone is fairly restrictive about retail services and restaurants.

Commissioner Hilhorst asked if the CAC realized the Richards Valley holds some of the last light industrial land in the entire city. Commissioner Hamlin said the group absolutely was

aware of that fact. The issue received a great deal of discussion. The King County site is very accessible and is served by a road that can handle the traffic. The site is large and it can handle a large building. He agreed the desire of the CAC could be achieved by simply changing the map and not adding policy language.

There was consensus to include policy S-RV-LU-1 but revise it to simply call for the continuation of office uses along Eastgate Way without including references to retail, services and restaurant uses.

There was agreement to take up the Eastgate/I-90 subarea plan amendments discussion at a subsequent meeting.

****BREAK****

D. Camp and Conference Center Code Amendments

Principal Planner Mike Bergstrom stressed that while the camp and conference center code amendment was inspired by Sambica, a camp and conference center on the shore of Lake Sammamish, it is not specific to Sambica. In 2008 Sambica applied for a Comprehensive Plan amendment to help them plan for the future of their six-and-a-half-acre site. In 2009 the Council adopted an amendment that set policies in place in the Newcastle area, and they adopted a Camp and Conference Center land use designation with Sambica in mind.

The current work, which began in 2010, is focused on developing a corresponding land use district. By late 2011 a number of other issues took priority, and because there was not a lot of pressure to complete the work the issue was waylaid. Once the Commission gives the okay to proceed to public hearing, there will still need to be a courtesy public hearing before the East Bellevue Community Council, the Commission will need to develop and forward a recommendation to the Council, the Council will need to act on it, then the Council's action will be made the focus of a public hearing before the East Bellevue Community Council. While the Sambica property is not in the jurisdiction of the East Bellevue Community Council, the code chapter will be applicable citywide. Once adopted, Sambica can come to the city seeking a rezone of their site to Camp and Conference Center.

Mr. Bergstrom said there were certain principles that guided the original work on the Comprehensive Plan amendment and the current draft is true to them. It seeks to: distinguish a mix of existing and anticipated land uses; assure a predominantly non-commercial character; provide predictability in the development processes; and maintain compatibility with surrounding neighborhoods. The amendment identifies types of uses and their relationships to each other; adapts existing Land Use Code processes, including master development plan and design review; sets new standards for reviewing the master planning over time; establishes dimensional, landscape and other site development standards specific to the district; and provides some building and site design guidelines. The code covers applicability; the requirement for a master development plan; design review; the permitted, subordinate and conditional uses within the district; and other development standards pertaining to signage, trip generation, measurements, parking and noise.

The Commission's last study session on the topic was held in September 2011. Mr. Bergstrom informed the Commission that he had taken that document and reorganized and simplified it, added some clarifications, and tied the new district to some additional conformance amendments

that are elsewhere in the code. One of the big concerns the Commission had previously outlined was that restaurants were identified as a permitted use. Mr. Bergstrom noted that that item had been removed from the list, though dining for camp attendees is still permitted. Flexibility was added relative to parking location, and the design guidelines language that had to do with acceptable pavement surface materials was removed. Clarification was made regarding the weather protection design guidelines.

Mr. Bergstrom reviewed with the Commissioners the uses in the Camp and Conference Center district. He noted that the subordinate uses would be allowed only in association with the permitted uses. With regard to miscellaneous retail trade subordinate use, he said there is language in the amendment that allows for up to 10,000 total square feet with no one retail activity having more than 5000 square feet.

Mr. Bergstrom stressed that establishment of the Camp and Conference Center district will not result in automatically applying it to any site. Property owners would have to apply for it. The only site that currently has the Comprehensive Plan basis is Sambica.

Commissioner Laing asked the proposed amendment as revised has been shared with the folks from Sambica and if they have commented on it. Mr. Bergstrom said it has been shared with them and they are on board with the changes.

Answering a question asked by Commissioner deVadoss, Mr. Bergstrom said the amendment is intended to allow the camp and conference center use in settings where the uses are contained and in conjunction with a process to deal with a lot of independent components while protecting the surrounding neighborhoods. Anyone wanting the designation would not need to have all of the listed uses. While it is true the code language has been predicated on accommodating Sambica, it has not been written to be specific to Sambica. The amendment creates a category into which the camp and conference center use fits, and it is applicable citywide.

Commissioner Hamlin said the problems Sambica has been facing stem primarily from the fact that they have multiple pieces of property. Every attempt to do something to their buildings has run up against the bounds placed on the individual properties. By creating the Camp and Conference Center district, they will be given greater flexibility through a master plan to be able to work around those previous restrictions. Mr. Inghram said it will add predictability for both Sambica and the public.

Chair Tebelius said it was her understanding the camp has a retail store. Mr. Inghram allowed that there is a store at the camp. He noted that the Sambica site includes land in three different zoning categories: Neighborhood Business, Multifamily and Single Family. The proposed Camp and Conference Center acknowledges all those types of uses under a single umbrella, including retail. Chair Tebelius said she was not concerned about having a retail use at the camp provided it is not the driving reason why people visit the site. Mr. Bergstrom said the limits placed on retail in the code language will keep that from happening.

Chair Tebelius invited Matt Wimmer, Sambica executive director, to address the Commission. Mr. Wimmer explained that the Sambica store is a camp store that sells candy and knickknacks to the campers. There used to be a bookstore but it was destroyed by arson several years ago. Sambica provides children with a foundation for living successful lives and has been operating at the same location for 95 years. Remarkable things happen at the camp as the kids learn confidence by facing new experiences and challenges. He said city staff has been very good to

work with. The desire of Sambica is to improve its existing facilities so it can continue operating. The camp's future plans are completely focused on children in the community. While the camp historically has operated in the summer, the demand for faith-based programming year round continues to grow.

There was consensus to move the amendment forward to public hearing.

E. Clean-up Code Amendments

Mr. Bergstrom explained that the proposed amendments affect a wide range of provisions in the Land Use Code. Clean-up work is routinely needed as part of keeping the codes up to date and in accord with state law. The work involves citation, cross reference and footnote inaccuracies, as well as clarifications for the convenience of the users. There are also identified gaps that the code does not address around which interim means have been put in use and which need to be codified.

With regard to the proposed revision to Section 20.20.010, Note 44, Commissioner Laing noted that the 30-foot height limit would only apply to a building for single family use and asked what other kinds of uses might be in a single family residential district, and why other types of uses should be allowed to exceed the height limit. Mr. Inghram said both churches and schools are allowed in single family districts through conditional use. Commissioner Laing said he would be more willing to support a change that would require conditional use for any non-single family residential use in a single family district. Mr. Inghram said the section refers to the dimensional requirements chart that establishes a height limit of 30 feet. Note 44 provides additional code language specific to single family homes. The definition was added as part of the neighborhood character amendment, but the proposed change is focused on how the height is measured, not on the allowed height. Where previously buildings were measured from average finished grade, the new approach measures from average existing grade. People were taking advantage of the code by first building up their sites and then measuring the building height from the new grade.

Answering a question asked by Commissioner Laing regarding Section 20.20.125, accessory structures in residential districts, detached, Mr. Bergstrom said the International Residential Code treats all structures on a single lot as a single structure. The change brings the city's code into consistency with that approach.

Chair Tebelius asked what the impetus was for the change to Section 20.20.130E, veterinary services. Mr. Bergstrom said city staff checked with King County staff to see if the provision was a holdover from what was inherited from them, but no one was able to identify the source of the provision, so the decision was made to delete it.

Mr. Bergstrom explained that Section 20.20.520.K, maintenance of plants, clarifies the maintenance standards. He said the current Land Use Code is not clear about how streetscape landscaping is to be maintained. The onus is on the property owners to maintain the landscaping along the street in front of their properties, but to what standard has remained unclear. The city has applied its environmental best management practices and design standards, but no one really knows about them. The focus is primarily on commercial properties.

Answering a question asked by Commissioner Laing, Mr. Bergstrom said the proposed change stems from the discussion the Commission and the Council had regarding a request for a Comprehensive Plan amendment in the Factoria subarea regarding an office building on a

property that is surrounded by the high school. The high school site is zoned for residential, and the question was whether or not an adjacent office use should be required to put in transition area buffering when in fact there is no residential use adjoining it. The transition area requirements are focused on protecting single family uses. The proposed revision removes the requirement for those situations.

Mr. Bergstrom explained that Section 20.50.020 F, definitions, comments 56 and 57, have to do with floor area ratio. He explained the city has had a definition on the books for a long time that works very well in reviewing downtown towers, but which does not work well for single family structures. Over time staff has developed a working definition used in reviewing single family, but the public coming in wanting to design something cannot easily find the definition used. The proposed language is the definition staff has been using.

Commissioner Laing questioned the reference to high-volume spaces 16 feet or greater in height being counted twice. Mr. Inghram explained that when the neighborhood character code amendments were worked on, there were concerns expressed about the overall size of homes. One of the elements added was a requirement that where the square footage of the house is more than half the size of the lot, an additional permitting process is required. Where there is a two-story-tall space, if it is only counted as a single story, the bulk of the house is not being fairly captured.

Commissioner Laing said his home has a flat roof and a space inside that is 16 feet. It makes no sense from a land use perspective to count the house double for a bulk and scale calculation just because of the 16-foot ceiling, especially given that with the flat roof the house is actually half the height of the normal house that is 30 feet to the roof peak. A simple box 18 feet height would have less bulk and mass than most peaked-roof homes. Mr. Bergstrom said each floor in a house that is 30 feet tall with interior eight-foot floors is being counted, so the FAR count is tripled. In the case of a box with an interior of 16 feet, or even 20 or 30 feet from floor to ceiling, is only counted twice. Mr. Inghram reiterated that the approach simply lays out a way to calculate the volume of a structure, and to require houses with square footage greater than half the lot square footage to go through an additional review. The large homes are not disallowed, they just ~~must~~ undergo ~~some~~ additional review. He allowed that the 16-foot requirement could be increased to 18 feet.

There was agreement to pull out the issue for additional discussion.

Mr. Bergstrom explained that 20.50.030 K, definitions, involves a definition of kitchen that does not currently exist. The code allows single family dwellings to contain a single kitchen, but no definition is included to say just what a kitchen is. As a result developers and property owners have put in all sorts of things, possibly to make homes more rentable to many people. There was a time where the city required a single family use agreement where more than one kitchen was desired. In time the city concluded that only one kitchen should be allowed regardless. The proposed language is the language that was in the single family use agreement.

Commissioner Hilhorst said she was not sure the proposed language would go far enough in controlling the single family room rental issue. Mr. Bergstrom said the language does not address how many kitchens are allowed in a single family house, it only serves to define what a kitchen is.

Mr. Inghram cautioned against using the term "high voltage." He said while the intent may be

clear, the term actually refers to voltage carried by high-power lines.

There was consensus to pull out the issue for additional discussion by the Commission. There was also agreement to move the package forward to public hearing.

8. COMMITTEE REPORTS

A. Downtown Livability

Commissioner Laing said the intent of the Committee is to wrap up its work on June 18. The transmittal will be forwarded to the Council and will eventually end up on the Commission's plate.

9. OTHER BUSINESS - None

10. PUBLIC COMMENT

Ms. Patsy Merck, 14824 SE 18th Place, said she understands the need for low-income housing. She urged the Commission to be aware of the impacts it has on the schools, particularly grade schools.

Mr. Ron Merck, 14824 SE 18th Place, said single family homes are being built under the single family zoning with the intent of obtaining from DSHS a license to operate as an adult family home. If the license is not ultimately issued, however, the result is a ten-bedroom home in a single family neighborhood. He said he recently was informed that two of the adult family homes he knows of, including the one in Tam O'Shanter, has been converted back to a single family home. Another one in the Lake Hills area does not show any activity as an adult family home. The impacts to the local residents should be considered when people apply for an adult family home license in a single family area. The homes should especially not be allowed if they have only a one-car garage and driveway.

11. DRAFT MINUTES REVIEW

A. April 23, 2014

A motion to approve the minutes was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and the motion carried without dissent. Commissioner Hamlin abstained from voting.

12. NEXT PLANNING COMMISSION MEETING

A. June 25

13. ADJOURN

A motion to adjourn was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

Chair Tebelius adjourned the meeting at 10:30 p.m.