

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

September 1, 2004
7:00 p.m.

Bellevue City Hall
City Council Conference Room

COMMISSIONERS PRESENT: Chair Lynde, Vice-Chair Bonincontri, Commissioners Bach, Mathews, Orrico, Robertson

COMMISSIONERS ABSENT: Commissioner Maggi

STAFF PRESENT: Kathleen Burgess, Steve Cohn, Nicholas Matz, Kevin McDonald, Mary Kate Berens, Emil King, Department of Planning and Community Development

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:06 p.m. by Chair Lynde who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Maggi who was excused.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS

Planning Manager Kathleen Burgess informed the Commissioners that a Downtown design charrette is planned for September 17 and 18. The goal is to take the Downtown plan to the next level by focusing on neighborhood character and signature streets. Over 50 local architects, urban designers and landscape architects have been invited to attend and assist in the charrette. The results of the charrette will be the subject of a public process that will involve the Planning Commission in 2005.

5. PUBLIC COMMENT

Mr. Emmett Soffey, 158th Place SE, said residents of Lake Hills have recently been made aware of the fact that an adult family home facility has decided to expand its operation by enlarging the square footage of the existing structure. The neighbors were shocked to find out how large and tall the structure is going to be. After obtaining copies of the architectural plans for the renovation, several inconsistencies were uncovered that warrant further inspection. The proposed square footage of 2880 square feet, or 40 percent of the lot size, by all appearances complies with the applicable zoning regulations. However, the actual size is 3380 square feet, some 500 square feet larger than permitted by code. Once made aware of the miscalculation, staff in the land use division agreed to issue a stop work order. There are a large number of adult family homes operating in Lake Hills, and several have recently undergone renovations that have

resulted in structures that dominate the skyline and take up large portions of the lots they sit on. In most cases the homes overwhelm all adjacent houses and have windows that look down on adjacent back yards; the loss in privacy and property value cannot be fully calculated. A number of the facilities appear to be out of compliance with the code. The operations are lucrative, commercial ventures operating in residential zones to the total disregard of the neighbors being affected. The residents of Bellevue need some form of protection from unscrupulous, inconsiderate and profit-driven adult family home operators. The Commission is currently considering proposals that will apply to all residential units in Bellevue, some of which will serve to mitigate the affects of large adult family home facilities; the proposals should be incorporated into code as soon as possible. He said the home adjacent to his property is in the process of scaling back its renovation size, but in the end it will still be the equivalent of a ten-bedroom hotel.

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

7. STUDY SESSION

A. 2004 Update to the Comprehensive Plan

Ms. Burgess worked through the list of proposed wording changes that were included in the packet. She noted that the proposed revision to the language of Policy LU-10 in the Land Use Element was offered to reduce the level of jargon; the change is not substantive. She also noted that the change to the Housing Element language was made to correct information; previously owner-occupied houses and condominiums were not included in the first sentence of the third paragraph of the discussion section under the affordable housing goal. The revision to Policy TR-12 in the Transportation Element was made to make the policy read better; the change is not substantive.

Ms. Burgess allowed that the change to Policy TR-118 is more substantive in nature. She suggested that “mitigate” is a more appropriate word than “minimize” when it comes to addressing significant environmental impacts.

With regard to the reference in the Economic Development Element, Ms. Burgess said the proposed wording change is intended to mesh with the information set forth in the Housing Element with regard to condominiums.

Commissioner Orrico asked for clarification regarding the parking issue in the Downtown subarea plan. Senior Planner Emil King explained that the existing Comprehensive Plan lists density, height and parking as potential bonus incentives. However, bonuses are not given for parking in the Downtown, so the proposal is to remove parking from the list of bonus incentives. He added that in 2005 the whole downtown zoning code will be opened; at that time all of the different amenities the city wants to encourage will be reviewed. It is possible that certain kinds of parking will be added to the list during that review.

Ms. Burgess noted that a number of Land Use Code amendments will flow from the Comprehensive Plan update. Staff is currently working on the critical areas regulations and amendments having to do with minimum density, and both of those amendments will be taken up during 2004. She noted that though the memo to the Commission asks the Commission to recommend initiation of the Land Use Code Amendment, staff believes the process should be somewhat less formal. The Commissioners were asked to look over the proposed amendments and indicate in the transmittal memo which ones will be worked on in 2004 and 2005.

Commissioner Robertson observed that the list of amendments does not include criteria for approval of conditional use permits, administrative conditional use permits, rezones, and Comprehensive Plan amendments. Ms. Burgess said those could be added in, noting that it was by oversight that they were not included on the list.

Ms. Burgess said a few changes will be recommended by staff, including having a less formal request for initiating a Land Use Code Amendment. She also noted that the draft transmittal does not fully recognize all of the other Commissions that participated in the update process; she distributed a revised transmittal that included recognition of the work done by other commissions.

With regard to Policy HO-3, Ms. Burgess said staff have been considering how it is to be implemented in a clear and predictable manner and have come up with an approach that more directly addresses the compatibility issues associated with mega houses. The approach focuses on examining the standards in the Land Use Code and other development regulations and revising those that have the most impact on compatibility. Several of the issues will be addressed in Land Use Code amendments that are under way, including paving yards and covering lots with impervious surfaces; lot combinations; closing loopholes in the short plat process relative to tree retention; tree retention in Bridle Trails; building height and the point from which it is measured; and setbacks, especially those for side yards and flag lots.

Ms. Burgess said the recommendation of staff is to rewrite Policy HO-3 to read “Refine Land Use Code standards to improve the compatibility of single family infill development with the neighborhood.”

Commissioner Bach asked how adult family homes are regulated. Ms. Burgess said they are regulated as single family homes under the Land Use Code. The rules allowing up to six unrelated persons in addition to family members to live in such homes is established by state law. Commissioner Bach allowed that office structures have required setbacks. While that may not be desirable for single family homes, there could be some way to measure the overall bulk or surface area of the sides of the structures. Ms. Burgess agreed that there are a number of different approaches that could be taken, such as limiting the lot coverage utilizing an FAR approach. Over the last four years the FAR for single family homes has been mapped and it was found that the ratios are quite low; really big houses are often on large lots.

Commissioner Matthews indicated support for approaching the issue via controls on setbacks and building height. Having large structures more than five feet away from the lot lines will definitely help reduce the impacts. Ms. Burgess clarified that under the staff proposal the increased side yard setbacks would apply only in the larger zones, such as R-1 and R-1.8. There is no proposal to extend the side yard setbacks for the denser zones, such as R-4 and R-5, because that would make many homes nonconforming.

Commissioner Robertson suggested researching what other cities have done to address the issue. She noted specifically Medina and the Municipal Research Service Center.

Commissioner Bonincontri agreed with the need to investigate increased setbacks and possibly setbacks above a certain height to reduce the overall impacts of mega houses.

Commissioner Matthews pointed out that in the R-1 and R-1.8 zones the average size of the homes are quite large. If someone were to construct a mega house in one of those zones, the overall impact on neighboring properties would not be as great as it would be in the denser zones

where the average home is smaller.

Chair Lynde referred to Page 64 of the draft Comprehensive Plan and noted that the second sentence is long and repetitive; grammatically it would be better to rewrite it.

Answering a question asked by Chair Lynde, Ms. Burgess said Policy S-DT-97 came out of the Downtown plan. Mr. King suggested keeping Policy S-DT-94 separate from Policy S-DT-97 because it is not known what locations will be available between 108th and Bellevue Way for mini parks over time.

Ms. Burgess informed the Commissioners that four study sessions are scheduled before the City Council; the first is on September 13. Chair Lynde will be at the table along with staff, and the Commission transmittal memo and staff memo will both be presented to the Council. All of the Commissioners were encouraged to attend.

Turning to the revised Commission transmittal memo dated September 1st, Chair Lynde requested that the discussion of modifying the CAC's recommendation clarify that the Commission did so, based on staff's recommendation. The Commissioners concurred with the other revisions made to the transmittal memo and added the Land Use Code decision criteria to the list on page 10.

Commissioner Robertson proposed replacing the word "numerous" in the first paragraph on page 13 with the exact number of Planning Commission meetings held.

Motion to recommend to the City Council approval of the September 1, 2004 Commission-recommended update to the Comprehensive Plan, as amended, to meet the requirements of the state Growth Management Act (RCW 36.70A.130) was made by Commissioner Orrico. Second was by Commissioner Bach and the motion carried unanimously.

B. Land Use Code Amendment

Ms. Berens said staff hopes to have a large number of Land Use Code amendments in front of the Council at the time it acts on the Comprehensive Plan Update, including the amendments required to implement the work of the Downtown Implementation Plan CAC. The early implementation concepts will be worked on in 2004; the longer term matters will be tackled over time.

Ms. Berens noted that the memo beginning on page 27 of the Commission packet outlines the issues to be taken up in 2004, beginning with removing references to "focus areas." The Comprehensive Plan no longer has the old "bubble" focus areas so all references to them in the Land Use Code need to be removed. The second amendment will focus on some of the requirements and provisions for mid-block connections, particularly for auto and loading activities. The third amendment represents code clarifications, first to make sure "setback" and "stepback" are used appropriately in the code, and second to clarify the building/sidewalk relationship guidelines for all unclassified streets.

The fourth amendment will make changes to the landscaping requirements to move the emphasis from tree grates to landscaped strips for auto-biased streets; modify the dimensional standards for street frontage landscaping; and make any necessary adjustments based on the Downtown Implementation Plan.

The fifth amendment will eliminate the compact parking allowances. Ms. Berens explained that

compact stalls are just too small to be workable for the bulk of the cars on the street. Jurisdictions all over the country are phasing out compact stalls, and developers are recognizing that their customers do not like them because they are difficult to get in and out of.

The sixth amendment is focused on hotel height and FAR in Old Bellevue. The dimensional standards for the Downtown regulate height and FAR for projects based on whether they are residential or non-residential. Depending on the land use district, height and FAR can vary; residential projects in DT-R can be much larger than non-residential projects. For most purposes, hotels are categorized as non-residential. In essence, the existing regulations mean hotel uses in Old Bellevue simply will not happen. Staff believes it would be appropriate to treat hotels and motels in Old Bellevue as residential uses.

Ms. Berens said the seventh amendment has to do with midblock pedestrian connections outside the core area of the Downtown, and the eighth amendment would prohibit the long-term use of chain link fences in the Downtown. The final amendment relates to the Major Public Open Space, the amount of density that can be earned, and how and when it can be transferred.

Chair Lynde asked about how the proposed change to planting strips rather than tree grates on auto-bias streets would affect maintenance costs.

Commissioner Bach asked how motorcycle parking is accommodated in Downtown.

Ms. Berens said she would return on September 15 with responses to those questions and with a draft ordinance for review.

C. Land Use Code Amendment

Ms. Berens explained that the International Building Code was recently adopted by the state as the state building code, replacing the old Uniform Building Code. It became effective on July 1. The City Council adopted the new code and all necessary amendments in June 2004. There are still, however, some references in the Land Use Code to the Uniform Building Code that need to be updated. None of the necessary changes are substantive in nature.

Ms. Berens said she would return on September 15 with a draft ordinance for review.

8. OLD BUSINESS – None

9. NEW BUSINESS

The Commission requested that staff respond to Mr. Soffey's letter in writing.

Ms. Burgess announced that the Planning Commission now has its own email address: planningcommission@ci.bellevue.wa.us. The new address will be prominently posted on the Planning Commission web page.

The Commissioners were informed that Kim McCool has accepted a position with the Council office coordinating their activities. A replacement for Ms. McCool will have to be hired.

10. PUBLIC COMMENT – None

11. ADJOURNMENT

Chair Lynde adjourned the meeting at 8:47 p.m.

Secretary to the Planning Commission

Date

Chair of the Planning Commission

Date