

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
MEETING MINUTES

September 15, 2004  
7:00 p.m.

Bellevue City Hall  
City Council Conference Room

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

COMMISSIONERS ABSENT: Chair Lynde

STAFF PRESENT: Nicholas Matz, Mary Kate Berens, Cheryl Kuhn, Department of Planning and Community Development

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Commissioner Bonincontri who presided.

2. ROLL CALL

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

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS – None

5. PUBLIC COMMENT – None

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

7. STUDY SESSION

- A. Land Use Code Amendment  
– Land Use Code Decision Criteria

Legal Planner Mary Kate Berens explained that as part of the Comprehensive Plan update, Policy CP-5 was recommended for deletion because there was some confusion with regard to whether the eight factors contained in the policy were to be considered along with the existing decision criteria in the Land Use Code. The direction of the Commission at that time was to bring back for additional review the existing criteria housed in the Land Use Code. Ms. Berens noted that the staff memo outlines how each of the eight factors are addressed in the decision criteria for Comprehensive Plan amendments, rezones, Conditional Use permits, Administrative Conditional Use permits, and Planned Unit Developments.

Ms. Berens said the recommendation of staff is to refine the decision criteria for Comprehensive Plan amendment decisions to look at the issue of the need for the proposed use and the amount of land available for it. Those two factors from CP-5 are not directly addressed in the Comprehensive Plan amendment stage, which is the level at which determinations are made relative to what zone applies to a particular area. The rezone decision criteria should also be refined to pull in the need and amount of land zoned for the use, but only where there is a Comprehensive Plan designation that has multiple zones within it. In all other respects, staff believes the existing decision criteria adequately address the factors spelled out in CP-5.

Commissioner Robertson suggested it would be helpful to have a matrix developed with the eight criteria across the top and an indication of which is used in considering for each type of decision.

Ms. Berens said staff is not recommending including factor 8, the projected population density in the area, in any of the decision criteria. The criteria is of very limited purpose in determining what zoning is appropriate or what uses are allowed in a zone. Factors 3 and 7, the need for the proposed use and the amount of land zoned for that use, are related to the issue of need and are to some degree addressed currently at the Comprehensive Plan and rezone stages; the factors should be refined to be clear. Need is addressed in the Land Use Code use charts as well when the charts are amended to include particular uses; that is the level of decision making in which the need for a particular use, and the amount of land zoned for that use, should be made. Once the determination is made that the zoning on a particular property is appropriate, and the Land Use Code use charts have been developed, there is no need to go back on a site-by-site basis to determine if a particular use from the use chart is needed for the particular site. Factors 1, 2, 4, 5 and 6 are the more site-specific criteria, and they are all addressed in the site-specific permits, such as Conditional Use, Administrative Conditional Use, and Planned Unit Development.

Commissioner Robertson held that factors 3 and 7 should be addressed. The first Conditional Use Permit criteria is consistency with the Comprehensive Plan. At the Sunset Village hearing, the position of staff was that uses considered for a Conditional Use Permit are automatically considered to be consistent. If that is the case, however, there would be no reason to have a criteria calling for a conditional use to be consistent with the Comprehensive Plan. There is no need to allow a particular property a conditional use in order to site a particular use if the particular use is allowed outright on many other properties. Some of the factors, including 3 and 7, should be in the Comprehensive Plan amendment and rezone processes as well as the Conditional Use Permit and Administrative Conditional Use Permit processes. Commissioner Robertson said she would also like to see included the compatibility and benefit criteria as they apply to the neighborhoods.

Ms. Berens said the opinion of staff is that it would be very difficult to address at the individual permitting phase a review and analysis of the need and amount of land zoned for a use. For one thing, there are no criteria for determining the need for a particular use. Commissioner Robertson argued that the applicant must present data showing the need, not staff. Ms. Berens countered that staff is obligated to give the applicant something to respond to; the applicant must be told what is meant by "need" and how a need can be demonstrated. What is meant by "need" is not articulated in the Land Use Code.

Commissioner Maggi said she could envision a situation in which a developer steps forward with a proposal to locate a particular use on a site, and the neighborhood steps forward saying they do not need the use. Absent clear direction in the Land Use Code, their argument would carry. Ms. Berens agreed. She pointed out that churches are allowed under a Conditional Use Permit, yet it

would be very difficult for staff to say that a church is needed or not needed, or for an applicant seeking to build a church to definitively show a need for the facility on the particular site.

Commissioner Maggi agreed that the uses shown on the use charts for particular zones establish uses that are appropriate for specific areas. Property owners have a right to develop their properties within the confines of the allowed uses. There is, in addition, opportunity allowed to condition uses in order to make them compatible with surrounding uses, and that is the premise of a Conditional Use Permit. At the time of the Conditional Use Permit process, the hurdle of what uses are appropriate has already been jumped. A use that is specifically included on the use charts should not be precluded just because a neighborhood comes forward saying they do not need the use.

Ms. Berens said the Planned Unit Development process is used only for residential projects and is a process by which the dimensional standards and setbacks can be varied. The decision criteria for Planned Unit Developments are all focused on mitigating impacts; the process does not get into the issue of uses. There is therefore no need to modify the Planned Unit Development decision criteria.

Commissioner Robertson asked to include an analysis of compatibility with or benefit to adjacent neighborhoods as a rezone criteria. She indicated she could support the staff recommendation provided factors 3 and 7 are addressed, and the compatibility issue is folded into the rezone criteria.

Commissioner Bach did not agree with adding the issue of compatibility and benefit to the rezone criteria. With such a criteria it could conceivably be possible to preclude all commercial activities in Bellevue as being incompatible with the neighborhoods. That is the approach taken by Medina. Neighborhoods should be protected, but not at the expense of other landowners.

Ms. Berens explained that under Bellevue's construct of Comprehensive Plan designations, a rezone differs from a Comprehensive Plan designation in very limited circumstances. In nearly every instance, the zoning and Comprehensive Plan designations are the same. Accordingly, the real decisions are made at the Comprehensive Plan stage, not at the rezone stage. If there is a decision to zone a particular site NB, there must first be a Comprehensive Plan amendment, after which the rezone will be done to exactly match the Comprehensive Plan. The rezone is only different from the Comprehensive Plan in certain residential designations where there are multiple zoning categories within each designation. Concerns focused on the broader issue of compatibility need to be addressed at the Comprehensive Plan level.

Commissioner Robertson disagreed that a conditional use is automatically compatible with the Comprehensive Plan. Senior Planner Nicholas Matz explained that the Comprehensive Plan often provides specific direction. For example, in the Crossroads area, multifamily housing might be conditionally permitted, but there is policy direction to prohibit it. Someone seeking a Conditional Use Permit could reach the conclusion that the Comprehensive Plan is inconsistent because of the policy direction; the argument is not always circular. Commissioner Robertson held that the analysis needs to be in place. At the very least the test for the amount of land available for a given use should be done.

Commissioner Maggi commented that the Comprehensive Plan is written with a great deal of community input. The use charts outline what specific uses are allowed in specific zones. The conditional use process is in place to deal with uses the community has agreed will fit in the neighborhood so long as they get an additional say to make them more compatible.

Commissioner Bonincontri agreed, adding that the conditional use process is not used to

determine whether a use is appropriate or not but rather to determine if additional landscaping or setback is needed in order to make the use fit better with the site or the neighborhood.

Commissioner Robertson reiterated her desire to see compatibility and benefit to the neighborhood added to the Conditional Use Permit section.

Commissioner Matthews disagreed. He said he would not want to add regulation that would further restrict the rights of an owner to use their property. While the process may not be perfect, it works more often than not at achieving a satisfactory result.

Staff was directed to come back with revisions to both the Comprehensive Plan amendment and rezone decision criteria related to factors 2, 3 and 7. Ms. Berens said the text revisions will be brought back to the Commission for review prior to setting a public hearing date.

## B. Neighborhood Investment Strategy

Neighborhood Outreach Manager Cheryl Kuhn allowed that the neighborhood outreach may be less familiar to Planning Commissioners than some other functions of the Department of Planning and Community Development. She explained that there is a six-member team, three of whom work full time. The team plans and coordinates the city's public involvement programs; designs publications and plans special events; informs citizens about city services and involvement opportunities; and manages most of the city's formal neighborhood programs. The team does not claim to have the answers for every situation, but tries to find ways to connect citizens with the services they need.

There was a period of about a dozen years during which innovations in neighborhood outreach were pushed. In 1988 the city launched two trend-setting programs, beginning with the Neighborhood Enhancement Program in which citizens participate in a process of identifying improvements for their neighborhood; since its inception, 234 neighborhood projects have been constructed. The program has been widely emulated and won an American Planning Association award. The second program initiated in 1988 was the Traffic Calming Program which involves citizens in identifying traffic issues and solutions.

Through the 1990s the city continued to improve its neighborhood outreach efforts. The citywide survey was developed and has over the years identified some very useful information. For one thing, the citizens indicated a desire for staff to personally visit the neighborhoods to see firsthand the concerns and issues, and to see more city services delivered from the neighborhoods. From that the Mini City Hall program was born. The Crossroads Mini City Hall was opened in 1994; it is a neighborhood service center that provides personalized information and services to residents of the Crossroads area. In 1995 the program won a National Civic League award for excellence in service delivery to diverse populations.

Ms. Kuhn said three programs were introduced in 1997 which were aimed at building communication with neighborhoods: the Neighbors in Partnership Program, which was focused on multifamily residents and which has since been phased out; the Neighborhood Network Program, which was a monthly networking opportunity for neighborhood leaders and which has also been phased out; and the Neighborhood Liaison Program, which is still going strong, spearheaded by an 11-member interdepartmental team that reports directly to the City Manager. The liaison program won a National Civic League award, and has been very popular with both residents and staff.

Two educational programs were introduced in 1998 and 1999. Bellevue Basics, a seven-week

program aimed at helping people to better understand the functions of city government and how to get involved, was offered for three years. The classes filled very quickly and there were waiting lists. The program was put on hold after three years and resources were focused on the Neighborhood Investment Strategy initiative. The other educational program is the Neighborhood Workshops which are conducted from time to time as needed on various topics.

The team produces a number of publications, including: the *Neighborhood Focus* section of *It's Your City* that is mailed out to all Bellevue households every other month; *It's Your Neighborhood*, a guide to neighborhood services, published biennially; a neighborhood newsletter mailed monthly to neighborhood leaders; and a number of ad hoc publications. An up-to-date database of neighborhood information is also kept. Additionally, the team plays a role in keeping city staff and leaders up to date on trends.

Ms. Kuhn said the city took a dramatic turn in 2001 when it introduced the Neighborhood Investment Strategy. The effort is focused on intensive neighborhood involvement and is aimed at the delivery of services to older neighborhoods. The program differs from other outreach programs in that it is focused on one neighborhood at a time and takes into account the full range of issues and needs of the neighborhood.

Commissioner Robertson asked how the schedule for rotating the Neighborhood Enhancement Program meshes with the schedule for rotating the Neighborhood Investment Strategy program. Ms. Kuhn said there is no rotation schedule for the Neighborhood Investment Strategy program.

With regard to the West Lake Hills Neighborhood Investment Strategy study, Ms. Kuhn said more than 500 citizens were actively involved, and some 4000 households were affected. The effort was focused on identifying the unique character needs and assets of the area. A 22-member Citizen Advisory Committee worked to pull together the citizen comments and develop a list of 109 recommendations. Their report was presented to the City Council in May 2002 in which the top five issues were: 1) preservation of local shopping centers; 2) improvements in safety and appearance of arterial roadways; 3) preservation and enhancement of the outstanding parks in the area; 4) improvement of the overall neighborhood appearance; and 5) building a stronger sense of community in the area. The projects were divided into those that can be addressed within a year or so, and those that will need to be addressed prior to 2007.

Since their inception, most neighborhood programs have been distributed around the city in an attempt to treat all neighborhoods equally. Ms. Kuhn explained, however, that the Neighborhood Investment Strategy takes a different tack in that it focuses resources on the areas of greatest need, and that presents the challenge that controversies could arise between neighborhoods. Another challenge is keeping programs like Neighborhood Enhancement fresh and appealing from year to year as it rotates around the city, and yet another challenge is selling the idea of change when changes should be made.

Keeping residents involved is a very large challenge, especially when it comes to multifamily housing. The city has been struggling for years to get the residents of multifamily developments involved, but the successes have been limited. The sector is very important in that nearly half of all housing units in the city are multifamily units. The fact that over 25 percent of the city's population is foreign born also presents a challenge, particularly given that many have limited English skills.

Ms. Kuhn said in determining where the Neighborhood Investment Strategy program should be taken next, a series of potential indicators of concern for older neighborhoods were developed. The focus of the program will continue to be on preserving neighborhood character and quality,

but the emphasis will likely shift to reinvestment.

The Commissioners were informed that staff recently conducted a focus group for residents of East Bellevue. Some 16 local residents participated and were shown the indicators of concern data. They were asked to comment on concerns they have with their neighborhood, and one of the things they indicated was that residents of East Bellevue feel vulnerable with regard to the future. One concern is the future of the local shopping centers, something that is seen as an indicator of neighborhood vitality. The participants said they would welcome having the city take a look at property maintenance issues and conversions of owner-occupied homes to rental properties, and homes to group homes.

The neighborhoods of East Bellevue and Lake Hills still have some special challenges in spite of the efforts that have been undertaken by the city and the residents. It is a major challenge to attract families to neighborhoods that need to be improved. The area does have a number of strengths on which to build.

Ms. Kuhn said staff will be before the City Council on October 11 with some initial thoughts about specific proposals. One issue on the table is finding methods of stimulating private reinvestment in housing, including the possibility of establishing a mechanism for buying and rehabilitating properties. The city could also offer standard plans, develop a model home, or offer remodeling classes and expert advice.

8. APPROVAL OF MINUTES

A. August 4, 2004

Motion to approve the minutes as submitted was made by Commissioner Robertson. Second was by Commissioner Matthews and the motion carried without dissent. Commissioners Bach and Orrico abstained.

9. OLD BUSINESS – None

10. NEW BUSINESS – None

11. PETITIONS AND COMMUNICATIONS – None

12. ADJOURNMENT

Commissioner Bonincontri adjourned the meeting at 8:47 p.m.

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Secretary to the Planning Commission

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Date

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Chair to the Planning Commission

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Date