

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

April 7, 2004
7:00 p.m.

Bellevue City Hall
City Council Conference Room

COMMISSIONERS PRESENT: Chair Schiring, Commissioners Bonincontri, Maggi, Mathews, Robertson

COMMISSIONERS ABSENT: Commissioners Bach, Lynde

STAFF PRESENT: Kathleen Burgess, Nicholas Matz, Mary Pat Byrne, Art Sullivan, Steve Cohn, Department of Planning and Community Development

GUEST SPEAKERS: Robin Avni, Bellevue Arts Commission

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

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

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioners Bach and Lynde, both of whom were 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 COUNCIL, BOARDS AND COMMISSIONS - None

7. PUBLIC HEARING

- A. 2004 Annual Comprehensive Plan Amendment
– Docket and Site-Specific Geographic Scoping

Nicholas Matz, Senior Planner, explained that the purpose of the Docket is to provide a single point of reference for Comprehensive Plan amendments suggested for consideration during 2004. Once a decision is made with regard to whether or not the docketed items should be moved forward to the work program, each item will be studied on its merits and evaluated against the established criteria in the Comprehensive Plan.

Mr. Matz noted that there was only one privately submitted site-specific CPA for consideration this year. He allowed that the staff recommendation, based on the evaluation criteria, was to not expand the geographic scope and to not docket the amendment for further consideration. To find in favor of considering the suggestion, all of the evaluation criteria must be met. In the opinion of the staff, criterion "F" relating to changed circumstances, and "G" relating to consistency with current policy, have not been met, and thus the proposal does not warrant consideration.

The 4.3-acre site in the West Ravine area of the Newport Hills subarea is directly to the north of the Newport Hills park and ride lot. The proposal is to amend the map designation from Single Family-Urban Residential (SF-UR) to Light Industrial (LI). A concurrent rezone to LI has also been proposed.

Mr. Matz explained that the threshold for criterion "F" is whether or not circumstances affecting the development of the site under the current Comprehensive Plan designation have changed significantly in a manner unforeseen since the existing designation was last adopted. Staff has concluded that circumstances affecting development of this site under its current designation were foreseen and have been anticipated. Although noise and other environmental constraints impact the site, they are known considerations and the policies directing development of the West Ravine has accounted for the physical circumstances. The consistency necessary for applying criterion "G" echoes the policy of a specific approach to the West Ravine development, and the proposal is based on a very narrow focus to develop the specific site without taking into account the general context for Newport Hills.

Motion to open the public hearing was made by Commissioner Bonincontri. Second was by Commissioner Robertson and the motion carried unanimously.

Mr. Lloyd Novakowski, 12625 SE 62nd Street, Chair of Land Use for the Newport Hills Community Club, said the area in question has been a concern for the community for many years. There are currently quite a few wild animals in the area and nesting places for red tailed hawks and eagles. There has been slippage of the 40 percent slope quite recently, and there is standing water in the slippage area. When the park and ride lot was created, the Department of Transportation found that the hillside was unstable. There are three other properties in the vicinity of the subject property, running all the way to SE 60th Street, that are waiting in line to see the designation for their properties changed. If the one is changed, all will seek changes and the result will be a small industrial park in the middle of a residential neighborhood. The buyer should have used his head when he bought the property.

Mr. Shawn Garner, 5827 429th Avenue SE, president of the Newport Hills Community Club, submitted a written copy of his statement. He informed the Commission that the Community Club has discussed the proposal and taken a stand against it. He urged the Commission not to consider the matter further. The Newport Hills subarea plan envisions the properties adjacent to the park and ride lot as appropriate for high-density multifamily residential, provided the landslide potential on the steep slopes can be properly engineered. The proposal for LI offers significant concerns with regard to runoff and hillside stability. A significant sinkhole has developed on the hill on the site; it is eight feet wide and four feet deep. Natural slippage will continue to erode the area, and any seismic action will potentially escalate the process. The woods and wetlands provide habitat for a number of species. Preparing the hillside for stability would significantly endanger the habitat. The proposed rezoning does not fit with the overall geographic scope established by the city.

Mr. Mark Wolf, 66 Skagit Key in Newport Shores, said he purchased the subject property in 1998 along with a partner. To date over \$1 million has been invested in the site. The original anticipation was to build an office building on the site, but three years ago the city rejected that idea. It is not a question of whether or not something will be built on the site: something will in fact be built there, the question is what should be built there. Since the property was last considered by the Comprehensive Plan, the circumstances have changed dramatically. The site, with its current zoning which allows for 24 residential units, was put up for sale, but there were no takers. A church was interested in the site but chose to purchase a property somewhere else. A storage facility will have virtually no impact on the residents of the area, and noise from the freeway will not be a deterrent. The proposal is to construct the finest storage facility anywhere. Nothing will be built on the slopes, and there will be no impacts on the neighbors up above. The economics of the site have clearly changed: housing is not appropriate, primarily because of the large amount of freeway noise which reaches 80 decibels in places. Under city code, normal residential developments are restricted to 65 decibels; to build housing would require substantial noise reduction construction. The Department of Housing and Urban Development will not provide any financing for any site with noise levels exceeding 75 decibels. There is no question that soil studies were not conducted at the time the site was last zoned, and there is no question that the site has soils issues. The property owner, however, is under no obligation to mitigate the water runoff and soil problems the neighboring properties are experiencing. Much of the runoff is in fact coming from the neighboring properties through French drains onto the subject property, creating slippage issues. There is a clear demand in the area and in the neighborhood for storage facilities.

Mr. Ron Parker, a principal with Associated Earth Sciences and a consultant for the applicant, said he has completed 12 exploration holes on the subject property and has developed a cross section of the property. There have been landslides on the property and there are water problems. The site is underlain by dense glacially consolidated clays. On top of the clay near the top of the slope is advance outwash which are also glacial sediments. Water infiltrates through the advance outwash to the clay then migrates toward the slope, a process that can trigger sloughing and landslides. Uncontrolled drainage from the top of the slope, which could be from adjacent properties and misdirected onto the subject property, can also impact the stability of the slope. The engineering solution will be to put in soldier pile walls prior to making any cuts in the property. Such walls are very commonly used in the Puget Sound area. All drainage behind the wall, on the project and upslope from the project will need to be controlled. All of that can be done successfully, and the site can be safely developed.

Mr. Leon Goodman, 4925 116th Place SE, said he lives directly above the subject property. He said two-thirds of his yard has slipped over time and had to be rebuilt with tons of rock and many shrubs and trees. The concerns of the neighboring property owners is that any work done at the base of the hill will affect the stability of the slope. To the south are prime examples of what can happen if the slope is cut into for construction; the result there was the condemning of the homes at the top of the hill. There are many additional examples around the Puget Sound area. When Newport Hills was brought into the city of Bellevue the City Council promised to keep commercial buildings in similar areas, and the promise should be kept. Light Industrial uses do not belong in or adjacent to a residential area.

Mr. Henry Smilowicz, 4945 116th Place SE, said through the 1980s the property in question was owned by a company called Investco, a development firm. They had big plans for the site and were successful in getting the County Council to upzone the site, but not enough to make their project economically feasible. The property was sold in 1990 to Mr. Shulman who purchased it for \$100,000, a very low price. Mr. Shulman spent most of the 1990s seeking an upzone for the

property so it would be economically feasible to develop; an upzone was granted, but again not enough to pencil out for the project he had in mind. The property was sold to Mr. Wolf and his partner in 2000, and the sales price was \$250,000, still a bargain. Now Mr. Wolf is seeking an upzone to make his project pencil out. Over the years the zoning has changed from single family to multifamily, and there was a request for an office zoning, and now there is a request for Light Industrial. The site needs to be considered in light of the overall community and the goals established for the area and the city. The neighbors do not want a storage unit facility located adjacent to them. The proposal is simply not in keeping with the vision of the city. There are a lot of reasons to say no to the request.

Mr. Bill McIntosh, 4915 116th Place SE, said there is a difference between science and engineering. The job of the engineer is to make things happen and do the best job they can; when they make a mistake, it is out there for everyone to see. The topography of the hillside above the subject property presents a number of problems. Any weak point could result in a catastrophic failure and overwhelming impacts to the houses at the top of the hill. He said his house is one that could be impacted. It sits only 30 yards from the site where there was a massive slide 20 years ago. The hill is simply not stable, and any attempt to make engineered improvements or adjustments to it could prove disastrous.

Ms. Sylvia Jones, 5434 119th Avenue SE, said she took the time to visit the storage facility called out by Mr. Wolf as the type proposed for his West Ravine site. She said she found neither luxury nor beauty, simply a storage facility in a completely commercial area. There is housing located close by to the facility, but it is all low-cost apartment buildings, not at all the kind of housing located in Newport Hills. The facility is open to use 24 hours a day, and is well lit all night, something that would not be a good fit with the Newport Hills community. The Newport Hills Community Club was told that in addition to the storage facility there could be some offices and a wine tasting room. The request to change the zoning for the subject property should be denied because it would very negatively impact the area.

Ms. Carmen Jackson, 5232 119th Avenue SE, added her voice to those who spoke against the proposal. She said there is a great deal of support in Newport Hills for keeping things the way they are.

Motion to close the public hearing was made by Commissioner Robertson. Second was by Commissioner Bonincontri and the motion carried unanimously.

8. STUDY SESSION

A. 2004 Annual Comprehensive Plan Amendment – Docket and Site-Specific Geographic Scoping

Commissioner Bonincontri asked if the city gives any consideration to noise levels when issuing building permits for housing. Mr. Matz said city code stipulates certain residential noise levels. The established noise levels must be met through site and building design.

Commissioner Robertson noted that in the staff report the statement is made that the noise levels were not unanticipated when the plan was last updated in 1994. She asked if any noise studies were done at that time, and if so whether the decibel levels mentioned by Mr. Wolf are consistent. Mr. Matz answered that the city does not typically conduct noise studies for broad-based circumstances. Such studies are generally made a requirement of particular site developments. The issue with regard to the subject property is the noise generated by I-405, and

there is the expectation that an interstate freeway will produce a certain amount of noise that will have an impact on surrounding properties regardless of how they are zoned and developed. If in the course of a building and site review it is determined that the noise levels exceed a certain level, the noise must be mitigated.

Commissioner Robertson said it appeared to her that any development of the property, whether multifamily housing, office or Light Industrial, will have to deal with the noise and other issues. She asked if the city has ever looked at purchasing the property in order to preserve the greenbelt. Mr. Matz said city staff have never concluded that any development on the site would be problematic. When the subarea plan was developed, the process involved close scrutiny by a local Citizens Advisory Committee, the Planning Commission and the City Council. The larger questions were taken into account, including the West Ravine area and what role the greenbelt could play in the city park system. All of the considerations were generalized into the final subarea plan. The West Ravine was not looked at specifically as the site for a future park or a link in the future trail system. The adopted policies, however, recognize development but also recognize the attributes of the natural environment and suggest the potential to have both.

Commissioner Maggi asked if the decision made on the subject property could set a precedent for other properties in the immediate vicinity. Mr. Matz said he has not in recent years spoken to the owners of the adjacent properties, but has in the past. He said the owner of a property to the south has made inquiries with regard to what can be done there. Consideration given to the current proposal could certainly influence other property owners. While there may be no domino effect, the adjacent properties are all undeveloped and all have longstanding property ownership.

Commissioner Mathews asked how the site relates to the regulations of the city with regard to critical areas in determining what portion of the subject property is actually developable. Mr. Matz said the site has never reached the point in a development proposal that the calculations have had to be made. However, in 1995 the amount of steep slope area was taken into account in determining the development capacity. The site is certainly constrained and will be affected by the critical areas restrictions on the books at the time of a development proposal.

Commissioner Maggi asked if there is a minimum lot size associated with a Light Industrial development. Mr. Matz allowed that there is not, but added that all dimensional requirements for setbacks and landscaping have to be met. In the case of commercially zoned areas adjacent to residential zones, there are additional transitional area requirements. All of those regulations taken together ultimately shape the amount of available buildable land. There are no regulations on the books that call for a minimum amount of land in order to obtain a particular designation. Such questions are generally asked at the subarea level when the focus is on the long-range use of areas.

Chair Schiring pointed out that the proposal to designate the site LI will not guarantee the construction of storage units. There are a number of different uses that are allowed in LI that would all be permitted under that designation and zoning. Mr. Matz said the LI zone is intended for light manufacturing uses and a full range of secondary uses associated with a primary use are allowed.

Commissioner Maggi asked if the Commission is restricted to the decision criteria for coming to a conclusion or if other factors could be considered, such as the stability of the slope. Mr. Matz said the decision of the Commission must be based on the evaluation criteria.

With regard to the criteria related to changed circumstances, Commissioner Bonincontri agreed

with staff that the noise impacts were previously anticipated given the location of the freeway. She allowed that economic conditions have changed, as have the demographics of the city, but not to the degree of being considered significant. She said she is sympathetic with the plight of the property owner seeking to find something that will work for the site, but would not be able to support the proposal.

Commissioner Robertson concurred. She said while certain circumstances may have changed, they are all within the realm of what was foreseen for the site. She expressed her desire to find a solution that would allow for some return on the investment of the property owner while also protecting the hillside and the properties on top of the hill.

Commissioner Mathews agreed as well. Nothing has changed to the degree necessary to support the request. He allowed that it will take some very innovative thinking to find a way to develop the site to the approval of everyone involved.

Commissioner Maggi held the same views.

Motion to give no further consideration to the Lakevue Luxury Storage CPA suggestion for the 2004 Annual Comprehensive Plan Amendment process, and that there be no expansion of the geographic scoping as outlined in the staff report, was made by Commissioner Robertson. Second was by Commissioner Mathews and the motion carried unanimously.

Commissioner Robertson encouraged the city to look at the site for possible purchase as a greenbelt, or to consider allowing the transfer of development rights to another property.

B. Cultural Compass Development Update

Mary Pat Byrne, Arts Specialist, introduced Bellevue Arts Commission Vice-chair Robin Avni who is also serving as the lead Commissioner on the Cultural Compass project.

Ms. Avni explained that the work of the Steering Committee has been in response to the goal of the City Council to make Bellevue the center of culture and economic activity on the Eastside. It is hoped that the current effort will inspire, enhance and advocate for ongoing cultural activities in Bellevue.

The Cultural Compass Steering Committee met for the first time in June 2003. The 36-member committee was appointed by the Mayor on the recommendation of the Arts Commission. The nationally recognized consulting firm Wolf-Keen & Company has been contracted to assist in the process. To date there have been interviews conducted with some 50 individuals; eight focus groups; five Steering Committee meetings; and one well-attended community forum featuring a number of experts.

Eight goals have been drafted, each with supporting ancillary strategies. Goal 1 is “Strengthen Bellevue’s arts and cultural organizations and opportunities for artists, both professional and avocational.” The research done showed that arts organizations share a number of common issues, among them space, fundraising, attracting audiences, and building a repertoire of technical skills to keep the organizations thriving. The committee envisions the city playing the role of convener and serving as a resource for technical assistance.

Goal 2 reads “Employ Bellevue’s arts and cultural assets to further the city’s economic development priorities.” Research from a number of communities has affirmed the economic

impacts associated with arts and cultural programming. The committee has recognized the need for the city to encourage cultural uses through development incentives, and taking advantage of the primary commercial areas to create different entertainment districts.

Goal 3 is “Promote the arts and cultural traditions of Bellevue’s increasingly diverse population to distinguish the community from its neighbors and to enrich civic life.” Ms. Avni said the committee is currently working to reword the goal to avoid sounding too exclusive. She said too often ethnic groups are invited to the table at the last minute; one of the strategies is to make sure that diverse groups are represented from the first stages of any planning process. The committee also believes the city should take advantage of existing cultural/ethnic/heritage festivals.

Goal 4 is “Foster a unique, learning-oriented cultural environment in Bellevue for people of all ages.” What the committee wants to see are intergenerational activities. People want to become involved in the arts, not just view them from afar; they want to be able to do so in a safe environment.

Goal 5 reads “Develop a mix of flexibly designed, quality visual and performing arts spaces to serve Bellevue and Eastside organizations, artists and residents.” Bellevue has some excellent venues with 400 and 500 seats, but smaller and more flexible spaces are needed. The school district is building new facilities, and the committee has discussed ways for community groups to connect with those spaces. Artists need spaces for rehearsal, storage and performance, and the committee has considered that there may be a way to take advantage of existing, lower-cost spaces in the Light Industrial zones.

Goal 6 is “Strengthen and expand Bellevue’s public art program.” Ms. Avni said the research showed that the public art program is one of the best kept secrets in the area; to the average citizen, public art in Bellevue is mostly invisible. One of the strategies is to develop a specific Downtown comprehensive and strategic public art plan.

Goal 7 reads “Develop a mix of stable and sustainable public and private sector funding mechanisms to support Bellevue’s arts and cultural infrastructure.” The city is ideally situated to bring together and leverage public funding with private funding. By lending technical support to arts organizations, the city can help them become more effective in their fundraising efforts.

Goal 8 reads “Establish or refine structures and systems to assist in the delivery of the range of cultural programs and services outlined in this plan.” Ms. Avni said currently all of the arts programming in the city is conducted by Ms. Byrne and the Arts Commission. Given the breadth of the goals and strategies, more help will be needed in the future. The committee has discussed establishing a division of arts and cultural affairs, and restructuring the Arts Commission to broaden its focus.

Ms. Avni said the Cultural Compass is the first step in a ten-year plan. The Arts Commission hopes to be able to get a few of the smaller strategies launched early in order to achieve some successes. No one is interested in creating a plan that will simply sit on a shelf.

Ms. Byrne said the city does not currently have a set of criteria to evaluate major requests for capital funding to support facility development. One of the actionable items will be to develop criteria.

Ms. Avni said one of the focus group sessions was attended by representatives of the high schools where theater space is either available or under construction. The conversation included

the sharing of such facilities by community groups. At that same focus group a real estate representative mentioned using vacant industrial or retail spaces by arts groups.

Commissioner Bonincontri asked if the Arts Commission or the steering committee has any involvement with the Bellevue Art Museum and asked if the reopening of the museum will play a part in the Downtown arts plan. Ms. Byrne said the museum is a very important cultural partner. They have been in contact with the Arts Commission in an attempt to keep everyone up to speed. When the museum reopens it will continue to be an important player in the cultural revitalization of the Downtown area. The opening party for the Bellevue Sculpture Exhibition is set to occur in the museum building.

Chair Schiring asked if the Bellevue Downtown Association (BDA) has been involved in the development of the cultural plan for the city. Ms. Byrne said the BDA was represented through members serving on various of the focus groups. There is a very good working and supportive relationship established with the BDA.

Ms. Avni encouraged the Commissioners to forward any comments and suggestions to Ms. Byrne.

****BREAK****

C. 2004 Update to the Comprehensive Plan
– Housing Element

Ms. Burgess said one of the main questions to be answered is whether or not the city is meeting its overall housing goals established by the current Comprehensive Plan. One goal of the current plan is to create a variety of housing to meet the needs of all members of the community. Attaining that goal will involve taking a close look at the types of housing currently available and the demand for different types of housing.

The Comprehensive Plan includes 20-year housing targets that were adopted in line with the mandate of the Growth Management Act. The responsibility of Bellevue is to have plans in place that will accommodate an additional 10,100 housing units. The forecast for the city shows only a little capacity left after 2022. Most of the supply of land is in the Downtown area; over the next 20 years, some 84 percent of the overall housing capacity is in the Downtown multifamily units, whereas only 7.5 percent of the housing capacity is single family. Over the past nine years, fully two-thirds of all housing units constructed in the city have been multifamily units.

Ms. Burgess said the demographics of Bellevue have been changing over time. The average age of the residents is on the increase, and the size of households are getting smaller. Only one-quarter of all households have children. There is a mismatch between the perception and the reality of Bellevue.

With regard to housing affordability, Ms. Burgess said Bellevue continues to be a very hot market. There are apartments available that are affordable to many living in Bellevue, but the costs of housing for sale continues to increase faster than incomes. A large number of Bellevue residents are paying more than 30 percent of their incomes for housing, especially those in the low- and moderate-income categories. Bellevue has a wide range of jobs with a wide range of salaries, but several of the job categories are fairly low paying, and the holders of those positions have a very hard time finding affordable housing in Bellevue.

No detailed market trend housing study has been done by the city. However, there is data available from a study done by the Seattle/King County Economic Development Council. The conclusion of that study predicted that new homes on 6000-square-foot lots will start at about \$700,000 in East King County by about 2004 and that housing prices will continue to rise. The study found that the demand for detached housing units over the next five years will be in the neighborhood of 850 units. The demand for attached for sale units was estimated to also be 850 units, and the demand for rental units was determined to be 1200 units. This study is not a comprehensive study of housing demand, but is an indicator of demand.

Ms. Burgess said staff developed three questions related to the work program for tonight that focused on an increased diversity of housing types, and various options for addressing the questions. The first question was: Should policies and regulations be adopted that would allow a greater diversity of infill housing types, such as cottage housing, small lot single family, entry level townhomes and small condos? The Commissioners were informed that builders are not responding to demand for housing in the middle range of the market; single family on large and medium lots is being developed, as are multifamily units in the Downtown. The plan policies encouraging an increase in housing types are only being carried out partially by the land use regulations, and primarily through the Planned Unit Development (PUD) process.

How can the market be encouraged to provide housing in the middle range of density? One option is to maintain the existing plan policies and regulations. The adopted policies are excellent, and more could be done with the implementing regulations under the existing policies. A second option is to adopt an interim ordinance focused on encouraging demonstration projects with housing types not currently being built in Bellevue. Kirkland has taken this approach. A third option is to tackle the issue on a subarea plan level. Some neighborhoods may be more receptive to new housing types than others, and certain housing types may be a better fit in some areas than in others. Redmond has opted for this approach. A fourth option is to adopt policies and regulations focused on enabling increased housing types in residential areas citywide, possibly as a new zone. A fifth option is to develop an approach with aspects of the second, third and fourth options.

Commissioner Robertson said one housing type that could be less controversial would be detached accessory dwelling units. She said she liked both the notion of crafting an interim ordinance and allowing the individual subareas to figure out what fits best for them, adding that an interim ordinance would need to be developed first in effect to demonstrate the possibilities. Bellevue is a diverse city, with neighborhoods that differ from each other in substantial ways. It would be futile to permit certain things in the entire city because in some areas the adopted covenants would not permit them.

Commissioner Mathews said he favors having as much flexibility as possible. There are some very innovative approaches being taken in some cities, and nothing should be done to preclude them from locating in different areas. At the same time, each subarea should be involved and be given the opportunity to say what should be allowed in their area.

Commissioner Bonincontri indicated support for the interim ordinance approach. She said the concept of the subarea approach is laudable but voiced concern that it could bog down the process by those afraid of change.

Chair Schiring said the code as structured allows certain approaches to be used. To achieve the goal of increasing the housing types available, the code should be structured more to encourage

the development of new housing types. He said that may take an approach that incorporates aspects of each of the options cited. In some areas large homes are being used much like boarding houses in that they are shared by a large number of unrelated individuals. That is something that could serve to lower the resale value of adjacent homes. The approach, however, is clearly pointing out the need for different approaches to affordable housing.

Commissioner Maggi indicated a preference for taking the subarea planning approach. She asked how the Kirkland neighborhoods reacted to the interim ordinance approach. Art Sullivan, Director, A Regional Coalition for Housing (ARCH), answered that the interim ordinance applied citywide, but most of the proposals submitted were for a single area. The projects were proposed by private builders, and the neighbors were allowed opportunity for input as part of the process. The selection process was treated as a competition; there were no guarantees that any submittal would be chosen. In the end the City Council selected two projects.

Chair Schiring suggested that taking the subarea approach would take the longest. Ms. Burgess agreed, noting that there are 14 subareas including the Downtown. It would take a significant amount of both staff and neighborhood time to work through each subarea.

Commissioner Mathews said even if a citywide approach is taken, the process should include input from the local neighbors. Commissioner Robertson concurred, suggesting that one way to approach it would be to craft an interim ordinance applicable citywide, and if successful make the different housing types subject to a process similar to a conditional use permit with criteria focused on making the units consistent with the neighborhood.

From the audience Commissioner designee Vicki Orrico asked how the subarea approach worked in Redmond. Mr. Sullivan said the neighborhood approach was very successful. While it takes longer, the local residents proved very open and receptive to new ideas when given the chance to understand all of the issues. In Kirkland the approach involved giving the private development community a free reign to suggest projects within the confines of a particular concept. Redmond crafted its program based on concepts that were proven in other jurisdictions.

Chair Schiring suggested that any approach carries with it the potential to change upward the de facto zoning for any given area. Ms. Burgess said the interim ordinance adopted by Kirkland was very specific about what housing types would be allowed and about how much increase in density there could be over and above the base zone for each housing type. Chair Schiring asked if a zoning change was approved by the Kirkland Council. Mr. Sullivan said a task force developed a list of things the city should consider. The interim ordinance passed was applicable citywide but with a process that allowed neighborhoods to have input. There was no rezoning action, but by Council action the standard rules were relaxed for projects that were chosen. In the end the Council only chose two projects.

It was agreed that the first step in Bellevue should be the adoption of an interim ordinance.

The second question developed by staff was: Should policies and regulations for mixed commercial and residential development be revised to further encourage mixed use and transit-oriented development? Ms. Burgess allowed that mixed-use developments are very popular in planning circles at the concept level; in other parts of the country the practice has really taken off. There are some good examples in Seattle, Juanita Village in Kirkland was included on the housing tour, and there has been some mixed-use development in Redmond. Bellevue has quite a few policies that encourage mixed-use development, and the Land Use Code permits housing in several nonresidential districts provided certain requirements are met. To date, however, there

has been only one mixed-use development outside the Downtown come online, and that is a very small development just to the west of the Downtown.

Three options were put on the table: maintain the existing policies and regulations and expect mixed-use housing to appear in time once the economy improves; dig deeper to see what else could be done to encourage the use; and explore incentives to assist the market with mixed-use developments.

Commissioner Bonincontri asked if there have been any conversations with developers to gain insights as to why mixed-use housing is not being constructed under the current policies and regulations. Ms. Burgess said there have been some conversations, and the indications have been that the restrictions in place are too limiting. For instance, there are limits in Neighborhood Business on the amount of residential square footage. In other zones housing units are allowed under very limited circumstances. In addition, there simply has not been a lot of interest in mixed-use housing projects.

Mr. Sullivan added that in Totem Lake there has been some interest in mixed-use projects, and the economic analysis done for the city determined that developed properties have value greater than vacant land; even if the developments are not much to sing about, they are generating income. In Bellevue there are many properties that would be perfect for redevelopment with mixed-use projects, but the existing buildings have value and are working economically.

Associate Planner Steve Cohn observed that mixed-use developments with a housing component lowers the overall risk, and lending institutions are more comfortable lending money to lower risk projects. Forcing more ground-floor retail than the market wants does not work; it can become a drain on the housing component.

Mr. Sullivan commented that in Redmond the city has allowed for flexibility. The Lion's Gate development is a case in point in that the ground-floor retail shops are not as deep as the entire building; behind the retail is garage parking for the residents of the housing units above. By cutting back on the amount of actual retail space on the ground floor, the project was able to pencil out.

Commissioner Bonincontri indicated support for exploring incentives to assist the market in developing mixed-use projects. She agreed that the current economic climate is not pushing for such developments, and it may take having a few successful examples to point to before mixed-use developments take off on their own.

Commissioner Mathews proposed that at the very least the second option should be explored. He said if there are barriers in the current policies and regulations that are keeping the use from being developed, they should be ferreted out and addressed. For the most part the market will dictate, and incentives may or may not be useful. He agreed that having successful examples would be helpful in getting the ball rolling.

Commissioner Robertson agreed with the notion of exploring incentives. She said she likes the notion of mixed-use and asked staff if such developments could play a large role in helping the city meet its housing targets. Ms. Burgess said about 80 percent of the capacity for housing units lies in the Downtown, and most of that will be in mixed-use developments. Not everyone will want to live in the Downtown, however, and mixed-use developments outside the Downtown could certainly help increase the housing supply.

Chair Schiring suggested that removing any and all barriers could bring about more mixed-use developments without the need for incentives.

Ms. Burgess noted that additional information would be provided on option C incentives at the next meeting on housing in two weeks.

The third question developed by staff was: Should the existing Accessory Dwelling Unit (ADU) plan policy and regulations be broadened to encourage more ADUs to be built? Ms. Burgess said Mercer Island is by far the leader on the Eastside in allowing ADUs; it is a prime method for meeting their affordable housing goals. Bellevue currently allows attached ADUs under very specific standards and is the only jurisdiction to require a house to be three years old before an ADU can be rented out. The majority of jurisdictions on the Eastside allow detached ADUs.

Three options for addressing the ADU question were put before the Commissioners: maintain the existing plan policies and regulations; fine-tune the existing regulations while maintaining the prohibition on detached ADUs; and revise the plan policies and regulations to allow detached ADUs.

Commissioner Robertson asked who enforces the three-year-old house rule. Mr. Sullivan said the issue is raised as part of the permitting process. Once approved, the neighbors within a certain distance are notified to keep the community informed. The three-year rule was initially imposed because of a concern that all new homes would have ADUs and that they would be built by spec builders rather than homeowners.

Answering a question asked by Commissioner Bonincontri, Mr. Sullivan explained that in order to qualify as an ADU a unit must be self-contained with a bathroom, kitchen and separate entrance. One off-street parking space must also be available in addition to what is required for the main house.

Ms. Burgess noted that while restrictive in many respects, the Bellevue ADU regulations have successfully resulted in 71 ADU units over the last ten years. More than twice that many exist in Mercer Island, and there are quite a few in Kirkland as well.

Commissioner Robertson thought the rules for ADUs should be relaxed. In particular the three-year rule should be abolished. As Bellevue ages many residents will want to remain in their homes as long as they can, and having an ADU to rent out could help them do that. The units should be allowed to be detached as well, just as many homes have detached garages. Detached ADUs should be subject to some design criteria to assure compatibility with the neighborhood.

There was general consensus in favor of the second and third options.

D. 2004 Update to the Comprehensive Plan
– Land Use Element

Mr. Cohn said the Land Use Element is required under the Growth Management Act. The element addresses the general distribution and location of land uses, population densities, building intensities, and estimates of future population growth. Because of the breadth of the subjects it covers, the element to some degree reflects all of the other elements.

After reviewing with the Commissioners the goals of the existing Land Use Element, Mr. Cohn allowed that while they are worthy goals, they are somewhat academic, not overly clear, and do

not reflect the fact that Bellevue is changing. The updated element will include a good deal of narrative about redevelopment because that is change the city will be facing in the future. As the supply of vacant land decreases, the redevelopment of sites will become the norm.

Referring to page 63 in the packet, Mr. Cohn said staff suggests that the element should reflect the role of Bellevue in the regional context, promote investment in neighborhood livability and vitality as the residential neighborhoods grow older, and recognize the role Bellevue's non-Downtown regional employment centers play in the economy.

Mr. Cohn said staff will be recommending modifications to policy LU-7, which focuses on maintaining exclusive zoning districts, to reflect the reality of what exists and what can be expected in the future. Most of the non-residential zoning districts already allow a variety of uses, so the concept of single-use zoning districts is not reflective of reality; the updated policy should reflect the mixed-use concept and will apply only in non-residential areas.

Staff will also be proposing revisions to policy LU-16. The policy currently emphasizes maintaining stability in neighborhoods, and the proposal will focus on shifting the focus to promoting livability and vitality. The term "stability" could be interpreted to mean no change.

Chair Schiring suggested that "stability" is a word that means something to him, whereas "livability" does not. "Stability" refers to well-kept houses, traffic control and the like. "Livability" is obtained by maintaining stability.

Commissioner Mathews said that the terms do not have to be exclusive of each other and suggested that if new terms are to be used, they will need to have plenty of modifiers to make it clear what is intended.

Commissioner Robertson said she would not object to using the term "livability" but would also not object to retaining the word "stability" in the policy. One way to promote neighborhood livability and stability will be to make sure the neighborhood shopping centers are protected and allowed to redevelop and become revitalized without encroaching on the surrounding established residential neighborhoods, even though they might draw customers from larger geographic areas. The Land Use Element should not be modified to the point where the protections for residential neighborhoods are weakened. Mr. Cohn pointed to the existing policy LU-28 in response to Commissioner Robertson's comments about revitalized centers. Policy LU-28 addresses compatibility issues.

Commissioner Bonincontri said the word "stability" does not necessarily have anything to do with the physical environment. Quality of life is the most important concept to keep in mind. There should be clear guidelines included for redevelopment of both residential and commercial areas. Second generation buildings should be better than what they are replacing.

Commissioner Maggi asked how the city is trying to define stability. Chair Schiring believes that stability is a prerequisite to livability. Mr. Cohn noted that the subjects of neighborhood livability and stability are important to the Commission and will be discussed in both the narrative and policy in the draft Land Use Element. Staff will return to the Commission in May to discuss the draft Element prior to the Open House.

Commissioner Mathews commented that LU-7 language sounds dated and that he agreed with the staff proposal to modify it.

9. OLD BUSINESS

Ms. Burgess told the Commission that the dates for the Retreat were still undecided.

10. NEW BUSINESS

Chair Schiring reported that three Commissioners went on a tour of the New City Building. He commended the city on its acquisition, and thought that city had a prize there, one that reflected the city's growth.

11. PUBLIC COMMENT

Doug Hoople, 10637 SE 22nd, spoke to the ADU issue, and told the Commissioners about two homes in his immediate neighborhood, both with extended families living in them.

David Plummer, 14414 NE 14th Place, commented on the Housing Element discussion. He was concerned that staff options reflected King County Economic Development Council and ARCH inspired policy development and that using the State Office of Financial Management population forecasts and housing numbers prejudiced the outcome of the discussion. He also felt that the Housing Fair had reflected a realtor bias. He did not see that there was any need for changes to the Housing Element.

12. ADJOURNMENT

Chair Schiring adjourned the meeting at 10:10 p.m.