

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

May 19, 2004
7:00 p.m.

Bellevue City Hall
City Council Conference Room

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

COMMISSIONERS ABSENT: Vice-Chair Lynde, Commissioner Bach

STAFF PRESENT: Kathleen Burgess, Steve Cohn, 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 Chair Schiring who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Bonincontri, who arrived at 7:02 p.m., and Commissioners Lynde and Bach, both of whom were excused.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS

Kathleen Burgess, Planning Manager, informed the Commissioners that a new section has been added to the city homepage. The Neighborhood and Home Maintenance Guide section contains a wealth of information about how to maintain homes both inside and out, information about city permits, and other informative topics.

5. PUBLIC COMMENT – None

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

7. STUDY SESSION

- A. 2004 Update to the Comprehensive Plan
– Economic Development Element

Steve Cohn, Associate Planner, said the current Economic Development Element was first

adopted in 1975 and has been revised several times over the years. A major rewrite was done in 1993, but no policies were dropped from the element and it remains a conglomeration that covers a lot of ideas and is difficult to understand, in part due to its current organization. For the current update a full rewrite is appropriate, in part to make it easier to read and in part to effect a cleaner distinction between economics and land use.

Mr. Cohn noted that where the existing element has six goals, the updated version has only one focused on pursuing a strong economy, providing economic opportunities, making sure the commercial areas are vibrant, and providing a strong tax base. The overview section provides background information, and the economic profile section expands what is included in the current element. The economic climate section includes a goal about nurturing an economic climate and attracting high-quality firms. The community livability and economic growth section focuses on the quality of life in Bellevue and how that plays into attracting and retaining jobs and businesses. The planning and infrastructure section focuses on infrastructure improvement. A new section talks about maintaining and revitalizing commercial areas, and there is a section focused on business marketing, retention and recruitment. The final section is new and discusses city development strategies.

Commissioner Mathews called attention to the matrix shown on pages 3 and 4 of the proposed element and suggested that listing specific businesses could quickly become outdated. Mr. Cohn said the intent is to give examples of existing employers. He agreed that within five to seven years the list of names could be very different.

Answering a question asked by Commissioner Mathews regarding building heights, Mr. Cohn allowed that outside the Downtown there are strict height limits in place that do not allow five-story buildings. The FAR for areas outside the Downtown is 0.5, which limits total building size and has tended to work very well where underground parking is not included. However, with more and more underground parking being constructed, which allows for more total parking on site, the argument could be made that the sites could accommodate an additional story or two were it not for the policies that were put in place some 20 years ago. Current information indicates that high-tech companies want larger floor plates, but they also want the ability to grow and thus want taller buildings.

Commissioner Robertson suggested that throughout the document references to “Eastgate/I-90” should read “Factoria/Eastgate/I-90” in order to be consistent.

Referring to the first bullet point under the “Challenges” section on page 7, Commissioner Robertson asked what “...creative repositioning to reach their development potential...” means. Mr. Cohn said creative repositioning is primarily tied to getting new uses in aging commercial areas. That may or may not entail reconstruction of existing sites.

Commissioner Robertson said the last sentence of the bullet could be troublesome. The language included on page 7 and elsewhere in the document should be very carefully worded in order to provide the maximum degree of protection for neighborhood businesses. She said once the neighborhood centers are gone, they will be gone forever. The sentence “These uses may not be the best long-term uses given Bellevue’s place in today’s economy” tends to favor getting rid of certain uses. Mr. Cohn allowed that the sentence is intended to be tied to the reference of the previous sentence to the warehousing, distribution and manufacturing base. In regards to neighborhood shopping centers, over time the mix of uses will need to change because shopping patterns change. Commissioner Robertson held that the section as written needs to be toned down.

Referring to the organizational challenges bullet on the top of page 8, Commissioner Robertson asked who would be expected to provide additional resources in the coming years in order to reach success. Mr. Cohn said the expectation is that the city and its economic development partners will need to continue working together.

Chair Schiring agreed with the need to support and maintain the neighborhood shopping centers, but allowed that simply having policies in place will not be enough to create success. Mom and pop stores cannot compete with the chain grocery stores. It will take a different mix of uses to keep the neighborhood shopping centers operating.

Commissioner Bonincontri asked if any of the proposed policies are specifically aimed at stimulating high-tech development. Mr. Cohn said Policy ED-19 talks about using a mix of incentives and regulations to encourage economic development in specific locations. He allowed, however, that the policies do not outline specific factors focused on the high-tech sector. In part that is because the needs of high-tech businesses change over time. He agreed that adding wording to promote specific sectors would be a good idea.

Ms. Burgess noted that Policy ED-29 talks about promoting specific industries or industry clusters, in particular the retention and recruitment of high-tech companies.

Commissioner Bonincontri said she could support having a policy calling for establishment of a group to study the specific needs of the high-tech sector.

Commissioner Robertson noted that throughout the document the word “city” is capitalized in some places but not in others; she suggested that there should be consistency. The document also goes back and forth in interchanging the words “firm” and “business.”

Commissioner Robertson asked for a definition of the Development Services Improvement Project. She was informed by Ms. Burgess that it is a project to make sure all development services offered by the city are the best they can be. The project involves streamlining the review and permitting processes.

Commissioner Robertson asked what happened to Policy EC-2 in the update. Mr. Cohn said there is a connection to new Policy ED-28. Policy EC-2 called for planning for and promoting opportunities for businesses which add value to the community; in reality, however, determining what businesses add value to the community is very difficult. Commissioner Robertson suggested that there is no reference to encouraging and promoting additional employment. She said she did not want that thought to get lost in the update.

Commissioner Robertson suggested revising Policy ED-3 to read “Maintain regulations that allow for continued economic growth while respecting the local neighborhoods and surrounding communities.” She held that “community” is defined very broadly in the code and the current neighborhood focus should not be lost.

Commissioner Robertson proposed revising the end of Policy ED-9 to read “...public education system in Bellevue, both for the Bellevue School District, the Issaquah School District and Bellevue Community College.”

Commissioner Robertson called for the addition of a fourth bullet to the list at the bottom of page 10 reading “Convenient access from neighborhoods to personal goods and services throughout the city.”

Commissioner Bonincontri pointed out that those who work outside the home gain access to personal goods and services on their way to and from their worksites, not just adjacent to where they live. In that respect the term “access” is far broader. She commented that in Japan the vegetable, fish, poultry and other food sellers’ trucks travel each day to the local parks where the mothers have taken their children. While their children play, the mothers select and purchase food items from the vendors, and when ready to go home have all their shopping done. That approach gives yet another interpretation to “access.”

Commissioner Robertson agreed but commented that as the population ages there will be more people not traveling to worksites every day. They will likely appreciate having markets and the like close to where they live so they can walk to the store for their daily needs.

Commissioner Mathews suggested that the issue of better access to goods and services logically fits under transportation.

Chair Schiring held that the issue is one of convenience not transportation.

Mr. Cohn agreed that it does not perfectly fit in the section on revitalizing commercial areas. He said staff would develop some clarifying language.

Referring to the goal in the Planning and Infrastructure section, Commissioner Robertson said she would not want to see the needs of businesses supported to the detriment of the residential areas and neighborhoods. She thought the goal language should be revised to include that idea by adding at the end “...without negatively impacting neighborhoods.”

Commissioner Robertson suggested that the second sentence of the penultimate paragraph on page 11 should be revised to read “...and is thus able to respond...” She thought the last sentence of the same paragraph should be changed to read “...to meet the needs of both the existing neighborhoods and new development.” With regard to the first paragraph on page 12, she held that “...encourages their extension to...” should read “...encourages the extension of such services to....”

Commissioner Robertson wanted to see Policy ED-18 changed by adding to the end of it “...while protecting neighborhoods from out-of-scale development.”

Ms. Burgess noted that the forecast indicates Bellevue will see over the next 20 years the addition of 40,000 new jobs. The commercial areas, including Bel-Red, Overlake and Factoria, will play host to additional jobs, and as that occurs there will be some impacts on the surrounding neighborhoods. She said she would not want to add the notion of protecting the neighborhoods to every goal and policy because it could be used to halt any increase in intensity of existing commercial areas. Commissioner Robertson said she is fully in support of economic growth, but not at the expense of the neighborhoods. The goals and policies should include more balance.

Commissioner Robertson commented that Policy ED-19 is not specific as to where the designated locations are. Mr. Cohn said the policy was deliberately left open to interpretation; it could be interpreted to say that the designated locations are the commercial areas, or it could be understood to mean that within the commercial areas there could be areas designated for specific types of businesses, such as biotech.

Commissioner Robertson said she would prefer to use the word “reasonable” instead of “acceptable” in Policy ED-21. She said she also would like to see the notion of neighborhood

protection added to Policy ED-22.

Commissioner Mathews indicated his full support for protecting the neighborhoods, but agreed that by overusing the reference the policies could ultimately be used as an argument against continued growth. Such language was in fact used by some who did not support the redevelopment of the Lake Hills Shopping Center.

Chair Schiring suggested that if the concept of neighborhood protection is included with nearly every policy in support of strong economic growth, a true balance will only be found if protections for commercial areas are shown in nearly every policy aimed specifically at the neighborhoods. He allowed that there are policies specifically written to protect the neighborhoods; they do not need to be repeated over and over. Mr. Cohn said it is staff's preference to include the idea in a few policies, but not repeat it throughout the element.

Commissioner Robertson said she would be satisfied to include neighborhood protection in the Planning and Infrastructure goal. Chair Schiring strongly disagreed. He said the goal is to develop land uses and infrastructure to support the needs of businesses Bellevue wants to retain, grow and attract; there should not be a negative aspect incorporated in it. Neighborhood protection is covered elsewhere and should be assumed to exist in all instances.

Commissioner Bonincontri agreed that repeating the call to protect the neighborhoods will not add anything significant. The overall plan should be fairly balanced; no one use should be given priority over any other use by goal and policy.

There was consensus not to change the wording of the Planning and Infrastructure goal or policies.

Turning to the Maintaining and Revitalizing Commercial Areas section, Commissioner Robertson pointed out that the first sentence of Policy ED-27, which was previously EC-18, was one of the arguments against granting Sunset Village a conditional use permit for auto sales. The argument of staff was that the policy language only applies to the Neighborhood Business (NB) zone. Under the staff interpretation, the policy means nothing with regard to the neighborhood shopping centers that are not zoned NB. Accordingly, Policy ED-27 should be broken into two policies, one with an emphasis on maintaining the health and vitality of neighborhood centers reading "Maintain the retail areas that have historically provided personal retail and services to neighborhoods within Bellevue, including neighborhood shopping centers listed in the Neighborhood Shopping Center Summit Survey of 1999."

Mr. Cohn explained that some of the smaller shopping centers are zoned NB and others are zoned Community Business (CB). The intent of the survey was to look at the centers, determine their market niche, and develop a basis for talking with the property owners to determine if they need help of any sort. The sole fact that the various shopping areas were included on the list does not translate into an official sanctioning of each as a neighborhood shopping center. Certain of the areas on the list in fact serve a more regional function, Sunset Village and K-Mart among them. Some of the sites that are zoned CB act as neighborhood shopping areas because of concomitant agreements that are in place. If Policy ED-27 is unclear as currently proposed, clarifying language should be added.

Chair Schiring asked what allowed a car dealership to be located at Sunset Village. Mr. Cohn said the historical designation of the property at the time it was incorporated into the city was B-1, the highest business zone there was in the county, equivalent at least to CB. Auto dealerships on the site go back several decades; other past uses of the site included a furniture store and a

drug store. The site has some neighborhood shopping center uses, and some that are not. Development on the site has changed over time.

Ms. Burgess said the 1999 study was focused on neighborhood shopping centers, but it did not attempt to define specific areas as neighborhood shopping centers. Commissioner Robertson suggested that by its very title the study focused on the neighborhood shopping centers.

Chair Schiring commented that with few exceptions, if any, the neighborhood shopping centers cannot be said to be healthier presently than they were five or ten years ago. He said economics cannot be forced by goal and policy; there are any number of uses local residents would like to see in their neighborhood shopping centers to create more activity, but market forces are luring customers to other stores.

Commissioner Robertson pointed out that the 1999 study earmarked Sunset Village as the center with the most vacancies and most in need of help. The problems, however, were all driven by the property owner, not market factors. Business in the center is off by 50 percent since Safeway left, and bringing in a car dealership will only serve to seal the fates of the stores that are still viable. If strong policies had been in place, the center could have been viable; the weak policies have served to allow the center to lose some of their neighborhood serving businesses, and that will hurt the neighborhoods.

Chair Schiring argued that the policies themselves had nothing to do with allowing a car dealership to come into Sunset Village; the site is and always has been zoned to allow that use. Commissioner Robertson countered that auto dealerships were only allowed as a conditional use. Mr. Cohn explained that in Bellevue uses allowed by conditional use are allowed uses; the only difference is the city is permitted to place certain restrictions on the uses.

Ms. Burgess argued against referencing in policy a 1999 background report as being backward looking. A more forward-looking approach would be to reference only those areas that have NB zoning or CB zoning with concomitant agreements that cause them to act like NB sites.

Staff agreed to come back with revised wording for Policy ED-27.

Referring to the discussion section under the goal of the City Development Strategies section, Mr. Cohn noted that Tax Increment Financing is in fact available in the state under some very limited circumstances. It was agreed that the reference should state that the option is not widely available.

Commissioner Robertson noted that the references to the State Constitution should be capitalized.

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

Mr. Cohn said that, unlike the Economic Development Element that was totally reorganized, the organization of the updated Land Use Element is much closer to that of the existing element. Most of the policies have been retained in the update, though the focus has been somewhat revised. The existing three goals were combined into a single goal. The overview section was rewritten to focus primarily on future growth, and to make it more readable. There will be a section talking about the natural setting of the city, and a focus on the neighborhoods, employment centers, and the land use challenges facing a city that is nearly built out.

Mr. Cohn said the citywide focus section discusses the Growth Management Act with narrative covering regional plans, household and job targets, and minimum density standards. Discussion has been retained from the current element to clarify the purpose of setting growth targets: targets are policy, not forecasts, and that the city is not bound by the targets; the city is, however, committed to providing the necessary infrastructure in order to meet the targets – in order to serve the growth when it comes.

The minimum density standard is included to implement the Countywide Planning Policies calling for the efficient use of land. Essentially each zoning category will have a maximum lot area.

Commissioner Robertson suggested that auto sales should be listed in the Bel-Red/SR-520 section of the profile as an emerging use. The same use should be highlighted in the 116th/Bellefield section. Mr. Cohn concurred.

Commissioner Robertson suggested adding to the end of the third bullet under the Land Use Challenges section the phrase “and their maintenance as retail centers.”

Mr. Cohn said staff is recommending elimination of the current Policy LU-1. The concepts of the policy are covered well by the goal, Policy LU-2, and the Comprehensive Plan in general. New policy LU-3 puts the growth targets into policy, and LU-4 sets minimum density standards for each residential district outside the Downtown.

Mr. Cohn said Policy LU-16 is a slight modification of the former policy which said that under certain conditions individuals can dramatically reduce their tax rates by declaring property to be open space. The purpose of the revised policy is for open space preservation, achieved through a variety of methods, including open space taxation and conservation easements.

Commissioner Robertson voiced her support for retaining the original Policy LU-1 along with the new version. She suggested that a strong residential community is different from the concept of stable neighborhoods. She said she would not oppose a blending of the two. There was agreement to take that direction.

Commissioner Robertson pointed out that as defined in the Comprehensive Plan, the term “community” is broader than one would think and includes people outside the city borders. Referring to Policy LU-12, she suggested that because of the broad definition the language should be revised to say “...the community and surrounding neighborhoods.”

Mr. Cohn said the policy has been in the Comprehensive Plan for a long time. It has always been used in the past in reference to the need to retain the LI and General Commercial (GC) areas for uses like warehouse distribution, and auto repair.

Chair Schiring suggested that the policy is not aimed at protecting the neighborhoods but rather retaining necessary services for the entire community by keeping in place the proper zoning. By adding “...and surrounding neighborhoods” the policy will have too narrow a focus.

Commissioner Bonincontri indicated support for retaining the policy language as proposed without adding the additional phrase.

Referring to Policy LU-13, Commissioner Robertson proposed rewording it to read “...by facilitating the redevelopment of existing developed land.” The suggestion was adopted.

Mr. Cohn commented that the proposal for the Residential/Neighborhood Areas section is to retain Policy LU-19 focused on the vitality of residential neighborhoods. New to the section are policies LU-20 dealing with redevelopment of older neighborhood shopping centers, and LU-21, which talks about neighborhood gathering places essential to a sense of place, and LU-22, which discusses the maintenance of the city's older housing stock.

Commissioner Robertson proposed adding a couple of definitions to the glossary: a definition of neighborhood, and the word "surrounding." With regard to the latter, she noted that it is often used to describe the area around neighborhoods, but absent a clear glossary the term becomes nebulous. In the supporting text talking about creating a sense of place, the neighborhood shopping centers that are to be revitalized should be listed.

Mr. Cohn said the neighborhood shopping centers will be listed specifically in the Economic Element; the Land Use Element should need no more than a reference to the Economic Element.

Chair Schiring agreed with the need to include in the glossary a definition for "neighborhood" but not for "surrounding."

Turning to Policy LU-22, Commissioner Robertson proposed revising it to read "...well-maintained and existing housing is updated or modified to meet..." Her suggestion was agreed to by the other Commissioners.

With regard to Policy LU-26, Commissioner Robertson pointed out that "neighborhood business centers" is not defined in the code or the Comprehensive Plan. She proposed that there should be some clarification added. Mr. Cohn said the intent of the policy is to indicate how to go about determining what new neighborhood business centers should look like and where they should be located. He agreed that the policy could be more clearly worded.

Referring back to Policy LU-20, Commissioner Robertson reiterated that the neighborhood shopping centers are not defined. She suggested revising the first sentence of the policy to read "Facilitate the redevelopment and reinvigoration of older neighborhood shopping centers that are experiencing decline without changing the use, unless no other reasonable option for redevelopment exists."

Commissioner Mathews suggested that if changed as proposed the rights of the property owners to use their land in accord with the applicable zoning would be curtailed significantly. Chair Schiring concurred, adding that changes to any use not allowed under the zoning would require either a change of zoning or a conditional use permit. Commissioner Bonincontri said she would not be able to support the proposed revision.

With regard to the second sentence of Policy LU-20, Commissioner Robertson advocated in favor of changing it to read "...high-quality and vibrant commercial centers that serve the surrounding residents and that also provide a gathering place..." Mr. Cohn said the decision as to whether or not a commercial center serves the surrounding residents is a difficult one to make.

There was no support for the proposed revision to the second sentence of Policy LU-20.

Calling attention to Policy LU-37 in the Commercial and Mixed Use Areas section, Mr. Cohn proposed rewording it to read "Monitor trends in Bellevue's job centers and consider land use changes if needed to maintain the vitality of these areas." He said the revision ties better to policies LU-33 and LU-36.

Turning to the matter of establishing minimum density standards, Mr. Cohn said the development densities of the city have been looked at for the years 1995 through 2000. The analysis showed that the market did a pretty good job of reaching the theoretical densities, though not in all cases, particularly in the high density end. The figures for 2002 and 2003 showed that the market did even better at attaining the theoretical densities. However, in the R-7.5 zone the overall densities are much closer to five units per acre. In part that has to do with the fact that most R-7.5 sites are small and after removing the steep slopes and other critical areas it is difficult to attain higher densities.

Mr. Cohn said staff believes there is a need for a minimum density policy and implementation. He presented the Commissioners with two alternatives. Under the relative zoning densities approach, development would be mandated to be slightly higher than the theoretical maximum density permitted in the next lower category. Many jurisdictions use the approach, and in Bellevue it would not ultimately have much of an effect. Under the percentage approach for minimum densities, development would be required to reach a certain threshold stated as a percentage.

Mr. Cohn said the recommendation of staff was for the second alternative using 75 percent. He added that the overall figures would not change much if 85 percent were used instead.

Commissioner Bonincontri asked if developers would be required to construct smaller units if that is what it would take to reach the mandated minimum. Mr. Cohn said much would depend on the market demand for smaller units on a specific site. Commissioner Bonincontri allowed that the approach will need to include an option for those instances where wetlands and other critical areas will preclude development to a higher density.

There was consensus in favor of the second alternative at 85 percent.

Ms. Burgess distributed to the Commissioners copies of a letter received from 1000 Friends of Washington which called for a careful review of all residential densities as a part of the Comprehensive Plan update. The letter specifically listed four zones in Bellevue with densities of less than four units per acre and claimed that this is in violation of the Growth Management Act (GMA). Ms. Burgess explained that the GMA encourages the efficient use of land and higher densities within the urban growth areas. There have been some cases coming out of the Growth Management Hearings Board on the topic of appropriate densities in urban areas. According to 1000 Friends of Washington, zoning of less than four units per acre in urban areas is only allowed in extraordinary circumstances.

Ms. Burgess said staff believes the letter from 1000 Friends of Washington overstates the case. There is no automatic violation in cases of zoning of less than four units per acre where there is justification. In Bellevue there are hundreds of lots zoned at less than four units per acre. Those areas zoned at 3.5 units per acre with lots of 10,000 square feet equate to a density of four units per acre. There are a lot of critical areas associated with the R-1 and R-1.8 parcels in the city, though not with all of them. There are also equestrian horse acre lots which under the GMA are exempted. In several instances the land not developed to at least four units per acre is developed as golf courses and parks. The balance of the areas are fully developed, so rezoning to a higher density would be unlikely to result in higher densities. There are about three areas of the city which should be given closer scrutiny in 2005.

Commissioner Robertson said it was her understanding that no violation of the GMA is deemed to have occurred if the average density across the jurisdiction exceeds the minimum. Ms. Burgess allowed that the city does average more than four units per acre across the board. The

remaining residential capacity in the city is primarily in the Downtown which will develop at far more than four units per acre. Staff will send a letter to 1000 Friends in response.

C. 2004 Update to the Comprehensive Plan
– Vision

Ms. Burgess noted that several changes to the text of the Vision were made in accord with direction previously given by the Commission. She reported that some additional revisions will probably be suggested for the headings in the Bellevue 2025 section.

Answering a question asked by Commissioner Mathews, Ms. Burgess allowed that the reference to high-capacity transit on page 74 is not intended to reference any specific technology, only the moving of large numbers of people.

There was agreement that the changes made captured the suggestions made previously by the Commission. Ms. Burgess said there will be time after the public hearing to make additional revisions if necessary.

8. APPROVAL OF MINUTES

A. April 7, 2004

Motion to approve the minutes as submitted was made by Commissioner Robertson. Second was by Commissioner Mathews and the motion carried unanimously.

9. OLD BUSINESS

Ms. Burgess reported that no date for the retreat had yet been found.

10. NEW BUSINESS – None

11. PUBLIC COMMENT – None

12. ADJOURNMENT

Chair Schiring adjourned the meeting at 9:54 p.m.