



DATE: June 26, 2008

TO: Bellevue Planning Commission

FROM: Paul Inghram AICP, Comprehensive Planning Manager 452-4070
pinghram@bellevuewa.gov
Nicholas Matz AICP, Senior Planner 452-5371
nmatz@bellevuewa.gov

SUBJECT: July 9, 2008, Study Session agenda item for additional discussion and to take action on the Threshold Review recommendation for the proposed 2008 Vander Hoek Multifamily Comprehensive Plan Amendment (CPA).

INTRODUCTION

The Planning Commission on June 11, 2008, voted 2-2 on a motion to not include the Vander Hoek Multifamily CPA in the 2008 annual CPA work program. According to the Planning Commission bylaws, a tie vote results in the motion failing. Further, the bylaws indicate that in such an event, no action has been taken on the matter. The Land Use Code requires the Planning Commission to make a recommendation on privately-initiated CPAs (see LUC Section 20.30I.130.A.1.a.i). Because the tie vote was not considered action on the CPA, the Planning Commission must consider the matter again in order to adopt a Threshold Review recommendation for the Vander Hoek Multifamily CPA. No special process is required to consider this matter again on the Commission's agenda.

The Planning Commission is asked to continue its deliberation and to take action to make a recommendation to the City Council at the July 9, 2008, regular meeting. Although formal public notice is not required, staff will advise the applicant, agent, and other parties of record of the agenda. Commissioners not at the June 11 meeting will be provided an audio recording of the public hearing and study session discussion. After reviewing the recording, such Commissioners may participate in voting on any motion related to the Vander Hoek Multifamily CPA after making a statement on the record that they have reviewed the public hearing materials.

Please bring your June 11, 2008, agenda materials to the July 9, 2008, meeting.

STAFF RECOMMENDATION SUMMARY

This privately-initiated application would change the map designation of this 0.27-acre site from MF-H (Multifamily-High) to Downtown (DNTN), moving it from the Southwest Bellevue Subarea into the Downtown Subarea.

The application site is an existing parking lot. Wildwood Park is directly to the south, and there is a small commercial building directly north. The latter is within the Downtown Subarea.

There are existing condominium multifamily to the east (also in Downtown) and west (split designation between Downtown and South Bellevue). If the CPA is adopted, the site could be rezoned to allow redevelopment or expansion consistent with the land use provisions of the Downtown-Old Bellevue zoning district.

This application was made last year. The applicant withdrew it just before Council was to take action at the Threshold Review stage. This year, the staff report defines the primary issue as the proposed change to the Downtown Boundary. There are no “significantly changed conditions” that warrant consideration of changing the boundary, and if the city were to explore Downtown boundary changes it would be through a planning exercise that would require greater resources than we generally apply to an individual amendment request.

The proposal should not be included because:

It can't be reviewed within the resources and timeframe of the annual CPA work program.

The proposal that came forward last year engendered tremendous community concern about the stability of the Downtown boundary for surrounding properties and neighborhoods, and the precedent of a site-specific application being allowed to move it. There are major implications to amending the Downtown boundary that are larger than this site. If the City Council wishes to examine the Downtown boundary, it would be preferable to do this systematically through a comprehensive review of the subarea boundary in a future work program.

It does not address significantly changed conditions.

The framework for identifying a significantly changed condition here is the Plan's strong focus on maintaining the Downtown boundary. Within this framework, a proposed amendment should demonstrate evidence that changing the Downtown boundary is necessary because something was not anticipated by the establishment of that boundary, and that the fix needs to be made for the Plan to function. The Perimeter Design District requirements have been in place since 1985 and their adoption did not change the logic of the Downtown boundary itself. While the application may argue a superior site design could result from the amendment, this is not itself evidence of a significantly changed condition sufficient to warrant moving the boundary. The adoption of Perimeter Design District requirements does not prevent the site from being developed in a manner anticipated by the Plan when the Downtown boundary was adopted.

It is inconsistent with current Comprehensive Plan policies. Because this proposed amendment does not establish significantly changed conditions to warrant amending the Downtown boundary, it is inconsistent with current Southwest Bellevue Subarea Plan Policy S-SW-8 directing development to “Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods”.

Staff is also recommending no expansion of the geographic scope of the proposal. There is no new evidence this year supporting expansion of the geographic scope of this amendment proposal.

PLANNING COMMISSION ACTION

The Planning Commission is asked to recommend by motion whether the Vander Hoek Multifamily CPA should be initiated for Comprehensive Plan amendment under LUC 20.30I.140. The Commission is also asked to recommend by motion on geographic scoping under LUC 20.30I.130.A.1.a.ii.

Sample motion language (for reference):

Move to recommend (*initiation/no further consideration*) of the proposed *Vander Hoek Multifamily CPA* for the 2008 Annual Comprehensive Plan Amendment process, and to (*expand/not expand*) the geographic scope of the amendment.

PUBLIC COMMENT

No additional public comments have been received as of this memo date.

ATTACHMENTS

1. Vander Hoek Multifamily CPA staff report
2. Threshold Review Decision Criteria (LUC 20.30I.140) and Consideration of Geographic Scoping (LUC 20.30I.130.A.1.a.ii)
3. Minutes of the May 23, 2007, Planning Commission meeting (where the Commission made a Threshold Review recommendation on the similar CPA application.)

ATTACHMENT 1

Vander Hoek Multifamily

2008 Annual Threshold Review Recommendation and Consideration of Geographic Scoping
Site-Specific Amendment

Vander Hoek Multifamily

Staff recommendation: Recommend that the City Council **not include** the Vander Hoek CPA into the 2008 annual CPA work program. Do **not expand** the geographic scope of the proposal.

Permit Number: 08-103615 AC
Subarea: Southwest Bellevue/Downtown
Address: 117 102nd Ave SE
Applicant: Vander Hoek Corporation

PROPOSAL

This privately-initiated application would amend the map designation of this 0.27-acre site from MF-H (Multifamily-High) to DNTN (Downtown), moving it from the Southwest Bellevue Subarea to the Downtown Subarea.

The application site currently is a parking lot. If the CPA is adopted, the site would need to be rezoned to allow redevelopment or expansion consistent with the land use provisions of the Downtown-Old Bellevue zoning district (Perimeter Subdistrict A). See Attachment A for the application materials and Attachment B for a site map.

The Downtown-Old Bellevue (OB) district generally allows the full range of residential densities and other, limited commercial uses. There are two differences between OB and R-30. First is in allowed uses. The OB district allows Retail uses that the R-30 does not, and it allows many Service uses by right (P) that are conditionally permitted (C) in the R-30. The OB district also allows a greater range of Recreation uses than in R-30. Also, the R-30 district allows Resource uses that the OB district does not.

The second difference is in dimensions. Although both districts allow a similar range of residential uses, the OB allows more intensity of that residential use through its dimensional standards. See Attachment C.

THRESHOLD REVIEW DECISION CRITERIA

The Threshold Review Decision Criteria for an initiated Comprehensive Plan Amendment proposal are set forth in the Land Use Code Section 20.30I.140. Based on the criteria, Department of Planning and Community Development staff has concluded that the proposal **should not be included** in the annual CPA work program.

This conclusion is based on the following analysis:

- A. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and

The appropriate land use designation for the property at 117 102nd Ave SE is a matter appropriately addressed through the Comprehensive Plan.

- B. The proposed amendment is in compliance with the three-year limitation rules set forth in LUC 20.30I.130.A.2.d; and

The three-year limitation does not apply to this proposal to amend the site designation. This application was submitted last year but was withdrawn by the applicant before the City Council could act on the Planning Commission's Threshold Review recommendation to include it in Final Review. The Land Use Code allows such withdrawal and preserves the applicant's right to re-apply within three years of the original application if it occurs before a decision of the City Council on Threshold Review.

- C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and

This suggestion does not raise policy or land use issues that would be more appropriately addressed by an ongoing work program. The Meydenbauer Bay Project identified primary areas for potential land use changes and a secondary area that was explicitly defined to look only at the impacts of primary area land use changes, not to include any land use changes itself. The Vander Hoek Multifamily CPA site is within this latter study area.

- D. The proposed amendment can be reasonably reviewed within the resources and timeframe of the Annual Comprehensive Plan Amendment Work Program; and

The suggestion cannot be reasonably reviewed within the resources and time frame of the current Annual Comprehensive Plan Amendment Work Program.

The proposal that came forward last year engendered tremendous community concern about the stability of the Downtown boundary for surrounding properties and neighborhoods, and the precedent of a site-specific application being allowed to move it. There are major implications to amending the Downtown boundary that are larger than this site.

If the City Council wishes to examine the Downtown boundary at all, it would be preferable to do this systematically with the major seven-year update of the Comprehensive Plan scheduled to begin in 2011.

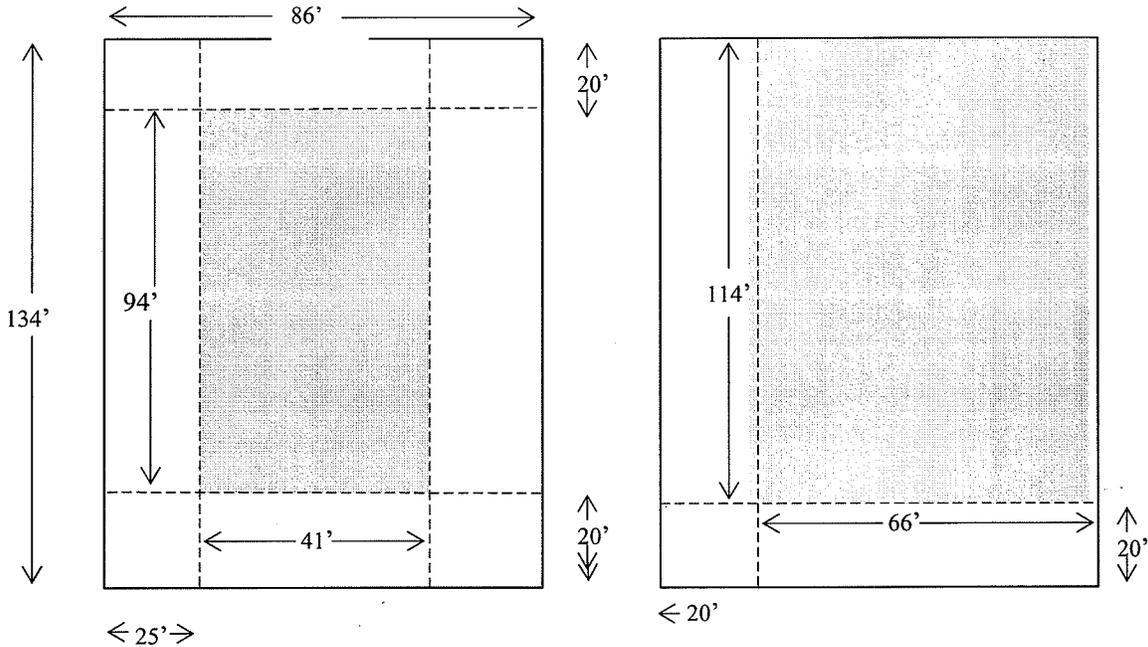
- E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. Significantly changed conditions are defined as:

Significantly changed conditions. Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject

property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046).

The proposed amendment does not address significantly changed conditions since the last time the Plan map was amended, where such change has implications of a magnitude that need to be addressed for the Plan to function as an integrated whole.

The application cites as evidence of significantly changed conditions the 1985 adoption of Downtown Perimeter Design District regulations, including stringent residential transition requirements. The application states a belief that these regulations create an equivalent buffer to that represented by the existing Downtown boundary and its locational buffering of Wildwood Park, and that development under existing non-Downtown regulations would create a worse outcome under subarea policy implementation.



Existing R-30 Designation*

DNTN OB Perimeter Subdistrict A*
No boundary expansion

**North is up in these diagrams. See Attachment C*

The framework for identifying a significantly changed condition here is the Plan's strong focus on maintaining the Downtown boundary. Within this framework, a proposed amendment has to demonstrate evidence that changing the Downtown boundary is necessary because something was not anticipated by the establishment of that boundary, and that the fix needs to be made for the Plan to function as an integrated whole.

The adoption of Perimeter Design District requirements in 1985 did not actually affect the Downtown boundary itself. As explained in Criterion D, there are bigger issues of the Downtown boundary that go beyond dimensional issues within this site under various designations. While the application may argue a superior site design, this is not itself evidence of a significantly changed condition to warrant moving the boundary. The adoption of Perimeter Design District requirements does not prevent the site from being developed in a manner anticipated by the Plan when the Downtown boundary was adopted.

; and

- F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and

There is no new evidence this year supporting expansion of the geographic scope of this amendment proposal.

A previous basis for expansion of geographic scope was that the Forum Condominiums—located west of this application site and actually split by the Downtown/Southwest Bellevue Subarea boundary—are affected by the same significantly changed conditions as characterize the application site and are thus similarly situated. However, the Planning Commission last year declined to expand the geographic scope because it did not see a need to extend Downtown street retail use requirements west into existing residential areas that had not been built in consideration of Downtown zoning.

- G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act (GMA), other state or federal law, and the Washington Administrative Code (WAC); or

Because this proposed amendment does not establish significantly changed conditions to warrant amending the Downtown boundary, it is inconsistent with current Southwest Bellevue Subarea Plan Policy S-SW-8 directing development to “Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods”.

- H. State law requires, or a decision of a court or administrative agency has directed such a change.

State law or a decision of a court or administrative agency has not directed the suggested change.

PUBLIC COMMENT

Several written comments and some telephone inquiries have been received on this application as of May 19, 2008. The comments include an allegation of a conflict of interest for the applicant in regards to his position on the Meydenbauer Bay Project committee. The City Attorney responded to this allegation. See Attachment D. Additional public comment addresses the larger issue of the Downtown boundary. See Attachment E.

ATTACHMENTS

- A. Application materials
- B. Site map
- C. Intensity comparison chart
- D. City Attorney letter
- E. Public comment



Attachment A

Department of Planning & Community Development

Application

425-452-6800 www.cityofbellevue.org

COMPREHENSIVE PLAN AMENDMENT

APPLICATION DATE: FOR CPA YEAR: 20 <u>07</u> <u>1.30.08</u>	TECH INITIALS <u>JO</u>	PROJECT FILE # <u>08.103615 AC</u>
----------------------------------------------------------------	-------------------------	------------------------------------

1. Project name Vander Hoek Multi-Family
2. Applicant name Vander Hoek Corporation Agent name Tom Frye, Jr.
3. Applicant address #9 - 103rd Avenue NE - Bellevue, WA 98004
4. Applicant telephone (425) 453-1655 fax (425) 453-4037 e-mail stuvhc@nwlinc.com
5. Agent telephone (425) 454-0566 fax (425) 453-8013 e-mail fryet@baylisarchitects.com

This is a proposal to initiate a site-specific Comprehensive Plan Amendment (Go to **Block 1**)
 This is a proposal to initiate a non site-specific Comprehensive Plan Amendment (Go to **Block 2**)

BLOCK 1

Property address and/or 10-digit King County parcel number 066600-0350-01 & 2607900000

Proposed amendment to change the map designation from existing MF-H to proposed Downtown/
Site area (in acres or square feet) ±11,561 SF (0.27 AC) Old Bellevue

Subarea name Southwest Bellevue change to Downtown/Perimeter/Old Bellevue

Last date the Comprehensive Plan designation was considered ___/___/79

Current land use district (zoning) R30

Is this a concurrent rezone application? Yes No Proposed land use district designation CBD-OB/A

Go to **BLOCK 3**

Community Council: N/A East Bellevue

BLOCK 2

Proposed amendment language. This can be either conceptual or specific amendatory language; but please be as specific as possible so that your proposal can be adequately evaluated. If specific wording changes are proposed, this should be shown in ~~strike-out~~/underline format. Attach additional pages as needed.

Not Applicable.

Reference Element of the Comprehensive Plan (e.g., Land Use, Transportation, Housing, Capital Facilities):

Last date the Comprehensive Plan policy or text was considered ___/___/___

Go to **BLOCK 3**



BLOCK 3

Support for the proposed amendment. Explain the need for the amendment—why is it being proposed? Describe how the amendment is consistent with the vision of the Comprehensive Plan. Include any data, research, or reasoning that supports the proposed amendment. Attach additional pages as needed.

SEE ATTACHED

Go to **BLOCK 4**

BLOCK 4a

Evaluating the proposed amendment. Explain how the proposed amendment is consistent with the Threshold Review Decision Criteria in LUC Section 20.30I.140 (see Submittal Requirements Bulletin #53). Attach additional pages as needed.

SEE ATTACHED

BLOCK 4b complete this section only for a site-specific concurrent rezone

Evaluating the proposed concurrent rezone. Explain how the proposed rezone would be reviewed under Rezone Decision Criteria in Land Use Code Section 20.30A.140. Attach additional pages as needed.

SEE ATTACHED

I have read the Comprehensive Plan and Procedures Guide

NOTICE OF COMPLETENESS: Your application is considered complete 29 days after submittal, unless otherwise notified.

Signature of applicant Strand A. Vander Hook Date 1/26/08

I certify that I am the owner or owner's authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owner's agent regarding the property at the above-referenced address for the purpose of filing applications for decisions, permits, or review under the Land Use Code and other applicable Bellevue City Codes and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.

I certify that the information on this application is true and correct and that the applicable requirements of the City of Bellevue, RCW, and the State Environmental Policy Act (SEPA) will be met.

Signature Strand A. Vander Hook Date 1/26/08
(Owner or Owner's Agent)

BLOCK 3

Urban activities, living, economic vitality, and development excitement that in 1979 were all dreams for downtown in general and Old Bellevue in particular, are now a reality. This parcel is on the edge of this district, being north of Wildwood park and across the street from the Courtyard Apartments, and is much more naturally suited for urban development than lower-density residential development associated with its MF-H designation. A small portion of the CBD boundary, that for over 26 years has gone un-noticed, is now receiving attention for its awkward location.

Though the MF-H Comprehensive Plan designation in 1979 was probably used originally to act as a “buffer” between downtown and lower density residential uses, the subsequent implementation in 1985 of Perimeter Design Districts created a whole series of stringent urban design guidelines, building/sidewalk relationship requirements, and reductions to the underlying Downtown height, bulk, density, and parking provisions – consequently now achieving “buffering” in ways unanticipated twenty-eight (28) years ago. The Perimeter A designation proposed for this parcel is the most restrictive in the Downtown, offering the most protection to neighboring uses, and has significantly greater design sensitivity and review than any underlying MF-H/R30 development would receive.

This proposal is to relocate the CBD boundary about 130 feet to the south of its present location, just to the west of 102nd Avenue SE, thereby changing the Comprehensive Plan designation from MF-H to Downtown/Old Bellevue, and changing the zoning from R30 to CBD-OB Sub-district A for the following reasons:

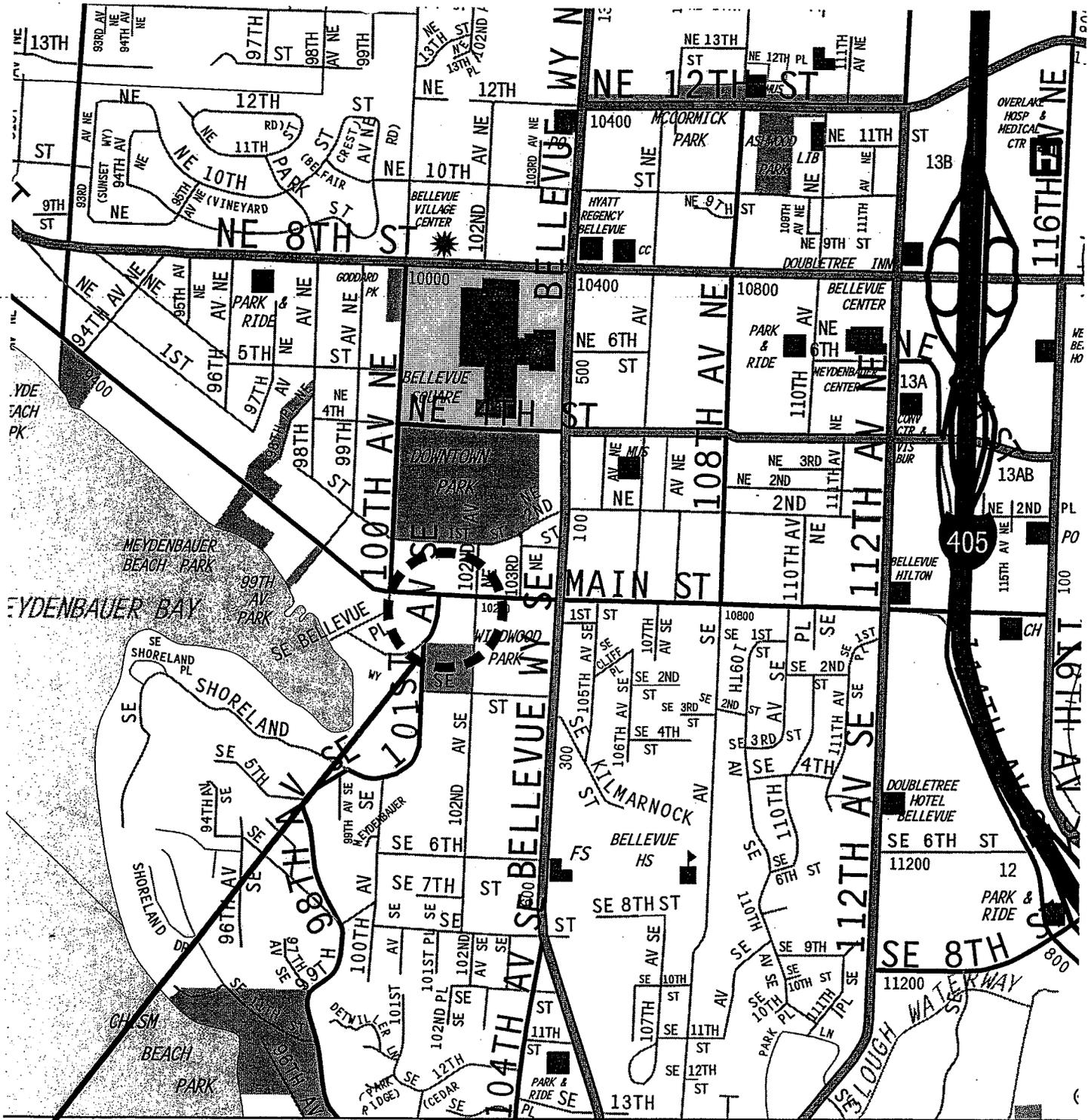
- To create consistent street frontage and sidewalk relationships along both sides of 102nd SE to strengthen the pedestrian experience and economic vitality for both sides of the street;
- To relocate the CBD 20-foot landscape buffer from its present location in the middle of a block to allow for continuous pedestrian frontage from Main Street to Wildwood Park;
- To align the CBD boundary and its associated 20-foot landscape buffer on both sides of 102nd SE;
- To slightly increase the amount of CBD-OB zoned land to enhance the economic-viability of existing and future retail business resulting in an enhancement to the pedestrian experience on all the streets in Old Bellevue; and
- Finally, moving the CBD boundary to the north side of Wildwood Park would effectively increase the apparent extent of the park by virtue of the 20-foot landscape buffer being located immediately adjacent to the north, and being up to 15 feet deeper than the usual 5-foot landscape setback in the current MF-H use.

We believe this amendment is consistent with the vision of the Comprehensive Plan for the following reasons:

- 1) The Comprehensive Plan allows for 55 foot heights directly across the street to the east. (Policy UD-71),(Policy LU-9)

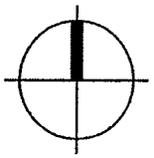
BLOCK 3 (Cont'd)

- 2) By moving the 20 foot CBD buffer to the south property line, the CBD buffer would line up with the buffer as it heads easterly while providing for Policy UD-58.
- 3) By changing the zoning to CBD-OB/A, perimeter district design guidelines in place since 1985 and affecting the property across the street, could now be utilized to create a more compatible and consistent urban fabric on both-sides of the street. For the community and neighborhood, this would create more predictability and less confusion to the building structures. From an urban design standpoint, this would replicate the pattern of structures both across the street and to the north. (Policy UD-3),(Policy UD-71),(S-DT-37)
- 4) With the zoning change and the street design guidelines, again, both sides of the street would coordinate together. This would potentially affect landscaping, lighting, and sidewalk design, as well as linear façade design on the building. (Policy UD-4), (Policy UD-43), (Policy UD-56), (Policy UD-58),(S-DT-35)
- 5) This zoning change would also enhance the vitality and viability of the Old Bellevue commercial neighborhood. Providing for more living opportunities, and at the same time providing a more broad customer base for the commercial neighborhood would also benefit the pedestrian activity in Old Bellevue. (Policy ED-24),(LU-29),(LU-31)(S-DT-7),(S-DT-26)
- 6) With the additional density achieved with the zoning change, more residents in the neighborhood would help to activate an underutilized Wildwood Park to the south.



Proposed Downtown Boundary Relocation

Vander Hoek Multi-Family
Vicinity Map
No Scale



BLOCK 4a (20.301.140 Threshold Review Decision Criteria)

- A. The proposed amendment represents a matter appropriately addressed through the Comprehensive Plan; and**

RESPONSE:

We believe the adjustment of the CBD boundary can only be handled through the Comprehensive amendment process.

- B. The proposed amendment is in compliance with the three year limitation rules set forth in LUC 20.301.130.A.2.d; and**

RESPONSE:

We believe the proposed amendment for these two parcels is in compliance with the 3-year limitation rules in LUC 20.301.130.A.2.d.

- C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and**

RESPONSE:

We believe the proposed amendment is not addressed by any known ongoing work program approved by City Council.

- D. The proposed amendment can be reasonably reviewed within the resources and time frame of the annual Comprehensive Plan work program; and**

RESPONSE:

We believe the proposed amendment should be able to be reviewed within the City's resources and time frame for the annual Comprehensive Plan amendment work program.

- E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of "significantly changed conditions;" and**

RESPONSE: SITE "CONTEXT" CHANGES

The first significant way conditions changed since the Comprehensive Plan designation of MF-H was initiated in 1979 is that a 55 foot apartment building was constructed across 102nd SE to the east, in the CBD/Old Bellevue/Subdistrict A-Perimeter Design District.

The second thing that has changed is that the property owner to the north of our property approached us with a development project in mind for his property. At that point it became more obvious, with the fact that his property required the 20 foot CBD setback to be placed on it, that a project on our property in R30 zoning, would be dramatically different from the CBD-OB/A project he is proposing next door, or the 55 foot tall building across the street.

And third, immediately across 102nd SE to the east and south, there has been one condominium/townhome complex constructed and occupied, and it's second phase has just started construction.

RESPONSE: LEGISLATIVE CHANGES

Also changed since 1981 when the original 20 foot CBD buffer was put in place (remember the height allowed for a residential building in CBD-OB in 1981 was a basic height of 150 feet, and

BLOCK 4a (20.301.140 Threshold Review Decision Criteria) (Cont'd)

a maximum height of 200 feet) is that additional design guidelines were put in place in 1985. This is not to say that our 11,000 sf lot would ever get close to 120 feet however, due to the floor area ratio limitation. In the 1985 Perimeter Design Guidelines, the residential height allowance was reduced to 55 feet directly across the street from this site. Our position is that in 1985 there was no reconsideration for how that reduction in the height allowance to 55 feet directly across the street, if placed on our R30 land, would achieve the same buffering purpose the R30 residential zoning achieved when 200 foot tall building could have prior to 1985 been built to the north. Nor was there reconsideration in 1985 of how Wildwood Park also served as a buffer between the new 55 foot CBD-OB zoning if it was placed on the R30 land. These are the changed conditions that need to be examined.

It's also apparent in doing our research, that our R30 land simply was not included in this 1985 reconsideration because Resolution 4329 (b) dated April 2, 1984 did not include it in the study scope. And, that's probably why the 20 foot CBD buffer dividing the Forum property and our property never was reconsidered either. From our perspective this was an oversight at the time. However, the 1986 Old Bellevue Study did call for the CBD line to be moved to the south edge of the Forum property. As everyone knows, this was never done.

In a similar vein, currently the Meydenbauer Waterfront Park Land Use Plan is recommending changing the R-30 zoning of a parcel of land south of the Chevron Station on Main Street to OB-A zoning.

RESPONSE: PHYSICAL CHANGES

The physical situation is such that the proposed relocation of the CBD boundary would help the Downtown Old Bellevue Subarea to better achieve its general Economics, Residential Development, Urban Design, and Retail Policies goals;

Economics

- Maintain an attractive economic environment to encourage private investment.

Residential Development

- Provide for a mix of urban residential types and densities in the Downtown.
- Allow urban residential uses in all districts within the Downtown.
- Allow residential uses in mixed-use structures or complexes.
- Urban residential uses shall predominate in some area of the Downtown.

Urban Design

- Create a pedestrian environment with a sense of activity, enclosure, and protection.
- Minimize the adverse impact of Downtown development on residential neighborhoods with consideration of through-traffic, views, scale, and land use relationships.
- Consider the impact of new development upon views from neighborhoods and existing buildings.
- Provide for a sense of approach and entry to the Downtown.

Retail Focus

- Additional specialty retail, comparison retail, and restaurants shall be encouraged.

Meydenbauer Park Connectivity

- Provide enhanced pathway opportunities to connect the perimeter of the park's primary study area with South portion of the Old Main CBD.

In addition, the proposed boundary relocation would enhance the opportunity to achieve more specific Perimeter Area and Old Bellevue policy goals while not negatively impacting any of the goals of the Southwest Subarea;

BLOCK 4a (20.301.140 Threshold Review Decision Criteria) (Cont'd)

Perimeter Area - General Land Use

- It is the policy of the City to define Perimeter Areas along the north, west, and south boundaries of the Downtown, based on their potential for affecting surrounding residential areas.
- It is the purpose of Perimeter Areas to provide stability both within the Downtown and within surrounding residential areas through the promotion of residential, institutional, and convenience service/retail uses.

Perimeter Area - Urban Design

- Special design standards and design guidelines for Perimeter Areas have been established that will break down the scale of new development and add activities and physical features that will be compatible both with the Downtown and surrounding residential areas.
- Landscaping and green space standards have been established to mitigate the potential impacts on surrounding residential neighborhoods.

Old Bellevue – General Land Use

- The Main Street area has already been recognized for its unique character and special role in the Downtown. Design Standards for this area have already been established which encourages specialty retail, residential development, pedestrian activity, existing scale, and improved traffic flows.

Old Bellevue - Circulation

- Development intensity will be related to the degree of participation in achieving circulation and pedestrian objectives.

Old Bellevue – Urban Design

- Building intensity will be linked to the extent of provision for the pedestrian through street-scape improvements, midblock pedestrian circulation, public use spaces, pedestrian-attracting activities (show windows, etc.), appropriate building design, and adequate openness for view and light.

- F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and**

RESPONSE:

We believe the proposed “expansion” of the CBD, by relocating the boundary, is the minimum needed to make property development and street use experiences more consistent along both sides of 102nd Avenue SE, and would eliminate a unique condition around the perimeter of the CBD whereby the boundary line is one parcel away from a major park that provides significant buffering (to residential to the south).

Any development on a parcel in CBD-OB/A will receive significant staff and neighborhood scrutiny as a result of a project needing to conform to the following urban design requirements:

- Downtown dimensional requirements.
- Downtown floor area amenity incentive requirements.
- Downtown walkway and sidewalk requirements.
- Old Bellevue development requirements.
- Perimeter Design District A – development standards.
- Perimeter Design District A – design guidelines.
- Design Guidelines Building/Sidewalk relationships.

BLOCK 4a (20.301.140 Threshold Review Decision Criteria) (Cont'd)

- Design Review.
- SEPA Review.
- Building Permit.

Only the last two reviews are required of a project on the existing MF-H/R30 parcels.

- G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code; or**

RESPONSE:

We believe the proposed amendment is consistent with and enhances Bellevue's compliance with Countywide Planning Policies and the Growth Management Act. We believe the proposed amendment is consistent with other state or federal law and the Washington Administrative Code.

- H. State law requires, or a decision of a court or administrative agency has directed such a change.**

RESPONSE:

Does not apply.

BLOCK 4b (20.30A.140 Rezone Decision Criteria)

- A. The rezone is consistent with the Comprehensive Plan; and**

RESPONSE:

This rezone proposal is consistent with the proposed amendment of Comprehensive Plan from MF-H to Downtown/Perimeter/Old Bellevue.

- B. The Rezone bears a substantial relation to the public health, safety or welfare; and**

RESPONSE:

This rezone bears a substantial relation to the public health, safety or welfare by potentially invigorating this street with retail uses and providing more eyes on both the park and the street than the basic R30 would otherwise provide.

- C. The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed land use district classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and**

RESPONSE:

This rezone is warranted in order to achieve consistency with the Comprehensive Plan, and the proposed zoning classification is appropriate for reasonable development of the subject properties and will relocate an awkwardly placed, midblock, landscape buffer to a location of greater benefit to the neighborhood – adjacent to Wildwood Park.

- D. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and**

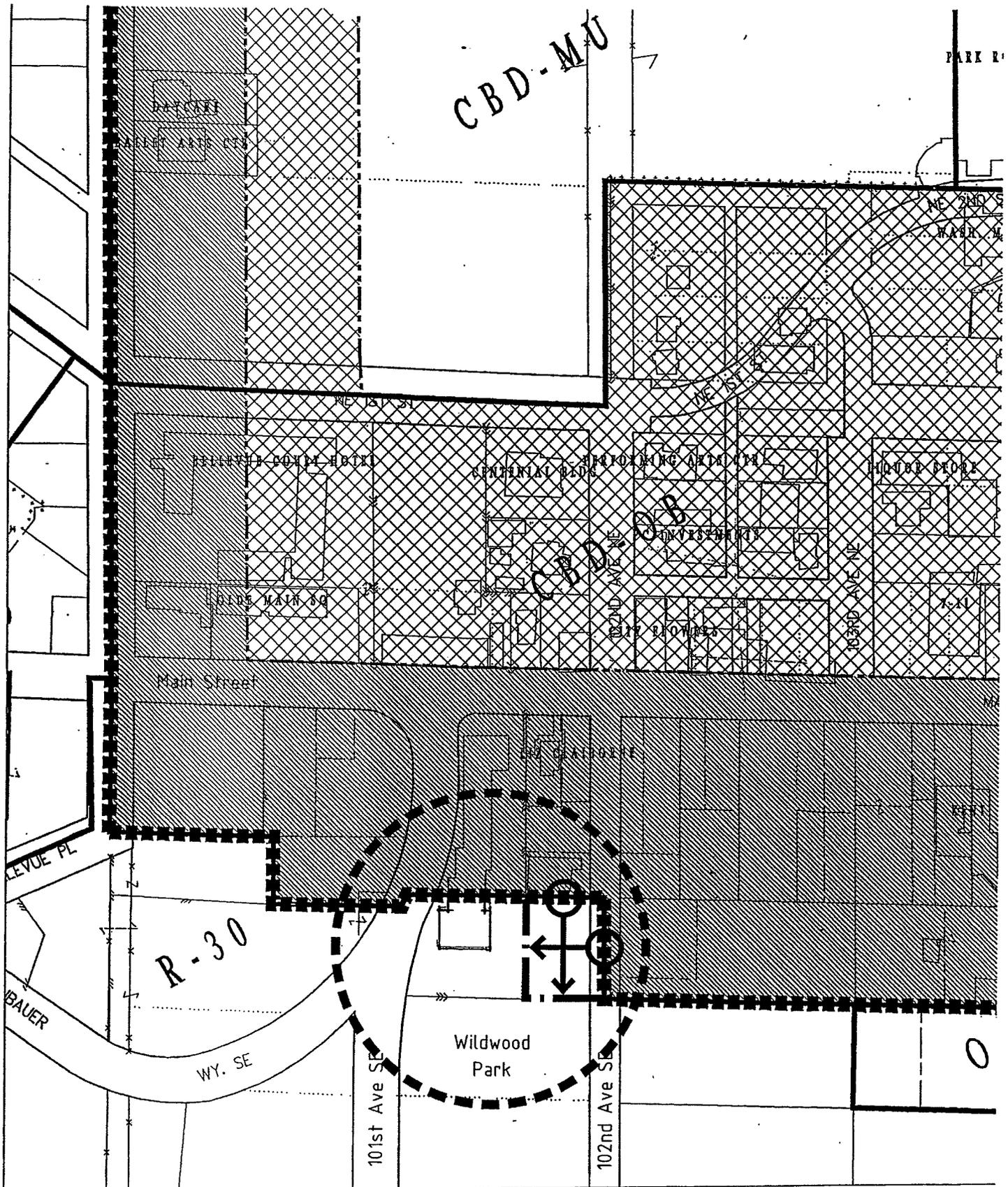
RESPONSE:

This rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property because the adjoining uses are existing CBD-OB permitted uses, and Wildwood Park is situated immediately south of the 20-foot CBD boundary landscape buffer this parcel must provide, consequently benefiting from the additional plant and animal life.

- E. The rezone has merit and value for the community as a whole.**

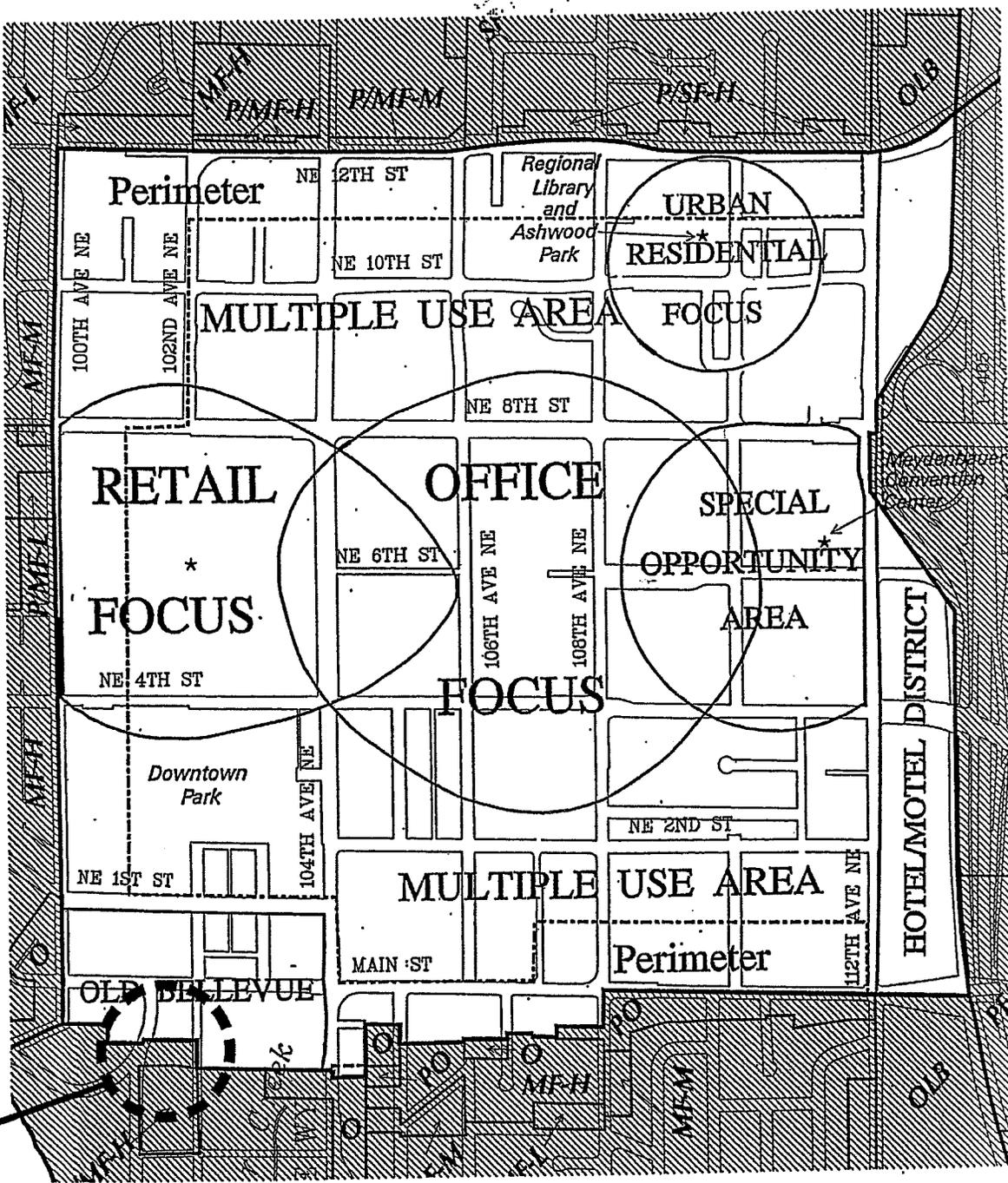
RESPONSE:

This rezone will allow more urban housing to be provided than the R30 zone allows, furthering the achievement by the City of Bellevue of its GMA housing goals.



Proposed Downtown Boundary Relocation
 Vander Hoek Multi-Family

Proposed Downtown Boundary Relocation



Proposed Downtown Boundary Relocation **FIGURE S-DT.1**

Downtown Land Use Plan

- SF Single Family
- MF Multi-Family
- L Low Density
- M Medium Density
- H High Density
- UR Urban Residential

- PO Professional Office
- O Office
- OLB Office, Limited Business
- NB Neighborhood Business
- CB Community Business
- GC General Commercial
- LI Light Industrial

- PF/ Public Facility
- P/ Park
- Subarea Boundary
- ▨ Planning District
- City Limit

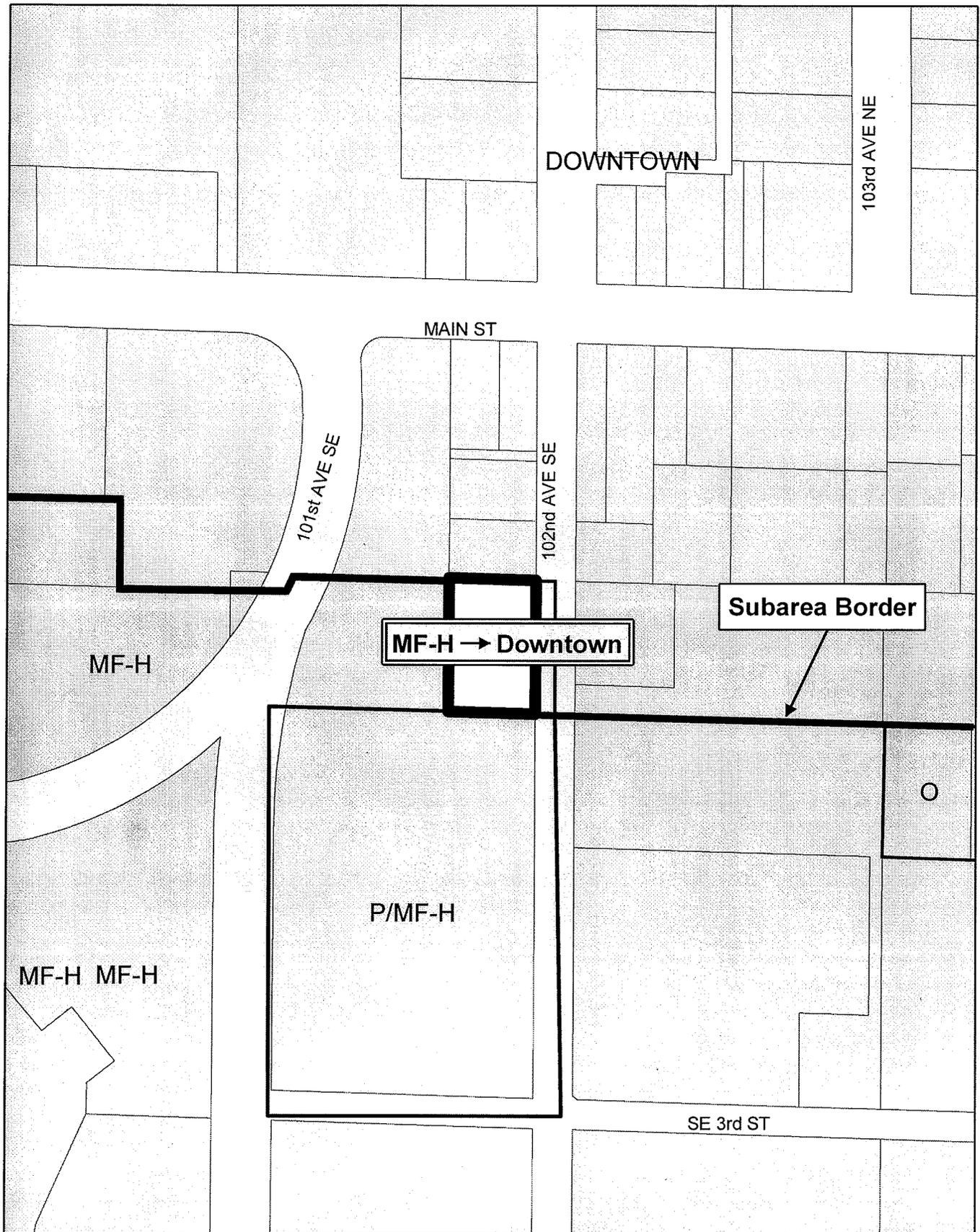
- ★ School
- ▲ Fire Station
- ★ Public Facility
- Railroad Track

PERMIT PROCESSING

This map is a graphic representation. It is not to be relied on for survey accuracy; it is not intended to specify acreage, dimensions or exact densities of development. Any reproduction or sale of this map, or any portion thereof, is prohibited without the express written authority of the City of Bellevue. This material is owned and copyrighted by the City of Bellevue.



Attachment B



March 2008



VanderHoek Multifamily
Proposed Comprehensive Plan Designations
117 102nd Ave SE

VanderHoek Multifamily Attachment C

Attachment C

Comparison of General Development Requirements: DNTN-OB --Perimeter Subdistrict A, and R-30

Zone	Building Type	Min. Setbacks (ft.)			Max. Lot Coverage (%)	Min. Parking Stalls	Bldg. Height (ft.)		FAR	
		F	R	DTB			S	Basic	Max.	Basic
DNTN-OB (A)	Nonresidential	0	0	20	0	Retail: 4:1,000 nsf Office: 3.5:1,000 nsf	30	40	0.5	1.0
	Residential	0	0	20	0	1.0 per unit	30	55	2.0	3.5
R-30	Residential	20	25	5 min., total 15*	35	1 bed/studio: 1.2 unit 2 beds: 1.6 unit 3+ beds: 1.8 unit	40	40	NA	NA

* Sides increase to 20 if building ht. exceeds 30'

**100% is not possible due to required 20' setback from the DT boundary

Comparison of Potential Residential Development Intensities: DNTN-OB -- Perimeter Subdistrict A, and R-30

Zone	Buildable area by setbacks	Floorplate area measured by setbacks	Resulting sq. ft.*		Resulting FAR density*		Equivalent DU/acre**
			2 stories 30 feet	3 stories 40 feet	2 stories 30 feet	3 stories 40 feet	
DNTN OB (A)	114 x 66	7,524	15,048	22,572	1.3	2.27	15-30
R-30	94 x 41	3,854 sf	7,708	11,562	0.66***	1.0***	8-12

*presumed understorey or underground parking

**presumed 1,000 square foot units

***measured in FAR equivalent to R-30 dwelling units/acre

Attachment D

**City of
Bellevue**



P.O. Box 90012 • Bellevue, WA • 98009-9012

April 8, 2008

Meydenbauer Bay Neighbors Association
Attn: Marvin B. Peterson, President
227 Bellevue Way NE – PMB 278
Bellevue, Washington 98004

RE: Vander Hoek Comprehensive Plan Amendment (08-103615 AC)

Mr. Peterson:

Thank you for your interest in the Meydenbauer Bay planning effort and taking the time to bring your concerns about a perceived conflict of interest represented by the above Comprehensive Plan Amendment to the City's attention. As you know, the proposal is to amend the Comprehensive Plan designation from MF-H (Multifamily-High) to DNTN (Downtown), moving property owned by the Vander Hoek Corporation at 117 102nd Ave SE from the Southwest Bellevue Subarea into the Downtown Subarea. This property lies outside the boundary of, but in the vicinity of the Meydenbauer Bay planning area. In a separate planning study, the City has appointed a Steering Committee, including Mr. Stuart Vander Hoek, to develop recommendations for a new land use vision for the Meydenbauer Bay area.

You have requested that Mr. Vander Hoek recuse himself from further participation in the Meydenbauer Bay Steering Committee because this proposed Comprehensive Plan Amendment presents a conflict of interest. While Mr. Vander Hoek is free to make his own determination about the propriety of continuing in his role as Steering Committee member, the City has determined that there is no conflict that requires Mr. Vander Hoek to cease participating in the Committee.

City committee members are governed by the ethics and conflicts rules set forth in RCW ch. 42.23. See Bellevue City Code Section 3.92.020. As a member of the Meydenbauer Bay Steering Committee, Mr. Vander Hoek is covered by these provisions. Under these applicable laws, Mr. Vander Hoek is prohibited from:

- Using his position to secure special privileges for himself;
- Accepting any compensation for his role on the Steering Committee, except from the City;
- Accepting employment or participating in any business activity that would require or cause him to divulge confidential information obtained while participating in the Steering Committee activities;
- Disclosing or using any confidential information obtained while participating in the Steering Committee activities; or
- Benefiting from any contract entered into by or under the supervision of the Steering Committee

The Meydenbauer Bay Steering Committee is tasked with developing recommendations for a park plan and updated land use vision that help meet the City's existing goals of reconnecting the Meydenbauer neighborhood with the waterfront and downtown. The planning area under consideration by the Steering Committee does not include the site that is the subject of the Vander

Meydenbauer Bay Neighbors Association
April 8, 2008
Page 2 of 2

Hoek Corporation's Comprehensive Plan amendment. Therefore, suggestions made by the Steering Committee do not include suggested land use or other changes for that site.

Furthermore, as a member of the Meydenbauer Bay Steering Committee, Mr. Vander Hoek has no decision-making authority over proposed changes to the Land Use Code or Comprehensive Plan that may result from the Meydenbauer Bay planning efforts. Following the receipt of recommendations by the Steering Committee, the City's Planning Commission will develop recommended Land Use Code and Comprehensive Plan amendments for consideration by the City Council. The Council will make any final decisions about proposed amendments.

Finally, the Meydenbauer Bay Steering Committee has no role in the review or approval of the Comprehensive Plan amendment proposed by the Vander Hoek Corporation.

Mr. Vander Hoek's continued participation in the Meydenbauer Bay Steering Committee does not violate the City's code of ethics for city committee members, and the City will not require or request his recusal from continued participation. Please feel free to contact me if you have any questions about the City's position.

Sincerely,

OFFICE OF THE CITY ATTORNEY
CITY OF BELLEVUE
Lori M. Riordan, City Attorney



Mary Kate Berens
Deputy City Attorney

Cc: Mayor Degginger, Members of the City Council
Steve Sarkozy, City Manager
Doug Leigh, Co-Chair, Meydenbauer Bay Steering Committee
Iris Tocher, Co-Chair, Meydenbauer Bay Steering Committee
Jennifer Robertson, Chair, Bellevue Planning Commission
Matt Terry, Director, Department of Planning & Community Development
Dan Stroh, Director, Planning Division, PCD
Patrick Foran, Director, Department of Parks & Community Services
Myrna Basich, City Clerk
Lori Riordan, City Attorney
David Bricklin
Stuart Vander Hoek

Matz, Nicholas

From: Ludwig, Cindy A [cindy.a.ludwig@boeing.com]
Sent: Thursday, May 22, 2008 2:34 PM
To: Matz, Nicholas
Cc: Council
Subject: FW: #08-103615AC

Dear Mr. Matz,

For the record, I agree with the comments made by Renay Bennett. Policy S-SW-8 is a significant milestone for ALL surrounding residential neighborhoods and any shifting of the downtown subarea borders should not be granted. Especially with the proposed massive re-zoning in the Bel-Red Corridor. When the Bel-Red development is constructed, there will be very little distinction between downtown and the Corridor, please do not allow further erosion of our residential boundaries. The current policy was established with much negotiation and forethought, successfully bridging a huge contentious issue between the Downtown developers and the Bellevue residents at large. General buy-in was only achieved because this policy was agreed to, with the understanding it is not negotiable in the future. These borders are still not negotiable and an approval of this proposal would severely undermine the trust and cooperative agreement we established with the current, lawful policy. We should not have to defend this policy year after year, we each deserve peaceful enjoyment of our residential property without the threat of encroaching development. I respectfully request you to disapprove Comprehensive Plan Amendment #08-103615AC.

Cindy Ludwig
12336 NE 24th Street
Bellevue, WA 98005

----- Original Message -----

From: Renay Bennett
To: NMatz@bellevuewa.gov
Cc: council@bellevuewa.gov
Sent: Thursday, May 22, 2008 1:32 PM
Subject: #08-103615AC

Dear Mr. Matz,

The Bellecrest Neighborhood Association does not support the proposed Comprehensive Plan Amendment, # 08-103615AC. We did not support it last year when this was first submitted.

Policy S-SW-8 states: "Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods."

When this policy was put into effect, it was a culmination of many, many meetings and much discussion on the up-zone of the downtown. It was decided and promised at that time that the downtown boundaries would not be changed and that the neighborhoods would be protected from the growth of the downtown.

The Comprehensive Plan is not something that should be changed to suit a single individuals desire for increased density. While the size of the property is .27 acres, the precedent that this will set, if allowed to proceed, will be dangerous and upsetting to many, many residents who rely on the lawful nature of the Comprehensive Plan. A few years ago, during the Downtown Implementation Plan, a downtown property owner proposed to upzone the area south of downtown (Bellecrest and Surrey Downs) all the way to S.E. 4th. Wisely, this was not adopted and discussion ensued about not changing the boundaries

5/22/2008

Matz, Nicholas

From: DSyltebo@aol.com
Sent: Thursday, May 22, 2008 9:04 AM
To: Matz, Nicholas; PlanningCommission; Council
Subject: please do not approve the request

City of Bellevue, Planning and Community Development:

My husband and I are opposed to the request called the "Pazooki CPA Application" at 504 98th Ave NE in the Lochleven neighborhood. We are not necessarily opposed to two smaller houses on the lot vs. one "mega mansion" like the one built at 98th at NE 5th Street (which has been sitting empty for many months now).

What we ARE opposed to is the expansion of the rezoning area to stretch into the neighborhood any further west than 98th Ave NE. In this neighborhood, we have many older homes and mature trees--which we'd like to preserve whenever possible. We also have many families with children who ride their bikes and walk on these streets. If the density of the housing increases, so will the number of cars on the streets, making it more dangerous for children to play and people to walk.

Please help keep the charm and safety of our neighborhood intact. As the downtown grows up and out, neighborhoods like ours will be harder to find. The unique qualities of the Lochleven neighborhood are worth preserving.

Thank you,

Danna Syltebo Anderson and Kermit K. Anderson
9539 NE 5th Street
Bellevue, WA 98004

Get trade secrets for amazing burgers. [Watch "Cooking with Tyler Florence" on AOL Food.](#)

Matz, Nicholas

From: Renay Bennett [renaybennett@msn.com]
Sent: Thursday, May 22, 2008 1:32 PM
To: Matz, Nicholas
Cc: Council
Subject: #08-103615AC

Dear Mr. Matz,

The Bellecrest Neighborhood Association does not support the proposed Comprehensive Plan Amendment, # 08-103615AC. We did not support it last year when this was first submitted.

Policy S-SW-8 states: "Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods."

When this policy was put into effect, it was a culmination of many, many meetings and much discussion on the up-zone of the downtown. It was decided and promised at that time that the downtown boundaries would not be changed and that the neighborhoods would be protected from the growth of the downtown.

The Comprehensive Plan is not something that should be changed to suit a single individuals desire for increased density. While the size of the property is .27 acres, the precedent that this will set, if allowed to proceed, will be dangerous and upsetting to many, many residents who rely on the lawful nature of the Comprehensive Plan. A few years ago, during the Downtown Implementation Plan, a downtown property owner proposed to upzone the area south of downtown (Bellecrest and Surrey Downs) all the way to S.E. 4th. Wisely, this was not adopted and discussion ensued about not changing the boundaries of the downtown because of policy and a commitment not to do so.

This current proposed changing of the boundaries is the camels nose under the tent and will be a beacon call to any other landowner adjacent to the edges of the downtown to upzone his property, thereby increasing the boundaries of the downtown.

A clear and direct policy in the Comprehensive Plan is a strong way to show the exact intent of the City as it relates to its residents. This policy, S-SW-8 is explicit about keeping the downtown boundaries to prevent the spread of Downtown into our residential neighborhoods.

Bellevue residents deserve the consistency of the Comprehensive Plan as a long range vision for our city and we appreciate the City Council and staff commitment to supporting both the Comprehensive Plan and our neighborhoods.

Respectfully,
Renay Bennett, President
Bellecrest Neighborhood Association

5/22/2008

Matz, Nicholas

From: Kathleen Bullock [applevalleybellevue@yahoo.com]
Sent: Thursday, May 22, 2008 1:59 PM
To: Matz, Nicholas
Cc: Council
Subject: #08-103615AC

I just received a copy of an email from Renay Bennett speaking against a proposed amendment to the Comprehensive plan: "*The Bellecrest Neighborhood Association does not support the proposed Comprehensive Plan Amendment, # 08-103615AC. We did not support it last year when this was first submitted.*

Policy S-SW-8 states: "Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods."

As president of the Apple Valley Neighborhood Association, I would like to state that we do not support the amendment either. We (that includes you as our elected officials) need to preserve our neighborhoods. The idea of a CBD was to keep the development contained. We already are impacted by traffic, buildings casting shadows and blocking sunlight, noise, pollution etc. We expect the council to protect the integrity of our single family neighborhoods and to stand firm.

Kathleen Bullock
10548 NE 25th Street
Bellevue, WA 98004
425-822-1459

applevalleybellevue@yahoo.com

Matz, Nicholas

From: Anita Skoog [askoog@gvakm.com]
Sent: Thursday, May 22, 2008 8:40 AM
To: Matz, Nicholas; Inghram, Paul
Subject: VanderHoek CPA 2008
Attachments: MBNA - VanderHoek Letter - April 21, 2008.doc

Nicholas & Paul –

Attached are additional comments regarding the VanderHoek 2008 CPA.

Please add them to the file, along with the April 2, 2008 that I emailed to Nicholas two days ago, and give both to the Planning Commission.

I apologize for the length of the letter, but this is a significant issue with many aspects that need to be dealt with.

Thank you,
Anita Skoog Neil
Meydenbauer Bay Neighbors Association

P.S. Nicholas – I will contact you in the next several days (& prior to the Public Hearing) to “get up to speed” with the CPA process, as you so graciously offered.

Nicholas Matz and Paul Inghram
Planning and Community Development
City of Bellevue
PO Box 90012
Bellevue, WA 98009

May 21, 2008

RE: VanderHoek 2008 CPA Request

Dear Nicholas and Paul:

In reviewing the file on the VanderHoek property 2008 Comprehensive Plan Amendment Re-Zone request, including the 2007 CPA request which was withdrawn before it went to Council, we have determined that we have some **additional observations/comments to add to our comment letter submitted April 2, 2008:**

Wildwood Park deserves to have a buffer from the CBD.

- **Staff has seemed to think the R30 buffer around the park has no current purpose** –“The reason for the difference is not clear. Perhaps the intent at the time the zoning was adapted was to buffer (Wildwood) Park from Downtown development.”
- **It appears to us that the R30 zoning buffer was, and remains to be, a deliberate, well-thought-out strategy** to buffer the park from the more intense development allowable under CBD/OB-A.
- **The current R30 zoning allows less height, much less lot coverage, no retail** – all aspects of CBD zoning that the Park (& neighborhood) deserves protection from.
- **Speculation** about whether the City should have re-visited this issue when it instituted the CBD Perimeter Design District is a moot point. We contend that **the 20 ft setback buffer introduced under this designation does not compensate or mitigate the ramifications of the more intense development allowable under CBD/OB-A, as the applicant contends.**

Historical Issues - The VanderHoek property is not a “split-zone” property.

- The owner has made references to his property as having “split-zoning” (like the Forum property, to the west), and in the past has attempted to identify, and potentially include, “other” split-zone properties in his re-zone efforts, in order to justify his re-zone request.
- The subject property is stand-alone and is zoned R30; only in the Owner’s desire to co-develop with the owner to the north does the concept of “split-zone” come about.

Historical Issues - Changing “Split-zone” zoning is a “Can of Worms”.

- We are uncertain why staff previously pursued the concept of “split-zoning”, under the 2007 review, but we note that staff had said that “there is no obvious explanation for City’s intent behind split zoning”.
- **It appears to us that the City clearly originally instituted split-zoning to protect residential areas from the intensity allowed under CBD zoning.** The CBD Perimeter Design District is simply **another layer in the “wedding cake” effect** designed by the City and

community, i.e. transitioning from DNTNO to DNTN-MU to DNTN-OB, through SubDistrict B and SubDistrict A, to R-30, etc.

- Additionally, we note that even considering pursuing the concept of re-zoning for “split-zoned” properties, opens up the preverbal “can of worms”. **We note that the applicant had suggested, and staff had considered, including other “split-zone” properties along the south CBD border for re-zone (in 2007).**
- Discussion of this concept even caused staff to **consider re-zone of neighboring “non-split zone” properties, and specifically referenced “the Yacht Club site and the sites immediately north of it”** – reference 2006 emails. **This expansive thinking is exactly what causes the community to be concerned in terms of “unanticipated consequences of an adopted policy” (see Threshold Review Decision Criteria), and the eventual “creep” of the Downtown.**
- Lastly, as the applicant points out (June 2007 email) –“As we know, **the bigger issue here is the neighborhood reaction to our request, and their perceived precedent setting for moving the CBD line.** Staff has reviewed other locations with split zoning on the edge of the CBD and chosen to not include those sites in the CPA process.”

Historical Issues – Geographic Scoping (2007) –reveals another “Can of Worms”.

- Staff had recommended the CPA request should be included in the 2007 CPA workload, & had recommended it for expansion of geographic scope. The Planning Commission recommended it be included in the 2007 CPA workload, but not for geographic expansion.
- The applicant, then **informally appealed in favor of geographic scoping** (June 2007 emails/letter), to allow him to **maximize his lot coverage,** and gave **examples** of how he’d be affected under: Current zoning, Planning Commission recommendation, and Staff recommendation, which **progressively showed the increase in lot coverage each alternative would provide.**
- We are pleased that (April 2008), staff’s states,” Expanding the geographic scope is not recommended. There are no changes in area uses since last year’s application to warrant changing the scoping recommendation the Planning Commission made last year.”

Threshold Review Decision Criteria:

- **The major differences between the applicant’s 2007 and 2008 CPA requests are:**
 - 1) **The 3rd Changed Site Condition cited is the “down-zone” of the Bellewood property from O to R30,** as 77% of the property was R30, and the property is to be developed under R30 (east and south of the subject property, across 102nd Ave SE). This is not a changed site condition.
 - 2) **Introduction of Legislative Changes**

The applicant gives **historical information** on the 1981 and 1985 **design guideline** changes, and **references the current Meydenbauer Park Planning effort,** and contends:
 - a) **No one reconsidered design parameters for adjacent R30 zoning when the 1985 CBD Perimeter Design District was adopted.** We contend that this was deliberate, as there was no need for this, and there would have been no public support to do so.
 - b) **No one reconsidered that Wildwood Park could function as the new buffer** from an extended CBD Perimeter Design District A. We contend that this was deliberate, as there would have been no community support to do so.

c) **No one followed through** on discussions in 1986 (the applicant, being co-chair of the Citizens Advisory Committee for that study) to move the CBD line to the south edge of the Forum property.

d) Lastly, **“currently the Meydenbauer Waterfront Park Land Use Plan is recommending changing the R30 zoning of a parcel of land south of the Chevron Station on Main Street to OB-A zoning.”** The City has not made any recommendations to the Planning Commission or Council regarding any zone changes. Additionally, that project (the applicant, being a member of the Citizens Advisory Committee for that project) is an **on-going work program approved by City Council** and as such, this reference could imply that this CPA request should be dealt with under that program, rather than the CPA process.

Historical & Current Issues – Threshold Review Decision Criteria.

- As we are **writing this prior to staff releasing their 2008 Recommendation Report** on this CPA, we would like to express our **concern that staff’s conclusion to include the CPA in the 2007 workload, was not adequately supported by the Decision Criteria.** We are concerned that they may come to the same conclusions for 2008. **Since “a proposal must meet all of the criteria to be included in the annual CPA work program”, we think these issues are significant.** Specifically concerning:

1) **Criteria C – “The proposed amendment does not raise policy or land use issues that are more appropriately addresses by an ongoing work program approved by the City Council.”**

* In evaluating the 2007 CPA request, staff says **“The VanderHoek property is within the Meydenbauer Bay Project secondary study area. However, map designation changes within the secondary study area are not expected.”**

* As referenced above, the applicant however, in his 2008 CPA request references, **“In a similar vein, currently the Meydenbauer Waterfront Park Land Use Plan is recommending changing the R30 zoning of a parcel of land south of the Chevron Station on Main Street to OB-A zoning”.**

* **Clearly, the applicant views his property as “being addressed” by “an ongoing work program”, and as such his CPA request does not meet Criteria C.**

2) **Criteria E – “The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended”** (please refer to definition of “significant changed conditions”).

* In evaluating the 2007 CPA request, staff says **“it appears that the VanderHoek property & Forum Condominium property to the west were designated MF-H to create a cushion between the Downtown subarea to the north and Wildwood Park to the south...However, with the 1985 adoption of the CBD Perimeter Design District, the issue of having less intense Downtown development cushion the SW Bellevue subarea and Wildwood Park is addressed through the development regulation and design review established by LUC section 20.25A.090.”**

* **The applicant had researched through City (past?) staff whether changing his and similar R30 zone situations were discussed when the CBD Perimeter Design District was adopted (emails May 2007), and apparently this was not discussed. The applicant**

contends that this was an oversight; we contend that this was intentional, again due to the resulting layering of the “wedding cake” effect.

3) **Criteria G – “The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals...”**

* Staff's 2007 evaluation said” Preliminary analysis suggests that this request is likely consistent with current general policies in the city-wide Comprehensive Plan, but further review is necessary regarding SW Bellevue Subarea Policy S-SW-8 (which is): **“Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods”**

*(staff then goes on to say) **“As the proposed amendment considers the best location for the Downtown Subarea boundary taking into account changed conditions since 1979, Policy S-SW-8 may also be reconsidered (our underlying), taking into account these changes conditions and the intent of this policy.”**

***Clearly staff was saying that the CPA request WAS NOT consistent with the Comprehensive Plan, and that in fact, they were proposing to change the Comprehensive Plan so that the request would conform (!).**

* July 2007 email from staff to a resident states, “A CPA would need to be consistent with Comprehensive Plan policies or include an amendment that would maintain consistency. In this case, the staff report was anticipating that modification to S-SW-8 were likely as part of the CPA.”

*** We contend that “the shoe either fits or it doesn't”. The community relies on its Comprehensive Plan to ensure stability; we find this logic to be faulty and very unsettling for the neighborhoods.**

Public Comment – from 2007 request.

• **“It is truly staggering that staff would suggest that we set aside a longstanding policy that protects business interests and neighborhoods alike...” – Stacie LeBlanc Anderson (Surrey Downs Community Club)**

• **This “is an attempt to increase the boundaries of the Downtown, pure and simple...the precedent that this will set, if allowed to proceed, will be dangerous and upsetting to many”...it “will be a beacon call to any other landowner adjacent to the edges of the Downtown to upzone his property by also increasing the boundaries of the Downtown.” – Renay Bennett (Bellevue Neighborhood Assoc)**

• **“The City Council...who approved the CBD plan in 1981 promised that the perimeter boundaries of the CBD would remain the same. This promised certainty to the neighborhoods surrounding the CBD...Because many years have passed since these boundaries were approved does not mean that it is time...to re-evaluate whether they are appropriate for today's Bellevue. **There have been changed circumstances, but those changes are the very ones that we envisioned when we affirmed the CBD plan. The plan is working.** That does not mean that the next block beyond the CBD boundaries needs to change to meet a property owner's request. **The strength of Bellevue planning has been that it has been able to provide a strong economic core, but retain excellent neighborhoods.** That was achieved because of the certainty that the perimeter boundaries and heights would remain the same.” – Nan Campbell (a two-term former Councilmember, during 1980's)**

• **Finally, we must again quote Nan Campbell when she said:”In my view the VanderHoek CPA should be denied. The Comprehensive Plan Amendment process was not intended to**

address such a significant issue as the changing of the perimeter boundary and allowable heights of the CBD.”

Conclusion:

The CPA request does not meet the Re-zone Decision Criteria:

- It is **not consistent** with the Comprehensive Plan
- It does **not bear a substantial relation** to the public health, safety, or welfare; adding more residential/retail does not minimize the potential for crime/problems.
- It is **not warranted** in order to achieve consistency with the Comprehensive Plan (as it is not consistent); it does not meet a need for additional property in the proposed land use district (there are other sites in the area/zoning classification awaiting development); it does not meet the applicant’s perceived need to re-zone, in order to facilitate “reasonable” redevelopment of the subject property. Again, the CBD line here is deliberate, not awkward as the applicant contends.
- The requested re-zone **DOES introduce materially detrimental impacts** on uses (Wildwood Park) and property (Meydenbauer House Condos, Meydenbauer Condos, etc), in the immediate vicinity of the subject property. It deprives the Park and residential uses adjacent to the Park of the reduced density benefits that the existing R30 zoning affords.
- The re-zone has **no merit or value for the community as a whole**; it is simply an economic desire on the behalf of the applicant; there is no shortage of housing units or retail at present in the CBD.

This response is long; the issue is substantial. We appreciate your attention to this important decision.

Respectfully Submitted,

Anita Skoog Neil
Meydenbauer Bay Neighbors Association
Co-Founder



Matz, Nicholas

From: Anita Skoog [askoog@gvakm.com]
Sent: Tuesday, May 20, 2008 3:13 PM
To: Matz, Nicholas
Subject: VanderHoek Zone Change
Follow Up Flag: Follow up
Due By: Thursday, May 22, 2008 12:00 AM
Flag Status: Red
Attachments: MBNA - VanderHoek letter-Revised 5-19-08.doc

Nicholas –

Attached is the letter that I read and submitted to the Planning Commission on April 2, 2008 regarding the 2008 VanderHoek CPA. I noticed upon reviewing the VanderHoek file last week, that it was not included, and would like it added to the file and given to the Planning Commission.

Please note that I have made two small changes since writing the letter, and that is clarification of Examples Two and Three, under Site Context Changes.

Now that I have reviewed the VanderHoek file, I will have more comments, and will submit them to you by May 21. When I spoke with you at the Bellevue Expo last Thursday, you indicated that Staff will make it's recommendations concerning this CPA by May 22, with a staff report by May 23, and that there was still time to submit.

Thank you very much,
Anita Skoog Neil
Meydenbauer Bay Neighbors Association

Paul Inghram and Nicholas Matz
Planning and Community Development
City of Bellevue
PO Box 90012
Bellevue, WA 98009

April 2, 2008

Dear Mr. Inghram and Mr. Matz:

Meydenbauer Bay Neighbors Association does not support the application for re-zone for the VanderHoek property, at 117 102nd Ave SE, Bellevue, project number #08-103615AC.

The application is in essence the same application that the owner withdrew in 2007; we believe because he knew he would be turned down. His withdrawal letter of June 22, 2007 cites that he felt that he had **not made a strong enough case a year ago** about “**changed conditions**” to warrant “winning” his zone change. There is still **no justification** for this rezone request, as demonstrated below:

Site Context Changes:

- **Example one** is a property that was constructed **in accordance with the existing zoning**; this is not a Site Change
- **Example two** is simply a **statement of fact**, that the adjacent owner would like to co-develop, and is not a Site Change. The existing zoning for the subject and neighboring properties were clearly in effect when the owner purchased the subject property in 1996.
- **Example three** is not a Site Change, 77% of the property east and south was originally zoned R30; 23% of the property was, in essence, **down-zoned** from Office to R30, to accommodate an R30 development on the total site.

Legislative Changes:

- The **owner's reference** to 1981/CBD buffers and 1985/Perimeter Design Guidelines and his opinion that there was **no reconsideration** of the effect on the subject property is **immaterial**. The community groups have consistently **upheld the 1979 Downtown/SW Bellevue Subarea Plans** as **THE boundary of Downtown** at any time it may have been brought up for re-consideration.
- The 1985 “reconsideration” he cites would not have included the subject property or the Forum property because there would be **no community support** for such a task.
- The **Meydenbauer Waterfront Park Land Use Plan** is a work **in progress**. **No recommendation** has been forthcoming from the City as cited; and any **zone change** does **not** have community support.

Physical Changes:

- The Downtown Core is exploding with economic, residential, urban design, and retail expansion. The **Perimeter Areas** of Downtown are **just that – perimeter areas**. The community has been very clear over the years that the perimeter areas should “wedding cake” down and **transition** into **lessening densities** of multi-residential uses, as development approaches single family residences.
- Pathway connectivity to Meydenbauer Park is best achieved through open space, sidewalks and natural “connectors – the community does **not support zone change to achieve connectivity**.
- In **contradiction** to the owner's claim, the zone request **absolutely negatively impacts** the goals of the SW Subarea.

Policy S-SW-8 says: “Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods”.

- Other aspects of a boundary change:
 - It would **impact** the **stability** of the Southwest and North Bellevue Subareas – any zone change of this sort **encourages** future **geographic scoping** (or the **spread of zone change**)
 - **Old Bellevue’s “unique character”** would be modified to “Downtown character”; this request does **not support** the **special character** of this area.
 - Any **increased density** will impact **traffic congestion** in an already congested area. This is a **two lane road**, without parking.

Response to Owner’s Response:

- The **1979 Subarea plan** was **well-thought out** and **deliberately** set the Perimeter Areas as current zoning exhibits.
- Placing **CDB zoning next to Wildwood Park** does **not benefit** the community; the surrounding residential area is specifically protected by transitional R-30 zoning from the CBD. **To use Wildwood Park as a buffer is faulty logic.**
- The City is doing just fine in its design reviews of R30 zoning, a **boundary change is not necessary** to create a **“better design”**. Nor do many of the design requirements apply to properties this far “off Main”.

Summary:

- There is **nothing awkward** about the **CBD boundary**; it was **intentionally established** as it is through years of planning and **community support**.
- For a **stable City environment**, residential areas still need **stair-stepped densities**; there is **no justification** for expanding the **Perimeter Design Districts** to be the new “buffer”. The **current zoning gently transitions** from R30 to R20 to R10; any move of the CBD boundary would simply give the residential areas **less real buffer**.
- The **owner cites** his request as creating “**more predictability and less confusion**” to building structures. What it **actually** would do is create a **lot of unpredictability** and a **lot of confusion** to the **stable order that citizens expect of the zoning policies that their City passes and implements**.

We are **pleased** to see that this proposal is **not being recommended** by Staff for potential **expansion of geographic scope**. To do so would truly be “the camel’s nose under the tent”. The community will **not support** this zone request or any consideration for geographical scoping.

This proposal does **not adequately support** the **Threshold Review Decision Criteria** to proceed through the 2008 Comprehensive Plan Amendment process, and as such **should be denied**.

Respectfully Submitted,

Anita Skoog Neil
Co-Founder/ Treasurer
Meydenbauer Bay Neighbors Association

Matz, Nicholas

From: Kathy Gwilym [kathio@comcast.net]
Sent: Wednesday, May 14, 2008 3:07 PM
To: Matz, Nicholas; PlanningCommission; Council
Subject: Pazooki and VanderHoek CPA

I am writing to oppose a rezone of either property in the Old Bellevue neighborhood. The same criteria applies considering rezoning of either property as applied within the last three years. There has not been enough change to warrant granting either rezone. Actually, granting of such a rezone would result in a de-stabilization of the area, in my opinion. There is sufficient opportunity for redevelopment under current guidelines. All property owners in the area need to be able to count on stable zoning practices to give them confidence in their investment and its use.

I oppose spot zoning and geographic scoping in either case. This is one of the oldest, most successful, upscale neighborhoods in close proximity to the downtown. Most cities would be envious of such a success so close in. Protect the long term planning and thought that was given to this years ago. Don't start experimenting with something that is working so well. Thank you.

Kathy Gwilym

Matz, Nicholas

From: Anita Skoog [askoog@gvakm.com]
Sent: Monday, May 05, 2008 6:37 PM
To: Matz, Nicholas
Subject: Question regarding VanderHoek CPA

Nicholas –

I see that the Threshold Hearing is still slated for June 11th for the VanderHoek CPA request. Is there any new information that has been added to the file since the first meeting held on April 2nd, or would it be better for me to come in and inspect the file?

Is the public hearing similar in format to the first planning meeting on this issue, except for the fact that the Planning Commission actually decides whether the request meets the Threshold Criteria? If this is not the case, how do I understand the process, etc for this next stage?

Thank you,
Anita

Matz, Nicholas

From: Renay Bennett [renaybennett@msn.com]
Sent: Wednesday, April 02, 2008 4:53 PM
To: Matz, Nicholas
Subject: Fw: Vanderhoek CPA #07-104540-AC
Importance: High

----- Original Message -----

From: Renay Bennett
To: council@bellevuewa.gov
Sent: Wednesday, May 23, 2007 3:49 PM
Subject: Vanderhoek CPA #07-104540-AC

Dear Mayor Degginger and members of the City Council,

The above referenced file is an attempt to increase the boundaries of the downtown, pure and simple.

While the size of the property is .27 acres, the precedent that this will set, if allowed to proceed, will be dangerous and upsetting to many, many residents who have always been told that the downtown boundaries will not be changed - and were promised not only that, but also would be protected from the impacts of the growth of the downtown.

This proposed changing of the boundaries is the camels nose under the tent and will be a beacon call to any other landowner adjacent to the edges of the downtown to upzone his property by also increasing the boundaries of the downtown.

Equally alarming is the staff recommendation to not only pass this through the threshold review, but also to expand the geographic scope. This is completely and totally unacceptable that staff would behave in this manner, going against long-standing council policy, Comprehensive Plan Policy and promises to the neighborhoods.

Respectfully,
Renay Bennett
President
Bellecrest Neighborhood Association

Meydenbauer Bay Neighbors Association

227 Bellevue Way Northeast -- PMB 278
Bellevue, Washington 98004

March 26, 2008

Honorable Mayor Grant Degginger
gdegginger@bellevuewa.gov
450 110th Ave. NE
PO Box 90012
Bellevue WA, 98009-9012

CC: Doug Leigh, Co-Chair Meydenbauer Bay Steering Committee
dougl@mithun.com; wbcc@comcast.net

Iris Tocher, Co-Chair Meydenbauer Bay Steering Committee

Jennifer Robinson, Chairman Bellevue Planning Commission

Subject: Conflict of Interest & Special Privilege

Dear Mayor Degginger,

The March 6, 2008 Weekly Permit Bulletin identified an application made by Tom Frye of Baylis Architects to amend the Bellevue Comprehensive Plan relating to property located at 117 102nd Ave SE, Bellevue WA. This amendment requests a map change of 0.27 acres from MF-H (Multifamily-High) to DNTN (Downtown) to support a rezone to DNTN-OB (Downtown-Old Bellevue) in Perimeter District A. The Subject Property is within the Meydenbauer Bay Park and Land Use Plan Study Area and is adjacent to park property.

Further investigation has shown that the Subject Property is owned by the Vander Hoek Corporation. It is believed that Mr. Stuart A. Vander Hoek is the President of the Vander Hoek Corporation. In Spring of 2007, prior to its first meeting, Mr. Vander Hoek was appointed as a member of the City of Bellevue's Meydenbauer Bay: Park and Land Use Plan -- Steering Committee (the "Committee") and has continued to serve in that position into 2008.

In light of Mr. Vander Hoek's relationship to the Subject Property and as is made clear in the recent (and previous) rezoning and Comprehensive Plan amendment requests relating to the Subject Property, Mr. Vander Hoek has a direct (as opposed to potential) pecuniary interest in the decisions, actions, recommendations and oversight responsibility of the Committee. There is nothing hypothetical or speculative about his interests.

In addition, it has been determined by the State of Washington that a decision changing the zoning code made in favor of one party is considered a "special

privilege" within the meaning of the statute prohibiting municipal officers from using their positions to secure special privileges and exemptions. In light of Mr. Vander Hoek's relationship to and appointment by the City, any change in the zoning of the Subject Property and any change in zoning recommended by the Committee or the Planning Commission related to or affecting the subject property, is a special privilege granted to Mr. Vander Hoek as a member of the Committee and other committees.

We believe it is mandatory that Mr. Vander Hoek recuse himself from and take no further part in the actions of the Committee relating to the Land Use Plan. We also believe that Mr. Vander Hoek's work on the Committee has incurably tainted the entire work of the Committee, and especially any findings, decisions and proceedings of the Committee to date as to the Land Use Plan; and such must be withdrawn and reconsidered by an impartial board or committee.

The actions being requested are imperative to prevent an obvious conflict of interest and improper influence in the decision-making process by Mr. Vander Hoek based on Mr. Vander Hoek's direct pecuniary interest in the outcome; and to assure the citizens of Bellevue that any changes in the use and zoning of properties to Downtown / Old Bellevue and that are within and adjacent to the Meydenbauer Bay Park Land Use Plan Study Area be made in a fair manner in favor of and on behalf of the residents of Bellevue, and not due to the influence of any particular developer or development organization.

Respectfully,



Marvin B. Peterson
President

cc: City Manager, Steve Sarkozy SSarkozy@bellevuewa.gov
City Planning Director, Matt Terry MTerry@bellevuewa.gov
City Parks Director, Patrick Foran PForan@bellevuewa.gov
City Clerk, Myrna Basich MBasich@bellevuewa.gov
City Attorney, Lori Riordan LRiordan@bellevuewa.gov
David A. Bricklin, Esq. Bricklin@bnd-law.com

Matz, Nicholas

From: Renay Bennett [renaybennett@msn.com]

Sent: Tuesday, March 25, 2008 10:31 AM

To: Matz, Nicholas

Subject: File Number: 08-103615 AC

Hi Nicholas,

Please put the both me personally and the Bellecrest Neighborhood Association Board down as a party of record in opposition to this project. As you know, I have serious concerns about the downtown being expanded beyond its current borders and going against long standing Comprehensive Plan Policy as well as in direct opposition to City Council mandates.

Best regards,

Renay Bennett

President

Bellecrest Neighborhood Association

Matz, Nicholas

From: Anita Skoog [askoog@gvakm.com]
Sent: Wednesday, March 12, 2008 1:01 PM
To: Matz, Nicholas
Subject: Request for Information

Nicholas-

Regarding the 2008 Comprehensive Plan Application for the VanderHoek property at 117 102nd Ave SE, could you please email to me the zoning specifications of MF-H (Multifamily-High) zoning and for DNTN (Downtown) zoning. I'd appreciate that information as soon as-possible, as I see this in on the agenda for the Planning Commission this evening.

Thank you,
Anita Skoog Neil

Matz, Nicholas

From: Stacie LeBlanc [stacie.leblanc@clearwire.net]
Sent: Thursday, May 22, 2008 4:57 PM
To: Matz, Nicholas
Cc: Council; Stacie LeBlanc Anderson; Renay Bennett; Anita Skoog; Susan; Nan Campbell
Subject: Van der Hoek CPA

Paul Inghram and Nicholas Matz
Planning and Community Development
City of Bellevue
PO Box 90012
Bellevue, WA 98009

April 22, 2008

With regard to the proposed 2008 Van der Hoek CPA proposal, the Surrey Downs Community Club remains opposed to any changes in the borders of the Downtown. The borders were negotiated for as a compromise, and an attempt to balance the Downtown business and property interests with the interests of the neighborhoods. This was an effort to maintain and encourage the future livability, vibrancy and longevity of the neighborhoods adjacent to the Downtown.

In 2007, the Surrey Downs Community Club Board along with the Bellecrest Neighborhood Association Board, and several other neighborhood association members from West Bellevue strongly objected to this proposed change in the boundaries, as it is expressly against promises made by the Bellevue City Council, as well as against Comprehensive Plan Policy.

We do not support the proposed Van der Hoek CPA or any change in the borders of the Downtown.

Best Regards,

Stacie LeBlanc Anderson
Vice President, Surrey Downs Community Club
stacie.leblanc@clearwire.net

Below is the letter I sent in 2007:

Wed, 23 May 2007 17:16:23 -0700

Dear Mayor Degginger and members of the City Council,

I would like to encourage you to reject the current Van der Hoek CPA proposal to enlarge the borders of the Downtown. It is truly staggering that staff would suggest that we set aside a longstanding policy that protects business interests and neighborhoods alike, and has worked for many years by establishing firm boundaries of the Downtown and the "wedding cake" policy.

The current policy was agreed upon years ago after much discussion and compromise, and a promise was made to the neighborhoods to keep the density and impacts from the Downtown from encroaching on the neighborhoods. Firm borders encourage healthy neighborhoods and healthy Downtown businesses that neighborhood residents can walk to and patronize.

The Planning Commission and the Council would be wise not to revisit the policy of having firm borders between the Downtown and the neighborhoods, unless the desired outcome is to invite similar CPA reconsiderations of current Downtown properties for downzoning to parks or other lower density uses.

Best Regards,

Stacie LeBlanc Anderson
Vice President, Surrey Downs Community Club
stacie.leblanc@clearwire.net

5/23/2008

ATTACHMENT 2

20.30I.140 Threshold Review Decision Criteria

The Planning Commission may recommend inclusion of a proposed amendment to the Comprehensive Plan in the Annual Comprehensive Plan Amendment Work Program if the following criteria have been met:

- A. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and
- B. The proposed amendment is in compliance with the three year limitation rules set forth in LUC 20.30I.130.A.2.d; and
- C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and
- D. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. Significantly changed conditions are defined as:

LUC 20.50.046 Significantly changed conditions. Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046); and

- F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and
- G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code; or
- H. State law requires, or a decision of a court or administrative agency has directed such a change.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

May 23, 2007
7:00 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Mathews, Vice-Chair Robertson, Commissioners Bonincontri, Ferris, Orrico, Sheffels

COMMISSIONERS ABSENT: Commissioner Bach

STAFF PRESENT: Paul Inghram, Nicholas Matz, Janet Lewine, Cheryl Kuhn, Steph Hewitt; Department of Planning and Community Development; Franz Loewenherz, Department of Transportation

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:01 p.m. by Chair Mathews who presided.

2. ROLL CALL

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

Chair Mathews took a moment to recognize Commissioner Bonincontri for her nine years of service on the Planning Commission. He noted that her term will end on May 31. She was presented with a framed aerial photo of the city.

Comprehensive Planning Manager Paul Inghram said the Commission has done a lot of work in the years Commissioner Bonincontri has been a Commissioner. He said the issues covered included coordination with Redmond on BROTS updates; an update to the Transportation Element to emphasize pedestrian and transit policies; an update to the ped/bike plan; Access Downtown; development of tree retention policies for the Bridle Trails neighborhood; a major update to the Comprehensive Plan in 2004; the Downtown Implementation Plan; the Medical Institution (MI) overlay district; critical areas; and various initiatives. He said Commissioner Bonincontri's contribution to the Crossroads CPA process was invaluable.

Mayor Degginger thanked Commissioner Bonincontri for her years of service on the Commission. He pointed out that she served on the Construction Code Advisory Committee for about two years which resulted in improvements to the way the city delivers development and inspection services. He said Commissioner Bonincontri always been the go-to person and added that he hopes she will stay involved with the city. The city owes a great debt of gratitude for all the time that she volunteered.

Mayor Degginger also reported that the City Council reappointed Chair Mathews, Vice-Chair Robertson and Commissioner Bach on May 21. He thanked them for their willingness to serve.

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. PUBLIC HEARING

Mr. Inghram took a moment to explain that tonight's public hearings and recommendations for Threshold Review is the first of the two-step process in place for reviewing Comprehensive Plan amendments. In the Threshold Review stage, applications are reviewed to determine if they are appropriate to be reviewed through the Comprehensive Plan amendment process. For each proposed amendment the Council elects to include in the work program, the Commission will be charged with reviewing the merits of each application and then make a recommendation to the Council either for or against adoption.

A. Comprehensive Plan Amendment
– *VanderHoek Multifamily*

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

Associate Planner Janet Lewine said the VanderHoek multifamily proposal is a privately initiated application to change the Comprehensive Plan map designation from Multifamily-High to DNTN for a parcel currently located in the Southwest Bellevue subarea. She said if the amendment is approved, the site will be included in the Downtown subarea and a rezone will be required to complete the process and allow what is currently a parking lot to redevelop consistent with the DNTN-OB Perimeter A District.

Ms. Lewine said staff believes the Threshold Review criteria set forth in the Land Use Code are met by the application and are recommending including the item on the work program. Staff also are recommending expansion of the geographic scope to include the parcel to the west of the subject property. The property is similarly situated between the Downtown boundary and the park.

Regarding the criteria of significantly changed conditions, Ms. Lewine suggested the 1985 adoption of the Downtown Perimeter Design District meets the criteria. The VanderHoek property, and the property to the west, may have been designated as they are in order to create a cushion between the downtown subarea to the north and Wildwood Park to the south. With adoption of the Downtown Perimeter Design District, the issue of having less intense development between the two uses may be addressed by the more stringent development regulations and the design review required in the Perimeter Design District.

Ms. Lewine noted the receipt of five letters regarding the proposal, most of which argue against moving the boundary to prevent impacts on the neighborhood to the south and to preserve the vibrancy of the Downtown core. If included on the work program, those issues will be subjected

to further review.

Mr. Dan Hogan, 10149 Main Street, said he has owned the property to the north of the subject property since 1988 and plans to redevelop it in the next few years. He indicated his support for the proposed amendment which if approved will bring about consistency with the look and feel along the street. The ground floor retail that is required by the zone would bring more customers to the area and benefit the city.

Ms. Kathy Gwilym, 9436 NE 1st Street, spoke on behalf of the West Bellevue Community Club. She credited Mr. VanderHoek for his efforts to improve the Old Bellevue area over the last few years. She suggested the current Comprehensive Plan is working in Old Bellevue. A great deal of thought was put into establishing the boundaries and setting the height limits and densities allowed. It does not matter how long the policies have been in effect; the fact is the policies are working. They have allowed for and encouraged growth in Old Bellevue. The lower heights required have brought about a pedestrian-friendly atmosphere. The overall plan is to step down heights away from the downtown core, especially so in the perimeter areas. The criteria of significant change is not met; all of the changes that have occurred were not only anticipated, they were planned for and envisioned by the city. To arbitrarily move a zoning boundary to accommodate a single landowner is unnecessary and unwise. If there is a problem with the Comprehensive Plan, the whole plan or the specific subarea should be reviewed and corrective actions taken. The Comprehensive Plan amendment process was established to be used when necessary; in the current case, it is not necessary. To allow the change for one property owner will open the door to other property owners to come in seeking additional boundary changes and zoning changes.

Mr. Stu VanderHoek, #9 103rd Avenue NE, voiced his support for the recommendation made by staff. He said what he is seeking with the proposal is a better situation than what the current Comprehensive Plan will allow. If approved, the amendment will bring about consistency at the sidewalk and street level; the R-30 zoning currently in place does not allow for that. The change will make both the street and Old Bellevue more viable locations. The 1985 adoption of the Perimeter Design Guidelines created a far more stringent set of requirements that the site will be held to, and rightly so in that they will replicate what happens in the rest of Old Bellevue. R-30 will yield a more suburban, woody walk-up development which is not in keeping with the character of Old Bellevue. He added that for many years he has advocated for protecting the downtown boundary and said he will continue to do that in the future. However, the subject property represents a unique situation crying out for consistency and compatibility with the rest of Old Bellevue, so the change should be made.

Ms. Renay Bennett, 826 108th Avenue SE, spoke against the VanderHoek proposal. She suggested there has not been any significantly changed conditions. Within the past few years the Downtown Implementation Plan was developed and there was an update to the downtown subarea plan; the current proposal was not raised during either of those studies even though the property was under the same ownership it is currently. It is true that the design requirements would be more stringent if the property were moved into the downtown subarea. However, the site would be allowed to become more dense and the uses would generate more traffic. She also spoke against expanding the geographic scope as proposed by staff. In the staff report, staff suggests the proposed amendment is consistent with general policies in the Comprehensive Plan for site-specific amendments, and staff quotes Policy S-SW-8 which calls for maintaining the borders of the downtown subarea as established by the 1979 subarea plan to prevent the spread of the downtown into adjacent residential neighborhoods. The proposal clearly is in opposition to that policy. The designation of the subject property was put in place for a reason, and that reason has not changed over time. Allowing the change will set a precedent and open the door to other

property owners to come forward seeking zoning changes and additional boundary changes. The city should honor the promises made by the City Council in 1979 to the adjacent neighborhoods to protect them. The Commission was asked to deny the proposal and not include it on the work program.

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

B. Comprehensive Plan Amendment
– *SRO Factoria*

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

Senior Planner Nicholas Matz said the proposal is to amend Policy S-FA-57 of the Factoria subarea plan which speaks to incentives for increasing pedestrian friendliness and livability. The application will not change the OLB designation or the underlying F-2 zoning; it seeks to revise the language of the policy to allow office development in exchange for more pedestrian-friendly orientation. The second part of the proposal is to amend the glossary language in the Comprehensive Plan to address the amount of FAR allowed through development and redevelopment of the subject sites. Mr. Matz noted that after the application was submitted, the applicant submitted a letter in which a specific FAR proposal was made. Mr. Matz said staff is recommending including the application in the 2007 CPA work program, but suggested it is premature to talk about specific numbers.

Mr. Matz said staff is also recommending expanding the geographic scope to include the balance of the F-2-zoned district. Four telephone inquiries about the proposal have been received by staff; no written comments have been submitted.

Mr. David Schooler, 600 106th Avenue NE, Suite 200, spoke as president of Sterling Realty, owner of the subject property for about 50 years; the property zoned Office has been owned by the organization for about twelve years. He shared with the Commission two drawings of what could be constructed on the site if the amendment is approved. Within the last couple of weeks a sidewalk project was completed on the south side of the drive leading to Factoria Boulevard to address improved pedestrian movement.

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

C. Comprehensive Plan Amendment
– *Courter Enterprises*

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

Mr. Inghram said the Courter Enterprises site is more commonly known as the Bellevue Honda Auto Center and is located on SE 36th Street to the south of I-90. The request is to amend the Comprehensive Plan and follow up with a Zoning Code amendment to allow retail auto sales on the two properties Courter Enterprises owns, the site on which Honda Auto Center is operating and the site immediately to the south on which is located the Newport Heights building, home of the University of Washington Physicians Clinic. Honda Auto Center currently operates as a legal nonconforming use in the OLB zone.

Some of the properties along Auto Row on 116th Avenue SE are also zoned OLB; they operate under a specific LUC reference note which allows auto sales within this specified portion of the OLB. The request of Courter Enterprises is to apply the same type of note to their OLB property.

Mr. Inghram said staff is recommending against expanding the geographic scoping. To the east of the subject property is a ravine that serves to separate the site from office properties to the east; to the west is the corporate campus area of Factoria.

Honda Auto Center has grown and expanded over time and now fully utilizes its site, which can be considered a changed circumstance. Another changed circumstance is the fact that opportunities for auto dealerships away from Auto Row are becoming more limited.

Mr. James Fitzgerald, counsel to Courter Enterprises, explained that many years ago when the OLB zoning for the property was adopted, the auto sales use was rendered nonconforming. The status is problematic for the Honda Auto Center in that it creates undue burdens for upgrading the facility in order to remain competitive and to comply with all manufacturer requirements with regard to presentation, design and logos. The manufacturer also has rather strict rules with respect to being able to service and store vehicles. In order to remain viable, Honda Auto Center needs the ability to change as necessary. The proposed amendment does not contemplate any changes to the Newport Heights building, which has a great deal of economic life and utility left in it. The long-term lease with University of Washington Physicians is expected to continue. However, the tenant located on the first floor of the building is planning to leave and the high ceilings would be appropriate for some form of retail auto use. Changing the Comprehensive Plan for the two properties would help to create consistency in the Land Use Code given that other OLB areas allow auto retail sales as a permitted use. Relatively few issues are raised by the requested change. Mr. Fitzgerald noted his client's belief that there are substantially changed conditions that have occurred since the last time the pertinent Comprehensive Plan map, text and policies were amended. There has been an increased demand in the city for land on which retail auto sales can be conducted.

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

D. Comprehensive Plan Amendment
– *Ostrem*

Mr. Matz said the privately initiated application proposes to change the designation on a three-quarter-acre site in the Southwest Bellevue subarea from Single Family-Medium to Single Family-High. Based on the decision criteria for Threshold Review, he said the recommendation of staff is to not include the amendment on the work program. In looking for significantly changed conditions, the focus is typically conditions that are affecting a site. In the case of the Ostrem site, the proposal itself will artificially create conditions for an infill opportunity. The lot size is already typical of the area, which is designated Single Family-Medium and zoned R-3.5; infill opportunities generally occur on larger lots. The applicant has initiated a "quiet title" action concerning the unimproved right-of-way of 103rd Avenue SE, which separates the two Ostrem properties; if successful, the applicant will gain the right-of-way property for use as private property. The city currently is conducting settlement negotiations with Mr. Ostrem on that issue and Mr. Matz noted the city intends to enter into an approval of the title action.

With regard to whether or not the proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendments, Mr. Matz said staff believes the

proposal is in fact inconsistent. Of particular note are the policies that encourage infill development of vacant or underutilized property. Such policies encourage land use strategies that fit the infill by scaling lot size to be similar to all surrounding lots, and considering redevelopment only when a lot stands out from its surroundings either by larger size isolated access or proximity to similarly proposed zoning; staff has found none of those conditions applicable to the proposed amendment.

Mr. Matz said there is no recommendation for expanding the geographic scope. He said staff has received 12 telephone calls regarding the application, a third of which were only seeking information; the balance expressed opposition to the proposal. Two written comments have also been received and provided to the Commission.

Mr. Matz briefly reviewed for the Commissioners the information contained in the packet of material supplied by the applicant.

Ms. Terri Johnson, 1005 104th Avenue SE, said her property is directly across the street from the Ostrem properties. She noted her support for the proposal, which will increase single family density close to downtown Bellevue.

Mr. Rolland Gresham, 820 102nd Avenue SE, opposed the proposal. He said he has lived in the area of the subject property longer than anyone else and is well acquainted with the history of 102nd Avenue SE. He questioned how the city could simply give away right-of-way property to a private citizen; he allowed that the city has never recognized the right-of-way as a public street. He said many years ago he asked the city to pave the right-of-way and offered to pay for the materials; the request was denied. The pavement on the roadway was installed by a private developer; it is only about 13 feet wide, barely wide enough to accommodate refuge trucks and emergency vehicles. If the city gives away the property, there will be no parking for local residents, especially if two houses are built on the Ostrem properties. If the property in fact has value, the city should sell it and not just give it away.

Mr. Todd Ostrem, 10210 SE 10th Street, the applicant, said the quiet title action has seen delays due to a change in a deputy city attorney position; the anticipation is that the action will be finalized very soon, which is a significantly changed condition for the property. The situation is unique but will result in the creation of two large lots. There are no vacated rights-of-way in the immediate area against which the proposed action can be compared. There are, however, three other possible sites that could benefit from increased density, one of which is the site at the end of a block of SE 8th Street and Bellevue Way. There are two structures on the one-acre property. Expanding the geographic scope to include the area bounded by SE 8th Street and SE 10th Street and 104th Avenue SE and 102nd Avenue SE will create a buffer area between higher density uses and R-3.5 residential areas. Mr. Ostrem said he has identified a number of lots that range in size from 6250 square feet to 8350 square feet within the proposed geographic scope. The lots adjacent to the subject property measure 6500 square feet and 7000 square feet. The proposal will result in a buffer area between Bellevue Way and the area zoned R-3.5. The proposed amendment will add to the city's inventory of affordable housing given that smaller lots mean less expensive houses. In addition, the amendment will save the city between \$80,000 and \$100,000 by not having to relocate existing utilities that run down the center of the right-of-way. The proposal makes general sense given the proximity to the downtown and transit opportunities. If the opportunity is lost, it will not be available again.

Ms. Mona Garmin-Hirsch, 10214 SE 8th Street, said she has lived in the south Bellevue area since 1975 and over the years has been involved in subarea planning and land use decisions. She said she is very happy with the way the planning efforts have evolved. The buffering of the

residential neighborhoods has proven to be quite effective; the residents to the south of the downtown can see the highrise buildings but still enjoy the attributes of a residential neighborhood. The proposal raises concerns. Most of the properties near the subject property are 10,000 square feet or larger, and there is market evidence that people are buying the lots and improving them with very expensive homes. Even small, bare lots in the neighborhood go for a half million dollars and more, therefore it is not possible to create affordable housing. There is nothing unique about the Ostrem properties that begs for spot zoning. She voiced her support for the staff recommendation and added that there is no reason to set a precedent for changing the zoning of the area. The buffering that has been successful so far should be retained. The land across the street from the Ostrem site is zoned high-density residential, not commercial; the existing nursery is a legally allowed nonconforming use. The area to the west is all residential with larger lots; only three lots there are smaller than 10,000 square feet. The quiet title action is quite disquieting; more information about the proposal should be made available to the public.

Mr. Oleg Nikitenko spoke on behalf of his father, Nicolai Nikitenko, 826 103rd Avenue SE, whose property is north of the Ostrem property on 103rd Avenue SE. He said he was surprised to learn that what has been known to be city right-of-way is to be given away to become private property. He said utility and emergency vehicles cannot get out of the Ostrem property without using part of his father's property to turn around. The roadway is very narrow. He said he would buy the right-of-way property if the city made it available for sale instead of just giving it away.

Mr. John Fowler, 10223 SE 8th Street, spoke against the proposed Comprehensive Plan amendment. He said infill is not needed in the neighborhood; all of the lot sizes are very similar in size and there is no need to increase the density of the area. The land prices are such that it will not be possible to construct affordable housing there. The apparent gift of land by the city to Mr. Ostrem has not been consummated; unless that goes through, the proposal will not even be a possibility.

Ms. Nancy Rockwood, 817 102 Avenue SE, pointed out that 103rd Avenue SE is about the size of an alley. It is true that vehicles cannot turn around in the right-of-way without accessing a private driveway or the property that apparently is being given away. Allowing more density will only make the problem worse. The local neighborhood has no sidewalks, and the local residents paid to have streetlights installed. There is no parking at all on 103rd Avenue SE. Traffic conditions have been worsening where 104th Avenue SE and SE 8th Street meet. The quiet title action is quite unusual and would have gone unnoticed had the city not recently posted signs. The land prices are so high that it will not be possible to construct any manner of affordable housing on the property.

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

E. Comprehensive Plan Amendment
– *Mariner Ridge*

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

Mr. Matz said the proposal is to add approximately 50 acres to the Potential Annexation Area and establish a Single Family-Medium designation for the area within the Newcastle subarea. He said staff are recommending against including the amendment on the work program for 2007 and against expanding the geographic scope.

Mr. Matz said the Comprehensive Plan amendment process is the means by which such proposals are reviewed. He said staff have concluded that significantly changed conditions to which the application must respond do not exist in the way contemplated by the Comprehensive Plan. The fact that the development pattern being realized in the area is affected by the timing of infrastructure development is not an unanticipated consequence given that development is following the Comprehensive Plan. The provision of infrastructure does not preclude the development of the subject area at its contemplated density.

There has been a great deal of discussion regarding the provision of infrastructure to the application. The area is currently within the Potential Annexation Area for Issaquah. Bellevue staff have had extensive conversations with Issaquah planning and utility staff regarding how it could all be made to work. The conclusion reached is that the plans already in place anticipatory to the future development of the area are working well; infrastructure is being provided to serve the growth anticipated by both jurisdictions. No changed condition has been identified that would warrant responding by changing the Potential Annexation Area boundary.

Mr. Matz allowed that it would be possible for Bellevue to extend its jurisdiction to include the subject area. Bellevue sells water at retail rates to Issaquah who then supplies it to developments in the area. Issaquah is the logical provider of future sewer services given the topography. However, the very act of extending Bellevue's jurisdiction as proposed would create inevitable development pressures for higher densities not contemplated by the Comprehensive Plan in proximity to a variety of other development densities in Lakemont and the Newcastle subarea. Staff have conveyed their recommendation to the City of Issaquah and are coordinating with them as they work through their Comprehensive Plan amendment process.

Ten telephone calls and three emails have been received regarding the proposed amendment in addition to the comments received in time to be included in the Commission packet. Included in the correspondence is a letter from the attorney general for the Cougar Mountain Residents Association expressing opposition to the proposal, outlining how it does not meet the threshold criteria, emphasizing a lack of prior coordination with other jurisdictions, a failure to prove changed conditions, and a specific listing of policies germane to the proposal.

Ms. Jo-Ellen Smith, 17328 SE Cougar Mountain Drive, spoke as secretary/treasurer of the Cougar Mountain Residents Association. She explained that the Association represents the upper area of Cougar Mountain. She noted the support of the board for the staff recommendation. She further noted the Association's position that the application does not meet the Threshold Review criteria, is inconsistent with the Newcastle subarea plan, and is inconsistent with the Comprehensive Plan. The application to change the land use designation for an area outside the city's Potential Annexation Area thwarts city policies for coordinated review and goes against the policy of considering sphere of influence lines prior to consideration of any specific annexation. The request for a designation of Single Family-Medium is inconsistent with city policy and the designation of upper Cougar Mountain as Single Family-Low, which represents a long-standing commitment to the community to protect the existing neighborhoods against incompatible higher-density development. The lower areas of Cougar Mountain were designated for higher density under the village concept. The application is incompatible with the nature, character and topography of upper Cougar Mountain and would bring incompatible levels of traffic to a dead-end local street; it would also adversely affect natural areas, open spaces and park land. The Planning Commission was requested to accept the recommendation of staff not to include the proposed amendment on the work program.

Ms. Nicole Meeum with J3ME, 1375 Northwest Mall Street, Issaquah, spoke representing the applicants. She said the application was originally prepared with a Single Family-Low

designation; and she said that at the recommendation of staff, it was increased to Single Family-Medium. The property owners are, however, willing to revise the application downward to Single Family-Low to be consistent with the Newcastle subarea plan. The applicants have been trying to develop an appropriate development plan for a number of years. They obtained King County short plat permits in 2001 but were unable to secure an access easement from the parks department at that time; the easement has since been approved. Since the application was submitted to Bellevue, Issaquah adopted the Comprehensive Plan amendment for the east Cougar Mountain Potential Annexation Area; Issaquah is willing to allow the area to be included in the Potential Annexation Area for Bellevue. Issaquah has expressed no interest in developing the area. Extensive research has been conducted with city utilities, transportation, emergency services and long-range planning staff, and the conclusion reached was that the application is justified. There are significantly changed conditions that warrant the proposal. The sphere of influence, which is intended to provide a framework for King County in consideration of plans and public policies, has not been revised since 1979. The agreement recognizes that the sphere of influence is negotiable and is only a tool to be used for planning purposes. The 2005 critical areas ordinance represents a changed circumstance, as does the new fire codes and the deterioration of Kline Hill Road. Kline Hill Road will not be included in the 2008-2013 Transportation Improvement Program for Issaquah; accordingly, the road will never be improved. The area has access only from the Bellevue side. RCW 36.93.180 supports the examination of spheres of influence when physical boundaries such as land contours make access impractical, and to preserve logical service areas. Development through Bellevue will provide access without impacting critical areas to the east and on Kline Hill Road. Another change is the area growth patterns which Bellevue is well equipped to service. The Montreax development was done without any through access to SE 60th Street and without any utility extensions. With regard to timely development expectations for property owners, it was stated that an adjacent property on the Bellevue side of the line has submitted a pre-application request for a 20-lot subdivision. Property owners should be able to expect the ability to development in a timely manner on a par with nearby development.

Mr. Edward Meecum, also with J3ME, stressed that there is no road connection to the subject properties via the city of Issaquah. Development of the area can proceed under King County but not through the city of Issaquah. Because the subject properties gain access from Bellevue, receive emergency services and local amenities from Bellevue, the area should be part of Bellevue and allowed to develop under Bellevue guidelines and regulations.

Mr. Mark Gregoire, 17640 SE Cougar Mountain Drive, said he has lived on his property since 1958. He said he chose the site because of the natural surroundings, friendly neighbors, and access to the city of Issaquah. The area also provided a clean, forested environment, wildlife, and a good school system, all conducive to raising children. He said his everyday life is associated with Issaquah for everything from the post office to shopping, banking, theater, car repair and restaurants. Life on the hill has been good. The neighborhood, including the US Army missile site personnel, has been a cohesive community. The Cougar Mountain Residents Association was and is a major factor in creating the King County Wildland Park, and has worked on the production of Issaquah, Newcastle and Bellevue development plans. The weather is always six degrees colder than in Bellevue, largely because the area is 1500 higher in elevation. The Class III earthquake and slide potential, poor drainage, a road system with switchbacks and steep banks, do not lend the area to close and crowded development. Power outages are frequent and long, and emergency and urban services are often compromised. School buses are never allowed on Cougar Mountain Drive or Kline Hill Road; nor are they allowed on SE 60th Street in bad weather. Bellevue snowplows cannot negotiate the switchbacks. During windstorms, trees fall, blocking roads and destroying property. During inclement weather, vehicles are parked at the bottom of Cougar Mountain Drive and at the top of SE 60th Street. The

staff recommendation to reject the Mariner Ridge CPA is sound and should be adopted. Mr. Gregoire then shared with the Commission maps of the area showing the earthquake zone, slide zone, and steep slopes.

Mr. Steve Bolliger, 18724 SE 65th Place, said his property is adjacent to the proposed development. He asked for and received clarification regarding which properties are included in the proposed amendment. He echoed the comments of Mr. Gregoire and stressed that the area simply is not suitable to more development.

Mr. David Leek, 17649 SE Cougar Mountain Drive, Issaquah, also agreed with the staff recommendation for all the reasons stated by the other speakers. The area is at the end of a long dead-end street. Adding more development will completely change the character of the area.

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

F. Comprehensive Plan Amendment
– *St. Margaret's Church*

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

Mr. Inghram explained that the proposal by St. Margaret's Episcopal Church in Factoria was made to the City Council who in turn initiated the amendment into the Threshold Review process for consideration. He noted that the proposal description indicating up to 115 dwelling units per acre is incorrect. At 30 dwelling units per acre, the site would yield a total of 115 units. The proposal is to change the designation of the site, which includes the church, the parking area and the thrift store, from Single Family-High to Community Business (CB) to support housing development and relocation of the thrift store. CB supports residential development at 30 units per acre, allows for retail uses, and allows for greater lot coverage. The R-30 zone is similar with regard to residential development but carries with it a shorter height limit and is more constrained relative to lot coverage and does not permit commercial uses. The appropriate designation will be worked out in the second Final Review phase if the proposal is accepted for inclusion on the work program.

Mr. Inghram said the intent of the church is to develop affordable housing on the site. Staff believes the Threshold Review criteria are met and that the issue should be included in the work program.

Mr. Scott Robertson, 4463 141st Place SE, spoke as a member of the Facilities Committee of St. Margaret's Episcopal Church. He said the church is located in the Somerset View district that was annexed into Bellevue in 2001. He stated that the current designation of Single Family-High was carried over from King County. The commercial area of Factoria was annexed into Bellevue prior to 2001 with a number of requirements modified to meet the unique character of subarea. Factoria has densities in both commercial and retail that are not found elsewhere in Bellevue outside of the downtown. Factoria is a major employment center, is a primary retail service area for south Bellevue, and is moving through the permitting process to become even more dense at the Factoria Mall site and other sites. The upshot will be more employment opportunities. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. Affordable housing has been a challenge on the Eastside for a long time. Many groups have been actively addressing the issue but have been frustrated by high land costs. A recent article in the *Seattle Times* on housing affordability

concluded that there remain only two areas in the greater King County region that remain affordable to a median income of \$66,000 per year; those two areas are Auburn and Enumclaw. Those most in need of housing make only 50 to 60 percent of the median income. The St. Margaret's site offers an excellent opportunity to meet a small portion of a significant demand by providing affordable housing close to work and schools. The environmental assessment for the I-405 Renton to Bellevue segment project proposed by the Washington State Department of Transportation in March 2006 suggests there will be a major impact on low-income population living in the corridor due to the impact on transit. The proposal will help to mitigate that impact. Mr. Robertson additionally noted that an expansion in the geographic scope is not being requested. However, a 17,000-square-foot sliver of land currently zoned multifamily and directly adjacent to the proposal should be included in the request; the church has been in discussions with the property owner to include it in the proposal. The church has 3.5-plus acres of property, and the portion that is under discussion is 1.79 acres that currently serves as church parking and as a Metro park and ride lot. The church is located directly across the street from Newport High School's new parking improvements. Structured parking of one type or another will be required, and in the R-30 zone structured parking is somewhat problematic because of the impervious surface limitations. The CB zone is friendlier to structured parking, allows more height to work with, and permits mixed uses outright which would allow for continued operation of the thrift store.

Ms. Christine Demura, 10042 Main Street, said she serves as an associate priest at St. Margaret's Episcopal Church in Factoria. She spoke representing the leadership and congregation of the church. A significant portion of the mission of the church is directed at outreach or assistance to those in need. In 2006, \$100,000 of St. Margaret's annual parish budget, along with the proceeds from the thrift shop, was distributed to a variety of charitable organizations. The organizations included Lord's Supper II in Crossroads where an evening meal is provided every Friday night for those who are hungry; Habitat for Humanity; South Bellevue Senior Center; Congregations for the Homeless; Washington Women in Need; Eastside Baby Corner; Elder and Adult Day Services; and the Eastside Emergency Feeding Program. Over the past 30 years, the thrift shop alone has dispersed more than one million dollars to charitable organizations. The church is very aware of those in need in the community, including the growing need for affordable housing and for support services in the Factoria area. The church's interest in developing affordable housing on its property is concurrent with the mission of the church, would ease the need for affordable housing options, and would provide the church another opportunity to be of service to the local community. It is the intention of the church to be actively associated with the residents who will occupy the housing once it is constructed in a variety of ways. The location is ideal for affordable housing with good access to transit.

Mr. Jerome Burns, Director of Development for the St. Andrew's Housing Group, voiced his support for the proposed Comprehensive Plan amendment as a means of meeting the growing need for affordable housing on the Eastside. St. Andrew's Housing Group develops and manages multifamily rental properties for both seniors and families; the 300 units in its portfolio is currently serving several hundred residents who make 60 percent or less of the area median income. Half of the units are dedicated to those making 30 percent or less of the area median income. The proposal provides a great opportunity to provide affordable housing in a great location.

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

**** BREAK ****

8. STUDY SESSION

A. Comprehensive Plan Amendment – *VanderHoek Multifamily*

Commissioner Robertson allowed that changed circumstance is always the hook in considering proposed Comprehensive Plan amendments. She asked if there was any discussion regarding changing the downtown boundaries during either the Downtown Implementation Plan or Downtown subarea plan process; noting that the boundary line bifurcates the VanderHoek property. Ms. Lewine said the lower portions of the VanderHoek and Forum (properties to the west of VanderHoek) properties are currently being used as parking lots. The developed portion of the Forum site is within the downtown boundary.

Answering a question asked by Commissioner Sheffels, Ms. Lewine said she has talked to planners who participated in the 1985 action. Many of the properties that received Professional Office, Office and R-30 zoning were viewed as buffers between the Downtown area and the residential areas to the south. The current proposal claims that the presence of Wildwood Park and the adoption of the Perimeter District Design Guidelines mollifies the need to “step down” zoning districts. If the site is ultimately included in Perimeter District A, there will be an increased required setback.

Commissioner Ferris voiced his support for including the VanderHoek multifamily proposal in the work program, but said he would not vote to expand the scope to the west as proposed by staff. Bringing the property within the Downtown boundary will trigger a street retail requirement. The result will be retail on both sides of the street in a far more cohesive manner. However, the property to the west does not have the same characteristics and is not conducive to retail uses; that site should retain its current residential designation without a requirement for commercial uses on the ground floor.

Commissioner Bonincontri suggested the southwestern Downtown border jogs because of the topography of the area. The proposal will not result in a great deal more density but will bring with it a requirement for street-level retail. She supported including the amendment in the work program.

Commissioner Sheffels agreed that the park site serves as an adequate buffer between the more intense Downtown uses and the neighborhoods to the south. She indicated her concurrence for moving the amendment forward.

Commenting from the audience, Mr. VanderHoek explained that at the outset of the Downtown Implementation Plan process it was made very clear that the Downtown boundaries were not to be discussed. No outside properties were included in the process.

Ms. Bennett said there was a proposal made by a Downtown property owner during the Downtown Implementation Plan to upzone an area extending into the neighborhood along SE 4th Street. The proposal was rejected.

Commissioner Orrico voiced concerns with opening the door to rezoning other areas adjacent to the Downtown boundary. She allowed that while the Comprehensive Plan policies are working very well for the area, the VanderHoek property appears to belong more to Main Street. At the very least, the matter should be given additional study by including it in the work program.

Chair Mathews agreed that the geographic scope should not be expanded.

Motion to include the VanderHoek multifamily amendment in the work program, without expanding the geographic scope, was made by Commissioner Ferris. Second was by Commissioner Robertson and the motion carried unanimously.

B. Comprehensive Plan Amendment
– *SRO Factoria*

Commissioner Robertson commented that the entire Factoria area has seen big changes lately, not the least of which was the Factoria Area Transportation Study (FATS) Update. The whole area is about to change. She said where the proposed SRO amendment will lead should be investigated in more detail by including it in the work program. The site certainly is ripe for redevelopment.

Commissioner Sheffels voiced concern about constructing underground parking if the SRO Factoria site was once a wetland. From the audience, Mr. Schooler said his site has fill material quite a ways down; the fill came from the highway construction. The site had an impervious surface as far back as the 1950s when it was used for a movie drive-in. The area that was once a wetland is where the mall is. The adjacent property has a two-level under-building parking structure so it can be done at least that deep.

Commissioner Orrico agreed the proposal, along with the expanded geographic scope as suggested by staff, should be included in the work program. Commissioner Ferris concurred.

Motion to include the SRO Factoria amendment in the work program, with the geographic scope expanded as outlined, was made by Commissioner Robertson. Second was by Commissioner Bonincontri and the motion carried unanimously.

C. Comprehensive Plan Amendment
– *Courter Enterprises*

Commissioner Robertson asked if the current auto sales use on the subject property could be grown vertically without a Comprehensive Plan amendment and under the current zoning.

Commissioner Ferris said his impression is that Honda Auto Center is not seeking to expand immediately, rather they are seeking flexibility to respond to dealer requirements and future needs.

Mr. Inghram said the standard height limit in Office/Limited Business (OLB) is 45 feet, which would allow for some vertical expansion. Any expansion of the use on the site, or on the adjacent property, would have to be processed in accord with the nonconforming use provisions. The code includes a process for expanding nonconforming uses.

Commissioner Robertson said she could see no changed circumstance. The auto sales use on the site is legally allowed as a nonconforming use, and the code allows for expanding such uses. The uses along the south side of SE 36th Street are all nicely landscaped offices, with the exception of the Honda Auto Center site. The use does not fit in with the rest of the uses, and to allow it to expand without a clear changed circumstance would not be wise. There are other areas within the city where auto sales is a permitted use.

Commissioner Sheffels agreed that there are auto dealerships operating in other parts of the Eastgate area. Mr. Inghram pointed out that the other dealerships in Eastgate are in the

Community Business zone, which allows auto retail through a conditional use process. Commissioner Sheffels noted that some of Auto Row along 116th Avenue SE is zoned OLB yet auto sales are allowed there. The proposal should be included on the work program from the standpoint of treating similar businesses the same throughout the city.

Answering a question asked by Commissioner Bonincontri, Mr. Inghram said staff believes the applicant intent is to apply the proposed amendment to the specific OLB properties that are the subject of the proposal, not all OLB properties in the Factoria area. The intent is to amend the Comprehensive Plan to add a policy note supporting auto retail sales on the two lots. He added that Honda Auto Center has in the past used the established processes that allow nonconforming uses to expand. Nonconformity does show up on property titles and may serve as a barrier to some business transactions, such as financing. From a corporate ownership standpoint, the preference would be to exist as a conforming use.

Commissioner Ferris observed that the process allowing nonconforming uses to expand is quite generous. He held the view that either all or none of the OLB zoned land in the subarea should be allowed to have auto retail; it would be awkward to carve out only one area in which to allow the use.

Commissioner Orrico said she would be very uncomfortable allowing auto retail in all OLB in the Factoria area. Chair Mathews took the opposite position, noting that the city already allows auto retail in certain OLB through the inclusion of a policy footnote. Commissioner Bonincontri noted that along Auto Row more than a single lot is covered by the footnote, but allowed that the principle is the same.

Motion not to include the Courter Enterprises amendment in the work program was made by Commissioner Orrico. Second was by Commissioner Robertson and the motion failed on a 3-3 tie, with Chair Mathews and Commissioners Bonincontri and Sheffels voting against the motion, and Commissioners Orrico, Robertson and Ferris voting for the motion.

Commissioner Orrico said she could agree to move the amendment forward but questioned doing so if after spending a lot of time on it the Commission would vote it down anyway.

Commissioner Sheffels held that the amendment should be moved forward just so it can be discussed further.

Motion to include the Courter Enterprises amendment in the work program was made by Commissioner Sheffels. Second was by Commissioner Ferris and the motion carried 4-2, with Chair Mathews and Commissioners Sheffels, Ferris and Orrico voting for, and Commissioners Robertson and Bonincontri voting against.

D. Comprehensive Plan Amendment
– *Ostrem*

Commissioner Orrico asked staff if vacation of the right-of-way could be viewed as a sufficient change in circumstance. Mr. Matz suggested it would not, stressing that the application is supposed to respond to changed circumstances not create them. The only purpose for the quiet title action is to allow the applicant to assemble the property in a way that will allow for higher density with smaller lot sizes.

Commissioner Sheffels noted that several during the public hearing spoke against the “quiet

title” action; several said they were not well informed concerning the process, and one expressed an interest in the local property owners purchasing the property for use as community property. She suggested that the action will in fact greatly change circumstances in the neighborhood. Mr. Matz said “quiet title” actions are different from street vacation actions. In the latter public process is required. The quiet title action essentially is a lawsuit brought by Mr. Ostrem against the city claiming that the property in question never was a right-of-way and as such does not have status as city property. The action seeks to recover property that it claims was never the city’s in the first place. Mr. Matz said he will ask the city attorney’s office to comment on whether or not there is a public comment component to such legal proceedings. Were there no question as to the status of the right-of-way property, Mr. Ostrem would have had to initiate a street vacation action which brings with it an open public process.

Mr. Inghram added that in order for Mr. Ostrem to be successful in his quiet title action it must be determined that the property in question never was a city right-of-way. His success will in fact be proof that no changed circumstance exists.

Commissioner Bonincontri said she could see no valid reasons for moving the proposed amendment forward. All surrounding properties are Single Family-Medium and to allow the change would not make sense.

Motion to not include the Ostrem amendment in the work program was made by Commissioner Robertson. Second was by Commissioner Ferris and the motion carried unanimously.

E. Comprehensive Plan Amendment
– *Mariner Ridge*

Commissioner Orrico commented that the area in question clearly is a no-mans land wanted by no adjacent jurisdiction. That is not, however, sufficient reason to move the proposal forward. She believes the city should not be forced to take on the area if it does not have the resources to adequately serve it.

Commissioner Bonincontri concurred, noting that development of the area can go forward under King County.

Motion not to include the Mariner Ridge amendment in the work program was made by Commissioner Sheffels. Second was by Commissioner Robertson and the motion carried unanimously.

F. Comprehensive Plan Amendment
– *St. Margaret’s Church*

Commissioner Robertson indicated for the record that she and her husband are members of St. Margaret’s Episcopal Church and that she also serves on the church’s facilities committee. She recused herself from any discussion of the matter to avoid any potential appearance of impropriety, even though she is not technically required by law to do so.

Commissioner Robertson left the meeting.

Commissioner Ferris indicated that he is a member of the board of St. Andrew’s Housing Group, the potential project manager for the St. Margaret’s housing project. He suggested that his position on the board should not be a conflict of interest.

Motion to include the St. Margaret's Church amendment in the work program was made by Commissioner Orrico. Second was by Commissioner Sheffels and the motion carried unanimously.

G. Pedestrian-Bike Plan

Senior Transportation Planner Franz Loewenherz said the city has a strong commitment to its non-motorized policies and programs as reflected in the Comprehensive Plan, the standards, investments in facilities, and other activities. The list of walkway/bikeway projects included in the current CIP totals about \$20 million; factoring in the walkway/bikeway enhancements associated with other projects would increase that total amount significantly. The city also has a strong commitment to several education initiatives, including Ped Bee and the bicycle system map, and actively coordinates with the Mountains to Sound Greenway effort. The city leaders understand that the city will benefit through improved public health, improved transportation efficiency, cleaner air, and better access for all members of society.

To date, 58 percent of the identified pedestrian system has been implemented. On the bicycle side, 33 percent of the identified system has been implemented.

The current project to update the ped/bike plan has three phases, beginning with an assessment of existing conditions and unmet needs. From there the focus will turn to the network and where pedestrian and bicycle additions to the system should be included. Finally, a strategy for moving forward will be outlined, taking into consideration current and additional funding strategies. Throughout the effort there will be an intensive community engagement component.

The Council was updated on March 12. Their direction was to reach out aggressively to all users of the system, people from all ages and all abilities. In the end, they want to see a well-balanced perspective of the collective pedestrian/bicycle system.

The established communications tools are being used to get the word out; those tools include *It's Your City*, BTV, *Neighborhood News* and a project website. An online survey was recently conducted, and the department has a list-serve with 510 email addresses of interested parties. The last of six focus group discussions has been wrapped up and the process of reaching out to various community groups and stakeholders has begun. Mr. Loewenherz said he will be tying into a number of community events that attract people as a means of getting the word out; the list of events includes the Crossroads Farmers Market, the Strawberry Festival, Fourth of July, Live at Lunch, and many others. All city boards and commissions will be kept updated throughout the process; the Transportation Commission will serve as the designated oversight authority, but the Planning Commission will be involved as revisions to the Comprehensive Plan are identified.

The online survey generated a sizeable number of respondents: 919 completed the bicycle survey, and 405 completed the pedestrian survey. The questions sought feedback about the current systems, how they are used, and improvements that could be made to them. The full report will be available online on the project website in a few weeks. The majority, 55 percent, of those completing the bicycle survey felt conditions on greenways and paved trails are excellent or good; only 22 percent indicated the roadways are excellent or good. Generally speaking, the cyclists who use the system with the most frequency reported the roadway cycling conditions as poor in terms of lacking connections. The need for more designated bike lanes was the top priority enhancement listed, with more trails and paved paths second.

Seventy-two percent of the pedestrian survey respondents rated the greenways and paved trails excellent or good; only 42 percent rated sidewalk conditions as excellent or good. The most

significant improvement category identified was the need for more sidewalks.

The survey uncovered significant differences by gender and frequency of system use, so the focus group discussions were formed around those categories. The findings from the focus groups will be available in a week or so.

Mr. Loewenherz said once the process of identifying projects is completed, a web interface mapping system will be created to allow residents to zoom in on their particular neighborhood, see what walkway and bikeway enhancements are listed, and provide feedback interactively. The tool should be live sometime in July.

Commissioner Sheffels asked how safety for bike riders is being addressed. Mr. Loewenherz said one component of the needs assessment is a review of the pedestrian/bicycle collision data from 1999 to 2006. Staff are looking at each accident and determining if there was an engineering issue or an education issue involved, either for the cyclist or the motorist. Current practices will be compared against best practices nationwide to see whether or not the program should be modified to include some enhancements from other areas.

Answering a question asked by Commissioner Orrico, Mr. Loewenherz said the project website will show all proposed enhancements to the current systems. Concurrently, staff will put online the current trails and sidewalk system in a user-friendly environment. The Transportation Commission proposed a MapQuest-type format in which a resident would be able to type in their address and destination and receive a best route proposal. However, Bellevue is a long way from being able to do that; some cities in the nation are moving in that direction.

Commissioner Bonincontri asked if there is funding identified to complete all of the pedestrian/bicycle projects that were included in the 1999 plan. Mr. Loewenherz explained that the 1999 plan established a vision but did not provide staff with a solid method for prioritizing the various projects. The current initiative will delve deeper into that issue in order to help frame what should be done next in bringing about system completion. There have also been increases in best practices that warrant reconsideration of some of the 1999 plans. The initiative was very well received by the Council and there is a strong push to get it all done.

Commissioner Ferris said he is a frequent bicycle rider and has found Bellevue to be a very disconnected city when it comes to the bicycle routes. Bellevue is clearly behind the pace. The needs assessment should stress the need to maintain the designated bicycle lanes. Broken glass and tree branches all end up in the bicycle lanes, but the bicycle tires do not take well to them. Accordingly, the riders end up using the travel lane. Mr. Loewenherz said that issue was raised in the online survey results.

Answering a question asked by Commissioner Sheffels, Mr. Loewenherz said riding on sidewalks is not prohibited by law in Bellevue. Many novice riders choose to ride on the sidewalks because they think they are safer there, however the fact is there are more hazards with cars pulling out and the like.

H. Neighborhood Livability

The item was postponed to a subsequent meeting.

9. NEW BUSINESS – None

10. OLD BUSINESS

Mr. Inghram reported that when the redevelopment of Factoria Mall occurs, which will have residential uses fronting SE 41st Street, the city will work with Metro to relocate the layover area to 124th Avenue SE in conjunction with their service change date. Potentially a change could be made in the first quarter of 2008.

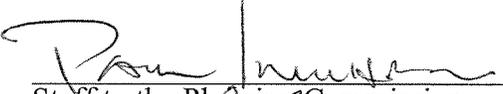
Mr. Inghram asked the Commissioners to mark July 11 on their calendars for the retreat.

There was agreement to schedule a Commission meeting for June 30 with Neighborhood Livability as the only topic of discussion. A public open house is slated for prior to the Commission meeting on June 13.

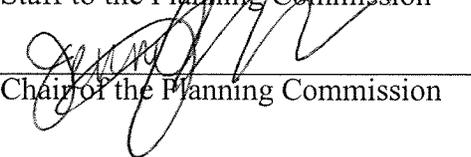
11. PETITIONS AND COMMUNICATIONS – None

12. ADJOURNMENT

Chair Mathews adjourned the meeting at 10:29 p.m.



Staff to the Planning Commission



Chair of the Planning Commission

9/26/07

Date

9/26/07

Date