CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

May 14, 2014 Bellevue City Hall
6:30 p.m. City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Tebelius, Commissioners Hamlin, Laing, deVadoss

COMMISSIONERS ABSENT: Commissioners Carlson, Ferris, Hilhorst

STAFF PRESENT: Paul Inghram, Nicholas Matz, Department of Planning and Community Development;

GUEST SPEAKERS: Bjong Wolf Yeigh, Kelly Snyder, UW Bothell

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

At 6:45 p.m. Chair Tebelius asked Mr. Bjong Wolf Yeigh to make a presentation regarding University of Washington Bothell while waiting for a quorum to officially call the meeting to order.

2. COMPREHENSIVE PLAN SPEAKING EVENT
UW BOTHELL CHANCELLOR BJONG WOLF YEIGH

Mr. Bjong Wolf Yeigh, University of Washington Bothell Chancellor, was introduced and welcomed by Chair Tebelius. He explained that the Bothell campus of the University of Washington was founded in 1990 as one of five branch campuses. By 2009 the Bothell branch had an enrollment of less than 2500, but since then enrollment has nearly doubled and Bothell is the fastest growing campus in the state. It is also one of the most diverse campuses in the state. The branch enjoys over 14,000 alumni.

Mr. Yeigh said about half of the student body is drawn from King County, and a quarter from Snohomish County. Within King County, the Eastside, specifically Bellevue, brings the highest number of students. The largest transfer institution is Bellevue College; the fifth largest is the University of Washington Seattle. While the trend for schools on the East Coast and other areas of the United States has been to close programs and downsizing, the University of Washington Bothell campus has been enjoying exactly the opposite. The projection is that over the next three to five years enrollment for the Bothell campus will hit 7500 students.

Every effort is being put into growing smartly, manageably and sustainably. One thrust area has been increasing and celebrating diversity. Five years ago the number of students coming from underrepresented and underserved communities totaled less than ten percent; that number has since risen to 51 percent. Programs are designed to be truly interdisciplinary. The largest program currently is interdisciplinary arts and sciences, but STEM, the second largest program - science, technology, engineering and mathematics - is expected to be the largest program very soon.

Mr. Yeigh said the Bothell branch expects to see a 23 percent increase in freshman class enrollment in the fall. In order to accommodate the enrollment increase, 29 new full-time professors were added in the fall of 2013, and 23 additional faculty will be added in the fall of 2014.

The school's strategic plan was set in motion in 2008. During the first six-year phase, the school met with tremendous success. During the second phase, which covers the next three years, the anticipation is several critical areas will be addressed and the enrollment will push upward toward the 7500 mark. The branch offers two very successful programs at the Eastside Leadership Center, namely the MBA program and a baccalaureate program in business. By 2020 the school anticipates having between 1000 and 2000 FTEs in Bellevue by offering hybrid classes as well as weekend and evening classes tailored to working professionals and others.

Ms. Kelly Snyder, Assistance Vice Chancellor for Government and Community Relations, said during her senior year at the University of Washington she served as an intern in Bellevue's planning department. She said her particular focus was on the South Bellevue annexations as well as the Neighborhood Enhancement Program. She said the University of Washington Bothell operates a very robust program in Bellevue. Growth of higher education campuses does not happen overnight. There are always challenges, not the least of which is funding. The state board of community and technical colleges goes through a rigorous process in submitting projects to the legislature for funding. The University of Washington Bothell goes through a similar process except that it is through the University of Washington that culminates in proposals being forwarded to the governor and from the governor to the legislature for budget approval. The process can take six to ten years and is in no way a sure thing. Instead of building new facilities, leasing space can be done quickly and with much less fuss.

Ms. Snyder said University of Washington Bothell met with local employers in Bellevue to talk curriculum. Specifically they were asked for input on what they see as most important and what they want to see in the employees they hire. The Leadership MBA was created in part from those conversations. The program is housed in Bellevue at the Eastside Leadership Center. Undergraduate MBAs are also offered. The University of Washington Bothell partners with Bellevue College and automatically admits to the program those students meeting the core standards. Many of the international students enrolled at Bellevue College came to the United States wanting a four-year degree and the partnership with University of Washington Bothell is seen as key in making that happen.

Buildings have slowly been added to the University of Washington Bothell campus over time. The first space in Bellevue was leased in 2010. The new science and academic building, Discovery Hall, will open in the fall of 2014 to accommodate STEM students. A new student activity center will also be open soon.

Ms. Snyder said the University of Washington Bothell offers student housing. An apartment complex adjacent to the campus was purchased and it houses 270 students. Residents must sign a code of conduct contract that includes quiet hours between 10:00 p.m. and 8:00 a.m. RAs live in each dorm and are tasked with holding the students accountable, and those who violate the code of conduct can be kicked out of the dorm and out of school. There is a vacant piece of property the school has its eye on; the neighbors are concerned about what might develop on it but they recognize it would be in their best interest for the school to purchase and develop it. Students who commute more than 30 miles to the campus are given preference when it comes to the apartments. Student housing is offered as an auxiliary service and it must pay for itself.

The city of Bothell is currently working to update its Comprehensive Plan. The campus was developed as a planned unit development and any time the university wants to construct a new building it is necessary to go through the hearing examiner. All development must comply with the height restrictions, setbacks and parking requirements. All off-campus buildings, such as the apartments, must comply with the underlying zoning. The leased property in Bellevue is located on a site zoned Office. It houses classrooms and a few faculty offices as well as a few meeting rooms. Growth is anticipated to continue in Bellevue and expansion to a different location may occur.

Mr. Yeigh said the *Seattle Times* education reporting team wrote a very nice story recently about the University of Washington Bothell entitled "Where the Future Goes to College." The article outlined in a very positive light what the school has to offer. In addition to being a part of the University of Washington, the campus intends to become a university for Washington by providing access to students who want a college degree while working hard to control the costs of education. The campus has focused on providing the resources needed by students to make them successful, including the student success center, tutoring services, and academic and other types of counseling.

Mr. Yeigh said University of Washington Bothell is looking forward to celebrating its silver anniversary in the coming school year. The relationships with Bellevue College and the city of Bellevue will continue as a way of providing more and better academic services.

Commissioner Hamlin said he currently is enrolled in the certificate program in urban science at Simon Fraser University in British Columbia, a program not currently offered by the University of Washington. He said the branch campuses are very well designed. The one in Surrey is situated above a mall and the one downtown is a center of activity. He asked if consideration has been given to expanding the University of Washington Bothell campus more in the downtown instead of in the outlying areas. Mr. Yeigh said the University of Washington Bothell long-range planning highlights how critical the Bellevue location is. There have been conversations about retaining the Eastside Leadership Center space and about renting space in the downtown. There are some sticking points associated with locating in the downtown, but the intent is to continue researching the option.

Commissioner deVadoss congratulated Mr. Yeigh on the growth of University of Washington Bothell but commented that with growth comes challenges. He asked what specific challenges associated with rapid growth have been identified. Mr. Yeigh said the real challenge is space. Nationally schools average about 200 square feet per student. In Washington, most schools have above 100 square feet per student. University of Washington Bothell is the most compressed campus in the state with only 83 square feet per student, even with the new Discovery Hall which added 75,000 square feet to the campus and accommodates 1000 students. As enrollment growth continues, additional space will be needed along with focusing on other modes of instruction, including online classes and having four quarters annually instead of three.

Ms. Snyder pointed out that investment in higher education by the state has been steadily decreasing over the last few years. It has fallen from 70 percent state subsidized per student to 30 percent. Overall, the sliver of the state's investment in the entire University of Washington accounts for only four percent of the organization's budget. The university gets more from the federal government and private donors than it does from the state of Washington. University of Washington Bothell, as a member of the East King County Chamber of Commerce Legislative

Coalition, has been working with Eastside legislators to see the importance of investing in education both on the operating side and the capital side.

Chair Tebelius commented that Bellevue College solicits enrollment from foreign students. The college currently has 1000 foreign students but offers no place to house them. That is creating huge problems for local neighborhoods. She asked if University of Washington Bothell solicits foreign students and if so, what is done to provide housing for them. Mr. Yeigh said University of Washington Bothell does not actively recruit international students. The organization has a clear mission to serve students from the state of Washington so recruitment within the state is given top priority. There are, however, international students who are interested in attending University of Washington Bothell; the connection is often made through word of mouth. Currently, 92 percent of the student body comes from the state of Washington. Many of the international students currently on campus live in the residence halls. The organization is seeking to provide more housing options for all of its students, not just international students.

Ms. Snyder noted state funding of educational institutions has been reduced for both two-year and four-year institutions. The state allowed the four-year institutions to increase their tuition rates, and the two-year institutions have been allowed to recruit internationally as a way to survive the budgetary crisis.

Chair Tebelius said it was her understanding that the University of Washington Seattle offers evening and weekend classes to graduates who might otherwise not be able to attend during the day. She asked if University of Washington Bothell might be considering the same approach, possibly as a way to enhance revenues. Mr. Yeigh said the three University of Washington campuses operate independently and as such he was not able to comment on what the University of Washington Seattle offers by way of programs. The Eastside Leadership Program is similar in some ways in that it offers certificates and refresher educational programs to help folks transition from one career to another or to further the development of their chosen professions. He said University of Washington Bothell has also visited the Joint Base Lewis McChord which has a desire to have more of a presence on the Eastside aimed at helping soldiers and airmen transition to civilian life.

Ms. Snyder said University of Washington Bothell assists a number of people in transitioning from one career to another. There are those who have done well in a first career but are interested in becoming teachers; the University has a program that takes about a year in which they learn how to put together a curriculum and how to use their skills in a classroom setting. A computer certification program is also offered that takes about a year. Owing to space issues, the University is working to shorten program times. The registered nurse Bachelor of Science nursing program takes one year with classes held only one day per week. For the electrical engineering program, all of the classes are offered after 3:30 in the afternoon.

Chair Tebelius asked what the University of Washington Bothell's experience has been with regard to students coming out of high school unprepared for college. Mr. Yeigh said the students present with varying degrees of preparation. Generally they are excellent students, but often they lack someone at home they can talk to about how to do certain things, like study and manage their time. University of Washington Bothell has looked at its entry level programs with an eye on being more inquiry based and focused on more engagement. The results have been noticeable in reduced dropout rates and greater student success.

Answering a question asked by Commissioner deVadoss, Mr. Yeigh said different schools have

different needs relative to student housing. He said he has been associated with campuses where all of the students stay on campus, including Dartmouth, Stanford and Princeton, as well as non-residential campuses. The experience of the students clearly is different for residential campuses. For non-residential campuses, a good rule of thumb is to provide housing for about ten percent of the student body. University of Washington Bothell was built as a commuter campus, but providing some level of housing does not mean the mission has changed. To make it work, however, a critical mass of about 500 units is needed.

BREAK

Chair Tebelius reported that on May 12 there was a discussion before the Council relative to compliance with the state statutes relative to the sale of marijuana. She asked Councilmember Stokes to bring the Commission up to speed on the issue which the Commission was tasked with addressing.

Councilmember Stokes said the city chose to put an interim ordinance in place to address issues before businesses were allowed by the state to apply for the use. The interim ordinance was developed by staff and approved by the Council. When the state Attorney General handed down his opinion that local jurisdictions could retain the authority to ban the sale of marijuana, the Council considered its options. After a full and complete discussion, the Council concluded that because the voters had approved the legalization of marijuana, the use should be permitted provided there are firm rules in place to control the use. The Council has directed the Commission to take up the issue of drafting an ordinance.

Comprehensive Planning Manager Paul Inghram said the tentative schedule has the Commission reviewing draft regulations in June and conducting a public hearing and forwarding a recommendation to the Council in September ahead of the expiration date of the interim regulations.

Chair Tebelius suggested the Commission would benefit from having someone from the police department share their concerns and suggestions. Councilmember Stokes agreed given that enforcement will be a key issue.

Mr. Inghram said the May 7 forum on diversity in the community was well attended. It was open to all boards and commissions, the Network on Aging, and the East Bellevue Community Council. Five panelists talked about their vision regarding diversity in the city. A summary of the meeting is being drafted for the boards and commissions to consider relative to the Comprehensive Plan update. At the meeting it was pointed out that the barriers diversity sometimes presents initially are often overcome when people get to know each other. Crossroads was held up as a great place to interact with a number of different cultures, and people talked about ways to encourage similar activities in other parts of the city.

Commissioner deVadoss stressed the need to take an expansive view of diversity, a view that goes beyond just language and ethnicity.

With the arrival of Commissioner Laing at 7:50 p.m., a quorum was reached and the meeting was officially called to order by Chair Tebelius.

3. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioners Carlson, Ferris and Hilhorst, all of whom were excused.

4. PUBLIC COMMENT - None

5. APPROVAL OF AGENDA

A motion to approve the agenda was made by Commissioner Hamlin. The motion was seconded by Commissioner Laing and it carried unanimously.

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

7. STAFF REPORTS - None

8. PUBLIC HEARING

   A. Comprehensive Plan Amendment: Mountvue Place 14-123964 AC (14510 NE 20th Street)

A motion to open the public hearing was made by Commissioner Laing. The motion was seconded by Commissioner deVadoss and it carried unanimously.

Senior Planner Nicholas Matz explained that under the annual Comprehensive Plan amendment review process the Commission conducts a hearing on the threshold review and geographic scoping for all applications. At the threshold review stage, the Commission determines whether or not an application should be considered for the Comprehensive Plan amendment process and the work program. The Commission's recommendation is forwarded to the Council which ultimately establishes the work program. Those applications that make onto the work program are reviewed by the Commission in the final review stage where the merits of each are addressed. Under the Growth Management Act, amendments to the Comprehensive Plan can be made only once each year.

Mr. Matz said the privately initiated Mountvue Place application involves the property at 14510 NE 20th Street which currently is split between BR-CR and BR-GC. The proposal is to effect a map change to BR-CR for the entire site. The recommendation of staff is to include the application as part of the 2014 work program but not to expand the geographic scoping. The zoning split is the historical result of subarea planning that was not anticipated through the Bel-Red planning process. The current zoning split is inconsistent with what Bel-Red intends for mixed use redevelopment in the BR-CR district. The stated purpose of the applicant is to eliminate the split so as to permit a unified development that would be difficult to achieve with two different zones on a single property.

Mr. Matz said in the opinion of staff the application meets the decision criteria for threshold review. In particular it addresses the significantly changed conditions criterion. The split designation was not identified during the Bel-Red, nor was it anticipated by the current plan map or text. In final review it will be seen that the application is consistent with general policies that specifically align with Bel-Red purpose and intensities for redeveloping properties.

The property to the west has two designations but in that instance the split follows a clear

property line. To the east is Fred Meyer, so it does not make sense to expand the geographic scope beyond the subject property.

Mr. Joe Tovar, 540 Dayton Street, Edmonds, spoke representing the applicants. He shared with the Commissioners maps showing the split zoning and the uses adjacent to the property. The property currently contains two one-story buildings and two two-story buildings. All access is from a single driveway connecting with NE 20th Street. The uses in the buildings include retail, restaurant and office. He agreed with the findings of the staff report and the recommendation to recommend including the application on the work program. The property owners would like to construct a mixed use project on the property, including a significant residential component. The current split zoning prohibits consolidated site planning.

Chair Tebelius asked if the property owners would proceed toward constructing a mixed use project on the site if the change sought by the application were to be not approved. Mr. Tovar said the zoning on the NE 20th Street side does allow for mixed use, but the back portion does not. Theoretically it can be done but it would be a design challenge to make it work horizontally. The feasibility studies done to date indicate something on the order of 400 units could be constructed along with some combination of retail, office and restaurant uses.

Chair Tebelius asked if the mixed use project would trigger traffic problems. Mr. Tovar said the subarea plan contemplates the addition of thousands of housing units over time. Light rail is coming to the corridor, and there already is bus transit serving the area, which is also walkable.

A motion to close the public hearing was made by Commissioner Laing. The motion was seconded by Commissioner Hamlin and it carried unanimously.

B. Comprehensive Plan Amendment: Bellevue Technology Center 14-123945 ACC (2010 156th Avenue NE, 15805 NE 24th Street, 15800 Northup Way)

A motion to open the public hearing was made by Commissioner Laing. The motion was seconded by Commissioner Hamlin and it carried unanimously.

Mr. Matz said the privately initiated application seeks to replace policy S-CR-66 with a policy reading "Encourage potential uses and/or development standards for the property east of 156th Avenue NE between Northup Way and NE 24th Street commonly known as the Bellevue Technology Center, formerly the Unigard campus, additional development on the property compatible with neighboring development that address potential traffic congestion, the preservation of the property's existing open character, tree stands, and views to the site from adjacent streets." The stated purpose of the property owner is to seek a community outreach process to engage the city and Sherwood Forest stakeholders in considering the potential uses of the property in a neighborhood-sensitive context, with a specific focus on enhancing the open spaces, trees, vegetation and views.

Mr. Matz said the recommendation of staff was to not include the amendment application in the 2014 work program. Current policy S-CR-66 has guided the relationship between the Bellevue Technology Center/Unigard site and the surrounding neighborhoods over the years as a sensitive but successful part of the Crossroads community. The application does not establish the appropriateness of addressing policy S-CR-66 through an amendment to the Comprehensive Plan because amending the existing PUD, which is a regulatory solution available to the property owners, has not been thoroughly explored. Significantly changed conditions have not been

demonstrated. The city intentionally did not include areas east of 156th Avenue NE in the original Bel-Red subarea planning process in order to maintain appropriate transitions from Overlake Village and other areas. There are no light rail stations planned within a quarter mile radius of the subject property so it would be difficult to conclude the planning or infrastructure associated with Sound Transit is an unanticipated condition. The sensitivity of the site for the adjacent neighborhood, and special conditions on the office use, continue to be appropriate despite the passage of time. Policy S-CR-66 is a good example of a policy that has stood the test of time in providing both the property owner and the surrounding community with an awareness of what is supposed to be happening on the site.

Mr. Matz said the property is designated Office. If the proposal is advanced there will follow a comprehensive discussion around the redevelopment potential. All available tools would be examined, including amending the existing PUD.

The significantly changed conditions criterion is not met by the application. The pace of growth in the area is not necessarily a significantly changed condition. Pending investments in Sound Transit point to and will benefit Bel-Red, but they are not at play in that they were anticipated. Just because a policy was written a long time ago does not mean it no longer works. It would be inconsistent to concentrate housing and employment growth outside the urban core.

Mr. Jack McCullough spoke representing the applicant. He said Unigard acquired the property in the early 1970s as the location for its campus. It was a completely different time in the history of the city; the PACCAR building was the only tall building in the downtown. The premise of the application is that the restrictions on the Bellevue Technology Center site is a relic of a land use that dates back four decades. In the early 1990s Unigard stepped forward with a desire to expand its campus, the result of which was the second set of buildings. In the 20 years since the property has been an owner-occupied campus responding to the goals and policies of the user rather than the goals and policies of the city. The campus served the needs of Unigard. Unigard was acquired by QBE, an Australian company which later sold the property. The new owners are asking the question of what the property wants to be 40 years after its initial development.

Continuing, Mr. McCullough noted that the application does not seek a particular designation, nor does not seek a particular intensity of traffic use. In essence the application seeks to start a conversation predicated on the fundamental issue of changed conditions. The zoning of the site has not been reviewed in almost 20 years, and really 40 years. Zoning for the site was fundamentally set in the 1970s and since that time there has been huge changes in the city in terms of development and traffic. In terms of transportation, SR-520 was built, the King County Metro park and ride lot was built, RapidRide has begun operations with a stop immediately across the street from the property, and Sound Transit is gearing up to bring light rail through the city. There is zoning in the area with FARs as high as 5.0 while the effective FAR of the subject property, which is maxed out under the existing zoning and agreements, is 0.16, while immediately across 156th Avenue NE to the west is 24 times more intense. Development all around the property has gone on steadily while for 40 years the Bellevue Technology Center site has sat quietly.

The existing subarea policy S-CR-66 requires a conditional use permit and requires that attention be paid to retaining large stands of trees, views to the site from adjacent streets, and the open character of the site. The property owner is not proposing to change any of those things. The proposed Comprehensive Plan amendment seeks to start a 21st Century conversation about what ought to happen to the site. Some additional development should be allowed provided it is

compatible with neighboring development, addresses traffic congestion, and preserves the open character, tree stands and views from adjacent streets.

Mr. McCullough said the property owner has reached out to the neighborhoods with an invitation to sit down and talk about a vision for the site that would be outside the conditions of the existing PUD, which only allows office uses. The predominant use occurring along 156th Avenue NE and 152nd Avenue NE is multifamily. While that may not be the best use for the site, it is one that could preserve significant stands of trees and views. A very polite letter was received from the neighborhood in which it was stated a conversation would not be occurring. While a agreeing to a conversation of any kind could imply a willingness to look at change, a conversation is all the property owner wants to have.

Mr. McCullough suggested the significantly changed condition criterion can easily be met when looking all the way back to the 1970s, or even looking back only as far as the 1990s when the site was last touched. Policy S-CR-66 itself has not been considered since 1988. The transition the site is to accommodate can be accommodate with something more than an FAR of 0.16 and with something other than an office use. Even an FAR of 0.3 would be less intense than the single family neighborhoods that surround the property.

All the property owner is seeking is a study. Sooner or later the forces of change are going to end up dictating what happens on the site, and the property owner would prefer to get ahead of that by sitting down with the community and coming up with a plan for reinvesting in the site that will provide for modest additional density while saving the natural features of the site. The property owner is not proposing a large increase in density that will lead to additional traffic. It should be noted, however, that the argument that decries the generation of traffic in an area well served by transit stands the principle of growth management on its head.

Commissioner Laing asked what inconsistency exists between the current policy and the zoning. Mr. McCullough said no inconsistency is being asserted, nor does one need to be asserted in order to amend the Comprehensive Plan. It must only be demonstrated that there are changed conditions, that time has passed, and that there is a general consistency with the Comprehensive Plan otherwise. Commissioner Laing asked what the proposed policy language would allow that the existing policy language does not allow. Mr. McCullough said it has been suggested that the property owner should explore the PUD process, but that must proceed under the existing zoning. It is not clear to the property owner what the position would be should an attempt be made to rezone some portion of the site without laying some foundation, however, abstract, in the Comprehensive Plan. The PUD exercise might work out fine, but fundamentally there is the sense that the current zoning is old.

Commissioner Laing said it would not be permissible to change the zoning on the site to something that would create an inconsistency. He said he did not see anything in the language of the existing policy that speaks to a specific zoning designation. The current policy also does not appear to preclude redevelopment of the site, nor does the policy language limit the zoning on the site to a specific zoning designation. Mr. McCullough said the policy language states that office use, as a conditional use, is appropriate for the property. That could be interpreted as meaning an office use is appropriate but other uses are not necessarily excluded.

Commissioner Hamlin asked if there is a square footage limitation currently in place. Mr. McCullough allowed that there is in the PUD and that the limit has been reached.

Commissioner Laing asked if the PUD restricts uses on the property in perpetuity and if the PUD gives the surrounding community a say over what happens on the property. Mr. McCullough said the property owner would be happy to revisit the PUD; that invitation has been put out there. If the proposed amendment does not proceed, that may be the property owner's next course of action. The likelihood is that the property owner would seek to have the limits lifted along with other elements. Addressing the PUD does not, however, seem like a logical first step because the Office zone is restrictive as to type of use.

Commissioner Laing asked if the city has said that the only allowed use from a zoning standpoint on the site is office, which would indicate the city construes the policy as written to limiting the use on the site to office. Mr. Matz said he would answer that question during the study session rather than during the public hearing. Mr. McCullough said he has received no official view from the city. If the answer is that the policy is not limiting, the entire exercise may not be necessary.

Mr. Bruce Whittaker, 1924 160th Avenue NE, said his property is Lot 9 of the Park Place subdivision, which borders the southeast portion of the site. The subdivision also borders Interlake high school to the north. There are two access points for the subdivision, both of which connect with Northup Way. He said his back yard looks out over a stand of fir trees that is between 100 and 200 feet wide. Any development that might change that would be a significant concern. Page 2 of the staff report indicates that key components of the PUD over the years have been the protection of open space meadow and the large stand of trees in the northwest and southwest parts of the site. There should be no misunderstanding that the concerns regarding trees relate to all edges of the site, particularly the entire east boundary. The meadow is in the northwest part of the site and there are very few trees there. The prime concerns are retaining the trees and the open space, both of which contribute to making the community livable, and traffic which in the morning and evening peak times makes accessing Northup Way very difficult. He agreed with the staff report that 156th Avenue NE has in the past and should continue to serve as a bright line buffer and separator of the residential areas to the north. He asked the Commission to accept the recommendation of the staff.

Mr. Ken Shiring, 16223 NE 28th Street, said he purchased his home in Sherwood Forest when the Unigard site was an active horse farm. After becoming a member of the Sherwood Forest Community Club there were period meetings with Charles Palmer, the president of Unigard, and Richard Chapin, attorney for Unigard. The product of those meetings became the policy S-CR-66. He said he served on the Planning Commission for eight years, leaving in 2003. He said in 2005 he was appointed to serve on the Bel-Red corridor CAC. The staff have done an exceptional job in commenting on the important points of the proposed land use action. The most important points appear on page 3. The Unigard site, now known as the Bellevue Technology Center, is not a relic. It was deliberately not considered in the original Bel-Red subarea planning in order to maintain an appropriate transition from the Overlake Village area to the west to the residential neighborhood to the east. No significant changes have occurred in the area that were not anticipated since the adoption of the Bel-Red plan. The Commission was encouraged to reject the proposed Comprehensive Plan amendment.

Mr. John Haro, 2431 161st Avenue NE, spoke as vice president of the Sherwood Forest Community Club. He read into the record a prepared statement which noted that in 1972 the Club was an active participant with the Unigard Insurance Company and the city of Bellevue in the discussions, negotiations and ultimate creation of the master planned unit development on the site now called the Bellevue Technology Center, which is adjacent to the Sherwood Forest

neighborhood. The PUD adopted by the Bellevue City Council allowed for the development of 325,000 square feet of office space in three phases while preserving the open meadow and wooded area on the southern portion of the site. The meadow and the woods have been preserved, and the intended three phases of development have been completed, and the maximum allowable square footage has been exhausted. In the opinion of the Club, the applicant's proposed amendment to the language of policy S-CR-66 is site-specific to the Bellevue Technology Center property. The Club further believes that the Comprehensive Plan amendment is an attempt to pave the way for additional development on the site. The Commission was urged to reaffirm that the site has been fully developed consistent with the terms and conditions of the adopted PUD and that no further development potential exists for the property.

Ms. Gayle Toney, 1910 160th Avenue NE, said she has owned her home in the Park Place subdivision for over 15 years, and noted that her property faces the eastern border of the Bellevue Technology Center property. She spoke in opposition to the proposed Comprehensive Plan amendment. Over the last 40 years city planners have carefully considered the development of the site and have recognized its importance as a critical barrier and buffer for the homes and schools to the east of 156th Avenue NE. Many homeowners purchased their properties with the knowledge that a PUD is in place that will preserve the site and limit development on it. The buyers of the Bellevue Technology Center site should also have known about the longstanding PUD. The city staff have reached the correct conclusions regarding the proposed amendment. There are numerous reasons why additional development on the site should not be allowed. The primary concern of all who live, work or commute through East Bellevue is the ever-increasing traffic. The impacts resulting from development of the former Angelo's site and the former Group Health site have yet to be experienced, but there is no doubt that traffic congestion will significantly increase. Further development in the area will only increase congestion levels and decrease the livability of the neighborhoods. Accessing Northup Way is becoming increasingly dangerous as well as time consuming. Accessing either the local grade school or the high school from the neighborhoods has become difficult. Over the years, the city as a whole has lost far too much of its tree canopy and natural beauty to development; the very things that have made Bellevue a livable and enticing community are slowly slipping away. It is essential to preserve sites like the Bellevue Technology Center even if they are relics. Relics in fact need to be preserved because they are critical both to the environment and the well-being of the citizens. The Commission was urged to concur with the recommendation of the staff to not include the proposed Comprehensive Plan amendment in the work program.

Mr. David Carls, 173 NE 22nd Street, Redmond, said he works in the Bellevue Technology Center development and his children attend Sherwood Forest elementary school. He noted that the parking garage has had to battle to keep water out of it. The fact that the site has little permeable surface and thus is able to retain rainwater is good for the area and should be considered. The schools in the area are already at capacity and already must contend with heavy traffic to get to and from home; further development will only make that problem worse. The property should be left as it is.

Mr. Manuel Solis, 2447 161st Avenue NE, said those who live near the Bellevue Technology Center site love it because it is open and green, a place everyone can enjoy. More than 2000 units are going to be developed in the next two years to the west of 156th Avenue NE. The schools are already operating at capacity and traffic is already beyond capacity. If the agreement that has been in place for many years is changed, the result will be more congestion and more saturation of the space. The property owner clearly wants to see the agreement changed so the

site can be developed some more. The property owner should do the right thing and follow the agreement. The Commission was encouraged to follow the staff recommendation.

Ms. Michele Neithaumer, 15897 Northup Way, said she serves as president of the Foxborough Homeowners Association which is situated immediately across the street from the Bellevue Technology Center property. She said the area is unique in that it is primarily residential. As one drives Northup Way and crosses 156th Avenue NE an area of homes and large old growth trees is encountered. It is not an office development. The website for the investor that owns the Bellevue Technology Center property indicates 40 percent of the space is not currently occupied. It is questionable why it is necessary to build more office space when what is already there is not rented out. With development comes growth, and with growth too often comes a ripping out of trees and space that is not leased. Longs Drugs sits across the street from the complex; that business folded and the building has been vacant for several years. Trader Joe's moved and their old site is vacant. Precor Fitness moved around the corner, leaving their old space vacant. Top Food and Drugs closed and that location is vacant. After Circuit City folded, their space sat empty for many years. So while there is development going on in the area, there is also existing vacant space. The capacity of 156th Avenue NE has been reached making it very difficult to get around. She said her office is 1.2 miles from her house and often it takes as much as 30 minutes to drive that distance. People in the area are moving toward the lake so as the area develops more and more traffic is being pushed into residential streets, creating safety concerns. The Bellevue Technology Center should be left as it is.

Mr. Don Miles, 15817 Northup Way, said a PUD is an agreement and is not the same as a Comprehensive Plan policy. The fact that the PUD is in place means the city has already agreed to how much development the property can have. The PUD allows for 325,000 square feet, but the site is actually advertises as having nine buildings totaling 326,000 square feet, which exceeds the agreement. The site borders residential to the east and south and any changes in the planning would need to consider increasing the amount of space separating commercial uses from residential. There should be no additional access points onto Northup Way unless the city is willing to create a four-lane configuration.

Ms. Nancy Grinzell, 16814 NE 30th Street, said she has been in her home since the Bellevue Technology Center site was a horse farm. When the property was originally sold to Unigard, the agreement was that most of the site would remain open space and that the trees would be preserved. The agreement that is in place is not irrelevant. The site serves as a transition between commercial and residential. Traffic is clearly an issue and it is as bad as everyone has represented it to be. One of the things that goes along with the increased traffic is increased frustration, and that reduces safety for all concerned. To say the area can handle more traffic is simply not true, and public transit will not solve the problems. It is disturbing to hear the property owner's representative say the policy should be rewritten to allow for mixed use without specifying what kind of development they have in mind. The PUD limits the amount of square footage allowed and those limits should be retained. The Commission was asked to vote down the proposal.

Ms. Pamela Toelle, 14845 NE 13th Street, said for most people the largest single investment they make involves the purchase of their home. All of those who own properties around the Bellevue Technology Center site have made significant investments that they wish to protect. The residents of Sherwood Forest worked closely with Unigard and the city in creating a covenant in the form of a PUD. She said she served on the subarea committee that reviewed the policy in question. The committee wanted to retain the OU designation but because the city had changed

the designation so that was not allowed. The site was originally developed under King County zoning which the city accepted. The PUD and its restrictions has been upheld by the City Council at least twice, and by a hearing examiner who was very specific about the ten percent lot coverage. The Crossroads subarea plan specifically states that multifamily housing is not allowed in Area B, which is where the Bellevue Technology Center site is situated. There are all manner of other policies that call for preserving and protecting residential neighborhoods from more intensive uses. The reasons behind the conditions specified in the PUD have not changed: the Sherwood Forest neighborhood is still there.

Ms. Kathleen Rochet-Zuko, 16205 NE 27th Street, noted that it was stated earlier in the meeting that Crossroads has become a community meeting place. The Bellevue Technology Center site serves the same purpose. Every day people can be seen their walking their dogs and enjoying the area. Hopefully a future generation will not look back and wish the open space had been left undeveloped.

A motion to close the public hearing was made by Commissioner Hamlin. The motion was seconded by Commissioner Laing and it carried unanimously.

9. STUDY SESSION

A. Comprehensive Plan Amendment: Mountvue Place 14-123964 AC (14510 NE 20th Street)

A motion to recommend initiation of the Mountview Place Comprehensive Plan amendment application for the 2014 Annual Comprehensive Plan work program, and to not expand the geographic scoping was made by Commissioner Hamlin. The motion was seconded by Commissioner Laing.

Chair Tebelius voiced concern about the proposal and said if allowed the result will be multifamily housing which will have a huge impact on traffic.

The motion carried 3-1 with Commissioners Hamlin, Laing and deVadoss voting for, and Chair Tebelius voting against.

B. Comprehensive Plan Amendment: Bellevue Technology Center 14-123945 ACC (2010 156th Avenue NE, 15805 NE 24th Street, 15800 Northup Way)

Commissioner Laing asked if the city has taken the position that no use other than office is allowed for the site under the Comprehensive Plan as it currently exists. Mr. Matz said the city's position is that Office zoning allows the permitted uses allowed under the designation. Commissioner Laing asked if the Comprehensive Plan policy S-CR-66 restricts the zoning on the site to Office and Office alone. Mr. Matz said the policy is specific as to what office should do on the site. Staff does not read the policy as restricting the site to only Office. The policy states a preference as a result of the community conversation, but it does not preclude other uses permitted in the Office district. Commissioner Laing asked if the property owner could rezone the property to a residential use without changing the policy in question. Mr. Matz said rezoning to a residential category would be inconsistent with the Comprehensive Plan designation of Office. In order to rezone to a designation other than office, it would first be necessary to effect a Comprehensive Plan amendment.

Mr. Inghram said no specific interpretation of the policy has been issue by the city. He said it would appear that a change to residential would to be inconsistent with the policy that clearly says Office is appropriate. The policy does not, however, on its face preclude changing the zoning.

Chair Tebelius asked if the present owner at the time of purchasing the property was aware of the restriction on the property as described by the community. Mr. Matz said he could not speak to whether or not the present owner was aware of the restrictions. The PUD, however, is clearly a matter of record. The property was purchased in 2010 and in 2012 the property owner sought an interpretation from staff as to what the zoning was and what the PUD was on the site. A reasonable person could conclude it would have been surprising to find the property owner had purchased the site without having done an investigation as to any restrictions.

Chair Tebelius asked if the city has ever thought about purchasing the land for a park. Mr. Matz said that approach has been given consideration. Mr. Inghram added that different people have discussed that option at different times. There is not, however, any official city plan to seek acquisition of the site for use as a park.

Commissioner Hamlin said the task before the Commission is to determine whether or not the application meets the threshold criteria. He added that a vote to approve adding the issue to the work program would not be the same as a vote to change how the site is developed; it would only trigger additional and more thorough review in the final phase. He suggested the application does in fact meet the threshold review criteria. The issue of significantly changed conditions is met by the fact that the area has changed significantly. Additionally, the amendment is not inconsistent with the general policies for the area.

Mr. Matz said the changed circumstances criterion does not equate to no change having occurred but rather whether or not the city's planning has anticipated the change. There has been a great deal of change in the area over the years, all of which has been anticipated by the Comprehensive Plan.

Commissioner Hamlin agreed that 156th Avenue NE should continue to serve as a demarcation line, but the site in question is Office and has been for a long time.

Commissioner Laing echoed the comments of Commissioner Hamlin. He said in working through the criteria he reached the same conclusion, which is not the same thing as endorsing the proposal. Often in talking about long-range planning people tend to go to the end result of envisioning what the end development will look like on at site. Changing the Comprehensive Plan designation or even effecting a rezone is not the same as entertaining a site-specific application. The issues of traffic, tree retention, open space and many others all get dealt with at the project level. Imagining all the bad things that could come about and using them as a reason to reject a long-range planning effort is not appropriate. In the case of the Bellevue Technology Center there is completely different issue, the PUD and the conditions it imposes. The PUD is in fact not a covenant, and there is case law that says it is an improper use of the zoning authority to restrict a property in perpetuity as if it were a covenant. There is, however, a public process for changing a PUD, and it will be an inescapable part of doing anything more with the property. He said for the limited purpose of studying the issue further, he would vote in favor of adding the amendment to the 2014 work program.

Chair Tebelius said she would support the recommendation of the staff. She agreed that the

change that has occurred has all been anticipated and addressed by the Comprehensive Plan. She also agreed that 156th Avenue NE is and has always intended to be the demarcation between uses. The position of staff is consistent with the Countywide Planning Policies. The current property owner likely knew, or should have known, about the restrictions.

A motion to recommend no further consideration of the Bellevue Technology Center Comprehensive Plan amendment application for the 2014 Annual Comprehensive Plan work program, and to not expand the geographic scoping, was made by Commissioner deVadoss. The motion was seconded by Chair Tebelius. The motion failed on a 2-2 tie. (deVadoss/Tebelius for. Hamlin/Laing, against.)

Mr. Inghram said staff would transmit to the Council the fact that the vote on the issue failed and that the issue is therefore not recommended to be included on the work program.

Commissioner Laing left the meeting.

10. OTHER BUSINESS - None

11. COMMITTEE REPORTS - None

11. PUBLIC COMMENT - None

12. DRAFT MINUTES REVIEW

A. February 26, 2014

A motion to approve the minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner deVadoss and it carried unanimously.

B. March 12, 2014

A motion to approve the minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner deVadoss and it carried unanimously.

C. March 26, 2014

A motion to approve the minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner deVadoss and it carried unanimously.

D. April 9, 2014

It was noted the minutes should reflect both Commissioners Carlson and deVadoss were present for the meeting and not absent as indicated.

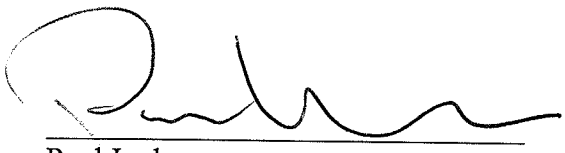
A motion to approve the minutes as amended was made by Commissioner deVadoss. The motion was seconded by Commissioner Hamlin and it carried unanimously.

14. NEXT PLANNING COMMISSION MEETING

A. May 28, 2014

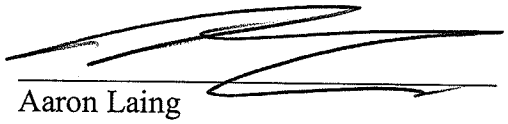
15. ADJOURN

Chair Tebelius adjourned the meeting at 9:42 p.m.



Paul Inghram
Staff to the Planning Commission

7/26/2014
Date



Aaron Laing
Chair of the Planning Commission

7/30/14
Date

* Approved July 9, 2014