CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

June 11, 2014 Bellevue City Hall
6:30 p.m. City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: Commissioner Carlson

STAFF PRESENT: Paul Inghram, Janet Lewine, Erika Conkling, Department of Planning and Community Development; Mike Bergstrom, Department of Development Services; Arthur Sullivan, ARCH

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:37 p.m. by Chair Tebelius who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Hilhorst, who arrived at 6:45 p.m., and Commissioner Carlson, who was excused.

3. PUBLIC COMMENT

Mr. Blaise Bouchand, 1950 130th Avenue NE, owner of Maison de France, spoke on behalf of a dozen local businesses located near his place of business. He expressed serious concerns about the locating of a recreational marijuana dealer at 1817 130th Avenue NE within 1000 feet of two recreational centers that cater to children: Girl Scouts of Western Washington on NE 20th Street, and The Little Gym on 130th Avenue NE. The use will also be located within one block of the gates of the Bridle Trails residential neighborhood and next to an already operating medical marijuana clinic. All but one of the neighboring businesses are opposed to the use. The Commission was asked to take a look at the zoning and to recommend a reversal of the issuance of a business license to the use. Federal laws prohibit the possession and sale of marijuana. The American Medical Association recommends against legalizing the drug on the grounds that cannabis is a dangerous drug and a public health concern. According to The Foundation for a Drug Free World, 99.9 percent of cocaine users began by first using a gateway drug such as marijuana. The city should act to protect all of its citizens, from children to adults, to prevent the increase of drug-related crimes, the inevitable money laundering, the potential addictions and increase in drug users, the overpowering smell of pot in the streets, and the feeling that safety has been degraded, all of which could result from allowing a recreational marijuana dealer to locate at 1817 130th Avenue NE. It will be bad news for local businesses and for the city. Recommending a ban on pot sales in Bellevue would not be a bad idea if that is what is needed

to protect the citizens of Bellevue. The issue is urgent priority from the standpoint of public health and safety. Bellevue should remain a city in a park, not a junky city.

Ms. Gigi Meinig spoke representing the Area Agency on Aging. She said the agency serves 40,000 seniors and persons with disabilities throughout King County. She thanked the Commission for making universal design and aging in place key issues, and for including them as policies in the Comprehensive Plan. The policies will help 23,570 Bellevue residents to age in place. A chart showing demographic changes between 2000 and 2010 was shared with the Commissioners. It was noted that Bellevue's total population increased by 11 percent, and the number of persons 60 years of age and older increased by 20.3 percent. Of the non-white population aged 65 and older, the increase was 83.5 percent, and the number of persons 65 and older living below the federal poverty level increased by 38 percent.

Ms. Allie Charneski, 1817 130th Avenue NE, said she and her partner have been granted a license from the Washington State Liquor Control Board to operate a recreational marijuana business in Bellevue. She said the process of applying for licensure began eight months ago and has required a large number of steps, including thorough investigations by the Liquor Control Board. The business location is more than 1000 feet from all restricted entities in accord with state law. The brand will fit well with what the Bellevue citizens want and will be very conservative as far as pot shops go and will bring a positive light to the negative views of pot users.

Ms. Linda McClanahan, 14823 SE 18th Street, shared with the Commissioners photographs of the single family dwellings located on SE 18th Street where a 6700 square foot home and family care facility has been proposed. The house will be three times larger than any other house in the neighborhood and certainly is not in character with the neighborhood. It will replace a home that is between 1100 and 1200 square feet located on a cul-de-sac. The neighborhood has always had people who take pride in their homes and who are centered on family. If the city continues to approve megahomes in single family neighborhoods, it will not be protecting its neighborhoods, and it will push out retirees and startup families.

Mr. Ron Merck, 14824 SE 18th Place, said the megahome planned for the neighborhood will have ten bedrooms, two dining rooms, one kitchen, a one-car garage and a single-car driveway, all of which fits the code. The city needs to take a close look at the Land Use Code. For thing, there is no good definition of what single family housing is. The June 6 edition of the *Bellevue Reporter* says the city may use a program to incent affordable housing, and it talks specifically about multifamily. He said he did not know if the city has a good definition of what multifamily housing is either. Degradation is taking place in some Bellevue neighborhoods, particularly in the Lake Hills area but also elsewhere. He said he has seen what he interprets as code violations, including what appears to be two apartments being built in a single family area behind the new Lake Hills Shopping Center.

Mr. Chris McAboy, 1817 130th Avenue NE, owner of The Novel Tree, a proposed recreational marijuana business, clarified that one of the two recreation centers within 1000 feet of the business location is actually a retail and administration use. The second recreational use is a for-profit small gymnastics center near Bellevue Brewing and Angelo's lounge bar. The owner of the medical marijuana clinic nearby has indicated the lease will end in July and that it will not be renewed. He said he has been working closely with the city over the last eight months to make sure the location is valid and not in violation of any state or local codes. The Liquor Control Board limits signs advertising recreational marijuana businesses to slightly more than 1600

square inches, requires windows that prevent anyone from seeing into the store from the street or the sidewalk, and disallows any onsite consumption. Those who are opposing the business are doing so based on fear and unfamiliarity with the regulations. The business will, however, be a good neighbor.

4. APPROVAL OF AGENDA

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

5. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS

Councilmember Stokes reported that interviews were held with six candidates to fill the vacant Commission seat. He said he hoped to be able to make an announcement on June 16.

Councilmember Stokes said the issue of housing is both complex and interesting. It is not yet fully before the Commission but it is coming.

Chair Tebelius said the Commission's annual retreat may be scheduled in July but likely will be held off until September. It will be held on a Wednesday evening not slated for a regular Commission meeting.

6. STAFF REPORTS - None

7. STUDY SESSION

A. Comprehensive Plan Update - Housing Element Policy Review

Mr. Inghram reminded the Commissioners that it left off its review of the policies at item 30, policy HO-23. He noted that the edits previously proposed were not reflected in the packet materials.

With regard to item 30, Commissioner Laing said in talking about providing affordable housing incentives the Commission should keep in mind the state constitution among other things. Seattle was successfully sued twice in the late 1980s over its well-intentioned affordable housing measures. The court found that municipal bodies cannot shift the social costs of development onto developers. Essentially the court said the cost must be carried by the entire community, not just developers, and regulations cannot be made to look like incentives when they really are not. Policy language is needed to make it clear the city is not trying to find a cleaver way of shifting the burden of providing affordable housing onto new development or redevelopment.

Chair Tebelius asked how that is supposed to play out in the real world. Commissioner Laing said there are options available under state law, including the multifamily property tax exemption.

Arthur Sullivan, director of A Regional Coalition for Housing (ARCH), said the Seattle court cases resulted in the passage of legislation to provide clarification on the use of incentive programs, even where they are mandatory. City's can require developers to provide affordable housing, but something must be given to them in exchange for the requirement. Item 41, Policy

HO-33, references the state property tax exemption program and other state-enabled programs. It is implied that anything a city does must be consistent with state law and case law. Mr. Sullivan said both voluntary and mandatory incentives are legal under state law. Commissioner Laing said rather than simply implying it, the policy language should include "consistent with state law."

Mr. Inghram commented that every policy must be consistent with state law and as such it is not necessary to include specific language to that effect in every policy. Commissioner Laing said the affordable housing incentive issue has been a source of litigation in communities from coast to coast. He disagreed that mandatory affordable housing programs are legal in Washington. That aside, it will be important not to have fuzzy policies that are not tied to specific state-enabling legislation. Mr. Sullivan said he would provide the Commission with the legislation that was approved about six years ago and updated about four years ago.

Chair Tebelius proposed shortening the Policy HO-23 to read "Encourage the development of affordable housing." Associate Planner Janet Lewine noted that the existing policy talks about removing barriers and unnecessary standards from the Land Use Code to help affordable housing succeed. That work has been largely done but it is an ongoing process.

Commissioner Hamlin said he preferred the positive spin the proposed policy language provides. Commissioner Laing agreed but said he would add "consistent with state-enabling legislation."

Commissioner deVadoss noted that some of the policies refer specifically to multifamily affordable housing, a reference that was not included in the proposed policy HO-23 but is made in policy HO-33. Ms. Lewine stated that the tax exemption program applies only to multifamily. Mr. Sullivan said there are specific reasons for referring to multifamily affordable housing in some of the policies. In policy HO-33 the reference to the state property tax exemption program is specific to multifamily, but the reference to partial exemptions from city permit fees is not limited to multifamily. He allowed that the word "multifamily" could possibly be removed from policy HO-33, but not from policy HO-25 where the intent is to specifically call out that affordable housing in centers is a good idea in that centers are convenient to employment and transit opportunities.

Commissioner Laing suggested that "especially" should be used rather than "including" in policy HO-25 to avoid establishing limiting conditions.

Mr. Inghram said the policy language says affordable housing is wanted throughout the city while recognizing that people who need affordable housing also benefit from having access to transit. Access is part of the affordability equation in that spending less on transportation makes housing more affordable.

Commissioner Laing said the proposed language for policy HO-25 could be construed as suggesting that down the road single family neighborhoods that are near transit centers should be rezoned to provide for multifamily housing. That is not consistent with the vision of the Comprehensive Plan relative to preserving and maintaining existing single family neighborhoods. He said his preference would be to have the policy read "Ensure that affordable housing opportunities are available throughout the city."

Commissioner Hamlin said the intent of the policy language is clear and admirable, but he agreed the reference to transit gets in the way.

Commissioner Hilhorst pointed out the need to retain some flexibility in the policy language to accommodate whatever the need will be in ten years.

There was consensus to word the policy as proposed by Commissioner Laing.

With regard to item 33, new policy 2b, Ms. Lewine explained that the affordable housing community have indicated the difficulties associated with finding appropriate sites in Bellevue for group facilities, like shelters. The use is not allowed in any single family zone; they are allowed mainly in the downtown and in multifamily districts greater than R-10. Some districts, including commercial districts that allow housing, particularly those near transit areas, have also been excluded from allowing the uses. The proposed policy language could lead to allowing the use in both Eastgate and Bel-Red.

Commissioner Laing asked why there was a reference to student housing in the action proposed section of the matrix, and why there was no express reference to shelters in the proposed policy language. He also asked what other barriers to siting group facilities and shelters exist. Ms. Lewine said the definition for group facilities includes dormitories and shelters. The prohibition exists in Bel-Red because there was a desire not to allow dormitories, but the unintended consequence has been that group facilities and shelters have also been prohibited.

Chair Tebelius suggested the issue is related to zoning and as such is not appropriated addressed in the Comprehensive Plan.

Commissioner Hilhorst asked if dormitories and student housing are prohibited in the Eastgate area. Mr. Inghram said dormitories and student housing are not allowed in many parts of the city, including Eastgate and Bel-Red, if they are not on a the campus of an educational institution.

Commissioner Laing suggested a separate policy is needed to deal with student housing versus shelters. He said things need to be called out for what they are in policy language. In the case of Eastgate and Bel-Red, there are specific subarea plan policies that may need to be reviewed. With regard to shelters, a specifically nuanced policy allowing the use should be inserted into the Bel-Red subarea plan rather having policy language that would apply citywide. He suggested the Eastgate language could read something like "Remove unintended barriers to student housing facilities in commercial and mixed use areas while retaining appropriate land use controls," and for the Bel-Red subarea there could be a policy along the lines of "Remove unintended barriers to shelters in commercial and mixed use areas while retaining appropriate land use controls." Mr. Sullivan said neighborhood plans follow the Comprehensive Plan. The issue of shelter is being discussed with a focus on different areas of the city. The question is whether or not it would be appropriate to include something in the Housing Element that is specific to the use.

Chair Tebelius asked how many shelters currently exist in Bellevue. Mr. Sullivan said there is one permanently located shelter. Temporary shelters come and go. The winter shelter that operated in the winter of 2013-2014 was located in Bel-Red as a temporary use. Redmond has one permanent shelter and also hosts temporary shelters. Chair Tebelius said it would not be good policy to remove from every zoning area the limits that preclude shelters. Mr. Sullivan said the temporary shelters have been located in what are essentially inappropriate locations, including churches in residential neighborhoods. The focus is on trying to find a more permanent solution outside of residential neighborhoods. The prohibitions in place prevent even

looking in more appropriate areas.

Commissioner Hilhorst asked if the city is currently targeting a location for building a permanent shelter. She suggested that if that is the case, that is where the Commission should be focusing. Mr. Sullivan said work was done in 2013 by a number of Eastside cities and agencies that provide shelters. That work resulted in the identification of a number of areas in Bellevue, Redmond and Kirkland that could be appropriate, though it did not zero in on any specific properties. For some of the areas that would be appropriate there are prohibitions against the use.

Commissioner deVadoss said he would prefer to zero in on those places that would be appropriate rather than handing down policy language that would apply citywide. Mr. Inghram said the challenge is that should the consortium of Eastside cities and agencies pull together funding to purchase a property on which to locate a shelter, they would not even be able to consider sites for which the zoning precludes the use. Cities generally do not change their codes for individual parcels, only for a class of parcels or for entire areas. All classes of properties must be treated uniformly and fairly.

Ms. Lewine said the proposed policy language would facilitate a change to the use chart relating to group facilities to allow for shelters in commercial and mixed use districts. Mr. Inghram said all appropriate land use controls would be retained around which the finer level of detail would be examined by the Commission. The way things stand, large portions of the city are off limits to all elements of the group housing classification, including dormitories and shelters.

Commissioner Hamlin said he likes the proposed policy language. He said it provides solid guidance and addresses the need for something alternative to locating temporary shelters at churches in residential areas. It allows for the possibility of looking at commercial and mixed use areas. As drafted, the language is appropriate Comprehensive Plan language.

Commissioner Laing suggested that at a bare minimum there needs to be a different policy for shelters. Clumping student housing with shelters is not a good approach. Mr. Inghram said the policy is not a blanket approach that will simply allow the uses everywhere. It directs the city to look at where they are allowed and where they are not. Where there are intentional exclusions, they should be allowed to stand. Where they are not intended, the policy will open the door to at least explore allowing them. Commissioner Laing said the policy needs to explicitly call out the uses it references. Mr. Inghram made it clear that with regard to a box with people in it, there is not much legal distinction between whether or not the occupants are students or homeless persons. If the city allows a dormitory, it would not be able to exclude a shelter, because from a land use standpoint it is the same type of building with people in it.
Chair Tebelius asked if the broader class could be broken down into individual classes. Mr. Inghram said the Land Use Code is already carved up into a number of classes, including single family, types of multifamily, senior housing and group quarters. However, if a class looks and acts the same as another class, it must be treated the same.

Commissioner Hamlin said given that understanding, a policy specifically referencing student housing could in fact be misleading to the public.

Turning to item 34, policy HO-26, Chair Tebelius asked if the proposed added words are really needed. Ms. Lewine said the intent is to establish the city's active and collaborative relationships in providing affordable housing. Chair Tebelius suggested the language implies the city ought to

be active. That is a decision the Council should make. She said she would prefer a statement calling for involving both the public and the private sectors in the provision of affordable housing.

With regard to item 35, policy HO-27, Chair Tebelius suggested the direction in the language to provide funding is inappropriate for a Comprehensive Plan. Mr. Sullivan said the Comprehensive Plan sets the direction for more than just land use. The Council has historically done exactly what the proposed policy states. In fact, when requests are made of the Council for funds they have set aside for affordable housing, the policy is cited. The language is consistent with past action and is not inconsistent with policy language used by other jurisdictions.

Mr. Inghram added that the language is not inconsistent with other aspects of the Comprehensive Plan. There are policies that call for funding infrastructure, transportation and parks. The policy language is not specific with regard to exact funding levels.

Commissioner Laing said there are some things the city by law must fund. He said his argument against using the word "provide" was that it takes away the Council's option in a given cycle to not provide for whatever valid reason it may have. The better verb would be "consider." The intent of the policy is important, but the word "provide" is too strong.

There was consensus to use the word "consider."

Commissioner Hilhorst asked why the language regarding assessing the housing fund guidelines every five years was proposed to be deleted. Ms. Lewine said the housing fund guidelines currently being followed by the city are the guidelines being followed by the consortium. The city previously had its own guidelines, and the reassessment language referred to Bellevue determining whether or not it needed its own guidelines. Mr. Sullivan said the guidelines being followed by the consortium are reassessed on a regular basis.

There was consensus to include in the policy the notion of assessing the housing fund guidelines on a regular basis.

Commissioner deVadoss pointed out that item 36, policy HO-28, is very similar to item 34, policy HO-26. He suggested melding the two into a single policy
Chair Tebelius said it was her understanding that the Downtown Livability Initiative CAC is addressing the issue outlined by item 37, policy HO-29. Commissioner Laing suggested the policy is redundant and does not really affect anything. Item 32, policy HO-25, covers it.

Mr. Sullivan said the new Countywide Planning Policies specifically call out looking at centers because of their access to transit. For that reason, a similar policy is being proposed for each of the consortium cities. He allowed that the argument could be made that the issue is covered by other policy language. The policy highlights the importance of the downtown and mixed use areas because they have good transit access.

Mr. Inghram commented that the policy was included in the Comprehensive Plan ten years ago even though it was recognized land costs in the downtown represent a challenge to providing affordable housing there. The updated policy language does not abandon the downtown as a good place for affordable housing.

Commissioner Laing said he could point to nearly a thousand affordable units that are being built

within a block of each other at the intersection of Bellevue Way and Main Street. He said it could be argued that the policy has come to fruition. In any event, the policy is redundant and limiting.

There was consensus to strike item 37.

There was agreement to strike the word "multifamily" from item 41, policy HO-33.

Commissioner Laing voiced general support for item 44, policy HO-37, but suggested the wording was a bit clunky. He proposed having it read "Provide reasonable accommodation for housing for people with special needs in all areas, and avoid concentrations of such housing while protecting residential neighborhoods from adverse impacts." There was agreement to make the change.

Commissioner Laing suggested the second sentence of item 45, policy HO-38, should read "Provide a range of affordable housing options and support efforts to move homeless persons and families to long-term financial independence." The Commissioners agreed to make the change.

There was agreement to follow the suggestions of Chair Tebelius and Commissioner Laing to revise item 46, policy HO-39, to read "Collaborate with other jurisdictions and social service organizations in their efforts to obtain funds and operate emergency shelters and daycare centers that address homelessness."

With regard to item 47, new policy 8, Commissioner Laing suggested that as drafted the language could be construed as allowing for a temporary encampment that is not on a property that is owned and controlled by a religious organization. Mr. Sullivan explained that "within or outside" is intended to mean the physical building on the site but still on the property. There was agreement to revise the policy to read "Allow hosting of temporary encampments at religious facilities as a form of religious expression and consistent with state law pertaining to religious use."

Mr. Inghram explained that item 50, new policy 9, represented an attempt to combine ideas from several policies. The intent is to recognize that the city has adult family homes, that they must be treated in accordance with state law, and that they bring with them a certain demand on things like emergency services. He allowed that the policy was not absolutely necessary.

There was consensus to retain the policy and to move it to the special needs section.

A motion to amend the agenda by adding a short discussion of the Land Use Code amendment regarding recreational marijuana ahead of agenda item 7B was made by Commissioner Hamlin. The motion was seconded by Commissioner Laing and it carried unanimously.

B. Land Use Code Amendment Regarding Recreational Marijuana

Chair Tebelius noted that concern had been raised by members of the community about the siting of recreational marijuana uses.

Commissioner Hamlin voiced his support for the language of the amendment as originally proposed and would not seek to change it.

Commissioner Laing pointed out what appears to be a distinction between a publicly owned facility and a privately owned facility that are essentially the same, such as a publicly owned park versus a privately owned park. If there is a valid police power reason to have 1000 feet separation between a public park and a recreational marijuana use, the same reason should apply to a private park. He also suggested that churches should be on the list given that many of the state regulations call for are provided by churches, and proposed the downtown perimeter districts along NE 12th Street, 100th Avenue NE and Main Street should be excluded from the allowable zones given their proximity to residential areas. He commented that clearly the voters of Bellevue have spoke with regard to marijuana and it would not be in good faith for the Commission or the Council to find cleaver ways to subvert the will of the public by coming up with ways to keep the retailers out of the city entirely.

Answering a question asked by Commissioner Hilhorst, Mr. Inghram said staff would bring back to the Commission on June 25 a map showing distances.

Chair Tebelius asked if it would be possible to have the issue to the Council by June 30. Mr. Inghram said as far as the permanent regulations go it will be necessary to hold a public hearing, make a formal recommendation and transmit it to the Council, and that could not be done by June 30. The Commission could, however, spend time on June 25 developing an outline of specific recommendations and pass them on to the Council for inclusion in the interim regulations; it would then be up to the Council to choose whether or not to amend the emergency ordinance on June 30.

Chair Tebelius noted that the issue of what constitutes a facility for children has already come up regarding the proposed retail location on 130th Avenue NE. She said in her opinion there should be no distinction made between a privately owned or publicly owned facility that caters to children. Councilmember Stokes said that issue will need to be closely investigated given the complexities involved. The city will need to track what the Liquor Control Board does and avoid getting into arbitrary areas with different standards. If the Commission feels strongly about protecting specific uses and/or the separation requirements, it should make a recommendation along with a rationale for the Council to consider. The city will need to be very careful about applying the rules in a way that will rule out all areas of the city.

Mr. Inghram said broadly construed language could be used to remove the delineation between public and private parks, or between public and private schools. Separation from a retail or commercial operation, or a restaurant, could be very tricky. For instance, it could be difficult from a legal standpoint defining a restaurant that caters to kids from some other restaurant.

Commissioner deVadoss stressed the need for the city's rules to be consistent with the rules handed down by the Liquor Control Board. He added that the city should reserve the right to get smarter based on how things unfold, and to reassess the issue down the road and make adjustments as needed. Councilmember Stokes agreed. The whole issue is a grand experiment. Hopefully the experience will be positive in the long run, but monitoring will certainly be needed.

C. Eastgate/I-90-Related Subarea Plan Amendments

Answering a question asked by Chair Tebelius, Mr. Inghram said each subarea plan has a number of policies. Ideally the plans are written to be concise and to avoid duplicating broader

policies in the overall Comprehensive Plan. The subarea plan update process, undertaken after the Comprehensive Plan update is completed, will present the opportunity to talk with the individual neighborhoods to identify the extent to which their plans should be revised. With regard to the Eastgate/I-90-related subarea plan amendments, he said the focus is not on the legitimacy of the existing subarea plans and policies, rather the focus is on what needs to be modified in order to implement the recommendations of the Eastgate/I-90 CAC.

Commissioner Hamlin clarified that the CAC had not drafted the policies under consideration. The group provided staff with guidance in the form of a report, and staff translated it into policy language.

Councilmember Stokes said the CAC was focused on the corridor, not the individual subareas within the corridor. No attempt was made to review the three plans for the three subareas in the study area. The recommendations that came out of the CACs work, however, had to be translated into policy language for inclusion in each of the subarea plans.

Ms. Conkling said many of the proposed changes add little of significance. Furthermore, the policy amendments affect only small portions of each of the three subareas that were in the study area. The changes to the Factoria subarea, for example, affect only the area near Factoria Village and the T-Mobile building. The Factoria subarea was updated last in 2005 as a result of the Factoria Area Transportation Study (FATS). Many of the policies in place are consistent with the recommendations from the Eastgate/I-90 study.

The major change encourages a mixed use node at Factoria Village with a new policy, S-FA-D2-1, focused on a pedestrian-friendly activity node served by transit, mixed use zoning with neighborhood retail and services, and incentives for the creation of public gathering spaces. The policy is consistent with the FATS update but puts a finer point on the area, which anchors both the Factoria commercial area and the south end of Eastgate.

Chair Tebelius pointed out that traffic in that part of Factoria is ~~very bad~~ heavy. By encouraging a policy that favors mixed use zoning, the traffic will only get worse. The question is whether or not the traffic problems should be solved first. Ms. Conkling said one advantage of allowing residential or hotel uses near commercial and employment is the potential for people to live closer to where they work, thus requiring fewer trips by auto. One element of the Eastgate vision is an integration of land uses for that very reason.

Mr. Inghram pointed out that the Factoria Village site is currently zoned Community Business, a zone that allows for all the activities listed in the proposed policy. The policy is consistent with the zoning in place, and there is no call for changing the zoning.

Commissioner Hamlin pointed out that the CAC was focused on both land use and transportation. It looked very carefully at the impacts of traffic in the entire study area. The recommendations address both.

Commissioner Laing said his concern with the proposed policy is that it could be interpreted as laying the foundation for a rezone that would render nonconforming what is currently on the ground, something that is a huge problem for shopping center owners. With regard to the notion of incentive zoning, he said his experience as a land use attorney has been that it is a tool for mischief. He said if he were the shopping center owner he would just keep doing maintenance but would never redevelopment it because having to comply with all of the subarea and

Comprehensive Plan policies would simply not be feasible. The level of prescription and detail to which the city has gone to essentially plan all of the properties into the future is concerning.

Mr. Inghram said policy S-FA-D2-1seeks to capture what the CAC recommended for the area. Another policy question to be addressed is whether or not the land use incentive system should be used to encourage some of the things the CAC wanted to see happen.

With regard to policy S-FA-D2-2, Commissioner Laing said he would prefer much broader language that directs consideration be given to the development of a land use incentive system that would allow for the redevelopment of the Factoria Village portion of the subarea as a mixed use center. Mr. Inghram said language along those lines could be drafted.

Commissioner Hilhorst suggested the notion of a pedestrian-friendly activity node served by transit is already there. It is not clear what else needs to be added or changed. The area is well served by transit. Councilmember Stokes said there is a lot of frustration on the part of those who live in the area around wanting it to be better. Factoria has always been a sort of in-between area that is off the freeway. Roadway projects have improved things, but people still believe it could be made better. Commissioner Hilhorst agreed the area lacks a certain cohesiveness but suggested the city may not be able to change that given all the individual property owners.

Chair Tebelius said she likes the eclectic nature of Factoria. She voiced concern that the policy changes could make it all look like the downtown.

Commissioner Hamlin commented that the CAC spent the least amount of time discussing the Factoria subarea on the belief that it is the most established.

Mr. Inghram agreed to tweak the policy language to make it broader and a little more focused on the community retail aspect.

Commissioner Laing suggested the phrase "emphasize multimodal mobility" as used in the transportation section should appear in policies for all three of the subarea plans. He suggested that too many of the draft policies are focused on transit, pedestrians or cars rather than including all aspects of mobility, and proposed changing policies for all three subareas to focus on multimodal mobility. Ms. Conkling said the intent is not to change any existing policy that has nothing directly to do with the recommendations of the CAC.

Mr. Inghram said the policies that address areas within the Eastgate/I-90 study area boundaries could certainly be addressed by the Commission. Policies that are broadly construed as referring to an entire subarea, or areas outside the study area boundaries, have not had public engagement and should be avoided.

Turning to the Richards Valley subarea, Ms. Conkling said the portion addressed by the CAC involved only the light industrial valley between Eastgate Way and Kamber Road. The proposed changes include strengthening the existing policies on the protection and enhancement of the natural environment. The existing policy encourages commercial areas to develop with sensitivities to their surroundings, and while that goes in the right direction it could be strengthened consistent with the recommendation of the CAC to focus on enhancing the natural environment by reducing impervious surfaces, improving the functions of wetlands or streams, incorporating natural drainage features, retaining trees, and restoring vegetative corridors.

Chair Tebelius suggested the proposed language is an example of being too specific. She said she would rather see broader and less limiting language that would encompass any type of environmental enhancement that could be done, including the specific ones listed.

Councilmember Stokes suggested including "including but not limited to" ahead of the specific approaches. There was consensus to make that change.

Commissioner Laing commented that when development occurs, the city can have the developer mitigate impacts, but it cannot require a developer to restore or enhance. Councilmember Stokes pointed out that the proposed policy does not require, it only encourages. Commissioner Laing said the actions in the draft policy are all laudable but they should be spelled out as examples not specific actions to be taken.

With regard to policy S-RV-4, Ms. Conklin said the existing policy says auto sales, auto rental and auto leasing uses are not appropriate on parcels in the light industrial district. She said the proposed revision shortens the language and makes it more direct in stating that the uses are not allowed. There was agreement to substitute "prohibit" for "do not allow."

Ms. Conklin said one of the major changes suggested by the CAC was to allow office uses in the area along Eastgate Way where the Humane Society is located. She said she met with the CEO and CFO of the Humane Society to talk about their plans for the property. Their suggestion was not to change the plans for their property at this time. However, they indicated they would like to see the King County site adjacent to them develop. Policy S-RV-LU-1 would allow for continuing the pattern of office use along Eastgate Way with some retail, service and restaurant uses mixed in the Richards Valley OLB area.

Chair Tebelius asked if there is anything currently that prohibits retail, services and restaurant uses along Eastgate Way. Ms. Conkling said there currently are no policies to support an office development there. Mr. Inghram said the current zoning is Light Industrial and the CAC supports changing it to Office Limited Business. The minimalist tactic would be to change the map and not include any policy language. Chair Tebelius said she would be prefer that approach.

Commissioner Hamlin pointed out that the CAC, which was made up of local residents and interests, came up with the idea that the site would be a good place for office development.

Mr. Inghram added that the current Office Limited Business zone is fairly restrictive about retail services and restaurants.

Commissioner Hilhorst asked if the CAC realized the Richards Valley holds some of the last light industrial land in the entire city. Commissioner Hamlin said the group absolutely was aware of that fact. The issue received a great deal of discussion. The King County site is very accessible and is served by a road that can handle the traffic. The site is large and it can handle a large building. He agreed the desire of the CAC could be achieved by simply changing the map and not adding policy language.

There was consensus to include policy S-RV-LU-1 but revise it to simply call for the continuation of office uses along Eastgate Way without including references to retail, services and restaurant uses.

There was agreement to take up the Eastgate/I-90 subarea plan amendments discussion at a subsequent meeting.

BREAK

D. Camp and Conference Center Code Amendments

Principal Planner Mike Bergstrom stressed that while the camp and conference center code amendment was inspired by Sambica, a camp and conference center on the shore of Lake Sammamish, it is not specific to Sambica. In 2008 Sambica applied for a Comprehensive Plan amendment to help them plan for the future of their six-and-a-half-acre site. In 2009 the Council adopted an amendment that set policies in place in the Newcastle area, and they adopted a Camp and Conference Center land use designation with Sambica in mind.

The current work, which began in 2010, is focused on developing a corresponding land use district. By late 2011 a number of other issues took priority, and because there was not a lot of pressure to complete the work the issue was waylaid. Once the Commission gives the okay to proceed to public hearing, there will still need to be a courtesy public hearing before the East Bellevue Community Council, the Commission will need to develop and forward a recommendation to the Council, the Council will need to act on it, then the Council's action will be made the focus of a public hearing before the East Bellevue Community Council. While the Sambica property is not in the jurisdiction of the East Bellevue Community Council, the code chapter will be applicable citywide. Once adopted, Sambica can come to the city seeking a rezone of their site to Camp and Conference Center.

Mr. Bergstrom said there were certain principles that guided the original work on the Comprehensive Plan amendment and the current draft is true to them. It seeks to: distinguish a mix of existing and anticipated land uses; assure a predominantly non-commercial character; provide predictability in the development processes; and maintain compatibility with surrounding neighborhoods. The amendment identifies types of uses and their relationships to each other; adapts existing Land Use Code processes, including master development plan and design review; sets new standards for reviewing the master planning over time; establishes dimensional, landscape and other site development standards specific to the district; and provides some building and site design guidelines. The code covers applicability; the requirement for a master development plan; design review; the permitted, subordinate and conditional uses within the district; and other development standards pertaining to signage, trip generation, measurements, parking and noise.

The Commission's last study session on the topic was held in September 2011. Mr. Bergstrom informed the Commission that he had taken that document and reorganized and simplified it, added some clarifications, and tied the new district to some additional conformance amendments that are elsewhere in the code. One of the big concerns the Commission had previously outlined was that restaurants were identified as a permitted use. Mr. Bergstrom noted that that item had been removed from the list, though dining for camp attendees is still permitted. Flexibility was added relative to parking location, and the design guidelines language that had to do with acceptable pavement surface materials was removed. Clarification was made regarding the weather protection design guidelines.

Mr. Bergstrom reviewed with the Commissioners the uses in the Camp and Conference Center district. He noted that the subordinate uses would be allowed only in association with the

permitted uses. With regard to miscellaneous retail trade subordinate use, he said there is language in the amendment that allows for up to 10,000 total square feet with no one retail activity having more than 5000 square feet.

Mr. Bergstrom stressed that establishment of the Camp and Conference Center district will not result in automatically applying it to any site. Property owners would have to apply for it. The only site that currently has the Comprehensive Plan basis is Sambica.

Commissioner Laing asked the proposed amendment as revised has been shared with the folks from Sambica and if they have commented on it. Mr. Bergstrom said it has been shared with them and they are on board with the changes.

Answering a question asked by Commissioner deVadoss, Mr. Bergstrom said the amendment is intended to allow the camp and conference center use in settings where the uses are contained and in conjunction with a process to deal with a lot of independent components while protecting the surrounding neighborhoods. Anyone wanting the designation would not need to have all of the listed uses. While it is true the code language has been predicated on accommodating Sambica, it has not been written to be specific to Sambica. The amendment creates a category into which the camp and conference center use fits, and it is applicable citywide.

Commissioner Hamlin said the problems Sambica has been facing stem primarily from the fact that they have multiple pieces of property. Every attempt to do something to their buildings has run up against the bounds placed on the individual properties. By creating the Camp and Conference Center district, they will be given greater flexibility through a master plan to be able to work around those previous restrictions. Mr. Inghram said it will add predictability for both Sambica and the public.

Chair Tebelius said it was her understanding the camp has a retail store. Mr. Inghram allowed that there is a store at the camp. He noted that the Sambica site includes land in three different zoning categories: Neighborhood Business, Multifamily and Single Family. The proposed Camp and Conference Center acknowledges all those types of uses under a single umbrella, including retail. Chair Tebelius said she was not concerned about having a retail use at the camp provided it is not the driving reason why people visit the site. Mr. Bergstrom said the limits placed on retail in the code language will keep that from happening.

Chair Tebelius invited Matt Wimmer, Sambica executive director, to address the Commission. Mr. Wimmer explained that the Sambica store is a camp store that sells candy and knickknacks to the campers. There used to be a bookstore but it was destroyed by arson several years ago. Sambica provides children with a foundation for living successful lives and has been operating at the same location for 95 years. Remarkable things happen at the camp as the kids learn confidence by facing new experiences and challenges. He said city staff has been very good to work with. The desire of Sambica is to improve its existing facilities so it can continue operating. The camp's future plans are completely focused on children in the community. While the camp historically has operated in the summer, the demand for faith-based programming year round continues to grow.

There was consensus to move the amendment forward to public hearing.

E. Clean-up Code Amendments

Mr. Bergstrom explained that the proposed amendments affect a wide range of provisions in the Land Use Code. Clean-up work is routinely needed as part of keeping the codes up to date and in accord with state law. The work involves citation, cross reference and footnote inaccuracies, as well as clarifications for the convenience of the users. There are also identified gaps that the code does not address around which interim means have been put in use and which need to be codified.

With regard to the proposed revision to Section 20.20.010, Note 44, Commissioner Laing noted that the 30-foot height limit would only apply to a building for single family use and asked what other kinds of uses might be in a single family residential district, and why other types of uses should be allowed to exceed the height limit. Mr. Inghram said both churches and schools are allowed in single family districts through conditional use. Commissioner Laing said he would be more willing to support a change that would require conditional use for any non-single family residential use in a single family district. Mr. Inghram said the section refers to the dimensional requirements chart that establishes a height limit of 30 feet. Note 44 provides additional code language specific to single family homes. The definition was added as part of the neighborhood character amendment, but the proposed change is focused on how the height is measured, not on the allowed height. Where previously buildings were measured from average finished grade, the new approach measures from average existing grade. People were taking advantage of the code by first building up their sites and then measuring the building height from the new grade.

Answering a question asked by Commissioner Laing regarding Section 20.20.125, accessory structures in residential districts, detached, Mr. Bergstrom said the International Residential Code treats all structures on a single lot as a single structure. The change brings the city's code into consistency with that approach.

Chair Tebelius asked what the impetus was for the change to Section 20.20.130E, veterinary services. Mr. Bergstrom said city staff checked with King County staff to see if the provision was a holdover from what was inherited from them, but no one was able to identify the source of the provision, so the decision was made to delete it.

Mr. Bergstrom explained that Section 20.20.520.K, maintenance of plants, clarifies the maintenance standards. He said the current Land Use Code is not clear about how streetscape landscaping is to be maintained. The onus is on the property owners to maintain the landscaping along the street in front of their properties, but to what standard has remained unclear. The city has applied its environmental best management practices and design standards, but no one really knows about them. The focus is primarily on commercial properties.

Answering a question asked by Commissioner Laing, Mr. Bergstrom said the proposed change stems from the discussion the Commission and the Council had regarding a request for a Comprehensive Plan amendment in the Factoria subarea regarding an office building on a property that is surrounded by the high school. The high school site is zoned for residential, and the question was whether or not an adjacent office use should be required to put in transition area buffering when in fact there is no residential use adjoining it. The transition area requirements are focused on protecting single family uses. The proposed revision removes the requirement for those situations.

Mr. Bergstrom explained that Section 20.50.020 F, definitions, comments 56 and 57, have to do with floor area ratio. He explained the city has had a definition on the books for a long time that works very well in reviewing downtown towers, but which does not work well for single family

structures. Over time staff has developed a working definition used in reviewing single family, but the public coming in wanting to design something cannot easily find the definition used. The proposed language is the definition staff has been using.

Commissioner Laing questioned the reference to high-volume spaces 16 feet or greater in height being counted twice. Mr. Inghram explained that when the neighborhood character code amendments were worked on, there were concerns expressed about the overall size of homes. One of the elements added was a requirement that where the square footage of the house is more than half the size of the lot, an additional permitting process is required. Where there is a two-story-tall space, if it is only counted as a single story, the bulk of the house is not being fairly captured.

Commissioner Laing said his home has a flat roof and a space inside that is 16 feet. It makes no sense from a land use perspective to count the house double for a bulk and scale calculation just because of the 16-foot ceiling, especially given that with the flat roof the house is actually half the height of the normal house that is 30 feet to the roof peak. A simple box 18 feet height would have less bulk and mass than most peaked-roof homes. Mr. Bergstrom said each floor in a house that is 30 feet tall with interior eight-foot floors is being counted, so the FAR count is tripled. In the case of a box with an interior of 16 feet, or even 20 or 30 feet from floor to ceiling, is only counted twice. Mr. Inghram reiterated that the approach simply lays out a way to calculate the volume of a structure, and to require houses with square footage greater than half the lot square footage to go through an additional review. The large homes are not disallowed, they just undergo additional review. He allowed that the 16-foot requirement could be increased to 18 feet.

There was agreement to pull out the issue for additional discussion.

Mr. Bergstrom explained that 20.50.030 K, definitions, involves a definition of kitchen that does not currently exist. The code allows single family dwellings to contain a single kitchen, but no definition is included to say just what a kitchen is. As a result developers and property owners have put in all sorts of things, possibly to make homes more rentable to many people. There was a time where the city required a single family use agreement where more than one kitchen was desired. In time the city concluded that only one kitchen should be allowed regardless. The proposed language is the language that was in the single family use agreement.

Commissioner Hilhorst said she was not sure the proposed language would go far enough in controlling the single family room rental issue. Mr. Bergstrom said the language does not address how many kitchens are allowed in a single family house, it only serves to define what a kitchen is.

Mr. Inghram cautioned against using the term "high voltage." He said while the intent may be clear, the term actually refers to voltage carried by high-power lines.

There was consensus to pull out the issue for additional discussion by the Commission. There was also agreement to move the package forward to public hearing.

8. COMMITTEE REPORTS

A. Downtown Livability

clear, the term actually refers to voltage carried by high-power lines.

There was consensus to pull out the issue for additional discussion by the Commission. There was also agreement to move the package forward to public hearing.

8. COMMITTEE REPORTS

A. Downtown Livability

Commissioner Laing said the intent of the Committee is to wrap up its work on June 18. The transmittal will be forwarded to the Council and will eventually end up on the Commission's plate.

9. OTHER BUSINESS - None

10. PUBLIC COMMENT

Ms. Patsy Merck,14824 SE 18th Place, said she understands the need for low-income housing. She urged the Commission to be aware of the impacts it has on the schools, particularly grade schools.

Mr. Ron Merck, 14824 SE 18th Place, said single family homes are being built under the single family zoning with the intent of obtaining from DSHS a license to operate as an adult family home. If the license is not ultimately issued, however, the result is a ten-bedroom home in a single family neighborhood. He said he recently was informed that two of the adult family homes he knows of, including the one in Tam O'Shanter, has been converted back to a single family home. Another one in the Lake Hills area does not show any activity as an adult family home. The impacts to the local residents should be considered when people apply for an adult family home license in a single family area. The homes should especially not be allowed if they have only a one-car garage and driveway.

11. DRAFT MINUTES REVIEW

A. April 23, 2014

A motion to approve the minutes was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and the motion carried without dissent. Commissioner Hamlin abstained from voting.

12. NEXT PLANNING COMMISSION MEETING

A. June 25

13. ADJOURN

A motion to adjourn was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

Chair Tebelius adjourned the meeting at 10:30 p.m.

Paul Inghram
Staff to the Planning Commission

7/30/2014
Date

Aaron Laing
Chair of the Planning Commission

7/30/14
Date

* Approved July 9, 2014