CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION VERBATIM TRANSCRIPT

June 15, 2016
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Hilhorst, Commissioners Carlson, Barksdale, deVadoss, Laing, Morisseau, Walter

COMMISSIONERS ABSENT: None

STAFF PRESENT: Terry Cullen, Department of Planning and Community Development

COUNCIL LIAISON: Not Present

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

(6:41 p.m.)

Chair Hilhorst: Good evening everyone. I apologize for the late start. Welcome to the Bellevue Planning Commission. My name is Michelle Hilhorst, I'm the chair of the Commission. We're going to go ahead and get started this evening.

2. ROLL CALL

(6:41 p.m.)

Chair Hilhorst: The first thing is our roll call. We have all Commissioners present except for Commissioner Laing who will be arriving late. And we do not have our Council liaison John Stokes.

3. APPROVAL OF AGENDA

(6:42 p.m.)

Chair Hilhorst: And then our next order would be for the approval of the agenda. And so I would entertain a motion to approve the agenda.

Commissioner deVadoss: So moved.

Commissioner Carlson: If I may, can I make one slight suggestion?

Chair Hilhorst: Okay.

Commissioner Carlson: We have been pushing these poor parks people to the end of every meeting, and I'm wondering if it would be alright, at the pleasure of my fellow Commissioners, if we let them go first this time.

Chair Hilhorst: Okay, because that was a pretty late night.

Commissioner Carlson: Yeah.

Commissioner Walter: I too have a recommendation. Could we, since this is an additional meeting, could we move the draft minutes review until late at the end, till the end?

Commissioner Carlson: Yeah.

Chair Hilhorst: Okay. Okay. So, alright, Commissioner Carlson, your recommendation is to move the two parks land policy items to the beginning since they were here at the end last time? To the beginning of the agenda? And just to move everybody kind of behind them?

Commissioner Carlson: If that's okay, as a gesture that we fully understand they've been put upon several times now.

Chair Hilhorst: Okay, alright. And then your suggestion is to move our draft minutes review to the end of the evening.

Commissioner Walter: Yes.

Commissioner Morisseau: You mean to have them at the beginning of the study session, at the beginning of the agenda?

Commissioner Carlson: Right.

Chair Hilhorst: Correct, yeah. Okay, so the proposal on the table is that we change the agenda to allow the items number four and number five to come to the beginning of the meeting, and to move our draft minutes review to the end of the meeting. So that is the proposal on the table. So do I hear a motion to approve the proposal on the table?

Commissioner Walter: So moved.

Chair Hilhorst: Okay, I hear a motion to approve. Do I hear a second?

Commissioner Carlson: Second.

Chair Hilhorst: I hear a second. Any other discussion? Okay, all in favor of the proposal on the table say aye.

(All Commissioners said aye.)

Chair Hilhorst: Any opposed to say nay.

(No Commissioner said nay.)

Chair Hilhorst: Alright. So Mr. Cullen, we're going to make that change to our draft. Mr. Matz, we're going to make that change to our draft. Okay. Alright, so we will move them up and end of meeting. I will make a note. Okay, alright. Thank you for the approval of the agenda.

4. PUBLIC COMMENT

(6:44 p.m.)

Chair Hilhorst: So we are going to move on to public comment. So I do want to reiterate there are five comp plan amendments on the agenda for this evening. The public hearing portion for those five plan amendments is closed, so we are not going to do public hearing. Okay? So what I would propose is I see familiar names on these sign-in sheets. I do not want to squash public comment, but I also don't want to reopen a public hearing, okay? Because we've had that already. So what I would like to do is reduce the public comment time to three minutes per person, okay? And I would suggest if somebody has already spoken and they've made all the points that you would like to make, I ask you to not speak if that's possible. Because the longer we go, we may not get to items at the end of the agenda yet again. Okay? Because that's kind of been our theme unfortunately. We definitely want to welcome public comment, but we definitely have to move on with our agenda. So, I will entertain up to three minutes, and that's how we're going to do this. So if you have a pal that's going to speak, you may want to talk and say I'll go, but, you know, I won't go, and maybe kind of make that deal or something like that to allow us to get through our extra meeting that we're holding tonight that the Commissioners are donating their time to this evening.

So, alright, with that I do have a sign-in sheet. And I'm going to go through the sign-in sheet. So, if you marked public comment – I'm going to go through the sheet, and if you marked or didn't mark public comment, just let me know. I have them, but some people forget to mark that, so I definitely want to be respectful if you marked it or not. So the first person on the agenda is Dr. Naficy.

Dr. Naficy: I don't want to talk. I was just checking.

Chair Hilhorst: Okay, check, thank you, sir. Alright, Mr. Sean Bentley, you signed in but not noted to speak.

Mr. Bentley: Right.

Chair Hilhorst: Alright. Great. Michelle Wannamaker, you've noted to speak.

Ms. Wannamaker: Yes.

Chair Hilhorst: Alright. Okay. Three minutes. And you have your items there. And I also just want to reiterate to the public, please state your name and your address, and it can be a business address as well. We need to have that for public record. Thank you.

Ms. Wannamaker: (Distributes handouts)

Chair Hilhorst: Alright, Ms. Wannamaker, if you could go ahead and get started please. We need to move on. Thank you.

Ms. Wannamaker: My name is Michelle Wannamaker. I live in Eastgate at 4045 159th Avenue SE. And real quick, I just wanted to let you know that absolutely no Bellevue residents have been notified by snail mail about the Eastgate/I-90 land use project for the open house. And I'm told that that's going to be the same distribution list for the hearing coming up. When you consider that only 18 percent of Eastgate people are on Nextdoor, it's very troubling. So, moving on. On the Eastgate Office Park, the Sunset Village is immediately next to the Eastgate Office Park. And these are printouts right out of the CAC report. And they're requiring that certain transportation projects that we've already talked about be completed. And so by not doing – by putting forth the land use project now before transportation improvements have been put in, I think is violating the CAC's direction. So I just wanted to bring that up real quick, and show you – I talked a lot about traffic, so these are some printouts I just happened to do one afternoon, I happened to be home and remembered it at the right time. I listened to the traffic reports, you know, every ten minutes on the radio throughout, and there were no accidents or anything nearby that would have impacted this. And so real quick – well, I guess one other thing I just want to remind you that Metro has said that there will be no improvements or additions put in until 2025, which is nine years from now. And the city has said that no transportation projects will be constructed, even started construction, let alone completed, within the next 12 years in the Eastgate area. So this is the condition. So these are the conditions that that growth is going to enter upon. And I want you – I hope that you'll spend some time and look at this throughout the next week, too, for the coming hearing, and just kind of consider where the growth is going to happen, and look north, south, east and west, which direction do they live in, how are they going to get there and how's that going to impact traffic.

Commissioner Morisseau: I don't want to interrupt you, Ms. Wannamaker, but this traffic. I don't want to assume what the colors mean.

Ms. Wannamaker: Oh, I'm sorry.

Commissioner Morisseau: What does red, yellow and green mean?

Ms. Wannamaker: The green means it's moving just fine. Yellow is it's slowing

down. Yellow or orange. I guess it's more orange it's starting to slow down. Red is it's coming to almost a complete standstill. And the darkest red is at a stop.

Commissioner Morisseau: That's what I thought, I just didn't want to assume.

Ms. Wannamaker: Thank you. So I guess I should keep going, I've still got some time. Just real quick, I've put in the Eastgate Office Park, the TOD, the RV park, and so this is part of an overview going into the east. Zooming in to the west, zooming in. Look, already where the TOD is going to go, that's the backup starting already. And that's where the growth is planned for, the most growth is planned for. So anyway, I guess I don't need to say any more, other than to just ask you to spend time with it.

Chair Hilhorst: Alright, thank you very much. Thank you. So next on the agenda we have Carolina Silverberg. Did you want to speak?

Ms. Silverberg: Yes.

Chair Hilhorst: Okay. And then after Ms. Silverberg Dan Brannan. Did you sign up to speak, sir?

Mr. Brannan: No.

Chair Hilhorst: Okay, thank you. So then Marianne Lee will be coming after Ms. Silberberg.

Ms. Silverberg: I'll be brief. My name is Carolina Silverberg. My address is 11667 SE 58th Street. At the last meeting I introduced the petition against the rezoning of the Newport Hills Shopping Center property. And I want to present an additional 111 signatures we've gotten since. And we now have over a thousand signatures. Thank you for your consideration. I won't take up any more time.

Chair Hilhorst: Okay, thank you.

Commissioner Carlson: Quick question. Where'd you gather them?

Ms. Silverberg: Online. The additional ones are online. The package that was previously submitted we had 506 that were handwritten, that were gathered by different people. A group of neighbors who were working together. And the other five hundred something, there's an online petition.

Commissioner Carlson: Thank you.

Ms. Silverberg: And there's all the details right there. Newport Hills petition. Thank you.

Chair Hilhorst: Alright, thank you very much. Alright, so Ms. Lee, are you here?

Ms. Lee: Yes.

Chair Hilhorst: Okay.

Ms. Lee: Not only am I here, but tonight I have no childcare so my kids are here.

Chair Hilhorst: Okay, great. And after Ms. Lee it's going to be to Margaret Santjer. So that will be the next on the list.

Ms. Lee: Okay. My name is Marianne Lee. I live in Newport Hills at 11627 SE 58th Street. I'm speaking on behalf of myself, the PTSAs of Jing Mai and Newport Hills Elementary and others who could not be here tonight. I just wanted to point out that if I decided I wanted to raze my house and put in a few townhomes, nobody would be scheduling meetings to find a compromise. The city would point out the zoning that exists and send me on my way. With the proposed rezoning of the commercial property, the same rules should apply. In order to even entertain the concept of a rezone, certain conditions need to be met. And the conditions necessary for this rezone have not been demonstrated, and in fact have been successfully refuted. This is a viable property under existing zoning, and sure the world has changed, we no longer have a need for a grocery store in our neighborhood right now. But this does not mean we do not mean that we don't have needs that fit the modern age. Currently those needs are dining and family services. And the next generation will likely modify this again and we need to make sure we have the space available to them as well. The success of this property in spite of the current owner's neglect proves that the center continues to serve the citizens of this neighborhood as it was designed. And the proposal to rezone should be thrown out on this alone. Let's see. Once you give a rezone to R-30, there'll be no way to hold any developers to any vague promises made or protect the needs of the community. It will become all about money, multifamily housing – the money the multifamily housing will bring to the developer and the owner. And then finally, I wanted to make two points. This is – I don't want this to be divisive for our neighborhood or our city, but most of the residents in favor of the rezoning, they don't have children. They live on the northwest side of the hill with no traffic impacts, and they don't usually shop in the Newport Hills center. If they do go to the nail shop and they're unhappy, they should be upset with the landlord who refuses to maintain the property, instead of with the retailers who are doing their best with the existing conditions. And two, some of our Newport Hills businesses have already been contacted by the new development in Newcastle offering them leases. So if the City Council keeps pulling this out and dragging this out, we could lose our existing successful retailers that we have, and then we'll be in a worse position. Which will satisfy the people that want to rezone it. So our community needs a definitive answer, and I hope that tonight it will be put to bed. The next point I have is that continuing the process of discussing the R-30 rezone

is kind of destroying some of our neighborhood community and the environment that we're trying to preserve. It will damage the city of Bellevue and reduce the number of viable businesses and the community spaces that we have. Thank you.

Chair Hilhorst: Alright, thank you. So I do want to have some decorum, so I would ask that nobody applaud going forward for any speakers. If you like what the speaker is saying, please raise your hands. I'm not going to do a visual count like we did at the public hearing, but raise your hands so the other Commissioners can definitely see. So, we definitely want to just have a little bit of decorum going forward. So, thank you for respecting that. I appreciate it.

Ms. Santjer: Hi. My name is Margaret Santjer and I live at 4622 123th Avenue SE in Newport Hills. Thank you, Chair Hilhorst, and Commissioners. I've written before just to express my concerns about the impacts of the proposed rezone mainly being traffic, overcrowding of the elementary schools, and the potential loss of our retailers. So my new concern is the proposal that I saw in the staff materials about a possible facilitated community planning process that would involve twelve to fifteen people representing the neighborhood. So my concerns about that are who would be on that and how they would be chosen. Would it be a split between people who oppose the rezone and who support it? And then secondly, it's described as a way to come to a compromise that would fit both the developer's needs and the community's needs. And what we've heard before is that Intracorp has – does not have plans to reduce their density and they still want the R-30 rezoning. So I'm concerned that we wouldn't – where is the room for the compromise? So I guess my main concern is is this just a way to push through the rezoning in a different way that looks like a community compromise when it's not. So would urge the Commission to not go forward with the Comprehensive Plan amendment, to not rezone it, and to retain the Neighborhood Business zoning so that redevelopment can happen in a thoughtful way that truly benefits our community. Thank you.

Chair Hilhorst: Alright. Thank you very much. So, Mr. Santjer, you're not going to speak? You signed up but you didn't checkmark.

Mr. Santjer: I didn't checkmark. No. I don't normally speak in public like this. My name is Daniel Santjer and I live at 4622 123rd Avenue SE in Bellevue. And I oppose the R-30 also. I feel that if we lose that land to just residential, we'll never be able to go back and have access for stores and stuff. Everything just keeps growing and growing and growing. I understand that the land right now actually has a zoning that we can put some residential if we wanted to, if that was what's needed. I don't think we need to go with a heavy hammer and do like R-30 and bring so many people in there when it is an area that people love to go to. There's – I took pictures and I submitted them about how many people are there on a Wednesday night and stuff. It's a phenomenal amount. And when

they have swim meets there's a phenomenal amount of people there. I don't want to lose that for all the kids around there. I know everybody talks about the schools and stuff, and that's true, we don't need any more, we already have extra rooms in the back, you know, the portables. So I really oppose it because of all those reasons. I think we could even take and find somebody that could redesign it where we could have space so maybe the school could come over and use for science classes or something. Because we're already pressing for space for school. Why couldn't we keep the businesses there and build something that could be a place for more gathering, more of a, I don't know, a community center or something, you know? So, anyway. So I do oppose it the way it is. I think it could be re-thought out. And something better could be pushed forward instead of just massive amount of people. So, that's my points.

Chair Hilhorst: Alright, thank you. Thank you very much. So next on the list I have Marci Hennes. And after Ms. Hennes I have Kelly Farrell. You signed up. Did you want to speak, or not speak?

Ms. Farrell: No.

Chair Hilhorst: Ok, after Kelly I have Greg Lovern.

Mr. Lovern: I'll speak.

Chair Hilhorst: You'll speak, okay. So you'll be after this current speaker. Thank you.

Ms. Hennes: Good evening. Hello. Marci Faith Hennes, 4715 119th Avenue SE, Bellevue, 98002. I'm proud of our double zero six zip code for sure. High density will not foster community. In light of the recent events, we really need community more than ever. We're not New York City. We're not going to be waiting for subways out on 119th to go to Brooklyn or the Lincoln Center, you know, all those fun things they get to do in a big city. We're car dependents over on Newport Hills. I'm not going to talk about the obvious schools, traffic, congestion. I don't have any grand idea of a park or skateboard parks or Zen gardens. We just need space. We need gathering spots, we need room to stretch, we need to walk. Maybe take a little lesson from our neighbors over in Oregon in Portland, all those cool little neighborhoods. We've all been down there, right, on weekends? Wow, we're going to Portland and we see how that buy this over there. It's beautiful, it works. They have their problems, too, of course, but it kind of works. They have a little neighborhood, each one has a distinct characteristic. We're just getting momentum in our community in Newport Hills. A lot of new families are moving in. Our elderly people are moving and are, you know, passing, whatever the case may be. But I'm not saying we won't continue our momentum, but it's going to make it a lot more difficult if we're just crowded in up there on the hill. So, no to R-30. Thank you.

Chair Hilhorst: Alright. Thank you very much. So Mr. Lovern, you're next. And then Valerie Barber, are you here?

Ms. Barber: Yes.

Chair Hilhorst: Okay, you'll be after this speaker.

Mr. Lovern: I'm Greg Lovern. I live at 12460 SE 60th, just around the corner from the shopping center. About three times a week I take my boys to the tae kwon do martial arts there, and when I go there I see lots and lots of cars, lots and lots of people walking around, customers walking around the other businesses, the dance studio. We often go to the Cloud 9, to the teriyaki and to Resonate. Those places are busy. I can rent U-Hauls at the mail center. I go to the cleaners sometimes. There's plenty of business going on there. When I go there I wouldn't guess that this is a place that needs to be turned into residential. I'm concerned that the current zoning allows 15 residential units per acre. That would be 88 units just as it is. They have to be in the second floor above commercial, but if we did that, we could keep the entire shopping center, all 5.29 acres, and have 88 residential units above it. And so if we need those residential units – I'm not saying that we do, but if we need them, we could have them and we could keep the shopping center. We could have both. And if there's time, one last concern is that the 2010 Heartland study was done at a time when we were – when the economy was still struggling under the great recession, American's second-worst economic downturn. We're not likely to see one of those in the near future. There will be downturns, sure, but we're not likely to see another great depression or great recession in the near future, right? I remember about 2010 economists telling us this is the new normal, the economy was the new normal, and that we wouldn't see the likes of 2007 again for – 2006 again for 50 years. The economists telling us that. Today the economy is – it's hard to remember how pessimistic everyone was about the economy in 2010. And it was that environment, that pessimistic environment, where economists were telling us that this doom and gloom was going to extend for generations, that that study was done, and determined that there was a certain amount of square footages that the neighborhood would support. And I would say if the neighborhood would support that in that doom and gloom environment, where economist were telling us it was all doom and gloom for generations to come, surely one thing we can learn from that 2010 study is that today with the economy so much better, at least in that area, it'll support far more than that study thought it – said it would. Thank you.

Chair Hilhorst: Alright. Thank you very much. Valerie Barber, and then after Valerie Erin Powell signed up. Is Erin here?

Ms. Powell: (raised her hand)

Chair Hilhorst: Okay, so you'll be after this speaker. Thank you.

Ms. Barber: Hi. Valerie Barber, 4644 121st Avenue SE in Bellevue. First of all I wanted to thank everybody for staying late the last time we met. I ended up staying late and I heard some discussion around what would happen in the scenario that things move forward. And one of the discussion topics was having studies – and I don't know if I heard this correctly, so I would love it if someone would clarify for me – having the studies completed in August and maybe the beginning of September. I would like to recommend and emphasize that any traffic studies that are completed should not be completed during the summer months because the school traffic has been so integral to this discussion. I also would like to emphasize that we should – included in that traffic study there should be a forecast of the implications that our neighboring communities might have and the developments that there're doing there. So hopefully the Commission will take it under advisement to make sure that that study, if we do move forward, is taken in an appropriate time. So thank you for that. The second part is, if we move forward with some – the next phase of this two-step study phase, again colleagues have pointed out that there are implications to moving forward, negative implications to that shopping center that will damage the neighborhood. But I also think it will damage the planning process, right, because you've not set a precedent as to what constitutes a change of condition. So we are saying now that a change of condition could mean that other neighborhoods or other shopping centers are able to charge more for their sites, and therefore if I don't get the same amount, I can then get a planning change. And to me that's just the wrong philosophy around the way that we should look at our zoning regulations, and the wrong messages that we're sending to people. So it's something to think about and consider. So thank you. Appreciate your time.

Chair Hilhorst: Alright, thank you very much. So after Erin Powell I have B&T Brown signed up. I don't know who that is. Are they – no? Alright.

Ms. Powell: Good evening. My name is Erin Powell. I live at 1015 106th Avenue SE in Bellevue. I'm here tonight to support and enthusiastically suggest that you support the amendments regarding the parks, all of them in its entirety. I was here a few – a couple of weeks ago, couldn't quite hang in there until 11:30 at night. I had to go home, so sorry about that. I just want to speak on behalf of the parks. Parks needs to be – parks need to be protected from the pressures experienced from Bellevue's increasing urban population demands. Parks are the necessary human service commodity that all people of all ages and abilities and interests can enjoy equally. Bellevue city government needs to protect and keep parks as parks for all people, including wildlife, trees, wetlands and the health of us all. This will help the city of Bellevue achieve the goal of a 40 percent tree canopy retention goal that's in our Comprehensive Plan right now. Parks are for recreation uses and we should really remember that, that there are recreation uses that

will help communities grow, stay together, form cohesive neighborhoods, and people get to know each other. Those things are youth theaters, swimming pools, community centers, nature trails, soccer fields and nature parks. Parks should not be sold or bargained away for uses that are not for parks or recreation uses. Parks lands should not be used for light rail railroad facilities as we have East Link coming along the whole western edge of the Mercer Slough Nature Park. Or high-power electric lines. Or any other purpose other than where people can have places to play, gather, enjoy open space, and community building places. Parks should not be seen as – parks should be seen as priceless jewels that a civil city maintains and keeps for future generations and environmental health. I was recently on the Parks Board and I'm sad to say that the whole western border of the Mercer Slough Nature Park will be devastated. This big box back here, the black box, represents land that will be excavated and removed. Renay Bennett will speak more eloquently about the devastation of the land removal for the tracks and the train. But you know Mercer Slough is a nature park and it's not going to be the nature park that it is right now. Thank you.

Chair Hilhorst: Thank you very much.

Commissioner Carlson: A point of inquiry, madam chair.

Chair Hilhorst: Point of inquiry, yes.

Commissioner Carlson: Has the Parks Board sounded off on this? Have they expressed an opinion about this?

Chair Hilhorst: To my knowledge – I asked that question – is because this is Comprehensive Plan, it has not yet gone to the Parks Board. They have no knowledge unless it goes next. To my knowledge, Parks Board has not been apprised.

Ms. Powell: I'm not on the Parks Board anymore. I was recently on the Parks Board.

Commissioner Carlson: Right. But I mean just, you know, by way of resolution, just expressing an opinion.

Mr. Matz: I'd be happy to engage that issue in study session.

Chair Hilhorst: Okay, yeah, because I know I asked that question last time. And I think because its Comprehensive Plan, it comes to the Commission first, so I don't believe Parks has been engaged yet –

Commissioner Carlson: Okay.

Chair Hilhorst: – to answer your question to the best of my knowledge. Alright. So we have – okay, so we have Pat and Jack Hunter signed up. Speaking?

Mr. Hunter: No.

Chair Hilhorst: No. Ritchie Ron?

Mr. Ron: No.

Chair Hilhorst: No. Geoff Bidwell signed up. Speaking no?

Mr. Bidwell: Yes.

Chair Hilhorst: I'm sorry, you didn't sign a note to speak, sorry.

Mr. Bidwell: Oh I'm sorry, I goofed up.

Chair Hilhorst: Okay, alright. So run on up here. And then Renay Bennett, you'll be after Mr. Bidwell.

Mr. Bidwell: My name is Geoff Bidwell, I live at 1600 109th Avenue SE in Bellevue, and I've lived there for 39 years. And I'm here to speak in support of preserving our parks, in particular the Mercer Slough. And I just want to give you some background information. I know staff has presented information to you regarding the CPA proposal, and staff has incorrectly provided you with infactual information. And I'll go over that. I want to bring – rather than go over the details of what's in the report that staff has put together for you, I want to give you a real example of how this process has worked, or has not worked. Twenty-eight years ago the citizens of Bellevue got together, lobbied City Council, to put the issue of preserving Mercer Slough on the – as a park bond issue. We lobbied, Council agreed, put it on as a bond issue. We went out there and sold this as a desirable feature of Bellevue, to preserve the Mercer Slough. Eventually, people of Bellevue voted for that, 70 percent overall, 85 percent in the district of Enatai. Now the city of Bellevue – that was 28 years ago – now the city of Bellevue wants to sell part of those Mercer Slough park lands, lands that we paid for with our tax dollars, to promote or finance a tunnel in the downtown. These lands were paid for, it's our lands. Morally, I think that's unethical. This was approached to the city of Bellevue, and they came back with a ruling saying – and they quoted, I can quote in a name now, because it's in the staff report, Monica Buck, she came back and said because this is subject to BCC code, she quoted 4.32.060 – oh six oh – a public hearing on the proposed sell is not required. So, there's no public process involved, we don't have a say in this, she quoted a BCC code that was put in place years ago. So we have – we voted for it, we paid for it, and city staff says we don't have a say in what's going to happen to it. What they did say is that you should be looking at 4.320 into government transfer of real property. That's what we say. Under that condition, the city shall hold a public hearing. We believe that's the process we should be going through. This city doesn't agree with that. They're saying they can sell our public lands away after we paid for them, after we

worked and slaved and lobbied like crazy. We think that's immoral. The other thing that's in error is the RCO board – state board – disagrees with what the city of Bellevue has stated in their memo. I'm talking about the Monica Buck memo that was quoted in the staff report. We have all the documentation to show that what they put in that memo is wrong, it's in error. It's factually incorrect. There is no process in place to protect city park lands, and that's why we believe the CPA amendment that we're proposing should be enacted upon, or at least studied in some depth so everybody can have an input in this. We've got a lot of information, and I don't have the time, and you surely don't have the time either, to go over at this point in time. So what I'm recommending is that the – your Commission should continue this process so we have the opportunity to present this information so you understand fully what's happening to these very precious lands that we worked so hard to preserve. And I've got some background information I'm going to pass out to you that sort of summarizes some of these issues I just brought to your attention.

Chair Hilhorst: Time, Mr. Bidwell.

Mr. Bidwell: Yeah, okay. I've got such a lot to say about this. I'm just going to pass out this.

Chair Hilhorst: Alright. Thank you very much, Mr. Bidwell. Alright. So next, Renay Bennett, and then after Renay Bennett I have Karlene Johnson. Do I have Karlene in the room? Did you want to speak?

Ms. Johnson: I have something very brief to say.

Chair Hilhorst: Okay, okay, alright. So you'll be after Ms. Bennett.

Ms. Johnson: Okay.

Chair Hilhorst: Alright. Thank you.

Ms. Bennett: And more paper. Just what you needed, more paper.

Mr. Cullen: I need one for the record.

Ms. Bennett: Over here. I can go over here. Good evening, members of the Commission. Thank you very much for moving the park policies up for us. I appreciate that. My name is Renay Bennett. My address is 826 108th Avenue SE and I'm a long-time resident here in Bellevue. A couple of quick items. Last time the Commission met, the parks policies were at the very end of the agenda. And we believe that in order to be consistent with all of the presentations that our presentation also be given the same kind of consideration that all of the other presentations were given. You could not see our park plan policies up there, the proposed amendments. All you heard about is why staff didn't really want to have them. So we would like them up for all of the people in the audience to see so

everybody knows when you do the presentation on that, so everybody can see these park plan policies and what is being proposed. Second, I'd like to bring to your attention the second handout I gave you. And this is new information. This box represents one cubic yard, and this one cubic yard is – if you times it by 260,700, that's how much soil will be removed from the Mercer Slough Nature Park. Two hundred sixty thousand seven hundred cubic yards, and that's – that's a – that's a lot of soil and a lot of material. And if you put them in dump trucks, as an example, and put them end to end, it would reach from Mercer Slough to Kelso, Washington. That's 125 miles of material out of our park land. I bring this to your attention because the city staff have gone on record as saying that park land will not be used for staging for Sound Transit. And as you can see clearly by this email memo from the Sound Transit legal department, they say that park land will be used as staging, and they give an estimated amount of acreage. And I've given you previously that information about how many acres are going to be taken. It's almost 30 acres will be used for staging, for construction, and for wetlands taking. I just wanted to bring these to your attention because I think you guys should know about it. I think that all of these policies meet threshold review. One of the issues that staff brought up was that there are no changed conditions. I would have to say that a train in our park land is quite a changed condition. So I thoroughly disagree with staff's review of this. And I hope you do too and give it the airing and the public viewing that it deserves. We need to protect our parks, and this is the first step in doing this. This is not hampering the Council's legislative ability in any way. This is about involving the citizens in lands they purchased for their parks and keeping these as the treasured jewel that they are for now and forever. Thank you.

Chair Hilhorst: Alright. Thank you, Ms. Bennett.

Mr. Bidwell: This box is made out of recyclable materials.

Chair Hilhorst: Excellent. We were going to ask. Alright. So Ms. Johnson. And after Ms. Johnson, do I have a Mary Smith in the room?

Ms. Smith: I'm Mary.

Chair Hilhorst: Did you want to speak?

Ms. Smith: No, thank you.

Chair Hilhorst: Okay, thank you.

Commissioner Carlson: Madam Chair, if I may.

Chair Hilhorst: Yes.

Commissioner Carlson: This is beginning to look suspiciously like a public hearing.

Chair Hilhorst: We have one more public speaker and then we are done with public comment.

Commissioner Carlson: Okay.

Chair Hilhorst: Thank you. It does. Thank you. Alright.

Ms. Johnson: My name is Karlene Johnson. I live at 5125 127th Place SE in Newport Hills. And I'm giving comment this evening about something that came out after the last meeting. So this is the memorandum that was attached to the agenda for tonight's meeting, which I'm guessing you guys all have. I know I got it in my packet. And so there was a new recommendation for the Newport Hills Comprehensive Plan amendment, and the recommendation was to do a facilitated community planning process, which sounds really good. The goal is to find common ground and to seek to find mutually agreed upon site plans. So I went back to my notes and to the audio recording from the meeting that we had two weeks ago where Chair Hilhorst asked Mr. McDuff is there a potential for a change or compromise that's not an R-30 but less housing and more commercial, is there a compromise available that can become more of a win-win and not one versus the other. It was a long meeting, but I'm sure you guys remember some of that discussion. And Mr. McDuff's comment was, in the gist of it, there's some room for us to work with this concept, but I just don't know that we can move a lot on the residential, and I don't think we believe the retail necessarily would change a lot. Would we look at it? Would we study it? Absolutely. Do I see big moves? I don't think so. And so the reason I'm calling this to your attention is because I want to know if there new information since two weeks ago that there is room to move, because if there isn't it does seem like a bit of a setup for the people who are put on that committee, or volunteer to be on that committee, if they're coming into a process where there isn't actually much room to move. If there is room to move, wonderful, let's have a process to discuss it. Thank you so much for your time on hearing additional comments.

Chair Hilhorst: Alright. Thank you very much. Alright, our final speaker of the evening – I will not take any more speakers after this – Heidi Dean. Did you want to speak?

Ms. Dean: Yes.

Chair Hilhorst: Okay.

Ms. Dean: Good evening, Chair Hilhorst and Commissioners. My name is Heidi Dean. I reside in Newport Hills at 11661 SE 56th Street. And I wanted to agree with some of the points made about the recommendation to go forth with the community planning process. I actually don't know anybody who was contacted by Intracorp

after that meeting to get some input on that process as they put forth in their memorandum. My concern is, again, this feels like a last-ditch effort to ram this through under it looks like, it sounds nice, but how would this stack up? If the applications are coming in and the city's deciding who's going to be on that committee, I don't know, it just doesn't feel right to me. And I feel like it's a setup to make those who oppose it appear unreasonable. So that's all I'm going to say on that. I wanted to do a couple of reminders to the Commission about a couple of things. Number one was Greg touched on the Neighborhood Business zoning and I wanted to remind folks that in 2011 Chair Hilhorst and a couple other members of the community club of Newport Hills were working with the Planning Commission on the possibility of changing the square footage allowance in the Neighborhood Business zoning, and that would allow different kinds of businesses to come in and revitalize. And there was some interest. Northtowne was worried about how it would affect them. And then there was some talk about carving out Newport Hills under Neighborhood Business zoning, because we are kind of a different and unique setup up there. And unfortunately Rainier Northwest's realtor got a little greedy and asked for too much space, and it should that all down. It put the kibosh on it. And that got put back on the back burner. It's never been – nobody's talked about it since. So I'd like to propose that we actually look at updating the Neighborhood Business zoning or doing a carve out for Newport Hills rather than doing the R-30 CPA and rezone. And the other thing is, I wanted to remind you about all of the work that you did on the comp plan, and under neighborhoods, and under the land use. And what – you actually asked me to come and speak to you in January 2014 and talk about the roles and importance of gathering places in neighborhoods. And you also asked Mr. Ron Sher to talk about the roles of neighborhood shopping centers. And I want to remind you about that. Because if this gets pushed through, there will be no more gathering places in Newport Hills. Thank you.

Chair Hilhorst: Alright. Thank you, Ms. Dean. Alright.

Mr. Seward: Madam Chair. I know you asked for no more speakers. I didn't sign up. I would like to have three minutes if I may. I would speak in support of it. No one has spoken in support, and I just want to make a fairly brief comment.

Chair Hilhorst: I will allow one speaker for, and then we do have to move on, sir. Thank you very much.

Mr. Seward: Thank you, I appreciate it. My name is Bob Seward. I live at 4777 116th Avenue SE. Historically, I came to Bellevue in 1958. I started teaching school here. I was principal at Newport Hills from 1970 to 1979, now Jing Mai. I retired from the school system in 1988, built a home in Lake Heights, which some folks have referred to as the northwest corner of the area where the older folks are waiting to sell their homes to the highest bidder. If you talk to

my wife, our ashes plan to be left on our building site, our home. I've seen and lived and worked in that community since 1970. The Chair, Ms. Hilhorst and myself, met with some city staff four years ago, perhaps, five years ago, trying to initiate and see what we could do with the city at that time to generate some interest in improving the shopping center. The Chair went on to get deeply, more deeply, involved, and I appreciate that, Michelle. If the people that have spoken in support allude to the businesses and the – and I know that there are elements there that are important to them – however, look at that facility or that site from six in the morning until midnight and you see lots and lots of time when there are no cars there, or one or two cars. Most of the cars that are there are being serviced by the service station. The pub has a big crowd for sports shows or sporting events. But I would ask that the Commission consider the planning that's gone into this and consider approving this so at least you can look at the option of something happening positive up there. As a group, over the years you've done a great job of keeping the business downtown. That was achieved many years ago, and the Commission and the Council have done a great job. I hope you'll support this move.

Chair Hilhorst: Alright. Thank you very much. Okay, so we are going to close out our public comments. We're about 15 minutes behind schedule.

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

(7:30 p.m.)

Chair Hilhorst: We're going to move on to Communications from City Council, Community Councils, Boards and Commissions. We do not have our liaison with us this evening. I don't think any board or commission members are here.

6. STAFF REPORTS

(7:31 p.m.)

Chair Hilhorst: So we're going to move on to staff reports. Mr. Cullen?

Mr. Cullen: Thank you, Madam Chair. Terry Cullen, staff liaison with the Bellevue city planning department. Just a quick reminder that next week's meeting is a public hearing on the Eastgate proposed Land Use Code amendments. And also you'll be doing a short regular study session on low-impact development standards. And you will be having officer elections. And that's going to be held out at Bellevue College. So, you will get a notice of that. Your packet's going out probably tomorrow. But Bellevue College. And it'll identify where at Bellevue College, and we're getting that all set up and put in the works. So you'll be starting at 4:30 with your regular session, and that will be low-impact development standards. Elections. Then you'll take a break and then the evening

is dedicated to the Eastgate public hearing for the proposed Land Use Code amendments. That's all I wanted to share tonight.

Chair Hilhorst: Yeah, Commissioner.

Commissioner Walter: When this meeting was discussed before, it was either going to be at Eastgate school or potentially at the South Bellevue Community Center. Can you tell me why it's not being held at one of those?

Mr. Cullen: We went to the Eastgate school. The parking is too constrained, it's in the middle of a neighborhood and the facility just wasn't adequate for the crowd we thought we might get. The South Bellevue Community Center with school being out is very noisy, there's a lot of recreation programs going on. And we talked to several different people and they said there would be a lot of background noise. So we went to a place where we knew we could have the space and at least get the parking and that was recognized people know more where it was, and that's why we went with Bellevue Community College.

Chair Hilhorst: Okay. Do you have any other questions for Mr. Cullen? Okay. Alright. Thank you very much.

8. STUDY SESSIONS

(7:33 p.m.)

A. 2016 Proposed Comprehensive Plan Amendments – Threshold Review

Chair Hilhorst: So since we changed Draft Minutes Review to the end of the meeting, we are going to jump into our study session. Mr. Matz will be speaking to us. Mr. Matz, per the change earlier, we will do the Park Lands Policy #1 first. And so you will do a presentation, and then we will have discussion. Is that correct, sir, on each one?

Mr. Matz: That's correct. So I have the same slide show that we had at the hearing. Just to touch base on the procedures and the conventions that you're dealing with tonight to frame the conversation at the beginning of the study session, we will continue to focus on the staff recommendation that we presented to you at the hearing. With the changes and some of the details around – that you've heard addressed in public comment tonight. So if you would indulge me on that, I'll be flying around –

Chair Hilhorst: Do you want to do an overall summary first and then go into each one?

Mr. Matz: Yes. I'll walk you back through the threshold review process, only once a year, di-dah, di-dah, di-dah.

Chair Hilhorst: Okay.

Mr. Matz: And as many of you know, I can go fast. So with the Commission's indulgence, I'll speed through the preliminary –

Chair Hilhorst: Not too fast.

Mr. Matz: Fair enough, Commissioner. I'll briefly go over the 2016 annual Comprehensive Plan amendments review process. Tonight is your threshold review and geographic scoping study session. You did hold your hearing on June 1 under threshold review. An overview, these are the initiated applications, or the tool the city uses to consider these proposals. It's limited to an annual process under the Growth Management Act, which requires the cumulative impacts and a cumulative analysis of all the proposed amendments to the plan. Threshold review action does produce amendments for the work program itself. Threshold review decision criteria that are used in reaching a decision about moving forward – and it's going to be a lot of real estate here – a matter appropriately addressed through the Comprehensive Plan. Compliance with the three-year limitation rules – happy to explain that in detail. Does not raise policy or land use issues that are more appropriately addressed by an ongoing work program that's already approved by the Council. Reasonably reviewed within the resources and timeframe of the annual Comprehensive Plan amendment program. Addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended, defined here in the Land Use Code finding that one of these – essentially there are three different versions of significantly changed condition and we frequently hear people comment that it's something that the plan itself did not anticipate when the pertinent plan piece was adopted. At threshold review we also talk about geographic scope and expansion of the geographic scope. The staff recommendations have been presented to you. You've directed consideration of the expansion of the geographic scope for some of these and not others. And we present that to you in our recommendation. In other words, if a single site is expanded to contain similarly situated sites, that the application goes forward and consideration of those additional sites as part of the proposal. And finally, we look to see that the amendment is consistent with current general policies in the plan for site-specific proposals, and consistent with policy implementation and other tools which are the Countywide Planning Policies, the Growth Management Act, state or federal law, the Washington Administrative Code, and that last or that floats out there leaves us with the last one, which is that state law has required us to direct such a change.

Commissioner Barksdale: Just to clarify one point.

Chair Hilhorst: Commissioner Barksdale.

Commissioner Barksdale: So, for threshold review, all of these have to be true in order to proceed? But just because all of them are true doesn't mean we have to proceed?

Mr. Matz: That's correct.

Commissioner Barksdale: Okay.

Mr. Matz: Alright. Continuing our overview. The annual work program is established when City Council acts on planning recommendations to establish the annual work program. We will ask you tonight to make recommendations on each of the individual Comprehensive Plan amendments before you. We will package that up into a transmittal which we will forward to the Council, City Council, for their action. They will take your recommendation, the testimony, and all of the other materials under advisement and then take action to direct back to you a work program which consists of Comprehensive Plan amendments for a final review. As noted, direction to approve threshold review moves an application forward for what people typically consider to be merit-based review. It does not signal an outcome for the full amendment itself. Tonight, we will ask you to do this, recommend whether the applications should be initiated. We've provided you with some boilerplate language that you can use to make your – when you get to that point, when you can make that motion. And that is found in your packet materials. And we will ask you to hold a separate study session for each application.

With that, quickly we'll go through the five that have been presented this year. We have three site-specific applications: Naficy, Eastgate Office Park, Newport Hills Comprehensive Plan. And we will also convey two non site-specific, what are called Park Lands Policy #1 and Park Lands Policy #2. They are non site-specific because they would apply to the entire city. So I'm going to find where we want to go to –

Chair Hilhorst: So any questions on the overall? Comments on the overall? Commissioner Laing.

Commissioner Laing: Madam Chair, if you would indulge me for a moment. I just – there wasn't really an opportunity to make a kind of a general comment about this process at the outset of this, but if I could make an observation about this process?

Chair Hilhorst: Okay.

Commissioner Laing: So, this is – these comments are not directed at any of the amendments, but really just the process. I've been a part of this Commission for four and a half years. As everybody knows, I'm a practicing land use attorney. I've practiced in the city of Bellevue, I've practices statewide. And I can tell you that every single year that I've been on the Commission, and every year that I've been a land use practitioner – obviously not practicing in Bellevue in front of the Commission when I'm on the Commission, let's be really clear about that, but going back a number of years, I've watched

this process that Bellevue has, this unique Comprehensive Plan process that Bellevue has, that is unique in that nobody else in the state to my knowledge does it this way. It is like square dancing, a couple steps forward, a couple steps back, kind of goes through. It's a confusing process, it's a protracted process. Basically, everybody else in the state, you submit your application by the deadline in January or February. There's a hearing, a substantive hearing, on the merits in front of a planning commission or the city council or county council in like September or October, and if it gets a thumbs up it goes on for approval.

What we do here is we are asked, and the public is asked, to come in and participate in this process that has these criteria, only at this part in the process we're not supposed to be judging the merits of the application. So what's the point of having the criteria? You should ask yourself that, because they're basically the same criteria as the criteria on the merits. And the public comes in and provides us all of this information, and the applicants say the same thing every year, and they're correct in saying this, and the staff says the same thing every year, and they're correct in saying this, well, nobody would have a traffic study, and nobody would have a massing study, and nobody would look at any of these things at this point in the process because that's not where we are in the process.

The other thing that comes up every single year with this, and it becomes just this sort of nebulous, like spin this all around, is this idea of changed conditions. Changed conditions seems to mean whatever somebody wants it to mean, or whatever people don't want it to mean. And it becomes this sort of focal point necessarily, because it's the only thing among the criteria that isn't really readily discernible. And so every year that I've been on the Commission I've heard my fellow Commissioners as well as staff lament like, this changed conditions thing really means everything and nothing all at the same time. And we have even as a Commission, and staff previously have suggested, maybe we need to get on our work plan to tell the City Council to tell us to change what changed conditions means so that it actually means something. And so, as we get into the process tonight, and after listening to a lot of heartfelt and thoughtful comment last week, and actually having done that for the last four and a half years, it just keeps bringing it back that we're being asked to judge things without the information now, as we are every time, and we are going to be asked to spin around on this changed conditions thing. So one thing that I would hope come out of whatever comes out of tonight is that this Planning Commission will finally for once and all say to the City Council, we need to change this process. It takes an inordinate amount of our time and the community's time, and we need to change or define changed circumstances. So thank you for indulging me.

Commissioner Carlson: Hear, hear.

Chair Hilhorst: Alright. Okay. So thank you, Commissioner Laing. So one question I do have a little bit along those lines of consistency is one of our plan amendments has a new component to it about a community planning process. So, and that is based on the merit if that amendment passes threshold review tonight. All the plan amendments are being asked to be judged by the same criteria on whether they pass threshold review to move forward. So if anyone moves forward tonight, shouldn't they all be allowed the same process of a community planning process to be added to their amendment? Where the facilitator will be provided and members of the community be solicited for input to – I mean, it seems we've picked and chosen, so one gets it but the others don't, but they're all under the same criteria. So, can we apply that to anybody that passes threshold review to be fair?

Mr. Matz: I don't know whether you consider it fair or not, but what we've proposed to you we own in terms of the staff recommendation. The staff is suggesting to you that attached to the Newport Hills CPA is this recommendation for a facilitated community planning process. That's our recommendation that we are presenting to you. So it's not a question of fairness or not fairness to the others. In part – I mean you have several hundred public comments on the Newport Hills CPA, and you have one on Eastgate and you have three on Naficy. So I don't know if fairness is the issue your striving for. But in terms of what we're recommending to you, we've seen a significant concern and a significant conflict in this community, and for us it's offering a tool as part of your recommendation to address how we can deal with this process. I don't know how you would characterize that as fair or not, but it is the Commission's choice to do what you'd like, but I wanted to be very clear that the facilitated community planning process we are attaching to the staff recommendation for the Newport Hills CPA because of what you've heard, because of the record, and because of the conflict that we'd like to not have explode in terms of this thing. I don't know if that's fair or not, but it's specific to the Newport Hills CPA.

Chair Hilhorst: Well I'm just looking holistically, could some applicant come back and say you offered this to one applicant yet you didn't offer it to me? If they pass or don't pass or whatever.

Mr. Matz: I can't speak to what an applicant would or wouldn't do, but I can speak to what the staff is recommending to you tonight in regards to this particular site-specific CPA.

Chair Hilhorst: Okay. If everybody's being held to the same criteria, then I feel that should be almost across the board. I understand what you're saying, why staff recommended, but it just – if we're going to be fair, let's be consistent.

Mr. Matz: Our staff recommendations to you on every one of these five have

been held to the same criteria. I'm not going to be able to address Commissioner Laing's concerns. We've presented these to you with an application of the criteria to them in a fair and impartial manner as a staff recommendation to you.

Chair Hilhorst: Okay, so I appreciate that. And I would just say maybe the Commissioners set this open, if we – anyone passes, to me I feel it's fair game if it's offered to one amendment, I feel like it might be offered to others. I feel we can discuss that if somebody passes. So I just want to be consistent.

Mr. Cullen: Madam Chair, if I may add a few other remarks to the record. It's not unlike any other recommendation you make to City Council. Or you may have additional recommendations to make. You did that with the Aegis code amendment. You didn't just make it a decision whether or not it was consistent, but you also added some other variables into it that you wanted Council to consider. And that's what we're presenting here. It's not that one is contingent upon the other, it's that staff's recommending that we find it consistent with the threshold criteria and that we're also recommending that you consider putting in this facilitated community planning process. The reason simply is that we know the community has really struggled for several years over this amendment, and that we've seen a lot of division created because of this plan amendment. And what we wanted to do is be absolutely sure, you know, that this – there was no opportunity for a win-win situation. Because right now there is no win-win situation perhaps in that, but we wanted to be sure that you had the opportunity should you so choose. And that's what staff put out there for you as an additional recommendation along with the determination of making the threshold criteria, meeting the threshold criteria. So that was the perspective and context from which we came.

Chair Hilhorst: No, and I appreciate that and I understand how it got here, but I'm looking at Chair, I have five applicants essentially. Five code plan amendments. I want to be fair to everybody, and that's kind of just what I'm pointing out, is we have five that we're reviewing this evening. So I understand what we've got here with one, I just want to be consistent. So, Vice Chair, did you have a comment?

Commissioner deVadoss: A question if I may. I'm not a land use attorney, but I would like some context on the evolution of the threshold review criteria. Just some context on, you know, how often do we go back and review those criteria, and what is the nature of the changed management for those.

Mr. Matz: Okay. We've had these in place since the early 2000s in response to Growth Management Hearings Board direction that our – hold the laughter – that our process was opaque and was not treating people in a manner consistent with the Growth Management Act. We have certainly heard variations on the theme, but as far as staff

is concerned, this is statute, this is the Bellevue Land Use Code, this is what we've been asked and tasked with implementing. If Council desires to explore the issues Commissioner Laing has addressed in your questioning, then we would look to Council to direct that for us.

Commissioner Carlson: Did Council direct the process to change in the first place to what it is now?

Mr. Matz: The Council had a significant role to play in the adoption of the current Land Use Code requirements for Comprehensive Plan amendments.

Mr. Cullen: And if I may, Nicholas, the actual ordinance which is embedded in the code, the Land Use Code, was passed by City Council January 3, 2006.

Commissioner deVadoss: Thank you.

Chair Hilhorst Good update. Maybe it's time to revisit.

Commissioner Walter: May I make a comment?

Chair Hilhorst: Commissioner.

Commissioner Walter: Thank you for all you do for us and coming and talking to us. But the code is written – and you said Council's direction – but the public can approach Council to have code changed. And I know one particular group near and dear to me who did exactly that who had like no foundational knowledge of how to do that. I think in the digital age and everything moving so much faster and so much more ability, I wouldn't be at all surprised if someone from the public contacted Council and asked for just that. There have been comments about what appears to be a lack of transparency, and I think that that's unfortunate that it gets perceived that way, but when you're trying to do too many things too often, too many pressures, getting it all communicated adequately has got to be an inordinate task. So to streamline the process, make it really easy to understand, wrap some communication mechanism within it that makes sure everyone is included, no one is left out unless they choose to be left out, I would highly recommend going that direction. And I hope someone does. Because I don't have time.

Chair Hilhorst: Alright. Any other comments on the overall before we go into out specific? Okay, so Mr. Matz, we can start with our first Comprehensive Plan amendment.

iv. Park Lands Policy #1

Mr. Matz: Alright, so we'll go to Park Lands Policy #1. Certainly attendant to the effect that is up on the screen. It's also available in the staff report packet, it's available online and it's available in print in our

application file folder that's kept as a public record at City Hall.

Ms. Bennett: We can't hear out here.

Mr. Matz: I know you can't. So this is – and I'll direct you to – if you've all brought your books there, the spiral books – I'll direct you to the staff report that's in there. This is the threshold review stage of the annual amendment process. I'm going to reiterated what we presented to you in terms of the hearing just to ground you in terms of the discussion you'll have around the study session. This privately initiated application would amend policy or text in the Comprehensive Plan. Three new policies are proposed in the Parks, Recreation and Open Space element. These policies would restrict or regulate review or changes of use of acquired park lands and park properties by citizens, the Parks Board, and in the city's formal rezone process. Staff recommends not including this Comprehensive Plan amendment application in the 2016 work program. So I'll briefly touch –

Chair Hilhorst: Mr. Matz, refresh me. The policies that you just had, that's existing or is that the recommended?

Mr. Matz: These are new policies that have been proposed with the application.

Chair Hilhorst: Okay, so they don't exist today.

Mr. Matz: They don't exist today, that's correct.

Commissioner Carlson: Proposed by?

Mr. Matz: Sorry?

Commissioner Carlson: Proposed by?

Ms. Bennett: Can you guys show us what the staff is refusing to show to the audience. Can you make copies?

Mr. Bidwell: Because what we're –

Chair Hilhorst: Alright, alright, alright –

Ms. Bennett: They are not –

Chair Hilhorst: – alright, alright. Alright, Ms. Bennett, thank you. Can we go back please and just read those clearly for everybody in the audience so there's no question?

Mr. Matz: These three proposed policies, which again were submitted and referenced. Protect and prevent park lands, acquired through city wide bond measures, i.e. Bellevue taxpayers, from being used for purposes that are inconsistent with park dedicated used, unless

such uses are approved by citizens of the city. The second proposal, require park property restricting public use and/or park access for longer than a six month duration, shall be deemed permanent and require review and approval by the city Parks and Community Services Board for closures related to non-park uses. The third proposed policy, require park lands that are to be converted or partially converted for uses other than park dedicated use shall be formally rezoned and subject to the city public review process.

Chair Hilhorst: So these don't exist today, these are recommended with the amendment that's been proposed.

Mr. Matz: That's correct.

Commissioner Carlson: And again, recommended by?

Mr. Matz: Private citizens.

Commissioner Carlson: Great, thank you.

Chair Hilhorst: Alright, thank you.

Commissioner Carlson: Can I propose, Madam Chair, that we all go around the table since we've heard the testimony, we've reviewed the documents, we've heard from staff, express an opinion and then vote?

Chair Hilhorst: Okay. Is there anything else you need to present before we have a discussion, Mr. Matz?

Mr. Matz: Let me get back to where I need to be, my apologies.

Chair Hilhorst: I just want to make sure we have all the information, then yes, we'll go around the table.

Mr. Matz: Where is that? Okay. Bear with me here. Nothing like technology. That's what I'm looking for. We're recommending that it does not meet threshold review and to not include it in the work program. We've outlined for you those decision criteria that we're discussing tonight as a basis for our recommendation to you.

Chair Hilhorst: So can we put all that in black so the people in the audience can see it? I don't know why it's grayed out. Because we're not done with it, right?

Mr. Matz: I'd have to go open up the slide. I can make copies and –

Commissioner Barksdale: Just hit escape and then you'll be on the slide.

Chair Hilhorst: Because that's hard to read for the audience.

Commissioner Barksdale: And then you can hide the top bar and – you want me to –

Commissioner Laing: I'm learning something here from Commissioner Barksdale.

Commissioner Carlson: He's amazing.

Commissioner Laing: Yes, he is.

Chair Hilhorst: Okay, so can the back row see that? It's black now, can you see that? Okay. So the staff recommendation – Mr. Matz do you want to just read that?

Mr. Matz: The staff recommendation is that this application before you does not meet the threshold review decision criteria, and we recommend that you do not include it in the work program. And these follow essentially the decision criteria for threshold review. The proposal intends restrictions to the City Council's legislative authority. This is a matter of law, not policy. The three-year rule does not apply. The Comprehensive Plan amendment process is not the place to examine how a work program, in this case the East Link Memorandum of Agreement, is implemented. And you have materials in your packets both from the applicant and from the City Attorney attesting to that process. This is a policy that – the Comprehensive Plan is a citywide document, and this policy is directed at parks. This isn't about East Link. The proposal cannot be reasonably reviewed because it implies statutory change to the relationship between an issuing jurisdiction and the taxpayers who's taxes are pledged to the payment of bonds. And again, making reference to the material in your packets, the statutory change is a matter of law, not policy. That's not what the Comprehensive Plan exists to do. The policy implementation, in this case we have an existing policy, PA-37, did not create an unanticipated consequence – this is the significantly changed conditions aspect – suggesting that we need additional policy in order to address these issues. The proposal is inconsistent with both the Countywide Planning Policies and the Growth Management Act. Happy to spend some detail on that with you in the staff report. And we have not had any law or legal decision that has directed consideration of this change. So it meets the three-year rule but that's it.

Chair Hilhorst: It meets the three-year rule but that's it?

Mr. Matz: Happy to explain that. The idea behind the three-year rule is if you make an application and consideration is given by Council, either at threshold review or final review, if that consideration is not favorable, that you cannot come back for a period of three years and raise the same question or the same issue. This proposal has not been presented to you or to the Council within the last three years. But that's it.

Chair Hilhorst: Alright. So, Commissioner Morisseau, and then who would like to go next?

Commissioner Morisseau: Mr. Matz, could you – I'm not a lawyer – could you elaborate a little bit more for me on the difference between established statute of law versus a policy? That it's a matter of law and not policy? Could you elaborate a little bit for me on that so I can understand it better?

Mr. Matz: I'm not an attorney, either, but what's before you are policies that would in the Comprehensive Plan force a change that is – the issue of that change is directed through a matter of law, the Council's legislative authority, not the policy basis by which we consider land use decisions.

Commissioner Morisseau: Thank you.

Chair Hilhorst: Commissioner Carlson.

Commissioner Carlson: Just a quick question for the one member of the Planning Commission that is a land use attorney, Mr. Laing. How is it legal, Aaron, for the city to buy park land with taxpayer financing and then use said park land for a different purpose?

Commissioner Laing: That's a good question, Commissioner Carlson, and I'm not going to give legal advice to the Commission. But having been through – having watched cities around the state of Washington try to sell park land to private developers, and watch the ensuing lawsuits, it's kind of surprising to me that – it was a surprise to me reading the staff analysis in the memo, and I did take the time to look at the cases, especially the stuff on the bonds, which is really an apples/oranges issue here. Really, what I look at here – and I'm getting into my kind of comments on this – this is really just about, like we call ourselves a city in a park, right? We have all these discussions as a community, we have these discussions as a planning commission about oh, we need to increase our tree canopy and all the rest of this good stuff. Well, what we have right now, and what we have as a consequence – and these are things that this Commission has talked about before, we've talked about the fact that we don't zone property park in the city. It's just like whatever, if it's in a neighborhood it's going to be single family zoning and the rest of it. We don't do that. We've talked about how we don't designate as park property in our Comprehensive Plan, and one of the consequences of that is that when park land goes to be disposed of, there's no public process like this. That's exactly what's happening right now with the light rail project. And the issue of the bond – the issue between the bond – this is like that doesn't have anything to do with the question of the disposition of the property. The issue with the bond is, when the city borrowed money and bought the property, and was using tax revenue to pay off that bond, did it default on its bond obligations just like somebody might default on a car payment or a mortgage payment. It's a different issue there.

Commissioner Carlson: Well, how is it not bait and switch?

Commissioner Laing: Well, I'm not going to get into whether it's bait and switch as a matter of black letter law. What I'll simply say is I think that the community, especially a community that calls itself a city in a park, it feels an awful lot like bait and switch when you create a behind-closed-doors administrative – not legislative, not – this is an executive process set forth in the city's code. And by the way, the city code says before disposing of surplus real property dot dot dot with an estimated value of more than $50,000, or an – the city shall hold a public hearing. And I'm going to guess that 260,700 cubic yards of the Mercer Slough is more valuable, is worth more than $50,000, not to mention the acres of park land there. So what I see here, when I read the staff report was, this is an effort to preserve the status quo, which is the city can do exactly what Mr. Bidwell described, which is go out, do a big park levy, get everybody excited, get their tax dollars, but when something comes along that they think is a higher priority for them – in this case, the light rail project, who knows what it will be next time – that they can quietly behind closed doors go ahead and dispose of the property.

Commissioner Carlson: And I'm aware of these, in other communities, where say park land that had been bequeathed by a family many years ago as a park ends up being sold. This is far more recent. I remember that bond issue, I voted for that bond issue when I lived in Enatai. And again, this seems to me to be a classic case of give us this money, we will buy this land and use it for this purpose, and now they're saying except now we don't want to. I'm voting for these amendments.

Commissioner Laing: I believe the amendments satisfy. I think changed circumstances, again, boy, let's see, my first year on the Commission we heard that when a church decides it wants to provide housing for the needy that's a changed circumstance because that's a new mission for the church, even though the church's that I've attended and the churches I believe in have been doing that for millennia. So I'm not going to get caught up in the whole changed circumstance thing. I think this is a policy consideration for the City Council and I think the only way the City Council is going to hear the message that it's not okay to take our tax dollars for one purpose and then allow for the city's executive side, the staff, to go and dispose of it for another purpose. This is how we get that conversation going. And I would support this as well.

Mr. Matz: If I could focus the Commission's attention on the Comprehensive Plan amendment. Yes, you are seeing material that was provided to us by the City Attorney's Office. This is about the tool that you are proposing to effect change. Whether or not you agree or disagree with the issues around bonds and park lands and stuff, the tool that's being proposed before you is to write policies into the Comprehensive Plan to address a matter of law, when the Comprehensive Plan exists to address matters of policy. That's the

framework that we're presenting to you, whether or not you want to revisit the circumstances of the bond issue itself. I would also point out that in the materials, the amended MOU, the East Link MOU, is conveying approximately two acres of property within the Mercer Slough Nature Park –

Audience: No. Wrong. (General murmuring.)

Mr. Matz: – and replacing that where the city is acquiring approximately 6.1 acres of replacement property in the Mercer Slough.

Mr. Bidwell: Wrong.

Audience: (General murmuring.)

Mr. Matz: So, numbers don't lie.

Chair Hilhorst: I am going to ask one more time for the audience, raise your hands if you agree. If you disagree, please don't say anything. We're going to keep going, and if we keep getting verbal comments to anything, I will adjourn the meeting and we won't get any further this evening. So I'm going to ask everybody to be respectful, please. So we can continue on and get this done. Thank you.

Any other comments or discussion? Commissioner Walter.

Commissioner Walter: So, Mr. Matz, if we wanted to get a zone for a park, what would be the appropriate approach to take? Would it be to approach having a code change? Is that how it becomes law, as opposed to policy?

Mr. Matz: For purposes of clarification, Commissioner Walter, this does not contain that proposal, the other one does. The other park lands policy actually is suggesting that we rezone park lands.

Commissioner Walter: Yes, yes. I lost my packet because it wasn't bound. So.

Mr. Matz: And I just lost my picture.

Commissioner Walter: A lot of losing happening.

Mr. Matz: There. In terms of establishing a new zone, you would have to go back and visit it through the Comprehensive Plan amendment process in terms of the designation that would exist. If you started out with a zone for which you had not consistency within the Comprehensive Plan, you would be putting the cart before the horse. So the question, again, a question posed to the City Council would be is this something desirable? And in fact, that's what's being asked here is to develop such a policy that would direct that future rezone to establish a park zone in the city.

Chair Hilhorst: That's the second one.

Mr. Matz: That's the second one, yes.

Commissioner Walter: I thought we were talking about both together.

Chair Hilhorst: It's very confusing.

Mr. Matz: They're both very similar, but the way that they've been presented by different individuals, and the way that they're distinguished for you, the second one is worded slightly differently. And I'll read those policies when we get to it. But it also adds in that component that you would be directed specifically to go out and zone all the park lands in the city with a park zone. And in order to do that, you would require additional work around the Comprehensive Plan, and since you've just gone through a major update, it would be an issue for the Council to bring up. We're also suggesting that that is outside the resources of the annual Comprehensive Plan amendment framework, another reason that we find it does not meet that specific criteria, the reasonably reviewed.

Commissioner Walter: Okay.

Mr. Matz: It leads to bigger things, in other words.

Chair Hilhorst: Commissioner Barksdale.

Commissioner Barksdale: Would this first part amendment proposal, application, be addressed in providing a park zone? Does that make any sense? Part of the park zone we could specify the review process required for that zone?

Mr. Matz: You could. I think you'd have to get through to where you're amending the development regulations, which is called the Land Use Code amendment. You'd have to get through the Comprehensive Plan issue and then get to the LUCA part, which would actually put in place the development regulations that would be associated with a park zone.

Commissioner Barksdale: Okay, right.

Chair Hilhorst: Any other questions or discussion? Okay, so kind of final call, discussions. I want to kind of get a consensus if people are ready to go for a vote to pass threshold review to move this to the next phase. I think that's where we are, unless any more discussion is going to happen. Okay, so I have Commissioner Barksdale and Commissioner Morisseau.

Commissioner Barksdale: Alright, so one question about these criteria. Are you suggesting, then, that we would have to provide an alternate explanation for each of the criteria that you're saying that isn't met in order to proceed?

Mr. Matz: I do not. The staff recommendation before you is to not advance

this out of threshold review. The language that's at the bottom of page one of your packet materials tonight allows you to simply state that preference, if you're recommending – if you're recognizing that the staff recommendation is how you want to advance your decision.

Commissioner Barksdale: Right. But I guess my question is, when Council gets it, essentially, if the recommendation provided by staff on all but one of the criteria shows that it doesn't meet the criteria, then we would essentially have to say it does in fact meet the criteria.

Mr. Matz: If you chose to do that, the transmittal document that you would convey would say –

Chair Hilhorst: Why.

Mr. Matz: – we accepted the staff recommendation and here's why we think it should not be advanced to threshold review. And because this is part of the recommendation that's before you right now, you could include that. Obviously you could include anything else that you believe is important in your recommendation to convey that. It is a legislative matter.

Chair Hilhorst: Well, I think you were saying or move it forward but explain why.

Commissioner Barksdale: Yeah. So if we move it forward, does the explanation or the rationale have to show that it meets threshold in the transmittal document.

Mr. Matz: I would suggest that the charge to you in the Land Use Code is that you advance a recommendation of approval or denial based on the decision criteria.

Commissioner Barksdale: Sure, sure.

Chair Hilhorst: Commissioner Morisseau.

Commissioner Morisseau: Well I think based on the conversation we heard tonight is that most of us agreed that the process needs to be improved. That being said, sadly what we have in front of us is to decide whether or not to move forward based on these seven criteria. Whether or not we agree with the process, what we need to do tonight is decide to move forward based on these seven criteria. And with respect of the first criteria being a statute of law and not of policy, I think it shows that this particular amendment does not meet six of the seven. That being said, I still think we need to send – as we move forward, whether we decide to approve it or not, as we move forward and we make our presentation to the Council, we find a way to make it clear to them that we'd like the process revisited. And I welcome that overall communication.

Mr. Matz: Your transmittal document allows you to address that.

Chair Hilhorst: I think we'll do that in our overall. I agree with you, we should do that for sure.

Commissioner Morisseau: But my point is, we all have to remember tonight our purpose is to move forward – make a decision to move forward or not based on these seven criteria, not that we agree or not agree with the process itself. That's the sad reality that we're all confronted with tonight.

Chair Hilhorst: Right, yeah. So, Mr. Matz, I have one question. All the other applications showed kind of the applicant document in the – but these two don't have the applicant document.

Mr. Matz: Yeah, they –

Chair Hilhorst: Does it show that they've been received by the city?

Mr. Matz: – do, we gave it to you separately. So it's attached to the materials that we provided to you subsequent to that.

Chair Hilhorst: They were in there?

Mr. Matz: Yeah, we shared that with you in advance of the hearing. They're not in the spiral bound, they're in the – we provided them to you in advance of the hearing.

Chair Hilhorst: Okay.

Mr. Matz: And we put them online and they're already part of the application record that's available at City Hall. We have them in three different places.

Chair Hilhorst: Okay. I was just looking for the specifics on the description, because we keep kind of getting a little confused on the description.

Mr. Matz: The description that was submitted to us was that single page of the three, of the policy language that was proposed, in addition to the application form and the environmental checklist. The material that was submitted by Mr. Bidwell subsequent to that we've provided in your packets tonight.

Chair Hilhorst: Alright. So, any other final discussion on this so we can move on? Okay. So, with that, with the discussion, with the criteria, I guess I will, instead of a verbal, do a show of hands. Who approves that this should move forward –

Mr. Matz: Madam Chair, could you do a motion and a second.

Chair Hilhorst: Okay, I will do a motion and a second.

Mr. Matz: Sorry.

Chair Hilhorst: Okay, thank you for reminding me of the rules. So, I will entertain a motion to approve –

Mr. Matz: I would say I would entertain a motion and stop there.

Chair Hilhorst: Okay. I would entertain a motion, and stop there. Commissioner Laing.

Commissioner Laing: Madam Chair, I move to recommend initiation of the Park Lands Policy #1 Comprehensive Plan amendment application for the 2016 annual Comprehensive Plan work program.

Chair Hilhorst: Your motion is to move forward on the Park Policy #1 presented before us.

Commissioner Laing: Yes.

Chair Hilhorst: Thank you. Okay, I hear a motion to approve to move forward on threshold review. Do I hear a second?

Commissioner deVadoss: Second.

Chair Hilhorst: I hear a second to move forward. Any discussion?

Commissioner Laing: May I speak to my motion?

Chair Hilhorst: Yes, Commissioner Laing.

Commissioner Laing: So, I'm just going to go through the bullet points up here and give the counterpoint, right? The proposal intends restrictions on the City Council legislative authority. Hey, guess what, so does every single policy in our Comprehensive Plan. Okay? Remember, all of the Land Use Code, everything that the city adopts, has to be consistent with the Comprehensive Plan. The Comprehensive Plan is the umbrella. Everything has – all of the actual implementing regulations, the zoning code and the rest of it, have to be consistent with that and implement it. The Comprehensive Plan is necessarily by its just being a restriction on the Council's otherwise unbridled legislative authority. Okay? So, I don't know what that means, but to me it's no different than if you'd designate – if you put the Comprehensive Plan designation of park, yeah, it says you have to zone it park. If you put the Comprehensive Plan designation of Neighborhood Business, you have to zone it Neighborhood Business. So this is not unique, this is not different than anything else in our Comprehensive Plan or how it works. Mr. Matz, I'm losing my slides.

Mr. Matz: Sorry, I know.

Commissioner Laing: Thank you.

Mr. Matz: Well, you're talking.

Commissioner Laing: I know, but I need my bullet points. Okay, we already agree the three-year rule doesn't apply. The Comprehensive Plan amendment process is not the place to examine how the work program East Link MOU is implemented. That's not what they're asking for here. That's not what's being proposed. This is a general policy that says, hey, this is what the process is going to look like, and this is what the policy – the policy is going to be going forward, right? So the East Link MOU, that might be in our packet. Certainly there's been some public testimony about it, but the East Link thing is a done deal, or at least until they acknowledge that they can't get across the bridge. This is a prospective thing. This is looking to avoid having this happen again. So that to me is a red herring. Fourth bullet point, proposal cannot be reasonably reviewed because it implies statutory change to the relationship between an issuing jurisdiction and the taxpayers whose taxes are pledged to the payment of the bonds. Wow. When I read that in my packet and then I went and looked at the cases, it's like, again, another red herring. It doesn't have anything to do with the relationship between us as the taxpayers and the issuing jurisdiction, the city, about paying off the debt that we authorized the city to incur to buy us a park. Okay? So I don't understand why that's even in here. Next bullet point. Policy implementation, and then parentheses PA-37 closed parentheses – this is in our current Comprehensive Plan – did not create an unanticipated consequence suggesting that additional policy is necessary. Again, another red herring. Let's all focus down on just one policy, PA-37, and say that's the issue. No, that's not the issue. The unintended consequence is that policy PA-37 as well as the rest of the policies in the city's park Comprehensive Plan element did not anticipate that the city would dispose of massive amounts of park land in a city in a park behind closed doors. That's what this is about going forward. It's not about the East Link project. Finally, proposal is inconsistent with both CPP and GMA. The Countywide Planning Policies and the GMA? Okay, so I can't find a single Countywide Planning Policy that says the city of Bellevue's legislative body couldn't adopt a Comprehensive Plan policy that says, hey, when we go forward and we deal with park property, and the disposition of park property, we're going to do a few things, we're going to zone it park property, we're going to make sure that we're not using park property for things that are not recreational purposes, that if we're going to allow for park property to be encumbered, like as a construction site or anything else that isn't a park purpose for more than six months, it should be – it's going to be deemed permanent – which by the way is what state law says, so this actually makes it consistent – or prohibit park lands acquired from citywide bond measures from being used for non-park purposes unless they go through a ballot measure. I don't see why the City Council couldn't adopt any and all of those policies. And I know that I'm speaking to both of them in the one, but again I'm not aware of a single policy that this – in state law or the Countywide

Planning Policies, which – we're the city of Bellevue, we're an independent jurisdiction, but anyway – have any bearing here. And yes, it's true that no law or legal decision has directed this change, but the same is also true, which is that no law or legal decision says that we couldn't recommend that our City Council take an honest look at this.

Commissioner Carlson: Doesn't disallow it either.

Commissioner Laing: Yeah. So, we have a big change. We have recently experienced what happens under our current Comprehensive Plan when an agency comes in and decides to acquire a bunch of park property that was acquired through a bond measure. This is an opportunity to push this on for substantive review. And that's why – thank you for allowing me to speak to my motion.

Chair Hilhorst: Alright. So you're not changing your motion. Comment on the motion. Any other comment? Okay, I have a motion, I have a second to move this forward past this stage of threshold review and request City Council include this in the 2016 annual CPA review. So with that motion on the floor, how many in favor say aye.

(All Commissioners said aye.)

Chair Hilhorst: Any opposed say nay.

(There were no Commissioners opposed.)

Chair Hilhorst: So I have unanimous approval to move this forward. Okay, alright, thank you.

v. Park Lands Policy #2

Chair Hilhorst: Alright, Mr. Matz, we'll move on to the second one. And hopefully it will be similar enough that maybe some of the discussion has already occurred for that one. So we can – I have pumpkins, or coaches turning into pumpkins. So I don't want to go too late into the evening. So, thank you. Okay.

Mr. Matz: Park Lands Policy #2 before you. Caution that while similar it does have a different set of components to it, primarily in that it includes a fourth policy. This would amend text in the Comprehensive Plan with three new policies in the Park, Recreation and Open Space Element. The fourth policy would require city owned park lands to be designated with new park designation, limiting uses on these lands solely to active and passive recreation and open space. It would restrict to regulate, review and changes in use of acquired park lands and park appropriated by citizens, park boards and the city's formal rezone process. I'll go back and read it. Prohibit park lands acquired through citywide bond measures, i.e. Bellevue taxpayers, from being used for non-park purposes unless such uses are approved

through a citywide ballot measure. Per RCW 79A.25.100 and RCFB Manual 7 use of any park property for non-park uses that exceeds access for longer than six months duration shall be deemed permanent and shall require approval by the city Parks and Community Services Board and City Council. Require city owned park lands to be designated as such in the Comprehensive Plan and zoned with a park zoning designation, limiting uses solely to active and passive recreation and open space. And the fourth policy, prior to using any dedicated public park land for non-recreational or open space use, the Comprehensive Plan shall be amended and the property shall be rezoned as a condition of such use. And I'll turn this off again so that we can see it in black.

Chair Hilhorst: Thank you for that.

Commissioner Barksdale: Hit escape.

Mr. Matz: Escape

Chair Hilhorst: Thank you. Okay.

Mr. Matz: Clarify for you since Commissioner Laing will already go through it for us again, that the third criterion addresses the fourth policy in regards to the adequacy of existing policies to designate park lands with a park designation, pointing out that the Comprehensive Plan already has a designation for public lands with a P or a PF, and that is public or public facility.

Chair Hilhorst: Okay. So I guess my question is, the city already has a P designating parks, then the proposal is asking for what? Where's the gap? What parks are –

Mr. Matz: Are you addressing that to me?

Chair Hilhorst: I guess I am addressing – just trying to understand the gaps if we're asking for everything to be designated parks, but you're saying we have a designation –

Mr. Matz: We have the designations and we have zoning, and the Growth Management Act requires them to be consistent. And what the city has accomplished with the P or the PF is to designate those park lands with that specific designation so that they can apply policy to it. The zoning that underlies those is the zoning that is consistent across the city in terms of other uses. They are predominantly zoned for residential uses in deference usually to the fact that these facilities exist with other similar uses, similar residential uses, and so the idea that the protections that are extended to a residential zone also apply to a park use. So it's been the city's longstanding policy process in law to have the underlying zoning for these public facilities be consistent with what's going on around it. I can switch to the Comprehensive Plan map if you want, we just got it on our phones today. So, that idea that you are protecting park

lands through zoning implementation in relation existing in policy and law for the city to be able to say we need to be able to ensure that these facilities, which sit in residential areas, which sit in commercial areas, which sit in downtown areas, are treated appropriately and consistently with the zoning around them.

Chair Hilhorst: Okay. Commissioner Carlson and then Commissioner Laing.

Commissioner Carlson: No, Commissioner Laing.

Commissioner Laing: So, just to speak to this nuance in this one. And I believe that Mr. Cullen has the Comprehensive Plan map up. And I thought it would probably be easy to just look at the Slough because it's a huge swath.

Mr. Matz: I think we can do it here, too.

Commissioner Laing: Oh, okay. Or throw it up here.

Mr. Matz: I can see the arrow. Oh, come on.

Chair Hilhorst: Do you want to make your comments quickly?

Commissioner Laing: Alright, just quick comments. So the city has the little P there, but the point here is this. If you have a zone, a zoning designation, that is park, and the only thing that's allowed in that zone is park, then in order to allow something else, you have to rezone it. Which is a public process. So what this proposal does, at least in my mind – and I didn't hear all of the testimony from the proponents, but I've read the minutes – is what it does is it's a stop and pause to let the public know, hey, the city wants to do something else with a park and is changing the zoning on the park so it can do something else on the park. And it's really just about, it's the transparency. It's a stop and pause thing. And so while there is this little – and you can see it up on the map, the P there – the P designation, the park or – pardon me, the public designation – doesn't require like any additional public process. It doesn't require, it just allows – on some level it doesn't do anything. And so this Comprehensive Plan amendment that would basically require all parks to be zoned parks would then necessarily by implication, if they were going to be changed from parks to something else, would require them to be unzoned parks. And that's the point.

Commissioner Carlson: It guarantees a public process that the proponents here said was lacking.

Chair Hilhorst: Okay. Any other comments? Any discussion?

Commissioner Walter: I just want to highlight something, and of course I don't have the document in front of me, but in one of the documents we got within the last few weeks it used the example of how the park got changed, how this transaction happened. And in the legal

document, it said that it was zoned R-1 unimproved. So if you're reading that and not checking the maps and not doing any other research, you think it's a vacant lot as opposed to a park. And so to me that's the significance of this, is that it can't accidentally have happen to it because somebody didn't look in multiple places.

Chair Hilhorst: Yeah, and I'm glad you brought that up, because I know that at this Commission we've specifically asked for parks designation when we were doing the siting of the marijuana shops. One of the data points we specifically asked for was parks, right? And so we definitely need to have that data clear and accurate, so when people are pulling that data to make other decisions, it needs to be accurate as to what the designations. I agree with that and I can use that as an example of how we've pulled requests for parks to make decisions.

Commissioner Walter: I think consistency is too.

Chair Hilhorst: Agreed. Any other questions on this item? Okay, so with that I would entertain a motion and stop there. I'm nothing but consistent.

Mr. Matz: Oh, I heard it.

Chair Hilhorst: Oh, I'm sorry. Commissioner Laing.

Commissioner Laing: I move to recommend initiation of the Parks Land Policy #2 Comprehensive Plan amendment application for the 2016 annual Comprehensive Plan work program.

Chair Hilhorst: Okay. I have a motion on the floor. Do I hear a second for the motion?

Commissioner deVadoss Second.

Commissioner Carlson: Second.

Chair Hilhorst: I hear two seconds, so you guys will have to fight over it, or the people doing the minutes will. Alright, so I hear a motion and a second, do I hear any discussion? Any further discussion? Yes, but brief.

Commissioner Laing: I simply incorporate my prior comments.

Chair Hilhorst: Thank you. Any other discussion? Okay, so I hear a motion to approve the move this forward to Council to recommend to include this in the 2016 CPA review. I hear a second. All in favor say aye.

(All Commissioners said aye.)

Chair Hilhorst: All opposed say nay.

(There were no Commissioners opposed.)

Chair Hilhorst: I hear none. The ayes have it. This moves forward unanimously. Alright, thank you, Commissioners. Okay.

i. Naficy

Chair Hilhorst: Mr. Matz, we are now on our next item.

Mr. Matz: Direct the Commission to the Naficy mixed use threshold review application.

Chair Hilhorst: Mr. Matz, one moment, I apologize.

Commissioner Laing: So I apologize to the public hear because I feel a little bit like I'm leaving my duties. This is Commissioner Laing for the record. I have to recuse myself from the remaining discussions, remaining amendments this evening. I will represent to the Commission and for the public that I do not and my firm does not represent any of the remaining applicants. No financial interest. But there has been an issue that has been raised and it would – it's just my preference, and for those of you who have served with me for the last four and a half years, you know that I recuse myself even if there's the slightest hint of anything, and in this instance I'm going to have to recuse myself for the remainder of this discussion. So my apologies to the Commission, leaving you a vote short, but the public can probably appreciate that you don't have to listen to me anymore, at least this evening.

(Commissioner Laing left the meeting.)

Chair Hilhorst: Okay, Mr. Matz. Thank you.

Mr. Matz: Direct your attention to the Naficy mixed use application at 15700 Bel-Red Road. The staff recommendation is to not include this in the CPA work program, but if you do choose to include it, to expand the geographic scope to include all of the property located between Bel-Red Road, NE 28th and 156th Avenue NE in the Crossroads subarea. The proposed map change is from the existing designation of Office to the Bel-Red Residential/Commercial Node 3, which is the BR-RC 3. The site is just over half an acre. Some context for you here. Naficy is right there. Right there. Everybody can see that. The staff recommendation to you is that this does not meet the threshold review decision criteria and that you should not include it in the Comprehensive Plan amendment work program. The proposal would require changing the subarea boundary and you simply can't assign new zoning and you can't assign a new designation, in part because the Bel-Red subarea is legally described, and zones in the Bel-Red subarea and designations in the Bel-Red subarea have to be within the boundaries of the Bel-Red subarea. So were you to advance this, you actually wouldn't be able to do it. It does raise issues that are more appropriately

addresses by an ongoing work program approved by the Council. You've heard that referred to as the Bel-Red look back. We had our first focus group discussion today. The Bel-Red look back is set in statute to essentially have us go back and look at the Bel-Red subarea and the Bel-Red regulations since their adoption in 2009 to see how things are going. If this is an issue, it's warranted for that kind of review, then you could direct that this application be considered as the Bel-Red look back in turn creates its sets of recommendations for Council to take action. A cautionary note, the look back is an analysis of what's going on, what people think is right and what's wrong. The recommendation of staff that would come forward to Council, Council would consider those recommendations and direct additional work if necessary. You would then see applications like this as part of that. Because it's requiring a subarea boundary, and raises these issues, they are more appropriately addressed somewhere else than the Comprehensive Plan amendment process. Oops, just got a little trigger happy there. And I'm going to stop there.

Chair Hilhorst: Alright. No worries. I think we got the gist.

Mr. Matz: Okay, I'll stop.

Chair Hilhorst: So, Mr. Matz, if I asked this question before I apologize. So, the Bel-Red look back just kicked off, I believe like this month, correct?

Mr. Matz: Actually we've been at it for a while, but it's gone public this month. We had our first set of – we have two focus groups –

Chair Hilhorst: Today.

Mr. Matz: – today, tomorrow and Friday.

Chair Hilhorst: Okay. With that, what is the timing of that review to be done? And then, if the Naficy amendment is to be part of that work program, when does that applicant know whether or not their proposal could – to change the subarea – happen for them.

Mr. Matz: A good set of questions. So, the Bel-Red look back right now, the charge is to deliver a report to Council before their August break. They will take the report recommendations under consideration in the fall. I can't speak to what they're going to do with them, but it's clearly been directed by them as a work program issue to advance. If you identify things that are going on in the Bel-Red subarea, then you're going to want to identify solutions to problems that have come up. This particular application as a Comprehensive Plan amendment would not continue as a Comprehensive Plan amendment, but the property would be considered as to whether or not appropriate designation and zoning exists, along with that question posed to other areas. We're certainly already hearing in the focus groups today that people feel

that their properties are designated and zoned in a manner that doesn't accomplish what the Bel-Red vision wants it to accomplish. We would pose that question, Council could direct that question, for other properties that are currently outside of the Bel-Red subarea for consideration to do that. I can't tell you how that would be going forward, I think that's a decision of the Council in terms of how they do that. It would certainly be no quicker or slower depending on your perspective than were this process to go forward and a rezone be necessary to accomplish what Dr. Naficy is seeking. The two processes are probably going to put you in the same place.

Chair Hilhorst: Okay, so timing-wise, about the same. Say Dr. Naficy's proposal goes in the Bel-Red look back. Say as they go through the next 60 days, you said kind of in August of where we're going to know, their proposal's deemed not to consider a change in the Bel-Red look back. Where does that leave the applicant? Are they dinged by the three-year, or could they come back to us and request another look?

Mr. Matz: The stuff happening over the next two months is not going to recommend a site-specific change in designation. We would suggest that the process has to address the appropriate land use designations and zoning on property, and Council in their action, should they choose to convey this to that work program, would say, and we want you to look at this site. But they're not going to direct a recommendation on that site. When the Council takes action on a threshold review application, then they have those choices in the Land Use Code. When they take that action, that shuts – that turns off the three-year window. So if this were directed to go into final review, obviously it would continue. If it were directed to stop, that would turn on the three-year rule. If it were directed into an appropriately address work program approved by the Council, it would turn on the three-year window.

Chair Hilhorst: Because I definitely – I understand the logic of including it in the Bel-Red look back because of all the changes happening, the transit coming through, all the affordable housing, TOD and everything going in. That makes sense.

Mr. Matz: Chair, we're recommending that because the act of doing this would require changing the subarea boundary –

Chair Hilhorst: I know.

Mr. Matz: – which you can't do.

Chair Hilhorst: Yeah, or right. Right. Absolutely. So I understand that change. I don't want the applicant to necessarily get dinged. If this doesn't move forward, I don't want them dinged because their timing was just bad because the Council is looking at the Bel-Red review right now, right? I don't want that person to lose out if it doesn't cross

threshold. That's why I'm just asking these questions.

Mr. Matz: So, applicants do have the opportunity to withdraw their applications before the Council takes that action.

Chair Hilhorst: And then – okay.

Mr. Matz: That doesn't turn on the three-year rule.

Chair Hilhorst: Okay, okay. Alright. What other discussions or questions, I'm sorry, do we have on this application? No discussions? Okay, so then I would entertain a motion and leave it at that. Vice Chair.

Commissioner deVadoss: Thank you, Chair. Thank you, staff. Thank you, Mr. Matz. It's been a really logically put argument. I move that we recommend no further consideration of this amendment for the 2016 Comprehensive Plan plan.

Chair Hilhorst: Alright. I have a motion on the floor to not move forward. Do I hear a second?

Commissioner Walter: Can I ask a question first?

Chair Hilhorst: I would ask for a second first.

Commissioner Carlson: I'll second it.

Chair Hilhorst: Second it for discussion? Okay I hear a motion and a second. Open for discussion now. Commissioner Walter.

Commissioner Walter: Okay. So when you said the applicant can withdraw their application, if we don't take it forward, would he withdraw his Comprehensive Plan amendment request? And then it's like a fresh slate for him after the Bel-Red?

Mr. Matz: I can't speak to what the applicant could or couldn't do.

Commissioner Walter: I'm saying what he could do.

Mr. Matz: The action that turns on the three-year rule is action by Council, not by the Commission.

Commissioner Walter: Okay.

Mr. Matz: The applicant could choose with withdraw his application and submit it next year. He could choose to withdraw his application and pitch it to the Bel-Red look back when those recommendations are presented to the Council, because they will address appropriate designations and land uses in the Bel-Red subarea. He could independently make that pitch to Council and that would certainly be part of the consideration for that to happen.

Chair Hilhorst: Thank you. Any other discussion on the motion on the table? Okay, so I have a motion, I have a second. We've had discussion. All in favor of the motion to not move the Naficy amendment forward to City Council to recommend for the CPA for 2016 review, all in favor say aye.

(All Commissioners said aye.)

Chair Hilhorst: All opposed say nay.

(There were no Commissioners opposed.)

Chair Hilhorst: Alright, the ayes have it. This does not move forward for threshold review.

ii. Eastgate Office Park

Mr. Matz: Okay, let's go find another one. The next application before you tonight is the second of our site-specific applications, the Eastgate Office Park threshold review application. This is property that is located at 15325-15395 SE 30th Place, it's behind the state patrol, behind the McDonalds, it's behind the two-story Starbucks, it's behind the place that treats animals.

Chair Hilhorst: Aerowood Veterinary Hospital.

Mr. Matz: Aerowood Veterinarian. The recommendation, the staff recommendation, is that you include this in the Comprehensive Plan amendment work program and that you expand the geographic scope to include two similarly situated properties which lie between the subject property and 156th Avenue SE. As noted in your packet materials, the Department of Natural Resources is an owner of those properties, and they have conveyed their interest in being part of the application, and have conveyed their interest to you in the recommendation that you make. The proposed change is from Office to Office/Limited Business on a 14-acre site here, and to essentially take another look at including this in some of the material that came out of the Eastgate land use and transportation plan. That process is closed. This is a direct Comprehensive Plan amendment process, but the applicant's case, and we believe they've identified it, and we consider it within the threshold criteria, is that it's worth looking at the issues that brought this to where it is. What they're hoping to get is an OLB designation that would be considered for other zones that are being contemplated to the Eastgate land use and transportation – the Land Use Code amendment process, the public hearing you're holding next week. Terry can convey more about the consequence of this decision.

Mr. Cullen: Madam Chair, members of the Commission, I want to add some additional information into the record. At your public hearing on July 1, one of the interested citizens out there, Michelle

Wannamaker, who's been attending all your sessions on the Eastgate Land Use Code amendment process, declined participating. And it's puzzled me. So I talked with her afterwards because I thought without her participating I think she – there may have been some confusion in some of the responses given, and sure enough there was. So I want to clarify the record. It is currently planned O for Office, and what the applicant would like to do is re-plan it to OLB, which is Office/Limited Business. Now, if that were to get approved, it would open up possible consideration of other zoning districts, which if deemed to be consistent with the Comprehensive Plan, may include, or would likely include, Office/Limited Business. And therein is part of the confusion, the planning category and the zoning district are named the same. So an Office/Limited Business permits a point five floor/area ratio. And then up for consideration is a new zoning district in the Eastgate Land Use Code amendment called OLB-2, Office/Limited Business-2, which is likely to be, if approved, is likely to be a zoning district that would be considered under the OLB plan umbrella. Did I –

Chair Hilhorst: Got that.

Mr. Cullen: So, once again, I'll try – I'll do it again. Picture you have an umbrella. I look at the plan categories as being an umbrella, and under each one of those umbrellas you have a variety of zoning districts that when rezoning occur are intended to implement the long-term development direction of the plan category, the umbrella. So, the applicant wants to re-plan from Office to Office/Limited Business, which then allows for a different set of zoning districts that could be considered. And likely – the likely possibility, assuming that those get approved, is that would permit consideration of OLB zoning and OLB-2 zoning. But because the plan category to which they want to change over to has the same name as a zoning district – they want to go from O, Office, to OLB, Office/Limited Business plan category. And then there's an Office/Limited Business zoning district that can be considered under there. The citizen that wanted to testify thought that was what the petitioner was applying for, was for the zoning district of OLB. No, it's to apply for the plan category of OLB. So there is a distinction there. And I did speak with Ms. Wannamaker and I said that – and thank you for your indulgence – that I would clarify that for the public, for the record and for the Commission. And that could permit consideration, if the zoning district of OLB-2 is approved, as part of the Eastgate code amendments, that could permit consideration of a floor/area ratio of one. And right now they have point five with the zoning that they're allowed.

Mr. Matz: So what we'll test in final review is whether the potential of this area was overlooked, and then look at – because that's what we do with final review, we look at all the possible consequences of that designation decision on the potentially relevant zoning.

Chair Hilhorst: Right. And again, OLB planning changes – so it's a point five FAR, but it goes from Office to residential can now be in that as well, correct? And if I read correctly, residential is unlimited in that?

Mr. Cullen: No –

Chair Hilhorst: Did I misread that?

Mr. Cullen: – I thought we were limiting the residential in the Office/Limited Business. There's going to be retail and commercial.

Chair Hilhorst: Right, but wasn't residential in there as well potentially, and that was part of the change, or just retail?

Mr. Cullen: I thought it was just retail, but I can check that if you give me a moment or so.

Chair Hilhorst: Okay. Alright, I thought I read unlimited residential. Okay.

Mr. Cullen: In OLB-2.

Chair Hilhorst: In OLB-2 – well, maybe that's where I'm getting mixed up. OLB-2 allows residential.

Mr. Cullen: I'll double-check that for you.

Chair Hilhorst: Okay. So OLB is really, for what we're talking about for this Eastgate, the planning OLB, is just business, and we're allowing for business in commercial to now reside.

Mr. Matz: It's like the OLB that east of 156th, most of the yellow area that you see there.

Chair Hilhorst: So one of the questions I have is with this application, and the potential zone is, it's a very heavily wooded business park. It's basically a forest and there happens to be a bunch of buildings within it. It's lovely, actually. Does the zoning change the amount of tree canopy that will be preserved?

Mr. Matz: There are limits to the impervious surface that's allowed to be created. Those would continue to exist.

Chair Hilhorst: So, same? Changes?

Mr. Matz: There are, because of the effective transition, you're going to have enhanced landscape buffers around the perimeter of the property.

Chair Hilhorst: Enhanced?

Mr. Matz: On the northern perimeter of the property. But the landscaping requirements for Office and OLB are comparable in terms of that

exterior, the perimeter landscaping that would be required. I can't tell you that the trees that are there now would continue to exist in that landscaping. It does have surface parking through the area, but you do have limits on what are called impervious surface, the parking and the building impervious surface.

Chair Hilhorst: But what about the tree canopy?

Mr. Matz: To the extent that you have significant trees that are identified, they would be required to be retained. And so your site design would address the retention of significant trees.

Chair Hilhorst: Okay. I just wanted to see if a percentage of the canopy with that would change, with this zone change.

Mr. Matz: I know it's frustrating, but that's threshold review. But that's certainly something in terms of the potential of this area redevelopment. We would address that in a manner consistent with how we looked at other Eastgate properties that also have that potential for redevelopment and are currently developed with tree canopy as a component of their site.

Commissioner Carlson: Would it be fair to say that it sets the standard for what would go forward?

Mr. Matz: I'm sorry?

Commissioner Carlson: Would it be fair to say that it sets the standard for what would go forward in terms of additional development?

Mr. Matz: I'm not sure what you mean by standard, Commissioner.

Commissioner Carlson: Well, the tree canopy that she's referring to.

Mr. Matz: Okay. Would the entire tree canopy be retained?

Commissioner Carlson: No, it wouldn't, right.

Mr. Matz: No. If they were to redevelop it tomorrow with a building permit, the entire tree canopy wouldn't be retained, but it would be subject to landscaping, significant tree retention, additional buffers along the transition zone to the north.

Mr. Cullen: And if I may add to that, the low-impact development standards is something that you're going through right now that will be approved, if they are able to hold to their schedule, which they are required to get something done for the National Pollution Discharge Elimination System, is driving this. So that is going to be – any changes to that is going to affect this, and some of the proposed changes in there will, are talking about increased tree retention and some other factors too. So there's a lot, there's a couple of other pieces that are moving in play that could impact

this too.

Chair Hilhorst: Mr. Matz, what's been the notification boundary to get to this point? Five hundred feet?

Mr. Matz: Five hundred feet, plus anybody who writes in as a party of record.

Chair Hilhorst: Ok, so the property has other businesses surrounding it. So, neighborhoods are well past 500 feet, so neighborhoods have not been communicated to.

Mr. Matz: Well, no, the 500 feet to the north there, that all got noticed.

Chair Hilhorst: They all got notice on that north?

Mr. Matz: What we do is we do it three different ways. We notify 500 feet. Sometimes it's the luck of the draw, but when we expanded the geographic scope, we extended that notice in all directions so that 500 feet goes from the outside boundaries of the expanded area. We signed the property – in this case we signed it in two places so that people drive by it on their way to and from their homes see the signage. And we put that notice in the weekly permit bulletin and also make reference to the newspaper of record, which is the *Seattle Times*. And of course that exists by mailing it out to people who asked for it to be mailed, to the people within 500 feet, anybody else who wants to become a party of record. We also put that information online.

Chair Hilhorst: Okay. And if it were to move forward threshold review, what is the boundary of notification?

Mr. Matz: We would do the same 500 foot, but we would also add in parties of record. So if you live in Northeast Bellevue and you want to be a party of record to this, you get notice.

Chair Hilhorst: Okay. Alright.

Mr. Matz: So now it's 500 feet plus.

Chair Hilhorst: Okay. Alright. Any other questions on this item?

Mr. Cullen: Madam Chair, I can answer your question about the residential if you like. In Office, it is 50 percent of the land can be used for single family, two to four dwelling units per structure, or five or more dwelling units per structure. In OLB, it's two to four dwelling units per structure, five or more dwelling units per structure are permitted uses. In OLB-2, it's the same situation. So yes, all three districts permit consideration of residential them, the zoning districts.

Chair Hilhorst: Okay, right. So we're adding residential. And I wanted to make that point and confirm that point because right now the traffic

pattern is the people from Lake Hills are all leaving to get to four oh five, right? And the people coming to the business park are all coming in. So the traffic patterns like this, when you put houses, you've now added all that congestion for all those people trying to get out of the neighborhood, and that's why I wanted to –.

Mr. Matz: Whether or not it's congestion, we'll measure it with final review. We'll look at the potential PM peak trips to address those.

Chair Hilhorst: Correct. But again, that's kind of where I'm going with the notification of – I understand the 500 foot, but the people so much farther are not going to get that notification, and that's where I'm just concerned. That communication isn't going to be adequate before the zoning could potentially change if it moves forward.

Mr. Matz: We also had a bunch of people call in because they saw the signs.

Commissioner Walter: And what did they say?

Mr. Matz: They've called in asking about what's going on.

Commissioner Walter: Did they ask to be parties of record?

Mr. Matz: If they submit something in writing –

Commissioner Walter: No, do you recall if they asked –

Mr. Matz: If they asked to be, none of these people did. They were seeking information.

Commissioner Walter: And you just told them what was going on and they were –

Mr. Matz: I always offer folks, if you want to become a party of record, send me an email, write me a letter, you're a party of record when you do that. And I always offer that whether they ask or not.

Commissioner Walter: It's always – for me, it's always the best to hear from the people who are right there because they have a far superior perspective to –

Mr. Matz: That's why we do the 500 feet.

Chair Hilhorst: Well, what's your perspective as a resident of that area?

Commissioner Walter: I'm concerned. I'm concerned about the traffic on 156th. It goes to and from Microsoft. No fault of Microsoft, it's just a really good employer. And it's a back road to and from the freeway, and then it goes through neighborhoods, and it drops down to 25 miles per hour, which it's hard to ever see anybody adhering to that, even though it goes right by the Washington State Patrol. The top northwest corner backs onto Robinswood Park, and that's really well wooded and it's just going to add a lot of pedestrian traffic

through there. And I remember Mr. Hughes came and talked about the owls that were in those trees, et cetera, et cetera. And so it's just going to create a different kind of traffic, it's going to, I believe, create a lot of foot traffic if you put business there and residences there. And the wildlife isn't going to like it. But they don't get to come and talk. So I have concerns, but not anything that would hold up taking it forward. But I really would love to hear from the public if it goes forward.

Commissioner Carlson: Well, you certainly will. This is just threshold review. This is exactly, do we move it forward so we can start entertaining the exact feedback that you're previewing.

Commissioner Walter: And that's an excellent point, hearing from the people who are directly there.

Commissioner Carlson: Right. That will happen.

Chair Hilhorst: Okay. And the significantly changed conditions is essentially that we were doing work on Eastgate and this kind of got missed. Is that the significantly changed conditions?

Mr. Matz: Yes, ma'am. I'll point you to the staff report. It's not paginated. Significantly changed conditions on the subject property where such a change has implications of a magnitude that need to be addressed for the plan to function as an integrated whole. The applicant states that the Eastgate/I-90 land use and transportation study visioning missed a major opportunity to incorporate the project's transportation-oriented, walkable and neighborhood-sensitive policies to add moderate density at the Eastgate Office Park. The changes in the Eastgate area that make this designation timely include the establishment of OLB and OLB-2 designations allowing for more mixed use density, as well as the establishment of a true transit-oriented development designation around the park and ride. Additional policies to increase mobility, access and land use relationships to the surrounding areas were adopted as well. Essentially what we're saying is, the fact is – if that's a potential, if that was overlooked for the site, then they deserve the chance to test against that, and that was something the Comprehensive Plan did not anticipate with this site.

Chair Hilhorst: And if this passes threshold review, can we include this in our Eastgate open house where we will have members of the public, have transparency as to what's going on in that area?

Mr. Cullen: Well, no. The open house, first of all, was last week, so we're heading into public hearings. And that's already been put out there. This property was not included in any of those discussions. The original plan as it was put together that followed through with it analyzed the traffic and other impacts based on that being Office. So this is going to go through as a standalone plan amendment. Probably if it gets all the way to the end of the process, the

decision will be made after Eastgate. I anticipate the Eastgate code amendments will probably be approved sometime in the fall. And also, the big thing is that one is a plan amendment and the other is a code amendment. So, that's the challenge.

Chair Hilhorst: Alright. Thank you for that. Okay, so any other questions, otherwise I will entertain a motion on the floor. Vice Chair.

Commissioner deVadoss: Chair, I'll make a motion to include the application in the work program. I believe that staff has made a very clean argument, and I do believe that it was a miss as part of the earlier initiative with respect to Eastgate.

Chair Hilhorst: Okay, I have a –

Commissioner Carlson: I'll second –

Chair Hilhorst: – motion on the floor.

Commissioner Carlson: – Commissioner deVadoss' motion, and I concur with the sentiments. I think staff laid this out very clearly, very persuasively.

Chair Hilhorst: Okay. I have a motion, I have a second. Any discussion? Commissioner Morisseau.

Commissioner Morisseau: I heard Vice-Chair deVadoss' recommendation. Are we also expanding the geographic scope, since that was not stated?

Chair Hilhorst: Great question to clarify. I think it was implied. The motion was what's on the table, but that's a great question. So the discussion is, I guess, to ensure, do all the Commissioners know the motion on the floor is to not only move forward with this Comprehensive Plan amendment to the 2016 work plan, but to expand the geographic scope of the proposal. Is everyone aware that is the motion on the floor? Okay, alright. Thank you Commissioner. Alright, so that is the motion on the floor. No discussion? All in favor say aye.

(All Commissioners said aye.)

Chair Hilhorst: Any opposed say nay.

(No Commissioners said nay.)

Chair Hilhorst: Okay. It moves forward to be included. The Eastgate application moves forward to be included in the 2016 work plan recommendation to Council. Okay. Thank you, Commissioners. Okay.

iii. Newport Hills CP

Chair Hilhorst: Alright, Mr. Matz. Let's move on to our next one.

Mr. Matz: Madam Chair, the third application, the third of the three site-specific applications before you tonight, is the Newport Hills Comprehensive Plan Comprehensive Plan amendment. It is a proposed map change from Neighborhood Business to Multifamily-High on some portion, 4.6 acres, of a 5.9-acre site in Newport Hills located at 5600 119th Avenue SE. Two errata for you to have in terms of the application, and we did convey this. The staff summary, the recommendation summary, says expand the geographic scope. We are not recommending you expand the geographic scope of this application. And the two sets of public comments that you have in the packet tonight, which are on page 45 and page 88, everything's in chronological order, those were reversed. But they're all there. As I mentioned, the recommendation is – the proposal is from Neighborhood to MF-H.

The staff recommendation is to include this in the work program, and that it meets the threshold criteria. I will go over – we've refreshed the numerous public comments, you have all of the public comments that we've received up to this afternoon. We have posted those online so that those are accessible, and they're also available in the application file itself. Our recommendation to you does include a requirement for a city facilitated community planning process built around the framework that's identified in the staff report. And I have a slide that we'll go over with you on that. Just to clarify – and you have seen this before, we've updated – comments expressing disapproval – an extraordinary number of public comments, so I'll summarize them for you, not trying to belittle the comments, we've certainly read every one of them and looked at them. The potential impacts of redevelopment to existing community retail and parking places that form a common bond for residents. Adding traffic to a road system already constrained by Newport Hills' geography and its access points. Already crowded area schools. Growth in the city of Newcastle. And the displacement of current business owners and tenants of the existing center. Comments expressing support. The need to redevelopment the center because of the impact of its current status having on this community. And that it's time to redevelop with an attractive and mixed use character that continues to serve the area.

Our recommendation to you is that it does meet the threshold review decision criteria and that you should include it in the work program, that the Council should include it in the work program, because it addresses significantly changed conditions of changing market patterns for neighborhood retail uses, challenging economic conditions that neighborhood centers have experienced citywide, and increased competition from nearby retail centers in Factoria and Newcastle. It also addresses issues in the Land Use Element and Newport Hills subarea plan for aging commercial areas and neighborhood commercial centers, and the consideration of this is not inconsistent with general plan policies. We're suggesting to

you that as part of your recommendation you include a requirement for what's called a facilitated community planning process. And yes, that's our name. The point there, to be direct with you, we have a problem here and we'd like to offer an opportunity for all parties – the community who's clearly expressed their concerns and preferences, and the applicant, who has also expressed their concerns and preferences – we'd like to have an opportunity to see if we can figure this one out. I think it's important to convey that both for the benefit of the community, for the benefit of the city, and for the benefit of other areas. Certainly with direct consideration of what's going on in Newport Hills. But it seems to us that, again, in reference to the comments made at the beginning of the meeting, this is part of the staff recommendation we are making to you. We think this is the solution that needs to be explored in order to advance this conversation in a healthy manner.

The components of a facilitated community planning process, the objective of such a process, would be to work together within the process to develop a site plan for the Newport Hills Shopping Center that has three components to it, mutually acceptable, financially viable and consistent with the Comprehensive Plan's policy elements. We would update the feasibility data that is required to give you the tools you need to assess whether or not the proposal is mutually acceptable and financially viable. Those would include neighborhood demographics, retail economics, transportation analysis and school attendance. We would go out and get outside expertise to accomplish at the very least the retail economics component of that. We would not look to the applicant to provide that, we would look to find that expertise outside of the city.

Commissioner Carlson: Is there a reason why this hasn't already happened?

Mr. Matz: The applicant has obviously done their due diligence in terms of what they presented to us, but we think we need to, in part, we need to go test the 2011 conclusions, the Heartland study, the retail market component piece that was done. Much has been provided in testimony to you about those conditions don't exist anymore and that things have changed. We'd like to be able to independently go out and, we'd like to be able to independently go out and update that information to see how relevant it remains for the questions surrounding this community, and our believe that significantly changed conditions exist in these land use components.

Commissioner Carlson: So, is the property owner, then, pulling his proposal off the table?

Mr. Matz: No. As part of the recommendation to advance this from threshold review, we are suggesting that you attach a process that seeks to come up with a site plan that is mutually acceptable, financially viable and consistent with the Comprehensive Plan. In order to do that, we need to get more data. And one of those pieces of data is to update the existing retail and economic information that we have

about the success of redeveloping the center and what that success would look like from an economic perspective.

Commissioner Carlson: Okay. Thanks.

Chair Hilhorst: Commissioner Morisseau, and the Commissioner Barksdale.

Commissioner Morisseau: Mr. Matz, how is this process different from a development agreement? I would believe that the end result that we'd like to achieve is the same, mutually acceptable, financially viable. Why couldn't we do the same thing with a development agreement here?

Mr. Matz: That's correct, Commissioner. In fact, one of the intents – and it's my last bullet here – is to get to a framework that we could provide for the consideration of a development agreement. A development agreement is typically attached to a rezone action in statute and in intent, and it would have the specific outcomes that would be sought for site plan review. So this is designed to get us to a development agreement as one of those tools, should the site be ultimately rezoned.

Chair Hilhorst: Commissioner Barksdale.

Commissioner Barksdale: So I like the idea of a facilitated community planning process, you know, in general. I think any time we can get the developer or the owner and the community engaging, that's healthy for the community. We're going to be moving into neighborhood planning at some point soon, right?

Chair Hilhorst: Subarea planning.

Commissioner Barksdale: Subarea planning.

Chair Hilhorst: Correct.

Commissioner Barksdale: And would it not be possible to get these data in preparation for the neighborhood, I mean the subarea, plan work that we're going to be doing? So, does this have to happen as a result of the threshold – as a result of threshold review, can it happen anyway, given that we're going to be studying this area?

Mr. Matz: Well, we think you need this now.

Commissioner Barksdale: I understand. But can it happen then?

Mr. Matz: It would certainly happen in general as a component of neighborhood subarea planning review. That is on hold right now, so I couldn't tell you when that will happen. But those would definitely be standard components of a review.

Commissioner Barksdale: And a facilitated process could be part of that as well?

Mr. Matz: We think that a facilitated process here allows you to keep people engaged. I don't necessarily know that a facilitated process is what's associated with the neighborhood subarea planning, but in that case some of the more conventional tools that are available to you are a citizen advisory committee and that sort of thing. We think that the facilitation that we're proposing here is extraordinary and is responsive to the issues that have been raised by the community.

Commissioner Barksdale: Okay.

Chair Hilhorst: Okay, Commissioner.

Commissioner Walter: Mr. Matz, you said pretty emphatically you think this needs to happen now. Why do you – why right now? I mean, what's the urgency with now?

Mr. Matz: I meant the ability to acquire the data. Because people have rightly raised issues about the efficacy of the conclusions that have been reached around economic development, and we haven't looked – in terms of neighborhood demographics, let's see what the neighborhood is these days. Transportation analysis, the latest figures around traffic impact studies and things like that.

Commissioner Walter: Okay.

Mr. Matz: In order to inform your decision about going forward, the data needs to be updated now.

Commissioner Walter: Okay. Some of the things that I've been hearing and reading, and I can't even say I've read everything, I don't know if I have the entire flavor, but it really seems like before now there's been a miscommunication of who should be communicating with who, and it feels like perhaps the developers are communicating really effectively with the city and maybe less effectively with the community. And we've got a developer who doesn't even own the property yet making an application on behalf in order to purchase a property. So to me it just feels very disjointed. I'm trying to understand what's really happening, what's really wanted. And when we talk about individual property rights, as much as I really want to say that should really matter, but then there's always the community impacted and then there's the city at large. And they all have to be really good partners, and part of that partnership is really solid communication, two-way communication. And when I hear the question, there was at least one commenter tonight that commented about this – and maybe I'm reading between the lines – I felt like there was a lack of trust in the last bullet, the outside facilitation process. That to me says something's pretty broken. And I wonder if we just need a reset, like Commissioner Barksdale is – and maybe I'm inferring from what you said – to put the process somewhere else, to say this one is almost, it feels to be,

irreparably broken. And I as a neighborhood advocator, I just want to say it hurts my heart. Those are more feelings than concrete thoughts.

Mr. Stroh: If I could make a few comments, Madam Chair.

Chair Hilhorst: Let me just make sure. Has everybody asked – can we do that now? Thank you. I just want to make sure we get through this tonight.

Commissioner Morisseau: I remember the last time the applicant was here I had asked him about his being potentially flexible. And his response to me, I don't recall the exact words, but the gist of it was he didn't think it would be much flexibility. So when I read this packet, I was happy to see, it says here the applicant has specified a willingness to work with the neighborhood communities. Has something happened between the last meeting and now that has given staff that impression? Hence this new report that we have here? Can you help me with that a little bit?

Mr. Stroh: Sure. So, well, thanks for a chance to sort of bring you up to date on what we know since we last talked about this application. To start with, there is an application here that we are obliged to process. So there's a current vehicle in place and there's a decision in front of the Commission about this particular Comprehensive Plan amendment.

Commissioner Carlson: Dan, identify yourself for the record.

Mr. Stroh: Dan Stroh, planning director. There's a particular process we need to go through here to resolve whether this meets the decision criteria for threshold review for a Comprehensive Plan amendment. So, that's the question before you tonight. Staff is recommending this additional process that you add on to your recommendation for this facilitated process. And it is really in part to address what Commissioner Walter is mentioning. We do think that the communication on this one is not what we would want it to be. And we think that there's a process here that we can go through the hopefully will clean up that communication and get some good dialog flowing. I've been involved with the this site over the years when it was part of a larger neighborhood shopping center renewal process that we were going through. And we had issues that were facing neighborhood shopping centers almost all over the city. And the city actually had a proactive program to go in and figure out what we could do to help breathe some life back into these centers that really because of changed economic circumstances, and many factors affecting the retail climate, caused many of them actually to just not be working anymore the way they're intended. And I remember talking to this community and the others basically saying, the goal for this has to be it's a neighborhood gathering center. It's not to convert it into something else. And the question has been, how do you breathe life back into it that reinvigorates it

as a neighborhood gathering place. Not to convert it to something other than that. What might you do to actually get the right mix of retail and mixed uses in there that breathe that life back into it. We've always said it has to be essentially a process of engagement between a willing owner, the neighborhood and the city helping to make that happen. So not one party alone. And I'll pause there because I see a question.

Commissioner Carlson: Well, maybe what you don't need is an additional layer of government process here, Dan. Maybe what you just need is a new owner of the shopping center.

Mr. Stroh: And that's what we have potential for.

Commissioner Carlson: And I want to make some history here. Back in the early 1980s there was a dilapidated shopping center, 156th and NE 8th, festooned with graffiti, become kind of a gathering place for undesirable elements in the community. Crime began to go up. And then a guy who basically was a former hippie with a brilliant business mind name Ron Sher steps forward and remakes Crossroads Mall. And he aimed at a different demographic, you know, not Nordstrom but Old Navy. He invited the police department to put a substation in the mall itself. He designed it with a food court to be a neighborhood gathering place. And it became one. It was because you had a visionary who owned the property. So, one entrepreneur can make a huge difference here. And I think the question on the table for the Commission tonight is, can this area of Newport Hills, can this commercial shopping center, make it as a commercial shopping center? Or does it have to be flipped to residential? That's what I see as the question before us.

Mr. Stroh: Thank you for that question. That's a great question. And I think part of that will be, if this moves forward, in the final review, to do the studies and understand whether in fact the current model works, or whether another model is going to be more successful. I can tell you, I consider Ron Sher to be a friend, and the spectacular makeover of Crossroads into a real community gathering place has been wonderful for the community, and it's a process that has unfolded over 25 years now. That site, too, is actually seeing mixed use/residential on the site. As you know, the Top Foods project is moving forward on a piece of it, and next door the senior housing going on that site. So mixed use has been the direction a lot of centers have gone. That doesn't mean necessarily that's the right answer here, but I think the question for us is, does this need to be studied and go forward to the next level of review? And if it does, we recommend that we set up a facilitated dialog with the community so it doesn't feel like this is something where there's no dialog possible, it's either this or nothing. As far as change of ownership, that's exactly what you have the potential of. For many years, the current owner has not been interested in doing anything significant with the center. And I know that's been a point of

frustration with some. There is some life in the center now. We don't know how long that will last and how sustainable that model is. And hopefully we'll have some good information about that with the studies that will be done to help feed this process. But that's kind of where we are right now.

We're really trying to, as Commissioner Walter said, kind of reset this so a real honest dialog does take place. And in regards to the question about, is the prospective owner interested in a real dialog, is there room for movement here, what's changed is we have had a conversation with that ownership group and they've convinced at least staff that they are willing to at least honestly engage in the process. It means it has to be financially viable, obviously, if they're going to invest in it. So we will have to further understand that, but they've convinced us that they are willing – it's not a done deal – they are willing to actually honestly engage in a dialog with the neighborhood about what that future could be.

So again, really you have two questions before you tonight. One is, does this meet the threshold review criteria to move forward for final review and get a full evaluation through that process? And number two, do you also want to recommend a facilitated community dialog as a way to help reset the stage for the right kind of communications to take place in this?

Chair Hilhorst: So, thank you for that. And I was a partner with you on that history. That's where our relationship began and so I know that history quite well and bringing everybody together, and the purpose was to breathe life. Again, that was 2009, 2010, economic downturn, pretty severe. And some of the points I made at the last meeting that I'll make again is, many of those businesses stayed and survived. The family businesses, the family oriented businesses, the third places if you will, those are the places that survived. And we do have new life. The Hsiao family, Rainier Northwest, brought Stods from another property in two years ago and signed a ten-year lease with them. So – and they were thrilled about it, they told me, we're thrilled, we have somebody ten years, this is great. Stods has been here a long time, they're really known in the area. You know, they're going to do – they did – capital improvements in the space. So it's like that was great news. They brought in Resonate and signed a seven-year lease with them last year. Microbreweries are one of the things that we talk about when we talk about zoning downtown and Eastgate. Some of the new, the hip upcoming businesses that are coming, and we now have that. And so I don't see that as a negative economic change, or a negative market environment. In fact, it's improved significantly. And the other businesses, the family businesses, will stay because as I stated last meeting, Newport Hills demographic is changing, many people have lived there and they are either downsizing in Newport Hills or they are downsizing and they're retiring other places. So we're getting an influx of families, which is exactly what will support that business. And again, too, talking about the

Comprehensive Plan and you know, we wrote in there, protecting neighborhoods, and you know, meeting places. And, you know, one of the great things, too, I don't think anybody would know, but if you walk through Stods, it's not just baseball players, there's cricket teams. You know, our demographic is changing and Newport Hills is embracing that change. I mean, you have kids playing baseball in one cage and kids playing cricket in another. It's awesome. And so we're just such a great conduit for the changing face of Bellevue. And if we kill it, we kill it. Welcome to Bellevue, we embrace, you know, welcome the world. But this is a great place where we're welcoming the world.

And, you know, to Commissioner Morisseau's question, which I don't think got answered, what changed from the last meeting to this meeting? We opened the door for the developer to try to find the middle ground. I know I've had a discussion with the developer. Some of the primary anchors are not going to be in the plan, it's not economically viable for the plan. And I do not begrudge that developer. If they're going to invest, they should get money back. I have no issue with that. However, what is good for the developer, what they need for their bottom dollar is not necessarily matching up with what's good for the community. And I appreciate the new discussion, the planning process that was thrown in, but what I also know is it doesn't have to happen within a Comprehensive Plan amendment. That can happen outside of a Comprehensive Plan amendment. Development agreements have happened outside of Comprehensive Plan amendments. Heartland study, there was no Comprehensive Plan amendment on the table when the property owner, the city and the neighborhood came together for those discussions. And so, it does feel forced, and my concern is, one of the things this Commission has been under pressure is to hurry, to hurry, to hurry. We have to get it – we're having an extra meeting tonight because we were asked to do so to get things in by the timeline needed for the Comprehensive Plan deadlines. There is not going to be a good honest data-driven discussion rushing through it to meet the deadlines. That is not going to happen. And what's going to happen, this is already hot, there is steam in the pot, and picking people from the community, I've been part of a process where the city facilitated people putting in an application and who got to go on a committee, and I will tell you that ended badly. And there are still riffs in the community from that from years ago. Neighbors yelling at each other at the gas station while they were gassing. It was awful. And so, I've seen what happens with that. And we've got to let the steam off.

The discussion should have happened before. Unfortunately, I think Intracorp got in a position where there was so much history and they're taking the backlash for that, and for that I'm sorry, because there is a longer history than when you were here. But that discussion of what was right for the community needs to happen outside. Because the Comprehensive Plan, the billboard that's at the shopping center says 5.9 acres. Then at the last meeting they

said, well, we're going to reduce it to four point something acres. Now here we've got the suggestion of the community planning process, after the public hearing. So the public didn't get to comment on this sufficiently, because we had to have limited time. So I feel like somebody, and I don't know who, is driving this and pushing this through. And nobody disagrees that that shopping center is in deplorable conditions. Nobody disagrees with that. Nobody will tell you they don't want it revitalized and they don't want it better. And yes, it is the ownership of that property owner. And what many people have asked is, we want the city to help us to keep those conditions from deteriorating. How does the city help change that and make it better and nicer and not allow places where children are taking classes to not have heat for years. How do those codes get implemented? That has been the request. And so there's a bigger thing kind of at hand. And so I feel that the discussion should happen. Nobody questions revitalization, but we've got to find a right plan. I don't think we're going to find the right plan in 30 to 45 days. I don't know how that's going to happen. And so it needs to happen, but the pressure of the Comprehensive Plan, this is going to explode. And it's not going to explode here, it's going to explode around the corner in Council Chambers. That is where it's going to explode.

Commissioner Barksdale: Make a motion.

Chair Hilhorst: Okay. You want to make a motion?

Commissioner Barksdale: I move that his application does not proceed. And I want to just mention three things. One, the testimony that we did here in favor of it, of the threshold, of it proceeding through the threshold to me sounded more along the lines of, it needs to be improved. Not necessarily that it necessitated a change in the zoning. Secondly, I think if we're going to ask for community input, and there's been quite a bit of community input, and we ignore it, it doesn't empower the community. And we want to make sure that we're still empowering the community. Also, like I mentioned before, I think the engagement with the community between the developer and the community is healthy. I do agree that it should have happened before now, and I think it should happen even if this doesn't make it past threshold review.

Chair Hilhorst: Okay. So we have a motion on the table to not proceed. Do I hear a second?

Commissioner Walter: Second.

Chair Hilhorst: I hear a second. Any discussion? Vice-Chair.

Commissioner deVadoss: Could I make a comment, please? So, I want to thank staff for the long hours and time and the analysis. I do believe that, like you said, the current status is not acceptable. I also – technically I believe that the criteria are met. But my argument is the threshold

criteria are not practical today. To go through this entire process without the data, without the analysis of the school districts, around transportation, and to push it downhill to me just seems fundamentally flawed. And on that basis is where I would say this is not something we should take forward. Better go back and rethink the threshold criteria.

Chair Hilhorst: Okay. Any other comments or discussion? Commissioner Carlson.

Commissioner Carlson: I have in front of me here one of many, many public comments that we've received. This is from someone who supports going forward, Mr. Frank Kline. He says, I have been here long enough in Newport Hills to remember a much more vibrant community with more children, two public schools, two food markets, full parking lots, et cetera, et cetera. Leaving the shopping center as it is will only assure a continuation of the current deteriorating trend. From what I've gathered from listening to staff, examining the data, listening to public comment, is that Newport Hills is actually cycling back in with more kids, more families, more traffic. And again, we get to the issue of this area as a public shopping center, or is it more appropriately residential. I think the property owner would like to sell this property for a very healthy profit. I don't think they can sell it as a shopping center in the deplorable condition it is in for a healthy profit. But, if they can flip and rezone from commercial shopping center to residential, and the developer can cram enough units in there to justify, then he can get his price. Unfortunately, what is lost is Newport Hills as a shopping center and as a central gathering spot. So in looking at all this, you know the out-of-town property owner comes out of this ahead. Government would come out ahead in terms of additional tax revenue. Everybody would be paid who doesn't live there, but the people would be left with, I think, a deteriorating quality of life in terms of traffic, in terms of losing a gathering place. And I think that in looking at this in great detail, fundamentally, can it make it as a shopping center? The very fact that you have these additional businesses moving into this dilapidated mall tells me yes. Imagine if it were fixed up what you can do with it. So I'm going to be voting with Commissioner Barksdale's resolution. Motion rather.

Chair Hilhorst: Any other discussion?

Commissioner Walter: I would be very concerned about the precedent that could be being set for other shopping centers that are older. I'd rather have a Crossroads example happen to a shopping center like that as opposed to that there be some sort of a pot of gold at the end of the rainbow after you let it rain and your properties fall down and then you get a pot of gold. I'd rather see people have the incentive to make their shopping centers a success. And I really think a large part of the responsibility is with the shopping center. We have a really big one just down the street here, and that was because somebody designed it and set it up, and the people came. So, I mean, I know it's part of the community, but you really got to sell

something people want.

Chair Hilhorst: Alright. We have a motion to not proceed. I have a second. All in favor say aye.

(All Commissioners said aye.)

Chair Hilhorst: Any dissent say no.

(No Commissioners said no.)

Chair Hilhorst: Alright, we will not be moving forward with this on the threshold review.

(Audience applause.)

Mr. Matz: Just some clarification. We will be providing a transmittal to you to convey your recommendations to Council. We'll ask the Chair to present those. In terms of the issue you addressed about the agedness of the threshold review decision criteria, I would ask you to offer up some comment. We're happy to collect that and help you edit that if that's the intent you want to convey. The transmittal document is the tool that you would use to do that. But we will be writing up the recommendations that you've done, and we'll be providing those to the Chair and anybody else who'd like to look at those in anticipation of presenting those to Council.

Chair Hilhorst: Okay. So, Mr. Matz, let me just ask you a quick follow up before we move off of this topic. I think there is true sincerity on my part and others that a discussion happens with the current and potential future property owner. So would the city be in a position to facilitate that if the public comes forward saying they would be interested, or what is the path forward for that conversation?

Mr. Matz: That question is why Dan is here.

Chair Hilhorst: Okay.

Mr. Stroh: You know, we've always looked forward to that moment in time when we had a willing party to talk to, and to facilitate that dialog. We haven't had that, to be honest, with the current owner. So what we've been looking for is to have someone step forward who would be in a position to want to have that conversation with the community and the city. So I can't answer that question. The current owner has not been interested in that conversation, has not been interested in that dialog, has not been present or willing to be present for that dialog. So, I can't answer that question when that would happen. We have to have a willing owner to participate in that and have it go anywhere.

Chair Hilhorst: So, if a willing owner comes forward to the city, whether this current or other, can the city notify the community that an owner

has come forward and would like to have that dialog?

Mr. Stroh: Oh yeah, indeed, yeah.

Chair Hilhorst: And use the party of record for everything on this Comprehensive Plan to notify them of that?

Mr. Stroh: If that happens, we can do that. If there's some other owner who steps forward and wants to do that, or if the current owner, if the current prospective owner, wants to stay in the game – depending on where this goes with the Council. That's the next step. Because it now goes forward to the Council with the Commission's recommendation on threshold review. If the current prospective owner doesn't proceed and some other owner comes forward, or prospective owner comes forward, you know, we're available to facilitate the conversation. We don't know, we've had years and years go by without an owner or a party that's interested in taking this on. So, we've been waiting for that point in time and the right vehicle to have the conversation with an ownership that's interested, and the neighborhood and the city.

Chair Hilhorst: Okay. But if someone steps forward –

Mr. Stroh: We're here.

Chair Hilhorst: – you will notify the public using the plan of record from this.

Mr. Stroh: We can do that, yeah.

Chair Hilhorst: That's what I'm asking.

Mr. Stroh: We can do that, yeah.

Chair Hilhorst: Okay, alright.

Audience member: We weren't notified before when they put their application in.

Chair Hilhorst: Any other questions? Alright, thank you very much.

Commissioner Walter: Oh, my apology. That could still be Intracorp, right? They could revise what they do and then come forward with a dialog, just a little bit different –

Chair Hilhorst: Have that discussion.

Commissioner Walter: Maybe that's the reset.

Chair Hilhorst: Well, it would be if they – we would have a longer time to have that discussion. And they could reapply. With concurrence. And then it would be very smooth. Okay, alright, thank you.

Mr. Matz: Thank you.

7. DRAFT MINUTES REVIEW

(9:42 p.m.)

Chair Hilhorst: Alright, we need to do our draft minutes review. Let me see here. Okay. I'm going to kindly request that the public, if you're going to be talking, if you please go out into the hall for your discussion so we can continue with the meeting.

A. May 25, 2016

Chair Hilhorst: Alright, so, May 25th, 2016. Do we have any changes to those meeting minutes? Okay. I'm going through. I don't have any. I have no notes. Anything? Okay, so I would entertain a motion to approve the minutes as written for May 25, 2016.

Commissioner Walter: So moved.

Chair Hilhorst: I hear a motion to approve. Do I hear a second?

Commissioner Barksdale: Second.

Chair Hilhorst: I hear a second. All in favor say aye.

(All Commissioners said aye.)

Chair Hilhorst: Any opposed say nay.

(No Commissioners said nay.)

Chair Hilhorst: Okay, minutes approved.

B. June 1, 2016

Chair Hilhorst: Okay, so June 1st, those minutes. I did have – let me see. So on page 30, down at the bottom, I don't think we have the right input. Jessie Clawson with McCullough Hill, I believe her name is spelled incorrect.

Mr. Matz: C-L-A-W-S-O-N.

Chair Hilhorst: Yeah. It's spelled C-L-A-U-S-O-N in the meeting minutes, so I thought that looked wrong.

Mr. Cullen: Okay, hold on one moment. Page 30, I'm not following you.

Commissioner Morisseau: It would be page 150 for you, Terry. Because they have the minutes twice in the packet.

Mr. Cullen: Okay. Alright, I'm sorry. You were saying?

Mr. Matz: It is a W.

Chair Hilhorst: Yeah, okay, I thought it was a W, so I just wanted to, I mean –

Commissioner Morisseau: So page 157, I'm sorry, Terry. Last paragraph on the bottom.

Mr. Cullen: Okay, it should be C-L-A-W, is that right?

Chair Hilhorst: C-L-A-W-S-O-N. Yes.

Mr. Cullen: Okay, good. Got it.

Chair Hilhorst: So then, my other note, up at the top – okay, go to the top right, first paragraph. It talks about me noting the process for a long time in the discussion about resizing commercial, it was clear that some of the current uses, including – I thought I had said in discussion with either Intracorp or Mr. McDuff. Could you check, because it doesn't look like who I was talking to to get that data.

Mr. Cullen: Okay.

Chair Hilhorst: And I just want to be clear.

Mr. Cullen: Okay. I will check the audio.

Chair Hilhorst: Okay. And then if we move down a few paragraphs, the second to the bottom paragraph to the right, under the Commissioner Morisseau discussion, there's a Commissioner Morisseau asked if there was an acceptable middle ground that would have less commercial. My understanding, the spirit was, you were asking if there was middle ground for more commercial. Not less commercial.

Commissioner Morisseau: Let me re-read that. I'm sorry.

Chair Hilhorst: Because you were, we were, yeah.

Commissioner Morisseau: I think the middle ground was between the existing condition and what they were asking for.

Chair Hilhorst: Right.

Commissioner Morisseau: Not less commercial.

Chair Hilhorst: Yeah. So you were asking if there's a middle ground that would have more or –

Commissioner Morisseau: Not more or less, just middle ground between the current existing condition versus what they are asking for in the application.

Chair Hilhorst: Right. So you weren't asking for less commercial?

Commissioner Morisseau: No.

Chair Hilhorst: Okay, so I think if we can just listen and get clarification on that. Because I remember the conversation and I don't think you were asking for less. So I wanted to point that out. And then – a lot of meeting minutes, I know I had some other notes. I think that's all the notes I had on mine.

Commissioner Walter: I have one.

Chair Hilhorst: Commissioner Walter.

Commissioner Walter: On the bottom of page 31, David Hsiao, I asked him about community and his relationship with the community, and I asked that question on purpose in terms of just to get an idea of what the owner's vision of the community was, or understanding. And he was not able to understand or answer the question. I posed it twice. I'd like that included. It's on the bottom of page 31. Oh, sorry, it starts on the bottom of page 31 and then goes to page 32. And I don't see any reference to the question was asked. And other discussion I had with him were covered.

Mr. Cullen: So, I'm sorry, something to the effect that –

Chair Hilhorst: There was a specific line of questioning that wasn't included. A specific question with the applicant.

Commissioner Walter: What I was after is finding out the engagement with the community. They talked about aggressively seeking tenants, and I asked what the work was with the community, and there was no answer.

Mr. Cullen: Okay. Alright, I will check the audio and clear that up.

Commissioner Walter: I wish I could remember exactly what I said.

Mr. Cullen: Oh, that's okay. It's easy enough to find out. Page 32. Got it.

Chair Hilhorst: Any other comments? Commissioner Morisseau.

Commissioner Morisseau: Throughout the whole thing, it says Intercorp. Is it Intercorp or Intracorp?

Mr. Matz: I-N-T-R-A-C-O-R-P.

Commissioner Morisseau: So the minutes are not right.

Chair Hilhorst: We need a find and replace Intercorp with Intracorp.

Commissioner Walter: Good catch.

Mr. Cullen: Okay.

Commissioner Morisseau: Because I've been saying Intra.

Chair Hilhorst: No, that's correct.

Mr. Cullen: Yup, you were saying it correct. Alright, so we'll make those corrections because it will require us to listen to the audio and we'll bring them back to the next meeting we send you a mail out.

Chair Hilhorst: So what we will do, we don't approve these minutes. If you want to just send us a revised. Okay. So is everybody okay, we won't approve these? Okay. Alright. So we're done with meeting minutes.

9. PUBLIC COMMENT

(9:49 p.m.)

Chair Hilhorst: Okay, so public comment. I don't have a sign-in sheet, so if anybody wants to comment, you can come address the commission. You have three minutes. Anybody want to talk? Nobody?

Ms. Barber: (From the audience, inaudible)

Mr. Cullen: You've got to come to the front to get that on the record.

Chair Hilhorst: Yeah, come on up and ask real quick with your name and address so it's public record. That will help you.

Ms. Barber: Hi. Valerie Barber, 4644 121st Avenue SE. I want to understand a little bit more about the process. We're asking questions when we're in one of these meetings, or getting clarification on some things that are said that are inaccurate, or things in the notes that are inaccurate, or the communications. How does the public go about a, finding out if it is indeed inaccurate and then getting it corrected?

Chair Hilhorst: So if you see meeting minutes or items in a book, you can, you know, ether come to public comment like you're doing and say, you know, here's what I see is not correct, I'd like to clarify. You can also email staff, email us at planningcommission@bellevue wa.gov. And that will go and you can – and that will be public record as well, but you can ask for clarifications. Those are the best ways to communicate in if you see something or if you want to get clarification, anything like that. Many times when you speak to the Commission, it's rare that there'll be a dialog because we have to get through so much. So you're probably not going to get a lot of your answers here. It's going to be let us know and then send an email to staff, or if you stick around at the end of the meeting, sometimes you can ask staff at the end of the meeting.

Ms. Barber: And then does that thing get communicated in the meeting at any time, like the next meeting, hey, here were the things that were said that were inaccurate in the documentation or whatnot. Does that ever get clarified for the public?

Chair Hilhorst: Anything you – so when you're talking right now, you're going to be in the meeting minutes the next time. So that's how we hear, because we heard you, and that's going to be in there next time for the public. Any email that you send, that will be public record. And if you send anything to planningcommission@bellevuewa.gov, that will also come to us at the next meeting. We get copies of everything, every email sent to us.

Ms. Barber: Perfect. Thanks so much.

Chair Hilhorst: Okay. Alright. No? Yes? Alright.

10. ADJOURN

(9:52 p.m.)

Chair Hilhorst: So with that, I will entertain a motion to adjourn.

Commissioner deVadoss: So moved.

Chair Hilhorst: Alright. I hear a motion. Do I hear a second?

Commissioner Barksdale: Second.

Chair Hilhorst: I hear a second. All in favor say aye.

(All Commissioners said aye.)

Chair Hilhorst: Any opposed say nay.

(No Commissioners said nay.)

Chair Hilhorst: The ayes have it. We're adjourned.

Terry Cullen
Staff to the Planning Commission

9/15/16
Date

Michelle Hilhorst
Chair of the Planning Commission

9/14/16
Date