Bellevue Planning Commission

Wednesday, September 10, 2014
6:30 to 9:30 p.m. ▪ 1E-113
City Hall ▪ 450 110th Ave. NE, Bellevue

Agenda

6:30 p.m.	1.	**Call to Order** *Aaron Laing, Chairperson*	
	2.	**Roll Call**	
	3.	**Public Comment*** *Limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic*	
	4.	**Approval of Agenda**	
	5.	**Communications from City Council, Community Council, Boards and Commissions**	
	6.	**Staff Reports** *Paul Inghram, Comprehensive Planning Manager*	
	7.	**Public Hearing**	
6:45 p.m.		A. Horizon View rezone Hear public comment on an area-wide rezone proposed for Horizon View A, from R-3.5 to R-2.5 *Nicholas Matz, Senior Planner, Planning & Community Development*	Pg. 1
7:15 p.m.		B. Room rental code amendment Hear public comment regarding proposed residential room rentals permanent regulations *Mike Bergstrom, Principal Planner, Development Services*	Pg. 23
7:45 p.m.		C. Camp and Conference Center Hear public comment regarding a proposed ordinance to create a new Camp and Conference Center land use district in the Land Use Code *Mike Bergstrom, Principal Planner, Development Services*	Pg. 63
8:00 p.m.		D. Clean-Up Code Amendments Hear public comment regarding proposal for land use code clean-up amendments *Mike Bergstrom, Principal Planner, Development Services*	Pg. 103
	8.	**Study Session**	
8:15 p.m.		A. Horizon View rezone Deliberate and make a recommendation to Council *Nicholas Matz, Senior Planner, Planning & Community Development*	

8:30 p.m.	B. Room rental code amendment Deliberate and make a recommendation to Council *Mike Bergstrom, Principal Planner, Development Services*
9:00 p.m.	C. Camp and Conference Center Deliberate and make a recommendation to Council *Mike Bergstrom, Principal Planner, Development Services*
9:15 p.m.	D. Clean Up code amendments Deliberate and make a recommendation to Council *Mike Bergstrom, Principal Planner, Development Services*
	9. **Draft Minutes Review** • June 25, 2014 • July 9, 2014
	10. **Next Planning Commission Meeting – September 24** • Comprehensive Plan Update – continue review of draft sections
9:30 p.m.	11. **Adjourn**

Agenda times are approximate

Planning Commission members

Aaron Laing, Chair
Michelle Hilhorst, Vice Chair
John Carlson
Jay Hamlin
Diane Tebelius
John deVadoss
Stephanie Walter

John Stokes, Council Liaison

Staff contact:

Paul Inghram 452-4070
Michelle Luce 452-6931

** Unless there is a Public Hearing scheduled, "Public Comment" is the only opportunity for public participation.*

Wheelchair accessible. American Sign Language (ASL) interpretation available upon request. Please call at least 48 hours in advance. 425-452-5262 (TDD) or 425-452-4162 (Voice). Assistance for the hearing impaired: dial 711 (TR).

City of Bellevue

PLANNING COMMISSION PUBLIC HEARING

September 3, 2014

SUBJECT

Public hearing on an area-wide rezone proposed for Horizon View A, from R-3.5 to R-2.5.

STAFF CONTACT

Nicholas Matz AICP, Senior Planner, 452-5371, nmatz@bellevuewa.gov
Department of Planning & Community Development

DIRECTION NEEDED FROM PLANNING COMMISSION

_X_ Action
_X_ Discussion
___ Information

At the September 10, 2014, meeting the Planning Commission is requested to conduct a Public Hearing and make a recommendation to the City Council regarding the proposed Horizon View A area wide rezone. The recommendation to Council will occur as an outcome of your deliberation later this evening in a Study Session.

BACKGROUND

In response to a request from property owners, on June 16, 2014, the City Council initiated the legislative rezone of the recently annexed Horizon View A neighborhood from R-3.5 to R-2.5. Horizon View A is located alongside the Hilltop and Horizon View C neighborhoods in south Bellevue.

Comments previous to this application were received at the City Council's June 16, 2014, Study Session during Oral Communications, and at the Planning Commission's July 30, 2014, Study Session during Public Comment.

PUBLIC HEARING

LUC 20.35.400 establishes the procedures for Process IV: City Council legislative actions. LUC 20.35.410 requires that the Planning Commission hold a public hearing on proposals reviewed through Process IV prior to making a recommendation to Council. LUC 20.35.430 states that any person may participate in the public hearing.

RECOMMENDED MOTIONS

Public Hearing

1. Move to open the public hearing.
2. Move to close the public hearing (after receiving all testimony)

Study Session

Following the public hearings, the Planning Commission is asked to convene the study session, deliberate and make a motion on a recommendation.

3. Move to recommend that the City Council approve the Horizon View A area-wide rezone, applicable to the Horizon View A area legally described in Attachment.

NEXT STEPS

Council action on the Planning Commission recommendation will be scheduled for fall.

ENCLOSURE

- Public hearing staff report to the Planning Commission
- Additional public comments received

City of Bellevue

STAFF REPORT TO THE PLANNING COMMISSION

September 3, 2014

SUBJECT

Public hearing on an area-wide rezone proposed for Horizon View A, from R-3.5 to R-2.5.

STAFF CONTACT

Nicholas Matz AICP, Senior Planner, 452-5371, nmatz@bellevuewa.gov
Department of Planning & Community Development

DIRECTION NEEDED FROM PLANNING COMMISSION

_X_ Action
_X_ Discussion
___ Information

INTRODUCTION

On September 10, 2014, the Planning Commission will hold a public hearing on an area-wide rezone proposed for Horizon View A. The Commission held a study session on the proposal on July 30, 2014, and requested that a public hearing be scheduled. The Planning Commission is asked to take action on a recommendation to the City Council regarding adoption of a proposed rezone ordinance after holding the public hearing and considering the record of public oral and written comment and the staff report in a study session.

The request is to approve an area-wide rezone of seventy-five parcels from Single-Family R-3.5 to Single-Family R-2.5. Single-family residential districts provide for areas of low to moderate densities and permit compatible related activities under the Land Use Code.

BACKGROUND

The request to change the zoning requires a Process IV rezone (LUC 20.35.400), which is a legislative decision made by the City Council. The Planning Commission holds a public hearing, takes testimony on the proposal, and makes a recommendation to the City Council. The City Council makes a decision based on the record established by the Planning Commission.

Concurrent SEPA review is conducted. A SEPA Threshold Determination of Non-Significance has been issued for this proposal. The threshold determination is only appealable as part of the City's action on the rezone. To comply with the requirements of SEPA and the State of Washington Growth Management Act (GMA) for coordination of hearings, any appeal of the SEPA threshold determination will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action.

PROPOSAL DESCRIPTION

In response to a request from property owners, on June 16, 2014, the City Council initiated the legislative rezone of the recently annexed Horizon View A neighborhood from R-3.5 to R-2.5. Horizon View A is located alongside the Hilltop and Horizon View C neighborhoods in south Bellevue. See Attachment 1.

Earlier this year members of the Horizon View A community contacted the city's Neighborhood Outreach staff to express concerns about proposed short plat redevelopment activities in their neighborhood. The community expressed concern that the existing R-3.5 zoning, with its 10,000 square foot minimum lot size, could enable an increase in short plat activity incompatible with their existing neighborhood character. Horizon View A is located in the recently annexed area alongside the Hilltop and Horizon View C neighborhoods in south Bellevue. The roughly half-acre (21,000 square feet) average lot size in Horizon View A, with views through and from the lots, represents this existing character.

During the annexation process, residents in both nearby Hilltop and Horizon View C sought rezones to R-2.5—with its 13,500 square feet minimum lot size—because they believed it would be more compatible with their relatively large lots and lack of sewers. Hilltop advocated for their rezone in advance of annexation using pre-annexation zoning, adopted in Ordinance 6018. Horizon C agreed to an assurance by the city to conduct a post-annexation area-wide rezone. The Planning Commission held a hearing and made an affirmative recommendation for Horizon View C, leading to a September 2012 Council adoption of the rezone through Ordinance 6095.

With an understanding of the rezones previously achieved by Horizon View C and Hilltop, members of Horizon View A petitioned the City Council to initiate a legislative rezone to address their similar situation. The Planning Commission and City Council review such area-wide rezones through the legislative process. In initiating the rezone process, Councilmembers noted an issue of fairness in assuring that all three recently annexed neighborhoods could make a reasonable examination of their zoning and its appropriateness. Councilmembers were clear that initiating the process would allow review of the merits of the proposal and that the Council's action did not presume approval or denial of the rezone.

SUMMARY OF TECHNICAL REVIEWS

Utilities Review

The Utilities Department has reviewed the application and determined there are no utilities-related concerns regarding the proposed rezone.

Transportation Review

Since this application is proposing a rezone from R-3.5 to R-2.5, development intensity is being reduced and transportation impacts would be correspondingly reduced. The Transportation

Department will assess any infrastructure or hauling requirements through any future permit applications. Therefore, Transportation has no concerns with this application.

PUBLIC COMMENT AND RESPONSE

Application Date: August 7, 2014
Notice of Public Hearing and Public Notice Sign Installed: August 21, 2014
End of minimum comment period: September 4, 2014

Public comment received under this application will be provided in the September 10, 2014 Planning Commission agenda packet materials or included in Commission desk packets for the September 10, 2014 hearing.

Comments previous to this application were received at the City Council's June 16, 2014 Study Session during Oral Communications, and at the Planning Commission's July 30, 2014 Study Session during Public Comment.

The majority of comments relate to the compatibility with current lot and home sizes and potential threats to the existing territorial views caused by the construction of new homes. Also included in the comments was a concern that annexation did not examine the appropriate zoning for Horizon View A as it did in the Hilltop and Horizon View C areas. All three areas were part of the 2012 South Bellevue Annexation.

STATE ENVIRONMENTAL POLICY ACT

The Environmental Coordinator for the City of Bellevue has determined that this proposal will not result in any probable, significant, adverse environmental impacts. A Determination of Non-Significance (DNS) was issued on August 21, 2014. See Attachment 5.

Rezone approval means any future area redevelopment would continue to be subject to city codes and standards, project-specific SEPA review, and subsequent construction permit approvals.

DECISION CRITERIA

The City may approve, or approve with modifications, an application for a rezone of property if:

- **The proposal is consistent with the Comprehensive Plan.**

Finding: Both R-3.5 and R-2.5 zoning are consistent with the existing Single Family-Medium (SF-M) Comprehensive Plan designation for this South Bellevue area under the Growth Management Act, hence the need only for a rezone.

Cities are urban areas, with expectations of infrastructure and urban—albeit single-family—densities. Horizon View A has urban infrastructure in place including public sewers. Generally, it is desirable to encourage infill development where infrastructure is in place and there is sufficient land.

While rezoning may decrease the potential for infill development, the rezone will protect the existing neighborhood by encouraging existing levels of development. Growth will be accommodated under the R-2.5 zoning district.

The proposal is consistent with Land Use Element and Newcastle Subarea Plan policies. The rezone will continue to allow development of compatible single-family residences. The R-2.5 is reflective of the existing development pattern and will continue to maintain the stability of the existing development in the area.

A major objective of the Land Use Element is to maintain the vitality, quality, and character of Bellevue's neighborhoods. These vary widely in size, age, size and style of housing. These diverse attributes make them unique and desirable "great places to live." Most Bellevue neighborhoods are stable, well maintained, and characterized by a healthy level of investment.

> **Policy LU-9.** Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already existing area.
>
> **Policy LU-19.** Maintain stability and improve the vitality of residential neighborhoods through adherence to, and enforcement of, the city's land use regulations.
>
> **Policy NC-11.** Promote infill development at a density consistent with the existing character of established neighborhoods.

- **The rezone bears a substantial relationship to the public health, safety and welfare.**

Finding: The surrounding area has already been developed with transportation and infrastructure improvements to support residential uses. The proposal will not require new public facilities because the area is already served within the transportation network, the utility system, and other public services such as fire and police.

- **The rezone is warranted because the proposed zoning classification is appropriate for reasonable development of the subject property.**

Finding: Development and redevelopment under the proposed zoning classification will accommodate reasonable development of lots within this area.

Seventy three of the seventy five Horizon View A lots are built. Lot sizes are somewhat smaller on average (21,000 square feet) than the 41 lots in Hilltop (40,000 square feet) and the 28 lots in Horizon C (26,000 square feet). In addition, Horizon A's existing public sewer distinguish them from the individual septic systems that predominate in Hilltop and Horizon C. However, all three share similar view characteristics through and from lots in their areas high on the hill overlooking Bellevue and to the east and west.

The city zoning established after annexation is nearly equivalent to the pre-annexation King County zoning of R-4. Both zonings have similar size, setback, and height dimensions. See Attachment 2.

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

Finding: The rezone will not be materially detrimental to the surrounding uses or properties. The rezone is consistent and compatible with the surrounding single-family zoned neighborhoods.

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

Finding: The city's ability to meet its growth targets and general policies reflective of the city as an urban area would still be met. The rezone responds to the community's concerns to establish a zoning more reflective of existing lot sizes. The R-2.5 is consistent with Annexation Element Policy AN-12 to establish appropriate zoning district designations in annexed areas.

Some Horizon View A owners may see access to rezoning as an issue of equity. Despite the differences in circumstance between them and Horizon C and Hilltop, they feel that the other two neighborhoods had more of an opportunity to examine zoning as part of the annexation process. However, concern regarding zoning did not become a concern until the issue of a recent short plat.

Some property owners may view existing R-3.5 zoning as the best support for their current property value, and may wish to have the opportunity to short plat if they so desire and their lot meets the minimum requirements. Changing the zoning to R-2.5 will establish a higher minimum lot size which will make it unlikely that any of the 30 or so existing lots identified by the City as potentially eligible for short platting under current R-3.5 zoning would then be able to take advantage of short platting. Alternatively, some owners view a change to R-2.5 as a better outcome for maintaining neighborhood values tied to the existing large lot character of the area.

RECOMMENDATION

After conducting the various administrative reviews associated with the proposal including applicable Land Use Code consistency, SEPA and City Code and Standards compliance reviews, the PCD Director does hereby **recommend approval** of the Horizon View A area-wide rezone, applicable to the Horizon View A area legally described in Attachment 3.

Move to recommend that the City Council approve the proposal.

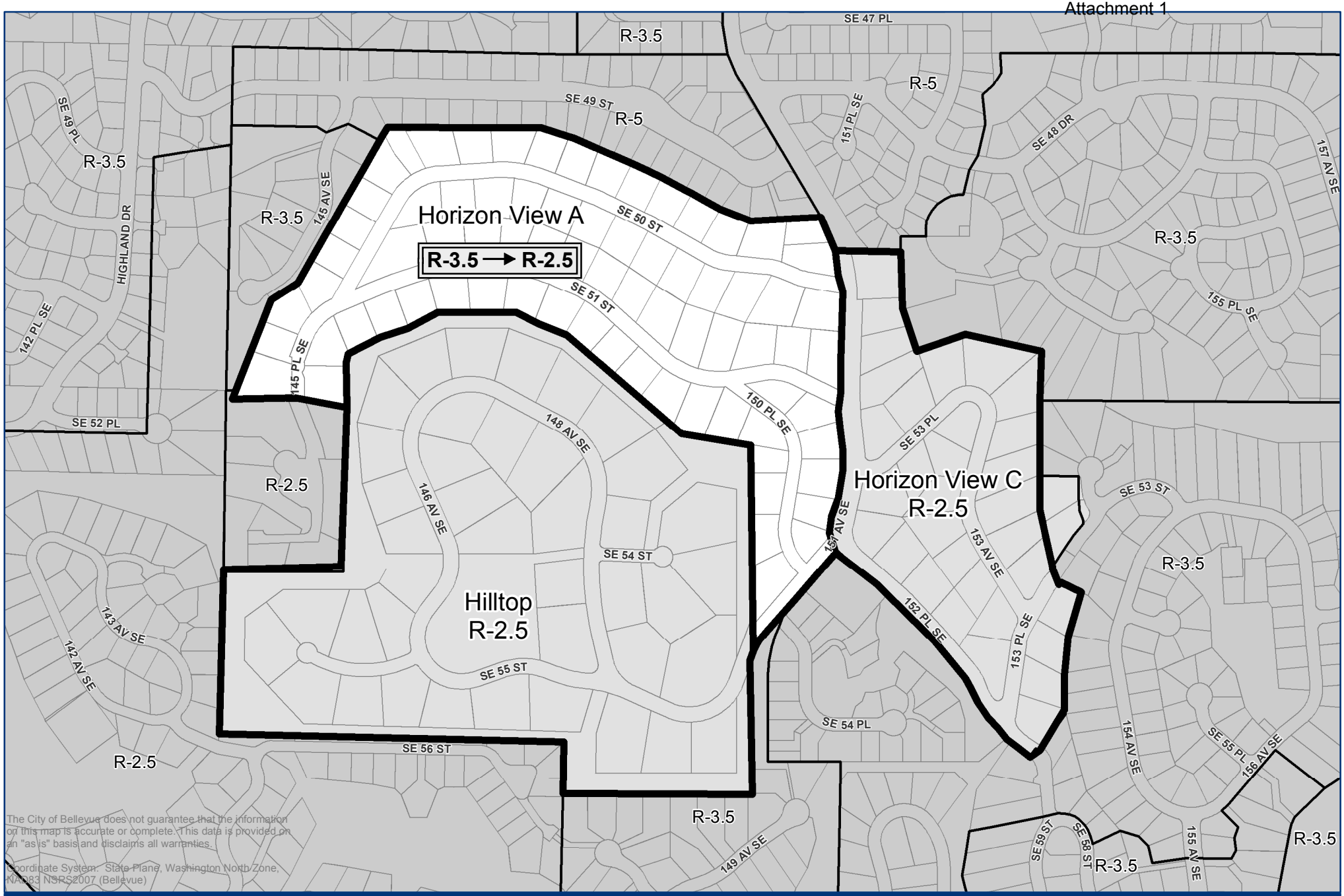
NEXT STEPS

Council action on the Planning Commission recommendation will be scheduled for fall.

ATTACHMENTS

1. Horizon View A area map
2. Chart comparing Bellevue R-3.5 zoning, R-2.5 zoning, King County R-4 zoning
3. Horizon View A rezone legal description
4. SEPA DNS

Attachment 1



The City of Bellevue does not guarantee that the information on this map is accurate or complete. This data is provided on an "as is" basis and disclaims all warranties.

Coordinate System: State Plane, Washington North Zone, NAD83 NSRS2007 (Bellevue)

City of Bellevue GIS Services

Horizon View A - Area-Wide Rezone

July 2014

440 Feet

Sources: City of Bellevue

Date: 7/15/2014 File Name: V:\pcdpl\arcgis\Annexations\SouthBellevue\HorizonViewA_Rezoning_8x11.mxd IT Department

Dimensional chart comparison for Bellevue and KC zoning

Dimensional Standards	Bellevue R-2.5	Bellevue R-3.5	King County R-4
Dwelling units per acre	2.5	3.5	4 (base density)
Lot area (minimum square feet)	13,500	10,000	85% of base density x lot area
Lot width (minimum feet)	80	70	30
Lot depth (minimum feet)	80	80	n/a
Street frontage (minimum feet)	30	30	30
Front setback (minimum feet)	20	20	10 (min. 20 driveway length)
Interior setback (min/combo feet)	5/15	5/15	5
Rear setback (minimum feet)	25	25	n/a
Building height (maximum feet)	30	30	35
Lot coverage (maximum pct.)	35	35	55

HORIZON VIEW ANNEXATION AREA

Commencing at the Southwest corner of Lot A, Block 4 in the plat of Horizon View Addition Division A, recorded in Volume 48 of Plats, Pages 44-47, records of King County, being in the Northeast Quarter of Section 22, Township 24 North, Range 5 East, W.M., and being the TRUE POINT OF BEGINNING;

Thence Northerly and Easterly along the West and North boundaries of said plat to the Northeast corner of Lot 1, Block 3, being on the Westerly margin of 151st Avenue S.E. (labeled 168th Avenue S.E. on the plat and also known as the George S. Farmer Road);

Thence Southerly along said Westerly margin to a point being on the Westerly extension of the North line of Lot 1, Block 1, of the plat of Horizon View Addition Division "C", recorded in Volume 56 of Plats, Pages 20-21, records of King County;

Thence Easterly along said Westerly extension and North line to the Northeast corner of said Lot 1;

Thence Southerly along the East boundary of said Lot 1 and the East boundaries of Lots 2 and 3 in said Block 1, to the Northwest corner of Lot 7 in said Block 1;

Thence Easterly along the North boundaries of Lots 7 and 8 in said Block 1 to the Northeast corner of said Lot 8;

Thence Southerly along the East boundary of said Block 1 to a point on said line being the Southwest corner of Lot 40 of the plat of The Summit Division No. 1, recorded in Volume 131 of Plats, Pages 46-49, records of King County;

Thence Easterly along the South Boundary of said Lot 40 to the West boundary of Tract E of said plat;

Thence Southerly along the West boundary of said plat to the angle point on the West line of Lot 51, also being the North corner of Lot 12 of the plat of The Summit Division No. 3, recorded in Volume 140 of Plats, Pages 39-43, records of King County;

Thence Southerly along the West boundary of said Lot 12 to the Southeasterly prolongation of the Southwesterly line of Lot 4, Block 3 of the plat of Horizon View Addition Division "C";

Thence Northwesterly along said prolongation to the Southernmost corner of said Lot 4, being on the Northeasterly margin of 152nd Place S.E.;

Thence Southwesterly perpendicular to said margin to the Southwest margin of 152nd Place S.E.;

Thence Northwesterly along said Southwest margin to the Southeast margin of 151st Avenue S.E. (George S. Farmer Road);

Thence Southwesterly along said margin to the intersection with the Easterly boundary of the plat of Hilltop Community, recorded in Volume 47 of Plats, Pages 28-29, records of King County,

Thence Northerly along said Easterly boundary, also being the Westerly boundary of Lots 16A through 19, Block 1, of the plat of Horizon View Division A to the Northwest corner of said Lot 16A;

Thence Westerly along the South boundary of said Block 1 to the Southwest corner of Lot 3, also being on the East line of Lot 2;

Thence Southerly along the East boundary of Lots 2 and 1 of said Block 1 and the extension thereof to a point on said line being 33.98 feet Southerly from the Southeast corner of said Lot 1;

Thence Northwesterly to the Southwest corner of said Lot 1;

Thence Westerly along the South line of said plat to the Southwest corner of Lot A thereof , being the TRUE POINT OF BEGINNING.

City of Bellevue
Department of Community Development
State Environmental Policy Act Threshold Determination

Proposal Name:	City of Bellevue
Location of Proposal:	Horizon View A generally bounded by 145th Pl. SE on the west, SE 51st St. on the south, 151st Ave SE on the east, and the Eaglesmere neighborhood on the north, located in the Newcastle Subarea.
Description of Proposal:	Area wide rezone from R-3.5 to R-2.5 under the authority of LUC 20.35.400 consistent with the Comprehensive Plan.
File Number(s):	14-138195 LQ
Applicant:	Department of Planning and Community Development
Decisions Included:	SEPA Threshold Determination
Planner:	Nicholas Matz AICP, 425 452-5371
State Environmental Policy Act Threshold Determination:	Determination of Non-Significance (DNS)

Carol Helland,
Environmental Coordinator

Bulletin Publication Date: _____

Appeal Deadline: An appeal shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290.

I. Proposal Description and Objectives

Proposal for an area-wide rezone of seventy-five parcels from Single-Family R-3.5 to Single-Family R-2.5. Single-family residential districts provide for areas of low to moderate densities and permit compatible related activities under the Land Use Code.

II. Environmental Record

The environmental review consisted of analysis based on the following documents included in the environmental record or incorporated by reference if so noted:

- Environmental checklist for the proposal dated August 4, 2014
- City of Bellevue Comprehensive Plan

III. Proposed Timing and Phasing

The area wide rezone was initiated as a legislative action by the Bellevue City Council on June 16, 2014 under its authority at LUC 20.35.400. The Bellevue Planning Commission has held study sessions on the proposal and will hold a public hearing on September 10, 2014. The City Council will take subsequent action on a rezone ordinance.

IV. Environmental Summary

Purpose and Need to Which the Proposal is Responding

With an understanding of the rezones previously achieved by Horizon View C and Hilltop, members of Horizon View A petitioned the City Council to initiate a legislative rezone to address their similar situation. Such area-wide rezones are reviewed through the legislative process by the Planning Commission and City Council. In initiating the rezone process, Councilmembers noted an issue of fairness in assuring that all three recently annexed neighborhoods could make a reasonable examination of their zoning and its appropriateness. Councilmembers were clear that initiating the process would allow review of the merits of the proposal and that the Council's action did not presume approval or denial of the rezone.

Major Conclusions, Significant Areas of Controversy and Uncertainty

We conclude that there are no single or cumulative impacts from such action because impacts are foreseen by the Comprehensive Plan and will not lead to actions inconsistent with other elements of the Plan or the GMA when related to functional plan or project implementation of such actions.

Issues to be Resolved, Including Environmental Choices to be Made Between Alternative Courses of Action

There are no issues to be resolved with establishing appropriate zoning. Either R-2.5 or R-3.5 are consistent with the Comprehensive Plan.

Environmental Impacts of the Proposal

Environmental Review of the attached non-project environmental checklists indicates no probability of significant adverse environmental impacts occurring as a result of the action. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements. The Environmental Checklist is available for review in the project file.

Adverse impacts which are less than significant are usually subject to City Code or Standards which are intended to mitigate those impacts. Where such impacts and related regulatory items correspond, no further documentation is necessary. For other adverse impacts which are less than significant, Bellevue City Code Section 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process.

V. Conclusion and Determination

For the proposal, environmental review indicates no probability of significant adverse environmental impacts. Therefore, issuance of a **Determination of Non-Significance** pursuant to WAC 197-11-355 and Bellevue City Code 22.02.034 is appropriate.

Other adverse impacts that are less than significant may be mitigated pursuant to Bellevue City Code 22.02.140, RCW 43.21C.060, and WAC 197-11-660.

VI. Mitigation Measures

There are no recommended SEPA-based mitigating measures for this proposal. The lead agency has determined that the requirements for environmental analysis, protection and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. This agency will not require any additional mitigation measures under SEPA.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT:	**City of Bellevue**
LOCATION OF PROPOSAL:	**Horizon View A generally bounded by 145th Pl. SE on the west, SE 51st St. on the south, 151st Ave SE on the east, and the Eaglesmere neighborhood on the north, located in the Newcastle Subarea.**
DESCRIPTION OF PROPOSAL:	**Area wide rezone from R-3.5 to R-2.5 under the authority of LUC 20.35.400 consistent with the Comprehensive Plan.**
FILE NUMBER(S):	**14-138195 LQ**

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklists and information filed with the Land Use Division. This information is available to the public on request.

☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project), or if the DNS was procured by misrepresentation or lack of material disclosure.

This DNS is only appealable as part of the City's action on the amendment to the Land Use Code. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action. *See* LUC 20.35.250C.

Environmental Coordinator

8-21-14
Date

OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife
U.S. Army Corps of Engineers
Attorney General
King County
Muckleshoot Indian Tribe

14859 SE 51st Street
Bellevue, WA 98006
September 1, 2014

Director of Planning and Community Development
Bellevue City Hall
P.O. Box 90012
Bellevue, WA 98009-9012

Subject: File # 14-138195-LQ (Rezone Horizon View A from R-3.5 to R-2.5)

Dear Sir:

We want to register our support for this application to rezone Horizon View A from R-3.5 to R-2.5 which will bring it into accord with its sister, adjoining subdivisions, Horizon View C and Hilltop. This rezoning will insure that the general character of the neighborhood remains as it is with large (around ½ acre) originally platted lots all commanding magnificent views ranging from the Cascades to the east, to the Olympics to the west, with Lake Sammamish, Bellevue itself and Lake Washington in between.

We were alerted to the possibility of short platting in Horizon View A when a short plat application (14-126585 LN; 15016 SE 51st Street) was filed last Spring. At the same time we were surprised to learn that upon incorporation into Bellevue on June 1, 2012 Horizon View C and Hilltop were zoned R-2.5, while Horizon View A was zoned R-3.5. Thus, they are not subject to similar short platting.

Our objective is simple. We seek equivalent zoning to provide our neighborhood the same protections against short platting that Horizon View C and Hilltop enjoy. Our adjacent subdivision is similar in terms of lot sizes and views, and should benefit from similar rules and regulations.

We note that the City of Bellevue Land Use Policy LU-9 is to, "Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area." Rezoning to R-2.5 will ensure compatibility with the existing established neighborhood of single family ½ lots, whereas the present R-3.5 zoning will allow the creation of two ¼ acre lots each with its own dwelling which is incompatible with the "design of the surrounding built environment."

We have lived in Horizon View A for twenty seven years, and feel strongly about our neighborhood and preserving its desirable features, features that enhance one's quality of life and features that attract people to our city. Rezoning Horizon View A from R-3.5 to R-2.5 will help ensure that these features remain intact.

Thank you for your consideration. We are happy to provide further testimony at your convenience.

Sincerely yours,

Robert and Barbara Spindel
425 641 9928

Matz, Nicholas

From: Kandace Holley <k.holley@comcast.net>
Sent: Tuesday, September 02, 2014 8:04 AM
To: Matz, Nicholas
Subject: Horizon View A

Dear Mr. Matz,

We are absolutely in favor of rezoning our neighborhood to be in line with our neighbors (Horizon View C and Hilltop). Your help in preserving the unique character of our community is sincerely appreciated.

Thank you,

Rick and Kandace Holley
5120 145th Place SE
Bellevue, WA 98006

September 2, 2014

Director of Planning and Community Development
Bellevue City Hall
P.O. Box 90012
Bellevue, WA 98009-9012

Subject: File # 14-138195-LQ (Rezone Horizon View A from R-3.5 to RR-2.5)

Dear Sir:

We want to register our support for this application to rezone Horizon View A from R-3.5 to R-2.5 which will bring it into accord with its sister, adjoining subdivisions, Horizon View C and Hilltop. This rezoning will insure that the general character of the neighborhood remains as it is with large (around ½ acre) originally platted lots all commanding magnificent views ranging from the Cascades to the east, to the Olympics to the west, with Lake Sammamish, Bellevue itself and Lake Washington in between.

We were alerted to the possibility of short platting in Horizon View A when a short plat application (14-126585 LN; 15016 SE 51st Street) was filed last Spring. At the same time we were surprised to learn that upon incorporation into Bellevue on June 1, 2012 Horizon View C and Hilltop were zoned R-2.5, while Horizon View A was zoned R-3.5. Thus, they are not subject to similar short platting.

Our objective is simple. We seek equivalent zoning to provide our neighborhood the same protections against short platting that Horizon View C and Hilltop enjoy. Our adjacent subdivision is similar in terms of lot sizes and views, and should benefit from similar rules and regulations.

We have lived in Horizon View A for twenty years and feel strongly about our neighborhood and preserving its desirable features, features that enhance one's quality of life and features that attract people to our city. Rezoning Horizon View A from R-3.5 to R-2.5 will help ensure that these features remain intact.

Yours truly,

John & Brenda Back
14557 SE 51st Street
Bellevue, WA 98006
September 2, 2014
425-746-0362

Matz, Nicholas

From: Michael Holley <mholley@costco.com>
Sent: Tuesday, September 02, 2014 1:01 PM
To: Matz, Nicholas
Subject: Horizon View A Rezone

Dear Nicholas Matz,
I would like to voice my support for the area wide rezone of Horizon View A. I am a resident of this neighborhood and I really hope that the city of Bellevue approves this rezone to help protect the look and feel of our neighborhood as it is today. Thank you for your consideration and help in keeping our neighborhood looking the way it does today.

Michael Holley
425-301-0830
14836 SE 51st Street
Bellevue WA 98006

City of Bellevue

PLANNING COMMISSION PUBLIC HEARING

September 3, 2014

SUBJECT

Public hearing on Land Use Code Amendment to establish Residential Room Rentals Permanent Regulations

STAFF CONTACT

Carol V. Helland, Land Use Director, chelland@bellevuewa.gov 452-2724
Mike Bergstrom, Principal Planner, mbergstrom@bellevuewa.gov 452-2970
Development Services Department
Paul Inghram, AICP, Comprehensive Planning Manager, pinghram@bellevuewa.gov 452-4070
Planning and Community Development

DIRECTION NEEDED FROM PLANNING COMMISSION

X Action
X Discussion
Information

At the September 10, 2014, meeting the Planning Commission is requested to conduct a Public Hearing and make a recommendation to the City Council regarding the proposed Land Use Code Amendment to establish Residential Room Rentals Permanent Regulations. The recommendation to Council will occur as an outcome of your deliberation later this evening in a Study Session.

BACKGROUND

This amendment is intended to establish permanent regulations governing the rental of individual rooms in non-owner-occupied residential dwellings. These regulations will replace interim regulations that have been in effect since September 2013, initially adopted by Ordinance No. 6128 in response to community concerns about this particular rental practice.

The Planning Commission held several study sessions on the proposal in the spring and summer of 2014. The Commission was guided in its work by a Council-approved list of "guiding principles" intended to result in narrowly-tailored permanent regulations addressing the concerns of the community. The amendments that are the subject of the September 10, 2014 public hearing result from substantial community interest and input. More complete background information and discussion of the proposal is included in the enclosed Staff Report.

PUBLIC HEARING

LUC 20.35.400 establishes the procedures for Process IV: City Council legislative actions. LUC 20.35.410 requires that the Planning Commission hold a public hearing on proposals reviewed through Process IV prior to making a recommendation to Council. LUC 20.35.430 states that any person may participate in the public hearing.

ALTERNATIVES

1. Hold a public hearing and move to recommend approval, approval with modifications, or denial of the proposal.
2. Provide an alternative recommendation to Council.

RECOMMENDED MOTIONS

Public Hearing

1. Move to open the public hearing.
2. Move to close the public hearing (after receiving all testimony)

Study Session

Following the public hearings, the Planning Commission is asked to convene the study session, deliberate and make a motion on a recommendation.

3. Move to recommend that City Council approve the proposed Land Use Code Amendment to establish permanent regulations governing the rental of individual rooms in non-owner-occupied residential dwellings

NEXT STEPS

1. Council study session – transmittal of Planning Commission recommendation
2. Council action on the proposal
3. East Bellevue Community Council public hearing and final action

ENCLOSURE

Public hearing staff report to the Planning Commission

City of Bellevue

STAFF REPORT TO THE PLANNING COMMISSION

September 3, 2014

SUBJECT

Public Hearing - Residential Room Rentals Permanent Regulations

STAFF CONTACT

Carol Helland, Land Use Director, 452-2724, chelland@bellevuewa.gov
Mike Bergstrom, Principal Planner, 452-2970, mbergstrom@bellevuewa.gov
Development Services Department

DIRECTION NEEDED FROM PLANNING COMMISSION

X Action
X Discussion
Information

INTRODUCTION

On September 10, 2014 the Planning Commission will hold a public hearing on a proposed Land Use Code Amendment that would create permanent regulations governing the rental of individual rooms in non-owner-occupied residential dwellings (Attachment A). The Commission held a study session on the proposed amendment on June 11, 2014 and requested that a public hearing be scheduled. At the conclusion of the public hearing the Commission will be asked to formulate a recommendation to Council on the proposal.

BACKGROUND

In September 2013 the City Council, in response to concerns raised by community residents about an emerging business model whereby an ownership group was purchasing homes with the intention of renting out individual rooms under separate lease agreements, adopted Ordinance No. 6128 (Attachment B) as an emergency measure to address, on an interim basis, that practice and its potential impacts. Initially in effect for six months, the provisions of Ordinance No. 6128 were later extended by Council adoption of Ordinance No. 6152. On August 4, 2014 Council adopted Ordinance No. 6172, extending the provisions of Ordinance No. 6128 once again, to March 23, 2015. Emergency measures are allowed under authority in Chapter 36.70A RCW and RCW 35A.13.190, and can be extended in periods of up to six months following a public hearing for each extension.

Council adopted the interim regulations to give the Planning Commission sufficient time to develop permanent regulations. To help the Commission in its work, Council approved a list of "guiding principles" (Attachment C), intended to result in narrowly-tailored permanent amendments to the Land Use Code to address the concerns expressed by the community.

Although the interim regulations are now in effect until March 23, 2015, those interim regulations will be repealed upon adoption of the permanent regulations.

ANALYSIS

The Planning Commission has previously seen (1) the interim regulations and (2) a draft of the permanent regulations. The key features of both are summarized below:

Interim Regulations Currently In Effect (Attachment B):

Ordinance No. 6128 contains the following key features:

- It lowers the number of unrelated people who can live together from 6 to 4;
- It clarifies what constitutes "related persons" (in the definition of "family");
- It allows more than 4 unrelated people to live together if they can demonstrate that they operate in a manner "functionally equivalent" to a family;
- It clarifies the definition of "boarding/rooming houses and bed and breakfasts"; and
- It provides for amortization of uses/leases that do not conform to the interim regulations.

Draft Permanent Regulations (Attachment A):

The draft permanent regulations take a different approach than the interim regulations. It is intended to accomplish the following:

- Allow the rental of an entire dwelling (no individual room rentals) to a "traditional" family, maximum 6 persons, unless <u>all</u> are related;
- Allow the rental of an entire dwelling (no individual room rentals) to a "self-identified" group (all unrelated or some combination of related/unrelated), maximum 6 persons total;
- Allow an owner-occupied dwelling to have a bed & breakfast or boarding house, maximum 2 rooms, subject to Home Occupation permit and all other current regulations;
- Regulate as a "rooming house" a dwelling that is not owner-occupied and offers individual rooms for rent in non-single-family districts.

This draft establishes "Rooming House" as a use, defined as follows:

> **"Rooming House.** A non-owner-occupied dwelling in which rooms are offered for rent or lease on an individual room basis."

This definition, together with the draft regulations summarized below, is proposed because it is this form of rental structure which has been identified by the community as their primary concern.

Key features of the current draft include:

- A rooming house would be allowed only in multi-family and mixed-use land use districts, not in single-family districts.
- Special regulations would apply to rooming houses (see below).

- Definitions of "Bed and Breakfast" and "Boarding House" would be revised to reflect owner-occupancy, and to specifically exclude "Rooming House". All other existing regulations that pertain to Bed and Breakfast and Boarding House uses would remain unchanged, including the requirement for a Home Occupation permit for either use.
- Definition of "Family" would be changed to place a 6-person limit on the total number of occupants, unless all are related by blood, marriage, or adoption.
- No provision for "functionally equivalent" family.
- A new definition of "Single Housekeeping Unit" is proposed.
- As noted above, a new definition of "Rooming House" is proposed.
- Provision for amortization of certain legally-established uses/leases that do not conform to the permanent regulations

Proposed Special Regulations for Rooming House uses:

The following general development requirements are proposed specifically for Rooming Houses:

- The Rooming House will be located in a detached single-family dwelling on its own parcel; and
- The Rooming House will offer no more than four rooms for rent to not more than a total of five individuals at any one time; and
- All rooms offered for rent shall be legally-established bedrooms; and
- A local owner, landlord, or registered agent shall be identified as the party responsible and accountable for compliance with the terms of the applicable Land Use Code provisions; and
- Legal on-site parking exists or will be provided, in a quantity equal to the number of bedrooms in the leased residence; and
- Appropriate provisions will be made for maintenance of the property exterior; and
- Appropriate provisions will be made for refuse collection, including trash, recycling, and yard waste; and
- A Rooming House shall comply with City of Bellevue noise and nuisance laws and health and safety codes, and with all other applicable City and State codes and regulations; and
- The designated owner, landlord, or registered agent shall be the "person responsible for the violation" in any civil violations proceedings under the terms of Chapter 1.18 BCC for failure to comply with this section. Tenants shall not be identified as responsible parties by virtue of signing a lease prepared by the owner, landlord, or registered agent for renting a room in a Rooming House.

At your June 11, 2014 study session the Commission discussed whether an Administrative Conditional Use permit should be required for Rooming Houses uses, but determined that such a requirement would not be necessary and might even hinder a goal of the proposed regulations, i.e., removing rooming houses from single-family districts. Therefore, rooming houses would be a permitted use, rather than an administrative conditional use, in the multi-family and mixed-use districts identified in the draft ordinance.

PUBLIC NOTICE AND COMMENT

Notice of the LUCA application was published in the Weekly Permit Bulletin on May 22, 2014. Notice of the Public Hearing was published on August 21, 2014.

There has been significant public interest in this amendment, as evidenced by substantial public testimony at each of the Planning Commission study sessions held on this topic. In fact, this amendment arose in response to public concerns expressed by members of the public regarding the practice of renting rooms in residential dwellings to multiple individuals when an owner did not reside in the residence. In addition, the Commission heard from a "housing panel" assembled by staff and consisting of representatives from the Spiritwood neighborhood, Bellevue College, Rental Housing Association of Washington, and Master Builders Association. Also, a Spiritwood neighborhood representative and Rental Housing Association of Washington representative met with City staff to provide their perspectives and suggestions for development of the permanent regulations. It is believed that the proposed amendment is consistent with the desires of the general public and with feedback provided by the Planning Commission after Commission consideration of public input.

Pursuant to the Washington State Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Land Use Code. A copy of the proposed amendment was provided to state agencies on July 10, 2014. No comments from state agencies have been received.

EAST BELLEVUE COMMUNITY COUNCIL COURTESY HEARING

On August 5, 2014 the East Bellevue Community Council held a courtesy hearing on the proposed ordinance. The subject of this ordinance has been of significant interest to the EBCC and residents within its jurisdiction, and several questions were asked by both the EBCC and members of the public. The EBCC suggested no changes to the proposed ordinance.

STATE ENVIRONMENTAL POLICY ACT

The Environmental Coordinator for the City of Bellevue has determined that this proposal will not result in any probable, significant, adverse environmental impacts. A Determination of Non-Significance (DNS) was issued on August 21, 2014 (Attachment D).

DECISION CRITERIA

LUC 20.30J.135 provides the decision criteria for amendments to the text of the Land Use Code:

A. The amendment is consistent with the Comprehensive Plan; and

The proposed amendment is supported by the following Comprehensive Plan policies:

Land Use Element Goal: To develop and maintain a land use pattern that:

- Protects natural systems and helps realize the vision of a "City in a Park";
- Maintains and strengthens the vitality, quality and character of Bellevue's residential neighborhoods;
- Supports the Downtown Urban Center and a variety of other commercial areas serving the city and the larger region;
- Supports and is supported by a variety of mobility options;
- Is aesthetically pleasing; and
- Makes efficient use of urban land.

LU-19. Maintain stability and improve the vitality of residential neighborhoods through adherence to, and enforcement of, the city's land use regulations.

HO-3. Refine Land use Code standards to improve the compatibility of single family infill development with the neighborhood.

B. The amendment enhances the public health, safety or welfare; and

The amendment will enhance the public health, safety, and welfare by regulating a business practice that has adversely impacted single-family neighborhoods. It will limit this practice to appropriate land use districts, thereby reinforcing the quality and character of single-family neighborhoods.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

The amendment is consistent with the best interest of the citizens and property owners. It will allow for a variety of housing opportunities while preserving the quality and character of single-family neighborhoods.

RECOMMENDATION

Move to recommend that the City Council approve the proposed Land Use Code Amendment.

NEXT STEPS

Steps necessary to complete development and adoption of the permanent regulations are shown below. No dates have yet been set for these steps:

1. Council study session – transmittal of Planning Commission recommendation
2. Council action on proposed ordinance
3. East Bellevue Community Council public hearing and final action

ATTACHMENTS

A. Draft Ordinance for Permanent Regulations
B. Ordinance No. 6128 – Interim Regulations Currently In Effect
C. Principles to Guide Development of Permanent Rental Housing Regulations
D. SEPA Determination

Draft Permanent Room Rental Regulations

Section 1. Section 20.10.440 – Residential Land Use Charts - of the Bellevue Land Use Code is hereby amended to add "rooming house" as a permitted use in the following land use districts: R-10, R-15, R-20, R-30, OLB, CB, F1, F2, and F3, and to add the following related note 17:

17. See LUC 20.20.700 for general development requirements for Rooming House.

The "rooming house" use listing shall be placed in the use chart immediately above the "Senior Citizen Dwellings" listing.

Section 2. Section 20.25D.070 of the Bellevue Land Use Code is hereby amended to add "rooming house" as a permitted use in the following land use districts: BR-OR,BR-RC, BR-R, BR-CR, and BR-ORT, and to add the following related note 6:

6. See LUC 20.20.700 for general development requirements for Rooming House.

The "rooming house" use listing shall be placed in the use chart immediately above the "Hotels and Motels" listing.

Section 3. Section 20.25F.010 of the Bellevue Land Use Code is hereby amended to add "rooming house" as a permitted use in the following land use district: EH-A, and to add the following related note 12:

12. See LUC 20.20.700 for general development requirements for Rooming House.

The "rooming house" use listing shall be placed in the use chart immediately below the "Five or more dwelling units per structure" listing.

Section 4. Section 20.20.700 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.700 Rooming houses.

~~The requirements of LUC 20.20.140 apply to rooming houses.~~

A. Rooming Houses, where permitted, shall comply with the following:

1. The Rooming House shall be located in a detached single-family dwelling on its own parcel; and

2. The Rooming House shall offer no more than four rooms for rent to not more than a total of five individuals at any one time; and

3. All rooms offered for rent shall be legally-established bedrooms; and

4. An owner, landlord, or registered agent shall be identified as the party responsible and accountable for compliance with the provisions of this section. Said party shall be local, and the name and contact information for that party shall be filed with the City prior to establishing the rooming house; and

DRAFT

5. Legal on-site parking exists or shall be provided in a quantity equal to the number of bedrooms leased or available for lease; and

6. Appropriate provisions shall be made for maintenance of the property exterior; and

7. Appropriate provisions shall be made for refuse collection, including trash, recycling, and yard waste.

B. A Rooming House shall comply with City of Bellevue noise and nuisance laws and health and safety codes, and with all other applicable City and State codes and regulations.

C. The owner, landlord, or registered agent designated pursuant to Section A.4 above shall be the "person responsible for the violation" in any civil violations proceedings under the terms of Chapter 1.18 BCC for failure to comply with this section. Tenants shall not be identified as responsible parties by virtue of signing a lease prepared by the owner, landlord, or registered agent for renting a room in a Rooming House.

Section 5. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Bed and Breakfast" to read as follows:

20.50.012 Bed and Breakfast. An owner-occupied dwelling which temporarily houses guests for profit. A Bed and Breakfast does not include a Rooming House as defined in LUC 20.50.044. (Refer to LUC 20.20.140 for General Development Requirements applicable to Bed and Breakfast uses).

Section 6. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Boarding House" to read as follows:

20.50.012 Boarding House. An owner-occupied dwelling in which ~~roomers and/or boarders~~ individuals unrelated to the owner are housed and/or fed for profit. This definition includes Transient Lodging as defined in LUC 20.50.048. (~~See~~Refer to LUC 20.20.140 for General Development Requirements applicable to Boarding House uses). A boarding house does not include a Rooming House as defined in LUC 20.50.044.

Section 7. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to revise the definition of "Family" to read as follows:

20.50.020 Family. Not more than six~~One or more~~ persons, unless all are related by blood, marriage, or legal adoption, ~~(but not more than six unrelated persons)~~ living together as a single housekeeping unit. For purposes of this definition and notwithstanding any other provision of this Code, children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) will not be counted as unrelated persons.

Section 8. Section 20.50.044 of the Bellevue Land Use Code is hereby amended to add a new definition of "Rooming House" to read as follows:

20.50.044 Rooming House. A non-owner-occupied dwelling that is subject to multiple leases or in which rooms are offered for rent or lease on an individual room basis. (Refer to LUC 20.20.700 for General Development Requirements applicable to Rooming House uses).

DRAFT

Section 9. Section 20.50.046 of the Bellevue Land Use Code is hereby amended to add a new definition of "Single Housekeeping Unit" to read as follows:

20.50.046 Single Housekeeping Unit. One household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method. If the dwelling unit is rented, the household members must jointly occupy the unit under a single lease in order to be considered a single housekeeping unit.

Section 10. Amortization for Certain Nonconforming Uses. Notwithstanding Section 20.20.560 of the Bellevue Land Use Code, any use of a structure or of land which does not conform to the regulations of the district in which the use exists due to changes in the definitions or other Land Use Code provisions adopted by this ordinance, which use lawfully existed on the date such changes became effective, shall be discontinued by one year from effective date of ordinance.

*****END*****

DRAFT

1352-ORD
09/19/13

ORIGINAL

Attachment B

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6128

AN ORDINANCE of the City of Bellevue, Washington, adopting interim official zoning controls to address impacts resulting from the rental of multiple rooms in single-family dwellings to unrelated individuals, by amending the definitions of "boarding house" and "family" and creating a new definition of "rooming house", for a period of six months, to be in effect while the City drafts, considers, holds hearings, and adopts permanent regulations, to be effective immediately upon adoption, scheduling a hearing on the maintenance of the interim zoning ordinance, providing for severability, and declaring an emergency.

WHEREAS, the Bellevue Comprehensive Plan seeks to maintain and strengthen the vitality, quality, and character of Bellevue's residential neighborhoods while providing housing choices and affordability; and

WHEREAS, the City of Bellevue has begun an update of its Comprehensive Plan as mandated by the Growth Management Act, and that update will include a broader evaluation of the community's housing policies, needs, and related issues; and

WHEREAS, the Bellevue City Council has recently heard numerous concerns from citizens about the rental of multiple rooms in single-family dwellings to unrelated individuals and under separate lease agreements, and the impacts of such rentals; and

WHEREAS, the concerns and impacts identified by citizens include the erosion of single-family neighborhood character, from a stable neighborhood character to one that is more transitory, increased density, declining property maintenance, and increased on-street parking, traffic, noise and instances of speeding, among others; and

WHEREAS, the Bellevue Land Use Code currently defines "family" as one or more persons (but not more than six unrelated persons) living together as a single housekeeping unit, but does not define "single housekeeping unit"; and

WHEREAS, the American Community Survey for 2007-2011 shows that the average single-family household size in Bellevue is 2.75 persons; and

WHEREAS, the Bellevue City Council has determined that this rental practice and its real and potential impacts threaten the vitality, quality, stability, and single-

family character of Bellevue's residential neighborhoods, and that emergency action is warranted to diminish this threat; and

WHEREAS, the adoption of the interim controls contained herein will address the immediate impacts resulting from the above-described rental practice, will protect the stability and character of Bellevue's single-family neighborhoods, and will provide an opportunity for the City to more fully research and develop appropriate long-term strategies; and

WHEREAS, the Bellevue City Council has determined that the termination of existing uses that do not conform to the interim controls by July 1, 2014, will fairly and reasonably balance the interests of property owners and users with the benefit to the public; and

WHEREAS, pursuant to WAC 197-11-880, actions that must be undertaken immediately or within a time too short to allow full compliance with the State Environmental Policy Act (SEPA), to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the provisions of that Act (see also BCC 22.02.050); and

WHEREAS, pursuant to RCW 36.70A.390 a public hearing must be held within 60 days of the passage of this ordinance; and

WHEREAS, the potential adverse impacts upon the public safety, welfare, and peace, as outlined herein, justify the declaration of an emergency; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.20.140 of the Bellevue Land Use Code is hereby amended to revise the general development requirements applicable to "Boarding Houses and bed and breakfasts," to read as follows:

20.20.140 Boarding/<u>rooming</u> houses and bed and breakfasts.
Boarding/<u>rooming</u> houses and bed and breakfasts require a Home Occupation Permit, Part 20.30N LUC, approval. In addition, not more than two rooms may be rented to not more than two persons other than those occupying a single-family dwelling, provided there is compliance with health and building code requirements. The owner of the rooms to be rented shall provide off-street parking for such rooms at the rate of at least one parking stall for each room.

Section 2. Section 20.20.700 of the Bellevue Land Use Code is hereby deleted.

Section 3. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Boarding House," to read as follows:

20.50.012 B definitions.

Boarding/Rooming House. A dwelling in which ~~roomers and/or boarders~~ individuals unrelated to the owner are housed and/or fed for profit for any time period, including stays of 30 days or more. This definition includes, but is not limited to, Transient Lodging as defined in LUC 20.50.048. (Refer to ~~see~~ LUC 20.20.140 for General Development Requirements applicable to Boarding/Rooming House uses).

Section 4. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to revise the definition of "Family," to read as follows:

20.50.020 F definitions.

Family. One or more adult persons related by blood, marriage, or legal adoption ~~(but not more than six unrelated persons)~~; or a group of not more than four unrelated adult persons living together ~~as a single housekeeping unit~~in a dwelling unit. A group of more than four unrelated adult persons living together in a dwelling unit may also be included within the definition of "Family" if they demonstrate to the Director that they operate in a manner that is functionally equivalent to a Family. Factors that shall be considered by the Director include whether the group of more than four unrelated persons:

a. Shares the entire dwelling unit or act as separate roomers;
b. Includes minor, dependent children regularly residing in the household;
c. Can produce proof of sharing expenses for food, rent, or ownership costs, utilities, and other household expenses;
d. Shares common ownership of furniture and appliances among the members of the household;
e. Constitutes a permanent living arrangement, and is not a framework for transient living;
f. Maintains a stable composition that does not change from year to year or within the year;
g. Is not a society, fraternity, sorority, lodge, organization or other group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary; or
h. Can demonstrate any other factors reasonably related to whether or not the group of persons is the functional equivalent of a family.

For purposes of this definition and notwithstanding any other provision of this Code, children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) will not be counted as unrelated persons.

Section 5. Amortization for Certain Nonconforming Uses. Notwithstanding Section 20.20.560 of the Bellevue Land Use Code, any use of a structure or of land which does not conform to the regulations of the district in which the use exists due to changes in the definition of "Boarding/Rooming House" in Section 20.50.012 and/or "Family" in Section 20.50.020, adopted on September 23, 2013, which use lawfully existed on the date such changes became effective, shall be discontinued by July 1, 2014.

Section 6. Duration and Scope of Interim Regulations. The interim regulations imposed by this ordinance shall become effective on the date herein, and shall continue in effect for an initial period of sixty (60) days, unless repealed, extended, or modified by the City Council after subsequent public hearings and the entry of additional findings of fact pursuant to RCW 35A.63.220.

Section 7. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing on this ordinance within sixty (60) days of its adoption, or no later than November 22, 2013, so as to hear and consider public comment and testimony regarding this ordinance. Following such hearing, the City Council may adopt additional findings of fact, and may extend the interim regulations for a period of up to six (6) months. If a period of more than six months is required to complete consideration of any changes to city codes, the Council may adopt additional extensions after any required public hearing, pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 8. Permanent Regulations. The City Council hereby directs the staff to develop for its review and adoption permanent regulations to adopt the interim regulations adopted herein, and to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 9. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 10. Public Emergency. The City Council hereby finds and declares that a public emergency exists and that this ordinance is a public emergency ordinance necessary for the protection of the public health and safety and should, therefore, take effect upon adoption. The facts upon which this public emergency is based include all recitals set out in this ordinance as well as those facts contained in the legislative record.

Section 11. Effective Date. In accordance with RCW 35A.13.190, this ordinance, as a public emergency ordinance, shall take effect and be in force immediately upon adoption by a majority plus one of the City Council.

1352-ORD
09/19/13

ORIGINAL

PASSED by the City Council this 23rd day of September, 2013, and signed in authentication of its passage this 23rd day of September, 2013.

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich, City Clerk

Published September 26, 2013.

Attachment C

Approved by Council on November 4, 2013

Planning Commission Principles to Guide Development of Permanent Rental Housing Regulations

Issue Presented: Residents of the Spiritwood neighborhood have raised concerns about an emerging business model in their single family neighborhood where an ownership group is purchasing homes with the intention of renting out individual rooms under separate lease agreements. If this practice is not curtailed, impacts on neighborhood livability are anticipated to continue and to increase over time.

Emergency Action Taken: On September 23, the City Council adopted Ordinance No. 6128 as an emergency ordinance under the authority in Chapter 36.70A RCW and RCW 35A.13.190. This interim zoning control (1) deleted the general development regulations applicable to rooming houses; (2) clarified that boarding home performance criteria apply to rooming houses; (3) amended the definition of "Boarding House;" and (4) amended the definition of "Family" to address impacts resulting from the rental of multiple rooms in single family dwellings to unrelated individuals.

Work Program Item: The Planning Commission is being asked to develop narrowly tailored permanent amendments to the Land Use Code that address issues presented by the Spiritwood neighbors.

Principles to Guide the Planning Commission Work

1. The Council-adopted emergency ordinance should be used as a starting point for the Planning Commission work.
2. Work on the code amendment should progress expeditiously, with the goal of having permanent regulations in place by July 2014.
3. The recommended amendments should be narrowly tailored to prevent the conversion of single family homes to dormitory-like uses. With this goal in mind, the regulations should seek to ensure that:
    a. Impacts of unrelated persons occupying a rental house are not greater than the impacts associated with a group of related persons occupying a home.
    b. Single family homes are not designed to support future conversion to dormitory-like uses.
    c. Impediments are not created that would limit access to fair housing choices for protected classes of people.
    d. Tools to limit impacts are capable of being enforced.
4. City-wide impacts of the permanent amendments should be evaluated to ensure that negative consequences on rental housing and appropriate housing design are minimized.
5. Work on the rental housing amendment should not be undertaken in a manner that will delay final completion of the Shoreline Master Program Update, and the City Council will consider extensions to the Emergency Rental Housing Ordinance if necessary to accommodate Planning Commission review of these permanent regulations.

6. Policy topics relating to housing affordability and availability are part of a longer term strategy that should not be undertaken during current development of the narrowly tailored amendments contemplated to address the Spiritwood issue. The Comprehensive Plan Update that is currently underway and expected to result in additional code development work late in 2014 is the proper forum to discuss broader policies such as:
    a. Placing limits on garage conversions for living space;
    b. Adopting additional single room occupancy regulations;
    c. Evaluating the appropriate role of detached accessory dwelling units in the provision of fair housing choices;
    d. Evaluating the single family home definition to ensure that it is appropriately specific to foster development of desired housing options without encouraging the commercial use of housing in single family neighborhoods;
    e. Addressing “apodments” and micro-housing development trends; and
    f. Considering the role of rental registration and inspection program options as a viable enforcement strategy.

Attachment C

Approved by Council on November 4, 2013

Planning Commission Principles to Guide Development of Permanent Rental Housing Regulations

Issue Presented: Residents of the Spiritwood neighborhood have raised concerns about an emerging business model in their single family neighborhood where an ownership group is purchasing homes with the intention of renting out individual rooms under separate lease agreements. If this practice is not curtailed, impacts on neighborhood livability are anticipated to continue and to increase over time.

Emergency Action Taken: On September 23, the City Council adopted Ordinance No. 6128 as an emergency ordinance under the authority in Chapter 36.70A RCW and RCW 35A.13.190. This interim zoning control (1) deleted the general development regulations applicable to rooming houses; (2) clarified that boarding home performance criteria apply to rooming houses; (3) amended the definition of "Boarding House;" and (4) amended the definition of "Family" to address impacts resulting from the rental of multiple rooms in single family dwellings to unrelated individuals.

Work Program Item: The Planning Commission is being asked to develop narrowly tailored permanent amendments to the Land Use Code that address issues presented by the Spiritwood neighbors.

Principles to Guide the Planning Commission Work

1. The Council-adopted emergency ordinance should be used as a starting point for the Planning Commission work.
2. Work on the code amendment should progress expeditiously, with the goal of having permanent regulations in place by July 2014.
3. The recommended amendments should be narrowly tailored to prevent the conversion of single family homes to dormitory-like uses. With this goal in mind, the regulations should seek to ensure that:
    a. Impacts of unrelated persons occupying a rental house are not greater than the impacts associated with a group of related persons occupying a home.
    b. Single family homes are not designed to support future conversion to dormitory-like uses.
    c. Impediments are not created that would limit access to fair housing choices for protected classes of people.
    d. Tools to limit impacts are capable of being enforced.
4. City-wide impacts of the permanent amendments should be evaluated to ensure that negative consequences on rental housing and appropriate housing design are minimized.
5. Work on the rental housing amendment should not be undertaken in a manner that will delay final completion of the Shoreline Master Program Update, and the City Council will consider extensions to the Emergency Rental Housing Ordinance if necessary to accommodate Planning Commission review of these permanent regulations.

6. Policy topics relating to housing affordability and availability are part of a longer term strategy that should not be undertaken during current development of the narrowly tailored amendments contemplated to address the Spiritwood issue. The Comprehensive Plan Update that is currently underway and expected to result in additional code development work late in 2014 is the proper forum to discuss broader policies such as:
    a. Placing limits on garage conversions for living space;
    b. Adopting additional single room occupancy regulations;
    c. Evaluating the appropriate role of detached accessory dwelling units in the provision of fair housing choices;
    d. Evaluating the single family home definition to ensure that it is appropriately specific to foster development of desired housing options without encouraging the commercial use of housing in single family neighborhoods;
    e. Addressing “apodments” and micro-housing development trends; and
    f. Considering the role of rental registration and inspection program options as a viable enforcement strategy.

Attachment D

DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
11511 MAIN ST., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: City of Bellevue

LOCATION OF PROPOSAL: Citywide

DESCRIPTION OF PROPOSAL:

Land Use Code Amendment (LUCA) to establish permanent regulations governing the rental of rooms in residential dwellings to multiple unrelated individuals. The permanent regulations will replace interim regulations adopted by ordinance No. 6128 and extended by ordinance No. 6152. The amendment will establish a new land use – "Rooming House" – as a Permitted Use in the R-10–R-30, OLB, F1, F2, F3, BR-OR, BR-R, BR-RC, BR-R, BR-CR, BR-ORT, and EH-A land use districts, and as a prohibited use in single-family land use districts. The proposal will create general development requirements applicable to "Rooming House" uses, create new definitions of "Rooming House" and "Single Housekeeping Unit", amend definitions of "Bed and Breakfast", "Boarding House", and "Family", provide for amortization of certain nonconforming uses, and repeal Ordinance No. 6128 (which adopted interim regulations), Ordinance No. 6152 (which extended the provisions of Ordinance No. 6128 to September 23, 2014), and Ordinance No. 6172 (which further extended the provisions of Ordinance No. 6128 to March 23, 2015).

FILE NUMBER: 13-133383 AD

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

____ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.

_X_ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. Only persons who submitted written comments before the DNS was issued may appeal the decision. An appeal of the SEPA Decision shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290. For information on how to appeal a proposal, visit the Permit Center at City Hall or call 452-6800.

____ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on _____ _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project): or if the DNS was procured by misrepresentation or lack of material disclosure.

Matthew Swift 8-7-14

Environmental Coordinator Date

OTHERS TO RECEIVE THIS DOCUMENT:
State Department of Fish and Wildlife
State Department of Ecology, Shoreline Planner N.W. Region
Army Corps of Engineers
Attorney General
Muckleshoot Indian Tribe

City of Bellevue
Department of Planning and Community Development
Environmental Review and State Environmental Policy Act Threshold Determination

Proposal Name:	**Land Use Code Amendment (LUCA) establishing permanent regulations governing the rental of rooms in residential dwellings to multiple unrelated individuals. The permanent regulations will replace interim regulations adopted by Ordinance No. 6128 and extended by Ordinance No. 6152. File No. 13-133383 AD.**
Proposal Address:	City-wide
Proposal Description:	Land Use Code Amendment (LUCA) to establish permanent regulations governing the rental of rooms in residential dwellings to multiple unrelated individuals. The permanent regulations will replace interim regulations adopted by ordinance No. 6128 and extended by ordinance No. 6152. The amendment will establish a new land use – "Rooming House" – as a Permitted Use in the R-10–R-30, OLB, F1, F2, F3, BR-OR, BR-R, BR-RC, BR-R, BR-CR, BR-ORT, and EH-A land use districts, and as a prohibited use in single-family land use districts. The proposal will create general development requirements applicable to "Rooming House" uses, create new definitions of "Rooming House" and "Single Housekeeping Unit", amend definitions of "Bed and Breakfast", "Boarding House", and "Family", provide for amortization of certain nonconforming uses, and repeal Ordinance No. 6128 (which adopted interim regulations), Ordinance No. 6152 (which extended the provisions of Ordinance No. 6128 to September 23, 2014), and Ordinance No. 6172 (which further extended the provisions of Ordinance No. 6128 to March 23, 2015).
File Number:	**13-133383 AD**
Applicant:	City of Bellevue
Decisions Included:	SEPA Threshold Determination
SEPA Planner:	David Pyle, Senior Planner
State Environmental Policy Act Threshold Determination:	**Determination of Non-Significance (DNS)** Carol Helland Environmental Coordinator

Application Date:	October 30, 2013
Application Publication Date in Bulletin:	May 22, 2014
SEPA Decision Publication Date:	August 21, 2014
SEPA Appeal Deadline:	Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. An appeal of the SEPA Decision shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290. For information on how to appeal a proposal, visit the Permit Center at City Hall or call 452-6800.

I. Proposal Description and Objectives

Land Use Code Amendment (LUCA) to establish permanent regulations governing the rental of rooms in residential dwellings to multiple unrelated individuals. The permanent regulations will replace interim regulations adopted by ordinance No. 6128 and extended by ordinance No. 6152. The amendment will establish a new land use – "Rooming House" – as a Permitted Use in the R-10–R-30, OLB, F1, F2, F3, BR-OR, BR-R, BR-RC, BR-R, BR-CR, BR-ORT, and EH-A land use districts, and as a prohibited use in single-family land use districts. The proposal will create general development requirements applicable to "Rooming House" uses, create new definitions of "Rooming House" and "Single Housekeeping Unit", amend definitions of "Bed and Breakfast", "Boarding House", and "Family", provide for amortization of certain nonconforming uses, and repeal Ordinance No. 6128 (which adopted interim regulations), Ordinance No. 6152 (which extended the provisions of Ordinance No. 6128 to September 23, 2014), and Ordinance No. 6172 (which further extended the provisions of Ordinance No. 6128 to March 23, 2015).

The objective of the proposal is to establish regulations addressing the practice of renting rooms in residential dwellings to multiple unrelated individuals, in a way that ensures that impacts of such practice are avoided or minimized, the needs and rights of renters and homeowners alike are balanced, and the guiding principles provided by Council for this work are fulfilled (see "Purpose and need to which the proposal is responding", below).

The proposal has evolved since the initial application and completion of the environmental checklist. While the proposal objectives have not changed, the method of achieving them has changed as a result of public participation and to respond to community concerns. As originally described, the proposal would have created a new land use called "High Occupancy Dwelling" as an Administrative Conditional Use (ACU) in all residential land use districts, including single-family districts, as well as several multi-family and mixed-use districts. A High Occupancy Dwelling was defined as being a building which proposes to house, or currently houses, five or more unrelated individuals. The current version replaces the High Occupancy Dwelling concept with the Rooming House

concept, and limits such uses to a maximum of four room rentals (with a total of no more than 5 individual tenants) in a non-owner-occupied dwelling in multi-family and mixed-use districts only. A "Rooming House" would be defined as "A non-owner-occupied dwelling that is subject to multiple leases or in which rooms are offered for rent or lease on an individual room basis", and would be subject to new general development requirements aimed at reducing the potential impacts of such uses. Whereas this rental practice is presently occurring in single-family land use districts, under the proposal rooming houses would be prohibited in those districts. See Section IV – Major Conclusions, below.

II. Environmental Record

The environmental summary consists of analysis based on the following documents and studies in the environmental record or, if noted, incorporated by reference.

- Environmental Checklist, Supplemental Sheet for Nonproject Actions, prepared by Michael Bergstrom, City of Bellevue Development Services Department, dated May 9, 2014. (Attachment A)

- Draft Proposed Land Use Code Amendment, File No. 13-133383 AD. (Attachment B)

III. Proposed Timing and Phasing

The Planning Commission is scheduled to hold a public hearing on the amendments in September 2014. The City Council is expected to act on the amendment in the fall of 2014.

IV. Environmental Summary

Purpose and Need to Which the Proposal is Responding

In response to numerous concerns from citizens about the rental of multiple rooms in residential dwellings to unrelated individuals and under separate lease agreements, the City Council adopted interim regulations in September 2013 to remain in effect until permanent regulations could be adopted. Concerns raised include the erosion of single-family neighborhood character, from a stable neighborhood character to one that is more transitory, increased density, declining property maintenance, and increased on-street parking, traffic, noise, and instances of speeding, among others. Council determined that this rental practice and its real and potential impacts threaten the vitality, quality, stability, and single-family character of Bellevue's residential neighborhoods.

Council directed the Planning Commission to develop the permanent regulations which will, upon adoption, replace the interim regulations currently in effect. Council provided the Commission with the following principles to guide the development of the permanent regulations:

1. The Council-adopted emergency ordinance should be used as a starting point for the Planning Commission work.
2. Work on the code amendment should progress expeditiously, with the goal of having permanent regulations in place by July 2014.
3. The recommended amendments should be narrowly tailored to prevent the conversion of single family homes to dormitory-like uses. With this goal in mind, the regulations should seek to ensure that:
    a. Impacts of unrelated persons occupying a rental house are not greater than the impacts associated with a group of related persons occupying a home.
    b. Single family homes are not designed to support future conversion to dormitory-like uses.
    c. Impediments are not created that would limit access to fair housing choices for protected classes of people.
    d. Tools to limit impacts are capable of being enforced.
4. City-wide impacts of the permanent amendments should be evaluated to ensure that negative consequences on rental housing and appropriate housing design are minimized.
5. Work on the rental housing amendment should not be undertaken in a manner that will delay final completion of the Shoreline Master Program Update, and the City Council will consider extensions to the Emergency Rental Housing Ordinance if necessary to accommodate Planning Commission review of these permanent regulations.
6. Policy topics relating to housing affordability and availability are part of a longer term strategy that should not be undertaken during current development of the narrowly tailored amendments contemplated to address the Spiritwood issue. The Comprehensive Plan Update that is currently underway and expected to result in additional code development work late in 2014 is the proper forum to discuss broader policies such as:
    a. Placing limits on garage conversions for living space;
    b. Adopting additional single room occupancy regulations;
    c. Evaluating the appropriate role of detached accessory dwelling units in the provision of fair housing choices;
    d. Evaluating the single family home definition to ensure that it is appropriately specific to foster development of desired housing options without encouraging the commercial use of housing in single family neighborhoods;

e. Addressing "apodments" and micro-housing development trends; and
f. Considering the role of rental registration and inspection program options as a viable enforcement strategy.

The proposal is intended to respond to the concerns raised by citizens, consistent with the above Council-provided principles.

Major Conclusions, Significant Areas of Controversy and Uncertainty

The proposal is intended to address controversy and concern that has resulted from the practice by some property owners of renting rooms in residential dwellings to multiple unrelated individuals under separate lease agreements. Input received during public comment periods, public hearings, and Planning Commission review has helped shaped the general approach and details of the proposal. Still, tensions between landlords, renters, and homeowners could remain. The proposed prohibition of rooming houses in single-family districts will remove one option for rental of homes in those districts, and will reduce over time the number of rooming houses already established in those districts. This impact is expected to be non-significant, however, given the minority of rentals that currently operate as a rooming house (as defined in the proposed LUCA), and the fact that opportunities for this use will be provided in other land use districts. Ultimately, the Commission will balance these tensions in its recommendation to Council.

The original form of the proposal would have created general development requirements applicable to High Occupancy Dwellings. The general development requirements now proposed for Rooming Houses are very similar to those included in the original form of the proposal. The current form of the proposal is expected to have even less of an environmental impact that the original form, due to the proposed restriction against Rooming Houses in single-family land use districts. These uses, and their associated impacts, will be directed to more suitable land use districts. The proposed general development standards applicable to Rooming Houses will mitigate the potential impact of these uses.

Issues to be Resolved, Including Environmental Choices to Made Between Alternatives Courses of Action

No major issues to be resolved. The alternative course of action would be to not adopt the proposed LUCA. In terms of environmental impacts, the two alternatives are not significantly different, though if the proposed LUCA is not adopted the existing impacts resulting from the current rental practices would continue. Adopting the LUCA will reduce these impacts by limiting the land use districts in which rooming houses are permitted, ensuring sufficient parking for such uses, and ensuring adequate provisions for site maintenance, refuse collection, and similar concerns.

V. Conclusion and Determination

For the proposal, environmental review indicates no probability of significant adverse environmental impacts. Therefore, issuance of a **Determination of Non-Significance** pursuant to WAC 197-11-340 and Bellevue City Code 22.02.034 is appropriate.

Other adverse impacts that are less than significant may be mitigated pursuant to Bellevue City Code 22.02.140, RCW 43.21C.060, and WAC 197-11-660.

VI. Mitigation Measures

There are no recommended SEPA-based mitigating measures for this proposal. The lead agency has determined that the requirements for environmental mitigation have been adequately addressed in the development regulations and comprehensive plans adopted under Chapter 36.70A RCW and in other applicable local, state or federal laws or rules, as provided by RCW 42.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA.

Attachment A: SEPA Checklist prepared by City of Bellevue Development Services Department and dated May 9, 2014
Attachment B: Draft Proposed Land Use Code Amendment

CITY OF BELLEVUE
ENVIRONMENTAL CHECKLIST
(Integrated SEPA/GMA Process)

A. BACKGROUND INFORMATION

PROPOSAL TITLE: Land Use Code Amendment establishing permanent regulations governing the rental of rooms in residential dwellings to multiple unrelated individuals. The permanent regulations will replace interim regulations adopted by Ordinance No. 6128 and extended by Ordinance No. 6152. File No. 13-133383 AD.

PROPERTY OWNERS' NAME: N/A; applies City-wide

PROPOSAL LOCATION: City-wide

PROPONENT'S NAME: City of Bellevue, Development Services Department

CONTACT PERSON'S NAME: Michael Bergstrom, Principal Planner

CONTACT PERSON'S ADDRESS: Development Services Department
City of Bellevue
P.O. Box 90012
Bellevue, WA 98009-9012

CONTACT PERSON'S PHONE: 425-452-2970

BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:

1. **General description:** Land Use Code Amendment (LUCA) to establish permanent regulations governing the rental of rooms in residential dwellings to multiple unrelated individuals. The permanent regulations will replace interim regulations adopted by Ordinance No. 6128 and extended by Ordinance No. 6152. The amendment will establish a new land use - "Dwelling, High Occupancy" - as an Accessory Conditional Use (ACU) in the R-1 – R-30, BR-OR/OR-1, BR-R, BR-CR, BR-ORT, and EH-A land use districts. The proposal will amend general development requirements applicable to "boarding houses and bed and breakfasts" and "rooming houses", create new general development requirements for "high occupancy dwelling", amend definitions of "bed and breakfast", "boarding house", and "family", create a new definition of "dwelling, high occupancy", and repeal Ordinance No. 6126 (which adopted interim regulations) and Ordinance No. 6152 (which extended Ordinance No. 6128 to September 23, 2014).

2. **Site acreage:** Applies city-wide.

3. **Number of dwelling units/buildings to be demolished:** N/A

4. **Number of dwelling units/buildings to be constructed:** N/A

5. **Square footage of buildings to be demolished:** N/A

6. **Square footage of buildings to be constructed:** N/A

7. **Quantity of earth movement (in cubic yards):** N/A

8. **Proposed land use:** A new land use – "Dwelling, High Occupancy" – and associated general development requirements is proposed. "Dwelling, High Occupancy" will be defined as "A building designed to house, or does house, five or more unrelated individuals." This use will be permitted as an Accessory Conditional Use (ACU) per Part 20.30E LUC, and will be subject to the general ACU approval criteria of LUC 20.30E.140 as well as general development requirements specific to the High Occupancy Dwelling use.

9. **Design features, including building height, number of stories and proposed exterior materials:** The proposal will not change any Land Use Code requirements pertaining to building size, height, design, appearance, location on property, or other regulation affecting observable physical attributes of existing or proposed structures.

10. **Other:** N/A

Proposed timing or schedule (including phasing, if applicable): Final action on the LUCA by the City Council is expected to occur prior to the September 23, 2014 expiration of interim regulations adopted by Ordinance No. 6128 and extended by Ordinance No. 6152.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. It is expected that future ACU applications to establish High Occupancy Dwellings will be received and processed, consistent with the proposed regulations.

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. None other than this SEPA checklist.

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known. No known applications are pending.

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known. Ordinance

adoption by the City Council. The ordinance will be subject to the disapproval jurisdiction of the East Bellevue Community Council. No other permits have been applied for.

B. ENVIRONMENTAL ELEMENTS

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235.3.b.

C. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)

SUMMARY

Project Summary: Land Use Code Amendment establishing permanent regulations governing the rental of rooms in residential dwellings to multiple unrelated individuals. The permanent regulations will replace interim regulations adopted by Ordinance No. 6128 and extended by Ordinance No. 6152.

Environmental Summary per WAC 197-11-235(3)(b):

State the proposal's objectives: The objective of the proposal is to establish regulations addressing the practice of renting rooms in residential dwellings to multiple unrelated individuals, in a way that ensures that impacts of such practice are avoided or minimized, the needs and rights of renters and homeowners alike are balanced, and the guiding principles provided by Council for this work are fulfilled (see below).

Specify the purpose and need to which the proposal is responding: In response to numerous concerns from citizens about the rental of multiple rooms in residential dwellings to unrelated individuals and under separate lease agreements, the City Council adopted interim regulations in September 2013 to remain in effect until permanent regulations could be adopted. Concerns raised include the erosion of single-family neighborhood character, from a stable neighborhood character to one that is more transitory, increased density, declining property maintenance, and increased on-street parking, traffic, noise, and instances of speeding, among others. Council determined that this rental practice and its real and potential impacts threaten the vitality, quality, stability, and single-family character of Bellevue's residential neighborhoods.

Council directed the Planning Commission to develop the permanent regulations which will, upon adoption, replace the interim regulations currently in effect. Council provided the Commission with the following principles to guide the development of the permanent regulations:

1. The Council-adopted emergency ordinance should be used as a starting point for the Planning Commission work.
2. Work on the code amendment should progress expeditiously, with the goal of having permanent regulations in place by July 2014.
3. The recommended amendments should be narrowly tailored to prevent the conversion of single family homes to dormitory-like uses. With this goal in mind, the regulations should seek to ensure that:

a. Impacts of unrelated persons occupying a rental house are not greater than the impacts associated with a group of related persons occupying a home.
b. Single family homes are not designed to support future conversion to dormitory-like uses.
c. Impediments are not created that would limit access to fair housing choices for protected classes of people.
d. Tools to limit impacts are capable of being enforced.

4. City-wide impacts of the permanent amendments should be evaluated to ensure that negative consequences on rental housing and appropriate housing design are minimized.
5. Work on the rental housing amendment should not be undertaken in a manner that will delay final completion of the Shoreline Master Program Update, and the City Council will consider extensions to the Emergency Rental Housing Ordinance if necessary to accommodate Planning Commission review of these permanent regulations.
6. Policy topics relating to housing affordability and availability are part of a longer term strategy that should not be undertaken during current development of the narrowly tailored amendments contemplated to address the Spiritwood issue. The Comprehensive Plan Update that is currently underway and expected to result in additional code development work late in 2014 is the proper forum to discuss broader policies such as:
   a. Placing limits on garage conversions for living space;
   b. Adopting additional single room occupancy regulations;
   c. Evaluating the appropriate role of detached accessory dwelling units in the provision of fair housing choices;
   d. Evaluating the single family home definition to ensure that it is appropriately specific to foster development of desired housing options without encouraging the commercial use of housing in single family neighborhoods;
   e. Addressing "apodments" and micro-housing development trends; and
   f. Considering the role of rental registration and inspection program options as a viable enforcement strategy.

The proposal is intended to respond to the concerns raised by citizens, consistent with the above Council-provided principles.

State the major conclusions, significant areas of controversy and uncertainty: The proposal is intended to address controversy and concern that has resulted from the practice by some property owners of renting rooms in residential dwellings to multiple unrelated individuals under separate lease agreements. Input received during public comment periods, public hearings, and Planning Commission review may reveal controversy over some of the details of the proposal, as well as tension that can exist between renters' interests and homeowners' interests. Ultimately, the Commission will balance those tensions in its recommendation to Council.

State the issues to be resolved, including the environmental choices to be made among alternative courses of action: No major issues to be resolved. However, details of the proposal will evolve as a result of public input and Planning Commission deliberation, to ensure that the proposal achieves its objectives. The alternative course of action would be to not adopt the proposed LUCA. In terms of environmental impacts, the two alternatives are not significantly different.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: The proposal is a nonproject action to establish a new regulatory framework for the rental of rooms in residential dwellings to multiple unrelated individuals. No significant adverse environmental impacts have been identified or are expected to result.

Describe any proposed mitigation measures and their effectiveness: No specific development is being approved with this proposal. No significant environmental impacts have been identified, therefore no mitigation measures are proposed.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?** Adoption of the proposed code amendment will not increase the potential impacts to water, air and earth resources or noise production.

   Proposed measures to avoid or reduce such increases are: N/A

2. **How would the proposal be likely to affect plants, animals, fish or marine life?** Adoption of the proposed code amendment will not increase the potential impacts to plants and animals.

   Proposed measures to protect or conserve plants, animals, fish or marine life are: N/A

3. **How would the proposal be likely to deplete energy or natural resources?** No adverse impacts to energy or natural resources are anticipated by the adoption of the proposed code amendment.

   Proposed measures to project or conserve energy and natural resources are: N/A

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?** Adoption of the proposed code amendment will not affect environmentally sensitive areas or areas designated or eligible for governmental protection.

   Proposed measures to protect such resources or to avoid or reduce impacts are: N/A

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?** Adoption of the

proposed amendment will not affect any shoreline areas. The proposal will create a new type of land use – High Occupancy Dwelling – and a regulatory framework for its review and approval. The proposal will help strengthen compatibility among different types of residential land uses by ensuring the impacts associated with High Occupancy Dwellings will be properly controlled.

Proposed measures to avoid or reduce shoreline and land use impacts are: N/A

6. **How would the proposal be likely to increase demands on transportation or public services and utilities?** The proposed Land Use Code Amendment is not likely to increase demands on these services and utilities.

   Proposed measures to reduce or respond to such demand(s) are: N/A

7. **Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.** No conflicts are known or anticipated.

D. **The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.**

Signature Michael Bergstrom **Date Submitted:** May 9, 2014

Michael Bergstrom

CITY OF BELLEVUE

ORDINANCE No. _____

AN ORDINANCE of the City of Bellevue, Washington, amending land use charts to identify "rooming house" as an administrative conditional use in R-10, R-15, R-20, R-30, OLB, F1, F2, F3, BR-OR, BR-RC, BR-R, BR-CR, BR-ORT, and EH-A land use districts, amending general development requirements applicable to "rooming houses", amending the definitions of "bed and breakfast", "boarding house" and "family", creating new definitions of "rooming house" and "single housekeeping unit", repealing Ordinances No. 6126, 6152, and _____, providing for severability, and establishing an effective date.

WHEREAS, ... (list background statements)

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; and

WHEREAS, the Planning Commission held a public hearing on _____, 2014 for the proposed Land Use Code Amendment (LUCA) contained herein; and

WHEREAS, the Planning Commission recommends approval of the proposed Land Use Code Amendment (LUCA) contained herein;

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.10.440 – Residential Land Use Charts - of the Bellevue Land Use Code is hereby amended to add "rooming house" as a permitted use in the following land use districts: R-10, R-15, R-20, R-30, OLB, CB, F1, F2, and F3, and to add the following related note 17:

17. See LUC 20.20.700 for general development requirements for Rooming House.

The "rooming house" use listing shall be placed in the use chart immediately above the "Senior Citizen Dwellings" listing.

Section 2. Section 20.25D.070 of the Bellevue Land Use Code is hereby amended to add "rooming house" as a permitted use in the following land use districts: BR-OR,BR-RC, BR-R, BR-CR, and BR-ORT, and to add the following related note 6:

6. See LUC 20.20.700 for general development requirements for Rooming House.

The "rooming house" use listing shall be placed in the use chart immediately above the "Hotels and Motels" listing.

DRAFT

Section 3. Section 20.25F.010 of the Bellevue Land Use Code is hereby amended to add "rooming house" as a permitted use in the following land use district: EH-A, and to add the following related note 12:

12. See LUC 20.20.700 for general development requirements for Rooming House.

The "rooming house" use listing shall be placed in the use chart immediately below the "Five or more dwelling units per structure" listing.

Section 4. Section 20.20.700 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.700 Rooming houses.

~~The requirements of LUC 20.20.140 apply to rooming houses.~~

A. Rooming Houses, where permitted, shall comply with the following:

1. The Rooming House shall be located in a detached single-family dwelling on its own parcel; and

2. The Rooming House shall offer no more than four rooms for rent to not more than a total of five individuals at any one time; and

3. All rooms offered for rent shall be legally-established bedrooms; and

4. An owner, landlord, or registered agent shall be identified as the party responsible and accountable for compliance with the provisions of this section. Said party shall be local, and the name and contact information for that party shall be filed with the City prior to establishing the rooming house; and

5. Legal on-site parking exists or shall be provided in a quantity equal to the number of bedrooms leased or available for lease; and

6. Appropriate provisions shall be made for maintenance of the property exterior; and

7. Appropriate provisions shall be made for refuse collection, including trash, recycling, and yard waste.

B. A Rooming House shall comply with City of Bellevue noise and nuisance laws and health and safety codes, and with all other applicable City and State codes and regulations.

C. The owner, landlord, or registered agent designated pursuant to Section A.4 above shall be the "person responsible for the violation" in any civil violations proceedings under the terms of Chapter 1.18 BCC for failure to comply with this section. Tenants shall not be identified as responsible parties by virtue of signing a lease prepared by the owner, landlord, or registered agent for renting a room in a Rooming House.

Section 5. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Bed and Breakfast" to read as follows:

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20.50.012 Bed and Breakfast. An owner-occupied dwelling which temporarily houses guests for profit. A Bed and Breakfast does not include a Rooming House as defined in LUC 20.50.044. (Refer to LUC 20.20.140 for General Development Requirements applicable to Bed and Breakfast uses).

Section 6. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Boarding House" to read as follows:

20.50.012 Boarding House. An owner-occupied dwelling in which ~~roomers and/or boarders~~ individuals unrelated to the owner are housed and/or fed for profit. This definition includes Transient Lodging as defined in LUC 20.50.048. (~~See~~Refer to LUC 20.20.140 for General Development Requirements applicable to Boarding House uses). A boarding house does not include a Rooming House as defined in LUC 20.50.044.

Section 7. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to revise the definition of "Family" to read as follows:

20.50.020 Family. Not more than six~~One or more~~ persons, unless all are related by blood, marriage, or legal adoption, ~~(but not more than six unrelated persons)~~ living together as a single housekeeping unit. For purposes of this definition and notwithstanding any other provision of this Code, children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) will not be counted as unrelated persons.

Section 8. Section 20.50.044 of the Bellevue Land Use Code is hereby amended to add a new definition of "Rooming House" to read as follows:

20.50.044 Rooming House. A non-owner-occupied dwelling that is subject to multiple leases or in which rooms are offered for rent or lease on an individual room basis. (Refer to LUC 20.20.700 for General Development Requirements applicable to Rooming House uses).

Section 9. Section 20.50.046 of the Bellevue Land Use Code is hereby amended to add a new definition of "Single Housekeeping Unit" to read as follows:

20.50.046 Single Housekeeping Unit. One household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method. If the dwelling unit is rented, the household members must jointly occupy the unit under a single lease in order to be considered a single housekeeping unit.

Section 10. Amortization for Certain Nonconforming Uses. Notwithstanding Section 20.20.560 of the Bellevue Land Use Code, any use of a structure or of land which does not conform to the regulations of the district in which the use exists due to changes in the definitions or other Land Use Code provisions adopted by this ordinance, which use lawfully existed on the date such changes became effective, shall be discontinued by one year from effective date of ordinance.

Section 11. Ordinance No. 6128, Ordinance No. 6152, and Ordinance No. _____ are hereby repealed.

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Section 12. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 13. Effective Date. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2014 and signed in authentication of its passage this _____ day of _____, 2014.

(SEAL)

_____
Claudia Balducci, Mayor

Approved as to form:

_____
Lori M. Riordan, City Attorney

Attest:

_____
Myrna L. Basich, City Clerk

Published: _____

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City of Bellevue

PLANNING COMMISSION PUBLIC HEARING

September 3, 2014

SUBJECT

Public hearing on Land Use Code Amendment – Camp and Conference Center Land Use District.

STAFF CONTACT

Carol V. Helland, Land Use Director, chelland@bellevuewa.gov 452-2724
Mike Bergstrom, Principal Planner, mbergstrom@bellevuewa.gov 452-2970
Development Services Department

DIRECTION NEEDED FROM PLANNING COMMISSION

X Action
X Discussion
Information

At the September 10, 2014, meeting the Planning Commission is requested to conduct a Public Hearing and make a recommendation to the City Council regarding the proposed Land Use Code Amendment to create a new Camp and Conference Center Land Use District in the Land Use Code. The recommendation to Council will occur as an outcome of your deliberation later this evening in a Study Session.

BACKGROUND

The proposed new district – Camp and Conference Center (CCC) – is consistent with a Comprehensive Plan Amendment approved by Council in February 2009, applied for by the Sammamish Bible Camp (Sambica). The Land Use Code Amendment will establish the new CCC district in the Land Use Code, together with use and development standards and regulations, but will not apply CCC zoning to any particular site. Currently, the Comprehensive Plan includes a CCC land use designation and support policies for only the Sambica site, and the owner of that site could apply for a Rezone to CCC following adoption of this amendment.

The Planning Commission held study sessions on the proposal in 2010 and 2011 during the development of this amendment. A more recent study session was held on June 11, 2014, at which time the Commission requested that this public hearing be scheduled. More complete background information and discussion of the proposal is included in the enclosed Staff Report.

PUBLIC HEARING

LUC 20.35.400 establishes the procedures for Process IV: City Council legislative actions. LUC 20.35.410 requires that the Planning Commission hold a public hearing on proposals reviewed through Process IV prior to making a recommendation to Council. LUC 20.35.430 states that any person may participate in the public hearing.

ALTERNATIVES

1. Hold a public hearing and move to recommend approval, approval with modifications, or denial of the proposal.
2. Provide an alternative recommendation to Council.

RECOMMENDED MOTIONS

Public Hearing

1. Move to open the public hearing.
2. Move to close the public hearing (after receiving all testimony)

Study Session

Following the public hearings, the Planning Commission is asked to convene the study session, deliberate and make a motion on a recommendation.

3. Move to recommend that City Council approve the proposed Land Use Code Amendment to create a Camp and Conference Center Land Use District in the Land Use Code

NEXT STEPS

1. Council study session – transmittal of Planning Commission recommendation
2. Council action on the proposal
3. East Bellevue Community Council public hearing and final action

ENCLOSURE

Public hearing staff report to the Planning Commission

City of Bellevue

STAFF REPORT TO THE PLANNING COMMISSION

September 3, 2014

SUBJECT

Public Hearing on Land Use Code Amendment – Camp and Conference Center Land Use District (Sambica)

STAFF CONTACT

Carol Helland, Land Use Director, 452-2724, chelland@bellevuewa.gov
Mike Bergstrom, Principal Planner, 452-2970, mbergstrom@bellevuewa.gov
Development Services Department

DIRECTION NEEDED FROM PLANNING COMMISSION

X Action
X Discussion
Information

INTRODUCTION

On September 10, 2014 the Planning Commission will hold a public hearing on a proposed ordinance to create a new Camp and Conference Center land use district in the Land Use Code. The Commission held a study session on the proposed amendment on June 11, 2014 and requested that a public hearing be scheduled. At the conclusion of the public hearing the Commission will be asked to formulate a recommendation to Council on the proposal.

BACKGROUND

The new district – Camp and Conference Center (CCC) – is consistent with a Comprehensive Plan Amendment approved by Council in February 2009 (Attachment A). That CPA amended the Comprehensive Plan to create a Camp and Conference Center land use designation, and amended the Newcastle Subarea Plan policies to support the application of this land use designation to the site of the Sammamish Bible Camp (Sambica) (Attachment B). However, while the Comprehensive Plan now applies a CCC designation to the Sambica property, corresponding zoning cannot be applied to the site until an ordinance that establishes such a district in the Land Use Code, together with use and development standards and regulations, is developed and adopted. That is what this amendment will accomplish (Attachment C).

The Planning Commission began working on this ordinance in 2010, and held several study sessions throughout 2010 and 2011. A public hearing was expected to be held in the Fall of 2011. However, due to other priorities and the lack of an urgent need to complete the ordinance, the hearing did not occur, and progress slowed and was eventually suspended. Staff and the Planning Commission have recently renewed efforts on this ordinance and it is now ready to proceed to a public hearing.

PROPOSED ORDINANCE

The draft ordinance is shaped by four principles:

- Distinguish the mix of existing and anticipated future land uses
- Assure the predominant non-commercial character of a camp and conference center
- Provide predictability in development processes
- Maintain compatibility with the surrounding neighborhood

It also contains key elements to manage the overall intensity of a CCC site and maintain compatibility with the surrounding neighborhood by:

- Defining the types of uses in a CCC and their connections to each other;
- Adapting existing Land Use Code processes including the Master Development Plan and Design Review;
- Setting new standards for reviewing master planning over time through a physical site plan;
- Establishing specific dimensional, landscape, and other site development standards as a measure of overall site intensity; and
- Providing site, building, and street design guidelines for qualitative design solutions.

The draft ordinance contains the following sections:

20.25N.010 – Applicability
20.25N.020 – Master Development Plan Required
20.25N.030 – Design Review Required
20.25N.040 – Uses in the CCC District (permitted, subordinate, conditional)
20.25N.050 – Dimensional Requirements (setbacks, impervious surface, lot coverage, building height)
20.25N.060 – Landscape Requirements
20.25N.070 – Other Development Standards (signage, trip generation measurement, parking, noise)
20.25N.080 – Design Guidelines (general, site, building

It also includes conformance amendments to other parts of the Land Use Code to ensure internal code consistency.

PUBLIC NOTICE AND COMMENT

Notice of the LUCA application was published in the Weekly Permit Bulletin on February 27, 2014. Notice of the Public Hearing was published on August 21, 2014.

Pursuant to the Washington state Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Land Use Code. A copy of the proposed amendment was provided to state agencies on February 27, 2014.

While public comments were received during the Comprehensive Plan Amendment process that created the Camp and Conference Center land use designation, and during earlier (2010-2011)

Planning Commission study sessions and therefore helped shape the current draft ordinance, no comments from either the public or state agencies have been received on the current LUCA proposal, with the exception of support comments received from representatives from Sambica in the June 11, 2014 study session.

EAST BELLEVUE COMMUNITY COUNCIL COURTESY HEARING

At the time of this writing, the East Bellevue Community Council (EBCC) was scheduled to hold a courtesy hearing on this topic on September 2, 2014. Due to the date of publication of this recommendation (August 21, 2014) input from that hearing is not summarized in this report. Any input received from the EBCC will be provided to the Planning Commission prior to the September 10, 2014 public hearing.

STATE ENVIRONMENTAL POLICY ACT

The Environmental Coordinator for the City of Bellevue has determined that this proposal will not result in any probable, significant, adverse environmental impacts. A Determination of Non-Significance (DNS) was issued on August 21, 2014 (Attachment D).

DECISION CRITERIA

LUC 20.30J.135 provides the decision criteria for amendments to the text of the Land Use Code:

A. The amendment is consistent with the Comprehensive Plan; and

The proposed amendment is supported by the following Comprehensive Plan policies:

S-NC-10a. Support a master site planning process for redevelopment of the Sambica CCC-designated parcels. A master site plan will limit the overall intensity of the site to a predominantly non-commercial character consistent with the CCC designation and achieve an integrated site design with transition and performance standards that protect lower intensity uses from the effects of higher intensity uses. A master site plan should address standards of building height and location, landscape buffers, impervious surface ratios, combined trip generation, limited signage size, and parking.

S-NC-10b. Encourage the use of development review tools for Sambica that distinguish the mix of land uses proposed for Sambica redevelopment to assure the predominant non-commercial character of the camp and conference center, provide predictability in development processes, and maintain compatibility with the surrounding neighborhood.

Discussion: The Sammamish Bible Camp—Sambica—was established along the shores of Lake Sammamish in 1919. It is historically valued by the surrounding community. As Sambica changes over time to maintain its functions and to provide relevant services to its users its buildings and structures will change too.

The current uses as of 2008 at Sambica include group camp facilities, conference and retreat facilities, day care, and outdoor and indoor recreation activities. Other uses that are part of

Sambica include lodging and dining, active recreation, administrative offices, staff housing, maintenance and storage, and a camp store.

The camp and conference center designation also allows for redevelopment Newcastle Subarea Plan Page 159 which may include active recreation facilities including gymnasiums and pools. Redevelopment may also include small-scale, neighborhood business retail and service uses that are functionally related in nature and size to the property designated CCC and which do not exceed 5,000square feet individually or 10,000 square feet in total.

B. The amendment enhances the public health, safety or welfare; and

The amendment enhances the public health, safety, and welfare by implementing policies adopted by Council in 2009 and thereby making the Land Use Code consistent with the Comprehensive Plan. It also provides a predictable process by which a Camp and Conference Center can establish and evolve, and incorporates regulations that will benefit the surrounding public.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

The amendment is consistent with the best interest of the citizens and property owners of Bellevue. It will allow a use that is valuable to the community to operate and evolve over time, through a process that is transparent and predictable and provides public involvement opportunities.

RECOMMENDATION

Move to recommend that the City Council approve the proposed Land Use Code Amendment.

NEXT STEPS

Adoption of the ordinance will entail the steps listed below. No dates have been set for these steps.

1. Council study session – transmittal of Planning Commission recommendation
2. Council action on ordinance
3. East Bellevue Community Council public hearing and final action

ATTACHMENTS

A. Ordinance No. 5859 Amending the Comprehensive Plan
B. Map of Sambica CCC Comprehensive Plan Designation
C. Draft Camp and Conference Center Land Use District Ordinance
D. SEPA Determination

Attachment A

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5859

AN ORDINANCE relating to the Comprehensive Plan of the City of Bellevue, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting 2008 amendments to the Comprehensive Plan, known as the Sambica CPA, amending the Glossary and the Newcastle Subarea Plan; and establishing an effective date.

WHEREAS, on September 15, 2008, the City Council initiated the Sambica Comprehensive Plan Amendment ("CPA") to modify the Glossary and the Newcastle Subarea Plan; and

WHEREAS, the Planning Commission held a public hearing on November 19, 2008, with regard to the Sambica CPA; and

WHEREAS, the Planning Commission recommended that the City Council approve such proposed amendment; and

WHEREAS, the City Council has considered the Sambica CPA concurrently with the other 2008 Comprehensive Plan amendments; and

WHEREAS, the City Council finds that the Sambica CPA satisfies the decision criteria established in Part 20.30(I) of the Land Use Code; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) and the City Environmental Procedures Code (Chapter 22.02 BMC); now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Glossary of the City of Bellevue's Comprehensive Plan is hereby amended by the addition of a new definition as follows:

Camp and Conference Center – (CCC) – A land use designation that provides for a mix of group camp, conference, retreat, recreation, and functional use activities. These activities are primarily for use by organizations and schools and the families and individuals they enroll. The purpose of the designation is to maintain the compatibility of this unique mix of uses with the surrounding neighborhood by using site design standards through the Land Use Code that both limit the overall intensity of the site and protect lower intensity uses from the effects of higher intensity uses.

The CCC designation is predominantly non-commercial but may include small-scale, neighborhood business retail and service uses that are functionally related in nature and size to the property designated CCC and which do not exceed 5,000 square feet individually or 10,000 square feet in total.

Section 2. Policy S-NC-10 of the Newcastle Subarea Plan contained in the City of Bellevue's Comprehensive Plan is hereby amended as follows:

POLICY S-NC-10. Encourage a land use pattern throughout the Subarea which accommodates future growth, ensures efficient use of facilities and services, protects existing neighborhoods, encourages historic community uses to continue, and provides the opportunity for an adequate amount of retail and professional services to meet local needs.

Section 3. Policy S-NC-10a of the Newcastle Subarea Plan contained in the City of Bellevue's Comprehensive Plan is hereby amended as follows:

POLICY S-NC-10a. Support a master site planning process for redevelopment of the Sambica CCC-designated parcels. A master site plan will limit the overall intensity of the site to a predominantly non-commercial character consistent with the CCC designation and achieve an integrated site design with transition and performance standards that protect lower intensity uses from the effects of higher intensity uses. A master site plan should address standards of building height and location, landscape buffers, impervious surface ratios, combined trip generation, limited signage size, and parking.

Section 4. Policy S-NC-10b of the Newcastle Subarea Plan contained in the City of Bellevue's Comprehensive Plan is hereby amended as follows:

POLICY S-NC-10b. Encourage the use of development review tools for Sambica that distinguish the mix of land uses proposed for Sambica redevelopment to assure the predominant non-commercial character of the camp and conference center, provide predictability in development processes, and maintain compatibility with the surrounding neighborhood.

Discussion: *The Sammamish Bible Camp—Sambica—was established along the shores of Lake Sammamish in 1919. It is historically valued by the surrounding community. As Sambica changes over time to maintain its functions and to provide relevant services to its users its buildings and structures will change too.*

The current uses as of 2008 at Sambica include group camp facilities, conference and retreat facilities, day care, and outdoor and indoor recreation activities. Other uses that are part of Sambica include lodging

and dining, active recreation, administrative offices, staff housing, maintenance and storage, and a camp store.

The camp and conference center designation also allows for redevelopment which may include active recreation facilities including gymnasiums and pools. Redevelopment may also include small-scale, neighborhood business retail and service uses that are functionally related in nature and size to the property designated CCC and which do not exceed 5,000 square feet individually or 10,000 square feet in total.

Section 5. The Newcastle Subarea Plan Map contained in the City of Bellevue's Comprehensive Plan is hereby amended as set forth in Attachment E1 and by this reference fully incorporated herein.

Section 6. This ordinance shall take effect and be in force five days after its passage and legal publication. This ordinance, the Newcastle Subarea Plan and map, and the city's Comprehensive Plan shall be available for public inspection in the office of the City Clerk.

Passed by the City Council this 17th day of Feb, 2009, and signed in authentication of its passage this 17th day of Feb, 2009.

(SEAL)

Grant S. Degginger, Mayor

Approved as to form:
Lori M. Riordan, City Attorney

Mary Kate Berens, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

Published: 2/20/09

ATTACHMENT E1

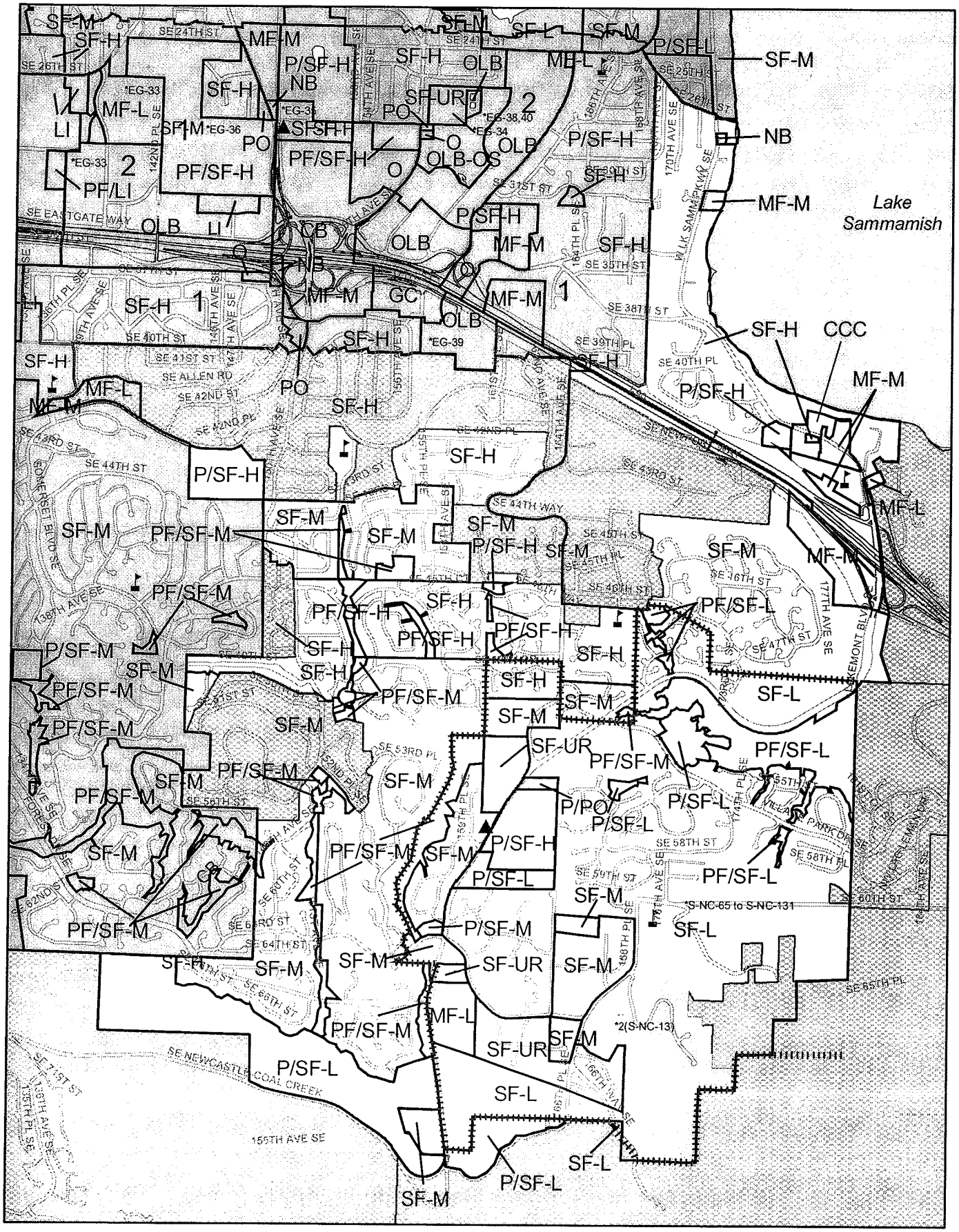


FIGURE S-NC.2

Newcastle Land Use Plan

SF	Single Family
MF	Multi Family
-L	Low Density
-M	Medium Density
-H	High Density
-UR	Urban Residential
PO	Professional Office
O	Office
OLB	Office, Limited Business
OLB-OS	Office, Open Space
NB	Neighborhood Business
CB	Community Business
GC	General Commercial
LI	Light Industrial
PF	Public Facility
P	Park

Fire Stations

Public Schools

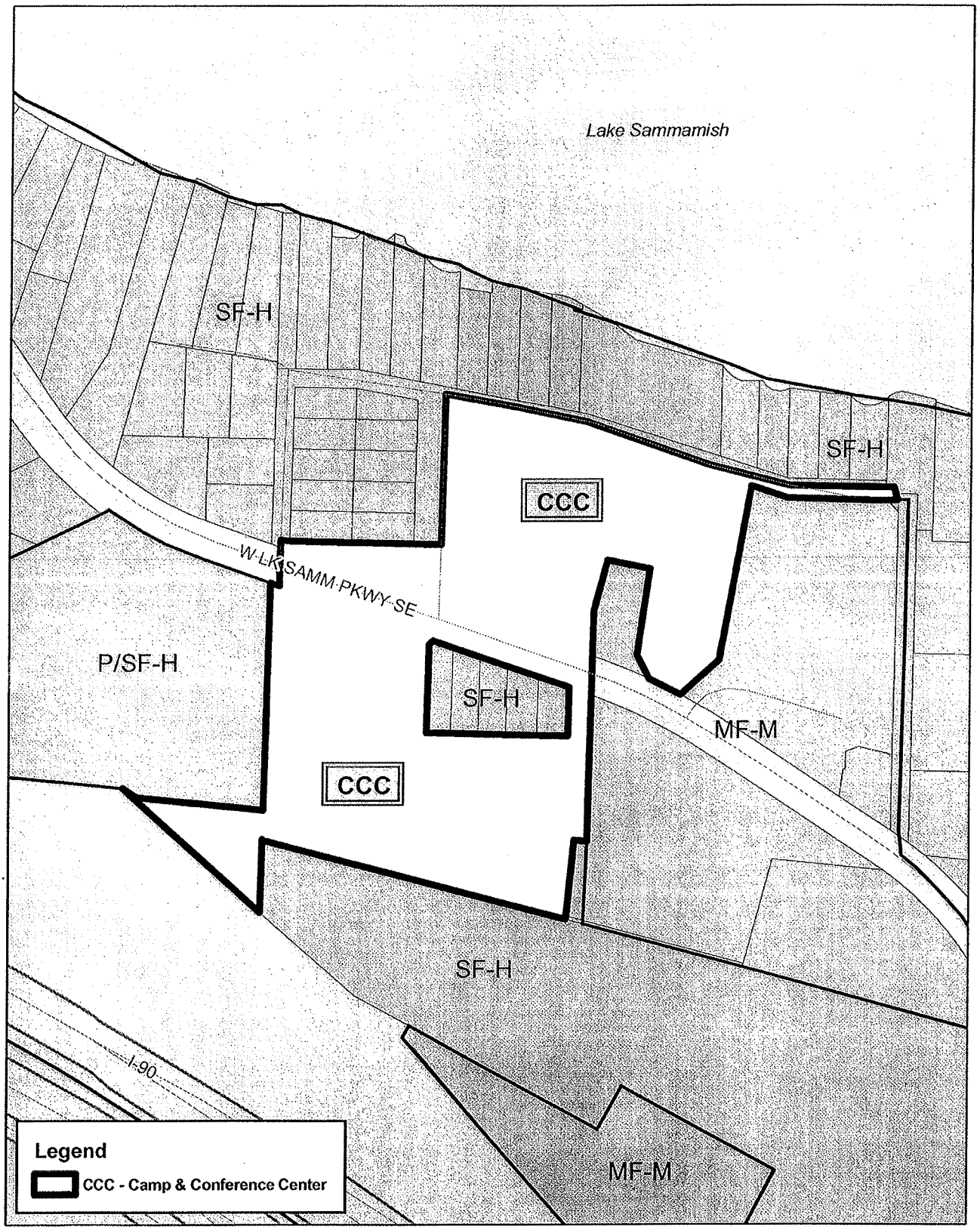
Lakes

Bellevue City Limits (6/2008)

Village Overlay

N

Attachment B



Sambica
Comprehensive Plan Designations

March 2008

Attachment C

Draft Camp and Conference Center District Amendment

Section 1. A new Part 20.25N of the Bellevue Land Use Code is hereby adopted as follows:

Part 20.25N Camp and Conference Center District

20.25N.010 Applicability

A. This Part 20.25N LUC, Camp and Conference Center (CCC) District, contains standards and guidelines that apply to development and activity within the CCC District.

B. This Part 20.25N LUC is subject to Part 20.25H LUC - Critical Areas Overlay District.

C. This Part 20.25N LUC is not subject to Part 20.25B LUC - Transition Area Design District.

20.25N.020 Master Development Plan Review Required

A. Review Required

A Master Development Plan (MDP) review under Part 20.30V LUC is the means by which the City shall ensure that site development in a CCC district is consistent with the Comprehensive Plan and the provisions of this Part 20.25N and meets all applicable site development standards and guidelines of the LUC. The applicant shall record the approved MDP with King County in accordance with LUC 20.30V.180, after CCC zoning is established for the site encompassed in the MDP. Per LUC 20.30V.140 the applicant may, but is not required to, request that the MDP constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.

B. Standards and Requirements

All development within a single CCC site shall be governed by MDPs reviewed by the Director pursuant to Part 20.30V LUC.

1. At a minimum, the MDP shall depict the following:

   a. Existing conditions, including:

      i. The proposed continued use, maintenance, and/or remodeling of existing conditions, including uses and structures and their current locations, which are permitted in a CCC District.
      ii. The proposed continuation of existing conditions, including uses and structures and their current locations, which are not permitted in a CCC District. The nonconforming provisions of LUC 20.20.560 and/or the Temporary Use provisions of Part 20.30M LUC apply to these existing conditions.
      iii. The proposed discontinuation of existing conditions, including uses and structures and their current locations, and general timing, sequencing, or triggering of same.

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b. The proposed general location or placement of proposed uses, structures, facilities, and site features;

c. A list of proposed principal and subordinate uses and their general locations;

d. Conformance with the dimensional requirements of LUC 20.25N.050, based on the total area contained in the Master Development Plan;

2. Phasing. An MDP may show site development in geographically-defined phases per LUC 20.30V.130.

3. Modifications to an approved MDP or phased MDP shall be governed by LUC 20.30V.160 except modifications to existing conditions shall be governed by LUC 20.25N.020.B.1.a.ii.

20.25N.030 Design Review Required

Design Review pursuant to Part 20.30F LUC shall be required for any proposed development in a CCC District, except for freestanding structures proposed for religious activities which will be reviewed through the Conditional Use review process. Modifications or additions to an approved Design Review in a CCC District shall be governed by LUC 20.30F.175. The dimensional requirements, other development standards, and design guidelines of this Part 20.25N shall be ensured through the Design Review process.

20.25N.040 Uses in the CCC District (1) (2) (5)

Conference center for professional, educational, or religious meetings, seminars, or retreats	P
Structures, facilities, and activities including food preparation and eating, lodging for camp attendees, recreation facilities, and administrative and maintenance functions associated with the above permitted uses. (6)	P
Subordinate uses (3)	
Recreation uses associated with conference center for professional, educational, or religious meetings, seminars, or retreats - Indoor public assembly and camping sites (6)	S
Dwelling units for CCC staff	S
Miscellaneous retail trade: drug stores, camp stores, gift stores, jewelry, clothing, bookstores, newsstands, florist, photo supplies, video sales/rental and vendor carts, if located in a structure containing one of the above permitted uses. (7)	S
Childcare services	P
Religious activities (4)	C
Accessory parking (8)	P

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Wireless communication facilities, including satellite dishes (9)	A/P
Utility facility	C
Local utility system	P
Regional utility system	C
Essential public facilities (10)	C
Transit facilities (11)	P
Highway and street right-of-way	P
Electrical Utility Facility (12)	A/C

P = Permitted Use
S = Permitted only as a subordinate use to the above-listed permitted use
C = Conditional Use (see Part 20.30B or 20.30C LUC)
A = Administrative Conditional Use (see Part 20.30E)

Notes:

(1) Existing Conditions as defined in this Part 20.25N LUC are permitted subject to an approved MDP. See LUC 20.25N.020.B.1.a.
(2) Uses must be included into a MDP approval pursuant to LUC 20.25N.020.
(3) These uses are permitted only as a subordinate use to the above permitted uses. See LUC 20.20.840; Subsections C1 and C.3 do not apply in a CCC district. Subordinate uses shall be located on the same site or in the same structure as the permitted use in accordance with the approved MDP.
(4) Freestanding structures proposed for Religious Activities permitted in a CCC do not require Design Review. Compliance with the approved MDP shall be assured through the Conditional Use permit process.
(5) See LUC 20.25N.070 for Other Development Standards that apply to these uses.
(6) Recreation uses exclude private health clubs, athletic clubs, outdoor public assembly, and hunting clubs, gun clubs or gun sports activities.
(7) May not exceed 5,000 gross square feet individually or 10,000 gross square feet total within the boundary of a CCC. The lineal feet of commercial and retail uses along a street frontage are limited through the approval of a MDP.
(8) Accessory parking is permitted to serve only the uses located within the CCC district pursuant to an approved MDP and requires approval through the review process required for the primary use which it serves.
(9) Wireless communication facilities must meet the requirements of LUC 20.10.440 – Notes 14 and 21, Transportation and Utilities, and LUC 20.20.195. Administrative Conditional Use approval is required for freestanding monopole facilities and wireless facilities integrated into parking lot light poles and/or adjacent street poles (within the right-of-way) to the site. Building-mounted wireless facilities are permitted outright. Any ground-mounted equipment must be adequately screened per LUC 20.20.195. Satellite dishes are permitted outright.
(10) Refer to LUC 20.20.350 for general requirements applicable to essential public facilities.
(11) Transit facilities include transit stops and high-capacity transit stops.
(12) Refer to LUC 20.10.440 – Note 22, Transportation and Utilities.

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LUC 20.25N.050 Dimensional requirements

Minimum Setback (1)			**Maximum Impervious Surface** (6)	**Maximum Lot Coverage** (6)	**Building Height** (2) (3) (4)
Front (5)	**Rear**	**Side**			
20’	25’	20’	65%	40%	30’

Notes:

(1) Setbacks shall be measured from the exterior boundaries of the entire area contained in the approved MDP.

(2) Maximum building height in CCC districts is 30 feet measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or 35 feet to the ridge of a pitched roof. Shoreline height is measured per LUC 20.25E.080.

(3) Maximum building height of any individual building facade is 40 feet measured from the existing grade at the building wall to the ridge of a pitched roof or top of a flat roof.

(4) An increase in building height, including any building façade, of up to a maximum 55’ (to a pitched or flat roof) is allowed for specific uses as identified in the Master Development Plan and the requirements noted below:

a. Such height increase is approved under both the Master Development Plan and Design Review for the structure; and
b. Rooftop mechanical equipment shall be subject to the height limitations in LUC 20.25B.040.A.1; and
c. The increase in height is necessary to accommodate uses or equipment functionally related to a permitted CCC use such as swimming pools, performing arts theatres, and gymnasiums; and
d. Any portion of the structure exceeding the maximum building height is stepped back from any property line a minimum distance of 50 feet unless a reduction is approved through the Master Development Plan process.

(5) The front yard setback for retail/service/commercial uses is 0’. These uses are subject to LUC 20.25N.080, Building Design Guidelines – Retail/Service/Commercial Uses.

(6) Maximum impervious surface and maximum lot coverage shall be based on the total site area contained in the approved MDP.

20.25N.060 Landscape requirements

Perimeter (1)	**Landscaping Requirement** (2) (3) (4)
Street Frontage	10’ wide Type III landscaping
Interior Property Lines	10’ wide Type III landscaping

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Notes:
(1) These requirements apply to the exterior boundaries of the entire area contained in the approved MDP.
(2) The tree retention provisions of LUC 20.20.900 for subdivisions (30%) apply in the CCC district.
(3) If a retail/service/commercial use is located at sidewalk with a 0' building setback then the landscaping requirement may be reduced to 0', per the approved MDP.
(4) Existing vegetation may be used in lieu of the landscape requirement noted above.

The Director may approve alternative landscaping options in accordance with LUC 20.20.520.J.

20.25N.070 Other Development Standards

A. Signage

The provisions of BCC 22B.10.040 LUC—Office, research and development, and multifamily residential district signs—shall regulate signage proposed in CCC districts, EXCEPT:

1. Rooftop signs are prohibited.

2. Any building-mounted sign shall be located on the face of the building containing the main entrance to the building premises and the sign, if facing abutting residential property, shall be located more than 50 feet from the abutting residentially-zoned property line.

3. Signs in this district may be internally or externally illuminated. If externally illuminated, the illumination source shall be located, shaded, shielded, or directed so that it is not visible from a public street or adjoining residentially-zoned property. All sign illumination shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.

4. Directional signs, as defined in BCC 22B.10.020, are permitted and are not included in the number of primary signs.

5. Incidental signs, as defined in BCC 22B.10.020, are permitted and are not included in the number of primary signs.

B. Trip generation measurement

Land uses shall be defined as follows for measuring trip generation rates:

1. Proposed CCC principal land uses shall be calculated with a single trip generation rate which shall be based on Institute of Transportation Engineers' data, applicant information and other relevant material.

2. Proposed CCC subordinate land uses shall be calculated individually for purposes of determining a specific, separate trip generation rate. Each individual subordinate land use's trips shall be added to the CCC site's total trip volume. All proposed other land uses within a CCC shall be calculated individually for purposes of determining a specific, separate trip generation rate. Each individual other land use's trips shall be added to the CCC site's total trip generation volume.

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3. Existing conditions land uses shall be assigned the appropriate land use (principal, subordinate, or other) for purposes of the CCC total trip generation rate.

C. Parking

Parking shall be required through unspecified use parking analysis established by the Director through LUC 20.20.590.F.2. Such analysis shall individually identify the maximum number of parking stalls required for uses which are identified and permitted in the MDP. Shared use provisions may be considered.

D. Noise

Uses in the CCC District are subject to the City of Bellevue Noise Control Code (Chapter 9.18 BCC). For the purpose of noise control, the CCC District shall be treated as a Residential land use district: Class A EDNA pursuant to BCC 9.18.025.

20.25N.080 Design guidelines

In addition to the decision criteria in LUC 20.30F.145, the following guidelines apply:

A. General Guidelines

Each structure and all proposed site development must comply with the approved MDP. If an application for Design Review [when required] contains elements inconsistent with the approved MDP, the Director may not approve the Design Review until the required MDP is amended to include those elements.

B. Site Design Guidelines

1. Develop site improvements and amenities consistent with the phasing approved in an MDP;

2. Provide visual and functional connections between uses within the CCC District by incorporating areas of vegetation, outdoor spaces and pedestrian connections;

3. Consider surrounding vegetation, topography, street patterns, parking configuration and building massing in order to result in a compatible fit between proposed development and adjacent non-CCC residential development;

4. The largest CCC buildings with the largest bulk (size, height) shall be located to minimize impacts on adjacent residential uses. See Footnote (4)(d) under LUC 20.25N.050.

5. Maximize the retention of existing significant (see LUC 20.50.046 – Significant Tree) vegetation to soften visual impacts on adjacent residential areas.

6. Design vehicular access to the site so that traffic is not directed through an abutting residential district.

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7. Minimize the visual impact of parking facilities by integrating parking facility structures and lots into the site, and by providing landscape screening where surface parking is located adjacent to residential uses or within setback areas.

8. Locate vehicle drop-off areas in close proximity to building entries.

9. Consider the following in designing outdoor spaces interior to the site:

    a. Orientation. Orient to sunlight to the maximum extent feasible

    b. Provide good physical and visual access from the interior space to sidewalks and walkways, so that the space is perceived as an extension of the sidewalk or walkway.

    c. Ensure ready physical as well as visual access to the interior space, with special attention to elevation differences.

10. Innovative Techniques for Impervious Surface may be considered per LUC 20.20.460.G.

C. Building Design Guidelines – All Uses

1. Materials, finishes, and details should be complementary to each other and be consistent with the design intent of the MDP;

2. Locate service areas for trash dumpsters, loading docks and mechanical equipment away from public rights-of-way and residentially-zoned property where possible. Screen views of those elements if they cannot be located away from public frontages;

3. Incorporate weather protection and pedestrian amenities for transit facilities; and

4. Design rooftop mechanical equipment to be architecturally integrated with a building.

D. Building Design Guidelines – Retail/Service/Commercial Uses

In addition to the Building Design Guidelines in LUC 20.25N.080.C, buildings intended to house retail, service, or commercial uses shall comply with the following design guidelines:

1. Provide ground floor building elements that are accessible and comfortable to pedestrians through use of human-scale design elements, such as recessed entries, entrance canopies, planters, benches, variations in paving materials, and lighting features;

2. Consider weather protection in the site interior through use of sheltered walkways or sidewalks; and

3. Design entries to be clearly identifiable from public rights-of-way adjacent to the CCC District or from a pedestrian walkway connected to a public right-of-way.

Section 2. Section 20.10.020 of the Bellevue Land Use Code is hereby amended to add Camp and Conference Center (CCC) to the district designations, as follows:

20.10.020 Establishment of land use districts.
Land use districts in the City are hereby established as follows:

District	Designation
Camp and Conference Center	CCC

Section 3. Section 20.10.100 of the Bellevue Land Use Code is hereby amended to read:

20.10.100 District descriptions.
LUC 20.10.180 through 20.10.~~395~~397 describe the purpose and scope of the City's land use districts. These sections may be used to guide the interpretation of the regulations associated with each district.

Section 4. Chapter 20.10 of the Bellevue Land Use Code is hereby amended to add the following section:

20.10.397 Camp and Conference Center (CCC)
A camp and conference center (CCC) provides areas for a unified mix of group day or residence camps and professional, educational, or religious meetings, conferences, seminars, and retreats and their associated facilities and activities. These are used primarily by organizations and schools and the families and individuals they enroll.

The purpose of the designation is to maintain the compatibility of this unique mix of uses with surrounding neighborhoods by limiting the overall intensity of the site, and protect lower intensity uses from the effects of higher intensity uses.

Section 5. Section 20.10.440 of the Bellevue Land Use Code is hereby amended to add the following language below each land use chart:

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

Section 6. Section 20.25B.020.B of the Bellevue Land Use Code is hereby amended to add a new subparagraph 10, to read:

20.25B.020.B Transition Area Design District – Limitations

10. Development within the CCC Land Use District is not subject to Transition Area Design District requirements.

*****END*****

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Attachment D

DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
11511 MAIN ST., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: City of Bellevue

LOCATION OF PROPOSAL: Citywide

DESCRIPTION OF PROPOSAL:

Land Use Code Amendment (LUCA) to establish a new Part 20.25N – Camp and Conference Center (CCC) Land Use District. The amendment will establish review requirements, permitted uses, dimensional requirements, landscape requirements, other requirements (signage, trip generation measurements, parking, and noise), and design guidelines applicable to the CCC District, and will include conformance amendments to other Land Use Code provisions. The proposed amendment is in response to and consistent with Ordinance No. 5859, which amended the Comprehensive Plan to create a new Camp and Conference Center land use designation.

FILE NUMBER: 14-124607 AD

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

___ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.

X This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. Only persons who submitted written comments before the DNS was issued may appeal the decision. An appeal of the SEPA Decision shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290. For information on how to appeal a proposal, visit the Permit Center at City Hall or call 452-6800.

___ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on _____ _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

Environmental Coordinator

8-7-14
Date

OTHERS TO RECEIVE THIS DOCUMENT:
State Department of Fish and Wildlife
State Department of Ecology, Shoreline Planner N.W. Region
Army Corps of Engineers
Attorney General
Muckleshoot Indian Tribe

City of Bellevue
Department of Planning and Community Development
Environmental Review and State Environmental Policy Act Threshold Determination

Proposal Name:	**Land Use Code Amendment (LUCA) Establishing a New Camp and Conference Center (CCC) Land Use District in the Bellevue Land Use Code (Title 20 of the Bellevue City Code).**
Proposal Address:	City-wide
Proposal Description:	Land Use Code Amendment (LUCA) to establish a new Part 20.25N – Camp and Conference Center (CCC) Land Use District. The amendment will establish review requirements, permitted uses, dimensional requirements, landscape requirements, other requirements (signage, trip generation measurements, parking, and noise), and design guidelines applicable to the CCC District, and will include conformance amendments to other Land Use Code provisions. The proposed amendment is in response to and consistent with Ordinance No. 5859, which amended the Comprehensive Plan to create a new Camp and Conference Center land use designation.
File Number:	**14-124608 AD**
Applicant:	City of Bellevue
Decisions Included:	SEPA Threshold Determination
SEPA Planner:	David Pyle, Senior Planner
State Environmental Policy Act Threshold Determination:	**Determination of Non-Significance (DNS)** Carol Helland Environmental Coordinator

Application Date:	February 18, 2014
Application Publication Date in Bulletin:	February 27, 2014
SEPA Decision Publication Date	August 21, 2014
SEPA Appeal Deadline:	Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. An appeal of the SEPA Decision shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management

Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290. For information on how to appeal a proposal, visit the Permit Center at City Hall or call 452-6800.

I. Proposal Description and Objectives

Land Use Code Amendment (LUCA) to establish a new Part 20.25N – Camp and Conference Center (CCC) Land Use District. The amendment will establish review requirements, permitted uses, dimensional requirements, landscape requirements, other requirements (signage, trip generation measurements, parking, and noise), and design guidelines applicable to the CCC District, and will include conformance amendments to other Land Use Code provisions (Chapter 20.10 Land Use Districts and Part 20.25B Transition Area Design District).

The objective of the proposal is to implement Comprehensive Plan policy direction contained in Ordinance No. 5859, adopted February 17, 2009. That ordinance was adopted in response to a Comprehensive Plan Amendment sought by the Sammamish Bible Camp (aka Sambica) to establish a land use designation that could be applied to its camp and conference facilities located in southeast Bellevue near Lake Sammamish. The CCC Comprehensive Plan designation adopted by Ordinance No. 5859 currently applies only to the Sambica site, but could be applied elsewhere if other property owners were to seek a CCC designation through the site-specific Comprehensive Plan Amendment process.

II. Environmental Record

The environmental summary consists of analysis based on the following documents and studies in the environmental record or, if noted, incorporated by reference.

- Environmental Checklist, Supplemental Sheet for Nonproject Actions, prepared by Michael Bergstrom, City of Bellevue Development Services Department, dated February 18, 2014. (Attachment A)

- Draft Proposed Land Use Code Amendment, File No. 10-123912-AD. (Attachment B)

III. Proposed Timing and Phasing

The Planning Commission is anticipated to hold a public hearing on the amendments in September 2014. The City Council will likely act on the amendments in the fall of 2014.

IV. Environmental Summary

Purpose and Need to Which the Proposal is Responding

The purpose of the proposal is to establish a land use district in the Land Use Code that is

consistent with the land use designation created in the Comprehensive Plan by Ordinance No. 5859. This will ensure consistency between the Comprehensive Plan and the Land Use Code with respect to this new land use designation, and will allow the Sambica site (and potentially other similarly-situated properties) to ultimately be reclassified to Camp and Conference Center zoning.

Major Conclusions, Significant Areas of Controversy and Uncertainty

The adoption of the proposed LUCA is consistent with and will contribute to the implementation of policy direction established by Ordinance No. 5859. No significant areas of controversy or uncertainty have been identified. Although it is uncertain when the Sambica property might be reclassified to the new CCC classification is uncertain, that lack of certainty over the timing of such reclassification is not considered significant.

Issues to be Resolved, Including Environmental Choices to Made Between Alternatives Courses of Action

No issues to be resolved. The alternative course of action would be to not adopt the proposed LUCA. In terms of environmental impacts, the two alternatives are not significantly different. Adoption of the amendment would provide for prescriptive treatment of camp and conference center uses, as opposed to the current Land Use Code which does not currently define these uses and methods of impact abatement.

V. Conclusion and Determination

For the proposal, environmental review indicates no probability of significant adverse environmental impacts. Therefore, issuance of a **Determination of Non-Significance** pursuant to WAC 197-11-340 and Bellevue City code 22.02.034 is appropriate.

Other adverse impacts that are less than significant may be mitigated pursuant to Bellevue City Code 22.02.140, RCW 43.21C.060, and WAC 197-11- 660.

VI. Mitigation Measures

There are no recommended SEPA-based mitigating measures for this proposal. The lead agency has determined that the requirements for environmental mitigation have been adequately addressed in the development regulations and comprehensive plans adopted under Chapter 36.70A RCW and in other applicable local, state or federal laws or rules, as provided by RCW 42.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. The current proposal is a non-project action. Future project proposals for camp and conference centers will require project level SEPA review and application of appropriate mitigation measures.

Attachment A: SEPA Checklist prepared by City of Bellevue Development Services Department and dated February 18, 2014

Attachment B: Draft Proposed Land Use Code Amendment

CITY OF BELLEVUE
ENVIRONMENTAL CHECKLIST
(Integrated SEPA/GMA Process)

A. BACKGROUND INFORMATION

PROPOSAL TITLE:	Land Use Code Amendment Establishing a New Camp and Conference Center (CCC) Land Use District in the Bellevue Land Use Code (Title 20 of the Bellevue City Code). File No. 14-124608 AD.
PROPERTY OWNERS' NAME:	N/A; applies City-wide
PROPOSAL LOCATION:	City-wide
PROPONENT'S NAME:	City of Bellevue, Development Services Department
CONTACT PERSON'S NAME:	Michael Bergstrom, Principal Planner
CONTACT PERSON'S ADDRESS:	Development Services Department City of Bellevue P.O. Box 90012 Bellevue, WA 98009-9012
CONTACT PERSON'S PHONE:	425-452-2970

BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:

1. **General description:** Land Use Code Amendment (LUCA) to establish a new Part 20.25N – Camp and Conference Center (CCC) Land Use District. The amendment will establish review requirements, permitted uses, dimensional requirements, landscape requirements, other requirements (signage, trip generation measurements, parking, and noise), and design guidelines applicable to the CCC District, and will include conformance amendments to other Land Use Code provisions (Chapter 20.10 Land Use Districts and Part 20.25B Transition Area Design District).

2. **Site acreage:** Applies city-wide.

3. **Number of dwelling units/buildings to be demolished:** N/A

4. **Number of dwelling units/buildings to be constructed:** N/A

5. **Square footage of buildings to be demolished:** N/A

6. **Square footage of buildings to be constructed:** N/A

7. **Quantity of earth movement (in cubic yards):** N/A

8. **Proposed land use:** A Camp and Conference Center will provide areas for a unified mix of group day or residence camps and professional, educational, or religious meetings, conferences, seminars, and retreats and their associated facilities and activities. These will be used primarily by organizations and schools and the families and individuals they enroll.

9. **Design features, including building height, number of stories and proposed exterior materials:** Building heights will generally be limited to 30' measured to the highest point of a flat roof, or 35' measured to the ridge of a pitched roof. Height may be increased up to 55' in certain circumstances. Site design will be reviewed through a Master Development Plan and in many cases Design Review. The proposed amendment contains building design guidelines with which development will be required to conform, including a requirement for complementary materials, finishes, and details.

10. **Other:** N/A

Proposed timing or schedule (including phasing, if applicable): Final action on the LUCA by the City Council is expected to occur summer/fall 2014.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Private development would be expected to occur in a manner consistent with this amendment, but would need to be preceded by a rezone of the property involved. Currently, it is believed that one development site may be interested in pursuing CCC zoning once this amendment is in place (Sambica, 4114 West Lake Sammamish Pkwy SE).

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. None other than this SEPA checklist.

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known. No applications are pending. However, in February 2009, the City Council approved a Comprehensive Plan Amendment (Ordinance No. 5859) establishing the CCC land use designation, and amending the Newcastle Subarea land use policies to support this designation at the Sambica location.

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known. Ordinance adoption by the City Council. The ordinance will be subject to the disapproval jurisdiction of the East Bellevue Community Council. No other permits have been applied for.

B. ENVIRONMENTAL ELEMENTS

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235.3.b.

C. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)

SUMMARY

Project Summary: Land Use Code Amendment (LUCA) to establish a new Part 20.25N – Camp and Conference Center (CCC) Land Use District. The amendment will establish review requirements, permitted uses, dimensional requirements, landscape requirements, other requirements (signage, trip generation measurements, parking, and noise), and design guidelines applicable to the CCC District, and will include conformance amendments to other Land Use Code provisions (Chapter 20.10 Land Use Districts and Part 20.25B Transition Area Design District).

Environmental Summary per WAC 197-11-235(3)(b):

State the proposal's objectives: The objective of the proposal is to implement new Comprehensive Plan policy direction contained in Ordinance No. 5859, adopted February 17, 2009. That ordinance was adopted in response to a Comprehensive Plan Amendment sought by the Sammamish Bible Camp (aka Sambica) to establish a land use designation that could be applied to its camp and conference facilities located in southeast Bellevue near Lake Sammamish. The CCC Comprehensive Plan designation adopted by Ordinance No. 5859 currently applies only to the Sambica site, but could be applied elsewhere if other property owners were to seek a CCC designation through the site-specific Comprehensive Plan Amendment process.

A Camp and Conference Center (CCC) is defined by Ordinance No. 5859 as follows:

> A land use designation that provides for a mix of group camp, conference, retreat, recreation, and functional use activities. These activities are primarily for use by organizations and schools and the families and individuals they enroll. The purpose of the designation is to maintain the compatibility of this unique mix of uses with the surrounding neighborhood by using site design standards through the Land use Code that both limit the overall intensity of the site and protect lower intensity uses from the effects of higher intensity uses.
>
> The CCC designation is predominantly non-commercial but may include small-scale, neighborhood business retail and service uses that are functionally related in nature and size to the property designated CCC and which do not exceed 5,000 square feet individually or 10,000 square feet in total.

Ordinance No. 5859 also amended several Newcastle Subarea Plan policies to support a CCC designation, particularly at the Sambica site. Those amended policies state:

> **POLICY S-NC-10.** Encourage a land use pattern throughout the Subarea which accommodates future growth, ensures efficient use of facilities and services, protects existing neighborhoods, encourages historic community uses to continue, and provides the opportunity for an adequate amount of retail and professional services to meet local needs.
>
> **POLICY S-NC-10a.** Support a master site planning process for redevelopment of the Sambica CCC-designated parcels. A master site plan will limit the overall intensity of the site to a predominantly non-commercial character consistent with the CCC designation and achieve an integrated site design with transition and performance standards that protect lower intensity uses from the effects of higher intensity uses. A master site plan should address standards of building height and location, landscape buffers, impervious surface ratios, combined trip generation, limited signage size, and parking.
>
> **POLICY S-NC-10b.** Encourage the use of development review tools for Sambica that distinguish the mix of land uses proposed for Sambica redevelopment to assure the predominant non-commercial character of the camp and conference center, provide predictability in development processes, and maintain compatibility with the surrounding neighborhood.
>
> > ***Discussion:*** *The Sammamish Bible Camp – Sambica – was established along the shores of Lake Sammamish in 1919. It is historically valued by the surrounding community. As Sambica changes over time to maintain its functions and to provide relevant services to its users its buildings and structures will change too.*
> >
> > *The current uses as of 2008 at Sambica include group camp facilities, conference and retreat facilities, day care, and outdoor and indoor recreation activities. Other uses that are part of Sambica include lodging and dining, active recreation, administrative offices, staff housing, maintenance and storage, and a camp store.*
> >
> > *The camp and conference center designation also allows for redevelopment which may include active recreation facilities including gymnasiums and pools. Redevelopment may also include small-scale, neighborhood business retail and service uses that are functionally related in nature and size to the property designated CCC and which do not exceed 5,000 square feet individually or 10,000 square feet in total.*

The proposed Land Use Code Amendment is consistent with and will implement the policies adopted by Ordinance No. 5859 by establishing a Camp and Conference Center land use district. The proposal does not include an actual zoning map change of any particular site to CCC, including the Sambica site. Such a map change (i.e., a rezone) would be a separate action that would be made possible by the creation of the CCC land use district.

Specify the purpose and need to which the proposal is responding: The purpose of the proposal is to establish a land use district in the Land Use Code that is consistent with the land use designation created in the Comprehensive Plan by Ordinance No. 5859. This will ensure consistency between the Comprehensive Plan and the Land Use Code with respect to this new land use designation, and will allow the Sambica site (and potentially other similarly-situated properties) to ultimately be reclassified to Camp and Conference Center zoning.

State the major conclusions, significant areas of controversy and uncertainty: The adoption of the proposed LUCA is consistent with and will contribute to the implementation of policy direction established by Ordinance No. 5859. No significant areas of controversy or uncertainty have been identified. Although it is uncertain when the Sambica property might be reclassified to the new CCC classification is uncertain, that lack of certainty over the timing of such reclassification is not considered significant.

State the issues to be resolved, including the environmental choices to be made among alternative courses of action: No issues to be resolved. The alternative course of action would be to not adopt the proposed LUCA. In terms of environmental impacts, the two alternatives are not significantly different.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: The proposal is a nonproject action to establish a new Camp and Conference Center land use district in the Land Use Code. There are no significant adverse impacts resulting from that action. If and when a property is proposed to be reclassified to CCC, that action will be subject to review pursuant to SEPA and any impacts resulting from such action will be identified and addressed at that time.

Describe any proposed mitigation measures and their effectiveness: No specific development is being approved with this proposal. No significant environmental impacts have been identified, therefore no mitigation measures are proposed.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?** Adoption of the proposed code amendment will not increase the potential impacts to water, air and earth resources or noise production.

   Proposed measures to avoid or reduce such increases are: N/A

2. **How would the proposal be likely to affect plants, animals, fish or marine life?** Adoption of the proposed code amendment will not increase the potential impacts to plants and animals.

   Proposed measures to protect or conserve plants, animals, fish or marine life are: N/A

3. **How would the proposal be likely to deplete energy or natural resources?** No adverse impacts to energy or natural resources are anticipated by the adoption of the proposed code amendment.

Proposed measures to project or conserve energy and natural resources are: N/A

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?** Adoption of the proposed code amendment will not affect environmentally sensitive areas or areas designated or eligible for governmental protection. If a property is reclassified in the future to the CCC designation, any ensuing development that occurs under that designation will be subject to all existing regulations that protect critical areas or provide other governmental protection.

   Proposed measures to protect such resources or to avoid or reduce impacts are: N/A

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?** Adoption of the proposed amendment will not affect any shoreline areas. Although a small portion of the Sambica site (which could potentially be reclassified to CCC) lies within the 200' shoreline jurisdiction of Lake Sammamish, any development that might be proposed to occur within that jurisdiction will be subject to the City's Shoreline Master Program regulations. Eventual application of the CCC designation to the Sambica would reinforce existing land use patterns and would not allow or encourage land uses incompatible with existing uses or plans.

   Proposed measures to avoid or reduce shoreline and land use impacts are: N/A

6. **How would the proposal be likely to increase demands on transportation or public services and utilities?** The proposed Land Use Code Amendment is not likely to increase demands on these services and utilities.

   Proposed measures to reduce or respond to such demand(s) are: N/A

7. **Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.** No conflicts are known or anticipated.

D. **The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.**

Signature _____ **Date Submitted:** February 18, 2014

Michael Bergstrom

Part 20.25N Camp and Conference Center District

20.25N.010 Applicability

A. This Part 20.25N LUC, Camp and Conference Center (CCC) District, contains standards and guidelines that apply to development and activity within the CCC District.

B. This Part 20.25N LUC is subject to Part 20.25H LUC - Critical Areas Overlay District.

C. This Part 20.25N LUC is not subject to Part 20.25B LUC - Transition Area Design District.

20.25N.020 Master Development Plan Review Required

A. Review Required

A Master Development Plan (MDP) review under Part 20.30V LUC is the means by which the City shall ensure that site development in a CCC district is consistent with the Comprehensive Plan and the provisions of this Part 20.25N and meets all applicable site development standards and guidelines of the LUC. The applicant shall record the approved MDP with King County in accordance with LUC 20.30V.180, after CCC zoning is established for the site encompassed in the MDP. Per LUC 20.30V.140 the applicant may, but is not required to, request that the MDP constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.

B. Standards and Requirements

All development within a single CCC site shall be governed by MDPs reviewed by the Director pursuant to Part 20.30V LUC.

1. At a minimum, the MDP shall depict the following:

   a. Existing conditions, including:

      i. The proposed continued use, maintenance, and/or remodeling of existing conditions, including uses and structures and their current locations, which are permitted in a CCC District.
      ii. The proposed continuation of existing conditions, including uses and structures and their current locations, which are not permitted in a CCC District. The nonconforming provisions of LUC 20.20.560 and/or the Temporary Use provisions of Part 20.30M LUC apply to these existing conditions.
      iii. The proposed discontinuation of existing conditions, including uses and structures and their current locations, and general timing, sequencing, or triggering of same.

   b. The proposed general location or placement of proposed uses, structures, facilities, and site features;

   c. A list of proposed principal and subordinate uses and their general locations;

   d. Conformance with the dimensional requirements of LUC 20.25N.050, based on the total area contained in the Master Development Plan;

2. Phasing. An MDP may show site development in geographically-defined phases per LUC 20.30V.130.

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3. Modifications to an approved MDP or phased MDP shall be governed by LUC 20.30V.160 except modifications to existing conditions shall be governed by LUC 20.25N.020.B.1.a.ii.

20.25N.030 Design Review Required

Design Review pursuant to Part 20.30F LUC shall be required for any proposed development in a CCC District, except for freestanding structures proposed for religious activities which will be reviewed through the Conditional Use review process. Modifications or additions to an approved Design Review in a CCC District shall be governed by LUC 20.30F.175. The dimensional requirements, other development standards, and design guidelines of this Part 20.25N shall be ensured through the Design Review process.

20.25N.040 Uses in the CCC District (1) (2) (5)

Conference center for professional, educational, or religious meetings, seminars, or retreats	P
Structures, facilities, and activities including food preparation and eating, lodging for camp attendees, recreation facilities, and administrative and maintenance functions associated with the above permitted uses. (6)	P
Subordinate uses (3)	
Recreation uses associated with conference center for professional, educational, or religious meetings, seminars, or retreats - Indoor public assembly and camping sites (6)	S
Dwelling units for CCC staff	S
Miscellaneous retail trade: drug stores, camp stores, gift stores, jewelry, clothing, bookstores, newsstands, florist, photo supplies, video sales/rental and vendor carts, if located in a structure containing one of the above permitted uses. (7)	S
Childcare services	P
Religious activities (4)	C
Accessory parking (8)	P
Wireless communication facilities, including satellite dishes (9)	A/P
Utility facility	C
Local utility system	P
Regional utility system	C
Essential public facilities (10)	C
Transit facilities (11)	P
Highway and street right-of-way	P
Electrical Utility Facility (12)	A/C

P = Permitted Use
S = Permitted only as a subordinate use to the above-listed permitted use
C = Conditional Use (see Part 20.30B or 20.30C LUC)
A = Administrative Conditional Use (see Part 20.30E)

Notes:

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(1) Existing Conditions as defined in this Part 20.25N LUC are permitted subject to an approved MDP. See LUC 20.25N.020.B.1.a.
(2) Uses must be included into a MDP approval pursuant to LUC 20.25N.020.
(3) These uses are permitted only as a subordinate use to the above permitted uses. See LUC 20.20.840; Subsections C1 and C.3 do not apply in a CCC district. Subordinate uses shall be located on the same site or in the same structure as the permitted use in accordance with the approved MDP.
(4) Freestanding structures proposed for Religious Activities permitted in a CCC do not require Design Review. Compliance with the approved MDP shall be assured through the Conditional Use permit process.
(5) See LUC 20.25N.070 for Other Development Standards that apply to these uses.
(6) Recreation uses exclude private health clubs, athletic clubs, outdoor public assembly, and hunting clubs, gun clubs or gun sports activities.
(7) May not exceed 5,000 gross square feet individually or 10,000 gross square feet total within the boundary of a CCC. The lineal feet of commercial and retail uses along a street frontage are limited through the approval of a MDP.
(8) Accessory parking is permitted to serve only the uses located within the CCC district pursuant to an approved MDP and requires approval through the review process required for the primary use which it serves.
(9) Wireless communication facilities must meet the requirements of LUC 20.10.440 – Notes 14 and 21, Transportation and Utilities, and LUC 20.20.195. Administrative Conditional Use approval is required for freestanding monopole facilities and wireless facilities integrated into parking lot light poles and/or adjacent street poles (within the right-of-way) to the site. Building-mounted wireless facilities are permitted outright. Any ground-mounted equipment must be adequately screened per LUC 20.20.195. Satellite dishes are permitted outright.
(10) Refer to LUC 20.20.350 for general requirements applicable to essential public facilities.
(11) Transit facilities include transit stops and high-capacity transit stops.
(12) Refer to LUC 20.10.440 – Note 22, Transportation and Utilities.

LUC 20.25N.050 Dimensional requirements

Minimum Setback (1)			**Maximum Impervious Surface** (6)	**Maximum Lot Coverage** (6)	**Building Height** (2) (3) (4)
Front (5)	**Rear**	**Side**			
20'	25'	20'	65%	40%	30'

Notes:
(1) Setbacks shall be measured from the exterior boundaries of the entire area contained in the approved MDP.
(2) Maximum building height in CCC districts is 30 feet measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or 35 feet to the ridge of a pitched roof. Shoreline height is measured per LUC 20.25E.080.
(3) Maximum building height of any individual building facade is 40 feet measured from the existing grade at the building wall to the ridge of a pitched roof or top of a flat roof.
(4) An increase in building height, including any building façade, of up to a maximum 55' (to a pitched or flat roof) is allowed for specific uses as identified in the Master Development Plan and the requirements noted below:
   a. Such height increase is approved under both the Master Development Plan and Design Review for the structure; and

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b. Rooftop mechanical equipment shall be subject to the height limitations in LUC 20.25B.040.A.1; and
c. The increase in height is necessary to accommodate uses or equipment functionally related to a permitted CCC use such as swimming pools, performing arts theatres, and gymnasiums; and
d. Any portion of the structure exceeding the maximum building height is stepped back from any property line a minimum distance of 50 feet unless a reduction is approved through the Master Development Plan process.

(5) The front yard setback for retail/service/commercial uses is 0'. These uses are subject to LUC 20.25N.080, Building Design Guidelines – Retail/Service/Commercial Uses.
(6) Maximum impervious surface and maximum lot coverage shall be based on the total site area contained in the approved MDP.

20.25N.060 Landscape requirements

Perimeter (1)	**Landscaping Requirement** (2) (3) (4)
Street Frontage	10' wide Type III landscaping
Interior Property Lines	10' wide Type III landscaping

Notes:
(1) These requirements apply to the exterior boundaries of the entire area contained in the approved MDP.
(2) The tree retention provisions of LUC 20.20.900 for subdivisions (30%) apply in the CCC district.
(3) If a retail/service/commercial use is located at sidewalk with a 0' building setback then the landscaping requirement may be reduced to 0', per the approved MDP.
(4) Existing vegetation may be used in lieu of the landscape requirement noted above.

The Director may approve alternative landscaping options in accordance with LUC 20.20.520.J.

20.25N.070 Other Development Standards
A. Signage

The provisions of BCC 22B.10.040 LUC—Office, research and development, and multifamily residential district signs—shall regulate signage proposed in CCC districts, EXCEPT:

1. Rooftop signs are prohibited.

2. Any building-mounted sign shall be located on the face of the building containing the main entrance to the building premises and the sign, if facing abutting residential property, shall be located more than 50 feet from the abutting residentially-zoned property line.

3. Signs in this district may be internally or externally illuminated. If externally illuminated, the illumination source shall be located, shaded, shielded, or directed so that it is not visible from a public street or adjoining residentially-zoned property. All sign illumination shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.

4. Directional signs, as defined in BCC 22B.10.020, are permitted and are not included in the number of primary signs.

5. Incidental signs, as defined in BCC 22B.10.020, are permitted and are not included in the number of primary signs.

B. Trip generation measurement

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Land uses shall be defined as follows for measuring trip generation rates:

1. Proposed CCC principal land uses shall be calculated with a single trip generation rate which shall be based on Institute of Transportation Engineers' data, applicant information and other relevant material.

2. Proposed CCC subordinate land uses shall be calculated individually for purposes of determining a specific, separate trip generation rate. Each individual subordinate land use's trips shall be added to the CCC site's total trip volume. All proposed other land uses within a CCC shall be calculated individually for purposes of determining a specific, separate trip generation rate. Each individual other land use's trips shall be added to the CCC site's total trip generation volume.

3. Existing conditions land uses shall be assigned the appropriate land use (principal, subordinate, or other) for purposes of the CCC total trip generation rate.

C. Parking

Parking shall be required through unspecified use parking analysis established by the Director through LUC 20.20.590.F.2. Such analysis shall individually identify the maximum number of parking stalls required for uses which are identified and permitted in the MDP. Shared use provisions may be considered.

D. Noise

Uses in the CCC District are subject to the City of Bellevue Noise Control Code (Chapter 9.18 BCC). For the purpose of noise control, the CCC District shall be treated as a Residential land use district: Class A EDNA pursuant to BCC 9.18.025.

20.25N.080 Design guidelines

In addition to the decision criteria in LUC 20.30F.145, the following guidelines apply:

A. General Guidelines

Each structure and all proposed site development must comply with the approved MDP. If an application for Design Review [when required] contains elements inconsistent with the approved MDP, the Director may not approve the Design Review until the required MDP is amended to include those elements.

B. Site Design Guidelines

1. Develop site improvements and amenities consistent with the phasing approved in an MDP;

2. Provide visual and functional connections between uses within the CCC District by incorporating areas of vegetation, outdoor spaces and pedestrian connections;

3. Consider surrounding vegetation, topography, street patterns, parking configuration and building massing in order to result in a compatible fit between proposed development and adjacent non-CCC residential development;

4. The largest CCC buildings with the largest bulk (size, height) shall be located to minimize impacts on adjacent residential uses. See Footnote (4)(d) under LUC 20.25N.050.

5. Maximize the retention of existing significant (see LUC 20.50.046 – Significant Tree) vegetation to soften visual impacts on adjacent residential areas.

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6. Design vehicular access to the site so that traffic is not directed through an abutting residential district.

7. Minimize the visual impact of parking facilities by integrating parking facility structures and lots into the site, and by providing landscape screening where surface parking is located adjacent to residential uses or within setback areas.

8. Locate vehicle drop-off areas in close proximity to building entries.

9. Consider the following in designing outdoor spaces interior to the site:

   a. Orientation. Orient to sunlight to the maximum extent feasible

   b. Provide good physical and visual access from the interior space to sidewalks and walkways, so that the space is perceived as an extension of the sidewalk or walkway.

   c. Ensure ready physical as well as visual access to the interior space, with special attention to elevation differences.

10. Innovative Techniques for Impervious Surface may be considered per LUC 20.20.460.G.

C. Building Design Guidelines – All Uses

1. Materials, finishes, and details should be complementary to each other and be consistent with the design intent of the MDP;

2. Locate service areas for trash dumpsters, loading docks and mechanical equipment away from public rights-of-way and residentially-zoned property where possible. Screen views of those elements if they cannot be located away from public frontages;

3. Incorporate weather protection and pedestrian amenities for transit facilities; and

4. Design rooftop mechanical equipment to be architecturally integrated with a building.

D. Building Design Guidelines – Retail/Service/Commercial Uses

In addition to the Building Design Guidelines in LUC 20.25N.080.C, buildings intended to house retail, service, or commercial uses shall comply with the following design guidelines:

1. Provide ground floor building elements that are accessible and comfortable to pedestrians through use of human-scale design elements, such as recessed entries, entrance canopies, planters, benches, variations in paving materials, and lighting features;

2. Consider weather protection in the site interior through use of sheltered walkways or sidewalks; and

3. Design entries to be clearly identifiable from public rights-of-way adjacent to the CCC District or from a pedestrian walkway connected to a public right-of-way.

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CCC District Conformance Amendments

Chapter 20.10 Land Use Districts

20.10.020 Establishment of land use districts.
Land use districts in the City are hereby established as follows:

	District	Designation
(add to list):	Camp and Conference Center	CCC

20.10.100 District descriptions.
LUC 20.10.180 through 20.10.~~395~~397 describe the purpose and scope of the City's land use districts. These sections may be used to guide the interpretation of the regulations associated with each district.

20.10.397 Camp and Conference Center (CCC)
A camp and conference center (CCC) provides areas for a unified mix of group day or residence camps and professional, educational, or religious meetings, conferences, seminars, and retreats and their associated facilities and activities. These are used primarily by organizations and schools and the families and individuals they enroll.

The purpose of the designation is to maintain the compatibility of this unique mix of uses with surrounding neighborhoods by limiting the overall intensity of the site, and protect lower intensity uses from the effects of higher intensity uses.

20.10.440 Land use charts

(add below each chart): Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

Part 20.25B Transition Area Design District

20.25B.020.B Transition Area Design District – Limitations

(add new subparagraph 10, to read):
10. Development within the CCC Land Use District is not subject to Transition Area Design District requirements.

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City of Bellevue

PLANNING COMMISSION PUBLIC HEARING

September 3, 2014

SUBJECT

Public hearing on Land Use Code Clean-Up Amendments

STAFF CONTACT

Carol V. Helland, Land Use Director, chelland@bellevuewa.gov 452-2724
Mike Bergstrom, Principal Planner, mbergstrom@bellevuewa.gov 452-2970
Development Services Department

DIRECTION NEEDED FROM PLANNING COMMISSION

X Action
X Discussion
Information

At the September 10, 2014, meeting the Planning Commission is requested to conduct a Public Hearing and make a recommendation to the City Council regarding the proposed Land Use Code Clean-Up Amendments. The recommendation to Council will occur as an outcome of your deliberation later this evening in a Study Session.

BACKGROUND

The proposed Land Use Code Clean-Up Amendments are listed as a Top Priority on the Code Amendment Docket that the City maintains in compliance with the Washington State Growth Management Act. Such amendments are intended to provide code simplification, clarity, and internal consistency, as well as align code provisions with actual practice. Clean-up amendments typically address numerous provisions of the Land Use Code.

The Planning Commission held a study session on the proposed amendments on June 11, 2014 and requested that this public hearing be scheduled. Questions raised by the Commission at that study session, as well as more complete background information and discussion of the proposal, are included in the enclosed Staff Report.

PUBLIC HEARING

LUC 20.35.400 establishes the procedures for Process IV: City Council legislative actions. LUC 20.35.410 requires that the Planning Commission hold a public hearing on proposals reviewed through Process IV prior to making a recommendation to Council. LUC 20.35.430 states that any person may participate in the public hearing.

ALTERNATIVES

1. Hold a public hearing and move to recommend approval, approval with modifications, or denial of the proposal.
2. Provide an alternative recommendation to Council.

RECOMMENDATION

Public Hearing
1. Move to open the public hearing.
2. Move to close the public hearing (after receiving all testimony)

Study Session
Following the public hearings, the Planning Commission is asked to convene the study session, deliberate and make a motion on a recommendation.
3. Move to recommend that City Council approve the proposed Land Use Code Clean-Up Amendments.

NEXT STEPS

1. Council study session – transmittal of Planning Commission recommendation
2. Council action on the proposal
3. East Bellevue Community Council public hearing and final action

ENCLOSURE

Public hearing staff report to the Planning Commission

City of Bellevue

STAFF REPORT TO THE PLANNING COMMISSION

September 3, 2014

SUBJECT

Public Hearing - Land Use Code Clean-Up Amendments

STAFF CONTACT:

Carol Helland, Land Use Director, 452-2724, chelland@bellevuewa.gov
Mike Bergstrom, Principal Planner, 452-2970, mbergstrom@bellevuewa.gov
Development Services Department

DIRECTION NEEDED FROM PLANNING COMMISSION

X Action
X Discussion
Information

INTRODUCTION

On September 10, 2014 the Planning Commission will hold a public hearing on a set of proposed Land Use Code "clean-up" amendments (Attachment A). These amendments are listed as a Top Priority on the Code Amendment Docket that the City maintains in compliance with the Washington State Growth Management Act. The Commission held a study session on the proposed amendment on June 11, 2014 and requested that a public hearing be scheduled. At the conclusion of the public hearing the Commission will be asked to formulate a recommendation to Council on the proposal.

BACKGROUND

"Clean-up" amendments typically address numerous provisions of the Land Use Code and are intended to provide code simplification, clarity, and internal consistency, as well as align code provisions with actual practice. This differs from a "single issue" amendment, e.g., Recreational Marijuana, SMP Update, or Residential Room Rentals, that would likely have broader community interest or greater policy implications.

The proposed Land Use Code Clean-Up amendment would affect a variety of Land Use Code provisions, including:

20.10.440	Use Charts
20.20.010	Dimensional Requirements Chart
20.20.015	Minimum lot size - Shape
20.20.125	Accessory structures in residential districts – Detached
20.20.130	Animal keeping and services
20.20.170	Child care service use

20.20.520	Landscape development
20.20.590	Parking, circulation, and walkway requirements
20.20.720	Recreational vehicles, watercraft, and utility trailers
20.20.890	Trailers, boats and large vehicles – Use as dwelling units
20.20.900	Tree retention and replacement
20.25B.010	Transition Area Design District Purpose
20.25B.020	Transition Area Design District Applicability
20.25B.040	Transition Area Design District Development Standards
20.25D.070	Bel-Red Services Land Use Chart
20.25D.080	Bel-Red Districts Dimensional Requirements
20.25D.130	Bel-Red Development Standards
20.25H.035	Critical area buffers and structure setbacks
20.30D.285	Amendment of an approved Planned Unit Development
20.30N.140	Home Occupation Permit Decision Criteria
20.30T	Reasonable Accommodation
20.35.015	Review and Appeal Procedures – Framework for Decisions
20.35.210	Process II: Administrative decisions – Notice of application
20.35.250	Appeal of Process II decisions
20.40.500	Vesting and expiration of vested status of land use permits and approvals
20.45A.140	Preliminary Plat – Time Limitations
20.45A.180	Final Plat – General
20.50.012	"B" definitions (Building Height; Building Height – Single-Family Land Use Districts; Building Height – Shoreline Overlay Districts; Building Height – Transition Area Design Districts)
20.50.020	"F" definitions (Floor Area Ratio; Floor Area Ratio – Single-Family Dwelling
20.50.030	"K" definitions (Kitchen)

The proposed ordinance contained in Attachment A includes comment bubbles in the right margin that state the purpose or need for each amendment. The majority of the individual amendments add clarity or user convenience, correct citations or cross-references, remove unused code provisions, or provide internal code consistency or consistency with other laws.

QUESTIONS FROM JUNE 11 STUDY SESSION

At your June 11 study session on this item, the Commission raised questions concerning the possible addition of two definitions to the Land Use Code: "Floor Area Ratio (FAR) – Single-Family Dwelling" and "Kitchen".

<u>Floor Area Ratio (FAR) – Single-Family Dwelling.</u> The proposed definition reads as follows:

> **"**A measure of development intensity equal to the gross floor area divided by net on-site land area (square feet). Included in the calculation of gross floor area is the floor area of the ground floor plus that of any additional stories of all buildings on the lot, including accessory structures. High-volume spaces – 16 feet or greater in height – are counted twice. Excluded in the calculation of gross floor area is the floor area or partially exposed lower levels that are less than five feet above finished grade, attic areas which are unfinished and non-habitable, and carports, porches, and decks that are open on at least two sides. See also LUC 20.20.010, Note (43)."

The Commission asked about the origin of this definition, and about "high-volume spaces" counting twice toward allowable FAR. FAR limits were established in 2009 by the adoption of Ordinance No. 5896, as a part of the Neighborhood Livability initiative. The purpose of adopting FAR limits was to help newer (often larger) homes achieve scale compatibility with neighboring existing homes. However, that ordinance did not adopt a definition of FAR that could be applied to single-family dwellings. Therefore, staff reviewed FAR definitions from several other jurisdictions and researched how those jurisdictions approach high-volume spaces. Staff then developed the above language as a working definition and has been applying it to new permits for the past five years. For continued consistency moving forward, and to help users of the Land Use Code find this definition, staff proposes that the definition be codified.

Regarding high-volume spaces, the definition was crafted to balance the fundamental purpose of having a single-family FAR (reduce impacts relating to scale) with the acknowledgement that many newer houses contain entries or other rooms with high ceilings. The definition as written allows reasonable flexibility in accommodating increased ceiling heights before counting such spare twice toward FAR. Basically, it is not until a high-volume space reaches a height equivalent to a two-story structure with more traditional ceiling heights, and therefore having similar exterior bulk as a two-story structure, that it counts twice toward the FAR limit just as that two-story structure would. It should also be kept in mind that the 0.5 FAR limit is not hard and fast; it simply requires that for any structure exceeding 0.5 FAR setbacks be increased to 7.5 feet for each side yard, and that the structure either incorporate daylight plan standards or a second story stepback of not less than 5 feet on each side of the building facing a side yard property line.

<u>Kitchen.</u> The proposed definition reads as follows:

> "An identifiable area inside a building, including all appliances, fixtures, and features within that area together with high-voltage electrical wires and plumbing serving such appliances, fixtures, and features, that contains a combination of functionally related appliances including a stove, range, oven, microwave, or any combination thereof, a refrigerator or other food storage appliance, a sink, and a counter or cupboards, in proximity to each other."

The need for a definition of "kitchen" arises from the definition of Dwelling, Single-Family in the Land Use Code. That definition begins "A building containing but one kitchen….." Without establishing what constitutes a kitchen, it is difficult to determine the point at which a single-family dwelling becomes a duplex.

The proposed definition has been used for several years in the City's Single Family Use Agreement, a document that verifies that certain dwellings will be used for single-family purposes. Similar to the FAR discussion above, codifying this definition will ensure continued consistency moving forward, and will help Land Use Code users find this definition more easily.

PUBLIC NOTICE AND COMMENT

Notice of the LUCA application was published in the Weekly Permit Bulletin on February 20, 2014. Notice of the Public Hearing was published on August 21, 2014.

Pursuant to the Washington State Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Land Use Code. A copy of the proposed amendment was provided to state agencies on February 20, 2014.

No comments from either the public or state agencies have been received on the proposal.

EAST BELLEVUE COMMUNITY COUNCIL COURTESY HEARING

On August 5, 2014 the East Bellevue Community Council held a courtesy hearing on the proposed ordinance. The EBCC asked general questions about the proposed ordinance, as well as more specific questions about the proposed addition of the definitions of "Floor Area Ratio (FAR) – Single-Family Dwelling" and "Kitchen". At the conclusion of the courtesy hearing the EBCC did not suggest any changes to the proposed ordinance, but did acknowledge that adding the definition of "Kitchen" would only define that term, and would not address the question of the number of kitchens allowed in a residential dwelling.

STATE ENVIRONMENTAL POLICY ACT

This action is exempt from the requirements of SEPA, pursuant to WAC 197-11-800(19) – Procedural Actions.

DECISION CRITERIA

LUC 20.30J.135 provides the decision criteria for amendments to the text of the Land Use Code:

A. The amendment is consistent with the Comprehensive Plan; and

The proposed amendment is supported by the following Comprehensive Plan policies:

CP-5. Develop and maintain Land Use Code provisions that define the process and standards relevant to each stage of land use decision making, and educate the public about these processes and standards to promote meaningful citizen participation.

ED-3. Develop and maintain regulations that allow for continued economic growth while respecting the environment and quality of life of city neighborhoods.

ED-4. Maintain an efficient, timely, predictable and customer-focused permit process, conducted in a manner that integrates multiple city departments into a coordinated entity.

B. The amendment enhances the public health, safety or welfare; and

The amendment enhances the public health, safety, and welfare by maintaining development regulations that are current, user-friendly, and clear. Well-maintained regulations help to remove confusion and conflicts that can add time and cost to the permit process, as well as reduce legal exposure arising from internal code conflicts or lack of consistency with State laws.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

The amendment is in keeping with the best interest of the citizens and property owners of the City of Bellevue, as well as other users of the Land Use Code. Adding clarity and removing internal code conflicts or gaps increases the usability of the Land Use Code by citizens, property owners, and developers alike.

RECOMMENDATION

Move to recommend that the City Council approve the proposed Land Use Code Amendment.

NEXT STEPS

Adoption of the ordinance will entail the steps listed below. No dates have been set for these steps.

1. Council study session – transmittal of Planning Commission recommendation
2. Council action on ordinance
3. East Bellevue Community Council public hearing and final action

ATTACHMENT

A. Proposed Land Use Code Clean-Up Amendment

Attachment A

September 10, 2014 Public Hearing Draft

Draft Land Use Code Clean-Up Amendments

Section 1. Section 20.10.440, Residential Land Use Chart, Note (16), is hereby deleted:

~~(16) For Single-Family Land Use Districts, "building height" is defined as the vertical distance measured from the average existing grade around the building to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof, provided this measurement does not apply to flag poles and short wave radio antennas. Refer to the definition of building height for Single-Family Land Use Districts at LUC 20.50.012.~~

Comment [CoB1]: Removes errant note; 20.10.440 does not address building height.

Section 2. Section 20.10.440, Residential Land Use Chart, is hereby amended to add Note (16), to read as follows:

(16) See LUC 20.20.190 for additional regulations.

Comment [CoB2]: User convenience – directs user to special setback and auto access requirements in 20.20.190.

and to attach Note (16) to the following uses:

- Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities; and
- Congregate Care Senior Housing; and
- Nursing Home.

Section 3. Section 20.10.440, Recreation Land Use Chart, is hereby amended to add Note (11), to read as follows:

20.10.440 Recreation Land Use Chart.

(11) See LUC 20.20.190 for additional regulations.

Comment [CoB3]: User convenience – directs user to special setback and auto access requirements in 20.20.190.

and to attach Note (11) to the following uses:

- Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools.

Section 4. Section 20.10.440, Resources Land Use Chart, is hereby amended to add Note (5), to read as follows:

20.10.440 Resources Land Use Chart.

(5) See LUC 20.20.130.E for additional regulations.

Comment [CoB4]: User convenience – directs user to additional regulations elsewhere in the Land Use Code.

Section 5. Section 20.10.440, Services Land Use Chart, is hereby amended to add Note (26), to read as follows:

20.10.440 Services Land Use Chart.

(26) See LUC 20.20.190 for additional regulations.

Comment [CoB5]: User convenience – directs user to special setback and auto access requirements in 20.20.190.

and to attach Note (26) to the following uses:

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- Military and Correctional Institutions; and
- Education: Primary and Secondary; and
- Universities and Colleges; and
- Religious Activities.

Section 6. Section 20.20.010, Dimensional Requirements Chart, Note 44, of the Bellevue Land Use Code is hereby amended to read as follows:

(44) Maximum building height for single-family uses in single-family residential land use districts is 30 feet measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or 35 feet to the ridge of a pitched roof. Refer to 20.50.012 for definition of Building Height – Single-Family Land Use Districts.

Comment [CoB6]: User convenience.

Section 7. Section 20.20.015 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.015 Minimum lot size – Shape.

Every lot shall be of a shape such that two lines, one equal to the required width and one equal to the required depth for the land use district, may be placed at right angles to each other entirely within the lot boundaries. ~~Lot width shall be measured at the building line of the primary structure, which structure does not include garages or other accessory buildings.~~

Comment [CoB7]: Removes confusion, adds user clarity.

Section 8. Section 20.20.125.E of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.125.E Accessory structures in residential districts – Detached.

E. Limitations on Location and Lot Coverage.

~~1. Detached accessory structures shall not be located less than six feet from the associated primary structure.~~

Comment [CoB8]: Consistency with International Residential Code adopted by the City of Bellevue.

~~2~~1. Detached accessory structures shall be included in the calculation of lot coverage necessary to comply with the Maximum Lot Coverage by Structures requirements contained in LUC 20.20.010. In addition, detached accessory structures are limited to a maximum lot coverage of 10 percent except as otherwise provided in paragraph F.2. of this section.

~~3~~2. Detached accessory structures are required to comply with the front and side setbacks required for the primary structure and are required to maintain a five-foot setback from the rear lot line except as otherwise provided in paragraph F.3. of this section.

Note: The International ~~Building~~Residential Code as adopted and amended by the City of Bellevue contains additional fire protection requirements that are applicable to some structures constructed within a side or rear yard setback.

Comment [CoB9]: The IRC is the code now used by the City of Bellevue.

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Section 9. Section 20.20.130.E of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.130.E Veterinary Services.

In addition to the development standards applicable to the land use district, including BCC Title 8 and Chapter 9.18 BCC, veterinary services are subject to the following requirements:

1. A veterinary clinic designed for the treatment and care of pet animals shall be operated by a registered veterinarian.

2. Animals shall be confined within the exterior walls of the building at all times.

3. Pet day care services may be allowed as a subordinate use subject to the provisions of subsection D of this section and LUC 20.20.840. All pet day care services shall be isolated by soundproofing from all adjacent property and uses.

4. Walls of interior-court animal runs shall be a minimum of eight feet high. Interior-court animal runs shall be roofed and if there are open air spaces between the top of the wall and the roof, they shall be enclosed with wire mesh.

5. All rooms housing animals shall have ample natural or mechanical ventilation.

6. There shall be no cremation or other disposal of dead animals on the premises.

7. ~~A veterinary clinic or hospital building shall not be located closer than 100 feet to an existing residence, residential district (R-1 through R-30), restaurant, clinic or hospital for humans.~~

8. ~~The setback required above shall not apply in the case of a residence used by the veterinarian himself, or any caretaker or watchman on the same or an adjoining lot.~~

Comment [CoB10]: Outdated requirement with no basis in either King County or Washington State regulations regarding health or other veterinary activities/locations.

Comment [CoB11]: If subsection (7) above is removed, this subsection (8) is no longer relevant.

Section 10. Section 20.20.170.C of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.170.C Child care service use.

C. Family Child Care Home in a Residence.

Family child care providers must obtain an operating license from the Department of ~~Social and Health Services~~Early Learning. Minimum licensing requirements can be found in Chapter ~~388-155~~170-296 WAC. Family child care providers also must obtain a Registration Certificate from the City of Bellevue as required by Chapter ~~4.02~~4.03 BCC (Tax Administration Code). All family child care homes must comply with applicable building and fire codes, the Sign Code, Chapter 22B.10 22 BCC, and LUC provisions governing lot size, building dimensions, setbacks and lot coverage requirements for the zone in which they are located.

Comment [CoB12]: Reference and code citation corrections.

Section 11. Section 20.20.520.K of the Bellevue Land Use Code is hereby amended to add a new subsection 3, to read:

20.20.520.K Maintenance of Plant Materials.

3. Streetscape plant materials shall be maintained in a manner consistent with the Bellevue Parks & Community Services 2012 "Environmental Best Management Practices & Design Standards", Chapter 8 – Streetscape Management, now, or as hereafter amended.

Comment [CoB13]: Clarification of maintenance standards.

Section 12. Section 20.20.590.F.1 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.590.F Parking, circulation and walkway requirements.

F. Minimum/Maximum Parking Requirement by Use.

1. Specified Uses. Subject to LUC 20.20.590.G and 20.20.590.H, the property owner shall provide at least the minimum and may provide no more than the maximum number of parking stalls as indicated below:

Use	Minimum Number of Parking Spaces Required	Maximum Number of Parking Spaces Allowed
a. Auditorium/assembly room/exhibition hall/theater/commercial recreation (2~~4~~)	1:4 fixed seats or 10:1,000 nsf (if there are no fixed seats)	No max.
b. Boat moorage, public or semi-public	1:2 docking slips	No max.
c. Financial institution	4:1,000 nsf	5:1,000 nsf
d. Funeral home/mortuary	1:5 seats	No max.
e. High technology/industry ~~(1)~~	4:1,000 nsf	5:1,000 nsf
f. Home furnishing-retail and major appliances-retail	1.5:1,000 nsf	3:1,000 nsf

Comment [CoB14]: Numbering change resulting from elimination of notes 1 and 2.

Comment [CoB15]: Note eliminated. See below.

DRAFT

g. Hospital/in-patient treatment facility/outpatient surgical facility	1:patient bed	No max.
h. (Deleted by Ord. 5790)		
i. Manufacturing/assembly (other than high technology/light industry)	1.5:1,000 nsf	No max.
j. Office ~~(1)~~ business services/professional services/general office	4:1,000 nsf	5:1,000 nsf
k. Office ~~(2)~~ medical/dental/health-related services	4.5:1,000 nsf	5:1,000 nsf
l. Personal services:		
Without fixed stations	3:1,000 nsf	No max.
With fixed stations	1.5:station	No max.
m. Residential:		
Single-family detached	2:unit	No max.
Multiple unit structure:		
One-bedroom or studio unit	1.2:unit	No max.

Comment [CoB16]: Note eliminated. See below.

Comment [CoB17]: Note eliminated. See below.

DRAFT

	Two-bedroom unit	1.6:unit	No max.
	Three or more bedroom unit	1.8:unit	No max.
n.	Restaurant:		
	Sitdown only	14:1,000 nsf	No max.
	With takeout service	16:1,000 nsf	No max.
o.	Retail/mixed retail/shopping center uses (1~~3~~):		
	Less than 15,000 nsf	5:1,000 nsf	5.5:1,000 nsf
	15,000 – 400,000 nsf	4:1,000 nsf	4.5:1,000 nsf
	400,000 – 600,000 nsf	4:1,000 nsf	5:1,000 nsf
	More than 600,000 nsf	5:1,000 nsf	5:1,000 nsf
p.	Senior housing:		
	Nursing home	0.33:bed	1:bed
	Congregate care senior housing	0.5:unit	1.5:unit
	Senior citizen dwelling	0.8:unit	1.5:unit
q.	Rooming/boarding	1:rented room	No max.
r.	Wholesale, warehouse	1.5:1,000 nsf	No max.
s.	Vendor cart	1:cart	No max.

nsf = net square feet (See LUC 20.50.036).

Notes: Minimum/Maximum Parking by Use:

~~(1) A property owner proposing a high technology light industry use or an office use (excluding medical/dental/health related office) shall provide area for future parking so that 4.5 stalls per 1,000 net square feet can be provided, if the proposed initial installation is less than 4.5 stalls per 1,000 nsf. (See paragraph K.7 of this section for design requirements). If at any time the Director of the Development Services Department determines that adequate parking has not been provided through the initial installation ratio, the Director may require the installation of stalls designated as reserve parking up to the 4.5 per 1,000 nsf ratio to assure that parking availability satisfies parking demand. Reserved parking areas must be~~

Comment [CoB18]: Numbering change resulting from elimination on notes 1 and 2.

Comment [CoB19]: Provisions contained in Notes 1 and 2 have not been utilized and are unnecessary.

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~~clearly designated on the approved site plan and a document describing such area and the obligation to convert such area to parking must be recorded with the King County Division of Records and Elections and the Bellevue City Clerk.~~

~~(2) A property owner proposing a medical/dental/health related office use shall provide area for future parking so that 5.0 stalls per 1,000 nsf can be provided, if the initial installation is less than 5.0 stalls per 1,000 nsf. (See paragraph K.7 of this section for design requirements.) If at any time the Director of the Development Services Department determines that adequate parking has not been provided through the initial installation ratio, the Director may require the installation of stalls designated as reserve parking up to the 5.0 per 1,000 nsf ratio to assure that parking availability satisfies parking demand. Reserved parking areas must be clearly designated on the approved site plan and a document describing such area and the obligation to convert such area to parking must be recorded with the King County Division of Records and Elections and the Bellevue City Clerk.~~

Comment [CoB20]: Provisions contained in Notes 1 and 2 have not been utilized and are unnecessary.

(1~~3~~) Office, restaurant and movie theater uses included within a retail/mixed retail/shopping center use (paragraph F.1.o of this section) must provide parking stalls as indicated below:

Comment [CoB21]: Numbering change resulting from elimination on notes 1 and 2.

a. Office Uses. If office uses comprise more than 10 percent of the total net square footage of a retail/mixed retail/shopping center use with 25,000 to 400,000 total nsf, the property owner shall provide parking for all office uses at a ratio of at least 4.0 parking stalls per 1,000 nsf for all office space. The office net square footage is not used to calculate the parking for other associated uses.

b. Restaurant Uses. If restaurant uses comprise more than five percent of the total net square footage of a retail/mixed retail/shopping center use, the property owner shall provide parking for all restaurant space at a ratio of at least 14 stalls per 1,000 nsf for sitdown restaurants or at least 16 stalls per 1,000 nsf for restaurants with take-out service. The restaurant net square footage is not used to calculate the parking for other uses.

c. Movie Theaters. Movie theaters in a retail/mixed retail/shopping center use shall provide additional parking as follows:

Size of Retail/Mixed Retail/ Shopping Center Development (nsf)	Parking required in addition to requirements of LUC 20.20.590.F.1
less than 100,000	3.0:100 total seats
100,000-199,999 and more than 450 seats	3.0:100 total seats
200,000 and more than 750 seats	3.0:100 total seats

Movie theater square footage is used to calculate the parking for LUC 20.20.590.F.1.

(2~~4~~) Room or seating capacity as specified in the International Building Code, as adopted and amended by the City of Bellevue, at the time of the application is used to establish the parking requirement.

Comment [CoB22]: Numbering change resulting from elimination on notes 1 and 2.

Section 13. Section 20.20.720.F of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.720.F Recreational vehicles, watercraft, and utility trailers. *

F. As to recreational vehicles only, the requirements of subsection A of this section shall not apply to a residence if one or more occupants thereof has a current windshield placard or special license plate issued to them by the State of Washington as a qualified disabled person in accordance with RCW ~~46.16.381~~46.19.010. Persons claiming this exemption shall apply to the Director for approval thereof. The Director shall establish procedures and standards for acting on exemption requests hereunder. Only one recreational vehicle per residence may be exempted under this provision.

Comment [CoB23]: Citation correction.

* Not effective within the jurisdiction of the East Bellevue Community Council.

Section 14. Section 20.20.890.E of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.890.E Trailers, boats, and large vehicles – Use as dwelling units. *

E. As to recreational vehicles only, the requirements of subsection D of this section shall not apply to a residence if one or more occupants thereof has a current windshield placard or special license plate issued to them by the State of Washington as a qualified disabled person in accordance with RCW ~~46.16.381~~46.19.010. Persons claiming this exemption shall apply to the Director for approval thereof. The Director shall establish procedures and standards for acting on exemption requests hereunder. Only one recreational vehicle per residence may be exempted under this provision.

Comment [CoB24]: Citation correction.

* Effective only within the jurisdiction of the East Bellevue Community Council.

Section 15. Section 20.20.900.E.1 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.900.E Tree retention and replacement.

E. Retention of Significant Trees in the R-1 Land Use District in the Bridle Trails Subarea for any Type of Land Alteration or Development.

1. Permit Required. As required by BCC ~~23.76.025.A.7~~23.76.035.A.8, a clearing and grading permit must be obtained from the City prior to the removal of any significant tree from any lot in the R-1 Land Use District in the Bridle Trails Subarea. The applicant may request a vegetation management plan to cover all proposed tree removal activities within a three-year period. In addition, for the removal of more than two significant trees within any three-year period, the requirements of subsections E.2 and E.3 below apply.

Comment [CoB25]: Citation correction.

Section 16. Section 20.25B.010 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25B.010 Purpose

The Transition Area Design District provides a buffer between residential uses in a residential land use district and a land use district which permits development of higher intensity. Where multifamily development is planned adjacent to single-family residential uses or commercial development is planned adjacent to residential uses, such development should incorporate

Comment [CoB26]: Purpose clarification

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elements in the site design and building design to soften its impact and to result in a compatible transition.

Section 17. Section 20.25B.020 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25B.020 Applicability

A. General.

This chapter applies to any portion of property located in a district designated on the chart below as "Districts providing transition" which is located within 300 feet of property located in a district designated on the chart as "Single-family districts receiving transition" or within 150 feet of property located in a district designated on the chart as "Multifamily districts receiving transition."

B. Limitations.

1. Where a transition area abuts a portion of I-90, I-405, SR 520, Burlington Northern Railroad right-of-way, or power transmission line which is located in a single-family or multifamily district, the City shall include that portion as part of the required width of the transition area.

2. If the applicant establishes that a minimum 150-foot width of greenbelt or native growth protection easement is permanently dedicated for nonbuildable purposes and is located in a single-family or multifamily district, the City shall include that portion as part of the required width of the transition area.

3. Development within any Downtown Land Use District is not subject to Transition Area Design District requirements (refer to LUC 20.25A.090, Perimeter Design District).

4. Development within the F1 Land Use District is not subject to Transition Area Design District requirements.

5. Development within the OLB-OS Land Use District is not subject to Transition Area Design District requirements where that property receiving transition is developed in a nonresidential use.

6. Development of a wireless communications facility is not subject to Transition Area Design District requirements.

7. Development within the Medical Institution Land Use District is not subject to Transition Area Design District requirements.

8. Development within the Bel-Red Land Use Districts is not subject to the Transition Area Design District requirements unless specifically made applicable pursuant to Part 20.25D LUC.

9. Where a transition area abuts a single-family or multifamily district and all properties that would receive transition are developed with legally-permitted non-residential uses, the requirements of this Part 20.25B shall not apply.

Comment [CoB27]: Purpose clarification.

. . . .

Section 18. Section 20.25B.040.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.25B.040 Development Standards

A. Building Height.

1. Definition. ~~For purposes of this chapter~~In a Transition Area, building height shall be measured from average existing grade around the building to the highest point of a flat roof ~~or parapet~~ or to the mean height between the tallest eave~~s~~ and tallest ridge of a pitched roof. Mechanical equipment and satellite dish antennas are included in building height calculations, except that mechanical equipment may ~~extend into~~ be located within the upper one-half of a pitched roof form not to exceed 10 feet above maximum building height. This additional 10 feet is for equipment or screening purposes only and not to obtain additional habitable space. Specifically excluded from this definition are parapet walls designed solely, and only to the extent necessary, to screen mechanical and elevator equipment, and slender structural elements not intended for human habitation and not exceeding 10 feet above the maximum building height including chimneys, smoke ventilation stacks, omni-directional antennas, and flagpoles. This definition supersedes the building height definition in LUC 20.50.012 for purposes of this chapter only.

Comment [CoB28]: Various clarifications to definition of building height in a transition area.

Comment [CoB29]: Adds mechanical equipment screening as an element excluded from building height measurement, to ensure that screening can be of similar height to the equipment it is screening.

Section 19. Section 20.25D.070, Bel-Red Services Land Use Chart, of the Bellevue Land Use Code is hereby amended to remove note (4) from the Professional Services: Medical Clinics and Other Health Care Related Services use in the BR Residential Commercial Nodes districts (BR-RC-1, RC-2, and RC-3).

Comment [CoB30]: Removes errant footnote (note 4 relates to auto/motorcycle sales and leasing, not professional services).

Section 20. Section 20.25D.080.A – Dimensional Requirements Chart - of the Bellevue Land Use Code is hereby amended to read as follows:

20.25D.080 Dimensional Requirements.

A. General.

This subsection (Chart 20.25D.080.A, Dimensional Requirements in Bel-Red Districts) sets forth the dimensional requirements for each land use district in the Bel-Red Subarea. The Dimensional Requirements of Chart 20.20.010 do not apply in the Bel-Red land use districts. Each structure, development, or activity in a Bel-Red land use district shall comply with these requirements except as otherwise provided in this section. If a number appears in a box at the intersection of a column and a row, the dimensional requirement is subject to the special limitation indicated in the corresponding Note.

Chart 20.25D.080.A

Dimensional Requirement in Bel-Red Districts.

Bel-Red Land Use District (19)	Tower Type (1) (17)	Minimum Setbacks/Stepbacks (3) (5) (7) (8) (10)			Gross SF/Floor Above 40 ft. (gsf/f) (16) (20) (21)	Gross SF/Floor Above 80 ft. (gsf/f) (16) (20) (21)	Maximum Impervious Surface/ Lot Coverage (6)	Building Height (4)(22)		Floor Area Ratio (4) (9)	
		Front	Rear	Side				Base	Max.	Base	Max.
MO-1 OR-1 RC-1	Nonresidential Residential	0 (2)	0 (14)	0 (14)	28,000 28,000/12,000	28,000 9,000	75%	45	150	1.0	4.0
OR-2 RC-2	Nonresidential Residential	0 (2)	0 (14)	0 (14)	28,000 28,000/12,000	28,000 9,000	75%	45	125	1.0	4.0
RC-3 (15)	Nonresidential Residential	0 (2)	0	0	28,000 28,000	NA	75%	45 (13)	70 (13)	1.0	4.0
CR (15)	Nonresidential Residential	0 (2)	0	0	28,000 28,000	NA	75%	45 (13)	70 (13)	1.0	2.0
R	Nonresidential Residential	0 (2)	0	0	NA	NA	75%	30	45	1.0	2.0
MO OR	Nonresidential Residential	0 (2)	0	0	28,000 28,000	NA	75%	70	70	1.0	1.0
GC	Nonresidential Residential	0 (2)	0	0	NA	NA	75%	45	45	1.0	1.0
ORT	Nonresidential Residential	20	30	20	NA	NA	75%	45(~~12~~11)	45 (~~12~~11)	0.75	0.7
All	Parking (12) (18)				NA	NA	75%	30	30	0.5	0.5

Notes: Chart 20.25D.080.A Dimensional Requirement in Bel-Red Districts.
(1) - (10) *No change*
(11) Maximum building height in the BR-ORT land use district shall be measured from average existing grade. See LUC 20.25D.130.D.4.d for additional transition edge development requirements.
(12) The ground floor of a parking structure shall include Required Ground Floor Uses pursuant to LUC 20.25D.130.A.
(13) – (22) *No change*

Section 21. Section 20.25D.080.C.3 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25D.080.C Bel-Red Dimensional Requirements

C. Impervious Surface/Lot Coverage

3. Buildings constructed partially below grade and not higher than 30 inches above average finished grade are not structures for the purpose of calculating impervious surface; provided, that the rooftop of the building shall be landscaped consistent with the City of Bellevue's Utilities Department Engineering Standards, Chapter ~~D9~~D6, now or as hereafter amended, for the building roof area as approved by the Director.

Comment [CoB31]: Incorrect reference.

Comment [CoB32]: No change - Shown only to identify correct reference.

Comment [CoB33]: No change – Shown only to identify incorrect reference.

Comment [CoB34]: Citation correction.

Section 22. Section 20.25D.130.D.4.d of the Bellevue Land Use Code is hereby amended to read as follows:

4. Applicable Standards for Building Design.
   a. Building facades shall incorporate elements including but not limited to stepbacks, offsets, roof overhangs, and recesses with a minimum depth of 18 inches. Incorporated recess and offset elements should generally occur along the building facade at intervals no greater than 30 feet.
   b. A building facade visible from abutting residential properties shall not exceed 150 feet.
   c. A primary structure shall be a minimum of 20 feet from another primary structure, provided this dimension may be modified pursuant to LUC 20.25H.040 on sites in the Critical Areas Overlay District.
   d. The maximum building height of 45 feet above average ~~finished~~existing grade may be reached only when incorporating pitched or stepped roof forms.
   e. Communication dishes greater than one meter (3.28 feet) in diameter shall not be visible from adjacent residential districts.
   f. Natural materials and neutral colors shall be used.

Comment [CoB35]: Consistency with 20.25D.080.A, note (11).

Section 23. Section 20.30D.285 of the Bellevue Land Use Code is hereby amended to read as follows:

20.30D.285 Amendment of an approved Planned Unit Development

A. There are three ways to modify or add to an approved Planned Unit Development: process as a new decision, process as a Land Use Exemption, or process as an administrative amendment.

B. Except as provided in subsections C and D of this section, modification of a previously approved Planned Unit Development shall be treated as a new application.

C. Land Use Exemption for a Planned Unit Development.

The Director may determine that a modification to a previously approved Planned Unit Development is exempt from further review under the administrative amendment process or as a new application, provided the following criteria are met:

~~1. The change is necessary because of natural features of the subject property not foreseen by the applicant or the City prior to the approval of the Planned Unit Development; and~~

Comment [CoB36]: Impossible standard to meet.

1~~2~~. The change will not have the effect of significantly reducing any area of landscaping, open space, natural area or parking; and

2~~3~~. The change will not have the effect of increasing the density of the Planned Unit Development; and

3~~4~~. The change will not add square footage that is more than 20 percent of the existing gross square footage of the Planned Unit Development; and

4~~5~~. If an addition or expansion has been approved within the preceding 24-month period, the combined additions will not add square footage that exceeds 20 percent of existing gross square footage of the Planned Unit Development; and

5~~6~~. The change will not result in any structure, circulation or parking area being moved significantly in any direction; and

6~~7~~. The change will not reduce any approved setback by more than 10 percent; and

7~~8~~. The change will not result in a significant increase in the height of any structure; and

8~~9~~. The change does not result in any significant adverse impacts beyond the site.

. . . .

Section 24. Section 20.30N.140.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.30N.140 Decision Criteria

A. The Director of the Development Services Department may approve or modify and approve a Home Occupation Permit if the following decision criteria are met:
   1. *(no change)*
   2. *(no change)*
   3. *(no change)*
   4. There is no exterior display, exterior alteration of the property, including expansion of parking or the addition or expansion of exterior mechanical equipment, no exterior sign other than business signage on the applicant's vehicle, no exterior storage of materials or other exterior indication of the business; and
   5. *(no change)*
   6. *(no change)*
   7. *(no change)*
   8. *(no change)*
   9. *(no change)*
   10. *(no change)*
   11. *(no change)*
   12. *(no change)*

Comment [CoB37]: Clarification, reflects actual code application practice. Prevents home occupations from adding commercial kitchens that require mechanical equipment out of character with residential uses.

Section 25. Part 20.30T of the Bellevue Land Use Code is hereby amended to read as follows:

20.30T Reasonable Accommodation

Any person claiming to have a handicap or disability, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter 49.60 RCW, must provide the Director of the Development Services Department with verifiable documentation of handicap or disability eligibility and need for accommodation. The Director shall act promptly on the request for accommodation. If handicap or disability eligibility and need for accommodation are demonstrated, the Director

Comment [CoB38]: Consistency with Federal and State law (Federal Fair Housing Amendments Act uses "handicap"; Washington Law Against Discrimination uses "disability").

shall approve an accommodation which may include granting an exception to the provisions of this Code. The Director shall not charge any fee for responding to such a request. The Director's decision shall constitute final action by the City on the request for accommodation, and review of that decision will be available only in court. An action seeking such review must be filed not more than 21 days after the Director's decision.

Section 26. Section 20.35.015.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.015.A Framework for decisions

A. Land use decisions are classified into ~~four~~five processes based on who makes the decision, the amount of discretion exercised by the decisionmaker, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity.

Comment [CoB39]: Correction; internal consistency.

Section 27. Section 20.35.015.C.12 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.015.C Framework for decisions

C. Process II decisions are administrative land use decisions made by the Director. Threshold determinations under the State Environmental Policy Act (SEPA) made by the Environmental Coordinator and Sign Code variances are also Process II decisions. (See the Environmental Procedures Code, BCC 22.02.034, and Sign Code, BCC22B.10.180). The following types of applications require a Process II decision:

1. Administrative amendments;

. . . .

12. ~~Review under the State Environmental Policy Act (SEPA) when not consolidated with another permit.~~Land use approvals requiring a threshold determination under SEPA when not consolidated with another land use decision identified in this Section 20.35.015.

Comment [CoB40]: Consistency with State law.

Section 28. Section 20.35.015.G of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.015.G Framework for decisions

G. Other types of land use applications and decisions made by the Director, including those set forth below, are minor or ministerial administrative decisions, exempt from the above land use processes. Notice and an administrative appeal opportunity are not provided. LUC 20.35.020 through 20.35.070, however, apply to all land use applications.
   1. Boundary Line Adjustment;
   2. Final Plat (also requires Hearing Examiner approval prior to recording);
   3. Final Short Plat;
   4. Land Use Exemption;
   5. Temporary Use Permit;
   6. Vendor Cart Permit;
   7. Requests for Reasonable Accommodation as defined by Part 20.30T LUC.*

8. Applications and decisions for activities for which the Director of the Utilities Department has granted an exemption to the "Minimum requirements for new development and redevelopment" pursuant to BCC 24.06.065.C.

*Not effective within the jurisdiction of the East Bellevue Community Council.

Section 29. Section 20.35.210.A (Table 20.35.210.A) of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.210.A Notice of Application.

A. Notice of application for Process II land use decisions shall be provided within 14 days of issuance of a notice of completeness as follows:

Table 20.25.210.A

Application Type	Publish	Mail	Sign
Administrative Amendment	X	X	X
Administrative Conditional Use	X	X	X
Design Review	X	X	X
Home Occupation Permit	X	X	
Interpretation of Land Use Code	X		
Preliminary Short Plat	X	X	X
Shoreline Substantial Development Permit	X	X	
Variance, Shoreline Variance	X	X	
Critical Areas Land Use Permit	X	X	
Land Use approvals requiring SEPA Review (when not consolidated with another permit land use decision, as provided for in LUC 20.35.015.C.12)	X		
Master Development Plan	X	X	X

Section 30. Section 20.35.250.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.250 Appeal of Process II decisions.

A. Process II decisions, except for shoreline permits and SEPA Threshold Determinations on Process IV or Process V actions, may be appealed as follows:

. . . .

Section 31. Section 20.40.500.A.1 of the Bellevue Land Use Code is hereby amended to read as follows:

20.40.500.A Vesting and expiration of vested status of land use permits and approvals.

Comment [CoB41]: Clarifies relationship of Land Use Code and certain applications/decisions pursuant to Utilities Code.

Comment [CoB42]: Clarification and internal consistency.

Comment [CoB43]: Clarification, and consistency with Process II nature of MDPs (see LUC 20.35.015.C.10).

Comment [CoB44]: Internal consistency.

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A. Vesting for Permits and Approvals

1. Permits and Approvals Other than Subdivisions and Short Subdivisions and Conditional Uses. Applications for all land use permits and approvals except subdivisions and short subdivisions and conditional uses shall be considered under the Land Use Code and other land use control ordinances in effect on the date that a fully complete Building Permit application, meeting the requirements of BCC ~~23.10.032~~23.05.090.E and F, is filed. If a complete Building Permit application is not filed, the land use permit or approval shall become vested to the provisions of the Land Use Code upon the date of the City's final decision on the land use permit or approval.

Section 32. Section 20.40.500.A.2 of the Bellevue Land Use Code is hereby amended to read as follows:

20.40.500.A Vesting and expiration of vested status of land use permits and approvals.

2. Subdivisions and Short Subdivisions and Conditional Uses. An application for approval of a subdivision or short subdivision of land, as defined in LUC 20.50.046, or for a conditional use, as defined in LUC 20.50.014, shall be considered under the Land Use Code and other land use control ordinances in effect when a fully completed application is submitted for such approval which satisfies the submittal requirements of the Director specified pursuant to LUC 20.35.030.

Section 33. Section 20.45A.140 of the Bellevue Land Use Code is hereby amended to read as follows:

20.45A.140 Preliminary plat – Time limitation.

A preliminary plat automatically expires and is void if the applicant fails to file for approval of the final plat within:

A. Seven years of the effective date of preliminary plat approval if preliminary plat approval is on or before December 31, 2014; or
B. ~~f~~Five years of the effective date of ~~the~~ preliminary plat approval if preliminary plat approval is on or after January 1, 2015; or
C. Ten years of the effective date of preliminary plat approval if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

Provided, that, if~~unless~~ the plat is a phased development and the applicant has received an extension for the preliminary plat pursuant to LUC 20.45A.150, these time limitations may be increased by the length of the approved extension.

Section 34. Section 20.45A.180 of the Bellevue Land Use Code is hereby amended to read as follows:

20.45A.180 Final plat – General.

The applicant must submit the final plat within:

Comment [CoB45]: Consistency with state law.

Comment [CoB46]: Citation correction.

Comment [CoB47]: Consistency with state law.

Comment [CoB48]: Consistency with state law.

Comment [CoB49]: Changes below are for consistency with state law.

Comment [CoB50]: Changes below are for consistency with state law.

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A. Seven years of the effective date of preliminary plat approval if preliminary plat approval is on or before December 31, 2014; or
B. ~~f~~Five years of the effective date of ~~the~~ preliminary plat approval is preliminary plat approval is on or after January 1, 2015; or
C. Ten years of the effective date of preliminary plat approval if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

Provided, that, ~~or the extension date~~ if an extension was granted pursuant to LUC 20.45A.150, these time limitations may be increased by the length of the approved extension.

Section 35. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Building Height" to read as follows:

20.50.012 B definitions.

Building Height. The vertical distance measured from the average elevation of the finished grade around the building or building segment to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof. Specifically excluded from this definition and from the regulation of maximum building height are structural elements not intended for habitation and not exceeding 15 feet above the maximum building height including penthouses for mechanical and elevator equipment, chimneys, wireless communication facility antenna arrays, smoke and ventilation stacks, flag poles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment. This definition does not apply to projects located within a Transition Area Design District (refer to LUC 20.25B.040), the Shoreline Overlay District (refer to LUC 20.25E.017), Single-Family Land Use Districts (refer to the definition of Building Height – Single-Family Land Use Districts contained in this section; see also ~~LUC 20.10.440, Note (16)), and to~~ the F1 Land Use District (refer to LUC 20.25F1.040, Footnote (6)).

Comment [CoB51]: Internal consistency – footnote deleted.

Section 36. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Building Height – Single-Family Land Use Districts" to read as follows:

20.50.012 B definitions.

Building Height – Single-Family Uses in Single-Family Land Use Districts. The vertical distance measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or to the ridge of a pitched roof, provided this measurement does not apply to chimneys, wireless communication facility antenna arrays, shortwave radio antennas, smoke and ventilation stacks, and flag poles. This definition applies only to single-family residential structures, and structures accessory thereto, located in a single-family land use district. For all other structures, regardless of land use district, see the definition of Building Height contained in this section.

Comment [CoB52]: Clarifies intent and application of this definition. Non-single-family structures would be subject to the definition of "Building Height", above.

Comment [CoB53]: User convenience.

Section 37. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to add the following new definitions:

20.50.012 B definitions.

Building Height – Shoreline Overlay Districts. See LUC 20.25E – Shoreline Overlay District definitions.

Comment [CoB54]: Internal consistency and clarification.

Building Height – Transition Area Design Districts. See LUC 20.25B.040.A.1 – Transition Area Design District Building Height definition.

Comment [CoB55]: Internal consistency and clarification.

Section 38. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to revise the definition of "Floor Area Ratio (FAR)" to read as follows:

20.50.020 F definitions.

Floor Area Ratio (FAR). A measure of development intensity equal to the gross floor area, excluding parking and mechanical floors or areas, divided by net on-site land area (square feet). Net on-site land area includes the area of an easement but does not include public right-of-way except in the Downtown as provided for in LUC 20.25A.020.D. Refer to LUC 20.25H.045 for additional limitations on development intensity applicable to sites with critical areas or critical area buffers. This definition does not apply to single-family dwellings (refer to the definition of Floor Area Ratio (FAR) – Single-Family Dwellings contained in this section).

Comment [CoB56]: Internal consistency and user convenience.

Section 39. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to add the following new definition:

20.50.020 F definitions.

Floor Area Ratio (FAR) – Single-Family Dwelling. A measure of development intensity equal to the gross floor area divided by net on-site land area (square feet). Included in the calculation of gross floor area is the floor area of the ground floor plus that of any additional stories of all buildings on the lot, including accessory structures. High-volume spaces – 16 feet or greater in height – are counted twice. Excluded in the calculation of gross floor area is the floor area or partially exposed lower levels that are less than five feet above finished grade, attic areas which are unfinished and non-habitable, and carports, porches, and decks that are open on at least two sides. See also LUC 20.20.010, Note (43).

Comment [CoB57]: Differentiates single-family FAR from other FAR, for clarification.

Section 40. Section 20.50.030 of the Bellevue Land Use Code is hereby amended to add the following new definition:

20.50.030 K definitions.

Kitchen. An identifiable area inside a building, including all appliances, fixtures, and features within that area together with high-voltage electrical wires and plumbing serving such appliances, fixtures, and features, that contains a combination of functionally related appliances including a stove, range, oven, microwave, or any combination thereof, a refrigerator or other food storage appliance, a sink, and a counter or cupboards, in proximity to each other.

Comment [CoB58]: Based on language used in the city's single family use agreement. Clarification of terms (important for determine what constitutes a "dwelling").

*****END*****

DRAFT

Planning Commission Schedule

September 10, 2014

The Bellevue Planning Commission meets Wednesdays as needed, typically two or three times per month. Meetings begin at 6:30 p.m. and are held in the Council Conference Room (Room 1E-113) at City Hall, unless otherwise noted. Public comment is welcome at each meeting.

The schedule and meeting agendas are subject to change. Please confirm meeting agendas with city staff at 425-452-6868. Agenda and meeting materials are posted the Monday prior to the meeting date on the city's website at:

http://www.bellevuewa.gov/planning-commission-agendas-2014.htm

Date	Tentative Agenda Topics

Sept 24	• Comprehensive Plan Update – continue review of draft sections
	  ○ Citizen Participation Policies
	  ○ Capital Facilities Element
	  ○ Utilities Element
	  ○ Environmental Element

Oct 1	• Annual retreat

Oct 8	• Comprehensive Plan Update
	  ○ Community vision
	  ○ Work of other boards and commissions

Oct 22	• Comprehensive Plan Update ○ Complete review of initial drafts
Nov 12	• Annual Comprehensive Plan amendments – potential public hearing
tbd	• Potential joint meeting on Comprehensive Plan update
Dec 10	• Comprehensive Plan Update – potential public hearing date

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

June 25, 2014 Bellevue City Hall
6:30 p.m. City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Tebelius, Commissioners Carlson, Hamlin, Hilhorst, Laing, deVadoss, Walter

COMMISSIONERS ABSENT: None

STAFF PRESENT: Paul Inghram, Erika Conkling, Department of Planning and Community Development; Catherine Drews, Department of Development Services, Jim Montgomery, Police Department

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:33 p.m. by Chair Tebelius who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present.

New Commissioner Stephanie Walter was introduced. Commissioner Walter said she resides in the Spiritwood neighborhood and works in the field of healthcare finance.

3. PUBLIC COMMENT

Mr. Blaise Bouchand, 1950 130th Avenue NE, owner of Maison de France, spoke regarding the recreational marijuana business set to open at 1817 130th Avenue NE. He indicated he was speaking on behalf of Blue Sky church, 1720 130th Avenue NE, and Gaude Construction as well as himself. The letter he read into the record from the church stated that it is hard to believe the issue of allowing a recreational marijuana dealer to so close to the church is even being entertained. The church has a large number of children and youth, but also nearby is the Little Gym and Girl Scouts, uses that serve children. It is clearly not healthful to the community. People from the medical marijuana establishment have already been selling their product right behind the church building, right outside the youth room doors, to buyers who do not attend the church. The issue has been reported to the police as a recurring problem. Selling marijuana and increasing drug use will only cause problems and deteriorate the wonderful plans Bellevue has made. The letter he read into the record from Gaude Construction stated that the company was not aware of the existence of a recreational marijuana retailer on 130th Avenue NE. The construction company office houses many items, such as computers and power tools, that can easily be sold for quick cash to support drug users. The office and vehicles have been hit in the past. All businesses in the area will in fact be targets for drug users who need a quick $50 to get

their high. Speaking for himself, he said several business owners on 130th Avenue NE are concerned and opposed to the opening of a recreational marijuana drug dealer on that street. There are public health and safety issues at stake. The Commission should makes its recommendations accordingly and wisely to the City Council.

Chair Tebelius asked Mr. Bouchand what he would like to see done with the interim ordinance that is in place and which will remain so until October. Mr. Bouchand said the city could forbid recreational marijuana uses from locating within 1000 feet of uses that involve children. He said his preference would be to simply ban the use in Bellevue like 50 other cities in the state have done. That would reduce the city's liability risks and would mean less work for the police department.

Answering a question asked by Commissioner Carlson, Mr. Bouchand said the list of uses that cater to children in the immediate area of the proposed recreational marijuana retailer include the Little Gym, Girl Scouts, and the Blue Sky church. There is also a park and viewpoint nearby.

Ms. Teri Olson with Unique Art Glass, 1830 130th Avenue NE, said her business is located directly across from the proposed marijuana retail outlet. She noted her opposition to allowing the marijuana business to locate there. In Colorado lawmakers are looking at banning certain types of edible marijuana to protect children who cannot tell the difference between cookies and brownies that have and do not have marijuana. It is just a bad idea all around to allow a marijuana retail store so close to businesses that cater to children, and it is not a good fit with the other businesses along 1309th Avenue NE.

Mr. Fred Charb, 1840 130th Avenue NE, Suite 7, objected to the proposed recreational marijuana shop slated to be located across the street from his chiropractic office, about 400 feet away. He said the Washington State Liquor Control Board recommended that all recreational marijuana shops be located in former liquor store locations, which the 130th Avenue NE location is not. The city ordinance in place requires recreational marijuana shops to be located a minimum of 1000 feet from certain facilities that cater to children; the front door of the Little Gym is located in a direct line of sight from the proposed retail use and about 300 feet away, the GungFu martial arts studio across the parking lot from his business has students as young as four, and the Blue Sky church is located down the street and approximately 600 feet from the proposed marijuana retail shop. Colorado law is similar to the law in Washington, and in Colorado there recently have been numerous robberies and burglaries involving medical marijuana stores in the Denver area. The proposed 130th Avenue NE retailer will also be a target and will put the entire neighborhood at risk. The Commission was asked to not allow a recreational marijuana shop to be located as proposed; it should be located in a former state liquor store.

Ms. Ann Lampman, 3806 130th Avenue NE, said she has worked as a commercial real estate broker on the Eastside for almost 20 years. She said during the last year she has received numerous calls from entrepreneurs wanting to locate a recreational marijuana shop in commercial areas on the Eastside. In every single case, her landlord clients have refused to entertain the notion of allowing such a business in their buildings or complexes. In three cases clients surveyed their other tenants about allowing the use and each time all of the tenants opposed allowing the use in their building or business park. Several tenants indicated they would not renew their leases should such a use be allowed. Recreational marijuana shops could be a threat to occupancy rates. She said her home is just up the street from the recreational marijuana business proposed to locate on 130th Avenue NE. The arterial is heavily used by

children during the school year all the way down to NE 24th Street. Many eyes are on Bellevue right now. The city has the chance to get it right or to get it wrong. One way to get it right would be to allow businesses to have a say in where marijuana retailers are allowed to locate by establishing drug free zones.

Commissioner Carlson said it is possible that when Initiative 502 was on the ballot, many of the tenants that were surveyed may have voted in favor. The City Council has taken the position that because the majority of people in Bellevue voted to make it legal for people to possess and use marijuana recreationally in the privacy of their homes, the city should feel obligated to allow for the retail distribution of the product. The curious thing is that when it comes down to it, those would be affected by the use are generally opposed to it. He suggested it is entirely compatible and intellectually consistent to support the legal right of the people to possess and use marijuana while saying the product should not be allowed to be sold in Bellevue. Ms. Lampman allowed that while the majority of those voting supported the initiative, it was a minority of voters who showed up to vote. To fully understand where the majority stands, it would be necessary to survey all registered voters in the city. She stated that while the Commission has no say over what people do in the privacy of their own homes, it certainly has a voice in saying where uses and businesses are allowed to locate.

Mr. Chris McAboy, 1817 130th Avenue NE, spoke representing The Novel Tree, the retail marijuana business under discussion. He noted that previous speakers had referred to his business as a drug dealer, which by common definition is an unlicensed person selling illegal drugs. He clarified that the business is in the process of being licensed by the state, all plans have been submitted to the city of Bellevue, a lease has been signed, and all systems are go pending the proposed Land Use Code amendment addressing recreational marijuana. He noted his support for the regulations based on the recommendations of staff. There are arguments in play at the federal level about the legality of marijuana. The US Attorney General has issued a statement that essentially says that so long as the states abide by set terms the federal government cares about, they will not interfere. Currently marijuana is completely illegal in only 21 states. The Novel Tree will be a heavily taxed business. Marijuana users are not junkies and allowing the use will not turn Bellevue into a city of junkies. Surveys indicate that while 40 percent have tried marijuana, only ten percent actually use it. He noted that the issue of edible marijuana products was addressed earlier in the day by the Liquor Control Board and a rule change has been put into place that states the packaging for all edibles must be approved by the Board. The Board wants to make sure no packaging will resemble kids candies or treats, and that all such products will be sized as individual servings. Heavy security measures will be put in place at The Novel Tree to ensure no on-site consumption and to prevent crime. The truth is that pot shops in Denver are not being robbed or burglarized and the crime rates there dropped by nearly five percent. The direct neighbors to The Novel Tree, while initially opposed, are now on board and supportive. The most dangerous thing about cannabis is prohibitions against it which only fuel the black market. The location on 130th Avenue NE is about as far away from parks and schools as one can get in Bellevue, and nearly every corridor in every city is used by kids. Based on the state regulations, recreation centers are defined as supervised centers that provide a broad range of activities or events intended primarily for use by persons under 21 years of age, owned and/or managed by a charitable non-profit organization, city, county, state or federal government. The site on 130th Avenue NE is primarily industrial with such things as wholesale distribution centers, a brewing company and auto uses.

4. APPROVAL OF AGENDA

A motion to amend the agenda by eliminating item 7C, and to approve the agenda as amended, was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and it carried unanimously.

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

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram took a moment to welcome Commissioner Walter. He also urged the Commissioners to review the Item 7C materials and Comprehensive Plan update schedule. He noted that the Council was recently provided with an update and will receive a more detailed check-in with the Council in September while the Commission's process will still be under way. The Council will take the opportunity to identify any specific concerns for the Commission to address ahead of formulating its final recommendation.

Mr. Inghram reported that the Council also recently addressed the fact that members from the Horizon View plat have asked for a rezone from R-3.5 to R-2.5. The Council agreed to move forward with that rezone process so it has been added to the Commission's schedule.

7. STUDY SESSION

A. Land Use Code Amendments to Address Recreational Marijuana

Legal Planner Catherine Drews provided the Commissioners with copies of the emergency rule adopted earlier in the day by the Liquor Control Board addressing the edible marijuana issues.

Police Chief Jim Montgomery explained that over the years the term "zero tolerance" has been used in association with enforcing drug laws. He said the term would seem to imply that no one will be able to get away with anything, but of course that will never be the case. The department has been in contact with colleagues in Colorado, particularly in Denver, Lakewood, Colorado Springs and Boulder, given the notion that they hit the ground first and were further along. That, however, has not turned out to be the case. Most of those cities imposed and have continued with a moratorium, though Denver and Boulder are somewhat ahead of Bellevue. Denver has taken hands-off approach and as a result have experienced a significant increase in certain types of crimes in the neighborhoods where marijuana sales are occurring. That has not been the case in Boulder where the police department says there has not been an increase in crimes; they contribute that result largely to the fact that they put together a fairly aggressive campaign, something Bellevue is likely to emulate.

Continuing, Chief Montgomery said for the short term, Bellevue intends to dedicate a portion of a police staff person's time to get out into the business and residential neighborhoods to make sure everyone has a point of contact. The owners of marijuana retail sales businesses will also be contacted to make sure they understand the rules and all expectations. The police will also be collaborating with the Liquor Control Board which largely has the say-so with regard to governing the retail sales establishments. As a result of the position taken by the federal government with respect to banking, the retail stores will be expected to operate largely on cash only. How that will play out relative to making the stores targets for robberies and the like is not known but will need to be considered; certainly the retailers will need to take special precautions. Chief Montgomery said he does not anticipate a significant problem with people buying product

and openly using it in the parking lot, but a significant police presence will be assigned to discourage such activities. Where such activities are observed, the individuals involved will be cited and prosecuted.

Several cities in Colorado, even some that have moratoriums in place, have dedicate a full-time equivalent police person to spearhead their efforts. The same approach likely will be taken in Bellevue. If it becomes apparent, however, that the approach represents a significant drain on resources, the anticipation is that a conversation with the City Manager will be required to discuss the best use of staff.

Chief Montgomery stressed the need to have everyone on the same page relative to what the voters have actually approved. He showed the Commissioners how much a single ounce of marijuana is. He then said the big issue is marijuana-infused products, including liquid products, and showed the Commissioners brownies that included 16 ounces of marijuana, the amount that can be legally possessed. The liquid product can be infused into virtually anything that is edible and the THC level in up to ten times more potent as the leaves. In addition to legally being able to possess 16 ounces of solid product, it is also legal to possess up to 72 ounces of liquid marijuana-infused product. With marijuana-infused products, there will be no way for consumers to know the potency rate. The liquid product can also be added to leaf marijuana and smoked, significantly elevating the potency.

Commissioner Carlson asked if marijuana-related problems would be less likely, more likely or as likely to occur if Bellevue were to have no retail sales outlets at all. Chief Montgomery said it would be speculatory to say. As mobile as the society is, it is likely people would drive to where they could buy products. Proximity certainly makes it more convenient for people to obtain the products. The concerns about locating retail outlets close to schools are absolutely legitimate. Having distance requirements will help but will not completely solve the problems of kids obtaining products.

Commissioner Laing noted that according to the new rule from the Liquor Control Board marijuana-infused products that are designed to be especially appealing to children are prohibited. The list of things that are especially appealing to children includes cookies, brownies and rice crispy treats. Chief Montgomery said it was his understanding that such products will not be allowed to be sold off the shelf at retail establishments. Of particular concern to the police and fire departments is what is the improper use of those products. In fairness, retailers have no control over how their products are used.

Commissioner Laing said the Commission heard during petitions and communications from someone who intends to operate a retail outlet selling marijuana products discuss security measures, most of which are required by the state. The question is why so many security measures will be needed at all if the retail establishments will not impose public health, safety or welfare threats different from any retail establishment selling liquor. Chief Montgomery said only time will tell if the required extra security will be enough. Banks have security measures in place in part to reduce the likelihood of nefarious activities. Banks are not immune from such crimes, and retail marijuana sales establishments will not be either. Both certainly may be attractive targets both when open and closed, so it makes sense extra measures are required. The police department is certainly glad to see the security requirements.

Commissioner deVadoss asked Chief Montgomery what counsel he would give the Commission given the limit of the Commission's mandate and the concerns expressed by the public. Chief

Montgomery said the same question asked a few months or a year down the road would be more easily answered. Bellevue hoped to be able to garner some advice from the experience of cities in Colorado, but most of them are not that much farther ahead. Experience certainly was gained from having state liquor stores and the Liquor Control Board certainly has covered all the bases to the best of their knowledge. It is too early to know whether or not 1000 feet of separation from uses such as churches, schools and daycare centers is sufficient or needed at all. A group comprised of representatives from police, fire, code enforcement, parks, the city attorney's office and the Liquor Control Board has been put together and charged with working collaboratively in sharing information and in reaching out to other jurisdictions. As possible tweaks to existing codes are identified, they will be pushed forward through the proper channels.

Commissioner deVadoss asked if plans have been made to conduct outreach to the youth in Bellevue. Chief Montgomery said Bellevue is blessed by having school resource officers in most of the schools. They will have reaching out to students and their parents high on their list of things to do.

Commissioner Laing said one of the issues the Commission is wrestling with is drawing a distinction between parks or other uses that are privately owned and parks and uses that are publicly owned. He asked if there should be a difference between the way the city regulates the dispersion criteria relative to public or private facilities that are for all intents and purposes the same. Chief Montgomery answered that he did not believe from a law enforcement perspective that the distance requirements will make much of a difference, particularly in such instances. The Commission and the Council will need to sort through that issue. The police will act in all cases of folks misbehaving whether the behavior occurs on public or private land that is open to the public.

Commissioner Hilhorst asked what zoning districts allow recreational marijuana retail outlets in Colorado. Chief Montgomery said he did not have that information but could get it.

Chair Tebelius asked how many cities in the state will be allowing retail recreational marijuana stores. Chief Montgomery said his department has not surveyed that.

Answering a question asked by Commissioner Carlson, Chief Montgomery said he had not met with the Council as a whole to discuss the issues or to provide input. He said his aim is to remain as neutral as possible about the issue.

Chair Tebelius recognized city attorney Lori Riordin. Ms. Riordin allowed that her office will be responsible for enforcement.

Chief Montgomery was thanked for his insights and observations.

Ms. Drews said the Council has not given the Commission direction to consider a ban. The Council has looked at that issue and has decided not to move forward with a moratorium. She sought from the Commission direction to prepare a draft ordinance for consideration and to schedule a public hearing, preferably for July 30. That would allow for getting the permanent regulations in place before the interim regulations expire on October 21.

With regard to the comment made during petitions and communications about the preference for locating recreational marijuana retail outlets in previous state liquor store facilities, Ms. Drews said the Liquor Control Board held that approach up as a model. Jurisdictions are being very

careful with that notion, however, because alcohol stores are allowed in the Neighborhood Business zone and the Council has made a conscious decision not to allow any marijuana operations in residential areas.

Commissioner Walter noted from the staff memo that churches are not necessarily called out because they are primarily located in residential areas. Ms. Drews said the majority of churches in Bellevue are located in single family zones and therefore are without the scope of the marijuana uses. There are, however, churches in Bel-Red, Factoria and the downtown. If separation requirements were to drafted to include churches, retail marijuana uses could be barred from all areas in the city in direct opposition to the direction given by the Council to balance the protection of neighborhoods without creating an all-out ban.

With regard to hours of operation, Chair Tebelius noted that the state allows the retail sale of recreational marijuana to occur between the hours of 8:00 a.m. and 12:00 a.m., and said the staff proposal was for the city to be consistent with state law.

Commissioner Carlson reiterated his preference to ban completely the sale of recreational marijuana in the city of Bellevue.

The consensus was that the hours of operation in Bellevue should match those allowed under state law.

With regard to the separation requirements, Chair Tebelius pointed out that the Liquor Control Board rules require no less than 1000 feet from certain uses. Ms. Drews clarified that the Liquor Control Board has no separation requirement for liquor sales, though there is a notification requirement to all schools, churches and the like within 500 feet. She said the recommendation of staff was to have the city's separation requirement match that required by the state for recreational marijuana sales. She said the Commission could also consider recommending that retail marijuana operations be monitored to determine if adjustments to the separation distances are warranted. The attention of the Commissioners was called to two maps, one showing the quarter-mile and half-mile radii around every high school in the city, and one showing the quarter-mile radii around every grade and middle school in the city.

Chair Tebelius asked how many applications for recreational marijuana sales have been submitted and approved for Bellevue. Ms. Drews said to date the Liquor Control Board has issued a letter of approval to a single producer, otherwise there have been no applications approved by the Liquor Control Board for operations in Bellevue. The state will allow four retail stores in Bellevue, and the city will permit the siting of them only in accord with the Land Use Code regulations, which includes a 1000-foot separation distance between them to avoid clustering and the de facto creation of a marijuana district.

Commissioner Laing said two things characterize Bellevue: that it is a city in a park, and that it has a great school system. While there is insufficient information to say 1000 feet is better or worse than some other distance, the default position should be to increase the separation to a quarter mile for the two things that best characterize what the community is all about until such time as there is sufficient operating experience to make a more informed decision. A 1200-foot requirement would not impact the Novel Tree site. In fact the only site it would impact would be the Par 4 Investments site to the south of Main Street.

Commissioner Hamlin pointed that including parks in the larger separation could potentially

impact the Novel Tree site.

A motion to increase the separation requirement for schools, both public and private, to one-quarter mile was made by Commissioner Laing.

Mr. Inghram cautioned against making decisions based on motions for items that have not yet been subjected to a public hearing. Commissioner Carlson suggested that nothing gives direction better than a motion.

The motion was seconded by Commissioner Carlson. The motion carried 5-2, with Commissioners Hamlin and deVadoss voting no.

A motion to increase the park separation to 1320 feet was made by Commissioner Laing.

Ms. Drews commented that for ease of administration and enforcement purposes the separation requirements should be the same.

Commissioner Laing withdrew the motion.

Chair Tebelius said she would not object to increasing the separation distance so long as all of the specific uses called out in the staff memo were included and treated the same.

A motion to increase to a quarter mile the separation distance for playgrounds, recreation centers, childcare centers, public parks, public transit, libraries and game arcades was made by Chair Tebelius. The motion was seconded by Commissioner Hilhorst.

Commissioner Hilhorst said it would be helpful to have staff map the areas that would still allow locating a recreational marijuana retail establishment. Councilmember Stokes concurred and suggested there should also be a logical rationale determined.

The motion carried 5-2, with Commissioners Hamlin and deVadoss voting no.

Chair Tebelius stressed that the Commission has been given clear direction from the Council not to establish rules that will effectively ban all retail marijuana sales in the city. If the mapping exercise shows the effect of the motion will be just that, the Commission will need to reconsider.

On the question of whether or not additional uses should be recommended for separation, Chair Tebelius suggested that schools are schools and parks are parks regardless of whether they are private or public and as such should be treated the same.

Commissioner Laing said he felt strongly that the separation requirement should apply to churches and private parks. He agreed parks and schools, whether private or public, should be treated the same. If there is a valid police power reason for regulating the proximity of retail marijuana establishments to a public park, the same reason exists for a private park. The default position should be to require separation from the uses. If going forward the evidence shows the separation is not needed, the separation requirement can be either reduced or eliminated.

Chair Tebelius pointed out the statement of staff that if a separation of 1000 feet is required for all religious facilities, the result will be an effective ban on all marijuana uses from nearly all areas of the city. Commissioner Laing said he would like to see all religious facilities mapped as

well.

Commissioner Carlson suggested that if the public makes no distinction between public and private parks, the city should not either in requiring separation.

Ms. Drews said the public/private park discussion arose in relation to Vasa Park, which is a privately-owned park. With regard to the Bel-Red area, an incentive system is in place that will allow developers to add floor area to their projects by providing park space. All park space thus created will be dedicated to the city and become public parks. Developers choosing to include park space without using the incentive system are free to choose if they want the park dedicated to the city or retained as private.

Commissioner Walter agreed that where there is no distinction made between the use of a private and public park, they should be treated the same. She questioned, however, whether the city actually has a full listing of all private parks in the city, and that could make enforcement of the separation requirement difficult if not impossible. Exactly what constitutes a park is also not spelled out.

Commissioner Laing said it has been his experience that jurisdictions like to require open space and pocket parks, but they also like the idea of not having to pay to maintain them. Developers are often required to create what amounts to private parks and to record easements making them open to the public, while the homeowners association is required to provide all maintenance and upkeep. It would be disingenuous to draw a distinction between those parks and public parks from a police power perspective.

A motion to treat the same all parks open to the public by simply referring to parks in the separation requirement was made by Commissioner Laing. The motion was seconded Commissioner Hilhorst and it carried 6-1, with Commissioner Hamlin voting no.

Chair Tebelius said she had not heard any motion regarding religious facilities and would move forward unless a motion was made. She said the same was true of facility of children.

Chair Tebelius asked for comment on the notion of recommending elimination of the downtown perimeter design district for recreational marijuana retail uses. Ms. Drews said the proposal initially was made by Commissioner Laing. She explained that the purpose of the district is to provide transition between the more intense downtown uses and the residential uses in the areas that border the downtown. The only place where recreational marijuana would be allowed would be on the south end of the district. As a design district, development in it requires a higher level of review focused on design, but not on uses.

Commissioner Laing said he had two reasons for proposing the elimination of the perimeter districts. First, the districts provide a transition function between the higher intensity downtown and the lower intensity single family neighborhoods surrounding the downtown. Second, during the Downtown Livability Initiative CAC meetings, the Committee heard from the Bellevue School District and community citizens that in time it is likely there will be a school located in the downtown.

Commissioner Hamlin pointed out that there is potential for residential and school uses in all

areas, including Bel-Red, so the same argument could be applied. He said he did not buy the argument in the first place.

Commissioner Carlson asked if the Bellevue Downtown Association or the Chamber of Commerce has weighed in on the issue. Ms. Drews allowed that in three public hearings before the Council on the marijuana interim regulations neither organization has offered any comment.

Commissioner deVadoss said the Council has been very clear about what it wants the Commission to do. The Commission can move the pieces around all it wants, but the Council has already made a decision. He agreed the argument for disallowing recreational marijuana uses in the perimeter districts could be made of other land use districts.

Commissioner Carlson noted that recreational marijuana retailers will be the only businesses selling a product that is illegal under federal law. Ms. Drews agreed that new territory is being charted. Councilmember Stokes said the Council considered that fact but concluded it was not a basis on which to made decisions.

Commissioner Hilhorst asked what would happen if the perimeter districts do allow recreational marijuana sale, a retailer chooses to locate there, and then a school gets built in the downtown within the required separation distance. Ms. Drews said the retailer would be grandfathered in.

A motion to exclude the Downtown Perimeter A design district from the table of downtown districts that allow recreational marijuana sales was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and the motion carried 4-3, with Commissioners Hamlin, Carlson and Walter voting no.

With regard to whether or not the Commission should recommend administrative condition use permits for recreational marijuana uses, Chair Tebelius noted the recommendation of staff was to not go in that direction.

Commissioner deVadoss commented that because recreational marijuana sales is a gray area and involved unchartered territories, and because the state has acknowledged that there may be special issues associated with the businesses, it makes sense to utilize the conditional use permit process. The conditional use permit exists to allow for placing conditions on uses to mitigate the impacts of the use. It may very well be that compliance with all state regulations will be sufficient to mitigate the impacts, but if a process is not put in place up front that looks at potentially adding mitigation above and beyond strict compliance with state law, the city will lose the opportunity. Churches, parks and a variety of other uses are required to obtain a conditional use permit.

Answering a question asked by Commissioner Hamlin, Ms. Drews said the city uses the conditional use permit process where impacts and compatibility issues are not fully known. The conditional use process is the highest level of review the city does and the decision is appealable to the Council. Between the rigorous state law, the interim city regulations, and what is known about how retail uses operate, the staff believes the conditional use approach is not warranted. Mr. Inghram added that the type of things typically addressed through the conditional use process include traffic, parking and landscaping. Churches are required to obtain a conditional use permit because they are often located in single family neighborhoods. Under the interim regulations, recreational marijuana outletsare allowed outright, although a building permit must be obtained for all tenant improvements. It is a change of use so the building permit undergoes

land use review where conditions can be imposed. Mr. Inghram clarified that from a land use perspective recreational marijuana retail outlets are just another retail operation, and other retail uses are not required to obtain a conditional use permit.

Commissioner Walter pointed out that there are some key difference between most retail uses and the recreational marijuana use. The recreational marijuana uses are cash only, require a much higher level of security, and are limited in total number, which may trigger increased traffic for each of the outlets.

Commissioner Hamlin asked if in fact the recreational marijuana uses will be cash only. From the audience, Mr. McAboy explained that his business has a banking account and will be able to accept debit and credit cards.

Mr. Inghram noted that banks house lots of cash and extra security but as a use they are not required to obtain a conditional use permit for that reason alone.

Commissioner Laing commented that there are things in the state regulations that are incompatible with the land use district requirements. Recreational marijuana uses will, for instance, be required to have a certain amount of transparency and window glazing that will not necessarily constitute pedestrian-oriented frontage. Ms. Drews allowed that anyone seeking to establish the use in the downtown will have to meet all the requirements of the Land Use Code in the same way all other retail uses there must. Commissioner Laing pointed out that one of the requirements of the city's code relative to the perimeter design districts is that retail uses cannot have tinted windows that prevent pedestrians from looking in. The Council has raised questions as well that could be addressed through the administrative conditional use process.

A motion to require recreational marijuana uses to obtain an administrative conditional use permit was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and the motion carried 6-1, with Commissioner Hamlin voting no.

Councilmember Stokes said the Council has consistently said the city has an obligation to allow for recreational marijuana sales while protecting the community. To that end it would be helpful to know what Boulder has done differently from Denver. He voiced concern over applying special rules to a private business entrepreneurs that are not applied to others. The extra hoops the entrepreneurs must jump through will create barriers for those who are only seeking to do what is legal to do.

Chair Tebelius questioned whether or not the Commission is ready to hold a public hearing on the topic. Mr. Inghram encouraged the Commission to hold the public hearing as scheduled. The city can update the interim ordinance with the proposed changes. The Commission is under no obligation to reach a final decision immediately following the public hearing, and if a follow-up study session is needed one could be scheduled.

There was agreement to conduct the public hearing on July 30.

BREAK

A motion to amend the agenda to move item 9, Other Business, election of chair and vice-chair, to follow item 7A was made by Commissioner Hilhorst. The motion was seconded by Commissioner deVadoss and it carried unanimously.

9. OTHER BUSINESS

A. Election of Chair and Vice-Chair

Commissioner Carlson nominated Commissioner Laing to serve as chair.

There were no other nominations.

The nomination of Commissioner Laing to serve as chair carried unanimously.

Chair Tebelius handed the gavel to Commissioner Laing.

Commissioner Tebelius nominated Commissioner Hilhorst to serve as Vice-Chair.

There were no other nominations.

The nomination of Commissioner Hilhorst to serve as Vice-Chair carried unanimously.

7. STUDY SESSION (Continued)

B. Eastgate/I-90 Related Subarea Plan Amendments

Answering a question asked by Chair Tebelius, Senior Planner Erika Conkling explained that the Eastgate/I-90 CAC did not specify changes to the Eastgate subarea plan. The Eastgate subarea plan has not been changed for 20 years or so and there certainly are some things in it that no longer apply. In particular, the recommended approach toward land use in the subarea plan is inconsistent with the vision of the CAC. The staff memo outlines minimum number of changes necessary to effect the CAC's plan; none of the proposed changes are unnecessary.

Ms. Conkling asked the Commissioners to consider during the discussion whether or not the proposed changes capture the recommendations and implement the vision of the CAC. She noted that at the previous meeting the focus was on policies specific to the three subareas but pointed out that some policies cross subarea lines, including those relating to the Mountains To Sound Greenway. Policies are therefore included in both the Eastgate and Factoria subareas focused on developing the trail with pleasant, safe and non-motorized facilities that provide local and regional connections.

Chair Laing asked Commissioner Hamlin and Councilmember Stokes, both of whom served on the Eastgate/I-90 CAC, if anything in the memo was inconsistent with the recommendation of the CAC. Commissioner Hamlin said the only thing that stood out to him was the additional work related to the Factoria subarea. He allowed that while the proposal fits with the spirit of what the CAC intended, it goes beyond the CAC's actual recommendation. Councilmember Stokes agreed with Commissioner Hamlin and said nothing in the packet substantially changes the recommendation of the CAC.

Commissioner Tebelius called attention to Policy S-EG-LU1 and suggested the word "compact" is not necessary and should not be used, and proposed leaving out the reference to greater height and intensity. The policy should call for focusing Eastgate growth into a mixed use center adjacent to the Eastgate transit center.

Councilmember Stokes said the CAC purposely discussed increasing heights in the area near the transit center. Developers and others addressed the CAC and supported the notion. Commissioner Hamlin added that the CAC held the view that the area is the right choice for greater height and intensity given its proximity to good transit and Bellevue College. He pointed out that the 15-member CAC, comprised of local community members, was in agreement with the final plan.

Commissioner Tebelius called attention to Policy S-EG-LU2 and said she did not support using the term "main street," and pointed out that the specific mixed use center mentioned is not identified. Ms. Conkling said the reference is to the mixed use center adjacent to the transit center. She agreed to include a modifier to make it clearer.

Commissioner Hamlin added that the CAC had not used the term "main street" but did talk about pedestrian access.

There was agreement to have the policy refer to a pedestrian-oriented street.

Commissioner Tebelius asked if Policy S-EG-1 also refers to the area near the transit center. Ms. Conkling said the policy is existing but is proposed to be modified. The policy speaks to the location of Eastgate as having good transportation access, but in the existing plan the reference is only to freeway access. The language revision is intended to link land use to more forms of transportation.

Chair Laing noted that he had previously suggested using throughout the document the phrase multimodal mobility instead of referring specifically to freeway access, transit service and non-motorized transportation alternatives, except where the reference is to a single form of transportation.

Councilmember Stokes suggested that somewhere in the document it should be spelled out clearly exactly what multimodal means.

Mr. Inghram allowed that generally using the word "multimodal" makes sense. However, the original intent of Policy S-EG-1 was to recognize the inherent advantage the subarea has by virtue having access to the I-90 freeway. He suggested making sure the policy language is less generic by specifically referencing freeway access, the park and ride, and the Mountains To Sound Greenway trail. The Commissioners concurred.

Commissioner Tebelius asked why Lake Sammamish was not listed in Policy S-EG-4. Ms. Conkling said the existing policy calls for protecting Phantom Lake and the intent of the proposed change is to make the language stronger and clearer.

Commissioner Hamlin said the Phantom Lake folks closely tracked the work of the CAC and provided a great deal of testimony. Lake Sammamish is outside the study area, though that does not mean it is unaffected. Commissioner Tebelius said there is runoff from the area into Lake Sammamish. Commissioner Hamlin said he did not recall that issue coming up but would not oppose adding a reference to Lake Sammamish and Lake Washington. There was agreement to include those lakes in the policy.

Answering a question asked by Commissioner Tebelius regarding Policy S-EG-ND-1, Ms.

Conkling said the specific recommendation is to consider the transfer of development rights (TDRs). She said it was her understanding that the notion came from the Mountains To Sound Greenway Trust as a way of preserving resource lands outside of urban areas. Staff are currently undertaking an economic analysis on TDRs so "consider" and "if feasible" are used to couch the issue as broadly as possible. Commissioner Tebelius suggested eliminating the policy altogether. If the Council decides it wants to move ahead with TDRs, the specific policy language will not be necessary to make it happen.

Commissioner Hamlin said the CAC did discuss the TDR issue. He agreed, however, that the policy could be deleted. Councilmember Stokes confirmed that the Council is discussing the issue of TDRs separate from the Eastgate/I-90 recommendation.

There was agreement to remove the policy.

Commissioner Tebelius called attention to the staff comment regarding the proposed deletion of policies S-EG-5 and S-EG-6 and asked who determined that the segregation of uses supported by the policies had led to the current auto-oriented development that is no longer an attractive environment for employees. Ms. Conkling said the major change comes from the vision as a whole. Policy S-EG-5 calls for consolidating retail and commercial development into the Community Business and General Commercial boundaries, which is directly opposed to the CAC's vision for the subarea, which calls for commercial and retail uses mixed in with the office areas.

Mr. Inghram said the proposal is to create a new set of land use designations. The currently policy language would be inconsistent with putting commercial and retail uses in any new district that gets created.

With regard to Policy S-EG-10, Commissioner Tebelius allowed that while housing may be appropriate, the word "encourage" is not.

Councilmember Stokes pointed out that the discussion on that point was large at the CAC level. Commissioner Hamlin agreed and noted that the sentiment of the CAC was to encourage multifamily housing.

Chair Laing proposed striking "as a primary means of travel" from Policy S-EG-9.

Commissioner Tebelius asked what the idea is behind Policy S-EG-12. Ms. Conkling said if a project at the development review stage can make the case for having reduced parking by virtue of the fact that parking can be accommodated on-site or by leveraging transit, consideration should be given to reducing the parking requirements.

Chair Laing said his preference was to strike Policy S-EG-12 altogether given that it addresses a zoning level or design review level regulation. Project-related demand can always be accommodated on-site and in fact every developer is required to do just that. The policy is not appropriate at the subarea plan level.

Councilmember Stokes suggested using the far more general language of the second sentence of staff comment CoB14 for the policy instead. Chair Laing said that would make sense.

Chair Laing said Policy S-EG-14 is another policy in which use of the term "multimodal

mobility" should be used in place of calling out a variety of transportation modes.

Answering a question asked by Commissioner Tebelius regarding Policy S-EG-T-1, Commissioner Hamlin said the CAC was very specific about the issue. Traffic in the area is horrendous and part of the answer is addressing the state-controlled entrances to the freeway. The policy language as proposed does a good job of capturing the view held by the CAC that reliving the congestion created by vehicles entering and existing I-90 is critical. The city cannot tell the state what to do so the word "collaborate" is used.

There was agreement not to change the language of the policy.

With regard to Policy S-EG-15, Commissioner Tebelius asked why the policy is needed at all. Commissioner Hamlin said the policy is aimed at getting people to think about alternatives to cars for getting around. There was agreement to retain the policy.

Turning to Policy S-EG-18, Commissioner Tebelius said she has never warmed to use of the term "sense of place." Commissioner Hamlin agreed that the policy as drafted is not clear. What the CAC wanted was policy language aimed at leveraging the Mountains To Sound Greenway. Councilmember Stokes added that the CAC was focused on wanting to see Eastgate turned into a true gateway into the city.

Mr. Inghram proposed simply deleting the “sense of place” phrase from the draft policy. There was agreement to go in that direction.

Answering a question asked by Commissioner Tebelius, Commissioner Hamlin said it was his understanding that Policy S-EG-CD-1 is focused on the transit-oriented development area of the subarea. Ms. Conkling said in fact the policy is not limited just to that area, though it could be. The idea is that design review should be used for every new building that goes in. The type of in-fill development likely to happen in the corridor will involve the land currently used for surface parking; there likely will be much less surface parking along with some structured parking. Design review is very helpful in those situations.

Mr. Inghram said in order to support a code a requirement for design review, it will be necessary to include policy language in the Comprehensive Plan highlighting the need for design review.

Commissioner Hamlin said comment CoB23 captures what the CAC talked about relative to an incentive system. He said the issue of incentives came up several times.

Chair Laing said he continues to have a concern regarding for form-based codes and incentive systems in that they can be used as tools for mischief. Form-based codes are highly prescriptive. The Council should not tie its hands relative to how it chooses to implement the Comprehensive Plan. It is not necessary to specifically mention form-based codes or design review for the city to choose to adopt either, or even an incentive system. However, if the policy language is included in the Comprehensive Plan, it becomes the way the Council must act. There are a variety of tools cities can use to get to the same place. He recommended against including policy language specifically directing the city to apply design review. He suggested the policy should be redrafted to allow for or consider design review.

Mr. Inghram allowed that the policy language could be written in accord with the suggestion of Chair Laing. He noted that the run-on of items is intended to capture what the CAC talked

about, which was that when design review is done, the design features spelled out in the draft policy should be looked for.

Councilmember Stokes said the Council will be looking for any redevelopment in Eastgate to involve more than just boxes. The policy is intended to serve as a heads-up for developers about what the city would like to see.

A motion to extend the meeting by 15 minutes was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin and it carried unanimously.

Commissioner Tebelius observed that Policy S-EG-22 is very specific as drafted. Ms. Conkling said the language of the policy comes from the section of the vision that talks about design and fitting into the city's larger idea of a city in a park. Specifically, the Mountains To Sound Greenway is more than just a trail, it is a theme around which to organize. The specific examples spelled out in the policy are examples of ideas that come from the greenway. The existing policy simply encourages the preservation of sufficient natural vegetation to assure amenable views.

Commissioner Hamlin agreed that the policy could be written to be less prescriptive.

Councilmember Stokes suggested, and the Commissioners agreed, that the policy should be rewritten using the more descriptive language used in comment CoB26.

Chair Laing proposed striking "by applying design guidelines" from Policy S-EG-26 to avoid being prescriptive. There was agreement to do that.

Commissioner Tebelius questioned the need to include support for public art in Policy S-EG-28. Ms. Conkling said the list of items in the policy, including public art, includes things that could be included as part of the incentive system. Mr. Inghram added that the policy focus is on art that is part of a development. Art is an element that helps to create a sense of place.

Commissioner Tebelius said she did not understand use of the term "place-making" as used in Policy S-EG-CD-2. Staff agreed to take another look at the language in an effort to simplify it.

Commissioner Tebelius said she also did not understand the intent of Policy S-EG-CD-3. Ms. Conkling said the policy essentially encourages auto dealers to embrace the greening of the corridor. Absent a development permit requiring a land use review, any measures auto dealers take to follow the policy will be discretionary.

Chair Laing questioned the need to include the policy at all.

Commissioner Hamlin said the policy involves a bit of a stretch. What the CAC wanted to do was support the auto dealers that are in Eastgate.

Councilmember Stokes added that there are those in the community who do not want the existing auto dealers to expand. The request by an auto dealer to be allowed to locate on 148th Avenue SE encountered a lot of pushback and the preferred approach was to avoid having rows of autos facing the street by having the dealer utilize a garage.

Chair Laing said at the Planning Commission level the use table was amended requiring auto

dealers to go through design review.

Ms. Conkling allowed that auto dealers will be subject to the umbrella policy calling for a general greening of the corridor, obviating the need for Policy S-EG-CD-3.

With regard to Policy S-EG-CI-1, Chair Laing proposed replacing "development partnerships" with "coordinate." He also suggested replacing "regional transit agencies" with "regional agencies" to increase the scope of the policy.

Answering a question asked by Commissioner Tebelius regarding Policy S-EG-35, Mr. Inghram explained that there are three single family zoning classifications, Single Family-Low, Single Family-Medium and Single Family-High. The Single Family-High referenced in the policy would be R-4 or R-5. He noted that the policy already exists and there is no call to change it, even though using policy language to indicate what color to paint the land use map is not the normal approach. Ms. Conkling added that the site in question is in fact outside of the Eastgate/I-90 study area.

Commissioner Tebelius referred back to Policy S-EG-P-1 and voiced concern about including issues relating to health. She suggested the city should not be in the business of telling its citizens they need to be healthy.

Commissioner Hamlin suggested the policy could leave off everything after the word "subarea." The Commissioners concurred.

Answering a question asked by Commissioner Tebelius, Ms. Conkling noted that Policy S-EG-D2-4 is also in the Factoria subarea. The policy is intended to support the potential for an incentive system. She said staff took direction from the Commission's previous study to redraft the policy to be less specific and to use the word "consider" in place of "develop."

Councilmember Stokes said the language of comment CoB49 could work very well as the policy.

Commissioner Hilhorst asked if Policy S-EG-D2-2 is really needed given that the same sentiment is expressed in other policies. Ms. Conkling agreed the policy language is very similar to other policy language.

Councilmember Stokes said the intent of the CAC was to indicate its desire to see a mixed use area between Bellevue College and I-90.

Chair Laing pointed out that the city will not in fact be the developer so the word "encourage" should be used in place of "develop."

Chair Laing said his preference for Policy S-EG-D2-3 would be to have it read "Retain neighborhood-serving commercial uses through flexible zoning." Councilmember Stokes agreed the draft policy is somewhat prescriptive and limiting.

8. COMMITTEE REPORTS - None

10. PUBLIC COMMENT - None

11. DRAFT MINUTES REVIEW

A. May 14, 2014

B. May 28, 2014

Action to approve the minutes was not taken.

12. NEXT PLANNING COMMISSION MEETING

A. July 9, 2014

13. ADOURN

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

Chair Laing adjourned the meeting at 10:20 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

July 9, 2014 Bellevue City Hall
6:30 p.m. City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: Commissioners Carlson, Hilhorst, DeVadoss

STAFF PRESENT: Paul Inghram, Scott MacDonald, Andrew Kidde, Department of Planning and Community Development;

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:33 p.m. by Chair Tebelius who presided.

2. ROLL CALL

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

3. PUBLIC COMMENT

Ms. Irene Fernandz, 1705 146th Avenue SE, thanked the city's code compliance staff along with Principal Planner Mike Bergstrom and Land Use Director Carol Helland for the new draft of permanent regulations for controlling single-room rentals in single family neighborhoods. She said she and her neighbors had read the draft and were pleased with the new definition of rooming houses and the statement that rooming houses will not be allowed in single family neighborhoods but will be allowed in multifamily and mixed use land use districts.

Mr. David Payter, 1614 144th Avenue SE, supported the comments made by Ms. Fernandz and praised the draft language, especially the restrictions on rooming houses to multifamily and mixed use. Clearly city staff have heard the testimony from the public regarding the impacts single-room rentals have on single family neighborhoods.

Mr. Steve Kasner, 1015 145th Place SE, welcomed Commissioner Walter to the Planning Commission. He noted that he had worked with her as a neighborhood activist. He said the Comprehensive Plan should be the controlling document and neighborhoods should be what they are intended to be. He thanked the Commissioners for their hard work.

Mr. Ron Merck, 14824 SE 18th Place, highlighted the comment made that the administrative conditional use must be consistent with the Comprehensive Plan. He noted that after suggesting to staff that the application for a single family home that eventually will turn into an assisted living was not consistent with the Comprehensive, he was told by staff that they do not pay any

attention to the Comprehensive Plan. He said he found that quite disturbing. An awful lot of time is spent talking about the Comprehensive Plan and the staff comment was out of sync. He referred to the provision for amortization of certain legally established uses and leases that do not conform to the permanent regulations and said he would like to know who controls the amortizations and how. He said he would like to know what constitutes proof of familial relationships. He said he also would like clarification of what is meant by allowing the rental of an entire dwelling to a self-identified group, all unrelated, or some combination of related/unrelated persons.

Comprehensive Planning Manager Paul Inghram explained that where a state law requires the city to do something, which is the case with adult family homes, Comprehensive Plan policy direction can be overruled. Chair Laing added that generally speaking, permitting activity involves compliance with the underlying zoning and design guidelines; to the extent there is a conflict between the zoning or the design guidelines and the Comprehensive Plan, which there should not be, the zoning or the design guidelines trump the Comprehensive Plan.

Ms. Kathleen Bell, 1409 159th Avenue SE, voiced concern over how the single-room rental ordinance would apply to someone with a large house choosing to have a non-romantic roommate who might from time to time invite someone over. She said she does not want to live in fear that her neighbors will start monitoring all activities at her home and report her. Home ownership should afford some rights, privileges and freedoms.

Ms. Meredith Robinson, 3070 124th Avenue NE, said she had just earlier in the day heard about the single-room rental issue. She said she is the owner of a six-bedroom house and recently took on a couple of tenants to help make ends meet. She said she registered with the city and will be paying the business and occupation tax to the city on the tenant income. She said she is a single mother with a special needs child whose access to special education services is predicated on her Bellevue address. There are probably other women in similar circumstances in the city who face the economic reality of rising rents. Employers are bringing in people from out of the area to fill the available jobs and those people will need to find housing. It is reasonable to expect the city impose reasonable regulations and to tax the income generated from single-room rentals, and it is reasonable for the city to direct the property owner to accommodate tenant parking. The city should not, however, put limits on the number of persons who can occupy a house without first knowing how many rooms and bathrooms the house has.

Commissioner Tebelius asked Ms. Robinson if her intent is to rent out each of her six bedrooms. Ms. Robinson replied that she would like to have three tenants. She said in addition to six bedrooms her house has four bathrooms. Two of the bedrooms are in basic mother-in-law apartments.

4. APPROVAL OF AGENDA

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

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

6. STAFF REPORTS

Mr. Inghram reported that at its meeting on July 7 the City Council adopted the Transit Master Plan. They recognized the Planning Commission for its work on the plan.

7. STUDY SESSION

A. Single Family Rental Housing Code Amendments

Mr. Bergstrom said the comments made by the public make it clear that there are all manner of different living situations with different combinations of people occurring in the city. He reminded the Commissioners that the proposed code amendments deal only with the issue of individual-room rentals where the property owner is not present. Property owners who want to rent out a couple of rooms in their houses are free to do so provided they live in the room; the practice is called a boarding house and up to two rooms can be rented out, parking must be made available, and a home occupation permit is required.

Mr. Bergstrom noted that the Council will be conducting a public hearing on August 4 to extend the interim regulations for a six-month period. Once the permanent regulations go into effect, the interim regulations will be repealed. The interim regulations limits the number of unrelated persons from six to four within the definition of family. The interim regulations allow more than four unrelated persons to share a house provided they operate as a functionally equivalent family. The draft ordinance that was before the Commission on May 28 retained the limit of four unrelated persons but dropped the functionally equivalent concept and proposed adding high-occupancy dwelling allowing five or more unrelated persons through an administrative conditional use permit.

Continuing, Mr. Bergstrom commented that based on feedback from the Commission and the community the determination was made to take a step back and determine what the permanent regulations are intended to accomplish relative to single-room rentals, which the new draft refers to as rooming houses. A definition of family is included in the new draft ordinance that allows a maximum of six persons unless all of them are related; the current code defines family as any number of related persons plus up to X of unrelated persons, and the family is counted as one toward the maximum. The problem with that is that any one of the unrelated persons could have people who are related to them and they would only be counted as one, resulting in a large accumulation of persons that in theory would only count as four or so. Under the proposal, a family of eight could not add in another unrelated person because the limit of six has been exceeded. The proposal places no restrictions on traditional families renting homes. Self-defined groups of unrelated individuals are limited in the proposal to a maximum of six persons operating under a single lease and living together as a single housekeeping unit. The draft also includes a definition for single housekeeping unit.

Under the current regulations, property owners are permitted to rent out one or two rooms as a bed and breakfast or boarding house, provided the property owner occupies the house. No changes are proposed to those standards or to the process for allowing them, which is a home occupation permit, which by definition is a business operated in a home. The draft defines a rooming house as a non owner-occupied dwelling that is rented to individuals on an individual room basis. The standards applied to the use are similar to those applied to the high-occupancy dwelling that was outlined in the previous draft, including not allowing them in multifamily and mixed use districts only, except that the downtown area is excluded given that the use must also be located in freestanding single family dwellings, of which there are very few in the downtown. Rooming houses as defined are subject to a maximum number of rooms and/or people. The draft

allows the use through an administrative conditional use permit, and revises the definitions for bed and breakfast and boarding house to reflect owner occupancy, and rooming house is excluded from those terms. The draft also revises the definition of family to mean six persons total unless all are related; discards the functional equivalent concept; creates a new definition for single housekeeping unit; and provides for amortization of legally established uses that do not conform to the proposed regulations.

Mr. Bergstrom noted that allowing the rooming house use only in single family dwellings in multifamily or mixed use districts will drastically reduce the number of opportunities. The draft sets a limit on the number of rooms that can be rented out and the number of persons rooms can be rented to, and dictates that all rooms rented must be legally established bedrooms. A local owner, landlord or registered agent must be identified. Legal on-site parking must be provided equal to the number of bedrooms rented. The draft includes provisions for exterior property maintenance and refuse collection.

Commissioner Hamlin asked why the draft should require a local owner when neither the landlord or registered agent would need to be. Mr. Bergstrom said the underlying notion is that there needs to be a responsible party that is readily findable. The name of the owner, landlord or registered agent will be attached to the administrative conditional use permit and will become the responsible party in the event of a land use violation. He clarified that the intent is for the responsible party to be local whether it be the property owner, the landlord or a registered agent. Commissioner Hamlin suggested rewording that section to make that point clearer.

Mr. Bergstrom said as part of the administrative conditional use review the city can impose conditions to address impacts on the residential character of the neighborhood or the cumulative impacts in relation to other city approved rooming houses.

Chair Laing asked how the requirements for a local owner, landlord or registered agent differ from the requirements for an apartment complex. Mr. Bergstrom said there is no such requirement for apartment developments.

Answering a question asked by Commissioner Tebelius, Mr. Bergstrom said the key to the new draft ordinance is that the rooming house use would no longer be allowed in single family districts. However, because even in multifamily and mixed use districts the use can have impacts, the associated restrictions and requirements are necessary.

Commissioner Walter noted that she has been active in the Spiritwood neighborhood on the single-room rental issue. She said while she came to the Commission with a particular view regarding the issue, she can be completely impartial with regard to the overall issue. Chair Laing thanked Commissioner Walter for disclosing that fact.

Commissioner Hamlin commented that the new draft regulations generally are on the right track. He said they are somewhat simpler. He said he was not completely clear as to how the current violations in the single family areas will be addressed. He said his preference would be to set the limits at four rooms and five persons to allow for the possibility of a couple renting a single room. He agreed there should be a registration and permitting process.

Commissioner Walter agreed that the proposed regulations generally take the right approach. She called attention to section 20.20.700.B in Attachment A and suggested the word "may" should be replaced with "shall" or "will." The other Commissioners concurred.

Commissioner Walter asked if staff had any concerns about testing family relationships. Mr. Bergstrom said the term related as used in the draft refers to marriage, adoption or blood. In the case of an enforcement action, the city would need to ask for proof. Mr. Inghram said the filing of a complaint by a member of the public would trigger some level of investigation aimed at determining if there is some level of reasonable cause to proceed with enforcement.

Answering a question asked by Commissioner Walter, Mr. Bergstrom said remodeling work requires permits, and that is the stage the city checks to make sure all proposed work will meet current codes. Under the code, all bedrooms must have windows of a certain size, must have closets, and must have their own access.

Commissioner Walter said if including a requirement for an administrative conditional use permit, which takes up to six months to process, means people will just find ways to operate until getting caught, the requirement should be left out. She said something like the home occupancy permit, which is far less onerous, would be better.

Commissioner Tebelius said the proposed regulations are getting very close to where they need to be. She noted especially her support of limiting rooming houses to multifamily and mixed use districts. The maximum number of rooms and unrelated occupants should be four. She asked if there is a permitting process other than administrative conditional use that would allow the city to gather all the needed information from the applicant but in a shorter period of time. Mr. Bergstrom said there is no such permitting process in place; one would have to be created. The home occupation permit would not work in instances where the home is not owner occupied, and the criteria for home occupation uses are much different.

Councilmember Stokes asked if staff had any information about the number of homeowners in the city who currently rent out a room or two. Mr. Bergstrom said the city does not have any reliable information in that regard. Technically, those who choose to take in a student for a quarter should register as a boarding house and obtain a home occupation permit, but enforcement would be by complaint only and there has never been such a complaint filed. Councilmember Stokes asked what the cost of obtaining an administrative conditional use is for the applicant. Mr. Bergstrom said the applicant must put down deposits that add up to about $3000; staff time is billed against the deposit and the amounts not used are refunded.

Chair Laing praised the staff for the exceptional materials and presentation. He agreed the draft is moving in the right direction and said he was particularly impressed with the definition of rooming house and the notion of not allowing them in single family districts. In order to avoid some of the gaming, however, the rooming house definition should include a reference to a non owner-occupied dwelling unit that is subject to multiple leases. With regard to the maximum number of occupants, he said he liked the notion of limiting it to the number of bedrooms plus one given that it would not be inconceivable that a couple might want to rent a single room. Referring to section 20.20.700 A he suggested all references to "will" and "may" should be changed to "should," and paragraphs one through three should simply be part of the definition or footnotes describing the use.

He suggested that in place of requiring the onerous administrative conditional use process it would be better to incorporate the various restrictions and allow the use outright.

Commissioner Tebelius asked how that approach would address the need to collect contact

person information. Chair Laing suggested it should be possible to obtain that information outside of the administrative conditional use process. Conditional use is more of a process than anything else; the city could simply elect to allow the uses outright provided a list of specific criteria are met and the results would be the same. At the end of the day, an ordinance is not needed for those who are technically breaking the letter of the law but who are not causing any problems. There is a lack of accountability. The complaints that have been registered have not been predicated on having six unrelated persons sharing a home but rather because of what those people have done.

Commissioner Tebelius suggested the same argument could be made about those who are cooking meth: their actions do not matter to anyone until they blow up the house.

Mr. Inghram agreed that many of the criteria listed in the draft could be written as standards applicable to a permitted use, or they could be written to be conditions to be fulfilled through the administrative conditional use.

Commissioner Hamlin said his preference would be for a less onerous process provided all identified issues can be addressed. There other Commissioners concurred.

There also was consensus around the notion of limiting the number of rooms to four and the total number of occupants to one.

Chair Laing asked if there is a need to be careful in drafting the rooming house definition to certain the use will not be confused with group homes. Mr. Bergstrom said the bed and breakfast and boarding house definitions are clear in that they do not include rooming houses. Where the protected classes come into play is in the definition of family, which has been detained. As such it is not necessary to say a rooming house is also not a boarding house, a fraternity or an adult family home.

There was consensus to schedule the issue for public hearing on September 10.

B. Comprehensive Plan Update

Mr. Inghram briefly reviewed the work to date done to update the Comprehensive Plan.

Assistant Planner Scott MacDonald noted that the Commission had previously directed staff to review the policies in the Urban Design Element with a focus on extracting their general intent and redrafting them to be simpler and broader. He sought feedback on the draft policy language and identification of those areas in need a more effort.

Mr. MacDonald said the Urban Design Element is intended to define the citywide character and to guide the design of both public and private development. It also supports the arts and arts programs in the city as well as historic preservation. The element should respond to the evolution of the city as it grows from being a bedroom community to having a top-notch downtown to having a full city landscape with growing mixed use areas with a new emphasis on the pedestrian experience. There is a desire to elevate the arts policies and house them in a separate section. There has also been discussion regarding changing the name of the element to something like Community Character to better reflect its intent.

Mr. Inghram pointed out that one of Bellevue's longstanding vision points has been being the arts

and culture center of the Eastside. The Urban Design Element is the part of the Comprehensive Plan that speaks to that notion, but it tends to get lost in the name of the element and the element's primary function of serving as the design review guide. Creating a new and separate chapter for arts and culture would certainly allow those policies to stand on their own. Urban design and the arts certainly work together and should possibly be housed together in the Comprehensive Plan as they are currently, but there should be recognition that the Urban Design Element is about more than just building design.

Commissioner Hamlin said he liked the idea of changing the name of the element to community character. It is less of a planning title.

Commissioner Walter suggested that community character as a title could be taken to mean just about anything. She said something like community design would be more appropriate.

Commissioner Tebelius said she knows what urban design means but not what community character means at first blush. She said her preference would be to retain the current title for the element.

Chair Laing voiced his preference for community design over urban design. The word urban connotes the downtown more than the city as a whole. The vast majority of the city would not fall under the definition of urban.

Mr. MacDonald referred to the table in the packet and pointed out that it included a number of new policies, including policies that address solar panels and their role in the design and construction of buildings; various environmental policies that address things such as green roofs and green walls; blank walls from the perspective of the pedestrian experience; and arts and arts programs.

Mr. Inghram explained that blank walls are permitted in areas where buildings can be constructed immediately adjacent to each other. However, some policy direction is needed relative to the design of blank walls to assure they will have some design character.

The Commissioners worked their way through the policy matrix line by line. With regard to line 2, Policy UD-19, Commissioner Tebelius argued against using the word "enhance." She said the city's tree canopy is greatly improved from where things stood in 1950 because the city has had policies about increasing the tree canopy. The recent losses in the tree canopy can be tied to major roadway construction projects. The language of the current policy should be retained.

Commissioner Hamlin noted his support for the proposed language that includes the word "enhance."

Mr. Inghram asked if it would be better to include language clarifying that it is the city working to enhance the tree canopy. Commissioner Tebelius said she could accept that approach in that the onus would be on the city rather than individual property owners.

Commissioner Walter questioned why the language was changed from referencing preserving trees to preserving the tree canopy. Mr. Inghram explained that over the last few years the focus has changed from focusing on individual trees to preserving the cumulative effect of the tree canopy. Commissioner Walter commented that trees planted down a boulevard do not constitute a tree canopy. The tree canopy is only one facet of preserving trees.

Chair Laing voiced support for the suggestion of Mr. Inghram to make it clear enhancement efforts will be done by the city.

There was agreement to retain the current policy language.

With regard to line 3, Policy UD-20, Commissioner Walter noted that since the policy is intended to replace line 4, Policy UD-22, the word "encourage" should be changed to "foster and value." There was consensus to make that change.

Commenting on line 6, Policy UD-24, Commissioner Tebelius suggested the city has already taken aggressive steps to protect waterfronts and make them more accessible to the public through the Shoreline Master Program and the critical areas ordinance. She proposed deleting the policy.

Commissioner Hamlin agreed the language is a bit strong and agreed it could be eliminated. Chair Laing and Commissioner Walter concurred as well.

Commissioner Tebelius reiterated that "sense of place" is not an easily understood term. She asked if it refers to meeting places and the like. Mr. MacDonald said it refers more to general identity and unique attributes. Mr. Inghram said the original policy language was focused on entry designs, such as gateways to neighborhoods. Over the last decade or so, however, the focus has changed to elements other than entry signs and the proposed language seeks to broaden the intent to promoting a sense of identity for neighborhoods.

Commissioner Hamlin suggested the proposed policy language is broadened to the point of losing the original focus.

Commissioner Tebelius noted that the current language calls out signs and landscaping in keeping with the character of the neighborhoods. Mr. MacDonald suggested the current policy limits the applications neighborhoods and designers can come up with to just those two elements, whereas the broader language proposed could include public art, light standards and other elements.

Commissioner Hamlin commented that the updated language should retain a tie to residential identity. As drafted the language can be interpreted to be much broader.

Mr. Inghram said the revised language primarily seeks to get rid of the "such as" statement. The current language is really about incorporating entry designs for residential neighborhoods. The proposed draft language seeks to broaden the policy to make it clear that it is all about neighborhood identity. He allowed that staff could take another stab at blending the old and the new together in a way that retains the original intent. The Commissioners agreed to direct staff to do that.

Chair Laing argued in favor of including the word "enhance" in line 9, Policy UD-63. The cities corridors have been largely denuded of vegetation and some enhancement is needed. There was agreement to make the change and to also substitute the word "landscape" for "vegetation."

With regard to line 11, Policy UD-66, Commissioner Walter suggested the proposed language is too vague. She agreed with the need to delete "especially those that are older" but held that the

proposed language is not specific enough.

Mr. MacDonald suggested the phrase "in need" allows for flexibility and for being more site specific. Chair Laing argued against use of "in need" to avoid the negative connotation of identifying neighborhoods as being in need. He suggested going with the proposed language absent "in need."

Commissioners Tebelius and Walter proposed retaining the current policy without the phrase "especially those that are older." Mr. Inghram asked if their recommendation included retaining the "such as" statement to provide clarity. Commissioner Walter said that would be her preference because it might benefit those reading the policy.

Chair Laing commented that examples were included in the packet showing how the policies will ultimately be formatted. He said he found the information to be very helpful, particularly the example of who images will be incorporated with the text. He suggested the format argues in favor of shorter policy statements. Commissioner Tebelius pointed out, however, that from a legal standpoint it is all about the words and any images that get incorporate will not really matter.

There was agreement to adopt the suggestion made by Commissioners Tebelius and Walter.

Focusing on line 13, Policy UD-69, Chair Laing suggested that as worded one could conclude it references the impacts of views, building scale and land use. Mr. MacDonald said that was the intent and proposed clarifying that by having the last part of the policy read "considering the through-traffic, view, building scale and land use impacts."

Commissioner Walter asked if the policy should be broadened to include all of the city's commercial and mixed use centers rather than just the downtown. Mr. MacDonald pointed out that the downtown is unique in that it faces circumstances the other commercial and mixed use areas do not. As such it is not always necessary to fold in references to all commercial and mixed use areas wherever the downtown is mentioned. Commissioner Walter argued that in fact the plans for the city include some robust commercial and mixed use areas that should have the same harmonious flow with adjacent neighborhoods as the downtown has. There was agreement to revise the policy to read "develop a functional and attractive Downtown and other mixed use centers…."

Chair Laing proposed adding the word "safe" to line 14, Policy UD-73 to have it read "enhance and support a safe, active, connected and functional…." There was agreement to make the change.

Turning to item line 15, New-1, Commissioner Tebelius questioned whether the city should be involved in encouraging art and arts programs that create understanding and respect among the city's diverse population.

Commissioner Hamlin commented that diversity is both good and healthy and the policy language honors that fact. Encouraging art and arts programs that create respect is certainly a legitimate thing for the city to be involved in.

Mr. Inghram noted the Commission had previously had discussions about diversity and its increasing social relevance in the community. The discussions have centered on how to

encourage and support diversity in a healthy way and not in a way that mandates or sets quotas. The policy does not dictate that the city will fund all art programs but rather calls for encouraging them as a way of addressing diversity.

Commissioner Walter suggested that line 16, Policy UD-36, is very similar to New-1, but would be differentiated if the word "culture" were added to New-1.

Commissioner Tebelius observed that none of the policies are aimed at encouraging art and arts programs that celebrate the American culture. Commissioner Walter commented that art certainly is a good way to bring cultures together. The city's diversity is changing and participating in arts and culture activities brings people together and helps them understand one another, and that certainly is a role the city should play.

Chair Laing suggested "support" and "encourage" are two different concepts. He said for the city to encourage art and arts programming would be different from saying the city should support them. He agreed with Commissioner Walter that the city should be encouraging art and arts programs but said he would avoid using "support" like in New-2 in that it could imply funding on the part of the city.

Commissioner Hamlin indicated his support for policies New-1 and Policy UD-36 as proposed.

Commissioner Tebelius reiterated her preference for keeping the city out of the business of art and arts programming.

There was agreement to revise the language of proposed New-1 to read "…the city's culturally diverse population."

Chair Laing called for replacing "support" with "encourage" in line 17, New-2 and line 18, New-3.

Commissioner Tebelius said she did not understand what New-3 even means. Mr. MacDonald said it is intended to broaden support for arts programs beyond just the entry level to include all skill levels. Mr. Inghram added that the target of the policy is arts education, which is different from the purchase and installation of public art. Giving people the opportunity to engage in arts education is common in the city in the school districts, in the Bellevue Youth Theatre, and in the community centers. Commissioner Tebelius said in her opinion the city should not be in the business of providing art education.

There was consensus to change "support" to "encourage."

Commissioner Tebelius commented that the line 19, Policy UD-35, line 20, Policy UD-37, and line 21, New-4, all seem repetitive. She said her desire not to see the city involved in arts programming or education extended to the three policies. With regard to New-4 specifically, she argued against singling out one group of people to support, namely artists and arts groups. There are people in all manner of work categories, including lawyers and accountants, that are struggling but there are no policies aimed at supporting them. Mr. Inghram allowed that the general notion of supporting art and arts programming is a competitive theme running through the policies in the arts and culture section. Each specific policy, however, is intended to cover the facets of the city's art program that is addressed by the Bellevue Arts Commission. The Arts Commission actively and on an annual basis supports artists and arts groups in the city.

Commissioner Tebelius argued against using the word "expand" in line Policy UD-37, and against supporting a variety of artwork in public places as outlined in Policy UD-35. She noted that nothing is said about what the art is, who will pay for it, and where it should be sited.

Commissioner Hamlin said the word "support" does not automatically translate into "mandate." He voiced his support for Policy UD-35, Policy UD-37 and New-4 as proposed. Commissioner Walter agreed and added that "support" does not always mean financial support.

Mr. Inghram pointed out that the policies are focused on the arts program that is in place. The program is endorsed by the City Council and has been for many years, and the Council has shown no inclination toward doing away with the program. The Commission can make its own recommendation, but it should be remembered that the City Council supports and funds the program that supports public art, supports buying art to expand the public art collection, and supports artists and arts groups.

Chair Laing indicated his support for the proposed language of Policy UD-37. He said his preference with regard to Policy UD-35 would be to strike out "to build community and transform the character of a place from the ordinary to the special" as unnecessary.

Commissioner Tebelius asked staff to explain line 24, New-5. Mr. MacDonald said the creation of iconic visual reference points is tantamount to creating places that are easily recognizable. The pond in Downtown Park and Compass Plaza are both iconic visual reference points.

Chair Laing said it was his belief that the iconic visual reference points will sometimes be created by the city and sometimes by private development. He proposed revising the policy to read "Encourage the creation of iconic visual reference points…."

Commissioner Walter suggested the notion of building design avoiding stark spaces should be utilized in one of the policies. Mr. MacDonald commented that it could be easily incorporated into line 22, Policy UD-1. There was agreement to do that.

Answering a question asked by Commissioners Tebelius and Walter about why the reference to water had been deleted from line 28, Policy UD-13, Mr. MacDonald said the intent was to broaden the tools available to designers and to avoid just focusing on water.

With regard to line 29, Policy UD-21, Commissioner Walter suggested replacing "promote" with "invite," "encourage," "welcome," "beckon" or "allow."

Chair Laing proposed rewording the policy to read "Integrate high-quality inviting public and semi-public open spaces into major development." Mr. MacDonald suggested the term "major development" is relatively vague and difficult to accurately define. Chair Laing commented that projects of a sufficient scale can absorb including publicly accessible open spaces; not all development can do that. One way to address the issue would be to replace "integrate" with "encourage."

There was consensus to word Policy UD-21 to read "Encourage the integration of high-quality and semi-public open spaces into major development that invite people to use them."

Chair Laing proposed having line 32, Policy UD-8, read "Integrate rooftop mechanical

equipment screening with building architecture." The Commissioners agreed.

With regard to line 33, New-6, Commissioner Walter noted that because solar panels are a new technology the word "foster" should be used in places of "encourage." She said fostering can be achieved through training, education and promotional materials. Mr. Inghram added that the city is set to launch a solarize Bellevue campaign that is aimed at fostering the use of solar.

Chair Laing questioned what "other environmental technologies" as used in New-6 means. Mr. Inghram said solar panels and green roofs were not issues ten years ago. It is likely that in the future there will be new techniques come along that the city will want to encourage people to do, but those techniques cannot be spelled out because no one knows yet what they are. Chair Laing proposed referring to them as "other renewable energy technologies." Commissioner Tebelius said she would prefer to use "energy efficient technologies" and the Commissioners accepted her suggestion.

With regard to line 34, New-7, Commissioner Walter commented that while green roofs are good ideas, green roofs with concrete and glass is an assault to the eye. She said she would prefer to see the policy deleted. At the very least the policy should encourage aesthetically pleasing green roofs in keeping with the character of the building.

Chair Laing said it has been his experience that green roofs are massively expensive and do not reduce heating and cooling costs. They can be successful in slowing the rate of runoff from buildings. He said he would be happy to see the policy deleted.

Commissioner Hamlin indicated his support for the policy.

Mr. MacDonald observed that beyond the technology and the costs and their ability to reduce runoff, green roofs offer benefits for building tenants and improves the view for tenants of nearby buildings. A green wall adds a great deal of interest to the pedestrian experience.

Chair Laing said he could accept having the policy read "Encourage green roofs and green walls where they may enhance the character of Bellevue as a city in a park." There was consensus to accept the suggestion.

Chair Laing suggested the word "provide" should be replaced with "encourage," and the word "viewable" should be replaced with "visible" in line 35, New-8. He said there are instances where it would make no sense at all to gussy it up because the building next door will also have a blank wall.

Chair Laing commented that the draft language in line 37, Policy UD-11, is going in the wrong direction in terms of keeping things at the policy level. He also suggested the term "rain cover" would be broader as "weather protection."

Commissioner Hamlin said he would be okay with "encourage" but said he saw no need to change "rain cover." He pointed out that such changes would take the policy back very nearly to where it is currently.

Chair Laing proposed having the policy read "Encourage both weather protection and access to sunlight in pedestrian areas using architectural elements." The Commissioners concurred.

Commissioner Walter suggested changing the first part of line 38, Policy UD-39, to read "Include clearly visible and accessible walkways…." The Commissioners agreed to make the change.

With regard to line 39, Policy UD-9, Commissioner Hamlin highlighted the issue of service docks that can be seen from public areas. He said they are always ugly and should be added to the policy as something for which the visual impact should be reduced. There was agreement the policy should read "Reduce the visual impact of parking lots, parking structures and loading docks to public areas…."

Commenting on line 40, Policy UD-12, Commissioner Walter suggested that excessive glare from building glass should also be minimized. Mr. Inghram agreed to raise the issue with some of the architects on staff if the notion could be added to the policy without effectively banning glass buildings.

With regard to line 46, Policy UD-70, Commissioner Tebelius asked what the reason was for the change in language given that in essence the proposed policy language is the same as the existing policy language. Mr. MacDonald said policies are supposed to lead with an action word. Additionally, he said the policy has been broadened to include urban design elements. Mr. Inghram said any time a single family neighborhood is adjacent to a commercial area, the commercial area must provide a 20-foot landscape buffer. The same is true in the downtown in the perimeter districts. The requirements are an outgrowth of the policy. Commissioner Tebelius accepted the proposed language change.

Chair Laing pointed out that "through connections" should read "through-block connections" in line 47, Policy UD-72. There was agreement to make the change.

Commissioner Tebelius asked what impact line 48, Policy UD-74, has had. Mr. Inghram said as a matter of policy the city does not allow signs on the upper parts of buildings, though there have been specific exceptions allowed. He said the intent of the proposed policy language is to clean up the wording more than to change the policy direction. He allowed, however, that a change in focus aimed at limiting signs and ensuring design compatibility rather than discouraging them would be in order.

Commissioner Hamlin agreed the focus should be on limiting rather than discouraging in the policy language.

Commissioner Walter suggested the use of bright colors in signs would hurt the skyline and should not be allowed. Chair Laing noted that the design guidelines require signs to be below the top of buildings. Mr. Inghram added that there are also lighting limitations on signs.

There was agreement that the policy should in fact be housed in the signs and wayfinding section.

Commissioner Tebelius asked if the focus of line 59, New-10, is on all buildings and homes. Mr. Inghram said it probably is. The city provides educational materials to homeowners and builders. He allowed that "encourage" could be used in place of "promote" and the Commissioners concurred.

With regard to line 66, Policy UD-33, Commissioner Hamlin commented that in many public

spaces there is a bad wind effect. It is really bad at the transit center. He suggested that as public spaces are created consideration should be given to wind effect. Mr. Inghram allowed that there may be a way to include the issue in Policy UD-33.

Chair Laing agreed and suggested the problem is such that it would warrant a standalone policy addressing it.

Addressing line 70, Policy UD-38, Commissioner Tebelius commented that nothing is worse than running on cement. She asked if asphalt sidewalks could be considered instead of concrete. Along SE 26th Street everything from the pine trees falls on the cement sidewalk and gets blown into the street from where it washes into the gutters and flows out into the lake. Porous asphalt or some way to capture the runoff debris would improve things greatly. Mr. MacDonald added that the roots of street trees often conflict concrete sidewalks by pushing them up in a search for water. He said the city has given notice to proceed with a study aimed at developing a toolkit of options to address and solve those issues.

Mr. Inghram suggested the issue of porous asphalt or other approaches would better serve as a policy separate from Policy UD-38. He said he would take the issue back to staff for suggestions of how to address it.

There was agreement to use the word "walkways" in place of "circulation" in line 76, Policy UD-43.

A motion to extend the meeting by 15 minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner Tebelius and it carried unanimously.

With regard to line 82, Policy UD-49, Chair Laing said he would like to see non-motorized trails added to the list. The Commissioners agreed.

Chair Laing said he also would like to see a policy included that addresses operation and maintenance facilities. Mr. Inghram made note of the suggestion and proposed holding the issue in the wings for a few days to see how things play out.

BREAK

Mediation program manager Andrew Kidde said in the course of working to update the Citizen Engagement Element he reviewed the programs in place in other cities, but found that none of them have their participation elements front and center. He noted the name change from Citizen Participation Element to indicate more active involvement. The current element is very focused on planning and land use; while an important area for citizens to be engaged in, it is not the only one by any means. The desire is to have citizens engaged in everything the city does so the first section of the draft element maps out policies that are about the city as a whole.

Mr. Kidde said over the years he has found that many citizens do not know exactly what functions Bellevue plays. New Policy CE-1 is aimed at emphasizing the importance of informing Bellevue residents about the city's operations, budget allocations, services and policies. On the flip side, Policy CE-2 is focused on learning from residents through surveys and outreach about their perceptions of the city, its performance, budget priorities, taxation, and how the information is used to improve services to the community.

Continuing, Mr. Kidde explained that polices CE-3 through CE-6 all have an element of dealing with diversity. Citizen involvement is always complicated where there are wide diversities involved. Some of the issues have to do with access and the provision of translation and interpretation services. The work to translate all city documents and to provide interpretation services at every city meeting in each of the myriads of languages spoken by Bellevue residents would clearly be cost prohibitive. There are, however, there are large groups of people speaking languages such as Korean, Chinese, Russian and Spanish and resources could be and often is focused on those groups.

A motion to extend the meeting by ten minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner Tebelius and it carried unanimously.

Commissioner Hamlin said he had only a few suggested wording change to the policies and would provide them in writing to staff.

With regard to Policy CE-3, Commissioner Walter suggested changing "populations with limited English language ability" to "populations with limited language ability" in order to include sign language. She also proposed adding to Policy CE-5 all the school districts in Bellevue and Bellevue College. Chair Laing suggested a broad reference to educational organizations.

Commissioner Tebelius expressed the view that the current Citizen Participation Element is fine. She said she could see no reason to include the proposed new policies given that the focus of each is already encompassed in the existing policies. She indicated, however, that if the desire of the Commission is to include the new policies, she would want to take the time to focus on each one and seek an explanation of why each is needed.

Chair Laing suggested that several of the policies could be significantly shortened.

Mr. Kidde reiterated that the existing policies are primarily focused on planning and land use. There are in fact many other functions the city undertakes and as a result there are many other opportunities for citizen involvement. The city as a whole will benefit from policies that will guide behavior in terms of engaging the population. Mr. Inghram added that each of the new policies addresses a facet that is not addressed in the current policies.

Commissioner Tebelius asked if the staff would do any of what is outlined in the new policies if the new policies were not included in the element. Mr. Inghram said the city would still regulate development and build roads if there were no Comprehensive Plan policies in place. The argument can be made, however, that those actions can be carried out better and more efficiently because there are policies providing guidance.

8. OTHER BUSINESS - None

9. PUBLIC COMMENT - None

10. DRAFT MINUTES REVIEW

A. May 14, 2014

Commissioner Tebelius called attention to page 15 of the minutes and noted that the motion relative to the Bellevue Technology Center Comprehensive Plan amendment failed on a 2-2 vote

without indicating which Commissioners voted for and which voted against. She said it was her recollection that she and Commissioner DeVadoss voted for the motion, and Commissioners Hamlin and Laing voted against the motion.

A motion to approve the minutes as amended was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin and it carried without dissent; Commissioner Walter abstained from voting.

B. May 28, 2014

Commissioner Tebelius submitted to staff the comments she had made about retiring Commissioner Hal Ferris and asked to have them included in the minutes on page 5.

A motion to approve the minutes as amended was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin and it carried without dissent; Commissioner Walter abstained from voting.

C. June 11, 2014

Commissioner Tebelius called attention to the sixth paragraph on page 10 of the minutes and suggested the first sentence should be changed to read "Chair Tebelius pointed out that traffic in that part of Factoria is heavy."

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

11. NEXT PLANNING COMMISSION MEETING

A. July 23, 2014

12. ADJOURNMENT

A motion to adjourn was made by Commissioner Tebelius. The motion was seconded by Commissioner Walter and it carried unanimously.

Chair Laing adjourned the meeting at 10:10 p.m.