

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

May 23, 2007
7:00 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: Commissioner Bach

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

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

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

2. ROLL CALL

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

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

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

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

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

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS – None

5. PUBLIC COMMENT – None

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

7. PUBLIC HEARING

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

A. Comprehensive Plan Amendment
– *VanderHoek Multifamily*

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

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

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

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

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

to further review.

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

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

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

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

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

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

B. Comprehensive Plan Amendment
– *SRO Factoria*

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

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

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

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

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

C. Comprehensive Plan Amendment
– *Courter Enterprises*

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

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

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

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

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

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

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

D. Comprehensive Plan Amendment
– *Ostrem*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Comprehensive Plan Amendment
– *Mariner Ridge*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**** BREAK ****

8. STUDY SESSION

A. Comprehensive Plan Amendment – *VanderHoek Multifamily*

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

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

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

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

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

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

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

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

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

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

B. Comprehensive Plan Amendment
– *SRO Factoria*

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

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

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

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

C. Comprehensive Plan Amendment
– *Courter Enterprises*

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Comprehensive Plan Amendment
– *Ostrem*

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

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

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

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

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

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

E. Comprehensive Plan Amendment
– *Mariner Ridge*

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

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

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

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

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

Commissioner Robertson left the meeting.

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

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

G. Pedestrian-Bike Plan

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

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

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

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

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

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

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

significant improvement category identified was the need for more sidewalks.

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

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

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

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

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

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

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

H. Neighborhood Livability

The item was postponed to a subsequent meeting.

9. NEW BUSINESS – None

10. OLD BUSINESS

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

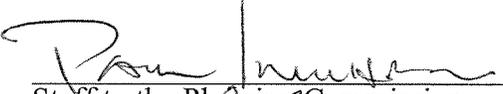
Mr. Inghram asked the Commissioners to mark July 11 on their calendars for the retreat.

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

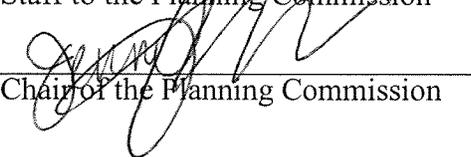
11. PETITIONS AND COMMUNICATIONS – None

12. ADJOURNMENT

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



Staff to the Planning Commission



Chair of the Planning Commission

9/26/07

Date

9/26/07

Date