



# Bellevue Planning Commission

March 10, 2021

## PLANNING COMMISSION AGENDA ITEM

### **SUBJECT**

Threshold Review Public Hearings: 2021 Annual Comprehensive Plan Amendments

### **STAFF CONTACT(S)**

Thara Johnson, Comprehensive Planning Manager, 452-4087  
*Community Development*

### **POLICY ISSUES**

*The Comprehensive Plan is Bellevue’s foundational policy document which guides the nature and intensity of development in the City and sets out the community’s vision for the future, provides policies to guide city actions, and provides a framework to allow the city and community organizations to work towards common goals.*

*- Introduction and Vision, Comprehensive Plan*

*An amendment to the Plan is a mechanism by which the City may modify its land use, development or growth policies.*

*- Land Use Code (LUC) 20.30I.120 - Purpose*

Under the Growth Management Act (GMA), the Bellevue City Code permits property owners to propose site-specific Comprehensive Plan amendments, and for anybody to propose non-site-specific (i.e. text) amendments. These privately-initiated applications are accepted and reviewed annually; they are not part of a broader city initiative. Site-specific amendments approved by the City Council lead to rezoning, to ensure development regulations that are consistent with and [implement](#) the Comprehensive Plan.

The city reviews these applications through a two-step process set forth in the Land Use Code at [LUC 20.30I](#). Under the first-step, Threshold Review, a proposed amendment is reviewed using decision criteria that must be met to determine if the proposal qualifies for Final Review.

The Planning Commission holds Threshold Review public hearings and makes recommendations. The City Council’s subsequent action on those recommendations will establish the Final Review work program.

### **DIRECTION NEEDED FROM THE PLANNING COMMISSION**

| ACTION<br><input checked="" type="checkbox"/>   | DIRECTION<br><input checked="" type="checkbox"/>   | INFORMATION ONLY<br><input type="checkbox"/> |
|---|--|--|
| Request   | Summary Guidance   |  |
| <b>1.</b> Conduct a Threshold Review public hearing for each proposed amendment                           | Direct staff to first review and present the staff recommendation, then open the public hearing and accept public testimony. Close the public hearing.                       |  |
| <b>2.</b> Following the public hearing on each amendment, discuss the amendment and make a recommendation | Review the application, staff recommendation, public record, and testimony. Ask questions of staff, applicants and persons giving testimony; review the proposed resolution. |  |

2021 Annual Comprehensive Plan Amendments List of Proposed Amendments  
See Location Map Attachment A

| Proposed Plan Amendment<br><i>Subarea</i>  | Site-specific Proposal  | Applicant                     |
|--|---|-------------------------------|
| <p><b>15 Lake Bellevue</b><br/>20 114296 AC<br/>15 Lake Bellevue Dr.<br/><i>BelRed</i></p>                               | <p>This privately-initiated application proposes a map amendment from BelRed-General Commercial (BR-GC) to BelRed-Office Residential 2 (BR-OR-2) on a 2.8-acre site, and amend Policy S-BR-96 for maximum building heights allowances.</p> <p>Subject to geographic scoping</p> | <p>American Capital Group</p> |
| <p><b>DASH Glendale</b><br/>20-114270 AC<br/>12600 NE 8th St and<br/>900 124th Ave NE<br/><i>Wilburton/NE 8th St</i></p> | <p>This privately-initiated application proposes a map amendment on two parcels totaling 7.5 acres from Multifamily-Medium (MF-M) to Neighborhood Mixed Use (NMU)</p> <p>Subject to geographic scoping</p>  | <p>DASH</p>                   |

Staff report recommendations were available with the February 18 published public hearing notices for the March 10 Threshold Review public hearing.

**RECOMMENDATIONS SUMMARY**

The Threshold Review Decision Criteria for a proposed Comprehensive Plan Amendment are set forth in the Land Use Code in Section 20.30I.140. See Attachment B. Based on a review and application of the criteria, and using a process as described in earlier December 9 and January 27 study sessions before the Planning Commission, Community Development staff developed Threshold Review recommendations.

The staff recommendations for the 2021 site-specific applications are summarized in the Summary Recommendations below. The full reports are available [online](#), provided in detail in the report materials provided to Commissioners along with the February 18, 2021, notice of Threshold Review public hearing, and can be requested in print. All versions include the staff recommendation, the application materials, public comment summary, and a site map.

**Summary Recommendation: 15 Lake Bellevue - 20-114296-AC, 20-114325-LQ**

This privately-initiated application proposes a map amendment on a 2.8 acre site in the BelRed Subarea from BelRed-General Commercial (BR-GC) to BelRed-Office Residential (BR-OR-2), and to amend Policy S-BR-96 for maximum building heights allowances.

**Staff recommends not including this proposed amendment in the 2021 work program because the application does not meet Land Use Code decision criteria for Threshold Review of a privately-initiated**

Comprehensive Plan Amendment (LUC 20.30I.140). In particular, the following decision criteria (C,D, F and G) are not met:

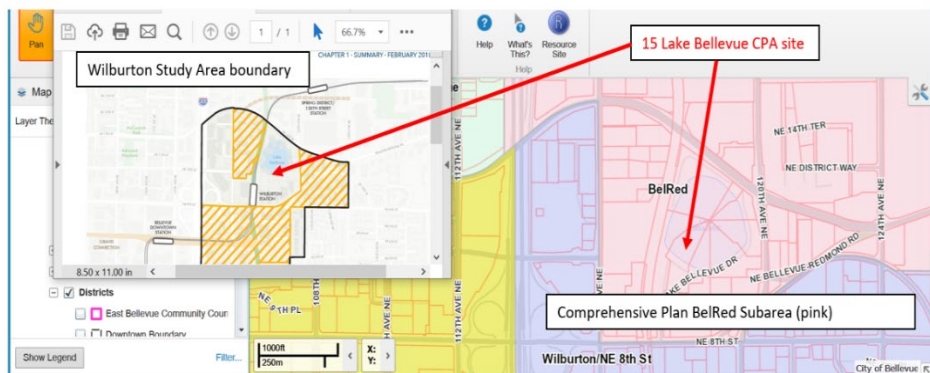
| Threshold Review Decision Criteria                 | Meets/Does Not Meet |
|--|---------------------|
| A – Appropriately addressed through Plan           | Yes                 |
| B – Compliance with three-year limit               | Yes                 |
| C – Does not raise policy issues outside CPA       | No                  |
| D – Reasonably reviewed with resources             | No                  |
| E – Addresses significantly changed conditions     | Yes                 |
| F – Expand Geographic Scope                        | No                  |
| G – Consistent with current general Plan policies  | No                  |
| H – State law, court or admin decision requires it | N/A                 |

The proposed amendment is appropriately addressed through the Comprehensive Plan and the proposal meets this criteria. The appropriate land use designation on a specific site or sites presents a matter appropriately addressed through amendment of the Comprehensive Plan.

The proposed amendment is in compliance with the three-year limitation rules since the 15 Lake Bellevue site has not previously applied for a proposed plan amendment, and was not included in previous BelRed subarea plan amendments or updates.

The proposed amendment is not in compliance with the criteria which requires that an amendment does not raise policy or a land use issues that are more appropriately addressed by an ongoing work program approved by the City Council.

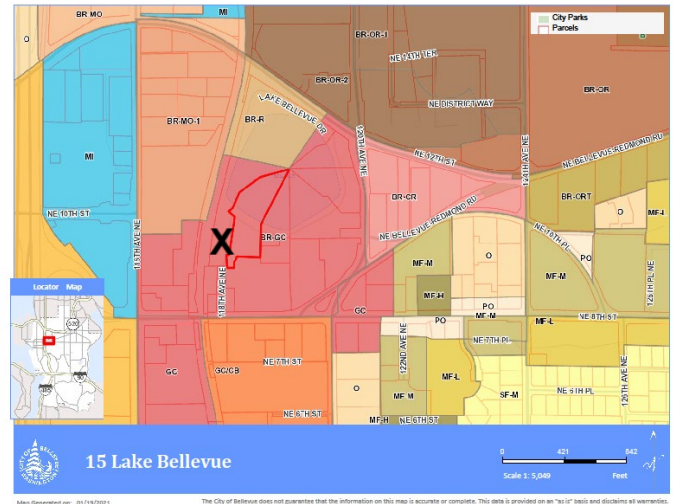
The 15 Lake Bellevue proposed plan amendment site is within a section of the BelRed Subarea, whose zoning was adopted in 2009, and subsequently included in the Wilburton Commercial Area Study that examined areas north and south of NE 8th Street adjacent the Wilburton light rail station.



While plan amendments proposed as follow up to the Wilburton Commercial Area Study implementation are not yet underway, because of known transportation and environmental impacts identified in the Wilburton Draft Environmental Impact Statement (DEIS), the long range development expectations for this site and the area around Lake Bellevue are more appropriately addressed through the Wilburton Study policy development to be understood within a Comprehensive Plan context.

The proposed amendment also does not meet the criteria which requires that an amendment can be reasonably reviewed within the resources and timeframe of the annual work program. The application cannot be reasonably reviewed within the resources and time frame of the current Annual Comprehensive Plan Amendment Work Program.

Understanding the redevelopment capacity of this site and potential impacts cannot be done in isolation from the rest of the Lake Bellevue area and larger Wilburton Study Area. Staff recommends not expanding the geographic scope of the proposal on the grounds that once geographic expansion is undertaken, it would result in all the parcels surrounding Lake Bellevue being included within the scope. Also, the potential policy and redevelopment consequences of that decision move this out of the realm of the resources available through the annual plan amendment process and pose questions that are more appropriate for the Wilburton plan implementation work program.



The proposed amendment addresses significantly changed conditions (since the last time the pertinent Comprehensive Plan map or text was amended) affecting the subject property and the surrounding area because of changed conditions on its surrounding area. The 2009 adoption of the BelRed Subarea plan established a narrative-based location to guide redevelopment intensities for the Nodes and Areas Surrounding Nodes around these key features. Because the location for the Wilburton light rail station was not yet identified in 2009, the subarea plan provided for multiple locational possibilities.

The subarea plan provided this direction for the intensity of redevelopment in and around nodes but it does not appear that it expected the 15 Lake Bellevue site and area to be in such close proximity to the light rail station itself. This is a significantly changed condition.

Expansion of the geographic scope of the proposal to include property to the west was not recommended by the Planning Commission at the January 27<sup>th</sup> meeting. The site should not be geographically expanded, either to include the adjacent 9 Bellevue site or any of the other BR-GC designated areas. This is because there is no way to limit expansion of the geographic scope of the proposal to anything less than all of the ten BR-GC designated properties that are contiguous to Lake Bellevue. This becomes an unintended consequence of geographic scoping, where such areawide analysis of an entire BelRed designation is appropriate only for the subarea plan amendment process and not the limited site-specific annual process.

The proposed amendment is inconsistent with current general policies in the Comp Plan for site-specific amendment proposals and with other policy implementation. The proposed amendment is inconsistent with general Comprehensive Plan policies because changing the development intensity on this single site in isolation from its context within BR-GC Lake Bellevue-designated sites, within the BelRed

Subarea’s tiered, node-based land use density patterns, and without deference to identified environmental impacts in the Wilburton Land Use Study does not allow a staff conclusion that the application would meet the Goal of the Land Use Element and BelRed Subarea plan policy direction.

Additionally, state law or a decision of a court or administrative agency has not required or directed the suggested change.

**Summary Recommendation: DASH Glendale - 20-114270 AC**

This privately-initiated application proposes a map amendment a map amendment from Multifamily-Medium (MF-M) to Neighborhood Mixed Use (NMU) on two parcels totaling 7.5 acres in the Wilburton/NE 8th Street Subarea.

**Staff recommends including this proposed amendment in the 2021 work program** because the application meets Land Use Code decision criteria for Threshold Review of a privately-initiated Comprehensive Plan Amendment at LUC 20.30I.140.

| Threshold Review Decision Criteria                 | Meets/Does Not Meet |
|--|---------------------|
| A – Appropriately addressed through Plan           | Yes                 |
| B – Compliance with three-year limit               | Yes                 |
| C – Does not raise policy issues outside CPA       | Yes                 |
| D – Reasonably reviewed with resources             | Yes                 |
| E – Addresses significantly changed conditions     | Yes                 |
| F – Expand Geographic Scope                        | No                  |
| G – Consistent with current general Plan policies  | Yes                 |
| H – State law, court or admin decision requires it | N/A                 |

The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan. The appropriate land use designation on a specific site or sites presents a matter appropriately addressed through amendment of the Comprehensive Plan. The issue of appropriate land use on this site—including its existing and future use of the site for permanent affordable housing—is consistent with City Council Principles (#9, Affordable Housing Opportunities) to “Consider opportunities for land use changes in the area to provide for affordable housing.”

The proposed amendment is in compliance with the three-year limitation rules. The DASH Glendale site previously applied for a 2018 proposed plan amendment. In 2018, City Council’s action during the annual amendment process was to include the DASH request within the Wilburton subarea plan process, which has not occurred as yet. Given the current timeline for the application as part of the 2021 annual amendment process, the application is in compliance with the three year time limitation requirement.

The proposed amendment does not raise policy or a land use issues that are more appropriately addressed by an ongoing work program approved by the City Council since DASH has indicated

previously that building age and refinancing considerations play an increasingly deadline-driven role in their needing to make a decision about their project future.

Staff confirms that the proposed use of the Neighborhood Mixed Use (NMU) designation to address DASH and citywide affordable housing strategy implementation presents a reason to examine this application through the annual CPA process.

The proposed amendment can be reasonably reviewed within the resources and timeframe of the annual work program.

The proposed amendment addresses significantly changed conditions which include the site's proximity to the broader Wilburton Study Area; proximity to transit walksheds and other infrastructure; and a willing property owner whose ownership mission is to provide workforce housing on property it owns. The proposal could assist with increasing affordable housing supply as a need identified in the Wilburton Study Area DEIS.

Expansion of the geographic scope of the proposal was not recommended by the Planning Commission at their January 27<sup>th</sup> meeting. The sites on NE 8th Street and 124th Avenue NE are bounded on the north and west by properties in the BelRed Subarea, and by properties with fully developed multifamily designations to the east and across NE 8th Street to the south. A separately-owned triangularly-shaped property wedged between the two parcels is designated Professional Office (PO).

The unique ownership of this site, its inclusion in the Wilburton Study Area, and the applicability of affordable housing policy to this site compared to other adjacent multifamily-designated properties indicates there are no other similarly-situated properties.

The proposal is consistent with current general policies in the Comp Plan for site-specific amendment proposals and with other policy implementation. The amendment is consistent with "...a major objective of the Land Use Element to maintain the vitality, quality, and character of Bellevue's neighborhoods while recognizing that neighborhoods will continue to adapt even while maintaining their character." (Land Use Element – Residential Areas p. 42). Also, state law or a decision of a court or administrative agency has not required or directed the suggested change.

## **BACKGROUND/ANALYSIS**

The 2021 list of initiated applications has been established to consider amendments to the Comprehensive Plan. Consideration of proposals to amend the Comprehensive Plan is limited to an annual process under the state Growth Management Act.

Threshold Review action produces proposed amendments for the annual CPA work program. This 2021 annual work program consists of four steps:

### Threshold Review

1. Planning Commission study sessions and public hearings to recommend whether initiated proposals should be considered for further review in the annual work program (*current step*);

2. City Council action on Planning Commission recommendations to establish the annual work program (April);

Final Review

3. Planning Commission study sessions and public hearings to consider and recommend on proposed Comprehensive Plan Amendments (April - July);
4. City Council action on Planning Commission recommendations (fall).

**PUBLIC NOTICE**

The 2021 annual proposed amendments were introduced to the Planning Commission with a December 9 study session, and a January 27 study session examining the potential expansion of geographic scope for each of the privately-initiated applications.

Notice of the Application was published in the Weekly Permit Bulletin on January 7 and mailed and posted as required by LUC 20.35.420. Notice of the March 10 Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on February 18 and included notice sent to parties of interest. Owners and residents within the 500-foot noticing perimeter of the sites receive official notice, as do people signed up to receive such notices.

**Effective community engagement, outreach and public comments at Threshold Review**

Applicants, residents and communities are engaging across a variety of media in proactive public participation during the 2021 annual plan amendment review process. The city’s early and continuous community engagement includes:

- ✓ Responsive early outreach to requests for information and to become parties of interest
- ✓ Responding in writing to each written public comment submitted and returning phone calls
- ✓ Expanded web page material at Comprehensive Plan Amendments with the review schedule, the applications list, and a “What’s Next” timeline
- ✓ A December 9 “Introductory and statutory process review” Planning Commission study session
- ✓ A January 27 geographic scoping analysis Planning Commission study session
- ✓ Official Weekly Permit Bulletin notice as required

Public comments come in throughout the process. All written comments are included in the public record, for reference and for use by decision-makers. At the various steps, the comments are included in their original form to the Planning Commission as attachments to staff report recommendations. They are also posted on the CPA web site.

Below is a summary of the comments received through March 4, 2021. This chart is provided solely for informational purposes and does not represent the city staff position, thinking, analysis or judgement regarding a Threshold Review recommendation.

| Proposed Plan Amendment | Number | Summary                    |
|-------------------------|--------|----------------------------|
| 15 Lake Bellevue        | 4      | Favor- (3) Information (1) |
| DASH Glendale           | 4      | Favor (4)                  |

The next step in this continuous public engagement process includes the City Council’s agenda item establishing the annual work program.

Threshold Review Public Hearing: 2021 Annual Comprehensive Plan Amendments

March 10, 2021

### **Using Final Review to address merit-based issues**

The applications that advance past Threshold Review are those that will be considered together in the work program. This work program is Bellevue's Final Review and examines the merits of proposed amendments. The Final Review timeframe is through the end of the year.

The second part, Final Review, addresses specific merit-based issues and fulfills GMA requirements that amendments proposed to the Comprehensive Plan be considered cumulatively (WAC 365-196-640 (5)). Final Review addresses issues such as how the Plan's Land Use Strategy locates jobs and housing growth; where the geography of the city's planning areas affects the Land Use Strategy; why consistency with other, similar amendments is important in plan review; and is appropriate when reviewing a potential environmental impact such as traffic.

### **ATTACHMENT(S)**

- A. City map of 2021 Comprehensive Plan Amendment applications
- B. Threshold Review Decision Criteria LUC 20.30I.140
- C. Planning Commission resolution for 15 Lake Bellevue
- D. Planning Commission resolution for DASH Glendale