

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

April 25, 2018
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Barksdale, Commissioners Carlson, deVadoss, Laing, Malakoutian, Moolgavkar

COMMISSIONERS ABSENT: Commissioner Morisseau

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

COUNCIL LIAISON: Mayor Chelminiak

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER
(6:34 p.m.)

The meeting was called to order at 6:34 p.m. by Chair Barksdale who presided.

2. ROLL CALL
(6:34 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Laing, who arrived at 6:48 p.m., and Commissioner Morisseau, who was excused.

Chair Barksdale took a moment to acknowledge Councilmember Stokes for his service as Council liaison to the Planning Commission.

Commissioner Carlson thanked Councilmember Stokes for always pushing the Commission forward at a time when there was a great deal of work to be done.

Councilmember Stokes said it was both a long and a short four years. He said the Commission is an amazing organization and that he was pleased to have been associated with it. The work of the Commission is valuable to the Council, and the Commission enjoys a good and positive relationship with the Council.

On behalf of the staff, Comprehensive Planning Manager Terry Cullen added his thanks to Councilmember Stokes for his work as Council liaison to the Commission during a time in which the workload was incredible. He noted that Councilmember Stokes attended nearly every Commission meeting and was always accessible to staff.

3. APPROVAL OF AGENDA
(6:38 p.m.)

A motion to approve the agenda was made by Commissioner deVadoss. The motion was seconded by Commissioner Malakoutian and the motion carried unanimously.

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS
(6:38 p.m.)

Mayor Chelminiak said he along with the Deputy Mayor had a very nice time the morning of April 24 in presenting the formal state of the city address to the Bellevue Downtown Association. He said he included a look at Bellevue's past and even shared a photo of what the downtown looked like in 1976, the year President Ford was trying to Whip Inflation Now, the year of the first passes between Seahawks Zorn and Largent, the year the *Bellevue American* changed its name to the *Journal American*, and just three years before Microsoft moved to Bellevue and Deng Xiaoping visited Boeing. Bellevue now participates on the global economic stage.

5. STAFF REPORTS
(6:40 p.m.)

Mr. Cullen reported that the Commission officers held their quarterly meeting with the Council liaison and staff on April 6. He noted that during the first quarter of the year, the Commission held five formal meetings and two informal walking tour meetings of the East Main station area. He noted that the Commission would be responsible for certain deliverables during the year, including plan amendment recommendations, threshold review and later final review recommendations, the East Main transit-oriented district plan and code amendments, the Grand Connection plan amendment, plus minor Land Use Code amendments for Eastgate and the downtown. To date, everything is on schedule.

Mr. Cullen briefly reviewed the Commission calendar and agenda items, noting that the May 23 meeting had been moved to May 16.

The Commissioners were informed that an update to their iPads was ready to install, and that work is under way to create a SharePoint site to allow for document sharing.

6. ORAL AND WRITTEN COMMUNICATIONS
(6:46 p.m.)

Mr. Xintian Yang, 827 104th Avenue SE, voiced strong objection to the Bellevue Nursery Comprehensive Plan amendment to rezone the site from Single Family-High to Neighborhood Business. He said his house is right across the street from the site. He said the threshold review criteria for Comprehensive Plan amendments requires that proposed amendments address significantly changed conditions and pointed out that the Bellevue Nursery application provides no such evidence. The surrounding areas and the nursery business itself has not changed significantly. The application should not be approved in the threshold review process for inclusion in the final review work program. Additionally, the rezone decision criteria requires that rezone actions not be materially detrimental to users of property in the immediate vicinity of the subject property. The Bellevue Nursery current business operations have already caused material damage to the neighborhood. They have limited parking capacity and customers often park on the sidewalk on both sides of SE 10th Street, creating difficulties for pedestrians. Delivery trucks also occupy the street.

Ms. Chris Buchanan with DASH, 11018 NE 11th Street, said the organization was founded 25

years ago by the Bellevue Downtown Association in order to provide affordable housing for people in Bellevue. DASH is the local non-profit workforce housing agency. She allowed that the organization's position regarding geographic scoping was somewhat ambivalent. She explained that in putting together the application the focus was on Glendale. The fact is that while Glendale and Evergreen Court are adjacent, they are very different properties. Glendale is a family property for working families and individuals, and Evergreen Court is for seniors, both those who live independently and those with assisted living. The two properties share one unique similarity in that their deeds are encumbered with mandatory affordability past 2050. Affordable housing is a precious resource for the city, something that should not be taken for granted. The Wilburton CAC did not take that for granted and voted to include the Glendale and Evergreen Court properties in its final recommendations for its study. With regard to geographic expansion DASH supports expanding the Glendale Comprehensive Plan amendment to include Evergreen Court.

Ms. Nicole Daleon, a land use attorney with Cairncross and Hempelmann, 524 2nd Avenue, Seattle, spoke representing Toll Brothers, the applicant for the Newport Hills Shopping Center site. She said she was present to listen to the comments and concerns of the Commission and to serve as a resource during the review process. The Newport Hills Shopping Center application specifically proposes amending the land use designation and the zoning for the shopping center site and the adjacent Chevron gas station site to Neighborhood Mixed Use. The logical and most reasonable geographic scope for the amendment is to limit the scope to those sites. The surrounding uses are indeed complementary to the Neighborhood Mixed Use designation and zone. According to the code, the geographic scope is to be the minimum necessary, which in the case of the proposed Comprehensive Plan amendment is no expansion at all. The Commission was urged to allow the application for the Newport Hills Shopping Center to proceed as proposed and without any expansion.

Mr. Shawn D'Sylva, 5720 122nd Avenue SE, said he was born and raised in Newport Hills and attended Newport Hills elementary, Ringdall junior high and Newport high school. He said he learned to swim at Newport Hills Swim and Tennis Club, and opened his first bank account at Great Western Savings Bank in Newport Hills at a time when there were two banks, two grocery stores, a hardware store, a barbershop, a beauty salon, a liquor store and two gas stations in the Newport Hills neighborhood. He said he ultimately purchased the home he grew up in and has painfully watched the Newport Hills Shopping Center die off, something that has been tragic for the neighborhood. There have been discussions over the years about trying to do something with the property, but it remains a wasteland of empty spaces that is both an eyesore and an embarrassment for the neighborhood. A plan needs to be done so the neighborhood can see what options are available, which is not the same as saying the neighborhood is in favor of all Toll Brothers has proposed.

Ms. Suzanne Baugh, 4728 116th Avenue SE, said many residents of the Newport Hills community want essentially the same thing, a revitalized and attractive Newport Hills Shopping Center that includes residential development, community oriented services and amenities everyone can enjoy. In order to get there, the Comprehensive Plan amendment process needs to move forward. The Newport Hills Shopping Center was built 50 years ago and is physically and functionally obsolete. The current owner does not maintain the property; the mechanical, electrical and plumbing systems are all subpar and cannot be fixed with tweaking and a little paint. The demographics of the neighborhood have changed in the last 50 years; those moving into the area, and those wishing to stay in the community, often seek different housing choices. Families want to move to Bellevue because it is clean and safe, there are jobs and the schools are great. There is no going back or standing still; the property will either be a model for future

neighborhood redevelopment or it will continue to deteriorate. Toll Brothers has made an offer to purchase that is acceptable to the current owner. In the past Bellevue has had limited zoning options to respond to revitalizing neighborhood centers, but with the request to go from Neighborhood Business to Neighborhood Mixed Use the proposed Comprehensive Plan amendment is an option that should result in a project that is viable to Toll Brothers and acceptable to the community the center serves. Mixing uses is a better measure of a quality project than just looking at density. The Comprehensive Plan amendment process under way is designed to ensure that every voice is heard. It involves review by the Commission for appropriateness, and ultimately action by the City Council. The process should be allowed to move forward.

Ms. Karen Morris, 15788 NE 4th Street, said her home is directly across the street from the Jewish Day School. With regard to geographic scoping, she questioned the request for the temple to be included. While part of the same property originally, the two properties have been separate for a long time. There is another church across the street with essentially the same properties that is not proposed to be included in the geographic scope, and in fact there are several religious institutions and schools within less than a mile of the subject property. The city should be careful to avoid setting a precedence. There is a clear need for the Commission to have accurate information, but much of the information disseminated to the community has not been accurate. All information brought forward during the process by the neighborhood will be double checked and will be accurate; hopefully the information brought forward by the property representatives will also be accurate. In the information put out by the school, it was stated that neighboring properties had been rezoned in such a way as to dramatically increase their values, while the school property remains zoned as it has been for decades. Their information also stated that the entire purpose of the project is to understand the value of the school property, and that there are no plans or intentions to develop the property, rather the proposal is simply an effort to change the zoning to match that of the neighbors. The fact is, the history of zoning actions suggests that zoning has remained consistent in the area over the years and there is no evidence of zoning actions going back to the mid-1960s. Additionally, plans were submitted during the summer of 2017 having to do with the property, which makes the claim that there are no redevelopment plans inaccurate.

Ms. Ann Brashear, 5254 116th Avenue SE, said she also had lived in Newport Hills for a large part of her life and also attended the local schools. She spoke in opposition to the proposal to amend the zoning for the Newport Hills Shopping Center parcel. Newport Hills was a planned community. It is different from many other communities of the same age, including Somerset and Woodridge, in that it includes a center to the neighborhood and not just houses. The shopping center is what makes Newport Hills unique and different. It gives the neighborhood a small town feeling and it functions as a public square. Neighborhood Mixed Use sounds innocuous, but Toll Brothers have been clear about wanting to build at least 130 luxury housing units that they call stacked flats and which will take up virtually the entire parcel, with only a token amount of retail and far less parking. While it is true that the shopping center has been there for 50 years and is a bit shabby, replacing it with houses will represent a fundamental change for the neighborhood. The Commissioners were urged to think of the shopping center property as a crucial parcel in the overall neighborhood. The subarea planning process should be used to take a real look at the site.

Mr. Dan Brennan, 5611 118th Avenue SE, also spoke in opposition to the proposed Comprehensive Plan amendment for the Newport Hills Shopping Center site. He agreed that the center looks run down and lacks the appeal of something new and shiny, but took offence to the comment that it is a wasteland or that it is no longer serving the community. Many of the uses

there are affordable family uses. Families come from all over to use attend the dance studio, get their hair done, participate in Tai Kwon Do, go out to eat and ship packages. Those uses will not fit with luxury gentrified top dollar retail and they will be pushed out. Toll Brothers has every right to make as much money as it can, but it should not be done at the cost of the community. With regard to the public hearing on June 27, he said given that school will let out just before it will be difficult for families and those who would be most affected to attend. The hearing should be during the school year.

Ms. Shawn Bliss, 16425 SE Cougar Mountain Way, spoke in regard to the Red Town Comprehensive Plan amendment. She said the purpose of the proposal is to make the site consistent with other sites in the area.

Ms. Heidi Dean, 11661 SE 56th Street, said she also opposed the proposed rezone for the Newport Hills Shopping Center. She said there have been problems regarding notification of the proposed rezone, beginning with the fact that the signage posted on February 22 was located in inconspicuous places; one of the signs actually blew over three days after being erected. She suggested the city should host a public meeting in the neighborhood to explain the Comprehensive Plan amendment and rezone process. It is bothersome that the Toll application talks about its extensive community outreach. They did address the Newport Hills Community Club meeting in November which was attended by 40 to 50 people, and at the Lake Heights Community Club meeting that was attended by some 30 people. However, there are over 2500 homes in the Newport Hills and Lake Heights areas, and those two meetings cannot be called extensive public outreach. There have apparently been private, invitation-only meetings held by Toll with residents to show their plans for the site. The neighborhood has asked to see the plans but Toll says there are no plans.

Mr. Richard Roth, 11323 SE 60th Court, said he would like to know more about what the Toll plan is. He said he has strong reservations about the proposed rezone, primarily having to do with the traffic congestion and the situation of school crowding. On Lake Washington Boulevard close to the intersection with SE 6th Street there is a major housing development that will include 22 new single family homes. With the proposed rezone for a multifamily development on the shopping center site only a mile away, traffic will only get worse. Any plan for the shopping center site should include quality with respect to local community values. Bellevue is often mentioned as being one of the most livable cities in the United States. Residents expect the city to exercise the due diligence necessary to make sure local homeowners needs and values are recognized.

Mr. Cullen provided the Commissioners with copies of a written communication from Robert Stuart received at the meeting.

7. PUBLIC HEARING – None
(7:17 p.m.)

8. STUDY SESSION
(7:17 p.m.)

A. 2018 Comprehensive Plan Amendments TRSS and GeoScope

Mr. Cullen stressed that the Commission would not be taking action with regard to geographic scoping but would be asked to take action to set the public hearings.

Senior Planner Nicholas Matz said threshold review is the first of two steps in the annual Comprehensive Plan amendment process. He noted that the packet materials included the recommendation of staff for each application relative to geographic scoping and explained that where the boundaries of an application is expanded, the boundary of the area of notice will also be expanded.

Mr. Matz explained that prior to the public hearing, the Commission is required to review the geographic scope of any proposed amendments against three standards: nearby similarly situated properties, shared characteristics with the proposed amendment site, and the minimum expansion necessary to include properties with similar characteristics.

City Dacha LLC is a proposed site-specific map change involving a site of a little less than half an acre that would change from Public: Single Family-Low to Multifamily-Medium. The site is at 118th Avenue SE in Wilburton between Park Highlands to the south, the Bellevue Botanical Gardens to the north, and a series of low-rise office developments to the west. Park Highlands is designated Multifamily-Medium, Wilburton Park is designated Public: Single Family-Low, and the office complex is designated Office. In the opinion of staff, there are no similarly situated properties having shared characteristics. The recommendation of staff was to not expand the geographic scope of the application.

Mr. Matz said one argument made by the applicant in favor of the proposal is that designating the site Multifamily-Medium will lead it to be consistent with the Park Highlands development. He stressed that the staff was not making any reference to the merits of the application beyond the geographic scoping.

Commissioner Laing said it would be helpful to know if the applicant wants to look like the property to the south in terms of what can be developed, or if they want to look like it because that is what the zoning is and the Comprehensive Plan designation for those properties. He added that every year the Commission seeks to avoid spot zoning, but without having a good context of the zoning on the abutting properties, it is difficult to make that assessment. Mr. Matz reiterated that the staff focus was not on judging what the applicant is trying to accomplish, rather it was only on clarifying any similarly situated characteristics and the minimum scope expansion necessary. A staff recommendation against geographic expansion is the default position; recommendations to expand geographic scoping come with maps indicating the surrounding land use and zoning designations.

Commissioner Laing said absent knowing what the actual surrounding zoning designations are, the entire area to the south could have been developed with Multifamily-Medium density even though it has the same designation as the applicant site, Single Family-Low. In that case, the applicant could claim a desire for Multifamily-Medium to match what is developed on the property to the south, even though the zoning and the Comprehensive Plan designations are inconsistent and all the structures on the property to the south are nonconforming. If that were in fact the case, the geographic scope would need to be expanded to include the entire site to the south. That is the problem with not knowing the zoning and Comprehensive Plan designations for the surrounding properties when considering geographic scoping. Mr. Matz noted that he had voiced what the surrounding Comprehensive Plan and zoning designations are and indicated a willingness to bring up a map showing the same. The Park Highlands property is designed Multifamily-Medium and is zoned R-20. The site in question has a Public: Single Family-Low designation and is zoned R-1.8. The Wilburton Hills Community Park has a Public: Single Family-Low designation and is zoned R-1.8. The office development to the west across 118th Avenue SE is designated and zoned Office. Commissioner Laing said he was comfortable with

that explanation and with the staff recommendation.

There was consensus with the recommendation of staff not to expand the geographic scope.

With regard to the Bellevue Nursery Comprehensive Plan amendment, Mr. Matz said the privately initiated application for the site that is just over half an acre in size seeks a change from Single Family-High and an R-4 zoning to Neighborhood Business designation and zoning. The site is located at 842 104th Avenue SE and is largely surrounded by Single Family-High designations, with zoning mixed between R-4 and R-5. Along Bellevue Way the properties are typically designated Multifamily-Low and zoned R-10. The site is bound on all three sides by city right-of-way. There have been discussions about expanding the scope to include the church property to the south which also is bounded on three sides by city right-of-way and which is designated residential with a designation of Single Family-High. Mr. Matz said he would be uncomfortable leaping SE 10th Street in order to include the church property primarily because there is no problem to solve for the church, which is not nonconforming under the existing zoning.

Mr. Matz said the recommendation of staff was not to expand the geographic scope. There was consensus in favor of the recommendation.

Mr. Matz said the Red Town privately initiated Comprehensive Plan amendment application involves a 1.56-acre site and a request to change the designation from Single Family-Medium, R-3.5, to Single Family-Urban Residential, which has a zoning designation of R-7.5. The site is located at 16425 SE Cougar Mountain Way in the Newcastle subarea. To the east across 166th Way SE there are low-density designations, including R-1 and R-1.8. Some of the current R-3.5 is constrained by environment features so the actual density is lower. The Albright planned unit development that essentially surround the subject site is zoned R-3.5 but the lots are the size they would be under R-7.5 zoning as a result of using the planned unit development technique of concentrating development in one area of the site in order to protect other areas of the site that are environmentally constrained. To the west is a site zoned R-7.5.

Mr. Matz said staff found no similarly situated circumstances on surrounding properties. In terms of shared characteristics, the focus is on regulatory solutions that at their heart have a certain density that protects environmentally constrained areas. He noted, however, that one of the lots in the Albright development is 20,000 square feet, which far exceeds the average lot size of less than 5000 square feet; part of the potential impact to the proposed Comprehensive Plan amendment will need to include looking at what might happen to the larger lot. There is a question of whether or not the proposed R-7.5 density should be expanded to include the three single family lots to the immediate north of the subject site. Staff concluded that the shape of the Red Town site is of such a configuration that it would be difficult to develop at certain densities. Mr. Matz said he was reluctant to propose expanding the scope to include those three properties, and pointed out that there has been no development pressure to do so. While the minimum necessary expansion would include those properties and stop at SE Cougar Mountain Way, the characteristics are such that the potential for some type of development there is questionable.

Mr. Matz said the recommendation of staff was not to expand the scope of the Red Town Comprehensive Plan amendment.

Commissioner Carlson asked what would happen to the 20,000 square foot lot should the proposal be adopted. Mr. Matz said the argument of the applicant is that the configuration of the site lends itself to smaller lot divisions. The anticipation is that there would be some level of

planned unit development that would be used to develop the site. It would then have the apparent density of the Albright development at R-7.5. The argument of the applicant is that the minimum lot size under the current R-3.5 does not give them use of the property.

Commissioner deVadoss agreed with the staff recommendation not to expand the geographic scope but said he was not clear with regard to the future implications. Mr. Matz said the specific issues will be explored as part of the threshold review process.

There was consensus in favor of the staff recommendation not to expand the geographic scope.

Mr. Matz said the DASH Glendale application involves a 3.8-acre map change from Multifamily-Medium, R-20, to a designation and zoning of Neighborhood Mixed Use for a site at 12600 NE 8th Street in the Wilburton subarea. He said the two properties to the west are the DASH-owned Evergreen Court assisted living complex, which is also designed Multifamily-Medium with an R-20 zoning, and a triangular-shaped property that is designated and zoned Professional Office. In the opinion of the staff, the Evergreen Court site is similarly situated and shares site characteristics with the DASH Glendale site in terms of neighborhood considerations. Accordingly, the recommendation of staff was to expand the geographic scope to include Evergreen Court.

Commissioner deVadoss said he could see the logic in the recommendation of the staff. He commented, however, that given the implications of how the Evergreen Court site fits in in the context of the neighborhood, he would argue against expanding the scope.

Commissioner Carlson asked what would change if the scope were to be expanded. Mr. Matz said the noticing requirement would be broadened. The Neighborhood Mixed Use is a different tool that allows for examining how uses can be mixed on a site. In the past the tools that were available in terms of determining how to mix housing and commercial uses ran out of steam when applied to properties the size of DASH Glendale. The same would be true of looking at Evergreen Court separately. Expanding the geographic scope would change the discussion around the potential for mixed uses in an area that is double the size of the DASH Glendale site. The discussion would be constrained by the city's affordable housing strategy.

Mr. Cullen said expanding the geographic scope will at the final review stage allow for reviewing the outcomes and impacts of the Neighborhood Mixed Use designation on both sites. If the scope is not expanded, no focus will be given at all to the Evergreen Court site.

There was consensus in favor of the recommendation of staff to expand the geographic scope to include the Evergreen Court site.

Mr. Matz said the 6.2-acre Jewish Day School site application seeks a change in the map designation from Single Family-Low to Single Family-High, and a change in the zoning from R-1.8 to R-5. The site is located at 15749 NE 4th Street in the Crossroads subarea. Across NE 4th Street to the north are existing single family properties with the same allowed density the subject property has. To the east and south of the site are existing single family properties that have the same R-5 density sought by the applicant.

Mr. Matz noted that to the west is the separately owned B'Nai Torah site and called attention to a letter from the attorney representing the temple site seeking inclusion in the geographic scope of the application. He said the school and temple sites are similarly situated in their relationship to the surrounding neighborhoods and share the characteristics of being bounded by NE 4th Street,

which effectively stops considering any expansion to the north. The applicant has asked that the zoning history of the surrounding areas be considered during the review, so that information will be brought forward at the appropriate time.

Mr. Matz said the recommendation of staff was to expand the geographic scope to include the temple site. He clarified that if passed through threshold review, the two sites will in final review be considered as a single designation question. Comprehensive Plan amendments are not just about what someone wants to do with their site, rather they are about what the designations suggest for the long-term development and redevelopment of the community.

Chair Barksdale asked Mr. Matz to address the public comment made about setting precedent for the area. Mr. Matz said while the statement was legitimate as a public comment, it is not germane to the question of geographic scoping, particularly in light of the requirement relative to the minimum necessary. When considering a school or site on which there is a religious institution use, which are typically permitted in neighborhoods, it would not make sense to look at every school or church site in the city just because one property owner is seeking a change for their site. That certainly would violate the minimum necessary criterion. While there is another church property nearby that shares similar characteristics in terms of zoning and size, it is north of NE 4th Street and is beyond the minimum necessary in order to accomplish the question the applicant is posing about their property.

Mr. Matz clarified for Commissioner Laing that the school and church properties are both designed Single Family-Low like everything to the north of NE 4th Street, and that the application seeks a change to Single Family-High just like all surrounding properties to the east, west and south.

There was consensus in favor of the recommendation of staff to expand the geographic scope to include the temple property.

With regard to the Newport Hills Shopping Center Redevelopment Comprehensive Plan amendment, Mr. Matz said the privately initiated application proposes a map and zoning change for the 6.4-acre site, along with changes to the Land Use Element, from Neighborhood Business to Neighborhood Mixed Use. There are three properties identified as part of the application, including the shopping center property, the gas station property, and the old bank property. Other Neighborhood Business properties nearby include an older building that has been repurposed as an S-Mart grocery across 119th Avenue SE to the west, and another collection of buildings housing retail and office uses further to the southwest and also across 119th Avenue SE.

Mr. Matz said the recommendation of staff was not to expand the geographic scope. Although there are similarly situated Neighborhood Business and Professional Office circumstances, the right-of-way that bounds the site, the multifamily designation and densities to the east, and the Professional Office designations to the south argues against expanding the geographic scope.

There was consensus in favor of the staff recommendation not to expand the geographic scope.

Mr. Matz reminded the Commissioners that on March 14 staff was directed to address two other topical areas as part of the continuing education aspect of the Comprehensive Plan amendment process. He allowed that the new way of approaching geographic scoping is beneficial in that it forces staff to defend the work or find any holes in it.

With regard to the question of when a significantly changed condition is significant, Mr. Matz

explained that demonstrating evidence of change not anticipated by the existing Comprehensive Plan lies at the heart of the decision criterion. It is found in slightly different forms in both the threshold and final review processes. The bar the criterion sets is qualitative and begins with evidence of change not anticipated by the Comprehensive Plan and can include unanticipated consequences of an adopted policy; changed conditions on the subject property or its surrounding area; or changes related to the pertinent plan map or text. Everyone sees changed conditions in different ways depending on their individual perspectives. By design, necessary infrastructure is built up to support higher density, and when properties develop to take advantage of that trigger changed conditions. The work done in Bel-Red, Eastgate and more recently Wilburton represents changes related to plan map or text changes. Where there is evidence of change, the test is whether or not the Comprehensive Plan needs to be fixed in some way in order for things to keep functioning.

Mr. Matz called attention to a matrix that included a collection of applications made since 2012, identified by plan amendment type. He noted that the Downtown Transportation Plan application was triggered by a policy amendment that took information and recommendations from a particular subset of work and brought it back to the downtown subarea plan in order to amend the plan.

The Bellevue Technology Center application was a site-specific proposal for a site in the Eastgate subarea. The question posed there had to do with policies that restrict the type and amount of development on the site, and the applicant was looking to change those policies based on what they saw happening around the site. The community was largely opposed to the change used the same standard but saw the changes that were happening in a different light and suggested they did not represent significantly changed conditions.

The issue regarding the site-specific Eastgate Office Park application was that the site had been overlooked during the Eastgate land use and transportation project. The property that was included through geographic scoping had similarly been overlooked during that study, and by expanding the scope the question could be asked about whether or not the development potential on the additional site had an impact the same way it would have on the original Eastgate Office Park site.

The Park Lands Policy issue was raised by the community and their desire was to restrict through policy the ability of the city to make land use changes on city owned parks properties. The significantly changed conditions standard in that case was wrapped up in how the park lands came to be city owned, the intent that was accomplished through contract and through regulatory authority. Ultimately the changed conditions argument could not be made because it did not exist.

The St. Luke's site-specific application involved a site with a religious institution use on it. The argument in favor of significantly changed conditions was that the question of the use of religious institution properties for other than a religious institution had not been addressed other than in piecemeal fashion through other Comprehensive Plan amendments. The applicant was seeking an increase in its residential density to allow for the development of a particular type of affordable housing while maintaining the use of the property as a religious institution. A significantly changed condition was deemed to exist because the Comprehensive Plan itself did not have an answer for what to do.

The Mountview Place site-specific application involved a property that was split by two plan designations. The argument was made that the site was overlooked during the Bel-Red subarea

study and thus the split designation had not been considered. A significantly changed condition was deemed to exist based on the argument that the split designation would prevent development of the site under what Bel-Red intended it to do.

The Bellevue Apartments site-specific amendment involved a site with an Office designation that had apartments developed on it. The circumstance was that the Comprehensive Plan had intended the Office designation to limit the commercial impact of development on the area. The goal of the applicant was to increase the density on the site to take advantage of other things that occurred in the area, including transit improvements and infrastructure aimed at supporting higher densities along the NE 8th Street corridor.

Mr. Matz said staff appreciates that determining whether or not significantly changed conditions exist is difficult. He reiterated that the nature of the decision is qualitative. In each of the examples given, the Commission's discussions had been fairly robust in reaching a conclusion.

Mr. Cullen pointed out that significantly changed conditions is one of seven criteria that are used for the purposes of determining whether or not a plan amendment proposal should even be considered for inclusion in the work program. It is not a decision point that involves the merits of a proposed amendment.

Mr. Matz noted that the Commission had also asked staff to research the language used by other jurisdictions in applying their decision criteria. The concern is whether or not it is an all or nothing approach in applying the decision criteria and whether not finding for a single criterion means the issue cannot move forward. The jurisdictions reviewed were Seattle, Jefferson County, Covington, Redmond, Kirkland and Snohomish County. In terms of land use regulations and operating under the Growth Management Act, other jurisdictions appear to have simply used the approach established by Bellevue. The majority of the jurisdictions say it must be found for all of the decision criteria in order to advance an application. Seattle and Jefferson County do not take that approach. Seattle uses a variety of criteria that can be considered in reviewing Comprehensive Plan amendments, none of which are in their code. Jefferson County offers criteria as a starting place and allows for adding to them.

Mr. Cullen suggested that following the threshold review public hearings, the Commission may want to pause and comment on the process based on the experience of the process.

With regard to community engagement, Mr. Matz said staff are seeing applicants, residents and the various communities engaging proactively across a variety of media. The fact that people are talking to each other is encouraging. There have been requests received for information and to become parties of interest. Each written public comment receives a response in writing, and phone calls are being returned. The Comprehensive Plan amendment website has been expanded to include the review schedule, a list of the applications, and a what's next timeline so people can be informed as to how and when to become engaged. More than just public notice signs are being used to get people involved. Notices are provided through the weekly permit bulletin to everyone within 500 feet and everyone who has asked to be on the list. As Comprehensive Plan amendment materials are updated, messages are sent out to an eGov alert list.

The Commissioners were informed that as of April 17, a total of 39 written comments and three phone calls had been received regarding the Newport Hills Shopping Center application, with those opposed and those in favor roughly equal. The favorable comments generally reflect the enduring contribution of the local center to the community, a desire for attractive redevelopment, and the need for housing in Bellevue, while the opposing comments have touched on crowded

schools, too much traffic from growth, the impact of market-rate housing, the desire to retain local merchants, and a lack of street parking. One person suggested that approving the Comprehensive Plan amendment would constitute a land use taking.

The Jewish Day School application had as of April 17 received ten requests for additional information. The DASH Glendale application had received five written comments and two phone calls, and four of the written comments raised the issue of traffic and density in the area. The Red Town application had received four written comments, all of them requesting more information. The Bellevue Nursery application had had three phone calls requesting information. The City Dacha LLC application had received no phone calls or written comments.

Chair Barksdale asked if the city posts to NextDoor. Mr. Matz said the city's public engagement is evolving through threshold review. During final review, information will go out on all of the social media platforms.

Mr. Cullen asked the Commission to set June 13 as the date for the threshold review public hearing for DASH Glendale, Bellevue Nursery, City Dacha LLC, Red Town and Jewish Day School, and June 27 for Newport Hills Shopping Center Redevelopment.

Chair Barksdale asked for a response from staff to the public comment made about schools being out and the public not able to attend on June 27. Mr. Matz said finals week is the week of June 13. That will be followed with graduations and other activities. The last day of school is June 22. The intent was to set the public hearing dates as quickly as possible before people broke for the summer.

Commissioner deVadoss noted that in the past there has been a drop-off in public participation during spring break and summer break. He suggested the city should at least address the concern. Mr. Cullen said the challenge is that Comprehensive Plan amendment public hearings must be noticed three weeks in advance. Mr. Matz added that the Commission's recommendation for each application must be delivered to the Council before it takes its summer break. The proposed public hearing dates took both the school district and Council schedules into account. Mr. Cullen pointed out that typically the public hearings for each amendment would be conducted at a single meeting, but given the nature of the amendments, the decision was made to have two public hearings. Commissioner deVadoss suggested that next year the amendment process should be moved up to allow for the public hearings to occur prior to June.

Mayor Chelminiak said this was not the first time issues have been raised about when public hearings occur. He allowed that the city needs to be sensitive to when public hearings are held but pointed out that there is an ebb and flow to the Comprehensive Plan amendment work. The truth is that a well drafted written comment is a far better communication tool than the three minutes allowed for speakers at a public hearing.

A motion to set June 13 as the date for the threshold review public hearing for the Comprehensive Plan amendments known as DASH Glendale, Bellevue Nursery, City Dacha LLC, Red Town and Jewish Day School, and June 27 as the date for the public hearing for the Comprehensive Plan amendment known as Newport Hills Shopping Center Redevelopment, was made by Commissioner deVadoss. The motion was seconded by Commissioner Malakoutian and the motion carried unanimously.

9. OTHER BUSINESS – None
(8:32 p.m.)

10. APPROVAL OF MINUTES
(8:32 p.m.)

A. March 28, 2018

A motion to approve the minutes as submitted was made by Commissioner Malakoutian. The motion was seconded by Commissioner Moolgavkar and the motion carried without dissent; Commissioner deVadoss abstained from voting.

B. April 4, 2018


A motion to approve the minutes as submitted was made by Commissioner Malakoutian. The motion was seconded by Commissioner Moolgavkar and the motion carried unanimously.

11. CONTINUED ORAL COMMUNICATIONS – None
(8:33 p.m.)

12. EXECUTIVE SESSION – None
(8:33 p.m.)

13. ADJOURN
(8:33 p.m.)

Chair Barksdale adjourned the meeting at 8:33 p.m.


Terry Cullen
Staff to the Planning Commission

5/17/18
Date


Jeremy Barksdale
Chair of the Planning Commission

5/16/19
Date

