

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

September 12, 2018  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Barksdale, Commissioners Carlson, Laing,  
Malakoutian, Morisseau

COMMISSIONERS ABSENT: Commissioners deVadoss, Moolgavkar

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  
(6:38 p.m.)

The meeting was called to order at 6:38 p.m. by Chair Barksdale who presided.

2. ROLL CALL  
(6:38 p.m.)

Upon the call of the roll, all Commissioners were present except for Commissioners deVadoss and Moolgavkar, both of whom were excused.

3. APPROVAL OF AGENDA  
(6:39 p.m.)

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

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS  
(6:39 p.m.)

5. STAFF REPORTS  
(6:39 p.m.)

Comprehensive Planning Manager Terry Cullen reminded the Commissioners about the parliamentary training session on Thursday, October 18 from 5:30 p.m. to 9:00 p.m. The session will be for all city boards and commissions. Hopefully the training will occur on an annual basis going forward. The interactive presentation by Jurassic Parliament will be enjoyable.

Mr. Cullen said the Commission's annual retreat was scheduled for November 14. He said the location has yet to be decided.

The Commissioners were informed that over the summer the city secured licenses for OneDrive. Installation was pushed out to everyone's iPad. Mr. Cullen said he would use OneDrive to send out large files, including meeting presentations and background documents.

Mr. Cullen said a short course on local planning was slated to occur in Medina on September 18 from 6:15 p.m. to 9:15 p.m. He urged any Commissioner who has not yet taken the course, or any Commissioner wanting to take it again, to contact him.

#### A. Planning Commission Meeting Schedule

Regarding the demonstration project of running the East Main plan amendment and Land Use Code amendments concurrently, Mr. Cullen said the code is nearly ready for release, though work is continuing with the economic analysis for the incentive zoning system. The review is tentatively scheduled to begin on September 26 rather than on September 19; there will be no meeting on September 19, and confirmation of the September 26 meeting will be forthcoming. If the September 26 review is a go, the October 10 Commission meeting will be moved to October 3 to accommodate the noticing requirements for the November 7 public hearing.

#### 6. ORAL AND WRITTEN COMMUNICATIONS (6:47 p.m.)

Ms. Shawn Bliss, PO Box 40010, voiced support for the Red Town Comprehensive Plan amendment. She thanked the staff and the Commissioners for their efforts.

Ms. Xintian Yang, 827 104th Avenue SE, expressed his objection to the Bellevue Nursery Comprehensive Plan amendment. He said the decision criteria includes the need to find that an amendment is consistent with the Comprehensive Plan and other goals and policies of the city. The nursery already generates code compliance issues that directly affect the quality of the residential neighborhood. The vitality, quality and character of Bellevue's residential neighborhoods would very likely be made worse if the nursery property would ever be used for NB zoning. Changing to NB also would conflict with the Southwest Bellevue subarea Comprehensive Plan policy to protect single family residential neighborhoods from the adverse impacts of multifamily and commercial development. The criteria also include the need to find that an amendment addresses the interests and changing needs of the entire city. The Bellevue Nursery application is site specific and it is unclear how making the proposed change will affect the interests of the entire city. The nursery operation can continue without making any change. The city has both commercial and residential interests and the current balance between the two in the neighborhood will be broken if the site is changed to NB, especially if the ultimate result would be a change in the business. The criteria also include the need to find that an amendment addresses significantly changed conditions since the last time the pertinent plan was amended. In the previous threshold review the Commissioners discussed significant changes but did not mention in what year the changes occurred. It should be identified when the pertinent plan was last amended. The business started in 1955 and the latest Comprehensive Plan was adopted in 2015. It is not clear which date is pertinent relative to the last time the plan was amended. If it was in 2015, the issue was ignored in prior years by prior owners and not addressed in a timely manner within the timeframe outlined in the criteria. The criteria also include the need to find that the subject property is suitable for development in general conformance with adjacent land use and the surrounding development patterns. The nursery site is surrounded by residential zoning within a half-mile radius. Changing the site to NB would not be in conformance with the adjacent land use and the surrounding development patterns and it would potentially compound

existing problems by adding traffic trips and more stress on the transportation system.

Mr. Ian Morrison with McCullough Hill Leary, 701 5th Avenue, Suite 6600, Seattle, spoke on behalf of City Dacha. He voiced his support for the staff recommendation and noted his appreciation for the work the city has done in looking at the substance of the proposed Comprehensive Plan amendment. He said there is an open enforcement action on the property. The current property owner acquired the site from an owner who was a collector of things such as cars, refrigerators and old tires, which were left on the site. Upon acquiring the site, the current owner tried to abate some of the issues, including prior notices about rats and debris. The property owner is working with the city to negotiate a voluntary compliance agreement and the conversations to date have been productive.

Ms. Wei Du, 750 122nd Avenue NE, said she was opposed to the Bellevue Nursery Comprehensive Plan amendment changing the site from Single Family-High to NB. She said she has been a customer of the nursery and enjoys the diversity of inventory and seasonal products the nursery offers to the community. Bellevue Nursery has been operating under the current zoning for the past several decades, and hopefully it will continue to serve the neighborhood as a nursery in the future. The current zoning does not prevent the nursery from operating as it does. If rezoned to NB, the site could become something other than a nursery. The neighborhoods do not want to see the site sold and redeveloped as a gas station or a 7-Eleven.

Mr. Tianpeng Luan, 750 122nd Avenue NE, voiced his opposition to the proposed Bellevue Nursery Comprehensive Plan amendment.

Mr. Ming Zhang, 10422 SE 24th Place, expressed his concern and objection to the Bellevue Nursery zoning proposal. He said the nursery has been where it is for decades. It is part of the community and people love it. The neighborhoods want to see the nursery continue to operate where it is into the future. The nursery can continue to operate without rezoning the property. With the proposed NB zoning, the site could be converted to some other use.

Ms. Leigh Floyd, 1070 102nd Place SE, said she has lived in her home two blocks from Bellevue Nursery for 20 years and during that time has been a frequent customer of the nursery. She said she is concerned about what might happen with the site. The nursery is a neighborhood treasure.

Mr. Nick McClure, 830 102nd Avenue SE, said his home is just two blocks from the nursery. He expressed his opposition to the rezoning of the site. Rezoning is a permanent action and will result in no control over what happens with the property. The neighborhood is residential and is undergoing a great deal of change as homes are being purchased and torn down to make way for new houses. Even with those changes, however, the neighborhood remains residential if not a little denser. The zoning in the area should not be changed to anything that is not residential. Property in the area is very valuable which means the motivation to sell the nursery site is quite high.

Mr. Jiantao Sun, 1658 105th Avenue SE, said he also had concerns about rezoning the Bellevue Nursery site. He said he has lived in the Enatai neighborhood for about a year and loves the friendly and quiet neighborhood. There will be issues of noise and traffic once the light rail line is up and running. He said he dislikes the idea of adding any new businesses to the neighborhood. He said he did not want to live surrounded by businesses.

Ms. Shuyang Liu, 827 104th Avenue SE, said she also opposed changing the zoning of the Bellevue Nursery site from residential to NB. The decision criteria require a proposed

amendment to demonstrate a public benefit and enhance the public safety, health and welfare of the city. The rezone application does not meet that criteria. She said her house is directly across the street from the nursery. Traffic is already an issue and residents continually must deal with traffic issues, including parking capacity, traffic overflow, oversized delivery trucks serving the nursery using 104th Avenue SE as a loading zone. Any proposed use different from the nursery would simply worsen the existing problems, which directly affect the health and safety of residents. The legal nonconforming nursery, which has operated for decades under the current zoning, does not need a rezone. Under the city's nonconforming use code, changes can be made to existing structures so long as the changes retain the same use. If the nursery wants to make changes, all it needs to do is seek a variance from the city. The nursery has been operating under the current zoning for decades and nothing has changed that requires a change in the zoning. There is nothing the nursery could do under NB that it cannot do under the current residential zoning. Changing the zoning to NB will not greatly improve the nursery's operations. Changing the zoning to NB will essentially give the property owner permission to sell the property for development as some other use. Everyone wants the nursery to succeed and continue operating as a nursery.

Mr. Xiaoding Zhou, 10223 SE 8th Street, said he objected to the proposed rezone for the Bellevue Nursery site. He said he has lived in the community for five years and frequents the nursery business. He said he did not want to see the site redeveloped with an allowed NB use that would not be compatible with the community.

7. PUBLIC HEARING – None  
(7:07 p.m.)

8. STUDY SESSION  
(7:07 p.m.)

Senior Planner Nicholas Matz said it takes most of a year to address Comprehensive Plan amendments given the deliberative, legislative and transparent nature of the approach. The Comprehensive Plan is the city's foundational policy document and amendments to the plan whether they be site specific or citywide, are mechanisms by which the city can modify its policies. Changes to the Comprehensive Plan are limited to only once per year under the state Growth Management Act. All the applications submitted must be looked at cumulatively. The final review recommendations will result in City Council action to amend the plan. The environmental impacts will be examined on the entirety of the work program.

Mr. Matz noted that the study session would focus on the three privately initiated amendments: Bellevue Nursery, City Dacha LLC and Red Town.

City Dacha LLC is a proposed Comprehensive Plan amendment that would amend just over half an acre of the Wilburton subarea map from Public/Single Family-Low to Multifamily-Medium. The site is located at 160 118th Avenue SE. The site currently has a vacant single-family home. The Council on July 23 accepted the recommendation of the Commission to advance the application to final review. The Commission previously found that the Public designation on the site, which treats the site as part of the Wilburton Hill Community Park, creates a significantly changed condition because the site will not be acquired for park purposes. With the Public designation, it is not possible to look at what the appropriate density for the site should be.

As noted previously, there is a voluntary compliance action that is under way on the property. The city is engaging in enforcement issues associated with violations of city code. Staff needs to

be able to assure the Commission that it is possible for the site to be suitably developed considering the enforcement action, thus planning staff are working closely with the city's legal department and the legal planner to be clear that when a recommendation is made, the compliance actions will be resolved. There was some environmental damage from the clearing and grading of the site and the city is working to correct and restore the damage to a critical area buffer, some of which is on the park property and some of which is on the subject property.

Mr. Matz pointed out that when focused on making policy level decisions, the Commission does not generally have before it a specific project action or development proposal. It is necessary, however, to consider what could occur on the sites and the measure used to do that is the development capacity under the proposed designation. The impacts are explored through the environmental review process. Sites that can be made in compliance with the Land Use Code can be appropriately developed under the proposed designation. While that is only one of the decision criteria, it is one that has a reference for site-specific applications.

Regarding City Dacha LLC, a designation of Multifamily-Medium starts with a ballpark figure of nine potential dwelling units. In terms of the dimensional requirements, the site can accommodate the proposed designation. If the site is designated multifamily, it will become subject to the city's transition area requirements that seek to protect lower-density land uses from higher-density land uses. Those requirements generally increase the setbacks and lower the building heights. While the net result may not actually be nine units, staff are confident that the dimensional requirements of a multifamily district are capable of being met with development at the higher density.

Commissioner Laing said his view was that the code enforcement action and the proposed re-designation of the site are two different things. He said whether the Comprehensive Plan amendment goes forward will not change or diminish the city's police power relative to the enforcement action. The development code prevents a property owner from even submitting a permit to do something while there is a pending code enforcement action.

Turning to the privately initiated Bellevue Nursery application, Mr. Matz explained that the proposal is to amend just over half an acre of the Southwest Bellevue subarea map from Single Family-High to Neighborhood Business. The site is at 842 104th Avenue SE and is currently developed with a retail plant nursery, garden supplies and buildings. The Council on July 23 accepted the recommendation of the Commission to advance the application to final review. The use on the site currently operates as a legally nonconforming use in a residential district. The central issue is the policy direction to resolve the existing residential designation and the role of the nursery business in the corridor which is specifically called out by policy in the subarea plan.

Mr. Matz said there is a right-of-way code enforcement action currently under way. The issue is that the right-of-way is being used in a manner that is not in accord with city code. The enforcement action seeks to resolve the issue, which essentially involves removing things that are within the right-of-way that constitute private use of the right-of-way. He said staff views the proposed Comprehensive Plan amendment and the code enforcement issue as separate but parallel actions affecting the site. To find that the site can be developed under the proposed classification, it will be necessary to see how the enforcement action will end up getting resolved.

Mr. Matz said there is little doubt that the unique characteristics of the site make redevelopment of any permitted land use difficult. It is possible to develop the site under any of the permitted uses in the R-4 or the NB zone. Staff from Department of Development Services, Department of

Transportation and Department of Utilities are currently looking at the issues involved in redeveloping the site, particularly under NB. The stated intent of the applicant is to continue operating the nursery use. The NB designation allows for a broad range of commercial uses, but the very nature of the designation precludes large-scale uses, allowing only for several smaller uses. Bellevue Nursery has established itself as both a short-term and a long-term use and the question to be addressed is the apparent conflict between the policy direction to preserve and encourage neighborhood uses because of their importance to local neighborhoods, and the designation of the site as residential.

The maximum amount of development that could occur on the site varies. A Starbucks with a drive-through will look different from a redeveloped nursery. One of the desires of the NB zone is to have ground-floor commercial or office buildings with second floor residential, but the exercise of trying to maximize development of the site runs up against setbacks, landscaping buffers and required parking. In determining the sweet spot, staff settled on a template NB use of 5000 square feet of retail and 5000 square feet of office with associated parking, or between five and seven residential units that could replace the office component. That template will be carried through into the environmental review, which will include trip generation calculations for any number of allowed uses. The focus will be on determining the types of impacts associated with an NB use.

Commissioner Carlson said the nursery is a great institution that has been where it is for many years. He asked what could happen on the site should the nursery for whatever reason be lost as a business. Mr. Matz said under the NB designation any number of permitted uses could locate there. There are also complementary residential uses allowed, including things like recreation centers, health clubs and libraries. Any residential component under NB must be associated with office or retail and is limited to less than 50 percent of the site. Under the current R-4 any one of a few residential developments could be allowed on the site. No overtly commercial uses would be allowed under the current zoning, including another nursery, a use that is not permitted in residential districts. Under the nonconforming use provisions of the Land Use Code, once a nonconforming use ceases operation, the same use cannot start up again in another form. He agreed to verify whether the current owner of the nursery could sell the use to another operator wanting to continue the use but said it was his understanding that unless the use ceases it would be allowed to continue under a different owner.

Mr. Matz said the 5000 square feet of retail and 5000 square feet of office template will create the most impacts. That is the scenario that will be run through the environmental review. Staff have considered a broad range of single family densities, multifamily densities, and office or Professional Office densities. The balance of the city's land use designations and zoning districts were disqualified because the site cannot provide for the required setbacks; because the potential uses would be at odds with the neighborhood-serving role of the site; or because a district does not allow a nursery use. Under the broad category of single family residential, up to R-7.5, the finding was that the site will support between two and four units. However, because of the way property lines are drawn for new lots, the count would be kept to less than the density that could be achieved if the site were square. With the full range of multifamily zones, ranging from R-10 to R-30, there could possibly be between four and fourteen units developed on the site. Given the irregularly shaped site, there would likely be a single building rather than up to four, making it easier to meet the dimensional requirements and to achieve the potential density of a multifamily district. The caveat is that it would still be necessary to provide adequate parking for the higher density. In reviewing the Office and Professional Office designations, both of which primarily provide space for suburban office uses with a low FAR, staff found that the site and its configuration would severely limit the capacity for uses. The site could be developed under

various Office scenarios, but the setbacks and parking requirements would negatively affect the overall capacity.

Mr. Matz said the conclusion reached by the staff was that redevelopment to high-residential densities is appropriate on the east side of Bellevue Way. The plan acknowledges both the neighborhood and citywide roles of the Bellevue Way corridor. There is a clear intent to restrict higher density land uses to the corridor and to allow new businesses only in existing commercial and long-established business areas.

For the benefit of Commissioner Morisseau, Mr. Matz clarified that in studying single family densities on the site he did not consider anything less than R-4. Within those densities, the raw acreage of the site could accommodate between two and four single family units. The triangle shape of the site, however, would make it difficult to achieve a configuration that yield four lots, so most likely there would be less. On the multifamily side, given a range between R-10 and R-30, there could be anywhere from four to fourteen units achieved on the site given the size of the lot. The ability to configure the site to achieve that many units in a single multifamily building is probably easier, but the required parking will significantly address site design.

Regarding the public comments made specific to the significantly changed circumstances criteria, Mr. Matz said they were addressed at the threshold review stage and noted that they would be revisited in the final review. He allowed that staff would clarify the point in time question raised during petitions and communications.

Mr. Matz said the Red Town Comprehensive Plan amendment centers on a 1.5-acre site in the Newcastle subarea. The proposal is to change the designation from Single Family-Medium to SF-UR for the site at 16425 SE Cougar Mountain Way on which there is currently a single-family home. The Council on July 23 accepted the recommendation of the Commission to advance the application to final review and noted that the fact that the site was overlooked by the Lakemont land use study in the late 1990s and thus the question of whether the designation appropriately coincided with the infrastructure the city was building was not addressed. It is a significantly changed condition that the site had not availed itself of the opportunity. The question for final review is primarily whether the site can be developed under the potential zoning classification, and the consistency or inconsistency with the development that has been occurring in the area around the site.

Mr. Matz said the current designation in gross terms would yield five to six units given the size of the site, and ten to eleven units at the requested R-2.5 density. On its face that represents a doubling of the density and the final review process will include a review of the appropriateness of the designation and what it might do to the surrounding area, in addition to the level of density that could be realized. The increase in trips can be mitigated with the city's Traffic Standards Code.

The Commissioners asked no questions about the application.

B. Plan Amendment Process Audit Check-In  
(7:46 p.m.)

Mr. Matz commented that the process of engaging the public has been improved, the result of which has been an increased number of people asking questions, making comments and generally getting involved. People are understanding the process and educating themselves.

Chair Barksdale said it is a good thing that the public is highlighting the decision criteria in their comments to the Commission.

Mr. Cullen said staff was most interested in hearing about the threshold review process, particularly potential changes for the next iteration of the process. He stressed that any recommendations the Commission formulates as part of the audit will not result in code changes because there will be neither the time nor the bandwidth available. However, there are certain things that could be done to make the process better while remaining consistent with the way the code says plan amendments are to be addressed.

Chair Barksdale said he would like to see city resources aimed at developing an avenue in which people could come by and ask questions about process and how to effectively engage to effect policy changes. He added that it would be good to have a standard format for each Comprehensive Plan amendment memo from staff, one that includes the subject property address and a link to a map. Mr. Matz said that could be built into the agenda memo.

Mr. Cullen said he was aware that some Commissioners do not care for the threshold review process. He asked for comments about the process, particularly regarding ways to make it better.

Commissioner Laing said he would like to see one initial step from the Commission involving a more substantive review. While the threshold review and final review criteria are not identical, they are very similar. The public at the threshold review phase comes in expecting to delve into the substantive issues and thus addresses them, making them the conversation around the Commission table. An initial substantive review should be done mid-year, and the resulting go forward/do not go forward recommendations should be forwarded to the Council to either accept or reject. Given that an applicant must wait three years before resubmitting an application after having been rejected by the Council at the substantive stage, a mid-year recommendation from the Commission not to proceed would give applicants the opportunity to withdraw an application.

Commissioner Malakoutian said it would be good for the Commissioners to visit the sites for which a Comprehensive Plan amendment application has been submitted. Mr. Cullen said that could be considered, either as a Commission or as individuals.

Chair Barksdale added that site visits should include contacting the local neighborhood association, if there is one, to gain their perspective.

Mr. Cullen pointed out that there are complicated logistics involved in arranging for site tours. He agreed that it is always useful for Commissioners to visit sites to gain a fuller understanding of the area. One option would be to develop a resource for each site to be shared with individual Commissioners wanting to visit sites on their own.

Mr. Cullen informed the Commissioners that every email and phone call received by a member of the public regarding an application is put into the record and responded to by Mr. Matz.

Mr. Matz stressed that the amendment process involves application by property owners. The process is designed to afford them legislative rights. The city's primary responsibility is to ensure those legislative rights.

Mr. Cullen said his preference would be to see the threshold review process occur earlier in the year. By mid-year, applications often take on lives of their own. The intent of threshold review is

to winnow out as soon as possible amendments that do not fit the criteria, leaving the bulk of the time and attention available to focus on the amendments that do fit the criteria in final review.

9. OTHER BUSINESS  
(8:03 p.m.)

10. APPROVAL OF MINUTES – None  
(8:03 p.m.)

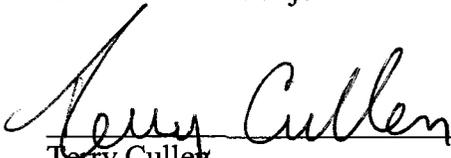
11. CONTINUED ORAL COMMUNICATIONS – None  
(8:03 p.m.)

12. EXECUTIVE SESSION – None  
(8:03 p.m.)

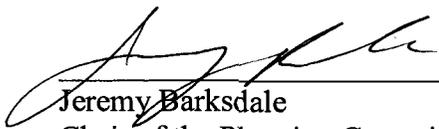
13. ADJOURN  
(8:04 p.m.)

A motion to adjourn was made by Commissioner Laing. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

Chair Barksdale adjourned the meeting at 8:04 p.m.

  
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Terry Cullen  
Staff to the Planning Commission

11/8/18  
Date

  
\_\_\_\_\_  
Jeremy Barksdale  
Chair of the Planning Commission

11/7/2018  
Date