

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

July 13, 2016
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Commissioners Carlson, Barksdale, Morisseau, Walter
COMMISSIONERS ABSENT: Chair Hilhorst, Commissioners deVadoss, Laing
STAFF PRESENT: Terry Cullen, Department of Planning and Community Development; Trish Byers, Carol Helland, Department of Development Services; Franz Loewenherz, Department of Transportation; Wayne Carlson, AHBL
COUNCIL LIAISON: Not Present
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 Comprehensive Planning Manager Terry Cullen who presided until the Commission elected Commissioner Walter Chair Pro Tem.

A motion to appoint Commissioner Walter to serve as Chair Pro Tem was made by Commissioner Carlson. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

2. ROLL CALL

(6:39 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Chair Hilhorst and Commissioners deVadoss and Laing, all of whom were excused.

3. APPROVAL OF AGENDA

(6:39 p.m.)

A motion to move the draft minutes review to the July 27 meeting and to approve the agenda as amended was made by Commissioner Morisseau. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

4. PUBLIC COMMENT

(6:40 p.m.)

Mr. Ian Morrison with McCullough Hill Leary, 701 6th Avenue, Suite 6600, addressed the Conner Building project on 108th Avenue NE. He noted that the request had previously been made to bring the site into the Downtown-O2 zoning. The site lies midblock on 108th Avenue NE and currently has split zoning. In thinking about strategic opportunities for infill density, the site offers the opportunity for a downtown transit-oriented development. The Downtown Livability Initiative principles call for being respectful of the residential adjacencies, and the site is an opportunity to enhance a graceful transition. The Conner Building currently is under Downtown-Residential, which allows height up to 200 feet. If brought into the Downtown-O2 zone, additional height would be allowed and would accentuate the wedding cake in a graceful way. The site is already entitled under the residential zoning, but the site could be memorable and contribute to a distinctive skyline if moved into the Downtown-O2 district while adding to the density of the downtown and supporting downtown livability.

Mr. Dave Meissner, 888 108th Avenue NE, indicated that he supported the previous speaker's comments.

Ms. Linda Nohavec, 3273 163rd Place SE, noted that citizen concerns and questions have been marginalized by city staff driving policies that justify and advocate for tax incentives for development. She said she has a long history of serving in the public sector and understands the process and constraints the commissions are under which makes it difficult for them to be objective when materials are collated by the jurisdiction mandating the agenda. In certain aspects, conflict of interest is apparent at many levels and is especially challenged the stakes are driven by developer interests. Dedicated citizens engage in presenting challenges to the findings of fact, rebuttals to studies, concerns about transparency and accuracy of city data that is buried in a quagmire of land use terminology, and defaults or cites to the Comprehensive Plan. Written or verbal comments should encourage a public podium for the Planning Commission to better guide decisions in the public interest rather than support special interest objectives known or unknown. The obvious conclusion here is that the collective concerns have been viewed as futile expressions. Homeowners recognize the land use change will promote a devaluation of their homes and properties through being impacted by the increased density, traffic congestion, already below code compliance standards, greater numbers of students to the already overburdened schools, noise pollution, and deforestation. She said she has read the reports and knows how to interpret their true scale, identify inconsistencies, potential abuse of the FAR, and nebulous terms such as "may," "encourage," "recommend," "consider" and "promote," none of which provide sound land use directives but which are open to independent consideration and unenforceable action. Since many in the Eastgate area only recently became aware of the second attempt to change the land use designation, it is evident the majority of affected residents are unaware of the activity. Historically, the first Land Use Code proposal for Eastgate was denied in 2005 through the actions of citizen intervention opposing the same developer. The community is disappointed at the lack of due diligence in the notification process but is not surprised.

Ms. Michelle Wannamaker, 4045 149th Avenue SE, added to Ms. Nohavec's comments by formally requesting the city to alert the affected zip codes by postal mail to allow a true reckoning of citizens objecting to the mandate. If the concerns continue to be abated, it will be attorneys asking the questions as they are currently studying the land use and transportation dogma. The neighbors are aligning as the Eastgate community group to manage sustainable growth. Development and reasonable growth can be supported provided it does not diminish or burden resources, services, infrastructure or property values. The Commission may argue that the citizens have come late to the table, but if adequately notified at the outset, the process would have been undertaken earlier advocating a conscientious growth mandate that addresses the

cumulative effect of all development the city of Bellevue envisions for the region. A particular city of Bellevue finding surmises exactly what the concerns are. Item C, this amendment is not contrary to the best interests of the citizens and property owners of the city of Bellevue. The supposition surely requests a greater disproportionate level of understanding by the city of Bellevue of current challenges in the Eastgate community.

Mr. Clark Kramer, 15531 SE 37th Street, asked the Commissioners to review the alternative zoning proposal previously submitted regarding the Eastgate RV park site. He said the supplemental code for determining FAR would still be considered by the Council. If for some reason the zoning stays with what the city is recommending, nothing will happen on the site because redevelopment will not be feasible, and the current allowed uses should be retained. If the new zoning is approved, there is not a real estate agent or broker or developer who will touch it because the numbers do not work. To then limit what can be done with the property under the current General Commercial zoning would take away the ability to do anything with the site.

Commissioner Walter asked if the use on the property would be changed to something else if the General Commercial zoning were to be retained, or if the current use would be retained. Mr. Kramer said the current use would continue.

Ms. Cal McAusland, 10210 NE 8th Street, said he represented himself along with his neighbor to the north, Rod Binden at 810 102nd Avenue NE, and MD Investments at 820 102nd Avenue NE. The property is located at the corner of NE 8th Street and 102nd Avenue NE across the street from Nordstroms and QFC and is the site of Starbucks, See's Candy and Pasta and Co. The properties lie in the current downtown Deep B district. No specific project has been proposed but the overlay is of concern for the future of the site. The recommendations of the staff and the Commission to allow for increased heights in the area are encouraging. The increased height while keeping the FAR the same will enhance the livability of downtown Bellevue. There is, however, an inadvertent consequence to what has been proposed. There are two components under consideration for determining heights, that the property and the zoning will have an increase in potential height for residential to 160 feet, and that if a site is large enough to support more than one tower, there is the ability to go up to 240 feet provided the average of the two towers is no more than 200 feet. The approach is a good way to achieve some of the goals of the livability study. However, there is the unintended consequence of limiting single building sites to 160 feet, while larger properties with the same zoning could have buildings up to 240 feet. He said his site is a single acre in size and could support various sized residential towers, but the neighbors to the east could have two 240-foot towers, and the QFC property could have one if not several 240-foot buildings given their larger property. Different language in the building code should be used that would allow for a single building site to have the same maximum potential height as multiple building sites in the same zoning. The wedding cake approach has served Bellevue very well over the years, however the unintended consequence of limiting smaller building sites to 80 feet less than neighbors with larger sites, which in many cases are closer to the perimeter, has the potential to reverse the wedding cake goal.

Mr. Brian Brand with Baylis Architects, 10801 Main Street, Suite 110, shared with the Commissioners an exhibit that highlighted the unintended consequence. He presented a schematic that demonstrated the difference between a 160-foot tower on the subject property and a 240-foot tower on the adjacent properties. If allowed to go to 240 feet, without increasing the FAR, the resulting tower will be taller but narrower, creating less of an impact in terms of the floor plate.

Mr. Todd Woosley, PO Box 3325, spoke representing the Kramer family, owner of the Eastgate

RV site in the proposed Neighborhood Mixed Use (NMU) zone. He said the family has owned the property for over 50 years and would like to have a code that would allow them to sell the property to someone interested in building multifamily housing. He agreed that traffic congestion is a problem in the Eastgate corridor but stressed that the proposed redevelopment of the site would remain in compliance with the city's code. The good news is that the state is funding improvements on I-90 that will provide additional capacity between Eastgate and Issaquah, which will relieve a significant amount of congestion at Eastgate intersections. Additionally, the Council has decided to move forward with putting a transportation levy on the ballot in November; if approved, some of the funds will go toward congestion relief for neighborhoods. Specific alternative code language has been requested for the NMU district. In the Commission packet are two alternatives, neither of which is consistent with the requirement that the amendment not be contrary to the best interest of the citizens and property owners of the city of Bellevue. The second alternative has a base FAR of 1.0 and an incentive FAR of 1.0 in exchange for providing affordable housing, which makes the approach essentially worthless. The base FAR should be 1.25 and the incentive FAR should also be 1.25. Of the incentive FAR, 20 percent should be dedicated to units affordable to people making 80 percent of the area median income, an approach that is consistent with other city codes and approaches taken by other jurisdictions in the area.

Mr. John Shaw, 4555 193rd Place SE, director of multifamily acquisitions for American Classic Homes, said he has been working with Mr. Kramer on the RV site in Eastgate. He reiterated the call to consider the alternative language for the NMU zone. The staff proposal for a base FAR of 1.0 and an incentive FAR of 1.0 will result in very little or more likely no affordable housing. The alternative language as proposed will.

Commissioner Carlson asked how many units exist as part of the RV park. The answer given was 100. He asked how many units would be part of a redevelopment scenario under the proposed alternative language. Mr. Shaw said that would depend on the average unit size, but if they average 700 to 750 square feet, there would be around 100 to 125 units.

Mr. Andy Lakha, 500 108th Avenue NE, spoke as principle for Fortress Development Group that owns a property on NE 8th Street and Bellevue Way. He said the project represents the missing piece in the middle of the downtown. The plans for the site will take the city to the next level architecturally. The project will be iconic and will be something people will travel to see. The public spaces and amenities will be fully appreciated by the citizens of Bellevue. In order to develop the dream, however, consistent zoning will be needed along with a sufficient amount of height. Currently half the site is zoned DT-MU and half has the Deep B overlay. It is the latter that is prohibitive and not conducive to development. Given the site's location on NE 8th Street where the density is quite high, building height of 300 feet should be considered. That was the recommendation of the Downtown Livability Initiative CAC as well. The height is needed in order to make the project viable.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, said he has been talking with staff about moving the DT-MU/B boundary to accommodate a single zoning on the Fortress property. The buffers for the Deep B area are far more substantial than any other subdistrict in the city and moving the boundary and allowing up to 300 feet of building height will accommodate the proposed redevelopment of the site. The height is needed to allow for doing architecture in a meaningful way. With regard to the transit-oriented development site in Eastgate, he pointed out that the residential development proposed for the RV site would be woodframe construction. Any residential development on the transit-oriented development site wanting to take advantage of the views would have to be concrete and steel, which is expensive to build and for which there

is no market, nor are there any amenities to support it. Any plans for the transit-oriented development area should allow for the incorporation of residential in the future, but residential should not be required to be built. Requiring residential up front could mean nothing will ever happen there.

Commissioner Carlson asked what the current zoning height restrictions are for the Fortress site. Mr. Lakha said building heights of up to 200 feet are allowed on half the site, while the other half restricts height to only 90 feet. Mr. McCullough noted that the CAC had recommended going to 300 feet in the DT-MU, and the suggestion is that the entire site be allowed to go to 300 feet.

Ms. Betsy Hummer, 14541SE 26th Street, said she lives next to Bellevue College. She said a meeting at Bellevue College to talk about their new master plan was planned for July 14 at 5:00 p.m. She said the college has been buying homes in the neighborhood for many years and have amassed enough property to start redevelopment that will include dormitories to accommodate students. The first of three buildings, each of which will have some 300 rooms, will be under construction soon. They are asking to be allowed to use a local residential street to access the dormitories parking lot, which is not something the residents would like to see. The neighborhood is zoned R-5 as is the college property. The state patrol site in Eastgate is also zoned R-5, and the parks and schools are zoned R-5. Neighborhoods should not be zoned the same as commercial areas or schools. The college apparently can do whatever they want on their property, whereas regular property owners must comply with the zoning. That is something that should be looked at.

Mr. Brian Palidar with Group Architect, 1735 Westlake Avenue North, Seattle, said he has been working with American Classic Homes on the Eastgate RV site. He noted that his office was also the architect for the LIV apartments in the Bel-Red district. He shared with the Commissioners in written form information that was missing from materials submitted to the Commission relative to what it would take to make the RV site viable for a multifamily development. Included in the submittal was code language that would be needed. He clarified that while the number of affordable units on the site would be close to 100, the total number of units would be between 400 and 450.

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

(7:22 p.m.)

6. STAFF REPORTS

(7:22 p.m.)

Comprehensive Planning Manager Terry Cullen briefly reviewed the Commission's calendar. He noted that the Commission's annual retreat has been tentatively scheduled for October 19, but if the Commission prefers a Saturday morning might be preferable, such as October 15 or 22.

Mr. Cullen informed the Commission that the biennial juried exhibition called Bellwether features artworks sited both indoors and outdoors in public places in the downtown. The exhibition began in 1992 as an initiative to create an art walk experience through the center of the downtown and has become an event that promotes Bellevue's reputation as a destination for people to experience new forms of art and culture. For the current iteration of the exhibition, 56

works of art by some 32 artists will be sited in City Hall, along the pedestrian corridor, and in Downtown Park.

8. QUARTERLY CHECK-IN

(7:26 p.m.)

Mr. Cullen explained that the quarterly check-in occurs in the month following each quarter and involves a quick look back at what the Commission has been working on. The Commission's officers also meet regularly with the mayor and will in the future be providing the report to the City Council.

Mr. Cullen noted that the Commission's workload for the second quarter was very heavy. During a normal quarter the Commission typically meets six times, but the Commission in fact met eight times involving nine study sessions, one open house and three public hearings. At one point the Commission met back to back for five consecutive weeks. The topics addressed during the quarter included downtown livability, Eastgate, a floor/area ratio for assisted care facilities, low-impact development standards, and Comprehensive Plan amendments. A representative from the Bellevue School District visited the Commission and provided an informational report regarding how the school district plans for existing and future schools. The Commission also elected new officers for the upcoming year.

Commissioner Barksdale noted that the Commission had previously talked about the importance of data. He said Chair Hilhorst, Mr. Cullen and he met recently with staff from IT to talk about ways to generate data ahead of the Commission's upcoming work on subarea planning.

Mr. Cullen said the interest expressed by the Commission has been in having more data on which to make informed decisions. The city has an effort called the open data portal that is intended to result in data being put online. Some beta testing of the concept will be tested in conjunction with some Commissioners, and the work will focus on the neighborhood area planning process that will begin in 2017. The intent is to detail the types of data that will be needed so that information can proactively be generated for inclusion in the design of the study.

Commissioner Morisseau thanked staff for their hard work and support over the past quarter. She said the Commission would not be able to make good decisions on behalf of the community without the information provided by staff.

9. STUDY SESSION

A. Proposed Land Use Code Amendments – Eastgate/I-90 Land Use & Transportation Project

(7:33 p.m.)

Code Development Manager Patricia Byers explained that she and Mr. Cullen serve as project managers for the Eastgate Land Use Code amendment. She said the issue is tentatively scheduled to be brought before the Council on September 12 and 19.

Ms. Byers said the proposed amendment anticipates the creation of three new districts: EG-TOD, OLB-2 and NMU. For each of those districts there are dimensional standards, development regulations, and design guidelines. There are also transition area design guidelines which help to

ease the transition to zones that are less intense, and there are conformance amendments which are intended to make sure the proposed amendments jive with the rest of the code.

In 2012, the Eastgate/I-90 CAC completed its work of developing recommendations for the Comprehensive Plan, which includes the subarea plan for Eastgate, the Transportation Facilities Plan (TFP), and the Land Use Code (LUC). The Council adopted principles to guide the process and appointed the CAC members. The work of the CAC included outreach, studying the issues, and formulating a final report. The CAC was co-chaired by Planning Commission member Jay Hamlin and Transportation Commission members Francoise Larrivee. Their report was submitted to the Council which then accepted the report and referred the transportation issues to the Transportation Commission and Comprehensive Plan amendments to the Planning Commission. In 2014 and 2015, the Planning Commission studied the Comprehensive Plan amendments, noticed and conducted a public hearing, and transmitted a recommendation to the Council which was ultimately adopted by the Council.

While the Planning Commission was dealing with the Comprehensive Plan amendments, the Transportation Commission was looking at the Transportation Facilities Plan (TFP) and determining which of the project recommendations from the CAC should be included in that document. The Transportation Commission's work included extensive public involvement and their recommendation was transmitted to the Council, which approved the TFP. After the TFP was approved, the Transportation Commission and staff proposed that certain projects in the TFP should be funded for implementation in the Capital Investment Program (CIP). With the exception of the design for the Mountains to Sound Greenway project, the Eastgate projects are all currently in the TFP waiting for funding.

Once Comprehensive Plan amendments are approved, it is necessary to revise the LUC accordingly. Work to amend the LUC began with a Commission tour of the transit-oriented development area and was followed by a number of study sessions. Notice for the public hearing was issued and the public hearing was conducted. Ultimately the Commission will be transmitting its recommendation to the Council for review and adoption.

Decisions regarding the transportation projects to be included in the TFP have already been made by the Council. Decisions regarding the Comprehensive Plan amendments have also already been made by the Council. The focus of the Commission's current work is what amendments should be made to the LUC in order to be consistent with the Comprehensive Plan, and what should be transmitted to the Council. State law requires the LUC to be consistent with the Comprehensive Plan. The Comprehensive Plan is very specific with regard to what needs to happen in Eastgate relative to the development regulations.

Ms. Byers said particular attention should be paid to whether or not the proposed approach is consistent with the final report of the CAC. Additionally, the Commission needs to pay attention to the environmental review and other background documents, such as the economic information that was supplied with regard to the amenity system.

Mr. Cullen explained that essentially Comprehensive Plan planners write the book while the Land Use Code planners write the screenplay that becomes the movie. There must be a connection between the two. He said he and Ms. Byers and others have been working together closely to make sure the Comprehensive Plan is being translated accurately into code language. After a lot of back and forth debate, the conclusion reached was that the translation is solid. The framework for the Eastgate/I-90 land use and transportation study, which was the work of the CAC, has been adopted into the Comprehensive Plan. The specific tenants of the plan are in the

Eastgate subarea plan, which is part of the Comprehensive Plan. The land use strategy of the Comprehensive Plan directs growth into the downtown and compact mixed use development areas throughout the city; the intent is to take the pressure off the single family residential areas by concentrating non-residential development. The Eastgate study area represents only about ten percent of the 1500 acres of land in the Eastgate neighborhood area. The provisions of the LUC amendment have unfolded in numerous study sessions and accurately reflect the work of the CAC and the adopted Comprehensive Plan.

The Commission is charged with the responsibility of reviewing land use ordinances and regulations and making recommendations regarding them to the Council; all such recommendations must be consistent with and implement the Comprehensive Plan. There are specific decision criteria that must be adhered with in relation to text amendments to the LUC, the first of which is all amendments must be consistent with the Comprehensive Plan. Consistency with the Comprehensive Plan is a clear theme throughout the code.

With regard to the suggestion to wait to make the changes until the transportation projects are built, Ms. Byers pointed out that there are projects in the TFP that will benefit the area. She stressed the need for the development regulations to be consistent with the Comprehensive Plan without waiting for the projects to be brought online. She read a quote from the final CAC report. It stated: "While there will always be choke points at particular intersections in the corridor regardless of what changes in land use might occur, the consequences of growth can be addressed through a combination of intersection improvements, improved transportation mode choice, non-motorized transportation facilities, and partnerships with transit service providers." The focus on creating a transit-oriented development environment is intended to reduce traffic. The OLB-2 district will allow services on-site so that people will be able to walk to lunch and the dry cleaners, and getting the Mountains to Sound Greenway will also provide non-motorized opportunities. The two new general purpose lanes on I-90 will also serve to reduce congestion.

Mr. Cullen said the pain the community feels over traffic issues in the area is understandable. There are a number of areas of the city that are experiencing similar impacts. While many may be tempted to delve into the various traffic issues, the fact is they have already been discussed at length many times over in the past years by the Transportation Commission, the Planning Commission and the City Council. The current focus is on the LUC regulations and any attention paid to transportation issues will only detract from the need to zero in on whether or not the proposed approach faithfully tracks what has already been adopted in the Comprehensive Plan. To date, land use has not been talked about as much as transportation has.

Ms. Byers noted that it had also been suggested that residential should not be required in the new EG-TOD zone. She said the CAC envisioned that there would be a residential component in the district. The Comprehensive Plan calls for it as well, but how it happens can be discussed. The timing of how residential will occur could be addressed through a master development plan.

Commissioner Morisseau commented that currently the housing unit inventory is low but by the time the transit-oriented development is built the supply may be caught up with the demand. Over the past years, construction has not kept pace with the demand. She asked how much merit should be given to the comment that requiring housing will mean nothing will get built. Ms. Byers said the concern voiced by the property owner is that housing will not be viable in the short term. What the CAC envisioned is that there would be housing in the TOD, not only for college students but also for those wanting to live and work in the area. The issue is really one of timing, not whether or not there will be residential at all in the district.

The suggestion was also previously made to increase the height of the parking garage in the EG-TOD from 45 feet to 55 feet to accommodate ground floor retail. Ms. Byers said the proposal is consistent with the Comprehensive Plan, the CAC final report, and all of the studies and documents.

With regard to the suggestion to increase building height in the EG-TOD from 160 feet to 170 feet, Ms. Byers said the proposed increase included the elevator over-run which is not normally included in the building height limit. A building height of 160 feet would accommodate a 12-story building.

Commenting on the suggestion to allow driveways as allowable interruptions on the main pedestrian street, Ms. Byers reminded the Commissioners that in a transit-oriented development environment pedestrians can walk where they want without having to deal with cars. At the very least, if there are cars present traffic calming measures are utilized to slow cars down. One of the reasons staff wants to see driveways kept to a minimum is to avoid having cars and pedestrians having to interact by designing vehicle access to be away from the main pedestrian street. The Commission could choose to allow driveway interruptions on the pedestrian street where driveways cannot be accommodated in some other way.

Commissioner Carlson pointed out that the Commission has been informed at a previous meeting that there are no plans to increase the size of the park and ride. Senior Transportation Planner Franz Loewenherz said Metro's long-range plan includes recommendations for increased parking capacity in the region without speaking to specific locations. It also speaks to demand-sized strategies.

Mr. Cullen added that the property has an FAR of 0.5. In looking at the way traffic and land use planning work together, it must be kept in mind that the land use has not caught up yet. In considering how the land use picture should be changed, the traffic planning work will be kicked into gear, upping the priority to make changes and bring in specific projects. It is an iterative process. The forecasting does not show there is a need for additional capacity at the park and ride because the land use is not there yet.

Commissioner Carlson asked if the TOD area, once fully built out as envisioned, can be successful with the size of the existing park and ride facility. Mr. Cullen said the TOD approach is focused on the creation of an environment in which cars are not needed. It includes people living and working in the area, allowing them to walk or bus to work. The transit element also allows people from outside the area to take the bus in and out. The issue of the park and ride garage being inefficiently used has been expressed to King County Metro; there are many using it that are not parking and riding, they are using it as a parking lot for the college and local businesses. Ms. Byers said part of the college's long-range strategy includes addressing students who use the park and ride for parking only.

Commissioner Walter said it seemed counterintuitive to have a parking garage built as part of a transit-oriented development. Ms. Byers said there are a couple of things to think about relative to parking. The parking requirements for the buildings in the TOD have been reduced because of the dependency on transit, but the property owner intends to build office buildings for which there will be a requirement for some parking. It cannot be assumed that everyone living or working in the TOD will be using transit exclusively, thus the need to include a parking garage.

Commissioner Carlson asked what percentage of people working in the area currently use transit. Ms. Byers said she did not know. She also said it would be difficult to say what percentage of

people will use transit once the area is redeveloped given that it cannot be said the residential units will be predominantly used by college students, who would be less likely to have cars. Commissioner Carlson said his concern is that if the estimates are off, people will be driving around looking for a place to park, making a bad traffic situation even worse.

Mr. Loewenherz said there are no projections relative to the percentage of people living and working in the TOD area that will be using transit. There are ridership statistics for every bus stop in Bellevue, but there is no information with regard to how many people at a given building commute by transit, except for the Commute Trip Reduction-affected employers in the broader Eastgate area.

Commissioner Carlson asked what will happen if twice as many people end up driving to the area as opposed to walking or taking transit. Mr. Loewenherz said there are trip generation rates that are developed by the Institute of Transportation Engineers for different kinds of buildings. The developer of buildings built in the TOD area will certainly want to make them appealing to potential tenants and that will involve the provision of some level of parking.

Commissioner Carlson said the scenario that involves new office and residential buildings with fewer parking stalls, no change to the park and ride garage, and new dormitories at Bellevue College with no parking at all can easily be projected to increase traffic in the Eastgate corridor. Mr. Loewenherz said ST-3 envisions a significant investment at the Eastgate location. A study is also under way that is focused on the long term. For the near term, there is a project under way with Bellevue College and King County Metro to enhance transit circulation to and through the campus. The connector project will get buses off of 148th Avenue SE onto 142nd Avenue SE and Snoqualmie River Road past the choke points.

Commissioner Walter said she was sensitive to the need to avoid having a transportation discussion, but suggested it would not be prudent to discuss transportation to some degree particularly with regard to the transit-oriented development area. The one developer who has talked with the Commission was focused on having a parking garage, making it seem as though momentum for the area by the development community does not favor transit-oriented development.

Mr. Loewenherz said the focus on creating a transit-oriented development area is a driver in terms of Metro's long-range plan. While there has been little specificity in terms of the location for commuter parking options, there is specificity in Metro's long-range plan in regard to where bus service will go. Several rapid ride bus rides are planned that will use the Bellevue College connector project, serving both the college and the immediate area.

Mr. Cullen pointed out that what has been talked about by one perspective developer is not necessarily what will get built in the future. What the developer has talked about is little more than a slightly updated suburban campus-style development, which does not fit at all with the requirements of the proposed code which calls out providing for internal street frontages that will produce a pedestrian environment. The physical development will need to include the components that contribute to and build upon the framework needed to create a pedestrian-oriented scheme. The ultimate vision for the area includes a hill climb that will connect the college campus with the TOD. The generic questions being asked could be asked of any redevelopment area. While the questions are valid and should be asked, they need to be coupled with the effect of planned transportation and transit improvements. The challenge of integrating transit, transportation and land use together are significant because the implementing agencies are regional, local and multiple. Regional transit agencies will choose to spend their limited

dollars in the areas where they see growth is going to happen. If growth is not allowed, if the FAR is kept low, they will see no increased demand and will not respond. Additionally, just because an area is zoned for something does not mean that is what will built. All proposals for development are subject to some very detailed planning review with Development Service and with Transportation specifically to address all of the issues through the provision of specifics.

Commissioner Barksdale said there is a clear gap between infrastructure and development. The question is whether or not infrastructure should be constructed ahead of development or the other way around. The amenity system has effectively been taken off the table because it was shown to not be economically viable, but there may be a way to make filling in transportation gaps an amenity, such as money contributing toward subsidizing Uber activity or bus passes in the area. Mr. Cullen said staff met recently with Metro to discuss shared-use vehicles and the whole Uber experience, and they are planning for that.

Land Use Director Carol Helland addressed the perceived gap between transportation infrastructure and development. She pointed out that what is perceived as a gap must be measured against the data. The Council has set a congestion allowance for the Eastgate area at LOS 0.9. That level permits a fair bit of congestion to occur, not dissimilar to the downtown or the Bel-Red area. However, congestion levels in the corridor are nowhere near that level. So while there is a perception of congestion, it is not at the level the Council has set as a standard, and there is in fact no gap relative to the policy goal with respect to the Eastgate Mobility Management Area (MMA). In all there are 14 MMAs in the city and the Council sets the congestion limits for each of them. The congestion limits are based on intersection operations and where the intersection operation in each of the MMAs is continuing to operate at a level that is consistent with the standard that is adopted into the Comprehensive Plan, growth is allowed to continue. The congestion allowances and the intersections that are measured are all included in the Comprehensive Plan; they went through the Planning Commission and the Transportation Commission before being ultimately approved by the City Council.

Commissioner Carlson asked if the city concedes that there is a mobility problem in Eastgate. Ms. Helland said an update on concurrency is conducted annually. The concurrency summary says the standard is not being exceeded. From a standard perspective, there is no mobility problem in Eastgate. Whether or not the level of congestion is tolerable is not the issue; from the perspective of the standard set by the Council, the standard is being met. The city has created measures by which growth is allowed to occur. The Commission is currently focused on creating a growth policy for the Eastgate corridor. The approach will need to be consistent with the Comprehensive Plan. Once adopted, there will be an abundance of tools to ensure that the goals articulated in the Comprehensive Plan are met. The Comprehensive Plan talks about how much congestion will be tolerated as a community and it is a balance between the level of funding put toward transportation improvement projects, capacity improvement projects, and supporting transit projects. All of that comes together to create a measure of success. While there may be a desire by some to see traffic operate at LOS A, which is no congestion at all, the reality is that the standard that has been adopted by the Council as being acceptable is LOS D, and that is the standard against which congestion is measured.

Commissioner Walter asked if the LOS D standard was established for the area going forward or if it was in anticipation that Sound Transit would bring it back to a level of LOS B or LOS C. Ms. Helland said LOS D is the standard used going forward. Commissioner Walter suggested the people did not understand or anticipate traffic patterns at a LOS D level. She asked what would need to be done for people to see the standard changed to a citywide LOS C level. Ms. Helland said the Council is currently discussing placing a transportation levy on the ballot that will

include funding for some congestion relief projects for the neighborhoods.

Mr. Loewenherz clarified that the level of service is measured against the two-hour PM peak period rather than conditions that exist throughout the day.

Ms. Helland explained that the City Council builds the foundation by saying how much congestion is acceptable during the two-hour period between 4:00 p.m. and 6:00 p.m.. The Council determines and adopts the standard for each MMA. The Commission is asked to make recommendations about land use growth, and all transportation modeling is predicated on ensuring that projects needed to accommodate growth will come online to prevent a drop in the level of service during the two-hour evening peak period. Every year actual traffic counts are made to determine actual traffic levels. Even though the city has no say in what Bellevue College does on its campus, it is possible to know what the impacts will be because of the actual traffic counts. The traffic model is updated every year based in part on the actual traffic counts and in part on all new approved development. When a development project comes in to be permitted, the city requires a transportation model run to ensure the project will not tip the balance over the LOS standard. State law in fact says any development proposal that will trigger a standard to be violated cannot be permitted.

Commissioner Carlson asked what the delta is between the number of people currently living and working in the TOD area and how many will live and work there after the TOD area is fully built out. Ms. Helland said answering that question would require going back to look at what the transportation assumptions were for the area. She added, however, that that is one reason for asking for the residential to come first. There is some interest in having parking garages that once constructed will house the parking stalls that will be displaced by new development and which will accommodate some additional growth before transit arrives. As demand for parking goes down, development can occur on top of the parking garages. In the Bel-Red area, the introduction of residential was required first, and that is what the Spring District is bringing online. That is one strategy the Commission can require as a way of aligning transportation with growth.

Commissioner Carlson said his concern is that unless far fewer people take transit than are projected, once the area is built out what is already a bad traffic situation will worsen dramatically. Ms. Helland said the safeguards the city has in place, including the annual traffic counts and the concurrency regulations that tie growth to transportation infrastructure, will keep congestion in the area from tipping over the standard.

Mr. Cullen commented that growth regionally presents challenges as well. There is a lot of traffic that passes through the area that is not connected directly to the area. There is traffic that originates from points east headed toward Seattle, and points south headed north on 148th Avenue SE. There are a limited number of streets that cross I-90 and what happens on I-405 affects what happens on 148th Avenue SE. There is a complex relationship between transportation and land use. If the city were to come down on the side of disallowing any development until the planned transportation improvements are in place, the revenues needed to pay for the transportation improvements would not be forthcoming, regional growth would continue, and the current situation would only be exacerbated without a hope of improving.

Commissioner Carlson reiterated his concern that once built out the TOD area will have three times the number of people working there and a healthy number of people living there. If the transit targets are missed, there will be far more cars and no place to park. Mr. Loewenherz said the downtown offers a good case study. Over the past two-plus decades, the changes have been

tremendous. The data shows, however, that the average annual weekday traffic counts have stayed the same despite the tremendous growth. Over the past decade, transit usage has gone up 140 percent citywide, and in the downtown even more than that. Commissioner Carlson argued that during that same time period a number of transportation projects came online, including expanding NE 4th Street and expanding NE 6th Street, NE 10th Street and NE 12th Street over the freeway, and the creation of the downtown transit center. Clearly, infrastructure improvements were made to accommodate the great growth in the downtown. He asked if the same will be done for Eastgate. Mr. Loewenherz said even with all the new infrastructure, the number of vehicles driving into and out of the downtown MMA has remained level. Transit has certainly played a role, but so has the number of persons living in the downtown who do not need to use cars to get around as evidenced by the increase in the pedestrian counts.

Mr. Cullen said when a development gets proposed, it will be examined very closely in a number of respects. It will be judged with regard to the number of trips it will generate, how many people will be in the building, and how it will fit into the area. However, until a project is brought forward, it cannot be said for certain how many people will be in the area. Every development must meet the established requirements or make improvements to either abate or mitigate the impacts and in order to be consistent with the level of service standard. If the developer wants to provide less parking, it must be shown what steps will be done to reduce the number of parking spaces needed; that could be through aggressive commute trip reduction strategies or by handing out free bus passes to employees in exchange for agreeing not to drive to work.

Commissioner Barksdale said he would like to see an amenity system devised that would allow development to offset the impacts of traffic by paying a fee in-lieu toward transportation improvements. Ms. Helland said there is already a mechanism in place in the form of transportation impact fees. The fees that are collected go to fund transportation improvements. The approach taken in Bel-Red and proposed for Eastgate allows developers to continue building parking for a period of time. As transportation arrives, reliance on that parking will in the future be reduced. The parking structure called out as part of the first phase of development in the TOD area in Eastgate is largely an acknowledgment that any current surface parking taken away by development will need to be replaced with more than is taken away. That parking will then be used to support additional development on the site. As transportation becomes more robust in the area, a second and vertical phase of development can be ushered in on top of the parking garages.

With regard to the existing Eastgate park and ride facility, Ms. Helland noted that separate legislative discussions are under way with King County Metro about the management of its facility. It is readily acknowledged that there are users parking in the garage even though they are not taking a bus, including Bellevue College students.

Ms. Byers noted that a request had been made to increase the proposed maximum FAR in the NMU district from 1.0 to 2.5. She stated that the current FAR for the area is 0.5, so the request represents a fivefold increase. The Comprehensive Plan calls for growth to be focused in the EG-TOD district. The NMU is supposed to be focused on mixed uses beneficial to the neighborhood. The CAC called for a FAR maximum of between 0.75 and 1.0. The environmental analysis for the NMU used a FAR of 1.0. Should the Commission choose to go higher than the recommended 1.0, an additional environmental analysis would be required. The area is immediately adjacent to a single family residential zone and may not be appropriate for a FAR of 2.5.

Ms. Helland added that in Bel-Red, the assumption was made that people would walk a quarter of a mile to access transit. The Eastgate RV site is quite distantly removed from the park and ride

area and is far less accessible.

Mr. Cullen pointed out that the NMU would be a citywide zoning district and the proposed FAR could be considered in other areas of the city. A 2.5 FAR is not compatible with neighborhood scale; it is, in fact, as dense as what was proposed for the TOD.

With regard to the proposal to exempt affordable housing from the FAR calculation, Ms. Helland explained that the traffic impacts associated with affordable housing and senior housing are far less than those associated with market-rate housing. It has been found that it is far more effective for affordable housing populations not to have cars or the cost that comes with owning cars; it helps them essentially transition to market-rate housing more quickly.

Commissioner Walter asked if the Eastgate RV site owner is seeking a base FAR of 2.5, on top of which affordable housing could be added without counting, or if the maximum would be 2.5. Ms. Byers reminded the Commissioners that the economic analysis drew the conclusion that an incentive system would not be viable in the Eastgate area including the NMU. If instituted, developers would likely build to the base FAR and no public amenities would be provided. The Comprehensive Plan only calls for considering including an amenity bonus system. It also calls for concentrating growth in the TOD. If a maximum FAR of 2.5 were to be allowed in the NMU, growth would be focused in that area as well as the TOD, which is contrary to the Comprehensive Plan. It would also exceed what the CAC recommended.

With regard to the suggestion to change the lot coverage in the NMU from the proposed 35 percent to 70 percent, Ms. Byers said the core issue is how much of a lot can be covered by a building footprint. In Bel-Red there are impervious surface provisions in place that do not apply in Eastgate. The NMU in Eastgate drains to Vasa Creek and increasing the lot coverage to 70 percent would increase the quantity and reduce the quality of storm water entering the public drainage system in violation of Comprehensive Plan policy S-EG-6.

Ms. Helland pointed out that the maximum lot coverage for the NMU is suggested to be held at 35 percent under the low-impact development regulations. Maximum impervious surface is described as 60 percent, while the maximum hard surface remains at 80 percent.

Commissioner Morisseau asked why lot coverage of up to 70 percent is allowed in Bel-Red. Ms. Byers said there are natural drainage provisions in the Bel-Red code that are not included in the Eastgate code. Higher lot coverage is allowed there because the issue has been addressed in another way. Ms. Helland added that in Bel-Red the focus is on parks and open space and on open drainages and streams, all of which contributes to the holistic function of the area.

Assistant City Attorney Catherine Drews explained that a study of the Bel-Red area between 2006 and 2009 resulted in a reduction in the impervious surface areas from 90 percent. The thinking is that because there has already been a reduction in the impervious surface area in Bel-Red, by including natural drainage practices and opening the creeks the intent of the low-impact development principles is met by the area.

Commissioner Carlson questioned whether the four Commissioners present should speak for the entire Commission in making a recommendation to the Council. He said his preference would be to hold off until the next Commission meeting. Mr. Cullen pointed out that a quorum of the Commission was present in accord with the bylaws. A time-sensitive public hearing is slated for the next Commission meeting and having the issue up for discussion at the next meeting may require additional time for the missing Commissioners to get their questions asked and answered.

Commissioner Morisseau observed that the materials have been before the Commission for some time. The missing Commissioners have had time to review the materials and had they had strong concerns, they would have voiced them by reaching out to the staff. She proposed moving forward.

Commissioner Barksdale said he was in favor of proceeding as well. If the matter is to be on the agenda again, there are ways it could be expedited.

Commissioner Walter agreed with Commissioner Morisseau that the materials have been before the Commission for some time. However, she said she agreed with Commissioner Carlson that a final decision on the issue should be put off to the next meeting.

Ms. Helland asked the Commissioners to keep in mind the fact that the Council has an interest in seeing the work completed. The mayor has addressed the Commission about getting work moved forward.

Mr. Cullen stated that the decision to carry forward making a final recommendation was up to the Commission. Commissioner Walter said she would prefer to allow the chair to decide the date.

Commissioner Barksdale proposed asking every Commissioner to carefully read through the documents and to address at the next meeting only the concerns raised.

Mr. Cullen suggested that if the issue is moved to the July 27 meeting, the meeting should begin at 4:30 p.m. to accommodate the already full agenda for that evening.

****BREAK****

(9:12 p.m.)

(Commissioner Carlson did not return after the break.)

B. Low-Impact Development Principles Project

(9:25)

Wayne Carlson, consultant with AHBL, said the impervious surface proposals previously discussed with the Commission are consistent with policies in the Comprehensive Plan. He informed the Commissioners that the metrics relative to impervious surface and hard surface that apply in the residential districts also apply in the commercial zones. The metrics do not apply, however, in Bel-Red or in the downtown where the impervious surface limit and the building coverage limit are essentially the same.

The proposal does not include any change in the amount of allowable building coverage. It seeks to align the impervious surface standards with development that has occurred within each zone. It also proposes a new standard for hard surface that supplements the existing impervious surface standard; the hard surface standard is consistent with the impervious surface limit, resulting in no change in the amount of paving allowed. The proposal includes removal of the innovative techniques allowance which allows unlimited permeable surfaces because it conflicts with the goal of trying to preserve vegetation on sites. The proposal allows the same coverage using

permeable surfaces that are planned under the Comprehensive Plan and the neighborhood plans.

Mr. Carlson said the recommendation of staff was to move forward to a public hearing with the proposed amendments. There was consensus on the part of the Commissioners to do that.

With regard to tree retention, Mr. Carlson said the proposal requires preservation in a hierarchy. He said the current language is less than clear and many of the trees that get preserved do not succeed. The proposal requires an assurance device for retained trees during construction and a couple of years afterwards. Additionally, the proposal requires a note on the face of the plat for trees required to be retained as a condition of approval. The tree retention proposals are supposed by a variety of Comprehensive Plan policies.

Ms. Drews said the 30 percent retention requirement applies to new development or redevelopment. Thirty percent of the significant trees on lots that are to be scraped to accommodate new construction must be retained under the existing code requirements. There is no proposal on the table to change that approach. The proposal approach involving a hierarchy and the types of trees to be saved, however, will go a long way toward achieving the goal of preserving 40 percent of the city's tree canopy. In addition to tree canopy on single family lots, the proposal looks to allow tree canopies in transportation rights-of-way.

Commissioner Morisseau asked why it was not being proposed to align the 40 percent tree canopy goal with the tree retention requirements for new development and redevelopment by increasing the 30 percent to 40 percent. Mr. Carlson said preserving a certain percentage of caliper inches is not an exact transfer to tree canopy. The requirement to preserve 30 percent involves calculating the total caliper inches of all significant trees and preserving 30 percent of those caliper inches. In certain instances the 30 percent can amount to more than 40 percent canopy coverage. There is a move afoot to approach tree preservation in terms of tree canopy, but that notion goes beyond the low-impact development project. Ms. Drews added that tree canopy is measured primarily from aerial photographs and onsite surveys.

Mr. Carlson said under the proposal where there are conflicts between the tree retention section and the critical areas requirements, the critical areas ordinance prevails. Prioritization is given to the trees that are most apt to survive. Landmark trees are given priority; they are the larger specimen trees. Significant trees over 60 feet in height are also prioritized, as are significant trees that form a continuous canopy, and significant trees within the required rear yard within 15 feet of the nearest building envelope. As proposed, the director may require an assurance device to guarantee a continual healthy life of the significant trees for up to five years. For any property where significant trees are required to be retained, notice of the requirement must be noted on the face of the plat.

Commissioner Morisseau asked if significant trees in side yards must be retained in addition to significant trees in rear yards. Ms. Drews said nothing in the proposal would eliminate the retention of trees in side yards. Side yards can be larger than rear yards and the homeowner or developer should be allowed to locate trees in the areas that make the most sense.

Mr. Carlson said the recommendation of staff relative to tree retention topic was to send it to public hearing. There was agreement to do so.

With regard to clustering, Mr. Carlson explained that one of the requirements involves the conservation of on-site soils and the minimization of impervious surface as a criteria for planned unit development (PUD) approval. Secondly, zero lot line development is proposed to be

allowed to facilitate clustering of buildings for the conservation of open space and vegetation, provided that the combined width of the side yard setbacks meet the minimum requirements. The clustering proposals are supported by a variety of Comprehensive Plan policies.

The decision criteria for a PUD currently includes conservation natural features. The proposal includes a modification to include vegetation and on-site soils.

Ms. Drews explained that clustering allows for putting buildings closer together but also where they make the most sense from a conservation point of view. Mr. Carlson added that the idea is to locate development in areas that are most suitable, such as the flatter areas, the areas with appropriate soils, and where impacts to critical areas and buffers can be minimized.

Mr. Carlson said the proposal relative to zero lot lines is intended to provide for flexibility for builders. As proposed, the combined setbacks between structures must be no less than what the side yard minimums would be together. The approach is not intended to allow for placing a new structure right on a property line next to an existing structure that is already five feet from the property line.

Ms. Drews commented that clustering is an optional method for site design. Open space and conservation features are required in exchange for the clustering flexibility. Clustered developments facilitate the generation of more open space.

Ms. Drews called attention to Section 20.30D.165.A on page 312 of the packet and explained that there was a proposal to allow applicants to request a modification of the maximum FAR. On reflection, however, staff have concluded that is not something that should be offered as part of the low-impact development program and has elected to omit it from the proposal.


Mr. Carlson said the recommendation of staff was to send the clustering proposals, excluding the FAR reference, to public hearing. There was agreement to do so.

10. PUBLIC COMMENT – None


11. ADJOURN

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

Commissioner Walter adjourned the meeting at 9:57 p.m.


Terry Cullen
Staff to the Planning Commission


Date


Stephanie Walter
Acting Chair of the Planning Commission


Date

