CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

October 5, 2009 Council Conference Room
6:00 p.m. Bellevue, Washington

PRESENT: Mayor Degginger, Deputy Mayor Balducci, and Councilmembers Bonincontri, Chelminiak, Creighton[1], Davidson, and Lee

ABSENT: None.

1. Executive Session

Deputy Mayor Balducci opened the meeting at 6:00 p.m. and declared recess to Executive Session for approximately 15 minutes to discuss one item of property acquisition and one item of potential litigation.

The Study Session resumed at 6:21 p.m., with Mayor Degginger presiding.

2. Study Session

(a) Transportation Development Code Update

City Manager Steve Sarkozy opened staff's presentation regarding the Transportation Development Code, which has not been updated since 1995.

Laurie Gromala, Assistant Director of Transportation, introduced Tom Tanaka, Chair of the Transportation Commission. She explained that the purpose of tonight's discussion is to introduce staff's proposed update to the Transportation Development Code (BCC 14.60) to incorporate technical adjustments and code revisions to the Transportation Management Program. The Transportation Development Code implements the Comprehensive Plan and codifies the policy requirements of the Transportation Elements of the plan. It provides the authority for the Design Manual and for the Transportation Management Program requirements.

Ms. Gromala reviewed the update process to date. Staff has held seven meetings with the Transportation Commission to review the amendments. In addition, the update has undergone legal review and SEPA (State Environmental Policy Act) review, with the latter resulting in a

[1] Councilmember Creighton arrived at 6:31 p.m.

determination of non-significance. Public outreach activities have involved developers, the business community, and residents. A public hearing was held before the Transportation Commission, which made a recommendation to the Council on May 28, 2009.

The goals of the code update are to add new definitions, remove conflicts and inconsistencies, clarify design requirements, strengthen provisions for alternative travel modes, and improve Transportation Management Programs. Policy issues reflected in the update include identifying the Pedestrian/Bicycle Plan as a basis for improvement requirements, the prohibition of multiple access points to a parcel when necessary for safety, the provision that loading activities be conducted on site unless otherwise approved, and modifications and enhancements to the Transportation Management Program.

Eric Miller, Capital Programs Division Manager, reviewed Bellevue's Transportation Demand Management policy goals. The key program elements are commute trip reduction for large work sites, Transportation Management Program for large buildings, and the Growth and Transportation Efficiency Center which focuses on downtown workers and residents. Mr. Miller reviewed the objectives of the three programs. He recalled that commute trip reduction was established as a state requirement in the early 1990s. The current CTR focus is achieving a collective 6.7 percent reduction in the drive-alone commute rate over a four-year period ending in 2011 at the 59 work sites in Bellevue.

The Transportation Management Program is a city requirement that affects large developments. Downtown office buildings have a 10-year goal to reduce drive-alone commutes by 35 percent from the baseline. The Growth and Transportation Efficiency Center is a voluntary state program with a four-year plan to shift 5,000 daily commuters from driving alone to other travel modes by 2011. It is targeted at smaller work sites (less than 100 employees) as well as toward individual employees and residents.

The CTR program is a partnership between the City and King County. Under the Transportation Management Program, most downtown businesses contract with TransManage, a service of the Bellevue Downtown Association, to implement their programs. Under the GTEC program, the City contracts with TransManage for most implementation services. This program's primary funding is from federal and state sources that are passed through King County.

Mr. Miller briefly reviewed the components of a Traffic Management Program, which include sharing transit and rideshare information; designating a program coordinator; and providing preferential parking, financial incentives, and a guaranteed ride home program.

Mr. Miller explained that one reason for the proposed changes to the TMP is the average compliance rate of 65 percent (75 percent for TransManage clients). He noted that certain programmatic and performance requirements of the program are difficult to achieve, and there are limited enforcement options. Mr. Miller said staff is interested in reviewing the TMP in reference to increasing growth and transportation impacts in the Bel-Red corridor and the Factoria-Eastgate area. In addition, there are relatively high administrative costs relative to the

benefits associated with residential properties. A key proposed change to the code is to not require TMPs at residential developments in the future.

Mr. Miller reviewed staff's key recommendations:

- Establish a 20 percent drive-alone reduction goal, with specific two-year targets and a good faith clause.
- Instead of the limited enforcement options, adjust programmatic elements based on performance.
- Adjust the menu of options (program points allocation) to place a greater value on TransManage membership.
- Add employer-based financial incentives to the menu of options for earning points.

Mr. Miller briefly reviewed the menu of options and proposed revisions. The benefits of the overall proposed changes to the TMP are to make Bellevue's program consistent with regional and national best practices, provide flexibility for property owners and developers, provide flexibility in updating the menu of options based on effectiveness and innovation, place a value on TransManage membership, and provide a link between TMP and environmental goals. Staff believes that the update will increase support for alternative travel modes and provide greater flexibility in TMP implementation.

Tom Tanaka reviewed the Transportation Commission's recommendation to adopt the proposed Transportation Development Code amendments and to revisit the TMP incentive concept after one year. He said there was some discussion by the Commission related to developer incentives, which was an issue raised during the public hearing. While the Commission was supportive of developer incentives, staff indicated that the issue is complex and warrants further study.

Responding to Mayor Degginger, Mr. Tanaka said specific incentives were not discussed based on staff's recommendation for further review of the issues, including the ability to enforce incentive conditions.

Responding to Councilmember Lee, Senior Planner Mike Ingram said the Growth and Transportation Efficiency Center has been effective and the current goal has been achieved.

Responding to Mayor Degginger, Mr. Miller explained that Transportation Management Programs will be evaluated every two years. If a member is not meetings its goal, the new program would allow the member to expand its menu of options to increase opportunities for meeting the goal.

Deputy Mayor Balducci said she is interested in seeing the overall plan for achieving the 2030 goal that approximately half of all trips to and from the downtown will be by modes other than single-occupancy vehicles. She noted related goals such as reducing greenhouse gas emissions, and questioned how TMP goals relate to overall environmental objectives. Ms. Balducci wondered whether having three types of transportation demand management programs results in unnecessary overlaps. She questioned whether the three programs are requiring more effort

without producing greater results. For example, are there benefits to having two of the programs within one building housing a single employer?

Mr. Ingram explained that if CTR tenants cover more than 90 percent of a building population, the program elements implemented by the tenants will count as credit toward the building.

Deputy Mayor Balducci summarized that there are effort measures (i.e., points for having programs) and outcomes measures (i.e., reductions in single drivers). She observed that members achieving outcomes measures could then reduce its programs that earn points. Mr. Miller said that in these instances, employers would still be encouraged to enhance their efforts by continuing to offer additional points programs over time.

In further response to Ms. Balducci, Mr. Ingram said that a number of buildings have achieved the 20 percent reduction target. However, he is not aware of any that have reached a 35 percent reduction. Ms. Balducci said she is interested in discussing incentives as well as how TDM goals are linked to the environmental stewardship initiative.

Councilmember Chelminiak thanked the Transportation Commission for its work on the code update. He referred to page SS 2-13 of the meeting packet and questioned the exemption of the Regional Transit Authority's buildings and structures. Ms. Gromala said the state provision applies to park and ride facilities and parking garages. Staff will clarify that language in the code amendments.

Responding to Councilmember Chelminiak, Ms. Gromala explained that the intent of the site loading provisions is to require large freight delivery, moving, and delivery vans to conduct loading on site where possible. In situations with no alternative (i.e., small apartment buildings or businesses), there are code provisions that allow the use of the right-of-way for loading and unloading.

Councilmember Chelminiak questioned how this affects buses and taxis. Ms. Gromala said the City applies its ROW use code for a number of situations involving vehicles stopping and waiting on streets. In addition, there is state law controlling taxi stands and similar areas. Bellevue does not currently have any designated taxi stands, but this is an issue that staff will be reviewing in the next year or so.

Councilmember Davidson observed that TransManage membership appears heavily weighted in the points menu of options. Mr. Miller said this is based on the effectiveness of the program and the higher performance levels experienced by its clients. In further response, Mr. Miller said TransManage contracts with building managers and owners to provide its services. Dr. Davidson questioned whether TransManage is the only provider of this service. Mr. Ingram said the program language provides a credit for property owners that contract with any transportation management association (TMA) that maintains a performance rate for its client base that is better than the area-wide average.

Councilmember Davidson commented that these measures are aimed at reducing downtown congestion, while uses such as bus layovers reduce lane capacity and interfere with traffic flow. He would like to see Metro address this issue.

Responding to Mayor Degginger, Mr. Ingram said the criteria used to establish the point values include the initial cost to developers to provide an element (e.g., showers), administrative burden to support the element, extent to which an element supports a transportation choice (i.e., whether showers increase bicycling as a commute mode), and the expected impact of the element.

In further response, Mr. Ingram said the point system was presented during public outreach activities. He said staff believes that 18 points is the appropriate level for membership in a TMA (e.g., TransManage), given that an office building needs a total of 25 points. The difference in points can generally be achieved by implementing one program in addition to TMA membership. Mr. Ingram noted that the meeting packet contains a full list of the potential points elements.

Responding to Mayor Degginger, Ms. Gromala confirmed that staff will review the code language with regard to the loading issues that have been raised. Chris Dreaney, Development Review Manager, said that freight access and loading are always major design considerations when working with new permit applications.

Mayor Degginger noted Microsoft's shuttle service for its employees and questioned how this fits into the code. Ms. Gromala said the City is working with Microsoft on its shuttle, which stops on 108th Avenue using an existing City-designated ROW space intended for pickup and drop off associated with the Transit Center. Microsoft also uses internal routes in Lincoln Square. State law prohibits them from using Metro or Sound Transit stops.

Mayor Degginger indicated that before the Council votes on the code amendments, he would like a better understanding of the rationale and criteria behind the points assigned for the menu of options.

Responding to Mayor Degginger, Mr. Tanaka said the Transportation Commission stands ready to conduct additional discussion and review of the questions and issues raised by the Council. Deputy Mayor Balducci suggested that the Commission address comments received from the public as well.

Responding to Councilmember Lee, Ms. Gromala said that measures to encourage pedestrian and bicycle use include connections to the Transit Center and easements for bicycle lanes, as two examples. A list of possible improvements can be used by staff to negotiate mitigation measures with developers.

Mr. Sarkozy stated that this topic will come back to the Council within a couple months following additional review by the Transportation Commission.

(b) Update on Request from Enatai Residents for Additional Tree Retention Requirements to Protect Neighborhood Character

City Manager Steve Sarkozy opened discussion regarding neighborhood tree retention. He recalled that the issue was brought to the attention of the City Council directly by residents of the Enatai area who would like to establish tree preservation regulations similar to those in place in the Bridle Trails neighborhood.

Mike Kattermann, Senior Planner, briefly reviewed the request from residents of the Enatai neighborhood who feel that trees are an important element of their neighborhood character. They are interested in adopting tree retention regulations similar to those put in place in the Bridle Trails area through the advocacy of its residents. Mr. Kattermann noted that neighborhood tree retention efforts are consistent with goals of the Environmental Stewardship Initiative and maintaining the tree canopy.

Mr. Kattermann said a key principle of staff's proposed approach is that neighborhoods must initiate the request for regulations and show significant support. Staff recommends adhering to known standards, and the process should be clearly defined, subject to the discretionary approval of the Council. Consistent with the Bridle Trails approach, regulations are proposed to focus on significant trees (i.e., trees with a diameter greater than eight inches) and are applicable only to single-family lots whether under development or not.

With regard to Council's questions in June about how best to define neighborhood boundaries, Mr. Kattermann said possible ways include neighborhood/homeowner association membership, elementary school attendance areas, planning subareas, census designations, tree canopy coverage, or self-defined areas subject to specific criteria. The criteria for boundaries is that they should be enforceable and logical, provide a sense of identity for residents, and reflect an appropriate scale in terms of the size of the defined neighborhood. Staff has discussed a minimum threshold of 50 contiguous acres or 100 contiguous lots, whichever is smaller. Mr. Kattermann said staff recommends following a self-defined approach, subject to the City's guidelines.

Responding to Mayor Degginger, Mr. Kattermann reviewed the proposed neighborhood-driven process. The regulations would be implemented through a Land Use Code Amendment, as was done for the Bridle Trails area. Minimum support would be demonstrated by a simple majority (50 percent plus 1). The Planning Commission would conduct a public hearing and review of the neighborhood proposal and provide a recommendation to the City Council, which would have final discretionary approval authority.

Responding to Deputy Mayor Balducci, Mr. Sarkozy agreed that it would be reasonable for staff to provide an initial review to determine the viability of a citizen-based initiative. Planning Director Dan Stroh said staff would provide written guidelines related to boundaries, and residents must demonstrate early on that they can meet the guidelines.

Deputy Mayor Balducci noted the Enatai neighborhood's desire to move forward. She hopes the City will be able to use this as a test case without having to spend six months or more drafting

the rules of the process. She understands the need for caution in defining boundaries, but she feels the Enatai group is well organized, as was the group of Bridle Trails residents.

Councilmember Chelminiak commented that the proposed process might be overly complicated. In terms of the level of support needed to adopt tree regulations, he noted that a 67 percent vote is required to make changes in his neighborhood's covenants. He is concerned that a simple majority is not a sufficient show of support to justify a significant change. He is also concerned that the proposed process could circumvent neighborhood covenants. Mr. Chelminiak questioned the definition of significant trees as those with a diameter greater than eight inches. Noting the complex approach recommended by staff, he wondered if there is another way to maintain neighborhood tree character without employing such a regulated system.

Councilmember Davidson expressed concerns regarding the establishment of neighborhood boundaries and the appropriate level of support needed to change regulations. He noted the competing interest of preserving views.

Mr. Kattermann responded that views and covenant issues are factors that the Council would consider in reviewing the Land Use Code Amendment. He requested Council direction regarding the appropriate percentage level of neighborhood support that should be required.

Responding to Deputy Mayor Balducci, Mr. Kattermann said the determination of a neighborhood's level of support would not be based on a vote, but on a survey or petition. Approval of the proposal will be subject to the Council's discretion, regardless of the level of neighborhood support.

Responding to Councilmember Bonincontri, Mr. Ingram said the City does not have a survey of all significant trees in Bellevue, but it does monitor the extent of the tree canopy throughout the community. Approximately 45 percent of Bridle Trails trees are considered significant.

Councilmember Lee said he generally supports the approach and the interest of neighborhoods to preserve their character, although he is concerned about the impact on individual property rights. He feels the required level of neighborhood support should be closer to 67 percent as discussed by Mr. Chelminiak.

At 8:02 p.m., Mayor Degginger declared recess to the Regular Session, noting that the Council would continue this discussion in that meeting.

Myrna L. Basich
City Clerk

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