CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING SESSION MINUTES

May 30, 2007
7:00 p.m.

Bellevue City Hall
Conference Room 2E-127

COMMISSIONERS PRESENT: Chair Mathews, Vice-Chair Robertson, Commissioners Bonincontri, Bach, Ferris, Sheffels

COMMISSIONERS ABSENT: Commissioner Orrico

STAFF PRESENT: Janet Lewine, Cheryl Kuhn, Stephanie Hewitt, Department of Planning and Community Development

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:08 p.m. by Chair Matthews who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Bonincontri, who arrived at 7:11 p.m., and Commissioner Orrico, who was excused.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS – None

5. PUBLIC COMMENT – None

6. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS

Commissioner Ferris reported on his attendance at the last workshop on affordable housing organized by ARCH. The four-hour session was just for planning commissioners, staff and councilmembers; no other organizations were present. The focus was on the primary tools previously identified for each category and how to get the word out about them. ARCH will provide a briefing to the Commission and City Council in the near future.

7. STUDY SESSION

A. Neighborhood Livability

Neighborhood Outreach Manager Cheryl Kuhn provided the Commissioners with updated copies of the neighborhood infill and redevelopment intervention options matrix. She noted that the Commission had previously concurred with the suggestion of staff to focus on five specific areas:

1) greenscape preservation; 2) size and scale of neighborhood infill and teardown/rebuild development; 3) retention of neighborhood character and privacy; 4) neighborhood voice and local control; and 5) construction and environment impacts.

Ms. Kuhn explained that the laundry list of options are not to be considered packages in their own right. Each option can be viewed as a stand–alone, can be mixed and matched with other options, or can be dismissed. She further explained that the various options included in the matrix are weighted in terms of the level of intervention on a scale of from mild to bold.

With regard to trees and vegetation, Ms. Kuhn reminded the Commissioners that Bellevue does not currently require tree retention on single family lots for demo/rebuilds, except in critical areas and in Bridle Trails. In infill situations, the city requires the retention of 15 percent of all significant trees, which is much lower than in other cities. It is fairly unusual to have no tree retention requirements for redevelopment.

Answering a question asked by Commissioner Ferris, Ms. Kuhn said none of the options are specific to any particular part of the city. However, because each neighborhood in Bellevue is different and has different priorities, values and characteristics, it will be necessary to make decisions about whether the regulations should be applied citywide or only in neighborhoods where appropriate. For some neighborhoods, requiring tree retention would be anathema to view preservation, while in other neighborhoods the greater sin would be in not requiring the preservation of trees. The Commission could ultimately recommend an approach that would have the regulations be applied only in those neighborhoods that desire them.

Continuing, Ms. Kuhn explained that the request to have tree preservation regulations in place in Bridle Trails came from the neighborhood, but it took about three years to gain consensus of the residents for the overlay. Planning Director Dan Stroh has suggested that the neighborhood livability regulations should take the form of a toolkit the individual neighborhoods could opt to apply to themselves or not. Those details will be worked out later as the process moves on. She asked the Commission to focus on which recommendations and options should be put out for public comment on June 13.

Commissioner Sheffels suggested the most comprehensive approach should be moved forward for public comment.

Commissioner Bach said one approach would be to have the various options applicable citywide but require a local neighborhood design review board to buy off on what they want to see in their local area. A similar approach is used in Seattle. Ms. Kuhn said the neighborhood voice issue could be addressed through single family design review citywide, or through an optional and voluntary neighborhood design review. Other approaches that could be used include requiring conditional use approval for all tear down/rebuilds, and establishing a threshold above which a project must be submitted for special review. The design review could focus on shadow analysis, building articulation, additional landscaping or front yard setback, or the provision of amenities in exchange for being able to build a very large house.

Commissioner Bonincontri held the view that some of the options should apply citywide, especially those that address more than just neighborhood character, such as environmental issues. House size and physical form are issues that should be neighborhood based.

Commissioner Sheffels commented that the preservation of trees is essential when it comes to addressing global warming and pollution. Each tree removes 50 to 60 pounds of pollutants annually from the air. Commissioner Bonincontri noted that the state of Washington has a

stringent energy code that speaks in part to global warming. Landscaping, however, is generally regulated locally.

Ms. Kuhn clarified that the thrust of the neighborhood livability issue is local neighborhood character. The program is not intended to result in a citywide tree preservation program.

Commissioner Robertson allowed that while she has reservations regarding a number of the options, she agreed with Commissioner Sheffels that all of them should be presented to the public for comment.

Commissioner Robertson said there is an environmental issue associated with the tearing down of homes that were constructed prior to 1978 given the presence of lead in the paint. Commissioner Ferris said that issue is very well covered by the Puget Sound Air Pollution Control Authority. Before a demolition can be approved, a number of tests must be conducted and it is necessary to submit a full demolition plan. The Authority then monitors the demolition process.

Returning to the trees and vegetation portion of the matrix, Ms. Kuhn said one option would be to require a tree inventory with every site plan. She said a focus group member suggested that the inventory should be focused on all vegetation and not just trees. Other options include requiring a permit to cut any significant tree, and requiring permit applicants to demonstrate that all existing natural features will be preserved to the maximum extent possible. Other ideas include allowing lot clearing for all single family development provided that significant trees are replaced according to a specific ratio; redefining definition of significant tree to include smaller trees; requiring a minimum of 15 percent significant tree retention for redevelopment projects; requiring 20 to 30 percent of significant trees to be preserved for both infill and redevelopment or across the board for all plats; requiring the retention of significant trees on lot perimeters; limiting the number of trees cut per year per lot; and imposing a waiting period for tree removal after redevelopment.

Community Involvement Coordinator Stephanie Hewitt said the current regulations regarding permeable surfaces and green character include a maximum of 50 to 55 percent lot coverage for impervious surfaces, with exemptions for rockeries, pavers and the like. The list of options that could be implemented include requiring front yard landscaping with green, living vegetation; limiting the amount of hardscape allowed in the front yard; and reducing the allowable amount of impervious surface as measured either by square footage or a percentage of lot size. The driveway regulations could be modified by reducing the maximum width; limiting driveway width based on lot size, prohibiting circular driveways, limiting residences to only one driveway, and limiting access changes.

Commissioner Sheffels noted that there is a great deal of new science relative to permeable surfaces. She suggested requiring the application of the best available science to keep the regulations from being outdated quickly.

Commissioner Ferris observed that improvements to a property that improve its value by more than 50 percent triggers the need to bring everything up to code. It is possible that a significant remodel for a property that already has a circular driveway, or one more than 20 feet wide, could force the owner to tear up the driveway and replace it. The proposed options, if imposed, could restrict the ultimate resale value of properties, which for many could be a hardship.

Chair Mathews pointed out that many of the issues covered by the matrix of options were addressed at the time the Bridle Trails tree ordinance was being developed. He suggested it

would be good to make available to the public the information that accrued during the Bridle Trails study.

Ms. Hewitt said the developers she interviewed were not overly thrilled at the notion of having tree preservation policies, but all agreed that if such policies were both flexible and reasonable they would be happy to work within the guidelines.

Commissioner Robertson suggested that green front yards and limiting hardscapes will be key to neighborhood livability. She agreed that the policies should be as flexible as possible. The notion of greenscape extends beyond just trees to include a variety of vegetation. Flexibility to replace certain kinds of trees with other kinds of trees should be built in. She suggested the driveway regulations as outlined are too specific and too restrictive.

Commissioner Bonincontri pointed out that the developer is generally responsible for all front yard landscaping, so it makes sense to require some level of landscaping facing the street. Some of Bellevue's older neighborhoods do not have sidewalks, and many have swells between the lot and the street that are kept green. To require a developer to cut up the swell could be problematic. She commented that circular driveways should not be banned, though they should be tastefully done. It will not be possible to come up with a formula that will apply in every single case, thus the need for flexibility. She concurred, however, that the full package of options should be presented to the public for comment.

Commissioner Ferris said he favors having rainwater allowed to permeate into the ground rather than being channeled to the storm drain system. Paving stones are considered pervious because they do not form a continuous surface and allow for water to reach the soil underneath. In reality, however, during a hard rain most of the water runs off. He agreed that no one approach will work in all situations. He proposed that each category should have an overall goal, and that the underlying criteria should all help to accomplish the goal.

Commissioner Robertson asked if the Land Use Code requires new construction to handle storm water without necessarily sending it to the storm drains. Commissioner Sheffels said there are requirements for all planned unit developments, but not for single family. Commissioner Bonincontri added that often properties are just too small to expect all stormwater to be absorbed on site. It used to be that all roof drains were required to be tight-lined into the storm drains, but that requirement may have changed.

Ms. Kuhn said the size and scale topic will likely be the most difficult to tackle. The neighborhood livability issue arose primarily through the voices of those concerned about large houses changing the character of neighborhoods. The concerns could be addressed by establishing thresholds that trigger special reviews or conditions, especially for structures that depart significantly from surrounding neighborhood norms with regard to size, bulk and style; by establishing FAR limits for single family residences; or by placing a cap on housing size.

Commissioner Sheffels said she is aware of a house in another community that is not out of character in either size or bulk but has a ridiculous *Arabian Nights* architectural style and is painted purple. Ms. Kuhn suggested that such structures could be addressed through performance standards or preferred practices.

Commissioner Ferris asked if the city has sufficient staff to conduct design review for single family homes. Ms. Kuhn allowed that nearly every possible approach will add to the overall bureaucracy, increase the time it takes to get a permit, and add to the cost of housing. Design review certainly would be more cumbersome.

Commissioner Ferris commented that someone bringing a modernistic design to a homogenous neighborhood could be viewed skeptically by the owners of the more traditional homes, but who is to say which design is the right one and that having every home in a neighborhood look the same is the approach the city should NOT strive for.

Ms. Kuhn said the size and scale issue can also be addressed by establishing maximum lot coverage allowances for individual residential zones, reducing the maximum lot coverage regulations already in place, and by prohibiting the build-up of lots with less than 15 degrees of slope. In addition, changing the way height is measured could be revised. The current code allows structures in residential zones to reach a maximum of 30 feet as measured to the mid-point of the pitched roof from the average finished grade. The 30-foot height limit is standard in most communities, but measuring from average finished grade is not.

Ms. Hewitt said the members of the development community who were interviewed were not opposed to changing to an approach by which height is measured from average existing grade. For the most part they agreed there should be restrictions against lot build-up. However, they did not want to see heights less than 30 feet as measured to the mid-point of a pitched roof; lowering the allowed height limit would yield more flat-roofed, boxy structures.

Ms. Kuhn said the size and scale issue could also be addressed through ruling out the height limit exemptions for rooftop HVAC in single family zones. She allowed that it is merely an oversight that the exemptions are not already ruled out.

Establishing a maximum wall plate height or daylight plane requirements would address the loss of light issue. Ms. Hewitt explained that a daylight plane is the overall building envelope allowing for setback and building height considerations with angle articulations. Wall plates are typically ten feet tall for first floors and nine feet for second floors, so a maximum wall plate height of 20 feet would be sufficient.

Turning to the issue of retention of neighborhood character and privacy, Ms. Hewitt said citizens have voiced concerns about homes being cordoned off behind walls and fences, leading to a loss of community. From the standpoint of architecture and character, the issue could be addressed by requiring general adherence to the existing neighborhood character; working with neighborhoods that wish to establish individual neighborhood plans that restrict size, placement and dimensions; prohibiting lot combinations beyond what is necessary to achieve minimum lot size; using a neighborhood stabilization overlay to address height, setbacks, daylight plane, garage placement and trees; requiring infill and redevelopment to be compatible with existing character; and by establishing frontage and lot width requirements.

Commissioner Robertson suggested the implementation of regulations relative to neighborhood character equates to covenants for neighborhoods that do not already have covenants and may not want them. She said she would be very hesitant to take that approach. Ms. Hewitt said it has been done in other cities, including Redmond, using an approach that encouraged a great deal of citizen participation.

Ms. Hewitt said other approaches to retaining neighborhood character involve setbacks and include prohibiting HVAC units in side yards, or at least five feet from the line; reexamining the current setback requirements for each residential zone; establishing different setbacks for first and second stories for redevelopment; increasing the minimum side setback; increasing front and rear yard setbacks where a second story redevelopment has been proposed; requiring sensitive placement of guest cottages or accessory dwelling units; and by not allowing private streets to

count as part of a setback.

Commissioner Ferris commented that some jurisdictions allow for the subdividing of large lots to permit the construction of an accessory dwelling unit. That is one way homeowners can capture some of the value of their properties while creating more affordable homes. Accessory dwelling units do add density to a neighborhood, which might be seen as changing the character of a neighborhood but with lower impacts. Ms. Hewitt pointed out that under the current code regulations, accessory dwelling units in Bellevue cannot be detached unless they are for a single family use.

Ms. Hewitt said the issue regarding garages and carports is that they often lack architectural character. She said the options for addressing the issue include prohibiting "pop-up" carports; requiring garages to have windows facing the street; limiting garages to no more than 50 percent of the ground-level façade; and regulating the extent of garage protrusion beyond the ground-level façade of the main house to no more than half the garage depth or requiring the front wall plane to be recessed behind the wall plane of the dwelling.

Commissioner Ferris observed that for many relatively narrow lots that face the lake, all that can be seen from the street is the garage. For those sites, it would not be practical to require the house to face the street.

The list of options that could address neighborhood character as affected by walls and fences includes establishing a list of best practices for suggested and prohibited materials; reducing the height allowance for walls and fences in front yard setbacks; and prohibiting gated driveways for plats, communities and single lots.

Commissioner Bonincontri said she is not a particular fan of fences, but allowed that for families with small children fences often are desired. Ms. Hewitt said some jurisdictions allow side yard and rear fencing to be six feet tall but discourage fencing that faces the street.

Ms. Kuhn said local neighborhood control could be brought about by requiring neighborhood information sessions at the early stage of any single family review; offering non-binding neighborhood design review; establishing mandatory design review for new single family homes; reviewing and possibly amending subarea plans for effectiveness in addressing neighborhood character issues; establishing specific design standards; and establishing historic or heritage districts.

Commissioner Ferris said there are a number of neighborhoods in Bellevue that have similar regulations already in place as part of their homeowners association. When buying a home, people have the choice of turning to neighborhoods where there are restrictions or neighborhoods where there are no restrictions. Ms. Kuhn agreed but said very few of the neighborhoods to the north of I-90 are consistent in enforcing their CC&Rs; Vuecrest is a notable exception.

With regard to construction and environmental impacts, Ms. Hewitt noted that the city is currently looking at an environmental stewardship initiative in which any of the proposed options could apply. The list of options includes requiring pervious materials for hardscape areas; requiring homes larger than 5000 square feet to pay a $5000 fee, and homes larger than 10,000 square feet to pay a $10,000 fee, to support renewable energy, unless renewable energy is provided on site; establishing a tear-down, possibly $10,000 for any change of greater than 50 percent; requiring conditional use approval for all tear-downs; and requiring new homes larger than 3500 square feet to meet the energy budget of a 3500 square-foot home.

Commissioner Ferris said both the tear-down fee and requirement for conditional use approval are included on the list of options for increasing affordable housing opportunities. Funds collected from the tear-down fee would be used to provide affordable housing units.

Ms. Hewitt said construction impacts were mentioned as an issue by the focus groups. The city currently limits the hours during which construction can occur, but even though fines can be levied the requirements are not always evenly enforced. The list of options for addressing construction impacts includes a requirement to notify all surrounding residents of upcoming construction and giving them contact phone numbers; installing land use notice signs for all single family proposals; increasing enforcement of right-of-way use conditions; requiring regular removal of construction debris; and requiring clean-up and aesthetic treatment of abandoned building projects to reduce the visual impact on surrounding neighborhoods.

Commissioner Ferris suggested that because the city already requires adherence to all right-of-way use conditions and regular clean-up of construction debris, the issue is who should provide the needed monitoring. He added that projects in Bellevue are allowed to be active only on weekdays between 7:00 a.m. and 6:00 p.m.; work on Saturdays and Sundays is not allowed unless permission is obtained from the adjoining property owners, and that permission must be verified with the building department before weekend work is done. The same restrictions generally apply to do-it-yourselfers.

Ms. Kuhn said there are some examples in the south end where building projects have run out of money and have been abandoned. That is the reason for including the option about requiring clean-up and aesthetic treatment of such sites. Commissioner Ferris questioned how a project that has run out of money will be able to pay for clean up. Ms. Kuhn said the city will step in where there are safety concerns. One approach the city could use would be to require a deposit at the time a building permit is issued which would be returned with a certificate of occupancy. Commissioner Ferris said many jurisdictions require a restoration bond. In most cases the bond is geared toward slope stabilization for projects that stop during the critical stage of shoring. It would be uncommon to apply such a bond to clean-up of abandoned projects.

Ms. Hewitt said the list of incentives and disincentives can be fleshed out once some of the other details are ironed out. As it currently stands, the list of options includes requiring energy efficiency in larger homes along with incentive programs for using innovative technologies; monitoring the impacts of large homes on community resources; increasing the hardscape allowance in front yards to 60 percent of the lot width if the materials used are pervious; allowing setback variations and structure placement flexibility to encourage tree retention; reducing the front yard setback if a front porch is constructed; requiring a 0.40 FAR where a front-load garage is constructed, or up to 0.45 FAR where side-load or detached garages not visible from the right-of-way are constructed; increasing the lot coverage allowance for new single-story houses; giving a bonus density on small lots if certain design criteria area met; and offering lot coverage or FAR bonuses if existing structures are renovated and/or added onto.

Commissioner Ferris said an option that came up during the affordable housing discussion is to charge for utility hookups on a per square foot basis rather than a per unit basis. The approach would reduce the burden on smaller, more affordable homes. It could also serve as a disincentive for constructing larger homes.

Ms. Kuhn said the open house is slated for June 13, following which the Commission will allow for a public comment period during its regular meeting. An extended discussion is planned for the June 27 Commission meeting.

Commissioner Ferris asked how notice is being provided to the whole city. Ms. Kuhn said all the usual channels will be used, including print publications, an interested parties list, communicating with all neighborhood associations, and the media.

Ms. Kuhn said the Commission will be forwarding to the City Council a list of recommendations to be included on the work program to be taken up in the fall.

Commissioner Ferris said he could support the program going forward if the end result of the study will be a toolkit available to any neighborhood group wanting to consider neighborhood livability issues and willing to provide notice to every property owner within its boundaries as part of the process of generating consensus. If, however, the Commission will be recommending to the Council adoption of a list of livability requirements that will apply to every property in the city, notice should be provided to every household that could potentially be affected. A general notice posted in the newspaper would simply not be sufficient. Ms. Kuhn said the point is well taken.

8. NEW BUSINESS – None

9. OLD BUSINESS – None

10. PETITIONS AND COMMUNICATIONS

Mr. Joel Glass said he participated in the informal interviews concerning the options. He said his knee-jerk reaction is to resist all the changes, but the fact is many of the options are very reasonable. Also participating in the interviews were several residents of Surrey Downs who were very supportive of redevelopment over preserving the existing stock of older homes with outdated plumbing and electrical systems, inadequate insulation, and outdated styles. An architect spoke against much of the massing of new homes but who did not oppose cutting down trees to allow in more light. A one-size-fits-all approach will clearly not work when it comes to tree preservation. With regard to height, he said he can appreciate the argument between original grade versus average finished grade, but it can be cumbersome and expensive to hire a geotechnical engineer to determine what the existing grade was, especially for infill development where the grade may have been changed over time. Avoiding designs that have garages in front of houses is not always possible; he noted that he has a pie-shaped lot that forces the garage to be a prominent feature.

Mr. Eric Kirschbaum, 115 110th Avenue SE, suggested that most of his neighbors are complacent or unaware of the issues and are happy with the growth in their property values. There is, however, a small activist group seeking to organize his neighborhood that is not inclined to entertain arguments contrary to their own. The views of dissenters are not being published, and their services as volunteers on committees are being purposely overlooked. He suggested that if a toolkit is ultimately developed for neighborhoods to use, it should be the city administering it and not the local community. The city should establish the criteria for and administer the voting.

11. ADJOURNMENT

Chair Mathews adjourned the meeting at 9:07 p.m.

Staff to the Planning Commission

9/12/07
Date

Chair of the Planning Commission

Date 9/12/07