

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

June 4, 2008  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Vice-Chair Bach, Commissioners Ferris, Lai, Mathews, Orrico

COMMISSIONERS ABSENT: Chair Robertson, Commissioner Sheffels

STAFF PRESENT: Paul Inghram, Cheryl Kuhn, Stephanie Hewitt, Matthews Jackson, Department of Planning and Community Development

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:32 p.m. by Vice Chair Bach who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Chair Robertson and Commissioner Sheffels, both of whom were excused.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram reminded the Commissioners that the annual retreat is scheduled for June 25.

Mr. Inghram announced that the Governor's Smart Communities Awards celebration will be held at City Hall the evening of June 5, and that the grand opening of the Crossroads Spray Park is slated from noon to 3:00 p.m. on June 7.

5. PUBLIC COMMENT

Mr. Todd Losier, 903 Belfair Road, noted that before casting his vote regarding Phase I of the neighborhood character package, Councilmember Chelmeniak cautioned that additional discussion would be needed in Phase II regarding the tree retention on small lots, the 50-percent greenscape requirement, and land issues that could encourage side approach garages instead of discourage them. Councilmember Balducci suggested the Council considerations should be sent back to the Planning Commission; she was especially concerned about the impact on odd-shaped lots. There has been the feeling that Bellevue is one of the easier and less restrictive places to

build. The Council has been interested in taking a middle of the road approach. After Phase I, building height in Bellevue can be considered average; impervious surface coverage is second highest and matches Kirkland; lot coverage is the highest; FAR is currently highest but would be the average at 0.5; and notable miscellaneous is clearly the highest. The 50 percent greenscape requirement does provide some challenges for odd-shaped lots. He provided the Commissioners with copies of drawings showing configurations that will not work under the regulations, and included photos of existing properties that do not conform to the standard, including a Councilmember's home. The key is flexibility, especially for small lots and odd-shaped lots.

Ms. Marilyn Stevens, 17213 NE 14<sup>th</sup> Street, thanked the Commission for including on its agenda addressing abandoned homes in neighborhoods. She said she has had an abandoned home next to her property for the past ten years. She shared a photograph with the Commissioners showing the adjacent property in what is a stable neighborhood. In August the grasses and weeds are very tall and dry, making it necessary to call the fire department.

Ms. Melissa Gew, 10614 SE 4<sup>th</sup> Street, said new development in the city is having an impact on existing neighborhoods. She said she bought her home near Bellevue High School several years ago because the neighborhood was old and quiet, and the trees were beautiful. Two weeks ago the last of the old trees were cut down to make way for more houses. In planning for infill development, the city needs to take a very careful look at how the new development will impact the existing developments and the people who live there. The birds that nested in the trees are gone, and the animals that lived in the woods are dead. The developers do not seem to care what the existing residents think. She said in her neighborhood the developers concluded it would be less expensive to pay the fine than to save the significant trees, so they took down everything and are replanting them with small new trees. The penalties should be much stricter.

Ms. Margo Smith, 5819 111 Avenue SE, spoke as president of the Kimberly Park Community Club. She commended the Commission for continuing to focus on the impacts of infill and redevelopment. Factoring in sensitivity can avoid the major impacts. The Phase I proposals were beautifully done, and many people are watching the Phase II work. She encouraged the Commission to carefully consider the proposal regarding FAR and ways of mitigating impacts. Bellevue's strength lies in its strong neighborhoods, but when those neighborhoods feel themselves violated and devastated by poor infill development, there is a cost that everyone will have to pay.

Ms. Pamela Toelle, 14845 NE 13<sup>th</sup> Street, suggested the Commission has a big job ahead of it in revising and implementing the Bel-Red project. There are concerns about continuing uses in the corridor, hours of operation, and the burden of proving an existing use. There are also concerns about affordable housing opportunities to meet the needs of the workforce; many believe affordable housing targets should be mandatory. Many in the development community believe the proposed FAR limits and incentive system will hold development back. She said she has seen a lot of changes in Bellevue over the years; change is not to be feared because it is a part of life. In planning for the future, however, the city should insist on smart change, and the plans developed must be geared toward achieving the intended goal. The 156<sup>th</sup> Avenue NE node in Crossroads represents a change that is intended to provide mixed use housing and services, with the emphasis on housing. The two stand-alone development proposals on the former Angelo's Nursery site do not fulfill the intent of a mixed use development transit node; they should not be granted a height bonus to exceed the allowed existing zoning. The proposed Amica development is certainly of high quality. At a recent open house event, it was clearly stated that the development could work with a five-story height limit. It certainly would be stretch to say that a housing development for people 50 years old and over is in itself reason to be exempted from the

proposed FAR requirements. The complex will not by definition be affordable, and the population that will live in the units will not be walking to the transit center. The business class hotels will target area businesses, and their clientele likely will not be walking to the transit center either. Heights in the current Office zone sections should be limited to 45 feet, allowing up to 60 feet for the rest of the node if underground parking is added. The Bel-Green developments will certainly be attractive, but they will not provide the required mixed housing/retail/service uses envisioned to anchor a transit node, thus they will not fulfill the intent of the plan.

Mr. Ken Schiring, 16223 NE 28<sup>th</sup> Street, spoke on behalf of the Sherwood Forest Community Club and as a member of the Bel-Red steering committee. He referred to the ten principles established by the City Council under which the steering committee was obliged to operate. Redevelopment of the former Angelo's Nursery and Uwajimaya properties is a concern; attempts to remove the area from the Bel-Red corridor study were unsuccessful. The study principles include creating a differentiated economic niche by providing for future growth of jobs by accommodating firms that have significant potential for expansion and which are not well accommodated in other parts of the city. The principles call for an approach that will enhance the city's overall economic health while creating land use forms and densities that are not likely to be found in other city employment centers, particularly downtown. The proposed Bel-Green development includes a high-end retirement community, similar to what is being developed in the downtown, and hotels, which can also be found in the downtown. The proposal does not meet the requirements. Another principle is neighborhood protection, enhancement and creation, which can be addressed by identifying strategies to mitigate potential neighborhood impacts related to future development in the Bel-Red corridor. The corridor is surrounded by residential neighborhoods and commercial centers. Across the street from the eastern border of the study area is Redmond; the node there is the only one in the corridor that is up against a neighboring city border. Redmond has done its planning and determined that the area should have a very urban look and feel. The proposed Bel-Green development will not buffer or mitigate the impacts generated by the city of Redmond.

Ms. Gladys Virginia Swenk, 231 173<sup>rd</sup> Place NE, said as she drives around the city she sees a lot of older homes being destroyed and big new homes going up. The new mega homes throw shadows on their neighbors. She said in her neighborhood there is a cul de sac where at least five houses have had their views blocked by one mega three-story house. Building tall is not necessary. She noted that she added 1000 square feet to her home by going down, which accommodated the need for space without impacting the neighbors. The building footprint on the land was not expanded, no trees had to be cut down, and no additional land was covered by pavement. No views were obstructed. The space is easy to heat and cool. More consideration should be given to encouraging people to add space by going down rather than up.

Mr. Roger Courtise, 20207 96<sup>th</sup> Avenue NE, spoke representing Lockwood Losier, a homebuilder. He said the proposed FAR does not specify whether basement square footages are included. Of the five jurisdictions Bellevue compares itself to in the materials, three do not have FARs, and two do. Of the two that do, one of them excludes basement square footage from the calculation; the other includes only a portion of basement areas in the calculation. The city of Bellevue should exclude basement square footage from the FAR calculation. The proposal does not make a distinction between lot sizes and zoning classifications. Smaller lots, or lots in zones that allow higher densities, should have a higher threshold than 50 percent. Lockwood Losier can support the recommendation of staff, provided basement square footage is not included in the FAR calculation, and provided that no additional changes are made. The proposed approach to tree retention, if approved, will be the most restrictive in the entire area. The approach used in

Medina does not include any trees inside the building footprint, and for trees outside the building footprint trees not indigenous to the state do not have to be counted; the balance of their rules are similar to those proposed for Bellevue. A higher percentage retention requirement could be supported if outside the building setback lines, but a lower retention requirement should be imposed for within the building footprint.

Commissioner Ferris asked Mr. Courtise what his definition of a small lot is. The response given was that small lots are less than 10,000 square feet. Mr. Courtise also clarified that his reference to the building footprint was in regard to a proposed new structure.

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

7. REPORTS FROM COMMISSIONERS

Commissioner Ferris reported that the Meydenbauer Park steering committee meetings have been resumed following a six-month hiatus. A new consultant is onboard and the committee is reviewing some of the ground previously covered. The committee intends to have information before the Planning Commission by the end of the year.

Commissioner Mathews said the light rail best practices committee met on June 3 and conducted a final review of the draft report. The committee will hold its final meeting on June 17 and forward its report to the Planning Commission for review.

8. STUDY SESSION

A. Neighborhood Character

Neighborhood Outreach Manager Cheryl Kuhn said once the Planning Commission reaches agreement, a discussion of the preliminary recommendations will be scheduled with the City Council.

Ms. Kuhn briefly reviewed the items in the Phase II list and the Commission's previous recommendations. She also shared with the Commission photos of homes that are vacant or have been abandoned.

Ms. Kuhn noted that the Commission previously had a discussion about lot assembly. She noted that the practice occurs only rarely in the city and said the recommendation of the staff is to take no action on lot assembly.

Another issue that can be easily addressed is the proposal to establish 20-foot minimum setbacks for guest cottages. Ms. Kuhn said the issue has met with overwhelming public acclaim, and the previous Commission discussions on the topic have also been favorable toward the proposal. The land use staff has suggested that in future discussions the Commission should consider a proportional requirement for guest cottages and other accessory structures. Senior Planner Matthews Jackson explained that the proportional approach would allow guest cottages or other accessory structures could be no larger than a threshold percentage of the primary structure.

Ms. Kuhn said each of the various ideas under consideration have been evaluated according to set criteria, namely whether or not the tool is focused on the impacts raised by the community; whether or not the impacts have been verified as having a negative impact on neighborhood

character; whether or not the tools are the least intrusive solutions that can be applied to achieve the correct result; whether or not the tools can be applied fairly; whether or not they allow for exceptions and permit flexibility; whether or not they have few or manageable impacts; and whether or not they can be implemented in a way that keeps bureaucracy to a minimum.

The Commission was presented with a number of tools for how to address size and scale issues. Ms. Kuhn said one early idea was to consider implementing an FAR restriction for single family areas, something Bellevue currently does not have. A number of jurisdictions across the nation do take that approach, including a couple of cities locally.

Ms. Kuhn shared with the Commissioners illustrations of how an FAR requirement could work in single family areas. The first illustration depicted an existing 10,000 square foot lot showing the maximum building envelope under the current regulations as well with an FAR of 0.5. She explained that of the 266 new houses built in 2004 and 2005, 70 were at or exceeded an FAR of 0.5. If the FAR were set at 0.55, 41 of the new homes would be at or exceed the limit.

Commissioner Ferris asked what the FAR calculations included, and Planner Stephanie Hewitt said it included garages and all livable square footage, including basements if finished, but not including basements if unfinished. Ms. Kuhn explained that if only the square footage of the houses was counted, then 19 of the 266 new houses would be at or over FAR 0.5. Ms. Hewitt said the average garage is about 800 square feet.

Commissioner Ferris asked what the city's definition is for a basement, especially on a sloping lot. Mr. Jackson said basements are typically 50 percent or more at or below grade, which in Bellevue is averaged finished grade. He added that what staff is trying to get at with the regulations is the bulk and scale of structures above grade.

Ms. Kuhn noted that a number of subsequent decisions will have to be made by the Commission and the City Council if FAR regulations are established for single family zones. Those decisions will include what is counted and what is not counted. She allowed that in speaking to the public there was strong support for the notion of establishing an overall FAR; daylight planes and stepbacks were determined to be too complicated. The problem with FAR as an overall standard, however, is that it does not really address the actual impacts of loss of sunlight and privacy. It is conceivable that one could build a house that conforms to all FAR standards but still robs the neighbors of light and privacy.

Ms. Kuhn explained that daylight plane designing is focused on reducing the shadow cast on adjoining properties. Generally, it involves 45 degree roof angels starting at ten feet above grade. There is no loss in home size.

Another way to address the shadow effect is with second story stepbacks. There is a loss of square footage, but it is an effective way to reduce the shadow on adjacent properties. There are different ways to do the stepbacks; some cities require that the second floor can be no more than 75 percent of the lower floor.

Photo illustrations of daylight plane design and second story setback were shown to the Commissioners.

Ms. Kuhn said the recommendation of staff is to focus on the outlier situations and avoid establishing regulations that would affect all property owners, which the FAR approach would do. FAR should be calculated for new building projects, and those that would be at 0.5 or higher

should be required to have minimum 7.5 foot setbacks and to utilize either the daylight plane or second story stepback approach.

Commissioner Orrico asked if the approach would apply to developers who purchase several lots within a single neighborhood and redevelop them all. Mr. Jackson said the only exemptions would be for new subdivisions with ten or more new lots. The regulations would apply to all individual lots that meet the threshold. Ms. Kuhn added that new subdivisions would as they develop create their own neighborhood character.

Commissioner Orrico noted that the concern brought forward by the Kimberly Park neighborhood is that a developer put a new subdivision down in the middle of an existing neighborhood without any attempt to retain the character of the area. That sort of thing should be addressed by the city. Mr. Jackson said the PUD and other subdivision requirements will be reviewed under the upcoming innovative housing initiative; work on that initiative will kick off in the fourth quarter of 2008. The PUDs that have triggered neighborhood concerns are those that have involved poor performance on the part of the developer and where city codes were not strictly followed. The city already has code authority to review building elevations as part of a PUD, but not with subdivisions.

Answering a question asked by Commissioner Mathews, Ms. Kuhn noted that for one reason or another there are lots in neighborhoods that are the last to develop. Staff is not looking to force those particular lots to be markedly different from the surrounding neighborhood; the focus is on encouraging neighborhood compatibility. Nearly all new neighborhoods have covenants and restrictions that essentially outline in written form the character of the neighborhood and what the overall appearance will be.

Commissioner Ferris agreed that subterranean basements should not count toward the FAR calculation; where daylight basements are involved, the part that is not subterranean should count.

Commissioner Ferris asked how odd-shaped lots would be treated with regard to tree retention and impervious surfaces Mr. Jackson said there are alternative tree retention options, and if existing situations exceed the 50 percent impervious surface restrictions, the existing conditions would be the allowed number. There is no desire to make existing situations nonconforming.

Asked by Commissioner Bach what the next steps are, Ms. Kuhn said the Commission previously established recommendations to be discussed with the City Council. She said the question is whether or not the three new issues, guest cottages, lot assembly and FAR, are ready to be forwarded to the Council in the form of a preliminary recommendation. The next step would be for the Council to weigh in, then the Commission would set to writing code language and hold a public hearing.

There was consensus to send to the Council a preliminary recommendation regarding guest cottages, lot assembly and FAR.

#### B. Bel-Red

Mr. Inghram provided the Commissioners with copies of all written comments submitted either before or during the public hearing, and verbatim transcripts of the business and property owner panel meetings. He also distributed copies of written comments received after the public hearing. All of the comments will be categorized, and staff will draft responses.

Commissioner Ferris noted that some very strong themes were repeated often during the public hearing. The big three were FAR, phasing, and the width of NE 15th Street/NE 16th Street. Strikingly absent from the hearing were people advocating for no change; only one of the 33 who spoke had that message. There was no comment about the design guidelines, but the issue is in need of additional discussion; some of the line items are not consistent with sustainable development goals or affordable building practices. Some of those particulars should be singled out for additional focus.

Commissioner Orrico said one comment heard often during the testimony was that the incentive system is not robust enough, especially for the early pioneers who will need a jump start. She said she would be willing to consider giving bigger incentives to those projects that are first in the door.

With regard to affordable housing, Commissioner Orrico asked if there is any other area of the city where there is opportunity to achieve a significant amount or if Bel-Red is in fact the only place. She suggested that the focus with regard to affordable housing should be citywide. Mr. Inghram noted that during the Wilburton discussions Commissioner Ferris raised the issue of having a policy that would require the inclusion of affordable housing as part of any upzone. That is one way the issue could be addressed citywide.

Commissioner Lai said his top issues are phasing and density/FAR. He said he would also put transfer of development rights close to the top. Mandatory affordable housing associated with upzones should also be discussed.

Commissioner Mathews said the potential for daylighting streams needs to be carefully considered in light of how much property it could make undevelopable because of the associated critical areas buffers. Mr. Inghram agreed that there are tradeoff to be weighed against the benefits. The concept of moving Goff Creek to the 132<sup>nd</sup> Avenue NE corridor has promise and would provide a number of benefits. Whether or not it is even feasible will not be determined until some engineering resources are dedicated to studying the option.

Commissioner Ferris suggested that the topics should be tackled a few at a time in an organized manner. As things are discussed and recommendations are formulated, they should be sent on to the Council, even before the full package is wrapped up.

Mr. Inghram said staff hopes to have within a week a better sense as to the length and breadth of the different issues; there is an understanding there will be five or six top issues that will take up the bulk of the resources. In July the Commission could potentially be focusing just on light rail best practices policy amendments. If there is available time in July, staff will bring some of the key issues to the Commission. The schedule will be worked out over time, but certainly there is still a lot to do.

Mayor Degginger noted that the Council has given consideration to the calendar and how to break the topic into digestible segments. He suggested that when staff gets the comments categorized and the responses put together they should be sent around to the Council; that would give the Council a chance to get an early review. He added that he cannot remember a time when there have been so many significant issues on the table all at the same time. He stressed how much the Council appreciates the diligence with which the Commission tackles every issue.

Commissioner Lai suggested that the phasing issue should be tackled early on because it will

have repercussions on many of the other issues.

9. NEW BUSINESS

The Commission took a few minutes to plan for the June 25 retreat at the Bellevue Botanical Garden.

10. OLD BUSINESS   None

11. APPROVAL OF MINUTES

A. March 26, 2008

Motion to approve the minutes as submitted was made by Commissioner Orrico. Second was by Commissioner Mathews and the motion carried without dissent; Commissioner Lai abstained from voting.

12. PUBLIC COMMENT   None

13. ADJOURMENT

Commissioner Bach adjourned the meeting at 8:15 p.m.

Paul Ingraham  
Staff to the Planning Commission

10/2/08 (approved  
Date 7/23/08)

Vivi Oeio  
Chair of the Planning Commission

10/22/08  
Date