

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

July 23, 2008
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: Paul Inghram, Michael Paine, Dan Stroh, Department of Planning and Community Development

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:31 p.m. by Chair Orrico who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS None

5. PUBLIC COMMENT

Mr. Greg Johnson with Wright Runstad noted that there is a restriction in the draft code that limits master development plan vesting to two years. He pointed out that in fact every other place in Bellevue the applicant has the right to apply for a ten-year vesting. Given everything involved, a two-year vesting is essentially no vesting at all and may have the effect of delaying a project until such time as vesting can be obtained. The language staff included about potentially using development agreements is a step in the right direction, but it rises to the City Council level and requires an action that is unusual in Bellevue. Applicants should be given the ability to apply for 15-year vesting, which would benefit a pioneer. With regard to percentage of uses, he said the 20-percent requirement could carry with it some unintended consequences. A five-over-one construction for residential will not consume a 3.0 FAR; in fact it consumes only about 70 percent, leaving 30 percent unconsumed. If the requirement is for 20 percent residential but it is not possible to consume the full FAR allowed, the requirement will in fact limit FAR on the entire site. Unrestricted mixed use zoning works very well all over the country, including in the Bellevue in the downtown and in Factoria. The 20 percent requirement should be eliminated. It would be helpful to have another week to review everything in the draft and to work with staff.

Mr. T.J. Woosley, 3015 124th Avenue NE, suggested that for the overall economic health of the

city the Bel-Red plan should be adding to the list of allowed uses without taking any away. He said it will be very important to keep the most flexibility possible in the plan. The vision and goals are great, and the market will in time transition to the new uses outlined in the draft. It will not happen overnight, however, and the transition should not occur at the cost of existing uses. The policy that allows for the greatest FAR near the transit nodes should acknowledge the existing transit system. At best, light rail will not make it to the Bel-Red corridor for 20 years. The node concept is very good, but the existing nodes and systems should be taken into account by allowing them greater FARs. The FAR limit of 2.5 should be increased to 3.0.

Mr. Bill Ballack, 11840 SE 4th Place, brought to the attention of the Commission an abandoned and dilapidated house on SE 118th Street in Wilburton. He said he spoke to city compliance staff in the spring about the property and was informed that buildings cannot be razed or removed by the city. There are safety and health issues involved as well as neighborhood value and something should be done about it.

Mr. Robert Thorp with RW Thorpe and Associates spoke representing Public Storage. He said the intent of Public Storage is to remain operating on its four sites in the Bel-Red corridor. The company would like to be allowed in the future to upgrade their facilities, including demolition and reconstruction with multistory buildings. To that end, their Site 2 should be zoned BR-OR rather than just BR-R. Warehouse and storage facilities should be permitted to continue as an existing use in the area.

Mr. Eric Nichols with Nichols Realty said his company manages 175,000 square feet of property in the corridor. He provided the Commissioners with copies of maps showing the location of the various properties. He urged the Commission to take into consideration the future uses of the properties, especially as they relate to transition. Nichols Realty would like to see the area redevelop to be economically viable for the future of Bellevue. Of primary concern are the buildings that have uses that are nonconforming and how they will be treated going forward. The list of allowed uses should be retained and expanded. Redevelopment of the area will likely involve the aggregating of properties.

Mr. Walter Scott with Legacy Commercial, 400 112th Avenue NE, said the company owns the building at 1919 120th Avenue NE. The building has three tenants, all of them quasi retailers. There is some question about the proposal with regard to continued uses. He noted that one of his tenants sells electronics and questioned whether another electronics retailer would have to be found if for some reason the current retailer were to close up shop. He said the company also owns a food store in the Hollywood district of north Portland that has served to rejuvenate residential uses; it has served as a catalyst for redevelopment from single family to multifamily. Food stores are very important, and are most desirable when they are located within walking distance. Currently a specialty food store is interested in locating in one of Legacy's buildings in Bel-Red, but the current LI zoning will not allow the use. The zoning proposed for the site is residential with some service retail allowed on the lower level of mixed use buildings. The approach will sell the area short and the residential uses in the area will not have a food store within walking distance. That will create some problems.

Chair Orrico asked staff to comment on the issue raised regarding the abandoned property. Comprehensive Planning Manager Paul Inghram said the matter is a code enforcement issue. He said unless a building is a safety risk for the community, the city is not able to unilaterally order its removal. He agreed to check with code enforcement to gather details about the specific property in question.

6. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS,

BOARDS AND COMMISSIONS – None

7. REPORTS FROM COMMISSIONERS

Commissioner Ferris reported that the Meydenbauer Bay Park process has an open house scheduled for July 30 to unveil the recommendations of the consultant. The steering committee will meet again on July 31.

8. STUDY SESSION

A. Shoreline Master Program Update

Michael Paine with development services drew attention to the fact that the shoreline master program item will be before the Commission on a more regular basis beginning in September. The first portion of the work has been completed: the inventory is complete, and a public opinion survey has been conducted. He said staff will be consulting with the Commission about how to proceed with another public involvement effort that includes a focus group targeted at zeroing in on the results of the study.

Mr. Paine informed the Commissioners that a shoreline tour has been scheduled for September 20. He added that attempts are being made to reach out to neighborhood groups on an individualized basis, though there have not yet been many takers.

Commissioner Robertson asked if the public information survey was conducted in any languages other than English. Mr. Paine allowed that it was conducted only in English.

B. Bel-Red

Mr. Inghram called attention to the subarea plan and highlighted the revisions. Starting with policy S-BR-CI he noted that the proposal is to apply design review to all of the districts except for General Commercial. Developments in General Commercial would still have to comply with all design standards and all dimensional requirements.

Mr. Inghram said the key change to policy S-BR-F2 was the addition of the discussion paragraph.

Commissioner Sheffels called attention to page 22 and suggested the section on the pedestrian and bicycle system should include mention of Segways and other means of transportation in addition to bicycles. Mr. Inghram proposed adding some language to the first sentence of the second paragraph of that section.

Referring to page 23, he noted the addition of one sentence in the discussion of transit that talks about a park and ride facility in the vicinity of the 130th Avenue NE station.

Mr. Inghram pointed out the change to policy S-BR-K2 from encouraging housing and retail uses to saying both should be part of the mix for the neighborhood. He said the actual percentage requirement will be part of the Land Use Code.

With regard to Table 1 beginning on page 34, Mr. Inghram noted that the description of the NE 15th Street/NE 16th Street corridor had been revised in accord with the direction provided by the Commission. Commissioner Lai questioned the specific reference to light rail and suggested it should be to high-capacity transit instead. Mr. Inghram explained that light rail is the long-term technology identified by the city and Sound Transit. The reference is to the specific design of the

street corridor, which is intended to accommodate the planned light rail system.

Commissioner Ferris suggested the wording seems to indicate conversion of the outside lanes to auto use at some future time is a foregone conclusion. In fact the conversion might be to a dedicated bus route or something similar. It will be necessary to preserve the right-of-way, but it is too early to be specific about the future use of it. Simply removing the word "auto" would solve the issue. Mr. Inghram said part of the interest is in ensuring the design will include the possibility of conversion for auto use. There was agreement to replace "auto" with "vehicular," a less car-centric word.

Mr. Inghram said the revisions on page 36 relative to parks and open space were triggered in part by comments offered by Wright Runstad concerning the viability of a four-acre park in the area south of the 122nd Avenue NE station. The hearing draft proposed neighborhood park near the station, but Wright Runstad suggested they would not be able to accommodate a park of that size. There is a park along the transit line in the Rainier Valley area of Seattle that is a little over one acre in size; it appears to be adequate. He proposed changing the N-2 reference to M-3 and changing "neighborhood park" to "mini park," which would be closer to one acre, and increasing the size of the park to the northeast from four acres to seven acres to retain the overall balance of park area.

Answering a question asked by Commissioner Ferris, Mr. Inghram explained that when a developer constructs a plaza space, or a space that can be dedicated to the city for a park, the FAR can be calculated as part of the site area and used for the development. Under the proposed incentive system, improvements added to park space that get dedicated to the city would receive an additional bonus to increase the maximum FAR for the entire site. Park space dedicated to the city would have to be consistent with the subarea plan.

Commissioner Ferris asked if the site going from four acres to seven acres will result in the loss of overall development potential for the subarea. Mr. Inghram said the development potential will not go away; the property owner will be afforded the ability to develop in accord with the underlying zoning. The property will have the opportunity to access the incentive system by applying a portion of the property towards a park; additionally, the city will have the opportunity to purchase the property for use as a park.

Responding to a question raised by Commissioner Lai, Mr. Inghram said the plan developed by Wright Runstad and shared with the city shows a semi-circle park and a soccer field on top of a parking garage. The recommendation of Parks is not to add the soccer field to the park system plan, so there would not be a specific incentive credit available for it.

Commissioner Ferris commented that the higher density node that will have a mix of office and residential uses will need to have an environment created that is attractive to families, and parks will certainly be an important component of that. He said his concern is that the Commission has no way of knowing if the shift from two four-acre parks to a one-acre park and a seven-acre park will detract from the desirable environment. He said it also appears as though the obligation to provide park space is being shifted from the large 36-acre parcel to a much smaller parcel, which does not seem very equitable. Mr. Inghram agreed that there will be a significant number of housing units in that area, and that it is a general planning principle to have parks, open spaces and recreational amenities in close proximity to housing without barriers that must be crossed to access the area. The question is how much park land will be actually needed, and if the city could lose the ability to get a park at all if it acts overambitiously.

Commissioner Robertson noted that the Commission has steadily been in favor of giving the

pioneer developers the latitude they will need to bring the first projects online. She underscored her support for the recommendation of staff for that reason. Chair Orrico concurred.

Mr. Inghram called attention to the changes in Table 3 on page 37. He said the proposed changes are intended to make it clear that the intent is to restore the creeks 50 to 100 feet on each side, not 50 to 100 feet total. He said the widths are not representative of critical areas buffers but rather are capital project objectives.

Mr. Inghram reviewed with the Commissioners the changes to policy TR-34.1 in the Transportation Element regarding the BNSF corridor, and the proposed MMA boundary adjustments to reflect the boundary of the Bel-Red subarea. The change to the glossary entry on page E-3 regarding medium- and high-intensity office intensity was also discussed; Mr. Inghram said the revision recognizes that with open space transfers a developer could achieve an FAR of 3.5.

With regard to the zoning map, Mr. Inghram noted that the two changes involved the shift of the OR-1 and OR-2 boundary, and the change of R to OR north of the Coca Cola site. He suggested an additional revision to change the small wedge area to OR consistent with the adjacent Safeway office building. There was agreement to make the additional change as proposed.

Mr. Inghram said staff was also suggesting a code change to the critical areas regulations. He said the critical areas regulations calculate density based on both dwelling units per acre for residential properties and FAR for office properties, but it explicitly limits FAR to 0.5. In Bel-Red the FAR limits are higher, and FAR is used for both residential and office developments. The critical areas code needs to reflect the FARs allowed in Bel-Red. The Commissioners concurred with the proposal.

Commissioner Lai called attention to paragraph (A) of 20.10.420 of the Land Use Code amendments and suggested that for the sake of consistency with the rest of the document the reference to the Director of Planning and Community Development should simply read "the Director." Mr. Inghram agreed.

Mr. Inghram drew attention to the definitions section on page 29 of the Land Use Code amendments and noted that the definition of affordable housing was modified to recognize that the term could include up to 100 percent of area median income for for-sale units.

Mr. Inghram focused next on 20.25D, the new section of Land Use Code proposed for Bel-Red. He noted that a variety of definitions had been added subsequent to the May 8 draft.

Commissioner Sheffels referred to the health club definition on page 3 and pointed out that many health clubs provide child care services, spas, massage and the like, and suggested that the definition as drafted appears to exclude those uses. Mr. Inghram said the intent is to reference clubs that are more than just athletic clubs. Chair Orrico proposed revising the second sentence to read "...are not provided except those that are subordinate to the primary use." The Commissioners agreed to make the change.

Commissioner Ferris sought a clarification regarding the gross square feet/floor definition. Mr. Stroh said there is a deliberate inconsistency between the definition of gross floor area for purposes of building floor plate versus FAR, which has to do with the development potential of a site. The gross area of the floor plate is intended to regulate the dimensional envelope of the building. Interior spaces such as atriums are deliberately counted in that calculation but are not counted in the FAR calculation.

Mr. Inghram called attention to page 5 and the issue of vesting. He said the recommendation of staff is to add a clause essentially allowing vesting to be extended beyond the two-year limit through a development agreement. The extension would be for up to ten years. Staff believes the development agreement process would give the city the ability to update or modify the code as needed. While admittedly more political, the development agreement process gives the city the ability to think about things like the mixture of uses and to ensure that the quality of the development is consistent with the intent of the code regulations.

Commissioner Mathews suggested the vesting period should be extended to match up with the review period that will be approximately every five years.

Commissioner Robertson supported giving developers more certainty by allowing them a vesting period longer than two years. If ten years is allowed throughout the rest of the city, the same should be allowed in Bel-Red.

Commissioner Sheffels asked how much more time the development agreement process would take because it has to go through the Council process. Mr. Inghram said because the city has not done any permit reviews it is not possible to say how much time would be added. He allowed the process would create a level of uncertainty, but the permitting process already entails some degree of uncertainty. There have been talks with Children's Hospital and Wright Runstad regarding development agreements before the permit process even begins. In theory, the permitting process and the development agreement processes could occur simultaneously and without impacting the overall time requirement.

Mr. Inghram clarified that the current proposal allows for a two-year vesting period. A master development plan sets out the locations of buildings, rights-of-way, utilities and the like. Each project within a development requires a building permit, and each time a developer submits a building permit application they vest under those rules. As each new permit is sought, there would be a rolling vesting period that could be longer than two years. As proposed, a developer would be able to extend the two-year vesting period to ten years through a development agreement, which requires Council approval.

Commissioner Lai asked what would happen if construction on a project were to be stopped mid-stream. Mr. Inghram said it would depend on whether the permit remains active. A permit can be extended by application, but at some point if there is no activity the city could determine that a permit is no longer active. If that were to happen and the developer wanted to continue with the project, a new permit would need to be acquired, which would vest under the new rules, not the old rules.

Commissioner Ferris suggested the two-year vesting is not long enough. He proposed allowing vesting for up to five years without having to go to the Council with a development agreement. Extension to ten years should require Council approval and should be done at the beginning of the process. Two years is too short, and ten years without Council approval is too long.

Commissioner Robertson suggested that it should not be harder to develop in Bel-Red and that developers there should not have fewer vesting rights than developers in the rest of the city. Vesting out of the gate should be ten years, though an extension to 15 should be by Council approval only. Commissioner Sheffels concurred.

Commissioner Lai agreed with Commissioners Mathews and Ferris that the initial vesting should be for five years.

Mr. Inghram explained that 20.30V.190, the current vesting rules that apply elsewhere in the city, establishes a vesting period of two years and allows developers to request a modification to the vesting expiration provisions for up to ten years from the date of issuance of a master development plan. The section disallows exceeding ten years for any reason. The proposal is to retain the initial two-year vesting but to allow extending for up to ten year only through a development agreement, which would require Council approval. The way the code works in the rest of the city is well established, but what is contemplated for Bel-Red is an entirely new code. Staff is hesitant to allow for the vesting of three or four million square feet of office development for the long run; staff would rather be cautious and maintain the effectiveness of the review period.

Commissioner Ferris asked why extending the vesting period should be a Council decision rather than an Director decision. Mr. Inghram explained that involving the Council elevates the permit process to a higher level and would allow for a greater level of comfort with the development. Commissioner Ferris said he would be comfortable giving the Director the authority to make the decision.

Commissioner Lai suggested the desire of the city to review the effectiveness of the code every five years with the needs of developers for stability over time. Clearly the two issues are separate. There has been no demonstration of need for the Bel-Red area to be treated any differently from anywhere else with regard to the vesting periods.

There was agreement to incorporate the standard citywide approach toward vesting and modification.

Mr. Inghram explained that the revisions to the code as outlined on page 6 makes design review required in all of the Bel-Red districts except for General Commercial.

Mr. Inghram said the text on pages 12 and 13 relative to existing conditions reflects the direction given previously by the Commission, including the opportunity for the Director to waive the documentation requirement to prove and existing use.

The text changes relative to the existing use provisions include provisions regarding hours of operation. Mr. Inghram explained that businesses are restricted from operating between the hours of 9:00 p.m. and 6:00 a.m. unless they already do, or unless they obtain an administrative conditional use permit.

Turning to the land use charts, noted that the E category was created to denote existing conditions and uses and to prevent them from becoming nonconforming. E uses are allowed some opportunity for expansion and change within their particular use categories. Mr. Inghram said staff feels strongly that the charts should not be blanketed with P's, making everything permitted. There has been a call from some in the public about the need to expand the list of permitted uses. The history of both the downtown and Bel-Red is that uses have been limited to a set of use categories. Though over time there have been revisions, the changes have continued to maintain an approach that limits uses within a category.

The two node areas, as well as the area next to the hospital, have the potential to host light rail stations. The nodes also are home to the higher density zoning. Accordingly, staff has concluded that uses that would not be able to take advantage of the higher density should not be permitted outright. Staff have driven through the area carefully taking note of the uses that exist in the area currently in an attempt to err on the side of putting E's in the boxes. Some currently allowed

uses simply do not exist in the corridor. Cemeteries is one example. All uses that are in existence in the area have been given an E.

Mr. Inghram clarified for Commissioner Robertson that uses permitted under the currently zoning that do not show up on any of the proposed charts with either a P or an E can be assumed to not exist in Bel-Red. He explained that a blank box on a chart means a use is not permitted. Chair Orrico suggested including a statement to that effect in the code in case an existing use has been overlooked and not shown with a P or an E.

Commissioner Lai asked what process will be used to accommodate an overlooked existing use. Mr. Inghram said the Director has relative broad authority to determine what a particular use is and to categorize it within a different use category; in some cases an existing use might simply be recategorized. As proposed, a use with a blank box would be treated as a nonconforming use. Under the nonconforming use statutes, uses are permitted to expand up to 20 percent through the administrative conditional use process, and beyond that through the conditional use process. Uses that were overlooked would at least be able to operate under those rules.

Answering a question asked by Commissioner Sheffels, Mr. Inghram said churches and religious activities are allowed in any zone in the city, but only by conditional use permit in some of the zones.

Commissioner Ferris suggested that over time as the document is administered it is possible that some inconsistencies could come to light. He said it might be a good idea to come back in as little as one year with any cleanup issues or as things come to light. Mr. Inghram said that is the course generally taken.

Mr. Inghram noted that congregate care, nursing home and assisted living had been added as a permitted use in the OR, OR-1 and OR-2 districts. He also pointed out that paper products manufacturing has been included even though there is some question about whether the use currently exists; some uses could be on the border line. The use is limited to 20,000 square feet in the GC and CR districts.

Commissioner Sheffels noted that lumber and wood products manufacturing is not allowed in any of the use categories but pointed out that the use could be part of an artist's operations. Mr. Inghram observed that item 329 on the chart allows for the manufacturing of handcrafted products. Lumber and wood products manufacturing includes the manufacture of trusses, modular homes and things of that nature. Most art crafts would not fall under that category. Furniture and fixtures manufacturing has been included with a P4 designation, which limits the size.

Mr. Inghram informed the Commissioners that three E's had been added to the CR column on pages 21 and 22. The change was made because some of the LI land will change over to CR rather than just the node designations. Calling attention to page 23, Mr. Inghram noted that a change had been made regarding accessory parking, commercial lots and park and ride lots. E's were also added to some of the uses listed on pages 26 and 27. Mr. Inghram explained that the farm equipment category refers to the sale of large equipment, not tack or feed stores. The revisions to apparel and accessories retail, eating and drinking establishments, and miscellaneous trade involved including a footnote in the R column limiting the overall size of the uses.

Commissioner Lai asked why truck and RV sales are allowed in the RC-1, RC-2 and RC-3 column but auto and motorcycle sales are not. Mr. Inghram said there are no existing auto and motorcycle sales in those areas, but agreed consistency could be gained by including an E in that

column, and also to the R column for rental and leasing services on page 31.

Commissioner Sheffels asked what a retail fuel yard is. Mr. Inghram said there is one such use in the Richards Road area; it sells liquid natural gas for commercial vehicles. Propane dealers may also fall into that category.

Mr. Inghram noted that an E had been added for warehouses in the R and CR columns. He explained that warehouse and storage uses are not typically allowed outright in residential districts; they are typically allowed only in the LI and GC zones outside of Bel-Red.

Mr. Inghram said the changes on page 32 with regard to universities and colleges were made at the direction of the Commission. He noted that revisions had also been made to office uses on the same page and clarified that the computer programming category refers to a data processing center that might have limited manufacturing. General high tech office uses are classified as general office. In the RC and CR zones for general office, note 12 has been added to limit the use to a 0.5 FAR of the overall development. Mr. Inghram proposed adding the same footnote to computer programming and the research and development for the RC and CR zones.

Mr. Inghram noted that P's had been added for libraries and museums on page 35. He explained that recreation instruction had been deleted from the recreation activities category to avoid confusion; the use would either count as a health club or a specialty school.

****BREAK****

Mr. Inghram noted that dimensional requirements of the Land Use Code could be found beginning on page 40. The FAR for some of the land use districts to 2.0 and others to 3.0. He said there was quite a lot of staff discussion relative to increasing the non-residential floor plate size to 28,000 square feet and how they fit with the allowed heights. He said staff wants to see a floor plate that will accommodate how office developments work, but recognizes that Bel-Red is supposed to be scaled appropriately for the area. While the recommendation of staff was to increase the floor plate to 28,000, there have been some dissenting opinions given that the floor plate limit in the downtown is only 24,000. Mr. Inghram clarified that the height dimensions shown on the chart, the 40 and 80 feet, are the height of the floor, not the ceiling.

Chair Orrico asked what the term "human scale development" means. Mr. Inghram said the term is relatively common in planning parlance. It refers to having things in scale and proportion to humans. A doorway of standard height has a human scale; a doorway that is 20 feet tall would not.

Commissioner Ferris voiced approval for the proposed increase for office, but indicated concern for having a residential floor plate limit of 12,000 square feet. With an average of 1000 square feet per residential unit, that would mean there would be only 12 units per floor. To achieve the full potential would require the construction of several towers, which would increase the cost. Most residential buildings with five over one construction have larger floor plates and commonly have 20 units to a floor. It makes no sense to allow office buildings to have larger floor plates.

Commissioner Mathews asked what thinking was behind the recommended 12,000 square foot limit. Mr. Inghram said the DNTNN-MU district allows 12,000 square foot residential floor plates. The new Washington Square towers to the west of the library also have 12,000 square foot floor plates and a building height about 200 feet. The 12,000 square foot limit applies to the first 80 feet of height; the floor plates above 80 feet to the maximum height limit are limited to 9000 square feet. The idea is to have development in Bel-Red that is different from the

downtown, with less height and bulk.

Commissioner Ferris proposed allowing buildings less than 70 feet tall to have larger floor plates, with smaller floor plates above that limit. Mr. Inghram said would be one option and could be accomplished by changing the 40-foot limit to perhaps 50 or 60 feet. Commissioner Ferris said if the code were simply written that way, a 150-foot tall building could have the large floor plates all the way up to 50 or 60 feet. The better method would be to craft the code to say that buildings that are not more than 70 feet tall overall can have the larger floor plates.

Mr. Inghram called attention to the RC-3 and CR districts on the chart on page 40 and noted that they have the same 70-foot height limit and the same standards. He noted that the floor plate restrictions had not been included for RC-3. If exceptions are to be allowed for buildings up to 70 feet for residential buildings, there would still need to be a commercial floor plate maximum of 28,000 square feet. He said there may not be a need to have a floor plate restriction at all in the two zoning categories given the height limit of 70 feet, or for the 12,000 square foot limit in the MO and OR categories. The 28,000 square foot limit should be added to the RC-3 category for non-residential. The exception for buildings up to 70 feet would be included as a footnote in the chart.

There was agreement to make those revision to the chart.

Mr. Inghram briefly reviewed the notes associated with the dimensional requirements chart. With regard to note 21, he said it establishes that a minimum of 20 percent of the gross square feet in the OR-1 and OR-2 districts must be for residential use on any property of five acres or greater. He suggested the last sentence of the note should be revised to include at the end "...except as provided pursuant to a development agreement." The Commissioners agreed with the proposed revision.

Commissioner Sheffels asked what is meant by the sentence in the first paragraph of the exceptions to dimensional requirements section that says the Director may allow the connection of floor plates above 40 feet. Mr. Inghram said a building design that involves two rectangular floor plates might be connected at the elevator core or stairway that provides access to the two separate buildings. The two would count as separate buildings. A skybridge would be allowed under the provision.

Commissioner Ferris called attention to paragraph (a) on page 43 and noted that in addition to marquees and awnings, bay windows are often allowed to extend over public rights-of-way. The Commission agreed to include bay windows.

Commissioner Sheffels asked if there are any underground buildings that are not parking facilities. Mr. Inghram said there are often parts of a building that are underground that are not used for parking; some house mechanical and other equipment. Where there are vent structures associated with underground buildings, they must be appropriately screened.

Mr. Inghram explained that the text on page 45 was not new but rather had been moved from other place in the code. He said staff proposed moving both the section regarding FAR earned from special deductions and transfers and the incentive system to the section of the code that includes the dimensional standards. He said affordable housing is listed as one of the incentives, and at the previous urging of Commissioner Sheffels Note 2 was revised to be consistent with other parts of the Land Use Code regarding affordable housing relative to recording the agreement with King County.

Mr. Inghram noted that as previously discussed by the Commission, congregate care, housing homes and assisted living as housing categories may have difficulty integrating affordable housing into them, even though they are residential uses, thus they should be allowed to construct the affordable units off site or pay a fee in-lieu. He said that language had not been included in the draft. The Commissioners agreed the change should be made.

Turning to the section on auto and motorcycle sales on page 53, Mr. Inghram said staff had had quite a lot of back and forth discussion with the owner of the Ferrari dealership about the exact language of where auto sales would or would not be allowed adjacent to Bel-Red Road. The original intent of the language was to disallow auto sales between the building and Bel-Red Road, but would be allowed facing any other street.

Commissioner Ferris asked what will be done to have the record reflect the fact that the Commission did not review or comment on the FAR amenity incentive system will get documented. Mr. Inghram said the transmittal memo will be the place to state that. He said a box could be added to the code language as well reiterating the level of review.

Mr. Inghram called attention to item 5 on page 50 regarding public restrooms and suggested the phrase "...access may be monitored by a person located at the restroom..." should be revised. It was agreed to have the section read "...access may be monitored."

Commissioner Sheffels highlighted the first amenity on page 49 and suggested the second design criteria should be revised to read "...provided that unit size, interior finishes and amenities may vary from market units." There was agreement to make the change.

Mr. Inghram noted that the parking ratio changes could be found in the chart on page 60, and that the modifications made to the parking requirements could be found on pages 62 and 63. He said the adjustment of the ground floor retail unit to reflect 75 percent rather than the entire frontage could be found on page 65. The revision on page 67 clarified that surface parking is not permitted between the sidewalk and the building where the buildings are required to be set near the edge of the street. On page 69 the phrase "sidewalk-oriented development" had been substituted for "active edge." On page 72 the revision was regarding the calculation of the block perimeter.

Mr. Inghram reviewed the changes made to the design guidelines. On page 5 he noted that "gated, private residential compounds" in the Not Recommended section had been changed to "gated, private compound," making it apply to both commercial and residential. He also noted that on page 6 under the Not Recommended section the first bullet had been eliminated given that the critical areas regulations protect areas next to wetlands and streams. On page 10, a bullet was added to the Recommended section reading "pedestrian routes that are safely integrated with the street system," as well as a bullet calling for mid-block pedestrian connections. On the same page, the first bullet under the Not Recommendation section was revised to read "circuitous pedestrian routes," and the second bullet was revised to read "pedestrian-only retail streets."

Commissioner Sheffels pointed out that the top photo on page 10 in fact looks like a pedestrian-only retail street. Either another picture should be used, or the vehicular street adjacent to the pedestrian facility should be seen in the picture.

On page 11, the word "canvas" in the first bullet of the Recommended section was changed to "fabric," and in the first bullet of the Not Recommended section the phrase "other synthetic fabrics" was changed to "plastic awnings."

On page 12, the word “recommended” was removed from the third bullet in the Recommended section. The second bullet of the Not Recommended section was revised to read “...significant change of grade...” and the third bullet was changed to read “‘Leftover’ green spaces, courtyards, squares and plazas adjacent to parking lots and other inhospitable areas without appropriate landscaping.”

An additional bullet was added to the Recommended section on page 13 about seating areas with a sense of separation from vehicular traffic,” and the last bullet in the Not Recommended section was revised to read “Seating areas along streets with high vehicle traffic.”

Commissioner Sheffels suggested the lower right hand picture on page 13 was not illustrative enough to evoke a sense of what is not being recommended. She proposed eliminating it. Mr. Inghram said the intent is to show that the nicely designed plaza space is completely disconnected from the sidewalk and pedestrian access; there is no ready sense of how one would get to the plaza.

Commissioner Robertson suggested that adding an explanation under each picture would be very helpful. The other Commissioners concurred.

Mr. Inghram said the text and images on page 15 were intended to evoke the notion of using natural materials in different forms rather than faux materials.

On page 16, the third bullet of the Not Recommended section was revised by deleting “suburban-styled” to give more emphasis to horizontal banding.

Commissioner Sheffels called attention to the picture in the lower right hand portion of page 16 and noted that while the building in the photo has horizontal banding, which is not being recommended, nearly everything else in the photo is an example of something that is being recommended. Mr. Inghram agreed that capturing the document would be helpful.

On page 17, the second bullet under the Not Recommended section was revised to clarify the reference to roof forms. On page 18, the word “exposed” in both the first and second bullets of the Not Recommended section was revised to read “visible from public spaces.”

No changes were made to page 19. On page 20, “Applied simulated divided lite window systems” was added as a bullet. On page 21, the third bullet under Not Recommended was revised to add “without other articulation or canopy.”

Commissioner Sheffels referred to the last bullet of the Recommended section on page 21 and suggested that for a large restaurant it might work, but in a smaller restaurant people do not want to sit by open windows or a large front door or kitchen door. She proposed not recommending it. Mr. Inghram clarified that the bullet is a recommendation only, not a mandate. He said on summer days people in fact do like to have restaurants opened to the outdoor space. The intent is to reduce the barriers between outside and inside spaces.

Mr. Inghram noted that on page 23 the second bullet under the Not Recommended section was revised to move away from dictating the color of the window frame and toward not wanting unfinished materials. Additionally, “six feet” was changed to “eight feet” in the fifth bullet of the same section.

On page 24, the fourth bullet under the Recommended section was revised to read “...to minimize the number and width of driveway openings.”

Commissioner Ferris suggested that while the wide curb cut shown in the recommended photo on page 24 has some vehicular advantages, it is not pedestrian friendly.

On page 29, the first bullet under the Not Recommended section was revised to read "Rooftop signs."

Commissioner Robertson called attention to the testimony offered by Mr. Scott regarding his property in Bel-Red and the fact that the proposed Comprehensive Plan and Land Use Code amendments would mean food specialty retailer could not locate there. She noted that during the various discussions the Commission has highlighted the importance of grocery stores to residential developments like those the vision calls for in Bel-Red. Mr. Inghram said the area in question is just off of 120th Avenue NE. He said there have been discussions about wanting to have certain uses in close proximity to the node. The plan anticipates having park areas near the stream and a trailhead to the BNSF trail, and residential where it can take advantage of those amenities while existing on the fringe of the node area. If the Commission feels it should allow for larger commercial uses, one option would be to simply change the designation to GC or CR. The R district allows for a mix of retail and commercial uses, but at a scale small enough to integrate well with the residential use. A 40,000 to 50,000 square-foot grocery store is not proposed for the district.

Commissioner Mathews said the vision for the area in question was pretty clear from the steering committee. He said he would not want to make any changes to it.

There was agreement not to make any changes.

Motion to approve the new Bel-Red subarea plan, replacing the existing Bel-Red/Northup subarea plan outright, and adoption of related Comprehensive Plan amendments, including modifications of the Crossroads and Wilburton/NE 8th Street subarea boundaries, and amendments to the Transportation Element and the glossary, with the changes indicated, was made by Commissioner Sheffels. Second was by Commissioner Robertson.

The motion carried unanimously.

Motion to approve the Land Use Code amendments, including new Bel-Red regulations, design standards and design guidelines, other related code changes, and adoption of the new zoning districts for the Bel-Red area, with the changes indicated, was made by Commissioner Robertson. Second was by Commissioner Mathews and the motion carried unanimously.

Mr. Inghram asked the Commission to review the draft transmittal and indicate whether or not it captured the intent of the Commission. It was agreed that minor editing comments should be submitted to staff offline.

Chair Orrico pointed out that there are references throughout the transmittal to Tier 1 without an accompanying explanation of what that means.

Commissioner Lai called attention to page 7 of the transmittal and the topic implementation review. He said it was his recollection that the Commission was thinking about a periodic review every five years, but noted that the language in the transmittal makes it sound like a one-time review in five years. Mr. Inghram suggested the wording should be along the lines of "about five years after adoption and periodically thereafter." Commissioner Lai concurred.

Commissioner Lai referred to page 9 of the transmittal and the phrase "phasing of required improvements." Mr. Inghram said the phasing requirements are directly related to the 0.5 FAR cap limit for certain areas, as well as the limit related to high-capacity transit, and the limit related to BROTS.

Commissioner Ferris suggested the work done on the topic is not fully captured in the preamble language on page 5 of the transmittal. He suggested that it should be expanded to capture the efforts of the steering committee, the public, boards and commissions and the staff.

Chair Orrico praised the staff for their high level of responsiveness to Commission questions and issues throughout the process.

Commissioner Ferris called attention to the penultimate paragraph on page 8 of the transmittal memo and offered in writing some suggested revisions. He also referred to page 13 and asked that the LEED certification be clarified.

10. OLD BUSINESS

A. Potential Reconsideration of Light Rail Best Practices CPAs to Allow All Commissioners the Opportunity to Vote

Mr. Inghram noted that not all Commissioners had been able to vote on the light rail best practices package. He said any Commissioner who voted in favor of approving the package could move to reconsider the vote; that would pave the way for taking a second vote with all Commissioners participating.

Motion to reconsider the approval and recommendation of the light rail best practices Comprehensive Plan amendments was made by Commissioner Robertson. Second was by Commissioner Sheffels and the motion carried unanimously.

Commissioner Ferris stated for the record that since the last meeting he reviewed the documentation and listened to the public testimony.

Commissioner Mathews stated that he also had reviewed the documentation and listened to the recording of the public hearing.

Motion to recommend the Comprehensive Plan amendments to the Transportation Element, incorporating new light rail transit policies, and amending existing policies and figures to be consistent with the changes to regional plans, was made by Commissioner Robertson. Second was by Commissioner Mathews and the motion carried unanimously.

11. APPROVAL OF MINUTES

A. April 23, 2008

Chair Orrico submitted to staff a list of typographical edits to be made to the minutes.

Motion to approve the minutes as amended by Chair Orrico's list of edits was made by Commissioner Robertson. Second was by Commissioner Lai and the motion carried unanimously.

B. May 14, 2008

Commissioner Robertson called attention to page 10 of the minutes and noted that for the Sambica CPA the minutes reflect no second and no vote on a recommendation to the City Council.

It was agreed to review the record and make the necessary correction before approving the minutes.

C. June 4, 2008

Chair Orrico submitted to staff a list of typographical edits to be made to the minutes.

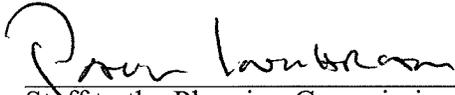
Motion to approve the minutes as amended by Chair Orrico's edits was made by Commissioner Ferris. Second was by Chair Orrico and the motion carried without dissent; Commissioners Sheffels and Robertson abstained from voting.

12. PUBLIC COMMENT None

13. ADJOURN

Mr. Stroh took a moment to mark the Bel-Red plan milestone. He pointed out that the plan was more than three years in the making, and said the work of the Commission was remarkable. In a plan the size of the Bel-Red plan, the devil is in the details, and he said the Commission has done exhaustive work combing through the work of staff in an effort to polish and refine it. The result is well worth the effort. The plan is exciting. It will serve as a template for the kind of smart-growth planning that is being done; it is on the radar screen both regionally and beyond. Staff will be applying for regional and national recognition.

Chair Orrico adjourned the meeting at 10:00 p.m.



Staff to the Planning Commission

9/24/08
Date



Chair of the Planning Commission

9/24/08
Date

