CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

November 13, 2013
6:30 p.m.

Bellevue College
Library Media Center, Room D106

COMMISSIONERS PRESENT:	Chair Tebelius, Commissioners Carlson, Ferris, Hamlin, Hilhorst, Laing
COMMISSIONERS ABSENT:	None
STAFF PRESENT:	Paul Inghram, Erika Conkling, Department of Planning and Community Development; Carol Helland, Mike Bergstrom, Department of Development Services
GUEST SPEAKERS:	Ray White, Bellevue College; Pat Callahan, Urban Renaissance Group; Steve Fricke, Spiritwood Neighborhood Resident
RECORDING SECRETARY:	Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:35 p.m. by Chair Tebelius who presided.

2. ROLL CALL

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

3. SPEAKERS EVENT - EASTGATE CORRIDOR

Chair Tebelius explained that the city's Comprehensive Plan is a broad statement of goals and policies that direct the orderly and coordinated physical development of the city. The Comprehensive Plan anticipates change, provides specific guidance for future legislative and administrative action, and reflects citizen involvement, technical analysis, and judgment by decision makers. It contains sections on land use, housing, capital facilities, utilities, transportation, economic development, environment, human services, parks, open space and recreation, shorelines, and urban design. All cities in Washington state are required to have a Comprehensive Plan and must keep it updated.

Chair Tebelius introduced Ray White, vice-president of Bellevue College.

Mr. White explained that Bellevue College is currently involved in a comprehensive strategic planning process which he is chairing. In the first phase of the process the college is taking the time to listen to the community. He shared with the audience a website address that has information about the process, including upcoming sessions.

Mr. White said Bellevue College is a public institution and as such is funded by the state. Open access is important to the college. The college is community based and specifically designed to

serve the community. By head count, Bellevue College has 38,000 students; some come for a single class while others are part-time students, but when converted to full-time equivalents the college has some 11,000 students, making it the third largest institute of higher education in Washington state. Now a four-year college, the institution still offers a number of two-year degrees but has also been granted the authority to award baccalaureate degrees, though only two percent of the students are enrolled in a baccalaureate degree program. The college has a diverse student body. The number of students attending from outside the immediate geographic area of Bellevue is steadily increasing and currently stands at 28 percent. Absent student housing on campus, the students live at home with their parents or in their own homes.

Mr. White said it takes $91 million per year to operate Bellevue College, of which only 27 percent comes from taxpayers. Tuition and fees along with proprietary revenues make up the balance. The main campus encompasses 100 acres. The north campus is a satellite facility operating in a building just off of SR-520 that was purchased from Microsoft. The east campus, which is 20 acres of trees, is located near the Issaquah Highlands; site plans for that campus are currently under review and development will occur over the next 30 years. The school's district covers the area from Mercer Island to Snoqualmie Pass, but everyone at the campus is interested in generating more of a connection with a visibility to the city of Bellevue; that could even include a physical presence in the downtown.

The college draws athletes from outside the area; the school has a total of 130 athletes. The international program hosts 1100 students who typically find housing for two years. The interior design program has a draw strong enough to bring students in from out of state. There are no hard figures for how many students from local families choose to live in student housing arrangements while attending Bellevue College just to enjoy the whole experience; estimates range from 10 to 30 percent. Taken together, an argument could be made in favor of needing 400 to 900 student housing beds in various forms. The college has been landbanking over the years with an eye on building housing on site and operating it. Under the best case scenario, student housing units will not be available for another two to four years. If housing is not constructed on the campus, it should be constructed near the campus.

Mr. White said for the most part Bellevue College is a commuter school. Even if student housing ranging from 400 to 900 beds were to be constructed, it would not solve the broader community issue around housing in the immediate neighborhood of the school. Housing on the campus itself would be a different story. The college has been buying homes in the Sunset Ranch neighborhood and tearing them down, though some have been retained and are being used for office space and storage; the college owns 19 lots in that neighborhood. One problem is that each of the properties is on a septic system and connecting to the sanitary sewer will require a pump station. To the south of the campus there are property owners contemplating housing projects that could house college students.

Commissioner Laing asked how close to the college most of the students live, and if a shift to a non-commuter institution would in effect shift the focus of the school. Mr. White said the college has no plans to change the nature of what it does; the intent is to continue operating as a college rather than as a university. There is also no vision to expand the district boundaries.

Commissioner Hilhorst asked what the timeline is for completing the housing options study. Mr. White said he has no hard and fast timeline but likely will be reporting to the Board in January. Should the board decide to move forward toward constructing student housing, it probably would take about two years before the first units would be available.

Commissioner Ferris allowed that housing issues around the college campus have been in the news lately, and the list of other impacts the college has on the surrounding community includes parking and traffic. He asked to what degree the college is reaching out to the community to address their concerns, and what other things the Commission should be aware of. Mr. White said as the college's representative he could be doing a much better job of listening to the neighborhoods. There is an interesting dynamic relative to the on-campus parking. The college is committed to sustainability and that highlights the need to find equilibrium between how much to charge and how many parking spaces there should be so as to avoid enabling single-occupant vehicles. The college certainly encourages alternative transportation modes. There still are issues with students parking at the park and ride, but parking complaints from the local neighborhoods have been reduced. The college really does not have control over where students park if they choose to park off-campus, but the degree to which the college can eliminate trips will ultimately reduce both parking and traffic issues.

Commissioner Carlson asked what the current tuition charge is. Mr. White said full-time students pay about $1400 per quarter. At $102 per credit, someone wanting to just take a single continuing education or self-improvement class will be charged about $500.

Answering a question asked by Commissioner Carlson, Mr. White said adding 400 to 900 student housing beds will not be the silver bullet that will solve the issues occurring in the surrounding neighborhoods. The problem of house sharing is actually bigger than just Bellevue College students. The projections are that the college could utilize 400 to 900 beds on an ongoing basis, primarily for international students. The problem with the international program is that it is fragile and a change in visa status or some other trigger could devastate it.

A question submitted by a member of the audience asked where the international students currently live, and why the college does not choose to construct a dormitory on the campus. Mr. White said the college intends to build a dormitory on campus in about two to four years, but it will be called student housing. Currently, international students live in rented apartments.

Chair Tebelius introduced Pat Callahan, CEO of the Urban Renaissance Group, a development company with an interest in the Eastgate/I-90 corridor.

Mr. Callahan said Urban Renaissance Group was formed in 2006 with a focus on developing office space. He said he personally was involved in many of the highrise developments in the downtown and in the Eastgate/I-90 corridor when working for Equity Partners. Through a partnership with Wright Runstad, Equity Partners constructed the Key Tower in the downtown. The overall thinking at the time was that technology companies wanted to be on campuses on the suburbs, so in designing the building the concept chosen was that of a vertical campus that would attract technology companies. At the time, no one believed technology companies would choose to locate in an urban core. That was only 16 years ago and since then there has been a sea change in terms of technology companies wanting walkable amenity rich environments. That new focus was foundational to Urban Renaissance Group at its formation.

Mr. Callahan said there are eight or nine factors that are driving reurbanization, and the focus on the Eastgate/I-90 corridor falls into the reburbanization category. One of the factors is the movement from households with children to households without children. The change leads to three opportunities: vibrant urban core areas; walkable vertical urban villages in traditional suburban locations; and transit-oriented development. Lincoln Executive Center, one of Urban

Renaissance Group's properties in the Eastgate/I-90 corridor, is ripe for redevelopment with a focus on a vertical urban village. The site offers the opportunity to increase vitality in the corridor through a combination of uses.

Lincoln Executive Center is located close to Bellevue College and the Eastgate transit center. The site is currently developed with 255,000 square feet of office space and 4.6 parking stalls per thousand square feet which is a very high ratio typical of a suburban-oriented land use. The result is a development with so few people working in it that it cannot even support a deli. One concept under review by Urban Renaissance Group involves buying the Bank of America site, tearing down one of the single-story buildings, retaining the three three-story buildings, and constructing two 250,000 square-foot 12-story towers and a parking structure. There would be retail opportunities at the base of each tower. Bank of America would relocate somewhere within the complex. Storm water would be addressed through the creation of a pond on-site. The parking garage could be built in a way that would support residential.

During the Eastgate/I-90 CAC process there were a lot of questions asked by citizens about why a height of 12 stories should be allowed. Mr. Callahan said he explained the process of calculating projected rental rates and comparing them against the construction costs for two six-story buildings and two 12-story buildings. Given the achievable rental rates, the construction costs can only be justified with 12-story towers. In part that is because the construction costs per square foot are higher for the six-story towers because of certain fixed costs. The 12-story towers will command higher rental rates for the upper floors because of the views.

Mr. Callahan said redevelopment of the Lincoln Executive Center, or of a property located between Sunset North and the college campus that is also controlled by Urban Renaissance Group, will require a zoning change. The Sunset site could be developed with housing units and phased in over time, beginning with about 400 units.

Commissioner Hamlin noted that the Sunset site was not discussed much during the Eastgate/I-90 study. He said it was his understanding the site is adjacent to multifamily. Mr. Callahan said the site is between the college campus, some multifamily, and the office project Sunset North.

Jack McCullough, a land use attorney with McCullough Hill Leary, explained that when the old gravel pit was redeveloped the Sunset North office project was put in with a cap on the total square footage. The site in question is not currently developed and cannot be because of the 20-year-old zoning that is in place. Mr. Callahan said a change in zoning would permit the site to be developed rather quickly and it would result in a reduction of congestion because students that currently drive from elsewhere could in fact walk to the campus. The site was not focused on during the Eastgate/I-90 process. It was in working with Bellevue College on the need for student housing that the idea of developing residential on the site came to the front.

Commissioner Laing said there are two populations associated with Bellevue College that have housing needs: the student population and the faculty population. He asked how much of a demand there might be for the faculty category. Mr. Callahan said the college believes some townhouses for that population might be appropriate to program in. Mr. White said he did not have a way to quantify the faculty housing market but agreed that it is something he gets asked about often by the faculty.

Answering a question asked by Commissioner Hilhorst, Mr. Callahan explained that development takes anywhere from 12 to 15 months to bring online once permits are issued. He

reiterated that a zoning change would be needed first, and the current schedule for effecting that is not fast enough to address the student housing need outlined by Mr. White.

Commissioner Ferris cautioned that where more than ten percent of the occupants of a building under a master lease are occupants of a college or university, the entire debt of the facility must go on the balance sheet of the organization. The college could get way down the road on what it initially perceived to be an advantage only to find out that having it on its balance sheet does not work. That changed in 2010 as a result of the recession. Mr. Callahan allowed that Urban Renaissance Group is not a student housing expert, it just happens to have a site near the college that has the potential for student housing.

Commissioner Hamlin voiced his support for the idea of building housing units on the Sunset North site near the college. He said the concept certainly fits what the Eastgate/I-90 CAC envisioned for the corridor.

Chair Tebelius read a question submitted by a member of the audience that asked if reductions in funding for transit that may occur in the near future will have an impact on the need for parking. Mr. Callahan suggested reductions in transit services likely would increase the demand for parking. To the extent service to the transit center increases, the corridor and the college will be easily accessible by transit.

Chair Tebelius relayed another audience question that asked about the cutting down of a lot of trees to accommodate the redevelopment activities. Mr. Callahan said the Lincoln Executive Center site extends to the bottom of the hillside, and virtually all of the vegetation on the hillside would be preserved. There would be some trees removed from the main site but their removal would be offset by the additional greenery that would be added to the entire site.

Chair Tebelius introduced Steve Fricke, a Spiritwood neighborhood resident.

Mr. Fricke said he recently was asked what it was that made him choose to move to Bellevue and in particular the Spiritwood neighborhood. He said he has lived all over the United States as the child of a career army father. He said he and his wife have two children, one 12 and one 17 who attends Sammamish High School. He said in seeking a place to live, safety was at the top of the list of values. Bellevue is known for being a safe place. He said his list of values also included a strong school system and a walkable/bikeable community, both of which Bellevue is also known for. Spiritwood answered the criteria. It is a great neighborhood; it is close to schools, parks and walking trails. The neighborhood acts as a small city within a big city, which means neighbors can count on one another. Kids can safely ride their bikes in the streets. The downtown is close, but it is not next door, but the services needed are nearby. The homes are not large and as such are relatively affordable.

Mr. Fricke said residents of Spiritwood are concerned about losing their sense of neighborhood and community. The area is zoned single family but increasingly homes are being used as rooming houses. In a conversation with Comprehensive Planning Manager Paul Inghram recently, it was noted that the city has a longstanding policy of protecting the character and quality of its residential neighborhoods, and has no intention of changing the zoning for Spiritwood.

Bellevue College is one of Spiritwood's most valued neighbors. The students bring energy to the area. Some residents of Spiritwood allow students to room with them. Bellevue College does

not always, however, treat Spiritwood as a valued neighbor and often takes actions without informing the neighborhood.

Bellevue College began as a community college and still has community roots. It was not until 2007 that the college began offering four-year degrees. The school is advertised internationally and is attracting an increasing number of students from outside the local community, including a thousand foreign students from more than 70 different countries. The college needs to house its students somewhere, and to its detriment, Spiritwood is on the receiving end of students seeking housing. What is happening is foreign investors are buying houses in the neighborhood and they are taking the small homes and gutting them. They are converting garages into two separate rooms. They are converting living space into bedroom spaces. Houses that were built with three or four bedrooms now in many cases have eight bedrooms and the rooms in them are being advertised on Craigslist for $500 to $700 each. The rooms are being advertised in Chinese as well as in English.

The issue was brought to the attention of the city and a mediation meeting was set up. Mr. Fricke said he attended representing the neighborhood, but the owners of the properties in question did not attend because they do not live in the area. When the owners were asked why they are buying the houses, their answer was simply Bellevue College.

The conversions are causing Spiritwood to lose its sense of community. The students are loved by the neighborhood residents and they are welcome in the neighborhood, but not in such high concentrations. Bellevue College is not to be blamed, but it should be held accountable for knowing there would be a need for student housing once four-year degrees started being offered. The city does not want to act so fast that it creates unintended consequences, but Bellevue College, along with the city not enforcing the laws on the books, has already triggered unintended consequences.

Mr. Fricke praised the city staff for listening to the neighborhood and for taking action. An emergency ordinance was put in place that at least in part addresses the problem. What is needed, however, is code that will permanently address the issue in a way that will protect the neighborhoods while also addressing Bellevue's need for student housing.

Answering a question asked by Commissioner Carlson, Mr. Fricke said what the neighborhood is most concerned about is an influx of people who have no sense of community and will not be around long enough to develop roots.

Commissioner Ferris asked if the neighborhood would be supportive of Bellevue College developing multifamily student housing on land they own close to the northern edge of the college campus. Mr. Fricke said he is fully supportive of student housing. If developed on the campus or immediately adjacent, it will relieve the pressure on the neighborhood. He stressed that the neighborhood does not put the entire blame for the rooming houses on the shoulders of Bellevue College.

Commissioner Laing asked if the Spiritwood properties have any restrictive covenants in place that might speak to the issue, or if the current property owners have considered banding together and voluntarily creating a prohibition on the rooming house use. He said he is hearing that the rooming house business has a market and that it is profitable, and simply imposing a registration process may not get the neighborhood to where it wants to be. Mr. Fricke agreed that neither registration or a code change would by themselves accomplish what the neighborhood wants and

needs. What is needed is enforcement, but enforcement cannot be expected to occur if the city has no idea where the rooming houses are. Enforcement is handled on a complaint basis, which puts the onus on the neighbors to file a report, then sit back and hope the city will act. Licensing and registration are methods other cities have used. Government is empowered to regulate commerce, but Bellevue's current code allows for the unregulated operation of rooming houses that turn single family neighborhoods into de facto multifamily neighborhoods, and that is summarily unfair to those who purchased homes in what they thought was a single family neighborhood.

Chair Tebelius took a moment to thank Commissioner Hilhorst and Mr. Inghram for putting together the meeting and for arranging for the speakers.

4. PUBLIC COMMENT

Ms. Nanette Fricke, a resident of the Spiritwood neighborhood, voiced her support for the rezoning that would need to be done in order to allow for the building of student housing on the Sunset North property as outlined by Mr. Callahan.

Mr. Paul Bell, 10000 NE 1st Street, Apartment 107, spoke as a student at Bellevue College. He said he has been living in Bellevue for just over a year. He said he attended a City Council meeting a couple of weeks ago and was moved by the warmth of the Council and the passion of the residents who were concerned about the rooming house issue. He said the students initially opposed the language of the emergency measure up for consideration by the Council in that it labeled students as being part of the problem. After the wording of the measure was revised, the students were on board with it. The students want to be part of the solution. They certainly are not looking for substandard housing.

Mr. Dave Isaac, 3810 140th Avenue SE, said he has lived in the neighborhood for 13 years. He said when the Eastgate park and ride was first constructed it was welcomed by many. It was beautiful, it worked well, and it was within walking distance of many residents. He said he now chooses to drive to the South Bellevue park and ride to avoid standing out in the rain and because the buses come by more frequently. He said he hopes the transit operations at the park and ride will be improved, making it once again desirable. He also said he hoped the city would establish parking stall standards that are wide enough to comfortably park a car in.

Mr. David Payter, 1614 144th Avenue SE, said he has lived in the Spiritwood neighborhood for 16 years. He said Mr. Fricke did an excellent job of outlining the issues facing the neighborhood. He said he lives across the street from an unintended consequence, and within a block of two more. There are a lot of cars on the street. Some of the rooms are occupied by students, but some are occupied by people needing affordable rent. Bellevue and the region is facing an affordable housing crisis, and that certainly is contributing to the problem. A very large home is being built just up the street; it has 7825 square feet, it looks like a hotel, and it will be occupied fairly soon. It is adjacent to another boarding house. He said he purchased his home in a single family neighborhood believing that it would remain a single family neighborhood.

9. STUDY SESSION

A. Eastgate/I-90 Corridor Study Implementation

Chair Tebelius introduced Senior Planner Erika Conkling, the staff person working on implementation of the Eastgate/I-90 corridor study.

Ms. Conkling reminded the Commissioners that the Eastgate/I-90 study area covers the territory between I-405 and the Lakemont interchange and from south of I-90 to Bellevue College. Its primary focus, however, is the commercial, industrial and office areas on both sides of I-90. The project kicked off in 2010 under a set of principles adopted by the Council that were aimed at building on the many community assets in the corridor, including accessibility, visibility, job diversity, and the stable neighborhoods that surround the commercial area. The CAC worked very hard to form recommendations that ultimately were accepted by the Council in the spring of 2012. The Council in September 2013 authorized the implementation phase.

A number of technical reports addressing various issues were reviewed during the study, and nearly all of the major institutions along with residents and businesses participated. The comprehensive community outreach efforts followed both traditional and non-traditional formats.

Principal Planner Mike Bergstrom said he served as co-project manager for the Eastgate/I-90 study. Commissioner Hamlin was one of the co-chairs for the CAC that met monthly for a year and a half. The experience was positive overall and enjoyed great community support, primarily because it addressed shared community concerns and perceptions about the corridor. The current development pattern is suburban in character. Employers and employees alike complain of having to get in their cars and drive to run any errand at lunchtime because there are no services within a walkable distance. The study was predicated in part on the understanding that Bellevue will continue to grow. There is capacity in the downtown and in the Bel-Red corridor, and the study focused on what role the Eastgate/I-90 corridor should play in relation to those employment centers. There was agreement that there will need to be some reason for property owners to tear down buildings and redevelop them in ways that will be more to the community's liking, both in terms of building form and variety of uses.

The park and ride/transit center was viewed by the CAC as one of the corridor's main assets. It serves as the geographic center of the corridor, and the CAC agreed that it could become the activity center for the corridor as well. It is separated from single family areas, is readily accessible from I-90, and there are relatively large landholdings that can be leveraged. The vision adopted by the CAC included a transit-oriented development center in a node that includes the current park as well the area eastward to 148th Avenue SE. The group agreed redevelopment should be promoted by offering additional FAR, a range of uses, and in some areas additional height. The CAC also agreed the employment areas should be strengthened and that more mixed use is needed throughout the corridor.

The corridor in its current format is focused on commercial uses. The CAC concluded that residential uses in the corridor should be increased to activate the area beyond workday hours. The project boundaries were drawn as they were, however, to stay out of existing single family areas. There was agreement the existing retail uses should be protected. Additionally, there was consensus in favor of greening the corridor. The Mountains To Sound Greenway trail passes directly through the corridor and speaks to the need not only to have a green multipurpose trail but also a generally green concept in terms of building techniques and freeway interchanges. The need for increased connections to Bellevue College was high on the CAC's list of recommendations. The group also highlighted the need to protect sensitive environments in the corridor, most of which are located on the west end in the Richards Valley.

For the area near the old Sunset Village, the plan includes auto retail and office. There are a couple of large auto dealers in that location that are doing very well, and while they are unlikely to move in the near term, markets do change over time and so the backup plan is for a retail and office center. Further to the east along 156th Avenue SE the plan envisions adding retail services, possibly with some housing above, all with a pedestrian scale. In the I-90 office complex area the established office uses likely will continue, but a broader mix of uses there is in order along with increased access.

Mr. Bergstrom said the Eastgate/I-90 corridor has almost five million square feet of office and as such it is a significant employment center for the city. If no rezoning is effected, the area can be expected to grow by only a couple hundred thousand square feet of office, and there would be no more retail, housing, or motel uses. Under the plan, an additional 1.8 million square feet of office is projected to come online along with opportunities for additional retail and some 800 housing units. The growth in office likely would trigger additional interest in constructing hotel rooms.

While overall there will be an increased focus on walkability and non-motorized transportation, the study did also consider transportation options. Some capacity improvements were identified that could make the traffic flow better. Improvements planned for I-90, including the construction of auxiliary lanes on the edges for general purpose traffic to use during peak hours would have the effect of reducing the queues onto city arterials. The Mountains To Sound Greenway trail will figure highly in the corridor. The project developed a list of possible transportation improvements. The list was prioritized and many of the projects were included in the Transportation Facilities Plan during the recent update. The budget includes $2 million for early implementation of transportation projects in the corridor.

Ms. Conkling said there are a number of issues in need of consideration as the implementation phase moves ahead. The height and FAR recommendations need to be tested to make sure that if implemented they will achieve the community's vision. There is also a need to go through the process of looking at the Comprehensive Plan designations and zoning to make sure it can be implemented consistent with the vision; that process may involve creating some new zoning categories specific to the Eastgate corridor, or making changes to some existing zoning categories. Increasing the development potential for sites in the corridor will increase the possible entitlements, and the city wants to make sure there will be public benefits reaped in return through an incentive system.

Commissioner Hamlin said the CAC was very clear about wanting to see increased height and FAR allowed in exchange for tangible community benefits through an incentive system. Ms. Conkling said details concerning an incentive system have not been worked out. Several different options will be brought before the Commission to look at.

Ms. Conkling said the process going forward will also look at how to incorporate sustainable design solutions into site planning and building design. Tying into the Mountains To Sound Greenway idea, one approach would be to look at solutions that are green in a technical sense but also which look green in terms of landscaping and which fit into the city in a park concept. Site planning in Richards Valley in particular will be important given the critical areas site constraints. Particular consideration will be given to how to direct a substantial portion of growth into the transit-oriented development centerpiece of the corridor.

Ms. Conkling said the Commission will first be asked to consider Comprehensive Plan amendments, the first set of which will be on the agenda early in 2014. The Commission will be asked to look at amending the subarea plans for Richards Valley, Factoria and Eastgate. A public meeting to talk about some of the policy alternatives will be conducted. The Commission will also be asked to look at various Land Use Code amendments; to consider amending existing zoning regulations; consider the creation of new zoning regulations; and review and amend as needed the design regulations. Many properties in the Eastgate/I-90 corridor currently have concomitant agreements that establish special development rules; it may be possible to address some of those agreements by integrating their provisions into the new zoning regulations.

Ms. Conkling said the Commission will be asked to consider a transfer of development rights (TDR) program that could, among other things, transfer development potential from outside the area to preserve lands along the greenway. Mr. Bergstrom said the TDR idea came up fairly late in the CAC process and as such is not well defined.

Commissioner Carlson asked what proportion of Bellevue's jobs are located in the Eastgate/I-90 corridor, and what proportion can be expected to be there in 25 years. Mr. Bergstrom said currently about 18 percent of the city's jobs are in the corridor. No projections were made regarding the number of jobs the corridor will house in the out years given the vitality of the downtown and Bel-Red corridor.

Chair Tebelius asked what the impetus is for moving ahead with making changes in the Eastgate/I-90 corridor given the growth potential that exists in the downtown and Bel-Red corridor. Mr. Bergstrom said the Eastgate/I-90 corridor represents a different market. There are always differences in taste for where employers want to locate; a lot of people want to be in the downtown, but not everyone does. The Eastgate/I-90 corridor is very attractive to a lot of businesses and employers because of its location and regional access.

Commissioner Carlson asked what the long-term vision is for the site owned by King County. Commissioner Hamlin said the CAC saw the site as having potential for office. Chair Tebelius added that the King County Humane Society has started a capital campaign aimed at staying where it is on that site.

Ms. Conkling said the Land Use Code amendments will be coming before the Commission in the latter half of 2014. It will be important to address the Comprehensive Plan amendments first, which will be integrated into the overall update to the Comprehensive Plan.

Commissioner Ferris asked if Bellevue College could build housing for students on its campus under the current zoning. Mr. Bergstrom said they can, adding that the city has no control over what uses they build on the campus.

Commissioner Laing said the comment made during Public Comment about there not being any weather protection at the park and ride is well taken. Mr. Bergstrom said the CAC looked at the 142nd Avenue SE bridge extensively. The conclusion reached was that it should be a pivotal part of the transit-oriented corridor with excellent weather protection, and with loading and unloading allowed right on the bridge.

5. APPROVAL OF AGENDA

A motion to approve the agenda was made by Commissioner Laing. The motion was seconded

by Commissioner Hilhorst and it carried unanimously.

BREAK

4. PUBLIC COMMENT

Mr. Marty Nizlek, 312 West Lake Sammamish Parkway, said the subject of the critical areas ordinance and the conforming amendments will have actual impacts on the lives of many who own shoreline properties. He said the Commission had previously directed him and Mr. Klinge to meet with staff on more than a dozen specific issues. That meeting took place during which the number of issues was reduced to only two relating to floodplains and potential conflicts between the critical areas ordinance and the Shoreline Master Program. The Commission in its process defined a mitigation line 50 feet from the shoreline. Several things have to happen where an expansion takes place beyond the line, including adherence to the greenscape provisions, the hardscape limits, and the 15 percent rule in the first ten feet. The floodplains issue ushers in several areas of concern, one where the flood line would be somewhere above the shoreline but short of the setback, one that steps over and could allow the dwelling to be in the floodplain, or some combination of the two. The staff analysis shows that some 60 percent of the shoreline properties would be impacted by having a floodplain line passing through them. The Shoreline Master Program rules the entire site, but the critical areas ordinance will regulate the floodplain area, creating a conflict regarding what property owners can do with their yards.

Mr. Charlie Klinge, 11100 NE 8th Street, agreed that the meeting with staff was productive. One issue of concern dealt with flood hazard restrictions on moorage and docks and the need to conform with the critical areas rules. The staff solution outlined on page 11 of the Commission packet uses footnotes to refer out to the shoreline rules and is acceptable to WSSA. There remain, however, conflicts between the greenscape and hardscape rules in the Shoreline Master Program and the greenscape and hardscape rules in the critical areas ordinance. The Shoreline Master Program includes a solution, but the critical areas ordinance does not. He called attention to the solutions outlined in the memo from WSSA.

Commissioner Laing referred to Amendment A in the WSSA memo and said his take on it is that someone with a property on which the flood hazard is within the 25-foot setback would be required to comply with the greenscape requirements, yet the city's code would prevent them from doing so because of the flood hazard regulations. Mr. Klinge said that is indeed the problem because of the critical area permits needed.

Commissioner Carlson asked how Mercer Island, Redmond and Sammamish deal with the same challenge. Mr. Klinge said Redmond, Sammamish and Issaquah allow houses to be built in the floodplain with appropriate mitigation and compensatory storage, which is also in Bellevue's critical areas ordinance. Anyone wanting to build a house in a floodplain should be required to get a critical area permit.

9. STUDY SESSION

B. Shoreline Master Program Conformance Amendments

Land Use Director Carol Helland reminded the Commissioners that a decision needed to be reached with regard to the conformance amendments if a public hearing is to be held by the end of the year. December 11 is the last meeting date for which there is still time to publish public

notice. She noted that the Commission packet included a proposed consolidated amendment beginning on page 19.

Ms. Helland said the major objective of the conformance amendment is to remove the areas adjacent to the ordinary high water mark from the shoreline critical area in line with state law which states that shorelines cannot be critical areas just because they are shorelines. The conformance amendment strips out all references to the shoreline critical area which has been subsumed into Part 20.25E. The conformance amendment is also needed to ensure internal consistency with the new Part 20.25E, and to conform to the scope of the Shoreline Master Program update provided by the City Council. The consolidated draft ordinance shown as Attachment A in the packet includes the amendments to the general section of the Land Use Code, the critical areas overlay, and the light rail transit overlay cross references. Ms. Helland pointed out that Attachment A did not include any of the responses to the WSSA action items, but she noted that the staff memo beginning on page 10 of the packet did outline the action items as staff believes they should be addressed in the conformance amendment. If so directed by the Commission, the staff will incorporate the changes into the conformance amendment.

Ms. Helland said flood hazard areas are still critical areas. WSSA described what it called an area of conflict, but in reality the city has overlaying regulations everywhere. The shoreline update sent from the Commission to the Council described the conflict and acknowledged that it would occur. There is a conflict provision that anticipates there will be rubs between the shoreline code and the code covering traditional critical areas, which includes floodplains, slopes, wetlands, streams, aquaculture, and coal mine hazard areas. Where there are two layers of regulations overlapping, the most restrictive criteria must be met. The proposal by WSSA to revert entirely to the Shoreline Master Program would result in the loss of some of the performance criteria that apply to the floodplain without replacing them with some that is effectively equivalent, and that would create an equity issue between shoreline property owners and the balance of property owners citywide.

Commissioner Laing said there are some things that make the floodplain situation different. First is the fact that only shoreline property owners have the floodplain issue. Ms. Helland said that is not the case. There are some 485 properties in the shoreline jurisdiction on Lake Sammamish. Some of them have been short platted but are still in the shoreline jurisdiction and there might be a house on each plat, so the number of dwelling units in the shoreline jurisdiction is closer to 500. The graphics presented by WSSA is accurate with regard to the number of parcels but is not accurate with regard to the number of structures that are impacted by the floodplain. There are only 25 structures in the Lake Sammamish shoreline jurisdiction that intersect the floodplain.

Continuing, Ms. Helland said the city adopted its floodplain policy in 1978, and it was a zero rise policy. There are about 1000 parcels that intersect the floodplain citywide. Of that number, about one-fifth of them are located on Lake Sammamish; none are located on Lake Washington because of the way that lake is monitored. The fact is the issue only affects one-fifth of the stakeholders that benefit from the floodplain regulations citywide. The Council has made it clear that changing the critical areas ordinance through the Shoreline Master Program is not an objective of the Shoreline Master Program update. The critical areas ordinance is slated to be updated by about 2015 owing to a state mandate. A FEMA biological opinion update will be put in place once current litigation with FEMA over the floodplain rules is settled. Additionally, the proposed change would impact stakeholders citywide who have not been provided with notice or given the opportunity to comment. The issue as raised by WSSA is important but is not yet ripe

for action.

Commissioner Laing said under the proposal, the city will be telling shoreline property owners they will be precluded from doing the very mitigation other cities allow which are aimed at letting property owners use their properties within the floodplain. That in itself makes the shoreline floodplain rules different from the floodplain rules applicable citywide. It is accepted that properties with critical areas must jump through extra hoops, but what is unique about the shoreline floodplain critical area is that property owners will not be permitted to come up with an effective equivalent. Ms. Helland said the critical areas ordinance may allow prohibited activities with a critical area land use permit. The fact is, however, that steep slopes and floodplains are the only critical areas that allow development where the critical areas performance standards are met. On the ground that might mean planting native vegetation. One could not get there through the greenscape regulations, only through application of the critical area performance criteria.

Chair Tebelius said the rub lies in the fact that the compromise put together by the Commission regarding the buffer area was predicated on the understanding that all of the shorelines would apply, only to discover that it really applies to a minimal number because the floodplain areas are subject to the critical areas ordinance. Other jurisdictions, including Issaquah, Sammamish and Redmond, resolved the issue in the way indicated by Mr. Klinge. The inconsistency was not anticipated by the Commission in coming up with the compromise. The problem with the critical areas ordinance, even if mitigation is approved, is it will cost the property owner thousands of dollars to jump through all the hoops. Ms. Helland explained that Issaquah, Sammamish and Redmond do not have the same conflict because they imposed a 35-foot setback. Had Bellevue gone with a 35-foot setback as well, there would be no conflict.

Commissioner Ferris clarified that the compensatory replacement for building in the floodplain has to do with structures only. He noted that there is in fact quite a bit of consistency between Bellevue and other cities relative to structure development requirements in the floodplain. The greenscape compromise in Bellevue's proposed Shoreline Master Program is unique; no other city has taken that approach and every other city requires native vegetation against the shoreline. He also pointed out that evidence provided by Dallas Evans regarding the floodplain line on his property proved that the city's data was in fact inaccurate as it regarded his specific property. It must be believed that many other Lake Sammamish property owners could also be able to prove that the floodplain boundary as drawn is incorrect and should be changed, allowing them to solve to some degree the floodplain issue. He also reminded the Commission that throughout the Shoreline Master Program process staff consistently pointed out that the floodplain rules would conflict with the shoreline rules; that is in fact why the Commission raised the issue with the Council in the transmittal memo.

Commissioner Laing said he had no problem with the idea that properties with critical areas are going to have an increased level of protection and a need for mitigation. However, the idea that someone could do something outside the floodplain that would trigger the greenscape requirement, which then would trigger the floodplain regulation, is concerning. He said he also was concerned about making distinctions between different ways for putting a structure in the floodplain actions, in other words a tear down, expanding an existing structure, or building a new structure, because the impact is the same regardless. It is particularly troubling that the parks department can do development within the floodplain so long as they engage in compensatory actions. If at the end of the process only one house is in exactly the same position as before, something will not have gone as intended by the legislature.

Chair Tebelius commented that no matter what, property owners must achieve no net loss of ecological function or no permit will be issued. Ms. Helland said that would be true except for the presumption made that by meeting the residential development requirements no net loss is achieved.

Ms. Helland said staff fully understands the concerns. She pointed out that the frustrations lie with the critical area code, not the shorelines code. The structure referred to by Commissioner Laing is the structure that is applicable to all critical areas. The arbitrary line between a tear down, a new development and an existing development is in the use charts of the critical area code and apply to all critical areas citywide, not just those in the floodplain. Picking out the floodplain issue and saying it needs to be fixed would in fact be tampering with the entire critical areas regulatory structure. She said she did not disagree that the issue needs to be fixed, but she reiterated that the time to do so has not yet come. The parks development referenced as being permitted involves soft-surface trails that allow the public to get to the natural areas.

Answering a question asked by Commissioner Laing, Ms. Helland said if an existing structure located 60 feet back is expanded to the 49-foot mark triggering the greenscape requirement, it will also trigger the floodplain regulations. Ms. Helland said in the context of applying the floodplain regulations the most likely outcome would be a requirement for the greenscape to be native vegetation. The property owner would not be prevented from achieving the mitigation, but there would be a requirement for the floodplain performance standards to be met as well. That is in fact the source of the litigation over the FEMA rules. The use and activity chart in the critical areas ordinance is overly complex and not terribly intuitive, but in the end structures are not a permitted use in the floodplain. In order to be permitted, property owners must go through the critical areas reasonable use exception. The rationale for permitting existing structures to expand into critical area buffers is that a house once built cannot easily be moved, so allowance is given for additions in areas where the function of the house demands that that be where the addition be located. A tear down and/or new development brings with it the optimal opportunity to look at the structure from the perspective of the site; in those cases engineering can keep a structure from avoiding the floodplain altogether.

Commissioner Hamlin asked if it is always the case that where there are overlapping regulations that both must be adhered to. Ms. Helland said the basic rule is that in such cases the most protective regulations apply. That approach applies in all instances. Commissioner Hamlin asked if the city has ever been able to say one layer will apply and the other will not. Ms. Helland said that has happened in the downtown where the determination was made that the critical areas regulations would not apply.

Chair Tebelius urged the Commission to err on the side of caution by putting in the last two WSSA suggestions, conducting the public hearing, and then possibly pulling them back out. Commissioner Hamlin said there are complications with that approach, including the possibility of running into other issues. Ms. Helland said the bigger issue is protecting the sanctity of the process. She reiterated that there has been no notification to all floodplain and critical areas stakeholders; the approach could create an equity issue, and there could be SEPA concerns as well given that an EIS was conducted on the critical areas ordinance and making substantive changes to the code requires an additional EIS.

A motion to recommend the inclusion of the conformance amendments including the changes that have been agreed to by WSSA and the staff and which were outlined in the packet on pages

10 through 15 was made by Commissioner Hamlin. The motion was seconded by Commissioner Ferris and it carried unanimously.

No motion was brought to the floor regarding the two issues around which there had been no agreement between staff and WSSA.

Mr. Inghram said a public hearing on the conformance amendments would be noticed for December 11.

C. Comprehensive Plan Update

Mr. Inghram reminded the Commissioners about and urged them to attend the joint boards and commissions forum regarding environmental issues that is scheduled for November 19.

Mr. Inghram also called attention to page 93 in the packet and the draft Comprehensive Plan update schedule. He noted that based on the reviews and comments that have occurred to date, some types of updates to the Land Use Element are anticipated. The growth pattern and strategy policies need to be updated to clarify the intent to have future growth focused on the downtown and the mixed use growth centers. The update also needs to reflect the adopted growth targets and needs to be consistent with the city's most recent review of buildable lands. With regard to the downtown section of the Land Use Element, the update will need to include the issues that will come out of the Downtown Livability Initiative, and include a recognition of the significant regional position the downtown holds as the economic, housing and retail center of the Eastside.

Chair Tebelius asked if the Commission will be free to review the downtown issues independent of the Downtown Livability Initiative CAC process. Mr. Inghram said as the CAC process winds down staff will check in with the Council to see what direction they want to take.

With regard to the growth centers, Mr. Inghram said the update will need to recognize the planning efforts that have been undertaken since the last Comprehensive Plan update, and provide appropriate direction for future planning efforts. There should also be some clarity regarding the hierarchy of the centers. The update should include a focus on increasing support for the neighborhood centers and identifying new ways of providing local community gathering opportunities.

The city already has solid policies that talk about protecting residential areas. The policies need to be reviewed, however, to see if any minor tweaks are warranted. In addressing housing issues, a line will need to be drawn between what are true housing issues and what are actually land use issues. The Commission may also want to look at some of the multifamily zones and how they are treated from a density and use perspective.

A motion to extend the meeting time by ten minutes was made by Commissioner Ferris. The motion was seconded by Commissioner Carlson and it carried unanimously.

Commissioner Ferris pointed out that in the downtown and Bel-Red corridor density is defined as a function of FAR, bulk and scale. In all other multifamily zones the calculation is based on units per acre. He suggested the units per acre is an old suburban model that is forcing developers to build larger and more expensive units even in the face of the fact that families are getting smaller.

Answering a question asked by Commissioner Hamlin, Mr. Inghram said any changes proposed to the neighborhood boundary maps will necessarily proceed as a part of the Comprehensive Plan update. However, even if approved, the boundary changes would not take effect until the individual subarea plans are updated.

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

Ms. Helland reported that the Council at its meeting on November 12 discussed the Commission's work program recommendations. They acknowledged that the Commission's plate is currently full with very large issues and agreed to take up the issue again after their retreat.

7. COMMITTEE REPORTS - None

8. STAFF REPORTS - None

10. OTHER BUSINESS - None

11. PUBLIC COMMENT

Mr. Marty Nizlek, 312 West Lake Sammamish Parkway, addressed the issue of notification of the forthcoming public hearing for the conformance amendments. He said there should be something more than there was for the critical areas process. It should include a mailing outlining exactly what the hearing will cover.

12. NEXT PLANNING COMMISSION MEETING

A. December 11, 2013

13. ADJOURN

A motion to adjourn was made by Commissioner Hilhorst. The motion was seconded by Commissioner Hamlin and it carried unanimously.

Chair Tebelius adjourned the meeting at 10:38 p.m.

Paul Inghram
Staff to the Planning Commission

4/21/2014
Date

Diane Tebelius
Chair of the Planning Commission

5/14/2014
Date

* Approved January 22, 2014