

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

September 22, 2004
7:00 p.m.

Bellevue City Hall
City Council Conference Room

COMMISSIONERS PRESENT: Chair Lynde, Vice-Chair Bonincontri, Commissioners Bach, Maggi, Mathews, Orrico, Robertson

COMMISSIONERS ABSENT:

STAFF PRESENT: Steve Cohn, Mary Kate Berens, Department of Planning and Community Development

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chair Lynde 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 – None

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

Legal Planner Mary Kate Berens provided the Commission with copies of a memo received from the Parks and Community Services Board focused on a proposed revision to the overview section of the Environmental Element and what uses should be allowed in protected areas. The recommendation of the Parks Board was to change "...parks and recreation uses..." to "...public parks and recreation uses..." The position of staff was that the proposed change should not be accepted because it would narrow the recreation uses more than would be appropriate. The Parks Board took the position of staff under advisement and then acted to clarify their position, which is outlined in the new memo. Their primary concern is that the intensity of uses permitted in sensitive areas should be appropriate to the protected area.

Ms. Berens said staff believes the clarified position of the Parks Board should be accepted. If the Commission concurs, staff will send a cover letter along with the Parks Board memo to the City Council outlining the issue.

7. STUDY SESSION

A. Land Use Code Amendment – Downtown Subarea Plan

Ms. Berens explained to the Commissioners that height in the Downtown is measured from the average finished grade. However, where there are zero lot lines and the owner of one property is constructing a building adjacent to a property that has an open pit in preparation for building another building, measurement of height would be from the bottom of the pit. There are also height calculation issues that arise when an entire block is redeveloped at the same time and the grade changes. Another study session will be needed to clarify the building height issues in the Downtown; staff intends to return with some more specific language.

Ms. Berens said there has also been some internal staff discussion regarding changes to the Major Public Open Space (MPOS), specifically on amenities tied to the MPOS and how they interrelate. Developers are given bonuses for providing the MPOS, and those bonuses can be used to exceed the maximum height and maximum FAR on a site. There are also some other amenity bonuses that allow the maximum height to be exceeded, and there is a need for the Code to be very clear on how those bonuses interrelate. The Code should clarify the ultimate height that can be achieved by combining bonuses.

With regard to removing references to “focus areas,” Ms. Berens noted that there are no references to focus areas in the revised Downtown Subarea Plan. On the topic of mid-block auto access through the superblocks, Ms. Berens said one of the general design review criteria was changed to indicate a preference, but not a mandate, for coordinating access through the superblocks at the mid-block point.

Ms. Berens explained that the term “setback” is used by planners to refer to a distance from a property line. As such, there could be an upper level setback. The term “stepback” refers to a measurement from the building face. Staff went through the code to make sure that each term is used properly.

Ms. Berens explained that the Building/Sidewalk Design Guidelines create a hierarchy of streets. Requirements with regard to how much of the streetfront for a given building must be pedestrian oriented depends on the particular street classification. The requirement for pedestrian orientation is expressed as a percentage of the project limits and affects all of the building façades, thus the fact that some streets are not designated has little impact on the construction, other than some landscaping requirements.

The Commissioners were informed that the City Council recently adopted an amendment to the Sign Code allowing for signs at the tops of certain highrise buildings in the Downtown. Ms. Berens said that she revised the Land Use Code to eliminate the language that discourages signs at the tops of highrise buildings, replacing it with a reference to the Sign Code in order to be consistent.

With regard to the landscape requirements section, Ms. Berens said the changes were driven by the Downtown Implementation Plan, particularly the designation of auto-biased streets. The changes provide for planter strips as opposed to the tree grates. Under the current approach that calls for trees in tree grates, developers must plant the trees and the city then takes over their maintenance. The same would likely carry through for planter strips, though there may be instances in which a developer would want to change out plants in the planter strips seasonally. The Parks Department has indicated that planter strips could cost as much as \$15 per linear foot

to construct.

Commissioner Bach said he would like to know what it costs developers to plant trees and install tree grates so he could compare the new requirements against the old. Ms. Berens said she would return with that information.

Ms. Berens said the Code has been revised to indicate which streets the new landscape regulations apply to. She allowed that as originally set forth, the code required certain streets to have 12-foot sidewalks plus four feet for street trees, and others to have only eight-foot sidewalks plus four feet for street trees. The DIP auto-biased streets, however, include streets in both categories, and the intent is not to change that. The Code will be written to make that clear.

Commissioner Bonincontri suggested that the type of landscaping allowed in the planter strips should be standardized to some extent with regard to plant types and proportions. Commissioner Bach cautioned against being too prescriptive. Chair Lynde concurred, allowing that tastes change over time. As written the section calls for plantings compatible with other plantings along the same street, and that should be adequate.

With regard to eliminating the compact parking allowances, Ms. Berens explained that the work program for 2005 includes a review of the minimum parking stall requirements. She suggested that it would make sense to review that in conjunction with the compact parking allowances so that the impacts can be considered together.

Chair Lynde commented that some of the existing compact parking stalls are too small even for compact cars to fit into easily. She asked if there is any ongoing inspection process or an appeal for existing parking garages. Ms. Berens allowed that there is not. The parking plan is reviewed at the time of development, but there is no inspection process to verify that the right number of compact stalls have been created, or that they are of a standardized width.

Commissioner Robertson asked if there are permits pending for any parking garages that would fall under the current parking requirements. She commented that while constructing compact car stalls is less expensive for the developer and makes it easier to achieve the required overall number of parking stalls, such stalls do not adequately serve the customer. Mr. Cohn said he is not aware of any pending parking structures but would check to see.

With regard to hotel height and FAR in Old Bellevue, Ms. Berens said the issue is whether or not hotel/motel uses should be considered residential uses. Height, floor size and FAR are determined largely by structure type, and the additional limits on height and FAR that apply to the perimeter districts, including Old Bellevue, have been held to be too restrictive. If hotels were treated as residential uses in Old Bellevue, it is possible that a boutique hotel use could choose to locate there. No known such proposals are on the table, so the proposed revision is not intended to accommodate anyone in particular.

Ms. Berens said the revisions tied to the mid-block pedestrian connections in Downtown are focused more on the structure of the Code than its content. The existing code includes references to and standards for mid-block connections in several sections. They have all been moved to a single section for purposes of clarity. None of the existing requirements are changed by the revision.

Ms. Berens said the change relative to chain link fences would disallow them in the Downtown at any time other than during construction.

Turning again to the MPOS issue, Ms. Berens allowed that the Pedestrian Corridor is intended to be a lively pedestrian way serving the core of the Downtown area, and the MPOS areas are supposed to help draw people along the corridor and serve as destination places. Compass Plaza is the largest existing MPOS. Two new MPOS areas are planned, one at Lincoln Square and the other at the new City Hall site. Staff believes that the MPOS at City Hall should be bigger and more substantive, which would generate a more substantial FAR bonus which might be sold or transferred to another developer.

Commissioner Robertson called attention to paragraphs (c) through (h) of Section 20.25A.060.C.3 and suggested that there should be an introductory statement preceding them along the lines of "The walkway should contain the following design elements." She also called attention to Section 20.25A.060.C.4(c) and said the paragraph describes the situation that exists in the Pedestrian Corridor. She said she could not conceive of an instance in which the city would not require a separate raised walkway. Ms. Berens said she would investigate the issue and report back to the Commission.

B. Land Use Code Amendment
– Critical Areas

Ms. Berens said staff is in the beginning stages of crafting the critical areas regulations based on the package of amendments recommended for the Comprehensive Plan. The Council is scheduled to discuss the Environmental Element with the Comprehensive Plan Update package on October 11; the Council has already been introduced to the issues. They have expressed concerns about taking into account what the impacts of the regulations could be on property owners. It is not currently known whether or not the Council will adopt the Environmental Element policies with the rest of the Comprehensive Plan or elect to defer action until the regulations are completed.

Staff intends to work through each topic area with the Commission for each of the critical areas. There will be some other issues that will need to be discussed as well, such as nonconforming uses. Adoption of the state-developed stream and wetland typing methodology will be proposed even though that may lead in some cases to a change in the level of protection for some streams and wetlands in the city.

Ms. Berens said the issue of increasing streamside buffers will be on the table. That will have an impact on property owners. Specific information about developed properties will be shared relative to nonconforming issues that could arise as a result of the change. More best available science information will be presented to support the different buffer sizes. There will also be a focus on exploring incentives for people to restore buffers; the incentives could include some flexibility with regard to the buffers.

With regard to shorelines, Ms. Berens said staff anticipates reviewing the buffer widths. Staff is working with a consultant to gather the best available science on the topic. Revisions to the dock and bulkhead construction requirements will be proposed in line with the state and federal agencies that have jurisdiction over the structures. Mitigation requirements will be considered for construction of new docks and bulkheads, some of which could be triggered by repair or replacement.

Ms. Berens said redevelopment will be an issue to be discussed. To the extent buffers are changed, some currently conforming uses could be made nonconforming, and some nonconforming uses could become even more nonconforming.

Low-impact development was very much a part of the discussions at the CAC level and the topic is folded into the policies. It is unclear how much will need to be brought into the Land Use Code. There will be a focus on the impervious surface limits citywide. Changes to codes other than the Land Use Code may be called for; the Utilities Department is currently working with a consultant to determine whether some of the low-impact development techniques that have worked in other jurisdictions could work in Bellevue.

Ms. Berens allowed that the current Code does not address wildlife habitat that falls outside any critical area. The Commission will be looking at adding regulations which recognize that existing critical areas provide wildlife habitat, and incentives for retaining upland habitat areas not in critical areas but large enough to provide critical habitat or links to other areas. Strategies for special status species will also be reviewed, most of which will likely be tied to best management practices.

Ms. Berens said staff intends to present the Council with a budget request to work in 2005 on a development manual to serve as a companion to the regulations. The thinking is that having the manual would take some of the burden off of property developers, especially single family property owners. A key piece of the regulation will be added flexibility to adjust the prescriptive regulations where it can be shown that a particular proposal that is at least as good if not better than the result that would be achieved under the regulations.

C. Land Use Code Amendment
– Minimum Density

Mr. Cohn provided the Commissioners with copies of a letter received from Renay Bennett regarding the topic.

Ms. Berens reminded the Commissioners of their recommendation to add to the Comprehensive Plan Policy LU-4 aimed at adopting minimum density standards for each residential district outside the Downtown. The direction has been to require as a minimum density 85 percent of the maximum density. The proposed ordinance simply incorporates the percentage figure and adds a new line in the dimensional chart. A new Section 20.20.020 sets forth the purpose of having a minimum density requirement, what the exceptions are, and how the minimum density is calculated.

Ms. Berens said the proposed exceptions are for construction of any new dwelling unit on an existing lot; renovation or conversion of existing dwelling units provided there is no net reduction in the number of dwelling units to a number below the minimum density; an existing legal lot with one existing dwelling unit being divided into two lots; and shadow platting for the creation of one or more new smaller lots from a larger parcel.

When calculating maximum density, the gross site area is used. The minimum density will be a requirement, and thus it will be appropriate to reduce the gross land area by removing protected areas, public rights-of-way, private streets and easements, surface water retention areas, and any open space requirements.

Ms. Berens said the regulations preclude the combining of existing residentially zoned lots which meet the dimensional requirements for the purpose of residential development that does not satisfy the minimum density requirements.

Ms. Berens said a public hearing on the topic is slated for October 20.

- 8. OLD BUSINESS – None
- 9. NEW BUSINESS – None
- 10. PETITIONS AND COMMUNICATIONS – None
- 11. ADJOURNMENT

Chair Lynde adjourned the meeting at 8:23 p.m.

Secretary to the Planning Commission

Date

Chair of the Planning Commission

Date