

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

October 24, 2007  
7:00 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Robertson, Commissioners Lai, Mathews, Orrico  
COMMISSIONERS ABSENT: Vice-Chair Bach, Commissioner Ferris, Sheffels  
STAFF PRESENT: Paul Inghram, Nicholas Matz, Lacey Madche, Matthews Jackson, Janet Lewine, Department of Planning and Community Development; Kris Liljelblad, Nancy LaCombe, Department of Transportation  
GUEST SPEAKERS: None  
RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:03 p.m. by Chair Robertson who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioners Bach, Ferris and Sheffels, all of whom were excused.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram thanked the Commissioners for attending the joint meeting on October 10 focused on the Bel-Red project. He provided the Commissioners with copies of written comments offered by David Plummer on the evening of October 10 and with copies of some follow-up comments dated October 12.

Other information provided in written form to the Commissioners included handouts from the Urban Land Institute, a larger version of the Bel-Red plan map, and information regarding the ped-bike plan update process.

5. PUBLIC COMMENT – None

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

7. REPORTS FROM COMMISSIONERS

Mr. Inghram noted that Commissioner Orrico was recently appointed to the Board of Trustees for

Bellevue Community College.

## 8. STUDY SESSION

### A. Utilities Element Amendments

Senior Planner Nicholas Matz called attention first to Attachment 4 of his report, the electromagnetic fields (EMF) report commissioned by the city at the urging of the Commission in line with Policy UT-70. He noted that the report focuses on three areas, beginning with the status of health research. The report concludes that although the work embodied in the 1993 EIS is obsolete given that the review science has advanced, no different conclusions about the impacts of EMF on human health have been reached. The belief among the scientific and regulatory communities is that there is no causal relationship between EMF and particular illnesses.

With regard to implications for public policy, Mr. Matz said the report recommends a continued focus on prudent avoidance when it comes to typical EMF exposure.

The third part of the report focused on the adequacy of Bellevue Comprehensive Plan Utilities Element policies regarding EMF. Mr. Matz said the report concludes that existing policies are reasonable and adequate, and are in line with the research.

Moving on to the CPA, Mr. Matz said the proposed new electrical facilities policy language is aimed at addressing five major areas: the responsibility of Puget Sound Energy to implement its electrical system; new and expanded electrical facilities in sensitive locations; a new alternative siting analysis requirement; enhanced support for specific site mitigation; and a continued focus on the idea of system reliability.

Mr. Matz observed that in addition to the new policies there are planned descriptive text amendments in the general discussion areas of the Non City-Managed Utilities section for Electrical Service and Natural Gas Service. Figure UT.5 represents the GMA obligation to map capacity; new Figure UT.5a will be added to highlight new or expanded electrical facilities. Figure UT.7 will also be updated to reflect the current state of the natural gas mains the serve the city, also as required by GMA. Figure UT.5a will identify facilities that are considered sensitive and could have an impact on a neighborhood.

Answering a question asked by Commissioner Lai regarding Figure UT.5a, Mr. Matz explained that the assessment matrix has not yet been updated. Once that is done, the connections between the substations will be clarified.

Legal Planner Lacey Madche called attention to the series of LUC definitions found on page 20 of the Commission packets. She noted that the list includes a new definition for electrical utility facility which incorporates distribution substations, transmission stations, transmission and switching stations, and transmission lines. The amendments include clean-up revisions of existing definitions and the development regulations that govern electrical utility facilities.

Continuing, Ms. Madche noted that the land use charts included on page 21 of the packet include the designations for Electrical Utility Facilities, with a note referencing each use. She said the proposed Land Use Code amendments will set up an alternative siting analysis for electrical utility facilities that are determined by the Utilities Element to be sensitive. For any site deemed to be sensitive, the applicant will need to go through an alternative siting analysis, which will require conditional use approval. In addition, the applicant will be required to comply with all

Ms. Lewine said the East King County Homelessness Plan identifies homeless housing needs for the Eastside and proposes that by 2015 another 1845 total units will be needed.

The Bel-Red corridor plan includes a vision for the area to contain a variety of housing types to meet the needs of a diverse population of varied income levels. Ms. Lewine said the city holds the belief that no one area of the city can or should shoulder the entire responsibility for accommodating affordable housing. A multipronged strategy incorporating a range of options should be considered.

Ms. Lewine said the direction from Council was to develop a two-phased approach, with the first phase having a Bel-Red focus and aimed at identifying strategies for workforce and affordable housing. The first phase will also include a reassessment of the priorities for use of the Housing Trust Fund. During the second phase the focus will be citywide housing strategies. Two strategies that will be studied are incentive zoning and the multifamily property tax exemption. The former will be part of a larger package of incentives, especially for the Bel-Red area; the latter is a state-authorized program that could prove to be a good fit for Bel-Red.

Ms. Lewine said staff is keeping in mind that the housing portion of the Bel-Red project implementation process will need to include a financial analysis based on achieving housing without encumbering redevelopment of the corridor. A range of tools and incentives will be studied. Stakeholders from housing and other interests will be involved.

With regard to reassessing the priorities for the Housing Trust Fund, Ms. Lewine noted that Bellevue is the only ARCH jurisdiction that has established local priorities. The priorities are not, however, adopted policy; they were established in 1998 and limits both the Housing Trust Fund and CDBG funding to the preservation of units.

Commissioner Orrico asked if ARCH stands to lose city funding as a result of the reprioritization. Mr. Inghram said the Council's initial direction favored the preservation of housing as the most efficient use of funds. However, ARCH has found itself somewhat pinched on occasion in trying to fund new construction, and often the Bellevue priorities keep projects from moving forward. For its part, ARCH has its own established priorities or targeted funding percentages which it periodically reviews and adjusts.

Ms. Lewine said the second phase of the study with its citywide focus will get back to the policy direction established by the 2004 Comprehensive Plan, which included affordable housing incentives, accessory dwelling units, and an innovative housing demonstration project. The Council has directed staff to move first on the issue of accessory dwelling units as a way of increasing the number of affordable housing units in areas of the city that are already built.

Commissioner Orrico suggested it would be helpful to see some numbers as they relate to the short-term property tax exemption program. She also noted that incentives have been tried in the past without much success and asked if there are examples of jurisdictions with a similar market to that in Bellevue where incentives have met with success. Ms. Lewine answered that voluntary incentives are always challenging to make work. Redmond has had some success in its downtown area where the bonus offered was substantial.

Mr. Inghram added that the incentives in the existing code only apply to the multifamily zones, not to mixed use zones; they only allow for a six-foot height increase and a 15-percent density increase, neither of which has proved to be very attractive. However, with the changes proposed for the Bel-Red corridor there will be much more room to play with. The city will want to be buying more than just housing with the incentives offered, however, so there will need to be

consideration given to how to achieve balance. There will also be the opportunity to combine the package of incentives with the tax exemption.

Commissioner Orrico said her experience has been that accessory dwelling units do not go very far in addressing the overall need for affordable housing options.

Commissioner Mathews said one approach he has heard voiced involves attaching a fee to tear-downs and using those dollars to help developers bring about affordable housing. He said he would welcome other suggestions for how to raise funds that could be similarly used.

Answering a question asked by Commissioner Lai, Mr. Inghram said the Commission will ultimately be asked to develop a consolidated Bel-Red recommendation. Different pieces will be brought to the Commission as the process moves forward, then eventually they will all be melded into a single integrated package.

#### D. Downtown Mobility Comprehensive Plan Amendments

Kris Liljeblad, Assistant Director, Transportation Planning, said the pace of growth in the downtown core has been consistently steady at a very high level for the past several years and there is a substantial concern regarding the ability of the city to maintain mobility in the long run. In some cases the focus is on preserving rights-of-way as redevelopment occurs, and where outside agencies are involved the focus is on making sure there are policies in places that will encourage them to look with seriousness at the intent of the city.

The number of cranes operating in the downtown continues to be very high, and there is every indication that there will be substantial additional permitting activity in 2008 running the gamut from residential to retail mixed use with residential to office space and additional retail space.

There are two main components that have been impacted in the downtown plan, namely access to the downtown and circulation within the downtown. Mr. Liljeblad said the western side of the downtown grid offers little opportunity for improving circulation or access given that it faces the lake. The northern and southern grids cannot be improved without impacting adjacent neighborhoods, something the Council during the Downtown Implementation Plan phase elected not to take on, with the possible exception of transit. That leaves only the eastern gateway along I-405 to serve as the basket into which all of the transportation eggs must be placed. Transit is expected to carry a much bigger share of downtown travel, increasing from the current 10 to 15 percent share to over 40 percent by 2030. Additionally, circulation within the downtown is constrained by the superblock configuration.

The first big undertaking since the downtown plan was adopted was the Overlake Hospital extension of NE 10<sup>th</sup> Street over I-405. That project has the potential of extending growth beyond the downtown proper. The TFP update done in 2004 and 2005 moved the forecast horizon out to 2017 and included most of the growth expected in the downtown through 2020.

The Wilburton/NE 8<sup>th</sup> study will affect downtown mobility, as will work the department has been doing to implement the downtown recommendations and update the forecasts.

Mr. Liljeblad said the land use growth that has been occurring since the downtown plan was completed has forced adjustments to the forecasted growth for 2020. For the core of the downtown the anticipation was that there would be an increase in office and retail uses, but not so much residential. The accuracy of the forecasts should improve as the number of unknowns in the downtown shrinks. More information is in hand regarding the when and how the freeway

development standards and design standards. The alternative siting analysis includes submittal requirements for the applicant to show that all practical and feasible alternative sites have been explored, and an analysis showing why the alternative sites were not selected. There will also be a requirement for the applicant to provide a map depicting the location or proximity of the new facility with respect to neighborhood businesses and residential land use districts. The applicant will further be required to demonstrate that the new or expanding facility, if located in a business or residential land use district or a transitional area, if needed to serve the needs or demands of the customers located within those areas. If the proposed site is not a consequence of serving the needs of customers located within the affected district, the applicant will be required to show what type of operational need exists for the new or expanded electrical facility.

The applicant will be required to provide the city with information regarding the use of best available technology, if it is being used and if not the rationale for not using it; an outline of how the new or expanding facility will provide state-of-the-art reliability to the customers to be served; and an affidavit stating all methods of community involvement. The conditional use process already includes a public informational meeting as a requirement; the proposed development regulations will require the applicant to conduct an additional public meeting as part of the permitting process.

The development standards are housed in Subsection E. For all of the sites that will not be subject to the conditional use process, an administrative conditional use permit will be required. In such instances, all development and design standards will need to be met. The design standards, found in subsections 1 through 6, including mitigation requirements; compliance with state law; local regulations; and design standards, including site landscaping and fencing. There will be required setback regulations and height limitations.

Commissioner Orrico suggested more teeth should be added to the proposed language in which applicants are required to provide the city with an explanation relating to existing operational needs for facilities located within a specified district but not as a consequence of the demands within the area. Ms. Madche said that could be done by changing "provide an explanation" to "demonstrate." She explained, however, that the section in question requires the applicant processes to be transparent, and the regulatory framework is based on submittals rather than actual regulations.

There was agreement on the part of the Commissioners to set a public hearing for December 12.

#### B. Neighborhood Character Code Amendments

Ms. Madche said subsection A of the code amendment is focused on building height and addresses issues of scale and size of single family structures that may intrude on or otherwise impinge on neighborhood character. The proposal amends the definition of building height from the average elevation of the finished grade to the existing grade.

Ms. Madche allowed that there is currently no definition in the code for existing grade, and Chair Robertson suggested one should be added.

With regard to subsection B, temporary shelters and storage facilities, Ms. Madche said the purpose of the code amendment is to prohibit pop-up temporary shelters. She said Section 20.27.60 is new and specifically deals with shelters and storage facilities, including open-sided shelters that do not meet the definition of structure.

Ms. Madche noted that subsection C relates to a cross reference relating to temporary use

regulations and addresses issues such as camping on construction sites.

Subsection D relates to informational signs relating to single family construction. The new section generally gives the Director the authority to require land use notification signs to be placed in all areas, including single family land use districts.

Subsection E deals with the removal of debris from construction sites. Ms. Madche said the amendment declares construction debris a public nuisance and regulates it that is not properly screened or otherwise offensive to a reasonable person.

Subsection G is focused on greenscape requirements. Based on direction from the Planning Commission, the section includes a 50 percent minimum greenscape percentage for front yard setbacks. Note 40 flushes out the dimensional requirements. Lots that do not meet the requirement will not be considered nonconforming. However, the city will not permit additional vegetation removal. Flexibility is built in to allow the Director some discretion for lots with unique characteristics.

Tree retention is the focus of subsection H. Ms. Madche explained that a new section has been added that relates to new or expanding single family structures for which an applicant must at a minimum retain 30 percent of the diameter inches of significant trees.

Commissioner Orrico said it appears construction signs are not required by code but are under the discretion of the Director to impose. Ms. Madche said signs of that sort are typically handled through administrative policies; the proposal gives the Director general authority to determine when a notification should be posted.

Commissioner Orrico referred to Note 40 in subsection G and said she did not recall the Commission having a discussion about removing pervious surfaces. Associate Planner Matthews Jackson said under the proposal anyone with less than 50 percent greenscape would not be considered nonconforming. If a change is proposed, the property owner would at a minimum have to maintain the greenscape they currently have in place.

Commissioner Orrico pointed out that there is nothing in the proposed language that deals with invasive vegetative species. Mr. Jackson agreed that could be included to make it clear such vegetation can be removed without consequence. He also agreed to look into whether tree species other than alder and cottonwood should be added to the tree retention section.

Chair Robertson commented that in addition to retaining significant trees the Commission previously talked about planting trees and allowing more flexibility, especially in view neighborhoods. She asked staff to review the proposed language to make sure the proposal is consistent with previous direction given by the Commission.

There was consensus to set a public hearing on the matter on November 14.

### C. Housing Affordability Implementation Program

Associate Planner Janet Lewine said the workforce affordable housing work program was presented to the City Council on October 15. She referenced additional information included in the Commission desk packets which taken as a group resonate with the common need to make additional progress in the challenging area, and to bring in new approaches and new partners seeking a solution.

system will get built, and that data can be fed into the forecasts. In the transit facilities arena, staff the sense that light rail will come to the downtown adds more reality to the forecasts of increased transit usage.

Since the downtown plan was adopted, the modeling horizons have been steadily pushed out. Both WSDOT and Sound Transit have adopted a 2030 horizon, so it only makes sense for the city to do the same. Bellevue has added sophistication to its forecasting capabilities with the BKR model. A transit model has been added, as has a PM peak model. A non-motorized forecasting capability has also been brought into the mix.

The NE 4<sup>th</sup> Street extension is an outgrowth of the Wilburton/NE 8<sup>th</sup> study. On the land use side, it will provide a lot of important support for the land use objectives of the subarea. In the context of the larger downtown/Bel-Red area, the extension will serve as a critical east-west to north-south connection. The modeling analysis suggests that without the connection traffic will have to use NE 8<sup>th</sup> Street and NE 10<sup>th</sup> Street through the hospital area. The 120<sup>th</sup> Avenue NE will also be improved by the extension.

Mr. Liljeblad said the concept of extending NE 6<sup>th</sup> Street is a relatively recent addition to the mix. It is most important relative to conveying potentials to regional partners. The discussions and funding support for the an additional King County sales tax to help cover the Rapid Ride program offers potential for an express bus system connecting the downtown with Crossroads and on out to Overlake and downtown Redmond. Such a facility could offer a five- or six-minute travel time savings for every bus that has to negotiate across the freeway to get further to the east. The extension would also extend the pedestrian corridor out of the downtown and connect to the BNSF corridor.

In the downtown plan, two of the key ways of providing regional access into and out of the downtown core is the construction of new half interchanges at NE 2<sup>nd</sup> Street and NE 10<sup>th</sup> Street on I-405. The NE 10<sup>th</sup> Street half interchange is pretty well committed through the WSDOT plan implementation; the NE 2<sup>nd</sup> Street half interchange still lacks a financial commitment. It would create an east-west arterial connecting to the freeway. Additional turning lanes would need to be accommodated at 112<sup>th</sup> Avenue NE to assure access to and from the freeway.

The intersection of Bellevue Way and NE 2<sup>nd</sup> Street serves as a bookend at the other side of the downtown; it is needed to provide the same turning movement capacity to get into and out of a widened NE 2<sup>nd</sup> Street.

Project manager Nancy LaCombe explained that the project at NE 8<sup>th</sup> Street/106<sup>th</sup> Avenue NE contemplates converting the westbound right turn lane into a westbound through right lane. That would increase the benefit of the federally funded project to add a westbound lane on NE 8<sup>th</sup> Street between 108<sup>th</sup> Avenue NE and 106<sup>th</sup> Avenue NE. As designed, the design saves the sequoia tree.

Ms. LaCombe noted that where there are pedestrians in a crosswalk, a two-lane roadway is effectively reduced to a one-lane roadway as the outside lane backs up waiting for the pedestrians to cross. The intersection of Bellevue Way and NE 8<sup>th</sup> Street would benefit from adding a southbound to westbound right turn lane. The intersection of Bellevue Way and NE 4<sup>th</sup> Street would benefit from having a southbound to westbound right turn lane, and a westbound to northbound right turn lane.

Ms. LaCombe said the selected intersections are the core freeway connections, and the proposed project additions are aimed only for locations where there are high pedestrian and vehicle

volumes. Adding lanes increases the distance pedestrians must cross, but reduces to a large degree the possible conflicts. Modeling the projects indicates a four percent decrease in overall delay for the downtown. There is the potential to do some additional signal phasing in the future if needed to halt right turn movements while allowing for through movements.

The Transportation Commission will be provided with a briefing on November 8, and the Bellevue Downtown Association is slated to receive an update on November 14.

Commissioner Mathews agreed with the need to preserve right-of-way wherever it is needed, provided pedestrians will not be negatively impacted.

Chair Robertson asked how the notion of bringing about wider sidewalks will play with the development community in light of the fact that the city also needs to preserve right-of-way. At the very least, developers should be permitted to include the area under a public sidewalk for the construction of underground parking. Mr. Liljeblad said concerns have been voiced relative to the extent to which development intrudes on the right-of-way already with soil nails and other things. Those activities limits to a large degree the available width for utilities within the street rights-of-way. There are instances in the downtown where sidewalks have been constructed over subgrade parking, so the practice has precedence.

Mr. Inghram said it is his understanding that sidewalks in the downtown can occur both in city right-of-way and on private land. Where the sidewalks are constructed on private property, the developer is free to construct parking facilities below.

There was agreement to schedule a public hearing for December 12.

#### E. 2007 Comprehensive Plan Amendments Briefing

Mr. Inghram said he had no additional information to share regarding the SRO amendment in Factoria. He said staff is continuing to research the complexities regarding the application of the Zoning Code in the F-2 district.

Mr. Inghram noted that the Commission previously discussed quite thoroughly the Courter amendment application. Questions were raised about the nonconforming use provisions. He explained that nonconforming uses in the city can continue to exist and expand up to 20 percent through an administrative conditional use permit or more than 20 percent through the full conditional use process, provided they were preexisting uses. Whether or not a nonconforming status will negatively impact the auto sales use is at best speculative given that the city is not privy to the details of the property owner's various business operations. If the business were to be abandoned for a time, there would be restrictions on its ability to resume operations as a nonconforming use.

Mr. Inghram said the city does not have figures relative to the total square footage of office space based on the various individual office uses. There is 2.7 million square feet of office in the area, 33,000 square feet of which is in the UW Physicians building. Immediately to the east of the Courter property there is a Group Health building, another midrise office building further to the west, and another office building that used to be occupied by DDS. There are also some smaller professional office uses. It would be difficult to draw any conclusions as to what the impact would be from losing the office square footage associated with the Courter property should that ever occur.

With regard to whether the Commission must act on the two parcels together or if they could be

split, Mr. Inghram said the recommendation of staff is to treat the two as one from a Comprehensive Plan point of view. The two parcels have a common geographic context, and both are OLB.

Answering a question asked by Commissioner Lai, Mr. Inghram explained that use is treated independently from structure. If Courter were to keep the UW Physicians building but convert the use to auto sales, the change of use would be calculated by the level of expansion, and the 20 percent limit would come into play.

With regard to the Mercer Slough amendment, Mr. Inghram said staff has not yet been able to get a written document from the City Attorney's office regarding withdrawing the proposal, holding it for reconsideration at some future time, and how the concomitant agreement in place for the site restricts the expansion of LI uses during the interim.

Ms. Madche said there may be privileged information that should not be discussed in an open meeting. She said she intends to seek an opinion from the City Attorney's office prior to the public hearing.

Chair Robertson asked what process is open to the Commission to either reactivate the issue or suspend it given that the issue was remanded by the Council. Mr. Inghram said the Commission can recommend withdrawal. If the Council denied it at threshold review, the three-year limitation on reconsideration would apply. Recognizing that, the Council remanded the issue to the Commission for reconsideration. That gives the Commission the option of either withdrawing it or reformulating it in some new way. In the opinion of staff, the issue should be withdrawn to allow time to consider how to craft a Comprehensive Plan amendment for the site that takes into account the existing concomitant agreement and the desire for a different long-term vision for the property and the need to maintain consistency between zoning and the Comprehensive Plan.

Commissioner Lai asked for an update regarding the St. Margaret's Comprehensive Plan amendment. Mr. Inghram said the city does have open to it a method for acting on Comprehensive Plan amendments out of the normal cycle, though the issue is one the City Council must act on. Staff intends to prepare a management brief outlining a proposal for how all of the various projects can be sequenced appropriately. That will give the Council the opportunity to decide whether or not certain portions of the package should be timed differently. The December 12 hearing by the Commission will give the Council the ability to take action by mid-January.

9. NEW BUSINESS – None

10. OLD BUSINESS

Commissioner Orrico asked if the city is giving any consideration to developing a transfer of development rights program. Mr. Inghram said consideration is being given to the practice, both on a local and regional scale. There certainly is a potential application in the Bel-Red corridor, though there are still a number of questions to be answered.

11. APPROVAL OF MINUTES – None

12. PETITIONS AND COMMUNICATIONS

Mr. Jay Baronowski, address not given, said as a developer he has constructed a number of

homes in the city. He said his is a small company that in 2006 was able to deliver the single most affordable home in West Bellevue. Three homes will soon be available in Enatai that will each be priced \$500,000 less than the next least expensive home. A second home will be eliminated by the ordinances, primarily because of the new height limit calculation. The existing height measurement methodology has not presented a lot of problems; the new approach will eliminate opportunities for developers to take slightly more difficult sites and make affordable utilization of them. The open space requirement has not addressed the unique configuration of many of the streets in downtown Bellevue. A pie-shaped lot at the end of a cul-de-sac will not have very much frontage; the new requirement for 50 percent green space in the setback will preclude the development of a standard house on such lots. The proposed ordinance does not address recycling at all and should; recycling wood products requires the accumulation of a pile that could be deemed unsightly by a reasonable person.

13. ADJOURNMENT

Chair Robertson adjourned the meeting at 9:17 p.m.

  
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Staff to the Planning Commission

3/12/08  
Date

  
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Chair of the Planning Commission

3/12/08  
Date