

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

January 28, 2015
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Laing, Commissioners Carlson, Hamlin, Hilhorst, Tebelius, deVadoss, Walter

COMMISSIONERS ABSENT: Commissioner Carlson

STAFF PRESENT: Paul Inghram, Dan Stroh, Mike McCormick Huentelman, Nicholas Matz, Department of Planning and Community Development

COUNCIL LIAISON: Councilmember Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

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

2. ROLL CALL

All Commissioners were present with the exception of Commissioner Hilhorst, who arrived at 4:17 p.m., and Commissioner Carlson, who was excused.

3. PUBLIC COMMENT

Mr. Warren Halvorson, 13701 NE 32nd Place, noted that he had previously shared with the Commission concerns about several Utilities Element policies. He provided the Commissioners with copies of a matrix outlining his specific concerns and said at the next meeting he would submit specific recommendations. A market-based thought process should be applied to the Utilities Element, one that has the city's stakeholders in mind. The entire electrical energy industry is going through a transformative phase, and the trend is being driven by residents and businesses, government regulations, a desire for efficiencies, and new technologies. Electrical demand has been flat for a while and is in fact declining. There is no longer a direct correlation between growth and electrical usage and the trend is expected to continue into the future. The neighborhood concept plan presented by staff and the research done by Puget Sound Energy have clear and significant value; both point out the need for adequate and reliable power, safety, undergrounding, price and value. The issues should be translated into the overall Utilities Element rather than holding them up as separate entities. The working relationship between the city and Puget Sound Energy is important and needs to function well; in the future it will need to be even stronger. The city should serve as an ombudsman in the relationship which can be done within the framework of the current franchise agreement.

Ms. Kayla Schott-Bessler, 1402 Third Avenue, Suite 1230, Seattle, spoke as policy manager for the Housing Development Consortium of Seattle/King County. The city has a responsibility to ensure that the Housing Element reflects the full range of policies that realistically can expect to be needed to address the countywide need for very low-, low-, and moderate-income housing. The striking and weakening of some policies, particularly around funding, that seek to address the need raises serious concerns about the city's commitment to its obligation. She delivered to staff in written form a number of comments from folks not able to attend Commission meetings. Affordable housing benefits everyone in the community, not just those who occupy it; it has been proven to create jobs, revitalize neighborhoods, help employers, reduce traffic, and support a thriving economy.

Mr. Carl Vander Hoek, 342 102nd Avenue SE, asked the Commission to consider correcting the alignment of the downtown boundary line for both the Vander Hoek and Forum properties. The Vander Hoek family has owned the property in question since 1996 and plans to continue owning it into the future and to responsibly develop it. There is no risk of the downtown boundary line moving further to the south in the future given that Wildwood Park serves as a natural buffer. It is logical to have a straight boundary line from 101st Avenue SE to 105th Avenue SE.

Mr. Brent Carson, 719 Second Avenue, Suite 1150, Seattle, spoke representing Alamo Manhattan Properties. He noted that previously the Commission expressed a concern about the boundary line tooth extending too far to the south relative to the Par 5 parcel. He noted that staff would be recommending a compromise to which the property owner is in agreement. The compromise continues the downtown boundary line recommended by the staff for the Radford property and aligns with the existing boundary between the Alamo Manhattan project and the Aria at Main condominiums to the south, extending the line to the east across the split between the two parking lots that exist on the Par 5 parcel.

Mr. Wade Johns, 6652 Lakeshore Drive, Dallas, Texas, said Alamo Manhattan is the contract purchaser of the Par 5 property and is the developer and owner of the Main Street Flats project at Main Street and 106th Avenue NE that is nearing completion. The vision for the Main Street corridor is for a great pedestrian experience all the way down to Old Bellevue. The Par 5 site has been under contract for nearly a year during which time about a dozen different concepts and schemes have been considered, work which uncovered the split zoning line. If the line remains where it is, it will not be feasible to develop the Par 5 property. The proposal outlined by Mr. Carson will solve the problem.

4. APPROVAL OF AGENDA

A motion to approve the agenda was made by Commissioner Hamlin. The motion was seconded by Commissioner Tebelius and it carried unanimously.

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

Councilmember Stokes allowed that there is a lot of work yet to be done on updating the Comprehensive Plan. The Council is anxious to see the work completed. The Council was very receptive to the work done on the vision statement. The challenge lies in taking the Comprehensive Plan, which is a very good document, and making it better.

Chair Laing reported that along with Ernie Simas of the Transportation Commission he gave a presentation to the Council on the Downtown Livability Initiative. The anticipation is the Council will give direction to the Commission about how to move the process forward. He said he also updated the Council with regard to the work of the Commission generally.

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram thanked Chair Laing for making the presentation to the Council regarding the work of the Commission. An additional update regarding the work to revise the Comprehensive Plan will be provided the Council on February 2, including the neighborhood element and the work on the vision statement.

7. DRAFT MINUTES REVIEW

A. September 10, 2014

A motion to approve the minutes as amended was made by Commissioner Hamlin. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

B. September 24, 2014

A motion to approve the minutes as amended was made by Commissioner Hamlin. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

C. October 8, 2014

A motion to approve the minutes as amended was made by Commissioner Hamlin. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

D. October 22, 2014

Commissioner Tebelius asked to have the minutes clarified. A motion to approve the minutes as amended was made Commissioner Hamlin. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

Commissioner deVadoss proposed that meeting minutes not approved within the span of four Commission meetings be deemed approved by default. Chair Laing said he was not sure if that would be allowed. Commissioner Hilhorst suggested that if not approved in that length of time approval of the minutes should be moved to the top of the agenda for the next meeting. There was agreement to do that.

8. STUDY SESSION

A. Comprehensive Plan Update

i. Project Overview

Mr. Inghram briefly reviewed with the Commission the updated project schedule. He noted that the draft document would be released on February 11, and that a joint meeting with other boards and commissions is slated for February 25 to receive a presentation on the entire plan, with an

emphasis on how the various parts fit together. A public open house will be held prior to the joint meeting, and an online open house will be conducted as well. A courtesy public hearing before the East Bellevue Community Council is on the calendar for March 3, and a general public hearing has been scheduled for March 4.

Chair Laing said staff has prepared tables comparing the existing Comprehensive Plan with the recommendations. It will be made available along with an annotated version of the Comprehensive Plan. Those documents will be used by the Commission in making a final recommendation in March.

Mr. Inghram clarified that the draft set for release on February 11 will be the staff recommendation. The Commission will review it, make changes as needed, and prepare a Commission draft that will ultimately be transmitted to the City Council.

Commissioner Walter pointed out that when individuals from the public review the document they will be looking for specific things, and having a staff draft and a Commission draft may serve to confuse them as to which draft they should take the time to review and comment on. Mr. Inghram agreed that there is often some level of frustration where a process takes two years or so to play out, and the frustration is usually focused on the question of when to engage. That is why a number of different public events are slated and why there are a number of different public outreach notifications. There will be a single draft plan for the public to review and comment on, and the Commission will make the revisions it deems necessary before forwarding the final document to the Council.

Chair Laing pointed out that over the past two years as each Comprehensive Plan element was brought before the Commission for review, there has been a staff recommendation. Members of the public have consistently attended the meetings and have provided feedback on the staff recommendation. The Commission has held multiple study sessions that in turn have elicited changes to the staff recommendation. The draft that will be released to the public for review and comment at the public hearing needs to be what the staff and Commission have worked on together.

Planning Director Dan Stroh said staff's objective in putting together the draft will be to reflect the work that has been done by the Commission, including all the language the Commission has reviewed and approved. There will also be a staff report summarizing the process and where things stand, but the draft document will be the Commission's product.

Commissioner Tebelius questioned whether what will be called the Commission draft should be released to the public before being reviewed by the Commission. Chair Laing suggested scheduling a Commission meeting for February 11 for the sole purpose of reviewing the draft document ahead of the public hearing.

Councilmember Stokes pointed out that the Commission has already made recommendations for each element of the Comprehensive Plan. He agreed, however, that it would be helpful for the Commission to be afforded the opportunity to see the entire document put together before being released to the public.

Mr. Inghram explained that the schedule going forward is focused on meeting the June 30 deadline established by the state. Extending the Commission's time past March 25 will put a crunch on the Council's time to review the recommendation. The February 11 release date is

driven in part by the March 4 public hearing date.

There was agreement to have Chair Laing and Commissioner Hilhorst work with staff on the scheduling details.

ii. Utilities Policies Follow-up

Senior Planner Nicholas Matz called attention to policy UT-39 and the issue of making the current undergrounding policy work in terms of broadband deployment. He noted the need to find the balance point between supporting broadband internet access and protecting neighborhood quality. The proposed change to the language of the policy removes the question of telecommunications from the idea of undergrounding, allowing the latter to focus on electrical distribution lines.

Answering a question asked by Commissioner Hilhorst, Mr. Matz said there is a clear distinction between wireless facilities and communication lines, the latter of which is addressed in the proposed new policy language. The policy allows for new aerial telecommunications lines on existing systems, which requires a right-of-way use permit, provided the visual impacts are addressed and provided they are required to be undergrounded when electrical distribution lines are undergrounded.

Chair Laing said because the issue is not necessarily a zoning code or Land Use Code issue, what gets skipped is the level of prescription that ensures some of the protections that normally are derived from a zoning ordinance or design standard. It makes sense to require undergrounding when electrical distribution lines are undergrounded. The concern expressed by Mr. Hanson is that absent something to trigger a requirement to underground telecommunication lines, they will never get undergrounded. However, the proposed policy language should very clearly state that all new aerial telecommunications lines on existing systems shall be designed to address visual impacts and shall be required to be placed underground at the time of undergrounding of electrical distribution lines. Mr. Inghram said the proposed policy says exactly that.

Mr. Matz added that in most cases telecommunications providers are hanging their lines on poles owned by the city or Puget Sound Energy, so when the electrical distribution lines are undergrounded and the poles go away, the telecommunications lines must also be undergrounded. Around 45 percent of the city is currently served with aboveground electrical distribution lines. Should a broadband supplier wish to install lines in an area where the electrical system is already underground, they must also go underground. Cost is always the decision maker in terms of undergrounding.

There was agreement to revise the proposed policy to read "Allow new aerial telecommunications lines on existing systems provided that they shall be designed to address visual impacts and are required to be placed underground at the time of undergrounding electrical distribution lines."

Mr. Matz brought before the Commission a revised version of a new policy addressing how to pay for undergrounding existing lines. He noted that the first draft proposed advocacy, the revised version was more focused on an inclusion approach to full mitigation.

Commissioner Tebelius suggested that if Puget Sound Energy is to be given the right to put their transmission lines through neighborhoods, the city should mandate that they must provide

payment as a condition.

The Commissioners approved the revised policy language.

Mr. Matz noted that Mr. Hanson's memo addresses the need to create an affordable undergrounding mechanism. To that end staff proposed new policy language which would support neighborhood efforts to underground existing electrical distribution lines where neighborhood residents have indicated a willingness and ability to cover the non-utility share of project costs. Mr. Hanson also asked the city to limit the siting of transmission lines to provider owned land or public rights-of-way, eliminating the use of easements for electrical facilities. Electrical facilities are considered a legal form of land possession and any attempt to eliminate the use of easements would not be cost-effective and would be impractical from the perspective of the utilities.

Commissioner Hilhorst suggested that the new policy should support neighborhood efforts to underground where a majority of residents have shown or demonstrated a willingness or are in some specific way committed. Chair Laing said the point is well taken and suggests something like a local improvement district, which has a statutory threshold of acceptance.

Chair Laing pointed out that the effect of an easement for electrical transmission lines is that the property underneath cannot be used for anything. He said his reading of Mr. Hanson's argument was that given that situation, property owners who are not able to use their property across which there is an easement for an electrical transmission line should not be asked to pay property taxes on the land where the easement exists. Mr. Matz said while that is in fact Mr. Hanson's position, there is nothing the city can practically do about it.

****BREAK****

iii. Citizen Participation Policies Follow-up

Chair Laing noted that the Commission had previously agreed to keep the citizen engagement portion of the Comprehensive Plan as it currently exists. Since that time, four new policies have been proposed.

Commissioner Tebelius voiced support for the Commission's original conclusion to leave the citizen engagement section as it is.

Mr. Inghram commented that originally several new policies had been brought to the table for discussion. Had they been included, the tenor and nature of the existing element would have changed. The question is whether or not gaps will be created by leaving the new proposed policies out. The first of the proposed new suggestions seeks to include a broader statement about engagement; the second addresses diversity more clearly; the third focuses on emerging technology; and the fourth reflects things going on in the city that encourage people to become more actively involved.

Commissioner Hamlin voiced his support for the four policies.

Commissioner Hilhorst said the city is already involved in engaging citizens and recognizes the diversity of the community. As such, the first two policies are not needed. The third policy provides value and should be included. The fourth policy is not needed because the city already

works at getting citizens more involved.

Commissioner Walter commented that if the fourth policy is included it should be shortened to read "Effectively communicate opportunities to foster civic participation and leadership."

A motion to revise the third proposed new policy as suggested by Commissioner Hilhorst and to include it in the element was made by Commissioner Tebelius. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

iiii. Housing Policies Follow-up

Commissioner Hilhorst referred to the proposed surplus land policy and asked if surplus land refers to undeveloped land owned by the city for which the city has future plans to develop a park. Mr. Inghram said the term refers to city owned land that is declared surplus, or no longer needed for its intended purpose. Such properties may or may not be developed. For a variety of reasons it would be highly unlikely the city would surplus property earmarked for parkland.

Commissioner Walter said she would prefer to see surplus land evaluated for its optimal use to benefit the city and the residents. As written, the proposed policy language puts the focus on affordable housing, meaning something more ~~important~~ appropriate could ultimately be overlooked.

Councilmember Stokes said the housing policies will be closely scrutinized at the Council level. He said it would be very helpful for the Commission to offer clear rationale for the policies it decides should be included. The housing issue is getting more and more complicated in light of the clear need. The policy language as proposed does not tie the hands of the city to anything other than considering affordable housing in deciding what to do with surplus land.

Commissioner Hamlin said as written the language gives some priority to affordable housing and as such the policy should be included.

Commissioner deVadoss echoed the concern voiced by Commissioner Walter.

Commissioner Tebelius said she would word the policy to read "Evaluate surplus public land for the highest and best use."

Chair Laing suggested the policy as drafted is seemingly innocuous, though it should refer to city owned surplus land. The issue is that Sound Transit has been looking at the possibility of over-condemning property along the light rail alignment so that it will have excess surplus land it can ultimately dispose of for transit-oriented development. Under Washington law, private property cannot be taken for private use. Sound Transit has been at least accused of over-condemning property and selling the remnant parcels to multifamily developers for transit-oriented development, often with some component of affordability. So while the policy itself appears to be innocuous, the conversation behind it is a big deal. The prohibition against making a gift of public assets would seem to argue in favor of evaluating surplus public land for its highest and best use.

There was agreement not to include the policy.

With regard to policy HO-25, Commissioner Hilhorst noted her support for the Commission's

version.

Commissioner Hamlin said he was comfortable with accepting the changes as proposed.

Commissioner deVadoss suggested that for the sake of consistency the policy should use the word "encourage" and should also reference "through incentives and other tools."

Chair Laing said the reference to incentives and the removal of regulatory barriers was removed from policy HO-23 in deference to being consistent with state-enabling legislation. There are some tools in place and others may be brought online in the future. The problem with HO-25 and HO-29 was use of the word "including" which is limiting rather than expansive.

Commissioner Tebelius indicated a preference for not making changes to the housing policies.

Commissioner Walter said she would like to see policy language included in the Comprehensive Plan that addresses affordable senior housing. Commissioner Hilhorst concurred.

Councilmember Stokes pointed out that while Bellevue is getting younger, it is also getting older. People in the neighborhoods have consistently said they want to be able to age in place. The policy provides extra emphasis and that is a good thing.

Commissioner Hilhorst said the discussion around providing tax incentives to developers to provide affordable housing should apply to senior housing as well.

There was consensus to revise the policy to read "Encourage a range of housing types for seniors affordable at a variety of income levels."

With regard to policies HO-2a and HO-39, Mr. Inghram said the proposed language is intended to provide some clarity. The edit made to HO-39 incorporates the discussion previously held by the Commission.

Commissioner deVadoss commented that the discussion around HO-39 originally included the notion of working with other organizations to help those who are homeless, and that element has been lost. It is worth considering again.

Answering a question asked by Commissioner Walter, Mr. Inghram allowed that there is some crossover between the Human Services Element and the Housing Element. Policy HO-39 is specifically focused on the shelter and housing aspect of addressing homelessness, and the policies in the Human Services Element speak more directly to the provision of services. A homeless shelter is both a service and a structure in which the service is provided.

There was agreement to revise policy HO-39 to read "Collaborate with other jurisdictions and social service organizations in their efforts to obtain funds and operate emergency shelters and day centers that address homelessness."

With regard to policy HO-2a, Commissioner Hilhorst pointed out that policy HO-25 seeks to ensure there will be affordable housing opportunities available throughout the city, which seems to indicate a plan will be drafted to make that happen. As such, there is no value added by including HO-2a as proposed. Mr. Inghram explained that a significant change was made regionally to move away from jurisdictional targets. The jurisdictions agreed to remove from

their policies the specific targets and to place a greater emphasis on taking action. The intent of HO-2a is to reflect that regional policy stance.

Commissioner Walter proposed using "volume" or "quantity" in place of "amount."

Commissioner deVadoss recommended combining HO-2a, which is about proactive planning, and HO-25, which is about the role of the government. Chair Laing agreed and proposed simply moving "Monitor quantity, types and affordability of housing achieved" to HO-25.

Chair Laing proposed adding a policy reading "Evaluate affordable housing strategies to ensure that they do not have the unintended consequence of decreasing affordability to a variety of income levels." He explained that too many jurisdictions have attempted approaches that have actually increased housing costs. Bellevue should be a leader in adopting policies that will work. The multifamily tax exemption program is a good example.

Councilmember Stokes said he would prefer to see the policy worded positively. Chair Laing offered "Develop affordable housing policies that ensure housing affordability is maintained across a variety of income levels."

Commissioner deVadoss suggested "Promote a strategy to ensure that housing affordability is maintained across a variety of income levels" along with something about tracking and monitoring.

The Commissioners were in agreement with the concept and directed staff to wordsmith it and bring it back.

v. Neighborhoods Element Concept

Commissioner Hamlin indicated his support for the revised version of the element.

Commissioner Hilhorst noted her support as well, particularly with regard to ensuring high levels of public safety through accreditation of public safety services by following best practices. She asked how the policy will translate into making sure the police and fire departments are appropriately staffed as the city grows. Neighborhood Outreach manager Mike McCormick-Huentelman said one thing done in response to the last Commission meeting was a meeting with police and fire to talk about policy language that would support the work of public safety in the city. The representatives pushed back against being overly prescriptive but did want to see policies that set the framework for the work they do. The policy sets the framework, and implementation is the work of following through on the policy. Staffing recommendations based on the changing needs of the city and best practices are made during the budget process.

Commissioner Hilhorst stressed the need to go beyond simply saying something in policy language and assure that there will be implementation. Councilmember Stokes said implementation of all policies is the business of the city manager and the Council through the budgeting process. The Comprehensive Plan policies should avoid being overly prescriptive.

Commissioner Tebelius commented that public safety is the top issue for every city in the nation. The need for it is understood by all and does not need to be explained in great detail. In order to be effective, a police force must be nimble and able to adapt to whatever comes up. Policy should simply call for a strong police force, but how to accomplish that should not be spelled out

in policy language.

A motion to extend the meeting by 30 minutes was made by Commissioner Hilhorst. The motion was seconded by Commissioner Hamlin and it carried unanimously.

Commissioner Walter agreed with Commissioner Tebelius that the city's fire and police forces need to be nimble, but added that they also need to be adequate. Councilmember Stokes reiterated that addressing the issue of adequacy is done through the budget process.

Commissioner deVadoss called attention to policy N-11 and suggested it is written too broadly. As drafted, neighborhoods are encouraged to address problems on their own. He proposed deleting the policy.

Mr. Inghram commented that the Bridle Trails neighborhood stepped forward and developed a neighborhood-specific tree standard that applies only to their area. The policy is intended to address similar situations and to facilitate neighborhoods developing specific solutions unique to their areas. The latter part of the policy, however, stresses the need to avoid identifying approaches that will create a fundamental barrier to a citywide responsibility.

Commissioner Tebelius said she could see all kinds of problems associated with the policy where the issue addressed has anything to do with criminal acts or public safety.

Mr. Inghram agreed to take another look at the policy.

Commissioner Walter said she lives in an aging neighborhood of which the residents are proud. People look at aging neighborhoods as opportunities for urban renewal while others would prefer to see them kept up. All neighborhoods share the need for a quality built natural environment that facilitates a safe and welcoming community. She said there once was an abandoned and unsafe house in her neighborhood and it took a number of years of working with the city to get the structure torn down. There is another similar house in the neighborhood that has been on the city's radar for 13 years and there seems to be nothing that can be done. There should be policy language to facilitate addressing those situations.

Mr. Inghram said there is a policy in the Land Use Element that addresses the issue. He suggested it might be a good idea to house the policy in the Neighborhood Element instead.

Chair Laing called attention to the adaptability paragraph on page 15 and the statement that neighborhoods will adapt to new changes in traffic patterns and congestion. He suggested that sentence should be deleted. The Commissioners agreed.

vi. Community Vision

By way of context, Commissioner deVadoss explained that the goal behind drafting the community vision was to keep it simple, to be aspirational, and to reflect what is uniquely Bellevue. He noted that additional edits were made following the Commission's last meeting.

No additional comments about the document were made.

vii. Downtown Subarea Boundary

Chair Laing recused himself, turned the gavel over to Vice-chair Hilhorst, and left the meeting.

Senior Planner Nicholas Matz reported that following the last Commission meeting staff had a healthy discussion with the Vander Hoek and Par 5 property owners regarding their views of where the boundary line should be drawn, taking into account the comments made by the Commission regarding the desire to see reasonably consistent development, to avoid undesirable impacts on the quality of urban design, and to draw the boundary in a logical and rational way. He outlined for the Commission staff's conclusion relative to where the boundary line should be drawn.

Commissioner Hamlin voiced support for the revised recommendations.

Commissioner Tebelius asked if the various property owners are in agreement with the proposal. Mr. Matz said the Vander Hoek and Par 5 property representatives are satisfied. He said staff would be reaching out to all of the other property owners.

Commissioner Tebelius asked what Main Street will look like once all of the changes go into effect. Mr. Matz suggested that anyone standing between the marijuana shop and Kennelly Keys and looking north, south and west will be able to get a sense of what Main Street will look like as it transitions toward Old Bellevue.

Councilmember Stokes suggested that development will help to revitalize the area, but even with the changes Old Bellevue will remain Old Bellevue.

There was consensus in favor of the recommendation.

9. OTHER BUSINESS - None

10. PUBLIC COMMENT

Ms. Mary Ann Halvorson, 13701 NE 32nd Place, responded to the comments made regarding the safety and police forces by saying her neighborhood had a very unfortunate experience just recently involving theft. In responding the police force was both nimble and effective and was very reassuring. The police followed up by speaking to the Bridle Trails Community Club about what can be done to avoid crime activity. Overall the experience in working with the police was extraordinary.

11. ADJOURN

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

Commissioner Hilhorst adjourned the meeting at 10:03 p.m.



Paul Inghram
Staff to the Planning Commission

5/13/2015
Date



Aaron Laing
Chair of the Planning Commission

5/13/15
Date

* Approved as corrected, April 8, 2015