

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

July 27, 2016  
4:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Hilhorst, Commissioners Carlson, Barksdale, deVadoss, Laing, Morisseau, Walter

COMMISSIONERS ABSENT: None

STAFF PRESENT: Terry Cullen, Emil King, Department of Planning and Community Development; Patricia Byers, Department of Development Services; Franz Loewenherz, Kevin McDonald, Department of Transportation; Catherine Drews, City Attorney's Office; Wayne Carlson, AHBL

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

(4:40 p.m.)

The meeting was called to order at 4:40 p.m. by Chair Hilhorst who presided.

2. ROLL CALL

(4:41 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Barksdale, who arrived at 4:44 p.m.; Commissioner Carlson, who arrived at 5:30 p.m.; and Commissioner Laing, who arrived at 7:00 p.m.

3. APPROVAL OF AGENDA

(4:41 p.m.)

A motion to revise the agenda to include an additional public comment opportunity after 6:30 p.m., to allow for flexibility in approving the minutes depending on the lateness of the hour, and to approve the agenda as amended was made by Commissioner Walter. The motion was seconded by Commissioner deVadoss and the motion carried unanimously.

4. PUBLIC COMMENT

Ms. Jessie Clawson, 701 5th Avenue, Suite 6600, spoke in support of the proposal to move the

boundary of the DNTN-O2 zone to include the property at 888 108th Avenue NE, which is bounded on two sides by DNTN-O2 zoning. The desire is to construct on the site a residential building and the DNTN-O2 would allow for an additional four stories, adding to the number of affordable units under the new downtown livability zoning in a location that is very close to transit. She noted that the staff recommended against including the site in the DNTN-O2 because of the potential for a large office building. The property owner would be open to a development agreement restricting development of the site to a residential tower. A graceful transition would result from the addition of four stories between the existing and proposed developments in the area and the wedding cake approach would be preserved.

Ms. Linda Nohavec, 3273 163rd Place SE, read into the record the notes from the attorney representing the Eastgate residents committee which is concerned with the proposed zoning for the Eastgate area which are intended to increase the residential and commercial intensity in the community. The committee believes that the substantial upzones proposed are not in the public interest, are not needed to meet Growth Management Act goals, and would create dramatic adverse and environmental and community impacts. The rezones should be denied. Density increases will exacerbate already intolerable traffic congestion in the Eastgate area. The proposal adds development density without transportation improvements. Principles supporting transit-oriented development are not present in the Eastgate community. It has become fashionable for communities to increase land use densities in areas served by substantial transportation resources. Such land use changes have occurred in Seattle near light rail stations and other areas served by enhanced bus service. However, transit service is meager in the Eastgate area except at the park and ride. The zoning amendments do not commit additional transit service commensurate with the anticipated growth. Light rail facilities are not currently scheduled for the area, and the long range plans of Metro do not include significant additional service. Bellevue is meeting its housing and employment goals. Growth can and should be concentrated in areas where transit improvements are located. Zoning changes must be consistent with the public interest, not just the interest of land developers and businesses. The staff report indicates that uncertainty exists as to whether the LUCA will result in a vibrant transit-oriented development district, but no uncertainty exists as to the substantial increases in traffic that would occur with the additional density proposed.

Mr. Anthony Allison, 15053 SE 44th Street, said his concern relative to the proposed Land Use Code amendments for the Eastgate area is tied to the traffic infrastructure. Every Eastgate arterial is gridlocked during peak travel times, and the backups are typically a mile long. Based on an average auto length of 14 feet, the backups represent about 377 cars. He shared with the Commissioners photos of traffic backups. The schools are operating at capacity already even with recently built schools.

Mr. Noah Allison, 15053 SE 44th Street, said there used to be 26 kids in his class and that changed to 24 when two moved, but there is still a lot of teacher stress. There is always someone who is acting weird and none of the attention goes to the other kids.

Mr. Allison said property crimes are occurring in the Eastgate area and they have increased over the last few years. He voiced opposition to the R-20 zoning proposal.

Ms. Michelle Wannamaker, 4045 149th Avenue SE, said she recently learned that the only actual data the city is measuring is the number of vehicles that go through specific intersections between 4:00 p.m. and 6:00 p.m. Everything else is just smoke and mirrors involving concurrency modeling software. Given existing traffic conditions, it is clear the modeling does

not work well and is not acting in the best interest of the existing Bellevue residents and existing commuters traveling through Eastgate. There apparently are no measurements taken of the amount of time it takes cars to get to the intersections that are measured. There is something called a floating car which records the speed and time it takes to get to the intersections, but it is almost never done because it is so expensive. It is also not used in the traffic studies for development. The city tells developers to hire consultants to do traffic studies to prove their development will not cause traffic to exceed roadway capacity standards, a clear conflict of interest. Developers do not typically have to utilize the floating car approach because they complain it puts an excessive financial burden on them. The fact is cars stuck in backups are burning gas that causing health and environmental impacts. Floating car measurements should be taken of the whole city to get a baseline of the true existing conditions, including cumulative effects of regional growth. The city's 2016 concurrency report shows the intersection near the park and ride is not a measured intersection, nor is the main intersection to Bellevue College.

Mr. Todd Woosley, PO Box 3325, spoke representing the Kramer brothers, long-time owners of the Eastgate RV Park. He thanked the Commissioners for their time and dedication put into the Eastgate issues. He said the proposed Neighborhood Mixed Use zone will benefit the property owners as well as the city as a whole by adding both market rate and affordable housing units. The property owner in the transit-oriented development area is saying they are not ready to build residential, but the developer of the RV site is in fact ready to build residential. The staff has recommended a base FAR of 1.0 and the property owner is requesting an FAR of 1.25. The staff has recommended an incentive FAR of 1.0 for affordable housing, and the property owner is recommending an incentive FAR of 1.25 for affordable housing. Everyone agrees the development should include multifamily and that the affordable units should be on site mixed into the development. The slight difference in FAR will make all the difference in the viability of the project. The proposed FAR of 1.0 along with the bonus for affordable housing is far less than other jurisdictions allow, which is up to 4.0. The city should adopt existing code language for incentives that is already on the books for the Bel-Red corridor, which calls for 20 percent of the units to be affordable to people making 80 percent of the area median income. The formula has been proven to work.

Mr. Clark Kramer, 15531 SE 37th Street, thanked the Commission and the staff for all the work that has been done. The final report of the Eastgate/I-90 CAC called for doing no harm for the property owners, and that should carry over into any changes to the code. Accordingly, all of the existing permitted uses should be retained. No developer has been found who will touch the RV site with the requirements that have been proposed by the staff.

Mr. Ross Klinger, 500 108th Avenue NE, Suite 2400, said as a commercial real estate land expert he was aware of the market demand in the Eastgate area for new market-rate and affordable housing units. In the greater Puget Sound area, 12,500 new units came online last year, but there were 61,373 residents in migration, passing the seven million mark, and 10,700 people moved to the area in January 2016. The alternative Land Use Code language modeled after the Bel-Red LIV project would allow for the development of affordable and market-rate units, all of which would be absorbed very quickly.

Mr. John Shaw, 4555 193rd Place SE, Issaquah, spoke as director of multifamily acquisitions for American Classic Homes. He said the firm is the developer working with the Kramers to come up with an economically viable project. He said the company desires to build affordable housing and the alternative language proposed would yield the most units. With regard to a comment made by staff to Mr. Kramer indicating that a fee in-lieu may produce a project with no

affordable housing, he said that is not the intent and he proposed striking the fee in-lieu language from the feasible zoning alternative. American Classic Homes includes affordable units in all of its projects and would do so in Eastgate as well.

Ms. Sandra Grace, 14216 SE Eastgate Drive, said she has seen a lot of changes in the 31 years she has lived at that address. In particular, traffic has been the biggest change. She said she and her family no longer go out during certain morning or evening hours. She said when she moved to the area there was a lot of open space and plenty of trees, but all of that is going away, leaving concerns about pollution and noise. The changes have impacted the lives of animals and people alike. Change is good and affordable housing is needed, and the Commission is to be admired for taking on the difficult task.

## 5. STUDY SESSION

(5:10 p.m.)

### A. Proposed Land Use Code Amendments – Eastgate/I-90 Land Use and Transportation Project

Code Development Manager Patricia Byers noted that three new districts have been proposed for the Eastgate area: EG-TOD, OLB-2, and NMU. Each new district has dimensions, development regulations and design guidelines. Additionally, changes have been recommended to the transition area design guidelines, along with the repeal of concomitant agreements and some conformance amendments aimed at ensuring the proposed amendments will fit in with the rest of the code. She pointed out that in the last Commission packet there were a couple of errors: the lot coverage for NMU and OLB-2 should have been shown as 35 percent; there is no lot coverage amount for the EG-TOD; and the EG-TOD maximum height is 160 feet.

Senior Transportation Planner Franz Loewenherz acknowledged that Mayor Stokes participated in the Eastgate/I-90 CAC process from 2010 to 2012 that included an extensive community outreach process.

With regard to the EG-TOD area, Mr. Loewenherz noted that the proposed change in land use will increase the development square footage from 534,000 to 1.48 million, including an additional 475 residential units. He said the modesplit estimates are very conservative and the model for the 2030 preferred alternative assumes the status quo. The model is insensitive to non-motorized elements and thus does not assume any pedestrian or bicycle usage in the corridor into the future. Additionally, the model does not take into account the increase in transit usage envisioned under the Transit Master Plan or Metro's long-range plans, which calls for doubling bus service hours in the corridor by 2030. At the time the CAC's recommendation was drafted, the Transit Master Plan had not yet been developed and the CAC used the best information that was available. By holding the modeshare constant, a very conservative view is taken on the impact to traffic conditions in the corridor. Had the assumptions been different, one could legitimately call into question the rosy picture of conditions in the future.

Chair Hilhorst commented that essentially there are no projections for the corridor, even though there is a ballot measure coming up that acknowledges there will be growth. Mayor Stokes clarified that no one has claimed there will be no growth, only that the patterns of how people get around will stay the same, which is a very conservative outlook. Even absent showing changes in modesplit and additional transit services, the model indicates the anticipated growth can be

supported. Light rail and more bus service will ultimately have a positive effect and could in fact support even more development.

Mr. Loewenherz clarified that modeshare speaks to how people get around relative to driving alone, shared rides, and transit. The modesplit configuration assumes no change, that the same percentages of people who drive alone, ride with others and take the bus currently will continue to do so in the future. The underlying assumption is that the underlying level of bus service in the area will not increase, so no more than currently take the bus will do so in the future, nor does it take into account people who walk or bike, or any improvements that might be made. As more bus service is added, the modeshare percentages will change as more people opt to ride the bus, just as more people will choose to walk or ride their bikes once the Mountains to Sound Greenway trail is constructed.

Commissioner Morisseau commented that growth is going to happen, meaning that more people will need to get from point A to point B. Accordingly, the drive-alone percentage will increase. She asked if the same analysis was done for any increase in transit by 2030. Mr. Loewenherz said the model has not been updated to reflect the Transit Master Plan doubling of bus service that is envisioned, or the Metro long-range plan which has a lot more bus service. The model is undergoing a process by which it will become more sensitive to non-motorized travel, but it is not there yet. Mr. Cullen added that at the time the original transportation studies were done, it was not possible to predict what the modeshare would be by 2030, so the current percentages were carried through and modeled. Not surprisingly, the model indicates there will in the future be more trips on the road than by bus. Transit will eventually come to the area in the future under the plans that are currently being made and coming into play. The model in fact overestimates the amount of traffic that will be on the roadways, but even so the concurrency standard is not exceeded.

Commissioner Walter referred to the employee growth projections for the EG-TOD area and noted that the current 1309 will grow to 4001. She also noted that in 2008 the drive-alone rate was 90 percent and that by 2030 that is projected to fall to 89 percent. Doing the math shows there will be three times as many cars on the roads. Mr. Loewenherz clarified that the modesplit figures zero in on the EG-TOD but are in fact applicable to the broader area. He said the total number of entering vehicles at the 44 measured intersections in the Traffic Analysis Zones in the study area is projected to increase from 95,434 vehicles in the weekday evening peak period to 115,607 under the no action scenario.

Mr. Cullen reminded the Commissioners that numbers are the same as those associated with the CAC's land use assumptions that were made and approved as part of the preferred alternative, including for the EG-TOD area. The numbers have been modeled, discussed, and reviewed by both the Planning Commission and the Transportation Commission. Since then the Transportation Facilities Plan has been updated, the modeling has been done, and there have been plan amendments forwarded to support the CAC's final recommendation. He stressed that the line of questioning is redundant to the work of the Planning Commission, the Transportation Commission, the CAC and the public involvement process that has already been approved over the past four years. The development potential and the vision that was adopted as part of the plan four years ago match. All the modeling and the transportation improvements that are being planned are all commensurate with the amount of development that has been approved. He cautioned the Commissioners to avoid revisiting everything previous commissions have already been through. Transportation is certainly important, but the Commission's due diligence should focus on the land use issues that have not yet been deliberated.

Commissioner deVadoss asked what it will mean for the lay person to maintain the same modesplit ratios. Mr. Loewenherz said currently the average weekday evening peak period delay at the 44 intersections within the study area Transportation Analysis Zones is 31 seconds. The no action scenario anticipates that by 2030 the level of delay will increase to 41.4 seconds. Additionally, if the level of land use recommended by the CAC is added into the mix, by 2030 the delay will increase to 46.5 seconds. However, incorporating the transportation strategies that have been outlined will by 2030 reduce the average intersection delay to 41.7 seconds. By taking the conservative approach rather than painting a rosy picture, the numbers are higher than they would be if the model included increases in transit and bus services. Commissioner deVadoss agreed with Commissioner Walter that using the same ratios for a greater number of people in the area will increase the number of cars on the roads.

For the benefit of Commissioner Carlson, Mr. Loewenherz said a great deal of modeling was done for the entire subarea to determine the impacts resulting from the proposed land use changes. He said previously the information presented was not specific to the EG-TOD area.

Mayor Stokes commented that the process started prior to 2010. The CAC worked on it for two years. Their recommendations were then sent to the Transportation Commission and the Planning Commission for review and approval, following which the Council looked at the package, approved it, and directed the Planning Commission to effect the Land Use Code amendments needed to implement the vision. Recommending a different approach would require going back through the entire process all over again. If the assumptions and the data are questioned based on testimony or personal knowledge, it will be very difficult to ultimately reach a consensus. The fact is that even without assuming additional transit and bus services, the proposed level of development will not exceed the congestion limits. The Eastgate area has developed over time and at every step people living or working there have voiced concerns about changes in transportation. Their concerns have triggered revisions to the transportation system to accommodate the growth. What the Commission needs to do is focus on the job at hand and avoid going back over work that has already been done.

Mr. Cullen added that modeling transportation and land use is incredibly complex. In the public hearing on June 22, staff tried to explain that if absolutely nothing more were to be done relative to land use, traffic would get worse because of the regional growth driver. A certain percentage of the pain being felt in Eastgate is not coming from Eastgate. The improvements to the transportation system that are needed to support the incremental amount of development proposed for Eastgate are supported by the planned improvements. The establishment of a vision for an area begins a planning iteration that intertwines land use and transportation. That work eventually branches off into specific transportation projects planning that involves the city and regional transit providers and the state. The transportation projects cannot, however, be funded until the land use piece is in place. The trigger is the establishment of land use zoning districts; that is the point at which the transit authorities have something to work toward, and is the point at which the city begins to specifically focus on and prioritize projects in the Transportation Facilities Plan, which then leads to the allocation of real dollars to actually get projects constructed. At the point a developer walks in the door at City Hall with a development proposal, a very detailed look at the interface between transportation and land use begins. The developer may be asked to provide very specific intersection studies to determine what the specific impacts of the proposed development will be.

Mr. Cullen said the Commission's focus on pulling out one piece of the very complex puzzle and

trying to understand it is essentially unraveling all the work done to date by all who have been involved. The system is not perfect, and the various elements are complex, but it works very well in jurisdictions across the country. It is understandable that people are feeling the pain resulting from current conditions, and it is understandable that they want an instant solution, but it simply does not work that way. There are no snap answers.

Chair Hilhorst said she appreciated having the planning process explained. The land use vision comes first, then steps are taken to identify the infrastructure needed to support the vision. The problem is it appears the approach taken to date has led to the current problems, leaving little faith in the process. The growth has happened but the infrastructure has not come about. The Growth Management Act includes a provision that requires transportation infrastructure to be developed concurrent with development, yet the Eastgate area has not benefited. Mayor Stokes said part of the issue is the time it takes to bring everything to fruition. The same questions could be asked about the downtown where expansion is continuing and new impacts are being created as a result. At the level of approving the proposed Land Use Code amendments, the Commission is not approving full development of every property to the maximum extent allowed. Every development is scrutinized on its own merits. It is simply not possible to first go out and build all the transportation infrastructure and then focus on what the land uses should be. To continue in the direction the discussion is taking will only further bog down the process and move in the direction of an endless loop.

Commissioner Barksdale said he would be more concerned if the city had no land use plan. That would be far more troubling than having a plan that it will simply take time to implement. So long as there is a plan to grow the infrastructure, it will be just a matter of the time needed to build it out. There is a large difference between what people feel will happen and what is likely to happen.

Commissioner Walter asked staff to clarify whether or not there will be three times as many trips on the roads. Mr. Loewenherz said the travel demand model does not project that level of increase for the entire corridor. The anticipation is that within the EG-TOD, the number of employees will nearly triple. Mayor Stokes reiterated that all of the groups that have looked at the information to date have concluded that even if the current modesplit remains the same as the number of employees working in the area increases, the congestion limits will not be exceeded. The fact is that transit-oriented development will reduce the number of trips, and improvements in transit that are planned will also reduce the number of trips.

Commissioner deVadoss said he understood the fact that it is the Council's prerogative to make final decisions and the Commission's task to provide recommendations. Each Commissioner should share their perspectives relative to what they see, hear and feel as citizens of the city. He added that as staff presents data, it would be helpful to know the assumptions and implications relative to worst case or best case scenarios.

Commissioner Morisseau said in making recommendations, the Commission must determine if the proposed amendments meet the vision of the CAC; are consistent with the Comprehensive Plan; will advance the public health, safety and welfare; and are not contrary to the best interest of the citizens and property owners in the city. The Commission's concerns about traffic address the issues of public health, safety and welfare as well as the best interests of the citizens and property owners. She said the Commission should look at what has been presented and formulate recommendations accordingly to avoid getting caught in an endless loop. Infrastructure will not come until the land use plan is approved and the growth happens; the reality is that the

infrastructure will not appear first.

Ms. Byers asked the Commission to keep in mind that there is a transportation plan that takes into account the recommendations of the CAC. The decisions made relative to the transportation plan are consistent with the Comprehensive Plan. The city's development regulations are required to be consistent with the Comprehensive Plan as well, which is what the current land use effort is all about. The proposed Land Use Code amendments are consistent with the recommendations of the CAC.

Ms. Byers said one of the suggestions previously made was to not require residential in the new EG-TOD. That approach, however, would not be consistent with the Comprehensive Plan and as such will not be recommended by staff. Another request made was to increase the height of the parking garage from 45 feet to 55 feet to accommodate ground floor retail, and staff believes that would be appropriate. The request made to increase the building height in the EG-TOD from 160 feet to 170 feet was aimed at accommodating elevator overruns, but overruns are not counted anyway so the building height of 160 feet as proposed should be retained.

The suggestion was also made to allow driveways as allowable interruptions on the main pedestrian street. Ms. Byers said the desire is to have the street be pedestrian friendly by avoiding conflicts between pedestrians and cars. She said staff could support including a statement about how driveways should not be allowed unless access cannot be otherwise accommodated.

With regard to the proposal to increase the maximum FAR in the NMU from 1.0 to 2.5, Ms. Byers said as suggested there would be a base FAR of 1.25 and an increase of 1.25 through an amenity system. She reminded the Commissioners that the economic analysis for the Eastgate corridor did not support inclusion of an amenity system. The economics of the Eastgate area are different from those of the Bel-Red area. For one thing, the Eastgate area is a very small area to have any kind of an amenity system. The proposed increase to an FAR of 2.5 is quite large given that currently the area has an FAR of 0.5. The NMU is intended to have a neighborhood focus with uses that cater to the adjacent neighborhoods, and allowing an FAR of 2.5 would have substantial impacts on the neighboring residential areas. The recommendation of the staff is to have a base FAR of 1.0 and an additional FAR of 1.0 in exchange for the provision of affordable housing units.

Ms. Byers said the CAC stated that New development on properties that receive additional development capacity as a result of the Eastgate/I-90 Land Use & Transportation Project should provide or contribute to public benefits as a condition of realizing that added capacity. She said when staff concluded that an amenity system should not be recommended, the decision was made to bump up the FAR and include development standards to take into account what the CAC had said with regard to public benefit.

With regard to the request to change the lot coverage in the NMU from the proposed 35 percent to 70 percent to match the Bel-Red regulations, Ms. Byers pointed out that the Bel-Red code includes a number of provisions that deal with natural drainage. Those provisions are not proposed for the NMU, which is why the lot coverage percentage needs to be kept lower.

Ms. Byers called attention to the proposed zoning map and pointed out that the CB zone close to Factoria has already been rezoned and does not need to be approved again. Additionally, there are two parcels on 148th Avenue SE called the Champion Center that are proposed to be CB in

order to expand their allowed uses to bring the existing uses into conformance with the actual use on the ground.

With regard to the NMU district, Commissioner Walter asked how the additional FAR of 1.0 for affordable housing would play out. Land Use Director Carol Helland said the FAR allowance would not drive the split of the building. As proposed, an FAR of 1.0 would be allowed without including any affordable housing. Should a developer choose to include affordable housing, they would be allowed to do so up to an additional 1.0 FAR.

Commissioner Morisseau noted that the Eastgate RV park currently has a commercial zoning designation. She said it was her understanding that the current use could continue to be operated until such time as the site is redeveloped, at which time the new development would have to meet the new zoning requirements. Ms. Byers said that was correct.

Chair Hilhorst asked if existing property owners are allowed to grandfather in uses that are allowed under the existing zoning. Ms. Byers said current uses are allowed to continue even if new zoning regulations are imposed. Discontinuation of a use for a year triggers the need to conform to any new zoning regulations, and that is irrespective of ownership.

Chair Hilhorst asked if the Commission could put forward a recommendation to allow for a base FAR of 1.0 and an additional FAR of 1.0 for affordable housing along with a recommendation to allow for an increase in the FAR in the event additional transit services, the extra lane on I-405 and other infrastructure projects get built out. Ms. Helland said amendments to the Comprehensive Plan can be made annually, so if circumstances change a property owner can always request a Comprehensive Plan amendment or a code amendment. She stressed that the NMU provisions apply citywide, not just on a single site in Eastgate. Additionally, the NMU is intended to have a neighborhood focus, and an FAR beyond 2.0 starts to move beyond the intent. Ms. Byers added that the SEPA document for the proposed code amendment included an FAR of up to 1.0 in the NMU and up to 2.0 in the EG-TOD. To go higher than that would require additional analysis. Ms. Helland said there is never a limit on revisiting the issues as circumstances change. In fact, in many cases the Council has directed staff to look back at zoning once it has been in place for a period of time to see if it is working as anticipated, and if not to make some targeted changes.

Commissioner Morisseau said it was her understanding the CAC had recommended an FAR of 1.0 for the EG-TOD area and asked why staff was recommended 2.0. Ms. Byers said the CAC had actually recommended an FAR of 1.5 to 2.0 for the area, which is where they wanted most of the density to occur. Mr. Cullen added that the CAC had also called for flexibility to ensure a desirable urban form, mix of uses and range of public benefits. Ms. Byers noted that an additional 1.0 FAR is recommended for affordable housing, open space, public restroom, special dedications and transfers.

Commissioner Walter asked if a development that maxed out the base FAR of 2.0 and received a bonus 1.0 FAR for providing affordable housing would need more building height. Ms. Helland explained that bonus FAR does not come with permission to exceed the dimensional requirements to accommodate it.

Chair Hilhorst asked if allowing a building height of 160 feet in the EG-TOD would conflict with the policy that calls for preserving the view amenities of adjacent single family neighborhoods. Ms. Byers reminded her that the EG-TOD is adjacent to Eastgate Way on the

south and abuts a steep hill on the north side, above which is Bellevue College.

Commissioner Walter observed that some things highlighted by the CAC did not translate into the staff's recommendations, including highest and most visible concentration of buildings framed by wooded slopes and landscaped; natural and human-made landscaping; stairway with small overlook; and expanded walk and canopy on 142nd Avenue SE. Ms. Byers said the hill climb walkway is incorporated in the street standards. Mr. Cullen said the reference to highest and most visible concentration of buildings framed by slopes and landscaped was to the entire Eastgate redevelopment area. Ms. Helland added that part of the issue is related to the critical areas code as well which disallows development of the hillside. All of the issues have been incorporated in other places and nothing has been lost.

Ms. Byers reminded the Commissioners that some transition area design district changes will need to be made to ensure graceful edges between more intense uses and residential areas. The changes include establishing a landscape buffer, which is usually 20 feet; not allowing building height in the non-residential areas to exceed the maximum height of the adjacent residential area; and requiring mechanical equipment to be located in mechanical rooms. She reiterated that conformance amendments will also be needed.

In light of the fact that the proposed Land Use Code amendment meets the vision of the CAC, the Comprehensive Plan criteria relative to accommodating greater height and intensity, the transit-oriented development area, integration of the street system to improve multimodal mobility within and between developments, a motion to move the package forward was made by Commissioner Morisseau. The motion was seconded by Commissioner Barksdale. The motion carried 5-1, with Commissioner Walter voting no.

#### 6. BREAK

(6:37 p.m.)

#### 7. ACKNOWLEDGEMENT OF CHAIR AND VICE CHAIR

(7:07 p.m.)

Mr. Cullen noted that the Commission would not meet again until September 14, at which time the tenure of the current chair and vice chair will have ended. He took a moment to acknowledge their service on behalf of the Commission and the community.

Commissioner Carlson thanked Chair Hilhorst for keeping the Commission on a steady pace over what proved to be a very eventful year that involved some very intense issues. He also thanked Vice Chair deVadoss for the role he played.

Chair Hilhorst said it had been an absolute honor to serve as chair of the Commission. She thanked the Commissioners for their thoughtful deliberations, and the staff for the hard work they do.

Commissioner deVadoss acknowledged that having been elected to serve as the next chair he had some very big shoes to fill.

#### 8. PUBLIC COMMENT

(7:15 p.m.)

Mr. Brian Brand with Baylis Architects, 10801 Main Street, spoke representing three property owners located in the Deep B portion of the DT-MU on the east side of 102nd Avenue NE. He noted that the Commission has been considering allowing multiple building heights ranging from 160 feet to 240 feet in the DT-MU to create more visual interest and to allow for more light and open space between the buildings. To the east of the property there are smaller properties of varying sizes that are going to be adjacent to the 240-foot towers, and to date there has not been much discussion about what height should be allowed there. He shared with the Commission an aerial map showing what would happen if 160-foot buildings were to be constructed on two of the three sites adjacent to the Fortin site and noted that a better scale could be achieved by allowing taller buildings in the Deep B. Taller buildings are slimmer and allow for more open space and interesting designs for the same amount of FAR. Some of the smaller sites will not have the opportunity to reach up to 240 feet anyway, so the result will be the desired varying heights.

## 9. PUBLIC HEARING

(7:21 p.m.)

### A. Low-Impact Development Principles Project

Wayne Carlson, consultant with AHBL, reminded the Commissioners that the National Pollutant Discharge Elimination System Phase II Municipal Storm Water Permit requires the city to make low-impact development the common and preferred method of site development. The work involves amendments to the storm water and land use codes that must be effected end of the year. The proposals are grouped into three categories. In the impervious surfaces category, the proposal includes establishing a hard surface limit equal to the current impervious surface limit; reducing the impervious surface limit consistent with what was found on the ground through a GIS analysis; and providing off-ramps for sites where permeable pavement is infeasible.

Mr. Carlson said the Department of Ecology has moved to the hard surfaces standard for storm water management. Hard surfaces include traditional impervious surfaces but also permeable paving and vegetative roofs. The GIS analysis coupled with permit data from the city's tracking software determined the level of impervious surfaces on the ground in various zones. The proposed hard surface limit is equal to the existing impervious surface limit by zone.

The proposal does not change any of the numbers related to building coverage. The proposal includes a new standard for hard surface that is aligned with the existing impervious surface limits and allows for the same overall coverage using permeable pavement. Where infiltration-based practices are infeasible, impervious surface coverage is allowed to the existing limit.

Mr. Carlson said there is an exemption in 20.20.460 that identifies permeable paving as an emerging technology and which does not currently include the calculation of permeable pavements within the calculation of the maximum impervious surface. Currently, for a zone that allows up to 75 percent impervious surface coverage, impervious surfaces can be utilized up to that limit. Under 20.20.460, additional permeable paving could be put down. The proposal removes the exemption. Under the permit, permeable paving is not considered to be a cutting edge technology, rather it is now required by the NPDES unless it is infeasible.

The permit objectives include minimizing impervious surfaces, vegetation loss, and storm water flows. By removing the 20.20.460 exemption, a balance can be achieved between essentially paving an entire site and retaining some modicum of vegetation on site. The research to date has determined that no applicant to date has actually exercised that part of the code.

Mr. Carlson pointed out that a number of Comprehensive Plan policies support the proposal, including land use policy 13, environmental policies 43 and 44.

Commissioner Morisseau asked if the code in its current form meets the criteria of minimizing impervious surfaces, vegetation loss, and storm water flows. Ms. Drews pointed out that the hard surface limit does not currently exist, only an impervious surface limit. The proposal maintains the impervious surface limit, adds a hard surface limit, and provides an off-ramp for sites where the use of permeable paving is infeasible.

Mr. Carlson added that the NPDES permit deals with the low-impact development best management practices, such as rain gardens and permeable pavement, and the requirements for those elements are very prescriptive relative to what is considered feasible, when they have to be used and when they do not have to be used. The Department of Ecology refers to low-impact development as a storm water and land use management strategy and has directed jurisdictions to integrate the low-impact development best management practices and principles. The principles are intended to harmonize with the city's existing plans, so there is no metric against which to measure whether or not the existing code meets the permit criteria. Under the proposal, the amount of coverage by paving and structure would remain the same. The 20.20.460 exemption allows for permeable pavement beyond the impervious surface standard without being counted in determining the coverage requirements; removing that exemption is a major change.

Chair Hillhorst said her concerns lie in limiting what a property owner can do with their property. She said her preference would be to create an incentive system to encourage good land use behavior rather than imposing requirements. She also asked how an unimproved two-acre plot of single family land on which a developer wants to put 20 homes on would be impacted by the proposed approach. Mr. Carlson said the developer would be required to adhere to the allowed density in determining the total number of units; that would not change under the proposal. There currently is an impervious surface standard identified in the code that varies by zone, but the proposal includes a hard surface standard as well. If property were subject to an impervious surface standard of 60 percent, which is common in single family zones, the hard surface standard being proposed would also be 60 percent. The focus is on encouraging the use of permeable paving where feasible.

Commissioner Laing pointed out that according to the information in the packet, the new maximum hard surface coverage limit would be the same as the existing impervious surface coverage. That is true in that currently a single family property owner can have impervious surface up to 50 percent or so. Where things go off the rails is the claim that property owners will still be able to build to the same extent as before. The same building coverage of 35 percent will be allowed, but where currently 50 percent of the site can have impervious surfaces, the code also allows for additional permeable paving, which would mean after reaching the 50 percent impervious surface limit, a property owner could also have a sport court, driveway, sidewalk or patio so long as it is pervious. Under the proposed approach, the 50 percent limit could not be exceeded. He also suggested that the lack of comments by the public during the hearing would be attributable to the fact that the stakeholders do not know the changes that are being proposed.

Ms. Drews said the GIS analysis that was done included all hard surfaces included sports courts, swimming pools and other features that people typically put on their properties. The limits were set based on that data, which means there will still be sufficient coverage provided for people to put those kinds of things in. The proposal is not intended to disallow those kinds of things. Mr. Carlson pointed out that the GIS analysis found that in some zones the amount of impervious surface coverage was only 20 percent.

Chair Hilhorst asked if anyone in the building industry has expressed opposition to the proposal. Ms. Drews said staff had reached out to the Master Builders Association and had a meeting with them in May.

Commissioner Morisseau suggested that the building industry would oppose the approach. She said the code in Bellevue as it exists is already restrictive compared to other cities in the area. The proposal will impact developers because of the additional restrictions.

Commissioner Barksdale asked if notice of the public hearing had been sent out to the stakeholders. Ms. Drews said the hearing was advertised on the city's webpage. Mr. Carlson said all applicants who have made development applications to the city were noticed by email, as were all the parties of record who attended the various open house events and stakeholder meetings.

Commissioner Barksdale pointed out that there was no one in the audience present to testify during the hearing. He suggested the hearing should be postponed to allow for more noticing.

Commissioner Carlson agreed. He noted that the proposed changes are in fact substantive and the Commission should hear by those who will be affected.

Commissioner Barksdale said he could see no reason to continue the staff presentation given that those who need to hear were not present in the audience.

Chair Hilhorst reminded the Commission that there is a hard and fast deadline that must be met. She recognized the concern that either stakeholders were not appropriately notified or that the noticing was not adequate to bring the public to the hearing.

Ms. Drews noted the willingness of staff to reschedule the public hearing, to re-notice it, and to reach out personally to stakeholders. She said she could not, however, guarantee the public would show up for the rescheduled hearing either.

There was consensus to reschedule the public hearing for September 14.

Commissioner Morisseau commented that in the R-1 zone currently, the impervious surface limit is 50 percent, and the proposal would reduce that to 40 percent. She proposed for the next meeting looking into what the impacts would be if the 50 percent limit were retained while also introducing the hard surface and off-ramp options. Ms. Drews said she would do that.

## 10. PUBLIC COMMENT

Mr. Dave Meissner, 888 108th Avenue NE, referenced his request to change the zoning for that property from R to O2. He allowed that the staff had recommended against making the change in

part on the argument that the O2 zone allows building height up to 400 feet. The 22,000-square-foot site in question is the last remaining undeveloped piece on 108th Avenue NE between NE 8th Street and NE 10th Street. A project that is basically permit ready includes 158 apartment units. The site is too small for a 400-foot building. Staff also recommended against making the change because the O2 zone allows for office buildings. He said the owner would agree to enter into a development agreement with the city to limit construction on the site to apartments. The desire is to be allowed an additional 40 feet or so of height and to increase the density by roughly 24 units. The proposed development already has an affordable component built into it. The site is a thousand feet from transit and is the perfect live/work location. The traffic impacts have been studied and found to be negligible. The parking ratio is currently at 1.35 and increasing the density as proposed would bring it to 1.17, which is 15 percent what the code requires.

Mr. Cal McAusland, 10210 NE 8th Street, said one of the objectives of the proposed rezone in the Deep B zone is to encourage architects to design attractive buildings that are taller, more slender, and which will improve the pedestrian experience by allowing for more light, air and pedestrian plazas. The current recommendation allows for buildings up to 240 feet on sites large enough for at least two buildings. There are, however, some properties that will only support a single building in which case the proposed height limit is 165 feet. The current recommendation will inadvertently limit all development on 102nd Avenue NE between NE 8th Street and NE 10th Street to the lower height of 165 feet, which is an unintended consequence. The CAC did not deal with the issue, probably because it was not identified earlier in the process. The intent to achieve taller and more slender buildings will not be met on single building sites. The site is on the other end of the block from the most important corner in Bellevue, which is NE 8th Street and Bellevue Way. The corner of NE 8th Street and 102nd Avenue NE is also a very important corner in Bellevue's future in that it is the first and most prominent corner as one enters downtown Bellevue from the west on NE 8th Street. Single building properties should be given the same opportunity to create projects that meet the intent of the important rezone.

Mr. Rod Bindon, 916 102nd Avenue NE, said he owns the Burton Building adjacent to Mr. McAusland's property. He said his father built the building in 1965 and also designed the building that currently is Bellevue's City Hall. By allowing for increased height, the city will benefit from a taller and more slender building that will have fewer impacts on views for the people in Vuccrest and the surrounding areas. The Commission was asked to give equal treatment relative to height by allowing height up to 240 feet, otherwise the wedding cake will look like it has a bite out of it.

Mr. Andy Lakka, 500 108th Avenue NE, spoke in regard to the Fortress property at NE 8th Street and Bellevue Way. The property has remained unchanged for more than 50 years. It has not been possible to redevelop the site despite its location and the best development cycle Bellevue has ever seen. The development opportunities must be enhanced in order to promote redevelopment. The CAC recommended a height of 300 feet and that should be approved, and the split zoning issue must be resolved. If the zoning from the 1980s is left unchanged, the site will not redevelop; the financial returns from the existing users are too strong to forgo them in favor of an undersized redevelopment plan. Redevelopment will occur if certain criteria can be met. He said he has pledged to bring a deserving project to the city and is prepared to uphold his word, but the Commission must provide a path to allow it all to happen.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, noted that the Commission had previously been shown slides focused on the downtown, the importance of NE 8th Street, the development density that has and will occur there, the Grand Connection, the grand shopping

street, and how it all leads to the most important intersection in Bellevue, the corner of NE 8th Street and Bellevue Way. Three of the quadrants have been developed, leaving only the final piece of the puzzle. The Lakka site is not a corner site, rather it is in the middle of the block. The 2.75-acre site is possibly the largest site in the downtown without a corner position and with only a little street frontage. Because of its location in the middle of the block, the site is impacted by midblock connectors, both east-west and north-south, by limiting the development sites within the block. The site has about equal areas of DT-MU and DT-MU B zoning; both have long, narrow proportions making redevelopment challenging. The site is also 800 feet, or one and a half superblocks, from any single family neighborhood zone; it is also 830 feet from the western boundary of the downtown, and 900 feet from the northern downtown boundary. The distance between the northern boundary of the downtown and the DT-O2 zone is 950 feet, which means the property is about the same distance from the single family zones as the DT-O2 zone which allows heights of up to 450 feet. The site is a critical location for an iconic development given its proximity to the downtown's key intersection. However, the site characteristics will thwart the redevelopment potential unless they are addressed. The lack of street frontage and the lack of corner presence means the site will need a scale and high design quality to justify redevelopment. The disproportion of midblock connectors calls for greater height and scale to justify redevelopment. The relative areas of DT-MU and DT-MU B are similar so if it is all developed as DT-MU it will not be out of scale, and the 800-foot buffer is more than adequate. The current zoning for the site has been in place more or less for 30 years and it would be a shame to retain the status quo for the next 20 years or more. The requests to move the subdistrict B boundary and to allow building height to 300 feet have not been recommended by staff. The Commissioners were asked not to slam the door to the potential for redevelopment by using the development agreement tool has been used in other zones. While not a guarantee, the tool allows the opportunity to come forward with the project that has been promised and gives the City Council the chance to increase height on the whole site to 300 feet at a later time. Most of the development would need to be located in the DT-MU zone, not in subdistrict B. The site would have to be at least 800 feet away from any single family zoned property, and it would have to meet or exceed the new downtown livability standards for tower spacing and pedestrian amenities. The Commission has recommended tower spacing of 80 feet, but for the Fortress site the spacing would be as much as 140 feet. Finally, the design of the project would need to be of a high quality and represent an iconic addition to the skyline. The development agreement approach would allow for moving forward without changing the zoning right away. One of the problems with allowing 250 feet is that structural peer review is required above 240 feet, triggering the need to substantially increase the amount of steel and concrete in the building, driving the cost up. The advantage of 300 feet, as recommended by the CAC, is that the additional height can help to amortize the additional structural costs. The additional height would yield less than 100 additional units and the traffic impacts would be minimal. Written copies of the development agreement proposal were shared with the Commissioners.

Chair Hilhorst commented that if nothing changes, there would be one tall tower and one smaller tower on the site. Mr. McCullough said that would be the case if any redevelopment occurs at all. The financial returns on the site currently are quite good. If it is not possible to do the iconic tower Mr. Lakka wants to do, the likelihood of doing anything at all with the property in the next several years will be quite small. Mr. Lakka added that he wants to take things to the next level architecturally. Things would have to be much different architecturally with one short tower and one tall tower, and the fact is the project would not be reasonable to build; it would be unattractive and the returns would not be worth the effort.

Commissioner deVadoss asked Mr. McCullough to clarify his ask. Mr. McCullough said the ask

does not involve changing the rules, rather to incorporate a process that says if certain criteria are met, the Council can have the opportunity to increase height on the site to 300 feet. The increased height would not be automatic and the case would have to be made. Mr. Lakka added that currently there is no such avenue.

Commissioner Morisseau asked if an iconic structure could be built with a height of only 250 feet. Mr. Lakka said the project needs 300 feet and the development agreement path should be created to allow for that. The twist building design under consideration works at 300 feet but not at 250 feet. Mr. McCullough said complaints are often made about the lack of iconic towers in Bellevue. The reason so many plain boxes have been built is because they are less expensive to construct. The proposed building will not be inexpensive to build given that the structural grid moves in the air and space is cantilevered. The building will, however, be iconic. Mr. Lakka added that at 250 feet the design of the building would have to change to something far more conventional.

Ms. Misha Averill, 400 112th Avenue NE, thanked the Commission for its work on downtown livability in identifying the major needs and issues and in shaping the future of Bellevue. There are, however, a few idiosyncrasies and variable factors that make each property unique. The site across the street from City Hall in the DT-OLB zone is in proximity to the freeway as well as the downtown, and the new light rail line will be crossing the property on the northern edge. That fact will create an encumbrance to development. On the south end of the property fronting NE 4th Street there is an overpass that crosses the property. The area under the overpass is being used for parking, but it cannot be developed. Some flexibility is needed to support future redevelopment of the site because of the encumbrances, and it could come about through the bonus amenity system. The suggested FAR of 6.0 and building height of 350 feet cuts things very close. The Commission was asked to consider allowing development on the site to go a bit higher than 350 feet through incentives. The site is ideal for a taller, slender building. In the materials presented by staff, a cut-through through the site leads to 114th Avenue NE, but it is unclear what the benefit would be.

Mr. Walter Scott, 400 112th Avenue NE, said he favors including public spaces, but the same brush being used to paint other districts is not being used for his site. As currently developed, the area is fairly sterile, but there is a large amount of opportunity. With the right amount of retail and convenient parking and access, the site could be very successful. Private open space should be considered as opposed to 24/7 public open space. What is needed is flexibility in terms of permitted uses, parking and open space and how it is regulated. He noted his support for the Grand Connection.

Mr. Carl Vander Hoek, 9 103rd Avenue NE, said he recently questioned staff for having made specific recommendations on height and form as well as recommendations to deny specific requests of individual property owners without specifically studying those requests. The city should wait for the Berk analysis to be completed before making such specific suggestions or before denying specific requests. Staff have indicated that their recommendations to date have been preliminary and are subject to change depending on the results of the Berk analysis. Without study, the staff recommendations appear to be nothing more than uninformed opinions. Staff have said that significant height increases and FAR should be considered in order to offset the removal of the underground parking incentive. That is warranted in order to stay in line with the Council-adopted principles guiding downtown livability, including the principle aimed at designing the incentive system to ensure that modifications to the system will not effectively result in the downzoning of land. He suggested that Berk should do two pro forma prototypes,

specifically in Old Bellevue Perimeter A and B, and he volunteered Vander Hoek Corporation resources to aid in that conducting that analysis. Referring to the second page of the downtown livability portion of the Commission packet summarizing the Commission and Council comments on June 8 and 20, he highlighted the statement that the Commission wants to ensure that staff's suggestion to withdraw parking as a bonusable amenity with an associated increase to the base FAR is fully assessed, including how it would affect project economics and how it might impact the development of parking above versus below grade, and that it was suggested by a Councilmember to explore mandating underground parking while adjusting the base FAR upwards. In Old Bellevue Perimeter A and B, there is no proposed adjustment upwards for the base FAR or height. Perimeter A has a 15-foot height increase only, which is not enough to offset taking away the underground parking incentive. Staff has yet to upwardly adjust the base FAR for many areas, which is why the staff recommendation to deny the request for increased height and FAR to offset the withdrawal of the underground parking bonusable incentive is premature. He said he was cautious about having the Urban Land Institute participate having not been in the conversation for the last three years, and suggested that because there are additional requests for work from the Council and the Commission, the process should be extended beyond December 2016.

Mr. Patrick Bannon, 400 108th Avenue NE, spoke as president of the Bellevue Downtown Association. He said several BDA members are key stakeholders with informed views on how to make the process work well overall for the community and position things to help their sites perform well in the future under the new code. He encouraged the Commission to hold open all options through the analysis. He also noted that the meeting agenda included a review of the subarea plan transportation policies for the downtown. It has been some two years since they were first dealt with and reviewed by the Transportation Commission. The Commission should keep in mind that the policies have not been recently reviewed or subject to significant involvement by stakeholders or the public. That is a step that needs to be taken moving forward.

Mr. John Concannon, 688 110th Avenue NE, said he has been a resident of downtown Bellevue for the last four and a half years and a resident of Bellevue in general for 27 years. With regard to the architectural uniqueness of the Fortress property as proposed, he said Bellevue has transformed over that last few years but no unique architecture has been incorporated. Bellevue has an emerging cosmopolitan demographic. The available undeveloped inventory in the downtown is very limited, and the Fortress site offers an excellent opportunity to create something visually iconic for the city. The Commission should open a possible avenue for bringing online something different.

## 11. STUDY SESSION

### A. Downtown Livability

Strategic Planning Manager Emil King noted that the work being undertaken by the consultant Berk has yet to be completed. The firm encountered some delays but the quality of the work product or the stakeholder engagement will not be compromised. He reminded the Commissioners that at the Commission's June 8 meeting time was spent in going over the staff's proposed approach for the incentive zoning update. That was followed on June 20 by a check-in with the Council. The Council expressed a desire to engage a third party review of the economic analysis with a group such as the Urban Land Institute (ULI).

Mr. King briefly reviewed with the Commission the feedback received to date from both the

Commission and the Council. He noted that relative to affordable housing, the Commission proposed exploring an option in which affordable housing would be included along with the rest of the bonusable amenities rather than a new FAR exemption; the Council offered no specific direction to hold joint meetings with other groups, but acknowledged the work of the Affordable Housing Technical Advisory Group that is looking at citywide options and approaches.

With regard to a residential bonus, the Commission called for fully assessing the suggestion of the staff to withdraw “residential use” as a bonusable amenity with an associated increase to the base FAR. A full understanding of the economic implications is needed. The Commission has held the same to be true about parking as a bonusable amenity, and a Councilmember voiced the need to explore mandating underground parking in conjunction with adjusting the base FAR upwards.

Mr. King said multiple Commissioners expressed a desire for staff to explore a bonusable category for “neighborhood serving uses” with built-in flexibility for a full range of uses to avoid ending up with vacant space in bonused areas.

In June a Commissioner suggested a public safety bonus in the form of land dedication or space for a public safety building should be explored. The Council expressed an interest in having the concept flushed out more.

With regard to sustainability features, several Commissioners proposed exploring having green building and sustainability added as a bonusable amenities. The Council wanted to make sure any bonuses in the category would not be given to things the market is likely to deliver anyway.

Mr. King said the consultant is working to answer a number of questions, including how much upward adjustment to the basic FAR is needed for moving some incentives to development requirements, and for removing residential and structured parking as bonusable amenities; the value of the incentive system lift, in dollars/square foot of bonus, based on the economic modeling; the value of increased height alone when not coupled with an increase in the FAR; and what bonus incentive is needed for a developer to choose to use the 1.0 FAR affordable housing exemption.

Commissioner deVadoss suggested it would be valuable to also look at the potential implications of increasing the FAR while retaining height restrictions.

Mr. King reminded the Commissioners that currently all zones have a basic FAR and a maximum FAR. By definition the maximum is always higher than the basic. The analysis work will include a focus on how much the basic FAR will need to be moved in light of removing certain incentives and adding more development requirements. In certain zones, there is a recommended change in the maximum FAR from 3.0 to 6.0, and a change to the base FAR is also under consideration.

Mr. King said questions were raised about the rationale for the suggested new 1.0 FAR exemption for affordable housing. He explained that currently there is an FAR exemption for ground floor and upper level retail. Once developers pursue that they basically have a measured FAR for getting up to the maximum. The proposal is to expand the exemption to allow affordable housing. The proposal does not affect the maximum FAR. Two of the Council incentive zoning principles particularly relate to the proposal. Principle 1 specifically mentions affordable housing in addition to open space and other things they would like to see achieved.

Principle 7 calls for designing the amenity system to act as a real incentive for developers. The approach basically parses out a 1.0 FAR that would be dedicated for developers who by choice want to pursue affordable housing. As an alternative, putting the incentive above the measured FAR level would mean it would have to compete with all the other incentives.

Commissioner Walter asked if any affordable units created as part of the exemption would have to be built onsite. Mr. King said they would need to be built onsite. There has been a desire for the rest of the incentive system to have a fee in-lieu option for the potential bonus areas. Having it as an FAR exemption with onsite performance would require the units to be integrated into the residential development. There is benefit to having housing and affordable housing within the downtown area where residents have the potential to work in the same area where they live. The public will be invited to weigh in on the approach at an upcoming open house.

Mr. King shared with the Commission staff's first cut of prototype developments for the consultant to analyze as part of the economics piece. There are currently some two dozen permutations of zones and overlays within the downtown and it would be too cumbersome to do a pro forma for each of them. He noted that Mr. Vander Hoek had asked to have the Perimeter A and B design districts for Old Bellevue included for analysis. He said other areas could be added as directed.

Chair Hilhorst asked how the request from Mr. Vander Hoek differs from the other four districts that have been proposed. Mr. King the four are primarily near Main Street and in some ways are focused in revisiting some of the prior CAC and Commission work. The prototypes will fold into very detailed economic modeling that involves a full development pro forma.

Mr. King turned to the remaining building height and form issues and noted that the Commission had previously generated recommendations relative to tower spacing, wind and solar access. He noted that the Commission had also discussed the CAC's recommendations and developed a series of recommendations relative to maximum height and FAR.

The Commissioners were reminded that staff went before the Council on June 20 to talk about the incentive system and the Mt. Rainier view corridor issue. A range of issues that had been brought up were shared with the Council. The Council directed staff not to pursue the view corridor, making it possible to bring back the original CAC recommendation for the DT-OLB area between 112th and I-405 and between Main Street and NE 4th Street. The CAC recommended an FAR of 5.0 and height of 200 feet for both residential and non-residential. Currently, the maximum FAR is 3.0 and the height is 90 feet. The CAC also recommended allowing for larger floor plates between 40 and 80 feet because of the way the topography drops off. There is also a suburban-type setback from 112th Avenue SE that has been in place for the last 35 years which the CAC proposed removing. The CAC also recommended that in order to exceed the current height and FAR maximums, additional tower spacing, diminishing floor plates, and special open space requirements should be met.

Mr. King noted the OLB just to the north is recommended for building heights up to 350 feet and a maximum FAR of 6.0 for both residential and non-residential. He noted that during public comment the Commission was asked to consider flexibility in moving forward to possibly exceed the height and FAR maximums. Staff has done no additional analysis on that particular issue.

Chair Hilhorst noted that the Sheraton site property recently exchanged hands and she asked if

the new ownership has weighed in since the Council's direction to not pursue the view corridor. Mr. King said no additional comment has been received from PMF Investments. Their initial concerns were centered on not being able to move forward with the CAC recommendations.

The Commissioners agreed with the staff recommendation.

With regard to the request to shift the DNTN-O2 boundary to include the CD Heritage property at 888 108th Avenue NE, Mr. King said the half-acre site is currently in the residential zone. He said the recommendation of staff was to retain the DNTN-O2 boundary in its current location. The site is just north of the DNTN-O2 North area for which the recommendation is for an increase in building height to 600 feet while retaining the current FAR of 6.0 for both residential and non-residential. The CD Heritage property lies within a superblock that is bounded by NE 10th Street, NE 8th Street, 110th Avenue NE and 108th Avenue NE, about half of which is zoned DNTN-O2 and half is zoned DNTN-R. The DNTN-R zone is quite different from the DNTN-O2 zone in that it heavily favors residential uses by allowing heights up to 200 feet and a maximum FAR of 5.0 for residential, and heights up to only 65 feet with a maximum FAR of 0.5 for non-residential. The property owner has done a lot of work to date toward permitting a residential building, but there are potential unintended consequences involved with changing the boundary and having something else happen on the site. Given the size of the site, it is unlikely that a building taller than 250 feet could be constructed based on floor plate sizes and the allowed FAR.

Mr. King said staff believes the residential feel for the northern half of the superblock should be retained. Other uses in the immediate area include condominiums, the Pacific Regent project, and other residential developments. Additionally, the CAC did not recommend changing the DNTN-R zone, though it did not specifically look at the issue of changing the boundary.

Chair Hilhorst cautioned against pushing out boundaries. Once that happens, it becomes easier to move them again in the future. She said she also was nervous about going directly from 200 feet to 400 feet, which the boundary change would allow, but was less uncomfortable with limiting the building height for the site to 250 feet and keeping the uses on it residential, an approach that could be achieved through a development agreement.

Commissioner deVadoss allowed that there is a clear economic opportunity involved with the CD Heritage site. He said more homework should be done to avoid ruling out an approach that would fit with what the owner wants to accomplish.

Commissioner Walter agreed with the need to avoid the slippery slope involved in moving boundaries. She also agreed, however, that the best option would be to go with a development agreement. The other Commissioners concurred.

Mr. King said the Fortress Group site is directly adjacent to the McAusland, Bindon, MD Investments site. Both sites are situated in the northwest corner of the downtown. Both properties are located in the DNTN-MU district, though the Fortress Group property is split nearly in half by the DNTN-MU B overlay. The McAusland, Bindon, MD Investments site is located fully within the DNTN-MU B overlay district. The Commission previously recommended 250 feet in the DNTN-MU zone for residential uses with a maximum FAR of 5.0.

The Commissioners were informed that projects have been successfully developed with split zoning. While it makes things a bit more complicated, it does not make development unfeasible.

It was noted that the Commission previously had significant discussions regarding the provisions for the Deep B district, and Mr. King said the staff recommendation was not to shrink the area by shifting the boundary.

The Fortress Group more recently has expressed an interest in utilizing a development agreement approach. Their thinking is that the approach could achieve their goals without changing the Deep B boundary or revisiting the DNTN-MU height recommendation.

The McAusland, Bindon, MD Investments site is part of the same superblock. The group reviewed the CAC and Commission recommendations for the Deep B district and did some architectural modeling in line with the FAR and height provisions. They found that the small properties that are prevalent on the east side of 102nd Avenue NE by their very nature will not support multiple towers. Under the CAC and Commission recommendations, the towers that do get constructed would only be 160 feet tall. The issue with allowing single tower projects up to 240 feet is that it might go against the desire of the CAC and the Commission to see variable tower heights. It would also represent a diminishing of the Deep B recommendations.

Commissioner deVadoss noted his support for the recommendation of the staff to limit single towers in the Deep B to 160 feet.

Mr. King said would be willing to do some analysis as to what height between 160 and 240 would be appropriate for single tower projects if so directed.

Commissioner Walter said she would like to see the potential for the properties because of the geography and the small lot size. The city should be as flexible as possible in making something happen there. Chair Hilhorst said she was open to further exploring the range between 160 and 240 feet.

Commissioner Morisseau said the same principle should apply to the Fortress Development site. The city should be open to the development agreement concept.

Chair Hilhorst agreed but cautioned that continuing exploration of the McAusland, Bindon and MD Investments and Fortress Development sites, the property owners to the north may also come seeking similar considerations, and the result may be an inadvertent moving of the line. Mr. King said the public comment has been clear about the special relationship the Bellevue Way and NE 8th Street intersection has with the rest of the downtown. There may be some logic to considering the development agreement approach but limiting it to the area bounded by NE 8th Street, Bellevue Way, 102nd Avenue NE and NE 9th Street.

Commissioner deVadoss suggested that the development agreement principle should be considered for other hot spots in the downtown.

Mr. King agreed to explore the concept further.

With regard to the Vander Hoek requests, Mr. King said the ask seeks reconsideration of Perimeter A and B overlay districts in Old Bellevue. The suggestions include new height limits, maximum FAR, and increases to the base FAR. Mr. Vander Hoek has suggested that the economic modeling might help inform the decisions made for Old Bellevue.

Mr. King outlined on a map the A and B overlay boundaries for the benefit of the

Commissioners. The CAC analyzed 125-foot building heights for residential without increasing the FAR for the B overlay in Old Bellevue, and recommended retaining the current 90-foot limit. He said staff was not recommending any changes to what the CAC or the Commission has done to date. For the A overlay, the CAC and Commission concurred with setting the height limit at 70 feet and retaining the maximum FAR of 3.5 for residential, in contrast to the request of Mr. Vander Hoek for heights up to 75 feet and a maximum FAR of 4.5. Mr. King noted staff was not recommending a change to the direction from the CAC and the Commission. The materials submitted by Mr. Vander Hoek provide some very good thoughts in support of his proposal for considering taller heights and increased FAR in relation to economic feasibility.

Chair Hilhorst said the lower heights in the A district make sense given that it abuts single family to the south. She said she could see no reason to make a change but would be willing to keep an open mind should additional information come to light.

Commissioner Morisseau agreed with respect to the A Old Bellevue and the A MU districts.

Commissioner deVadoss said the point made by Mr. Vander Hoek was well taken with regard to the argument that the scope of the work was the tradeoff around height and FAR. He noted that while the Commission waits for the work of the consultant, there should be no rush to make a decision.

Mr. King said the argument made by Mr. Vander Hoek specific to the B district was that the current 90-foot height limit and 5.0 FAR, the result has been some bulky, large footprint buildings in Old Bellevue, and that going to 160 feet would result in better projects that are more economically feasible. He said the concept could be teased out. Mr. Vander Hoek also pointed out the inherent differences between apartment buildings and condominiums and the ability to invest different levels of money into those types of structure, and that is also something about which more information is needed.

Senior Planner Kevin McDonald sought from the Commission concurrence with the Transportation Commission's recommended Downtown Subarea Plan transportation policy amendments that are consistent with the Downtown Transportation Plan and move them to the 2016 annual Comprehensive Plan amendment packet which is moving forward on a separate process toward adoption in December.

Chair Hilhorst said it was her understanding that a Councilmember has suggested conducting a joint session of the Planning Commission and Transportation Commission to discuss the transportation policy amendments. Mr. McDonald said he was not aware of that request and would wait to receive that direction.

Mr. McDonald said the Transportation Commission worked over a period of three years to develop the plan that was transmitted to the Council in October 2013. The Council then provided direction to implement the plan. The work to implement the plan is being carried out in two ways, first by updating the subarea plan, and second by the construction of infrastructure projects.

The current subarea plan is 12 years old and has a 2020 horizon. The Transportation Commission reviewed every policy in the subarea plan that was related to transportation and made recommendations that were in sync with the Downtown Transportation Plan. Their recommendations were shared with the Planning Commission in December 2014. The intent all

along has been to intersect with the Downtown Livability Initiative and to forward all at once to the Council a comprehensive set of policy amendments. The Comprehensive Plan update work was completed in 2015 and included the creation of a comprehensive transportation project list that consolidated all of the projects in the subarea plans and all the transportation facilities plans that were scattered throughout the Comprehensive Plan. The projects from the downtown subarea plan are now included in the updated master list. All that is left to do is address the policies.

The basis for the Downtown Livability Initiative and the Downtown Transportation Plan is a 2030 projection for employment and population growth. The Council provided direction to the Transportation Commission to enhance mobility for private vehicles, transit, bicycles and pedestrians. The Transportation Commission worked to break down the individual components and addressed them separately before rolling them all together in a plan that considers all tradeoffs and balances the priorities of each different mode people use to get around the downtown.

Mr. McDonald said a number of roadway projects were assumed for the 2030 horizon in the downtown. She shared with the Commission a map indicating the projects that have been completed since the Downtown Transportation Plan was adopted. The Commission was also shown a map of downtown intersections marked to indicate their aspirational type: standard, enhanced and exceptional. It was noted that many of the intersections have been built by the city, while development has provided some of the components and amenities.

Chair Hilhorst asked if the downtown vision of exceptional intersections is aimed at improving walkability from the point of view of safety and aesthetics, particularly with regard to the pedestrian corridor. Mr. McDonald said that is exactly what the vision of the Transportation Commission was. The vision is not inconsistent with the Grand Connection concept, though at the time the projects were approved by the Council, the Grand Connection was not yet conceived. It may be necessary to take a look at the components to make sure they are consistent with the Grand Connection, but the Transportation Commission's vision for the individual intersections provides for a pallet of choices from which to choose.

Mr. McDonald said there has been less activity with regard to midblock crossings. The crossing of 100th Avenue NE at the west end of Downtown Park will be addressed through public investment, but the others will all be addressed through private investment. The recently adopted Land Use Code requirements for sidewalk width and landscaping, which was a Downtown Livability Initiative early win recommendation, was initially reviewed by the Transportation Commission and their recommendation was forwarded to the Downtown Livability Initiative CAC. Further refinements were made by the Planning Commission for adoption in the Comprehensive Plan. With regard to the bicycle facilities network, Mr. McDonald said a few improvements have been effected around the downtown, while other improvements are in the planning stage.

Mr. McDonald noted that with the Downtown Transportation Plan in mind, the Transportation Commission looked at all the subarea plan policies and provided recommendations for changes needed to incorporate the Council's direction. The policy amendments are organized by the way people get around, specifically by driving, by riding transit, by walking and by riding bicycles. Policy S-DT-80 addresses how pedestrian bridges are accommodated in the downtown. The Council approved a new pedestrian bridge across the pedestrian corridor to the east of Bellevue Way to connect the two Lincoln Square towers, something the Transportation Commission had

not anticipated and thus there is a need to amend the policy to include it. Additionally, opportunity should be made to provide for a new pedestrian bridge from the new light rail station across NE 6th Street connecting to Meydenbauer Center. With regard to policy S-DT-144.2, the notion of the Grand Connection needs to be included.

Chair Hilhorst said she favors pedestrian bridges and asked if they could be somehow incentivized to be built anywhere in the downtown. The bridges offer excellent opportunities for improving safety. Mr. McDonald said the issue has been the subject of discussion for many years. The city has adopted strict criteria for new pedestrian bridges given the desire to keep as much pedestrian traffic as possible at the street level, something the exceptional and enhanced crosswalks contribute to. The Council has provided for pedestrian bridges in exceptional locations, on Bellevue Way, NE 4th Street and NE 8th Street where cars are given the priority. Chair Hilhorst stressed the need to allow for flexibility in making such decisions. Mr. McDonald said the Council is authorized to allow for changes where a developer can make the case.

Mr. Cullen said direction from the Commission will carry the proposed amendments over into the 2016 annual Comprehensive Plan amendment cycle for consideration. No threshold review is needed for amendments initiated by the city.

Chair Hilhorst pointed out that the transportation policies as recommended by the Transportation Commission have been sitting on the shelf for a year and a half and she asked if there was a rush to get them approved in the 2016 Comprehensive Plan amendment cycle. Mr. McDonald said subarea plan policies are relied on by Department of Development Services staff; they use them in working with developers on conditions of development. The project list has already been adopted. Policy S-DT-164 encourages, but does not prescribe, developers, owners and managers of buildings to provide bike parking. Once the policy is adopted, developers can be asked to consider adding bicycle facilities as part of their projects. Chair Hilhorst noted that bicycle facilities are on the list of bonusable amenities. Mr. McDonald said it certainly does not hurt to have policy support for amendments. Chair Hilhorst suggested the policy appears to be redundant and really not necessary.

Mr. Cullen pointed out that in reviewing Vision Zero the Commission had a number of questions and provided staff with direction. He suggested moving forward with including the transportation policies in the Comprehensive Plan amendment cycle while leaving open the opportunity to continue to review them. Chair Hilhorst said her concern was that once direction is given to do that, the opportunity to continue reviewing the policies will largely be lost. Mr. McDonald agreed with Mr. Cullen that the same approach was used with Vision Zero and pointed out that it was also used relative to the Transportation Element policies. Additional dialog can still be had at subsequent meetings once the policies are moved into the Comprehensive Plan amendment package.

Chair Hilhorst said her concern was that the timeline would not allow for additional back and forth in reviewing the policies given the strict schedule. Mr. McDonald reminded her that the policies were fully vetted by the Transportation Commission as directed by the Council. The issue is before the Planning Commission because it has authority over the Comprehensive Plan. The Transportation Commission worked on the policies while the Downtown Transportation Plan was fresh and made recommendations for the subarea plan accordingly. Since then there has been no additional review or action taken. Chair Hilhorst pointed out that the current Transportation Commission members have not seen the policies and said she could not in good faith move the package forward.

Commissioner deVadoss agreed, as did Commissioner Walter who pointed out that they delay was not the fault of the Planning Commission.

Chair Hilhorst said she was open to putting the issue on hold to allow for additional review and recommendation by the Transportation Commission. Mr. McDonald said he would make that happen.

12. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCIL, BOARDS AND COMMISSIONS - None

(10:30 p.m.)

13. STAFF REPORTS

(10:30 p.m.)

Mr. Cullen reported that planning for the Commission's annual retreat is under way and the target date is October 5.

Chair Hilhorst reported that she recently presented to the Council the Commission's recommendations relative to the Eastgate and park plan Comprehensive Plan amendments. She said the Council chose not to move forward with the two park plan amendments, which was contrary to the Commission's recommendation. The Eastgate proposal was approved to move forward to the work program.

14. DRAFT MINUTES REVIEW

(10:34 p.m.)

A. June 1, 2016

A motion to approve the minutes as submitted was made by Commissioner Morisseau. The motion was seconded by Commissioner deVadoss and the motion carried unanimously.

B. June 8, 2016

A motion to approve the minutes as submitted was made by Commissioner Morisseau and the motion carried unanimously.

C. June 15, 2016

A motion to approve the minutes as submitted was made by Commissioner Morisseau. The motion was seconded by Commissioner deVadoss and the motion carried unanimously.

D. June 22, 2016

Approval of the minutes was deferred to the next Commission meeting.

E. July 13, 2016

Approval of the minutes was deferred to the next Commission meeting.

15. PUBLIC COMMENT

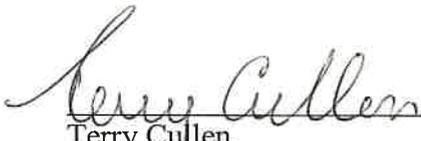
(10:38 p.m.)

Mr. Carl Vander Hoek, 9 103rd Avenue NE, noted that he had previously submitted three letters to the Commission, on February 9, April 13 and May 13. He urged the Commissioners to review the letters, most specifically the May 13 letter, to better understand the requests he made. He also said his review of the transportation policies raised several red flags for him, including the projected number of jobs and residents over the next 15 years, and the fact that Main Street is referred to as a transit street. West of Bellevue Way, there is no bus service on Main Street. The concept of vehicle delay at intersections was introduced to the Commission a few months back and is used as justification for why everything in the transportation system is okay. Quite a lot of language about parking has been deleted in the proposed policies. He commended the Commission for calling for more review by the Transportation Commission.

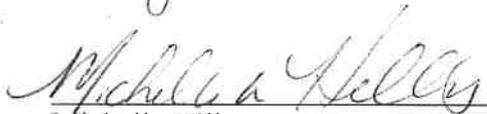
Chair Hilhorst urged Mr. Vander Hoek to resend his letters for inclusion in the next Commission packet.

16. ADJOURN

Chair Hilhorst adjourned the meeting at 10:45 p.m.

  
Terry Cullen  
Staff to the Planning Commission

10/24/16  
Date

  
Michelle Hilhorst  
Chair of the Planning Commission

10/12/16  
Date