

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

March 1, 2017
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: Terry Cullen, Emil King, Nicholas Matz, Department of Planning and Community Development; Carol Helland, Patricia Byers, Department of Development Services

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER
(6:35 p.m.)

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

ROLL CALL
(6:35 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioners Morisseau and Walter, both of whom were excused.

APPROVAL OF AGENDA
(6:35 p.m.)

A motion to approve the agenda was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS
(6:36 p.m.)

Mayor Stokes said he was looking forward to listening to the discussion and preparing for the upcoming public hearing on the downtown livability work. He said while he is not able to attend every Commission meeting, he faithfully keeps up with reading the minutes. The Council is looking forward to getting the Commission's recommendation.

Commissioner Barksdale reported that the Wilburton CAC is making good progress. At the last meeting the group was presented with demographics information to help inform the discussion and contextualize the work. The next meeting is slated for March 2 and the focus will be the

survey data, economic data, and case studies from other cities that have undergone similar development.

STAFF REPORTS (6:39 p.m.)

Comprehensive Planning Manager Terry Cullen reported that the work to transition to a fully digital format for the Commission is continuing. He said the iPads are in and are being loaded with software. Once the transition is completed, the Commissioners will access the packet information in the same way the Councilmembers access their packets using an application called iLegislate. Opportunity will be taken in April to talk with the Commission about technology and legal issues.

With regard to the Commission's schedule, Mr. Cullen noted that March 22 has been set aside for continuing the downtown livability study following the public hearing on March 8. Once the downtown livability work is completed, a discussion will be programmed to address some post-retreat follow-up items, including public engagement and guiding principles.

Mr. Cullen said he recently met with Commissioner Barksdale. In that meeting, Commissioner Barksdale stated that developers or citizens often present complex problems they face, or are likely to face, based on decisions made by the Planning Commission. For example, developers and citizens have raised challenges resulting from the lack of or increase in height and/or FAR. Understanding the needs of the developers and citizens is key to any decision made by the Commission, but currently the Commission's primary opportunity for obtaining deeper level feedback from the groups is outside of the Commission meetings. While not scalable, the context is necessary to make well-informed policy recommendations. Another means is needed for gaining an understanding of the deeper context and rationale for the concerns raised by developers and citizens that will allow the Commission to dive deeper into conversations with the groups beyond the limited time and structure typically available during public comment or a public hearing.

Mr. Cullen noted that he had sent that statement out to the Commissioners for a response directly back to him. He said he received two comments. Chair deVadoss wrote to say he understands the issue and appreciates the problem raised by Commissioner Barksdale. He went on to ask how the issue can be addressed without creating additional time and workload commitments for the Commission and the staff, and without creating an alternate to the public hearing, that is devolving to a town hall scenario. Commissioner Walter wrote to say she would like to discuss the issue during a Commission meeting.

Commissioner Hilhorst said she had not responded because she was unclear of the context and whether the intent was to create a new approach in the Commission's guidelines. Commissioner Barksdale said he did not have a particular solution in mind and was open to exploring the problem. The three- to five-minutes allowed the public to speak is not always sufficient. One option might be to ask for information to be submitted ahead of time. Another option might be to develop a new forum in which to engage with developers and citizens on the more technical issues.

Commissioner Carlson commented that during his tenure as Chair of the Commission when the Shoreline Master Plan was being developed he directed stakeholders to meet directly with staff as a way of streamlining the process. He said he also did not hesitate to meet with staff or stakeholders off the clock in between meetings. Commissioner Barksdale said the first approach

was consistent with the intent he was trying to convey, but the second was not scalable and went against it.

Commissioner Laing allowed that the issue raised was well taken. He said the best he had been able to do as a Commissioner and as a member of the Downtown Livability Initiative CAC was the latter approach of meeting directly with stakeholders outside of Commission meetings. He agreed that time is the limiting factor for the Commissioners. During the Downtown Livability Initiative CAC process, the co-chairs encouraged the CAC members to go out, sit with people over a cup of coffee to discuss issues, including staff. The approach is in no way a substitution for the process of having a public meeting, but it is a plausible approach, even if on a limited scale. Other than holding a lot more meetings, there is no real approach that is scalable.

Chair deVadoss supported the need to garner all the information possible. He commented that work tends to expand to fill all available time. He expressed caution about having more meetings or placing more of a burden on the individual Commissioners and the staff. Clearly there is a need to have an established and fair process in terms of receiving information from people. He reminded the Commissioners that the nature of public engagement with the Commission was not discussed at the retreat and suggested it should be put on a future agenda for discussion.

Mr. Cullen said that could certainly be done. He pointed out that in his conversation with Commissioner Barksdale, however, it was agreed that the desire to obtain information is not necessarily a public engagement issue.

Mayor Stokes said he understood the struggle. He stressed the concern about making sure all Commissioners have access to the same information and avoiding situations that could be construed by some as undue influence. The Council operates somewhat differently in that it conducts both study sessions and briefing sessions. Councilmembers certainly can meet with constituents, but every such meeting is put on the books for all to see. In the briefings, a concerted effort is made to make sure every Councilmember has the opportunity to have the same briefing, or the same meeting with the individuals who come in. Of course, there is also a very real need to avoid information overload.

PUBLIC COMMENT (6:55 p.m.)

Mr. Todd Woosley, PO Box 3325, noted that while he serves as a member of the Transportation Commission, he was representing only himself. He suggested it would be very good for the Planning Commission and the Transportation Commission to meet jointly on occasion given that land use and transportation issues are clearly interrelated. With regard to downtown livability, he said what is being planned has the potential to make the downtown area far more livable. Mobility is a key element of livability. An analysis has been done by staff on the impacts of the proposed zoning changes as related to the operations of downtown intersections by 2030. The proposed zoning changes will not affect traffic generation based on the market demands, but it will move development closer to I-405, and that will trigger less of an increase in congestion in the core. In the time since the study was done, however, about half a dozen transportation projects that were assumed by the model to be funded and built by the target year of 2030 will not be built by that year. Accordingly, the No Build scenario for transportation improvements should be given the most consideration. It shows roughly a doubling of vehicle delay in the downtown during the evening peak period. There is no clear understanding of how the system will function at full buildout, either at the current zoned density or at any level of increased density. The citizens would be much better served if that information were in hand. Any private

sector development would be required to analyze all the impacts of the full buildout, and the city should hold itself to the same standard before deciding how much, if any, new density can be supported.

Mr. Patrick Bannon, president of the Bellevue Downtown Association, said one answer to the issue raised by Commissioner Barksdale is that the organization could partner in programming with the staff and the Commission on downtown livability in the future. In the near term, the organization could look at stakeholder and resident feedback in a coordinated way. With regard to the Downtown Livability Initiative, he said the BDA has been working to reach consensus since the draft code was first released on key items. He said the BERK report took a look at development prototypes across the zones and tested how to preserve or maintain land values with certain cost assumptions. The findings were clear, and the ULI panel agreed, that the base FARs should be increased fairly significantly in order to stay true to the Council principles and avoid downzoning conditions. The BERK analysis did not, however, inform the community as to what the base FAR should be in order to achieve certain policy goals around where and how growth should occur; it really looked at maintaining the basic FARs so as not to upset the land values. With that in mind, the BDA strongly recommends setting the base FARs within a fairly high percentage of the proposed maximum FARs. The conclusion reached is that they should be set at the 90 percent level to encourage the density and to leave an appropriate margin for bonuses and public amenities. In addition, the BDA suggests looking at administrative departures for the flexible amenity, and encourages establishing the opportunity for a super bonus through the Council departure process that would require a development agreement and an extraordinary public benefit. The organization is going to look to advance the affordable housing exemption into the downtown Land Use Code. That may require seeking direction from the Council in order to keep things on schedule. Hopefully the exemption can also be combined with the multifamily tax exemption. Further work is needed in the overlay zones, particularly in the A-1, and additional flexibility should be considered to ensure that housing in a five-over-one or five-over-two construction method will be able to achieve its full potential, including affordable housing, and deliver public amenities. The 40-foot internal property line setback is causing issues in terms of developable site areas and capacity on certain properties; the BDA recommends keeping the setback at 20 feet. The Commission should also consider reducing the fee in-lieu exchange rate to the bonus amenity exchange rate; it is currently at \$28 per square foot and should be reduced to \$25 per square foot.

Commissioner Carlson asked if the BDA had a position on the proposed space between buildings. Mr. Bannon said the organization would encourage as much flexibility as possible. Feedback has been received that the 80-foot requirement would be too onerous, though it is understood that there is a Council principle and direction from the CAC to mitigate height increases and in some cases FAR increases above the current maximums.

Mr. Alex Smith, 700 112th Avenue NE, spoke representing 700 112th LLC and addressed the issue of transit-oriented development within a quarter mile of the East Main and Downtown stations, and the best practice as it relates to density around rail stations and other transportation centers of reducing the parking requirements to create some certainty for developers, realized through a parking study and a negotiation with the city. If the parking were to be reduced through a determined formula with the planning department, the Planning Commission and others, the requirement could be reduced and the funds could be put toward the development itself, and toward the bonus amenity system if that would be appropriate. In addition to the subject of transit-oriented development, one could increase the FAR within the code to benefit those that are within a quarter mile. The public benefit would be more density and more certainty. He said when he first learned about Sound Transit coming to the Eastside, he was not a

fan and did not believe it would be a good deal for the taxpayers. Now that it is here, however, any stimulus toward ridership should be seriously embraced. Hopefully ridership will exceed Sound Transit's projections and all will feel they have gotten their money's worth.

Mr. Jeff Taylor with the Keldoan Group said he was not representing anyone in particular. When the 40-foot setback idea was raised, as well as the requirement to separate towers by 80 feet, an exercise was undertaken relative to the downtown as built to determine which projects would not be in compliance with the code as proposed. He pointed out that nearly 95 percent of the highrise structures would not be in compliance with either the 40-foot setback from internal property lines or the 80-foot separation requirement. He said he personally was involved in the Bravern and Civica projects. If the proposed code were in place currently, the Civica project would be only a single building. As indicated by the Bellevue Downtown Association, there needs to be some degree of flexibility allowed in dealing with the 80-foot separation requirement, allowing for the creative design of spaces for tenants to use. In order for the Bravern to be compliant under the proposed code, two of the highrise buildings would need to be removed. Bellevue Towers would not be compliance because of the 40-foot setback, and because there is not quite 80 feet between the two buildings. John Su's project would also not be compliant, nor would the Avalon project.

Mr. John Stout with Webber Thompson Architects said the diagram provided in the latest draft of the code, which was first published in the March 1 draft, illustrates what the 40-foot setback does, and the 20-foot setback for sites under 30,000 square feet. He showed that the approach breaks a 600-foot superblock into four parcels, which occurs only infrequently in the city. Even with some assumed assemblages for practical purposes, breaking a superblock into seven sites would mean each site would have more than 30,000 square feet. The 40-foot setback would squeeze the interior lots down to only about an 85-foot buildable tower footprint area. Properties with irregular lot lines, of which there are many in the downtown, would see their building footprints squeezed down even tighter, leaving portions of sites completely unbuildable. That is without taking into account the effect of the midblock connections. There are a lot of irregularly shaped parcels that are interior to the superblocks and they would be very negatively affected.

Mr. Taylor said many of the interior lots in downtown Bellevue will not be feasible to develop under the proposed code. At the very least, they will be greatly devalued.

Commissioner Barksdale pointed out that the proposed 40-foot setback and 80-foot tower spacing requirements are intended to address light and air. He asked if the current spacing requirements negatively impact the issue. Mr. Taylor said it is possible to work around the current requirements in that they allow for some flexibility, including moving towers around on sites in order to achieve the objective.

Mr. Brian Franklin said the Bellevue Downtown Association has over the past several weeks facilitated getting property owners together to coalesce around some general themes. There is a growing consensus in favor of setting the FAR base at 90 percent of the maximum. Extensive consideration has been given to the Sheraton site. What was presented for the site during the time the Commission was considering the view corridor is exactly what is being asked of the Commission. One issue specific to the OLB property owners along I-405 is the rear parking facing the freeway. There is a unique water table in the area that abuts into I-405, making subterranean parking extremely challenging. What is needed is allowance to produce a parking structure 55 feet tall facing the freeway; it would need to undergo a design process to avoid being a blight to the community as they drive along I-405. Allowing for the parking would allow for meeting the new density envisioned for the corridor. If forced to put parking all underground, there will be a number of negative side effects encountered. With regard to the tower issue, he

said CollinsWoerman was brought in to discuss what a tower should be. They looked at codes from Seattle, Vancouver, New York and other cities around the world and found that different planners come to different conclusions. However, in just talking about best practices for towers, what seems to come to the fore is fire and life safety. Having towers too close together could mean when one tower catches fire it will easily spread to the next one. That is the reason for the 20-foot setback required by the International Building Code. Outside of that, it usually comes down to planners and owners coming together in considering individual sites with an eye on building the best tower possible. For the Sheraton site, the current 20-foot setback requirement works well because the corners of the buildings come into each other, and all of the residents in the buildings will have good views. To change that requirement will be to ask planners to anticipate the future of all the different sites in downtown Bellevue.

Mr. Andy Lakha with Fortress Development, 500 108th Avenue NE, said his property abuts NE 8th Street and Bellevue Way. He said he plans an iconic project on the site that will be unlike anything that exists in the state. Work has been underway with the Planning Commission for many months on a development agreement concept to help achieve the vision. The property faces the busiest streets in the downtown. A portion of the property is in the DT-MU Deep B zone, but the majority of it is in the DT-MU zone. The Commission opened the door to the development agreement idea, which seems like the best way to achieve two equal height towers and fabulous pedestrian spaces. Six months later some questions were raised about the development agreement process that suggested it was not the best course. The late response was surprising. The goal is to create a great project rather than to focus on the process. The discussions with staff over the last two weeks have suggested a new path instead of the development agreement. The Commission has already blessed the idea of taller towers in part of the B-2 overlay for the Fortin site. Staff is not suggesting the same approach should be considered instead of a development agreement since it is already part of the new code. Having two equal-height towers is the best design solution for the site, but the Fortin approach would require two towers of slightly different heights. He said he was prepared to look at the Fortin approach. He proposed some additional language to the Fortin footnote to make the approach possible on the Fortress site.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, said at the beginning of the process a request was made to allow two 300-foot towers on the Fortress site. The Commission balked at allowing them as a matter of right. The issue of proceeding with a development agreement was raised and discussed, but it was never really resolved by the Commission. There was feedback from the staff that the development agreement approach did not fit well in the model, so it was back to the drawing board. The Fortin approach appeared to be something that would work. The Fortin site is obviously much closer to the Vuecrest neighborhood. If a diagonal line were drawn along the western edge of the downtown to represent the wedding cake scenario, two towers of roughly equal height could fit within it using the Fortin model. The distance from Vuecrest to the Fortress site is the same as the distance from the north boundary of the downtown to the DT-O2 district. The Fortin approach could be applied to the Fortress site by taking the footnote already blessed by the Commission and extending it, allowing towers that are taller than on the Fortin site but shorter than what is allowed in the DT-O2 district to the east.

Mr. Carl Van der Hoek, 342 102nd Avenue SE, addressed the issue of a through-block connection in Old Bellevue halfway between 100th Avenue SE and Bellevue Way and directly south of Downtown Park. He said as outlined, the connection only goes halfway through the block and then stops. Also, as shown the connection is not located in a superblock. According to the text on page 134 of the packet, the intent of a through-block connection is to provide a pedestrian connection and an opportunity for increased pedestrian movement through the

superblocks, thereby reducing their scale. The scale of the block in question in Old Bellevue does not need to be reduced. The connection would in fact interfere with truck loading activities. The connection would also draw pedestrians away from Main Street, which is where the city wants pedestrians to be. When development does occur, just as it has on adjacent sites, it will be high-end, high-scale and well lit. It may also have storefronts and good landscaping, but it should not be called out as a through-block connection.

Mr. Ian Morrison, 701 5th Avenue, Suite 6600, Seattle, said a variety of property owners are looking at development opportunities under the new downtown livability approach. He reiterated the concerns voiced about the proposed tower spacing requirement and said it may in many zones prohibit the opportunity to achieve the Council principle calling for a signature skyline. The PMF representatives have expressed concerns about how the requirement might affect their tower in the OLB district. On the Fortress site, the requirement would limit the development potential to approximately 38 percent of the site. He noted that the staff are continuing to seek opportunities and solutions and said he would encourage that conversation. The work done by CollinsWoerman should be taken into account. Bellevue needs to identify a solution that will work for Bellevue, but the International Building Code solution, which calls for a 20-foot separation from property lines, is a solution that works and provides for light and air. Property owners and architects have creative ways to make towers work under the current standards.

Commissioner Carlson said he was not aware of any Commissioner, Councilmember or staff who like the results of the 40/80 proposal. He thanked those who have brought the issue to the forefront.

STUDY SESSION (7:37 p.m.)

Downtown Livability – Review of Draft Downtown Land Use Code Amendment

Mr. Cullen reminded the Commissioners that the public hearing on the topic was scheduled for March 8.

Land Use Director Carol Helland said the direction given staff by the Commission on February 8 was incorporated into the March 1 packet materials.

Chair deVadoss commented that the study has required a great deal of work by the Commission and the staff. He allowed that the Commissioners likely were prepared to offer feedback in regard to text, syntax and grammar and suggested any such feedback should be shared with staff via email in the interest of time. He also proposed using the meeting time to focus on the few things that matter most.

Commissioner Laing noted that some of the direction given by the Commission has been incorporated in the living draft, but some of it has not. He suggested the Commission should take the meeting time to make changes to the document before it becomes the public hearing draft.

Ms. Helland clarified that staff on February 8 sought from the Commission reflections on the document and approval to move it forward to the public hearing. The thumbs up was needed in order to prepare the required staff report to demonstrate whether the code amendment complies with the terms of the Land Use Code and is consistent with the Comprehensive Plan. The things that ended up incorporated into the draft were those things around which there was consensus. All of the changes from the February 8 document were accepted and the revised document

became the base document. Clear direction was not given by the Commission as part of the conversation about measuring base FAR based on 90 percent of the new maximum, so it was not included in the redraft. If there is a desire to go in a direction that is inconsistent with the economic analysis that was undertaken by BERK, it will require more work by staff that cannot be completed ahead of the public hearing on March 8.

Commissioner Laing said he did not believe the discussion of the Commission relative to using 90 percent rather than 85 percent was inconsistent with the economic analysis. It is in fact fully consistent. He said it was his recollection that Chair deVadoss had clearly asked the Commissioners how they felt about the approach, and after some discussion his takeaway was that there was consensus around the table. If nothing the Commission discusses ahead of the public hearing will be incorporated into the public hearing draft, reaching consensus on any particular point during the conversation will not establish anything.

Ms. Helland explained that the purpose of the conversation was to provide an opportunity for the Commission to go through the entire document given that there were differences of opinion on various topics in the draft. The March 1 Commission meeting was scheduled to answer questions ahead of the public hearing about how the code operates and the provisions of the code. She also stated that the issues outlined for consideration in the staff report are things the staff have continued to hear by way of themes; they are discussed in the public comment section starting on page 16. During the study session following the public hearing, the Commission may direct staff to make changes to the code to answer the questions. The Commissioners were encouraged to send comments involving errata directly to staff for attachment to the public hearing draft to be addressed later. The Commission may also want to identify areas the public should focus on in the public hearing.

With regard to the 90 percent notion, Ms. Helland explained that the BERK report analyzed the percentage as it related to the old maximum FAR. What the staff understood the Commission to indicate was a desire to set the threshold at 90 percent of the new maximum FAR and spreading it to apply citywide, which would involve a much bigger amendment. However, there are some areas where the old maximum FAR and the proposed new maximum FAR are the same, so in that respect the report analyzed the proposed new approach and was thus within the realm of things that could have been expected as a change from the Commission for incorporation into the final draft.

Commissioner Laing said he saw nothing in any of the materials from the City Council indicating that the findings of a study will constrain the Commission. That would tie the hands of the Commission when it comes to making a recommendation based on all of the information received, not just the BERK study and the ULI findings.

Chair deVadoss said there was a clear request by a large number of Commissioners to schedule an additional study session ahead of the public hearing to ask clarifying questions and receive answers from the staff. The Commission has learned much in just the last couple of weeks, and the comments from the Bellevue Downtown Association and others have been very helpful.

Commissioner Hilhorst noted that one area highlighted in the staff report was affordable housing. It has, however, been stated that the affordable housing issue will be deferred while the affordable housing technical advisory group completes its work. Ms. Helland said the code document includes a section in the FAR table that indicates affordable housing is to be determined. The intention is that affordable housing will indeed be addressed later. The Bellevue Downtown Association has asked for an early read from the Council on the topic and that might

enable incorporating it sooner. She said her suspicion was that during the public hearing comments will be made about process relative to the interest in accelerating the affordable housing discussion so the affordable housing exemption can be included in the downtown livability work instead of having to come back later.

With regard to parking, Commissioner Hilhorst said comments have been made about enhancing flexibility in calculating parking ratios and standards, but it has also been said the parking study will not happen during the downtown livability exercise, and whatever gets included in the proposed code could change in the next year. Ms. Helland said currently there are many specified uses in the downtown and some unspecified uses. There is limited opportunity to do site-specific studies on unspecified uses to come up with a parking demand. The proposed code includes an approach that is similar to what is in place in Bel-Red, which allows site-specific studies even where parking ratios are stipulated if based on certain criteria. The approach could allow for considering reduced parking ratios adjacent to the light rail stations. The long-range parking study has been funded for the budget year 2017-2018 but will not be part of the recommendation on downtown livability except for the process change to allow deviations and flexibility.

Commissioner Hilhorst noted that the document talks about walkability but does not comment on traffic flow in terms of cars and other modes. Strategic Planning Manager Emil King said the Downtown Transportation Plan update work began a year or so before the downtown livability work began. Based on Council direction, the two planning efforts are to be synced. The Downtown Livability Initiative CAC took the recommendations from the Downtown Transportation Plan and tried to integrate the code-related elements into their recommendations. They are included in the draft code before the Planning Commission and include things like sidewalk widths. The potential FAR changes have also been analyzed. The transportation-related policy work on the downtown subarea plan, which is part of the Comprehensive Plan, is a companion effort that will not necessarily need to be hooked onto the Land Use Code adoption. Commissioner Hilhorst highlighted the need for the public to be made aware of all the pieces, some of which are not part of the proposed code but which are relevant.

Returning to the issue of parking, Ms. Helland said she did not want to presuppose the recommendation of the Commission. She said there has been discussion on both sides of leaving the current parking requirements intact and waiting until the comprehensive parking study is done. The new language from Bel-Red was put into the draft to essentially solicit public comment and feedback, but at the end of the day it will be up to the Commission to decide if the changes should be advanced or if the current recommendations should be retained.

Commissioner Carlson asked how much flexibility to the parking standards, particularly around transit-oriented development areas, was intended. Ms. Helland said currently there is not necessarily a bookend on flexibility. A limit was added on how much parking could be shared along with a requirement for a study to demonstrate adequacy for the uses proposed. Currently in Bel-Red and for unspecified uses in the downtown, a parking study can be done that describes the demand, evaluates it and recommends an appropriate parking level to meet the demand. The amount of parking is never allowed to be zero, however.

Commissioner Carlson asked what the argument is for substituting the Bel-Red approach for the existing downtown plan. Ms. Helland said it hinges on the call for flexibility made by the Downtown Livability Initiative CAC. There is some degree of flexibility already included in the downtown code given that for certain uses, such as hotel, there is no associated parking ratio. In those instances, a parking study is required to develop the amount of parking needed. The Bel-

Red approach would allow for either exceeding the parking ratios or to be lower than the parking ratios based on a study analyzing the uses to be in a development. Office buildings now typically have more people in the same amount of space, so in fact the traditional level of parking that has been provided may be serving a larger population. Even with improved mode splits and more transit usage, parking may not be adequate, so in some cases questions are asked about exceeding the parking allowed in the current code. On the other hand, developers of uses such as transit-oriented development hold the view that their tenants have higher rates of transit usage and accordingly make the argument that less parking is needed.

Commissioner Carlson said lower parking ratios make him nervous for two reasons. First, if the models are not met, people drive around looking for a place to park, and that adds up to more congestion. Bellevue's retail economy is built on plentiful and available parking. Second is the freeloader effect given that some have no problem sending people off to park in areas that are nearby, which is unfair to those businesses that are making parking available. He cautioned against moving away from the existing parking plan for the downtown while looking to update the code. Ms. Helland said there certainly have been comments to that effect, but there have also been comments made in favor of allowing for flexibility. Developers know that once parking studies are done, the onus of meeting the expectations is on them. There is very strict language about overflow parking into other developments and the need to impose additional restrictions on tenants if the parking demands adopted for the building cannot be met.

Commissioner Carlson allowed that parking is expensive to build, particularly underground parking, so it is no surprise that the development community would prefer to see the thresholds lowered. The question is what happens to the overall health of the downtown economy as a result.

Commissioner Hilhorst called attention to the street and pedestrian circulation standards on page 14 and asked if the boundary is established for the Wilburton-Grand Connection Planning Initiative. She said it would be good to know how many of the downtown properties will border the connection. Property owners may conclude the Commission's recommendation on the Downtown Livability Initiative code will set things in stone and be surprised to learn things could change based on the outcome of the Wilburton-Grand Connection initiative. Ms. Helland said the scope of the Wilburton-Grand Connection initiative includes a defined area. Currently, the pedestrian corridor itself is a defined area in the Land Use Code by legal description. That does not mean there will be no change to the edges and fringes as the planning process moves forward. The project manager is doing a very good job of notifying the property owners that are included in the scope of the initiative and along the pedestrian corridor to encourage their participation.

Mr. King added that Wilburton and the Grand Connection often are listed together and appear to be a single project. They are certainly tied together. The Grand Connection will run from Meydenbauer Bay through the downtown and over to the Eastside Rail Corridor. The Wilburton CAC process that is under way is separate from the work on the Grand Connection. The game plan for the Grand Connection as it goes through downtown Bellevue will include having the Council give the nod to the conceptual plan and vision. The implementation phase will involve going back to see if any code or design guideline modifications will be needed. Much of the Grand Connection route is co-terminus with the pedestrian corridor, but there are properties from the front doors of Bellevue Square and the Bellevue Arts Museum down through the center of the city that will need a second look when it comes to implementing the project. Ms. Helland noted that the pedestrian corridor provisions in 20.25A.090 reflect the current code requirements, updated with appropriated cross referencing. If future amendments are needed to create some

better implementation tools, only the one section of the downtown code will need to be addressed.

Commissioner Hilhorst pointed out that the reference to November 2, 2017 draft LUC update on page 18 of the packet should be revised to reflect a 2016 date.

Chair deVadoss asked if there had been any early feedback relative to the Bel-Red parking provisions. Ms. Helland said the reason staff has continued to seek inclusion of the approach is that the feedback from the stakeholders has been that they like the flexibility included in Bel-Red and that they would like to see it carried over to the downtown. The parking sections as drafted is a translation of the Bel-Red flexibility to the downtown context.

Commissioner Barksdale asked what process will be utilized to evaluate whether or not the livability objectives are met by the code changes. Ms. Helland said staff has walked through each section of the code comparing the new provisions against the specific downtown livability objectives and Council principles. Staff have also been meeting with property owners who have been bringing their projects forward. Concerns have been voiced about the 40-foot setback and 80-foot tower separation requirements, though some have indicated the provisions would work for their properties. Additional meetings are scheduled to occur prior to the public hearing. Staff agrees that there is some need for additional flexibility in the 80-foot tower separation requirement, which was a game-changer recommended by the CAC. It is not surprising that much of the development on the ground would not meet the proposed standard, but current development patterns were cited by the CAC as part of their interest in seeking a change. The construction that has occurred to date has not quite achieved what was hoped. Staff also believes there should be some flexibility allowed with respect to the 40-foot setback requirement.

Commissioner Barksdale said he would like regular updates once the code goes into effect as to how things are progressing.

Commissioner Laing said it was his understanding that the SEPA threshold determination of non-significance had been issued on February 16, 2017. He asked if any comments had been received or appeals filed. Ms. Helland said no comments had been received. Under the terms of the Land Use Code, the threshold determination is actually part of the code and it would go together with any appeal of the code to the Growth Management Hearings Board. She said any comments received regarding the determination of non-significance will be provided to the Commission.

Commissioner Laing called attention to the definitions beginning on page 29. He said he was perplexed by the build-to line and the setback. The build-to line is defined as being a location along a designated block or right-of-way where a building must be constructed, and it is the back of the required sidewalk unless designated otherwise by the director. The setback is defined as a space unoccupied by structures except where intrusions are specifically permitted by the code. Front setbacks are measured from the back of the required sidewalk to the face of the building, while other setbacks are measured from the property line. He asked how there can be a setback from the build-to line if the building must be constructed to the back of the sidewalk, and why the required sidewalk should be the build-to line unless designated otherwise by the director instead of unless designated otherwise by the code. One cannot both build to the back of the sidewalk and comply with the setback, and it should be the code that determines whether or not a building is to be built to the back of the sidewalk. Ms. Helland explained that the setback and build-to lines do not apply in the same locations. The setback from the downtown boundary is an actual setback and does not involve a build-to line. The build-to line is the mechanism for

bringing buildings up to the back of the sidewalk, but there are opportunities, such as major public open space minor publicly accessible space, that could be adjacent to the sidewalk and in need of being taken into account. She agreed the language giving the director the flexibility to make the determination should be revised. In every instance where the director is given the flexibility to do something different the administrative departure requirements kick in. Where developers come in with a proposal for wider sidewalks than required by the code, or for open space, there should be opportunity to override the build-to line.

With regard to the base FAR issue, Mr. King reiterated that the BERK analysis for many of the zones looked at both 80 percent and 90 percent of the current maximum FAR. In some zones the current maximum FAR is the same as the proposed maximum FAR, so the technical analysis for those zones has already been done. The BERK report landed on 85 percent for those zones. The recommendation includes changes to the maximum FAR for the OLB central and south zones, as well as the MU district for non-residential.

Commissioner Barksdale noted that during public comments someone raised the point that the BERK analysis considered land value but not the growth plan. Mr. King said that comment was correct. The BERK analysis did a very thorough job of looking at where the new base FAR should be set in order to protect existing land values. Clearly there is room for the public, the Commission and the Council to weigh in from a policy standpoint about any additional thought that should go into the some of the zones where the city might want to encourage development. The ULI group essentially examined the BERK analysis with an eye on making sure it was consistent with the Council principles.

Ms. Helland pointed out that in the amenities chart there were some amenities that were valued differently based on the neighborhoods in which they were located. That was done as an attempt to incent more the amenities where they are most needed.

Chair deVadoss called attention to the list submitted by the Bellevue Downtown Association and sought input from the Commission and staff.

Commissioner Laing said he absolutely supported the first and second items on the list. He said he also supported the third item but noted that clearly there needs to be more detail. He noted this support for the fourth item and recognized that the issue has been tabled. With regard to the fifth item, he said the concern of the Commission initially was about allowing additional height beyond what is already allowed in the A-1 overlay district in the northeast corner of the downtown that immediately abuts the Vuecrest neighborhood. He pointed out that situation is different to the east of 100th Avenue NE because of the existing uses. He indicated his support for item six, and for item seven as a concept that is not yet flushed out. The amenity system is intended to be aspirational by highlighting what the city would like to see developed. The value of each amenity should be high enough that developers will want to incorporate them.

Commissioner Barksdale reminded the Commission that he had previously raised the issue of making the amenity system more lean instead of having it be fixed over time. He noted his support for items two and seven on the Bellevue Downtown Association list.

Commissioner Hilhorst thanked the Bellevue Downtown Association for providing some concrete feedback. She said she was generally in agreement with all seven items on the list. The views of the property owners with regard to the 40-foot setback are clear and should not be diminished. The 80-foot tower spacing concept that has been under discussion for the last two years should not immediately be thrown out because there is good reasoning behind it, including

Council direction. The need to identify some flexibility is clear, but so is the need to preserve the light and air elements the spacing is intended to achieve. With respect to the A-1 overlay district, she recalled that the Commission kept heights lower in the top left quadrant because of the feedback from the local community.

Commissioner Carlson said he was curious about where the 40-foot setback came from. He said it did not come from either the Council or the Commission. Ms. Helland said the genesis of the 40-foot tower setback was a response to applying the 80-foot tower separation consistently on properties in common ownership and across property lines. The concern was that a single property owner seeking to comply with the 80-foot separation requirement would spread the two towers to the property edges, thus diminishing the tower separation with any tower on a neighboring site. What staff have heard loud and clear that the devil is in the details and there is a need to allow for flexibility.

Continuing, Ms. Helland said there have been some misunderstandings resulting in a confluence of two sections of the code. The setback provision is in the current code for Bellevue Way, NE 8th Street and NE 4th Street and has been translated directly in the proposed code. The setback can be modified and is essentially adjacent to the street frontage. The 40-foot tower setback is measured from interior property lines but is intended to be the perimeter. Many of the blocks in the downtown involve several different parcels, including the Lincoln Square site which has numerous different parcels. The setback does not apply to all of the interior property lines to a project limit, it applies to the perimeter. Some who have come forward to determine how the 40-foot setback requirement would apply to their projects have found the requirement perfectly acceptable after learning exactly how it would be applied, though allowing for a modification route would be appropriate.

Commissioner Barksdale asked if there has been any feedback from those who live and work in the downtown about issues regarding light and air, which is the driver for the 80-foot tower separation requirement. Mr. King said there was a desire identified during the Downtown Livability Initiative CAC process for increased tower separation. The approaches utilized by other cities was studied in an effort to identify best practices. He agreed, however, that in applying a best practice from other jurisdictions to Bellevue, it should always be done with an eye on Bellevue's local circumstances. The CAC received input from the public but it was before getting down to the details of the code provisions. The detailed work done to date has been at the Commission level.

****BREAK****

STUDY SESSION

2017 Comprehensive Plan Amendment Cycle

Senior Planner Nicholas Matz reported that five amendments had been submitted for the 2017 review and evaluation process: two privately initiated site-specific proposals, Bellevue Technology Center and Eastgate Office Park, and three proposals the Council will be asked to initiate, Complete Streets, East Main station area, and the Downtown Transportation Plan update. The application that will be taken to threshold review is the Bellevue Technology Center.

The city's annual Comprehensive Plan amendment process includes two steps, threshold review and final review. The threshold review process is used to determine if a proposal should be an amendment. In the final review stage, the Commission takes on the merits of each proposal. Each

step involves Commission study sessions, a public hearing and a recommendation to the City Council.

The list of benchmarks are originally set out included a community listening workshop for the Bellevue Technology Center application, but that has since been eliminated in favor of using other means of public engagement, including going out to mini city hall in Crossroads Mall during office hours and inviting people to come and talk about the proposal. Staff will also make themselves available to meet with neighborhood associations to get them engaged and informed ahead of the Commission's first study session, but without creating a record that should only occur inside the hearing process.

Mr. Matz said the schedule calls for coming back to the Commission for a study session in April in anticipation of a threshold review public hearing in June. At the study session, each application will be introduced in more detail and the questions identified during the review will be shared with the Commission. The issue of expanding the geographic scoping of each application will be addressed at that time. The Council will be asked to take action on the Commission's recommendation, and their action will establish the work program. The Commission's heavy lifting for each application will kick off in September. A recommendation for each application will then be forwarded to the Council for action before the end of the year.

Chair deVadoss said that there were comments made during the 2016 annual Comprehensive Plan amendment process regarding the criteria for threshold review. He said it would be helpful to understand the process involved in reevaluating the criteria. Mr. Matz explained that changing any of the criteria would require amending the Land Use Code, something that would have to be included on the work program. He said any such action would not be completed in time to affect the 2017 cycle.

Commissioner Hilhorst recalled that Bellevue's process is somewhat different from other jurisdictions in that it starts with minimal data during the threshold review phase and more robust data during the final review phase. Questions were asked in 2016 by some Commissioners about why more detailed information was not submitted up front. Mr. Matz said Bellevue is actually not that much different from other jurisdictions. The threshold review phase involves looking at issues from the 10,000-foot level, and at that level it is not necessary to know how many trips will be generated and other specific data; what needs to be understood is how the proposal fits into the larger picture. The two-step process was developed several years ago at the direction of the Growth Management Hearings Board.

Mr. Cullen said the Commission will have a study session on April 26 and in the spirit of the retreat, time could be taken then to define the boundaries and the types of data the Commission would like to see. He added that the Bellevue Technology Center application will be the only one for which the Commission will need to conduct a threshold review. The threshold review phase involves making qualitative-type decisions, and the Commission struggled during the last cycle in that it was looking for specific and objective criteria for moving applications forward or not moving them forward. Some of the criteria is open to interpretation. The Commission can be informed by objective criteria, but it will never be definitively defined by data, which means it will always come down to a judgment call. The decisions made to move applications forward are not based on the merits of the proposed amendments, rather the decisions are simply about whether or not each proposal should be added to the work program.

Mr. Matz said there is a decision criteria in the final review phase that allows for measuring the relative impacts, transportation and otherwise, for purposes of determining if a given

development can be accomplished under the intended zoning. At the threshold review phase, the focus is on whether or not each proposal is in compliance with the Comprehensive Plan for the specific area, and what the potential impacts might be do not play a role in that context.

Mr. Cullen added that in 2016 an attempt was made to run the rezoning and Comprehensive Plan amendment processes concurrently, and the result was a great deal of confusion. Most of the testimony received was about the rezoning and site-specific issues. He said staff would seek to guide the Commission away from taking that path and to keep the bulk of the dialog on the policy issues.

Commissioner Barksdale said he appreciated the approach that will seek qualitative feedback from the community, which will lead to the development of more targeted questions to be brought forward during the threshold review. Mr. Matz said being able to target questions around the potential impacts for what the Comprehensive Plan already considers to be transportation solutions will be helpful. The criteria is unchanged, but the manner in which the issues are to be framed is what is different from previous years.

Commissioner Barksdale recommended structuring the engagement with the community around the objectives the Commission will be looking to achieve through the Comprehensive Plan. The approach would generate feedback on how the proposed amendment will in some way help to achieve the outcomes.

Commissioner Hilhorst asked if it were premature to ask what about the Bellevue Technology Center application is different from when it was previously submitted. Mr. Matz said it is fair to say what the applicant has done is taken a couple of steps backwards and are identifying what they are trying to accomplish in light of what is going on in the area and in light of the community's longstanding concerns. The proposal still seeks to add and change policy to influence redevelopment of the site.

MINUTES (9:29 p.m.)

Noting that there were fewer than four members present, Mr. Cullen said the Commission's bylaws states that a meeting must have a quorum of not less than four members at the opening of a meeting, and that a quorum shall be considered to exist until the meeting is adjourned irrespective of the members continuing to be present. Actions taken shall be by the majority vote of the members present and voting.

January 25, 2017

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

February 8, 2017

Commissioner Hilhorst called attention to the second full paragraph on page 10 of the minutes and noted the "Commissioner Laing that approach..." should be revised to read "Commissioner Laing said that approach...."

A motion to approve the minutes as amended was made by Commissioner Hilhorst. The motion was seconded by Chair deVadoss and the motion carried without dissent; Commissioner

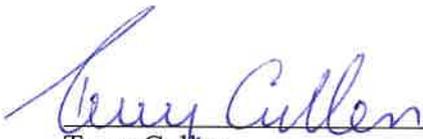
Barksdale abstained from voting as he had not been present at the meeting.

PUBLIC COMMENT - None
(9:32 p.m.)

ADJOURN
(9:32 p.m.)

A motion to adjourn the meeting was made by Commissioner Hilhorst. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

Chair deVadoss adjourned the meeting at 9:32 p.m.



Terry Cullen
Staff to the Planning Commission

5/11/17
Date



Stephanie Walter
Vice Chair of the Planning Commission

5/10/17
Date