

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

December 13, 2023
6:30 p.m.

Bellevue City Hall
Room 1E-113

COMMISSIONERS PRESENT: Chair Bhargava, Vice Chair Goepple, Commissioners Brown, Cálad, Ferris, Khanloo, Malakoutian

COMMISSIONERS REMOTE: None

COMMISSIONERS ABSENT: None

STAFF PRESENT: Emil King, Janet Shull, Gwen Rousseau, Department of Community Development; Kristina Gallant, Nick Whipple, Development Services Department; Matt McFarland, City Attorney's Office

COUNCIL LIAISON: Councilmember Robertson

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER
(6:30 p.m.)

The meeting was called to order at 6:30 p.m. by Chair Bhargava who presided.

2. ROLL CALL
(6:31 p.m.)

Upon the call of the roll, all Commissioners were present.

3. APPROVAL OF AGENDA
(6:32 p.m.)

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

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS
(6:32 p.m.)

Councilmember Robertson remarked that at the Council meeting on December 11 Councilmembers Elect Malakoutian and Hamilton were sworn in, and Councilmembers Stokes and Vaughn were sworn in for another term.

5. STAFF REPORTS
(p.m.)

A. Planning Commission Meeting Schedule

Strategic Planning Manager Janet Shull took a few minutes to review the Commission's schedule of upcoming meeting dates and agenda items.

B. Recognition for Councilmember Robertson

Assistant Director Emil King took a moment to recognize Councilmember Robertson who started with the Planning Commission in 2003 and who has been on the City Council for a significant amount of time. Councilmember Robertson's time serving the city has left a strong legacy on issues ranging from the Bel-Red corridor to Downtown livability, East Main, Eastgate, the initial work on Wilburton, neighborhood character, affordable housing, and light rail best practices. Councilmember Robertson has proven to be a strong regional leader on behalf of the city, and always considers best practices in light of what will work best in Bellevue.

C. Recognition for Commissioner Malakoutian

Emil King also recognized the contributions of Commissioner Malakoutian who was appointed to the Planning Commission in 2017. The work addressed by Commissioner Malakoutian included transit oriented development, affordable housing, the Grand Connection, work on updating the Comprehensive Plan, curb management and a number of other topics. Commissioner Malakoutian always wears a smile, always asks great questions and is always fully engaged.

Chair Bhargava stated that Councilmember Robertson will be missed, and noted that Commissioner Malakoutian would continue to represent the city as a Councilmember.

6. WRITTEN AND ORAL COMMUNICATIONS
(6:39 p.m.)

Chair Bhargava took a moment to note that under Ordinance 6752, the topics about which the public may speak during a meeting are limited to subject matters related to the city of Bellevue government and within the powers and duties of the Planning Commission. Additional information about the new rules of decorum governing conduct of the public during meetings can be found in Ordinance 6752.

A. Written Communications
(6:40 p.m.)

Janet Shull commented that following publication of the packet an additional five communications were received and forwarded to the Commissioners.

B. Oral Communications
(6:41 p.m.)

Jesse Clawson noted having sent a written communication to the Commission regarding the bylaws. As the Commission continues work on the Comprehensive Plan Periodic Update, the Commission should allow itself the flexibility to adjust the amount of time available for public communications. Where the public is currently allowed three minutes in which to speak, where there are a number of persons wanting to speak, the Commission should in its bylaws allow for reducing that to two minutes in order to hear from more people. With regard to tree policies, the

city's tree assessment shows the current policies are actually working. Over the last 12 years, the city has added 450 acres of tree canopy. While that is great, the city can do better, including by looking first at the main property owner in the city, which is the city, and by making sure the tree retention policies do not get in the way of actually adding more tree canopy. At the November 9 Transportation Commission meeting, staff stated they would be returning with flexible language related to the street grid. With regard to BelRed specifically, the policy in question is BR-56. Flexible language is needed in cases where a street cannot be put through. Similarly, the proposal relative to policy BR-57 is to get rid of alleys, but the policy-level language that includes the ability to do alleys should not be eliminated. Alleys can serve as interesting urban design tools to break up blocks or to allow for access. The lack of a definition in the LUC for "alley" impedes the ability of the city to be flexible.

Mariya Frost, transportation director for Kemper Development Company, called attention to the BelRed look forward and specifically the proposal to repeal policy S-BR-54, which is a key transportation policy for accommodating the dramatic growth the city is planning for. Bellevue's multimodal transportation system depends heavily on a network of major arterials, minor arterials and collector arterials. In the case of major arterials like Bel-Red Road, NE 12th Street, 120th Avenue NE and 124th Avenue NE there are capacity impacts regionally in addition to locally. BelRed lies at the confluence of the growth areas of Bellevue and Redmond and the Comprehensive Plan update proposes to dramatically increase density in Wilburton and BelRed, making the arterial system in those subareas even more significant. Policy S-BR-54 calls for designing and developing arterial improvements to serve the travel demand generated by the BelRed plan and the citywide travel demand. Transportation staff have recommended repealing the policy on the argument that the design of arterials and local streets is provided for in the citywide transportation design manual, but that reasoning is flawed in that the manual covers how to build arterials, whereas the Comprehensive Plan concerns whether and why they ought to be built in the first place. In BelRed, arterials are needed to serve the travel demand from the projected growth in the area. The policy direction should be retained in the Comprehensive Plan, and it should be strengthened by adding "maintain existing arterials." It is apparent from the context and other sections of the Comprehensive Plan and the Bel-Red subarea plan that the Commission, the Council and city staff sees maintaining the existing arterials in BelRed is a given.

Maria Lau Hui spoke on behalf of the BelRed Arts District Community Alliance and thanked the Commission for starting the conversation 20 years ago. The Community Alliance is a 501(C)(3) non-profit community-led organization formed to cultivate a sustainable and creative district that celebrates the diverse community and meaningfully connects the people to the arts, culture and innovation. The three-member executive board consists of Maria Lau Hui, Sandy Voh, Eden Halstein.

Sandy Voh said the BelRed Arts District is part of the 900-acre BelRed subarea. It has the highest concentration of art and cultural organizations in the city with more than 60 creative organizations, both big and small, in the post-industrial warehouses, aging commercial spaces, and older strip malls. The community of creative organizations and businesses cover a wide array of disciplines from dance to photography, pottery and more.

Maria Lau Hui said with the transformation that is about to happen in the area, the Community Alliance wants to draw attention to the sustainability of the creative organizations and would like to promote the notion of affordable, creative spaces and affordable artist housing. Both are critical elements to supporting a vibrant and creative district.

Sandy Voh said the community is worth paying attention to.

Joni Vanderberg Praner spoke on behalf of Trees for Livability. For too long the city has allowed housing developers to profit off the deforestation of the city. A great deal of ground has been lost through the suburban neighborhood land use approach. The numbers are startling, and the next assessment in two years may show things continuing to go in the wrong direction. Residents have been ringing alarm bells, yet the tree cutting continues. A faster timeline is needed for the implementation of the new codes. Based on the number of trees the city is getting for the removal of landmark trees, the city cannot afford to waste any time.

Elaine Duncan noted having submitted written comments in May and June to the Commission about an experience in getting a tree removal permit. Staff has a very challenging job in trying to amend the regulations, which are very convoluted. The Commission should step back from the complexity and consider two points. First, tree removal outside of a development proposal is governed by the Clearing and Grading code under which “clearing” is defined as the act of destroying or removing the existing soil and cover, vegetative or non-vegetative. “Grading” is described as any excavation or fill. It is not clear that cutting down a 100-foot tree and leaving the stump constitutes removing vegetative soil cover, and that flies in the face of common sense. Vegetative soil cover means ferns, blackberries and salal, not 100-foot trees. Second, a significant tree is currently defined as a healthy tree by city code, but under the new Council ordinance 6767, a landmark tree is defined as any tree, presumably healthy or not. The question is why it should be necessary to spend \$2300 just to get a clearing and grading permit to cut down a demonstrably unhealthy tree that posed a hazard. There must be a better way to look at the permitting situation.

Heidi Dean said it has been a pleasure to witness the journey of Commissioner Malakoutian as a member of the Commission, having been thrown into the deep end of the pool during the 2018 Comprehensive Plan amendment process that included several controversial rezone applications. Commissioner Malakoutian always listened carefully to applicants, residents and staff, and voiced appreciation for having city residents involved. Commissioner Malakoutian will undoubtedly continue in that vein as a member of the City Council. Councilmember Robertson was thanked for providing excellent guidance and mentorship as the Council liaison to the Planning Commission. Councilmember Robertson always knew when to jump in with a nugget of subject matter expertise that allowed the Commissioners to make informed decisions, and when to sit back and listen. Going forward every Commissioner who has served with Councilmember Robertson should ask themselves what Councilmember Robertson would say or do when confronted with tough decisions. With regard to the bylaws, specifically Section 3.64.090, item B, concerns remain about the tone of the Commission’s July meeting at which the roles and responsibilities were discussed, particularly around the Commissioners’ limitations. It is understood that the Commissioners do not have the authority to direct the staff, but there was at that meeting an implied threat regarding Commissioners asking about the type and breadth of outreach on issues. Broad, thorough and Bellevue-focused outreach is important. There is currently an ethics complaint in a different department pertaining to outreach. If Commissioners have a concern about the possibility of inadequate outreach, which impacts who they hear from and how they make decisions regarding recommendations to the Council, they should not feel afraid to speak up.

Ruth Lipscone spoke as a board member of Trees for Livability. The organization started two years ago when the founder was disturbed by the number of big trees being cut down in the city. The group began its work in 2022 with a review of tree codes in neighboring cities. The review showed that Bellevue’s rules were much weaker. A report that included 17 recommendations

was drafted. Once it was known what needed to be changed, more than 1700 signatures were collected from residents, workers and visitors who agreed the city should implement the recommendations. The group is cautiously optimistic that the staff have thoughtfully considered the recommendations. Any tree over six inches diameter should be defined as significant and a permit should be required to remove it. Every lot that is being redeveloped should be required to meet a minimum tree coverage level through a combination of protecting existing trees and planting new ones. Priority should be given to protecting the largest, oldest, and especially the native trees. Any requirements should run with the property and should not reset when a property is sold. There must be enforcement that has teeth to deter and punish those who cut trees illegally. Trees for Livability looks forward to hearing the details of the new ordinances.

Paul Rood reported that in 2004 a permit was sought to cut down a tree. The responding staffer noted the lot had a number of trees and permission was given to cut one. In 2005 a tree too close to the house needed to be removed, and city staff allowed it to be cut down. By 2022 the lot was severely overgrown and permission was sought to cut down two trees that were threatening the house. After filling out the application, permitting staff sought \$900 for a zoning review, \$350 for a clearing and grading permit, \$700 for a critical areas study, called for a \$600 arborist's report, required a 12-page SEPA document to be filled out, and asked for any studies referenced the city might decide to impose. It was noted that a professional biologist may need to climb the tree looking for wildlife at a cost of \$700. After all that, the actual permit cost \$127 dollars, and the inspection cost the same again. After all that, staff indicated a permit would not be issued because the tree was located on a hill. A steep slope is the last place a large tree should be allowed to grow as it will tear up the hill when it falls. Clearly vegetation is needed on hills and slopes, but not big trees. Permitting in general should only cost one percent of project costs, but the permitting actually exceeded the project costs. The regulations penalize those with wooded lots. The documentation requested by the city is associated with building a new subdivision but it is being applied to yard maintenance. Regulations need backstops where citizens can be protected from the administrators. If an individual lot has 40 percent tree canopy or more, or some other specific percentage, there should be no further restrictions on tree removal. Once a tree reaches something like 60 feet tall, it should be at the owner's discretion to top the tree or remove it for safety and sunlight. The speaker noted that falling trees have hit the house twice, and in 2006 a tree fell and hit the neighbor's house. The city is setting Bridle Trails up for severe damage in the next windstorm. Citizen's need the right to remove trees before they fall on their house.

Alex Tsimerman began with a Nazi salute called the Commissioners human garbage rats. During the last election, 90 percent of the people were not involved. Only ten percent voted.

Chair Bhargava directed Alex Tsimerman to adhere to the rules for public comment.

Alex Tsimerman asked the Commission to stop dirty tricks like interrupting and using up the allotted time to speak. Chair Bhargava agreed the timer could be stopped while the issue of following the rules was discussed. Alex Tsimerman suggested the problem was that the Chair and another Commissioner apparently did not speak English and therefore did not understand what was being said.

Commissioner Khanloo called the statements made by the speaker disrespectful.

Janet Shull clarified for Alex Tsimerman which topics were on the agenda and directed all comments to be in regard to them. Alex Tsimerman said Ordinance 6752 allows public comments on all issues of city business. The Commission already allowed speaking about

Agenda Item 5. That gives the right to speak about city business. The current situation allows a Councilmember to stay on the Council for 20 years, and for Commissioners to serve on the Commission for seven years. That means there is a junta in place, which 90 percent of the people do not support. What is happening in Bellevue is classic fascism. The election is absolutely stupid by definition, and the government of Bellevue supports corporations, which is classic fascism. There is a junta in place. The Commissioners are nobody, they are garbage.

Vice Chair Goepple exercised a point of privilege to state that the last comments made by the previous speaker violated Ordinance 6752. Not only were the comments off topic, they contained campaigning which is not permissible under the ordinance.

Khaicreta English, founder of Trees for Livability, commented that many have come around the idea of minimum tree density, an interesting concept that puts a number on what is trying to be achieved. A previous speaker gave as an example a very wooded lot that has too many trees not being allowed to clear some trees. Too many have seen lots simply cleared of almost all trees to allow for the development of new homes. The city has set a goal to have a 40 percent tree canopy, and 65 percent of the city's trees are in residential neighborhoods. The concept of a minimum tree density will require having lots with a certain density of trees in order to meet the citywide goal. A number that makes sense needs to be agreed to. With regard to on-the-ground enforcement, the speaker noted living across from a 135-year-old cedar tree which is the last tree on a lot. The previous owner tried to cut down tree on a holiday weekend using an unlicensed crew. The tree is some five stories tall and is located on a hillside above homes, powerlines and a roadway. The work was stopped by two local residents. The lot subsequently changed hands, however the original paperwork was filed with incorrect tree measurements; listed as 20 inches in diameter, it is in fact 36 inches in diameter. Having inspections to check the integrity of the information submitted is needed, and there also need to be ways for neighbors to raise concerns prior to trees being removed.

7. PUBLIC HEARING – None
(7:20 p.m.)

8. STUDY SESSION

A. Planning Commission Bylaw Amendments
(7:20 p.m.)

Assistant City Attorney Matt McFarland brought before the Commission the proposed bylaw amendments previously reviewed by the Commission, stressing that the amendments are in response to the Council's adoption of Ordinance 6752, which amended the city's personnel code for all of the city's boards and commissions. Based on that, two bylaw amendments are mandatory, the first related to remote participation by Commission members, and the second the issue of decorum during public comment. A third item, based on a recommendation of the City Attorney's Office, is meant to conform the Commission's bylaws to the procedure and Council rules with respect to continued oral communications. The Commission can at its option allow for continued oral communications, but under the recommendation, it would no longer be mandatory to have the item on the agenda.

A motion to adopt the proposed bylaw amendments was made by Commissioner Ferris. The motion was seconded by Commissioner Brown.

Commissioner Malakoutian stressed the importance of continued oral communication. It has

often been used to allow those who did not have a chance to speak at the beginning of a meeting to have their say. If removed from the standard agenda, how will future Commission's whose members have never seen the agenda item know they can exercise the right to allow people from the public to talk at the end of a meeting. Matt McFarland said the Commission always has the ability to amend its agenda at any meeting and as such has the ability to amend the agenda to allow for additional public input. It would be up to the staff liaison to communicate the option to the Chair. The resource manual could be a good repository of the information.

Commissioner Ferris allowed that while the Commissioners do not regularly read the resource manual, it would be good for any new incoming Chair to be briefed accordingly.

Commissioner Calad added that the point should be emphasized every time the Commission goes through training.

Councilmember Robertson agreed that the resource manual is not widely read, but pointed out that the Commissioners do read the bylaws. The bylaws clearly state that the rules can be suspended by a majority vote of the Commission members present, provided there is consistency with the Open Public Meetings Act. That should make it clear to new Commissioners that agenda changes can be made as needed.

Matt McFarland said a real-world example can be found in what happened a few meetings back where a number of speakers from the public had interpreters with them. At the time, the Commission moved to extend the oral communication time to facilitate giving everyone a chance to speak. That action occurred during the meeting without guidance from city staff.

Vice Chair Goeppelle asked if it would be possible to consider an additional paragraph in Article VI to indicate that continued oral communication could be added by amending the agenda. Matt McFarland said that could certainly be included, but stressed that doing so would require re-noticing the bylaw amendments and bring them back for action at a future Commission meeting. The bylaws themselves require notice of any changes to the bylaws before they are adopted. Changes to the bylaws are routinely made in order to track Council changes and to ensure uniformity, and adding the suggested language could be added the next time around.

The motion on the floor carried unanimously.

B. Land Use Code Amendment (LUCA) to Amend Tree Regulations (7:32 p.m.)

Code and Policy Division assistant director Nick Whipple informed the Commission that subsequent to the Commission's July 26 study session, the city hired a technical consultant to begin supporting Phase 2 of the tree canopy effort. Phase 1 involved listening, and Phase 2 will involve drafting actual regulations to review and process.

Senior Planner Kristina Gallant reminded the Commissioners that the Environmental Stewardship Plan includes Strategy N.1 which sets the goal of increasing the tree canopy citywide to 40 percent. Additionally, the strategy calls for a comprehensive review of the code provisions related to trees and to update them as necessary. The tree canopy assessment has been completed and is available online. Overall the assessment shows positive citywide trends, but there are certain gaps in need of being addressed. Some neighborhoods have seen some losses, particularly between the two most recent studies. The city's suburban residential areas lost 65 acres of tree canopy between 2019 and 2021. On the positive side, the city's parks, commercial

areas, mixed use areas, the Downtown and even the urban industrial areas all added canopy during the same period.

The comprehensive review of the code provisions regarding trees includes the general target of supporting tree preservation, retention, replacement and protection. The Council, the Commission and the public have all called for preventing the clearing of lots prior to development; preserving and protecting large trees; addressing neighborhood canopy gaps; supporting the notion of the right tree in the right place; and providing meaningful incentives and deterrents. At the same time, there is a focus on balancing housing production needs to keep up with growth; improving the function and clarity of the code; and capturing better data.

Kristina Gallant said in getting close to having draft language, it will be important to distinguish between what will be coming forward in the Land Use Code (LUC) amendment, which will be reviewed by the Commission, and what will happen with the city code amendment, which will go before the Council. The LUCA will primarily be related to the regulations that impact tree removal with a development proposal. The tree retention section, LUC 20.20.900, will see a full rewrite. Conformance edits will be made to other sections as well. The Bellevue city code (BCC) regulates tree removal outside of a development proposal through the Clearing and Grading code. Enforcement provisions are housed in the Civil Violations code, which is also city code. The Critical Areas Ordinance has some specific provisions regarding trees in critical areas, but it will not be updated as part of the current process; an update of the Critical Areas Ordinance is coming in about two years. The transportation code also contains provisions for maintaining trees in rights-of-way, and that will also be updated but through a separate process.

Turning to the LUCA topics, Kristina Gallant referred to the definitions section and noted the definition for significant tree is set to be updated. One of the suggestions is to reduce the minimum diameter from eight inches to six inches. The update will also address replacing subjective language, such as “healthy.” The Council recently voted to extend the interim landmark tree ordinance through 2024 ahead of the anticipation to replace it with a permanent code that will include a permanent definition as part of the LUCA. The interim ordinance currently defines landmark trees as those with a diameter of 24 inches or greater. A definition for hazardous trees will also be developed with the LUCA.

One of the biggest changes under review deals with tree retention. The regulations establish when trees can be removed as part of development, and when they must be retained. A new approach to the method for calculating retention is under consideration. The retention criteria will be updated to include which trees should be prioritized for retention, and an in-lieu fee is also under consideration as a very limited last-resort option in those cases where retention is completely untenable. The work will look to clarify the duration of retained trees, and to codify key protections during construction for trees that are designated for retention.

Tree removal and code enforcement is regulated through the city code. The items to be reviewed by the City Council include requiring a permit to remove any significant tree; evaluating an expansion to the replacement requirements for removal outside of development; evaluating the inspection requirements; and evaluating the imposition of financial penalties for violations.

The element of tree diameter is one of the key components of the definition of significant trees. Currently a significant tree is defined as having a minimum eight-inch diameter. Most jurisdictions around the Puget Sound use six inches, though Sammamish has an eight-inch diameter for deciduous trees and twelve inches for evergreens. The technical consultant has indicated not being aware of any statistically valid study of canopy impacts associated with

reducing the threshold. The benefits of reducing the threshold to six inches are coming into consistency with neighboring jurisdictions, and the fact that by reducing the threshold more trees will be regulated and therefore protected. Additionally, the younger and smaller trees could count toward retention. Trees under the threshold do not count toward retention. Just because more trees are regulated does not mean the trees cannot be removed, so the next question down the line becomes what to do with the six- to eight-inch trees.

With regard to tree retention alternatives, Kristina Gallant explained that the process for identifying existing significant and landmark trees which cannot be removed with development is defined fairly broadly. The code includes a review process that is triggered by certain development decisions. The review is conducted along with the permit, not as a separate process. The requirements are imposed with any permit, approval or review that includes land alteration or development, a change in lot coverage or a change in parking area. The current approach only applies to significant trees that are in place at the time the permit is reviewed. No consideration is given to trees that were previously removed or that are small when it comes to determining retention. Of the trees identified as significant, applicants must retain a percentage of the total diameter inches, with alders and cottonwoods discounted. The advantage to this approach is that the use of total diameter inches naturally incentivizes the preservation of the larger trees, as the required retention can be achieved with fewer trees. This approach is not compatible with avoiding net canopy loss, as a portion of trees can always be removed with redevelopment without ensuring a certain canopy level is maintained. Outside of the areas where there are requirements for street trees and other landscaping standards, the current code has no authority to require adding trees where there are no or few existing trees.

There is a major exception to the retention approach that is in place. Currently the retention requirements do not apply Downtown which is subject to a separate specific approach. There are street tree and landscaping requirements for all Downtown streets. In addition, there is a green and sustainability factor which was adopted in 2017 which requires projects to achieve a minimum score that scales with the size of the property; multiple benefits can be provided for credits. Tree retention is one of the higher impact score options available. Others include green roofs, landscaping and bioretention facilities. Staff are recommending retaining the approach because of the positive trends in the Downtown tree canopy. Between 2019 and 2021, the Downtown area added three percent canopy coverage to bring the total to almost 11 percent.

Kristina Gallant said four tree retention alternatives were looked at with the consultant, each of which is used in jurisdictions around Puget Sound: 1) Bellevue's approach of using a percentage of the existing diameter inches; 2) percent of total significant trees; 3) minimum tree canopy; and 4) minimum tree density credits.

With regard to the minimum tree canopy approach, it was noted that each development project would have to provide a minimum canopy coverage, which can be achieved through retention and planting. The coverage calculation includes existing trees to be retained and the projected coverage of new trees at maturity. The approach is used by Lake Forest Park, Issaquah and Snohomish County. The challenge with the approach is that the calculations must be done on the ground by an expert or with aerial photos. Any existing coverage created by trees such as cottonwoods and alders would have then be discounted. Depending on the imagery referenced and measurement used, the approach opens the door to disagreement between the applicant and staff.

The minimum tree density credits approach, which the staff are recommending, gets at the same concept but uses a different calculation. Each project must provide a minimum number of tree

credits. The minimum can be scaled by lot size and development type. The minimum can be achieved through retention and planting new trees, and the credits are calculated based on tree trunk diameter for existing trees or the expected size at maturity for new trees. The approach is used by Kirkland, Burien, Renton, Olympia and Woodinville. The credit approach is much simpler in that the applicant would need only to measure the existing trees at breast height and the code would then define how many credits each earns. Decreasing or increasing the credit for a particular tree becomes a much simpler calculation. The approach will require some upfront work to make sure the credits align well with the canopy goals, but once that is established there are fewer potential conflicts.

Kristina Gallant said two additional study sessions with the Commission are anticipated to review the draft code language. A couple of opportunities for the public to weigh in are scheduled, including a meeting with the Bellevue Development Committee on January 10 to gain the perspective of the development community. A public info session is planned for January 11 at 6:00 p.m. at the Bellevue Botanical Garden. During Phase 3 there will be a public hearing before the Commission on the LUCA after which the Commission's recommendation will be forwarded to the Council along with the city code amendments.

Commissioner Brown allowed that while the percentage canopy approach could work, it would require far more investment upfront. In light of the public comments about all the associated fees, it makes sense to go with an approach that is simple to understand and administer. The minimum tree density credits approach may be the most workable solution.

Commissioner Cálad said the canopy approach is a no go. With the second option there is a great deal of administrative complexity and it is not overly clear. The comments of the public in regard to how much they have to go through in order to get something done should be taken into consideration. As outlined, it is not clear what a homeowner would have to do to take care of a tree on their property. The approach needs to be simplified as much as possible.

Commissioner Cálad asked how much the density credit approach cost in other cities, and how long it takes to work through the application process. Kristina Gallant clarified that the tree credit approach is specific to projects going through development. It is not applicable to the average homeowner wanting to remove a tree on their property. That involves a separate process, and the goal is to keep it as simple as possible. Additional information regarding permit costs and timelines could be shared at a future Commission meeting.

Nick Whipple pointed out that both individuals who offered testimony about cost and complexity were requesting to remove trees within critical areas. There is a lot of space around a slope and within a slope that is regulated much differently. The property of one of the individuals is located in the R-1 land use district of Bridle Trails, which has different regulations for tree retention. One aim of the overall effort is to bring some consistency among the various land use designations and to tailor it more to development type. The challenges associated with the Critical Areas Ordinance will not be addressed through the current effort, but will be addressed as part of a comprehensive review of that ordinance.

Answering a question asked by Commissioner Khanloo about calculating credits, Kristina Gallant stressed that staff was seeking input on the concept. The exact credits have not yet been determined. As envisioned, the code would have a table that defines a minimum canopy credit target based on lot size and type of development or other factors. The process would be to measure the trees, calculate the score. In the simplest version of the scenario, if one must achieve a score of five credits but has only a score of two credits, additional trees would need to be

planted, with the code outlining size and quantity. If one has a score greater than the required score, there would be flexibility allowing the removal of some trees. Additional credit considerations could be layered in for things such as preserving a landmark tree, accomplishing other positive goals for trees, or discounting trees like alders and cottonwoods.

Commissioner Khanloo also expressed concerns about Downtown projects earning green and sustainability factor credit for providing bike racks, and whether this would come at the expense of tree canopy. Kristina Gallant explained that Downtown, credit toward achieving the green factor can be earned for providing things like bike racks, though it is not in exchange for tree requirements. The credit is insufficient to achieve more than a very small fraction of the credits needed. Projects typically employ multiple options to achieving the required green and sustainability factor. This approach is appropriate for the most urban areas, where there is less space available and more flexibility is necessary. Outside Downtown, there is more room to work with and accommodate trees consistently.

Commissioner Ferris asked about a developer coming forward with a lot that has already been cleared of all trees. Kristina Gallant said the concept under the credit system would be that where there are no trees in place, the developer would have to plant in order to reach the minimum credit threshold. The code could include guidelines for where the trees should be prioritized to be planted on the lot. A requirement to get to the minimum will be a step forward toward cutting out one of the major incentives for clearing a lot before development.

Commissioner Ferris asked about the calculations that go into determining the tree canopy resulting from the planting of new trees. Kristina Gallant said different cities take different approaches to that. They usually define the tree canopy differently for different tree types based on the typical canopy a specific type of tree has at maturity.

Commissioner Ferris asked about not only discounting alders and cottonwoods but also providing incentives for removing them and replacing them with native and preferable trees. Kristina Gallant allowed that could be considered. Commissioner Ferris pointed out that alders in particular have multiple trunk configurations and asked how they are measured. Kristina Gallant said that is not defined in the current code. There is a formula used in the industry for calculating a combination of the trunks and it could be brought into the code.

Commissioner Ferris allowed that there are instances in which trees have been taken down without following the proper course and asked if that is something that will be addressed by putting some real teeth into making sure the practice will not continue. Kristina Gallant said the way the code is set up currently, when the city goes to enforce a violation of the tree code, fines cannot be imposed without first holding a hearing before the Hearing Examiner. The legal staff are currently looking at other paths that might be open that will still provide for due process without locking into a complex and lengthy legal process for every tree violation. The city currently seeks first to work with property owners to achieve voluntary compliance and in most cases that can be achieved, especially in cases where an honest mistake has been made. From there, in most cases the penalty involves double permit fees. One advantage to requiring permitting more frequently and expanding which trees are regulated is that the city can generate more documentation of what is in place to be called up when something gets removed. It is possible to estimate a tree's size based on a stump, but if the stump has been ground up, the city must look to any existing aerial imagery.

Commissioner Ferris voiced support for the staff-recommended approach, and also noted being intrigued by the idea of posting signs on lots for which a tree removal permit has been obtained.

Kristina Gallant agreed the approach would be good to take.

Commissioner Malakoutian asked if there is evidence showing the approach used by some cities is more effective than other approaches at increasing the tree canopy. Kristina Gallant said staff have sought that information from neighboring jurisdictions but does not have the data in hand yet. King County has begun a study looking at that very issue but their results will not be available until the spring of 2024.

Commissioner Malakoutian suggested the use of AI image processing might be helpful in the future in determining the tree canopy. Image processing could even recognize the type of trees involved.

Answering a question asked by Commissioner Malakoutian about projecting the future growth of trees, Kristina Gallant said future growth only typically comes into play for newly planted trees. For new tree credits, it would be based typically on the type of tree.

Commissioner Malakoutian asked how the city can be assured that newly planted trees will continue to be in place after a certain number of years. Kristina Gallant said the Council asked staff to specifically look at inspections for tree retention, both pre-development and post-development. Staff will be outlining what that might look like and what the potential staff impact might be. There is also the question of tree care over time.

Vice Chair Goepple voiced support for the minimum credit approach, the extension of protection for landmark trees, and the protection of significant trees under the current definition. Between 2011 and 2019 the city's tree canopy increased from 37 percent to 39 percent, just shy of the 40 percent goal, a clear sign of things moving in the right direction. Vice Chair Goepple voiced concern, however, about lowering the threshold from eight inches to six inches; the latter does not seem like a particularly significant tree. Concern was also voiced about the differential impact on private landowners versus developers. Developers are better prepared to manage the compliance requirements as part of their project costs. Individual homeowners are not in that position. There needs to be some recognition of that difference.

Vice Chair Goepple noted that some areas of the city have not seen improvement in the tree canopy over time. West Bellevue, Wilburton, Newport and BelRed are areas where tree canopy has been lost. More needs to be done in those areas, particularly in light of new development on the horizon. While administrative simplicity would benefit from having one standard for the entire city, for the areas with a reduced tree canopy more needs to be done to help ensure they will be addressed. Kristina Gallant said staff could think through what that might look like. A switch to the minimum tree density credits system would give the city the ability to add trees to areas where they are currently lacking.

Chair Bhargava agreed with the approach recommended by staff. In time there might be technology solutions, but in the interim the approach is an improvement over the other options on the table. Support was voiced for changing the threshold from eight inches to six inches, and for push toward incentivizing native trees.

Chair Bhargava said enforcement is and will continue to be an issue. Over the last ten years redevelopment and the conversion of properties to larger homes has led to the clearing out of lots that otherwise had a lot of trees; in some cases all the trees have been removed. The audit and enforcement processes are not clear. The current enforcement options are not necessarily punitive enough to encourage the right outcomes. Some attention will need to be given to the

issue of enforcement.

With regard to the Downtown development standards, Chair Bhargava suggested the Commission would benefit from knowing how the aggressive mix of strategies benchmarks against other jurisdictions when it comes to yielding the right outcomes.

Chair Bhargava agreed with the need to simplify the process for homeowners needing to remove potentially hazardous trees. The approach should be simple and straightforward, especially where someone's house and life might be at risk. In the push for preservation, there needs to be a balance that includes removal of trees for legitimate reasons.

Councilmember Robertson agreed with the need to make sure the permitting process is neither too cumbersome or expensive for the average homeowner. There are numerous reasons why a homeowner may want to remove a tree. It could be to add an accessory dwelling unit. In coming up the principles for the tree code, the Council talked about the need for balance the pressures of canopy protection and growth and development. The Council also talked about the concept of the right tree in the right place. Trees grow and they might be too close to a house, resulting in roof damage, or their roots may tear up a driveway or a sidewalk. The Council recognized the need to avoid having residents stuck between the city's tree code and honoring the covenants that apply to their properties. There are neighborhoods in the city where one cannot grow tall trees because they block views. It is true that some areas of the city have very high tree canopy coverage while others are lacking. Having a balance is important, something that could be addressed by having a minimum tree coverage percentage. One thing to consider in encouraging trees in the subareas that are lacking would be to give a super bonus for exceeding the minimum density. A super bonus could be considered for replacing cottonwoods and alders with native trees. It would not be a bad idea to reach out to the Master Builders who are often concerned about tree codes and have been known to file lawsuits.

Commissioner Brown voiced support for the notion of allowing a bonus for residents who provide housing.

Commissioner Khanloo said Bellevue's tree cover is a treasure and it should be protected, even if that means making the cost of cutting trees down higher.

BREAK
(8:40 p.m.)

C. Comprehensive Plan Amendments for the BelRed Look Forward – Policy Changes Related to Land Use, Housing and urban Form and Cultural and Community Connections

(8:46 p.m.)

Emil King said the push is on to get all of the policies for the entire Comprehensive Plan, including BelRed, ready for a late-January rollout.

Senior Planner Gwen Rousseau reminded the Commissioners that at the time the BelRed plan was adopted, it received a lot of awards, including the Governor's Award for Smart Communities, and the Vision 2040 Award. The plan was developed via a process that included a large number of stakeholders. The BelRed vision is for a broad range of housing at various levels of affordability, a vibrant economy, distinct urban form and design, a comprehensive and connected parks and open space system, to be a model for environmental sustainability, and to

have a complete, connected and well-balanced multimodal transportation system.

A lot has been achieved since 2009. The goal was to get 5000 housing units by 2030 and to date 2100 units have been built, with another 3100 units under construction or in review. Some 2.2 million square feet of non-residential has been built along with four new light rail stations. Improvements have been made to the transit system, and monies have been collected from developers both for affordable housing and parks and streams.

The Look Forward work does not contemplate a full update of the plan, rather it intends to reflect new information since 2009, strengthen implementation, increase residential capacity, and to collaborate with community partners to further the vision. A previous Commission study session focused on open space and natural systems, and the focus tonight is on land use and urban form, and cultural and community connections.

Gwen Rousseau said the BelRed Subarea Plan was adopted at a time in between Comprehensive Plan updates. It was also a new type of plan for the city with a new vision for urban form outside of the Downtown. At the time there was not an opportunity for putting policies into Volume 1 of the Comprehensive Plan, so every new and innovative idea was included within the BelRed subarea plan. The Comprehensive Plan was updated in 2016 and another update is currently under way, and it has been determined that many of the innovative ideas from the BelRed plan are applicable citywide and as such have since been incorporated into Volume 1. Therefore some pruning is called for to streamline the BelRed plan and to remove redundancies.

The surveys conducted as part of the Comprehensive Plan Periodic Update yielded some great information. The data was broken down by neighborhood and the top three development priorities as ranked by BelRed residents were the ability to walk to a meeting place, housing for all income levels, and more locally accessible small businesses. A hundred percent of the survey respondents indicated a desire to see more housing in their neighborhood, and they weighted having a good housing mix and a good mix of businesses as being important. BelRed property owners have expressed a preference for the higher development intensities studied under Alternative 3. Some of their comments were more applicable to the Land Use Code amendment in terms of larger floor plate sizes, different kinds of calculations for lot and impervious coverage, changes to upper story stepbacks, more flexibility for local street grid implementation and critical area buffers. Concerns were voiced about the repeal of the policy related to arterials and the policy descriptions of multiuse trails along stream corridors.

Input has also been received from the BelRed Arts District Alliance. They have expressed concerns about the displacement impacts from new development, and the need to secure affordable space. They have also expressed a desire to increase walkability in the district to create vibrancy and flow to make the district more connected and inviting. The Alliance believes that without the arts, the city is at risk of losing the next generation of creative minds. They noted that arts and culture drive the desirability of an area, create economic value, and by bringing more people into the area, increase safety..

Gwen Rousseau said there are four key policy moves under land use and urban form, the first of which is cultivating distinct mixed use districts. BelRed is a large area and has existing centers of economic clusters ranging from medical services to technology firms. There is a desire to support the unique needs of different business types within those clusters. Specific to arts and culture, there is a desire to enable small artisanal manufacturing and other creative businesses to locate in the BelRed Arts district. The unique community driven characteristics should be used to distinguish the emerging districts.

A motion to extend the meeting to 9:30 p.m. was made by Commissioner Malakoutian. The motion was seconded by Commissioner Brown and the motion carried unanimously.

Gwen Rousseau said the second policy move seeks to provide for a diverse range of uses. The policies to support that encourage the provision of basic supportive goods and services within each neighborhood district, and encourage a diversity of housing types, tenures and affordabilities to create equitable access to opportunities.

The third policy move is focused on increasing the capacity for development, and to that end the policies will extend the geographic coverage of nodal land use designations; increase the intensity of development around the light rail stations; and expand the areas designated for residential emphasis. The fourth policy move seeks to broaden the land use designations. The associated policies would focus on land use designations that are broader, allowing for greater flexibility over time.

Commissioner Ferris asked if there are specific housing affordability and types goals that have been set for BelRed. Gwen Rousseau said there is an existing policy in the Subarea Plan that has specific targets. However, ways to make it align with the Comprehensive Plan are under consideration. There are requirements to meet certain housing affordability goals citywide based on the new housing need requirements. Commissioner Ferris suggested that unless a goal is set specifically around housing affordability, it will not be achieved. It would be good to know how many of the 5000 units from the 2009 plan could be considered to be affordable.

With regard to the need for affordable spaces for artists to live and work, Commissioner Ferris stressed the need to include that in the goals.

Commissioner Malakoutian agreed with the need to incorporate flexibility for both housing and businesses, and agreed that if there are no goals set, they will not be achieved. There is also a need for high-level policies aimed at preventing the displacement of existing businesses.

Commissioner Khanloo suggested the need for the Commission to have in hand information about how many of the existing medical offices are actually occupied to inform the thinking around whether or not more such uses are needed.

Commissioner Cálad commented about not having clarity on what it takes to convert an empty medical office to another type of business.

Commissioner Brown recognized that when it comes to housing affordability, the market does not necessarily provide it. The city needs to do what it can to support the building and maintenance of affordable housing. The same is true of affordable art space, especially if it is being displaced by development, and fostering arts incubator spaces supported with city funds aimed at encouraging a vibrant and thriving arts community. Artists should not be excluded from the city just because they cannot afford to locate here.

Vice Chair Goepple agreed. One big reason why there are so many arts and culture organizations in the BelRed area is because of the affordability factor associated with the older buildings. The obvious concern is that with redevelopment that could all change. Some concrete measure should be put in place to ensure affordability will continue. It would be a shame to, in the act of creating an arts district, drive out the very people needed to make the district work.

Chair Bhargava asked what was meant by the reference to new land use designations. Gwen Rousseau said one example would be moving from three residential/commercial highrise designations-H1, H-2 and H-3 to just one highrise designation with the different level zoning districts falling within that. The Comprehensive Plan would simply call for residential/commercial highrise development. The idea is to be less prescriptive in the Comprehensive Plan while allowing for more flexibility over time as things change. Emil King explained that under the approach, a property owner could come in for a rezone rather than for a Comprehensive Plan amendment as part of the annual cycle.

With regard to arts, culture and creativity, Gwen Rousseau said the first of the four key policy moves focuses on growing community capacity via policies that provide operational and education resources to organizations supporting the growth, funding and management of the arts district, and which support the development of a Business Improvement District within the BelRed Arts District, and in other BelRed mixed use centers. The second key policy move focuses on building greater recognition of the BelRed Arts District through policies that seek to fund art projects and events that explore the intersection of art and technology, and which seek to integrate public art, performance and creative activity spaces that reflect BelRed's creative character, heritage and ecology. The third key policy move seeks to secure affordable arts and cultural space through policies that provide development incentives, grants for facility improvements, direct investment and pathways to ownership, and which stimulate development of affordable artist housing through public-private partnerships. The fourth key policy move seeks to foster community connections and learning with policies that develop or incentivize a central meeting space for events, classes and other arts uses, and that support programs and events that facilitate collaboration.

Commissioner Cálad called for policy language that involves multi-generations ranging from children to teens and on up to seniors.

Commissioner Khanloo asked about including a section focused on involving artists in the development of sites and the design of buildings. Gwen Rousseau said the policies regarding visibility looks at ways the arts district can partner with private development as well as incorporate art into public infrastructure.

Commissioner Ferris suggested there should be specific signage for the arts district to let visitors know they are in the district. Additionally, the city might consider fostering the development of affordable spaces by establishing a fund that could be borrowed from and paid back over time. It is often up-front cash that small businesses cannot manage.

Chair Bhargava asked about the integration of the performing arts and performing arts spaces. Bringing foot traffic to the district, which also brings in money, should be part of the draw. There are excellent examples in cities like Alexandria, Virginia, where people can see art being made. The performing arts, however, brings in an altogether different element.

Commissioner Cálad said the Miami Design District is another strong example of combining art, wellness and other events.

Gwen Rousseau turned next to the topic of transportation and noted that many projects have been completed in area since 2009. Most transportation policy changes are updates . Some policies are still valid and will be retained. Though a number of policies are redundant to those already incorporated into Volume 1 Other policies need to be modified or updated, as they refer to projects that have been completed, and can be repealed.

Policies that need to be retained include S-BR-58, working with WSDOT to allow access to and from SR-520 from the east at 124th Avenue NE, and S-BR-72, supporting the development of a Transportation Management Association within BelRed. The policies that need to be moved include several that call for using environmental best practices, which have been incorporated into Volume 1. The policies in need of modification require updates to correct terminology in terms of naming streets and corridors.

Chair Bhargava questioned the inclusion of policy S-BR-62 in the list of policies to be modified. Gwen Rousseau agreed that the policy should in fact be moved to the repeal column since it has been incorporated into Volume 1.

Commissioner Cálad said the policies called out for modification do not necessarily involve small or minor issues. They should be subjected to closer scrutiny. Some of the changes could put the city in a very bad place. Gwen Rousseau agreed with the need to review the list of policies carefully before reaching any conclusions. Emil King agreed as well, noting that comments have been received from the public that also point to the need to be careful in making any changes to the policies.

Gwen Rousseau added that the draft policies will be released for public review in January. Staff will be back before the Transportation Commission in March to discuss the input received from the community. The Transportation Commission will review the policies and provide a recommendation back to the Planning Commission for review in April.

Gwen Rousseau said the policies earmarked for repealing have all been incorporated into Volume 1 or call for a project that has been completed.

Vice Chair Goepple noted having questions about some of the strikeouts. There is a lot of new development that will be going on in the Bel-Red corridor and that will impact the needs for all levels of transportation. Light rail will provide an excellent alternative for many, but it is unlikely that everyone will choose to give up their vehicles. The entire area has fundamentally underinvested in transportation infrastructure at levels necessary for the ongoing and projected growth. An all-of-the-above strategy should be adopted.

A motion to extend the meeting by an additional ten minutes was made by Commissioner Malakoutian. The motion was seconded by Commissioner Brown and the motion carried unanimously.

Commissioner Malakoutian concurred with the comments made by Vice Chair Goepple

Chair Bhargava stressed the need for flexibility going forward. Just as important as maintaining the arterials and other modes of transportation is the notion of converting some vehicular trips to pedestrian trips when considering the mix of uses and their incentivization. The city must encourage the kind of development it wants.

9. OLD BUSINESS – None
(9:29 p.m.)

10. APPROVAL OF MINUTES
(9:29 p.m.)

A. November 8, 2023

A motion to approve the minutes was made by Commissioner Brown. The motion was seconded by Vice Chair Goepple and the motion carried unanimously.

11. CONTINUED ORAL COMMUNICATIONS
(9:29 p.m.)

Pamela Johnston reminded the Commissioners that for the Bridle Trails neighborhood, the closest commercial area is the BelRed area. There is a lot of development that could happen in that area, including on the Coca Cola site. The Commission should also be careful in considering how much benefit would be given to developers by allowing huge upzones, and how much benefit the developers should give back to the city. With regard to the tree code, if it is too complex people will simply be too fearful and not do anything. That is happening in Bridle Trails right now. People are too scared to cut down trees for fear of being dinged for it. In Bridle Trails, the perimeter trees are very important to the character of the neighborhood. Residents should not have to be experts, however, when it comes to the trees. Costs should be kept as low as possible, and to the extent possible the government should be kept out of it. If the permits are too expensive, people may just not get them. The whole process should just be as easy as possible. Some people have trees that have grown so large they shade gardens. Those people should be allowed to remove some trees.

Lee Sargent thanked the staff and the Commissioners for a great effort. The staff helped to make things happen in regard to the tree code. The Commission is ending the year well.

Nicole Myers thanked the Commissioners for their thoughtful questions regarding the tree code. The city is facing climate change, additional heat and so much development. There might be water restrictions in the future. It will take a lot of thoughtful planning to ensure that people will be given positive incentives for having and protecting trees as a community asset. One incentive might be to offer accelerated permitting in exchange for retaining a percentage of tree canopy. One option might be to require each new development adding density to provide funding to be used to purchase properties for pocket parks; the big trees on those lots might otherwise be lost.

Jonny Lu voiced support for the idea of the credit system but suggested the use of the canopy as a measurement should not be discounted. One consideration for the credit system should be the carbon capture potential of the trees. As a volunteer with the cross cultural center without walls, it would be good to see walls added.

Sahara Mimi commented that too often the community comes to the Commission with concerns and objections. The Commissioners were thanked for the time spent as volunteers for the betterment of the community.

12. EXECUTIVE SESSION – None
(9:40 p.m.)

13. ADJOURNMENT
(9:40 p.m.)

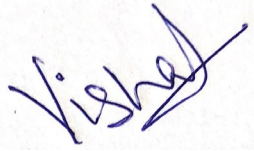
A motion to adjourn was made by Commissioner Brown. The motion was seconded by Vice Chair Goepple and the motion carried unanimously.

Chair Bhargava adjourned the meeting at 9:40 p.m.



Thara Johnson
Staff to the Planning Commission

01/11/2024
Date



Vishal Bhargava
Chair of the Planning Commission

01/11/2024
Date