

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

March 22, 2023  
6:30 p.m.

Bellevue City Hall  
Room 1E-113

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

COMMISSIONERS REMOTE: None

COMMISSIONERS ABSENT: Commissioner Morisseau

STAFF PRESENT: Thara Johnson, Emil King, Janet Shull, Justin Panganiban, Department of Community Development; Caleb Miller, Nick Whipple, Department of Development Services

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 Ferris who presided.

2. ROLL CALL  
(6:30 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Morisseau.

3. APPROVAL OF AGENDA  
(6:31 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 reported that the Council held a day-long mini-retreat on March 17 at the Washington State Historical Museum in Tacoma. Councilmember Robertson also reported having been present earlier in the day for the groundbreaking ceremony for the first new fire station in Bellevue in 29 years. Fire Station #10 will provide much better public safety coverage for the city.

5. STAFF REPORTS  
(6:34 p.m.)

A. Planning Commission Meeting Schedule

Comprehensive Planning Manager Thara Johnson took a few minutes to review the Commission's schedule of upcoming meeting dates and agenda items.

Thara Johnson reported that the micro-apartments Land Use Code amendment is tentatively scheduled to be before the Council on April 24. Neither the Commission Chair or Vice-Chair will be able to attend that meeting. Commissioner Malakoutian volunteered to present the Commission's recommendation to the Council at that meeting.

Commissioner Malakoutian agreed to chair the April 26 Commission meeting.

6. ORAL AND WRITTEN COMMUNICATIONS

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

Alex Tsimerman began with a Nazi salute and called the Commissioners dirty damn Nazi pigs from an animal farm and noted being a candidate for a ship to the moon. There is a problem with school children that has been raised a few times before the Council. The school board issued a ban on providing testimony for six months after trying to talk to them. A week ago the Mayor said publicly that the Council has nothing to do with the schools. That was a stupid thing to say. Five Councilmembers are member of the school board, so it cannot be said the Council is not responsible for the schools. The school board members are all freaking idiots and parents are not happy about it. Who is responsible for the schools if not the Council. Maybe the Commissioners who are stupid cretins. In Mercer Island on March 21 the city manager proposed having a meeting for everyone standing for election for city positions on March 30. The same never happens in Bellevue even though it is a state rule to do so. The Commission should do something about it.

Todd Woosley noted owning Brierwood Center in the Wilburton study along with family members. The Commissioners were thanked for the time and effort put into working for the city. The city staff have been fabulous in regard to the Wilburton land use implementation and it is amazing to see how aligned everyone is. The prospects for Brierwood Center and other properties being redeveloped to meet the vision is very encouraging. Support was offered for the preliminary vision statement. Alternative 3 in the draft EIS is the most robust and is the alternative deserving of support. It will best meet the vision and provide for housing and continued economic growth. There are some land use policies that speak to specific geographic areas within the study area, however there are none that address the area where Brierwood Center is located. As the process moves forward, there should be Comprehensive Plan policies that support the vision, and the Land Use Code should be written to be consistent with the vision for the area.

Mike Nykreim addressed the issue of accessory dwelling units, noting having built one of the first ones in Bellevue 20 years ago and currently as a builder constructing them in the city of Seattle. Fannie Mae, Ginnie Mae and HUD all now recognize financing accessory dwelling units. It is frustrating that the Commission is not going down the right path, however. Each item crossed out in the current code is counter to what builders have spent

years trying to get financing for. Examples include maintaining ownership and allowed units in detached dwellings. The most popular ADUs in Seattle are detached ADUs.

TJ Woosley thanked the Commissioners for their service on behalf of the city. As president of Hal Woosley Properties Inc, a local family owned commercial real estate brokerage and property management company, and property manager for Brierwood Center in the Wilburton Study area just to the south of the Spring District, said it is an exciting time in the life of Bellevue. The Comprehensive Plan update process offers a great opportunity to ensure that the policies will support the Alternative 3 scenario in the DEIS. A Land Use Code that will best serve the residents and businesses by being open to all uses should be adopted. The Commission should shy away from micromanaging where various uses should go and let the market handle it. The Brierwood Center site is in proximity to two light rail stations as well as Eastrail, I-405, NE 8th Street, NE 12th Street, the Spring District, the improved and expanded 120<sup>th</sup> Avenue NE and 124<sup>th</sup> Avenue NE, the rapid ride stops and the regular Metro stops, and in order to accomplish the city's goals, transit oriented development densities for the Brierwood Center area and surrounding areas is strongly encouraged.

Bill Finkbeiner, 401 Lake Avenue West, Kirkland, thanked the Commissioners for the work they do. The Wilburton study is exciting for those who have lived and worked there over the years. Visions that have been so long in the making are finally coming to fruition. The next step is to help the neighborhood redevelop into a real asset for the city. The planning staff have done a great job communicating with business and property owners every step of the way.

Phyllis White, a Wilburton resident on 134<sup>th</sup> Street, remarked on having conducted a poll of the neighbors between NE 8th Street and Bel-Red Road. Sixty persons signed the poll, and nearly all noted liking the tree canopy and want to see it preserved. Ninety-seven percent felt that increasing density is less important than the environment. Ninety-two percent felt the environment should be preserved. A separate letter was emailed to residents of Wilburton who are not in the same neighborhood that was polled. Very few spoke favorably of ADUs.

Neal Mulnick, owner of the Ford of Bellevue site on 116<sup>th</sup> Avenue NE, voiced being excited about the opportunities for the Wilburton study area. There are very few areas that are so transit rich and offer opportunities for taking a bite out of Bellevue's housing crisis. The Commission was urged to be bold in looking at density for the area. The Ford site is unique given its size and scale and its proximity to the Grand Connection crossing and transit. Every effort should be put into allowing for flexibility as the area redevelops. People really want to live, work and play in Bellevue and has people return to working in offices and as the market rebounds there is a need to make the city accessible for all. Wilburton offers a big opportunity to take a swipe at that all at once.

John Wu voiced support for neighbor Phyllis White. The Commission should listen more to the local residents of Wilburton.

#### B. Written Communications (7:04 p.m.)

Thara Johnson reviewed with the Commissioners the written communications received and included in the packets. The communications addressed the topics of tree canopy and

micro-apartments, as well as the Wilburton vision implementation, and the accessory dwelling unit Land Use Code amendment.

7. PUBLIC HEARING – None  
(7:05 p.m.)

8. STUDY SESSION

A. Comprehensive Plan Amendment (CPA) for Wilburton Vision Implementation  
(7:05 p.m.)

Strategic Planning Manager Janet Shull briefly reviewed the project timeline with the Commissioners, noting that all is on track to have Comprehensive Plan amendments brought to the Council for review and adoption before the end of the year and ahead of the Comprehensive Plan Periodic Update work. It was stressed that the Wilburton study is predicated on the 2018 CAC vision and preferred alternative. The scoping process has uncovered an interest in seeing even additional capacity for housing, especially affordable housing. The alternatives currently being analyzed are taking the vision and for some of the alternatives increasing the potential opportunities for housing.

Councilmember Robertson said it was the desire of the Council in kicking off the study to have nothing less than the 2018 vision as the baseline. The CAC's vision was adopted prior to the city adopting the current growth targets.

Janet Shull said the three objectives for the Wilburton vision implementation initiative are to adopt Comprehensive Plan amendments to support the vision for the study area; to adopt Land Use Code amendments to establish development standards and design guidelines to implement the vision, goals and policies in the Wilburton Comprehensive Plan amendment; and to adopt legislative rezones for parcels in the Wilburton study area. There is a very close relationship between the work on the vision implementation initiative and the periodic Comprehensive Plan update. The environmental review for Wilburton is included in the EIS for the Comprehensive Plan periodic update. The city is planning for 35,000 housing units and 70,000 jobs, and Wilburton will play a key role in meeting those targets.

Senior Planner Justin Panganiban briefly summarized the Phase 1 engagement, beginning with involving city boards and commissions. A number of community engagements were also undertaken, including tabling at community events; meetings with Wilburton employees and businesses; and presentations to various community groups, organizations and property owners. The Engaging Bellevue webpage was launched as part of the effort in July 2022 to serve as the primary landing page for information about the project and offering the public the opportunity to weigh in on the various elements of the vision, including diverse and affordable housing; economic and cultural vitality; multimodal and connected networks; public accessible parks, plazas and open spaces; and the natural environment and sustainability.

Some quotes from Engaging Bellevue were shared with the Commissioners that spoke to the opportunities the community has discussed in the questionnaire. The opportunities identified included housing and small business affordability; unique businesses; having diverse plazas and gathering spaces; pedestrian and traffic safety; and a variety of environmental considerations such as climate change and the tree canopy. The findings from the report are being used to inform future engagement opportunities as well as the

policy development process.

Janet Shull said the Comprehensive Plan policy updates will include a new section within the Wilburton/NE 8<sup>th</sup> Street subarea plan referring to a Wilburton TOD. It will include a vision, goals and policies. There are policies that are being updated through the citywide Comprehensive Plan Periodic Update. For the Wilburton vision implementation, the focus will specifically be on policies that are in the Wilburton/NE 8<sup>th</sup> Street subarea plan as well as in the BelRed subarea plan given that there is an area of overlap. Existing policies will be modified in some cases; new policies will be added where needed; and some existing policies that are no longer relevant or outdated will potentially be repealed. The overlap with the BelRed subarea includes the Lake Bellevue area. The potential for making adjustments to the Wilburton/NE 8<sup>th</sup> Street subarea boundary as it relates to the BelRed boundary will be considered, possibly moving the Lake Bellevue area into the Wilburton/NE 8<sup>th</sup> Street subarea.

Justin Panganiban stressed that the study area will be referred to as the Wilburton TOD to emphasize planning for a compact, walkable transit-oriented development pattern. The plan section will include an introductory vision statement; goals that frame the overall framework for the area; and specific policies covering land use, economic development, the environment, housing, parks, recreation and open space, transportation, urban design, arts and culture and implementation. While not specific policy topic areas, equity and sustainability will serve as important lenses in terms of how to view policy development and goals. The proposed CPA will ultimately inform the LUCA, which will be addressed in future Commission meetings. The goals and guidance statements will reflect high-level policy ideas that will set up the project outcomes of policy and map amendments and then the LUCA development regulations.

The proposed preliminary vision statement is meant to highlight the unique qualities of the future state of Wilburton as reflected in the policy goals and guidance statements. The pieces highlighted as part of the policy development process include recognition that the community is located next to numerous transit investments and urban trails that connect the area to the city and the larger region. The area is uniquely located between the Downtown, the Spring District, and several residential neighborhoods. The area provides an opportunity to center health, diversity and equity, and to center how people travel through and experience Wilburton in terms of buildings, streets and open spaces. In reimagining the future land use and transportation patterns, sustainable development and land use patterns can be provided to support the built and natural systems.

The vision statement can be broken down into various topics, beginning with land use, the goal for which is to develop a walkable, trail- and transit-oriented land use pattern that leverages investments in light rail, Eastrail and the Grand Connection, and creates mixed use neighborhoods complementing adjacent neighborhood uses. The policies will be guided by the idea of having land use mixes and land use densities throughout the area; land use changes and incentives toward affordable housing and commercial retail spaces; the siting of future land uses and environmental impacts; and reconciliation of existing non-conforming uses with future land use and development.

In terms of economic development, the goal is to enable existing and new businesses to thrive and contribute toward vibrant places and corridors, and to foster market niches for unique economic opportunities. The goals will address having access to housing options for Bellevue's workforce; commercial and retail affordability, accessibility, and retention;

flexibility to support different and unique business footprints and infill opportunities; and support of key economic and geographic niches, including medical/life sciences and trail-oriented uses.

The goal for the environment topic is lead innovations in environmental sustainability, enhancing the area's natural features, and contributing toward the city's climate goals. The policy guidance will focus on sustainable district strategies, including renewable energy, green buildings and low-impact development); development patterns toward reducing greenhouse gas and vehicle emissions; avoidance and mitigation of environmental risks, especially for communities with lower adaptability to these risks; and natural enhancements to Sturtevant Creek, Lake Bellevue and the wetlands at the intersection of Main Street and 116<sup>th</sup> Avenue.

The housing topic goal is to expand diverse housing across unit types and affordability levels in cohesive neighborhoods with convenient access to multicultural amenities and transit options. The updated policy guidance focuses on housing typologies, densities, and delivery methods for producing a desired housing mix; addressing unmet housing needs, including workforce, senior, and family-sized units; integrating affordability into new residential development; and residential amenities that add community benefit and meet diverse needs.

With regard to parks, recreation and open space, the goal is to develop a network of publicly accessible parks, plazas, and open spaces activated by nearby housing and neighborhood uses, that provide public places for gathering, recreating, and connecting to nature. The policy guidance speaks to requirements, incentives and partnerships for civic plazas, linear parks and neighborhood parks; portraying Eastrail and the Grand Connection as both memorable open spaces and connections to nearby parks and greenways; and public access to and the use of Lake Bellevue.

The transportation section goal is to create a walkable, bikeable, and transit-rich urban environment that connects neighborhoods, expands mobility options, and integrates mobility needs for all modes and the policy guidance is focused on having design, function, and modal prioritization of the future transportation network; multimodal connections between and through larger blocks; wayfinding and access to Eastrail, the Wilburton Station and the Grand Connection; and project concepts to expand and improve transit, bike and pedestrian connections.

For urban design, the goal is to achieve an inviting, pedestrian-oriented experience reflected in future streetscapes, neighborhood blocks, diverse building forms, and celebratory placemaking elements along the Eastrail and Grand Connection. The policy guidance looks for scale, form and site orientation of different building types; integration of Eastrail and the Grand Connection with future trail-oriented development; design guidelines for public realm and private development responding to unique conditions and characters; and gateway elements.

The arts and culture topic goal is to create a cultural nexus that integrates arts and multicultural uses as part of the public experience, and connects people to cultural opportunities throughout the city. The updated policy guidance calls for interim and permanent activation opportunities throughout the area; arts and culture partnerships within Eastrail and the Grand Connection; and affirming and honoring of the contributions of Japanese-Americans within the area.

Finally, the implementation section has the goal of developing tools that are effective in attracting and sustaining investment and delivering equitable public benefit. The policy guidance looks for identifying financial strategies that provide for the costs of the public infrastructure needed to support the vision and related efforts; implementation tools toward a cohesive future circulation and parks and open space system; and monitoring of policies and regulations to measure the success of vision implementation.

Justin Panganiban said the next steps will involve reviewing the draft Comprehensive Plan amendments, work that will occur during the second and third quarters of 2023. The study session topics will be bundled under the umbrellas of open space and natural systems, public experience and opportunity, and scale and urban form. The full draft CPA and recommendation to the Commission will be ready for review in the fall of the year.

The Commission was asked if the goals and policy guidance provide adequate direction for developing policies that will inform land use regulations, and if any there is any conflicting direction in the draft vision, goals or policy guidance.

Commissioner Brown commented that there clearly is a focus on transit oriented development. There are three light rail stations within the study area, but there are an additional light rail stations on the west side of I-405. The Grand Connection will help bridge the gap but the freeway will continue to serve as a substantial barrier. Justin Panganiban clarified that the Grand Connection will cross from where City Hall is and will cross I-405 and 116<sup>th</sup> Avenue before terminating at Eastrail. Access to the East Main station will be bolstered in the future by trail connections such as Lake to Lake Trail. East Main is considered to be within the pedestrian walkshed of the study area.

Commissioner Brown voiced appreciation for putting into context the overarching goals and the policy objectives. It will be necessary to zero in on any competing goals and determine how to define the priorities. Janet Shull agreed that the ultimate challenge will be to develop policies that get to the desired achievements without creating unintended consequences. Justin Panganiban added that the EIS process will also be evaluating the tradeoffs across a number of topics.

Commissioner Malakoutian agreed with the high level overview of the goals and policy guidance, and allowed that there will some challenges and tradeoffs to be addressed.

With regard to parks, recreation and open space, Commissioner Cálad said there is a lot of potential in the neighborhood. Finding the balance between development and open spaces will be challenging.

Commissioner Goepple expressed excitement about the decision to include Lake Bellevue in the Wilburton Study area. Lake Bellevue has always been a missed opportunity. There is development almost all the way around the lake and there is pavement practically up to the very edge of the water. The idea of creating public access to the lake is very exciting. Access to waterways is an equity issue as well as an environment and quality of life issue. Some conflicts were expressed by the public during the public comment period, with some calling for going big and others calling for preserving some existing aspects where people live. Justin Panganiban said those conflicts will be a crucial part of the EIS when it comes to developing policies. The environmental review will examine the range of impacts across the alternatives and will help to highlight the potential tensions.

Janet Shull reminded the Commissioners that the 2018 CAC vision speaks to having higher intensity development in general closer to the freeway, tapering off toward the single family neighborhoods in the east. Some of the alternatives will look at increasing density towards the east as part of looking for more opportunities for housing. The findings will help to inform how to balance the tradeoffs in coming up with a preferred alternative.

Commissioner Goepple stressed the need to emphasize accessibility and safety throughout the study area for pedestrians and cyclists. Current conditions are decidedly not safe.

Councilmember Robertson stressed that the Wilburton TOD has two meanings in the context of the study area: transit oriented development and trail-oriented development. The Council has talked about how to make sure the spaces around the trail are activated. There are opportunities to have greenscapes adjacent to the trail as well as other places.

Vice Chair Bhargava commented that the study area is large and not really walkable. As such, consideration should be given to developing in nodes, particularly around transit nodes. Walkability will come about from proximity to transit and uses within a walkshed. Flexibility will be very important both in framing policies and land uses. There have been a number of unforeseen changes in the years since the CAC established its vision for the area, and there likely will be more unforeseen changes going forward, which is why flexibility will be critically important. The study area is one district within a larger city. The Grand Connection will connect Wilburton to the neighborhoods to the east and to various train stations. Care will need to be taken to make sure the edges of the districts do not become impermeable through trails, open systems, transportation systems and street sections. Any open spaces in the district should be connected with other open spaces as well.

Chair Ferris stated that Lake Bellevue is a gem that is sadly in need of attention. If at all possible, it should be included in the subarea. The need for flexibility is critical so that when unforeseen things happen there will be innovative ways to accommodate them. Connectivity via trails to other areas of the city should also be carefully considered.

Commissioner Brown allowed that the staff presentation covered all of the competing goals. The rub will come in choosing between them. An effective means for measuring competing interests has been laid out.

Commissioner Malakoutian agreed that the goals and policy guidance provide adequate direction for developing policies, and with the fact that there will be conflicts that will need to be addressed. Wilburton presents a unique opportunity in that it is almost a blank canvas. The city should be bold in developing goals and policies. Input from the community will be critical, especially those who are not often heard from.

Commissioner Cálad noted having spoken to some affected citizens who have not been involved in the process to date. The city should reach out to them and those like them. The information presented by staff is very exciting and the potential for the neighborhood is incredible.

Commissioner Goepple also agreed the goals and policy guidance provide adequate direction. The direction are not necessarily conflicting, but some of them definitely are competing.



Vice Chair Bhargava agreed and reiterated the need for flexibility.

Chair Ferris concurred but suggested coming up with something easier to say and more memorable than Wilburton/NE 8th Street subarea as the name. Janet Shull said that could be something that would need to be addressed following the Comprehensive Plan Periodic Update.

Commissioner Brown referred to the area surrounding Lake Bellevue being in the BelRed neighborhood instead of the Wilburton neighborhood and asked if there is a meaningful distinction about what neighborhood it is in other than the timing of the Comprehensive Plan amendments, or if there is a particular reason for putting it in one or the other. Janet Shull said in assessing the different policies, staff have observed that the changes anticipated for the area now in BelRed but in the Wilburton Study Area will make the area feel more like part of Wilburton than BelRed. Getting through the process will require amending both of the subareas. Preliminarily, the thinking is that changing the boundary would make things cleaner.

Commissioner Brown added that the way biking is addressed in the Netherlands is far more advanced compared to how it is done in the United States. Much can be learned from their planning about separating bike lanes from traffic and providing pathways to easily bike from one place to another.

There was consensus about the need for flexibility.

**\*\*BREAK\*\***

(8:01 p.m.)

B. Land Use Code Amendment (LUCA) to Address Accessory Dwelling Unit (ADU) Barriers

(8:05 p.m.)

Planning Manager Nick Whipple stated that the ADU item is related to the Next Right work. The Council regards housing and affordable housing as a top priority, and as a part of that priority the Council launched the Next Right work with the goal of implementing actions in conjunction with other ongoing housing work, including the Comprehensive Plan Periodic Update and the Wilburton Vision Implementation. The Next Right work is intended to build on the 2017 Affordable Housing Strategy and is meant to implement actions in a relatively short period of time. The Council initiated the ADU reform LUCA on January 17 and the direction given was to remove barriers and create an ownership pathway for attached ADUs. The proposed amendment is not intended to address detached ADUs. Allowing detached ADUs would require a Comprehensive Plan amendment, a conversation that will happen as part of the Comprehensive Plan Periodic Update.

In terms of the LUCA objectives, the Council direction was to encourage the construction of attached ADUs in existing and new homes, and to create a mechanism for separate ownership. Some considerations associated with the proposed code amendment include the Housing Needs Assessment. The housing crisis facing the Puget Sound region requires a broad range of solutions given the need for housing across the income spectrum. There are a couple of bills before the state legislature that are being considered regarding ADUs. SB-

5235 has requirements allowing for multiple ADUs per lot, depending on the size of the lot. HB-1337 requires cities to comply with at least three ADU policies, including the elimination of off-street parking, reducing some of the impact fees associated with ADUs, and removing some owner-occupancy requirements.

Senior Planner Caleb Miller said ADUs can be defined as secondary living spaces that are functionally separate from the existing house. They go by names such as basement apartments, granny flats and in-law suites. ADUs can be both attached and detached, but the proposed LUCA only addresses attached ADUs. They can be created by converting a garage, an upper floor, a basement, or by attaching them to the side of a house.

ADUs are part of an overall housing strategy by the city to provide new housing and ownership opportunities in areas that are predominantly made up of single family homes. ADUs are not income restricted in the affordable sense, but they are smaller and tend to be lower priced than the typical single family home. They can serve as housing options to reflect the city's growing and diverse community; can promote multigenerational living; and they provide housing options near schools, parks and other Bellevue amenities. Since 2000, the number of ADUs permitted in Bellevue picked up in the mid 2010s and they currently hover between 30 and 40 new permits per year.

Caleb Miller said discussions with the city's permit review team identified certain barriers to ADUs. The owner occupancy requirement requires the ADU property owner must live on site, whether in the ADU or in the main house. The restriction does prevent ADUs from being developed on non owner-occupied lots. The proposal is to remove the requirement.

There is in place a prohibition on the sale of ADUs from one property owner to another. That limits ownership opportunities for ADUs and the proposal is to remove the prohibition from the code.

There are certain process requirements that can increase process time. They include a registration requirement with the Department of Development Services; mailed notice to all neighbors within 500 feet; a land use inspection at the end of the process; and the recording of a notice on title stating that owner-occupancy is required. The proposal is to remove those requirements to help speed up the permitting process. All construction permits and any required inspections will still apply. Ways to continue tracking ADUs even without a registration requirement are being considered.

There are size limits for ADUs, with a minimum of 300 square feet and a maximum of either 800 square feet or 40 percent of the house, whichever is less. The limits can prevent the creation of family sized units given that the typical two-bedroom unit is about 1000 square feet, and they can trigger design and review challenges. The proposal is to change the maximum to either 1000 square feet or 40 percent of the house, whichever is greater.

There is a design control that prohibits a second front entry door on a house with an ADU. Even if a house has an existing front door entry, it cannot be used for the ADU. The proposal is to remove the prohibition to allow for more design flexibility.

The code also currently requires one parking space for the ADU in addition to the two parking spaces for the single family home. That can create a challenge for properties that are a little bit smaller or that have irregular topography or shapes. The requirement also increases the hardscape coverage onsite, triggering drainage impacts, and may require the

removal of a tree to facilitate the extra parking. The proposal is to remove the extra space parking requirement for the ADU, but not the two-space requirement for the house.

Caleb Miller explained that three general modes of outreach have been used. The process IV requirements have been followed, including a notice of application and a community meeting, which was published on February 16. A public hearing before the Commission is already required and will be scheduled. There has been direct engagement in the form of a virtual community meeting; discussions with ADU permit reviewers; and through sourcing some of the feedback received through the Comprehensive Plan Periodic Update. There is an online presence that includes a webpage, and the proposal was written up in *Neighborhood News* in March. A list of FAQs has also been published.

The community meeting held on February 28 discussed the overall scope of the LUCA and how the public can provide input. It ended with a robust Q&A session. People were particularly interested in how the sale of ADUs would come about; if the units would be condominiums: how they might affect property taxes; how existing covenants and HOA rules might be affected; and the on/off-street parking rules. The LUCA will not affect existing covenants or HOA rules, nor will it change where ADUs are allowed.

The public hearing on the LUCA will be scheduled for the second quarter of the year, following which the Commission will develop and forward a recommendation to the City Council for consideration and action. Final action by the Council is expected to occur before the end of the second quarter.

Commissioner Brown said it is great to identify the existing barriers to building ADUs, which should serve as one piece of the affordable housing puzzle. The question asked was if any other barriers to building ADUs were identified but not included in the proposed LUCA for one reason or another. Caleb Miller said ADUs are by definition subordinate to the main house use. The staff interpreted that to mean smaller, which is the argument in favor of no more than 40 percent the size of the main house.

Commissioner Brown countered that a 1000-square-foot unit might be suitable for single adults, but if the focus is on achieving family housing, that might be too small. In order to be ADA accessible, it might take more than 1000 square feet. During public comments a builder suggested the approach under review is wrong in a number of aspects and it would be interesting to get a group of ADU developers together and ask them what needs to happen to cause more ADUs to be built in appropriate and sustainable ways. Caleb Miller explained that staff did attend a meeting of the Master Builders of King and Snohomish Counties in mid-March and shared with them the list of proposed amendments. Their response was that the list is comprehensive. The list closely aligns with what is being discussed at the state level in terms of removing barriers to ADUs.

Commissioner Brown said it would be interesting to know how the process might change should the two state bills be adopted into law.

Commissioner Malakoutian agreed with the comments made about the size limits, noting that there are some large properties in Bellevue that have only a modest house on them. The questions asked were what if the property owner wanted to make something bigger than the existing house, and why it should be assumed that the ADU should be smaller than the existing house. Staff were also asked to comment on why the noticing requirement was proposed to be removed. Answering the last question first, Caleb Miller said the main

reason for removing the noticing requirement simply is to shorten the permitting process.

Nick Whipple added that under the current process the notice happens after the final ADU inspection takes place and is intended just to let people know there is an ADU in the neighborhood within 500 feet of them. There is now a dashboard showing where ADUs are located and how many are in for permitting, which to a large degree meets the requirements intended by the noticing.

Commissioner Malakoutian asked if any modeling or projections have been done in terms of how many additional ADUs might come online as a result of the proposed LUCA. Caleb Miller said no projections have been made specific to the LUCA. However, a recent *Seattle Times* article addressed ADU development that has occurred in the last few years following an overhaul of Seattle's ADU regulations. Their new regulations different in many ways from Bellevue's, but they did see a 75 percent increase in ADU production from 2019 to 2020, and a 352 percent increase from 2019 to 2022.

Commissioner Malakoutian asked what is costs to develop an ADU, and how much they increase the overall property value. Caleb Miller said staff does not have that information. ADUs come in many different varieties and are built with many different kinds of materials, all of which affect the price.

Commissioner Cálad asked about the requirements for single family homes to have two parking spaces. Caleb Miller said those regulations were developed a very long time ago. The city is planning to do a more comprehensive parking study after light rail comes online. Commissioner Cálad commented that ADUs can be built anywhere, not just near transportation options. The units might house senior citizens who may not be able to afford to purchase a condominium in the city but who are otherwise fully capable of moving around to do what they need to do, including by car. Removing the parking requirement could complicate that.

Commissioner Cálad asked about the current owner occupancy requirement. Caleb Miller said under the current rules the property owner must live on site where there is an ADU, either in the main house or in the ADU. The approach prevents the development of ADUs on lots not occupied by the owner, such as investment properties.

Commissioner Goepple pointed out that the cost of putting in a single parking space is not that much. It is concerning to think about the private benefit to the property owner associated with putting in an ADU and the public cost associated with ADU occupants using public streets for parking. The argument could be made that the parking requirement should not be removed. Caleb Miller allowed not having any specific data to that point. Anecdotally, however, the permit reviewers have said the parking requirement tends to affect the smaller lots to a greater degree. Typically, normal lots that are flat and rectangular offer plenty of space to accommodate an additional parking space. Even if the parking requirement is removed, it is likely that many of the sites with ADUs will be able to accommodate extra parking spaces even if they are not required. There are on-street parking rules that limit parking to 24 hours or less, so anyone who parks on the street must move their vehicles every day.

Commissioner Goepple asked if there is a way the one-space requirement could be kept in place but add to it some discretion on the part of the city to waive it in certain circumstances. Where feasible, it seems the fair thing to do to include a parking space for

the ADUs, but it may not be feasible in every instance.

Commissioner Goepple asked if there any data that indicates ADUs are more affordable in terms of being rentals. Caleb Miller said the Seattle report includes data about rental costs of ADUs. For Bellevue, the reference to ADUs being lower cost is more theoretical based on a cost per square foot. Nick Whipple added that there are some affordability opportunities with ADUs that do not exist with other housing choices given that the homeowners can potentially see some subsidy on their mortgages.

Vice Chair Bhargava commended the Council for taking a pass at removing barriers to ADUs. More consideration should be given to the parking issue before making a final recommendation. The public engagement element, however, has not been adequate. Not all of the impacted neighborhoods have been involved. The required noticing aimed at letting people know an ADU is in their neighborhood does not really do anything. Reducing the number of square feet an ADU can be compared to the primary unit will result in more affordable units, but reducing the size of a unit to make it affordable is not the lens through which affordability should be viewed.

Chair Ferris asked if elimination of the ownership requirement would apply retroactively. Caleb Miller said that would need to be passed by legal to be sure in terms of the covenants. It is likely that not having the owner of the property living on site would no longer be a Land Use Code violation.

Chair Ferris voiced concern about eliminating the parking requirement for ADUs. There could be impacts both for the property owners and the surrounding neighborhoods. One approach would be to include in the permitting process a requirement for the property owner to submit a parking plan for review, with the guardrail of having to show adequate parking can be accommodated. The square footage requirement for ADUs should either be simply be removed or increased to 60 percent of the size of the main house. There should also not be any limit on the number of ADUs on a given property.

Councilmember Robertson said if the work moves forward without a prohibition against selling the ADUs, it would be in the best interest of everyone to provide some education on how the units can be sold. With regard to the parking issue, Councilmember Robertson said there are places in the city where parking on the street cannot be done. For those areas, requiring parking for an ADU should be considered by the Commission. Caleb Miller pointed out that under the current rules, ADUs are not required to provide parking if they are located within a quarter mile of frequent transit.

Commissioner Brown commented that the likelihood of seeing ADUs developed will go up where there is the least government mandates. Builders and homeowners want to rent their units, huge hassles associated with parking a car could result in difficulties in attracting renters. Many seniors are being taxed out of their homes and may look to creating an ADU either to rent out to supplement their incomes or to move into themselves. In such cases it would seem that the limiting the size of the ADUs does not make sense. Flexibility is needed to allow the market forces to work.

There was consensus in favor of directing staff to schedule a public hearing.

## 9. OTHER BUSINESS (8:53 p.m.)

## Remote Participation Approval

A motion to approve remote participation on April 12 for Commissioners Malakoutian and Morisseau was made by Commissioner Brown. The motion was seconded by Commissioner Goepple and the motion carried unanimously.

A motion to approve remote participation on April 26 for Chair Ferris and Commissioners Brown and Morisseau was made Commissioner Malakoutian. The motion was seconded by Commissioner Cálad and the motion carried unanimously.

### 10. APPROVAL OF MINUTES (8:55 p.m.)

#### A. February 22, 2023

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

### 10. CONTINUED ORAL COMMUNICATIONS (8:56 p.m.)

Heidi Dean said it is clear that the ADU study has not included asking seniors what they want. The seniors are not the ones who are interested in building ADUs. The people who participated in the virtual meeting and seemed the most interested in ADUs were younger. It is true that seniors are worried about being taxed out of their homes, but building an ADU requires having cash on hand, which many seniors will not have. People are not being realistic about what will happen if owner occupancy is not required. It will be all investors. Staff has not been able to provide any data showing that ADUs are affordable, but information online tends to show that ADUs are wealth builders for investors. If HB-1245 passes, all of a sudden people will be splitting their lots, building ADUs, and selling them or renting them out.

Mike Nykreim said reported that staff attended a recent National Association of Homebuilders meetings, spoke about the ADU LUCA for ten minutes, and left. They took zero input from the members. Bellevue's code runs 180 degrees counter to what is needed to develop ADUs. A project undertaken in Seattle remodeled a five-bedroom home to accommodate nine people. There was only a single-car garage and now there are seven cars crammed onto the 50-foot-wide lot. The home was sold to an investor. The same will happen in Bellevue under the proposal. Investors are ready to jump at the chance to move into neighborhoods like Lake Hills. They will tear every other house in half. In Seattle 1200-square-foot detached ADUs with three bedrooms are being built, with an ADA compliant unit on the first floor. The same cannot be done under the proposed code. Instead of listening to the planners, the Commission should talk to those who actually build ADUs, those who can say how to do them right.

### 12. EXECUTIVE SESSION – None (9:03 p.m.)

### 13. ADJOURNMENT (9:03 p.m.)

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

Chair Ferris adjourned the meeting at 9:03 p.m.