

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

May 9, 2018
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Barksdale, Commissioners Carlson, Malakoutian, Morisseau, Moolgavkar

COMMISSIONERS ABSENT: Commissioners Laing, deVadoss

STAFF PRESENT: Terry Cullen, Department of Planning and Community Development; Trisna Tanus, Department of Development Services

COUNCIL LIAISON: Mayor Chelminiak

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER
(6:38 p.m.)

The meeting was called to order at 6:38 p.m. by Chair Barksdale who presided.

2. ROLL CALL
(6:38 p.m.)

Upon the call of the roll, all Commissioners were present

3. APPROVAL OF AGENDA
(6:39 p.m.)

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

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS
(6:39 p.m.)

Mayor Chelminiak reported that Council held its public hearing to adopt the Shoreline Master Program. Adoption is set for the consent calendar for the Council's May 21 meeting. It took eight years in all, but the Department of Ecology has signed off on it, as has the Washington Sensible Shorelines Association.

5. STAFF REPORTS
(6:40 p.m.)

Comprehensive Planning Manager Terry Cullen reminded the Commissioners that the second meeting of the month was slated for May 16 and would focus on the Land Use Code amendment

review process. He pointed out that the Commission meetings on June 13 and June 27 would involve public hearings on the privately initiated Comprehensive Plan amendments.

Mr. Cullen announced that the opportunity to attend the short course on local planning was coming up in North Bend on June 14. He noted that every Commissioner is required to take the short course and he urged those who still needed to take the course to sign up.

6. ORAL AND WRITTEN COMMUNICATIONS (6:45 p.m.)

Ms. Betsi Hummer, a member of the East Bellevue Community Council (EBCC), indicated she was speaking as a private citizen. She said at its last meeting the EBCC heard a report from the Islamic Center of the Eastside, and received an update from code compliance staff on the single family room rental issue. In addition the EBCC heard from the King County Housing Authority regarding the sale of the Highland Village apartment complex which recently was sold to a developer for development into market-rate apartments. A courtesy public hearing was held before the EBCC and from it the King County Housing Authority purchased the Highland Village and are renovating all the apartments. Twenty-four of the unit will be replaced and 12 extra units will be added. In East Bellevue there are quite a few subsidized apartments and market-rate apartments that accept Section VIII vouchers. In all the area has a diversity of affordable housing. The concern is that the affordable housing strategy has stalled. There is a great deal of new development under way and if there had been a requirement to include in each complex some affordable units, the city would by now be well on its way toward meeting its affordable housing goals.

Commissioner Carlson pointed out that following the first fire at the Islamic Center of the Eastside, the building sat vacant for nearly a year before the second fire occurred. He asked why the building was allowed to sit vacant for that long. Ms. Hummer said she did not know but said the representative assured the EBCC that the building will now be demolished.

Mayor Chelminiak pointed out that the building sits on private property and for the city to have done something about the burned building sitting vacant would have required litigation as an attractive nuisance. The question arose in the public meeting that was held with a number of members of the mosque in attendance. Following the second fire the city and the police worked with them to better secure the building.

Ms. Pamela Johnson, 3741 122nd Avenue NE, said she recently was qualified to rent on Airbnb, and her qualification came from the fact that she knows someone on Facebook who rented from Airbnb. It is troubling that that is all that is needed. The question is whether or not the city is going to require any code compliance for Airbnb sites. She said she recently heard about a house offering to rent the upstairs but not the downstairs because the downstairs was already rented to someone else, even though whole-house rentals are not allowed in Bellevue. She said she has reported the issue to code compliance. The city needs to seriously follow up on requiring code compliance for Airbnb rentals.

Mr. Walter Scott with Legacy Commercial, 400 112th Avenue NE, expressed support for the Grand Connection. He said the idea has power behind it and said Legacy Commercial will join in leading it into becoming a great project. If the after-market lid over the freeway is accomplished, it will be an incredible engineering feat and will offer improved access to both side of the freeway.

7. PUBLIC HEARING
(6:56 p.m.)

Mr. Cullen read the Commission bylaws section dealing with purpose and process of public hearings.

Chair Barksdale explained that the purpose of the public hearing was to correct omissions and clean up internal conflicts in the Land Use Code related to the Eastgate and Downtown subareas.

A motion to open the public hearing was made by Commissioner Carlson. The motion was seconded by Commissioner Malakoutian and the motion carried unanimously.

Legal Planner Trisna Tanus with the Department of Development Services said Ordinance No. 6366, adopted in late 2017, affected the Eastgate subarea and contained new land use designations, new or updated use tables, dimensional requirements, standards and guidelines. Ordinance No. 6377, also adopted in late 2017, added a new part, 20.25.A, to the Land Use Code affecting the Downtown subarea. General clean-ups are needed to correct omissions and internal conflicts both within the Land Use Code and between the Land Use Code and the Bellevue City Code.

Ms. Tanus said the review process included a study session before the Commission on March 28 at which the Commission was introduced to the proposed Land Use Code amendment. The Commission at that time directed setting the public hearing date. Following action by the Commission, the City Council will consider the recommended Land Use Code amendment, potentially in June.

Notice of the proposed Land Use Code amendment was published in the Weekly Permit Bulletin and in the *Seattle Times*. The staff report was prepared ~~aheadhead~~ of time and was made available with the noticing documents. Information regarding the proposed action is also posted to the city's code news website.

Ms. Tanus explained that amendments to the general Land Use Code sections are needed for consistency with the new Eastgate and Downtown parts. A change is needed in 20.25F.040 to revise the height limit from 60 feet to 75 feet to be consistent with the newly adopted International Building Code. That affects the Factoria area. Additionally, the 20-foot height exception for mechanical equipment needs to be deleted from 20.25A.060 because the departure is already housed in the dimensional charts 20.25A.060.A.4. An additional clean-up item, which arose after the study session with the Commission in March, involves the Bel-Red subarea. There is a landscape buffer that is included as part of the Bel-Red overlay that needs to be clarified to describe the requirement to provide a landscape buffer along the interior property line of a district abutting the BR-R district and along the interior property line of the BR-ORT district abutting any non-Bel-Red district.

The decision criteria for consideration of the Land Use Code proposed amendment are that the amendment must be consistent with the Comprehensive Plan; enhance the public health, safety or welfare; and not be contrary to the best interest of the citizens and property owners of the city.

With regard to the landscape buffer issue, Commissioner Morisseau asked what the current code says and asked what the purpose of the buffer is. Ms. Tanus said the buffer is intended to protect less intensive uses from more intense uses. The current code says the landscape buffer must be provided along the interior property lines of a district abutting BR-R and BR-ORT. The

confusion lies in situations where a BR-ORT district abuts a residential zone that is not in the Bel-Red subarea. The clarification is needed to assure that the landscape buffer needs to occur on the BR-ORT side not on the residential side. There is no change proposed to the buffer itself. The BR-R district always abuts other Bel-Red zones that are more intensive, and the focus of the change is to ensure that the landscape buffer will occur in the more intensive zone.

Commissioner Moolgavkar asked if the noticing of the proposed amendments was adequate given that the landscape issue relates to Bel-Red and not to Eastgate or the Downtown. Ms. Tanus explained that the notice applied citywide, even though the majority of the proposed amendments are to the Eastgate and Downtown areas.

Mayor Chelminiak referred to the amendment relating to the Factoria area and noted that the International Building Code currently allows for five-over-two wood frame construction to 75 feet. Reading from the staff report, he noted that the change in the height limit from 60 feet to 75 feet in Development Area 3 in Factoria addresses the new International Building Code. He asked if the current height limit for a building in that area, regardless of its construction type, is 60 feet. Ms. Tanus confirmed that. Mayor Chelminiak said it did not appear to him that going to 75 feet is not a conformance issue. While the International Building Code now allows for building heights up to 75 feet for that type of construction, the limit of 60 feet in that area may have been determined for other reasons. The International Building Code should not be allowed to drive Bellevue's height limits. If the intent is to revise the Land Use Code simply to align with what the International Building Code allows, the proposed change is in fact substantive, not just a clean-up issue aimed at correcting errors, omissions and/or general internal conflicts within the Land Use Code. The Commission should carefully review that issue before sending a recommendation to the Council, and a separate public hearing may need to be held on the topic. He clarified that where wood construction is limited to 60 feet, even where the underlying zoning allows 75 feet, there would be no problem.

Commissioner Carlson agreed that going from 60 feet to 75 feet involves a policy change. He agreed that the Commission should take a more in-depth look at the issue.

Chair Barksdale opened the floor to comments from the public.

Mr. Jack McCullough spoke on behalf of Kimco Realty, the owner of the Factoria Shopping Center. He explained that the shopping center site was reviewed 11 years ago and a whole new section was added at that time to the Land Use Code in 20.25A which created a new zone for Factoria. The master plan that was adopted in 2007 laid out several things, such as moving Target to the northwest corner, moving Safeway to the south end, and adding several hundred new apartments to the south end. In September 2008 all necessary documents were ready to be signed by all of the tenants, except for the owner of one grocery store. Before that final document was signed, the recession began and all of the plans evaporated over-night. Some stores have since gone away and other have chosen to locate there. Now the economy is more robust, but Target does not want to move and the apartments cannot be located at the south end because the parking lot is controlled by Walmart. The new idea is to put the apartments in the northwest corner adjacent to the freeway. The problem is that the current code is written around the plan from 2007. The 60-foot height limit does not apply over the entire site, but it does apply to Development Area 3, which is in the Target area. Target's intention was to build a two-story box that would have been under the 60-foot height limit. The height allowed in the code in the south end where the apartments were to go was 75 feet, and that is still in the code. The 75 feet is needed in the north end in order to accommodate what is allowed under the International Building Code now. Apartments at 60 feet will not pencil out. It may be said that the issue is

density, but in fact that is not the case. The code in 20.25F.1.030 specifically limits how many square feet there can be over the entire 40-acre site, and how many residential units there can be in total, which is 685. There is nothing in the proposed code amendment that would allow for more density on the site, rather it seeks to accommodate what the International Building Code allows in a different way from what was anticipated.

Ms. Stephanie Walter said the questions and comments made by Mayor Chelminiak and Commissioner Carlson covered the issues she wanted to address. She said a 25 percent height increase is significant. She urged the Commissioners to visit the site and experience what it is like trying to move through the area. While the proposal may not in fact represent a change in density, the people of Factoria should be aware that the change might happen and they should come and speak for themselves.

A motion to close the public hearing was made by Commissioner Carlson. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

Commissioner Morisseau asked if there had been any shadow studies done to determine the impacts of allowing building height up to 75 feet on the shopping center site. Mr. McCullough said there had not been a shadow study done for the exercise in front of the Commission. Steps are being taken to develop a master development plan and to seek design review approval for the project and there will be shadow studies done in connection with that. The northwest portion of the site is the right location for the taller apartments because it is adjacent to the freeway.

Commissioner Morisseau asked about the footprint on which the apartments will be built under the proposal. Mr. McCullough said they will be constructed on the portion of the site where there is currently a restaurant and dental office and will include some 300 units.

Commissioner Malakoutian asked why 60 feet of height would not be enough. Mr. McCullough said 60 feet is too short to accommodate a good development. One nuance of the Factoria code is that the allowed height is the maximum; there is no provision to allow for rooftop mechanical equipment and elevator overruns, which means that with a maximum of 60 feet the development can really only go to 50 feet, which does not pencil out. The proposed building height of 75 feet would also be the maximum and all rooftop equipment would need to fit in under that limit.

Commissioner Morisseau asked why the number of apartment units would be less than what the code allows. Mr. McCullough clarified that the code limits the total number of residential units to 685 for the entire 40-acre site.

Mayor Chelminiak pointed out that under the original plan to construct apartments in the south end, those units would have been adjacent to other multifamily. The proposal to move them to the northwest corner, will place the units~~they will be~~ adjacent to the freeway.

A motion to move forward the recommendation as worded by staff was made by Commissioner Morisseau. The motion was seconded by Commissioner Carlson.

Commissioner Malakoutian said he would need more information before voting to approve the proposal.

Commissioners Carlson and Morisseau voted yes. Commissioners Malakoutian and Moolgavkar voted no. Chair Barksdale broke the tie with a yes vote and the motion carried.

8. STUDY SESSION

A. Grand Connection Comprehensive Plan Amendment (7:31 p.m.)

Community Development Program Manager Bradley Calvert reminded the Commissioners of the Grand Connection route stretching from Meydenbauer Bay Park through Old Bellevue to and through Downtown Park to the pedestrian corridor and from there across I-405 into the Wilburton commercial area, interfacing with the Eastside Rail Corridor. He noted that a secondary route has been identified for cyclists and alternative transportation options.

Mr. Calvert said three elements of the Comprehensive Plan will need to be amended and updated to accommodate the Grand Connection concept. The Urban Design element will need to be amended to promote the importance of art, culture and history as part of the route; to encourage the development of design guidelines to inform the aesthetic quality and experience of the entire route; and to emphasize its importance of creating public space as part of the street corridors. The Downtown subarea will also need to be updated to expand the route and change the name of the NE 6th Street pedestrian corridor to “Grand Connection;” and to provide stronger recognition for the I-405 crossing. Where the amendments to the Urban Design and Downtown subarea elements will generally require tweaking existing policy language, the revisions needed to the Wilburton/NE 8th Street subarea will involve almost entirely new statements to identify the role of the Grand Connection as a catalyst to the future vision of the Wilburton commercial area; to highlight the importance of the interface with the Eastside Rail Corridor and private development; and the role of the city-owned Lincoln Center parcel. The amendments to the Wilburton/NE 8th Street subarea do not include any of the amendments that will be needed to accommodate the vision for the Wilburton commercial area.

Mr. Calvert gave a few examples of needed Comprehensive Plan amendments. With regard to the Urban Design element, he said the focus will be on how to support and encourage development of the Grand Connection as a cultural corridor by designing and creating spaces for performance, installation and temporary art and cultural works, which goes back to enhancing the role of art and culture as part of urban design and part of the route. There is an appendix to the Grand Connection framework plan that includes an art and culture plan. The term cultural corridor is important to enhancing those opportunities. Policy language will need to be developed regarding employing design guidelines that promote a consistent aesthetic quality and urban experience for those who use the Grand Connection. There are statements in the Comprehensive Plan about creating a consistent design aesthetic, particularly through the downtown, which are important to the identity of the Grand Connection. Policy language is also needed to encourage the development of the Grand Connection vision to create a unique, defining and signature experience for pedestrians, cyclists and other alternative modes of transportation.

With regard to the Downtown subarea, Policy S-DT-45.1 needs to be revised to address the NE 6th Street/pedestrian corridor to become a statement about the Grand Connection. Additionally, Policy S-DT-79 will need to be revised. The policy calls out the intersection of 106th Avenue NE and NE 6th Street as a central location for public gatherings. In the framework plan, Compass Plaza is one of the most significant locations in the entire Grand Connection route, and the concept is to make it into a much larger public space through a complete redesign, and the policy statement needs to be strengthened so as to raise the prominence of Compass Plaza and to include the Grand Connection by reference.

New policy language is also needed in the Downtown subarea element that speaks to the

importance of the I-405 crossing as a gateway to the downtown as well as a connection between the downtown and the Wilburton commercial area. New policy language is also needed to consider studying the recommended secondary route of the Grand Connection along Main Street to establish better connections between the distinct neighborhoods of the downtown and the Wilburton commercial area, as well as community resources and amenities. Also needed is a policy emphasizing the city's commitment to sustainability, and the notion of the Grand Connection serving as a catalyst for the downtown's sustainability goals regarding sites and building design through low-impact development, increased tree canopy, environmentally preferable materials and efficiency in water and energy consumption.

The maps in the Downtown subarea plan will need to be revised to represent expanding the pedestrian corridor eastward over I-405 to connect with the Eastside Rail Corridor and the Wilburton commercial area, and southwesterly to the intersection of 100th Avenue NE and Main Street near Meydenbauer Bay Park, and to apply the Grand Connection designation between Meydenbauer Bay and the Eastside Rail Corridor to emphasize multimodal access to parks, public spaces, light rail stations, businesses and residential uses.

Commissioner Moolgavkar suggested broadening the language to refer to transit facilities rather than light rail stations in order to avoid overlooking connections to bus, such as at the transit center.

Mr. Calvert pointed out that all of the policy statements in the Wilburton subarea element will be new. The topics of interest include interfacing with the Eastside Rail Corridor; the role of the Grand Connection as a catalyst to the future vision of the Wilburton commercial area; impacts to city-owned land; application of design guidelines for the Grand Connection consistently within the Wilburton commercial area; and improving natural assets and environmental performances such as Sturtevant Creek.

Commissioner Carlson asked if the numbers had been run for what it would cost to daylight Sturtevant Creek. Mr. Calvert said the high-level cost estimates that will be in the package for the Council on May 14 do include daylighting the stream.

Mr. Calvert said the new policies envisioned for the Wilburton subarea include encouraging the creation of a significant interface between the Grand Connection and the Eastside Rail Corridor; having the Grand Connection serving as a catalyst for the future vision of the Wilburton commercial area; giving consideration to the unique role the city-owned property Lincoln Center could contribute to fulfilling the vision of the Grand Connection as a potential landing location and for civic use or public space; and pursuing opportunities to enhance the natural systems of Sturtevant Creek between NE 8th Street and NE 4th Street as part of the Grand Connection.

Mr. Calvert said the study session on July 25 will address additional policy statements, any updated maps, and the body of some of the Comprehensive Plan text that will be changed.

Chair Barksdale suggested there should be policy language included around periodically reevaluating the performance and use of the Grand Connection.

Commissioner Carlson commented that the Grand Connection is a wonderful project and is something that will serve as a jewel for the city. Putting a lid over the freeway will be fantastic but will also involve a long and sprawling landscape project that, in order to be family friendly, will require a proactive public safety strategy that should be highlighted through a policy statement. Mr. Calvert allowed that no alternative had been chosen. Hypothetically, if the lid

option is chosen, part of the report that will be delivered to the Council will include case studies that have been done for similar projects. Much will depend on how the lid is to be funded, who will own it and who will own the air rights when it comes to determining who can set operating hours and who can patrol it. It is too early in the process to project just how it will be done.

9. OTHER BUSINESS – None
(7:54 p.m.)

10. APPROVAL OF MINUTES
(7:54 p.m.)

A. April 25, 2018

A motion to approve the minutes as submitted was made by Commissioner Moolgavkar. The motion was seconded by Commissioner Malakoutian and the motion carried without dissent; Commissioner Morisseau abstained from voting.

11. CONTINUED ORAL COMMUNICATIONS – None
7:56 p.m.)

12. EXECUTIVE SESSION – None
(7:56 p.m.)

13. ADJOURN
(7:56 p.m.)

A motion to adjourn was made by Commissioner Morisseau. The motion was seconded by Commissioner Malakoutian and the motion carried unanimously.

Chair Barksdale adjourned the meeting at 7:56 p.m.