

CITY OF BELLEVUE
BELLEVUE TRANSPORTATION COMMISSION
MINUTES

June 28, 2018
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Wu, Commissioners Bishop, Chirls, Marciante, Teh, Woosley,

COMMISSIONERS ABSENT: Commissioner Lampe

STAFF PRESENT: Kevin McDonald, Department of Transportation

OTHERS PRESENT: Chris Brieland, Don Samdahl, Fehr & Peers

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER AND ROLL CALL

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

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Lampe who was excused.

2. APPROVAL OF AGENDA

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

3. PUBLIC COMMENT

Ms. Michelle Wannamaker, 4045 149th Avenue SE, said she saw from the agenda that the Commission would focus on vehicle intersection LOS but saw nothing about corridor vehicle LOS. Given the unexpectedly low existing vehicle intersection LOS standard, it will be important to include and specify corridor vehicle LOS. She also asked if impact fees must be used within a certain radius of the actual site where the development occurs and where the impacts occur. She said she adamantly opposed allowing fees in-lieu, which is listed in Option 3. The Eastgate residents committee has discovered how fees in-lieu can and have been manipulated for affordable housing, therefore a fee in-lieu for transportation matters could also happen. She said she could support Option 2 with a modification that the impact fees be used where the impact occurs.

4. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCIL, BOARDS AND COMMISSIONS

Commissioner Bishop reported that he attended the I-405 Executive Advisory Group meeting on June 21. One presentation given was by the King County parks department about the Eastside Rail Corridor Trail in which it was noted the Bellevue segment of the trail is moving forward quite dramatically fast. The Washington State Department of Transportation has the south portion all the way from I-90 to Renton as part of its I-405 Bellevue to Renton project

and will be building it starting in 2019. They are moving ahead with the design for the trestle across Richards Valley. The upgrade will cost some \$50 million, which as yet is unfunded. The idea is to put a concrete deck on top and reinforce the whole trestle. Additionally, the county is strongly pushing for a bridge over NE 8th Street and wants to see it completed by the time the East Link light rail testing begins in 2022. There is a grant proposal before the Puget Sound Regional Council for the design work for the NE 8th Street crossing structure, and there is potential money to build it in early 2022. The state will build its portion across I-405 and it will be complete by 2024.

Commissioner Bishop said there also was a presentation given concerning the I-405 project between Bellevue and Renton. A request by a legislator to check into how much revenue could be generated by bonding the tolls in the freeway. The answer given was that it would take state legislation authorizing ATLs between Bellevue and Renton, and a separate legislation to bond the tolls. There will be discussions about the idea in the coming session.

Commissioner Woosley said he had a meeting with the staff heading up the Wilburton study and the Wilburton property owners. He noted that the recommendation of the CAC is set to be delivered to the Council on June 2. A final environmental impact statement is due by the end of the year.

Chair Wu said she would be participating in the presentation of the Wilburton study to the Council, and then on July 9 she would deliver the Commission's recommendation on the TFP to the Council.

A. Proposal by Chair Wu and Vice-Chair Chirls for the Commission Work Flow

Chair Wu stated that productive meetings begin before each meeting with the staff providing information for the Commissioners to thoroughly review. The better the information is understood prior to a meeting, the better each meeting will flow. With that preparation, the staff presentations during the meetings can be more concise and can focus on connecting the dots and seeking direction from the Commission. Clarifying questions should be allowed to be asked during presentations, and where Commissioners have qualified supplemental information, it should be offered. General discussion and deliberation should, however, be avoided during presentations. During the discussion, each Commissioner should wait to be recognized by the Chair who will also make sure that each person has the opportunity to speak. The staff will document the issues raised and track them via spreadsheet.

Commissioner Chirls added that in the meeting with staff, he and Chair Wu focused on how to make the meetings more productive. It has recently been more the rule than the exception that the meetings have run later than planned. Much of that time has been due to legitimate questions asked or debate over the pros and cons of any particular issue under discussion. In order to structure the meetings to be more effective, prioritizing is necessary. If the Commissioners thoroughly review the materials provided by staff prior to the meetings, and ask clarifying questions outside of the meetings, the staff can just summarize their material in the first part of the time allotted at the meetings, giving the Commission more time to ask questions, debate the issues and reach conclusions.

Commissioner Woosley said he welcomed the proposal, particularly the notion of condensing the staff presentations. He said meeting with staff prior to meetings to ask clarifying questions is always beneficial.

Commissioner Bishop agreed and said the approach is what the Commission has been trying to implement for some time. He said it was good to have it written down. With regard to the third bullet under item 3, Action Items, he said Roberts Rules of Order very clearly allows the Chair to make a motion should he or she choose to. The ability of the Chair to make motions should not be restricted. Mr. McDonald said the proposal was drafted in line with Roberts Rules of Order which states that while there may be occasions in which it is appropriate for a Chair to make a motion, the Chair should generally avoid doing so. Commissioner Bishop said the process in place allows the Chair to turn the meeting over to the Vice Chair, after which the Vice Chair invites the Chair to make a motion.

A motion to revise the revise the third bullet to read “Voting on an item requires a motion offered by a Commissioner. If the Chair wishes to make a motion, the Chair shall temporarily designate the Vice Chair or another member as Chair....” The motion was seconded by Commissioner Woosley and the motion carried unanimously.

A motion to approve the proposal as amended was made by Commissioner Woosley. The motion was seconded by Commissioner Teh and the motion carried unanimously.

5. STAFF REPORTS

Mr. McDonald noted the inclusion in the desk packets of the city of Bellevue annual report and the City Council vision statement.

Mr. McDonald reported that the dedication ceremony for the 108th Avenue NE bikeway demonstration project would occur on July 31 beginning at 11:30 a.m. in the parking lot of the Bellevue Corporate Plaza adjacent to the transit center. He said there would be food, music, free e-bike riding, and speeches by important people.

Commissioner Bishop asked if bike share will be in play by then. Mr. McDonald said staff are still working on the permit conditions. A vendor is expected to attend the opening and supply the e-bikes to ride.

6. PUBLIC HEARING – None

7. STUDY SESSION

A. Multimodal Level of Service Implementation Strategies.

Mr. McDonald welcomed Don Samdahl and Chris Brieland from Fehr & Peers who have been working with staff over the last several months to develop the proposals. He noted that the topic of multimodal LOS was last before the Commission in December 2017 and at that time the multimodal LOS tools were demonstrated in terms of identifying and prioritizing projects. He said there are capital resources to implement many of the modes of transportation that are addressed through the multimodal LOS work, but it has been found that there may be a gap. He said there are a number of options for the Commission to consider in talking about how to fill the gap.

Mr. Samdahl explained that currently there are four basic types of analyses done as part of the review process for private-sector development proposals. The first is the traffic impact analysis under SEPA, which is where development proposals that exceed a certain size must look at traffic safety, ped/bike travel, and traffic operations proximate to the site. Second is the impact

fee program that pays for transportation system improvements. Transportation concurrency review is the third analysis, and the fourth is a development of a transportation management program for large buildings to specifically identify approaches for reducing vehicle trip generation. The first two analyses are most relevant to the issue of multimodal LOS implementation.

Mr. Samdahl offered three different options, beginning with incorporation multimodal LOS into a SEPA or project level transportation impact analysis. He said that would represent a modification of the current process done as part of the SEPA impact analysis. The second option was to structure multimodal LOS projects into the impact fee program, and the third option was to develop a fee in-lieu for multimodal LOS mitigation.

With regard to the first option, Mr. Samdahl said multimodal LOS would specifically be incorporated under the traffic impact analysis of the current SEPA or project level analysis guidelines, changing it to be called transportation impact analysis. The guidelines would be modified to clearly identify the thresholds under which multimodal LOS mitigations would be required. Person trip generation thresholds would be identified rather than vehicle trip generation thresholds, which is currently the case. Additionally, the geographic extent of the analysis would be identified along with a list of projects needed to improve multimodal LOS. The analysis would be done on a project-by-project basis. The city would essentially keep a list of multimodal LOS projects, and it would be incumbent on the developer working in coordination with the city to identify which projects would be appropriate to mitigate the impacts of their particular development.

Mr. Brieland said the approach outlined in the first option is the closest to the approach that is currently in place. It would codify when an multimodal LOS impact is defined such that projects can be identified to mitigate the impacts. The approach does, however, entail a more complex analysis to be done at the project level.

Commissioner Bishop asked for examples of how to get project-level person trip generation for bicycles. He noted that there are volumes of materials extant regarding vehicle trip generation, but said he was not aware of any information about bicycle trip generation. Mr. Samdahl said as proposed the analysis would focus on the total person trips and would not be split out by mode. A evening peak person trip threshold would need to be established beyond which the analysis would be required.

Commissioner Chirls said in order to come up with appropriate ped/bike mitigation plans, it will be necessary that a certain number of person trips implies a certain percentage of pedestrians and cyclists. Mr. Brieland said mechanically there are a number of ways to approach the issue. He said the cities that use the approach tend to use their background modal trip shares drawn from travel models, household surveys and census data to infer in general the trip generation from each mode. The projects that are looked at for mitigation are not necessarily broken down by mode. It is the total person trip generation looking at the total multimodal LOS deficiencies that would start to form the basis for the types of mitigation needed. Commissioner Chirls suggested that some base assumptions would need to be made to determine specific multimodal LOS mitigation. Mr. Brieland said when a multimodal LOS analysis is done, it might determine that there is a lack of appropriate midblock crossings, or that bike lanes are too narrow, or that a specific intersection does not operate within the given vehicle LOS standard. Under a SEPA analysis, a developer must pay proportionally for projects to address their share of the impacts to a particular intersection. That is usually determined through an analysis aimed at determining the minimum mitigation needed to get to

an appropriate LOS. Something similar could be done with multimodal projects by looking at the proportionate impacts on the impacted resources to determine a developer's contribution. Commissioner Chirls reiterated that some assumptions would need to be made about increased volumes of pedestrians and cyclists whether that is stated or not.

Commissioner Woosley said that is clearly a fundamental issue. New projects add more trips to the system and there are requirements to provide mitigation to maintain system service levels. He said it was his understanding that under Supreme Court case law that a developer cannot be required to fix an existing deficiency, though they can be required to keep things at the level they were before the new development. There are deficiencies in the system, but to propose using impact fees to cure an existing deficiency might give the city potential legal problems. Some things in the multimodal LOS are subjective and how to evaluate them will need to be addressed.

Mr. Brieland said he had not meant to refer to fixing an existing deficiency, and said he would provide specific examples at a future meeting. He stressed, however, that by definition LOS is a subjective tool that has quantitative measures associated with it, vehicle LOS being the most well defined and used for the longest period. There are ways to estimate the number of person trips by mode; most communities in fact use survey data to accomplish that task. Cities that utilize a multimodal approach, however, do not typically mitigate modal trips, they always mitigate for person trip generation based on impacts to the total transportation system.

Commissioner Bishop commented that the geographic extent of analysis is a critical issue. The analysis is done citywide on everything else and the proposal implies something different. He asked what that something different might be. Mr. Samdahl in the current traffic impact analysis there is a defined area, typically in close proximity to the site, for determining traffic impacts that are site-specific. Something similar could be done for the other modes. Commissioner Bishop said one approach that has been used in the past is to chase vehicle trips out until they get down to three vehicles going through an intersection as the way of defining the study area. That works for vehicles but would be problematic for pedestrians, bicycles and transit.

Mr. Samdahl, referring to the second option, said the impact fee option would involve modifying the existing transportation impact fee program to include additional multimodal projects. The impact fee project list would thus be expanded. The idea would be to move to a person trip generation rather than vehicle trip generation, and there are good examples for how to do that. The fee and rate schedules would need to be updated to incorporate the additional multimodal projects. The approach would also involve updating the Transportation Development Code and changing the definition of capacity projects to reflect the multimodal LOS aspects. That would involve funding the implementation of multimodal capacity improvements in the TFP and achieving the adopted multimodal LOS guidelines and standards. The approach is being used by a few jurisdictions around the region as well as by cities in other states.

Commissioner Woosley asked if adding multimodal projects would increase the total obligation for mitigation and therefore likely drive up impact fees on a per-trip basis. Mr. Samdahl said that typically would be the case, though in some cases some jurisdictions have substituted roadway projects and brought in some ped/bike projects to keep the rates roughly the same. Commissioner Woosley asked by what percentage impact fees have risen in other jurisdictions using the approach.

Commissioner Marciante suggested that specific question is separate from the issue at hand. Commissioner Woosley countered that if the option will significantly increase impact fees, the Commission should understand that. Commissioner Marciante said an increase of five percent in Redmond or 25 percent in Kirkland is irrelevant to what the city of Bellevue might choose to do. The point of reference is not relevant to the issue at hand.

Mr. Brieland said impact fee vary based on how the city chooses to build their project lists and to fund those projects. Some cities elect to include a lot of projects on their lists but pick out a few high-profile projects for which they have struggled to get funding. Increasing the number of projects in the list could be done entirely with roadway projects, which would also trigger an increase in the fees. In the final analysis, it comes down to how the local jurisdiction decides to build its lists and fund its projects.

Mr. Samdahl said the third option is the mitigation fee in-lieu approach. It is a SEPA-based program that by its nature would be similar in structure to the first option in terms of involving a project-specific analysis of multimodal transportation impacts. What differs with the third option is that the city would do an analysis and presumably prepare an environment document identifying the impacts to the multimodal network and then identify what the proportional fair share would be of those improvements. The outcome would be something that would look very much like an impact fee program that would in essence get layered onto the traffic impact fee program. The extent of the analysis in terms of coming up with a fair share for a project proposal could look very similar to what is done on a project-by-project in the first option, but the third option would be presumably be a citywide program, though it could cover a smaller area. With the analysis done up front by the city, the developer would have the choice to pay the fee in-lieu or do a more detailed project list analysis.

Commissioner Chirls asked if a process would be put in place that would allow a developer to prepare an independent study and propose alternative mitigations. Mr. Samdahl said a similar procedure is already in place. As proposed, the fee in-lieu program would be tied in closely to the transportation impact analysis that would be done at the project level for the other impacts. The city of Issaquah has the program and Seattle has similar programs.

Commissioner Bishop said Issaquah's traffic impact fee is about 40 percent higher than Bellevue's. They also have fire, school and parks impact fees along with a general government building, police and ped/bike mitigation fees. The ped/bike mitigation fee is essentially at about 10 percent of the vehicle impact fee, which is roughly in line with the fact that pedestrian and bicycle trips are about 10 percent of the overall trips. Developers know up front what they are getting into and they do not have to work their way through a whole regulatory process.

Mr. Samdahl said Issaquah's program has been in place for about four years and because the dollar amount is not all that high they have not received a lot of requests by developers to do independent studies. Mr. Brieland said the picture is somewhat different in Seattle where most developers in the South Lake Union area are electing to do their own independent studies, while most developers in Northgate elect to just pay the fee.

Mr. Samdahl said the common themes that would apply to any of the options include the frontage improvements that are required for projects. A method would be needed in each case for forecasting person trip generation, and some minor revisions would be needed to the Transportation Development Code. Concurrency would not be changed, and any of the fee programs would need to account for existing deficiencies. The SEPA project level transportation impact analysis is most similar to the current approach in terms of process, but

there are details that would need to be worked out in terms of how to do the analysis and what the thresholds are. Impact fees would be the simplest for the city to implement but the projects would need to be identified and there would need to be an update done to the impact fee program. The SEPA multimodal mitigation fee in-lieu program would not require an update to the traffic impact fee, but a SEPA analysis would be required.

Commissioner Woosley asked for clarification of the fee in-lieu versus a fee to a specific project. Mr. Brieland said the last two programs have similar ways of getting at the same thing. He said there can be no argument with the GMA impact fee; once it is established, the fee must be paid. The SEPA multimodal mitigation fee in-lieu approach allows for the option of paying the fee or actually building a project that mitigates the identified impacts. Both approaches would include a frontage credit if the frontage improvement is a project on the impact fee list.

Commissioner Chirls asked what the experience has been for those cities that use the second option. Mr. Samdahl said Redmond was the first to put the program in place. They had a traffic impact fee program that was similar to Bellevue's and they added in some ped/bike projects to the overall program, converted to person trips and redid their calculations. Kirkland and Kenmore have both done pretty much the same thing. Redmond's fee, which has always been fairly high, did not change much in going to the new program. For any impact fee program, including those that consider non-motorized projects, a project list is developed, the costs are determined, and the jurisdiction decides the final impact fee charge to developers.

Mr. Brieland said Redmond has been able to get some bikeway projects built that were not part of a bigger street-improvement project in an area of redevelopment. He added that none of the cities with a multimodal approach have established a mode-specific impact fee they are all focused on person trips by all modes together.

Commissioner Woosley asked if it is still true that the city must match a developer's contribution within six years or refund their impact fees. If that is the case, adding projects to the list will dilute the ability of the city to complete those projects with the existing revenues. That could trigger a proportionate increase to the impact fee rate.

Commissioner Marciante called for a point of order and suggested the topic at hand is how to incorporate the impact of the modes into the fee structure rather than how to come up with an actual fee or fee percentage. Chair Wu agreed with the need to keep the discussion focused on the methodology of incorporating other modes of travel into the fee analysis.

Commissioner Bishop said it would be very easy to get bogged down in the details and make the issue complicated. He suggested thinking clearly about what would be the simplest way of getting there. He said he made a career out of doing traffic impact analyses and found that every jurisdiction had a wide range of rules, some complicated and some simple. He voiced support for the fee in-lieu option and for keeping things as simple as possible. He stressed understanding that the whole issue is all about getting more money out of developers.

Commissioner Marciante agreed with the need for simplicity, both so developers can understand their obligation and so the city can avoid being gamed by those seeking loopholes. She said that even though the multimodal fee in-lieu might be the simplest approach, the GMA model is very attractive, in part because the analysis involved allows for a better understanding the system infrastructure needs. The focus is not in fact about getting money out of developers, it is on gaining a better understanding of how all the different modes travel within an area, and how new development impacts the overall transportation system.

Commissioner Chirls agreed that simplicity is a wonderful thing but also agreed with the need for everyone to start thinking in a multimodal way. To the extent the fee in-lieu approach allows for developers to object and propose alternatives, it opens a whole can of worms. Additionally, it is more important to get people to thinking about transportation impact fees as opposed to traffic impact fees for a host of reasons, not least of which is pedestrian and cycling traffic will increase over time. A fixed-rate would not really address the fact that the pedestrian and biking modes will evolve.

Mr. Brieland clarified that both the GMA multimodal impact fees and the SEPA multimodal mitigation fee in-lieu approaches would require a study. Bellevue already has established a good foundation for citywide planning. The options are really about the mechanics. He agreed with Commissioner Chirls that the fee in-lieu option includes an avenue for challenges, while the GMA impact fee option is quite a bit tighter.

Commissioner Marciante asked if the analyses done by the city for the GMA impact fee and SEPA fee in-lieu options would be the same and updated on the same frequency. Mr. Brieland allowed that they would be very comparable.

Commissioner Teh noted that there would be a significant upfront investment required on the part of the city under the second option to update the impact fee program. Mr. Brieland said there would be a requirement to conduct a rate study. That has not been done and there likely would be a desire to look at multimodal LOS issues across the city to make sure the final project list for the impact fee program is the right list. The right projects need to be on the list. In both cases, the options need to support growth.

Commissioner Woosley said one of the mechanical things is an adjustment to the fee schedule, and part and parcel with that is development of a list of multimodal qualified projects. The question is how the analysis should be done to determine what the multimodal impacts are. Mr. Brieland said his team was currently working through the same questions with the city of Bellingham. He said vehicle impacts are different from ped/bike impacts. On the vehicle side, the focus is on whether or not the system is at capacity and how capacity can be added to the system, whereas on the ped/bike side there is no system built and the capacity does not yet exist. Most cities are defining that issue in terms of system completeness and the definition of system goes into what is to be implemented through an impact fee program.

Commissioner Woosley asked how a multimodal LOS impact fee system can be created in which non-motorized projects accommodate the actual trips that are generated. Mr. Samdahl said under either the GMA impact fee or SEPA multimodal fee in-lieu approach, deficiencies for each mode would be calculated, something already done on the traffic side. For the non-motorized facilities, typically the approach used is focused on the fair share new growth should be paying and the calculation is based on the future travel growth compared to what currently exists. For example, if the population is growing at a 30 percent rate, new growth ought to be paying 30 percent of the cost of non-motorized facilities. Mr. Brieland added that many cities calculate their parks fees in a similar manner.

Chair Wu asked the consultants to comment on what would work well for both the city and the development community. Mr. Brieland said impact fee programs have fairly tight boundaries around what they can actually do. They meet the test of nexus and proportionality, and not charging for existing deficiencies, and those boundaries restrain what an impact fee can be. The most successful impact fees have to do more with the rates charged. As noted by

Commissioner Bishop, Issaquah has a large number of different fees they levy on top of the impact fee. While the savvy developer knows about them, to a new developer or a small mom and pop the extra fees might come as a bit of a surprise. The impact fee should be set at a reasonable rate for developers while also being high enough for the city to actually get projects built. Not having a lot of separate fees can make things simpler.

Mr. Samdahl added that within any multimodal system there should be sufficient flexibility to focus on a traffic solution in one place and bicycle facility improvements somewhere else. When prioritizing the list of projects, the city should pick and choose appropriately. Having a multimodal fee program would give the city more flexibility in allocating the funding to a given project over time. The city must spend collected fees within ten years. While there is no obligation to build all of the projects, the collected fees must be spent on one or more of the projects on the list.

Commissioner Bishop said nexus is a rigorous legal requirement. Whatever the fees are, they must be connected to an impact caused by the development. Mr. Brieland noted that all three of the options fit that requirement.

Commissioner Bishop asked what the anticipation is relative to public involvement in developing the recommendations. Mr. McDonald said the Commission could elect to embed a public process in its recommendation to the Council. He envisioned looking at the multimodal LOS metrics and standards and comparing them to the projects in the Pedestrian and Bicycle Transportation Plan and then identifying a subset of those projects that are on arterials or along the Frequent Transit Network on which to focus an impact fee program. The review would include looking at the design of those facilities in the Pedestrian/Bicycle Plan to see if there are any changes the project design. Prioritizing those projects would be next, and all of that would occur in a public process. The projects from the Pedestrian/Bicycle Plan that are refined or revised would end up in a process similar to creation of the TFP project list. Mr. Brieland said that could be done with either the GMA multimodal impact fee or the SEPA multimodal fee in-lieu approach. Both approaches are transparent in regard to the projects included and what the mechanisms are.

Answering a question asked by Commissioner Bishop, Mr. McDonald said he envisioned the Commission going to the Council with a recommended option to pursue. The implementation of that option would identify a sequence of steps, including a public process to identify projects and the development of an impact fee structure to fund those projects. The Council would provide direction to the Commission subsequent to the Commission's delivery of a recommended approach, which would then be refined. Commissioner Bishop asked about the timing of going to the Council with a recommendation and Mr. McDonald said it could happen as early as the fall or winter of 2018/19.

Mr. Brieland asked if any of the Commissioners were interested in the first option, the SEPA project level multimodal LOS impact analysis approach. He said there are jurisdictions that do that, though it is complicated in that new traffic analysis guidelines would have to be developed. The Commissioners unanimously agreed the first option should be scratched.

Commissioner Woosley suggested the objective should be to identify the most efficient and fair approach, and to identify the most efficient way for the city to set up the system and do as much work as possible all in one shot. Mr. Brieland said the options that best meet that objective are the second and third.

Commissioner Marciante said she liked the way the second option integrates the traffic impact fee and the multimodal impact fee. She called attention to the paragraph that read “In addition to the multimodal impact fee, a developer would prepare a transportation impact analysis that would include a multimodal LOS review with a focus on the immediate project vicinity.” She said it appeared to her the option would include an area analysis, which is the same as the third option, but every developer would be obliged to prepare a multimodal LOS analysis. Mr. Brieland said the intent is to make sure multimodal LOS mitigation is embedded into the responsibilities for project developers. Currently there is no guidance beyond stating that developers must look at transportation impacts, ped/bike and transit, nothing that says what needs to be built. Commissioner Marciante said the approach was attractive to her because the city would then know project by project what the impacts are. The approach creates an awareness of the relationship projects have to the alternative modes of travel in corridors.

Mr. Brieland said the same recommendation was made relative to the third option. Commissioner Marciante said the issue with Option 3 is that the developer would be given a choice of building a project, paying a fee in-lieu or conducting a study. An analysis would not always have to be done. Mr. Brieland said that was not quite correct. A project-level multimodal LOS analysis immediately around the project site is defined in the Land Use Code, which can be updated independently for the multimodal fee in-lieu payment, which the city can use to implement projects anywhere in the city. Developers cannot get out of the development code review requirements.

Commissioner Chirls said it was his understanding that the fee in-lieu would be voluntary, which means the developer would not have to pay it, at least initially, because they could alternatively choose to do a study to determine alternatives to what the standard study indicates. The city would then have to go through a process of analyzing the alternative study and proposal and then either accept it or reject it. He said that was why he did not like Option 3, there are just too many holes for developers to walk through and too much process.

Commissioner Bishop said that is in fact that allows for the flexibility needed for a creative developer to incorporate some really good ped/bike or transit options into a development proposal. He said he had full confidence in the city staff to keep track of proposals and how they compare to the fee in-lieu.

Commissioner Woosley agreed with Commissioner Bishop. He said the fee in-lieu does not get a developer off the hook, it just creates some flexibility. The third option is a more expensive and time-consuming approach, but it could yield more effective ways to mitigate the impacts of multimodal trips resulting from a development.

Commissioner Chirls asked if under Option 2 the city would do an impact analysis for individual projects. Mr. Brieland said the city would do a citywide analysis to determine what projects should be in the multimodal impact fee program. The developer would be obligated to do their own project analysis, which is the same for options 2 and 3.

Answering a question asked by Commissioner Marciante, Mr. Brieland said under Option 2 a developer can argue that their impact fee rate is not accurately reflected, and to prove that they can conduct an alternative rate study. They cannot, however, build their own projects and subvert the impact fee program. Commissioner Marciante said she would like to see some real case examples to gain a better grasp on the options.

Commissioner Teh agreed and said he would like to see a couple of good case studies or

examples, both where things went well and where things did not go so well.

Mr. Brieland commented that in its purest form, under Option 1 a developer could go in, conduct an impact analysis, and propose projects to build. From there there are negotiations. Many cities have compiled project lists and directed developers to simply choose projects on the list to make their lives easier. That is the basis of Option 3 except that the option allows for paying a fee in-lieu or submitting an alternate study.

Commissioner Woosley said he would like to hear comment from staff and the consultants next time about which approach would be simpler to implement and which of the options meet the nexus requirement most effectively.

Commissioner Bishop said his suggestion was to pick a recent Bellevue project and run it through both systems to highlight the differences. Commissioner Marciante agreed but suggested the next presentation should also run through the process of getting to the development of the fee schedule.

Commissioner Woosley commented that there are two things being talked about. The first is using impact fees to address multiple modes of travel, and the second is using impact fees to increase the charges assessed against development to bring more money into the city's transportation budget.

Commissioners Chirls and Marciante argued that the second item is not in fact on the table. Commissioner Chirls noted that it had already been agreed that it is not the place of the Commission to decide how much money should be extracted from developers. The Commission's focus is only on methodology relative to the implementation of the multimodal LOS standard.

Commissioner Woosley asked if during the process the Commission would comment on whether multimodal LOS should be addressed within the existing fee structure or as a supplement to the existing fee structure.

Chair Wu suggested staff and the consultants should come to the next meeting with a chart outlining the full process with all the steps involved, and some indication of which factors might influence the impact fee schedule. Mr. McDonald agreed to return with an outline of the changes needed to the impact fee schedule, without prescribing any specific rate, to implement Option 2. Option 3 leaves the existing impact fee alone and adds a fee in-lieu approach.

Commissioner Bishop said he could not find anything about the multimodal LOS final report that is dated April 13, 2017, being transmitted to the City Council. The minutes of the Commission meeting at which the final report was adopted indicate that the report would be transmitted to the Council. He said that means the guidelines and standards are not adopted yet they are being used to evaluate implementation of a downtown bike lane, Eastgate projects and other future projects. Mr. McDonald confirmed that the document has not been presented to the Council. The content of the document was incrementally approved by the Commission but not as a comprehensive package. The staff agenda memos for each mode and each meeting documented Commission concerns and a staff response. At the end of discussing each mode, the Commission either by vote or consensus approved the content for the standards and guidelines for each mode. The metrics were relatively easy to work through because they are objective. The standards are documented in the Land Use Code. The guidelines prepared by the Commission in consultation with staff and the consultant are intended only to try to meet

objectives using a range of alternatives from which to choose to match the situation at hand. The guidelines thus vary depending on land use type, vehicle speed and volume, and type of intersection. The guidelines are offered by the staff to developers or to the city in developing CIP projects or implementing projects under different programs to try to achieve the intent. He said he has made a number of attempts to get the document presented to the Council, but the advice received from the City Manager's Office in consultation to the Council has been not to take documents to the Council unless there is direct action required by the Council. The metrics, standards and guidelines document created by the Commission does not in itself require Council action. The work the Commission is currently doing will require Council action, and in that context the document and the subsequent implementation strategies will go forward.

8. DRAFT MINUTES REVIEW/APPROVAL – None

9. UNFINISHED BUSINESS – None

10. NEW BUSINESS – None

11. PUBLIC COMMENT

Ms. Michelle Wannamaker, 4045 149th Avenue SE, asked staff to post any information that will be given to the Commission instead of being given in a presentation format. That will allow the public to come prepared to meetings.

12. COMMISSION CALENDAR

Mr. McDonald said he had two items prepared for the next regularly scheduled meeting on July 12. However, one of the items, updates to the BKR travel model, is not yet ready, leaving only one item that is largely informational and technical in nature. He proposed making staff available to talk about the nuances of the BKR model update and how it can be a more effective tool for forecasting travel demand. He said that would negate the need for a meeting on July 12.

A motion to cancel the July 12 regular meeting of the Commission was made by Commissioner Woosley. The motion was seconded by Commissioner Chirls and the motion carried unanimously.

Mr. McDonald said the next meeting of the Commission would be September 13.

Commissioner Bishop suggested the topic of ACES should be added to the Commission's retreat agenda. Mr. McDonald said the ACES topic will take a significant investment of time on the part of the Commission, and an investment on the part of staff to prepare the briefing, on a topic for which the Commission would not be asked to take action. The Council has received briefings on ACES and links to the videos of those meetings could be shared with the Commissioners. Commissioner Bishop said he wants the opportunity to have some interaction with staff.

Commissioner Woosley asked if the September 13 meeting could be started early and make the first part that meeting the retreat. Mr. McDonald said having a second meeting in September could accommodate the retreat component. Commissioner Chirls said he liked that idea. Mr. McDonald said he would work with the Chair and Vice Chair to flesh out the retreat details,

either as part of a regular meeting or as a standalone meeting.

13. ADJOURN

A motion to adjourn was made by Commissioner Woosley. The motion was seconded by Commissioner Chirls and the motion carried unanimously.

Chair Wu adjourned the meeting at 8:49 p.m.