

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

May 10, 2023
6:30 p.m.

Bellevue City Hall
Room 1E-113

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

COMMISSIONERS REMOTE: Commissioner Morisseau

COMMISSIONERS ABSENT: Commissioner Goepple

STAFF PRESENT: Thara Johnson, Emil King, Nick Whipple, Caleb Miller, Kate Nesse, Department of Community Development; Matt McFarland, City Attorney’s Office

COUNCIL LIAISON: Councilmember Robertson

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

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

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

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

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

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

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

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS
(6:33 p.m.)

Councilmember Robertson took a moment to thank Commissioner Morisseau who would soon finish an eighth year on the Planning Commission. Commissioner Morisseau’s commitment to serving two full terms was recognized and appreciated.

5. STAFF REPORTS
(6:33 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.

6. ORAL AND WRITTEN COMMUNICATIONS

A. Oral Communications

(6:39 p.m.)

John Hogan, president of Mission Healthcare Bellevue at 2424 156th Avenue NE, said the two-acre site has a 60,000-square-foot multistory building. Mission Healthcare Bellevue has been operating at the site since the late 1990s and the building is becoming increasingly functionally obsolete with the result that market share is being lost to other providers. There have been consultations with professionals over the last couple of years in regard to how the site could be redeveloped. The surrounding built environment across Bel-Red Road is in the city of Redmond where six- to sixteen-story buildings are being allowed. The convenience store site across 156th Avenue NE in the draft Comprehensive Plan is shown for highrise development, and where the Petco store is located kitty corner from the Mission Healthcare Bellevue site is also zoned for highrise multifamily density. The Mission Healthcare Bellevue site should be allowed to redevelop with a six-story building to serve an active adult community, or with market-rate multifamily residential with an affordability component under the multifamily tax exemption program. The draft EIS and the various alternatives all show the site with a density essentially matching what currently exists on the site. The site is served by three different transit corridors and is only a five-minute walk from the future transit center. An MU-M designation would align the property with the draft EIS for carbon emissions and vehicle miles traveled reduction. The average length of stay for most patients is about 24 days.

Alex Tsimerman began with a Nazi salute and called the Commissioners dirty crooks and slaves and damn Nazi pigs from an animal farm. Three days ago the city clerk provided information about when the rules were changed about speaking at city meetings. Two years ago speaking was blocked after the end of a meeting. In 2012 the Council was sued for changing the rules to allowing the public to speak for only 30 minutes at limiting the number to ten people. The situation is unique because ten years ago they changed to rules because of Alex Tsimerman. Now even if signed up first on the list of speakers, Alex Tsimerman is put at the end of the list, often resulting in not having the chance to speak. Now the Council has cut everything possible so they will not have to listen to the opinion of the public. By definition they are criminals and banditos. Many people want to elect democrats because it is safe to do so. Bellevue is unique because it has many Councilmembers who have served for ten to twenty years. Most of them work for democrats. In 1933 Hitler had 33 percent support and after repression people were scared and support rose after that. Seattle is currently the number one fascist city in America.

Rachel Mazor, land use attorney with Hillis Clark Martin & Peterson, 999 Third Avenue, Seattle, spoke on behalf of their client Swire Coca Cola regarding the future land use maps identified in the city's draft EIS. Swire owns the Coca Cola bottling plant at 1150 124th Avenue NE in BelRed. The 20-acre site is immediately across 124th Avenue NE from the Spring District and is within a ten-minute walkshed of Sound Transit's 120 Avenue light rail station. Swire views the site as a potential redevelopment opportunity. If zoned appropriately, the site presents an opportunity for Bellevue to see a master plan development of the size and scale that will complement the light rail and the adjacent Spring District. Currently, however, the city's future land use maps target the site for a mix of either BR-OR-1 or BR-OR-2 zoning, or BR-RC-H1 and

BR-RC-H2 zoning. The site has the same features as the Spring District and similar proximity to light rail as other districts that are targeted for the new BR-OR-H2 zone. The Commission should consider the BR-OR-H2 designation for the Swire site. The site could ultimately provide several thousand housing units, more than a million square feet of commercial office or life sciences space, and 100,000 square feet of public open space adjacent to a city park. The H2 designation appears to allow for the most flexibility.

Vernon Schrag, 1106 108th Avenue NE, noted having worked for many years with numerous groups across King County on the issue of gun violence. A Comprehensive Plan proposal was made in Bellevue in 2019 but it was turned down. The current goal is to give the Commission enough information to take charge of the issue. Steps will be taken to get the mayor and the state behind it. The same plan from 2019 has been submitted for inclusion in the Comprehensive Plan as part of the update.

Betsi Hummer, 14541 SE 26th Street, thanked the Commissioners for their service, and specifically thanked Commissioner Morisseau for serving two terms on the Commission.

Neil Mulnick, owner of the Ford of Bellevue dealership at NE 4th Street and 116th Avenue NE, and the Mountvue Place shopping center on NE 20th just off of 148th Avenue NE. Appreciation was voiced for the bold view expressed in the draft EIS, particularly for Alternative 3. There are few areas in the state that have the level of investment in multimodal transportation that Bellevue has. Given the current housing crunch, the city should take its once-in-a-generation opportunity to reshape the city.

Heidi Dean, a Newport Hills resident, took a moment to thank Commissioner Morisseau for services to the city. It was noted that Commissioner Morisseau was a fairly new Commissioner the first time the rezone for the Newport Hills Shopping Center battle was fought, and was very thoughtful in listening to and considering all the concerns of the local residents.

B. Written Communications (6:57 p.m.)

Thara Johnson noted that several written comments had been submitted and included in the Commission packet. They related to gun safety, the ADU LUCA, the tree canopy and the Comprehensive Plan update. Also included were the results of a survey conducted by community members relating to Wilburton.

7. PUBLIC HEARING (6:58 p.m.)

A. Land Use Code Amendment to Addresses Accessory Dwelling Unit (ADU) Reform

Planning Manager Nick Whipple said the ADU Reform LUCA was initiated by the Council on January 17 as part of the city's Next Right Work housing projects list, and was introduced to the Commission on March 22. The Next Right work builds on the 2017 Affordable Housing Strategy. Much of the work will wrap up by mid- to late-summer, though some will bleed over into 2024 and come online about the time the Comprehensive Plan Periodic Update is anticipated to the adopted.

In initiating the ADU Reform LUCA, the Council provided direction to remove barriers to attached ADU construction and to encourage the construction of ADUs in the city. The Council

also gave direction to provide a mechanism for separate ownership of ADUs. At the state level, HB 1337 was approved and signed by the Governor. It includes provisions that appear to be consistent with the proposed LUCA, but there are some aspects that may require work not addressed by the proposed LUCA.

Senior Planner Caleb Miller said the LUCA is part of the larger Next Right Work program that seeks to encourage a diversity of housing types throughout the city. ADUs are not intended to be the only solution to housing affordability and they will not answer all of the current housing problems. They can, however, provide a lower-cost housing option in areas where they are not currently available. The proposed LUCA removes several requirements that are currently in place, including owner-occupancy, separate ownership, certain design controls, specifically a second front entry door prohibition, and the registration requirement for ADUs.

The topic that received the most comment at the March 22 study session was the parking requirements. There were concerns raised about whether removing the requirements would increase the on-street parking demands, and about whether or not parking should be guaranteed for seniors or those living outside of a Frequent Transit Network area. There were also questions about whether the parking requirements would serve to increase costs for those wishing to build ADUs. Option A would completely remove the minimum parking requirement for ADUs on the rationale of maximizing flexibility for all lots and easing administration. Option B would require one parking space for any ADU that is larger than 1000 square feet, except for those within a half mile of transit. Larger households occupying an ADU may have multiple vehicles. The half mile distance is consistent with the state legislation that just passed.

As proposed, ADUs are limited to 1000 square feet or 40 percent of the primary residence and ADU combined, whichever is larger. The Commission may want to recommend a larger limit. The 1000 square feet limit is intended to future-proof against what may come down from the state.

The number of ADUs allowed per site is currently limited to one. HB 1337 allows for two per site. Some environmental analysis would be needed to study the impacts of the additional housing capacity allowed throughout the city. All pertinent state mandates will be addressed through the Comprehensive Plan Periodic Update.

Caleb Miller said the current permitting process for ADUs requires applicants to submit their registration forms to the Department of Development Services along with any applications for building permits. Once the permits are issued and construction is completed, land use planners must inspect the ADU to ensure that all of the specific Land Use Code requirements are met. A notice must be given to all neighbors within 500 feet of the site for informational purposes, and there is a requirement to record a deed restriction on the property title indicating the presence of an ADU. Under the proposed process, the registration requirement would be removed; only building and any ancillary permits would be required to construct the ADU; inspections would fall under the building permit; no public notice would be required; and the deed restriction requirement would go away.

Also discussed on March 22 was the actual cost to construct an ADU. Costs vary depending on the types of materials used and the space and fixture needs. The Master Builders Association was asked to weigh in and they pointed out that the costs associated with kitchens and bathrooms can vary depending on materials used. Seattle recently released the results of a survey of ADU residents and permit applicants which found a range of ADU construction costs between \$10,000 and \$800,000, with a median of about \$100,000. The Master Builders Association noted that cost

efficiencies can be obtained when units are constructed as part of new construction.

With regard to public engagement, Caleb Miller said all of the Process IV requirements for noticing and public hearing have been followed. Staff also participated in some direct engagement, starting with a virtual community meeting on February 28 that was advertised on various social media channels. The meeting had about 61 unique attendees. There have also been some direct discussions with the development review staff, and with local ADU builders, and there has been an online presence on the city's webpage. There have been articles posted in City publications as well.

Once there is a recommendation in hand from the Commission, it will be presented to the City Council for review and approval, hopefully by the second or third quarter of the year.

(7:13 p.m.)

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

Karen Morris, 15788 NE 4th Street, disagreed with the conclusions and recommendations of the staff. While speaking with staff at various forums, some serious hopefully unintended consequences related to the recommendations were raised. They have never been addressed or mentioned as input. Focusing on the third decision criteria, it was noted that state law requires the assessment of property at its highest and best use, which is the most profitable use to which property can be put. If a homeowner were to be allowed to put one or two ADUs on their property, they must be assessed for taxation as if the ADUs were actually in place, even if they are not. Passage of the LUCA will materially increase real estate taxes at a time when they have already been going up drastically and driving people with lower fixed incomes out of their properties and out of Bellevue. Such increases cannot simply be absorbed, and it is cruel to assume that they can. While claiming that the proposed LUCA does not signal the end of single family zoning, it will be as even the advocate admit. It certainly is not the end of single family assessment and taxation. There is no balance in the plan; it is all from a single viewpoint. There is no acknowledgment of or concern for those who will be negatively impacted. There is no mention of seeking a change in state taxation law to address the issue. Many staff have allowed that the plan will not really create affordable housing. The proposed LUCA appears to be a response to only a single viewpoint, one that is likely to benefit investors and industry people than the existing citizens and homeowners of Bellevue. The Commission should act in the best interest of Bellevue citizens and send the matter back to the drawing board to acquire needed balance.

Heidi Dean agreed with the comments of the previous speaker. There are specific questions the Commission should ask. Should radical changes to the ADU code be considered if they will not actually provide affordable housing? Staff have already admitted that the LUCA will not create affordable ADUs, that the approach is really more about creating more housing options. What is the real point of removing the owner-occupancy requirement? Why is it a barrier to building an ADU. Why do the staff keep pushing the narrative that ADUs are affordable solutions for seniors to stay in their homes or places to house adult children when that would in fact be owner-occupied. Removing the barrier will only benefit investors, builders and realtors. If the city cannot or will not enforce its short-term rental ordinances, why should anyone think they will do so once the proposed ordinance is approved? The approach could lead to single family homes being condoized, leaving two short-term rentals. The short-term rental ordinance requires owner-occupancy. The LUCA will create a situation where a single family home will become a

multifamily home, introducing twice as many strangers into the neighborhoods. Short-term rentals allow for a maximum of two bedrooms rented, and each bedroom must have an off-street parking space. Why would the ADU ordinance vary from that and require not off-street parking? If the staff cannot give answers asked either by the public or the Commission, the Commission has a civic duty to vote against recommending the ordinance to the Council as a means of providing affordable housing. Having no public notice requirement is bothersome and is unfair to the neighbors who will be impacted.

Alex Tsimerman began with a Nazi salute and called the Commissioners dirty crooks and slaves and damn Nazi pigs from an animal farm. The proposed LUCA is very good. The Council is constantly crying that the city needs more housing, but nothing ever changes and conditions grow worse. The Council, however, welcomes bringing 30,000 Amazon slaves from the jungle to the city even though there is not enough housing. People who have lived for many years in Bellevue are being priced out. It would be better to change the Council. New York refused Amazon, but Bellevue accepts it. Seattle has 25,000 apartments empty every year. Everyone has been talking for years, but nothing changes. The Commission can make people happy by approving the proposed LUCA.

Lee Sargent, 16246 NE 24th Street, president of the Sherwood Forest Community Club, voiced concern over the talk about the proposed LUCA being a way to get people to Bellevue. In fact the proposal will allow more people in without having to tell anyone about it. People feel helpless when things are done without notifying them. People will not feel the impacts until it happens next door to them. Everything has gone up in price by huge percentages for everyone, now the proposal will allow someone to build side to side and front to back on single family properties, which will not fit well into communities.

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

Commissioner Brown asked if there will be a separate LUCA to address detached ADUs. Caleb Miller explained that when the proposed LUCA was scoped out and initiated by the Council, staff recognized that a Comprehensive Plan policy change would be needed in order to authorize detached ADUs on a citywide basis. The Comprehensive Plan update will provide a good opportunity to examine that. Accordingly, the environmental review includes that element, and the needed policy changes will be discussed after the Comprehensive Plan update.

Commissioner Brown voiced the understanding that under HB 1337, cities are required to allow a certain number of ADUs regardless of what each community desires. Nick Whipple said that issue is still under review, but that is the initial understanding. Also being analyzed is how HB 1110 applies. There is a timeframe for implementing HB 1337 that is tied to the timing of the Comprehensive Plan Periodic Update.

Commissioner Malakoutian asked for comments on the property tax issue raised by the public. Caleb Miller allowed not having any specifics regarding the tax impacts of the proposed LUCA. Nick Whipple added that tax issues are not analyzed as part of the LUCA approval; it does not fit within the criteria for evaluating proposed LUCAs.

Commissioner Cálad asked when it will be known what the tax implications will be. Caleb Miller stressed that the proposed LUCA does not expand where ADUs are allowed, thus there is no change to the overall capacity. The proposal only removes specific requirements that are currently applied to ADUs. If there are tax implications associated with properties allowed to

have ADUs, the proposed LUCA will not change them. The King County tax assessor shows improvement value and land value. As improvement values go up, the overall assessed value will go up. Nothing about that will be impacted by the proposed LUCA.

Commissioner Cálad voiced the understanding that the construction of an ADU will require the same building code inspections as for any development. Caleb Miller confirmed that and said the only inspection proposed to be removed by the LUCA is a land use planner inspection.

Commissioner Cálad agreed that in many large cities there are illegally constructed units that are rented out as short-term rentals, bringing strangers into the neighborhoods, and asked what Bellevue will do to regulate illegal construction for that purpose. Nick Whipple said units constructed without the proper permits and inspections, or properly constructed but used illegally as a short-term rental, would be addressed through code enforcement actions on a complaint basis. The registration process currently in place for ADUs is not a rental registration and does not include a contact number for neighbors to call when they have concerns. The registration process under the proposed LUCA would be addressed through the underlying building permit process. The city will be able to track all ADUs in the city. Calls from neighbors about potentially illegal construction or use are referred to the code compliance staff to determine any violations.

Commissioner Malakoutian asked if any consideration has been given to how to incentivize affordability when it comes to ADUs, such as through some benefit to the property owner where the units are certified affordable at 60 or 80 percent of area median income. Caleb Miller said that is not considered in the scope of the proposed LUCA but certainly is something that could be examined as part of subsequent LUCAs.

Vice Chair Bhargava what possible benefits or risks are associated with the proposed ownership element of the proposed LUCA. Caleb Miller said the benefit is to create more home ownership opportunities in the city. ADUs tend to be less expensive units, especially in single family districts where there are larger homes with more square footage. There could be some challenges and legal hurdles associated with the mechanism of establishing a condominium that property owners may not anticipate.

Vice Chair Bhargava asked how the city can prevent bringing new ADUs online becoming very investment focused in the development approach. Caleb Miller did not offer a specific answer on preventing investment speculation under the proposed LUCA, allowing that there is already a speculation risk happening in the city. It would take a larger scope to address the overall problem.

Commissioner Brown commented on living in a neighborhood in a 1950s 900-square-foot house that when purchased was affordable. Recently offers of \$1.2 million have been made for the house so it can be torn down to make room for a mansion like others in the immediate single family neighborhood. Those mansions are lovely, some with six bedrooms, but they do not address the housing needs faced by what is a significantly growing city. Those same properties, if allowed to build ADUs, could house multiple families. Density is going to have to be increased to accommodate growth.

Vice Chair Bhargava suggested that many property owners in the city could see outside investors at their doors offering them money to sell in order to redevelop with ADUs as a profitable business, resulting in the loss of Bellevue's neighborhood character.

Commissioner Malakoutian commented that everything has a risk. Someone purchasing a lot and building on it a 5000-square-foot house will be able to sell it for more than an 1800-square-foot house and one or two smaller ADUs. There is no magic solution for increasing the housing supply. The proposed LUCA offers one tool of many that will be needed to meet the demand.

Chair Ferris agreed there will be a risk, but suggested the risk of investors coming in and potentially changing the character of a neighborhood is worthwhile when offering someone a chance at home ownership, something that might change the trajectory of their family for generations.

Commissioner Cálad said based on the experiences other cities have had, investors will milk the system for all its worth, and they will create rental units that will not necessarily go for affordable rates. The main issue is the need to bring online affordable units, and that calls for incentives to make ADUs affordable.

Commissioner Malakoutian said it would be great to pay less tax and rent an ADU to someone at 60 percent of area median income.

Nick Whipple allowed that the state grappled with the incentive issue in working through the ADU bill. They considered a multifamily tax exemption-type program for ADUs. Tackling the issue locally would require a much larger work program.

Chair Ferris cautioned that there are levels of affordability, and the lower levels tend to involve folks with more needs, a group that homeowners are less likely to want to rent an ADU to. ADUs should be targeted more to the higher end of the affordability scale.

Focusing on the ADU size limits, Chair Ferris noted as proposed the LUCA calls for a maximum of 1000 square feet or 40 percent of the overall floor area of the primary residence, whichever is greater.

Commissioner Cálad asked what benefits would flow from increasing from the current limit of 800 square feet to 1000 square feet. Caleb Miller said 1000 square feet is typical for a two-bedroom household. The Council has identified a need for family sized units. Additionally, HB 1337 sets 1000 square feet as the minimum size for ADUs, though units can be larger.

Commissioner Brown said by relying on the state legislation and the proposed LUCA, a property with a mega mansion could also have an ADU of about 3000 square feet. The property with a rambler of only 900 square feet could, however, add a 1000-square-foot ADU.

Chair Ferris suggested there should be no minimum standard for ADUs and a maximum of no larger than 50 percent of the primary residence.

Commissioner Brown proposed not limiting ADU size based on the size of the primary residence. Taking all setbacks and height restrictions into account, the size of any ADU should be allowed to be as large as will fit on the site.

Commissioner Cálad said that approach could result in odd-shaped ADUs that would not fit in with the character of the neighborhood. Preserving neighborhood character should also be a factor.

Councilmember Robertson stressed that the proposed LUCA only applies to attached ADUs. The

question asked was whether someone with a 1200-square-foot house who wants to maximize the livable square footage on their lot could under the LUCA as proposed choose to renovate the house, increasing it to 6000 square feet, with 3500 square feet in the main house and a 2500 square foot attached ADU. Nick Whipple said that would be allowed because the 40 percent would be the larger number.

Chair Ferris said another scenario would be for the owner to make the 1200-square-foot home into the ADU and construct an even bigger attached main house on the lot.

Nick Whipple stressed that by definition, an ADU must be accessory to the primary structure, with the primary structure being the larger of the two. Constructing a 6000-square foot house and dividing it evenly into two units would violate the proposed LUCA.

Chair Ferris pointed out that under the state legislation, cities can allow ADUs of less than 1000 square feet, but they cannot say they must be less than 1000 square feet. Caleb Miller said there is already on the books a minimum of 300 square feet for ADUs.

Councilmember Robertson asked if, under a scenario in which there are no size limits for attached ADUs, a property owner could tack on to the back of their 1800-square-foot house a three story 6000-square-foot addition, provided all setbacks and height restrictions were met. Nick Whipple said that would be allowed, adding that under the definition, the smaller unit would be deemed to be the ADU. Councilmember Robertson suggested there should be requirements to have the ADU and the primary residence be of a consistent style so they do not look like two different structures entirely.

Commissioner Morisseau pointed out that taking away the size restrictions on attached ADUs would impact the parking requirements.

As a means of maximizing the supply of housing, Commissioner Brown said the arbitrary ADU size and percentage limits should be eliminated. Vice Chair Bhargava and Commissioners Cálad and Malakoutian concurred, provided there is language included about preserving the neighborhood character.

Commissioner Morisseau asked staff to comment on the potential unintended consequences of having no size restrictions, adding support for approaches that will increase the supply of housing. Nick Whipple said the thinking of staff was that the 40 percent restriction allows for sufficient flexibility for much larger ADUs to occur while being consistent with the definition of ADUs. A 1000-square-foot ADU will certainly be more affordable than a 3000-square-foot ADU.

Caleb Miller allowed that there is a distinction to be made between a duplex and a house with an attached ADU. ADUs are given certain benefits that duplex units are not. Duplexes require two parking stalls per unit. Currently ADUs are required to only have one, but under the proposed LUCA that could be eliminated. Removing the size limits would essentially allow for duplexes with the benefit of fewer regulations. It is feasible that larger ADUs would house families with more vehicles, triggering a need for more parking. ADUs are allowed anywhere in the city but duplexes depend on certain density limitations applied on a zone-by-zone basis.

Chair Ferris said the middle position would be to allow for maximizing the amount of production but with the recognition that they are not duplexes and should maintain the character of the neighborhood.

Commissioner Malakoutian said the regulations could be written to waive the parking requirements for ADUs of only 1000 square feet but requiring parking for larger ADUs.

Vice Chair Bhargava asked what the fundamental difference would be between a duplex and an attached ADU if the 60 percent/40 percent requirement were to be removed. Caleb Miller said duplexes have no size limitations so long as they fit within the density allowed in the land use district. ADUs are limited to smaller sizes but enjoy benefits such as fewer parking requirements. Nick Whipple added that the density of duplexes is charged against the density of the underlying lot, while ADUs are not counted toward the density. Vice Chair Bhargava pointed out that absent the size limit restrictions on ADUs, a property owner could build two units that look and feel like a duplex.

Caleb Miller said removing or revising the size limits is a policy decision, and it would be up to the Commission to make a recommendation. In keeping with the word “subordinate” in the definition of ADUs, one option would be to simply say ADUs must be smaller than the primary residence.

Commissioner Malakoutian said the percentage approach gives a benefit to those with larger houses. The percentage approach is arbitrary.

Commissioner Cálad agreed. If the intent is to provide more housing, density will have to be increased. That could mean simply allowing for duplexes. Nick Whipple said there will be a full discussion about duplexes during the Comprehensive Plan Periodic Update and in response to passage of HB 1110. The proposed LUCA only seeks to encourage the construction of ADUs.

Commissioner Morisseau commented that if the purpose is to provide for affordable housing, the concern with allowing any size ADU is that most likely the bigger units will be built. The rents will be higher and if sold they will sell for more, defeating the affordable housing purpose. If a percentage restriction is imposed, there should be a strong rationale for it. It is understandable that the minimum size should be 1000 square feet. Something closer to 1200 square feet is needed to accommodate three bedrooms.

Commissioner Cálad pointed out that the Commission had previously recommended micro-apartments. Allowing for larger ADUs is one way to accommodate families.

Chair Ferris proposed revising the maximum square footage up to 1200 square feet or no more than 40 percent of the primary residence. There was consensus in favor of the proposal.

With regard to parking, Caleb Miller said the code currently requires one parking space for each ADU regardless of size, except within a quarter mile of frequent transit.

Chair Ferris proposed revising that to allow for no parking for ADUs up to 1000 square feet. Above that the current code should kick in.

Commissioner Cálad suggested a requirement to provide parking should kick in for unit sizes large enough to accommodate a family, which would be about 700 square feet.

Nick Whipple said under Option B no parking would be required for any size unit within a half mile of frequent transit, an approach that is consistent with the state legislation.

Commissioner Brown stressed that nothing in the proposed LUCA would prevent a homeowner from providing a parking space for an ADU of any size. Market forces may in fact favor ADUs with parking spaces. By requiring parking, the ability to develop ADUs may be diminished.

Commissioner Cálad suggested not requiring parking for any ADU within half a mile of frequent transit, and requiring parking for all ADUs that are located more than half a mile from transit.

There was consensus not to require parking for any ADU within half a mile of frequent transit.

Commissioner Morisseau pointed out that Bellevue has a long way to go in terms of providing frequent transit access to most areas of the city. Outside of BelRed and the Downtown core, there are few areas within half a mile of frequent transit service. A requirement for parking should be tied to the size of an ADU.

Chair Ferris expressed a preference for Option B as outlined by staff.

Vice Chair Bhargava proposed requiring one parking space for every 1000 square feet of ADU size. An ADU of 2000 square feet likely needs more than one parking space. There should be no parking required within half a mile of transit.

Commissioner Malakoutian agreed, adding that such a parking requirement could tend to encourage smaller units that might be more affordable.

Chair Ferris proposed as a motion language reading the Planning Commission recommends to the City Council that the proposed ADU reform LUCA, with the amendments setting the size limit to a maximum of 1200 square feet or 40 percent of the primary home, not requiring parking for units within half a mile of transit, and requiring one parking space per one thousand square feet outside of that range, be adopted since the amendment is consistent with the decision criteria in LUC 20.30J.135.

Commissioner Malakoutian pointed out that a primary structure of 4000 square feet has a requirement for only two parking spaces, while the motion as stated would mean adding a 3000 square foot ADU would trigger the need for five total parking spaces.

Vice Chair Bhargava agreed that the number of parking spots for an ADU should be capped at a maximum of two.

Commissioner Brown moved the language proposed by Chair Ferris, with the exception of requiring a parking space for ADUs 1000 feet and more, and a maximum of two parking spaces for ADUs greater than 2000 square feet. There was no second.

Chair Ferris revised the language of the proposed motion to read the Planning Commission recommends to the City Council that the proposed ADU reform LUCA be adopted with the following amendments: a maximum of 1200 square feet or 40 percent of the primary home, no parking required within half a mile of transit, and requiring one parking space for every 1000 square feet and two spaces for any ADU 2000 square feet or over.

Commissioner Brown moved the amended language of Chair Ferris's proposed motion. The motion was seconded by Commissioner Cálad and the motion carried unanimously.

****BREAK****

A motion to extend the meeting to 10:00 p.m. was made by Commissioner Brown. The motion was seconded by Vice Chair Bhargava and the motion carried unanimously.

8. STUDY SESSION

A. Overview of Alternatives in the Comprehensive Plan Periodic Update and Wilburton Vision Implementation Draft Environmental Impact Statement (DEIS)

(8:49 p.m.)

Senior Planner Dr. Kate Nesse reminded the Commissioners that the DEIS comment period began April 27 and will continue through June 12. Three public meetings are scheduled. The first one will be virtual and is slated for May 18. The final two will be in-person meetings and they are scheduled for May 23 at Crossroads Community Center and June 1 at City Hall. Comments can also be submitted online on the environmental review website, and by mail or email.

There are three state bills that could potentially impact the Comprehensive Plan Periodic Update. HB 1110, HB 1181, and HB 1337. The implications of each bill are currently being evaluated.

At the Commission's first meeting in June the focus will be on the racially disparate impact analysis, the economic analysis, the Mixed Use Centers and the Neighborhood Centers. The second meeting of the month will center on the Wilburton study area, the BelRed area, and the affordable housing approach. At the last meeting of the month staff will be looking for a recommendation on the preferred alternative, and will seek direction on issues for which there has not been specific direction relative to residential-only areas and places close to frequent transit.

The process to date has involved first identifying growth concepts and narrowing them down to growth alternatives. Those alternatives are currently being evaluated via an economic analysis, the Environmental Impact Statement, an equity analysis and community feedback. The findings will all be used to inform the preferred alternative.

Alternative 0 is the No Action alternative and involves making no change in policy and land use designations. Under the alternative almost all of the city's growth would be focused on the Downtown, BelRed and East Main areas. The focus of growth under Alternative 1 expands to include the city's Mixed Use Centers and in particular adds a lot of capacity in Wilburton and gentle density across the city. Alternative 2 builds on Alternative 1 and adds additional capacity in Wilburton and to the city's Neighborhood Centers; it focuses more housing near frequent transit, and allows for gentle density across the city. Alternative 3, building on Alternative 2, focuses growth in the Mixed Use Centers and the Neighborhood Centers while expanding the capacity for housing around the Neighborhood Centers; it allows for higher density housing in all areas of the city, up to four units per acre in all areas.

Dr. Kate Nesse said ten key policy areas have been identified and grouped around geographic areas. Direction from the Commission on the policy areas will be sought at subsequent meetings. The key questions related to Mixed Use Centers are how much housing should be in them, what the jobs/housing balance should be, and should the balance be the same for each center or different for each center. Mixed Use Centers that see more development could result in more impervious surface coverage, which could contribute to a heat island. Additionally, several of the city's Mixed Use Centers face flooding risks which could worsen as a result of more

development. Most Mixed Use Centers are adjacent to highways which means there are air quality concerns as well as noise concerns. The DEIS does include mitigation measures aimed at minimizing impacts.

With regard to the tree canopy policy area, the main thing is how to support the goal of increasing the canopy as development occurs. One consideration is that the Mixed Use Centers currently have the least tree canopy of anywhere in the city and thus have the most opportunity to increase the tree canopy.

The key question relative to air quality is where sensitive uses should be located relative to highways and other contributors to poor air quality. One of the key findings in the DEIS is that residential development near highways can expose people living in those areas to poor air quality, resulting in poor health outcomes.

Addressing the question of how development in mixed use centers should respond to environmental hazards, Commissioner Brown voiced appreciation for the equity analysis looking at residential spaces near highways and other possible pollutants, adding that there is a clear need to enhance the tree canopy and air quality in those areas.

Chair Ferris said most cities like Washington, D.C. that at one time were very rural have mixed use centers, and in most cases they have been thoughtfully designed. Moving forward, it will be interesting to hear about mitigation strategies.

Commissioner Cálad said cities have incorporated trees and nature into the development of the city, bring a beautiful and healthy component.

The key policy question relative to Neighborhood Centers is whether they should they include housing and if so how much. Currently Neighborhood Centers are purely commercial areas. The DEIS points out that there is a potential for both residential and commercial displacement in and around the centers associated with moving to higher density capacity.

The key policy area relative to the future of transit is how to support the expansion of transit to serve more residents and employees. One of the longest chapters in the DEIS centers on transportation impacts. In short, each of the alternatives will impact the amount and speed of traffic, and the key mitigation measure is to provide more transit and more walking and biking opportunities.

With regard to jobs and commercial development, the key policy issues are how to maintain a range of commercial space options, and how to support current and future businesses and employees. As with the neighborhood centers, the DEIS points out the risk of involuntary commercial displacement.

The Commissioners were asked to reflect on what land uses will best support small businesses and residents in and around neighborhood centers. Commissioner Malakoutian echoed the need to support local and small businesses, and avoid displacing them. An emphasis on transit will be a must.

Commissioner Brown said the strategy of putting more housing in existing transit zones makes a lot of sense. As those areas build out, consideration will need to be given to where to place additional housing development and additional transit stops. For the short term, development should be focused on where transit currently exists. As the economy continues to come out of the

pandemic, the future of work continues to be an unknown. Some are going back to working in offices but the degree to which that will happen is not clear. Many are likely to continue working from home. That will factor into determining how much office space is needed and how much housing space is needed.

Vice Chair Bhargava commented that the Neighborhood Centers can be core to what the city will become over time. The idea of increasing residential density will help to drive both the viability of local businesses in Neighborhood Centers and the quality of life for folks living around those centers. Transit is definitely a plus and there is a need to grow the number of quarter mile circle walksheds. That will encourage walking to activity centers.

Commissioner Malakoutian suggested there is a larger conversation to be had around the fact that 90 percent of the people who work in Bellevue do not live in Bellevue, and the fact that 70 percent of those who live in Bellevue do not work in Bellevue. Traffic issues cannot be fully resolved simply by making it easy to walk to grocery stores and activity centers. Light rail will certainly help, but consideration also needs to be given to the last mile connections.

Vice Chair Bhargava agreed, adding that there is no one solution.

Commissioner Cálad also agreed and stressed the need to provide multiple options. It will be necessary to think big.

Chair Ferris said Neighborhood Centers will be key to establishing real neighborhoods. The focus should not just be on where transit exists currently. Building out centers will encourage transit to come to those areas. Ultimately, there should not be areas of the city that are exclusively for residential or exclusively for commercial uses.

Dr. Kate Nesse allowed that currently there are areas of the city that are residential only. The key policy question regarding them is what types of housing is appropriate in those areas. The DEIS does not have a lot of say about the types of appropriate housing, but does discuss about the impact on public viewsheds, and points out that taller buildings could have shadow impacts and light and glare issues. The potential for residential displacement is also highlighted. With regard to housing options, the key policy questions are around the types of housing, the number of units and where each type is best suited. Considerations in the DEIS include the degree to which capacity impacts housing affordability and calls out that new development regulations may be needed to address the impacts. There is also a section touching on historic and cultural resources in the DEIS.

The key policy question regarding scale and compatibility in the residential only areas centers on how new uses and scales should be integrated with existing buildings. The DEIS highlights the transition of uses and scales over time, and the transitions between residential only areas adjacent to Mixed Use Centers and Neighborhood Centers. Specific to affordable housing, the key policy area questions are should affordable housing be required; should voluntary incentives be used; and where such programs should be applied. The DEIS highlights the need to plan for any affordable housing requirements.

The overall question for reflection relative to housing only areas is how should middle housing and other housing types be integrated. Commissioner Brown commented that the state legislature has taken steps to shove cities toward expanding density. Accommodating the new state mandates will need to be baked into the city's planning. It should be done in a responsible way that preserves the things that are loved about Bellevue while increasing the range of housing

options available.

Commissioner Malakoutian stressed the need to think carefully about matching housing prices with jobs. Too many who work in Bellevue cannot afford to live in Bellevue.

Vice Chair Bhargava said the transitions between land uses are always difficult to address. The conventional approach is to impose a gradual ramping up in density. Another option is to utilize development standards and urban design to create visibility along streets so that the transitions are not viewed as being harsh. Where housing is placed can be critical. Streets with lower hierarchy should have lower density; the opposite is true of higher hierarchy streets.

Chair Ferris suggested the issue that increasing density could impact increasing the tree canopy will need to be addressed. One option would be to increase the height limitations, allowing for a smaller footprint on the ground and opening up areas for retaining or planting additional trees.

Chair Ferris commented that several neighborhoods in Bellevue have CCRs in place and asked if those neighborhoods will be wholly exempt from any changes in city policy. Dr. Kate Nesse said that issue is being evaluated.

Noting that the public has a number of communications tools available to them for commenting on the update work, Commissioner Malakoutian asked how the public has been informed about them. Dr. Kate Nesse said a postcard was sent to every household in the city outlining the options. At every board and commission meeting, those options are reiterated. Thara Johnson added that there is an email delivery list for those who have signed up for Comprehensive Plan updates; the list has some 5000 residents on it. Commissioner Malakoutian stressed the importance of the work and the need to get the word out the community. More input from the public will result in better policies.

9. OTHER BUSINESS

(9:24 p.m.)

A. Remote Participation

A motion to approve remote participation at the May 24 meeting for Commissioners Morisseau and Malakoutian was made by Commissioner Brown. The motion was seconded by Commissioner Calad and the motion carried unanimously.

10. APPROVAL OF MINUTES

(9:27 p.m.)

A. April 12, 2023

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

B. April 26, 2023

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

11. CONTINUED ORAL COMMUNICATIONS – None
(9:28 p.m.)

12. EXECUTIVE SESSION – None

(9:30 p.m.)

13. ADJOURNMENT

(9:30 p.m.)

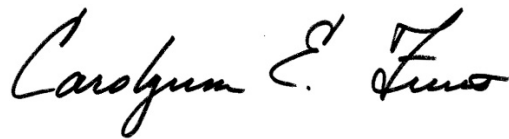
A motion to adjourn was made by Commissioner Malakoutian. The motion was seconded by Commissioner Brown and the motion carried unanimously.

Chair Ferris adjourned the meeting at 9:30 p.m.



Thara Johnson
Staff to the Planning Commission

May 25, 2023
Date



Carolynn Ferris
Chair of the Planning Commission

May 25, 2023
Date