

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

May 24, 2023
6:30 p.m.

Bellevue City Hall
Room 1E-113

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

COMMISSIONERS REMOTE: Commissioner Morisseau

COMMISSIONERS ABSENT: None

STAFF PRESENT: Thara Johnson, Emil King, Janet Shull, Justin Panganiban, Department of Community Development; Chris Iverson, Department of Transportation; Kristina Gallant, Nick Whipple, Department of Development Services; Matt McFarland, City Attorney's Office

COUNCIL LIAISON: Not Present

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER
(6:32 p.m.)

The meeting was called to order at 6:32 p.m. by Chair Ferris who presided.

2. ROLL CALL
(6:32 p.m.)

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

3. APPROVAL OF AGENDA
(6:33p.m.)

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

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

Chair Ferris took a moment to recognize Commissioner Morisseau for serving as a member of the Commission for the last eight years. Having been appointed to the Commission in June 2015, Commissioner Morisseau served as both Vice Chair and Chair and over the years was involved in a number of issues, including the 2015 Comprehensive Plan Periodic Update; many annual Comprehensive Plan amendments; the Downtown Livability code update; the Eastgate plan policies and code; the East Main policies; marijuana regulations; the Shoreline Master Program;

Grand Connection policies and code; Land Use Code amendments to advance affordable housing; the emergency housing Land Use Code amendments; the Great Neighborhoods plan for the Northwest and Northeast subareas; the Comprehensive Plan Transportation Element changes to incorporate multimodal concurrency and curb management; the 2024 Comprehensive Plan Periodic Update; and the Wilburton vision implementation. The staff are on record as appreciating Commissioner Morisseau's thoughtful consideration of policy issues, integrity and leadership in moving significant items through the Commission when serving as a Commission officer.

On behalf of the staff, Assistant Director Emil King thanked Commissioner Morisseau for serving on the Commission. Emil King noted having had the privilege of working with Commissioner Morisseau over the last eight years and voiced appreciation for the thoughtful deliberations on key policy issues. There is a passion that goes into being a Commissioner and Commissioner Morisseau's work is clear evidence of that. At regular meetings as well as at the Commission's annual retreats, Commissioner Morisseau highlighted areas in which both the Commission and the staff could improve. Commissioner Morisseau will undoubtedly continue to be a great asset for the city of Bellevue in striving to make the city a better place.

Commissioner Malakoutian remarked on having learned a lot from Commissioner Morisseau. Commissioner Morisseau always highlighted the need for community engagement, and asked for specifics about all surveys conducted, stressing the need to hear from every voice. Commissioner Morisseau's direct feedback on ways the Commission could improve were always appreciated.

Vice Chair Bhargava noted having served with Commissioner Morisseau for only the last three years. During that time much was learned from Commissioner Morisseau's point of view and passion for the work.

Commissioner Goepple also commented on having learned a lot from Commissioner Morisseau's input and experience and thanked Commissioner Morisseau for making such a huge contribution to the city.

Chair Ferris said Commissioner Morisseau's input was always revealing and often brought to bear different perspectives. Commissioner Morisseau came to every meeting thoroughly prepared and able to tackle the most complex of subjects.

Comprehensive Planning Manager Thara Johnson also voiced appreciation for the work of Commissioner Morisseau as a member of the Commission. Commissioner Morisseau was the chair when it became necessary to hold all Commission meetings virtually. Commissioner Morisseau truly has a passion for serving the community.

Commissioner Morisseau thanked everyone for their kind words, adding that it had been a privilege to serve the city. The staff were thanked for all the work they do in supporting the Commissioners.

5. STAFF REPORTS (6:46 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, and stressed that there

were three meetings scheduled in June.

6. ORAL AND WRITTEN COMMUNICATIONS

A. Oral Communications (6:48 p.m.)

Given the number of persons signed up to speak, a motion to extend the oral communications time limit from 30 minutes to 45 minutes was made by Commissioner Brown. The motion was seconded by Commissioner Cálad and the motion carried unanimously.

Don Marsh spoke on behalf of the non-profit organization 300 Trees, founded to distribute thousands of free native trees to Bellevue residents, schools, houses of worship and small businesses. Having recently served on the Bellevue 2044 strategy team, input was provided regarding the plan update. It is generally encouraging to see the city's efforts to address the housing challenges being faced while supporting an even more diverse and livable city. There are, however, some trends in need of attention. Bellevue's 2019 urban tree canopy assessment indicated that 26 percent of the city's total acreage saw a decrease of urban tree canopy since 2011. The neighborhoods that lost the most were BelRed, Newport, West Bellevue and Wilburton, all areas where significant development was occurring. Development and tree canopy need not be mutually exclusive, but care and good planning are essential. Some might claim that lower tree canopy is the price to be paid for progress and affordable housing, but before just giving up the city's aspirational goal of achieving 40 percent tree canopy coverage by 2050, everyone should understand the benefits of having a healthy tree canopy. Trees mitigate heat island effects, keeping the city more comfortable and livable during hot summer days. Trees improve air quality by absorbing pollutants and releasing oxygen. Trees provide habitat for wildlife. Trees stabilize the soil during intense rain episodes, preventing flooding and erosion. Trees prevent crime by providing a sense of security and community. Most residents are aware of the value of trees, as is evident in survey results showing tree canopy among the top priorities. Trees must be recognized in the Comprehensive Plan, but tree canopy impact was ignored in the city's growth plans. The Commission should make sure the Comprehensive Plan includes tree canopy targets that are measurable and accountable.

Elaine Duncan, a resident on SE 60th Street in the Cougar Mountain area for 11 years, noted loving trees. In early January, a big and apparently healthy tree fell in the yard, narrowly missing the house. An arborist was called in and reported the entire property was likely infected with root rot, which can cause healthy trees to fall suddenly. There are about a dozen landmark trees on the 1.3-acre property, and well over two dozen significant trees. Among all those, one imminent hazard tree was identified and application was made to remove it. The experience pointed out how difficult it is to talk to city staff. The situation was explained by email and was told in a response that it was extremely likely that all trees to be removed were either on a steep slope or within a stream critical area, making it necessary to submit all manner of technical documentation and have a SEPA review. That initial knee-jerk assessment proved to be incorrect and unhelpful. Ultimately a request to waive all the documentation and SEPA review was approved, but only after spending \$2026 for permit fees, and \$2312 for the certified arborist, half of which was for Bellevue permit documentation. Now there will be a cost for removing the tree, amounting to several thousand dollars more. Most neighbors who have had trees removed did so without obtaining the permits, and now it is known why. The process for individual landowners is broken, and for most the process is a nightmare. Developers often remove large numbers of trees simply for convenience. If they get permits, they leave to the new homeowner the burden of the number of trees removed. Bellevue has a reputation among arborists for having a

bureaucratic maze for getting a permit. Homeowners needing help in doing the right thing should not be penalized.

Vernon Schrag commented on the Vision Zero gun safety Comprehensive Plan proposal and noted that staff had been provided with a letter outlining the issues and previous comments by the Commission when the issue was previously under consideration. Included in the letter are statements made by the mayor, the police chief and the entire Council in terms of safety being a top priority. Five years ago the city of Kirkland volunteered to help Bellevue get the matter addressed by passing a resolution to move forward, but no one took them up on it. There have been a number of shootings in Bellevue and that needs to be addressed.

Alex Tsimerman began with a Nazi salute and called the Commissioners dirty garbage rats. It is not understandable why the Commissioners always agree with the government even if they have different opinions. The goal is always to have more money. That is a rat's mentality. Bellevue is the top city in America where white people, Jews and Christians, are minorities. It is all Nazi idiot psychopaths operating on Gestapo principles. That was not the problem 35 years ago when Bellevue was all white. Immigrants coming to the city are forcing white people out. Amazon is bringing in 30,000 people from the jungles. All the white people will be gone soon.

Lee Sargent spoke representing Trees for Livability. The Commissioners were thanked for their very intelligent actions on behalf of the city. It is hoped that the Commission will be able to do something about revising the tree code, expanding it to make large trees more than just garden plants that can be removed on a whim. Developers like to have a clear playing field and they just remove everything before building houses to fill the entire area. There needs to be in code wording that states the importance of trees to the community. Trees are the thing that makes life livable for humans. There is a lot that can be done, and much that should be avoided. Children growing up in Bellevue should be able to enjoy trees and parklike settings in the future.

Speaking through an interpreter, Lidia Rincon noted having lived in Bellevue for over 25 years and having three children who were born in the city. Bellevue is a beautiful city but it is very expensive and the home in which the family lives was purchased 16 years ago. Maintaining the house has been very difficult and has required having many jobs. The home has almost been lost a couple of times and keeping it has required sacrifice. As Hispanics, there has been discrimination on the part of neighbors. The economy is bad and everything costs more. It is good for the Commission to be aware of the fact that not everyone works in businesses that offer high salaries. Hispanics historically have found it difficult to survive in Bellevue. The Commission should take into consideration how changes made by the city affect everyone in terms of hospitals, traffic, pollution and insecurity.

A motion to increase the time allowed for speakers in need of translators to five minutes was made by Commissioner Malakoutian. The motion was seconded by Commissioner Brown and the motion carried unanimously.

Continuing, Lidia Rincon asked the Commission to take into consideration the worries and needs of the Hispanic community.

Speaking through an interpreter, Cristina Martinez, a mother of three and a resident of Bellevue for 16 years, said what makes it most difficult to live in Bellevue is increasing rent prices. To be able to live in Bellevue in the future will require a lot of money to pay for rent, food, clothing, insurance and other things. Living in Bellevue is very beautiful for very difficult. Those in the Hispanic community hope to see their children grow and have better lives without having to go

through the difficult situations faced by their parents in their countries of origin.

Speaking through an interpreter, Claudia Aleman noted having lived in Bellevue with family for 23 years and spoke in support of the Hispanic/Latin/Mexican community. The speaker remarked on contributing to the city in many different ways, including paying rent, sending children to Bellevue schools, volunteering in the schools, participating in the group called Madres Unidas or United Mothers, and by buying goods within the city. The main difficulty is the cost of living space, which is very high. Couples often need to have more than one job to be able to afford all expenses. There are many in the Hispanic community who feel insecure and unsafe in the city. There is more theft and more are homeless. Bellevue is more unsafe than in prior years. The Hispanic community as a whole should be taken into account by providing living spaces that are more affordable. If prices keep going up, the Hispanics will be forced to leave the beautiful community. The Hispanic community performs different types of jobs in the city, including at City Hall. Hopefully the Commission will become more aware of the needs of the Hispanic community, and get to know those in the community a little better.

Speaking through an interpreter, Felicitas Hernandez, also a member of Madres Unidas, and a mother of three who has lived in Bellevue for five years, asked the Commission to get to know the community that has come together. The group is composed of Latin women who are Spanish speakers. As families living in Bellevue, they all contribute through their work and by sending their children to Bellevue schools. The money earned from jobs is put back into the community through purchases. The Hispanic community is very large and the Commission should get to know it better. Those in the Hispanic community are important parts of the city and will continue to be as the city continues to grow.

Speaking through an interpreter, Adelita Martinez, also part of Madres Unidos, commented that rents in Bellevue are very high. Hopefully the Commission will listen to the Hispanic community who wants to see the rents reduced. It is hoped that the Commission will get to know the Hispanic community.

Saghar Amini agreed that rents in Bellevue are very high. The surveys done by the city have shown that many people cannot afford to live in Bellevue even though they work in the city and contribute to it in many ways. Few can actually afford to participate in city meetings because they work second jobs in order to afford the high rents, or because they are doing other things. The Commission was thanked for the great work it is doing, but was urged to constantly ask if everything that can be done is being done to make sure people can afford to live in Bellevue. In Bellevue currently, a 500-square-foot one-bedroom unit rents for \$1984 per month. The Commission has the power and the ability to address that issue.

Vic Bishop, a Bellevue resident for 58 years, noted being a retired professional traffic engineer and having served on the Transportation Commission for two terms and currently serving as a board member of the Eastside Transportation Association. The Commission has on its agenda a proposed Comprehensive Plan amendment that relates to the Wilburton Vision Implementation. The amendment includes a policy calling for prohibiting new general purpose vehicular crossings across Eastrail. That policy if approved would be devastating for the traffic flow in the Wilburton area. The Commission should keep in mind that policy TR-2 in the Transportation Element specifically calls for aggressively expanding transportation investments to reduce congestion. Currently, over 80 percent of all person trips in the city are by car. The newly released draft EIS says that figure will drop to about 70 percent. The NE 6th Street extension from the center of I-405 to 116th Avenue NE and on to 120th Avenue NE is an active proposal that has been on the books for more than 20 years. It has been shown to be the only significant

additional grid system for the entire Wilburton subarea, but it would be preempted should the policy in question be adopted in that the project crosses Eastrail. The Commission should put the proposed policy aside until the long political process of determining the NE 6th Street extension is determined.

B. Written Communications
(7:28 p.m.)

Thara Johnson noted that included in the Commission packets were comments relating to gun safety and the tree canopy code amendment.

Answering a question asked by Commissioner Malakoutian about the issue of gun safety, Thara Johnson said there are policies in the Comprehensive Plan that will be reviewed as the process moves forward. There was a previous Comprehensive Plan amendment on gun safety that was previously proposed that was discussed and rejected as being outside the realm of the Comprehensive Plan.

Chair Ferris asked staff to provide some clarity around where decisions about gun safety are made and whether or not it is within the purview of the Commission. Emil King said the issue was a point of discussion before the Commission roughly five years ago. The matter was handed off to the City Manager's Office for comment about everything being done in the city, and a reply was made to the person offering the proposed Comprehensive Plan amendment. The Commission's discussion was limited given the need to gather additional information. The individual has brought the issue forward again as part of the Comprehensive Plan Periodic Update. The staff will review the proposal and provide a written support to the Commission.

Chair Ferris noted that there had been a number of persons representing Madres Unidas and suggested that there should indeed be some follow-up.

Speaking in Spanish, Commissioner Cálad thanked those from the Hispanic community who provided testimony, adding that the translators had done an excellent job.

7. PUBLIC HEARING – None
(7:34 p.m.)

8. STUDY SESSION

A. Briefing On Curb Management Plan
(7:34 p.m.)

Senior Transportation Engineer Chris Iverson reminded the Commission that a public hearing was held on September 14, 2022, on the curb management policies. Those policies were subsequently recommended for approval to Council which unanimously approved them in December 2022. The policies provide the support for curb management practices, something the city has not previously had, and for the development of the curb management plan. The curb management plan is the culmination of about 16 months' work on how to manage the city's curb spaces efficiently and effectively. It is focused on the urban core neighborhoods, namely the Downtown, BelRed and Wilburton. There are four appendices in addition to the main document. The curb management plan has four main elements, each of which is spelled out in more detail in the appendix documents. The elements are the curb practices guide; the curb typology and maps; the curb pricing framework; and the curb pilot roadmap.

The curb management plan starts with a handful of pages that address the definition of the curb and the definition of curb management. There are graphics and charts and key findings highlighting existing conditions and themes from the public engagement process, followed by a recap of the pertinent Comprehensive Plan policies. Currently much of the curbside decision making, both in the right-of-way and behind the curb, is made on an ad hoc, case-by-case basis. Under the curb management plan, such decisions can be more aligned with policies and planning. The current permitting and pricing process is inequitable. In fact someone wanting to put in an on-street dining area must go through the same process a developer goes through to build a project. Enforcement of the curb is currently very limited and results in unsafe conditions.

One of the main features of the curb management plan is the concept of curb supply and demand. There is a limited curb supply and it rarely changes over time, but the demand for those curb spaces changes depending on time of day and day of the week. Under the curb management plan, curb supply and demand is addressed through the concept of curb typology and the pricing framework. The typology is largely a reflection of previously created long-range plans, primarily those that are specific to transportation, while the pricing framework closely tracks national best practices that reflect the value of the curb. Nearly every use of the curb falls into the four MAPS categories of movement, access, place and storage. There is either movement along the curbside in the form of a travel lane, or there is placemaking, access features like load/unload, or storage in the form of on-street parking.

The curb practices guide addresses how everything gets done. The guide effectively includes strategies for making the curbside space more functional and effective over time. There are a total of 28 recommendations that span the six different categories of curb regulations, storage, curb access features, sustainable and emerging mobility, curbside activation and digital governance. There are recommendations included for consideration for future Land Use Code amendments that might help with the synthesis of the transportation and land use space.

A handful of the 28 recommendations are seen as near-term next steps. They include adding resources for enforcement; performing an implementation study for a paid parking program; building and expanding the accessible (ADA) parking inventory; creating more passenger and commercial loading zones; and expanding curbside placemaking, such as on-street dining.

The pilot roadmap is an element of the project that focuses on using technology and new practices to innovate along the curb. The testing and trialing of new applications will not necessarily result in anything permanent or scalable but will serve to show that the city is a valuable partner in seeking innovative approaches.

The last chapter of the plan includes a section that looks forward by addressing the intersections of equity and curb management; staffing and funding considerations; and implementation guidance over time.

Chris Iverson said the draft plan was made available for public review in early April. There has been one review session by the Transportation Commission and another is slated for May 25. Feedback has been received from the Bellevue Downtown Association, the Bellevue Chamber of Commerce, the BDAN, residents, retail and local businesses, and from regional employers. Minor language tweaks and clarifications have resulted from the feedback.

The work has identified the fact that the curb environment is a rapidly evolving space. Data

collection and public feedback will be crucial going forward. Curb management is not a zero-sum strategy and as such it will be important to remain flexible moving forward.

Action will be sought from the Transportation Commission on May 25. Later in the year the Council will consider and hopefully adopt the plan.

Commissioner Cálad voiced the understanding that some vehicle lanes will be reduced in order to implement the plan. Chris Iverson said that is not necessarily true. The idea is that as the city goes about evaluating new uses at the curb that might not be travel lanes, there will be different mechanisms utilized to make the space be functional. One mechanism will be development review, a process all new development must go through. Additionally, if a significant change is made by the city, there will be a traffic analysis conducted to make sure burdens to the overall transportation system are not inadvertently created. Every approach will be context sensitive. The typology is structured to preserve the major arterials in the city for travel, but the streets that are overdesigned with more lanes than needed or that have less travel volumes might be good candidates for things like short-term pick-up and drop-off activities, or off-peak parking.

Commissioner Cálad asked for an example of where a travel lane might be converted to some other use. Chris Iverson offered up the bikeway project on 108th Avenue NE from about five years ago that began as a demonstration and which was subsequently converted to permanent. A travel lane was used to make space for a bike lane. The associated travel analysis showed that the taking of a travel lane did not cause any undue burden on the overall transportation system.

Commissioner Cálad stressed the need to reduce congestion to the degree possible. Mobility is incredibly important for those who live and work in Bellevue to be able to get around and have a balanced life. As the city grows, ideas that get implemented should not actually prove to be obstacles to people moving about. It will be very important to reach out to the people to seek their input.

Commissioner Goeppele asked how the success of the curb management plan will be measured, and if recalibrations will be made based on what is learned. Chris Iverson said one of the 28 practices in the plan is the establishment of a regular data collection program focused on curb-specific data like parking occupancy, load/unload frequencies, time of double parking and the like. The curb realm is interesting in that depending on the focus, the evaluation might involve different things. Parking might be the main issue on one block, while on another block it might be traffic, or food trucks, or placemaking. Some potential performance indicators for the curb have been created to include things like public sentiment of space.

Commissioner Malakoutian encouraged the use of data and technology going forward in addressing the curb.

Commissioner Morisseau voiced support for the idea of looking forward and for collecting data. It is one thing to collect data and another to actually do something with it. The question asked was if there will on a regular basis be a lookback to determine what is working and what is not working, and if changes will be made as deemed necessary. Commissioner Morisseau added that allowing for flexibility will facilitate the creation of a more efficient system. Chris Iverson said the intention is to reevaluate the curb management plan down the road in the same way other long-range plans are updated. Such work, of course, will ultimately need to be directed by the Council. Commissioner Morisseau stressed the need not to wait too long to address potential issues.

Vice Chair Bhargava voiced support for using an equity lens to simplify the process, and for using technology in managing the curb. Vice Chair Bhargava asked for more detail about improving the use of transit through good management. Chris Iverson said the idea is that the city has the ability to improve the transit riding experience outside of the infrastructure otherwise provided by a transit agency. Transit agencies like Sound Transit install shelters and signage, but the city has the ability to add public wi-fi, good lighting, wayfinding information systems, auxiliary seating, general cleanliness and trees.

****BREAK****
(8:01 p.m.)

B. Comprehensive Plan Amendment (CPA) for Wilburton Vision Implementation
(8:06 p.m.)

Strategic Planning Manager Janet Shull noted the process was at the midpoint of the 45-day public comment period for the draft Environmental Impact Statement (DEIS), adding that the meeting was not the forum for making official DEIS comments around the policies and the different aspects of the Wilburton Vision. A virtual meeting was held on May 18, and an in-person meeting was held on May 23. A second in-person meeting was slated for June 1. Public comment can also be made on the project webpage, by mail, or by email.

Senior Planner Justin Panganiban reminded the Commission that when launching the project in 2022, the Council gave direction to use the CAC's 2018 vision and preferred alternative as the baseline for the implementation work. The Commission's March 22 input on the preliminary vision, policy goals and policy guidance statements has subsequently guided the work. Specifically, the Commission directed staff to proceed with developing the draft policies, keeping in mind the need for flexibility to anticipate future changes; evaluating the tradeoffs when prioritizing policy guidance with competing policy goals; emphasizing multimodal accessibility and safety; and balancing between development and open space goals.

Focusing on the open space and natural systems policies, Justin Panganiban noted new policies are intended to provide guidance relative to the creation of an urban park system; enhancing natural features; creation of a sustainable district; and establishment of Easttrail as a defining trail and park corridor. The proposed policies are a response to the changed conditions and future needs of the Wilburton TOD, reinforced by city plans that articulate the recommendations for the area. The draft policies are an implementation framework to guide the work. The tools will ultimately support a number of implementation tools, both within and outside the Land Use Code.

Justin Panganiban said the first policy move is the creation of an urban park system. Parks, open space and trails are all needed to serve the current and urban intensities in Wilburton. An urban park system is envisioned to leverage the Grand Connection and Easttrail, connect with major parks in the area, and offer a variety of community-oriented uses. The policies are housed primarily in the parks, recreation and open space section of the subarea plan and they range from neighborhood parks to larger gathering spaces with more of a civic orientation. The draft policies reinforce the importance of connectivity between parks and open spaces, and they support the city's priority to acquire land where the preservation of open space could contribute additional public benefit. The potential implementation tools would vary based on the open space opportunity.

The second key policy move is the enhancement of natural features of which there are several in

the study area, including Lake Bellevue, Sturtevant Creek and the wetland near 116th Avenue NE and Main Street. The policies are housed in the environmental section of the subarea plan and they speak to public access both physically and visually. Green street improvement incentives, design guidelines and landscaping are all potential implementation tools.

Creation of a sustainable district is the third key policy move and the pertinent policies are also located in the environmental section of the subarea plan. There are several sustainable district models that have been implemented in other cities. There is no single model and there are several components that might be unique to Wilburton. The potential implementation tools include sustainable certification incentives, green building and innovative site development incentives, parking reductions, and on-site bike and transit commuter facilities.

The final key policy move focuses on Eastrail as a defining trail and corridor. The city is partnering with King County and Sound Transit on the 1.2-mile portion of Eastrail within the Wilburton TOD, which is seen as a fundamental infrastructure element toward a trail- and transit-oriented community. Eastrail touches on various policy topics including parks, recreation and open space, transportation and urban design. The segment of Wilburton through which Eastrail passes will have policies specific to that area. The potential implementation tools include landscape standards, design guidelines, density and dimensional standards, and Eastrail access easements and dedications.

Justin Panganiban briefed the Commission on the topic areas for the coming Wilburton Vision Implementation study sessions as well as the timeline.

Commissioner Brown voiced appreciation for the unique opportunity for parks, recreation and open space in the Wilburton TOD and asked if there are other planning exercises focused on what Eastrail will look like. Janet Shull said the Eastrail framework plan has been under development in coordination between Bellevue, King County Parks, Sound Transit and Eastrail Partners. The project is wrapping up and the plan will ultimately be endorsed by the various partner organizations, though it will not be officially approved or adopted. It will serve as a great resource moving forward with the Wilburton Vision Implementation.

Commissioner Brown commented that the Grand Connection also provides an extraordinary opportunity to create open space and contribute to Bellevue's view of itself as a city in a park. The facility will also interact with Eastrail. Justin Panganiban allowed that there are many different moving parts. Teeing up the Grand Connection and Eastrail in the Wilburton Vision Implementation work affords the opportunity to craft policies supportive of both and the relationship to other open space opportunities and how they relate to housing, transportation and arts and culture.

Commissioner Malakoutian noted that reference was made to the word "incentives" in the presentation. It will be critical in working on the implementation tools to have the right incentives to make the vision a reality.

Commissioner Goepple asked where the proposed policies come down on the relationship between Commissioner and the extension of NE 6th Street. A question was also asked about the degree to which access to Eastrail will be stressed. Justin Panganiban said the NE 6th Street extension is being evaluated as part of the EIS process. That roadway will serve a different function from the local street network that is being envisioned. The issue will be discussed in more depth when it comes to addressing the transportation policies. With regard to local connections to Eastrail, the policies can provide clear guidance and intent. Clearly with Eastrail

having as a feature character being pedestrian-oriented, access will be critical and the policies will outline the need for frequent and safe access to the facility from throughout the study area. There are a number of properties that abut Eastrail as well as a number of existing rights-of-way that cross Eastrail. Part of the policy development process will focus on creating opportunities for access.

Vice Chair Bhargava commented that the design of the sidewalk systems can all become critical elements of connectivity and access. In thinking about corridors, consideration should also be given to wildlife corridors and connectivity. Given the city's cultural diversity, one opportunity that should not be overlooked is the need to integrate elements such as wayfinding that is both culturally sensitive and celebratory.

Answering a question asked by Chair Ferris, Justin Panganiban said green street improvements involve the introduction of green storm water infrastructure in the form of bioswales and rain gardens.

Chair Ferris commented having noticed in the graphic regarding districts a reference to 100 percent electric vehicles. Justin Panganiban said graphic was pulled from the Environmental Stewardship Plan portraying Bellevue's 2050 goals. Needless to say, that plan will play an integral part in how Wilburton is designed as a sustainable district.

With regard to use of natural features like Lake Bellevue and Sturdivant Creek, Commissioner Goepple said the approach should promote more public access.

Janet Shull thanked the Commissioners for the interest they expressed in how the Eastrail corridor will be an important Wilburton feature, both for transportation and open space and natural system opportunities. There are still questions to be addressed about how the NE 6th Street extension might factor into the equation, and they will be on the agenda for a Commission meeting in July.

C. Land Use Code Amendment (LUCA) and Bellevue City Code (BCCA) to Support Tree Preservation, Retention, Replacement and Protection
(8:38 p.m.)

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

Planning Manager Nick Whipple informed the Commissioners that the Council initiated the LUCA in November of 2022, and the Commission was first briefed in December. The tree preservation requirements were first added to the city's code in 1982 and much has changed since then. The code was updated in 2006, 2009 and 2016, and the landmark tree ordinance was adopted in 2022. Since the tree preservation requirements were first adopted, the city's population has more than doubled, increasing the number of housing units. Adoption of the Growth Management Act in 1990 marked Bellevue as being within an Urban Growth Boundary, which means it will continue to absorb growth over time. The main goals of the tree canopy code amendments are to support tree preservation, retention, replacement and protection; to balance the city's housing production needs; to improve the function and clarity of the code; and to better capture data.

Senior Planner Kristina Gallant said the project includes a robust community engagement plan. In Phase One of the engagement plan the focus has been on listening and gathering perspectives

from individuals across the city. There is an Engaging Bellevue web page for the project. There has been direct engagement that to date has seen more than 47 distinct commentors, which is very high for a code project. There was a brainstorming session with land use planners, and the issue was part of the Environmental Stewardship Initiative town hall update in March. A presentation will be made to the Master Builders Association in June. Five listening sessions, or small focus groups, have been held with community members, tree service providers, representatives of the development community, and a local environmental non-profit. An online questionnaire was launched with a focus on potential regulatory changes, and it was translated into six languages. A public information session is planned for June 8 at City Hall.

Continuing, Kristina Gallant said Phase Two, which will kick off in July, will shift toward developing recommendations and seeking feedback on them. There will be continued direct engagement, up to six additional listening sessions, two more public information sessions, and a public hearing before the Commission. Some flexibility for additional outreach has been built into the schedule and the budget.

On the topic of general definitions, there has been good support for looking at a lower threshold for significant trees. That would mean regulating more trees citywide. There has been strong support for considering species variation in the definitions with different thresholds for significance. The landmark tree ordinance is an interim ordinance that requires a permit for any landmark tree. Thinking long term, there has been support for thinking about what the role of landmark trees should be.

Strong support has been voiced in regard to requiring an affordable permit to remove any significant tree, and for ensuring that hazardous trees can be removed in a straightforward manner. There have been conflicting opinions on the issue of limiting tree removal, particularly large trees; and providing notice of tree removal to neighbors versus accommodating property owner preferences such as shade and access to light. There has been support for expanding the replacement requirements beyond critical areas. There has been strong support for incorporating expert feedback from arborists, though it is evident there is some level of mistrust regarding tree service providers. There have also been comments about mitigating tree removal on site where possible. The development community has expressed an interest in providing flexibility in terms of a fee in-lieu payment using tree banks.

In general, it has been expressed that the city's current code is confusing. It can be difficult to know over time which trees have been retained. Many have voiced concerns about properties being cleared before going into development given that the retention decision is based on trees in place at the time of the permit. There have also been concerns voiced about trees being removed to facilitate the building of large homes. There has been support for being flexible but predictable, and for establishing minimums for canopy rather than a flat percentage. There has been some level of agreement on the role of replacement.

With regard to tree retention, there have been comments to the effect that even where trees are retained, they do not always survive after development. Comments have been made about the need to think about climate change and how it might affect which trees should be recommended. In general there have been conflicting statements made about emphasizing large trees versus incorporating tree diversity. There has been interest expressed in having regulation incentives to support tree retention as part of development.

There have been comments made about the perceived lack of consequences for tree violations. It is clear there are some misconceptions about what the city's tree regulations are. Some fear that

having an approach that is overly complicated could drive noncompliance. In any event, the public wants to make sure the city will have the resources to administer its tree regulations.

With regard to implementation and engagement, suggestions have been made about informing new homeowners about the tree regulations; providing homeowners with guidance on how to select a qualified arborist; providing solid educational materials on appropriate tree species; and developing a tree checklist for the permit process.

Kristina Gallant offered list of initial scope recommendations for which there has been strong support from the community and stakeholders. They included providing an affordable permit to remove any significant tree; updating the significant tree definition; defining hazardous trees; clarifying the duration for tree retention; and discouraging lot clearing before development. Other initial scope recommendations for which there has been strong support, but which warrants additional study, included the permanent landmark tree definition and the role it should play over the long term; establishing a minimum tree density; expanding the tree replacement requirements; updating the retention criteria; developing incentives; and codifying key protections.

Phase One will end in June with a mid-point check-in with the Council. Over the summer and fall months the Phase Two work will focus on the development of code recommendations and bring them back to the Commission for review and refinement. Phase Three will be the action stage in the form of a public hearing before the Commission and forwarding a recommendation to the Council for approval.

Commissioner Malakoutian asked what is meant by an affordable permit. Kristina Gallant said the idea is to acknowledge that if there is to be a permit required for removing any significant tree, it should be affordable. Commissioner Malakoutian suggested that in addition to being affordable, the process of obtaining a permit should be easy and fast.

Commissioner Malakoutian left the meeting at 8:59 p.m.

Commissioner Cálad pointed out that once trees are removed they will be gone. Simply reviewing the code at some later date will not bring them back. It is not hard to understand that a developer wanting to build on a site will want to first have all the trees removed. The reality is that the city needs more housing, and building them might mean removing trees. Other options must be found in terms of expanding the replacement requirements. There must be a balance between allowing for more housing and achieving the tree canopy goals.

Commissioner Morisseau commended the city for its focus on achieving a 40 percent tree canopy. There is a clear need to balance the need for new housing with the need to live up to the picture of Bellevue as a city in a park, which is defined by trees. There are innovative ways to make that a possibility.

Commissioner Goeppele commented that over the past ten years or so the city's tree canopy has gone from 37 percent to 39 percent, which is very close to the 40 percent goal. That is a clear indication that the city is heading in the right direction. There remain, however, some areas in particular where there is insufficient tree canopy, including Wilburton, BelRed and the Downtown. The fact is a one-size-fits-all approach may not be the right approach. The areas that are having problems achieving the tree canopy goals maybe should have a different set of standards. Caution should be taken in terms of competing objectives, including affordable housing where the city's track record is terrible. Whatever is done in terms of trees should not

negatively impact on the city's ability to bring more housing units online. Additionally, while developers may be able to navigate the permitting process, individual property owners are often challenged and burdened by having to go through the process of hiring an arborist and then having to pay to have trees removed. Individual property owners should be considered in a different way from developers. Often when people plant trees on their properties they put them in stupid places such as right next to houses. Twenty years down the line they are forced to do something about it and they should not have to go through an expensive permitting process to address those mistakes.

Commissioner Brown agreed with the comments made by Commissioner Goepple and stressed it should be possible to have both housing affordability and community beauty. There is a clear passion by Bellevue residents in regard to trees. In the end, the process put in place should be clear, simple and easy to navigate. It should take into account things like the misplacement of a tree.

Vice Chair Bhargava asked how the 40 percent tree canopy goal was established. Kristina Gallant said it would take some research to answer the question. The 40 percent goal does include different recommended targets for different areas and the 40 percent is intended to be a citywide average.

Vice Chair Bhargava asked if some tree species are more important than others to preserve. Kristina Gallant said there are different ways to look at the tree species issue. There are certain species that are more adapted to the climate, though with climate change the recommended species may change. There are site-specific issues to take into account.

Nick Whipple said the current code discounts certain tree species that have been given less of a priority to retain. Cottonwoods and alders are both discounted by a factor of 0.5. Kristina Gallant added that the current code also has no provisions about invasive species; that should be addressed along with the retention requirements.

With regard to tree retention and replanting, Vice Chair Bhargava asked if the issue could be addressed by a simplified model similar to carbon credits. Kristina Gallant allowed that some jurisdictions have systems based on a credit model. For instance, having X number of trees at a certain diameter adds up to a certain number of credits, and on a given lot or in regard to a certain type of development, a minimum number of credits is needed.

Vice Chair Bhargava asked what consequences there would be for a developer electing to simply cut down all trees on a development site. Kristina Gallant said if the city can demonstrate that a violation took place, which can be challenging to prove, there are certain pathways the city can take via the civil violations code, which includes a fee structure based on the value of trees. The city's typical practice, however, is to work toward voluntary compliance. That approach often focuses on the replanting of trees rather than on levying significant fines. It is accurate to say the retention process cannot look backward to account for trees removed before the development process is initiated, even if done with a permit.

Nick Whipple added that there is a provision in the city's clearing and grading code that requires a permit for five or more trees to be removed. In the example given, the remedy likely would be to apply for a permit. Where trees are removed from a site prior to the issuance of a building permit, the city does not have a mechanism to go back and verify how many trees were there.

Commissioner Cálad asked how frequently that happens. Nick Whipple did not have good data

to share. Enforcement actions are triggered on a complaint basis. It makes sense to address the issue as part of the scope of work given that such complaints are often registered.

Chair Ferris voiced a desire to see more work done on the issue of species variation. The key trees that are deemed to be more important should be identified. There is also a huge need for education at the school level as well as for developers and homeowners to better understand the benefits of the tree canopy. There is a clear need to build flexibility into the code as well. Preserving the tree canopy may trigger the need to think about requiring greater setbacks in exchange for additional building height, thus freeing up areas for trees. The additional height should be up to two stories, but only in exchange for retaining or planting trees.

Commissioner Brown commented that if the code is going to allow for the removal of hazardous trees, it should also disincentivize actions that intentionally harm trees with an eye on creating hazardous trees that need to be removed.

9. OTHER BUSINESS
(9:18 p.m.)

A. Remote Participation Approval

There was consensus to approve remote participation by Commissioner Malakoutian on June 14.

Chair Ferris called for a volunteer to make the presentation to the Council on the Commission's accessory dwelling unit recommendations on June 12. Commissioner Cálad volunteered.

11. CONTINUED ORAL COMMUNICATIONS
(9:20 p.m.)

Heidi Dean thanked the Commissioners for the questions and comments made by the tree canopy issue, especially in regard to tree species. A concern was voiced about trading tree canopy for additional building height, particularly in single family neighborhoods where taller structures could seriously impact on the privacy of adjacent properties. Commissioner Morisseau was thanked for insisting on the need for a transportation analysis relative to changes at the curb as part of the curb management plan. Options 2 and 3 put density into neighborhood centers but with a lack of parking. Many neighborhoods are already dealing with a lack of parking. Residents of neighborhoods should not have to have an residential parking zone and have to pay to park in front of their own homes. The virtual EIS meeting was not done right. A number of those who had RSVP'd were unable to get in, and some who did get in noted that many participants were not from the city.

10. APPROVAL OF MINUTES
(9:23 p.m.)

A. May 10, 2023

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

12. EXECUTIVE SESSION – None
(9:24 p.m.)

13. ADJOURNMENT
(9:24 p.m.)

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

Chair Ferris adjourned the meeting at 9:24 p.m.



Thara Johnson
Staff to the Planning Commission

06/16/2023

Date



Carolynn Ferris
Chair of the Planning Commission

06/16/2023

Date