

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

July 26, 2023
6:30 p.m.

Bellevue City Hall
Room 1E-113

COMMISSIONERS PRESENT: Vice Chair Goepple, Commissioners Brown, Cálad, Khanloo, Malakoutian

COMMISSIONERS REMOTE: Commissioner Ferris

COMMISSIONERS ABSENT: Chair Bhargava

STAFF PRESENT: Thara Johnson, Emil King, Janet Shull, Justin Panganiban, Kristina Gallant, Nick Whipple, Department of Community Development; Matt McFarland, City Attorney’s Office; Paul Ingram, PSRC

COUNCIL LIAISON: Councilmember Robertson

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER
(6:31 p.m.)

The meeting was called to order at 6:31 p.m. by Vice Chair Goepple who presided.

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

Upon the call of the roll, all Commissioners were present with the exception of Chair Bhargava.

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

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

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS – None
(6:34 p.m.)

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

A. Planning Commission Meeting Schedule

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

6. ORAL AND WRITTEN COMMUNICATIONS

A. Written Communications

(6:36 p.m.)

Comprehensive Planning Manager Thara Johnson noted that a large amount of public comment was being received relating to Wilburton, the EIS and the Comprehensive Plan update. A concern expressed from folks submitting comments has been that they have not seen their comments included in the Commission packet. Comments received after the publishing deadline are forwarded directly to the Commissioners from staff. Moving forward, in addition to forwarding written comments directly to the Commissioners, staff will include them all in the next packet to assure the comments will be on the record.

Thara Johnson stated that included in the packet were a substantive number of written comments focused primarily on the Wilburton Vision Implementation and the Comprehensive Plan Periodic Update EIS. Direction from the City Council was handed down on July 24 and there were comments relating to that. Since publication of the packet, 23 additional comments were received relating to the EIS in general, Wilburton, and the tree regulations.

Answering a question asked by Commissioner Malakoutian, Thara Johnson explained that the website states that the cutoff time for submitting written communications is 5:00 p.m. That may need to be modified to 3:00 p.m. The communications are forwarded to the Commissioners by 4:00 p.m. Commissioner Malakoutian suggested the cutoff time should be moved to 11:00 a.m.. It is not reasonable to expect the Commissioners to review a large number of public comments between 3:00 p.m. and 5:00 p.m. The public is likely less concerned about having their written communications sent to the Commissioners and more concerned about knowing if the Commissioners have read them.

There was consensus to revise the cutoff time to 11:00 a.m.

B. Oral Communications

(6:43 p.m.)

Stephen Carroll, a Belcrest neighborhood resident, suggested the current tree canopy code is failing. Noting that an adjacent property contains a significant Douglass Fir tree that is over 50 inches in diameter and over 100 feet tall, and it is growing adjacent to a critical steep slope area and in proximity to at least a dozen other significant trees. The city recently approved the removal of the tree. The house on the property was remodeled several years ago into a large two-story home. After the previous home was demolished, the tree was severely limbed by casual laborers hired by the current owner. The work was done without a permit. The new structure was built on the existing footprint of the old home and is quite close to the tree, so the owner applied for a permit to remove the tree based on it being a hazard to the newly constructed home. An arborist was hired to detail the damage to the tree caused by the removal of the limbs, and its encroachment on the home's foundation. The tree is, however, fairly healthy based on the assessment of the arborist. The hazardous tree designation is overly permissive and should contain some exception for trees that are rendered hazardous solely by the activity of the person applying for the hazardous tree removal permit. The construction of a building, or construction activity, in proximity to a significant tree should not be used as the sole criteria for a tree being considered hazardous. Setbacks from significant trees should be considered. The tree has stood where it is for some 200 years, yet the city accepts it as a hazardous intrusion into the recent

owner's construction project. The real hazard is the city's shortsightedness. Significant trees are irreplaceable within one's lifetime and the city should value the contribution trees make to quality of life. The city should do all it can to discourage the destruction of trees, especially significant trees.

Alex Tsimerman began with a Nazi salute and called the Commissioners dirty damn Nazi garbage rats. People who support the enemy should be going to jail or executed. That is typical for every country without exception. Currently there is war with Iran Muslims. That is important for Jews because Iran wants to make an atomic bomb to use against Israel and America, maybe with help from Russia.

Commissioner Khanloo objected on the grounds that the testimony was not related to the work of the Commission. Chair Goeppele cautioned Alex Tsimerman from engaging in political speech and electioneering.

Alex Tsimerman claimed no political speech was being made, rather only a personal opinion was being expressed. Bellevue Mayor Robinson and King County Councilmember Balducci do not offer the opportunity to speak in the same way. The talk was not about election but about the war America has with Iran and the threat to Israel. That is not political speech. The goal is to talk about Iran and by right that can be talked about. The Commissioners are all crooks and should stop using tricks to prevent free speech.

Phyllis White spoke on behalf of Wilburton residents in regard to concerns for the preservation of mature trees and the continued protections for riparian corridors and critical areas in the area. The Commission should seek the preservation of neighborhood trees that are essential for the sensitive ecological environment that supports endangered aquatic and priority species in the Kelsey Creek tributaries. Currently there is a 39 percent tree canopy in the neighborhood and it is essential to preserving the well-being of the community. The Wilburton neighbors have submitted numerous letters regarding the Wilburton Vision Implementation and development in BelRed. In the area along 140th Avenue NE there are wetlands, marshes, tributaries, and century-old trees that are increasingly showing signs of pollution and yucky water. The Commission's consideration and hard work is appreciated.

Jacque Quarre, a land use attorney representing a property owner along 116th Avenue NE in the Wilburton subarea where the Rivian dealership is and where Sound Transit goes through. The attention of the Commission was brought to the draft policy LU-1 and reference was made to some proposed clarification language aimed at making sure the density and heights considered in the policy include the properties along 116th Avenue NE that are already being studied in the DEIS and the preferred alternative for the highest height. The current language likely intends for that to be the case, but it specifically refers to properties along I-405. The language should be clarified to specifically include the properties along 116th Avenue NE.

7. PUBLIC HEARING – None
(6:54 p.m.)

8. STUDY SESSION

A. Puget Sound Regional Council (PSRC) Briefing on Housing Opportunities by Place
(HOP)
(6:54 p.m.)

Paul Inghram, Director of Growth Management for the Puget Sound Regional Council, explained that the regional housing strategy adopted a few years ago is organized around supply, stability and subsidy. While the notion of supply is predicated on building more housing of different types, stability rests on the notion of helping people stay in their current homes or neighborhoods. It is recognized that the market does not on its own supply housing that is affordable, especially for very low-income households, and thus there is a need for some level of subsidy.

There are three things the PSRC is currently working on, beginning with monitoring performance and outcomes over time and identifying challenges or barriers. Developing and using a typology to identify the strategies, tools and actions that have the most potential to make an impact is another task. The third is reviewing and certifying the comprehensive plans from all cities under the jurisdiction of the PSRC.

The typology approach is new for the organization. Different communities have different needs, and even within cities, especially larger cities, there are different needs within different neighborhoods. There is an interest in identifying which tools to use in each location. There is a database of some 50 housing tools on which there is information. For most communities that is too many. Bellevue's housing strategy is robust but most communities want to narrow down the list of housing tools to those that will help them the most, and that is the purpose behind the typology work, which includes dividing the area by higher opportunities and lower opportunities in terms of low, medium and high displacement risk. Census tract and other types of information was used to categorize the different places. The opportunities include places with access to jobs, transportation and education. Displacement risk is determined based on a combination of different factors such as proportion of renters and increasing land values.

Single family areas are often in higher opportunity areas, and they often face lower displacement risks given their high proportion of ownership. There are higher opportunity/medium displacement risk areas identified in parts of Bellevue, including in BelRed. Areas like Ranier Valley in Seattle have higher displacement risks given the demographics, the properties there, and the level of change the community is experiencing.

In terms of tools and strategies by type of place, middle-density housing, upzoning for transit supportive densities, and reevaluating parking requirements fall under the supply category. Incentive zoning, public land for affordable housing, and relocation assistance are tools in the stability category. Commercial linkage fees, inclusionary housing in-lieu fees and sales and use taxes fall under the subsidy category.

An interactive web platform has been created which allows for looking at the census tracts to identify the types of places and the housing tools that might be effective in those places.

Commissioner Brown asked about the middle housing bill, HB-1110, and the ADU bill, HB-1337, noting that Bellevue has yet to implement them. The question asked was if PSRC has specific tools for implementing them effectively. Paul Inghram said the ADU bill requires allowing up to two ADU units per lot, while the middle housing bills requires allowing multiple units per lot. The Department of Commerce has a middle housing webpage and they hired a consulting firm to develop some middle housing development standards cities can borrow and adapt as best suits them.

Commissioner Brown allowed that there likely are many in the city that might want to consider putting in an ADU, either to rent out or to house a relative, and asked how the barriers to entry

can be lowered to get people to actually take advantage of the opportunities. Paul Ingram said one good place to start for individuals would be to talk to a real estate professional or architect. At the city level, the best contacts would be the Department of Commerce, the PSRC or ARCH. The deadlines for implementing both is June 30, 2025.

Commissioner Malakoutian asked if the map of types of places will be updated as there is new information. Paul Ingram said the product is new to the PSRC in that it was only developed over the last couple of years. To date, it has not been updated. However, updating likely will be done on a periodic basis as the data changes.

Commissioner Malakoutian noted the displacement risk was calculated based on things like renting and ownership. The question asked was if consideration had been given to age and level of income as displacement risk factors. Paul Ingram said there are in fact a number of factors, including housing tenancy, housing cost burden and household income, in addition to access to jobs and proximity to transit.

Commissioner Ferris referenced the comment made that there are some 50 housing tools, and the comment made about for the sake of simplicity narrowing that number down to two tools for any given individual area. There are many factors that go into creating effective housing policy, so it is disturbing to think the focus will be on only two tools. There should be some way to display the list of tools that interact with one another in ways that have major impacts on affordability. In terms of stability, the city should give careful consideration to providing housing that is accessible to seniors and that offers the services they need to stay in their homes for as long as possible. On the topic of subsidies, property owners should be given large enough incentives to participate in a deed in-lieu program, providing land for affordable housing developers. Paul Ingram said the comment about narrowing the list of tools down to only two was an oversimplification. There certainly will be more than two tools needed. The comment about senior housing was very insightful and the issue is not one that is very well represented even though it should be.

Commissioner Cálad also emphasized the issue of senior housing and asked how to learn about current and projected senior demographics. Paul Ingram commented that by 2050 the population over age 65 is projected to grow by about 50 percent over what it is currently. In future years, the percentage of seniors in the population could be as high as 20 percent.

Commissioner Khanloo asked about racial inequity as a factor of the metrics. Paul Ingram said clicking on the interactive map will bring up demographic information.

Chair Goepple asked if there are areas of commonality or difference between how the PSRC and the city are approaching housing. Paul Ingram allowed that Bellevue is a core city in the region. It is central regionally and it includes spectrum from the Downtown to low-density neighborhoods. Bellevue's housing and economic markets are both very strong. Everything looked at across the region is well represented in Bellevue. In Pierce county there are issues involving housing for the military given that about 80 percent live off base on fixed incomes. There are also rural areas that present their own housing challenges. Lack of access to services is a factor that differs from area to area.

B. Wilburton Vision Implementation Comprehensive Plan Amendment (7:30 p.m.)

Strategic Planning Manager Janet Shull briefly reviewed the project timeline with the

Commissioners, noting that the current focus is on finalizing the EIS and on policy language.

Senior Planner Justin Panganiban noted that on July 12 there was general affirmation on the part of the Commissioners in regard to the overall policy direction relative to cultural and community connections policies. There was a key policy move around fostering an active and vibrant identity, especially in the wetter and darker months. The Commission encouraged the staff to think about the treatment of edge conditions and the transitions to open space, parks and streets into the surrounding context. There also was direction given to consider setting up streets, buildings and open spaces as a means of fostering cultural activities, and to provide for public safety. The discussion included a focus on fostering a unique mix of businesses and third places, and there was an emphasis given to the need for flexibility in helping new businesses to become successful. There was emphasis given to making it safe for people of all ages to access Eastrail and the Grand Connection via multimodal connections to and through Wilburton.

Justin Panganiban said the topic of future land use has had substantive discussions as a function of the earlier discussions on the preferred alternative for the FEIS. The information that will come out of the analysis will inform updates and refinements to the policies. The elements of land use and housing that were part of the initial CAC vision for Wilburton has evolved as a result of community input and feedback from the Commission.

Turning to the issue of subarea boundary adjustments, Justin Panganiban explained that most of the policy amendments are occurring in the Wilburton/NE 8th Street subarea plan. Most of the Wilburton TOD study area falls within that subarea. A new section is being created within the plan around the Wilburton TOD vision, the policy goals and the policies themselves. Policies not related to the study area will not be amended within the scope of the update. The BelRed subarea plan is also being updated because a portion of the Wilburton TOD study area actually falls within the BelRed subarea, thus the policies applicable to those areas also need to be amended. The portion of the study area within the BelRed subarea is generally bordered by NE 8th Street, NE 12th Street, 116th Avenue NE and Bel-Red Road and includes the areas around Lake Bellevue and Wilburton Station, and a couple of parcels to the east of 120th Avenue NE. The southern boundary of the BelRed subarea is shared with the northern boundary of the Wilburton/NE 8th Street subarea. The proposal is to update the boundaries so that the Wilburton TOD study area is entirely within the Wilburton/NE 8th Street subarea.

Several benefits to adjusting the boundaries have been identified. Moving the boundaries will result in the Wilburton Station, Lake Bellevue and the quarter mile walkshed being located in the Wilburton/NE 8th Street subarea, thus all policies relating to the Wilburton TOD study area would fall within a single subarea plan. Having pertinent policies in two different subareas could result in duplication of policies and the need to cross-reference. The boundary adjustment will allow for consistency and clarity in adopting future land use designations and rezoning.

Commissioner Malakoutian asked if there were any negative connotations to adjusting the boundaries. Justin Panganiban referred to the segment between 116th Avenue NE and Eastrail north of NE 8th Street as being designated BR-MO, which is similar to what is currently on the other side of NE 12th Street outside the study area. There could be some potential dialog in regard to what is happening outside of BelRed subarea versus what is happening within the Wilburton study area. However, the effort has viewed the area between 116th Avenue NE and Eastrail north of NE 8th Street as part of the broader study area.

Commissioner Khanloo asked if there have been any public comments made to date about the proposed boundary change. Janet Shull could recall no comments related to shifting the

Wilburton boundary. However, in the DEIS there were comments about shifting even further to the north into the BelRed subarea given the similar land use designations.

Commissioner Brown agreed that the proposed boundary is much more natural. Keeping it all together makes a lot of sense.

Commissioner Ferris concurred and said the proposed boundary shift makes complete sense. The northwestern area should not, however, be designated only for medical office. There should be flexibility to allow for other development to happen there.

Commissioner Cálad also agreed that moving the border as proposed makes sense, and agreed with the need for flexibility. The question asked was what would happen with the non-medical office uses currently in place should the area be designated for medical offices. Justin Panganiban said the issue is still being studied along with the tradeoffs and priorities of future land uses for the section in question.

Councilmember Robertson noted having been a member of the Commission at the time the boundaries for the BelRed subarea were set, and said at the time it was very controversial. The current lack of controversy is interesting.

Chair Goepple also voiced support for the boundary adjustment as proposed.

Justin Panganiban turned to addressing the key policy moves associated with land use. It was said that the draft policies support the overall goal of supporting a walkable, trail and transit land use pattern. The key elements addressed in the policies involved allowing transition in building heights between the Downtown and the residential neighborhoods; allowing for mixed-use development and ground floor uses; right-sizing vehicle and bike parking opportunities near trails and transit; and encouraging land use patterns that support active transportation. The potential implementation tools were listed as land use districts, permitted use tables, site or density/dimensional standards, design guidelines and standards, and parking standards.

Commissioner Khanloo asked if the issue of the tree canopy will be covered. Justin Panganiban said there has been discussion of tree canopy in relation to urban design and the streetscape as something to be considered across all of the different policy areas.

Commissioner Khanloo asked if a bullet point aimed at preserving mature trees could be added to each key policy move area. Thara Johnson explained that the work on the FEIS is under way. The Commission and the Council have both acknowledged the interest of the community in assessing the tree canopy in general. Tree canopy will be looked at in more detail as part of the FEIS, particularly in regard to the relationship between the tree canopy and the areas of the city that will be upzoned for increased density. Commissioner Khanloo said sustainable development is a mindset, and the city needs to be clear about not removing mature trees regardless of the consequences. Planting new trees is good, but removing mature trees negatively impacts the environment generally.

Janet Shull reiterated that the FEIS will be looking at the tree canopy and there is ongoing work relative to the city's tree code. There is clearly more work to be done, including as part of the Comprehensive Plan Periodic Update. The tree canopy is clearly important and relates directly to land use.

Commissioner Brown emphasized the importance of the part of the community under discussion

because of Eastrail and the Grand Connection. The opportunity on the table is to create a lasting people-oriented walkable city. All associated land uses should incorporate the notion of walkability, one element of which is a Land Use Code that accounts for people getting out of their cars. Despite future upzones, there must be a focus on providing capacity for walkability and the environment.

Commissioner Ferris commented that within the land use policies there should be recognition of a desire to create corridors for wildlife. Rather than just a blanket transition between the Downtown and the neighborhood centers, there is a need to look at the pods around the transit centers and consider greater density in those areas. The Grand Connection will be a gem and there is a clear need to facilitate access to it for those who do not necessarily live within walking distance of it so that everyone can enjoy it.

Councilmember Robertson pointed out that currently the Wilburton area tree canopy stands at 39 percent. BelRed has only 14 percent, and the Downtown only nine percent. Factoria is the third lowest area at 20 percent, and Lakemont at 52 percent is the highest. The Council has talked a lot about the citywide tree canopy and the need for all areas of the city to meet a certain percentage. Fortunately, the city's tree canopy overall has increased by two or three percent over the last decade.

Chair Goepple referred to Policy LU-4, which addresses right-sizing parking facilities for vehicles and bicycles to reflect trail and transit proximity and access, and asked what is meant by "right-sizing." By way of example, it was noted that finding a place to park a vehicle in the Spring District can be challenging. One thing that should be considered when thinking about right-sizing is recognizing not only where people are going but also where they are coming from, and the fact that in some cases they will need to use a car. During the transition period in moving toward more transit, the problem of parking will continue to exist. Justin Panganiban agreed that Wilburton is a community in transition. There are two components to the issue of right-sizing, vehicles and bikes. The term "right-sizing" evokes the notion of what is appropriate given the context, and what is feasible in terms of future development. The policy seeks to provide for a variety of strategies to calibrate the amount of parking needed in future development in full recognition of the fact that the area is in transition and accommodation will need to be made both for the transition period and the end state.

Commissioner Cálad pointed out that people with disabilities and senior citizens often have a very difficult time in finding parking that works for them. Some folks who want to go out to a restaurant or something in the Downtown will park illegally at the mall. Those same folks say they will not use public transport because it only takes them from A to B. While transit might work for going to work it will not work for going to visit grandma after work or for going to church. Justin Panganiban said in thinking about right-sizing there needs to be a clear focus on both those who live in Bellevue and those who come to visit Bellevue.

Commissioner Ferris said the issue of being able to access the Grand Connection is on point. The long-term vision for the city is to minimize the amount of travel by car, but until it can be figured out how to get beyond just going from A to B in order to access G and Y, especially for the outlying communities, no one should think there will be a magical leap to the point of having no cars. Ways must be sought to connect all citizens of Bellevue to the city's wonderful amenities.

The next key policy move addressed by Justin Panganiban was housing. Housing is clearly a citywide issue, but Wilburton will play a key role in terms of looking at future housing for a diversity of people and needs. The 2018 vision for Wilburton included affordable housing as a

key component of the community and an integral part of the neighborhood. To that end, the draft policies support the vision by fostering mixed-income residential communities; encouraging a range of residential unit types serving different community needs; encouraging housing that supports a workforce representing spectrum of professions and income levels; encouraging green affordable housing; and providing for street-level activity. The potential implementation tools include affordable housing requirements and/or incentives; design guidelines and standards; green building incentives; other codes; plans and programs; financing mechanisms; and interagency coordination.

Commissioner Ferris circled back to fostering mixed residential communities and said while it is easy to say that, the natural tendency for obvious reasons is to produce housing affordable at 80 percent of area median income. However, the lower-level income housing needs should not be overlooked, and it will not happen without subsidies. Green affordable housing is desirable for all the right reasons, but it comes at great cost and is difficult to produce.

Answering a question asked by Commissioner Malakoutian about green affordable housing, Justin Panganiban said there are some cost savings that come with energy saving appliances, and with passive natural heating and cooling features.

Commissioner Malakoutian asked why the word “encouraging” was used instead of “providing.” Justin Panganiban said it will be necessary to tease out how to make the various opportunities implementable. Encouraging is something that can be done through a variety of tools. The action word is critical in that it articulates the policy intent.

Janet Shull commented that as with the tree canopy, affordable housing is an issue that will need to be viewed from a citywide perspective. Wilburton holds a lot of opportunity for potential housing growth and in moving forward it will be necessary to keep in mind the area’s role in the citywide perspective in terms of affordable housing. Commissioner Malakoutian urged use of the word “provide” instead of “encourage.”

Commissioner Brown agreed with the need to make sure the city is affordable and accessible to people who are at the lower end of the income spectrum. Policy choices will need to be made so that it will not only be those in the tech industry who can afford to live in Bellevue.

Commissioner Malakoutian suggested the city should be beyond merely encouraging.

Commissioner Khanloo pointed out that the planning focus is on the year 2044, by which time driverless cars may be operating on the streets getting people around and delivering food. It may be necessary to look at affordable housing in something other than the traditional way. So much of what is being proposed looks like the present rather than the future.

Councilmember Robertson reminded the Commissioners that Comprehensive Plan policies are aspirational. They set the vision for areas. The Land Use Code is where the rubber meets the road. The Council has thus far not enacted mandatory and inclusionary housing. It is being studied and there is a good chance that a future Council will do so. The work of developing Comprehensive Plan policies should be focused entirely on broad visioning; strong language should be left to the Land Use Code.

Chair Goepple agreed that the word “encouraging” is weak and tepid. The green and smart aspects of housing are intriguing, especially in light of the desire to make Wilburton a unique place young people will want to come to.

Janet Shull acknowledged the desire of the Commission to use stronger wording in the policy while being mindful of the fact that where the rubber hits the road is in the Land Use Code amendment work.

Justin Panganiban next addressed the key policy move focused on implementation, noting that the draft policies support the vision by supporting development tools within the land use code; identifying a range of financial tools in support of some of the major investments planned for Wilburton, like the Grand Connection; expanding opportunities for city-owned land for a range of public benefits; and supporting interagency coordination at the state and local levels.

Commissioner Cálad asked staff to elaborate on identifying a range of financial tools. Justin Panganiban said there are a variety of tools available and the focus is on setting up a landscape for how to leverage existing tools while also looking for other creative financing mechanisms.

Addressing the idea of expanding opportunities for city-owned land for public benefit, Commissioner Ferris suggested there might also be opportunities associated with lands owned by the Bellevue School District. That is an area that should be explored.

Justin Panganiban said the draft policy ideas will continue to be advanced in the coming weeks. An open house is slated for August 15, and work on the FEIS is continuing. In the fall the full draft of the Wilburton TOD policy amendments will be brought to the Commission, and there will be a Wilburton Vision Implementation public hearing.

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.

****BREAK****
(8:40 p.m.)

C. Land Use Code Amendment (LUCA) and Bellevue City Code Amendment (BCAA)
to Review Tree Regulations
(8:47 p.m.)

Planning Manager Nick Whipple noted that following the Commission study session in May on the topic there was an information session conducted, a survey was opened and closed, and an update was provided to the City Council. A technical consultant is being brought on board to assist in drafting some code regulations.

Senior Planner Kristina Gallant allowed that there is already a strong policy basis to guide the effort. The Environmental Stewardship Plan includes Strategy N.1 which calls for the city to increase and maintain its tree canopy. The citywide canopy goal is 40 percent. The strategy includes actions that call on the city to do a comprehensive review of the code provisions related to trees. The code update provides the opportunity to conduct that review with the intent of generally better supporting tree preservation, retention, replacement and protection, while also striking a balance with the city's housing production needs. The project will also seek to improve the function and clarity of the code and capture better data.

In the first phase of public engagement the focus was on listening to the community and gathering input on the topic. An Engaging Bellevue project website was set up. There has been direct engagement which at last count yielded more than 50 direct commentors. A total of five

listening sessions have been held with small focus groups. An online questionnaire was live for several weeks, and a public information session was held on June 8 that was attended by 35 persons. In the second phase of the engagement plan, the attention turns to developing recommendations. Direct public engagement will continue with up to six listening sessions and up to two public information sessions. There will also be a public hearing before the Commission on the draft policies.

The online questionnaire was live from May 17 to June 12. It was available in seven languages and it garnered 687 complete responses. Of the respondents, 92 percent were Bellevue residents. Most of the responses came from older, longer-time residents who were more likely to identify as white and female, and who were more likely to own single family homes. The survey was not statistically valid.

One of the questions with a striking response asked what the most important objective of the tree code should be. Far and away the respondents favored a more balanced approach, with the most popular response being to enhance the overall health of Bellevue's tree canopy by balancing planting new trees and preserving established trees. The second most popular answer was to protect the health of large trees, and the third was to allow people to make decisions about trees on their own property.

Folks were asked to weigh in on a five-point scale about their level of support for tree removal regulation updates and tree retention regulation updates, with one being strongly opposed and five being strongly support. In general, everything put out there had a positive response. On the tree removal side, the strongest response positively was for assessing monetary penalties for removing trees without a permit, especially for repeat offenders. Interestingly, there were more neutral responses for requiring an affordable permit, and there was more support offered for restricting landmark tree removal versus significant tree removal.

Responding to a question asked by Commissioner Khanloo, Kristina Gallant suggested that a score of three is fairly neutral. Staff can work with the consultant to gain some clarity as to the distribution of the responses that went into the final ranking. Many of the items for which strong support was expressed would benefit from having more consistent permitting.

With regard to tree retention, there was strong support for all of the items put forward, including incentives for development to retain more trees than required; encouraging the retention of large trees; establishing a minimum tree planting requirement in cases where there are few or no trees on sites being developed; and discouraging the removal of trees before applying for a development permit.

Kristina Gallant said the information was presented to the Council on June 26 along with recommendations for the project scope. The Council affirmed the scope but gave direction to place an emphasis on preventing lot clearing; encouraging the right tree in the right place; incorporating species considerations; avoiding one-size-fits-all requirements; evaluating inspection requirements; developing incentives; and ensuring the regulations are simple to follow. The Council also discussed items that do not need to happen through the code update but which are relevant to the engagement, implementation and coordination efforts, including continuing to expand outreach; evaluating the canopy goal; and providing education to the community on tree regulations and the benefits of trees.

The affirmed project scope includes updating the significant tree definition; implementing a permanent definition for landmark trees; and developing a definition for hazardous trees. With

regard to tree removal, the scope includes implementing a permit to remove any significant tree; discouraging lot clearing before development; evaluating the expansion of tree replacement requirements; and evaluating the idea of imposing financial penalties for violations. Under tree retention, the scope includes evaluating an alternative minimum tree canopy approach given that the current approach is based on retaining a percentage of the trees in place; clarifying the duration for retained trees; updating the retention criteria; codifying key protections during construction; and evaluating the inspection requirements.

Kristina Gallant said the project involves three phases. During Phase 1 the focus was on listening to the public, the Commission and the Council. Phase 2 involves a technical analysis and developing recommendations for the confirmed scope. As that firms up, there will be more conversations with the community and Commission updates. Phase 3 will include a public hearing before the Commission, a recommendation from the Commission to the Council, and Council study and action.

Answering a question asked by Commissioner Malakoutian, Kristina Gallant said the LUCA is unusual to some degree. Often there is a Comprehensive Plan amendment that initiates the LUCA, and much of the engagement work occurs as part of the CPA. The current project is starting fresh due to the level of engagement and priority voiced by the community on the topic. The approach is also a function of the complexity. The code is complicated and there are a variety of interrelated options under review. Overall, the conclusion reached was the process would benefit from allowing time for even more engagement. Commissioner Malakoutian agreed and suggested the same approach should be taken for other complex topics that come before the Commission.

Commissioner Malakoutian asked what was meant by having room for additional outreach. Kristina Gallant said that matter is being addressed internally. As recommendations are developed, the need for additional outreach will begin to take hold. The biggest thing in working with the consultant is to expand the reach. As yet there is no silver bullet.

With regard to the survey, Commissioner Malakoutian suggested that to some degree the answers given by the respondents were due to how the questions were worded. For instance, the question “Require an affordable, easy-to-get permit to remove any significant tree” would have garnered higher support had it not included the word “significant.” A question about removing any hazardous tree would likely have received full support and concurrence.

Commissioner Brown noted that the topic obviously inspires passion among Bellevue residents. The earlier public comment made about a particular process for removing trees, and the comment about a property owner purposefully damaging trees in order to have them designated as hazardous and in need of removal, zero in on issues that should be addressed as part of the process. Kristina Gallant agreed, pointing out that the code does not currently include a definition of hazardous trees. In addition to dangerous trees, there could be a definition drafted regarding nuisance trees. Commissioner Brown stated that as public comments come in, the process should seek to adapt city policy to address those concerns.

Commissioner Ferris urged the staff to continue to seek different groups to reach out to, such as PTAs, high schools and Bellevue College. There should also be an incentive developed for homeowners to replace nuisance trees, such as cottonwood and alder, with more appropriate trees.

Commissioner Cálad thanked the staff for the work done to address such complicated issues.

With regard to discouraging lot clearing, it will be important for the city to take firm action to keep that from happening. Simply encouraging property owners from clearing their lots will not be sufficient.

Commissioner Khanloo suggested the survey responses might have more impact if shown in bar chart format, and if they included actual numbers in terms of how many gave a response of one and how many gave a response of five. Staff was asked if green rooftop areas count at all when calculating the overall tree canopy. Kristina Gallant said the regulations focus primarily on the removal of trees outside of development, in which case a green roof would not weigh in, and tree retention as part of development. Green roofs that include big trees and shrubs could potentially show up in the lidar canopy analysis. While green roofs can contribute to the canopy analysis, they will not necessarily feed into the regulations.

Nick Whipple added that there are incentives in place for green roofs in the Downtown and East Main. The current code regulates trees that are eight inches or greater in size, and consideration is being given to potentially lowering that threshold. Some area jurisdictions regulate from six inches and up, which could qualify some rooftop trees.

Chair Goepple commented positively on the fact that the current goal is 40 percent, the city stands at about 39 percent, and the trend has been increasing toward more tree coverage. Kristina Gallant said that is certainly something to keep in mind for context. The city is headed in the right direction and drastic moves are not necessarily needed. There are, however, areas of the city with much less coverage, and there are areas of the city with flawed incentives that over time could be problematic, particularly in regard to site clearing which in many cases allow for clearing before going in for a permit. Chair Goepple said it was disturbing to hear the percentages in the various neighborhoods. Places like Bridle Trails have lots of trees, but places like the Downtown have hardly any. The right incentives are needed to increase the numbers of particular areas. The preference for native trees directed by the Council is a good thing, and there is a clear need for flexibility and ease in terms of process. While in favor of protecting landmark and significant trees, the notion of changing the definition of significant trees should be approached cautiously.

Commissioner Khanloo asked how to go about getting information about the next open house event. Kristina Gallant the dates will be published on the Engaging Bellevue and city webpages once they are available. They will also be announced on the city's social media accounts.

9. OTHER BUSINESS

A. Remote Participation Approval (9:17 p.m.)

Thara Johnson informed the Commission that the process of needing to request approval for remote participation will be before the Council on August 7.

Assistant City Attorney Matt McFarland said if adopted by the Council, Commissioners will not need to request permission at a meeting before, but permission would need to be requested at least two days before a meeting. The request would be made through the staff liaison. Approval of the change by the Council will trigger the need for the Commission to adopt changes to its bylaws.

A motion to approve remote participation for the September 13 meeting for Chair Bhargava and

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

10. APPROVAL OF MINUTES

A. June 28, 2023
(9:18 p.m.)

Thara Johnson noted having earlier in the day received from Commissioner Malakoutian an email outlining some needed changes to the minutes to accurately reflect comments made regarding wooden structures and new technologies.

A motion to adopt the minutes as amended by Commissioner Malakoutian was made by Commissioner Brown. The motion was seconded by Commissioner Ferris and the motion carried unanimously.

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

Eddie Chang, a long-time Bellevue resident, Vice President for Elected Government Affairs for Washington Association of Realtors, and Seattle Aquarian board member, indicated speaking personally and not as a representative of any organization. The presentation regarding the PSRC included a slide on planned action. Every time the city has been urged to implement planned action, the answer has always been that doing so has not been scoped in the EIS and would not be looked at. Planned action makes housing more affordable and is better for the environment given that it involves less EIS work. The Commission was urged to consider looking at planned action for the 2024 Comprehensive Plan. On the topic of ADUs, it was noted that the jurisdictions having the best outcomes are those that have created pre-approved ADU plans through their planning departments. Renton has done that and it has been effective. Property owners can visit their planning department, pay a fee, and receive pre-approved ADU building plans. That lowers the barrier to constructing an ADU by a tremendous amount. Not yet approved by the legislature, HB-1245 allows for lot splitting through an administrative process. Certain restrictions apply, including a minimum lot size of 2000 square feet. The approach can be positive for affordable housing.

12. EXECUTIVE SESSION – None (9:25 p.m.)

13. ADJOURNMENT (9:25 p.m.)

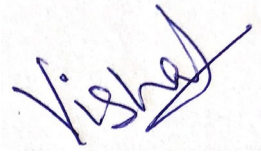
A motion to adjourn was made by Commissioner Brown. The motion was seconded by Commissioner Ferris and the motion carried unanimously.

Chair Goepple adjourned the meeting at 9:25 p.m.

Johnson

Thara Johnson
Staff to the Planning Commission

09/14/2023
Date



Vishal Bhargava
Chair of the Planning Commission

09/14/2023
Date