

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

January 11, 2017
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair deVadoss, Commissioners Carlson, Barksdale, Hilhorst, Laing, Walter

COMMISSIONERS ABSENT: Commissioner Morisseau

STAFF PRESENT: Terry Cullen, Carol Helland, Emil King, Tricia Byers, Department of Planning and Community Development; Tom Campbell, Department of Development Services

COUNCIL LIAISON: Not Present

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER
(6:33 p.m.)

The meeting was called to order at 6:33 p.m. by Chair deVadoss who presided.

ROLL CALL
(6:33 p.m.)

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

APPROVAL OF AGENDA
(6:34 p.m.)

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

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None
(6:34 p.m.)

STAFF REPORTS
(6:35 p.m.)

Comprehensive Planning Manager Terry Cullen reported that the Planning Commission officers, City Council liaison and staff met recently for the quarterly check-in. At the meeting, a quick review of the last six months was made. It was noted that between July and December, the Commission had nine meetings, 14 study sessions, two briefings, two public hearings, and conducted its annual retreat. Focus was also given to the upcoming quarter which will primarily

involve the topic of downtown livability. The Council is hoping to have the Commission's recommendation by the end of the first quarter in anticipation of conducting their review and possibly taking action by the end of the second quarter.

Mr. Cullen noted that at the Commission meeting on December 7 a question was raised whether or not the Eastgate land use table showed transient lodging as a permitted use or conditional use or administrative conditional use in the three new zoning districts. He said the minutes from the February 24 meeting indicated that the Planning Commission's intention in OLB-2 was it to be a conditional use. When talking about the EG-TOD district on April 27, the issue was raised again and it was clear the Planning Commission intended transient lodging to be a conditional use. Staff made an exhaustive review of the meeting minutes and audio recordings and found no references at all to the intent of the Commission relative to the use in the NMU district. The recommendation that was forwarded to the Council includes transient lodging as a permitted use in NMU and conditional use in the other two Eastgate districts.

Commissioner Walter suggested that absent a specific recommendation from the Commission with regard to the use in the NMU district, the recommendation that went forward to the Council should have been to require conditional use in all three new Eastgate districts. At the very least, there should have been no recommendation included relative to the NMU district given that the Commission made no recommendation. Mr. Cullen said there is nothing in the record indicating the Commission wanted the use to be treated the same in all three zoning districts. As originally brought forward by staff, the use was permitted in all of the districts. After discussion, the use had incorrectly been reflected as requiring an administrative conditional use rather than a conditional use in the OLB-2 and the EG-TOD. He added that the Eastgate issue will likely not be before the Council until March at the earliest.

Commissioner Walter asked staff to bring forward the land use chart showing transient lodging as a permitted use in NMU.

Commissioner Hilhorst asked when the recommendation of the East Main CAC will be presented to the Commission. Mr. Cullen said he would defer to the downtown livability staff to determine where on the schedule a review of that information would be appropriate. He added that a plan amendment process for the East Main station area would be kicked off later in the year, and code amendments will follow in 2018.

Chair deVadoss asked what steps have been taken to make sure the public is informed about the clarifications made by the Commission relative to the transient lodging use in Eastgate. Mr. Cullen said a clarification was sent out to all parties of record for Eastgate. The notice included a heads up of upcoming meetings before the Transportation Commission and next steps.

PUBLIC COMMENT (6:46 p.m.)

Ms. Betsi Hummer, 14541 SE 26th Street, spoke as a private citizen rather than as a member of the East Bellevue Community Council. She noted that in the East Bellevue area there are quite a few adult family homes in operation. The residents would like to see transparency in zoning for that use. Lake Hills and East Bellevue generally is doing its part relative to affordable housing given that the majority of the King County Housing Authority Section 8 coupons are in use there; the affordable housing units should be spread out throughout the city. Single family rentals continue to be an issue in East Bellevue. There should be a registration process involving a business license for the use as well as for adult family homes. With regard to parks, the

underlying zoning should be parks rather than residential. No one wants to see the Lake Hills Greenbelt become a train station, a park and ride or a utility corridor. With regard to capital improvement projects, people on either side of 156th Avenue SE and 164th Avenue SE cannot get in and out of their neighborhoods because of the cut-through traffic; both of those roadways should be developed as thoroughfares or urban boulevards to make the commute more appealing. Bellevue College is in the process of building new dormitories and they have asked for a street vacation. They want to get the land for free, which is not a great idea. Good communication between the college and all of the city's boards and commissions should be maintained. The people of East Bellevue are kind, middle class citizens who vote for levies to enable better fire, transportation and parks. The city should keep in mind that it is responsible to the citizens. With regard to the Eastgate homeless shelter, she said it appears the process has been carried out in secret. The Eastgate CAC was not informed about the shelter at all, and the shelter is just one more facility in an area that already has tons of affordable housing.

Mr. Carl Vander Hoek, 9 103rd Avenue NE, wished the Commissioners a Happy New Year and said he hoped the livability process would conclude by the end of the year. He noted that he had attended several Bellevue Downtown Association meetings since the first of the year focused on the issue of downtown livability. Staff is pushing toward holding a public hearing, yet there are still several items that have not been addressed, including the FAR chart, the amenity incentive values, graphics and illustrations, all of which is needed in order to make an informed decision. Staff claims that the early wins are concluded and are no longer in need of review by the Commission, but that is not the case. The Commission should look at everything again to see how the pieces fit together. The Commission should ask staff to make a change to the map on page 84 of the packet based on direction previously given. Specifically, staff should be asked to remove the throughblock connection that is outlined on a portion of NE 1st Place in Old Bellevue ahead of the public hearing. Throughblock connections are needed to allow for increased pedestrian movements through the superblocks, but the block in question does not qualify as a superblock, nor does the connection as shown on the map go all the way through the block, leading to a dead end for pedestrians in an area suitable for deliveries and garbage collection. The connection should and will be created, but it should not be designated as a throughblock connection. He noted that he had previously submitted additional comments and questions and that they had been included in the packet materials.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, called attention to a memo previously submitted to the Commission regarding the Fortress Development Group site in the downtown. He shared with the Commission updated renderings and noted that things are ramping up for a pre-application meeting with the staff. The proposal aims to deliver a very high level of iconic architecture, with tower spacing, open space at the ground level, and pedestrian amenities beyond what is required in the code. Should the Council decide to approve the development agreement, those items will be delivered in exchange for some additional height. The proposed height fits nicely with the wedding cake format of the downtown. The CAC recommended 300 feet of height in the DT-MU, and the Commission has focused instead on 250 feet, and 200 feet in the subdistrict B portion. An increase in the FAR is not being sought, but the proposal is to be able to go to 300 feet in both the DT-MU and the Deep B portion.

Mr. Andy Lakka with Fortress Development Group, 500 108th Avenue NE, said the hope is that construction will begin in early 2018. Construction of the project will take three years.

STUDY SESSION: Downtown Livability – Review of Draft Downtown Land Use Code
Amendment

(7:03 p.m.)

Strategic Planning Manager Emil King reminded the Commissioners that based on direction from the Council an effort was launched to schedule an Urban Land Institute (ULI) panel. Issues were encountered relative to scheduling the panel to meet earlier, but the event is currently scheduled for January 18 and 25. The first day will involve a briefing for the panelists and it will be open to the public, and opportunity will be provided for interested stakeholders and community residents to be interviewed by the ULI panelists. The panel will then reflect on the information during the intervening work and will reconvene for most of the day on the 25th to finalize the recommendations, following which a presentation of the findings will be made to the city, the public and the stakeholders. The Commission is slated to meet on January 25 and will be updated with regard to the findings. A representative from BERK Consulting will also attend the Commission's meeting that evening.

Mr. King reported that a milestone was reached a week ago relative to the economic study. The document has been released to the Commission and the Council as well as to interested stakeholders and community members. The study findings have also been posted to the city's website and forwarded to the Bellevue Downtown Association's Land Use and Livability Committee. There is additional information to come, including valuing additional building height.

The work of the Commission is grounded heavily on the work of the Council-appointed Downtown Livability Initiative CAC, the Land Use Code audits, and the public outreach efforts. The final report of the CAC as forwarded to the Council reflects how each section relates to livability.

The Land Use Code is important for development, but there are a host of other things that relate to livability. Accordingly, as the code is being updated, things relating to safety and security, walkability and pedestrian comfort, schools, character, vehicular mobility, parks and open space, affordable and workforce housing, and neighborhood services are being folded in.

With regard to the East Main station area planning effort, Mr. King explained that the work of the CAC wrapped up in the fall of 2016. Their recommendations were transmitted to the Council. Because the work of the Downtown Livability Initiative CAC overlapped to some degree, the work of the East Main CAC was informed to the extent by the livability study. He agreed the Commission should be provided with a brief overview of the East Main CAC recommendations.

Turning to the CAC recommendations and the proposed code, Code Development Manager Trish Byers noted that public open space is addressed several ways in the proposed code, one of which is outdoor plazas. Several provisions in the new code talk about open space, beginning with identifying and incentivizing an open space strategy for each district. Some open space elements in place, such as pedestrian bridges and pedestrian corridors, are already defined by location. If the city wants to see a donation of park property, which is one of the proposed amenities, there are a couple of places, like East Main and Northwest Village, that would be highly appropriate, so in talking about the amenity system those areas might be weighted more heavily.

Commissioner Hilhorst allowed that pedestrian bridges are currently limited by the code to specific areas and asked if, while the downtown code is being revamped, the allowed bridge locations could be expanded to give more flexibility and safer access. Ms. Helland answered that the current allowed locations are discretely identified in the Comprehensive Plan. The code must

be consistent with the Comprehensive Plan. Pedestrian bridges was not an element that was addressed by the CAC or identified for expansion as part of the Comprehensive Plan update.

Expanding on her comments at the request of Commissioner Carlson, Ms. Helland said pedestrian bridges were specifically identified in the Comprehensive Plan at the time some of the original downtown work was done in the mid-2000s. The identified locations cross auto-oriented streets. The recommendation of the CAC neither rolls back the allowed pedestrian bridge locations, nor does it expand them. Commissioner Carlson allowed that the issue of pedestrian bridges was very contentious when it was first raised, and the decision was made on a close vote to allow a pedestrian bridge connecting Bellevue Square to Lincoln Square. The success of that pedestrian bridge led to approval for a second pedestrian bridge. It would make sense on an incremental basis to continue allowing pedestrian bridges. Ms. Helland said the recommendation is to stay the course relative to what is identified in the Comprehensive Plan in order to remain consistent with the Comprehensive Plan.

Mr. King added that the work in 2005 identified three locations on NE 8th Street, three locations on NE 4th Street and two locations on Bellevue Way for pedestrian bridges. The current recommendations relative to the incentive system include allowing pedestrian bridges to qualify as a bonusable amenity. He allowed that the issue of expanding where pedestrian bridges can locate could be flagged for discussion the next time the Commission examines the downtown subarea plan.

Ms. Helland proposed putting the issue in the parking lot along with any additional items the Commission may want to recommend the Council address at a later date. The Council stipulated the scope of the downtown livability review and the CAC stayed in line with that direction; the issue of pedestrian bridges was not included, and there is no recommendation from the CAC regarding pedestrian bridges. To deviate from the scope of work would require some communication with the Council. Because the location of pedestrian bridges is specifically spelled out in the Comprehensive Plan, that document would need to be amended.

Ms. Byers provided the Commissioners with a chart comparing the old code with the proposed code. She proposed quickly reviewing and then setting aside the sections that will not be changed and the early wins, then focusing on the process-oriented issues before getting to the substantive changes. She noted that the parking standards would remain unchanged, with the exception of: adding in visitor parking at the rate of one stall per 20 residential units in residential buildings; expanding from 7.5 feet to 8 feet for parking entries for accessible vans; adding bicycle parking; and adding flexibility via administrative review to modify the required parking ratios based on parking studies.

Commissioner Carlson asked what the current requirement is for visitor parking in residential buildings and he was informed by Ms. Byers that there are currently no requirements. Throughout the process staff have heard repeatedly from the public about the need. Ms. Helland said the one space per 20 units ratio was determined based on recommendations from recent studies conducted for developments in the downtown. She added that the approach to allow for flexibility to modify the required parking ratios is already in place in Bel-Red and is simply being exported to the downtown. The approach is also applied to unspecified uses, and the requirement is for parking ratios to be developed by a consultant based on standard practices. Commissioner Carlson expressed concern over developers using the option to avoid the expense of creating adequate parking, the result of which would be parking spillover. Bellevue's economy is built on plentiful free or validated parking, and that standard needs to be preserved going forward.

Commissioner Walter agreed that the adequacy of parking impacts everyone on the city. It would behoove the city to have a broader view rather than to allow the decision to fall to one person who may have a particular bias relative to parking. Complaints are frequently made about the lack or high cost of parking in downtown Seattle, and Bellevue benefits from that. Commissioner Hilhorst agreed and suggested there should be a more concrete public process involving either the Planning Commission or the Transportation Commission and a lot of data.

Ms. Helland explained that parking review is conducted as part of every design review application. The reviews are all publicly noticed and public feedback is received all in an attempt to make sure the parking expectations are met for every development. Once a decision is issued, it is appealable to the hearing examiner who can hand down a ruling that differs from the one signed off on by the staff or suggested by the applicant. She said a commitment was previously made to try the approach in the downtown. It could be that it will not work for the downtown the same way it does in Bel-Red. Part of the process is already used in the downtown for hotels and unspecified uses that do not have minimums and maximums; the process, which requires parking studies, has been working well. She proposed leaving the issue in the draft for purposes of the public hearing.

Commissioner Barksdale allowed that while the approach may be working well in Bel-Red, to apply it to the downtown would be an experiment. He suggested allowing the flexibility in the downtown but with tight thresholds attached to specific outcomes, and to call for periodic reviews.

Commissioner Carlson said his fear was that due to parking variances being approved, the downtown in five years or so will see increased congestion as cars roam the streets looking for available parking. Commissioner Barksdale suggested that impact could be used as an outcome.

There was agreement to retain the provision in the draft code along with an asterisk to highlight the concerns.

Ms. Byers called attention to the street and circulation standards and noted they remained unchanged with the exception of the map of the downtown sidewalk dimensions indicating which sidewalks would be 20 feet wide, which 16 feet wide, and which 12 feet wide. Mr. King said the map represented work done jointly by the CAC and the transportation plan update.

Commissioner Hilhorst suggested that when the map is presented to the public it should be clear exactly where changes are proposed to it.

Commissioner Barksdale said he was not clear as to the rationale for the various widths. Mr. King explained that generally the pedestrian corridor on NE 6th Street has the widest sidewalks. There are also wider sidewalks on Bellevue Way where the Grand Connection will be, as well as 106th Avenue NE by Compass Plaza. The wider sidewalks are needed to accommodate the level of pedestrian activity. Ms. Byers said the Americans With Disabilities Act also dictates sidewalk widths to some degree.

Ms. Byers commented that as previously indicated, the pedestrian bridges section was unchanged other than having been moved from one section to another. The development agreement process has been identified as the appropriate mechanism for the Council to evaluate the bridges. The development agreement process requires notice, a public hearing before the Council, and a Council decision on the final design.

Ms. Byers noted that the landscape development section was unchanged with the exception of linear buffers, which are 20-foot buffers that go around the downtown boundary. They are required to be vegetated, but the requirements have been revised to allow for some patios and paving. For those that are up against the public right-of-way or public properties, the new provisions allow for up to 25 percent to be used for private recreation space or residential entries. Those that back up to private property can also be used for vehicular entrances, but the paving must be kept to 25 percent and the remainder must be in vegetation.

With regard to the early wins, Ms. Byers noted that the downtown land use charts were unchanged except for Footnote 2 in the residential chart that allows 40 percent of congregate care senior housing to be dedicated to nursing home and/or assisted living. The street trees and landscaping section remains unchanged as well, except for the added flexibility relative to tree species substitution. Weather protection is embedded in the right-of-way design guidelines and sprinkled around elsewhere; the wayfinding provisions are also embedded throughout the code.

Ms. Helland noted that the process changes could be found starting on page 7 of the packet in 20.25A.030. She stressed that while the section was new, not everything in the section was new. Under the applicable review section, it is indicated that both design review and master development plans are required, and those two provisions lived in the code previously. The provisions relative to design review and master development plan track very closely the descriptions created in the Bel-Red code and also tracks current practice with regard to master development plans, bringing the downtown code up to the same standard as the more modern pieces of the city's code.

Continuing, Ms. Helland said the departure process outlined in the draft has generated feedback from the BDA. The CAC was clear about wanting to see flexibility included in the code. The CAC stressed that any flexibility allowed would need to result in an outcome of livability. Two tiers of departures were created, beginning with administrative departures that would be conducted as part of the design review. Any such departures would be documented and subject to public review and comment. The types of things open to departures include stepbacks, which can be changed through the administrative departure process; they can be reduced through certain design criteria, but they cannot be eliminated completely. In short, it must be shown that any departure is supported by the provisions of the code and will result in a better outcome.

The proposed code clarifies the limitations on authority. It specifically notes that the land use staff would not have the flexibility to administratively amend maximum floor plates, intrusions above the sidewalk, minimum setbacks and setbacks, maximum building heights, lot coverage or maximum floor area ratios. The limitations are intended to clarify for the public where staff has the authority to depart and where the staff do not have the authority to depart from the provisions of the code. The section on legislative departures outlines the process the Council would use to approve a development agreement and big departures that might be un-contemplated in the code. The draft includes what is called a flexible amenity; it is essentially a build-your-own program that provides community benefits that will allow going from the minimum to the maximum FAR, and they would be negotiated as part of the legislative process and approved by the Council.

Ms. Helland said the repurposing of buildings was one of the things to allow modifications for. The idea is that for existing buildings whose uses have become antiquated, the buildings can be put to a new purpose through a development agreement with a use that was not contemplated for the space. There are limits on the modifications that can be made in the section. The legislative departure process has been described as the mechanism for the Council to approve design of

certain types of public features, including pedestrian bridges, pedestrian corridor designs, and major public open spaces. Currently the guidelines describe a Council process but they do not actually provide any framework for the process. The proposed approach seeks to fill that gap.

Commissioner Carlson asked if the city is satisfied with the current design of pedestrian bridges. Ms. Helland explained that every pedestrian bridge is identified as a location. The applicant proposes a design which must be approved by the Council. Such structures span the public right-of-way and require a long-term lease agreement. The process is described in the Land Use Code and is to be retained.

Commissioner Hilhorst asked if the Planning Commission could potentially be part of the legislative departure process. Ms. Helland said as the process exists, once an applicant applies for a pedestrian bridge, the Department of Development Services does all the analysis with respect to consistency with the Comprehensive Plan and the design guidelines and makes a recommendation to the Council. Because a development agreement is required, the Council conducts a public hearing and approves the final design. The Planning Commission does not address specific projects, rather it focuses on the Comprehensive Plan and creating the codes that the various departments administer.

Ms. Helland said she has received feedback from the public relative to the proposed flexibility requirements indicating that they may not fully allow for the type of development that was contemplated by the CAC when it considered super bonuses. The best place to have a conversation about the degree to which the legislative departures have been calibrated will be when the amenities are discussed. One example brought forward is the Amazon development that is occurring in the downtown, which is not something adequately described or contemplated by the code. The hope is that the flexible amenity could be used to capture something that will serve as an iconic contribution to the livability of the downtown, which ultimately would require approval by the Council.

Ms. Helland said the focus of the Commission's review in the coming month or so will be the dimensional charts, the green and sustainability factor, the design guidelines, and the FAR and amenity incentive system.

The comments received from the public to date are being batched by common themes to be reviewed in conjunction with the relative topics. Staff does not plan to conduct a line-by-line review of the comments, rather a thematic approach will be used to keep things moving toward the public hearing. The concerns raised relative to some areas may in fact trigger changes to the staff draft ahead of the public hearing. A couple of developers have brought forward projects for the purpose of testing against the code, and the exercise has identified some friction points, including the tower separation and the perimeter stepback provisions.

Commissioner Walter referred to paragraph B.2.a on page 3 of the packet and the statement relative to the DNTN-O-1 district that long-term parking and other automobile-oriented uses are discouraged. She asked how staff envisions that the statement would play out. Mr. King said the section previously existing in a different section of the Land Use Code. Because people were not finding it, it was moved into the downtown section. Minor modifications were made some of the definitions. He offered to look into how specifically the language was modified by staff. He clarified that long-term parking typically means commuter parking, a use that is discouraged. Auto-oriented uses are things like drive-throughs. He allowed that some tweaking of the language may be necessary.

Commissioner Walter also called attention to the amenity table on page 38 of the packet. She noted that originally there were 23 items on the list and that that number has been pared down to 18, with parking no longer on the list. She said it was her understanding that the parking issue would be subjected to a separate study and asked why it would not be part of the overall amenity discussion given the importance of parking in the downtown. Mr. King said the CAC discussed the issue at length, as did the Commission on June 8, 2016 and with the Council on June 20, 2016. In those meetings the focus was on the proposed approach for updating the amenity incentive system. One facet was to explore the implications of potentially not giving a density bonus for two key items, namely structured parking and residential use. The rationale the CAC had discussed was shared with both the Commission and the Council. Parking has in fact been removed as an amenity based on the rationale discussed in June. There are many details that will be discussed by the ULI group and by the Commission starting on January 25.

Chair deVadoss proposed placing the issue in the parking lot as one item to come back to in search of closure.

BREAK

INFORMATION UPDATE: Single Family Room Rental Enforcement
(8:29 p.m.)

Ms. Helland introduced Tom Campbell, Code Compliance Supervisor with the Department of Development Services, and noted that he has been very involved in the implementation of the single family dwelling rentals ordinance.

Mr. Campbell reminded the Commissioners that the single family room rental regulations were initially adopted as interim measures pending the work by the Commission to develop a permanent ordinance. The permanent ordinance was adopted in April 2015 and addressed the concerns of multiple room rentals, occupancy by unrelated individuals under multiple leases, impacts to neighborhood character, and external impacts associated with increased density, including parking demand, trash and noise. The permanent ordinance permits rooming houses only in specific land use districts, and generally prohibits them in single family districts. The ordinance sets forth requirements and limitations on the number of rooms that can be rented, parking, maintenance and registration. The ordinance also defines other transient lodging uses, such as B&Bs and boarding houses, and it defines a family as no more than four unrelated adult persons unless they are the functional equivalent of a family.

Mr. Campbell called attention to the enforcement data table in the report that had previously been submitted to the Commission, which began on page 111 of the packet. He noted that the table covered the 18-month period between the effective date of the ordinance and October 14, 2016. Of the 100 complaints received, 50 were determined to involve no violation; 25 voluntarily complied with the code requirements; five were withdrawn; and 28 remained open. The first hearing before the hearing examiner in which the ordinance will be tested is slated for January 12. It was explained that a finding of no violation could mean the investigation concluded there had been no violation, but it could also mean that evidence of a violation was not found.

Chair deVadoss asked how much time is given to come into compliance with the ordinance. Mr. Campbell said the time period varies as the ordinance does not specify a maximum timeframe. Code compliance attempts to wrap up its investigations within three to six months. Ms. Helland added that justice at times moves slowly. The enforcement provisions that are contained in the general section of the Bellevue city code prescribes the steps that must be taken to undertake an

enforcement action. At the end of the day, individuals can be charged with a misdemeanor for violating the Land Use Code, and they can also be fined amounts that escalate over time, starting at \$100 per day and increasing to \$500 per day. Safeguards are in place that require the city to move very deliberately, including significant notice and attempts to correct violations before taking the steps where hearings and abatement could be an outcome. Mr. Campbell explained that the case that is set for hearing on January 12 began in late August 2016.

The Commissioners were shown a map indicating the locations citywide involving enforcement complaints. It was noted that there were geographic concentrations in the Lake Hills and Northeast Bellevue areas that in part is reflective of the age of the housing stock in those areas. Very few complaints were registered in West Bellevue, and a scattering of complaints involved sites to the south of I-90 in Newport Hills, Somerset and Lakemont.

Ms. Helland commented that code compliance for the majority of land use issues are pursued as a complaint basis, whereas life safety and environmental compliance issues are addressed proactively. Things like abandoned vehicles, trash, nuisances and single family rental housing are addressed on a complaint basis on the rationale that local communities create the standards for their neighborhoods; in some neighborhoods, tolerance for deviation from the code is quite small, while in other neighborhoods the opposite is true. However, the city prioritizes cases for which multiple complaints are received.

Mr. Campbell said his office relies on the cooperation of owners and tenants. The focus is always on taking a collaborative and educational approach. There are often challenges associated with culture and linguistics, and there are legal limits in terms of privacy and the like, and there are investigative limits in terms of staffing.

Commissioner Barksdale asked if issues have come up relative to Airbnb and VRBO. Ms. Helland allowed that they have. She noted that a code interpretation had been included in the packet starting on page 115. She stressed that the investigative limits that are in place mean there are limited opportunities for the city to simply knock on someone's door for a code compliance issue that does not involve an imminent threat; permission for access must be sought and granted. That makes it difficult to ascertain the number of persons living in a home, making it necessary to resort to external observations at various times of day to count cars and the like. The city cannot, however, simply run checks on license plates because that is not considered an allowed code compliance function. The code interpretation concludes that Airbnb and VRBO transient uses are not permitted in single family neighborhoods. The city can hold the interpretation up as evidence in a hearing. The case going to hearing on January 12 involves an instance in which a VRBO was being operated in a single family neighborhood as determined by information collected from a website. The effectiveness of the rental on the neighborhood were observed, and it was possible to ascertain who the responsible parties were. The hope is that the hearing will result in a voluntary agreement to correct the violation that can in the future be enforced as a contract, making enforcement of the code more efficient. B&Bs are allowed to operate in single family neighborhoods, but they are required to be owner occupied. The use is required to be permitted, is limited to two rooms and a maximum of three guests, and must provide off-street parking.

Mr. Campbell shared that in a case recently resolved; the daughter of the out-of-country homeowners resided in the house and two downstairs rooms were rented out as an Airbnb use. The owner was fully cooperative, stopped the Airbnb listing, obtained a registration for an accessory dwelling unit, put the adult daughter on the title to the house making it owner occupied, and is moving forward toward renting out the accessory dwelling unit on a long-term

lease. In short, the unit has been brought into compliance with the regulations.

Mr. Campbell said adoption of the permanent ordinance expanded the city's regulatory authority over single family rentals, and reduced the number of overcrowded rental houses and the associated external impacts. Each new experience contributes to the ability of the city to address issues as they arise. The city will continue to look for ways to improve enforcement effectiveness and education. Information on code enforcement cases generally, including single family rental cases, is available online through mybuildingpermit.com and is searchable by address, file number and violation type.

Commissioner Hilhorst said it is clear that progress has been made over the last year. She said it will be interesting to see how the first hearing turns out.

With regard to the comments made during public comments regarding adult family homes, Ms. Helland pointed out that the city cannot directly regulate the use due to federal regulations. The city was involved in some significant litigation with the federal government regarding the topic and came out on the losing end. The upshot was that adult family homes cannot be treated differently. There are, however, things that every home must provide. There should never be situations in which garages are not built with new homes, leaving no physical place to park cars and no options for visitors.

Commissioner Walter said recently a home for sale in her neighborhood was advertised as being prepared to serve as two dwelling units. She said there appears to be a lack of understanding and that is not okay. Ms. Helland said the city coordinates with the Master Builders Association, especially in regard to the new phenomenon of homes having two kitchens, particularly in larger homes. The problem is that in such cases the homes can be readily adapted to rental purposes. The city is seeking the sweet spot that will balance what clients want while foreclosing the ability to use the home as a de facto duplex. Where two kitchens are installed, the property owner is now required to enter into a single family use agreement, which is a contract that gets recorded on the property and which can later be enforced as necessary.

STUDY SESSION: Planning Commission Post-Retreat Review of Revised Prototype Part B, Suggested Standards and Practices

(9:02 p.m.)

Mr. Cullen said he prepared at the request of the Chair and others a prototype that consisted of three parts: Part A, local governance of planning; Part B, suggested standards and practices; and Part C, guiding principles. During the facilitated retreat, the various parts of the suggested best practices were discussed. Staff have since had the opportunity to review the output of Part B and make small modifications to the language. He said one question remains outstanding, namely paragraph 11, and staff are waiting to hear back from the legal department.

Mr. Cullen asked the Commission to review Part B and determine if the document accurately reflects what was agreed to at the retreat. He noted that the Council liaison will also be asked to review it and provide comment after the Planning Commission reviews it. Once everyone sees what everyone else believes should be revised, the prototype will be deemed completed.

Mr. Cullen said, at the request of one of the Commissioners, a separate discussion will be scheduled to review the guiding principles. It was also previously suggested that the Commission's bylaws should be added to the prototype, making the document more

comprehensive. The Commission also put into the parking lot the issue of public engagement practices, and that will also be the focus of a separate discussion.

Chair deVadoss thanked Mr. Cullen for the energy he put into building up the prototype. He proposed holding off a review of the document until such time as all of the Commissioners were in attendance. Mr. Cullen pointed out that downtown livability will be at the front of every meeting agenda for the foreseeable future. All other issues will appear later on the respective meeting agendas, and with Commissioners needing to leave meetings early, it could be difficult to wait for all Commissioners to be present to discuss the document. Two Commissioners were unable to attend the retreat, making it difficult for them to weigh in on what was a carefully constructed and facilitated dialog that resulted in the draft document. It would not be prudent to make significant changes to the document because doing so would trigger the need for additional review and negotiations by all parties.

Commissioner Barksdale voiced support for holding off the discussion until such time as all Commissioners are present to participate. To begin the conversation and to return to it at a later date could result in rehashing what has already been gone over. Any Commissioners anticipating the need to leave early the meeting at which the discussion is slated should provide their comments and observations ahead of time.

Commissioner Walter suggested putting the issue first on the agenda for an upcoming meeting. Mr. Cullen allowed that the Commission has the discretion to do that. He said the reason for having downtown livability on the agenda first is to accommodate the public. Agenda items are prioritized with public hearings first; items directly related to requests by the Council or which involve work responsibilities directly, such as code amendments, are second; informational and all other items are third.

Commissioner Hilhorst agreed with the proposal made by Commissioner Barksdale. She said once the discussion is put on an upcoming agenda, staff should offer to have a conversation with the Commissioners who were unable to attend the retreat ahead of the meeting, giving them opportunity to get up to speed and develop good feedback. If possible, the guiding principles should be given priority.

Chair deVadoss agreed with the need to prioritize the guiding principles. He said he agreed the document should be discussed when all the Commissioners are present and said he would be willing to contact the Commissioners to find a date that would work for all. He added that he was not in favor of putting the discussion first on an upcoming agenda for the reasons pointed out by Mr. Cullen.

Mr. Cullen emphasized the need to have all Commissioners weigh in on the document, even if they cannot attend the meeting at which the document will be discussed.

DRAFT MINUTES REVIEW: December 7, 2016
(9:15 p.m.)

Commissioner Walter called attention to the second paragraph on page 2 of the minutes and asked to have the third sentence to read "...focused on EG-OLB 2 and EG-TOD." She also referred to the first paragraph on page 5 of the minutes and noted that "advise" should read "advise."

A motion to approve the minutes as amended was made by Commissioner Barksdale. The

motion was seconded by Commissioner Hilhorst and the motion carried unanimously.


PUBLIC COMMENT
(9:18 p.m.)

Ms. Betsi Hummer, 14541 SE 26th Street, said she was encouraged to hear about the progress being made regarding single family rentals. She reiterated that the constituents are Bellevue residents, who are owed the respect to do what they believe is the right thing. She also suggested that the request of Bellevue College to be granted a street vacation at no cost will set a dangerous precedent that will shortchange Bellevue residents.

ADJOURN
(9:20 p.m.)

A motion to adjourn was made by Commissioner Hilhorst. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.


Chair deVadoss adjourned the meeting at 9:20 p.m.



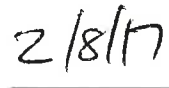
Terry Cullen
Staff to the Planning Commission



Date



John deVadoss
Chair of the Planning Commission



Date

