

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
MINUTES

July 10, 2024  
6:30 p.m.

Bellevue City Hall  
Room 1E-113

COMMISSIONERS PRESENT: Chair Bhargava, Vice Chair Goepple, Commissioners, Cálad, Ferris, Khanloo, Lu

COMMISSIONERS REMOTE: Commissioner Villaveces

COMMISSIONERS ABSENT: None

STAFF PRESENT: Janet Shull, Emil King, Thara Johnson, Gwen Rousseau, Kate Nesse, Justin Panganiban, Nick Whipple, Kristina Gallant, Department of Community Development; Matt McFarland, City Attorney's Office

COUNCIL LIAISON: Deputy Mayor Malakoutian

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

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

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

2. ROLL CALL  
(6:30 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Villaveces, who joined at 7:00 p.m.

3. APPROVAL OF AGENDA  
(6:31 p.m.)

A motion to approve the agenda was made by Commissioner Ferris. The motion was seconded by Vice Chair Goepple and the motion carried unanimously.

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS  
(6:31 p.m.)

Deputy Mayor Malakoutian thanked the Commissioners for their work on behalf of the city. The Commissioners were informed that the Council at its July 9 meeting talked about the budget and the Capital Investment Program. A public hearing was held and a number of community members were present to express their views about what the budget should include. The staff provided feedback on the budget process and the revenue forecast.

5. STAFF REPORTS  
(6:33 p.m.)

A. Planning Commission Meeting Schedule

Strategic Planning Manager Janet Shull took a few minutes to review the Commission's schedule of upcoming meeting dates and agenda items.

6. WRITTEN AND ORAL COMMUNICATIONS  
(6:34 p.m.)

Chair Bhargava took a moment to note that under Ordinance 6752, the topics about which the public may speak during a meeting are limited to subject matters related to the city of Bellevue government and within the powers and duties of the Planning Commission. Additional information about the new rules of decorum governing conduct of the public during meetings can be found in Ordinance 6752.

A. Written Communications  
(6:35 p.m.)

Janet Shull reported that two written communications had been received since the last meeting, and both were transmitted to the Commissioners. Both were related to transportation matters.

B. Oral Communications  
(6:36 p.m.)

Suzanne Baugh recognized that updating the Comprehensive Plan is a huge undertaking, and that the potential redevelopment of the Newport Hills Shopping Center is only a small piece of the project. To Newport residents, however, it is a big deal, one the neighborhood has been talking with the City Council and city staff about for 20 years or more. Over the years the residents have been given many reasons why nothing could be done to the center. For years the owner did not want to do anything or sell the property. When a couple of developers proposed projects, efforts failed and were abandoned due in part to the restrictive land use and zoning issues, and in part due to a group of Newport residents opposed to any meaningful change. As a result, nothing has changed and the mess remains. The same group has opposed every plan to redevelop the center into anything other than what it is currently. They have no new ideas, and the neighborhood cannot wait another 20 years. There is currently a real opportunity to make something positive happen. It is essential that the updated Comprehensive Plan provide the flexibility necessary so that a developer will be encouraged to create a redevelopment project that while financially viable could include retail spaces as well as different types of housing for seniors who want to age in their own neighborhood, and for young families. Newport has waited for a very long time. With the Comprehensive Plan update in process, and the Newport neighborhood review scheduled to start in early 2025, it is time for a positive change. The Commission was urged to support a flexible updated Comprehensive Plan that will encourage revitalization of the Newport Hills Shopping Center.

Heidi Dean, a resident of Newport Hills, agreed that the neighborhood has waited a long time for something great. The Comprehensive Plan update, however, is not the time to rezone the Newport Hills Shopping Center for a number of reasons. First, it was studied in the final Environmental Impact Statement per Council direction at Neighborhood Business, MU-LR. There was not SEPA done for the site at the higher MU-L/M designation. At the Commission's

meeting on May 8 staff said the recommendation was to leave the map as proposed for the public hearing in June, also noting that the neighborhood area planning process would begin in September, allowing all of Newport Hills residents to participate. There has been no notification that the area potentially is to be rezoned as part of the Comprehensive Plan update. There has also not been any ability to provide input, which is inconsistent with both current and upcoming community engagement policies and the Council's vision for high-performance government. The conversation about upzoning Newport Hills during the Comprehensive Plan update should not be continued. With regard to the staff proposal regarding process for changing zoning designations, it should not be approved as part of the Comprehensive Plan update. There was notice given to the public about the broadening of land use categories starting in June 2023, but at the various meetings nothing was said about the change in process, or at the July Council meeting where the focus was on the broader categories. The issue was not presented to the Commission until February 14, almost a full month after the last citywide open house. Newport Hills residents largely were unaware of the potential for a very large and impactful change in process.

Michelle Hilhorst stated that regardless of the expanded overhead title "umbrella zoning" and whether or not it is the right title, whenever a proposal comes through to streamline or expedite a process, the Commission should always carefully explore the proposal against the current process. It is really important for the public to be allowed input into what is happening in the city. Developers and lobbyists typically have significant financial backing for their advocacy. The public has the Commission. The Commission was urged to always keep the public involved in the process to the extent possible when working through the Comprehensive Plan update and the upcoming neighborhood planning process. The staff recently documented their extensive efforts at public outreach, but the Newport Hills has not really been a recipient over the last year. A lot of changes have come up in the last 12 months, and many of them have directly impacted the neighborhood, leading to a lot of confusion for many due to a lack of proactive outreach from the staff. Going forward, the Commission should be aware of the fact that the gap exists. As changes continue, the Commission should actively seek to know what outreach efforts have been made and what the public input has been.

Ian Morrison spoke representing Crossroads Mall and clarified that the ask for the site is to have midrise on the edges and highrise in the core. The site is on the bus rapid transit line, which is a form of mass transit, and therefore offers an excellent transit oriented development opportunity, especially in the core. There have been concerns voiced about whether or not 16 stories is an appropriate height for the Crossroads Mall. There will be a subarea plan review for Crossroads starting in 2025 and in looking at what could be on the mall site, the asked for zoning does not mean there necessarily will be 16 stories. The subarea plan process will be where the development regulations are crafted, with public comment and lots of engagement. By allowing for highrise development in the middle of the site, the Commission will be keeping open the opportunity to sculpt the conversation. Recent innovations in mass timber make it possible for developments like the one in Seattle that will have 12 stories of mass timber, with retail below and housing above. Mass timber may possible for up to 12 stories. In setting the table with the Future Land Use Map, the Commission should recommend highrise in the core of the site.

Valentina Vaneeva noted having sent an email to the Commission earlier in the week titled "Bike Bellevue Needs Your Support." It includes a link to a project called "Bellevue's At Crossroads" which will make it more evident why support for bicycle infrastructure is needed. Many who ride bicycles in Bellevue where there is not good infrastructure are not great riders; many are just regular people doing everyday things but on a bike. Those people should be kept in mind when making decisions because there are probably more of them than one might think. Public transit

and bicycle infrastructure are not two separate things and must be considered together.

Nicole Myers noted having been inspired to comment after seeing the written communication from John Wu, a Wilburton resident who wrote to remind everyone about the importance of considering how choices in planning affect the tree canopy. The broadened land use categories will not just affect the neighborhood centers, they might also affect suburban residential areas that contain many of Bellevue's trees. Upzoning from R-2.5 to R-5 will result in a significant reduction in the trees that are required to be retained. That would include in the areas north of Downtown near 24<sup>th</sup>, in Enatai, large sections of Bridle Trails, some areas between BelRed and NE 8th Street, and south along 140<sup>th</sup>, some of the Lake Sammamish waterfront, a section of Hilltop, and other scattered areas. The proposed tree code update requires R-2.5 to have five tree credits per thousand square feet of land. Changing to even R-3, the requirement changes to only two tree credits, a large reduction in the number of trees to be retained. For multifamily, the reduction goes from four to 1.5 tree credits with the upzoning. The Commission should carefully consider how all the different pieces fit together. The Commission should go with the broadened land use categories, but should also make sure the decision will not result in a significant reduction in the tree canopy coverage. The suburban residential and medium density residential groupings are most concerning.

Divya Kapuria spoke representing the Newport Hills Shopping Center and noted having engaged with many community stakeholders over the past year with the goal of helping to redevelop the outdated shopping center into a vibrant place the Newport Hills community deserves. The owners have invested time and resources into bringing their vision to fruition, and are committed to working with the city and the community to make Newport Hills Shopping Center into a thriving center. In the meantime, the owners are doing everything possible to keep the center active and occupied, though the operational costs are barely being covered. The existing buildings are long past their useful lives, and any amount of investment to update them would not be enough to move the needle. Over the past years the owners have entertained a number of offers for the site, but several have fallen through due to insufficient zoning. The revised NB zoning needs to be flexible enough to allow for redevelopment of the center into something engaging and walkable with mixed use spaces that support diverse housing types, added density and flexibility.

Alex Tsimerman began with a Nazi salute and called the Commissioners dirty damn Nazi fascist antisemitic bandits and pigs and reported being cut in every meeting by Mayor Robinson. All testimony has been given legally and the rules have never been broken. The question is why and the answer is that the Councilmembers are all antisemitic, just as the Commissioners are. Killing Jews has always been a pleasure for everyone from the Inquisition to Hitler. Everyone has a different reason for hating Jews. Nothing has changed in the last 3000 years, and nothing will change in the next 3000 years. Deputy Mayor Malakoutian is an Iranian Muslim who will go to heaven for killing a Jew. What cannot be understood is the ethnical standard held by the Commissioners. The Commissioners are all animals but they know the speaker may be right. The constitution allows for freedom of speech. The First Amendment is absolutely critical and does not show favoritism. The Commission should recognize that.

Vice Chair Goepple asked the record to reflect that the comments of the previous speaker reflect yet another irrelevant racist rant that had nothing to do with the scope of the Commission's duties, and that it was in violation of Ordinance 6752.

Christy Santos thanked the Commission for welcoming open public comment, even by those who rant. As a Newport Hills resident, and as someone who works in development and has

worked with many jurisdictions, the need for a Commission to have diligence when it comes to ethics is of high importance for those who are seeking to rezone because it brings together the facts. The Commission should retain that authority and responsibility by keeping the rezoning of a particular area inside of objective and strenuous work. When it comes to rezoning actions, blending is not good, and rezoning should not happen without scrutiny. The public should always be allowed to voice their opinions either for or against. The right power should be retained in the right place so that as development occurs it will be done with a clear objective and with proper guidance along the way.

Commissioner Villaveces joined the meeting at 7:00 p.m.

Neal Mulnick spoke representing Clover Capital, owner of multiple properties in Bellevue, including the Ford site in Wilburton adjacent to the Grand Connection, and Mountvue Place Shopping Center in BelRed, noted having been very engaged and active in the update of the Comprehensive Plan. With regard to policy LU-42, it was noted the policy is causing issues with the LUCA in Wilburton and will eventually cause problems with further Land Use Code updates in other parts of the city. The policy calls for promoting measures to protect sensitive uses from risks of exposure to air and noise pollution by locating them away from pollution sources where possible, or by use of feasible, effective building and site design measures to mitigate exposure. The policy is well intentioned, but it is overly prescriptive about location. The language “by locating them away from pollution sources where possible” should be deleted from the policy. While the language sounds like it allows for flexibility, in practice it will not. The geographic restriction will cause four issues: 1) undercutting the ability to achieve housing goals by limiting the amount of housing that can be built near freeways, including on the Lincoln Center site; 2) undercutting the ability to achieve the vision for the Grand Connection by limiting parks and gathering spots near the freeways, including the Grand Connection lid park over the freeway or a city owned park at the Lincoln Center site; 3) air quality in housing is desired, but there are technological solutions available to achieve that goal; and 4) the language does not exist in any other code in comparable jurisdictions, creating confusion and additional costs for housing in Bellevue. The level of specificity does not belong in the Comprehensive Plan amendment and will hurt the city in achieving its goals.

A motion to extend the public comment period by ten minutes was made by Commissioner Ferris. The motion was seconded by Vice Chair Goepple and the motion carried unanimously.

Alexis Chartouni with Legacy Partners and the development manager for the Bellevue Station project at 132<sup>nd</sup> NE and Spring Boulevard, and representative for a couple of other BelRed area landowners, said the “umbrella zoning” term is a misnomer. The Future Land Use Map developed should be supported. The comments made about how the proposal will take away the authority of the Commission to review zoning changes are misplaced. The reviews have already happened as part of the Comprehensive Plan amendment. Of concern is the time it takes to effect a rezone during the planning and land use approval processes for a specific project. It takes as long to entitle a major development as it takes to build the development. If there is an opportunity to run the processes concurrently, it should be taken, especially when it comes to housing. Rather than saying the Future Land Use Map takes away the Commission’s authority, the focus should be on making sure the staff are empowered to run the process in a way that allows for public comment concurrent with the land use approval process, instead of there having to be an entirely separate process that can take upwards of a year or more. The ability of the public to speak should not be taken away, but at the same time the development approval process should not be a quagmire of incessant process.

Phyllis Whitethanked the Commissioners for their hard work but noted being confused about the Future Land Use Map and what it means at the neighborhood level. It is important for the neighborhoods to have a tree canopy. The speaker noted living in a riparian management zone, something that may not be recognized as a critical area. The entire neighborhood has trees that are over 200 years old and more than 200 feet tall, trees that are very difficult to replace. If removed, such trees will not be seen again in anyone's lifetime. The wildlife in the area is enjoyed by the residents, including beavers, bald eagles and blue herons. Some consideration should be given to the fact that different areas have different characteristics and challenges.

7. PUBLIC HEARING – None  
(7:14 p.m.)

8. STUDY SESSION  
(7:14 p.m.)

Acting Planning Director Thara Johnson briefly reviewed the process to date relative to the Comprehensive Plan Periodic Update. At the conclusion of the June 20 meeting there were a few topic areas about which the Commission wanted follow-up information. It was noted the staff were seeking from the Commission a recommendation to forward to the City Council the Comprehensive Plan Periodic Update, including the Future Land Use Map and the Volume 2 changes.

Senior Planner Dr. Kate Nesse said there were four follow-up items to be addressed, beginning with the relationship between future land use designations and zoning. The future land use designations are intended to show broadly what development should look like in a particular area. The zone is what identifies the specifics of what can be developed in terms of setbacks, heights and the like. In the event a property owner were to seek to change a zone, and if the desired zone is within the same future land use district, a rezone process would be required. If the intent is to change to a different future land use district, there would first need to be a Comprehensive Plan amendment and then a rezone. For example, Lowrise-Mixed Use has three associated zones: Neighborhood Business, Community Business, and the yet-to-be-determined MU-L/M. Should the owner of a property currently zoned Neighborhood Business want to change to Community Business, a rezone process would be required. A change to Neighborhood Mixed Use would require a Comprehensive Plan amendment before going through the rezone process.

Continuing, Dr. Kate Nesse said in looking at the different future land use districts, the focus was on putting similar types of development together. Lowrise-Mixed Use is a mixed use type where the mixing of uses may not always happen in the same building due to the low-rise nature of the development type. At the Midrise Mixed Use level, commercial is required on the first floor and residential above; it is a very different scale of development from Lowrise-Mixed Use. Photo examples of developments in the three associated zones were shared with the Commissioners.

The Future Land Use Map key includes images that show broadly the character of development one could expect to see in the future land use designations. As Neighborhood Business and Community Business are looked at in terms of FAR and different ways to add more housing in reasonable ways, the expectation is that the future development will be less like the shopping centers from the 60s and 70s and more like a contemporary massing building.

A lot has been said about Newport Hills specifically, but the Lowrise-Mixed Use would apply to all 13 of the city's neighborhood centers. The approach was studied in the economic report as

well as the retail study. The EIS included a study of adding more density by way of MU-L/M in three of the neighborhood centers, specifically Kelsey Creek, Lake Hills and Lakemont Village. For the other neighborhood centers, the study was tied to their current zoning, which is Neighborhood Business in most cases.

Thara Johnson clarified for the Commission that the Comprehensive Plan amendment process is a Process IV action. It is classified as a legislative decision and the decision criteria must all be met. There are typically a number of study sessions held with the Planning Commission, which then conducts a public hearing before sending to the Council a recommendation for final decision. A public hearing can also be held by the Council. A rezone is a Process III decision, which is a quasi-judicial decision. The decision criteria for a rezone differ from the Comprehensive Plan decision criteria. Ultimately final decisions are made by the Council after what is called an open record public hearing held by the hearing examiner, and a closed record public meeting conducted by the Council which relies on the findings of the hearing examiner.

With regard to the public process associated with a rezone application, Thara Johnson said once an application is submitted to the Department of Development Services, the city issues a notice of application to all property owners within 500 feet of the subject property. There is a requirement for a public meeting to be held early on in the process. That is followed by a review of the application by staff to ensure that the application meets all the criteria. The Department of Development Services director then issues a recommendation along with any environmental review and determination, and the hearing examiner conducts a public hearing following issuance of a notice of the hearing. During the hearing, there is opportunity for the public to comment. Following the public hearing, the hearing examiner issues a recommendation to the Council along with detailed findings of fact and conclusions. The Council reviews the hearing examiners recommendation in an open public meeting, but without entertaining additional information, and then makes a final decision that is transmitted via an ordinance.

Some of the decision criteria overlap with the Comprehensive Plan amendment criteria. For a rezone, the applicant must demonstrate that the rezone is consistent with all policies in the Comprehensive Plan. There must also be an analysis to show a substantial relation to the public health, safety or welfare. There must be a demonstration of consistency with the intent of the Comprehensive Plan, or show a need for additional property in the proposed land use district classification, or show the proposed zoning is appropriate for the reasonable development of the subject property. The proposal cannot be materially detrimental to other uses or properties in the vicinity, and the proposal must show the rezone has merit and value for the community.

The Commission had also directed staff to bring back additional information regarding the Crossroads Mall site for which the staff recommendation is Midrise Mixed Use. The request from the Crossroads Mall property owner is to have a portion of the site designated as Highrise Mixed Use. The Commission's robust discussion on June 26 ended in a tie vote. The Commission also asked for a review of the shade study that was submitted by the applicants.

Commissioner Cálad asked how the proposed change in the process would result in limiting public input. Thara Johnson explained that currently if an applicant wanted to go from NB to CB, which has a one-to-one relationship with the Comprehensive Plan land use map, they would have to apply first for a Comprehensive Plan amendment, a process that can only occur once per year and from start to finish takes typically 15 months. Following that, the applicant would also have to apply for a rezone. Under the proposal, the applicant would not have to go through the Comprehensive Plan amendment process; rather they would go straight to the rezone process, which takes six to eight months, where the decision criteria are different and where there is no

review by the Planning Commission. Commissioner Cálad allowed that the proposed process would reduce the timeline for the applicant, which would in turn reduce the amount of time it takes to bring a project online. Thara Johnson clarified that under the proposal nothing would change about the rezone process itself.

Commissioner Cálad asked for clarification as to how many touchpoints with the public would be reduced under the proposed approach. Thara Johnson said where there is no need for a Comprehensive Plan amendment, the public would not be interacting with the Commission regarding specific applications.

Commissioner Lu said eliminating the Comprehensive Plan amendment process would move the public engagement process from the Commission to the hearing examiner. The question asked was how hearing examiners are selected. Thara Johnson said they are typically attorneys that are on contract with the city. Their decisions are based solely on whether or not an application meets all of the decision criteria. The hearing examiner is also provided with a copy of the recommendation provided by the director of the Department of Development Services, which is a fairly detailed analysis in regard to meeting the decision criteria and alignment with the Comprehensive Plan policies, and which includes the environmental review documentation.

Commissioner Lu suggested that on the surface the approach sounds more like a compliance exercise than a public engagement exercise, and that is what the public has voiced concerns about. Noting that once the Council takes up the recommendation of the hearing examiner no new materials can be submitted, Commissioner Lu asked if that precludes the public from speaking about an application. Assistant City Attorney Matt McFarland explained that once the hearing examiner makes the record and holds a public hearing, the Council will adopt the recommendation via ordinance, because zoning can only be changed by an ordinance. The Council does not take any new evidence beyond what is contained in the closed record. The city clerk's office always makes that clear at the outset of a meeting in which the Council is considering a rezone. There is no additional public comment allowed in front of the Council. The public is allowed to comment at the public hearing before the hearing examiner. A Comprehensive Plan amendment is a policy decision by the Council after a recommendation is offered by the Commission. A quasi-judicial rezone decision involves only a single piece of property. A legislative rezone is undertaken for a broad swath of the city. Someone wanting to challenge a Council decision concerning a rezone must file a case with the superior court.

Commissioner Lu said the unknown remains the amount of public input the hearing examiner incorporates into their decision making. The proposed approach certainly makes the process more efficient overall. Another concern is the potential options within the Mixed Use/ Low which carry a really high variance. Going from 20 feet to 75 feet is intense. If a way could be found to restrict the bounds of the designation, the more streamlined process would feel more comfortable. For Crossroads the staff proposal and the applicant's proposal differ considerably in terms of building height.

Commissioner Khanloo pointed out that the Commission members are city residents who are not paid and who act in the best interests of the public. The hearing examiner, on the other hand, is an attorney under contract to the city who may not even be a city resident. It is concerning that the hearing examiner process involves a public hearing conducted by someone who is paid by the city. The job of the Commission is to incorporate public input in making recommendations to the City Council. The question asked was what role the Commission would play under the proposed approach. Thara Johnson said the Commission would still be charged with reviewing other amendments to the Comprehensive Plan and the Land Use Code. The proposal to broaden

the land use classifications reduces the number of annual Comprehensive Plan amendments. The direction given by the Council in launching the effort was to streamline the process and to reduce the time it takes for development to move forward. Commissioner Khanloo suggested the process timeline could be shortened in other ways without eliminating the public voice. Public input to the hearing examiner process will require the public to hire a lawyer.

Commissioner Ferris asked if the intent regarding the MU-L/M zone is to go back later to identify where it might apply. Dr. Kate Nesse said the new zone has only been studied on the Kelsey Creek Shopping Center, Lake Hills Village and Lakemont Village sites. If the Commission moves forward with the recommendation of having NB, CB and MU-L/M under the Lowrise-Mixed Use umbrella, there will not be any need to do any sort of legislative rezone because all of those shopping centers are in alignment with the Comprehensive Plan. If the Commission were to break out MU-L/M from the other two, a legislative rezone would be required.

Commissioner Ferris asked if under the rezone process all applicants are expected to go through the SEPA process. Thara Johnson said it would depend on the application, but typically yes. Traffic studies may also be required, though sometimes as part of the actual land use application rather than the rezone.

Answering a question asked by Commissioner Villaveces, Thara Johnson confirmed that applying for a rezone and applying for a development permit are different processes. The first must be approved before the second can be approved. Applicants who apply for a rezone are given no guarantees they will achieve the desired result. Applicants must demonstrate that all decision criteria are met, and the hearing examiner makes that finding.

Commissioner Villaveces asked for clarification in regard to rezone decision criteria E, merit and value for the community. Thara Johnson said the applicant must demonstrate how the rezone will benefit the community. Typically applicants submit narratives that show how the decision criteria are met, and the narratives usually include something about how the action will result in benefit and value for the community.

Thara Johnson confirmed for Commissioner Villaveces that the Lowrise Mixed Use designation is being considered for all of the city's neighborhood centers.

Vice Chair Goepple said one thing that stood out in regard to the Lowrise Mixed Use and Midrise Mixed Use designations was the maximum height limit of ten stories for the latter. Dr. Kate Nesse clarified that someone wanting to go to ten stories under the Midrise Mixed Use designation would have to apply for a Comprehensive Plan amendment. The MU-L/M was intended to be somewhere in between CB and the Midrise Mixed Use maxing out at about six stories. Vice Chair Goepple said flexibility is good but it is a matter of degree. The process and the criteria should be trusted to be sufficient to protect the public interest, and flexibility must be within appropriate bounds.

With regard to the public comment made regarding LU-42, Vice Chair Goepple asked for some clarity. Dr. Kate Nesse said the Commission discussed the three policies focused on air pollution quite extensively. LU-42 directs locating residential units away from pollution sources where possible, or by the use of feasible and effective building and site design measures to mitigate the exposure. The purpose is to mitigate the exposure, and there are a variety of ways to accomplish that. Thara Johnson added that use of the word "or" and "where possible" provides for flexibility. The Wilburton Land Use Code amendment will come before the Commission in the

fall, meaning there will be opportunity to make adjustments as needed.

Chair Bhargava suggested that having an umbrella zone, which captures three different development intensities or types, within the Comprehensive Plan means that consistency with the Comprehensive Plan will be the default during the rezone process, adding that it would seem that the quasi-judicial process will generally yield the same outcome every time. Thara Johnson said the criteria involves compliance with the land use designation but also with the Comprehensive Plan policies.

Chair Bhargava said the umbrella zoning approach will mean the rezone process will not have as much scrutiny. Thara Johnson said the point was well taken. The proposal will make it easier for applicants to move forward without needing a Comprehensive Plan amendment. Chair Bhargava suggested that the rezone process for something like an umbrella zone, which has multiple categories, should have a slightly different flavor from the typical rezone process because the conditions through which it comes into play are somewhat different.

Chair Bhargava asked why only the three centers were studied. Thara Johnson said that was done at the direction of the Council. Dr. Kate Nesse said those three neighborhood centers all have Community Business as the core zone. The Council wanted to limit the study of the higher intensity zoning to just those three. At the time the recommendation from the Commission and staff was to study a higher allocation, and the Council's direction was to only limit the higher intensity to those three locations.

Chair Bhargava commented that a development with six to ten stories versus a development with two stories with retail underneath is fundamentally different in terms of the impacts. Creating a rezone process that does not require a Comprehensive Plan amendment, under which consistency with the Comprehensive Plan would be pre-established, may not be doing the right thing. Possibly for the larger parcels that have been studied, and which are intuitively more suited to a higher level of intensity, having the three categories makes more sense. For the smaller sites that have smaller footprints, it might make more sense to consider only two categories instead of three under the umbrella zoning.

Commissioner Cálad suggested the two categories in that scenario should be NB and CB, with MU-L/M as a separate category. Thara Johnson agreed that separating them out could be a workable approach, with the separate MU-L/M category applicable only to the three neighborhood centers.

Commissioner Cálad said it is important to note that the proposed change in process has been part of the conversation from the very beginning, and it has been communicated to the public. Thara Johnson reiterated that the process change was part of the scope when the project was launched by the Council. The initial notice of application clearly documented the proposal. There have been a number of presentations made to the community, both at the beginning and throughout the process, and there have been touchpoints with the Commission where the topic was discussed. Council direction was given when the preferred alternative was discussed, and during the open house there was a board showing the various land use designations.

Dr. Kate Nesse emphasized that the Comprehensive Plan Periodic Update is a very large and complex project. Accordingly, staff began communicating with the community very early on about many issues. As more details became available, they were communicated with the public and feedback was sought. Versions of the map have been available for a year and a half, but the preferred alternative has been available since January.

Commissioner Cálad asked what the process is for a member of the public to submit a formal complaint to the city involving instances of perceived bad faith or ethics. Thara Johnson said such complaints should be directed to the City Manager's Office.

Commissioner Lu asked what heights were studied for the different neighborhood centers. Dr. Kate Nesse said the specific heights are all estimates given that what is actually studied is the number of housing units and jobs. Heights do not make it into the EIS analysis. It is the Land Use Code that dictates specific building heights. Commissioner Lu pointed out that shade, density and the impacts on traffic were all part of the studies for each of the areas, and suggested it would be helpful to know the differences between what was studied for the Lowrise-Mixed Use neighborhood centers and the higher densities of Lake Hills, Kelsey Creek and Lakemont. Dr. Kate Nesse said what was studied for NB was the inclusion of residential, which none of the NB sites currently have. The study included residential on CB sites, as well as for the MU-L/M zone. Currently, NB allows for two or three stories of height, while CB allows for three or four stories. The MU-L/M is anticipated to allow four to six stories.

Commissioner Lu said two to four stories feels like a like kind development. Increasing up to six stories does not. At six stories the buildings are taller than the trees and will have impacts on neighboring properties. It would be good to place some boundaries around what triggers a Comprehensive Plan amendment versus a zoning change. If density is the primary metric, the trigger could be a percentage increase in density.

**\*\*BREAK\*\***

(8:24 p.m. to 8:30 p.m.)

Commissioner Khanloo asked if the public could be given a choice of which option they would prefer, the Comprehensive Plan amendment or the umbrella process. Thara Johnson said the two are very different processes. The Comprehensive Plan amendment process amends the Comprehensive Plan, and the rezone process amends the Land Use Code, specifically the zoning map. Both are very specifically prescribed in state law. Under state law the Comprehensive Plan amendment process is a legislative process, and the rezone process is quasi-judicial.

Speaking specifically in regard to Newport Hills, Commissioner Khanloo noted having walked around the center and observed it to be a vibrant community center surrounded by residential. Some of the local business owners indicated not being able to come before the Commission due to some restrictions, and many were in fact unaware of the current process. Some spoke about looking for new jobs. Commissioner Khanloo stressed the need for the city to assist in relocating business owners onsite. The question asked was if there could be a Comprehensive Plan policy focused on relocating businesses locally.

Commissioner Khanloo also noted living on the sixth floor of a building in the Downtown which is generally above the height of trees. Allowing for more height at the Newport Hills Shopping Center site could impact neighboring uses like the tennis center. Building height on the site should not exceed four floors.

Commissioner Ferris voiced support for reducing the Lowrise-Mixed Use designation to just NB and CB. Development within those parameters fit together, while MU-L/M feels like something different. Taking that approach would help to alleviate some of the fears expressed by the local residents. It would also be worthwhile to at least think about the rezone process itself and possibly tightening up the decision criteria and exploring the possibility of allowing for more

public input.

Commissioner Villaveces agreed with Commissioner Ferris and also noted having walked around Newport Hills Shopping Center recently. There is something to be said about the businesses located there currently. The center has been established for some time, and there is a history that people like. There is also, however, a sea of parking and distance between the shopping center buildings and the market across the street is 500 feet; for scale, the circle in Downtown Park is 600 feet. Redevelopment of the site could really result in a pedestrian destination space, something very valuable for the neighborhood and the community. Redevelopment would not necessarily mean that the existing buildings would have to go away. Density is good for cities in that it creates vibrancy, activity and a demand for businesses. Density usually goes hand in hand with height. While there is a general fear of height, it does not have to be a bad thing. There are cities around the world that offer good examples, including Amsterdam which is largely constructed with six-story buildings.

Vice Chair Goepple voiced having a fair amount of confidence in the rezone process in terms of allowing for public notice and input. On the substantive side, the decision criteria make clear that the interest of the public will be considered during the rezoning process. The degree of anticipated flexibility, however, is concerning with regard to the Lowrise Mixed Use designation. Having two Lowrise Mixed Use zones should possibly be considered, one which allows for flexibility between the NB and CB zones for the seven neighborhood center sites that were not studied, and one Lowrise Mixed Use zone that includes NB, CB and MU-L/M for the three zones that were studied. Dr. Kate Nesse said the approach would likely be legal, but it would be a substantial departure from how the city has approached future land use designations and zoning. Thara Johnson added that having broader land use classifications is fairly common in other cities. However, it is not typical to have the same zones replicated under land use classifications.

Vice Chair Goepple suggested the two zones could simply be referred to as Lowrise Mixed Use 1 and Lowrise Mixed Use 2, with one having more flexibility than the other. Thara Johnson reiterated that while the approach is likely legal, the staff would not recommend the approach. It would be far less confusing to place MU-L/M into a separate category. Vice Chair Goepple suggested the approach would not actually result in confusion in that there simply would be one designation within which there are three possible future zones and another designation in which there are two possible future zones.

Dr. Kate Nesse said the background study included looking at a number of different cities to determine how they group their classifications. Most other cities do not have overlapping designations. Seattle does allow for the possibility of overlapping, but Bellevue staff hold the view that to do so adds confusion for the development community and property owners. The approach could, however, be recommended by the Commission.

Chair Bhargava concurred with Vice Chair Goepple and suggested it would not be overly complicated or confusing. Another approach would be for the Comprehensive Plan amendment process to kick in in instances where a developer is seeking a higher intensity. That approach would allow for simplifying the land use classifications without having an adverse impact on the efficiency and flexibility for the process for the three studied neighborhood center sites. A third possibility would be to take out MU-L/M from the umbrella zoning efficiency process.

Chair Bhargava said the notion of having triggers for the Comprehensive Plan amendment process is an interesting idea. Density could be a trigger, and height could be another.

Dr. Kate Nesse clarified the options suggested by the Commission as 1) creating a new category for MU-L/M would mean the Lowrise Mixed Use designation would include only NB and CB, and a new Lowrise/Mediumrise Mixed Use designation would be created; 2) having Lowrise Mixed Use 1 containing NB, CB and MU-L/M, and Lowrise-Mixed Use 2 containing only NB and CB; and 3) retain Lowrise Mixed Use with all three zones but including a trigger that would cause a Comprehensive Plan amendment to happen.

Chair Bhargava clarified that the third option would be to have the Lowrise-Mixed Use designation contain only NB and CB applicable to all neighborhood centers, and requiring a Comprehensive Plan amendment for sites wanting to go to the MU-L/M level. Dr. Kate Nesse reiterated that the Comprehensive Plan amendment process results in an actual change to the Comprehensive Plan. If the desire is to require Kelsey Creek, Lake Hills Village and Lakemont Village to go through the Comprehensive Plan amendment process in order to achieve MU-L/M, MU-L/M should in fact be separated into a different future land use designation that is not applied to those sites.

Chair Bhargava asked if the process could be drawn up to only allow the three neighborhood center sites of Kelsey Creek, Lake Hills Village and Lakemont Village to seek MU-L/M through the rezone process. Dr. Kate Nesse said the only ways of doing that would be to adopt the suggestion to have Lowrise Mixed Use 1 and Lowrise Mixed Use 2, or to simply give those sites the MU-L/M future land use designation. For purposes of consistency, there should be a legislative rezone process imposed, though as talked about in regard to Bellevue College, the city does not have to do legislative rezones.

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

Commissioner Villaveces voiced support for the notion of Lowrise Mixed Use 1 and Lowrise Mixed Use 2. The three neighborhood centers are different from the others and should be allowed to have slightly more density. Density on the other neighborhood centers should be controlled.

Commissioner Lu agreed with the option of having Lowrise Mixed Use 1 and Lowrise Mixed Use 2.

Commissioner Cálad asked which process would be faster for the developers. Thara Johnson suggested there would not be a significant difference in time. Separating out MU-L/M would be faster for the larger properties because they would already be rezoned, but there still would need to be a lot done in terms of implementation.

Commissioner Cálad proposed making MU-L/M a separate land use designation.

Commissioner Lu asked if the trigger point for a Comprehensive Plan amendment could be any rezone beyond what was studied in the DEIS or the FEIS. Thara Johnson clarified that a Comprehensive Plan amendment is an action that amends the Comprehensive Plan. Going from one land use designation to another triggers a Comprehensive Plan amendment. Changing policies in the Comprehensive Plan requires a Comprehensive Plan amendment. To add additional thresholds for a Comprehensive Plan amendment would be challenging.

Commissioner Ferris suggested the simpler approach would be to separate out MU-L/M into its

own zone, applicable only to the three larger centers. Lowrise Mixed Use should be applied to the remaining neighborhood centers.

Vice Chair Goepple allowed that that would be consistent with the overall approach which does not contemplate overlaps between the designations.

Commissioner Khanloo voiced a preference for separating out MU-L/M, but asked what was the purpose for having NB, CB and MU-L/M all in the same category. Dr. Kate Nesse explained that each of the three zones were grouped together because each involves a similar type of development and with less density than Midrise Mixed Use, under which it is easier to require a mix of uses within one building. In Lowrise Mixed Use it is harder to get all the desired uses in a single building, especially with NB but even in MU-L/M. At the highest, the designation allows for up to six stories. If the Commission sees each as a different style of development, they should not be put into the same future land use designation.

Chair Bhargava observed that the general trend of the Commission's discussion had been that the three future zones are not similar in development style and proposed pulling out MU-L/M out of the umbrella zoning category and apply Lowrise Mixed Use 2 to the three larger neighborhood center parcels that were studied in the Environmental Impact Statement process.

A motion to recommend to the staff and the Council that the designation of MU-L/M be separated out and applied only to the neighborhood centers of Kelsey Creek, Lakes Hills Village and Lakemont Village was made by Commissioner Ferris. The motion was seconded by Commissioner Calad and the motion carried unanimously.

With regard to the Newport Hills Shopping Center site, Commissioner Lu said the public comments made by wanting to see the site given a facelift is a valid point. The fundamental problem is that the issue is not really about density in Newport Hills, rather it is about traffic and people actually going to the center. The retail study included in the packet notes that Newport Hills already has double the density of what something like a Whole Foods would look for. As such, building more housing units there will not really change that. With regard to the displacement of businesses, the fact that the lot is close to six acres in size means opposite sides could be developed separately, with the businesses moving into the first side to be completed while the second side gets redeveloped. The current cash flow of the Newport Hills Shopping Center is likely not great given the below-market lease rates and the fact that much of the site is a parking lot. Density is not the fundamental issue The fundamental issue is the façade of the area and the uses.

Chair Bhargava asked if there are currently policies regarding business displacement and retention. Dr. Kate Nesse said the city currently has a location and relocation program that is supported by policy ED-46. Retaining and relocating businesses has been voiced as a concern both by the Commission and the public and to that end a second policy was added to preemptively look at areas that are at risk for business displacement. The economic development division within the Department of Community Development has expanded its number of staff and is planning for more aggressive support for small businesses with both location and relocation, on-site accommodate and broad variety of other measures.

Commissioner Khanloo pointed out that the policy language refers to retaining businesses within the city, not necessarily on site. Commissioner Lu read the policy as encompassing the neighborhoods as well.

Commissioner Villaveces agreed that there should be language added to the policy to incentivize relocation of businesses within the neighborhood if possible.

Vice Chair Goepple commented that the displacement policy is not unique to just one community center. No change is needed to the policy language.

There consensus was not to change the language of the policy.

Chair Bhargava allowed that the Commission had spent the last two years addressing the issues of flexibility and the umbrella process, and opportunities to speed up the process. The approach taken does not preclude any developer wanting to apply for an upzone from going through the Comprehensive Plan amendment process to achieve the goal. Thara Johnson agreed that the discussion of the complex issue had been robust.

Turning to the issue of Crossroads, Commissioner Khanloo pointed out that from Crossroads Mall to Overlake park and ride is 1.6 miles, not one mile as suggested by the Crossroads property owner.

Vice Chair Goepple asked staff to clarify the difference between Midrise Mixed Use and Highrise Residential Mixed Use. Dr. Kate Nesse said Midrise Mixed Use allows building height up to 100 feet. Under Highrise Residential Mixed Use there are two zones of which the most intense allows for building heights up to 160 feet. In Wilburton, Highrise 1 allows up to 160 feet, and Highrise 2 up to 250 feet. Highrise 2 was not studied for the Crossroads site.

Vice Chair Goepple noted that the idea of sculpting came up during the public comment period. The question asked was if going to Midrise Mixed Use could be done in a way that would ensure a workable solution that is in the public's interest. Thara Johnson said the proposal from the Crossroads property owner was to allow taller buildings in the center of the site and lower buildings in the surrounding areas.

Chair Bhargava commented that issues like sculpting development fall under the topic of urban form. The Land Use Code and urban form cannot be directly linked. The best intentions of site development can be proposed, but once the Land Use Code parameters are set, a very different building could be developed that fits the same standards.

Thara Johnson reminded the Commission that the next body of work for the Commission will involve updating the Crossroads and Newport Hills subarea plans. There will be opportunity to provide feedback on design during that effort.

Commissioner Cálad asked if agreeing to highrise for the Crossroads site would mean there still would be opportunity to allow the public to weigh in on the limits. Thara Johnson said policy direction can be provided in the subarea plan, but the height limits, density and development standards all reside in the Land Use Code. Commissioner Cálad said the fact that Crossroads has good infrastructure allows for taking the site to another level.

Commissioner Lu suggested that buildings of 160 feet would be out of place on the Crossroads area. A hundred feet would be more reasonable. Midrise Mixed Use is more appropriate for the site.

Commissioner Ferris asked the staff what their reasoning was for recommending Midrise Mixed Use for the Crossroads site. Dr. Kate Nesse said Highrise Mixed Use was not something the staff

considered; the idea came about as a proposal from the property owner after the staff recommendation was developed.

Commissioner Khanloo reiterated that a walk from Crossroads to Overlake park and ride is 1.6 miles, and the walk the Overlake Village station is 1.7 miles. The 2 Line takes ten minutes to travel to Downtown.

Commissioner Villaveces asked staff to show on the screen the schematic views and the shadow studies. Dr. Kate Nesse stressed that the schematics are not development proposals, and added that there has been no city review of them. Commissioner Villaveces said the schematics do show what would be possible on the site. The development is appropriate for the site.

Chair Bhargava pointed out that Highrise Mixed Use has two underlying categories, one allowing 16 stories and one allowing 25 stories, and stressed that a rezone would be required to go to the higher limit via a quasi-judicial process. Once a higher category is approved, it will be a lot easier to go from 16 stories to 25 stories.

Dr. Kate Nesse reminded the Commissioners that the request submitted to the Commission is to rezone just the center of the Crossroads site to Highrise Mixed Use, not the entire site. It is unusual to have two zones on a single site, but it is not unprecedented. If the entire site were to be Highrise Mixed Use, that would involve more density than was studied in the EIS. Having just a central strip of Highrise Residential Mixed Use would not go beyond what was studied in the EIS.

Chair Bhargava pointed out that the entire site is under a single ownership and asked if a development proposal were to be filed that took the intensity coming from the central strip and spreading it out to the entire parcel would be allowed. Dr. Kate Nesse said it would require a Comprehensive Plan amendment to move from Midrise Mixed Use to Highrise Mixed Use, and that would trigger additional environmental review.

Commissioners Cálad, Ferris, Villaveces and Khanloo voiced support for allowing the middle section of the site to be Highrise Mixed Use. Chair Bhargava, Vice Chair Goeppel and Commissioner Lu registered support for Midrise Mixed Use across the entire site.

A motion to change the designation for the middle section of the Crossroads site to Highrise Mixed Use was made by Commissioner Cálad. The motion was seconded by Commissioner Ferris and the motion carried 4-3, with Commissioners Cálad, Ferris, Villaveces and Khanloo voting for, and Chair Bhargava, Vice Chair Goeppel and Commissioner Lu voting against.

A motion to recommend to the City Council that the proposed Comprehensive Plan amendment, with the amendments just voted on, for the Comprehensive Plan Periodic Update be adopted since the amendment is consistent with all the decision criteria in LUC 20.301.150 was made by Commissioner Ferris. The motion was seconded by Commissioner Cálad and the motion carried unanimously.

9. OTHER BUSINESS – None  
(9:27 p.m.)

10. APPROVAL OF MINUTES  
(9:27 p.m.)

A. June 20, 2024

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

11. EXECUTIVE SESSION – None  
(9:28 p.m.)

12. ADJOURNMENT  
(9:28 p.m.)

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

Chair Bhargava adjourned the meeting at 9:28 p.m.



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Janet Shull  
Staff to the Planning Commission

September 16, 2024  
Date