

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

September 13, 2023  
6:30 p.m.

Bellevue City Hall  
Room 1E-113

COMMISSIONERS PRESENT: Chair Bhargava, Commissioners Cálad, Khanloo, Malakoutian

COMMISSIONERS REMOTE: Commissioner Brown

COMMISSIONERS ABSENT: Commissioners Ferris, Goepple

STAFF PRESENT: Thara Johnson, Emil King, Kate Nesse, Department of Community Development; Matt McFarland, City Attorney's Office

COUNCIL LIAISON: Not Present

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 Brown who arrived at 7:00 p.m., and Commissioners Ferris and Goepple.

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

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

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS – None  
(6:32 p.m.)

5. STAFF REPORTS  
(6:32 p.m.)

A. Planning Commission Meeting Schedule

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

The Commissioners were asked to contact staff in regard to whether or not December 6 would work as the date for the Commission's annual retreat.

Thara Johnson encouraged the Commissioners to restrict all emails regarding Planning Commission business to their city-issued email addresses to minimize the risks involved with public records requests. The City Attorney's Office and the City Clerk's Office is requiring all Board and Commission members to do the same.

Commissioner Khanloo said it would be helpful if staff were to send email reminders to the Commissioners personal email accounts to check their city emails when something is sent out. Thara Johnson allowed that could be done, especially in regard to all correspondence received by 11:00 a.m. the day of a Commission meeting.

## 6. WRITTEN AND ORAL COMMUNICATIONS (6:40 p.m.)

Chair Bhargava stated that in compliance with Washington State campaign laws regarding the use of public facilities during an election, no speaker would be allowed to support or oppose a ballot measure or a candidate for election, including one's own campaign. It was noted that any speaker speaking of campaign issues would be asked to stop. Also, under the new rules adopted by the City Council, Ordinance 6752, the public can only speak during the public comment period about subject matters related to City of Bellevue government and the powers and duties of the Commission. Additional information about the new rules governing conduct of the public during meetings is contained in Ordinance 6752.

### A. Written Communications (6:41 p.m.)

Thara Johnson noted that the change in process regarding written communications discussed by the Commission on July 26 was implemented with the current packet. Included in the packet were all written communications received since the previous meeting, along with all written comments submitted but not published in the previous packet. Many of the comments received and included in the current packet were related to climate change and sustainability, and to the Comprehensive Plan Periodic Update.

### B. Oral Communications (6:43 p.m.)

Court Olson, 15817 SE 26<sup>th</sup> Street in the Lake Hills/Spirit Ridge neighborhood, commented on behalf of the leadership team of People for Climate Action, Bellevue Chapter. The team includes persons who have overseen the design and construction of green buildings, and those having backgrounds in education, engineering, business, urban planning and technology. Some are currently working professionals while others are retired or semi-retired. All are committed to helping Bellevue curb greenhouse gases emissions for the health and wellbeing of future generations. Across the country, cities are responsible for over 70 percent of all greenhouse gases emissions. In considering how to manage future growth, the line must be held in regard to greenhouse gases emissions. A smart Comprehensive Plan must enable and promote the reduced frequency and distance of trips people travel. To do that will require allowing greater density in residential neighborhoods, and larger commercial and multifamily development must be located closer to transit hubs. To encourage resources, every effort must be made to encourage the

preservation and repurposing of existing buildings while allowing only new construction that is sustainably designed. All new buildings should be required to have wood and engineered timber structures. Steel and concrete buildings have an inherently high carbon footprint and should no longer be allowed. In an August 3 letter to city staff and the Commission, People For Climate Action, along with several allied organizations, urged the city to be thorough and thoughtful in the creation of a climate resilience element in the Comprehensive Plan. In late July People for Climate Action sent a three-page letter recommending detailed 2024 growth policies. The Commission and staff were urged to read both letters and incorporate the recommendations into the Comprehensive Plan update.

Alex Tsimerman began with a Nazi salute and called the Commissioners dirty Nazi Gestapo garbage democratic mafia rats. With regard to Ordinance 6752, it was noted that Seattle has a similar policy called the Alex Tsimerman rules that includes a three-time limit. King County has a two-time limit, also because of Alex Tsimerman. Bellevue set a limitation rule in place ten years ago that disallowed speaking for sixty days. An idiotic rule that smells like Nazi Gestapo. Now the Council has made another rule to limit Alex Tsimerman. The Commissioners are degenerate idiots and Cretins because they officially approved the rules. For 30 years it has been possible to speak about anything, now the rule has changed. In past years speakers were allowed to speak at both the beginning and end of the meeting, now that has been cut by the Council.

Pamela Johnston said the people in Bellevue are in fact very smart. The city has a very high rate of college graduates, many with master's and doctorate degrees. It can be difficult, however, to figure out all the stuff that is coming through. In looking at the Comprehensive Plan policies, the Commission should be very careful to make sure they are clear as to what they mean. There should be definitions included for all technical words and phrases used, such as low-impact development (LID). One thing that was critical in working on the LID update was the tree policies, but at that time they did not do a good job of addressing the tree policies. Trees play a very important role in taking up water runoff. All ways for how things could be done should be considered. For instance, the city requires a five-foot setback from property lines, but the resulting distance between houses is not sufficient to allow for planting trees.

Heidi Dean reported having recently attended the Bellevue Essentials event where Lindsay Masters from ARCH was the guest speaker and who confirmed that the majority of ARCH clients have cars to get around and do business, and those cars require parking. Decreasing the parking requirements, especially for affordable housing, does not seem to match. One person who attended the Newport Hills neighborhood walk on July 18, without being identified as having a connection to the shopping center, was Divya Kapuria of Heartland, the real estate advisor for Rainier Northwest. The next week Divya Kapuria attempted to present the perspective of the Newport Hills residents to the Council, which was both sneaky and manipulative, raising the concern of what will happen when Newport Hills enters neighborhood planning next year. It could be that the shopping center owner and the real estate advisors will seek to drive the neighborhood planning. Hopefully the city will not allow that. With regard to the June 28 Commission meeting at which Assistant City Attorney Matt McFarland presented on the roles and responsibilities of the Commission, it was alarming to hear what amounted to low-key threats to discourage Commissioners from engaging in robust discussion that might question what is presented by the staff. The comments made in regard to the issue of significantly changed conditions was particularly concerning and the Commission's Council liaison Councilmember Robertson should review what was said.

Lee Sargent, 16246 NE 24<sup>th</sup> Street, spoke representing Trees for Livability. Trees that have been growing for decades should be allowed to continue growing, providing the services they provide.

The Commission represents the citizens of the city in very real ways. The Commissioners were thanked for their work and for paying attention to the issues.

7. PUBLIC HEARING – None  
(7:00 p.m.)

8. STUDY SESSION  
(7:00 p.m.)

A. Comprehensive Plan Periodic Update: Overview of Policy Changes in the Utilities, Environment, Parks, Recreation and Open Space, and Capital Facilities Elements

Senior Planner Dr. Kate Nesse reminded the Commissioners that concepts for growth had been shared with the group in February 2022. Those concepts were formed into growth alternatives that were subject to a lot of evaluation, including an economic analysis, the DEIS, an equity analysis, and through community feedback. Taking all that into account, the Commission recommended a preferred alternative, which was confirmed by the Council and which is currently being studied in the FEIS along with a few additional bits of analysis.

The Comprehensive Plan starts with an introduction, and there are vision statements for all of the elements that inform the updates that will be going into the various elements. The vision is based on the Council's vision. There are 12 elements in all, five of which will be subject to other city boards and commissions that will forward their recommendations to the Planning Commission. The Shoreline Management Element is housed in the Comprehensive Plan per state law, but it has a separate update process.

Updates to the individual elements all start with the Council vision. Since 2015 there have been changes to state and regional requirements, including the Growth Management Act, the Countywide Planning Policies and the Multicounty Planning Policies; various reports and analysis have been commissioned; and there has been community input. All those factors are informing the updates. The FEIS will contain some additional analysis, there are plans for additional community engagement on specific topics.

The vision survey put out in 2022 asked what people love about Bellevue that they want future generations to enjoy. About 65 percent of the 3000 respondents highlighted the city's parks, green space and open space to the open-ended question relating what people loved about Bellevue and would like future generations to enjoy. The first community deep dive was focused on the environment and sustainability and the topics presented delved into the interdependence of the environment and development. The groups talked about things such as implementing building standards; how dense development reduces the impact on the environment; that parks and nature are central to the city's identity; and that transportation and the environment are intertwined.

The statistically valid survey completed earlier in 2023 asked people to compare development priorities. Preserving and enhancing the tree canopy was shown to be twice as important as frequent bus service.

Turning to the topic of watershed management, Dr. Kate Nesse said the updates are being led by the Storm and Surface Water Technical Memo which was commissioned by the Utility Department as part of the Watershed Management Plan update work, which identified a number of policies in need of being updated. The Climate Vulnerability Assessment will be shared with

the Commission in early October and its recommendations will be incorporated in the update.

The key takeaway from the Utility Department survey is that people really value the natural areas in Bellevue, both because they like to look at trees and because of the natural ecosystems they provide and support. The two areas primarily impacted by watershed management are the Utilities Element and the Environment Element. The Environmental Services Commission will review the policies related to water and sewer and will make a recommendation to the Commission. The key changes related to watershed management in the Comprehensive Plan are in regard to current best practices and the latest technologies, and the use of low-impact development techniques as a preferred or required practice.

Commissioner Malakoutian asked why low-impact development is the best approach, and what some of the specific practices are in that category. Dr. Kate Nesse said the main reason the city wants to use low-impact development is that it minimized surface water runoff. If water can be absorbed on properties, there will be less pollution in the waterways, and runoff will generally be better managed by being absorbed into the local ecosystem. Techniques include things like rain gardens, rain barrels and green roofs.

Commissioner Cálad called attention to the survey in which only 14 percent of Bellevue residents called out accessibility as being important to the community and stated that accessibility is important and may be misrepresented in the survey results. Parks and green spaces are important in terms of safety and quality of life, and accessibility should also be important to everyone, not just those with a disability. Dr. Kate Nesse agreed with the need to plan for the entire community, not just the loudest voices or the majority.

Chair Bhargava said certain things should not be taken off the table simply based on a scoring in a survey. Accessibility is one. Additionally, Chair Bhargava asked staff to include absolute numbers regarding public participation when showing the survey and community input results. Surveys that are deemed statistically valid have the right sample size, but it does not guarantee the representation from all populations within the city. Dr. Kate Nesse said that is a key stumbling block for many statistically valid surveys. Those who do not respond to a survey could have answers completely different from those of the people who do respond. That is one of the reasons why a surveying company was employed to conduct the statistically valid survey and to do the follow-up needed to minimize the non-response bias. Disability status was not a question asked in the vision survey.

Turning to climate change, Dr. Kate Nesse said there are a group of updates related to the topical area. There is recently legislation, HB-1181, which requires some changes by 2029, not all of which will be made with the current update. Additionally, the Countywide Planning Policies and the Multicounty Planning Policies have changes related to planning for the impacts and causes of climate change, and updates to the city's plan must be made in order to be compliant. The climate vulnerability assessment focused on policies related to climate change and the recommendations in that report are influencing primarily the Capital Facilities Element, the Environment Element and the Utilities Element by incorporating standards or goals that reduce the impact on the environment via both city and private activities. There is support for the Environmental Stewardship Initiative as well. There are policies related to resiliency in city systems, including water and sewer as well as roads, taking into account causes resulting from climate change, not just natural disasters. Strategies are also included that help the city adapt to climate change.

Commissioner Malakoutian agreed that time constraints will keep the city from initially adopting

all the changes required by HB-1181, but suggested working toward adopting those elements that will have the highest impact. Dr. Kate Nesse clarified that the intent is to move forward with adopting those items that will not impact the timeframe. There are some issues that will require more time to work through. Thara Johnson added that the Department of Commerce has been directed to provide rules and guidance relative to HB-1181. The recommendation from the City Attorney's Office has been to address some of the policy changes, but those in need of direction from the Department of Commerce should be held for a future initiative. Commissioner Malakoutian urged not waiting until the deadline of 2029.

Commissioner Cálad recalled that some of the changes will require changes to building structures to make them more environmentally friendly. Dr. Kate Nesse said the standards for reducing impacts on the environment could involve building standards, and the same is true for resiliency in city systems. Commissioner Cálad pointed out that such changes will have associated costs. Many small businesses may not be able to shoulder those costs and the city should have a plan for dealing with that issue.

Commissioner Khanloo asked if the Environmental Stewardship Initiative is embedded in the Comprehensive Plan. Dr. Kate Nesse said the city has many functional plans. The Comprehensive Plan sets the general guidance and then the functional plans set more specific implementation strategies. The Environmental Stewardship Initiative is a functional plan. It follows the general guidance of the Comprehensive Plan but the implementation specifics are in the Environmental Stewardship Initiative.

Commissioner Khanloo asked if changes to the functional plans will trigger changes to the Comprehensive Plan. By way of example, Dr. Kate Nesse noted that the Watershed Management Plan is in the process of being updated. The update process has acknowledged that in order to implement the best practices, some of the city policies will need to change.

Chair Bhargava asked if the climate vulnerability assessment is a standard approach cities use, or if it is something unique to Bellevue. Thara Johnson said the approach is not unique to Bellevue, though it is a fairly new way of assessing climate impacts. It is focused on how to remain resilient and making sure there are strategies in place to ensure mitigating for impacts.

Chair Bhargava asked if the process will include a review of national best practices. Thara Johnson said the consultants will be providing the Commission with an overview at an upcoming meeting on the climate vulnerability assessment. The materials for that briefing could be crafted to include a review of national best practices.

Dr. Kate Nesse said the DEIS contains a couple of recommendations relative to urban forestry. One is to implement policies that encourage new development in areas without much tree canopy to plant trees and tend them to maturity. For areas already having a lot of tree canopy, there is a recommendation to recommend things like cluster development to preserve the tree canopy while the area is developed. The statistically valid survey respondents highlighted the tree canopy as the second most important development priority. Even broken down by demographic group, tree canopy was always in the top five. The FEIS will include additional analysis on the impact of the preferred alternative on the tree canopy. The urban forestry issues impact the Parks, Recreation and Open Space Element and the Environment Element. The current Comprehensive Plan includes a great deal of support for the tree canopy. The policy changes are aimed at further enhancing the tree canopy and finding opportunities to restore the ecological health of the forested areas.

Commissioner Khanloo commented on being the resident of a development at which the developer planted eight trees, three of which subsequently were removed because they were in locations that were wrong for the neighborhood. The question asked was to what extent the city can focus on preserving existing trees as new development occurs. Dr. Kate Nesse acknowledged that there is a lot of support in the community for an approach such as that. The tree code update will include some details for addressing the approach through code language. Any policy changes relating to how trees are approached in Bellevue would appropriately be included in the Comprehensive Plan. The Comprehensive Plan sets the direction; the code is the tool for implementing the Comprehensive Plan.

Commissioner Cálad said the code is complex and hard to understand. A higher level of understanding is needed of the long-term strategies for maintaining trees, and for removing those that need to be removed for various reasons, including those ending their life cycle. The vision needs to be more nuanced than just an approach that seeks to save every tree. Dr. Kate Nesse said the tree code update work will reflect the ongoing discussion in the community and will have weigh-in from the Commission.

Commissioner Malakoutian asked what the purpose was behind adding incentives for developers to add trees when developing in areas that have few trees, and to preserve trees when developing in areas where there are a lot of trees. Dr. Kate Nesse said the recommendations are from the DEIS for changing policies. The policies will be seen primarily in the Land Use Element but there are implications for how trees are approached in the Environment Element as well.

Commissioner Malakoutian said the underlying questions are what the incentives will look like and who will maintain the trees that get planted. Dr. Kate Nesse said those two issues were the only two recommended in the DEIS. There may be additional recommendations in the FEIS due to additional analysis of the tree canopy. The policies in the Comprehensive Plan can lead to studies, to implementation in a plan, and to a code update. If the city is unsure as to how it wants to incentivize the planting of trees in areas that do not have a lot of tree canopy, high-level language might get used that simply calls for incentivizing the planting of trees in areas with low tree canopy. If there is a clear idea around how to incentivize those actions, policy can be included that directs the incentives along that path. It could ultimately take the form of a development requirement or impact fees. Commissioner Malakoutian suggested including language about maintaining any trees that get planted.

Chair Bhargava stressed the need to provide input, guidance and support for what will get codified into the Land Use Code and other structures that will rigorously guide development. Some of that could come out of the analysis that is part of the FEIS. One resonating issue is that enforcement has very few teeth in the tree code. It appears the city has little recourse for when a property owner elects to do what they want with the trees on their property.

Commissioner Cálad said countries outside the United States are not afforded the opportunity to have such conversations. Because it is normal inside the United States, too many take the opportunity for granted and fail to contribute.

Commissioner Khanloo asked if the tree canopy code under or over the Environmental Stewardship Initiative. Dr. Kate Nesse said the Comprehensive Plan gives general direction, and the Environmental Stewardship Initiative gives more specific direction. The tree code is the final authority.

Dr. Kate Nesse drew attention to the notion of inclusive recreation as it relates to the Parks,

Recreation and Open Space Element. The updates stem primarily from the Countywide Planning Policies and Multicounty Planning Policies. There were amended policies in those two documents that supported the creation of parks serve historically underserved populations in the city. The issue is an important one to the city has the city works to expand the definition of underserved populations. The revisions explicitly state that access to parks includes people of different abilities, and they specifically prioritize park access for historically underserved populations, including in regard to existing parks and the siting and creation of new parks. The issue was highlighted in the vision survey, which did not rate the city high in the area of equity.

Commissioner Brown noted that there is an area that was formerly unincorporated King County but which was ultimately absorbed by Bellevue that has a distinct lack of parks. The question asked if considerations of that sort would be addressed in the Comprehensive Plan update. Dr. Kate Nesse said the recently updated and adopted parks plan does prioritize areas that were formerly in unincorporated King County and which lack park facilities.

Commissioner Malakoutian asked for specific examples of strategies to be considered that will improve inclusive access to recreation spaces for individuals with different mobility. Dr. Kate Nesse said there is nothing in the current plan that precludes the city from implementing accessible playground equipment, like that installed in Downtown Park. The intent is to add explicit direction to include people of different abilities.

Commissioner Cálad stated that Inspiration Playground is an excellent example of how the community can be brought together.

Chair Bhargava asked how the city defines “historically underserved.” Dr. Kate Nesse said it can mean different things in different communities. In Bellevue, the phrase is viewed in two ways, starting with geographic areas that are underserved. The other meaning involves populations that in general have not historically been afforded good access to parks. Currently and historically Black and Hispanic populations have had less access to parks. The intent is to determine where parks are missing geographically and where Black and Hispanic households live in the city to identify any overlaps.

Chair Bhargava asked if “historically underserved” is based on assumption or actual analysis. Dr. Kate Nesse said when the updates to the Countywide Planning Policies and Multicounty Planning Policies address equity, they do so on many levels, but the first level is racial equity.

Chair Bhargava asked if the city is sure other demographics are not also historically underserved. Dr. Kate Nesse said there may in fact be other segments of the population that fit into that category. As it moves forward, the process will account for that.

Commissioner Cálad pointed out that Ashwood Park is a fantastic space just awaiting the creation of magic by the city. It is close to the library and close to the children’s museum, and close to the upcoming performing arts center which will also include programming for children. A second Inspiration Playground would be perfect there. Dr. Kate Nesse said Ashwood Park is a priority area for the parks department.

## 9. OTHER BUSINESS (8:09 p.m.)

Chair Bhargava indicated being unable to attend the Commission meeting on September 27. Thara Johnson noted that Chair Goepple had previously said the same, necessitating the need



for the Commission to appoint someone to chair the meeting.

Commissioner Malakoutian volunteered to chair on that day. Commissioner Khanloo volunteered to fill in in the event Commissioner Malakoutian is not able to attend.

10. APPROVAL OF MINUTES  
(8:11 p.m.)

A. July 12, 2023

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

B. July 26, 2023

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

11. CONTINUED ORAL COMMUNICATIONS  
(8:12 p.m.)

Pamela Johnston said the reason for the 2029 deadline for climate change policies under HB-1181 is that the state is not prepared to even say what must be done.

Jessie Clawson with McCullough Hill remarked on having listened with interest to the conversation regarding the utilities plan related to storm water. The updated plan contains a number of good things. As the Commission works through the environmental and storm water policies, the Commissioners should ask questions about how the policies will work together or, or do not work together with, other goals related to land use and transportation. In the coming weeks the Commission will delve into the BelRed area and there will be voices commenting on the current code and how it is difficult to do things like daylight streams due to the required setbacks. The Comprehensive Plan policies should call for flexibility, particularly with regard to up-streams that are piped and which must be daylighted, and there should be monetary incentives put in place for developers to tap into.

12. EXECUTIVE SESSION – None  
(8:17 p.m.)

13. ADJOURNMENT  
(8:17 p.m.)

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

Chair Bhargava adjourned the meeting at 8:17 p.m.