

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

October 27, 2021
6:30 p.m.

Bellevue City Hall
Virtual Meeting

COMMISSIONERS PRESENT: Chair Malakoutian, [Vice Chair Ferris](#), Commissioners Bhargava, Brown, [Goepple](#), Moolgavkar, Morisseau

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COMMISSIONERS ABSENT: None

STAFF PRESENT: Thara Johnson, Department of Community Development; Kristina Gallant, Nick Whipple, Department of Development Services; Matt McFarland, City Attorney's Office

COUNCIL LIAISON: Councilmember Barksdale

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

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

The meeting was called to order at 6:31 p.m. by Chair [Malakoutian](#), who presided.

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Chair [Malakoutian](#) stated that the meeting was being held remotely via zoom in order to comply with the Governor's emergency order concerning the Open Public Meetings Act, which prohibits in-person meetings.

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

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

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

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

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

Councilmember Barksdale reported that on October 18 the City Council continued its discussion of the East Main area and specifically focused on FAR, height and the development agreement. At its October 25 meeting the Council voted to approve the Land Use Code amendment to remove occupancy limits, and voted to approve the DASH, Glendale and Evergreen Court Comprehensive Plan amendments as well as the Transportation Element Comprehensive Plan

amendment with only a minor change to Policy TR-2 which had to do with managing congestion and assuring a quality traveling experience.

Chair Malakoutian noted that during the meeting the Council expressed its appreciation for the work of the Planning Commission a number of times.

5. STAFF REPORTS
(6:35 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.

Planning Manager Nick Whipple noted that the Commission was introduced to the permanent supportive housing LUCA in late September. Staff has been coordinating internally with other departments and more of that work needs to be completed before bringing to the Commission the remaining portions of the code amendment. The anticipation is that it will be ready for review by the Commission on December 8.

Ms. Johnson informed the Commissioners that two CPA applications for 2022 had been received, a map amendment and a policy amendment. The required noticing must be made before bringing the proposals to the Commission.

Commissioner Morisseau asked if the schedule change would impact the 2022 schedule. Ms. Johnson said apart from the permanent supportive housing Land Use Code amendment, most of what was projected for the Commission to do during 2021 has been accomplished. She allowed that 2022 will be a full year.

Vice Chair Ferris suggested that the Chair should send to the Commissioners a questionnaire seeking input relative to what is working and what can be improved prior to the upcoming retreat.

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Commissioner Goepple said he had hoped the retreat would be held in person given that he had not yet personally met the other Commissioners. He said he understood the need to keep people safe during the pandemic but expressed his preference for meeting in person. Ms. Johnson noted that both Commissioners Bhargava and Brown had also not met the other Commissioners in person. She said staff would welcome any thoughts the Commissioners may have about how to make the retreat more exciting and interactive, but said the direction from the City Manager's Office has been that all boards and commissions are to continue meeting virtually. She agreed to ask if an exception could be made.

Returning to the issue of the supportive housing LUCA, Assistant City Attorney Matt McFarland pointed out that the city was on a timeline to adopt the permanent LUCA ahead of the expiration of the Interim Official Control (IOC) adopted by the Council to meet the deadline set by the state. In all likelihood, the Council will be extending the IOC. Accordingly, pushing back the supportive housing LUCA will give the Commission more time to process it, and that should help with the Commission's schedule.

6. ORAL AND WRITTEN COMMUNICATIONS
(6:51 p.m.)

There was no one wishing to address the Commission.

Chair Malakoutian asked staff to comment on the issue previously raised by a member of the public about not wanting to have their personal information included in written communications to the Commission shared with the public. Ms. Johnson said staff was looking into ways to not incorporate that information for the public to see. She said the typical process has been to include all written communications in the Commission's packets. One option might be to include notice on the Commission's webpage telling the public that personal information included in written communications to the Commission will be publicly disclosed and urging the public not to include personal information.

Commissioner Morisseau suggested that change to the website should be made right away.

Ms. Johnson noted that no written communications had been received prior or subsequent to publication of the packet.

7. PUBLIC HEARING – None
(6:56 p.m.)

8. STUDY SESSION
(6:56 p.m.)

A. Land Use Code Amendment (LUCA) to Address Clean-up Changes in the Land Use Code

Mr. Whipple explained that following the presentation staff would be asking the Commission for direction to have the staff prepare the LUCA for a future public hearing. He informed the Commission that the Department of Development Services undertakes a routine code cleanup exercise about every other year, though he allowed that it has been more than three years since the last time it was done. The intent is to be more intentional about adhering to the every-other-year schedule going forward. The proposed amendments are intended to improve clarity and internal consistency, and to correct outdated references and citations. The amendments are minor and limited to non-substantive items. They do not address policy issues and do not warrant independent Land Use Code amendments.

Senior planner Kristina Gallant noted the proposed amendments were grouped in two categories: corrections to references and numbering, and internal consistency and clarity. She said the first category of amendments in the proposal include eliminating an old reference in 20.10.200 to the Sammamish Community Council, an entity that has not existed for 20 years. In 20.20.255.C, "Figure UT.5a" was proposed to change to "Figure UT 7" in the Utilities Element of the Comprehensive Plan. The reference in 20.20.900.E.1 was proposed to be changed from "23.76.035.A.8" to "23.73.035.A.9."

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Ms. Gallant said there are two outdated definitions, beginning with the definition of the director of Planning and Community Development. The title is outdated and the correct definition would be Director of Development Services. Also in the code is a definition for Director, which points to the Director of Development Services. The code has since been cleaned of any references to Director of Planning and Community Development, so it is no longer necessary. Similarly there is a definition for midblock retail connection that is no longer used, and there is an outdated

reference to the Uniform Building Code which has been updated to the International Existing Building Code.

The amendments focused on internal consistency and clarity are more complex but are still under the threshold of not changing practices or involving policy changes. Ms. Gallant noted that currently 20.20.520 in the Downtown code, which concerns landscape development, is indicated as applying except where it conflicts with other components of the Downtown code. However, in 20.25A.010, where sections that do not apply Downtown are listed, 20.20.520 is included. It will be removed from the list of items that are not applicable given that it is applicable.

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Also in the Downtown code, the amenity incentive system offers some reduced parking standards for projects that provide affordable housing. However, that is not mentioned in the general parking requirements table, thus for ease of navigation the proposal is to add a footnote directing the reader to the appropriate section in the amenity incentive system.

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By way of internal consistency and clarity, a figure that depicts standards for Downtown parking garages will be replaced given that the current image conflicts with the code text. In addition, the current Eastgate code includes some limitations on the types of uses that are allowed on certain building frontages, and they are referred to in the code as ground floor uses. The code language mistakenly indicates that all other uses are not permitted on the entire ground floor, so a change is needed to remove that unintentional restriction.

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Ms. Gallant showed the Commissioners the image that is in the current Downtown code for parking structure standards which depicts a requirement for "active or commercial uses" on the first floor. She noted that the code language, however, specifies that the space must be habitable for commercial activities, which is different than "active or commercial uses", and extends to the second floor, not just the first. The proposal is to revise the image to match the code.

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In terms of process and schedule, Ms. Gallant noted that the Process IV outreach requirements have been employed. A notice of application was posted and there will be a public hearing scheduled on December 8 following a courtesy public hearing with the East Bellevue Community Council. A study session with the City Council will be scheduled and that will be followed by action by the Council, after which an additional public hearing and action will be scheduled with the East Bellevue Community Council.

Commissioner Goeppele praised the work of the staff in identifying the need to make the code changes and clarifications. He said he concurred with the proposal and supported setting a public hearing for the LUCA.

Commissioner Brown noted that in her Word documents she uses a cross-reference field rather than a set number, which allows for automatic adjustments when the numbers adjust. She asked if that could be done for a LUCA. Ms. Gallant said that would be a question for code publishing. She said it was her understanding that ordinance text is published as it is provided to them.

Commissioner Morisseau referred to the image depicting the parking structure standards and the requirement for active or commercial uses and sought confirmation from staff that it was specific to commercial areas. Ms. Gallant said the requirements are specifically for parking structures. Along certain streets in the Downtown, parking structures must be screened on the first and second floors with some kind of space habitable for commercial activity. The intent is to keep the parking garage from looking like a parking garage in the pedestrian streetscape. The image depicts the minimum area that must be reserved for commercial activity. The image needs to be

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revised to indicate the commercial activity requirement extends beyond the ground floor to the second floor. A change to text within the image is needed to match the way the space is referred to in the code. Mr. Whipple added that the second floor requirement was put in place during the Downtown Livability Initiative update in 2017. The specific code language states that where adjacent to a right-of-way, a minimum 20 feet of the first and second floors measured from the façade inward shall be habitable for commercial activity. The corresponding graphic in the current code does not depict the second floor.

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Chair Malakoutian proposed including a second arrow from the footnote to the second floor to make it very clear.

Commissioner Morisseau suggested it would be helpful to include a legend identifying the shaded area. Mr. Whipple said staff would take another look at the graphic to make sure it is very clear.

9. OTHER BUSINESS – None

10. APPROVAL OF MINUTES

A. October 13, 2021

A motion to approve the minutes as submitted was made by Vice Chair Ferris. The motion was seconded by Commissioner Moolgavkar and the motion carried without dissent; Commissioner Goepple abstained from voting.

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11. CONTINUED ORAL COMMUNICATIONS – None

12. EXECUTIVE SESSION – None

13. ADJOURNMENT

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

Chair Malakoutian adjourned the meeting at 7:18 p.m.