

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

February 23, 2022
6:30 p.m.

Bellevue City Hall
Virtual Meeting

COMMISSIONERS PRESENT: Chair Malakoutian, Vice Chair Ferris, Commissioners Brown, Goeppele

COMMISSIONERS ABSENT: Commissioners Bhargava, Moolgavkar, Morisseau

STAFF PRESENT: Thara Johnson, Emil King, Kate Nesse, Department of Community Development; Nick Whipple, Caleb Miller, Department of Development Services

COUNCIL LIAISON: Councilmember Robertson

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER
(6:00 p.m.)

The meeting was called to order at 6:00 p.m. by Chair Malakoutian who presided.

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.

2. ROLL CALL
(6:31 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioners Bhargava, Moolgavkar and Morisseau.

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

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

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS
(6:32 p.m.)

Councilmember Robertson reported that the City Council received a briefing on the Comprehensive Plan amendment that is before the Commission. The Council is also looking at the curb management study around which there is an ongoing study that includes a poll. The Council took up the Countywide Planning Policies and gave direction for them to come back for ratification.

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

A. Planning Commission Meeting Schedule

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

6. ORAL AND WRITTEN COMMUNICATIONS
(6:37 p.m.)

A. Oral Communications

Mr. Craig Spiezle spoke on behalf of the Lochleven Community Association and in opposition to the privately initiated 115 100th Avenue NE CPA. He thanked Dr. Nesse and the entire planning staff for their diligence and responsiveness in regard to the geographic scoping analysis. The Lochleven Community Association supports the recommendation of the staff to not expand the geographic scope of the CPA. Expanding the scope would have a detrimental impact on the neighborhood. The Commission was encouraged to accept the recommendation of the planning staff. He further reinforced the comments previously submitted by the Lochleven Community Association regarding the threshold criteria of the CPA, including the criterion of significantly changed conditions. The Northwest Bellevue subarea plan was last amended in December 13, 2021. The applicant was advised by the planning staff of the requirement on September 8, 2021, prior to applying for the CPA, which was more than 90 days prior to the purchase of the property by the applicant on December 16, 2021. As noted by Councilmember Robertson on at the Commission's February 14 meeting, the burden of proof for meeting the requirement is extremely high since there have been no material changes in conditions. While the legal standing of the applicant remains unresolved, approval of the CPA would set a dangerous precedent for the city.

With regard to the supportive housing and emergency housing LUCA, Mr. Spiezle outlined the request of the Lochleven Community Association to postpone a vote on the proposal for a minimum of 90 days. The Association recognizes and supports the need for the city to expand housing options as outlined in RCW 35A.21.430. Postponing a vote would provide ample time for the planning department to develop a plan for permitting and monitoring compliance to support the LUCA by expanding outreach to all stakeholders, minimizing the risk of adverse impacts on neighborhoods and the city at large. It should be noted that since February 9 staff memo was submitted to the Commission, nearly a hundred comments were submitted in opposition. Delaying the vote will afford city staff ample time to proactively incorporate the feedback and develop a CPA that includes circuit breakers to address community concerns. Outreach should include, but not be limited to, Bellevue's community associations that are registered with the city. The city has until July 12 to take action, and the City Council can extend the deadline for up to six months. As such there is no rush and it will be in the city's best interest to delay the vote to allow for the establishment of guardrails and remediation processes to help protect the neighborhoods from mismanagement or unintended consequences.

Thara Johnson reminded the Commission that during Oral Communications each speaker is allowed only three minutes in which to speak. To allow more time, the Commission would need to vote to amend the bylaws.

Vice Chair Ferris moved for the current meeting only to allow speakers to address both study session items for three minutes each, six minutes total. The motion was seconded by Commissioner Brown and the motion carried 3-1, with Commissioner Goeppel voting no.

Ms. Betsi Hummer, 14541 SE 26th Street, urged the Commission to postpone a vote on the permanent supportive and transitional housing LUCA. Staff has made several presentations on the Interim Official Control and on the LUCA. The populations of permanent supportive housing and transitional housing are so similar to the homeless shelters and as such they deserve the same guarantees and protections that the homeless services uses have in the Land Use Code. A conditional use permit should be required and there should be standard operating procedures. There should be a requirement for a code of conduct, a safety and security plan, and a good neighbor advisory agreement, all of which have worked well for the shelter in Eastgate run by Congregations for the Homeless. Shelter providers cannot simply be relied on; some will say they will do everything, but without required accountability there will be nothing to hold their feet to the fire. The Commission should take the extra time to review and get more information on the complex issues involved. With regard to 20.20.455, she said commercial properties have the same protections that the participants in the programs do for shelters, but neighborhoods do no.

Ms. Michelle Rosenblom said as a new member of the community she would like to better understand how the regulations for the supportive housing and emergency housing LUCA are shaping up. If there are no plans for incremental regulations, it should be clear what current codes exist that will help to ensure all community members, including those who will eventually live in the transitional housing units, will be protected from any improper use of the code, such as operators cramming 15 people into a single room with access to only one bathroom. She said she was concerned about whether or not the existing regulations can actually mitigate potential negative consequences. She agreed with the call to postpone voting on the proposed LUCA to allow for additional outreach, which is critical regarding such sensitive topics. She said she attended the Commission's previous meeting on the topic but still has to search to find out information about the present meeting even though she follows the city on Twitter, Instagram and Facebook, and has signed up for emails from the Planning Commission. The topic is too important to rely on traditional outreach measures. Until more of the community is made aware and becomes involved in the proposed changes to the Land Use Code, the Commission should delay voting to move forward.

Mr. Chad Vaculin spoke representing the Eastside Affordable Housing Convening, a group comprised of various housing and direct service providers, faith leaders and other advocates. The group is committed to meeting the needs of the neighbors and addressing the necessity for a significant increase in the number of affordable housing options available to all residents of East King County. The Convening strongly supports allowing permanent supportive housing and transitional housing where residential dwellings or hotels are allowed, as well as emergency housing and shelters where hotels are allowed. He thanked the Commission for its work and the staff for being forthcoming, responsive and informative throughout the process. He urged the Commission to reference the letter submitted by the Convening sent previously to the Commission which goes into great detail about each of the proposed items. There should be no requirement for obtaining a conditional use permit for emergency housing in districts that allow hotels. The Commission should move forward with a process that can ensure that new requirements, such as subjecting projects to strenuous processes, are not placed on desperately needed housing types. While possibly well intentioned, adding new restrictions can create long delays that prevent access to services. The definitions of supportive housing and supportive services should be slightly amended, which the staff has included in their latest proposal, to be in

alignment with the relevant state requirements and for internal consistency. The establishment of 30- and 60-day stay limits should be eliminated. No additional requirements should be placed on supportive housing that are not put on other types of residential housing.

Ms. Emily Ho said she grew up in Bellevue and is a current resident. With regard to the menu of options of suggested modifications to the proposed LUCA, she referenced the item that would require a community meeting prior to opening either emergency housing or supportive housing. She opposed the modification because even if well-intentioned, additional requirements could be prohibitive of supportive housing, which is counter to the intent of state law. No such requirement is in place for other types of residential housing, and the Commission previously made clear its intention to treat supportive housing the same as other residential housing. She urged the Commission not to add a conditional use permit requirement for emergency housing. Not having a requirement for a conditional use permit will protect emergency housing from long delays and prohibitive costs, ensuring alignment with state law to remove barriers for specific types of housing. A process is needed that will ensure that new requirements, such as subjecting projects to the arduous and costly conditional use permitting process, are not placed on desperately needed housing types. Bellevue should be welcoming and inviting everyone to become neighbors and should avoid putting up obstacles that prevent or delay. The city should have a shared value of inclusivity.

Mr. Al Rosenthal said most Bellevue residents would want to see the following reasonable requirements in regard to supportive and emergency housing: require a conditional use permit; notify all residents and businesses within a half mile and allow comment before issuing a conditional use permit; banning the use and sale of illegal drugs, and anyone caught with illegal drugs, including prescription drugs without a prescription; require 24/7 onsite security; and have police on a regular basis check on the sites. He said as a member of the 2013 Redmond homeless task force he knows how one shelter, specifically The Landing, can have residents connected to a lot of crime, including two murders, can affect the surrounding areas. The residents of Bellevue should not be put in danger. He said his commercial building was affected by the homeless.

Mr. Kan Qiu agreed with the prior speakers who urged the Commission to postpone making a decision on the LUCA. He seconded the suggestion to apply the same restrictions as those used for homeless shelters as define in city code 20.20.455. There should also be a requirement to obtain a conditional use permit and to have a standard operating procedure plan, a code of conduct, a safety and security plan, a good neighbor agreement, and expand notice to include property owners within 1000 feet of project sites. Residential property owners deserve the same considerations as Community Business-zoned properties that house shelters.

Ms. Lucille Hester Wynn with Imagine Housing said she was speaking just as a 26-year Bellevue resident. She voiced support for the proposed LUCA with the amendments recommended by the Convening and by Congregations for the Homeless. She said she is committed to seeing Bellevue increase the stock of its affordable housing. If Bellevue is to be made a desirable city in which to live, work and thrive, it must make room for all different types of housing and people. Having a safe and affordable house to live in is the foundation for all success in life. Lack of access to affordable housing is the biggest cause of homelessness. Bellevue has homeless persons and it is a myth to think they are coming mostly from other places. Their needs can be met by making housing more diverse, or it can be pretended that they will go away, which will not happen.

Mr. Joel Glass, 4216 37th Avenue SE, referenced the email he sent to the Commission earlier in the day. He emphasized his desire for the Commission to spend the time to really dig into the

issues surrounding the proposed LUCA and to develop the regulations needed to have things be safe for the community at large and the residents of supportive housing and emergency housing facilities. It is easy to think that the operators of the facilities will have good and safe facilities, but there are many other people who could take advantage of the situation. Basic regulations are needed that will set the bar at a point where it makes sense to make everyone safe.

A motion to extend the time for oral communications by three minutes was made by Vice Chair Ferris. The motion was seconded by Commissioner Brown and the motion carried unanimously.

Mr. George Bullock, 3037 164th Place NE, voiced his support for the Commission delaying its vote on the proposed LUCA and adding amendments to it to further protect the citizens of Bellevue and the residents of transitional housing and other housing types in residential areas. He pushed back on the idea that supportive housing should not be made any more difficult to permit than residential housing. Supportive housing is not like residential housing. He said the process of buying a house in Bellevue requires going through a lot of hoops, all of which essentially qualify the buyer to safely live in a residential area. That should be the case for allowing homeless persons to move into a house in a residential area. It is simply not understandable why homeless persons should be allowed to live in residential areas with virtually no screening or other requirements. It should be made difficult to get into such houses and should be allowed for reasons other than just being homeless. The residents of such facilities should be required to follow certain directives. Seattle is continuing to see an increase in crimes and issues due to homeless persons. Data shows that moving a homeless person from a tent to a house will not stop their illegal activities. Crimes are happening around the country and they are being committed by homeless persons, and he listed a few specifically. The Commission's first priority is to the citizens of Bellevue and their safety.

B. Written Communications
(7:22 p.m.)

Ms. Johnson noted that included in the Commission's packet were a total of 19 written comments relating to the emergency and transitional housing LUCA and the CPA on the agenda. Subsequent to the printing of the packets, a total of six additional written comments relating to the CPA, and 20 additional comments on the LUCA, all of which forwarded to the Commissioners.

7. PUBLIC HEARING – None
(7:23 p.m.)

8. STUDY SESSION
(7:23 p.m.)

Dr. Kate Nesse with the Department of Development Services noted that the privately initiated Comprehensive Plan amendment was introduced to the Commission in December. She explained that a discussion of geographic scoping precedes the threshold review process. The geographic scoping process is dictated by the Land Use Code at 20.30I.A.1.a.ii. The process is required to occur prior to the threshold review public hearing. According to the code, the expansion of the geographic scope is allowed if nearby similarly situated properties share the characteristics of the proposed amendment site. Where expansion is allowed, it is to be the minimum necessary to include the properties with shared characteristics.

Continuing, Dr. Nesse reminded the Commissioners that the proposed CPA involves the former

Chimney Condominiums site at 115 100th Avenue NE. The application seeks a map amendment from Multifamily-High to Neighborhood Mixed Use. The subject property is across from Downtown Park and is about an acre in size. The property is located in the Northwest Bellevue subarea, and across 100th Avenue NE is the Downtown subarea. The property that lies kitty corner from the subject property across 100th Avenue NE is in the Downtown subarea and thus is not similarly situated.

The applicant has noted the importance of the subject site by virtue of being located across from Downtown Park. Dr. Nesse said she removed from consideration of geographic scoping all properties not located across from the park, including the properties across NE 1st Street and to the west.

With regard to shared characteristics, Dr. Nesse stated that NMU sites must be large enough to make the designation feasible. The proposed site is just under an acre. The property to the north on which the Bellevue Boys & Girls Club is located is large enough to support the NMU designation, while the property to the south is too small and thus does not share the characteristic. The Boys & Girls Club site is zoned R-30, the same as the subject site. The subject property lies within the transition zone between the Downtown and single family, thus it has different height restrictions; the Boys & Girls Club site lies mostly outside the transition zone save for a small part of the parking lot. If the proposed CPA were to be approved, the Boys & Girls Club site would then be in a transition zone transitioning from multifamily. The current use of the subject property is a condominium development while the Boys & Girls Club parcel hosts recreational activities and a condominium. Recreational activities are a conditional use rather than a permitted use in the NMU zone, so any sort of expansion the Boys & Girls Club site might want to take would require additional steps. The Boys & Girls Club site was recently redeveloped and it is unlikely that it will seek redevelopment with an NMU-style building. The subject property lies at the end of a block and has street frontage on three sides, while the Boys & Girls Club site is located midblock and has street frontage on only two sides.

Dr. Nesse said the recommendation of the staff was not to expand the geographic scope of the proposed Comprehensive Plan amendment. The Boys & Girls Club parcel is the only parcel that meets the similarly situated circumstances criterion in terms of being nearby and of sufficient size, but it does not share enough additional characteristics to warrant expanding the geographic scope.

Once a decision is made by the Commission relative to geographic scoping, a date will be set for the public hearing and threshold review. The suggestion was made that the public hearing be set for March 23, and to conduct the final review process during the months of June and July.

Commissioner Goepple voiced his support for the recommendation of staff not to expand the geographic scoping.

Vice Chair Ferris agreed and thanked Dr. Nesse for her clear presentation. Commissioner Brown concurred as well.

Chair Malakoutian asked for clarification regarding the issue of looking at properties across from the park because the applicant pointed out that his property is across from the park. Dr. Nesse said the application suggests NMU is appropriate for the site because it is located across from Downtown Park and as such would respond to what is happening in Downtown Park. If that is the reason for the proposed change to NMU, it would make sense not to consider properties that are not across from Downtown Park. She stressed that staff is not bound to go by whatever an

applicant states. In this instance, however, one of the salient characteristics of the subject property is that it is across from Downtown Park.

There was consensus in favor of the staff recommendation. The Commission set the public hearing date for the threshold review also as recommended by staff.

B. Land Use Code Amendment (LUCA) To Establish Regulations for Permanent Supportive Housing, Transitional Housing, Emergency Housing and Emergency Shelter in the Land Use Code (LUC)

(7:39 p.m.)

Planning Manager Nick Whipple for the Code and Policy Division of the Department of Development Services reminded the Commission that following the public hearing on February 9 the staff were directed to bring back for recommendation the proposed LUCA. The Commission also requested additional information responding to questions and potential modifications to the LUCA presented at the public hearing. He sought from the Commission direction relative to incorporating the staff recommendations for Option 1A and 1B, and a recommendation to the City Council to approve the proposed LUCA.

Senior Planner Caleb Miller said the housing types in the LUCA are divided into two categories: supportive housing and homeless services uses. The distinction is primarily based on the duration of stay and intensity of use. Supportive housing includes permanent supportive housing, transitional housing and non-transient emergency housing. They generally have longer term durations of stay and more personalized services offered to help people stay housed or transition into independent living arrangements. While they come in many forms, they are intended to be stable homes. Homeless services uses include transient emergency housing and emergency shelter, which includes overnight shelters and day centers. They tend to have shorter durations of stay and more people coming and going at different hours of the day, and the services tend to be more general and basic in nature. The uses function more like hotels than residential uses.

The Commission heard a number of comments at the February 9 public hearing, many of which included suggestions for modifications to the LUCA. The Commission asked staff to look at four specific suggestions and to bring back additional suggestions for modifications. Options 1A through 1D were suggested by stakeholders. Option 1A suggests revising the definition of supportive housing to exactly match the definition in state law. Mr. Miller recommended against doing so because the state definition only reflects permanent supportive housing, not transitional housing or non-transient emergency housing. He said staff were recommending adding to the definition a reference to persons at risk of homelessness to be consistent with state law. Additionally, 20.20.845a, the purpose statement, would need to be revised to include the at risk of homelessness statement as well.

Option 1B would revise the definition of supportive services to clarify which supportive services may be provided with supportive housing. Mr. Miller said staff did not see any practical change in the application of the code based on that change and thus are not supportive of it.

Option 1C would remove the distinctions for transient and non-transient emergency housing. Mr. Miller said the staff did not recommend the proposal as the existing setup works well with both the RCW and the Land Use Code framework in controlling for intensity. Comments were received that it could impose a time limit on the duration of stay in emergency housing.

Option 1D would allow emergency housing as a permitted use in all districts where hotels and

motels are allowed. The modification has not been recommended by the staff as it would be inconsistent with the Land Use Code structure for residential uses, transient and non-transient. Mr. Miller noted that emergency housing non-transient as proposed would already be permitted by right in the hotel and motel districts.

Mr. Miller said additional modifications were requested by the Commission based on comments heard at the public hearing and in written comments. Three main topic areas stand out in the comments: public safety and security, community engagement, and neighborhood compatibility. Options 2A through 2F fall into those three areas. Options 2A, 2B and 2C are related in that they each involve requirements to submit additional documents. Option 2A calls for requiring a safety and security plan document; Option 2B calls for requiring a resident code of conduct; and Option 2C seeks to require documentation of the standard operating procedures. Mr. Miller said the staff did not support including the three options, though he noted that the operating procedures are included in the existing proposed LUCA as part of the registration requirement. If adopted, the option would result in increased time and cost for applicants seeking to be permitted.

Option 2D would require a community meeting prior to opening a supportive housing site. The meeting would be informational in nature and would not influence operations or siting. The intent is to establish a dialog between the neighbors and the supportive housing operator. The requirement was proposed to the Commission during the first study session. Following that discussion and receiving feedback from stakeholders, the proposal was pulled from the draft LUCA. Staff are not recommending the option as it is not consistent with other residential uses.

Options 2E and 2F deal with neighborhood compatibility. Option 2E calls for a buffer or separation requirement to control the siting of the uses to prevent a concentration in a single area. The option would limit the number of opportunities for people to be housed and is not consistent with how other residential uses are regulated. Option 2F seeks to impose a limit on the number of bedrooms in supportive housing to control for intensity and occupancy in single family districts. The proposal includes a six-bedroom limit. The approach is not, however, consistent with regulations for other residential uses and would limit the number of opportunities for people to be housed.

Mr. Miller noted that in addition to the potential modifications, the Commission directed staff to answer three specific questions: what public outreach strategies were employed for the proposed LUCA; are the housing types in RCW 35A.21.430 only intended for people experiencing homelessness; and what is the intent of the transient and non-transient emergency housing framework. Mr. Miller explained in regard to public outreach that the standard Process IV requirements for LUCAs were employed, including public noticing and the public hearing. A total of 12 different public notices were posted in regard to the IOC and the LUCA, with publication in the *Seattle Times* as well as the city's weekly permit bulletin. Additionally there was direct engagement with providers, and a city webpage was created where residents could find pertinent information. With regard to the housing types in state law, Mr. Miller said the Growth Management Act definition for permanent supportive housing specifically references homelessness, so the LUCA has been set up to reflect that. In the case of the transient and non-transient emergency housing distinction, Mr. Miller said separation of the two controls for intensity of use in a way that is consistent with how other residential uses are regulated in the Land Use Code. Non-transient emergency housing tends to be more stable and with less daily activity onsite. Transient emergency housing tends to have more activity with more people coming and going at different hours of the day.

Mr. Miller said following a recommendation from the Commission, the Council will begin its

deliberations. The IOC that is in place expires on July 12

Mr. Whipple reminded the Commissioners of the decision criteria in LUC 20.30J.135 which allows for amendments to the Land Use Code if a proposal is consistent with the Comprehensive Plan, enhances the public health, safety and welfare, and is not contrary to the best interests of citizens and property owners in the city. He noted that the staff memo in the Commission's previous packet outlines how the proposed LUCA meets the decision criteria. It is the conclusion of the staff that any of the proposed modifications could be included as currently drafted and the decision criteria would still be met. The Commission may make recommendations to modify the proposed LUCA by motion.

Vice Chair Ferris stated that having housing choices for those in need is very important for the city. It must be acknowledged, however, that supportive housing facilities and the homeless shelters will have impacts on the community. She stressed the need to find a way to strike a balance between putting too many obstacles in the way and making sure the neighbors' concerns are listened to. One option would be to require a safety plan, something most facilities likely put together anyway. The plans should be required to be reviewed and revised as needed by the police department. With regard to the conditional use permit process, which took Congregations for the Homeless three years to work through, she asked if requiring a conditional use permit, which could ultimately be denied, could result in operators suing the city for not meeting state code to allow the uses in neighborhoods. City Attorney Kathy Gerla said if a conditional use permit application were to be denied based on the criteria the Council ultimately adopts in the code, and if those criteria are consistent with reasonable restrictions on the uses, the denial of an application would be upheld.

Commissioner Goeppele said he would like to see the LUCA focused on a couple of areas, specifically enhancing accountability and making sure the intensity is not such as to have a significant impact. He agreed with Vice Chair Ferris about the need to figure out a way to make more housing available to those in need, but said it needs to be done in a way that will work for everyone in the community. He said he agreed with the suggestions of the staff in regard to Options 1A and 1B, and with their recommendation not to move forward with Options 1C and 1D. Some of the additional modifications, including Options 2A and 2B, the safety and security plan and the resident code of conduct, would be good ideas and would help drive accountability. Similarly, Option 2C, the standard operating procedures, would not be a substantial burden on operators. He added that the possible modification to Option 2F limiting the number of bedrooms to six would be acceptable to him.

Commissioner Brown echoed the comments of Vice Chair Ferris and Commissioner Goeppele. She voiced concern about treating supportive housing and emergency housing as somehow inherently dangerous because the occupants are poor. She reiterated that people are people. Rich people can commit crimes just as poor people can. Rich people use drugs just as poor people use drugs. There is nothing inherently dangerous about people who have lower incomes. The issue is housing. Everyone in the community should come together and recognize that everyone is safer when people have affordable shelter. The concerns voiced about Seattle, the crime and tent cities that have proliferated there, are all about the need for affordable housing. People tend to get desperate when they are living in tents and have not slept well for days because it is cold. The big picture should be kept in mind. The organizations that provide supportive housing should not have to jump through much more difficult hurdles.

Chair Malakoutian said he read through all of the written comments received by the Commission. Many of them suggested the city staff are not paying attention to anything. He

noted that the staff in fact clearly heard the Commission's comments in the initial study sessions to treat supportive housing and emergency housing uses as residential uses. The draft LUCA is in line with the Commission's directions.

Chair Malakoutian referred to the comments made by staff that several of the proposals from the public would result in increased time and cost for housing providers and asked for specifics. Mr. Miller said he did not have any specific numbers. He said generally speaking, any additional submittal requirements will lead to more cost and time for permitting.

Councilmember Robertson allowed that the public is very interested in the topic and has a lot of strong feelings and input. She thanked the Commission for considering all viewpoints and suggestions in moving toward crafting the best code for Bellevue.

Vice Chair Ferris stressed the need for improving the ways in which notification is made to the broader community, especially in regard to controversial issues. She asked if there are any applications in process currently that would be impacted by the Commission electing to delay making a decision for 60 to 90 days. Mr. Whipple said he would have to get back to the Commission on any specific applications that are in process. He reminded the Commission that the options presented to the Commission have been analyzed by the staff and could be included in the LUCA.

Vice Chair Ferris said she agreed with all of the staff recommendations with the exception of requiring a conditional use permit, Option 1D, because of its burdensome nature. She recommended taking a second look at requiring a safety and security plan, Option 2A, and having it reviewed and commented on by the Bellevue police department. It would also be appropriate to require standard operating procedures to be submitted, Option 2C.

Commissioner Brown agreed with Vice Chair Ferris but said she did not want to see the addition of a safety plan in the form of a conditional use permit. She agreed such plans should be submitted and that they should be reviewed by the police department. She also agreed with the vast majority of the staff's recommendations but would reject requiring a conditional use permit, which goes against the intent of the state legislation. She encouraged community engagement to allay people's fears, but the neighbors should not have veto power over what other neighbors want to allow.

Commissioner Goepple said Options 1A and 1B make good sense. He said he was not in favor of Option 1D; the conditional use permit is appropriate given the intensity of use in relation to emergency housing and its transient nature. More safeguards are needed just to make sure the housing use is operated appropriately. Options 2A, 2B and 2C are not particularly onerous; templates could be provided and adopted by the different interested groups to help drive some level of accountability, both at the facility level and the individual level. In light of the public testimony received about the average number of residents in supportive housing is six, Option 2F makes sense. In a situation where someone in a single family neighborhood decided to knock down or substantially modify an existing home to accommodate space for 15 or 20 people, the impact on the neighborhood would be much bigger than any kind of single family use next door. He said he did not feel like the other measures mentioned by staff relating to the character or appearance of single family uses is specific enough, or clear enough, or objective enough to give anyone much comfort with respect to how the standards might be applied; that should be adopted just to regulate the intensity.

Chair Malakoutian asked for comments about the proposal to hold community meetings, Option

2D. Vice Chair Ferris agreed with the staff that such a meeting not be required. She reiterated the need for the broader community to be informed. Community meetings likely would generate a lot of conflict and frustration, and at the end of the day the meetings would not be productive.

Commissioners Goepple and Brown agreed with Vice Chair Ferris. Chair Malakoutian voiced support for requiring a community meeting but recognized that he would be outvoted.

Chair Malakoutian allowed that while the Commission was aligned with staff in regard to Option 1A, 1B and 1C, the Commission was not in tune with staff in regard to Option 1D. Vice Chair Ferris reiterated her call not to require the conditional use permit. Chair Malakoutian and Commissioner Goepple called for including the conditional use permit requirement. Commissioner Brown indicated she concurred with Vice Chair Ferris.

Ms. Johnson stressed that according to the Commission's bylaws, any motion defeated by a tie vote may be brought forward again at the request of any member at the same meeting or at the next meeting when any members who were absent or disqualified at the time of the vote are present. Ms. Gerla confirmed that, adding that city code says a vote to recommend adoption of a proposal or adoption with modifications has to be made by a majority of the members who were present and voting.

Chair Malakoutian noted there was agreement with regard to Options 1A, 1B and 1C, and that there was a tie for and against Option 1D. He also noted there was consensus to include Options 2A, 2B and 2C, and that three Commissioners favored not including Option 2D, leaving only him in support of the option. He clarified the Commissioners were all agreed not to include Option 2E, and noted that only Commissioner Goepple favored including Option 2F.

Chair Malakoutian proposed the notion of moving forward with taking action on only those options with which the Commissioners were in unanimous agreement, leaving to the next meeting the options where the Commissioners are not in unanimous agreement.

Commissioner Brown asked if Chair Malakoutian's proposal would be helpful to the staff. Mr. Whipple said it would be helpful for the Commission to provide direction on the items that are resolved. He clarified with respect to Option 1D that as proposed the conditional use permit would apply only to emergency housing that is transient.

Ms. Gerla said the question in her mind was whether not the LUCA could be parsed into its individual elements. She said she would need to look at that issue in more detail before offering advice.

Noting that three Commissioners were not present, Chair Malakoutian proposed postponing the full LUCA to the next meeting.

Vice Chair Ferris disagreed and said she would prefer to act on the issues for which there is full agreement, leaving to the next meeting only those items around which there is not full agreement. Commissioner Goepple concurred.

Chair Malakoutian again went through the list of options and pointed out which have full agreement and which do not.

A motion to give staff direction to adopt the Options 1A, 1B, 1C, 2A, 2B and 2C, provided that the city attorney can confirm the ability of the Commission to approve the individual

modifications outside of the full proposed LUCA, and that the remainder of the modifications be tabled until the next meeting for consideration.

Vice Chair Ferris pointed out that for Options 2A, 2B and 2C there was consensus to recommend against the staff proposal.

The motion died for lack of a second.

A motion to adopt the modifications listed in the modification table as Options 1A, 1B, 2A, 2B and 2C provided that the city attorney can confirm the ability of the Commission to approve the individual modifications outside of the full proposed LUCA, and that the remainder of the modifications be tabled until the next meeting for consideration.

Chair Malakoutian pointed out that the Commissioners were in full agreement with the staff recommendation for Options 1A, 1B and 1C, but not with the staff recommendation regarding Options 2A, 2B and 2C.

Commissioner Goepple said he was not referring to the staff recommendation, rather to the modification table. Vice Chair Ferris clarified that the Commissioners were in agreement with the staff relative to Option 2E.

Vice Chair Ferris questioned whether there was a need for motion in the first place. Chair Malakoutian said if the city attorney concludes the issues can be parsed out, a vote should be taken on those items on which there is agreement. Ms. Johnson said any vote would need to be conditional on that finding.

Councilmember Robertson said when the Council encounters issues that require some winnowing down, the Council often directs staff to make the proposed changes and then bring it all back at a subsequent meeting for a discussion of the open issues. The issues agreed on are then included in the revised code when the package again comes to the body. That makes it easier for everyone to follow along. Until there is a full vote on the LUCA, individual Commissioners can still bring specific issues to the floor for discussion.

Ms. Gerla said the approach would involve the Commission giving the staff direction to bring back a package that ultimately will have to be voted on by the full Commission. At that time, individual Commissioners would be free to vote in favor or against even those items around which the Commission currently has full agreement.

Commissioner Goepple said he only wanted to make sure progress was being made toward a resolution and that the Commission will not have to rehash a lot of ground already discussed.

There was agreement to direct staff to incorporate into the draft the options around which the Commission had full agreement, and to bring back for additional discussion the remaining options before taking a final vote on the entire LUCA.

Mr. Whipple asked for clarification from Vice Chair Ferris on her call for the police to provide input on safety and security plans. He said one option would be to require a safety and security plan for homeless services uses and to require the police department to provide input, which would then need to be incorporated into the plan, all of which would take a bit more time. Another approach would be to have plans be submitted to the police department, giving the police the opportunity to comment, but without requiring the step. Vice Chair Ferris said she was

inclined to recommend the first approach to ensure there will be an active and engaged effort.

Mr. Whipple clarified that staff would bring back for discussion the three outstanding items Options 1D, 2D and 2F.

9. OTHER BUSINESS – None
(8:48 p.m.)

10. APPROVAL OF MINUTES
(8:48 p.m.)

A. February 9, 2022

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

11. CONTINUED ORAL COMMUNICATIONS – None
(8:51 p.m.)

12. EXECUTIVE SESSION – None
(8:51 p.m.)

13. ADJOURNMENT
(8:51 p.m.)

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

Chair Malakoutian adjourned the meeting at 8:51 p.m.



3/9/2022

Thara Johnson
Staff to the Planning Commission

Date



3/9/2022

Mohammad Malakoutian
Chair of the Planning Commission

Date