

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MINUTES

July 23, 2025
6:30 p.m.

Bellevue City Hall
Room 1E-113

COMMISSIONERS PRESENT: Vice Chair Khanloo, Commissioners Lu, Nilchian, Villaveces

COMMISSIONERS REMOTE: Commissioner Ferris

COMMISSIONERS ABSENT: Chair Goepple, Commissioner Kennedy

STAFF PRESENT: Teun Deuling, Thara Johnson, Kate Nesse, Brooke Brod, Department of Community Development; Nick Whipple, Kristina Gallant, Kirsten Mandt, Reilly Pittman, Department of Development Services; Matt McFarland, City Attorney's Office; Dan Nickel, Facet

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 Commissioner Villaveces who presided.

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

Upon the call of the roll, all Commissioners were present with the exception of Chair Goepple and Commissioner Kennedy.

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

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

A. Election of Officers

Commissioner Lu nominated Vice Chair Khanloo to serve as Chair.

There were no additional nominations and Vice Chair Khanloo was elected to serve as Chair by unanimous vote.

Commissioner Ferris nominated Commissioner Villaveces to serve as Vice Chair.

Commissioner Villaveces nominated Commissioner Lu to serve as Vice Chair.

There were no additional nominations and Commissioner Lu was elected to serve as Vice Chair by unanimous vote.

4. STAFF REPORTS (6:36 p.m.)

A. Planning Commission Meeting Schedule

Senior Planner Teun Deuling took a few minutes to review the Commission's schedule of upcoming meeting dates and agenda items.

5. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS (6:37 p.m.)

Deputy Mayor Malakoutian congratulated the new Chair and Vice Chair on their elections, and praised former Chair Goeppele for having done an excellent job of leading the Commission.

Deputy Mayor Malakoutian reported that the City Council at its meeting on July 22 received an update on the Grand Connection, including an outline of how the project is being funded.

The Council also received a briefing regarding the code update regarding motorized scooters. While helmets will not be required by scooter riders, everyone is encouraged to wear one.

A quarterly progress report concerning Sustainable Bellevue was shared with the Council in which it was made clear the city is not on track to reach its 2030 goals in terms of greenhouse gases emissions. The 2026-2030 plan is being updated with additional strategies aimed at getting things back on track.

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

Chair Khanloo 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 (6:41 p.m.)

Teun Deuling noted that most of the written communications received pertained to the Critical Areas Ordinance Land Use Code Amendment (LUCA). There was a comment received that concerned a specific property, the Cedar Terrace pump station and its implications for two city initiatives: the Housing Opportunities in Mixed Use Areas LUCA and the Critical Areas Ordinance LUCA. Another written comment addressed the Newport Neighborhood Area Plan, particularly the importance of community engagement. Two additional comments were sent to

the City Council only but were relevant to the Planning Commission and, therefore, shared with Planning Commission; they were in regard to the Newport Hills Shopping Center as a vital social hub, and they expressed concern over potential residential development on the Ringdall Bellevue School District property. The comments also advocated for improved traffic management in the Newport area.

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

Michelle Wannamaker provided detailed remarks concerning variances to the city's Critical Area Ordinance. The steep slopes in the Eastgate area were referenced and a concern was expressed that variances allow for significantly reducing the required 75-foot setbacks to only 15 feet. Such reductions undermine the intent of the ordinance. In past Planning Commission deliberations the Commissioners had expressed concerns. The city should limit variances to only rare instances. The City Council should be required to review and vote on such variances in public meetings to ensure accountability and prevent routine approval.

A. DeSalvo informed the Commission of significant and unpublicized changes to King County Metro bus routes 240, 241, and 246, which are set to take effect on September 1. The impact of the changes, which were made without much public notice, can be observed simply by looking at the frequency in the schedules. The station access map can be used to describe a five-square-mile maneuver box bounded roughly by East Main, Eastgate, and South Bellevue, an area that will lose all bus service. The routes are heavily used by students, professionals, working-class individuals, and disabled veterans. The information was relayed by bus drivers. The situation was characterized as an emergency. It is frustrating that Bellevue had not been included in the planning process. It was noted the issue would also be raised with the Transportation Commission at its next meeting.

Alex Tsimmerman began with a Nazi salute and called the Commissioners dirty damn Nazi Gestapo fascist pigs, mobsters and bandits while facing the audience rather than the Commission. Chair Khanloo directed the speaker to address the Commission rather than the camera and the audience. Alex Tsimmerman then continued with an extended, inflammatory, and racially charged diatribe. The remarks included accusations of bias, references to white and minority populations in Bellevue, and numerous offensive characterizations of city governance and residents before concluding with a political endorsement. The comments were repeatedly interrupted by the Chair who attempted to stop the hate speech and irrelevance.

Mike Nykreim, a Newport Hills resident and developer with extensive family history in the region, explained that initial errors dating back to the 1990 adoption of the Critical Areas Ordinance have persisted. The wetlands identified for regulation are mischaracterized and often amount to blackberry-covered grass fields, not significant ecological zones. With regard to the city's steep slope definitions, the technical criteria used by the city do not align with scientific standards or U.S. Geological Survey data. Reforms are needed to align the regulatory standards with actual field conditions and engineering realities. It was argued that the current policies inhibit responsible development and unfairly affect the next generation of builders.

Charlie Bauman spoke representing the BelRed Property Owners Group and stated that although the draft Critical Area Ordinance contains some positive updates, it fails to meaningfully improve permitting for urban redevelopment in BelRed. The degraded stream corridors near the light rail stations are being treated the same as ecologically healthy areas, which leads to increased regulatory burdens that obstruct both housing and environmental restoration. The

current code proposal would force projects into the critical areas report process, which can be described as unpredictable, expensive, and time-intensive. The Commission previously discussed and recommended a performance-based approach for degraded urban areas, differentiating them from natural habitats. The Facet-prepared best available science report is too narrow in scope and is inadequate for guiding redevelopment and restoration efforts in urban settings. The Commission was urged to revise or supplement the report with scientific sources tailored to urban contexts. The speaker advocated for the inclusion of a performance-based regulatory option that would allow development to proceed while delivering ecological gains, a method described as both scientifically credible and legally permissible under state law.

7. PUBLIC HEARING (7:02 p.m.)

A. Final Review Public Hearing on the Neighborhood Area Plan for Newport

A motion to open the public hearing was made by Commissioner Villaveces. The motion was seconded by Commissioner Nilchian and the motion carried unanimously.

Planning Director Thara Johnson stated that following the public hearing and discussion, the Commission would be asked to take action on a recommendation to the City Council.

Planning Manager Dr. Kate Nesse said there are two amendments proposed. The first involves adopting a Newport Neighborhood Area Plan and the repeal of the Newport Hills Subarea Plan. The second part involves amending the Factoria Subarea Plan to reassign a portion of Newport west of I-405, previously under the Factoria plan, to the Newport Neighborhood Area Plan.

Dr. Kate Nesse briefly reviewed the criteria for amending the Comprehensive Plan and stated that the conclusion reached by the staff was that all of the applicable criteria are met by the proposal, including consistency with the broader Comprehensive Plan, responding to significantly changed conditions since the last update in 1994, and demonstrating benefit to the public health, safety and welfare.

Community Engagement Lead Brooke Brod said the community engagement process was officially launched in October 2024 with a “discover” phase. The first step was questionnaire mailed to every household in the neighborhood. That was followed by an ideas fair and outreach to community groups, homeowners’ associations, and neighborhood associations. Prior to the official launch, there were some preliminary outreach conducted during August and September 2024 to notify certain groups and individuals. From January through March 2025, written and virtual updates were provided to summarize the initial feedback. A public space series, including workshops and neighborhood walks, contributed further input. Feedback from the engagement process helped to shape the policies and vision statements. Staff held office hours for individual consultations and presented updates to other boards and commissions. The engagement period included nine public events and 23 meetings with neighborhood leaders, including alumni from Bellevue Essentials, and with school and senior community groups. Staff also participated in two broader community events. A total of 289 responses were received to the mailed questionnaire, and staff logged over 1500 unique visits to the Engaging Bellevue site. More than 200 individuals submitted comments or input. The official notice of application was filed on January 9, 2025, and the public hearing notice was published on July 3, 2025.

Dr. Kate Nesse reviewed the elements of the plan, including neighborhood identity, land use, mobility and access, community gathering spaces, and environmental considerations. Unlike the

Crossroads plan, which included a Mixed Use Center, the Newport plan contains a Neighborhood Center section.

On June 11, the Commission provided several comments and suggestions, including the suggestion that the demographic profiles for Crossroads and Newport should be consistent. That was achieved by updating the sidebars for consistency with the Crossroads plan, and by making minor changes to the language to address typos and phrasing.

The Commission called for adding a policy on energy resilience but staff opted not to include a neighborhood-specific policy because the topic is best addressed at the citywide level. There are policies in Volume 1 that address the undergrounding of electrical facilities, something that typically happens at the time of redevelopment or development, but since Newport has not seen a lot of either, there has not been much undergrounding of electrical facilities.

There was feedback relative to Policy S-NP-2 calling for giving focus to the local community in particular and to do more than just identify places. The proposal was made to change “identify” to “enhance” and to add the phrase “the local” in reference to the community.

No changes were proposed to Policies S-NP-5 or S-NP-6. Policy S-NP-8 was revised to include more directive language for locating new buildings adjacent to sidewalks. Landscaping requirements were not added to the policy given that they are addressed separately in city code.

The Commission had requested stronger language in Policies S-NP-9 and S-NP-10 in support of small and independent businesses. S-NP-9 was revised to promote commercial space appropriate for small businesses, and S-NP-10 was rewritten to emphasize collaboration with developers to help businesses remain on-site or nearby after redevelopment.

Regarding Policies S-NP-15 and S-NP-16, which address collaboration with the school district, no changes were made in light of the fact that the city’s authority is limited. The policies do support coordination with the school district to achieve mutually desired ends.

No change was recommended for Policy S-NP-20. The word “improve” already directs the city to make the experience of walking and biking better. The means for how to do that is left open to whatever the specific context might be.

The Planning Commission provided feedback at the June 11 meeting to use more directive language in Policy S-NP-22. Staff recommended the addition of a clause directing the city to work with transit agencies to connect Newport with downtown Bellevue. The city cannot direct transit agencies to do certain things, but the city can work with the transit agencies.

Policy S-NP-30, which focuses on connections to the Eastrail corridor, was revised to include both pedestrian and bicycle infrastructure. While the Commission suggested a focus on expanding crossings over I-405, staff noted that expansion is not feasible but improvements can be made.

Finally, Policy S-NP-35 was updated to direct the city to use low-impact development practices citywide, consistent with Volume 1, without specifying particular areas.

Chair Khanloo reminded those wanting to provide public comments to remain focused on the Newport Hills neighborhood, and warned that any personal attacks against city staff or others would not be tolerated.

Fay Hou, a resident of Newport Hills for 20 years, expressed deep concern about what the false claim in the plan that 80 percent of the homes in the area are owner-occupied. Over 60 percent of the homes on the speaker's street were pointed out as being investor-owned, a trend that has impacts that include unregulated businesses in single-family homes, absentee landlords, and development activity causing property damage. The Commission was urged to delay adopting the plan until the community profile is corrected. The recommendation was also made to add a policy addressing investor ownership, tracking neighborhood housing data, and monitoring unlicensed business activities.

Suzanne Baugh noted having been a resident of Lake Heights for 35 years and having seen many changes during that time. The changes include two school properties that are no longer in use, and a shopping center in need of revitalization. While acknowledging that not every resident supports every detail of the plan, the overall plan should be endorsed as a needed policy framework to guide future improvements. Hope was expressed that the plan would be approved.

Gary Danberg spoke on behalf of Tang and Jenna Green, owners of Q Nail Spa in the Newport Hills Shopping Center, and relayed their disappointment at not receiving a city survey and therefore not being able to provide input. The Green's have expressed deep concerns about the proposed HOMA LUCA, and strong support for the community club board's request to pause and reassess the current proposal. Their concerns center on the potential displacement of small businesses, inadequate transportation infrastructure, lack of outreach, and flaws in the affordable housing policy that will allow developers to pay a fee rather than build units. The Commission was urged to pause the LUCA and undertake deeper, neighborhood-specific planning.

Ann Brashear, President of the Newport Hills Community Club, emphasized that the neighborhood's defining feature is its commercial district, which is walkable, sociable and convenient. The proposed plan was criticized for failing to fully recognize the importance of the neighborhood center. The Commission was reminded that a neighborhood area plan should reflect the values and future vision of all residents. The plan should more explicitly support the commercial district's function as a social and economic hub.

Anne Rittenhouse, who served on the Citizens Advisory Committee that helped draft the original 1994 plan, expressed concern that the current outreach effort was inadequate. There was poor communication, inconsistent notices, broken web links, and ineffective public events. The comments submitted online were not acknowledged or incorporated. The current draft lacks the recognition the original plan gave to the commercial center. The Commission was warned against using language that could support an upzone to the shopping center, which the residents do not want to see happen. The Ringdall school property has been surplus and in all likelihood will be redeveloped with housing, which calls into question the justification for any massive upzone. The Commission was urged to return the plan back to staff for further community collaboration.

Mike Nykreim, whose family has ties to Newport Hills dating back to the 1960s, voiced strong objections to the current approach toward zoning. The neighborhood commercial zoning is outdated and not aligned with reality. The staff was accused of failing to answer basic questions and withholding information about the proposed development intensity. The 1.5 FAR mentioned at a March meeting could lead to as many as 1000 housing units on the shopping center site. That level of density has not been communicated to the public. What is needed is full disclosure and a reevaluation of the plan.

Alex Tsimerman began with a Nazi salute and called the Commissioners dirty damn Nazi Gestapo fascist pigs, mobsters and banditos and made remarks that were largely incoherent and inflammatory, including repeated personal insults directed at city staff and city officials. While claiming support for the plan, exaggerated language was used and the city and the Commission was referenced with offensive political references. Grievances were expressed over living conditions in Bellevue and the government was accused of systemic oppression and financial exploitation.

Fran Kutoff noted having lived in Newport Hills for 30 years and expressed a deep attachment to the neighborhood. The importance of the local shopping center in daily life was highlighted, including walking during snowstorms to visit community businesses like the Red Apple Market, Mustard Seed restaurant, and Stodds baseball training facility. The shopping center serves as the hub of the community. The draft plan sent to the Council should reflect the social and economic significance of the shopping center.

Heidi Dean argued that the plan fails to uphold equity, citing several specific concerns. The methodology of a 2023 retail study that compared Newport Hills' small commercial district to larger mixed-use centers and regional hubs used outdated and inaccurate data. While other areas, such as Crossroads, received supportive policies for small businesses and cultural diversity, Newport Hills has received no similar recognition. Also criticized was the omission of a commercial district organization policy for Newport, despite repeated requests. The Commission was urged to delay the vote and direct staff to produce a revised draft that reflects the true role and vision for the Newport commercial district.

Jeannie Marquardson noted having participated in public hearings over the past five years and described how state housing mandates, zoning complexities, and infrastructure pressures have confused and concerned many residents. Increased housing and retail redevelopment could displace vital small businesses like Corky's Automotive. The neighborhood struggles with on-street parking congestion and the lack of effective public transportation, which will be made worse if the 240 route is discontinued. The current changes appear to favor broader city goals over neighborhood needs.

Bob Siewert, a long-time resident of the Lake Heights area, expressed support for the direction of the plan. The decline of the shopping center began decades ago. It is necessary to update the zoning in order to enable revitalization. Past redevelopment proposals, including one by Toll Brothers, was poorly presented but was supportive of the general idea of change. While acknowledging that the plan is imperfect, the Commission was urged to proceed with the recommended updates.

Maria Matson offered specific policy suggestions drawn from the Crossroads Neighborhood Plan and requested the inclusion of language supporting the creation of a neighborhood identity for the Newport commercial center; the formation of a district-based business support organization; and measures to retain small businesses and cultural amenities. Support was also voiced for the need to support mixed-use development that reflects the community's needs and character. The city should collaborate with the Bellevue School District to enable school sites to serve as welcoming community gathering spaces.

Don Woodworth described why the decision was made to settle in Newport Hills after being away from the city for several years. The commute to the King County Courthouse from Newport Hills used to take only 18 minutes and included just two traffic lights. Now with congestion it is not possible to get to the Coal Creek Parkway on a single light cycle. There are

repeated delays at school crossings, and the commute now includes multiple signal cycles. The current traffic patterns are detrimental to both commuters and school children.

Aris Toker, a lifelong resident of Newport Hills, advocated for the redevelopment of the Newport Hills Shopping Center. The existing structure is outdated and incapable of attracting high-quality tenants. Redeveloping the site could revitalize the community and also contribute positively to housing availability by increasing supply. In the past the neighborhood center was a vital community place, but it is now in need of rejuvenation.

A motion to close the public hearing was made by Vice Chair Lu. The motion was seconded by Commissioner Villaveces and the motion carried unanimously.

****BREAK****

(8:05 p.m. – 8:15 p.m.)

Vice Chair Lu revisited the idea of incorporating an energy resilience policy, noting that while staff had previously recommended that such resilience be addressed in the citywide energy plan, the Newport plan could benefit from having a provision identifying high-risk or vulnerable areas within the neighborhood. That could help to inform citywide planning and response priorities.

Vice Chair Lu acknowledged the concerns raised during public testimony regarding the treatment of the neighborhood's commercial center and asked staff to confirm if it would be procedurally appropriate to amend policies before transmitting the final plan to the City Council. Dr. Kate Nesse confirmed that the Commission could proceed with a motion, discussion, and amendments, consistent with practices used in prior plan updates for Crossroads and Downtown.

Vice Chair Lu highlighted a concern with using the phrase "to the extent possible" as policy language and argued against using vague or non-committal language in the document to strengthen the intent and direction of the policy statements.

Commissioner Ferris noted being heartened by the level of thoughtful community engagement. While voicing general support for the staff recommendations, the letter received from Ann Brashear was referenced in which the importance of the Newport Hills commercial center was emphasized. Staff was asked if the plan could be strengthened to better reflect the unique role of that neighborhood hub, while still respecting that the Newport planning area includes other neighborhoods beyond Newport Hills. Staff was also asked to respond to the issues raised by Heidi Dean around the issue of outreach to the community, and about including certain aspects that were included in the Crossroads plan. Dr. Kate Nesse responded by saying that the current draft does include a full policy section dedicated to the Neighborhood Center. While Ann Brashear's suggestions highlight its importance, caution was urged against overemphasizing a single subarea over others within the broader Newport area. A balance is essential, but there may be opportunities to further clarify and elevate the commercial center's role within the document. Commissioner Ferris suggested seeking middle ground in which the vital function of the Newport Hills Shopping Center is highlighted while also respecting the broader geographic and demographic diversity of the neighborhood planning area.

Brooke Brod acknowledged that while every project involves moments where the staff feel more could have been done, the team's outreach followed the policy direction of the Comprehensive Plan. The emphasis was on broad and representative participation, which includes not only residents but also individuals who work, study, or recreate in the neighborhood. The process began with a direct mailing to every household to announce the project and to gather feedback,

and that was followed by an invitation to opt-in for email updates. Email remains the most effective and consistent form of communication. Staff also participated in community meetings and in-person tabling opportunities to raise awareness across demographic groups and time availability.

Commissioner Ferris emphasized the importance of understanding whether actual communication breakdowns had occurred and whether the city had responded appropriately. Brooke Brod noted being aware of one incident involving incorrect information in an email, which was quickly corrected. In general, staff responds promptly to questions or issues raised by community members.

Thara Johnson added that while feedback, such as that from Heidi Dean, was appreciated and taken seriously, the staff believed their outreach had been adequate under the circumstances. One event had to be rescheduled during the bomb cyclone due to power outages and unsafe conditions. Staff used additional communications to inform residents of these changes and were supported by the city's communications team. The city has learned many lessons from both the Great Neighborhoods program and the ongoing Comprehensive Plan update and intends to carry those lessons forward into future planning efforts.

Dr. Kate Nesse responded to Commissioner Ferris's third question regarding the differences between the Crossroads and Newport neighborhood plans by explaining that the Crossroads policies referenced by Heidi Dean address the Mixed Use Center. Newport has a smaller-scale Neighborhood Center. While the Crossroads plan has more comprehensive commercial policies, there could be ways to adapt elements of those policies to fit Newport's scale. The current draft does include provisions to address business displacement and maintain commercial activity.

Commissioner Nilchian asked about the change in policy language in S-NP-8 from "encourage" to "locate" in relation to new buildings adjacent to sidewalks and expressed concern that the term "locate" might be misinterpreted as passive identification rather than intentional design. Dr. Kate Nesse clarified that "locate" is used in the sense of the placement or the siting of buildings near sidewalks to activate pedestrian engagement, not as a search for existing locations.

Commissioner Nilchian asked about S-NP-30, which addresses bicycle and pedestrian connectivity, and asked about the language change that had been made. Dr. Kate Nesse explained that existing facilities already cross I-405 in limited locations and do not feel safe to users. Rather than using the term "expand," which implies creating entirely new crossings, staff recommended using "enhance" to improve the safety and usability of the current infrastructure.

Commissioner Nilchian returned to the topic of utility resilience, particularly in regard to undergrounding electrical lines in the context of lessons from the recent bomb cyclone. Dr. Kate Nesse explained that undergrounding policies are already addressed in Volume 1 of the Comprehensive Plan and are coordinated at the citywide level in collaboration with Puget Sound Energy. While not inconsistent with the Newport plan, including additional undergrounding language would be redundant. Such efforts are more prevalent in areas like Downtown Bellevue where redevelopment is frequent, unlike in Newport Hills where redevelopment activity is limited.

Thara Johnson added that the new Climate and Environment Element in Volume 1 of the Comprehensive Plan has a number of policies that speak to climate resilience.

Commissioner Villaveces voiced support for the comments made by Commissioner Ferris

regarding strengthening the focus on the Newport Hills Shopping Center. The residents voiced concerns which some have labeled being afraid of change. The fact is, however, that where cities are concerned change is both natural and necessary. Staff was asked to clarify whether approval of the plan would allow redevelopment of the shopping center only with multifamily housing without preserving the neighborhood center or retail spaces. Dr. Kate Nesse responded by saying that under the Housing Opportunities in Mixed-Use Areas (HOMA) proposal, retail is a required component of redevelopment. While HOMA is still under discussion, the draft Newport plan includes multiple policies that prioritize maintaining and enhancing the Neighborhood Center, including language that encourages active street life, supports small businesses, and promotes the center's identity.

Commissioner Villaveses agreed that the shopping center is the heart of the neighborhood, but also acknowledged that it was deteriorating and in need of revitalization. Redevelopment could achieve a balance between adding multifamily housing and preserving the neighborhood's character. Approval of the plan does not imply the elimination of the Neighborhood Center, particularly given that the policies would preserve and enhance commercial and community uses at the site.

Thara Johnson also clarified that the plan does not include zoning or land use changes. The references made in the public testimony to up-zoning or specific development proposals were unrelated to the policy document. Those issues will be addressed in the separate HOMA LUCA, which has been discussed in earlier study sessions and will return for further Commission review in the fall. The Newport Plan is strictly a policy framework meant to guide future development and investment decisions.

Commissioner Villaveses acknowledged the clarification and reflected on whether policies from the Crossroads Neighborhood Plan could be adapted to the Newport Plan to reinforce the unique identity and vitality of the shopping center. Having allowed that the Commission had heard strong public support for protecting and enhancing the neighborhood center, staff was asked about the process for adding or adapting policies. Dr. Kate Nesse said once there is a motion to adopt the plan, any Commissioner can propose amendments or policy additions, just as was done with the Crossroads plan. The Commission can then vote on each proposed change.

Chair Khanloo noted having attended all of the public engagement sessions and raised three issues for consideration: first, whether there could be additional discussions to better integrate multifamily housing policies with protections for the commercial center; second, the compilation of a list of lessons learned from the process, particularly related to virtual access and public communication, to improve future neighborhood planning efforts; and third a policy mechanism to require phased redevelopment of the shopping center, with the goal of preventing total displacement of small businesses during any transition. Dr. Kate Nesse responded that phased development is often dictated by property ownership and market factors, and it typically does not occur all at once. While development phasing can be encouraged, it is usually addressed in the Land Use Code, not in policy plans. Thara Johnson added that the policies S-NP-9 and S-NP-10 are aimed at retaining small and independent businesses and supporting the inclusion of commercial space in future redevelopment. Any enforcement mechanisms would likely need to be structured as incentives rather than strict policy mandates. At the policy level, outcomes can be encouraged but not required. The policy language as drafted is broad enough to support stronger implementation through the HOMA LUCA process if the Council and Planning Commission choose that path.

Vice Chair Lu pointed out that of the 37 total policies, ten pertain to commercial areas or public

space, and five of the ten are specifically related to commercial space retention and improvement. Only one policy encourages multifamily housing. The policy balance strongly favors preserving and enhancing commercial and public spaces, which aligns with the community priorities. While it would be acceptable to add more specificity if desired to address the concerns of the community, the current direction of the plan is appropriate.

Commissioner Ferris echoed those comments but suggested there is still more to be done. The suggestions raised would seem to favor having staff take a look at incorporating some of them, especially the concerns and policy suggestions submitted by Anne Brashear. Dr. Kate Nesse said the Commission could elect to vote on the proposed edits either in part or in whole and still provide a recommendation to the Council.

A motion to extend the meeting to 10:30 p.m. was made by Vice Chair Lu. The motion was seconded by Commissioner Nilchian and the motion carried unanimously.

Commissioner Nilchian affirmed support for the approach laid out by Vice Chair Lu and Commissioner Ferris, making key amendments that would reflect the community's input, and then finalizing the plan.

A motion to recommend to the Council the Newport Neighborhood Area Plan as reflected in the Commission packet, and to amend the Factoria Subarea Plan map as proposed, was made by Commissioner Villaveces. The motion was seconded by Commissioner Ferris.

A motion to amend the motion to revise Policy S-NP-1 by changing "anchored by forested natural areas..." to read "its central business district and surrounded by forested natural areas..." was made by Commissioner Ferris. The motion was seconded by Vice Chair Lu.

A motion to amend the motion to amend to replace "central business district" with "commercial district" was made by Vice Chair Lu in order to avoid implying the shopping center is the central place for Greenwich Crest and Newport Shores as well. The motion to amend the motion to amend was seconded by Commissioner Ferris and the motion carried unanimously.

For purposes of clarity, Commissioner Ferris withdrew the main motion.

Dr. Kate Nesse noted the suggestion of Anne Brashear to add a policy reading "Preserve the hometown within the city neighborhood identity by encouraging redevelopment of properties comprising the neighborhood center at a scale appropriate to their context." It was clarified that the proposal was for a completely new policy beyond what was included in the plan. It was further clarified that scale-related considerations are generally governed by the Zoning Code, and that recent updates to the city's comprehensive planning framework have deliberately moved away from discussing development scale in policy language.

There was consensus that the proposed language could be redundant or outside the scope of policy-level guidance and that it should not be added to the Newport plan.

Dr. Kate Nesse explained that the third Brashear proposed amendment concerned the enforcement of the city's tree code. The Commission was advised against adopting the proposal given that city policy documents should not reiterate or direct the enforcement of existing municipal code. The Commissioners agreed with the staff guidance and dismissed the proposed amendment without further debate.

Brashear's proposed modification to Policy S-NP-12 was to add "and/or other middle housing within the Neighborhood Center to the extent supported by the surrounding context." Dr. Kate Nesse said middle housing is generally understood to be housing types of fewer than six units, such as duplexes and triplexes. Bellevue's Neighborhood Business zone may already allow some of those uses.

Commissioner Villaveces expressed an openness to amending the policy to reflect a broader mix of housing types, though questioned the need to include "as supported by surrounding context." Dr. Kate Nesse allowed that context-based language is not necessarily harmful but is potentially redundant. Mandating mixed-use buildings in all cases might not be feasible due to lot size or market limitations.

Vice Chair Lu proposed simply striking S-NP-12 altogether given that the city naturally encourages multifamily and middle housing through existing policies.

A motion to amend S-NP-12 to read "Encourage the construction of multifamily housing and mixed use development within the Neighborhood Center" was made by Commissioner Villaveces. The motion was seconded by Commissioner Ferris and the motion carried with Chair Khanloo and Commissioners Nilchian, Ferris Villaveces voting yes, and Vice Chair Lu voting no.

The Commission considered a proposed amendment to Policy S-NP-15 that would change "Encourage" to "Work with" in regard to the Bellevue School District, and add "and/or" between "daycare" and "senior center." The Commission opted to retain the existing policy wording.

A motion to include "and to enhance pedestrian access to parking for parks that are adjacent to school district property" was made by Commissioner Ferris. The motion was seconded by Commissioner Villaveces and the motion carried with Chair Khanloo and Commissioners Ferris and Villaveces voting yes, and Vice Chair Lu and Commissioner Nilchian voting no.

Commissioner Nilchian returned to Policy S-NP-8 and suggested changing "locate" to "place" in order to clarify the intended directive to actively position buildings adjacent to sidewalks.

A motion to change "locate" to "place" in Policy S-NP-8 was made by Commissioner Ferris. The motion was seconded by Vice Chair Lu and the motion carried unanimously.

Vice Chair Lu called attention to Policy S-NP-30 and proposed changing the verb from "enhance" to "improve." There is currently only one access point to Eastrail from the Newport Hills area and the existing facilities are inadequate.

A motion to change "enhance" to "improve" in Policy S-NP-30 was made by Commissioner Ferris. The motion was seconded by Vice Chair Lu and the motion carried unanimously.

Vice Chair Lu suggested "to the extent possible" as used in Policy S-NP-10 weakens the policy's effectiveness and could serve as a loophole for avoiding implementation.

A motion to delete "to the extent possible" from Policy S-NP-10 was made by Vice Chair Lu. The motion was seconded by Commissioner Nilchian and the motion carried unanimously.

The main motion, as amended by the various motions, carried unanimously.

8. STUDY SESSION (9:13 p.m.)

A. Critical Areas Ordinance (CAO) Land Use Code Amendments (LUCA)

Assistant Director Kristina Gallant shared with the Commission the first full draft of the Critical Areas Ordinance update, but stressed that it remains a working draft. The issues being worked with are very complex, and there are valid goals and concerns from stakeholders and community members. The ultimate goal is to strike a balance to protect the city's environmental resources during and after development with the needs of an urban developed community with a critical housing need.

Code and Policy Senior Planner Kirsten Mandt explained that a Critical Areas Land Use Permit (CALUP) is required for any disturbance or modification of a critical area, a critical area buffer, or a critical area buffer setback. Any uses not explicitly allowed in an overlay require a report review process. Small modifications to effect maintenance and repairs do not typically require a permit. A CALUP typically includes submission of a proposal and associated plans; a site survey; an environmental assessment conducted by a qualified environmental consultant; and a critical areas report addressing the Land Use Code requirements. There are more CALUP applications than any other land use applications in the city, with an average of 48 submitted annually over the last ten years. The applications are often combined with other application types depending on the project. The majority of the applications are related to geographic hazard areas, and most of those are related to residential projects. Only 20 percent are for public infrastructure and commercial uses.

At the June 25 study session a number of key points were raised by the Commission, including support for integrating performance-based strategies; support for permitting multiple units in as a reasonable use exception; support for removing the density limit; support for restoration incentives, particularly small sites; equity considerations; concerns regarding the impacts of site potential tree height; concerns and questions around the use of the Ordinary High Water Mark versus top-of-bank; and the limitations on what can be permitted on steep slopes.

Kirsten Mandt called attention to a number of key proposed components of the LUCA, beginning with the issue of developed versus undeveloped sites which under the current code drives things like different types of buffers and setbacks. The intent is to simplify the complexity by applying a one-buffer standard; including provisions for how to treat the expansion of existing structures; adding incentives for modifying buffers in limited circumstances and retaining the practice of buffer averaging.

With regard to buffer setbacks, the structure setback in the current code depends on the categorization of a critical area, and whether the site is developed or undeveloped. The draft seeks to simplify by introducing a single standard setback. Other jurisdictions use a range of between 10 and 20 feet for their setbacks, and the draft currently envisions a 20-foot setback for Bellevue.

The draft maintains the existing stream typing system but uses Ordinary High Water Mark in place of top-of-bank while adding protections for streams adjacent to slopes. The draft also employs a performance-based approach when proposing stream daylighting, which could be expanded to meandering streams.

In terms of wetland buffers, the draft code seeks consistency with the latest guidance from the

Department of Ecology in regard to habitat scores, which is one factor driving buffers. Also added in the draft are buffer standards for vegetation; habitat corridor requirements for wetlands with a high habitat score; language on mitigation timing; and language on mitigation ratios.

For steep slopes, the draft code adds language around exemptions for manmade slopes along with criteria for how to provide evidence of that. There is also added criteria for when a geologic hazard area buffer may be reduced; and a pathway for landslide or steep slope hazard areas to be modified through a development proposal in such a way as to remove or reduce the hazard that may continue to be regulated.

Kirsten Mandt said the draft proposed removing the development density/intensity factor section in its entirety. Other considerations not currently in the draft but which are under consideration include calculating yield based on net square footage, and lot coverage limitations when critical areas are present.

With regard to the reasonable use exception, the draft code simplifies the requirements overall. The current code allows up to two dwelling units as a reasonable use exception, but that could be expanded beyond only two units. The draft code also streamlines the maximum limits of disturbance.

Kirsten Mandt said staff conducted a virtual information event on July 7 to review with the public. The focus was on site potential tree height; changes to the buffers; restoration of wetlands; manmade slopes/landslides; wildlife corridors; and cultural factors. Another virtual information session is planned for August 7 to review the current draft code.

Phase 2 of the update process is underway and it will continue through October. In Phase 3 the Commission will hold a public hearing and forward a recommendation to the City Council for action before the December 31 deadline.

Commissioner Ferris pointed out that during the month of August many are on vacation, which may negate the level of community input. Support was voiced for incorporating flexibility in terms of looking at each site. A reference was made to a letter received from the Chamber of Commerce PLUSH Committee that offered a number of suggestions aimed at making sure development can happen while also ensuring the environment will be safe. Kirsten Mandt said there are limitations to how far a purely performance-based approach can be taken, primarily because administration can be very difficult. There is a need to have actual standards in place.

Dan Nickel, consultant with Facet, added that Bellevue is not alone in grappling with the issues. All of the regional jurisdictions are having the same discussion relative to dealing with critical area protections while also facing a housing crisis that calls for more development. It is difficult to ensure on a site-by-site basis that one is adhering to all environmental protections without having more prescriptive standards in place. There should be incentives in the code to allow development to occur while also enhancing environmental conditions. There is only so far flexibility can be taken when trying make sure there is a balance.

Answering a question asked by Commissioner Villaveces, Kirsten Mandt clarified that the draft code includes incentives for daylighting streams, and said an option could be added to address meandering streams. Commissioner Villaveces said performance-based design is allowed under certain conditions, but pointed out that those conditions do not reflect the reality of BelRed. Finding the balance will be difficult but it can be done. Individual property owners need the opportunity to study the best solutions for their sites, otherwise the desired redevelopment of

BelRed will not occur. Not addressing the complexities up front will result in huge complexities at the time of permitting projects.

Commissioner Villaveces asked if there is a definition for urban streams. Kirsten Mandt said there is not one. The intent has been to address urban streams with the daylighting incentive, which is often where the culverted streams. The idea is that streams with closed or degraded conditions will be able to take advantage of the incentives. Commissioner Villaveces said the urban context surrounding such streams needs to be recognized as needing different solutions rather than prescriptive approaches. There can be resolution through engineering, but the door will need to be opened to permit that option. Developers should at least be granted the option to propose performance-based solutions, even if prescriptive pathways remain in place.

Commissioner Villaveces referenced a letter submitted by the BelRed property owners group that included a viable outline for how such a provision could be added to the code. While not advocating for endorsing the letter's exact language, the Commissioner urged that the concept be incorporated to allow ecological restoration and development to move forward in tandem.

Kristina Gallant noted that one of the examples cited, the Bothell project, was not driven by code but rather by a public-sector initiative undertaken by the city in partnership with agencies like the Muckleshoot Tribe and the Army Corps of Engineers. Those types of projects are rarely replicable in private development due to their scale and complexity.

Dan Nickel pointed to the Washington Department of Fish and Wildlife's 2020 best available science review which found that a 100-foot riparian buffer achieves approximately 95 percent efficiency in removing pollutants. That threshold has become a baseline standard that many jurisdictions in the region, including Bellevue, are adopting. Many area jurisdictions have adopted a minimum standard of 100 feet, though some have gone with lower numbers specifically to accommodate housing needs, but there is always an expectation of net ecological enhancement in return. Bellevue's Critical Areas Ordinance already contains mechanisms to accommodate development within buffer zones, including nonconforming use provisions and "reasonable use" exceptions, which allow for site-specific development in constrained situations. However, those pathways still require environmental enhancements and mitigation sequencing to ensure that ecological functions are maintained or improved.

Commissioner Villaveces emphasized that while reasonable use exceptions exist in the current code, they are highly limited. Performance-based design offers a way to achieve ecological restoration goals while enabling development. Drafting such policies is complex, but the complexity is necessary to unlock the development potential. There are engineering precedents, such as slope buffer exceptions based on geotechnical analysis, that can serve as a model for how proximity to critical areas like streams can be managed safely through scientific analysis and site-specific solutions. Failure to include performance-based flexibility will risk stalling development and incurring significant economic costs due to restrictive buffers, particularly in areas like BelRed.

Commissioner Nilchian asked whether it would be possible to draft a policy that meets the best available science standards while also allowing the type of performance-based approach discussed by Commissioner Villaveces. Dan Nickel outlining the main obstacle, which is that the city currently lacks mechanisms to ensure environmental outcomes when using a performance-based model. While developers could offer proposals, the city would lack guarantees that environmental functions would be preserved or improved. Prescriptive buffers provide a higher level of regulatory certainty and ecological protection. Reduced buffers could impair upland

habitat and ecological functions that are not easily replaced by mitigation, such as vegetation loss or wildlife corridors. Commissioner Nilchian acknowledged the concerns but expressed interest in seeing further exploration of how a performance-based pathway could be reconciled with the scientific standards.

Commissioner Nilchian asked about the concept of meandering streams mentioned as a potential flexibility tool. Kirsten Mandt explained that the concept involves relocating a stream segment on a site, such as redirecting it to a corner or edge, to free up developable space while also improving ecological functions. The approach would apply to degraded or suboptimal stream segments and require a demonstration of net ecological benefit.

Commissioner Nilchian asked about the potential expansion of Reasonable Use Exceptions to allow for more housing units. Kirsten Mandt explained that expanding RUEs would not change the total disturbance area permitted under code but would allow more units within a footprint if feasible.

Vice Chair Lu suggested that the tension between uniform code enforcement and site-specific flexibility might be addressed by focusing performance-based design allowances on commercial developments. It was noted that 80 percent of applications are tied to residential projects, and most of those are single-family homes. In such cases, uniform compliance would make enforcement easier. However, commercial and multifamily developments already involve more site-specific customization and oversight, which makes them better candidates for performance-based flexibility. Larger developments often deliver the most ecological restoration and could benefit from tailored solutions. The Washington Department of Fish and Wildlife has endorsed site-specific conditions with the goal of increasing buffer protections. The principle should still be applied to commercial sites for more impactful ecological and developmental outcomes.

Environmental Planning Manager Riley Pitman commented on the practical implications of performance-based design. After noting having more than 20 years of experience enforcing the city's critical areas code, it was confirmed that approximately 80 percent of critical area permits are related to residential uses. Of those, most are for single-family homes affected by nearby slopes, wetlands, or buffers. Such projects tend to be smaller and require simpler, uniform processes. Every project requires site-specific assessments, including geotechnical reports, wetland delineations, or stream studies. However, while the technical review is individualized, the regulatory standards are uniform, making enforcement predictable. For larger commercial or multifamily developments, there is typically more flexibility because the projects come with companion reviews like design review or planned unit developments. An example from BelRed was offered regarding a site that had previously been paved up to a stream buffer and which was redeveloped as a mixed-use project that included restoring the buffer. Without the redevelopment trigger, the ecological improvement would not have occurred. Daylighting streams remains a challenge, especially for underground segments, but future code amendments could address the issue with new standards. Performance-based permits are resource-intensive and should not dominate the code framework.

Vice Chair Lu voiced strong support for increased restoration and environmental improvements, even if greater flexibility or longer review times are required to achieve the restoration goals. There should at least be an option for pursuing performance-based design.

Chair Khanloo shared a past experience as a member of the Environmental Services Commission and stressed the importance of protecting water quality. Clarification was sought regarding the proposed 20-foot structure setback from stream buffers and whether the setback could be made

more flexible. Kirsten Mandt said the setback applies between the buffer edge and a structure and is meant to ensure there is room for maintenance and construction without disturbing the critical area. The current draft proposes a uniform 20-foot setback, though some jurisdictions use smaller setbacks. Dan Nickel allowed that most jurisdictions have setbacks on the order of 15 feet, though some require no setback or as little as five feet. The whole point of having a setback is to allow construction and maintenance activities while also protecting the buffer. There are allowances to the setback that allows things like deck and patio space that will not impact access.

Chair Khanloo asked if there are environmental impact evaluations conducted after projects are completed. Dan Nickel responded that most development projects undergo a five-year monitoring period to ensure compliance and to track restoration progress. While cumulative assessments are less common, there are water quality sampling programs that help track the broader environmental outcomes. Bellevue adheres to strict stormwater management regulations, which are among the most robust. Nonetheless, many local water bodies continue to suffer from pollution and ecological impacts, so continued improvements are necessary.

Commissioner Villaveces argued that performance-based design could allow for significant restoration gains in degraded areas like BelRed where streams are often culverted or surrounded by pavement. Reilly Pittman said proposals citywide must fall into a list of allowed uses, most of which are infrastructure related like new roads, driveways or repair projects. Most any development will not be included. In order to carry out a development proposal, it must first be shown that there is a degraded ecological condition. Where there is a functional or pristine stream buffer, the bar to show something can be done to improve conditions is far higher. The goal is to enable progress in areas that are already highly disturbed. In the BelRed area where the whole area is developed, there are different considerations, though there are more opportunities for improving ecological functions. That is where the opportunity to engage in a performance-based approach would make the most sense.

Vice Chair Lu added that BelRed represents a unique opportunity for the city due to its proximity to light rail and availability of smaller sites suitable for infill development. There is a need to avoid repeating past missed opportunities. The city should be encouraged to make room for transit-oriented development and flexible approaches that will maximize BelRed's potential.

9. OTHER BUSINESS – None
(10:08 p.m.)

10. APPROVAL OF MINUTES
(10:08 p.m.)

A. June 25, 2025

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

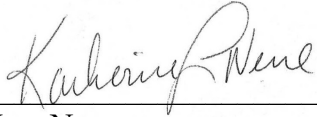
10. EXECUTIVE SESSION – None
(10:09 p.m.)

11. ADJOURNMENT
(10:09 p.m.)

A motion to adjourn was made by Commissioner Ferris. The motion was seconded by Vice

Chair Lu and the motion carried unanimously.

Chair Khanloo adjourned the meeting at 10:09 p.m.



Kate Nesse
Staff to the Planning Commission

September 11, 2025

Date