

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

November 4, 2019
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Chelminiak, Deputy Mayor Robinson, and Councilmembers Lee, Nieuwenhuis, Robertson, Stokes, and Zahn

ABSENT: None.

1. Executive Session

The meeting was called to order at 6:12 p.m., with Mayor Chelminiak presiding. There was no Executive Session. Mr. Chelminiak noted that Item 2(a) would be moved to the end of the agenda.

2. Study Session Items

- (b) Planning Commission Recommendation regarding 2019 Annual Comprehensive Plan Amendment (CPA) Proposal

City Manager Brad Miyake noted that the proposed 2019 Comprehensive Plan Amendment (CPA) is a City-initiated amendment to the Comprehensive Transportation Project List.

Emil King, Assistant Director of Community Development, introduced discussion regarding the one CPA proposal to be considered as part of the 2019 CPA update.

Nicholas Matz, Senior Planner, recalled that in June, the City Council initiated final review of the proposed Comprehensive Transportation Project List CPA. The Planning Commission discussed the item in September and held a public hearing in October.

Anne Morisseau, Chair of the Planning Commission, said the Commission recommended, by a vote of 6-0, that the City Council adopt the Comprehensive Transportation Project List CPA to amend the Comprehensive Plan's Volume 2 Comprehensive Transportation Project List with the projects recommended in the Eastgate Transportation Study. The Commission found that the proposal satisfies all Land Use Code decision criteria for the final review of a City-initiated

CPA. The CPA is consistent with the Comprehensive Plan because it is a functional policy component of the overall plan implementation. It addresses the interests and changed needs of the entire city because it is responsive to the City's plan for coordinating capital investments. Ms. Morisseau said the CPA addresses significantly changed conditions arising out of the Eastgate Transportation Study and demonstrates a public benefit.

Mayor Chelminiak, liaison to the Planning Commission, expressed support for the recommended CPA.

Councilmember Stokes recalled that he was the Parks and Community Services Board representative on the Eastgate/I-90 Transportation and Land Use Study Citizen Advisory Committee (CAC). Councilmember Robertson was the Council liaison to the CAC at that time. Mr. Stokes expressed support for the CPA and recommended project list. He thanked the Planning Commission for their thorough review and for holding the public hearing.

Councilmember Robertson said she is comfortable with the proposed CPA and looks forward to the transportation improvements planned for the Eastgate and Factoria areas.

Councilmember Lee, liaison to the Transportation Commission, noted the value of the close working relationship between the Planning Commission and the Transportation Commission. He suggested that the two commissions consider having joint meetings when appropriate to address specific issues or projects. Ms. Morisseau thanked Mr. Lee for the suggestion and noted that the Transportation Commission provides periodic updates to the Planning Commission.

Deputy Mayor Robinson expressed support for the CPA and updated transportation project list, which is intended to coordinate capital investments with growth to reduce vehicle congestion.

Councilmember Nieuwenhuis congratulated Ms. Morisseau for her selection as Chair of the Planning Commission and thanked everyone for their work. He expressed support for the proposed CPA.

Councilmember Zahn expressed support for the project list. She suggested that it would be helpful to move the Bellevue College Connector transit project forward more quickly if possible.

Responding to Mayor Chelminiak, Mr. Matz said staff will bring the item back for Council action on December 9.

- (c) Planning Commission Recommendation to Amend the Land Use Code to Reflect Changes to the Annual CPA Process

City Manager Brad Miyake recalled that, on June 17, the Council discussed the annual Comprehensive Plan Amendment (CPA) process and asked staff and the Planning Commission to return with a recommendation in response to the Council's concerns.

Mac Cummins, Director of the Community Development Department, said that staff focused on the following areas: 1) deadline for submitting and the timeline for processing a CPA application, 2) the role of neighborhood planning related to CPAs, and 3) the length of waiting time to resubmit a CPA proposal. He noted concerns by residents and the Council regarding applicants who withdraw a CPA proposal to be able to revise and resubmit an application the following year. Over the past 10 years, there have been 46 privately initiated CPA applications, and 27 of those were withdrawn just before the current three-year waiting period was triggered.

Emil King, Assistant Director of the Community Development Department, said that staff reviewed the types of privately initiated CPA proposals that were submitted over the past 10 years. The Planning Commission held a public hearing regarding the draft Land Use Code Amendment (LUCA) on October 23. Mr. King said staff is seeking Council direction to return in the coming weeks for formal action on the section of the Land Use Code that outlines the CPA process. The proposed amendment applies to privately initiated applications and does not affect the Council's ability to initiate CPAs.

Planning Commission Chair Anne Morisseau said the draft LUCA addresses three general areas of concerns raised by the Council: 1) use of the three-year limitation decision criterion, 2) the uncertainty caused by reviewing site-specific CPA proposals during the Great Neighborhoods work, and 3) neighborhood frustration about the disruptive frequency of CPAs. Chair Morisseau said the Commission recommends approval of the LUCA.

Mr. King said the three-year limitation on resubmitting a CPA proposal is currently triggered at the time of threshold review. However, the Planning Commission recommends triggering the three-year waiting period from the date of application. The second provision of the CPA is to prohibit privately initiated amendments within a Great Neighborhoods area while a Council-initiated neighborhood planning process is underway. The third change is to change the application deadline to September 15 of the year preceding the annual review year.

Chair Morisseau said that all of the public testimony before the Planning Commission expressed support for the proposed LUCA. The Commission recommended by a vote of 6-0 that the Council adopt the LUCA as follows: 1) amendment to the initiation of the three-year waiting period for resubmitting an application, 2) amendment to the timing of application submittal, and 3) amendment to the scope and background section related to the review of a Great Neighborhoods area. The Commission found that the LUCA satisfies the Land Use Code decision criteria and is consistent with the Comprehensive Plan.

Councilmember Stokes expressed support for the September 15 deadline and for the proposed change to the three-year waiting period. He expressed concern that prohibiting a privately initiated CPA during the neighborhood planning process could result in a lost opportunity for a project supported by the residents.

Responding to Councilmember Robertson, Mr. King said there have been four repeat proposals in recent years. Ms. Robertson said the Growth Management Act allows annual CPAs. She expressed concern that changing the three-year trigger for the waiting period to the date of application could result in the withdrawal or rejection of a proposal without the opportunity for

the applicant to modify/improve the proposal during that same annual CPA cycle. Ms. Robertson said she would prefer to allow time for staff work and a public hearing before triggering the three-year waiting period. She suggested reducing the waiting period to two years to avoid missing out on a desirable project.

Councilmember Robertson suggested considering the repeated CPA proposals during the next major Comprehensive Plan update. She spoke in favor of a development agreement option for CPA applicants.

Councilmember Zahn expressed support for the September 15 application deadline. Responding to Ms. Zahn, Mr. Matz confirmed that the City's legal staff reviewed the proposed LUCA.

In further response to Ms. Zahn, Mr. Cummins said the application deadline varies among cities, with some cities requiring the submittal of an application as early as 18 months in advance. In further response, Mr. Cummins said that concerns are raised every year about CPA proposals that are withdrawn and resubmitted the following year. He noted that the purpose of a CPA application is only to propose a change in the designation of the land use category applied to a specific site. Ms. Zahn thanked staff for their work.

Councilmember Lee acknowledged that starting the three-year waiting period from the date of application will likely encourage the applicants to more fully develop their proposals before submitting the CPA application. Mr. King noted the interest in avoiding extensive staff work and public engagement before a proposal is withdrawn by the applicant later in the process to avoid triggering the three-year waiting period.

Councilmember Nieuwenhuis concurred with Councilmember Robertson's concern about the three-year waiting period. Mr. Nieuwenhuis suggested waiting to invoke the three-year waiting period until a specific CPA proposal is denied once or twice. However, he acknowledged that withdrawing and resubmitting a proposal is frustrating for residents, especially if there are concerns about the project.

Deputy Mayor Robinson observed that the current process is reactionary for the neighborhood, staff, and the applicant. She expressed concern that the work of staff and the residents is potentially wasted when a CPA proposal is subsequently withdrawn.

Responding to Ms. Robinson, Chair Morisseau said the Planning Commission heard support during the public hearing for changing the three-year rule. She said residents felt burdened by the unnecessary time and attention they give to CPA proposals that are later withdrawn. Residents also expressed concern that considering a CPA while undergoing a neighborhood planning process is too much to tackle at the same time. Ms. Morisseau said that the developers and applicants encouraged the City to monitor the process to determine the impact of the LUCA provisions.

In further response to Deputy Mayor Robinson, Mr. Cummins said the proposed changes affect the developer/applicant by requiring a more detailed CPA proposal before submitting an

application. Mr. Cummins noted the benefit of avoiding unnecessary work and attention to the CPA by staff and residents.

Deputy Mayor Robinson expressed support for the proposed LUCA and its changes to the CPA process.

Responding to Mayor Chelminiak, Mr. Matz said the City of Covington, Snohomish County, and a couple other south King County cities require a three-year waiting period. The City of Kirkland has a biennial application process.

In further response to Mr. Chelminiak, Ms. Morisseau said the Planning Commission moved away from the biennial option suggested by staff because the City of Kirkland receives only one or two applications per year. She said the Commission was concerned that a biennial approach could result in numerous CPA applications every two years, which might not allow sufficient time for a thorough review by staff and the Planning Commission. Noting the number of repeat applications, Mayor Chelminiak expressed support for the three-year rule and for avoiding unnecessary work by staff and residents.

Councilmember Stokes commented that, with the growth and pace of change in the community, perhaps the three-year waiting period is too long. He expressed concern about potentially placing a burden on property owners and delaying a project wanted by residents. He would ideally like to see a process in which applicants work more extensively with the residents and reach general agreement before filing a CPA application.

Councilmember Robertson concurred with Councilmember Stokes' concern and requested information about how other cities count their waiting periods. Ms. Robertson said she would like an update from staff about the impact of the changes after the next major update of the Comprehensive Plan. She expressed support for prohibiting CPA proposals in areas that are involved in Great Neighborhoods planning.

Responding to Ms. Robertson, Mr. Matz said the CPA application fee is typically \$1,100. The majority of the review of applications is by Community Development Department staff, who do not bill for their time. Councilmember Robertson suggested considering a change to the fee in the future.

Responding to Ms. Robertson, Mr. Cummins said the City traditionally facilitates communication between developers and residents. However, there are other venues in which the issues could be discussed. Mr. Cummins said the annual CPA proposals are intended to be minor in scope, and the process is not intended to be used to incrementally rezone an area over a number of years. He confirmed staff's interest in discussing development agreements. However, that process is separate from the consideration of minor CPA proposals to rezone property.

Councilmember Robertson suggested a nuanced approach involving the definition of minor and major CPAs. A minor CPA could be a rezone reflecting no more than a one-step increase in development intensity, and all other proposals would be considered to be major. Ms. Robertson acknowledged the importance, however, of avoiding proposals that are not as serious or

complete as the City and community would like. Mr. Cummins said staff has not evaluated that type of approach. However, he has seen similar approaches in cities in other states. Ms. Robertson suggested that perhaps the issue of minor and major CPAs could be addressed during future discussions about development agreements.

Ms. Robertson expressed support for a two-year waiting period before resubmitting a CPA application. She said she would be comfortable with prohibiting CPAs within the first two years following the major Comprehensive Plan updates that occur every 8-10 years.

Councilmember Zahn said she is inclined to support staff's recommendation, knowing that issues can be discussed and reevaluated with the next major Comprehensive Plan update in 2023.

Councilmember Nieuwenhuis concurred with Councilmember Robertson's suggestion to consider an adjustment to the CPA application fee. Mr. Nieuwenhuis expressed support for a two-year waiting period for resubmitting applications. He suggested a tiered approach in which the three-year waiting period would be imposed if the same CPA proposal had been submitted and denied two times.

Mr. Cummins said he heard two suggestions, one for a two-year waiting period and the other for an escalating tiered approach to determining the applicable waiting period. He said he hears general Council support for counting the waiting period from the date of application. However, there is not a Council consensus about whether a two-year or three-year waiting period is the desired option.

Councilmember Lee said he would consider adjusting the application fee in the future. He expressed support for Councilmember Zahn's suggestion to adopt staff's recommendation now and to continue to review the outcomes going forward.

Deputy Mayor Robinson said the Planning Commission discussed the issues thoroughly and held a public hearing. While she typically favors allowing personalized plans for projects, she understands that predictability and subjectivity are very important. She would support a two-year or three-year waiting period but expressed concern about a more complicated tiered approach. She expressed support for staff's recommended changes and for reviewing the impact of the changes over time.

[Councilmember Stokes temporarily left the room at approximately 7:25 p.m.]

Mayor Chelminiak said he prefers a three-year waiting period but could support a two-year period if desired by the majority of the Council. He concurred with his colleagues' interest in reviewing the CPA application fee.

Councilmember Robertson reiterated her support for a two-year waiting period and a reevaluation of the process after the next major Comprehensive Plan update.

[Councilmember Stokes rejoined the meeting at 7:38 p.m.]

Councilmember Lee reiterated his support for staff's recommended LUCA, noting that he would like staff to continue to work with the Planning Commission regarding the CPA process and issues. Mr. Cummins confirmed that staff is listing the suggestions raised tonight about potential future amendments to the CPA process.

Mayor Chelminiak suggested drafting the ordinance with a two-year waiting period between application dates and with a provision for a staff report about the effects of the changes following the next major Comprehensive Plan review and update.

Mr. Cummins offered to bring back an ordinance at a future meeting to adopt the LUCA, with the addition of a provision for a future review and report to the Council.

(d) 2020 Census Outreach

Emil King, Assistant Director of Community Development, recalled a proclamation in April regarding the importance of the 2020 Census, which has helped guide staff's work with community based organizations that are focused on encouraging under-counted populations to participate in the census. The Council previously approved the contribution of \$50,000 toward the Regional Census Fund. The City participated in a regional process to fund the efforts of four Eastside organizations: Eastside Refugee and Immigrant Coalition (ERIC), Indian Association of Western Washington, Chinese Information and Service Center, and the Muslim Association of Puget Sound. The organizations are working to educate the community about the importance of the census and to raise broader awareness of the diverse communities on the Eastside.

Gwen Rousseau, Senior Planner, said the City joined with other cities to create the East King County Communities Count Committee, and Councilmember Lee serves on that committee. The committee is leading collaborative efforts, providing support, and sharing materials to ensure that all of the large institutions (e.g., governments, school districts, libraries, King County Housing Authority, social services providers, and others) are working together for the broadest outreach.

The City internally formed a 2020 Census task force with staff from all departments to focus on publications, people, and places. The publications include printed materials as well as audio and video messaging to raise awareness about the Census. The City will soon release its census-related video, in which Councilmember Lee comments on the importance of the census to the democratic process because it determines the number of seats per state in the House of Representatives and it affects the allocation of government funding. Ms. Rousseau said this is the first time that individuals will be able to complete the census online. She said that census responses are confidential, and no one's personal information can be shared with any other agency. The City's video will be translated into four other languages.

Ms. Rousseau highlighted previous grant funding that was guided by the 2010 Census data. Since 2010, the City received more than \$76 million in transportation projects, \$7 million in parks projects, nearly \$6 million for Community Development Block Grants, and more than \$40 million in State tax distributions. Staff has been working to develop training and presentations

for the City's Boards, Commissions, advisory groups, and partner organizations (i.e., social services providers, faith-based organizations, business community).

Ms. Rousseau noted staff's goal to enable everyone to be census ambassadors and to have a 2020 Census presence at every City facility and event. The City will host census questionnaire assistance centers and parties to enhance and celebrate participation.

Mayor Chelminiak said he wants everyone to feel comfortable with being counted.

(a) Development Services Fee Update

[Item moved to Regular Session]

3. Discussion of Upcoming Items: None.

At 7:58 p.m., Mayor Chelminiak declared recess to the Regular Session.

Charmaine Arredondo, CMC
City Clerk

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