

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

June 10, 2020
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Morisseau, Vice Chair Moolgavkar, Commissioners Bhargava, deVadoss, Ferris, Malakoutian

COMMISSIONERS ABSENT: None

STAFF PRESENT: Emil King, Nicholas Matz, Thara Johnson, Department of Community Development

COUNCIL LIAISON: Councilmember Barksdale

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER
(6:32 p.m.)

The meeting was called to order at 6:32 p.m. by Chair Morisseau who presided. She explained the meeting was being held remotely in compliance with the Governor's emergency order concerning the Public Open Meetings Act. She noted that during the meeting there would be no opportunity for oral communications from the public, and added that all written comments submitted prior to 3:00 p.m. would be summarized into the record as part of the pertinent agenda topic. Public comment and testimony at scheduled public hearings will be allowed at upcoming Commission meetings.

2. ROLL CALL
(6:33 p.m.)

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

3. APPROVAL OF AGENDA
(6:32 p.m.)

Chair Morisseau noted the need to temporarily suspend certain provisions of the Planning Commission bylaws in order to comply with the Governor's emergency order concerning the Public Open Meetings Act.

A motion to suspend until such time as the Comprehensive Plan is no longer holding its meetings remotely the provisions of Article 5, Paragraph G of the Commission's bylaws concerning remote participation by Commissioners in order to allow all Commissioners to participate fully in the meetings was made by Vice Chair Moolgavkar.

Hearing no objections, Chair Morisseau declared the motion adopted and the bylaw provision suspended.

A motion to suspend for the June 10, 2020, Planning Commission meeting only, the provisions in Articles 6 and 7 of the Planning Commission bylaws concerning oral communications from the public, and to allow for public comment to be provided in writing and read during the Planning Commission meeting, was made by Vice Chair Moolgavkar.

Hearing no objections, Chair Morisseau declared the motion adopted and the bylaw provision suspended.

A motion to suspend until such time as the Planning Commission is no longer holding its meetings remotely the order of business provisions in Article 6, Section D of the Planning Commission bylaws was made by Vice Chair Moolgavkar.

Hearing no objections, Chair Morisseau declared the motion adopted and the bylaw provision suspended.

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

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS (6:38 p.m.)

A. Acknowledging Commissioner Aaron Laing's Service and Tenure on the Comprehensive Plan

Chair Morisseau took a moment to recognize Commissioner Laing's service to the Commission. She noted that in his two full terms, Commissioner Laing served as both Vice Chair and Chair of the Commission. He was involved in working on the 2015 major Comprehensive Plan update; the Downtown Livability land use code update, and served as co-chair of the Downtown Livability Initiative CAC; the Eastgate land use and transportation code policies and code; the East Main Station Area Comprehensive Plan policies; served as the Commission's liaison for the Transit Master Plan work; the Land Use Code amendments for marijuana regulation; the Shoreline Master Program; and the development of the Planning Commission Code of Conduct. She noted that Commissioner Laing always focused on inclusivity and assuring that everyone's voice was heard.

Department of Planning and Community Development Assistant Director Emil King said his interaction with Commissioner Laing spanned his full tenure with the Commission during which time Commissioner Laing dedicated literally hundreds of hours to the Commission and various committees. He said Commissioner Laing always demonstrated great knowledge of the topical areas covered by the Commission, and showed that he truly cares about the city. On behalf of the staff, Mr. King thanked Commissioner Laing for his time on the Commission. \

Councilmember Barksdale voiced his appreciation to Commissioner Laing for his efforts to welcome him when he first was appointed to the Commission, and for helping to get him up to speed. He said Commissioner Laing's land use background and legal expertise helped to contextualize the topics discussed by the Commission. On behalf of the City Council, he thanked Commissioner Laing for his service to the city.

Commissioner deVadoss acknowledged the enormous impact Commissioner Laing had on the Commission and on the city. He said he would miss Commissioner Laing's insightful comments.

Commissioner Malakoutian agreed that Commissioner Laing's contributions in terms of land use knowledge and legal issues were invaluable to the Commission. He said he appreciated Commissioner Laing's attitude, compassion and collaboration, and added that he had learned a lot from Commissioner Laing.

Vice Chair Moolgavkar thanked Commissioner Laing for doing a great job in representing the city so well. She wished him the best of luck with all of his free time.

Chair Morisseau said there not a sufficient amount of time to summarize all the contributions Commissioner Laing made to the Commission and to individual Commissioners during his time on the Commission. She noted that he was appointed to the Commission in January 2012, served as Vice Chair from July 2013 to July 2014, and was Chair from July 2014 to July 2015. She said it had been a true honor to have served on the Commission alongside Commissioner Laing.

Commissioner Laing thanked each of the Commissioners for their comments. He said that being on the Commission is in many ways like having children in that while each individual meeting can seem very long, the weeks, months and years go by very fast. He said he considered it both a privilege and a blessing to serve on the Commission. He said most important to him were the friendships he made along the way. He called out as one of the most defining moments of his tenure on the Commission having been appointed by Mayor John Stokes who had defeated him in his bid to become a Councilmember. He said that spirit was evidence of the fact that while things can be difficult in many ways, it is the way people treat one another with grace and thoughtfulness is what brings people together and moves them forward.

B. Welcome Newly Appointed Commissioner Vishal Bhargava

Chair Morisseau took the opportunity to welcome newly appointed Commissioner Vishal Bhargava, noting that he had been appointed by the Council on June 1.

Councilmember Barksdale officially welcomed Commissioner Bhargava to the Commission. He said that during the interview process he had been impressed with Commissioner Bhargava's compassion for social and environmental justice, and by his strong appreciation for community. He said his professional background in architecture and urban planning is a definite plus, as is his engagement with Bellevue Youth Theater.

5. STAFF REPORTS (6:53 p.m.)

Mr. King noted receipt of correspondence regarding the Kapela Comprehensive Plan amendment proponents indicating their desire to withdraw their application. The reason cited was the uncertain economic times related to Covid-19. He said staff would continue to reference all community feedback received related to the application, but indicated the staff presentation would not cover the withdrawn application.

Mr. King introduced the new Comprehensive Planning Manager Thara Johnson. He said she will be taking on the role of liaison to the Planning Commission.

Ms. Johnson said it was her pleasure to be on board with the city of Bellevue. She said she had 16 years of experience as an urban planner, primarily in the public sector for both county and city governments in Arizona and in the Puget Sound area. She said most recently she worked for

the city of Burien on issues such as their urban center planning initiative for the downtown area; and housing policy initiatives, including accessory dwelling unit reform and a housing action plan.

Ms. Johnson took a moment to review the work program issues penciled in for the rest of the year. She allowed that the schedule was aggressive and subject to change.

Commissioner Malakoutian asked what if anything was missed by having no public meetings due to Covid-19. Mr. King said the only noteworthy things missed were a walking tour of the Grand Connection, which was canceled, and the initial updates regarding the annual Comprehensive Plan amendments, which will still occur on a different schedule. The updated schedule does not include any meetings in August, but if needed longer meetings or additional meetings will be slated.

6. WRITTEN COMMUNICATIONS
(7:06 p.m.)

Ms. Johnson reiterated that there would be no oral testimony from the public during the meeting. She briefly reviewed the written comments received, noting that they were primarily related to the proposed Comprehensive Plan amendments. She indicated that to date a total of 85 comments had been received, of which five were related to 100 Bellevue Way SE; one of which was related to Safeguard Self Storage; four were related to NE 8th Street Partners; 63 of which were related to Kapela; and 13 of which were related to Glendale Country Club.

7. PUBLIC HEARING – None
(7:09 p.m.)

8. STUDY SESSION
(7:09 p.m.)

A. Threshold Review Geographic Scoping: 2020 Annual Comprehensive Plan Amendments

Senior Planner Nicholas Matz reminded the Commissioners that Comprehensive Plan amendments are reviewed through the two-step process outlined in the Land Use Code. The first step is threshold review under which proposals are reviewed against adopted decision criteria that must be met in order to move on to the second step, which is final review. Also considered in the first step is the potential expansion of the geographic scope of each application by which consideration is given to nearby similarly situated properties. Where direction is given from the Commission to expand the boundary of a site-specific application, public notice is sent out to all properties within 500 feet of the expanded subject property. He said following review of each application, the Commission would be asked to set a public hearing date of July 8, and would be asked to provide feedback as part of the Commission's real-time auditing of the process.

Beginning with the 100 Bellevue Way SE proposal, Mr. Matz noted the site is directly south of the closed Jack In The Box at Bellevue Way and Main Street. He said the proposal seeks to amend the map from a split designation of Downtown Mixed Use (DNTN-MU) and Office (O) to a single DNTN-MU on the .87-acre site. The downtown boundary splits the single retail building on the site. The applicant and the adjacent property owner have submitted requests to expand the geographic scope to include the adjacent property to the east known as Radford. The requests note that expanding the geographic scope as outlined will allow for the assembly of

multiple parcels into a development that more coherently resembles the plan intent for the gateway intersection.

Mr. Matz said four letters had been received regarding the application in which the claim is made that expanding the geographic scope to include the property to the east will benefit the gateway and City Center South policy implementation associated with the Downtown subarea plan. The letters note that allowing for more property assembly will accommodate a larger project that is better able to realize the policy vision for the area. The letters also note that DNTN-MU provides for a better transition to the Professional Office (PO) and Multifamily (MF) uses to the south and to the east, largely due to the height limits in those associated zones. The Radford site has been isolated with market forces associated with the existing Office zoning as well as by topography constraints to the north and west. Finally, the letters note the corridor roles of both Main Street and 105th Avenue SE, which create boundaries around the site.

Mr. Matz said the recommendation of the staff was not to expand the geographic scope of the application to include the Radford property. The issue is properties actually split by zoning and subarea boundaries along lines that do not actually exist legally or in any other form. In the past staff have recommended that split zoning that may have been appropriate in the past now prevent realization of plan implementation, both for the Downtown and Southwest Bellevue subareas. The Radford property is not split by the zone boundary, whereas the subject property at 100 Bellevue Way SE is. The arguments made in favor of including the Radford site talk extensively about the benefits for downtown planning and policy implementation, but no mention is made of the Southwest Bellevue subarea. Extending the downtown boundary for the purposes expressed in the letters would not allow for the policy issues expressed in the Southwest Bellevue subarea to be addressed.

Commissioner deVadoss suggested expansion of the geographic scope should be considered by the Commission to include the Radford property.

Commissioner Ferris said it was her understanding the Radford property is currently used as a parking lot and that it likely serves customers of the buildings on the property to the north, which is also a Radford property. Mr. Matz confirmed that the site is used as a parking lot, though he said he was not able to say who is allowed to use the parking area. Commissioner Ferris commented that if the site is in fact serving the area to the north, it should be included in the geographic scope. Should the area to the north get redeveloped with a high-end mixed use, the property in question could end up being orphaned.

Vice Chair Moolgavkar asked what the Southwest Bellevue subarea policies have to say about the downtown boundary, and if that subarea plan is set to be updated at any time in the near future. Mr. Matz said the issue for staff is that the site is not split by a zoning line, and that expanding the boundary of the downtown into the Southwest Bellevue subarea runs contrary to Policy SW-8 that calls for not expanding the boundaries of the downtown. There has been a rich body of evidence over the last few years regarding the split-designation properties in which both the Commission and the Council have seen the benefit of resolving split designations to the benefit of all impacted subareas, and expanding the downtown boundary into the Southwest Bellevue subarea would not achieve that goal. He added that the city is currently engaged in the neighborhood area planning program. Two subarea plan updates are planned per year, and the Council has not directed initiation of the Southwest Bellevue subarea plan update in the first two cycles.

Commissioner Bhargava asked if the shutdown over the last three months has served to limit

public participation in the Comprehensive Plan amendment process. Mr. Matz said action regarding the geographic scoping of Comprehensive Plan amendments generally takes place earlier in the year, and Covid-19 certainly has compromised the ability of the city to extensively engage with the public. However, there has been no limiting of public participation opportunities. Notices have been made and the comments received have become part of the public record. Most of the comments received have been from the applicant and the applicant's agent and not from members of the public in proximity to the application site.

Commissioner Bhargava noted the downtown boundary line as drawn jogs slightly to the north after crossing Bellevue Way SE, then jogs to the north again where it crosses the property to the Radford property. He asked if there were any natural reasons for drawing line in that way. Mr. Matz said southern downtown boundary does indeed make jogs, while the northern, western and eastern boundaries do not. When the Downtown and Southwest Bellevue subarea boundary lines were drawn and adopted in 1979, it was done with deliberate intent reflective largely of historical land uses. The Main Street corridor has always acted as a gathering point rather than as a boundary. Land uses on both sides of the street have their orientation toward Main Street, thus it cannot serve as the boundary line. The boundary line was drawn in recognition of the uses associated with the two subareas.

Commissioner Bhargava asked if staff considered the property to the south of the Radford property for inclusion in the geographic scope. Mr. Matz said staff considered the properties immediately south of the applicant property as well as properties further to the east and south. The intent is to draw in similarly situated properties, but only to the minimum degree necessary. The conclusion of staff was that there are no similarly situated properties given that no other property is split through a building along a zoning line.

Commissioner deVadoss said his reason for suggesting expansion of the geographic scoping was the applicant site extends into the Southwest Bellevue subarea. If the request of the applicant is ultimately approved, it likely will be some time before the Radford property comes back for a review. Time could be saved by simply addressing the issue sooner rather than later.

Answering a question asked by Chair Morisseau, Mr. Matz noted that the Radford site directly to the east of the applicant site is designated Office, and the site to the south of it is designated Professional Office. To the immediate south of the applicant site is also Office, which matches the designation on the southern portion of the applicant site.

Mr. Matz took up the Safeguard Self Storage application next. He noted the site located in the Crossroads subarea proposes a map change from Office to Community Business. The applicant site encompasses five parcels that total just shy of 6.5 acres. He said the recommendation of the staff was to not expand the geographic scope. The site is developed with a personal storage unit facility and for the outdoor storage of recreational vehicles. Access to the site is gained from 164th Avenue NE. The adjacent land uses include Crossroads Park to the south and east, which is designated Public/Office; the Salvation Army building directly to the east, also designed Office; and a Multifamily-High area immediately to the north. The existing use is nonconforming to the underlying Office designation and zoning. Neither the park nor the Salvation Army site is nonconforming to their underlying designations, and there are not other nearby properties that share a nonconforming use characteristic, which is the basis for the recommendation of the staff not to expand the geographic scope.

The Commissioners offered no questions or comments regarding the application.

With regard to the NE 8th Street Partners application, Mr. Matz said the proposal seeks a map amendment from the current Office designation to Multifamily-High on two parcels totaling nearly one acre. The property directly fronts on NE 8th Street to the west of 140th Avenue NE. He said staff was recommending no expansion of the geographic scope. There is a small office building on one of the lots, and a veterinarian clinic on the other, both with associated surface parking. The site is surrounded by adjacent multifamily designations, and there are no other nearby Office-designated parcels sharing the characteristic of being surrounded by residential use designations.

Chair Morisseau pointed out that the requested action is to change the designation on the site to match the designations that exist to the north across NE 8th Street, not to match the designations on the properties to the west, south or east of the subject property. Mr. Matz confirmed that.

Mr. Matz said the Glendale Country Club application seeks to effect a map amendment from Single Family-Low to Multifamily-Medium on a 3.3-acre portion on the currently undivided country club property. He clarified that the boundary of the triangular site had been approximated based on materials submitted by the applicant. The site, while part of the recreational golf course, is not being used for recreational purposes. The recommendation of the staff was to not expand the geographic scope. The site is adjacent to a Puget Sound Energy powerline corridor, multifamily to the east, and the golf course proper to the west and southwest. Also adjacent to the powerline corridor are single family areas and residentially owned property owned by the Neighborhood Church. The presence of NE 8th Street, the powerline corridor and the golf course do not lend themselves to similarly situating a characterization that would argue in favor of expanding the geographic scope.

Commissioner deVadoss said he found the proposal of the application to be particularly odd in that it seeks to address only one portion of a larger property. He asked why the scope should not be expanded to look at the entire golf course. Mr. Matz said one of the policies referenced in the application is from the Wilburton subarea that calls for keeping the golf course. He allowed that the portion of the overall property that is called out in the application is not functioning as a golf course, and that along with policy language calling for keeping the golf course is the perspective the staff took in recommending against expanding the geographic scope. Commissioner deVadoss commented that the argument in favor of retaining the golf course could also apply to the portion of the overall site called out in the application.

Commissioner Bhargava asked about the ownership of the portion of the overall golf course site referenced in the application. Mr. Matz said the golf course site is owned in its entirety by the country club. The proposal reflected in the application materials would require a subdivision action to separate any part of the site from the overall site.

Mr. Matz explained that the Glendale Country Club and NE 8th Street Partners applications are located within the jurisdiction of the East Bellevue Community Council. Accordingly, their study, public hearing and jurisdictional actions are programmed into the Comprehensive Plan amendment process. If the proposals are advanced to final review, the East Bellevue Community Council will hold a courtesy public hearing on the two applications, and that information will be made available to the Commission. Once the City Council takes final action via ordinance, the matter will again be sent to the East Bellevue Community Council for action to either affirm or deny the application.

Mr. Matz said the communications received relative to the Glendale Country Club application made reference to the critical areas associated with a large portion of the site, and the availability

of the site for wildlife in the area.

Mr. Matz noted that even in the age of Covid-19, there has been community engagement relative to the Comprehensive Plan amendments. He stated that to date five comments had been received on the Bellevue Way SE application; one comment regarding the Safeguard application; four comments regarding the NE 8th Street Partners application; and 13 comments regarding the Glendale Country Club application.

A motion to expand the geographic scope of the 100 Bellevue Way SE application to include the Radford property was made by Commissioner Ferris. The motion was seconded by Commissioner deVadoss.

Commissioner Bhargava asked if the PO-designated property to the south of the Radford site could also be considered for inclusion in the geographic scope. He said it felt to him like there was a natural line that includes both parcels in terms of similar land uses and development.

Commissioner Ferris said she would support revising her motion to include the additional site.

Commissioner Malakoutian voiced his support for the recommendation of staff not to expand the geographic scope beyond the applicant property.

Mr. Matz reiterated that while the applicant property is split by the downtown boundary, neither the Office-designated Radford site nor the Office-designed site to the south of it share that distinction. Having a split designation that exists in space without following a commensurate legal property line can prevent the development of the site to the detriment of both associated subarea plans. An action to expand the downtown boundary to the south, however, would make it difficult to argue that the expansion of the geographic scope decision criteria can be met. The properties are not split by the designation, addressing which has in the past allowed for justifying expanding the downtown boundary.

Commissioner deVadoss suggested that rather than moving the boundary one small piece at a time, it would make more sense to look at the bigger picture. He noted his support for expanding the geographic scope as proposed by Commissioner Ferris and as amended by Commissioner Bhargava.

Vice Chair Moolgavkar stressed the need to respect the downtown boundary and avoid allowing it to creep southward. She allowed that while the three properties can be viewed as one, there will always be arbitrary lines drawn that should be respected. She said she would not support the motion.

The motion failed 3-3 with Chair Morisseau and Commissioners Malakoutian and Moolgavkar voting against the motion, and Commissioners Ferris, Bhargava and deVadoss voting for the motion.

No Commissioners sought an expansion of the geographic scope of the Safeguard Self Storage or NE 8th Street Partners applications.

With regard to the Glendale Country Club application, Commissioner deVadoss said it seemed illogical to carve out a specific corner of a larger property and seek to change the designation for it. The prudent thing to do would be the expand the geographic scope to include the entire golf course property.

A motion to expand the geographic scope of the Glendale Country Club application was made by Commissioner deVadoss and seconded by Commissioner Malakoutian. The motion failed 2-4 with Commissioners deVadoss and Bhargava voting for, and Chair Morisseau and Commissioners Malakoutian, Moolgavkar and Ferris voting against.

A motion to set July 8 as the threshold review public hearing date for the proposed Comprehensive Plan amendments was made by Commissioner Ferris. The motion was seconded by Vice Chair Moolgavkar and the motion carried unanimously.

Chair Morisseau asked what additional information the Commissioners needed before taking the next step in the process.

Vice Chair Moolgavkar said if the 100 Bellevue Way SE application moves forward with the expanded geographic scope, more information should be made available from the staff as to why the downtown boundary was drawn as it is. She said she also would want to know more about what the impact might be to the properties further to the south.

Commissioner Ferris said she would want to know more about who the parking lot on the Radford property serves, and who owns the property to the south and what plans there are, if any, regarding a change of use. Mr. Matz said where geographic expansions occurs, the owners of the additional properties are contacted.

With regard to real-time auditing of the Comprehensive Plan amendment process, Mr. Matz explained that the amendment process contains multiple steps of review and data analysis. The idea is that rather than waiting for the amendment process to wrap up at the end of the year before offering comment on how to improve the process, the prudent approach is to provide for check-ins at each point of the process.

9. OTHER BUSINESS – None
(8:30 p.m.)

10. APPROVAL OF MINUTES
(8:30 p.m.)

A. February 26, 2020

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

11. CONTINUED ORAL COMMUNICATIONS – None
(8:32 p.m.)

12. EXECUTIVE SESSION – None
(8:32 p.m.)

13. ADJOURNMENT
(8:32 p.m.)

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

Chair Moolgavkar and the motion carried unanimously.


Chair Morisseau adjourned the meeting at 8:32 p.m.



7/10/2020

Thara Johnson
Staff to the Planning Commission

Date



7/10/2020 12:51:27 PM PDT
Anne Morisseau
Chair of the Planning Commission

07/10/2020

Date