

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

October 13, 2021
6:30 p.m.

Bellevue City Hall
Virtual Meeting

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

COMMISSIONERS ABSENT: Commissioner Goepppele

STAFF PRESENT: Thara Johnson, Emil King, Department of Community Development; Caleb Miller, Trisna Tanus, Department of Development Services; Ryan Walker, Department of Parks and Community Services

COUNCIL LIAISON: Councilmember Barksdale

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

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

The meeting was called to order at 6:31 p.m. by Chair Moolgavkar who presided.

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

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

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Goepppele who was excused.

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

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

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

Councilmember Barksdale reported that on September 27 the City Council received an update from the King County Regional Homelessness Authority. The Council also received an update regarding the Eastrail project and had a discussion about East Main and specifically the FAR amenities and the development agreement on October 4. On October 11 the Council received an

Affordable Housing Strategy implementation update.

Asked by Commissioner Morisseau to elaborate on the update from the King County Regional Homelessness Authority and to indicate how the work of the Commission might be impacted, Councilmember Barksdale said the city wants to make sure the work it is doing is coordinated within the region. He said hearing about what the Authority is doing gave the Council some perspective about how to integrate with their work. The Authority is looking to consolidate contracts but it is not looking to change the scope of work or the awards for any agency. Bids will go out again in 2023. Their catalytic portfolio was interesting to hear about in that it involves peer navigation by those who have experienced homelessness themselves. The Authority is currently working on sub-regional planning by engaging with cities in King County to gain an understanding of where they can have the biggest impact in terms of services and identifying gaps and needs. He said he would have staff email the Commissioners the highlights of the briefing.

5. STAFF REPORTS
(6:35 p.m.)

A. Planning Commission Meeting Schedule

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

6. ORAL AND WRITTEN COMMUNICATIONS
(6:43 p.m.)

Mr. Chris Bodiford read into the record an email he had previously sent to the Commission in which he stated that Bellevue is a city of neighborhoods. Blanket rules should be avoided that would diminish the unique character of each neighborhood. As the Northwest Bellevue neighborhood plan nears completion, the Vucrest neighborhood would like clarification regarding an element of the housing affordability goals. The goals are to be applauded, including the forward-looking aspirations on housing typologies, housing sizes, visual styles, accessory dwelling units and more. However, some of the goals may conflict with existing covenants that are bound to property titles in some neighborhoods. Vucrest covenants, for example, specify restrictions on building height, size, roofs and setbacks, and also limits dwelling units to a single one per lot. The covenants have been applied over the years to create and maintain a neighborhood character that is highly regarded and treasured. The neighborhood wants assurances that the Great Neighborhood goals and associated ordinances and policies will not invalidate existing covenants.

Comprehensive Planning Manager Thara Johnson acknowledged the receipt of the email from Mr. Bodiford and noted that one additional written communication was received addressing the Great Neighborhoods process. Late in the day correspondence was received from the East Bellevue Community Council relating to the residential occupancy Land Use Code amendment; it was forwarded to the Commissioners.

7. PUBLIC HEARING

A. Land Use Code Amendment (LUCA) to Address Residential Occupancy Limits
(6:49 p.m.)

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

Consulting attorney Trisna Tanus said the proposed Land Use Code amendment is intended to replace the Interim Official Control (IOC) that is currently in place under Ordinance #6586. It seeks to permanently remove the limitations on the number of unrelated persons who may reside in a dwelling unit. The Commission conducted a study session on the LUCA on September 8 and directed the scheduling of a public hearing.

Senior Planner Caleb Miller said the proposed LUCA is in response to recent state legislation, specifically SB-5235, which prohibits cities from limiting or otherwise regulating the number of unrelated occupants in a dwelling unit. The legislation went into effect on July 25, and the IOC Ordinance #6586 was adopted by the Council to bring the Land Use Code into compliance with the state law ahead of the development of permanent regulations. The IOC expires on January 12, 2022, and once adopted the LUCA will replace the IOC.

Mr. Miller explained that the primary vehicle in the LUC for limiting occupancy was the definition of family, which stated that no more than four unrelated persons may occupy a dwelling unit. The proposal revises the definition to state that a family includes any person or group of people occupying a dwelling and operating as a single housekeeping unit, which means all occupants have access to the entire dwelling and that they share the various expenses and responsibilities. Prior to the IOC, the single housekeeping unit definition required all occupants to be on a single lease. Since that regulation is not based on health or safety, it is not consistent with SB-5235 and as such the requirement is proposed to be removed.

There are a few specific housing types that have their own occupancy limits in the LUC. The definition of accessory dwelling units is tied to the definition of current family in the LUC and as such it is proposed to be removed. Boarding housings, which are owner-occupied dwellings where rooms are rented out, prior to the IOC had a maximum number of two rooms being rented to two people. The proposal is to revise the definition between transient and non-transient lodging purposes. For non-transient uses, which involves occupancy for more than 30 days, only has the two-room maximum. For transient or vacation rentals uses, the two-person limit is proposed to remain in place along with the two-room limit. Rooming houses, which are non owner-occupied dwellings where rooms are rented out, previously had a maximum of five occupants in four rooms at any given time. The proposal is to revise the definition to retain the four-room maximum but to eliminate the limit on the number of people.

Mr. Miller said the LUCA process included two modes of outreach. First was the Process IV requirements that involve public noticing and a public hearing. The second involved the creation of a project webpage on the city's website that included some general project information, including background information, staff contacts, the LUCA schedule and information for how to get involved. In all one written comment was received which expressed concerns about increased activity, traffic and parking demand as a result of removing the occupancy limits. Staff responded to the person by indicating that the existing regulations address those concerns.

Following the public hearing and a recommendation from the Commission, the LUCA will move on to a study session before the Council which has tentatively be scheduled for October 25. The East Bellevue Community Council held a courtesy public hearing on the LUCA on October 5 and during the meeting members of the public testified about the potential impacts of the LUCA that included increased traffic, parking and overcrowding in homes. Members of the East Bellevue Community Council generally echoed those concerns. Staff reiterated that all existing

codes for addressing those concerns will remain in place. Provided the LUCA is ultimately adopted by the Council, the East Bellevue Community Council will have the opportunity to approve or disapprove the resulting ordinance within their boundaries.

Ms. Betsi Hummer, 14541 SE 26th Street, noted that she currently serves as Chair of the East Bellevue Community Council. She read into the record the memorandum sent to the Commission late in the day which stated that a courtesy public hearing was held on October 5 on the residential occupancy Land Use Code amendment. Comments from the public included concerns regarding safety and health regulations; and retaining the current limits given that homes are not meant to be dormitories with large numbers of adults living in them and the resulting large number of cars parked on the streets. The East Bellevue Community Councilmembers comments included concerns about safety and health; a comment that while the health and safety of many housed as a result of the proposed LUCA will be enhanced, the health and safety of those already living in neighborhoods will not be enhanced; a comment about code enforcement being overwhelmed and the suggestion that parking regulation violations should be automatic as opposed to complaint based; a concern about seeing super-dormitories on every other corner of the neighborhood; a desire to see the neighborhood character intact and a comment that the benefits are not as evident as they sound; a concern that the proposal will impact the neighborhood character and data was sought on the number of people who will actually benefit from the proposal; a call was made for the city to implement a permitting system to educate occupants on expectations, civic duties and how to be good neighbors; a comment that the single family room rental ordinance was implemented in 2014 to protect neighborhoods; a question about not participating at the city level and suing the state for impinging on the city's planning; and a question was asked if amendments could be made by the Planning Commission or the Council to address the safety, health, dorm room situations and parking concerns.

Absent additional persons wanting to offer testimony, a motion to close the public hearing was made by Vice Chair Ferris. The motion was seconded by Commissioner Brown and the motion carried unanimously.

Commissioner Moolgavkar said her impression was that the East Bellevue Community Council was hesitant about the proposed LUCA. She pointed out that state law dictates the action and she asked if the EBCC actually can vote to not approve it for their jurisdiction. Ms. Tanus said the code amendment was developed to be as narrow as possible in order to meet the state requirements. She allowed that the East Bellevue Community Council has approval/disapproval authority for their area, and may vote however it wishes. She said it remained unknown what steps would be taken in the event the East Bellevue Community Council chooses not to approve the LUCA.

Commissioner Bhargava asked for a response from staff regarding how the city plans to maintain its health and safety standards following approval of the LUCA. Mr. Miller said there would be no changes made to the city's current health and safety standards. The building code does not include any occupancy limits and outside of the land use code there is no way to regulate occupancy, except for commercial buildings and the like. There are situations, however, where there are unsafe buildings or unsafe conditions where the city's building official and fire marshal can step in and intervene if necessary. Where there are concerns regarding the exterior maintenance of a building, or any other such concerns, there is an avenue for reporting them and they can be addressed on a case-by-case basis by the code compliance team.

Chair Malakoutian referred to the decision criteria that says an amendment enhances the public health, safety or welfare. He noted that the findings of the staff were focused on housing

affordability but he asked how the proposal actually enhances the public health and safety. Mr. Miller said housing affordability is the most direct advancement of the public health, safety and welfare. Otherwise the amendments would not decrease the public health, safety or welfare since all existing regulations will be kept in place.

Chair Malakoutian said he did not see the proposed LUCA changing anything if it is assumed that everyone will be good citizens. It is true that someone could intentionally abuse the system, and that there are safeguards in place, but where it happens there could be a reduction in the public welfare, health and safety. Mr. Miller said given the way the code is set up, those who intentionally go against the public health, safety or welfare are still subject to code enforcement.

A motion to recommend to the City Council adoption of the residential occupancy Land Use Code Amendment 21-111196-AD was made by Commissioner Morisseau. The motion was seconded by Commissioner Brown and the motion carried unanimously.

8. STUDY SESSION

A. Parks and Open Space System Plan Update (7:14 p.m.)

Ryan Walker, senior planner with the Department of Parks and Community Services, explained that the department is involved in a number of different things. The mission is to build a healthy community through an integrated system of exceptional parks, natural areas, recreation, arts and culture, and a broad base of community services. The Parks and Open Space System Plan focuses on park land, trails, facilities and related operations, and the basis for the plan is the city's Comprehensive Plan. The Parks and Open Space System Plan is the guiding document for the acquisition, development and enhancement of parks facilities. The plan is the holder of the big ideas relative to parks facilities. The plan looks out 20 years and is updated every six years. The plan is required for accreditation and for being eligible for some grants.

There are several established focus areas within the plan and they have to date been used for multiple park system plans. The focus areas are open space, greenways, wildlife corridors and trails; park facilities such as neighborhood and community parks; active recreation facilities, including indoor and outdoor recreation; urban park systems; waterfront access; partnership opportunities; and historic, cultural and art resources. Recommendations are made through each focus area and collectively they form a capital project objective list used in development of the city's Capital Investment Program.

Mr. Walker explained that a number of key elements drive the Parks and Open Space System Plan. The community profile outlines the trends in the city in terms of demographics, housing and other factors. The system inventory, which is updated with every plan update, lists the parks system assets. The policy framework includes the Comprehensive Plan and other policies and initiatives citywide that are aligned through the system plan. The level of service analysis involves the performance measures defined by the state, and it is one component required by the state in order to be eligible for grants. The level of service analysis also maps the walkable access service areas, which are the parks and trail access points within a third of a mile. The city's capital project objectives are part of the plan, as are the management, maintenance and funding strategies. Public involvement is probably the most critical of the key elements.

With regard to public involvement, Mr. Walker pointed out that the city's Engaging Bellevue platform for input regarding the Parks and Open Space System Plan update went live about a

week ago. The site includes a number of opportunities for the public to interact, including the park user survey that is open to all park users. There is also a statistically valid resident survey that is aligned with an equitable distribution throughout the city. There are also public hearings conducted as part of the process, as well as presentations to city boards and commissions as well as community and stakeholder groups. Efforts are under way to get the word out via websites, social media, email and newsletters.

In moving through the public involvement process, there are some core questions being asked of the public. Generally, the questions ask the respondents what they like about the parks system and what they might like to see added or improved. There are questions about access and how it can be expanded and/or made safer, and there are questions about how the city can make its parks more welcoming for people of all ages, abilities and backgrounds.

Mr. Walker said the process of updating the plan was kicked off in late spring 2021. The public outreach efforts began in the fall and are currently under way. A draft plan will be crafted during the winter months of 2022, and ultimate adoption of the plan by the Council is anticipated to occur in the spring of 2022.

The list of recent park projects relative to Downtown Park include the northeast gateway, completion of the circle, and the Inspiration Playground expansion. Other recent park projects include the completion of Phase I of the Meydenbauer Bay Park project; planning is ongoing for Phase II of that project. Development occurred at Surrey Downs Park in West Bellevue, and a neighborhood park planning process for a Bridle Trails site along 140th Avenue NE has been completed. The aquatic center feasibility update study was completed in 2020. Some 15 acres of land was acquired, including for a future Lake Sammamish neighborhood park; an addition to the Mercer Slough natural area and park; and some acreage was added to the Newport Hills neighborhood park. The maintenance and enhancement of streetscapes throughout the city are addressed by the parks department. Many trails within park boundaries and some trails outside of park boundaries are maintained by the department. The department also enhances and renovates sports facilities within the park systems.

Vice Chair Ferris expressed how happy she was with the work of the parks department which is aimed at helping Bellevue be a livable city for all residents. She noted that Bellevue is a very diverse community and she asked if the right questions are being asked as part of developing the community profile. She stressed the need to focus on making sure the public spaces work for everyone. Mr. Walker allowed that many of the city's neighborhoods are shaped by parks. In developing the community profile, there is a clear focus on diversity, housing characteristics, income levels, languages and expanding communication. The biggest element is hearing directly from the wide array of residents within the city. That is always a challenge but each time the plan is updated the departments seeks to do a better job in that arena. Vice Chair Ferris commented that given the various cultures in the city, what works for one group may not be appropriate for another.

Commissioner Brown said she is a resident of the Eastgate area and noted that other than the community center, the neighborhood has no park. She asked if that shortfall would be addressed in the next decade or two. Mr. Walker said he hoped so, adding that park facilities are currently in the plan. He allowed that Eastgate Park itself technically falls outside the boundaries of the Eastgate neighborhood. He indicated that the need for park facilities in Eastgate has been voiced often through the outreach efforts. The previous plan highlighted a number of areas as being underserved, including Eastgate and Factoria, BelRed, Crossroads and parts of the Downtown. All indications are that those areas will again be highlighted in the updated plan.

Commissioner Brown pointed out that a sidewalk improvement was recently completed along Newport Way to facilitate people accessing the community center, but there is a gap of about six feet between the crosswalk and the driveway to the community center. Any handicapped person would have a difficult time accessing the community center, not only because of the sidewalk gap but also because the driveway to the facility is very steep.

Commissioner Brown noted that Bellevue calls itself a city in a park, and she said the city's parks are indeed amazing. She asked how Bellevue compares to other cities in terms of park facilities. Mr. Walker said there is a data measure based on park acreage per capita. Bellevue stands at about 19 acres of parks per thousand residents. Redmond enjoys a similar ratio, but by that measure Bellevue is ahead of most cities in the region. The data point only takes into account total acreage; it does not take into account park quality or what facilities are located where. The update will focus to some extent on what facilities are deemed to be missing.

Commissioner Bhargava said the city's parks and trails are one of the reasons he and his family loves to live in Bellevue. He raised the issue of sustainable land management and asked what actions the city takes in that regard. Mr. Walker said the current plan features many broad goals focused on retaining the tree canopy and natural cover. It goes into some detail about how to make that happen. While the general concepts are in the plan, a lot of the action happens in planning efforts beyond the parks system plan itself. For instance, the Natural Resources Division is currently conducting a forest health assessment for the entire city park facilities. That document will highlight areas where the tree canopy is not as healthy as other areas, where the canopy can be enhanced, and areas where natural cover could be more beneficial if planted in certain ways. The plan highlights those interests and makes sure they are a priority in terms of sustainable natural resources management, and highlights the need for additional planning work to dig into the specifics for certain areas. The city is always looking to improve its maintenance and management best practices.

Commissioner Bhargava recommended giving consideration to adding sustainable guidelines as a focus area to the land management process. Mr. Walker said he welcomed the suggestion. He added that the Utilities department is currently working on updating the watershed management plan, and actions will be taken to make sure that plan aligns with the parks plan.

Commissioner Moolgavkar noted that some of the city's parks are more developed and have more facilities than other parks and she asked how the city goes about balancing the different types of uses. Mr. Walker said the first thing to look at is always what the site conditions are. Any property that comes up for acquisition is viewed in terms of what its ultimate use will be. Sites can be left largely in a natural condition, possibly with only trails, but they can also be seen as appropriate for a small neighborhood park. Those decisions are made in part in regard to where neighborhood parks currently exist and where they do not.

Commissioner Morisseau thanked the staff for a great presentation. She said she was happy to see the historical and cultural connections elements. She said she was anxious to see how that would be implemented going forward. There is a clear need to honor the city's history, including lessons learned. The community engagement process should seek to connect with a variety of demographic groups to figure out how to best represent them.

Chair Malakoutian agreed that the outreach efforts are missing certain groups of people, and he stressed the need to identify them and determine how to get through to them. The city does a great job in asking for feedback, but too often after feedback is received and plans are drafted,

there is no follow-up with the public before the plans come to the Commission for public hearing.

Vice Chair Ferris added emphasis to the comments made by Commissioner Bhargava in light of the known increasing climate crisis. The city can no longer plan for sustainability as it always has, it is not necessary to figure out how to be resilient. She said she would also like to find ways of advertising to the public what parks and facilities the city has and where they are.

Commissioner Brown echoed Vice Chair Ferris's comments and noted that during the pandemic people have been stuck at home. She asked if there are things the parks department is doing to encourage people to be outdoors while maintaining social distancing. Mr. Walker said parks are as busy as ever. There has been signage posted and work done to ramp up programming elements on the recreation side so they can happen outdoors and in different ways. The pandemic has certainly changed the way the parks are used.

Commissioner Bhargava said he has always been amazed at the diversity of people who use the city's parks, and at the ability of the spaces to provide for every age group.

Councilmember Barksdale asked about the statistically valid residents survey and what steps are being taken to assure equity. He said the city's parks have proven to be places where people can gather, but often those who visit remain in their silos. He asked what means could be used to encourage people to interact with each other, such as through playing together. With regard to naming parks, he asked how the city can make sure the approach is equitable. Mr. Walker said the representative sampling for the survey starts with geography and making sure there are respondents from every neighborhood. As census data allows, the consultant is also able to pull out other demographic factors, including age and race. There is the option of conducting follow-up with respondents via text and the like. With regard to the notion of playing together, he said the issue recently came up when someone brought up the idea of giant slides where adults, teens and kids could all play in the same place. Innovative design can encourage interaction. Naming is not addressed in the current plan, but can be assessed with this update.

Councilmember Barksdale said he would like to see the ideas raised by the Commission tied to the city's amenity incentive system. Mr. Walker said the Eastrail project is a potential example for how to build interaction between trail and park users. There is a separate planning effort around that framework that is ongoing.

Commissioner Morisseau commented that she lives in an area that used to be forest. There are many trails winding through the area, but there is also wildlife in the form of bears and cougars. There is signage posted along the trails to call the attention of users to the fact that they could encounter wildlife, but newcomers often do not know what to do in case they encounter an animal such as a bear. She asked if the city is thinking about providing additional signage about what to do to protect themselves. She also asked if the city is thinking about addressing in the plan the issue of gun violence that is so prevalent across the nation. Mr. Walker said the issue of safety overall certainly is tied to signage, particularly in terms of wayfinding. Having paths that are wide enough and well lit is also an important factor. In terms of wildlife, signage is also important and he agreed it could be tailored to specific wildlife in certain areas.

9. OTHER BUSINESS – None
(7:54 p.m.)

10. APPROVAL OF MINUTES
(7:54 p.m.)

A. September 22, 2021

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

11. CONTINUED ORAL COMMUNICATIONS – None
(7:59 p.m.)

12. EXECUTIVE SESSION – None
(7:59 p.m.)

13. ADJOURNMENT
(7:59 p.m.)

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

Chair Malakoutian adjourned the meeting at 7:59 p.m.



1/10/2022

Thara Johnson
Staff to the Planning Commission

Date



1/10/2022

Mohammad Malakoutian
Chair of the Planning Commission

Date