

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

February 9, 2022
6:30 p.m.

Bellevue City Hall
Virtual Meeting

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

COMMISSIONERS ABSENT: Commissioner Morisseau

STAFF PRESENT: Thara Johnson, Emil King, Department of Community Development; Nick Whipple, Caleb Miller, Trisna Tanus, Department of Development Services; Matt McFarland, City Attorney's Office

COUNCIL LIAISON: Councilmember Robertson

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 Malakoutian who presided.

Chair Malakoutian stated that the meeting was being held remotely via zoom.

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

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

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

A motion to approve the agenda was made by Commissioner Goeppele. 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 Robertson reported that on February 7 the City Council was briefed regarding the Countywide Planning Policies and growth targets. The Council recognized the city does not currently have the zoned capacity to accommodate the housing targets, allowed that it will be a heavy lift, but indicated support for making it happen. Much of the work will be on the Commission's plate, including as part of the BelRed lookback.

Councilmember Robertson referred to the 249 pages of public comment received in regard to the Land Use Code Amendment regarding permanent supportive housing, transitional housing, emergency housing and emergency shelter, and the dozen pages or so of public comment regarding the Lochleven Comprehensive Plan amendment. She noted that the Councilmembers are also receiving the comments and they are reading them.

5. STAFF REPORTS
(6:36 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.

Commissioner Goepple asked about adding to the list of agenda items consideration of bylaw amendments. He also asked if the Council actually adopted the housing targets previously discussed by the Commission. Comprehensive Planning Manager Thara Johnson said staff are working with the City Clerk's Office on the bylaw issue and it will be added to an upcoming agenda fairly soon. With regard to the housing targets, she said the work to establish the targets involved an extensive process that involved both staff and elected representatives. The targets were approved by the Growth Management Policy Council and their recommendation was forwarded to the King County Council in December 2021. The targets have essentially been established. The next step will be for the City Council to move forward with ratification of the Countywide Planning Policies, which includes the targets. That will be happening fairly soon.

Councilmember Robertson added that the ratification will occur via the Council's consent calendar, which is evidence that the Council has already blessed the targets.

6. ORAL AND WRITTEN COMMUNICATIONS
(6:42 p.m.)

Ms. Betsi Hummer, 14541 SE 26th Street, said she had been impressed with the Commission's attention given to the retreat items, including the survey, at the January 26 meeting. She said she was particularly impressed with the dedication of the Commissioners to incorporating public comment.

Ms. Johnson noted that several public comments were received following publication of the Commission's packet. She said staff would be going over all of the written correspondence as part of the public hearing. She added that three letters were received in regard to the Comprehensive Plan amendment that will be on the Commission's agenda for the February 23rd meeting.

7. PUBLIC HEARING
(6:49 p.m.)

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

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

Planning Manager Nick Whipple noted that the Commission had held three study sessions on the proposed LUCA prior to the public hearing. He noted that all of the public comments received to date had been forwarded to the Commissioners. He observed that some of the comments were in reference to what is happening in Redmond, Kirkland and other parts of the region in terms of King County's health and housing initiative, which is not covered by the proposed LUCA. The Commission has been operating from the principle that permanent supportive housing, transitional housing and non-transient emergency housing is housing for people in the community and is distinct from homeless shelters and emergency shelters.

Mr. Whipple stated that the state legislature passed HB 1220 which added to RCW 35A.21.430 a requirement for cities to allow for permanent supportive housing and transitional housing in all land use districts where residential dwellings or hotels/motels are allowed, and to allow indoor emergency housing and emergency shelter in all land use districts where hotels are allowed. The legislation became effective on July 25, 2021, and the city's Interim Official Control (IOC) Ord. No. 6585 was adopted to bring the city into immediate compliance. On December 13, 2021, the Council extended the IOC for an additional six months to allow additional time for processing the proposed LUCA, which ultimately will replace the IOC.

Senior Planner Caleb Miller said permanent supportive housing and transitional housing are both defined broadly as subsidized housing paired with supportive services intended to keep people in their homes either permanently, or in the case of transitional housing into an independent living arrangement. The services associated with the uses are generally tailored to individual needs. Functionally, both housing types operate in much the same way as any other residential use. Emergency housing and emergency shelter are shorter-term interventions for which the provided services are more generalized and aimed at addressing basic needs. The duration of stay for emergency housing varies from a few days to a few months; for emergency shelter the duration of stay is typically less than 24 hours.

Continuing, Mr. Miller said there are three topic areas to the proposed LUCA. The first defines the specific uses in the LUC and splits the uses into the categories of supportive housing, including definitions for permanent supportive housing, transitional housing and non-transient emergency housing, all with a stay of greater than 30 days; and homeless services, an existing use in the LUC for which the definition is proposed to be revised to include emergency shelter and transient emergency housing, with stays of less than 30 days. Length of stay is the primary distinction between the two housing types and the intent is to control for the intensity of use and to treat supportive housing as a residential use. The second topic area involves the land use tables and proposes to include supportive housing as a permitted use anywhere residential and hotel/motel uses are allowed, and adding homeless services uses as a conditional use anywhere hotels are allowed, which is NMU, OLB-Open Space, Evergreen Highland B, and East Main.

The third category of amendments are related to the specific requirements for supportive housing. He noted that the homeless services uses requirements, such as the conditional use permit and the procedural requirements, are not proposed to be changed. He also noted that homeless services uses are not currently allowed in single family districts nor will they be under the proposed LUCA. The proposal includes a registration requirement for supportive housing, which would include a mailed informational notice to all neighboring properties. Certain supportive housing uses that are less intensive are proposed to be exempt from the noticing requirements, as are uses where residents are participating in the Washington state Address Confidentiality Program. All supportive housing uses are proposed to require an on-site kitchen, but the language is flexible to allow for different arrangements, such as shared kitchen for all

residents to use, or a kitchen under the exclusive use of the operator for preparing all meals. Any alternations to a building containing supportive housing uses are proposed to be required to maintain the residential character of the building.

Mr. Miller said the Commission's third study session on the proposed LUCA included a substantial discussion. Since then some modifications have been proposed to the LUCA based on Commission feedback and further conversations with stakeholders. The proposed five-bedroom limit has been removed for supportive housing in single family districts. Supportive housing operators and affordable housing advocacy groups indicated that the requirement would make siting supportive housing extremely challenging. The requirement to maintain residential character in single family districts is retained in the LUCA. He said there also have been revisions to the notice and registration procedures, largely for purposes of clarity and consistently with other procedures in the code. The Commission-suggested proposal to require operators to keep the registration information up to date has been added.

There have been three primary modes of public engagement for the LUCA, beginning with the standard Process IV requirements for noticing and public hearings. Multiple notices have been issued since the LUCA was initiated by the Council in August 2021. There have been multiple public hearings between the IOC and the LUCA. There has been extensive dialog with stakeholders, and a city website was created with general information about the LUCA, including instructions for how to comment, staff contact information and the general LUCA schedule.

Mr. Miller allowed that a number of public comments had been received to date. One theme that has consistently been raised requests the same permitting path for homeless services uses as for supportive housing. He said that is not, however, consistent with the approach of treating supportive housing as a residential use and as such staff have not recommended going in that direction. There has been confusion on the part of the public in regard to supportive housing and homeless shelters, which are distinct uses with different levels of intensity. Homeless services uses have limited durations of stay, whereas supportive housing is meant to be a long-term and stable environment for people to live in. Another theme from the public comment is the assertion that homeless shelters will be allowed in single family districts under the proposed LUCA. He stressed that emergency shelter and all of the other homeless services uses are currently not allowed in any single family district, and there is no proposal to allow them in single family districts.

Public comments in support of the proposed LUCA have also been received, though some modifications have been proposed. One modification would remove the distinction between emergency housing transient versus emergency housing non-transient. However, staff believes the proposed language fits well with the existing framework in place for residential uses and is not recommending a change. There were also requests made to revise the definitions to exactly match those in the RCW, specifically including a statement that supportive housing services those at-risk of homelessness. While the suggestion is a good one, the staff do not believe it would result in a practical change to the permitting process or the process of siting supportive housing.

Mr. Miller briefly reviewed the LUCA process and schedule, and shared that the discussion at the East Bellevue Community Council courtesy hearing included a call to see the uses distributed evenly throughout the city, and a call to see some quantitative data on the need for the uses. He said the city does not have quantitative data in hand, though under the bill that triggered the proposed LUCA the Department of Commerce has been directed to provide cities with the

specific need for the various uses, data that will be used in the upcoming Comprehensive Plan update.

Mr. Miller noted that the Commission could make its recommendation to the City Council regarding the proposed LUCA either following the public hearing or at a subsequent Commission meeting. Review and final action by the Council will be followed by an EBCC public hearing and action to approve or disapprove for its jurisdiction.

Ms. Pamela Johnson asked how many of the Commissioners had read the permit bulletin for the current or previous week, or at all during the past year, and how many read the public notice section of the *Seattle Times* on a regular basis, and how many had received an electronic notification from the city's official website regarding the proposed LUCA. She said she is on the list of registered associations but did not receive any notice. Homelessness has been a hot issue for Bellevue and neighboring jurisdictions and the city's public engagement process should reflect that. Process IV is the same process used for Comprehensive Plan amendments and the stronger outreach program is needed outside the CPA calendar. The mandate from the state for housing the homeless does not address the concerns of residents. The process of siting uses in neighborhoods should be transparent and equitable. The desired outcome is to end chronic homelessness and the key is stable housing, but that goal will only be achieved by the community working collaboratively. Before any project goes forward in a neighborhood, the neighbors should be allowed to work out their concerns. The Commission should vote to allow for diverse perspectives and to build relationships within the community. The city should put important items like the proposed LUCA in the *Neighborhood News* and *It's Your City*. Only by going through government, departments, Development Services and code amendments can anything be found about supportive emergency housing.

Ms. Anne Coughlin spoke as a clinical psychologist and the guardian of a sister who suffered a traumatic brain injury and subsequently developed organic bipolar disorder and then dementia. She said she is also landlord to a person who developed a mental illness following the stresses of Covid and a marriage and job loss. While those experiencing homelessness require housing and treatment, there are many issues with the proposed LUCA. She said she has not seen any studies on the effectiveness of the approach, or on any associated impacts. Residents are not in fact required to accept treatment. MRSC.org defines supportive housing as a form of permanent housing that is geared toward chronically homeless individuals as well as others who need continual help and community services to maintain housing. A great percentage of the chronically homeless have serious mental illnesses which require medication and therapy to be treated successfully. Another high proportion of the homeless are addicted to hard drugs which requires in-patient treatment, abstinence from drugs and other users, sober housing, and years of supportive therapy. Unfortunately the two groups, and particularly the latter, are unlikely to initiate or maintain the treatment they require. Heroin and meth users will continue to use and will develop an economy around themselves to maintain their access to drugs. They will steal and they will sell to other residents and those in the neighborhoods. The seriously mentally ill will have episodes during which they are completely dysfunctional and create problems for themselves, their immediate neighborhoods and sometimes the larger community. The people who make the best use of housing programs are those who are already seeking treatment and who are committed to receiving treatment. Otherwise like in Queen Anne and Renton there will be many problems. The fact that the housing is permanent is horrifying. In effect the city will be permitting low-barrier housing in residential areas.

Ms. Phyllis White, 1057 134th Avenue NE, stated that recently her neighborhood and nearby businesses have experienced growing crimes and encounters with homeless individuals. She said

she is concerned about the impacts from the proposed LUCA. Some homeless persons are even walking through people's yards. At a minimum, the LUCA for supportive housing should require safety buffer zones, and should allow for public participation to help the public to become more confident with the city's decisions. People want to have their neighborhoods safe, but they do not feel very safe. When they ask the police to help, they say they cannot do anything. The neighborhood is forming its own network to help each other because the residents do not feel they have the support needed to protect them. More safety is needed, and the people need to feel that they are being heard.

Mr. Ryan Murk, 14824 SE 18th Place, spoke as the permanent housing program manager for Congregations for the Homeless, an organization that provides 70 units of permanent housing with support at scattered sites for single men transitioning from homelessness to stable living. Since 2006 the organization has been master leasing up to 12 houses in the Bellevue area, and each home serves an average of six men who would otherwise remain unsheltered in the community. Men in the program must pay an amount equal to 30 percent of their incomes, and each man is connect to the support community through case managers, house managers, agency partners and other Congregations for the Homeless staff. Each man has a personal locked room and a safe place to work towards independence. The case management service model employed by Congregations for the Homeless is rooted in the values of relationships, dignity, respect, community and empowerment, and the organization enjoys a 95 percent success rate of keeping men in stable housing. The proposed LUCA can effectively expand access to housing by removing barriers to the type of housing known to work best for the men and for the community. The org strongly supports allowing permanent supportive housing and transitional housing in all land use districts where residential dwellings or hotels are allowed. The work of city staff in engaging the organization's staff in the development of the LUCA has been appreciated. The organization also supports making changes to the proposed definitions of supportive housing and supportive services to better align with the state requirements. All definitions of supportive housing should be consistently and clearly defined and aligned with all definitions of supportive housing under RCW 36.7A.030. The language should specify that supportive services may include, but are not limited to, services such as case management, medical treatment, psychological counseling, child care, transportation and job training. The Commission was thanked for its ongoing work to ensure that Bellevue can better provide a full range of housing options to residents experiencing homelessness and housing insecurity.

Ms. Barbara Ries said she is totally opposed to the proposed LUCA. The upscale neighborhood in which she lives should not allow housing for homeless people. The neighborhood residents did not put their time, money and efforts into having homeless people living among them. It is too bad they are homeless, but the neighborhood residents have tried hard to accomplish what they have done and the homeless have not always tried hard. The LUCA is very bad idea and the county is throwing it down the throats of Bellevue residents. She added that she would not have known about the issue at all had someone not arbitrarily sent her an email. There is federal money involved and the county or the city is going to go after it, but the plan is very poor. She said she is quite disgusted with the city's governance.

Ms. Betsi Hummer, 14541 SE 26th Street, urged the Commission to take a closer look at the supportive housing LUCA. She voiced appreciation for the presentation of the staff. However, the staff often referred to their own judgement and did not say what authority the city has to regulate the uses. The Commission should ask the staff for a greater accounting of what the city can regulate, such as occupancy, intensity of use, spacing, the five-bedroom limit and so forth, and still be legal under state law. It is possible to serve the residents of supportive housing facilities as well as the immediate community by having more consistent regulations. Since the

population served by permanent supportive housing is similar to those using homeless shelters as defined in Bellevue code 20.20.455, the Land Use Code siting permanent supportive housing in residential zones deserves the same guidelines that were so carefully developed for the people using shelters in commercial districts. The Commission should adopt the following from the existing code 20.20.455: require the application to be a conditional use permit; require the standard operating procedure plan; include the code of conduct; provide the safety and security plan; require a good neighbor agreement advisory committee; expand noticing to include the owners of real property within 1000 feet of project sites. The existing ordinance was developed with a lot of input from the public, providers, funders and participants, as well as the City Council and staff. Participants in shelters and supportive housing deserve consistency in operations, conduct and security, and ensuring stable environments will aid the transition to more stable housing, while a good neighbor committee will ensure participants are welcomed into the neighborhoods. Such regulations will ensure that each provider will be consistent in services and approach. Residential neighborhoods deserve the same considerations as community business zones that house shelters. There is no rush to reach a decision given that the IOC is in place for another five months.

Mr. Joel Glass said he found it frustrating that he had only just learned about the proposed LUCA. He said it is challenging to stay in tune with what is going on. The issue is important yet the staff and the city seem to have hidden it from the public. He supported the comments made by Ms. Hummer. He noted that he served as a member of the Transportation Commission for eight years and as such can appreciate the time and commitment made by the Planning Commission members. During his tenure on the Transportation Commission he served as a member of the light rail best practices committee which spent a lot of time focused on best practices. The same approach could benefit the proposed LUCA. Study should be made as to what the different communities to be served need, how the different kinds of housing will serve them, and how best to protect the neighborhoods. Rules need to be established. The current proposal sets such a low bar that it sets up the city for a lot of problems. The bar needs to be raised to more like what Bellevue is accustomed to. Single family neighborhoods are key to what has made Bellevue a great city. They are why all the Fortune 500 companies are coming to Bellevue. If the neighborhoods are destroyed, it will be the end.

Mr. George Bullock stated that recently in Belltown a man hit a woman full force in the back of the head with a baseball bat. He was later arrested at a transitional homeless facility where he was well known. On January 13 in Los Angeles a 70-year-old nurse was attacked while waiting for a bus; her skull was fractured and she later died. On the day in Los Angeles a 24-year-old grad student at UCLA was stabbed to death at the furniture retailer where she worked. Two days later in New York City a 40-year-old senior manager with ten years of volunteer work with homeless people was shoved in front of an oncoming subway train and was killed. All the attacks were random, and all were committed by homeless men. Homelessness is often framed as a local problem, that the homeless are just community members who have fallen on hard times and need to get back on their feet. However, studies from around the country suggest that for as many as 90 percent of the homeless addiction to drugs or alcohol is the primary cause of their homelessness. Studies also show that in many cities 50 percent or more of the homeless population are from outside the community, city or state in which they are homeless. Data shows that low-barrier housing is not effective at ending homelessness and has devastating consequences for surrounding communities. Communities with homeless populations experience measurable increases in violent crime, robberies and burglaries, drug use and drug dealing, prostitution, 9-1-1 calls, disturbances and business disruptions. The same is true in instances of both tent cities and government-provided housing. Under the proposed LUCA, a house that comes up for sale in his neighborhood could become a permanent supportive housing or

transitional housing facility. There should absolutely be no negative change permitted to the quality of life of Bellevue's communities that is tied to any homeless housing in residential or commercial zones. There should be no rising crime of any kind, no increase in 9-1-1 calls, no rise in the harassment of individuals or businesses, no rise in drug dealing, no rise of needles in the street. Bellevue citizens are owed nothing less. Much has been said by the Commission about helping the homeless, but nothing has been said about keeping communities safe. Safeguards must be put in place to ensure the outcome of no change to the neighborhoods. Metrics should be established for measuring the outcome. The community should be permitted to influence and track the metrics, and specific actions should be outlined for the city to take should public safety and quality of life be breached.

Mr. Chad Vaculin spoke as the Advocacy and Mobilization Manager for the Housing Development Consortium, and as a member of the Eastside Affordable Housing Convening, a group comprised of housing providers, direct service providers, faith community leaders and advocates committed to meeting the needs of those in the community and addressing the necessity for an increase in the number of affordable homes available to people living in East King County. He voiced strong support for allowing permanent supportive housing and transitional housing where residential dwellings or hotels are allowed, and the allowance of emergency housing and shelters where hotels are allowed. He thanked the Commission's due diligence throughout the process and commended the city staff for their outreach efforts to maintain a line of communication to inform the public. The proposed LUCA, along with some slight modifications, will improve Bellevue's response to the ongoing housing crisis, and it will allow the city to be in compliance with state requirements. To further improve outcomes, the proposed LUCA should be modified to not include conditional use permit requirements for emergency housing in districts that allow hotels. Adding restrictions and additional requirements can create long delays in accessing services needed by members of the community. The conditional use process is long and comes with high financial costs, and as a discretionary process there is no guarantee of success. A conditional use permit requirement could effectively prohibit emergency housing, which could inadvertently run counter to the intent of the state law. The definitions of supportive housing and supportive services should be amended to ensure clarity and consistency with state law and Bellevue's Land Use Code. The rationale for differentiating emergency housing by less than and greater than 30 days is questionable given that providers struggle to meet the individual and unique needs of those they serve. Providers do not generally put time limits on length of stay.

Ms. Heidi Dean, a resident of Newport Hills, said HB 1220 will create a dump and run process for siting permanent supportive housing and transitional housing facilities within residential districts. Essentially, after registration, there is no required monitoring by the city, so any issues that arise will only be addressed if neighbors lodge complaints with the city. Most residents do not know how to navigate the city's website and thus will not know how to lodge a complaint, leaving problems to go on unaddressed. The state may have taken away the ability of the city to limit the number of unrelated people residing in a single family home, but there are still restrictions the Commission could put into place to prevent operators from turning single family homes into overcrowded dormitories, which is incompatible with neighborhood in terms of parking, amount of waste produced, and safety. There are requirements regarding kitchens, but not about the need for adequate bathrooms and living spaces. It is not at all clear how the city can prevent operators from overcrowding homes. There is nothing mandating that clients must accept the services offered by operators. While there certainly are substance abusers, mentally ill individuals and sex offenders living in neighborhoods, they are not all grouped together. The current supportive and transitional homes run by Congregations for the Homeless are medium- to high-barrier facilities, meaning there are rules and expectations in place for the clients. Other

providers have less than stellar track records. Early and honest engagement between operators, the neighbors and the city will be critical to the success of the housing programs. While the state legislators may have passed a law that makes the LUCA necessary, it is not the legislatures that the Commission or the Council serves.

Mr. Kan Qiu, 45600 NE 8th Street, B-1309, spoke in opposition to any rush to change the city code to accommodate supportive housing. He echoed the previous speakers Ms. Johnson and Ms. Coughlin. The city needs to engage the residents more pervasively. He said he only recently learned about the proposed LUCA. He also pointed out that the city needs to listen to its own residents rather than to special interests. He noted that all who have spoken in opposition to the proposed LUCA are Bellevue residents, while all those who spoke in favor are employees of providers. It is the job of the Commission to represent Bellevue residents. The gradual deterioration of Seattle has occurred over the last 20 years. It has been a disaster to see the increase in homelessness and criminal activity. Seattle's failures should not be replicated by Bellevue. The homeless issue should not be imported from Seattle. Bellevue should remain safe and secure for Bellevue residents.

Ms. Amy Tay said she was opposed to the amendment until further study is done and there is more public involvement. She said she has lived in Bellevue for more than 30 years and has loved watching the city grow. It is disappointing to have the government suddenly bring up all kinds of ideas that will concern the safety of residents. The hotel in Overlake purchased by King County will be opening as a shelter will house more than 100 homeless persons. Another hotel on the border of Kirkland and Bellevue is also under consideration for the same use. A homeless facility for children and families in Eastgate is also planned, so suddenly Bellevue is surrounded by homeless hotels. There is a homelessness crisis, but all of the homeless are being poured into the community that the residents have worked hard to build and make safe. The homeless issues are being imported from Seattle where it is not safe walking on the streets. It is insane how King County and the cities are putting an extra burden on hardworking people in Bellevue.

Ms. Nina, last name not given, said she is a long-time Bellevue resident. She said she supports helping homeless people but not in residential areas, near schools or near any business. She opposed the proposed amendment. There are a significant number of persons with addictions and criminal records who later become homeless. Their problems need to be addressed first, but not at the expense at the safety of Bellevue's children or families. She read from a report from KOMO which stated there was nearly double the number of reports of incidents of violent crime between May 2020 and May 2021, the same month the homeless building was purchased by the county. She also referred to a research paper published by the Journal of Experimental Criminology in which scientists from the University of Pennsylvania concluded that the opening of shelters appears to be linked to a significant increase in property crimes in the immediate vicinity of shelters. Shelters in the community will pose a danger to the safety of residents. Homeless people from all around the United States are coming to the Seattle area because they have heard about free housing and services for them. The approach officials have taken have failed to address the root of the problem, which is the addiction, violence and financial irresponsibility of most homeless people. Those behaviors must be addressed first so the persons will be harmless to themselves and society before they are allowed into a shelter or permanent housing in Bellevue. It is irresponsible for officials to create potential safety hazards in the community by the proposed LUCA.

Mr. Cordero Reid, 2411 156th Avenue SE, said his past history includes working in consultive services, including foster care and youth homelessness. He voiced support for the proposed LUCA with any modifications that require Bellevue to change its codes to be in alignment with

the county and state. With regard to treating those with serious substance abuse and mental health issues, he said the main issue with detox centers and in-patient mental health, assuming there is a spot open, is that after treatment the people often enter communities as homeless persons. He agreed that supportive services are needed. However, the individual struggles people may be constrained with are not indicative of the entirety of the character of the person. Furthermore, there is no credible partisan data by city, state or federal study that supports the notion that homelessness is the fault of the individual, or is inherently criminal. All who come into the community deserve to live with privacy, dignity and respect.

Ms. Jodi Gable, 5700 143rd Place SE, pointed out that Jenny Durkan said over 60 percent of the people that are homeless are not from the area. There was a judge in Seattle who always highlighted where the person was from when hearing cases, and it was very often not from this area. The proposed LUCA is problematic in that there are no requirements for any of the homes. When there is a problem, which is likely, there will be no immediate process in place. She highly objected to taking addicts and placing them in neighborhoods because it has been shown clearly that it increases crime in the neighborhoods. It has happened in Renton and Seattle. A whole infrastructure gets built up around providing drugs, selling drugs and so forth to homeless persons. She said she had a nephew who was a drug addict and lived post-rehab in supportive housing and there was definitely drug selling and using within that facility. It is ridiculous to think something will be put out there without any requirements or game plan in place, including a code of behavior. She shared the story of a man from New Jersey who went fishing in Alaska who was told not to talk to a certain kid who was identified as a meth addict doing the Seattle thing. People are coming to the Seattle region to be addicts. Seattle started the problem by being lenient and King County is spreading it all over. Bellevue should not be endorsing it.

Mr. Dylan Wu, 1060 148th Avenue SE, said he had only heard about the meeting a few hours earlier. He said a few years ago the church he attends investigated partnering with a homeless organization to house a women's shelter for women who are struggling. The church is in a residential neighborhood in northeast Redmond. The steps taken include a public hearing at which a lot of valid concerns were raised, mainly around the safety of the children. After hearing the concerns, the church did not continue with its quest. The current system in place in Bellevue that requires any proposal to obtain a conditional use permit involves the community. The proposed LUCA needs to be given more thought and public input.

Ms. Paige Temple, 10036 NE 31st Place, said she and her husband chose to live in a single family neighborhood. She said she did not want to see the neighborhood deteriorate with the four different types of housing that have been proposed by the LUCA. She said her house is one of the last remaining mid-50s ramblers on the street, and she said if she were to sell the house it would be torn down and most likely replaced with a mansion. Any home along the street could be torn down and replaced with a homeless facility to the detriment of the children that live there. The safety, security and look and feel of the single family neighborhood should be retained.

Mr. Jason Wu pointed out that of those who previously spoke, those who live in Bellevue have been opposed to the LUCA. The negative impacts and the concerns of the neighborhoods have been overwhelming. Those who spoke in support of the measure did not say whether or not they live in Bellevue. It has been proven that finding a place for the folks who are suffering some kind of issue, such as addiction, will not have their fundamental problems addressed by giving them housing. It is discouraging that the city is focused on finding places for the homeless but not on solving their problems. Bellevue is moving toward repeating exactly what is happening in Seattle. He said he was strongly opposed to the LUCA and wanted to see much stronger

engagement by the public.

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

8. STUDY SESSION

A. Land Use Code Amendment to Establish Regulations for Permanent Supportive Housing, Transitional Housing, Emergency Housing and Emergency Shelter in the Land Use Code

(8:20 p.m.)

Mr. Miller reiterated the distinction between a homeless shelter and permanent supportive housing. He said homeless shelters under the existing code are not allowed in single family districts, and they are not proposed to be under the LUCA.

Vice Chair Ferris commented that clearly there is a lot of emotion and concern in regard to the proposal. She stressed that every member of the Commission lives in the city of Bellevue, and everyone wants to live in a safe community. There are, however, some clear misconceptions about what the different housing types are and the kinds of controls that are in place. It needs to be kept in mind that the state is mandating the change, leaving the city very limited choices in regard to making modifications. The intent of what the state has put in place is to recognize the fact that there is an increasing problem with homelessness owing to a variety of reasons, including medical issues and domestic violence situations. The problem will not just go away and thus solutions have to be found. The state legislation is aimed at making cities allow for the uses but in a way that is as safe and responsible as possible. The letters received from the roundtable and the convening have some very valid points that should be considered, even if it means taking a little bit more time to do it. Aligning the definitions with the state definitions makes a lot of sense. The conditional use permit process is a known barrier in that it is onerous and time consuming and may end up in a result that precludes a facility, and that is not what the state law has in mind.

Commissioner Moolgavkar echoed the comments of Vice Chair Ferris and added that she has real concerns about the fact that a large portion of the community feels like there was not appropriate outreach. She said that is an issue the Commission continues to hear over and over. It is hard to believe in light of the public's reliance on social media that people still feel they do not know what their city is doing. She urged staff to go back and think differently about the city's outreach program. The Commission needs to take a little bit more time, do more alignment, and do more community outreach to help people understand the proposed LUCA will not be jeopardizing their neighborhoods or their safety, and will not create communities no one wants to live in.

Chair Malakoutian pointed out that the Commission had held three study sessions on the proposal and said he assumed everyone knew the process was under way. Clearly some are still just finding out, and whatever means was used by everyone who said they found out about the public hearing shortly before the meeting should be tapped as a way of getting the word out.

Commissioner Bhargava said there was a lot to take in during the public hearing. He added that a lot of good input was received in written form. The issue is complex. Clearly there is a desire to ensure that people who have a need for supportive housing will be given a path back into permanent housing so they can get their lives back on track. There is also clearly a way to

address the issue in a way that will ensure safety and security for Bellevue residents, all while meeting the mandates of the state. Compliance with the state requirements is not an adequate measure of compliance. There is a clear need to meet the essence of the need for supportive housing, but that cannot be done without addressing the concerns around safety and security. More should be heard from city staff on some of the suggestions made, including setting in place specific controls such as safety plans and operating plans. The controls the city has put in place for homeless shelters should be required for supportive housing and transitional housing, adapted as necessary. The measures put in place should provide assurance to residents that safety and security will not be eroded. There should not be any onerous processes that will make it impossible to have the facilities. He said he also would like to see addressed the concern people voiced about not having been adequately notified about the process.

With regard to noticing, Mr. Whipple noted that there had been a number of touchpoints with the Commission. Prior to that there was a public hearing for the Interim Official Control ordinance that would set in place the requirements allowing for the various types of housing outlined in the proposed LUCA, both in residential areas and in the zones that allow hotels and motels. The IOC public hearing notice went out in August. An additional IOC notification was sent out for the East Bellevue Community Council's public hearing. Both were noticed in the *Seattle Times* and in the city's weekly permit bulletin. The process was repeated when the IOC was extended for an additional six months. Once the Planning Commission began processing the permanent regulations, staff published a notice of application, which included the SEPA notifications. Another notice went out leading up to the public hearing. Those are the standard Process IV requirements. He allowed that not everyone peruses the weekly permit bulletin or the *Seattle Times* notice section, so in addition to those notices a webpage was established on the city's Development Services site containing the most up-to-date information about the content of the LUCA, its progress, and key points for engagement. In addition, extensive outreach was conducted with providers of permanent supportive housing and various housing advocate groups to get a better sense of how the developments operate. He clarified that staff have been operating on the directive from the Commission that permanent supportive housing, transitional housing and emergency housing that is non-transient is to be defined and treated as housing.

Addressing the provisions that are in place for supportive housing, Mr. Miller said the notice and registration requirement has been proposed in order to give notice to neighbors within 500 feet of a proposed supportive housing facility. The notice would provide contact information for the operator or manager, as well as a city contact. Supportive housing is a residential use and thus additional procedural barriers have not been proposed, such as a conditional use permit requirement. The homeless services uses requirements are not changed under the proposed LUCA as drafted. Currently homeless services uses include overnight shelters and day centers, and as proposed transient emergency housing will be included in the category, each of which is subject to the conditional use permit process. In addition, there is a process through which community members, the applicant and other involved parties come together over a series of meetings to put together a good neighbor agreement for homeless services uses. There are also supplemental submittal requirements for safety and security plans, standard operating procedures and things of that nature. Staff is not recommending that the same homeless services uses procedures should apply to supportive housing.

Commissioner Bhargava suggested an opportunity should be set to refine, adapt and think through the requirements for the various uses.

Commissioner Moolgavkar allowed that the staff did everything they were supposed to do in terms of noticing. However, the procedures as defined legalistically does not meet the needs of

issues that are controversial and big. Even though staff went above and beyond what is required, the needs of the community have not been met. She challenged staff to think outside the box. Under the process utilized, the people who were allowed to give the most input were the service providers who understand the system the best, and those with the least input were the citizens who do not fully understand the procedure and how to engage. She stressed that she is fully in favor of the proposed LUCA but cannot ignore all those who believe they have been blindsided. A better way to engage, particularly with controversial issues, needs to be identified.

Commissioner Goepple thanked the staff for their clear explanations of the proposed LUCA. He also thanked the public for their helpful input. He voiced concern about the latest iteration of the LUCA in that the five-bedroom limit for supportive housing was eliminated. He suggested that there is benefit from having a bedroom limit number for purposes of clarity. The markup received as part of the packet, instead of providing more objective standards, states that all alterations to the interior or exterior of the structure which changes the single family residential appearance or character shall not be permitted, except that any alterations to improve accessibility per the Americans With Disabilities Act shall be permitted. He said he did not know what that would mean in practice. He asked the staff to explain why the bedroom limit was removed, and to explain more clearly what type of things would be off limits for supportive housing in single family residential neighborhoods. Commissioner Goepple said he also would like to understand better what could be done to help manage any impacts, accountability and public safety concerns. The city does not have a choice when it comes to adopting the state requirements. The issues surrounding homelessness and housing are real and something must be done as a community to address those issues. However, the city needs to make sure it has actionable tools to manage impacts and drive accountability, and that likely will necessitate taking more time.

Mr. Miller responded to the bedroom limit issue by allowing that there had been a lot of discussion by the Commission. The five-bedroom limit was derived from similar limitations the city has in place on other residential uses, like rooming houses and the like, that control for intensity of use. Following the Commission's study session in December, staff met with supportive housing operators to see how the limit would impact their operations. Congregations for the Homeless noted that they tend to look for houses with at least six bedrooms and they indicated the five-bedroom limit would impact their operating model. Discussions were also held with internal city staff familiar with supportive housing and homeless services and they raised the same concern. The intent is to treat the uses as residential uses and the five-bedroom limit is not currently imposed on any single family home. Accordingly, the limit was removed from the draft. The requirement to maintain residential character in single family neighborhoods may look and sound subjective. However, land use staff works with similar code language, including when regulating home occupation permits.

Commissioner Goepple said he still felt it would be good to have a specific limit on the number of bedrooms, and if it is not five it could be six or seven. Having a set limit would be one objective way to help manage the impacts.

A motion to extend the meeting to 9:30 was made by Commissioner Brown. The motion was seconded by Vice Chair Ferris and the motion carried unanimously.

Commissioner Brown said she was appreciative of the people who took time out of their busy lives to express their concerns and their desire to have a safe and livable city. She said she shared those concerns. She stated that communities are the most safe when people are housed and have the resources they need. She said all around her Eastgate neighborhood, 1950s ramblers are

being torn down and replaced with mega mansions, so things are changing right in the area where a men's shelter will operate. She said she was excited to work with the service providers to make the shelter work in the community, and to make sure those who need the services will have what they need so they can get on a path to permanent housing. The state has handed down a mandate the city must comply with to increase the supply of housing available to individual who may not otherwise be able to afford shelter. There are a couple of technical aspects that seem to conflict somewhat with the RCW. One is the conditional use permit for emergency housing in areas zoned for hotels; the intent of the state law is to provide access to emergency housing opportunities without extra barriers. She said she also was concerned that the transient/non-transient 30-day stay is also not in the RCW. As an immigration attorney in the community she said she keeps up to date on the various geographic locations and the prevailing wages for different occupations. Bellevue is one of the most expensive places in the country to live, and that largely is because the city enjoys an incredible quality of life and plenty of jobs, but the supply of housing needs to be addressed. The proposed LUCA is one way of doing that.

Commissioner Brown also pointed out the public's conflation of people who are homeless with criminals. Many people are experiencing homelessness for a variety of reasons, some of which are medical and otherwise outside of their control, not because of drugs or because they are irresponsible. Society in fact has very few social safety nets. Bellevue as a community needs to take into account the difficulties people are experiencing and make sure there is a floor below which people will not be allowed to fall. The proposed LUCA does that. The good neighbor agreement is a very good element, as is fostering dialog between supportive housing operators and neighbors. Everyone should keep an open mind and should keep the conversation going. Mr. Whipple said the state law requires jurisdictions to allow for emergency housing and emergency shelter where hotels and motels are allowed. The proposed LUCA expands the areas in which those uses are allowed, and maintains the process by which those uses are allowed to occur, which is the conditional use permit process. There has been consistency throughout the process in terms of how emergency housing is to be regulated as a homeless service use through the conditional use permit process.

With regard to the issue of 30-day limit issue relative to transient and non-transient uses, Mr. Miller noted that there are regulations in place for transient lodging like Airbnb and hotels, but only limited regulations for long-term residences. That is the framework under which the proposal addresses the four uses under HB 1220. Emergency housing is trickier given that the duration of stay can vary greatly between a single day to a month, a year or multiple years. The proposed framework addresses that issue by treating non-transient uses as a supportive housing operation. Transient emergency housing in which people stay less than 30 days fits within the in-and-out cycle of other homeless services uses. He allowed that the distinction is not called out in the RCW. Commissioner Brown suggested the approach could add some difficulty for housing organizations that provide housing that may require stays of more than 30 days before a more permanent solution can be found. She said she did not want to add additional barriers to providing services that are desperately needed in the community.

Vice Chair Ferris voiced her agreement with Commissioner Moolgavkar about the need for additional community outreach. She said staff did their best but some people were clearly caught by surprise. New outreach methods need to be identified. She stated that if housing is not created for those who are in need of housing, they will not simply go away, rather they will end up on the streets creating more of a problem. It will be worth taking the time to carefully review the suggestions offered by the public, particularly those in the letter from the convening.

Vice Chair Ferris asked if permanent supportive housing is always for the homeless or if it could

also be used to house seniors who are in need of specific services, which is another kind of housing that is needed in the community. Mr. Whipple said the question was an interesting one. He allowed that the focus has been on individuals who are at risk of experiencing homelessness or who are in fact homeless. There are other types of housing that address the population needs of the aging community, including seniors who are in need of specific services. He said he did not know if the RCW definition includes senior housing under permanent supportive housing. He said he would research that issue prior to the next study session. Vice Chair Ferris added that the category should extend beyond just seniors to include the disabled and the like.

Commissioner Brown followed up on the desire to do more public outreach and to emphasize the role of social media that may not have made its way into the RCW and the city's requirements in a legal sense. Very few people are reading the notices in the *Seattle Times*, but they might be on NextDoor, Twitter and Facebook. Given the degree to which the community is tech savvy, at the very least the city should have a posting that can be multiplied in all of the various forums. Information can also easily be shared via email to interested parties.

Councilmember Robertson explained that under state law transitional housing is specifically geared toward supportive housing and supportive services for homeless persons or families, to transition them out of homelessness. Permanent supportive housing is for anyone, including those with disabilities, who need various forms of support. The project under development in Bellevue is specifically permanent supportive housing for homeless men, which is not the narrow definition in state law. Addressing the boundaries of what is allowed, she said the city can regulate based on occupancy, spacing and intensity of use, provided that the regulations do not result in there being an inadequate number of the facilities needed to serve the people in the community.

Chair Malakoutian asked what would happen should the city simply choose to refuse to implement the mandate. Councilmember Robertson said the city is required under state law to allow all four uses addressed in the proposed LUCA. The Council approved the IOC in order to comply with state law and in recognition of the need to provide the services.

Assistant City Attorney Matt McFarland commented that it is possible when going too far into the weeds to lose site of the big picture. The state law mandate also distinguishes between supportive and transitional housing, and emergency shelter and homeless shelter. There are different requirements with respect to where the uses must be allowed in the city, residential districts for supportive housing and transitional housing, and where hotel and motel uses are allowed for the emergency shelters and homeless shelters. Development Services staff deserve a great deal of credit for coming up with a LUCA framework that fits the state mandate but which also works for the city specifically. Nothing has been processed in a vacuum; a lot of thought has gone into the development of the proposed LUCA.

Commissioner Goepple suggested that in addition to looking at the bedroom limit issue, it would be useful to understand in more detail what would be off-limits in practice in terms of supportive housing in single family neighborhoods.

Councilmember Robertson corrected the information she previously shared. She said permanent supportive housing is for people who are mentally or physically disabled, but only if they are experiencing homelessness or at imminent risk of becoming homeless. A senior in failing health who is facing the loss of their home would qualify.

Vice Chair Ferris said she was not prepared to formulate a recommendation. She stressed the

need for staff to take another look at the community input, particularly from the convening and the roundtable, to see if any or all of their suggestions could be included.

There was consensus to put off making a recommendation until a future meeting. Chair Malakoutian commented that three study sessions should be sufficient to reach conclusions, but clearly there is a need to do more research. He agreed with the need to pursue other formats for seeking public input, but he also stressed the need for the Commissioners to personally be more active in addressing issues that are likely to be raised.

Vice Chair Ferris agreed that a way has not yet been found to engage the community in a way that will yield the kind of feedback the Commission needs. She noted that prior to the meeting the Commission had received some 300 pages of notes, some of which it would have been good to have had much earlier in the process.

Commissioner Moolgavkar questioned why the Commission was asked to make a recommendation on the same day the public hearing was held. If a public hearing is what draws the public out, the Commission should avoid trying to reach conclusions immediately following a public hearing, allowing for time to process the information shared.

Mr. Whipple expressed the willingness of the staff to take a little more time to reach a recommendation. He said staff would return with additional information to a study session on February 23. He said the feedback received concerning public notice would be taken under consideration and would work to identify new ways to get information out. He also noted the staff would address at the next study session the additional issues raised by the Commission.

A motion to extend the meeting to 9:45 p.m. was made by Vice Chair Ferris. The motion was seconded by Commissioner Brown and the motion carried unanimously.

Mr. Whipple asked if the Commission intended to simply continue discussing the issues at the next study session, or if the staff should be prepared for the Commission to make a recommendation. Chair Malakoutian said he believed the Commission would be ready to make a recommendation. He agreed that the process for engaging with the community could be improved, but stressed that the guidelines handed down from the state leave little leeway for the city.

Commissioner Goeppele said his perspective was that there remained questions about the limit on the number of bedrooms that should be resolved. He said he also wanted to see the Commission address the issues of impacts and accountability.

Mr. Whipple reiterated that the staff would bring additional information to the table on February 23 to address the issues raised by the Commission.

9. OTHER BUSINESS – None
(9:34 p.m.)

10. APPROVAL OF MINUTES
(9:34 p.m.)

A. January 26, 2022

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

11. CONTINUED ORAL COMMUNICATIONS
(9:35 p.m.)

Ms. Betsi Hummer, 14541 SE 26th Street, voiced her appreciation for all the comments about improved outreach. She noted that the city regularly posts on NextDoor. She suggested improving the websites for getting information out.

12. EXECUTIVE SESSION – None
(9:41 p.m.)

13. ADJOURNMENT
(9:41 p.m.)

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

Chair Malakoutian adjourned the meeting at 9:41 p.m.



2/24/2022

Thara Johnson
Staff to the Planning Commission

Date



2/24/2022

Mohammad Malakoutian
Chair of the Planning Commission

Date