

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

April 27, 2022  
6:30 p.m.

Bellevue City Hall  
Virtual Meeting

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: Thara Johnson, , Department of Community Development; Trisna Tanus, Nick Whipple, Caleb Miller, 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  
(6:30 p.m.)

The meeting was called to order at 6:00 p.m. by Chair Malakoutian who presided.

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

2. ROLL CALL  
(6:31 p.m.)

Upon the call of the roll, all Commissioners were present

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

A motion to approve the agenda was made by Commissioner Goepppe. 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 April 25 the City Council officially kicked off the Wilburton Comprehensive Plan and Land Use Code Amendments. Direction was given to staff to bring to the Commission the CAC's preferred alternative for use as a baseline. The Commission will be asked to look at the CAC's recommendation in the context of the changes that have happened since 2018, specifically integration with walkability, light rail transit,

Eastrail, housing needs generally and affordable housing specifically, the city's growth targets, the Grand Connection, sustainability and equity. The Mayor also asked that the Commission look at the concept of universal design. The Council wants to see the Wilburton work completed before finalizing the major Comprehensive Plan update.

## 5. STAFF REPORTS

(6:38 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 Morisseau asked how the work on the Wilburton plan will impact the Commission's work schedule. Comprehensive Planning Manager Thara Johnson noted that even though the Council had not yet directed the start of the Wilburton work, it was anticipated that it would be part of the year's work program. To some degree the work will overlap with the major Comprehensive Plan update work, particularly in regard to public outreach.

Thara Johnson announced that the city's first in-person open house for the community relating to the Comprehensive Plan update was scheduled for May 7 at Stevenson Elementary school.

Commissioner Goeppele asked if the Commission was slated to continue talking about the bylaws. Assistant City Attorney Matt McFarland noted that a number of the bylaws that were going to be revisited have to do with remote participation. The question of the appropriate amount of remote participation, if any, was a Council agenda item on April 25. Direction from the Council for all the city's boards and commissions will be forthcoming, following which the issue will be brought back before the Commission.

Commissioner Morisseau asked if the Council would be asking the Commission to weigh in on what it would like to see happen in terms of remote participation. Matt McFarland said the Council has discussed the issues at least twice and has not sought input from the boards and commissions. It ultimately will require an ordinance to amend the city code.

Councilmember Robertson allowed that the Council had a very robust discussion on April 25 and directed staff to revise the draft ordinance to make sure the needs of the boards and commissions as well as the public will be met. The ultimate goal is to make sure the boards and commissions will be able to operate efficiently internally and with the staff and the public.

Matt McFarland added that equity issues have been part of the Council's discussion.

Commissioner Morisseau said in-person meetings are superior to remote meetings in many ways. Even so, for a variety of reasons not everyone is able to attend in-person meetings. For that reason there should always be a remote option.

Vice Chair Ferris suggested it would be helpful for the Council to seek input from the various boards and commissions. For a number of reasons being allowed to participate remotely is a very good idea. Remote participation allows for the most people possible to participate.

Councilmember Robertson said one concern with remote participation is that there could be meetings where there would be only one person in the room and everyone else on the phone. That simply does not work. In-person meetings are far superior, but allowing for remote participation to accommodate those who from time to time cannot attend in-person makes sense. In the end, the Council will determine a uniform position for all boards and commissions.

Commissioner Goepple voiced a preference for meeting in person but agreed with the need for flexibility and improved participation.

## 6. ORAL AND WRITTEN COMMUNICATIONS (6:55 p.m.)

Ryan Murk, 14824 SE 18<sup>th</sup> Place, spoke as the program manager for permanent housing for Congregations for the Homeless. Congregations for the Homeless currently provides at scattered sites supportive housing for men experiencing homelessness. While the average number of men per home is six, it would be a mistake to limit the occupancy of such homes to just six persons given that on occasion it is possible to house more than six depending on the size of the home. Placing additional limits on the number of people who can occupy a residential home beyond what already exists in the code would result in fewer people being housed at a time when each new housing unit costs hundreds of thousands of dollars. It has not been possible to even come close to meeting the needs of the unsheltered community. Every additional bedroom that can be used means one more person sheltered and on a path to stability. Congregations for the Homeless is the only service provider that has gone through Bellevue's conditional use permit process in order to site and operate a permanent shelter facility, the organization is in a position to share a few facts about the experience. It took 17 months from the time the application was submitted to complete the process. Throughout that entire time, there were no guarantees that the process would ultimately yield a permit. The steps to a conditional use permit include a pre-application, multiple meetings with city staff, formation of a good neighbor agreement advisory committee, City Council involvement, multiple public meetings conforming to the Open Public Meetings Act, and either involvement with the hearing examiner or a public hearing before the City Council before a final decision is rendered. Congregations for the Homeless learned much from the experience. The community conversations hosted by the organization and by the city yielded a stronger relationship with the police department, city staff and future neighbors. Those positive outcomes, however, can be achieved without having to go through the very structured, costly and lengthy conditional use permit process. The Commission was urged not to add any additional housing types or homeless services to 20.20.455 or the conditional use permit process.

Patricia Mahoney indicated being extremely concerned about the homeless shelters being placed in Bellevue. A few years ago the public was informed that Sound Transit would be building light rail to provide the means for low-income people to come to work in Bellevue. The project has been moving ahead at an immense cost. Now the city is looking to spend an immense amount of money on low-income housing, and the public is being told the city needs to build or provide homeless shelters. If the plan all along was to build low-income housing and homeless shelters, it should not have been necessary to spend billions of dollars building light rail. A questions and answers meeting should be scheduled with the City Council and the Planning Commission to allow the public to openly discuss the immense amount of low-income housing and homeless shelters in Bellevue. The mayor has indicated that the city is operating under a mandate from King County. It should be made known what the Council has done to fight for Bellevue residents. The low-income housing and homeless shelters are extremely dangerous for Bellevue

residents. People need to be helped but not at the risk of the safety of Bellevue residents.

Ryan Donohue spoke as co-chair of the Eastside Affordable Housing Coalition, a collection of 34 different organizations that provide affordable housing and human services to the residents of Bellevue and other Eastside cities. Strong support was expressed for the allowance of permanent supportive and transitional housing in all land use districts where residential dwellings or hotels are allowed, and for allowing emergency housing and shelters in all land use districts. The Commission and staff were thanked for their work. The Commission was urged to view the work on the proposed Land Use Code Amendment through an equity lens. It is crucial that the community's most vulnerable members be at the forefront of the decision making. It is bad policy to limit housing capacity and options during a housing crisis. The proposal on the table is generally good but there are opportunities for improvement. The Commission was urged not to add a conditional use permit requirement for emergency housing in districts that allow hotels. Relevant state law, HB 1220 from 2021, does not allow cities to impose requirements that would restrict housing, even if those requirements and restrictions are well intentioned. The Commissioners were informed that additional concerns about the proposed LUCA could be found in the letter submitted by the organization to the Commission.

Lee White asked the Commission to exercise its right to change the proposal to reflect the concerns voiced by the public about having permanent supportive housing and supportive housing for those working to avoid experiencing homelessness and for those working to exit homelessness. HB 1220 includes provisions for reasonable occupancy, spacing and intensity of use requirements that may be imposed by ordinance on permanent supportive housing, transitional housing and emergency housing to protect the public health and safety. The Commission should adopt from existing city code 20.20.455 a requirement for applicants to obtain a conditional use permit; requiring a standard operating procedures plan; including a code of conduct; providing a safety and security plan; requiring a good neighbor agreement advisory committee; and expanded notice to include owners and real property owners within 1000 feet of a proposed site. The homeless service code was developed with extraordinary input from the public, providers, funders and participants, as well as the City Council and staff. The process included intensive input, community engagement, a citywide survey and community workshops, and was approved by the City Council. It provided for the enhancement of homeless residents as well as the public health, safety and welfare. It is not contrary to the best interests of the citizens and property owners of the city. The lack of such requirements will put the vulnerable population at risk. An unregulated environment will cause hazards to the vulnerable population. Providers vary greatly and may change over time. Provider accountability and consistency is needed for the entire community. Those in the predicament of homelessness constitute a vulnerable population. Many have a history of drug addiction, mental illness and other disabilities. The populations have similar needs to those living in shelters and currently experiencing homelessness. Each of the populations have requirements for the providers to offer consistency and care for the populations and the surrounding neighborhoods. The proposed housing deserves the same expectations and assurances that other vulnerable populations receive through Bellevue ordinances. The residential neighborhoods deserve similar assurances of provider services and operations and protections that are afforded commercial properties used for homeless shelters. The residents of Bellevue should be included as stakeholders, and consideration should be given to adding conditions that will protect the public health and safety for all. There are more than 140,000 residents in Bellevue, and the proposal seeks to force them to accept allowing supportive housing in their neighborhoods without even consulting them. The city's first and foremost job should be to consult with the residents.

Chad Vaculin with the Housing Development Consortium, an organization with more than 190 affordable housing sector member organizations that work collaboratively to meet the housing needs of people with limited incomes throughout the region. The diligence of the Commission and city staff is appreciated. The impacts of any LUCA decision will be disproportionately felt by those who are most impacted by homelessness and housing instability, including communities of color, people with disabilities, seniors, veterans and members of the LGBTQ community. HDC strongly supports the allowance of 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. The proposed LUCA has the potential to improve Bellevue's response to the ongoing housing crisis while also reaching compliance with state requirements. Reference was made to the letter sent from HDC to the Commission in which the request was made not to add a conditional use permit requirement for emergency housing in districts that allow hotels. Subjecting desperately needed housing projects to a strenuous and costly conditional use permit process should be avoided. The conditional use permit process is known by experience, evidence and history to introduce exorbitant cost and creates long delays. Adding new restrictions and requirements will reduce access to services that members of the community desperately need. A conditional use permit is also discretionary and thus comes with no guarantee of a positive outcome, and that can effectively prohibit emergency housing, which is clearly not the intent of state law. HDC is very concerned about including policies that will limit housing capacity. Adding a buffer zone or limiting the number of bedrooms in single family districts is the wrong approach during a prolonged housing crisis. The Commissioners were reminded that residents of supportive housing facilities have to sign leases that dictate the terms of their tenancy like any other renter. Instituting an additional resident code of conduct is unnecessary and further stigmatizes community members that are in need of support.

Heidi Dean, 11661 SE 56<sup>th</sup> Street, said during the pandemic it has been great to be able to attend meetings remotely. There is clearly a lot of concern at all levels around convenience for board and commission members, but there has not been any talk about how things will work for the public. At rezone public hearings people have packed the rooms, having to show up in person in order to show their support. There is literally no way for the Commission to gauge the level of support for what people are saying in a virtual format. It is unknown if anyone is agreeing or disagreeing with comments made by the public in a virtual format. The Commission cannot really tell if it is doing the people's business if it cannot tell what the public is thinking. There are valid circumstances that dictate the need for having a remote option. Pre-pandemic, Commissioners were expected to be present at City Hall to do the people's work. The fact that remote participation has been allowed does not mean that it should go on forever. The Comprehensive Plan update will be a heavy lift with a lot of public process. The people need the assurance that the Commission is hearing what the public is saying, which comes from the Commission being able to see the public's reaction.

Ms. Betsi Hummer, 14541 SE 26th Street, agreed with the comments of Heidi Dean and Councilmember Robertson regarding a return to in-person meetings. Much is missed in the online environment. Concern was voiced about the permanent supportive housing agenda. In the meeting packet there was an indication that some speakers are against the Land Use Code Amendment, which can be taken to mean folks were being put into two different camps. The fact is that some who are opposed do not really understand that there is state law with which the city must comply. During the discussion regarding the homeless services Land Use Code Amendment, people were cited as being for or against the amendment, even though that was

never really true given that many were clearly in favor of different parts of the proposal. In regard to the packet materials, disappointment was expressed with the fact that the staff were not recommending the Commission's proposed safety and security plan, code of conduct, standard operating procedures, community meetings, spacing requirements, and maximum number of bedrooms. The city should limit the maximum number of bedrooms, though legally it cannot restrict the number of individuals allowed to live in a home. The community meeting for the shelter in Eastgate went better than anticipated. The Commission should make sure the requirements it is proposing are included in the proposed amendment, guaranteeing that participants will have similar standards to those required at shelters in commercial areas. The requirements will also bring Bellevue's permanent supportive housing Land Use Code Amendment in line with those of Kirkland and Redmond. The Commissioners were encouraged to attend the May 14 neighborhood meeting at City Hall.

Thara Johnson informed the Commissioners that no written communications had been received prior to the publication of the packet. However, since then seven written communications were received and forwarded to the Commission.

7. PUBLIC HEARING – None  
(7:25 p.m.)

8. STUDY SESSION  
(7:25 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)

Planning Manager Nick Whipple noted that on February 23 the Commission reviewed and discussed various modifications to the proposed LUCA, provided direction on several items, and requested additional information regarding other potential modifications to the LUCA. A list of potential modifications with notes about which were supported and not supported, and which were requested to return for discussion, was included in the meeting packet.

Nick Whipple commented that the proposed LUCA was designed to respond to recent changes to state law that took effect in 2021. The changes were to RCW 35A.21.430 and requires cities to allow permanent supportive housing and transitional housing in all land use districts where residential or hotel/motel uses are allowed, and to allow indoor emergency housing and emergency shelter in all land use districts where hotel/motel uses are allowed. The law also allows for reasonable occupancy, spacing and intensity of use requirements to be imposed on the housing types with the intention of protecting the public health and safety. The law further prohibits local regulations that would prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing or indoor emergency shelters necessary to accommodate the city's projected need for such housing and shelter. The law defines the four housing types. Supportive housing is considered to be a distinct use and is defined in the proposed LUCA to include permanent supportive housing, transitional housing and non-transient emergency housing. The use is proposed to be regulated consistent with the city's historic regulatory scheme of treating supportive housing as a residential use. The use is intended to provide more stable housing as compared to homeless services uses, which have a much different impact. The proposed LUCA approach is consistent with the overall Land Use

Code approach which differentiates transient and non-transient uses. Non-transient housing types are allowed in all land use districts that allow residential and hotel/motel uses, while transient housing and shelters, which provide services for fewer than 30 days, and emergency shelters are allowed in land use districts where hotel/motel uses are allowed. It is the conclusion of the staff that the proposed LUCA appropriately addresses the intensity of use issue surrounding the four housing types.

The existing regulatory scheme for homeless services uses is proposed to be used for emergency housing and emergency shelter, which are more transient or short-term uses. Supportive housing has historically been regulated as a residential use in Bellevue and would largely be allowed outright, subject only to density limits, all dimensional standards, and all design standards for the district in which the use is sited. With regard to the supportive housing projects existing in the city, very few complaints have been received and there have been no code violations.

The proposed LUCA has been set up with the understanding that the nature and character of supportive housing is different from the nature and character of transient housing, emergency housing, emergency shelter or homeless services uses. The state provides the distinction for how the uses are allowed.

Senior Planner Caleb Miller noted that for purposes of the LUCA, the four housing types in the RCW were divided into two categories, supportive housing and homeless services uses, with the distinction being on the duration of stay and the intensity of use. The duration of stay for supportive housing is 30 days or longer, while for homeless services uses the duration of stay is less than 30 days. Supportive housing includes permanent supportive housing, transitional housing and non-transient emergency housing. Under the proposed LUCA, supportive housing is a permitted use though a registration requirement would apply to any more intensive supportive housing uses. Homeless services uses include transient emergency housing and emergency shelter. The services under homeless services uses tend to be more generalized and basic in nature. The uses function more like hotels in that they are more transitory by nature. Homeless services uses are currently only allowed through the conditional use permit process and the proposed LUCA does not envision a change to that approach.

Caleb Miller referred to the list of potential LUCA modifications suggested by stakeholders or brought forward by staff following the public hearing. The chart included an indication for which items were supported or not supported by the staff, and which items were supported or not supported by the Commission. It was noted that where staff was not recommending items, it was because they are inconsistent with the approach of the LUCA to treat supportive housing as a residential use, or inconsistent with the LUC framework or historic regulation of supportive housing in the city. The Commission had previously directed staff to bring back for additional discussion four of the items on the list.

The first four items on the list were suggested by supported housing providers and other stakeholders. Items 1 and 2 involved minor clarification edits to the definitions of supportive housing and supportive services, and both were supported by both the staff and the Commission. Item 3A would remove the distinction between transient and non-transient emergency housing. The item was not recommended by staff or the Commission. Item 3B would allow emergency housing as a permitted use in all hotel districts. Non-transient emergency housing as a supportive housing use is already permitted in those districts and is not subject to a conditional use permit. Only transient emergency housing under the homeless services uses category that would require

a conditional use permit. Staff did not support the item because it is inconsistent with the general approach for the LUCA.

Caleb Miller said items 4A, 4B, 5 and 6 involved submittal materials for supportive housing uses that are not exempt. The materials included a safety and security plan; a resident code of conduct; standard operating procedures; and a police review of the safety and security plan. The recommendation of the staff was not to recommend the supplemental submittal requirements because they have not historically been required for supportive housing uses or any other residential use, and because they are inconsistent with the LUC framework for residential uses. While the requirements were all drawn from the homeless services uses section 20.20.455, staff did not believe the intensity of supportive housing uses merits the requirements. The Commission on February 23 supported all four items but called for additional discussion on item 4B, having the police department review and approve the safety and security plan.

The final three modifications, 7 through 9, involved additional requirements. The first two would only be applicable to supportive housing uses that are not exempt, and item 9 would only apply in single family districts. Item 7, a requirement for a community meeting, was directed by the Commission to bring back for additional discussion. Item 8 would require a minimum quarter mile separation between supportive housing uses. Item 9, setting a limit on the maximum number of bedrooms in single family districts, was earmarked by the Commission for additional discussion. Staff did not recommend any of the last three proposed modifications for reasons of inconsistency with the approach.

Caleb Miller briefly reviewed the LUCA process and schedule to date and going forward, noting that once the Commission makes a recommendation, the Council will begin its review process. Final approval of the LUCA is anticipated to occur prior to the July 12 expiration date for the interim controls under Ordinance No. 6585.

The Commissioners were reminded that under the decision criteria, the Land Use Code may be amended if a proposal is consistent with the Comprehensive Plan; enhances the public health, safety and welfare; and is not contrary to the best interests of citizens and property owners in Bellevue. Caleb Miller sought from the Commission direction to recommend approval of the proposed LUCA to the City Council.

Answering a question asked by Commissioner Morisseau, Caleb Miller clarified that the conditional use permit as proposed would not apply to supportive housing but would apply to the homeless services uses of emergency shelter and transient emergency housing. The conditional use permit process would only be required as part of the siting process, and there would be no requirement to go through the process again on a periodic basis.

Commissioner Goepple expressed the understanding that it took 11 months, not 17 months, from the time the notice of application was filed to process the conditional use permit for the Congregations for the Homeless shelter and receive a final hearing examiner decision. Also asked was a question regarding item 9 of the potential modifications relating to the number of bedrooms, noting that the issue would be one way to deal with the intensity issues associated with supportive housing. The only thing in the draft that seeks to regulate intensity of use is a sentence that says alterations to the interior or exterior of a structure changing its 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. The provision, however,



is both subjective and unclear as to the extent to which it could help to mitigate intensity of uses such that the distinction made in the LUCA between supportive housing and homeless services uses is a reality. That distinction is important for the overall framework. The six-bedroom limit continues to be the way to focus on the intensity of usage. Nick Whipple responded by saying that any time a conditional use permit process is undertaken the applicant has a lot of pre-work to be done before submittal of an application. The code also requires a pre-application community meeting. The timeframes in terms of staff processing time versus what the applicant has to undergo can vary.

Matt McFarland added that the LUC has a conditional use permit process which is triggered any time a conditional use permit is required. For homeless services uses, the LUC requires an enhanced conditional use permit process tied to Section 20.20.455 which regulates homeless services uses. Under the current code framework, that would be triggered for emergency shelters and transient emergency housing. The process for the conditional use permit for the Congregations for the Homeless men's shelter in Eastgate took eleven or twelve months from the notice of application to the final hearing examiner decision. Prior to that there was pre-development work done by the applicant and city staff, so the entire process took some seventeen months. There is no bright line time period for a discretionary land use decision given the various factors that are involved, including the amount of public comment and any appeals.

Commenting on the proposed bedroom limit, Caleb Miller noted that for supportive housing there are exemptions included, some of which apply to facilities with less than 25 percent of the floor area dedicated to services, those that do not have any on-site services, and those in need of confidentiality. Those are set up to control for intensity of use in a slightly different way. Facilities with less intense uses will not be subject to any registration requirements and will be treated like any single family home. As drafted, the bedroom limit would apply to even the exempt uses as a way of controlling for intensity of usage. The residential character section referenced is focused on design rather than on intensity of usage. Limiting the number of bedrooms is not something the city does to control for the intensity of any other residential use.

Commissioner Brown commented that Bellevue is one of the most expensive cities in the country in which to live. Housing continues to be a crisis. Having affordable housing, supportive housing, transitional housing and all other aspects of housing in the city is key to making everyone safer.

Commissioner Bhargava agreed with the need to create opportunities for everyone in the community to have a safe and secure place to stay. Part of public planning and policy is to provide ways to support everyone. That said, the issue on the table has received a lot of public testimony, both written and oral, voicing concerns about safety and security. Whether or not the concerns are grounded in fact or are just perceptions, they need to be addressed as part of the process. Measures such as having a safety and security plan, a code of conduct and standard operating procedures for homeless services and supportive housing have all been highlighted and addressed. Each of those measures do offer a way to potentially manage or enforce the associated impacts, but the question is what they would actually achieve. Caleb Miller said the proposed additional submittal requirements are meant to foster transparency between supportive housing operators, the city and the neighbors. Each would need to be submitted to the city upon registration of the use, and they would be on file for the community to view. It is admittedly challenging to address many of the concerns, particularly through the Land Use Code. However, there are protocols in place for addressing issues should they arise, including code enforcement

staff who respond to nuisance violations and property maintenance concerns. In regard to homeless services uses, the police department reviews and approves the safety and security plan and is also involved with the Good Neighbor Agreement Advisory Committee. There simply have not been violations associated with the existing supportive housing uses in Bellevue that merit additional review by the police department.

Commissioner Bhargava asked what fundamental differences, if any, will be brought about by the proposed LUCA. Caleb Miller said the proposal would establish a registration program for more intensive supportive housing uses. Such uses are currently permitted outright without any additional requirements. There are currently no code provisions for supportive housing and the proposed LUCA inserts some in response to HB 1220.

Commissioner Bhargava suggested an increase in intensity of use is likely at the heart of the concerns voiced by the public, along with the need to take a different approach to supportive housing. Caleb Miller allowed that safety and security has been the primary concern voiced.

Commissioner Bhargava asked what would be the intent of requiring a community meeting. Caleb Miller said as drafted it would be just an informational meeting intended to facilitate a dialog between neighbors and operators.

Commissioner Bhargava asked if the proposed review of the safety and security plan by the police department would be an onerous process. Caleb Miller said it would certainly add to the process, though the exact details would need to be worked out. Nick Whipple added that any time an additional review is added to a project, additional time is needed. The current proposal is to allow the uses outright as permitted. Adding an additional review process step would trigger the need to consider the application intake and what additional time would be needed. There is no strong basis based on past experience with supportive housing uses to warrant requiring the additional process step.

Vice Chair Ferris voiced her support for all of the recommendations brought forward, with the exception of the conditional use permit requirement for the transient use. The concerns voiced by the community are certainly valid, but putting obstacles in the way that might prevent bringing facilities online will not result in a safer community given that the very persons who need services will be left out on the streets or in parks. Everything that can be done should be done to encourage the building of facilities.

Commissioner Moolgavkar continued to be concerned that the Commission was not bringing the vast majority of the community along. Affordable housing and homelessness are ongoing problems that will not be quickly solved. A better way needs to be found to engage the public, make them feel heard, and address their concerns to make programs successful for the long term. Commissioner Moolgavkar nonetheless supported moving the proposed LUCA forward because it is the right thing to do.

Commissioner Morisseau concurred with the comments made about the safety aspects. The issues of safety, security and the conditional use permit are the most concerning. A question was asked about how the safety and security plans required for homeless services uses get implemented and who has the authority to ensure implementation, and about what happens if the plans are not in fact implemented. At the end of the day if there is no entity responsible for ensuring proper implementation of the plans, there is no point to making the plans a requisite of

the application process. The police department undoubtedly has its own ideas about how to ensure the safety and security of the community, and even if an organization were to put a safety and security plan together, the police department's ideas would be given priority. If that is the case, requiring the plans would only add red tape to the process. Commissioner Morisseau voiced support for the staff proposal, including the items not recommended by the staff, and for moving the issue forward. Caleb Miller said Commissioner Morisseau was correct that the city would not have a good enforcement mechanism for the safety and security plan in the context of supportive housing in the proposed LUCA. Requiring the plans would be just a way to show that the provider has given thought to the safety and security of their operations. The police, fire and other departments have the responsibility of responding to and addressing emergencies and other situations that may arise. There are mechanisms in place to more generally ensure the public safety.

Chair Malakoutian pointed out that the Commission had previously approved a number of items, leaving four items yet to be voted on, specifically items 3B, 4B, 7 and 9.

Commissioner Bhargava commented that adding a requirement for a safety and security plan to what must be submitted in order to actually begin operations will not necessarily mean the concerns will be addressed. Absent any other enforcement mechanism, the police department should be brought in to evaluate and validate the submitted plans. That would make it clear that the concerns of the public have been heard and are being addressed.

With regard to requiring a conditional use permit for homeless services uses, Commissioner Goepple stressed the importance of including it in the proposed LUCA in recognition of the intensity of the use as opposed to supportive housing. The decision handed down by the hearing examiner in regard to the Congregations for the Homeless facility was very thoughtful. Congregations for the Homeless did an excellent job in terms of its submission and serves as a good example of the level of accountability the citizens are looking for. No appeals have been filed in that case and it is moving forward. In looking at the long-term interests of the city, there should be a careful process in place. Democracy is messy and takes more time, but ultimately the results are better. The recommendation of the staff to maintain the conditional use permit for the more intensive use should be included.

Chair Malakoutian reminded the Commissioners that staff was recommending to require a conditional use permit for transient emergency housing and asked the Commissioners to indicate if they support or do not support the staff recommendation.

Commissioner Brown voiced support for the recommendations as made by the staff.

Vice Chair Ferris indicated a preference for not requiring a conditional use permit for transient homeless services. Caleb Miller clarified that item 3B would allow emergency housing in motel and hotel districts without a conditional use permit. The position of the staff was that in fact a conditional use permit should be required. Vice Chair Ferris did not support the recommendation of the staff in that regard.

Commissioner Goepple noted support for the staff position to require a conditional use permit.

Commissioner Moolgavkar reluctantly voiced support for the recommendation even though it is in opposition to what the community has asked for.

Commissioner Bhargava registered support for the staff recommendation.

Commissioner Morisseau also supported the staff recommendation and agreed with Commissioner Moolgavkar that the decision to do so was painful.

Chair Malakoutian voiced support for the staff recommendation as well and noted the majority of Commissioners was not recommending requiring a conditional use permit for emergency housing in hotel and motel districts.

Turning to item 4B, police review of a safety and security plan, Chair Malakoutian clarified that the staff were not recommending the approach.

Commissioner Goepple indicated support for the staff recommendation, as did Commissioners Brown, Ferris and Morisseau. Commissioners Moolgavkar and Bhargava did not support the staff recommendation. Chair Malakoutian supported the staff recommendation and noted the majority of the Commissioners were in support of the staff recommendation.

With regard to item 7, the community meeting requirement, Chair Malakoutian stated that staff did not support including the requirement.

Commissioners Morisseau, Goepple, Brown and Vice Chair Ferris offered support for the staff recommendation. Commissioners Bhargava and Moolgavkar and Chair Malakoutian did not. Chair Malakoutian allowed that a majority of the Commissioners supported the staff recommendation.

Chair Malakoutian noted that item 9, establishing six as the maximum number of bedroom in single family districts, was not recommended by the staff. There was full support on behalf of the Commissioners in favor of the staff recommendation.

Matt McFarland noted that even though there was a quorum at the Commission's previous meeting at which all the other items were reviewed and voted on, should a majority of Commissioners wish to review any of those previously decided items, that can be done. Procedurally, the list as modified by the Commission needed a formal motion to forward the LUCA as modified to the City Council.

Vice Chair Ferris noted for the record a willingness to go along with all of the staff recommendations with the exception of requiring a conditional use permit.

A motion to adopt the modifications to items 1, 2, 4A, 5 and 6 as set forth in Attachment C was made by Commissioner Goepple.

Commissioner Morisseau asked if the Commission would be open to returning to the issue of requiring a safety and security plan, item 4A, and voting on it specifically.

Chair Malakoutian asked if a majority of Commissioners wished to revisit the votes taken previously by the Commission on February 23.

Commissioner Bhargava indicated support for revisiting only those items around where they was some ambiguity.

Commissioner Goepple withdrew his motion to allow for that discussion.

Vice Chair Ferris sought reconsideration and a quick vote on items 4A, 5 and 6. Commissioner Moolgavkar favored not going back over the issues and instead moving forward.

Chair Malakoutian sought a straw vote in favor or against revisiting the items. Vice Chair Ferris and Commissioners Morisseau and Bhargava indicated a desire to revisit the items, while Commissioners Brown, Moolgavkar, and Goepple did not. Chair Malakoutian broke the tie by not supporting revisiting the items.

A motion to adopt the LUCA with modifications 1, 2, 4A, 5 and 6 as outlined in Attachment C was made by Commissioner Goepple. The motion was seconded by Commissioner Moolgavkar and the motion carried unanimously.

Chair Malakoutian thanked the staff for their good work.

## 9. OTHER BUSINESS

(8:42 p.m.)

Commissioner Morisseau returned to the comments made by the public earlier in the meeting about the Council's discussion regarding a return to in-person meetings and potentially allowing for a remote participation option. Pre-Covid, those who signed up to be Commissioners did so on the understanding that they were expected to show up in person for the meetings. Covid ushered in a new environment. The Council's discussions are not anticipating permanently allowing for remote participation, rather only during the Covid timeline. Allowing for a hybrid model would be far more accommodating, and the Commissioners should be allowed to be part of the conversation given that the final decision will impact the Commissioners and the public. There is technology that allows for someone who is participating remotely to see the faces and reactions of those who are participating in-person. Having a remote participation option will be good for the community, not just for the Commissioners and the Council, in that the option makes it far easier for the public to participate from wherever they are.

Commissioner Brown voiced support for the comments of Commissioner Morisseau. As a person with an autoimmune disorder who is particularly susceptible to Covid, the opportunity to participate and engage remotely in community discussions is appreciated.

10. APPROVAL OF MINUTES  
(8:46 p.m.)

A. March 23, 2022

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

11. CONTINUED ORAL COMMUNICATIONS  
(8:47 p.m.)

Patricia Mahoney thanked Commissioners Bhargava and Moolgavkar for taking into consideration the opinions of the public who are against homeless shelters in the middle of residential areas. Such facilities are extremely dangerous for children and the elderly. Clearly the Commission is looking to implement the mandate from King County rather than debate it. It is very concerning that there was no transparency in the process. A survey of the speaker's neighborhood turned up no awareness of the discussion of homeless shelters in residential areas. The mandate says Bellevue must have homeless shelters. There should be medical documentation from psychiatrists, psychologists, neuroscientists and sociologists backing up the mandate to have shelters in residential areas in proximity to children and the elderly. It is known that most of the homeless are either drug addicts or alcoholics. Some are criminals. It is not known why measures are not being put in place to protect the people from the people who need help. The homeless need help, but not at the expense of the safety of the public. Hopefully the recommendations of the Commission will not have sad consequences.

Chair Malakoutian stressed the need to bring the public along and make it completely clear that there will not be homeless shelters in residential areas, only in areas where hotels and motels are permitted.

12. EXECUTIVE SESSION – None  
(8:55 p.m.)

13. ADJOURNMENT  
(8:55 p.m.)

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

Chair Malakoutian adjourned the meeting at 8:55 p.m.



5/12/2022

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Thara Johnson  
Staff to the Planning Commission

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Date



5/12/2022

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Mohammad Malakoutian  
Chair of the Planning Commission

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Date