CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

June 22, 2015 Conference Room 1E-113
6:00 p.m. Bellevue, Washington

PRESENT: Deputy Mayor Wallace and Councilmembers Chelminiak, Robertson, and Stokes

ABSENT: Mayor Balducci and Councilmembers Lee and Robinson

1. Executive Session

The meeting was called to order at 6:02 p.m., with Deputy Mayor Wallace presiding. There was no Executive Session.

2. Oral Communications

(a) Alex Zimmerman, President of StandUP-America, reiterated his ongoing request that the City Manager hold monthly meetings with the public. He said City officials are stupid and corrupt, and Councilmembers should have term limits.

(b) Heather Trescases, Executive Director of the Eastside Heritage Center, invited Councilmembers and the public to the annual Strawberry Festival on June 27-28 at Crossroads Park. She thanked the City and community volunteers for their support. She said the festival celebrates the area's agricultural heritage as well as its diverse cultural past, present and future. The festival includes entertainment, food stands, and vendor booths. Fire trucks will be on display in honor of the Bellevue Fire Department's 50th anniversary. The annual haiku contest awards will be presented on Saturday and a car show will be held on Sunday.

(c) Carl Vander Hoek thanked the Council and staff for their responsiveness to clarify the Old Bellevue Parking Code issue. He said the Code was erroneously interpreted and applied over the past 17 years, resulting in a parking deficit. The Code amendment adopted in 1998 indicated that no parking was required for both restaurant and retail uses up to 1,500 net square feet in buildings that existed prior to 1998. Mr. Vander Hoek said there are seven buildings with commercial space in Old Bellevue built after 1998, with three more on the way. For many of them, the Code was correctly applied. He asked the Council to direct staff to move forward with the Code amendment as written and to set a public hearing before the Council on July 6.

(d) Renay Bennett said Bellevue lost Lt. Colonel Jim Keeffe on May 26. He spent time in a prisoner of war camp in World War II and later served in the Korean War. She said Mr. Keeffe was a good man, public servant, and patriot for the country and the community.

Deputy Mayor Wallace said the City Council planned to recognize Mr. Keeffe briefly this evening and to follow up with a commendation on July 6. Mr. Wallace said Mr. Keeffe passed away at the age of 92. He served on the City Council from 1984 to 1987. Deputy Mayor Wallace requested a moment of silence in memory of Mr. Keeffe.

4. Study Session

(a) Council Business and New Initiatives

There was no discussion.

(b) City Manager's Report

City Manager Brad Miyake reported that, last Thursday, the University of Washington, Tsinghua University of China, and Microsoft Corporation announced a partnership to form the Global Innovation Exchange. The organization will be located in Bellevue's Spring District in the Bel-Red Corridor and is scheduled to open in Fall 2016.

Mr. Miyake said the new District Court in Bellefield Office Park opened earlier in the day. He thanked City staff for their work in completing the project on time and under budget.

(c) Transportation Commission's 2016-2027 Transportation Facilities Plan (TFP) Preliminary Project List

City Manager Miyake introduced discussion regarding the 2016-2027 Transportation Facilities Plan (TFP).

Eric Miller, Transportation Capital Planning Manager, said staff and the Transportation Commission will present the Commission's preliminary recommendations for the 2016-2027 Transportation Facilities Plan (TFP) and are seeking Council feedback on the preliminary project list. The 12-year plan provides the first level of citywide project prioritization, involves a programmatic environmental review to evaluate cumulative impacts, and identifies capacity projects that will form the basis of the Transportation Impact Fee Program.

Mr. Miller presented the TFP Update timeline. After the preliminary project list is set, tasks through October include the programmatic State Environmental Policy Act (SEPA) environmental review, an update to the Impact Fee Program report, and final recommendations from the Transportation Commission to the Council. Council review and adoption of the 2016-2027 TFP and of potential amendments to the Impact Fee Program are anticipated for November.

Mr. Miller presented the TFP revenue forecast. Committed revenues of $163 million are programmed in the 2015-2021 Capital Investment Program (CIP) Plan, and constrained revenues

for ongoing programs are $53 million. The forecast reflects $106 million in unconstrained revenue available for TFP programming from 2022-2027.

Janice Zahn, Transportation Commission Vice Chair, said candidate TFP projects include those identified in the current TFP, candidates from the previous TFP Update, Bellevue Transit Master Plan capital projects, and emerging needs and opportunities. The criteria used to score the projects include level of service, safety, non-motorized, transit, plan consistency and outside funding. Additional considerations are the level of investment in specific projects to date and the opportunity to coordinate with other government or private partners. Public outreach included three open house events, an online survey, and eight meetings of the Transportation Commission.

Ms. Zahn said the Commission recommends 54 projects in the preliminary project list. Nine projects are fully funded in the 2015-2021 CIP Plan, 18 are identified as priority projects and some of these are partially funded in the current CIP Plan, 16 projects are to be implemented in conjunction with others, and 11 pedestrian-bike projects are carried over from the current TFP.

Scott Lampe, Transportation Commission Chair, said that projects with partial funding include the Bellevue Way HOV lane, West Lake Sammamish Parkway, Spring Boulevard, SE 34th Street at West Lake Sammamish Parkway, and a project in the Northtowne neighborhood. He highlighted planned roadway improvements to be completed in conjunction with the Lincoln Square project as well as a few freeway projects. Approximately 20 percent of the available $106 million is targeted for pedestrian and bike projects.

Councilmember Robertson thanked the Commission for its work. Responding to Ms. Robertson, Mr. Miller said the Ped-Bike Implementation Initiative was kicked off in February and was the subject of a Transportation Commission workshop in May. He said the Commission decided to reserve some funds until planning for priority bicycle corridors is completed. In further response, Mr. Miller said the TFP is typically updated every two to three years. However, it can be updated at any time if desired by the Council.

Ms. Zahn confirmed that the Commission felt it was important to reserve funds for ped-bike projects.

Councilmember Robertson recalled a comment from a citizen expressing concern about bike lanes on Spring Boulevard and that there would not be adequate room for the bike lane and for a driver to safely open a car door. Mr. Miller said adequate room will be provided where bike lanes are on the roadway. Part of the bike lane through the Bel-Red corridor is on a separated path. Ms. Robertson said it would be preferable to not have bike lanes next to the car doors at all.

Deputy Mayor Wallace said his preference is to use typical standard road lane configurations.

Continuing, Mr. Miller described the next steps for the TFP Update. A City Council Study Session discussion planned for July 27 will address the TFP environmental review process and the Transportation Impact Fee Program. The environmental review will continue through October, and the Transportation Commission anticipates adopting final 2016-2027 TFP

recommendations by the end of October. In November and December, the Council will review and adopt the TFP and consider amendments to the Impact Fee Program.

Deputy Mayor Wallace said he has concerns about the impact fee program. He requested a legal opinion from staff regarding a court case that appears to prohibit citywide impact fees.

Mr. Wallace thanked the Transportation Commission for their work.

(d) Capital Investment Program (CIP) Review

Mr. Miyake introduced staff's overview of the Capital Investment Program (CIP).

Toni Rezab, Assistant Director of the Finance Department, said her comments would focus primarily on the General CIP Plan. She said adjustments can be made to the CIP Plan to address projects that are completed over or under budget, accommodate unanticipated revenues, and/or to identify potential projects that could be delayed. Any proposed activity by staff to transfer funds between projects, increase project budgets, or to recognize more revenue will come before the Council for adoption by ordinance.

Ms. Rezab described areas of known risks and financial pressures on the General CIP including the rising cost of property acquisitions driven by the local real estate market and related to transportation rights-of-way. Staff has identified a series of potential mitigation strategies that will be brought back for Council direction during the Mid-Biennium Budget Update. Mitigation options could include the use of one-time unrestricted funding, unrestricted right-of-way lease revenue, project savings from completed projects, Real Estate Excise Tax (REET) collections, and other sources.

Transportation construction costs are currently within budget. However, three projects are being closely watched due to the potential for cost increases based on uncertainties related to soil conditions and underground utilities: 120th Avenue NE Stage 2, 124th Avenue NE (Wilburton), and Newport Way sidewalks.

Ms. Rezab said the City Hall East Parking Garage renovation/expansion project is anticipated to be $200,000 over budget. However, the District Court renovation and relocation project came in under budget by $200,000. Staff is requesting action on Ordinance No. 6232, later in the agenda, transferring $200,000 in surplus funds from the Courts Relocation project to the City Hall East Garage Redevelopment project.

Ms. Rezab recalled the Council's interest in considering, pursuant to the Memorandum of Understanding with Sound Transit for the East Link light rail project, additional design and the consideration of enhancements to the City Hall Plaza.

Ms. Rezab said three areas for which more information and analysis are needed are the Downtown Fire Station, Meydenbauer Bay Park, and East Link-related activities (e.g., property acquisition costs for 120th and 124th Avenues and the potential construction of a portion of Spring Boulevard Zone 1, through cost-sharing agreements with Sound Transit).

Deputy Mayor Wallace thanked staff for the update and observed that it is not unusual to need to make adjustments to the Mid-Biennium Budget.

Ms. Rezab noted that, with regard to the Utilities CIP, the low bid for the Wilburton Sewer Capacity project exceeds the engineer's estimate, and funds will be transferred from the Sewer Renewal and Replacement Fund to cover that amount. The Meydenbauer Bay project has the potential for cost overruns as well.

(e) Ordinance No. 6232 authorizing award of Bid No. 15048, City Hall Parking Garage Redevelopment project (CIP Plan No. G-86), to LYDIG Construction, Inc., as the lowest responsible and responsive bidder, in an amount up to $7,189,791, for the construction of the extension of the East Parking Garage at Bellevue City Hall, 2) amending the 2015-2021 general Capital Investment Program (CIP) Plan to transfer $200,000 in surplus budget from the Relocation of Courts from Surry Downs to Alternate Site (CIP Plan No. G-84) to the City Hall East Garage Redevelopment project (CIP Plan No. G-86), 3) amending the 2015-2021 CIP Plan to increase the budget for City Hall Parking Garage Redevelopment project (CIP Plan No. G-86) by $200,000; and, 4) amending the 2015-2021 CIP Plan to decrease the budget for Relocation of Courts from Surry Downs to Alternate Site (CIP Plan No. G-84) by $200,000.

Nora Johnson, Director of the Civic Services Department, said staff is requesting Council action on Ordinance No. 6232 authorizing the award of Bid No. 15048 for the City Hall East Parking Garage Redevelopment project. The project is necessary due to the loss of parking related to the East Link light rail project. The ordinance requests the transfer of $200,000 in surplus funds from the District Court Relocation project to the East Parking Garage project.

→ Councilmember Robertson moved to adopt Ordinance No. 6232, and Councilmember Chelminiak seconded the motion.

→ The motion carried by a vote of 4-0.

(f) Ordinance No. 6233 authorizing execution of all documents necessary for the purchase of the Virginia A. Patterson, trustee of the Richard B. Patterson Testamentary Trust property (King County Assessor's Tax No. 202405-9017-05), in the amount of $475,000 plus estimated closing costs of $3,000; and 2) amending the 2015-2016 General Capital Investment Program (CIP) to increase the appropriation for Project No. P-AD-82, Park & Open Space Acquisition (Levy) by $239,000 to recognize increased King County Conservation Futures funding.

City Manager Miyake introduced discussion of Ordinance No. 6233 authorizing execution of all documents necessary for the purchase of the Patterson property in the Newport Hills neighborhood.

Mr. Foran said the City has been negotiating over the past several months and signed the purchase and sale agreement with a purchase price of $475,000 plus $3,000 in closing costs. A Council decision is needed before the agreement expires on June 23. The property is five acres adjacent to the City-owned Tyler property and includes natural open space, a ravine, and informal social trails. The combined area of the Patterson property and the Tyler property is more than nine acres. Acquisition of the property would provide stewardship for wildlife habitat, preserve open space, provide a natural buffer for the Newport Hills neighborhood, and provide future park and trail development.

Mr. Foran said the funding includes $239,000 from the Parks and Open Space Levy and $239,000 in matching funds from the King County Conservation Futures program. Funding for park development is not currently available. However, public outreach would be initiated in anticipation of future funding and development. In the interim, residents will be able to use the trails and open space. The City would complete modest forest enhancements and trail improvements.

Councilmember Stokes spoke in favor of the proposal. He said the neighborhood is underserved by parks, and residents have been requesting parks and gathering places.

→ Councilmember Chelminiak moved to adopt Ordinance No. 6233, and Councilmember Robertson seconded the motion.

Responding to Deputy Mayor Wallace, Mr. Foran said the property between the Patterson and Taylor properties belongs to the school district. Mr. Foran said the City hopes to be able to incorporate it into future park master planning.

Councilmember Chelminiak said members of the community have been asking for more park space. Although development funds are not currently available, the City will be able to conduct an extensive community planning process to guide the future of the park. He expressed support for the acquisition.

→ The motion carried by a vote of 4-0.

(g) Old Bellevue Parking Land Use Code Amendment (LUCA) Clarification

Mr. Miyake introduced discussion regarding the proposed amendment to the Land Use Code relating to Old Bellevue parking. He recalled that the Council initiated this amendment process on May 26, 2015. A public hearing on the requested Land Use Code Amendment (LUCA) is scheduled for July 6.

Carol Helland, Land Use Director, introduced Liz Stead, the Urban Design Planning Manager who has been working on this project that was initiated by the Vander Hoek Corporation. The Vander Hoeks approached the City beginning last fall and expressed an interest in preventing any additional buildings from receiving the exemption on parking requirements for businesses smaller than 1,500 net square feet of development. The exemption applies to buildings in

existence prior to 1998. The Vander Hoeks proposed an amendment and the Council initiated the LUCA process in late May.

Councilmember Robertson expressed support for the Ordinance as drafted, which she said is responsive to previous Council direction. She observed, however, that the legislation does not specify whether the existing building status will be lost if a certain level of expansion or renovation occurs. Mr. Helland said if a building were to be gutted and reconstructed, that would be considered a new building. However, if a space is gutted for tenant improvements to support a new use, the building would continue to receive the parking exemption for pre-1998 buildings.

Ms. Robertson asked staff to develop an analysis of the potential impact of a provision that would treat a building as new and remove its legally nonconforming status if more than 50 percent of the value of the building was spent on renovations.

Ms. Robertson noted the history of the parking exemption provided in the staff report in the meeting packet. She suggested including much of that in the Ordinance to document the history and provide context.

Mr. Stokes suggested that the Ordinance not become too lengthy. However, he agreed with the importance of clarifying what happens in the future if buildings are altered. He thanked staff and business owners for working together on this issue.

Deputy Mayor Wallace asked staff to comment on the page in the desk packet titled Post 1998 Buildings. Ms. Helland said the information describes the three buildings constructed since 1998 in which the Parking Code was incorrectly applied. Parking should have been required for the first 1,500 square feet of each tenant space in these developments. Without the exemption for the first 1,500 square feet, four additional parking spaces would have been required. With the exemption currently applied, there are 14 more spaces than what was required.

In further response to Mr. Wallace, Ms. Helland said the Code from the late 1980s originally exempted the first 1,500 square feet of tenant space from requiring parking. In 1998, a number of spaces smaller than 1,500 square feet were created. This was not the intended outcome of the Code, which was actually focused on allowing the reuse of existing buildings. The City added the words “existing buildings” to the Code in 1998. Ms. Helland said better language would have been “buildings in existence or vested in 1998.” The Code was misapplied for Main Place in 2004, One Main in 2006, and the Borgata in 1999 for tenant improvement permits, and the City did not require parking at the retail or restaurant ratio. If the tenants in these buildings change, they would be subject to the regular parking requirements.

Responding to Deputy Mayor Wallace, Ms. Helland confirmed that retail spaces require less parking than restaurants. Mr. Wallace expressed concern about this requirement and said he would like to see an option that could allow current restaurant uses to remain restaurant uses under the requirements currently applied to those buildings.

Ms. Helland said staff will prepare options to look at specific triggers that could cause buildings to lose their parking exemption. They will also look at options for a mechanism to legitimize

these three developments as nonconforming uses to allow them to re-tenant. She said staff will prepare alternatives by the July 6 meeting and public hearing.

(h) Comprehensive Plan Update

Mr. Miyake opened Round 2 of the continued discussion of the Comprehensive Plan Update.

Dan Stroh, Planning Director, said a number of Comprehensive Plan Elements were discussed as part of Round 2 on June 15. Tonight's discussion will focus on the Utilities Element and the Urban Design and the Arts Element.

Paul Inghram, Comprehensive Planning Manager, highlighted two potential additions to solid waste management policies in the Utilities Element:

UT-X25: Work with King County to maintain a geographically balanced system of solid waste transfer and disposal facilities and to avoid disproportionate impacts to any individual community.

UT-X26: Explore transfer and disposal options for the period after the City's current contract with King County terminates in mid-2028.

Deputy Mayor Wallace noted Council support for the two additions.

Mr. Inghram presented minor revisions to electrical facilities policies UT-X21, UT-72, UT-73 and UT-74.

Regarding the addition of a reference to "local context and aesthetics" in UT-72 addressing transmission and substation facilities, Mr. Stokes said aesthetics is different for every person.

Councilmember Robertson said she wanted to highlight that different neighborhoods have different context and character. Mr. Chelminiak suggested that "local context" might be sufficient and agreed with Mr. Stokes that aesthetics could be problematic to apply.

Ms. Robertson opined that "local context" does not necessarily capture visual beauty. She acknowledged that "aesthetics" is broad but said it provides guidance to focus on the look of a neighborhood.

Moving on, Councilmember Stokes suggested shortening UT-X21 to: "Support neighborhood efforts to underground existing electrical transmission and distribution lines." He observed that the rest of the sentence regarding residents' willingness to pay for project costs is too limiting. He said there might be other ways to pay for these projects.

Councilmember Robertson concurred with that idea and suggested adding a new policy that expresses support for neighborhood efforts to organize local improvement districts for undergrounding electrical lines. She said neighborhoods in other cities have adopted LIDs to finance undergrounding utilities.

Deputy Mayor Wallace said he is comfortable with UT-X21 as drafted and presented by staff.

Councilmember Chelminiak observed that the language presented by staff does not preclude pursuing other funding sources.

Deputy Mayor Wallace noted a consensus to revisit policy UT-X21 with the full Council during the next discussion.

Deputy Mayor Wallace noted majority support to remove “aesthetics” from policy UT-72.

Mr. Inghram noted that policy UT-74 includes the word “aesthetics” in addressing the avoidance or mitigation of impacts related to new or expanded electrical facilities. Deputy Mayor Wallace noted a Council consensus to retain “aesthetics” in this policy.

Mr. Inghram presented two new policies proposed by Councilmember Robertson:

UT-X27: Discourage new aerial facilities within corridors that have no existing aerial facilities, unless no feasible alternative exists.

UT-X28: Encourage new transmission facilities to be located in street rights-of-way.

Councilmember Chelminiak observed that UT-X27 could support adding new aerial lines across Somerset, and UT-X28 could apply to the Factoria area. He said many lines in Bellevue that appear to be in the ROW are actually on Puget Sound Energy-owned parcels outside of the ROW. This was the case along 140th Avenue in which PSE acquired easements on private properties to place the lines. Mr. Chelminiak said the policies are somewhat in conflict.

Councilmember Robertson said a number of policies in the Comprehensive Plan are in tension with each other. The Comprehensive Plan policies are broad and aspirational. If these policies had been in place and the Land Use Code would have been similarly amended, Ms. Robertson said there likely would have been more alternatives studied for the Lake Hills Transmission line planned for 148th Avenue. She said the Comprehensive Plan policies are aspirational and not prescriptive. She suggested waiting to readdress the issue with the full Council.

Councilmember Chelminiak agreed with waiting for the full Council. However, he believes there was considerable study of 164th Avenue and 156th Avenue as alternatives for the Lake Hills line. He is concerned about encouraging the placement of lines in rights-of-way because that might not be best for the City.

Councilmember Stokes said he would like a better understanding of the feasibility of placing lines in the ROW. He was supportive of both policies as aspirational goals.

Deputy Mayor Wallace said UT-X27 is worth further consideration. However, he expressed concern about UT-X28. He does not want PSE to feel constrained to place power poles in a ROW where none currently exist. He concurred with Mr. Chelminiak that there might be reasons

the City would not want PSE equipment to be placed along the City's streets. Mr. Wallace expressed concern about unintended consequences from both policies.

Mr. Inghram moved to discuss Urban Design and the Arts Element policies. He recalled previous discussion about designating 140th Avenue as a Scenic Boulevard, even though the middle portion is more commercial and not as scenic as the north and south segments. He said the City Boulevard designation applies to larger and more heavily traveled arterials. He noted that the definitions are not overly limiting or constricting in terms of potential future design work. However, he noted the options of designating the middle portion from NE 8th Street to NE 24th Street as a City Boulevard or avoiding either Boulevard classification for the middle portion of 140th Avenue.

Responding to Councilmember Chelminiak, Mr. Inghram said if the Scenic Boulevard designation is removed from the segment between NE 8th Street and NE 24th Street, the street would retain its arterial classification and landscaping/design standards. However, it would not be part of the boulevard program using community development funding for significantly enhanced landscaping.

Mr. Chelminiak expressed a slight preference for designating the portion of 140th Avenue between NE 8th and NE 24th Streets as a City Boulevard, and retaining the Scenic Boulevard designation for the north and south sections.

Responding to Deputy Mayor Wallace, Mr. Inghram said staff recommends the Scenic Boulevard designation for the entire roadway.

Mr. Wallace and Councilmember Robertson expressed support for staff's recommendation.

Councilmember Stokes was not convinced that the two types of boulevard designations are necessary. He suggested having one boulevard designation with similar treatments.

Deputy Mayor Wallace said this issue would be discussed again with the full Council.

Moving on, Mr. Inghram noted policy UD-19 to "preserve and enhance" the tree canopy. The Council supported the wording.

Mr. Inghram noted a proposed change to the wording of a subsection: Downtown, Commercial, and Mixed Use Neighborhoods ~~Centers~~.

Councilmember Robertson said "centers" has a specific usage in regional planning, and Downtown Bellevue is a regional center according to the Puget Sound Regional Council (PSRC). However, the Downtown is also a neighborhood. Mr. Inghram opined that using "centers" within the context of this title would not have significance.

Deputy Mayor Wallace noted a Council consensus in favor of the proposed change from "centers" to "neighborhoods."

Mr. Inghram highlighted proposed revisions to a number of arts policies to indicate “support and encourage” arts programs, cultural facilities, arts education, and public art. Mayor Wallace noted Council support of the language for policies UD-X1, UD-X2, UD-X3, and UD-35.

Mr. Inghram presented additional policies on the affordability of art space, pedestrian and mobility connections between developments, and building design that addresses solar access, a sense of openness, shading impacts, and wind protection.

Councilmember Chelminiak questioned whether skybridges need to be addressed in the Comprehensive Plan. Mr. Stroh said there are currently two informally proposed skybridges in the Downtown. He said the Downtown Subarea Plan is specific about the location and design of skybridges. Changes to skybridge policies would require a Comprehensive Plan Amendment of the Downtown Subarea Plan. Mr. Chelminiak suggested that staff provide a recommendation on this issue.

Mr. Chelminiak said he wants to be sure that skybridges provide street connections and that these are not simply elevator lobby to elevator lobby connections. He said they are a useful way to move people across the larger boulevards.

Councilmember Robertson concurred with Mr. Chelminiak. She questioned whether the Downtown Livability Initiative applies only to the Land Use Code or also to the Downtown Subarea Plan. Mr. Stroh said the Downtown Livability work will likely propose amendments to the Subarea Plan, including those related to the Downtown Transportation Plan.

Ms. Robertson suggested sending a written request asking the Planning Commission to look specifically at skybridges. She expressed support for policies UD-Z3 (solar access, shading, sense of openness in building design) and UD-X11 (wind effects related to the built environment).

Deputy Mayor Wallace expressed concern about the latter two policies. He said every downtown building casts a shadow, which is a function of the desired density. He is concerned these policies will constrain the ability to develop the downtown, and he questioned the practicality of designing buildings to minimize wind effects.

Mr. Stroh said policy UD-Z3 refers to both site and building design, and could encourage the consideration of alternative placements of structures on a lot. With regard to wind impacts, he said it is possible to prepare wind modeling of buildings that includes looking at adjacent public spaces. Sometimes the shape of buildings can be modified to affect wind impacts, and the use of barriers/baffles can be effective as well. These types of features would be put into place during the design review process.

Councilmember Stokes said he shares Mr. Wallace’s concerns. He said the policies have the potential for limiting new buildings, and there will always be shading and wind effects with urban development. He said these policies are specific in ways that other Comprehensive Plan policies are not, and there could be negative unanticipated consequences for development.

Councilmember Robertson said she proposed policy UD-Z3, which would apply citywide and not just to the Downtown. Her expectation is that this policy would ensure that these factors would be considered as part of the design review process. However, design review does not limit building FAR (floor-area ratio), building heights, setbacks, and other features. Those are controlled by the Land Use Code.

Mr. Stroh said the intent of the design review process and design guidelines is not to limit the development potential set elsewhere in the Code.

Responding to Ms. Robertson, Mr. Stroh said the Land Use Code takes precedence over Comprehensive Plan policies if the latter is more restrictive than the Land Use Code for a particular issue. However, for a number of land use decisions, consistency with the Comprehensive Plan must be demonstrated. Ms. Robertson said the Growth Management Hearings Board and court decisions have ruled that the Land Use Code is the controlling authority.

Ms. Robertson questioned the possible unintended consequences of policy UD-Z3. Mr. Stroh said the policy statement includes the word "consider," which he feels is very important. It does not say avoid or minimize, and the City would want to document that these factors and impacts were considered as part of the review process.

Councilmember Robertson questioned whether the policy would benefit, from the perspective of clarity and unintended consequences avoidance, if language to this effect was added: "However, such consideration shall not be read to reduce the maximum buildout allowed under the Land Use Code." She asked staff what might make the policy better. She agreed with staff's studying the issue and bringing it back for additional discussion.

Mr. Inghram noted that policy UD-X11 was suggested by the Planning Commission, and it also includes the word "consider" with regard to looking at wind effects related to site and building design.

Deputy Mayor Wallace asked staff to comment, when the issue comes back, on whether the policies establish the need for a shadow study or a wind study on properties where that is not currently required.

Councilmember Stokes said that, even though the Land Use Code is ultimately the controlling document, the policies could raise concerns with developers. He said the policies address factors that are rather vague and that might have unintended consequences.

Mr. Inghram said staff will come back with information responsive to tonight's discussion, as well as the Round 2 review of the Environment Element and the Transportation Element.

(i) Regional Issues Overview

City Manager Miyake said staff is seeking Council action on the draft interest statement and resolution on endorsing the goals of the Committee to End Homelessness Strategic Plan. The second regional issues item is an update on the Eastside Rail Corridor.

Joyce Nichols, Director of Intergovernmental Relations, recalled that the draft interest statement and resolution were discussed with the Council on April 27, at which time there was a presentation about the Committee to End Homelessness Draft Strategic Plan. Changes made since that time will be presented by Emily Leslie, the City's Human Services Manager. She said Mark Putnam, the Committee's Director, was also in the audience and available for answering questions.

Ms. Nichols said the Council provided feedback and requested certain revisions in April. Ms. Leslie and her staff have been working with other cities and have achieved some of those changes in the strategic plan. Staff is requesting Council action on the strategic plan through a resolution as well as approval of the interest statement.

Ms. Leslie said one issue discussed by a number of cities was related to recommendations in the strategic plan that local governments change some of their policies that criminalize homelessness. After further input from the City of Bellevue, the Sound Cities Association, and others, new language was developed.

She noted potential strategies outlined in the meeting packet's agenda memo. These address fostering the collaboration between first responders, service providers and local governments to increase housing stability for those experiencing homelessness. The two strategies suggest: 1) obtaining additional information from local governments about how they focus on that issue, and 2) providing support to local governments to undertake an impact analysis of local policies, practices and ordinances that might disproportionately impact those experiencing homelessness. The objective is that the Committee to End Homelessness would partner with one or two communities to undertake a voluntary analysis of their policies, practices and ordinances.

Ms. Leslie said the Redmond Police Chief has been meeting with Police and Human Services staff since late last year to discuss issues of homelessness.

Ms. Leslie said the second area of concern from the earlier draft plan related to the new governance structure that is being proposed. There is currently a Governing Board with Councilmember Chelminiak as Bellevue's representative. There is also an Interagency Council and Ms. Leslie represents Bellevue as a staff person on the group. The new governance structure consolidates the two groups into a single coordinating board and Bellevue would retain a seat on that board. Subcommittees include a funders alignment group, which Ms. Leslie has served on, and Bellevue would continue to have a seat on that group.

With regard to the interest statement, Ms. Leslie said the Council previously suggested a stronger emphasis on prevention. She added a paragraph to address this priority. She said this issue is time-sensitive because the Governing Board is scheduled to take action on the 2015-2019 Strategic Plan during its annual meeting on June 30.

Deputy Mayor Wallace noted Council support for the proposed documents.

→ Councilmember Chelminiak moved to approve Resolution No. 8934 approving the Interest Statement and endorsing the goals of the Committee to End Homelessness Strategic Plan. Councilmember Robertson seconded the motion.

→ The motion carried by a vote of 4-0.

(k) Update on Scoping for the King County EIS on the Eastside Rail Corridor

Ms. Nichols said the Eastside Rail Corridor has been the subject of a number of local government and community meetings because it represents a potential strong asset if it can ultimately be developed as a continuous line. King County has initiated a scoping process for the Environmental Impact Statement (EIS) review. The comment period ends on July 17, and no action is required by the Council tonight. Staff will review the scoping document and develop a comment letter. The letter will incorporate recent direction from the Council following its joint meeting with the Kirkland City Council as well as the interest statement adopted by the Council in 2013.

Councilmember Chelminiak referred to Item 4 under the last bullet point of the interest statement, which mentions the regional trail and other major destinations. He suggested adding references to either the light rail stations along the route or to the Hospital Station in particular.

Councilmember Stokes questioned whether this covers the connections with the Sound Transit Operations and Maintenance Satellite Facility (OMSF), 120th Avenue, SR 520, and Kirkland. Ms. Nichols said the interest statement refers to a bike connection between SR 520 and the corridor, connections to East Link light rail, and a connection between the Bellevue and Kirkland portions of the trail.

Deputy Mayor Wallace encouraged consideration of some type of pedestrian and bike connection across NE 8th Street in the vicinity of the light rail Hospital Station. He was not suggesting this must be included in the interest statement but noting that it is an area of concern. Councilmember Robertson suggested strengthening the statement on grade separation under bullet point 4 to address this priority.

(l) Legislative Update

Ms. Nichols noted the written legislative update in the meeting packet.

(m) Monthly Council Summary Background Briefings on the King County Regional Committees and the Puget Sound Regional Council

[Written materials provided in packet.]

5. <u>Continued Oral Communications</u>

Carl Vander Hoek said he met with City staff the previous week and was not told that the Main Place building is nonconforming with the Parking Code. He said the Vander Hoek Corporation built and sold that building as well as the building behind it, Courtyard Off Main, which has also been sold. He said there is an agreement between Courtyard and Main Place that there are 33 parking stalls in the Courtyard for Main Place. This is reflected in the titles for both buildings. Mr. Vander Hoek noted that Monsoon's web site indicates there is free parking available behind the restaurant in the Courtyard building. He said City staff did not take into consideration that Main Place replaced a building that had been burned down. He said it is odd that staff did not mention that the building the Vander Hoeks built received a parking exemption.

At 8:40 p.m., Deputy Mayor Wallace declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw