

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

July 24, 2023
6:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Robinson, Deputy Mayor Nieuwenhuis and Councilmembers Barksdale, Lee, Robertson¹, Stokes and Zahn

ABSENT: None.

1. Call to Order

The meeting was called to order at 6:00 p.m., with Mayor Robinson presiding.

2. Roll Call; Flag Salute

City Clerk Charmaine Arredondo called the roll and all Councilmembers were present. Councilmember Stokes led the flag salute.

(a) Americans With Disabilities Act (ADA) Week Proclamation

Councilmember Robertson read the proclamation recognizing the week of July 23-29, 2023 as Americans with Disabilities Act (ADA) Week in Bellevue. She urged all residents to support disability equity and to recognize the value and contributions that people with disabilities make in our community.

Ariele Belo, Co-Executive Director of the Hearing, Speech and Deaf Center, accepted the proclamation. She said the ADA protects the deaf community from discrimination related to housing, employment, transportation and government services. She thanked the Mayor and Councilmembers for the proclamation.

Mayor Robinson thanked Ms. Belo for attending the meeting.

¹ Councilmember Robertson left the meeting at approximately 9:20 p.m.

Responding to Mayor Robinson, City Attorney Kathy Gerla reminded everyone that if someone disrupts the Council meeting, the mayor may issue a warning. If the person does not stop, they may be removed from the meeting.

(b) Bellevue High School Performing Arts Program Week Proclamation

Councilmember Lee read the proclamation recognizing August 4-9, 2023 as Bellevue High School Performing Arts Program Week. He encouraged everyone to recognize and support performing arts and youth theatre programs for their dedication in developing and showcasing the many talented student performers in Bellevue.

David Kline, Bellevue High School Theatre Director, accepted the proclamation and thanked the Council for the recognition. He said there are 300,000 high schools in North America and 2,300 were asked to apply for the Edinburgh Fringe Festival to be held in August. Bellevue High School's drama program was selected as one of 18 programs to perform at the festival.

Brad, a student, thanked the Council on behalf of the student body and all of the alumni of Bellevue High School's theatre department. He said the actors will perform an original musical called Welcome to Camp Sasquatch at the festival.

Mayor Robinson congratulated Mr. Kline and the students and wished them well.

3. Approval of Agenda

→ Deputy Mayor Nieuwenhuis moved to approve the agenda, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 7-0.

4. Oral Communications

City Clerk Arredondo reminded the public that election-related topics may not be discussed during oral communications, including promoting or opposing a ballot measure or candidate.

(a) Craig Spiezle thanked the Council for its direction to the Transportation Department the previous week regarding the impact of paid parking and its direction to planning staff to remove the areas of opportunity from study in the Final Environmental Impact Statement (FEIS). He thanked the Council for listening to the community. He asked the Council to consider creating an enhanced community engagement framework to maximize transparency and public input. He urged the City to reach out to neighborhood associations and liaisons, provide ample time for public comment and to balance oral communications between all stakeholders. He said all speakers should be required to disclose the city where they live and work. He encouraged the City to provide video recordings of all public meetings. He suggested forming a multi-stakeholder advisory committee to review community engagement plans before soliciting public input.

- (b) Divya Kapuria spoke on behalf of the ownership group of the Newport Hills Shopping Center. She expressed support for City staff's recommendation to study the mixed use/low/medium designation for all neighborhood shopping centers, including the potential for buildings with 5-7 stories. She said the Newport Hills shopping center is the second largest shopping center of the six identified by the City. The center is served by two bus routes and is included in plans for the future frequent transit network. Ms. Kapuria said the Newport Hills shopping center has not been commercially viable for more than a decade. She said the vision for Newport Hills outlined in the Comprehensive Plan cannot be achieved without studying higher density within neighborhood centers. She said the shopping center provides the opportunity for a healthy mixed-use neighborhood center with public amenities including community gathering spaces. She said neighborhood centers provide walkability and reduce car trips. She said that studying mixed-use low/medium density in the FEIS will provide the flexibility to support the vision for a vibrant neighborhood, as housing drives the economics of mixed-use projects.
- (c) George Bullock listed examples of recent crimes in Seattle and said the Seattle City Council recently decided to not make it illegal to use drugs in public. He described the homeless encampment next to the Arrowhead Garden senior housing in South Park, which has contributed to crime, theft and the sound of gun shots. He said a large crowd of individuals recently engaged in street car racing on Capitol Hill were not dispersed by the police. He said graffiti is pervasive in Seattle and a judge ordered the City to not make arrests for the activity due to free speech concerns. Mr. Bullock urged the Council to not let this happen in Bellevue.
- (d) Heidi Dean opined that if the Newport Hills shopping center is deteriorating, it is because the property owners have allowed it to become that way over the past 10 years. She said the father of the current owners took care of the center. She said the Northtowne and BelEast centers are older than the Newport Hills center, and the Eastgate Plaza and Kelsey Creek centers are less than 10 years newer than Newport Hills. All of those centers have been better maintained. Ms. Dean said a potential buyer of the Newport Hills center is supported by residents. She said the property owners will not meet with that buyer. She said the prospective buyer's plan would provide senior adult housing and help to retain local businesses. She said a number of property owners are seeking site-specific rezones, which are not addressed during the Comprehensive Plan update and FEIS review. She asked the City to honor the mixed use lowrise designation for neighborhood shopping centers. She said the Northtowne center has not had a vacancy in 7-8 years.
- (e) Jodie Alberts, speaking on behalf of the Bellevue Chamber of Commerce, expressed support for the preferred alternative to be studied in the Comprehensive Plan FEIS review. She thanked the Council for the elements that align with Alternative 3. She said it is crucial to study the maximum density described in that alternative to ensure that the cumulative impacts of the final alternative can be fully studied. She said the development capacity in the Wilburton area should be maximized and she noted the proximity to transit services. She said the Chamber has heard concerns from property owners and

businesses regarding the impact of lower building heights and alternate uses for the future viability of the area.

- (f) Joe Cooledge expressed concerns regarding the Comprehensive Plan and development in downtown Bellevue. He said he appreciates the City's efforts related to updating the plan. He expressed concern that downtown office space is being overbuilt due to rampant high-rise construction. Mr. Cooledge said the West Main project with three new high-rise buildings sits unfinished and empty. He said that Amazon, the primary tenant, is still considering how to use the space. He said Microsoft is not renewing its leases for more than 1 million square feet of downtown office space. He said vacant buildings result in an increase in crime as well as the departure of businesses and residents from downtown cores. Mr. Cooledge asked the Council to pause high-rise office development. He expressed concerns regarding traffic congestion and pedestrian safety due to continued development.
- (g) Anne Coughlin opened with a quote provided by Pamela Johnston: "The people of the state of Washington do not yield their sovereignty to the agencies which serve them." Ms. Coughlin said that on July 10, the Transportation Department asked the Council to form a transportation benefit district (TBD). She said businesses but not residents were informed about this initiative. She encouraged enhanced community outreach. She said that past processes to update the Northeast Bellevue subarea plan involved public meetings with primarily residents in attendance. Ms. Coughlin said that discussions beginning in 2020 became more skewed toward the Planning Commission's desired outcome. She expressed concern about upzones, noting that the mixed use medium designation would allow buildings of up to 7-10 stories.
- (h) Cristina Dugoni noted other family members in attendance and said she is one of the owners of Overlake Farm in the northeast corner of Bellevue. She said the farm is the largest landholding left in Bellevue. She asked the Council to include R-Medium zoning on their parcels in the preferred alternative map going forward. She said the property is surrounded by buffer transition zones to adjacent multifamily development and the golf course. Ms. Dugoni said the family is interested in developing townhomes, cottages and/or apartments on 140th Avenue. She said taller building heights will allow them to preserve open space.
- (i) Chuck Doland said he is a long-term resident of the Lochleven neighborhood in West Bellevue. He expressed concern that City staff is moving to increase density by designating the area as Urban-Residential instead of Suburban. He acknowledged that HB 1110 affects the City's ability to adopt certain zoning. He said HB 1337 further reduces the Council's ability to plan, manage and control growth. In exchange, the City will receive a portion of sales tax revenues.
- (j) Jonny Lu spoke in support of the mixed use low designation for neighborhood centers, noting concerns regarding infrastructure capacity and related greenhouse gas emissions. He said the planned improvements in Newport Hills over the next few years do not add the throughput capacity to support higher densities. He said there is a three percent

increase in single-occupancy vehicle usage under Alternative 3 compared to the no action alternative. He understands the need for growth and affordability in Bellevue. However, Mr. Lu suggested customizing neighborhood subarea plans to consider the right zoning.

Mayor Robinson thanked everyone for their comments and encouraged the public to email the Council with comments as well.

5. Reports of Community Councils, Boards, and Commissions: None.

6. Report of the City Manager:

- (a) Report of Emergency Procurement
[Written information only. No presentation.]

City Manager Brad Miyake noted a memo in the meeting packet regarding an emergency procurement needed at the Fire Station 10 construction site to remove contaminated soil.

7. Council Business and New Initiatives

Councilmember Stokes recommended the appointment of Richard Nederlander to the Arts Commission. Mr. Stokes said Mr. Nederlander is originally from New York City and has been involved in arts communities for a long time. He is an engineer with Blue Origin and brings a new perspective to the commission.

→ Councilmember Stokes moved to appoint Richard Nederlander to the Arts Commission to serve a full-term expiring May 31, 2027. Councilmember Lee seconded the motion.

→ The motion carried by a vote of 7-0.

8. Consent Calendar

→ Deputy Mayor Nieuwenhuis moved to approve the Consent Calendar, and Councilmember Stokes seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:

- (a) Council Minutes
Minutes of July 10, 2023 Regular Meeting
- (b) Motion to award Bid No. 23030 for Horizon View 2 Reservoir and Pump Station Replacement Project to McClure & Sons, Inc., as the lowest responsive and responsible bidder, in an amount not to exceed \$10,922,523.35, plus all applicable taxes (CIP Plans No. W-85, W-91, W-16 and W-67).

- (c) Motion to award Bid No. 23035 for Overlay and Pavement Restoration 2023 to Becker Blacktop LLC, as the lowest responsive and responsible bidder, in an amount not to exceed \$1,195,485, plus all applicable taxes (CIP Plans No. W-16, S-66, and D-64).
 - (d) Resolution No. 10284 setting a time and place for a public hearing regarding the City's intended assumption of the Bellevue Transportation Benefit District pursuant to the authority of Chapter 36.74 RCW.
 - (e) Resolution No. 10285 authorizing the execution of Amendment No. 1 to the Professional Services Agreement with David Evans and Associates (No. 2250063) in the amount of \$787,971.75, plus all applicable taxes, for a total contract amount of \$2,157,516.50 for the advancement of design from 60 percent to complete final design and other engineering work necessary to complete the bid packages for the 150th Avenue SE Project (CIP Plan No. PW-R-212) and the Neighborhood Congestion Management Levy Program (CIP Plan No. PW-R-198).
 - (f) Resolution No. 10286 adopting the Curb Management Plan.
 - (g) Resolution No. 10287 awarding Bid No. 23038 to, and authorizing an agreement with, McCann Construction Enterprises, Inc., for the 164th Avenue NE - NE 8th ST to Northup Way LID (Low Impact Development) Retrofit, as the lowest responsible and responsive bidder, in the amount of \$525,256.00, including all applicable taxes.
9. Public Hearings: None.
10. Study Session Items
- (a) Comprehensive Plan Periodic Update and Wilburton Vision Implementation - Continued Review of Planning Commission's recommended Preferred Alternative to Undergo Additional Analysis in the Final Environmental Impact Statement (FEIS) Review.

City Manager Miyake introduced continued discussion regarding the Comprehensive Plan periodic update and the Wilburton Vision implementation. Staff is seeking Council direction regarding the alternative to be studied further during the FEIS review phase.

Michael Kattermann thanked Council for the previous week's discussion and said staff is seeking direction regarding the alternative to be studied for the FEIS. He noted that studying additional items does not mean they will be included in the final alternative. He said Alternatives 1, 2 and 3 have been studied for both the Comprehensive Plan update and the Wilburton area. The Planning Commission recommends a hybrid of Alternatives 2 and 3. Mr. Kattermann said to keep in mind that the City is planning for Bellevue up to 20 years into the future.

Emil King, Assistant Director, Community Development Department, recalled that the Planning Commission's recommendation was discussed with the Council on July 17. He said the August 7 Council meeting is available for continued discussion and direction if needed.

Mr. King recalled that the Comprehensive Plan and Wilburton planning efforts were initiated in early 2022. The EIS looks at the benefits, impacts and potential mitigation of the alternatives. The draft EIS (DEIS) has been completed and staff is seeking direction about the alternative to be studied for the FEIS. Mr. King said there was a 45-day comment period following the release of the DEIS, and the FEIS will respond to all questions and feedback collected during the DEIS comment period.

Janet Shull, Strategic Planning Manager, said staff heard feedback from the Council the previous week to study the Planning Commission's preferred alternative, a hybrid of Alternatives 2 and 3, for Wilburton. The Council also indicated that it would be valuable to evaluate the impacts on neighborhoods east of the study area and to assess the impact of higher densities around Lake Bellevue.

Thara Johnson, Comprehensive Planning Manager, said the Council expressed support for the approach to mixed use centers reflected in the Planning Commission's preferred alternative and requested additional FEIS analysis to study transportation impacts and mitigation measures.

Ms. Johnson noted the earlier public comments regarding neighborhood centers. The Planning Commission recommended mixed use low zoning and was open to considering other options, such as something between low and medium density zoning. Ms. Johnson said staff is seeking direction regarding the neighborhood centers to be studied further for the FEIS.

Ms. Johnson recalled discussion about areas of opportunity, which are areas that are well-served by transit and located outside of mixed use areas and neighborhood centers. She said the Council decided last week to not consider the areas of opportunity at this time. The Council previously provided direction to focus on the additional density required under HB 1110 and HB 1337.

Moving to neighborhood residential, Ms. Johnson noted earlier public comment regarding the potential for housing on a portion of Overlake Farm. She said the Council directed staff to study the Planning Commission's preferred alternative, including the impacts of new state legislation. She said the Council expressed an interest in the Overlake Farm property and for incorporating the entire 40 acres for further study as part of the FEIS. Ms. Johnson said the Council suggested further discussion regarding a combination of R-Medium and R-Low for the Overlake Farms parcel and whether R-Large Lot zoning should be replaced by R-Suburban citywide.

Turning to affordable housing, Ms. Johnson said the Council expressed support for studying the Planning Commission's preferred alternative and the following additional issues: 1) mandatory inclusionary housing versus incentives, 2) impact of other affordable housing programs (e.g., multifamily tax exemption, rental and home ownership), and 3) impact of mandatory housing on the price of market-rate units.

Ms. Johnson said the City has heard a lot from the community regarding the tree canopy. The Council considers the tree canopy as foundational to Bellevue's identity and suggested further study of the impact of the preferred alternative on the tree canopy.

Mr. King said the next topic area is site-specific requests made during the DEIS comment period. He said they were not analyzed in the DEIS and are not recommended for inclusion in the preferred alternative. He said supplemental analysis would be needed to consider those proposals.

Mr. King highlighted a list of other topics raised by the Council including a traffic analysis, a summary of alternatives, impacts and mitigation [Attachment A in meeting packet], tree canopy map [Attachment B], building types under HB 1110 and an evaluation of how the alternatives align with the overall values of this effort (i.e., housing, affordable housing, sustainability, equity and diversity). He said new tree canopy data will be available in the next couple of months.

Mr. King said the missing middle building types defined in HB 1110 are duplexes, fourplexes, fiveplexes, sixplexes, cottages, townhomes, courtyard apartments and stacked flats.

Mayor Robinson thanked staff for the presentation and invited general questions about the process. Then the Council will discuss each topic area individually.

Deputy Mayor Nieuwenhuis thanked staff for responding to the Council's previous questions. He asked about the advantages and disadvantages of studying more elements than might be allowed under the preferred alternative. He asked whether the FEIS will evaluate the loss of greenspaces under each alternative. He said he would like to understand the timeline for growth to be studied for the FEIS. He would like more information about anticipated utilities upgrades and the associated costs.

Mr. Kattermann said the State Environmental Policy Act (SEPA) requires the study of a range of possibilities and impacts.

Responding to Mr. Kattermann, Mr. Nieuwenhuis said his view of greenspaces includes places like Larsen Lake and other open space. Mr. Kattermann said the FEIS will study the impacts on areas officially designated as greenspaces. The broader definition will be reflected in the tree canopy analysis. Mr. Kattermann said the FEIS will generally compare the impacts on greenspace anticipated under the alternatives.

Mr. King said the issue of the timeline for growth was raised in comments during the DEIS phase. He said staff's forecast has a 20-year horizon and interim updates are completed annually.

Mr. Kattermann said the City is required to evaluate its progress on the Comprehensive Plan in five years and major updates are required every 10 years under state law.

Mr. King referred Mr. Nieuwenhuis to the Capital Facilities chapter in the DEIS, which addresses infrastructure needs (e.g., utilities, public safety).

Responding to Councilmember Zahn, Mr. Kattermann confirmed that the Planning Commission's preferred alternative should not be considered the Council's preferred alternative. Ms. Zahn suggested it would be helpful for the public to provide information about how the Comprehensive Plan update aligns with regional planning. In further response to Ms. Zahn, Mr. Kattermann said the Planning Commission's preferred hybrid alternative will be analyzed in the FEIS at the same level that the three original alternatives were analyzed through the DEIS.

Councilmember Lee said he appreciated the tree canopy map. He asked about the meaning of the sentence that the tree canopy is foundational to Bellevue. Mr. Kattermann said staff continues to hear from the public and the Council about the importance of the tree canopy for the environment and for Bellevue's identity as a City in a Park.

Referring to the timeline, Mr. Lee asked who defines maximum density and how it is determined. He said the timeline also refers to the word "dynamic" and he asked what provisions are anticipated to produce dynamic changes. Mr. Lee expressed an interest in more information about the impacts to the Fire Department. Mr. King said he would follow up with Councilmember Lee.

Councilmember Robertson noted that the Planning Commission's hybrid preferred alternative contains the concept of neighborhood centers zoned mixed-use low, which was not in any of the three original alternatives. Mr. Kattermann acknowledged that the hybrid alternative adds new items and it combines items in different ways to determine how they work together.

Ms. Robertson said that when the City first adopted the growth targets of 35,000 new housing units and 70,000 new jobs, she was on the Puget Sound Regional Council (PSRC) committee that worked on developing that vision. She noted her understanding that with the upzone of East Main and the implications of HB 1110 and HB 1337, the City would meet its growth targets. Mr. Kattermann confirmed that understanding. Ms. Robertson noted that Alternatives 1, 2 and 3 go beyond meeting the projected targets. Mr. Kattermann said that while the housing and jobs targets would be met with the no action alternative, much of the proposed growth is in the Wilburton Subarea.

Referring to the previous week's discussion, Councilmember Robertson clarified that she thought R-Suburban zoning allowed higher density than R-Low. However, R-Suburban includes duplexes, triplexes and cottages, and R-Low includes multifamily housing.

Councilmember Stokes thanked staff for the presentation. He said the City is changing and growing, and the FEIS provides the opportunity to consider a range of options to achieve desired outcomes.

Mayor Robinson referred to page 19 of the presentation regarding the Wilburton Study Area and noted that it represents a preliminary consensus of the Council the previous week. She said the DEIS has studied Alternatives 1, 2 and 3 and is now considering the hybrid preferred alternative.

Councilmember Lee said we need to have data. He said it is important to maximize the potential of the Wilburton area. He noted Councilmember Robertson's comment that the City will achieve

its growth targets with the no action alternative. He suggested focusing on the Wilburton area and leaving the rest of Bellevue alone.

Ms. Shull said the City analyzed Alternatives 1, 2 and 3 in the DEIS process. The Planning Commission's preferred alternative is a hybrid of Alternatives 2 and 3. It looks at slightly lower densities than Alternative 3 in some areas east of the Eastrail, and it looks for additional opportunities for residential development, which is more similar to Alternative 2.

Responding to Councilmember Lee, Mr. Kattermann said the maximum capacity studied is reflected in Alternative 3. Mr. Lee asked why the scope of the study does not reflect more intense densities.

At 7:30 p.m., Mayor Robinson declared a short break. The meeting resumed at 7:51 p.m.

Mayor Robinson asked Councilmembers to comment regarding mixed use centers. The Council previously expressed support for studying what is proposed for mixed use centers in the preferred alternative and asked staff to study transportation impacts and mitigation measures in the FEIS.

Moving to neighborhood centers, Mr. Kattermann said slide 22 of the presentation depicts the neighborhood center buildings types of lowrise (2 to 4 stories) and midrise (5-10 stories). The DEIS analyzed only mixed use low zoning for the six neighborhood shopping centers. He requested additional guidance to clarify the Council's interests.

Councilmember Robertson said the Crossroads and Factoria shopping centers are in Community Business (CB) districts while the Newport Hills, Northtowne and Bel-East centers are in Neighborhood Business (NB) districts. She said Alternatives 1, 2 and 3 reflect mixed use low zoning for all of those centers, which in every case is a slight upzone. Mr. King confirmed that understanding. He said NB building heights are limited to 20 feet or up to 30 feet with residential units on the upper/second floor. CB building heights are limited to 45 feet or four stories.

Ms. Robertson said the Planning Commission did not recommend the taller building heights of five to 10 stories with mixed use medium zoning. She said the commission voted to stay with Alternatives 1, 2 and 3 in its hybrid alternative. She would prefer the mixed use-low designation. She said buildings with 5-7 stories should be limited to the CB district.

Councilmember Barksdale asked whether any neighborhood centers currently have medium density zoning. Mr. King said the only center with that type of density is in Eastgate, which has a NMU (Neighborhood Mixed Use) designation. Responding to Mr. Barksdale, Mr. King said the locations discussed with the Council on July 17 for mixed use medium zoning were Kelsey Creek and Northtowne. Mr. Barksdale suggested studying 5-7 stories for all of the shopping centers before making a final decision.

Mayor Robinson noted that Councilmember Robertson is advocating for maintaining the distinction between NB and CB districts, while Councilmember Barksdale is interested in studying taller building heights in all centers as a baseline for comparison.

Deputy Mayor Nieuwenhuis said many residents are concerned about the increasing density, especially in neighborhoods. He said he was not in favor of studying higher densities and would prefer the mixed use low designation for neighborhood centers. He said residents expect higher density in the growth centers but not in their neighborhood centers. Deputy Mayor Nieuwenhuis said there is no reason to increase the density and encouraged his colleagues to follow the Planning Commission's recommendation for mixed use low zoning.

Responding to Councilmember Zahn, Mr. King said the FEIS will study the hybrid preferred alternative and compare it to the three DEIS alternatives.

Ms. Zahn said it would be prudent to study both low and medium densities for the neighborhood centers.

Councilmember Stokes concurred with the suggestion to study both low and medium density alternatives. While there are residents who do not want taller heights, there are others who would like to see something different in neighborhood centers. He said the information could be helpful in the future when considering affordable housing.

Councilmember Lee said he agreed with Deputy Mayor Nieuwenhuis about focusing growth in the growth centers and not in neighborhood centers. Mr. Lee suggested higher density in the Wilburton area to take the pressure off increasing density in neighborhood centers. He agreed with Councilmember Robertson's suggestion to maintain low density zoning for neighborhood centers.

Responding to Mayor Robinson, Mr. Kattermann said he did not see any disadvantage to studying higher densities even if the Council is not ready to approve that for neighborhood centers. Mr. Kattermann said it would provide additional information for the Planning Commission to review in making its final recommendation.

Mayor Robinson expressed support for Councilmember Robertson's suggestion to study and treat CB and NB centers separately.

Councilmember Robertson cautioned that studying something the Council does not intend to adopt could raise a false expectation for developers and a false alarm for residents. She reiterated her interest in low density for neighborhood centers and the consideration of 5-7 stories for CB zoned properties.

Councilmember Barksdale said that studying a higher density would help to better understand potential impacts.

Deputy Mayor Nieuwenhuis expressed concern that residents will be alarmed if the City studies higher densities in neighborhoods. He said that is not the reason people live, work and go to school here. He said Bellevue's neighborhoods are our treasure and they should be protected. As a compromise, he said he could support Councilmember Robertson's recommendation to study

taller buildings for CB districts. He would prefer to retain mixed use lowrise development in neighborhood centers.

Councilmember Zahn said she hopes the economic analysis studies ways to determine how developments can be built for affordable housing. She expressed concern about the displacement of existing shops and restaurants with redevelopment. Mr. Kattermann said the DEIS studied the displacement potential for both residential and commercial areas and references possible mitigation measures.

Responding to Mayor Robinson, Ms. Zahn said she would like the FEIS to study anti-displacement and affordable housing. She said it is helpful to have data to inform decisions regarding the comparison of alternatives and impacts.

Councilmember Stokes suggested it could be helpful to study higher densities. However, he is comfortable with Councilmember Robertson's proposed approach.

Councilmember Lee said that transparency and trust are very important. He expressed support for Councilmember Robertson's suggestion to consider low density for neighborhood centers and midrise development for CB centers.

Moving on, Mayor Robinson invited comments regarding the neighborhood residential component of the FEIS review.

Councilmember Stokes said he would like more information regarding the Overlake Farm parcel.

Councilmember Robertson said the owners of Overlake Farm are requesting R-Medium and R-Low zoning for two separate areas of the property. She said R-Medium equates to Multifamily-High and Multifamily-Medium densities. She said R-Low refers to Single-Family, Urban Residential, Multifamily-Low and Multifamily-Medium. She suggested that R-Low for the north 40 acres is plenty of density because it allows multifamily and missing middle types of housing. Ms. Robertson expressed support for the R-Low and R-Large Lot zoning reflected in the preferred alternative.

Councilmember Zahn asked about the consideration of the other site-specific requests. Mr. King recalled that the Council requested additional information the previous week regarding the Overlake Farm proposal. He said the request exceeds what was studied in the DEIS. The requested R-Low designation for a portion of the property allows 7.5 to 15 dwelling units per acre and R-Medium allows 20-30 units per acre. In further response to Ms. Zahn, Mr. King said staff could bring back any of the other site-specific requests for further discussion if requested by the Council.

Deputy Mayor Nieuwenhuis expressed support for the Overlake Farm preferred alternative.

Councilmember Lee asked about the overall plan for the broader area around the farm. Ms. Johnson said the owners of Overlake Farm provided comments early in the DEIS process. Based on their feedback, staff analyzed different densities for the site under the three alternatives with

the understanding that affordable housing is an important goal. She said the proposal is consistent with HB 1110 requirements to achieve missing middle housing types. Responding to Councilmember Lee, Mr. Kattermann said the City received a couple of comments earlier in the day expressing opposition to increased density at the farm property.

Responding to Mayor Robinson, Councilmember Lee said he did not have any strong data to support the Overlake Farm request at this time.

Councilmember Barksdale expressed support for the preferred alternative for Overlake Farm.

Mayor Robinson expressed support for studying the proposal. She said it appears to be consistent with the multifamily development immediately north of the property and she would like further study of the impacts.

Councilmember Zahn said she was struggling with studying one site-specific request when there are 23 other requests. From an equitable review standpoint, she would support the preferred alternative to be consistent in not including any of the site-specific requests in the FEIS review.

Mayor Robinson said she has spoken with the family who made the request over the past year. She said there are many ways they could have applied for increased density and the City recommended that they do so through the Comprehensive Plan update process. She said she was not sure why the Planning Commission did not choose to consider the request. Ms. Robinson said she has not seen the other site-specific requests.

Councilmember Zahn thanked Mayor Robinson for the information. Responding to Ms. Zahn, Mr. Kattermann said staff also met with some of the other property owners who submitted requests through this process. He said staff reviewed the 23 requests and the Overlake Farm request was given the same consideration as the other site-specific requests.

Ms. Zahn asked why the Planning Commission's preferred alternative is different than the Overlake Farm request. Mr. Kattermann said that in reviewing the requests, staff determined that some requests were not consistent with the anticipated direction of the plan. For the Overlake Farm request, staff looked at the zoning around the property and the anticipated future development. Mr. King noted that 20 acres with R-Low zoning could allow 150-300 dwelling units.

Councilmember Zahn said it sounded like staff and the Planning Commission considered the site-specific requests through an equitable approach.

Mayor Robinson noted that a majority of the Council supports the preferred alternative for the Overlake Farm request.

Councilmember Lee said this is a complex decision that will affect other properties. He encouraged transparency and consistency to make a good decision. He said he was struggling to make a decision without more information.

Moving to affordable housing, Councilmember Robertson expressed support for studying mandatory versus incentive systems, the impacts of other affordable housing programs (e.g., MFTE, rental and ownership) and the impact of mandatory inclusionary housing on the price of market-rate units.

Deputy Mayor Nieuwenhuis said the incentive system has worked well for Bellevue. Mr. Kattermann noted staff's interest in studying the number of units that could be generated through mandatory versus incentive approaches. He said the only opportunity for applying any type of mandatory inclusionary system is when the City approves an increase in capacity. With the City looking at significant increases in capacity in certain areas, this is the opportunity to study the impacts.

Mayor Robinson expressed support for the preferred alternative and for studying the items noted above.

Responding to Councilmember Zahn, Mr. Kattermann said the fee in lieu option could fit in both mandatory and incentive systems.

In further response to Ms. Zahn, Ms. Johnson said affordable housing is defined as households earning up to 80 percent of the area median income (AMI). Ms. Johnson said the economic analysis will provide an opportunity to study whether the same guideline should apply to home ownership. Councilmember Zahn said it would be helpful to understand whether the alternatives contribute to more affordable and middle housing types. She suggested also studying workforce housing for 80 percent AMI to 120 percent AMI households.

Responding to Councilmember Stokes, Mr. Kattermann confirmed that the greatest need for affordable housing is for households earning up to 50 percent AMI.

Councilmember Lee said he is not in favor of mandatory inclusionary housing and would prefer to continue to use incentives. Responding to Mayor Robinson, Mr. Lee said he does not want to study mandatory housing through the FEIS process.

Responding to Mayor Robinson, Mr. King said it will take more staff time to study up to 120 percent AMI housing. However, he said it falls into the overall methodology of the analysis. The analysis will show some of the tradeoffs between different affordability levels and the number of housing units created.

Deputy Mayor Nieuwenhuis said he is comfortable moving forward as proposed. However, he prefers an incentive system over mandatory inclusionary housing.

Councilmember Barksdale said he is comfortable with studying the Planning Commission's preferred alternative and the additional issues identified by the Council and staff.

Mayor Robinson said she does not consider 120 percent AMI households as affordable housing. However, she acknowledged that more housing of all types is needed.

Mayor Robinson noted a consensus to move forward with the expanded scope of studying both workforce and affordable housing, including rental and ownership options.

Moving to the tree canopy, Mayor Robinson said she spoke on this topic the previous week. Her view was not that the tree canopy is foundational to the identity of Bellevue but rather foundational to future Land Use Code work. Mr. Kattermann concurred and said the FEIS provides an opportunity for further analysis of the tree canopy.

Responding to Councilmember Stokes, Mr. Kattermann said the analysis will study the effect of the preferred alternative on the tree canopy. He said the data will help inform future land use decisions.

Councilmember Lee said the tree canopy is foundational to affordable housing in Bellevue. Responding to Mr. Lee, Mr. Kattermann said the study will consider the tree canopy relative to land use decisions.

Councilmember Robertson said the tree canopy is foundational to livability in Bellevue. She expressed support for studying the impact of the preferred alternative on the tree canopy through the FEIS process. She suggested that Comprehensive Plan policies establish a goal for the minimum tree canopy in every subarea of at least 30 percent. She hopes the study will support the development of appropriate policies on how to support more trees citywide.

Responding to Mayor Robinson regarding the site-specific requests, Mr. King displayed the map depicting the locations of the 23 requests. The requests were received during the 45-day comment period for the DEIS. Mr. King noted a handout summarizing the rationale for not including the requests in the preferred alternative. However, he noted that any of them could be studied in the FEIS if directed by the Council.

Mayor Robinson asked why request #3 for a proposal in the Spring District was not selected for further study, especially given the level of investment to date to develop the area. Mr. King said the current height limit in the Spring District is 150 feet and the preferred alternative includes heights up to 250 feet. However, staff determined that the request to build up to 350 feet was out of proportion when you look at the Spring District as a complement to Wilburton and the Downtown.

Councilmember Robertson asked whether the preferred alternative reflects any areas of the city, other than perhaps R-Large Lot districts, that are not being studied for additional density. Mr. King said there are some office zoned properties that are largely remaining the same. The rationale was to avoid displacing a number of smaller businesses in those areas.

Ms. Robertson said that staff and the Planning Commission reviewed the 23 site-specific requests. She suggested that with the increased density in all of the alternatives, it might be a good idea to live with that for awhile to see the impacts before considering additional proposals.

Responding to Councilmember Stokes, Mr. Kattermann said the site-specific requesters have the options of a development agreement or the annual Comprehensive Plan Amendment (CPA) process for their proposals.

Mayor Robinson noted a consensus to move forward without including the site-specific requests in the FEIS analysis.

Mr. King highlighted the follow-up items from previous Council discussion: 1) traffic analysis, 2) summary of alternatives, impacts and mitigation, 3) tree canopy map, 4) building types under HB 1110, and 5) evaluation of how alternatives align with the values.

Mayor Robinson noted the values of affordable and market-rate housing, sustainability, equity and diversity.

Councilmember Lee expressed support for the study of impacts and mitigation and for the traffic analysis. He asked about the impact of the alternatives on infrastructure, including utilities. Mr. Kattermann said those are analyzed in the FEIS.

→ Deputy Mayor Nieuwenhuis moved to confirm Council direction to study the Planning Commission's preferred alternative, as amended by the Council during their July 17 and July 24 discussions, in the FEIS. Councilmember Robertson seconded the motion.

→ The motion carried by a vote of 7-0.

(b) Discussion of Updates to City Council Rules and Amendments to the Bellevue City Code for Advisory Boards and Commissions

City Manager Miyake introduced staff's update regarding changes to the Council rules and to code provisions governing boards and commissions.

Kathy Gerla, City Attorney, said the Council approved code changes approximately one year ago and directed staff at that time to provide an update after the first year. She said the rules for public participation have not been reviewed for at least eight years. She said the Council asked staff to review the guidelines and to consider any needed revisions.

Charmaine Arredondo, City Clerk, said staff is seeking direction to bring back amendments to the City Council Rules and to the code provisions for boards and commissions. The proposed rule for remote participation by Councilmembers moves from an approval process to a notification process requiring notice to the City Clerk by noon on the day of the meeting. The proposed changes state that the presiding officer must attend in person and there is a process for selecting a temporary presiding officer if both the Mayor and Deputy Mayor are participating remotely.

Ms. Arredondo noted the current limit on remote participation of four meetings per year. The proposed changes state that remote participation due to participation in or travel for other City business is not counted toward the annual limits. She said a provision about camera expectations

recommends that Councilmembers keep their cameras on during meetings while participating remotely. Ms. Arredondo said that if Councilmembers do turn off their cameras and temporarily leave the room, they should inform the City Clerk at that time to ensure a quorum.

The proposed rule change for remote participation by members of boards and commissions is to require notice to the chair and staff liaison by noon of the day before the meeting. If more than three members request remote participation, the staff liaison would determine who would get to participate remotely.

Ms. Arredondo described the proposed changes for oral communications during Council meetings. Individuals wishing to speak must sign up for themselves. There have been instances in the past in which individuals signed up multiple people to speak. She said there would be an exception for a minor being registered by a parent or guardian and for anyone else needing assistance from staff.

The Council rules currently allow for the prioritization of speakers only if the number of people signed up to speak is anticipated to exceed 30 minutes. Ms. Arredondo said staff proposes a provision that automatically prioritizes individuals speaking to items on the evening's agenda. She said the presiding officer may give preference to those who have not spoken to the Council within the past 30 days and/or are speaking to items anticipated for a future Council meeting agenda within the next 30 days.

Ms. Arredondo said the Council has the options of extending the time period for oral communications, adding a second oral communications period at the end of the meeting and/or reducing the length of individual comments to two minutes. She said each of those options would require a majority vote by the Council. Ms. Arredondo noted the proposed revision to the rules stating that oral communications topics must relate to the City of Bellevue government.

Ms. Gerla commented regarding the rules of decorum for Council meetings. She said staff recommends updating the rules to reflect a general prohibition for conduct that disrupts the orderly conduct of the meetings. She suggested including in the rules specific examples of disruptions such as supporting or opposing candidates or ballot measures, causing purposeful delay, shouting, clapping, outbursts, audible speech from audience, standing and obstructing the view of attendees, approaching Councilmembers or City staff during meetings and affixing signs or using them to endanger or obstruct others.

Ms. Gerla said conduct not protected by the First Amendment is defined by the U.S. Supreme Court and prohibits engaging in true threats of violence, use of obscene (i.e., sexually explicit) language or gestures, and assault or attempted assault.

Staff recommends the following enforcement options for disruptions: 1) terminate the comment period and direct the microphone to be muted, 2) direct security personnel to assist a person to a seat, 3) order a person to leave the meeting and have them removed if they refuse, and 4) exclude an individual from future comment periods or meetings for up to 60 days for repeated disruptions.

Ms. Gerla said there is a process for issuing an exclusion, which should rarely be used. The Council may overrule the presiding officer's decision to exclude an individual, and exclusion from future meetings can be appealed to the City Council.

Ms. Gerla described the proposed code changes applicable to boards and commissions. The proposed change regarding the scope of public comment indicates that topics must relate to the City of Bellevue government and to subject matters within the powers and duties of the board or commission. Ms. Gerla noted the option for the chair to limit public comments to agenda items.

The proposed changes to the rules of decorum and enforcement measures are the same as what is recommended above for the City Council. However, exclusion from future meetings may be overruled by the board, commission or City Council. Exclusion from a board or commission meeting may be appealed to the City Council.

Ms. Arredondo described a recommendation to add an agenda item to the City Council agendas for written reports (e.g., intergovernmental affairs written updates, periodic updates on adopted plans).

Ms. Arredondo requested direction to staff to prepare amendments to the Council's rules of procedure and to the Bellevue City Code concerning remote participation and public participation, and Council order of business, for action at a future meeting.

Responding to Deputy Mayor Nieuwenhuis, Ms. Gerla clarified that "true threat" is the language from the U.S. Supreme Court definition. Mr. Nieuwenhuis expressed support for the proposed changes.

Mayor Robinson would prefer to not limit public comment to agenda items for the boards and commissions.

Referring to the rules for remote participation, Mayor Robinson suggested the following language: "In anticipation of the absence or remote attendance, the mayor may appoint a presiding officer in advance."

Responding to Councilmember Lee, Ms. Arredondo recalled an instance when the Mayor was participating remotely and the Deputy Mayor was absent, and the Mayor appointed Councilmember Stokes to preside over the meeting.

Councilmember Zahn said she was pleased to see the removal of the requirement for people to publicly state their address during oral communications. She expressed concern about limiting public comments to agenda items. She expressed support for the option of reducing the time allowed for each person to speak from three minutes to two minutes.

Ms. Zahn noted that clapping is sometimes allowed in Council meetings and she does not want to adopt rules that are not enforced. Ms. Gerla said the presiding officer has the discretion to decide whether to enforce the rule or to issue a warning. She said the clapping must be considered a disruption to the meeting.

Councilmember Zahn suggested revising the provision regarding speaking about agenda items anticipated over the next 30 days. She said the public may not be aware of upcoming agenda topics.

Ms. Arredondo said the Council rules currently allow that prioritization can be given to individuals who have not spoken to the Council during the last quarter or who are speaking to items anticipated to come before the Council within the next quarter. She said “quarter” was changed to 30 days. She said the rule has generally not been used for prioritizing public speakers.

Mayor Robinson said the rule has been helpful when there were many people signed up to speak during oral communications.

Councilmember Stokes asked about the change from a quarter to 30 days. Ms. Arredondo said that quarter is not defined (i.e., calendar quarter versus rolling quarter) in the current rules.

Mr. Stokes recommended changing to 60 days, and Mayor Robinson concurred.

Councilmember Barksdale commented regarding the appointment of a temporary presiding officer. He suggested specifying a sequence following the Mayor and Deputy Mayor, for example, most recent Mayor, most recent Deputy Mayor, most senior Councilmember, etc. He said this would provide predictability in the rules. Mayor Robinson concurred with the suggestion.

Mr. Barksdale suggested consistency between the Council and the boards and commissions in terms of prioritizing public speakers based on whether they are speaking to agenda items. He asked whether the rule against approaching Councilmembers and staff during meetings applies to breaks during the meetings. Ms. Gerla said the provision is not intended to exclude contact during breaks.

Mayor Robinson summarized the Council’s suggestions: 1) use 60 days instead of 30 days for the rule regarding comments about upcoming agenda items, 2) do not limit public comment to agenda items for both the Council and the boards and commissions, and 3) sequencing for determining the temporary presiding officer.

→ Deputy Mayor Nieuwenhuis moved to direct staff to prepare legislation for action at a future meeting to amend the Council Rules and the Bellevue City Code related to Boards and Commissions, amended as summarized by the Mayor. Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 6-0, with Councilmember Robertson absent.

(c) Intergovernmental Affairs [*Written information only. No presentation.*]

11. Land Use: None.

12. Other Ordinances, Resolution, and Motions: None.

13. Unfinished Business: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:49 p.m., Mayor Robinson declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw