

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

April 23, 2024
6:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Robinson, Deputy Mayor Malakoutian and Councilmembers Hamilton, Lee, Nieuwenhuis, Stokes and Zahn

ABSENT: None.

1. Call to Order

The meeting was called to order at 6:04 p.m., with Mayor Robinson presiding.

2. Roll Call; Flag Salute

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

- (a) National Week of Action for Missing and Murdered Indigenous Women and Girls Proclamation

Councilmember Stokes read the proclamation recognizing April 29 through May 5, 2024, as the National Week of Action for Missing and Murdered Indigenous Women and Girls in Bellevue. He noted the disproportionate rates of violence against this population and encouraged the public to explore available resources and to organize awareness activities in your community.

Reuben Twin said he is a Oglala Lakota from Pine Ridge, South Dakota, currently working for Mother Nation, a nonprofit organization that delivers social and cultural healing services for Native women. He thanked the Council for the proclamation.

Shanna Howtopat, a MMIWP (Missing and Murdered Indigenous Women and People) Advocate with Mother Nation, thanked the Council for the proclamation and introduced Winona George, an intern and University of Washington student majoring in social work. Ms. George said this recognition means a lot to her as a future social worker. She said the advocates handle this work with a great deal of compassion.

(b) Global Youth Service Day Proclamation

Councilmember Zahn read the proclamation declaring April 26, 2024, as Global Youth Service Day in Bellevue and encouraged all youth and their families to seek out opportunities for community service.

(c) Building Safety Month Proclamation

Councilmember Nieuwenhuis read the proclamation recognizing May 2024 as Building Safety Month in Bellevue. He commended the many professionals who work to ensure protection for life and safety including architects, engineers, builders, inspectors, tradespeople, designers, laborers and others in the construction industry.

Gregg Schrader, Building Official, thanked the Council for the proclamation and commended the design and construction professionals who work to ensure the safety of the built environment. He expressed appreciation for City staff who review plans, process permits and conduct building inspections.

Fire Marshal Travis Ripley thanked the Council for the proclamation and noted that building safety is a key focus of his work.

3. Approval of Agenda

- Deputy Mayor Malakoutian 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 said the total time for oral communications is for a period not to exceed 30 minutes and topics must relate to City of Bellevue government. Persons speaking to items on the agenda will be called first and if time remains, others will be called. The presiding officer is authorized to give preference to individuals who have not spoken to the Council within the past 60 days or who are speaking to items that will come before the Council in the upcoming 60 days.

- (a) Chirag Singh said his family has been dealing with a squatter in their rental home for the past two years. The squatter has filed restraining orders against his father to prevent him from traveling on the road where the house is located. He said this is causing emotional distress for the family and has disrupted their lives. However, he said his family works to maintain a mental state of resilience and optimism. He encouraged stricter regulations for squatters.
- (b) Tyler Tonkin, Executive Vice President of GLY Construction, said they are based in Bellevue and have built many large projects including Overlake Medical Center expansions, Lincoln Square expansions and ongoing work at the Bellevue Collection. He

expressed support for the proposed changes to the City's noise code as reflected in Option B of the meeting materials [Agenda Item 12(a)]. He said expanding the hours for construction noise will allow projects to be completed more quickly. He thanked the Council for addressing this important issue.

- (c) Mariya Frost, Transportation Director for Kemper Development Company, thanked the Council for the new reasonable and balanced direction provided on March 25 regarding the Bike Bellevue program. She expressed appreciation for the Council's discussion and Councilmember Nieuwenhuis's amendment that repurposing vehicle lanes would be considered only as a last resort. She looks forward to the City implementing a multimodal transportation system that truly accommodates and improves the mobility of all modes, consistent with the Bike Bellevue guiding principles. She thanked the Council for listening to all views on this topic and for pursuing a balanced path forward. Ms. Frost said that on April 11, the Transportation Commission moved forward with three Bike Bellevue corridors in response to Council direction to implement projects that do not remove travel lanes. She said the NE 2nd Street project (Bellevue Way to 112th Avenue NE) eliminates a westbound through lane, a westbound right-turn lane, and a center left-turn lane. She said the Transportation Commission approved that portion of the NE 2nd Street corridor contingent on staff redesigning the project so that no vehicle lanes are removed. She said the current design of the Wilburton route eliminates a southbound right-turn lane on 116th Avenue. She wants to ensure that the final project design is consistent with the guiding principles.
- (d) Jaskaran Singh said common sense is missing in his experience over the past two years to evict a tenant from his rental home. He said the system is broken and he asked how taxpayers' dollars can be used to assist the tenant. He said there are uninhabited homes in the neighborhood that the owners are not renting due to the difficulty in evicting tenants who do not pay rent. He said many landlords across the state are suffering from similar circumstances.

Mayor Robinson asked the City Manager and City Attorney to follow up with Mr. Singh to discuss the City's role in this matter. She asked the City Manager to let her know if there is anything the City Council can do to influence the situation.

- (e) Alex Tsimerman said the Council is not representative of the community. He said he has received 10 traffic tickets over the past year. He said the police department threatened to tow his car because he did not show proof of insurance.

Mayor Robinson asked the City Manager to look into whether Mr. Tsimerman can bring his proof of insurance to the police department.

- (f) Joe Kunzler thanked Mayor Robinson for trying to redirect Mr. Tsimerman's comments this evening. Mr. Kunzler said it is inhumane and anti-American to attack individuals who are serving the public as Councilmembers. He said he objects to insults aimed at immigrants. He said he is lobbying the City of Redmond to address public bullying of the Councils. Mr. Kunzler said he is pleased to see the opening of light rail on the Eastside.

Mayor Robinson said she appreciates that nearly everyone who speaks during oral communications speaks in a civil, intelligent and productive manner. She said the Council is committed to Bellevue's diverse community and proud to represent everyone.

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

6. Report of the City Manager

(a) Sound Transit Light Rail 2 Line Opening Celebration

Acting City Manager Diane Carlson introduced staff's briefing regarding the opening of the light rail 2 Line/Starter Line on April 27.

Maher Welaye, Assistant Director, Transportation Department, said that hundreds of past and present staff members over the past 15-20 years have helped to achieve the opening of the 2 Line from Bellevue to Redmond. Sound Transit began safety testing and pre-service checks for the 2 Line on November 20, 2023. The City will continue to work with Sound Transit to prepare for the full operation of light rail between the Eastside and Seattle beginning in 2025.

Laura Milstead, Public Information Officer, City Manager's Office, said there are eight stations between South Bellevue and the Redmond Technology Center with two-car trains running every 10 minutes between 5:30 a.m. and 9:30 p.m., seven days per week. The South Bellevue station and park and ride lot has 1,500 parking spots and the BelRed station has 300 parking spots. No service changes to current King County Metro and South Transit Express bus routes are planned at this time. A ribbon cutting ceremony is planned for Saturday, April 27 at 10:00 a.m. at the Downtown Bellevue station next to City Hall Plaza. Community events are scheduled at all eight stations between 11:00 a.m. and 4:00 p.m.

Assistant Chief of Police Andrew Popochock said the Bellevue Police Department's new light rail unit (BLU) will be visible along the light rail line beginning on April 27. The goal is to foster a safe and positive riding experience for residents, workers and visitors while reducing crime and the fear of crime. Officers will be on bikes, on foot, on the trains and on adjacent streets. Chief Popochock noted their partnership with the Bellevue Fire Department, Transportation Department and regional partners (e.g., Sound Transit, King County Sheriff's Office).

(b) Bike Bellevue Transition

Ms. Carlson introduced staff's update regarding the Bike Bellevue program. She recalled that on March 25, the Council provided additional guidance to the Transportation Commission regarding the program.

Andrew Singelakis, Director, Transportation Department, said the Council's direction to staff on March 25 was to prepare a recommendation for each Bike Bellevue corridor consistent with seven categories. The plan includes 11 corridors intended for rapid build implementation within the City right-of-way using painted lane striping and flex posts. The Transportation Commission

addressed the first category of projects, which are those that would not require travel lane repurposing. Mr. Singelakis said the Transportation Commission unanimously selected three corridors that fit into that category and can be implemented relatively quickly. He said the Transportation Commission will continue its consideration of the other categories during its May meeting.

Kevin McDonald, Principal Planner, said the Transportation Commission was pleased to receive more specific direction from the Council. He said the three corridors selected that would not require repurposing vehicle travel lanes are: Wilburton route (Corridor 9), Lake Washington Boulevard (Corridor 7) and NE 2nd Street (Segment 6B, Bellevue Way to 112th Avenue). He said the draft design concept in some places does involve repurposing a travel lane, center lane or turn lane to provide the bicycle facility. However, the final design will reflect the Council's direction.

(c) Update regarding Fire Station 10

Moving on, City Manager Carlson highlighted Agenda Item 8(d), Ordinance No. 6784, related to the construction of Fire Station 10. As a result of ground contamination on the construction site, the station will have an electric heating and ventilation system instead of a geothermal system. The ordinance covers the cost of soil mitigation, redesign, material acquisition and the placement of a generator and upgraded electrical supply for approximately \$10 million. The construction timeline will be delayed for 3-6 months with the opening of the fire station anticipated during the second quarter of 2025.

Mayor Robinson, following up on her earlier comments during oral communications, said the Council supports the Bellevue Police Department, whose officers are willing to risk their lives on a daily basis to protect the community.

7. Council Business and New Initiatives

(a) Council Liaison Recommendations for Appointments to Human Services Commission

→ Councilmember Zahn moved to approve the following appointments to the Human Services Commission:

- Position 1: Delfina Medina, serving a partial term expiring on May 31, 2026.
- Position 4: Edmund Wong, serving a partial term expiring on May 31, 2027.
- Position 5: Angela Phan, serving a partial term expiring on May 31, 2025.

Councilmember Stokes seconded the motion.

Councilmember Zahn said there were a number of impressive candidates. She said Ms. Medina has served the community focusing on mental health and inclusive, affordable and safe places to live. Mr. Wong's experience includes many years working in education and applying an equity lens for the community. Ms. Phan previously served on the Human Services Commission before

moving away from Bellevue for several years. She recently returned to Bellevue and Ms. Zahn said Ms. Phan's familiarity with the City's grant process will be an asset. Ms. Phan's experience includes working with nonprofit organizations, youth and senior adults in the areas of transportation, English as a second language classes, and ensuring a sense of belonging in the community.

Councilmember Nieuwenhuis said he is pleased to see Ms. Phan returning to the commission.

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

8. Consent Calendar

→ Deputy Mayor Malakoutian 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 April 8, 2024 Regular Meeting
- (b) Motion to award Bid No. 24020 for Vasa Creek SE Newport Way Culvert Repairs and Outlet Dissipation to Ecogrind Site Solutions, as the lowest responsive and responsible bidder, in an amount not to exceed \$449,615.00, plus all applicable taxes (CIP Plan No. D-64).
- (c) Motion to award Bid No. 24008 for 170th Place SE Pressure Improvements to Road Construction Northwest, Inc., as the lowest responsive and responsible bidder, in an amount not to exceed \$1, 178,359.00, plus all applicable taxes (CIP Plan No. W-117).
- (d) Ordinance No. 6784: 1) amending the 2023-2029 CIP Plan to increase the budget for the Fire Station 10 (Levy) Project (CIP Plan No. PS-64) by \$10,200,000; 2) decreasing the budget for the Fire Station 4 (Levy) Project (CIP Plan No. PS-65) by \$5,100,000; and 3) decreasing the budget for the Fire Warehouse & Special Projects (Levy) Project (CIP Plan No. PS-67) by \$5,100,000.
- (e) Resolution No. 10382 authorizing execution of Change Order 1 to increase the construction contract with Cornerstone General Contractors, Inc. (Bid No. 21022) by an amount not to exceed \$2,345,960, plus all applicable taxes, for a contract total amount not to exceed \$34,579,270, plus all applicable taxes, for the Fire Station 10 Project (CIP Plan No. PS-64).
- (f) Resolution No. 10383 authorizing execution of Amendment 6 to increase the Professional Services Agreement with Bohlin Cywinski Jackson by \$723,451, plus all applicable taxes, for a total contract amount not to exceed \$9,780,386,

plus all applicable taxes, for Architectural Design/Engineering Services for Fire Station 10 and Fire Station 5.

At 6:58 p.m., Mayor Robinson declared a short break. The meeting resumed at 7:10 p.m.

9. Public Hearing

- (a) Public Hearing and action on Ordinance No. 6785 to modify, or both extend and modify, an Interim Official Control adopted by Ordinance No. 6736 and extended by Ordinance No. 6760. The Interim Official Control increases the residential floor area ratio with the provision of affordable housing, allows development flexibility in exchange for affordable housing, and provides projects flexibility in utilizing floor area in the Downtown perimeter overlay. The Interim Official Control also provides for vesting to this temporary and interim control, reserves the right to adopt permanent regulations, provides for severability, and establishes an effective date. Modifications to be considered relate to the vesting language contained in the Interim Official Control.

City Manager Carlson introduced the public hearing regarding the Interim Official Control (IOC) that increases the residential floor area ratio (FAR) allowed with the provision of affordable housing, allows development flexibility in exchange for affordable housing, and provides project flexibility in utilizing floor area in the Downtown perimeter overlay.

Nick Whipple, Code and Policy Director, Development Services Department (DSD), recalled that Ordinance No. 6736 (extended by Ordinance No. 6760) was related to the Affordable Housing Strategy's Next Right Work initiative. In July 2022, the Council prioritized five actions to increase the production of market rate and affordable housing, and the residential FAR Land Use Code Amendment (LUCA) was initiated in December 2022. Phase 1 of this effort focuses on the downtown and the IOC was adopted on May 8, 2023 and extended on October 23, 2023. The current IOC expires on May 18.

Mr. Whipple said there was Council discussion on October 23 about changing the vesting language in the IOC, and staff was directed to explore how it could be modified to accommodate four projects that vested to the IOC. He said staff modified the vesting language and has identified options to extend the IOC. The objective of the downtown IOC is to quickly respond to application-ready projects, encourage residential development, test the FAR increase and measure the outcomes against policy objectives, and to increase the production of affordable housing.

Mathieu Menard, Senior Planner, said the current IOC increased the FAR exemption for affordable housing. Under the current downtown code, for every square foot of affordable housing, a developer receives a FAR exemption for 2.5 square feet of market rate housing. Under the IOC, the exemption increased for one square foot of affordable housing to allow 4 square feet of market rate housing. The IOC provides flexibility in the Perimeter Overlay around the edges of downtown if a developer provides 20 percent in affordable housing. The flexibility includes a 25-foot height increase, 15-foot setback reduction and five percent lot coverage increase. The

IOC eliminated parking requirements for affordable housing and allows projects to move FAR from the Perimeter Overlay to outside the overlay within the same site.

Mr. Menard said four projects have been submitted under the IOC regulations to provide approximately 2,235 market rate units and 118 affordable housing units. He recalled that staff was asked in October to come back with revisions to the vesting language based on comments from the development community. The vesting language in the IOC has been updated to be consistent with the Land Use Code, which allows a project to vest a Master Development Plan (MDP) for up to 10 years, at the discretion of the DSD Director.

Mr. Menard described two options for the Council's consideration. Option A modifies the vesting language and extends the IOC to November 2024. Option B modifies the vesting language and does not extend the IOC. Mr. Menard said there has been recent public comment from developers requesting that the City extend the IOC.

Mr. Menard said staff recommends Option B because it responds to concerns identified by the four vested projects and ensures that future projects meet current codes, including potential changes to the ratio of market rate to affordable housing. Under this option, projects submitted after May 17 would not vest to the IOC. Mr. Menard said staff determined that the one-year test period for the downtown IOC has been sufficient. He noted that the developer of a recently identified project indicated that they would not be ready in time to vest under this option. He said staff believes sufficient data has been collected to move forward with Phase 2 of this work.

Mr. Menard said staff contacted the four development teams that have vested under the current IOC and not all of them were supportive of the proposed vesting change. He noted additional outreach to the Bellevue Chamber of Commerce, Eastside Affordable Housing Coalition and Bellevue Downtown Association as well.

Mayor Robinson thanked staff for the presentation.

- Deputy Mayor Malakoutian moved to open the public hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

City Clerk Arredondo noted that two written comments were received for the public hearing and have been included in the Council's desk packet.

1. Cindy Ju, representing Hines, said they are the developers of the Main Street Place mixed use project. She thanked the Council and DSD staff for recognizing the importance of the IOC to address a severe housing shortage. She said Hines is one of the parties vested under the IOC. The project is expected to provide more than 400 units of transit-adjacent market rate and affordable housing near the East Main light rail station. She encouraged the Council to extend the IOC through November and to ask staff to bring back an ordinance that, at a minimum, makes section 3 relating to FAR transfer permanent.

2. Alex Tsimmerman expressed concern regarding the lack of affordable housing.
 3. Jessie Clawson, a land use attorney with McCullough Hill Leary, spoke in favor of Option A to extend the IOC for six additional months. She said that would enable the John L. Scott project to take advantage of the terms of the IOC. That project was originally contemplated one year ago to potentially utilize the IOC. She said a couple of developers have looked at the site and one is now able to apply. She said she was not aware of any other projects that would be able to apply within the next six months. The project includes 344 residential units across the street from the East Main light rail station. Of those, 12 units would be priced at 65-percent AMI (area median income) and 59 units would be priced at 80-percent AMI.
 4. Alan Cantlin, Trammell Crow, said they are the developer of the John L. Scott project. He said they will be ready to apply for a permit within 4-6 months. He clarified that the project will provide 69 affordable housing units (65-percent AMI and 80-percent AMI). He asked the Council to extend the IOC for six months.
 5. Heidi Dean expressed concern regarding the lack of parking requirements. She said even low-income households have and need cars. She said that 90 percent of individuals living in ARCH (A Regional Coalition for Housing) housing units have cars according to ARCH staff.
- Deputy Mayor Malakoutian moved to close the public hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

Councilmember Zahn thanked staff for their work and the development community for their involvement and input. She said she was generally supportive of Option A and would like the John L. Scott project to be able to move forward. Responding to Ms. Zahn, Mr. Menard confirmed that the Council could choose a four-month extension.

Councilmember Stokes asked about the expected difference in outcomes with Option A versus Option B. He spoke in favor of allowing the additional project to vest under the IOC, if extended.

Mr. Menard said Option B would not allow future projects to vest unless they are submitted within the next few weeks. They would vest under the current or future downtown code.

Mr. Stokes noted that both options are temporary and the immediate goal is to encourage the production of housing units.

Responding to Mayor Robinson, Mr. Menard compared the IOC to previous regulations.

Deputy Mayor Malakoutian expressed support for extending the IOC for four months. He asked whether there are negative factors related to extending the IOC. Mr. Menard said it is a little more difficult to administer a temporary ordinance, but that is not a substantial drawback.

Councilmember Lee said the IOC seems to be working well in encouraging the development of housing. He expressed support for Option A and would support a four-month or six-month extension of the IOC.

Responding to Mr. Lee, Mr. Menard said staff recommends Option B because from a staff perspective, they collected the data they needed to evaluate the effectiveness of the code. He said four projects are shovel-ready to move forward and staff recommends terminating the IOC. He said extending the IOC for 4 to 6 months would be equally appropriate. Councilmember Lee suggested continuing with the IOC given its positive influence on housing development.

Mayor Robinson expressed support for extending the IOC for four months versus six months. She said the current IOC has been successful and addressed the Council's concerns about changes in the development market. She said the IOC appears to be producing affordable housing units. However, much more affordable housing is needed, especially at the lowest income levels.

Ms. Robinson said she anticipates that the permanent code recommended by staff will have stronger incentives to produce more affordable housing than five percent of a project. She said she appreciated that approximately 20 percent of the units in the Trammell Crow project are affordable housing units. She said she does not want the IOC to last so long that many more projects vest under regulations that do not produce as much housing as they could. She said she hopes staff comes back in four months with an affordable housing recommendation that could be implemented at that time, before finalizing the permanent regulations. She supports extending the IOC for four months.

Councilmember Nieuwenhuis spoke in favor of Option A with a preference for extending the IOC for six months. He expressed concern regarding the threat to the Trammell Crow project moving forward without the IOC. He thanked staff for their work and expressed support for Option A.

Responding to Councilmember Hamilton, Mr. Whipple said that if the applicant missed a potential four-month deadline, they would not be able to take advantage of the IOC provisions. Mr. Hamilton expressed support for extending the IOC for six months or four months (Option A). He said he does not want to miss out on any potential affordable housing units in Bellevue.

Mayor Robinson said the IOC requires that five percent of housing units be affordable housing units for most of the projects, which is not adequate. She said the typical goal is 20 percent. She expressed concern that allowing more time to vest under the IOC could result in a lower level of affordable housing than could have been achieved through other regulations.

Councilmember Zahn said it would be good to be able to achieve 20 percent affordable housing, especially in the East Main transit-oriented development (TOD) area. She said the IOC is intended to be short-term and temporary. However, Ms. Zahn said she would support a four-month extension and would like to see the Trammell Crow project able to move forward.

Mayor Robinson observed that there was unanimous support for Option A, with some favoring a four-month extension of the IOC and others favoring a six-month extension.

Councilmember Stokes reiterated his support for Option A and his commitment to producing affordable housing.

Deputy Mayor Malakoutian reiterated that he is aligned with Mayor Robinson and Councilmember Zahn in favor of extending the IOC for four months. He said he is looking forward to discussing the lessons learned and development of the permanent code. He said it will be good to incentivize even more affordable housing.

Councilmember Lee reiterated his support for extending the IOC for six months. Councilmember Nieuwenhuis concurred.

Councilmember Stokes said he would support extending the IOC for four months or six months. Councilmember Hamilton concurred.

Mayor Robinson reiterated she would be comfortable with a four-month extension. She said that is a good compromise between the interests of housing advocates and developers.

- Deputy Mayor Malakoutian moved to adopt Ordinance No. 6785, Option A. Councilmember Stokes seconded the motion.
- Deputy Mayor Malakoutian moved to amend the ordinance to a four-month extension. Councilmember Zahn seconded.
- The motion to amend carried by a vote of 6-1, with Councilmember Lee opposed.
- The motion to adopt Ordinance No. 6785, as amended, carried by a vote of 7-0.

At 8:00 p.m., Mayor Robinson declared a short break. The meeting resumed at 8:17 p.m.

10. Study Session

- (a) Potential establishment of two new competitive grant programs: 1) Art and Cultural Facility Capital Projects Grant program; and 2) Art and Cultural Facility Capital Maintenance Grant program; and potential amendment of Bellevue City Code (BCC) to add review and recommendations on these grants to the Bellevue Arts Commission's duties.

City Manager Carlson introduced discussion regarding the potential establishment of two new competitive grant programs for art and cultural facilities.

Jesse Canedo, Assistant Director, Community Development Department, said the proposed new grants are the next step in implementing several elements of the economic development plan

focused on arts, the creative economy and tourism. He said it is also an important step in getting dollars out to the community to create art and cultural spaces and places.

Lorie Hoffman, Arts and Creative Economy Manager, said staff is seeking Council direction to prepare three ordinances for: 1) establishing the Art and Cultural Facility Capital Projects Grant, 2) establishing the Art and Cultural Facility Maintenance Grant, and 3) amending the Bellevue City Code to add these grants to the Arts Commission's purview.

Ms. Hoffman said there is a high demand for cultural facilities in Bellevue and on the Eastside, and facilities are often very expensive and would need repairs and modifications to accommodate unique needs. She highlighted a number of surveys and studies used to determine the demand and specific needs of the arts community: 2022 Arts Market Study, 2023 Cultural Facilities Needs Study, 2023 Arts and Economic Prosperity 6 Study and ongoing stakeholder engagement.

Ms. Hoffman said staff recommends establishing two new grant programs: 1) Art and Cultural Facility Capital Projects Grant, and 2) Art and Cultural Facility Capital Maintenance Grant. Staff recommends a selection and approval process similar to the current process for formulating the City's regular arts grants recommendations. The underlying principles and values for the grant programs are equitable access, increased visibility, transparent and streamlined process, regular and predictable funding cycles, and support for a variety of organizations. The Arts Commission will review and score the applications and make recommendations for the Council's consideration and approval.

Manette Stamm, Arts Program Analyst, said to be considered eligible for a grant, applicants must have been operating as a nonprofit organization for at least two years, be fiscally stable, have diverse project funding, and provide a public benefit. Applicants for capital maintenance grants must be the owners of the building. Public benefits include providing broad public access to the arts, economic benefits for local businesses and overall social benefits. Ms. Stamm said the grant funds cannot be used for operations or fundraising. The funding is capped at 40 percent for large projects, and land costs must be tied to a capital facility project.

Ms. Stamm provided an overview of the review process and timeline, beginning with outreach and the receipt of applications through July. Applications will be reviewed in August and grants will be awarded in September. Ms. Stamm said King County's 4Culture program will offer facility grants this fall. Staff believes that organizations that receive Bellevue grant funding will be strong candidates for King County funding as well.

Ms. Stamm said staff requests Council direction to prepare the proposed ordinances for future action on the consent calendar.

Councilmember Stokes, liaison to the Arts Commission, said the growth in Bellevue highlights the demand for art and cultural facilities. He expressed support for the proposed grant programs and thanked staff for their work. He encouraged Bellevue to be a leader in the arts.

Councilmember Hamilton thanked staff for the presentation and recommendation. He said this is a reasonable way to support the arts with a competitive grant process, clear eligibility standards and defined program parameters. He expressed support for the funding principles and said he looks forward to the grant applications from the community.

Councilmember Nieuwenhuis concurred with Councilmember Stokes and thanked him for his work with the Arts Commission. Mr. Nieuwenhuis expressed support for directing staff to prepare the three ordinances as proposed. He highlighted both the economic impact and public benefits of the grant programs.

Councilmember Zahn expressed support for the proposal. She said she appreciated the two-year funding cycle providing better funding predictability for grant recipients. She said she appreciated the inclusion of both facility and maintenance grants. Referring to the eligibility criteria, Ms. Zahn said she would like to give a slight preference to organizations with less access to other investments and funding. Regarding the public benefit, she suggested that staff elaborate on the benefits and positive impacts.

Councilmember Lee expressed support for staff's proposal and commented on the importance of cultural expression and appreciation. He said art is universal and can bring people together. He expressed support for the development of the BelRed Arts District. He commented on his strong ongoing interest in developing a cross-cultural center to bring the community together.

Responding to Mr. Lee, Ms. Hoffman said eligible facilities include both teaching and performing organizations. She said both provide a public benefit.

Deputy Mayor Malakoutian said this is an important step in positioning Bellevue as an arts and culture destination. He thanked staff for their work.

Mayor Robinson said this is exactly what needs to happen to respond to the needs of local arts organizations. She noted the Council's longtime support for the arts.

Mayor Robinson noted a Council consensus in favor of directing staff to prepare the proposed three ordinances for formal action on a future consent calendar.

11. Land Use Reports: None.

12. Other Ordinances, Resolution and Motions

- (a) Ordinance No. 6786 amending the Bellevue City Code (BCC) Chapter 9.18, Noise Control, to expand the exempt hours for construction noise, create a public notice process, and modify the allowed decibel level for sleeping areas; providing for severability; and establishing an effective date.

Ms. Carlson introduced discussion and Council action regarding amendments to the Noise Control Code to expand the exempt hours for construction noise and to modify the allowed

decibel level for sleeping areas. She recalled that the Council provided feedback and direction to staff on February 26 regarding the proposed changes.

Mr. Whipple noted that staff recommends Ordinance Option A for adoption by the Council.

Mr. Menard said the objectives of the Bellevue City Code amendments are to: 1) minimize public exposure to excessive noise while expanding the exempt hours, 2) support development, 3) streamline permitting, 4) codify the notification process, and 5) lower the cost of building multifamily housing (sleeping areas modification). On February 26, the Council expressed general support for the change in decibel level for sleeping areas and requested additional data. The Council provided direction to staff to return with an option for reduced construction noise hours near low-density residential areas. Mr. Menard said staff received a couple of requests that the Council not change the allowed decibel level for sleeping areas.

Mr. Menard compared Bellevue's construction noise hours to neighboring cities. The City of Kirkland allows construction noise from 7:00 AM to 8:00 PM on weekdays and from 9:00 AM to 6:00 PM on Saturdays. The City of Redmond allows construction noise from 7:00 AM to 10:00 PM on weekdays, unless there are impacts to residential zones. In the latter case, the allowed hours are 7:00 AM to 7:00 PM. Redmond allows construction noise on Saturdays from 7:00 AM to 10:00 PM, unless there are impacts to residential zones. In that case, the Saturday hours are 9:00 AM to 6:00 PM.

Mr. Menard said 153 construction noise complaints were received in 2023, and the majority were handled by the Bellevue Police Department. He presented a map showing the locations of the properties that received complaints, noting that most are in the downtown and occurred during the summer months.

Mr. Menard said the construction noise BCC amendment clarifies the current and proposed types of construction noise that may apply for expanded hours, establishes a process for written notification to nearby properties and establishes a process to allow multiple exemptions in a single application within a 30-day time period.

Staff recommends Option A with construction noise allowed from 7:00 AM to 7:00 PM on weekdays and from 9:00 AM to 6:00 PM on Saturdays.

Option B allows construction noise from 7:00 AM to 8:00 PM on weekdays and from 8:00 AM to 6:00 PM on Saturdays. Option C allows construction noise from 7:00 AM to 8:00 PM on weekdays, except near low-density residential development, in which case the proposed hours are 7:00 AM to 7:00 PM. Under Option C, the Saturday hours are 8:00 AM to 6:00 PM, except near low-density residential where the proposed hours are 9:00 AM to 6:00 PM.

Mr. Menard said it is more straightforward to apply the same rules in all land use districts. Extending the construction noise hours under all of the options enables projects to be completed more quickly. Option A lowers the cost of housing construction and balances the construction length and quality of life considerations. Mr. Menard presented a map of the residential areas that would be impacted by Option C, noting the substantial impact on multifamily areas.

Moving to the sleeping areas BCC amendment, Mr. Menard said the current allowed decibel level is 40 decibels in sleeping areas and 45 decibels in non-sleeping areas, which is lower than the national standards. He said staff recommends changing the allowed level to 45 decibels in sleeping areas. He said the development community supports the proposed revision, which helps to lower construction costs. He said there have been two public comments requesting that the City not change the allowed decibel level.

Mayor Robinson thanked staff for the presentation.

Deputy Mayor Malakoutian expressed support for staff's recommendation to change the allowed decibel level for sleeping area. Regarding construction noise hours, he expressed support for Option A, which increases the allowed hours by one hour. He believes this is a good compromise that minimizes negative quality of life impacts. He noted his research into a study as well as practices in other cities, where he learned about potential negative impacts for people. He said approximately 60 percent of cities in one study allowed construction noise from 7:00 AM to 7:00 PM.

Councilmember Hamilton said he was strongly in favor of Option B for extended construction noise hours, especially for projects involving affordable housing. He observed that the longer hours would be worth the tradeoff of shortening overall construction timelines. He noted support in the community for the longer hours, including from residents, businesses, trade unions and affordable housing providers and operators. He said Option B is a good compromise between Kirkland's and Redmond's construction noise hours. Mr. Hamilton expressed support for the proposed change regarding sleeping areas.

Councilmember Zahn expressed support for the code revision to allow 45 decibels in sleeping areas. For the construction noise hours, she expressed support for Option B, noting that it makes sense given current growth and housing needs.

Councilmember Nieuwenhuis thanked staff and expressed support for Option B. He said it is important to provide as many tools as possible for encouraging the development of housing and affordable housing. He encouraged greater alignment with the cities of Kirkland and Redmond and said he likes the idea of shortening the duration of construction projects. He expressed support for the code change related to the decibel level allowed for sleeping areas.

Mayor Robinson said she supported the change regarding sleeping areas. Regarding construction noise hours, she said Option A recommended by staff extends the hours by one hour on weekdays and does not change the Saturday hours. Option B extends the hours from current regulations by two hours on weekdays and one hour on Saturdays.

Ms. Robinson said she lives downtown and she noted that most of the complaints are in the downtown within an hour or so after the allowed timeframe. While she does not live next to any construction sites, she acknowledged that the noise impacts quality of life and suggested that Bellevue has greater residential density in its downtown than Kirkland or Redmond. She expressed support for Option A.

Councilmember Stokes expressed support for Option B reflecting longer construction noise hours, noting the significant benefit of shortening overall construction periods.

Councilmember Lee concurred with Mr. Stokes' support for Option B. However, he acknowledged Mayor Robinson's concern about noise complaints adjacent to downtown residences. He expressed support for changing the sleeping areas allowed decibel level to 45 decibels.

Mayor Robinson proposed a hybrid option maintaining the hours of 9:00 AM to 6:00 PM on Saturdays, while extending the weekday hours for construction noise to 7:00 AM to 8:00 PM. Councilmember Zahn said she could support that option.

Councilmember Hamilton reiterated his support for Option B.

Deputy Mayor Malakoutian expressed support for maintaining the Option A Saturday hours.

Councilmember Nieuwenhuis reiterated his support for Option B. Councilmember Stokes concurred and noted his support for the sleeping areas code amendment.

Councilmember Zahn said she would prefer to adopt Option B.

- Deputy Mayor Malakoutian moved to adopt Ordinance No. 6786, Option B, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 5-2, with Mayor Robinson and Deputy Mayor Malakoutian dissenting.

13. Written Reports: None.

14. Unfinished Business: None.

15. New Business: None.

16. Executive Session: None.

17. Adjournment

At 9:26 p.m., Mayor Robinson declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw