

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

November 14, 2022
6:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Robinson, Deputy Mayor Nieuwenhuis and Councilmembers Barksdale, Lee¹, Robertson², Stokes and Zahn

ABSENT: None.

1. Call to Order

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

- Deputy Mayor Nieuwenhuis moved to approve Councilmember Lee's remote participation in tonight's meeting. Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-0.

Mayor Robinson noted that Councilmember Robertson's daughter participated in the state swimming championships this year.

Councilmember Robertson said the girls state swimming and diving championships were held over the weekend and all four Bellevue high schools competed. Newport High School became the 4A champions and Ms. Robertson's daughter, team captain, participated in the winning 400 freestyle relay, which clinched the state title. Ms. Robertson said Sammamish High School won the state 2A title in swimming and Bellevue High School placed second in 3A swimming. The Mercer Island High School team won the 3A championship.

Mayor Robinson noted that a number of people signed up to speak during oral communications. She said preference would be given to individuals speaking about an agenda item. She said an additional public comment period would be added at the end of the meeting.

¹ Councilmember Lee participated remotely.

² Councilmember Robertson left the meeting at approximately 10:00 p.m.

2. Roll Call; Flag Salute

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

(a) Lung Cancer Awareness Month Proclamation

Councilmember Robertson noted that she has lost three loved ones to lung cancer, two of whom were never smokers. She read the proclamation recognizing November 2022 as Lung Cancer Awareness Month in Bellevue and encouraged regular screening for high-risk individuals.

(b) Wintergrass Commendation

Councilmember Stokes read the commendation recognizing the Wintergrass music festival for providing cultural, artistic and economic benefits for Bellevue and the region. Wintergrass recently received two awards from the Washington Festivals and Events Association: Central Puget Sound Event of the Year and the State-wide Event of the Year. Mr. Stokes said the Bellevue arts program awarded a competitive grant to the Wintergrass organization to provide youth education, student scholarships, lower ticket prices for seniors and free admission for children.

Wendy Tyner, Patrice O'Neill and Mary Pat Byrne accepted the commendation. Bruce Skinner, Executive Director of the Washington Festivals and Events Association, said Wintergrass was held in February this year when many events were still being cancelled due to the pandemic. He said it is always one of the best annual events in the state.

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

(a) Jan Keller, representing People for Climate Action (PCA), spoke about the impacts of climate change and the need to be aggressive in reducing greenhouse gas emissions. She encouraged increased staffing and resources for the implementation of the City's Environmental Stewardship Plan.

(b) Court Olson spoke about the importance of reducing emissions in the building sector. He said there are no state actions addressing energy use in homes and commercial buildings with less than 20,000 square feet, and he urged local governments to do so. He highlighted the building sector recommendations provided by PCA to the Council the previous week. He encouraged increased staffing in the City's environmental stewardship program.

- (c) Paul Bruno encouraged the City to focus on the building and transportation sectors in addressing climate change and greenhouse gas emissions. He referred the Council to PCA's biennium budget proposal to allocate \$6.6 million to reduce emissions in the building sector and \$3.1 million to reduce transportation sector emissions. He said the preliminary budget falls short in allocating sufficient funds for the City to achieve the 2030 emissions reduction commitment.
- (d) Chad Vaculin, representing the Housing Development Consortium, said he also serves as staff for the Eastside Affordable Housing Coalition. He encouraged the Council to prioritize the highest impact tools for creating affordable housing. He urged the Council to adopt mandatory inclusionary zoning and broad, substantial upzones and to implement a commercial fee-in-lieu program to fund affordable housing.
- (e) Cliff Cawthon, representing Habitat for Humanity, thanked the Council for its efforts to increase the supply of affordable housing. He encouraged the Council to consider adopting mandatory inclusionary zoning and substantial upzones to help create mixed-income communities.
- (f) Matt Jack, representing the Bellevue Downtown Association (BDA), encouraged the Council to adopt a Comprehensive Plan Amendment (CPA) to set the foundation for a future curb management plan by the end of the year. He said the BDA identified a curb management plan as its top 2022 mobility priority. He said the proposed CPA aligns with the BDA's 2019 Grand Connection pilot activation report and its 2021 placemaking workshop series report. Both reports recommend permitting process updates that encourage public space activation. Mr. Jack asked the Council to follow up with City staff regarding items 3, 4 and 5 from the BDA's September letter to the Planning Commission regarding the proposed CPA.
- (g) Rev. Dr. Steve Baber, Pastor of St. Peter's United Methodist Church, said they would like to partner with the City to explore the potential for affordable housing on the church's five-acre site. He noted that adjacent property has 88 multifamily units. He said the church would like to work with the City to discuss zoning and other requirements.
- (h) Tony Andrews encouraged the City to study the potential for a community responder program. He suggested hiring an outside expert to study how many calls could be diverted from typical 911 calls. He said Kirkland's program sends police officers and mental health professionals in separate cars, which allows either of them to leave if appropriate. He encouraged the City to consider alternatives for responding to calls involving behavioral health issues, including sending mental health professionals without an officer.
- (i) Joseph Brazen, Owner of the 520 Bar and Grill and former president of the Old Bellevue Merchants Association, commented regarding the success of the outdoor dining program over the past few years due to the pandemic. He said US Foods, the food vendor for many restaurants, has a program called Pronto focused on reducing the larger delivery

trucks from having to use Main Street or having to deliver to Lincoln Square and other buildings that have limited space. The concept is more frequent deliveries in smaller vans to reduce the impact of larger trucks on parking availability and access to businesses. He encouraged designated areas on Main Street for customer pickups and drop-offs. He commented about an app that provides real-time information regarding available parking spaces.

- (j) Steve Fantle said he previously volunteered with the Transportation Department to assist in the areas of bicycle safety, infrastructure and the Vision Zero program. He also volunteers for the Complete Streets Bellevue nonprofit organization. He urged the Council to expand funding for the Vision Zero program. He encouraged improvements to traffic and pedestrian signal design and suggested all-way walk cycles for high-volume intersections. He suggested lower speed limits and the use of safety cameras. He would like the Council to consider ordinances to address distracted behaviors that contribute to collisions.

Mayor Robinson said more time would be provided later for continued oral communications.

5. Reports of Community Councils, Boards, and Commissions

- (a) Parks and Community Services Board Third Quarter 2022 Report
[Written report; no presentation.]

6. Report of the City Manager

- (a) Winter Weather Preparedness and Response *[Written report; no presentation.]*

7. Council Business and New Initiatives: None.

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) Motion to reject all bids for Bid No. 22048 for 2022 Utilities On-Call Asphalt Restoration, revise the bidder qualification criteria, and call for bids at a later date.
- (b) Resolution No. 10158 authorizing execution of an Interagency Agreement with the Department of Commerce to accept grant funds in the amount of \$120,000 to fund actions needed to evaluate the adoption of ordinances that would authorize middle housing types on at least thirty percent of lots currently zoned as single family residential.

- (c) Resolution No. 10159 authorizing execution of a Facility Use Agreement for a five-year term with the Eastside Heritage Center (EHC) for a portion of the historic McDowell House property located at 11660 Main Street.
- (d) Resolution No. 10160 authorizing execution of a Department of Homeland Security (DHS) Subgrant Agreement with the Washington State Military Department to accept grant funds in the amount of \$90,544 for emergency services enduring security needs.
- (e) Resolution No. 10161 authorizing execution of a Department of Homeland Security (DHS) Subgrant Agreement with the Washington State Military Department to accept grant funds in the amount of \$177,894 for emergency services enduring security needs.

9. Public Hearings: None.

10. Study Session

- (a) 2023-2024 Operating Budget and the 2023-2029 Capital Investment Program (CIP) Plan

City Manager Brad Miyake recalled that last week, the Council posed questions and requested additional information from staff in preparation for tonight's meeting. Responses to the Council's questions and requests were provided in the Council's desk packet.

Mayor Robinson said the Council would consider a number of proposed budget amendments.

- Deputy Mayor Nieuwenhuis moved to transfer, as a one-time funding for 2023, \$85,000 for the arts from the Capital Investment Program (CIP) Arts and Culture Fund to the General Fund operating grants. Councilmember Robertson seconded the motion.

Deputy Mayor Nieuwenhuis said the arts play an important role in Bellevue and arts and culture organizations have struggled throughout the pandemic. He noted that every dollar spent on the arts generates a significant economic impact for local businesses.

Mayor Robinson concurred and thanked Mr. Nieuwenhuis for bringing the amendment forward.

Councilmember Stokes expressed support for the amendment and said this is a good step forward.

Councilmember Lee expressed support for the amendment. He said the arts generate economic activity and bring the community together.

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

- Councilmember Zahn moved to increase CIP funding for the Vision Zero program to \$500,000 each year by frontloading the funding from the latter years of the CIP Plan, and that the Vision Zero budget be reevaluated at the next budget cycle. Councilmember Stokes seconded the motion.

Councilmember Zahn recalled that two years ago, the Council moved a portion of the Vision Zero budget to accelerate the program during the first two years of the CIP Plan. She said it is important to move with more urgency in the Vision Zero work. She said some cities are adding safety cameras in certain areas.

Mayor Robinson expressed support for the motion. She said a potential federal grant opportunity would enable the City to replenish funding in the Vision Zero program.

Councilmember Lee said he supports the Vision Zero program, and he concurred with Councilmember Zahn that more urgency is needed. Given the good federal grant opportunity, he said there are other competing needs, including the environmental stewardship program.

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

Councilmember Barksdale asked whether there is funding in the budget for the evaluation of 911 call data to determine what percentage of calls could be handled by a behavioral health professional response without an officer.

Toni Call, Director of Finance and Asset Management, confirmed that there is funding for a prospective look at call data. She said that going back in time is cost-prohibitive and the data does not always exist well, so it will be a forward look in the evaluation of call data. Mr. Barksdale recommended using or partnering with a third party who has conducted that type of analysis.

- Councilmember Barksdale moved to delay allocating funding for a Police transit unit until the need is demonstrated as part of the mid-biennium budget review. Councilmember Zahn seconded the motion.

Mr. Barksdale said he has not seen the evidence to suggest a relationship between transit services and crime. He said that information in the meeting packet refers to discussions with other jurisdictions. However, he did not see any detail about the nature of those conversations. Councilmember Barksdale said that best practices published by the International City/County Management Association (ICMA) and the U.S. Department of Justice note that police staffing should be based on demand and workload versus population density and crime rates. He recalled public comment during the public hearing indicating that many transit riders do not feel comfortable with a stronger police presence at transit stations. He said there will be more time to evaluate the proposal before light rail begins operating.

Councilmember Zahn expressed an interest in responses to Councilmember Barksdale's questions. What is the timing for the allocation of funding, and what are our assumptions about

when light rail will open? Ms. Zahn said she would like to better understand the context and the questions that are being asked.

Ms. Call said the 2023-2024 budget assumes a \$1.5 million set-aside starting in 2024. The current estimate for the opening of light rail is mid-2024.

Police Chief Wendell Shirley said that in anticipation of light rail coming to Bellevue, he tasked Police Department staff to conduct research and outreach to benchmark cities with transit units. The findings indicated an increase in activity. However, he acknowledged that crime does not necessarily increase significantly with the introduction of public transit. Based on Bellevue Police Department's research and Chief Shirley's 27 years of law enforcement experience, Chief Shirley said he determined that the increase in population will add to calls for service. He noted that he and Councilmember Barksdale met with Sound Transit representatives, who spoke to their limited resources for ensuring security. He said Sound Transit indicated they expect cities to provide the primary response to activity on transit, while the agency would be there to assist the cities.

Captain Darryl McKinney said he was tasked with conducting the research into Police transit units. He spoke with individuals representing the City of Seattle, City of Tukwila, King County, Metro and Sound Transit. He said the message was consistent in terms of increases in crime rates in transit areas. He said that data provided by Tukwila showed a significant increase in crime. During the four years before the introduction of light rail, Tukwila's International Boulevard station was open to bus transit. During those four years there were seven reported crimes. In the four years since light rail began operating, there were 221 reported crimes at that station. Captain McKinney said that King County Metro and Sound Transit both indicated they would have trouble fulfilling law enforcement services related to light rail facilities.

Andrew Popochock, Assistant Police Chief, said the proposal is about safety for all including riders, nearby residents and the general public. He said it is important to create a feeling of safety. He said it takes extensive time to train transit unit officers.

Chief Shirley said the goal is to be prepared in advance for increased criminal activity and to make sure that light rail is providing a safe space and enjoyable travel experience for everyone. He said the Police Department will be conducting community outreach and working with partners to ensure they are applying best practices and collecting data to inform ongoing efforts.

Deputy Mayor Nieuwenhuis said that wanting a police presence is not meant to reflect a negative attitude about people who use transit. Rather, the proposed transit unit is a response to future increased activity and more people in Bellevue. With that increased activity, there is always the possibility for a security event. He said the proposed transit unit is a common sense approach to public safety that further ensures the City is prepared for future growth. He said there is also a moral obligation to ensure that the public has access to transit. Mr. Nieuwenhuis said there has been overwhelming support from residents for the proposed transit unit. Regarding the availability of data to support a connection between transit and increased crime, he said studies concluded that transit can give criminals easier access to potential targets and decrease the probability of getting caught.

Deputy Mayor Nieuwenhuis said Sound Transit reported that there were 225 property crimes and 64 violent crimes in 2019. In 2020, there were 218 property crimes and 58 violent crimes, and in 2021, there were three shootings and two murders at the Mount Baker station in Seattle. Sound Transit reported that there were more than 160 security and safety calls in 2019 during the first 47 days after the opening of the Northgate light rail station.

Mr. Nieuwenhuis expressed support for the budget as proposed by staff and noted that funding for the Police Department has not increased since the early 1990s. He encouraged everyone to ignore input from outside special interest groups that are not Bellevue residents. He said Bellevue residents want the proposed transit unit.

Councilmember Stokes said he rode the bus for 20 years. While things have changed, he opined that the concerns might be overstated. He said the assignment of seven officers to the transit unit will not flood light rail with officers. He said that Councilmember Barksdale raises legitimate concerns. However, Mr. Stokes said he believes the transit unit will be implemented well. He encouraged everyone in the community to work together.

Councilmember Robertson said she opposed the proposed amendment. She said the mid-biennium budget process is the time to make corrections, consider grant funds and adjust the budget. She said this is not the time to start new initiatives or to delay the creation of the transit unit. She said the Police Department has a number of vacancies and will need time to train transit unit officers. She opined that the proposal is in preparation for increased activity in Bellevue. She recalled that as downtown Bellevue became more active, the Council and Police Department created a bike patrol to provide a special emphasis in the downtown.

Ms. Robertson said the vast majority of people who commented against the Police transit unit tended to be younger men. She said the perception of safety in public spaces is very different for men and women. As a woman riding transit alone late at night, Ms. Robertson said her perception of safety is likely very different than that of a male in his 20s or 30s. She said many of the transit users who stopped using transit during and since the pandemic are not likely to return to using transit if they do not feel safe.

Mayor Robinson thanked Councilmember Barksdale for his proposal. Ms. Robinson said she appreciates the intent of the amendment. She said it is important to have equity and safety for everyone, whether they are residents, workers or visitors. She said Sound Transit's average response time is 13 minutes while the response time for the Bellevue Police Department is three minutes. She encouraged the City to work with the Bellevue Diversity Advisory Network (BDAN) group and the Centering Communities of Color committee to ensure the City's services are comfortable and respectful for everyone. Captain McKinney confirmed that the introduction of the transit unit will involve public engagement.

Chief Shirley said he appreciated the Mayor's comments. He said the Police Department is committed to ensuring that individuals are not targeted or profiled by transit officers.

Councilmember Lee said he cannot support Councilmember Barksdale's amendment. Mr. Lee said he appreciated the intent of the proposed amendment. However, he noted the importance of safety and security and the need for people to feel safe. He said a major component of public safety is crime prevention. He noted the input from other transit agencies reflecting their increases in criminal activity. He acknowledged that law enforcement officers are not always welcome in many places. However, the Bellevue Police Department provides a sense of security and peacefulness.

Councilmember Zahn said she is a regular bus rider and understands the need for safety for everyone. She expressed support for robust community involvement in planning for the transit unit. She said she hopes that transit officers could be deployed elsewhere if the number of transit officers is not ultimately warranted based on actual experience.

Mayor Robinson indicated that the Council will have the opportunity to provide input regarding the program elements in the future.

Councilmember Barksdale thanked everyone for the discussion. He said he is glad to hear that the way forward will be informed through an equity lens. He wants to be sure the City is following best practices when considering staffing.

→ The motion failed by a vote of 1-6, with Councilmember Barksdale in favor.

At 7:31 p.m., Mayor Robinson declared a break. The meeting resumed at 7:40 p.m.

→ Councilmember Barksdale moved to allocate \$1.4 million to a pilot program of the community responder approach in which mental health professionals respond without law enforcement to situations involving someone experiencing a behavioral health crisis, when it is the most appropriate response. Councilmember Zahn seconded the motion.

Councilmember Barksdale spoke in favor of a robust set of crisis response alternatives that fit the range of community needs. While some individuals prefer to interact with a police officer, others in a behavioral health crisis do not feel comfortable with law enforcement present. He said it is important to be careful about the conclusions reflected in the Community Crisis Assistance Team (CCAT) findings regarding client preference since the community responder approach was not considered as part of the CCAT pilot project. Councilmember Barksdale proposed that, in addition to moving forward with the implementation of the CCAT program, the City set money aside to pilot a behavioral health-only response. He said community responder programs are growing across the country. He clarified that his comments are not intended to reflect on the Bellevue Police Department. However, he knows that certain individuals are not comfortable with a police presence.

Mayor Robinson said she has worked in home care over the past 35 years and it can be difficult to predict what might happen in situations involving a person in crisis. She recalled being in a patient's home and learning halfway through the visit that there was a family member in distress with a gun in the back bedroom. She noted that while the person in crisis may not be violent or aggressive, family members or friends might try to get involved in unpredictable ways. Mayor

Robinson said she has spoken with social workers and mental health professionals who are in favor of having a law enforcement officer involved. She believes it is important for officers and mental health professionals to arrive in separate cars and for officers to be in an unmarked car and not in uniform. She invited input from staff and indicated that she is not prepared to implement a community responder pilot program without additional study and analysis.

Moriah Tejada, a social worker with the Fire Department's CARES (Citizen Advocates for Referral and Education Services) program, provided input regarding the different types of calls for assistance. She said behavioral health professionals and social workers should not respond alone to calls without Police Department or Fire Department personnel. She said a law enforcement presence helps to maintain safety for the person in crisis and bystanders. She noted that crisis situations may trigger neighbors, family members or others to respond aggressively to officers. She said a police officer must be present to intervene when a person is suicidal and that mental health professionals cannot intervene. She said crisis situations are unpredictable and therefore potentially dangerous.

Mayor Robinson thanked Ms. Tejada for her input. Ms. Robinson asked officers to comment on the issues of separate cars and not having officers in uniform.

Assistant Chief Popochock acknowledged that uniforms mean different things to different people, and the ability to not be in uniform had a positive impact in the CCAT pilot program. He concurred about the importance of a partnership between mental health professionals and law enforcement.

Ms. Tejada noted that traveling together gives the officer and behavioral health professional time to discuss the situation as they respond to a call and as they plan the next steps based on the encounter. She said it builds strong partnerships between responders to provide the best outcomes.

Councilmember Lee said this is a complex subject. He said Mayor Robinson's comments demonstrate the unpredictable nature of responding to individuals in crisis. Mr. Lee said more analysis and discussion is needed before considering a community response program involving only mental health professionals. He said it is important to have the right people responding to an incident without escalating the situation. He said it is important to have multiple tools for responding to 911 calls for service.

Councilmember Robertson said she did not support the proposed amendment. She said she appreciated hearing from Mayor Robinson, Ms. Tejada, as well as the Case and Program Manager and the Director of Mental Health for Congregations for the Homeless (CFH). She said they all agree that there must be a law enforcement presence for the safety of the person in crisis and others involved in the situation. She said public safety is a top priority for the City.

Councilmember Zahn said what she is hearing is that it is unlikely that a behavioral health professional would be dispatched to respond alone to a situation due to the unpredictable nature of the calls involving a person in crisis.

Responding to Mayor Robinson, Ms. Tejada said the current conversation is about responding to initial 911 calls. She said social workers and behavioral health experts do visit a person alone in follow-up visits to help them access resources and find help. She said the concern regarding the initial 911 response is based on the unpredictable nature of crisis situations but it does not assume that all individuals in crisis will be violent or aggressive.

Councilmember Stokes said this is a complex issue and people have different experiences that inform their opinions. He said there are many models in use by cities and agencies for addressing individuals in crisis. He said it is difficult to make a decision that affects so many people for a long time, knowing that there are others who are choosing a different approach. He said the City will learn more as the CCAT program and CARES program continue to move forward and adjustments can be made based on actual experience. He expressed support for studying the community responder model for future consideration.

Fire Chief Jay Hagen said that in the 10-year experience with the CARES program, the City already has a community response model that is equally or more robust than other cities in the region. He said CARES personnel engage in thousands of follow-up visits annually without a police presence. Chief Hagen said that 64 percent of the CARES program's first contacts with clients are made without a law enforcement officer present.

Responding to Mayor Robinson, Chief Hagen said the Fire Department is always learning and adjusting in everything they do, including the CARES program. He acknowledged that there is an interest in a community response model in other cities and police agencies. However, responder safety is a key element of public safety. Chief Hagen said he has received written comments from Police and Fire personnel about concerns for the mental health professionals and social workers.

Deputy Mayor Nieuwenhuis expressed concern about the number of negative incidents involving crisis workers and community responders in the region and the country. He thanked Mayor Robinson and Ms. Tejada for their comments and acknowledged the unpredictability of crisis situations. He said an officer is needed to ensure safety.

Responding to Councilmember Zahn, Ms. Tejada said CARES social workers provide ongoing case management as long as an individual is willing to continue. She said they conduct follow-up visits without police officers after they become familiar with a person and their issues. She noted that the CARES program helps a wide range of people, including domestic violence survivors and individuals experiencing homelessness. Ms. Zahn suggested that the City explore the experiences of Kirkland's community responder program.

Responding to Ms. Zahn, Chief Hagen said Bellevue's CCAT program uses specially trained officers who have a strong interest in participating in the program.

Councilmember Barksdale thanked Ms. Tejada and Mayor Robinson for sharing their experiences. Mr. Barksdale noted an email from an individual who works with cities to implement community responder programs. He hopes the City will explore such a program in the future.

- The motion failed by a vote of 2-5, with Councilmember Barksdale and Councilmember Zahn in favor.

Moving to the environmental stewardship program budget, Councilmember Zahn asked about the staffing levels included in the budget. Mike Kattermann, Director of the Community Development Department, said the budget anticipates adding four or five staff positions for different programs. Noting the current challenge in hiring employees, he said staff will work to fill those positions by mid-year. Councilmember Zahn said she would like to reassess the program needs during next year's mid-biennium review. Mayor Robinson noted the Council's support of Ms. Zahn's suggestion.

Councilmember Zahn recalled previous discussion about adding a staff position to support both the workforce development apprenticeship efforts and enhancing diversity among the City's suppliers and vendors. She asked whether there are other elements in the budget to make sure that the supplier diversity program is expanded and that there is outreach and data collection to better understand the outcomes.

Ms. Call said the budget includes resources to continue to implement and expand the program targeted toward minority, women-owned, and disadvantaged businesses to create diversity in contracting. She said the City is directing additional resources to collect contracting and outreach data.

Councilmember Lee concurred with Councilmember Zahn's interest in increasing diversity in contracting.

- Deputy Mayor Nieuwenhuis moved to direct staff to return on November 21 with the appropriate legislation, including any adjustments, to adopt the Preliminary Budget. Councilmember Stokes seconded the motion.

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

At 8:40 p.m., Mayor Robinson declared a short break. The meeting resumed at 8:47 p.m.

Mayor Robinson suggested taking continued oral communications next, followed by the Planning Commission's Comprehensive Plan Amendment (CPA) recommendations and the affordable housing tools discussion.

- Deputy Mayor Nieuwenhuis moved to reorder the remaining agenda to take continued oral communications next, followed by the Comprehensive Plan Amendment (CPA) discussion and the affordable housing tools update. Councilmember Robertson seconded the motion.

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

16. Continued Oral Communications

- (a) Mariya Frost, Director of Transportation for Kemper Development Company, commented regarding the proposed curb management policies. She expressed appreciation for the City's efforts over the past several months to listen and respond to feedback from the community. She encouraged the Council to accept staff's proposed changes. She commented on the importance of collecting data regarding the use of the curb. She said placemaking activities and amenities such as on-street dining and parklets should be reconsidered. She said she hopes the City can partner with major property owners to address curb management.
- (b) Joe Eschbach commented on the benefits of trees. He urged the Council to protect the tree canopy and to consider stricter, enforceable tree codes, including regulations applied to removing trees.
- (c) Alex Zimmerman, representing StandUp America, said the Council has changed fundamentally over the years. He questioned whether they were here for themselves or the public. He encouraged the Council to listen to the public.
- (d) Janis Hyne said she is thankful to live in the Bridle Trails neighborhood in Bellevue. She talked about Thanksgiving Day and the proclamation by President Abraham Lincoln in 1853 that established the national holiday. She thanked Councilmembers for their dedication. She suggested that the City hold a simple public celebration of all of the good things that have happened in Bellevue over the past year.

10. Study Session Items [Continued]

- (c) Planning Commission Recommendations for 2022 Annual Comprehensive Plan Amendments (CPAs)

City Manager Miyake said the two 2022 annual Comprehensive Plan Amendments (CPAs) address curb management and the implementation of Action C-1 Phase 2 of the Affordable Housing Strategy.

Emil King, Assistant Director, Community Development Department, thanked the Planning Commission and the Transportation Commission for their work on the two City-initiated CPAs.

Thara Johnson, Planning Manager, highlighted the final review decision criteria used by the commissions to formulate their recommendations. A CPA should be consistent with the Comprehensive Plan, other goals and policies, Countywide Planning Policies, the state Growth Management Act and other applicable law. It should address the interests and changed needs of the broader community as well as significantly changed conditions. The CPA should demonstrate a public benefit and enhance the public health, safety and welfare.

Ms. Johnson said the first amendment is to the Transportation Element of the Comprehensive Plan and the Downtown Subarea Plan in support of a comprehensive approach to curb management. The second amendment relates to Action C-1 Phase 2 of the Affordable Housing

Strategy to increase the affordable housing potential on certain faith-owned properties in single-family land use districts.

Chris Iverson, Senior Engineer in the Transportation Department and project manager, recalled that on February 14, 2022, the Council initiated the curb management CPA and directed staff to develop a curb management plan. The Transportation Commission discussed the CPA in the spring, and the Planning Commission reviewed the Transportation Commission's recommendations on June 22, 2022. The Planning Commission held a public hearing on September 14, 2022. Mr. Iverson noted that staff recommended modified policies in response to the public feedback. The amended policies were approved by the Planning Commission by a vote of 4-1.

Transportation Commission Chair Karen Stash said the commission reviewed the broader framework for a wide variety of curbside uses and employed an equitable approach to curbside allocation and demand management. She said the commission talked about the best way to incorporate policies into the Comprehensive Plan.

Planning Commission Vice Chair Vishal Bhargava said the commission received the transmittal from the Transportation Commission on June 22, 2022 regarding recommended curb management policies. All members of the Planning Commission expressed appreciation for the Transportation Commission's work. During the public hearing on the proposed curb management policies, members of the public expressed both support and opposition to the policies. The Planning Commission voted 4-1 to approve the recommendation to adopt the curb management CPA. The motion included changes proposed by staff in response to public feedback during the hearing. Vice Chair Bhargava said the CPA is consistent with the decision criteria in Land Use Code 20.30I.150.

Mr. Iverson highlighted recommended policy language for policies TR-126, TR-139, S-DT-157.1, S-DT-157.2 and S-DT-157.6. The recommended CPA repeals existing policies S-DT-157.3, S-DT-157.4, S-DT-157.5 and S-DT-157.7. The CPA recommends eight new policies in support of a robust curb management approach.

During the Planning Commission's public hearing in September, the commission heard from 12 speakers and received written comments from 10 individuals. Public comments were received from residents, Bellevue Downtown Association (BDA), Bellevue Chamber of Commerce, ACES Northwest Network, Complete Streets Bellevue and others.

Mr. Iverson said that between the public hearing and tonight's meeting, project staff continued to receive public input. Staff revised two of the eight new policies in response to that feedback. Policy NEW-2 was changed from "Implement a pay-for-curb-use program" to "Consider implementation of a pay-for-curb-use program." Policy NEW-7 was changed from "Create activated curbside zones, such as on-street dining areas, parklets, and other placemaking solutions" to "Consider creating activated curbside zones, such as on-street dining areas, parklets, and other placemaking solutions."

Mr. Iverson said the curb management CPA policies provide support, direction and content for the curb management plan. He said the policies will provide future-oriented direction to create a more coordinated curbside environment within the transportation system. He requested Council direction to return with an ordinance approving the 2022 annual CPA for transportation policy amendments in support of curb management.

Councilmember Robertson expressed support for the recommended policies, including staff's modifications. She said the policies provide the goals and framework while the curb management plan will provide the details for implementation. She said the work by the commissions and staff reflects the comprehensive input from the community and stakeholders.

Councilmember Zahn said it was visionary to engage in curb management planning because many cities do not do so. She expressed support for the CPA.

Councilmember Stokes expressed support for the CPA.

Councilmember Lee thanked the commissioners and expressed support for the proposed CPA. Responding to Mr. Lee, Vice Chair Bhargava said the one dissenting vote on the Planning Commission was by Commissioner Luisa Cuellar-Calad, who felt it was not clear whether the proposed policies would benefit the public. He said Ms. Cuellar-Calad opined that the policies were appropriate for some, but not all, areas in Bellevue.

Deputy Mayor Nieuwenhuis thanked everyone for their work and expressed support for the CPA.

Mayor Robinson asked whether there will be a parking study to inform any recommendations regarding the pay-for-curb-use program. Mr. Iverson said staff has compiled extensive data related to curb management, including parking occupancy on streets and curbside activities. Ms. Robinson expressed support for the CPA.

→ Deputy Mayor Nieuwenhuis moved to direct staff to return with an ordinance approving the 2022 annual Comprehensive Plan Amendment for transportation policies in support of curb management, with the two changes recommended by staff. Councilmember Robertson seconded the motion.

Ms. Johnson recalled that on May 9, the Council directed staff to work on Phase 2 of the Action C-1 work included in the Affordable Housing Strategy. Action C-1 creates additional capacity for affordable housing on faith-owned properties in single-family land use districts. Phase 1 of the work identified a 50 percent density bonus for affordable housing developed as part of Action C-1.

The Planning Commission held two study sessions and one public hearing, which included discussion about the geographic distribution of eligible properties, access to transit, the community engagement process and the proximity of eligible properties to both multifamily and commercial zoning.

Vice Chair Bhargava said that speakers during the public hearing expressed both support and opposition to the proposed policies. He said the Planning Commission recommends adoption of the Affordable Housing Strategy Action C-1 Phase 2 CPA. He said the CPA is consistent with the decision criteria in the Land Use Code.

Ms. Johnson said the Action C-1 Phase 2 CPA includes three changes: 1) addition of note on Comprehensive Plan Future Land Use Map, 2) new policy allowing rezones and specifying qualifying criteria, and 3) new policy directing the City to reach out to religious organizations. The proposed land use map note states that properties owned or controlled by religious organizations and located in single-family zones may be reclassified to multifamily through a rezone process, subject to LUC 20.30A, when developed with 100 percent permanently affordable housing.

The first new policy allows properties in single-family designated areas on the Comprehensive Land Use Plan map to reclassify to multifamily when they meet four criteria: 1) 100 percent of housing will be permanently affordable units, 2) property is owned or controlled by a religious organization, 3) property is located near high-capacity transportation infrastructure and services, and 4) property is located near other multifamily residential or commercial use districts. The second policy provides direction to inform and educate religious organizations about the opportunity to develop affordable housing.

Ms. Johnson said that if the Council adopts the Action C-1 Phase 2 CPA, staff will begin drafting Land Use Code provisions in support of the CPA. The Land Use Code Amendment (LUCA) process will involve community and stakeholder outreach. Ms. Johnson noted the community engagement process to date including notice in the Weekly Permit Bulletin, two courtesy mailings to residents and property owners within 500 feet of qualifying sites, online information, a virtual information session, and the Planning Commission's two meetings and public hearing. The commission received 19 written comments, and 16 people spoke at the public hearing.

Ms. Johnson said the public comments are published on the City's web site. Positive comments supported bold action to increase affordable housing opportunities and encouraged the geographic distribution of affordable housing, a streamlined permitting process, universal design, and green buildings. Questions were raised regarding future qualifying properties, property tax exemptions, and property management and maintenance. The public expressed concerns regarding impacts to privacy, traffic, schools, neighborhood character, property values and the tree canopy.

Ms. Johnson requested Council direction to staff to return with an ordinance approving the 2022 annual CPA for Affordable Housing Strategy Action C-1 Phase 2.

Mayor Robinson thanked staff for the presentation.

Deputy Mayor Nieuwenhuis said he appreciated the outreach to religious organizations. He asked about the number of affordable housing units that could be created if every faith-owned property developed affordable housing. Ms. Johnson said the public input was mixed. Many of the nonprofit organizations in Bellevue expressed support for the CPA. She said the Planning

Commission recommended that staff create a list of frequently asked questions, and staff's responses, on the project web page. Ms. Johnson said approximately 28 properties are eligible for using Action C-1 to develop affordable housing. She said staff would follow up with an estimate of the potential number of housing units that could be developed.

Councilmember Stokes expressed support for the CPA.

Councilmember Robertson expressed support for the CPA and thanked the public for their interest and participation. She said the public comments received by the City were fairly evenly split, and many of the negative comments were not opposed to the policies but were concerned about the details of implementation. She said the LUCA will address specific details and requirements. She thanked staff and the Planning Commission for their work.

Councilmember Barksdale expressed support for the CPA.

Councilmember Lee concurred. Responding to Mr. Lee, Ms. Johnson said the City does not have the authority to provide a tax exemption. She said the property manager of the housing will be responsible for maintenance.

Councilmember Zahn said the Action C-1 policy creates the opportunity for more affordable housing throughout Bellevue. She asked about options for willing partners who might not meet all of the criteria. She stated her understanding that St. Peter's United Methodist Church is not identified as an eligible property because the location is not within the frequent transit network. However, they are adjacent to multifamily housing.

Mr. King said the LUCA work will explore whether there is flexibility in the criteria. In further response to Ms. Zahn, Mr. King said the map of eligible properties was created as a baseline for the environmental review. However, the map can be revised, which would involve additional environmental review.

Mayor Robinson expressed support for the CPA.

- Councilmember Stokes moved to direct staff to return with an ordinance approving the 2022 annual CPA for Affordable Housing Strategy Action C1 Phase 2. Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.
- At 9:49 p.m., Deputy Mayor Nieuwenhuis moved to extend the meeting until 10:30 p.m. Councilmember Zahn seconded the motion.
- The motion carried by a vote of 6-1, with Councilmember Robertson opposed.

(b) Affordable Housing Tools Update

City Manager Miyake introduced discussion regarding affordable housing tools available to the City.

Mike Kattermann, Director of the Community Development Department, said the presentation is informational only. He recalled that a commercial linkage fee was identified as a potential tool under the Next Right Work initiative. Since that time, there has been discussion among the proponents and opponents of the idea. He said they are willing to explore a commercial fee in lieu rather than a linkage fee. He said the second tool to be discussed is mandatory inclusionary zoning.

Emil King, Assistant Director, Community Development Department, recalled that the Next Right Work was discussed with the Council on July 5. Work to remove barriers to micro-apartments was initiated on October 10, and Action C-1 Phase 2 policy amendments were identified as part of the Next Right Work options. Upcoming topics for discussion include allowing a higher floor-area ratio (FAR) for residential development and reducing permit fees for the development of affordable housing. Mr. King highlighted the list of potential Next Right Work actions and noted the items that are underway.

Mr. King said inclusionary housing is aimed at providing income-restricted housing units generally below the 80 percent area median income (AMI) level. Projects could include residential, commercial and mixed-use development and both voluntary and mandatory affordable housing. Mr. King said off-site performance refers to providing affordable housing at a different location than a developer's main project. A commercial fee in lieu program collects money to help build or acquire affordable housing units elsewhere. Additional tools include zoning, tax and financial incentives.

Mr. King said the state Growth Management Act allows cities to adopt local affordable housing incentive systems to encourage rental housing up to 80 percent AMI and ownership housing up to 100 percent AMI. He noted that Bellevue's Comprehensive Plan encourages the development of affordable housing through incentives and other tools.

Mr. King highlighted a table comparing affordable housing programs in eight Eastside cities, which reflected a mix of voluntary and mandatory programs. He said some cities have made changes over time and have started to layer incentives to achieve deeper affordability. He noted that the East Main LUCA allows a commercial fee in lieu.

Mr. King said the City of Kirkland focuses on on-site performance, and their program is notable for its emphasis on deeper affordability. By structuring their program to layer with the multifamily tax exemption (MFTE) program, the City of Kirkland has been able to achieve nearly 60 percent of affordable units at the 50 percent AMI level. The City of Kirkland has a policy of requiring affordable housing wherever there is an increase in development capacity. Mr. King said they are exploring the potential for generating contributions from commercial development as well.

Mr. King said the City of Redmond has had mandatory inclusionary zoning in certain areas since 1993 and their affordable housing includes home ownership units in lower density, single-family

areas. He said the City of Redmond has used tax exemptions to achieve deeper affordability, resulting in rental units at the 50-60 percent AMI level and ownership units at the 70-80 percent AMI level.

Liz Stead, Interim Co-Director, Development Services Department, said inclusionary zoning was adopted in Bellevue in 1991 for all new residential development of 10 or more units or lots, including senior housing. Inclusionary zoning was amended in 1995 and repealed in 1996. The voluntary BelRed FAR bonus was adopted in 2009 and the MFTE program was initially adopted in 2015. In 2017, the City provided a voluntary bonus for the development of affordable housing in the Factoria area and the Downtown. The MFTE program was updated in 2018 and 2021. A voluntary FAR bonus for the East Main area was adopted in 2021.

Initial implementation considerations include the scope of additional development capacity and incentives, a public-private benefit analysis, and options for participation (e.g., mandatory versus voluntary, layering of incentives). Ms. Stead said there will be additional opportunities for Council discussion regarding specific housing tools. In each case, the Council will have the opportunity to discuss the public benefit, the correct economic analysis to use, and the areas that would benefit most from the tools.

Mayor Robinson thanked staff for the presentation and for staying through the late meeting.

Councilmember Barksdale asked staff whether they see a path forward without adopting mandatory inclusionary zoning. Mr. Kattermann said several tools are available to the City, and inclusionary zoning is an effective approach. He said it will be easier to achieve affordable housing using a variety of effective tools, whether or not that includes inclusionary zoning. Mr. Barksdale expressed an interest in identifying the best tools to achieve the City's housing targets.

Councilmember Zahn expressed support for Mr. Barksdale's focus on outcomes rather than opportunities. Referring to the comparison with other cities, Ms. Zahn said many of them have mandatory inclusionary housing. She asked about the affordable housing outcomes in those cities. She said she likes that the presentation mentioned both rental and ownership housing. She said it is important to have a number of tools.

Mayor Robinson said she is curious about how the City would set a fee in lieu that would incentivize property owners to develop affordable housing. She said she would like to explore and compare the performance of mandatory inclusionary housing, MFTE program, other incentives and the layering of incentives. She asked about approaches that will ensure the continued development of housing along with office and other development. She suggested that even without mandatory inclusionary zoning, developers will be motivated to use incentives to develop affordable housing to achieve their desired building height and FAR. Mr. Kattermann said it is important to set the base FAR at a level that encourages developers to go beyond that.

Deputy Mayor Nieuwenhuis said he is interested in staff's responses to the questions posed tonight by the Council. He is interested in learning about the potential outcomes under inclusionary zoning and the layering of incentives. He asked whether and how a potential downturn in the economy might affect housing incentives.

Councilmember Stokes said he looks forward to moving ahead with the implementation of affordable housing tools.

Councilmember Lee thanked staff for the presentation. He said it is important to identify the right tools for the sustainability of affordable housing.

11. Land Use: None.
12. Other Ordinances, Resolutions, and Motions: None.
13. Unfinished Business: None.
14. New Business: None.
15. Executive Session: None.
17. Adjournment

At 10:24 p.m., Mayor Robinson declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw