

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Meeting

September 25, 2023  
6:00 p.m.

Council Chambers  
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

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

2. Roll Call; Flag Salute

Deputy City Clerk Karin Roberts called the roll and all Councilmembers were present. Deputy Mayor Nieuwenhuis led the flag salute.

(a) Bellevue SchoolPool Walk & Roll to School Day Proclamation

Councilmember Zahn read the proclamation recognizing October 4, 2023 as Bellevue SchoolPool Walk & Roll to School Day. She encouraged everyone to consider the safety and health of children traveling to and from school today and every day.

A PTA parent from Ardmore Elementary School thanked the Council for the proclamation. She highlighted the importance of the annual event and noted that she helped coordinate this day. She said it has been great to work with other school districts and organizations to raise awareness of pedestrian and bike safety and to promote healthy habits.

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

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

- (a) Jodie Alberts, Bellevue Chamber of Commerce, spoke in support of the proposed updates to the small cell wireless communications facilities code. She noted the collaboration between the public and private sectors to develop the amendments. She thanked Transportation Director Andrew Singelakis, Mark Poch, Nick Whipple and Mathieu Menard for their responsiveness and communications with her.
- (b) Gregory Busch, speaking on behalf of AT&T, expressed support for the proposed wireless communications facilities code amendments. He thanked the City for keeping pace with new technologies to serve the community.
- (c) Azmeena Hasham, representing Verizon, said she is chair of the Bellevue Chamber of Commerce's 5G small wireless facilities work group. She noted the group's support for the proposed code amendments. She expressed appreciation for the City's collaboration with private companies. She said 5G technology is deployed on both cell towers and utility poles. She thanked City staff for their work with everyone.
- (d) Serkan Ketenci referred to the earlier proclamation about biking and walking to school. He encouraged a stronger emphasis on bike and pedestrian safety every day.

Mayor Robinson asked staff to follow up with Mr. Ketenci regarding projects completed and underway as part of the neighborhood transportation levy.

- (e) Joe Kunzler commented regarding public disclosure commission case #136406. He said there is an individual who often speaks to the Council that has not paid his public disclosure commission fines over the past two years. He asked the City Council and the City Attorney to review the above-referenced case. He expressed concern about the nature of the comments by the individual.
- (f) Patrick Sathyanathan noted his ongoing concern about what he sees as a lack of accountability within the Bellevue Police Department. He described an incident in which police officers and crisis responders came to his home. He was later arrested and eventually received a mental health evaluation without his consent. He said he has been told that all of the officers' actions were in line with the department's policies. He thanked Councilmembers for their attention.
- (g) Al Rosenthal said he would leave a document for the Council regarding CO2 and global warming. He said he would like the opportunity to meet with the Council regarding the report. He served on the City of Redmond's 2015 homeless task force and was a structural engineer in the aircraft industry for 38 years. He said the document makes a strong argument that CO2 is not related to global warming.

- (h) Alex Tsimmerman expressed concern about restrictions on free speech. He said the Council has no term limits and never changes. He said he did not understand why he has been trespassed from so many meetings and facilities. He said he did not feel that the Council cares about the public.
- 5. Reports of Community Councils, Boards, and Commissions: None.
- 6. Report of the City Manager
  - (a) Summer Recreation Highlights 2023

City Manager Brad Miyake introduced an update from staff regarding summer recreation activities throughout Bellevue.

Shelley Brittingham, Assistant Director, Parks and Community Services Department, described the high usage of parks, trails and natural areas during the summer, noting that park rangers provide education and assistance.

Brad Bennett, Parks and Community Services Manager, said the City has five beach parks with lifeguards which welcome 48,000 visitors annually. More than 8,800 non-motorized watercraft were rented from the City and 1,100 people enjoyed guided tours. Summer day camps served nearly 3,800 youth through 250 active, artistic and educational camps. Of the participants, 81 percent of the enrollees were Bellevue residents.

Mr. Bennett said special events over the summer included the Lake to Lake bike ride (456 participants), Movies in the Park (12,000 attendees), Arts in the Garden (7,000 participants) and the Bellevue Family 4<sup>th</sup> with more than 50,000 members of the public. Additional events celebrated in parks included Pakistan Independence Day (1,500 attendees), Flavors of India (3,500 attendees) and CHIME Music Festival (2,000 attendees).

Ms. Brittingham noted the upcoming Kelsey Creek Farm Fair on October 7.

- 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) Council Minutes  
*Minutes of September 11, 2023 meeting.*

- (b) Ordinance No. 6754 amending the Environmental Procedures Code, Chapter 22.02 of the Bellevue City Code (BCC), to maximize SEPA categorical exemption flexible thresholds up to state allowances and conform the Environmental Procedures Code to state SEPA rules adopted by the City; providing for severability; and establishing an effective date.
  - (c) Resolution No. 10307 authorizing execution of a labor agreement between the City of Bellevue and the Teamsters Local 763, representing field operations, maintenance, and fleet employees for a four-year contract period starting January 1, 2023, and expiring December 31, 2026. The executed agreement shall be substantially in the form of the agreement in the Council Library.
9. Public Hearings: None.
10. Study Session Items
- (a) Proposed amendments to the Bellevue City Code and Land Use Code to conform the City's regulations for Wireless Communication Facilities with federal law, and to update code related to the installation of Small Wireless Facilities in the public street rights-of-way.

City Manager Miyake introduced discussion regarding proposed code amendments to conform the City's regulations for wireless communications facilities with federal law and to update the code related to the installation of small wireless facilities. He noted the effective collaboration between the City and the wireless industry to develop the code amendments. He said staff is seeking Council direction to enter a finding of necessity for the Council to process the Land Use Code Amendment (LUCA) and to hold a public hearing regarding the proposed LUCA.

Liz Stead, Land Use Director, Development Services Department (DSD), said this is the third phase of a series of wireless code amendments. The first two phases were adopted in 2019 and covered small wireless facilities (SWFs) in the right-of-way.

Caleb Miller, Senior Planner, said that Land Use Code regulations adopted in 2003 apply to wireless communications facilities on private property, and there have been few, minor updates since the code was adopted. There has been significant change in the wireless industry due to new technologies, increased demand for services and limitations on local authority from the Federal Communications Commission (FCC).

One of the FCC orders dictate the time limits for the City's review of permit applications for new facilities. For a SWF attached to an existing structure, the time limit is 60 days. The time limit for processing a permit for a SWF on a new structure is 90 days. A second FCC order relates to eligible facilities requests and sets out the review process for modifications to existing wireless communications facilities. The modification cannot result in a substantial change and the permit application must be approved within 60 days if all of the criteria are met.

Mr. Miller said the objectives of the LUCA and amendments to the Bellevue City Code are to respond to new technologies, modify and streamline the permitting process, and to align with the FCC orders regarding eligible facilities requests and the time limits for processing permit applications.

Mark Poch, Assistant Director, Transportation Department, said a SWF is a wireless communications facility with smaller radios and antennas than cell towers. They can be installed on streetlights, utility poles or private property to add wireless capacity in high-traffic areas and to complement cell tower service. SWFs in the public right-of-way are regulated under Chapter 6.08 of the Bellevue City Code. There are currently four completed SWFs in downtown Bellevue, three sites have been issued permits for construction, 15 sites are in various stages of permit review and more than 50 pole reservations have been received.

Mr. Poch said the City worked with Verizon, Crown Castle and AT&T to develop the code. The City is currently working with Extenet and T-Mobile to begin implementing SWFs for T-Mobile. The Bellevue Chamber of Commerce collaborated with carriers and the City to discuss process improvements and the code amendments. The process improvements addressed electrical access, geotechnical requirements, code interpretations, property and Americans with Disabilities Act (ADA) issues, engineer of record and due diligence issues. A ribbon cutting was recently held in downtown Bellevue to celebrate the first SWF with Verizon equipment.

The proposed amendments to BCC Chapter 6.08 address: 1) expanding antenna and equipment placement options, 2) increasing enclosure options, 3) allowing pole and strand-mounted SWFs on the same pole, 4) increasing permit-to-operation time allowance, 5) processing eligible facility requests, and 6) allowing more temporary installation options.

Mr. Miller described the LUCA applicable to wireless communications facilities that are not in the public right-of-way. The LUCA revises Land Use Code Chapter 20.20.195 and maintains existing standards for aesthetics, screening and tower separation. The LUCA codifies the process for eligible facilities requests and complies with the FCC's time limits for processing permits. Eligible facilities requests, modifications to existing wireless communications facilities, and facilities attached to existing structures are permitted outright. However, construction or right-of-way permits may be required. Wireless communications facilities attached to new purpose-built structures (towers) and requests for departures from established standards are reviewed through the administrative conditional use permit (ACUP) process.

Mr. Miller highlighted the BCCA and LUCA process. The next steps include Council action on the BCC code amendment, a public hearing to consider the proposed LUCA and final Council action on the LUCA.

Mr. Miller said staff is seeking a finding of necessity for the Council to process the LUCA as well as direction to staff to schedule a public hearing on the proposed LUCA and to prepare the BCC amendment for final action at a future meeting.

Deputy Mayor Nieuwenhuis said he has a particular interest in this topic, and he was pleased to see the installation of the first SWF in Bellevue. He noted the importance of implementing new

technologies to serve residents, businesses, students, visitors and first responders. He said he appreciated the collaboration of the City with the Chamber and wireless carriers.

Councilmember Stokes concurred with Mr. Nieuwenhuis's comments and said he was ready to move forward with processing the code amendments.

Councilmember Zahn noted that the implementation of SWFs is consistent with Bellevue's Smart City efforts. She praised the partnership and collaboration involved in reviewing and updating the code and expressed support for moving forward.

Mayor Robinson said it is exciting to see the implementation of SWFs moving forward in Bellevue. She said some cities are restricting the access of small cell installations and asked how those cities differ from Bellevue.

Mr. Poch recalled that when the Council established the code for SWFs in the public right-of-way in 2019, the Council established the design criteria. He said the more pleasing design of facilities in Bellevue has helped win the community's support for the installations.

Councilmember Lee said Bellevue is a global technology center and the City has invested significantly in technology enhancements. Responding to Mr. Lee regarding the design of wireless communications facilities, Mr. Poch said the City has not received any complaints about the facilities or equipment.

→ Deputy Mayor Nieuwenhuis moved to enter a finding of necessity for the Council to process the LUCA, direct staff to schedule the public hearing for the LUCA, and to prepare the BCC amendment for final action at a future meeting. Councilmember Stokes seconded the motion.

Mayor Robinson suggested a friendly amendment to direct staff to prepare the BCC amendment for adoption on a future consent calendar, and Mr. Nieuwenhuis and Mr. Stokes concurred.

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

At 6:55 p.m., Mayor Robinson declared a short break. The meeting resumed at 7:10 p.m.

(b) Ratification of Housing-Related Amendments to the 2021 King County Countywide Planning Policies (CPPs)

City Manager Miyake introduced discussion regarding the ratification of housing-related amendments to the King County Countywide Planning Policies (CPPs). He recalled that the Bellevue City Council ratified the 2021 CPP amendments in March 2022.

Michael Kattermann, Director, Community Development Department, said the interlocal agreement established the process for ratifying amendments to the CPPs. The Council may: 1) take no action, which is deemed ratification under the interlocal agreement, 2) take action to not ratify or to disapprove, or 3) take action to ratify. No changes can be made at this point in the

process for the current amendments. Mr. Kattermann said staff is seeking direction to bring back a resolution to ratify the CPPs before the November 30 deadline.

Mr. Kattermann said the Growth Management Act sets an overall framework for the multicounty planning policies (e.g., Puget Sound Regional Council Vision 2050), CPPs, local Comprehensive Plans and Land Use Codes.

The CPP amendments are responsive to HB 1220 adopted by the state legislature in 2021. Mr. Kattermann said jurisdictions are required to plan for and accommodate housing needs at all income levels, including special needs housing. The 2021 CPPs align with HB 1220 and provide information regarding housing needs for different income levels in the county.

Mr. Kattermann said the CPPs identify countywide and jurisdictional housing needs, establish accountability and an implementation framework, align performance monitoring with the framework and align with HB 1220. The CPPs require monitoring and a five-year assessment and adjustment. King County will publish an annual report to show the progress.

Emil King, Planning Director, highlighted the housing needs for Bellevue by income level or area median income (AMI). King County's data identifies the need for approximately 18,000 housing units for households earning 0-30 percent AMI and 8,000 units for households earning 31-50 percent AMI in Bellevue. In addition, more than 2,000 units are needed for households earning 51-80 percent AMI and 4,000 units are needed for households earning 120 percent AMI. Mr. King said subsidies are typically necessary for households earning 0-50 percent AMI. King County sought to increase housing choices for low- and moderate-income households in areas of the county with fewer affordable housing options and to promote a more equitable distribution of housing choices across the county. Mr. King said the identified housing needs above add up to the 35,000 housing units targeted in the Comprehensive Plan.

Mr. King presented a graph comparing Bellevue's housing needs with the needs identified for Issaquah, Kirkland and Redmond. From the City's own housing needs assessment, he highlighted the allocation of projected housing units by income level in 2044. In 2020, Bellevue had 2,550 housing units for households earning up to 30 percent AMI and a need for an additional 6,820 units. There were 3,825 units serving 31-50 percent AMI households, with a need for 3,646 additional units. There were 7,015 units for 51-80 percent AMI households, with a need for 3,887 more units. There were 50,400 existing units for households earning above 80 percent AMI and a need for 20,647 more units at that AMI level.

Mr. King highlighted the ongoing staff work to implement the affordable housing plan including the Comprehensive Plan update, Wilburton planning, Housing Stability Program, A Regional Coalition for Housing (ARCH) Trust Fund, partnerships to build and preserve housing, expanded faith-based property opportunities, multifamily tax exemption (MFTE) program and the Next Right Work initiatives. Mr. King noted Deputy Mayor Nieuwenhuis's involvement in reviewing the CPPs as a member of the Growth Management Planning Council (GMPC).

Mr. King requested direction to prepare a resolution ratifying the Countywide Planning Policies (CPP) amendments for Council action on a future consent calendar. He noted the deadline of November 30 for taking action, if desired.

Mayor Robinson expressed support for ratifying the CPPs. However, speaking as an individual Councilmember, she supports the City's robust efforts to create affordable housing but does not subscribe to aspirational and unattainable goals. She said it is important to look at all housing needs countywide, and every city should contribute to providing affordable housing. She expressed concern that 87 percent of the 35,000 housing units developed over the next 20 years will require subsidies. She said that is not feasible.

Mayor Robinson expressed support for focusing on what the City can do and what is feasible. She suggested that the City's ongoing efforts could include addressing wages and the cost of living in Bellevue. She said it is essentially impossible for someone earning less than \$25 per hour to live in Bellevue. She thanked staff for their work and recalled partnering with King County and others to preserve affordable housing at Highland Village. She said many families want to live in Bellevue for the excellent schools, and she believes people at all income levels should be able to live here.

Deputy Mayor Nieuwenhuis thanked staff for the great work and said he supports ratification with some reluctance. He thanked King County staff for their work as well. He thanked Mr. King for highlighting all of the efforts underway by the City to create housing, including the expedited Next Right Work items (e.g., removing barriers to micro apartments, reducing permit fees for affordable housing, increasing options for accessory dwelling units, etc.). He said affordable housing is one of the City's highest priorities and he believes Bellevue is a leader in its investments and commitment.

Mr. Nieuwenhuis said he preferred option 2 over option 3, but the latter was ultimately selected. He said option 3 requires that 85 percent of Bellevue's 2019-2044 housing target of 35,000 units be affordable below 80 percent AMI. Much of that is needed for households earning 0-30 percent AMI. He estimated a cost of \$9 billion to fund that scenario.

Mr. Nieuwenhuis acknowledged that the numbers presented by staff refer to needs and are not targets. He expressed concern that Bellevue's proposed housing allocation requires significantly more housing units than other jurisdictions. He would like to see a more equitable distribution of housing across all cities. He concurred with Mayor Robinson's suggestion to set more realistic goals. He said it is not feasible or realistic that Bellevue could create the identified number of housing units for 0-30 percent AMI households.

Mr. Nieuwenhuis said that he supports ratification of the CPP amendments despite his concerns. He praised staff for their expertise, diligence and knowledge of the process.

Councilmember Lee thanked staff for their work. He said he was not sure how they determined the housing needs for cities. He concurred with Deputy Mayor Nieuwenhuis's concerns about the feasibility or possibility of meeting all of the identified needs. Mr. Lee expressed support for



ratification and for moving forward. However, he said there will be practical limits to how much the City can accomplish or finance.

Councilmember Zahn thanked staff for the information regarding the comparison to other cities, the current inventory of housing, and housing needs. She agreed with her colleagues' concerns about the high number of housing units identified as needed and the unrealistic level of investment it would take to achieve that goal. Councilmember Zahn said she would like to better understand the anticipated outcomes of ratifying the CPPs.

Councilmember Robertson concurred with the comments of her colleagues. She said she is proud of all the City is doing to increase housing supply and affordable housing. She said the numbers of desired units reflect King County's needs and not Bellevue's specific needs. She said the County is pushing more affordable housing to the Eastside.

Ms. Robertson said she does not support ratification of the CPP amendments because they contain unrealistic aspirations, and ratification would imply that the City of Bellevue agrees with the County's conclusions. She said the targets are misleading to the public and lack transparency. She said it is not realistic to expect that 50 percent of Bellevue housing will be households earning below 30 percent AMI. Ms. Robertson described the CPP amendments as performative rather than realistic. She said the private sector will never build 0-60 percent AMI housing.

Ms. Robertson encouraged all cities to reject the CPP amendments. She said she read the resolution from the Growth Management Planning Council, which indicates that cities are required to plan and to accommodate the identified housing needs. She expressed concern that the CPPs would allow the City's Comprehensive Plan or Land Use Code to be challenged before the growth board, and then the City must defend itself for failing to meet an impossible goal. She urged the Council to not proactively ratify the CPP amendments because they are unachievable.

Councilmember Robertson thanked Mayor Robinson and Deputy Mayor Nieuwenhuis for their work and acknowledged that they advocated successfully for certain revisions. However, she said the CPPs are absurd.

Responding to Councilmember Stokes, Mr. Kattermann said the deadline for ratification or objecting the ratification is November 30. Not taking action is counted as support for ratification.

Councilmember Stokes said he disagrees to some extent with his colleagues' concern that the targeted needs are too high and unrealistic. He stated his understanding that there is nothing enforceable about the policies. He suggested that setting high goals will continue to motivate the City to pursue the creation of as many affordable housing units as possible. He said this is a difficult decision with seven different viewpoints.

Mayor Robinson noted that the needs presented by staff were developed based on facts for Bellevue, the other cities and unincorporated King County.

Mr. Stokes said the expectations of the CPP amendments are complicated and unclear. He said all cities will need to do more than they are doing now. He questioned what anyone could do if

cities do not meet the targeted needs for housing units. He spoke in favor of further consideration before making a decision.

Councilmember Barksdale expressed support for ratification of the CPP amendments. He concurred with his colleagues that achieving 0-30 percent AMI housing is a challenge. He said having aspirational goals does allow the City to think about strategies for finding the funding to accommodate affordable housing. Mr. Barksdale said the goals in the affordable housing strategy are based on what could realistically be achieved given the available tools. He opined that identifying the needs and figuring out how to meet those needs is a more effective approach for addressing the challenge. He noted that it is important to remember that this is a regional problem.

→ Deputy Mayor Nieuwenhuis moved to direct staff to prepare legislation ratifying housing-related amendments to the 2021 King County Countywide Planning Policies (CPPs) for action at a future meeting on the consent calendar. Councilmember Stokes seconded the motion.

Mayor Robinson thanked the Council for the good discussion.

Deputy Mayor Nieuwenhuis asked whether the City could be held liable in any way for not meeting the aspirational targeted needs. Mr. Kattermann said staff is analyzing that issue. Due to the way that the CPPs are written, and the fact that they are consistent with state law, there does not appear to be any enforcement authority associated with the CPPs. However, anyone could appeal the City's plan if they felt that the City was not adequately planning to accommodate a certain number of housing units.

Responding to Mr. Nieuwenhuis, Mr. Kattermann said staff can provide an update and have more discussion with the Council during a future meeting before voting to ratify.

Councilmember Lee expressed concern that unrealistic goals are not likely to be achieved. He would like to be aspirational, but within limitations. He said there are competing planning priorities and projects and it might not be the best use of the City's resources to try to achieve a goal set by King County. He expressed support for Councilmember Robertson's position.

Councilmember Zahn said she looks forward to further discussion about the aspirational goals and whether the City is obligated to meet the housing needs targets. She noted that the CPP amendments have been developed over the past 18 months through a series of reviews. She asked why the Council is now discussing the whole framework and criteria.

Responding to Mayor Robinson, Mr. Kattermann said that HB 1220 had passed, and the provisions were not included in the 2021 CPP updates. The direction for the affordable housing committee that Mayor Robinson serves on was to figure out how to incorporate HB 1220 into the CPPs.

Mr. Kattermann said a number of methodologies were used to determine how the needs would be allocated to all jurisdictions. He said Mayor Robinson, Deputy Mayor Nieuwenhuis and staff

raised a number of concerns about the targeted needs and questions about the methodology that was ultimately chosen from three options. Mr. Kattermann said Bellevue coordinated with other cities to try to achieve revisions. He said Bellevue representatives were not able to get them to use a different methodology. However, changes were made to the policy language.

Mayor Robinson said the CPP amendment was initially more of a mandate and the targeted needs are now considered more as goals.

Responding to Councilmember Zahn, Mr. Kattermann said the language explicitly recognizes that cities do not have the resources or capabilities to produce the 0-50 AMI housing units.

Councilmember Robertson said she appreciates the work of staff, Mayor Robinson and Deputy Mayor Nieuwenhuis. Ms. Robertson said the policy amendment improved significantly but it is not enough for her, and she will not support ratification. She said the City could never support the targeted level of subsidized housing.

Councilmember Stokes said this is a challenging issue. He expressed support for being more aspirational. He looks forward to further discussion based on tonight's comments and questions.

Mayor Robinson noted that the CPPs are not a strategy that will end all homelessness. She said Bellevue is addressing housing in a number of ways.

Deputy Mayor Nieuwenhuis withdrew his motion pending further discussion at a future meeting.

- Deputy Mayor Nieuwenhuis moved to direct staff to prepare legislation ratifying housing-related amendments to the King County Countywide Planning Policies (CPPs) for consideration at a future meeting. Councilmember Stokes seconded the motion.
- The motion carried by a vote of 5-2, with Councilmembers Lee and Robertson dissenting.

11. Land Use: None.

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

13. Written Reports

(a) Intergovernmental Affairs

Mayor Robinson encouraged everyone to read the intergovernmental affairs update in the meeting packet.

14. Unfinished Business: None.

15. New Business: None.

16. Executive Session: None.

17. Adjournment

Mayor Robinson noted that the October 2 meeting was cancelled, and the next meeting would be October 9.

At 8:08 p.m., Mayor Robinson declared the meeting adjourned.

Karin Roberts, CMC  
Deputy City Clerk

/kaw