

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

October 5, 2015
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Balducci and Councilmembers Chelminiak, Lee¹, Robertson, Robinson, and Stokes

ABSENT: Deputy Mayor Wallace

1. Call to Order

The meeting was called to order at 8:00 p.m., with Mayor Balducci presiding.

2. Roll Call, Flag Salute

All Councilmembers were present with the exception of Deputy Mayor Wallace and Councilmember Lee. Councilmember Chelminiak led the flag salute

(a) Walk to School Day 2015 Proclamation

Mayor Balducci invited Mark Oppfelt, representing Clyde Hill Elementary PTA, to come forward.

Mayor Balducci read a proclamation recognizing October 7, 2015 as International Walk to School Day in Bellevue. Mr. Oppfelt thanked John Murphy, Transportation Assistant Planner, for his help in reestablishing Walk to School Wednesdays for Clyde Hill Elementary. He thanked the Council for the proclamation and encouraged them to continue funding enhanced crosswalks and safe walking paths.

3. Approval of Agenda

→ Councilmember Stokes moved to approve the agenda, and Councilmember Chelminiak seconded the motion.

→ The motion to approve the agenda carried by a vote of 5-0.

¹ Councilmember Lee arrived at approximately 8:30 p.m.

4. Communications: Written and Oral

- (a) Robert Strayhan, President of the Washington Square Towers Condominium Owners Association, noted past and present Board members in the audience. He said if the residents had received more advanced notice about the Study Session Wasatch Superblock agenda item, there likely would have been a couple of hundred residents in attendance. He said residents strongly encourage the City to require that Wasatch provide the connector road to comply with the 10-year-old agreement [Ordinance No. 5625]. His understanding is that Trammell Crow is only responsible for building the curb and sidewalk on the north side of the road but they are not responsible for any roadway that belongs to the developer. He said Trammell Crow does not have an agreement with Wasatch to enable their ability to build the road at their own expense. Trammell Crow's plan is only to build an egress lane. Trammell Crow wants to make improvements to the portion of NE 9th that has been in place since 2008 to provide access to the condominiums. Mr. Strayhan urged the Council to not extend Wasatch's deadline.

Responding to Mayor Balducci, the City Manager said he would forward this information to the appropriate staff for follow-up.

- (b) Gary Albert said he has been involved in several local planning efforts including two Neighborhood Enhancement Program (NEP) projects, two match grants, and the Eastgate annexation. He spoke in opposition to Puget Sound Energy's Energize Eastside project. He described PSE's dismantling in 2001 of the Shuffleton power plant on the south end of Lake Washington, which would have ensured reliable energy for the Eastside. He said the Energize Eastside project is unnecessary and will cost ratepayers nearly one billion dollars over the next few decades. Mr. Albert submitted his comments in writing.
- (c) Alex Zimmerman, representing StandUP-America, reiterated his ongoing request that the City Manager hold monthly question and answer sessions with the public. He questioned why Bellevue's 130,000 residents are quiet. He said City government works like a local mafia and organized criminals. He referred to the Council as fascists and said it is a crisis that residents are not interested in his request.
- (d) Vandana Slatter thanked the Council for the Walk to School Day proclamation. She shared residents' concerns from Greenwich Crest neighborhood about the hazard in walking to the school bus stop where there is no sidewalk. She said high school students must cross the street to the Metro bus.

Mayor Balducci suggested that Ms. Slatter follow up with staff regarding her concerns.

- (e) Ming Gao spoke on behalf of Mr. Tsong to express his concerns that a City staff person is stalking and harassing him. He said he was forced to remove a shed from his yard, which was on the property when he purchased the house. He said neighbors have similar sheds. He said City staff placed a stop work order on a house he was remodeling, even though an inspector told him he was complying with the Codes. He believes he is the subject of

discrimination because he is Chinese. Mr. Gao submitted a letter from QL Investment LLC.

Mayor Balducci said the Council received a letter from the property owner, and staff will be working with Mr. Tsong.

- (f) Anna Flora, representing Vander Hoek Corporation, presented slides depicting Old Bellevue and the anticipated impact of the proposed Land Use Code Amendment (LUCA) related to parking. She said the Vander Hoek Corporation is opposed to alternative A-3, which will affect seven additional properties beyond the three specifically discussed. Ms. Flora submitted a copy of her presentation.
 - (g) Anthony Pagones, representing the One Main retail partners expressed support for LUCA alternative A-3 for Old Bellevue parking. He asked the Council to consider parking impacts on tenants.
5. Reports of Community Council, Boards and Commissions: None.
6. Report of the City Manager
- (a) Management Brief on DSD and PCD Draft Work Program – Initiatives with Land Use Code Amendments

City Manager Brad Miyake introduced discussion of the Development Services Department (DSD) and Planning and Community Development (PCD) Department draft work program for initiatives involving Land Use Code Amendments. He noted the management brief in the meeting packet recapping previous Council direction. Staff is ready to proceed with the work program elements upon approval by the Council.

Planning Director Dan Stroh said the management brief is intended to reflect the draft work program through fourth quarter 2016 based on Council direction.

DSD Director Mike Brennan said the larger planning initiatives include a number of Land Use Code Amendments. In addition to those currently underway, others will be initiated this year and in 2016 after discussions with the Council on scoping those efforts.

Councilmember Chelminiak encouraged including the Wilburton/Hospital light rail station on the north side of NE 8th Street as part of the Wilburton area/Grand Connection planning. Mr. Stroh said the current plan is to include the south side of NE 8th Street and to address the north side as part of the station area planning effort beginning in 2018.

[Councilmember Lee joined the meeting.]

Mr. Chelminiak observed that the Wilburton/Hospital Station area planning should start by 2017, at the latest, and be considered within the context of Wilburton and BelRed Corridor planning.

Mr. Stroh said staff has discussed fairly extensively how to approach the station area planning. He said a discussion of the boundaries for the planning efforts could be discussed soon when staff brings the scoping for the Wilburton planning forward to the Council.

Councilmember Robertson concurred with Councilmember Chelminiak. She observed that both the Wilburton Subarea Plan and BelRed Corridor Plan were updated in recent years, but neither fully address the area in between where the light rail station will be located. She said the City is making significant investments in transportation projects in the area and now is the time to plan for what the City would like to see there. She strongly supports including the Wilburton/Hospital Station area planning as part of the broader Wilburton planning review. She said this would be similar to how planning for the Downtown Station is considered within the context of the Downtown Livability work.

Councilmember Stokes agreed with the need to study how the subareas relate to each other and with light rail. He noted references by staff to the lack of resources available for an expanded work program and said he would like a better understanding and discussion of the resource needs. He suggested changing the name for the area around the NE 8th Street light rail station, noting that it lies outside of the traditional Wilburton area.

Councilmember Lee concurred with the need for a broader comprehensive planning effort and expressed support for discussing additional resource needs.

Mayor Balducci said this is the third time the work program has been discussed. During the most recent discussion, the Council asked staff to add the Grand Connection to the west. Now the Council is suggesting that the scope of the Wilburton work program item be expanded to the north. She recalled previous comments from staff about the ability of the public, Boards and Commissions to support multiple planning efforts at one time in a meaningful way. She suggested modifying the work program to focus the Wilburton planning effort on expanding to the north versus the Grand Connection to the west.

Mr. Stroh said staff will modify the work program as directed by the Council. However, staff will need to conduct a more extensive scoping effort to work out how to proceed with a modified project boundary.

Mayor Balducci commented on regional discussions about the Eastside Rail Corridor. One of the primary challenges of that effort is to connect the pedestrian-bike interim trail over NE 8th Street. The light rail station involves a crossing over NE 8th Street as well. She observed that now is the time to work on the land use plan for that area and to coordinate new elements with the existing development. She suggested moving forward with Grand Connection planning across I-405 but perhaps not all the way west to Meydenbauer Bay at this point.

Councilmember Lee expressed interest in a discussion during the next Mid-Biennium Budget process about resources and what it would take to pursue more planning initiatives.

Mayor Balducci suggested moving forward with the work program as presented at this time and continuing discussion of planning priorities during the Council's next annual retreat. The Council agreed with that direction.

Councilmember Chelminiak said he was not ready at this point to curtail work on the Grand Connection west extension. Councilmember Robertson concurred and said she would like more information from staff regarding the scope of work and tradeoffs with other related items.

Councilmember Robinson said she would like work on the housing strategy plan to move forward. She would like to consider creating some type of housing commission, perhaps to include members of existing Boards and Commissions. Councilmember Stokes concurred and suggested establishing a housing strategy task force. Ms. Robinson said she envisions that the task force would create a draft plan for the Council's consideration and discussion.

Councilmember Lee said it is admirable to suggest that level of attention to the issue of housing. However, he would like further discussion before establishing a task force. He said that will require staff time and other resources. He would like to first explore the implications and requirements.

Councilmember Robertson concurred that a task force is a good idea. However, that adds time to the process and the plan will ultimately come before the Planning Commission. She estimated a task force would add a year to the process. As a way of taking a broader look at housing needs and issues, Ms. Robertson suggested that the Planning Commission work with the Human Services Commission and others to address related issues. She is concerned about delaying the process and overloading staff.

Councilmember Chelminiak said he understands the uncertainty around creating a task force. He said housing policy is the biggest issue for the City and the region. It has implications for economic development, transportation, human services, land use and utilities policies. He suggested that the City Manager and staff give further thought to the best approach. He agreed with Councilmember Robertson that using a task force or citizens advisory committee will add at least one year to the process. He suggested that a commission of existing commissioners would be an effective approach, although he understands the challenge of coordinating schedules and the extra work for staff. Perhaps such a commission could identify a proposal for Council review and public input. Then portions of the work could be referred to the appropriate Board or Commission.

Mayor Balducci said this topic will stimulate interest from developers, human services organizations, housing experts, property owners, and residents. Part of the challenge will be finding a way to coordinate all of the interests and opportunities for input.

City Manager Miyake said staff's plan is to bring back the Comprehensive Plan Housing Element in six weeks. Mayor Balducci noted concurrence with postponing further discussion to that time.

Mayor Balducci noted a Council consensus in support of the proposed DSD and PCD work program. She summarized that the City focuses growth in key development centers preserving single-family neighborhoods. She said many other cities have significant infill development including accessory dwelling units, subdivisions, and short plats, which is different than what is occurring in Bellevue. She believes that focusing growth in certain areas is effective in protecting residential neighborhoods.

7. Council Business and New Initiatives

Councilmember Chelminiak said he continues to hear input from residents about the upcoming closure of the South Bellevue Park and Ride. He said there are issues the City needs to address with Sound Transit and Metro, including looking not just at parking spaces but at the capacity on buses. He said it needs to be more convenient to transfer between Sound Transit and Metro. He would like to know how many seats, if any, will be created as the Park and Ride closes. He questioned whether there will be leased lots serving the area around the current Park and Ride and Sound Transit's 550 bus route.

Responding to Mayor Balducci, Mr. Miyake said staff will bring those issues back for the next update. Mayor Balducci suggested having that conversation before the next quarterly update. Councilmember Chelminiak said he is comfortable leaving the timing and method for addressing those concerns for staff to determine. He does not want to interfere with provisions of the East Link Memorandum of Understanding (MOU) with Sound Transit. Ms. Balducci reiterated her suggestion that the discussion not wait until the next quarterly update.

Councilmember Stokes said there needs to be adequate information for the public to understand the length of the South Bellevue Park and Ride closure and the interim Park and Ride and transit plans.

Moving on, Mayor Balducci said there is a group of residents, mostly from the Bridle Trails neighborhood, which is encouraging the City to follow up on items from the Electrical Reliability Study. She has asked the City Manager and staff to prepare an update summarizing the status of the study's recommendations and to bring that forward for Council discussion.

8. Consent Calendar

→ Councilmember Stokes moved to approve the Consent Calendar, and Councilmember Chelminiak seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 6-0, and the following items were approved:

- (a) Council Meeting Minutes
Minutes of September 14, 2015 Extended Study Session

- (b) Resolution No. 8977 authorizing execution of a Modified Public Works Contract between the City and FieldTurf, USA, Inc. to replace the synthetic turf at Robinswood Park.
 - (c) Resolution No. 8978 authorizing execution of an amendment to the Agreement for Professional Services with Pacifica Law Group LLP, outside counsel for the City in the lawsuit of City of Bellevue v. Pine Forest Properties, Inc., et al., KCSC No. 13-2-36105-1 SEA, in an amount not to exceed \$415,000.
 - (d) Resolution No. 8979 authorizing execution of an amendment to the Agreement for Professional Services with Pacifica Law Group LLP, outside counsel for the City in the lawsuit of Greensun v. City of Bellevue (KCSC Case No. 14-2-29863-3 SEA), in an amount not to exceed \$225,000.
 - (e) Motion to award Bid No. 15092 for Storm Drain Trenchless Repair (2015) to Shoreline Construction, as the lowest responsible and responsive bidder, in the amount of \$308, 696.00. (CIP Plan No. D-64)
 - (f) Resolution No. 8980 authorizing execution of the Regional Green Business Program Memorandum of Agreement (MOA).
9. Public Hearings: None.
10. Land Use: None.
11. Other Ordinances, Resolutions and Motions
- (a) Ordinance No. 6257 authorizing final action on the Land Use Code Amendment (LUCA) to clarify the definition of “existing building” for the purpose of administering the parking requirements applicable to restaurant and retail uses in Downtown – Old Bellevue.

City Manager Miyake recalled that the Council asked staff to bring back an additional Land Use Code Amendment (LUCA) alternative for clarifying the definition of “existing building” for the purpose of administering the parking requirements applicable to restaurant and retail uses in Downtown – Old Bellevue.

Carol Helland, Land Use Director, recalled that the Council requested option A-3 as a blend of options A-1 and A-2, while grandfathering the three buildings that mistakenly received waivers from parking requirements.

Councilmember Robertson said her understanding was that the Code was misapplied to only two of the buildings. Ms. Helland said the September 8 meeting packet addressed this issue and identified a parking deficit of 18 and 24 spaces. The reason is that the nature of the parking agreement between two of the buildings was not recorded in the way that is required by the Code and in the form required by the Director. The specific agreement between the two property

owners did not have the City as a party to the agreement. The agreement effectively provides the required parking but does not meet the form required by the Land Use Code.

Councilmember Robertson questioned whether, if option A-3 is approved as written, the property which met the requirements through the parking agreement could at some point rescind the agreement and not be required to comply with parking requirements. Ms. Helland said the issue is complicated. The two properties involved in the shared parking agreement are Main Place Apartments and Courtyard Off Main. She said the language of the agreement requires that it continue in perpetuity, and the nature of the agreement provides a 20 percent reduction in required parking. Ms. Helland said the required parking, due to the typical reduction for retail space, would result in essentially the same number of spaces. Therefore, she does not see an incentive to rescind the parking agreement. Ms. Robertson questioned what would happen if they did decide to rescind the agreement. Ms. Helland said that, under the current Code, the parties could take advantage of the exemption.

Ms. Robertson noted that the Vander Hoek representative mentioned seven buildings receiving reduced parking requirements. Ms. Helland said her understanding of the comment was a reference to properties constructed since 1998. Ms. Helland said many of the properties identified by Ms. Flora were considered “existing” as of 1998 because they were built after the original Code was updated to allow the 1,500 square foot exemption.

Councilmember Robertson questioned whether there were any buildings constructed between August 12, 1998 and vested by December 31, 2007 in which City staff correctly applied the Code and the buildings did not receive a parking exemption. Ms. Helland said that, at the time the buildings were approved through design review (post-1998), they all complied with the Code. They were required to provide parking and to make some assumptions about what type of tenants they would have.

Councilmember Robertson questioned how many buildings were built in Old Bellevue between August 12, 1998 and vested by December 31, 2007. Ms. Helland said that only the three buildings to potentially be grandfathered in terms of parking requirements fall into that category. Ms. Robertson questioned how seven more buildings would be captured by moving the date of the exemption. Ms. Helland said the buildings named by Ms. Flora were constructed between 1988 and 1998. The Vander Hoeks have maintained that the original adoption only applied to existing buildings. However, that is not what is reflected in the Code.

Ms. Robertson said the Code language proposed to be changed referred to buildings in existence as of August 12, 1998. The current proposal refers to December 31, 2006, and only the three buildings under discussion were built between August 1998 and 2006. Ms. Helland confirmed that understanding. Responding to Councilmember Robertson, Ms. Helland said that, of the three buildings, the exemption was properly applied to Main Place Apartments and subsequently properly applied to the tenant spaces. Ms. Robertson questioned why not remove that building from the other three. Ms. Helland said that building is in between the other two buildings, which creates the drafting conundrum of narrowing the language to apply to just the two buildings.

Councilmember Robertson suggested that Note 4 be revised as follows: "Existing buildings shall refer to any building in existence as of August 12, 1998 and any building constructed or vested between August 12, 1998 and December 31, 2006; whereby this exemption was mistakenly applied by the City, which encompasses the following buildings (list buildings) constructed between these dates."

Ms. Helland said that is an alternative approach that could be adopted. She said staff has been talking about the three buildings because Main Place Apartments represents a different type of mistake. It does not currently have a recorded shared parking agreement consistent with the Code.

Mayor Balducci suggested that the Council introduce a motion, then amendments can be considered individually.

Responding to Councilmember Stokes, Ms. Helland said the 2010 parking agreement is between Main Place Apartments and Courtyard Off Main. In 2008, a City planner provided feedback for the Vander Hoeks to let them know how they needed to comply. Ultimately the 2010 agreement must be the expression of that compliance. In further response, Ms. Helland said the buildings meet the parking requirement without the 1,500 square foot exemption. However, they meet it not by providing more parking but by taking advantage of the 20 percent reduction in parking requirements due to the shared arrangement.

Mr. Stokes said his reading of the agreement indicates that the two properties could reduce the number of parking spaces and avoid strict compliance with required parking. He observed that, as written, the parties could discontinue the agreement. Ms. Helland said it sounds like there is flexibility in the approach. Since the City was not a party to the agreement, the buildings would be able to take advantage of the exemption. In further response, Ms. Helland said this would be handled on a complaint basis. Her understanding is that the properties are currently complying with parking regulations and the terms of the shared parking agreement. If the available parking were to dip below the quantity that is required, the City would be able to apply an enforcement action to require that additional parking be provided.

Councilmember Robinson questioned the impact to Main Place Apartments if it is not grandfathered under the parking requirement exemption, especially if there was a more intensive use of a tenant space. Ms. Helland said the building would have to provide additional parking if a more intensive use is put in place. Ms. Robinson questioned where the additional parking would be located. Ms. Helland said that, according to materials submitted over the weekend, additional parking is still available at the Courtyard Off Main. Otherwise, their option would be to find another building to purchase parking.

Ms. Robinson asked whether there is a different impact for Main Place versus the Borgata. Ms. Helland said that, if Main Place is removed from the grandfather protection, the building would be treated the same as every other post-1998 building and would need to provide parking for any change of use. The Borgata, if grandfathered, would be able to continue to take advantage of the 1,500 square foot exemption, even though constructed after 1998 and even if a new tenant resulted in a more intensive use.

- Councilmember Stokes moved to adopt Ordinance No. 6257 approving alternative A-3 to clarify the definition of “existing building” for the purpose of administering parking requirements applicable to restaurant and retail uses in Downtown – Old Bellevue. Councilmember Robinson second the motion.

Councilmember Lee said he wants to provide more parking in Old Bellevue and to not harm the three buildings. He believes this is accomplished by alternative A-3. Ms. Helland confirmed that was staff’s intent with the language. She said it is consistent with alternative A-1 in reflecting the Council’s interest in protecting the buildings that had a legitimate claim to the exemption prior to 1998, while grandfathering the three buildings in which the exemption was incorrectly applied.

Councilmember Stokes said this is a difficult issue. Acknowledging the mistakes made in applying the Code, he believes it is time to move forward. He said the broader issue for Old Bellevue is to determine how to provide more overall parking. He wants to maintain the viability of the area and to retain existing tenants.

Councilmember Chelminiak concurred that this has been a complex issue. While the solution does not affect the supply of parking, it acknowledges the City’s past mistake and maintains fairness. He wants Old Bellevue to remain healthy, and he encouraged Old Bellevue businesses and property owners to work together toward a shared vision and objectives. He suggested that perhaps they work first with the Bellevue Downtown Association.

Councilmember Robertson expressed concern about allowing the exemption into the future, especially if tenants change to more intensive uses. However, she will vote with the Council majority. She asked the City Manager to bring back, during the Mid-Biennium Budget discussions, a proposal for either angled or parallel parking on SE 1st Street to replace the parking to be lost in the southeast corner of Downtown Park. She would like this to be funded as part of the park completion project.

Mayor Balducci said the City has had discussions with the Bellevue Downtown Association and others with an interest in finding a broader long-term solution to parking needs. She would like that effort to continue.

- The motion carried by a vote of 6-0.

12. Unfinished Business: None.
13. Continued Oral Communications: None.
14. New Business

Councilmember Lee noted that the Council received an email announcing that Robert Duckworth, a former Parks and Community Services Board member, passed away. Mayor Balducci confirmed that the Council will present a commendation for his community service.

15. Executive Session: None.

16. Adjournment

At 9:39 p.m., Mayor Balducci declared the meeting adjourned.

Kyle Stannert
Acting City Clerk

/kaw