

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

June 21, 2021
6:00 p.m.

Virtual Meeting
Bellevue, Washington

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

ABSENT: Councilmember Lee

1. Call to Order

The meeting was called to order at 6:06 p.m., with Mayor Robinson presiding. She noted that Councilmember Robertson would be joining the meeting shortly.

→ Deputy Mayor Nieuwenhuis moved to excuse Councilmember Lee from tonight's meeting, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 5-0.

2. Roll Call; Flag Salute

City Clerk Charmaine Arredondo called the roll. All Councilmembers except Councilmember Lee and Councilmember Robertson were present and participating remotely. Councilmember Barksdale led the flag salute.

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 5-0.

4. Oral Communications

¹ Councilmember Robertson joined the meeting at approximately 6:50 p.m.

- (a) Alex Smith proposed a revision to the Grand Connection Sequence One plan. He suggested extending the eastern boundary to I-405, noting that it currently extends to 110th Avenue NE. The purpose of his request is to allow his property at 700 112th Avenue NE to enjoy the transfer of FAR (floor area ratio) as it relates to excess bonus FAR along the Grand Connection corridor. He noted that his land use attorney, Larry Martin, would comment regarding the proposed code amendments. He reiterated his request to extend the Sequence One boundary to I-405.
 - (b) Kaitlin Heinen, staff attorney for the King County Bar Association's Housing Justice Project, said their clinics provide free legal aid to low-income renters facing eviction in King County. She urged the Council to approve stronger renter protections at the local level. Late last year, the HJP provided \$96,000 in rental assistance to Bellevue residents over a six-week period. The HJP is currently providing \$3 million in rental assistance throughout King County using funds from the second federal COVID relief package passed at the end of 2020. Ms. Heinen said that organizations like HJP throughout the state have not yet discussed distributing the rental assistance funding approved this year. She said the HJP received nearly double the number of calls from Bellevue renters during the pandemic compared to the previous year. The HJP estimates that 1,620 Bellevue households are at risk of eviction when the state eviction moratorium ends on June 30. She said Washington is the first state to guarantee a right to counsel for low-income residents facing eviction. However, it will take time to implement the program.
 - (c) Larry Martin, land use attorney with Davis Wright Tremaine, said he is representing Alex Smith regarding his 700 LLC property located on the east side of 112th Avenue NE. He requested a revision to the Grand Connection code amendments to correct an error regarding the definition of the eastern boundary of the Sequence One project. He said the downtown amenity incentive system provides an incentive to property owners to construct the Grand Connection as a major public open space in exchange for bonus FAR. He said the FAR rights may be transferred within a certain area. He said the error is that the proposed code states that the FAR transfer area extends to 112th Avenue NE. Mr. Martin said there are four properties on the east side of 112th Avenue NE that are not able to transfer FAR to their properties.
5. Reports of Community Councils, Boards, and Commissions: None.
6. Report of the City Manager
- (a) Update regarding Eviction Moratorium Consideration

Mayor Robinson said this item is for information only. She asked Councilmembers to email staff following the meeting if they have questions.

City Manager Brad Miyake noted the previous week's discussion regarding the consideration of an eviction moratorium if the governor does not extend the state moratorium. He recalled that the Council requested a legal analysis of the implications of such an action, information regarding

the number of Bellevue residents at risk of eviction and/or in need of rental assistance, and an assessment of the recent state legislation regarding renter protections. Mr. Miyake said staff will bring a draft ordinance back next week to discuss the issues raised by the Council.

7. Council Business and New Initiatives

(a) King County Best Starts for Kids Levy Discussion

Mr. Miyake said this agenda item was requested by the Council based on a presentation by King County a couple of months ago.

City Clerk Charmaine Arredondo said the purpose of tonight's agenda item is to decide whether to take a position at a future meeting regarding the King County Best Starts for Kids levy. If the Council chooses to take a position, a staff presentation and Council discussion will be scheduled for the July 12 Council meeting. King County staff would provide a factual report, followed by the opportunity for the levy's pro and con committees to make statements for up to 10 minutes each. The public would be provided up to 15 minutes per side to speak to the levy, with a limit of three minutes for each speaker. The Council could then decide whether to take an official position regarding the levy.

- Deputy Mayor Nieuwenhuis moved that at its July 12, 2021 Regular Meeting, the Council vote on a resolution to take a position on King County Proposition No. 1 on the Primary Election Ballot - the Regular Property Tax Levy for Children, Youth, Families and Communities - and allow 10 minutes each for the campaigns supporting and opposing the ballot measure to provide testimony, and to allow individuals 15 minutes per side to speak in favor and in opposition to the ballot measure, each speaker to have no more than three minutes to speak. Councilmember Stokes seconded the motion.
- The motion carried by a vote of 5-0.

8. Consent Calendar

- Deputy Mayor Nieuwenhuis moved to approve the Consent Calendar, and Councilmember Stokes seconded the motion.
- The motion to approve the Consent Calendar carried by a vote of 5-0, and the following items were approved:
 - (a) Council Minutes
Minutes of June 7, 2021 Regular Meeting
 - (b) Motion to approve payment of claims and payroll for the period May 1, 2021 - May 31, 2021.
 - (c) Ordinance No. 6579: 1) amending the 2021-2027 General Capital Investment Program (CIP) Plan to increase the budget for the 130th Avenue NE Station Area

Park and Ride project (CIP Plan No. PW-R-209) by \$1,000,000, decrease the budget for the 124th Avenue NE - NE Spring Boulevard to Ichigo Way Project (CIP Plan No. PW-R-166) by \$250,000, and decrease the budget for the Bridge and Pavement Preservation (Overlay) Program (CIP Plan No. PW-M-1) by \$750,000; 2) rejecting the bid protest from Granite Construction Company; and 3) awarding Bid No. 21026, 130th Avenue NE Station Area Park and Ride (CIP Plan No. PW-R-209 and CD-48) to Active Construction, Inc., as the lowest responsible and responsive bidder, in the amount of \$4,400,400.00, plus all applicable taxes.

- (d) Resolution No. 9954 authorizing execution of Supplement 1 of a Professional Engineering Services Agreement with KPFF, Inc. in the amount of \$149,022.58, plus all applicable taxes, to provide engineering support services during construction of the 130th Avenue NE Station Area Park and Ride Project (CIP Plan No. PW-R-209 and CD-48).
- (e) Resolution No. 9955 authorizing execution of a Professional Engineering Services Agreement with HDR, Inc. in the amount of \$567,332.96, plus all applicable taxes, to provide construction management support services during construction of the 130th Avenue NE Station Area Park and Ride Project (CIP Plan No. PW-R-209 and CD-48).
- (f) Resolution No. 9956 authorizing execution of a one-year Purchase Order with Dynamic Systems, Inc. to provide JD Edwards (JDE) Annual Software Maintenance in an amount not to exceed \$190,860.03, plus all applicable taxes. This Resolution also authorizes the City to exercise annual options to renew in years two through five for an additional potential expenditure of \$884,139.97, plus all applicable taxes. The total five-year potential expenditure of this Purchase Order is \$1,075,000, plus all applicable taxes.
- (g) Resolution No. 9957 authorizing execution of an agreement with One Diversified, LLC for the purchase of audio and video equipment for Council chambers, Council conference room, media room and related services for all City departments, including one year of support coverage, in the amount of \$334,080.73, plus all applicable taxes, and the option to purchase extended support coverage for up to four additional years in the amount of \$75,330, plus all applicable taxes, for a total amount not to exceed \$409,410.73, plus all applicable taxes.

9. Public Hearing

- (a) Public Hearing and action on Resolution No. 9958 authorizing the execution of documents necessary to release an existing water main easement located at 13620 SE Eastgate Way, which has been declared surplus to the City's needs and no longer required for providing continued public utility service; the granting and recording of such release being deemed in the best interest of the public.

City Manager Miyake said Resolution No. 9958 authorizes the release of an existing water main easement located at 13620 SE Eastgate Way. He said this item was before the Council on May 3, 2021, at which time the easement was declared surplus and the public hearing was set. He noted that staff is seeking Council action following the public hearing.

Ira McDaniel, Real Property Manager, said the property at 13620 SE Eastgate Way is being redeveloped and the plans conflict with the existing water main. The property is currently owned by King County, which is in the process of selling the site to developers who will construct low-income housing, supportive housing, and a shelter on the parcel. The existing water main will be abandoned and the developer will construct a new privately owned water main to serve the property. Mr. McDaniel said the developer requested the release of the easement.

→ Deputy Mayor Nieuwenhuis moved to open the public hearing, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 5-0.

No one came forward to provide public comment.

→ Deputy Mayor Nieuwenhuis moved to close the public hearing, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 5-0.

→ Deputy Mayor Nieuwenhuis moved to approve Resolution No. 9958, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 5-0.

10. Study Session Items

(a) Police Use of Force Follow-up

City Manager Miyake said staff would provide a progress report regarding recommendations identified in the Office of Independent Review (OIR) police use of force report, which was presented to the Council on April 12, 2021. He recalled that on June 11, 2020, Mayor Robinson and the Council pledged to review the Bellevue Police Department's use of force policies and to identify potential reforms.

Deputy City Manager Nathan McCommon said the review of police use of force policies was initiated following the murder of George Floyd by a police officer in Minneapolis on May 25, 2020. He said the Council's pledge identified four key objectives: 1) review police use of force policies, 2) engage the community by including a diverse range of input, experiences and stories in the review, 3) report the findings to the community and seek feedback, and 4) reform the police use of force policies. The first three items have been completed by the OIR and the City continues to work on the fourth item.

Mr. McCommon said the governor recently signed into law several bills that impact policing policies and practices. Some of the laws require near-term work by staff to comply with the law's effective date of July 24, 2021. He said this effort is demanding significant staff resources, and some of the provisions in state law overlap with the consultant's recommendations.

Mr. McCommon said collective bargaining is needed for the implementation of some of the legislation and OIR recommendations. He said that police department staff will provide quarterly updates to the Council to report on the progress of implementing the recommendations. He said the department will continue to welcome and engage the community in discussing policing practices to remain transparent, improve service, and build community trust. Mr. McCommon said the goal is to complete the work by June 2022.

Mr. McCommon noted strong community support for police body cameras. While the equipment types and policies are finalized, the City is on a good path for implementing body cameras as recommended in the OIR report.

Mr. McCommon said that seven of the consultant's 47 recommendations have been completed: 1) BPD should finalize its de-escalation policy, 2) BPD should devise protocols that encourage supervisors to commend officers who successfully use de-escalation strategies, 3) BPD should consider revising or eliminating its duty of loyalty policy, 4) BPD should include the dates that policies are adopted or revised with its online policy manual, 5) BPD should place its K9 policy online for public access, 6) BPD should post its annual use of force report online, and 7) BPD should post its Professional Standards Annual Report on its website.

Mr. McCommon thanked the Council for its leadership and the community for its robust participation in this process. The consultant reported that the extensive community engagement activities exceeded what is typically done in other cities. Mr. McCommon said the public input affected the outcome of the final report for the better.

Responding to Councilmember Barksdale, Police Chief Steve Mylett said the police department will provide regular updates to the community as policing changes are made. Chief Mylett confirmed that policies regarding body cameras will be developed in advance of receiving the cameras in order to expedite the implementation. He noted plans to engage the unions and the community as part of that process. Chief Mylett said the police department is filling a project coordinator position to help with this initiative. The department continues to hold virtual town hall meetings and will hold in-person meetings when allowed by the governor.

Councilmember Stokes thanked City Manager Miyake, Chief Mylett, and staff for their work over the past year, including their work with the community. Mr. Stokes said he appreciates the City's commitment to transparency and public engagement. Chief Mylett said the police department will continue to solicit and accept input regarding the OIR report. He said the consultant received more than 1,000 communications throughout their public outreach. Chief Mylett said the department's immediate priority is to ensure compliance with the new state laws.

Councilmember Zahn thanked staff for the focus on transparency and providing online information. She said she appreciates the hiring of a project coordinator to help in this effort. Responding to Ms. Zahn, Chief Mylett said the police department will be educating and seeking feedback from the community as it develops the body camera policy. He noted there are legal requirements and best practices that apply to the use of body cameras. In further response to Ms. Zahn, Chief Mylett said the OIR report recommended an online data portal to make it easier for the public to access specific information without reviewing the annual report. He concurred with her suggestion to consolidate information for easier access as well.

Deputy Mayor Nieuwenhuis thanked Chief Mylett and the police department for their transparency and willingness to go through the OIR review. Mr. Nieuwenhuis thanked the public for their involvement and input. He believes the police department will be even stronger by the end of this process. He noted that 47 recommendations might sound like a lot to members of the public. However, many of the recommendations relate to administrative practices and clearly documenting policies that are already in use by the BPD. Mr. Nieuwenhuis asked about the differences between the OIR recommendations regarding de-escalation and the guidance provided through CALEA (Commission on Accreditation for Law Enforcement Agencies). Chief Mylett said there is no difference and there has been an effort to draft policies that clearly document BPD's existing de-escalation practices as a result of the OIR report.

Mayor Robinson thanked Chief Mylett for embracing the recommendation from the community that the City evaluate its policies. Responding to Ms. Robinson, Chief Mylett said there has not been any pushback within the department regarding the OIR's recommendations. However, there have been questions about how the report fits with policing best practices. In further response to Ms. Robinson, Chief Mylett said the changes based on the OIR recommendations will fit well with the CALEA standards or will highlight any conflicts between them. Mr. McCommon said there will be an opportunity with the quarterly reports to the Council to reflect on what has been accomplished and to address the CALEA standards as well.

[Councilmember Robertson joined the meeting.]

11. Land Use

- (a) Consideration of the 100 Bellevue Rezone application submitted by Jon O'Hare of Permitting Consultants NW (PCNW) on behalf of SRM Development, LLC for a rezone of a split-zoned .87-acre site located at 100 Bellevue Way SE from Downtown Mixed Use (DT-MU) and Office (O) to Downtown Mixed Use (DT-MU). Permit File No. 21-100101-LQ.

Mr. Miyake introduced discussion regarding the 100 Bellevue Rezone application for a proposed rezone of a split-zoned, 0.87-acre site located at 100 Bellevue Way SE. The rezone is a Process III (Land Use Code 20.35.030), which is a quasi-judicial land use decision made by the City Council.

City Attorney Kathy Gerla said the Hearing Examiner recommended approval of the rezone application and no appeals were filed. Given that this is a quasi-judicial matter for the Council,

she suggested providing an opportunity for Councilmembers to disclose any ex parte communications they may have had with any persons supporting or opposing the project.

Responding to Mayor Robinson, all Councilmembers indicated that they have not had any ex parte communications.

Liz Stead, Land Use Director, introduced Mark Brennan, Land Use Planner, to provide the same presentation given before the Hearing Examiner. She said the Council's decision must be based on the Hearing Examiner's record.

Ms. Stead said the subject parcel of the rezone application is fully located within the Downtown boundary, which was changed in 2020. The rezone will bring the property into compliance with the Comprehensive Plan.

Mr. Brennan said the applicant is proposing a site-specific rezone from Downtown Mixed Use (DT-MU) and Office (O) to Downtown Mixed Use (DT-MU). The site is currently split-zoned between a DT-MU land use district on the north portion of the property and an O designation on the south portion of the site. The rezone is consistent with the Comprehensive Plan Amendment (CPA) adopted in December 2020. He presented a map of the site and the surrounding area.

Mr. Brennan said the Notice of Application was published in Bellevue's Weekly Permit Bulletin on February 11, 2021, signage was posted on the property, and notices were mailed to property owners within 500 feet of the property. The City held a public meeting on March 3, 2021 regarding the rezone and no one from the public attended. The Notice of Recommendation and Notice of Public Hearing were published on April 29, 2021. The Hearing Examiner's hearing was held on May 20, 2021 and the Hearing Examiner recommended Council approval of the application.

The proposal has met the decision criteria provided in LUC 20.30A.140, which indicate that the rezone must: 1) be consistent with the Comprehensive Plan, 2) bear a substantial relation to public health, safety and welfare, 3) be warranted in order to achieve consistency with the Comprehensive Plan, or because of a need for additional property in the proposed land use district classification, or because the proposed zoning classification is appropriate for reasonable development of the subject property, 4) not be materially detrimental to uses or property in the immediate vicinity of the subject property, and 5) provide merit and value for the community as a whole.

Mr. Brennan said the Director of the Development Services Department (DSD) recommended approval of the application. The Hearing Examiner found that the rezone proposal will achieve consistency with the Comprehensive Plan and that the applicant has met all of the decision criteria, as fully documented in the Hearing Examiner's report. The Hearing Examiner also adopted the condition recommended by the Director: "Approval of this rezone does not constitute an approval of any Land Use Entitlement review, or any other ancillary permits that may be required for the design and construction of any proposed development or improvements on the rezone site" (LUC 20.30A).

Mayor Robinson thanked staff for the presentation, noting that Council action is not requested this evening.

12. Other Ordinances, Resolution, and Motions

- (a) Ordinance No. 6580 to amend Part 20.25A LUC and replace the Pedestrian Corridor and Major Public Open Space Design Guidelines with a new section LUC 20.25A.175, Grand Connection and Major Public Open Spaces; amending LUC 20.25A.010, 20.25A.020, 20.25A.030, Chart 20.25A.060.A.4, 20.25A.070, Chart 20.25A.070.D.4, 20.25A.090, Figure 20.25A.090.A.1, Table 20.25A.090.A.1, 20.25A.170, and Figure 20.25A.170.B to ensure conformance with new section LUC 20.25A.175; providing for severability; and establishing an effective date.

City Manager Miyake introduced discussion regarding Ordinance No. 6580, which amends the Land Use Code to add a new Grand Connection and Major Public Open Spaces section to replace the Pedestrian Corridor and Major Public Open Space design guidelines. The Grand Connection extends from Meydenbauer Bay Park, through downtown Bellevue, to the Wilburton area east of I-405. The Grand Connection project is split into Sequence One and Sequence Two, and the Sequence One code amendments will be discussed tonight. Sequence One is the portion from Meydenbauer Bay to 110th Avenue NE, and Sequence Two extends east over I-405 to the Eastrail and the Wilburton area.

Mr. Miyake said this topic was last before the Council on May 17. At that time, the Planning Commission recommended the adoption of the code and the Council directed staff to return tonight to consider the ordinance.

Emil King, Assistant Director, Community Development Department, said staff is requesting Council adoption of the Sequence One Design Guidelines and Standards Land Use Code Amendment (LUCA). The code defines the ground-level improvements that will implement the Grand Connection from 110th Avenue NE to Old Bellevue. He said the project is a key part of Bellevue being a livable city and of supporting economic development and mobility options for residents, workers and visitors. Sequence Two extends from the Civic Center across I-405 to the Wilburton area.

Kristina Gallant, Senior Planner, said the Grand Connection is a people-focused, interactive, connected experience through the heart of Bellevue. She said the Grand Connection will be implemented through a number of strategies and initiatives including the design guidelines and standards, activation of spaces, wayfinding, I-405 lid concept, Civic Center, public events, park access, Eastrail integration, mobility studies, and others.

The objectives of the LUCA are to: 1) implement elements of the Grand Connection Framework Plan and Comprehensive Plan Amendment (CPA), 2) Update Pedestrian Corridor and Major Public Open Space Design Guidelines to reflect the Grand Connection vision, and 3) remove redundant guidelines and simplify content where possible.

Ms. Gallant highlighted the LUCA update process that began in 2020, which included a series of meetings by the Planning Commission, a number of stakeholder briefings in 2020 and 2021, as well as meetings with focus groups earlier this year. The commission held a public hearing on April 28. She said outreach and engagement activities include complying with Process III requirements in LUC 20.35, a review of public engagement from the 2017-2018 Framework Plan process, ongoing testing of active projects, internal focus group meetings with design review staff, Bellevue Downtown Association (BDA) Land Use and Livability Committee briefings, and briefings for the Transportation Commission and the Parks and Community Services Board.

The five subsections of the LUCA are: 1) general, 2) Grand Connection, 3) major public open spaces, 4) Grand Connection guidelines and standards, and 5) room-specific guidance. The latter refers to locations along the Grand Connection including Old Bellevue, Downtown Park, Bellevue Way retail area, Plaza as Street, Compass Plaza, Garden Hillclimb, and Transit Central. The LUCA includes a number of conformance elements including: 1) amendments to effectively integrate the proposed LUCA section 20.25A.175 and ensure consistency with the broader Downtown Code, 2) amendments to definitions, 3) change of right-of-way designation for 102nd Avenue NE between Main Street and NE 1st Street for consistency with the Grand Connection LUCA, and 4) general revisions for clarity and to correct cross-references in the code.

Ms. Gallant said staff is seeking Council action to adopt Ordinance No. 6580.

Deputy Mayor Nieuwenhuis thanked staff for the presentation. He referred to comments earlier under oral communications by Larry Martin, who referred to an error in the proposed code revisions regarding the transfer of FAR.

Mr. King said the current eastside center designation encompasses the area between 100th Avenue and I-405, and from NE 8th Street to SE 4th Street. In 2017 when the City updated the Downtown Land Use Code, the City tried to identify which amenities would fit best in specific neighborhoods. At that time, the code listed the Pedestrian Corridor as one of the amenities that could be used in the eastside center. However, that provision does not apply throughout the entire area under both the current and proposed codes. Mr. King said the current Pedestrian Corridor guidelines extend from Bellevue Way to 110th Avenue NE. He said he would not characterize the code language as an error in 2017. The proposed LUCA intended to cross-reference the Pedestrian Corridor amenity with the neighborhoods eligible for using the amenity. Mr. King said Mr. Martin's request is an issue to be studied as part of the Sequence Two work. He said it did not fall into the scope of work for Sequence One.

In further response to Mr. Nieuwenhuis, Mr. King said Sequence Two is a Council priority for the 2021-2023 timeframe. He said the proposed LUCA is a significant milestone in wrapping up a great deal of work. This will free up staff to resume working on the East Main Station LUCA, Wilburton planning, and the BelRed Plan lookback. Mr. King said one issue with the Wilburton process is whether to include both the west and east sides of I-405. He said the Grand Connection project anticipates working on the Civic Center after Sequence One, as well as the East Main Station LUCA.

Councilmember Stokes said he is excited to be getting to this point in the Grand Connection project. He thanked staff for the thorough presentation and said he looks forward to resuming a focus on the other projects mentioned by Mr. King. He noted that the connection to the Eastrail is an important part of the overall Grand Connection project.

Councilmember Zahn concurred with Mr. Stokes. She commended staff for all of the community engagement efforts involving public meetings, focus groups, and the Planning Commission public hearing. She suggested addressing during the mid-biennium budget update whether the project has sufficient resources for Sequence Two planning and code work, as well as the Wilburton and BelRed planning efforts. She expressed concern about any potential delays on Sequence Two of the Grand Connection project due to competing priorities. She would like the Council to consider allocating additional resources to maintain momentum and move Sequence Two forward as quickly as possible.

Councilmember Robertson said she is pleased to see the Grand Connection project moving forward. She said the FAR transfer discussed during oral communications and advocated for at the Planning Commission is a leftover vestige of the code that pre-dated the Downtown Livability LUCA. At that time, the downtown boundary extended to 112th Avenue. The Downtown Livability work extended the boundary to I-405, and the former OLB (Office and Limited Business) zone is now included in the downtown. She opined that it was an oversight that the FAR transfer was not applicable all the way to I-405. Ms. Robertson said the Council has the authority to make a housekeeping correction now.

Ms. Robertson suggested that the Council correct the conflict in the code. She noted the Council's interest in supporting and encouraging transit-oriented development (TOD) that takes advantage of the light rail investments. She anticipates it will be five years before work on Sequence Two is initiated due to the many planning efforts underway by the City. She said that allowing the FAR transfer throughout the downtown is the right thing to do because it will encourage TOD and the desired density to provide more housing and mixed uses. Ms. Robertson said that correcting the conflict will make people on the corridor who may not be able to use the FAR more enthusiastic about building the Grand Connection because then they have a market for it and can sell some of it back. Ms. Robertson said the change makes sense from an economic development and pro-housing perspective, as well as providing consistency in the code. She expressed support for the proposed LUCA but said she does not want to approve it when it reflects a mistake.

Councilmember Barksdale asked how fixing the code language would affect the timeline. He said he would like to move forward with approving the LUCA tonight and addressing the FAR issue at another time if it would cause a delay.

Mac Cummins, Director of the Community Development Department, said that studying the impacts of FAR transfer and that type of growth is a significant issue. He said the size of buildings and development density impact the transportation system, utilities infrastructure, urban form, and planning for growth. As far as timing, the request to extend the FAR transfer area is a different concept and scope of work than what is being discussed tonight, which is design guidelines regarding the look of the Grand Connection Sequence One project and how it

interacts with adjacent private development. The concept raised tonight about the transfer of development rights relates to added density and intensity, and making buildings bigger, which has a different set of impacts than the Sequence One LUCA presented tonight.

Mr. King said Alex Smith's property includes approximately 73,000 square feet and their proposal is to include the Legacy Group property to the south totaling approximately 150,000 square feet. Staff would look at the urban form analysis and what might happen if additional FAR landed on those properties in addition to the upzones completed in 2017. He said a transportation analysis would be needed. However, he anticipates that there would not be significant transportation impacts.

Responding to Mayor Robinson, Mr. King confirmed that Mr. Smith and Mr. Martin propose expanding the FAR transfer area from 112th Avenue to I-405, which adds Mr. Smith's property and the Legacy Group property to an area that can receive excess FAR (i.e., density transfer) as the Grand Connection is developed.

In further response to Ms. Robinson, Mr. Cummins said there is an interest among a number of parties to talk about the transfer of development rights in general, and there are a number of ideas on how that might work within the downtown or citywide. Some people have talked about the transfer of development rights as a way to create housing. Mr. Cummins said a question for the Council, if it decides to revise the code in relation to the transfer of development rights, is whether to apply the same or different code requirements in all areas. The code was written to apply specifically to the Pedestrian Corridor along NE 6th Street. Expanding the transfer of development rights throughout the entire Grand Connection route and assessing whether the Downtown Code makes sense are fairly significant value discussions for the Council.

Responding to Mayor Robinson, Mr. King confirmed that additional rooms will be identified for Sequence Two. Ms. Robinson asked about the impact on development if the City waits until Sequence Two to address the FAR transfer issue. Liz Stead, Land Use Director, said she could not speak specifically to Mr. Smith's proposal. However, there have been development proposals on almost every lot in that area, some of which are completing their design review process and heading toward construction. She said developers are using the current code to create successful projects. Responding to Mayor Robinson, Ms. Stead said that making the requested change tonight would not negatively impact other projects.

Responding to Councilmember Stokes, Mr. King said that currently all properties between Bellevue Way and 112th Avenue and between NE 8th Street and SE 4th Street are allowed to have FAR transferred to their properties. Mr. King said that is a vestige of the Pedestrian Corridor design guidelines. The Planning Commission did not analyze changes to those provisions or make any recommendations for the Council. He said that was outside of their scope of work. Mr. King said that Mr. Smith's property and the Legacy Group property were never included in the FAR transfer area.

Councilmember Stokes asked how long it might be to address the FAR transfer issue, if desired by the Council, if the change is not made now. He wondered whether the City will start having more pressure from developers to expedite other aspects of Sequence Two.

Mr. Cummins said staff would recommend additional study and analysis to evaluate the impacts of expanding the FAR transfer area before taking Council action. He said staff would want to confer with other departments, including the City Attorney's Office, to determine how to bring back the proposed change. He said the timing would be determined by whether the Council handles the code change or remands the issue to the Planning Commission.

Responding to Councilmember Stokes, Mr. Cummins confirmed that studying the FAR issue would have an impact on staffing. Mr. Cummins said this type of work is normally done within the context of large planning or upzoning initiatives. The City added a substantial amount of FAR to the parcels between 112th Avenue and I-405 as part of the Downtown Livability Initiative. Staff is currently studying FAR related to the East Main LUCA, and the next priority will be the Wilburton planning work. Mr. Cummins said that the most logical place to take up the issue would be in Sequence Two. Otherwise, addressing the issue now would essentially reopen the Downtown Land Use Code for discussion.

Responding to Mayor Robinson, Mr. Cummins said staff would not recommend making the change tonight until an analysis can be conducted. He said staff has not previously studied the proposed concept for those specific properties.

Councilmember Stokes asked whether other property owners have made requests similar to Mr. Smith's. Mr. Cummins said staff did not solicit input from property owners or developers on that topic.

Mr. Miyake asked City Attorney Kathy Gerla to comment regarding the legal implications of making a change now. Ms. Gerla concurred with Mr. Cummins that legal staff would want to conduct an analysis to determine whether the proposed change was reasonably foreseeable given the notice to the public regarding the LUCA. She noted that those considerations are included in the state Growth Management Act.

Mayor Robinson said the Smith and Legacy properties fall into Sequence Two. She asked what the City will be doing about affordable housing requirements in the TOD area. She noted that the rooms in Sequence Two have not yet been defined. She said she is not comfortable moving the issue forward tonight. However, she is interested in seeing that the City is on a schedule that serves developers' interests. She suggested that a broader conversation is needed before expanding the transfer of development rights.

Councilmember Zahn said she would like to move forward with Sequence One. She concurred with Mayor Robinson that a broader discussion is needed regarding the transfer of development rights. Ms. Zahn noted that there have been eight stakeholder briefings and focus groups. She opined that adding this now would be counter to how the Council typically operates, which is to make informed and thoughtful decisions. Ms. Zahn suggested that the Council could consider, during the mid-biennium budget discussions, whether to devote more resources to studying transfer of development rights. She said she does not support making the change now.

Councilmember Robertson said this is a housekeeping issue to her. Sequence One ends at 110th Avenue, and the FAR transfer area ends at 112th Avenue. She said the matter does not need to go back to staff for further analysis. She said that making the housekeeping amendment tonight would allow two properties that were inadvertently left out of the code to take advantage of the FAR transfer incentive. She said she would like to fix the mistake. She said there has been extensive public outreach, including by the Planning Commission, and she believes the Council could make the change tonight.

Mayor Robinson said the Council is being very thoughtful and she is not sure where Councilmembers fall on the proposed change.

Councilmember Barksdale concurred with Councilmember Zahn about the Council's practice of thoughtful deliberation.

Deputy Mayor Nieuwenhuis concurred with Ms. Zahn that the Council is thoughtful and data-driven. While it may seem like a housekeeping issue, he said it is important to not cause unintended consequences. He expressed an interest in expediting the issue, however, before the Sequence Two LUCA work. He does not want to miss development opportunities, especially those that would provide needed housing, by addressing the proposed change now.

→ Deputy Mayor Nieuwenhuis moved to adopt Ordinance No. 6580, and Councilmember Stokes seconded the motion.

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

14. Unfinished Business: None.

15. New Business: None.

16. Adjournment

At 7:45 p.m., Mayor Robinson declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw