

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Study Session

July 6, 2015  
6:00 p.m.

Council Conference Room  
Bellevue, Washington

PRESENT: Mayor Balducci and Councilmembers Chelminiak, Lee, Robinson, and Stokes

ABSENT: Deputy Mayor Wallace and Councilmember Robertson

1. Executive Session

The meeting was called to order at 6:08 p.m., with Mayor Balducci presiding. There was no Executive Session.

2. Study Session

(a) NPDES Discussion of Low Impact Development Principles

City Manager Brad Miyake introduced staff's presentation of the Low Impact Development project related to requirements of the federal National Pollutant Discharge Elimination Systems (NPDES) program.

Catherine Drews, Legal Planner, said staff is seeking Council approval of the Low Impact Development draft Project Interest Statement and Project Principles [Attachment B in meeting packet]. Low impact development (LID) is required by the federal NPDES permit, and the deadline for changes to the City's Code and other standards to incorporate LID principles is December 31, 2016. No metrics are provided in the law, which allows Bellevue to determine the appropriate regulations and performance measures. Ms. Drews said the City will conduct a review and consider the range of options outlined in the following document: *Integrating LID into Local Codes: A Guidebook for Local Governments (Puget Sound Partnership, 2012)*.

Ms. Drews said LID principles guide site layout (e.g., retaining vegetation, minimizing construction footprint and impervious surfaces) and LID best management practices provide engineering controls (e.g., LID rain gardens, pervious pavement, bio-retention facilities). LID principles are not intended to retrofit existing development or prevent growth. Considerations for making LID the preferred and commonly used approach to site development are recognizing that one plan does not fit all cities, supporting growth in urban areas is appropriate, and balancing environmental benefits with economic development goals is important.

The adoption of LID requirements and standards will support other Council programs, goals and priorities including tree canopy goals, Bellevue's reputation as a City in a Park, the objective to reduce greenhouse gas emissions, and salmon recovery.

Ms. Drews described the proposed Low Impact Development Project Interest Statement and Project Principles provided in the meeting packet. The review process began in February 2014 by assembling a project team of staff from multiple departments. She highlighted the schedule leading to the effective date of the new LID guidelines by the end of 2016. Staff will be briefing the City's Boards and Commissions, as well as the East Bellevue Community Council, beginning with the Environmental Services Commission on July 16.

Ms. Drews said staff and the consultant completed the analysis of the Comprehensive Plan and of development-related Codes and standards to identify areas to be updated with LID principles. Staff is seeking Council input on the proposed areas of focus: site design, reduction of impervious surfaces, tree preservation and canopy enhancement (including Transportation projects), and clustering development. Ms. Drews presented examples of development incorporating these practices.

Ms. Drews highlighted elements of the draft Public Participation Plan [Attachment E in meeting packet] including workshops and open houses in different areas of the community, web site information, and working with the Neighborhood Outreach Team. Staff will begin the public participation process this month and work with Boards and Commissions through September 2016. Staff anticipates reporting back to the Council in Fall 2016.

Ms. Drews requested Council input and feedback on the Areas of Focus, LID Project Interest Statement, Project Principles, and public participation process.

Councilmember Robinson questioned who is responsible for the costs of managing runoff from state highways through Bellevue. Paul Bucich, Assistant Director of Utilities, said the City charges the State for managing stormwater runoff that flows through Bellevue. As the State improves its roadways, it is responsible, under its own NPDES permit, to provide water quality treatment and flow attenuation. If the State has runoff from a transportation corridor with no existing stormwater controls, there is no requirement to retrofit old facilities.

Ms. Robinson said she learned, from serving on the Parks Board, about the challenges of managing runoff from I-90 and I-405 to private and public properties. She supports the LID principles and does not want roadways across Bellevue being somewhat exempt from the standards applied to other development. Mr. Bucich said the State, under its NPDES permit, is subject to similar requirements. The City's stormwater and surface water systems plan coming to the Council this fall addresses cooperation and interaction with WSDOT and other jurisdictions. He suggested that statements regarding the applicability of LID principles for State facilities would fit well within that plan.

Responding to Mayor Balducci, Mr. Bucich said the State is a NPDES Phase 1 jurisdiction.

Responding to Councilmember Chelminiak, Ms. Drews said the Planning Commission changed the language about impervious surfaces in the Comprehensive Plan Update (policy EN-X6). Staff suggested language consistent with the goals of the Project Principles, which is to reduce the loss of vegetation and to reduce the use of impervious surfaces. She said the phrase “maximize pervious surfaces” could allow a property owner to put pervious concrete on their lot, which could have a negative effect on neighborhood character.

Ms. Drews said that using certain pervious surfaces does not have the same beneficial effects as using native vegetation. Phyllis Varner, NPDES Permit Manager, said staff recommends using the permit language of “minimizing impervious surfaces.”

Councilmember Chelminiak observed that this effort will demonstrate one more step the City is taking to ensure healthy water quality in lakes and streams. He would like to address policy EN-X6 during the later Comprehensive Plan discussion.

Mr. Chelminiak expressed support for the areas of focus. With regard to transportation facilities, he said the standards need to be cognizant of the impacts of tree roots. With regard to clustering development, he noted that Bellevue’s infill development is fairly minimal and this could provide the opportunity for improvement in certain areas. He expressed support for the project principles.

Mr. Chelminiak questioned how property owners and developers will become aware of the LID requirements. Ms. Drews said the Utilities Storm and Surface Water Code, Land Use Code, and Transportation Code will be updated to advise individuals of the new requirements and standards. There will also be training and public outreach as the LID requirements go into effect.

Mr. Bucich said the Utilities Department is working with the consultant to evaluate soils across Bellevue to identify areas with a high likelihood of effectiveness with LID practices versus areas where they would not be practical (e.g., high groundwater table, steep slopes, etc.). He said the intent is to make that the analysis a public document to provide guidance for development.

Councilmember Stokes said it is important to let the public know what the City is doing in the area of low impact developments. He recalled comments from residents during the Shoreline Master Program (SMP) Update process about water runoff into lake. He is glad to see that the City is attempting to address this in a number of ways. He concurred with Councilmember Robinson’s concern about runoff from roadways. Mr. Stokes said the area around the Lake Hills Connector and Richards Road is an example of mitigation for I-405 by the State. He thanked staff for the presentation and expressed support for the framework for moving forward.

Councilmember Lee expressed general support for the Interest Statement and Project Principles. He suggested adding to the project principles the following items for consideration provided on page 6 of the presentation: 1) a one-size-fits-all approach is inappropriate, 2) supporting growth in urban areas is appropriate, and 3) balancing environmental benefits with economic development goals is important. Ms. Drews said staff would incorporate those into the principles.

Councilmember Lee concurred with Councilmember Chelminiak's earlier comment that the LID program demonstrates another step the City is taking to ensure healthy water quality in lakes and streams.

Responding to Mr. Lee, Ms. Drews said there will be a summary report to the State Department of Ecology (DOE) at the end of the project to document all the City has done. In further response, Ms. Drews said the stakeholders include the Master Builders Association, Bellevue Downtown Association, storm water engineers, site designers, neighborhood associations, and others. Staff will try to involve residents and businesses as fully as possible.

Mr. Lee suggested reaching out to non-traditional stakeholders. In general, he would like the City to have a diversity engagement mechanism for ensuring a broad range of involvement in City planning and programs.

Mayor Balducci observed that she is hearing support for the Project Principles.

Moving to the Areas of Focus memorandum [Attachment D in the meeting packet], Ms. Balducci expressed concern that specific proposals are listed under the topic areas. She wants to be careful to avoid stating that the Council is endorsing specific proposals by approving the topic areas. Specific measures require further study and analysis and could have unintended consequences.

Ms. Balducci objected to this statement in the memo [Attachment D]: "There is an apparent cultural shift occurring in the City moving away from tree preservation and toward view protection and tree removal." She said Bellevue has always struggled with balancing those priorities. However, the City has taken tailored approaches for specific neighborhoods, including special tree protections in the Bridle Trails neighborhood. She disagrees that the City is moving away from tree preservation.

Mayor Balducci said it is important to think carefully about how the City handles this arena in terms of potential impacts, positive and negative, for other priorities. For example, she wondered whether there are things that could be done with low impact development that could improve affordable housing, and whether other practices might inhibit the development of affordable housing. She said it is important to consider many areas of the City's policies and programs together to determine the broad implications of low impact development.

Councilmember Stokes stated his understanding that tonight's discussion was seeking Council feedback on the Project Principles and Areas of Focus. He suggested that more details can be discussed as the process moves forward. Ms. Varner confirmed that staff is seeking Council support to proceed with exploring the issues and concepts and with conducting a public engagement process before coming back to address more specific recommendations and LID guidelines.

Responding to Ms. Balducci's earlier comments, Mr. Bucich said the examples in the Areas of Focus Memo were intended to provide an idea of the nature and scope of the types of practices that will be discussed with the community to initiate the planning process. However, the memo was not meant to imply that adopting the areas of focus also adopted specific examples.

Mayor Balducci agreed that the examples will help to generate dialogue with the public. Mr. Bucich said staff will come back at a later date to present public input and recommendations from the Boards and Commissions before Council makes decisions on specific requirements and guidelines.

Mayor Balducci noted general Council support for the proposed approach presented by staff, including moving forward with extensive public outreach. This included support for Mr. Lee's suggested additions to the Project Principles, as noted above.

(b) Review of recommended Comprehensive Plan Update

Planning Director Dan Stroh said this is the ninth discussion with the Council since April regarding the Comprehensive Plan Update. He said staff would follow up on some issues in the Urban Design and the Arts Element and the Utilities Element, as well as complete Round 2 of specific items under the Transportation Element and the Environment Element. Staff anticipates this will be the last Study Session discussion before final Council action on the Comprehensive Plan Update on July 20.

Paul Inghram, Comprehensive Planning Manager, led a discussion of items previously identified by the Council for further information and discussion. The first related to the designation typologies of City Boulevards and Scenic Boulevards. Pursuant to previous Council comments, he said options for 140<sup>th</sup> Avenue are to maintain the Scenic Boulevard designation for the entire length or to replace that designation with the City Boulevard designation for the section between NE 24<sup>th</sup> Street and NE 8<sup>th</sup> Street.

Mayor Balducci said her rationale for raising the issue of the appropriate designation for 140<sup>th</sup> Avenue was that she wants to ensure that the more landscaped and attractive boulevards in the City are designated in a way that will drive future investments in maintaining those standards.

Councilmember Stokes said the definitions of City and Scenic Boulevards are somewhat confusing and overlapping, and he questioned the usefulness of the definitions.

Responding to Mayor Balducci, Mr. Stroh said both types of boulevards are meant to maintain the City in a Park character.

Councilmember Lee said he is satisfied with the current definitions. He suggested they be addressed separately within the context of transportation considerations, if needed.

Councilmember Robinson said she is comfortable designating 140<sup>th</sup> Avenue as a Scenic Boulevard for the entire length if it is viewed as an aspiration, particularly for the segment that is more commercial and less park-like.

Moving to the Urban Design and the Arts Element, Mr. Inghram suggested that pedestrian bridges be addressed in the Downtown Livability process. Mayor Balducci noted support for that approach.

Mr. Inghram noted a new policy on building space and solar access as well as a revision to the recommended policy language for wind impacts. Mayor Balducci noted general Council agreement with the policies. Councilmember Lee said he would like to also address pedestrian bridges with the Transportation Element.

Mr. Inghram highlighted revisions to Utilities electrical facilities policies based on previous Council direction. The first is a change that splits policy UT-X21 regarding the undergrounding of power lines into two separate policy statements. Mayor Balducci noted general Council support for that alternative.

Councilmember Robinson asked whether anything could be written to encourage the undergrounding of lines when it can be coordinated with roadway and utilities projects. Mr. Inghram said there is a policy encouraging an evaluation of the opportunity for undergrounding in coordination with utilities projects. Ms. Robinson asked him to send her the policy section.

Mr. Inghram said two new electrical facilities policies regarding electrical corridors were proposed by Councilmember Robertson:

UT-X27: Discourage new aerial facilities within corridors that have no existing aerial facilities, unless no feasible alternative exists.

UT-X28: Encourage new transmission facilities to be located in street rights-of-way.

Mayor Balducci expressed concern that "no feasible alternative exists" might have unintended consequences. She understands the intent but was concerned about having a policy that could cause misinterpretations. She suggested removing that phrase from UT-X27. Councilmember Chelminiak concurred. Mayor Balducci said her suggested revision will remain the alternative at this time until the Council takes a vote.

Councilmember Chelminiak expressed concern about the possible unintended consequences of policy UT-X28. He said street rights-of-way might not always be appropriate locations and they also provide opportunities to expand roadways. He believes the Land Use Code covers it best already, which is to look first at commercial areas for locating transmission lines before considering residential areas. Mr. Chelminiak said locating lines on private commercial property would likely be preferable to locating in the right-of-way. Mayor Balducci concurred. Mr. Chelminiak suggested not adopting this policy.

Responding to Councilmember Lee, Mayor Balducci concurred with deferring final action on the two Utilities Element policies until Councilmember Robertson is present. Otherwise, Ms. Balducci said she would like to have minimal revisions once staff brings the Comprehensive Plan Update back for final approval.

Moving to the Transportation Element, Mr. Inghram noted the optional revisions to the goal statement. Councilmember Stokes said he favored the shortest version of the statement: "To

maintain and enhance a comprehensive multimodal transportation system to serve all members of the community.” Councilmembers Chelminiak and Lee concurred.

Mayor Balducci said she could support the shorter version. However, with regard to the phrase “while not discouraging the use of any particular mode” in the other two options, she said the City does want to discourage single-occupancy vehicles and to increase transit use (i.e., bus, light rail, carpool, vanpool) during peak commuter times.

Mr. Inghram presented policy TR-1: “Integrate land use and transportation decisions to ensure that the transportation system supports the Comprehensive Plan, while striving to reduce congestion and improve mobility.” He noted a suggested option to split the sentence into two policy statements.

Mayor Balducci noted general support for splitting the TR-1 statement into two separate policies.

Responding to Mr. Inghram, Mayor Balducci noted Council support for the minor revisions to TR-X19, TR-14 and TR-50. The Council concurred with revisions suggested by the Puget Sound Regional Council (PSRC) as well.

Mr. Inghram described a new policy directing the development of a Comprehensive Transportation Project List.

Responding to Mayor Balducci, Senior Transportation Planner Kevin McDonald said all projects from various studies (e.g., Factoria Area Transportation Study, Downtown Transportation Plan, Bel-Red Corridor Study, Eastgate/I-90 Plan) have been incorporated into the new comprehensive list. In further response, Mr. McDonald said the comprehensive project list is intended to be the source of a Transportation Master Plan to be created later. The master plan will be separate from the Comprehensive Plan, and the project list will therefore be easier to amend.

Responding to Councilmember Stokes, Mr. Inghram said the proposed Comprehensive Transportation Project List consolidates six project lists currently in the Comprehensive Plan.

Councilmember Robinson referred to policy TR-X14 in the meeting packet: “Support a frequent transit network in Bellevue that serves transit hubs and population and employment centers with reliable commuter and all-day service, and a seamless interface between transit routes.” She said transit does not serve schools well enough to encourage more students to take the bus. She questioned whether it would make sense to add schools to this policy. Mr. McDonald said the language was taken from the Transit Master Plan.

Mayor Balducci said transit service for students is based on the contract between the Bellevue School District and Metro. Mr. McDonald said the frequent transit network is essentially lines on a map at this point which are intended to connect key points, including certain schools. He said it would take a review of the Transit Master Plan to understand the rationale for the defined frequent transit network. Mayor Balducci suggested sending the message to the Transportation Director that there are still lingering questions and concerns about how well the bus system

serves students. The Council would be interested in discussing possible options for addressing the issue.

Councilmember Lee observed that he previously made suggestions that he does not see in the proposed policy language. He noted his interest in moving people conveniently, safely, seamlessly, and efficiently, including using pedestrian bridges. Mr. Inghram referred the Council to a proposed policy, responsive to Mr. Lee's past suggestion, in the Urban Design and the Arts Element: "Explore opportunities to enhance pedestrian and other mobility connections between buildings and developments." Councilmember Lee confirmed that the policy addresses his concern.

Responding to Mr. Lee, Mr. McDonald said the Pedestrian and Bicycle Transportation Plan includes a robust set of principles and project descriptions for connections within and between neighborhoods. With regard to transit, the Frequent Transit Network provides connections between neighborhoods.

Moving to the Environment Element, Mr. Inghram highlighted policies on greenhouse gas emissions. He noted a revision to policy EN-X1 to target "achievable" reductions in citywide greenhouse gas emissions. He presented new policy EN-Y: "Develop and implement climate change adaptation strategies that create a more resilient community by addressing the impacts of climate change to public health and safety, the economy, public and private infrastructure, water resources, and habitat."

Mayor Balducci said she suggested the new policy. Given the 10-year planning horizon, she said it is not unreasonable to start addressing adaptation to climate change. Councilmembers Robinson and Stokes concurred. Councilmember Robinson said she wants to be sure the language is consistent with the K4C (King County Cities Climate Collaboration) commitments.

Referring to "achievable" targets, Councilmember Lee suggested using the word "sustainable" instead. Mayor Balducci said she would prefer to remove all adjectives. When the Council establishes its targets in the future, it will be appropriate at that time to discuss whether they are achievable or sustainable. Mayor Balducci requested that staff flag this issue for further discussion before the Council makes a final decision.

Moving on, Mr. Inghram noted the revision to policy EN-X6 regarding low impact development to include the phrase "minimize impervious surfaces." This is consistent with National Pollutant Discharge Elimination Systems (NPDES) permit language. Mayor Balducci noted the Council's support of this revision.

Mr. Inghram recalled previous Council direction to maintain the current spelling for Bel-Red. Responding to Mayor Balducci, Councilmembers Lee, Robinson and Stokes voted in favor of removing the hyphen. Mayor Balducci and Councilmember Chelminiak were in favor of retaining the current spelling.

Moving on, Councilmember Robinson referred to the Citizen Engagement Element and the use of "diversity" and "cultural diversity." She said it is important to also refer to diversity in ability

and age. Mayor Balducci noted policy language in that section referring to “diverse backgrounds, languages and abilities” and suggested making all of the language in that section more consistent. Ms. Robinson agreed.

To conclude the presentation, Mr. Inghram highlighted limited subarea updates in Volume 2 of the Comprehensive Plan. Staff will return on July 20 to finalize the few outstanding issues and to present ordinances for Council action.

(c) Marijuana Permanent Regulations

[Item moved to Regular Session.]

At 8:00 p.m., Mayor Balducci declared recess to the Regular Session.

Myrna L. Basich, MMC  
City Clerk

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