

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Special Meeting

March 30, 2015
6:00 p.m.

Conference Room 1E-113
Bellevue, Washington

PRESENT: Mayor Balducci, Deputy Mayor Wallace, and Councilmembers Chelminiak, Robertson, Robinson, and Stokes

ABSENT: Councilmember Lee

1. Executive Session

Deputy Mayor Wallace called the meeting to order at 6:00 p.m., and declared recess to Executive Session for approximately 45 minutes to discuss one item of potential litigation.

At 6:55 p.m., City Clerk Myrna Basich announced that the Executive Session would continue for approximately 20 more minutes.

The meeting resumed at 7:30 p.m., with Mayor Balducci presiding.

2. Oral Communications

Mayor Balducci noted the regular Council rule allowing three speakers on one side of an issue. However, given the intense interest in the single-family room rentals issue on the evening's agenda, the Council agreed to allow four individuals to comment on that topic, regardless of which side of the issue they were representing.

- (a) Don Marsh, representing the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE), requested that the Environmental Impact Statement (EIS) scoping process for Puget Sound Energy's Energize Eastside project not start until the independent consultant's analysis of the need for the project is completed. He said taxpayers have invested \$100,000 dollars in the report and its conclusions are critical before significant money is spent on PSE's project. Mr. Marsh said PSE's rates for residential customers are the highest in the state compared to other utilities serving more than 25,000 customers. He asked the Council to protect residents' homes, neighborhoods and wallets.
- (b) Norm Hansen commented on the Comprehensive Plan Update. He would like to see a vision for the undergrounding of electrical and communication infrastructure. He said that previous Councils, up to 30 years ago, determined that utilities along NE 8th Street

and 148th Avenue should be below the surface. However, he believes the City is now going in the opposite direction. Mr. Hansen said residents would like to work with one or more Councilmembers to develop a vision for electrical and communication infrastructure.

- (c) Steve O'Donnell, President of CENSE, concurred with Mr. Marsh's earlier comments and requested that the City delay moving forward with the Energize Eastside EIS until the independent technical report is released.
- (d) Mary Smith, referring to the East Link light rail project, said many South Bellevue and Downtown residents and business owners have a question: When did the City Council learn that Bellevue Way would be reduced to a two-lane street for up to seven years during Sound Transit's construction?
- (e) Will Einstein, Director of Business Services and Economic Development for Puget Sound Energy (PSE), said customers are interested in the Energize Eastside project and how it will serve the region's needs related to continued growth and economic vitality. He said PSE is supportive of the independent technical analysis by the City's consultant and looks forward to the report. However, PSE wants to ensure that the Environmental Impact Statement (EIS) work continues to move forward as well.
- (f) David Hoffman, representing the Master Builders Association of King and Snohomish Counties, said he was a member of PSE's Community Advisory Group (CAG) for the Energize Eastside project and he understands the project well. The Master Builders Association wants to ensure there is sufficient electrical capacity as new homes are constructed. He said a delay in the EIS process could affect permitting later in the project.
- (g) Erin Powell expressed concern about the significant removal of trees associated with the East Link light rail project through South Bellevue. She complimented David Pyle, Senior Planner, for his past comments on behalf of the trees in Bellevue and the arboreal nature of Southeast Bellevue near and around the Mercer Slough. She said the East Link shoreline permit was signed in November. Mr. Pyle's staff email supported preserving the trees. However, Ms. Powell observed that there is now a tree removal and mitigation plan. She questioned why Mr. Pyle's comments were not included in the shoreline permit.
- (h) David Pater expressed support for adopting permanent regulations governing single-family room rentals. He said residents have been working with the City since May 2013 and the issue is still a top priority for the neighborhood. He noted an exemption in the proposed regulations regarding the definition of "family" as four unrelated adults. He believes there is a need for an exemption. However, he suggested specifying a maximum number of unrelated adults under the exemption. In the future, he asked that the Council consider a rental registration program. He thanked the Council and City staff for their work and encouraged the Council to finalize the regulations the following Monday.

Mayor Balducci noted a large number of people in the audience raising their hands in support of Mr. Pater's comments.

- (i) Ken Chaput, a Spiritridge neighborhood resident, said he lives in a community of townhomes with 84 single-family residents. He and his neighbors are concerned about how effectively the City will be able to enforce the new room rental regulations.

3. Study Session

- (a) Regional Issues

- (1) State Legislative Update

Joyce Nichols, Director of Intergovernmental Relations, provided an update on the state legislative session. She said the House Transportation Committee held a public hearing on the proposed revenue package from the Senate. Most of the testimony was positive and expressed a desire to move forward with a package. Ms. Nichols said the Mayor and Deputy Mayor attended the hearing and provided testimony with Renton Councilmember Ruth Perez.

Ms. Nichols said Bellevue's top priorities (I-405 from Bellevue to Renton and SR 520 projects on the west end of the bridge) are included in the transportation package. The proposal would raise approximately \$11 billion through an 11.7 cent increase in the state gas tax that would be phased in over four years, as well as other fees and revenue sources. If bonded, the package would cover approximately \$15.1 billion in projects and invests \$750 million in multi-modal transportation (i.e., bike and pedestrian facilities, safe routes to schools, and complete street programs). The package also includes money for street improvements for local governments.

Ms. Nichols said the House has indicated that action on the transportation package will likely not occur until late in the session. The regular session is scheduled to end on April 28. The House released its overall budget proposal the previous week, and the Senate anticipates releasing its budget within the next week. It is important for the two chambers to reach agreement on the operating budget by the end of June in order for the State to be able to pay its debts as of July 1. If an agreement is not reached, the governor will call the legislature back for a special session.

Ms. Nichols noted the memo in the Council's desk packet summarizing the House budget and how it proposes to balance the budget. She said the Senate budget is likely to be vastly different. The proposed House budget preserves state-shared revenues for cities, possibly including marijuana tax revenues. Liquor taxes are up to nearly the levels of a few years ago. The annexation sales tax credit and municipal criminal justice accounts continue to be funded.

Ms. Nichols said the capital budget includes \$1 million for the Bellevue Downtown Park Inspiration Playground, \$1 million for Meydenbauer Bay Park, and \$2 million for the KidsQuest Museum. Responding to Councilmember Robinson, Ms. Nichols said there is potentially another \$500,000 in capital funding that could go to Meydenbauer Bay Park.

Deputy Mayor Wallace requested an update on proposed legislation related to the development of alternative energy sources. He questioned Puget Sound Energy's perspective on this topic.

Ms. Nichols said staff will provide information to the Council via email this week. The proposal is controversial to some extent because a bill several years ago stated that electric utilities must fund lower carbon alternatives and use non-hydroelectric power sources to help reduce emissions. Some legislators see the current proposal as an end-run around the earlier requirement because it would allow utility companies to take, in some people's words, "the easy way out" of complying with the stricter requirements. Ms. Nichols said City staff is analyzing the proposal to determine whether this characterization is accurate and how that would apply to the City of Bellevue and Puget Sound Energy.

Responding to Councilmember Chelminiak, Ms. Nichols said the bill is ESSB 5735 and it would change the way power companies could balance their portfolios.

Deputy Mayor Wallace said he is not certain of the details of the bill. However, if it provides opportunities to provide alternative energy through LED incentives or other types of low energy incentives, it would be interesting to consider that as an option for urban centers.

Responding to Mayor Balducci, Ms. Nichols said the marijuana bills are moving through the legislature and the one with revenue attached is considered necessary for implementing the budget. That type of bill is held until the end of the session for final discussions on balancing the budget.

(2) Federal Legislative Update

Ms. Nichols said a report on Councilmember Lee's recent trip to the National League of Cities conference in Washington, D.C., including numerous meetings with members of Congress, is provided in the Council's desk packet. She said the integrated funding that will be needed to make light rail and the overall transportation system work in this region will require a fairly substantial investment of federal money.

(b) Planning Commission Transmittal of recommendation on Land Use Code Amendment for permanent regulations governing the rental of individual rooms in residential dwellings

City Manager Brad Miyake introduced the presentation of the Planning Commission's recommendations on the Land Use Code Amendment (LUCA) for permanent regulations governing the rental of individual rooms in residential dwellings. He noted that Council action on permanent regulations will be requested on April 6.

Catherine Drews, Legal Planner, recalled that residents brought this issue to the Council in 2013 when it was becoming apparent that single-family homes were being converted to dormitory type uses inconsistent with the character of single-family neighborhoods. Ordinance No. 6128 was adopted to provide interim zoning controls pending further study by the Planning Commission.

The Council's guiding principles for the Planning Commission's review included preventing the conversion of single-family homes to dormitory-like uses, ensuring that impacts from unrelated persons living together are not greater than the impacts of related people living together, ensuring that access to housing is not limited to protected classes of people, and developing permanent regulations that are constitutionally sound and robust.

Aaron Laing, Planning Commission Chair, said the community has been very involved in this issue and is eager to see permanent regulations in place. A top concern has been the number of unrelated people living within a house with separate leases for each individual. The Planning Commission's review was focused on what could be done from a regulatory perspective that is fair and constitutional to ensure that single-family neighborhoods maintain single-family uses.

Mr. Laing said a key issue in developing the regulations was to define a family and the functional equivalent of a family. The proposed regulations create a new definition for "single housekeeping unit" that provide a tool for the City, upon receiving a complaint, to conduct an investigation and determine whether certain criteria are met.

The Planning Commission recommended a provision that the Director document the result of his or her investigation in writing. The Commission also recommended that legally established uses not conforming with the proposed regulations will terminate on the date of the last lease or one year from the effective date of the ordinance, whichever occurs first.

Mayor Balducci said the Council and the community appreciate the Planning Commission's work.

Councilmember Robertson expressed support for the proposed permanent regulations. She said the concept of a single lease is important in determining whether the occupants are functioning as a single housekeeping unit. She expressed concern about the amortization clause related to when individuals must comply with the regulations, especially given that interim controls have been in effect. She questioned whether allowing a longer period for complying will allow practices that raised issues of concern before the interim controls were put in place.

Chair Laing said there was lengthy discussion on this issue. The Commission determined that the differences between the interim and permanent regulations were sufficient enough to justify allowing a longer amortization period.

Ms. Robertson questioned whether, and potentially how, the Council should tailor that requirement to apply only to the uses that are newly outlawed versus what was already outlawed under the interim regulations. Ms. Drews said she and legal staff could take another look at that issue if directed by the Council.

Noting that she would be absent from the next week's meeting, Councilmember Robertson said her preference would be to tailor the amortization provision so that the regulations are not extending the allowance of practices that were already outlawed in the interim regulations.

Councilmember Chelminiak observed that the termination of month-to-month leases would cause the permanent regulations to take effect soon for those properties. He questioned whether any of the homes renting individual rooms have longer-term leases.

Commissioner Laing said anecdotal information from the community indicates that the houses generally do not have the same group of residents for an entire year. Once a written lease expires, renters are subject to the landlord tenant law requiring a 20-day notice to vacate.

City Attorney Lori Riordan said the interim ordinance has been in effect for some time, and under that ordinance, individuals were given one year to modify their business practices. The deadline was last July for property owners and tenants to conform their leases. Her interpretation of the new amortization provision is that proposed changes from the Planning Commission would be subject to the one-year deadline for conforming with the permanent regulations. For those on month-to-month leases, compliance with the law could be achieved through the establishment of one lease for all residents.

Chair Laing noted the requirement that the use be lawfully established for it to be a non-conforming use that could be continued. By definition, any use established after the one-year deadline of last July would no longer be a lawfully established, non-conforming use. Ms. Drews concurred that these individuals would need to comply with the new regulations. Mr. Laing said subletting would not be allowed because that would create multiple leases.

Councilmember Stokes said the Planning Commission worked hard on these regulations. A difficult issue requiring more work in the future is how to enforce the regulations most effectively. He said there is a provision that any investigation and determination by the Director regarding compliance with the functional equivalent of family requirement will be documented in writing. He said the intent of the regulations is to change the business model of essentially multifamily housing in single-family zones.

Councilmember Robinson thanked the Planning Commission for addressing this issue that raised significant concerns for residents. As the community and its need for affordable housing grows, more issues are likely to occur and should be addressed proactively. She suggested considering the creation of a Board or Commission for housing issues.

Responding to Councilmember Chelminiak, Ms. Drews said enforcement will be complaint-based and the Code will be enforced for applicable single-family residences. Mr. Chelminiak questioned how this would apply for townhouses.

Mr. Laing said a townhouse is a single-family use within a single-family zone, and the regulations would apply to these homes. Mr. Laing said the community involvement in this issue provided important observations of the issues as well as potential solutions. He said this was a good example of an effective community process.

Deputy Mayor Wallace noted that he would be absent the following week. He said this topic requires balancing a number of issues including property rights, neighborhood character, and zoning compliance. He appreciates the cooperative effort of the community as well as the

Planning Commission's and City staff's extensive work on the regulations. With regard to the amortization provision for compliance, Mr. Wallace said the renters are not responsible for the business model and illegal practices and they need time to be able to find other places to live. He supports the amortization period as proposed in the regulations. He observed that the regulations reflect an appropriate balance of individual rights and the public interest.

Mayor Balducci expressed support for the proposed permanent regulations. She appreciates staff's work with the Planning Commission and the community, as well as with other stakeholders including the Rental Housing Association and students from Bellevue College. The East Bellevue Community Council was involved in working with the community and providing feedback as well. She observed that the tenants are not all college students. She believes that shared housing can continue to accommodate students if they share a lease and function as a household under the City's regulations. However, Ms. Balducci said there is a significant need for student housing based on Bellevue College's conversion to a four-year institution.

Ms. Balducci observed that the overall lack of affordable housing allows renters to be exploited in many of these situations in which modest homes are being converted into very small rooms for those who can least afford the cost.

Ms. Balducci said she has heard concerns that the regulations would put lower income families out on the street. She said the regulations do not change the living situations for related family members and there is no limit on the number of children in a family. She appreciates the definition of a "family functional equivalent" for enforcement needs. However, if that becomes a loophole she would expect to see the issue again for some type of solution. She likes the provision placing individual room rentals in multifamily land use districts.

Mayor Balducci thanked City staff, the Planning Commission and the community for their hard work and diligence.

At 8:45 p.m., Mayor Balducci declared a short break.

The meeting resumed at 9:55 p.m.

(c) East Link Project Update

City Manager Miyake opened staff's monthly update on Sound Transit's East Link light rail project.

Transportation Director Dave Berg recalled the history of the project as it relates to the Amended Memorandum of Understanding to be established in April. He said staff would describe changes to the project since the initial MOU between the City and Sound Transit was established in November 2011. This includes Sound Transit's siting, more recently, of the Operations and Maintenance Satellite Facility (OMSF) in the Bel-Red area.

Mr. Berg said the Council adopted the Future High Capacity Transit Interest Statement on June 20, 2005 and endorsed light rail with Sound Transit in 2006. Bellevue's Light Rail Best Practices

Committee released its report in June 2008, and the MOU was implemented in November 2011. The three main parts of the MOU addressed working toward agreement on the alignment, establishing the City's contribution to the project, and initiating a collaborative design process, with the goal of reducing the City's financial contribution.

Mr. Berg described the alignment from Seattle across I-90, north on Bellevue Way and 112th Avenue, through the Downtown and east through the Bel-Red Corridor. He said the alignment has remained largely unchanged with two exceptions that affect 112th Avenue and the Downtown. The City engaged in a cost savings study with Sound Transit that culminated in the Council's adoption of Resolution No. 8576 on April 22, 2013. The agreement with Sound Transit modified the MOU alignment but retained the trench in front of the Winters House. Cost-saving changes included a road over rail configuration on 112th Avenue SE, an at-grade crossing at SE 4th Street, and an above-ground (versus underground) Downtown Station parallel to NE 6th Street. This alignment was forwarded through 60-percent and 90-percent design.

Maher Welaye, Engineering Manager, described the design refinements reflected in the 90-percent design. Changes along Bellevue Way SE and the Mercer Slough include the noise barrier along the light rail guideway. The Sweyolocken environmental mitigation site and wetland enhancements in the updated plan are similar to the City's project along the north end of Richards Road at the Lake Hills Connector.

Mr. Welaye described the South Bellevue Station and Park and Ride. The station is elevated and the project includes a new 1,500-space parking structure. Bus and vanpool stops are located under the station.

Councilmember Robertson asked staff to comment on public feedback that the Sweyolocken mitigation site will be unsightly piles of sticks and tree debris. Mr. Welaye said the piles will provide habitat for the wetlands.

Councilmember Stokes said he lives near the Lake Hills Connector and similar mitigation for Richards Road was not liked by residents. However, the vegetation grew substantially within six months and continues to fill in.

Ms. Robertson questioned the impacts on the wetlands of the equipment used to remove the trees. Mr. Welaye said these projects go through the impacts to establish the desired outcome.

Councilmember Chelminiak requested a more thorough explanation of the environmental and ecological purpose of the woody debris mitigation sites. Mr. Welaye said staff will provide that.

Continuing, Mr. Welaye described the map of the hillside homes across from the South Bellevue Station and the simulated views of the station and Mercer Slough from several of the houses. He described a graphic of the 90-percent alignment, which transitions from an elevated structure to a trench south of the Winters House. He noted a lid structure over the trench at the Winters House and access to the parking lot.

Responding to Councilmember Robinson, Mr. Welaye noted areas where wheel lubricants might be used. Ms. Robinson asked that Sound Transit look into a bio-lubricant. Deputy Mayor Wallace said he recently toured existing light rail and the wheel lubricant used is biodegradable.

Continuing, Mr. Welaye described the alignment traveling north from the Winters House along Bellevue Way and 112th Avenue SE.

Mr. Wallace said the Council has heard public comments that the sound walls have gotten higher since the 60-percent design work, which will create a canyon of increased road traffic noise. Mr. Welaye said that concern is about a section of 112th Avenue.

Responding to Mr. Wallace, Mr. Welaye said the height of the noise wall varies along the alignment. Mr. Wallace said it would be helpful to know if there is any point in the most current design in which the road surface to the top of the wall is higher than 10 feet. He said residents have expressed concerns about the walls blocking view of the Mercer Slough park and creating a noise canyon along Bellevue Way. Ms. Balducci said she recalled those comments as well. Mr. Welaye said there is an area along Bellevue Way in which the alignment transitions from the aerial structure to grade and to the trench, where there will be a short section of sound wall adjacent to Bellevue Way. He said this is essentially the alignment from the earlier design phase.

Councilmember Stokes said his understanding is that the trench is the same length as it was in the 60-percent design. The purpose of the trench is to protect the Winters House. He observed that the heights of the sound walls have not changed as well. He said it would be helpful to have clarity on these issues, which have been raised as concerns by residents.

Councilmember Robertson recalled that the Enatai neighborhood was supportive of the trench in the past because it would keep the train wheels below grade and therefore help to mitigate the noise. Referring to the segment from the Winters House to the road over rail section on 112th Avenue SE, Ms. Robertson questioned whether there is any point at which the track elevation is higher than it was in the 60-percent design. Mr. Welaye said no.

Ms. Robertson suggested it would be useful, with regard to the sound walls, to have simulated views of the light rail alignment from the Winters House and around the corner at the Y onto 112th Avenue SE.

Councilmember Robertson suggested sound-absorbing material on both sides of the sound walls to mitigate the reflection of noise as much as possible. Mr. Welaye said he will find out whether Sound Transit plans to use sound-absorbing material.

Councilmember Robinson questioned the necessity for the sound wall section where the train comes out of the retained cut to the point where it enters the raised roadway. She wants to mitigate noise if needed but expressed concern about doing more than is necessary given the adverse visual impact of the wall. She wondered if the noise impacts of that section could be measured after the system is in operation to determine the need for a sound wall. Mr. Welaye said that could be an opportunity for refinement in working with Sound Transit staff. However, the current analysis indicates the need for a noise barrier at that location.

Deputy Mayor Wallace said Sound Transit conducted its own study of how the light rail line could comply with Bellevue's noise code. He believes there were recommendations about using sound-absorbing materials for noise walls. He wants to be sure those features are required as a condition of the City's permit.

Mr. Wallace questioned plans for traffic mitigation on Bellevue Way. Mr. Welaye said that is a subject of continuing conversations with Sound Transit. Staff is looking at the concept of closing Bellevue Way entirely for 12 to 15 weekends for the early work of relocating utilities. This includes exploring the option of keeping a northbound lane on Bellevue Way open during the weekend closures.

Mayor Balducci said her understanding of traffic plans throughout construction has been that Bellevue Way would retain two lanes in the peak direction and one lane in the opposite direction. Mr. Berg said that is still the plan for peak travel periods.

Deputy Mayor Wallace questioned the standard for mitigating traffic impacts during construction along Bellevue Way. Mr. Berg said the goal is to maintain the same traffic capacity during peak periods on Bellevue Way that exists today. The City and Sound Transit have both conducted traffic analyses to confirm that this will be possible. Mr. Wallace said it would be helpful to understand more on this issue. What is the goal? What is the standard for performance? Will one lane in the off-peak direction be adequate? He questioned the possibility for two narrower lanes in both directions. Mr. Welaye said staff of both agencies continue to explore and discuss options for traffic management and mitigation.

Responding to Mr. Wallace, Mr. Berg said the traffic management plan requirements come through the right-of-way use permit and not through the design and mitigation permit.

Councilmember Robinson said it would be helpful to have an app for the public that would provide real-time information on traffic management throughout East Link construction.

Moving on, Mr. Welaye described the alignment along 112th Avenue, including the road over rail section and the sound walls on the west side of the trackway. The City is working with Sound Transit to coordinate the design of the alignment and the noise wall along Surrey Downs Park. Mr. Welaye said the train will cross SE 4th Street at grade, with emergency access only to SE 4th Street from 112th Avenue.

The East Main Station is located at the intersection of Main Street before the alignment moves into the Downtown. There will be a small park between NE 2nd Place and NE 2nd Street, which will provide maintenance access to the tunnel fans as well. Mr. Welaye described the Downtown Station and the elevated alignment across I-405 to the Hospital Station. The guideway will descend to street level north of that station. There will be a sound wall to mitigate noise impacts for the Lake Bellevue community and the alignment then curves east to the Bel-Red corridor. The light rail track will go below grade to cross 120th and 124th Avenues NE.

Councilmember Robertson said she is pleased to see the City working with Sound Transit to further reduce the number of at-grade crossings.

Councilmember Robinson recalled that The Bellevue Network on Aging recommended that the benches at the Hospital Station be higher to make it easier for older adults to get up from a seated position.

Deputy Mayor Wallace questioned the status of the Light Rail Permitting Citizens Advisory Committee (CAC) process and how the CAC's recommendations will be incorporated into the plan. Mayor Balducci indicated that would be addressed later in the presentation.

→ Deputy Mayor Wallace moved to extend the meeting to 10:15 p.m., and Councilmember Chelminiak seconded the motion.

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

Continuing, Mr. Welaye described the elevated alignment from 124th Avenue NE to approximately 130th Avenue NE, where it transitions to street level and the first at-grade crossing at 132nd Avenue NE. There will be a park and ride lot at 130th Avenue NE. The alignment continues to NE 20th Street via 136th Place NE and then travels east to the Overlake Village Station and the Overlake Transit Center Station.

Responding to the Deputy Mayor's earlier question, Director of Development Services Mike Brennan said the Light Rail Permitting Citizens Advisory Committee (CAC) has been reviewing a broad range of elements including noise walls, station aesthetics, visual impacts, vegetation, etc. Referring to Councilmember Robinson's earlier comment, Mr. Brennan said he will check to see whether higher bench heights have been addressed by the CAC. The CAC has issued its final advisory document for the Bel-Red segment and is currently working on the South Bellevue segment.

Responding to Mr. Wallace, Mr. Brennan said all of the CAC's work is available on the City's web site. Mr. Wallace questioned how the CAC's recommendations become obligations for Sound Transit. Mr. Brennan said the recommendations are incorporated into the Director's decision on the permits and become a condition of permit issuance. If an issue raised by the CAC is not included in the final permit, the Director will provide a written response to explain that decision.

Mr. Berg provided an update on the Sound Transit Operations and Maintenance Satellite Facility (OMSF), which was not a part of conversations with the City at the time the November 2011 MOU was signed. On July 24, 2014, the Sound Transit Board selected a site in Bellevue for the OMSF. The final environmental impact statement (FEIS) for the project is scheduled for completion in November 2015. Design and permitting is targeted for 2015-2017 and construction is anticipated for 2017-2020.

Mr. Berg said a group of stakeholders worked together last fall to identify and consider options for the OMSF. The result is a recommended phased approach for implementing the facility. The

City envisions that the OMSF will be incorporated into the Amended MOU to ensure that the light rail alignment and maintenance facility are considered together.

Responding to Deputy Mayor Wallace, Mr. Berg said Sound Transit's final decision on the site will not occur until the environmental work, which addresses all impacts, is completed later this year. Mitigation will be addressed at that time for unavoidable impacts. Mr. Wallace expressed concern about the ability to mitigate noise impacts associated with trains accessing the facility throughout the night. Mr. Brennan said mitigation solutions will be put in place as needed.

Deputy Mayor Wallace said the Council was not aware of the OMSF and therefore could not address it as part of the light rail overlay Land Use Code Amendment (LUCA). Mr. Brennan said staff is reviewing the City's codes to develop recommendations and solutions for the Council's consideration.

Moving on, Mr. Welaye highlighted a number of City projects (i.e., utilities, parks and transportation) from South Bellevue to the Bel-Red corridor that will be coordinated with Sound Transit's light rail construction for time and cost savings.

Councilmember Robertson said the Council received copies of an email from David Pyle, a City employee, to Justin Lacson, Sound Transit, which was referenced by a speaker during Oral Communications. Ms. Robertson questioned whether the memo's recommendations about tree preservation were taken into account by either the CAC or City staff. She asked whether the tree preservation practices are to be implemented.

Mr. Brennan said Mr. Pyle's perspective was taken into consideration as part of the East Link review, with an interest in preserving as much vegetation as possible. If vegetation must be removed, Mr. Brennan said it is important to ensure that mitigation in the form of plantings meets or exceeds the standards needed to maintain a healthy buffer along the Mercer Slough. Councilmember Robertson requested a follow-up via email on this issue.

Mayor Balducci noted Mr. Pyle's recommendation to avoid cutting down trees as much as possible. She observed that the Council would support such an approach whether it is provided in the permit or not.

At 10:13 p.m., Mayor Balducci declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw