

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

June 19, 2017
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Stokes, Deputy Mayor Chelminiak, and Councilmembers Lee¹, Robertson, Robinson, Simas, and Wallace

ABSENT: None.

1. Executive Session

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

2. Study Session

- (a) Washington State Department of Ecology (DOE) Conditional Approval of Bellevue's Shoreline Master Program (SMP) Update

City Manager Brad Miyake recalled that, in May 2015, the Council approved the Shoreline Master Program (SMP), which was submitted to the State Department of Ecology (DOE) for review. The City recently received conditional approval of its program from the DOE. City staff will conduct further analysis of the DOE's conditional approval and return to the Council for further discussion and formal action at a future date.

Mike Brennan, Director, Development Services Department (DSD), introduced Tim Gates, Shoreline Management Policy Lead, Department of Ecology and Joe Burcar, Interim Northwest Region Section Manager, DOE.

Mr. Brennan recalled that the effort to update the Shoreline Master Program began in 2008 with the technical shoreline analysis and Planning Commission review. The City Council reviewed and discussed the plan from 2013 to 2015 and held a public hearing. The Department of Ecology (DOE) review occurred in 2016, and the SMP was recently conditionally approved.

Catherine Drews, Assistant City Attorney, said the next steps are a staff analysis of the DOE's changes for discussion during a future Council Study Session. The analysis will address whether

¹ Councilmember Lee arrived at 6:18 p.m.

the changes: 1) prevent the outcome allowed under the City's initial SMP submittal, 2) allow the outcome with additional process, or 3) result in essentially no change. At the end of that process, staff will seek Council direction to engage with the DOE to explore alternative solutions where required. Ms. Drews said the City will continue to keep stakeholders informed and will invite them to provide information they would like the City to consider.

[Councilmember Lee joined the meeting.]

Mr. Burcar said tonight's primary goals are to introduce the Department of Ecology's conditional approval, answer questions from the Council, and clarify next steps. He highlighted the DOE's review milestones including a comment period last fall and a public hearing on October 18, 2016. The DOE summarized its comments and public comments in a transmittal to the City in November 2016, and the City provided its response in January 2017. The DOE issued its conditional approval with the required changes on June 1, 2017.

The DOE's conditional approval package consists of five elements: 1) Director's letter dated June 1, 2017; 2) findings and conclusions (Attachment A); 3) required changes (Attachment B), 4) recommended changes (Attachment C), and 5) responsiveness summary (Attachment D).

Mr. Gates noted that the required changes are the DOE's suggestions, in strikethrough format, for ways to make the City's Shoreline Master Program (SMP) consistent with the law. However, they are not required in the sense that the DOE's exact language must be used. He said the required changes attachment addresses the important topics. State law requires that the DOE participate in a cooperative program with local governments, and the state and local governments must agree on the final words. He said the DOE and the City can have further discussion on the items to reach a consensus for compliance with the law.

Mr. Burcar said Attachments A and B are intended to focus on the intent of the DOE's required changes versus the specific words. He said the 16 required changes reflected in Attachment B fall into the following general categories: 1) SMP authority and clarification regarding integration with the Critical Areas Ordinance, 2) clarifications in nonconforming regulations for internal consistency, 3) clarifications regarding development regulations, 4) shoreline modifications regarding pier standards and stabilization thresholds, and 5) clarifications related to permits and administrative provisions.

Mr. Gates said the more substantive changes relate to development regulations. He acknowledged there has been discussion in Bellevue regarding the ordinary high water mark (OHWM) reference and using a standard elevation for projecting setbacks on Lake Sammamish. In reviewing the public comments and the City's analysis, the DOE determined there was not a consensus on the OHWM. The DOE's change is to use the definition of the OHWM from state law.

Councilmember Wallace questioned how that reconciles with King County's mismanagement of the weir causing artificially high water levels on Lake Sammamish and the taking of private property as a result.

Mr. Gates said the DOE does not have the authority to deal with that water management issue under the SMP review function.

Councilmember Wallace said it is difficult to be in the position of a Councilmember who wants to balance environmental issues with private property issues when King County is causing an artificial high water mark for Lake Sammamish property owners. He does not see how the solution is to follow the language in state law, which does not address this situation.

Mr. Gates said he is not aware of any DOE authority that would allow the agency to move away from using the OHWM. The DOE has a responsibility to implement the applicable laws and to recognize the OHWM as what is measured at a particular time. If that is changed by how water is managed further up the watershed, that factor is not under the DOE's control.

Councilmember Wallace opined that this aspect of the requirements is out of balance and unfair for property owners. The overall goal of the SMP is to prevent a net loss in ecological functions. He does not see how imposing an impact on private properties serves that goal. With Lake Sammamish being mismanaged by King County, Mr. Wallace observed that additional attention to this matter is warranted.

Councilmember Robinson concurred with Councilmember Wallace's concerns. She said King County has approved a large project to address the weir affecting Lake Sammamish. She questioned how the completion of the project will affect the OHWM. She requested information on the project schedule and the project's anticipated impact on the OHWM.

Councilmember Robertson thanked the DOE representatives for the presentation and questioned whether they plan to come back for a future study session. Mr. Brennan said staff had not anticipated that course of action. However, he understands the Council's concerns, and staff will consider how to advance the conversation after tonight.

Ms. Robertson said it was her understanding that the DOE has allowed the City to use a set elevation to determine the OHWM in the past, because it is only used for structure setbacks. It is not used to determine where to place the bulkhead. She questioned the reversal of that previous approval.

Mr. Burcar said the number previously used had a body of analysis that, at the time, the decision makers determined was equivalent to the OHWM. However, without that additional body of information, it is difficult for the DOE to see another number as the right number. He said there might be other administrative ways to bring a number into the process that does not lock it into a SMP provision.

Councilmember Robertson said it costs a homeowner \$3,000 to \$5,000 to determine the OHWM for a structure setback. Establishing a set elevation would be helpful to property owners. She would like to know what the City needs to do to establish the body of work necessary to establish

a set elevation. She noted that the level fluctuates, and she would like to have a set elevation to provide a regulatory safe harbor for residents.

Mayor Stokes stated his understanding that the City would have ongoing discussions with DOE staff and that the requirements are not strictly worded. He said more discussion with the Council is needed for this and other critical issues.

Mr. Burcar said DOE staff will work with City staff to prepare for the next discussion. He believes the City and the DOE have a common interest. Once the SMP is finalized, the DOE and the City must be able to jointly defend it.

Moving on, Mr. Burcar said the shoreline modification changes are substantial and generated a great deal of discussion between the City and property owners. He said the DOE has worked hard to achieve consistency with other jurisdictions. He said DOE staff can return for further discussion of this topic if it would be helpful.

Mr. Gates highlighted the next steps in the process. Option 1 is to accept the changes and to move forward with an effective date that is 14 days following the approval. Option 2 is to propose alternatives for further DOE review and discussion before final approval. There is a 60-day period for appeals to the Growth Management Hearings Board after the SMP regulations go into effect. He noted that proposed alternatives must be consistent with the purpose and intent of the DOE's original change.

Councilmember Wallace observed that, despite the issues to be addressed, approximately 95 percent of the SMP submitted by the City does not need any changes due to the collaboration of DOE and City staff over the past few years.

For the next discussion, Deputy Mayor Chelminiak suggested identifying whether there are portions of the DOE's language that are acceptable to the Council before discussing the areas of disagreement.

Councilmember Robertson said she was on the Planning Commission when the City began the SMP update process. With regard to the five-foot walkway for docks, she said the City is concerned about the ADA issue. Her understanding is that the DOE approved a five-foot walkway in certain circumstances for the City of Mercer Island's SMP. She suggested discussing a similar solution for Bellevue.

Mr. Burcar said that could be built into Bellevue's SMP. He said Mercer Island has a great deal of deep water along the shoreline. The intent of the change to minimize the size of the docks in the first 30 feet is based on scientific work that looked at determining the critical area for salmon migration, which is the shallow water habitat within the first 18 inches of the shoreline. On Mercer Island, water that is 30 feet from the shoreline can be 12 feet deep. Ms. Robertson said she was glad to hear that the DOE is willing to discuss a compromise solution.

Mayor Stokes thanked DOE staff for coming and for their attitude of working with the City.

Mr. Brennan said City staff will define a process to narrow the issues, bring back technical information and alternatives, and to continue to engage with the DOE.

(b) Bellevue Smart City Plan Update

City Manager Brad Miyake introduced discussion regarding the Council's vision for Bellevue as a Smart City.

Sabra Schneider, Chief Information Officer, introduced staff to provide an update on the City's cross-departmental efforts to plan for a smarter Bellevue: Chelo Picardal, Chief Technology Officer; Jennifer Ewing, Environmental Stewardship Program Manager; and Chris Long, Traffic Engineering Manager. Ms. Schneider recalled that the Council approved the general Smart City approach in 2015 and the Smart City strategy in 2016 for the 2017-2018 budget. The Bellevue Smart City plan was created by a multi-department team over the past year and was supported by early partnerships with the University of Washington, Puget Sound Energy, and Microsoft.

Ms. Schneider noted that Bellevue made smart city investments long before there was a Smart City Plan. Two significant investments are the fiber infrastructure and the initial Intelligent Transportation System (ITS) enhancements. She noted that the region embraces innovation and new technology, and the focus of the City's efforts is to better serve the community. The overall desired outcomes of the plan are livability (e.g., safety, quality of life, economic competitiveness), sustainability (e.g., reducing waste, increasing efficiencies, and protecting the environment), and resiliency (e.g., effective emergency response). The four principle strategies reflected in the Smart City Plan focus on proactive and adaptive systems, data, partnerships, and regional relationships to encourage and coordinate smart city elements, particularly in the area of transportation.

Ms. Picardal highlighted the overall Smart City goals within the following six elements of the plan: connectivity, transportation, public safety, water, buildings, and energy. She spoke about the phased approach to becoming a smarter city, noting that the City is currently in the first phase of investing in foundational systems. Phase 2 consists of integrating the efficiencies of the different systems (e.g., ITS, fiber, LED street lights, Wi-Fi, and utilities automated metering), and Phase 3 involves achieving interoperable, predictive, and real-time data and function.

Ms. Picardal said expanded public Wi-Fi is now available for underserved families at Spiritwood Manor through a partnership with the King County Housing Authority and the Bellevue School District. Public Wi-Fi is also available in the Downtown, Crossroads area, all community centers, and City Hall.

Mr. Long recalled that staff presented the Intelligent Transportation System (ITS) Master Plan to the Council in May. Staff worked with 13 internal stakeholder groups and identified more than 70 needs that could be addressed through specific projects. Staff will present information from the needs assessment in late July.

Mr. Long said staff is moving forward with current ITS initiatives including the video analytics for the Vision Zero program, smart street lights, and a system using City traffic signal data to provide real-time information to motorists that will improve fuel efficiency and safe driving habits.

Mr. Long said the City's new Transportation Technology Partnership Manager has been involved in 50 meetings with partner agencies, product vendors, and industry experts to explore technologies. He said the Innovation Triangle (Bellevue, Kirkland and Redmond) recently initiated an outreach effort to determine how commuters might use car sharing and shared mobility options. Mr. Long said the utilities Advanced Metering Infrastructure (AMI) project is underway as well.

Ms. Ewing described the Urban Smart Bellevue program, which is a partnership with Puget Sound Energy and 72 Downtown businesses and participants to reduce energy usage.

Ms. Ewing said the State of Washington will receive a significant amount of money related to the Volkswagen diesel software settlement. A \$112 million trust fund will be created for the entire state, and 85 percent of those funds will be used for converting heavy duty vehicles to alternative fuels. Approximately 15 percent of the funding, or \$17 million, will be used for electrical vehicle charging infrastructure.

Ms. Ewing noted that the City received a \$500,000 grant from the U.S. Department of Energy to analyze greenhouse gas emission trends. She said more information will be provided on a number of items during the next environmental stewardship update to the Council.

Councilmember Lee commended the City's work on fiber infrastructure and ITS projects. He said Bellevue is fortunate to be positioned to take advantage of a number of technologies and opportunities. He questioned how many people are served by the public Wi-Fi, including those living at Spiritwood Manor. He suggested that would be a good story to tell for the community. With regard to utilities AMI, he noted that technologies exist around the world. He questioned the City's ability to be truly innovative and creative. Mr. Lee thanked staff for their hard work and progress.

Councilmember Robinson thanked staff for the presentation and expressed support for the digital equity component of the public Wi-Fi system that helps startups and students.

Ms. Robinson said she would like Bellevue to work more closely with the City of Redmond with regard to the impact of their development on Bellevue streets.

Councilmember Simas concurred with Councilmember Robinson's interest in traffic impacts from adjacent cities and said he would like to hear more information on those issues.

Responding to Mr. Simas regarding the long-term plan for Wi-Fi expansion, Ms. Schneider said a community study was conducted two years ago to ask how individuals were using Wi-Fi and

broadband technology across the region. The resulting data indicated areas that are the least connected, and City staff is focusing on solutions for those areas.

Mr. Simas questioned the security concerns of an open, public Wi-Fi system. Ms. Schneider said the opening page to the City's public Wi-Fi alerts users that the system is not secure. She acknowledged that some risk is involved.

Mr. Simas suggested getting information out to the public regarding utilities AMI and other technologies and how they can maximize the benefits.

Councilmember Wallace commended staff on their work and presentation. He looks forward to continued transportation technology innovations.

Mr. Wallace noted the City's goal, for many years, of providing more high-speed data options to residents and businesses. His neighborhood has only one provider. He requested an update on recent related efforts by the City.

Mr. Wallace suggested exploring the potential for a partnership with local businesses to be on the forefront of deploying 5G wireless technology.

Mr. Wallace commended the City's efforts related to electric vehicle infrastructure. He noted the opportunity to be a leader in this area. He encouraged exploring public-private partnerships, similar to the project in Columbus, Ohio.

(c) Distribution of Draft Grand Connection Framework Plan and Update of I-405 Crossing Alternatives

Dan Stroh, Planning Division Director, introduced discussion regarding the draft Grand Connection Framework Plan. He said staff would like to put the plan out for public review following the Council presentation this evening. Sequence One of the project extends from the Meydenbauer Bay waterfront park to the Civic Center. He noted that an art and culture element will be integrated into the plan.

Bradley Calvert, Community Development Program Manager, reviewed the Grand Connection project schedule. The project will move into Environmental Impact Statement (EIS) review of the I-405 crossing during the third quarter of this year, as part of the Wilburton commercial area land use planning effort. Sequence Two of the Grand Connection project is the I-405 crossing and the interface with the Wilburton commercial area and the Eastside Rail Corridor.

Mr. Calvert said the Sequence One Draft Framework Plan addresses a number of topics including public engagement, the Grand Connection route, route identity, cohesive design strategies, art and culture, connectivity and mobility, public spaces, programming, and the I-405 crossing. The document includes concept plans for the I-405 crossing to provide a context for the overall project.

Mr. Calvert said the art and culture element will have an important role in the programming and activation of the public spaces. Staff will post the draft plan on the City's web site, and the chapters will be posted separately for easier access and use by the public. Staff will present the report to the Boards, Commissions, civic organizations, and the public over the coming months.

Mr. Calvert said the Grand Connection is intended to be a cultural corridor with programming to enhance the urban experience. The art and culture element will be released in July as an appendix to the draft report. Staff anticipates returning to the Council in the fall to review public comments, refine the Council's direction, and to request Council adoption of the plan.

Mr. Stroh noted that Joshua Heim, Arts Program Manager and the Arts Commission are involved in the development of the plan's art and culture appendix.

Deputy Mayor Chelminiak expressed support for the planning effort to date and the addition of the art and culture component. He said it is consistent with the Council vision for creating memorable features and venues within the community. He said the Downtown Park has been completed and creates a signature feature for the Grand Connection. He commended the design of the new south entrance to the park.

Councilmember Wallace said he is eager to hear feedback from the community. He suggested a focus on health and active elements. He said he looks forward to having a schedule for phasing the project implementation.

Mayor Stokes thanked Deputy Mayor Chelminiak and Councilmember Wallace for their work on this project.

Councilmember Robinson expressed support for the possibility of a community garden at Meydenbauer Bay Beach Park. She noted that she, Deputy Mayor Chelminiak, and Councilmember Lee saw raised intersections in Sweden, which are effective in slowing down traffic smoothly without an abrupt transition.

Ms. Robinson expressed support for increasing Bellevue's tree canopy by 10 percent and said she hopes the Grand Connection project will contribute toward that goal. While not directly related to this project, she encouraged finding a way to have safe bike lanes on Main Street east of Bellevue Way. She said there will be more bicycle commuters after the Eastside Rail Corridor opens.

Councilmember Lee expressed strong support for the plan, which will provide a gathering place and connect the two sides of the freeway. He said the project will require significant funding and continued commitment. He said Bellevue must be fiscally responsible. He noted there will be private-sector participation as well.

Councilmember Simas recalled that, during his service on the Transportation Commission, there were recurring discussions about the need to continue to develop the Pedestrian Corridor. He is please to see the Grand Connection project moving forward. He expressed support for the art and

culture elements. He said a critical element will be to make the Grand Connection an interesting and exciting destination and gathering place for the public, and not just a place to move people from point A to point B.

Mayor Stokes recalled that he and Dan Stroh participated in the Bellevue Downtown Association (BDA) trip to Denver in 2012. He said elements of a connection project were an inspiration, and the Grand Connection will be an even better project. He is pleased that the project is steadily moving forward.

Mr. Calvert provided an update on the vision and options for the I-405 crossing. The objective is to create a safe and comfortable connection with opportunities for public space and the integration of the project with future development opportunities, including in the Wilburton commercial area. He said the project will interface with 116th Avenue NE and with the Eastside Rail Corridor. He noted the overall goal of creating a signature feature in terms of form, design, and/or experience.

Mr. Calvert highlighted the three alternatives that were previously discussed in March. Alternative One features a curved sculptural bridge concept with potential gardens, play areas, bike lanes, viewing platforms, plaza, and stormwater facility.

Alternative Two is a linear concrete path structure connecting the two sides of the freeway. He noted opportunities to screen the freeway using vegetation and berms and to create a plaza and green space on the east side of the freeway. A connection to the Eastside Rail Corridor would be provided as well.

Alternative Three provides a larger lid covering the freeway between NE 4th Street and NE 6th Street. Potential features include playgrounds, public space, observation deck, gardens, stormwater facility, and climbing wall and/or other outdoor sports. The alternative anticipates access from NE 4th Street, NE 6th Street, and both sides of the freeway from any future development, and connects to the Eastside Rail Corridor. Mr. Calvert said environmental components will be included in all three options.

Mr. Calvert said the I-405 crossing alternatives will be incorporated into the draft Environmental Impact Statement (EIS) review of the Wilburton commercial area plan, which is scheduled for release in September. The draft framework plan for the I-405 crossing will be developed through the end of the year, and the EIS work is anticipated to be completed in early 2018.

Responding to Councilmember Robertson, Mr. Calvert said Alternative Three creates approximately four acres of open space. For comparison, the Downtown Park is 25 acres, and Ashwood Park is approximately two acres.

Councilmember Wallace questioned the cost viability of the project alternatives and noted that freeway crossings are expensive. The most important feature of the freeway crossing for him is to provide the connection between the transit center and the Eastside Rail Corridor. However, the feasibility and affordability of the project depends on its size and scope. He expressed concern

about whether there are realistic expectations regarding the ability to finance and implement the project.

Deputy Mayor Chelminiak expressed support for Alternative One. He observed that it is perhaps the straightest path to the Eastside Rail Corridor. He said there are options on City-owned property to create a major open space that will accommodate entertainment and other public programming (e.g., farmers market).

Mr. Chelminiak suggested there will need to be a way in the future for the public to access the Eastside Rail Corridor by cars and bikes, although not necessarily associated with the Grand Connection.

Councilmember Robertson recalled previous discussion about the potential for an I-405 crossing alternative that would allow future expansion. She questioned whether that is a viable option.

Mr. Calvert said Alternative One builds on the existing infrastructure of NE 6th Street and is designed for maximum flexibility in phasing and expanding the project.

At 8:01 p.m., Mayor Stokes declared recess to the Regular Session.

Kyle Stannert, CMC
City Clerk

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