

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

January 7, 2013
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Lee, Deputy Mayor Robertson and Councilmembers Balducci, Davidson, Stokes, and Wallace

ABSENT: Councilmember Chelminiak

1. Executive Session

Deputy Mayor Robertson called the meeting to order at 6:04 p.m., and declared recess to Executive Session for approximately five minutes to discuss one item of potential litigation.

The meeting resumed at 6:19 p.m., with Mayor Lee presiding.

Mayor Lee wished everyone a Happy New Year.

2. Study Session

- (a) Continued Discussion regarding the Draft Light Rail Overlay governing the East Link Project

Deputy City Manager Brad Miyake noted ongoing discussions regarding the Land Use Code Overlay related to the East Link light rail project. The memorandum of understanding (MOU) with Sound Transit indicates that the two agencies will work toward an agreement on Code provisions to guide the implementation of light rail.

Mike Brennan, Director of the Development Services Department, said that tonight's discussion would focus on the area around the South Bellevue Park and Ride. He noted topic blocks for upcoming discussions including alignment elements (e.g., fences, lights, signals), stations and the station design process, Bel-Red corridor facilities (including the operations and maintenance base), and the overall process and options (i.e., conditional use permit, development agreement).

Kate Berens, Deputy City Attorney, reviewed Council input from the December 10 discussion about the traction power substations landscaping and screening. There are four locations for substations along the alignment in Bellevue. She recalled that the Council expressed support for

more dense buffers in residential areas and for maintaining flexibility for context-sensitive landscape solutions. Staff began discussion about the South Bellevue Park and Ride at that time and was able to introduce a discussion of the City's critical areas provisions. Tonight's discussion will focus on design elements of that station.

Ms. Berens explained that the South Bellevue Station height will be dictated by the alignment preference. The station location on the west side of the site minimizes disturbance to the Mercer Slough, minimizes the relocation of construction risk, accommodates landscaping west of the station, accommodates unimpeded vehicular access from Bellevue Way, and provides better visibility to increase rider safety.

Ms. Berens said staff is seeking Council input regarding Park and Ride landscape screening; the mitigation of impacts associated with the height of the structure; the development of standards to address light, glare, parking and circulation, recycling, and solid waste handling; and design treatments for concrete and masonry structures (e.g., support columns, noise/retaining walls, tunnel portals).

Ms. Berens said staff will use a number of tools to assist the Council in evaluating the proposed Land Use Code Overlay including Park and Ride graphics (i.e., aerial photos, illustrative examples from the South Kirkland Park and Ride, and cross-section drawings) and illustrative examples of concrete and masonry structures.

Ms. Berens noted the applicable existing Land Use Code sections that address Park and Rides (LUC 20.25M.040.B.2), light and glare (LUC 20.25M.040.D), minimum parking requirements (LUC 20.25M.040.F), recycling and solid waste collection (LUC 20.25D.040.G), and context sensitivity (LUC 20.25M.050). Ms. Berens highlighted key principles regarding Park and Ride facilities from the Light Rail Best Practices Report and from the Land Use Code. She explained that this will be the starting point for establishing the Light Rail Overlay and its amendments to Code provisions.

Carol Helland, Land Use Director, described the site plan for the South Kirkland Park and Ride site, which is located on the boundary of the cities between Bellevue and Redmond. She said the project is a good example of how Park and Ride facilities are governed by the City's existing Land Use Code provisions. She described the vegetation on the site, noting that it provides an example of how site planning allowed for vegetation design. Ms. Helland displayed and described illustrations of vegetation, wayfinding, and other design features.

Ms. Helland described the site plan for the South Bellevue Park and Ride and light rail station, including the variations of landscaping and buffer types, and went through a number of illustrations of the facility. She described the perspective from the station platform looking west toward the Enatai neighborhood, noting the elevations of the roadway and light rail. She said there will be more specific discussion about stations and the station planning process during the January 22 Council meeting.

Responding to Deputy Mayor Robertson, Ms. Helland said the height of the station platform (east elevation) is 30 feet to 35 feet.

Ms. Helland described a cross-section of the Park and Ride Station and Bellevue Way SE. The Park and Ride is east of the light rail station and involves fill to accommodate site circulation. Approximately two floors of the Park and Ride are below the elevation of Bellevue Way SE.

Councilmember Davidson questioned the concept that the Park and Ride location east of the Station minimizes disturbance to the Mercer Slough, noting that there will be fill, large columns, and an expanded Park and Ride. He said there have been issues regarding the I-90 structure at that location, and he expressed concerns about additional impacts, including storm water drainage.

Ms. Helland said that, if the light rail platform structure were moved to the east, there would be more disturbance to the Mercer Slough to the north and east that is not contemplated.

Dr. Davidson questioned the number of columns on the site. Mr. Brennan said the engineering work for the Park and Ride is currently underway. He said staff can provide more information if desired.

Dr. Davidson recalled that a review of the B7 light rail alignment option identified impacts to Mercer Slough. However, the expanded Park and Ride encroaches into the slough as well.

Councilmember Stokes encouraged moving forward with the presentation about the alignment that has been selected. He noted his understanding that the discussion is to be focused on the landscaping and design elements and not on the engineering of the site.

Councilmember Davidson said that written materials state that, if the City and Sound Transit agree on the alignment, the City will not be asking for any other possible alignment that would mitigate the negative impacts to the environment. He said it is difficult to address design elements without understanding the structural requirements, especially within a wetland. He thinks that moving the facility across the road onto dry land would be a better approach.

Councilmember Balducci recalled, for the record, that the Council had multiple presentations from Sound Transit and the Washington State Department of Transportation about the peat deposit underneath the slough at that location. The I-90 crossing of the Mercer Slough is cracking and is being closely monitored with a multi-year study by the State to ensure the structure and safety are maintained. She said, for the benefit of the public, that this is not a new issue. Ms. Balducci said that tonight's discussion is about light rail buffering and design elements and she would like to focus on those items.

Mayor Lee said the Council needs to focus on the task ahead, which is to establish Land Use Code provisions to address the light rail alignment. The Council might never be able to satisfy itself 100 percent, but he observed that the alignment decision has essentially been made. Mayor Lee said he wants to be sure staff is responding to Dr. Davidson's questions separate from this

forum because the information is important in terms of considering the Council's decisions. At the same time, there is no need to debate certain issues.

Deputy Mayor Robertson said the Council needs to work with the alignment that has been identified.

Ms. Helland noted that staff has concluded its presentation on the South Bellevue Park and Ride and invited Council questions and discussion before moving to the next topic.

Deputy Mayor Robertson referred to staff's summary of the Council's December 10 discussion and a comment on the traction power substations. She confirmed that the Council discussed buffers and landscaping, as well as the concept of being context sensitive, but the Council also talked about screening, fencing, and walls. She wants to be sure that staff received that message. Ms. Helland confirmed staff's understanding of the input and noted that those additional elements are mentioned in the packet materials on page 2-1.

Ms. Robertson questioned the trackway height at the South Bellevue Park and Ride/Station. She believes there is the potential for light rail going to Issaquah and wondered whether the height is higher to accommodate that possibility. Ms. Helland said that potential does not affect the height. She said the switch has been removed from that location.

Responding to Deputy Mayor Robertson, Ms. Helland said that height is measured in residential districts from the existing grade. The Park and Ride does not meet the currently defined height limit of 30 feet to the top of a flat roof. However, the perception from Bellevue Way SE will be less than the maximum height limit for the Park and Ride structure. The Station structure will be higher.

Ms. Robertson said she would like to see not only effective landscape standards at this location, but also to be sure the structure is integrated within the context of the surrounding environment, which is the Mercer Slough Park. She encouraged sufficient greenery and screening from the perspective of Bellevue Way and the neighborhood, potentially in the form of green roofs and vines. Ms. Robertson said she would like a review of all light rail station designs to ensure adequate criminal deterrence and safety mechanisms are in place. She understands that the Police Department has an expert in this area. Ms. Helland confirmed that the process involves a review of crime prevention through design.

Councilmember Wallace said it is difficult to comment on the information presented so far due to the lack of detail. He encouraged using a design review board, as used in Seattle, to evaluate Sound Transit's plans and determine whether they are consistent with the City's Comprehensive Plan, Subarea Plans, design guidelines (e.g., Bel-Red Corridor), and critical areas and shorelines regulations. Mr. Wallace said he does not understand how the Council can give valuable direction at this point. He believes the best course of action is a design review board to evaluate Land Use Code provisions.

Ms. Helland said she appreciates that feedback. The discussion planned for January 22 will address the station design process. She provided examples of the kind of input that staff is seeking from the Council, for example, comments offered by Deputy Mayor Robertson about green roofs and specific levels of landscaping. Other items of interest are frontage landscaping and screening underneath the elevated track. With regard to other mitigation issues, the City is imposing the same standards applied to any other developer.

Ms. Helland referred the Council to page 2-14 of the Council packet, which addresses items including fencing, light and glare. She said Ms. Robertson has questioned the potential for turning off the lights during certain hours. Ms. Helland said she is unsure whether that is an option, particularly with regard to crime prevention concepts. However, perhaps light harvesting would be feasible, which is motion-activated lights when people are present.

Responding to Councilmember Wallace, Ms. Helland said that Council direction on details such as light harvesting can be incorporated into the Code. Mr. Wallace observed that the City already has standards governing parking structures. He asked whether the City and Council can start with those requirements and standards and then determine how they might apply to the light rail project. Ms. Helland said staff is using those standards as a starting point. She referred the Council to pages 2-14 and 2-15 of the meeting packet for existing Land Use Code language.

Councilmember Wallace suggested that the Light Rail Overlay should be similar to the Downtown Land Use Code, which sets out a series of guidelines for Sound Transit, designers, or architects to follow in designing their project. Noting the scale and sensitivity of this project, he believes that a design review board would be more appropriate than having detailed discussions between Sound Transit and City staff. He said the Council is not in a position to evaluate details such as the feasibility of light harvesting at the South Bellevue Park and Ride.

Councilmember Stokes said the Council knows where it wants to go, which is to be context sensitive. He concurred with Mr. Wallace that standards do exist. Mr. Stokes suggested that staff provide recommendations rather than ask the Council for input and ideas. He feels the discussions are taking a lot of time to struggle with the details. Mr. Stokes concurred with Mr. Wallace's suggestion about establishing a design review board. Within the next couple of weeks, Mr. Stokes would like to get to the point of saying that the Council is headed in the right direction. He said the decision about the Park and Ride has been made, and he would like to talk about how the City can make it the best possible facility.

Councilmember Balducci asked staff to describe how a design review board functions. Ms. Helland said the City sets a baseline in policy and in Code. Policies (e.g., Comprehensive Plan) provide guidelines while Code language provides standards. Ms. Helland said that design criteria are more like guidelines (e.g., weather protection) than requirements. She said that all of these provisions apply to the Park and Ride but, because it is an essential public facility, there is some flexibility. Staff's review of an application is evaluated against the City's policies, regulations, and design criteria. Staff may place conditions on the project or may work with the developer to modify the proposal.

Continuing, Ms. Helland said Councilmember Wallace has suggested that a copy of the staff report might be useful for the Council to see how projects are conditioned. She said the South Kirkland Park and Ride is one example that might be helpful to the Council. Ms. Helland said that any body, whether the Planning Commission, staff, or a design review board, would need to follow all of those design guidelines and Codes.

In further response to Councilmember Balducci, Ms. Helland said the design review board concept will be discussed in greater detail on January 22. She noted that a staff person is on the light rail panel for Seattle. She said the City of Seattle does not second guess the mitigation, for example, whether a noise wall is required or the height of a noise wall. However, the design review board ensures that the noise wall is context sensitive.

Moving on, Ms. Helland displayed slides of walls and screening examples. Design review boards basically decide the furnishing and veneer of a facility (e.g., light fixtures, art elements).

Ms. Balducci commented that in the view of the South Bellevue Park and Ride from the west, landscaping should not obscure wayfinding and entrances.

Mayor Lee said it is important to move the process forward. He appreciates staff's interest and need to obtain Council input. However, it is a complex project and he is confused about how to provide meaningful input. He said the two key issues are the structure and specific design elements.

Mayor Lee observed that staff is asking the Council to suggest design details, but the Council does not have the expertise. Mr. Lee said the Council can provide principles and guidance about what is best for Bellevue. He agreed with Councilmember Wallace that there are existing code provisions regarding these issues. Mr. Lee suggested that the Council provide principles and the details can be worked out later.

Mayor Lee said the East Link process is complicated with the issues of the alignment's cost-saving options, the Land Use Code amendment, and mitigation. He suggested separating the components and determining the best timing for addressing them. He said it is the City Manager's job to structure the process and to prepare the Council in order to obtain the most valuable information and direction. He said a design review board would be fair and there needs to be citizen involvement.

Mr. Brennan said that Council direction so far is appreciated. The principles and outcome descriptions the Mayor described are essentially the feedback that staff is seeking. Staff is looking for a high quality project that is context sensitive, including the Deputy Mayor's comments on the Mercer Slough and an appropriate integration of the facilities to be located there. This is the type of direction that the Code attempts to capture.

Mr. Brennan said that Councilmember Wallace noted that many projects are reviewed by the City and are shaped by the City's Codes. Many of these standards have been incorporated into the Light Rail Overlay. Part of the challenge is whether existing regulations are adequate to

provide the outcome desired with regard to context sensitivity and the features of the light rail project. Staff works from these general principles and outcomes to develop specific Code requirements to produce the desired outcome.

Councilmember Wallace recalled that the Bel-Red planning process was a long and detailed effort to determine regulations and specific guidelines for that area. While there is an avenue to conduct that type of review, he said there is not sufficient time for a part-time Council to conduct the same type of process by the end of February. He suggested it would be more effective for staff to work with the Planning Commission or a design review board to define more details within a reasonable timeline. He suggested setting that process in place now.

Mayor Lee said the Council can provide principles, but he agrees with Mr. Wallace that the Council needs help from another entity to develop specific provisions.

Deputy Mayor Robertson said the Planning Commission typically does this level of review, but the Council is fulfilling that role for this project. She reiterated the themes she is hearing: protecting residential property, providing buffers and vegetation, ensuring that the materials and design are appealing and context-sensitive, incorporating art, and mitigating visual impacts. She believes it is useful to come up with these principles. She agrees that a design review board would be helpful in addressing the concept of context sensitivity, but the Council needs to set the baseline principles and vision to guide the board.

Ms. Robertson said she would like to see a design review process come back for the stations and the different segments of the alignment. She believes the Council needs to set in place the permitting pathway and process for how the details will be worked out and how requirements will be applied. She believes that staff is going to continue to hear the same general comments from the Council as discussions move forward. She is looking forward to a discussion on design review and the process/pathway.

Councilmember Stokes observed that staff has done a good job of summarizing the Council's input and direction. He noted pages 2-16 and 2-17 of the meeting packet as an example. He encouraged a focus on process options as outlined on page 2-16.

Councilmember Davidson referred the Council to page 2-15 of the meeting packet [Page 11 of the Draft Light Rail Overlay] and read from the section on Critical Areas: "A Regional Transit Authority is not required to demonstrate that no technically feasible alignment or location alternative with less impact exists for any RLRT Facility, provided..." Dr. Davidson observed that what he is hearing is that this decision has already been made in the East Link MOU (Memorandum of Understanding); that is, that the location of the RLRT system and its facilities has been "generally approved."

Ms. Robertson concurred with the concern about the term "generally approved" and said she finds it to be too vague. From her perspective, she does not believe that the Council is saying that the MOU necessarily meets this criteria, but that the parties need to work on the alignment, including the South Bellevue Park and Ride.

Dr. Davidson questioned whether the City can make a decision that there is a better location for the South Bellevue Park and Ride based on environmental reasons.

Ms. Berens said the Critical Areas Overlay provides an obligation to demonstrate the existence, or not, of a technically feasible alternative. She said the City cannot step in and impose a different alternative for Sound Transit's implementation. None of the alignment alternatives change the South Bellevue Park and Ride.

In further response to Councilmember Davidson, Ms. Berens said the Council's support of the MOU included an expression of support for the identified alignment, with an interest in exploring cost-savings options. She said the MOU is a binding agreement in terms of outlining specific obligations for both parties. The City can disagree with Sound Transit about elements of the alignment. However, the MOU outlines the consequences of doing so.

Mayor Lee observed that the Council is not to the point of determining whether agreement has been reached with Sound Transit regarding the East Link project. Cost-saving options, mitigation, and other issues remain to be worked out.

Councilmember Stokes observed that the Council can either do its best to reach agreement with Sound Transit, or it cannot do so and be subject to whatever Sound Transit decides. He said the Council needs to focus on the Light Rail Overlay instead of revisiting and arguing about the alignment, which was supported by a vote of the Council.

Mayor Lee said the discussion needs to be more efficient and less confusing to reach the MOU deadline.

Mr. Brennan acknowledged that the path of asking the Council for feedback on specific elements is not very productive at this point. However, staff is interested in hearing the desired outcomes envisioned by the Council. He suggested that the conversation move to focus on the process that will ensure that the outcomes are achieved. The other piece, as mentioned by the Deputy Mayor, is defining and structuring the permit process. Mr. Brennan said staff will back away from the details and keep the discussion at a higher principle/outcome level.

Councilmember Wallace questioned whether staff is obtaining the input it is seeking. He is unsure about where staff is heading with the future discussion topics.

Ms. Berens summarized that when discussions started in September, staff presented the draft Overlay which identified two possible permitting paths. Staff started with the existing Land Use Code language as a baseline for consideration. Staff heard feedback that the Council could not read certain references to the Code and understand whether they were meeting the desired outcomes. She said the Code is less specific for South Bellevue where there are no design review districts. Staff filled some of that gap by showing where staff's draft Overlay started and requesting additional Council input. Staff received helpful feedback from the Council regarding 112th Avenue SE and certain screening features. Ms. Berens said staff is not planning on

conducting that level of discussion for the Downtown or Bel-Red Corridor because design guidelines already exist. She said staff has received valuable input from the Council regarding South Bellevue in terms of the general outcome the Council is seeking.

Councilmember Wallace said that a number of issues along Bellevue Way have not been discussed including mitigation, sound walls, and the streetscape. His preference would be for Sound Transit to outline its mitigation in order to be able to develop the Light Rail Overlay with the knowledge of that information. He said it is overwhelming to try to review all of the Land Use Code provisions referenced in the proposed Light Rail Overlay. How does the City get to the point of expanding current regulations to create the Overlay which will protect the community and create a great light rail system? Mr. Wallace observed that that is the goal of the whole effort, but the Council is getting mired down in details.

Mayor Lee said it would be helpful for staff to provide a process to ensure that, when the City starts implementing the program, there is the opportunity for incorporating the high expectations of the Council and community.

At 7:57 p.m., Mayor Lee declared recess to the Regular Session.

Myrna L. Basich, MMC
City Clerk

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