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# EAST BELLEVUE COMMUNITY COUNCIL

Packet Materials for  
REGULAR MEETING

November 1, 2016





# Welcome to Your East Bellevue Community Council Meeting

Community Council meetings offer you the chance to express your opinions to your elected officials. Community Council members welcome your participation and hope that the following information is helpful:

## Oral Communications

Public participation is encouraged by the Community Council. On each agenda, Item 4 and 13 are set aside to allow you to speak on any subject you wish, except those subjects listed for public hearing. You must sign up in order to be recognized by the Chair. When you are called upon, stand up, give your name and address for the record, and state your views. Please speak loudly and clearly if you are in the back of the room so that your remarks will be audible on the recorder. If many people wish to speak, the Chair may decide to limit the amount of time allowed for each individual's comments in the interests of conducting the meeting in a reasonable and practical fashion. The Community Council will not respond to comments directly, but will take matters under advisement and will ask for staff to prepare a response when necessary.

## Courtesy Public Hearing

A courtesy public hearing on a particular project gives the citizen, the applicant, and Community Council members an opportunity to review a project, ask questions, make suggestions, and express concerns prior to the formal processing of the application and the commencement of the Hearing Examiner process. Community Council members take no formal action at this time.

Courtesy public hearings are also held on proposed legislation, such as changes to the Comprehensive Plan. In this case, citizens have the opportunity to provide input to staff and elected officials in this informal setting. Such testimony does not take the place of an appearance before the Planning Commission, however.

If you wish to speak at a courtesy public hearing, sign your name on the sign up sheet and do as you would for "Oral Communications", i.e., stand up, state your name and address and present your views as briefly as possible. If you have no new information to be considered, simply say that you support or disagree with a previous speaker.

## Public Hearing

State Statute allows the Community Council 60 days to approve or disapprove City Council ordinances or resolutions regarding land use matters within its jurisdiction. Disapproval means that the legislation does not apply within the Community Council service area, or that the project is denied. A public hearing is held before the decision is made. First, the staff makes a presentation and Council members ask their questions. Then the hearing is opened and the public is invited to comment. To speak, follow the procedures described above. Everyone who wishes to speak will have the opportunity to do so. After the last person has spoken, the hearing is closed. Then Council members discuss the issue and make their decision. The audience may not comment during the Community Council's deliberations unless invited to do so.

If you have any questions, feel free to call the City Clerk's office at (425) 452-6466.

# Agenda

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CITY OF BELLEVUE  
**EAST BELLEVUE COMMUNITY COUNCIL**  
**Regular Meeting**

**Lake Hills Clubhouse**  
**15230 Lake Hills Boulevard, Bellevue WA**

**Tuesday, November 1, 2016 6:30 - 8:30 PM**

**Page No.**

**1. Call to Order**

**2. Roll Call**

**3. Flag Salute**

**4. Communications: Written and Oral**

**5. Reports of City Council, Boards and Commissions**

(a) Community Council Business and New Initiatives

**6. Approval of Agenda**

**7. Department Reports**

(a) Letter re: Kelsey Creek Culvert Replacement

*(For information only. Staff will come in 2017 to present more detail  
as the project progresses.)*

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**8. Public/Courtesy Hearings**

**9. Resolutions**

**10. Committee Reports**

**11. Unfinished Business**

**12. New Business**

(a) Discussion Regarding Potential Future Agenda Items \*

- Eastgate Land Use Code Amendments
- LID Principles
- Final Regulations on Marijuana Uses
- Lake Hills Art Project
- Neighborhood Area Planning

*\*The future agenda items are not specific to any date. They will appear on the EBCC  
Agenda as they become ripe for discussion/action.*

(b) Update on PSE litigation

**13. Continued Communications**

**14. Executive Session**

**15. Approval of Minutes**

(a) Summary Regular Meeting Minutes September 6, 2016

(b) Summary Regular Meeting Minutes October 4, 2016

**16. Adjournment**

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October 24, 2016

RE: NE 8<sup>th</sup> Street Culvert Replacement at Kelsey Creek

To: East Bellevue Community Council,

The purpose of this letter is to inform you of the NE 8<sup>th</sup> Street Culvert Replacement at Kelsey Creek project. The project is located on NE 8<sup>th</sup> Street just east of 132<sup>nd</sup> Avenue NE. We are currently in the early stages of design and permitting. Design will continue through 2017 and construction is anticipated to occur the summer of 2018.

This project will replace the existing 10-foot wide by 7-foot high corrugated metal arch-pipe built in the early 1980's that carries Kelsey Creek beneath NE 8<sup>th</sup> Street. Due to severe corrosion at the bottom of the metal pipe, the culvert has reached the end of its useful life, and needs to be replaced.

In 2011, interim repairs were made to extend the culvert's service life. However, complete replacement is needed to prevent failure from continued deterioration. Failure of the culvert at this location could damage adjacent utilities, degrade habitat, and damage the roadway.

The existing culvert is a partial fish barrier due to inadequate water depth during low flow periods, and has a steepened pipe outlet that creates high velocities that make passage difficult for fish traveling upstream through the culvert. To meet fish passage requirements, the culvert will be replaced with a new three sided box culvert with a permanent fish-passable stream channel capable of passing the 100 year peak flow. There will also be some utility relocations in advance of the culvert replacement.

Construction sequencing was analyzed to determine which method would have the least impact to the traveling public. The selected construction sequence will take approximately 2 months. This includes about 7 weeks of single lane closures (leaving one lane of traffic open in each direction) and 10 days of full closure of NE 8<sup>th</sup> Street. The 10-day full closure will take place over 1 work week with 2 weekends. The advantage of this full closure is that it is estimated to shave a month off of the total construction schedule.

The new culvert will provide a structure with a long service life, improve fish access and riparian habitat, and reduce the potential for structural failure with associated erosive damage.

Sincerely,

**James B. Nicolls, P.E.**  
**Senior Engineer**  
**City of Bellevue**  
**Utilities Engineering**  
**Phone: 425.452.2869**  
**Fax: 425.452.5286**





**East Bellevue Community Council**  
**Summary Minutes of Regular Meeting**

September 6, 2016  
 6:30 p.m.

Lake Hills Clubhouse  
 Bellevue, Washington

PRESENT: Chair Capron, Vice Chair Hummer, and Councilmembers Gooding, Hughes, and Kasner

ABSENT: None.

STAFF: Ian Toms, Client Services Division Manager  
 Stephanie Dompier, Program Administrator

1. **CALL TO ORDER**

The meeting was called to order at 6:31 p.m. with Chair Capron presiding.

2. **ROLL CALL**

The Deputy City Clerk called the roll. All Councilmembers were present.

3. **FLAG SALUTE**

Chair Capron led the flag salute.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Jens Nedrud, Senior Project Manager, Puget Sound Energy (PSE), said he wanted to correct a misstatement from the last meeting. He said East Bellevue would be affected by rolling blackouts along with the entire Eastside area, if corrective actions were needed. He said the need for the Energize Eastside project is real and affects residents' access to reliable power. He said a national pipeline safety expert is continuing its study regarding collocating the transmission lines with the oil pipeline. Additional photo simulation will be added based on feedback received at the last EBCC meeting. PSE continues to refine its project design, including pole locations. The project will replace every four poles with one pole. Mr. Nedrud said the City recently released The Phase 2 DEIS (Environmental Impact Statement) Scoping Report. He said PSE is committed to keeping the EBCC updated on the project.

Councilmember Kasner questioned the schedule for the remainder of the year. Mr. Nedrud said the City's Phase II scoping work has been completed, which will result in a Phase II Draft EIS (DEIS) to be published in January. There will be a public comment period before the Final EIS (FEIS) is completed. Responding to Mr. Kasner, Mr. Nedrud said rolling blackouts would be part

of a corrective action plan, if needed. Mr. Nedrud said the Energize Eastside project travels through four cities. Construction is anticipated to last for four to five months.

Councilmember Kasner thanked Mr. Nedrud for the update.

Councilmember Hughes observed that his vote as an EBCC member pertains to the 16 blocks through East Bellevue. He said it is up to another entity whether the project is built, but the EBCC's role is to address the portion of the project through the EBCC jurisdiction.

Responding to Mr. Kasner, Mr. Nedrud said that, after the FEIS is issued, PSE will make a final decision on the route and submit permit applications, which is tentatively set for early next year.

Responding to Don Boettiger, Mr. Nedrud said the existing poles are approximately 55 feet tall, and the new poles will be up to 95 feet. He said PSE is preparing a photo simulation to demonstrate how the project will look.

Chair Capron thanked Mr. Nedrud for the update.

Michelle Wannamaker expressed concern about the Eastgate/I-90 Land Use Code Amendment under consideration by the City Council. She said most of the area is not within the EBCC jurisdiction. However, development in that area will affect all areas of East Bellevue. She said the plan will add 6,000-9,000 new employees and approximately 1,000 new residents in Eastgate. She said Metro does not plan any improvements to its Eastgate transit services until 2025. She expressed concern that the City has not funded needed traffic congestion relief projects in Eastgate. She asked the EBCC to not approve the Land Use Code Amendments affecting the parcels within their jurisdiction (Champions Centre and Shell gas station) until the traffic and transit improvements to address the existing conditions and to accommodate the additional workers and residents are implemented. She would like the City to delay approval of the LUCA until transportation improvements are completed. She said the City's traffic study of the area was completed in 2010.

Chair Capron said the EBCC's future vote on the LUCA will be restricted to the Shell gas station and the Champion Center. He encouraged Ms. Wannamaker to provide input to the Transportation Commission and City Council.

Councilmember Kasner encouraged her to organize neighbors to work with her and the City, including advocating for an updated traffic study of the area.

a) Staff presentation on relaunch of MyBellevue App

Ian Toms, Client Services Division Manager, announced the relaunch of the MyBellevue mobile app. He introduced Stephanie Dompier, who administers the app on behalf of the project committee. The app was created in 2013 and allows the public to report concerns and requests to the City. The new app provides an auto-translate function for a number of languages to help serve the diverse population of Bellevue. The app provides City news and information on events, allows citizens to sign up for a number of alerts, and enables access to City social media. Mr.

Toms said the app has a built-in map feature to identify a specific area when a citizen is reporting a problem or issue, and photos may be attached as well.

Responding to Councilmember Kasner, Mr. Toms confirmed that a citizen may choose to submit a request or report publicly or to submit a request or report only to be viewed by the appropriate City staff. He said Code enforcement reports are always confidential.

Mr. Toms described additional features of the app, including the different colors used to indicate the status of a request or report. Commonly reported issues include Code violations, traffic concerns, parking, traffic signal problems, street maintenance, and tree maintenance.

Responding to Mr. Kasner, Mr. Toms said all items submitted to the City may be accessed through the City's Open Data internet portal, which is also available on the MyBellevue app. Mr. Toms said it is possible to filter and sort the data a number of ways, and to print reports. If there is an area of interest within the EBCC jurisdiction, staff could run a specialized report.

Chair Capron said he reported a pothole one day and City workers responded within 33 minutes to fix the problem.

Responding to Councilmember Hughes, Mr. Toms said a staff directory is not currently available on the app. However, the City is redesigning its web site, which will enable access to the directory on mobile devices in the future. Mr. Hughes said it would be helpful, in the City's internet calendar, to post staff contacts related to Board and Commission meetings.

Mr. Toms described how the MyBellevue portal is also located on the City's web page to make it convenient to use the report/request feature and other elements. Councilmember Hummer said she has had timely responses to her requests and reports of problems through the app.

Mr. Toms distributed brochures and cards with information on using the MyBellevue app.

## 5. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS

### (a) Community Council Business and New Initiatives

Councilmember Hummer said she attended a meeting at Bellevue College regarding the State Environmental Policy Act (SEPA) review of the college's student housing plan. Responding to residents' previously expressed concerns about parking, the project now includes an additional small parking lot in the neighborhood. Ms. Hummer met with a City transportation staff person in advance to be able to share information with attendees at the Bellevue College meeting.

Ms. Hummer said she and Chair Capron participated in a tour of the East Bellevue area and projects.

Councilmember Kasner said he attended the grand opening of the Overlake Hospital clinic at Lake Hills Village. He participated in a walking tour of Downtown Bellevue. He would like to see tours of East Bellevue regarding the history of the neighborhood. He attended the Eastside Transportation Alliance meeting, which included a discussion about I-405 toll lanes. Mr. Kasner

said the grand opening of the new Odle Middle School is September 8, which is also the date for the next Lake Hills Neighborhood Association meeting. For the latter, Mayor Stokes and City Councilmember Wallace will debate the Sound Transit 3 (ST3) November ballot measure.

Councilmember Kasner noted the memo in the desk packet regarding the Kelsey Creek mitigation funds related to the redevelopment of the Kelsey Creek Center. At that time, the developers contributed \$582,000 over five years to remove invasive vegetation and to provide other wetland mitigation and maintenance. Additional work has been completed since that time through the City Parks Department's partnering with EarthCorp.

Councilmember Gooding said many invasive blackberries were removed along Larsen Lake, and dead trees were placed along the perimeter to prevent the blackberry plants from reestablishing. He said speed humps have been installed at multiple locations in East Bellevue.

Councilmember Hughes said he submitted photos to the City of the Great Horned owl nesting area behind the Mormon Temple and Chaplin's car dealership. He said Chaplin's has plans to expand its facility. Mr. Hughes said he shared his concerns with City staff, who indicated they would speak to the developer about the issue.

Mr. Hughes expressed interest in an update on the single-family residence room rental ordinance. He is aware of houses with seven to eight tenants. Others present at the meeting suggested he submit a complaint or inquiry to the City. Responding to the Council, Chair Capron said the EBCC could request an update from staff on that issue and on Airbnb locations. Mr. Capron said staff provided information during a previous update about the number of complaints and how they have been handled.

Councilmember Kasner said City staff previously reported that three non-compliant cases were being prepared for litigation. He requested an update on those cases.

Chair Capron said the Highland Village matter was resolved recently when the King County Housing Authority bought the property from the developer who had initiated eviction of the residents to redevelop the site. The purchase price was \$20 million and the project will preserve 76 units of affordable housing. Noting the level of disrepair at the apartment complex, Mr. Capron opined that King County overpaid for the building. He said many of the apartments are occupied by a high number of individuals, which he believes King County will not allow to continue. He believes that many of the residents will not be there over the long term. He said the Housing Authority is obligated to repair and upgrade the housing units.

Councilmember Kasner said there were concerns about children being displaced early in the school year. He expressed support for the resolution of that housing crisis, even if families do not stay for more than two or three years.

Councilmember Capron said the Lake Hills Neighborhood Association does a good job of organizing and informing residents. However, he observed that neighbors might not understand that the LHNA does not formally represent residents' interests to the City. He encouraged LHNA leaders and residents to take their concerns directly to the City Council.

Councilmember Hughes said he has heard comments from residents who are pleased to see that the LHNA is increasing its visibility and attracting more neighbors to the meetings. He opined that the role is educating the public, not necessarily advocating for specific issues.

Responding to Councilmember Hummer, Charmaine Arredondo, Assistant Director for the City Clerk's Office, said that past issues of *It's Your City* are available on the City's web site. The major redesign of the City's web site is anticipated to be completed in November. Chair Capron said it would be helpful in the future to link the newspaper's issues relevant to East Bellevue from the EBCC's page.

Ms. Hummer questioned whether Chair Capron's synopsis of the Puget Sound Energy land use issues could be added to the EBCC page. Ms. Arredondo said information is provided in one section of the City's web site. However, the City Council web page does not provide links to that information, and the EBCC's page will likely be handled in the same manner.

Ms. Hummer would like more signs to publicize the EBCC meetings. Ms. Arredondo said she will pursue the issue with other city staff.

Councilmember Kasner questioned whether a formal presentation of the EBCC budget, including performance measures, is planned. Ms. Arredondo said the annual budget is approximately \$4,000. Monies related to litigation expenses during the past year were provided by a separate City fund. Mr. Kasner said that, in the past, staff distributed a 2-3 page summary of the EBCC budget. He believes there were 7-8 performance measures at one point, including the number of meeting attendees.

Mr. Kasner requested the following future agenda topics: 1) traffic and intersection concurrency data for East Bellevue, 2) Spiritwood Room Rental Code Enforcement, and 3) EBCC budget. Ms. Arredondo said she would email the budget proposal to the EBCC.

Ms. Hummer would like periodic updates on Parks and Utilities projects in East Bellevue. Chair Capron concurred with the request for updates on Parks improvement projects. However, he observed it is not reasonable to request updates on all maintenance activities.

Ms. Arredondo said she asked Development Services staff to begin providing a report of permittable items within the EBCC jurisdiction, whether or not the EBCC has authority over the permit decisions. She will speak with Parks and Utilities staff to determine what type of information might be available as well.

## 6. APPROVAL OF AGENDA

Councilmember Kasner moved to approve the agenda. Councilmember Hughes seconded the motion, which carried unanimously.

## 7. DEPARTMENT REPORTS

(a) Memo re: 148<sup>th</sup> Avenue SE Traffic Signal Upgrade

Chair Capron referred the Council to the memo regarding the 148<sup>th</sup> Avenue SE traffic signal upgrade. He said he spoke with the City transportation project engineer to express concerns regarding impacts to his business and other surrounding properties. Mr. Capron would like to see more work hours to expedite project completion. He said the project provides new traffic signals, new ADA curb ramps, and storm drainage improvements.

Don Boettiger concurred that he has not seen workers on site since the initial week or so when the project started. Mr. Capron said he shared that observation with the project manager.

8. **PUBLIC/COURTESY HEARINGS:** None.

9. **RESOLUTIONS:** None.

10. **COMMITTEE REPORTS:** None.

11. **UNFINISHED BUSINESS:** None.

12. **NEW BUSINESS**

(a) Potential Future Agenda Items

- Eastgate Land Use Code Amendments
- Low Impact Development (LID) Principles
- Final Regulations on Marijuana Uses
- Critical Area Ordinance Amendment

Chair Capron reiterated Councilmember Kasner's interest in budget information. Mr. Capron said the EBCC could discuss potential performance measures in the future. Mr. Kasner said he would like to track the number of EBCC meeting attendees, as well as the number of other meetings and events attended by EBCC members. Ms. Arredondo said staff can track those items of interest. However, they would not necessarily be connected to the budget because EBCC funding is statutorily required. Ms. Arredondo said the two performance measures in the EBCC budget are electorate approval and the total number of regular and special meetings.

Chair Capron said he would like presentations by Code Enforcement staff every six months on the Spiritwood room rental ordinance. For now, given the recent staff presentation, he said a written update on the litigation cases would be appreciated.

Chair Capron reiterated the EBCC's interest in periodic updates on Parks improvement projects and in traffic concurrency information.

Ms. Arredondo anticipates an update on the Eastgate LUCA project in November, and on the Low Impact Development principles and regulations in December. An update on the Critical Areas Ordinance is anticipated for November as well.

EBCC members expressed an interest in traffic counts on 148<sup>th</sup> Avenue SE. Mr. Kasner requested information on: 1) which intersections in the East Bellevue area are measured for concurrency, and 2) whether a traffic study has been conducted since 2010.

Ms. Wannamaker said she was told that the Transportation Commission will be addressing the Eastgate traffic issues and data.

Responding to Councilmember Kasner, Ms. Arredondo said issues discussed by the City Council in September could be placed on the EBCC's October agenda.

(b) Update on Puget Sound Energy Litigation

Chair Capron provided an update on the Puget Sound Energy (PSE) Lake Hills Transmission Line project to loop the two electrical substations down 148<sup>th</sup> Avenue. The case will be heard before a three-judge panel, and oral argument is anticipated in January. Mr. Capron said he plans to attend the oral arguments. He would like to see an alignment along 164<sup>th</sup> Avenue, Lake Hills Boulevard, and 156<sup>th</sup> Avenue. He would like the project to include sidewalk, landscaping, and buried lower voltage lines.

13. **CONTINUED COMMUNICATIONS:** None.

14. **EXECUTIVE SESSION:** None.

15. **APPROVAL OF MINUTES**

(a) Summary Regular Meeting Minutes of August 2, 2016

Councilmember Hummer moved to approve the minutes of the August 2, 2016 Regular Meeting, and Councilmember Gooding seconded the motion. The motion carried unanimously.

16. **ADJOURNMENT**

At 8:48 p.m., Chair Capron declared the meeting adjourned.

Charmaine Arredondo, CMC  
Assistant Director  
City Clerk's Office

/kaw





**East Bellevue Community Council**  
Summary Minutes of Regular Meeting

October 4, 2016  
6:30 p.m.

Lake Hills Clubhouse  
Bellevue, Washington

PRESENT: Chair Capron, Vice Chair Hummer, and Councilmembers Gooding, Hughes, and Kasner

ABSENT: None.

STAFF: Carol Helland, Land Use Director, Development Services Department (DSD)

1. **CALL TO ORDER**

The meeting was called to order at 6:32 p.m. with Chair Capron presiding.

2. **ROLL CALL**

Assistant Director Charmaine Arredondo called the roll. All Councilmembers were present.

3. **FLAG SALUTE**

Chair Capron led the flag salute.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Diann Strom, Communications Initiative Specialist with Puget Sound Energy, said PSE is working on the photo simulation for the Energize Eastside project through East Bellevue. PSE's public engagement efforts have reached more than 2,000 community members through a number of meetings and forums. PSE is currently meeting individually with property owners along the transmission line corridor to share information about pole locations, construction of the project, and restoration plans following construction. Ms. Strom said public comments have included a request for taller poles. She said PSE will continue to provide updates as the project moves forward.

5. **REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS**

(a) Community Council Business and New Initiatives

Councilmember Kasner reported that he attended the Lake Hills Neighborhood Association meeting, which included a debate between Mayor Stokes and Councilmember Wallace regarding the Sound Transit 3 (ST3) ballot measure.

Mr. Kasner said the City held a public hearing regarding the proposed homeless shelter in the Eastgate area. The facility would be adjacent to the existing public health services building next to the transit center. Mr. Kasner said shelters are currently located in Kirkland and Redmond. He said there will be a meeting in late October regarding the topic at the Champions Centre next to Bellevue College.

Mr. Kasner said the fall Bellevue Essentials class is underway. He said Mayor Stokes opened the first class, and Assistant City Manager Kyle Stannert presented information regarding Boards, Commissions, and the East Bellevue Community Council. Mr. Kasner said the class took a tour of parks facilities including the Bellevue Botanical Garden, Mercer Slough Environmental Education Center (a partnership with the Pacific Science Center in Seattle), and Bellevue Youth Theater.

Responding to Chair Capron, Mr. Kasner said the proposed Eastgate homeless shelter project includes a day center and an overnight facility. Future plans include providing longer term supportive housing.

Councilmember Gooding noted that the EBCC has not taken a position on the ST3 ballot measure.

Chair Capron said he and Ms. Hummer toured a number of East Bellevue sites including Odle Middle School and the Sunset Ranch neighborhood near Bellevue College. Mr. Capron said he was disappointed that the neighborhood meeting at City Hall tonight conflicted with the EBCC meeting. He would have liked to attend that meeting.

Mr. Capron said oral arguments regarding litigation between Puget Sound Energy and the EBCC, related to the Lake Hills Transmission Line project, have been continued from the original date of November 7. He will update the EBCC when a new date is set.

Mr. Capron said he spoke with Chris Masek, the City's transportation engineer and project manager for the traffic light project, regarding his concerns that workers are not on the site many days. Mr. Capron said he was previously told that paving was slated for late September/early October. However, it has now been postponed to the spring.

Mr. Capron said the project has negatively affected his business. In comparing his 2015 and 2016 records, September gasoline sales were 28,000 gallons lower this year and net profits were down 47.5 percent. Mr. Capron said he spoke with the owner of the nearby 7-11 store, who reported that his sales are also significantly lower.

Councilmember Hughes said the project affects the entire neighborhood. He said sometimes there is only one lane with traffic in only one direction. He noted members of the Lake Hills Neighborhood Association Board in the audience: Barbara Benson, Irene Fernandes, and Stephanie Walter. The Association is hosting a candidates forum on October 13. Mr. Hughes said he attended a public meeting regarding the proposed Eastgate homeless shelter. He was very impressed with the individuals coordinating that effort.

Vice Chair Hummer said she attended the Planning Commission meeting. She looks forward to Lake Hills Subarea zoning in the future. She said Bellevue College is zoned R-5 (Residential-5 units per acre).

Ms. Hummer expressed concern that, with a Park and Ride at Mercer Slough, East Bellevue might get a transit stop at Larsen Lake, which is zoned residential. She has shared this concern with the Planning Commission on two occasions. Ms. Hummer said the clearing and grading work for the Bellevue College student housing is underway, and twenty-five 100-year-old trees were cut down the first day. She opined that tree retention regulations should be consistently applied, without fee in lieu and other options that allow taking down trees. She expressed this concern to the Planning Commission as well.

Ms. Hummer said she also provided comments to the Parks and Community Services Board about Larsen Lake. She recalled that King County zoning allowed multifamily housing at one point, and the EBCC helped to retain the area as a park. She is concerned that the land could ultimately be converted to a Park and Ride or other type of transit facility. Ms. Hummer said a number of residents are unhappy with the winter closure of the Larsen Lake restrooms. She and others would like the City to restore funding for keeping the restrooms open.

Ms. Hummer said she attended the community meeting regarding the homeless shelter. She said her husband served on the Eastgate/I-90 Citizens Advisory Committee (CAC) from 2010 to 2012. She said there was never any discussion by the CAC or the Planning Commission about a potential homeless shelter in the Eastgate area. She expressed concern regarding the lack of public notification and outreach related to the homeless facility.

Referring to her tour of East Bellevue with Mr. Capron, Ms. Hummer said they visited the Hidden Village complex of Section 8 housing near Bellevue College. Ms. Hummer expressed concern about that there is only a partial sidewalk near the complex, which has a number of children.

Ms. Hummer said she attended the Lake Hills Neighborhood Association meeting, which hosted the ST3 debate.

Responding to Councilmember Kasner, Ms. Hummer said she always states that she is speaking as an individual when she provides public comment to the City Council, Boards, and Commissions.

Councilmember Hughes questioned whether State-owned property, for example Bellevue College, is subject to City zoning regulations. City Councilmember Jennifer Robertson said it depends on whether the project is considered an essential public facility. If not, the State generally must comply with City zoning. She said Sound Transit's and Puget Sound Energy's projects typically receive exceptions because their projects are essential public facilities.

Responding to Chair Capron, City Councilmember Robertson said she provides City Attorney services for other cities and specializes in land use work.

Continuing, Ms. Robertson said the City does not have a Park zoning designation. All Bellevue parks have different underlying zoning.

Ms. Hummer said that, in the past, the City sued Bellevue College for building projects that were not properly zoned. The ruling was in the college's favor.

City Councilmember Robertson said the City also does not have a zoning designation for churches, and they are located in a number of zoning districts.

Chair Capron suggested supporting a sidewalk project at Hidden Village for pedestrian safety.

Ms. Hummer said a Vice President of Bellevue College stated at the homeless shelter community meeting that it was the first time he was hearing about the project. She said he expressed concern about the college students, especially international students who might not be familiar with the culture and area.

Ms. Hummer summarized her three primary concerns: 1) public notification and outreach about the EBCC and community issues, 2) updates on what goes on at City Hall, and 3) transparency in City planning processes.

## 6. APPROVAL OF AGENDA

Chair Capron suggested amending the agenda to address Agenda Item 7(b) before Agenda Item 7(a).

Councilmember Kasner moved to approve the agenda, amended as suggested by the Chair. Councilmember Gooding seconded the motion, which carried unanimously.

## 7. DEPARTMENT REPORTS

### (b) Kelsey Creek Building E Update

Councilmember Hummer read the staff memo in the meeting packet.

Brian Franklin, Kelsey Creek Center LLC, said design review for the Kelsey Creek Building E project is anticipated in November, which pushes the construction timeline to next year. He said they have given permission to the contractor for the traffic light project to park their trucks on the site.

Responding to Councilmember Kasner, Mr. Franklin said a corner feature is required for the Building E project. The current design envisions an inlaid concrete bench and landscaping.

Councilmember Kasner said it is frustrating that the building cannot move forward now, with the corner feature to be addressed later. He expressed concern that this discourages developers. Mr. Franklin said there are unique features about the site, and they are running two permits simultaneously. One is related to fixing the ingress/egress on Main Street by adding a right-turn lane, which potentially affects the design of the corner feature.

Mr. Franklin acknowledged that the center almost lost the primary tenant for the building due to the delayed timeline. He said City staff appear to be very busy with current development activity. He said the center anticipates completion of the building by early July 2017.

(a) Critical Areas Ordinance Amendment Update

Carol Helland, Land Use Director, provided an overview of the Critical Areas Ordinance Update.

Chair Capron requested more information on the lawsuit, Sammamish Community Council v. City of Bellevue, referenced in the memo in the meeting packet.

Ms. Helland said the lawsuit was based on a change made by the Transportation Department to extend the one-hour peak commute period to two hours for the measurement of concurrency and traffic operations. One of the outcomes of the litigation was a clarification regarding what was considered to be a development agreement under the terms of the State Growth Management Act. Shorelines, critical areas, and plats were identified as not falling under the jurisdiction of the Community Councils.

Mr. Capron said the EBCC's current position is that it does have jurisdiction over shorelines. In the current PSE case, the court ruled that the EBCC does not have jurisdiction. However, that decision is under appeal.

Ms. Helland said the PSE case is a project-related appeal, while the CAO Update is a Land Use Code Amendment that must comply with the provisions of the State Growth Management Act. She said the Code update does not conflict with the pending project-related appeal.

Ms. Helland said the major Comprehensive Plan Update was adopted by the City Council last August (Ordinance No. 6251). The EBCC does have approval/disapproval over Comprehensive Plan amendments. On September 1, the EBCC unanimously approved the City Council's ordinance adopting the Comprehensive Plan Update. Following that action, staff began its review to determine whether the City's development regulations are consistent with the updated Comprehensive Plan. On May 2, the City Council adopted Resolution No. 9094 finding that Bellevue's development regulations complied with the requirements of the Growth Management Act, with the exception of certain critical areas.

Ms. Helland said the Transportation Department recently applied for state grants. It is necessary to maintain GMA compliance to remain eligible for state grant funding. In August, the City Council directed staff to prepare a narrowly focused update of the Critical Areas Ordinance (CAO) to meet GMA requirements.

Ms. Helland said a public hearing is scheduled for October 10 for the City Council to take comment on the proposed CAO Update. The applicable critical areas are streams, wetlands, geologic hazard areas, and frequently flooded areas. The update was based on the consultant's review of Best Available Science and their gap analysis of the City's regulations compared to new BAS issues.

Ms. Helland said the wetlands rating schedule changed from 2004 to 2014. The City's regulations encourage that mitigation occur within Bellevue. A common practice in other jurisdictions is to allow payment of a fee in lieu or other mechanisms to mitigate wetlands impacts. Ms. Helland noted two minor changes with regard to geologic hazards. With regard to critical aquifer recharge areas, water wells gained through annexation were identified.

Ms. Helland said written materials regarding the Best Available Science update and CAO gap analysis are provided in the meeting packet. In response to the City Council's interest in broader public outreach before the October 10 public hearing, 8,500 postcards were mailed to property owners in the vicinity of critical areas. Staff is seeking City Council adoption of the code amendments as soon as possible in order to forward them to the State Department of Commerce to demonstrate the City's eligibility for grants and loans. The CAO Update will also be sent to the State Department of Ecology to consolidate with the Shoreline Master Program (SMP), which is awaiting the DOE's review.

Ms. Helland said that individuals interested in the SMP Update have received notice regarding the State's open house, public hearing, and public comment period on the SMP. The State's public hearing will be held at Bellevue City Hall on October 18.

Responding to Councilmember Kasner, Ms. Helland said DOE staff will ask the City to respond to public comments before the agency provides its mandatory and recommended changes to the City. In further response to Mr. Kasner, Ms. Helland said that, if the DOE challenges any of the City's regulations, the City might engage Professor Richard Settle again to address the issues.

Responding to Mr. Kasner, Ms. Helland said the City Council approved the SMP package mid-2015. Staff then assembled the record and catalogued the more than 20,000 individual pieces of information within the package before submitting it to the DOE.

Responding to Chair Capron, Ms. Helland said the need for the CAO Update was initiated by the 2015 Comprehensive Plan Update. She clarified that the SMP is under review by the DOE. The Department of Commerce will review the CAO Update and then transmit it to the DOE to be integrated with the SMP.

Responding to Councilmember Hummer, City Councilmember Robertson said she was concerned that the SMP and CAO regulations be consistent.

Responding to Mr. Kasner, Ms. Helland said the CAO Update did not involve the Planning Commission due to the short timeline and the fact that the amendments are based on state requirements rather than being optional.

City Councilmember Robertson said the City Council has the right to address amendments without sending the matter to the Planning Commission, as long as a public hearing is held and other process requirements are followed. She said the CAO will undergo a more comprehensive review and update in the future, which will involve the Planning Commission. Ms. Robertson said she typically prefers the Planning Commission's involvement. In further response, Ms. Robertson confirmed that the City Council directed broader public outreach for the CAO Update.

Chair Capron said he appreciated the broader outreach effort.

Moving on, Ms. Helland said the City Clerk's Office indicated that the EBCC requested additional public notice on projects within the EBCC jurisdiction.

Chair Capron said the EBCC would like to be notified before land use signs are placed on properties regarding certain projects. For example, the EBCC was not notified early in the process about the future use of church parking lots to compensate for the loss of Park and Ride spaces during East Link construction.

Ms. Helland said staff will work to provide earlier notice to the EBCC, most likely via email. She said the City has only 14 days from the time an application is received and the time it is noticed in the blue permit bulletin.

Chair Capron said he and other EBCC members are sometimes asked about certain projects by the public. Ms. Helland said those projects might not be within the EBCC's jurisdiction. However, she acknowledged that the EBCC would like advance notice of any project in East Bellevue, as a courtesy.

Councilmember Hummer said the Bellevue College student housing project is within the EBCC jurisdiction. While a sign has not been posted yet about the pending project, clearing and grading work is underway and it would be helpful to know about this type of activity in advance.

Ms. Helland said she will ask staff to notify the EBCC of projects, that are subject to public notice, earlier in the process. With regard to transportation and other projects, Ms. Helland said she will pass the EBCC's request on to the appropriate staff in those departments.

Responding to Councilmember Hughes, Ms. Helland suggested that the EBCC and the public start with the Development Services Department with questions about projects. If DSD staff is not involved, they will be able to refer the requester to the appropriate staff. She said mybuildingpermit.com provides information as well.

Responding to Ms. Hummer, Ms. Helland said Bellevue College's student housing project falls under the State's process and regulations. The college is not required to obtain any City permits. However, they are required to demonstrate that they are constructing the buildings according to the International Building Code's standards.

8. **PUBLIC/COURTESY HEARINGS:** None.

9. **RESOLUTIONS:** None.

10. **COMMITTEE REPORTS:** None.

11. **UNFINISHED BUSINESS**

Responding to Councilmember Kasner, Ms. Arredondo said the City Manager's preliminary budget will be released October 17, and the budget public hearing will be held in November.

Mr. Kasner said he would like the EBCC to request funding for keeping the Larsen Lake restrooms open year-round.

City Councilmember Robertson said the City Council has heard from individuals wanting the restrooms to stay open as well. The seasonal closure was due to a budget cut during the recession, and she would like to see the restrooms kept open. She suggested emailing the City Council regarding the issue.

Responding to Chair Capron, Councilmember Hummer said she will write an email on behalf of the EBCC on the restroom issue.

12. **NEW BUSINESS**

(a) Potential Future Agenda Items

- Eastgate Land Use Code Amendments
- Low Impact Development (LID) Principles
- Final Regulations on Marijuana Uses
- Lake Hills Art Project

Ms. Arredondo said the Eastgate Land Use Code Amendment is anticipated to come before the EBCC in 2017. The LID principles will be presented to the EBCC on December 6. Final regulations on marijuana uses are under consideration by the City Council and are likely to come to the EBCC later this year. An update on the Lake Hills art project is scheduled for November.

Councilmember Kasner said he would like to receive the information presented during the neighborhood meeting tonight at City Hall, as well as information on the new Subarea Plan boundaries and future updates.

Responding to Mr. Kasner, City Councilmember Robertson said the City has not established its schedule for future Subarea Plan updates. She observed that the earliest the City Council will address the schedule will be the first quarter of 2017. Ms. Robertson said finalizing marijuana permanent regulations will likely take two more meetings by the City Council, including the public hearing on October 17.

Chair Capron concurred with Mr. Kasner's request for information from tonight's neighborhood meeting at City Hall. Ms. Arredondo said staff would be available to come to the EBCC meeting to provide an update.

13. **CONTINUED COMMUNICATIONS**

Stephanie Walter commented on the proposed Eastgate homeless shelter. While currently a member of the Planning Commission, she stated she was speaking as an individual. She said the Eastgate/I-90 Citizen Advisory Committee addressed land use and transportation issues from 2010 to 2012, including transit-oriented development (TOD), developing a distinctive gateway to Bellevue, housing, economic vitality, and neighborhood mixed uses. The homeless shelter was



never discussed by the CAC or the Planning Commission, and therefore she was disappointed to learn about it recently. She expressed concern about the potential impact on the vision for the Eastgate corridor.

Ms. Walter acknowledged the need for homeless shelters and services. However, she expressed concern regarding public safety, particularly because the shelter will not prohibit individuals who might have drugs or alcohol in their system. She said the Eastgate area is in need of economic growth and vitality, and she is concerned about the adverse impacts of the homeless shelter.

Responding to Councilmember Gooding, Ms. Walter confirmed that she feels the use is out of character with the vision for the Eastgate redevelopment.

Responding to Mr. Kasner, Ms. Walter said she does not want to lose the opportunity for stimulating economic vitality in Eastgate.

Ms. Walter expressed support for the work of Congregations for the Homeless and the Tent Cities.

Chair Capron concurred that the shelter does not fit well with the vision for the Eastgate Subarea redevelopment plan. However, he noted that the site does not fall within the EBCC's jurisdiction.

Councilmember Kasner noted that a public meeting on the shelter is scheduled for October 27.

14. **EXECUTIVE SESSION:** None.

15. **APPROVAL OF MINUTES**

(a) Summary Regular Meeting Minutes of September 6, 2016

Councilmember Hummer referred to Michelle Wannamaker's comments on page 83. Ms. Hummer's recollection is that Ms. Wannamaker asked the EBCC to disapprove the zoning changes on the EBCC's two Eastgate parcels (Champions Centre and Shell gas station), until the transportation investments are completed.

Chair Capron said approval of the minutes would be deferred.

16. **ADJOURNMENT**

At 8:51 p.m., Chair Capron declared the meeting adjourned.

Charmaine Arredondo, CMC  
Assistant Director  
City Clerk's Office

/kaw

