

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