City of Bellevue

MEMORANDUM

DATE: December 10, 2012

TO: East Bellevue Community Council

FROM: Shelly Murphy, Deputy City Clerk
Community Council Support

SUBJECT: Introductory Review of LUC exceptions in East Bellevue Council Area

I have been searching the archives for information on the above subject and have found the following:

	Page #
• July 1, 2003	
o Packet Memorandum	10
o Meeting Minutes	15
• August 5, 2003	
o Packet Memorandum (Reprinted from July 2003 Packet)	22
▪ Ordinance 5234	27
• Resolution 426A (Disapproving Ordinance 5234)	32
• Meeting Minutes of September 5, 2000	34
▪ Ordinance 4646	44
• Resolution 353A (Disapproving Ordinance 4646)	52
• Meeting Minutes of June 7, 1994	55
▪ Ordinance 4511	63
• Resolution 336A (Disapproving Ordinance 4511)	67
• Meeting Minutes of June 1, 1993	69
▪ Ordinance 4270	74
• Resolution 316A (Disapproving Ordinance 4270)	106
• Meeting Minutes of September 5, 1991	110
▪ Ordinance 3985	120
• Resolution267A (Disapproving Ordinance 3985)	127
• Meeting Minutes of March 7, 1989	130
• Meeting Minutes of April 4, 1989	142
▪ Ordinance 2808	148
• Resolution 137A (Disapproving Ordinance 2808)	151
• Meeting Minutes of April 1, 1980	152
o Meeting Minutes of August 5, 2003	156
• September 2, 2003	
o Packet Memorandum	161
o Meeting Minutes of September 2, 2003	164
• December 2, 2003	
o Agenda	168
o Packet Memorandum	170
o Meeting Minutes of December 2, 2003	173

City of Bellevue

MEMORANDUM

DATE: June 18, 2003

TO: Chair Bell, Members of the East Bellevue Community Council

FROM: Mary Kate Berens, Legal Planner MKB

SUBJECT: 2003 Community Council Land Use Code Amendment; File No. 03-114087 AD

At its meeting on July 1, 2003 the East Bellevue Community Council will hold a courtesy hearing on a proposed land use code amendment eliminating all references to the Sammamish Community Council and adopting ordinances previously rejected by that body within its jurisdiction. Attachment A is the proposed ordinance striking out all reference to the Sammamish Community Council. Because the EBCC originally rejected many of these same ordinances, the City would like to take this opportunity to determine whether the EBCC would consider accepting some of those ordinances at this time, bringing the Land Use Code in alignment City-wide in those areas. Should the EBCC determine that it is not interested in reconsidering any of the ordinances, the amendment will go forward only for the Sammamish Community Council area, and would not come back to the EBCC for any further consideration. A public hearing in front of the Planning Commission is anticipated on July 16, 2003, while City Council action on the proposal is expected in September or October of 2003.

Proposed Amendments

The Sammamish Community Council was originally created by voters within the Community Council area (roughly along the northeast shore of Lake Sammamish) when those voters approved annexation into the City of Bellevue. The Community Council is a creature of state law, and has authority over land use decisions within its boundaries. The Sammamish Community Council retained its authority until November, 2001, when a majority of voters within its jurisdiction voted against continuing the Council.

Prior to its abolition, the Sammamish Community Council had the authority to review and either approve or disapprove ordinances amending the LUC. When the Sammamish Community Council voted to disapprove an ordinance, that disapproval meant that the ordinance was not effective within its jurisdiction. The disapproval was reflected in the LUC with a footnote after affected sections noting that the section was not effective within the SCC area. Generally, prior versions of the code would continue to apply within that area.

Although the SCC no longer exists, each of the previously rejected LUC sections must be readopted now to become effective within the SCC area. That re-adoption will

extend LUC regulations to the SCC that now apply in the majority of the City, and will remove the footnotes throughout the LUC referencing the Sammamish Community Council.

The City will take this opportunity to bring some of the previously rejected ordinances back to the East Bellevue Community Council for consideration as well. Should the EBCC choose to accept some of those previously rejected sections, references to the EBCC would be removed through this ordinance as well, and regulations that apply elsewhere in the City extended to the EBCC area.

Ordinances Affected:

The below is a summary of each ordinance previously rejected by the Sammamish Community Council and the East Bellevue Community Council. The ordinances are listed in chronological order, with the most recent ordinance list first. Each of the ordinances is attached at Attachment A, in the order set forth below.

Ordinance 5234: This ordinance brought the LUC in line with certain Comprehensive Plan policies for the Crossroads Subarea. The ordinance amended footnotes 6 and 7 to the residential uses chart in Section 20.10.440, to restrict or limit multifamily development in Subareas A, B, and E of the Crossroads Subarea. The text of FNs 6 and 7 that existed prior to Ordinance 5234 remain in effect within the EBCC. *See Attachment B.*

Sections affected: FN 6 & 7 to Recreational Use chart, Section 20.10.440

Ordinance 4646: This ordinance made certain amendments to accommodate "warehouse" type retail establishments. The ordinance created several definitions, amended parking requirements, and created FN 36 to the wholesale and retail use chart in Section 20.10.440. FN 36 limits retail uses in the CB district in the Bridle Trails, Evergreen Highlands, Newcastle, North Bellevue, Northeast Bellevue, Richards Valley, South Bellevue, Southeast Bellevue and Wilburton subareas to 100,000 square feet or less. The definition and parking provisions have been amended by subsequent ordinances, which were themselves accepted by the Community Council. As a result the only ineffective portion of this ordinance relates to FN 36 to the wholesale and retail use chart. As a result of the rejection of this ordinance, within those portions of the above subareas that fall within the EBCC jurisdiction, retail uses are allowed without any limit on overall size. (A portion of the Southeast Bellevue and Wilburton subareas are within the EBCC).

Sections Affected FN 36 to Wholesale and retail use chart, Section 20.10.440

Ordinance 4511: This ordinance created a new category of park, "City Park" and allowed the use as either a permitted or conditional use, depending on the land use district and features of the facility. It also created definitions of public, private and city parks. The definitions have been subsequently amended by Ordinance 4654, which

was adopted by the EBCC. As a result, the addition of "City Park" as a separate line in the use chart, and FN 10 to the use chart remain ineffective within the jurisdiction of the EBCC. As a result of this rejection, the only categories of park recognized in the EBCC area are "public parks" and private parks". Public parks are defined as "a recreational facility and/or open space operated by King County, the State of Washington or other governmental agency for the use and benefit of the general public, but not including a city park." Because this definition, and definition of a City Park are effective within the EBCC, it appears that a City Park is just not allowed within the EBCC area as a result of the rejection of this ordinance, and subsequent acceptance of the definitions. This ambiguity may require further exploration at the time a new city park is proposed for the EBCC area, unless the EBCC were to adopt the previously rejected portions of this ordinance. Should the EBCC choose to adopt the ordinance, then City Parks would be a permitted use in multi-family and non-residential land use districts, and a permitted use in single-family districts, unless the facility included a ballfield with lights or amplified sound, a boat ramp or beach park, or a community center, in which case a full conditional use permit is required.

Sections Affected FN 10, Recreation use chart, Section 20.10.440

Ordinance 4270: This ordinance created the R-7.5 designation, and added references to that designation throughout the code. As a result of the rejection of this ordinance, there is no R-7.5 designation available within the EBCC area.

Sections Affected 20.10.020, 20.10.200, all use charts in 20.10.440, 20.20.010, and 20.25B.020

Ordinance 4029: This ordinance added design standards for heliports, limited heliports in residential areas to government-use heliports only, and created a number of definitions related to heliports. The restrictions on heliports in residential areas were adopted within the EBCC area with a later ordinance that affected that portion of the use charts, so the heliport use is treated consistently across the City. However, because the design standards and definitions remain ineffective within the EBCC area, previous code provisions apply when the use is established, creating some ambiguity. FN11 to the Transportation use chart, limiting heliports in residential areas to government use heliports is effective within the EBCC. However, the definition of "government use heliport" is not, the only definition is a general definition of heliport, which could be public or private use. In addition, Section 20.20.450, which imposes design standards on any heliport, does not apply within the area of the EBCC, so there is less guidance in the code for when heliports should be approved within the EBCC area, and less guidance about appropriate conditions to impose on heliports in that area. Attachment C includes the text of Section 20.20.450.

Sections Affected 20.20.450, 20.50.022, 20.50.024, 20.50.040, 20.50.048

Ordinance 3985: This ordinance amended sections of the LUC related to large vehicle storage on residential sites. It also amended provisions relating to fences in residential

areas. The provisions relating to fences were subsequently amended and adopted with in the EBCC by a later ordinance. As a result of rejection of this ordinance, RVs are treated differently within the EBCC area than elsewhere in the City, and certain definitions are inapplicable within the EBCC area. Attachment D includes the current provisions applicable to RVs city-wide and those applicable within the EBCC area for comparison.

Sections Affected 20.20.527, 20.20.720, 20.20.890, 20.50.014, 20.50.034, 20.50.044, 20.50.048, 20.50.050, 20.50.054, 20.50.058

Ordinance 3747: This ordinance affected many of the LUC provisions related to required parking, and commercial parking facilities. Over time, many of the provisions have been amended by subsequent ordinance, which were adopted within the EBCC area. The only remaining provision of this ordinance that is ineffective is FN 19 to the dimensional chart. FN 19 of the dimensional chart appears to have been deleted through this ordinance. Because the EBCC rejected the ordinance, FN 19 remains in the EBCC area, allowing the height of an office building (regardless of land use district) to be increased by one story (but not more than 15 feet) if at least 75% of the ground floor of the building is devoted to parking for that building. Elsewhere in the City, a similar height bonus is contained in FN 10 to the dimensional chart. Attachment E includes both the text of FN 19 (effective within the EBCC) and FN 10 (not effective within the EBCC).

Sections Affected FNs 10 and 19 of the Dimensional Chart, Section 20.20.0110

Ordinance 3095: This ordinance related to the City's regulation of child care facilities, adopting additional definitions, creating development standards, and changing the districts and processes through which child care uses were allowed. Again, over time these provisions have been significantly changed to comply with state law and make other changes by subsequent ordinances. The subsequent ordinances were each adopted by the EBCC, as a result, the only remaining provision of this ordinance that is ineffective is the definition of "community facility." The impact of rejecting this definition is that within the EBCC area, there is some ambiguity created about a child care use proposed in a community facility. The LUC, both within and outside the EBCC area, allows a child care service within any land use district, if it is in a community facility. This is allowed through FN 4 to the Services use chart in Section 20.10.440. This FN is effective within the EBCC. To be allowed in the community facility, the use must comply with Section 20.20.170.E, which section is also effective within the jurisdiction of the EBCC. This section contains the licensing and other requirements that apply to child care in community facilities. The ambiguity is created because within the EBCC, there is no definition of what a "community facility" is. So, while child care service is allowed within a community facility in the EBCC area, there is no clear definition of what qualifies as a community facility.

Sections Affected 20.50.014

Ordinance 2808: This ordinance adopted additional flexibility for buildings to exceed height limits in some land use districts. The ordinance added FNs 9 and 10 to the dimensional chart in Section 20.20.010. FN 9 allows for heights in the light industrial district to be exceeded in certain circumstances. Because this FN was rejected by the EBCC, there is no such flexibility for buildings in the LI within the EBCC area, however, there is currently no property zoned LI within the EBCC area. FN 10 is described in more detail above under the discussion of Ordinance 3747, and is the alternative language to FN 19, which applies only within the EBCC area.

Sections Affected FNs 9 and 10, Section 20.20.010

Conclusion

Following discussion and any questions from the EBCC, staff and the Planning Commission request feedback from the EBCC about whether they would like to adopt any of the previously rejected provisions described above. Should the EBCC so desire, those provisions would be contained in one ordinance, which could be adopted by the EBCC. Adoption would have the affect of eliminating the "*Not effective within the jurisdiction of the East Bellevue Community Council" note found in the LUC, and would make those provisions effective within the EBCC area. A second ordinance applicable only to the Sammamish Community Council would be prepared for those sections that the EBCC is not interested in reconsidering.

EAST BELLEVUE COMMUNITY COUNCIL
Summary Minutes

July 1, 2003
6:30 PM

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Bell, Councilmembers Halgren, Keeffe, Seal and Wiechmann

STAFF: Toni Pratt, Associate Planner
Ann Rennick, Associate Planner

1. Call to Order

The meeting of the East Bellevue Community Council was called to order at 6:32 pm, Chair Bell presided.

2. Roll Call, Flag Salute

Roll was called by the Deputy City Clerk. All Councilmembers were present. Chair Bell led the flag salute.

3. Communications: Written and Oral

Vernon Andersen, 14605 SE 19th Place, explained his concerns regarding the SE 16th roadway improvements and neighborhood access to 148th Avenue. He relayed his conversation with City staff regarding storm water runoff problems and the need to do some digging on 146th Place to build an underground storm drainage retention vault at Spiritwood Park.

4. Approval of Agenda

Chair Bell asked Council for any additions to the published agenda.

Mr. Keeffe requested the addition of item 11(a), Street project at 146th Place and SE 18th and item 11(b), Rezone of rezones - NE 6th Place.

Mr. Halgren asked that the topic of the 156th and 22nd Place right-turn lane/pocket be added as agenda item 10(b).

Mr. Keeffe moved approval of the East Bellevue Community Council July 1, 2003 agenda as amended. Mr. Seal seconded the motion which carried unanimously.

5. Courtesy Hearings

(a) 2003 Process Improvement Land Use Code Amendment

Toni Pratt, Department of Planning and Community Development, provided the staff overview.

She first reviewed the non substantive portions of the proposed legislation. She stated the above proposal creates language consistency in regards to the land use exemption criterion; clarification of the administrative amendment and permit decision criteria; and clarifies notice requirements.

She next reviewed miscellaneous change recommendations, stepping Council through the proposed changes as outlined in Council's packet materials.

Mr. Keeffe questioned the proposed vesting changes. He suggested that the vesting language remain at two years for smaller residential development within a specified scope, while larger scale projects be allowed more flexibility. He suggested that the proposed language as stated is in essence throwing the baby out with the bath water. In response, Ms. Pratt stated the proposed vesting change relates only to phased development projects. She pointed to the first page of the proposed ordinance, Section 20.25A.120, where it states "An application for a project with multiple buildings within a single project limit shall submit a project phasing plan...". Ms. Pratt continued, stating it was her belief that the two year vesting provision would continue to apply to non phased projects. She stated she would verify that the two year vesting provisions for smaller projects remained and get back to Council with her findings.

Chair Bell questioned the wording of Section 20.35.355(G) and the addition of the words "earlier of". For clearer readability, he suggested inserting the word "the" prior to "earlier".

Chair Bell opened the courtesy hearing.

Bart Goft, 421 155 Place SE, asked if there was a mechanism for phased project oversight. Responding, Ms. Pratt explained the design and review process throughout the phased project development.

Seeing no one further wishing to provide public input, Mr. Seal moved to close the courtesy hearing. Mr. Keeffe seconded the motion which carried unanimously.

(b) 2003 Clean-up Land Use Code Amendment

Ms. Pratt stated this Amendment is non-substantive in nature. Throughout the process of administering the Code, various errors have been discovered. The errors typically stem from changes in department names, cross-references that are no longer valid, and inadvertent errors in previous amendments.

Chair Bell opened the courtesy hearing.

Bart Goft requested the definition of 'Institutional District'. Ms. Pratt responded.

In response to Mr. Keeffe, Ms. Pratt stated she would return to the Council with a definition of 'Institutional District".

Hearing no other public input, Mr. Keeffe moved to close the courtesy hearing. Mr. Halgren

seconded the motion which carried with a vote of 5-0.

(c) 2003 Community Council Land Use Code Amendment

Ms. Pratt explained the proposed Land Use Code Amendment would eliminate all references to the Sammamish Community Council and adopt ordinances previously rejected by that body within its jurisdiction. Because the East Bellevue Community Council similarly rejected many of these same ordinances, the City is taking this opportunity to determine if the Council would consider reversing some of their previous disapprovals. Should the Council have no interest in reconsideration, the amendment would go forward only for the previous Sammamish Community Council area. Ordinances at issue are:

1. Ordinance 5234
2. Ordinance 4646
3. Ordinance 4511
4. Ordinance 4270
5. Ordinance 4029
6. Ordinance 3985
7. Ordinance 3747
8. Ordinance 3095
9. Ordinance 2808

Due to the need for Council to study each issue and related previous disapproval in depth, Mr. Keeffe suggested that this item be carried over until their next meeting.

There was Council discussion and consensus to move consideration of the above matter to the August meeting.

Chair Bell opened the courtesy hearing.

Mr. Goft cautioned that reconsideration of previous disapprovals could take away from the legitimacy of past Community Council actions. He stated his discomfort with the City asking for this reconsideration.

Seeing no one else wishing to participate in the courtesy hearing, Mr. Keeffe moved to close the hearing. Mr. Halgren seconded the motion which carried unanimously.

Mr. Halgren reviewed the history of Community Council legislation disapprovals, noting the first did not occur until the early 1980's.

Mr. Keeffe noted, in regards to Ordinance 4270, that currently R-7.5 equates to R-9.3 with minimum lot sizing.

6. Resolutions None.

7. Reports of City Council, Boards and Commissions None.

8. Department Reports

(a) Kelsey Creek Shopping Center Update (Ann Rennick/PCD)

Anne Rennick provided the staff update on activities that are underway associated with the Kelsey Creek Shopping Center. There is no rezone application currently submitted associated with the Kelsey Creek Shopping Center site; although staff has had internal discussions on the range of options that could be considered as part of a future rezone application.

The site referred to as the Kelsey Creek Shopping Center is comprised of three lots and is designated Commercial Business in the Southeast Bellevue Subarea Comprehensive Plan. The property is zoned CB (Community Business); however, the 1987 concomitant zoning agreement for this site requires most development to comply with 1987 NB (Neighborhood Business) dimensional standards and further limits allowed uses. Staff would like preliminary feedback from the East Bellevue Community Council members on their concerns associated with the neighborhood impacts from eliminating the concomitant agreement, implementing all or portions of the current CB dimensional standards (in association with Transition Area Design requirements) and CB uses at the Kelsey Creek Shopping Center site before moving forward with any formal rezone application and recommendation.

Staff has contracted with an outside environmental firm to prepare a study that will provide an analysis of the feasibility of day lighting the culverted portion of Kelsey Creek on this site, and, evaluate the environmental impact of eliminating the day lighting requirement from the concomitant agreement and modifying riparian corridor setback requirements. Result from this study are expected in August and will be part of any staff analysis recommending modifications to the current concomitant agreement.

The City's Utility Department has given their support to an application made by the current property owner to the Federal Emergency Management Agency (FEMA) to revise the current Flood Insurance Rate Map, which shows a large portion of this site as being located within a Flood Hazard Area and limits site development opportunities. As of April of this year, FEMA has indicated a willingness to consider the application but require additional information from the property owner before they move ahead with their review.

Ms. Rennick outlined to Council the 1987 NB restrictions in comparison to the current restrictions of NB and CB within a transition area.

In response to Mr. Keeffe, Ms. Rennick explained the difference between under building and underground parking.

In response to Council discussion, Ms. Rennick stated multifamily residential would be a permitted use under CB zoning. She stated that words could be crafted that stipulates any future multifamily development at this site should have retail on the frontage. Mr. Seal expressed concern with a stipulation placing retail on the frontage as it would close in the site and, possibly, not attract people into

the Center. He stated he did not feel that would be a very good business decision.

In response to Chair Bell, Ms. Rennick stated the rezone application would be City initiated. She stated that, currently, the property owner can not move forward with his proposed redevelopment plan without a change to the concomitant agreement. Ms. Rennick explained that the City's involvement looks to the future and is in answer to the expressed community wishes for revitalization of this site. The timing of the rezone process is dependent on the completion of the Stream Study.

Mr. Halgren stated the 1987 rezone included a concomitant agreement that embraced the idea reopening the stream at the time of future redevelopment. The community saw the day lighting of the stream as a big benefit. The developer also reaped the benefits of increased uses at that time. He expressed that comparison of value versus cost to accomplish the day lighting of the stream in 2003 did not pass muster. The community was not looking at the day lighting in terms of dollar cost but as a great thing to do. He stated in his review of this matter he will be considering fairness, looking at the equity of benefits for all parties. Mr. Halgren stated that, at the time of the original concomitant agreement, the Community Councils told the City that the Neighborhood Business designation was broken and needed to be fixed. The City responded by putting forward this concomitant agreement. If Neighborhood Business had been fixed to lessen some of the restrictions and increase allowed uses, we would not be having this discussion today. He stated he could sympathize with the idea of having a new concomitant agreement that had Neighborhood Business with transition overlay ground rules or just rezoning Kelsey Creek Shopping Center to Neighborhood Business.

Mr. Halgren identified his concerns, noting density, lot coverage, and building heights as factors. He reviewed various uses under Community Business that he felt were not appropriate in a neighborhood setting.

In response to Mr. Keeffe, Ms. Rennick stated the stream is classified as a type A riparian corridor.

Mr. Keeffe concurred with Mr. Halgren's concern related to building heights. He stated that the stream is a promise which has been made over and over again.

Chair Bell noted that the Comprehensive Plan theme for the South East Bellevue Subarea pretty much denotes this area as residential. One particular policy statement encourages shopping center owners and developers to expand and build as long as it is low intensity. He stated that one of the things that sets this area apart is peoples concerns that this area not become a little Crossroads. He expressed concerns in regards to potential building heights and impacts to surrounding residential area.

Chair Bell noted that approaches for redevelopment of the Kelsey Creek Shopping Center and the Lake Hills Shopping Center should be consistent.

Mr. Seal stated concern that the residential character of the community be preserved.

(b) Clearing & Grading Amendment to Bellevue City Code

Chair Bell noted the materials provided in the packet for informational purposes.

9. Committee Reports None

10. Unfinished Business

(a) Bed & Breakfast Application at 1844 140th Avenue SE

Chair Bell noted the materials provided in the packet for informational purposes.

(b) Right-turn Pocket on 156th Avenue SE and SE 22nd Place

Mr. Halgren reminded Council of the Neighborhood Enhancement Project to install a 300 foot right-turn pocket at 156th and SE 22nd Place. He stated the project was scrapped due to the high costs associated with property acquisition. He noted that this evening there were ten cars in line to make that right turn onto SE 22nd Place. Going South on 156th SE as it approaches SE 22nd Place the pavement widens. Many cars currently use it as an unofficial right turn lane. At a minimal cost and possibly some re-striping, this unofficial right turn lane could be legitimized. He noted the June 3rd Minutes reflect his intensions to draft a letter to the Transportation Department regarding the above and confirmed that he would draft the letter.

11. New Business

(a) Street Project at 146th Place and SE 18th Street

In response to Mr. Andersen's concerns, Mr. Seal suggested that Council draft a letter to the City requesting that as part of this project they complete street improvements. Currently, the street is only finished to the middle of the right-of-way.

Mr. Keeffe suggested it was the Community Council's understanding that the City is considering doing work which will involve placing a storm water retention facility in Spiritwood Park, and, if that is so, the Council should ask the City to consider completing street improvements as would be required of a private property owner contemplating a similar project. If the City has nothing programmed for this site, the Council should request that they please consider placing this street improvement on their "to-do-list". He stated the park property is roughly two to three acres in size.

There was Council consensus for Mr. Seal to draft such a request.
Mr. Halgren questioned if the City had a master park plan for Spiritwood Park. He commented that the installation of a storm water retention facility constitutes a significant change and questioned if it would limit the usage of that park.

(b) Rezone of Rezone – NE 6th Place

Mr. Keeffe provided the background of the past City initiated Wilburton rezone and Comprehensive Plan change that included NE 6th Place. He stated that the six owners of properties that finger across 140th on the east side would like to see the zoning of R-2.5 revert to its original zoning. Mr. Keeffe

noted that none of these six owners wanted the R-2.5 zoning then and they still do not want it now. He requested concurrence from the Council to ask that the City to return these six parcels to R-1.8.

There was Council discussion and consensus.

12. Continued Communications

(a) 2003 Parks & Open Space System Plan Status Memo

Chair Bell noted the communication from Patricia Lambert in Council's packet regarding 2003 Parks & Open Space System Plan. Ms. Lambert invited Community Council participation at the public hearing to be held in conjunction with a Parks Board meeting later this summer. There was consensus to request copies of the draft Plan when available.

Bart Goft shared with Council the difficulty he encountered when trying to catch a metro bus to Seattle at Bellevue Community College due to roadway construction. He stated the signs for the bus stop were confusing.

13. Executive Session None.

14. Approval Summary Minutes

(a) June 3, 2003 East Bellevue Community Council Summary Minutes

Mr. Keeffe moved approval of the East Bellevue Community Council Minutes of June 3, 2003. Mr. Seal seconded the motion which carried unanimously.

15. Adjournment

Mr. Keeffe moved for adjournment. Mr. Seal seconded the motion which carried with a vote of 5-0. Meeting adjourned at 10:49 pm.

Submitted By:

Michelle Murphy
Deputy City Clerk

City of Bellevue

MEMORANDUM

DATE: June 18, 2003

TO: Chair Bell, Members of the East Bellevue Community Council

FROM: Mary Kate Berens, Legal Planner MKB

SUBJECT: 2003 Community Council Land Use Code Amendment; File No. 03-114087 AD

At its meeting on July 1, 2003 the East Bellevue Community Council will hold a courtesy hearing on a proposed land use code amendment eliminating all references to the Sammamish Community Council and adopting ordinances previously rejected by that body within its jurisdiction. Attachment A is the proposed ordinance striking out all reference to the Sammamish Community Council. Because the EBCC originally rejected many of these same ordinances, the City would like to take this opportunity to determine whether the EBCC would consider accepting some of those ordinances at this time, bringing the Land Use Code in alignment City-wide in those areas. Should the EBCC determine that it is not interested in reconsidering any of the ordinances, the amendment will go forward only for the Sammamish Community Council area, and would not come back to the EBCC for any further consideration. A public hearing in front of the Planning Commission is anticipated on July 16, 2003, while City Council action on the proposal is expected in September or October of 2003.

Proposed Amendments

The Sammamish Community Council was originally created by voters within the Community Council area (roughly along the northeast shore of Lake Sammamish) when those voters approved annexation into the City of Bellevue. The Community Council is a creature of state law, and has authority over land use decisions within its boundaries. The Sammamish Community Council retained its authority until November, 2001, when a majority of voters within its jurisdiction voted against continuing the Council.

Prior to its abolition, the Sammamish Community Council had the authority to review and either approve or disapprove ordinances amending the LUC. When the Sammamish Community Council voted to disapprove an ordinance, that disapproval meant that the ordinance was not effective within its jurisdiction. The disapproval was reflected in the LUC with a footnote after affected sections noting that the section was not effective within the SCC area. Generally, prior versions of the code would continue to apply within that area.

Although the SCC no longer exists, each of the previously rejected LUC sections must be readopted now to become effective within the SCC area. That re-adoption will

extend LUC regulations to the SCC that now apply in the majority of the City, and will remove the footnotes throughout the LUC referencing the Sammamish Community Council.

The City will take this opportunity to bring some of the previously rejected ordinances back to the East Bellevue Community Council for consideration as well. Should the EBCC choose to accept some of those previously rejected sections, references to the EBCC would be removed through this ordinance as well, and regulations that apply elsewhere in the City extended to the EBCC area.

Ordinances Affected:

The below is a summary of each ordinance previously rejected by the Sammamish Community Council and the East Bellevue Community Council. The ordinances are listed in chronological order, with the most recent ordinance list first. Each of the ordinances is attached at Attachment A, in the order set forth below.

Ordinance 5234: This ordinance brought the LUC in line with certain Comprehensive Plan policies for the Crossroads Subarea. The ordinance amended footnotes 6 and 7 to the residential uses chart in Section 20.10.440, to restrict or limit multifamily development in Subareas A, B, and E of the Crossroads Subarea. The text of FNs 6 and 7 that existed prior to Ordinance 5234 remain in effect within the EBCC. *See Attachment B.*

Sections affected: FN 6 & 7 to Recreational Use chart, Section 20.10.440

Ordinance 4646: This ordinance made certain amendments to accommodate "warehouse" type retail establishments. The ordinance created several definitions, amended parking requirements, and created FN 36 to the wholesale and retail use chart in Section 20.10.440. FN 36 limits retail uses in the CB district in the Bridle Trails, Evergreen Highlands, Newcastle, North Bellevue, Northeast Bellevue, Richards Valley, South Bellevue, Southeast Bellevue and Wilburton subareas to 100,000 square feet or less. The definition and parking provisions have been amended by subsequent ordinances, which were themselves accepted by the Community Council. As a result the only ineffective portion of this ordinance relates to FN 36 to the wholesale and retail use chart. As a result of the rejection of this ordinance, within those portions of the above subareas that fall within the EBCC jurisdiction, retail uses are allowed without any limit on overall size. (A portion of the Southeast Bellevue and Wilburton subareas are within the EBCC).

Sections Affected FN 36 to Wholesale and retail use chart, Section 20.10.440

Ordinance 4511: This ordinance created a new category of park, "City Park" and allowed the use as either a permitted or conditional use, depending on the land use district and features of the facility. It also created definitions of public, private and city parks. The definitions have been subsequently amended by Ordinance 4654, which

was adopted by the EBCC. As a result, the addition of "City Park" as a separate line in the use chart, and FN 10 to the use chart remain ineffective within the jurisdiction of the EBCC. As a result of this rejection, the only categories of park recognized in the EBCC area are "public parks" and private parks". Public parks are defined as "a recreational facility and/or open space operated by King County, the State of Washington or other governmental agency for the use and benefit of the general public, but not including a city park." Because this definition, and definition of a City Park are effective within the EBCC, it appears that a City Park is just not allowed within the EBCC area as a result of the rejection of this ordinance, and subsequent acceptance of the definitions. This ambiguity may require further exploration at the time a new city park is proposed for the EBCC area, unless the EBCC were to adopt the previously rejected portions of this ordinance. Should the EBCC choose to adopt the ordinance, then City Parks would be a permitted use in multi-family and non-residential land use districts, and a permitted use in single-family districts, unless the facility included a ballfield with lights or amplified sound, a boat ramp or beach park, or a community center, in which case a full conditional use permit is required.

Sections Affected FN 10, Recreation use chart, Section 20.10.440

Ordinance 4270: This ordinance created the R-7.5 designation, and added references to that designation throughout the code. As a result of the rejection of this ordinance, there is no R-7.5 designation available within the EBCC area.

Sections Affected 20.10.020, 20.10.200, all use charts in 20.10.440, 20.20.010, and 20.25B.020

Ordinance 4029: This ordinance added design standards for heliports, limited heliports in residential areas to government-use heliports only, and created a number of definitions related to heliports. The restrictions on heliports in residential areas were adopted within the EBCC area with a later ordinance that affected that portion of the use charts, so the heliport use is treated consistently across the City. However, because the design standards and definitions remain ineffective within the EBCC area, previous code provisions apply when the use is established, creating some ambiguity. FN11 to the Transportation use chart, limiting heliports in residential areas to government use heliports is effective within the EBCC. However, the definition of "government use heliport" is not, the only definition is a general definition of heliport, which could be public or private use. In addition, Section 20.20.450, which imposes design standards on any heliport, does not apply within the area of the EBCC, so there is less guidance in the code for when heliports should be approved within the EBCC area, and less guidance about appropriate conditions to impose on heliports in that area. Attachment C includes the text of Section 20.20.450.

Sections Affected 20.20.450, 20.50.022, 20.50.024, 20.50.040, 20.50.048

Ordinance 3985: This ordinance amended sections of the LUC related to large vehicle storage on residential sites. It also amended provisions relating to fences in residential

areas. The provisions relating to fences were subsequently amended and adopted with in the EBCC by a later ordinance. As a result of rejection of this ordinance, RVs are treated differently within the EBCC area than elsewhere in the City, and certain definitions are inapplicable within the EBCC area. Attachment D includes the current provisions applicable to RVs city-wide and those applicable within the EBCC area for comparison.

Sections Affected 20.20.527, 20.20.720, 20.20.890, 20.50.014, 20.50.034, 20.50.044, 20.50.048, 20.50.050, 20.50.054, 20.50.058

Ordinance 3747: This ordinance affected many of the LUC provisions related to required parking, and commercial parking facilities. Over time, many of the provisions have been amended by subsequent ordinance, which were adopted within the EBCC area. The only remaining provision of this ordinance that is ineffective is FN 19 to the dimensional chart. FN 19 of the dimensional chart appears to have been deleted through this ordinance. Because the EBCC rejected the ordinance, FN 19 remains in the EBCC area, allowing the height of an office building (regardless of land use district) to be increased by one story (but not more than 15 feet) if at least 75% of the ground floor of the building is devoted to parking for that building. Elsewhere in the City, a similar height bonus is contained in FN 10 to the dimensional chart. Attachment E includes both the text of FN 19 (effective within the EBCC) and FN 10 (not effective within the EBCC).

Sections Affected FNs 10 and 19 of the Dimensional Chart, Section 20.20.0110

Ordinance 3095: This ordinance related to the City's regulation of child care facilities, adopting additional definitions, creating development standards, and changing the districts and processes through which child care uses were allowed. Again, over time these provisions have been significantly changed to comply with state law and make other changes by subsequent ordinances. The subsequent ordinances were each adopted by the EBCC, as a result, the only remaining provision of this ordinance that is ineffective is the definition of "community facility." The impact of rejecting this definition is that within the EBCC area, there is some ambiguity created about a child care use proposed in a community facility. The LUC, both within and outside the EBCC area, allows a child care service within any land use district, if it is in a community facility. This is allowed through FN 4 to the Services use chart in Section 20.10.440. This FN is effective within the EBCC. To be allowed in the community facility, the use must comply with Section 20.20.170.E, which section is also effective within the jurisdiction of the EBCC. This section contains the licensing and other requirements that apply to child care in community facilities. The ambiguity is created because within the EBCC, there is no definition of what a "community facility" is. So, while child care service is allowed within a community facility in the EBCC area, there is no clear definition of what qualifies as a community facility.

Sections Affected 20.50.014

Ordinance 2808: This ordinance adopted additional flexibility for buildings to exceed height limits in some land use districts. The ordinance added FNs 9 and 10 to the dimensional chart in Section 20.20.010. FN 9 allows for heights in the light industrial district to be exceeded in certain circumstances. Because this FN was rejected by the EBCC, there is no such flexibility for buildings in the LI within the EBCC area, however, there is currently no property zoned LI within the EBCC area. FN 10 is described in more detail above under the discussion of Ordinance 3747, and is the alternative language to FN 19, which applies only within the EBCC area.

Sections Affected FNs 9 and 10, Section 20.20.010

Conclusion

Following discussion and any questions from the EBCC, staff and the Planning Commission request feedback from the EBCC about whether they would like to adopt any of the previously rejected provisions described above. Should the EBCC so desire, those provisions would be contained in one ordinance, which could be adopted by the EBCC. Adoption would have the affect of eliminating the "*Not effective within the jurisdiction of the East Bellevue Community Council" note found in the LUC, and would make those provisions effective within the EBCC area. A second ordinance applicable only to the Sammamish Community Council would be prepared for those sections that the EBCC is not interested in reconsidering.

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5234

AN ORDINANCE relating to the revision of Residential Land Use Charts that govern multifamily development in the Crossroad Subarea to be consistent with the Comprehensive Plan; amending the Residential Land Use Charts contained in Section 20.10.440 of the Bellevue Land Use Code.

WHEREAS, City of Bellevue Comprehensive Plan contains policies (S-CR-49, S-CR-52 and S-CR-68) which prohibit multifamily housing in several of the Crossroads Planning Districts; and

WHEREAS, the Land Use Code must be consistent with the policies contained in the Comprehensive Plan; and,

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA, RCW 43.21C, and the City's Environmental Procedures Code Chapter 22.02 BCC; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Residential Land Use Charts contained in Section 20.10.440 of the Bellevue Land Use Code are hereby amended as follows:

20.10.440 Residential Land Use Charts

[Refer to the next two pages]

ORIGINAL

0360 ORD
7/7/00

20.10.440 Residential Land Use Charts

Uses in land use districts **Residential**

STD LAND USE CODE REF	LAND USE CLASSIFICATION		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
								Residential					
1	Residential												
	Single-Family Dwelling	3	P	P	P	P	P	P	P	P	P	P	P
	Two to Four Dwelling Units Per Structure		PD	PD	PD	PD	PD	PD	PD	P	P	P	P
	Five or More Dwelling Units Per Structure		PD	PD	PD	PD	PD	PD	PD	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions									C	P	P	P
	Senior Citizen Dwellings	4,7	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	P	P	P	P
13 15	Hotels and Motels												
	Congregate Care Senior Housing	4,7								P	P	P	P
6516	Nursing Home									C	P	P	P
	Assisted Living	4,7								C	P	P	P
	Accessory Dwelling Unit	9	S	S	S	S	S	S	S	S	S	S	S

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

** Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

KEY

P – PERMITTED USE
C – CONDITIONAL USE (see Part 20.30B or Part 20.30C)
PD – PERMITTED subject to planned unit development only. (See Part 20.30D)
A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
S – Permitted only as a subordinate use to a permitted or special use

ORIGINAL

0360 ORD
7/7/00

20.10.440 Residential Land Use Charts

Uses in land use districts **Residential**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office PO	Office O	Office/Limited Business OLB	Light Industry LI	General Commercial GC	Neighborhood Business NB	Community Business CB	Downtown Office District 1 DNTN O-1	Downtown Office District 2 DNTN O-2	Downtown Mixed Use District DNTN MU	Downtown Residential District DNTN R	Downtown Old Bellevue District DNTN OB	Downtown Office and Limited Business District DNTN OLB
1	Residential													
	Single-Family Dwelling 3	~~P15~~	P 1	S	S	S	P 8	S	P	P	P	P	P	
	Two to Four Dwelling Units Per Structure 6		P 1	P			P 8	~~P6~~	P	P	P	P	P	
	Five or More Dwelling Units Per Structure 6		P 1	P			P 8	~~P6~~	P	P	P	P	P	
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions							C	P	P	P	P	P	
	Senior Citizen Dwellings 4,7	P	P	P			P 8	P	P	P	P	P	P	
13 15	Hotels and Motels			P				C	P	P	P	P	P	P
	Congregate Care Senior Housing 4,7	P	P	P			P	P	P	P	P	P	P	
6516	Nursing Home	C	P	P			C	P			P	P	P	
	Assisted Living 4,7	C	P	C			C	P			P	P	P	
	Accessory Dwelling Unit 9	S	S	S	S	S	S	S			S	S	S	

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010. (Ord. 5089, 8-3-98, § 3; Ord. 4999, 7-7-97, § 1; Ord. 4959, 1-6-97, § 1; Ord. 4861, 3-28-96, § 16; Ord. 4816, 12-4-95, § 401; Ord. 4696-A, 11-21-94, § 2; Ord. 4498, 3-15-93, § 1; Ord. 4422, 9-28-92, § 2; Ord. 3530, 8-12-85, § 7)

** Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

ORIGINAL

0360 ORD
7/7/00

Notes: Uses in land use districts – Residential

1. No more than 50 percent of the gross floor area of the structure shall be devoted to residential use in O Districts, unless Conditional Use Permit approval is obtained and the applicable Comprehensive Plan policies do not discourage multifamily uses.

2. (Deleted by Ord. 4999).

3. A boardinghouse or bed and breakfast is permitted in a single-family dwelling provided the requirements of LUC 20.20.140 are met.

4. An agreement must be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain in perpetuity as senior housing.

5. Through the planned unit development process, senior citizen dwellings may include common dining and recreation facilities.

6. Multifamily development in Planning Districts A and B of the Crossroads Subarea is not allowed. Multifamily development in Planning District E of the Crossroads Subarea north of NE 8th Street is not allowed. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.

7. In Planning Districts A and B of the Crossroads Subarea and in Planning District E of the Crossroads Subarea north of NE 8th Street, existing legal nonconforming multifamily uses can be converted to senior citizen housing, congregate care senior housing, assisted living or nursing homes. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.

8. These residential uses are permitted in NB Districts only if located on the second floor and above the permitted ground floor nonresidential uses.

9. Accessory dwelling units are permitted only as subordinate to single-family dwellings and are subject to the provisions of LUC 20.20.120.

10. (Deleted by Ord. 4999).

11. (Deleted by Ord. 4999).

12. (Deleted by Ord. 4999).

13. (Deleted by Ord. 4999).

14. (Deleted by Ord. 4999).

15. One single-family dwelling unit, occupying no more than 25 percent of the floor area of the structure, is permitted in the PO District.

ORIGINAL

0360 ORD
7/7/00

Section 2. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

PASSED by the City Council this 17 th day of July, 2000, and signed in authentication of its passage this 17 th day of July, 2000.

(SEAL)

Chuck Mosher
Chuck Mosher, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan
Lori M. Riordan, Assistant City Attorney

Attest:

Michelle Murphy
~~Myrna L. Basich, City Clerk~~ Deputy City Clerk

Published July 21, 2000

EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION
OF THE CITY OF BELLEVUE, WASHINGTON

Resolution No. 426A

A RESOLUTION of the East Bellevue Community Council disapproving City Council Ordinance No. 5234, relating to the revision of Residential Land Use Charts that govern multifamily development in the Crossroad Subarea to be consistent with the Comprehensive Plan; amending the Residential Land Use Charts contained in Section 20.10.440 of the Bellevue Land Use Code.

WHEREAS, on the 17th day of July 2000, the City Council of the City of Bellevue, Washington passed Ordinance No. 5234, relating to the revision of Residential Land Use Charts that govern multifamily development in the Crossroad Subarea to be consistent with the Comprehensive Plan; amending the Residential Land Use Charts contained in Section 20.10.440 of the Bellevue Land Use Code; and

WHEREAS, the subject matter of said Ordinance falls within the jurisdiction of the East Bellevue Community Council pursuant to RCW 35.14.040; and

WHEREAS, the EBCC held a public hearing on Ordinance No. 5234 on August 1, 2000, and asked the City Planning Department to answer questions regarding the Ordinance; and

"WHEREAS, the City Planning Department representative could not answer the questions posed by the EBCC during the August 1, 2000 hearing, and so the EBCC decided to continue their deliberations on Ordinance No. 5234 until the September 5, 2000 meeting; and

"WHEREAS, on September 5, 2000, a Planning Department representative provided additional documentation to the EBCC, in the form of a memo dated September 5, 2000 from
Cristina VanValkenburgh; and

"WHEREAS, Ms. VanValkenburgh also informed the EBCC that the City acknowledged that the effect of Ordinance No. 5234 would be to eliminate the conditional use process for senior housing within the EBCC's jurisdiction; and

"WHEREAS, Ms. VanValkenburgh stated that although the intent of the amendment was to make the Land Use Code consistent with applicable Comprehensive Plan policies, the City did not intend to delete the requirement that certain types of senior housing proposals would not require a conditional use permit; and

WHEREAS, following the public hearing held before the East Bellevue Community Council on September 5, 2000 the Community Council voted in open meeting to disapprove Ordinance No.5234.

NOW THEREFORE, BE IT RESOLVED by the Community Council of the East Bellevue Community Municipal Corporation:

Section 1: The East Bellevue Community Council hereby disapproves Ordinance No. 5234 enacted by the Bellevue City Council on July 17, 2000, and, pursuant to RCW 35.14.040, this Ordinance shall not become effective within the area of the East Bellevue Community Municipal Corporation.

Section 2: The East Bellevue Community Council disapproved Ordinance No. 5234 based upon the following findings:

1. The EBCC currently has statutory jurisdiction to disapprove the City's approval of a conditional use permit (within the territory of the EBCC), pursuant to RCW 35.14.040.

2. The EBCC interprets Ordinance No. 5234 as eliminating the requirement for conditional use permits for the conversion of multi-family development into senior housing.

3. The City admits that the effect of Ordinance No. 5234 would eliminate the requirement for conditional use permits for the conversion of multi-family development into senior housing.

4. The EBCC hereby disapproves Ordinance No. 5234 as inconsistent with state law, RCW 35.14.040(3).

5. The EBCC acknowledges that the City intends to reconsider and possibly revise Ordinance No. 5234 to be consistent with state law, the City's Comprehensive Plan and the City's Land Use Code.

Section 3. The Clerk is hereby directed to certify the original of this Resolution, to file the same and to keep the same on file in her office. The Clerk is further directed to distribute certified and conformed copies of the Resolution to the Bellevue City Council, the Office of Policy Planning, and the Department of Community Development.

PASSED by a majority vote of the East Bellevue Community Council on the 5th day of September, and signed in authentication of its passage this 3rd day of October, 2000.

(SEAL)

Bill Halgren

Vice Chair Bill Halgren

ATTEST:

Michelle Murphy

Michelle Murphy, CMC
Deputy City Clerk

Excerpt 9/5/2000

East Bellevue Community Council
Summary Minutes September 5, 2000

5. **APPROVAL OF AGENDA**

Mr. Keeffe moved to approved the September 5, 2000 agenda. Mr. Lemieux seconded the motion.

Following Council discussion, the following items were added to the published agenda:

10. Unfinished Business:
    - (c) Community Councils Web Page
    - (d) 140th Redevelopment Project and Acoustical Wall
    - (e) Whispering Glen Multi-Use Trail
    - (f) July 24th Memorandum to City Council/City Manager Recruitment
    - (g) Red Light Running
    - (h) Robinswood Tennis Center Redevelopment
    - (i) Affect of Community Council Disapproval of Ordinance No. 5081

11. New Business
    - (a) Bel East Grocery Store
    - (b) SE 8th Project Celebration
    - (c) Proposed High Density Development under King County

Motion carried. The East Bellevue Community Council agenda of September 5, 2000 was approved as amended.

6. **DEPARTMENT REPORTS**

(a) Currie Short Plat

Mary Jo McArdle, Department of Planning and Community Development, made the staff presentation. The site is located at the end of a dead end street just south of Main Street and west of 148th Avenue. Zoning is R-5.

In response to Council questions, Ms. McArdle reviewed the current lot configuration and proposed lot division. Earlier this year a boundary line adjustment involving the site and an abutting property held in the same ownership to the west was approved. That boundary line adjustment added square footage to this parcel and reduced the size of the abutting parcel to the west. The added square footage qualifies this parcel for further subdivision.

Responding to Mr. Keeffe, Ms. McArdle stated a building permit has been issued for the undeveloped lot to the west. The rambler on the subject property will remain on parcel B of the proposed subdivision. Access to the existing house on parcel B will be rerouted to an easement to the north.

Ms. McArdle, in response to Mr. Keeffe, stated that notification of abutting property owners is not required for a short plat proposal.

(b) Neighborhood Shopping Center Urban Design Study

Ellen Miller-Wolf, Department of Planning and Community Development, introduced both Oscar Del Moro of Cosmos International and Al Baylis, Baylis Architects. She stated Bellevue's and the Cosmos group's shared interest in the continued health of the Lake Hills neighborhood and revitalization of the Lake Hills Shopping Center. Ms. Miller-Wolf announced that the City and the Cosmos group have each committed $10,000 on an urban design study. The study will be looking at development options that both revive the Center and also preserve some of the traditional uses. She expressed her hopes that the community would remain flexible in consideration of options to achieve the revitalization goal.

Mr. Oscar Del Moro briefed the Council on some of the development options currently being explored and initial contacts with the King County Regional Library and Bellevue Community College. He explained that although Cosmos could not solve the traffic problems, they could turn the Center's focus to what should be of value to the community and area residents.

Mr. Al Baylis explained his role in this redevelopment vision for the Shopping Center.

Ms. Miller-Wolf invited the Community Council to participate in upcoming discussions at the September 14th and October 19th public meetings.

7. **PUBLIC HEARING**

(a) Ordinance No. 5237 approving the rezone application of Franklin West, LLC (Kelsey Creek Center) to remove a requirement for conditional use approval for eating and drinking establishments, without liquor or Class H license, as required by the 1987 Concomitant Agreement.

Cristina Van Valkenburgh, Assistant Director, Planning and Community Development, reported that the applicant proposes to modify the existing concomitant agreement that regulates permitted uses on the site to permit eating and drinking establishments without liquor or Class H license outright. Under the existing agreement, establishing this type of use requires a conditional use permit. This proposal affects existing structures only and does not apply to new development. She briefly reviewed the proposal's history, stating the current proposal has been scaled back from the time of presentation to the Community Council in 1998. Under this proposal there would be no ability to expand the footprint of the existing structures.

Mr. Lemieux expressed his support.

Chair Bell opened the public hearing.

Scott Leonard, 15505 SE 10th Street, stated his concern regarding the potential relinquishment of control over eating and drinking establishments that serve alcoholic beverages under a Class A

and C license within this shopping center. In response, Ms. VanValkenburgh stated this rezone only affects eating and drinking establishments without liquor or Class H license.

Seeing no one further wishing to provide public comment, Mr. Lemieux moved to close the public hearing. Mr. Keeffe seconded the motion which carried unanimously.

Mr. Halgren moved adoption of Resolution No. 427 approving City Council Ordinance No. 5237. Mr. Keeffe seconded the motion which carried 5-0.

8. **RESOLUTIONS**

(a) Resolution No. 427/427A approving/disapproving City Council Ordinance No. 5237.

See Section 7 above.

Agenda Interruption

10. **UNFINISHED BUSINESS:**

(a) Ordinance No. 5234, Crossroads Multifamily Development Amendments to Land Use Code.

Cristina VanValkenburgh, Department of Planning and Community Development, provided the staff presentation and responses to specific questions raised during last month's public hearing. She reviewed the definitions in the Land Use Code for senior citizen's dwellings, congregate care senior housing, nursing homes and assisted living. Ms. VanValkenburgh explained that the East Bellevue Community Council boundaries do not include Planning District A and B within the Crossroads Subarea Plan. However, it does include a small portion of Planning District E at the Southwest corner of NE 8th and 156th Avenue NE. This property is currently developed with the Albertson.com store. Therefore there are no legal nonconforming multifamily uses in Planning District E within the Community Council's boundaries.

In response to Council's broader question as to whether the Crossroads multifamily amendment could apply to areas beyond the Crossroads Subarea, Ms. VanValkenburgh replied that the original intent of the amendment was to bring the Land Use Code into alignment with the Comprehensive Plan policies. Ordinance No. 5171 adopted in 1999 amended policies CR-49, CR-52, and CR-68 of the Crossroads Subarea plan to permit senior citizen housing, senior congregate care housing, assisted living and nursing homes in Planning District A, B, and E only through conversion of existing multifamily development. She briefly reviewed Mr. Kenney's assertion that the proposed amendment would in fact apply to areas beyond Crossroads Subarea. Although that was not the intent of the proposed amendment, staff agrees that, as written, approval of Ordinance No. 5234 could be interpreted to mean that some senior housing proposals currently within the jurisdiction of the East Bellevue Community Council (specifically within the

Eastgate Subarea) will no longer require a conditional use permit. She stated if Council had concerns regarding the retention of conditional use approval/disapproval in this regard, she would recommend disapproval of Ordinance No. 5234.

In response to Chair Bell, Ms. VanValkenburgh stated that it is the intention of staff to revisit this amendment. She confirmed that disapproval within the Community Council area would preserve the conditional use process for senior housing in the Eastgate Subarea and would not impact the Crossroads Subarea districts A, B and the portion of E as described in the proposal.

Mr. Seal noted the rationale for disapproval. He moved to adopt Resolution No. 426A, disapproving City Council Ordinance No. 5234. Mr. Keeffe seconded the motion.

Chair Bell summarized the reasoning for disapproval. He stated the principle finding is that City Ordinance No. 5234 has inadvertently deleted the requirement in the areas where the Comprehensive Plan policies specifically state that where multifamily development is not appropriate, senior housing should be permitted only through the conditional use permit process. The second finding notes the staff's intention to revisit this amendment.

Mr. Keeffe commented that he believed this proposed amendment has been an ex post facto attempt to justify something which was done either in error or after the fact. He would be voting to disapprove.

Motion to adopt Resolution No. 426A disapproving City Council Ordinance No. 5234 carried 5-0.

8. **RESOLUTIONS**

(b) Resolution No. 425A disapproving City Council Ordinance No. 5233.

Mr. Lemieux moved to approve as to form, Resolution No. 425A disapproving City Council Ordinance No. 5233. Mr. Keeffe seconded the motion.

Mr. Keeffe expressed his thanks to Ms. Morris for a positive representation of Council.

Ms. Morris suggested that Council review the findings for the record.

Chair Bell briefly reviewed the rationale of the findings listed in Resolution No. 425A.

Motion carried 5-0.

9. **COMMITTEE REPORTS: None.**

10. **UNFINISHED BUSINESS:**

(b) 148th Improvement Project, SE 24th to SE 28th.

Chair Bell reminded Council of their August 21st request for an extension to the comment period in order to allow time for the Council to formulate its input during the September meeting.

Mr. Scott Leonard, expressed his interest in the 148th Improvement Project.

Mr. Keeffe expressed reservations regarding the Council's ability to comment given that not all the information is yet available.

Mr. Halgren stated that the elimination of portions of the park and church properties is unacceptable. He stated the elimination of the median should not be allowed. And, he stated his concern regarding the elimination of the left-turn opportunity from Bellevue Community College onto 148th.

Mr. Lemieux pointed out that the City has presented four alternatives and associated cost analyses for consideration. He noted his understanding that additional alternatives may be under consideration. Mr. Lemieux stated his position to withhold Community Council comment at this time, but, ask the City to move forward with presentation of all potential alternatives with costs attached to allow Council the opportunity for fully informed input.

Mr. Halgren concurred. He explained that on the cost analyses presented, staff did not include any value for the park land taking, causing that alternative to appear cheaper.

Chair Bell commented that the studies seem to be focused on cost to construct the alternatives and the volume/capacity ratio. He acknowledged Mr. Leonard's perception that the City may be working the wrong problem. The redirection of traffic in that area might be the bigger assist to improving traffic flow as opposed to computing the volume/capacity ratio.

Mr. Seal explained the interlacing problem where the fly-over comes together with 148th coming up the hill and people wanting to make a left-hand turn to the Bellevue Community College area. That interlacing is jamming traffic and causing accidents. The idea was to increase the size of the holding pattern to two lanes wide. He suggested a right-hand turn before the left-hand turn out of Landerholm Circle for those folks who want to go westbound or I-90, creating a direct path to the ramp.

Mr. Keeffe noted the potential of inordinate traffic increases northbound on 145th Place SE.

Chair Bell agreed with Mr. Leonard's suggested restriction of left-hand turns from northbound 148th onto Landerholm Circle during the PM peak traffic.

Mr. Seal stated that restricting the ability of people taking the fly-over from eastbound I-90 to northbound 148th forces traffic to instead exist off 150th, making the loop around to take the

bridge that crosses I-90 and the parking lot, and come to the south end of the campus. Although this route is a little longer, it eliminates a lot of the left-hand turn traffic at Landerholm Circle.

Mr. Halgren stated that, although he would support the restriction of left-hand turns from northbound 148th onto Landerholm Circle during the PM peak traffic, he was hesitant to endorse Mr. Seal's suggestion. Mr. Halgren stated his preference to leave the implementation of this idea to staff.

There was Council consensus to support a seventh recommendation to divert traffic toward the west end access.

Chair Bell called a 5 minute recess and reconvened at 8:55 PM.

Agenda Interruption

13. **EXECUTIVE SESSION**

(a) Pending Litigation

At 8:55 p.m., Chair Bell adjourned to executive session for approximately 40 minutes to discuss one item of pending litigation with Special Legal Counsel Carol Morris. The meeting reconvened at 9:35 p.m.

10. **UNFINISHED BUSINESS**: Continued

(c) Community Councils Web Page

Mr. Keeffe described the City Council web page and suggested another look be taken at the Community Councils' web page. He suggested that the Community Council undertake the task of refining their website.

Chair Bell reminded Council that the next Its Your City article was East Bellevue's responsibility. Mr. Halgren volunteered to undertake the authorship of the article.

(d) Acoustical Walls and 140th Project

Mr. Keeffe noted an example of a fence stone acoustical wall off 140th at about NE 5th. He suggested a memo to the Transportation Department recommending: 1. The proposed acoustical wall along 140th be 8 feet above grade of roadway; 2. In the case of the street walls, sealant be used; 3. Reasonable driveway returns; and, 4. Advise that both angle and short spans are available. He noted that staff to date had not submitted to the Community Council adequate depictions of driveway returns on drawings. Mr. Keeffe stated that he was amassing a file on the 140th project which included Community Council minutes and correspondence related to the project.

Mr. Keeffe next discussed the City's proposed taking for the acoustical wall placement.

There was Council consensus to draft a memorandum to the Transportation Department.

(e) Whispering Glen Multi Use Trail

Mr. Keeffe stated that, starting at Main Street, there is the Woodcreek development with a 20 foot buffer in the public's interest. The plan for placement of the proposed acoustical wall is at the location of the existing fences. He stated that he felt that was fine, taking the wall in 20 feet. Now, the property to the north of that is Whispering Glen. Whispering Glen has a 10 foot multi-use trail and utility easement. That 10 feet is virtually not used for utilities except for where they go normal to the road direction to enter a property with a utility. Mr. Keeffe stated again his position in support of those residents of Whispering Glen seeking the City's abandonment of the 10 foot easement, it being recognized that virtually no north/south utilities are in that easement. The only utility located within those easements is the telephone poles.

Mr. Lemieux stepped down at 10:00 PM.

There was consensus to draft a memorandum to the Transportation Department stating support of the residents along Whispering Glen seeking the City's relinquishment of the multi-use trail in question. Chair Bell pointed out that this would be a good opportunity to utilize the land under the City's easement judiciously, moving the wall out towards the roadway and mitigating some of the traffic sounds impacting second story homes.

Mr. Keeffe reminded Council of their request to be kept abreast of the 140th Project. The Clerk was asked to request such an update from staff for the October meeting.

(f) City Manager Candidate Process

Mr. Keeffe noted an article in the local newspaper regarding an upcoming opportunity for the public to meet the City Manager candidates. He reiterated Council's previous request to be extended the courtesy of an invitation.

(g) Red Light Running

Mr. Halgren reviewed Mr. Sparrman's response to the Community Council regarding the "Stop Red Light Running" program. He inquired if Council had an interest in taking the lead in pursuing a community partnership to raise awareness of the red light running hazard potential.

Mr. Keeffe stated he would join Mr. Halgren in the preliminary meetings with staff regarding initializing such a program in Bellevue.

Chair Bell suggested that Council go one step further at the preliminary meeting, asking for support of the entire program, which includes the placement of traffic intersection cameras.

(h) Robinswood Tennis Courts

Mr. Halgren briefly restated one of the requirements of the present conditional use permit is that the Parks Department take responsibility for maintaining the median. He explained that it was the expectation of the residents in the affected area that a follow up meeting to the initial April public meeting would take place in early May. That meeting occurred in the middle of August. The Parks Department has indicated final plans have been made, work is scheduled to begin in October.

(i) Affect of Community Council disapproval of Ordinance 5081

Chair Bell stated his support for the clean-up amendment as suggested in Carol Helland's memorandum dated July 6, 2000. The proposed fix would amend the Traffic Standards Code in effect within the jurisdiction of the Community Councils. The proposed amendment would be limited to the Application and Administrative section of the TSC and would simply include Process III projects within the list of applications to which the TSC applies.

There was Council consensus to transmit a memorandum to Matt Terry and members of the City Council in support of staff moving forward to correct this inadvertent omission.

11. **NEW BUSINESS**

(a) Grocery Store at Bel East

Mr. Keeffe noted the QFC proposed for the Bel East Center. He stated that, although not in the Community Council area, he would appreciate a staff briefing.

There was Council consensus to request a staff briefing at an upcoming meeting.

(b) SE 8th Celebration

Mr. Keeffe pointed out the notice for the upcoming SE 8th celebration.

(c) High Density Zoning in King County

Mr. Halgren reported on a proposed modification to the King County Land Use Code and/or Comprehensive Plan which would allow up to 48 units per acre. He stated his concerns, noting the inappropriateness of having high density/high rise condominiums built amongst neighborhood homes.

There was Council concurrence to submit a letter of opposition to the King County Council regarding this up-zoning proposal.

12. **CONTINUED COMMUNICATIONS**

(a) West Lake Sammamish Annexation Status

Chair Bell noted the letter in Council's packet from Kathleen Burgress updating the status of the current annexation effort.

(b) Summary of Local Transportation Vision Discussion

The Council reviewed the summary of East Bellevue Community Council's discussion on Local Transportation Vision submitted by the City's consultant and staff. Corrections to the summary were suggested. Mr. Keeffe stated he would submit corrections to staff.

(c) 2000-2001 Transportation Facilities Plan Draft EIS Comment Extension

Chair Bell reviewed proposed comments relating to the 2000-2011 Transportation Facility Plan EIS. He stated he would compile Council's review comments and submit to staff in memorandum form.

Mr. Keeffe noted the correspondence received from Renee Bennett and Geoffrey Bidwell. He stated he would extend the Council's appreciation for their involvement.

Mr. Halgren reported on items contained in the Planning Commission's agenda.

Mr. Halgren next reminded Council of their previous request for updates pertaining to legislative activities in Olympia. There was Council discussion regarding various avenues available to the Community Council in pursuit of legislative information.

Mr. Keeffe suggested identifying a specific list of interest and drafting a letter to Karen Reed, asking to be kept abreast of legislative actions pertaining to these subjects.

On another subject, Mr. Halgren noted the draft Community Council brochure in the desk packet.

Mr. Halgren requested that the Council revisit their current agenda order and perhaps modify it to accommodate public interest.

Chair Bell reported that he would be participating at the Neighborhood Network North meeting on September 6, 2000, representing the Community Council. He asked whether there was

interest in a Community Council presence at the Neighborhoods in Action open house on October 7, 2000. Council indicated an interest.

In response to Mr. Eder's request for Community Council support in exploring water quality improvement options, Mr. Halgren and Mr. Seal indicated their willingness to meet with Mr. Eder and staff on this issue.

14. APPROVAL OF MINUTES

Mr. Halgren moved to approve the August 1, 2000 Summary Regular Meeting Minutes, as presented, and Mr. Keeffe seconded the motion. The motion to approve the August 1 meeting minutes carried by a vote of 4-0.

15. ADJOURNMENT

Mr. Keeffe moved to adjourn the meeting. Mr. Bell seconded the motion which carried 4-0.

The East Bellevue Community Council regular meeting of September 5, 2000, was adjourned at 11:04 p.m.

Michelle Murphy

Michelle Murphy
Deputy City Clerk

ORIGINAL

WP0311C-ORD
04/29/94

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4646

AN ORDINANCE regarding the definitions of retail and wholesale sales; limiting the size of retail uses in certain subareas; providing that the Director of the Department of Community Development may require additional parking in certain cases; and amending sections 20.50.046, 20.20.590.G, and 20.10.440 of the Land Use Code.

WHEREAS, the concept of retail marketing has expanded over recent years to include warehouse style retailing that often combines discounted sales and wholesale marketing with more traditional retail sales; and

WHEREAS, warehouse-style retail establishments, in some cases, require higher on site parking ratios due to a slower turnover in parking stalls than more traditional retail sites; and

WHEREAS, the City of Bellevue has complied with the Environmental Procedures Code and the State Environmental Policy Act; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The following subsections of Section 20.50.046 of the Land Use Code are hereby amended to read as follows:

SALES, RETAIL. Sale to the ultimate consumer for direct consumption, provided that sales at a wholesale or discounted price for resale to the general public are permitted where more than 50% of total sales are to the ultimate consumer for direct consumption.

SALES, WHOLESALE. Sale for resale not for direct consumption. Wholesale sales include trade sales and distribution activities. Wholesaling establishments are those businesses engaged primarily (more than 50% of total sales) in selling merchandise to retailers or to industrial, commercial, or professional business uses.

Section 2. Section 20.20.590.G of the Land Use Code is hereby amended to read as follows:

20.20.590...

ORIGINAL

WP0311C-ORD
04/29/94

G. Director's Authority to Require Parking Exceeding Maximum:

The Director of Community Development may require the installation of more than the maximum number of parking stalls, for other than office uses, if the Director determines that-

1. Such additional parking is necessary to meet the parking demand for a specified use, and

2. Cooperative use of parking is not available or adequate to meet demand, and

3. The maximum number of compact size stalls has been used, and

4 Any required Transportation Management Program will remain effective.

Section 3. Section 20.10.440 (Wholesale and Retail Chart) of the Bellevue City Code (Land Use Code) is hereby amended to read as follows:

CHART 20.10.440
USES IN LAND USE DISTRICTS **WHOLESALE & RETAIL**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	PROFESSIONAL OFFICE PO	OFFICE O	OFFICE/LIMITED BUSINESS OLB	LIGHT INDUSTRY LI	GENERAL COMMERCIAL GC	NEIGHBORHOOD BUSINESS NB 5	COMMUNITY BUSINESS CB 36	OFFICE DISTRICT 1 CBD 0-1	OFFICE DISTRICT 2 CBD 0-2	MIXED USE DISTRICT CBD MU	RESIDENTIAL DISTRICT CBD R	OLD BELLEVUE DISTRICT CBD OB	OFFICE AND LIMITED BUSINESS DISTRICT CBD OLB
5	TRADE (WHOLESALE & RETAIL)													
51	WHOLESALE TRADE: GENERAL MERCHANDISE, PRODUCTS, SUPPLIES MATERIALS & EQUIPMENT EXCEPT THE FOLLOWING: 1				P	P								
5111 5156 5157 5191 5192	WHOLESALE TRADE: MOTOR VEHICLES, PRIMARY & STRUCTURAL METALS, BULK PETROLEUM 2				P	C								
5193	SCRAP WASTE MATERIALS, LIVESTOCK													
	RECYCLING CENTERS				P	P	P	P	P	P	P	C	C	
521 522 523 524	LUMBER & OTHER BULKY BUILDING MATERIALS INCLUDING PREASSEMBLED PRODUCTS 3				P 35	P		P	P	P	P			
5251	HARDWARE PAINT, TILE & WALLPAPER (RETAIL)				S 35	P	P	P	P	P	P	P 21, 23	P 30	
5252	FARM EQUIPMENT				P 35									
53	GENERAL MERCHANDISE: DRY GOODS VARIETY & DEPT. STORES (RETAIL)							P	P	P	P	P 22, 23	P 30	
54	FOOD & CONVENIENCE STORE (RETAIL) 27					P	P	P	P	P	P	P 22, 23	P 30	
5511	AUTOS (RETAIL)				A 4, 35	P		C	P 24	P 24	P			
	TRUCKS, MOTORCYCLES, RECREATIONAL VEHICLES (RETAIL)				P 7, 35	P			P 24, 25	P 24, 25	P			
	BOATS (RETAIL)				P 35	P			P 24	P 24	P			
552	AUTOMOTIVE & MARINE ACCESSORIES (RETAIL)				P 35	P		P			P			
553	GASOLINE SERVICE STATIONS			A 34	P 34, 35	P	P	P	A S	A S	P			A 34 S

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.
*NOT EFFECTIVE WITHIN THE JURISDICTION OF THE EAST BELLEVUE COMMUNITY COUNCIL AND SAMMAMISH COMMUNITY COUNCIL

CHART 20.10.440
USES IN LAND USE DISTRICTS **WHOLESALE & RETAIL**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	PROFESSIONAL OFFICE PO	OFFICE O	OFFICE/LIMITED BUSINESS OLB	LIGHT INDUSTRY LI	GENERAL COMMERCIAL GC	NEIGHBORHOOD BUSINESS NB 5	COMMUNITY BUSINESS CB 36	OFFICE DISTRICT 1 CBD 0-1	OFFICE DISTRICT 2 CBD 0-2	MIXED USE DISTRICT CBD MU	RESIDENTIAL DISTRICT CBD R	OLD BELLEVUE DISTRICT CBD OB	OFFICE AND LIMITED BUSINESS DISTRICT CBD OLB
56	APPAREL & ACCESSORIES (RETAIL)			S				P	P	P	P	P 21, 23	P 30	S
57	FURNITURE, HOME FURNISHING (RETAIL)				P 11, 35	P		P	P	P	P	P 21, 23	P 30	
58	EATING AND DRINKING ESTABLISHMENTS		P 13	P 14	P 15, 29, 35	P	P 16	P	P 28	P 28	P 28	P 23, 28	P 28	P 14, 28
59	MISC. RETAIL TRADE: DRUGS, LIQUOR, ANTIQUES, BOOKS, SPORTING GOODS, JEWELRY, FLORIST, PHOTO SUPPLIES, VIDEO RENTALS & COMPUTER SUPPLIES		P 17	S		P 18	P 19	P	P	P	P	P 21, 23	P 30	S
	ADULT RETAIL ESTABLISHMENTS 31			S				P	P	P	P		P	S
5961	FARM SUPPLIES, HAY, GRAIN, FEED AND FENCING, ETC. (RETAIL)				P 35	P								
596	RETAIL FUEL YARDS				P 35	P								
5996	GARDEN SUPPLIES, SMALL TREES, SHRUBS, FLOWERS, GROUND COVER, HORTICULTURAL NURSERIES & LIGHT SUPPLIES AND TOOLS				P 35	P	P 20	P 20			P 20			
5999	PET SHOP (RETAIL & GROOMING)				P 26, 35	P 26	P	P	P	P	P	P 21, 23	P 30	
	FIREWORKS STANDS 32	P	P	P	P 35	P	P	P	P	P	P	P	P	P
	COMPUTERS & ELECTRONICS (RETAIL)				P 12, 35	P 12		P	P	P	P	P 21, 23	P 30	

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.
(Ordinance 4516, 4-12-93, Section 1; Ordinance 4422, 9-28-92, Section 2; Ordinance 3530, 8-12-85, Section 7)
*NOT EFFECTIVE WITHIN THE JURISDICTION OF THE EAST BELLEVUE COMMUNITY COUNCIL AND SAMMAMISH COMMUNITY COUNCIL

ORIGINAL

NOTES: USES IN LAND USE DISTRICTS-WHOLESALE AND RETAIL

1. Wholesale Trade includes sales offices for these goods.
2. Wholesale trade of motor vehicles, primary and structural metals, bulk petroleum includes sales offices for these goods and excludes tank farms.
3. Bulk Retail includes sales offices for these goods.
4. Automobile (Retail) is subject to the decision criteria in Section 20.20.135. (Ord. 4176, 11-26-90, Section 3)
5. Each individual wholesale and retail use in NB districts, except retail food stores and miscellaneous retail trade, is limited to 5000 square feet. Wholesale and retail uses intending to operate between the hours of 12:00 midnight and 6:00 a.m. must obtain administrative conditional use approval. The applicant must meet the decision criteria for an Administrative Conditional Use Permit set forth in LUC Chapter 20.30E, and must demonstrate that: 1) the use will meet the requirements of the Noise Control Ordinance, BCC Chapter 9.18; and 2) the use will meet the lighting standards of the Community Retail Design District for all lighting fixtures on the premises that would be lit between the hours of 12:00 midnight and 6:00 a.m. Businesses operating between the hours of 12:00 midnight and 6:00 a.m. on the effective date of this ordinance are exempt from the ACUP requirements.
6. Deleted by Ord. 4422.
7. Motorcycle (Retail) requires administrative conditional use approval in LI districts. (Ord. 4176, 11-26-90, Section 3)
8. Boats (Retail) are permitted subject to Planned Unit Development and only as a subordinate use in waterfront areas of the OU district.
9. Automotive & Marine Accessories (Retail) are permitted only as a subordinate use to a permitted or special use and only if it is marine-related in OU districts.
10. Gasoline Service Stations are permitted only as a subordinate use to a permitted or special use and only if it is marine-related in OU districts.
11. Furniture and Home Furnishings are limited to uses with on-site warehousing in LI districts.
12. Computer supplies are permitted as a subordinate use to computer sales in LI and GC districts. (Ord. 4176, 11-26-90, Section 3)
13. Eating and Drinking establishments are excluded in Transition Areas in O districts.
14. Eating and Drinking establishments are permitted in OLB and CBD-OLB districts subject to the following criteria:
    a. Such uses are physically integrated within a structure primarily used as a hotel or motel, office building, charitable, social, professional

ORIGINAL

and labor organization, fraternal lodge, recreational facility or institution such as a hospital or public assembly (indoor).

b. Such uses do not exceed 20% of the gross floor area of the structure or structures.

c. The entire site complex has a unity of design in terms of wall and roof materials, roof slopes and window patterns.

15. Eating and drinking establishments are permitted in LI districts only if located in a multiple function building or complex.
16. Eating and Drinking establishments may include liquor sales only if operated under a Class A or C liquor license issued by the Washington State Liquor Control Board. Eating and drinking establishments with other classes of liquor licenses require administrative conditional use approval. Drive-in windows are not permitted.
17. Other Retail Trade is limited to drugstores only in O districts.
18. Miscellaneous retail trade is limited to specialty sporting goods in GC district. (Ord. 4176, 11-26-90, Section 3)
19. Except for drugstores, all miscellaneous retail uses combined cannot exceed 10,000 square feet and each individual use cannot exceed 3,000 square feet.
20. Garden Supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment in NB, CB and CBD-MU districts.
21. Limited to a maximum of 1,500 gross square feet per establishment.
22. Limited to a maximum of 3,000 gross square feet per establishment, except for food, retail. (Ord. 4117, 1-16-90, Section 1)
23. Nonresidential uses are permitted in CBD-R only when developed within the same project limit and simultaneously with an equal or greater amount of floor area devoted to residential uses. (Ord. 4117, 1-16-90, Section 1)
24. No onsite outdoor display or inventory storage.
25. Motorcycles only.
26. Only pet grooming is permitted in the LI and GC districts. (Ord. 4176, 11-26-90, Section 3)
27. Food and convenience stores (Retail) must contain at least 75% square footage of retail food sales not for consumption on premises. (Ord. 4028, 7-17-89, Section 1)
28. Drive-in windows are not permitted.
29. No more than one eating and drinking establishment is permitted in any building. (Ord. 2966, 1-18-82, Section 2)
30. Limited to a maximum of 15,000 gross square feet per establishment or up to 25,000 gross square feet through a conditional use. (Ord. 3813, 7-20-87, Section 1)

ORIGINAL

31. Adult Retail Establishments are subject to the regulations for Adult Entertainment Uses in Section 20.20.127. (Ord. 3884, 2-16-88, Section 1)
32. Firework stands do not require temporary use approval but must comply with Bellevue City Code Section 23.10.1461. Adequate access to the stand and off-street parking must be provided. (Ord. 4028, 7-17-89, Section 1)
33. Horticultural nurseries are permitted without conditional use approval in OU Districts. (Ord. 4028, 7-17-89, Section 1)
34. Gasoline Service Stations may include subordinate convenience stores. (Ord. 4028, 7-17-89, Section 1)
35. Any business which combines two or more permitted retail sales uses and also includes subordinate retail sales uses shall be limited in size to 50,000 square feet. (Ord. 4516, 4-12-93, Section 1)
36. Retail uses in CB districts in the following subareas, as designated in the Comprehensive Plan, are limited in size to 100,000 gross square feet or less: Bridle Trails, Evergreen Highlands, Newcastle, North Bellevue, Northeast Bellevue, Richards Valley, South Bellevue, Southeast Bellevue, Wilburton.

Section 4. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

ORIGINAL

WP0311C-ORD
04/29/94

PASSED by the City Council this 2nd day of May, 1994, and signed in authentication of its passage this 2nd day of May, 1994.

(SEAL)

Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

Published May 6, 1994

ORIGINAL

EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION
OF THE CITY OF BELLEVUE, WASHINGTON

Resolution No. 353-A

A RESOLUTION of the East Bellevue Community Council disapproving City Council Ordinance No. 4646 regarding the definitions of retail and wholesale sales; limiting the size of retail uses in certain subareas; providing that the Director of the Department of Community Development may require additional parking in certain cases; and amending Sections 20.50.046, 20.20.590.G, and 20.10.440 of the Land Use Code.

WHEREAS on the 2nd day of May, 1994, the City Council of the City of Bellevue, Washington passed Ordinance No. 4646 regarding the definitions of retail and wholesale sales in the Land Use Code; and

WHEREAS, the subject matter of said Ordinance falls within the jurisdiction of the East Bellevue Community Council pursuant to RCW 35.14.040; and

WHEREAS, the East Bellevue Community Council has participated throughout the process of developing this legislation, consistently raising the concerns outlined in this resolution before the Planning Commission and the Bellevue City Council; and

WHEREAS, the East Bellevue Community Council believes disapproval of Ordinance No. 4646 is the only way to meet its statutory obligation to its constituents to ensure that development within the East Bellevue Community Municipal Corporation boundaries is consistent with the current Comprehensive Plan; and

WHEREAS, although not generally opposed to stores which do warehouse-style retailing, the East Bellevue Community Council has consistently held that the impacts of such stores are potentially of such significance that they should only be located through a site-specific public review process; and

WHEREAS, following a public hearing held before the East Bellevue Community Council on June 7, 1994, the East Bellevue Community Council voted in open meeting to disapprove Bellevue Ordinance No. 4646;

NOW, THEREFORE, the Community Council of the East Bellevue Community Municipal Corporation of the City of Bellevue resolves as follows:

Section 1: The East Bellevue Community Council hereby disapproves Ordinance No. 4646 enacted by the Bellevue City Council on May 2, 1994 and pursuant to RCW 35.14.040, Ordinance No. 4646 shall not become effective within the area of the East Bellevue Community Municipal Corporation.

ORIGINAL

Section 2: The East Bellevue Community Council disapproves Ordinance No. 4646 for the following reasons:

1. The City of Bellevue adopted an updated Comprehensive Plan in December, 1993. The proposed Land Use Code amendments are not consistent with the vision for Community Business districts as described in the subarea plans included in that Comprehensive Plan. Any changes should occur first through amendment to the subarea plans, rather than subverting the current CB designation by a definitional change.

2. No definitions of the words "local," and "community" exist in the current Comprehensive Plan to provide clarification of intent.

3. A basic premise of Bellevue's Comprehensive Plan is to encourage the location of large businesses in the downtown area, where infrastructure improvements have been, and continue to be, made to accommodate this goal. The downtown area was rezoned in August, 1981, to encourage concentrations of retail, office and high-rise residential development. Passage of the legislation in question encourages sprawl of large retail development, contrary to both the Bellevue Comprehensive Plan and the Growth Management Act.

4. Warehouse retailing stores are intended to draw from a broader area than was envisioned by the citizens advisory committees that developed the subarea plans. CB zones are not intended to serve large regional markets, rather, they are meant to serve the adjacent residential communities. Allowing warehouse retailing stores to locate in CB zones is inconsistent with the intent of the Comprehensive Plan and effectively amends the Comprehensive Plan without going through the planning process.

5. CB zones are often adjacent to affordable single family housing. Location of a warehouse retailing store would contribute to a deterioration in the quality of life in the neighborhood and result in a degradation of these affordable homes, contrary to the Housing Element of the Comprehensive Plan which emphasizes preservation, maintenance, and improvement of quality affordable housing.

6. Warehouse retailing stores are major regional traffic generators, yet Ordinance No. 4646 encourages their location (by not limiting their size to 100,000 square feet) in subareas where some of the most congested traffic patterns in the City are already found.

7. Parking requirements are not specified in the ordinance, so parking impacts have not been determined or evaluated.

8. The Community Council believes that siting of warehouse retailing uses should be done pursuant to a process which would include open public hearings and opportunities for citizen input as to impacts and potential mitigations of these impacts, not by simply changing definitions.

Section 3: The Clerk is hereby directed to certify the original of this Resolution, to file the same and to keep the same on file in her office. The Clerk is further directed to distribute certified or conformed copies of this

ORIGINAL

Resolution to the Bellevue City Council, the Office of Policy Planning, and the Department of Community Development.

PASSED by a majority vote of the East Bellevue Community Council on the 7th day of June, 1994 and signed in authentication of its passage this 17th day of June, 1994.

(SEAL)

James E. Bell
James E. Bell, Chair

ATTEST:

Sharon Mattioli
Sharon Mattioli, CMC
Deputy City Clerk

ORIGINAL

384

CITY OF BELLEVUE
EAST BELLEVUE COMMUNITY COUNCIL

Summary Minutes of Regular Meeting

June 7, 1994
6:00 p.m.

Lake Hills Library
Bellevue, Washington

PRESENT: Chair Bell, Councilmembers Halgren, Keeffe, and Seal

ABSENT: Councilmember Kranzler

STAFF: Richard Gidley, Deputy City Attorney
Julia Kruger, Senior Planner, Dept. of Community Development
Faith Lumsden, Acting Environmental Coordinator

1. Call to Order

The meeting was called to order at 6:00 p.m. by Chair Bell, who presided.

2. Roll Call, Flag Salute

Upon roll call by the Deputy City Clerk, all Councilmembers were present with the exception of Mr. Kranzler. Mr. Halgren arrived immediately thereafter.

Mr. Keeffe led the flag salute.

3. Communications: Written and Oral

(a) James Eder, 15422 SE 7th Pl., submitted a letter opposing the location of group homes in single family residential areas. He said providers are being paid to take in clients, thereby creating businesses. The location of group homes is contrary to most residential covenants, which Mr. Eder said indicates that providers are "unscrupulous".

Continuing, he felt that it is misleading for the Planning Commission to indicate that its recommendations represent the public's perspective when most of those who testified at the public hearing opposed the proposed legislation. In his view, the process is faulty if the Planning Commission ignores public sentiment. Mr. Eder also felt the democratic process is subverted when City Councilmembers propose their own legislation.

Mr. Eder expressed the opinion that homeowners feel more of a responsibility to the quality of life in the neighborhood than renters, and that group home inhabitants would feel no responsibility. He felt such facilities should be in multi-family or commercial zones. The goal of the Comprehensive Plan is enhancement of neighborhoods, yet this legislation does the opposite. He recommended that the process by which legislation is formulated be improved, and that the Community Councilmembers become more involved in this process.

In conclusion, Mr. Eder asked what action has been taken on the request he made last month that current Land Use Code provisions be enforced regarding group homes.

(b) Jim Kenney, 15645 SE 31st, also spoke about group homes, submitting a June 18, 1993 police report describing a series of incidents during which a troubled youth crashed a car and set it on fire in East Bellevue. He did not oppose group homes, noting the problem is "group care facilities", that take in clients such as troubled youths.

Turning to Phase I of the Land Use Code, Mr. Kenney said the Planning Commission originally responded to neighborhood concerns regarding odor protection, spillover lighting and OLB height limits. Unfortunately, the Chamber of Commerce did not participate until the public process was over, receiving special treatment from the Planning Commission and the City Council, which he felt violates the public process.

He said the current odor provision is needed to protect neighborhoods from the "Tacoma aroma", which is permitted by less stringent state laws. Regarding spillover lighting, the new regulation only applies to new construction and would essentially legalize all the current spillover lighting occurring in transition zones. The Pac West facility is an example.

Mr. Keeffe introduced a Japanese exchange student staying with him before doing graduate work at Stanford University.

Mr. Halgren thanked the audience for their input and assured them the Council is following the group homes situation. He expressed surprise that the Bellevue Police Department indicated that group homes have not been a problem.

4. Reports of City Council, Boards, and Commissions: None

5. Approval of Agenda

Mr. Keeffe moved approval of the agenda. Mr. Halgren seconded the motion. "Shoulder Passing on 140th Ave." was added as Item 10(d) and "Pac West Violations" was added as Item 10(e). A vote was taken on the motion, which carried unanimously, and the amended agenda was approved.

6. Report of Department of Community Development: None

7. Public Hearings and 8. Resolutions

(a) Public hearing to consider approval of City Council Ordinance No. 4651 reclassifying approximately 1.82 acres of property located at 1640 - 148th Ave. S.E., on application of Mercer International, Inc.

After Chair Bell described the hearing procedures, Julia Kruger, Senior Planner, outlined the rezone proposal, which is consistent with the

Comprehensive Plan.

Responding to Mr. Keeffe, Ms. Kruger said the rezone will allow 20 units to the acre. This might generate up to .7 peak hour trips per day.

Responding to Mr. Keeffe's question about the southbound access into the property from 148th Ave. S.E., Greg Elderkin, speaking for the applicant, said this is only an emergency access.

Ms. Kruger said that, although the rezone does not limit the type of development, the applicant is interested in constructing an Alzheimer facility to replace the nursing home which previously operated on this site.

Mr. Halgren asked whether there were previous efforts to rezone this property, noting he had asked this same question during the courtesy public hearing. He believed that some piece of property in the area had been the subject of a City-initiated rezone which was not finalized. Mr. Elderkin said this property has never been up for a rezone.

Mr. Halgren asked if actions were taken to ensure compatibility of new construction with the adjacent residences. Ms. Kruger responded said the new zoning is the same as the immediately abutting properties, so staff did not feel an unusual situation existed that would require height conditions.

Mr. Halgren noted the development to the east is not as high as could be allowed. It could be a 40-foot building if underground parking were provided. Mr. Keeffe commented no other building in East Bellevue is that high.

Ms. Kruger responded the property would come under design review, when compatibility issues would be considered.

Chair Bell clarified the adjacent zonings and asked about transition. Ms. Kruger said any portion of the property which abuts the single-family area will be in transition, which could limit the number of units.

Chair Bell asked about the concomitant agreement, and Ms. Kruger explained that when the City grants additional density in a privately-initiated rezone, it requires an increase in the amount of affordable housing through a concomitant agreement.

Responding to Mr. Keeffe regarding transition requirements, Ms. Kruger said at least a 30-foot building setback is required, along with landscaping and fencing requirements. The building could be up to 30 feet, measured from existing grade, but a bonus of 10 feet is possible if certain other amenities are included. Other aspects of the facility must also be considered, in terms of color, light reflection, etc.

Mr. Keeffe asked about the pitched roof, noting that measuring to the mean of a very steep pitched roof might allow lofts or garrets.

Noting the Code tries to encourage pitched roofs (as being more compatible with single-family homes), Ms. Kruger said that the example Mr. Keeffe

mentioned, where lofts were allowed, occurred twenty years ago, and the City is more sensitive to these concerns now.

Clarifying for Mr. Keeffe, Ms. Kruger said there is no unit bonus for going through design review. She felt the City would advise the developer that trying to obtain another story would not be compatible, and it would be difficult for a developer to try to push through such a design.

Mr. Halgren asked about the number of units, which is referenced at 45 rather than 36 in the Hearing Examiner's packet. Ms. Kruger said what the applicant called "units" are not really units but are closer to hospital rooms, i.e., bedrooms with baths or shared baths. These are allowed in the Land Use Code for assisted living facilities.

Mr. Elderkin clarified that senior citizen dwellings of less than 600 square feet count as only .5 of a unit. This is the calculation used to get 45 units.

Mr. Halgren then clarified that if all the units were this small, 72 would be allowed by the zoning. He asked how affordable housing is achieved with this type of proposed use. Ms. Kruger said affordable housing is not required if an Alzheimer facility is built, because the Code does not require affordable housing for nursing homes. However, nothing in the rezoning action requires this particular development.

Chair Bell opened the public hearing.

(a) Greg Elderkin, representing the applicant, supported the proposal and offered to answer questions.

(b) Linda McClenahan, 14823 SE 18th Pl., asked about the process, which was clarified for her, and then reported that the corner lot on SE 16th, which is zoned PO, had been up for rezoning and been denied. She noted the residents of San Souci were concerned about loss of sunlight if a tall building is constructed next door, and the danger their swimming pool might present.

Mr. Halgren asked how the courtesy public hearing input is conveyed to the Hearing Examiner. The Deputy City Clerk noted the staff report contains a summary of the comments. The Hearing Examiner does not automatically receive the minutes, but they can be added to the file and brought forward that way. Alternatively, they can be entered into the record by someone testifying at the hearing.

Upon motion by Mr. Keeffe, seconded by Mr. Halgren and carried unanimously, the public hearing was closed.

Mr. Keeffe supported the current proposal but asked whether the applicant is required to build it after getting the rezone. Ms. Kruger said there is no legal way for the City to ensure that the proposed facility is built.

Resolution No. 352 approving City Council Ordinance No. 4651 reclassifying approximately 1.82 acres of property located at 1640 - 148th Ave. S.E., on application of Mercer International, Inc.

Mr. Halgren moved adoption of Resolution No. 352. Mr. Seal seconded the motion.

Mr. Halgren expressed his support of the intended use. However, he was concerned about the potential height problem. He said if the preliminary plans are followed, the applicant will not try to force every single unit possible out of the property.

Mr. Keeffe agreed on the need for these facilities. However, he was concerned with the possibility of additional height and allowing an extra story as lofts. He said the City has been asked in the past to eliminate this potential problem legislatively and has not done so. He also pointed out that past rezones were granted, and then proposals were changed substantially.

Mr. Keeffe moved an amendment to require that, because of the worsening traffic problems on 148th Ave., the emergency access capability be terminated when the site is no longer used for the intended purpose as an assisted living facility. Mr. Halgren seconded the motion.

Responding to Chair Bell's question, Richard Gidley, Deputy City Attorney, clarified that the Community Council cannot add conditions to legislation already passed by the City Council. However, it could make a recommendation that Mr. Keeffe's proposal be taken into consideration during design review. Mr. Keeffe agreed with this approach and withdrew his motion. The seconder agreed.

A vote was taken on the motion to approve Resolution No. 352, which carried 3 - 1, with Mr. Keeffe dissenting.

There was consensus to forward the recommendation regarding elimination of the emergency access as previously described.

(b) Public hearing to consider approval of City Council Ordinance No. 4646, regarding the definitions of retail and wholesale sales; limiting the size of retail uses in certain subareas; providing that the Director of the Department of Community Development may require additional parking in certain cases; and amending Sections 20.50.046, 20.20.590G, and 20.10.440 of the Land Use Code; and to consider approval of City Council Resolution No. 5778, amending the definition of Community Business in the Comprehensive Plan of the City of Bellevue, as adopted pursuant to the Growth Management Act of 1990, as amended (chapter 36.70A RCW) and as separately adopted pursuant to Chapter 35A.63 RCW, and amending Sections 1 and 2 of Resolution No. 5726

June 7, 1994

Faith Lumsden, Acting Environmental Coordinator, provided background on the development of this ordinance, noting it permits Costco-type stores in two zones. It allows stores that sell primarily retail to do some wholesaling and allows the Director of Community Development to require additional parking, if needed to meet the demand. Finally, a size limit is placed on the retail uses in the Community Business zones, except in the Factoria, Crossroads, Eastgate and Bel-Red subareas. The resolution changes the definition of Community Business in the Comprehensive Plan, no longer requiring the sale of merchandise for direct consumption only. She concluded the City Council also allowed the sale of lumber downtown.

Mr. Seal commented that many stores in CB zones already draw regional business. He felt the concept of "community business" has been violated many times over the years, but people enjoy using the larger businesses. He was most concerned about the possibility of opening up the OLB zones, particularly in Eastgate.

Mr. Keeffe asked what happened to the idea of a new land use designation, to which Ms. Lumsden responded that the Planning Commission decided the current Land Use Code structure and zoning designations are satisfactory. The Code deals with broad categories of uses, not specific types of stores. The addition of a new designation would violate the principles that support the rest of what has been done.

Mr. Halgren asked about the Comprehensive Plan modification, and the retention of the word "retail" in the definition. Ms. Lumsden explained the concern is to make clear that a wholesale distribution-type center would not be allowed in a CB zone. It clarifies that there is no conflict between the Comprehensive Plan and the Land Use Code.

Mr. Halgren asked if the Planning Commission held a public hearing on the Comprehensive Plan modification. Ms. Lumsden said the second public hearing included this item.

Chair Bell commented that the Community Council's action will have limited impact on business areas. He opened the public hearing.

Jim Kenney, 16245 SE 31st St., argued that current stores in Eastgate are not regional and are used primarily by local residents. He compared these to Costcos, which draw from large areas. He said the Community Council residential areas will be affected if these large stores go in.

Mr. Kenney pointed out there is some CB zoning where the Park 'N Ride lot is adjacent to the Sunset campus. Noting the Eastgate subarea has 40 acres of CB zoning, some of it next to some of the nicest affordable single-family housing in Bellevue, he stated CB zoning allows some very intense uses, which the Growth Management Act does not intend in suburban areas. Neither does the Eastgate subarea plan, which says retail and office development should be limited to be compatible with surrounding neighborhoods. He said the extra parking flexibility is contrary to what Bellevue's policy has been, i.e., to

limit the size of parking lots. He questioned why big-box stores should be given an exemption, when no data was provided.

Continuing, Mr. Kenney said traffic in the Eastgate area is very congested. It has worsened regardless of SEPA conditions imposed over the past few years. Finally, he said the infrastructure downtown has already been paid for and traffic is not as congested there.

Mr. Kenney recommended that EBCC veto this ordinance and work, during Phase II, to reduce the intense uses currently allowed in CB zones.

Upon motion by Mr. Keeffe, seconded by Mr. Seal and carried unanimously, the public hearing was closed.

Mr. Keeffe asked if there are definitions of "local", "community" and "regional" in the Comprehensive Plan or Land Use Code. Ms. Lumsden said "regional" is defined somewhere, but all these words are used as general terms with their common meanings.

> Resolution No. 353-A disapproving City Council Ordinance No. 4646, regarding the definitions of retail and wholesale sales; limiting the size of retail uses in certain subareas; providing that the Director of the Department of Community Development may require additional parking in certain cases; and amending Sections 20.50.046, 20.20.590G, and 20.10.440 of the Land Use Code

Mr. Keeffe moved adoption of Resolution No. 353-A. Mr. Halgren seconded the motion.

Mr. Keeffe commented that since 1979 Bellevue has been justifying the CBD Comprehensive Plan and subsequent rezones by alleging that office, high-rise residential and retail will be contained within the downtown. This has not happened. He noted parts of two of the recommended exempt subareas are in EBCC. He also noted the deterioration of housing adjacent to these large stores in California. He concluded that various individuals and groups asked for a new designation but were disregarded. He could not support this legislation, which lacks three critical definitions.

Mr. Halgren said disapproval will not affect the ability to use CB properties in East Bellevue; however, it will significantly impact the entire area. Noting he has consistently supported a separate category, he reported on addressing the issue of consistency with the Eastgate subarea plan at the Planning Commission.

Regarding parking, Mr. Halgren said the amount of parking needed by a business should be determined by the business, not the Director, once a minimum is met. He felt provision of adequate parking should be the business' responsibility. He also feared traffic impacts and, therefore, did not support the legislation.

Mr. Seal noted most of the areas that could be used for these large stores are outside the Community Council jurisdiction. He did not feel supporting the motion would change much in terms of current practice. However, he reiterated his concern about the possibility of changing the OLB zone.

Ms. Lumsden noted the issue of allowing these uses in OLB was discussed by the City Council and rejected.

Chair Bell also supported the motion. He said it has been made very clear that the approach should be to first amend the subarea plan to achieve the desired result, not take the short cut approach of subverting the CB designation and walking over the intent of Comprehensive Plan.

A vote was taken on the motion to approve Resolution No. 353-A, which carried unanimously, and City Council Ordinance No. 4646 was disapproved. Chair Bell said the reasons for the disapproval will be drafted based on tonight's discussion.

Mr. Keeffe asked the City to come up with definitions of "local," "regional" and "community", because they are critical to the process.

> Resolution No. 354-A disapproving City Council Resolution No. 5778, amending the definition of Community Business in the Comprehensive Plan of the City of Bellevue, as adopted pursuant to the Growth Management Act of 1990, as amended (chapter 36.70A RCW) and as separately adopted pursuant to Chapter 35A.63 RCW, and amending Sections 1 and 2 of Resolution No. 5726

Mr. Keeffe moved approval of Resolution No. 354-A. Mr. Halgren seconded the motion.

Mr. Keeffe said his previous statement regarding lack of definitions justifies his vote on this item.

Mr. Halgren believed the citizens advisory committee had a common understanding about what they meant by the language when they developed the Eastgate subarea plan, and the proposed action is inconsistent with that understanding. He also felt it would not be consistent to disapprove the Land Use Code amendment and approve the Comprehensive Plan change.

Mr. Seal said approval would bring some businesses into compliance, but Ms. Lumsden commented that the regulations are in the Land Use Code, which EBCC disapproved.

A vote was taken on the motion to approve Resolution No. 354-A, which carried unanimously, and City Council Resolution No. 5778 was disapproved. Again, Chair Bell noted the reasons for the disapproval will be drafted based on the discussion.

WP0140C-ORD
04/06/93

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4511

AN ORDINANCE relating to eliminating the conditional use permit requirement for certain city park projects; amending section 20.10.440 (Recreation Chart) and adding a new footnote to that section; and amending sections 20.25H.080 (Protected Area Uses) and 20.50.040 (Additional Definitions) of the Bellevue Land Use Code.

WHEREAS, the Bellevue City Council and the Bellevue Park Board use a public Master Plan process for reviewing and approving city park projects to be developed by the City of Bellevue; and

WHEREAS, the Master Plan process provides significant opportunities for public review and input; and

WHEREAS, city park projects, after review by the Park Board, are subject to review and approval by the City Council; and

WHEREAS, the requirement of obtaining a conditional use permit for park projects which have already been approved by the Park Board and the City Council often outweighs the benefits associated with that process for city parks and facilities with low impacts to the surrounding neighborhood; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and the City's Environmental Procedures Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code (Land Use Code) Section 20.10.440 (Recreation Chart) is amended as follows:

ORIGINAL

CHART 20.10.440
USES IN LAND USE DISTRICTS

RECREATION

STD LAND USE CODE REF	LAND USE CLASSIFICATION	GENERAL	AGRICULTURE	OPEN USE	RESIDENTIAL											PROFESSIONAL OFFICE	OFFICE	OFFICE/LIMITED BUSINESS	LIGHT INDUSTRY	GENERAL COMMERCIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	CENTRAL BUSINESS DISTRICT	OFFICE DISTRICT 1	OFFICE DISTRICT 2	MIXED USE DISTRICT	RESIDENTIAL DISTRICT	OLD BELLEVUE DISTRICT	OFFICE AND LIMITED BUSINESS DISTRICT
		G	A	OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	NB	CB		CBD 0-1	CBD 0-2	CBD MU	CBD R	CBD OB	CBD OLB
7	CULTURAL ENTERTAINMENT AND RECREATION																												
711	LIBRARY, MUSEUM			C			C 1	C 1	C 1	C 1	C 1	C 1	C 1	C 1	C 1	P	P	P				P		P	P	P	A	A	P
7113	ART GALLERY			C			C	C	C	C	C	C	C	C	C	P	P	P				P		P	P	P	P 4 5	P	P
712	NATURE EXHIBITIONS: AQUARIUMS, BOTANICAL GARDENS AND ZOOS	C	C	C												C	C	C	C	C		C		P 6	P 6	P 6			
7212 7214 7222 7231 7232	PUBLIC ASSEMBLY (INDOOR): SPORTS, ARENAS, AUDITORIUMS & EXHIBITION HALLS BUT EXCLUDING SCHOOL FACILITIES																	P				P		P	P	P	A 5	A	P
7212 7214 7218	MOTION PICTURE, THEATERS, NIGHT CLUBS, DANCE HALLS & TEEN CLUBS																	P				P		P	P	P	A 5	A	P
7213	DRIVE-IN THEATERS																		C	C		C							
	ADULT THEATERS 7																	P				P		P	P	P		P	P
7223 73	PUBLIC ASSEMBLY (OUTDOOR): FAIRGROUNDS & AMUSEMENT PARKS, MINIATURE GOLF, GOLF DRIVING RANGES, GO-CART TRACKS, BMX TRACKS & SKATEBOARD TRACKS																			C		C							
73	COMMERCIAL AMUSEMENTS: PENNY & VIDEO ARCADES																			C		C							
7411 7413 7422 7423 7424 7441 7449	RECREATION ACTIVITIES: GOLF COURSES, TENNIS COURTS, COMMUNITY CLUBS, ATHLETIC FIELDS, PLAY FIELDS, RECREATION CENTERS, SWIMMING BEACHES AND POOLS 2	C		C	C	C	C	C	C	C	C	C	P	P	P	C	C	C		C	C	C					P	A	A
744	MARINAS, YACHT CLUBS	C		C	C	C	C	C	C	C	C	C	C	C	C														
7414 7415 7417 7425 7413	RECREATION ACTIVITIES: SKATING, BOWLING, GYMNASIUMS, ATHLETIC CLUBS, HEALTH CLUBS, DANCE SCHOOLS, KARATE SCHOOLS																C 3	C	P 3	P 3	A 9	P		A 8	A 8	P	A 5	A 8	A 8
7491 7515	CAMPING SITES & HUNTING CLUBS	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							
76	PRIVATE LEISURE & OPEN SPACE AREAS EXCLUDING RECREATION ACTIVITIES ABOVE	C	C	P	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
	PUBLIC/PRIVATE PARK	C	C	P	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
	STABLES & RIDING ACADEMIES	C	C	C	C																								
	BOARDING OR COMMERCIAL KENNELS	C	C	C	C																								
	Cy Pak 10	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		P/C	P/C	P/C	P/C	P/C	P/C

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in Section 20.25F.010.
(Ordinance 4422, 9-28-92, Section 2; Ordinance 3530, 8-12-85, Section 7)
*NOT EFFECTIVE WITHIN THE JURSIDICTION OF THE EAST BELLEVUE COMMUNITY COUNCIL AND SAMMAMISH COMMUNITY COUNCIL

KEY

P – PERMITTED USE
C – CONDITONAL USE (see Part 20.30B. or Part 20.30C.)
PD – PERMITTED subject to planned unit development only. (See Part 20.30D.)
A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E.)
S – Permitted only as a subordinate use to a permitted or special use.

ORIGINAL

Section 2. Bellevue City Code (Land Use Code) Section 20.10.440 (Recreation Chart) is amended with the addition of a new footnote number 10 as follows:

10. City parks are generally permitted in all zones. However, the following types of uses or facilities in city parks in single family or R-10 zones require Conditional Use approval: lighted sports and play fields, sports and play fields with amplified sound, community recreation centers, motorized boat ramps, and beach parks on Lake Washington, Lake Sammamish, Phantom Lake and Larson Lake. Non-recreation uses in city parks in all zones outside the Central Business District require conditional use approval. For purposes of this requirement, "non-recreation use" means a commercial, social service or residential use located on park property but not functionally related to city park programs and activities.

Section 3. Bellevue City Code (Land Use Code) Section 20.25.080.B (Protected Area Uses) is amended as follows:

B. Protected Area Uses: Only the following uses may be located within a Protected Area designated by Section 20.25H.070 or Protected Area setback required by Section 20.25H.090, regardless of the provisions of Section 20.10.440. Each use is subject to the applicable performance standards of Section 20.25H.110 and the specified permit requirements of this Paragraph:

1.	Communication Broadcast and Relay Tower/Microwave	C
2.	Botanical gardens	C
3.	Camping sites/day camp	A
4.	Parks, public	C
	private	C
	city	P/C(4)
5.	Agriculture	P(2)
6.	Horticulture	P
7.	Tree Farm	C
8.	Fish hatchery, aquaculture	C
9.	Accessory sales of items produced on site	P
10.	City of Bellevue Utility Facility	C(1)
11.	Any other Utility Facility	C(1)
12.	Local Utility System	P(1)
13.	Regional Utility System	C(1)
14.	Right-of-Way	P(1)
15.	Pedestrian facilities	P(3)

P = Permitted Use
A = Administrative Conditional Use. See Part 20.30E.
C = Conditional Use. See Parts 20.30B/20.30C.
(1) Must constitute an Essential Public Utility defined by Section 20.50.018.
(2) Forested lands may not be converted to agricultural uses.
(3) These include pedestrian trails and bridges which serve parks, commercial developments, or more than one single family lot.

ORIGINAL

(4) See footnote 10 to section 20.10.440 (Recreation Chart) for listing of types of park or facility requiring Conditional Use approval.

Section 4. Bellevue City Code (Land Use Code) Section 20.50.040 (Additional Definitions) is amended as follows:

PARK, CITY. A recreational facility and/or open space operated by the City under the direction of the City Manager or his or her designee for the use and benefit of the general public.

PARK, PRIVATE. A facility under private ownership which provides passive recreation activities such as beaches, trails, camping sites, horticultural exhibits or interpretive centers.

PARK, PUBLIC. A recreational facility and/or open space operated by King County, the State of Washington, or other governmental agency for the use and benefit of the general public, but not including a city park.

Section 5. This ordinance shall take effect and be in force five days after passage and legal publication.

PASSED by the City Council this 5th day of April, 1993, and signed in authentication of its passage this 6th day of April, 1993.

(SEAL)

Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley, Deputy City Attorney

Attest:

Sharon Mattioli for

Myrna L. Basich, City Clerk

Published April 9, 1993

ORIGINAL

EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION
OF THE CITY OF BELLEVUE, WASHINGTON

Resolution No. 336-A

A RESOLUTION of the East Bellevue Community Council disapproving City Council Ordinance No. 4511, relating to eliminating the conditional use permit requirements for certain city park projects; amending Section 20.10.440 (Recreation Chart) and adding a new footnote to that section; and amending Sections 20.25H.080 (Protected Area Uses) and 25.50.040 (Additional Definitions) of the Bellevue Land Use Code.

WHEREAS, on the 5th day of April, 1993 the City Council of the City of Bellevue, Washington passed Ordinance No. 4511, relating to eliminating the conditional use permit requirements for certain city park projects; and

WHEREAS, the subject matter of said Ordinance falls within the jurisdiction of the East Bellevue Community Council pursuant to RCW 35.14.040; and

WHEREAS, following a public hearing held before the East Bellevue Community Council on May 4, 1993, the East Bellevue Community Council voted unanimously to approve Bellevue Ordinance No. 4511; and

WHEREAS, notice of said hearing was determined not to have beeen given according to the Community Council Rules of Procedure and the hearing was subsequently renoticed; and

WHEREAS, following a joint public hearing held before the Sammamish and East Bellevue Community Councils on June 1, 1993, the East Bellevue Community voted to disapprove Bellevue Ordinance No. 4511; and

WHEREAS, the Community Council acknowledges the time and energy spent crafting a compromise between the existing process and simply allowing all types of parks outright in single family zones; and

WHEREAS, the legislation forwarded to the City Council by the Planning Commission represented this compromise; and

WHEREAS, the City Council amended Ordinance No. 4511, apparently with the legislative intent of broadening its scope; and

WHEREAS, the definition in Footnote #10 of "non-recreation use" leaves to the discretion of City staff the determination of whether a "commercial, social service or residential use" is "functionally related to city park programs and

ORIGINAL

activities,";

NOW, THEREFORE, BE IT RESOLVED by the Community Council of the East Bellevue Community Municipal Corporation of the City of Bellevue:

Section 1: The East Bellevue Community Council hereby disapproves Ordinance No. 4511 enacted by the Bellevue City Council on April 5, 1993 and pursuant to RCW 35.14.040, this Ordinance shall not become effective within the area of the East Bellevue Community Municipal Corporation.

Section 2: The East Bellevue Community Council disapproved Ordinance No. 4511 for the following reasons:

1) The ordinance recommended by the Planning Commission, which represented a compromise position acceptable to the Community Council, was amended by the City Council.

2) The phrase "functionally related to city park programs and activities" is undefined and allows City staff too much discretion in defining future activities as park programs.

3) The Community Council believes that the conditional use process provides better protection to adjacent neighbors from the impacts of park programs and activities, which under Footnote #10 may be broadly construed in the future by City staff.

Section 3: The Clerk is hereby directed to certify the original of this Resolution, to file the same and to keep the same on file in her office. The Clerk is further directed to distribute certified or conformed copies of this Resolution to the Bellevue City Council, the Bellevue Planning Department, and the Department of Design and Development.

PASSED by a unanimous vote of the East Bellevue Community Council on the 1st day of June, 1993, and signed in authentication of its passage this 1st day of June, 1993.

(SEAL)

James E. Bell

James E. Bell, Chair

ATTEST:

Sharon Mattioli

Sharon Mattioli, CMC
Deputy City Clerk

ORIGINAL

231a

CITY OF BELLEVUE

SAMMAMISH COMMUNITY COUNCIL
and
EAST BELLEVUE COMMUNITY COUNCIL

Summary Minutes of Joint Meeting

June 1, 1993
5:30 p.m.

Lake Hills Library
Bellevue, Washington

Sammamish Community Council

PRESENT: Chair Kenney, Councilmembers Hazard and McLaughlin

ABSENT: Councilmembers Carroll and Titus

East Bellevue Community Council

PRESENT: Chair Bell, Councilmembers Halgren, Keeffe, Kranzler, and Stamper

ABSENT: None

STAFF: Patty Carr, Associate Planner
Paul Cohen, Associate Planner
Steve Cohn, Associate Planner
Paul Cornish, Transportation Planner
Faith Lumsden, Legal Advisor
Kirk McKinley, Transportation Planner
Rob Odle, Principle Planner
Nancy Waite, Associate Planner

1. Call to Order

The meeting was called to order at 5:30 p.m. by Chair Kenney, who presided.

2. Roll Call

Upon roll call by the Deputy City Clerk, all Sammamish Community Councilmembers were present with the exception of Councilmembers Carroll and Titus. All East Bellevue Community Councilmembers were present with the exception of Councilmembers Keeffe and Kranzler, who arrived later in the meeting.

(a) Joint public hearing to consider approval of City Council Ordinance No. 4511 relating to eliminating the conditional use permit requirement for certain city park projects

Chair Kenney explained that the purpose of the meeting was to hold a joint public hearing on City Council Ordinance No. 4511. Both Community Councils held hearings on this ordinance in May and took action on it. However, they

learned that their hearings were not noticed in accordance with their Rules of Procedure. Because this raised a question about the legality of their actions, both Council opted to consider their prior actions null and void. The hearing was renoticed as a joint hearing, after which each Council will act individually to approve or disapprove Ordinance No. 4511.

Mr. Halgren asked Faith Lumsden, Legal Advisor, what uses are allowed by the phrase defining non-recreational uses.

Mr. Keeffe arrived at 5:34 p.m.

Ms. Lumsden explained that before the sentence was added to narrow down the definition of recreation uses, the interpretation of whether something was a recreation use or not was basically vested in the Design and Development Department. The sentence was added to try to clarify what was meant by recreation versus non-recreation uses. It calls out three uses (commercial, social service and residential) as specifically non-recreation uses.

Mr. Halgren asked about uses functionally related to city park programs and activities, asking if she could list some items that would fall in this category other than what are commonly referred to as recreational activities.

Ms. Lumsden said a child care center, located in a park and not operated by the city but in conjunction with a parks program, would be permitted under this definition.

Regarding teen centers, Ms. Lumsden said argument could be made that it would have more a social service component than a recreation component. Generally, however, a teen center is considered a recreation use. Community recreation centers of any size would require a conditional use. If a teen center were used by others, it would require a conditional use as a community center.

Mr. Halgren asked if programs the Parks Departments added to its list of activities would be permitted, and Ms. Lumsden responded that she would not phrase it that broadly. She said even if the Parks Department took over housing projects, this would not be considered functionally related to park programs and activities. There is a distinction applied to a focused residential or commercial use, because park programs must serve a broader community. The issue of what is permitted in a park comes down to a question of Code interpretation and whether the system can be trusted to work objectively.

Mr. McLaughlin hypothesized that if an item were in the Parks Department budget, it would ease the process for placement of the project. He felt it might be irresistible to future Councils to sidestep the conditional use process for a favored project, noting this was the idea of the proposer of the amendments. He expressed his disappointment that this amendment came up at the last minute and was added to the work of the Planning Commission.

Ms. Lumsden said she views this as tightening up the definition of recreation.

Mr. McLaughlin reiterated that it would be a rare director of DDD who would look at an item in the Parks Department budget and say it is not related to park functions.

Chair Kenney noted the Community Council likes the current process and feels it works well. It supported the original form of Ordinance No. 4511 only reluctantly in the spirit of compromise. This change makes it unacceptable. She wondered how the Planning Commission will react to the change and noted that the City never revisits items the Community Council vetoes. She found this strange, in that the Community Council has usually followed the item very closely, and presumably has a good reason for its veto.

Mr. Keeffe reviewed the history of this proposal, noting the original idea was to assist in the timely initial development of park properties, thereby reducing costs and making intelligent use of park bond funds. It had nothing to do with adding functions to existing parks.

Noting everyone is a strong supporter of parks, Mr. McLaughlin recommended that the City Council revisit this issue by readopting Ordinance No. 4511 without the last minute amendments. He felt this would be supported by the Community Councils.

Responding to Mr. Halgren, Ms. Lumsden noted the footnote refers to "city park programs" and not "Parks Department programs". Chair Kenney questioned whether the desire was to leave this open-ended.

Mr. Stamper commented that the Community Councils have tried to be cooperative and the City appears to recognize this. However, this action, like the action on the Street Fair, relegates the Community Councils to a nuisance factor, which he felt is an untenable, short-sighted position. The City must listen to the public if it wants a public process. If this is not to happen, then they should stop wasting everyone's time.

Mr. Keeffe asked about the exemption of the CBD parks from the CUP process, and Ms. Lumsden said the old Code permitted parks outright downtown. The downtown park went through a special design review process.

Responding to Mr. Keeffe, Ms. Lumsden said that in the future certain programs might go to the Parks Department. There might be a renaming of the department, and it is a question how it would function.

After outlining the public hearing procedures, Chair Kenney opened the public hearing.

Seeing no one wishing to testify on this issue, Mr. McLaughlin moved to close the public hearing. Mr. Halgren seconded the motion, which carried unanimously and the joint public hearing was closed.

June 1, 1993

Sammamish Community Council Resolution No. 320-A
disapproving City Council Ordinance No. 4511 relating to eliminating the conditional use permit requirement for certain city park projects

Mr. McLaughlin moved approval of Resolution No. 320-A. Mr. Hazard seconded the motion.

Noting that this item was discussed both tonight and at the May meeting, Chair Kenney read the reasons for the disapproval as outlined in Resolution No. 320-A:

1) The ordinance recommended by the Planning Commission, which represented a compromise position acceptable to the Community Council, was amended by the City Council.

2) The phrase "functionally related to city park programs and activities" is undefined and allows City staff too much discretion in defining future activities as park programs.

3) The Community Council believes that the conditional use process provides better protection to adjacent neighbors from the impacts of park programs and activities, which under Footnote #10 may be broadly construed in the future by City staff.

A vote was taken on the motion to approve Resolution No. 320-A, which carried 3 - 0.

Chair Kenney declared the Sammamish Community Council adjourned at 6:05 p.m. and turned the gavel over to Chair Bell.

East Bellevue Community Council Resolution No. 336
approving City Council Ordinance No. 4511 relating to eliminating the conditional use permit requirement for certain city park projects

Mr. Keeffe moved Resolution No. 336 for purposes of discussion. Mr. Halgren made a courtesy second.

Chair Bell stated that Ordinance No. 4511 was reviewed at the May meeting and adopted by a majority vote. He felt that although there has been time to reconsider, the action was taken in good faith and after proper examination. He shared the concerns about interpretation, but he felt there was no intent to open the door wider, so a disapproval is not warranted.

Mr. Stamper reiterated his view that the City Council did not exercise the same good faith as the Community Councils. He said the City Council can clarify the ordinance, if it wishes to do so.

Mr. Halgren noted his ongoing support of teen centers and efficient processes, but felt there must be some balance and credibility. He said resulting from experience, words can be interpreted in a number of different ways. Because footnote #10 can be interpreted negatively, he opposed Resolution No. 336.

Mr. Keeffe said he was not previously aware of the 11th hour insertion, which he felt was a dramatic departure from the original intention. He noted EBCC supported the original proposal and would continue to do so.

A vote was taken on the motion to approve Resolution No. 336, which failed 1 - 3, with Chair Bell voting in the affirmative.

> Resolution No. 336-A disapproving City Council Ordinance No. 4511 eliminating the conditional use process for certain city park projects

Mr. Keeffe moved approval of Resolution No. 336-A, in a form similar to the Sammamish Community Council's Resolution No. 320-A. Mr. Stamper seconded the motion, which carried 3 - 1, with Chair Bell dissenting.

RECESS

At 6:19 p.m. Chair Bell announced a five minute recess. At 6:24 the meeting reconvened.

East Bellevue Community Council
Regular Meeting

3. Communications: Written and Oral

Jim Kenney, 16245 SE 31st, commented on the parking problem at Pac West on Eastgate Way. According to Mr. Kenney, Pac West, which is a regional facility, has been in violation of its conditional use permit for six years. Two years ago, a parking garage was required to minimize spillover parking. The permits may be issued shortly, but in the meantime, illegal parking continues. He reported the Police Department issues more parking tickets here than anywhere else in Bellevue. Mr. Kenney concluded that he would appreciate the help of the Community Council in addressing this problem.

4. Reports of City Council, Boards, and Commissions: None

5. Approval of the Agenda

Mr. Halgren moved approval of the agenda. Mr. Keeffe seconded the motion. Chair Bell added an item of New Business 11(a), Improved Process for Public Works Projects. Mr. Halgren added several items to New Business: 11(b) Code Revision Effort; (c) Bel-East Shopping Center CUP; and (d) Parking Problem at Pac West. He also added under Item 10, Unfinished Business (b) Capital Investment Program and (c) RV/Boat Ordinance. Mr. Keeffe added 11(e) 106% Property Tax Limit and 10(e) Sunset Corporate Park Rezone.

ORIGINAL

1233C
07/02/91

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4270

AN ORDINANCE relating to residential land use districts; adding an R-7.5 designation; and amending Sections 20.10.020, 20.10.180, 20.10.200, 20.10.220, 20.10.440, 20.20.010, 20.20.255.A, 20.20.520.F, 20.20.590.K.3.a, 20.20.595.A.1, 20.25B.020.A and 20.25C.040.C.2 of the Bellevue City Code (Land Use Code).

WHEREAS, the City Council adopted Resolution 5255, amending the Land Use Element of the Comprehensive Plan on April 2, 1990; and

WHEREAS, City of Bellevue Comprehensive Plan Policy B-22 designates the establishment of a single family residential land use designation allowing up to 7.5 dwelling units per acre; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and the City's Environmental Procedures Code; therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

ORIGINAL

Section 1. Bellevue City Code (Land Use Code) Section 20.10.020, Establishment of Land Use Districts, is amended to read as follows:

20.10.020 ESTABLISHMENT OF LAND USE DISTRICTS

Land Use Districts in the City are hereby established as follows:

District	Designation
General	G
Open Use	OU
Single Family Residential Estate	R-1
	R-1.8
Single Family Residential	R-2.5
	R-3.5
	R-4
	R-5
	R-7.5
Multi-family Residential	R-10
	R-15
	R-20
	R-30
Professional Office	PO
Office	O
Office & Limited Business	OLB
Light Industrial	LI
General Commercial	GC
Neighborhood Business	NB
Community Business	CB
Central Business District	CBD
- Office District 1	CBD-O-1
- Office District 2	CBD-O-2
- Multiple Use District	CBD-MU
- Residential District	CBD-R
- Old Bellevue District	CBD-OB
- Office & Limited Business District	CBD-OLB
Evergreen Highlands Design District	EH
- Performance Area A	EH-A
- Performance Area B	EH-B
- Performance Area C	EH-C
- Performance Area D	EH-D

Section 2. Bellevue City Code (Land Use Code) Section 20.10.180 is amended as follows:

ORIGINAL

SINGLE FAMILY RESIDENTIAL ESTATE DISTRICTS (R-1, R-1.8)

Single Family Residential Estate Districts provide for a low density residential environment (1 and 1.8 dwellings per acre) which may serve to protect steep slopes or unstable land from overdevelopment and may include agricultural uses and activities compatible with low residential density. (21.B.010, D.255, D.400 and G.020). (Ord. 3145, 9-27-82, Section 8)

Section 3. Bellevue City Code (Land Use Code) Section 20.10.200 is amended as follows:

SINGLE FAMILY RESIDENTIAL DISTRICTS (R-2.5, R-3.5, R-4, R-5, R-7.5)

Single Family Residential Districts provide for areas of low to high density single family residential uses (2.5, 3.5, 4, 5, and 7.5 dwellings per acre), and permit compatible, related activities (21.B.010, G.020(a)). (Ord. 3145, 9-27-82, Section 9)

Section 4. Bellevue City Code (Land Use Code) Section 20.10.220 is amended as follows:

MULTI-FAMILY RESIDENTIAL DISTRICTS (R-10, R-15, R-20, R-30)

Multi-family Residential Districts provide areas for attached residential dwellings of low density (10 units per acre) and of moderate density (15, 20, and 30 dwellings per acre). The R-20 and R-30 districts are intended to be convenient to centers of employment and have primary acceess to arterial streets. The R-10 and R-15 districts are more restrictive and may be utilized as a buffer between Single Family Residential Districts and moderate density residential or commercial districts. (21.B.005, G.020)C), (d), (e)). (Ord. 3145, 9-27-82, Section 10)

Section 5. Bellevue City Code (Land Use Code) Section 20.10.440 is amended as follows:

ORIGINAL

ART 20.10.440
ES IN LAND USE DISTRICTS RESIDENTIAL

STD LAND USE CODE REF	LAND USE CLASSIFICATION	G (GENERAL)	A (AGRICULTURE)	CU (OPEN USE)	R-1 (RESIDENTIAL)	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5	R-10	R-15	R-20	R-30	PO (PROFESSIONAL OFFICE)	O (OFFICE)	OLB (OFFICE/LIMITED BUSINESS)	LI (LIGHT INDUSTRY)	GC (GENERAL COMMERCIAL)	NB (NEIGHBORHOOD BUSINESS)	CB (COMMUNITY BUSINESS)	(CENTRAL BUSINESS DISTRICT)	CBD B-1 (OFFICE DISTRICT 1)	CBD B-2 (OFFICE DISTRICT 2)	CBD MU (MIXED USE DISTRICT)	CBD R (RESIDENTIAL DISTRICT)	CBD OB (OLD BELLEVUE DISTRICT)	CBD OLB (OFFICE AND LIMITED BUSINESS DISTRICT)
1	RESIDENTIAL																												
	SINGLE FAMILY DWELLING 3	P	S	P	P	P	P	P	P	P	P	P	P	P	P		P 1	S	S	S		S				S	P	P	
	TWO TO FOUR DWELLING UNITS PER STRUCTURE			PD	PD	PD	PD	PD	PD	PD	PD	P	P	P	P		P 1	C				C		P	P	P	P	P	
	FIVE OR MORE DWELLING UNITS PER STRUCTURE			PD	PD	PD	PD	PD	PD	PD	PD	C	P	P	P		P 1	C				C		P	P	P	P	P	
NOT CODED IN LAND USE CODE	GROUP HOME CLASS 1-A 2	P	S	P	P	P	P	P	P	P	P	P	P	P	P									P	P	P	P	P	
	GROUP HOME CLASS 1-B 2											P	P	P	P			C				C		P	P	P	P	P	
	GROUP HOME CLASS 1-C 2											C	C	C	C			C				C		P	P	P	P	P	
	GROUP HOME CLASS II-A 2	C	C S	C	C	C	C	C	C	C	C	P	P	P	P			C				C		P	P	P	P	P	
	GROUP HOME CLASS II-B 2											C	C	C	C			C				C		P	P	P	P	P	
	GROUP HOME CLASS II-C 2											C	C	C	C			C				C		P	P	P	P	P	
	DETOXIFICATION CENTER 2											C	C	C	C		C	C	C	C	C	C		P	P	P	P	P	
12	GROUP QUARTERS: DORMITORIES, FRATERNAL HOUSES, EXCLUDING MILITARY AND CORRECTIONAL INSTITUTIONS			PD								C	P	P	P							C		P	P	P	P	P	
	SENIOR CITIZEN DWELLINGS 4, 5, 7			C PD 6	C PD 6	C PD 6	C PD 6	C PD 6	C PD 6	C PD 6	C PD 6	P	P	P	P	C	C	C				P		P	P	P	P	P	
13 15	HOTELS AND MOTELS																	P				C		P	P	A	C	A	P
	CONGREGATE CARE SENIOR HOUSING 4, 7			PD								P	P	P	P	P	P	P			P	P		P	P	P	P	P	
6515	NURSING HOME			C								C	P	P	P	C	P	P			C	P				P	P'	P	
	ASSISTED LIVING 4, 7			C								C	P	P	P	C	P	C			C	P				P	P	P	

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.
(Ordinance 3530, 8-12-85, Section 7)

KEY

P - PERMITTED USE
C - CONDITIONAL USE (see Part 20.30B. or Part 20.30C.)
PD - PERMITTED subject to planned unit development only. (see Part 20.30D.)
A - ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E.)
S - Permitted only as a subordinate use to a permitted or special use.

ORIGINAL

NOTES: USES IN LAND USE USE DISTRICTS -- RESIDENTIAL

1. No more than 50% of the gross floor area of the structure shall be devoted to residential uses in O districts.

2. A Group home or detoxification Center may not be located within 1,000 feet in any direction of any other Group Home or Detoxification Center.

(Ord. 2945, 2-2-81, Section 5)

3. A boardinghouse or bed and breakfast is permitted in a single family dwelling provided the requirements of 20.20.140 are met. (Ord. 4028, 7-17-89, Section 1)

4. An agreement must be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain in perpetuity as senior housing. (Ord. 4065, 10-23-89, Section 1)

5. Through the planned unit development process, senior citizen dwellings may include common dining and recreation facilities. (Ord. 4065, 10-23-89, Section 1)

6. Senior citizen dwellings are appropriate only on single family parcels which directly abut higher intensity zoning or on parcels that are not surrounded by established neighborhoods or single family housing. (Ord. 4065, 10-23-89, Section 1)

7. In areas where the comprehensive Plan policies specifically state that multifamily development is not appropriate, senior housing shall be permitted only through the conditional use permit process. (Ord. 4065, 10-23-89, Section 1)

HART 20.10.440
SES IN LAND USE DISTRICTS

MANUFACTURING

STD LAND USE CODE REF	LAND USE CLASSIFICATION	GENERAL G	AGRICULTURE A	OPEN USE OU	RESIDENTIAL R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5	R-10	R-15	R-20	R-30	PROFESSIONAL OFFICE PO	OFFICE O	OFFICE/LIMITED BUSINESS OLB	LIGHT INDUSTRY LI	GENERAL COMMERCIAL GC	NEIGHBORHOOD BUSINESS NB	COMMUNITY BUSINESS CB	CENTRAL BUSINESS DISTRICT	OFFICE DISTRICT 1 CBD B-1	OFFICE DISTRICT 2 CBD B-2	MIXED USE DISTRICT CBD MU	RESIDENTIAL DISTRICT CBD R	OLD BELLEVUE DISTRICT CBD OB	OFFICE AND LIMITED BUSINESS DISTRICT CBD OLB
2 & 3	MANUFACTURING (1) (4)																												
21	FOOD AND BEVERAGE PRODUCTS MFG.																		P 5	S 5	S	S							
22	TEXTILE PRODUCTS MFG.																		P										
23	APPAREL, FABRIC, ACCESSORIES & LEATHER GOODS MFG.																		P	S		S							
24	LUMBER AND WOOD PRODUCTS MFG.																		S	S		S							
25	FURNITURE & FIXTURES MFG.																		P	S		S							
26	PAPER PRODUCTS MFG.																		S 2										
27	PRINTING, PUBLISHING AND ALLIED INDUSTRIES																		P	P		S		S	S	S			
28	CHEMICALS & RELATED PRODUCTS MFG.																		S 3										
31	RUBBER PRODUCTS MFG.																		C										
314	MISC. PLASTIC PRODUCTS MFG.																		P	P		S							
321 322 324 325 327	LIGHT STONE, CLAY, AND GLASS PRODUCTS MFG.; GLASS, POTTERY & CHINA CERAMIC PRODUCTS, STONE CUTTING AND ENGRAVING																		P	P		S							
329	HANDCRAFTED PRODUCTS MFG.																		P	P		P		S	S	S	S	S	S
3427	COMPUTERS, OFFICE MACHINES & EQUIPMENTS MFG.																		P	P									
3433 3434 3435 3436 3437	ELECTRICAL EQUIPMENT MFG.; APPLIANCES, LIGHTING, RADIO, TV COMMUNICATIONS, EQUIPMENT AND COMPONENT PARTS																		P	S		S							
3491 3492 3493 3495 3497	FABRICATED METAL PRODUCTS MFG. CONTAINERS, HAND TOOLS, HEATING EQUIPMENT, SCREW PRODUCTS, COATING AND PLATING.																		P	S		S							
35	MEASURING, ANALYZING & CONTROLLING INSTRUMENTS, PHOTOGRAPHIC, MEDICAL & OPTICAL GOODS; WATCHES & CLOCKS MFG.; COMPUTER SOFTWARE															P	P	P	P	S		S							
3997	SIGNS & ADVERTISING DISPLAY MFG.																		P	S		S							
3999	MISC. LIGHT FABRICATION ASSEMBLY & MFG. NOT ELSEWHERE CLASSIFIED																		P	S		S							

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.
(Ordinance 3530, 8-12-85, Section 7)

KEY

P - PERMITTED USE
C - CONDITIONAL USE (see Part 20.30B. or Part 20.30C.)
PD - PERMITTED subject to planned unit development only. (see Part 20.30D.)
A - ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E.)
S - Permitted only as a subordinate use to a permitted or special use.

ORIGINAL

NOTES: USES IN LAND USE DISTRICTS - MANUFACTURING

1. Manufacturing uses exclude concrete batch plants and primary metal industries such as foundaries, smelters, blast furnaces and rolling mills.

2. Paper Products Mfg. excludes paper and pulp manufacturing in LI districts.

3. Manufacture of flammable, dangerous or explosive materials is excluded in LI districts.

4. An office is permitted if accessory and subordinate to a manufacturing use.

(Ord. 2945, 2-2-81, Section 5)

5. Food and beverage public tasting rooms are permitted only as a subordinate use to the manufacturing use. (Ord. 4028, 7-17-89. Section 1)

ORIGINAL

ART 20.10.440
ES IN LAND USE DISTRICTS

TRANSPORTATION & UTILITIES

STD LAND USE CODE REF	LAND USE CLASSIFICATION	GENERAL	AGRICULTURE	OPEN USE	RESIDENTIAL											PROFESSIONAL OFFICE	OFFICE	OFFICE/LIMITED BUSINESS	LIGHT INDUSTRY	GENERAL COMMERCIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	CENTRAL BUSINESS DISTRICT	OFFICE DISTRICT 1	OFFICE DISTRICT 2	MIXED USE DISTRICT	RESIDENTIAL DISTRICT	OLD BELLEVUE DISTRICT	OFFICE AND LIMITED BUSINESS DISTRICT
		G	A	OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-6	R-7.5	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	NB	CB		CBD B-1	CBD B-2	CBD MU	CBD R	CBD OB	CBD CLB
4	TRANSPORTATION COMMUNICATION AND UTILITIES																												
41	RAIL TRANSPORTATION: RIGHT-OF-WAY, YARDS, TERMINALS, MAINTENANCE SHOPS	C	C	C 1	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							
42 4281	MOTOR VEHICLE TRANSPORTATION: BUS TERMINALS, TAXI HEADQUARTERS																		P	P		P		A	A	A			A
4214 422	MOTOR VEHICLE TRANSPORTATION: MAINTENANCE GARAGES & MOTOR FREIGHT SERVICES																		P	C				S	S	S			S
43	AIRCRAFT TRANSPORTATION: AIRPORTS, FIELDS, TERMINALS, HELIPORTS, STORAGE & MAINTENANCE	C	C	C 2	C 13	C 13	C 13	C 13	C 13	C 13	C 13	C 13	C 13	C 13	C 13	C 13	C	C	C	C	C 13	C		*C **A 14 2	*C **A 14 2	*C **A 14			*C **A 14 2
	ACCESSORY PARKING 8	P	P	P 4	P 4	P 4	P 4	P 4	P 4	P 4	P 4	P 4	P 4	P 4	P 4	P	P	P	P	P	P	P		P 5	P 5	P 5	P 5	P 5	P 5
46	AUTO PARKING COMMERCIAL LOTS AND GARAGES 3																	C	C	C		C		A 7	A 7	A 7	A 7	A 7	A 7
	PARK AND RIDE 6	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				A			A
47	POINT TO POINT COMMUNICATIONS SERVICES 11															P	P	P	P	P		P		P	P	P	P	P	P
75	RADIO & TELEVISION BROADCASTING STUDIOS															P	P	P	P 12	P 12		P		P	P	P		P	P
8	COMMUNICATION BROADCAST & RELAY TOWERS	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C
	HIGHWAY AND STREET RIGHT-OF-WAY	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
	UTILITY FACILITY	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C
	LOCAL UTILITY SYSTEM	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
	REGIONAL UTILITY SYSTEM	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C
	ONSITE HAZARDOUS WASTE TREATMENT AND STORAGE FACILITY 9																	A	A	A	A	A		A	A	A	A	A	A
	OFFSITE HAZARDOUS WASTE TREATMENT AND STORAGE FACILITY 10																		C										

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.
(Ordinance 3530, 8-12-85, Section 7)

KEY

P - PERMITTED USE
C - CONDITIONAL USE (see Part 20.30B. or Part 20.30C.)
PD - PERMITTED subject to planned unit development only. (see Part 20.30D.)
A - ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E.)
S - Permitted only as a subordinate use to a permitted or special use.

* NOT EFFECTIVE WITHIN THE JURISDICTION OF THE EAST BELLEVUE COMMUNITY COUNCIL AND SAMAMMISH COMMUNITY COUNCIL
** EFFECTIVE ONLY WITHIN THE JURISDICTION OF THE EAST BELLEVUE COMMUNITY COUNCIL AND SAMMAMISH COMMUNITY COUNCIL

ORIGINAL

NOTES: USES IN LAND USE DISTRICTS -- TRANSPORTATION AND UTILITIES

1. Rail Transportation is limited to only Right-of-Way in OU districts.

2. Aircraft Transportation is limited to only Heliports in OU, CBD-O-1, CBD-O-2 and CBD-OLB districts.

3. Commercial lots and garages are those lots and garages which provide vehicular parking for the public generally for a fee and do not include lots and garages which provide the required parking for other uses.

4. Accessory parking is not permitted in residential zones as accessory to uses which are not permitted in these districts. (Ord. 4028, 7-17-89, Section 1)

5. The location of an off-site parking facility must be approved by the Director of Design and Development. See Section 20.25A.050H.

(Ord. 2945, 2-2-82, Section 5)

6. Park and Ride. A Park and Pool Lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area of an existing use shall be regulated as an accessory use under Section 20.20.200. Any other Park and Ride requires a conditional use permit. (Ord. 3690, 8-4-86, Section 1)

7. Commercial parking facilities are limited to spaces in surface lots which are not required pursuant to Section 20.25A.040. Commercial lots must comply with the requirements of Paragraph 20.25A.050.D (Ord. 2747, 1-20-87, Section 1)

8. Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to Section 20.10.440. (Ord. 3747, 1-20-87, Section 1)

9. Onsite hazardous waste treatment and storage facilities as defined by 20.50.024 are only permitted as administrative conditional use approvals as a subordinate use to a permitted or special use. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210. (Ord. 3903, 4-18-88, Section 1)

10. Offsite hazardous waste treatment and storage facilities as defined by 20.50.024 must comply with the State siting criteria as adopted in accordance with RCW 70.105.210. (Ord. 3904, 4-18-88, Section 1)

11. These uses are subject to primary structure setback and height restrictions and to screening requirements for mechanical equipment. (Ord. 4028, 7-17-89, Section 1)

ORIGINAL

12. These uses are permitted only if located in a multiple function building or complex.

*13. Aircraft Transportation is limited in these districts to government heliports used only for emergency purposes. (Ord. 4029, 9-5-89, Section 2)

*14. A roof top helicopter landing area which is utilized for life threatening emergencies only does not require conditional use approval. (Ord. 4029, 9-5-89, Section 2)

*Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.

HART 20.10.440
SES IN LAND USE DISTRICTS — WHOLESALE & RETAIL

STD LAND USE CODE REF	LAND USE CLASSIFICATION	G	A	OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-6	R-7.5	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	NB	CB		CBD B-1	CBD B-2	CBD MU	CBD R	CBD OB	CBD OLB
		GENERAL	AGRICULTURE	OPEN USE	RESIDENTIAL											PROFESSIONAL OFFICE	OFFICE	OFFICE/LIMITED BUSINESS	LIGHT INDUSTRY	GENERAL COMMERCIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	CENTRAL BUSINESS DISTRICT	OFFICE DISTRICT 1	OFFICE DISTRICT 2	MIXED USE DISTRICT	RESIDENTIAL DISTRICT	OLD BELLEVUE DISTRICT	OFFICE AND LIMITED BUSINESS DISTRICT
5	TRADE (WHOLESALE & RETAIL)																												
51	WHOLESALE TRADE: GENERAL MERCHANDISE, PRODUCTS, SUPPLIES MATERIALS & EQUIPMENT EXCEPT THE FOLLOWING 1																		P	P									
5111 5156 5157 5181 5192	WHOLESALE TRADE: MOTOR VEHICLES, PRIMARY & STRUCTURAL METALS, BULK PETROLEUM 2																		P	C									
5193	SCRAP WASTE MATERIALS, LIVESTOCK																												
	RECYCLING CENTERS			C	C	C	C	C	C	C	C	C	C	C	C				P	P	P	P		P	P	P	C	C	
521 522 523 524	LUMBER & OTHER BULKY BUILDING MATERIALS INCLUDING PREASSEMBLED PRODUCTS 3																		P	P		P							
5251	HARDWARE PAINT, TILE & WALLPAPER (RETAIL)																		S	P	P 5	P		P	P	P	P 21 23	P 30	
5252	FARM EQUIPMENT																		P										
53	GENERAL MERCHANDISE: DRY GOODS VARIETY & DEPT. STORES (RETAIL)																					P		P	P	P	P 22 23	P 30	
54	FOOD & CONVENIENCE STORE (RETAIL) 27																			P	P 6	P		P	P	P	P 22 23	P 30	
5511	AUTOS (RETAIL)																		A 4	P		C		P 24	P 24	P			
	TRUCKS, MOTORCYCLES, RECREATIONAL VEHICLES (RETAIL)																		P 7	P				P 24 25	P 24 25	P			
	BOATS (RETAIL)			C 8															P	P				P 24	P 24	P			
552	AUTOMOTIVE & MARINE ACCESSORIES (RETAIL)			C 9															P	P		P				P			
553	GASOLINE SERVICE STATIONS			C 10														A 34	P 34	P	A	A		A S	A S	P			A 34 S
56	APPAREL & ACCESSORIES (RETAIL)																	S				P		P	P	P	P 21 23	P 30	P 30
57	FURNITURE, HOME FURNISHING, (RETAIL)																		P 11	P		P		P	P	P	P 21 23	P 30	
58	EATING AND DRINKING ESTABLISHMENTS			C 5													P 13	P 14	P 15 29	P	C 16	P		P 28	P 28	P 28	P 23 28	P 28	P 14 28
59	MISC. RETAIL TRADE: DRUGS, LIQUOR, ANTIQUES, BOOKS, SPORTING GOODS, JEWELRY, FLORIST, PHOTO SUPPLIES, VIDEO RENTALS & COMPUTER SUPPLIES																P 17	S		P 18	P 19	P		P	P	P	P 21 23	P 30	S
	ADULT RETAIL ESTABLISHMENTS 31																	S				P		P	P	P		P	S
5961	FARM SUPPLIES, HAY, GRAIN, FEED AND FENCING, ETC. (RETAIL)																		P	P									
596	RETAIL FUEL YARDS																		P	P									
5986	GARDEN SUPPLIES, SMALL TREES, SHRUBS, FLOWERS, GROUND COVER, HORTICULTURAL NURSURIES & LIGHT SUPPLIES AND TOOLS			C 33															P	P		P 20				P 20			
5999	PET SHOP (RETAIL & GROOMING)																		P 26	P 26		P		P	P	P	P 21 23	P 30	
	FIREWORKS STANDS 32															P	P	P	P	P	P	P		P	P	P	P	P	P
	COMPUTERS & ELETRONICS (RETAIL)																		P 12	P 12		P		P	P	P	P 21 23	P 30	

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.
(Ordinance 3530, 8-12-85, Section 7)

KEY

P - PERMITTED USE
C - CONDITIONAL USE (see Part 20.30B. or Part 20.30C.)
PD - PERMITTED subject to planned unit development only. (see Part 20.30D.)
A - ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E.)
S - Permitted only as a subordinate use to a permitted or special use.

ORIGINAL

NOTES: USES IN LAND USE DISTRICTS -- WHOLESALE AND RETAIL

1. Wholesale Trade includes sales offices for these goods.

2. Wholesale trade of motor vehicles, primary and structural metals, bulk petroleum includes sales offices for these goods and excludes tank farms.

3. Bulk retail includes sales offices for these goods.

4. Automobile (retail) is subject to the decision criteria in Section 20.20.135.

5. Hardware, paint, tile and wallpaper (retail) is limited to a maximum 10,000 square feet of gross floor area in NB districts.

6. Food (retail) is limited to a maximum 18,000 square feet of gross floor area in NB districts.

7. Motorcycle (retail) requires administrative conditional use approval in LI districts.

8. Boats (retail) are permitted subject to Planned Unit Development and only as a subordinate use in waterfront areas of the OU district.

9. Automotive and marine accessories (retail) are permitted only as a subordinate use to a permitted or special use and only if it is marine-related in OU districts.

10. Gasoline service stations are permitted only as a subordinate use to a permitted or special use and only if it is marine-related in OU districts.

11. Furniture and home furnishings are limited to uses with on-site warehousing in LI districts.

12. Computer supplies are permitted as a subordinate use to computer sales in LI and GC districts.

13. Eating and drinking establishments are excluded in transition areas in O districts.

14. Eating and drinking establishments are permitted in OLB and CBD-OLB districts subject to the following criteria:
    a. Such uses are physically integrated within a structure primarily used as a hotel or motel, office building, charitable, social, professional and labor organization, fraternal lodge, recreational facility or institution such as a hospital or public assembly (indoor).

ORIGINAL

b. Such uses do not exceed 20% of the gross floor area of the structure or structures.
c. The entire site complex has a unity of design in terms of wall and roof materials, roof slopes and window patterns.

15. Eating and drinking establishments are permitted in LI districts only if located in a multiple function building or complex.

16. Eating and drinking establishments may include liquor sales only if operated under a Class A or C liquor license issued by the Washington State Liquor Control Board, and only if such sales are approved as a part of the conditional use. Existing approved conditional uses may not engage in such liquor sales without first obtaining an amendment to such conditional use through the conditional use process.

17. Other retail trade is limited to drugstores only in O districts.

18. Miscellaneous retail trade is limited to specialty sporting goods in GC district.

19. Miscellaneous retail trade is limited to drugstores and video rentals in NB districts and said uses may contain up to a maximum of 8,000 square feet of gross floor area.

20. Garden supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment in CB and CBD-MU districts.

21. Limited to a maximum of 1,500 gross square feet per establishment.

22. Limited to a maximum of 3,000 gross square feet per establishment, except for food, retail. (Ord. 4117, 1-16-90, Section 1)

23. Nonresidential uses are permitted in CBD-R only when developed within the same project limit and simultaneously with an equal or greater amount of floor area devoted to residential uses. (Ord. 4117, 1-16-90, Section 1)

24. No onsite outdoor display or inventory storage.

25. Motorcycles only.

26. Only pet grooming is permitted in the LI and GC districts.

27. Food and convenience stores (retail) must contain at least 75% square footage of retail food sales not for consumption on premises. (Ord. 4028, 7-17-89, Section 1)

28. Drive-in windows are not permitted.

ORIGINAL

29. No more than one eating and drinking establishment is permitted in any building. (Ord. 2966, 1-18-82, Section 2)

30. Limited to a maximum of 15,000 gross square feet per establishment or up to 25,000 gross square feet through a conditional use. (Ord. 3813, 7-20-87, Section 1)

31. Adult retail establishments are subject to the regulations for adult entertainment uses in Section 20.20.127. (Ord. 3884, 2-16-88, Section 1)

32. Firework stands do not require temporary use approval but must comply with Bellevue city Code Section 23.10.1461. Adequate access to the stand and off-street parking must be provided. (Ord. 4028, 7-17-89, Section 2)

33. Horticultural nurseries are permitted without conditional use approval in OU Districts. (Ord. 4028, 7-17-89, Section 1)

34. Gasoline service stations may include subordinate convenience stores. (Ord. 4028, 7-17-89, Section 1)

ORIGINAL

CHART 20.10.440
USES IN LAND USE DISTRICTS — SERVICES

STD LAND USE CODE REF	LAND USE CLASSIFICATION	G	A	CU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	MB	CB		CBD B-1	CBD B-2	CBD MU	CBD R	CBD OB	CBD OLB
		GENERAL	AGRICULTURE	OPEN USE	RESIDENTIAL											PROFESSIONAL OFFICE	OFFICE	OFFICE/LIMITED BUSINESS	LIGHT INDUSTRY	GENERAL COMMERCIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	CENTRAL BUSINESS DISTRICT	OFFICE DISTRICT 1	OFFICE DISTRICT 2	MIXED USE DISTRICT	RESIDENTIAL DISTRICT	OLD REDMOND DISTRICT	OFFICE AND LIMITED BUSINESS DISTRICT
6	SERVICES																												
61	FINANCE, INSURANCE, REAL ESTATE SERVICES															P	P	P	P 1	P		P		P 13	P 13	P	P 11 12	P	P
62	PERSONAL SERVICES; LAUNDRY, DRY CLEANING, BARBER & BEAUTY PHOTOGRAPHY STUDIO AND SHOE REPAIR																	S	P 2	P	P	P		P	P	P	P 11 12	P	S
6241	FUNERAL & CREMATORY SERVICES															C	C	C											
6252	CEMETERIES	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							
629	CHILD CARE SERVICES 3,4																												
	Family Day Care Home Mini Center In Residence			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
	Mini Day Care Center			A								A	A	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
	Day Care Center			C								C	C	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
63	BUSINESS SERVICES, DUPLICATING & BLUE PRINTING, STENO, ADVERTISING (EXCEPT OUTDOOR), TRAVEL AGENCIES & EMPLOYMENT															P	P	P	P 5	P		P		P	P	P	P 11 12	P	P
634	BUILDING MAINTENANCE & PEST CONTROL SERVICES																		P	P		P							
637	WAREHOUSING & STORAGE SERVICES, EXCLUDING STOCKYARDS																		P	P		S							
638	RENTAL & LEASING SERVICES CARS, TRUCKS, TRAILERS, FURNITURE & TOOLS																	S	P 6	P		P 7				P			S
641	AUTO REPAIR & WASHING SERVICES																		P	P		P				P 6			
648	REPAIR SERVICES: WATCH, T.V., ELECTRICAL, UPHOLSTERY																		P	P		P		P	P	P		P	
	PROFESSIONAL SERVICES: MEDICAL CLINICS AND OTHER HEALTH CARE RELATED SERVICES			C												P	P	P		P		P		P	P	P	P 11 12	P 11	P
	PROFESSIONAL SERVICES: OTHER			C												P	P	P	P 8	P		P		P	P	P	P 11 12	P 11	P
6513	HOSPITALS															C	C	C	C	C		C				C	C		
66	CONTRACT CONSTRUCTION SERVICES: BUILDING CONSTRUCTION, PLUMBING, PAVING & LANDSCAPE																		P	P									
671	GOVERNMENTAL SERVICES: EXECUTIVE, LEGISLATIVE, ADMINISTRATIVE & JUDICIAL FUNCTIONS			C					C 15							C	C	C				C		P	P	P	P 11 12	P 11	A
672 673	GOVERNMENTAL SERVICES: PROTECTIVE FUNCTIONS & RELATED ACTIVITIES EXCLUDING MAINTENANCE SHOPS	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C 10	C 10	C	C				P	C	C	A
674 675	MILITARY & CORRECTIONAL INSTITUTIONS	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							
681	EDUCATION: PRIMARY AND SECONDARY	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		A	A	A	C	C	A
682	UNIVERSITIES & COLLEGES	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		P	P	P			
683	SPECIAL SCHOOLS: VOCATIONAL, TRADE, ART, MUSIC, DRIVING, BARBER AND BEAUTY SCHOOLS															P	P	P	P	P		P				P	P 11 12	P 11	P
691	RELIGIOUS ACTIVITIES			C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	P		P	P	P	C	C	P
692 (A)	PROFESSIONAL & LABOR ORGANIZATIONS FRATERNAL LODGE			C												C	C	P		P		P		P	P	P	C	C	P
692 (B)	SOCIAL SERVICE PROVIDERS			C	C 14	C 14	C 14	C 14	C 14	C 14	C 14	C 14	C 14	C 14	C 14	C	C	P	P	P		P		P	P	P	C	C	P
	ADMINISTRATIVE OFFICE - GENERAL			C												P	P	P	P 5	P 6		P		P	P	P	P 11 12	P	P
	COMPUTER PROGRAM, DATA PROCESSING & OTHER COMPUTER RELATED SERVICES			C												P	P	P	P 5	P				P	P	P	P 11 12	P	P
	RESEARCH, DEVELOPMENT & TESTING SERVICES			C												P	P	P	P 5	P				P	P	P	P 11 12	P	P

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010. (Ordinance 3530, 8-12-85, Section 7)

KEY

P - PERMITTED USE
C - CONDITIONAL USE (see Part 20.30B. or Part 20.30C.)
PD - PERMITTED subject to planned unit development only. (see Part 20.30D.)
A - ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E.)
S - Permitted only as a subordinate use to a permitted or special use.

ORIGINAL

NOTES: USES IN LAND USE DISTRICTS -- SERVICES

1. Finance, insurance, real estate services are permitted only if commercially or industrially related in LI districts.

2. Personnel Services are permitted in LI districts only if located in a multiple function building or complex.

3. For day care in private residences, see Home Occupation Section 20.30N. For definitions of family daycare home, mini day care center and day care center, see child care service definition in Section 20.50.015. (Ord. 4026, 11-27-89, Section 1)

4. A child care service may be located in community facility in any Land Use District pursuant to Paragraph 20.20.170.E.

5. These uses are permitted in LI only if located in a multiple function building or complex.

6. Automobile rental and leasing services require administrative conditional use approval and are subject to the decision criteria in Section 20.20.135.

7. Rental services are limited to only autos and furniture in CB districts.

8. Auto repair and washing services are permitted only if washing services are a subordinate use to a permitted or special use in CBD-MU districts.

9. Professional services are permitted in LI Districts only if located in a multiple function building or complex.

10. Governmental services include maintenance shops in LI and GC districts.

11. Limited to maximum of 1,500 gross square feet per establishment.

12. Nonresidential uses are permitted in CBD-R only if developed in a building which contains residential uses.

13. Drive-in facilities may be permitted through Design Review Part 20.30F at any location in the CBD-O-2 District, or within 200 feet of N.E. 4th Street or N.E. 8th Street in the CBD-O-1 District; but only if all the following criteria are met:
    a. On site capacity for vehicle stacking of 10 spaces for one drive-up station and 20 spaces for two or more drive-up stations must be provided.

ORIGINAL

b. The design of the vehicular access is compatible with high volume pedestrian walkways and parking access. The vehicular access will not disrupt established retail or service frontages designed to serve pedestrians, nor can the vehicular access lanes be located between the street and the main pedestrian access to the buildings.

c. The vehicle stacking lanes must be contained within a structured parking area, or be otherwise screened.

d. Landscaping or screening must be provided to mitigate any adverse effects on nearby property. Perimeter walkways and sidewalks must conform to the requirements of Section 20.25A.060.

e. Walk up banking service, whether manned or electronically activated customer service stations, must be provided on site during regular daytime business hours for pedestrian business when there is no interior banking service. (Ord. 3530, 8-12-85, Section 8)

14. These uses are permitted only in Bellevue School District schools, whether under control of the School District or the City.

a. In the review of the proposed use or uses under the conditional use permit application (Part 20.30B), the following criteria shall be considered:

i. Consistency of the proposal with the goals and policies of the Comprehensive Plan.

ii. Extent to which the physical environment will be modified by the proposal.

iii. Ability to provide on-site parking facilities to accommodate intended uses under the proposal.

iv. Extent of additional demand on public utilities and public services resulting from the proposal.

v. Noise impacts of the proposal.

vi. Traffic volumes and street classifications in the area of the proposal.

vii. Compatibility of the proposal with surrounding land uses.

viii. Impact of the proposal on the visual and aesthetic character of the neighborhood.

In addition, the proposed use or uses shall not be more intensive than if the school were being used as a school.

b. A master conditional use permit listing a range of permissible uses from those permitted in the land use district as listed in Section 20.10.440 can be obtained for the entire school by using the conditional use process (Part 20.30B or Part 20.30C). Uses listed in the permit shall be permitted outright and uses not listed but permitted as conditional uses shall obtain a conditional use permit. (Ord. 3530, 8-12-85, Section 9)

ORIGINAL

15. Permitted in inactive elementary school facilities. The following criteria shall be considered:
    a. Criteria b.i-viii, Note 19 - Uses in Land Use Districts-Services.
    b. Hours of operation.
    c. Proposed signing.

    (Ord. 3095, 5-24-82, Section 2)

CHART 20.10.440
USES IN LAND USE DISTRICTS — RECREATION

STD LAND USE CODE REF	LAND USE CLASSIFICATION	GENERAL G	AGRICULTURE A	OPEN USE OU	RESIDENTIAL R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5	R-10	R-15	R-20	R-30	PROFESSIONAL OFFICE PO	OFFICE O	OFFICE/LIMITED BUSINESS OLB	LIGHT INDUSTRY LI	RESIDENTIAL COMMERCIAL RC	NEIGHBORHOOD BUSINESS NB	COMMUNITY BUSINESS CB	CENTRAL BUSINESS DISTRICT	OFFICE DISTRICT 1 CBD 0-1	OFFICE DISTRICT 2 CBD 0-2	MIXED USE DISTRICT CBD MU	RESIDENTIAL DISTRICT CBD R	OLD BELLEVUE DISTRICT CBD OB	OFFICE AND LIMITED BUSINESS DISTRICT CBD OLB
7	CULTURAL ENTERTAINMENT AND RECREATION																												
711	LIBRARY, MUSEUM			C			C 1	C 1	C 1	C 1	C 1	C 1	C 1	C 1	C 1	P	P	P				P		P	P	P	A	A	P
7113	ART GALLERY			C			C	C	C	C	C	C	C	C	C	P	P	P				P		P	P	P	P 4,5	P	P
712	NATURE EXHIBITIONS: AQUARIUMS, BOTANICAL GARDENS AND ZOOS	C	C	C												C	C	C	C	C		C		P 6	P 6	P 6			
7212 7214 7222 7231 7232	PUBLIC ASSEMBLY (INDOOR): SPORTS, ARENAS, AUDITORIUMS & EXHIBITION HALLS BUT EXCLUDING SCHOOL FACILITIES																	P				P		P	P	P	A 5	A	P
7212 7214 7218	MOTION PICTURE, THEATERS, NIGHT CLUBS, DANCE HALLS & TEEN CLUBS																	P				P		P	P	P	A 5	A	P
7213	DRIVE-IN THEATRES																		C	C		C							
	ADULT THEATERS 7																	P				P		P	P	P		P	P
7223 75	PUBLIC ASSEMBLY (OUTDOOR): FAIR-GROUNDS & AMUSEMENT PARKS, MINIATURE GOLF, GOLF DRIVING RANGES, GO-CART TRACKS, BMX TRACKS & SKATEBOARD TRACKS																			C		C							
73	COMMERCIAL AMUSEMENTS: PENNY & VIDEO ARCADES																			C		C							
7411 7413 7422 7423 7424 7441 7449	RECREATION ACTIVITIES: GOLF COURSES, TENNIS COURTS, COMMUNITY CLUBS, ATHLETIC FIELDS, PLAY FIELDS, RECREATION CENTERS, SWIMMING BEACHES AND POOLS 2	C		C	C	C	C	C	C	C	C	C	P	P	P	C	C	C		C	C	C					P	A	A
744	MARINAS, YACHT CLUBS	C		C	C	C	C	C	C	C	C	C	C	C	C														
7414 7415 7417 7425 7413	RECREATION ACTIVITIES: SKATING, BOWLING, GYMNASIUMS, ATHLETIC CLUBS, ATHLETIC FIELDS, PLAY FIELDS, RECREATION CENTERS, SWIMMING BEACHES AND POOLS 2																C 3	C	P 3	P 3		P		A 8	A 8	P	A 5	A 8	A 8
7481 7515	CAMPING SITES & HUNTING CLUBS	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							
76	PRIVATE LEISURE & OPEN SPACE AREAS EXCLUDING RECREATION ACTIVITIES ABOVE	C	C	P	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
	PUBLIC / PRIVATE PARK	C	C	P	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
	STABLES & RIDING ACADEMIES	C	C	C	C																								
	BOARDING OR COMMERCIAL KENNELS	C	C	C	C																								

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.
(Ordinance 3530, 8-12-85, Section 7)

KEY

P - PERMITTED USE
C - CONDITIONAL USE (see Part 20.30B. or Part 20.30C.)
PD - PERMITTED subject to planned unit development only. (see Part 20.30D.)
A - ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E.)

ORIGINAL

NOTES: USES IN LAND USE DISTRICTS - RECREATION

1. Cultural Activities (include only branch libraries in R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20 and R-30 districts.

2. For Carnivals, see 20.20.160.

3. Recreation Activities do not include athletic clubs in O, LI and GC districts.

4. Limited to a maximum of 2,000 gross square feet per establishment.

5. Nonresidential uses are permitted in CBD-R only when developed in a building which contains residential uses.

6. Excludes zoos.

(Ord. 2945, 2-2-81, Section 5)

7. Adult Theatres are subject to the regulations for Adult Entertainment Uses in Section 20.20.172. (Ord. 3884, 2-16-88, Section 1)

8. Athletic and health clubs are permitted without administrative conditional use approval if subordinate to a permitted use. (Ord. 4028, 7-17-89, Section 1)

ORIGINAL

ART 20.10.440
ES IN LAND USE DISTRICTS RESOURCES

STD LAND USE CODE REF	LAND USE CLASSIFICATION	G	A	OU	R-1	R-1.5	R-2.5	R-3.5	R-4	R-6	R-7.5	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	NB	CB		CBD B-1	CBD B-2	CBD MU	CBD R	CBD OB	CBD OLB
		GENERAL	AGRICULTURE	OPEN USE	RESIDENTIAL											PROFESSIONAL OFFICE	OFFICE	OFFICE/LIMITED BUSINESS	LIGHT INDUSTRY	GENERAL COMMERCIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	CENTRAL BUSINESS DISTRICT	OFFICE DISTRICT 1	OFFICE DISTRICT 2	MIXED USE DISTRICT	RESIDENTIAL DISTRICT	OLD BELLEVUE DISTRICT	OFFICE AND LIMITED BUSINESS DISTRICT
8	RESOURCE PRODUCTION (MINERALS, PLANTS, ANIMALS INCLUDING PETS & RELATED SERVICES)																												
81	AGRICULTURE, PRODUCTION OF FOOD & FIBER CROPS, DAIRIES, LIVESTOCK & FOWL, EXCLUDING HOGS	P	P	P 1	P	P	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1							
821	AGRICULTURAL PROCESSING	C	C																P 2										
8221	VETERINARY CLINIC & HOSPITAL		P													P	P		P	P	P	P				P			
8222	POULTRY HATCHERIES		C																P	P									
83	FORESTRY, TREE FARMS & TIMBER PRODUCTION	P	P	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							
8421	FISH HATCHERIES		C	C															P										
85	MINING, QUARRYING (INCLUDING SAND AND GRAVEL) OIL & GAS EXTRACTION	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.
(Ordinance 3530, 8-12-85, Section 7)

KEY

P - PERMITTED USE
C - CONDITIONAL USE (see Part 20.30B. or Part 20.30C.)
PD - PERMITTED subject to planned unit development only. (see Part 20.30D.)
A - ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E.)
S - Permitted only as a subordinate use to a permitted or special use.

ORIGINAL

NOTES: USES IN LAND USE DISTRICTS - RESOURCES

1. In the R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20, R-30, OU, NB, PO, O, OLB, LI, GC and CB districts agriculture is limited to the production of food and fiber crops.

2. Agricultural processing excludes grain mill products manufacturing and slaughtering in LI districts.

(Ord. 2945, 2-2-81, Section 5)

ORIGINAL

Section 6. Bellevue City Code (Land Use Code) Section 20.20.010 is amended as follows:

ART 20.20.010
ES IN LAND USE DISTRICTS

DIMENSIONAL REQUIREMENTS

STD LAND USE CODE REF	LAND USE CLASSIFICATION	G (GENERAL)	CU (OPEN USE)	R-1 (RESIDENTIAL)	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5	R-10	R-15	R-20	R-30	PO (PROFESSIONAL OFFICE)	O (OFFICE)	OLB (OFFICE LIMITED BUSINESS)	LI (LIGHT INDUSTRY)	GC (GENERAL COMMERCIAL)	NB (NEIGHBORHOOD BUSINESS)	CB (COMMUNITY BUSINESS)		CBD B-1 (CENTRAL BUSINESS DISTRICT)	CBD B-2	CBD MU (OFFICE DISTRICT 1)	CBD R (OFFICE DISTRICT 2)	CBD OS (MIXED USE DISTRICT)	CBD CLB (RESIDENTIAL DISTRICT)
	DIMENSIONS		(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)	(9)		(6)	(6)	(6)	(6)	(6)	(6)
	MINIMUM SETBACKS OF STRUCTURES (IN FEET) FRONT YARD (1) (18) (21)	35	35 (12)	35	30	20	20	20	20	20	20	20	20	20	30	30	50	15	15	30	15							
	REAR YARD (1) (18) (19) (21)	25	25 (12)	25	25	25	25	20	20	20	25	25	25	25	25	25	50	(3)	(3)	30	(3)							
	SIDE YARD (1) (18) (19) (21)	10	10 (12)	5	5	5	5	5	5	5	5	5	5	5 (2)	20	20	30	(3)	(3)	30	(3)							
	2 SIDE YARDS (1) (18) (19) (21)	20	20 (12)	20	15	15	15	15	15	10	15	15	15	15	40	40	60	(3)	(3)	60	(3)							
	MINIMUM LOT AREA ACRES (A) OR THOUSANDS OF SQ. FT. (4)	1A	1A	35	20	13.5	10	8.5	7.2	4.7	8.5	8.5	8.5 (13)	8.5 (13)			2A											
	DWELLING UNITS PER ACRE (16) (23)		(22)	1	1.8	2.5	3.5	4	5	7.5	10	15	20	30	10 (24)	20 (24)	30 (24)			10 (24)	30 (24)							
	MINIMUM DIMENSIONS (IN FEET) WIDTH OF STREET FRONTAGE	30	30	30	30	30	30	30	30	30	30	30	30	30			200											
	WIDTH REQUIRED IN LOT (5)	150	60	100	90	80	70	65	60	50	70	70	70	70			200											
	DEPTH REQUIRED IN LOT (5)	150	80	150	80	80	80	80	80	80	80	80	80	80														
	MAXIMUM IN BUILDING HEIGHT (FEET) (11) (20)	30	30	30	30	30	30	30	30	30	30	30	30 (6)	40	20	30	45 (7)	45 (10)	30	20	45							
	MAXIMUM LOT COVERAGE BY STRUCTURES (PERCENT) (14) (15)		35	35	35	35	35	35	40	40	35	35	35	35	35 (25)	35 (25)	35 (25)	50		35 (25)								

Ordinance 3690, 8-4-86, Section 2
Ordinance 3747, 1-20-86, Section 2
Ordinance 3775, 5-26-87, Section 6
Ordinance 3780, 5-26-87, Section 1
Ordinance 4065, 10-23-89, Section 3

mec501 pg.8

ORIGINAL

NOTES: USES IN LAND USE DISTRICTS - DIMENSIONAL REQUIREMENTS

1. These setbacks control except where street classification in Section 20.20.020 indicates a greater setback.

2. Side yard setback in R-30 districts increases to 20 ft. on any side yard where structure exceeds 30 ft. above finished grade.

3. All rear and side yards shall contain landscaping as required by Section 20.20.520.

4. See Section 20.20.012.

5. See Section 20.20.015.

6. The maximum allowable building height in R-20 districts is 40 feet if the ground floor of such building is devoted to parking.

7. The maximum allowable building height is 75 feet on any property designated OLB which lies within 475 feet of the right-of-way of I-405, between I-90 and SR-520, subject to obtaining a Conditional Use Permit, (Part 20.30B. or Part 20.30C). (Ord. 3530, 8-12-85, Section 10).

8. Dimensional requirements for CBD Land Use Districts are listed in Section 20.25A.020.

9. Any office building or any office portion of a building shall comply with the definition of "low intensity". See Section 20.50.032. (Ord. 3780, 5-26-87, Section 1)

*10. The maximum building height may be exceeded upon approval of the Director of Design and Development. Requests for such approval shall be processed in accordance with the administrative conditional use procedure of Part 20.30E. Before granting any such approval, the Director of Design and Development must find that:

    a. The height increase is only to accomodate equipment, structures or buildings that contain special equipment primarily related to light manufacturing, wholesale, trade and distribution use, and is not for office or bulk retail use; and

    b. There is functional need for a height increase; and

    c. The overall site development will minimize adverse impacts caused by the height increase.

    Nothwithstanding the provisions of this Note, no height increase is permitted within a Transition Area as defined in Part 20.25B. (Ord. 3530, 8-12-85, Section 11).

ORIGINAL

*Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils. The maximum building height in LI Districts shall remain 30 feet.

*11. Except in transition areas, the allowable building height of any office building located in a PO, O, OLB, GC, NB, CB or OU district may be increased by one story, but not to exceed 15 feet, if the ground floor of that building is devoted to parking for that building.

*Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils. The maximum building height in LI Districts shall remain 30 feet.

12. See 20.25H.090 for additional Sensitive Area Setbacks. (Ord. 3775, 5-26-87, Section 6)

13. For each square foot of lot area devoted to open space in excess of 30% of the total lot area, one square foot is added to the lot area for the purpose of calculating density.

14. Lot coverage is calculated after subtracting all Protected Areas defined by Section 20.25H.070 and all areas of slope equal to or exceeding 40%. (Ord. 3775, 5-26-87, Section 6)

15. Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.

16. If there is a conflict between the minimum lot area and the permitted number of dwelling units per acre, the minimum lot area controls.

17. Dwelling units per acre is determined pursuant to Section 20.30D.

18. If the setback abuts a street right-of-way, access easement or private road, the minimum dimension is 10 feet unless a greater dimension is specified. (Ord. 3498, 5-28-85, Section 2).

19. See 20.20.030 for designation and measurement of setbacks. (Ord. 3690, 8-4-86, Section 2)

*20. Notwithstanding any other provision of this Code, except Part 20.25B or Section 20.20.900-910, as applicable, the allowable building height of an office building may be increased by one story, not to exceed 15 feet, if the ground floor of that building is devoted to parking for that builiding. (Ord. 3747, 1-20-87, Section 2)

*Effective only within Community Council jurisdiction.

21. See Section 20.25H.090 for additional Sensitive Area Setbacks. (Ord. 3775, 5-26-87, Section 6)

ORIGINAL

22. Dwelling units per acre is determined pursuant to Section 20.30D.155. (Ord. 3936, 7-18-88, Section 2)

23. Density for senior citizen dwelling, congregate care senior housing, and assisted living is calculated as follows: units less than 600 square feet count as .5 unit and units 600 square feet or greater count as 1 unit. (Ord. 4065, 10-23-89, Section 3)

24. This residential density may be in addition to FAR only for senior citizen dwellings, assisted living and congregate care senior housing. (Ord. 4065, 10-23-89, Section 3)

25. Lot coverage may be increased to 50% if congregate care senior housing, senior citizen dwellings, assisted living or nursing homes are constructed on site; provided, however, that coverage for the non-residential portions of the development cannot exceed the maximum limits indicated. (Ord. 4065, 10-23-89, Section 3)

Section 7. Bellevue City Code (Land Use Code) Section 20.20.255.A, Curb Cuts, Driveways and Street Openings, is amended as follows:

A. Single family dwellings in G, R-1, R-1.8, R-2.5, R-3.5, R-4, R-5, R-7.5 and OU districts are exempt from the provisions of this section.

B. Unless there exists no other access to the property in question, the City shall not permit any curb cut, driveway or street opening within 150 feet of the near-side face of curb of the intersecting street. If there exists no other access to the property in question, curb cuts, driveways or street openings shall be located as far away from the near-side of curb of the intersecting street as possible. This paragraph shall not apply to any use which generates at least 250 trips per 1,000 square feet of gross floor area per day.

C. Unless there exists no other access to the property in question, the City shall not permit any curb cut, driveway or street opening to be located any closer than 100 feet from any other such curb cut, driveway or street opening. In no case may the City permit any curb cut, driveway or street opening to be located any closer than 20 feet from any other such curb cut, driveway or street opening. This paragraph shall not apply if abutting property owners make joint use of curb cuts, driveways or street openings. This paragraph shall not apply to any use which generates at least 250 trips per 1,000 square feet of gross floor area per day.

ORIGINAL

D. The City shall not permit more than one curb cut, driveway or street opening on any property having a street frontage of 200 feet or less. This paragraph shall not apply if the property's street frontage is less than 200 feet and the property is at least 3 acres in size.

E. The requirements of this Section may be modified by the Director of Design and Development and the Public Works Director within thirty calendar days from the date of application if --

1. The modification is reasonable and necessary for development of the subject property; and

2. The modification will result in more efficient access to and circulation within the subject property; and

3. The modification will not create a hazardous condition for motorists or pedestrians.

Decisions made pursuant to this Paragraph may be reviewed using Process VII, Section 20.35.700 et. seq. (Ord. 3530, 8-12-85, Section 18).

F. Wherever practical, abutting property owners shall make joint use of curb cuts, driveways or street openings.

G. This section shall apply notwithstanding any other provision of the Bellevue City Code. (See also Chapter 22B.24 of the Bellevue City Code.) (Ord. 3436, 11-27-84, Section 1)

Section 8. Bellevue City Code (Land Use Code) Section 20.20.520.F, Tree Preservation and Landscape Development, is amended as follows:

F. Site Landscaping:

1. Perimeter Landscaping Requirements for Use Districts: The applicant shall provide site perimeter landscaping either according to the following chart and subject to Paragraph F.2 and F.6 of this Section; or in conformance with Paragraph J of this Section: Perimeter Landscaping Requirements for Use Districts.

ORIGINAL

Perimeter Landscaping Requirements for Use Districts

LAND USE DISTRICT IN WHICH THE SUBJECT PROPERTY IS LOCATED	STREET FRONTAGE (Type & Minimum Depth)	INTERIOR PROPERTY LINES (Type & Minimum Depth)
R-10, 15, 20, 30	Type III, 10' but if located in a Transition Area, and directly abutting S/F , see Section 20.25B for requirements.	Type III, 8' but if located in a Transition Area, and directly abutting S/F , see Section 20.25B for requirements.
NB, PO, O, OLB	Type III, 10' but if located in a Transition Area, and directly abutting S/F , R-10, 15, 20 or 30, see Section 20.25B for requirements.	Type III, 10' but if located in a Transition Area, and directly abutting S/F , R-10, 15, 20 or 30, see Section 20.25B for requirements.
LI, GC, CB	Type III, 10' but if located in a Transition Area, and directly abutting S/F , R-10, 15, 20 or 30, see Section 20.25B for requirements.	Type III, 8' but if located in a Transition Area and directly abutting S/F , R-10, 15, 20 or 30, see Section 20.25B for requirements.

Note 1: If the property which abuts the subject property is in the same or a more intensive Land Use District than the subject property, the landscaping required along that common interior property line may be reduced by 25% in area. The remaining 75% of the required landscaping may be relocated.

Note 2: S/F includes the G, OU, R-1, R-1.8, R-2.5, R-3.5, R-4, R-5 and R-7.5 Land Use Districts.

Note 3: Notwithstanding the provisions of this Paragraph, Landscape development requirements for specific uses are listed in Paragraph F.2 of this Section.

(Ord. 3145, 9-27-82, Section 37)

ORIGINAL

Section 9. Bellevue City Code (Land Use Code) Section 20.20.590.K.3.a, Parking, Circulation and Walkway Requirements, is amended as follows:

a. Entrances and Exits: The Director of Public Works and Utilities shall fix the location, width, and manner of approach of vehicular ingress and egress from a parking area in conformance with Section 20.20.255. The Director of Public Works and Utilities may require the property owner to alter ingress or egress as necessary to control traffic in the interest of public safety and general welfare. Wherever available, the property owner shall provide access from commercial or multi-family property onto streets which do not abut G, OU, R-1, R-1.8, R-2.5, R-3.5, R-4, R-5 or R-7.5 districts.

Section 10. Bellevue City Code (Land Use Code) Section 20.20.595.A.1, Transportation Management Program, is amended as follows:

1. New Structures: The owner(s) of property or properties within OU, R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20, R-30. PO, O, OLB, LI, GC, NB, or CB Land Use Districts upon which new structural development is proposed shall, prior to initial occupancy of any building, establish a Transportation Management Program if required under Paragraph C.1 of this Section and in accordance with the provisions thereof.

Section 11. Bellevue City Code (Land Use Code) Section 20.25B.020.A, Transition Area Design District, is amended as follows:

ORIGINAL

Districts Providing Transition	Districts Receiving Transition: SINGLE FAMILY										MULTI FAMILY											SINGLE FAMILY		MULTI FAMILY			
	G	A	# OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5	R-10	R-20	R-30	PO	O	OLB	U	GC	NB	CB		LUC OC*		LUC OC**			
R-10	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲												▲					
R-15	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲												▲					
R-20	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲												▲					
R-30	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲												▲					
PO	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲								▲		▲			
O	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲								▲		▲			
OLB	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲								▲		▲			
LI	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲								▲		▲			
GC	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲								▲		▲			
NB	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲								▲		▲			
CU	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲								▲		▲			
+OU	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲								▲		▲			

* A Land Use District outside of the City boundaries which permits no more than ((five)) seven and one half dwelling units per acre, and which is classified as a residential district

** A Land Use District outside of the City boundaries which permits ((no)) more than ((five)) seven and one half dwelling units per acre, and which is classified as a residential district

▲ Areas of transition

\+ Open Use is a district providing transition if adjacent to development of lesser intensity

\# Open Use is classified as a Single Family District receiving transition if developed at a density of ((five)) seven and one half dwelling units or less per acre.

\# Open Use is classified as a Multifamily District receiving transition if developed at a density of ((five)) more than seven and one half dwelling units ((or less)) per acre.

mac301

ORIGINAL

Section 12. Bellevue City Code (Land Use Code) Section 20.25C.040.C.2, Design Standards in OLB Districts, is amended as follows:

2. Illuminated Signs on the property or on buildings within these districts shall be so oriented that they face away from an adjoining G, R-1, R-1.8, R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20 or R-30 districts or O districts containing residentially developed properties. Developments which face on such districts shall limit signs on that side to one, not to exceed 32 square feet in area, located at or near the entrance to the building or property. This sign may be illuminated but shall not be a source of light. All signs shall be an integral part of the architectural design. Necessary safety lighting and directional signs for traffic shall be permitted.

Section 13. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 8th day of July, 1991, and signed in authentication of its passage this 8th day of July, 1991.

(SEAL)

Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley, Deputy City Attorney

Attest:

Marie K. O'Connell, City Clerk

Published July 12, 1991

ORIGINAL

EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION
OF THE CITY OF BELLEVUE, WASHINGTON

Resolution No. 316-A

A RESOLUTION of the East Bellevue Community Council disapproving City Council Ordinance No. 4270, relating to residential land use districts; adding an R-7.5 designation; and amending Sections 20.10.020, 20.10.180, 20.10.200, 20.10.220, 20.10.440, 20.20.010, 20.20.255.A, 20.20.520.F, 20.20.590.K.3.a, 20.20.595.A.1, 20.25B.020.A and 20.25C.040.C.2 of the Bellevue City Code (Land Use Code)

WHEREAS, on the 8th day of July, 1991 the City Council of the City of Bellevue, Washington passed Ordinance No. 4270, relating to residential land use districts, and adding an R-7.5 designation; and

WHEREAS, the subject matter of said Ordinance falls within the jurisdiction of the East Bellevue Community Council pursuant to RCW 35.14.040; and

WHEREAS, when the Land Use Element of the Comprehensive Plan was amended in 1990, the East Bellevue Community Council consistently transmitted to staff, the Planning Commission and the City Council its opposition to adding an R-7.5 designation as proposed; and

WHEREAS, although acceptable restrictive language in the Land Use Element regarding the R-7.5 designation was suggested by the Community Councils, it was rejected by both the Planning Commission and the City Council; and

WHEREAS, in order to preserve the unity of the Comprehensive Plan for the entire City and support those changes in the Land Use Element which were seen as beneficial, the new Land Use Element was only reluctantly approved by the East Bellevue Community Council; and

WHEREAS, throughout discussions of the Land Use Code amendment implementing the R-7.5 designation, the Community Councils suggested restrictions which would have limited its applicability, thus rendering it acceptable; and

WHEREAS, the Community Council continues to have significant concerns as to the applicability of the R-7.5 zone within its jurisdiction; and

ORIGINAL

WHEREAS, at the joint public hearing held before both Community Councils on September 5, 1991, those speakers addressing the Councils unanimously opposed the application of this R-7.5 zone within the Community Councils' jurisdictions; and

WHEREAS, the four Community Councilmembers present voted unanimously to disapprove Bellevue Ordinance No. 4270;

NOW, THEREFORE, the Community Council of the East Bellevue Community Municipal Corporation of the City of Bellevue resolves as follows:

Section 1: The East Bellevue Community Council makes and enters the following findings of fact:

1. The Community Councils have consistently opposed this designation as applied to their areas since it was first proposed and later adopted into the Land Use Element in April, 1990.

2. The East Bellevue Community Council area is an older developed area which already has high residential densities.

3. This new district will generate dramatic increases in demands for City services, as well as contribute to increased traffic and other burdens on the current infra-structure.

4. There was a Declaration of Non-Significance for this amendment and no analysis done on environmental impacts, despite the potential for a 50% increase in residential densities, or even greater increases if the affordable housing bonuses are taken into consideration, with likely significant impacts on air quality, noise, quality of life, and the existing natural environment.

5. Shortly after its inception, the East Bellevue Community Council agreed, at the City's request, to the redesignation and rezone of large tracts of its unbuilt sensitive area land (most of which carried the then King County R-7.2 [single family residential 7,200 sq. ft.]) to a large-lot, open space zone called Open Use-Residential (OU-R). Subsequently, the City only partially concluded its side of the agreement. OU designated areas were divided into OU-G (General) and OU-R (Residential) by changes to the City's Comprehensive Plan and approved by EBCC, but the City then reneged on the rezoning. Thus, the necessary Land Use Code changes were never accomplished by the City despite repeated requests by the East Bellevue Community Council. Ordinance No. 4270 now provides absolutely no protection to these OU properties from future rezones to R-7.5, despite the original promise that OU-R would allow only very low residential densities, usually one unit per acre.

6. The Planning Commission and City Council were uncompromising regarding this legislation and rejected all three Community Council proposed limitations on the application of this new district in their respective areas.

ORIGINAL

7. The ordinance does not have appropriate safeguards to mitigate the impacts on adjacent properties.

8. Those who testified at the public hearing expressed unanimous opposition to the R-7.5 designation.

9. Neither this legislation, nor the Comprehensive Plan upon which it is based, appear to have been coordinated with other jurisdictions pursuant to the Growth Management Act. Subsequent to repeated direct questions, City staff failed to demonstrate that any affirmative steps have been taken by the City to assure that this proposed zoning code amendment is consistent with either the comprehensive plans or zoning codes of either King County, Kirkland, Redmond, Issaquah, Renton, Medina, Clyde Hill, Hunts Pt. Beaux Arts, or any other cities.

10. No evidence was presented by the City staff that the disapproval of the R-7.5 zone in the East Bellevue Community Municipal Corporation jurisdiction would be inconsistent with the comprehensive plans or zoning codes of surrounding jurisdictions.

11. Subject to repeated direct questions, City staff presented no evidence that the disapproval of the R-7.5 zone in the East Bellevue Community Municipal Corporation jurisdiction would be in conflict with or in violation of any requirement of the Growth Management Act.

12. The East Bellevue Community Council previously approved the affordable housing ordinance of the City. This ordinance will promote affordable housing in the East Bellevue Community Council area and will also provide for increased lot densities in existing zoning in conjunction with new affordable housing developments. No evidence was presented by staff to indicate that the new R-7.5 zone will promote affordable housing within the East Bellevue Community Council area.

13. In its initial actions, the East Bellevue Community Council approved changes in the Land Use Element of the Comprehensive Plan only on the understanding that it would review carefully the terms of zoning code changes and might disapprove such Code revisions if they were incompatible with conditions in the East Bellevue Community Council's jurisdiction. At that time the Community Council was assured by the City that there would be no legal impediment to disapproval of changes in the zoning code implementing the Comprehensive Plan changes.

14. While the existence of the R-7.5 zone does not change the zoning of specific properties within the City, we find that there are few, if any, properties within the East Bellevue Community Council jurisdiction to which it could appropriately be applied. If such zoning is generally unsuitable within the East Bellevue Community Council jurisdiction, it is inappropriate to hold expensive, time-consuming rezoning proceedings for R-7.5 rezones.

ORIGINAL

15. The R-7.5 designation contained in Ordinance No. 4270 violates several goals and policies stated clearly in the Bellevue Comprehensive Plan--specifically, as detailed in the Land Use Element the two goal statements and Polices B-3, B-7, B-8, B-13, and B-17.

Section 2: The East Bellevue Community Council concludes that the R-7.5 land use district is neither appropriate for the East Bellevue Community Council jurisdiction nor in the best interests of its citizens, and hereby disapproves Ordinance No. 4270 enacted by the Bellevue City Council on July 8, 1991. Pursuant to RCW 35.14.040, this Ordinance shall not become effective within the area of the East Bellevue Community Municipal Corporation.

Section 3: The Clerk is hereby directed to certify the original of this Resolution, to file the same and to keep the same on file in her office. The Clerk is further directed to distribute certified or conformed copies of this Resolution to the Bellevue City Council, the Bellevue Planning Department, the Department of Design and Development, and the Legal Department.

PASSED by a unanimous vote of the four East Bellevue Community Councilmembers present on the 5th day of September, 1991, and signed in authentication of its passage this 23rd day of September, 1991.

(SEAL)

S. William Halgren, Chair

James Bell, Councilmember

James Keeffe, Councilmember

Philip Stamper, Councilmember

ATTEST:

Sharon Mattioli, CMC
Deputy City Clerk

certain areas than the ordinance does. The area highlighted by Mr. Keeffe is one.

(b) Public hearing to consider approval of City Council Ordinance No. 4270, relating to residential land use districts; adding an R-7.5 designation; and amending Sections 20.10.020, 20.10.180, 20.10.200, 20.10.220, 20.10.440, 20.20.010, 20.20.255.A, 20.20.520.F, 20.20.590.K.3.a, 20.20.595.A.1, 20.25B.020.A and 20.25C.040.C.2 of the Bellevue City Code (Land Use Code)

Explaining the Councils would act on both pieces of legislation after both public hearings, Chairman Halgren called for a staff report. Ms. Brod noted that last year an amendment to the Land Use Element was adopted which added an Urban Residential designation of 7.5 units per acre. This ordinance creates a new single family zoning district similar to all the others. It allows lots of 4,700 square feet and 7.5 units per acre. It allows 10 foot combined sideyard setbacks, instead of 15, and 40% lot coverage. Lot coverage is by structure and excludes roads and other impervious surfaces.

Chairman Halgren noted that between R-5 and R-7.5 is a 50% increase; but a lot size of 7,200 square feet to 4,700 square feet is more than a 50% increase. He asked why. Noting the City defines an acre as 35,000 square feet (excluding roads, etc.), Ms. Brod could not explain the discrepancy.

Chairman Halgren asked what the City did to coordinate this ordinance with other jurisdictions. Ms. Brod was not aware of any coordination. The City does not typically coordinate with other jurisdictions on zoning districts.

Chairman Halgren asked about the related Comprehensive Plan activity, and Ms. Brod said she was not aware of any coordination for the Land Use Element either.

Responding to Chairman Halgren, Ms. Brod said the minimum lot size in King County is 7,200 square feet unless there has been a recent amendment.

Chairman Halgren asked the minimum lot size for adjoining jurisdictions. Ms. Brod did not know. The smallest minimum lot size she knew of was in Seattle, with 3,500 square feet.

Mr. Keeffe asked how this meets the test of consistency, and Ms. Brod said the City is just starting to work on that. She was not aware this zoning district is inconsistent with any other, but she supposed it could be. She said the City is working with other jurisdictions to assure consistency in a broader context, but she was not aware of any coordination with other jurisdictions specifically on the R-7.5.

Chairman Halgren asked why an approval or disapproval action on the part of the Community Councils would be inconsistent with the requirements of the GMA, and Ms. Brod responded that the Land Use Element calls for a single family zoning district of R-7.5 and not having such a district would create an

inconsistency between the Land Use Code and the Comprehensive Plan within Bellevue. The immediate issue is inconsistency within Bellevue codes. In the future, the issue will be inconsistency with surrounding jurisdictions.

Mr. McLaughlin recalled that the R-7.5 zoning district was hotly debated at the time of the adoption of the Land Use Element. At the time, the Community Councils were given assurances by staff that there is a hierarchy of approvals, starting with the Comprehensive Plan; then the Land Use Code; then the subarea plans; and finally site-specific implementations in rezones. He said their approval of the Land Use Element was based on their desire that the City have only one Comprehensive Plan and the assurances that concerns about R-7.5 as it applies to specific subareas in the City could be dealt with in the Land Use Code and that the Land Use Code could contain language directing where the zone would be placed. He questioned why now staff is saying a disapproval is inconsistent.

Ms. Brod said the change occurred when the GMA stated that Comprehensive Plans and zoning must be consistent.

Mr. McLaughlin noted that during the discussion of the affordable housing policies it was stated that differences do not necessarily create inconsistencies. He believed the City Council has not completed its work because it has no guidelines about where to apply the R-7.5 and the Planning Commission could have developed such guidelines. He said the Community Councils may exercise the same flexibility that the City Council could have exercised but didn't. He wondered why this would be inconsistent.

Ms. Brod could not answer that question, but she emphasized that this is a citywide Land Use Code amendment which does not look at specific areas.

Mr. McLaughlin noted the Comprehensive Plan includes the CBD, a specific area. Ms. Brod explained the CBD is an overlay district. She said by citywide she meant the district has even application throughout the City. The Land Use Code merely creates the zoning; while the Comprehensive Plan gives guidance about where to apply it.

Mr. McLaughlin said the Comprehensive Plan does not give guidance on where R-7.5 should be applied; and therefore, the Community Councils should be able to make a different decision without being inconsistent.

Mrs. Kenney noted the MU is a CBD-only zone.

Mr. Keeffe referred to the Community Councils' June 27th letter to the Mayor and City Council and asked:

1) Was any transitioning included between 7.5 and low density single family?
2) Was R-7.5 restricted to newly annexed and developing areas?
3) Were OU properties protected from future rezones to R-7.5?

Ms. Brod responded "no" on all three points.

Mr. Keeffe explained the history on the two designations of OU/R and OU/G in the Comprehensive Plan which were never codified in the zoning Code. He said the Community Councils were guaranteed protection of their areas' OU properties by the City, and now the potential doubling of density on the usable portions of OU property is a breach of faith.

Mr. Keeffe noted only five City Councilmembers were present to vote on this ordinance and the vote was 4 - 1.

Chairman Rahr questioned where Rvs and boats could be parked on such small lots, but Ms. Brod said all single family zones have only five feet required for sideyards, although the total is 15 feet rather than 10 for other districts.

Chairman Halgren asked if an Environmental Impact Statement was required for this ordinance, and Ms. Brod said there was a Declaration of Non-Significance.

Chairman Halgren asked if the 15% reduction in lot size for affordable housing will apply in this zone, and Ms. Brod said it would for the affordable units. Chairman Halgren noted this could be a reduction of 705 square feet on a lot of 4,700 square feet.

Chairman Halgren opened the public hearing.

(a) The Deputy City Clerk read into the record comments by Orwin C. Youngquist, 16439 SE 15th St., Bellevue opposing increased densities.

(b) Don Miles, 15828 SE 24th St., Bellevue, agreed with Mr. Youngquist, noting this district will be very difficult to implement in the East Bellevue area. It would be applied as redevelopment or in-fill of smaller lots. Either will create disruption of neighborhoods. He emphasized the importance of protecting OU property, noting in his neighborhood a four-acre parcel which could accommodate four homes under OU could accommodate sixty under R-7.5. He urged a disapproval.

(c) Chris Peters, 1445 159th Ave. SE, Bellevue agreed with previous speakers and felt the ordinance is vague and open to interpretation.

(d) Richard Ellis, 2554 156th Ave. SE, Bellevue, was concerned about increased traffic congestion, safety problems, lack of parking, lack of open space, increases in crime, impacts on market values of adjacent properties, and increases in noise. He felt an in-depth environmental study should be made of the impacts before the district is accepted.

(e) Norm Baullinger, 16226 SE 24th, Bellevue was concerned about transitioning between low density single family homes and this new zone. He commented on the impact on market value and increased water run-off problems, as well as traffic congestion, parking problems and crime. He concurred with the previous speaker that the environmental impacts should be considered and also felt the City had broken faith on the protection of OU. He also asked

that the Councils veto this ordinance.

(f) Lynn Burlingame, 15621 SE 26th, Bellevue supported the previous speaker, noting 156th between SE 24th and the Washington State Patrol needs sidewalks and crosswalks and when he requested them, he did not receive a positive response from the City. He asked what is driving this regulation, and Ms. Brod said the Comprehensive Plan policy was adopted a year ago. Part of the City's concern was to create more affordable housing, and it was hoped that a smaller lot size would help do this.

Mrs. Kenney noted that there is no relation between the smaller lot size created by this ordinance and the affordable housing policies.

Mr. Burlingame liked the idea of Bellevue as a "garden city" and noted "Bellevue" means "beautiful view". He said increased densities will not create beautiful views and expressed the opinion that high density housing has increased crime rates.

Continuing, Mr. Burlingame asked about the "Bellevue acre" and other terminology which for him is incomprehensible. He said only developers favor this higher density.

Mr. Keeffe explained that the 35,000 square foot "Bellevue acre" is for residential lots only. The remainder of a 43,560 sq. ft. acre is for streets and right-of-way. Ms. Brod added this was adopted from King County.

Chairman Halgren asked if there is any concrete information regarding what the community gains in terms of affordability as a result of increasing density. Mr. Sullivan responded that although he was not aware of information relating to Bellevue, there are studies in other areas.

(g) Margaret Smith, 15618 SE 24th Bellevue, asked whether 7.5 development will require a fully developed street with curbs, gutters and sidewalks and will this square footage of the street be counted into the lot size. Ms. Brod said all the same subdivision requirements will apply depending on whether it is a short plat or a full plat.

Mrs. Smith asked why the .5 was added to the density, noting there is no way to build half a house. She asked if the number of homes will be rounded up to 8. Ms. Brod responded the minimum lot size will be controlling. If the developer does not meet the minimum lot size, there will not be an approval.

Mr. Miles, a previous speaker, gave an example of a rezone in Kirkland where the density was increased by a half but the lots were more expensive.

Mr. Baullinger, a previous speaker, was concerned about the transfer of affordable housing requirements off-site to areas zoned R-7.5.

Ms. Brod said through the subarea process, the adjacent zoning is a part of the consideration and she felt it would be unlikely to see R-7.5 next to R-1,

although anything is possible.

(h) Jeff Carroll, 2115 158th SE Bellevue asked whether the Bellevue acre is written into law. Ms. Brod responded the Land Use Code is law and the minimum lot sizes calculated on the algorithm are law.

Upon motion by Mrs. Kenney, seconded by Mr. Keeffe and carried unanimously, the public hearing was closed.

Mr. McLaughlin asked why transition was not included in the ordinance, if it is hard to imagine R-1 next to R-7.5. Ms. Brod responded that she cannot speak for the Planning Commission. Mr. McLaughlin commented that if this unspoken transition rule is left to the subarea process, each of the 14 subareas could apply it differently.

Mr. McLaughlin was surprised that the City wanted to mandate R-7.5 on the Community Council areas without even checking with other jurisdictions to see if they are consistent. Then, the subarea process is given the task of deciding how to implement it, which will just breed inconsistency.

Mr. Stamper asked for affirmation that no matter what combination of bonuses, no lot size could go below 4,000 square feet. Ms. Brod agreed that is true.

Chairman Rahr commented on staff's assurances during the debate of the Land Use Element that there would be downstream protection against the R-7.5 through the subarea process and rezone approval. He noted that if GMA does apply to the City's Comprehensive Plan, and the City says there is no longer an opportunity to approve/disapprove subarea studies or rezones, then the safety net is gone for the Community Councils.

Ms. Brod said it was her understanding that there are no qualifications on approving/disapproving rezones.

Mr. McLaughlin noted the GMA was already passed by the State Legislature before the Land Use Element was adopted.

Chairman Halgren asked about the Declaration of Non-Significance. Ms. Brod said the decision concerns probable significant impacts. He asked if the impacts of this zoning on infrastructure such as sewers, water, etc., were considered. Ms. Brod said the adoption was considered to have no significant impacts, looking citywide, not to a particular proposal.

Mr. Stamper stated that the City Council viewed the R-7.5 as enabling legislation to allow developers to use the affordable housing ordinance to its fullest capacity. The feeling was that not passing R-7.5 would cripple the affordable housing policies. He said an effort was made by the Community Councils to assure that while gaining affordable housing, the quality of life for current citizens would not be compromised.

Continuing, Mr. Stamper said the Community Councils proposed to accomplish this goal by providing safeguards to citizens about where R-7.5 would be applicable. These safeguards included transitioning, no development of OU

properties and application in newly annexed and developing areas. He noted Dr. Davidson had seen the logic of this position.

Mr. Stamper said it is apparent that Bellevue will be a pioneer in pursuit of affordable housing and higher residential densities. He believed he could support affordable housing, but not R-7.5. He did not wish to seem overzealous in prohibiting affordable housing in the Community Council areas but at the same time, he felt he must support his own constituents and attempt to protect them by not supporting the current R-7.5 ordinance. He asked that the political background be considered in the vote.

Chairman Halgren noted each Community Council would now take individual action on the ordinances.

East Bellevue Community Council:

> Resolution No. 315 approving of City Council Ordinance No. 4269, relating to the implementation of affordable housing policies; amending Bellevue City Code (Land Use Code) Section 20.50.010 and Section 20.50.024 and adding a new Section 20.20.128 to the Bellevue City Code

Mr. Bell moved approval of Resolution No. 315. Mr. Stamper seconded the motion.

Mr. Keeffe thanked staff for relaying Community Council concerns to the respective bodies during the process. He expressed regret the Community Councils do not have line item veto, but noted the City Council could have segregated out the contended portions so that the balance of the ordinance could be passed. He could not support this legislation because of its indefiniteness.

Mr. Stamper noted all parties feel they have compromised on this ordinance. He was not sure it would result in the creation of any affordable housing, but he noted the City has taken a step in the right direction and he felt citizens support this. He favored rehabilitation, particularly in the Community Council jurisdictions, both in terms of cost and result. He said the City should move in this direction, but he did not feel is was politically expedient to vote against this ordinance and supported the motion.

Chairman Halgren still had several concerns, particularly about the failure to define "undue concentration". He noted both Councils have participated for two years in this effort and concerns have been consistently documented, as well as support for the concept. He agreed that everyone felt they had compromised and were concerned about the results. He concurred with the need to preserve current housing and felt the legislation is sadly lacking in ways to approach this. He was concerned about fairness and equity in dealing with downtown developers versus developers in other parts of the City and the selection of participants in the programs.

Chairman Halgren concluded there was a good faith effort on the part of many people and a step in the right direction. State law requires action in support of affordable housing and so with reservations, he supported the motion.

Mr. Bell said the legislation has gone through due process and this represents the best effort to put this ordinance into place. He also supported the motion, noting experience over the next year or two will bear out whether it helps provide affordable housing.

Chairman Halgren agreed but said it will undoubtedly require modification and monitoring in the future.

A vote was taken on the motion to adopt Resolution No. 315, which carried 3 - 1, with Mr. Keeffe dissenting.

Chairman Halgren turned the gavel over to Chairman Rahr.

Sammamish Community Council:

> Resolution No. 294 approving of City Council Ordinance No. 4269, relating to the implementation of affordable housing policies; amending Bellevue City Code (Land Use Code) Section 20.50.010 and Section 20.50.024 and adding a new Section 20.20.128 to the Bellevue City Code

Mrs. Kenney moved approval of Resolution No. 294. Mrs. Carroll seconded the motion.

Mrs. Kenney, a member of the Housing Task Force, noted this legislation is only one small piece to the puzzle. Other important pieces are preservation of existing housing and employer-assisted housing. She said the City had compromised on this issue, and this legislation is very different now from how it began. She did not see any relationship between the two ordinances tonight and felt the City Council erred in feeling they were interdependent.

Mr. Bates expressed skepticism about what government can do to solve social problems. He said this legislation is where he draws the line, and before going beyond this, the Points communities will have to participate in this regional issue. He was concerned about lack of specificity in the language and hoped future regulations will be more specific. He concluded that once the issues have been narrowed down to just two or three by the Community Councils, he would hope more consideration would be given to those points.

With regard to employer-assisted housing, he felt large businesses should pay wages which allow workers to live in the community and not ask help from the taxpayers of the area.

Mr. McLaughlin concurred with previous speakers that this is only one small step and there are still lots of things to do. He feared the City has underestimated the regulatory work involved.

September 5, 1991

Mrs. Carroll, a member of the Regulatory Subcommittee of the Housing Task Force, also supported the motion, noting the end result is a good compromise. She emphasized the "undue concentration" item is still a concern. She noted developers do not like the ordinance, and she thanked staff for being sensitive to residential interests as well. She also wished to see more interest in preservation; more emphasis on low income housing; and more reliance on the King County Housing Authority.

Chairman Rahr noted his opposition to government involvement in affordable housing. He said this opposition was somewhat attenuated after the Affordable Housing Bus Tour, where the development on 148th is solving some living and social problems. He felt affordable housing must be near services to be useful.

Chairman Rahr noted that crime problems in highly dense areas are the result of many factors, and should not be blamed on affordable housing projects. He concluded that since the constituents who testified tonight opposed this ordinance, he would oppose the motion.

A vote was taken on the motion to approve Resolution No. 294, which carried 4 - 1, with Chairman Rahr dissenting.

Mr. Sullivan thanked Mrs. Kenney and Mrs. Carroll for their efforts and he offered to come back and talk about other programs, including a rehabilitation program.

Chairman Halgren expressed his concern that the focus is on new development, even though little opportunity remains for new development in Bellevue. He felt the legislation will be used for redevelopment and the destruction of current affordable housing, which is counter-productive.

Mrs. Kenney asked for written information on developments with the PDA and other issues emphasized by the Community Councils.

Chairman Halgren also asked for feedback about weaknesses in the current legislation and areas that need to be strengthened so that the intent of the legislation would be achieved.

Chairman Rahr turned the gavel back over to Chairman Halgren.

East Bellevue Community Council:

> Resolution No. 316 approving City Council Ordinance No. 4270, relating to residential land use districts; adding an R-7.5 designation; and amending Sections 20.10.020, 20.10.180, 20.10.200, 20.10.220, 20.10.440, 20.20.010, 20.20.255.A, 20.20.520.F, 20.20.590.K.3.a, 20.20.595.A.1, 20.25B.020.A and 20.25C.040.C.2 of the Bellevue City Code (Land Use Code)

Mr. Stamper moved approval of Resolution No. 316. Mr. Bell seconded the motion.

Mr. Keeffe expressed incredulity that the City Council would act on these two ordinances without a full Council present. He wondered why the hurry? Mr. Keeffe emphasized the increased City services' requirements and the negative impacts on existing single family areas, including increased traffic congestion. He thought it was incredible a Declaration of Non-Significance was issued on the amendment, particularly in terms of potential impacts on the OU and other sensitive areas. Finally, he said there was no compromise on any of the three requests for limitations made by the Community Councils.

Mr. Keeffe moved a substitute motion to adopt Resolution No. 316-A disapproving City Council Ordinance No. 4270. Mr. Stamper seconded the motion.

> Resolution No. 316-A disapproving City Council Ordinance No. 4270, relating to residential land use districts; adding an R-7.5 designation; and amending Sections 20.10.020, 20.10.180, 20.10.200, 20.10.220, 20.10.440, 20.20.010, 20.20.255.A, 20.20.520.F, 20.20.590.K.3.a, 20.20.595.A.1, 20.25B.020.A and 20.25C.040.C.2 of the Bellevue City Code (Land Use Code)

Mr. Stamper explained that the City Council is attempting to remove the ability of the Community Councils to safeguard citizens from adverse land use decisions, including increases in density and resulting deterioration in the quality of life of current residents. He felt it is not a citizen's duty to be ever-vigilant, but people should be able to elect individuals to public office to protect their well-being so they do not have to look over their shoulder every day to see what is going on. He felt in this instance the City Council was more concerned with citizens not living in Bellevue than those who are already here.

Chairman Halgren said there is not sufficient indication that the City has coordinated the applicable portion of the Comprehensive Plan with adjoining jurisdictions. The extent of the inconsistencies between Bellevue and adjacent jurisdictions is not known, and staff indicated there was no attempt to check with adjacent communities. He noted the memo received in August, 1990, indicated that the City would have to take steps to assure that its plan was consistent with King County, Kirkland and all the other communities. He did not see any indication this had occurred.

Continuing, he did not find sufficient indication that approval or disapproval would have any impact on consistency regarding the GMA. He found it shocking that the City issued a Declaration of Non-Significance considering the difference between R-5 and the proposed 4,700 square feet, which is in excess of a 50% increase in density. Providing for affordable housing creates an even greater potential increase, up to 80%. He felt this would have profound impacts on traffic, air quality, noise, and an adverse impact on vegetation.

There will also be significant increases on the infra-structure.

Chairman Halgren noted the Community Councils can document their participation thoroughly in all discussions regarding R-7.5 and that they made several suggestions on changes to the Land Use Element. He was pleased to see one City Councilmember saw the justification of the Community Council position.

Chairman Halgren concluded East Bellevue Community Council jurisdiction is an older area with higher densities already, so this would result in a greater impact on the community. He believed there are not appropriate safeguards to mitigate the impacts of the proposal on adjacent properties due to the City's lack of responsiveness to the limitations proposed. He said he would vote in favor of the substitute motion.

Mr. Bell also supported the substitute motion because of the overwhelming opposition expressed at the public hearings to increasing residential densities.

A vote was taken on the substitute motion, which carried 4 - 0, and Resolution No. 316-A disapproving City Council Ordinance No. 4270 was adopted.

Chairman Halgren turned the gavel over to Chairman Rahr.

Sammamish Community Council:

> Resolution No. 295 approving City Council Ordinance No. 4270, relating to residential land use districts; adding an R-7.5 designation; and amending Sections 20.10.020, 20.10.180, 20.10.200, 20.10.220, 20.10.440, 20.20.010, 20.20.255.A, 20.20.520.F, 20.20.590.K.3.a, 20.20.595.A.1, 20.25B.020.A and 20.25C.040.C.2 of the Bellevue City Code (Land Use Code)

Chairman Rahr called for a motion on Resolution No. 295. None was forthcoming.

Mr. McLaughlin moved approval of Resolution No. 295-A. Mrs. Carroll seconded the motion.

> Resolution No. 295-A disapproving City Council Ordinance No. 4270, relating to residential land use districts; adding an R-7.5 designation; and amending Sections 20.10.020, 20.10.180, 20.10.200, 20.10.220, 20.10.440, 20.20.010, 20.20.255.A, 20.20.520.F, 20.20.590.K.3.a, 20.20.595.A.1, 20.25B.020.A and 20.25C.040.C.2 of the Bellevue City Code (Land Use Code)

Mrs. Kenney stated she had followed this since fall, 1989, noting that the Community Councils have made the same suggestions for two years and there has

ORIGINAL

3055c/3826c
2-15-89

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3985

AN ORDINANCE relating to enforcement issues regarding fences and recreational vehicles; to manufactured homes; and amending Sections 20.20.400, 20.50.014, 20.50.034, 20.50.044, 20.50.048, 20.50.050, 20.50.054 and 20.50.058 of the Bellevue City Code (Land Use Code); repealing Section 20.20.890 of the Bellevue City Code (Land Use Code); and adding new sections 20.20.527 and 20.20.720 to the Bellevue City Code (Land Use Code).

WHEREAS, the regulations herein enacted are necessary to clarify ambiguity in existing code requirements; and

WHEREAS, these regulations will help mitigate the aesthetic impacts of residential storage of large vehicles and watercraft on residential neighborhoods, will help assure the continued integrity and vitality of residential neighborhoods, will protect against the diminution of property values in those neighborhoods resulting from unsightly uses and will promote the health, safety and welfare of residential districts; and

WHEREAS, the City of Bellevue has determined that the concern for protecting the aesthetics, integrity, vitality and property values in residential neighborhoods outweighs the interest of those desiring to store large vehicles and vessels in driveways and in front yards unless adequately screened; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and the City's Environmental Procedures Code; therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code (Land Use Code) 20.20.400.A.2. is amended as follows:

20.20.400 Fences

A. General:

2. No fence may exceed 4'6" in height within a required front setback except as follows:

a. If the fence is located on an arterial, on one side of a corner lot, or perpendicular to the right-of-way and necessary for screening, increased fence height may be administratively approved by the Director of Design and Development and shall not exceed the minimum height necessary to afford privacy, security, screening or noise attenuation

b. Any request for increased fence height not meeting the criteria of paragraph a. must be approved by the Director of Design and Development through Design Review, Part 20.30F.

c. Requests for increased fence height pursuant to either paragraph a. or b. above must meet the following criteria:

i. The proposed fence will not cause or contribute to a hazardous traffic situation, and

ii. The proposed fence is necessary to afford reasonable privacy, security or noise attenuation to the subject property, and

iii. The proposed fence is not out of character with development in the immediate vicinity of the subject property.

Section 2. Bellevue City Code (Land Use Code) Chapter 20.20 is amended by the addition of a new section as follows:

20.20.527 Manufactured Homes

Any designated manufactured home meeting the definition of RCW 35A.63.145 and the certification requirements of RCW 43.22.340 may be used as a dwelling unit provided it is placed on a foundation, connected to all utilities required by the applicable City Construction Codes and meets applicable setback requirements.

Section 3. A new section is added to Bellevue City Code (Land Use Code) Chapter 20.20 to read as follows:

20.20.720 Recreational Vehicles, Watercraft, and Utility Trailers

A. Parking or storage of recreational vehicles, watercraft (whether mounted on trailers or unmounted), or utility trailers, except for loading and unloading activities

completed within a three-day period within any given two-week period, is not permitted within a residential land use district (R-1 - R-30), unless there is compliance with the following:

1. The recreational vehicle, watercraft (except for kayaks and canoes which need not be sight-screened), or utility trailer is housed within a vented garage or within a carport which is sight-screened from abutting properties by solid board fencing or sight-obscuring landscaping at least six feet in height; or

2. The recreational vehicle, watercraft (except for kayaks and canoes which need not be sight-screened), or utility trailer may be located within a side or rear yard if in compliance with setback requirements applicable to accessory structures and sight-screened from abutting properties by solid board fencing or sight-obscuring landscaping at least six feet in height;

3. If there is no reasonable access to a rear or side yard, either one recreational vehicle, watercraft or utility trailer not exceeding 28' in length may be located in the front yard as follows:

   a. In the driveway perpendicular to the right-of-way, provided setback requirements applicable to the primary structure are met and the vehicle or watercraft is sight-screened from the closest abutting property by solid board fencing or sight-obscuring landscaping at least six feet in height; or

   b. Within the required front setback area, provided the vehicle or watercraft is completely sight-screened from the right-of-way and from the closest abutting property. The sight screening must consist of plant material; however, a gate is permissible if necessary to maneuver the vehicle or watercraft.

   c. A vehicle or watercraft stored under paragraph 3 must be licensed and operable.

4. Notwithstanding any other provision of this ordinance, for a maximum five-year period from the effective date of this ordinance, a recreational vehicle, watercraft or utility trailer which was owned and was being parked on a property by the occupant of the property on the

effective date of this ordinance may be parked in the driveway, provided all of the following requirements are met:

a. There is no reasonable access to the rear or side yard; and

b. There is sight screening from the closest abutting property by sight-obscuring landscaping at least six feet in height, or if landscaping is inadequate to provide proper screening by a fence at least six feet in height; and

c. The driveway surface is paved or of all-weather surface such as gravel or asphalt; and

d. The vehicle or watercraft is licensed and operable; and

e. No portion of the vehicle or watercraft intrudes over the curb or sidewalk into the public right-of-way.

For purposes of this paragraph 4, a driveway is defined as the surface between the curb line and building line which provides vehicular access to a garage, carport or principal parking area.

5. For purposes of this section, all sides of a property which abut a right-of-way constitute a front yard.

B. One recreational vehicle may be used as a temporary dwelling on a lot already containing another dwelling unit for up to five days without a permit and for an extended period not to exceed 30 days upon issuance of a temporary use permit by the City.

1. The permit issued must be affixed to the recreational vehicle in such a manner that it is prominently displayed and visible, to the extent possible, from a public right-of-way.

2. Recreational vehicles meeting the requirements of paragraph B may be parked within a front yard, need not be sight-screened and need not comply with accessory structure setback requirements for the effective period of the permit.

3. No more than one temporary use permit may be granted within any three-month period.

C. Parking or storage of recreational vehicles, watercraft or utility trailers for compensation is not permitted within a residential land use district (R-1 - R-30). This paragraph does not apply to storage facilities provided exclusively for tenants of multifamily dwelling complexes

D. Commercial vehicles which exceed 19' in length are not permitted to be parked overnight on residential properties unless approved through a Home Occupation permit

E. This section does not apply to vehicles with camper shells or to watercraft moored over water

F. Recreational vehicles, watercraft and utility trailers which exceed 40' in length are not permitted in any residential land use districts (R-1 - R-30

Section 4. Bellevue City Code (Land Use Code) 20.20.890 is repealed.

Section 5. Bellevue City Code (Land Use Code) 20.50.014 is amended as follows:

CAMPER SHELL. Any all-weather cargo enclosure which is mounted on the walls of a truck over the bed, contains no interior fittings, and is used for the transportation of cargo.

COMMERCIAL VEHICLES. Any vehicle with or without identifying commercial signage which is used primarily for a commercial purpose.

Section 6. Bellevue City Code (Land Use Code) 20.50.034 is amended as follows:

* * *

Section 7. Bellevue City Code (Land Use Code) 20.50.044 is amended as follows:

* * *

RECREATIONAL VEHICLE. Any vehicle defined as follows:

Any wheeled, motorized vehicle manufactured, converted or altered to provide self-contained temporary living quarters for recreational, camping or travel uses, and which does not exceed 40' in length. Any vehicle manufactured, converted, or altered which has integral wheels for towing or can be mounted on a motorized vehicle to provide self-contained, temporary living quarters for recreational, camping or travel uses.

ORIGINAL

3826c
2-15-89

Section 8. Bellevue City Code (Land Use Code) 20.50.048 is amended as follows:

* * *

* * *

Section 9. Bellevue City Code (Land Use Code) 20.50.050 is amended by the addition of the following definition:

* * *

UTILITY TRAILER. Any vehicle with integral wheels designed to be towed by a motorized vehicle to transport goods, property, equipment or livestock.

Section 10. Bellevue City Code (Land Use Code) 20.50.054 is amended by the addition of the following definition:

WATERCRAFT. Any vessel which is used for water travel sport or pleasure, which is greater than 12' in length, but does not exceed 40' in length or 12' in height as measured at the highest point when mounted on a trailer.

Section 11. Bellevue City Code (Land Use Code) Section 20.50.058 is amended by the addition of the following definition:

YARD. The area between the existing building line and the property line.

ORIGINAL

3826c
2-15-89

Section 12. This ordinance shall be effective five days after adoption and publication.

PASSED by the City Council this 21st day of February 1989, and signed in authentication of its passage this 21st day of February, 1989.

(SEAL)

Nan Campbell

Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley

Richard Gidley, Assistant City Attorney

Attest:

Marie K. O'Connell

Marie K. O'Connell, City Clerk

Published February 25, 1989

ORIGINAL

EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION
OF THE CITY OF BELLEVUE, WASHINGTON

Resolution No. 267A

A RESOLUTION of the East Bellevue Community Council disapproving City Council Ordinance No. 3985, relating to enforcement issues regarding fences and recreational vehicles; to manufactured homes; and amending Sections 20.20.400, 20.50.014, 20.50.034, 20.50.044, 20.50.048, 20.50.050, 20.50.054 and 20.50.058 of the Bellevue City Code (Land Use Code); repealing Section 20.20.890 of the Bellevue City Code (Land Use Code); and adding new sections 20.20.527 and 20.20.720 to the Bellevue City Code (Land Use Code)

WHEREAS, on February 21, 1989 the City Council of the City of Bellevue, Washington passed Ordinance No. 3985, relating to enforcement issues regarding fences and recreational vehicles; and

WHEREAS, the subject matter of said Ordinance falls within the jurisdiction of the East Bellevue Community Council pursuant to RCW 35.14.040, and

WHEREAS, following a public hearing held before the East Bellevue Community Council on March 7, 1989, the Community Council voted to table Resolution No. 267A to its next meeting of April 4, 1989, at which time it voted to disapprove Bellevue Ordinance No. 3985,

NOW, THEREFORE, the Community Council of the East Bellevue Community Municipal Corporation of the City of Bellevue, Washington resolves as follows:

Section 1. The East Bellevue Community Council makes and enters the following findings of fact:

1. The East Bellevue Community Council believes and has received no firm documentation otherwise that most of the residences within its jurisdiction cannot come into compliance with Ordinance No. 3985 due to the small size of the lots and setback requirements.

2. A five-year moratorium on compliance will not solve the basic problem of lack of ability to comply.

ORIGINAL

3. In the first six months of 1988 there were very few complaints regarding storage of large recreational vehicles and boats within the jurisdiction of the East Bellevue Community Council.

4. Storage fees and increased insurance costs may work a severe economic hardship on many individual recreational vehicle and boat owners, and the City of Bellevue has provided no alternative storage nor recommendations therefor.

5. No objective data have been provided to support the contention that property values suffer diminution due to storage of recreational vehicles and vessels in driveways and in front yards.

Section 2. The East Bellevue Community Council makes and enters the following conclusions:

1. When any legislation is adopted, there should be a reasonable chance for compliance on the part of those it regulates.

2. Ordinance No. 3985 places an undue and, in many cases, impossible burden on the citizens of the East Bellevue Community Council to comply.

3. Options have not been provided to reach a workable accommodation between the interests of the neighborhood and the individual property rights of RV owners.

4. There could be a more creative and workable solution to the regulation of recreational vehicle and boat storage than is represented by Ordinance No. 3985.

Section 3. The East Bellevue Community Council hereby disapproves Ordinance No. 3985 enacted by the Bellevue City Council on February 21, 1989, and pursuant to RCW 35.14.040, this Ordinance shall not become effective within the area of the East Bellevue Community Municipal Corporation.

Section 4. The Clerk is hereby directed to certify the original of this Resolution, to file the same and to keep the same on file in her office. The Clerk is further directed to distribute certified or conformed copies of this Resolution to the Bellevue City Council,the Bellevue Planning Department, and the Department of Design and Development.

PASSED by a majority vote of the East Bellevue Community

ORIGINAL

Council on the 4th day of April, 1989, and signed in authentication of its passage this 4th day of April, 1989.

(SEAL)

Daniel Kranzler, Vice Chair

ATTEST:

Sharon Mattioli

Sharon Mattioli
Deputy City Clerk

CITY OF BELLEVUE
EAST BELLEVUE COMMUNITY COUNCIL

Summary Minutes of Regular Meeting

March 7, 1989
7:30 p.m.

Lake Hills Library
Bellevue, Washington

PRESENT: Chairman Halgren, Councilmembers Hancock, Kranzler, McKinney and Wilson

ABSENT: None

STAFF: Pam Bissonnette, Assistant City Manager
Mary Pat Byrne, Arts Liaison
Ron Hansen, Senior Planner, DDD
Heather McCartney, Assistant Director, Parks Department
Will Medlicott, Enforcement Officer

1. Call to Order

The meeting was called to order at 7:33 p.m. by Chairman Halgren, who presided.

2. Roll Call

Upon roll call by the Deputy City Clerk, all Councilmembers were present with the exception of Mr. Hancock, who arrived shortly thereafter.

3. Communications: Written and Oral

Chairman Halgren distributed information regarding the RV legislation and daycares. He also noted receipt of a letter from David Plummer and Lois Dobish regarding daycare and a flyer on King County 2000.

(a) Jim Keeffe, 444 140th Ave. NE, Bellevue, provided background on the annexation of the East Bellevue Community Council area to Bellevue in 1969 and noted this is the 20th anniversary of the East Bellevue Community Council. He thanked the Council for what it has done and recommended its continuation in November. He also commended Dr. Wilson for his 20 years of service on the Community Council.

Mr. Keeffe introduced former Community Councilmembers, who included Tom Kraft, Dan Walz (who was with his wife, Inga), Sal Mineo, Bill Serr, and Don Lemieux, as well as Dave Banks, who was instrumental in the original annexation effort.

Mr. Keeffe noted that he, Tom Kraft, and Don Lemieux had also served on the Bellevue City Council.

Each former Councilmember then identified one important activity associated with the East Bellevue Community Council:

(1) Dan Walz commented on saving the Larsen Lake area and Robinswood Park.

(2) Dave Banks noted EBCC gave citizens a means to check development in their area.

(3) Tom Kraft felt the most exciting achievement during his tenure was the preparation of the Comprehensive Plan for this area. A second achievement was the development of 148th Avenue N.E., when EBCC served as a community focal point, assuring the community's input in the design.

(4) Sal Mineo commented on the way EBCC can influence City policy and cited an example. He said the Community Council can provide moral authority, above its meager jurisdictional authority, and intellectual leadership, which gives it more influence than one would suspect.

(5) Bill Serr noted the biggest accomplishment was bringing bureaucracy closer to the people and holding meetings in the evenings.

(6) Don Lemieux felt EBCC is local government at its best, and commended the walkway through the Lake Hills Greenbelt.

Mr. Keeffe reiterated his thanks to the current Council and special appreciation to Dr. Wilson.

Dr. Wilson thanked everyone for attending and said he had personally found it a joy to work with people of this caliber--the unusual citizen who will spend time to contribute to the advancement to the community.

Chairman Halgren also thanked the former Councilmembers and described his early experiences with EBCC, which involved saving Robinswood Park and preventing the development of a retirement center there. He concluded EBCC looks at legislation in terms of what is best for the entire City and often legislation has been modified in ways that benefit all of Bellevue.

4. Reports of City Council, Boards and Commissions: None

5. Approval of Agenda

Mr. Kranzler moved approval of the agenda, with the addition of "Daycare Data" as item 10(c) of "Unfinished Business". Mr. Hancock seconded the motion, which carried 5 - 0, and the agenda was adopted as amended.

6. Report of Department of Design and Development

Ron Hansen, Senior Planner, began to describe a home occupation which was discovered to be outside EBCC's jurisdiction.

4661g/2

7. Public Hearings

(a) Public Hearing to consider approval of City Council Ordinance No. 3985 relating to enforcement issues regarding fences and recreational vehicles.

Chairman Halgren commented on public hearing procedures and explained that EBCC can only approve or disapprove Ordinance No. 3985 and cannot modify or amend it. He then opened the public hearing.

(1) Audrey Kelley, 416 156th Pl. NE, Bellevue, President of the Bellevue RV and Boat Owners Association, said the government should not tell property owners what to do with their property unless there is a danger to the health, safety or welfare of neighbors. She said this legislation endangers neighbors because it requires high fences and/or hedges in front yards when the Police have asked residents to trim such hedges.

Ms. Kelley's second point was that society should encourage recreational use of the outdoors, particularly for families. The Northwest is a beautiful place to enjoy the outdoors but because of the weather, recreational vehicles are necessary to do so. Americans suffer from too much stress and the wise use of leisure time is a cure for these problems. She asked the Council to support citizens' mental and physical health and family well-being.

(2) Dean Edwards, 901 146th Ave. SE, Bellevue, commented he has attended all meetings on the regulation of RVs since July 20, 1988. He said the Planning Commission did not want RVs in Bellevue, and this goal has prevailed. Although the proposed ordinance has been modified nine times, homeowners in older areas built in King County and then annexed into Bellevue cannot put RVs anywhere but the front yard. Mr. Edwards commented on the new definition of a front yard and pointed out that few houses in Bellevue have driveways long enough to comply with the Ordinance and park a 28-foot RV.

Continuing, Mr. Edwards said he is not addressing the five-year moratorium because at the end of that period, these problems will still exist. Furthermore, the moratorium does not help those in future annexation areas or those who buy RVs or boats after the effective date of the Ordinance. He pointed out that the Ordinance affects between 6,000-8,000 people (2.2 people per rig) and does not take into account the sloping terrain of many Bellevue lots. Even parking adjacent to the driveway has been prohibited because pads parallel to the driveway are considered the same as the driveway.

He concluded that no one supports this Ordinance. It is not an issue for most people, he said, and at the January City Council meeting, no one spoke for the Ordinance. He said people did not turn out at the Planning Commission meetings in favor of the regulations, yet there has been no

effort to compromise with RV owners. Mr. Edwards asked that this Ordinance be vetoed so that another effort can be made to work with the public towards a more acceptable solution.

(3) Frank Manley, 301 160th Ave. NE, Bellevue, protested that the Ordinance will be enforced on a case-by-case basis. He felt that allowing RVs to park for three days for loading and unloading provides an opportunity to move them around the neighborhood and makes enforcement almost impossible. He wanted his RV under his personal care and noted there is not enough storage space for the number of RVs which would have to be moved if the Ordinance is enforced on a non-case-by-case basis. He concluded that one reason he wanted an RV was to have an emergency generator accessible in case of a power outage or emergency. He said this Ordinance infringes on his personal lifestyle and requires expenditures he should not have to make to live in Bellevue.

(4) Richard Johnson, 14239 SE Allen Rd., emphasized the United States has a democratic form of government and should do the will of the majority. He said this Ordinance is opposed by most people, yet the City Council adopted it. Providing some of his own background, Mr. Johnson questioned why the City Council took this action despite the fact that there were no organized proponents for it.

(5) Dick Ellis, 2554 156th Ave. SE, Bellevue, pointed out a typo in the date of the Ordinance, which the Deputy City Clerk said has been corrected. He questioned why a solid board fence was required and not other types of fencing.

Mr. Ellis commented that if other jurisdictions had similar legislation, there would certainly be a dearth of storage facilities. He felt before such legislation is put in place, the City should provide storage and thereby a solution to a problem. He said many Councilmembers had their minds made up before the public hearing and this is a bad Ordinance.

(6) Don Schaefer, 14430 SE 18th, Bellevue, asked if the financial ramifications for the City of Bellevue had been considered. Noting his own expenditures in Bellevue for maintenance of his vehicle and the purchase of gas, tires, etc. he said the Ordinance needs a common sense approach. He suggested the City have a mediator to handle complaints in this category and felt there were not enough complaints to warrant such restrictive legislation.

Responding to a question from Mr. Manley, Mr. Kranzler said that of the 1,969 complaints regarding Code compliance issues, 184 were applicable to this discussion (9.3% of total).

Mr. Edwards noted the City is not concerned about what people will do with their recreational vehicles and boats if they cannot comply with the Ordinance. He also commented on one individual who calls in complaints about RVs throughout the City and pointed out that the City's Enforcement Officer had said that many complaints involve neighborhood arguments.

Mr. Johnson added that those opposed to the Ordinance have formed an association and raised over $1400 to hire an attorney to appear on their behalf.

Responding to Dr. Wilson, Mr. Edwards said there are 59,000 RVs on the Eastside. There is no way to tell how many boats there are, but probably at least twice that number. He said boats are not raised as often as an issue as RVs.

Mr. Kranzler asked if a compromise ordinance was proposed, and Mr. Edwards said several suggestions were presented. Parts of the citizens' proposals were reworked to "their (the City's) benefit, but it was like a giving and then in the next sentence they would take it away".

Mrs. Kelley pointed out that State law licenses vehicles to travel on the highway, while Ordinance No. 3985 requires licensing of vehicles whether they are in current use or not.

Responding to Mr. Hancock, Mr. Johnson said insurance companies charge higher fees to insure vehicles in storage than on the owner's premises.

Mr. Edwards commented there are fewer than 50 storage spaces available at the current time, and he felt the situation will not be better in five years.

Mr. Kranzler moved to continue the public hearing until the arrival of the staff person, Will Medlicott, later in the evening. Mr. Hancock seconded the motion, which carried 5 - 0.

AGENDA INTERRUPTION

Mr. Kranzler moved to continue with Item 9 until the public hearing resumed. Mr. Hancock seconded the motion, which carried 5 - 0.

9. Committee Reports

(a) City Council/Planning Commission Representative Report

Chairman Halgren commented on his activities over the past month.

(b) Eastgate Subarea CAC

Chairman Halgren noted this Committee continues to meet.

(c) Attorney Selection Committee Report

Dr. Wilson and Mr. Kranzler plan to select an attorney within the next two weeks.

10. Unfinished Business

(a) Arts Policies

Heather McCartney, Assistant Director of the Parks Department, noted the Arts Policies have been combined and shortened by the Planning Commission and a public hearing was held on February 22, 1989.

Chairman Halgren thanked Ms. McCartney for bringing the policies back to the Community Councils before they go to the City Council.

Responding to Chairman Halgren, Ms. McCartney explained which policies are the most controversial. The public art policy generates the most comments, and an attempt has been made to strengthen the community involvement side of the process. There is an emphasis on education in the arts, while the funding policy maintains the status quo. The policies can be revised to be more aggressive in a few years, if that is the wish of the community.

Responding to Dr. Wilson about the impacts of these policies, Ms. McCartney explained there is an accompanying Action Plan which will be adopted by ordinance and updated on a yearly basis. It helps direct the CIP and the budget. She then reviewed the items on the Action Plan.

Dr. Wilson asked if acceptance of these Policies would imply support of a performing arts center, and Ms. McCartney said that is a different issue. Policy A-12 encourages development of facilities but it does not deal with specific ones.

Mr. Kranzler said he felt the Arts Policy should encourage Northwest artists and support local art.

Mary Pat Byrne, Arts Liaison, said the Arts Commission wishes to be as flexible as possible in terms of the purchase of public art. The Commission does support local artists, she said, but these policies are conservative and reflect current practices.

Responding to Mr. Kranzler's question about the current bonus system in the CBD, Ms. McCartney said the Commission is not suggesting additions or changes but continuance of current policies.

Responding to Mr. Hancock, Ms. McCartney said the art piece for the Lake Hills Greenbelt should be selected in early 1990. The Arts Commission is currently commissioning a piece for McCormick Park.

Mr. Kranzler reiterated the Arts Element should specifically support more recognition of the history of Northwest art and encourage this in educational programs, as well as support local artists. Dr. Wilson concurred, as did all the Councilmembers except Mr. Hancock, who felt the approach should be broader.

4661g/6

Responding to Dr. Wilson's request for a copy of the Municipal Arts Guidelines, Ms. McCartney said they are in the process of being revised. They are adopted by the Arts Commission and approved by the City Manager.

Chairman Halgren asked that Policy A-14 say "existing" incentives to clarify that no new or additional incentives would be allowed.

Ms. McCartney said that using the word "existing" would make it hard to update the policy, and Chairman Halgren said he would not like to see A-14 used as a basis for extending the incentives.

(b) Senior Housing

This item was postponed until next month.

(c) Daycare Data

Chairman Halgren explained the fourth page of his handout, which shows the child care facilities licensed by the State arranged into categories: up to 6 children, 7 - 12 children and over 13. He noted the State has not licensed any facilities for under four children. He also noted that Bellevue has not licensed any facilities for three children or less. He felt there is a level of activity, perhaps two children, where a license should not be necessary.

7. Public Hearings

(a) Public Hearing to consider approval of City Council Ordinance No. 3985 relating to enforcement issues regarding fences and recreational vehicles

Chairman Halgren informed Mr. Medlicott that the public hearing had been left open until his arrival.

Responding to Chairman Halgren, Mr. Medlicott said the main change to the RV Ordinance was that for a maximum of five years an RV can be parked in the driveway provided it meets certain requirements. He read those conditions from the packet.

Mr. Medlicott commented the current City Code is over 10 years old and did not allow storage in front yards at all and required Type I landscaping for side and rear yards. This landscaping is very extensive and almost impossible to meet as a requirement. He explained that Code enforcement tries to determine how a violation can be corrected and in these cases, it was almost impossible to develop a reasonable solution. Those owners who did not wish to comply just did nothing.

Responding to Mr. Hancock, Mr. Medlicott said the idea behind the "solid board fence" was that this is a minimal amount of screening. The intent was not to prohibit other types of fences.

Responding to Mr. Kranzler, Mr. Medlicott said there is no provision for a neighbor to waive the wooden fence.

Mr. Kranzler questioned how often the RV storage issue was raised in Neighborhood Enhancement meetings, and Mr. Medlicott said it came up several times in Woodridge.

Responding to Mr. Kranzler's question about the enforcement capability under the new regulations, Mr. Medlicott said the main difference is now the Code contains definitions for parking and storage. He said the attorneys had declined to pursue enforcement because there was no definition of what a "stored" vehicle is or a time frame on "parked" versus "stored".

Responding to Mr. Kranzler, Mr. Medlicott said many houses in the City could not comply with the new Codes, and many of these smaller lots are in East Bellevue.

Mr. Medlicott said if the old Code were left in place in EBCC, a test case would be necessary to determine whether it could be enforced.

Mr. Kranzler asked if there was a way to create regulations to allow owners to have RVs on their property yet provide some protection to the neighborhood. Mr. Medlicott said this is the best compromise the City could come up with. He said one compromise was that RVs would be allowed in the front yard if the 20-foot setback is met. Another compromise was to allow the RV to meet the accessory building setback, which allows a written agreement with a neighbor to park on the lot line. The substitute of the fence or shrubbery for the Type I landscaping was another compromise.

Mr. Medlicott agreed there is no room at most houses to park an RV in the driveway because the home is built on the setback line.

Dr. Wilson summarized that in Lake Hills this Ordinance would prohibit people from having recreational vehicles parked on their property after the five-year moratorium.

Mr. Medlicott emphasized that this Ordinance is a compromise and staff has followed City Council direction.

Mr. Kranzler commented this policy discriminates against the older parts of the City, and Mr. Medlicott said the Planning Commission grappled with this issue.

Dr. Wilson asked the implications of an EBCC veto of this Ordinance, and Mr. Medlicott said it will be a policy decision how to proceed. He said in the past the City has never taken on a test case because of the language of the Code, but people have an expectation that there is an enforceable ordinance when there is not.

Responding to Chairman Halgren, Mr. Medlicott said staff has been dealing with this problem of enforcement over the years but the Woodridge meetings brought it "to a head".

Chairman Halgren explained his data on complaints, asking whether the tally of complaints made on several items at one address was entered as one complaint or several. Mr. Medlicott said the tally was made of complaints, not the number of violations. He said occasionally residents want to make a blanket complaint, but they are asked to provide locations. However, a person may complain about several locations and these are listed as separate complaints.

Chairman Halgren noted there were 14 complaints made during the first quarter of 1988 and 36 complaints in the second quarter. He then explained how the data was organized and noted only six violations were in East Bellevue, three of which refer to the same school bus and one to the Lake Hills Chevron Station renting recreational vehicles.

Responding to Chairman Halgren, Mr. Medlicott explained the legislation with regard to boats, noting the change from 16 feet to 12 feet. He also explained the commercial vehicle section, which allows all but the largest crewcab vehicles.

Chairman Halgren pointed out that this allows a vehicle up to 19 feet if it is used for a commercial purpose but not a small RV of less than 19 feet.

Chairman Halgren asked about temporary use, and Mr. Medlicott said the RVs can be used for 30 days. The old temporary use permit was for a house trailer hooked up to water, power and sewer. Now no permit is necessary for up to five days, and the temporary use permit, which is now an administrative permit, is good for 30 days, with no hook-up allowed.

Responding to Chairman Halgren, Mr. Medlicott explained the Woodridge covenants, noting they are usually vague, difficult to enforce and vary by subdivision. In certain areas there are strong neighborhood groups which will enforce covenants through civil actions.

Responding to Mr. Kranzler, Mr. Medlicott said if the City Council's purpose had been to accommodate RV owners, there would have been no point to drafting legislation. He said looking at areas where there is no access to side or rear yards, the only alternative would have been to allow parking parallel to the home but with a huge screening barrier. This would not have been feasible. He said staff cannot deal with the problem under the current regulations and the intent of Council was that RVs will be out of the driveways in five years.

Responding again to Mr. Kranzler, Mr. Medlicott agreed that there is little storage available at the current time. He said it is possible with current zoning to construct storage facilities in Bellevue, but it is his understanding that it is not commercially feasible.

Mr. Medlicott concluded that the staff is looking for clear direction in order to deal with people on a reasonable basis. Chairman Halgren agreed with Mr. Medlicott that legislation should be enforceable. He commented on the improvement in enforcement in recent years.

Mrs. Kelley pointed out the 20-foot front yard setback is required for houses, and recreational vehicles were considered by the Planning Commission in the same category. However, the Highway Commission regulates RVs and an RV is more equivalent to a vehicle than a house.

Mrs. Kelley commented on amount of fines for civil infractions, and Mr. Medlicott said they are the same for all civil infractions. The process initially involves seeking voluntary correction. During this period, staff works with the individual to find out how much time is needed to comply. After this period, an Order to Correct is issued. The penalties are $100 for the first day; $200 for the second day; $300 for the third day; and $500 a day thereafter.

If the Order to Correct is ignored, a Notice of Civil Violation is issued, at which time the fines start accruing. However, there is a 7-day appeal period to the Hearing Examiner. Staff can also ask for an Abatement Notice which entails a court order. The fine is a civil debt and is referred to a collection agency. There has never been a fine for having an RV, Mr. Medlicott concluded.

Mr. Ellis asked how much front yard screening would be required to sight screen a 10-foot RV, and Mr. Medlicott responded the Ordinance requires at least 6 feet. He said staff is reviewing the 40 complaints that are pending and looking at how to apply the new Ordinance.

Responding to Mr. Manley, Mr. Medlicott said there is already an ordinance prohibiting junk cars.

Mr. Johnson asked if those living in subsequent annexation areas can take advantage of the moratorium, and Mr. Medlicott said he did not know.

Mr. Johnson asked if there is documented proof that RVs parked in front yards lower neighborhood property values, and Mr. Medlicott said he did not have that information.

Mr. Edwards referred to a 1977 court case in which the Ohio Court of Appeals said it was unconstitutional to legislate for aesthetics and the US Supreme Court refused to hear the case. He said seven state Supreme Courts have ruled against legislation based on aesthetics. In Washington, there has been one case which has gone to Superior Court and the City of Arlington's regulation was struck down.

Mr. Edwards concluded that until December the reason given for the new legislation was aesthetics and only later did the ambiguity of existing codes become a reason.

4661g/10

Mr. Hancock moved to close the public hearing. Mr. McKinney seconded the motion, which carried 5 - 0.

8. Resolutions

(a) Resolution No. 267 approving City Council Ordinance No. 3985 relating to enforcement issues regarding fences and recreational vehicles

Mr. Hancock moved to approve Resolution No. 267. Dr. Wilson seconded the motion.

Dr. Wilson expressed concern about what the City will do if the Ordinance is vetoed. The current legislation makes maintaining an RV on the premises an unattainable goal in most of Lake Hills. Therefore, passing the Ordinance puts people in a situation where they are not able to comply even if they are willing to do so. There is something wrong with that type of ordinance, he said.

Continuing, Dr. Wilson did not want to veto Ordinance No. 3985 and create more problems for people if the City chooses to make an example of East Bellevue's position. He noted that EBCC recommended from the beginning that an ordinance be created that would allow conformance and not be restrictive on the face of it. The problem is the unknown ramifications of a veto and he wished to ascertain what these might be before taking action. He thought there should be a more creative solution to this problem.

Mr. Hancock felt regulations are a good idea, and restrictions on RV storage is for the common good of the neighborhood. He said this would only be another requirement, like licensing.

Mr. Kranzler expressed a concern that Ordinance No. 3985 is not well-thought out in terms of accommodating everyone. He felt the City should have provided storage before adopting such legislation, and he questioned spending on projects like the Downtown Park instead of items of general concern, such as this one.

He felt that the City has not taken full responsibility to do what it wished to have happen. He agreed that aesthetically RVs in front yards are unacceptable, but if the City is going to legislate against this, he reiterated it should provide options to RV owners. A veto may force the City to improve the legislation and if the City makes an example of someone in East Bellevue, the property owner will undoubtedly litigate, based on the information about the ambiguity in the current Code.

Mr. McKinney said he would vote against Resolution No. 267, although he did not like the current legislation either.

Chairman Halgren had problems with legislation based on aesthetics and the lack of opportunity for compliance. He was also concerned about the level of citizen interest in the subject, with only 14 complaints in the first quarter, the concentrated geographic grouping of complaints, and the fact that one person made several complaints.

Chairman Halgren supported making legislation more enforceable, but he was concerned what the City would do if EBCC disapproves Ordinance No. 3985. He supported waiting for a month to get additional information, although he did not feel that speculation on the part of the City as to what staff would do should necessarily be a controlling factor in his decision.

Mr. McKinney felt the Council should vote its conscience on this issue, notwithstanding the City's intention.

A vote was taken on approval of Resolution No. 267, which failed 1 - 4, with Mr. Hancock voting in the affirmative.

> Resolution No. 267A disapproving City Council Ordinance No. 3985 relating to enforcement issues regarding fences and recreational vehicles

Mr. McKinney moved to approve Resolution No. 267A. Dr. Wilson seconded the motion.

Mr. Kranzler felt there is no harm in waiting until next month to take action on this issue.

Mr. McKinney felt that the City will not respond in any positive way during that month.

Chairman Halgren noted that Findings and Conclusions should be developed before April for Resolution No. 267A.

Mr. Kranzler moved to table action on Resolution No. 267A until the April meeting. Dr. Wilson seconded the motion, which carried 5 - 0, and Resolution No. 267A was tabled until April 4, 1989.

Dr. Wilson asked that next month staff defend the position of making an Ordinance that on the face of it cuts out a certain element from compliance. He wanted justification for this, as well as information as to the implications of a veto.

Mr. Kranzler said there are two issues here, a legal one and an enforcement issue, and Mr. Medlicott said the DDD Director, would probably make the policy decision regarding enforcement.

11. New Business

(a) Transition Standards Code Amendment

This item was postponed until next month.

4661g/12

4734g

EAST BELLEVUE COMMUNITY COUNCIL
Summary Minutes of Regular Meeting

April 4, 1989
7:30 p.m.

Lake Hills Library
Bellevue, Washington

PRESENT: Vice Chairman Kranzler, Councilmembers McKinney and Wilson

ABSENT: Chairman Halgren and Mr. Hancock

STAFF: Steve Cohn, Associate Planner
Richard Gidley, Deputy City Attorney
Pat Lambert, Associate Planner, Department of Design and Development
Nancy Tucker, Consultant, Storm and Surface Water Utility

1. Call to Order

The meeting was called to order at 7:37 p.m. by Vice Chairman Kranzler, who presided.

2. Roll Call

Upon roll call by the Deputy City Clerk, all Councilmembers were present with the exception of Chairman Halgren and Mr. Hancock.

3. Communications: Written and Oral

(a) Update on Traffic Ordinance

This item was postponed until next month.

(b) David Plummer, 14414 NE Pl., Bellevue, commented on the revision of the City's child care policies and the upcoming public hearing before the Planning and Human Services Commissions. He felt staff has received input primarily from home daycare operators and urged Councilmembers to oppose the new policies.

(c) Jim Keeffe, 444 140th Ave. NE, Bellevue, commented on several items:

1: The City is involved in several expensive projects. The Bellevue Dam has cost over $2 million, with the City no longer pursuing the FERC application. The Transportation Facility Plan has cost $250,000 so far. The Convention Center is expected to cost $28 million in construction costs alone. It will be constructed on leased land, a policy which Mr. Keeffe felt should be considered further.

2: There is a recommendation that the Transit Center on NE 6th be replaced by a larger facility. He described the background on getting a restroom at the Transit Center and noted the facility is used 50 times a day by citizens, who must ask a METRO employee for the key.

3: Mr. Keeffe opposed the change in the goal of the Land Use Element of the Comprehensive Plan, particularly the deletion of the word "suburban". He pointed out that Bellevue is only part of the Eastside and will remain a suburb in Seattle's shadow. He emphasized the citizens are to be served by the CBD. Continuing, Mr. Keeffe described the recommendations of the San Francisco Strategic Plan, one of which was the formation of a pro-housing coalition. Mr. Keeffe felt the Bellevue Alliance plays this role.

Noting the Plan's second recommendation was to streamline the California Environmental Protection Act, he said Washington's environmental policies are strong. He alluded to the West Main case, which the Washington Supreme Court refused to hear. This case demonstrates that the City can use the Comprehensive Plan as justification for denial of a project.

Vice Chairman Kranzler commented that EBCC had addressed several issues at its February meeting regarding Comprehensive Plan amendments, including the proposed changes in the goal.

4: Mr. Keeffe said because of its form of government, Bellevue does not have the same initiative rights as Seattle and recommended that EBBC discuss this with the City Attorney to assure that Bellevue citizens have the same rights as those in Seattle.

5: The medians along Main St. are a disgrace, Mr. Keeffe said, and asked EBCC to request that the City Council distribute park maintenance funds proportionately by land area.

(d) Steve Kelley, 416 156th Pl. NE, Bellevue, noted his opposition to Ordinance No. 3985. He is Treasurer of the Bellevue RV and Boat Owners Association.

4. Reports of City Council, Boards and Commissions: None

5. Approval of Agenda

Upon motion by Dr. Wilson, seconded by Mr. McKinney, and carried 3 - 0, the agenda was approved with the deletion of Item No. 10(d), "Helicopter Ordinance", which was postponed to next month.

6. Report of Department of Design and Development: None

4734g/2

April 4, 1989

7. Public Hearings and 8. Resolutions

(a) Public hearing to consider approval of City Council Ordinance No. 3993 approving the application of the City of Bellevue Storm and Surface Water Utility for a shoreline conditional use permit located on the east side of 148th Ave. SE south of Main Street, north of SE 8th street and west of 168th Avenue S.E., as recommended by the Hearing Examiner, with conditions; CUSM 88-5411

Nancy Tucker, for the Storm and Surface Water Utility, described the project to aereate and restore Larsen Lake. She described the alum treatment and the remaining steps for completion of the project. She said the project will be bid in the near future.

Responding to Mr. McKinney, Ms. Tucker said there are no negative environmental effects in treating Larsen Lake with alum at the proposed doses.

Responding to Mr. Kranzler, Ms. Tucker said no one could play with the blocks in the dispenser because the basket is several feet below the surface. Furthermore, the alum dilutes in the water.

Responding further to Mr. Kranzler, Ms. Tucker said the construction is fairly minor and should not disturb the neighborhood.

Vice Chairman Kranzler opened the public hearing.

(a) Don McGinnis, 15900 SE 24th St., Bellevue, commented on the Phantom Lake aeration project. He felt it is probably a good idea but questioned the size of the boil on the surface of the Lake.

Ms. Tucker noted that this project deals with Larsen Lake, and the method of aeration will be different on Phantom Lake. There will not be a "boil" on Larsen Lake. She continued that the City is working on Larsen Lake first because grant money is available to do this project.

(b) Jim Keeffe, 444 - 140th Ave. NE, Bellevue, asked if this plan will effect the water channel leading from Larsen Lake to the K-Mart Plaza and the culvert under the K-Mart.

Ms. Tucker responded that this project will not effect the Larsen Lake outlet. She noted that the K-Mart owners will be required to open the channel if expansion occurs on that site. The K-Mart culvert has already been renovated, which has improved the outflow from Larsen Lake.

Upon motion by Dr. Wilson, seconded by Mr. McKinney, and carried 3 - 0, the public hearing was closed.

4734g/3

Resolution No. 268 approving City Council Ordinance No. 3993, approving the application of the City of Bellevue Storm and Surface Water Utility for a shoreline conditional use permit

Upon motion by Dr. Wilson, seconded by Mr. McKinney and carried 3 - 0, Resolution No. 268 was approved.

AGENDA INTERRUPTION

Upon motion by Dr. Wilson, seconded by Mr. McKinney and carried 3 - 0, Item 7(b) was postponed until after Item 9(c).

(c) Resolution No. 267A disapproving City Council Ordinance No. 3985 relating to enforcement issues regarding fences and recreational vehicles

Dr. Wilson moved to take from the table last month's motion to approve Resolution No. 267A. Mr. McKinney seconded the motion, which carried 3- 0.

Mr. McKinney commented that after the Sammamish Community Council vetoed this ordinance, certain comments by City staff, as reported in the newspaper, appeared to be a veiled threat. He resented this approach.

Richard Gidley, Deputy City Attorney, responded to Dr. Wilson's question about enforcement, saying it will continue to be on a complaint-only basis.

Vice Chairman Kranzler asked if the Legal Department would advise DDD the old ordinance could be enforced through the courts.

Mr. Gidley said the Legal Department feels it is an enforceable ordinance, although more difficult to enforce than the new one.

Vice Chairman Kranzler asked if there has been a recommendation by the City Attorney in the past regarding enforcement, and Mr. Gidley responded that to his knowledge there has been no formal recommendation.

Mr. Gidley said that if a set of facts were presented which appeared to constitute a violation of the ordinance and were provable according to a proper legal standard, then the City Attorney would say the City could "go ahead and enforce them".

Dr. Wilson asked if additional citations could be issued during the pendency of any lawsuit brought against the City in the Sammamish Community Council's jurisdiction based on the old ordinance, and Mr. Gidley said unless an injunction is involved, which is unlikely, enforcement could continue.

4734g/4

Dr. Wilson asked if a class action suit is possible, and Mr. Gidley explained the court has certain requirements to constitute a class, but RV owners might qualify.

Dr. Wilson said he has wrestled with what would be best for RV owners, and this is a case of choosing between the lesser of two evils. He wanted to be sure that his decision is most favorable to them, based on his judgment. Mr. Gidley commented that there is no guarantee what enforcement policies will be adopted in the future.

Dr. Wilson asked Mr. Gidley whether he would approve or disapprove the ordinance if his goal was to get a better one, and Mr. Gidley said the proposed ordinance is less restrictive than the existing one. It also has a five-year grace period. Therefore, the proposed ordinance is more favorable to RV owners.

Responding to Dr. Wilson, Mr. Gidley said there are no other ordinances in the City in which a particular subset of the population (owners of single family small lots) is precluded from adhering. Of course, all zoning ordinances place restrictions on action based on lot size.

Dr. Wilson asked for clarification of the legal aspect of whether it is appropriate to have an ordinance that cuts out an element of the population from compliance. He noted that in Lake Hills, with the zoning and restricted lot size, many people could not comply with the new ordinance. He said Stephanie Brod had said "it is possible but probably not feasible". He emphasized the importance of knowing whether or not residents can conform.

Although not totally satisfied that he has the answer, Dr. Wilson said action must be taken now because no further information is available. He concluded by noting that staff should have known the specifics on this question, and Vice Chairman Kranzler commented that perhaps staff did not want to know the answer. He felt the Planning Commission was also unaware of all the ramifications of this ordinance.

Dr. Wilson then polled the audience to find out how many members reside in the East Bellevue area. There were two and both felt it would be better to take their chances with the current ordinance than approve the new one, even though the current ordinance is very restrictive if enforced.

Responding to a comment from the audience, Dr. Wilson explained that the Community Council cannot modify legislation and it cannot veto existing legislation.

Vice Chairman Kranzler said he was viewing this issue from the perspective of what is in the best interests of all his constituents, not just RV owners. City ordinances must work for everyone in the community on an

equal basis and alternatives must be provided when major lifestyle changes are to be implemented.

He said his goal is to revitalize this area, and the five-year moratorium will not help people moving in with RVs and boats. If they cannot bring in their recreational vehicles, they may buy homes elsewhere, which could create a potential for deterioration. He felt the City could have done a better job in providing alternative storage.

Continuing, Vice Chairman Kranzler said the dialogue between the Planning Commission and RV owners may have occurred on an emotional level, so that compromises were not sought. He said citizens could go to the City Council and ask that a good ordinance that works for the whole City be drafted.

Vice Chairman Kranzler read Resolution No. 267A and suggested the following amendments:

FINDINGS:

1) Section 1: add "The East Bellevue Community Council believes and has received no firm documentation otherwise" to "that most of the residences within its jurisdiction cannot come into compliance with Ordinance No. 3985 due to the small size of the lots" and add "and setback requirements".

2) Section 4: add at the end of the section "and the City of Bellevue has provided no alternative storage nor recommendations therefor".

CONCLUSIONS:

1) Section 2: add the word "area" to East Bellevue Community Council

2) Section 3: change the last phrase to "individual property rights of RV owners".

3) Section 4: add "and workable" to "creative solution"

4) Section 5: delete this section

Mr. McKinney moved the above amendments to Resolution No. 267A. Dr. Wilson seconded the motion, which carried 3- 0.

A vote was taken on the motion to approve Resolution No. 267A as amended, which carried unanimously, 3 - 0.

Vice Chairman Kranzler emphasized his hope that the situation will not end here but that the Planning Commission will reconsider ways to solve this problem. He recommended that RV owners suggest compromises which will be workable for everyone.

4734g/6

ORIGINAL

1-24-80

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2808

AN ORDINANCE amending the maximum building height applicable within light industrial zones; providing that office buildings located within such zones shall comply with the definition of "low intensity" contained in the Comprehensive Plan; providing that the maximum building height established hereunder may be exceeded by buildings that qualify through an administrative conditional use procedure; providing that office buildings in certain zones may be increased by one story above designated maximum building height if the ground floor of such buildings is devoted to parking; repealing Bellevue Land Use Code 20.20.590(I); amending Bellevue Land Use Code 20.20.010 "Dimensional Requirements by Land Use District" chart; and adding new footnotes 9, 10 and 11 to said chart.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.20.010 of the Bellevue City Code (Land Use Code), "Dimensional Requirements by Land Use District" chart is hereby amended as indicated in Exhibit A attached hereto and by this reference incorporated herein.

Section 2. Said Section 20.20.010 of the Bellevue City Code (Land Use Code) is hereby further amended by the addition of the following new footnotes 9, 10 and 11.

(9) Any office building or any office portion of a building shall comply with the definition of "low intensity" contained in the Comprehensive Plan.

(10) The maximum building height may be exceeded upon approval of the Planning Director. Requests for such approval shall be processed in accordance with the administrative conditional use procedure of Section 20.30.610. Before granting any such approval the Planning Director must find that:

(a) the height increase is only to accommodate equipment, structures or buildings that contain special equipment primarily related to light manufacturing, wholesale, trade and distribution use, and is not for office or bulk retail use; and

(b) there is functional need for a height increase; and

(c) the overall site development will minimize adverse impacts caused by the height increase.

Notwithstanding Sections 20.20.900-.910, no height increase hereunder shall be permitted in transitional areas.

(11) Except in transition areas, the allowable building height of any office building located in a PO, O, OLB, GC, NB, CB or OU district may be increased by one story, but not to exceed 15 feet, if the ground floor of that building is devoted to parking for that building.

Section 3. Bellevue City Code (Land Use Code) 20.20.590(I) is hereby repealed.

Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 19 day of Feb, 1980, and signed in authentication of its passage this 19 day of Feb, 1980.

(SEAL)

Richard M. Foreman, Mayor

Approved as to form:

Lee Kraft, City Attorney

Attest:

Patricia K. Weber, City Clerk

Published Feb 23, 1980

Figure 20.20.590(I)
Ord #2808

150

EXHIBIT A

CHART 20.20.010

DIMENSIONAL REQUIREMENTS BY LAND USE DISTRICT

DIMENSIONS	GENERAL	AGRICULTURE	OPEN USE	RESIDENTIAL ESTATE	SUBURBAN RESIDENTIAL					URBAN RESIDENTIAL				PROFESSIONAL OFFICE	OFFICE	OFFICE/LIMITED BUSINESS	LIGHT INDUSTRY	GENERAL COMMERCIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	CENTRAL BUSINESS DISTRICT
	G	A	OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	NB	CB	CBD
MINIMUM SETBACKS OF STRUCTURES (in feet)																					
Front Yard	35	35	50	35	30	20	20	20	20	20	20	20	20	30	30	50	15	15	30	15	
Rear Yard	25	25	25	25	25	25	25	20	20	25	25	25	25	25	25	50	(3)	(3)	30	(3)	
Side Yard	10	10	25	5	5	5	5	5	5	5	5	5	(2) 5	20	20	30	(3)	(3)	30	(3)	
2 Side Yards (Total) (1)	20	20	50	20	15	15	15	15	15	15	15	15	15	40	40	60	(3)	(3)	60	(3)	
MINIMUM LOT AREA Acres (A) or Thousands of Square Feet (4)	1A	5A	1A	35	20	13.5	10	8.5	7.2	8.5	8.5	8.5	8.5			2A					
MINIMUM DIMENSIONS (in feet)																					
Width of Street Frontage	30	30	30	30	30	30	30	30	30	30	30	30	30			200					
Width required in lot (5)	150	150	150	100	90	80	70	65	60	70	70	70	70			200					
Depth required in lot (5)	150	150	150	150	80	80	80	80	80	80	80	80	80								
MAXIMUM BUILDING HEIGHT (feet) (11)	30	30	30	30	30	30	30	30	30	30	30	30 (6)	40	20	30	45 (7)	45 ~~30~~ (9)(10)	30	20	45 (8)	
MAXIMUM LOT COVERAGE BY STRUCTURES (percent)	35	35	10	35	35	35	35	35	40	35	35	35	35	35	35	35	50		35		

NOTES:
(1) These setbacks control except where street classification in Section 20.20.020 indicates a greater setback. All setbacks are measured from the property line.
(2) Side yard setback in R-30 districts increases to 20' on any side yard where structure exceeds 30' above finished grade.
(3) All rear and side yards shall contain landscaping as required by Sections 20.20.520 and .525.
(4) See Section 20.20.012.
(5) See Section 20.20.015.
(6) The maximum allowable building height in R-20 districts is 40 feet if the ground floor of such building is devoted to parking.
(7) The maximum allowable building height is 75 feet on any property designated OLB which lies within 475 feet of the right-of-way of I-405 between I-90 and SR 520, subject to Conditional Use Procedures and standards.
(8) ~~No building height shall apply to any property designated CB which is located in the CBD.~~

See page 38 for Footnote 8.

ORIGINAL

EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION
OF THE CITY OF BELLEVUE, WASHINGTON
RESOLUTION NO. 137-A

A RESOLUTION of the East Bellevue Community Council disapproving Ordinance No. 2808 adopted February 19, 1980 by the Bellevue City Council relating to amending the maximum building height applicable within light industrial zones.

WHEREAS, the City Council of the City of Bellevue, Washington did pass Ordinance No. 2808 on the 19th day of February, 1980, and

WHEREAS, the subject matter of said Ordinance (Resolution) falls within the disapproval jurisdiction of the East Bellevue Community Council pursuant to RCW 35.14.040, and

WHEREAS, following public hearing held before the East Bellevue Community Council on April 1, 1980, the Community Council did vote to disapprove Bellevue Ordinance No. 2808.

NOW, THEREFORE, BE IT RESOLVED by the Community Council of the East Bellevue Community Municipal Corporation of the City of Bellevue, Washington:

Section 1. The East Bellevue Community Council hereby disapproves Ordinance No. 2808 enacted by the Bellevue City Council on February 19, 1980, and pursuant to RCW 35.14.040, this Ordinance (Resolution) shall not become effective within the area of the East Bellevue Community Municipal Corporation.

Section 2. The Clerk is hereby directed to certify the original of this Resolution, to file the same and to keep the same on file in her office. The Clerk is further directed to distribute certified or conformed copies of this Resolution to the Bellevue City Council, the office of the Bellevue City Manager, the office of the Bellevue City Attorney, and the Bellevue Planning Department.

PASSED by a majority vote of the East Bellevue Community Council on the 1st day of April, 1980 and signed in authentication of its passage this 1st day of April, 1980.

(SEAL)

William Halgren
Chairman

ATTEST:

Marie K. O'Connell
Deputy City Clerk

EAST BELLEVUE COMMUNITY COUNCIL

Minutes of the Regular Meeting

April 1, 1980
8:00 p.m.

Lake Hills Library
Bellevue, Washington

PRESENT: Chairman Halgren
Councilmen Keeffe, Serr, and Waltz

ABSENT: Councilman Wilson

1. CALL TO ORDER

The meeting was called to order by Chairman Halgren, who presided.

2. ROLL CALL

Upon roll call by the Clerk, all members of the Council were present with the exception of Councilman Wilson.

3. COMMUNICATIONS: WRITTEN AND ORAL

(a) Patrick Parker of 10526 S.E. 28th Street, Bellevue, spoke as a representative of the Bellevue Coalition of Community Clubs and gave the background and objectives of the coalition. Its main objective is to see that the City ordinances and resolutions were enforced once they were adopted by the City Council. He was of the opinion that if ordinances were adopted and were not enforced, they should be repealed.

Mr. Parker outlined the reasons for the formation of a coalition and then discussed its involvement with the Cabot, Cabot & Forbes project and why the coalition had appealed after the City Council approved the project. Specifically, the coalition felt that the Cabot, Cabot & Forbes proposal was against the Comprehensive Plan, the Eastgate Subarea Plan, gave undue favoritism to the developer and that the impact statements were ignored by the City.

Answering questions from Mr. Waltz regarding the election of officers of the Coalition of Community Clubs and whom they represent, Mr. Parker said that the coalition speaks as a group addressing City actions. He further noted that not all of the community clubs are members of the coalition. If a club decides to join, a fee is paid and a representative of each community club is chosen to vote and attend the coalition meetings.

(b) Don MacKenzie of 16111 S.E. 31st Street, Bellevue, objected to being charged for copies of materials from the Council packets that he requested from the City Clerk's office. Mr. Keeffe said that he was also distressed with this situation.

(c) Mr. Halgren noted receipt of a letter from Mayor Royer and County Executive Spellman pertaining to the selection of a Director of Public Health and asking for support in helping them secure the best candidate for the position.

(d) Mr. Keeffe noted a letter from the Chamber of Commerce soliciting citizen input on a possible need for another airport on the Eastside.

4(a) PUBLIC HEARING TO CONSIDER CITY COUNCIL ORDINANCE NO. 2808 AMENDING THE MAXIMIM BUILDING HEIGHT APPLICABLE WITHIN LIGHT INDUSTRIAL ZONES

Chairman Halgren explained the procedures for a public hearing to the citizens present.

Mr. Estes gave the background and staff report, noting that on February 19, 1980, the City Council passed Ordinance No. 2808, an amendment to the building height limitation in the Light Industrial Zone. After the limitation was originally imposed, the Planning Department found several users with developments that had problems meeting it, which problems basically related to mechanical equipment. Therefore, this amendment was considered and reviewed and finally adopted by the City Council. The ordinance essentially permits a building height of 45 feet provided the Planning Director goes through an administrative conditional use process. This involves putting out a notice of a proposed deviation from the typical height with 30 days allowed for comments. The other part of the condition is to only accommodate structures or buildings that contain equipment related to light manufacturing and not for office or retail use. There also must be a functional need for the extra height. The height increase is not permitted in transition areas; namely 150 feet from multifamily zoned areas, or within 300 feet from a single family zoned area.

Mr. Estes said the main concern was the increased building height to accommodate more floor area. Therefore, conditions were imposed limiting floor area.

The public hearing was opened.

Norman Smith, 15618 S.E. 24th Street, Bellevue, asked that the Community Council be cautious as he felt this particular ordinance was passed to accommodate the Boeing Computer Center on the airport property. He felt that if this ordinance is approved, further problems would be created that are not foreseen at this time.

Don MacKenzie, 16111 S.E. 31st Street, Bellevue, spoke as the President of the Coalition of Community Clubs, saying that the coalition has already taken a position opposing this issue. He further noted that his organization was heavily involved with the initial Land Use Code requirements and the 30 foot requirement was a conscious decision reflecting what most of the community wanted. If the extra height is allowed he felt, there would be a great increase in intensity of use. He believed that there is no compelling force to change the law and requested that the Community Council veto over this City Council ordinance.

John Hancock of 1905 156th Avenue S.E., Bellevue, objected to any increase in light industrial or commercial zoning in an area that is primarily residential.

April 1, 1980

Bruce Robbins, 1801 156th Avenue N.E., Bellevue, stated that an increase in building height would create a dangerous precedent, deteriorate the neighborhood and lower the aesthetic standards of an area which is primarily residential. He asked that the Council veto the proposal as it is a major reversal to the environmental standards which the community has developed over a long period of time and it has no benefit to the residents of Bellevue.

Patrick Parker was the spokesman for the Coalition of Bellevue Community Clubs, and he said that his organization took a formal position of opposition on this ordinance. Mr. Parker said that at present there are 620 acres of LI property in the City and 102 are undeveloped. By allowing increase in height, there would be a potential for increasing business development by 100% over what is now in the Central Business District. He asked that the Council vote against the raising of the height limit in the Community Council's district.

There being no further comments, upon motion by Mr. Serr, seconded by Mr. Waltz and unanimously carried, the public hearing was closed.

Mr. Keeffe asked questions of Mr. Estes regarding the progress of events leading up to the passage of this ordinance by the City Council. He felt that the Community Council should have had the opportunity of looking at this for two meetings, but now has to make a decision or have a special meeting in order to make the date deadline for action. He objected to this and the fact there should be a full Council in attendance to vote on this issue.

He also felt that he should have more information in the packet in order to make a decision on this matter. In answer to questions from Mr. Halgren regarding the information in the packet, Mr. Estes said that there was no information missing and the packet was complete to his knowledge.

Mr. Keeffe moved adoption of Resolution No. 137 and then withdrew his motion.

Mr. Serr moved adoption of Resolution No. 137. Mr. Waltz seconded the motion and discussion followed.

Mr. Waltz said that the ordinance didn't express the need very well as it allows the unlimited height lid. He also noted that most of the citizens participating at the meeting were not from the area, and that the concerns of the Council are for the citizens in our area.

Mr. Keeffe said that he had mixed emotions about this matter and it is obvious that this will have little impact on the East Bellevue Community Council area currently. He felt that this ordinance was adopted for a specific special interest group and constitutes a major change to a recently adopted City Land Use Code which took two years to develop by both residential and commercial agencies. He said that the impact on residential areas, in his opinion, was negative and the ordinance is not compatible with the Comprehensive Plan. He also noted a lack of

information on the cost of services versus revenues with no indication of benefits to the City. He was distressed that the Eastgate Subarea Plan was adopted and not followed and said that he will vote against the ordinance.

Mr. Serr said that he will support the findings of the City Council and the Planning Commission. He finds no reason not to support them since nothing has been shown that would be illegal to justify opposing such findings. He noted that the area is not 100% residential but is rather a balanced community.

Mr. Halgren was concerned because he did not find a justification of the change or the need for it, and the impacts were not addressed. He said that he was disappointed that the Business Park Ordinance had not been followed up and was of the opinion that the Community Council has an obligation to vote on this issue even though there is no LI in the area.

A vote was taken with Councilman Serr in favor and Chairman Halgren, Councilmen Keeffe and Waltz dissenting. The motion failed.

Mr. Keeffe requested that the Chairman, Bill Halgren, report to the City Concil what has happened this evening, the report to include the length of the public hearing, what the vote was, who voted for and who voted against it.

Mr. Keeffe moved to defer action on Resolution No. 137-A until Dr. Wilson is able to join in on this discussion. Mr. Keeffe then withdrew his motion.

Mr. Keeffe moved adoption of Resolution No. 137-A, which would disapprove City Council Ordinance No. 2808. Mr. Waltz seconded the motion and discussion followed on whether or not to postpone a decision on this matter. It was the consensus of the Council to vote on this matter this evening.

Mr. Serr said that when he makes a decision on a vote, he wants to make sure it involves something significant and he didn't think the decision in this case was significant enough to jeopardize the Community Council system in the State of Washington. Therefore, he will be voting in opposition to Resolution No. 137-A.

A vote was taken with Chairman Halgren, Councilmen Waltz and Keeffe in favor and Councilman Serr against. The motion carried and Resolution No. 137-A was adopted.

Mr. Halgren agreed to be the representative to the City Council to summarize the views expressed by the Community Council.

4(c) COURTESY HEARING TO CONSIDER A REQUEST TO REZONE APPROXIMATELY 1.99 ACRES FROM R-5 (SUBURBAN RESIDENTIAL) TO R-10 (URBAN RESIDENTIAL) AT THE SOUTHEAST CORNER OF S.E. 8TH STREET AND 140TH AVENUE S.E.

Mr. Estes gave the background and displayed vicinity maps and a Comprehensive Plan map of the area. He explained that this is a courtesy

EAST BELLEVUE COMMUNITY COUNCIL
Summary Minutes

August 5, 2003
6:30 PM

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Bell, Councilmembers Halgren, Keeffe, Seal and Wiechmann

STAFF: Mike Upston, Land Use Reviewer
Kate Berens, Legal Planner
~~Patrice Cole, Assistant City Attorney~~

Amended per EBCC motion 9/2/03

1. Call to Order

The meeting of the East Bellevue Community Council was called to order at 6:30 pm, Chair Bell presided.

2. Roll Call, Flag Salute

Roll was called by the Deputy City Clerk. All Councilmembers were present. Chair Bell led the flag salute.

3. Communications: Written and Oral

Dick Mason, 816 156th Avenue SE, stated his concern with the City's plan to install a new sidewalk on the east side of 156th starting at Lake Hills Boulevard moving south through his neighborhood. He stated his opposition to the new sidewalk installation and suggested instead that the City rework/upgrade the existing sidewalk on the west side of 156th to match the upgrades in progress to the north. Mr. Mason indicated that one good existing sidewalk would easily meet the needs of foot traffic through his neighborhood and would be more aesthetically appealing.

4. Approval of Agenda

Mr. Keeffe moved approval of the August 5, 2003 Community Council agenda. Mr. Halgren seconded the motion.

Mr. Halgren requested the agenda additions of 10(b) Robinswood Master Plan and 10(c) Robinswood Pond.

Mr. Seal requested the addition of 11(a) T-Mobile application to construct a wireless communication facility at the Lake Hills Shopping Center.

Motion to approve the August 5, 2003 East Bellevue Community Council agenda as amended

carried unanimously.

5. Public Hearing

(a) City Council Ordinance 5455 approving Conditional Use Permit w/conditions for T-Mobile to Replace an Existing 68' High Pole Topped by Three T-Mobile Antennas Collocated above Existing AT&T Antennas at 156th Avenue SE and SE 16th Street

Mike Upston, Department of Planning and Community Development, gave the staff overview. The proposed pole is located at the rear of the Phantom Lake Power Substation, a facility which has been in place since 1970. The property is adjacent to the Lake Hills Greenbelt with an underlying zoning of R-1.8.

Mr. Upston provided a brief background, stating that the SEPA Determination of Non-Significance was appealed by Peter W. Schroeder, architect and owner of the subdivision adjacent to the west. In January 2003, the Hearing Examiner issued his Recommendation to deny the proposed Conditional Use Permit. T-Mobile filed an appeal of the Examiner's Recommendation.

Before the appeal was heard by Council, a letter from the SEPA appellant, Peter Schroeder, was received by the City withdrawing his appeal and changing his position. At the City Council's appeal hearing they were advised that material of potential importance was received after the Examiner's hearing and remanded the matter to the Examiner for reconsideration. The remand hearing before the Examiner was noticed for May 14, 2003 at which time he took Mr. Schroeder's letter into evidence. On May 28, 2003 the Hearing Examiner issued a Revision of Recommendation that reversed the original Recommendation for Denial and instead recommended that the Conditional Use Permit be approved with conditions.

In response to Mr. Keeffe, Mr. Upston stated the "L" shaped property adjacent to the subject site is currently being developed.

Chair Bell opened the public hearing.

Chris Peters, 1445 159th Avenue, stated his objections to the proposed application. He began by stating his past affiliation with a similar company. He stated the applicants argument, based on the applicants statement of need for capacity to supplement conventional land lines was fallacious. He stated it is instead a matter of convenience. Mr. Peters noted the negative visual/aesthetic impact.

George Kresovich, representing the applicant, summarized the proposal. He agreed that people of his generation might indeed consider mobile communications a convenience while others would argue its necessity. Mr. Kesovich clarified that the applicants statement of need refers to wireless capacity, not land lines. He stated the proposed site was carefully selected. It is the

only site in the area, although zoned residential, that has a utility use. He reviewed the proposal to replace the existing facilities with a facility moved back out of the view shed of Mr. Schoeder's project.

Jim Eder, 15422 SE 7th Place, asked if cell towers would interfere with home electronic equipment. Responding the Mr. Eder, Mr. Andrew Nenninger explained open frequency versus the FCC regulated frequencies. He stated that many of the consumer products operate within the open unlicensed frequencies while mobile communications operate within the licensed or allocated FCC frequencies.

Seeing no one further wishing to speak, Mr. Seal moved to close the public hearing. Mr. Keeffe seconded the motion which carried with a vote of 5-0.

Chair Bell reviewed the Conditional Use approval criteria. There was Council discussion with staff and the applicant.

6. Resolutions

   (a) Resolution 457 – Approving/Disapproving City Council Ordinance 5455

Mr. Seal moved approval of Resolution 457 adopting City Council Ordinance 5455. Mr. Halgren seconded the motion.

Mr. Halgren noted his shared concern related to height but stated the application is consistent with the Comprehensive Plan. He stated his support for Resolution 457.

Motion approving Resolution 457 carried unanimously.

7. Reports of City Council, Boards and Commissions

8. Department Reports

9. Committee Reports

10. Unfinished Business

    (a) Community Council Reconsideration of Past Ordinance Disapprovals
    Background materials provided under separate cover.

Kate Berens, Department of Planning and Community Development, reviewed with Council each of the Ordinances under consideration for reconsideration.

<u>Ordinance 5234</u>
Council agreed to reconsider footnote #6 only.

Ordinance 4646
Council expressed a willingness to reconsider footnote #36.

Ordinance 4511
Mr. Halgren expressed a willingness to add a line denoting "city parks" while retaining the conditional use process requirement. Mr. Keeffe concurred.

Council indicated it would be willing to take another look at footnote #10 plus the line in the Land Use Chart that is identified as "city parks".

Ordinance 4270
Mr. Keeffe repeated his continued concerns regarding the impact on residential zoning designations with the introduction and universal application within a multiple lot tract of "minimum lot size". Historically, prior to its disbandment, individual minimum lot size issues were handled by the Board of Adjustments on an individual, rather than universal within a tract, basis. To permit individual minimum lot size anomalies previously approved by the Board of Adjustments, the minimum lot size allowance methodology was established but without either qualification or limitation as to its use in multiple lot tracts.

Council declined reconsideration of Ordinance 4270.

Ordinance 4029
Ms. Berens reviewed the impacts of the Community Council's original disapproval. There was Council discussion. Council stated they were amenable to reconsideration of Ordinance 4029.

Ordinance 3985
Council indicated a willingness to reconsider any portion of Ordinance 3985 not related to the recreational vehicle storage provision.

Ordinance 3747 / Ordinance 2808
Ms. Berens stated both ordinances related to footnotes to the dimensional chart. There was Council discussion and consensus to not reconsider either their previous approval of Ordinance 3747 nor their disapproval of Ordinance 2808.

Ordinance 3095
There was Council agreement to reconsider Ordinance 3095.

The Community Council indicated their preference that staff return with each of the potential Code changes in separate legislative form.

(b) Robinswood Master Plan

Mr. Halgren reviewed past correspondence from the Parks and Community Services Director

regarding the lack of a Robinswood Master Plan, stating that the Robinswood Park design and development plan from the early 1970s serves in its place. According to Mr. Foran, if changes were proposed that significantly alter the use of Robinswood Park, staff would request the City Council to initiate the master planning process.

Mr. Halgren noted that staff is proposing an installation of artificial turf to the soccer fields that could significantly increase its usage and potentially impact surrounding property owners. Mr. Halgren requested consensus to send the Director a memorandum suggesting that the above alteration would indeed constitute a significant change and justify the initiation of the master plan process. There was Council consensus to send such a memorandum.

(c) Robinswood Pond

Mr. Halgren pointed out the draft memorandum regarding the current health of the Robinswood Pond in the desk packet. There was Council agreement to send the memorandum.

(d) Spiritwood Park Storm Water Retention Project

Mr. Seal called Council's attention to the draft memorandum regarding the SE 16th storm water retention project at Spiritwood Park. He reminded Council that this issue was brought to the Council's attention at their July meeting by Mr. Vernon Andersen. Mr. Seal explained that he has toured the neighborhood and questions the placement of the proposed retention basin. Mr. Seal suggested that the proposed memorandum be modified to include drainage issues one block away at SE 17th Street as well.

Chair Bell concurred, suggesting the memorandum reference Mr. Andersen.

There was Council agreement to send a revised memorandum. Mr. Seal agreed to make the necessary revisions.

11. New Business

(a) T-Mobile application to construct a wireless communication facility at the Lake Hills Shopping Center

Mr. Seal drew Council's attention to the proposed Administrative Conditional Use permit application by T-Mobile to replace the antenna at the Lake Hills Shopping Center. There was Council discussion and consensus to request additional information from staff.

12. Continued Communications

Chair Bell stated that he notified staff that some of the landscape plantings at the south side of the entrance to Sunset Lane were stressed for lack of water. He commended Ms. Floyd and Mr. Acker for their quick response and resolution to the problem. The contractor has installed an

City of Bellevue

MEMORANDUM

DATE: September 2, 2003

TO: Chair Bell, Members of the East Bellevue Community Council

FROM: Mary Kate Berens, Legal Planner MKB

SUBJECT: 2003 Community Council Land Use Code Amendment; File No. 03-114087 AD

At its meeting on September 2, 2003 the East Bellevue Community Council will hold a courtesy hearing on proposed land use code amendments eliminating references to the East Bellevue Community Council and adopting certain previously rejected land use code ordinances within the area of EBCC jurisdiction. These previously rejected provisions were recently discussed with the EBCC at meetings in July and August, 2003. At the conclusion of the August meeting, the EBCC directed staff to return with ordinances for certain provisions, described in more detail below.

Proposed Amendments

The EBCC has the authority to review and either approve or disapprove ordinances amending the LUC. When the EBCC votes to disapprove an ordinance, that disapproval means that the ordinance is not effective within its jurisdiction. The disapproval is reflected in the LUC with a footnote after affected sections noting that the section is not effective within the EBCC area. Generally, prior versions of the code would continue to apply within that area.

The City and EBCC have recently identified some previously rejected ordinances that may warrant reconsideration due to changed circumstances since the time of original consideration.

Ordinances Affected:

The below is a summary of each ordinance that the EBCC has identified an interest in reconsidering. The ordinances are listed in chronological order, with the most recent ordinance listed first.

Ordinance 5234: This ordinance brought the LUC in line with certain Comprehensive Plan policies for the Crossroads Subarea. The ordinance amended footnotes 6 and 7 to the residential uses chart in Section 20.10.440, to restrict or limit multifamily development in Subareas A, B, and E of the Crossroads Subarea, and changing the permitting process applicable to converting certain uses within the area. The EBCC has indicated a desire to consider adopting the revised text of FN 6. Attachment A is the

ordinance that would implement this footnote within the area of EBCC jurisdiction. Footnote 7 remains unmodified.

Sections affected: FN 6 to Residential Use chart, Section 20.10.440

Ordinance 4646: This ordinance made certain amendments to accommodate "warehouse" type retail establishments, while attempting to limit their potential impact in certain neighborhoods. The ordinance created several definitions, amended parking requirements, and created FN 36 to the wholesale and retail use chart in Section 20.10.440. FN 36 limits retail uses in the CB district in the Bridle Trails, Evergreen Highlands, Newcastle, North Bellevue, Northeast Bellevue, Richards Valley, South Bellevue, Southeast Bellevue and Wilburton subareas to 100,000 square feet or less. The definition and parking provisions have been amended by subsequent ordinances, which were themselves accepted by the Community Council. As a result the only ineffective portion of this ordinance relates to FN 36 to the wholesale and retail use chart. As a result of the rejection of this ordinance, within those portions of the above subareas that fall within the EBCC jurisdiction, retail uses are allowed without any limit on overall size. (A portion of the Southeast Bellevue and Wilburton subareas are within the EBCC. Those portions include the Lake Hills Shopping Center and Kelsey Creek Shopping Center). Attachment B is the ordinance that would implement this footnote within the EBCC area.

Sections Affected FN 36 to Wholesale and retail use chart, Section 20.10.440

Ordinance 4029: This ordinance added design standards for heliports, limited heliports in residential areas to government-use heliports only, and created a number of definitions related to heliports. The restrictions on heliports in residential areas were adopted within the EBCC area with a later ordinance that affected that portion of the use charts, so the heliport use is treated consistently across the City. However, because the design standards and definitions remain ineffective within the EBCC area, previous code provisions apply when the use is established. Attachment C is the ordinance implementing this heliport and helicopter provisions within EBCC jurisdiction.

Sections Affected 20.20.450, 20.50.022, 20.50.024, 20.50.040, 20.50.048

Ordinance 3985: This ordinance amended sections of the LUC related to large vehicle storage on residential sites. It also amended provisions relating to fences in residential areas, and addressing manufactured homes. The provisions relating to fences were subsequently amended and adopted with in the EBCC by a later ordinance. At the August, 2003 meeting the EBCC indicated an interest in reconsidering only those remaining provisions of Ordinance 3985 that are unrelated to large vehicle storage. Further research indicates that the only remaining provision of 3985 ineffective within EBCC jurisdiction and unrelated to large vehicle storage deals with manufactured homes. Attachment D implements that provision within EBCC jurisdiction.

Sections Affected 20.20.527

Ordinance 3095: This ordinance related to the City's regulation of child care facilities, adopting additional definitions, creating development standards, and changing the districts and processes through which child care uses were allowed. Again, over time these provisions have been significantly changed to comply with state law and make other changes by subsequent ordinances. The subsequent ordinances were each adopted by the EBCC, as a result, the only remaining provision of this ordinance that is ineffective is the definition of "community facility." The impact of rejecting this definition is that within the EBCC area, there is some ambiguity created about a child care use proposed in a community facility. The LUC, both within and outside the EBCC area, allows a child care service within any land use district, if it is in a community facility. This is allowed through FN 4 to the Services use chart in Section 20.10.440. This FN is effective within the EBCC. To be allowed in the community facility, the use must comply with Section 20.20.170.E, which section is also effective within the jurisdiction of the EBCC. This section contains the licensing and other requirements that apply to child care in community facilities. The ambiguity is created because within the EBCC, there is no definition of what a "community facility" is. So, while child care service is allowed within a community facility in the EBCC area, there is no clear definition of what qualifies as a community facility. Attachment E implements this definition within EBCC jurisdiction.

Sections Affected 20.50.014

Conclusion

Following discussion and any questions from the EBCC, staff requests confirmation of which ordinances EBCC would support. Those ordinances will then be forwarded to the Planning Commission for recommendation and the City Council for adoption. Final action implementing the ordinances within EBCC jurisdiction would be at a final hearing on City Council ordinances. Adoption would have the affect of eliminating the "*Not effective within the jurisdiction of the East Bellevue Community Council" note found in the LUC, and would make those provisions effective within the EBCC area.

Attachments A -- E: Proposed Ordinances

Excerpt 9/2/2003

Mr. Keeffe moved to close the public hearing, and Mr. Seal seconded the motion. The motion carried by a vote of 5-0.

Chair Bell expressed concern about the proposed replacement of an existing 39-foot pole with a 60-foot pole in the right-of-way of 156th Avenue near Lake Hills Shopping Center. Associated ground equipment is to be placed in the basement of a nearby apartment building. Responding to Mr. Bell, Ms. Berens said it is likely the concomitant agreement regulating height for the shopping center does not apply to the right-of-way.

Responding to Mr. Bell, Ms. Berens explained the Planning Commission's objective to encourage wireless providers to develop new technology that will be easier to locate without negative visual/size impacts.

In further response to Mr. Bell, Ms. Berens said the full conditional use permit process is no longer required for the placement of a new monopole in transition areas. This is based on the Planning Commission's intent to encourage the placement of monopoles in transition areas rather than residential neighborhoods.

Ms. Berens explained that an underlying goal of the policy changes is to streamline the permit process for installations in commercial areas.

(c) City Council Ordinance No. 5460 amending City of Bellevue Land Use Code regulations relating to wireless communications facilities; amending Sections 20.10.440, 20.20.195, 20.20.525, 20.25B.020.B, 20.25B.040.A.1, 20.25B.040.E, 20.25L.020, 20.50.014, and 20.50.054; and establishing an effective date.

Chair Bell opened the public hearing. No one came forward to comment on the ordinance.

Mr. Keeffe moved to close the public hearing, and Mr. Halgren seconded the motion. The motion carried by a vote of 5-0.

(d) Courtesy Hearing – Amend the Land Use Code to adopt certain regulations previously rejected by the East Bellevue Community Council including regulations related to: multifamily development in the Crossroads subarea, limiting the size of certain retail uses in the CB (Community Business) district within the EBCC area, parks, heliports, large vehicles, and creating a definition of a community facility.

Ms. Berens referred to page 147 of the Council packet and reviewed the proposed amendments to the Land Use Code. The amendments and related ordinances were identified by City staff and the East Bellevue Community Council as candidates for reconsideration due to changed circumstances since their original adoption. She noted the EBCC's extensive discussion of the proposed amendments at the August meeting.

Ms. Berens noted that Ordinance No. 5234 has been revised in accordance with the Council's direction to reinstate footnote 6. Footnote 7 remains unmodified.

Chair Bell opened the courtesy hearing for Ordinance No. 5234. No one came forward to comment. Mr. Keeffe moved to close the courtesy hearing, and Mr. Seal seconded the motion. The motion carried by a vote of 5-0. Following brief discussion, Chair Bell indicated consensus to proceed with Ordinance No. 5234.

Moving on to Ordinance No. 4646, Ms. Berens noted the maximum size of 100,000 square feet for community business (CB) uses established by the Planning Commission for certain subareas within the city. She noted the Council's interest in how this would affect the future redevelopment of Kelsey Creek Shopping Center and clarified that the 100,000 square foot maximum would apply to any one use/business.

Chair Bell indicated that the now-closed K-Mart was larger than 100,000 square feet. He is concerned the limit would preclude businesses from wanting to locate in the center.

Responding to Mr. Keeffe, Ms. Berens said the Planning Commission chose to impose the limitation in order to make a distinction between regional retail uses and community business uses.

Mr. Halgren and Mr. Keeffe expressed support for limiting CB uses in the specified subareas to a maximum of 100,000 square feet.

Responding to Mr. Halgren, Ms. Berens said the concomitant agreement for Kelsey Creek Shopping Center would allow a business to rebuild within the K-Mart building footprint, as long as the redevelopment complies with environmental and other applicable requirements.

Chair Bell opened the courtesy hearing for Ordinance No. 4646. No one came forward to comment. Mr. Halgren moved to close the courtesy hearing, and Mr. Keeffe seconded the motion. The motion carried by a vote of 5-0.

Chair Bell, Mr. Seal, and Ms. Wiechmann were not in favor of the proposed change. Council declined reconsideration of Ordinance No. 4646

Ms. Berens noted that Ordinance No. 4029 addresses definitions and design standards related to heliports.

Chair Bell opened the courtesy hearing for Ordinance No. 4029. No one came forward to comment. Mr. Halgren moved to close the courtesy hearing, and Mr. Keeffe seconded the motion. The motion carried by a vote of 5-0. Chair Bell indicated consensus to proceed with Ordinance No. 4029.

Ms. Berens recalled the Council's extensive previous discussion on Ordinance No. 3985 relating

to large vehicle storage on residential sites. She noted an additional provision pertaining to manufactured homes (Page 177 of the packet).

Chair Bell opened the courtesy hearing for Ordinance No. 3985. No one came forward to comment. Mr. Keeffe moved to close the courtesy hearing, and Mr. Halgren seconded the motion. The motion carried by a vote of 5-0. Chair Bell indicated consensus to proceed with Ordinance No. 3985.

Ms. Berens recalled that Ordinance No. 3095 relates to the City's regulation of child care facilities.

Chair Bell opened the courtesy hearing for Ordinance No. 3095. No one came forward to comment. Mr. Keeffe moved to close the courtesy hearing, and Mr. Halgren seconded the motion. The motion carried by a vote of 5-0.

Responding to Mr. Seal, Ms. Berens explained that the ordinance provides a definition of "community facility," which are allowed to have child care facilities.

Mr. Halgren requested information regarding a church on SE 22nd that has added several portable buildings over time. Ms. Berens said she will research the permit history of the site.

Chair Bell indicated consensus to move forward with Ordinance No. 3095.

Ms. Berens recalled previous discussion about Ordinance No. 4511 addressing regulations and definitions for private, public, and city parks. She noted the complexity of issues identified during Council's August discussion and suggested postponing reconsideration of this ordinance. The Council concurred.

Mr. Halgren thanked Ms. Berens for her work and presentation.

6. Resolutions

(a) Resolution 458 – Approving/Disapproving City Council Ordinance 5457

Mr. Keeffe moved to approve Resolution No. 458, adopting City Council Ordinance No. 5457. Mr. Seal seconded the motion, which carried by a vote of 5-0.

(b) Resolution 459 – Approving/Disapproving City Council Ordinance 5459

Mr. Seal moved to approve Resolution No. 459, adopting City Council Ordinance No. 5459. Mr. Halgren seconded the motion, which carried by a vote of 5-0.

(c) Resolution 460 – Approving/Disapproving City Council Ordinance 5460

Mr. Halgren moved to approve Resolution No. 460, adopting City Council Ordinance No. 5460. Mr. Seal seconded the motion, which carried by a vote of 5-0.

7. Reports of City Council, Boards and Commissions

8. Department Reports

9. Committee Reports

10. Unfinished Business

(a) Robinswood Master Plan

Mr. Halgren recalled the letter sent to staff requesting information on the Robinswood Master Plan. He asked the Deputy City Clerk to follow up on this request.

(b) Robinswood Pond

Mr. Halgren asked the Deputy City Clerk to follow up on this information request as well.

(c) Definition of parking for recreation vehicle (RV)

Mr. Seal reminded the Council and Clerk about making a request to staff for a definition of parking for recreation vehicles (RVs).

11. New Business

Mr. Halgren requested a copy of the litigation settlement with Bellevue Community College.

12. Continued Communications

Mr. Halgren presented a letter of resignation effective September 3, 2003.

Mr. Seal moved to declare East Bellevue Community Council Position No. 1 vacant as of September 3, 2003. Mr. Keeffe seconded the motion, which carried by a vote of 5-0.

Mr. Keeffe moved to direct the Deputy City Clerk to publish a notice regarding the vacancy of Position No. 1 on the East Bellevue Community Council. Mr. Seal seconded the motion, which carried by a vote of 5-0.

13. Executive Session

Agenda

CITY OF BELLEVUE
EAST BELLEVUE COMMUNITY COUNCIL
Regular Meeting
Lake Hills Community Clubhouse, 15230 Lake Hills Boulevard, Bellevue WA

Tuesday, December 2, 2003 6:30 PM **Page**

1. **Call to Order**

2. **Roll Call, Flag Salute**

3. **Communications: Written and Oral**

4. **Approval of Agenda**

5. **Public Hearings** 1

   a. **City Council Ordinance No. 5475** amending the Bellevue Land Use Code to eliminate references to the Sammamish Community Council and adopt previously rejected ordinances within the service area of the former Community Council. 4

   b. **City Council Ordinance No. 5476** amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending Section 20.10.440, Residential Use Chart of the Bellevue Land Use Code. 168

   c. **City Council Ordinance No. 5477** amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending Sections 20.20.450, 20.50.022, 20.50.024, 20.50.040, and 20.50.048 of the Bellevue Land Use Code. 180

   d. **City Council Ordinance No. 5478** amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending 20.20.527 of the Bellevue Land Use Code. 192

   e. **City Council Ordinance No. 5479** amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending Section 20.50.014 of the Bellevue Land Use Code. 196

   f. **City Council Ordinance No. 5480** amending the Bellevue Land Use Code to remove outdated references, correct cross references and correct errors in the Code; amending Sections 20.10.020, 20.10.440, 20.20.005, 20.20.010, 20.20.018, 20.20.130.B, 20.20.200.B, a portion of Part 20.20, 20.20.520.F.1, 20.20.560.A, 20.20.650.A.2, 20.25A.020.A.1, 20.25A.025.B.5, 20.25A.030.C, 20.25A.030.E.1.b, 20.25A.090, 20.25A.100.E.7, 20.25B.040.A.2, 20.25F.040.C.3, 20.25F.040.C.4,

* Denotes that item is quasi judicial. Public testimony will be heard only during the public hearing portion of the meeting. The meeting room is wheelchair accessible. American sign language (ASL) interpretation available upon request. Call 452-6805 at least 48 hours in advance.

20.25G.030, 20.25H.110.A.6, 20.30D.165.A, 20.40.490.E, 20.45A.040.A, 20.45A.170, 20.45A.240, 20.45B.030.A, 20.45B.180, 20.45B.230, 20.45B.260.C, 20.50.012, 20.50.036, 20.50.040, and 20.50.048 the Bellevue Land Use Code 214

g. **City Council Ordinance No. 5481** amending the Bellevue Land Use Code to clarify and improve process provisions of the Code; amending Sections 20.25J.050.E, 20.30B.140, 20.30B.175, 20.30D.200, 20.30D.285, 20.30E.175, 20.30F.175, 20.30G.140, 20.30J.135, 20.30K.130, 20.30P.140, 20.30S.140, 20.35.015, 20.35.030.A, 20.35.045, 20.35.120, 20.35.135, 20.35.210, 20.35.235, 20.35.320, 20.35.335, 20.35.355.G, 20.35.420, and 20.45A.110 in the Bellevue Land Use Code; creating new sections 20.25A.120, 20.25A.125, and 20.35.415 in the Bellevue Land Use Code. 383

6. Resolutions

a. Resolution No. 462 approving/disapproving City Council Ordinance No. 5475 451
b. Resolution No. 463 approving/disapproving City Council Ordinance No. 5476 455
c. Resolution No. 464 approving/disapproving City Council Ordinance No. 5477 459
d. Resolution No. 465 approving/disapproving City Council Ordinance No. 5478 463
e. Resolution No. 466 approving/disapproving City Council Ordinance No. 5479 467
f. Resolution No. 467 approving/disapproving City Council Ordinance No. 5480 471
g. Resolution No. 468 approving/disapproving City Council Ordinance No. 5481 475

7. Reports of City Council, Boards and Commissions

8. Department Reports

9. Committee Reports

10. Unfinished Business

11. New Business

12. Continued Communications

13. Executive Session

14. Approval Summary Minutes

(a) November 5, 2003 East Bellevue Community Council Summary Minutes 479

15. Adjournment

City of Bellevue

MEMORANDUM

DATE: November 5, 2003

TO: Chair Bell, Members of the East Bellevue Community Council

FROM: Antoinette Pratt, Associate Planner

SUBJECT: Land Use Code Amendments To Remove References to the Community Councils, AD-03-114087

Please find enclosed Ordinance Nos. 5475, 5476, 5477, 5478, and 5479 that were recently approved by City Council. The following is an overview of the review process as it applies to these ordinances:

- ✓ A Planning Commission study session was held on June 18, 2003.
- ✓ A courtesy public hearing with the East Bellevue Community Council was held on July 1, 2003.
- ✓ A public hearing was held before the Planning Commission on July 16, 2003.
- ✓ Bellevue City Council approval on October 20, 2003, per Ordinance Nos. 5475, 5476, 5477, 5478, and 5479.
- ✓ Final public hearing with the East Bellevue Community Council on December 2, 2003.

Background of Ordinances

The Sammamish Community Council was originally created by voters within the Community Council area (roughly along the northeast shore of Lake Sammamish) when those voters approved annexation into the City of Bellevue. The Community Council is a creature of state law, and has authority over certain land use decisions within its boundaries. The Sammamish Community Council (SCC) retained its authority until November, 2001, when a majority of voters within its jurisdiction voted against continuing the Council.

Prior to its discontinuation, the SCC had the authority to review and either approve or disapprove ordinances amending the LUC. When the SCC voted to disapprove an ordinance, that disapproval meant that the ordinance was not effective within its jurisdiction. The disapproval was reflected in the LUC with a footnote after affected sections noting that the section was not effective within the SCC area. Generally, prior versions of the code would continue to apply within that area.

The East Bellevue Community Council (EBCC) was created in the same manner as, and has the same authority as described above for the SCC. The bodies rejected many of the same land use ordinances. Through this LUC amendment process, the City and EBCC worked to identify whether there were previously rejected ordinances that the EBCC would reconsider at this time as a result of changed circumstances. The following is an overview of the identified ordinances for approval or disapproval:

Ordinances for EBCC Consideration:

Ordinance No. 5475 amending the Bellevue Land Use Code to eliminate references to the Sammamish Community Council and adopt previously disapproved ordinances within the jurisdiction of the former Sammamish Community Council; amending Sections 20.10.020, 20.10.200, 20.10.390, 20.10.440, 20.20.010, 20.20.450, 20.20.527, 20.20.720, 20.20.850, 20.20.890, 20.25B.020, Part 20.25J, 20.50.014, 20.50.022, 20.50.024, 20.50.034, 20.50.040, 20.50.044, 20.50.048, 20.50.050, 20.50.054, 20.50.058 of the Bellevue Land Use Code; and establishing an effective date;

Ordinance No. 5476 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt a provision of a previously disapproved ordinance within the jurisdiction of the East Bellevue Community Council regarding multifamily development in Planning Districts A, B and E of the Crossroads Subarea; amending Section 20.10.440, FN 6 of the Residential Use Chart of the Bellevue Land Use Code; and establishing an effective date;

Ordinance No. 5477 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt provisions of a previously disapproved ordinance within the jurisdiction of the East Bellevue Community Council regarding the regulation of heliports; amending Sections 20.20.450, 20.50.022, 20.50.024, 20.50.040, and 20.50.048 of the Bellevue Land Use Code; and establishing an effective date;

Ordinance No. 5478 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt a provision of a previously disapproved ordinance within the jurisdiction of the East Bellevue Community Council regarding the regulation of manufactured housing; amending Section 20.20.527 of the Bellevue Land Use Code; and establishing an effective date; and

Ordinance No. 5479 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt a provision of a previously disapproved ordinance within the jurisdiction of the East Bellevue Community Council regarding the definition of "Community Facility;" amending Section 20.50.014 of the Bellevue Land Use Code; and establishing an effective date.

It should be mentioned that although the SCC no longer exists, each of the previously rejected LUC sections must be readopted now to become effective within the SCC area. That re-adoption will extend LUC regulations to the SCC that now apply in the majority of the City, and will remove the footnotes throughout the LUC referencing the SCC. Reconsideration and adoption of provisions by the EBCC will have that same impact within the EBCC area. Adoption of the proposed amendments will eliminate the disparity between regulations within the Community Council area and the rest of the City, and will extend the City's otherwise applicable regulations.

Discussion

Toni Pratt will present the identified ordinances for discussion before the EBCC in Mary Kate Berens absence.

Attachments

Ordinances 5475, 5476, 5477, 5478, 5479

East Bellevue Community Council
Summary Minutes of Regular Meeting

December 2, 2003
6:30 PM

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Bell, Councilmembers Eder, Keeffe, Seal and Wiechmann

ABSENT: None

STAFF: Toni Pratt, Associate Planner

1. CALL TO ORDER

The meeting of the East Bellevue Community Council was called to order at 6:32 PM with Chair Bell presiding. Chair Bell led the flag salute.

2. ROLL CALL

Roll was called by the Deputy City Clerk. All Councilmembers were present, Councilmember Wiechmann arrived at 6:35 PM.

3. COMMUNICATIONS – WRITTEN AND ORAL

Mr. Eder reported that he had met with the owner of the Kelsey Creek Shopping Center who shared his plans for the Center's future. Mr. Eder reported his efforts to obtain the existing covenants for this area.

4. APPROVAL OF AGENDA

Chair Bell noted the removal of agenda items 5 (a) and 6 (a) regarding City Council Ordinance 5475, as no action by the Community Council is required.

Mr. Eder submitted minor clerical corrections to Ordinance 5475 for staff's review. He requested that Council add the following items under New Business:

(a) Communication from Scott Robertson regarding the Eastgate Shopping Center;
(b) Endorsement of goals;
(c) Disposal of unused paints.

Mr. Keeffe moved the approval of the December 2, 2003 agenda as modified. Mr. Eder seconded the motion which carried with a vote of 5-0.

5. PUBLIC HEARINGS:

b. City Council Ordinance 5476 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending Section 20.10.440, Residential Use Chart of the Bellevue

Land Use Code.

Toni Pratt, Department of Planning and Community Development, provide the staff overview. Ordinance 5476 amends the Land Use Code to eliminate references to the East Bellevue Community Council and adopt a provision of a previously disapproved ordinance within the jurisdiction of the Community Council regarding multifamily development in Planning Districts A, B and E of the Crossroads Subarea. She explained that the only substantive change removed the '*' from footnote #6. Footnote #7 remains the same.

Chair Bell clarified that approval of Ordinance 5476 would remove the previous Community Council's disapproval of Footnote #6 but not affect their disapproval of Footnote #7.

Chair Bell opened the public hearing.

Seeing no one wishing to provide pubic input, Mr. Keeffe moved to close the public hearing. Mr. Eder seconded the motion which carried unanimously.

Mr. Eder questioned the City Attorney's approval as to form in regards to City Council ordinances. He asked if it would not be more appropriate for the City Attorney's Office to approve with regard to compliance with applicable laws.

Mr. Seal moved approval of Community Council Resolution 463 adopting City Council Ordinance 5476. Mr. Keeffe seconded the motion which carried with a vote of 5-0.

c) City Council Ordinance No. 5477 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending Sections 20.20.450, 20.50.022, 20.50.024, 20.50.040, and 20.50.048 of the Bellevue Land Use Code.

Ms. Pratt stated that essentially Ordinance 5477 removes reference to the East Bellevue Community Council and adopts provisions of a previously disapproved ordinance within the jurisdiction of the Community Council regarding regulation of heliports. Currently, heliport regulation and approval criteria exists in the City of Bellevue with the exception of the Community Council area. Adoption of Ordinance 5477 would make those regulations applicable within the East Bellevue Community Council's jurisdiction.

Chair Bell reminded Council that their previous disapproval was based upon the criteria for siting heliports did not go far enough. The effect of approving this Ordinance is to extend the general criteria for heliports into the East Bellevue area.

Chair Bell opened the public hearing.

Bart Goft, 421 155th Place SE, questioned, in the case of an emergency, would this Ordinance prohibit a helicopter from landing somewhere safe for emergency purposes to transport to Overlake Hospital. Ms. Pratt responded that hospital emergency use is provided for in the Ordinance.

Seeing no one further wishing to provide pubic input, Mr. Keeffe moved to close the public hearing. Mr. Eder seconded the motion which carried unanimously.

Mr. Keeffe moved approval of Community Council Resolution 464 adopting City Council Ordinance 5477. Mr. Seal seconded the motion which carried with a vote of 5-0.

d) City Council Ordinance No. 5478 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending 20.20.527 of the Bellevue Land Use Code.

Again, Ms. Pratt provided the staff overview. Ordinance 5478 amends the Bellevue Land Use Code eliminating references to the East Bellevue Community Council and adopts a provision of a previously disapproved ordinance regarding regulation of manufactured housing.

Mr. Bell opened the public hearing.

Bart Goft questioned the definition of a manufactured home. In response, Ms. Pratt stated the term refers to factory built homes brought to the site and placed on a foundation.

Seeing no one further wishing to provide pubic input, Ms. Wiechmann moved to close the public hearing. Mr. Keeffe seconded the motion which carried unanimously.

Mr. Keeffe moved approval of Community Council Resolution 465 adopting City Council Ordinance 5478. Mr. Eder seconded the motion which carried with a vote of 5-0.

e) City Council Ordinance No. 5479 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending Section 20.50.014 of the Bellevue Land Use Code.

Ms. Pratt stated that Ordinance 5479 amends the Land Use Code to eliminate reference to the East Bellevue Community Council and adopts a provision previously disapproved by the Community Council regarding the definition of 'Community Facility'. She explained that currently there is no definition applicable in the Community Council's service area.

Mr. Bell opened the public hearing.

In response to Mr. Goft, Ms. Pratt stated that the Samena Club is a private facility.

Chair Bell, giving a brief history, explained the circumstances that led to the omission of this definition in the Land Use Code applicable to the Community Council area.

Seeing no one further wishing to provide pubic input, Mr. Keeffe moved to close the public hearing. Mr. Seal seconded the motion which carried unanimously.

Mr. Seal moved approval of Community Council Resolution 466 adopting City Council Ordinance 5479. Mr. Keeffe seconded the motion which carried with a vote of 5-0.

f) City Council Ordinance No. 5480 amending the Bellevue Land Use Code to remove outdated references, correct cross references and correct errors in the Code; amending Sections 20.10.020, 20.10.440, 20.20.005, 20.20.010, 20.20.018, 20.20.130.B, 20.20.200.B, a portion of Part 20.20, 20.20.520.F.1, 20.20.560.A, 20.20.650.A.2, 20.25A.020.A.1, 20.25A.025.B.5, 20.25A.030.C, 20.25A.030.E.1.b, 20.25A.090, 20.25A.100.E.7, 20.25B.040.A.2, 20.25F.040.C.3, 20.25F.040.C.4, 20.25G.030, 20.25H.110.A.6, 20.30D.165.A, 20.40.490.E, 20.45A.040.A, 20.45A.170, 20.45A.240, 20.45B.030.A, 20.45B.180, 20.45B.230, 20.45B.260.C, 20.50.012, 20.50.036, 20.50.040, and 20.50.048 the Bellevue Land Use Code.

Ms. Pratt made the staff presentation. She stated the above Ordinance is a non substantive change to the Land Use Code. Throughout the process of administering the Code, various errors have been discovered. The errors typically stem from changes in department names, cross-references that are no longer valid, and inadvertent errors in previous amendments.

Mr. Bell opened the public hearing.

Seeing no one wishing to provide pubic input, Mr. Keeffe moved to close the public hearing. Mr. Bell seconded the motion which carried unanimously.

Mr. Eder noted that Bellevue Way is incorrectly identified as 104th Avenue on the Perimeter Design Districts Map and in Section 20.25A.100.E.7.

Ms. Wiechmann moved approval of Community Council Resolution 467 adopting City Council Ordinance 5480. Mr. Keeffe seconded the motion which carried with a vote of 5-0.

g) City Council Ordinance No. 5481 amending the Bellevue Land Use Code to clarify and improve process provisions of the Code; amending Sections 20.25J.050.E, 20.30B.140, 20.30B.175, 20.30D.200, 20.30D.285, 20.30E.175, 20.30F.175, 20.30G.140, 20.30J.135, 20.30K.130, 20.30P.140, 20.30S.140, 20.35.015, 20.35.030.A, 20.35.045, 20.35.120, 20.35.135, 20.35.210, 20.35.235, 20.35.320, 20.35.335, 20.35.355.G, 20.35.420, and 20.45A.110 in the Bellevue Land Use Code; creating new sections 20.25A.120, 20.25A.125, and 20.35.415 in the Bellevue Land Use Code.

Ms. Pratt reviewed Ordinance 5481. There are several types of approvals, which, once granted, may be modified by a subsequent proposal. These types of approvals include conditional use and administrative conditional use permits, design review approvals, and others. Generally, if the requested modification falls below a certain threshold, based on specified decision criteria, the modification is processed as a "Land Use Exemption" or "LUX". A LUX decision that does not require public notice, or provide an opportunity for appeal, is intended for relatively minor modifications. The criteria for each of these existing permits are similar, but the wording occasionally varies slightly. This amendment ensures that the wording of the criteria is consistent throughout the code.

As with the LUX, a number of previous permits are subject to modification through a Process II administrative amendment. Again, the criteria for these amendments across permit type are similar, but not always worded consistently. Amendments to affected sections of the code ensure that the wording of the criteria is consistent throughout.

Ms. Pratt reviewed the noticing change that would allow for electronic mailing to a subscription list where the recipient has so elected, and, eliminate the need to also mail a hard copy by U.S Mail.

She continued her review, highlighting new Section 20.25A.120 and 125 adding flexibility for vesting land use approval for larger, complex development projects in the Downtown. Currently, a project's land use approval is vested for two years after the approval is received. Vesting allows a land use approval to remain valid even if the Land Use Code changes after the approval is granted but before the project is actually built. The two year period currently allowed in the code is considered too short a timeframe for larger, more complex or phased projects. The amendment deals with vesting under the LUC only, and does not affect the different vesting provisions that apply under other codes, including the Building Code and Transportation Code.

Mr. Keeffe noted his concern with the slide from objective to subjective land use decision-making that could boil down to individual fallibility or politics.

Chair Bell opened the public hearing.

Mr. Goft questioned the definition of "large" in regards to the above amendment and vesting changes. In response, Chair Bell stated the term large or complex are not included in the language of Section 20.25A.120 but are instead terms used in the staff summary. Section 20.25A.125 states that an applicant for a project with multiple buildings within a single project limit may request a modification to the vesting and expiration provisions of Section 20.40.500, allowing for vesting of the land use permits and approvals for a period of up to 10 years from the date of issuance of the design review.

Seeing no one further wishing to provide public comment, Mr. Seal moved to close the public hearing. Mr. Keeffe seconded the motion which carried unanimously.

In response to Chair Bell, Ms. Pratt walked Council through additional changes.

Chair Bell stated that he felt that City Council's ability to initiate a rezone is an anomaly, given they are the decision body.

Mr. Seal moved approval of Community Council Resolution 468 adopting City Council Ordinance 5481. Ms. Wiechmann seconded the motion which carried with a vote of 5-0.

Mr. Keeffe raised an issue in regards to Ordinance 5475. He noted that the land use designation R-7.5 does not apply in the East Bellevue Community Council area. On the Uses Chart 20.20.010, Mr. Keeffe drew attention to the listed dwelling units per acre. He stated that what is now included in the matrix was once noted as a footnote regarding minimum lot size. Mr. Keeffe questioned the minimum lot size under the multiple family designations R-10 and R-15,

and, the number of dwelling units listed. In response, Ms. Pratt explained the density calculation methodology.

Mr. Keeffe stated his concern that the City has moved from the Board of Adjustment's handling of the tag-ends to a footnote that did not specify that it could be used as a zoning category. And, essentially, that is what has happened.

6. RESOLUTIONS:

b. Resolution No. 463 approving/disapproving City Council Ordinance No. 5476
c. Resolution No. 464 approving/disapproving City Council Ordinance No. 5477
d. Resolution No. 465 approving/disapproving City Council Ordinance No. 5478
e. Resolution No. 466 approving/disapproving City Council Ordinance No. 5479
f. Resolution No. 467 approving/disapproving City Council Ordinance No. 5480
g. Resolution No. 468 approving/disapproving City Council Ordinance No. 5481

Consideration of Resolution Nos. 463 through 468 completed following public hearings on related ordinances.

7. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS: None.

8. DEPARTMENT REPORTS None.

9. COMMITTEE REPORTS: None.

10. UNFINISHED BUSINESS

Chair Bell noted that the Clerk had compiled a document chronology of Council's discussion and past interaction with the City regarding the SE 18th Trail. He suggested that Council take this opportunity to review these materials and, perhaps, at the next meeting Council could decide whether to pursue this issue and draft a new request.

11. NEW BUSINESS

(a) Communication from Scott Robertson regarding the Eastgate Shopping Center

Mr. Eder stated that the Comprehensive Plan Policy EC-18 calls out to maintain retail areas that are designed to serve neighborhoods. Since the Comprehensive Plan has a policy that pertains to this subject he felt it would be worthwhile referring to it. He asked Council to concur with Mr. Robertson's concern of the loss of retail serving the Eastgate neighborhood. He suggested that Council ask the City, as a condition of approval for this Toyota dealership change, that the developer or property owner be required to provide retail, perhaps along the periphery of the shopping center.

Mr. Seal stated he was not supportive of the change to an auto dealership in the proximity of what was once the Safeway. He felt such a change in use could doom other small retailers in the area.