East Bellevue Community Council
Summary Minutes of Regular Meeting

DRAFT

December 7, 2010
6:30 p.m.

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Kasner, and Councilmembers Erwin, Gooding and Seal

ABSENT: Vice Chair Elwin excused.

STAFF: Matthews Jackson, Neighborhood Development Planning Manager
Sally Nichols, Associate Planner
Catherine Drews, Legal Planner

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m. with Chair Kasner presiding.

2. ROLL CALL

The Clerk took the roll. All Councilmembers present with the exception of Vice Chair Elwin who had been excused for medical reasons.

3. COMMUNICATIONS - WRITTEN AND ORAL: None.

4. APPROVAL OF AGENDA

Chair Kasner requested the addition of the status of the Key Bank building on 148th Street to the agenda.

Councilmember Erwin moved approval of the agenda, with the addition of the Key Bank building status item under New Business. Councilmember Seal seconded the motion which carried by a vote of 4-0.

5. COURTESY PUBLIC HEARINGS:

(a) Land Use Code Amendment to modify language so that the variance process may be used to modify the height restriction on lots failing to meet 70% of the minimum lot size of underlying land use district.

Chair Kasner opened the Courtesy Hearing, turning the floor over to Matt Jackson for the staff presentation.

Mr. Jackson provided the staff overview. This Land Use Code amendment is intended to provide additional building height flexibility on non-conforming lots. The objective is to allow

for the reasonable development of non-conforming lots consistent with neighborhood character code amendments adopted last year and individual site conditions.

Current development of an individual lot failing to meet 70% of the area, width, or depth requirements of the land use district in which it is located is restricted to a maximum building height based on two times the ratio of the potential buildable area, times the general building height of 30 feet, provided that the building height does not exceed the building height requirements otherwise applicable to the lot.

The proposed amendment would allow the maximum building height to be modified using the Land Use Code Variance process. This process would remove redevelopment barriers that exist within the current code and provide an opportunity to consider the unique circumstance of each proposal.

Based on considerable research and input provided by citizens who have been impacted by existing limitations in regard to building heights on non-conforming lots, staff recommends approval of the proposed ordinance to address neighborhood character elements and development flexibility through the use of the Variance process.

Mr. Jackson participated in Council discussions, providing examples of when the proposed provision could be used.

Mr. Capron noted that one of the example properties depicted was his home.

Mr. Jackson responded to Councilmember Erwin related to noticing requirements.

Mr. Seal stated that flexibility is good, and he noted his support.

Chair Kasner suggested that a direct mailing notice might be a good idea, given that a small number of properties within the East Bellevue Community Council area are affected.

Mr. Capron observed that noticing property owners of the potential adoption of the Land Use Code amendment is not critical, in his view, because the new regulation is less restrictive.

Chair Kasner asked if there was further public testimony and, hearing none, closed the courtesy public hearing. He thanked staff and participants.

(b) Conditional Use Application by Verizon Wireless to install 90' wood pole at 15555 SE 16th Street.

Chair Kasner opened the Courtesy Hearing, turning to Sally Nichols for the staff presentation.

Ms. Nichols stated that Verizon Wireless has applied for a Conditional Use Permit to install a new, 90-foot wood pole on the northwest corner of the existing PSE Phantom Lake Substation property. Because the proposed facility is an entirely new facility, a full Conditional Use

approval process is required. She reviewed the City's role and federal law related to deployment priority.

Mr. Bill Powell, representing Verizon Wireless, described the application for six panel antennas to be flush mounted at the top of the new pole and for ground mounted equipment to be located in a 13' x 28' equipment shelter at the base of the pole. The pole and associated shelter will locate in the northwest corner of the site, outside of the substation fencing. This location is adjacent to a dense stand of existing trees, which will provide some screening for the facility. Mr. Powell noted that the request for a second pole at any one location is unusual, but replacing the existing pole was not feasible due to the height needs of a replacement pole to meet the coverage objectives, Puget Sound Energy's height restrictions at the current site, and the enormous loading already on the existing structure.

Mr. Powell next described the coverage area, noting gaps and areas where the coverage is marginal, and reviewed the areas explored to address coverage issues. He explained that park property and residential sites fall within the coverage gap area. Locating on a park was rejected because it would have required an entirely new structure with significant impacts to the existing use. The school site was rejected because the school district will not lease space on elementary school properties for facilities such as the one being proposed.

Mr. Kirk Wheeler stated that, as a homeowner whose property looks down on the proposed site, he has concerns with the visual impact of the proposed pole. Although the trees help to screen the existing facility when viewed at the same elevation, there is no such screening when viewed from his home and other properties at a higher elevation. The pole is fully visible and does not blend into the scenic view.

Mr. Fraiser noted he is a Verizon customer and has experienced no problems with coverage.

Stephanie Lui expressed her concerns regarding view and health impacts, as a new homeowner affected by this installation.

Chair Kasner asked whether new technologies could provide the needed coverage and reduce pole heights.

Mr. Powell responded that the requested height is necessary to achieve coverage objectives. More poles would be required to meet the coverage demands with reduced pole heights. He explained that the existing topography dictates the necessary pole height.

Mr. Gooding questioned the coverage objectives and possible alternative sites.

Mr. Dan Livingston suggested that, if coverage is an issue, it would be easier for individuals to switch carriers than it is for property owners adversely impacted by the new poles to move out of the area.

Mr. Wheeler stated, aesthetics aside, his concern with the impact to his property value.

Ms. Nicholas reminded everyone that coverage availability and siting requirements are found in the FCC Guidelines.

Mr. Livingston concurred with Mr. Wheeler's concern about the negative impacts to property values. He said he has firsthand knowledge of a home in his neighborhood that has lost potential sales due to the visibility of the already existing pole.

Mr. Powell commented on Verizon's efforts to find a solution that accommodates coverage needs while addressing local concerns.

Ms. Nichols interjected that the required alternative siting analysis, once submitted, will be available for public review.

Mr. Powell noted that research conducted to date indicates minimal impacts to property values.

There was continued discussion on facility siting.

Mr. Powell reiterated the rationale for the current site location, and asked what Verizon could do to make this location palatable. In the past, they have gone with a solid black pole.

Mr. Erwin suggested that Verizon broaden the perspective of the elevation diagram to include properties above the substation.

Mr. Powell offered to create a photo simulation from individual properties if desired.

Chair Kasner expressed concern about the potential of an antenna "farm" if multiple shorter poles are required to fulfill coverage objectives.

Mr. Livingston questioned the siting accommodation for new carriers in the future, which could result in additional impacts to private property owners.

Ms. Nichols responded that City Code currently has no specific design for wireless facility sitings, and applications are handled on an individual basis.

Ms. Lui said she cannot support the application under any circumstance. She questioned the proximity of the proposed pole to 156th Street.

Mr. Powell responded that the siting in the stand of trees was a deliberate attempt to camouflage the facilities.

There was continued discussion related to relocation options and height requirements.

Chair Kasner asked to be provided with data on the number of customers in this area versus the number of complaints.

Ms. Lui questioned whether the purpose of the new facility is to cover dropped calls or to increase Verizon's customer base.

Chair Kasner asked if there was further public testimony and, hearing none, closed the courtesy public hearing. He thanked staff, the applicant, and participants.

(c) Land Use Code Amendment to allow electric vehicle infrastructure as a use in all appropriate land use zones except in critical areas.

Chair Kasner opened the courtesy public hearing, asking first for the staff presentation.

Catherine Drews provided the staff overview and a brief history of the proposed amendment. The revised proposal associates, using footnotes, the permitted use of electric vehicle infrastructure with the appropriate land use category. Electric vehicle charging stations are allowed in all land use districts that allow accessory parking, auto parking, park and ride lots, and street and highway right-of-way use. Likewise, battery exchange stations are allowed in areas where gas stations and auto repair are permitted and also as a subordinate use to vehicle maintenance yards.

There was Council discussion with staff related to infrastructure needs, payment options for charging stations, and future growth of this technology.

Mr. Capron expressed concerns with siting battery charging stations, and questioned whether parking locations with available charging stations would be restricted to electric car parking only.

Ms. Drews responded that many regulatory questions are still being addressed.

Chair Kasner asked if there was further public testimony and, hearing none, closed the courtesy public hearing. He thanked staff and participants.

6. **RESOLUTIONS**: None.

7. **REPORTS OF CITY COUNCIL, BOARDS, AND COMMISSIONS**: None.

8. **DEPARTMENT REPORTS**:

Mr. Jackson provided a review of the Home Occupation Permit list mailed earlier to Council. He explained the cost of the permit and the process by which a permit is issued.

Chair Kasner requested a staff presentation on the permitting process for peddlers and door-to-door sales.

Mr. Jackson acknowledged that the list provided contains current home businesses as well as those no longer conducting business in the City. Staff will be working on cleaning up the database and will provide a new report when that work is completed.

9. **COMMITTEE REPORTS**: None.

10. **UNFINISHED BUSINESS**: None.

11. **NEW BUSINESS**:

(a) Status of Key Bank Building on 148th Street

Chair Kasner reported the future Key Bank site has been vandalized a number of times. He requested that staff provide a timeline for the redevelopment.

Mr. Seal reported that demolition of the Key Bank site at 156th has been completed.

12. **CONTINUED COMMUNICATIONS**.

Chair Kasner reported that he attended the November 15, 2010 City Council meeting on the Community Council's behalf to report on the redevelopment of the Kelsey Creek Center and community input received at the Community Council's November 3, 2010 meeting.

At that same City Council meeting, during testimony taken regarding the 2011-2017 CIP Budget, Mr. Kasner, representing himself, advocated for the 145th extension project at a cost of $5.2M. It is his understanding that the project has been funded.

Chair Kasner next reminded the Community Council that Council's bylaws will be reviewed at the January 2011 meeting.

13. **EXECUTIVE SESSION**: None.

14. **APPROVAL OF MINUTES**:

Mr. Seal moved approval of the October 5, 2010 Summary Minutes. Mr. Erwin seconded the motion which carried by a vote of 4-0.

Mr. Erwin moved approval of the November 3, 2010 Summary Minutes. Mr. Seal seconded the motion which carried by a vote of 4-0.

15. **ADJOURNMENT**

Councilmember Seal moved to adjourn. Councilmember Erwin seconded the motion which carried by a vote of 4-0.

Chair Kasner declared the meeting adjourned at 9:17 p.m.

Michelle Murphy, CMC
Deputy City Clerk