East Bellevue Community Council
Summary Minutes of Regular Meeting

April 2, 2013
6:30 p.m.

Lake Hills Boys & Girls Club
Bellevue, Washington

PRESENT: Chair Kasner, Vice Chair Hughes, Alternative Vice Chair Capron, and Councilmembers Gooding* and Seal

ABSENT: None.

STAFF: Antoinette Pratt, Development Services Department
Mike Bergstrom, Department of Planning and Development

1. **CALL TO ORDER**

The meeting was called to order at 6:30 p.m. with Chair Kasner presiding.

2. **ROLL CALL**

The Clerk called the roll with all Councilmembers present with the exception of Mr. Gooding who arrived at 6:47PM. Chair Kasner led the flag salute.

3. **COMMUNICATIONS: WRITTEN AND ORAL**: None

4. **APPROVAL OF AGENDA**

Councilmember Capron moved to approve the agenda as published. Councilmember Hughes seconded the motion, which carried by a vote of 4-0.

5. **PUBLIC HEARING**:

(a) Conditional Use Application for Sammamish High School demolition and new three-story new high school facility (Antoinette Pratt, DSD)

Chair Kasner explained that due to a publishing omission this public hearing will be postponed.

Ms. Pratt stated the prepared notice was inadvertently omitted from publication. She asked that the hearing be pushed back until April 16, 2013.

Mr. Gooding arrived at 6:47PM

Chair Kasner reminded Council of the 60 day clock for Community Council consideration starting at time of City Council approval.

Council agreed to the April 16th date to be noticed as a Special Meeting.

(b-c) Land Use Code amendment allowing permitting/review of Light Rail Facilities and Systems and amendment to the Land Use Code for consistency with new Light Rail Overlay

Chair Kasner opened the public hearing.

Mike Bergstrom, Senior Planner, provided the staff overview and background of the proposed amendments. The City Council adopted Ordinance 6101 on February 25, 2013. It allows for the permitting and review of Light Rail Facilities and Systems and creates a Light Rail Overlay District in the Land Use Code.

He stated that this set of regulations flowed from a Memorandum of Understanding between the City and Sound Transit, laying out how these two agencies would work together to implement a light rail system through Bellevue. One of the requirements of the MOU was that the City establishes a permitting path and review process. Ordinance 6101 provides certainty and predictability with respect to land use code requirements, processes and implementation of a light rail system through Bellevue. It applies to all areas where the use, construction, or installation of a Regional Light Rail Transit Facility or Regional Light Rail Transit System is proposed, including areas disturbed temporarily during construction and identified for mitigation related permanent and temporary impacts.

Mr. Bergstrom reviewed the design guidelines included in the legislation and noted it calls for a citizen advisory committee that is specific in its makeup and responsibilities.

In response to Mr. Hughes, Mr. Bergstrom explained the purpose of the Overlay is strictly related to the permitting process and not related to alignment of the System. It applies to the full System whatever the alignment.

Mr. Hughes asked for clarification related to the impact of this legislation to the East Bellevue Community Council area. Mr. Bergstrom stated there is no current impact. He stated the design guidelines describe the intended context for different areas the alignment passes through and those actual subareas that this current System impacts. If in the future a line was proposed within the Community Council's area, the Code would need to be amended.

Mr. Bergstrom next provided a brief overview of Ordinance 6102. This ordinance was adopted by the City Council on February 25, 2013 as well, and is a companion ordinance to Ordinance 6101. Ordinance 6102 is a reconciliation measure to make sure other portions of the Code do not conflict with the Overlay District. It touches the Use Charts, identifying Light Rail Facilities as permitted or conditional use depending on the process chosen.

Mr. Kasner questioned if the issue of property takings is included in either pieces of legislation. Mr. Bergstrom responded those issues are not included other than providing a the sense of who and when application can be made.

In response to Chair Kasner's question regarding the public's reception of these two ordinances, Mr. Bergstrom stated they have been generally well received.

Mr. Capron questioned the buffer setback. Mr. Bergstrom stated if adjacent to developed single family property, there has to be a 30 foot setback from edge of track or closes facility of the system. And, a 60 foot structure setback from the edge of track to the closest private structure.

Mr. Seal confirmed that there is no current impact to the Community Council area.

Mr. Hughes questioned Sound Transit's plan to traverse the bridge and stated a similar endeavor in Colorado. It seems amazing to go this far and still not know how to go across the bridge.

Seeing no public wishing to speak, Chair Kasner closed the public hearing.

6. RESOLUTIONS:

(a) Resolution 528 approving City Council Ordinance 6100

Consideration postponed until April 16, 2013.

(b) Resolution 529 approving City Council Ordinance 6101

Councilmember Seal moved adoption of Resolution 529 approving City Council Ordinance 6101. Councilmember Hughes seconded the motion which carried 4-0.

(c) Resolution 530 approving City Council Ordinance 6102

Councilmember Capron moved adoption of Resolution 530 approving City Council Ordinance 6102. Councilmember Seal seconded the motion which carried 4-0.

7. REPORTS OF CITY COUNCIL, BOARDS, AND COMMISSIONS

Chair Kasner reported that he had met with Deputy Mayor Robertson regarding Mr. Eder's concerns related to height limits at the Lake Hills Shopping Center. He pointed out to the Deputy Mayor that Mr. Eder's concerns were those of a private citizen. Deputy Mayor Robertson was not aware that Mr. Eder was no longer on the Community Council.

Mr. Eder stated he did not intend to encroach on the Community Council's authority. He stated his confusion on how the process got so far with regard to the revamp of the Lake Hills Shopping Center without the Community Council's approval.

Chair Kasner explained that the current development was approved by the Community Council in 2005. It was determined by staff and members of the original Stakeholders Group that the plans for Phase 2 of the development were consistent with its Master Plan.

Mr. Eder stated his understanding and past coordination of matters with the East Bellevue Community Council. He comes to the Community Council as a property owner within this

Council's corporate limits. He has concern regarding violation of the Lake Hill's area covenant. These covenants are applicable to everyone. Covenant restrictions include limitations on building heights, prohibiting building heights above 20 feet. He provided some history of the area and stated his concern with the building heights planned for buildings at the Lake Hills Shopping Center. He stated he would appreciate the Community Council's support.

Chair Kasner responded that Cosmos Development has a development agreement signed by the City and approved by the Stakeholders Group and supported by the Community Council.

Mr. Seal stated there was a concomitant agreement on the commercial property. The area's residential development was separate from that of the commercial property. The 2005 rezone for the present development was approved at the 45 foot building height with mitigation for the adjacent residential properties. He stated that the business part of that property was never a part of the residential area covenant. He noted that covenant enforcement is a civil matter.

There was further discussion with Mr. Eder.

8. **DEPARTMENT REPORTS**: None.

9. **COMMITTEE REPORTS**:

Chair Kasner noted upcoming Councilmember absences and inquired as to who would be available to attend the April 16, 2013 Special Meeting (Public hearing on the Conditional Use application for Sammamish High School). He also made note of the upcoming April 9, 2013 Special Meeting (Lake Hills area tour).

Both Councilmember Capron and Seal stated they will be in attendance at the April 16, 2013 Special Meeting.

Mr. Kasner stated that the City is actively looking at subarea boundaries and reworking those boundaries due to the recent Eastgate annexation. He reviewed some of the potential changes.

In response to Mr. Boettinger, Mr. Kasner stated the above subarea rework does not change the East Bellevue Community Council boundaries.

Mr. Boettinger stated he would not want any change to the Community Council's jurisdictional boundaries.

Chair Kasner reported his request for a City Council liaison to the Community Council. He noted the need for an open line of communication. He also reported on the resignation of the City Manager.

Mr. Hughes reported that he has met with City Councilmember John Stokes. Mr. Hughes expressed a desire for the Community Council to contribute more to community issues beyond

their land use authority. Mr. Stokes indicated a possible area for Community Council involvement was public safety.

Mr. Seal stated the official duties of the Community Council limits authority to approval/disapproval ordinances related to land use. In addition, the statute allows this body to make suggestions to the City's governing body. He provided a historical retrospective of Community Council involvement in the past.

Mr. Seal next reported on his attendance at the Eastside Transportation Association meeting.

Mr. Wes Clarke stated the Community Council is an advocate for the East Bellevue community. He commended the letter the Council wrote to Key Bank. He stated the Community Council's ability to contact area businesses regarding contributing nonprofit funding to decrease area crime and increase public safety.

There was continued discussion.

Mr. Hughes reported on his and Mr. Kasner's meeting with the new Key Bank Business Relationship Manager and the bank's potential involvement with the community. He also reported that he had walked the Kelsey Creek Shopping Center and stated that 40% of the old retail strip is empty.

Mr. Kasner reported his attendance at the Joint Planning and Human Services Commissions Meeting to talk about housing. He stated his interest in the East Bellevue housing stock and vacancy rate. He continued his report, stating other activities and meetings attended.

10. **UNFINISHED BUSINESS**

(a) Junior Taxing Districts, Municipal Corporations and Local Government Finance Committee Report

No report.

11. **NEW BUSINESS**:

(a) November 5, 2013 General Election Ballot Process

The Clerk explained the next step in the upcoming election process.

Councilmember Capron moved to authorize notice to solicit participation on Argument Committees specific to the Community Council's proposition for continuance. Councilmember Hughes seconded the motion which carried 5-0.

12. **CONTINUED COMMUNICATIONS**: None.

13. **EXECUTIVE SESSION**: None.

14. APPROVAL OF MINUTES

Councilmember Seal moved to approve the minutes of the March 5, 2013 Regular Meeting. Mr. Gooding seconded the motion, which carried by a vote of 5-0.

15. ADJOURNMENT

Councilmember Capron moved to adjourn. Mr. Hughes seconded the motion, which carried by a vote of 5-0.

At 8:47 p.m., Chair Kasner declared the meeting adjourned.

Michelle Murphy, CMC
Deputy City Clerk

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