East Bellevue Community Council
Summary Minutes of Regular Meeting

October 1, 2013
6:30 p.m.

15230 Lake Hills Boulevard
Bellevue, Washington

PRESENT: Acting Chair Capron, Councilmembers Hughes, Seal and Gooding[1]
ABSENT: Councilmember Kasner

STAFF: Carol Helland, Land Use Division Director

1. **CALL TO ORDER**

The meeting was called to order at 6:30 pm with Acting Chair Capron presiding.

2. **ROLL CALL**

The Clerk called the roll with all Councilmembers present with the exception of Councilmembers Kasner and Gooding. Mr. Gooding arrived at 6:38 pm.

Acting Chair Capron led the flag salute.

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

4. **APPROVAL OF AGENDA**

Mr. Hughes moved to approve the agenda as presented. Mr. Seal seconded the motion which carried with a vote of 3-0.

5. **PUBLIC HEARING**:

(a) Rezone Application of Franklin West, LLC for Kelsey Creek Center to expand allowed Service uses at the site and modifying procedures for allowing certain Recreation uses.

Carol Helland, DSD, provided the staff overview. The application seeks a rezone to expand the list of allowed service uses approved at the site and to modify the procedure for allowing certain recreational uses. She reviewed the approval process, stating the Hearing Examiner's recommendation to the City Council for approval with conditions. On September 16, 2013, City Council adopted Ordinance 6127 approving the rezone application which is now before the Community Council for consideration.

The amendment would permit uses of less than 10,000 square feet for personal services, finance, insurance and real estate. There are no changes to development standards applicable in the

[1] Councilmember Gooding arrived at 6:38 pm.

Community Business District, Community Retail Design District, or Transition Area Design District. No new physical development is sought.

Acting Chair Capron opened the public hearing.

Brian Franklin, Franklin West, LLC, spoke in support of Community Council adoption of Ordinance 6127.

In response to Mr. Capron, Ms. Helland provided a brief history of the Kelsey Creek Center and explained the objective of the proposed rezone.

Responding the Mr. Hughes, Ms. Helland explained the term 'recreational use' and the types of businesses it covers.

Continuing the response, Mr. Franklin stated the Key Bank property on the corner is not included in this rezone application.

Mr. Capron stated the proposed uses are good for the neighborhood because it makes needed services convenient in one stop. Anything that eliminates multiple vehicle trips and reduces surface street traffic is beneficial to everyone.

Stephanie Walter commented that the Center's parking lot, from a pedestrian's point of view, is not easily traversed.

Ian Morrison, Legal Counsel for the Kelsey Creek Center, reiterated that no additional development is proposed. This rezone allows for mixed uses currently at the Center and other uses desired by the community as tenancies evolve.

Ms. Helland reviewed the quasi-judicial process for recorded public testimony.

Seeing no one further wishing to speak, Acting Chair Capron, with Council consensus, closed the public hearing.

6. **RESOLUTIONS**:

(a) Resolution 533 adopting City Council Ordinance 6127, approving the rezone application of Kelsey Creek Center, LLC

Mr. Seal moved the approval of Resolution 533, adopting City Council Ordinance 6127. Mr. Gooding seconded the motion which carried 4-0.

(b) Resolution 534 approving City Council Ordinance 6128 adopting emergency interim regulations related to rental housing

Ms. Helland stated Ordinance 6128 was adopted by the City Council on September 23, 2013 as an emergency action under the authority of RCW 36.70A and RCW 35A.13.190. The Ordinance amends the Land Use Code to provide necessary clarification regarding individual room rentals in single family homes.

Ms. Helland stated the emergency Ordinance is being presented to the Community Council without benefit of a public hearing due to the timing being too short to publish notice after City Council's emergency action. She explained the nature of the emergency and the immediacy for application within the Community Council area. Under state law, emergency ordinances are allowed to be passed without benefit of public hearing so long as the public hearing is held within 60 days of its passage. Staff will be coming back to the Community Council on November 5, 2013 for the Community Council's public hearing on this matter. After the hearing, the emergency Ordinance, if approved by the Community Council, will be in effect for 6 months from City Council adoption. At the end of that 6 month period, there will be an option to extend the interim zoning out another 6 months to allow time for permanent changes to the Land Use Code.

Ordinance 6128 amends the Land Use Code to consolidate the regulations applicable to 'boarding/rooming homes' and adopts an amended definition of 'Family' that would allow four unrelated individuals to reside in a single dwelling unit, and provides criteria that describe the circumstances when more than four unrelated individuals constitutes the 'functional equivalent of a family'.

In response to Mr. Hughes, Ms. Helland clarified the emergency provision, stating the public process and purpose of this emergency legislation. Zoning regulations prior to this emergency ordinance were influenced by the outcome of a prior group home litigation in which the City was told there were regulation limitations. She next explained the impetus for this emergency action, its impact to surrounding single family neighborhoods and the enforcement teeth it provides.

Continuing her response, she explained that this is not just a student housing issue. Methods to address the student housing issue in Eastgate have been accelerated by the City Council and include dormitory housing and other ideas. She recognized student housing is another piece of the puzzle. A broader issue is that housing is not terribly affordable in Bellevue and people are looking for ways to live here for a number of reasons. Ms. Helland confirmed that the City has no zoning jurisdiction over Bellevue College and can only apply the City's building code to any campus development.

Responding to Mr. Gooding, Ms. Helland stated the City staff reviews all residential and commercial development. There is no design review for single family homes. She provided some examples and stated, due to the concerns voiced by Spiritwood, the City has added conditions to all single family home permits to include the definition of family as a condition of occupancy.

Mr. Capron questioned the July 2014 grace period. Ms. Helland stated the interim zoning can be extended perfunctorily by holding an additional public hearing. Staff anticipates that City Council will forward this matter to the Planning Commission for development of permit regulations. She does not anticipate permanent regulations will be completed within the next 6 months due to staff focus on the Shoreline Master Plan and the East Link Light Rail project. As time permits, permanent zoning controls for the individual room rentals in single family homes will return.

Ms. Helland noted two other emergency ordinances at this time, one regarding medical cannabis and another anticipated emergency action related to recreational cannabis, both most likely to be addressed at the Community Council's November meeting.

Responding to Mr. Capron, Ms. Helland stated the grace period accounts for a natural attrition process with an end date of no later than July 2014.

Responding to Mr. Hughes, Mr. David Patter stated he viewed the emergency legislation as a step in the right direction and reflects many of the neighborhood's concerns.

Discussion with the audience continued.

Councilmember Seal moved to approve Resolution 534 adopting City Council Emergency Ordinance 6128. Councilmember Gooding seconded the motion which carried with a vote of 4-0.

Acting Chair Capron called for a brief recess at 7:26 pm and reconvened the meeting at 7:29 pm.

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

8. **DEPARTMENT REPORTS**: None.

9. **COMMITTEE REPORTS**:

Mr. Hughes reported on his visit to Sunrise Park.

Mr. Seal report on his attendance at the Eastside Transportation Partnership Association meeting.

10. **UNFINISHED BUSINESS** None.

11. **NEW BUSINESS**: None.

12. **CONTINUED COMMUNICATIONS**: None.

13. **EXECUTIVE SESSION**: None.

14. **APPROVAL OF MINUTES**

Councilmember Gooding moved to approve the minutes of the September 3, 2013 Regular Meeting. Councilmember Hughes seconded the motion.

Motion to approve the September 3, 2013 minutes carried 4-0.

15. **ADJOURNMENT**

Councilmember Seal moved adjournment. Councilmember Gooding seconded the motion which carried 4-0.

Acting Chair Capron adjourned the meeting at 7:37 pm.

Michelle Murphy, CMC
Deputy City Clerk