

East Bellevue Community Council
Summary Minutes of Regular Meeting

September 3, 2002
6:30 PM

Lake Hills Community Clubhouse
Bellevue, Washington

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

STAFF: Steve Cohn, Plans Reviewer
Cheryl Kuhn, Community Affairs Coordinator
Ellen Miller-Wolfe, Economic Development Project Manager

1. CALL TO ORDER

The meeting of the East Bellevue Community Council was called to order at 6:30 PM with Chair Bell presiding.

2. ROLL CALL

Upon roll call by the Deputy City Clerk, all Councilmembers were present with the exception of Mr. Halgren. Mrs. Wiechmann arrived at 6:32 PM. Chair Bell led the flag salute.

3. COMMUNICATIONS – WRITTEN AND ORAL

Mr. James Eder, 15422 SE 7th Place, reported the absence of meeting notice in the Eastside Journal. He suggested that Council use the Seattle Times as an alternative for publishing Community Council's meeting notices. Mr. Eder wondered if the lack of notice in the EJ was a deliberate ploy to scuttle the activities of this Council.

In response to Chair Bell's inquiry, the Clerk stated that meeting notice is sent to both the Eastside Journal and Seattle Times through a variety of medium. The notices are published as a community service.

4. APPROVAL OF AGENDA

Mr. Keeffe moved approval of the September 3, 2002 agenda. Mr. Seal seconded the motion.

Mr. Keeffe requested the addition of 10(b), Letters to the City Manager; 11(c), Noticing in the Eastside Journal; 11(d), Kelsey Creek Center LUC Interpretation; 11(e), Its Your City Community Council Article.

Chair Bell, at the behest of Mr. Halgren, requested the addition of 10(a), Letter to Transportation requesting results of Open House in May; 11(a), Letter to Planning and Community Development requesting the feasibility of daylighting Kelsey Creek. He also requested the

addition of 11(b), Selection of EBCC representatives to participate at the September 26 shopping center discussions.

Mr. Seal asked for the addition of 11(f), Home Occupation application for hair salon at 14619 SE 15th Street.

Chair Bell suggested withdrawing the agenda items pertaining to the General Commercial and OLB-OS under Department Reports. He explained that on legal advice, these subjects would be scheduled for public hearing at the October meeting.

Steve Cohn requested time on the agenda to discuss briefly the General Commercial designation. There was Council agreement.

Mr. Keeffe requested the final addition of item 11(g), Letter to City Attorney pertaining to RCW 35.14.050(1).

Motion to approve the September 3, 2002 agenda as amended carried 4-0.

5. **PUBLIC HEARINGS:**

Agenda Interruption

Due to the unavailability of staff support for agenda items 5(a) and 5(b), Chair Bell proceeded down to agenda item 5(c).

- (c) **Ordinance No. 5394** relating to the Comprehensive Plan of the City of Bellevue, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting a 2002 amendment to the Comprehensive Plan glossary, amending the definition of Neighborhood Business to allow for a limited amount of administrative office use in the NB district.

Steve Cohn, Department of Planning and Community Development, made the staff presentation. He briefly reviewed the genesis of the amendment, stating the property owners of the Chase Pancake Grill site requested a partial redevelopment to allow office use. Since that is not allowed under the current zoning and the applicant expressed a desire to remain Neighborhood Business, the Planning Commission suggested the addition of a limited amount of administrative office in the Neighborhood Business zone.

This proposal will change policy direction for NB sites by expanding the role of the NB district to include administrative office use in the mix of other NB uses. To address specific concerns voiced at the Community Council's courtesy hearing of June 4, 2002, the City Council will support recommendations to limit the amount and to direct the location of administrative office use on NB sites. A subsequent Land Use Code Amendment would contain specific provisions limiting the amount of administrative office use in Neighborhood Business districts.

The City Council's specific directions for implementation includes:

- Allow administrative office use on the second floor only.
- Provide a maximum building height of 30 feet.
- Restrict the size of administrative office use on the second floor to a proportion 50% or less of the building footprint.

Chair Bell opened the public hearing.

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

Mr. Seal expressed his support for Ordinance 5394.

In response to Mr. Keeffe, Mr. Cohn explained that there would be a change to the Land Use Code that would incorporate very specific limitations as outlined in the above bullets. Mr. Halgren's concern that this change not interfere with the sites primary neighborhood service function is addressed by restricting the administrative use to the second floor and limiting that use to 50% or less of the building footprint.

Chair Bell interjected that Mr. Halgren also addressed at the June meeting the dilemma created for shopping centers like Kelsey Creek that were not really NB or CB, but somewhere in-between.

Chair Bell next pointed out the inconsistent use of language in Ordinance 5394, stating under Section 1, it reads "Neighborhood Business - A retail land use designation..." and in Section 2, "Neighborhood Business - A land use designation..." with the word "retail" omitted.

In response, Mr. Cohn state he would try to address the inconsistent use of the word "retail" as a typographical error and suggest a correction.

Mr. Seal moved approval of the Community Council Resolution No. 445 adopting City Council Ordinance No. 5394. Mr. Keeffe seconded the motion.

Mr. Keeffe suggested that the East Bellevue Community Council delay action on Ordinance No. 5394 until the October 1, 2002 meeting to allow time for the City Council to address the anomaly in the language pointed out by the Chair.

Hearing no consensus on delaying action, Chair Bell called for the vote. Motion to approve Resolution No. 445 carried 3-1 with Mr. Keeffe opposed.

- (d) **Ordinance No. 5399** relating to the Comprehensive Plan of the City of Bellevue, as required and adopted pursuant to the Growth Management Act of 1990, as amended (chapter 36.70A) RCW); adopting a 2002 amendment to the Urban Design Element of the Comprehensive Plan, Figure UD-1, and Policies UD-41 and UD-43, to enhance opportunities to develop gateway and identity treatments on boulevards and at designated intersections at key entry points into the City and smaller districts and communities within the City.

Mr. Cohn provided the staff overview of Ordinance No. 5399. This Comprehensive Plan Amendment will enhance opportunities to develop gateways and identify treatments on boulevards and designated intersections at key entry points into the City and into smaller districts and communities within the City. The proposed amendment will also update the map of boulevards and designated intersections that has not been updated since 1993, and does not include newly annexed areas of the City including West Lake Sammamish and areas south of I-90.

He suggested, if Council thought that the northern part of the map should be improved and updated, that the Community Council request those improvements be added to next year's Comprehensive Plan update. He cautioned against identifying every intersection because, at that point, the map would become meaningless.

Chair Bell opened the public hearing.

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

Mr. Seal pointed out the affected intersections within the East Bellevue Community Council area.

In response to Chair Bell, Mr. Cohn stated that the Policy Discussion would be included in the Comprehensive Plan. In reference to the 140th Improvements, the idea is to make it easier for pedestrians, so wherever possible, there will be wider sidewalks.

Chair Bell stated he has no objections to the Policy Discussion language but noted it was not very specific in terms of improved lighting.

Mr. Keeffe took this opportunity to again commend the 140th Improvement Project's contractor.

Mr. Keeffe questioned what controls the City had in place that limits the speed of bicyclist on pedestrian/bicycle pathways? He noted the potential pedestrian hazard when bicyclists travel at excessive speeds on pedestrian walkways.

In response to Mr. Seal, Mr. Cohn explained current crosswalk treatments.

Mr. Seal moved approval of Resolution No. 446 adopting City Council Ordinance No. 5399. Mr. Keeffe seconded the motion, which carried with a vote of 4-0.

6. **RESOLUTIONS:**

- (a) Resolution No. 443 adopting City Council Ordinance No. 5397.
- (b) Resolution No. 444 adopting City Council Ordinance No. 5404.
- (c) Resolution No. 445 adopting City Council Ordinance No. 5394.

- (e) Resolution No. 446 adopting City Council Ordinance No. 5399.

Consideration of Resolutions No. 443 and 444 will be taken up at the next regular meeting. Resolutions No. 445 and 446 were approved following the public hearings.

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

8. **DEPARTMENT REPORTS**

- (a) Ordinance No. 5395 modifying the Comprehensive Plan definition of General Commercial districts

Mr. Cohn made a brief report. He stated that the City Council has expressed a desire to look harder at the General Commercial zone and have directed staff to come back with additional options. Tentatively, staff will be going back to City Council on September 23rd with three options:

- Opening up General Commercial districts to miscellaneous retail and accessory sales;
- Implement in Wilburton only, as a test area;
- Eliminate General Commercial all together, renaming what is currently General Commercial to Community Business.

- (b) Ordinance No. 5391/Ordinance No. 5403 related to the addition of OLB-OS land use designation to the Comprehensive Plan and Land Use Code.

Discussion was withdrawn from agenda.

- (c) Shopping Center Studies

Cheryl Kuhn, Department of Planning and Community Development, invited Community Council's participation at an upcoming public meeting to discuss shopping center vitality specific to the potential redevelopment of the Kelsey Creek Shopping Center. The meeting is planned for September 26th at the St. Louise Fellowship Hall from 7:00 to 9:00 PM. She reviewed the proposed agenda for the meeting. Ms. Kuhn elaborated on the discussion panel makeup, which will include an independent commercial realtor and a commercial architect.

Mr. Seal asked, if development at the Kelsey Creek Center triggered the Concomitant Agreement and necessitated the opening of the stream, would the non-developed boundaries for a stream that size be activated? He stated his opinion that this was an urban area and as long as care was taken of the stream, making sure it has enough air and is dredged periodically, he was not bothered by it being covered. Ms. Kuhn responded that the purpose of the upcoming meeting is to open up discussion to all possibilities.

Ms. Miller-Wolfe, Department of Planning and Community Development, stated the recently issued Code Interpretation spoke to Mr. Seal's question. By and large, if redevelopment occurred within the original Kmart footprint, the requirement for opening the stream would not be triggered.

In response to Chair Bell, Ms. Kuhn outlined the noticing plans for the September 26th meeting.

- (d) 140th Improvement Project Update

Written report published in the packet.

Agenda returns to item 5(a) and 5(b)

5. **PUBLIC HEARINGS**

- (a) **Ordinance No. 5397** relating to the Comprehensive Plan of the City of Bellevue, as required and adopted pursuant to the Growth Management Act of 1990, as amended (chapter 36.70A) RCW); adopting a 2002 amendment to the Capital Facilities Element of the Comprehensive Plan to provide policies relating to the identification and siting of Essential Public Facilities

Chair Bell noted that staff support was not present. He opened the public hearing.

Seeing no one from the public wishing to provide input at this time, Mr. Keeffe moved to continue the public hearing to October 1, 2002. Mr. Seal seconded the motion, which carried 4-0.

- (b) **Ordinance No. 5404** creating regulations regarding Secure Community Transition Facilities; amending the City of Bellevue Land Use Code; amending Sections 20.10.440 and 20.50.046; adding a new Section 20.20.750; and establishing an effective date.

Chair Bell again noted the absence of staff support. He opened the public hearing.

Seeing no one from the public wishing to provide input at this time, Mr. Keeffe moved to continue the public hearing to October 1, 2002. Mr. Seal seconded the motion, which carried 4-0.

9. **COMMITTEE REPORTS** None.

10. **UNFINISHED BUSINESS**

- (a) Letter to Transportation Department

On behalf of Mr. Halgren, Chair Bell requested that the Transportation Department be reminded of the Community Council's letter of June 18th in which Council requested the survey results of the May 16th Open House at the Bellevue Senior Center.

- (b) Letter to City Manager

Chair Bell reported that Council has attempted to gain a response from Mr. Sarkozy pertaining to the Community Council's budget request and the Utility Code enforcement responsibility in three consecutive memorandums to no avail.

There was Council discussion. Chair Bell volunteered to contact the City Manager regarding the status of their requests.

11. NEW BUSINESS

- (a) Letter to Planning and Community Development requesting the feasibility of daylighting Kelsey Creek

Again on behalf of Mr. Halgren, Chair Bell raised the issue of sending a letter to the Department of Planning and Community Development requesting the feasibility of daylighting Kelsey Creek at the Kelsey Creek Shopping Center. This request is in response to Mr. Scott Leonard's concerns voiced at the August 6th meeting.

There was Council discussion.

Mr. Keffe suggested requesting an opinion from experts at the University of Washington. He stated the University has been very helpful in the past with the 148th Redevelopment Project and attended several meetings on salmon.

Chair Bell suggested that Council wait and hear the discussion on September 26th before addressing this subject. There was Council consensus.

- (b) Selection of EBCC representatives to participate at the September 26 shopping center discussions

Chair Bell suggested that Council identify two representatives to participate at the September 26th forum on the Kelsey Creek Shopping Center's redevelopment potential.

Mr. Seal indicated his desire to attend for the purpose of listening to the discussion.

Mrs. Wiechmann also indicated a desire to attend.

Chair Bell suggested that he and Mrs. Wiechmann act as the designated representatives of the Community Council. There was Council agreement.

- (c) Noticing in the Eastside Journal

Mr. Keffe noted the East Bellevue Community Council meeting notice had not been published for the September meeting. He asked the Clerk to monitor the meeting notices in the Eastside Journal to determine if a problem exists.

(d) Kelsey Creek Center LUC Interpretation

Mr. Keffe noted for informational purposes that the Interpretation had been printed in the Blue Bulletin.

Chair Bell recounted his conversation with Mr. Franklin regarding Mr. Franklin's vision for his shopping center. Mr. Franklin views the potential for redevelopment in two phases. The first phase would be within the constraints of the existing zoning and land use. The second phase would take off with what the community would like to see in the remainder of the center and how far that development could expand.

(e) Its Your City Community Council Article

Mr. Keffe commended Mr. Bell for an outstanding job in writing the Community Council's article published in the August edition.

(f) Home Occupation application for hair salon at 14619 SE 15th Street

Mr. Seal noted the Home Occupation application for a Hair Salon at 14619 SE 15th Street published in the Blue Bulletin. He stated the above application resides within the Community Council area.

(g) Letter to City Attorney pertaining to RCW 35.14.050(1)

Mr. Keffe requested that Council address a letter to the City Attorney regarding RCW 35.14.040.

Chair Bell explained the circumstances surrounding the City's initial position on Ordinances Nos. 5395, 5391 and 5403 and his subsequent discussions with Carol Morris and Patrice Cole of the City Attorney's Office.

There was Council discussion and agreement to take no action on the proposed letter to the City Attorney.

12. **CONTINUED COMMUNICATION** None.

13. **EXECUTIVE SESSION** None.

14. **APPROVAL OF MINUTES**

(a) August 6, 2002 East Bellevue Community Council Summary Minutes

Mr. Keffe moved approval of the August 6, 2002 East Bellevue Community Council summary minutes.

Mr. Wiechmann seconded the motion.

Minor clerical corrections were noted. Motion to approve the August 6, 2002 summary minutes as corrected carried 4-0.

15. ADJOURNMENT

Mr. Keeffe moved adjournment. Mr. Seal seconded the motion, which carried 4-0. The meeting of September 3, 2002 adjourned at 8:41 PM.

Submitted by:

Michelle Murphy, CMC
Deputy City Clerk