

East Bellevue Community Council
Summary Minutes of Regular Meeting

November 6, 2002
6:30 PM

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Bell, Councilmembers Keeffe and Seal

STAFF: Mary Kate Berens, Legal Planner
Drew Folsom, Assistant Land Use Professional
Mike Upston, Senior Planner

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 and Ms. Wiechmann.

3. COMMUNICATIONS – WRITTEN AND ORAL

(a) Sammamish High School Modernization Project

Jack McCloud, Bellevue School District Director of Facilities/Information Services, provided an overview of the modernization project. He explained the source of funding that would be used to accomplish the District's multi-school modernization projects, focusing mainly on the plans for Sammamish High School.

Warren Samples, Bellevue School District's Capital Construction Manager, expanded upon the above funding explanation, listing the major components of the funding source.

Brent Compton, Project Manager, walked the Council through the project plan for Sammamish High School, pointing out the project's focus on performing arts.

Anne Schopf, Project Architect, described the design layout for the Sammamish High School project. She explained that the fly loft of the proposed theatre was a very large vertical addition to what is currently a very flat campus. The design is intended to gradate the massing of the school to mediate the scale differential and to bring natural light into the building.

In response to Chair Bell, Ms. Schopf confirmed that the gym would remain at its current size and location.

Mr. Seal inquired as to the anticipated tree plantings. Mr. Compton stated the School District would be working with the City in regards to the planting selections.

Chair Bell suggested the importance of identity to the surrounding community. He asked if there was any opportunity to incorporate into the High School design some of the area's history and/or character? Ms. Schopf explained that the intent is to combine the existing features with the new structure without too much of a disconnect. The attempt is to balance existing architecture with the new.

Chair Bell noted the trail along Main Street that travels behind the School eastward almost to 148th, and, questioned the possibility of a trail access/connectivity on the south part from 140th?

In response to Mr. Seal, Ms. Schopf pointed out the covered waiting area for student pick-up and drop-off.

At the conclusion of the modernization update, Chair Bell thanked Mr. McCloud and his group for their informative presentation.

Agenda Interruption

To accommodate staff, Chair Bell moved agenda item 8(a), Nuxoll Home Occupation application, forward on the agenda.

8. (a) Nuxoll Home Occupation Application

Drew Folsom, Department of Planning and Community Development, made the staff presentation. He stated the permit application is for a law office open seven days a week from 8:30 AM to 5:00 PM with an estimated 4 to 5 client visits per week.

4. APPROVAL OF AGENDA

Mr. Keeffe moved approval of the November 6, 2002 agenda. Mr. Seal seconded the motion.

Chair Bell called for agenda additions or modifications.

Mr. Keeffe requested the addition of agenda items 12(a), Failed Bellevue Parks Bond and 11(a), PSE pole at 140th and NE 8th.

Chair Bell asked that Council include agenda item 10(a), Community Council letter regarding Neighborhood Shopping Center Discussions.

Motion to approve the November 6, 2002 agenda as amended carried 3-0.

5. COURTESY PUBLIC HEARINGS:

- (a) Voicestream – Lake Hills Greenbelt, 15555 SE 16th Street- Application for a conditional use permit to replace a 68 foot Puget Sound Energy monopole with a 90 foot pole and co-locate Voicestream and AT&T antennas.

Chair Bell clarified that this second courtesy hearing was necessitated by a noticing error of last month's hearing. He polled the audience for participants at this hearing. Seeing none, he asked staff for any new information since the courtesy hearing of last month?.

Mike Upston, Department of Planning and Community Development, stated there was no new information.

Chair Bell opened the courtesy public hearing.

Seeing no one wishing to speak, Mr. Keeffe moved to close the courtesy public hearing. Mr. Seal seconded the motion which carried with a vote of 3-0.

- (b) Land Use Code Amendment regarding Neighborhood Business

Mary Kate Berens, Department of Planning and Community Development, provided the staff overview. She stated the proposed legislation implements the Comprehensive Plan Amendment adopted in August 2002 redefining the Neighborhood Business land use district. The CPA definition change acknowledges a limited amount of administrative office space would also be an appropriate use in a Neighborhood Business center. This proposed legislation ensures that administrative office use does not overwhelm neighborhood-serving uses in the district by the following restrictions:

- Administrative office use allowed on the first floor in NB, limited to 5000 square feet or 25% of the footprint of the building, whichever is less; and
- Administrative office use allowed on the second floor in NB, with additional height to 30 feet, allowed for the entire footprint of the second floor, although no single administrative office user's space may exceed 5000 square feet.
- Administrative office can be no more than 50% of the total square footage of the overall building.

In response to Mr. Keeffe, Ms. Berens provided example of types of administrative office use.

Responding to Mr. Seal, Ms. Berens stated the language 'These sites may also accommodate a limited amount of administrative office space, provided that the office use does not interfere with the site's primary neighborhood-serving function' is intended as a guide to how the limits described in Footnote 16 work. She stated the definition to which Mr. Seal refers appears early on where all districts are defined in the Land Use Code. Ms. Berens stated the first floor

limitations ensures that administrative office does not take up more than 25% of the footprint and prevents such use from displacing traditional neighborhood business uses.

In response to Chair Bell, Ms. Berens explained that the entire square footage of the second floor could be used for administrative office with the proviso that no single user's space could exceed 5000 square feet. The Planning Commission felt this restriction would discourage some of the larger centers from having a full second floor of office use dedicated to larger businesses such as call centers.

Chair Bell questioned the legality of such selected discrimination. In response, Ms. Berens explained the distinction could be made that the primary neighborhood business uses are the smaller neighborhood-serving businesses that have less impact on an area than larger business uses. In regards to the Pancake Corral, she stated that parking would be a limiting factor, as it will be with most of the Neighborhood Business sites.

Ms. Berens stated the impetus behind the CPA and proposed LUCA was a proposed map amendment to the Comprehensive Plan submitted by the Pancake Corral. The owners of the Pancake Corral property were seeking to change the present zoning of NB to CB to accommodate home offices on that site. Since it was the general feeling of the public in that area that CB was inappropriate, an alternative amendment was initiated by City Council to add office to NB.

Carol Morris, Special Legal Counsel, stated that she felt the proposed Land Use Code Amendment's restriction of 5000 square feet of space per single administrative office use was subject to legal challenge. She stated the restriction appears to regulate ownership of property and not the zoning. There is nothing in the proposal that states how having multiple different uses of 5000 square feet will address the neighborhood-serving function better than a single larger use. So, unless a definition of a neighborhood-serving function is included, the City is regulating ownership of property on the second floor.

Chair Bell opened the courtesy public hearing and invited public comment.

Seeing no one present wishing to speak, Mr. Keeffe moved to close the courtesy hearing. Mr. Seal seconded the motion, which carried with a vote of 3-0.

- (c) Land Use Amendment to amend land use regulations related to Public and Private schools

Ms. Berens made the staff presentation. She provided an abbreviated background of the proposed legislation inclusive of the Bellevue School District's capital improvement plans for 23 area schools. The renovations planned by BSD correspond with the State Initiative I-728, which requires school districts to lower student/teacher ratios within their classrooms.

There are currently two definitions of school: one for the Community Council area and another for the remaining parts of the City. The Community Council area definition is a more liberal definition than the one used in non-community council areas. Currently the City's definition of schools focuses on the age group served from K through 12, while the Community Council's definition looks at the academic instruction but does not specify an age group. Staff is suggesting that the City draw on the broader school definition to allow some attendance by pre-kindergarten aged children.

Mr. Seal questioned the proposed language in Section 5 "A school may include a program for children of pre-kindergarten age so long as the proportion of pre-kindergarten age children served by the school does not exceed 25% of the total students." He suggested that the 25% limitation is unnecessary given the State's established definition of schools versus the definition of daycare.

Chair Bell questioned how this legislation would be applied to the Community Council area. He suggested the addition of language under Section 5 to address this issue.

Ms. Berens moved on to her overview of proposed changes to Section 20.20.740 of the Land Use Code. She explained the staff recommendation in regards to site size. Currently, there is a specific requirement that there be a certain amount of site area per 100 students and imposes playfield requirements for middle and senior high schools. A few years ago the State Board of Education dropped the requirement that districts meet specific site size criteria or apply for a waiver, in favor of making the previous site standards into guidelines versus mandated standards. Following the State's lead, staff is recommending that site requirements be eliminated.

Staff is recommending that the 50-foot side and rear setback currently required in the LUC be reduced to 30-feet, allowing additional flexibility provided that:

- In no event may a side or rear yard setback be less than 30 feet;
- The landscaping required along interior property lines required pursuant to subsection 5 below shall be increased to 20 feet in depth;
- No portion of a structure exceeding the building height allowed for the district may be within 50 feet of the side or rear property line; and
- Building entrances or exits, other than required emergency exits, are not located within 50 feet of a side or rear property line.

In response to Chair Bell, Ms. Berens confirmed that currently the Code specifies 10 feet of landscaping along interior property lines.

Currently, schools are limited to the height allowed in the underlying land use district. Many of the schools slated for renovations or expansion in Bellevue are in residential land use districts, with a height limit of 30 feet. The proposed ordinance addresses change in the building height requirement in a two step approach:

- An increase in building height above the maximum building height of the underlying district be allowed to provide for:

1. Pitched roof form with the highest point of the roof not exceeding 10 feet above the maximum building height otherwise allowed.
2. The school is located on a site of at least 5 acres.
- An increase in building height not meeting the above criteria may be approved by the Director if that portion of the structure exceeding the maximum height of the underlying district satisfies the following criteria:
 1. The increase in height is necessary to accommodate uses or equipment functionally related to a program offered as part of the educational programs of the school. For purposes of this subsection, incidental use of the facility by users other than the school is allowed.
 2. That portion of the structure exceeding the maximum building height is set back from any property line a distance equal to 1.5 time the height of that portion of the structure, unless a greater setback is required, and
 3. The building and site design minimize the impact of the additional height on the surrounding land uses.
 4. In no event may the height of a structure or portion of a structure exceed 75 feet.

Mr. Seal pointed out the subjectivity of the criteria “The building and site design minimize the impact of the additional height on the surrounding land uses.”

Chair Bell stated that the criteria noted by Mr. Seal appears to be in contradiction to the preceding criteria. In response, Ms. Berens explained the relationship between the second and third criteria.

Carol Morris noted that, in reference to the criteria allowing increased height to accommodate uses or equipment functionally related to a program offered as part of the educational programs of the school, she felt the inclusion of “For purposes of this subsection, incidental use of the facility by users other than the school is allowed” was superfluous. In addition, she stated her opinion that in every instance, the school will say the increased height is necessary. Ms. Morris cautioned that the proposed ordinance would remove height variances from the approval/disapproval authority of the Community Council. She suggested that when such requests to exceed the current height limitations are in the Community Council’s area, the conditional use process be used.

In response to Mr. Seal, Ms. Berens stated the increased height provision is not intended to allow the ability to stack classrooms and offered to include language to reflect that.

Ms. Morris suggested that, if the Community Council had reservations regarding the increased height allowance, they should visit similar structures/uses to apprise the impact on surrounding property owners.

Mr. McCloud, representing the Bellevue School District, stated it was not the School District’s intent to stack classrooms. He stated the impetus for this change is the proposed performing arts center at the Sammamish High School to accommodate a fly loft for the theatre. He suggested

that perhaps the language could be more specific, articulating the increase in height necessary to address programmatic areas such as theatres.

In response to Council, Ms. Morris stated that limiting the height increase to the type of use is not regulating the impacts on the surrounding uses. She suggested that, instead, if the School District wanted to exceed the height limit in the underlying district, they apply for a conditional use permit, which still eliminates meeting the stricter requirements of a variance.

Chair Bell summarized the Community Council's concern regarding the proposed height provisions:

1. The wording in the draft ordinance is too loose, too broad and general.
2. The draft needs more specific language that limits the height or look at the conditional use or variance processes to take care of specific height in excess of that allowed in the underlying district and permit evaluation of impact to surrounding uses.

Ms. Berens responded, stating, possibly, that either the administrative conditional use process or the conditional use process if within the Community Council area could be employed.

Ms. Berens next addressed the dual usage of schools. She stated that, after discussion with the Planning Commission, it was determined no Code change was necessary.

In response to Chair Bell, Ms. Berens clarified the proposed language regarding design guidelines.

Responding to Mr. Seal, Ms. Berens differentiated the type categories for landscaping.

Ms. Berens reviewed the proposed process improvements. Staff is suggesting a move away from the conditional use process to administrative conditional use. Under the current Code, a conditional use permit can be amended through the administrative process or a land use exemption amendment. She noted that the decision criteria in both processes refer back to the conditional permitted use's original design intent. Ms. Berens stated that, in many cases, the School District is requesting full teardown in its renovation proposals. She pointed out the difficulties in saying the new structure meets the design intent of the original building, stating it would dictate the need to go through a new conditional use process. Staff is suggesting that this would entail too much process and could be as easily handled through a design review and administrative process. The concern is driven by the fact that a full conditional use permit would take typically four or more months longer to receive than an administrative permit. This increased time affects both the School District's capital improvement timeline and represents a significant dedication of staff time, considering the number of school project proposed over the next few years.

She stated that, generally, conditional use approval considers four elements: the proposed use, the suitability of the proposed site, the design of the facility and site, and the impacts to the

451

East Bellevue Community Council
Summary Minutes November 6, 2002

surrounding neighborhoods. In the School District's case, three of these elements remain the same as permitted in the original conditional use. Only the impact of the new design is potentially changed.

It is proposed that the Land Use Code be amended to allow use of the administrative conditional use process when an existing facility is being demolished and reconstructed, and does not significantly expand the student population or nature of the facility. The administrative amendment and land use exemption processes would continue to be available for projects where the existing criteria are met, smaller expansions without demolition of the existing facilities.

Ms. Morris reiterated her caution that the proposed legislation as drafted eliminates the Community Council's approval/disapproval jurisdiction over conditional uses of this nature.

Ms. Berens stated staff is setting up two different ordinances, one that would make the process changes and the other to deal with substantive changes.

Mr. Keeffe stated that the things the School District is trying to get done for reconstruction were very laudable. But, there are also several things that are of interest to the community and abutters and therefore to the Community Council. He asked how the Community Council could reconcile the interest of the School District and the community? Mr. Keeffe asked how the proposed language could be reworked to protect those interests and the Community Council's prerogatives? In response, Ms. Morris suggested that every time Council is presented with a regulation, it ask itself why it is in front of them. What is the problem that the Council is trying to address either with the new regulation or the amendment? If the problem does not lay with the Community Council, why would the Council consider giving up jurisdiction?

Mr. Keeffe stated that the height for the performing arts theatre at Sammamish High School, according to tonight's presentation, is very amenable to a high school use. Due to the size of footprint for high schools it is easier to accommodate such height.

Ms. Morris asked Council to consider that, if the City eliminates the site size limitation consistent with the State, this would open the door for like applications on smaller sites. She advised not to limit the height restrictions to just high schools, but, instead, make it a conditional use criteria.

Chair Bell summarized Council's concerns: Council does not want to give up the conditional use permit process; and, Council desires to find an acceptable form of substantive Land Use Code changes that would narrowly permit the height increase for high schools without leaving the door open for everything else.

Chair Bell suggested that, due to the unavailability of the draft ordinance at the time of packet printing, it might be beneficial to continue the hearing in order to allow Council and the public time to review the proposal.

Chair Bell opened the courtesy public hearing.

Seeing no one present wishing to speak, Mr. Keeffe moved to continue the courtesy public hearing until the December 3, 2002 meeting. Mr. Seal seconded the motion, which carried with a vote of 3-0.

6. **RESOLUTIONS:** None.

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

8. **DEPARTMENT REPORTS**

(b) Quarterly Home Occupation Report

Chair Bell noted the Quarterly Home Occupation written report published in the Council's packet.

9. **COMMITTEE REPORTS:** None.

10. **UNFINISHED BUSINESS**

(a) Neighborhood Shopping Centers

Chair Bell reminded Council that at the November meeting he had agreed to draft a letter regarding Neighborhood Shopping Centers. He stated that he had not yet drafted the proposed letter and suggested the letter be placed on hold. Chair Bell reviewed the chronology of related Neighborhood Shopping Center and Capital Improvement Project funding discussions. Council concurred with Chair Bell's suggestion to hold off on writing the letter.

11. **NEW BUSINESS**

(a) Puget Sound Energy's pole at 140th Avenue and NE 8th

Mr. Keeffe suggested that the Clerk draft a memorandum to Mike Upston on the Council's behalf inquiring why the PSE pole at 140th and NE 8th is being handled differently from the pole installation at SE 16th and 156th. There was Council consensus.

12. **CONTINUED COMMUNICATION:**

(a) Failed Park Bond Measure

Mr. Keeffe noted that the City failed to receive the necessary percentage for approval. In fact, the percentage by which the measure failed was unchanged from the September ballot. He offered his opinion as to why the Park Bond failed.

Chair Bell announced the deadline for submittal of Council's last It's Your City article in 2002. He stated he would be writing the article on the Council's behalf. He reviewed the topics he would be covering.

13. **EXECUTIVE SESSION** None.

14. **APPROVAL OF MINUTES**

(a) October, 2002 East Bellevue Community Council Summary Minutes

Mr. Keeffe asked that the minutes be corrected to reflect that Ms. Berens explained that the money to purchase the open space portion of the Boeing site had already been appropriated, but the funding for development would come from the Parks Bond Levy if approved on the November 2002 ballot. He moved approval of the October 1, 2002 East Bellevue Community Council summary minutes as corrected.

Mr. Seal seconded the motion.

Motion to approve the October 1, 2002 summary minutes as corrected carried 3-0.

15. **ADJOURNMENT**

Mr. Keeffe moved adjournment. Mr. Seal seconded the motion, which carried 3-0. The meeting of November 6, 2002 adjourned at 10:00 PM.

Submitted by:

Michelle Murphy, CMC
Deputy City Clerk