

East Bellevue Community Council
Summary Minutes of Regular Meeting

December 6, 2016
6:30 p.m.

Lake Hills Clubhouse
Bellevue, Washington

PRESENT: Chair Capron, Vice Chair Hummer, and Councilmembers Hughes and Kasner

ABSENT: Councilmember Gooding

STAFF: Catherine Drews, Assistant City Attorney, City Attorney's Office
Trisna Tanus, Legal Planner, Development Services Department (DSD)
Nicholas Matz, Senior Planner, Planning and Community Development

1. **CALL TO ORDER**

The meeting was called to order at 6:32 p.m. with Chair Capron presiding.

2. **ROLL CALL**

Deputy City Clerk Karin Roberts called the roll. All Councilmembers except Councilmember Gooding were present.

3. **FLAG SALUTE**

Chair Capron led the flag salute.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Saghar Rasoulamini, Government Relations Liaison for Students of Bellevue College, said the students would like to work with the East Bellevue Community Council on issues affecting the community, including affordable housing and transportation.

Chair Capron invited Ms. Rasoulamini to provide a presentation during a future EBCC meeting.

Don Boettiger described improvements underway at Highland Village low-income apartments, including the removal and maintenance of vegetation and other renovations. He encouraged everyone to stop by to see the transformation of the site.

Stephanie Walter recalled that she began attending EBCC meetings regarding the issue of individual room rentals in single-family neighborhoods and related concerns about the potential danger for students choosing to live in those situations. She said three sexual offenses involving

a middle school student recently occurred at one of the houses. She spoke in favor of housing on campus to provide a safer environment for students.

Ms. Rasoulamini said Bellevue College is currently working on the development of dorms, which will primarily serve international and out-of-state students. Efforts are also being made to explore additional options for affordable student housing.

Councilmember Kasner encouraged the students to work with the Lake Hills Neighborhood Association as well.

5. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS

(a) Community Council Business and New Initiatives

Councilmember Hughes said he participated in meetings as a member of the Independent Salary Commission. He noted that there is a piece of artwork at Bellevue Square that will be moved to the Lake Hills neighborhood. He said there is a new bus shelter on Main Street near the mosque. Mr. Hughes said the traffic light project at Main Street and 148th Avenue has not been completed. He passes the intersection nearly daily and rarely sees anyone working at the site.

Vice Chair Hummer said she and Chair Capron met with City Councilmember Lynne Robinson regarding affordable housing, adult family homes, traffic congestion, and keeping park restrooms open year-round. Ms. Hummer said she appreciates Mr. Capron for helping her to focus on EBCC and overall Lake Hills issues.

Irene Fernandes said she sees daily traffic backups at Main Street and 148th Avenue.

Ms. Hummer noted that she had hip replacement surgery and is doing well.

Ms. Hummer said she provided comments to the City Council regarding elected, appointed, and hired public servants. She opined that those individuals have a duty to represent the levy-supporting, property tax-paying Bellevue residents. She said that is her rationale for advocating to keep the park restrooms open.

Councilmember Kasner said he completed the Bellevue Essentials class. He encouraged residents to learn more about City government and the community and to become involved in issues. He observed that residents who coordinate their advocacy efforts before the City Council are often successful in achieving their goals.

Mr. Kasner said he attended the Eastside Transportation Association (ETA) meeting, Movies that Matter, and the Bellevue College Alumni Association meeting. He said the November Movies that Matter film addressed health care, and the January movie will be about homelessness.

Mr. Kasner said he looks forward to working with the community through his involvement with the EBCC and the Lake Hills Neighborhood Association. He noted that the sculpture to be moved to East Bellevue, which he calls the lollipop sculpture, is currently located outside Bellevue Square across from the Bellevue Arts Museum.

Responding to Barbara Benson in the audience, Mr. Kasner said the Cornucopia art sculpture originally intended for East Bellevue is still under discussion.

Chair Capron said the traffic light at Main Street and 148th Avenue is scheduled to begin operating by the end of the week. The sidewalks will be completed by mid-December. He said the project has negatively impacted his business, with a net loss of approximately \$300 per day since it began in mid-July. It was originally intended to be an eight-week project.

Mr. Capron commented that his meeting with Vice Chair Hummer and City Councilmember Lynne Robinson included a discussion about housing and adult family homes, which essentially serve as skilled nursing centers. He said residents are concerned that this type of business is allowed in single-family zones. Mr. Capron noted that Councilmember Robinson is very knowledgeable about housing issues. He said he spoke to Ms. Robinson about the Fire Facilities levy and the Neighborhood Transportation levy. He would like the City to use some of the funds to work with Puget Sound Energy (PSE) to loop the East Bellevue substations and to provide sidewalk and other improvements at 164th Avenue.

Chair Capron said PSE went to the court of appeals in early November and has six months to respond to the EBCC.

6. **APPROVAL OF AGENDA**

Vice Chair Hummer moved to approve the agenda. Councilmember Hughes seconded the motion, which carried by a vote of 4-0.

7. **DEPARTMENT REPORTS**: None.

8. **PUBLIC/COURTESY HEARINGS**

- (a) Final Public Hearing: Land Use Code Amendment to adopt permanent regulations limiting the siting and number of marijuana retailers, and prohibiting medical marijuana cooperatives and marijuana research uses.

Chair Capron introduced staff's presentation regarding permanent marijuana regulations. He encouraged Councilmembers to hold their questions until the end of the presentation.

Catherine Drews, Assistant City Attorney, introduced Trisna Tanus, the City's new Legal Planner.

Ms. Tanus presented the permanent marijuana regulations adopted by the City Council on November 7, 2016, under Ordinance No. 6316. She briefly summarized the history of the legalization of recreational marijuana in Washington state. She said the Planning Commission reviewed and developed recommendations regarding permanent regulations.

Ms. Tanus said there are currently three marijuana retail stores in Bellevue (BelRed, Downtown, Wilburton), and two stores are in the development phase (Eastgate, Factoria). State law that went

into effect on July 1, 2016, allocated four additional retail licenses to Bellevue and allowed marijuana research uses. It also allowed jurisdictions to reduce separation distances, with the exception of the separation between marijuana businesses and elementary and secondary schools and playgrounds.

Ms. Tanus said Ordinance No. 6286 adopted by the City Council on May 5, 2016, provided interim zoning controls adding a 100-foot separation distance for residential development, and limited the number of marijuana retail stores to one in each of the following subareas: BelRed, Crossroads, Downtown, Eastgate, Factoria and Wilburton.

The City Council adopted interim Ordinance No. 6296 on June 16, 2016, which prohibited medical marijuana cooperatives and marijuana research uses in Bellevue. The ordinance also established civil penalties and abatement procedures for certain violations.

Ms. Tanus described the City Council's public process leading to the adoption of permanent regulations by Ordinance No. 6316 on November 7, 2016.

Ms. Tanus requested the EBCC's approval of Ordinance No. 6316.

Responding to Councilmember Kasner, Ms. Drews said the proposed Eastgate retail store is near the Washington State Patrol office on the north side of I-90.

Chair Capron questioned the implications if the EBCC did not approve Ordinance No. 6316.

Ms. Drews said the previously adopted marijuana regulations would remain in effect in the EBCC jurisdiction. However, the updated regulations would not go into effect. In further response, Ms. Drews said retail stores can now also sell medical marijuana. If the EBCC does not approve Ordinance No. 6316, medical marijuana cooperatives would be allowed in single-family homes within the EBCC area. Ms. Drews said the City Council wants to keep marijuana growing out of residential neighborhoods. Cooperatives are allowed to grow up to 60 plants within a home.

Ms. Drews clarified that the majority of the ordinance does not affect East Bellevue because the area does not have the appropriate zoning districts for retail stores, producers, or processors.

Councilmember Kasner said he wants to be sure that individuals continue to have access to medical marijuana. In response to Mr. Kasner, Ms. Drews said the City receives a portion of marijuana tax revenues. Mr. Kasner said he wishes the EBCC had been more involved in the early discussions about marijuana regulations in Bellevue.

Responding to Councilmember Hummer, Ms. Drews said medical marijuana cooperatives are restricted, under state law, to single-family and multifamily homes.

Councilmember Kasner expressed concern about the proximity of the proposed Eastgate Homeless Men's Shelter to the potential Eastgate retail marijuana store.

Responding to Mr. Kasner, Ms. Drews said medical marijuana is available in retail stores.

Ms. Hummer, referring to Mr. Kasner's comments on the homeless shelter, said the facility is proposed as a low-barrier shelter that does not prohibit individuals under the influence of drugs or alcohol.

Councilmember Hughes observed that it is easy for individuals to access alcohol, which is more dangerous than marijuana.

Chair Capron opened the public hearing at 7:36 p.m.

Stephanie Walter expressed concern regarding marijuana odor and said she would like to prohibit marijuana growing in residences.

Ms. Drews noted that individuals who notice an odor from marijuana businesses should call the Puget Sound Clean Air Agency.

Graham Seeby questioned whether a condo association or landlord can restrict marijuana grow operations. Ms. Drews said she was not familiar with that issue.

Chair Capron closed the public hearing at 7:39 p.m.

Responding to Ms. Hummer, Ms. Drews said the City limited the number of stores to six, instead of the allowed eight, largely in response to concerns raised by residents.

Responding to Mr. Kasner, Ms. Drews said Amanda Jensen, Bellevue Police Department, presented data to the City Council earlier in the year which demonstrated that the existing marijuana retail stores have been good neighbors and have not resulted in increased criminal activity. She said they have the lowest theft rates of any commercial use, including grocery stores.

Councilmember Hummer expressed an interest in the total revenues to the City from marijuana businesses. Ms. Drews said the Liquor and Cannabis Board web site has general information regarding the revenues generated by retail stores. However, the City's Finance Department might be able to provide more specific data.

Chair Capron said he likes the provision allowing a maximum of six stores.

Responding to Mr. Boettiger, Ms. Drews said the City Council could decide in the future to allow more stores.

At 7:47 p.m., Chair Capron declared a short break. The meeting resumed at 7:52 p.m.

- (b) Public Hearing: Ordinance No. 6323 amending the Bellevue Land Use Code to incorporate Low Impact Development Principles intended to reduce stormwater runoff from new development and redevelopment.

Ms. Drews introduced Wayne Carlson and Brittany Port, consultants with AHBL. Mr. Carlson noted that Paul Bucich, Assistant Director of Utilities, has been involved in the project as well but was not able to attend this evening.

Mr. Carlson said the City Council adopted Ordinance No. 6323 on November 21, 2016, which amends the Land Use Code to incorporate low impact development (LID) principles intended to reduce stormwater runoff related to new development and redevelopment. LID principles project falls under the City's Phase II National Pollutant Discharge Elimination System (NPDES) permit, which is a requirement of the Federal Clean Water Act to protect and restore water quality for fishing and swimming uses. The permits are issued every five years through the State Department of Ecology (DOE).

Mr. Carlson said the NPDES permit requires that the City establish LID principles and best management practices. The LID goals are to minimize: native vegetation loss, impervious surface coverage, and stormwater runoff.

Mr. Carlson said the consultants analyzed the City's existing codes and standards in its development of LID principles. Amendments to the Land Use Code address reducing impervious surfaces, preserving and enhancing the tree canopy, and clustering development on lots to preserve vegetation.

Mr. Carlson said the City Council's project interest statement expresses support for the objective of making LID principles the preferred and commonly used standards for development and redevelopment. The related amendments to the City Code recognize the need to balance competing needs and to comply with the City's NPDES stormwater permit.

Mr. Carlson said the LID principles establish a hard surface limit (including pervious and impervious surfaces), reduce the pervious surface coverage by zoning districts, and provide an option for situations in which permeable pavement is not technically feasible. He said building roofs and concrete porches are considered impervious surfaces. A permeable paving driveway is considered a hard surface, and a concrete driveway is impervious.

Ms. Drews said the code revisions go beyond impervious surfaces to also include permeable surfaces, where feasible.

Mr. Carlson described an example of the implications of LID principles on residential lots. The new Department of Ecology (DOE) Stormwater Manual issued with the NPDES permit indicates that any new development with more than 5,000 square feet of new hard surfaces is required to evaluate the use of permeable pavement. Mr. Carlson said the revisions to the dimensional requirements do not change the allowed building coverage. However, a new hard surface limit is proposed and existing impervious surface coverage is reduced. For sites that cannot infiltrate based on the technical and feasibility criteria in the stormwater manual, existing impervious surface limits will be allowed.

Ms. Drews described the LID dimensional requirements from the Land Use Code. The chart is used by property owners to determine maximum lot coverage by structures and hard surfaces, maximum impervious surface coverage, and alternative maximum impervious surface coverage.

Mr. Carlson highlighted the proposed changes to the dimensional requirements chart for residential and commercial development and redevelopment. He said the existing code allows applicants to use permeable pavement if green space requirements are met for the front yard. Many of the new developments have 60-70 percent hard surface coverage. He described examples of commercial development.

Ms. Drews said no changes are proposed for the Downtown and BelRed areas. The setbacks in the Downtown are zero, so there are no opportunities to reduce impervious surfaces. The Downtown also has certain stormwater discharge exemptions under the NPDES permit. The BelRed Plan established in 2009 already includes low impact development principles for the BelRed area.

Mr. Carlson said the footnote on hard surface coverage states that the maximum hard surface and maximum impervious lot coverages are independent limitations, and the impervious surface coverage shall be included in the total calculation of hard surface. He highlighted additional footnotes that address exceptions related to innovative techniques and technical infeasibility.

Ms. Drews said the Utilities Department has mapped Bellevue to determine whether each site is feasible or infeasible for the LID techniques. The information is available to developers and all property owners to assist them in evaluating the potential requirements for a site.

Continuing, Mr. Carlson said the revised code language regarding innovative techniques places a limit on the amount of hard surface allowed on a site. He summarized that the code revisions related to LID principles: 1) establish a hard surface limit by zoning district, 2) reduce the impervious surface limit, 3) provide an alternative for addressing sites where the principles are not feasible, and 4) revise the innovative techniques language consistent with the hard surface limits.

Mr. Carlson said there are a number of Comprehensive Plan policies that support the use of LID practices.

Mr. Carlson described how planned unit development (PUD) can cluster structures on one side of each lot to retain larger open spaces. If this option is used, a zero lot line setback is allowed for the structure on one side of the lot, which would border the open space on the adjacent lot.

Chair Capron noted that the clustering technique is used in Colorado to allow wider spaces between homes for emergency vehicle access (e.g., fire engines).

Mr. Carlson said the LID approach modifies certain site design submittal requirements to require that soils and hydrology information is submitted earlier in the development permit process.

Chair Capron thanked staff and the consultants for the presentation. He observed that the LID approach encourages property owners and developers to use certain practices, while providing alternatives if those practices are not feasible.

Councilmember Kasner questioned the level of public input in the City's process. Ms. Drews said there was significant public involvement with developers, residents, builders, and other stakeholders.

Councilmember Hughes questioned the stormwater flow in the Downtown. Ms. Drews said the water runoff is filtered and treated through catch basins, which are cleaned on a regular basis.

Councilmember Hummer noted Bellevue College's work on its soccer fields and questioned whether the City's regulations have jurisdiction over those fields. Ms. Drews said she was not sure, but she opined that the City probably does not have jurisdiction because it does not have authority over other land use practices on the campus. She said the college works with the City, however, and must follow State standards.

Chair Capron opened the public hearing at 8:32 p.m.

Councilmember Hummer questioned the consequence if the EBCC does not approve Ordinance No. 6323 adopting LID principles for the East Bellevue area. Ms. Drews said the area would be out of compliance with the federal NPDES permit requirements.

Responding to Ms. Hummer, Ms. Drews said the clustering principles do not increase the density allowed within a PUD. In further response, Ms. Drews said the best management practices fall under a separate component of the NPDES permit. They were previously adopted as a programmatic framework.

Councilmember Kasner noted Blueberry Court at SE 8th Street and 145th Place SE as an example of clustering. He recalled that staff's previous presentation described a development that was able to maximize a large open space by clustering structures on one area of the site. Mr. Kasner thanked staff for the presentation.

Responding to Councilmember Hughes, Ms. Drews said the LID principles apply to both redevelopment and new development.

Responding to Ms. Hummer, Ms. Drews said the permit process for LID principles is the same process used for all City permits.

Responding to Ms. Hummer, Ms. Drews said staff began the process to develop LID principles with the City Council in September 2013. The principles were studied and discussed by the Parks and Community Services Board, Environmental Services Commission, Transportation Commission, and Planning Commission. Mr. Carlson said there were three workshops before staff drafted the principles. Three public open houses were held later to present staff's draft principles and recommendations. A subsequent meeting was held with stakeholders, and additional Council meetings addressed the topic. Ms. Drews said the Planning Commission held a public hearing to gather input.

Responding to Ms. Hummer, Ms. Drews said there was a great deal of input from the Planning Commission and citizens. However, all participants provided information that benefited the process. Ms. Drews noted that the City has been a leader in stormwater management for many years.

Chair Capron closed the public hearing at 8:47 p.m.

9. **RESOLUTIONS**

- (a) Resolution No. 558 adopting permanent regulations regarding marijuana.

Councilmember Kasner moved to approve Resolution No. 558 adopting City Council Ordinance No. 6316 providing permanent marijuana regulations. The motion was seconded by Vice Chair Hummer and carried by a vote of 4-0.

- (b) Resolution No. 559 amending the Bellevue Land Use Code to incorporate Low Impact Development Principles.

Councilmember Kasner moved to approve Resolution No. 559 adopting City Council Ordinance No. 6323, which amends the Land Use Code to incorporate Low Impact Development (LID) principles. The motion was seconded by Vice Chair Hummer and carried by a vote of 4-0.

10. **COMMITTEE REPORTS:** None.

11. **UNFINISHED BUSINESS**

Chair Capron questioned whether the Council would like to cancel the January 3 meeting. He noted there were no agenda items and said the Council could discuss it later in the evening.

12. **NEW BUSINESS**

- (a) Potential Future Agenda Items

- Eastgate Land Use Code Amendments [*Update in 2017*]
- Lake Hills Art Project
- Election of Officers/Resolution Praying for Continuance of East Bellevue Community Council

Chair Capron said the Eastgate Land Use Code Amendments will come back to the EBCC for discussion in early 2017. He said the EBCC has jurisdiction only over the Champions Centre and Shell gas station amendments. He said the proposed homeless shelter is outside of the EBCC's boundary.

The Lake Hills art project will be on the agenda in the near future. Mr. Capron expressed support for moving the art sculpture discussed earlier to East Bellevue.

For the February meeting, Mr. Capron said the EBCC will elect its officers and will be asked to take action on a Resolution Praying for Continuance of the EBCC for the fall 2017 election.

(b) Neighborhood Area Planning Presentation

Nicholas Matz, Senior Planner, Planning and Community Development (PCD) Department, said there are 16 subareas in the city with neighborhood area plans based on the Comprehensive Plan. He said the City Council has not yet set a schedule for the review of neighborhood plans. However, the EBCC will play a key role in updating its plan.

Mr. Matz said the Comprehensive Plan's Neighborhoods Element added in 2015 provides guidance for reviewing and updating the neighborhood (formerly called subarea) long-range plans. He said the EBCC area overlaps sections of the Crossroads, Wilburton, and Lake Hills neighborhoods/subareas. However, portions of the Lake Hills neighborhood are outside of the EBCC boundary.

Councilmember Hughes pointed out the proposed alignment of Puget Sound Energy's Energize Eastside project.

Mr. Matz said participants in neighborhood meetings have been asked to describe the elements of a neighborhood that are important to them today. He said a facilitator prepared a drawing depicting the elements and features suggested by public input. Participants were also asked to describe elements important to them for the future, and the facilitator prepared a drawing to reflect those features.

Councilmember Kasner said he would like to see a comparison of the elements within the old subarea boundary and the new neighborhood boundary. Mr. Matz said the old subarea plans are included in the Comprehensive Plan. He said staff is working on loading the old plans into software that will identify the policies applicable to each new neighborhood. The data and maps will be available online in the future and will allow users to search topics and information.

Mr. Kasner observed that Lake Hills is one of the largest geographic areas and second in population to the Downtown. Mr. Matz said the new boundaries are based on census tracts, which will provide population and demographic information for each newly defined neighborhood.

Responding to Mr. Kasner, Mr. Matz said the City Council has not set a schedule for the review of the new neighborhood plans. However, it is an important priority for the Council. Mr. Matz said staff's goal is to be able to conduct updates of two neighborhood plans per year. Mr. Kasner suggested that Eastgate should be at the top of the list. He would like the Lake Hills area to be in the top one-third of the priority list.

13. **CONTINUED COMMUNICATIONS**

Sandy Jones, representing the Bellevue Network on Aging, said the group is a resource for aging adults that provides information on housing, transportation, health, fall prevention, memory loss,

and other topics. She requested input from the EBCC and the public regarding the community's needs and resources.

Councilmember Hughes suggested deferring a decision about whether to cancel the January meeting. He said issues might arise over the next few weeks that the EBCC will want to discuss.

Mr. Kasner requested a presentation on the City's budget adopted on December 5 and how it affects their neighborhood. He expressed interest in a discussion about Bellevue College as well. Mr. Kasner noted that the appellant decision regarding the Lake Hills transmission line could occur before the January meeting as well.

Councilmember Hummer said she would like to have a meeting, even if a short meeting. She would like to hear information on the budget and other topics.

Chair Capron said he wanted the public to have an idea that the January meeting could be cancelled. He noted that the City Council has completed its business for the year, so no new issues from the Council will be forwarded to the EBCC before its January meeting. He suggested allowing more time after the holidays for staff to prepare presentations for the EBCC.

Responding to Mr. Hughes, Mr. Capron said last year's January meeting was cancelled. Mr. Capron observed that a meeting without an agenda is likely not a good use of time.

Mr. Kasner said he would like a discussion about the EBCC's vision and priorities for 2017. He recalled that Councilmembers Hughes and Hummer were not able to participate in the second half of retreat discussions earlier in the year.

Chair Capron reiterated the need for an agenda item to justify a January meeting.

Councilmember Hughes said he will not be able to attend the January meeting.

Saghar Rasoulamini, representing Students of Bellevue College, said she would not be able to provide a presentation, as requested by the EBCC, on January 3.

14. **EXECUTIVE SESSION:** None.

15. **APPROVAL OF MINUTES**

(a) Summary Minutes of November 1, 2016 Regular Meeting

Councilmember Hughes referred to page 55 of the meeting packet and said his comment about the impact on commerce was in reference to the 148th Avenue transmission line. He said he was referring to the Hearing Examiner's report that indicated the project would have no effect on commerce. However, Mr. Hughes said the 148th Avenue traffic light project has had a negative impact on local businesses. He said Chair Capron has commented on the negative impact on his business.

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Vice Chair Hummer moved to approve the minutes of the November 1, 2016 Regular Meeting, amended to clarify Mr. Hughes' comments. Councilmember Kasner seconded the motion, which carried by a vote of 4-0.

16. ADJOURNMENT

At 9:28 p.m., Chair Capron declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

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