

East Bellevue Community Council
Summary Minutes of Regular Meeting

March 1, 2011
6:30 p.m.

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Kasner, Councilmembers Erwin, Elwin, Gooding and Seal

ABSENT: None

STAFF: Mike Upston, Senior Planner
Catherine Drews, Legal Planner
Matthew Jackson, Neighborhood Development Planning Manager
Monica Buck, Assistant City Attorney/Legal Advisor

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. All Councilmembers present. Chair Kasner led the flag salute.

3. **COMMUNICATIONS - WRITTEN AND ORAL:**

Wendy Pender, Lake Hills Librarian, informed Council of the Lake Hills Library's 6 month anniversary at their new location. She invited Council to come and explore the Library's new accommodations.

4. **APPROVAL OF AGENDA**

Mr. Seal requested the addition of proposed State Legislature House Bill 1812 under New Business.

Mr. Erwin moved approval of the agenda as amended. Mr. Elwin seconded the motion which carried unanimously.

5. **COURTESY HEARINGS:**

(a) Conditional Use Application for Health Club at Kelsey Creek Center

Chair Kasner opened the Courtesy Hearing. He suggested, due to the similarity of subject matter and in an effort to make the most economical use of Mr. Upston's time, that Agenda Item 8, Department Reports, be taken up following Agenda Item 5(a).

Mike Upston, Development Services Department, as part of his presentation, provided a brief status report on Kelsey Creek Center in terms of design review and construction permits. The City is currently reviewing a Design Review application and construction permit plans for redevelopment of the entire Kelsey Creek Center. Included in this redevelopment proposal is the intent to re-tenant the former K-Mart building for use by multiple commercial tenants, one of those being a health club. As dictated by the concomitant zoning agreement for the Center, a Conditional Use Permit is being sought for the health club use.

In response to Chair Kasner, Mr. Chen, Project Architect, stated the total proposed health club footprint is about 50,000 square feet.

A public hearing with the Hearing Examiner on this item is expected within the next few months with City Council action thereafter. This Conditional Use Permit process concludes with the Community Council's approval/disapproval of the City Council's action. It is anticipated that this will come back to the Community Council in May.

Nat Franklin, Applicant, stated his desire to be under construction as soon as possible, as timing is critical for project completion this year.

In response to Chair Kasner, Mr. Upston stated the public hearing before the Hearing Examiner has been set for April 7.

Responding to Chair Kasner, Mr. Franklin stated the health club was an envisioned use from the outset and a critical element to the Center's proposed development.

Mr. Upston stated the Conditional Use requirement makes sense on some levels as there are impacts associated with this use that are unique from retail and service uses. The City will be requiring some level of review of parking overtime but there are no immediate mitigation measures required as part of the City's approval. He stated overall, this proposed use is viewed as compatible with the surrounding neighborhoods.

In response to Chair Kasner, Mr. Franklin stated there will be a pool at the health club facility. In addition, the Center will definitely have a grocery store that will be within the 65,000 square foot cap.

There was discussion related to the Key Bank adjacent to the Center. Mr. Franklin pointed out the easement for shared ingress/egress located within the Center's site plan.

Seeing no one wishing to comment, Chair Kasner closed the courtesy hearing.

Agenda Interruption

8. **DEPARTMENT REPORTS:**

- (a) Lake Hills Shopping Center Update

Mr. Upston provided a brief status report on the Lake Hills Shopping Center development. The library and building next to it are part of Phase I. Where originally there were two phases, now there are more like four or five phases of the project. Property owner/developer currently has submitted permit plans for Phase II which includes a portion of the underground garage and building pads for the side of the Center that faces the residential neighborhood. Center was always conceived as a four to five year construction project.

Chair Kasner stated the entry to the Library is confusing and asked if better signage was possible. Mr. Upston responded that the City has no control of directional signage onsite, but suggested broaching the subject with Mr. DelMoro.

Chair Kasner requested the Clerk contact Mr. DelMoro about a possible project/timeline update at the Community Council's June or July meeting.

PUBLIC HEARINGS:

- (b) Ordinance 5989 LUCA allowing electric vehicle infrastructure as a use in all land use districts where accessory parking, auto parking, park & rides, street and highway rights-of-way parking, gasoline service stations, auto repair or vehicle maintenance is allowed.

Chair Kasner opened the Public Hearing.

Ms. Drews provided the staff overview. She reported that City Council adopted Ordinance 5989 on February 7, 2011. Ordinance No. 5989 permits electric vehicle charging stations in all land use districts associated with accessory and auto parking, park and rides, and street and highway parking. Battery exchange stations are allowed in land use districts where gas stations and auto repair is allowed, and as a subordinate use to vehicle maintenance yards. The Ordinance includes four new definitions: battery charging station; battery exchange station; electric vehicle infrastructure; and, rapid charging station.

Mr. Seal questioned the battery exchange provision as an automated system. Ms. Drews stated it is a proprietary technology which resembles a cross between a Jiffy Lube and a car wash. This legislation deals with the placement of the charging stations. She stated an example of a charging station could be viewed in the City Hall parking garage.

In response to Chair Kasner, Ms. Drews stated no public opposition was voiced related to the passing of Ordinance 5989.

Responding to Mr. Seal, Ms. Drews stated this initial ordinance is intended as a barrier removal to allow infrastructure in support of electric vehicles.

Mr. Seal noted that he will support approval of Ordinance 5989.

At the conclusion of public testimony, Chair Kasner closed the public hearing.

Mr. Seal moved adoption of Resolution 515, approving City Council Ordinance 5989. Mr. Erwin seconded the motion which carried with a vote of 5-0.

- (c) Ordinance 5991 Land Use Code Amendment relating to nonconforming building height.

Chair Kasner opened the public hearing.

Mr. Jackson provided the staff overview. The Bellevue City Council adopted Ordinance No. 5991 to amend the Land Use Code on February 7, 2011. The proposed amendment amends Land Use Code section 20.20.070.B so that the maximum building height restriction on lots that fail to meet 70% of the minimum lot size in the underlying land use district may be modified through the Land Use Code Variance process. The prior code included a strict prohibition on using the variance process to modify height restrictions even where existing neighborhood character may warrant it. This amendment is intended to bring this code provision into alignment with neighborhood character amendments approved in 2007 and 2009.

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

Mr. Erwin moved adoption of Resolution 516, approving City Council Ordinance 5991. Mr. Elwin seconded the motion which carried with a vote of 5-0.

6. **RESOLUTIONS:**

- (a) Resolution 515 adopting City Council Ordinance 5989 related to electric vehicle infrastructure. *Taken up at conclusion of Agenda Item 5(b).*
- (b) Resolution 516 adopting City Council Ordinance 5991 related to nonconforming Building height. *Taken up at conclusion of Agenda Item 5(c).*
- (c) Resolution 517 adopting updated rules of procedures for the Community Council and repealing Resolution 419

Chair Kasner stated for the record, that the option of teleconferencing at this location is possible while currently no capability exists for online participation via a computer terminal.

Chair Kasner requested Council discussion related to excused versus unexcused absences.

Ms. Buck stated that currently there is no standard included in Community Council Rules.

In response to Chair Kasner, Ms. Buck stated telephonic participation is counted for quorum.

Mr. Seal moved Resolution 517 as presented. Mr. Elwin seconded the motion which carried

with a vote of 5-0.

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

8. **DEPARTMENT REPORTS:** Discussed following Agenda Item 5(a)

9. **COMMITTEE REPORTS:** None.

10. **UNFINISHED BUSINESS:** None.

11. **NEW BUSINESS:**

(a) House Bill 1812

Chair Kasner explained the potential impact of proposed House Bill 1812 for the Community Council Municipal Corporation.

There was Council discussion with Monica Buck regarding the intent of the proposed bill and Council's ability to provide input. Council indicated their desire to testify at the public hearing when the bill comes before the State Senate.

Chair Kasner, by consensus of the Council, stated the East Bellevue Community Council's opposition to House Bill 1812. He stated that he will contact Diane Carlson regarding taking an official position in opposition. He requested a formal motion of the Council.

Mr. Erwin moved that the East Bellevue Community Council take an official position in opposition to House Bill 1812. Mr. Elwin seconded the motion which carried unanimously.

Mr. Seal provided a brief history of the Community Council's relationship with the City of Bellevue at the time of the East Bellevue Community Municipal Corporation's formation.

12. **CONTINUED COMMUNICATIONS:** None.

13. **EXECUTIVE SESSION:** None.

14. **APPROVAL OF MINUTES:**

Mr. Seal moved approval of the February 1, 2011 Summary Minutes as presented. Mr. Erwin seconded the motion which carried with a vote of 5-0.

15. **ADJOURNMENT**

Councilmember Erwin moved to adjourn. Councilmember Gooding seconded the motion which carried unanimously.

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Chair Kasner declared the meeting adjourned at 7:46 p.m.

Michelle Murphy, CMC
Deputy City Clerk