

East Bellevue Community Council
Summary Minutes of Regular Meeting

January 4, 2022
6:30 p.m.

Virtual Meeting
Bellevue, Washington

PRESENT: Chair Hummer, Vice Chair Epstein and Councilmembers Dhananjaya¹, Kasner and Lai

ABSENT: None.

STAFF: Brian Wendt, Assistant City Attorney
Caleb Miller, Senior Planner, Development Services Department (DSD)
Trisna Tanus, Consulting Attorney, DSD

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m., with Chair Hummer presiding.

2. ROLL CALL/FLAG SALUTE

Deputy City Clerk Karin Roberts called the roll. All Councilmembers except Councilmember Dhananjaya were present. Vice Chair Epstein led the flag salute.

(a) Swearing In of Community Councilmembers for Position Nos. 1, 2, 3, 4 and 5

Chair Hummer said an election is held every four years to vote on whether the community council should continue. There are approximately 12,00 people living within the EBCC jurisdiction, including 6,600 registered voters. Of those, 1,700 voted for the continuance of the community council.

King County District Court Judge Michael Finkle conducted the swearing in of the council members with the exception of Councilmember Dhananjaya, who was not yet present.

Chair Hummer thanked Judge Finkle for his assistance.

3. APPROVAL OF AGENDA

Councilmember Kasner moved to approve the agenda, amended to remove Agenda Item 10(a), Discussion of support for Save Our Scale, and to replace it with an agenda item for the consideration of a motion to advocate for the continuation of the state's two community councils before the state legislature. Vice Chair Epstein seconded the motion.

¹ Councilmember Dhananjaya arrived at approximately 6:40 p.m.

Councilmember Kasner noted that Councilmember Dhananjaya had joined the meeting.

Deputy City Clerk Karin Roberts conducted the swearing in of Councilmember Dhananjaya.

Returning to the motion, Chair Hummer said she is not in favor of the proposed amendment of the agenda.

Councilmember Kasner said that no new information has come forward from Save Our Scale since their previous presentations, and the EBCC has not received updated information regarding the City's work on the tree canopy. He said the EBCC has not received information about affordable housing in Bellevue. Mr. Kasner said the Save Our Scale item is not timely to discuss tonight and there are other priorities to address. He said he would like to propose his motion before taking up Agenda Item 10(b), Discussion of proposed state legislation to sunset the community councils.

Councilmember Dhananjaya recalled that the EBCC has heard from the Save Our Scale group as well as a local home builder. He suggested that the matter has reached a point where the EBCC needs to do more analysis before taking formal action. He said it is important to understand the potential impacts of Save Our Scale's proposals. He suggested the EBCC might want to take a position on individual proposals rather than support everything the group proposes.

Mr. Dhananjaya said he would like to learn more about the community council issue under consideration by the state legislature. He concurred with removing the Save Our Scale agenda item for now and said he did not have an opinion on the community council issue at this time.

Vice Chair Epstein concurred with the suggestion to postpone the Save Our Scale item. He said the group's proposals reflect a broad range of complex code provisions and address a number of issues and implications that he does not feel comfortable with taking a position on at this time.

Chair Hummer said she was disappointed in the lack of support. She suggested expressing support for Save Our Scale, knowing that the City Council and staff would consider and vet the proposals. She said the topics have been raised nationwide and the City of Mercer Island has adopted proposals offered by Save Our Scale.

Councilmember Lai concurred with revisiting the Save Our Scale proposals at a later time.

The motion to approve the agenda, as amended, carried by a vote of 4-1, with Chair Hummer dissenting.

4. COMMUNICATIONS: WRITTEN AND ORAL

Chair Hummer noted that the EBCC cannot consider public comment on quasi-judicial matters, such as Puget Sound Energy's Energize Eastside project and the Glendale Country Club rezone. Members of the public may submit comments directly to the Development Services Department or to Deputy City Clerk Roberts, who will forward them to the appropriate staff. She said

individuals wishing to comment regarding the housing interim official control (IOC) extension must wait to comment later during the public hearing.

Joni Vanderburg said that members of Save Our Scale recently met with City Councilmember Jennifer Robertson and have now met with all City Councilmembers except for John Stokes. Ms. Vanderburg said that Councilmember Robertson felt that the group's proposed Land Use Code revisions made sense and she supports protecting the tree canopy and addressing affordability. Ms. Vanderburg said that City Councilmembers said they feel pressure by the State to address housing and affordability opportunities. She said Councilmember Robertson is looking forward to Save Our Scale's presentation to the City Council. Ms. Vanderburg asked the EBCC to place constituents above corporations and to support a review of Save Our Scale's recommendations. She said the group is not anti-development. However, the large homes resulting from redevelopment are not making neighborhoods more livable. She said the EBCC has a duty to support Save Our Scale. She said they have not brought complaints but have offered solutions to improve the lives of constituents.

Rick Chesmore said the Save Our Scale group is not opposed to development. He acknowledged that many houses in East Bellevue have been poorly maintained, have reached the end of their life cycle, and that replacing them with new homes can improve the neighborhood. However, he said redevelopment should be sensitive to the existing character of the neighborhood and to preserving the tree canopy. He said Save Our Scale supporters have presented information at several EBCC meetings. He said the group is asking the EBCC to support their concept that the Land Use Code should be reviewed and modified to address scale in existing neighborhoods. He said they are not asking for agreement on the details of their proposals. He said City staff would work out the details of proposed Land Use Code amendments. He recalled the presentation to the EBCC by a builder, which he believes left some confusion about the number of homes they planned to build this year. He said he contacted the builder, who indicated that the company's goal is to average 60 homes annually, with a target of at least 100 homes for 2022. The homes range from 4,000 square feet to 7,000 square feet and sell for \$2 million to \$8 million. He said Save Our Scale's suggested changes would allow the large homes to be built.

Ben Brittingham clarified that his company currently has 29 projects planned within the EBCC jurisdiction. He said the square footage of the homes ranges from 3,400 square feet to 4,373 square feet. He said the company has built some homes in West Bellevue ranging from 5,000 square feet to 6,000 square feet, as well as larger homes in the Bridle Trails area. He said the average size for homes to be built in East Bellevue is 4,000 square feet. Mr. Brittingham expressed concern that there has been misinformation regarding the company and the homes they build. He said they are working with the City of Bellevue on special tree planting projects for every home they sell. He said that, while trees are removed to build homes, new trees are later installed on the lots. He noted the company's support of the Arbor Day Foundation. He cautioned against layering on too many Land Use Code changes that could negatively impact people who want to sell their home for the highest market price.

5. REPORTS OF CITY COUNCIL, BOARDS, and COMMISSIONS

Deputy Mayor Jared Nieuwenhuis, City Council liaison to the EBCC, provided an update regarding the Police Department's Community Crisis Assistance Team (CCAT) pilot program,

which dispatched a mental health professional with police officers when they respond to a call involving behavioral or mental health concerns. The program ran from May 1 through August 31, 2021, and the mental health professionals are part of the Fire Department's existing CARES (Citizen Advocates for Referral and Education Services) program that responds to individuals in crisis. An analysis of the data from the pilot program indicates a significant increase in diverting individuals from jail and hospitals.

Deputy Mayor Nieuwenhuis said the Council approved the East Main Transit-Oriented Development (TOD) Land Use Code Amendment (LUCA) in December, which applies to the area around the East Main light rail station and current Hilton Hotel. The amendments require a minimum amount of housing and include affordable housing incentives.

Mr. Nieuwenhuis said the Council approved a number of Comprehensive Plan Amendments (CPAs), including an application affecting two parcels in the Wilburton area for affordable housing, changes to transportation policies, and approval of the Northeast Bellevue and Northwest Bellevue neighborhood area plans. He said the City's 2021 performance survey reflects continued high ratings regarding Bellevue's quality of life and value for their tax dollar.

Chair Hummer noted the EBCC will take action on the Comprehensive Plan Amendments (CPAs) in February. She said it is important to retain the language about "reducing" rather than just "managing" congestion in Transportation Element policy TR-2. She said EBCC residents are concerned about traffic congestion. In the area of housing, Ms. Hummer said East Bellevue has a number of housing types (e.g., single-family homes, duplexes, apartments) and 21 percent of the subsidized low-income housing in Bellevue. She wants to ensure that affordable housing is distributed equitably across Bellevue.

Chair Hummer thanked Deputy Mayor Nieuwenhuis for the information.

6. **REPORT OF THE CHAIR:** None.

7. **DEPARTMENT REPORTS:** None.

8. **PUBLIC/COURTESY HEARINGS**

- (a) Public Hearing: Extension of Supportive and Emergency Housing Interim Official Control (IOC)

Trisna Tanus, Consulting Attorney, Development Services Department (DSD), said that state House Bill 1220 requires cities to allow permanent supportive and transitional housing in all land use districts where residential dwellings or hotels are allowed. It also requires that emergency housing and shelters be allowed in all land use districts where hotels are allowed. The current Interim Official Control (IOC) was intended to place the City in compliance with HB 1220. Permanent regulations are under development by City staff, and the City Council voted to extend the IOC to allow more time to analyze and draft regulations.

Caleb Miller, Senior Planner, DSD, said permanent supportive housing provides supportive services intended to keep residents in permanent housing. Transitional housing is intended to

transition residents into independent housing within two years. Emergency housing addresses individuals' basic daily needs, such as food, water, and hygiene. An emergency shelter provides short-term stays (e.g., day centers and overnight shelters). Mr. Miller said Ordinance No. 6585 approving the IOC amended the Land Use tables and updated the definitions for emergency housing and emergency shelter to be consistent with state law.

Mr. Miller recalled that the EBCC jurisdiction did not approve the Homeless Services Uses LUCA and therefore those regulations do not apply within the EBCC jurisdiction.

The City Council approved an extension of the IOC in December which will expire on July 12, 2022. The permanent regulations will replace the IOC upon adoption in the future.

At 7:24 p.m., Councilmember Kasner moved to open the public testimony portion of the public hearing. The motion was seconded by Councilmember Dhananjaya and carried by a vote of 5-0.

No one came forward to speak.

At 7:25 p.m., Councilmember Kasner moved to close the public testimony portion of the public hearing. The motion was seconded by Vice Chair Epstein and carried by a vote of 5-0.

Vice Chair Epstein expressed support for extending the IOC.

Councilmember Kasner said he supports the IOC in order to comply with state law.

Responding to Mr. Kasner, Mr. Miller said PUD is an abbreviation for planned unit development. Ms. Tanus said staff will provide a legend defining the abbreviations in future meeting materials.

Chair Hummer said there are townhomes on Main Street that were developed as a PUD.

Responding to Councilmember Dhananjaya, Mr. Miller said there is always an increased demand on shelters during the winter weather. Mr. Dhananjaya expressed support for extending the IOC.

Councilmember Lai expressed support for extending the IOC and complying with state law. Responding to Mr. Lai, Mr. Miller confirmed that there are not currently any hotels in the EBCC jurisdiction. However, there are districts where they are allowed, and they would be subject to the conditional use permit (CUP) process.

Chair Hummer expressed support for extending the IOC and being compliant with state law. She noted that she conducted some research and learned that there are eight Community Business (CB) zoned parcels in the EBCC jurisdiction, including the Kelsey Creek Shopping Center and Lake Hills Village areas, Champion Center property next to Bellevue College, and properties that currently have a Bartell Drugs, Super Supplements store, and Brown Bear car wash. Responding to Ms. Hummer, Mr. Miller said an emergency shelter could be allowed at any of those locations. However, a shelter would go through the CUP process within the EBCC jurisdiction.

Responding to Chair Hummer, Ms. Tanus said staff would follow up with any information about whether permit applications have been submitted under the IOC requirements.

Chair Hummer thanked staff for the presentation.

9. RESOLUTIONS

- (a) Resolution No. 598 Approving City Council Ordinance No. 6637

Councilmember Kasner moved to adopt Resolution No. 598 approving City Council Ordinance No. 6637. Vice Chair Epstein seconded the motion, which carried by a vote of 5-0.

10. UNFINISHED BUSINESS

- (a) Consideration of Motion regarding proposal in State Legislature to eliminate the Community Councils

Councilmember Kasner moved to take a position that the EBCC supports the continued existence of municipal corporations/community councils as governed under current state law [RCW 35.14]. Councilmember Dhananjaya seconded the motion.

Responding to Vice Chair Epstein, Mr. Kasner said each EBCC member is allowed to speak on their own behalf on any topic. The motion expresses the full EBCC's support for state law governing community councils without revisions and will enable any EBCC member to speak to that action before the state legislature or elsewhere.

Chair Hummer said it sounds like a good idea and noted that the EBCC's counsel, Assistant City Attorney Brian Wendt, concurs with the procedure. She requested that she be informed if an EBCC member discusses adding an agenda item with staff. Chair Hummer expressed support for the motion.

The motion carried by a vote of 5-0.

- (b) Discussion of proposed legislation to sunset Community Councils

Chair Hummer said that members of the Kirkland City Council and a number of state legislators, including Larry Springer, are actively working to introduce legislation that would sunset the community councils in the near future. She recalled that last month the EBCC agreed that she and Councilmember Kasner would work with members of the Houghton Community Council to explore the issue and how best to advocate for the community councils.

John Kappler, a member of the Houghton Community Council, said the Houghton Community Council voted the previous Monday to hire an attorney to gain an understanding of the community councils' legal position. Mr. Kappler suggested moving forward to try to work with legislators to help them understand that community councils work for our communities and constituents.

Councilmember Kasner said he was present for the virtual meeting of the City Council and state legislators from the 41st and 48th districts earlier in the day. He said that toward the end of the meeting, Representative Amy Walen commented regarding potential legislation to address community councils. Councilmember Kasner said the City released a flyer outlining its legislative priorities for this legislative session and it is available online. Referring to an item regarding fiscal sustainability and local control, Mr. Kasner read: “Bellevue strongly urges the legislature to honor the local decision-making authority and to refrain from preempting the authority of City elected officials who are closest to the people they serve. The City strongly opposes unfunded mandates and state preemptions of local authority.” Councilmember Kasner opined that the statement provides a justification for the community councils as well.

Councilmember Dhananjaya thanked Chair Hummer and Councilmember Kasner for their work on this issue. Mr. Dhananjaya said the community councils provide a unique opportunity for residents to be represented at the neighborhood level. He said the EBCC partners well with other agencies and provides a platform for residents to engage in their community and planning issues.

Councilmember Lai thanked Chair Hummer and Councilmember Kasner for working with the Houghton Community Council to address this issue. Mr. Lai said the issue of eliminating the community councils has been raised with the state legislature in the past, and he expressed an interest in information regarding that previous effort.

Chair Hummer suggested that EBCC members contact City Councilmembers and state legislators regarding their concerns and to ask for their support to retain the community councils.

Councilmember Kasner said the last effort to eliminate community councils involved 20-30 people in 2012. He said state legislators and former EBCC members are potential supporters of the community councils. Mr. Kasner said the opposition to community councils has been framed as an equity issue. He said the EBCC jurisdiction has had some control over certain land use issues since before the area was annexed to Bellevue. Mr. Kasner suggested that if the EBCC and others do a good job of public education with people who do not have a prior agenda, they can be successful in gaining support for continuing the community councils.

Councilmember Lai said he appreciated the importance of and unity around this issue. He said community service is important to the EBCC’s role. He said he looks forward to defining a strategy for moving forward.

Chair Hummer expressed support for continuing the community councils and noted that other neighborhood groups look to the EBCC as an example to address issues such as affordable housing, density, and traffic congestion because they have common priorities and concerns. She said other neighborhoods have no formal way to present their concerns to an elected body and no formal decision-making. One example of that is the recent neighborhood planning efforts. She noted that the EBCC jurisdiction overlaps four neighborhood subareas, and the EBCC will have the opportunity to approve or disapprove the subsequent Comprehensive Plan Amendments (CPAs). Ms. Hummer said that no other neighborhood group has that authority. Chair Hummer said residents in Northwest and Northeast Bellevue met with City staff over a couple of years. However, they were ultimately surprised by some elements included in the updates to both

neighborhood plans. Ms. Hummer noted that the City Council ultimately revised the proposed plans in response to public input.

Chair Hummer said East Bellevue would not have annexed to Bellevue without the agreement regarding a community council. She said the continuance of the EBCC has consistently been supported by 80 percent of the voters. She believes the EBCC serves a great need, especially given that East Bellevue has the greatest diversity of ethnicities, income levels and housing types in Bellevue.

Mr. Kappler said he appreciated the discussion, and he would continue to work with the EBCC.

Chair Hummer noted that the Houghton Community Council meets regularly with the Kirkland Planning Commission. While that has not occurred with the EBCC, she encouraged everyone to attend Planning Commission meetings. She expressed an interest in learning more about supportive housing.

11. NEW BUSINESS

Councilmember Kasner said the next Lake Hills Neighborhood Association (LHNA) meeting will be held on January 27, 7:00-8:30 p.m., to discuss the school bond on the February ballot. It will be an online Zoom meeting and during the second portion of the meeting John Wilson, King County Assessor, will explain how tax bills are created.

Mr. Kasner said there is a new group called Trees for Livability that will hold information sessions on January 8 and January 15 to talk about how to deal with trees in Bellevue. Some of the group members have extensive experience in tree retention and activism. Ms. Kasner said that preserving and expanding the tree canopy is one of the most important issues for him.

12. CONTINUED COMMUNICATIONS

Gerry Hughes noted that he previously served on the EBCC. His concern has always been that when the Kirkland City Council attacks the Houghton Community Council and the issue is raised at the state legislature, it is always thrown out. He said he has often wondered why proposed legislation would eliminate both community councils. He suggested speaking to state legislators to help them understand that there have not been similar efforts to eliminate the EBCC. He asked whether there is a legal way to separate the treatment of the two community councils.

13. APPROVAL OF MINUTES

- (a) Summary Regular Meeting Minutes of December 7, 2021

Vice Chair Epstein moved to approve the minutes of the December 7, 2021 Regular Meeting. Councilmember Kasner seconded the motion, which carried by a vote of 5-0.

Responding to Chair Hummer, Deputy City Clerk Roberts noted upcoming agenda items. The February 1 meeting includes:

- Annual election of officers
- Courtesy hearing on the supportive and emergency housing LUCA
- Public hearing on the affordable housing density bonus LUCA
- Public hearing on the transportation policy CPAs

The March 1 meeting includes:

- Briefing regarding the 2024 Comprehensive Plan periodic update
- Public hearing on the Glendale Country Club rezone
- Public hearing on the Land Use Code cleanup/clarification LUCA

The April 5 meeting includes a public hearing on the supportive and emergency housing LUCA.

Chair Hummer encouraged EBCC members to listen to the December 8 Planning Commission meeting where the commission discussed best practices for supportive housing.

14. ADJOURNMENT

At 8:18 p.m., Chair Hummer declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

/kaw