

East Bellevue Community Council
Summary Minutes of Special Meeting

June 30, 2020
6:30 p.m.

Virtual Meeting
Bellevue, Washington

PRESENT: Chair Hummer, Councilmember Gooding and Councilmember Kasner

ABSENT: Councilmember Dhananjaya

STAFF: Trisna Tanus, Consulting Attorney, Development Services Department
Nick Whipple, Senior Planner, Development Services Department

1. **CALL TO ORDER**

The meeting was called to order at 6:30 p.m., with Chair Hummer presiding. She noted that Councilmembers and staff were participating remotely due to the governor's order prohibiting in-person meetings.

2. **ROLL CALL/FLAG SALUTE**

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

(a) Temporary Suspension of East Bellevue Community Council Rules of Procedure

Chair Hummer explained the need to temporarily suspend the East Bellevue Community Council's Rules of Procedure regarding remote participation in meetings and the EBCC's process for accepting communications from the public. In addition, to allow the EBCC maximum flexibility to structure its agenda during the time period that it is holding meetings remotely, the provisions in the EBCC's rules related to the order of business should also be temporarily suspended. Ms. Hummer said that, if there are no objections, the Rules of Procedure are temporarily suspended.

Councilmember Gooding moved to suspend the remote participation rules [Sections 5C and 5F of EBCC Rules of Procedure]. Councilmember Kasner seconded the motion. Hearing no objection to the motion, Chair Hummer declared the rules suspended.

Councilmember Gooding moved to suspend the oral communications provisions in the Rules of Procedure [Section 7] and to implement temporary practices.

Councilmember Kasner objected because he wanted the public to be able to provide oral communications.

Assistant City Attorney Catherine Drews said the suspension of the rule is not intended to disallow public comment, but it allows public comment in a different manner. She said the public may provide written comment via email, and the emails will be read into the record during the EBCC meeting. Ms. Drews said this is consistent with the process that the City Council is currently using because the City cannot allow in-person meetings.

Chair Hummer concurred with Ms. Drews' clarification. Ms. Hummer said the Boards and Commissions are following the City Council's procedure as well.

Councilmember Kasner reiterated that he believes individuals should be able to speak instead of having their communications read.

Ms. Hummer disagreed and encouraged maintaining consistency with the other local governing bodies. She urged the EBCC to follow the recommendation of the City Clerk and the Assistant City Attorney.

With a vote of 2-1, Chair Hummer declared the oral communications provisions in the EBCC Rules of Procedure to be temporarily suspended. Councilmember Kasner was the dissenting vote.

Councilmember Gooding moved to suspend the order of business provisions in the EBCC Rules of Procedure [Section 6]. Hearing no objections, Chair Hummer declared the rule temporarily suspended.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Deputy City Clerk Karin Roberts said the EBCC received no written comments prior to 3:00 PM today for tonight's meeting.

6. **REPORT OF THE CHAIR**

(a) Acknowledging Vice Chair Stephanie Walter's Service on the EBCC

Chair Hummer thanked outgoing Vice Chair Stephanie Walter for her service on the East Bellevue Community Council. Ms. Hummer said that Ms. Walter brought an expertise to the community council based on her work in the community and with City Hall regarding single-family room rentals regulations and revitalizing the Lake Hills Neighborhood Association (LHNA). Ms. Hummer said Ms. Walter listened to every comment before making any decisions and brought professionalism as well as her experience from serving on local governing bodies.

Councilmember Gooding said it has been wonderful to serve with Vice Chair Walter, a smart, talented and effective person. He thanked her for her service.

Councilmember Kasner said he enjoyed working with Ms. Walter. However, he was disappointed in her short tenure.

Stephanie Walter said it was a pleasure to serve on the EBCC. She said she appreciated Chair Hummer's vision for moving forward to shape solid policies and procedures. Ms. Walter said that the land use knowledge she gained by serving on the Planning Commission was helpful in her service on the EBCC. She said she enjoyed serving with everyone on the EBCC, and she noted the importance of a healthy public debate. Ms. Walter thanked Chair Hummer for her leadership. Ms. Walter noted that she is moving to Redmond.

Ms. Walter thanked Deputy City Clerk Roberts and Assistant City Attorney Drews for their work with the EBCC.

Chair Hummer thanked Ms. Walter for helping to better structure and organize EBCC meetings.

7. **DEPARTMENT REPORTS**

(a) Floodplain Regulations Land Use Code Amendment (LUCA)

Chair Hummer introduced discussion regarding the Land Use Code Amendment (LUCA) to conform the frequently flooded areas regulations to current federal and state standards, and to adopt the updated Federal Emergency Management Agency (FEMA) countywide Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS). Adoption of the federal updates is necessary for property owners' continued eligibility in the National Flood Insurance Program (NFIP).

Trisna Tanus, Consulting Attorney, Development Services Department (DSD), said the term frequently flooded areas refers to land that is subject to a 100-year flood. Those areas are identified on the Flood Insurance Rate Maps (FIRMs) in FEMA's Flood Insurance Study (FIS). The purpose of the regulations is to delineate flood-prone areas, avoid and minimize damage to life and property, and to preserve and promote healthy floodplains and biological processes. Ms. Tanus highlighted a map of the frequently flooded areas in Bellevue

Ms. Tanus said the City has participated in the NFIP since December 1, 1978. The City has a Class 5 rating by FEMA, which results in a 25-percent discount on NFIP policies for businesses and property owners. As of April 17, 2020, the NFIP has paid 65 flood claims to Bellevue residents and businesses for a total amount of \$906,231. However, with the City's effective floodplain management, there have been only five substantial damage claims in which more than 50 percent of a structure's value was damaged since 1978.

Nick Whipple, Senior Planner, said that, in order to maintain eligibility for the program, the NFIP requires flood risk mapping [i.e., Flood Insurance Rate Maps (FIRMs) and compliance with the Flood Insurance Study (FIS)]; flood management regulations; and insurance. He said FEMA submitted its updated countywide FIRMS and FIS to the City on February 19, with a deadline of August 19 for adopting the maps in the Land Use Code and conforming the code to current state and federal standards. Adoption of the federal updates is necessary for property owners' continued eligibility in the National Flood Insurance Program.

Mr. Whipple said staff worked closely with FEMA and the Washington State Department of Ecology (DOE) to recommend a narrowly tailored LUCA. The LUCA amends a number of

terms, performance standards, procedures, and the variance process. New performance standards address the automatic entry and exit of floodwaters for garages, waterproofing of utilities, and the removal of the existing legally nonconforming provision. Mr. Whipple said that existing legally established structures can continue to be used.

Amendments to the variance process include a new requirement for a variance when a development does not incorporate all of the required performance standards. Mr. Whipple noted that there are new decision criteria related to variances to be consistent with federal standards. Amendments to procedures include a new subsection for submittal requirements and a new subsection to clarify the role of the DSD Director in the administration and enforcement of the floodplain management regulations. Mr. Whipple said the changes reflected in the LUCA are consistent with the City's practices. However, they have been added to the code to comply with FEMA's requirements.

Mr. Whipple said that amendments to the procedures add a new subsection regarding submittal requirements, for consistency with federal standards, and a new subsection for clarity in the administration and enforcement of the floodplain regulations.

The overall purpose of the LUCA is to conform with the federal and state requirements for maintaining the eligibility for Bellevue property owners to participate in the NFIP. Mr. Whipple said the LUCA changes follow standard floodplain management practices and are the minimum revisions necessary to comply with the federal regulations. He said the LUCA has been reviewed extensively by the State Department of Ecology (DOE) to ensure it meets the minimum requirements.

Mr. Whipple said the public engagement process followed Process IV requirements regarding the noticing of the changes in FEMA regulations and tonight's public hearing. Prior to the June 15 discussion with the City Council, a courtesy notice was mailed to property owners and residents impacted by floodplains. Staff held discussions with stakeholders to provide the information and to answer questions and listen to feedback. A web page was launched during the week of June 8 and includes frequently asked questions, information regarding the status of the LUCA process, and contact information for public comment.

In order to move forward to meet FEMA's August 19 deadline, the City Council will hold a public hearing and take formal action on July 13. The EBCC will hold a public hearing during its regular meeting on August 4 and is anticipated to take action that evening to approve or disapprove the City Council ordinance.

Responding to Councilmember Gooding, Mr. Whipple said the updated FIRMs did not designate any new properties as lying in the floodplain. The FIRMs reflect changes to Kelsey Creek that occurred in 2007, and the property owners were notified of those changes. Mr. Whipple said those properties have been regulated under the Critical Areas Ordinance, Chapter 20.25H since 2007.

In further response to Councilmember Gooding, Mr. Whipple confirmed that the LUCA codifies new federal regulations and updates to the FIRMs and FIS. He said the purpose of the NFIP is to provide regulations to ensure safe development can occur in areas that are prone to flooding. Mr.

Whipple said the LUCA is designed to meet the minimum requirements for maintaining eligibility in the NFIP. In further response to Mr. Gooding, Mr. Whipple said there are approximately 980 parcels in Bellevue that intersect a floodplain, and the City owns 98 of those parcels. He said that most of the properties in a floodplain are either vacant or have existing structures that are located outside of the floodplain. For the 980 parcels, there are 135 structures in the floodplain.

In further response to Mr. Gooding, Mr. Whipple said the regulations apply to development in the floodplain, not in a buffer. He said the floodplain regulations work in conjunction with the Critical Areas Ordinance and the shoreline management requirements.

Councilmember Gooding expressed concern regarding the long reach of government and unnecessary government intervention.

Responding to Councilmember Kasner, Mr. Whipple confirmed that adopting the federal standards allows individuals to continue their NFIP insurance policies. Mr. Whipple said the goal of the program is to minimize flood damage to prevent public expenditures on flood damage and flood control methods. In further response, Mr. Whipple said substantial damage refers to damage that exceeds 50 percent of the structure's value. There have been five substantial damage claims since 1978.

Chair Hummer thanked staff for the presentation. She noted a map showing a Zone X designation around Larsen Lake. Mr. Whipple said the maps were created by FEMA and he will follow up with more information about that designation. She noted there are additional zones identified as well. Ms. Hummer noted the wetlands at Kelsey Creek and 148th Avenue, south of NE 6th Street. She asked whether the houses at that location are in the floodplain. Mr. Whipple said he could follow up regarding the specific parcels. He said residential development is typically not allowed in the floodplain, but it can be permitted in certain situations.

Ms. Hummer said it would be helpful to know which parcels in the EBCC area have NFIP policies. She asked how many properties participate in the NFIP and how many people use private flood insurance. Mr. Whipple said that State Department of Ecology (DOE) data indicates there are 229 NFIP policies in Bellevue. Of those, 116 are written for properties in a floodplain, and 113 are written for properties outside of the floodplain.

Responding to Chair Hummer regarding the meaning of natural drainage, Mr. Whipple described the goal of allowing natural drainage to move through the floodplain areas without being impeded by structures in those areas. He said that is consistent with the City's current regulations.

Chair Hummer stated her understanding that other jurisdictions have an Interim Official Control (IOC) in place to allow more time for public input. Ms. Tanus confirmed that the issue of an IOC was raised during the discussion with the City Council. She said that adopting an IOC before FEMA's August 19 deadline would allow continued eligibility in the NFIP.

Responding to Ms. Hummer, Mr. Whipple said the City mailed information to affected residents on June 8 and subsequently received a few inquiries from the public regarding the impact of the

updated federal requirements on their property. He said the City is trying to provide as much information as possible on its web site.

In continued response to Ms. Hummer, Ms. Tanus said her understanding is that if the EBCC disapproves the LUCA, the federal regulations would not be effect in the EBCC jurisdiction. Ms. Drews said that, in that case, property owners within the EBCC area would no longer be eligible to purchase NFIP policies. Ms. Drews said she was unsure whether that would affect property owners' insurance rates on private policies.

Chair Hummer said she wants to do what is best for residents and for them to have information. She said it has always been a challenge to engage the public and obtain feedback. Mr. Whipple said that information on the City's web site describes the consequences of choosing to not adopt the updated federal requirements by August 19.

Councilmember Kasner said he supports the proposed amendments to maintain property owners' eligibility in the NFIP.

8. **PUBLIC/COURTESY HEARINGS**

- (a) Interim Official Control (IOC) Setting Reduced Minimum Parking Standards in the Land Use Code

Chair Hummer introduced the public hearing regarding the proposed Interim Official Control (IOC) that sets reduced minimum parking standards in the Land Use Code for certain situations.

Ms. Tanus said the objectives of the proposed IOC are to implement recommendations from the 2017 Affordable Housing Strategy, respond to the housing affordability crisis due to the COVID-19 public health emergency, and to timely conform the Land Use Code to new provisions in state law [RCW 36.70A.620] that became effective on June 11, 2020. The Affordable Housing Strategy documents the City Council's commitment to incentivizing the development of affordable housing. The proposed LUCA also aligns with the Comprehensive Plan and the Transportation Master Plan (TMP).

The new state law applies to affordable housing near frequent transit service and sets a cap on the minimum parking requirements that cities may impose for certain housing units. Ms. Tanus noted that the cost of a parking space for a developer ranges from \$25,000 to \$60,000. Frequent transit service is service within one-quarter mile of the affordable housing unit/s. The caps on parking minimums are 0.75 parking spaces for a studio apartment, one parking space per one-bedroom apartment, two spaces per two-bedroom apartment, and three spaces per three-bedroom apartment. Housing for senior adults and individuals with disabilities are allowed to provide parking only for employees and visitors.

Ms. Tanus presented a map of the locations in Bellevue that are potentially eligible for the revised parking minimums. She highlighted the locations within the EBCC jurisdiction and described the context of the locations in terms of the underlying zoning. A developer may still choose to provide parking capacity beyond the minimum standards, and the IOC does not affect any minimum parking standards that are already lower than the proposed changes. Complete

land use permit applications and those under review are vested to the IOC during the duration of the IOC, in order to provide certainty for projects in the planning stages.

The underlying goals of the recommendations are to adjust to the demonstrated needs of proposed and built projects, and to align the standards with those used in similar transit-oriented development (TOD) districts. Upon the City Council's adoption of the IOC, the ordinance became effective after five days citywide, except for the EBCC area. A public hearing is required within 60 days of the adoption of the ordinance. A permanent ordinance must go into effect within six months, or the IOC may be extended. The City Council will hold the required public hearing on July 6. The public engagement process follows Process IV requirements regarding noticing and public hearings. Staff created a web page with online public information and will continue its outreach with stakeholders.

Ms. Tanus said staff will request City Council direction to forward the matter to the Planning Commission for its review during August and September. The City Council will discuss the Commission's recommendations in September. A courtesy public hearing before the EBCC and formal City Council action is anticipated in October. A second public hearing before the EBCC and formal action by the EBCC is anticipated in November.

Ms. Tanus said staff recommends approval of EBCC Resolution No. 576 adopting City Council Ordinance No. 6513.

Chair Hummer thanked Ms. Tanus for the presentation.

Councilmember Kasner expressed concern regarding neighborhood equity related to affordable housing and parking requirements. He said that, except for the greenbelts, it appears that all properties are available for affordable housing. He supports the regulations, which he believes are reasonable. However, he encouraged supporting a mix of housing types citywide.

Chair Hummer asked what type of research has been conducted regarding existing parking requirements at multifamily developments. Ms. Tanus said parking studies have been submitted at times as part of specific projects, and staff has reviewed those as part of the IOC work. She said additional work and research is needed regarding parking studies when permanent regulations are developed. Ms. Tanus said staff can provide more information if desired.

Ms. Hummer asked whether there is an inventory of current multifamily housing that includes properties targeted for retention as affordable housing, similar to Highland Village. Ms. Tanus said the Community Development Department may have that type of information.

Chair Hummer said she shares Councilmember Kasner's concern regarding housing type equity across Bellevue. Ms. Hummer said certain residents have expressed concern that East Bellevue has a disproportionate level of affordable housing. She would like to see a mix of housing types citywide. Ms. Hummer said she agreed with Mayor Robinson's suggestion to mandate affordable housing in all new multifamily housing developments.

Ms. Hummer commented on questions that she previously asked staff. She said she asked for a timeline for the IOC work to ensure that the EBCC is included in the project schedule and has

adequate time for studying and reviewing the issues. Ms. Hummer said the maps in the presentation are different than earlier maps. She said there are many multifamily developments in the East Bellevue jurisdiction, and she asked whether the IOC will apply to existing developments. Ms. Hummer said staff previously replied that the IOC applies to eligible development projects currently under review. She would like information about multifamily development in the EBCC area.

Ms. Hummer asked whether the ordinance will change existing parking requirements at an apartment complex if a permit to remodel an existing unit is submitted to the City. She said staff previously indicated that the regulations apply to duplexes and all affordable housing units within frequent transit service (one-quarter mile).

Chair Hummer noted that a question was raised during the City Council discussion regarding whether any contingencies have been considered to address spillover parking into neighborhoods. She expressed concern regarding potential unintended consequences of the ordinance. Ms. Hummer said staff previously indicated that the potential impacts of spillover parking are under review as part of the development of permanent regulations to replace the IOC at a future date. Ms. Hummer questioned the impact of future changes in transit service. She said staff previously indicated that permit applicants will be required to provide up to date documentation to confirm their eligibility, prior to the issuance of the land use decision.

Ms. Hummer reiterated her request for an inventory of current multifamily housing, as well as more information on housing for seniors and disabled individuals.

Councilmember Gooding thanked staff for the information and noted that he shares the concerns about the implications of the parking IOC.

Councilmember Kasner moved to open the public hearing. The motion was seconded by Councilmember Gooding, which carried by a vote of 3-0.

There were no public comments.

Councilmember Gooding moved to close the public hearing. The motion was seconded by Councilmember Kasner, which carried by a vote of 3-0.

9. **RESOLUTIONS**

- (a) Resolution No. 576 approving City Council Ordinance No. 6513

Councilmember Kasner moved to approve Resolution No. 576 adopting City Council Ordinance No. 6513 that imposes an Interim Official Control (IOC) related to setting reduced minimum parking standards for certain housing developments. Councilmember Gooding seconded the motion, which carried by a vote of 3-0.

- (b) Resolution No. 577 Expressing Appreciation to Stephanie Walter for her Service to the EBCC

Councilmember Gooding moved to approve Resolution No. 577 expressing appreciation for Stephanie Walter's service on the EBCC. Chair Hummer and Councilmember Gooding expressed support for the motion. Councilmember Kasner said he did not support the motion.

Responding to Councilmember Kasner, Deputy City Clerk Roberts confirmed that three votes are required to approve a resolution and the motion fails.

10. **COMMITTEE REPORTS**: None.

11. **UNFINISHED BUSINESS**: None.

12. **NEW BUSINESS**

(a) Discussion of Process for Filling Vacancy on Community Council

Councilmember Kasner moved to declare the EBCC position previously filled by Stephanie Walter as vacant. Chair Hummer seconded the motion.

Chair Hummer described the process for discussing and appointing an individual to fill the position.

Deputy City Clerk Roberts said the EBCC may choose the number of individuals to be interviewed and the timing for conducting the interviews. She suggested it would depend on how many people apply for the vacancy. She said the EBCC might want to limit the number of people they will interview. Ms. Roberts proposed setting the application dates for July 6 through July 24. She said she could forward the applications to the EBCC after July 24 for their review. She said it might be challenging to be able to set up interviews for the August meeting. However, the Council could discuss during the August meeting who they want to interview, and then conduct the interviews during the September meeting.

Chair Hummer concurred with the Deputy City Clerk's recommended procedure.

The motion to declare the position vacant carried by a vote of 3-0.

Ms. Roberts reminded the EBCC that the Open Public Meetings Act prohibits serial discussions via email between EBCC members. She will send the applications to all EBCC members. However, they should not discuss the candidates via email.

Chair Hummer said the EBCC will discuss the applications during the August meeting and determine how to proceed with interviews at that time.

13. **CONTINUED COMMUNICATIONS**: None.

14. **EXECUTIVE SESSION**: None.

15. **APPROVAL OF MINUTES**

(a) Summary Minutes of the March 3, 2020, Regular Meeting

Councilmember Gooding moved to approve the minutes of the March 3, 2020 Regular Meeting. Councilmember Kasner seconded the motion, which carried by a vote of 3-0.

16. **ADJOURNMENT**

At 8:08 p.m., Chair Hummer declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

/kaw