

East Bellevue Community Council
Summary Minutes of Regular Meeting

August 3, 2021
6:30 p.m.

Virtual Meeting
Bellevue, Washington

PRESENT: Chair Hummer, Vice Chair Epstein, Alternate Vice Chair Dhananjaya and Councilmember Kasner

ABSENT: Councilmember Gooding

STAFF: Chad Barnes, Assistant City Attorney
Trisna Tanus, Consulting Attorney
Kristina Gallant, Senior Planner
Caleb Miller, Senior Planner

1. **CALL TO ORDER**

The meeting was called to order at 6:30 p.m.

2. **ROLL CALL/FLAG SALUTE**

Deputy City Clerk Karin Roberts called the roll. All Councilmembers except Mr. Gooding were present. Chair Hummer noted that Councilmember Gooding was ill and unable to attend.

Vice Chair Epstein led the flag salute.

3. **APPROVAL OF AGENDA**

Councilmember Kasner moved to approve the agenda. Councilmember Dhananjaya seconded the motion, which carried by a vote of 4-0.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Chair Hummer indicated that the EBCC cannot hear public comment regarding quasi-judicial matters, including the Glendale and NE 8th rezones and Puget Sound Energy's Energize Eastside project. She said members of the public may submit written comments on those subjects to ebcc@bellevuewa.gov and they will be included in the official record.

Arthur Yeung expressed concern regarding King County's plans to open 144 drug-permitted housing units. He said there are more than 15 schools, including child-care centers, within a one-mile radius of the housing. He said there is no time limit on how long an individual may stay in the housing. He expressed concern that King County did not involve the public in making the

decision. Mr. Yeung said East Bellevue has a higher percentage of people of color, and it is not fair for King County to concentrate drug-permitted housing in one area. He said a similar housing project opened in Renton and there have been a number of problems. He said the Bellevue project is twice as big as the Renton location. He expressed concern regarding public safety.

5. **REPORTS OF CITY COUNCIL, BOARDS, and COMMISSIONS**

Deputy Mayor Nieuwenhuis said the City Council recently voted to provide additional funds for three affordable housing projects in Bellevue: 1) Eastside men's emergency shelter, 2) Eastgate permanent supportive housing, and 3) Illahee Apartments in the BelRed area. He highlighted recent Council discussions regarding two interim official controls (IOCs) related to specific types of housing and to residential dwelling occupancy limits. The state legislature recently approved a bill requiring cities to allow permanent supportive housing and transitional housing in all land use districts where residential dwellings and hotels are allowed. Cities are also required to allow emergency shelters and emergency housing in land use districts where hotels are allowed. The second IOC responds to a new state law prohibiting cities from limiting occupancy for residential dwellings, except for issues related to health and safety.

Mr. Nieuwenhuis noted the City Council's approval of the Human Services Commission's recommendations for funding allocations to human services agencies. HB 1590 tax revenues will provide additional funding for housing and related behavioral health and supportive services. Mr. Nieuwenhuis said the Council is providing rental assistance to residents and small businesses in need. He noted the Council's interest in considering best practices for permanent supportive housing.

Mr. Nieuwenhuis said the Council and staff continue to work on the East Main transit-oriented development (TOD) area Land Use Code Amendment (LUCA).

Chair Hummer thanked Deputy Mayor Nieuwenhuis for the update and suggested that EBCC members email any follow-up questions to jnieuwenhuis@bellevuewa.gov.

6. **REPORT OF THE CHAIR**

Chair Hummer said the Deputy City Clerk notified her that the next City Council meeting will be on Tuesday, September 7, due to the Labor Day holiday. She suggested moving the EBCC meeting to September 8.

Vice Chair Epstein moved to change the September meeting date to Wednesday, September 8. Councilmember Dhananjaya seconded the motion, which carried by a vote of 4-0.

Chair Hummer said the technology capabilities at the Lake Hills Clubhouse are limited, and meetings going forward will be hybrid in-person and virtual meetings. She suggested meeting in City Hall in September to allow time to assess technology plans for the clubhouse.

Councilmember Kasner moved to meet at the Lake Hills Clubhouse for the first in-person meeting since the pandemic began. Councilmember Dhananjaya seconded the motion.

Chair Hummer said she prefers City Hall because it would benefit both the EBCC and the public to utilize the technology upgrades available at City Hall.

Responding to Ms. Hummer, Deputy City Clerk Roberts said the EBCC ultimately makes the decision about where to hold meetings. She concurred that the technology capabilities at City Hall are far better than what is available at the clubhouse.

The motion to hold the September 8 meeting of the EBCC at the Lake Hills Clubhouse carried by a vote of 3-1, with Chair Hummer dissenting.

7. **PUBLIC/COURTESY HEARINGS**

- (a) Public Hearing: Reduced Minimum Residential Parking Land Use Code Amendment (LUCA)

Trisna Tanus, Consulting Attorney, Development Services Department (DSD), said the purpose of the public hearing is to hear public comment regarding City Council Ordinance No. 6589 approving a Land Use Code Amendment (LUCA) to establish reduced minimum parking requirements for certain housing near frequent transit service.

Kristina Gallant, Senior Planner, said Ordinance No. 6589 amends Land Use Code section 20.20, General Development Requirements, and LUC 20.50, Definitions, as applied to the EBCC jurisdictional area. The LUCA established lower minimum parking requirements for certain housing developments within one-quarter mile of frequent transit service. The purpose of the LUCA is to conform to new state law in RCW 36.70A.620 and 36.70A.698.

Ms. Gallant described the frequent transit service criteria for housing developments to be eligible for reduced minimum parking requirements: 1) permanent affordable housing within one-quarter mile radius of transit service with 2-4 stops per hour, and 2) market-rate multifamily, senior housing and affordable housing within one-half mile of transit service with 4 or more stops per hour. For the second category of housing, the one-quarter mile radius required by state law is applied within the EBCC jurisdiction under the proposed EBCC ordinance. Ms. Gallant described a map showing the areas potentially eligible for reduced minimum parking requirements.

Ms. Gallant reviewed the legislative process to date. The City Council initially adopted Ordinance No. 6575 on April 26 to establish reduced minimum parking standards and eligibility citywide. With the approval of Resolution No. 591, the EBCC rejected Ordinance No. 6575, which placed the EBCC out of compliance with state regulations. On July 6, the EBCC approved Resolution No. 592 clarifying that the rationale for the EBCC's objection to Ordinance No. 6575 was limited to expanding the transit stop radius from one-quarter to one-half mile. The EBCC declared its intent to approve a new ordinance if it includes the one-quarter mile criteria to be

applied within the EBCC jurisdiction. On July 19, the City Council took action on a revised ordinance for the EBCC's consideration.

At 7:00 p.m., Councilmember Kasner moved to open the public hearing. Councilmember Dhananjaya seconded the motion, which carried by a vote of 4-0.

No one indicated an interest in making public comment.

At 7:01 p.m., Councilmember Kasner moved to close the public hearing. Councilmember Dhananjaya seconded the motion, which carried by a vote of 4-0.

Councilmember Kasner expressed support for the proposed resolution. However, he expressed concern that the EBCC was not involved earlier in the process.

Vice Chair Epstein expressed support for the resolution.

Responding to Chair Hummer, Kari Sand restated the purpose of the revised City Council ordinance and thanked staff and the EBCC for their work on this matter. Ms. Hummer thanked Ms. Sand for her work with the EBCC.

Responding to Chair Hummer, Ms. Tanus said that all legislative actions are Process IV matters (e.g., Comprehensive Plan Amendments and LUCAs). Process I, II and III matters are related to permits. Process II permits include quasi-judicial matters. Ms. Tanus said staff would follow up with additional information for reference.

Chair Hummer said she appreciates the opportunity to consider the revised City Council ordinance. She concurred with Councilmember Kasner that it would have been helpful to involve the EBCC earlier in the process to avoid this type of misunderstanding.

Ms. Hummer expressed concern that reducing parking requirements in lower income neighborhoods is discriminatory and not in the best interest of EBCC constituents. She said East Bellevue has more lower income residents and greater diversity than the rest of Bellevue. She encouraged the City to distribute lower income housing throughout the community.

- (b) Public Hearing: Interim Official Control (IOC) regarding Permanent Supportive Housing, Transitional Housing, Emergency Housing and Emergency Shelter

Ms. Tanus introduced discussion regarding proposed Resolution No. 594 approving City Council Ordinance No. 6585. As required by state HB 1220, cities are required to permit the following: 1) permanent supportive housing and transitional housing in all land use districts where residential dwellings or hotels are permitted, and 2) emergency housing and emergency shelters in all land use districts where hotels are permitted. Ordinance No. 6585 established an Interim Official Control (IOC) to bring the City into compliance with state law while permanent regulations are developed.

Caleb Miller, Senior Planner, said that permanent supportive housing includes services to permanently keep tenants in housing. Transitional housing is intended to move tenants into independent housing within two years. Emergency housing is intended to address basic daily needs, including water, food and hygiene. Emergency shelters are facilities intended for short-term stays, such as day centers and overnight shelters. Mr. Miller said Ordinance No. 6585 revises the land use tables to reflect the new state law requirements and provides a definition for homeless services uses [LUC 20.20.455(C)]. Homeless services uses are permitted in Neighborhood Mixed Use (NMU) and Office Limited Business-Open Space (OLB-OS) districts and are subject to Conditional Use Permit (CUP) approval. Mr. Miller said the EBCC jurisdiction consists mainly of residential land use districts. It does not contain any NMU or OLB-OS districts.

Mr. Miller said the IOC is in effect for six months and expires January 12, 2022. Permanent regulations will be developed by the City Council through the LUCA process in conjunction with the Planning Commission. The LUCA will be presented during an EBCC courtesy hearing before Council adoption of permanent regulations.

At 7:17 p.m., Councilmember Kasner moved to open the public hearing. Councilmember Dhananjaya seconded the motion, which carried by a vote of 4-0.

Arthur Yeung asked whether drugs will be permitted in temporary emergency housing, as has been allowed by King County. He supports providing housing for individuals. However, he is concerned about the potential impacts of drug and alcohol use in shelters to the community.

At 7:19 p.m., Councilmember Dhananjaya moved to close the public hearing. Councilmember Kasner seconded the motion, which carried by a vote of 4-0.

Councilmember Dhananjaya asked whether a residential duration is indicated in the definition of emergency housing. Mr. Miller said he did not recall a time limit for how long an individual may stay in emergency housing. However, it is generally intended to meet basic needs. Mr. Miller said there is language in the law about whether or not a facility may require a lease agreement for residents of emergency housing. However, a specific time limit is not defined.

Ms. Tanus said the LUC considers a transient use as any stay less than 30 days. Because the duration of stays in emergency housing varies, the City considers it the same as other transient uses (e.g., hotels).

Responding to Councilmember Dhananjaya, Ms. Tanus said the City must comply with state law as described in HB 1220. However, there are other factors and considerations that will be considered in the development of permanent regulations.

Responding to Chair Hummer, Ms. Tanus confirmed that this is an opportunity for EBCC members and the public to provide input into the City Council's development of permanent regulations. Ms. Tanus said the LUCA will be processed through the Planning Commission so there will be additional opportunities for public meetings and comment. She said a courtesy

hearing will be held with the EBCC after the Planning Commission makes its recommendation and before the City Council takes final action.

Councilmember Kasner said this is a good example of a topic for a joint meeting of the EBCC and the Planning Commission, to occur earlier in the LUCA process than usual. He asked about the land use districts where hotels are allowed. He said hotels and emergency shelters are very different. He encouraged the equitable distribution of emergency housing throughout Bellevue. Mr. Kasner expressed support for the IOC.

Chair Hummer noted that she was reading lately about group homes, which are allowed in Bellevue due to a federal mandate, and adult family homes. She asked about the difference between supportive housing and transitional housing. Ms. Tanus said those terms are defined in the state regulations. She said adult family homes are defined differently than supportive housing and transitional housing, which are also defined in state law. Adult family homes are allowed in any residential area.

Mr. Miller said adult family homes are oriented toward helping residents with physical or behavioral disabilities with their daily lives. Permanent supportive housing has a larger client base and can provide a broad range of services (e.g., health, employment, etc.) to assist individuals in lower income housing. Some remain in that type of housing permanently and others transition to more independent living situations.

Ms. Hummer said there is a cottage industry of adult family homes and group homes in East Bellevue. She expressed concern that some provide drug and alcohol treatment and recovery. She said the EBCC jurisdiction has the greatest diversity of incomes, a greater concentration of subsidized low-income housing, proximity to the Eastgate shelter and supportive housing project, and many adult family homes and group homes. She said the current men's homeless shelter in downtown Bellevue is a good location for access to medical services and social services, as well as to public safety response and assistance. She encouraged a broader, more equitable distribution of housing types across the community.

Chair Hummer recalled that the EBCC disapproved the Homeless Services Uses LUCA in recent years because the EBCC wanted to continue to require the conditional use permit (CUP) process for shelters within the EBCC jurisdiction. Ms. Tanus confirmed that there is a notation in the Land Use Code that the Homeless Services Uses section is not applicable in the EBCC jurisdiction. Ms. Hummer said she has not been able to find a cross reference or comment regarding regulations in the EBCC area.

In further response to Ms. Hummer, Mr. Miller said Community Business (CB) is the only land use district in the EBCC area where hotels and motels are allowed. He said the City considers transient housing to be stays for fewer than 30 days. Ms. Hummer asked whether a shelter could be established in office or retail space. Mr. Miller said a proposal would need to go through the CUP process. In a commercial building, the owner/developer would need to meet the residential building codes.

Chair Hummer expressed support for Councilmember Kasner's suggestion to hold joint meetings with the Planning Commission early in planning processes. Responding to Ms. Hummer, Assistant City Attorney Chad Barnes said he would look into developing a communication strategy for the EBCC and the Planning Commission.

Councilmember Kasner reiterated that he would like to see a joint meeting with the Planning Commission for the single purpose of discussing joint problems for the EBCC and the Planning Commission. He said the model has been used in Kirkland for years with the Houghton Community Council.

Moving on, Chair Hummer said she shares Mr. Yeung's concerns that drug and alcohol usage is allowed in permanent supportive housing. She recalled that it was a topic of discussion during the consideration of the Homeless Services Uses LUCA. She suggested that the same rules used by shelters should apply to permanent supportive housing. Ms. Hummer expressed an interest in the number of low-income and supportive housing units anticipated for Bellevue. She encouraged citywide outreach and neighborhood involvement.

Chair Hummer concurred with Mr. Kasner and strongly supports greater interaction between the EBCC and the Planning Commission earlier in planning processes. She expressed concern that the EBCC's input is often ignored or missed. Ms. Hummer said she appreciates the memos provided by Deputy City Clerk Roberts under the current system to summarize the EBCC's comments for input to the City Council, Boards and Commissions.

(c) Public Hearing: Interim Official Control (IOC) Removing Residential Occupancy Limits

Ms. Tanus said the second IOC for the EBCC's consideration relates to residential occupancy limits. SB 5235 went into effect on July 25 and addresses the local authority to regulate the number of occupants in a dwelling unit. City Council Ordinance No. 6586 was designed to bring the Land Use Code into compliance with state law while developing permanent regulations over the next several months.

Mr. Miller said Ordinance No. 6586 amended the definition of "family" to be "one or more persons residing in a dwelling, operating as a single housekeeping unit." The definition of "single housekeeping unit" removes the requirement for a single lease and clarifies that this ordinance does not apply to transient lodging. A single-family dwelling accommodates one or more persons, operating as a single housekeeping unit. "Rooming house" is defined as any dwelling with rooms rented on an individual basis. Related codes remaining in place including those applicable to Airbnb types of housing, which are allowed only in owner-occupied homes with a home occupation permit.

Mr. Miller said the IOC is in effect for six months and expires on January 12, 2022. Permanent regulations will be developed through the LUCA process. The LUCA will be presented to the EBCC for a courtesy hearing before City Council adoption of the permanent regulations.

At 7:55 p.m., Councilmember Kasner moved to open the public hearing. Councilmember Dhananjaya seconded the motion, which carried by a vote of 4-0.

No one came forward to provide public comment.

At 7:56 p.m., Councilmember Kasner moved to close the public hearing. Councilmember Dhananjaya seconded the motion, which carried by a vote of 4-0.

Councilmember Dhananjaya thanked staff for the presentation. Responding to Mr. Dhananjaya, Mr. Miller said the new state law prohibits cities from limiting the number of residents in a dwelling unit. However, rooming houses are still restricted to renting not more than four rooms. Ms. Tanus noted that the current codes for rental units address sanitation and general health and safety matters.

Mr. Dhananjaya expressed concerns regarding excess vehicles associated with rooming houses and the potential for interfering with emergency response access. Responding to Mr. Dhananjaya, Ms. Tanus confirmed that the City cannot restrict the number of allowed residential occupants. She said the City's definition of "single housekeeping unit" specifically excludes transient lodging. Responding to Mr. Dhananjaya, Ms. Tanus said the City does not address liability or insurance issues for tenants and landlords.

Mr. Dhananjaya opined that perhaps this is not the best way to solve the housing crisis. He expressed concern about the unanticipated consequences of removing limits on residential occupancy.

Councilmember Kasner expressed support for the IOC. Responding to Mr. Kasner, Ms. Tanus said the state law prohibits residential occupancy limits, but it does not specifically address the issue of whether a dwelling unit should be owner-occupied.

Mr. Kasner opined that any housing with room rentals should be owner-occupied. Otherwise, it is operating as a business and should have a home occupancy permit. He expressed an interest in exploring the permanent regulations, including potentially drafting regulations based on the square footage of units and safety standards.

Responding to Vice Chair Epstein, Mr. Miller confirmed that rooming houses are not allowed in single-family land use districts.

Chair Hummer concurred with her colleagues' comments. She said she shares the concerns raised by Councilmembers Dhananjaya and Kasner regarding the transformation of East Bellevue into rental properties, often including homes that are not well maintained and have numerous vehicles. Ms. Hummer wondered whether Bellevue and other cities lobbied to try to prevent the state legislature from removing local authority over residential occupancy limits.

Chair Hummer said that fewer rental properties have become available in Seattle due to regulatory changes that make it difficult for landlords and private property owners. She

understands the importance of complying with state law. However, she is concerned about rental property impacts in single-family neighborhoods and private property rights.

8. **RESOLUTIONS**

- (a) Resolution No. 593 approving City Council Ordinance No. 6589.

Councilmember Kasner moved to adopt Resolution No. 593 approving City Council Ordinance No. 6589. Vice Chair Epstein seconded the motion, which carried by a vote of 4-0.

- (b) Resolution No. 594 approving City Council Ordinance No. 6585.

Councilmember Kasner moved to adopt Resolution No. 594 approving City Council Ordinance No. 6585. Councilmember Dhananjaya seconded the motion, which carried by a vote of 4-0.

- (c) Resolution No. 595 approving City Council Ordinance No. 6586.

Councilmember Kasner moved to adopt Resolution No. 595 approving City Council Ordinance No. 6586. Councilmember Dhananjaya seconded the motion, which carried by a vote of 4-0.

Chair Hummer thanked staff for their work and discussion.

9. **NEW BUSINESS**

- (a) EBCC Calendar, Future Agenda Items, Rules of Procedure

Councilmember Kasner requested publishing the EBCC meeting agendas 10 days in advance of meetings.

Deputy City Clerk Roberts said she often does not have the meeting packet materials that far in advance. She said the EBCC's rules require publication two days in advance of meetings, and the agenda packets are currently published five days in advance of the meetings. She confirmed that she will make every effort to publish the meeting packets as early as possible.

Mr. Kasner suggested, as a compromise, publishing the meeting packet seven days before a meeting.

Chair Hummer said it would be helpful to receive the meeting minutes earlier and to be able to forward the EBCC's comments from the meetings to the appropriate staff, City Council, Boards or Commissions in a more timely manner. She concurred with the suggested seven days advance publication of agendas and meeting packets.

Deputy City Clerk Roberts confirmed that she will plan to distribute the meeting agendas and packets on Tuesdays, one week before the EBCC meetings.

Chair Hummer said that the earlier release of the meeting materials will provide more time for the public to learn about and become involved in issues before the EBCC.

Mr. Barnes said the EBCC's rules indicate that the agenda materials must be published at least 48 hours in advance of meetings, and agenda items may be added up to seven calendar days before a meeting. He said it is the Chair's prerogative to determine which matters are placed on the agenda.

Chair Hummer noted a consensus in support of distributing meeting agendas and packets one week in advance of EBCC meetings.

Councilmember Kasner suggested a three-month rolling calendar for proposed agenda items. Recognizing that the schedule for agenda items changes, Mr. Kasner said it would still be a helpful internal tool for EBCC members to track key issues and initiatives.

Ms. Roberts said the City Council maintains a calendar of anticipated agenda items for internal use and she will start the same type of calendar for the EBCC.

Councilmember Kasner said he would like to see more staff updates, for example on transportation issues and projects, when the EBCC's agendas allow.

Chair Hummer wondered whether neighborhood outreach staff could provide a state of East Bellevue briefing for a future EBCC meeting.

At 8:30 p.m., Councilmember Kasner moved to extend the meeting to 8:59 p.m. Councilmember Dhananjaya seconded the motion, which carried by a vote of 4-0.

Councilmember Dhananjaya reiterated his concerns regarding excessive vehicles in his neighborhood near the blueberry farm. He encouraged enhanced signage regarding parking rules and enforcement.

Chair Hummer requested an update to the EBCC regarding single-family room rental ordinance enforcement and related parking and traffic issues. Additional future topics could include an update regarding the Puesta del Sol school project and perhaps a joint meeting with the Bellevue School District.

Mr. Dhananjaya noted the importance for the EBCC and its constituents to provide input and feedback regarding City planning and projects.

10. **CONTINUED COMMUNICATIONS**

Chair Hummer recalled past public testimony from Mr. Bishop and Mr. Marsh and asked whether anyone wanted to comment. She noted that the EBCC is fortunate to have meaningful input from the public on a number of issues.

Councilmember Kasner said the Lake Hills Neighborhood Association (LHNA) picnic is scheduled for August 14. However, the group is currently discussing whether it is safe to have the picnic in light of the pandemic.

11. **APPROVAL OF MINUTES**

- (a) Summary Regular Meeting Minutes of July 6, 2021

Vice Chair Epstein moved to approve the minutes of the July 6, 2021 Regular Meeting. Councilmember Kasner seconded the motion, which carried by a vote of 4-0.

12. **ADJOURNMENT**

At 8:44 p.m., Chair Hummer declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

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