

East Bellevue Community Council
Summary Minutes of Regular Meeting

December 3, 2019
6:30 p.m.

Lake Hills Clubhouse
Bellevue, Washington

PRESENT: Chair Hummer, Vice Chair Walter, Alternate Vice Chair Gooding¹ and Councilmembers Dhananjaya and Kasner

ABSENT: None.

STAFF: None.

1. **CALL TO ORDER**

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

2. **ROLL CALL/FLAG SALUTE**

Deputy City Clerk Karin Roberts called the roll. Chair Hummer asked Councilmember Kasner to lead the flag salute.

3. **APPROVAL OF AGENDA**

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

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Chair Hummer noted one written communication in the meeting packet.

Leonard McGhee commented regarding the City's Neighborhood Enhancement Program (NEP). He described his proposal for entrance signs to the Delbrook Addition neighborhood. He said the proposal was not eligible for NEP funding. However, the project could qualify for the City's matching funds program. Mr. McGhee noted that he presented his suggestion to the City Council on September 16 and asked them to preserve 151st Place NE as a neighborhood street.

Bill Capron said it has been eight years since Puget Sound Energy (PSE) presented information to the EBCC regarding PSE's Lake Hills transmission line project along 148th Avenue. Approval of the project was litigated a few years ago, and PSE was subsequently issued the permits needed to construct the project. He recalled that PSE representatives used the word "imperative" eight

¹ Councilmember Gooding arrived at 6:51 p.m. at the beginning of Agenda Item 7(a).

years ago when describing the need for the project. Mr. Capron questioned whether the project is needed. He wondered how a long a permit remains active after it has been issued.

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

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

7. **DEPARTMENT REPORTS**

(a) Single-Family Dwelling Rentals Ordinance Update

Chair Hummer read the agenda memo providing an update on single-family room rentals and related enforcement activity.

Vice Chair Walter thanked staff for the thorough, helpful information. However, she disagreed with statements in the report that individual room rentals are part of the affordable housing solution. She said the ordinance applies to short-term room rentals while long-term solutions are needed to provide stable affordable housing. She noted that the business of short-term room rentals uses homes that otherwise might be a more affordable purchase option for a number of families. She said this practice actually removes affordable housing from the market. Ms. Walter noted that residents can file a complaint regarding a specific location more than once.

Councilmember Dhananjaya said he appreciated the contents and format of the memo. Noting the section on voluntary compliance, he questioned the willingness of the City to close the compliance case if the property owner commits to not repeat the code violations within a two-year period. He asked if there is a penalty for property owners that have multiple properties. He opined that time and money impacts should not be considerations in determining compliance actions.

Councilmember Kasner said that the listed neighborhood names are not consistent with the new neighborhood area names adopted in 2015. He looks forward to the resolution of the current open enforcement cases.

Councilmember Gooding commended the EBCC and residents for their advocacy that resulted in the single-family room rentals ordinance. He questioned the City's approval of a 10-bedroom, 8-bathroom home as a single-family residence. He observed that the structure looks more like an apartment building.

Chair Hummer said she was proud of the efforts of Vice Chair Walter and others to encourage the City to address the issue. She said she appreciated the information in the memo regarding citywide room rentals, public outreach, and the decrease in violations. She said that community awareness of the problem has resulted in a higher level of vigilance and complaints.

Following up on Mr. Kasner's comment about neighborhood boundaries and names, Vice Chair Walter said her understanding has been that Bellevue's growth corridor encompasses the

Downtown and BelRed areas. She noted information stating that growth corridors also include the Eastgate area, which is adjacent to the EBCC boundary.

Councilmember Kasner said there is also growth capacity in the Factoria area.

Responding to Chair Hummer, Deputy City Clerk Roberts said she will forward the EBCC's comments to staff.

8. **PUBLIC/COURTESY HEARINGS:** None.

9. **RESOLUTIONS:** None.

10. **COMMITTEE REPORTS:** None.

11. **UNFINISHED BUSINESS**

(a) Continued Discussion of EBCC Retreat

Chair Hummer opened the continued discussion of the EBCC retreat held over two sessions in July and August. The first meeting focused on the quasi-judicial process and decision criteria.

Councilmember Dhananjaya spoke about developing a set of guidelines for establishing and documenting the basis of the EBCC's decisions.

Chair Hummer read from Section 12 Part C of the EBCC's Rules of Procedure, which provides decision criteria for different types of actions, including the Comprehensive Plan, Land Use Code Amendments, Rezones, Conditional Use Permits, and Planned Unit Developments. She redirected council members to the section on conditional use permits, noting that failure to meet the criteria could form the basis for denying the permit.

Vice Chair Walter said it would be helpful to have the relevant sections of the Rules of Procedure available when the EBCC begins deliberating a decision. She said it would also be helpful to receive excerpts of relevant sections of the Comprehensive Plan when the EBCC reviews proposed amendments and rezones.

Councilmember Dhananjaya noted the importance of access to the same information by all council members when discussing and considering an issue. He said the EBCC should document the facts supporting its decisions.

Councilmember Kasner noted the importance of adequate notice to the parties potentially affected by an EBCC decision. He would like the record to include information regarding what was going on, what is going on, and whether objections to a proposal are reasonable. He said the EBCC must consider the Hearing Examiner's record as presented to the City Council in reaching certain decisions. Chair Hummer concurred that the EBCC must consider only the information contained in the record.

Referring to the Retreat Report, Chair Hummer read a follow-up item that states the Deputy City Clerk will develop a procedure for collecting and transmitting comments from EBCC courtesy hearings to be included in the official record on quasi-judicial matters. Deputy City Clerk Roberts noted that staff who present information during meetings and hearings compile the feedback from the EBCC and the public and take it back to City Hall.

12. **NEW BUSINESS**

(a) Outside Legal Counsel

Chair Hummer said she was asked to hold a discussion with the EBCC about requesting outside legal counsel related to Puget Sound Energy's Energize Eastside project.

Vice Chair Walter said that the topic of outside legal counsel was a follow-up item from the retreat. She believes it is important to have knowledge of the available attorneys and their specialties, how the EBCC would hire an attorney, and how the EBCC would set a budget. She referenced language requiring that the City fund an attorney at the EBCC's request. She said she did not believe that anyone would set a limit on the cost. She would like to have an ongoing relationship with an outside attorney.

Councilmember Kasner asked for the status of the Energize Eastside project with the City Council. He recommended that the EBCC reestablish its relationship with the attorney who assisted with a previous power line matter. Mr. Kasner said he did not understand what the EBCC is preparing for that cannot be handled by the EBCC's attorney in the City Attorney's Office.

Chair Hummer said that Ms. Drews was told by her supervisor that she cannot represent the EBCC regarding the Energize Eastside application.

Vice Chair Walter suggested asking the Houghton Community Council for an attorney recommendation.

Councilmember Kasner suggested talking to Richard Aramburu for a recommendation as well.

Vice Chair Walter recommended that one EBCC member should be the contact in researching outside legal counsel.

Mr. Kasner said he is still unclear about the timetable for the EBCC's decision.

Councilmember Dhananjaya noted that an attorney will need to be flexible in their availability to the EBCC.

Councilmember Kasner questioned whether the EBCC will need to present its request to the City Council for the authorization to hire an outside attorney.

13. **CONTINUED COMMUNICATIONS**

Bill Capron said PSE conducted its traffic study in 2008/2009 to analyze the impacts of the transmission line construction on 148th Avenue. He said that traffic study has no relevance to a traffic study in 2018/2019 due to the growth and increased traffic volumes.

14. **EXECUTIVE SESSION:** None.

15. **APPROVAL OF MINUTES**

(a) Community Council Retreat Report, July 16, 2019

Councilmember Dhananjaya moved to approve the report of the July 16, 2019 Community Council Retreat. Vice Chair Walter seconded the motion, which carried by a vote of 5-0.

(b) Summary Minutes of the September 10, 2019, Regular Meeting

Vice Chair Walter moved to approve the minutes of the September 10, 2019 Regular meeting. Councilmember Dhananjaya seconded the motion, which carried by a vote of 5-0.

(c) Summary Minutes of the October 1, 2019, Regular Meeting

Councilmember Gooding moved to approve the minutes of the October 1, 2019 Regular meeting. Councilmember Dhananjaya seconded the motion, which carried by a vote of 5-0.

Chair Hummer spoke about referring Leonard McGhee's neighborhood signage suggestion to the Lake Hills Neighborhood Association. Councilmember Kasner said he will raise the issue.

Ms. Hummer noted earlier public comment regarding PSE's Lake Hills transmission line and said that the permit process is out of the EBCC's hands.

Responding to Vice Chair Walter, Ms. Roberts said the Development Services Department's web page has information on all permits. Chair Hummer said she subscribes to the building permit bulletin for information on new permit applications.

Councilmember Kasner noted that new large homes have been built near the tennis center on SE 22nd Street.

16. **ADJOURNMENT**

At 8:01 p.m., Chair Hummer declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

/kaw