

East Bellevue Community Council
Summary Minutes of Regular Meeting

August 4, 2020
6:30 p.m.

Virtual Meeting
Bellevue, Washington

PRESENT: Chair Hummer, Alternate Vice Chair Gooding, and Councilmembers Dhananjaya and Kasner

ABSENT: [Vacant position]

STAFF: Trisna Tanus, Consulting Attorney, Development Services Department
Nick Whipple, Code and Policy 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.

Chair Hummer said there would be no opportunity for oral communications during the meeting, and all written comments submitted prior to 3:00 p.m. today would be summarized for the record under Agenda Item 4.

2. **ROLL CALL/FLAG SALUTE**

Deputy City Clerk Karin Roberts called the roll. All Councilmembers 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 noted that the EBCC will hold remote meetings for an unknown period of time. As a result, a provision concerning EBCC's process for accepting communications from the public in the EBCC's Rules of Procedure needs to be temporarily suspended.

Councilmember Gooding moved to suspend, for the August 4, 2020 meeting only, the provision in Section 7 of the EBCC's Rules of Procedure concerning oral communications from the public, and to allow for public comment to be provided in writing and summarized during the EBCC meeting. Councilmember Dhananjaya seconded the motion.

Hearing no objection to the motion, Chair Hummer declared the rules suspended.

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**

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

Deputy Mayor Jared Nieuwenhuis provided an update regarding the City Council's activities. He noted a discussion regarding the Affordable Housing Strategy and its goal to increase affordable housing throughout the city through incentive programs. In July, the Council expressed an interest in focusing on Action C-1, which relates to increasing the development of affordable housing on land that is public or owned by nonprofit or faith-based organizations. The key to the strategy is to amend the Land Use Code to make the overall development process more efficient and predictable for nonprofit developers. The process will include public outreach and the Planning Commission's review. The code amendments could be ready for final City Council adoption as early as 2021. However, more work is needed. Current projections estimate that 200 units to 1,000 affordable housing units could be created over the next 10 years by implementing Action C-1, with a focus on households earning less than 50 percent of the area median income (AMI).

Mr. Nieuwenhuis said the Council held two study sessions in July to consider a Land Use Code Amendment (LUCA) for the East Main area at 112th Avenue. The Council reinforced its commitment to the East Main transit-oriented development (TOD) vision for affordable housing, transit service, and pedestrian and bicycle connectivity. The draft LUCA will be presented to the City Council in September or October and the goal is to complete the LUCA by the end of the year.

He described the City's efforts to provide financial and other assistance to small businesses, arts organizations, and others who are severely affected by the economic impacts of the pandemic. He said the unemployment rate in Bellevue is above 10 percent, and certain business sectors (e.g., retail, restaurants) have been hit harder than others. More than half of the businesses in East King County have reported a need for layoffs or a significant decrease in staff hours.

Deputy Mayor Nieuwenhuis said the Council recently received an update regarding the Neighborhood Enhancement Program (NEP), which distributes \$5 million to neighborhood projects annually. The City received more than 1,100 submissions of project ideas and processed approximately 4,000 voting ballots. The program is currently implementing approximately 24 small to moderate-sized capital projects to date. Mr. Nieuwenhuis said staff is enhancing its outreach strategy to reach more multifamily and non-English speaking residents.

Mr. Nieuwenhuis said that Sound Transit's East Link light rail project is on schedule despite the pandemic. The project is more than 75 percent complete and includes 14 miles of light rail

facilities extending from the International District in Seattle to the Redmond Technology Center station.

Deputy Mayor Nieuwenhuis said the City Council held the first of three public hearings regarding the 2021-2022 Operating Budget and the 2021-2027 Capital Investment Program (CIP) Plan. The City's current budget assumptions are based on three possible scenarios that were shared with the City Council on June 22.

Mr. Nieuwenhuis said the City Council received a presentation regarding three conceptual options for the proposed regional aquatic center. He said four locations have been identified as possible sites for the center: Airfield Park, Bellevue College, Lincoln Center, and Marymoor Park.

Mr. Nieuwenhuis said the City will distribute \$221,000 in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding to small businesses with fewer than 25 employees in increments of \$5,000 through a random selection process. He said the City Council approved the financial assistance with the adoption of Ordinance No. 6521 on August 3. The Council also authorized, through the adoption of Ordinance No. 6523, the expenditure of \$4.35 million, with \$500,000 going directly to the Human Services Fund. Mr. Nieuwenhuis noted that the federal government provided the funding through King County. He said that food and safe housing are the top two needs related to the impacts of the pandemic.

Deputy Mayor Nieuwenhuis said he appreciated Stephanie Walter's service on the EBCC as well as her involvement with the Lake Hills Neighborhood Association (LHNA) and community activism. He noted that Ms. Walter served as the Planning Commission Chair before her election to the EBCC, for which she served as Vice Chair.

Chair Hummer thanked the Deputy Mayor for the update.

6. **REPORT OF THE CHAIR**

Chair Hummer said the Planning Commission will be addressing Ordinance No. 6513 soon, and the Environmental Services Commission will receive an update regarding the Environmental Stewardship Initiative (ESI). She said those two items, as well as the implementation of Affordable Housing Strategy Action C-1, will come before the EBCC as Comprehensive Plan Amendments (CPAs) and Land Use Code Amendments (LUCAs). Ms. Hummer urged EBCC members to follow the City Council and the Planning Commission as they work through those processes.

Ms. Hummer reminded the Community Councilmembers of the criteria in the EBCC's Rules of Procedure for approving a LUCA.

7. **PUBLIC/COURTESY HEARINGS**

- (a) Public Hearing: Floodplain Regulations Land Use Code Amendment (LUCA)

Chair Hummer introduced the public hearing regarding Ordinance No. 6521, which adopts a 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 staff is requesting EBCC action on City Council Ordinance No. 6521 following the public hearing.

Ms. Tanus 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, including those within the EBCC jurisdiction. She noted that Lake Washington is not included because the U.S. Army Corps of Engineers controls the lake levels. There are 980 properties in Bellevue, 98 of which are owned by the City, located in frequently flooded areas. Most of the properties are vacant or have existing structures located outside of the floodplain.

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. There are 229 flood insurance policies in Bellevue with 116 properties in the floodplain and 113 properties outside of the floodplain.

Ms. Tanus 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. The maps were released in 2017 and FEMA held open houses to provide information about the maps and to solicit public comment. The maps became final in July 2018 and no further changes can be made. 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.

Ms. Tanus said staff recommends the EBCC's adoption of City Council Ordinance No. 6521.

Nick Whipple, Code and Policy Senior Planner, said staff worked closely with FEMA and the Washington State Department of Ecology (DOE) to recommend a narrowly tailored LUCA. He noted that the draft amendments to the floodplain management regulations are provided in Attachment D of the meeting packet. 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 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. He described the outcomes of adopting the LUCA, noting that the overall purpose is to conform with the federal and state requirements in order to maintain the eligibility of 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. The LUCA has been reviewed extensively by the State Department of Ecology (DOE) to ensure it meets the minimum requirements. There are no changes to the use of existing structures and no changes to the current restriction on constructing structures within a floodplain unless there is no feasible alternative.

The public engagement process followed Process IV requirements regarding public hearings and the consideration and adoption of the LUCA. Prior to the June 15 discussion with the City Council and the June 30 presentation to the EBCC, a courtesy letter was mailed to 956 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.

Mr. Whipple recalled that the Letter of Final Determination was issued by FEMA on February 19, 2020, with a deadline of August 19 to adopt the new federal regulations. Staff met with the EBCC on June 30 for an overview of the LUCA. On July 13, the City Council held a public hearing regarding the recommended LUCA. At that time, the Council directed staff to include the LUCA Ordinance on the consent calendar for final adoption on July 27.

Mr. Whipple said staff recommends the EBCC's adoption of City Council Ordinance No. 6521. He noted that failing to adopt the LUCA by August 19 will impact residents within the EBCC boundary as suspension from the NFIP would jeopardize all national flood insurance policies.

Chair Hummer thanked staff for the presentation.

At 7:14 p.m., Councilmember Gooding moved to open the public hearing. The motion was seconded by Councilmember Kasner and carried by a vote of 4-0.

Deputy City Clerk Roberts noted that one speaker signed up to speak before the 5:30 p.m. deadline. However, the person was not present for the meeting and there were no public comments.

At 7:16 p.m., Councilmember Dhananjaya moved to close the public hearing. The motion was seconded by Councilmember Kasner and carried by a vote of 4-0.

Responding to Councilmember Gooding, Mr. Whipple said the City received inquiries from the public asking about the scope of the LUCA and how the updated FEMA maps affect their properties. Staff responded by updating the City's web site with frequently asked questions to address a number of issues. Mr. Whipple said staff uploaded information to enable a property owner to see whether any of the changes affect their property. He said staff met with the Phantom Lake Homeowners Association and stakeholders on Lake Sammamish who were interested in learning more about the code changes and how they affect existing structures.

In further response to Mr. Gooding, Mr. Whipple said the code changes related to the Building Performance Standard section of the Land Use Code consistently require dry flood proofing of structures. In further response, Mr. Whipple said an analysis of the potential impacts on property values was not conducted. He reiterated that the City adopted the minimal requirements needed to comply with the federal regulations.

Councilmember Dhananjaya thanked staff for the presentation.

Councilmember Kasner said he wants to ensure that property owners are able to continue their eligibility in the NFIP. He thanked staff for the thorough information.

Chair Hummer referred EBCC members to the comments to the chair in the meeting packet, which includes a list of addresses within the EBCC boundary that are affected by the regulations. She said she also created a Google map identifying the 47 properties. She thanked staff for the presentation and for addressing the impacts on existing structures. Ms. Hummer expressed support for City Council Ordinance No. 6521.

9. **RESOLUTIONS**

- (a) Resolution No. 578 approving City Council Ordinance No. 6521

Councilmember Kasner moved to approve Resolution No. 578 adopting City Council Ordinance No. 6521. The motion was seconded by Councilmember Gooding and carried by a vote of 4-0.

11. **UNFINISHED BUSINESS**

- (a) Discussion of Community Council Vacancy Applicants

Chair Hummer introduced discussion regarding the applications to fill the vacant EBCC position. She said the EBCC would discuss and make recommendations regarding which applicants should be moved forward for interviews during the EBCC's September 1, 2020 meeting. She

asked EBCC members to identify their top three candidates and to comment on why they would like to advance those individuals.

Councilmember Dhananjaya expressed support for interviewing Ron Epstein, noting that he is a long-term resident whom Mr. Dhananjaya has known for more than 23 years. He said Mr. Epstein is passionate about the community and interested in civic engagement. Mr. Dhananjaya said his second choice is Chiho Lai, who has been in this area since 2008 and has been involved in community service, including with the Library Advisory Board. Mr. Dhananjaya said his third choice is Selma Ikiz, who has strong educational qualifications and brings a different perspective to the EBCC.

Councilmember Kasner noted the impressive diversity, education, and experience in the pool of applicants. Chiho Lai is a gentleman who served on the Library Advisory Board. Mr. Kasner said he believes that Mr. Lai's business experience would benefit the EBCC's deliberations. Mr. Kasner encouraged maintaining a gender balance on the EBCC. He suggested that Michelle Valverde's education and experience would be an asset for the EBCC, and he noted that she is a mother. Mr. Kasner said it is difficult to narrow the candidates to three. He said Selma Ikiz has an interesting background and he would like to have the opportunity to interview her.

Chair Hummer said she was impressed with the number and qualifications of the applicants. She suggested interviewing Steven Diebol, noting his experience serving on the Planning Commission and the Environmental Services Commission. Ms. Hummer said he is a traffic engineer with experience in dealing with Comprehensive Plans. She said she would like to interview Ron Epstein to learn more about his decision-making capabilities. She expressed interest in Chiho Lai and his statements regarding density impacts. Ms. Hummer said she also would like to hear more from Michelle Valverde and Lei Wu, noting Ms. Wu's experience serving on the Transportation Commission.

Councilmember Kasner expressed support for interviewing more than three candidates, given the interest and well-qualified applicants.

Councilmember Dhananjaya concurred. He proposed starting with one set of questions for all candidates, followed by questions from individual EBCC members. He volunteered to draft a set of questions for council members to consider.

Chair Hummer said she liked Mr. Dhananjaya's suggested process for moving forward. She suggested that EBCC members send their questions to Deputy City Clerk Roberts, who will compile them.

Responding to Ms. Hummer, Deputy City Clerk Roberts shared the list of questions used by the EBCC during the last round of interviews.

Councilmember Dhananjaya suggested asking the interviewees to write a paragraph about themselves and what they hope to achieve as an EBCC member.

Ms. Hummer highlighted the list of questions previously used by the EBCC.

Councilmember Gooding expressed support for the questions, and Councilmember Dhananjaya said he would suggest additional questions as well for the EBCC's consideration.

Ms. Roberts noted that during the last selection process, the candidates were allowed 10 minutes each to speak.

Chair Hummer asked that everyone read the EBCC's Rules of Procedure and glance at the Comprehensive Plan, Subarea Plan, and Land Use Code.

Councilmember Gooding concurred with the suggested process for moving forward.

Councilmember Kasner said he is open to interviewing five or six candidates.

Councilmember Gooding said he would email his top three candidates.

Responding to Ms. Hummer, Mr. Dhananjaya said his fourth and fifth choices are Michelle Valverde and Jeffrey Busch.

Councilmember Kasner said his fourth and fifth choices are Jeffrey Busch and Ron Epstein.

Chair Hummer confirmed that the EBCC will identify five candidates to interview. She noted a consensus to limit each interview to 15 minutes and thanked everyone for their input.

12. **NEW BUSINESS**

(a) Discussion of Upcoming EBCC Agenda Topics

Chair Hummer said the Planning Commission is reviewing a number of items, including two privately initiated Comprehensive Plan Amendments (CPAs). The Glendale Golf and Country Club CPA application proposes selling a corner of its property to allow the development of multifamily housing. She noted that multifamily zoning is requested for a nearby parcel as well.

Chair Hummer said the Planning Commission is also discussing the Affordable Housing Strategy and potential incentives. She recalled the recent adoption of the Interim Official Control reducing minimum parking requirements for multifamily housing near transit service. Ms. Hummer said the City Council is interested in expediting the implementation of Action C-1 from the Affordable Housing Strategy to make it easier for nonprofit and faith-based organizations to develop affordable housing on their property. She encouraged EBCC members to view the City Council meetings to listen to the discussions in order to have a full understanding of the potential impacts of the policies and recommended actions on East Bellevue.

Deputy City Clerk Roberts said the EBCC is scheduled to hold a courtesy hearing in October, and an update on the Affordable Housing Strategy will be presented at that time.

Councilmember Kasner said he would like to have joint meetings with the City Council, and Chair Hummer concurred. Until that occurs, Ms. Hummer encouraged EBCC members to follow the City Council meetings and to explore information on the City's web site regarding the

Affordable Housing Strategy. She noted that she appreciated the extensive update by Deputy Mayor Nieuwenhuis.

Councilmembers Dhananjaya and Gooding concurred with their colleagues.

Chair Hummer said that one thing she noticed about the IOC regarding minimum parking requirements is that one of the City Council recommendations was to increase the state definition of frequent transit. Frequent transit service currently refers to a bus line that runs twice per hour for 24 hours a day. She said a person traveling from East Bellevue to Downtown Bellevue would need to change buses, resulting in one hour of travel time. She suggested that frequent transit service should be restricted to transit-oriented developments (TODs) with multiple bus lines and more direct routes to key activity centers. Ms. Hummer suggested further study and discussion by the EBCC when permanent regulations are drafted by City staff and the City Council.

Chair Hummer suggested that EBCC members listen to the City Council's meetings via Zoom. Deputy City Clerk Roberts said she needs to know when a quorum of EBCC members plans to attend any meetings, including City Council meetings.

Ms. Hummer said that some of the Boards and Commissions have been discussing the Environmental Stewardship Initiative (ESI). She suggested that any related Comprehensive Plan Amendment (CPA) will go before the EBCC for approval. She requested demographic information regarding citizen involvement in ESI planning. Ms. Hummer expressed concern regarding the tree canopy.

15. **APPROVAL OF MINUTES**

- (a) Summary Minutes of the June 30, 2020, Special Meeting

Councilmember Gooding moved to approve the minutes of the June 30, 2020 Special Meeting. Councilmember Kasner seconded the motion, which carried by a vote of 4-0.

16. **ADJOURNMENT**

At 8:29 p.m., Chair Hummer declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

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