East Bellevue Community Council
Summary Minutes of Regular Meeting

December 1, 2020 Virtual Meeting
6:30 p.m. Bellevue, Washington

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

ABSENT: None.

STAFF: Trisna Tanus, Consulting Attorney, Development Services Department
Elizabeth Stead, Land Use Director, Development Services Department
Chad Barnes, Assistant City Attorney, City Attorney's Office

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m., with Chair Hummer presiding. She noted that this evening's meeting and future meetings would be held remotely via Zoom in order to comply with the governor's emergency order concerning the Open Public Meetings Act (OPMA), which prohibits in-person meetings during the pandemic.

2. ROLL CALL/FLAG SALUTE

Deputy City Clerk Karin Roberts called the roll. All Councilmembers were present. Vice Chair Gooding led the flag salute.

3. APPROVAL OF AGENDA

Councilmember Kasner moved to approve the agenda, amended to add a resolution honoring Ken Seal under Agenda Item 9, Resolutions. Councilmember Gooding seconded the motion, which carried by a vote of 5-0.

Chair Hummer noted that Ken Seal, a longtime member of the EBCC, recently passed away.

4. COMMUNICATIONS: WRITTEN AND ORAL

Responding to Chair Hummer, Deputy City Clerk Roberts said that no one signed up to speak and there were no additional written communications except for the one in the meeting packet.

5. REPORTS OF CITY COUNCIL, BOARDS, and COMMISSIONS

Deputy Mayor Jared Nieuwenhuis, City Council liaison to the EBCC, said he was saddened by the passing of Ken Seal and offered his condolences to the family. He said he did not know Mr. Seal but is familiar with his contributions to the community.

Deputy Mayor Nieuwenhuis reported that the final public hearing on the 2021-2022 Operating Budget and the 2021-2027 Capital Investment Program (CIP) Plan was held on November 23. He noted that 23 individuals spoke during the public hearing. He highlighted the key budget items under discussion including the proposed cross-cultural center, human services, community resources to address racial equity, environmental stewardship, Vision Zero program, affordable housing, multimodal transportation, and the Bellevue College Connection project. He noted Councilmember Robertson's proposal to retain a training administrative position in the Fire Department, to be funded by proceeds from Basic Life Support (BLS) transport fees. He said that a number of Councilmembers have proposed budget amendments, which will be discussed further on December 7 before budget adoption by the City Council on December 14.

Mr. Nieuwenhuis said the City Council recently discussed the Comprehensive Plan Amendment (CPA) final review recommendations from the Planning Commission. The work program included four privately initiated CPA proposals and one city-initiated policy CPA related to Action C-1 of the Affordable Housing Strategy. The Commission unanimously recommended approval of three of the four site-specific CPA proposals, but recommended the Glendale Country Club NE CPA by a vote of 4-2. Mr. Nieuwenhuis said the Council directed staff to prepare ordinances for final action on the CPAs this month.

Deputy Mayor Nieuwenhuis said the Council received the third quarter update from economic development staff on November 9, which included information regarding the City's response to the impacts of the pandemic. He recalled that the Council recently approved the updated Economic Development Plan. He noted that Bellevue's unemployment rate has decreased since the spring and overnight hotel guests are slowly returning. He acknowledged, however, that the holidays will be different this year with many events being cancelled.

Mr. Nieuwenhuis said the Council received a briefing on the City's emergency preparedness for winter weather, including heavy rains, strong winds, and snow and ice events. He described new vehicle locating equipment on the City's winter response vehicles, which will allow staff to better monitor the completion of work on snow routes and to improve response times in emergencies.

City Councilmember Jennifer Robertson thanked Chair Hummer for inviting her to speak tonight, and Councilmember Kasner for letting her know about the passing of Ken Seal. Ms. Robertson said she'd known Mr. Seal since the 1990s when she was a junior attorney working with the lead attorney for the East Bellevue Community Council. She said she interacted with him again when she served on the Planning Commission. Ms. Robertson remembered Mr. Seal as a true gentleman who was involved with his community and devoted to his wife. She expressed her condolences to Mr. Seal's family, former and current EBCC members, and the Lake Hills community.

Chair Hummer said that she and Mr. Seal attended the same church. She recalled that they would discuss the EBCC's activities, and he would emphasize the EBCC's purpose to address land use issues.

Councilmember Kasner recalled Mr. Seal's significant knowledge about East Bellevue, before and after it was annexed to the City of Bellevue. Mr. Seal was an engineer who bought his Lake Hills home in the 1950s and followed the history of the community as it developed. Mr. Kasner said that Mr. Seal was active in the community and led two World War II history projects for children and the general public. Councilmember Kasner said Bellevue has lost a community treasure, and he thanked the Seal family for their contributions and dedication to the community.

Chair Hummer said the funeral would be held on December 2 at St. Louise Catholic Church in Bellevue.

Vice Chair Gooding concurred with Councilmember Kasner's comments about Mr. Seal's contributions and dedication to the community. Mr. Gooding said Mr. Seal lived only a few blocks away from him and was an interesting person and a good resource for local history.

Chair Hummer thanked Deputy Mayor Nieuwenhuis and Councilmember Robertson for sharing their thoughts and memories of Mr. Seal.

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

8. **PUBLIC/COURTESY HEARINGS**

(a) Public Hearing: Temporary Use Permit Interim Official Control (IOC)

Chair Hummer introduced discussion regarding the Interim Official Control (IOC) related to Temporary Use Permits.

Trisna Tanus, Consulting Attorney, Development Services Department (DSD), recalled that the City Council adopted Ordinance No. 6530 on October 12, which imposed an Interim Official Control (IOC) under the state Growth Management Act (GMA) for a period of six months. The City Council held the required public hearing on November 16. Staff is seeking action by the EBCC to approve or disapprove City Council Ordinance No. 6530.

Ms. Tanus said the Temporary Use Permit IOC addresses the impacts of the pandemic on local businesses and other facilities. She said that retail businesses and services are using TUPs to expand their space and to add capacity. Restaurants are using outdoor spaces and parking lots to provide outdoor dining, and entertainment companies are providing drive-in movies in parking lots. Ms. Tanus said the City has received inquiries from educational institutions that would like to bring in portable structures for classrooms to allow social distancing. Health care companies have requested a TUP provision to allow them to provide drive-in and drive-through medical services.

Ms. Tanus highlighted the commercial districts in the EBCC jurisdiction and noted that there are currently no TUP permits or applications within the EBCC area. The purpose of the IOC is to quickly mitigate the continuing impacts of the COVID-19 pandemic and the limitations under

Washington's Safe Start plan. The IOC allows applications for successive permits without an interim waiting period, expands certain temporary uses (e.g., classrooms, medical services), and minimizes the underutilization of properties, suspension of activities, and business closures.

Liz Stead, Land Use Division Director, said that the duration of a TUP is typically limited. However, Ordinance No. 6530 allows the TUP to continue throughout the duration of the governor's Safe Start Washington plan. The timeline for the TUPs will not start until the completion of all phases of that plan.

Ms. Stead said Ordinance No. 6530 suspends the normal 30-day waiting period between TUPs for successive TUP applications to allow businesses to continue their operations. She said the restriction will resume upon the completion of all phases of the Safe Start Washington plan.

Ms. Stead highlighted the permit decision criteria for a temporary use: 1) protect public health, safety and welfare, and avoid injury to adjacent properties, 2) must not be incompatible in intensity and appearance with existing land uses in the immediate vicinity, 3) provide adequate parking, 4) specify hours of operation, and 5) must not cause adverse noise, light or glare on surrounding uses.

The EBCC is asked to take action to approve or disapprove City Council Ordinance No. 6530 following the public hearing and discussion. The City will continue to communicate with existing permit holders and potential applicants, and will implement the streamlining of the reapplication and revision process.

At 7:00 p.m., Councilmember Kasner moved to open the public hearing. Councilmember Dhananjaya seconded the motion, which carried by a vote of 5-0.

Responding to Chair Hummer, Deputy City Clerk Roberts said that no one signed up to speak during the public hearing and no written comments were received.

At 7:01 p.m., Councilmember Kasner moved to close the public hearing. Vice Chair Gooding seconded the motion, which carried by a vote of 5-0.

Councilmember Dhananjaya thanked staff for the presentation.

Councilmember Kasner noted that, on December 10, the Lake Hills Neighborhood Association (LHNA) is sponsoring a program for small businesses in response to the impacts of the pandemic. He expressed support for anything the City can do to allow businesses to be flexible and nimble in their efforts to safely serve their customers.

Vice Chair Gooding concurred with Mr. Kasner's appreciation of the City's efforts to assist small businesses.

Councilmember Epstein thanked staff for the presentation. Responding to Mr. Epstein, Ms. Stead confirmed that most of the businesses applying for TUPs are restaurants. However, a number of retail businesses have modified their operations, and the City has received requests for the temporary use of portable classrooms and drive-through medical services. In further response to

Mr. Epstein, Ms. Stead said applicants may apply for the permits online. The permits can be issued as quickly as within one week if all of the requested information is provided.

Chair Hummer thanked staff for the presentation. Responding to Ms. Hummer, Ms. Stead said that some restaurants have permanent allowances for outdoor dining. However, some restaurants have expanded their outdoor capacity by expanding into parking areas. In further response to Ms. Hummer, Ms. Stead said that restaurants on Main Street in Old Bellevue, on the Downtown pedestrian corridor, and in the BelRed area have obtained TUPs. Ms. Stead said the City's economic development staff has conducted extensive outreach to small businesses to help them during the pandemic. She said the City has not received TUP applications for any businesses in the EBCC jurisdiction.

Councilmember Dhananjaya asked whether businesses are allowed to jointly apply for a TUP. Ms. Stead said that has not occurred, but the City would likely tie the application to one business. She said she would be comfortable if two business owners wanted to share a tent or other expanded area.

Responding to Chair Hummer, Ms. Stead said a church would need to apply for a TUP to have outdoor drive-through services on church property. Ms. Stead said there have been issues with noise in some of those situations.

(b) Public Hearing: Reduced Minimum Parking Requirements IOC

Chair Hummer introduced staff's presentation regarding the reduced minimum parking requirements IOC applicable to certain housing developments located near frequent transit service.

Ms. Tanus introduced Kristina Gallant, Senior Planner in DSD. Staff is seeking formal action by the EBCC to approve or disapprove City Council Ordinance No. 6541 extending the IOC for an additional six months.

Ms. Gallant said the reduced minimum parking requirements are specific to certain housing developments located near frequent transit service, which is defined as within one-quarter mile of a transit stop with frequent service. For affordable housing studio units and market-rate units with one or more bedrooms, a minimum of 0.75 parking spaces is required per unit. No residential parking is required with housing for senior adults or persons with disabilities. Ms. Gallant presented a map of the locations that are eligible for the minimum parking requirements in Bellevue. Ms. Gallant noted that an applicant may still choose to provide more parking beyond the minimum standards. Completed land use applications submitted or under review will be vested for the duration of the IOC to provide certainty for projects in the planning stages.

Ms. Gallant recalled that the City Council initially adopted the IOC through Ordinance No. 6513 on May 18. The EBCC held a public hearing and approved the IOC Ordinance on June 30. The IOC is effective for six months and may be renewed for an additional six months if a public hearing is held. The City Council held a public hearing on October 26 and adopted Ordinance No. 6541 extending the IOC for an additional six months. The City Council has directed staff to study the following components in developing the permanent code: 1) opportunities to streamline the application process and provide earlier decisions for parking reduction requests, 2) changing

the frequent transit service radius from one-quarter mile to one-half mile, 3) Downtown visitor parking requirements, and 4) parking-specific incentives to encourage affordable housing.

Ms. Gallant said the City's public engagement process includes implementing the Process IV requirements for legal noticing and holding the public hearing, direct engagement with community stakeholders, and an online presence to provide information. The Planning Commission will discuss permanent regulations early next year, and the topic is anticipated to return to the City Council and the EBCC in April 2021. Following City Council action in April on the permanent regulations, the EBCC will hold a public hearing and take action in May.

At 7:27 p.m., Vice Chair Gooding moved to open the public hearing. Councilmember Dhananjaya seconded the motion, which carried by a vote of 5-0.

Responding to Chair Hummer, Deputy City Clerk Roberts said that no one signed up to speak and no written comments were received.

At 7:28 p.m., Councilmember Kasner moved to close the public hearing. Councilmember Dhananjaya seconded the motion, which carried by a vote of 5-0.

Councilmember Dhananjaya asked whether the Crossroads Connect service would qualify as frequent transit service for the purpose of the reduced parking requirements. Ms. Tanus said staff would follow up with more information on that specific transit service. In further response to Mr. Dhananjaya, Ms. Tanus said that approval of the reduced minimum parking requirements for a specific site would continue even if the frequency of transit service decreased in the future. Responding to Mr. Dhananjaya, Ms. Tanus said that at least one developer or property owner has applied for the reduced parking requirements. She said she would follow up with more information.

Councilmember Kasner expressed support for approving the extension of the IOC in order to allow the City to develop permanent regulations regarding reduced minimum parking standards for certain housing near frequent transit service.

Responding to Councilmember Epstein, Ms. Tanus said the Land Use Code includes other provisions in certain land use districts that reduce the parking requirements for affordable housing development. In further response to Mr. Epstein, Assistant City Attorney Chad Barnes said that if the EBCC disapproves the extension of the IOC, the IOC will remain in effect in the rest of Bellevue. The City Council's adoption of permanent regulations next year will be forwarded to the EBCC for approval or disapproval at that time.

Responding to Chair Hummer, Ms. Tanus clarified that the City's other parking provisions related to affordable housing apply only in the Downtown and the BelRed area.

Chair Hummer said she lives near Bellevue College. She opined that bus service in East Bellevue is not very fast or frequent, even on 148th Avenue. She expressed concern that allowing reduced minimum parking requirements would place a burden on the tenants of the housing developments. She recommended disapproving the extension of the IOC and working with the

Planning Commission to ensure that any reduced minimum parking requirements are appropriate for East Bellevue.

Chair Hummer said that East Bellevue, including the Lake Hills and Crossroads areas, contain more affordable housing units than the rest of the City. She said people are dependent on cars, and reducing the parking requirements would create difficulties for residents and businesses. She reiterated that she does not consider transit service in East Bellevue as frequent. She said she hopes the Planning Commission will consider how permanent regulations could affect their neighborhoods as well. Responding to Ms. Hummer, Ms. Tanus said the map presented earlier indicates potential eligible locations based on frequent transit service. However, the underlying land use zoning would apply to any development.

Responding to Councilmember Dhananjaya, Ms. Tanus said the one-quarter mile distance is currently defined in the IOC as the eligible radius around a frequent transit stop versus the actual walking distance.

9. RESOLUTIONS

(a) Resolution No. 580 Approving City Council Ordinance No. 6530

Councilmember Kasner moved to adopt Resolution No. 580 approving City Council Ordinance No. 6530. Councilmember Dhananjaya seconded the motion, which carried by a vote of 5-0.

(b) Resolution No. 581 Approving City Council Ordinance No. 6541

Councilmember Kasner moved to adopt Resolution No. 581 approving City Council Ordinance No. 6541. Councilmember Gooding seconded the motion, which carried by a vote of 3-2, with Chair Hummer and Vice Chair Gooding opposed.

(c) Resolution No. 582 Expressing Appreciation for Ken Seal's Service

Councilmember Dhananjaya read the Resolution expressing appreciation for Ken Seal's 20 years of service on the EBCC from 1994 through 2013. The Resolution recognizes Mr. Seal's unique perspective and contributions due to his engineer training, professional ethics, knowledge of many City neighborhoods, community involvement, integrity, and the ability to speak his mind. Mr. Seal worked tirelessly to build consensus and to identify solutions acceptable to a range of interests in the community.

Vice Chair Gooding moved to adopt Resolution No. 582. Councilmember Kasner seconded the motion, which carried by a vote of 5-0.

12. NEW BUSINESS

(a) EBCC Annual Report to the City Council

Chair Hummer said she emailed to EBCC members the presentation that she and Vice Chair Gooding will make to the City Council on December 7.

Councilmember Kasner expressed support for the proposed presentation.

15. APPROVAL OF MINUTES

(a) Summary Regular Meeting Minutes of October 6, 2020

Vice Chair Gooding moved to approve the minutes of the October 6, 2020 Regular Meeting. Councilmember Kasner seconded the motion.

Chair Hummer said that a comment she made regarding the Glendale Country Club NE Comprehensive Plan Amendment (CPA) was written as referring to the NE 8th Street Partners CPA [Page 7 of meeting minutes]. Deputy City Clerk Roberts said she would listen to the audio recording and revise the minutes as appropriate.

The motion to approve the October 6, 2020 meeting minutes carried by a vote of 5-0.

(b) Summary Regular Meeting Minutes of November 10, 2020

Councilmember Dhananjaya moved to approve the minutes of the November 10, 2020 Regular Meeting. Vice Chair Gooding seconded the motion, which carried by a vote of 5-0.

16. ADJOURNMENT

At 8:00 p.m., Chair Hummer declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

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