

East Bellevue Community Council
Summary Minutes of Regular Meeting

February 2, 2021
6:30 p.m.

Virtual Meeting
Bellevue, Washington

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

ABSENT: None.

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 6:31 p.m., with Chair Hummer presiding.

2. **ROLL CALL/FLAG SALUTE**

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

Chair Hummer introduced the annual election of the Chair, Vice Chair, and Alternate Vice Chair. She noted that nominations do not require a second and they will be voted on in the order in which they are presented. When a nominee receives a majority vote, the Chair will declare the Councilmember as elected and no action will be taken on the remaining nominees. Chair Hummer noted that all Councilmembers must cast a vote.

Councilmember Gooding nominated Councilmember Hummer to serve as Chair.

Councilmember Dhananjaya nominated Councilmember Kasner to serve as Chair.

Hearing no further nominations, Councilmember Hummer closed the floor for nominations.

The nomination for Councilmember Hummer to serve as Chair carried by a vote of 3-2, with Councilmembers Dhananjaya and Kasner dissenting.

Chair Hummer noted her election as EBCC Chair for 2021 and thanked Councilmembers for their consideration.

Councilmember Gooding nominated Councilmember Epstein to serve as Vice Chair.

Hearing no further nominations, Chair Hummer closed the floor for nominations.

The nomination for Councilmember Epstein to serve as Vice Chair carried by a vote of 4-1, with Councilmember Kasner dissenting.

Chair Hummer nominated Councilmember Dhananjaya to serve as Alternate Vice Chair.

Hearing no further nominations, Chair Hummer closed the floor for nominations.

The nomination for Councilmember Dhananjaya to serve as Alternate Vice Chair carried by a vote of 5-0.

Chair Hummer said the success of the EBCC depends on input from everyone, including the EBCC's constituents. She said she looks forward to increased participation at Planning Commission and City Council meetings, especially as the City implements the Affordable Housing Strategy over the next year.

3. **APPROVAL OF AGENDA**

Councilmember Dhananjaya moved to approve the agenda. Vice Chair Epstein seconded the motion, which carried by a vote of 5-0.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Pamela Johnston said the State is attempting to supersede the jurisdiction of local planning through proposed state legislation (Senate House Bill 5235) to increase the housing inventory using arbitrary limits and housing options. She expressed concern that the bill does not require owner occupation for homes with accessory dwelling units (ADUs) and lacks regulations regarding the number of unrelated individuals in a dwelling. Ms. Johnston said the next major update of the Comprehensive Plan is anticipated in 2024. She noted that she asked the City Council to monitor the pending state legislation.

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

Deputy Mayor Jared Nieuwenhuis, City Council liaison to the EBCC, noted that City Councilmember Lee was in the audience as well. Mr. Nieuwenhuis acknowledged Pamela Johnston's comments during earlier oral communications. He described the Fire Department's mobile vaccination program to provide vaccinations to residents and workers in adult family homes, noting that it is a joint effort with the Seattle-King County Department of Health.

Mr. Nieuwenhuis said the Council approved Bellevue's 2021 State Legislative Agenda to serve as the basis for the City's interests on key legislation and issues. The legislative agenda highlights a number of priorities including pandemic recovery, public safety, equity, transportation, affordable housing, homelessness, human services, and environmental initiatives.

Mr. Nieuwenhuis noted that the Council approved moving forward to develop an implementation plan for the Bellevue Centers Communities of Color initiative. He said the City will establish a

coordinating team to include, among others, representatives of diverse populations to provide input into the development of the plan.

Mr. Nieuwenhuis said a proposed interlocal agreement among North King County law enforcement agencies would create an independent body to investigate use of force incidents. He said community members will work with the independent investigation team, and interested individuals are encouraged to apply.

He noted that the City Council is working to develop a plan for the use of sales tax revenues generated by House Bill 1590 for housing and related services, including mental and behavioral health services.

Chair Hummer thanked Deputy Mayor Nieuwenhuis and encouraged EBCC members to contact him with questions or input. Ms. Hummer said Councilmember Kasner was instrumental in establishing a Council liaison to the EBCC. She thanked Mr. Nieuwenhuis for his regular, informative updates.

Responding to Chair Hummer, City Councilmember Lee said he looked forward to hearing the EBCC's courtesy hearings and discussions tonight.

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

7. **PUBLIC/COURTESY HEARINGS**

(a) Courtesy Hearing: Accessory Dwelling Units Land Use Code Amendment

Chair Hummer noted the EBCC's role in approving or disapproving certain Land Use Code Amendments (LUCAs) affecting property within the EBCC's jurisdiction. The two code amendments presented for action tonight are related to the implementation of the Affordable Housing Strategy adopted by the City Council in 2017. Following tonight's two courtesy hearings, the recommendations and comments from tonight's discussion will be forwarded to the City Council. After the City Council adopts the LUCAs, the EBCC will hold public hearings and take action on the City Council ordinances.

Trisna Tanus, Consulting Attorney, recalled that the Affordable Housing Strategy adopted by the City Council in 2017 includes strategies and actions targeted at creating a variety of housing options. She noted that while the two LUCAs are not anticipated to provide affordable housing, they will enable an increase in the housing supply.

Nick Whipple, Senior Planner, said the proposed accessory dwelling unit (ADU) LUCA will amend LUC 20.20.120 to remove the three-year wait period for establishing an attached ADU with new single-family home construction. The Land Use Code currently restricts the establishment of an attached ADU until three years after the final building permit inspection of new construction. The proposed LUCA will remove this three-year restriction and allow ADUs to be built concurrently and within new single-family construction. The City permitted five new ADUs in 2020 and eight new ADUs in 2019. The City received 149 new single-family building

permit applications last year, and nearly a quarter of those applications included elements to facilitate the creation of an ADU in the future.

Mr. Whipple noted that Ordinance No. 4498 was adopted in 1993 to establish the City's ADU regulations. He suggested that potentially up to 25 percent of new homes will include registered ADUs in the future. He said that permitting ADUs promotes diversity in housing type, size and geographic location, including for multigenerational households and senior adults wanting to age in place.

Mr. Whipple highlighted the City's public engagement process, including the notice of application, public hearing, and discussions with developers and the Master Builders Association of King and Snohomish Counties. He said staff heard from a few property owners who are in favor of removing the three-year wait rule, and a number of individuals similarly expressed support during the Planning Commission's public hearing. Public outreach also included the creation of a web page to provide information on the proposed LUCAs.

Mr. Whipple said the ADU LUCA was introduced to the Planning Commission in December 2020 and the commission held a public hearing on January 13. There was strong community support during the public hearing to remove the three-year wait rule. Staff introduced the proposed ADU LUCA to the City Council on February 1, and the City Council directed staff to prepare an ordinance for future action. Mr. Whipple said staff anticipates returning to the EBCC on March 2 for the public hearing and for the EBCC's action to approve or disapprove the City Council ordinance.

Chair Hummer thanked staff for the presentation.

At 7:09 p.m., Councilmember Gooding moved to open the courtesy hearing. Councilmember Dhananjaya seconded the motion, which carried by a vote of 5-0.

Heidi Dean noted that she lives in Newport Hills and not within the EBCC jurisdiction, but the issue is important for her neighborhood as well. She expressed concern that the proponents of the change in the three-year wait rule are developers, realtors, and technology companies. She said the LUCA will not produce affordable housing, and it will not necessarily help senior adults to age in place. Ms. Dean suggested that the EBCC ask City staff to provide examples of cities that increased the supply of affordable housing by implementing similar regulations. She said that Portland, Los Angeles, Seattle, and Austin all have more than 1,000 ADUs. However, housing remains largely unaffordable to many individuals and families. She expressed concern that the LUCA will benefit investors and developers while leading to the deterioration of community connectedness and overall quality of life.

Pamela Johnston expressed support for the LUCA to remove the three-year wait rule on the creation of an ADU with new home construction.

Chair Hummer read written comments submitted by Michelle Wannamaker, a resident of the Eastgate area. Ms. Wannamaker noted the redevelopment and construction of very large homes in many areas of Bellevue. She said she would be more supportive of the proposed LUCA if it would produce affordable housing. She noted comments from the Planning Commission and the

City Council that the creation of ADUs will enable adults to age in place. However, Ms. Wannamaker wrote that the LUCA does not guarantee affordable units. She expressed concern about parking impacts related to ADUs in neighborhoods. She spoke in favor of retaining the three-year wait rule because she believes residents are less likely to do something that will negatively affect their neighbors if they have lived around them for a period of time.

At 7:19 p.m., Councilmember Dhananjaya moved to close the public hearing. Councilmember Gooding seconded the motion, which carried by a vote of 5-0.

Councilmember Kasner spoke in support of the proposed LUCA. He noted that eliminating the three-year wait rule will provide more living space within the same footprint with minimal impacts to the neighborhood or quality of life. Mr. Kasner said the LUCA will allow the creation of more housing choices, including potentially more affordable units.

Vice Chair Epstein spoke in support of removing the three-year wait rule and encouraging ADUs as a housing option.

Councilmember Gooding expressed support for the LUCA, noting that ADUs will provide an option for smaller housing units.

Chair Hummer expressed support for the LUCA. Responding to Chair Hummer, Mr. Whipple said that when the City Council adopted ADU regulations in 1993, Councilmembers seemed to be interested in providing ADUs as a convenient or more affordable housing option, while maintaining compatibility within single-family neighborhoods. Chair Hummer noted that the timing coincides with the period in which the City had mandatory affordable housing requirements for new multifamily housing. In further response to Ms. Hummer, Mr. Whipple confirmed that the City has a registration process for ADUs. Mr. Whipple said that currently if a person wants to have a second kitchen in their home, they must first apply for an ADU permit.

Responding to Chair Hummer, Ms. Tanus said that a parcel with a home and attached ADU is taxed as one property. However, the addition of an ADU will increase the property value. In further response to Ms. Hummer, Ms. Tanus confirmed that the City has received complaints regarding second kitchens that have been added by homeowners without obtaining a permit. Responding to Ms. Hummer, Mr. Whipple said there are requirements in place to ensure that ADUs do not change the general appearance of the single-family property.

Chair Hummer said she would like to see more robust study session discussions by the Planning Commission. She encouraged everyone to listen to the January 13 Planning Commission meeting for more information on the two LUCAs.

Councilmember Dhananjaya expressed support for the proposed LUCA.

Responding to Chair Hummer, Deputy City Clerk Roberts described two options for providing the EBCC's input to the Planning Commission and the City Council. The EBCC could give Chair Hummer broad authority to draft the memo, or the memo could be circulated to all EBCC members for review and input. Chair Hummer said she would forward her notes to Ms. Roberts, who could compile and forward them to EBCC members for review.

Councilmember Kasner noted that the ADUs are attached and part of the original structure. He believes that ADUs are the best way to proceed with adding density without disrupting the look and feel of a neighborhood. He expressed support for removing the three-year wait rule.

(b) Courtesy Hearing: Unit Lot Subdivision Land Use Code Amendment

Ms. Tanus noted the proposed LUCA to establish unit lot subdivisions in Bellevue to allow individual townhouse units to be owned fee simple, as an alternative to condominium ownership. Fee simple ownership means a property owner holds absolute title in the townhouse unit and the land. She acknowledged that the LUCA is not intended to create affordable housing. However, it will increase the supply of housing units and types.

Mr. Whipple said that property owners within a unit lot subdivision own the home and the land, while condominium owners own the inside space only. The LUCA applies to unit lot subdivisions in multifamily zoned districts. The townhouses will be developed following the design and layout of the larger subdivision. Mr. Whipple said that townhouses can currently be constructed as a planned unit development (PUD) in single-family zones or as a condominium development.

Mr. Whipple said unit lot subdivisions are a mechanism to allow platting that would otherwise not be possible. He said that setbacks and other dimensional requirements will apply to the overall “parent lot” of the subdivision and not to the individual townhouses. Mr. Whipple said staff anticipates that provisions for unit lot subdivisions will encourage infill development and increase the number of housing units in Bellevue. He said the City has heard concerns from the development community that a condo project has higher insurance costs for developers, builders, and subcontractors. The unit lot subdivision LUCA is anticipated to provide an incentive for the development of more townhomes with fee simple ownership versus traditional condo ownership of inside spaces only.

Mr. Whipple said public outreach included the noticing of the application and the public hearing. The unit lot subdivision application included a SEPA (State Environmental Policy Act) notification and a final threshold determination. Staff also engaged with the development community and the Master Builders Association of King and Snohomish Counties.

Mr. Whipple said that a number of jurisdictions around Puget Sound have successfully implemented unit lot subdivisions. He noted that information about the LUCA has been provided online. The Planning Commission’s public hearing for the LUCA was held on January 13, along with the public hearing for the ADU LUCA. On February 1, the City Council directed staff to prepare a final ordinance for adoption in late February. Staff anticipates returning to the EBCC on March 2 for the public hearings and EBCC action on both LUCAs.

Chair Hummer thanked staff for the presentation.

At 7:57 p.m., Councilmember Gooding moved to open the courtesy hearing. Vice Chair Epstein seconded the motion, which carried by a vote of 5-0.

Pamela Johnston commented on the costs associated with the development of condos to cover insurance and the risk of deficit lawsuits. She noted past problems with mold in condo developments and related lawsuits.

At 8:02 p.m., Councilmember Gooding moved to close the courtesy hearing. Vice Chair Epstein seconded the motion, which carried by a vote of 5-0.

Councilmember Gooding expressed support for the unit lot subdivision LUCA.

Councilmember Kasner concurred and noted that the LUCA will add housing without threatening neighborhood quality.

Vice Chair Epstein noted his support for the LUCA.

Responding to Chair Hummer, Mr. Whipple said that townhouses are allowed in single-family districts through the PUD process.

Chair Hummer encouraged everyone to look at Main Street between 148th Avenue and 145th Place on the King County parcel viewer to see the variety of condos, townhomes, and four-plex units. Ms. Hummer said that PUDs seem to work well, and townhouses are a good fit for the development of housing on church properties. Ms. Hummer expressed support for the LUCA.

Responding to Councilmember Kasner, Ms. Tanus said that the feedback received by the City regarding high insurance costs has been from developers and contractors. Ms. Tanus said she was not familiar with any potential insurance impacts for individual condo owners.

8. RESOLUTIONS

- (a) Resolution No. 586 electing 2021 Community Council Officers

Vice Chair Epstein moved to adopt Resolution No. 586 electing 2021 Community Council Officers. Councilmember Gooding seconded the motion, which carried by a vote of 5-0.

- (b) Resolution No. 587 praying for continuation of the existence of East Bellevue Municipal Corporation for an additional four years, in accordance with RCW 35.14.060

Councilmember Kasner moved to adopt Resolution No. 587 praying for continuation of the existence of East Bellevue Municipal Corporation for an additional four years, in accordance with RCW 35.14.060. Vice Chair Epstein seconded the motion, which carried by a vote of 5-0.

9. NEW BUSINESS

Chair Hummer noted that she sent a calendar of the next several Planning Commission meetings to EBCC members. Upcoming topics include reduced parking requirements for multifamily housing with affordable housing units and the use of faith-owned and nonprofit-owned properties for affordable housing.

Chair Hummer thanked staff for their work. She thanked Deputy Mayor Nieuwenhuis and City Councilmember Lee for attending the meeting.

Councilmember Dhananjaya thanked staff and the City Council for their work.

Vice Chair Epstein thanked staff for the information and discussion.

Councilmember Gooding said he appreciated the thorough information regarding the two LUCAs.

Councilmember Kasner said he looks forward to an update on the Lake Hills Neighborhood Association.

10. APPROVAL OF MINUTES

- (a) Summary Regular Meeting Minutes of January 5, 2021

Councilmember Kasner moved to approve the minutes of the January 5, 2021 Regular Meeting. Vice Chair Epstein seconded the motion, which carried by a vote of 5-0.

Councilmember Kasner indicated that an individual who was unable to attend earlier would like to make public comment.

Chair Hummer noted a consensus to allow the individual to speak.

Randy Grein, representing the Lake Hills Neighborhood Association (LHNA), said they are currently running the Lake Hills Park Challenge to get people out into their neighborhoods and parks. He said there are citywide challenges, including at Crossroads Park and Larsen Lake. The Lake Hills Park Challenge extends through March 27 and individuals who complete six walks will receive a LHNA patch. The challenge includes a photo contest, and the top three winners will receive gift certificates to local restaurants.

11. ADJOURNMENT

At 8:20 p.m., Chair Hummer declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

/kaw