

East Bellevue Community Council
Summary Minutes of Regular Meeting

February 2, 2016
6:30 p.m.

Lake Hills Clubhouse
Bellevue, Washington

PRESENT: Chair Capron, Vice Chair Kasner, Councilmember Gooding¹, Councilmember Hughes, Councilmember Hummer

ABSENT: None.

STAFF: Monica Buck, Assistant City Attorney

1. **CALL TO ORDER**

The meeting was called to order at 6:31 p.m. with Chair Capron presiding.

2. **ROLL CALL**

The Deputy City Clerk called the roll. All Councilmembers except Councilmember Gooding were present.

3. **FLAG SALUTE**

Chair Capron led the flag salute.

- (a) 2016 Election of Officers

Mr. Capron said the election of officers would be delayed until Councilmember Gooding arrived.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Chris Arondale thanked the Community Council for its efforts to stop the Puget Sound Energy transmission line project. Chair Capron noted that the matter is ongoing and that an update would be provided later in the meeting.

James Edison said he wanted to highlight comments from a letter he wrote to the Community Council regarding adult family homes. Chair Capron asked him to hold his comments until the later agenda item.

¹ Councilmember Gooding arrived at 6:44 p.m., at the beginning of Agenda Item 5.

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Mohamed Bakr invited everyone to an open house at the Islamic Center of Peace on Saturday, February 6, 10:00 a.m. to noon.

Councilmember Kasner said he has visited the Islamic Center a number of times. He suggested it would be a good opportunity to learn about Islam and to meet East Bellevue neighbors.

(a) Update from Lake Hills Neighborhood Association

Irene Fernandes announced that the next meeting of the Lake Hills Neighborhood Association was scheduled for February 4. One more meeting will be held before the summer in April, which will address the topic of housing. A representative from Bellevue College will attend the April meeting.

Councilmember Hughes, Treasurer of the LHNA, said a Sound Transit representative would attend the February 4 meeting to discuss the proposed light rail link between Kirkland and Issaquah via Bellevue. City of Bellevue transportation staff will be present as well to discuss general traffic issues, and Councilmembers Hughes and Kasner will provide an update on the Puget Sound Energy litigation. The LHNA will also elect new officers.

5. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS

(a) Community Council Business and New Initiatives

Councilmember Kasner reported that he attended the Eastside Transportation Alliance meeting. He said this is a Mid-Biennium Budget year for the City Council, which will hold a number of public hearings throughout the year. He said the Transportation Commission will begin to review Capital Investment Program (CIP) projects this month.

Mr. Kasner said he attended a meeting of the Sound Transit Citizens Oversight Committee at Seattle's Union Station. He attended additional meetings held by a number of groups that are addressing the proposed Sound Transit Phase 3 (ST3) package to be presented for the November ballot. Mr. Kasner said Bellevue and other cities submitted their input to Sound Transit on the candidate projects. Sound Transit will release that information in March for public comment. Mr. Kasner encouraged residents to become involved and to provide input regarding the proposed ST3 package.

Councilmember Hummer said she attended meetings of the Parks and Community Services Board, Planning Commission, and Transportation Commission. She is trying to establish relationships with the Board and Commission members. Ms. Hummer said a number of residents have asked the City to reopen the restrooms at Larson Lake and other parks. She encouraged Councilmembers and the public to view the City's Pedestrian and Bicycle Initiative Implementation Plan online and to support the City's efforts.

Ms. Hummer said she provided an update on the Puget Sound Energy and East Bellevue Community Council litigation to the Planning Commission and Transportation Commission. She said she asked City staff for more frequent courtesy public hearings during EBCC meetings to provide updates on upcoming projects.

Ms. Hummer said she submitted a complaint via the MyBellevue app (also accessible through www.publicstuff.com) regarding trash on the trail by Odle Middle School, and she quickly received a response that it would be addressed.

Chair Capron asked Councilmember Hummer whether she presents herself as a private citizen or East Bellevue Community Councilmember at the meetings she attends. Ms. Hummer said she acknowledges that she is an EBCC member but makes it clear that she is speaking as a private citizen.

Ms. Hummer referred the public to www.nextdoor.com for information on meetings and neighborhood issues. She noted that there were 106 replies to a question about what types of stores residents would like to see in the Eastgate area as it redevelops.

Ms. Hummer shared a map she received from City staff regarding the single-family room rental locations for which the City has received complaints.

Responding to Sue Fitch, Stephanie Walter said a homeowner in a single-family neighborhood operating a boarding house must obtain a home occupancy permit and is allowed to have two renters. Ms. Walter said the City responds to issues of concern reported by residents.

Councilmember Hughes said he asked Tom Campbell, Code Compliance Officer, for more information on the single-family room rental complaints and closed cases.

Councilmember Hummer said Bellevue College is upgrading its softball fields and walking trail.

Noting that he needed to leave the meeting soon, Ms. Hummer invited Mr. Edison to comment on his letter regarding adult family homes. He said the Building Code states that there is no distinction between adult family homes and residential homes. The management of adult family homes falls under the jurisdiction of the Department of Social and Health Services. Mr. Edison referenced a structure at 102 162nd Avenue SE and said he would like to know whether the Building Codes were equally applied to this structure. He questioned whether any exceptions were made in the process of reviewing the applications, architectural plans, definition of use, construction, and inspection.

Mr. Edison said the City Code limits the number of unrelated adults living in a single-family residence to four individuals. However, the Code on adult family homes allows up to six unrelated adults. He expressed concern that the rules are not consistent. He said the structure at the address referenced above does not fit in with the surrounding homes and is being run as a business. He would like to see the EBCC engage in a planning effort to develop a 30-year community plan for the Lake Hills neighborhood that will preserve its architectural heritage.

Chair Capron noted that the EBCC has discussed the issues raised by Mr. Edison and shares his concerns.

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Responding to Councilmember Hughes, Assistant City Attorney Monica Buck said adult family homes and other uses for single residences fall under different regulations. Adult family homes are regulated by the State DSHS and the number of allowed individuals is preempted by state law. There is no limit on the number of caretakers providing services to the residents.

Responding to the Council, Ms. Buck said that any changes to the requirements related to building size, setbacks, and other features would apply to all homes in the neighborhood.

Responding to Mr. Edison, Ms. Buck reiterated that different regulations are applied to adult family homes. The City has different regulations for, and more authority over, single family room rentals. She suggested that questions on single family room rentals be postponed until that topic comes back to the EBCC in the coming months. Tonight's agenda item is adult family homes.

Responding to Councilmember Kasner, Ms. Buck said there is a limit of six patients but there is not a limit on the number of occupants living in the home.

Councilmember Hummer described her tour of the home mentioned by Mr. Edison. There are six bedrooms with hospital beds, and the family that owns and operates the home lives upstairs. There is a room on a lower level for a caregiver. The owners are trained in physical therapy and care.

Mr. Edison observed that the home sounds more like a skilled nursing facility. Stephanie Walter suggested researching the definition of a skilled nursing facility.

Responding to Cynthia Morea, Ms. Buck said there is no limit on the number of adult family homes within an area.

Stephanie Walter said the federal Fair Housing Act addresses adult family homes. She opined that the intent was to distribute them throughout neighborhoods and not to segregate them to one area.

Chair Capron suggested that Mr. Edison submit his concerns to the Planning Commission and City Council, which addressed issues earlier in the process. The EBCC takes action on certain items after they have gone through the City Council's process.

Responding to Mr. Capron on behalf of the audience, Ms. Buck said adult family homes are protected and regulated according to federal law. Ms. Buck said she would need to research regulations for group homes to determine how they compare to adult family homes.

Councilmember Hummer said the City is replacing the artificial turf at Robinswood Park. She said the South Bellevue Community Center recently celebrated its 10th anniversary. She noted that Councilmember Kasner was a member of the citizen advisory committee for the community center project.

Councilmember Kasner acknowledged the efforts of Chair Capron and Don Boettiger in advocating for the new crosswalk near Kelsey Creek Center.

Councilmember Hummer said certain church lots in Bellevue are proposed as alternate park and ride lots for Metro and Sound Transit.

Councilmember Kasner said that, after the South Bellevue Park and Ride closes for construction, the first place cars will go is the Eastgate Park and Ride. However, additional lots are being identified as alternate parking locations as well.

Chair Capron said he received information from Barbara Benson about advertisements for short-term room rentals in East Bellevue. Stephanie Walter said Ms. Benson brought the issue to her attention as well. Ms. Walter encouraged residents to report this activity for the benefit of current and future neighbors.

Ms. Benson said the City's Code Compliance staff require an address in order to follow up on a report or complaint. She said most of the ads do not list an address.

Councilmember Kasner said San Francisco defeated Airbnb by referendum, in part because it takes homes off the market, which increases the cost of available homes. Mr. Capron said a related issue was that the operators of those hotel-like businesses are not paying hotel/motel taxes.

Chair Capron suggested returning to Agenda Item 3.

3. (a) 2016 Election of Officers

Chair Capron said the Community Council's rules state that there will be a Chair, Vice Chair and Alternate Vice Chair selected by the membership of the East Bellevue Community Council. The nominees will be voted on in the order in which they are presented. The first nominee to receive a majority vote for each office will be declared elected.

Chair Capron opened the floor for nominations for the position of Chair.

Councilmember Hummer nominated Councilmember Capron to serve as Chair.
Councilmember Kasner nominated himself to serve as Chair.

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

Councilmember Capron was selected as Chair by a vote of 4-1, with Mr. Kasner dissenting.

Chair Capron opened the floor for nominations for the position of Vice Chair.

Councilmember Gooding nominated Councilmember Hummer to serve as Vice Chair.
Councilmember Hughes nominated Councilmember Kasner to serve as Vice Chair.

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

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Councilmember Hummer was selected as Vice Chair by a vote of 3-2, with Councilmembers Hughes and Kasner dissenting.

Chair Capron opened the floor for nominations for the position of Alternate Vice Chair.

Councilmember Hughes nominated Councilmember Gooding to serve as Alternate Vice Chair. Councilmember Gooding nominated Councilmember Kasner to serve as Alternate Vice Chair. Councilmember Capron nominated Councilmember Hughes to serve as Alternate Vice Chair.

Hearing no further nominations, Chair Capron closed the floor for nomination.

Councilmember Kasner was selected as Alternate Vice Chair by a vote of 5-0.

Moving on, the Community Council resumed reporting on Council business and community activities.

Chair Capron provided an update on the Puget Sound Energy and East Bellevue Community Council litigation. After the EBCC denied the Lake Hills transmission line project, PSE sued the EBCC. The King County Superior Court first ruled that the EBCC does not have jurisdiction over shoreline conditional use permit (SCUP) applications. Mr. Capron said the EBCC has jurisdiction over certain land use permits and disagreed with that ruling and filed an appeal. The City subsequently issued the shoreline CUP, which was approved by the State Department of Ecology. The EBCC appealed the DOE's granting of the shoreline CUP.

Mr. Capron said the land use conditional use permit (CUP) was addressed separately by the court. The King County Superior Court ruled in December that the EBCC had the authority and substantial reasons to deny the land use permit related to PSE's application. PSE appealed that ruling, and a decision is anticipated toward the end of this year.

Mr. Capron noted that, if the court upholds that the EBCC does not have shoreline jurisdiction, the appeal of the DOE's approval is a moot issue. He said the EBCC would prefer to see PSE work with the City and the EBCC to find an agreeable solution than to engage in litigation.

Councilmember Kasner said the King County Superior Court proceeding was a closed record appeal based on information placed into the record before November 20, 2014. If the EBCC is determined to have shorelines jurisdiction, the Shorelines Hearings Board review would allow new information to be considered.

Mr. Kasner noted that Steve Fricke, a resident, submitted an appeal to the DOE on the shorelines CUP as well.

Councilmember Hughes said Puget Sound Energy presented its plan a number of times over a couple of years before filing for its permits, but it did not make any changes to the plan despite input from the EBCC and the community.

Chair Capron said he wrote an article for the next issue of *It's Your City*.

6. **APPROVAL OF AGENDA**

Councilmember Hughes moved to approve the agenda. Councilmember Hummer seconded the motion, which carried by a vote of 5-0.

Councilmember Kasner said he was disappointed that the EBCC's outside counsel was not present and therefore the EBCC could not hold an Executive Session.

7. **DEPARTMENT REPORTS**

- (a) Memo regarding Lake Hills Art Project

[No staff presentation; information provided in meeting packet.]

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

9. **RESOLUTIONS**

- (a) Resolution 555 electing 2016 East Bellevue Community Council Officers

Councilmember Hummer moved to approve Resolution 555 electing Chair Capron, Vice Chair Hummer, and Alternate Vice Chair Kasner. Councilmember Hughes seconded the motion, which carried by a vote of 5-0.

10. **COMMITTEE REPORTS**: None.

11. **UNFINISHED BUSINESS**

- (a) Adult Family Homes

Chair Capron noted that the Council discussed this item earlier to accommodate a member of the audience who wished to comment.

Ms. Buck referred the Community Council to her memo in the meeting packet. She said an adult family home is a residential home in which a person or persons provides personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person providing the services. They are treated as other single-family homes and are subject to the same Building Code, Fire Code, and other regulations. They are required to have two off-street parking spaces, and there is no limit on the number of caregivers who provide services to the residents.

Responding to Chair Capron, Ms. Buck said group homes are allowed in single-family neighborhoods. She suggested that the Community Council invite staff from the Development Services Department to provide an overview of the types of facilities, including skilled nursing home, and their specific regulations. In further response to Mr. Capron, Ms. Buck said a group home may involve the disabled, recovering addicts, and other individuals requiring some level of

a structured living environment and/or care. She said she did not think the City's definition of family applied to group homes.

Chair Capron asked the Deputy City Clerk to schedule a staff person to provide an overview of the types of facilities allowed in single-family zones.

(b) Discussion regarding letter to City Council for Necessary Expenses

Chair Capron introduced discussion of the Community Council's request for additional funds to cover necessary expenses related to ongoing litigation and appeals. He noted the letter to the City Council provided in the meeting packet.

Councilmember Kasner recalled his previous request to be copied on all correspondence between attorneys and the City. He requested the original contracts from the EBCC's outside attorney, which he reviewed. He saw one set of bills from the attorney as well. He would like to know what the EBCC is being charged and what has been paid. Mr. Kasner said members of the public are interested in the costs.

Responding to Ms. Buck, Mr. Kasner said he would like copies of all of the invoices. Chair Capron noted that he and the rest of the Community Council do not require that information. Mr. Capron said he will be interested in the final costs. Ms. Buck said she will provide copies of the invoices. Mr. Kasner expressed concern that the amount requested is based on cost estimates and that some of the costs might not be deemed as "necessary."

Responding to Mr. Kasner, Deputy City Clerk Arredondo said the EBCC's attorney drafted the letter presented in the meeting packet.

Councilmember Hughes moved to approve the letter to the City Council requesting additional funds to cover necessary expenses, as provided in the meeting packet. Chair Capron seconded the motion, which carried by a vote of 5-0.

Chair Capron said he will attend the City Council meeting to be available to respond to any questions. He will ask the EBCC's attorney for a timeline of the process going forward.

(c) Discussion of potential Community Council Retreat

Chair Capron recalled Councilmember Kasner's request for a Community Council retreat.

Councilmember Kasner said his original intent was to decide which topics should be included for a retreat discussion. The EBCC received a letter stating the cost of facilitators, which was beyond the cost that he anticipated.

Mr. Kasner observed that the public is seeing Community Councilmembers as representing the full Council at different forums and meetings, even when they state that they are speaking as individuals. He said the Community Council has not discussed Sound Transit. He expressed concern that Mr. Capron's comments to the City Council about light rail were interpreted to be representative of the entire Community Council.

Chair Capron said his comment was that the Community Council would not object to a subway along 148th Avenue. He acknowledged that he had not discussed that with the Community Council, however, and should not have made the statement.

Mr. Kasner suggested that the EBCC would benefit from training on communications with the public, elected officials, Boards, and Commissions.

Ms. Arredondo noted that the Mayor recently appointed Councilmember Robertson as the City Council liaison to the EBCC. Mr. Kasner suggested that the EBCC meet with Ms. Robertson to discuss priority issues.

Responding to Mr. Kasner, Ms. Arredondo said the City's diversity staff will provide a presentation to the EBCC in March. At that time, EBCC members will be asked about their interest in the City's cultural competency training.

Councilmember Kasner said he has different ideas than the EBCC Chair about the issues that need to be addressed. Mr. Kasner suggested scheduling a retreat for March as well as a meeting in the near future with Kirkland's Houghton Community Council.

Responding to Chair Capron, Mr. Kasner said he would like a briefing to the EBCC on the City's budget process and capital projects in the EBCC area.

Chair Capron and Councilmember Hughes suggested that the Lake Hills Neighborhood Association would be a more effective forum for discussing capital project priorities.

Mr. Kasner observed that discussions could occur with both groups. He expressed concern about providing input early enough in the budget process to influence decisions. He believes this is an appropriate role for the EBCC.

Responding to Mr. Kasner, Councilmember Hummer said she would see value in having a retreat. Mr. Kasner said he would be willing to solicit proposals from potential facilitators who would charge less than the estimated \$3,000 to \$5,000. He would like City Councilmember Robertson to attend as well.

Responding to Mr. Capron, Ms. Buck said the EBCC has a budget of \$4,000 for 2016, and approximately \$3,000 remains in that budget. She said facilitators are not always used for retreats. The City Attorney's Office used a facilitator for one of its retreats at a cost of approximately \$1,800. Ms. Buck suggested limiting the retreat to two or three topics for the most productive discussion. She said the retreat would require coordination with the City staff who would be asked to provide information and/or presentations.

Chair Capron suggested that Councilmembers think about the topics they would like to address during the retreat. Mr. Kasner reiterated his interest in discussing budget items.

12. NEW BUSINESS

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- (a) Potential Future Agenda Items *[No discussion]*
- National Pollutant Discharge Elimination System (NPDES) Permit
 - Shoreline Master Program *[Pending review by the State Department of Ecology.]*
 - Subarea Plan Update
 - Lake Hills Art Project *[Tentatively set for April meeting.]*
 - Affordable Housing Update
 - Diversity Initiative Presentation *[March meeting]*
 - False Alarm Ordinance Update

Deputy City Manager Kate Berens noted that the Council is in the beginning stages of its discussions about affordable housing.

Responding to Mr. Kasner, Ms. Arredondo said a new Comprehensive Planning Manager (Terry Cullen) has been hired. There is currently no specific timeline for addressing Subarea Plan updates.

Ms. Arredondo said the City Council has not resumed its discussion of the False Alarm Ordinance.

A presentation to the EBCC from Code Compliance staff is tentatively anticipated for April.

13. CONTINUED COMMUNICATIONS

Don Boettiger questioned the status of displaying a sign (e.g., sandwich board) outside of the Lake Hills Clubhouse to publicize EBCC meetings. Chair Capron noted that he is willing to pay for the sign.

Councilmember Hummer said she has attempted to work with the Lake Hills Neighborhood Association to coordinate signage. She would like a sign on both 148th Avenue and 156th Avenue.

Chair Capron suggested a more efficient use of time during Community Council meetings.

14. EXECUTIVE SESSION: None.

15. APPROVAL OF MINUTES

- (a) Summary Regular Meeting Minutes of January 5, 2016

Councilmember Gooding moved to approve the minutes of the January 5, 2016 Regular Meeting. Councilmember Hughes seconded the motion, which carried by a vote of 5-0.

16. ADJOURNMENT

Chair Capron declared the meeting adjourned at 9:21 p.m.

Charmaine Arredondo
Deputy City Clerk

/kaw