

East Bellevue Community Council
Summary Minutes of Regular Meeting

August 1, 2017
6:30 p.m.

Lake Hills Clubhouse
Bellevue, Washington

PRESENT: Chair Capron, Vice Chair Kasner, Alternate Vice Chair Hummer, and Councilmembers Gooding and Hughes

ABSENT: None.

STAFF: None.

1. **CALL TO ORDER**

The meeting was called to order at 6:34 p.m., with Chair Capron presiding.

2. **ROLL CALL**

Deputy City Clerk Karin Roberts called the roll. All Councilmembers were present.

3. **FLAG SALUTE**

Councilmember Hughes led the flag salute.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Irene Fernandes, representing the Lake Hills Neighborhood Association, said the neighborhood picnic was held on July 15 with 250-300 residents in attendance. The picnic received donations from the following restaurants: Best Wok, Green Leaf, Asian Foodshion, and The Waffler. She said the picnic participants donated a total of \$75 and 80 pounds of food for Hopelink. Additional businesses that donated to the event included the Chevron station and QFC. The City donated Mariners tickets to give as prizes.

Brian Franklin provided an update on the Kelsey Creek Center project, which is under construction and on schedule for completion by September 21-27. The project will be split into four different spaces and all are anticipated to open by the second quarter of 2018. Mr. Franklin said the widening of the Main Street access has been completed and an additional access point will be provided for the corner building.

Mr. Franklin said Sound Credit Union is moving out of the center and a lease has been signed for that space. He said the two spaces facing south, toward Starbucks, have been leased, and two potential tenants are looking at the middle space.

Responding to Vice Chair Kasner, Mr. Franklin said the drainage system comprised of rain gardens is working well.

Responding to Councilmember Hummer, Mr. Franklin confirmed that there were occasional complaints from tenants during the traffic signal project.

Chair Capron said the center is the cleanest construction site he has ever seen. He thanked Mr. Franklin for redeveloping the shopping center and turning it around from being a real eyesore. Mr. Franklin noted that it was a group effort with the EBCC and the community.

Councilmember Hughes asked about making the area behind Walmart more accessible for vehicles. Mr. Franklin said car access is not allowed under the City's permit.

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

(a) Community Council Business and New Initiative

Councilmember Hughes said he recently attended a number of political functions as well as the Lake Hills Neighborhood Association picnic.

Vice Chair Kasner reported that he attended the Lake Hills picnic and other community events. He testified at the City Council public hearing on the proposed quasi-judicial Land Use Code Amendment. He said the Planning Commission held a public hearing on the Bellevue Technology Center. Mr. Kasner attended the Eastside Transportation Alliance meeting. He noted that Dan Stroh, Planning Director, has retired after many years with the City.

Councilmember Gooding commented that the City is doing a good job of maintaining the landscaping around Larsen Lake. He noted that he has been busy with his children's sporting events.

Councilmember Hummer said she spoke with a City Councilmember about the proposed Eastgate men's homeless shelter. She noted that the location is outside of the EBCC boundary.

Chair Capron said the traffic lights on 148th Avenue at Main Street and SE 8th Street are nearly completed. He said the Lake Hills picnic was a wonderful event with great food. He reported that he and Councilmember Hummer toured the proposed location of the Eastgate men's shelter earlier in the day.

Councilmember Hughes questioned whether the permit to construct the power line down 148th Avenue had been approved. Deputy City Clerk Roberts said she would request a project update from City staff. Chair Capron noted that the Washington Utilities and Transportation Commission (WUTC) has not yet approved a rate increase requested by Puget Sound Energy.

6. **APPROVAL OF AGENDA**

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

7. **DEPARTMENT REPORTS**: None.

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

9. **RESOLUTIONS**: None.

10. **COMMITTEE REPORTS**: None.

11. **UNFINISHED BUSINESS**: None.

12. **NEW BUSINESS**

(a) Discussion of EBCC Priorities Regarding City Land Use Initiatives

Councilmember Hughes recalled that the EBCC voted in favor of requesting a staff presentation regarding the City's new app. Chair Capron noted that the City's new web site is more user-friendly. Mr. Hughes suggested that the City should be publicizing the app more widely.

Deputy City Clerk Roberts said the app is used daily by the public to report issues throughout the community. She will send the usage statistics to the EBCC.

Councilmember Hummer introduced discussion of the EBCC's priorities regarding the City's land use initiatives. She noted that, while the EBCC acts in an advisory role, there are initiatives at the City level which are of interest to the EBCC. She encouraged the public's interest in a number of issues including the City's Affordable Housing Strategy, adult family homes, and park uses. She would like the EBCC and its constituents to have a good understanding of what is going on at City Hall, including potential code and policy changes.

Ms. Hummer said the Affordable Housing Strategy includes the issues of increasing density by allowing detached accessory dwelling units (ADUs), allowing older residents to have more renters to allow them to stay in the community, increasing the amount of affordable housing, and rezoning certain church properties to allow housing. She expressed an interest in the existing affordable housing in Bellevue as well as in a map of the City's plans for affordable housing. She recalled that, a few years ago, she compiled information on adult family homes. There were 20 adult family homes in East Bellevue and one in the 98004 zip code.

Ms. Hummer said the Affordable Housing Strategy is available on the City's web site and includes a current list of 80 affordable housing locations. Of those, 20 locations are in East Bellevue and 20 locations are in the Crossroads/Overlake area. Responding to Chair Capron, Ms. Hummer said the list reflects information provided by government agencies.

Councilmember Hummer expressed an interest in the churches in Bellevue that could potentially have affordable housing in the future. Chair Capron noted individuals living in RVs and suggested that those situations are affordable housing. He and Ms. Hummer questioned the definition of affordable housing. Ms. Hummer questioned whether the Affordable Housing Strategy includes preserving properties that are not currently well maintained instead of allowing them to be redeveloped into market-rate housing. She observed that the strategy will have a significant impact on the overall community, and is concerned about the specific impacts in East Bellevue.

Chair Capron stated his understanding that Ms. Hummer's concern is about how the Affordable Housing Strategy affects the EBCC area and how the EBCC should react to it. Responding to Mr. Capron, Ms. Hummer said that someone developed the strategy and vision of how it will look for Bellevue and East Bellevue, and she would like more information.

Deputy City Clerk Roberts said that Planning & Community Development staff has offered to provide a presentation to the EBCC regarding the Affordable Housing Strategy.

Ms. Hummer said she would like information on the inventory of affordable housing in Bellevue, including both government-subsidized housing and lower cost apartment complexes (e.g., Highland Village). Vice Chair Kasner said the strategy includes incentives for developers to provide a certain number of affordable housing units in development projects.

Councilmember Hummer would like to see a map of all current subsidized housing, churches that might allow housing, and all properties that would be eligible for detached ADUs.

Chair Capron said he also would like more information on adult family homes. He questioned whether the State or the City has the authority to approve the homes, which are very lucrative businesses in residential neighborhoods. Mr. Capron said they provide a valuable business for the neighborhood. However, he would like to know the full permitting process for establishing an adult family home. He would like clarification regarding federal regulations for group homes.

Ms. Hummer said issues include whether adult family homes are an unregulated business and the taxes generated for the City. She noted that some of the businesses have been built as single family homes and are subsequently converted to adult family homes. She questioned how those businesses can be built in a single-family neighborhood, and whether there is a limit to how many adult family homes can be built in a specific neighborhood.

Councilmember Gooding said one concern is that the homes, which can be very large, do not fit with the character of the neighborhood. He concurred with Ms. Hummer's concern that the homes are built as single-family homes and are then immediately operated as adult family home businesses.

Councilmember Hughes recalled information provided in the past related to a federal court case that ruled against the City with regard to the homes.

Stephanie Walter said the federal lawsuit applied to group homes and not to adult family homes. She said the Fair Housing Act states that group homes should be part of, but not dominate, a neighborhood. The ultimate goal is to integrate the homes into the community. She suggested that perhaps a land use attorney and/or the City Attorney's Office could provide guidance on the applicable laws. She suggested that, if residential neighborhoods are accommodating businesses, it is a worthy undertaking.

Councilmember Hummer suggested that the homes should be permitted as adult family homes and not as single-family homes that are then converted to that use. She concurred with Councilmember Gooding's comment about whether the homes are compatible with neighborhood character, which is an important policy consideration in the City's Comprehensive Plan.

Vice Chair Kasner commented on a case involving both the City of Bellevue and the City of Edmonds that addressed federal Fair Housing Act amendments. He said the City has approached the issue through code provisions regarding "reasonable accommodation" and the definition of "family." He said it is a complicated issue that would require the political will of the City to challenge what the City believes to be established federal law.

Councilmember Hummer said she would like more information on the rights related to adult family homes.

Councilmember Gooding questioned how the City is allowing the homes to be built when they do not fit with the character of the neighborhood.

Moving on, Councilmember Hummer expressed concern that parks are zoned as residential. She said part of the Mercer Slough Park was sold to accommodate the Park and Ride, which has now expanded to a light rail station. She has heard rumors of a future train alignment along 148th Avenue. She is concerned that Larsen Lake will be negatively impacted by light rail. She also expressed concern about illegal encampments in parks and said Bellevue parks need to be protected. She said a search of "parks rules" on the City's new web site will provide the Parks and Recreation Facilities Code. Ms. Hummer said the code states that the City Manager or his/her designee has the power to enforce revisions of this chapter, to clarify or interpret the regulated use of parks, regulate conduct in parks, designate restricted areas in parks, regulate recreational programs, and to establish times for opening and closing. She expressed concern regarding the City Manager's power over parks.

Chair Capron questioned why parks do not have a specific land use designation.

Vice Chair Kasner said this issue was addressed during the Lake Hills Neighborhood Association meeting with City staff, who indicated that a park designation is not necessary. However, Mr. Kasner said there have been numerous cases in which park land ceases to be a park land, and no other processes are required to revert the property to the underlying zoning. If there is a process to designate park land, Mr. Kasner suggested there should be a process to change that designation. He suggested that selling the land should not allow it to automatically revert to the underlying zoning.

Councilmember Hummer proposed that the EBCC study the issues to reach an agreement on how to approach the Affordable Housing Strategy, adult family homes, and the use of parks. She suggested that the EBCC present its position and recommendations to the City's Boards and Commissions.

Chair Capron noted to the Deputy City Clerk that the EBCC would like information about the City's affordable and subsidized housing plan. He suggested deferring consideration of adult family homes at this time while working through affordable housing issues. He requested information from legal staff regarding the designation and use of park lands.

Stephanie Walter said the Parks and Community Services Board is working on the definition of a park. She was told by City staff that a specific parks zoning designation is not necessary because the residential designation provides parks with the same protections as residential neighborhoods. She suggested that interested parties attend City Council meetings to share their concerns. She opined that it would be good to have a parks zoning designation.

Ms. Walter said the Planning Commission discussed the potential for a parks impact fee for developers. She said Central Park in New York City is zoned as a park and cannot be considered for other uses.

Councilmember Hummer said she would like the EBCC to reach out to the various City of Bellevue Board and Commissions to communicate the EBCC's concerns and priorities.

(b) Discussion Regarding Potential Future Agenda Items

- Room Rental Ordinance Update
- Lake Hills Public Art Project – Final Update
- Eastgate Land Use Code Amendment (LUCA)
- Larsen Lake Culvert Replacement project

Deputy City Clerk Roberts said the room rental ordinance update will be provided in a memo in the EBCC's September meeting packet. The final update on the Lake Hills public art project will be available in September or October, depending on the completion of the project. Ms. Roberts said the Eastgate Land Use Code Amendment (LUCA) update will be provided in September or October as well.

Ms. Roberts said the Larsen Lake culvert replacement project is in the design and permitting phase. She noted that she asked staff to provide a memo and timeline for the EBCC, to be followed by a presentation this winter or early spring 2018.

Responding to Chair Capron, Ms. Roberts said that, if the Eastgate LUCA update is ready for the EBCC's September meeting, the affordable housing topic could be addressed in October.

Councilmember Kasner said he would like a staff member to attend the EBCC meeting regarding the room rental ordinance update, in addition to providing a written update in advance of the meeting. Responding to Mr. Capron, Mr. Kasner said there are at least five cases involved in litigation. He said the City's approach is voluntary compliance.

Responding to Chair Capron, Ms. Roberts said she will provide information to the EBCC as soon as possible to allow time for Councilmembers to formulate questions and comments in advance of the meeting.

13. **CONTINUED COMMUNICATIONS**: None.

14. **EXECUTIVE SESSION**: None.

15. **APPROVAL OF MINUTES**

(a) Minutes of the June 6, 2017 Regular Meeting

Vice Chair Kasner moved to approve the minutes of the June 6, 2017 Regular Meeting. Councilmember Gooding seconded the motion, which carried by a vote of 5-0.

16. **ADJOURNMENT**

Councilmember Hummer moved to adjourn. The motion was seconded by Councilmember Gooding and carried by a vote of 5-0.

At 8:08 p.m., Chair Capron declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

/kaw