East Bellevue Community Council
Summary Minutes of Regular Meeting

May 3, 2016
6:30 p.m.

Lake Hills Clubhouse
Bellevue, Washington

PRESENT: Chair Capron and Councilmembers Gooding and Kasner

ABSENT: Vice Chair Hummer and Councilmember Hughes

STAFF: None.

1. CALL TO ORDER

The meeting was called to order at 6:35 p.m. with Chair Capron presiding.

Councilmember Kasner moved to excuse Councilmembers Hughes and Hummer from the meeting. Chair Capron seconded the motion, which carried unanimously.

2. ROLL CALL

The Deputy City Clerk called the roll. All Councilmembers except Ms. Hummer and Mr. Hughes were present.

3. FLAG SALUTE

Chair Capron led the flag salute.

4. COMMUNICATIONS: WRITTEN AND ORAL

Keri Pravitz, Puget Sound Energy, provided an update on the Energize Eastside project. The Phase 1 draft environmental impact statement (DEIS) identified four project alternatives, and PSE's preferred alternative is known as Willow 2. PSE has worked to balance the community's concerns regarding pole height, view impacts, and safety with the need for providing reliable power to the Eastside. The alignment uses the existing 115kV corridor as well as a small portion of Newport Way where there is existing utility infrastructure. The two H-frame structures near Glendale Country Club will be replaced with one pole that is 85 feet to 100 feet tall.

Ms. Pravitz said PSE has hosted hundreds of meetings over the past two years and has responded to more than 2,200 comments about the project. Over the past few weeks, PSE has been going door to door, from Redmond to Renton, to discuss the project with residents. Community outreach includes meetings with elected officials and community organizations as requested. Responding to Mr. Kasner, Ms. Pravitz said she met with all Eastside City Councilmembers.

Responding to Don Boettiger, the Deputy City Clerk said meetings may be held if a quorum of the Community Council is not present. However, the Council may not take action.

City Councilmember Jennifer Robertson provided an update on City-related projects and issues. The Council is actively involved in the budget process, and three public hearings on the Operating Budget and Capital Investment Program (CIP) Plan will be held by the end of November. Ms. Robertson said the City Council is currently considering whether to present a ballot measure to fund Fire Department facilities. The plan presented in 2014 reflected an estimated cost of $125 million. The Council is also considering a ballot measure focused on neighborhood safety-related transportation projects. However, no decisions have been made. Councilmember Robertson noted that Bellevue has one of the lowest property tax rates in the state.

Additional projects underway include the Wilburton planning update, Downtown Livability Initiative, BelRed corridor planning and transportation projects, light rail-related planning, and the annual Comprehensive Plan process. Ms. Robertson said the City Council received an update the previous evening on state marijuana legislation. The new state law allows the production of medical marijuana only in residential areas. However, the City Council voted against allowing the growing of medical marijuana in residential units. The Council is studying whether to allow marijuana research facilities and whether to refine the City's regulations. There are currently three marijuana retail stores in Bellevue, and two applications are pending.

City Councilmember Robertson said the City Council submitted comments on the Sound Transit Phase 3 (ST3) proposed plan/package to be presented to voters. The Council is concerned that Sound Transit's plan does not reflect true bus rapid transit (BRT) on I-405 in a dedicated right-of-way, which would be as efficient as light rail and could be implemented more quickly and at a significantly lower cost. Bellevue is working with all Eastside cities and participated in a joint comment letter in addition to the City's separate comment letter.

Ms. Robertson said the estimated cost of the ST3 package averages approximately $400 annually per household over the three counties. For Bellevue, the average impact is $1,000 annually per household. The average Bellevue household currently pays approximately $500 per year to Sound Transit, and the ST3 package adds $1,000 more per year.

Responding to Chair Capron, Ms. Robertson said the Fire Facilities Plan replaces and/or upgrades fire stations and the training center and adds a new Downtown Fire Station over a 12-year period. In further response, Ms. Robertson said the seven-year CIP Plan totals approximately $400-450 million and the two-year Operating Budget totals $800 million. She said a significant portion of the capital budget goes toward street maintenance and transportation projects.

Responding to Councilmember Kasner, Ms. Robertson said the Bellevue School District is considering a new school in the Wilburton area to serve downtown students.

Responding to the Council, Councilmember Robertson said the Sound Transit tax impact for Bellevue residents averages higher than other areas due to higher property and vehicle values. Sound Transit anticipates presenting a ballot measure in November.

Responding to Mr. Kasner, Ms. Robertson said the City previously set aside funds toward a future trail along the Eastside Rail Corridor.

Chair Capron thanked Councilmember Robertson for the update.

5. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS

(a) Community Council Business and New Initiatives

Chair Capron said the traffic volume on SR 520 decreased by approximately 30,000 cars per day when tolls were implemented. He noted that much of that traffic has been diverted to 148th Avenue as an alternate route.

Councilmember Kasner reported that he attended a meeting of the Eastside Transportation Association. He said $9 billion remains unspent from the ST1 and ST2 packages, and it is unclear how that relates to ST3 funding.

Mr. Kasner attended two town hall meetings (Crossroads Community Center and Kirkland Justice Center) hosted by King County Councilmember Claudia Balducci. He said the group Save Our Trails is fighting potential light rail on the Cross Kirkland Corridor (Eastside Rail Corridor).

Mr. Kasner said he and Councilmember Gooding attended an event at the Islamic Center of Eastside. Mr. Kasner said a Bellevue Police Captain provided a presentation on hate crimes and incidents of harassment in the region, which was well received by the audience.

Mr. Kasner said he met with a number of individuals at City Hall. He noted the upcoming 20th Anniversary of the City's Neighborhood Mediation Program.

Councilmember Kasner said City Councilmember Lynne Robinson attended the meeting of the Lake Hills Neighborhood Association to discuss affordable housing. Bellevue College representatives provided an update on student housing plans, City Manager Brad Miyake talked about the City's budget, and Oscar del Moro of Cosmos Development provided an update on Lake Hills Village. Overlake Hospital will open a clinic and emergency care facility at Lake Hills Village in August. Mr. Kasner said Community Councilmember Hughes provided an update on EBCC activities at the LHNA meeting.

Councilmember Gooding said the Islamic Center of Eastside represents both a religion and a culture. He observed that Muslim women cannot communicate with males not related to them, even in a neighbor situation. Councilmember Kasner acknowledged that this makes it challenging to interact with whole families. He said Bellevue's community is primarily Sunni, and there is a Shiite community in Kirkland. Responding to the audience, Mr. Kasner said the

public is welcome to certain festivals held at the Islamic Faith Center. However, women interact separately from men.

6. APPROVAL OF AGENDA

Councilmember Kasner moved to approve the agenda. Councilmember Gooding seconded the motion, which carried unanimously.

7. DEPARTMENT REPORTS

(a) 2017-2023 Capital Investment Program (CIP) Update

Eric Miller, Transportation Capital Programming Manager, provided a presentation on the preliminary 2017-2023 Capital Investment Program (CIP). He said the first two budget public hearings are June 6 and July 18, and a third hearing will be held in November. The Transportation CIP contains 39 investments totaling $245 million and 13 ongoing programs totaling $9.2 million per year. Mr. Miller highlighted charts depicting expenditures, revenues and debt service.

Councilmember Kasner observed that the debt service level is too high.

Mr. Miller continued highlighting expenditures, revenues, and revenue sources. Responding to Mr. Kasner, Mr. Miller said the CIP Plan does not assume any new funding strategies or new revenue sources not contained in the current budget.

City Councilmember Robertson noted that the current CIP Plan goes through 2021, and the Council has not yet made decisions regarding 2022-2023 projects.

Mr. Miller said transportation impact fees can only be spent on capacity projects related to trip generation from a specific development project. The impact fee for a single-family home is approximately $4,730.

Mr. Miller highlighted items on a list of all proposals drafted by staff to be considered during the Council's current budget discussions. [The list is provided in the meeting packet.]

Councilmember Kasner recalled that the 148th Avenue/Main Street traffic signal project went out to bid two to three years ago but the estimate was too high. Mr. Miller said the project will be completed this year.

Mr. Miller noted the neighborhood traffic safety program. Mr. Kasner said Councilmember Gooding advocated for a specific traffic calming project for a number of years. Mr. Miller said it will be completed this summer.

Mr. Miller said the City is considering the use of the federal Transportation Infrastructure and Finance Innovation Act (TIFIA) loan program. There have been only two TIFIA loans in Washington state to date, to the Washington State Department of Transportation (WSDOT) and

to Sound Transit. The City would use a TIFIA loan for major projects in the BelRed corridor. Responding to Councilmember Kasner, Mr. Miller said the loan would be potentially $80 million to $90 million, and the City must match the loan amount by approximately 67 percent. The City would like to coordinate construction of City road projects with the construction of light rail.

Mr. Miller highlighted additional proposed CIP items including other BelRed projects and pedestrian-bike projects. He said the Transportation Commission was scheduled to discuss the CIP Plan during its May 12 meeting and will ultimately develop recommendations for the City Council.

Responding to Mr. Kasner, Mr. Miller encouraged the EBCC and citizens to submit comments on projects and priorities to the Transportation Commission and/or City Council.

Mr. Kasner said he would like to see TFP-158 (SE 16th Street bike lanes and sidewalks) removed from the list of candidate projects. He believes there are more worthy projects. He thanked Mr. Miller for the presentation.

Responding to staff, Chair Capron agreed to modifying the agenda to address Item 7(c) before Item (b).

(c) Room Rental Ordinance Update

Betty Cruz and Lisa Beauchamp, Code Compliance Officers, provided an update on the single-family room rental ordinance and enforcement.

Ms. Cruz recalled that the single-family room rental ordinance was approved by the Council in April 2015. The ordinance defines "family" as a maximum of four unrelated adults living together in a single-family home. When the City receives a complaint regarding a possible violation, staff will speak with the person who submitted the complaint, the owner of the property of concern, and/or residents of the home.

Ms. Cruz said staff typically makes three site visits to observe the property and related activity. She described a case involving a family and a number of additional unrelated adults living in one home. Enforcement of the ordinance required that the unrelated adults move out of the home. Ms. Cruz said the definition of family also includes the concept of living as a "single housekeeping unit," and she described an additional example.

Councilmember Kasner said residents have made comments that the City is more likely to respond if several complaints are made about the same property.

Land Use Director Carol Helland said there were 71 open enforcement cases, and 63 have been closed. In terms of prioritizing, Ms. Helland said staff generally handles complaints as they are received. However, complaints involving safety-related or other more urgent issues will be given priority.

Responding to Mr. Kasner, Ms. Helland said City staff generally gets back to the individual who submitted a complaint within a week to 10 days to describe the process. Ms. Helland said the enforcement process takes time and is dependent upon the level of cooperation with City staff.

Councilmember Kasner said he suspects there are homes in violation of the ordinance that have not been reported. Responding to Mr. Kasner, Ms. Helland said options available to residents are to file a complaint with Code Compliance or to contact the City's neighborhood mediation program for assistance.

Chair Capron observed that multiple and/or an excess number of vehicles is one of the most common problems in the neighborhood.

Ms. Helland said she read Stephanie Walter's email and she understands the frustration that there are likely violations that are not being reported. However, Ms. Helland said the City does not proactively drive through neighborhoods looking for code enforcement issues. Ms. Helland said complaints may be filed online. However, the City does not respond to anonymous complaints. The City maintains the confidentiality of the person who submitted the complaint if requested.

Responding to Mr. Kasner, staff indicated they would provide copies of the presentation to the Community Council.

(b) Staff presentation regarding Group Homes/Adult Family Homes/Skilled Nursing Facilities

Ms. Helland noted information in the meeting packet regarding the regulation of residential care facilities in Bellevue.

Don Boettiger expressed concern that the law governing group homes was adopted in 2001 and circumstances have changed since that time.

Ms. Helland said the City is bound by the terms issued by Judge Zilly in the United States District Court. State and local laws must comply with federal law with regard to group homes for certain individuals. She said children and disabled persons are exempt from the definition of "family" for group homes and other single-family units. The City cannot impose regulations on group homes that differ from the regulations for other single-family homes.

Ms. Helland said the City Council's federal and state legislative agendas express support for changes to the federal Fair Housing Act and to state law against discrimination that would allow jurisdictions to have some appropriate level of control. However, there has not been legislative momentum to address those issues. She acknowledged that a number of the group homes developed over the years are inconsistent with the original intent of allowing individuals to age in their homes.

Ms. Helland said that one way to approach this issue would be to develop local regulations addressing concerns about group homes that would apply equally to all single-family homes. Ms. Helland said there is a relatively new group home that maximized the bulk, size and scale of an

individual family home by eliminating the garage. The home retained the ability to park two vehicles in the driveway. However, eliminating the garage resulted in a larger structure that was out of scale with other homes in the neighborhood. The City could consider requiring garages to address that type of impact.

Responding to Councilmember Kasner, Ms. Helland said group homes are licensed by the State.

Chair Capron noted a large home at 162nd Avenue and Main Street. His understanding is that it was permitted as a single-family home remodel. It contains six bedrooms with hospital beds and operates as a skilled nursing center. He questioned the difference between a skilled nursing center in a residential district versus a commercial district.

Ms. Helland said the facilities are allowed because they are licensed by the State as adult family homes (group homes) and not as skilled nursing facilities. Ms. Helland said the term "skilled nursing facility" refers to services for the purpose of classifying Medicare and Medicaid coverage. She noted that her memo in the meeting packet defines the characteristics of a skilled nursing facility. Residents in this type of facility require assistance and are therefore considered disabled. The facilities are operated as adult group homes, and the definition of family exempts disabled individuals with regard to the maximum limit of four unrelated adults living in a single-family residence.

Chair Capron questioned how homes are differentiated as group homes versus single-family rentals. Ms. Helland said that, if the State issues a license for an adult family home, it must be treated as a group home under federal law. The City cannot independently determine that it is a nursing home.

Responding to Mr. Capron, Ms. Helland said nursing homes, congregate care senior housing, nursing homes, and assisted living facilities are allowed only in multifamily and commercial districts. Responding to Mr. Kasner, Ms. Helland said she has never handled a complaint in which a home did not have a State license designating it as a group home, thereby allowing it to operate under federal law.

Responding to the audience, Ms. Helland said the City issues home occupation permits for individuals selling cosmetics, working as hair stylists, or providing a number of other services in their homes.

In further response, Ms. Helland said adult family homes are limited to six disabled individuals. However, there may also be a family in the home, and outside caretakers can visit to provide services 24 hours per day.

Councilmember Kasner thanked Ms. Helland for providing information and attending the meeting.

Ms. Helland said her memo includes the web address for the Municipal Research and Services Center (MRSC), which provides state and local regulations as well as a number of articles about adult family/group homes.

Responding to Councilmember Kasner, Ms. Helland said Stephanie Walter's communication regarding single-family room rentals requests a requirement limiting the maximum number of unrelated adults in a single-family residence to four, even if they report to be living as a housekeeping/family unit. Ms. Walter is in favor of rental registration and the ability to inspect rental properties. Ms. Helland said the City Council considered those provisions in the past, and there is nothing stopping them from reconsidering and modifying the regulations.

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

9. **RESOLUTIONS**: None.

10. **COMMITTEE REPORTS**: None.

11. **UNFINISHED BUSINESS**

(a) Sound Transit Park and Ride Replacement Parking during East Link Construction

Councilmember Kasner questioned whether the EBCC received a staff response regarding Park and Ride replacement parking during Sound Transit's construction of the East Link light rail project and the South Bellevue Station/Park and Ride.

Chair Capron expressed concern that the lot at 2650 148th Avenue was not presented to the Community Council for a courtesy hearing. He said staff indicated that they did not realize the lot was within the EBCC jurisdiction. The Council also was not notified about the lot at 140th Avenue and SE 5th Street. He said Sound Transit is requesting 50 parking spaces per location, which is addressed through an administrative conditional use permit (ACUP). A lot offering 51 or more spaces is subject to a conditional use permit (CUP), which would fall under the EBCC's authority to accept or deny the permit.

Mr. Capron said there are four transit leased lots within the EBCC's boundaries. He counted the number of parking spaces at each location. The smallest lot has 72 spaces and the largest location has more than 200 spaces. He questioned how the number of cars will be limited to 50 per lot. For the largest lot, Mr. Capron suggested allowing the front parking lot of approximately 115 spaces for Park and Ride use, and processing the location under a CUP.

Ms. Helland said Sound Transit submits the permit applications and is responsible for the leased lot arrangements. The City is required to review the permits as presented and does not have the ability to suggest alternatives. Responding to Chair Capron, Ms. Helland confirmed that the permits are approved with conditions. She will forward those conditions to the EBCC. Links to that type of information in the City's staff reports for specific projects are provided in the blue permit bulletins as well.

Councilmember Kasner expressed concern that the cumulative effect of the four lots is a significant increase in traffic in the EBCC jurisdiction. Mr. Capron noted that users of the lots will likely be East Bellevue residents.

Ms. Helland said Franz Loewenherz in the City's Transportation Department worked closely with Sound Transit in identifying alternate parking sites. A license plate survey was conducted, and that information was used to identify the origin of cars currently using the South Bellevue Park and Ride. Sound Transit then identified parking locations that would intercept trips in specific areas to reduce the number of trips traveling a longer distance to another Park and Ride. She said the lots identified in East Bellevue are directly related to the results of the license plate survey.

Mr. Capron said it is a good idea to use church parking lots because they are empty all week. However, he expressed concern that the permits indicate 50 cars per lot.

Ms. Helland suggested that Councilmembers contact Paul Cornish at Sound Transit for additional information as well.

Responding to Mr. Kasner, Ms. Helland encouraged the EBCC to submit questions for staff on any topics through the Deputy City Clerk. She said the weekly permit bulletins are mailed to EBCC members. Chair Capron said he does not receive the bulletin

(b) Transportation Project TFP-158

Councilmember Kasner requested the support of the Community Council to speak to the Transportation Commission in opposition to project TFP 158 (SE 16th Street bike lanes and sidewalks).

Councilmember Kasner moved to transmit the East Bellevue Community Council's request that the Transportation Commission delete project TFP 158 (SE 16th Street between 148th Avenue and 156th Avenue), as an unwanted and unnecessary project, from the City's Transportation Facilities Plan. Councilmember Gooding seconded the motion, which carried by a vote of 3-0.

Mr. Kasner said he would like the EBCC to study additional upcoming issues and to adopt formal positions on those topics. He would like to add to the June meeting agenda that the EBCC adopt a position on the CIP Plan as it relates to projects in Lake Hills.

12. NEW BUSINESS

(a) Potential Future Agenda Items *[No discussion]*

- Presentation regarding relaunch of MyBellevue App (June)
- Low Impact Development Principles Courtesy Hearing (June)
- Administrative Conditional Use Permit Courtesy Hearing (June)

Deputy City Clerk Charmaine Arredondo said staff has indicated plans to come to the July EBCC meeting to provide information regarding the use of the north end of the Kelsey Creek Center parking lot.

Chair Capron questioned whether the Council would like to cancel the July 5 meeting since it immediately follows the holiday. There was a consensus to move forward with the meeting as scheduled.

Councilmember Kasner suggested that the discussion of budget/CIP priorities could be moved to July, in preparation for submitting comments to the City Council before the July budget hearing. Mr. Capron said it might have been more helpful if tonight's presentation would have focused on potential projects in East Bellevue. Councilmember Kasner said he would like to present his budget proposal to the EBCC in June and to have further discussion in July.

13. CONTINUED COMMUNICATIONS

Mohamad Bakr, Islamic Center of Eastside, said an event was held the previous weekend which Councilmembers Kasner and Gooding attended. Mr. Bakr said the event involved a cultural conversation about the roles of women and men. He said there will be a public session on the last Saturday in May regarding women in Islam. Mr. Kasner said he would like to see the City involved in the event. Mr. Bakr said both women and men could be accommodated in the same facility if it was larger than the Islamic Center. The event will provide the opportunity for the public to ask questions and learn about Islam.

Councilmember Kasner said the City is hosting a Neighborhoods Conference on May 21. The cost is $50 for the day, which includes breakfast and lunch, and the City will pay for EBCC members to attend if interested.

14. EXECUTIVE SESSION: None.

15. APPROVAL OF MINUTES

(a) Summary Regular Meeting Minutes of April 5, 2016

Councilmember Kasner moved to approve the minutes of the April 5, 2016 Regular Meeting, and Mr. Gooding seconded the motion. The motion carried unanimously.

16. ADJOURNMENT

At 9:34 p.m., Chair Capron declared the meeting adjourned.

Charmaine Arredondo
Deputy City Clerk

/kaw

BUST