East Bellevue Community Council
Summary Minutes of Regular Meeting

March 4, 2014
6:30 p.m.

Lake Hills Boys & Girls Club
Bellevue, Washington

PRESENT: Chair Capron, Councilmember Hughes, Councilmember Hummer, Councilmember Gooding, Councilmember Kasner

ABSENT: None

STAFF: Mike Bergstrom, Senior Planner, Development Services Department

1. CALL TO ORDER

The meeting was called to order at 6:33 p.m. with Chair Capron presiding.

2. ROLL CALL

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

3. FLAG SALUTE

Chair Capron led the flag salute.

4. COMMUNICATIONS: WRITTEN AND ORAL

None.

5. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS

(a) Community Council Business and New Initiatives

6. APPROVAL OF AGENDA

Councilmember Kasner moved to approve the agenda. Councilmember Hummer seconded the motion and it carried unanimously.

7. DEPARTMENT REPORTS

None.

8. PUBLIC HEARINGS

a) Public Hearing to Consider Extending Interim Regulations Adopted by Ordinance No. 6128

Chair Capron introduced Mike Bergstrom, Development Services Department Senior Planner. Mr. Bergstrom updated the EBCC on the City Council hearing on March 3, to extend the interim regulations. The City Council chose to adopt Ordinance No. 6152. The issue before EBCC this evening is whether to extend the regulations or not.

The Planning Commission will begin their work on the permanent regulations with a study session next Wednesday, March 12.

Councilmember Hughes questioned which cities were contacted. In response, Mr. Bergstrom stated there were in-state cities of Cheney, Spokane, Walla Walla, and others.

Councilmember Hummer stated that her understanding is Bothell is encountering the same type of issues. Mr. Bergstrom confirmed that they have similar issues with UW students.

Councilmember Kasner asked what other issues this is competing with at the Planning Commission level. Mr. Bergstrom responded that there is always an assortment of topics, but the comprehensive plan is the largest body of work.

Councilmember Kasner asked if there is a planning group that will provide additional input. Mr. Bergstrom responded that the proposal is to assemble a panel of different interests to work with the Planning Commission. This would be a fairly informal group, unlike a Citizen Advisory Group.

Councilmember Kasner stated that Carol Helland said at City Council last night that she hoped there would be a deliverable before summer recess. In response, Mr. Bergstrom said the hope is that the Planning Commission will be done in July.

Councilmember Hughes read a portion of Nanette Fricke's written statement on her appreciation of the City staff in trying to enforce the emergency ordinance.

In response to questioning, Mr. Bergstrom stated that a lot of issues that come in for plan check typically would not have gone to land use staff, but now that the rental housing issue has come up, the buildings have gone through land use. If there are large rooms where it is easy to drop in a wall, the project is questioned.

Councilmember Kasner would like to preach a little bit of patience in that code enforcement is trying to do their jobs within the bounds of due process. Records are being established based on the complaints coming in. Even though it's not obvious to everyone, records are being established.

Councilmember Hummer stated that she has seen several City cars coming out of that particular neighborhood and assumed that the City was starting enforcement. She questioned Mr. Bergstrom on what happens after a complaint goes into the system.

In response, Mr. Bergstrom stated that the complaint is then investigated. Enforcement staff gathers as much information as they can, interview the owner, if possible, and conduct their fact finding in the background.

Chair Capron stated that, frequently, just the presence of a code enforcement officer asking questions gets the code enforced.

Chair Capron moved to open the public hearing. The motion was seconded by Councilmember Hummer and carried unanimously.

Steven Fricke spoke in support of extending the emergency ordinance, allowing the Planning Commission time to address the permanent regulations.

Ken Seal spoke and said he would support owners being asked to sign an agreement that they understand only four unrelated people can be living in a residence. They then cannot plead ignorance. Owners have to be aware of the law. It is up to the residents to contact the City and report any suspected violations.

Irene Fernanz spoke and asked Mr. Bergstrom about additional funding. She questioned whether additional staff has been hired. One staff member she has heard of has been to 48 houses in one day.

In response, Mr. Bergstrom said the city is aware that, depending on which direction the regulations go, there may be funding and staffing implications.

David Pater spoke in support of renewal of the ordinance. The underlying issues are still present. The rental housing is high. The issue is multi-family use disguised as single-family homes, which is inconsistent with single-family neighborhoods. Mr. Pater lives right across the street from one of the most active boarding houses in Spiritwood. He feels that he doesn't know who his neighbors are anymore. There are all kinds of people in and out of the homes. There are four of these types of houses within a block of his house, owned by the same landlord. There will be a major impact on the neighborhood and it will change the complexion.

Ronald Merk spoke in support of renewal of the ordinance. He spoke regarding his communication to City Council last night. One of the things he has asked Council is to put some real definition to what single-family is. He believes that it is currently very loosely defined. He knows that the City of Bellevue has put a number of four unrelated persons on single-family homes, but he feels that is an arbitrary number. He would like to see the number at three and he would also like to see a requirement that if rooms are rented out the owner should be required to live in the home as well. The occupants should operate as a functional family unit. He does not believe that the rental of rooms should be a for-profit business.

Chair Capron advised Mr. Merk to make his comments known at the Planning Commission level.

Councilmember Kasner stated that on many issues, courtesy hearings come telling the Council what is happening. He envisions a courtesy hearing regarding the Planning Commission's initial thoughts on this issue. If there is feedback the Council has heard that they have not, that is the EBCC's time to consider those thoughts. The EBCC constituents feel more comfortable coming to EBCC.

Mr. Bergstrom encouraged people to comment at the Planning Commission level so that they know their comments are being heard.

Chair Capron noted that the EBCC has a long-standing history of being very supportive and protective of single-family neighborhoods and residences.

Stephanie Walter spoke in support of the emergency ordinance. She appreciates the work the City has done and the responsiveness in telling the residents what has been done. Even though, at times, it does not feel like anything is going on, at the same time it also feels like nothing bad is being started. No new projects have been started on new mega houses. She noted that the continuing disappointing factors are the Craig's List ads that are still being posted. It is from one particular group. There are concerns that developers are going from one end of the neighborhood to the other so that they are not noticed. Ms. Walter feels it is extremely important to keep the emergency ordinance in place. She encouraged people to write to the Planning Commission or communicate with them at their meetings. You do not have to fight City Hall. You can work with them.

Susan Metz spoke and questioned whether there is a way to find out who is buying the three houses that are currently for sale on her street.

Councilmember Hummer suggested to Ms. Metz that she look on the King County parcel viewer, which will show you buyers/sellers for properties.

Ms. Metz questioned whether there is a cap on the number of Section 8 homes that can be located in a neighborhood.

Chair Capron directed Ms. Metz to the Federal level for answers to that question.

John Kapler spoke and thanked the Council for their attention to this issue. He stated that his message to everyone in attendance at the EBCC is, as someone who has practiced architecture for 35 years, if you want to build a home you can build whatever you want within the zoning parameter. So attacking what type of house developers build does not make any sense. It is all about the use and how the use applies to the zoning. The comment about the definition of single-family home makes sense. Mr. Kapler recommended that as a group, the residents come together and make a list of what they want in the permanent regulations. Take the list to the Planning Commission, with the blessing of the EBCC. The EBCC can say "this is what we want and if it is anything less we will veto." That language strikes seriousness with the Planning Commission and the City Council. Mr. Kapler stated that he is the Vice-Chair of the Houghton Community

Council in Kirkland. He noted this is a housing epidemic. The zoning aspect of what is allowed in a single-family neighborhood is the target.

Ken Seal questioned whether there is a provision for annual licensing.

Chair Capron responded that it is something the Planning Commission can look at.

Councilmember Kasner stated that the possible veto is a delicate position for EBCC because if the Council were to veto the ordinance that is presented then there is no protection in this area whatsoever. Threatening to veto leaves the neighbors unprotected. Mr. Kasner is hoping there will be a more cooperative relationship to get to something that will work for everyone.

In response to clarification from Councilmember Hughes, John Kapler stated that he believes the neighborhood association should go as a group to the Planning Commission for the reason that the EBCC is not really allowed to propose legislation. However, the association should have the blessing of the EBCC.

Councilmember Hughes pointed out that the definition of family is addressed in the ordinance.

Irene Fernanz spoke about the slow-down of the development of mega houses. She believes that the emergency ordinance has been effective in curtailing the development while permanent regulations are being written.

Councilmember Hummer mentioned the planning in 2004, which did not take into consideration a huge influx of Asians and other diverse groups that impacted the demographics. As the housing issues are addressed, it seems that some single-family zoned areas will be designated as multi-family in the future. She noted it will be very interesting to find out where that fits in the overall planning and what changes will occur.

Mr. Bergstrom clarified that Councilmember Hummer is referring to the Comprehensive Plan update. The Comprehensive Plan consists of two volumes. One volume relates to general policies. The other has sub-area plans that get down to mapping and some potential planning. The sub-area plans are not part of this update, with the exception that last year the I-90 corridor study was completed. That is going on a parallel track, which will match up with the Comprehensive Plan update, and it will have zoning changes within that corridor.

Councilmember Kasner drew attention to a map from 2009 that reflects the zoning from that time. Most of the land use designations are still the same. The EBCC subarea is currently marked as SE Bellevue. In the updated maps that will be implemented this year or next year, the EBCC area will become Lake Hills. It will be made up of four subareas. Highest density may look nice on paper, but it is not what the residents have expressed a desire to see.

David Pater noted that the fear, as a community, is multiple developers coming in and doing what they are doing. Enough of the developers could get together and say that this area is changing and it needs to be multi-family. He does not think it would take a lot for that to happen.

Fred Bailey spoke in support for the emergency ordinance. He noted that on the block he lives there are five colonial style homes. Two of the homes were purchased by Chinese buyers for the purpose of turning into boarding houses. One house has three levels with an attached garage which now has a vent coming out of it. The house has begun to be occupied with several residents. Mr. Bailey hopes this Council can do what it can to put the brakes on a very unfavorable situation in his neighborhood.

Councilmember Hummer questioned whether Mr. Bailey has gone on the website and filed a complaint.

Chair Capron advised Mr. Bailey to make sure his comments are presented to the Planning Commission. Chair Capron explained the process to Mr. Bailey, who arrived to the EBCC meeting late.

Don Boettiger spoke regarding the area between NE 16th and 136th . The plan is to build a 57 unit low-income housing development, but it is located in a light-industrial area. How did that area get zoned for multi-family? He pointed out that things can change quickly.

Steven Fricke noted an email from Paul Inghram he received on June 7. Mr. Inghram stated in his email that the "City has no intention to change the current zoning" within the Spiritwood area.

Ken Seal noted that this is a city-wide problem and, of course, other areas have the problem. He questioned what sort of regulations have been enacted that would prevent someone from breaking up an apartment into separate living units.

Ron Merk questioned what would happen if the EBCC said no to the permanent regulations.

In response, Chair Capron explained that the area would go back to the ordinance, prior to the emergency ordinance, that is on the books.

Councilmember Kasner noted that he has no doubt that the neighborhoods will get an ordinance better than the emergency ordinance because the will of the people is that these neighborhoods are protected.

Councilmember Kasner moved to close the public hearing. Councilmember Gooding seconded the motion and it carried unanimously.

Councilmember Hughes moved to adopt Ordinance 6152. The motion was seconded by Councilmember Kasner and carried unanimously.

Councilmember Hummer moved to adopt Resolution 539. Councilmember Kasner seconded the motion and it carried unanimously.

9. RESOLUTIONS

None.

10. COMMITTEE REPORTS

None.

11. UNFINISHED BUSINESS

None.

12. NEW BUSINESS

a) Memo re: Shoreline Master Program

Mike Bergstrom pointed out that there may have been some incorrect speculation by the EBCC that a majority of the shoreline jurisdiction was within the EBCC jurisdiction.

Councilmember Kasner stated that it is not 30%, which was the understanding of some Councilmembers. He noted that if the entire watershed was included, which includes Phantom Lake, it is about 1/3. The EBCC area is less than that, but it is still significant enough because of Lake Larsen and the watershed.

David Pater spoke and noted that he works for the Department of Ecology. He said his understanding is that Phantom Lake to Larsen Lake is within shoreline jurisdiction.

Councilmember Kasner stated that when you do the math, geographically the number of the entire watershed is 1/3 but the EBCC jurisdiction is more like 1/6.

Mr. Bergstrom showed Council the map of the shoreline jurisdiction.

(b) Council New Business

Councilmember Hughes spoke about his communications with the Deputy City Clerk. He noted two new billboards with land use issues near Kelsey Creek. He also spoke about the bank property at Kelsey Creek and questioned whether it was going to be a Key Bank.

Councilmember Hughes responded to Mr. Boettiger's questions at a prior meeting regarding the old Maple Leaf restaurant.

Councilmember Hughes discussed his desire to make the Council meetings more effective than they are today. The turnout for the meetings has improved, but he feels that each member should have a role within the EBCC. One role would be promoting the meetings, including publishing notice of the meetings in the *Bellevue Reporter*.

Chris Arondale spoke and would be happy to go around to his neighborhood and drop off leaflets explaining what goes on at the EBCC meetings. He would like to see more participation at the meetings.

Tammy Foss noted that she enjoys these conversations. She has witnessed a lot of outreach from City Hall. She is seeing an influx in Next Door sites being created. A recent topic went out regarding the match program that the City offers. She feels that the Next Door site is a great opportunity to advertise the EBCC meetings.

Councilmember Hummer noted that she started a Next Door site for her neighborhood.

Councilmember Hughes asked Chair Capron to designate someone to take on the role of outreach to the community.

Councilmember Hummer stated she would be willing to take on the role. Chair Capron noted that he would not necessarily designate Councilmember Hummer, but if she was willing to volunteer then that would be good.

Councilmember Hughes noted that he would be willing to write articles for things such as *It's Your City*. Chair Capron agreed that he would like Councilmember Hughes to continue with that role.

Councilmember Kasner clarified that the author has final say in what gets printed for *It's Your City.*

Councilmember Kasner noted that if more than two EBCC members talk on a topic, it is a violation of the Open Public Meetings Act. He feels that a retreat is necessary to have a common vision for the EBCC.

Councilmember Hughes noted that in the Lake Hills Neighborhood Association meeting they asked for a liaison between EBCC and LHNA and Councilmember Hughes volunteered himself, although he noted if another Councilmember was willing to do it he would defer.

Councilmember Kasner updated the audience regarding the LHNA February meeting. He noted that officers were selected and he was elected Vice President and Tammy Foss is Liaison Coordinator. Both organizations are looking to reach out. There are things the LHNA can do that the EBCC cannot and vice versa. The LHNA will have four meetings a year and a picnic in the summer. As Next Door site grow, the LHNA will grow. He noted that the next LHNA meeting is at Samena next Thursday and the topic will be Spiritwood.

Chair Capron questioned the Deputy City Clerk regarding whether it was appropriate for Councilmember Kasner to sit on the LHNA board as well as the EBCC.

Deputy City Clerk Charmaine Arredondo responded that it is ok for Councilmember Kasner to sit on the LHNA board, so long as he is sitting as an individual citizen and not representing the position of the EBCC.

Stephanie Walter questioned whether the liaison has to sit on the EBCC. She noted that it would be better if the liaison did not sit on the EBCC.

Tammy Foss stated that ideally she would connect the dots and make the communications between the LHNA and the EBCC.

Councilmember Kasner noted that he loves the fact that a citizen volunteer could potentially serve in the liaison capacity.

Chair Capron noted that he agrees with Ms. Walter in that the liaison should be someone who does not sit on the EBCC so that the appearance of fairness could be maintained.

Councilmember Hughes spoke regarding the professionalism of the meeting. He spoke specifically about the technology available. He also noted that this evening he felt the Councilmembers acted more professionally by eating before the meeting.

Councilmember Hummer stated that she can bring her laptop to meetings if it would help.

Council discussion.

Chair Capron stated he will have further discussions about the technology and will approach the Boys and Girls Club regarding the use of their equipment.

Chair Capron noted that he would like to see the photographs of the EBCC posted in the meeting room.

Ron Merk noted that he could not hear anything at City Hall last evening at the City Council meeting.

Chair Capron questioned Councilmember Kasner regarding what he envisions for an EBCC retreat.

Councilmember Kasner noted that there are mandatory issues and discretionary issues that could be discussed. Historically what has been discussed include various projects in the EBCC area. The EBCC communication strategy could be discussed. It would be a public meeting to discuss the work plan for 2014 and beyond.

Council discussion regarding training of the individual EBCC members.

13. CONTINUED COMMUNICATIONS

Councilmember Hughes noted that he attended the neighborhood outreach meeting on the budget. He also went to the LHNA meeting. Finally, he attended the Town Hall meeting with Tana Senn, Judy Clibborn and Steve Litzow and learned a lot.

Councilmember Kasner stated he was also in attendance at the Town Hall meeting as well as the ETA meeting. He also attended numerous association planning meetings. The next meeting will

be May 15 and the topic will be code compliance and neighborhood mediation. He noted that it is fun to be back on the EBCC and not having the gavel was easier than he originally thought. He appreciates all the people that come to the meetings.

Councilmember Hummer noted she was in attendance at the neighborhood outreach program on the budget. She also attended the Sunset Hills association meeting.

Councilmember Gooding noted that the Wintergrass Festival was a great production.

Chair Capron questioned what direction the EBCC wants to go.

Councilmember Hummer noted that her vision is to increase the collaborative effort that is currently going on. She wants to make sure there is a good working relationship with all the neighborhood associations in the area, as well as businesses and developers.

Chris Arondale spoke and suggested that someone reach out to the churches in the area to spread the word about EBCC.

Tammy Foss spoke and noted that education should be a primary vision on the Council. Adding some intention to the education would be helpful.

14. EXECUTIVE SESSION

None.

15. APPROVAL OF MINUTES

(a) Summary Regular Meeting Minutes - February 4, 2014

Councilmember Kasner noted a small correction on page 26. The text should read "chock" full.

Councilmember Hughes noted a spelling error in the city of Chattanooga.

Councilmember Hughes moved to approve the minutes of February 4, 2014. The motion was seconded by Councilmember Hummer and carried unanimously.

16. ADJOURNMENT

Chair Capron adjourned the meeting at 8:51 p.m.

Charmaine Arredondo
Deputy City Clerk