**East Bellevue Community Council**
Summary Minutes of Regular Meeting

August 5, 2014
6:30 p.m.

Lake Hills Boys & Girls Club
Bellevue, Washington

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

ABSENT: Councilmember Hughes (previously excused)

STAFF: Michael Bergstrom, Senior Planner, Development Services Department

## 1. CALL TO ORDER

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

## 2. ROLL CALL

The Deputy City Clerk called the roll. Councilmember Hughes and Councilmember Gooding were absent.

## 3. FLAG SALUTE

Councilmember Kasner led the flag salute.

## 4. COMMUNICATIONS: WRITTEN AND ORAL

Cindy Dorai, Director of EYAS Montessori spoke. She noted that the first day of school is September 3. The school is hosting open houses each week until then.

Councilmember Gooding appeared at 6:38.

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

(a) Community Council Business and New Initiatives

Councilmember Kasner was at the Planning Commission last week. Topics included the Bellevue Technology Center, a down-zone in Horizon View, and recreational marijuana. He stated there is no parcel in the EBCC area that will qualify for the sale of marijuana. He noted that Lake Hills Neighborhood Association had their annual summer picnic a couple of weeks ago and it was successful. They are looking at doing another event in October.

Chair Capron stated he went to the City Council meeting to report out on the issues concerning EBCC jurisdiction, including sidewalks and traffic signals. Chair Capron also noted that he looked around the Lake Hills Shopping Center and did not see any activity for retail build out currently in progress. Kelsey Creek Center has auto parts store coming in. He noted a recent house fire in the Lake Hills neighborhood. The house was a complete loss. Some of the neighbors are concerned with the debris being cleaned up sooner rather than later.

Councilmember Hummer suggested that residents use publicstuff.com and report the house and see what the response is.

Councilmember Hummer noted that she stopped by EYAS Montessori. She also went to Hidden Village to check out the summer camp programs. She spoke about the north corner of 148th by Hidden Village. After the bus stop there is no sidewalk or crosswalk. Lots of kids use this street and without a sidewalk it is dangerous and creates a big safety issue. Councilmember Hummer thought the sidewalk would be part of the improvements on north side of 24th. She also attended the City Council meeting and asked for a curb on 145th Place SE. There used to be a curb, but it is no longer there. People who are lost drive fast and there are children waiting for buses and a curb would help protect them. Councilmember Hummer also went to the Parks Board and heard about Meydenbauer Bay Park.

Councilmember Gooding noted the large scale of the Meydenbauer Bay Park project. Regarding the Lake Hills shopping center, Councilmember Gooding had noticed some signs previously noting tenants coming, but the signs are now gone. He also spoke about going to the expanded Farmers Market.

Ken Seal noted that the parking at Lake Hills Shopping Center is not yet open, so a retail space would be hard to operate with no parking.

## 6. APPROVAL OF AGENDA

Councilmember Kasner moved to approve the agenda. The motion was seconded by Councilmember Hummer and passed unanimously.

## 7. DEPARTMENT REPORTS

None.

## 8. PUBLIC HEARINGS

(a) Public Hearing to Consider Extending Interim Regulations Adopted by Ord. No. 6128 and Extended by Ord. No. 6152

Mike Bergstrom presented the staff report. The reason for this extension is the previous extension will expire on September 23. To have enough time to work all of the details out, the additional extension is needed. There is not much to the extension action. EBCC needs to decide if the extension is necessary or not.

Chair Kasner moved to open the public hearing. Seconded by Councilmember Hummer and passed unanimously.

Bart Goft spoke and stated that he is worried that the community is not protected from overabundance of these types of housing and feels they may fall through a loophole. He wants to make sure there are permanent regulations in place to protect the neighborhood of family homes as opposed to what he calls SRO's.

Irene Fernanz spoke and requested that the EBCC approve the extension of the room rental ordinance. She looks forward to the passing of the permanent ordinance.

Ron Merk spoke and said he agrees with the extension of the emergency ordinance. We need to start paying attention to what is going on around our neighborhoods. There are lots of code violations and a lot of things that are not right and no one is doing an adequate job of addressing the concerns.

Steve Fricke spoke and said he agrees that the ordinance should be extended to allow the planning commission to develop permanent regulations.

Bart Goft questioned whether the City Council ever asked residents for their input on the ordinance. He feels that the problem of having meetings at the Lake Hills Clubhouse is that people do not always come. You have to disperse emails and get information out. There should be something in a newsletter that goes out to people asking for their specific opinion about what is going on.

Hearing no further comment, Chair Capron closed the public hearing.

Councilmember Kasner moved to extend the interim regulations and approve Resolution 542. Councilmember Gooding seconded the motion and it passed unanimously.

(b) Courtesy Hearing on Residential Room Rentals – Permanent Regulations

Mike Bergstrom presented the staff report. The Planning Commission will develop permanent regulations and will hold a public hearing and take input from citizens. They will then present a recommendation to City Council for consideration and action. Likely, it will be a study session item with City Council and then a regular session for final action. The matter would then come before EBCC for public hearing.

The interim ordinances would then be repealed and the final ordinance would be effective immediately.

Mr. Bergstrom continued and explained that the draft regulations include no rooming houses in any district. Rooming houses are defined in the new regulations. Various parts of the City Code will have to be looked at to make this work.

Councilmember Gooding questioned how a dwelling becomes designated as a rooming house.

Mr. Bergstrom replied that it is by definition. It is considered a rooming house if an owner does not reside in the house and the rooms are individually available for rent.

The Planning Commission has had a study session on the permanent regulations. At the last study session, it was reflected that no more than 4 rooms can be available for rent and to no more than 5 people. Also required would be parking on-site for 1 stall per room that is available for rent. There will also be provisions for yard maintenance and waste collection. The landlord or agent has to be local and they will be responsible for code violations. The suggested definition of family is up to 6 people, unless all are related by blood, adoption or marriage. The definitions of boarding house and bed and breakfast had to be reworked. By definition, under the proposed permanent regulations, a boarding house has to be owner occupied.

Councilmember Kasner questioned Mr. Fricke on whether the Planning Commission hit the target with the proposed permanent regulations.

In response, Mr. Fricke said yes. He appreciates Mr. Bergstrom and all the work that has gone into this.

Mr. Bergstrom mentioned an additional fact that the draft that went to the Planning Commission for their last study session differs from this in one respect. Even if you can find a single family home in a non-single family home district, on top of that you now have to go through an addition Administrative Conditional Use Permit.

Councilmember Kasner questioned if Chris Benis was involved in the process.

Mr. Fricke responded and confirmed that Mr. Benis has been involved and very engaged. The City went the extra mile and have said you are precluded from room rentals in this section, but if you want to rent rooms in another section you still need to meet these conditions.

Councilmember Kasner noted that Chris Benis said his members have 5 units or less. He was not happy with the dorms going up either. The neighborhood came together with a knowledgeable person in the rental arena and with City staff, and Councilmember Kasner wants to make sure that all the holes have been filled with regard to this issue.

Mr. Fricke noted that the City and the Planning Commission and everyone in the neighborhoods have done their best to look ahead. At this point, he hopes it gets back to EBCC quickly.

Councilmember Kasner questioned the status of the monster house, which was the catalyst for this action. He asked if it needs a certificate of occupancy.

Mr. Bergstrom responded that they would need final approval on inspection.

Irene Fernanz noted that she has seen people in the house, but as far as she can tell it may be workers.

Susan Metz noted that the house across the street from her was purchased by an LLC. She is wondering if anyone is monitoring the house or how many people will be living there.

Mr. Bergstrom suggested that she call code compliance and note the activity that she has observed.

Councilmember Hummer questioned what the penalties are if they are not in compliance.

In response, Mr. Bergstrom noted that voluntary compliance is sought first. If that does not work, then the issue goes to the Hearing Examiner for a hearing. The Hearing Examiner then makes a determination which is appealable to court. The Hearing Examiner can issue fines by the day.

Councilmember Hummer reiterated that citizens should use publicstuff.com to file complaints.

Mr. Bergstrom noted that publicstuff.com is not a formal complaint to Code Compliance. If a citizen sees something, they need to make a formal complaint with Code Compliance.

Ken Seal spoke and asked about apartment houses. He questioned how the ordinance will deal with room by room rental on apartment houses.

Mr. Bergstrom responded that if it is room by room it has to be in a single family detached dwelling, but not in a single family district. Apartments would have to be single lease that covers the whole apartment. People can still have roommates.

Bart Goft questioned how this ordinance will relate to assisted living homes in neighborhoods.

In response, Mr. Bergstrom noted that those are state licensed homes and are considered group homes. The City does not provide oversight for group homes.

Councilmember Kasner noted that the new ordinance is cleaner.

Mr. Goft also asked what communication the City of Bellevue has with the people who underwrite the insurance on the houses. Do the policy holders know that the house is illegal under city ordinance?

Mr. Bergstrom replied that it is a contract between the home owner and the insurance company.

Ron Merk spoke about adult family homes. He questioned how much leeway is given to those homes to have people residing in the home that do not need to live in assisted homes.

Councilmember Hummer asked where Mr. Merk could go for more information.

Mr. Bergstrom stated he would find out and let Mr. Merk know.

Chair Capron noted that the state inspects for compliance regularly. It is not only on a complaint basis.

Councilmember Gooding noted that the adult family homes charge a high rent.

Councilmember Hummer noted that the Enatai does not seem to have these issues. All the houses look very nice. They have taken little bungalows and then build something that looks good and is a single family dwelling. She questioned why everyone seems to want to build in Lake Hills.

Councilmember Kasner noted that the underlying property values are significantly different.

(c) Courtesy Hearing on Land Use Code Clean-up Amendments

Mike Bergstrom presented the staff report on clean up code amendments. The City maintains a work program for items that they want to rework someday. They break the items into four tiers. Tier One is hoped to get through in a two year cycle and potentially start with Tier Two.

The Land Use Code clean ups have to be done over and over. Citations that refer to state law that has changed need to be updated. At times, footnotes are attached to the wrong use in charts and need to be updated.

Mr. Bergstrom went on to finish the staff report.

Councilmember Kasner noted that the second kitchen issue is still one that needs to be debated and discussed.

Mr. Bergstrom responded that there is a difference between the question of what is a kitchen as opposed to how many kitchens can a house have. That was the issue that was discussed. There still is a policy debate that needs to be worked out.

Councilmember Kasner noted that he does not want to leave the impression that the kitchen issue has been resolved. This resolves these current problems, but leaves unanswered the other issues.

Councilmember Hummer questioned the plan of one developer. She questioned if the developer had submitted a plan for two kitchens and it was approved, then would there have still been issues.

Mr. Berstrom responded that it would not have been approved if there were two full kitchens.

Councilmember Kasner questioned when this item will reappear.

Mr. Bergstrom noted that this will be on the same path as the room rental issue. It will all go to a public hearing at the Planning Commission before coming back to EBCC.

Susan Metz questioned how easy it is to change zoning from single family to multi-family.

In response, Mr. Bergstrom noted that it is difficult unless the comprehensive plan has already designated areas for future multi-family development. It is rare for the City to adopt a comprehensive plan and land use designation and then wait years to change the zoning.

Councilmember Kasner noted that Bellevue College is not subject to City land use processes.

Councilmember Hummer mentioned the meeting she had with the college about their future plans for the properties they have purchased in her neighborhood.

## 9. RESOLUTIONS

Resolution 542 passed unanimously, as noted above.

## 10. COMMITTEE REPORTS

None.

## 11. UNFINISHED BUSINESS

None.

## 12. NEW BUSINESS

(a) Future Agenda Items

Chair Capron noted that recreational marijuana will be on the agenda in September.

Councilmember Kasner noted that the application for the Kelsey Creek development has been withdrawn. He would still like to see an update on Lake Hills Shopping Center and Kelsey Creek Center.

Chair Capron said he speak with Brian Franklin and ask him to come to a meeting and give an update.

Councilmember Kasner noted that he wants to refocus the budget feedback to Council.

## 13. CONTINUED COMMUNICATIONS

Bart Goft spoke about a speed trap on Main Street between 152nd Ave. going West and 148th Ave. He feels there is strong enforcement. He spoke about two incidents of being pulled over in that area, the second of which resulted in a ticket.

Councilmember Kasner noted a desire to have a discussion about red light cameras in the fall of 2014 or Winter of 2015.

## 14. EXECUTIVE SESSION

None.

## 15. APPROVAL OF MINUTES

(a) Summary Special Meeting Minutes - June 16, 2014

Chair Capron moved approval of the special meeting minutes. Councilmember Kasner seconded and the motion passed unanimously.

(b) Summary Regular Meeting Minutes – July 1, 2014

Councilmember Hummer moved to approve the minutes. Councilmember Gooding seconded the motion and it passed unanimously.

## 16. ADJOURNMENT

Chair Capron adjourned the meeting at 8:17 p.m.

Charmaine Arredondo
Deputy City Clerk