

East Bellevue Community Council
Summary Minutes of Special Meeting

November 5, 2013
5:30 p.m.

15230 Lake Hills Boulevard
Bellevue, Washington

PRESENT: Chair Kasner, Councilmembers Capron, Hughes, Seal and Gooding¹

STAFF: Michael Bergstrom, Development Services Department
Mark Poch, Transportation Department
Monica Buck, Community Council's Legal Advisor

1. **CALL TO ORDER**

The meeting was called to order at 5:31 pm with Chair Kasner presiding.

2. **ROLL CALL**

The Clerk called the roll with all Councilmembers present.

Chair Kasner led the flag salute.

3. **COMMUNICATIONS: WRITTEN AND ORAL:** None.

4. **APPROVAL OF AGENDA**

Mr. Capron moved to approve the agenda as presented. Mr. Hughes seconded the motion which carried with a vote of 5-0.

5. **PUBLIC HEARING:**

(a) Interim Zoning Control and Rental Housing Regulations.

Chair Kasner opened the public hearing.

Michael Bergstrom, Senior Planner, provided an overview of Ordinance 6128. On September 23, the City Council adopted Ordinance No. 6128 as an emergency ordinance under the authority in Chapter 36.70A RCW and RCW 35A.13.190. This interim zoning control (1) deleted the general development regulations applicable to rooming houses; (2) clarified that boarding home performance criteria apply to rooming houses; (3) amended the definition of "Boarding House;" and (4) amended the definition of "Family" to address impacts resulting from the rental of multiple rooms in single family dwellings to unrelated individuals.

On October 1, the East Bellevue Community Council approved interim zoning control regulating individual room rentals in single family homes effective immediately. Tonight's hearing satisfies RCW

¹ Councilmember Gooding left the meeting at 7:40 pm.

36.70A.390 requirement to hold a public hearing within 60 days of that adoption so that the emergency ordinance remains effective for six months.

Mr. Bergstrom reported on the impetus for this action, noting the concerns raised by the Spiritwood neighborhood.

He stated the performance requirements applicable to Boarding Houses were expanded to include "Rooming Houses," and, to consolidate standards applicable to these uses in a single location as a code simplification strategy. The definition title for "Boarding House" was expanded to specifically include "Rooming" which is referenced in the narrative of the current definition. The definition of "Boarding/Rooming House" was also expanded to apply to stays of 30 days or more to eliminate any conflict with the definition "Transient Lodging."

He continued, stating the definition of "Family" was amended to reduce the number of unrelated individuals who were able to live together from six to four in order to bring it into closer alignment with Bellevue's 2.75 person average household size. And, the definition was also amended to better describe what constitutes "related individuals" versus "unrelated individuals," and to apply only to adults (persons 18 years or older). The definition was expanded to describe circumstances where more than four unrelated individuals were allowed to live together as the functional equivalent of a family.

Fred Bailey spoke in favor of affirming Council's October 1 action. He stated in the past four months two large colonial styles homes on his street have been purchased. He has observed numerous contractor vehicles on site and stated his fear that these homes were vulnerable to an emerging business model to convert single family homes to boarding houses. Mr. Bailey opined that rooming/boarding houses are businesses for profit and that it isn't right to let them come into any area of single family development and destroy the neighborhood character and tranquility.

Wai Tsiang spoke in support of Community Council Resolution 534 adopting emergency interim zoning controls to address impacts resulting from the rental of multiple rooms in single-family dwellings to unrelated individuals. She urged that the City staff be directed to work on permanent regulations and to vigorously enforce City Code.

David Patter concurred with previous speakers. He reported two active boarding houses within a block of his house and stated their negative impacts to his neighborhood. He noted that this type of use is symptomatic of a lack of affordable housing in the area.

Betsy Hummer stated the boarding house issue goes beyond the Spiritwood neighborhood. She noted a duplex on the other side of Robinswood Park that may also be engaged in this type of use.

Nan Fricke urged a long term solution and permanent regulations. She stated she is supportive of Bellevue College and student housing on campus. She asked that the City support the college in this endeavor.

Steve Fricke stated the Code defines boarding houses as owner occupied to rent two rooms in a single family residence. Policy is already in place. To extend that model to more than two

rooms actually bastardizes the whole policy behind the Code. He urged support of Community Council Resolution 534 adopting City Council's interim zoning regulations as a short term fix. He suggested looking at Redmond's or Auburn's models as a more permanent solution. He noted the impact of Bellevue College's policy change from a two year to four year learning institution. He stated his support for a citizen advisory committee to help formulate a permanent solution and provide valid input.

Stephanie Walter stated her support for emergency Ordinance 6128. She opined that the current rental practice of these boarding houses for profit is exploitative.

Mr. Kasner pointed out that Bellevue College is a state institution and, as such, is independent of the City or Community Council jurisdictional authority. It is his hope that collectively, conversations with the College will allow both the College and community a satisfactory solution.

Barbara Benson stated her negative experience with the boarding houses in her neighborhood. She supports affirmation of Community Council Resolution 534 approving Ordinance 6128 adopting interim zoning control and rental housing regulations.

Irene Fernandes reiterated the need for enforcement of City Code. Anecdotally, two individuals called Code Enforcement complaining of too many people renting a house and both complainants were told that there was insufficient staffing to enforce the emergency regulations.

Don Boettiger reinforced previous speaker's comments, stating Code Enforcement is understaffed and overwhelmed with complaints. They prioritize safety/health first and many times they provide violators multiple opportunities to correct violations.

Glenn Extor stated that code enforcement is unclear. He stated many of these boarding house situations would not happen if owner occupancy was enforced and the recording of rental agreements was required.

Bob Fisher concurred with concerns voiced tonight, noting enforcement is key.

Jane Nogle stated her concerns related to safety and lack of vehicle parking on rental properties. She opined that the transient atmosphere is not healthy for neighborhoods.

Stephanie Walter stated the paradigm of neighbor reporting on neighbor is not neighborly. The onus should be on the City.

Chair Kasner explained that the City's model of enforcement is complaint based. He stated the ramifications of changing that model, noting both intended and unintended consequences.

Gerald Costigan asked what the City was going to do to help? Mr. Bergstrom responded that City Council has asked staff to work with the Planning Commission and public on permanent regulations addressing rental housing. Enforcement will be part of that discussion.

Chair Kasner, hearing no other public testimony, closed the public hearing.

Councilmember Seal stated that identifying people who are participating in these rental rooms would help discourage any possibility of illicit activities. He liked aspects of the Auburn model.

Councilmember Capron asked that staff look at addressing off street parking in the ordinance. Numerous vehicles parked on the street could be used as an indicator of a violation of the 4 unrelated person's provision and provide Enforcement with an opening to investigate.

Councilmember Hughes stated the boarding house issues experienced in Spiritwood is only the tip of the iceberg. An investment in single family homes for conversion into boarding type housing is happening across the nation.

Chair Kasner stated he is gratified with the neighborhood involvement on this issue. He stated he is a big believer in citizen advisory groups that are constituted with the sole focus of finding something that works.

Mr. Seal moved to affirm Community Council's Resolution 534 adopting Ordinance 6128 creating an emergency interim zoning controls and rental housing regulations. Mr. Gooding seconded the motion, which carried 5-0.

(b) Collective Gardens/Medical Marijuana Regulations

Chair Kasner opened the public hearing.

Mr. Bergstrom provided the staff overview. He reviewed some minor changes from the version that the Community Council previewed in July during their courtesy hearing. The one substantive change was the disallowing of medical cannabis collective gardens in the Medical Institution District because of concerns related to competition for the limited properties in that district.

He next explained the Federal Department of Justice response to Washington State's Medical Cannabis Initiative. The DOJ noted that the state's medical marijuana provisions need some serious attention as it is largely unregulated by the state. The City expects the state to come out with new regulations in 2014 which will likely lead to changes to the City's collective gardens and medical marijuana ordinance.

Mr. Bergstrom noted that there are only three zoning districts in which collective gardens and dispensaries can occur (General Commercial, Bel-Red General Commercial and Light Industrial), none of which are located in the East Bellevue Community Council area.

Chair Kasner, hearing no public testimony, closed the public hearing.

Mr. Hughes stated that the restrictive nature of this ordinance makes it unlikely that any collective garden or dispensary will locate in Bellevue.

Mr. Capron agrees regarding the restrictive nature of the ordinance.

Mr. Seal stated these collective gardens require something like a warehouse that is enclosed fully. He stated the reason he believed action is required is to assure this ordinance applies to the Community Council area as well as the rest of the City. He stated some of the provisions in the ordinance are simply for safety and security of the facility itself.

Chair Kasner stated he will support Ordinance 6132B-1 as written.

Councilmember Capron moved to approve Resolution 535 adopting Ordinance 6132B-1 amending the Bellevue Land Use Code to allow for permitting and review of medical cannabis collective gardens. Councilmember Hughes seconded the motion which carried 5-0.

(c) Interim Regulations for Recreational Cannabis

Chair Kasner opened the public hearing.

Mr. Bergstrom again provided the staff overview of interim zoning controls regarding recreational marijuana producers, processors and retailers to be in effect six months to allow time for the City to draft, consider and hold public hearings on this matter.

The Department of Justice released updated guidance regarding marijuana enforcement in response to the state's Initiative 502 which legalizes the possession of small amounts of recreational marijuana along with the production, processing, and sale of marijuana.

In response to Mr. Kasner, Mr. Bergstrom stated, that although there are allowable districts within the Community Council area, there are no physical lands available. He explained that it is the combination of zoning and required distance that prevents this type of business locating in the Community Council area.

Chair Kasner, seeing no one wishing to provide public testimony, closed the public hearing.

Councilmember Seal stated the reason for his support of Ordinance 6133B-1.

Councilmember Capron stated he will support the ordinance.

Councilmember Hughes stated his support but questioned what other cities are doing.

Mr. Bergstrom stated he knows other cities are handling this issue differently but is not versed enough to elaborate.

Mr. Hughes questioned any unintended consequences.

Chair Kasner reminded that 59% of Bellevue voters were in favor of Initiative 502.

Councilmember Hughes moved to approve Resolution 536 adopting Ordinance 6133B-1

concerning interim zoning controls regarding recreational marijuana producers, processors and retailers for a period of six months. Councilmember Seal seconded the motion which carried 5-0.

6. **RESOLUTIONS:**

- (a) Resolution 533 adopting City Council Ordinance 6127, approving the rezone application of Kelsey Creek Center, LLC

Resolution 533 was discussed and adopted following Item 5b.

- (b) Resolution 534 approving City Council Ordinance 6128 adopting emergency interim regulations related to rental housing

Resolution 534 was discussed and adopted following Item 5c.

7. **REPORTS OF CITY COUNCIL, BOARDS, AND COMMISSIONS** None.

8. **DEPARTMENT REPORTS:**

- (a) 148th Traffic Congestion Update

Mark Poch, Traffic Engineer Manager, introduced Jeremy Chin, new with the Bellevue Transportation Department. He stated their purpose tonight is to listen to residents' concerns to help define the traffic difficulties they are facing on a daily basis.

In response to Chair Kasner, Mr. Poch provided his credentials and length of service with the City of Bellevue. He reviewed his work with intelligent transportation systems, communications, fiber optics, and traffic cameras.

He provided information on the following projects:

- Scope and status of the 148th Avenue and Main Street traffic signal maintenance project;
- Scope and status of the 152nd Place SE/154th Avenue SE traffic improvement project;
- Status of the SCATS Phase 4 traffic adaptive signal project which includes 140th Avenue/145th Place; and,
- Change in traffic volumes on 148th Avenue since the reopening of southbound traffic on West Lake Sammamish Parkway.

In response to Chair Kasner, Mr. Poch explained that about four years ago the City formed a new capital project that dealt with those in-between projects that were too big for the everyday operating budget but too small for major capital projects. He stated that the City designed and went to bid on the rebuilding of the 148th and Main Street traffic signal. Unfortunately, the bids came in higher than expected, so the project did not move forward. Many of the signals along 148th starting at SE 24th, 22nd, 16th and Lake Hills Blvd have been rebuilt and rewired. The signal at 148th and Main was postponed and will probably be packaged with the signal improvement at NE 8th and scheduled one year to one and half years out.

In response to Ms. Hummer, Mr. Poch explained how to contact the City with traffic concerns.

He continued review of current projects.

Chair Kasner noted concerns with the wording of the notice for SE 16th Street that stated 148th Avenue SE – 156th Avenue SE walkway/bikeway project early design plans will be completed before Puget Sound Energy installs new electricity transmission system poles along that same area of SE 16th Street. Reference to the PSE project is premature as it is currently undergoing review and has not been approved to date.

Mr. Poch next touched on the traffic adaptive signal system upgrade project. Three phases of this project have been completed with five phases in total. The fourth phase is pending federal grant dollars availability, anticipated in 2014.

He next discussed changes in traffic volumes on 148th Avenue since the reopening of southbound traffic on West Lake Sammamish Parkway.

Chair Kasner asked for advanced traffic alerts when potential congestion due to active projects is known. He further stated that those projects should be scheduled for off peak times.

Mr. Hughes questioned how communications regarding construction are distributed to the public. Mr. Poch responded that all construction requires permitting along with appropriate noticing. Some of the more major works are sent out in the form of press releases or notices are sent out via email to those subscribed to the Transportation Department's Listserve. Mr. Poch agreed that some utilities projects that can be very disruptive.

Chair Kasner asked if the major arterials utilize traffic cam to provide current information. Mr. Poch state the City has its own real time traffic map available via the City's website.

Gerald Costigan stated his concern about exiting Imperial East via one of the only two egress points.

Mr. Poch responded to Mr. Costigan's concerns regarding exiting from 145th Place or NE 5th. Exiting from NE 5th allows only southbound turns requiring a U-turn to go back to the right. He stated he has no easy answers but appreciates gathering information about what the residents of Imperial East are experiencing.

Mr. Costigan stated traffic runs east/west and traffic in both directions impedes ingress/egress to their neighborhood.

Mark Fickel, also an Imperial East resident, stated many times he has tried to leave Imperial East and move towards 148th (eastward). Traffic is regularly backed up a long ways. A lot of cars are trying to come westbound and turn into the housing area across from the Mormon Church. He noted there is a lot more traffic due to the Islamic Faith Center. And, a third contributing factor is the Chevron Station.

Rod Hall, Imperial East resident, stated he parked and watched what happens by both gas stations. He asked himself what has changed to make traffic so bad. He enumerated the changes that have exacerbated traffic, including the addition of a bus stop and pedestrian traffic from the Kelsey Creek Shopping Center.

Councilmember Capron stated pedestrian traffic includes Hope Link employees who park at the Mormon Church.

Mr. Hall asked if the revenue from the red light camera violations could be used to help pay for traffic light improvements at 148th and Main.

Mr. Poch responded that red light camera enforcement is managed by the Police Department.

Mr. Fickel stated the change in available exits from Kelsey Creek Center has caused backups, not only inside the parking lot but also leaving the Center in either direction. He next noted that the Islamic Faith Center uses the Mormon Church parking lot on Fridays which hinders residents' ability to exit Imperial East as the flag men give preferential access to church goers.

Wendy Wood, Imperial East, noted a serious jay-walking problem that goes across to the mosque from the housing development across the street.

Mr. Boettiger reported on this evening's backup on 148th, suggesting the red light camera inhibits drivers from traveling through a yellow light for a smother traffic flow. He noted that the pedestrian crossing signal allows 15 seconds to cross two lanes.

Philip Petra questioned the purpose of the road meters in Imperial East? Mr. Poch responded that at this time he knows of no meters in that location, but, possibly, they are part of the Odle Middle School proposed project. He will try to find out why those traffic meters were in place.

Cindy Serr, referencing the Walmart parking lot, stated that she sees a lot of traffic infractions.

Dale Fox stated he has also seen quite a bit of traffic coming out behind the Walmart at Kelsey Creek Center. Mr. Poch stated he believed that traffic is entering the Center via that driveway to access 148th but is not exiting the Center at that location.

Pete Smith reported on higher traffic speeds that could be due to cut-through traffic from southbound 148th. He stated he would like to see as part of the baseline, the speed data and counts collected by the School District.

Chair Kasner reported on a conversation with a constituent whose driveway is adjacent to 148th. She stated that stopped vehicles block her driveway and her calls to City staff have gone unanswered. Mr. Poch responded that courtesy dictates that drivers on the roadway allow a gap so residents can exit their driveways. He acknowledged the difficulty of backing out onto the roadway.

Ms. Wood questioned new sidewalks at SE 16th and if the City is anticipating more traffic? Mr. Poch responded that it is a collector arterial street that does not have enough pedestrian/bicycle facilities and is part of an upgrade to the City's bicycle system route map. City Council has been trying to allocate funds under the Capital Program to address pedestrian/bicycle issues.

Mr. Boettiger stated that LA Fitness at the Kelsey Creek Center needs a crosswalk for pedestrians crossing from the apartment complex. He stated it is a safety issue.

Councilmember Gooding left the meeting at 7:40 pm.

Ms. Serr asked for a sidewalk on the east side of 156th because down by the greenbelt there is walking path that stops.

Chair Kasner encouraged the Imperial East residents to form an association to further protect their neighborhood.

Mr. Capron spoke regarding 148th and asked how the tolling on SR-520 impacts traffic on that roadway. In response, Mr. Poch stated the City has done some before and after counts and found some traffic increases on 148th. The historical traffic trend on 148th indicates a return to the traffic levels of 2003 and 2004.

Laurie Delio asked if the bus stop on Main running east can be moved. Mr. Poch stated that the bus stops are maintained by Metro. When locating a stop in Bellevue, Metro provides the City with a courtesy look at their plans. He stated his understanding that the eastbound stop is on the west side of 148th. Generally, the City likes the stops to be on the far side. He will look into why it is at its current placement.

Betsy Hummer noted the hazard of the unlit crosswalk along 140th by Sammamish High School.

9. **COMMITTEE REPORTS:**

(a) Community Council Business and New Initiatives

Councilmember Seal reported on his attendance at the Eastside Transportation Alliance.

Councilmember Kasner brought forward the idea of the Community Council establishing their own ethics code similar to the one adopted by the City Council in May of this year.

10. **UNFINISHED BUSINESS** None.

11. **NEW BUSINESS:** None.

12. **CONTINUED COMMUNICATIONS:** None.

13. **EXECUTIVE SESSION:** None.

14. **APPROVAL OF MINUTES**

Councilmember Seal moved to approve the minutes of the October 1, 2013 Regular Meeting. Councilmember Capron seconded the motion.

Motion to approve the October 1, 2013 minutes carried 4-0.

15. **ADJOURNMENT**

Councilmember Seal moved adjournment. Councilmember Capron seconded the motion which carried 4-0.

Chair Kasner adjourned the meeting at 8:02 pm.

Michelle Murphy, CMC
Deputy City Clerk