

East Bellevue Community Council
Summary Minutes of Regular Meeting

July 2, 2013
6:30 p.m.

Lake Hills Boys & Girls Club
Bellevue, Washington

PRESENT: Chair Kasner, Vice Chair Hughes, and Councilmembers Capron, Gooding and Seal¹

STAFF: Catherine Drews, Land Use Legal Planner
Thomas Campbell, Code Compliance Supervisor
Julie Ellenhorn, Community Relations Coordinator

1. **CALL TO ORDER**

The meeting was called to order at 6:32 p.m. with Chair Kasner presiding.

2. **ROLL CALL**

The Clerk called the roll with all Councilmembers present. Mr. Seal arrived at 6:35 p.m.

Chair Kasner led the flag salute.

3. **COMMUNICATIONS: WRITTEN AND ORAL:**

Don Boettiger stated his concerns related to abandoned homes and noted new regulations related to property maintenance.

Catherine Drews, DSD, responded, stating the City does not have maintenance standards for all single family residences but do have regulations addressing vacant and abandoned homes in single family neighborhoods. There are regulations in place related to the property owner's responsibility to maintain those vacant properties.

Chair Kasner reported that the Kelsey Creek Center rezone application has been scheduled to come before the Hearing Examiner on July 11, 2013.

Mr. Seal noted the helicopter issue has been noticed in the Blue Bulletin.

Ms. Drews provided some background information related to community concern that heliports might locate in areas outside the downtown. She stated there has been no new applications, but this topic is on staff's work program.

¹ Mr. Seal arrived at 6:35 PM

Responding to Chair Kasner, Ms. Drews explained the timeline and work involved related to code amendments and mandated public processes. She noted the new hire of a planner to focus on writing code. The topic of heliports is on the active work-plan; however, the order in which projects are taken up depends on City Council prioritization.

4. **APPROVAL OF AGENDA**

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

5. **COURTESY PUBLIC HEARING:**

(a) Medical Cannabis Collective Gardens

Chair Kasner opened the courtesy hearing.

Catherine Drews provided the staff overview on the proposed Land Use Code amendments to impose permanent regulations for medical cannabis collective gardens. The proposal will limit the location of medical cannabis collective gardens to four land use districts, none of which currently are zoned in the East Bellevue Community Council area. The four districts are: (1) Light Industrial; (2) General Commercial; (3) Bel-Red General Commercial; and, (4) Medical Institution. Collective gardens would be prohibited in residential districts.

Ms. Drews walked Council through the new Code Section 20.20.526.

Responding to Mr. Kasner, Ms. Drews explained that the passage of I-502 does not change the medical cannabis provisions. The Washington State Liquor Control Board is in the process of developing regulations for recreational marijuana for growers/producers, processors, and retailers. Discussion with the City Council related to I-502 will begin July 15.

Continuing to respond to Mr. Kasner, Ms. Drews reviewed the public process and public response.

Mr. Hughes commented on the need for medical cannabis for those individuals with terminal illnesses and chronic pain. He opined that this proposed code amendment basically deterred the location of this type of facility in Bellevue.

Mr. Seal questioned the impact of locating this type of facility on future development in the Bel-Red. Ms. Drews stated the City would notify any new applicant that their project was within 1,000 feet of a marijuana dispensary.

Chair Kasner questioned, under the above scenario, would the dispensary be protected because it was there first. Ms. Drews confirmed.

Mr. Capron asked if there have been potential parcels identified that qualify for this use? Ms. Drews responded that there is a map of possible sites for medical marijuana collective gardens

that is available at Development Services. She stated that, although she does not know the exact number of potential sites, they are sprinkled throughout the City.

In response to Mr. Kasner, Ms. Drews stated this proposed Code amendment has been studied at the Planning Commission and is scheduled for a public hearing on July 24th. Staff hopes to present to the City Council this fall.

Mr. Gooding noted an article in the Wall Street Journal regarding marijuana use and its connection to schizophrenia.

Chair Kasner sought public comment and hearing none, closed the courtesy hearing.

6. **RESOLUTIONS:** None.

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

8. **DEPARTMENT REPORTS:** None.

9. **COMMITTEE REPORTS:**

(a) Community Council Business and New Initiatives

Councilmember Gooding observed that the plantings in Lake Hills were beginning to fill out.

Councilmember Seal reported his attendance at a transportation hearing regarding the reduction in transit service for the City of Bellevue.

Councilmember Hughes reported his attendance at the Lake Hills Neighborhood Association's meeting last week where Bellevue's Detective Chinn made a presentation on the rise of burglaries in Bellevue and the law of unintended consequence related to tighter regulation of prescription drugs. He noted that Oscar Del Moro also attended that meeting.

Chair Kasner attended the above meeting as well. He also attended the Eastside Transportation Association meeting where Kevin Desmond from King County Metro presented transit's proposed cuts and resulting service impacts. He noted his attendance at past Community Councilmember Bill Halgren's memorial service.

Chair Kasner reported on the ribbon cutting at Downtown Library.

10. **UNFINISHED BUSINESS** None.

11. **NEW BUSINESS:**

(a) Pedestrian Safety on Lake Hills Boulevard

Chair Kasner read into the record Senior Transportation Engineer Kurt Latt's management brief related to Mr. Baldwin's concerns of pedestrian safety along Lake Hills Boulevard. The

response noted existing conditions, planned trimming of overgrown vegetation and installation of supplemental crosswalk signage.

Mr. Hughes noted some common sense solutions that could be employed. For example, it would be very easy to place a small flag stand on each side of the crosswalk with red flags for pedestrian use to alert drivers that they are in the crosswalk. He stated this issue should be a priority.

David Pater, resident of Spiritwood, stated, as a bicycle rider, his experience with the dangers along Lake Hills Boulevard for cyclists.

Mr. Hughes read from Mr. Latt's management brief related to the misconception that motorists are required to yield to pedestrians waiting to cross at a marked crosswalk. RCW 46.61.235 only requires motorists to stop for a pedestrian while the pedestrian is within the crosswalk markings. It is the responsibility of the pedestrian not to step into a crosswalk where it does not afford a driver ample time to stop for them. He stated his belief that most pedestrians are unaware of this law.

Mr. Seal reported on several crossings on Lake Hills Boulevard that are dangerous including 154th. He noted traffic has increased, particularly during rush hours.

Chair Kasner suggested adding to a future agenda pedestrian safety throughout the area and get information to proactively talk about where there are problems.

Ms. Drews suggested contacting the Transportation Department, who has a really great Traffic Safety program.

Mr. Capron stated that at the crosswalk on Main Street at 144th there is a trail that goes around eastside of Sammamish High School with a button to push that alerts drivers with a flashing light that there are pedestrians in the crosswalk. He agreed that the addition of crosswalk flags on Lake Hills Boulevard is a great idea as an immediate interim solution.

Mr. Campbell suggested Karen Gonzales in the Transportation Department as a point of contact.

Mr. Gooding stated the big crosswalk as well as the one at 154th are especially hazardous and in need of lighting similar to the lighting installed at 156th just north of Crossroads.

Mr. Kasner suggested the City do some media outreach to make pedestrians and drivers aware of crosswalk hazards.

(b) Proliferation of Boarding Type Housing in Bellevue

Tom Campbell, Code Compliance, provided a staff overview and explained the handouts. He noted that boarding house cases reported in East Bellevue during the 2003/2004 timeframe (5) and those reported in the 2011/2012 timeframe (10) saw a significant increase. For the City overall that count went from 27 to 43. In Comparison, the number of boarding house complaints

in contrast to the total number of complaints received in a two year period is not significant, but, he noted, one problem rental house can adversely impact many of the surrounding households.

Mr. Campbell explained that staff was unable to get data sets to match boarding house cases but were able to map percent of renter occupied units in the census blocks. He reviewed the materials presented.

In response to Mr. Hughes, Ms. Drew explained that boarding houses are an allowed use in Bellevue. A boarding house is an owner occupied property in possession of a home occupation permit that rents up to two rooms with required parking space.

Continuing her response to Mr. Hughes, she stated, if the property is not owner occupied, the house can be rented to a family defined by Federal law consisting of up to six unrelated persons.

Julie Ellenhorn expanded on the definition to include up to six unrelated family units as well.

David Pater complimented city staff for reaching out to his community and working with them regarding their concerns. There are roughly 20 neighbors joined in their concern over the issue of boarding houses in Spiritwood. He stated his information that one individual developer owns all the areas depicted as purple on the map in the Spiritwood area. He described one of the properties in question as a three bedroom house redeveloped without permits to eight bedrooms. It has been advertised on Craig's List as rental of individual rooms for about \$500 per month. This same developer has implemented the same model up the street on 144th and is currently renting rooms to a number of college students. Mr. Pater stated the developer is creating a model in Spiritwood that is clearly targeted to an expanding college market. He reiterated his concern that this practice of renting rooms will change the character of his single family neighborhood.

Mr. Kasner noted Bellevue College's intention for the area of Sunset Ranch to construct dormitories within the next ten years.

Ms. Ellenhorn stated Neighborhood Outreach have met with the neighbors. Currently, the area is experiencing homes which appear to be converting to rental rooms for students. This use is allowed by Code and protected under the Federal Fair Housing Act.

The homes at issue are owned by a foreign corporation and the gentleman overseeing the unit conversions is their agent. The City is working with the agent and she believes the work is coming into compliance with any permitting issues that have arisen.

Mr. Campbell reported that on two of the properties the definition of boarding house and relating conditions will be permit conditions on those buildings. With respect to the ownership issue, there are at least four different limited liability corporations that are the owners on paper.

Ms. Ellenhorn stated staff is working in conjunction with Mediation staff to arrange a meeting of all parties involved.

Ms. Ellenhorn next reviewed some of the broader issues and compliance with the Federal Fair Housing Act.

Mr. Kasner stated without the proactivity of the neighborhoods, many of the permit violations would go undetected.

Ms. Drews stated a long term look at housing will be a part of the Comprehensive Plan update discussions currently being undertaken.

Mr. Boettiger stated there are monetary penalties for traffic infractions but questioned the consequences for obtaining a permit after the fact. He stated he would much rather chance doing the work and obtaining a permit only if caught.

Ms. Drews responded that approach makes the property owner vulnerable to civil penalties and fines. For example, the City has recently closed down three businesses that were illegally operating in land use zones that they should not have been and were made to move.

Mr. Clarke stated there should be some sort of steep fine for unpermitted work.

Mr. Campbell stated, under the civil violation section of the Code, if there is a preponderance of evidence that a violation occurred, there is a monetary penalty per day cumulative until the violation is corrected. City Council has directed that the City follow a policy of voluntary compliance so that property owners are given every opportunity to make the necessary corrections. The objective is a property that is in accordance with the building code and land use code.

Mr. Pater stated the developer in question in his neighborhood has had multiple violations. There is a pattern here that deserves scrutiny. He stated there are many examples of code in other cities experiencing the same influx of boarding type houses that Bellevue can look to.

Ms. Ellenhorn explained other areas staff is currently researching, including work done in Seattle related to the registration of rental properties and landlord education. Primarily, at this point, staff is working with the neighbors and property developer to make sure everyone can live together.

Discussion continued with staff and audience members.

Ms. Drews responded to Mr. Seal, stating Bellevue has adopted the Washington State Uniform Building Code. A jurisdiction is allowed to amend the state's code but cannot make it any less stringent.

Ms. Drews stated she had met with Carol Helland regarding this issue and that City Council requested additional information from staff to be discussed at their July 15, 2013 meeting. She encouraged interested parties to attend that meeting and provide input during the public comment portion of the meeting.

Mr. Hughes stated he has worked 25 years in the investment business and explained what he sees going on across the country. During the recent housing slump, limited liability companies have

purchased properties in a down market looking for opportunities to increase their investment. This trend is just starting and staff is doing the very best they can to apply our codes.

In light of the age of housing stock being purchased for conversion to boarding houses, Mr. Kasner stated his safety concerns related to the increased pressure on electrical systems.

Mr. Campbell responded that the code does not allow staff to monitor on a day to day basis privately owned homes. The Building Code only allows access at the time of permitting.

Chair Kasner wrapped up, thanking participants for their part in this discussion.

12. **CONTINUED COMMUNICATIONS:** None.

13. **EXECUTIVE SESSION:** None.

14. **APPROVAL OF MINUTES**

Mr. Kasner requested the addition of verbiage at the end of agenda item 5(b) elaborating on Ms. Nicholas report on the approval process related to PSE's application for a conditional use permit for a new transmission line connecting the existing Lake Hills and Phantom Lake Substations.

Councilmember Seal moved to approve the minutes of the June 4, 2013 Regular Meeting as amended. Councilmember Hughes seconded the motion.

Motion to approve the June 4, 2013 minutes carried 5-0.

15. **ADJOURNMENT**

At the conclusion of Council business, Chair Kasner declared the meeting adjourned at 8:44 pm.

Michelle Murphy, CMC
Deputy City Clerk