

East Bellevue Community Council
Summary Minutes of Regular Meeting

November 6, 2018
6:30 p.m.

Lake Hills Clubhouse
Bellevue, Washington

PRESENT: Chair Hummer, Vice Chair Walter, and Councilmembers Dhananjaya and Kasner¹

ABSENT: Councilmember Gooding

STAFF: Carol Helland, Code and Policy Director
Trisna Tanus, Legal Planner
Development Services Department (DSD)

1. **CALL TO ORDER**

The meeting was called to order at 6:30 p.m., with Chair Hummer presiding.

2. **ROLL CALL/FLAG SALUTE**

Deputy City Clerk Karin Roberts called the roll. Councilmember Gooding was absent.

Chair Hummer asked Councilmember Dhananjaya to lead the flag salute.

3. **APPROVAL OF AGENDA**

The agenda was approved by consensus.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Jim Craswell, Interim Executive Director of Finance and Auxiliary Services for Bellevue College, provided a briefing on the college's activities, enrollment, the Running Start program, and the financial position of the college. He said the new student housing opened in September and noted the college's interest in affordable housing for students and employees.

Barbara Benson, representing the Lake Hills Neighborhood Association (LHNA), reported on the 2nd Annual Trunk or Treat event held on October 22 at the Lake Hills Village shopping center. Approximately 200 children participated in the games and activities. Ms. Benson said

¹ Councilmember Kasner left the meeting at 7:32 p.m.

local merchants donated door prizes, and members of the Sammamish High School football team assisted with the activities.

5. **REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS:** None.

6. **REPORT OF THE CHAIR**

Chair Hummer noted that she and Vice Chair Walter attended a seminar on Robert's Rules of Order. Ms. Hummer reviewed the rules and protocol for EBCC meetings.

7. **DEPARTMENT REPORTS**

(a) Single-Family Dwelling Rentals Update

Carol Helland, Code and Policy Director, said she would provide a brief update on the implementation and enforcement of Ordinance No. 6223 regulating single-family dwelling rentals. She said the full annual update will be presented in May.

Ms. Helland said the number of enforcement cases continues to increase. She described the City's efforts to enhance the informational materials provided online. Code compliance staff is working to have the information translated into the most common languages in Bellevue. She said the City has become more efficient in closing cases upon resolution through either voluntary compliance or a hearing. She noted that the use of voluntary correction agreements (VAC) is growing for all types of code compliance cases. Ms. Helland said code compliance staff is making progress in applying the code consistently, identifying code violations, and carrying enforcement through to a conclusion.

Councilmember Kasner expressed concern that a case from 2014 is still open. Ms. Helland said she did not know the details of that case. Mr. Kasner questioned two cases, one open and one closed, with the same address. He expressed an interest in more information on the cases that have been open for two or more years.

Vice Chair Walter said she looks forward to the full report in May. She thanked staff for their work and for discussing code enforcement issues with her. Responding to Ms. Walter, Ms. Helland said the City receives thousands of code complaints every year for a number of different reasons. While some types of cases can be resolved relatively quickly, cases involving activities within a house can be complex and challenging to document and investigate. Ms. Helland said it is helpful when neighbors are able to provide information and observations that indicate single-family room rental activity. She said code compliance staff spends approximately half of their time on investigation and observation, 20 percent of their time working on administrative tasks, and the balance of the time preparing cases for voluntary compliance or enforcement actions. She noted that there is currently an open staff position in the code compliance division.

Councilmember Dhananjaya said he would like to see more analytical information, including the average amount of time between complaints and their resolution. Ms. Helland said the City

tracks complaints by address and by individuals. She noted an extensive investigation regarding one individual who was renting rooms in a number of houses under different names.

Chair Hummer noted that information on this topic is available on the City's website under tonight's meeting agenda. She observed that most of the complaints are located in East Bellevue, including the Lake Hills and Crossroads areas.

Ms. Hummer said she has received feedback from residents who are afraid of retaliation if they file a complaint. Ms. Helland said the City cannot accept anonymous complaints because staff needs to be able to follow up. However, it is possible for a resident to request that their name be redacted from the code enforcement complaint documents. Responding to Ms. Hummer, Ms. Helland said that residents who file a complaint are assigned a code enforcement officer and provided with contact information. Complaints may be filed through the MyBellevue app. She said MyBuildingPermit.com also tracks enforcement activities by case numbers.

Councilmember Kasner asked for more information regarding the "closed/no violation" category of cases. Ms. Helland said the category includes situations in which City staff visit the site and determine that there is no code violation. One example is multiple cars parked at a house, which could appear to indicate a potential room rental situation. However, the code compliance officer determined that the house was occupied by a family and not by individual renters.

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

9. **RESOLUTIONS:** None.

10. **COMMITTEE REPORTS:** None.

11. **UNFINISHED BUSINESS:** None.

12. **NEW BUSINESS**

(a) Conformance Land Use Code Amendment

Chair Hummer opened discussion regarding the Conformance Land Use Code Amendment (LUCA) that is necessary to achieve consistency with the new Downtown and Eastgate Land Use Code Amendments, incorporate the International Building Code, provide City Code amendments related to construction types in the Factoria development area, and for general clean-up to correct errors, omissions, and/or internal conflicts within the Land Use Code and between the Land Use Code and the City Code. The amendments do not result in any substantive changes to the Land Use Code that would impact the jurisdiction of the East Bellevue Community Council.

Ms. Hummer recalled that the EBCC considered the Conformance LUCA during a courtesy hearing on September 11. There were no public comments at that time, and the EBCC did not provide any formal comments on the LUCA. The City Council considered the LUCA during its September 17 Study Session and directed staff to prepare the LUCA, as drafted, for final action. The content of the LUCA has not changed since the EBCC reviewed the information on

September 11. The City Council adopted the LUCA through Ordinance No. 6425 on October 1, 2018.

Chair Hummer described two options for the EBCC: 1) take no action to disapprove City Council Ordinance No. 6425, and the ordinance will go into effect within the EBCC jurisdiction, or 2) schedule a special meeting before November 30 to hold a public hearing on the ordinance and to take formal action. She said no comments were received during the EBCC's courtesy hearing, there are no substantive changes that affect the EBCC jurisdiction, and the EBCC would need to hold a special meeting immediately after Thanksgiving to hold the public hearing.

Vice Chair Walter questioned the need for a special meeting, given that the content of the Conformance LUCA does not impact the EBCC jurisdiction.

Councilmember Dhananjaya concurred.

Councilmember Kasner spoke about losing shoreline jurisdiction as part of the lawsuit with PSE. He said he would prefer that the EBCC take formal action instead of allowing the ordinance to go into effect by not taking action. His understanding with land use code amendments is that just because it does not impact the area now, it possibly could. He would rather vote in favor of something than allowing it to become law by taking no action.

Chair Hummer said there were no comments by the EBCC following the previous courtesy hearing. She reiterated that the Conformance LUCA does not include any changes for the EBCC jurisdiction. She noted that she attended the Planning Commission's public hearing on the LUCA.

Vice Chair Walter concurred with Councilmember Kasner's reasoning about taking affirmative action on the ordinance and expressed support for a special meeting/public hearing.

Responding to Councilmember Dhananjaya, Assistant City Attorney Catherine Drews said the EBCC has two options: 1) take action within 60 days to approve or disapprove the City Council ordinance, or 2) take no action within 60 days to approve or disapprove, in which case the ordinance becomes effective within the EBCC jurisdiction. She noted that these options are being considered because of the procedural technicality of not having the public hearing noticed.

Councilmember Kasner reiterated that he would like the EBCC to take formal action to approve or disapprove City Council Ordinance No. 6425. He asked if the EBCC has the authority to vote on the ordinance without holding a public hearing.

In response to Councilmember Kasner's question, Assistant City Attorney Drews asked for a moment to check the EBCC's Rules of Procedure.

At 7:31 p.m., Chair Hummer declared a brief recess. Councilmember Kasner left the meeting at 7:32 p.m., and the meeting reconvened at 7:36 p.m.

Ms. Drews clarified that the EBCC may not take action to approve or disapprove the ordinance without holding a public hearing. However, the EBCC may, without holding a public hearing, vote to not take action on the ordinance.

Vice Chair Walter moved to schedule a special meeting to hold a public hearing regarding the Conformance Land Use Code Amendment (LUCA). The motion died due to the lack of a second.

13. **CONTINUED COMMUNICATIONS**

Christopher Palestro commented regarding single-family room rentals. He spoke about the importance of preserving neighborhood character and expressed concern regarding the consistency of enforcement.

Councilmember Dhananjaya noted that he attended the October 24 Planning Commission meeting.

14. **EXECUTIVE SESSION:** None.

15. **APPROVAL OF MINUTES**

(a) Summary Minutes of the October 2, 2018 Regular Meeting

Vice Chair Walter moved to approve the minutes of the October 2, 2018 Regular Meeting. Councilmember Dhananjaya seconded the motion, which carried by a vote of 3-0.

16. **ADJOURNMENT**

At 7:46 p.m., Chair Hummer declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

/kaw