

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Extended Study Session

October 14, 2019  
6:00 p.m.

Council Conference Room  
Bellevue, Washington

PRESENT: Mayor Chelminiak, Deputy Mayor Robinson and Councilmembers Lee, Nieuwenhuis, Stokes, and Zahn

ABSENT: Councilmember Robertson

1. Approval of Agenda

The meeting was called to order at 6:05 p.m., with Mayor Chelminiak presiding. He suggested adding an item to excuse Councilmember Robertson from the meeting.

- Deputy Mayor Robinson moved to approve the agenda, as amended, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-0.
- Deputy Mayor Robinson moved to excuse Councilmember Robertson from tonight's meeting, and Councilmember Stokes seconded the meeting.
- The motion carried by a vote of 6-0.

2. Oral Communications

- (a) Tzachi Litov, an Eastgate resident, requested the Council's support in standing by the local Jewish community. He said the Jewish Federation of Greater Seattle recently released its Community Statement on Antisemitism and is asking elected officials to add their names to the statement as a demonstration of their commitment to combatting the rise of antisemitism. He thanked Councilmember Nieuwenhuis and Councilmember Robertson for signing the agreement. He said Jews are a tiny percentage of the U.S. population, yet they are the victims of more than half of the reported hate crimes. He noted a recent United Nations report regarding the increase in antisemitism worldwide. Mr. Litov submitted his comments in writing.

- (b) Lara Litov said that every Jewish preschool, elementary school, evening program, summer camp, swim club, and synagogue are guarded by armed police security, including in Bellevue. She and her children remember the Jewish Federation of Greater Seattle shooting in 2006 and knew individuals who were involved in that incident. Antisemitic vandalism and language is growing and becoming normalized, which creates an environment for more hate and violence. Ms. Litov said a Snohomish County white nationalist with an arsenal of firearms was convicted for terrorizing and threatening to massacre Jews. Western Washington University created a task force concerning hate crimes against Jews, and a Somali immigrant from West Seattle is in jail awaiting trial for attempting to kill Jews. Ms. Litov said that a neo-Nazi organization with a history of violence has a growing cell in Skagit County. She thanked Councilmembers for their support.
- (c) Karen Morris expressed her frustration with host churches and service providers who operate temporary encampments (i.e., tent cities). She said they have not been willing to address the issues and concerns raised by residents throughout the many years of temporary encampments. She said the residents' attempt at mediation with the tent city representatives resulted in their unwillingness to compromise or to continue discussions with the residents. She said City staff have stated that their role is a facilitator rather than a regulator. She urged the City to function as a regulator and to protect public health and safety. Ms. Morris submitted her comments in writing.
- (d) John Morris said the discussion of the four temporary encampment topic areas described in the agenda memo should include a fair balance of stakeholders. Noting topic 2, Mr. Morris said there has been no neighborhood engagement except for the introductory meeting in January. Referring to topic 3, he said there was no discussion with residents regarding the duration of tent cities. He said City staff incorrectly reported that there was an agreement between the stakeholders at the January meeting in favor of increased permitting flexibility, including a move to five-year permits. He noted that each new encampment within the five-year period would require only a courtesy letter to the neighborhood, description of the proposal, arrival and departure dates, and changes requested by the host. Mr. Morris expressed concern that SHARE, the tent city operators, are driving staff's decisions. He said the neighborhood has been dealing with temporary encampments for nearly 15 years. Mr. Morris submitted his comments in writing.
- (e) Alex Zimmerman spoke about Seattle fascism, the Seattle City Council, and the Seattle Mayor.

*[Deputy Mayor Robinson and Councilmember Stokes left the table and returned following the speaker's comments.]*

- (f) Michael Ramos, representing the Church Council of Greater Seattle, said they will review and develop recommendations regarding the proposed Temporary Encampment Land Use Code Amendment (LUCA) before the November public hearing. He clarified that the Church Council of Greater Seattle is a party to the consent decree but did not request the changes proposed to date. He recalled that they submitted a list of principles to a number of Eastside cities a few years ago following discussions involving the Bellevue Police

Department and others. He said those principles and values were not addressed in the recent discussions and he would like to submit that information to the Council for consideration. Mr. Ramos thanked the Council for its efforts to address homelessness.

3. Study Session Items

(a) Council Business and New Initiatives

Councilmember Zahn highlighted the importance of showing unity with the community regarding antisemitism.

Mayor Chelminiak suggested that Councilmembers make their own decisions about whether to sign the Community Statement on Antisemitism.

(b) Affordable Housing Strategy Implementation Briefing

Mayor Chelminiak introduced the topic and temporarily left the room. Deputy Mayor Robinson took over chairing the meeting.

City Manager Brad Miyake introduced discussion regarding the Affordable Housing Strategy that was adopted in June 2017. He noted that the last update to the Council occurred on March 4, 2019.

Mac Cummins, Director of Community Development, said a number of discussions regarding affordable housing will be scheduled over the coming months to continue with the implementation of the Affordable Housing Strategy. Topics related to implementation include the creation of affordable housing units, the most effective strategies, current status of the strategic plan, and next steps. Mr. Cummins said separate discussions will be held with the Council to address potential new policies and procedures.

Janet Lewine, Senior Planner, recalled that the 21 actions in the strategic plan are organized into five interrelated strategies and are being implemented through a two-phase work program. She said the delivery of affordable homes has increased above the City's historical averages as the plan has been implemented to date.

In 2017, the Council adopted affordable housing incentives for the Downtown and the Eastgate areas. In September 2018, the Council voted to extend the multifamily tax exemption (MFTE) program as an incentive for the development of affordable housing.

Ms. Lewine said that the actions adopted in the Affordable Housing Strategy have resulted in 226 affordable housing units as well as 485 units in the pipeline through a combination of market incentives and direct subsidy. Of the 226 units, 63 were created due to the MFTE incentive and voluntary land use incentives. Ms. Lewine noted that the Council's priority to partner with nonprofit organizations and other agencies to preserve existing affordable housing resulted in saving 76 affordable housing units at the Highland Village apartments. She noted the creation of

62 affordable homes at the 30 Bellevue community. Ms. Lewine said 152 affordable units have been achieved near future light rail service.

In addition to the land use and MFTE incentives, Ms. Lewine said the Council supported state legislation intended to increase the development of condominiums as more affordable housing options. She recalled that the Council increased funding to address affordable housing in the previous two City budgets. Actions identified in the 2019-2020 work program include the development of transit-oriented development (TOD) affordable housing in the BelRed area, advocacy for state legislative actions that expand state and local funding tools, East Main affordable housing incentives, zero lot-line townhomes, and accessory dwelling unit regulations. Ms. Lewine noted that the current pipeline of affordable housing units indicates that the work program can achieve the 10-year goal of 2,500 affordable homes.

Councilmember Nieuwenhuis said he is pleased that the City is on track to meet its affordable housing goal. However, he questioned whether the targeted number of unit is sufficient.

Ms. Lewine acknowledged that the target is not adequate to meet the need for affordable housing. She recalled that when the Affordable Housing Strategy was adopted, there was a process to determine what the City could realistically achieve with the tools available at the time. She said staff will continue to monitor the performance of incentives and other actions to evaluate the effectiveness of specific strategies.

Mr. Cummins said the need for affordable housing continues to increase, and local employers indicate that it is a top concern in their ability to attract talent. With the continued growth in Bellevue, the demand for housing contributes to higher costs. He recalled that the affordable housing technical advisory group did not anticipate that the total need would be achieved. The discussion centered more around inclusionary housing versus incentive-based housing and the number of units that can be created.

Responding to Councilmember Nieuwenhuis, Ms. Lewine said the money collected through the fee in lieu incentive is collected and used for affordable housing in the BelRed area only. The City anticipates that affordable housing in the BelRed area will be primarily new construction through low-income housing and King County Housing Authority partnerships.

In further response to Mr. Nieuwenhuis, Mr. Cummins said staff is currently discussing parking requirements. Mr. Cummins said that some developers are interested in removing all parking requirements, which has never been done in Bellevue. He said micro-units are part of the Affordable Housing Strategy and will be discussed in the future.

At 6:45 p.m., Mayor Chelminiak returned to the table.

Responding to Councilmember Stokes, Ms. Lewine confirmed that accessory dwelling unit (ADU) regulations will be discussed with individual neighborhoods. Mr. Stokes expressed support for the focus on workforce housing. He noted that he served on the King County affordable housing task force, and he suggested reviewing their findings to determine whether there are tools or solutions that the City might want to consider.

Responding to Councilmember Zahn, Mr. Cummins said the City is reviewing the suggestions submitted by Microsoft. He noted that, in developing the BelRed subarea plan, the City contemplated transit walksheds and the potential for reducing parking requirements. He said that other Eastside communities have not necessarily addressed those issues to date.

Ms. Zahn expressed support for studying microhousing units and ADUs. Responding to Ms. Zahn, Mr. Cummins confirmed that Bellevue neighborhoods are not in agreement regarding ADU regulations. Ms. Zahn suggested focusing on the neighborhoods that have the greatest interest in addressing ADUs.

Responding to Councilmember Lee, Ms. Lewine said the King County Housing Authority announced that it will buy an apartment building in Bellevue with 240 units. In further response, Ms. Lewine said that 152 affordable units have been achieved within one-half mile of light rail service and 165 units are in the pipeline.

Deputy Mayor Robinson thanked staff for their work and the progress achieved to date. She observed that incentives for affordable housing are effective at the 80-percent AMI (area median income) level. However, she said more funding will be needed to obtain housing at the 60-percent AMI level and below. She said there are many opportunities for affordable housing with light rail coming to the Eastside.

(c) Temporary Encampment Land Use Code Amendment (LUCA) - Bellevue Land Use Code Chapter 20.30U

Mayor Chelminiak noted that the temporary encampment consent decree expires in January.

City Manager Miyake recalled that, during its September 9 meeting, the Council initiated the code amendment process for temporary encampment regulations. On September 23, staff began discussing specific topics related to the Land Use Code Amendment (LUCA) with the Council. That discussion will continue tonight, and staff anticipates holding the public hearing on November 18.

Mike Brennan, Director of the Development Services Department (DSD), said staff is seeking Council direction regarding the topic areas to be addressed through the temporary encampment LUCA, in preparation for the November public hearing. The four topic areas are the alignment of health and safety standards with the consent decree, neighborhood engagement, duration and frequency of encampments, and streamlined permit application requirements. A courtesy public hearing will be held with the East Bellevue Community Council (EBCC) on November 13.

Cindy Lin, Assistant City Attorney, recalled that the original draft LUCA was provided to the Council on September 23. The updated version includes minor edits. The goal of the draft LUCA is to codify, to the extent possible, the regulations that have been in effect for the administration of temporary encampments since 2006 when the consent decree went into effect. Ms. Lin said the code adopted by the City was never implemented due to the legal action that occurred following the issuance of the first temporary encampment permit.

Ms. Lin referred to Attachment A in the meeting packet, which provides a comparison of the initial adopted code and the provisions in the consent decree that modified the code. The draft LUCA is intended to address all of the issues listed on Attachment A. Ms. Lin said that the proposed LUCA, if adopted, will continue the City's practices under the status quo.

Toni Pratt, Senior Land Use Planner, noted that Attachment C in the meeting packet outlines staff's recommended amendment to align health and safety standards with the consent decree. The standards have been in place since 2006 and they have been effective in terms of the absence of diseases and overall public health.

Under neighborhood engagement, staff recommends removing the litter requirement from the Land Use Code and establishing an optional post-permit issuance meeting between the encampment host and the adjacent residents. Staff recommends the removal of the litter requirement because neighbors have reported that they are uncomfortable with it and with tent city residents working throughout the neighborhood. The post-permit issuance meeting is consistent with the City's interest in establishing a point of contact and providing the ability to address operational failures in a timely manner. She said the proposed revision clarifies the City's role as a facilitator rather than a regulator. She said the concept was implemented well with the fifth tent encampment at Temple B'Nai Torah.

Moving to the topic of the duration and frequency of encampments, Ms. Pratt said the current framework limits the duration of an encampment to 90 days. Staff recommends revising the limit to 120 days. The tent city hosts would like to be able to extend encampments beyond 120 days. She said the neighborhood focus group indicated it understood that temporary encampment practices have changed since 2005 and that the regional standard has moved to 120 days.

Ms. Pratt said the current framework references an 18-month gap between tent city deployments at the same site, limiting deployments to one encampment per year, and a minimum 180-day gap between deployments in Bellevue. Staff recommends consolidating the site-specific and citywide standards to require a 12-month gap between deployments. Ms. Pratt said the proposed change reflects the encampments' practices over the past 13 years and will help to create certainty related to staffing and the impacts on police and other resources.

Under the current application process for a one-year permit, an encampment host and operator are required to provide an Encampment Management Responsibility Plan, meet and confer with the Police Department and schools, and hold a public meeting. The current process typically takes approximately 120 days. Staff's proposed revision would extend the permit term to five years and would grant those permits only to sites in good standing. The estimated processing time is 60 days, and subsequent year applications are required for minor modifications or no changes. In those cases, the host is required to provide a courtesy letter to the neighbors with a description of the proposal, arrival and departure dates, and any modifications to the previous permit approval. Ms. Pratt said that the conditions identified in the initial permit approval remain in full force and effect over the five-year period.

Deputy Mayor Robinson asked whether the resident ID check recommendation in the draft LUCA is consistent with the Regional Homelessness Authority's proposed practice. She noted that obtaining accurate identification information would enable the tracking of data to better

understand the outcomes related to the programs that address homelessness. Ms. Pratt said the tent city operator is required to maintain a resident log, and government ID cards are requested.

Responding to Councilmember Zahn, Mr. Brennan referred to an attachment that provides a comparison to the efforts in other cities. Ms. Zahn observed that the duration and frequency standards cover a broad range of requirements, including no gap between encampments to an 18-month gap between encampments at the same location.

Ms. Zahn asked about the rationale for referring to an optional versus required post-permitting meeting with the neighborhood. She suggested that it would be beneficial to have a discussion at the end of a tent encampment to evaluate the lessons learned.

Councilmember Nieuwenhuis expressed support for the recommendation regarding health and safety standards. He asked how many residents expressed opposition to the current litter requirement. He suggested that the litter cleanup is beneficial to the surrounding neighborhood. Ms. Pratt said that she is asked about the litter patrols at every public meeting regarding temporary encampments. She said that neighbors are genuinely uncomfortable with having non-residents patrolling the neighborhood, especially when there was otherwise no history of a littering problem. The City has received requests over the years to remove the litter pickup requirement. Mr. Nieuwenhuis suggested making litter patrols optional should littering become a problem.

Mr. Nieuwenhuis concurred with Ms. Zahn's interest in requiring the post-permitting meeting with the neighborhood. With regard to duration and frequency, Ms. Nieuwenhuis said he understands the rationale for consistency with the regional standard. However, he questioned whether the standard has been effective for the communities that have hosted temporary encampments. Mr. Brennan said that finding sites for temporary encampments has been challenging, and a longer duration provides greater stability and more time for the operators to identify the next location.

Mr. Nieuwenhuis expressed support for streamlining the permitting process. He would like to include provisions for handling situations in which the encampment operator is not complying with the requirements and/or addressing the neighborhood's concerns. Mr. Brennan said the City will incorporate that type of assessment into the regulations. If an encampment is in violation of the permit conditions, the host/operator would lose the ability to use the streamlined process.

Ms. Lin said the Land Use Code provides mechanisms to modify or revoke any type of permit.

Councilmember Lee said he has visited tent cities and is generally impressed with their operations. He said he sees the advantage in allowing for a longer encampment duration as long as the sites are working well within the neighborhood. He expressed support for staff's recommendations and concurred with Councilmember Nieuwenhuis about enforcing compliance with the permit conditions.

Councilmember Lee said that neighborhood engagement is important, and he would like to see enhanced communication and sharing of information. He noted that the Council has received

feedback from residents requesting greater participation in discussions regarding tent cities and their impacts.

Councilmember Stokes expressed support for staff's recommendations, noting that the streamlined permitting process makes good sense. He said there have not been a lot of complaints regarding temporary encampments. However, he supports the need for stronger communication with the neighbors.

Ms. Pratt said that the First Methodist Church in Bellevue worked well with the surrounding neighborhood, and made certain changes to their operation in response to concerns expressed by the neighbors. She said the Temple B'Nai Torah has hosted five encampments. The initial experiences were positive. The fourth deployment did not go as well. However, for the fifth deployment, the new rabbi provided his contact information to neighbors and invited them to speak with him regarding their concerns.

Ms. Lin said staff can explore whether the City is able to require the post-permit issuance meeting with neighbors. The draft LUCA is designed to have a neutral impact on the rights of the religious host to practice their religious exercise.

Deputy Mayor Robinson said she would like the host organizations to work with the City to determine the needs of the encampment residents.

Mayor Chelminiak said he has concerns about the overall process. He would like to refer back to the consent decree to determine whether it will actually expire. He suggested that perhaps it could be renewed.

Mr. Chelminiak said he cannot think of any other temporary use in a single-family neighborhood that is allowed to extend beyond 90 days. He said that allowing a longer duration for a specific encampment will have different impacts based on the location. For example, he noted his understanding that the encampments in Sammamish have been operated by the large Catholic church that is not adjacent to single-family neighborhoods. Mr. Chelminiak opined that 120 days is perhaps too long of a period for each encampment.

Responding to Mr. Chelminiak, Ms. Lin noted that the restrictions related to encampments differ for religious versus non-religious hosts in Seattle. She confirmed that the City of Seattle does not limit the duration of an encampment. Mr. Chelminiak said that, in addition to Sammamish, a number of tent cities in the region are not located in single-family districts. He expressed a preference for a duration of 90 days.

Mr. Chelminiak recalled previous public testimony regarding public safety and ID checks. He stated his understanding that the issue is not codified in the proposed LUCA. Ms. Lin said the consent decree explicitly modified a requirement in the code. The code states that "reasonable and lawful steps" will be taken to obtain verifiable identification. The consent decree dictated that the host will maintain the resident log.

Mayor Chelminiak said that, given the history of temporary encampments in Bellevue, he is not comfortable with the proposed five-year permit. While certain encampments have gone relatively



well, others have raised problems, especially due to the number of deployments at Temple B’Nai Torah. Mr. Chelminiak said he would like shorter timeframes for tent cities, with the renewal of permits conditioned on successful operations and compliance with the permit conditions.

Responding to Mr. Chelminiak, Ms. Lin said the maximum number of hostings per five-year permit is limited to four encampments. Mr. Chelminiak expressed concern that the provision reflects an incentive for the same host at the same location every year.

Mayor Chelminiak said there is a need for a balance between regulating and facilitating. He observed that good regulations facilitate good outcomes. He supports the benefit of temporary encampments and the right to practice religious exercise. However, he said the encampments must be positive experiences for the neighbors as well.

Councilmember Zahn suggested that regular meetings between the host/operator and neighborhood during the encampment would be beneficial. She said the draft LUCA does not appear to capture that type of ongoing communication.

Ms. Pratt said there have been positive temporary encampment hostings throughout Bellevue. The two hostings at St. Luke’s Lutheran Church and the two hostings at First United Methodist Church went very well. The Episcopal Church of the Resurrection has hosted as well. Ms. Pratt said that hosts/operators have demonstrated a willingness to meet with residents. She opined that the fourth deployment at Temple B’Nai Torah did not go as well due to a change in the rabbi, who was not familiar with the requirements related to temporary encampments, and to the lack of availability of the designated point of contact. Ms. Pratt said those issues were not typical of the other deployments, and they were ultimately remedied with the new rabbi.

Councilmember Zahn said she would like a better understanding of the host’s accountability and the definition of a successful encampment. Mr. Brennan concurred that the successful deployments involved ongoing communication between the churches and the neighbors.

Councilmember Stokes said it would be helpful to confirm the status of the consent decree. However, he acknowledged the value of adopting the LUCA. He expressed support for the encampment duration of 120 days proposed by staff. He noted that most of the encampments have had no or minimal issues, and he believes the LUCA can be successful for future deployments.

Mayor Chelminiak said the City might want to consider providing an incentive for encampment operators and hosts to enter into a good neighbor agreement with residents, as included in the Homeless Services Uses LUCA.

Responding to Mr. Chelminiak, Mr. Brennan said the draft LUCA language regarding health and safety standards aligns with both the consent decree and actual practices since 2006. Mr. Brennan asked whether the Council would like to add staff’s recommendations in the areas of neighborhood engagement, encampment duration and frequency, and the streamlined permitting process for consideration and comment during the public hearing in November.

Mayor Chelminiak suggested adding a provision regarding the creation of some type of good neighbor group and/or process for ensuring ongoing communication between the hosts, operators, and neighbors.

Councilmember Stokes moved to add staff's recommended changes as well as an expanded neighborhood engagement process. There was no second.

Deputy Mayor Robinson expressed support for a length of stay of 90 days, with an assessment before granting an additional 30-day period. Mayor Chelminiak suggested an alternative in which a host/operator would be granted a duration of 120 days if they meet certain neighborhood engagement standards. Ms. Robinson said she is concerned about lengthening the stay for an encampment to 120 days without some type of assessment of the operations and outcomes.

Ms. Lin said there are currently standards and provisions in the Land Use Code that allow code compliance officers to respond to complaints regarding suspected violations of the code or of the permit conditions. She said the City may revoke a permit if a violation is proven.

Councilmember Nieuwenhuis noted that 90 days is not a long period of time. He asked how many and/or what types of complaints would be required to revoke a permit, and how long that process might take.

Mr. Brennan said the City responds quickly to complaints related to temporary encampments. The typical process is to seek voluntary correction, which is successful in most cases. If the complaint is not remedied, the City escalates the matter to a civil violation. He noted that health and safety complaints are a top priority.

Councilmember Stokes said he believes 120 days is a reasonable duration.

Councilmember Lee said he can support the 120-day duration, providing that problems can be prevented or resolved either through the City or through communication between the hosts, operators and neighbors.

Mayor Chelminiak suggested retaining the 120-day duration in the draft LUCA for the purposes of the public hearing.

Responding to Councilmember Zahn, Ms. Pratt said she and Bellevue Police Department representatives completed an assessment following the fifth encampment at Temple B'Nai Torah.

Mr. Chelminiak suggested codifying the requirement for a post-encampment assessment and involving neighbors in the assessment discussions. Councilmember Zahn concurred.

Mayor Chelminiak requested Council feedback regarding the streamlined permitting proposal. He noted his concern about issuing five-year permits.

Councilmember Stokes reiterated his support for staff's recommendations and suggested moving forward.

Responding to Deputy Mayor Robinson, Ms. Pratt said the LUCA requires a 12-month gap between each 120-day deployment at the same site. In further response to Ms. Robinson, Ms. Pratt said the City learned from the experience of the fourth deployment at Temple B’Nai Torah and made changes to the conditions placed on the encampment (e.g., establishing a point of contact, prohibiting operators from denying encampment residents the ability to call 911, and others). Ms. Robinson said she would like language in the LUCA assuring that neighbors’ concerns and complaints are fully addressed.

Mr. Brennan suggested that language could be added to reflect the key elements of success for a deployment that would enable the operator to use the streamlined permitting process for a future deployment. If not, the City could take corrective actions to ensure that, when the parties apply for a future permit, additional conditions or expectations are established and enforced. Deputy Mayor Robinson expressed support for that approach.

Councilmember Lee suggested that, if an operator or host does not meet the permit conditions or have a strong neighborhood engagement process, subsequent permits would be denied. He believes that the streamlined permitting process should be an option only if the operator and host have performed satisfactorily.

Councilmember Stokes expressed concern about making it difficult for religious entities to help people. He asked whether the measures of success will be provided to the host and operator. Mr. Brennan said staff will consider the appropriate language for the code versus administrative guidelines for the host and operator. He suggested not being too detailed in the code while retaining the authority for effective enforcement.

Mayor Chelminiak noted a consensus to move forward with staff’s draft LUCA for the public hearing. Mr. Brennan said staff will work on language to clarify the expectations of a successful temporary encampment.

Councilmember Lee noted Mr. Ramos’ comments that further conversation is needed to review the appropriate principles as well as other models and examples.

Councilmember Nieuwenhuis said he would like the streamlined permitting process to require a neighborhood meeting in addition to the letter to neighbors.

4. Council Discussion of Upcoming Items: None.
5. Continued Oral Communications: None.
6. Executive Session

At 8:28 p.m., Mayor Chelminiak declared recess to Executive Session for approximately 30 minutes to discuss one quasi-judicial matter. He noted that the meeting would adjourn following the conclusion of the Executive Session.

The meeting adjourned at 9:07 p.m.

Charmaine Arredondo, CMC  
City Clerk

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