

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

May 7, 2019  
6:30 p.m.

Lake Hills Clubhouse  
Bellevue, Washington

PRESENT: Chair Hummer, Vice Chair Walter, Alternate Vice Chair Gooding, and Councilmembers Dhananjaya and Kasner

ABSENT: None.

STAFF: Trish Byers, Code Development Manager  
Tom Campbell, Code Compliance Supervisor  
Trisna Tanus, Legal Planner

1. **CALL TO ORDER**

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

2. **ROLL CALL/FLAG SALUTE**

City Clerk Charmaine Arredondo called the roll. All members were present.

Chair Hummer asked Kai Thompson, a Boy Scout who is studying for his Citizenship in the Community Merit Badge, to lead the flag salute.

3. **APPROVAL OF AGENDA**

Vice Chair Walter moved to approve the agenda, amended to move to Agenda Item 7 as the next topic. Councilmember Gooding seconded the motion, which carried by a vote of 5-0.

7. **DEPARTMENT REPORTS**

(a) Single-Family Dwelling Rentals Update

Chair Hummer noted the memo in the meeting packet regarding the enforcement of the single-family dwelling room rentals ordinance.

Tom Campbell, Code Compliance Supervisor, provided an update on the City's enforcement activities related to single-family dwelling rentals regulations. He noted that Ordinance No. 6223 went into effect on April 14, 2015. He said he would provide an update of enforcement activities during the six-month period of October 1, 2018 through March 31, 2019. The complete data

since January 2014 is included in a spreadsheet provided in the meeting packet. Prior to the adoption of Ordinance No. 6223 in April 2015, an interim Ordinance was approved in January 2014.

Mr. Campbell recalled that staff provided an update to the East Bellevue Community Council in November 2018. The Ordinance imposes a limit of four unrelated adults in single-family homes unless they live as the functional equivalent of a single-family household. The regulations prohibit single room rentals or rooming houses, and transient rentals cannot exceed 30 days. Home occupation permits are required for bed and breakfast or boarding house operations, which are limited to two rental rooms per home.

Mr. Campbell highlighted the enforcement data for the period of October 1, 2018 through March 31, 2019. Eight cases in the EBCC jurisdiction were opened and 49 cases were handled Citywide. Of the EBCC cases, four were closed with a finding of no violation and two cases resulted in voluntary compliance. Two of the cases were still under investigation as of March 31, 2019. Mr. Campbell noted a map in the meeting packet depicting the location of the cases for the six-month period.

Challenges in enforcing the regulations include language barriers, the reluctance of complainants to testify, the difficulty in linking room rental ads to specific addresses, and the complexity of the Ordinance. Mr. Campbell noted that the City uses language interpreters and provides public information in multiple languages to assist staff and the public. He said there is a need for enhanced public education and engagement with homeowners' associations, realtors, community groups, homeowners, and the public regarding the regulations. The market for individual room rentals continues to be strong.

Chair Hummer opened the floor for questions.

Barbara Benson said a house near her has been used for room rentals for many years. Responding to Ms. Benson, Mr. Campbell said three-month leases are allowed, depending on the specific language and how the room rentals are marketed.

Jim Blundell expressed support for the enforcement of regulations to protect residential neighborhoods. He said an in-home day care operation on his block has been allowed to grow into a commercial enterprise involving several homes. He expressed concern about customers coming and going to drop off and pick up children, noise, and other impacts on the neighborhood. He requested the diligent enforcement of commercial businesses in residential areas by the City.

Fiona Cofield said there are two houses on her street renting single rooms. Responding to Ms. Cofield, Mr. Campbell said that renting rooms individually, versus four adults renting a house as a group or family, is a violation of the Ordinance. Ms. Cofield thanked the City for its efforts.

Responding to Chair Hummer, Mr. Campbell said more information is available on the City's website and by emailing [codecompliance@bellevuewa.gov](mailto:codecompliance@bellevuewa.gov).

Irene Fernandes said a new house in her neighborhood was advertised on Zillow as one that could be used as an Airbnb rental. She toured the home during an open house and informed the realtor that the house could not be used in that way. The realtor subsequently removed the language from the Zillow ad.

Mr. Campbell said the City does provide information to realtors regarding the practice. He said some of the individuals engaged in transient room rentals are real estate agents.

Jerry Harkleroad said he lives near Mr. Blundell, who spoke earlier, and concurred with his comments. He encouraged the City to address the situation described by Mr. Blundell.

Councilmember Dhananjaya thanked staff for the update. He suggested reaching out to the PTA and providing information in the City's utilities mailers. Mr. Campbell said the City is working to expand its public information, including in multiple languages. He concurred with the suggestion to provide information in City mailers.

Responding to Councilmember Kasner, Mr. Campbell said the City does not have information regarding the total number of rental properties in Bellevue. The City does not require rental registration. However, legal rooming houses are required to provide the property manager's name and contact information to the City.

Mr. Kasner urged the City to consider requiring rental registration. Responding to Mr. Kasner, Legal Planner Trisna Tanus said that rooming houses and single room rentals operating as businesses are required to register as businesses with the City and the State. Mr. Kasner expressed an interest in information depicting how long the enforcement cases typically remain open and the outcomes of cases that have gone before the Hearing Examiner.

Vice Chair Walter thanked staff for the update and written information. She expressed concern that the continued growth in home and room rentals will further contribute to increasing housing costs. She suggested posting information regarding single-family room rentals on Nextdoor.com and noted that enhanced public education could lead to increased reporting of suspected violations. Ms. Walter encouraged the City to consider an ordinance regulating all commercial enterprises in residential areas.

Chair Hummer thanked staff for the information provided to the EBCC and the public. She noted that she has read articles about how Airbnb-type businesses are negatively impacting the livability of cities worldwide. Mr. Campbell said the City does not prohibit Airbnb operations or advertising. Responding to Ms. Hummer, Mr. Campbell said that property owners renting up to two rooms as a bed and breakfast or boarding house are required to live on site.

Chair Hummer concurred with Vice Chair Walter about the effectiveness of Nextdoor.com in providing public information. Ms. Hummer said she typically provides updates on Nextdoor.com following the EBCC meetings, including links to related information. Mr. Campbell said staff will provide more information on public outreach efforts for the next update to the EBCC.

Responding to Councilmember Dhananjaya, Ms. Tanus confirmed that there is an escalation mechanism for repeat offenders. She said the City is required to provide an opportunity for the responsible person to come into voluntary compliance. In the case of a repeat violator, the City can move directly to a hearing and the penalties are doubled.

Chair Hummer asked for an update on the so-called “blackberry house,” which has recently been cleaned up. Ms. Tanus said the house was the subject of a nuisance violation complaint from the neighbors. The City attempted to reach the homeowner for a long time and ultimately took the case to a hearing. The Hearing Examiner issued a decision ordering the property owner to clean up the house and yard. However, the City was unable to locate the property owner. The case went to the Superior Court, which issued an order and judgement. The house was in foreclosure, and the new owner acquired and cleaned up the property.

Ms. Hummer observed that no new neighborhoods will be developed in Bellevue due to land constraints. She said she appreciates the efforts of the City and residents to protect and maintain single-family neighborhoods.

*[Agenda resumed]*

#### 4. **COMMUNICATIONS: WRITTEN AND ORAL**

Chair Hummer noted that the EBCC cannot take testimony regarding Puget Sound Energy’s Energize Eastside project because it will be a quasi-judicial matter before the EBCC.

Irene Fernandes provided an update on the Lake Hills Neighborhood Association (LHNA). She noted the Earth Day event held on April 22. On May 16, the LHNA will host several nonprofit organizations to share information. She said the annual neighborhood picnic is scheduled for July 20. Ms. Fernandes noted that the LHNA meetings are held in the Lighthouse Church meeting room at Lake Hills Village shopping center.

Don Marsh, President of CENSE (Coalition of Eastside Neighborhoods for Sensible Energy), noted the organization’s ongoing concern regarding Puget Sound Energy’s Lake Hills transmission line project. He said CENSE hired an expert to evaluate whether a self-healing grid would be an effective alternative. However, PSE would not provide the data necessary to conduct the study. CENSE complained to the Washington Utilities and Transportation Commission (WUTC), which indicated it did not have the authority to require PSE to provide the data. Mr. Marsh noted the creation of 300trees.org to represent the community’s concerns regarding the anticipated removal of trees by PSE. He said CENSE encouraged the City to pause the granting of easements for the public land needed to build the transmission line, which was unanimously approved by the City Council. Mr. Marsh said that new and emerging technologies provide potential alternatives to PSE’s current plan.

Fiona Cofield thanked Vice Chair Walter for her past efforts in advocating for the single-family room rentals ordinance. Ms. Cofield said she appreciates the EBCC and the opportunity for the public to engage in questions and comments.

Councilmember Kasner noted that the EBCC receives written comments as well. Chair Hummer said those communications are included in the meeting packet. Mr. Kasner said he would like those communications to be reflected in the meeting minutes.

Mr. Kasner noted a written comment from Sandra Hughes suggesting that the LHNA should meet at the Lake Hills Clubhouse. He said she urged the EBCC to reconsider unnecessary changes in their meeting venue and to continue to hold meetings on the first Tuesday of the month at the Lake Hills Clubhouse.

Mr. Kasner noted a presentation related to a Comprehensive Plan Amendment (CPA) and concurrent rezones related to public safety and guns. The topic was discussed during the May 8 Planning Commission meeting, and related materials are included in the EBCC packet. He would like the opportunity to discuss the issue in the future.

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

City Councilmember Jennifer Robertson highlighted the City Council's activities over the past several months. The Council recently received a report regarding Jubilee Reach's Day of Caring, which helps residents with home and yard projects. She said the group is currently accepting applications for individuals with financial and/or physical limitations in need of assistance.

Ms. Robertson said the City is currently studying existing multicultural events and facilities to determine future needs. The Ashwood Park Master Plan process is anticipated to be initiated by the Parks and Community Services Board later this year. She noted the Council's ongoing discussions regarding a regional aquatic center. She said park planning is underway in Newport Hills. Ms. Robertson said the Director of the Parks and Community Services Department, Patrick Foran, retired at the end of April.

Ms. Robertson noted the City Council's work related to the East Main light rail area planning, Flats Rezone in the Crossroads area, neighborhood subarea planning, and the update of the BelRed Plan. She said the Council recently adopted regulations for small cell wireless facilities and received an update on the transportation capital budget. She said the City continues to work on keeping the seasonal men's homeless shelter open year-round.

Referring to the Airbnb issue, Ms. Robertson recalled that the City's former Code and Policy Director issued an interpretation approximately one year ago indicating that Airbnb and similar businesses are not allowed in residential zones.

Councilmember Dhananjaya thanked City Councilmember Robertson for the update.

Responding to Councilmember Kasner, staff confirmed that Shelley McVein is the Interim Parks Director. Ms. Robertson said the City will conduct a national search to fill the position.

Responding to Mr. Kasner, Ms. Robertson said the Bellevue Technology Center issue has not returned to the Council this year. She said Comprehensive Plan Amendment proposals that are denied threshold review or final approval cannot be refiled for three years. If an applicant

withdraws their CPA proposal before it is considered by the Council, they may resubmit the application the following year.

Responding to Councilmember Gooding, City Councilmember Robertson said the Airfield Park Master Plan includes a ballfield tournament complex. She said the park is one of four sites that has been proposed for consideration for the regional aquatic center. The other sites are Bellevue College, Lincoln Center (116<sup>th</sup> Avenue NE), and Marymoor Park.

Vice Chair Walter thanked Ms. Robertson for the update. Ms. Walter noted the need for facilities for community events. She suggested renovations, including updated technology, to the Lake Hills Clubhouse to enable it to function as a community center during the hours that it is not being used by the Boys and Girls Clubs. She expressed support for a pool at Bellevue College. Referring to Jubilee Reach's Day of Caring, Ms. Walter said the organization Hearts and Hammers provides similar assistance for residents. She said residents are concerned about camping in Bellevue parks and on public property. She encouraged enhanced public information regarding local regulations.

City Councilmember Robertson concurred with the difficulty in finding meeting and gathering spaces in the community. She said a study is underway to assess current programs, facilities, and needs.

Regarding public camping, Ms. Robertson said the courts have held that a local government cannot trespass or criminalize individuals for sleeping and living in public spaces if there is no other place for them to go. She encouraged residents to report concerns regarding camping and vehicle residencies. She said Bellevue police officers and outreach staff work with individuals experiencing homelessness to find them a place to go.

Councilmember Gooding said he appreciated the City Council's attention to issues related to homelessness. He expressed concern regarding the situation in Seattle. Ms. Robertson said that, although Bellevue's men's shelter is currently closed, there are open beds in the region every night. She noted the urgent need for addiction and mental health services.

Chair Hummer noted that the City has its own home repair assistance programs, and information is available on the City's website. Ms. Hummer suggested that the City provide information on Nextdoor.com regarding the regulations for camping and living in public spaces. She said she supports the need for public meeting spaces and community centers, noting that East Bellevue is often overlooked. She expressed support for Vice Chair Walter's suggestion to upgrade the Lake Hills Clubhouse and to expand its availability.

## 6. **REPORT OF THE CHAIR**

Chair Hummer said she appreciates the plans to hold certain EBCC meetings at City Hall. She said the EBCC's decisions and activities have an impact on the rest of the community. She noted that the room rental issue was raised in East Bellevue, however the problem is occurring throughout the community.

Ms. Hummer said her vision for the EBCC is to be more involved with City Hall. She invited residents to visit City Hall and to become familiar with services and resources, the Boards and Commissions, City Councilmembers, and staff. She would like the EBCC to become involved earlier in planning processes for issues affecting their jurisdiction and the overall community.

## 8. **PUBLIC/COURTESY HEARINGS**

- (a) Public Hearing regarding Land Use Code Amendment (LUCA) to allow garden supply and nursery uses in residential districts when they have been operating continuously since before 1955.

Trish Byers, Code Development Manager, provided the staff report regarding the Land Use Code Amendment (LUCA) to allow garden supply and nursery uses in residential districts when the businesses have been operating continuously since before 1955. The issue was raised following a Comprehensive Plan Amendment (CPA) application by the Bellevue Nursery, which was seeking to expand its services. Following discussion last fall, the City Council asked staff to develop the option of a LUCA instead of a CPA to address the business's objectives. The nursery was established in 1954. In 1955, residential zoning went into effect and the nursery became a nonconforming use.

Ms. Byers said the CPA would have applied the Neighborhood Business (NB) zoning designation to the site which would have allowed several different types of uses, some of which caused concern for the neighborhood. As an alternate approach, the LUCA applies specifically to garden supply and nursery uses in existence before 1955. The LUCA allows subordinate uses, including a coffee cart and/or landscaping services at the Bellevue Nursery. Ms. Byers said the LUCA is consistent with the Comprehensive Plan and it allows the nursery to continue to operate as a gathering place for the neighborhood. She said the City is not aware of any garden supply or nursery businesses established prior to 1955 in the East Bellevue jurisdiction.

Councilmember Kasner moved to open the public hearing. Councilmember Dhananjaya seconded the motion, which carried unanimously.

Fiona Cofield questioned the other uses allowed at the nursery site. Ms. Byers said that up to 25 percent of the floor area can be used for a subordinate use, which must be related to the primary use and located on the same property.

Pamela Johnston said the CPA proposal suggested a rezone to Neighborhood Business (NB). However, there were concerns among residents about the types of businesses that would be allowed. She noted that the nursery is on a small parcel.

Vice Chair Walter moved to close the public hearing. The motion was seconded by Councilmember Gooding and carried unanimously.

Councilmember Dhananjaya questioned whether the LUCA could be challenged because it essentially applies to one property. Ms. Tanus said that all LUCAs could be legally challenged. Ms. Tanus noted that the City's legal staff conducted a review of the LUCA, which applies

Citywide. In further response to Councilmember Dhananjaya, Ms. Byers said the CPA proposal was specific to the Bellevue Nursery site.

Councilmember Kasner disagreed with developing a LUCA for one site or business. He said the City and the community spent 20 years planning the redevelopment of the Lake Hills shopping center to reach agreement with the property owner/developer. He suggested that the LUCA could set a problematic precedent for other projects. Mr. Kasner thanked staff for their work.

Responding to Vice Chair Walter, Ms. Byers said housing could be allowed above the nursery. However, a project application would be subject to the planned unit development (PUD) process. Ms. Walter said she shared Mr. Kasner's concern regarding the development of a LUCA that applies to one site. Under the current R-4 zoning, a maximum of two housing units could potentially be allowed.

Chair Hummer thanked staff for the presentation. She noted that, if the Bellevue Nursery ceases to operate, a new property owner would be restricted to providing housing only. Ms. Hummer said she shared the concern about processing a LUCA for one property.

Responding to Councilmember Gooding, Ms. Tanus said a garden supply or nursery business owner would be required to prove it has been in existence and continuous operation since prior to 1955.

## 9. **RESOLUTIONS**

- (a) Resolution 573 Approving City Council Ordinance No. 6457

Vice Chair Walter moved to approve Resolution 573 approving City Council Ordinance No. 6457. Councilmember Gooding seconded the motion.

Councilmember Kasner indicated he would support the motion, noting that it does not apply to any businesses in the EBCC jurisdiction. Councilmember Dhananjaya concurred.

Vice Chair Walter expressed support for the Citywide Ordinance because all nurseries should be treated equally. She suggested that the EBCC's votes, in general, should be based on the benefits for constituents.

Councilmember Dhananjaya suggested providing the EBCC's comments and feedback to the City. Ms. Walter said the EBCC could discuss, during a future meeting, the appropriate manner for communicating to the City. She will support the motion because she wants to ensure that the same regulations apply Citywide, including in East Bellevue.

Chair Hummer opined that the EBCC should be involved earlier in processes that will ultimately lead to decisions by the EBCC. She said she believes that if someone has a property in need of special consideration, it could go through the same process as all CPAs and rezones. She does not believe this is appropriate for the EBCC.



The motion carried by a vote of 4-1, with Chair Hummer dissenting.

10. **COMMITTEE REPORTS**: None.

11. **UNFINISHED BUSINESS**

Chair Hummer noted the upcoming EBCC retreat on July 9 at City Hall.

Councilmember Dhananjaya moved to extend the meeting to 8:36 p.m. Councilmember Kasner seconded the motion, which carried by a vote of 5-0.

Mr. Kasner expressed an interest in inviting the Boards and Commissions to the retreat.

12. **NEW BUSINESS**: None.

13. **CONTINUED COMMUNICATIONS**: None.

14. **EXECUTIVE SESSION**: None.

15. **APPROVAL OF MINUTES**

(a) Summary Minutes of the April 2, 2019 Regular Meeting

Councilmember Dhananjaya moved to approve the minutes of the April 2, 2019 Regular Meeting. Vice Chair Walter seconded the motion, which carried by a vote of 5-0.

16. **ADJOURNMENT**

At 8:33 p.m., Chair Hummer declared the meeting adjourned.

Charmaine Arredondo, CMC  
City Clerk

/kaw