

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

September 10, 2014
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Laing, Commissioners Carlson, Hamlin, Hilhorst, Tebelius, Walters

COMMISSIONERS ABSENT: Commissioner deVadoss

STAFF PRESENT: Paul Inghram, Nicholas Matz, Department of Planning and Community Development; Mike Bergstrom, Department of Development Services

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:33 p.m. by Chair Laing who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Carlson, who arrived at 7:11 p.m., and Commissioner deVadoss, who was excused.

3. PUBLIC COMMENT - None

4. APPROVAL OF AGENDA

A motion to amend the agenda by moving item 7.C ahead of 7.B, and 8.C ahead of 8.B, and to add an additional public comment following item 8.D, was made by Commissioner Hilhorst. The motion was seconded by Commissioner Hamlin and it carried unanimously.

5. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram reported that following its August break the City Council held a study session on the Shoreline Master Program, and took up the one Comprehensive Plan amendment application and directed that it come back to the Commission for final review. The staff also provided the Council with a brief status report concerning the Comprehensive Plan update process.

8. PUBLIC HEARING

A. Horizon View Rezone

A motion to open the public hearing was made by Commissioner Tebelius. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

Senior Planner Nicholas Matz said the legislative rezone was initiated by the Council in response to requests from property owners in the recently annexed Horizon View area. The property owners expressed concerns regarding recent short plat activities in their neighborhood. Their concern centered on the current R-3.5 zoning and its 10,000-square-foot minimum lot size could enable an increase in short plat activity that is incompatible with the existing neighborhood character. The roughly half-acre average lot size in Horizon View A with views to and from the lots accounts for the existing neighborhood character.

Such rezones are viewed through the legislative process. In initiating the rezone the Council noted an issue of fairness in assuring that all three recently annexed neighborhoods could make a reasonable examination of their zoning and its appropriateness. The Councilmembers were clear that initiating the process would allow for a review of the merits of the proposal, and that their action did not presume approval or denial of the rezone.

The Process IV approach involves a public hearing before the Commission and a recommendation to be transmitted to the Council for action. The Council will make its decision based on the record. A State Environmental Policy Act (SEPA) Determination of Nonsignificance has been issued.

Mr. Matz said the staff were recommending approving of the proposed rezone from R.3.5 to R.2.5 for the 79 lots in Horizon View A. Both R-3.5 and R-2.5 are consistent zoning designations for the underlying single family designation, thus the proposal is consistent with the Comprehensive Plan. The neighborhood has urban infrastructure in place by way of streets, water and sewer connections, and generally the city sees infill development as desirable. However, what appears on its face as a decrease in potential redevelopment is obviated by the fact that the potential never really existed in the first place; the rezone will in fact protect the neighborhood by encouraging existing levels of development. Growth will still be accommodated under the R-2.5 zoning. The proposal is consistent with the Land Use Element and the Newcastle subarea policies.

Staff have concluded that the proposed rezone bears a substantial relationship to the public health, safety and welfare. The proposal does not trigger a need for new public facilities.

The staff also believe the rezone is warranted because the proposed zoning classification is appropriate for reasonable development of the properties. Public opinion is strongly aligned with the finding of the staff with the exception of a Mr. Dworsky whose written submittal opposed the proposed approach. The lot sizes in Horizon View A are somewhat smaller than those in the Hilltop and Horizon View C developments. The existing public sewer in Horizon View A does distinguish the area from the individual septic systems that dominate in the other two developments, yet all three areas share similar view characteristics and all three are urban areas. The city has established the R-2.5 zoning based on the current development pattern and on what is in the Comprehensive Plan. Mr. Dworsky's concern about preventing redevelopment of the sites is difficult to argue across the broad expanse of Horizon View A; there are only two lots that are vacant, and one of them is too small to take advantage of the minimum lot size for either R-2.5 or R-3.5, and the other is big enough it could be split under either zoning.

Mr. Matz said the staff concluded that the rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property, which would be the surrounding developments of Horizon View C, Hilltop, Eaglesmere and Sommerset.

The rezone has merit and value for the community as a whole. The city has concluded that the tenets of the Growth Management Act continue to be met citywide. Mr. Dworsky has voiced a concern about not being able to meet the growth management targets on the 79 lots in Horizon View A. Rezones of the type proposed are consistent and recognize the rezone as a tool for neighborhood character. The Growth Management Act allows for selectivity in allowing where growth should occur. It is not necessary to meet every tenet of the Act across the entire city. The Act does not demand that all growth be available all the time; that is in fact why growth is concentrated in certain areas of the city.

Commissioner Tebelius said she read all of the comments sent in by landowners in the Horizon View A neighborhood and noted that only two property owners have conveyed comments opposed to the proposed rezone.

Mr. Robert Thorpe, 2737 SE 27th Street, Mercer Island, complimented the staff on their very thorough and supportable report. He noted that in zoning matters the applicant has the burden to make the record. He said his staff at Robert Thorpe and Associates analyzed 20 city goals in the Comprehensive Plan and two goals Growth Management Act. Of the 20 city goals, the conclusion reached was that more half were found to be highly compatible with the proposal. Two or three of the goals were found to be subjective and each of them deals with density in neighborhoods. Under the Growth Management Act the city has the opportunity to put density in the downtown and other activity centers. The proposed rezone is timely, needed to protect the neighborhoods, and is compatible with the Comprehensive Plan. As such the proposal should be supported. In addition to the two vacant lots, however, there is the possibility of a developer purchasing developed large lots and either short platting them or constructing very large homes on them. Renton, Kirkland and Mercer Island are all looking at protecting neighborhood by reducing density much as the Horizon View A proposal seeks to do. The Commission was urged to support the conclusion of the staff and approve the proposed rezone.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Greg Rossellini, 15011 SE 51st Street, spoke as president of the Horizon View Citizens Association. He said the proposal will positively affect the neighborhood and the city. Horizon View A is an older community with more than 50 homes, all of which have a similar character and lot size. Those in the audience who live in Horizon View A were asked to stand and be recognized. He noted that Horizon View C was similarly rezoned at the time of its annexation, and he submitted to the Commission a letter from the Hilltop neighborhood in support of the proposed rezone to R-2.5.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Ken Clark, 14860 SE 61st Street, said the Horizon View A neighborhood is 63 years old and many who live in the neighborhood have been there for almost that long; the average resident has lived there for about 35 years. The proposed rezone was triggered by a short plat action a

developer attempted in order to tear down a house and divide the lot. A total of 59 neighborhood residents went on record as opposing the action. Comments have been made about the uniqueness of Horizon View A given that the Horizon View C and Hilltop neighborhoods are still on septic tanks and drain fields; at some point in the future those neighborhoods are going to have to face the reality of connecting to sanitary sewer. He thanked the staff for understanding and supporting the cause of the neighborhood.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Mike Dworsky, 5079 145th Place SE, said the lot he owns in Horizon View A did not have an address until the city annexed the neighborhood two years ago. The lot was purchased by his parents in 1941. He respectfully opposed the proposed rezone from R-3.5 to R-2.5 for the exact same reasons the city used to approve a short plat in Horizon View just a few months ago and which represents a perfect example of infill development. He said during the time his lot was in the jurisdiction of King County the zoning was R-4 and it could have been short platted; annexation into the city included no comparable zoning so R-3.5 was chosen, ending the possibility of short platting the site. The Comprehensive Plan, the Newcastle subarea plan, the Puget Sound Regional Council Vision 2040 plan, and the Growth Management Act all are aimed at accommodating growth. Without infill development, there will not be any growth. The homeowners association, which is volunteer only, does not represent all of the property owners, many of whom do not want change in the neighborhood, only a change in the zoning. He said he was not asking for change either, only to retain the current zoning. When the lot was acquired by his parents the adjacent land was all forest extending all the way to Somerset. He said he and his brother often hiked through the woods that has for the past 35 years been developed under R-5 and R-3.5 zoning. Bellevue's population has doubled since then but many in the neighborhood refuse to acknowledge that and are unwilling to accommodate growth in their backyard. Bellevue is a beautiful place to live, largely because the planning department has made good decisions over the years. The proposed rezone, however, if approved will not be a good decision. The city should respect the zoning laws that were in place when the property owners purchased their sites, and should retain a zoning designation that is at least close to what was in place under King County. Changing the zoning to a lesser density is contrary to and contradicts the state's Growth Management Act; it may benefit local residents but will effectively penalize all residents of the area relative to their right to develop their properties. With the possibility for infill development, property values will be higher. The Comprehensive Plan states that for older neighborhoods that are not seeing as much private reinvestment, the city may encourage and work to promote investments that add vitality and that are compatible with neighborhood context. Horizon View is seeing that investment thanks to the short plats, but the proposed rezone will stop it cold.

Mr. John Beck, 14557 SE 51st Street, said he has lived in his home for 20 years. He spoke in favor of the proposed rezone. He said he loves the view and the amenities the neighborhood has to offer. He said he and many others want to live there until they die and do not want to see the neighborhood change.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. John Seethoff, 5211 150th Place SE, said he is a relative newcomer to the neighborhood, having been in Horizon View A for just over a year. He noted, however, that what attracted him

to the neighborhood is its character. He said his family moved to the Newport Hills area when he was only seven at a time when there was ample opportunity to walk through and enjoy the forest. There was at that time no Coal Creek Parkway and I-405 was actually a two-lane road. Developed has clearly occurred since then. The question is what is appropriate development. Infill is not required everywhere and there are a variety of opportunities to increase density in Bellevue. It is simply not necessary to have density added to the Horizon View A neighborhood, which could only occur by tearing down a home that is consistent with the neighborhood, splitting the lot into two, and bringing in more density and more traffic, all of which would substantially change the character of the neighborhood. The proposed change is consistent with what has historically existed; it certainly is consistent with the broader neighborhood that surrounds the proposed rezone area. He noted his support for the proposed rezone.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Ms. Katie Phillips, 5001 145th Place SE, said she has lived in Horizon View A for ten years. She said she chose the neighborhood because of its unique characteristics, including the fact that it feels like a pocket of the country close in to the city. The proposed rezone will serve to maintain the character of the neighborhood, something the city sees value in.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

A motion to close the public hearing was made by Commissioner Tebelius. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

C. Camp and Conference Center

A motion to open the public hearing was made by Commissioner Tebelius. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

Principal Planner Mike Bergstrom said the proposal involves the creation of a new land use district in the Land Use Code called Camp and Conference Center. The privately initiated Comprehensive Plan amendment was filed by the Sambica camp in 2008. The new designation was approved by the Council in 2009 along with supportive policies that speak directly to the Sambica site; those policies are housed in the Newcastle subarea plan. Their action, however, only created the basis for the creation of a new land use district. The next step is to actually create the new district. If anyone then wants to take advantage of it, they will need to go through the rezone process.

The Commission worked on the issue in 2010 and 2011 without a great sense of urgency. It was picked up again in June of 2014. The Commission concluded the issue was ready to proceed to public hearing.

Mr. Bergstrom said staff met with the East Bellevue Community Council for a courtesy hearing. On the strength of a 5-0 vote, the Community Council indicated its support for the new land use district. Should the Commission recommend approval, the recommendation will be forwarded to the Council and will in due course loop back again to the East Bellevue Community Council for a final public hearing and action.

The key elements of the ordinance are the allowed uses, the establishment of procedures for review, including a master development plan and design review for the Sambica site, and standards for the district, including dimensional, landscape and other development standards, along with building and site design guidelines.

Mr. Bergstrom reviewed with the Commission the map of the Sambica boundaries and where the Comprehensive Plan would apply the land use designation. He noted that the East Bellevue Community Council had some reaction to the map and suggested that the single family area in the center should have been included. The Commission and the Council are charged with geographic scoping and because the single family lots have homes on them it was deemed inappropriate to expand the boundary to include the lots.

Mr. Bergstrom said following the public hearing the Commission would be asked to recommend approval, approval with modifications, or denial of the proposed ordinance.

Commissioner Hilhorst asked why the shoreline area was not included in the proposal. Mr. Bergstrom said the Land Use Code designation established by the Comprehensive Plan stopped short of the shoreline properties. Sambica does own some property within the shoreline jurisdiction. Commissioner Tebelius said it was her understanding that Sambica does not in fact own land in the shoreline and that the land it uses is owned by private property owners who allow the camp to use the shoreline area. Mr. Bergstrom suggested seeking clarification from the Sambica representative.

Answering a question asked by Commissioner Tebelius about the language allowing for a small retail component, Mr. Bergstrom said the language came out of the Council process. The intent is to allow for a small bookstore or retail shop for the benefit of those attending or working at the camp. The language cannot be interpreted to include a restaurant use.

Commissioner Tebelius noted that she had previously objected to the requirement for the city to approve the architectural design of buildings at the camp. Mr. Bergstrom said there is a design review requirement but no requirement for the city to approve final architectural designs. Design review is a public process the city employs to make sure buildings comply with all the standards in the code.

Commissioner Carlson asked how much time the design review process will add to gaining approval for an application. Mr. Bergstrom said the process would be merged with the master development plan. Design review typically takes six to nine months. The process is not use-driven and there are exemptions allowed.

Ms. Lori Cress, 4013 176th Avenue SE, said her home is located adjacent to the Sambica camp. She said as a former camper and current neighbor of the camp and member of the Sambica board of directors, she asked the Commission to support approving the proposed zoning code amendment. Approval of the amendment will solve ongoing zoning issues faced by the camp. She pointed out the persons in the audience who were in support of approving the proposed ordinance. She submitted a written statement in support of the amendment.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Ms. Kari Nakamura, 4115 West Lake Sammamish Parkway SE, said Sambica is located adjacent

to her property. She gave her full support to the proposed amendment. She said she loves hearing the happy sounds of children emanating from the fun and happy place that is Sambica. She submitted a written statement in support of the amendment.

Mr. Richard Nakamura, 4115 West Lake Sammamish Parkway SE, said his views were included in the written statement submitted by his wife. He agreed that it is wonderful to have Sambica located next door, to hear the happy sounds of the children, and to see the happy faces of the parents as they drop off their children.

Ms. Dee Reif, 17834 SE 40th Place, said her home is three doors down from Sambica. She said she has lived there for six years and her daughter has attended the camp for the last five years. The camp is a wonderful asset to the neighborhood. She gave her full support to the proposal. She also said kudos are due to the camp directors who always make good decisions for the campers and for the neighborhood. She submitted a written statement to the Commission.

Ms. Julie Resseck, 17840 SE 40th Place, said in her professional life she runs a big agency and in her private life makes time for the Make A Wish Foundation. The importance of a good and happy place for children cannot be overstated, and that is what Sambica is. She said she has two boys that go there and friends that send their kids to the camp. The camp has a positive impact on the children who attend; it is a place for the kids to be happy and to unplug. The community at large benefits by having the camp essentially in its backyard. She noted her full support for the proposed amendment and submitted a written statement to that effect.

Mr. Matt Wimmer, 17815 SE 40th Place, said he serves as the executive director for Camp Sambica. He submitted a written statement on behalf of the camp and a written statement from the Strandvic neighborhood which surrounds the camp. ~~She~~ He said ~~she~~ he recently met with a counselor from a local school who talked about her concerns relative to an increase in the number of young persons attempting to take their own lives, which is tied to an increase in incidents of depression. ~~She~~ He talked about Sambica as being a place where children are loved by those at the camp and by God, who loves them just the way they are. ~~She~~ He said the camp creates community. He said Sambica has been overwhelmed by the support offered by the community. The camp had a record summer in 2014 with 2733 campers served. That number, however, pales in comparison to the number of lives impacted by service work done throughout the year. The proposed amendment will allow for taking care of the gem that is Sambica. With regard to the shoreline question, he said the camp has a permissive use agreement with Strandvic that goes back to before 1919. Under the agreement, the camp and the neighborhood share the shoreline.

A motion to close the public hearing was made by Commissioner Tebelius. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

B. Room Rental Code Amendment

A motion to open the public hearing was made by Commissioner Carlson. The motion was seconded by Commissioner Tebelius and it carried unanimously.

Mr. Bergstrom noted that the Commission has had a number of study sessions on the room rental issue. The issue was first raised as a concern by residents of the Spiritwood neighborhood but has since been highlighted as a concern by other neighborhoods in the city. What the residents are opposed to is the business model of purchasing a single family home and then as absentee

landlords renting out individual rooms to individuals who have no real relationship to each other.

Mr. Bergstrom said feedback from the Commission and the public regarding an earlier draft of the regulations triggered the need to create a new draft, which is the current proposed draft. A courtesy hearing was held by the East Bellevue Community Council; questions were asked and answered but no changes to the proposed ordinance were suggested. If approved, the ordinance will apply citywide.

The city has been operating under interim regulations since September 2013. By state law emergency interim regulations can be adopted but only for a period of six months unless extended following a public hearing before the City Council. The interim regulations have in fact been extended twice to date and will remain in effect until March 2015 unless permanent regulations are put in place or if they lapse and must be extended again by the Council.

The Land Use Code has a definition of family that refers to any number of related persons or up to six unrelated persons. The way it is applied, however, is that any number of related persons counts as one toward the maximum of six. Another group of unrelated persons could count as one as well, so while there may be many bodies in the house, for purposes of compliance with the Land Use Code there would be only two in the house, and so forth until the maximum number of six is reached. The interim regulations lowered the maximum from six to four, and include a provision to go beyond four provided a group can show they live as a functional equivalent of a family. The standard is subjective and is not easy to apply.

The draft ordinance focuses on the primary issue, which is multiple adult individuals that otherwise have no relationship to each other occupying a single family house. There are a number of provisions that allow homeowners to rent out single rooms for a variety of reasons, and those provisions are kept intact under the proposed ordinance. The proposed ordinance calls a rooming house any single family home that is not owner-occupied that is used for the purpose of renting out individual rooms and allows the use only when all applicable standards are met. Under the proposed ordinance, the rooming house use would not be permitted in a single family district, only in multifamily or mixed use districts. The definitions of bed and breakfast and boarding house uses are revised by the ordinance to indicate that they are owner-occupied establishments. The ordinance also clarifies the definition of family to say there can be up to six people unless all are related. The functional equivalent concept has been removed. The Land Use Code has historically said that a family lives together as a single housekeeping unit, but has never defined what that means, so the proposed ordinance includes a definition. Leases that do not conform with the new ordinance but which were legally established will be given time to lapse; leases not legally established will have no legal right to continue.

The proposed ordinance would require rooming houses to be located in single family dwellings but not in single family districts. The use could be a transitional use in an area such as Bel-Red that has single family homes but which is likely to redevelop over time. The ordinance limits the number of rooms that can be rented to four and the total number of tenants to five. All rooms for rent must be legally established bedrooms. A local owner, landlord or registered agent must be identified, and there must be legal on-site parking equal to the number of bedrooms rented. Provisions for exterior property maintenance and refuse collection are included. The use must also comply with the noise and nuisance laws as well as all health and safety codes. The owner, landlord or registered agent is the person who would be responsible in any civil violations.

The East Bellevue Community Council conducted a courtesy public hearing in August and had a

few questions for clarification, but no changes were proposed. The Community Council indicated its support for the ordinance.

Mr. Bergstrom said the comments received to date by orally and in writing have been overwhelmingly in support of the draft ordinance. A lengthy email received recently was from a person who is not in favor of the ordinance; the view espoused was that the proposed ordinance in some respects is discriminatory in the sense that it could be more restrictive in situations where there are non-married couples. Where there are related persons living as a family, there could more than six in a home, whereas non-married persons living in a home could not exceed six.

Answering a question asked by Commissioner Hilhorst, Mr. Bergstrom explained that the maximum number of unrelated persons living in a single dwelling without the owner living on site under a single lease would be six. He also explained that all parking areas must comply with the code requirements. There are greenscape requirements for front yards that prevent the mere paving of a front yard from side yard to side yard.

Commissioner Tebelius asked how the ordinance, which would allow six unrelated persons to share a single family house in a single family neighborhood provided there is a single lease, addresses the concerns of the neighborhoods. Mr. Bergstrom said the overriding concern of the neighborhood was rooms being rented to people who did not even know each other and who had nothing in common other than renting rooms in the same house. The limit of six has historically been on the books for some time and ties in nicely with both state and federal laws, making it easier to administer.

Ms. Cheryl Zettler, 1821 155th Avenue SE, said she has lived in her Spiritwood home since 1973. She said she appreciates the difficulties associated with defining things like family, self-identified groups, rooming house, and single housekeeping unit. She said the proposed ordinance is a positive step toward closing loopholes, but pointed out that some are not addressed. In her single family neighborhood there is a monstrous home built with six tiny little bedrooms that are being rented out to six individuals; the home was achieved through subterfuge and misrepresentation. The proposed ordinance prohibits that, but even so six unrelated persons could agree to rent the house and live in it provided they self-identify as a group. What that means is unclear. A rock band working as a self-identified group could lease the house under a single lease and live there. Each person could have a large car or truck and it all would be legal. A family could conceivably be six college students, some of whom have kids, or handicapped individuals. The kids or the handicapped persons would not count toward the limit of six, thus a single home could be occupied by a slew of people under a single lease. Any number of those persons could have cars parked all over the place and the impact on the neighborhood would be substantial. The definition of rooming house is good, but it appears the tenants would be completely exempt from civil penalties for breaking civil laws. The landlord is totally responsible. The language of the ordinance should be revised to make the tenants fully and jointly responsible for certain violations caused by the tenants.

Commissioner Carlson asked Ms. Zettler if a landlord would tend to be a bit more selective if he or she was held to be 100 percent responsible. Ms. Zettler reiterated her desire to see the landlord and the tenants be held fully and equally responsible.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Greg Zettler, 1821 155th Avenue SE, said he will favor anything that can be done to prevent abuses in single family zones. He said everything possible should be done to put teeth into the permanent regulations. It should be made economically difficult for persons to commercially exploit properties in single family zones. A number of restrictions should be imposed on parking, including covered, locked, no cars on the street, or no cars in a driveway.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Steven Fricke, 14430 SE 19th Place, said Mr. Bergstrom had done a good job of addressing the history of the issue and outlining the Commission's task, which is to advise the Council about a rule regarding room rentals. Over the months of study there has been talk of college kids renting rooms in homes, and nothing was found wrong with a group of people banding together to rent a house. Many college kids choose to go that route. He said in his neighborhood there is a group of soccer players from Bellevue College who rent a house as a unit, not as individuals. It does not happen all that often and is not really a problem. It would be totally unfair to make tenants responsible for the rental activities in a house. Those who choose to rent a single room in a house are generally not well educated, do not know the laws, and it would be unfair to put such pressures on them; the pressure and responsibility should rest with the landlord. There are already codes in place relative to parking and nuisances. The proposed ordinance does not address those issues, nor should it. The use should not be viewed in isolation; it should be viewed with the entire code in mind. By disallowing single room rentals in single family areas the ordinance strikes at the heart of most of the problem.

Mr. Bart Goff, 421 155th Place SE, said there are 23 houses on his block. He said prior to moving to Bellevue he lived in Queens, New York, in an apartment building that had 83 units and served as chair of the housing committee and worked as a housing counselor under the Fair Housing Act for a non-profit agency. He said he now deals with homeowners and is in complete agreement with them about the need to disallow single room rentals. What remains to be seen is how serious the city will be in upholding the permanent regulations, what the oversight process will be, and if the city will interact with the banks and insurance underwriters for homes used as rooming houses. Banks generally include a good repair clause that spells out who is responsible to keep the building in good condition. He said he has heard that if college students living in a home throw a party and trash the place, their parents are actually responsible under their own home ownership. With regard to leases, there should be some distinction about how long they will run and where they will be registered. It should also be investigated whether or not the regulation will have a rider that will go onto insurance policies and mortgage documents. Careful consideration needs to be given to whether or not the proposed ordinance will be able to withstand charges by homeowners that the city is restraining their trade.

Mr. Steve Kasner, 1015 145th Place SE, said he would like to see the ordinance restrict the maximum to four unrelated persons. He noted that the East Bellevue Community Council did not see Mr. Bergstrom's chart outlining what is permitted and what is not. The Community Council is in a difficult position in that it cannot amend ordinances, it can only approve or disapprove them. A decision to disapprove the ordinance would leave the Spiritwood community totally unprotected. Compliance with the ordinance is predicated on complaints which on its face causes neighbors to come after neighbors. The city's current compliance staff may not be able to handle all of the complaints once the ordinance goes into effect. Hundreds if not thousands of properties will be out of compliance. Whatever gets put in place will have to

work for the community and the neighborhoods. The monster house that started the ball rolling obviously supports more than four residents and it is unclear what the penalties will be for being noncompliant.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Ron Merck, 14824 SE 18th Place, said it was his understanding that the ordinance was going to limit the maximum number of persons allowed to live in a house to four. He said his preference would be to set the limit at three. He agreed that if the regulation is not gotten right, including some teeth, the East Bellevue Community Council will be put in a nebulous position along with the Spiritwood area.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Ms. Barbara Benson, 14405 SE 117th Street, agreed with Mr. Fricke and with Mr. Kasner. The ordinance allows time for homes that will be noncompliant to become compliant, but there are no conditions or rules about that. Once the permanent ordinance goes into effect, the emergency ordinance will be gone, and that could mean going back to filling up houses with single room renters. She said there should be a limit on the number of people who currently live in houses, and as renters leave no one should be allowed to take their place. Certainly no new uses should be allowed to start during the step-down process.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Ms. Wei Cai, 14403 SE 19th Place, voiced her appreciation for the work of the city staff, the Commission and the Council for the work done to date. She agreed with Mr. Kasner about the need to get it right. She agreed that rooming houses should not be allowed in single family zones. That is a key point in helping to solve the problem. If there are loopholes, they should be closed.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. David Pater, 1614 144th Avenue SE, said his neighborhood has been working cooperatively with city staff, the Commission and the Council since before June 2013. He concurred with the statements made previously and supported the proposed ordinance, and agreed that not allowing the rooming house use in single family neighborhoods is the single most important element. The city has clearly listened to the residents of Spiritwood along with the residents of other concerned neighborhoods. He said he has lived across the street from a rooming house since September 2013. Between September and April there were between six and eight people living in the home, each with a vehicle; one person had two vehicles and a camper trailer. While those living in the house were good people, the use was inappropriate for the single family neighborhood and there were cars parked everywhere. In April the landlord kicked everyone out and the house sat vacant for a month and a half. Currently there are only three or four people sharing the house and things are far more tolerable.

Chair Laing noted a large number of hands raised by members of the audience in support of the

comments made.

Ms. Betty Hassen, 2618 169th Avenue NE, said she opposed any approach that will allow for multiple rental dwellings. Single family homes should be for single families. Bellevue is not the University district where there are large old homes that people have turned into rooming houses. There is a situation in her neighborhood near Interlake High School in which a rental home is operating, complete with a sign on a tree that advertises a room to let. There are about four cars parked on the sidewalk and it demeans the neighborhood. There are several homes in the neighborhood that are rented to single families, and that is perfectly acceptable. She said a friend lives near Phantom Lake near a home in which six Bellevue College students are living. There is no garbage service. Each resident has a car, but often there are more cars because friends come to visit. The Commission should consider banning rooming houses entirely.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Ms. Mary Ibeck, 14423 SE 17th Street, concurred with the statements made by her neighbors. She said there are 15 young children in the part of the neighborhood where she lives. When there are a lot of cars and a lot of young people driving, it is dangerous. The city should act to protect the children by keeping single family homes for single families.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Ms. Betsy Hummer, 14541 SE 26th Street, said she serves as a member of the East Bellevue Community Council. She expressed support for the work being done by the Commission. She said she is most concerned about enforcement and getting the word out about the regulations once they are adopted. It would be discriminatory to allow six people to live in a house where a homeowner is limited to renting out only two rooms in the home he or she lives in. Some daylight basement homes have as many as four or five bedrooms that could be rented out by a homeowner. It will be problematic to enforce the ordinance by complaint only, making it necessary for neighbors to call out neighbors. It should be made clear what the penalties will be, and they should be detrimental to anyone wanting to buy a house for the sole purpose of renting out single rooms.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Glenn Extor, 3470 162nd Place SE, said a home on his street is being used for individual room rentals. He said at least five are living in the house and there are five cars parked on the street. He said he was opposed to allowing for individual room rentals. If allowed, four would be better than five or six. The interim ordinance currently in effect is not being enforced, so there is some question as to what will happen down the road once the permanent ordinance goes into effect.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Al Larson, 1647 152nd Avenue SE, commented that it appeared a lot of effort had been put into trying to define a number of different things. For most older people, single family homes

have been occupied by single families, and it has not been necessary to define boarding houses and rooming houses. The best approach would be to strictly define what a single family home is and make that the overriding rule.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Jerry Hughes, 10231 44th Place SE, said he did not want the Commission to lose track of what is important. The city already has ordinances on the books and the proposed ordinance is a huge improvement on them. It may not be perfect but it is a big step forward. Once the ordinance becomes the permanent ordinance it still can be changed if necessary.

A motion to close the public hearing was made by Commissioner Carlson. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

D. Clean-Up Code Amendments

A motion to open the public hearing was made by Commissioner Carlson. The motion was seconded by Commissioner Hilhorst and it carried 4-1, with Commissioner Tebelius voting no and Chair Laing abstaining.

There were no members of the public present to address the Commission.

A motion to close the public hearing was made by Commissioner Carlson. The motion was seconded by Commissioner Hamlin and it carried unanimously.

****BREAK****

8. STUDY SESSION

A. Horizon View Rezone

A motion to accept the recommendation of the staff to change the zoning from R-3.5 to R-2.5 was made by Commissioner Hilhorst. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

C. Camp and Conference Center

A motion to recommend approval of the Camp and Conference Center land use district was made by Commissioner Tebelius. The motion was seconded by Commissioner Carlson and it carried unanimously.

B. Room Rental Code Amendment

Commissioner Carlson commented that during the break he asked staff why the limit was moved back to six from four and was told the understanding was that the Commission wanted it that way. He said he did not believe that was in fact the desire of the Commission and he suggested moving it back to four. He also asked what the penalties are for noncompliance with the ordinance, noting that if the penalties do not have sufficient teeth they will essentially become a tax. Mr. Bergstrom explained that Chapter 1.18 of the Bellevue city code lays out the penalties

for civil violations. He noted that the penalties apply to a number of different codes and can be very hefty. Once a complaint is lodged, an investigation is carried out to determine if there is cause for further review. Where code compliance staff identifies a violation, they first attempt to achieve voluntary compliance. If that does not work, the issue is brought before the hearing examiner whose decision is appealable to court. Once they get to that point the monetary penalties begin to build beginning with \$100 for the first day, jumping quickly to \$200 per day and so on. A case several years ago had penalties amounting to several hundred thousand dollars; it went all the way through the appellate court and was upheld. He said he was satisfied that the penalties for noncompliance will have deterrent value, but allowed that no matter how the ordinance is written there will be those who will try to find ways around it. As much as neighbors do not want to be the ones having to call in apparent violations, they are in fact the best source of what is going on in their neighborhoods.

Commissioner Walter asked if there is a timeline for voluntary compliance before monetary penalties are imposed. She commented that several years ago there was an abandoned house in her neighborhood and the person who owned the house worked with the city for some time before the issue was simply dropped. It was not until the issue was raised by a second group of people that the property owner ended up paying a \$50,000 penalty. If a neighbor complains, the complaint should not be allowed to just lay dormant. Mr. Bergstrom said he was not an expert in the ways of code compliance but allowed they do have protocols they must follow in terms of following up on a complaint. He said he did not know if there is a timeline that outlines when voluntary compliance transitions into monetary penalties. Certainly follow-through once a complaint has officially been filed is important.

Commissioner Tebelius said it was her understanding that anyone electing to rent out rooms is in fact in a business and is required to obtain a business license, and that the city would not give a business license for setting up such a business where it is not allowed. Mr. Bergstrom concurred, adding that the city's legal staff has reviewed the proposed ordinance and has expressed no concerns about prohibiting the use in single family districts.

Commissioner Tebelius noted that as drafted the ordinance disallows rooming houses in single family districts, and limits them to no more than four rooms with five unrelated individuals. She observed that the draft ordinance also allows homeowners in single family districts to rent to separate persons but only under a single lease, though she suggested the distinction is a difficult one to make. What the ordinance says is that in a single family neighborhood there can be four people plus one, all of whom can be unrelated, and that in a multifamily district four rooms can be rented to four persons plus one. The only distinction is that in single family neighborhoods there must be a single lease.

Commissioner Hamlin pointed out the requirement for owner occupation.

Mr. Bergstrom allowed that as drafted the ordinance would allow for a group of up to six unrelated persons to share a house under a single lease without having the owner also living in the home. Where there are multiple leases, the use is called a rooming house and is not allowed in any single family district. The only distinction is the form of the lease.

Commissioner Tebelius asked how the approach will in fact benefit the neighborhoods. Mr. Bergstrom said the neighborhoods have largely been in agreement that the problems lie with the situations in which there are multiple leases to individuals who do not know each other and only are looking for a place to sleep. Groups that self-select and opt to jointly rent a house tend to

operate differently. Commissioner Tebelius said she could not buy the distinction because there really is no difference. She said she would allow less than four in single family neighborhoods. Rooming houses, as described in the ordinance, belong in multifamily and mixed use districts.

Commissioner Hamlin noted that a rooming house can have no more than four rooms for rent and no more than five total individuals. The definition of family in the proposed ordinance is no more than six unless all are related by blood, marriage or adoption; in the interim code the number is four rather than six. He asked how difficult it would be to move the maximum number back to four given how well six matches up with some federal definitions. Mr. Bergstrom said if the Commission wants to make the change to four, the city's legal staff would be asked to provide comment. He said he was not aware of any real legal issue with four, though it could add some administrative challenges.

Commissioner Hamlin asked if problems could ensure by lowering the limit to three. Mr. Bergstrom said there is a housing affordability issue wrapped up in the subject. People of all stripes need living arrangements they can afford. Even in houses being built or chopped up specifically for the rooming house trade are charging rents of \$600 or more per month. With a lower limit, the more the homeowner is likely to increase the room rates.

Mr. Inghram asked the Commission to keep in mind that in reality family means different things to different people. As a result there can be all manner of variations. It could be two single mothers renting a house together, each with two kids for a total of six. It could be two divorced parents who choose to move in together with their kids. It is not always college kids choosing the single room rental situations, and moving the bar down to two or three may disallow some fairly common forms of family.

Mr. Bergstrom clarified that the city cannot discriminate based on familial status or handicap status under the federal Fair Housing Act. In effect, kids under the age of 18 are not counted at all. Chair Laing noted that somewhere along the line the qualifier that only adults are counted got dropped out. There was consensus to add the clarification to the ordinance.

Commissioner Hamlin asked if staff had even a ballpark estimate on the percentage of renters who are faculty, staff or students at Bellevue College. Mr. Bergstrom said the city has no information in that regard. He pointed out that Bellevue College is still largely a commuter campus, and the percentage of the student body the international students comprise is very low. The problem likely is to persist even if Bellevue College elects to construct on-campus housing; the issue relates to far more than just persons associated with Bellevue College.

Commissioner Tebelius commented that aside from the fact that children are not counted, the instance of two single mothers renting a home together likely would not rise to the level of someone filing a complaint with the city.

Commissioner Walter agreed. On the topic of affordable housing she commented that there are defined thresholds in addition to the common sense application of the term. If six-bedroom homes are shared by six persons, each of whom is paying \$600 per month, many families would not be able to afford them. There are many groups working to see more affordable housing brought online, but there are no orchestrated groups highlighting the needs of middle income families.

Mr. Bergstrom commented that early in the study of the topic staff reviewed a number of cities

across the nation with regard to how they define family and the numbers they used. It was found that the definitions and numbers were wide ranging. Some limited the number of unrelated people by zoning district, and the numbers ranged from two to eight.

Chair Laing stated that the perfect is the enemy of the good. The Commission has done a good job of thinking about every possibility, but at the end of the day it must be recognized that people have been renting rooms in their houses to groups of people for a long time. It is true that what precipitated the conversation was what obviously is a new form, and the proposed ordinance does a good job of addressing it.

A motion to recommend to the Council approval of the proposed Land Use Code amendment to establish permanent regulations governing the rental of individual rooms and non owner-occupied residential dwellings, revised to include that only adult persons are countered, and revised to change the number of unrelated persons who can live together to four, was made by Commissioner Hamlin. The motion was seconded by Commissioner Carlson.

Chair Laing proposed as a friendly amendment adding an express reference for sublease to the rooming house definition in 20.50.044. Commissioner Hamlin as maker of the motion, and Commissioner Carlson as seconder of the motion, accepted the friendly amendment.

The motion carried unanimously.

D. Clean-Up Code Amendments

A motion to postpone the study session on the clean-up code amendments to the Commission meeting on October 8 was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin and it carried unanimously.

9. PUBLIC COMMENT - None

10. DRAFT MINUTES REVIEW

A. June 25, 2014

B. July 9, 2014

Commissioner Tebelius called attention to page 140 of the packet and the motion to exclude the Downtown Perimeter A design district from the table and asked staff to review the meeting recording and have the minutes reflect who voted for the motion and who voted against it.

Pending making the requested change, a motion to approve the minutes was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin.

Commissioner Hilhorst said she would not be able to support the motion because she had not had ample time to read the minutes.

The motion failed; Commissioner Hamlin cast the only vote in favor.

A motion to postpone approval of the minutes until the next Commission meeting was made by Commissioner Hilhorst. The motion was seconded by Commissioner Tebelius and it carried unanimously.

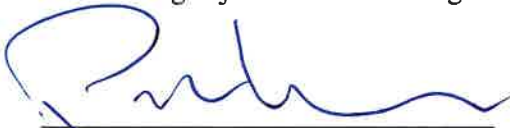
11. NEXT PLANNING COMMISSION MEETING

A. September 24, 2014

12. ADJOURN

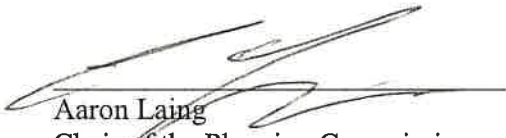
A motion to adjourn was made by Commissioner Hamlin. The motion was seconded by Commissioner Tebelius and it carried unanimously.

Chair Laing adjourned the meeting at 9:37 p.m.



Paul Inghram
Staff to the Planning Commission

2/25/2015
Date



Aaron Laing
Chair of the Planning Commission

2/25/15
Date

* Approved as corrected January 28, 2015

