



DATE: February 9, 2022

TO: Chair Malakoutian and Members of the Planning Commission

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**SUBJECT:** Public Hearing on a proposed Land Use Code Amendment (LUCA) to establish regulations for Permanent Supportive Housing, Transitional Housing, Emergency Housing, and Emergency Shelter in the Land Use Code (LUC). This LUCA responds to recent amendments in RCW 35A.21.430.

## **I. BACKGROUND**

### **A. Purpose of the Proposed LUCA**

In 2021, the Washington State Legislature signed into law House Bill (HB) 1220, adding RCW 35A.21.430, which requires that cities allow Permanent Supportive Housing and Transitional Housing in all land use districts where residential dwellings and hotel or motel uses are allowed; and indoor Emergency Housing and indoor emergency shelter in all Land Use Districts where hotel and motel uses are allowed. The City adopted an Interim Official Control (IOC) to quickly respond to HB 1220 and RCW 35A.21.430, and to have time to develop permanent regulations. The proposed LUCA is intended to replace the IOC.

### **B. Proposed LUCA**

The LUCA establishes provisions in the LUC for the four types of housing included in RCW 35A.21.430 under two land use classification: Supportive Housing and Homeless Services Uses. These uses are classified based on the duration of stay of the residents. Attachment A is a strike-draft of the proposed LUCA.

#### Supportive Housing

The proposed LUCA adds a new section in the LUC 20.20.845 Supportive Housing, which will apply exclusively to Supportive Housing uses. In the LUCA, Supportive Housing includes Permanent Supportive Housing, Transitional Housing, and non-transient Emergency Housing.

The LUCA places Supportive Housing as its own land use classification in all Land Use Tables, and this use is allowed where residential or hotel/motel uses are allowed. In nonresidential land use districts, Supportive Housing will be exempt from density limits measured in dwelling units per acre, but it will still be subject to limits on Floor Area Ratio where those limits apply. In part and where applicable, this exception will facilitate converting existing hotel or motel into Supportive Housing. In residential land use districts, R-1 through R-30, dimensional standards and density limits for Supportive Housing correspond to the residential use.

The proposed LUCA provides that certain intensive Supportive Housing register with the City by providing certain relevant information, including contact information for on-site staff, property managers, owners, and service providers and a description of the operations. Additionally, a public notice is required for intensive Supportive Housing. The LUCA excepts facilities primarily housing individuals who may need their addresses kept confidential for their safety from these requirements.

This LUCA also includes requirements for Supportive Housing uses to include kitchens, either in individual rooms or with a shared kitchen facility on-site, and maintaining single-family residential character when located in single family neighborhoods, to ensure compatibility within neighborhood contexts.

#### Homeless Service Uses

The proposed LUCA adds Homeless Services Uses as a Conditional Use in the Neighborhood Mixed Use (NMU), Office Limited Business – Open Space (OLB-OS), and Evergreen Highlands D (EH-D) Land Use Districts, so that this use is allowed in all Land Use Districts where hotels and motels are allowed. There is no proposed change to the permitting procedures for Homeless Services Uses.

Further, the LUCA classifies transient Emergency Housing as Homeless Services Uses, and clarifies that Overnight Shelters – Temporary/Emergency – are not considered Homeless Service Uses and are regulated under section LUC 20.20.850 (Temporary public safety facilities).

## **II. REVIEW PROCESS**

The content of this LUCA was introduced and presented to the Planning Commission in three (3) study sessions on September 8, September 22, and December 8, 2021. At the December 8 study session, the Planning commission directed staff to schedule the required public hearing on February 9. Following the public hearing on February 9, the Planning Commission will be asked to make a recommendation for transmittal to the City Council.

The City Council is anticipated to consider this proposed LUCA and the Planning Commission Recommendation at a future meeting.

The East Bellevue Community Council (EBCC) is anticipated to be introduced to and hold a courtesy public hearing on February 1. The EBCC will later hold a public hearing and make an approval/disapproval decision following Council adoption of the LUCA, consistent with the Process IV decision requirements.

### **III. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

The application for SEPA review was noticed together with the Notice of Application for this LUCA on August 19, 2021. The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal to amend the LUC. The City's SEPA Responsible Official is issuing a Determination of Non-significance (DNS) pursuant to the threshold determination requirements in WAC 197-11-310.

### **IV. PUBLIC ENGAGEMENT**

#### Required Public Notice

The notice required for City Council Legislative Actions (Process IV) is governed by LUC 20.35.415 through 20.35.450. Notice of the LUCA application was published in the Weekly Permit Bulletin on August 19, 2021, and availability of the Weekly Permit Bulletin was noticed in the Seattle Times. Notice of the Public Hearing scheduled for February 9 was published in the Weekly Permit Bulletin on January 20, along with availability of this staff report. The notice of public hearing was also provided to members of the EBCC, and others who have subscribed to receive these notices and those who have expressed interest on this topic.

#### Department of Commerce Notice

Pursuant to the GMA, proposed amendments to the LUC must be sent to the Washington State Department of Commerce to review and comment on the proposed amendments to the LUC. A copy of the required transmittal to the Department of Commerce, including a copy of the proposed amendments, was transmitted on January 14, and is available for review in the code amendment file.

#### Enhanced Public Notice

In addition to the requirements of LUC 20.35.415 *et seq* for City Council Legislative Actions, staff has provided enhanced public outreach for this LUCA to include an online presence. A webpage was launched for this LUCA to provide opportunity for the public to learn about

the LUCA, with sections on public information messages regarding LUCA progression and staff contact information to submit written comments.

Staff have conversed with various stakeholders related to this LUCA in developing the proposed regulations. Supportive Housing providers, as well as internal staff who are familiar with their operations, have provided insight and recommendations to ensure the successful implementation of this LUCA. External stakeholders, such as representatives of the affordable housing development community and Supportive Housing and service providers, have also been invited to review the proposed LUCA content and provide written or oral comments for the LUCA record.

As of this writing, no public comments have been received in response to this LUCA.

## V. DECISION CRITERIA

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the Land Use Code. Those criteria, and the relationship of these proposed amendment to them, are discussed below:

### A. The amendment is consistent with the Comprehensive Plan; and

**Finding:** The proposed LUCA is consistent with the Comprehensive Plan. The amendment will establish regulations for Permanent Supportive Housing, Transitional Housing, Emergency Housing, and Emergency Shelter in the Land Use Code (LUC), and will allow these housing types throughout the City. This LUCA will expand housing opportunities and support individuals or families experiencing homelessness. The proposed LUCA is supported by the following Comprehensive Plan policies:

**Policy LU-15.** Provide, through land use regulation, the potential for a broad range of housing choices to meet the changing needs of the community.

**Policy HO-38.** Support regional efforts to prevent homelessness through the provision of a range of affordable housing options, and to support efforts to move homeless persons and families to long-term financial independence.

**Policy HS-18.** Support an intentional local community response to homelessness with housing and supportive services provided to families, youth, and single adults.

### B. The amendment enhances the public health, safety or welfare; and

**Finding:** The LUCA will enhance the public health, safety and welfare by expanding opportunities for supportive and emergency housing for persons experiencing homelessness. The housing types provided for in RCW 35A.21.430 and included in the LUCA are each intended to address both the root causes of homelessness, as well as the day-to-day needs of those experiencing it. Permanent supportive housing, transitional housing and non-transient emergency housing, together defined as Supportive Housing in this LUCA, provide stable homes while also supporting the residents' needs for permanent housing. Transient emergency housing, which will be included as Homeless Services Uses through this LUCA, provides relief from the elements to persons without stable shelter, as well as a safe, clean space to meet their basic daily needs. In total, the amendments in this LUCA support City and regional efforts to address homelessness by providing new opportunities for housing and supportive services.

- C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

**Finding:** The LUCA is not contrary to the interests of citizens and property owners it provides additional opportunities to site new Supportive Housing and Homeless Services Uses in the City that can assist in combating the homelessness crisis in the region. Additionally, the LUCA mandates registration with Development Services for more intensive Supportive Housing, which allows staff to better track and respond to emergencies or code violations. The registration is then followed by a mailed notice to surrounding property owners, providing them general information on the facility and contact information for the Supportive Housing operator. Finally, the LUCA also creates consistency between the LUC and state law, giving potential Supportive Housing applicants a clear pathway for permitting and establishing this use.

## VI. RECOMMENDATION

Staff has concluded that the Supportive and Emergency Housing LUCA, as drafted in Attachment A, is consistent with the decision criteria required for adoption of amendments to the text of the LUC, pursuant to Part 20.30J LUC. Staff recommends that the Planning Commission direct staff to prepare the LUCA for recommendation to Council.

### ATTACHMENT:

- A. Proposed LUCA Strike-Draft