



Bellevue Planning Commission

October 13, 2021

PLANNING COMMISSION PUBLIC HEARING

SUBJECT

Study Session on a proposed Land Use Code Amendment (LUCA) to remove residential occupancy limits in the Land Use Code (LUC). This LUCA is necessary to bring the Land Use Code (LUC) into conformance with recently-amended state law, which restricts cities in Washington from regulating or limiting the number of unrelated occupants within a dwelling unit.

STAFF CONTACT(S)

Caleb Miller, Senior Planner, 452-4574
Trisna Tanus, Consulting Attorney, 452-2970
Development Services Department

POLICY ISSUES

The proposed LUCA is required for consistency with Chapter 35A.21 RCW, as amended by Senate Bill (SB) 5235, which restricts cities from regulating or limiting the number of unrelated occupants within a dwelling unit.

Further, the Comprehensive Plan contains many references to increasing housing opportunities in Bellevue. This LUCA promotes housing affordability by increasing the housing stock available to unrelated individuals living in the City and by allowing individuals to share housing costs with others in a single dwelling. Thus, this LUCA is consistent with and supports the Comprehensive Plan’s goals and policies related to housing affordability and opportunity.

DIRECTION NEEDED FROM THE PLANNING COMMISSION

ACTION

DIRECTION

INFORMATION ONLY

Staff request that the Planning Commission hold the Public Hearing on the proposed LUCA and, following the Public Hearing, recommend to the City Council approval of the proposed LUCA.

	Topic Areas
<input checked="" type="checkbox"/>	Study Session 1 (September 8): <ul style="list-style-type: none"> Discussion on proposed amendments
<input checked="" type="checkbox"/>	Public Hearing (October 13): <ul style="list-style-type: none"> Required Public Hearing Planning Commission Recommendation

BACKGROUND/ANALYSIS

The content of the proposed LUCA was reviewed and discussed at a study session on September 8, during which the Planning Commission directed staff to schedule the LUCA for Public Hearing. The Staff Report describing the background and review process of the LUCA, as well as demonstrating compliance with decision criteria, is included with this Memorandum as Attachment A.

The proposed LUCA will amend chapters 20.20, 20.30N, and 20.50 LUC to remove limitations on occupancy of unrelated persons within dwelling units and other specific residential uses, consistent with Chapter 35A.21 RCW as amended under SB 5235. A strike-draft of the proposed LUCA is provided as Attachment B.

Planning Commission Study Session

The Planning Commission held a study session on this proposed LUCA on September 8. The Commissioners discussed possible impacts resulting from removal of occupancy limits, such as increased demand for on- and off-street parking, and whether the removal of a single lease requirement in the definition for, “Single Housekeeping Unit” is necessary. After discussion, the Planning Commission moved to schedule the public hearing for this LUCA and did not request any changes to the proposed amendments.

East Bellevue Community Council – Courtesy Hearing

The East Bellevue Community Council (EBCC) held a courtesy public hearing on this LUCA on October 5. Two members of the public testified about potential negative impacts of the proposed LUCA related to overcrowding, rentals, traffic, and parking. The EBCC echoed and asked questions in follow up to these comments, and also expressed disappointment that this LUCA would reverse the 2015 amendments to the single family rental regulations, which in part, reduced occupancy limits of unrelated adults from six to four. The EBCC also remarked that while the removal of occupancy limits might promote housing affordability, it would not create affordable housing units. Finally, the EBCC discussed ways to encourage public participation in this LUCA and to better disseminate public information about City regulations.

In response, staff reiterated that the proposed LUCA narrowly removed occupancy limits, and that regulations on building safety, proper egress, traffic safety, parking, nuisance, and transient rentals remain fully in place. Staff noted that these current regulations would address the concerns raised, and that City staff stood ready to answer questions and seek compliance as appropriate.

Public Engagement

Staff is implementing two modes of outreach to ensure the public, stakeholders, and interested parties have the opportunity to be informed and to provide comments.

1. Process IV Requirements. Process consistent with Chapter 20.35 LUC procedural requirements to provide opportunities for public comment, including:
 - Notice of Application of the proposed LUCA on August 19; and
 - Public hearing on the proposed LUCA
2. Online Presence. City webpage to provide opportunities for the public to stay informed and to request additional information, including:
 - Staff contacts; and
 - Public information regarding LUCA progression.

One public comment has been received by staff regarding this LUCA. The commenter expressed opposition to the LUCA, citing concerns over increased activity, traffic, and parking demand resulting from the removal of occupancy limits. Staff responded to the comment with information on existing

regulations that currently address the issues raised, such as noise and nuisance codes, parking standards, and on-street parking limitations.

Anticipated Schedule

At this meeting, the Planning Commission is being requested to hold a Public Hearing on the proposed LUCA and, following the Public Hearing, recommend to the City Council approval of the proposed LUCA. The anticipated timeline for processing the LUCA is as follows:

- Planning Commission Study Session: September 8
- EBCC Courtesy Hearing: October 5
- Planning Commission Public Hearing and Recommendation: October 13
- City Council Study Session: TBD
- City Council Action: TBD
- EBCC Public Hearing and Approval/Disapproval: TBD

ATTACHMENT(S)

- A. Staff Report
- B. Strike-Draft of Proposed LUCA
- C. Planning Commission Resolution for the LUCA to address residential occupancy limits in the LUC