

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE amending sections 20.10.440, 20.20.010, 20.20.455, 20.25A.050, 20.25D.070, 20.25F.010, 20.25F.040, 20.25L.020, 20.25P.050, and 20.25Q.050 of the Land Use Code (LUC) and adding a new section LUC 20.20.845 to establish regulations for permanent supportive housing, transitional housing, emergency housing, and emergency shelter; repealing Ordinance Nos. 6585 and 6637; providing for severability; and establishing an effective date.

WHEREAS, in 2021, the Washington State Legislature enacted House Bill (HB) 1220, codified as RCW 35A.21.430, which required cities like Bellevue to allow permanent supportive housing and transitional housing in all land use districts where residential or hotels and motels are allowed, and to allow emergency housing and indoor emergency shelter in all land use districts where hotels are allowed; and

WHEREAS, the requirements in RCW 35A.21.430 and concurrent amendments to the Growth Management Act, chapter 36.70A RCW (GMA), became effective on July 25, 2021; and

WHEREAS, the regulations in the LUC do not specifically define or regulate permanent supportive housing, transitional housing, or emergency housing as distinct land uses; and

WHEREAS, the definition of “Overnight Shelter: Permanent” in the Homeless Services Uses section, LUC 20.20.455, is consistent with the definition for indoor “emergency shelter” identified in the GMA, at RCW 36.70A.030(10); and

WHEREAS, the City of Bellevue LUC currently prohibits Homeless Services Uses in certain land use districts that allow hotels and motels; and

WHEREAS, on July 12, 2021, the Bellevue City Council adopted Ordinance No. 6585, which imposed an Interim Official Control to bring the City of Bellevue into immediate compliance with state law with respect to local regulation of permanent supportive housing, transitional housing, emergency housing, and indoor emergency shelter uses identified in RCW 35A.21.430 and the GMA; and

WHEREAS, on August 2, 2021, the Bellevue City Council initiated processing of permanent development regulations to bring the LUC into compliance with RCW 35A.21.430 and the GMA; and

WHEREAS, on December 13, 2021, the Bellevue City Council adopted Ordinance No. 6637, which extended the Interim Official Control adopted by Ordinance No. 6585 until July 12, 2022 in order to allow additional time to process the permanent LUC amendments and to ensure compliance with RCW 35A.21.430; and

WHEREAS, Comprehensive Plan Policy LU-15 directs the City to provide, through land use regulation, the potential for a broad range of housing choices to meet the changing needs of the community; and

WHEREAS, Comprehensive Plan Policy HO-38 recommends supporting 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; and

WHEREAS, Comprehensive Plan Policy HS-18 recommends supporting an intentional local community response to homelessness with housing and supportive services provided to families, youth, and single adults; and

WHEREAS, the Environmental Coordinator for the City of Bellevue reviewed the proposed LUC amendment under the requirements of the State Environmental Policy Act and issued a Determination of Non-Significance on January 20, 2022; and

WHEREAS, the Planning Commission held three study sessions, on September 8, 2021, September 22, 2021, and December 8, 2021, respectively, to discuss the proposed LUC amendment responding to the requirements of RCW 35A.21.430 and the GMA; and

WHEREAS, after providing legally-required public notice, the Planning Commission held a public hearing, on February 9, 2022, for this proposed LUC amendment; and

WHEREAS, after holding the required public hearing, the Planning Commission reviewed this LUC amendment over two additional study sessions and recommended, on April 27, 2022, that the City Council approve the proposed LUC amendment with modifications; and

WHEREAS, the City Council considered this LUC amendment at its May 23, 2022, June 13, 2022, and June 27, 2022, regular meetings; and

WHEREAS, the City Council finds that this LUC amendment meets the decision criteria of LUC 20.30J.135 and is consistent with the Comprehensive Plan, enhances the public safety and welfare, and is not contrary to the best interest of citizens and property owners of the City of Bellevue, as more completely analyzed in the Staff Report dated February 9, 2022; now, therefore,

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THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.10.440 of the Bellevue Land Use Code is hereby amended to read as follows:

20.10.440 Land use charts.

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Residential – Residential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
1	Residential											
	Single-Family Dwelling (3)	P	P	P	P	P	P	P	P	P	P	P
	Two to Four Dwelling Units per Structure (6)	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
	Five or More Dwelling Units per Structure (6)	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
...												
	Hotels and Motels											
...												
	Supportive Housing (18)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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Residential – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	Neighborhood Mixed Use	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	NMU	CB	F1	F2	F3
1	Residential												
	Single-Family Dwelling (3)	P 15	P 1	S		S	S	P 8		S	S	S	S
	Two to Four Dwelling Units Per Structure (6)		P 1	P	P			P 8	P 8, 11	P 6	P	P	P
	Five or More Dwelling Units Per Structure (6)		P 1	P	P			P 8	P 8, 11	P 6	P	P	P
...													
13 15	Hotels and Motels			P	P				P	C	C	P	P
...													
	Supportive Housing (18)	C	P	P	P			P 8	P 8, 11	P	P	P	P

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Notes: Uses in land use districts – Residential:

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(18) Supportive Housing, as defined in LUC 20.20.845.C.2, may be permitted when meeting the requirements in LUC 20.20.845 and as provided below.

- a. In Single Family Land Use District (R-1 to R-7.5), the Supportive Housing development shall comply with all standards and requirements applicable to

single family residential use in the underlying Single Family Residential Land Use District.

- b. In Multifamily Residential Land Use Districts (R-10 to R-30), the Supportive Housing development shall comply with all standards and requirements applicable to multifamily residential use in the underlying Multifamily Residential Land Use District.
- c. In Nonresidential Land Use Districts, Supportive Housing development shall comply with all standards and requirements applicable to residential use in the underlying Land Use District.

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Services – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	Neighborhood Mixed Use	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB (16)	NMU	CB	F1	F2	F3
6	Services												
...													
	Homeless Services Uses (32)			C	C		C		C	C	C	C	C

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Section 2. Section 20.20.010 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.010 Uses in land use districts dimensional requirements.

Chart 20.20.010 Uses in land use districts – Dimensional Requirements

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Uses in land use districts – Dimensional Requirements

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	Neighborhood Mixed Use	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	NMU	CB	F1	F2	F3
	DIMENSIONS	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(28)	(21, 31)	(21, 32)
...													
	Dwelling Units per Acre (15) (22) (52)	10 (23)	20 (23)	30 (23)				15 (23)		30 (23)		30 (23)	30 (23)
...													

Notes: Uses in land use districts – Dimensional requirements:

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(52) This requirement is not applicable to Supportive Housing, as defined pursuant to LUC 20.20.845.C.2.

Section 3. Section 20.20.455 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.455 Homeless services uses.

B. Applicability. This section applies to all proposals for new or expanding homeless services uses as defined in this section. This section does not apply to:

1. Temporary public safety facilities permitted under the terms of LUC 20.20.850. This includes but is not limited to Overnight Shelter: Emergency/Temporary as defined in LUC 20.50.038. These facilities are needed to respond to an unforeseen situation or emergency and are not governed by the terms of this section.

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C. Definitions

1. Use Definitions

- a. Homeless Services Use. Refers to the collection of service uses defined in this subsection and established for the purpose of providing ongoing services to people experiencing homelessness. Homeless Services Use includes Emergency Shelter under RCW 36.70A.030(10), now or as hereafter amended, but does not include Overnight Shelter: Emergency/Temporary as defined in LUC 20.50.038.
- b. Day Services Center. A facility that offers a haven to people experiencing homelessness by providing a safe place to rest during the day. Support services for homeless populations is an integral part of a day services center use and includes but is not limited to access to food, seating, showers, laundry, restrooms, storage, a computer lab, phones, fax and a critical mailing address. Spaces for meetings and examinations are generally provided to accommodate counseling and access to medical/dental and legal assistance. Day Services Centers do not provide overnight accommodations.
- c. Overnight Shelter: Permanent. Any facility that is constructed for the primary purpose of providing shelter for people experiencing homelessness in general or for specific populations of people experiencing homelessness. Supportive services may or may not be provided in addition to the provision of shelter.
- d. Emergency Housing – Transient. Indoor accommodation for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency Housing – Transient is residential occupancy for a period of less than 30 days.

Section 4. A new section 20.20.845 is hereby added to the Bellevue Land Use Code to read as follows:

20.20.845 Supportive Housing.

A. Purpose.

The purpose of this section is to provide regulations for the permitting of Supportive Housing that is proposed to provide housing to individuals and families experiencing, or are at imminent risk of, homelessness and on-site or off-site supportive services.

B. Applicability.

- 1. This section applies to all new or expansion of Supportive Housing, as defined in this section.

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2. Exceptions. The noticing and registration requirements in subsections E and F of this section do not apply to:
 - a. Supportive Housing facilities with permanent on-site supportive services as a subordinate use, pursuant to LUC 20.50.046 and LUC 20.20.840, provided the provision of supportive services is limited only to the residents of the facility; or
 - b. Supportive Housing facilities with no permanent on-site supportive services; or
 - c. Supportive Housing facilities with the primary purpose of serving individuals participating in the Washington State Address Confidentiality Program under RCW 40.24.030 and Chapter 434-840 WAC.
3. For the purpose of subsection B.2 of this section, staff who permanently reside in the Supportive Housing facility shall not be considered permanent on-site supportive services.

C. Definitions.

1. Emergency Housing – Non-Transient. Indoor accommodation for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency Housing – Non-Transient is residential occupancy for a period of 30 days or more.
2. Supportive Housing. Residential facilities intended to house individuals and families experiencing homelessness, or at imminent risk of homelessness, and paired with on-site or off-site supportive services designed to maintain long-term or permanent tenancy, or to eventually transition the residents to independent living arrangements. This definition includes Emergency Housing – Non-Transient, Permanent Supportive Housing as defined under RCW 36.70A.030, now or as hereafter amended, and Transitional Housing as defined under RCW 84.36.043, now or as hereafter amended.
3. Supportive Services. Services provided to occupants of Supportive Housing for the purpose of facilitating their independence or ensuring long-term housing stability. Supportive Services may include, but are not limited to, services such as case management, medical treatment, psychological counseling, childcare, transportation, and job training.

D. Use Requirements.

1. Common kitchen facility shall be provided on-site for Supportive Housing that does not have an individual kitchen in each Supportive Housing room or unit.

2. The following requirements apply to Supportive Housing in Single-Family Land Use Districts (R-1 to R-7.5):
 - a. Alterations to the interior or exterior of the structure which change its single-family residential appearance or character shall not be permitted, except that any alterations to improve accessibility per the Americans with Disabilities Act shall be permitted.
 - b. Supportive services administered on site shall only be available to residents of the facility.

E. Registration Required.

1. Required Notice for Supportive Housing:
 - a. Where notice of application is required pursuant to Chapter 20.35 LUC, the notice of application shall also include the information in subsection E.1.c of this section.
 - b. Where notice of application is not required pursuant to Chapter 20.35 LUC, a mailed notice of registration shall be distributed to owners of real property within 500 feet of the subject site, and the notice shall include the information in subsection E.1.c of this section.
 - i. When a building permit is required for any alterations to the structure intended for Supportive Housing, the mailed notice shall be distributed at the time of permit issuance.
 - ii. When no permits are required prior to establishment of the Supportive Housing use, the notice shall be mailed following submittal of the required Registration Notice pursuant to subsection E.2 of this section.
 - c. The following information shall also be included in the notice of application for a proposed Supportive Housing:
 - i. Location and description of the Supportive Housing facility, including the number of residents intended to be housed in the facility; and
 - ii. The types of City permit(s) and/or approval(s) required for the facility, if applicable; and
 - iii. Contact information of property manager(s) and/or owner(s).
2. No less than 14 days prior to establishing a Supportive Housing use, a person or company intending to provide Supportive Housing shall file a Registration Notice with the Development Services Department. The Registration Notice shall be

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submitted in writing in a form approved by the Director. At minimum, the Registration Notice shall include the following information:

- a. Name and contact information of property manager(s) and/or owner(s) who may be contacted in case of emergency or code violations;
 - b. Name and contact information for on-site facility staff (if applicable);
 - c. Standard operating procedures plan for the facility, including:
 - i. The number of residents intended to be housed in the facility; and
 - ii. A description of the supportive services provided to the residents of the facility, on-site and off-site, including names and contact information of service providers.
 - d. A safety and security plan describing measures that the operator will employ to promote the safety of Supportive Housing occupants and surrounding residents, which has been reviewed and approved by the Bellevue Police Department; and
 - e. A code of conduct that applies to all individuals granted access to the proposed Supportive Housing use.
3. The registration information described in subsections E.2.a through E.2.c shall be kept up to date with the Development Services Department. Any change to this required information shall be submitted to Development Services on a revised registration form. No additional notice shall be required upon submittal of a revised registration form.

Section 5. Section 20.25A.050 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25A.050 Downtown Land Use Charts

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D. Use Charts

The following charts apply to Downtown. The use charts contained in LUC 20.10.440 do not apply within the Downtown Land Use Districts.

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Residential – Downtown Land Use Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office 1	Downtown Office 2	Downtown Mixed Use	Downtown Residential	Downtown Old Bellevue	Downtown Office and Limited Business
		DT-O-1	DT-O-2	DT-MU	DT-R	DT-OB	DT-OLB
	Two or More Dwelling Units Per Structure	P	P	P	P	P	P
...							
13	Hotels and Motels	P	P	P	P	P	P
...							
	Supportive Housing (3)	P	P	P	P	P	P

Notes: Uses in Downtown Land Use Districts – Residential:

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(3) Supportive Housing, as defined in LUC 20.20.845.C.2, may be permitted when meeting the requirements in LUC 20.20.845. The Supportive Housing shall comply with all standards and requirements applicable to residential use in the underlying Land Use District.

Section 6. Section 20.25D.070 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25D.070 Land Use Charts.

The following charts apply to BelRed. The use charts contained in LUC 20.10.440 do not apply within the BelRed land use districts.

Chart 20.25D.070 Residential Uses in BelRed Land Use Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential – BelRed Districts						
		BelRed Medical Office/Node	BelRed Office Residential/Nodes	BelRed Residential Commercial Nodes	BelRed Residential	BelRed General Commercial	BelRed Commercial Residential	BelRed Office Residential Transition
		BR-MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR- ORT
1	Residential (1)							
	Single-Family Dwelling		P 2/		P 2	3	P 2	P
	Two to Four Dwelling Units Per Structure		P/P	P	P	3	P 2	P
	Five or More Dwelling Units Per Structure (5)		P/P	P	P	3	P 2	P
...								
13 15	Hotels and Motels	P/P	P/P	P		P	P	
...								
	Supportive Housing	P/P 7	P/P 7	P 7	P 7	P 7	P 7	P 7

...

Notes: Uses in land use districts – Residential:

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(7) Supportive Housing, as defined in LUC 20.20.845.C.2, may be permitted when meeting the requirements in LUC 20.20.845. The Supportive Housing development

shall comply with all standards and requirements applicable to residential use in the underlying Land Use District.

Section 7. Section 20.25F.010 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25F.010 Permitted land uses.

A. The following chart, entitled Evergreen Highlands Permitted Land Uses, indicates the permitted land uses and required review procedure for each use within each performance area:

Land Use	Performance Area			
	EH-A	EH-B	EH-C	EH-D
...				
Supportive Housing	P 13			P 13
Homeless Services Uses (14)				C
...				

(13) Supportive Housing, as defined in LUC 20.20.845.C.2, may be permitted when meeting the requirements in LUC 20.20.845. The Supportive Housing development shall comply with all standards and requirements applicable to residential use in the underlying Land Use District.

(14) A homeless services use requires approval of a Conditional Use Permit unless the City Council agrees to negotiate a development agreement. Refer to LUC 20.20.455.D.

Section 8: Section 20.25F.040 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25F.040 Site and design requirements.

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B. Site Requirements.

The following chart sets forth the dimensional and site requirements for each performance area in the Evergreen Highlands Design District. Each structure, development or activity in the district must comply with these requirements.

Site Requirements	Performance Area			
	EH-A	EH-B	EH-C	EH-D
1. Maximum Number of Dwelling Units Per Gross Acre (11)	11	N/A	N/A	N/A

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(11) This requirement is not applicable to Supportive Housing, as defined pursuant to LUC 20.20.845(C)(2).

Section 9. Section 20.25L.020 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25L.020 Permitted land uses.

The following chart indicates the permitted land uses within the OLB-OS Land Use District.

Land Use	Process
Hotels and Motels	P
...	
Supportive Housing (19)	P
Homeless Services Uses (20)	C

...

(19) Supportive Housing, as defined in LUC 20.20.845.C.2, may be permitted when meeting the requirements in LUC 20.20.845.

(20) A homeless services use requires approval of a Conditional Use Permit unless the City Council agrees to negotiate a development agreement. Refer to LUC 20.20.455.D.

Section 10. Section 20.25P.050 of the Bellevue Land Use Code is hereby amended to read as follows:

Chart 20.25P.050 Residential Uses in Eastgate Transit Oriented Development Land Use District

STD LAND USE CODE REF	Residential – Eastgate Transit Oriented Development Land Use District	Eastgate Transit Oriented Development Land Use District
	LAND USE CLASSIFICATION	
1	Residential	
	Single-Family Dwelling	
	Two to Four Dwelling Units Per Structure	P
	Five or More Dwelling Units Per Structure	P
...		
13 15	Hotels and Motels	P
...		
	Supportive Housing	P ⁴

...

Notes: Uses in Eastgate Transit Oriented Development Land Use District – Residential

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(4) Supportive Housing, as defined in LUC 20.20.845.C.2, may be permitted when meeting the requirements in LUC 20.20.845. The Supportive Housing development shall comply with all standards and requirements applicable to residential use in the underlying Land Use District.

Section 11. Section 20.25Q.050 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25Q.050 Permitted Uses

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D. Use Charts.

The following use chart applies to the East Main Transit Oriented Development Districts.

Chart 20.25Q.050.D Uses in East Main Transit Oriented Development Districts			
Std Land Use Code Ref	Land Use Classification	TOD-H	TOD-L
...			
	Two or More Dwelling Units Per Structure	P	P
...			
13	Hotels and Motels	P	P
...			
	Homeless Services Uses (36)	C	C
	Supportive Housing (37)	P	P

Notes: Uses in East Main Land Use Districts

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(36) A homeless services use requires approval of a Conditional Use Permit unless the City Council agrees to negotiate a development agreement. Refer to LUC 20.20.455.D.

(37) Supportive Housing, as defined in LUC 20.20.845.C.2, may be permitted when meeting the requirements in LUC 20.20.845. The Supportive Housing development shall comply with all standards and requirements applicable to residential use in the underlying Land Use District.

Section 12. Repeal. Ordinance Nos. 6585 and 6637 are hereby repealed in their entirety.

Section 13. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 14. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Section 15. Findings of Fact. The findings contained in this Ordinance are hereby adopted as Findings of Fact to justify adoption of this Ordinance.

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Passed by the City Council this _____ day of _____, 2022 and signed in authentication of its passage this _____ day of _____, 2022.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:
Kathryn L. Gerla, City Attorney

Matthew McFarland, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published: _____