

CITY COUNCIL STUDY SESSION

Recommended 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).

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DIRECTION NEEDED FROM COUNCIL

DIRECTION

Staff will introduce the recommended LUCA to establish regulations for Permanent Supportive Housing, Transitional Housing, Emergency Housing, and Emergency Shelter in the LUC. Planning Commission Chair Mohammad Malakoutian will present the Planning Commission recommendation to approve the LUCA with modifications. The Resolution documenting this recommendation is included as Attachment A.

Following discussion, staff is seeking Council direction to prepare the Ordinance for final action at a future meeting.

RECOMMENDATION

Direct staff to bring the Permanent Supportive Housing, Transitional Housing, Emergency Housing, and Emergency Shelter LUCA Ordinance as drafted for final action at a future meeting.

BACKGROUND & ANALYSIS

Background

The recommended LUCA will amend Chapters 20.10, 20.20, and 20.25 of the LUC to allow and regulate Permanent Supportive Housing, Transitional Housing, and non-transient Emergency Housing in all Land Use Districts where residential uses or hotels and motels are allowed, and to allow and regulate transient Emergency Housing and Emergency Shelter in all Land Use Districts where hotels and motels are allowed. A draft Ordinance is provided as Attachment B and a strike-draft of the LUCA is provided as Attachment C.

The LUCA is in direct response to RCW 35A.21.430, which was amended in 2021 by House Bill (HB) 1220 and mandates the above-identified allowances for Permanent Supportive Housing, Transitional Housing, Emergency Housing, and Emergency Shelter. If adopted, this LUCA Ordinance will repeal and replace an Interim Official Control (IOC) Ordinance No. 6637 (Attachment D), which extended Ordinance No. 6585 (Attachment E). The IOC was necessary for the City to timely comply with the new requirements in RCW 35A.21.430 prior to the effective date of HB 1220. The extended IOC is set to expire on July 12, 2022.

Components of Recommended LUCA

The LUCA will respond to the requirements of RCW 35A.21.430 to allow and regulate Permanent Supportive Housing, Transitional Housing, Emergency Housing, and Emergency Shelter in the applicable Land Use Districts. These housing types are defined under state law as follows:

- **Permanent Supportive Housing (RCW 36.70A.030):** Subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.
- **Transitional Housing (RCW 84.36.043):** A project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living arrangements.
- **Emergency Housing (RCW 36.70A.030):** Temporary indoor accommodations 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 may or may not require occupants to enter into a lease or an occupancy agreement.
- **Emergency Shelter (RCW 36.70A.030):** A facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

In regulating these uses, the LUCA places them within the framework of the LUC and current City regulations by sorting each use into categories based on the duration of stay. Uses with long-term stays of 30 days or more are considered non-transient or permanent and are categorized as Supportive Housing. Uses with short-term stays of less than 30 days are considered transient and are categorized as Homeless Services Uses. The below table details the proposed LUC uses, with reference to the separate RCW-defined uses that informed the proposed LUCA, and explains the duration of stay and the proposed approval process for each of the housing and shelter uses.

<i>LUC Use</i>	<i>RCW Use</i>	<i>Duration of Stay</i>	<i>Approval Process</i>
<i>Supportive Housing</i>	Permanent Supportive Housing	Long-term or permanent	<ul style="list-style-type: none"> • Allowed by right in all Land Use Districts where residential and hotels and motels are allowed • Registration and notice required for more intensive uses
	Transitional Housing	Up to 2 years	
	Emergency Housing (Non-Transient)	30 days or longer	
<i>Homeless Services Uses</i>	Emergency Housing (Transient)	Less than 30 days	<ul style="list-style-type: none"> • Allowed in all Land Use Districts where hotels and motels are allowed • Conditional Use Permit required, plus supplemental submittal and procedural requirements
	Emergency Shelter	24 hours or less	

The LUCA includes amendments to Chapter 20.10 LUC, Land Use Districts, in order to allow Supportive Housing in all Land Use Districts where residences or hotels and motels are allowed and allow Homeless Services Uses in all Land Use Districts where hotels and motels are allowed. The LUCA also creates a new section, LUC 20.20.845, Supportive Housing. The new section establishes the requirements for Supportive Housing uses, including dimensional and design standards, on-site kitchen facility provisions, and other conditions.

Additionally, for more intensive Supportive Housing, LUC 20.20.845 contains a requirement to register a Supportive Housing use with Development Services prior to opening, as well as a requirement for mailed notice to property owners within 500 feet of a Supportive Housing site. As part of the registration requirement for more intensive Supportive Housing uses, applicants are also required to submit a Safety and Security Plan, a Resident Code of Conduct, and Standard Operating Procedures for the proposed Supportive Housing use.

Planning Commission Process

The Planning Commission first held three study sessions, on September 8, 2021, September 22, 2021, and December 8, 2021, before scheduling the public hearing on the proposed LUCA. During these study sessions, the Planning Commission directed removal of regulatory barriers for Supportive Housing and supported a framework that regulated Supportive Housing similar to any other residential use. Staff developed the LUCA based on this framework and additional input provided by the Planning Commission during the study sessions. An analysis of the LUCA and its compliance with the decision criteria in LUC 20.30J.135 can be found in the Staff Report (Attachment F). This Staff Report was made available in the notice of the public hearing.

The Public Hearing for this LUCA was held on February 9. Many written comments were submitted by the public in the days leading up to the hearing, and many speakers also provided oral comments at the public hearing. The Planning Commission received comments both in support of and in opposition to the LUCA, as drafted, with many offering suggestions and refinements to the draft LUCA. The

suggestions ranged from removing requirements from the Supportive Housing regulations to applying more requirements, such as those required for Homeless Services Uses. Following the hearing and discussion, the Planning Commission directed staff to bring back potential modifications for their consideration.

The Planning Commission held two additional study sessions on February 23 and April 27 to discuss these potential modifications to the LUCA. The Planning Commission deliberated on the effectiveness of the modifications for addressing community concerns, possible outcomes of additional requirements, and whether provisions from other jurisdictions would work for Bellevue. Following discussion on April 27, the Planning Commission decided to recommend approval of the LUCA with modifications. The modifications recommended by the Planning Commission require supplemental submittal materials for more intensive Supportive Housing, including a Safety and Security Plan, Resident Code of Conduct, and Standard Operating Procedures.

EBCC Courtesy Hearing

The East Bellevue Community Council (EBCC) held a courtesy hearing on the proposed LUCA on February 1. The EBCC heard two members of the public speak in support of the LUCA and provided suggestions for minor modifications to the language. The EBCC discussed the proposed amendments, providing comments on how these uses should be distributed throughout Bellevue. The EBCC also expressed a desire for quantitative data demonstrating the demand for the housing types addressed in the LUCA. In response, staff noted that, consistent with RCW 35A.21.430, the Washington State Department of Commerce will be assessing cities' local needs for each housing type included in RCW 35A.21.430. These estimates will be provided to jurisdictions to be incorporated into their Comprehensive Plan periodic updates.

Public Engagement

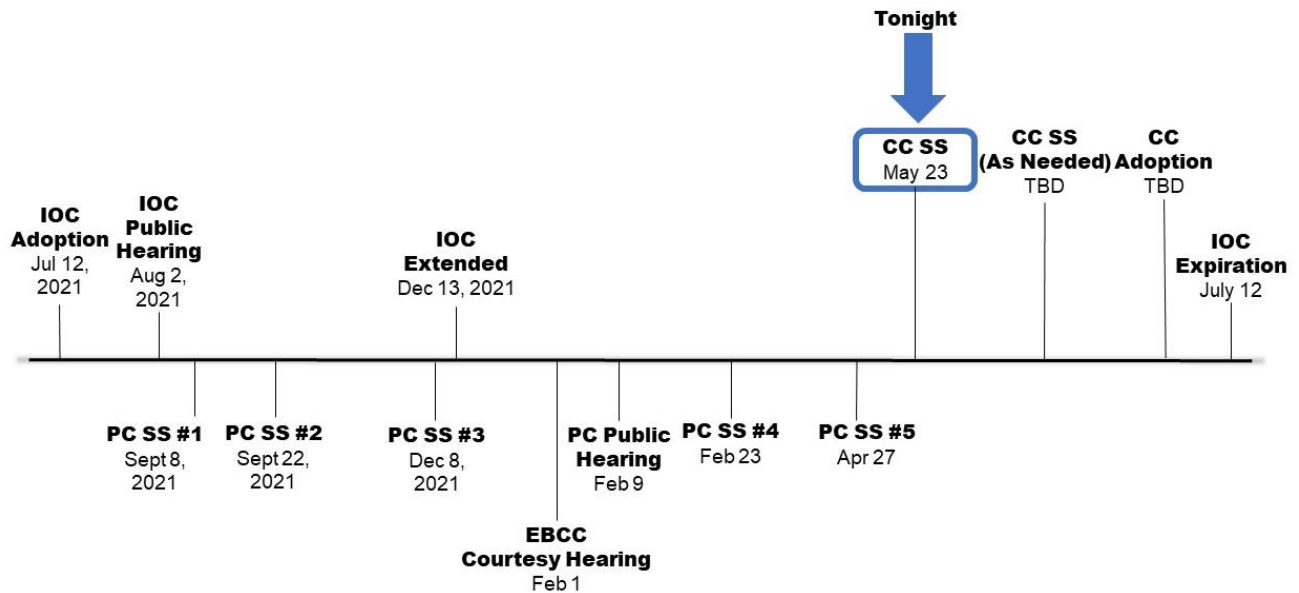
Extensive internal collaboration and public involvement informed development of the recommended LUCA. Staff followed a public engagement plan with three modes of outreach and engagement to ensure the public, stakeholders, and interested parties had access to up-to-date project information and the opportunity 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, 2021
 - Notice of Public Hearing and staff report on January 20
 - Notice of EBCC Courtesy Hearing on January 20 and January 25
 - SEPA Determination of Non-Significance issued on January 20
 - EBCC Courtesy Hearing on February 1
 - Public hearing on the proposed LUCA on February 9
2. Direct Engagement and Feedback: Dialogue with supportive housing providers, representatives of the affordable housing development community, and City staff familiar with supportive housing.
3. Online Presence. City webpage to provide opportunities for the public to stay informed and to request additional information, including:

- Staff contacts
- Public information regarding LUCA progression

Review Process

The below timeline details the review process for the LUCA, including the adoption and extension of the IOC by Council and the EBCC:



POLICY & FISCAL IMPACTS

Policy Impact

The proposed LUCA responds to recent amendments to RCW 35A.21.430, which require cities to allow Permanent Supportive Housing and Transitional Housing in all Land Use Districts where residential or hotel/motel uses are allowed and allow indoor emergency housing and indoor emergency shelter in all Land Use Districts where hotel and motel uses are allowed.

The Comprehensive Plan contains several polices that support the proposed LUCA, including:

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

Further, the 2021 King County Countywide Planning Policies (CPPs), ratified by the City Council through Resolution 10080 on March 28, 2022, state the following in relevant part:

- **CPP Housing Policy, H-4:** Conduct an inventory and analysis in each jurisdiction of existing and projected housing needs of all segments of the population and summarize the findings in the housing element. The inventory and analysis shall include:
 - c) Number of existing emergency housing, emergency shelters, and permanent supportive housing facilities and units or beds, as applicable; ... [and]
 - l) The housing needs of people who need supportive services or accessible units, including but not limited to people experiencing homelessness, persons with disabilities, people with medical conditions, and older adults;...
- **CPP Housing Policy, H-11:** Adopt policies, incentives, strategies, actions, and regulations that increase the supply of long-term income-restricted housing for extremely low-, very low-, and low-income households and households with special needs.
- **CPP Housing Policy, H-12:** Identify sufficient capacity of land for housing including, but not limited to income-restricted housing; housing for moderate-, low-, very low-, and extremely low-income households; manufactured housing; multifamily housing; group homes; foster care facilities; emergency housing; emergency shelters; permanent supportive housing; and within an urban growth area boundary, duplexes, triplexes, and townhomes.
- **CPP Housing Policy, H-15:** Increase housing choices for everyone, particularly those earning lower wages, that is co-located with, accessible to, or within a reasonable commute to major employment centers and affordable to all income levels. Ensure there are zoning ordinances and development regulations in place that allow and encourage housing production at levels that improve jobs-housing balance throughout the county across all income levels.

Fiscal Impact

There is no fiscal impact associated with implementing the recommended LUCA.

OPTIONS

1. Direct staff to bring the Permanent Supportive Housing, Transitional Housing, Emergency Housing, and Emergency Shelter LUCA Ordinance as drafted for final action at a future meeting.
2. Provide alternative direction to staff.

ATTACHMENTS

- A. Planning Commission Resolution Recommending the LUCA with Modifications
- B. Draft Ordinance
- C. Strike-Draft of Recommended LUCA
- D. Ordinance No. 6585 (Interim Official Control)
- E. Ordinance No. 6637 (Extension of Interim Official Control)
- F. LUCA Staff Report

AVAILABLE IN COUNCIL LIBRARY

N/A