



Bellevue Planning Commission

April 27, 2022

PLANNING COMMISSION RECOMMENDATION

SUBJECT

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. File No. 21-111195-AD.

STAFF CONTACT(S)

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POLICY ISSUES

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 indoor emergency housing and indoor emergency shelter in all Land Use Districts where hotel and motel uses are allowed. This LUCA is proposed to codify the City's regulations of these specific uses, as the LUC currently does not contain such provisions.

Further, the Comprehensive Plan contains several policies 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.

DIRECTION NEEDED FROM THE PLANNING COMMISSION

ACTION



DIRECTION



INFORMATION ONLY



Staff request that the Planning Commission recommend approval of the proposed LUCA.

BACKGROUND/ANALYSIS

The Planning Commission has reviewed and discussed the Supportive Housing, Transitional Housing, Emergency Housing, and Emergency Shelter LUCA in five study sessions, including at the public hearing for the LUCA on February 9. 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. A strike-draft of the proposed amendments is provided as Attachment B.

At the February 9 public hearing, members of the public spoke both in favor and opposition to the LUCA, and many commenters suggested modifications to the LUCA. Following the public hearing, the Planning Commission directed staff to examine 10 potential modifications for inclusion in the draft LUCA.

On February 23, the Planning Commission reviewed the 10 potential modifications to the proposed LUCA and staff's analysis of these modifications, which were described in detail in the Agenda Memo and materials for this Study Session. Following discussion, the Planning Commission did not make a recommendation decision; but indicated support for some modifications, did not support some others, and directed staff to return for additional discussion at a future meeting. Staff documented these potential modifications, staff's recommendations, and the Planning Commission direction in Attachment C. Staff also provided additional information and analysis of these modifications for the Planning Commission's consideration below.

Analysis of Potential Modifications

The proposed LUCA is drafted with the Planning Commission's input to respond to the provisions of RCW 35A.21.430, which mandate the allowances for four housing types: (1) Permanent Supportive Housing, (2) Transitional Housing, (3) Emergency Housing, and (4) Emergency Shelter. The draft LUCA creates a new definition for Permanent Supportive Housing that includes Supportive Housing, Transitional Housing, and non-transient Emergency Housing and establishes this housing type as a distinct use. Per the Planning Commission's direction, this use is proposed to be regulated consistent with the City's historic regulatory scheme of treating Supportive Housing as a residential use. The draft LUCA also differentiates the four housing types consistent with the existing LUC framework of transient versus non-transient to appropriately address intensity of use, and regulates transient Emergency Housing and Emergency Shelter as Homeless Services Uses under LUC 20.20.455.

It is worth noting that the state (RCW 35A.21.430) also has distinguished Permanent Supportive Housing and Transitional Housing (Supportive Housing) from Emergency Housing and Emergency Shelter (Homeless Services) uses. Under state law, Supportive Housing uses are required to be allowed in more locations, or in all land use districts where residential and hotels/motels are allowed. In contrast, Emergency Housing and Emergency Shelter are required to be allowed only in land use districts where hotels/motels are allowed.

As shown in Attachment C, under the General Provision section, staff are recommending Items 1 and 2. These changes improve clarity and better align the draft LUCA's definitions for Supportive Housing and Supportive Services with those in the RCW. At the February 23 Study Session, the Planning Commission also supported these changes. However, staff do not recommend the changes in Items 3A and 3B. As explained above, the LUC framework distinguishes transient and non-transient uses, and transient Emergency Housing is akin in use and intensity to Homeless Services Uses. In other words, non-transient Emergency Housing should be included as Supportive Housing, while transient Emergency Housing should be Homeless Services Uses, and allowed where hotels and motels can be located.

Under the Requirements for Non-Excepted Supportive Housing section, staff are not recommending any of the potential modifications in Items 4 – 8. Again, consistent with the Planning Commission's directed approach and guidance from state law, Supportive Housing is proposed to be regulated similar to

residential use, and Emergency Housing is differentiated if it is transient versus non-transient housing. The potential modifications in Items 4 – 8 would veer significantly from this approach and framework that this LUCA has followed. These potential requirements for Supportive Housing, such as to submit and obtain City (Police) approval of a Safety and Security Plan (Item 4), to hold a Community Meeting (Item 7), and to have buffer/spacing distances (Item 8), are actually requirements for Homeless Services Uses. Thus, staff’s recommendation is to continue to be consistent with the City’s historical practice and the Planning Commission’s previous direction to permit Supportive Housing similar to residential uses in Bellevue and employ an equitable approach to housing policy.

Lastly, under the Requirements for Supportive Housing in Single Family Homes section, staff are also not recommending the potential modification to limit the number of bedrooms in single family homes for Supportive Housing residents (Item 9). This limitation may impede siting of Supportive Housing in single family homes and neighborhoods, where this use has been allowed historically, and impose a restriction that is not placed on any other single family homes.

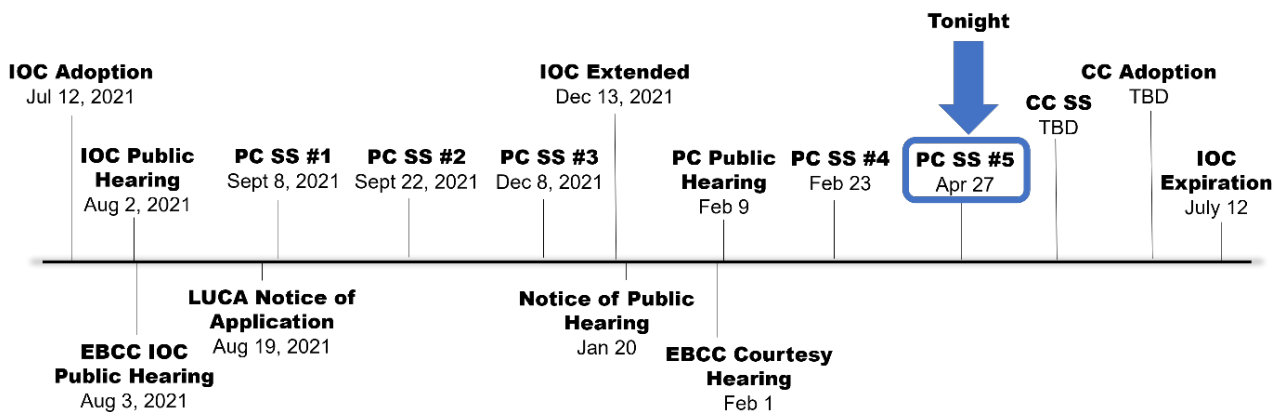
Public Engagement

Staff is implementing three 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. Per Chapter 20.35 LUC, procedural requirements to provide opportunities for public comment.
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; and
 - Public information regarding LUCA progression.

Review Process

The timeline below identifies the review process for the Permanent Supportive Housing, Transitional Housing, Emergency Housing, and Emergency Shelter LUCA.



ATTACHMENT(S)

- A. Staff Report
- B. Strike-Draft of Proposed LUCA
- C. Potential Modifications Table
- D. Planning Commission Resolution to Recommend Approval of the LUCA