



Bellevue Planning Commission

December 8, 2021

PLANNING COMMISSION STUDY SESSION ITEM

SUBJECT

Study Session 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 to Chapter 35A.21 RCW and the Growth Management Act, Chapter 36.70A RCW (GMA).

STAFF CONTACT(S)

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POLICY ISSUES

The proposed LUCA responds to recent amendments to Chapter 35A.21 RCW and the GMA, 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.

Further, 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.

DIRECTION NEEDED FROM THE PLANNING COMMISSION

ACTION

DIRECTION

INFORMATION ONLY

This is the third study session for the Planning Commission to consider this proposed LUCA. The first study session was held on September 8 and covered the topics of Permanent Supportive Housing and Transitional Housing. The second study session on September 22 focused on Emergency Housing and Emergency Shelter. During this third study session, staff will present changes refining the components of the proposed LUCA related to all housing types. These refinements are based on Planning Commission input, internal staff discussions, and conversations with external stakeholders, including supportive housing and service providers.

After discussion, the Planning Commission will be asked to schedule a public hearing on the LUCA. Following the public hearing, and if there are no outstanding issues or concerns raised during the hearing, the Planning Commission will then be asked to recommend approval of the LUCA.

BACKGROUND/ANALYSIS

State Legislation

Chapter 35A.21 RCW and the GMA, amended during the 2021 legislative session, mandate that all cities allow permanent supportive housing and transitional housing in all Land Use Districts where residential uses or hotels and motels are allowed. In order to bring the LUC into immediate conformance with Chapter 35A.21 RCW and the GMA, Council adopted an Interim Official Control (IOC) under Ordinance No. 6585 on July 12, which will be effective for six months. As the City is still developing the permanent LUCA, Council will be asked to extend the IOC for an additional six months.

The following housing uses that will be established and regulated in this LUCA are as follows. The definitions of these uses are in the referenced RCW sections.

- Permanent Supportive Housing (RCW 36.70A.030)
- Transitional Housing (RCW 84.36.043)
- Emergency Housing (RCW 36.70A.030)
- Emergency Shelter (RCW 36.70A.030)

Components of the Proposed LUCA

Staff have taken input from Planning Commission discussions in the first two study sessions, internal staff familiar with the operations of these uses, and external stakeholders to refine the proposed LUCA. The components of the LUCA are categorized in five topic areas and described below, with an updated strike-draft included as Attachment A.

Topic 1. Housing Types and Uses

This LUCA proposes two types of housing – Supportive Housing and Homeless Services Uses – which relate to the duration of stay.

Supportive Housing: The proposed LUCA will add a new section of the LUC, 20.20.845 (Supportive Housing), which will apply exclusively to Supportive Housing uses. Supportive Housing largely reflects the definitions for Permanent Supportive Housing and Transitional Housing under the GMA and includes references to the proposed LUC definition for Emergency Housing – Non-Transient, meaning the duration of stay is 30 days or more.

Homeless Services Uses: LUC 20.20.455.C currently lists the types of uses under the umbrella of Homeless Services Uses. Staff are proposing minor modifications to this section for clarification and consistency with the RCW, including adding Emergency Housing – Transient into this section, thereby treating this use as a Homeless Services Use.

The proposed LUCA will also clarify that Overnight Shelters – Temporary/Emergency – are not considered Homeless Service Uses and are regulated under section LUC 20.20.850 (Temporary public safety facilities).

Topic 2. Land Use Tables and Dimensional Standards

The proposed LUCA includes Supportive Housing as its own distinct use into all Land Use Tables where residential or hotel/motel uses are allowed, and a note will be added to point readers to the new section, LUC 20.20.845 Supportive Housing. In nonresidential land use districts, supportive housing uses will be regulated similarly to hotel/motel uses to facilitate conversion of former hotel or motel uses into Supportive Housing. Dimensional standards and density limits in residential land use districts R-1 through R-30 apply to supportive housing uses.

As discussed in the September 22 study session, Homeless Services Uses will be added as a Conditional Use in all land use districts where hotels and motels are currently allowed. No changes to the permitting procedures for Homeless Services Uses are proposed.

Topic 3. Requirements for Supportive Housing

In addition to the land use approvals, dimensional standards, and other requirements applicable to Supportive Housing uses, the requirements described below are proposed to be added as a new section, LUC 20.20.845.

Registration: Staff propose that Supportive Housing facilities register with the City by providing certain relevant information, including:

- Contact information for any on-site staff, property managers, owners, and service providers of the facility; and
- Standard operating procedures for the facility, including the number of residents expected to be housed and the types of services expected to be provided.

This registration must be submitted to the City prior to establishment of the Supportive Housing use, which may occur following any other required approvals or permits needed for the facility.

Enhanced Notice: Staff recommend an enhanced noticing requirement for Supportive Housing uses, except for those listed under “Exemptions” below. The enhanced notice may either be combined with any other notices for land use approvals or permits, or it will be distributed following registration of a Supportive Housing facility. The notice should include, at minimum:

- Location and description of the Supportive Housing facility, including the number of residents intended to be housed;
- Any required permits or approvals needed for the project; and
- Contact information for property owners or managers.

Exemptions: Staff recommend that certain Supportive Housing uses be exempt from the requirements for noticing and registration. This exemption applies to facilities with limited on-site activity and function similarly to residential dwellings, as well as those facilities primarily housing individuals who may need their addresses kept confidential for their safety. These exemptions include:

- Facilities with no supportive services included. Staff who reside permanently on site are not considered on-site services for purposes of this exemption.

- Facilities with on-site services as a subordinate use (up to 25% of the floor area) and only available to residents of the facility.
- Facilities serving individuals participating in the Washington State Address Confidentiality Program.

General Use Provisions

Additional requirements are proposed to ensure both livability of the facility and that the facility responds to neighborhood context. These requirements apply to all Supportive Housing uses without exemptions:

- For Supportive Housing uses in which kitchens are not provided in individual rooms, a common kitchen facility must be on-site.
- In single-family districts, Supportive Housing is limited to no more than five (5) rooms to be occupied for residency, excluding any rooms for staff permanently residing in the facility. Additionally, any modifications to single-family structures may not alter the residential character of the building.

Public Engagement

Staff is implementing multiple 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, including usage of the Optional DNS process under SEPA, 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

LUCA Schedule

The anticipated timeline for processing the LUCA is as follows:

	Topic Areas
<input checked="" type="checkbox"/>	<u>Study Session 1 (September 8):</u> <ul style="list-style-type: none"> • Topic 1. Permanent Supportive Housing and Transitional Housing (Supportive Housing)
<input checked="" type="checkbox"/>	<u>Study Session 2 (September 22):</u> <ul style="list-style-type: none"> • Topic 2. Emergency Housing and Emergency Shelter (Homeless Services Uses)
<input checked="" type="checkbox"/>	<u>Study Session 3 (December 8):</u> <ul style="list-style-type: none"> • Additional Information and Responses to Questions
<input type="checkbox"/>	<u>Public Hearing (future meeting):</u> <ul style="list-style-type: none"> • Required Public Hearing

	<ul style="list-style-type: none"> • Planning Commission Recommendation
<input type="checkbox"/>	<p><u>City Council Public Hearing – IOC Extension (December 13)</u></p> <ul style="list-style-type: none"> • IOC Expires on January 12, 2022, if no action taken • If extension approved, IOC expires July 12, 2022
<input type="checkbox"/>	<u>EBCC Courtesy Hearing (TBD)</u>
<input type="checkbox"/>	<u>City Council Study Session (TBD)</u>
<input type="checkbox"/>	<u>City Council Action (TBD)</u>
<input type="checkbox"/>	<u>EBCC Public Hearing and Approval/Disapproval (TBD)</u>

ATTACHMENT(S)

A. Strike-Draft of Proposed LUCA