



Bellevue Planning Commission

February 9, 2022

PLANNING COMMISSION PUBLIC HEARING ITEM

SUBJECT

Public Hearing 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 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.

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



The staff recommendation for this LUCA, and an analysis of how the LUCA complies with decision criteria for amendments to the LUC (LUC 20.30J.135) can be found in the Staff Report (Attachment A). Staff request that the Planning Commission hold the Public Hearing on the proposed LUCA and, following the Public Hearing, recommend approval of the proposed LUCA. The Planning Commission may make its recommendation to the City Council on the LUCA either following the public hearing or at a future meeting.

BACKGROUND/ANALYSIS

The content of the proposed LUCA was reviewed and discussed over three study sessions on September 8, 2021, September 22, 2021, and December 8, 2021. At the December 8, 2021, Study Session, 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.

On December 13, 2021, the City Council adopted Ordinance No. 6627, establishing two new Land Use Districts, East Main Transit-Oriented Development Higher- and Lower-Density. Following adoption, staff identified the need to include Supportive Housing and Homeless Services Uses in both East Main Land Use Districts, which allow for residential and hotel/motel uses. The proposed LUCA now includes amendments to LUC 20.25Q.050 East Main Transit Oriented Development Land Use District.

The proposed LUCA will also amend chapters 20.10 Land Use Districts, 20.20 General Development Requirements, 20.25A Downtown, 20.25D BelRed, 20.25F Evergreen Highlands Design District, 20.25L Office and Limited Business-Open Space, and 20.25P Eastgate Transit Oriented Development Land Use District of the Land Use Code (LUC) to allow permanent supportive housing and transitional housing in all land use districts where residential dwellings and/or hotels and motels are allowed, and to allow Homeless Services Uses in all land use districts where hotels and motels are allowed, as required by RCW 35A.21.430. A strike-draft of the proposed LUCA is provided as Attachment B.

Planning Commission Questions

At the December 8 Study Session, the Planning Commission reviewed and discussed adjustments to the LUCA, which were based on feedback from the Commission, stakeholders and City staff who are familiar with supportive housing. The Commission had good discussion around the requirements related to room limits in single-family residential Land Use Districts, timing for the public notice, and updates to supportive housing registration forms. The Commission directed staff to prepare and schedule the LUCA for a Public Hearing and asked for additional information to be presented at that time. A summary of the items raised and staff's responses are provided below.

- *How did staff determine the limit of bedrooms for Supportive Housing uses in single-family Land Use Districts?*
 - Staff had originally proposed a limitation on the number of bedrooms that can be used for resident occupancy for Supportive Housing in single-family Land Use Districts. This was intended to control for intensity of the use and neighborhood compatibility, while also allowing the uses to establish in those districts. Following the Planning Commission's discussion, staff engaged further with stakeholders, including Supportive Housing providers and representatives of the nonprofit housing development community, to discuss the bedroom limit. These stakeholders expressed concern that the limit on bedrooms would significantly impact their existing housing locations, while also making it more difficult to open new locations providing supportive housing.
 - Given the Planning Commission's discussion, and feedback from stakeholders, staff has removed the bedroom limitation in single-family Land Use Districts.

- *When will the required notice be mailed to property owners?*
 - Previously, staff had proposed a requirement for a mailed notice to be distributed to property owners within 500 feet of the site when a Supportive Housing use is established. During the December 8, 2021, Study Session, members of the Planning Commission pointed out that this notice may be distributed after the use has already opened. In response, staff has revised the language to ensure that the notice is mailed prior to opening the Supportive Housing use.

- *How will Supportive Housing registration information remain current?*
 - The draft LUCA originally detailed a registration requirement for certain nonexempt Supportive Housing uses. Members of the Planning Commission noted that the draft did not contain any language to ensure Development Services had the most up-to-date registration information. Therefore, staff have added language to require a revised registration be submitted upon a change of ownership, management, or operations of a Supportive Housing use.

East Bellevue Community Council – Courtesy Hearing

The East Bellevue Community Council (EBCC) held a courtesy hearing on the proposed LUCA on February 1. Following the staff presentation, two members of the public spoke 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 are distributed throughout Bellevue. EBCC members also expressed a desire for quantitative data demonstrating the demand for the housing types addressed in the LUCA.

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. 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; and
 - 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; and
 - Public information regarding LUCA progression.

Anticipated Schedule

The Planning Commission will be asked to consider the proposed LUCA. The anticipated timeline for processing the LUCA is as follows:

- Planning Commission Study Sessions: September 8, 2021, September 22, 2021 and December 8, 2021
- EBCC Courtesy Hearing: February 1
- Planning Commission Public Hearing: February 9
- Planning Commission Recommendation: February 23 (tentative)
- City Council Study Session: To be scheduled
- City Council Action: To be scheduled
- EBCC Public Hearing and Approval/Disapproval: To be scheduled

ATTACHMENT(S)

- A. Staff Report
- B. Strike-Draft of Proposed LUCA
- C. Planning Commission Resolution on the proposed LUCA