



STAFF REPORT

DATE: August 2, 2021

TO: Mayor Robinson and Members of the City Council

FROM: Mike Brennan, Director, 452-4113
Trisna Tanus, Consulting Attorney, 452-2970
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Development Services Department

SUBJECT: Public Hearing on Ordinance No. 6585 imposing an Interim Official Control (IOC) to amend sections 20.10.440, 20.25A.050, 20.25D.070, 20.25F.010, 20.25L.020, and 20.25P.050 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; amending the definition of Homeless Services Uses in LUC 20.20.455 for conformance and consistency with state law; providing for severability; and establishing an effective date.

On July 12, the City Council adopted an Ordinance No. 6585 (Attachment A). On August 2, the City Council will hold a public hearing on this IOC Ordinance and seek public comment.

I. BACKGROUND

The IOC is in direct response to the Washington State Legislature's enactment of House Bill (HB) 1220, which was signed into law in May and will become effective on July 25. The new state legislation mandates that all cities allow the following:

- Permanent Supportive Housing and Transitional Housing in all land use districts where residential dwellings and hotel or motel uses are allowed; and
- Emergency Housing and Emergency Shelter in all land use districts where hotel and motel uses are allowed.

Prior to the adoption of the IOC, the LUC did not regulate the above-listed uses consistently with state law as amended under HB 1220. The IOC was necessary to timely bring the LUC into conformance with state law.

The IOC amended the following land use tables to include language on the types of housing discussed in HB 1220:

- LUC 20.10.440 Land use charts;

- LUC 20.25A.050 Downtown Land Use Charts;
- LUC 20.25D.070 Land Use Charts (BelRed);
- LUC 20.25F.010 Permitted land uses (Evergreen Highlands);
- LUC 20.25L.020 Permitted land uses (OLB-OS); and
- LUC 20.25P.020 Land Use Chart (EG-TOD)

In each of the above land use tables, a footnote was added adjacent to any residential or hotel/motel uses indicating that permanent supportive housing and transitional housing are allowed in districts where residences or hotels/motels are allowed, subject to the applicable land use approvals and dimensional standards of that district. Further, the Neighborhood Mixed Use and Office and Limited Business – Open Space land use districts were each updated to allow Homeless Services Uses as a conditional use, as required due to the allowance of hotel/motel uses in those districts. Finally, the definitions for Homeless Services Uses under LUC 20.20.455(C) were amended to include references to the RCW definitions of emergency housing and emergency shelter, which were codified under HB 1220.

II. REVIEW PROCESS

Notice and a public hearing are not necessary prior to adoption of an IOC, to allow for the regulations to be put in place quickly. However, a public hearing must be held within 60 days of adoption. In addition, the Growth Management Act, RCW 36.70A.390, states that this IOC may be effective for six months, and if necessary, may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each successive renewal.

The adoption of this IOC brings the City into immediate compliance with state law, as required by HB 1220. The public hearing scheduled for August 2 is necessary for this IOC to remain in place.

III. PUBLIC ENGAGEMENT

Required Public Notice

The notice required for City Council Legislative Actions is governed by the terms of LUC sections 20.35.415 through 20.35.450. Notice of the Public Hearing scheduled for August 2, and availability of this staff report, was published in the Weekly Permit Bulletin on July 15, 2021, and in the Seattle Times on July 19, 2021. Both notices were also provided to members of the EBCC, and others who have subscribed to receive these notices or previously provided written comments on the Interim Official Control.

Department of Commerce Notice

Pursuant to the Washington State Growth Management Act, proposed amendments to the Land Use Code must be sent to the Washington State Department of Commerce. A copy of the required transmittal to the Department of Commerce, including a copy of the proposed amendments, was transmitted on July 13, 2021, and is available for review in the code amendment file.

IV. DECISION CRITERIA

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the Land Use Code. Those criteria, and the relationship of these proposed amendment to them, are discussed below:

A. The amendment is consistent with the Comprehensive Plan; and

Finding: The City of Bellevue has adopted several policies that support creating new housing opportunities and supporting individuals or families experiencing homelessness:

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.*

B. The amendment enhances the public health, safety or welfare; and

Finding: The IOC will enhance the public health, safety and welfare by expanding opportunities for supportive housing for persons experiencing homelessness. The uses described in HB 1220 and included in the IOC are each intended to address both the root causes of homelessness, as well as the day-to-day needs of those experiencing it. Permanent supportive housing and transitional housing both provide stable homes, while also supporting the residents' needs in order to keep them in their homes permanently. Emergency housing and emergency shelter, although temporary, provide relief from the elements to persons without stable shelter, as well as a safe, clean space to meet their basic daily needs. In total, the

amendments in this IOC support regional efforts to address homelessness by providing new opportunities for housing and supportive services.

- C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

Finding: The IOC is not contrary to the interests of citizens and property owners as they create consistency between the LUC and state law as amended under HB 1220. By clarifying the LUC and ensuring compatibility with state law, the amendments in the IOC provide certainty to potential permit applicants and property owners who may intend to operate one of the included housing uses. Further, the amendments in the IOC allow for additional opportunities to site new supportive housing and shelter programs that can assist in combating the homelessness crisis in the region.

V. STATE ENVIRONMENTAL POLICY ACT

The Environmental Coordinator for the City of Bellevue has determined that this Interim Official Control amending the text of the Land Use Code is Categorically Exempt from the Threshold Determination requirements of the State Environmental Policy Act pursuant to the terms of WAC 197-11-800(19).

VI. RECOMMENDATION

The City Council adopted Ordinance No. 6585 imposing an IOC to amend LUC 20.10.440, 20.25A.050, 20.25D.070, 20.25F.010, 20.25L.020, and 20.25P.050 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. Staff has concluded that the IOC is consistent with the decision criteria required for adoption of amendments to the text of the LUC, pursuant to Part 20.30J LUC. Staff recommends for the City Council to hold the required public hearing for the IOC Ordinance, pursuant to RCW 36.70A.390, as well as initiating development and processing of permanent the Land Use Code Amendment (LUCA) during the effective period of this IOC.

ATTACHMENTS

Attachment A – Ordinance No. 6585

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6585

AN ORDINANCE imposing an interim official control to amend sections 20.10.440, 20.25A.050, 20.25D.070, 20.25F.010, 20.25L.020, and 20.25P.050 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; amending the definition of Homeless Services Uses in LUC 20.20.455 for conformance and consistency with state law; providing for severability; and establishing an effective date.

WHEREAS, in 2021, the Washington State Legislature enacted House Bill (HB) 1220, which requires cities like Bellevue to allow development of permanent supportive housing and transitional housing in all land use districts where residential dwellings and/or hotels are allowed; and

WHEREAS, HB 1220 also requires cities like Bellevue to allow emergency housing and indoor emergency shelter in all land use districts where hotels are allowed; and

WHEREAS, HB 1220 becomes effective on July 25, 2021 and requires cities to regulate permanent supportive housing and transitional housing consistent with HB 1220 on that date; and

WHEREAS, HB 1220 requires cities to regulate emergency housing and indoor emergency shelter consistent with HB 1220 by September 30, 2021; and

WHEREAS, the City of Bellevue Land Use Code currently does not define or regulate permanent supportive housing or transitional housing as distinct land uses; and

WHEREAS, the definition of "Homeless Services Use" in LUC 20.20.455.C.1.a is consistent with the definition for "emergency housing" as adopted by HB 1220 and codified in the Growth Management Act, chapter 36.70A RCW; and

WHEREAS, the definition of "Overnight Shelter: Permanent" in LUC 20.20.455.C.1.d is consistent with the definition for "emergency shelter" as adopted by HB 1220 and codified in the Growth Management Act, chapter 36.70A RCW; and

WHEREAS, the City of Bellevue currently prohibits Homeless Services Uses in the Neighborhood Mixed Use and Office and Limited Business – Open Space Land Use Districts; and

WHEREAS, the City of Bellevue currently permits hotels and motels in the Neighborhood Mixed Use and Office and Limited Business – Open Space Land Use Districts; and

WHEREAS, HB 1220 requires that the City allow emergency housing and indoor emergency shelter in Neighborhood Mixed Use and Office and Limited Business – Open Space Land Use Districts, to the extent that the City allows hotel use in those districts; 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, these Interim Official Controls are designed 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 HB 1220; and

WHEREAS, while the Interim Official Controls are in place, the City will draft permanent regulations to ensure compliance with HB 1220, and the permanent regulations will be reviewed and considered by the City Council and any other relevant boards or commissions as needed; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying adoption of this Ordinance; now, therefore

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

Section 1. Imposition of Interim Official Control. An interim official control is hereby imposed to amend the Residential Land Use Classification in the Residential – Residential

Districts Land Use Chart in section 20.10.440 of the Bellevue Land Use Code to add a new reference to Note 18 and read as follows:

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) (18)	P	P	P	P	P	P	P	P	P	P	P
	Two to Four Dwelling Units per Structure (6) (18)	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
	Five or More Dwelling Units per Structure (6) (18)	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
...												
	Hotels and Motels (18)											

Section 2. Imposition of Interim Official Control. An interim official control is hereby imposed to amend the Residential, and Hotels and Motels Land Use Classification in the Residential – Nonresidential Districts Land Use Chart in section 20.10.440 of the Bellevue Land Use Code to add a new reference to Note 18 and read as follows:

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	G C	NB	NMU	C B	F1	F2	F3
1	Residential												

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	G C	NB	NMU	C B	F1	F2	F3
	Single-Family Dwelling (3) (18)	P 15	P 1	S		S	S	P 8	18	S	S	S	S
	Two to Four Dwelling Units Per Structure (6) (18)		P 1	P	P			P 8	P 8, 11, 18	P 6	P	P	P
	Five or More Dwelling Units Per Structure (6) (18)		P 1	P	P			P 8	P 8, 11, 18	P 6	P	P	P
...													
13 15	Hotels and Motels (18)			P	P				P	C	C	P	P

Section 3. Imposition of Interim Official Control. An interim official control is hereby imposed to amend Notes: Uses in land use districts – Residential in section 20.10.440 of the Bellevue Land Use Code to add a new Note 18 to read as follows:

(18) Permanent Supportive Housing, as defined under Chapter 36.70A RCW, and Transitional Housing, as defined under Chapter 84.36 RCW, are allowed in all Land Use Districts where residential dwellings and/or hotel and motel uses are allowed, subject to the required land use approvals listed in the above table and the density and dimensional standards of the corresponding Land Use District.

Section 4. Imposition of Interim Official Control. An interim official control is hereby imposed to amend Homeless Services Uses Land Use Classification in Services - Nonresidential Land Use Chart in section 20.10.440 of the Bellevue Land Use Code to read as follows:

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

Section 5. Imposition of Interim Official Control. An interim official control is hereby imposed to amend section 20.20.455.C.1 of the Bellevue Land Use Code to read as follows:

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.
- 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: Unforeseen Emergency/Temporary. Refer to LUC 20.50.038 for this definition. These facilities are not governed by the terms of this section.

- d. Overnight Shelter: Permanent. Consistent with RCW 36.70A.030(10), 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.
- e. Emergency Housing: Permanent. Consistent with RCW 36.70A.030(9), any facility that is constructed for the primary purpose of providing 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.

Section 6. Imposition of Interim Official Control. An interim official control is hereby imposed to amend Two or More Dwelling Units Per Structure Land Use Classification and Hotels and Motels Land Use Classification in the Residential – Downtown Land Use Districts Use Chart in section 20.25A.050 of the Bellevue Land Use Code to add a new reference to Note 3 and read as follows:

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 (3)	P	P	P	P	P	P
13	Hotels and Motels (3)	P	P	P	P	P	P

Section 7. Imposition of Interim Official Control. An interim official control is hereby imposed to amend Notes: Uses in Downtown Land Use Districts – Residential in section 20.25A.050 of the Bellevue Land Use Code to add a new Note 3 to read as follows:

(3) Permanent Supportive Housing, as defined under Chapter 36.70A RCW, and Transitional Housing, as defined under Chapter 84.36 RCW, are allowed in all Land Use Districts where residential dwellings and/or hotel and motel uses are allowed, subject to

the required land use approvals listed in the above table and the density and dimensional standards of the corresponding Land Use District.

Section 8. Imposition of Interim Official Control. An interim official control is hereby imposed to amend Residential Land Use Classification and Hotels and Motels Land Use Classification in Residential Uses in BelRed Land Use Districts in section 20.25D.070 of the Bellevue Land Use Code to add a new reference to Note 7 and read as follows:

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 (7)		P 2/		P 2	3	P 2	P
	Two to Four Dwelling Units Per Structure (7)		P/P	P	P	3	P 2	P
	Five or More Dwelling Units Per Structure (5) (7)		P/P	P	P	3	P 2	P
...								
13 15	Hotels and Motels (7)	P/P	P/P	P		P	P	

Section 9. Imposition of Interim Official Control. An interim official control is hereby imposed to amend Notes: Uses in land use districts – Residential in section 20.25D.070 of the Bellevue Land Use Code to add a new Note 7 to read as follows:

(7) Permanent Supportive Housing, as defined under Chapter 36.70A RCW, and Transitional Housing, as defined under Chapter 84.36 RCW, are allowed in all Land Use Districts where residential dwellings and/or hotel and motel uses are allowed, subject to the required land use approvals listed in the above table and the density and dimensional standards of the corresponding Land Use District.

Section 10. Imposition of Interim Official Control. An interim official control is hereby imposed to amend Single-family detached, Two – four dwelling units per structure, Five or more dwelling units per structure, and Extended stay hotel Land Uses in Evergreen Highlands Permitted Land Uses in section 20.25F.010.A of the Bellevue Land Use Code to add a new reference to Note 13 and 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
Single-family detached (13)	P			
Two – four dwelling units per structure (13)	P			
Five or more dwelling units per structure (13)	A			
...				
Extended stay hotel (11) (13)				P

Section 11. Imposition of Interim Official Control. An interim official control is hereby imposed to amend Evergreen Highlands Permitted Land Uses in section 20.25F.010.A of the Bellevue Land Use Code to add a new Note 13 to read as follows:

(13) Permanent Supportive Housing, as defined under Chapter 36.70A RCW, and Transitional Housing, as defined under Chapter 84.36 RCW, are allowed in all Land Use Districts where residential dwellings and/or hotel and motel uses are allowed, subject to

the required land use approvals listed in the above table and the density and dimensional standards of the corresponding Land Use District.

Section 12. Imposition of Interim Official Control. An interim official control is hereby imposed to amend Permitted land uses in section 20.25L.020 of the Bellevue Land Use Code to add a new reference to Note 19, to include Homeless Services Uses, to add a new reference to Note 20, and 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 (19)	P

Homeless Services Uses (20)	C

Section 13. Imposition of Interim Official Control. An interim official control is hereby imposed to amend OLB-OS Permitted land uses in section 20.25L.020 of the Bellevue Land Use Code to add a new Note 19 and to add a new Note 20 to read as follows:

(19) Permanent Supportive Housing, as defined under Chapter 36.70A RCW, and Transitional Housing, as defined under Chapter 84.36 RCW, are allowed in all Land Use Districts where residential dwellings and/or hotel and motel uses are allowed, subject to the required land use approvals listed in the above table and the density and dimensional standards of the corresponding Land Use District.

(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 14. Imposition of Interim Official Control. An interim official control is hereby imposed to amend Chart 20.25P.050 Residential Uses in Eastgate Transit Oriented Development Land Use District in section 20.25P.050 of the Bellevue Land Use Code to add a new reference to note 4 and 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	EG-TOD
1	Residential	
	Single-Family Dwelling	
	Two to Four Dwelling Units Per Structure	P ⁴
	Five or More Dwelling Units Per Structure	P ⁴
...		
13 15	Hotels and Motels	P ⁴

Section 15. Imposition of Interim Official Control. An interim official control is hereby imposed to amend Notes: Uses in Eastgate Transit Oriented Development Land Use District – Residential in section 20.25P.050 of the Bellevue Land Use Code to add a new Note 4 to read as follows:

(4) Permanent Supportive Housing, as defined under Chapter 36.70A RCW, and Transitional Housing, as defined under Chapter 84.36 RCW, are allowed in all Land Use Districts where residential dwellings and/or hotel and motel uses are allowed, subject to the required land use approvals listed in the above table and the density and dimensional standards of the corresponding Land Use District.

Section 16. Duration and Scope of Interim Official Control. Pursuant to RCW 36.70A.390, this Interim Official Control is recommended to be in effect for a period of six months. This Interim Official Control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 17. Public Hearing. Pursuant to RCW 36.70A.390, the City Council shall hold a public hearing on this Interim Official Control within sixty (60) days of its adoption, so as to hear and consider public comment and testimony regarding this Interim Official Control. Following such hearing, the City Council may adopt additional findings of fact, and may extend the Interim Official Control for a period up to an additional six (6) months. The City Council may adopt additional six (6) month extensions after any required public hearing, pursuant to RCW 36.70A.390.

Section 18. 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 19. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Section 20. Findings of Fact. The findings contained in this Ordinance are hereby adopted as Findings of Fact to justify adoption of this Interim Official Control.

Passed by the City Council this 12th day of JULY, 2021 and signed in authentication of its passage this 12th day of JULY, 2021.

(SEAL)




Lynne Robinson, Mayor

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



Matthew McFarland, Assistant City Attorney

Attest:


Charmaine Arredondo, City Clerk

Published: 7/15/21