



# Bellevue Planning Commission

March 22, 2023

## PLANNING COMMISSION STUDY SESSION ITEM

### SUBJECT

Study Session on a proposed Land Use Code Amendment (LUCA) to remove barriers to, and encourage construction of, attached accessory dwelling units (ADUs), and to provide a mechanism for separate ownership of ADUs. This LUCA was initiated by City Council on January 17. File No. 23-102618 AD

### STAFF CONTACT(S)

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### POLICY ISSUES

On July 5, 2022, in building upon the City's 2017 Affordable Housing Strategy, the City Council prioritized a set of "Next Right Work" items related to the production of additional housing and affordable housing in the city. Three items were prioritized:

- Removing barriers to micro-apartments;
- Allow higher FAR (Floor Area Ratio) for residential (or unlimited FAR or Dwelling Units, DUs, per acre); and
- Reduce permit fees for affordable housing projects.

In addition, the Council directed staff to scope two additional Next Right Work actions for initiation:

- Encourage Middle-Scale Housing, such as: Detached Accessory Dwelling Units (DADUs), Accessory Dwelling Units (ADU), and duplex, triplex, quadplexes, including mechanism for separate ownership; and
- Simplify the permitting process and expedite permitting for affordable housing.

On January 17, the City Council initiated the Accessory Dwelling Unit (ADU) Reform Land Use Code Amendment (LUCA) as Phase 1 of the Middle-Scale Housing action to encourage the construction of ADUs in existing and new homes, with a mechanism for separate ownership. This Next Right Work action is consistent with the Affordable Housing Strategy Action B-2, which encourages updating the ADU standards to add housing capacity in the City.

Additionally, this proposed LUCA is consistent with the following Comprehensive Plan policy:

- **HO-15:** Allow attached accessory dwelling units in single family districts subject to specific development, design, location, and owner occupancy standards. Allow detached accessory dwelling units where expressly allowed by neighborhood subarea plans.

### DIRECTION NEEDED FROM THE PLANNING COMMISSION

**ACTION**

**DIRECTION**

**INFORMATION ONLY**

The goal of this study session is to introduce the Planning Commission to ADUs and their current requirements, the objectives and scope of the proposed LUCA, and proposed code changes. Staff requests input from the Planning Commission on the draft LUCA.

After discussion, the Planning Commission will be asked to schedule a public hearing on the LUCA. The Planning Commission will then be asked to hold a public hearing on the proposed LUCA, and, following consideration of the testimony provided at the hearing and discussion, the Commission will be asked to make a recommendation to the City Council on the proposed LUCA.

**BACKGROUND/ANALYSIS**

**Overview of ADUs**

ADUs are a subordinate dwelling unit located on properties developed with residential uses, most often with single-family dwellings, although some jurisdictions allow for multi-unit developments to have ADUs as well. ADUs may either be a separate detached structure, which is called a DADU, or they may be internal or attached to the structure. In Bellevue, all ADUs must be attached and may only be permitted within a single-family home.

ADUs can offer an alternative housing option in neighborhoods that are otherwise designated for single-family residential land uses. Because these units are smaller than the primary residence, they can also provide a lower-cost alternative to renting an entire single-family home in these neighborhoods. Property owners also often use ADUs to generate supplemental rental income, or they simply use them as additional living space for guests and family members as needed. Because of these potential benefits of ADUs to City residents, Council has identified them as part of a suite of housing solutions under the Affordable Housing Strategy and Next Right Work to address the housing shortage in the City.

**Current and Proposed ADU Regulations**

ADUs are currently allowed in all residential districts only as a subordinate use to single-family homes, and as noted, they must be attached to or within the principal residence. Only one ADU is allowed on any residential lot. Additionally, there are certain requirements imposed on ADUs, codified under LUC 20.20.120, which have been identified as barriers to their development. The below table details the existing requirements for ADUs in Bellevue, and the proposed amendments to each. The strike-draft showing the specific amendments in the LUC is provided as Attachment A.

Type of Requirement	Existing Code	Proposed Amendments
<i>Owner Occupancy</i>	<ul style="list-style-type: none"> <li>Owner or immediate family must reside on site with ADU.</li> </ul>	<ul style="list-style-type: none"> <li>No requirement.</li> </ul>
<i>Separate Ownership</i>	<ul style="list-style-type: none"> <li>Sale of ADU prohibited.</li> </ul>	<ul style="list-style-type: none"> <li>Remove prohibition.</li> </ul>
<i>Off-Street Parking</i>	<ul style="list-style-type: none"> <li>One (1) off-street parking space required for ADU.</li> </ul>	<ul style="list-style-type: none"> <li>No requirement.</li> </ul>
<i>Size Limits</i>	<ul style="list-style-type: none"> <li>Min. 300 sq. ft.</li> <li>Max. 800 sq. ft. <b>or</b> 40% of combined area of ADU and primary residence (whichever <u>less</u>).</li> </ul>	<ul style="list-style-type: none"> <li>Maximum 1000 sq. ft. <b>or</b> 40% of combined area of ADU and primary residence (whichever <u>greater</u>).</li> </ul>
<i>Design Controls</i>	<ul style="list-style-type: none"> <li>Second front entry door prohibited.</li> </ul>	<ul style="list-style-type: none"> <li>Remove prohibition.</li> </ul>

<i>Process Requirements</i>	<ul style="list-style-type: none"> <li>• Registration required with City.</li> <li>• Notice distributed to neighbors within 500 feet of site.</li> <li>• Inspection required by Land Use staff.</li> </ul>	<ul style="list-style-type: none"> <li>• Registration required for tracking purposes.</li> <li>• No notice required.</li> <li>• No Land Use inspection. Inspections of construction work still required under building permits.</li> </ul>
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### 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 and Community Meeting, link to the City webpage, and community meeting information published on February 16; and
  - Public hearing on the proposed LUCA to be scheduled.
2. Direct Engagement and Feedback. Information gathering about the barriers to ADU production and inform the public of the LUCA.
  - Conversations with permit review staff familiar with ADU process and common bottlenecks.
  - Public feedback sourced from the Comprehensive Plan Periodic Update efforts regarding ADUs.
  - February 28 virtual community meeting to share information about the LUCA and respond to questions.
  - March Neighborhood News publication write-up, including a link to the City webpage, staff contact information.
3. Online Presence. City webpage to provide opportunities for the public to stay informed and to request additional information, including:
  - Staff contact information.
  - Public information regarding LUCA progression.
  - Frequently asked questions (FAQs) from the February 28 community meeting, including responses as well as anticipated questions. Staff prepared an FAQs list (Attachment B) to assist in the Planning Commission’s discussion and consideration of the LUCA.

### LUCA Schedule

The anticipated timeline for processing the LUCA is as follows:

	Topic Areas
<b>March 22</b>	<u><b>Planning Commission Study Session:</b></u> <ul style="list-style-type: none"> <li>• Introduction and direction</li> </ul>
<b>TBD</b>	<u><b>Planning Commission Public Hearing and Recommendation:</b></u> <ul style="list-style-type: none"> <li>• Planning Commission has option to make recommendation any point after the public hearing</li> </ul>
<b>TBD</b>	<u><b>Planning Commission Recommendation (as needed):</b></u> <ul style="list-style-type: none"> <li>• Planning Commission recommendation to City Council</li> </ul>

<b>TBD</b>	<b><u>City Council Study Session:</u></b> <ul style="list-style-type: none"><li>• Present Planning Commission recommendation to City Council</li></ul>
<b>TBD</b>	<b><u>City Council Action</u></b>

**ATTACHMENT(S)**

- A. Strike-Draft of Proposed LUCA
- B. ADU Reform LUCA FAQs