



DATE: September 7, 2017

TO: Mayor Stokes and Members of the City Council

FROM: Carol Helland, Code and Policy Director 452-2724
Development Services Department

SUBJECT: Public Hearing on Ordinance No. 6368 imposing an Interim Official Control regarding the permit process required to establish a homeless shelter and identifying the Land Use Districts where a homeless shelter may be permitted.

On August 7, 2017, the City Council adopted an Interim Official Control amending the Land Use Code (LUC) to subject homeless shelters to the Conditional Use provisions specified in Part 20.30B LUC and to the general development requirements for land use districts where homeless shelters were already permitted.

The Interim Official Control did not permit any specific shelter use, or allow one to be located in any land use district where such use was not already allowed. Because this is an Interim Official Control, a public hearing is required within 60 days of the enactment of the ordinance in order to remain in effect. On September 25, 2017, the City Council will be holding a public hearing on the Interim Official Control. Following the public hearing, Council will be asked to provide direction to staff regarding development of permanent regulations which will be prepared during the effective period of Interim Official Control.

I. BACKGROUND

The City Council Vision Priorities direct the City to work with regional partners to establish an Eastside permanent winter homeless shelter to be ready for the winter of 2018/19. This priority is consistent with the Council's Diversity Advantage Plan, which includes an action item "supporting the establishment of a year-round homeless shelter on the Eastside."

As part of the priority to establish a permanent men's shelter on the Eastside, the City Council determined that it is necessary and appropriate to amend the LUC to provide additional clarity regarding the shelter use. Specifically, the City Council identified the need for clarity in the LUC regarding how the shelter use is described and regulated, and where in the City a shelter use is currently allowed. The community also raised concerns to Council regarding the regulation of homeless shelters.

Prior to adoption of Ordinance No. 6368, shelter uses were regulated under the LUC as part of the "Hotel/Motel" use category and through the permit process identified for

establishment of Hotel/Motel uses. Hotel/Motel uses are currently allowed by the LUC in the following land use districts:

- Eastgate Transit Oriented Development (EG-TOD);
- Office/Limited Business and Office/Limited Business 2 (OLB/OLB 2);
- Community Business (CB);
- Factoria Land Use Districts 1, 2 and 3;
- All downtown land use districts; and
- The following BelRed land use districts – medical office, office/residential; residential/commercial, general commercial, and commercial/residential.

A map depicting the locations of these land use districts citywide is included with this Staff Report.

Ordinance No. 6368 was adopted on August 7, 2017 to:

- Provide consistency in the land use code related to permitting a homeless shelter use in all districts where the Hotel/Motel use was already allowed;
- Impose the Conditional Use provisions specified in LUC Part 20.30B on shelter uses; and
- Impose the general development requirements applicable in the land use districts where homeless shelters are permitted.

II. REVIEW PROCESS

The City Council initiated this LUC amendment at its Council meeting on August 7 when it adopted Ordinance No. 6368 imposing an Interim Official Control regarding the permit process required to establish a homeless shelter and identifying the Land Use Districts where a homeless shelter may be permitted.

An Interim Official Control puts temporary regulations in place to guide new development while permanent regulations are being prepared. Notice and a public hearing are not necessary prior to enactment of an Interim Official Control, so the regulations can be put in place quickly. However, a public hearing must be held within 60 days of its adoption. This requirement will be satisfied by the Public Hearing that is scheduled for September 25, 2017.

The Growth Management Act, RCW 36.70A.390, states that this Interim Official Control may be effective for six (6) months. If additional time is needed to complete the permanent regulations, the Interim Official Control may be renewed for one or more additional six (6) month periods if a subsequent public hearing is held and findings of fact are made prior to each successive renewal.

III. PUBLIC COMMENT

Any person may participate in the Public Hearing by submitting written comments to the City Council in care of Kyle Stannert, City Clerk, P.O. Box 90012, Bellevue, WA 98009, before the Public Hearing, or by submitting written comments or making oral comments to the City Council at the hearing. Written comments may also be submitted by mail to Carol Helland, Code and Policy Director, Development Services Department, City of Bellevue, P.O. Box 90012, Bellevue, Washington, 98009-9012 or by e-mail to chelland@bellevuewa.gov . Comments must be received by 5:00 p.m. on September 25th, 2017. All written comments received by the City Clerk or Code and Policy Director prior to the comment deadline will be transmitted to the City Council no later than the date of the Public Hearing.

ATTACHMENTS

Map of Land Use Districts Where Hotel and Motel Uses are Permitted
Ordinance No. 6368

