



# Bellevue Planning Commission

December 9, 2020

## PLANNING COMMISSION STUDY SESSION ITEM

### SUBJECT

Study Session on two Land Use Code Amendments (LUCAs) related to the City's Affordable Housing Strategy. The first LUCA is to establish provisions in the Land Use Code (LUC) chapter 20.45A Platting and Subdivisions and chapter 20.45 B Short Plats and Short Subdivisions for unit lot subdivisions within Land Use Districts where multifamily development is currently allowed. The second LUCA is to amend LUC 20.20.120 Accessory Dwelling Units (ADUs) to allow an ADU to be built within a new single-family structure. File Nos. 20-105151-AD and 20-105150-AD.

### STAFF CONTACTS

Trisna Tanus, Consulting Attorney, 452-2970

Nick Whipple, Senior Planner, 452-4578

*Development Services Department*

### POLICY ISSUES

The two proposed LUCAs are in response to the City's Affordable Housing Strategy adopted in 2017. Specifically, the City Council has indicated an interest in creating a variety of housing choices (Strategy B) which appeal to people at different income levels and life stages.

The first proposed LUCA is to establish Unit Lot Subdivisions in the City. This LUCA will allow for individual townhouse unit may be owned in fee-simple. The development community, including the Master Builders Association of King and Snohomish Counties, has expressed a desire for the City to adopt the unit lot subdivision structure, consistent with several cities in the region.

The second proposed LUCA is to remove an identified barrier in the construction of attached ADUs, in direct response to Action B-2 Update ADU Standards. The proposed LUCA allows for construction and permitting of attached ADUs at the time of new construction, which will make ADUs more feasible to build and encourage construction of flexible and affordable housing choices in residential neighborhoods. ADUs provide diversity in housing size, type, geographic location, and cultural options to help ensure all residents are welcomed, and to ensure that long-term residents can remain in the City.

### DIRECTION NEEDED FROM THE PLANNING COMMISSION

**ACTION**

**DIRECTION**

**INFORMATION ONLY**

Staff requests input from the Planning Commission on the draft LUCAs. At a future date, the Commission will be asked to hold a public hearing on the proposed LUCAs, 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 LUCAs.

### BACKGROUND/ANALYSIS

#### **Unit Lot Subdivision LUCA**

The proposed LUCA will amend LUC chapters 20.45A Platting and Subdivisions and 20.45B Short Plats and Short Subdivisions to establish provisions for unit lot subdivisions within Land Use Districts where multifamily development is currently allowed. Multifamily development is allowed in Land Use Districts

throughout the City, including Multifamily Residential Districts, Factoria, Office/Limited Business, Downtown, most of BelRed, and Eastgate Transit Oriented Development. Currently, townhouse development is only allowed as a Planned Unit Development (PUD) or multifamily development (condominium ownership). This LUCA promotes a diversity of housing types and promotes affordable homeownership opportunities through the allowance of smaller, fee-simple lots. The proposed LUCA will allow for the subdivision of townhouse dwellings while applying only those development standards applicable to the overall site or the “parent” lot. A strike-draft of the proposed LUCA is provided as Attachment A.

In other words, development standards such as setbacks, lot coverage by structure, impervious surface coverage, and minimum lot area, are applied to the parent lot instead of the individual unit lots. Once a unit lot subdivision is recorded with King County and construction of the townhomes is complete, the unit lot subdivision will have the same appearance as a townhouse development allowed by current zoning requirements. The only difference is a Unit Lot Subdivision will provide a new form of home ownership, which allows for an individual townhouse unit to be owned in fee-simple.

The LUCA adds a new subsection in two chapters of the LUC, 20.45A.065 (special requirements for unit lot subdivisions) and 20.45B.057 (special requirements for unit lot short subdivisions). The two subsections would apply exclusively to the unit lot subdivision of land proposed to be developed with attached multifamily dwellings in any Land Use District that multifamily dwellings are permitted.

As a type of subdivision, unit lot subdivisions will be processed in the same way as regular subdivisions and short subdivisions. The process to permit a unit lot subdivision will be similar to the process to permit short subdivisions (Process II decision) and subdivisions (Process I decision). Recording will also be consistent with the subdivision (short plat and plat) process in place now. This LUCA will not change these procedures.

### **ADU LUCA**

The ADU LUCA will amend LUC 20.20.120 Accessory Dwelling Units and general definitions in chapter 20.50 LUC. A strike-draft of the proposed ADU LUCA is provided as Attachment B. The LUC currently restricts the establishment of an attached ADU until three (3)-years after the final building permit inspection of new construction. The requirement to wait three years before an ADU can be constructed is inefficient, and retrofitting an existing home to include an ADU can be challenging in terms of financial cost and the delay in housing supply. The proposed LUCA will remove this three-year restriction and allow ADUs to be built concurrently and within new single-family construction.

The proposed ADU LUCA will also move the terms “Accessory dwelling unit” and “Owner occupancy” from LUC 20.20.120 to the general definitions chapter 20.50 LUC, for clarity and consistency.

### **Public Engagement**

For these proposed LUCAs, staff has developed a public engagement plan with three modes of outreach to ensure the public, stakeholders, and interested parties have the opportunity to be informed and to provide comments.

- A. 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 LUCAs on December 3; and
  - public hearing on the proposed LUCAs anticipated in January.

- B. Direct Engagement and Feedback. Dialogue with the Master Builders Association of King and Snohomish Counties regarding the proposed amendments.
- C. Online Presence. City webpage for both LUCAs to provide opportunities for the public to stay informed, including:
  - an inbox for public comments; and
  - public information messages regarding LUCA progression.

### **Anticipated Schedule**

The Planning Commission will be introduced to and will be asked to consider two proposed LUCAs at the December 9 study session. This meeting will provide an opportunity for the Commission to evaluate the proposed amendments and also ask staff for additional data and information requests in advance of the public hearing as well as set a public hearing date of January 13.

Both the LUCAs are being processed in parallel for efficiency and because they both relate to the City's Affordable Housing Strategy. However, each LUCA will require its own public hearing and recommendation which will be reflected in the public hearing materials forwarded to the Commission.

The anticipated timeline for processing of the two LUCAs with the Planning Commission will occur between December and January, and with the City Council in February.

- Planning Commission Introduction and direction – December 9, 2020
- Staff Recommendation Published – December 17, 2020
- Planning Commission Public Hearings and Recommendation – January 13, 2021
- City Council Study Session, including Planning Commission Recommendation – February 1, 2021 (tentative)
- East Bellevue Community Council (EBCC) Courtesy Public Hearing – February 2, 2021 (tentative)
- City Council Action – February 22, 2021 (tentative)
- EBCC Public Hearing and Approval/Disapproval – March 2, 2021 (tentative)

### **OPTIONS**

1. Direct staff to prepare the proposed LUCA for public hearing on January 13, 2021
2. Provide an alternative direction to staff.

### **RECOMMENDATION**

Option 1.

### **ATTACHMENT(S)**

1. Strike-Draft of Unit Lot Subdivision LUCA
2. Strike-Draft of ADU LUCA