

# City of Bellevue



## STAFF REPORT

DATE: December 17, 2020

TO: Chair Moolgavkar and Members of the Planning Commission

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*Development Services Department*

**SUBJECT:** Public Hearing on a Land Use Code Amendment (LUCA) to remove the three-year wait period to establish an Accessory Dwelling Unit (ADU) in new single-family residential construction. File No. 20-105151-AD.

### I. BACKGROUND

The proposed ADU LUCA will amend Land Use Code (LUC) 20.20.120 Accessory Dwelling Units to remove the three-year wait period to establish an ADU in a new single-family residential construction. A strike-draft of the proposed ADU LUCA is provided as Attachment A.

Currently, the LUC restricts the establishment of an ADU until three (3)-years after the final building permit inspection of new construction. This restriction is inefficient, and retrofitting an existing home to include an ADU results in increased financial cost and a delay in the ability to add to the City's housing supply. This LUCA will remove this three-year restriction and allow ADUs to be built concurrently and within new single-family construction.

This proposed ADU LUCA is in response to the City's Affordable Housing Strategy, Action B-2, which calls for updating the ADU standards in the LUC to increase the overall supply of ADUs in the City. Allowing for the construction and permitting of ADUs at the time of new construction will make ADUs more feasible to build and encourage construction of this type of housing option 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.

### II. REVIEW PROCESS

In the December 9 Study Session, the proposed ADU LUCA was introduced to the Planning Commission for review and discussion. After discussion, the Planning Commission directed staff to schedule the required public hearing for January 13. Following the public hearing on January 13, the Planning Commission will be asked to make a recommendation for transmittal to the City Council for final action.

The City Council is anticipated to consider the ADU LUCA and the Planning Commission Recommendation on February 1, and may take final action on February 22.

The EBCC is anticipated to be introduced to and hold a courtesy public hearing on the ADU LUCA on February 2. The EBCC is tentatively scheduled to hold a public hearing and make an approval/disapproval decision on March 2.

### **III. PUBLIC ENGAGEMENT**

#### Required Public Notice

The notice required for City Council Legislative Actions (Process IV) is governed by LUC 20.35.415 through 20.35.450. Notice of the LUCA application, including notice of the SEPA, was published in the Weekly Permit Bulletin on December 3, 2020, and availability of the Weekly Permit Bulletin was noticed in the Seattle Times. Notice of the Public Hearing was published in the Weekly Permit Bulletin on December 17, along with availability of this staff report. The notice of public hearing was also provided to members of the EBCC and those individuals who have subscribed to receive these notices and those who have expressed interest on this topic.

#### Department of Commerce Notice

Pursuant to the Washington State Growth Management Act, proposed amendments to the LUC must be sent to the Washington State Department of Commerce to review and comment on the proposed amendments to the LUC. The required notice to the Department of Commerce and the initial draft LUCA were transmitted on November 17, 2020, and a copy of both documents is available for review in the code amendment file. The LUCA is identified by Commerce as ID\_2020-S-2029. No comments have been received by Commerce as of the date of this report.

#### Enhanced Public Notice

In addition to the requirements of LUC 20.35.415 *et seq* for City Council Legislative Actions, staff has provided enhanced public outreach for this LUCA to include an online presence. A webpage was launched for this LUCA to provide opportunity for the public to learn about the LUCA, with sections on public information messages regarding the LUCA progression, and staff contact information to submit written comments.

#### Public Comments

As of the date of this staff report, staff has received general inquiries from the public seeking clarification on the current ADU process and information on the effective date of the proposed amendments, presumably to take advantage of this LUCA.

### **IV. DECISION CRITERIA**

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

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

**Finding:** The proposed LUCA is consistent with the Comprehensive Plan. The amendment will remove a barrier to construct ADUs by allowing ADUs to be permitted and built at the time of new construction. 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 their homes or neighborhood. The LUCA will make ADUs more feasible and encourage the construction of this flexible and affordable housing choice in residential neighborhoods. The proposed code amendment is supported by the following Comprehensive Plan policies:

**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.

**Policy HO-17.** Evaluate the housing cost and supply implications of proposed regulations and procedures.

**Policy HO-19.** Support housing options, programs, and services that allow seniors to stay in their homes or neighborhood. Promote awareness of Universal Design improvements that increase housing accessibility.

**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.

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

**Finding:** The amendment will enhance the public health, safety and welfare of people by making ADUs more feasible to construct, thereby encouraging the availability of housing choices in existing residential neighborhoods. Allowing for a diversity in housing types provides cultural options for residents and enables long-term residents to stay in their home or neighborhood.

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

**Finding:** The amendment is not contrary to the interests of citizens and property owners of the City as it will continue to allow for attached ADUs in single-family homes and remove an identified barrier to build ADUs in the City.

## V. RECOMMENDATION

Staff has concluded that the ADU LUCA to remove the three-year wait period to establish an ADU in a new single-family residential construction, as drafted in Attachment A, 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 that the Planning Commission direct staff to prepare the LUCA for recommendation to Council.

## ATTACHMENTS:

A. Proposed ADU LUCA Strike-Draft