



Bellevue Planning Commission

September 8, 2021

PLANNING COMMISSION STUDY SESSION ITEM

SUBJECT

Study Session on a proposed Land Use Code Amendment (LUCA) to allow and regulate Permanent Supportive Housing, Transitional Housing, Emergency Housing, and Emergency Shelter. This LUCA is necessary to bring the Land Use Code (LUC) into conformance with recent amendments to Chapter 35A.21 RCW and the Growth Management Act, Chapter 36.70A RCW (GMA).

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POLICY ISSUES

The proposed LUCA is required for consistency with Chapter 35A.21 RCW and the GMA, which now require cities to allow Permanent Supportive Housing and Transitional Housing in all Land Use Districts where residential or hotel/motel uses are allowed; and indoor emergency housing and indoor emergency shelter in all Land Use Districts where hotel and motel uses are allowed.

Further, the Comprehensive Plan contains several policies that support the proposed LUCA, including:

- **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.

DIRECTION NEEDED FROM THE PLANNING COMMISSION

ACTION



DIRECTION



INFORMATION ONLY



Staff will be presenting the components of the proposed LUCA in two study sessions. After the study sessions, the Planning Commission will be asked to hold a public hearing and recommend approval of the proposed LUCA.

	Topic Areas
<input checked="" type="checkbox"/>	<u>Study Session 1 (September 8):</u> <ul style="list-style-type: none">• Topic 1. Permanent Supportive Housing and Transitional Housing (Supportive Housing)

<input type="checkbox"/>	<u>Study Session 2 (September 22):</u> <ul style="list-style-type: none"> • Topic 2. Emergency Housing and Emergency Shelter (Homeless Services Uses)
<input type="checkbox"/>	<u>Public Hearing (October 27):</u> <ul style="list-style-type: none"> • Required Public Hearing • Planning Commission Recommendation

BACKGROUND/ANALYSIS

State Legislation

Chapter 35A.21 RCW and the GMA, as amended by House Bill (HB) 1220, enacted during the 2021 legislative session, mandate that all cities allow permanent supportive housing and transitional housing in all Land Use Districts where residential uses or hotels and motels are allowed. These uses are defined in the RCW as follows:

- **Permanent Supportive Housing (RCW 36.70A.030):** Subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.
- **Transitional Housing (RCW 84.36.043):** A project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living arrangements.

The other uses described in HB 1220, Emergency Housing and Emergency Shelter, will be discussed at the next Planning Commission Study Session for this LUCA, scheduled for September 22.

Existing Regulatory Scheme for Permanent Supportive Housing and Transitional Housing

The LUC currently does not contain specific language regulating Permanent Supportive Housing or Transitional Housing as distinct uses. The City permits these uses simply as residential dwellings.

Interim Official Control (IOC) – Ordinance No. 6585

In order to bring the LUC into immediate conformance with Chapter 35A.21 RCW and the GMA prior to HB 1220's effective date of July 25, 2021, Council adopted an IOC under Ordinance No. 6585 (Attachment A) on July 12. This IOC defines Permanent Supportive Housing and Transitional Housing consistent with Chapter 36.70A RCW, and provides that these uses are allowed in all Land Use Districts where residential uses or hotels and motels are allowed.

Ordinance No. 6585 remains in effect for six months, expiring in January 2022. Staff anticipate this LUCA will be adopted prior to the IOC expiration, but Council may extend the IOC by another six months if necessary.

Components of the Proposed LUCA – Supportive Housing

The proposed LUCA includes three main components for Permanent Supportive Housing and Transitional Housing (Attachment B):

1. *New Definition for Supportive Housing (LUC 20.50.046)*

A new definition is proposed in the LUC for “Supportive Housing.” This definition includes references to both RCW definitions for Permanent Supportive Housing and Transitional Housing. Staff recommend these be merged into a single use in the LUC because they both consist of residential dwellings paired with supportive services intended for non-transient occupancy (more than 30 days).

2. *Requirements for Supportive Housing (LUC 20.20.845)*

A new section is proposed to be added to LUC Chapter 20.20 containing regulations specific to Supportive Housing uses. These regulations are broken into two subsections:

- The first section (A) addresses the various types of structures that may accommodate Supportive Housing, depending on the Land Use District in which the facility is located. The intent of this section is to ensure Supportive Housing uses are permitted in the Land Use Districts identified in and required by the applicable state law, while also maintaining the density, dimensional, and design standards of those Districts.

For example, a multi-unit Supportive Housing facility will only be allowed where multifamily development is allowed and is limited to the allowable density of the underlying Land Use District. A 0.5-acre site in the R-10 Land Use District, with an allowable density of 10 units per acre, will be able to accommodate a 5-unit Supportive Housing facility.

- The second section describes registration and public meeting requirements for Supportive Housing facilities. Staff proposes that Supportive Housing facilities register with the City by providing certain relevant information, including:
 - Contact information for any on-site staff, property managers, owners, and service providers of the facility; and
 - Standard operating procedures for the facility, including the number of residents expected at the facility, the types of services provided, and management plans to ensure the site remains clean and free of hazards and public nuisances.

Additionally, staff propose requiring the operator to hold an informational public meeting within 60 days of registration. This is intended to facilitate a dialogue between the operator and neighbors of the project site. Public notice of the meeting will follow the noticing requirements under LUC 20.35.120.B.

3. *New Notes in the Land Use Tables*

Similar to the structure of the IOC, notes are proposed to be added to all Land Use Tables where residential uses or hotel/motel uses are shown, including:

- LUC 20.10.440 – Residential/Nonresidential Land Use Districts
- LUC 20.25A.050(D) – Downtown Land Use Districts
- LUC 20.25D.070 – BelRed Land Use Districts
- LUC 20.25F.010 – Evergreen Highland Permitted Land Uses
- LUC 20.25L.020 – Office Limited Business – Open Space (OLB-OS) Permitted Land Uses
- LUC 20.25P.050 – Eastgate Transit-Oriented Development (EG-TOD) Land Use District

The proposed notes state that Supportive Housing is permitted when meeting the requirements described above.

Public Engagement

Staff is implementing three 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, including usage of the Optional DNS process under SEPA, of the proposed LUCA on August 19; and
 - Public hearing on the proposed LUCA anticipated in October
 - EBCC public hearings, including a courtesy hearing and a public hearing prior to approval/disapproval of the LUCA
2. Direct Engagement and Feedback. Dialogue with stakeholders and interested parties.
3. Online Presence. City webpage to provide opportunities for the public to stay informed and to request additional information, including:
 - Staff contacts; and
 - Public information regarding LUCA progression.

Staff will continue to collect feedback from the public, stakeholders, and interested parties and summarize their comments for the Planning Commission throughout the LUCA process.

Anticipated Schedule

The Planning Commission will be introduced to and asked to consider the proposed LUCA. The anticipated timeline for processing the LUCA is as follows:

- Planning Commission Study Sessions: September 8 and September 22
- EBCC Courtesy Hearing: October 5 (Tentative)
- Planning Commission Public Hearing and Recommendation: October 27 (Tentative)
- City Council Study Session: TBD
- City Council Action: TBD
- EBCC Public Hearing and Approval/Disapproval: TBD

ATTACHMENT(S)

- A. Ordinance No. 6585 (Interim Official Control)
- B. Strike-Draft of Proposed LUCA