



Bellevue Planning Commission

September 22, 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 polices 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

This is the second of two scheduled study sessions for the Planning Commission to consider the components of this proposed LUCA. The first study session was held on September 8, and covered the topics of Permanent Supportive Housing and Transitional Housing. This study session will focus on Emergency Housing and Emergency Shelter. Staff intends to return with information and responses to questions and requests from these two study session at a third study session.

After the study session, the Planning Commission will be asked to schedule a public hearing at a future meeting on the LUCA. Following the public hearing, the Planning Commission will be asked to 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 checked="" 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>Study Session 3 (October 13):</u> <ul style="list-style-type: none"> • Additional Information and Responses to Questions
<input type="checkbox"/>	<u>Public Hearing (future meeting):</u> <ul style="list-style-type: none"> • Required Public Hearing • Planning Commission Recommendation

BACKGROUND/ANALYSIS

State Legislation

In addition to Permanent Supportive Housing and Transitional Housing (presented to the Planning Commission at the September 8 Study Session), Chapter 36.70A RCW and the GMA, as amended by House Bill (HB) 1220, mandate that all cities allow indoor emergency housing and indoor emergency shelter in all zones where hotels and motels are allowed. The definitions for these uses in RCW 36.70A.030 are as follows:

- **Emergency Housing:** Temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.
- **Emergency Shelter:** A facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

Existing Regulatory Scheme for Emergency Housing and Emergency Shelter

The RCW definition for Emergency Shelter is generally consistent with the existing definitions for Homeless Services Uses in LUC 20.20.455, which include both overnight shelters and day centers. Emergency Housing is not defined in LUC 20.20.455, but due to the varying duration of stay and the limited services provided, this use is within the scope of Homeless Services Uses in the LUC.

The existing LUC lists Homeless Services Uses as conditional uses in all Land Use Districts where hotels and motels are currently allowed, except for Neighborhood Mixed Use (NMU), Office Limited Business – Open Space (OLB-OS), and Evergreen Highlands D (EH-D). Thus, Homeless Services Uses may be permitted with a Conditional Use Permit or, if the City Council agrees, a Development Agreement. These uses are also subject to supplemental submittal requirements and approval criteria under LUC 20.20.455, which include:

- Submittal of standard operating procedures, codes of resident conduct, and safety/security plans; and

- A Good Neighbor Agreement (GNA) process

Interim Official Control (IOC) – Ordinance No. 6585

In order to bring the LUC into immediate conformance with Chapter 36.70A 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. Related to Emergency Housing and Emergency Shelter, the IOC incorporated the RCW definitions of Emergency Housing and Emergency Shelter within the definitions for Homeless Services Uses under LUC 20.20.455.C, and updated the Land Use Charts to allow Homeless Services Uses (as a conditional use) in all Land Use Districts where hotels and motels are allowed.

The IOC is effective for six months, expiring in January 2022. The current schedule anticipates this LUCA to be adopted prior to the IOC expiration, but Council may extend the IOC by another six months if necessary.

Components of the Proposed LUCA – Emergency Housing and Shelter

The proposed LUCA maintains and permanently codifies the framework of the IOC (Ordinance No. 6585). The following amendments are proposed for this LUCA (Attachment A):

1. *Emergency Housing and Emergency Shelter as Homeless Services Uses*

The definitions for Homeless Services Uses under LUC 20.20.455.C are proposed to be amended for clarification and consistency with RCW 36.70A as follows:

- Day Services Centers do not provide overnight accommodations;
- Overnight Shelter is defined as emergency and temporary shelter only for unforeseen emergency circumstances, such as significant weather events. This amendment is intended to distinguish this type of shelter from Emergency Shelter, as defined under RCW 36.70A.030(10);
- The Overnight Shelter definition is updated to include a reference to Emergency Shelter as defined under RCW 36.70A.030(10); and
- Emergency Housing is added as a use under Homeless Services Uses and defined consistently with RCW 36.70A.030(9)

No changes to approval procedures or submittal requirements for homeless services uses are proposed.

2. *Updates to the Land Use Charts*

Three Land Use Charts are proposed to be updated to allow Homeless Services Uses as a conditional use wherever hotel and motel uses are allowed:

- Neighborhood Mixed Use (NMU) – LUC 20.10.440
- Evergreen Highlands D (EH-D) – LUC 20.25F.010
- Office Limited Business – Open Space (OLB-OS) – LUC 20.25L.020

In addition, a note is proposed under the above-listed Charts stating Homeless Services Uses require approval of a Conditional Use Permit or Development Agreement, referring to LUC

20.20.455.D. This is a standard note already included in other Land Use Charts where Homeless Services Uses are listed.

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, 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

2. 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

Anticipated Schedule

The anticipated timeline for processing the LUCA is as follows:

- Planning Commission Study Sessions: September 8 (Complete), September 22, and October 13
- EBCC Courtesy Hearing: November 2 (Tentative)
- Planning Commission Public Hearing and Recommendation: November 10 (Tentative)
- City Council Study Session: TBD
- City Council Action: TBD
- EBCC Public Hearing and Approval/Disapproval: TBD
- IOC Ordinance No. 6585 Expiration: January 12, 2022

ATTACHMENT(S)

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