

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6616

AN ORDINANCE to amend sections 20.20.120, 20.20.140, 20.20.700, and 20.50.020 of the Land Use Code (LUC) to remove limitations on the number of unrelated persons that may occupy a dwelling unit, and amend LUC 20.30N.140, 20.50.044 and 20.50.046 for clarification and consistency; repealing Ordinance No. 6586; providing for severability; and establishing an effective date.

WHEREAS, in 2021, the Washington State Legislature passed Senate Bill (SB) 5235, amending RCW 35A.21.314 to prohibit cities in Washington from imposing limits on the number of unrelated persons that may occupy a dwelling unit; and

WHEREAS, the Washington State Legislature, in passing SB 5235, found that local regulations, such as occupancy limits for dwelling units, act as arbitrary barriers and restrictions that limit affordable housing opportunities; and

WHEREAS, the City of Bellevue's Land Use Code has limited the number of unrelated persons that may occupy a dwelling unit to a "Family," which was defined in LUC 20.50.020 as a maximum of four (4) unrelated adults and was, therefore, inconsistent with RCW 35A.21.314; and

WHEREAS, the City's Land Use Code has limited the number of unrelated persons that may occupy both the primary residence and an Accessory Dwelling Unit in LUC 20.20.120 to the number provided in the definition of "Family," which is also inconsistent with RCW 35A.21.314; and

WHEREAS, the City's Land Use Code has limited the number of persons that may occupy a Rooming House to no more than five (5) individuals at any given time in LUC 20.20.700, which is also inconsistent with RCW 35A.21.314; and

WHEREAS, the City's Land Use Code has limited the number of occupants residing in Boarding Houses for 30 days or more to no more than two (2) unrelated adults, which is also inconsistent RCW 35A.21.314; and

WHEREAS, on July 12, 2021, the Bellevue City Council adopted Interim Official Controls through Ordinance No. 6586 to address the above-noted inconsistencies and bring the Land Use Code into immediate compliance with RCW 35A.21.314; and

WHEREAS, on August 2, 2021, the Bellevue City Council initiated processing of permanent development regulations to bring the Land Use Code into compliance with RCW 35A.21.314; and

WHEREAS, the City of Bellevue Comprehensive Plan encourages the expansion of affordable housing opportunities in Bellevue; and

WHEREAS, the Environmental Coordinator for the City of Bellevue has determined that this text amendment to the Land Use Code would be Categorically Exempt from the Threshold Determination requirements of the State Environmental Policy Act pursuant to the terms of WAC 197-11-800(19); and

WHEREAS, the Planning Commission held a study session on September 8, 2021 to discuss the proposed Land Use Code amendment to remove residential occupancy limits and bring the Land Use Code into compliance with RCW 35A.21.314; and

WHEREAS, after providing legally-required public notice, the Planning Commission held a public hearing on October 13, 2021 for this residential occupancy Land Use Code amendment; and

WHEREAS, the Planning Commission, after holding the required public hearing, recommended that the City Council approve this Land Use Code amendment; and

WHEREAS, after providing legally-required public notice, the City Council considered this Land Use Code amendment at its October 25, 2021 regular meeting; and

WHEREAS, the City Council finds that this Land Use Code amendment meets the decision criteria of LUC 20.30J.135 and is consistent with the Comprehensive Plan, enhances the public safety and welfare, and is not contrary to the best interest of the citizens and property owners of the City of Bellevue, as more completely analyzed in the Staff Report dated October 13, 2021; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.20.120.A of the Bellevue Land Use Code is hereby amended to read as follows:

A. General.

One accessory dwelling unit is permitted as subordinate to a single-family dwelling provided the following criteria are met:

1. Accessory dwelling units may not be subdivided or otherwise segregated in ownership from the primary residence structure;
2. Either the primary residence or the accessory dwelling unit must be occupied by an owner of the property that meets the definition of owner occupancy in LUC 20.50.038;

3. The accessory dwelling unit shall contain not less than 300 square feet and not more than 800 square feet, excluding any related garage area; provided, if the accessory unit is completely located on a single floor, the Director may allow increased size in order to efficiently use all floor area, so long as all other standards set forth in this section are met;
4. The square footage of the accessory dwelling unit, excluding any garage area, shall not exceed 40 percent of the total square footage of the primary residence and accessory dwelling unit combined, excluding any garage area;
5. There shall be one off-street parking space provided for the accessory dwelling unit, which is in addition to any off-street spaces required for the primary residence;
6. The construction of a second entry door facing a street front for entrance into an accessory unit is prohibited; new entrances not facing a street front are permitted on the sides and rear of a house, or on the front side of a house facing a street where no other entry door exists; provided, that existing single-family structures with two or more entry doors facing a street shall not be prohibited from using one of those doors to access the accessory unit; and
7. The accessory dwelling unit shall meet all technical code standards, BCC Title 23, including building, electrical, fire, and plumbing code requirements.

Section 2. Section 20.20.140 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.140 Boarding houses and bed and breakfasts.

- A. Boarding houses and bed and breakfasts require a Home Occupation Permit, Part 20.30N LUC, approval.
- B. The following rental and occupancy limits apply to boarding houses and bed and breakfasts:
 1. For transient lodging, a maximum of two rooms may be rented to a maximum of two adults per room and any number of accompanying minor children, provided there is compliance with health and building code requirements.
 2. For non-transient lodging, a maximum of two rooms may be rented.
- C. The owner of the rooms to be rented shall provide off-street parking for such rooms at the rate of at least one parking stall for each room.

Section 3. Section 20.20.700.A.2 of the Bellevue Land Use Code is hereby amended to read as follows:

2. The rooming house shall offer no more than four rooms for rent at any one time; and

Section 4. Section 20.30N.140.A.3 of the Bellevue Land Use Code is hereby amended to read as follows:

3. No more than one person who is not a resident of the dwelling is participating in the business at the dwelling, except in Boarding Houses and Bed and Breakfasts pursuant to LUC 20.20.140; and

Section 5. Section 20.50.020 – F Definitions of the Bellevue Land Use Code is hereby amended to revise the definition of Family to read as follows:

Family. One or more persons, either related or unrelated, living together as a single housekeeping unit.

Section 6. Section 20.50.044 – R Definitions of the Bellevue Land Use Code is hereby amended to revise the definition of Rooming House to read as follows:

Rooming House. A non-owner-occupied dwelling in which rooms are rented on an individual room basis. (Refer to LUC 20.20.700 for general development requirements applicable to Rooming House uses.)

Section 7. Section 20.50.046 – S Definitions of the Bellevue Land Use Code is hereby amended to revise the definition of Single Housekeeping Unit to read as follows:

Single Housekeeping Unit. One household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method. Persons occupying a dwelling unit as Transient Lodging shall not be considered a Single Housekeeping Unit, except as permitted in Bed and Breakfast and Boarding House uses.

Section 8. Repealer. Ordinance No. 6586 is hereby repealed in its entirety.

Section 9. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 10. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2021 and signed in authentication of its passage this _____ day of _____, 2021.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:

Kathryn L. Gerla, City Attorney

Matthew McFarland, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published: _____