



DATE: September 7, 2017

TO: Mayor Stokes and Members of the City Council

FROM: Carol Helland, Code and Policy Director 452-2724
Development Services Department

SUBJECT: Public Hearing on Ordinance No. 6368 imposing an Interim Official Control regarding the permit process required to establish a homeless shelter and identifying the Land Use Districts where a homeless shelter may be permitted.

On August 7, 2017, the City Council adopted an Interim Official Control amending the Land Use Code (LUC) to subject homeless shelters to the Conditional Use provisions specified in Part 20.30B LUC and to the general development requirements for land use districts where homeless shelters were already permitted.

The Interim Official Control did not permit any specific shelter use, or allow one to be located in any land use district where such use was not already allowed. Because this is an Interim Official Control, a public hearing is required within 60 days of the enactment of the ordinance in order to remain in effect. On September 25, 2017, the City Council will be holding a public hearing on the Interim Official Control. Following the public hearing, Council will be asked to provide direction to staff regarding development of permanent regulations which will be prepared during the effective period of Interim Official Control.

I. BACKGROUND

The City Council Vision Priorities direct the City to work with regional partners to establish an Eastside permanent winter homeless shelter to be ready for the winter of 2018/19. This priority is consistent with the Council's Diversity Advantage Plan, which includes an action item "supporting the establishment of a year-round homeless shelter on the Eastside."

As part of the priority to establish a permanent men's shelter on the Eastside, the City Council determined that it is necessary and appropriate to amend the LUC to provide additional clarity regarding the shelter use. Specifically, the City Council identified the need for clarity in the LUC regarding how the shelter use is described and regulated, and where in the City a shelter use is currently allowed. The community also raised concerns to Council regarding the regulation of homeless shelters.

Prior to adoption of Ordinance No. 6368, shelter uses were regulated under the LUC as part of the "Hotel/Motel" use category and through the permit process identified for

establishment of Hotel/Motel uses. Hotel/Motel uses are currently allowed by the LUC in the following land use districts:

- Eastgate Transit Oriented Development (EG-TOD);
- Office/Limited Business and Office/Limited Business 2 (OLB/OLB 2);
- Community Business (CB);
- Factoria Land Use Districts 1, 2 and 3;
- All downtown land use districts; and
- The following BelRed land use districts – medical office, office/residential; residential/commercial, general commercial, and commercial/residential.

A map depicting the locations of these land use districts citywide is included with this Staff Report.

Ordinance No. 6368 was adopted on August 7, 2017 to:

- Provide consistency in the land use code related to permitting a homeless shelter use in all districts where the Hotel/Motel use was already allowed;
- Impose the Conditional Use provisions specified in LUC Part 20.30B on shelter uses; and
- Impose the general development requirements applicable in the land use districts where homeless shelters are permitted.

II. REVIEW PROCESS

The City Council initiated this LUC amendment at its Council meeting on August 7 when it adopted Ordinance No. 6368 imposing an Interim Official Control regarding the permit process required to establish a homeless shelter and identifying the Land Use Districts where a homeless shelter may be permitted.

An Interim Official Control puts temporary regulations in place to guide new development while permanent regulations are being prepared. Notice and a public hearing are not necessary prior to enactment of an Interim Official Control, so the regulations can be put in place quickly. However, a public hearing must be held within 60 days of its adoption. This requirement will be satisfied by the Public Hearing that is scheduled for September 25, 2017.

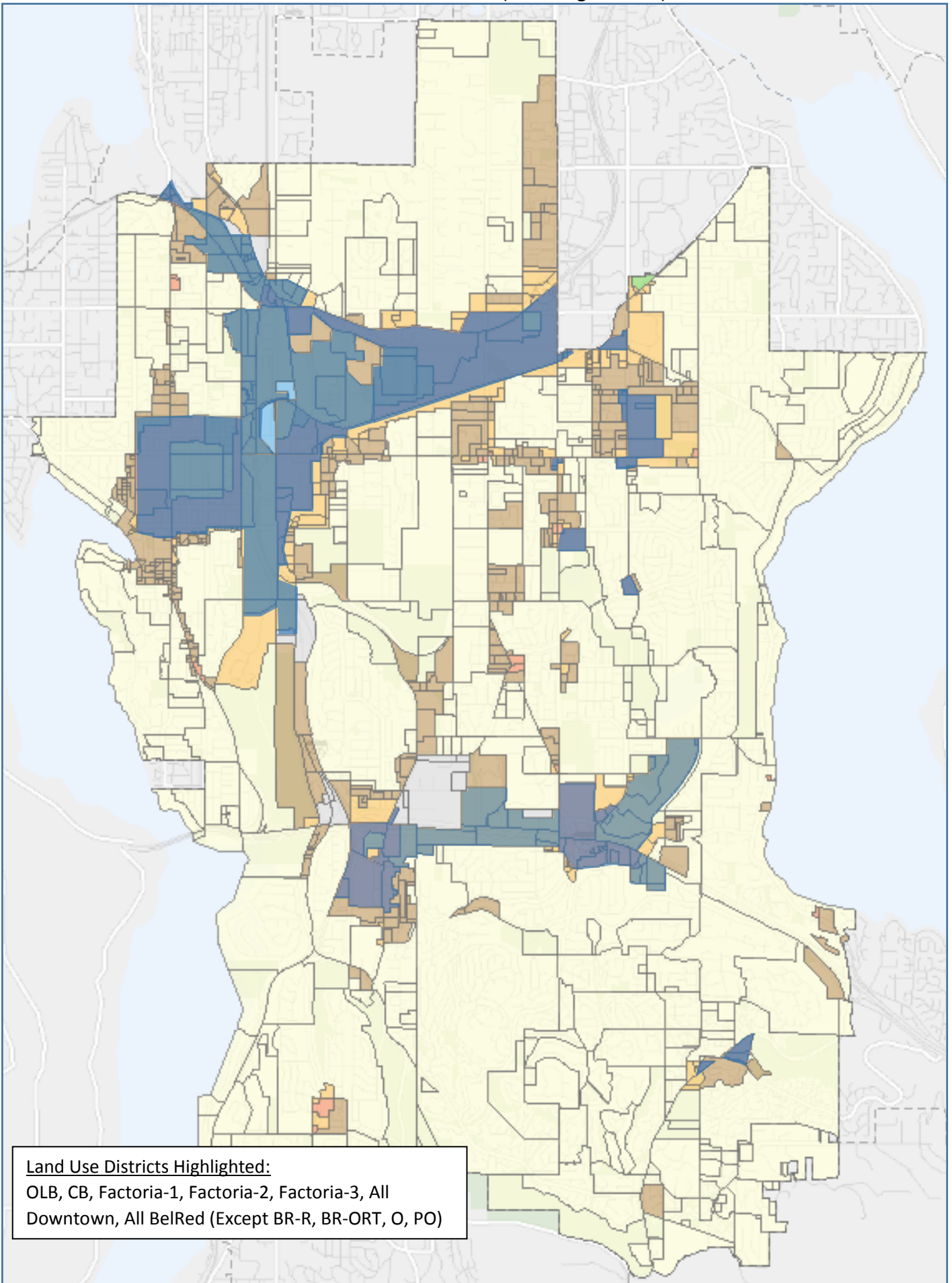
The Growth Management Act, RCW 36.70A.390, states that this Interim Official Control may be effective for six (6) months. If additional time is needed to complete the permanent regulations, the Interim Official Control may be renewed for one or more additional six (6) month periods if a subsequent public hearing is held and findings of fact are made prior to each successive renewal.

III. PUBLIC COMMENT

Any person may participate in the Public Hearing by submitting written comments to the City Council in care of Kyle Stannert, City Clerk, P.O. Box 90012, Bellevue, WA 98009, before the Public Hearing, or by submitting written comments or making oral comments to the City Council at the hearing. Written comments may also be submitted by mail to Carol Helland, Code and Policy Director, Development Services Department, City of Bellevue, P.O. Box 90012, Bellevue, Washington, 98009-9012 or by e-mail to chelland@bellevuewa.gov . Comments must be received by 5:00 p.m. on September 25th, 2017. All written comments received by the City Clerk or Code and Policy Director prior to the comment deadline will be transmitted to the City Council no later than the date of the Public Hearing.

ATTACHMENTS

Map of Land Use Districts Where Hotel and Motel Uses are Permitted
Ordinance No. 6368



Land Use Districts Highlighted:
OLB, CB, Factoria-1, Factoria-2, Factoria-3, All
Downtown, All BelRed (Except BR-R, BR-ORT, O, PO)

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6368

AN ORDINANCE imposing an interim official control regarding the permit process required to establish a homeless shelter and identifying the Land Use Districts where a homeless shelter may be permitted; providing for severability; and establishing an effective date.

WHEREAS, the City Council Vision Priorities direct the City to work with regional partners to “establish an Eastside permanent winter homeless shelter to be ready for the winter of 2018/19;” and

WHEREAS, this priority is reinforced and expanded in the Council’s adopted 2014 Diversity Advantage Plan, which includes an action item “supporting the establishment of a year-round homeless shelter on the Eastside”; and

WHEREAS, the City has undertaken a comprehensive approach toward homelessness that requires a high level of coordination between services, facilities, policies and enforcement; and

WHEREAS, there are several on-going land use code amendment projects including the Eastgate/I-90 Corridor Plan and Downtown Livability, where the topic of homeless shelter permitting has been raised and discussed by the Planning Commission; and

WHEREAS, the Council has an interest in pursuing a holistic approach to the permitting of homeless shelters citywide to avoid an ad hoc regulatory approach to the permitting of this use; and

WHEREAS, in order to respond to this emerging policy issue, the City Council has expressed a desire to provide consistency in the land use code related to permitting homeless shelters in all districts where Hotel/Motel and Transient Lodging Uses are currently allowed subject to the Conditional Use provisions specified in Part 20.30B and to general requirements for the land use district in the near-term pursuant to an Interim Official Control; and

WHEREAS, while the Interim Official Controls are in place, the City Council is interested in developing permanent regulations that will support its vision to establish a homeless shelter 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 City Council adopts the foregoing as its findings of fact justifying adoption of this Ordinance; now, therefore

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

Section 1. Imposition of Interim Official Control. An interim official control is hereby imposed to amend the Residential Use Chart of the Bellevue Land Use Code in section 20.10.440 to read as follows:

Chart 20.10.440 Residential Uses

Uses in land use districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential – Residential Districts											
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30	
1	Residential												
	Single-Family Dwelling (3)	P	P	P	P	P	P	P	P	P	P	P	P
	Two to Four Dwelling Units Per Structure (6)	PD	PD	PD	PD	PD	PD	PD	P	P	P	P	P
	Five or More Dwelling Units Per Structure (6)	PD	PD	PD	PD	PD	PD	PD	P	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities (16)								C	P	P	P	P
	Rooming House (17)								P	P	P	P	P
	Senior Citizen Dwellings (4,7*)	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	P	P	P	P	P
13	Hotels and Motels												
15	Homeless Shelter: Permanent												
	Congregate Care Senior Housing (4,7*,16)								P	P	P	P	P
6516	Nursing Home (7*,16)								C	P	P	P	P
	Assisted Living (4,7*)								C	P	P	P	P
	Accessory Dwelling Unit (9)	S	S	S	S	S	S	S	S	S	S	S	S

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

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Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

* Not effective within the jurisdiction of the East Bellevue Community Council.

Chart 20.10.440

Uses in land use districts

Residential – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/ Limited Business	Office/ Limited Business 2	Light Indus- try	General Com- mercial	Neighbor- hood Business	Neighborhood Mixed Use	Com- munity Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	NMU	CB	F1	F2	F3
1	Residential												
	Single-Family Dwelling (3)	P 15	P 1	S		S	S	P 8		S	S	S	S
	Two to Four Dwelling Units Per Structure (6)		P 1	P	P			P 8	P 8	P 6	P	P	P
	Five or More Dwelling Units Per Structure (6)		P 1	P	P			P 8	P 8	P 6	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities (16)				P				C	C	C		
	Rooming House (17)			P	P				P	P	P	P	P
	Senior Citizen Dwellings (4,7*)	P	P	P	P			P 8	P 8	P	P	P	P
13	Hotels and Motels			P	P				P	C	C	P	P
15	Homeless Shelter: Permanent			C	C				C	C	C	C	C

Residential – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/ Limited Business	Office/ Limited Business 2	Light Indus- try	General Com- mercial	Neighbor- hood Business	Neighborhood Mixed Use	Com- munity Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	NMU	CB	F1	F2	F3
	Congregate Care Senior Housing (4,7*,16)	P	P	P	P			P	P	P	P	P	P
6516	Nursing Home (7*,16)	C	P	P				C		P	P	P	P
	Assisted Living (4,7*)	C	P	C	P			C	P	P	P	C	C
	Accessory Dwelling Unit (9)	S	S	S		S	S	S		S	S	S	S

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

Permitted uses in the Eastgate Transit Oriented Development District (EG-TOD) are listed in LUC 20.25P.050.

* Not effective within the jurisdiction of the East Bellevue Community Council.

Notes: Uses in land use districts – Residential

(1) No more than 50 percent of the gross floor area of the structure shall be devoted to residential use in O Districts, unless Conditional Use Permit approval is obtained and the applicable Comprehensive Plan policies do not discourage multifamily uses.

(2) Intentionally deleted.

(3) A boardinghouse or bed and breakfast is permitted in a single-family dwelling, provided the requirements of LUC 20.20.140 are met.

(4) An agreement must be recorded with the King County Recorder's Office, or its successor agency, and filed with the Bellevue City Clerk, restricting senior citizen dwellings, congregare care senior housing, or assisted living to remain for the life of the project.

(5) Through the planned unit development process, senior citizen dwellings may include common dining and recreation facilities.

(6) Multifamily development in Planning Districts A and B of the Crossroads Subarea is not allowed. Multifamily development in Planning District E of the Crossroads Subarea north of NE 8th Street may be

allowed through a Council-approved development agreement that is consistent with Chapter 36.70B RCW and includes design guidelines that are consistent with the vision of Comprehensive Plan Policies S-CR-79 and S-CR-81 regarding the creation of mixed-use developments with pedestrian connections, park connections where appropriate, and public open space. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.

(7) In Planning Districts A and B of the Crossroads Subarea and in Planning District E of the Crossroads Subarea north of NE 8th Street, existing legal nonconforming multifamily uses can be converted to senior citizen housing, congregate care senior housing, assisted living or nursing homes. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.

(8) These residential uses are permitted in NB and NMU Districts only if located on the second floor and above the permitted ground floor nonresidential uses.

(9) Accessory dwelling units are permitted only as subordinate to single-family dwellings and are subject to the provisions of LUC 20.20.120.

(10) Intentionally deleted.

(11) The Director may allow a departure from the requirement to provide ground floor neighborhood serving (nonresidential) uses in multifamily developments, provided that the departure is necessary to mitigate an economic hardship that would preclude project viability. A departure may be granted where the applicant demonstrates that:

- (a) The required neighborhood serving uses do not front on an arterial;
- (b) Visual and physical access to the required neighborhood serving uses is limited by topography or other site specific obstacles; and,
- (c) The required neighborhood serving uses would not be visible from other development located in the NMU district, adjacent neighborhoods, nearby arterials or highways.

A departure may be allowed for all sides of the building or some portion thereof, provided that the approved departure is consistent with the NMU land use district definition included in the Comprehensive Plan and LUC 20.10.350. If a departure is granted, ancillary residential uses such as a meeting room, leasing office, kitchen, daycare and work-live space is preferred over occupied residential living space.

(11) Intentionally deleted.

(12) Intentionally deleted.

(13) Intentionally deleted.

(14) Intentionally deleted.

(15) One single-family dwelling unit, occupying no more than 25 percent of the floor area of the structure, is permitted in the PO District.

(16) See LUC 20.20.190 for additional regulations.

(17) See LUC 20.20.700 for general development requirements for rooming house.

* Not effective within the jurisdiction of the East Bellevue Community Council.

Section 2. Imposition of Interim Official Control. An interim official control is hereby imposed to amend the Residential Use Chart of the Bellevue Land Use Code in section 20.25A.015.D to read as follows:

Chart 20.25A.015.D Residential uses – Downtown Districts

STD LAND USE CODE REF		Residential – Downtown Districts					
		Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
LAND USE CLASSIFICATION							
	Two or More Dwelling Units Per Structure	P	P	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities	P	P	P	P	P	P
13	Hotels and Motels	P	P	P	P	P	P
15	Homeless Shelter: Permanent	C	C	C	C	C	C
	Congregate Care Senior Housing (1)	P	P	P	P	P	P
6516	Nursing Home, Assisted Living			P	P	P	P

Notes: Uses in Downtown land use districts – Residential

(1) An agreement must be recorded with the King County Department of Records and Elections and filed with the Bellevue City Clerk, restricting senior citizen dwellings or congregate care senior housing to remain for the life of the project.

Section 3. Imposition of Interim Official Control. An interim official control is hereby imposed to amend the Residential Use Chart of the Bellevue Land Use Code in section 20.25D.070 to read as follows:

Chart 20.25D.070

Residential Uses in BelRed Land Use Districts.

STD LAND USE CODE	LAND USE CLASSIFICATION	Residential – Bel-Red Districts						
		Bel-Red Medical Office/Node	Bel-Red Office Residential/Nodes	Bel-Red Residential Commercial Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR-MO/ MO-1	BR-OR/ OR-1 OR- 2	BR- RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR-ORT
1	Residential (1)							
	Single-Family Dwelling		P 2/		P 2	3	P 2	P
	Two to Four Dwelling Units Per Structure		P/P	P	P	3	P 2	P
	Five or More Dwelling Units Per Structure (5)		P/P	P	P	3	P 2	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions, and Excluding Secure Community Transition Facilities							

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential – Bel-Red Districts						
		Bel-Red Medical Office/Node	Bel-Red Office Residential/Nodes	Bel-Red Residential Commercial Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR-MO/ MO-1	BR-OR/ OR-1 OR- 2	BR- RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR-ORT
	Rooming House (6)		P	P	P		P	P
13	Hotels and Motels	P/P	P/P	P		P	P	
15	Homeless Shelter: Permanent	C/C	C/C	C		C	C	
	Congregate Care Senior Housing (1)	P/P	P/P	P	P		P	
6516	Nursing Home (1)	P/P	P/P	P	P		P	
	Assisted Living (1)	P/P	P/P	P	P		P	
	Accessory Dwelling Unit (4)	P/	P/		P		P	P

Existing uses in the Bel-Red District are regulated pursuant to LUC 20.25D.060.

Key

P – Permitted Use

C – Conditional Use (see Parts 20.30B and 20.30C LUC)

A – Administrative Conditional Use (see Part 20.30E LUC)

Notes: Uses in land use districts – Residential.

(1) An agreement shall be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain as senior housing for the life of the project.

- (2) A minimum density of 10 units per acre shall be achieved for new single-family dwelling units. This requirement does not apply to work-live units.
- (3) Work-live units are the only housing permitted in BR-GC.
- (4) Accessory dwelling units may be established in existing or permitted (P) single-family structures subject to the performance criteria of LUC 20.20.120.
- (5) Bicycle parking shall be provided pursuant to LUC 20.25D.120.G.
- (6) See LUC 20.20.700 for general development requirements for rooming house.

Section 4. Imposition of Interim Official Control. An interim official control is hereby imposed to amend the Residential Use Chart of the Bellevue Land Use Code in section 20.25P.050 to read as follows:

Chart 20.25P.050

Residential Uses in Eastgate Transit Oriented Development Land Use District

Residential – Eastgate Transit Oriented Development Land Use District		
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Eastgate Transit Oriented Development Land Use District
1	Residential	
	Single-Family Dwelling	
	Two to Four Dwelling Units Per Structure	P 5
	Five or More Dwelling Units Per Structure	P 5
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities	C 2
	Rooming House	P 3
	Senior Citizen Dwellings	P 1
13	Hotels and Motels	P

Residential – Eastgate Transit Oriented Development Land Use District		
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Eastgate Transit Oriented Development Land Use District
		EG - TOD
15	Homeless Shelter: Permanent	C
	Congregate Care Senior Housing	P 1, 2
6516	Nursing Home	
	Assisted Living	P 1

Notes: Uses in Eastgate Transit Oriented Development Land Use District – Residential

- (1) An agreement must be recorded with the King County Recorder’s Office, or its successor agency, and filed with the Bellevue City Clerk, restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain for the life of the project.
- (2) See LUC 20.20.190 for additional regulations.
- (3) See LUC 20.20.700 for general development requirements for rooming houses.

Section 5. Duration and Scope of Interim Official Control. Pursuant to RCW 36.70A.390, this Interim Official Control is recommended to be in effect for a period of 6 months. This Interim Official Control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 6. Public Hearing. Pursuant to RCW 36.70A.390, the City Council shall hold a public hearing on this Interim Official Control within sixty (60) days of its adoption, so as to hear and consider public comment and testimony regarding this Interim Official Control. Following such hearing, the City Council may adopt additional findings of fact, and may extend the Interim Official Control for a period up to an additional six (6) months. The City Council may adopt additional six month extensions after any required public hearing, pursuant to RCW 36.70A.390.

Section 7. 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 8. Effective Date. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Section 9. Findings of Fact. The findings contained in this Ordinance are hereby adopted as Findings of Fact to justify adoption of this interim official control.

1602-ORD
8/3/2017

Passed by the City Council this 7th day of August, 2017 and
signed in authentication of its passage this 8th day of August, 2017.

(SEAL)





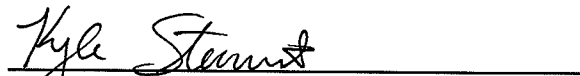
John Stokes, Mayor

Approved as to form:



Matthew McFarland, Assistant City Attorney

Attest:



Kyle Stannert, City Clerk

Published: August 10, 2017