



MEMORANDUM

DATE: November 4, 2014

TO: Chair Capron and Members of the East Bellevue Community Council

FROM: Mike Bergstrom, Principal Planner, 452-2970, mbergstrom@bellevuewa.gov
Development Services Department

SUBJECT: Residential Room Rentals – Status Report on Permanent Regulations

This memo will give the EBCC an update on the status of regulations addressing the rental of individual rooms in single-family residences.

Interim regulations were put in place by the adoption of Ordinance No. 6128 in September 2013. These regulations have been extended twice and are currently in effect until March 2015 unless either extended again or replaced by permanent regulations.

Permanent regulations have not yet been adopted. The EBCC held a courtesy hearing on draft permanent regulations on August 5, 2014. This was followed by a public hearing before the Planning Commission on September 10, who recommended that Council approve the regulations in the form included in the Attachment. Council is expected to review and act on the permanent regulations prior to the expiration of the interim regulations. After Council action, staff will return to the EBCC for a final public hearing and your action.

Key features of the Planning Commission-recommended ordinance (attached) include:

- “Rooming house” would be established as a use, and defined as “A non-owner-occupied dwelling that is subject to multiple leases or in which rooms are offered for rent or lease on an individual room basis.”
- Rooming houses would be subject to several standards (see attached).
- Rooming houses would not be permitted in single-family areas.
- Rooming houses would be allowed to rent up to four rooms and up to a total of five people. Parking would be required equal to the number of rooms rented.
- Houses in single-family areas would continue to be allowed to be rented, as long as the house is under a single lease agreement (not by the individual room).
- “Family” would be redefined as “Not more than four adult persons, unless all are related by blood, marriage, or legal adoption, living together as a single housekeeping unit.” The definition includes provisions for protected classes (children with familial status and persons with handicaps within the meaning of Title 42 United States Code).

The regulations must still go through the Council process, so further changes are possible. Once Council takes action, we will return to the EBCC for your hearing and action on the final ordinance.

Attached: Planning Commission Recommended Ordinance

CITY OF BELLEVUE

ORDINANCE No. _____

AN ORDINANCE of the City of Bellevue, Washington, amending land use charts to identify “rooming house” as an administrative conditional use in R-10, R-15, R-20, R-30, OLB, F1, F2, F3, BR-OR, BR-RC, BR-R, BR-CR, BR-ORT, and EH-A land use districts, amending general development requirements applicable to “rooming houses”, amending the definitions of “bed and breakfast”, “boarding house” and “family”, creating new definitions of “rooming house” and “single housekeeping unit”, repealing Ordinances No. 6126, 6152, and 6172, providing for severability, and establishing an effective date.

WHEREAS, the Bellevue Comprehensive Plan seeks to maintain and strengthen the vitality, quality, and character of Bellevue’s residential neighborhoods while providing housing choices and affordability; and

WHEREAS, the Bellevue City Council has received concerns from citizens about the rental of multiple rooms in residential dwellings to unrelated individuals and under separate lease agreements, and the impacts of such rentals; and

WHEREAS, the Bellevue City Council has determined that this rental practice and its real and potential impacts threaten the vitality, quality, stability, and single-family character of Bellevue’s residential neighborhoods, and that action is warranted to diminish this threat; and

WHEREAS, the concerns and impacts identified by citizens include the erosion of single-family neighborhood character, from a stable neighborhood character to one that is more transitory, increased density, declining property maintenance, and increased on-street parking, traffic, noise, and instances of speeding, among others; and

WHEREAS, since September 23, 2013 this rental practice has been regulated under interim regulations adopted by the Bellevue City Council as an emergency measure, first by the adoption of Ordinance No. 6128 and subsequently extended by Ordinance No. 6152 and Ordinance No. 6172; and

WHEREAS, the purpose of the aforementioned interim regulations was to provide the Planning Commission sufficient time to develop permanent regulations for City Council consideration to address the rental practice in question; and

WHEREAS, the Planning Commission, as requested by Council and consistent with guiding principles provided by the City Council, has developed draft permanent regulations for consideration by the City Council; and

WHEREAS, the Planning Commission held a public hearing on the proposed permanent regulations on September 10, 2014 after providing legally required public notice; and

WHEREAS, the Planning Commission, after holding said public hearing, recommended that the City Council approve the proposed amendments; and

Planning Commission Recommended Ordinance – Permanent Room Rental Regulations

WHEREAS, the City Council finds that the proposed amendments meet the decision criteria of LUC 20.30J.135 and are consistent with the Comprehensive Plan, enhance the public health, safety and welfare, and are not contrary to the best interest of the citizens and property owners of the City of Bellevue, as more completely analyzed in the Planning Commission transmittal for the amendment dated October 13, 2014; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, (Chapter 22.02 BCC); now therefore,

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

Section 1. Section 20.10.440 – Residential Land Use Charts - of the Bellevue Land Use Code is hereby amended to add "rooming house" as a permitted use in the following land use districts: R-10, R-15, R-20, R-30, OLB, CB, F1, F2, and F3, and to add the following related note 17:

17. See LUC 20.20.700 for general development requirements for Rooming House.

The "rooming house" use listing shall be placed in the use chart immediately above the "Senior Citizen Dwellings" listing.

Section 2. Section 20.25D.070 of the Bellevue Land Use Code is hereby amended to add "rooming house" as a permitted use in the following land use districts: BR-OR, BR-RC, BR-R, BR-CR, and BR-ORT, and to add the following related note 6:

6. See LUC 20.20.700 for general development requirements for Rooming House.

The "rooming house" use listing shall be placed in the use chart immediately above the "Hotels and Motels" listing.

Section 3. Section 20.25F.010 of the Bellevue Land Use Code is hereby amended to add "rooming house" as a permitted use in the following land use district: EH-A, and to add the following related note 12:

12. See LUC 20.20.700 for general development requirements for Rooming House.

The "rooming house" use listing shall be placed in the use chart immediately below the "Five or more dwelling units per structure" listing.

Section 4. Section 20.20.700 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.700 Rooming houses.

The requirements of LUC 20.20.140 apply to rooming houses.

A. Rooming Houses, where permitted, shall comply with the following:

Planning Commission Recommended Ordinance – Permanent Room Rental Regulations

1. The Rooming House shall be located in a detached single-family dwelling on its own parcel; and
 2. The Rooming House shall offer no more than four rooms for rent to not more than a total of five individuals at any one time; and
 3. All rooms offered for rent shall be legally-established bedrooms; and
 4. An owner, landlord, or registered agent shall be identified as the party responsible and accountable for compliance with the provisions of this section. Said party shall be local, and the name and contact information for that party shall be filed with the City prior to establishing the rooming house; and
 5. Legal on-site parking exists or shall be provided in a quantity equal to the number of bedrooms leased or available for lease; and
 6. Appropriate provisions shall be made for maintenance of the property exterior; and
 7. Appropriate provisions shall be made for refuse collection, including trash, recycling, and yard waste.
- B. A Rooming House shall comply with City of Bellevue noise and nuisance laws and health and safety codes, and with all other applicable City and State codes and regulations.
- C. The owner, landlord, or registered agent designated pursuant to Section A.4 above shall be the “person responsible for the violation” in any civil violations proceedings under the terms of Chapter 1.18 BCC for failure to comply with this section. Tenants shall not be identified as responsible parties by virtue of signing a lease prepared by the owner, landlord, or registered agent for renting a room in a Rooming House.

Section 5. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of “Bed and Breakfast” to read as follows:

20.50.012 Bed and Breakfast. An owner-occupied dwelling which temporarily houses guests for profit. A Bed and Breakfast does not include a Rooming House as defined in LUC 20.50.044. (Refer to LUC 20.20.140 for General Development Requirements applicable to Bed and Breakfast uses).

Section 6. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of “Boarding House” to read as follows:

20.50.012 Boarding House. An owner-occupied dwelling in which roomers and/or boarders individuals unrelated to the owner are housed and/or fed for profit. This definition includes Transient Lodging as defined in LUC 20.50.048. (SeeRefer to LUC 20.20.140 for General Development Requirements applicable to Boarding House uses). A boarding house does not include a Rooming House as defined in LUC 20.50.044.

Section 7. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to revise the definition of “Family” to read as follows:

Planning Commission Recommended Ordinance – Permanent Room Rental Regulations

20.50.020 Family. Not more than four adult~~One or more~~ persons, unless all are related by blood, marriage, or legal adoption, ~~(but not more than six unrelated persons)~~ living together as a single housekeeping unit. For purposes of this definition and notwithstanding any other provision of this Code, children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) will not be counted as unrelated persons.

Section 8. Section 20.50.044 of the Bellevue Land Use Code is hereby amended to add a new definition of "Rooming House" to read as follows:

20.50.044 Rooming House. A non-owner-occupied dwelling that is subject to multiple leases or in which rooms are offered for rent or lease on an individual room basis. (Refer to LUC 20.20.700 for General Development Requirements applicable to Rooming House uses).

Section 9. Section 20.50.046 of the Bellevue Land Use Code is hereby amended to add a new definition of "Single Housekeeping Unit" to read as follows:

20.50.046 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. If the dwelling unit is rented, the household members must jointly occupy the unit under a single lease in order to be considered a single housekeeping unit.

Section 10. Amortization for Certain Nonconforming Uses. Notwithstanding Section 20.20.560 of the Bellevue Land Use Code, any use of a structure or of land which does not conform to the regulations of the district in which the use exists due to changes in the definitions or other Land Use Code provisions adopted by this ordinance, which use lawfully existed on the date such changes became effective, shall be discontinued by one year from effective date of this ordinance.

Section 11. Ordinance No. 6128, Ordinance No. 6152, and Ordinance No. 6172 are hereby repealed.

Section 12. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 13. 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 _____, 2014 and signed in authentication of its passage this _____ day of _____, 2014.

(SEAL)

Claudia Balducci, Mayor

Planning Commission Recommended Ordinance – Permanent Room Rental Regulations

Approved as to form:

Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich, City Clerk

Published: _____