



**City of Bellevue
Development Services Department
Land Use Staff Report—DRAFT**

Proposal Name: **Transient Rentals of Single Family Homes Code Interpretation**

Proposal Address: City-wide

Proposal Description: The Applicant seeks a Formal Code Interpretation of the City of Bellevue’s Land Use Code (LUC) regarding whether non-owner-occupied, transient rentals of single family homes in Bellevue are properly classified as Rooming Houses pursuant to LUC 20.50.044 and thus, should be regulated consistent with LUC 20.20.700 and other applicable provisions of the LUC.

File Number: **16-141664-DA**

Applicant: The City of Bellevue Code Compliance Section of the Development Services Department

Decisions Included: **DRAFT**—Interpretation of the LUC Rooming House provisions pursuant to LUC 20.50.044 and 20.20.700; (Process II, Part 20.30K LUC)

Legal Planner: **Trisna Tanus**

**State Environmental Policy Act
Threshold Determination:** **EXEMPT**

Director’s Decision: **DRAFT—Interpretation of the Land Use Code**
Michael A. Brennan, Director
Development Services Department

Carol V. Helland, Land Use Director
Development Services Department

Application Date: August 31, 2016
Notice of Application Publication Date: October 13, 2016
Decision Publication Date:
Project Appeal Deadline:

For information on how to appeal a proposal, visit the Development Services Center at City Hall or call (425) 452-6800. Appeal of the Decision must be received in the City’s Clerk’s Office by 5 PM on the date noted for appeal of the decision.

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**Interpretation of the Director
Bellevue File No. 16-141664-DA**

I. INTRODUCTION

The Applicant, the Code Compliance Section of the Development Services Department, seeks a Formal Code Interpretation of the classification of non-owner-occupied, transient rentals of single family homes in Bellevue. The Applicant seeks this interpretation of the applicable land use code regulations under Part 20.30K LUC. A Formal Code Interpretation is processed pursuant to Part 20.30K LUC, and the Director’s decision may be appealed as a Process II decision to the Hearing Examiner pursuant to Part 20.35 LUC.

Summary of the Interpretation Request:

The Applicant seeks an interpretation as to whether non-owner-occupied, transient rentals of single family homes in Bellevue are properly classified as Rooming Houses pursuant to LUC 20.50.044 and thus, should be regulated consistent with LUC 20.20.700 and other applicable provisions of the LUC.

Short Answer: Yes. Non-owner-occupied, transient rentals of single family homes in Bellevue are properly classified as Rooming Houses because (1) such rentals meet the definition of Rooming House pursuant to LUC 20.50.044 and (2) transient renters do not constitute “family” as defined in LUC 20.50.016 and thus are not permitted to occupy single family dwellings. As Rooming Houses, these rentals are allowed only in multifamily and certain business land use districts and must comply with the regulations of Rooming Houses under LUC 20.20.700 and other applicable provisions of the LUC.

II. INTERPRETATION

A. Factual Background.

In recent years, Bellevue’s citizens have raised safety concerns and complained of increases in on-street parking, traffic congestion, noise, a constant influx of strangers, and other negative impacts to Bellevue’s residential neighborhoods. These concerns were attributed to rentals of single family homes. In response, the Bellevue City Council adopted Ordinance No. 6223¹, amending the LUC, to regulate rental practices of single family homes.

Indeed, short-term transient rental websites, such as Airbnb, HomeAway, and FlipKey, have helped to proliferate the availability of these type of rentals in established residential

¹ Ordinance No. 6223 was adopted on April 6, 2015, attached hereto as Exhibit A.

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neighborhoods², including in Bellevue. These sites have made it easier for homeowners to list and offer rooms in their homes or their entire houses for rent, albeit to help pay their monthly mortgages or other motivations. At the time of this writing, a search on the Airbnb site for accommodations in Bellevue results in over 300 hits, with an average price of \$156 per night.³

With the adoption of Ordinance No. 6223, Bellevue's LUC addresses circumstances where homeowners reside in their homes while renting out some portions on a transient, short-term basis. This type of rental clearly falls under the LUC's definition of either a Bed and Breakfast or Boarding House.

This Formal Code Interpretation application pertains to transient rentals of single family homes where the homeowners do not reside in their homes. These homes are offered as transient lodging either (1) on a per room basis with multiple transactions at any given time or (2) in their entirety as single transactions for groups of people. The online search reference above indicates these homes are advertised to accommodate as many as 10 individuals.⁴ As to the rental period, durations typically range from as short as one night to as long as a few weeks.

B. Applicable Regulations.

Bellevue's LUC provides for three primary categories that allow for transient rentals of single family homes: (1) Bed and Breakfast; (2) Boarding House; and (3) Rooming House. The first two categories—Bed and Breakfast and Boarding House—are owner-occupied situations. The third—Rooming House—is when the homeowner does not live in the home. Homeowners who operate any of these rentals must comply with regulations specific to the category of rental and other applicable code provisions.

A Bed and Breakfast is defined as an owner-occupied dwelling which temporarily houses guests for profit. LUC 20.50.012. A Bed and Breakfast does not include a rooming house as defined in LUC 20.50.044. *Id.*

² Steve Butler, *Local Government Catching Up with Airbnb and Other Short-Term Transient Rental Businesses*, MRSC (February 12, 2016), <http://mrsc.org/Home/Stay-Informed/MRSC-Insight/February-2016/Local-Government-Catching-Up-with-Airbnb.aspx>.

³ Airbnb Home Rental Search in Bellevue, Washington (August 23, 2016), *available at* https://www.airbnb.com/s/Bellevue--Washington--United-States?checkin=09%2F09%2F2016&checkout=09%2F12%2F2016&page=1&ss_id=h25vp8i1&source=header&airbnb_plus_only=false&s_tag=5ZJskMKP, August 23, 2016. Note that although the search parameters include the City of Bellevue, a cursory scroll shows that some of the results are located in adjacent cities and not in the City proper.

⁴ Airbnb Home Rental Search in Bellevue, Washington (August 23, 2016), *available at* https://www.airbnb.com/s/Bellevue--Washington--United-States?checkin=09%2F09%2F2016&checkout=09%2F12%2F2016&guests=10&room_types%5B%5D=Entire+home%2Fapt&zooom=13&search_by_map=true&sw_lat=47.592388068417996&sw_lng=-122.2136667765418&ne_lat=47.6526841979335&ne_lng=-122.12680611980352&ss_id=h25vp8i1&page=1&source=map&airbnb_plus_only=false&s_tag=tJ_xwRr0.

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A Boarding House is defined as an owner-occupied dwelling in which individuals unrelated to the owner are housed and/or fed for profit. LUC 20.50.012. This definition includes transient lodging as defined in LUC 20.50.048. *Id.* A Boarding House does not include a rooming house as defined in LUC 20.50.044. *Id.*

An Owner is defined as “owners of fee title, mortgagees, and contract vendees.” LUC 20.50.038.

Transient lodging is lodging provided for a fee or charge in a hotel, motel, boarding house, bed and breakfast, short term stay use or other granting of any similar license to use real property for a period of less than thirty (30) days. LUC 20.50.048.

A single family dwelling is defined as a building containing but one kitchen, designed for and occupied exclusively by one family, except where a valid accessory dwelling unit registration has been approved. LUC 20.50.016.

A family is defined as:

Not more than four adult persons, unless all are related by blood, marriage, or legal adoption, living together as a single housekeeping unit. A group of related persons living in a household shall be considered a single housekeeping unit. Provided: a group of more than four unrelated adult persons living together in a dwelling unit may also be included within the definition of “family” if they demonstrate to the Director that they operate in a manner that is functionally equivalent to a family. Factors that shall be considered by the Director include whether the group of more than four unrelated persons:

- A. Shares the entire dwelling unit or acts as separate roomers;
- B. Includes minor, dependent children regularly residing in the household;
- C. Can produce proof of sharing expenses for food, rent, or ownership costs, utilities, and other household expenses;
- D. Shares common ownership of furniture and appliances among the members of the household;
- E. Constitutes a permanent living arrangement, and is not a framework for transient living;
- F. Maintains a stable composition that does not change from year to year or within the year;
- G. Is not a society, fraternity, sorority, lodge, organization or other group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary; or
- H. Can demonstrate any other factors reasonably related to whether or not the group of persons is the functional equivalent of a family.

The Director shall issue a written determination of whether a group of more than four unrelated adult persons are operating in a manner that is functionally equivalent to a family.

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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.

LUC 20.50.020.

A Single Housekeeping Unit is “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.” LUC 20.50.046.

A Rooming House is 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. LUC 20.50.044.

Rooming Houses are allowed only in the following land use districts: Residential (R-10, R-15, R-20, and R-30); Business (OLB and CB); and Factoria (F1, F2, and F3). LUC 20.10.440. In addition, LUC 20.50.700 provides:

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

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- C. The owner, landlord, or registered agent designated pursuant to subsection A.4 of this section 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.

C. Analysis.

As a general matter, Bellevue’s LUC regulates rentals of single family homes, most recently through amendments adopted by Ordinance No. 6223. The LUC applies to situations where homeowners rent out portions or the entirety of their homes, while living in their homes or not, and on transient (short-term) or long-term basis. The provisions that govern the rentals are based on the facts and circumstances of each situation. Note that the LUC considers the operation of the rentals themselves, not the manner or means by which these rentals are procured, such as through using online services like Airbnb, HomeAway, or FlipKey or by other services.

Non-owner-occupied, transient rentals of single family homes in Bellevue are properly classified as Rooming Houses pursuant to LUC 20.50.044. This classification applies to operations where a home is offered for rent on a per room basis with the potential of multiple agreements in place at any given time as well as those where the entire home is offered for rent to a party or a group of people under single transactions. As Rooming Houses, these rental properties may only be located in multifamily and certain business-oriented land use districts and must comply with Rooming House regulations pursuant to LUC 20.20.700 and other applicable provisions of the LUC.

It is important to note that this interpretation concerns *non-owner-occupied*, transient rentals of single family homes. As such, these rentals categorically do not constitute a Bed and Breakfast or Boarding House because both Bed and Breakfast and Boarding House are defined as an “owner-occupied dwelling.” *See*, LUC 20.50.012. Therefore, this interpretation excludes Bed and Breakfast and Boarding House in its discussion and analysis of the classification of non-owner-occupied, transient rentals of single family homes.

- i. Non-owner-occupied transient rentals for single family homes meet the definition of Rooming House pursuant to LUC 20.50.044.*

Under Bellevue’s LUC, a Rooming House is 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. LUC 20.50.044. This definition provides for three important elements of a Rooming House: (1) a non-owner-occupied dwelling that is (2)(a) subject to multiple leases **or** (b) in which rooms are offered for rent or lease on an individual room basis. *See, Id.*

An owner is defined as “owners of fee title, mortgagees, and contract vendees.” LUC 20.50.038. In this case, where single family homes are offered for rent in their entirety, such homes are unquestionably non-owner-occupied as renters are not “owners of fee title, mortgagees, and contract vendees.” *See, Id.*

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Having established that rentals of an entire home meet the non-owner-occupied condition in the definition of a Rooming House, transient rentals of such home must then be either (a) subject to multiple leases or (b) that the rooms are offered for rent on an individual room basis. *See*, LUC 20.50.044. Here, as discussed below, the scenarios of transient rentals of single family homes satisfy both or at least one of the remaining requisite elements. Transient lodging is defined as lodging provided for a fee or charge in a hotel, motel, boarding house, bed and breakfast, short term stay use or other granting of any similar license to use real property for a period of less than thirty (30) days. LUC 20.50.048.

First, where the entire home is offered for rent on a per room basis, this type of rental operation meets both requisite elements. Renting on a per room basis certainly subjects the property to multiple leases at any given time and collectively throughout a duration of time such as a week, a month, or a year. Moreover, in this operation, the rooms are offered for rent on an individual room basis. Here, the LUC treats transient and long-term rentals in the same way, both as a Rooming House.

In the second scenario where the entire home is offered for rent as transient lodging under a single transaction to one person or a group of people, this rental also constitutes a Rooming House. As noted above, online rental services such as Airbnb, HomeAway and FlipKey offer rental duration for as few as one night. The transient nature of the rentals (30 days or less, *see* LUC 20.50.048) subjects the home to multiple leases collectively in any given period of time such as in a week, a month, or a year. In contrast, non-transient or long-term rental of an entire home to a group of people pursuant to a single lease would not be considered a Rooming House. Such long-term rental to a group of people, if they meet the definition of family, would likely be consistent with a single family dwelling use.

- ii. *Transient renters of non-owner-occupied single family homes do not constitute “family” pursuant to LUC 20.50.016 and cannot occupy single family dwellings.*

A single family dwelling is defined as “a building containing but one kitchen, designed for and occupied exclusively by one family, except where a valid accessory dwelling unit registration has been approved.” LUC 20.50.016. Transient renters, taken together as a group of people, of a non-owner-occupied single family home do not constitute one “family” or household that functions as a “single housekeeping unit” and thus a single family dwelling cannot accommodate these transient renters. *See*, LUC 20.50.020; LUC 20.50.046.

A family is defined as “not more than four adult persons, unless all are related by blood, marriage, or legal adoption, **living together as a single housekeeping unit**. A group of related persons living in a household shall be considered a single housekeeping unit.” LUC 20.50.020 (emphasis added). A “Single Housekeeping Unit” is defined as “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.” LUC 20.50.046. Land Use Code section 20.50.046 further provides that **if the dwelling unit is rented, the household members must jointly occupy the unit under a single lease to**

constitute a single housekeeping unit. *Id.* (emphasis added). Similarly, a group of more than four unrelated adult persons living together may also be included within the definition of “family” if they demonstrate that they operate in a manner that is functionally equivalent to a family. LUC 20.50.020.

As explained above, there are two general types of transient rental operations for non-owner-occupied single family home: where the home is offered for rent on a per room basis and where the home is offered for rent in its entirety. First, in cases where rooms are offered for rent on a per room basis, renters of these rooms are presumably adults and are unrelated to each other. Rentals would be accomplished through multiple leases (one per room) at any given time. These renters do not constitute a family or a single housekeeping unit because they do not occupy the unit under a single lease. *See*, LUC 20.50.046. Further, these individual renters would not function as a single housekeeping unit because they would not share and carry out household activities and responsibilities such as meals, chores, expenses, and maintenance of the home. As such, renters of individual rooms in a single family home do not constitute a “family” pursuant to LUC 20.50.020.

Second, in cases where the entire single family home is offered for rent to a group of people as transient lodging, renters of such a home also do not constitute a “family”. By its nature, transient lodging, which may range between one night to 30 days, results in multiple leases over a period of a week, a month, or a year. As discussed above, the manifestation of multiple leases in itself infringes upon the qualification of a single housekeeping unit or family. Additionally, in viewing this type of rental broadly, although each group may be composed of a family, all the renters (the household members) of the home collectively cannot satisfy the definition of family or show that they function as a single housekeeping unit. After all, each group would never occupy the home at the same time and as such, would not share household activities and responsibilities. Also just like guests in a hotel or motel, these renters would be provided linens, towels, and other similar services. Taken together, these renters do not constitute a “family” and cannot lawfully occupy a single family dwelling.

In addition, as mentioned above, there are listings for transient home rentals in Bellevue that advertise capacity for 10 people.⁵ Occupancy of more than four unrelated persons would trigger the requirement for the occupants to demonstrate and for the Director of the Development Services Department to determine whether the group may be considered a single housekeeping unit. LUC 20.50.020. The factors that the Director will use include whether the group:

- A. Shares the entire dwelling unit or acts as separate roomers;
- B. Includes minor, dependent children regularly residing in the household;
- C. Can produce proof of sharing expenses for food, rent, or ownership costs, utilities, and other household expenses;
- D. Shares common ownership of furniture and appliances among the members of the household;

⁵ See FN 3.

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- E. Constitutes a permanent living arrangement, and is not a framework for transient living;
- F. Maintains a stable composition that does not change from year to year or within the year;
- G. Is not a society, fraternity, sorority, lodge, organization or other group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary; or
- H. Can demonstrate any other factors reasonably related to whether or not the group of persons is the functional equivalent of a family.

Id.

These factors clearly focus on how the group of household members function together such that the group's effect and performance are akin to and compatible with single family use. Transient renters may share expenses for food and rent among their own group, but do not share any household expenses with other groups of renters. These renters also do not share in any ownership costs or have common ownership of furniture and appliances. As noted above, these renters are typically provided linens, towels, and other services, constituting a type of living arrangement that is in fact transitory rather than permanent, constantly changing within the year and from year to year. As such, transient renters of single family homes, per room or in entirety, do not constitute family or a single housekeeping unit and cannot occupy single family dwellings. Instead, a non-owner-occupied single family dwelling that offers transient lodging on a per room basis or in its entirety constitutes a Rooming House.

iii. Corresponding to their function and performance, Rooming Houses are permitted only in multifamily and certain business land use districts.

Rooming Houses are not permitted in single family land use districts and are only allowed in multifamily residential districts (R-10, R-15, R-20, and R-30); certain business districts (Office and Limited Business (OLB) and Community Business (CB)); and Factoria land use districts (F1, F2, and F3). LUC 20.10.440. This limitation and separation coincide with the above-described functional and performance differences between a Rooming House and a single family dwelling.

The siting confinement of Rooming Houses to multifamily and business-oriented land use districts also corresponds with the LUC's definition of Rooming House as a "non-owner-occupied dwelling" that is rented or leased out, rather than a single family dwelling. *See*, LUC 20.50.044. Because of its capacity to accommodate transient lodging, as evidenced by multiple leases, or to house multiple, unrelated persons on an individual room basis, Rooming Houses relate more closely to a business or multifamily situation, rather than a single family residence.

Additionally, Washington's lodging tax statutes support placing Rooming Houses in business-oriented land use districts because it is a taxable business. Washington statutes provide that "the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the **furnishing of lodging that is subject to tax under chapter 82.08.**" RCW 67.28.180 (emphasis added). In turn, chapter 82.08

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RCW states that the term ‘sale’ in chapter 82.04 RCW applies equally to the provisions of chapter 82.08 RCW. RCW 82.08.010(6). ‘Sale’ is defined to include "any transfer of the ownership of, title to, or possession of property for a valuable consideration and includes any activity classified as a 'sale at retail' or 'retail sale' under RCW 82.04.050. RCW 82.04.040(1). ‘Sale at retail’ or ‘retail sale’ is “the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.” RCW 82.04.050(2)(f).

In parallel, Bellevue City Code imposes an excise tax of five percent on the sale or charge made for the furnishing of lodging that is subject to tax under Chapter 82.08 RCW. BCC 4.19.010. The tax applies to the sale or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel or trailer camp and the granting of any similar license to use real property as distinguished from the renting or leasing of real property. *Id.* This provision states that “it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.” *Id.*

Transient rentals of single family homes—whether offered on a per room basis under multiple agreements at any given time or where the entire home is offered for rent to a group of people—constitute the furnishing of lodging per RCW 82.04.050(2)(f) and the BCC. These rentals represent the grant of license to use real property for on short-term basis of less than a continuous period of one month or more, and such is not the same as the renting or leasing of real property. Transient rentals as contemplated herein are properly classified as ‘sale at retail’ or ‘retail sale’ pursuant to RCW 82.04.050(2)(f) and may be assessed lodging tax by the City of Bellevue as authorized by RCW 67.28.180 and BCC 4.19.010. Thus, the LUC’s limitation on the location of Rooming Houses to multifamily and business-oriented land use districts corresponds to Washington statutes and City regulations that consider these rentals as providing taxable ‘retail sale’.

- iv. *Non-owner-occupied, transient rentals of single family homes are Rooming Houses and must comply with the provisions for Rooming Houses in the LUC.*

In addition to allowing Rooming Houses to be located only in certain land use districts, the LUC provides for requirements that Rooming Houses must follow to allow a non-single family dwelling use to lawfully exist in a single family dwelling. Although a Rooming House must be located in “a detached single family dwelling” (LUC 20.50.700.A), the requirements acknowledge that a Rooming House is not the same as a single family dwelling and would have potentially negative impacts related to noise, traffic, parking, and safety. Thus, specifically, LUC 20.50.700.A focuses on limiting impacts to surrounding uses by providing that:

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

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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.

Further, the LUC explicitly references other laws and regulations that Rooming Houses must comply with, including the City's noise and nuisance laws and health and safety codes, as well as all other applicable City and State codes and regulations. LUC 20.50.700.B. The Land Use Code section 20.50.700.C also provides that the identified responsible party will be held accountable should there be violations of any part of the code. These additional requirements likewise reiterate the legislative intent to minimize negative impacts to surrounding properties from Rooming Houses in advocacy of public health and welfare.

D. Conclusion.

Non-owner-occupied, transient rentals of single family homes in Bellevue are properly classified as Rooming Houses and must comply with the regulations of Rooming Houses under LUC 20.10.440, 20.20.700, and other applicable provisions of the LUC.

III. FACTORS FOR CONSIDERATION

In making an interpretation of the provisions of the LUC, the Director shall take the following factors into consideration. LUC 20.30K.140.

A. Applicable Provisions of the Land Use Code.

The applicable LUC provisions considered in this formal code interpretation include the following:

1. LUC 20.10.440 Land use charts
2. LUC 20.20.140 Boarding houses and bed and breakfasts
3. LUC 20.20.700 Rooming houses
4. LUC 20.50.012 Definition of Bed and Breakfast; Definition of Boarding House
5. LUC 20.50.016 Definition of Dwelling, Single-Family
6. LUC 20.50.020 Definition of Family
7. LUC 20.50.038 Definition of Owner
8. LUC 20.50.044 Definition of Rooming House
9. LUC 20.50.046 Definition of Single Housekeeping Unit
10. LUC 20.50.048 Definition of Transient Lodging

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B. The Impact of the Interpretation on other Provisions of the Land Use Code.

This interpretation impacts the application of the above referenced code provisions to non-owner-occupied, transient rentals of single family homes in Bellevue.

C. The Implications of the Interpretation for Development within the City as a whole.

This interpretation is consistent with the intent and purpose of Ordinance No. 6223, which amended the LUC to regulate rental practices of single family homes, including those that operate as Rooming Houses.

D. Applicable Provisions of the Comprehensive Plan and other Relevant Codes and Policies.

This interpretation is consistent with the purpose of land use districts, as provided in LUC 20.10.010:

The City is divided into land use districts established in this Code with the intent to provide for the geographic distribution of land uses as contemplated by the City's goals, policies, master plans and programs; to maintain stability in land use commitments through the provision of harmonious groupings of uses possessing compatible characteristics and levels of activity; to maintain commitments in public service facilities such as transportation systems, parks and utilities; and to provide an efficient and compatible relationship of land uses and land use districts.

This interpretation is consistent with Bellevue's Comprehensive Plan, Land Use Element Goal, which provides:

To develop and maintain a land use pattern that protects natural systems and retains trees and open space; maintains and strengthens the vitality, quality and character of Bellevue's neighborhoods; and focuses development activity in Downtown and other commercial and residential centers.

This interpretation is consistent with Bellevue's Comprehensive Plan, Land Use Element, Policies LU-11 and LU-14, which provide:

LU-11 Maintain stability and improve the vitality of residential neighborhoods through adherence to, and enforcement of, the city's codes.

LU-14 Protect residential areas from the impacts of nonresidential uses of a scale not appropriate to the neighborhood.

This interpretation is consistent with Bellevue's Comprehensive Plan, Housing Element Goal, which provides:

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To maintain the vitality and stability of single family, multifamily and mixed use neighborhoods, and promote a variety of housing opportunities to meet the needs of all members of the community.

This interpretation is consistent with Bellevue's Comprehensive Plan, Housing Element, Policies HO-3 and HO-4, which provide:

HO-3 Maintain the character of established single family neighborhoods, through adoption and enforcement of appropriate regulations.

HO-4. Monitor and appropriately regulate room rentals in single family areas.

This interpretation is consistent with Bellevue's Comprehensive Plan, Transportation Element, Policies TR-1 and TR-2, which provide:

TR-1. Integrate land use and transportation decisions to ensure that the two mutually support the Comprehensive Plan.

TR-2. Strive to reduce congestion and improve mobility.

IV. EFFECT OF INTERPRETATION

Pursuant to LUC 20.30K.150, an interpretation of any Land Use Code provision issued under Chapter 20.30K LUC shall have the same effect as any provision of the Land Use Code. An interpretation of the Land Use Code remains in effect until or if rescinded in writing by the Director. LUC 20.30K.155.

V. APPEAL

An Interpretation of the Land Use Code under Chapter 20.35.015 is a Process II administrative land use decision made by the Director. Pursuant to LUC 20.35.250, Process II decisions may be appealed to the Hearing Examiner by providing a written statement of appeal and the appeal notification form (including payment of any applicable appeal fee) to the City Clerk not later than 5:00 p.m. on the 14th day following the date of publication of the decision of the Director.