



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS) NOTICE MATERIALS

The attached materials are being sent to you pursuant to the requirements for the Optional DNS Process (WAC 197-11-355). A DNS on the attached proposal is likely. This may be the only opportunity to comment on environmental impacts of the proposal. Mitigation measures from standard codes will apply. Project review may require mitigation regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for this proposal may be obtained upon request.

File No. 13-133383 AD

Project Name/Address: Land Use Code amendment establishing permanent regulations governing the rental of rooms in residential dwellings to multiple unrelated individuals. The permanent regulations will replace interim regulations adopted by Ordinance No. 6128 and extended by Ordinance No. 6152 / City-wide

Planner: Mike Bergstrom, Principal Planner, DSD

Phone Number: 425-452-2970

Minimum Comment Period: June 5, 2014

Materials included in this Notice:

- Blue Bulletin
- Checklist
- Vicinity Map
- Plans
- Other:

**CITY OF BELLEVUE
ENVIRONMENTAL CHECKLIST
(Integrated SEPA/GMA Process)**

A. BACKGROUND INFORMATION

PROPOSAL TITLE: Land Use Code Amendment establishing permanent regulations governing the rental of rooms in residential dwellings to multiple unrelated individuals. The permanent regulations will replace interim regulations adopted by Ordinance No. 6128 and extended by Ordinance No. 6152. File No. 13-133383 AD.

PROPERTY OWNERS' NAME: N/A; applies City-wide

PROPOSAL LOCATION: City-wide

PROPONENT'S NAME: City of Bellevue, Development Services Department

CONTACT PERSON'S NAME: Michael Bergstrom, Principal Planner

CONTACT PERSON'S ADDRESS: Development Services Department
City of Bellevue
P.O. Box 90012
Bellevue, WA 98009-9012

CONTACT PERSON'S PHONE: 425-452-2970

BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:

1. **General description:** Land Use Code Amendment (LUCA) to establish permanent regulations governing the rental of rooms in residential dwellings to multiple unrelated individuals. The permanent regulations will replace interim regulations adopted by Ordinance No. 6128 and extended by Ordinance No. 6152. The amendment will establish a new land use - "Dwelling, High Occupancy" - as an Administrative Conditional Use (ACU) in the R-1 – R-30, BR-OR/OR-1, BR-R, BR-CR, BR-ORT, and EH-A land use districts. The proposal will amend general development requirements applicable to "boarding houses and bed and breakfasts" and "rooming houses", create new general development requirements for "high occupancy dwelling", amend definitions of "bed and breakfast", "boarding house", and "family", create a new definition of "dwelling, high occupancy", and repeal Ordinance No. 6128 (which adopted interim regulations) and Ordinance No. 6152 (which extended Ordinance No. 6128 to September 23, 2014).
2. **Site acreage:** Applies city-wide.

3. **Number of dwelling units/buildings to be demolished:** N/A
4. **Number of dwelling units/buildings to be constructed:** N/A
5. **Square footage of buildings to be demolished:** N/A
6. **Square footage of buildings to be constructed:** N/A
7. **Quantity of earth movement (in cubic yards):** N/A
8. **Proposed land use:** A new land use – “Dwelling, High Occupancy” – and associated general development requirements is proposed. “Dwelling, High Occupancy” will be defined as “A building designed to house, or does house, five or more unrelated individuals.” This use will be permitted as an Administrative Conditional Use (ACU) per Part 20.30E LUC, and will be subject to the general ACU approval criteria of LUC 20.30E.140 as well as general development requirements specific to the High Occupancy Dwelling use.
9. **Design features, including building height, number of stories and proposed exterior materials:**
The proposal will not change any Land Use Code requirements pertaining to building size, height, design, appearance, location on property, or other regulation affecting observable physical attributes of existing or proposed structures.
10. **Other:** N/A

Proposed timing or schedule (including phasing, if applicable): Final action on the LUCA by the City Council is expected to occur prior to the September 23, 2014 expiration of interim regulations adopted by Ordinance No. 6128 and extended by Ordinance No. 6152.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. It is expected that future ACU applications to establish High Occupancy Dwellings will be received and processed, consistent with the proposed regulations.

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. None other than this SEPA checklist.

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known. No known applications are pending.

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known. Ordinance

adoption by the City Council. The ordinance will be subject to the disapproval jurisdiction of the East Bellevue Community Council. No other permits have been applied for.

B. ENVIRONMENTAL ELEMENTS

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235.3.b.

C. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)

SUMMARY

Project Summary: Land Use Code Amendment establishing permanent regulations governing the rental of rooms in residential dwellings to multiple unrelated individuals. The permanent regulations will replace interim regulations adopted by Ordinance No. 6128 and extended by Ordinance No. 6152.

Environmental Summary per WAC 197-11-235(3)(b):

State the proposal's objectives: The objective of the proposal is to establish regulations addressing the practice of renting rooms in residential dwellings to multiple unrelated individuals, in a way that ensures that impacts of such practice are avoided or minimized, the needs and rights of renters and homeowners alike are balanced, and the guiding principles provided by Council for this work are fulfilled (see below).

Specify the purpose and need to which the proposal is responding: In response to numerous concerns from citizens about the rental of multiple rooms in residential dwellings to unrelated individuals and under separate lease agreements, the City Council adopted interim regulations in September 2013 to remain in effect until permanent regulations could be adopted. Concerns raised 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. Council 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.

Council directed the Planning Commission to develop the permanent regulations which will, upon adoption, replace the interim regulations currently in effect. Council provided the Commission with the following principles to guide the development of the permanent regulations:

1. The Council-adopted emergency ordinance should be used as a starting point for the Planning Commission work.
1. Work on the code amendment should progress expeditiously, with the goal of having permanent regulations in place by July 2014.
2. The recommended amendments should be narrowly tailored to prevent the conversion of single family homes to dormitory-like uses. With this goal in mind, the regulations should seek to ensure that:

- a. Impacts of unrelated persons occupying a rental house are not greater than the impacts associated with a group of related persons occupying a home.
 - b. Single family homes are not designed to support future conversion to dormitory-like uses.
 - c. Impediments are not created that would limit access to fair housing choices for protected classes of people.
 - d. Tools to limit impacts are capable of being enforced.
3. City-wide impacts of the permanent amendments should be evaluated to ensure that negative consequences on rental housing and appropriate housing design are minimized.
 4. Work on the rental housing amendment should not be undertaken in a manner that will delay final completion of the Shoreline Master Program Update, and the City Council will consider extensions to the Emergency Rental Housing Ordinance if necessary to accommodate Planning Commission review of these permanent regulations.
 5. Policy topics relating to housing affordability and availability are part of a longer term strategy that should not be undertaken during current development of the narrowly tailored amendments contemplated to address the Spiritwood issue. The Comprehensive Plan Update that is currently underway and expected to result in additional code development work late in 2014 is the proper forum to discuss broader policies such as:
 - a. Placing limits on garage conversions for living space;
 - b. Adopting additional single room occupancy regulations;
 - c. Evaluating the appropriate role of detached accessory dwelling units in the provision of fair housing choices;
 - d. Evaluating the single family home definition to ensure that it is appropriately specific to foster development of desired housing options without encouraging the commercial use of housing in single family neighborhoods;
 - e. Addressing “apodments” and micro-housing development trends; and
 - f. Considering the role of rental registration and inspection program options as a viable enforcement strategy.

The proposal is intended to respond to the concerns raised by citizens, consistent with the above Council-provided principles.

State the major conclusions, significant areas of controversy and uncertainty: The proposal is intended to address controversy and concern that has resulted from the practice by some property owners of renting rooms in residential dwellings to multiple unrelated individuals under separate lease agreements. Input received during public comment periods, public hearings, and Planning Commission review may reveal controversy over some of the details of the proposal, as well as tension that can exist between renters’ interests and homeowners’ interests. Ultimately, the Commission will balance those tensions in its recommendation to Council.

State the issues to be resolved, including the environmental choices to be made among alternative courses of action: No major issues to be resolved. However, details of the proposal will evolve as a result of public input and Planning Commission deliberation, to ensure that the proposal achieves its objectives. The alternative course of action would be to not adopt the proposed LUCA. In terms of environmental impacts, the two alternatives are not significantly different.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: The proposal is a nonproject action to establish a new regulatory framework for the rental of rooms in residential dwellings to multiple unrelated individuals. No significant adverse environmental impacts have been identified or are expected to result.

Describe any proposed mitigation measures and their effectiveness: No specific development is being approved with this proposal. No significant environmental impacts have been identified, therefore no mitigation measures are proposed.

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?** Adoption of the proposed code amendment will not increase the potential impacts to water, air and earth resources or noise production.

Proposed measures to avoid or reduce such increases are: N/A

- 2. How would the proposal be likely to affect plants, animals, fish or marine life?** Adoption of the proposed code amendment will not increase the potential impacts to plants and animals.

Proposed measures to protect or conserve plants, animals, fish or marine life are: N/A

- 3. How would the proposal be likely to deplete energy or natural resources?** No adverse impacts to energy or natural resources are anticipated by the adoption of the proposed code amendment.

Proposed measures to project or conserve energy and natural resources are: N/A

- 4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?** Adoption of the proposed code amendment will not affect environmentally sensitive areas or areas designated or eligible for governmental protection.

Proposed measures to protect such resources or to avoid or reduce impacts are: N/A

- 5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?** Adoption of the

proposed amendment will not affect any shoreline areas. The proposal will create a new type of land use – High Occupancy Dwelling – and a regulatory framework for its review and approval. The proposal will help strengthen compatibility among different types of residential land uses by ensuring the impacts associated with High Occupancy Dwellings will be properly controlled.

Proposed measures to avoid or reduce shoreline and land use impacts are: N/A

- 6. How would the proposal be likely to increase demands on transportation or public services and utilities?** The proposed Land Use Code Amendment is not likely to increase demands on these services and utilities.

Proposed measures to reduce or respond to such demand(s) are: N/A

- 7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.** No conflicts are known or anticipated.

- D. The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.**

Signature _____ Michael Bergstrom

Date Submitted: _____ May 9, 2014

Michael Bergstrom

CITY OF BELLEVUE

ORDINANCE No. _____

(Title to be completed prior to adoption)

(Findings (i.e., "Whereas" statements) to be completed prior to adoption)

Draft text of proposed amendment

Section 1. Section 20.10.440 of the Bellevue Land Use Code is hereby amended to identify "dwelling, high occupancy" as an administrative conditional use in the following land use 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, and R-30, and to add the following related note 17:

17. See LUC 20.20.455 for general development requirements for High Occupancy Dwelling.

Section 2. Section 20.25D.070 of the Bellevue Land Use Code is hereby amended to identify "dwelling, high occupancy" as an administrative conditional use in the following land use districts: BR-OR/OR-1, BR-R, BR-CR, and BR-ORT, and to add the following related note 6:

6. See LUC 20.20.455 for general development requirements for High Occupancy Dwelling.

Section 3. Section 20.25F.010 of the Bellevue Land Use Code is hereby amended to identify "dwelling, high occupancy" as an administrative conditional use in the following land use district: EH-A, and to add the following related note 12:

12. See LUC 20.20.455 for general development requirements for High Occupancy Dwelling.

Section 4. Section 20.20.140 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.140 Boarding/rooming houses and bed and breakfasts. Boarding/rooming houses and bed and breakfasts require a Home Occupation Permit, Part 20.30N LUC, approval. In addition, not more than two rooms may be rented to not more than two persons other than those occupying a single-family dwelling, provided there is compliance with health and building code requirements. 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 5. Chapter 20.20 of the Bellevue Land Use Code is hereby amended to add a new Section 20.20.455 – High Occupancy Dwelling – to read as follows:

20.20.455 High Occupancy Dwelling.

A. ACU Required. High Occupancy Dwellings require Administrative Conditional Use (ACU), Part 20.30E, approval. In addition to the decision criteria contained in LUC 20.30E.140, an applicant for an ACU to establish a High Occupancy Dwelling shall demonstrate the following:

1. The High Occupancy Dwelling will be located in a single-family dwelling; and

2. All tenants will be subject to a single lease agreement; and
 3. Either the owner or a registered agent will reside on-site and will be considered one of the unrelated persons. In lieu of an owner or registered agent, the lease may designate one of the tenants as the party responsible and accountable for compliance with the lease and with the terms of the approved ACU; and
 4. Legal on-site parking exists or will be provided, in a quantity equal to the number of bedrooms in the leased residence; and
 5. Appropriate provisions will be made for maintenance of the property exterior; and
 6. Appropriate provisions will be made for refuse collection, including trash, recycling, and yard waste.
- B. In approving, conditioning, or denying an application for a High Occupancy Dwelling ACU, the City may consider, in addition to the criteria in paragraph A of this section, the following:
1. The impacts that the proposed High Occupancy Dwelling may have on the residential character of the neighborhood; and
 2. The cumulative impacts of the proposed High Occupancy Dwelling in relation to other City-approved High Occupancy Dwellings in the immediate vicinity; and
 3. The imposition of a condition under which the City reserves the right to impose additional conditions or to reconsider the High Occupancy Dwelling ACU within a certain timeframe from approval date, based on complaints filed with the City.
- C. A High Occupancy Dwelling 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.
- D. The Director of the Development Services Department may impose conditions to mitigate any potential adverse impact on surrounding uses.
- E. Notwithstanding section A.3 above, the owner and landlord shall be the “persons responsible for the violation” in any civil violations proceedings under the terms of BCC 1.18 for failure to comply with High Occupancy Dwelling provisions of this section. Tenants shall not be identified as responsible parties by virtue of signing a lease prepared by the owner or landlord for renting a room in a High Occupancy Dwelling.

Section 6. Section 20.20.700 of the Bellevue Land Use Code is hereby deleted as follows:

~~**20.20.700 Rooming houses.** The requirements of LUC 20.20.140 apply to rooming houses.~~

Section 7. 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. A dwelling which temporarily houses guests for profit. A Bed and Breakfast does not include a High Occupancy Dwelling as defined in LUC 20.50.018.

(Refer to LUC 20.20.140 for General Development Requirements applicable to Bed and Breakfast uses).

Section 8. 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/Rooming House. A dwelling in which ~~roomers and/or boarders~~ individuals unrelated to the owner are housed and/or fed for profit. A boarding/rooming house is a type of Transient Lodging as defined in LUC 20.50.048, but does not include a High Occupancy Dwelling as defined in LUC 20.50.018. (SeeRefer to LUC 20.20.140 for General Development Requirements applicable to Boarding/Rooming House uses).

Section 9. Section 20.50.018 of the Bellevue Land Use Code is hereby amended to create a new definition of “Dwelling, High Occupancy” to read as follows:

20.50.018 Dwelling, High Occupancy. A building proposed to house, or currently houses, five or more unrelated individuals. (Refer to LUC 20.20.455 for General Development Requirements applicable to High Occupancy Dwelling uses).

Section 10. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to revise the definition of “Family” to read as follows:

20.50.020 Family. One or more adult persons related by blood, marriage, or legal adoption; or a group of not more than four unrelated adult persons (but not more than six unrelated persons) living together ~~as a single housekeeping in a dwelling~~ unit. Where related and unrelated adult persons live together, the related persons, as a group, counts as one of the four unrelated persons. 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 11. Ordinance No. 6128 and Ordinance No. 6152 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 and signatures to be provided prior to adoption)