



September 3, 2014

**SUBJECT**

Public Hearing - Residential Room Rentals Permanent Regulations

**STAFF CONTACT**

Carol Helland, Land Use Director, 452-2724, [chelland@bellevuewa.gov](mailto:chelland@bellevuewa.gov)  
Mike Bergstrom, Principal Planner, 452-2970, [mbergstrom@bellevuewa.gov](mailto:mbergstrom@bellevuewa.gov)  
*Development Services Department*

**DIRECTION NEEDED FROM PLANNING COMMISSION**

- X Action
- X Discussion  
Information

**INTRODUCTION**

On September 10, 2014 the Planning Commission will hold a public hearing on a proposed Land Use Code Amendment that would create permanent regulations governing the rental of individual rooms in non-owner-occupied residential dwellings (Attachment A). The Commission held a study session on the proposed amendment on June 11, 2014 and requested that a public hearing be scheduled. At the conclusion of the public hearing the Commission will be asked to formulate a recommendation to Council on the proposal.

**BACKGROUND**

In September 2013 the City Council, in response to concerns raised by community residents about an emerging business model whereby an ownership group was purchasing homes with the intention of renting out individual rooms under separate lease agreements, adopted Ordinance No. 6128 (Attachment B) as an emergency measure to address, on an interim basis, that practice and its potential impacts. Initially in effect for six months, the provisions of Ordinance No. 6128 were later extended by Council adoption of Ordinance No. 6152. On August 4, 2014 Council adopted Ordinance No. 6172, extending the provisions of Ordinance No. 6128 once again, to March 23, 2015. Emergency measures are allowed under authority in Chapter 36.70A RCW and RCW 35A.13.190, and can be extended in periods of up to six months following a public hearing for each extension.

Council adopted the interim regulations to give the Planning Commission sufficient time to develop permanent regulations. To help the Commission in its work, Council approved a list of “guiding principles” (Attachment C), intended to result in narrowly-tailored permanent amendments to the Land Use Code to address the concerns expressed by the community.

Although the interim regulations are now in effect until March 23, 2015, those interim regulations will be repealed upon adoption of the permanent regulations.

## **ANALYSIS**

The Planning Commission has previously seen (1) the interim regulations and (2) a draft of the permanent regulations. The key features of both are summarized below:

### **Interim Regulations Currently In Effect (Attachment B):**

Ordinance No. 6128 contains the following key features:

- It lowers the number of unrelated people who can live together from 6 to 4;
- It clarifies what constitutes “related persons” (in the definition of “family”);
- It allows more than 4 unrelated people to live together if they can demonstrate that they operate in a manner “functionally equivalent” to a family;
- It clarifies the definition of “boarding/rooming houses and bed and breakfasts”; and
- It provides for amortization of uses/leases that do not conform to the interim regulations.

### **Draft Permanent Regulations (Attachment A):**

The draft permanent regulations take a different approach than the interim regulations. It is intended to accomplish the following:

- Allow the rental of an entire dwelling (no individual room rentals) to a “traditional” family, maximum 6 persons, unless all are related;
- Allow the rental of an entire dwelling (no individual room rentals) to a “self-identified” group (all unrelated or some combination of related/unrelated), maximum 6 persons total;
- Allow an owner-occupied dwelling to have a bed & breakfast or boarding house, maximum 2 rooms, subject to Home Occupation permit and all other current regulations;
- Regulate as a “rooming house” a dwelling that is not owner-occupied and offers individual rooms for rent in non-single-family districts.

This draft establishes “Rooming House” as a use, defined as follows:

**“Rooming House.** A non-owner-occupied dwelling in which rooms are offered for rent or lease on an individual room basis.”

This definition, together with the draft regulations summarized below, is proposed because it is this form of rental structure which has been identified by the community as their primary concern.

Key features of the current draft include:

- A rooming house would be allowed only in multi-family and mixed-use land use districts, not in single-family districts.
- Special regulations would apply to rooming houses (see below).

- Definitions of “Bed and Breakfast” and “Boarding House” would be revised to reflect owner-occupancy, and to specifically exclude “Rooming House”. All other existing regulations that pertain to Bed and Breakfast and Boarding House uses would remain unchanged, including the requirement for a Home Occupation permit for either use.
- Definition of “Family” would be changed to place a 6-person limit on the total number of occupants, unless all are related by blood, marriage, or adoption.
- No provision for “functionally equivalent” family.
- A new definition of “Single Housekeeping Unit” is proposed.
- As noted above, a new definition of “Rooming House” is proposed.
- Provision for amortization of certain legally-established uses/leases that do not conform to the permanent regulations

### **Proposed Special Regulations for Rooming House uses:**

The following general development requirements are proposed specifically for Rooming Houses:

- The Rooming House will be located in a detached single-family dwelling on its own parcel; and
- The Rooming House will offer no more than four rooms for rent to not more than a total of five individuals at any one time; and
- All rooms offered for rent shall be legally-established bedrooms; and
- A local owner, landlord, or registered agent shall be identified as the party responsible and accountable for compliance with the terms of the applicable Land Use Code provisions; and
- Legal on-site parking exists or will be provided, in a quantity equal to the number of bedrooms in the leased residence; and
- Appropriate provisions will be made for maintenance of the property exterior; and
- Appropriate provisions will be made for refuse collection, including trash, recycling, and yard waste; and
- 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; and
- The designated owner, landlord, or registered agent 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.

At your June 11, 2014 study session the Commission discussed whether an Administrative Conditional Use permit should be required for Rooming Houses uses, but determined that such a requirement would not be necessary and might even hinder a goal of the proposed regulations, i.e., removing rooming houses from single-family districts. Therefore, rooming houses would be a permitted use, rather than an administrative conditional use, in the multi-family and mixed-use districts identified in the draft ordinance.

### **PUBLIC NOTICE AND COMMENT**

Notice of the LUCA application was published in the Weekly Permit Bulletin on May 22, 2014. Notice of the Public Hearing was published on August 21, 2014.

There has been significant public interest in this amendment, as evidenced by substantial public testimony at each of the Planning Commission study sessions held on this topic. In fact, this amendment arose in response to public concerns expressed by members of the public regarding the practice of renting rooms in residential dwellings to multiple individuals when an owner did not reside in the residence. In addition, the Commission heard from a “housing panel” assembled by staff and consisting of representatives from the Spiritwood neighborhood, Bellevue College, Rental Housing Association of Washington, and Master Builders Association. Also, a Spiritwood neighborhood representative and Rental Housing Association of Washington representative met with City staff to provide their perspectives and suggestions for development of the permanent regulations. It is believed that the proposed amendment is consistent with the desires of the general public and with feedback provided by the Planning Commission after Commission consideration of public input.

Pursuant to the Washington State Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Land Use Code. A copy of the proposed amendment was provided to state agencies on July 10, 2014. No comments from state agencies have been received.

### **EAST BELLEVUE COMMUNITY COUNCIL COURTESY HEARING**

On August 5, 2014 the East Bellevue Community Council held a courtesy hearing on the proposed ordinance. The subject of this ordinance has been of significant interest to the EBCC and residents within its jurisdiction, and several questions were asked by both the EBCC and members of the public. The EBCC suggested no changes to the proposed ordinance.

### **STATE ENVIRONMENTAL POLICY ACT**

The Environmental Coordinator for the City of Bellevue has determined that this proposal will not result in any probable, significant, adverse environmental impacts. A Determination of Non-Significance (DNS) was issued on August 21, 2014 (Attachment D).

### **DECISION CRITERIA**

LUC 20.30J.135 provides the decision criteria for amendments to the text of the Land Use Code:

#### A. The amendment is consistent with the Comprehensive Plan; and

The proposed amendment is supported by the following Comprehensive Plan policies:

**Land Use Element Goal:** To develop and maintain a land use pattern that:

- Protects natural systems and helps realize the vision of a “City in a Park”;
- Maintains and strengthens the vitality, quality and character of Bellevue’s residential neighborhoods;
- Supports the Downtown Urban Center and a variety of other commercial areas serving the city and the larger region;
- Supports and is supported by a variety of mobility options;
- Is aesthetically pleasing; and
- Makes efficient use of urban land.

**LU-19.** Maintain stability and improve the vitality of residential neighborhoods through adherence to, and enforcement of, the city's land use regulations.

**HO-3.** Refine Land use Code standards to improve the compatibility of single family infill development with the neighborhood.

B. The amendment enhances the public health, safety or welfare; and

The amendment will enhance the public health, safety, and welfare by regulating a business practice that has adversely impacted single-family neighborhoods. It will limit this practice to appropriate land use districts, thereby reinforcing the quality and character of single-family neighborhoods.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

The amendment is consistent with the best interest of the citizens and property owners. It will allow for a variety of housing opportunities while preserving the quality and character of single-family neighborhoods.

## **RECOMMENDATION**

Move to recommend that the City Council approve the proposed Land Use Code Amendment.

## **NEXT STEPS**

Steps necessary to complete development and adoption of the permanent regulations are shown below. No dates have yet been set for these steps:

1. Council study session – transmittal of Planning Commission recommendation
2. Council action on proposed ordinance
3. East Bellevue Community Council public hearing and final action

## **ATTACHMENTS**

- A. Draft Ordinance for Permanent Regulations
- B. Ordinance No. 6128 – Interim Regulations Currently In Effect
- C. Principles to Guide Development of Permanent Rental Housing Regulations
- D. SEPA Determination

**Draft Permanent Room Rental Regulations**

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:

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:

**20.50.020 Family.** Not more than six~~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 ordinance.

\*\*\*END\*\*\*

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6128

AN ORDINANCE of the City of Bellevue, Washington, adopting interim official zoning controls to address impacts resulting from the rental of multiple rooms in single-family dwellings to unrelated individuals, by amending the definitions of “boarding house” and “family” and creating a new definition of “rooming house”, for a period of six months, to be in effect while the City drafts, considers, holds hearings, and adopts permanent regulations, to be effective immediately upon adoption, scheduling a hearing on the maintenance of the interim zoning ordinance, providing for severability, and declaring an emergency.

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 City of Bellevue has begun an update of its Comprehensive Plan as mandated by the Growth Management Act, and that update will include a broader evaluation of the community’s housing policies, needs, and related issues; and

WHEREAS, the Bellevue City Council has recently heard numerous concerns from citizens about the rental of multiple rooms in single-family dwellings to unrelated individuals and under separate lease agreements, and the impacts of such rentals; 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, the Bellevue Land Use Code currently defines “family” as one or more persons (but not more than six unrelated persons) living together as a single housekeeping unit, but does not define “single housekeeping unit”; and

WHEREAS, the American Community Survey for 2007-2011 shows that the average single-family household size in Bellevue is 2.75 persons; 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 emergency action is warranted to diminish this threat; and

WHEREAS, the adoption of the interim controls contained herein will address the immediate impacts resulting from the above-described rental practice, will protect the stability and character of Bellevue's single-family neighborhoods, and will provide an opportunity for the City to more fully research and develop appropriate long-term strategies; and

WHEREAS, the Bellevue City Council has determined that the termination of existing uses that do not conform to the interim controls by July 1, 2014, will fairly and reasonably balance the interests of property owners and users with the benefit to the public; and

WHEREAS, pursuant to WAC 197-11-880, actions that must be undertaken immediately or within a time too short to allow full compliance with the State Environmental Policy Act (SEPA), to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the provisions of that Act (see also BCC 22.02.050); and

WHEREAS, pursuant to RCW 36.70A.390 a public hearing must be held within 60 days of the passage of this ordinance; and

WHEREAS, the potential adverse impacts upon the public safety, welfare, and peace, as outlined herein, justify the declaration of an emergency; now, therefore,

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

Section 1. Section 20.20.140 of the Bellevue Land Use Code is hereby amended to revise the general development requirements applicable to "Boarding Houses and bed and breakfasts," 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 2. Section 20.20.700 of the Bellevue Land Use Code is hereby deleted.

Section 3. 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 B definitions.**

**Boarding/Rooming House.** A dwelling in which roomers and/or boarders individuals unrelated to the owner are housed and/or fed for profit for any time period, including stays of 30 days or more. This definition includes, but is not limited to, Transient Lodging as defined in LUC 20.50.048. (Refer to see LUC 20.20.140 for General Development Requirements applicable to Boarding/Rooming House uses).

Section 4. 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 F definitions.**

**Family.** One or more adult persons related by blood, marriage, or legal adoption (but not more than six unrelated persons); or a group of not more than four unrelated adult persons living together as a single housekeeping unit in a dwelling unit. 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 act 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.

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 5. 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 definition of "Boarding/Rooming House" in Section 20.50.012 and/or "Family" in Section 20.50.020, adopted on September 23, 2013, which use lawfully existed on the date such changes became effective, shall be discontinued by July 1, 2014.

Section 6. Duration and Scope of Interim Regulations. The interim regulations imposed by this ordinance shall become effective on the date herein, and shall continue in effect for an initial period of sixty (60) days, unless repealed, extended, or modified by the City Council after subsequent public hearings and the entry of additional findings of fact pursuant to RCW 35A.63.220.

Section 7. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing on this ordinance within sixty (60) days of its adoption, or no later than November 22, 2013, so as to hear and consider public comment and testimony regarding this ordinance. Following such hearing, the City Council may adopt additional findings of fact, and may extend the interim regulations for a period of up to six (6) months. If a period of more than six months is required to complete consideration of any changes to city codes, the Council may adopt additional extensions after any required public hearing, pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 8. Permanent Regulations. The City Council hereby directs the staff to develop for its review and adoption permanent regulations to adopt the interim regulations adopted herein, and to transmit this ordinance to the Washington State Department of Commerce as required by law.

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

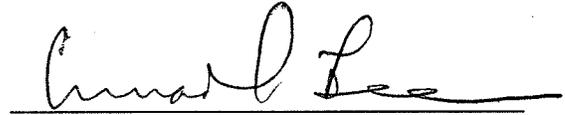
Section 10. Public Emergency. The City Council hereby finds and declares that a public emergency exists and that this ordinance is a public emergency ordinance necessary for the protection of the public health and safety and should, therefore, take effect upon adoption. The facts upon which this public emergency is based include all recitals set out in this ordinance as well as those facts contained in the legislative record.

Section 11. Effective Date. In accordance with RCW 35A.13.190, this ordinance, as a public emergency ordinance, shall take effect and be in force immediately upon adoption by a majority plus one of the City Council.

# ORIGINAL

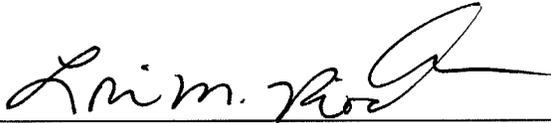
PASSED by the City Council this 23rd day of September,  
2013, and signed in authentication of its passage this 23rd day of  
September, 2013.

(SEAL)



Conrad Lee, Mayor

Approved as to form:



Lori M. Riordan, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published September 26, 2013,

# Attachment C

Approved by Council on November 4, 2013

## **Planning Commission Principles to Guide Development of Permanent Rental Housing Regulations**

**Issue Presented:** Residents of the Spiritwood neighborhood have raised concerns about an emerging business model in their single family neighborhood where an ownership group is purchasing homes with the intention of renting out individual rooms under separate lease agreements. If this practice is not curtailed, impacts on neighborhood livability are anticipated to continue and to increase over time.

**Emergency Action Taken:** On September 23, the City Council adopted Ordinance No. 6128 as an emergency ordinance under the authority in Chapter 36.70A RCW and RCW 35A.13.190. This interim zoning control (1) deleted the general development regulations applicable to rooming houses; (2) clarified that boarding home performance criteria apply to rooming houses; (3) amended the definition of "Boarding House;" and (4) amended the definition of "Family" to address impacts resulting from the rental of multiple rooms in single family dwellings to unrelated individuals.

**Work Program Item:** The Planning Commission is being asked to develop narrowly tailored permanent amendments to the Land Use Code that address issues presented by the Spiritwood neighbors.

### **Principles to Guide the Planning Commission Work**

1. The Council-adopted emergency ordinance should be used as a starting point for the Planning Commission work.
2. Work on the code amendment should progress expeditiously, with the goal of having permanent regulations in place by July 2014.
3. 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.
4. City-wide impacts of the permanent amendments should be evaluated to ensure that negative consequences on rental housing and appropriate housing design are minimized.
5. 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.

6. 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.



DEVELOPMENT SERVICES DEPARTMENT  
 ENVIRONMENTAL COORDINATOR  
 11511 MAIN ST., P.O. BOX 90012  
 BELLEVUE, WA 98009-9012

# Attachment D

## DETERMINATION OF NON-SIGNIFICANCE

PROPOSER: City of Bellevue

LOCATION OF PROPOSAL: Citywide

### DESCRIPTION OF PROPOSAL:

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 – "Rooming House" – as a Permitted Use in the R-10–R-30, OLB, F1, F2, F3, BR-OR, BR-R, BR-RC, BR-R, BR-CR, BR-ORT, and EH-A land use districts, and as a prohibited use in single-family land use districts. The proposal will create general development requirements applicable to "Rooming House" uses, create new definitions of "Rooming House" and "Single Housekeeping Unit", amend definitions of "Bed and Breakfast", "Boarding House", and "Family", provide for amortization of certain nonconforming uses, and repeal Ordinance No. 6128 (which adopted interim regulations), Ordinance No. 6152 (which extended the provisions of Ordinance No. 6128 to September 23, 2014), and Ordinance No. 6172 (which further extended the provisions of Ordinance No. 6128 to March 23, 2015).

FILE NUMBER: 13-133383 AD

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

\_\_\_\_\_ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on \_\_\_\_\_.

X This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. Only persons who submitted written comments before the DNS was issued may appeal the decision. An appeal of the SEPA Decision shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290. For information on how to appeal a proposal, visit the Permit Center at City Hall or call 452-6800.

\_\_\_\_\_ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on \_\_\_\_\_. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on \_\_\_\_\_.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

Environmental Coordinator

8-7-14  
 Date

OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife

State Department of Ecology, Shoreline Planner N.W. Region

Army Corps of Engineers

Attorney General

Muckleshoot Indian Tribe



**City of Bellevue  
Department of Planning and Community Development  
Environmental Review and State Environmental Policy Act Threshold  
Determination**

---

**Proposal Name:** Land Use Code Amendment (LUCA) 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.

**Proposal Address:** City-wide

**Proposal 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 – “Rooming House” – as a Permitted Use in the R-10–R-30, OLB, F1, F2, F3, BR-OR, BR-R, BR-RC, BR-R, BR-CR, BR-ORT, and EH-A land use districts, and as a prohibited use in single-family land use districts. The proposal will create general development requirements applicable to “Rooming House” uses, create new definitions of “Rooming House” and “Single Housekeeping Unit”, amend definitions of “Bed and Breakfast”, “Boarding House”, and “Family”, provide for amortization of certain nonconforming uses, and repeal Ordinance No. 6128 (which adopted interim regulations), Ordinance No. 6152 (which extended the provisions of Ordinance No. 6128 to September 23, 2014), and Ordinance No. 6172 (which further extended the provisions of Ordinance No. 6128 to March 23, 2015).

**File Number:** 13-133383 AD

**Applicant:** City of Bellevue

**Decisions Included:** SEPA Threshold Determination

**SEPA Planner:** David Pyle, Senior Planner

**State Environmental Policy Act  
Threshold Determination:** **Determination of Non-Significance (DNS)**

Carol Helland  
Environmental Coordinator

---

Application Date: October 30, 2013

Application Publication Date  
in Bulletin: May 22, 2014

SEPA Decision Publication Date: August 21, 2014

SEPA Appeal Deadline: Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. An appeal of the SEPA Decision shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290. For information on how to appeal a proposal, visit the Permit Center at City Hall or call 452-6800.

---

**I. Proposal Description and Objectives**

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 – “Rooming House” – as a Permitted Use in the R-10-R-30, OLB, F1, F2, F3, BR-OR, BR-R, BR-RC, BR-R, BR-CR, BR-ORT, and EH-A land use districts, and as a prohibited use in single-family land use districts. The proposal will create general development requirements applicable to “Rooming House” uses, create new definitions of “Rooming House” and “Single Housekeeping Unit”, amend definitions of “Bed and Breakfast”, “Boarding House”, and “Family”, provide for amortization of certain nonconforming uses, and repeal Ordinance No. 6128 (which adopted interim regulations), Ordinance No. 6152 (which extended the provisions of Ordinance No. 6128 to September 23, 2014), and Ordinance No. 6172 (which further extended the provisions of Ordinance No. 6128 to March 23, 2015).

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 “Purpose and need to which the proposal is responding”, below).

The proposal has evolved since the initial application and completion of the environmental checklist. While the proposal objectives have not changed, the method of achieving them has changed as a result of public participation and to respond to community concerns. As originally described, the proposal would have created a new land use called “High Occupancy Dwelling” as an Administrative Conditional Use (ACU) in all residential land use districts, including single-family districts, as well as several multi-family and mixed-use districts. A High Occupancy Dwelling was defined as being a building which proposes to house, or currently houses, five or more unrelated individuals. The current version replaces the High Occupancy Dwelling concept with the Rooming House

concept, and limits such uses to a maximum of four room rentals (with a total of no more than 5 individual tenants) in a non-owner-occupied dwelling in multi-family and mixed-use districts only. A "Rooming House" would be 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", and would be subject to new general development requirements aimed at reducing the potential impacts of such uses. Whereas this rental practice is presently occurring in single-family land use districts, under the proposal rooming houses would be prohibited in those districts. See Section IV – Major Conclusions, below.

## **II. Environmental Record**

The environmental summary consists of analysis based on the following documents and studies in the environmental record or, if noted, incorporated by reference.

- Environmental Checklist, Supplemental Sheet for Nonproject Actions, prepared by Michael Bergstrom, City of Bellevue Development Services Department, dated May 9, 2014. (Attachment A)
- Draft Proposed Land Use Code Amendment, File No. 13-133383 AD. (Attachment B)

## **III. Proposed Timing and Phasing**

The Planning Commission is scheduled to hold a public hearing on the amendments in September 2014. The City Council is expected to act on the amendment in the fall of 2014.

## **IV. Environmental Summary**

### **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.
2. Work on the code amendment should progress expeditiously, with the goal of having permanent regulations in place by July 2014.
3. 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.
4. City-wide impacts of the permanent amendments should be evaluated to ensure that negative consequences on rental housing and appropriate housing design are minimized.
5. 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.
6. 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.

### **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 has helped shaped the general approach and details of the proposal. Still, tensions between landlords, renters, and homeowners could remain. The proposed prohibition of rooming houses in single-family districts will remove one option for rental of homes in those districts, and will reduce over time the number of rooming houses already established in those districts. This impact is expected to be non-significant, however, given the minority of rentals that currently operate as a rooming house (as defined in the proposed LUCA), and the fact that opportunities for this use will be provided in other land use districts. Ultimately, the Commission will balance these tensions in its recommendation to Council.

The original form of the proposal would have created general development requirements applicable to High Occupancy Dwellings. The general development requirements now proposed for Rooming Houses are very similar to those included in the original form of the proposal. The current form of the proposal is expected to have even less of an environmental impact that the original form, due to the proposed restriction against Rooming Houses in single-family land use districts. These uses, and their associated impacts, will be directed to more suitable land use districts. The proposed general development standards applicable to Rooming Houses will mitigate the potential impact of these uses.

### **Issues to be Resolved, Including Environmental Choices to Made Between Alternatives Courses of Action**

No major issues to be resolved. 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, though if the proposed LUCA is not adopted the existing impacts resulting from the current rental practices would continue. Adopting the LUCA will reduce these impacts by limiting the land use districts in which rooming houses are permitted, ensuring sufficient parking for such uses, and ensuring adequate provisions for site maintenance, refuse collection, and similar concerns.

**V. Conclusion and Determination**

For the proposal, environmental review indicates no probability of significant adverse environmental impacts. Therefore, issuance of a **Determination of Non-Significance** pursuant to WAC 197-11-340 and Bellevue City Code 22.02.034 is appropriate.

Other adverse impacts that are less than significant may be mitigated pursuant to Bellevue City Code 22.02.140, RCW 43.21C.060, and WAC 197-11-660.

**VI. Mitigation Measures**

There are no recommended SEPA-based mitigating measures for this proposal. The lead agency has determined that the requirements for environmental mitigation have been adequately addressed in the development regulations and comprehensive plans adopted under Chapter 36.70A RCW and in other applicable local, state or federal laws or rules, as provided by RCW 42.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA.

Attachment A: SEPA Checklist prepared by City of Bellevue Development Services Department and dated May 9, 2014

Attachment B: Draft Proposed Land Use Code Amendment

**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

**PROPOSER'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 Accessory 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. 6126 (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 Accessory 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.
2. Work on the code amendment should progress expeditiously, with the goal of having permanent regulations in place by July 2014.
3. 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.
- 4. City-wide impacts of the permanent amendments should be evaluated to ensure that negative consequences on rental housing and appropriate housing design are minimized.
- 5. 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.
- 6. 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 protect 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. \_\_\_\_\_

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 \_\_\_\_\_, providing for severability, and establishing an effective date.

WHEREAS, ..... (list background statements)

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, BCC 22.02; and

WHEREAS, the Planning Commission held a public hearing on \_\_\_\_\_, 2014 for the proposed Land Use Code Amendment (LUCA) contained herein; and

WHEREAS, the Planning Commission recommends approval of the proposed Land Use Code Amendment (LUCA) contained herein;

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:

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. (See Refer 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:

**20.50.020 Family.** Not more than six 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 ordinance.

Section 11. Ordinance No. 6128, Ordinance No. 6152, and Ordinance No. \_\_\_\_\_ 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

Approved as to form:

\_\_\_\_\_  
Lori M. Riordan, City Attorney

Attest:

\_\_\_\_\_  
Myrna L. Basich, City Clerk

Published: \_\_\_\_\_

DRAFT