

CITY COUNCIL STUDY SESSION ITEM

SUBJECT

Planning Commission and staff work program/2013-14 Planning and Code initiatives.

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Planning and Community Development

POLICY ISSUES

The City Council is responsible for establishing work program priorities and initiating Comprehensive Plan and Land Use Code amendments. With limited Planning Commission and staff resources, the Council makes decisions about the most important priorities to pursue at a given time.

This agenda memo has three parts, all of which relate to work program priorities.

1) Single-family multi-room rentals

Should the City initiate Code amendments to address resident concerns regarding multi-room rentals in single-family homes, an emerging issue identified by the Spiritwood neighborhood?

2) Items to include in the Comprehensive Plan update

Should the following specific items be included in the ongoing major Comprehensive Plan update:

- 5-year review and update of the BelRed Subarea Plan
- Additional flexibility for the Professional Office (PO) zone in the Factoria area.

At the Study Session in June, the Council directed staff to return with more information and follow-up discussion on these two issues.

3) Balance of the Planning Commission and staff work program for 2013/2014

Does the Council wish to initiate additional planning and code amendment items at this time, and/ or reprioritize the existing work program? Discussion of the above two items may affect the review of the overall work program.

This memo looks at both code amendments and long-range planning items so that the overall work load of the Planning Commission and staff can be assessed. Council direction and prioritization will help staff and the Planning Commission adjust the work program to meet current demands and address those issues most critical to the community.

DIRECTION NEEDED FROM COUNCIL

| | |
|---------------------|-------------|
| <u> </u> | Action |
| <u> X </u> | Discussion |
| <u> </u> | Information |

The City Council is being asked to provide direction on several items related to the Planning Commission and staff work program. Staff suggests that these be addressed in the following order:

1. Provide direction on whether to initiate a code amendment work program item to address multi-room rentals in single-family dwellings, and consider taking action on adoption of an emergency ordinance at a future Council meeting if deemed necessary as a short-term strategy;
2. Provide direction on whether to include the Bel-Red five year review and review of the PO zone in the Factoria area as part of the Comprehensive Plan update;
3. Provide any other direction on the Planning Commission and staff work program for 2013-14. This may include initiating new work, or re-prioritizing the existing work program.

BACKGROUND/ANALYSIS

Many important and evolving issues are competing for attention on the planning and code amendment work program. Each project requires a certain amount of resources to complete, including staff time, budget for consultants, time on the Planning Commission's schedule (and/or other boards and commissions), and time on City Council agendas. Some projects may have a high level of intensity, but a short duration, while other projects require multiple years. In addition to the City's organizational capacity, there may be a limit to the number of projects on which the public can meaningfully participate at any one time.

Planning Commission capacity typically varies depending on the degree of community interest and complexity of individual projects. A relatively simple code amendment, for example, requires a minimum of a study session and a public hearing with the Planning Commission, in addition to time to reach out to stakeholders and for staff to review the issue and draft the amendment.

Alternatively, a complex project like the Comprehensive Plan update requires study sessions at least monthly over the course of more than a year. Typically, Planning Commission, staff and community stakeholders' capacity has allowed for concurrent review of two larger, complex issues at a time, along with consideration of some minor, less complex items.

In recognition of these real limitations on Planning Commission and staff resources, the Council tonight is being asked to provide direction on the planning and Code amendment work programs. The status quo work program detailing items currently underway is provided in Attachment 1. Tonight's discussion may alter the existing work program by initiating new items or altering the timing of those on the existing list. Staff suggests that items for Study Session discussion be addressed in the following order.

1. Multi-room Rentals in Single Family Dwellings

Residents of Spiritwood have contacted Council members and staff to raise concerns about investors renting out individual rooms in single family homes. Existing City Code does not provide the tools necessary to address this emerging business model. One solution offered by residents to address their concerns is for the City to treat this rental practice as a boarding home business and to regulate the activity as a home occupation. However, boarding homes are classified as a form of transient lodging that is provided for periods of less than 30 days. This is not the activity that is occurring in Spiritwood where investors are offering individual room rentals in single family homes

on a month to month basis. The activity occurring in Spiritwood is not effectively regulated by the code, and opportunities to address the commercial business practice should be explored and adopted if negative consequences associated with new city-wide regulations can be minimized.

This part of the Study Session memorandum describes the Spiritwood issue as communicated to staff, summarizes the applicable code provisions, provides background regarding enforcement related to rental housing, and describes short and long terms options for addressing the neighborhood concerns. Several Council members have expressed an interest in pursuing code amendments to address the concerns raised if adequate regulatory tools do not exist. This new work should be considered in relationship to other work program priorities that are part of the Comprehensive Plan Update and 2013-14 work program that are discussed in greater detail below.

Spiritwood Neighborhood Concerns regarding Rental Housing: The residents of Spiritwood have described 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. In a meeting with City staff, approximately one dozen Spiritwood residents identified the following impacts that are expected to occur if this rental practice is not curtailed:

- Density of residents living in single family neighborhoods could increase.
- Rental housing levels could increase in Spiritwood as investors seek to serve the student population attending Bellevue College as it transitions to a four year institution.
- Property maintenance could decline and rat infestations could occur.
- On-street parking volumes, traffic and speeding could increase.

Spiritwood residents have requested that the business practice be regulated as a boarding home, because renters are not “living together as a single housekeeping unit” as required by the definition of family. However, the classification of boarding homes as a form of transient lodging precludes application of these regulations to the rental housing activity that is occurring in Spiritwood. There are also practical limitations to enforcement of the definition of family as an occupancy limitation. A regulatory change is necessary to address this emerging business model that was not contemplated by the Land Use Code.

Shortcomings of Existing Regulations: A boarding or rooming home is a type of “Transient Lodging” use. Transient lodging is provided when a fee is charged for overnight stays of less than 30 days. The Land Use Code regulates transient lodging as a specific type of business, which can be run out of a single family home pursuant to an issued Home Occupation Permit, and is required to pay Lodging Excise Tax. The boarding house, rooming house and bed and breakfast regulations contained within the Land Use Code align with state and federal tax laws applicable to businesses that furnish transient lodging by granting a license to use or enjoy single family premises for a short time.

Operation of a boarding or rooming house is specifically distinguished from the rental or leasing of real property for periods of 30 days or more. As a result, the rental and leasing of individual rooms for 30 days or more is a practice that cannot be regulated under the boarding home provisions currently contained within the Land Use Code. Refer to Attachment 2 for additional code information regarding transient lodging uses.

Practical Enforcement Limitations: The Bellevue City Code does not contain regulations governing rental or leasing of single family housing within the City. As with many jurisdictions, occupancy of single family dwellings in Bellevue is regulated pursuant to the definition of “Family.” Family is defined in the Land Use Code as one or more persons (but not more than six unrelated persons)

living together as a single housekeeping unit. Children living under the care of a responsible adult, and handicapped individuals living with caregivers are considered related under the terms of this definition. Refer to Attachment 3 for additional code information regarding occupancy limits on single family homes.

The definition of family has been administered by staff as a safe harbor for up to six unrelated individuals living together in a single dwelling unit. A dwelling unit is defined as providing complete and independent living facilities for one or more persons that includes permanent provisions for living, sleeping, eating, cooking, and sanitation. It is a relatively straightforward investigative task to determine the total number of individuals who are residing in a dwelling unit. It is far more difficult to prove that the unrelated individuals are not living as a single housekeeping unit when they are sharing one kitchen, dining room space, common living areas, and bathrooms.

Short Term Approach: Two short-term strategies have been initiated to address the Spiritwood issue. First, Neighborhood Outreach facilitated a dialogue between Spiritwood residents and the property owners' representative to ensure that regulations are commonly understood, neighborhood concerns are aired and commitments regarding mutual expectations (such as house rules, manager contact information, and property maintenance) are made.

Second, staff has drafted a code amendment to address impacts created by individual room rentals that can help address the code gaps and enforcement limitations identified above. This could be adopted as an interim zoning control immediately, or forwarded to the Planning Commission for its traditional code review and recommendation process. The draft code amendment includes:

- Amendments to decrease the number of unrelated individuals to four who are allowed to live in a home as a "family" to bring it into closer alignment with Bellevue's 2.75 person average household size.
- Amendments to identify when unrelated individuals are living together in a manner that is functionally equivalent to a family as demonstrated by circumstances such as a shared leasing arrangement, sharing of utility expenses, sharing of common areas including the kitchen and eating, living, and sanitation spaces.

Adoption of an interim zoning control would be an option for discouraging the emerging business practice in the short term while a permanent regulatory approach is developed by the Planning Commission. Refer to Attachment 4 for the draft ordinance for Council consideration. In the event Council determines emergency action is warranted, a public hearing would need to be held by Council within 60 days of the passage of the ordinance. If an emergency ordinance is adopted, development of permanent regulations through the Planning Commission review process would be required. The emergency action would need to be extended every six months until the final regulations are recommended by the Planning Commission and adopted by the City Council. This same emergency code development process is currently underway for the medical cannabis and recreational marijuana regulations.

Data gathered to-date indicates that approximately 15% of the almost 30,000 single family housing units in Bellevue are rentals. Rental housing is not unique to Spiritwood; however, it appears that the impacts adjacent to Bellevue College may be more severe because complaints associated with rental housing represent only a small proportion of the enforcement issues raised city-wide. If Council chooses to take action on the interim zoning control, development of permanent regulations will include Planning Commission consideration of city-wide impacts on rental housing to ensure that negative consequences are appropriately minimized.

Longer Term Approach: Additional code amendment options could be explored as part of the Comprehensive Plan Update to address the impacts that occur when occupancy of single family homes is maximized. The Council made significant progress toward maintaining and improving neighborhood character as part of the Livability Initiative, and the City could continue that work by considering additional amendments targeted to address the Spiritwood issues. Code amendments could consider:

- Placing limits on garage conversions for living space.
- Adopting single room occupancy regulations.
- Addressing “apodments” and micro-housing development trends.

These issues are best addressed in coordination with the Comprehensive Plan Update. Housing affordability and diversity of housing types has emerged as a recurrent theme during outreach for the Comprehensive Plan Update and would be a key consideration if any of these additional targeted code amendments were undertaken to address the Spiritwood issue. Questions about timing and capacity to pursue the short-term and/or long-term strategies described above should be considered in light of the broader discussion of the entire Planning Commission work program.

2. Major Comprehensive Plan Update—hold-over items from June 10

The City Council initiated the major update of the Comprehensive Plan in October 2012. Over the course of the past year, the City has had a number of public engagements and Planning Commission study sessions. Council check-ins occurred in May and June 2013, including Council’s providing of formal direction on the project principles and work program on June 10.

At the Council meeting in June, staff committed to returning with more information on two issues: the anticipated Bel-Red 5-year review, and options to provide additional flexibility in a situation affecting the Professional Office (PO) zone in the Factoria area. These items are discussed in greater detail in Attachment 5.

Questions about timing and capacity to fold the above two items into the Comprehensive Plan Update should be considered in light of the broader discussion of the entire Planning Commission work program.

3. Balance of Planning Commission and Staff Work Program

The City is in the midst of a number of ongoing planning projects, ranging from discrete code amendments to major planning initiatives. Following is a summary of initiatives underway and other projects that are on the horizon. The anticipated schedule for the ongoing work is included in Attachment 1, Status Quo Work Program. The Land Use Code Docket earlier discussed with Council in July 2012 is attached for reference (Attachment 6).

Initiatives Underway

These are in addition to the Major Comprehensive Plan update.

Shoreline Master Program. The Planning Commission recommendation has been transmitted to Council. Related conformance code amendments will be processed by the Commission this fall.

Downtown Livability. A Citizen Advisory Committee is reviewing development regulations, incentives and urban design standards for Downtown development. Land Use Code amendments are anticipated to result from the process and be reviewed by the Planning Commission in 2014.

Station Area Planning. Planning for neighborhoods around each of six light rail stations is underway. Planning Commission review will occur as individual station area plans come forward, starting in late 2014.

East Link. Light rail overlay district and conformance amendments were adopted in February 2013. A Citizen Advisory Committee to oversee the design and mitigation permitting is anticipated to be meeting from fall 2013 through 2015.

Marijuana Land Use Regulations. The Planning Commission completed its review of land use regulations for medical cannabis in July 2013. Interim regulations for recreational marijuana are anticipated to be considered in October, with Planning Commission review of an amendment this fall/early 2014.

Camp and Conference Center Regulations. These zoning provisions, which most directly affect the Sambica center, are anticipated to be presented to the Planning Commission this fall.

Roosters and Peafowl. The Council initiated these amendments on January 24, 2013. A variety of regulations from other jurisdictions have been assembled. However, this item has not yet advanced to the Planning Commission due to other work priorities.

Planning Items on the Horizon and Emerging Issues

The planning and land use docket includes a number of other emerging and significant issues. Note that multi-room rentals in single family dwellings, as well as the five-year review of Bel-Red, are discussed above and are not repeated here.

Eastgate/I-90 Plan. Comprehensive Plan and Land Use Code amendments are needed to implement the direction of the Eastgate/I-90 plan that was presented to Council in 2012. The planning work program and budget anticipates completing the Plan amendments in 2014 and Code amendments the following year. A major property owner in the Eastgate area identified for Transit Oriented Development has requested that the timing of this work be accelerated, to promote economic development and help realize Bellevue College's interest in student housing.

Wilburton Commercial Area. Existing Subarea policy calls for portions of the Wilburton Commercial area to be re-zoned from GC to CB at such time as new roadway capacity is created by the NE 4th Street extension. The Land Use Code limits retail uses in this area to 100,000 square feet. A major developer has indicated an interest in locating a new retail store of approximately 150,000 square feet in the Wilburton commercial area. If the City desires to accommodate this size store in this location, the anticipated rezone is needed, together with a Land Use Code amendment to increase the allowable size and amend the design guidelines and standards of the Community Retail Design District, consistent with the Wilburton/NE 8th Street Subarea Plan updates that were adopted in 2007.

Newport Hills. While more extensive Code amendments to enable full redevelopment of the flagging Newport Hills shopping center await a clear sign of owner intent, the City has received a request from tenant Bill Pace Produce to help improve the viability of this site for currently-permitted uses.

NPDES Stormwater Regulations. The new NPDES Municipal Stormwater permit includes significant low impact development techniques that will require amendments to the Comprehensive

Plan and development regulations. Policy amendments are anticipated to be completed consistent with the Comprehensive Plan update in 2014. Updated regulations are required to be adopted no later than December 31, 2016.

Quasi-Judicial Permit Appeal Process Reform. This is a code amendment identified by the City Council to simplify quasi-judicial appeals of development permits by limiting the types of appeals available to the City Council. A review of regulations from other jurisdictions has been conducted. However, this item has not yet advanced due to other work priorities.

Land Use Code Clean-up. This is a code review and update effort for the Land Use Code that has been traditionally undertaken on a two-year cycle. Due to other large project priorities, a systematic code clean-up to ensure accuracy of cross references and maintenance of code clarity has not been undertaken in the last two years. Drafting work is underway and will be ready to move forward as Planning Commission time is available.

Wireless Communication Facilities Code Review. The wireless communication facilities code was updated most recently in 2003. This code creates a balance between efficient wireless facility deployment and mitigation of neighborhood impacts. In the last ten years, new technologies have emerged and stakeholders argue that the balance between deployment and neighborhood protection should be reconsidered. Wireless providers have raised concerns that deployment in Bellevue is too costly and time-consuming, while residents have raised concerns that the process favors the providers at the expense of neighborhood character.

Note: The above is not a complete list of planning initiatives underway or emerging, but rather focuses on those that involve significant Commission review. It excludes items like development of the Economic Development Strategy or regional planning efforts that come directly to the City Council.

Should additional projects be initiated or accelerated at this time?

Recognizing community concerns and priorities, the City Council may seek to initiate additional planning projects or accelerate some projects over others. Some projects are clear community priorities while others are in response to legal mandates. The City Council may want to adjust some of the priorities shown here to accelerate those items with significant community interest or to better manage the workload of the Planning Commission. The Planning Commission could agree to meet more frequently (it now meets twice per month). With the Council's direction, resources could be reallocated or additional resources – whether staff or consultants – could potentially be added to further accelerate projects. However, even with additional resources, there are limits on the amount of work that can be completed at one time. Only so much can be added to the Planning Commission's and City Council's agendas. Additionally, staff capacity is also affected by development activity. As the economy improves and interest in development increases, staff have been encountering increased pressure related to development review, which limits staff time that could otherwise be allocated for code development.

Staff anticipates that the City's organizational capacity will support initiating one of the upcoming more complex planning issues or a combination of lower complexity items.

In addition to finding capacity for these larger, more complex planning projects, there are number of minor Land Use Code amendment projects waiting in the wings that may be able to be drafted and processed on an opportunity basis, when staff and Planning Commission time permits.

Occasionally windows open on the Planning Commission's agenda. Making use of these opportunities will help the City manage lower priority, but still important, code amendments.

RECOMMENDATION

The Planning Commission and staff currently have a full complement of significant planning and code work underway, initiated by past Council actions. Staff recommends that we continue this body of work as currently scheduled, with the following modifications:

1. Multiple room rentals in single family dwellings (Spiritwood issue). Initiate work on this issue. Either:
 - a) Take immediate action to adopt an emergency, interim ordinance (Attachment 4) and initiate work on a long-term code approach to the items in the interim ordinance, OR
 - b) Do not adopt an interim ordinance, but rather develop policy direction on these issues through the major Comprehensive Plan update currently underway.
2. Application of Transition Area requirements to sites in long-term institutional use (public parks and schools). This addresses the situation affecting the PO zone in the Factoria area, and other similarly situated properties as discussed in Attachment 5. Include this item in the Land Use Code clean-up amendments already in the work program, set to be adopted in 2014.

This recommendation maintains the momentum behind high priority work already underway. It also allows for work to proceed on emerging new priorities, within the capacities of Planning Commission and staff time and resources.

ATTACHMENTS

1. Status Quo 2013-2014 Planning Work Program Calendar
2. Information regarding Boarding Homes, Rooming Homes and Bed and Breakfasts
3. Information regarding Occupancy of Single Family Homes
4. Potential single-family multi-room rental emergency ordinance
5. Major Comprehensive Plan Update—holdover items from June 10, 2013
6. Spring 2012 Code Amendment Docket (for reference)

PLANNING COMMISSION/STAFF MAJOR WORK PROGRAM ITEMS – STATUS QUO

| MAJOR PROJECTS | Sept-Oct/2013 | Nov-Dec/2013 | Q1 2014 | Q2 2014 | Q3 2014 | Q4 2014 | Q1 2015 | + |
|--|-----------------|-------------------------------|---------------|---------|-----------------------|---------|----------------------|---|
| SMP Conformance Amendments | CODE AMENDMENTS | | | | | | | |
| Comp Plan Update | | PLAN AMENDMENTS | | | | | | |
| Downtown Livability | | STAFF/CAC | | | CODE AMENDMENTS | | | |
| Station Area Planning (multiple stations) | | ANALYSIS/COMMUNITY ENGAGEMENT | | | PLAN AMENDMENTS | | | |
| East Link CAC | | | PERMIT REVIEW | | | | | |
| Annual Comprehensive Plan Amendments | | | | | | | | |
| Other LUCAS underway | | | | | | | | |
| UPCOMING PROJECTS *In accordance with Council direction and budget. | | | | | | | | |
| Eastgate Implementation | | PLAN AMENDMENTS | | | | | CODE AMENDMENTS | |
| BelRed Review | | | | | REVIEW AND ASSESSMENT | | POTENTIAL AMENDMENTS | |



Boarding Homes, Rooming Homes and Bed and Breakfasts

What is a Boarding Home, Rooming Home or Bed and Breakfast? Boarding homes, rooming homes and bed and breakfasts are all forms of *Transient Lodging*. Transient lodging is provided when a fee is charged for an overnight stay that is for a period of less than 30 days. Boarding homes, rooming homes and bed and breakfasts are allowed to be conducted in a single family home consistent with the terms of an issued *Home Occupation Permit*.

What is a Home Occupation Permit? A Home Occupation Permit is a means by which the city may permit a business to be conducted in a dwelling by a resident of the dwelling. The business must be largely subordinate to the home.

Why does the City Regulate Boarding Homes, Rooming Homes and Bed and Breakfasts? Transient lodging associated with a boarding home, rooming home or bed and breakfast can have an adverse impact on traditional single family homes located in residential land use districts. Individuals staying in a boarding home, rooming home or bed and breakfast are generally visitors to a neighborhood, and do not have an intention of residing there on a more permanent basis. Requiring a Home Occupation Permit to allow this type of transient lodging in a neighborhood is a mechanism by which the city can monitor and control negative impacts associated with this business use of a single family home.

How is a Home Occupation Permitted? Home occupations are permitted through a Process II administrative decision. This means the director of the Development Services Department makes the decision; no other review bodies are involved unless the approval is appealed to the hearing examiner. A home occupation can only be applied for by a resident of the dwelling. To gain approval, a home occupation must meet all of the following criteria:

- The business does not involve auto-related services, warehousing external storage of goods.
- The business is conducted within the dwelling and does not use more than 25% of its area.
- No more than one non-resident employee may participate in the business at the dwelling.
- There is no exterior display or other exterior indication of the business.
- There is no structural alteration which changes the residential character of the building.
- There is no use of equipment which changes the fire rating of the structure or which creates interference with radio/television receivers or fluctuations in line voltage outside the dwelling.
- There is no noise, vibration, smoke, dust, odor, heat, or glare produced by the business which would exceed that normally associated with a dwelling.
- In addition to parking required for the residents, there are no more than two vehicles parked on or in the vicinity of the property as a result of the business at any one time.

- There are no more than six client visits per day, and no more than one client visiting at a time.
- There are no more than two commercial deliveries per week or other use of commercial vehicles.

The city may also consider:

- The location of the proposed home occupation in relation to traffic impacts and safety concerns to the adjacent neighborhood.
- The impacts the proposed home occupation may have on the residential character of the neighborhood.
- The cumulative impacts of the proposed home occupation in relation to other city-approved home occupations in the immediate vicinity.
- The imposition of a condition under which the city reserves the right to impose additional conditions or to reconsider the home occupation within a certain timeframe based on complaints.

Summary of Applicable Code Sections (see Land Use Code for complete text):

LUC 20.20.140 - Boarding Homes and Bed and Breakfasts. Boarding houses and bed and breakfasts require Home Occupation Permit approval. Not more than two rooms may be rented to not more than two persons other than those occupying a single-family dwelling, and compliance is required with health and building codes. The owner of the boarding house or bed and breakfast is required to provide off-street parking for rented rooms at the rate of at least one parking stall per room.

LUC 20.20.700 – Rooming Houses. Rooming homes are regulated in the same way as Boarding Homes and Bed and Breakfasts (refer to LUC 20.20.140).

LUC 20.30N – Home Occupation Permit. Part 20.30N establishes the procedure and criteria that the City uses in making decisions on Home Occupation Permit applications. The Home Occupation requirements are not applicable to businesses which have no external indication of commercial activity, including no nonresident employees, no client visits, no business-related deliveries, and no vehicle signage.

BCC 4.19 – Lodging Excise Tax. An excise tax of five percent is collected on the sale or charge made for the furnishing of lodging that is subject to tax under state law. The tax applies to the charges made for the furnishing of lodging by a hotel, rooming house, tourist court, motel or trailer camp and the granting of any similar license to use real property as distinguished from the renting or leasing of real property. It is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

Definitions:

- Bed and Breakfast – LUC 20.50.012. A dwelling which temporarily houses guests for profit.
- Boarding House – LUC 20.50.012. A dwelling in which roomers and/or boarders are housed and/or fed for profit.
- Dwelling, Single Family – LUC 20.50.016. A building containing but one kitchen, designed for and occupied exclusively by one family, except where a valid accessory dwelling unit registration has been approved.

- Dwelling Unit – LUC 20.50.016. Houses, apartments, condominiums, groups of rooms, or single rooms, which are occupied, or vacant, but intended for occupancy, as separate living quarters. Specifically, there is a dwelling unit when the occupants live and eat separately from any other persons in the structure and there is either (1) direct access to the unit from the outside or through a common hall, or (2) complete kitchen facilities for the occupants' exclusive use. A single unit providing complete, independent living facilities for one or more persons including permanent provisions of living, sleeping, eating, cooking and sanitation.
- Home Occupation – LUC 20.50.024. An occupation or profession which is incident to and carried on in a dwelling by a member of the family residing within the dwelling and not one in which the use of the premises as a dwelling is largely incidental to the occupation or profession carried on therein.
- Transient Lodging – LUC 20.50.048. Lodging provided for a fee or charge in a hotel, motel, boarding house, bed and breakfast, short term stay use or other granting of any similar license to use real property for a period of less than thirty (30) days.

Other Code Provisions that Regulate the Occupancy of Dwelling Units in Residential Land Use Districts

LUC 20.20.120 – Accessory Dwelling Units. Accessory dwelling units are a subordinate dwelling unit incorporated within a single family structure and meeting criteria related to occupancy, size, parking, design and location.

LUC 20.20.250 – Guest Cottage, Guest House. A dwelling unit on a residential lot, separate from the main residential building, which is used to accommodate nonpaying guests of the residents or domestic employees of the residents and which is not rented.

LUC 20.20.800 – Short Term Stay Uses. Limitations and General Requirements of this section are applicable to transient lodging provided in a Planned Unit Development or multifamily dwelling unit located in a Residential land use district. This section does not apply to boarding homes, rooming homes and bed and breakfasts.

LUC 20.50.020 – Definition of Family. One or more persons (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.

Occupancy of a Single Family Home

What is the occupancy limit for a single family home? Limitations on occupancy are provided by definitions contained in the Land Use Code. Generally, single family dwelling units are permitted to contain only one kitchen and must be designed for occupancy by one *Family*. Family is defined by the Land Use Code as one or more persons (but not more than six unrelated persons) living together as a single housekeeping unit. Children living under the care of a responsible adult, and handicapped individuals living with caregivers are considered related under the terms of this definition.

When is more than one kitchen allowed, and does that change the occupancy limit for a home?

Accessory Dwelling Units create an exception to the one kitchen/one family limitation. A second kitchen is permitted within a single family home if it is registered as an accessory dwelling unit (also referred to as an ADU). Accessory dwelling units are required to be incorporated within a single family structure. An ADU provides space that may be occupied separately from the primary single family dwelling provided that the owner occupies the primary dwelling unit, and criteria related to ADU size, parking, design and location are met. Consistent with the definition of Family, the total number of occupants in both the primary residence and the ADU combined may not exceed six unrelated persons. Guest cottages are a form of dwelling unit that is detached from the main single family home and also create another exception to the one kitchen/one family limitation. However, the occupancy of guest cottages is limited to nonpaying guests and employees of residents who live in the main single family home.

Are there regulations on the rental of single family homes? No. There are no specific regulations requiring the licensing, registration or inspection of single family homes used for rental property. So long as occupancy limits contained in the definition of family are met, and the dwelling unit is available to be occupied for a continuous period of 30 days or more, the city does not regulate the rental or leasing of single family homes.

What regulations apply to rentals offered for less than 30 days? Lodging offered for a fee or charge for periods of less than 30 days is referred to as *Transient Lodging*. Boarding houses, rooming houses and bed and breakfasts are forms of transient lodging permitted to occur in a single family home when a Home Occupation Permit has been issued. When transient lodging is offered in a single family home located within the limits of a Planned Unit Development (PUD), the Short Term Stay requirements of the Land Use Code apply which limit the total number of short term stay units allowed and require registration and adherence to any underlying rules of conduct adopted for the PUD.

Summary of Applicable Code Sections (see Land Use Code for complete text):

- Dwelling, Single Family – LUC 20.50.016. A building containing but one kitchen, designed for and occupied exclusively by one family, except where a valid accessory dwelling unit registration has been approved.
- Dwelling Unit – LUC 20.50.016. Houses, apartments, condominiums, groups of rooms, or single rooms, which are occupied, or vacant, but intended for occupancy, as separate living quarters. Specifically, there is a dwelling unit when the occupants live and eat separately from any other persons in the structure and there is either (1) direct access to the unit from the outside or through a common hall, or (2) complete kitchen facilities for the occupants' exclusive use. A single unit

providing complete, independent living facilities for one or more persons including permanent provisions of living, sleeping, eating, cooking and sanitation.

- Family - LUC 20.50.020. One or more persons (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.
- LUC 20.20.120 – Accessory Dwelling Units. Accessory dwelling units are a subordinate dwelling unit incorporated within a single family structure and meeting criteria related to occupancy, size, parking, design and location.
- LUC 20.20.250 – Guest Cottage, Guest House. A dwelling unit on a residential lot, separate from the main residential building, which is used to accommodate nonpaying guests of the residents or domestic employees of the residents and which is not rented.
- LUC 20.20.800 – Short Term Stay Uses. Limitations and General Requirements of this section are applicable to transient lodging provided in a Planned Unit Development or multifamily dwelling unit located in a Residential land use district. This section does not apply to boarding homes, rooming homes and bed and breakfasts.

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

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 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 and the change 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 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 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, 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, a 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 20.50.012 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 House. A dwelling in which ~~roomers and/or~~ boarders are housed and/or fed for profit, and the boarders do not meet the definition of family as that term is defined in LUC 20.50.020, (see LUC 20.20.140).

Comment [cvh1]: This would have the effect of treating all "individual lease" arrangements as a Boarding House, which in turn requires a Home Occ permit which has its own criteria. In addition, 20.20.140 would limit the number of rentable rooms to 2, and would require sufficient parking.

Section 2. 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 persons (but not more than ~~six~~four unrelated persons) living together as a single housekeeping in a dwelling unit (refer to LUC 20.50.016 for the definition of Dwelling Unit). To be included within the definition of "Family," unrelated persons occupying a single dwelling unit must be able to demonstrate to the Director that their group operates in a manner that is functionally equivalent to a family. Factors that shall be considered by the Director include whether the group:

Comment [cvh2]: 3 Persons reflects 2011 American Community Survey that shows average Bellevue family size is 2.94 persons, and Bellevue average household size is 2.47 (2.75 for single-family units). 4 persons is provided as an option.

- 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 temporary living arrangement or a framework for transient living;
- f. Changes in composition from year to year or within the year;
- g. Is 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.

Comment [cvh3]: This approach is used by many New York municipalities and has met with success in New York courts against Due Process challenges (source: New York State Department of State Office of General Counsel, Legal Memorandum LU05).

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

20.50.044 R definitions.

Rooming House. A dwelling in which roomers are housed for profit, and the roomers do not meet the definition of family as that term is defined in LUC 20.50.020. (see LUC 20.20.700).

Section 4. 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 5. 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 _____, 201____, 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 6. 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 7. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 8. 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 9. 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.

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

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____

DRAFT

Major Comprehensive Plan Update—Holdover Items from June 10, 2013

1. Bel-Red 5-Year Review

When the City adopted the Bel-Red Subarea Plan in 2009 it was acknowledged that it would be important to review the plan periodically. Policy S-BR-85 specifically calls for a review of the implementation of the plan approximately five years after the plan's adoption. This time period both assured the development community that the plan would remain stable for the first five years and set a time for reviewing changes in the economy. It also allowed sufficient time for a number of development permits to be processed under the new code and to evaluate the results.

The Bel-Red plan was adopted in the midst of the country's Great Recession, which stalled all but a minimal amount of development across the region for several years. Additionally, while light rail will help transform the BelRed area it is still nearly a decade away from being operational. Despite these limiting factors, BelRed has seen strong development interest. BelRed development activity has included:

- Seattle Children's Hospital Eastside – opened in 2009
- Walgreens redevelopment of the Uwajimaya store – nearing completion
- UC4 software
- Girl Scouts of America retail operations
- Spring District master development plan for 5.4M square feet of office and residential space, and 2.2 acres of parks and open space – approved in 2012
- Spring District phase 1 – two office buildings with 524K square feet of office and commercial space.
- Pine Forest master development plan for 1.16M square feet of office and residential space – in review
- Goodman Real Estate master development plan for 356K square feet of residential and associated open space, and Design Review approval for Phase I, 327K square feet
- Numerous re-use permits, such as AV Performance Tennis Club and Zach's Tennis Store.

The City has also heard from several property and business owners regarding specific issues:

- Interest in increasing allowed height and density at the Banner Bank site (BR-ORT)
- Interest in increasing allowed height and density in the medical office (BR-MO) area along 116th Avenue NE and north of 15th Street
- Interest in allowing recreational uses and/or allowing a broader range of uses in the residential zone (BR-R)
- Interest in increasing allowed height and density at Brierwood Center on 120th Avenue NE (BR-CR).

Whenever it is initiated, the Bel-Red review process is expected to be conducted in two parts:

Part 1 – Review and Assessment

1. **Review and scope development** - Staff will review the progress of the Bel-Red plan, including development activity, implementation of City capital projects, state of design for East Link, and past amendment requests (such as request for Comprehensive Plan amendments).

2. **Stakeholder outreach** – In addition to staff analysis, staff will interview key stakeholders, including property owners, businesses and others in the community to evaluate the subarea and gather feedback on the current set of development regulations.
3. **Council direction** – Following the initial review and stakeholder interviews, staff will seek Council’s direction on whether to initiate specific Comprehensive Plan or Code amendments. This will provide direction to the City’s boards and commissions, as appropriate, and to staff to develop amendments and engage stakeholders and the broader community.

Part 2 – Development of Potential Plan and Code Amendments

Boards & Commissions – At the Council’s direction, potential amendments may require development and review by the City’s boards and commissions, especially the Planning Commission. Depending on the changes anticipated, this could entail development of significant policy amendments to the Subarea Plan and/or changes to the Land Use Code.

How much effort will the Bel-Red review require?

To make a meaningful review of the Bel-Red area requires conducting a thorough examination of the activity that has occurred since the plan was adopted, including public and private actions underway. It also entails meaningful stakeholder engagement. It is anticipated that this initial review and assessment will take several months to complete.

It is difficult to predict the complexity of potential amendments and estimate the time that it would require to process them with the City’s boards and commissions. It is possible that, after reviewing the area, the Council may seek to implement a set of precise, limited amendments that might be processed relatively expeditiously, or a set of more complex amendments that might involve multiple boards and commissions. If the amendments affect the economics of development and particularly the incentive zoning system, they will likely require significant market and economic analysis.

Alternatively, if evidence shows that the transition toward the vision is happening gradually, but on track, the Council may forgo implementing changes at this time, allowing development activity to occur under the current code.

Current Direction (Status Quo): Staff will conduct the Part 1 review during the latter half of 2014, consistent with the 5 year review schedule. A report on findings will be presented to Council. If the Council gives direction to prepare plan or code amendments as a result of the Part 1 review, those amendments would be reviewed by the appropriate boards and commissions in 2015.

Work Program Impact of including this item in the Comprehensive Plan Update: The earlier Council discussion requested more information about moving the Bel-Red review to sync up with the major Comprehensive Plan update, presumably so that any resulting Plan and Code amendments would be adopted at the same time as the updated Plan. This would likely have a significant impact on staff and Commission capacity.

Major Comprehensive Plan Update—Holdover Items from June 10, 2013 (cont.)

2. Additional Flexibility for Factoria Professional Office Zone

One of the citizen requests for the Comprehensive Plan update discussed with the Council in June is to evaluate the Factoria PO (Professional Office) site located adjacent to Newport High School and consider options to facilitate redevelopment. This site was considered during multiple annual amendment cycles. The general conclusion from previous reviews was that PO remains the appropriate designation for the site and that there may be other ways to support redevelopment.

The Council asked staff to return with some options for providing additional flexibility to address development of this site, particularly given that it appears to be highly impacted by single family transition area requirements. These transition requirements are intended to protect adjoining single family properties, when in this case the adjacent zoning is single family but the adjacent use is a school.

Staff's judgment is that application of the current residential transition zone standards is having an unintended consequence in this and similar situations, where institutional uses like schools and public parks are subject to the transition. Modification of these provisions would not require a Plan amendment, but rather could be accomplished through the "housekeeping" code amendments already in the work program.

Work Program Impact of including this item in the Comprehensive Plan Update: If this item were narrowly scoped, it could have a modest impact on the existing work program. Since residential transition zones are broadly distributed across the city, it would be important to examine the effects of any proposed changes on similarly situated properties city-wide.

**Code Amendment Docket
Required by RCW 36.70A.470**

| Requested Amendments to the Land Use Code As presented to Council in July 2012 Tier 1 – Top Priorities Recommended for 2013 Initiation | | | |
|---|--|--------------------------------------|---|
| Docketed Code Amendments [Origin of Request] | Anticipated Level of Effort | Factors Impacting Level of Effort | |
| Simplification of Council Quasi-Judicial Permit Appeal Process by limiting types of appeals available to the City Council [Council Identified] | ++: non-substantive amendments to provide process streamlining | Technical Complexity | L |
| | | Level of Outreach | M |
| | | Potential Opposition | M |
| Land Use Code Clean-Up [DSD Identified – Opportunity for Code Simplification and Clarity] | + : citation and cross reference verification and update, and code clarifications | Technical Complexity | L |
| | | Level of Outreach | L |
| | | Potential Opposition | L |
| Downtown Urban Design & Livability. Privately requested code amendments to expand uses allowed to locate on Pedestrian Oriented frontage, and to allow habitation of roof top space would be included as a component of this project. [PCD Identified Workprogram Proposal not funded in 2011-12 budget to be revisited during 2012 Budget Process] | +++: Research to ensure regional competitiveness and multi-stakeholder public outreach required | Technical Complexity | H |
| | | Level of Outreach | H |
| | | Potential Opposition | M |
| Wireless Communication Facilities Code Review [DSD Identified – Emerging Technology/Consideration of Additional Impact Mitigation] | +++: Substantive new code, research to ensure regional competitiveness and public outreach required | Technical Complexity | H |
| | | Level of Outreach | H |
| | | Potential Opposition | H |

Level of Effort Key

- +** : Low
++: Moderate
+++: High

**Requested Amendments to the Land Use Code
As presented to Council in July 2012
Tier 2 – Not Currently Ripe for Processing or Less Urgent**

| Docketed Code Amendments [Origin of Request] | Anticipated Level of Effort | Factors Impacting Level of Effort | |
|--|--|-----------------------------------|---|
| <p>Use Chart Update to update references to use characterization documents (Standard Land Use Classification Manual) and to accommodate new and temporary uses such as:</p> <ul style="list-style-type: none"> • Subordinate and Incidental Uses • Adult Day Care • Pet Day Care • Produce Stands • Social Service Providers in affordable housing projects • Relocation of uses and temporary uses during construction <p>[DSD Identified – Emerging Trends]</p> | <p>+: request is narrowly tailored to align code requirements with emerging uses types and associated impacts consistent with the Comprehensive Plan</p> | Technical Complexity | L |
| | | Level of Outreach | L |
| | | Potential Opposition | L |
| <p>Nonconforming Use Amendments</p> <p>[DSD Identified – Opportunity for Code simplification and clarity]</p> | <p>++: New model adopted with Bel-Red Amendments to be considered for City-Wide application, public outreach required</p> | Technical Complexity | M |
| | | Level of Outreach | M |
| | | Potential Opposition | L |
| <p>Innovative Housing Regulation review and update to foster compatible infill development, mixed use housing, and affordable housing opportunities (including Accessory Dwelling Units)</p> <p>[CPA Consistency – Housing Element]</p> | <p>+++ : Substantive new code, research to ensure regional competitiveness and substantial public outreach required</p> | Technical Complexity | H |
| | | Level of Outreach | H |
| | | Potential Opposition | H |
| <p>Great Streets Code Amendments – City-Wide Street Tree Requirements</p> <p>[DSD Identified – Code Gap; PCD Work program]</p> | <p>+: request is narrowly tailored, consistent with Comprehensive Plan</p> | Technical Complexity | M |
| | | Level of Outreach | L |
| | | Potential Opposition | L |
| <p>Increased flexibility for interim uses to locate in Bel-Red prior to LRT</p> <p>[DSD Identified – Economic Recovery Tool Extension of existing use status and duration of proportional compliance exemption]</p> | <p>+: Increase period of time that existing uses can be discontinued before they are considered abandoned and unable to re-establish</p> | Technical Complexity | L |
| | | Level of Outreach | M |
| | | Potential Opposition | L |

**Requested Amendments to the Land Use Code
As presented to Council in July 2012
Tier 2 – Not Currently Ripe for Processing or Less Urgent**

| Docketed Code Amendments [Origin of Request] | Anticipated Level of Effort | Factors Impacting Level of Effort | |
|---|---|-----------------------------------|---|
| <p>Permit Time Line and Vesting Flexibility to facilitate development and provide certainty necessary to obtain project financing</p> <p>[DSD Identified – Economic Recovery Tool]</p> | <p>+: request takes advantage of additional time flexibility for CUP vesting under state law</p> | Technical Complexity | L |
| | | Level of Outreach | L |
| | | Potential Opposition | L |
| <p>FEMA New Minimum Requirements for participation in National Flood Insurance Program necessary to ensure consistency with Biological Opinion for ESA listed Salmon protection</p> <p>[External Mandate - FEMA]</p> | <p>++: Policy direction has financial implications that will require Council direction prior to initiation</p> | Technical Complexity | L |
| | | Level of Outreach | M |
| | | Potential Opposition | M |
| <p>PUD Process Simplification and Substantive Review to align ordinance with current development trends</p> <p>[DSD Identified – Emerging Development Trends and added revision flexibility]</p> | <p>++: both substantive and procedural amendment to facilitate infill development while maintaining neighborhood compatibility</p> | Technical Complexity | M |
| | | Level of Outreach | M |
| | | Potential Opposition | L |
| <p>Eastgate/I-90 Corridor Land Use and Transportation Project</p> <p>[PCD Workprogram – Timing linked to DSD staff capacity]</p> | <p>++: substantive new code sections required, community engagement necessary</p> | Technical Complexity | M |
| | | Level of Outreach | M |
| | | Potential Opposition | M |
| <p>Neighborhood Business code amendment necessary to foster shopping center redevelopment.</p> <p>[PCD Workprogram]</p> | <p>++: Substantive new code, research to ensure regional competitiveness and substantial public outreach required</p> | Technical Complexity | H |
| | | Level of Outreach | M |
| | | Potential Opposition | L |

**Requested Amendments to the Land Use Code
As presented to Council in July 2012
Tier 2 – Not Currently Ripe for Processing or Less Urgent**

| Docketed Code Amendments [Origin of Request] | Anticipated Level of Effort | Factors Impacting Level of Effort | |
|---|--|-----------------------------------|---|
| <p>Green Building and Alternative Energy Accommodation Amendments</p> <p>[DSD Identified – Emerging Trends/Environmental Stewardship/CMO Workprogram – Timing Linked to Evergreen State Solar Partnership (ESSP) work]</p> | <p>++: Research to ensure regional competitiveness and multi-stakeholder public outreach required</p> | Technical Complexity | M |
| | | Level of Outreach | M |
| | | Potential Opposition | L |
| <p>Vendor Cart Code Update</p> <p>[DSD Identified – Emerging Trends/Economic Recovery – Timing linked to funding of Downtown Urban Design & Livability]</p> | <p>++: Multi-stakeholder public outreach required to evaluate emerging vendor cart types and associated impacts</p> | Technical Complexity | M |
| | | Level of Outreach | M |
| | | Potential Opposition | M |
| <p>Dimensional Regulations Improvements</p> <p>[DSD Identified – Opportunity for Code simplification and clarity]</p> | <p>+: request is narrowly tailored and consistent with Comprehensive Plan</p> | Technical Complexity | M |
| | | Level of Outreach | L |
| | | Potential Opposition | L |
| <p>Exploration of commercial property maintenance requirements and interim use opportunities for vacant sites (such as parking)</p> <p>[DSD Identified – Economic Recovery Option]</p> | <p>++: increase in land carrying costs associated with commercial property maintenance could be offset with additional interim use flexibility</p> | Technical Complexity | M |
| | | Level of Outreach | M |
| | | Potential Opposition | M |
| <p>Parking Stall Dimension & Ratio Requirements</p> <p>[DSD identified – Code Flexibility Opportunity/Emerging Trends]</p> | <p>++: Research to ensure regional competitiveness and multi-stakeholder public outreach required</p> | Technical Complexity | M |
| | | Level of Outreach | M |
| | | Potential Opposition | H |
| <p>Pipeline Safety Amendment to provide location notification and avoidance of construction related impacts and disturbance to high pressure pipelines</p> <p>[DSD Identified – Public Information and Safety]</p> | <p>+: New process model for notification and locate requirements prior to undertaking construction near pipelines</p> | Technical Complexity | L |
| | | Level of Outreach | L |
| | | Potential Opposition | L |

**Requested Amendments to the Land Use Code
As presented to Council in July 2012
Tier 3 – No External Pressure to Complete at this Time**

| Docketed Code Amendments [Origin of Request] | Anticipated Level of Effort | Factors Impacting Level of Effort | |
|--|---|-----------------------------------|---|
| <p>Rezone Criteria to clarify meaning of “changed circumstances”</p> <p>[DSD Identified – Opportunity for Code simplification and clarity]</p> | <p>+: request is narrowly tailored and a non-substantive clean-up</p> | Technical Complexity | L |
| | | Level of Outreach | L |
| | | Potential Opposition | L |
| <p>Delete References to Evergreen Highlands</p> <p>[CPA Consistency Amendment]</p> | <p>+: request is narrowly tailored and a non-substantive clean-up</p> | Technical Complexity | M |
| | | Level of Outreach | L |
| | | Potential Opposition | L |
| <p>Wilburton and Community Retail Design District Update to support CB rezone accompanying NE 4th extension.</p> <p>[CPA Consistency – Timing Linked to Developer Initiated LID]</p> | <p>++: Substantive new code, research to ensure regional competitiveness and public outreach required</p> | Technical Complexity | H |
| | | Level of Outreach | M |
| | | Potential Opposition | M |
| <p>Meydenbauer Bay/ Downtown Park Connection</p> <p>[CPA Consistency – Timing Linked to Park Planning]</p> | <p>+++ : substantial public outreach, varied stakeholder interests, and substantive code changes required</p> | Technical Complexity | H |
| | | Level of Outreach | H |
| | | Potential Opposition | H |
| <p>Crossroads Center Plan (06-133381-AD & 07-123051-AD)</p> <p>Community Retail Design Guidelines (07-123052-AD) [Community Request – Timing Linked to Owner Redevelopment Plans]</p> | <p>++: Substantive new code, research to ensure regional competitiveness and public outreach required</p> | Technical Complexity | M |
| | | Level of Outreach | M |
| | | Potential Opposition | M |

**Requested Amendments to the Land Use Code
As presented to Council in July 2012
Tier 3 – No External Pressure to Complete at this Time**

| Docketed Code Amendments [Origin of Request] | Anticipated Level of Effort | Factors Impacting Level of Effort | |
|--|---|-----------------------------------|---|
| <p>Helistop Substantive Regulation Review</p> <p>[Council Identified – Timing linked to funding of Downtown Urban Design & Livability]</p> | <p>++: Research to ensure regional competitiveness and multi-stakeholder public outreach required</p> | Technical Complexity | H |
| | | Level of Outreach | M |
| | | Potential Opposition | H |
| <p>Recycling & Solid Waste Collection Area amendments necessary to respond to current waste hauler requirements</p> <p>[Utility Department Workprogram]</p> | <p>+: request is narrowly tailored to align code requirements with new waste hauling needs</p> | Technical Complexity | L |
| | | Level of Outreach | L |
| | | Potential Opposition | L |

**Non- Land Use Code Amendments
As presented to Council in July 2012**

| Docketed Code Amendment [Origin of Request] | Status/ Level of Effort |
|--|---|
| Highrise Signs [PCD Identified – Economic Development] | Not Initiated +: Request is narrowly tailored to ensure regional competitiveness |
| LUC Terminology and Cross Reference Consistency [DSD Identified – Opportunity for Code simplification and clarity] | Not Initiated +: request is narrowly tailored and a non-substantive clean-up |
| LUC and Clear and Grade Code - Corrections and Process Simplification Amendments related to Critical Areas and NPDES Administration [DSD Identified – Opportunity for Code simplification and clarity] | Not Initiated +: request is narrowly tailored |
| Environmental Procedures Code Corrections and Simplifications [DSD Identified – Opportunity for Code simplification and clarity and Response to State Legislation] | Not Initiated +: request is narrowly tailored and a non-substantive clean-up |
| Building and Fire Code 3-Year Update - 2013 [DS Identified – Timing linked to State Code Adoptions and completion regional collaboration to create code alignment through Mybuildingpermit.com participating cities] | Not Initiated +: request is narrowly tailored to ensure consistency with State Law |
| Updates to Abatement of Dangerous Building and Commercial Building Maintenance Codes - 2013 [DSD Identified – Opportunity for Code simplification and clarity] | Not Initiated ++: Research to ensure regional competitiveness, multi-stakeholder outreach |
| Noise Control Code Review [Council Identified – Consideration of Additional Impact Mitigation and Opportunity for Code Flexibility] | Not Initiated ++: Research to ensure regional competitiveness and multi-stakeholder public outreach required |
| Sign Code Update [DSD Identified – Timing Linked to Cross Department Staff Availability] | Not Initiated +++: Research to ensure legal consistency and multi-stakeholder public outreach required |

**Non- Land Use Code Amendments
As presented to Council in July 2012**

| Docketed Code Amendment [Origin of Request] | Status/ Level of Effort |
|--|---|
| <p>School Impact Fees for Renton School District [Renton School District Requested – Opportunity to assist in the financing of Renton public school facility improvements that serve City of Bellevue Residents]</p> | <p align="center">Not Initiated * request is narrowly tailored</p> |