

July 16, 2018

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

Ordinance amending the Bellevue Land Use Code, Title 20 of the Bellevue City Code, by adding new section 20.20.455 providing regulations for the permitting of Homeless Services Uses; amending the Services Use Charts to identify the Land Use Districts where Homeless Services Uses may be permitted; adding new definitions to section 20.50.038 for consistency with new section 20.20.455 LUC; providing for severability; and establishing an effective date. (Meeting 8)

### **FISCAL IMPACT**

Information relayed from previous agenda memos note that fiscal impacts are generally not expected when new provisions are added to the Land Use Code when administered by Development Services (DS) staff during review of permit applications using standard notification practices. The Draft Land Use Code Amendment (LUCA) governing the permitting of Homeless Services Uses does, however, likely create new staff workload demand inside and outside of DS. The final terms of the Ordinance adopted by Council will determine the scope of staff workload to administer expanded noticing requirements and participate in the Good Neighbor Agreement (GNA) Advisory Committee. Although there would be a variety of new workload demands placed on staff if the Homeless Services Uses provisions are adopted, shelter and day center permits are expected to be limited in number.

### **STAFF CONTACTS**

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### **POLICY CONSIDERATION**

Following the public hearing on the Homeless Services Uses LUCA on June 11, Councilmembers have suggested amendments to the Public Hearing Draft LUCA in preparation for final adoption. Councilmembers worked with staff to prepare suggested amendments to the Public Hearing Draft LUCA, and the full City Council considered these amendments on June 25 and July 2. Staff has prepared an updated version of the Homeless Services Uses LUCA that includes the Council-suggested amendments to the Public Hearing Draft LUCA as they were approved by Council during the June 25 and July 2 meetings. This Updated Homeless Services Uses LUCA is included with this memorandum as Attachment A. Proposed Ordinance No. 6419 (as amended) is included in the Council packet, and is consistent with the Updated Homeless Services Uses LUCA presented in Attachment A.

During the July 2 Study Session, Councilmembers Zahn and Lee suggested additional changes to the Public Hearing Draft LUCA that were not reflected in draft code language that could be offered for consideration by the full Council. Councilmember Zahn expressed a desire to add clarifying language to the Determination of Permit Approval Path used by Council to evaluate a request to negotiate a Development Agreement. Councilmember Zahn's suggested amendment is included with this memorandum as Attachment B. Councilmember Lee expressed a desire to offer an amendment related to the ongoing involvement of the GNA Advisory Committee. Councilmember Lee's suggested amendment is included with this memorandum as Attachment C.

During the July 16 meeting, Councilmembers may request the full City Council to include their suggested code language in Proposed Ordinance No. 6419 by making a motion for consideration of the amendatory language. If the full Council approves the motion, then the amendment will be incorporated into the base document (the Updated Homeless Services Uses LUCA in Attachment A), so that the final action will be approval of Ordinance No. 6419 with Council-approved modifications.

During the July 16 Council Meeting, staff is requesting the City Council to:

- Consider amendments offered by the Councilmembers on July 16;
- Determine whether offered amendments should be incorporated into proposed Ordinance No. 6419; and
- Adopt Ordinance No. 6419 as presented in these packet materials, or as modified to reflect amendments approved by the full Council on July 16.

In the event that permanent regulations are not adopted on July 16, a public hearing has been scheduled for July 23 to extend the Interim Official Control (IOC) for Shelter Permitting. The IOC was originally adopted to describe the permit process required to establish a homeless shelter and identify Land Use Districts where a homeless shelter may be established while permanent regulations were being developed. The IOC adopted by Ordinance No. 6398 is set to expire on August 7 and would need to be extended if permanent regulations are not adopted on July 16. If Council adopts permanent regulations on July 16, then the scheduled July 23 IOC Public Hearing will be canceled.

## **BACKGROUND**

In January, the City Council affirmed its intent to allow for a permanent homeless shelter in Bellevue by extending the IOC that regulates shelter permitting, and by directing staff to develop permanent homeless shelter permitting regulations. A Council-endorsed community engagement approach and LUCA processing schedule was adopted on March 5. The initial draft of a Homeless Services Uses LUCA was introduced to the City Council on April 23, and Council held policy discussions regarding the content of the LUCA during the May 7 and May 21 Study Sessions.

At the May 21 Study Session, Council set June 11 as the date for a public hearing on the Draft LUCA. The following policy objectives provided guidance to City staff during development of the Draft LUCA that was the topic of public hearing consideration on June 11.

1. Work toward an Eastside solution for a permanent winter shelter (Council Priority);
2. Support the establishment of a year-round homeless shelter on the Eastside (2014 Diversity Advantage Plan);
3. Prevent individuals from becoming homeless, and for those that do experience homelessness, ensure that it is rare, brief and one time (Committee to End Homelessness Interest Statement adopted by the Bellevue City Council on June 22, 2015); and
4. Regulate Homeless Services Uses in a manner that is not construed as criminalizing homelessness (City Council Policy discussion on May 5).

Following the public hearing on June 11, the City Council discussed a process for suggesting amendments to the Public Hearing Draft LUCA. Following consideration of the remarks and emails received on the LUCA, a total of 25 suggested amendments were developed by individual Councilmembers with support from staff. Council-suggested code amendments were discussed on June 25 and July 2. A complete set of the Council-suggested code amendments was included in the Study Session Packet Materials for July 2, and is available at the following link:

<https://bellevue.legistar.com/LegislationDetail.aspx?ID=3536717&GUID=3DC5C12E-C6C1-4554-BA1D-F814DAB21450> .

The Council Discussion of Upcoming Items for July 9 included an informational release that documented amendments to the Public Hearing Draft LUCA that were approved by Council during the June 25 Extended Study Session. This informational release was made available at the following link: <https://bellevue.legistar.com/LegislationDetail.aspx?ID=3545760&GUID=0B539A2D-2D14-4979-9397-C20310C929C2>. The materials provided in the July 9 City Council Meeting Packet were informational only and intended to provide an early release of the Draft LUCA with the amendments approved on June 25 along with the proposed amendment language for E-11. It also provided extended time for public review. No discussion or action took place on July 9.

The materials prepared for the July 16 City Council Meeting consolidate all Council-suggested amendments that were approved, or approved with modifications, by the full Council. The City Council took the following actions on June 25, and these actions are reflected in Attachment A and Proposed Ordinance No. 6419:

- Amendments E-1, E-2, E-5, E-7, E-8, and E-9 were approved as presented by a vote of 7 – 0.
- Amendments E-4, E-6, E-10 were approved 7 – 0 with amendments.
- Amendment E-3 was withdrawn from consideration.
- Amendment E-11 was redrafted for the July 9 agenda packet with language to apply the Code of Conduct requirements within an identified perimeter area of a sited shelter.
- Amendment C-1 was rejected by a vote of 3 - 4. Council then approved an amendment to encourage Large Overnight Shelters of more than 50 beds to be located within one mile of a public transit stop by a vote of 7 – 0.

On July 2 Council held continued discussions on the Council-suggested amendments regarding Permit Process Path Alternatives and GNA Advisory Committee Member Group composition. The City Council took the following actions on July 2, and these actions are reflected in Attachment A and Proposed Ordinance No. 6419:

- Amendment D-1 was approved 4 – 3 with amendments.
- Amendment D-3 was rejected by a vote of 3 – 4.
- Amendment B-1 was approved as presented by a vote of 7 – 0.
- Amendment B-2 was approved 7 – 0 with amendments.
- Amendment B-3 was approved 7 – 0 with amendments.
- Amendment B-4 was approved 7 – 0 with amendments.
- Amendment B-5 was approved 7 – 0 with amendments.
- Amendment B-6 was approved 7 – 0 with amendments.
- Amendment B-7 was approved 7 – 0 with amendments.
- Amendment B-8/Synthesis Amendment was not discussed due to amendments B-1 thru B-7 above.
- Additional Amendment (Councilmember Lee) proposed to add up to one member who represents the human services community. Motion approved 7 – 0.

On July 2, Councilmembers Zahn and Lee also expressed their intentions to request additional amendments to the Public Hearing Draft LUCA at the meeting scheduled for July 16. During the July 16 meeting, Councilmembers may request the full Council to include their suggested code language in Proposed Ordinance No. 6419 by making a motion for consideration of the amendatory language. If the full Council approves the motion, then the amendment will be incorporated into the base document (the

Updated Homeless Services Uses LUCA in Attachment A), so that the final action will be approval of Ordinance No. 6419 with Council-approved modifications.

During the July 16 Council Meeting, staff is requesting the City Council to:

- Consider amendments offered by the Councilmembers on July 16;
- Determine whether offered amendments should be incorporated into proposed Ordinance No. 6419; and
- Adopt Ordinance No. 6419 as presented in these packet materials, or as modified to reflect amendments approved by the full Council on July 16.

### **OPTIONS**

1. Adopt the Ordinance amending the Bellevue Land Use Code, Title 20 of the Bellevue City Code, by adding new section 20.20.455 providing regulations for the permitting of Homeless Services Uses; amending the Services Use Charts to identify the Land Use Districts where Homeless Services Uses may be permitted; adding new definitions to section 20.50.038 for consistency with new section 20.20.455 LUC; providing for severability; and establishing an effective date.
2. Do not adopt the Ordinance and provide alternative direction.

### **RECOMMENDATION**

Option 1

### **MOTION**

A motion to approve Ordinance No. 6419 was made and seconded at the June 25 meeting. Council has postponed consideration of the Ordinance to tonight's meeting.

At tonight's meeting, Council may vote on the main motion to adopt Ordinance 6419, propose further amendments or continue discussion.

### **ATTACHMENTS**

- A. Ordinance 6419 – As Amended (redline version shows amendment approved to the Public Hearing Draft LUCA and are reflected in Proposed Ordinance No. 6419).
  - B. Zahn Amendment to Council-Approved D-1 (Yellow)
  - C. Lee Amendment to GNA Timing (Blue)
  - D. Ordinance No. 6419 as presented on June 25 and July 2 (Gray)
- Proposed Ordinance No. 6419 (As amended)

### **AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

Compilation of comment letters received on the Homeless Service Uses LUCA