

Homeless Shelter Permitting LUCA Topic Discussion Guide

The information contained in this Attachment B is provided to help frame the Study Session discussions that will be held by Council members as they prepare a Land Use Code Amendment (LUCA) to govern the permitting of homeless shelters and day centers in Bellevue. A Public Hearing will be held on the draft version of the LUCA that is produced as a result of the Council discussions. The LUCA will be finalized by the City Council taking into account the input received from community engagement efforts and at the public hearing.

This document is organized into three columns. The **General Themes** column provides a high level summary of the feedback that was provided on each topic included in the LUCA. These themes were collected from the citywide survey, workshops and public comment received. The General Themes are not a verbatim summary of the comments received, but they are intended to reflect the range of perspectives voiced on each topic. The column that is titled **How Themes are Reflected in the Code** provides a reference to the location in the LUCA where a General Theme has been captured. If a General Theme has not been captured in the code, it is described in the column titled **Themes not Reflected in the Code** together with a brief explanation.

WHY and WHAT

Purpose

General Themes	How Themes are Reflected in the Code	Themes not Reflected in the Code
<p>The Purpose statement in a LUCA describes <u>why</u> the regulation should exist. Suggestions from commenters regarding the Purpose of the LUCA reflected a range of policy perspectives:</p> <ul style="list-style-type: none"> • Allow a permit path for homeless shelters in Bellevue. 	<p>The Draft LUCA provides regulations that:</p> <ul style="list-style-type: none"> • Support the establishment of a year-round homeless shelter on the Eastside consistent with Council Priorities, the 2014 Diversity Advantage Plan and the Bellevue Comprehensive Plan. 	<p>The Draft LUCA:</p> <ul style="list-style-type: none"> • Does not prohibit certain <u>types</u> of homeless shelters or day centers in Bellevue because the intention of the Draft LUCA is to facilitate the application of regulatory conditions to ensure that shelter and day center uses serving different homeless

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<ul style="list-style-type: none"> • Allow a permit path for certain <u>types</u> of homeless shelters and day centers, but prohibit others. • Allow a permit path for homeless shelters in certain <u>locations</u> in Bellevue. • Prohibit homeless shelters in Bellevue entirely. 	<ul style="list-style-type: none"> • Allow a permit path for homeless shelters and day centers that are proposed to provide support to one or more homeless populations in Bellevue. Purpose – LUC 20.20.455.A • Require operators to define the homeless population that they intend to serve so that appropriate conditions can be imposed to ensure shelter and day center success wherever they are allowed to locate. Pre-Application Materials - LUC 20.20.455.E.1.c and 20.20.455.F.2.a. Land Use Charts – 20.10.440 Permitted Locations (to be discussed on May 27) 	<p>populations would be successful wherever they are allowed to locate.</p> <ul style="list-style-type: none"> • Does not entirely prohibit homeless shelters and day centers in Bellevue because that would not have been consistent with the direction provided by the City Council in the Council Priorities and the 2014 Diversity Advantage Plan, and by the Bellevue Comprehensive Plan. • Does not specifically require an operator to propose an occupancy target for the Homeless Services Use. This addition would add clarity and transparency to the application review process.
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Applicability

Definitions

General Themes	How Themes are Reflected in the Code	Themes not Reflected in the Code
<p>The Applicability and Definition sections in the LUCA describe <u>what</u> should be regulated. Commenters suggested that the scope of regulations should cover:</p> <ul style="list-style-type: none"> • Permanent shelters (year round/24 hours per day/7 days per week) for homeless populations that include food, lodging, laundry and showers. 	<p>What the Draft LUC does regulate:</p> <ul style="list-style-type: none"> • Creates “Homeless Services Uses” as an umbrella term used to describe the collection of uses regulated under the Draft LUC that support individuals experiencing homelessness (see Homeless Day Services Centers and Overnight 	<p>The Draft LUCA:</p> <ul style="list-style-type: none"> • Does not define “Supportive Housing” because the Bellevue code does not distinguish between housing that is affordable versus market rate or inclusive of services versus exclusive of services. Housing and supportive services will be allowed to co-locate with a shelter or

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<ul style="list-style-type: none"> • Day centers for homeless populations • Supportive housing • Supportive services • Public Bathroom program citywide • Safe lots citywide • Tiny homes • Temporary encampments <p>Commenters also suggested that the code should provide clarity about what uses are regulated and how those uses are defined, including Definitions for certain terms, like:</p> <ul style="list-style-type: none"> • Low barrier shelter • Medium barrier shelter • High barrier shelter 	<p>Homeless Shelters). Definitions – LUC 20.20.455.C.1.a</p> <ul style="list-style-type: none"> • “Homeless Day Services Center” is described as a facility that offers a haven to individuals experiencing homelessness by providing a safe place to rest during the day. Definitions – LUC 20.20.455.C.1.b • “Permanent Overnight Homeless Shelter” is described as a facility constructed for the primary purpose of providing shelter for individuals experiencing homelessness. Definitions – LUC 20.20.455.C.1.d • Additional definitions are provided to ensure clarity about what the Shelter Permitting LUCA does and does not regulate. Applicability – LUC 20.20.455.B and Definitions - LUC 20.20.455.C (e.g., temporary shelter, supportive services, etc.) 	<p>day center use pursuant to the LUC Charts.</p> <ul style="list-style-type: none"> • Does not create a Public Bathroom Program. This is outside the scope of the Land Use Code. • Does not create regulations governing the permitting of Safe Lots or Tiny Houses. This is outside the scope of the LUCA initiated by Council to govern Homeless Shelter Permitting. • Does not modify regulations governing the permitting of Temporary Encampments, which are already regulated under Part 20.30 U LUC and a consent decree from federal court. This is outside the scope of the LUCA initiated by Council to govern Homeless Shelter Permitting. • Does not define low barrier or medium barrier because these are not key terms used in the LUCA, or terms that have a universal meaning. Operators will be required to describe the population they propose to serve and permit conditions will be established accordingly.
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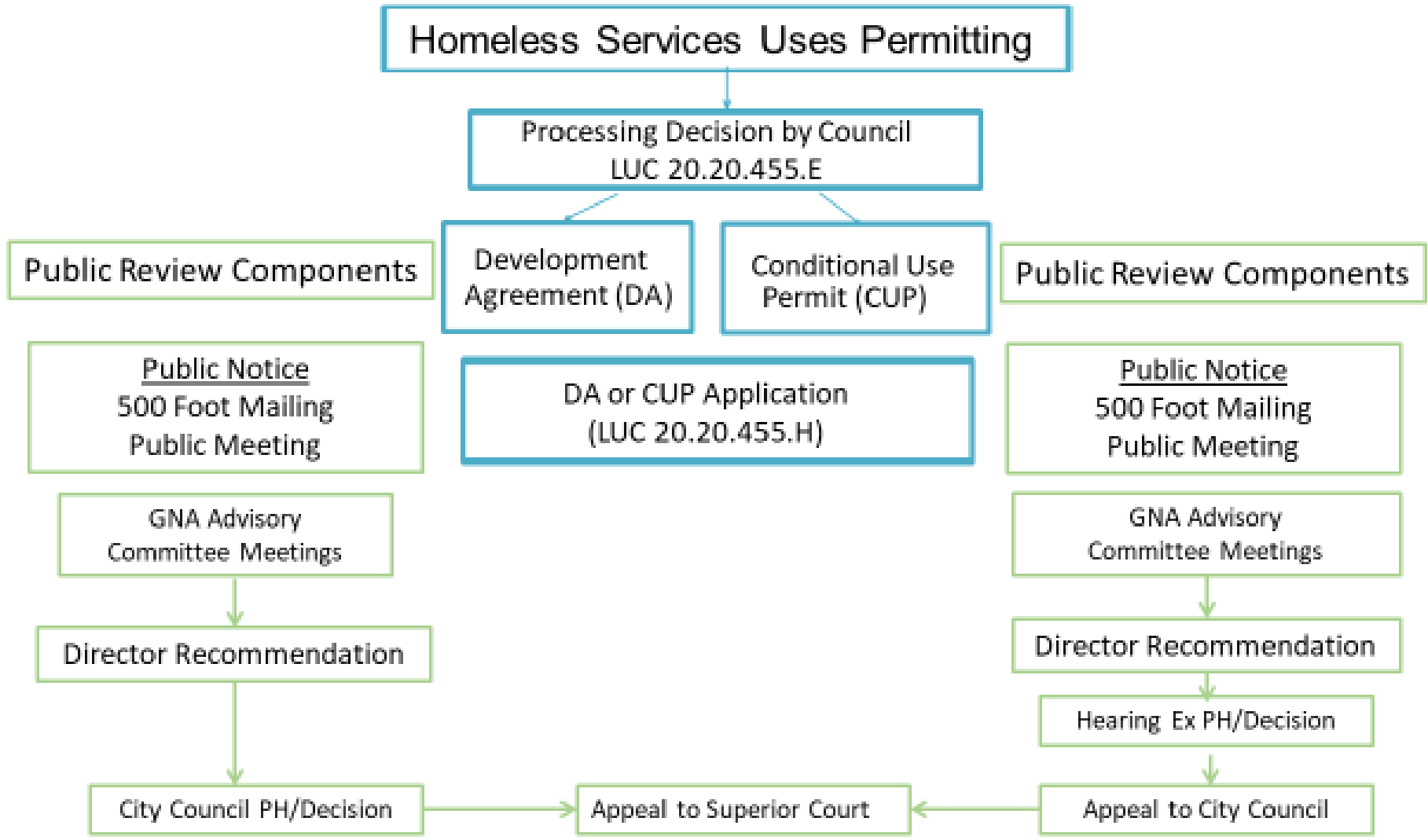
PERMITTING PROCESS

Review Required

General Themes	How Themes are Reflected in the Code	Themes not Reflected in the Code
<p>Commenters included suggestions and expectations about desired characteristics of a Shelter Permitting Process, like:</p> <ul style="list-style-type: none"> • Transparent • Early and continuous opportunities for meaningful public engagement • Community meetings • Conditional Use Permit (CUP) • Good Neighbor Agreement • Foster opportunities for occupants of the shelter/day center and surrounding neighbors to interact • Citizen Advisory Committee • Neighborhood Oversight Committee • Representative Citizen Group 	<p>The Draft LUCA requires:</p> <ul style="list-style-type: none"> • City permit processing and approval path – LUC 20.20.455.H and 20.20.455.E.4 • Opportunities for engagement prior to application submittal, during review, and during operations pursuant to the Good Neighbor Agreement. Pre-Application Process - LUC 20.20.455.E. Minimum Required Notice and Public Engagement procedures – LUC 20.20.455.H.2. Good Neighbor Agreement – Figure 20.20.455.G.4. • Community meetings before and after an application is submitted. Pre-Application Process – LUC 20.20.455.E.2. Public Engagement Procedures – LUC 20.20.455.H.2.d 	<p>The Draft LUCA:</p> <ul style="list-style-type: none"> • Does not require a Citizen Advisory Committee, or group specifically identified as a Neighborhood Oversight Committee or Representative Citizen Group. The functions of these types of committees/groups, if they exist in the vicinity of a proposed shelter, would be captured in the Good Neighborhood Agreement Advisory Committee Process described in LUC 20.20.455.G. • Does not include a one-mile mailing radius. Any application for a Homeless Services Use would be required to comply with notice required used for projects that require a Conditional Use Permit, including: 500 foot mailed notice, distribution in the weekly permit bulletin, and signs posted on the property. LUC 20.20.455.H.2.

<ul style="list-style-type: none"> • One mile mailing radius for notice of application. • Criteria to guide the City Council’s decision on the Development Agreement. 	<ul style="list-style-type: none"> • Selection of a processing option between a CUP and a Development Agreement (DA) that both require compliance with decision criteria. Permit Approval Path – LUC 20.20.455.E.4. City Approval Requirements – LUC 20.20.455.H.a and b. Decision Criteria – LUC 20.20.455.H.1.b.iii and H.3.A.1 (Refer to City Approval Path below) • Good Neighbor Agreement Advisory Committee composed of identified members. Member Composition - LUC 20.20.455.G.2.b • Good Neighbor Agreement (GNA) Advisory Committee Process. Scope of GNA Advisory Committee Work – LUC 20.20.455.G.3. 	<ul style="list-style-type: none"> • Does not specifically include criteria to guide the City Council decision on a Development Agreement. The Draft LUCA requires the Director to evaluate an application for a Homeless Services Use against specific decision criteria as part of the required Recommendation to the City Council. LUC 20.20.455.H.3. The state law that authorizes the use of Development Agreements, RCW 36.70B.170, requires DAs to be consistent with the City’s Comprehensive Plan and development regulations.
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City Approval Paths



Submittal Requirements

General Themes	How Themes are Reflected in the Code	Themes not Reflected in the Code
<p>The Submittal Requirements section of the LUCA describes the information that is needed to enable City review of a shelter permit application and to facilitate public input. Commenters suggested a range of information that applicants should be required to provide:</p> <ul style="list-style-type: none"> • Description of homeless population to be served • Description of Operator experience • Description of need (including statistics) • Types of services offered, such as: <ul style="list-style-type: none"> ○ Alcohol and drug counseling ○ Housing counseling ○ Medical/Therapeutic services ○ Case Management ○ Community donation center • Description of criteria for shelter entry, such as: <ul style="list-style-type: none"> ○ Government identification 	<p>The Submittal Requirements contained in the Draft LUCA describe what must be included in a Permit Application:</p> <ul style="list-style-type: none"> • All material required to apply for CUP – LUC 20.20.455.F.1 • Use specific descriptions of: <ul style="list-style-type: none"> ○ Homeless Population served ○ Operator experience ○ Supportive services proposed ○ Intake management process ○ Staffing plan and training LUC 20.20.455.F.2 • Proposed Code of Conduct for occupants, including among other things: <ul style="list-style-type: none"> ○ Description of behavior expectations ○ Description of consequences for violating the expectations LUC 20.20.455.F.2.f • Security Plan requiring input from Bellevue Police Department, including among other things: <ul style="list-style-type: none"> ○ Criteria for rejection/removal 	<p>The Draft LUCA:</p> <ul style="list-style-type: none"> • Does not require a description of need for the shelter (including statistics) because City, County and other regional agencies collect and publish data regarding homelessness and prepare annual reports on human services efforts. • Does not require a plan for random drug testing of occupants because it may undermine the operator’s ability to serve its identified homeless population. • Does not require a plan for mandatory community service, because not all shelter populations would be suitable to provide community service or to provide community service in the vicinity of a specific shelter location. A desired community service component could be describe by the operator in the Code of Conduct and validated through the Good Neighbor

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<ul style="list-style-type: none"> ○ Bellevue residency ○ Sobriety ○ Employed or re-training ○ Health assessment ○ Background checks ○ School attendance for K-12 ○ Fee/Payment <ul style="list-style-type: none"> ● Description of proposed staffing plan <ul style="list-style-type: none"> ● Proposed Code of Conduct, with requirements such as: <ul style="list-style-type: none"> ○ Consequences for lack of compliance ○ Random drug testing ○ Mandatory community service <ul style="list-style-type: none"> ● Description of Security Plan, such as: <ul style="list-style-type: none"> ○ Plan for overflow ○ Plan for removal of residents ○ No weapons ○ No drugs, alcohol or tobacco ○ No sex offenders ○ No occupants with warrants ○ Plan for reporting criminal activities ○ Plan for managing residents when shelter is not open 	<ul style="list-style-type: none"> ○ Description of security patrols ○ Implementation of registered sex offender background checks and notification ○ Plan for managing occupants that are rejected/removed ○ Plan for coordination with first responders <p>LUC 20.20.455.F.2.g</p> <ul style="list-style-type: none"> ● Additional materials required by the City Council in a resolution authorizing the use of a Development Agreement – LUC 20.20.455.F.3 	<p>Agreement. LUC Figure 20.20.455.G.4.</p> <ul style="list-style-type: none"> ● Does not require the prescriptive exclusion of people for warrants or drug and alcohol use because it may undermine the operator’s ability to serve its identified homeless population.
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<ul style="list-style-type: none">○ Coordination with first responders <p>Commenters also suggested that information requirements should not be so prescriptive that they compromise an operator's ability to run its facility.</p>		
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