



**City of
Bellevue STAFF REPORT**

DATE: May 24, 2018

TO: Mayor Chelminiak and Members of the City Council

FROM: Mike Brennan, Director, Development Services 452-4113
 Carol Helland, Code and Policy Director 452-2724
 Toni Pratt, Senior Planner 452-5374

SUBJECT: Public Hearing on Land Use Code Amendment (LUCA) to develop permanent shelter and day center regulations for persons experiencing homelessness. To add a new Section, LUC 20.20.455, Homeless Services Uses. File No. 18-111012-AD. This new chapter will add the following components to the LUC:

- Purpose
- Applicability
- Definitions
- Submittal Requirement
- Permitting Process
- Use Charts and Requirements
- Development Standards
- Design Guidelines

I. BACKGROUND

In 2008, the City opened its first homeless shelter at the Crossroads Community Center as a cold weather shelter that only opened when the temperature dropped to 32 degrees. Since then, the City moved from cold weather shelters to temporary shelters that would open in November and close in April. These shelters were located in various locations over the years (residential and commercial). When operational, the interim shelter is currently located at the Lincoln Center, 515 116th Avenue NE, until the LUCA and permitting process is complete to site a permanent shelter.

In support of the City's early sheltering efforts, in 2015, the City Council updated its Comprehensive Plan Policies. Embedded within this update were policies that focused and set the framework for a holistic response to homelessness issues in Bellevue. Initially, the City employed a site-specific approach for the siting of a permanent homeless shelter, but this approach was subsequently expanded to citywide regulations for the permitting of Homeless Services Uses. During this timeframe, the City established a policy framework from the following sources:

- Community Input
- Due Diligence Reports
- Best Practices
- Citywide Survey
- Community Workshops

In addition to the above, the community also submitted extensive input related to siting a permanent shelter and supportive housing facility in Eastgate via emails, letters, oral communications and presentations. While this information was submitted specifically regarding the siting of a shelter in Eastgate, many of the comments were incorporated into the initial LUCA draft.

Procedural Information/Interim Official Controls

On August 7, 2017, the City Council adopted Ordinance No. 6368 which imposed an Interim Official Control (IOC) that identified land use districts where hotel/motel and transient lodging uses are permitted. The IOC subjected homeless shelters to the Conditional Use provisions specified in LUC Part 20.30B and to the general development requirements for land use districts where homeless shelters are currently permitted.

An IOC puts temporary regulations in place to guide new development while permanent regulations are being prepared. Notice and a Public Hearing are not necessary prior to enactment of an IOC, so the regulations can be put in place quickly. However, a Public Hearing must be held within 60 days of its adoption, and to make the regulations permanent.

The Growth Management Act, RCW 36.70A.390, states that this IOC may be effective for six (6) months. If necessary, the IOC may be renewed for one or more additional six (6) month periods if a subsequent Public Hearing is held and findings of fact are made prior to each successive renewal.

In accordance with the procedures noted above, on January 22, 2018, the City Council held a second Public Hearing to extend Ordinance 6368 in order to allow sufficient time for the development and consideration of permanent regulations for Council adoption. Specifically, Ordinance 6398 officially extends Ordinance 6368 for an additional six-months to August 7, 2018, unless repealed, extended, or modified by Council prior to this date (see Attachment A).

II. REVIEW PROCESS

City Council Review

On February 12, 2018, the City Council initiated discussions regarding permanent Land Use Code regulations for homeless shelters. The Council also determined, at that time, that the required Public Hearing associated with this LUCA should be held by the City Council rather than the Planning Commission. This decision was necessary and appropriate because the proposed LUCA is a procedural amendment that directly affects the Council's role in the permitting process. The City Council also recognized that the Planning Commission has a full agenda and that Council requested preparation of the LUCA to occur before the IOC expires in August.

On March 5, 2018, Council endorsed a community engagement approach and LUCA processing schedule which is included as Attachment B. The expanded community engagement approach included a survey along with workshops on April 3rd and 5th to provide enhanced and varied opportunities for the public to comment on and ask questions about the proposed LUCA. The purpose of the survey and workshops was to gather information from the public to inform the code drafting process for the LUCA.

On April 23rd, the City Council began formal review of the draft LUCA where they received a high-level orientation to the LUCA and its components. Staff also reported and memorialized

the common themes communicated by the public during the Survey and Community Workshops that were included in the City's enhanced public engagement approach. These themes are noted in Attachment C.

On May 7th and 21st, Council began review of the identified components of the draft Homeless Services Uses LUCA. On May 21st Council confirmed that it will hold its Public Hearing on June 11th. In addition to its review of the draft LUCA, the Council is soliciting additional public comment for the June 11th hearing from citizens, stakeholders and other interested parties on the following topics:

- Whether to require shelter operators to perform background checks/warrant searches on individuals seeking access to an overnight shelter; and
- Whether to require shelters to be separated in distance (using buffers) from sensitive uses such as residential areas, K-12 schools, parks, etc.

Adoption of a Citywide Homeless Services Uses LUCA is intended to fulfill the City Council's vision to develop permanent housing regulations for persons experiencing homelessness. The Public Hearing scheduled for June 11th is necessary so that Council may adopt these permanent development regulations prior to the expiration of the IOC, which expires August 7, 2018. Council adoption of these regulations is tentatively scheduled for June 25, 2018. The aforementioned steps satisfy the City code requirements for adoption of the requested LUCA by the City Council and final action may be taken at any time following the Public Hearing.

Following completion of the code amendment process, including a Public Hearing and adoption of a final ordinance by the City Council, the documents will be forwarded to the Washington State Department of Commerce.

East Bellevue Community Council (EBCC)

The LUCA is subject to the EBCC's decision-making authority, and is subject to approval/disapproval jurisdiction of the EBCC under RCW 35.14.040. The EBCC is scheduled to hold a Courtesy Public Hearing on June 5th. Upon Council adoption of the LUCA, the City will transmit the approved ordinance to the EBCC for final adoption on August 7, 2018.

III. PUBLIC ENGAGEMENT

Required Public Notice

The notice required for City Council Legislative Actions is governed by the terms of LUC sections 20.35.415 through 20.35.450. Notice of the Public Hearing (see Attachment D) is scheduled for June 11, 2018, and availability of this staff report, will be published in the Weekly Permit Bulletin and in the Seattle Times on May 24, 2018. Both notices were also provided to members of the EBCC, representatives of neighborhood associations, community groups, and those individuals who have subscribed to receive these notices and those who have expressed interest on this topic.

Pursuant to the Washington State Growth Management Act, proposed amendments to the Land Use Code must be sent to the Washington State Department of Commerce. A copy of the required transmittal to the Department of Commerce, including a copy of the draft LUCA, was transmitted on April 24, 2018 and is available for review in the code amendment file. The LUCA

is identified by Commerce as ID_24853. No comments have been received by Commerce as of the date of this report.

Enhanced Public Outreach

In addition to the required public notice, the City has provided enhanced public outreach for this Land Use Code Amendment. This outreach included the following:

- Interested parties who have commented on the LUCA or requested to be a party of record
- Citywide Survey: March 7th through the 21st
- Community Workshop: Held at City hall on April 3rd
 - The Workshop at City Hall also included an optional listening session, attended by 52 community stakeholders.
- Mini-Community Workshops: Held at Crossroads Community Center and South Bellevue Community Center on April 5th

The Code News website was updated to include the Homeless Services Uses LUCA at the following link: <https://bellevuewa.gov/discover-bellevue/about-us/hot-topics-initiatives/homelessness-in-bellevue/citywide-LUCA-for-shelter-use/>. The site provides access to materials regarding the draft LUCA, information regarding the survey and workshops held by staff along with staff contact information. *It also contains an interactive map that allows Bellevue citizens to engage with web-based maps in order to help the public provide specific comments to the City Council regarding buffering as advertised for the upcoming June 11th Public Hearing.* The webpage also allows interested parties to send comments regarding the LUCA as it progresses via ShelterLUCA@bellevuewa.gov. Lastly, notices are posted on Nextdoor in advance of council meetings and relevant public outreach events (ex: workshops) in which the draft citywide shelter LUCA is a discussion topic. These notices are complimented by posts on other social media channels and blast emails to the Eastside Men's Shelter subscription list.

Public Comments

As of the date of this staff report, the City has received numerous comments on the draft LUCA. The comments have been categorized into general themes for ease of review as noted below:

Explain the difference between a Development Agreement and a Conditional Use Permit? Many commenters stated that clarification was necessary to discern the difference between the Development Agreement and Conditional Use processes.

Response: A Development Agreement, simply put, is a contract that is developed between the City Council and a homeless shelter provider that is required to comply with all City Codes. Specifically, LUC 20.20.455.H.1.a.ii states the following regarding Development Agreements:

A development agreement adopted by the City Council shall be processed under the authority of and pursuant to the procedures set forth in Chapter 36.70B RCW and this section LUC 20.20.455.H. Any development agreement adopted by the City Council shall be consistent with all applicable Comprehensive Plan policies and all adopted "development standards," as that term is used in RCW 36.70B.170(3), that govern and vest the development for a specified time duration; provided, that a development

agreement may not extend the vesting period for longer than 15 years from the effective date. Periodic review of the conditions of a Development Agreement may be imposed. Any appeal of a development agreement shall be directly to superior court. See the following link for the full text of RCW 36.70B.170:

<http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70B.170>. It should also be mentioned that the decision criteria listed below from LUC 20.20.455.H.1.b.iii are applicable when a Development Agreement is used.

A Conditional Use permit, conversely, is reviewed by a Hearing Examiner who is an impartial party hired by the City to hear a Process I application such as a Conditional Use application as defined by LUC 20.30B. The draft Homeless Services Uses LUCA, at LUC 20.20.455.H.1.b.iii, states the following regarding a Conditional Use permitting path:

2. Decision Criteria: The City may approve or approve with modifications an application for a Homeless Services Use and design if the applicant demonstrates that:
 - a. The proposal complies with the Conditional Use Permit decision criteria of LUC 20.30B.140; and
 - b. The proposal complies with the applicable requirements of the BCC; and
 - c. The proposal includes a Standard Operating Procedure plan meeting the requirements of LUC 20.20.455.F.2.d.
 - d. The proposal includes a Code of Conduct meeting the requirements of LUC 20.20.455.F.2.e;
 - e. The proposal includes a Security Plan meeting the requirements of LUC 20.20.455.F.2.f and incorporating the feedback provided by the Bellevue Police Department.
 - f. The facility design input of the GNA Advisory Committee developed pursuant to Figure 20.20.455.G.4 has been integrated into the Homeless Services Uses to the maximum extent feasible;
 - g. The proposal addresses all applicable design guidelines and development standards of this section LUC 20.20.455 and any applicable land use district overlay in a manner which fulfills their purpose and intent.

Many commenters requested that the public notification of a homeless shelter use be set at 1,000 feet.

Response: At its meeting on May 21st, Council determined that the public notification for a homeless shelter uses facility should be 1,000 feet.

Many commenters requested an expanded radius for the Good Neighbor Association composition to ensure that residents will be included in its makeup.

Response: At its meeting on May 21st, Council determined that the radius to achieve balance for the Good Neighbor Association composition should be broadened to ½ mile.

Stakeholders have submitted comment letters on the Draft LUCA.

Response: On April 30, 2018, staff met with designated members of the Eastgate Residents Committee (ERC) to discuss the email with petition dated April 11, 2018 and provide points of clarification regarding the draft LUCA. Staff also met with Congregations

for the Homeless and the Faith Based Community to provide points of clarification regarding the LUCA on May 4th and May 23rd respectively.

Many commenters spoke about the definition section of the draft LUCA. Specifically, many commenters requested that additional definitions be added to the draft LUCA to define a homeless shelter use.

Response: Attachment C, Definitions provides an overview of what the draft LUCA defines and does not. It does not define terms such as low, medium or high barrier shelters as there is no universal terminology that defines such uses. See Attachment C for further overview of these themes. The Definitions section of the code was limited to terms used in the LUCA.

Many commenters spoke about safety issues regarding the siting of a homeless services use in the City. Specifically, many spoke about an increase in crime and mitigation techniques/requirements for a homeless shelter operator.

Response: The Bellevue Police Department (BPD), Park Rangers, and Code Enforcement often are the first point of contact with individuals sleeping unsheltered on both public and private property. BPD has a long history of partnering with service providers to be a part of the community safety net that provides both assistance and maintains community standards. Bellevue Human Services funds a full-time outreach worker through Congregations for the Homeless, and BPD houses a satellite office of on-duty clinicians from the King County Community and Human Services Mobile Crisis Team.

Due to community questions, in November 2016, BPD compiled and presented crime data regarding the impact of the existing emergency winter shelter on the surrounding communities. While there was an increase in calls specifically to the winter shelter, data indicated the presence of the winter shelter did not appear to impact violent crime, warrant arrest or drug arrest rates. Data reported in 2016 did note that the property crime rate, specifically opportunity crimes such as car prowls trended up during the time the winter shelter was located in the Bel-Red area. Additionally, at the end of April, the winter shelter closed which generally affects call volume at night until the shelter reopens in November 2018.

On April 23, 2018, BPD provided an overview of crime statistics before the City Council. It concluded that Bellevue is a safe, responsive city and that the shelter does not have significant impact on crime.

Commenters spoke about a requirement to have persons experiencing homelessness participate in a community service program.

Response: At its May 21st meeting, Council discussed this issue. It determined that it could “encourage” rather than “require” this activity. They also determined that this is best considered as part of the GNA Advisory Committee process. In addition, with respect to Temporary Encampment Permits, some neighborhoods have requested that the encampment residents not conduct community service activities because it is not tailored to address any neighborhood-specific need. The LUCA respects the unique needs of each neighborhood and supports development of a Community-Endorsed Service Program through the GNA Advisory Committee process.

The City received many comments regarding the amount of time that it has taken to arrive at a Homeless Shelter LUCA.

Response: As noted in Section I, Background, the City began establishing guidelines for winter shelters in 2008. These were the first iterations of the winter shelter which were permitted on a temporary basis. Since that time, the City began exploring a permanent housing solution for persons experiencing homelessness. The Homeless Services Uses LUCA before the City Council reflects Council's vision to develop a permanent solution to support persons experiencing homelessness in the City of Bellevue.

Participation in the Public Hearing

Any person may participate in the Public Hearing by submitting written comments to the City Council in care of Kyle Stannert, City Clerk, P.O. Box 90012, Bellevue, WA 98009, before the Public Hearing, or by submitting written comments or making oral comments to the City Council at the hearing. Written comments may also be submitted by mail to Carol Helland, Code and Policy Director, Development Services Department, City of Bellevue, P.O. Box 90012, Bellevue, Washington, 98009-9012 or by e-mail to ShelterLUCA@bellevuewa.gov. **Comments must be received by 5:00 p.m. on Monday, June 11, 2018.** All written comments received by the City Clerk or the Code and Policy Director prior to the comment deadline will be transmitted to the City Council no later than the date of the Public Hearing.

The balance of this Staff Report analyzes the decision criteria in the Land Use Code that must be met to support the Homeless Service Uses LUC amendments.

IV. DECISION CRITERIA

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the Land Use Code. Those criteria, and the relationship of these proposed amendment to them, are discussed below:

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

Finding: The City of Bellevue has adopted several policies that support citywide regulations governing the location, establishment and construction of a Homeless Services Use:

Housing and Human Services:

- *HO-3. Maintain the character of established single-family neighborhoods, through adoption and enforcement of appropriate regulations.*
- *HO-8. Employ effective strategies that support the Fair Housing Act and affirmatively further fair housing.*
- *HO-11. Encourage housing opportunities in mixed residential/commercial settings throughout the city.*
- *HO-12. Provide incentives to encourage residential development for a range of household types and income levels in multifamily and mixed use commercial zones.*
- *HO-14. Provide opportunity to allow a demonstration project through methods such as an interim ordinance enabling a demonstration project(s) that would serve as a model for housing choices currently not being built in Bellevue.*

- *HO-34. Provide reasonable accommodation for housing for people with special needs in all areas, and avoid concentrations of such housing, while protecting residential neighborhoods from adverse impacts.*
- *HO-35: Support regional efforts to prevent homelessness, and make homelessness rare, brief, and one-time when it occurs. Provide a range of affordable housing options and support efforts to move homeless persons and families to long-term financial independence.*
- *HO-36: Collaborate with other jurisdictions and social service organizations to assure availability of emergency shelter and day centers that address homelessness.*
- *HS-14: Support agencies locating human service facilities in Bellevue and, where appropriate, encourage efficiencies through agency collocation and collaboration.*
- *HS-18: Support an intentional local community response to homelessness with housing and supportive services provided to families, youth and single adults.*

Quality of Life:

- *N-1. Maintain neighborhoods as safe and welcoming environments for everyone to enjoy.*
- *N-2: Ensure police, fire and emergency services provide high levels of public safety that respond to growth and changing community needs.*
- *N-3: Equip residents, businesses and community service providers through education and training to be active participants in public safety (including, but not limited to, emergency preparedness, crime prevention, first aid, and fire prevention).*

Land Use:

- *LU-14. Protect residential areas from the impacts of nonresidential uses of a scale not appropriate to the neighborhood.*
- *LU-15. Provide, through land use regulation, the potential for a broad range of housing choices to meet the changing needs of the community.*
- *LU-31. Encourage development of amenities, services and facilities that are supportive of all types of families through investment, incentives and development regulations.*

The LUC contains the regulations that staff use to implement the above Comprehensive Plan Policies. The draft LUCA is consistent with and supports these Comprehensive Plan policies through corresponding regulations for Homeless Shelter Uses that can be available for adoption prior to the expiration of the Interim Official Control on August 7, 2018. Development of permanent regulations provides predictability, encourages meaningful public engagement throughout the development review process while also promoting fair, independent and efficient land use decision making. The City Council has considered a defined permitting path for Homeless Shelter Uses to provide predictability in the permitting path. See Attachment E for an overview of the development review process.

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

Finding: Development of permanent homeless regulations will provide guidance regarding the following items:

- Code of Conduct
- Safety and Security Plan
- Good Neighbor Agreement content
- Good Neighbor Agreement Advisory Committee, Composition, and Expectations
- Use Requirements
- Design Guidelines

Implementation of the above regulations will enhance the public health, safety or welfare for Homeless Shelter Uses wherever they are allowed to locate within the City of Bellevue, and are intended to protect the health, safety and welfare of the occupants and employees of the Homeless Services Use, and the surrounding residents and businesses.

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

Finding: The amendment is not contrary to the interests of citizens and property owners, because it provides permanent regulations for Homeless Services Uses. The LUCA will provide certainty to a homeless shelter operator and public alike. The amendment contains clear performance requirements for the construction and operation of a Homeless Services Use. The amendment also provides avenues for public engagement throughout the permit process from the required Pre-Application Meeting through the Public Hearing whether it is held before the City Council with use of the Development Agreement or before the Hearing Examiner through the Conditional Use Permit process.

V. STATE ENVIRONMENTAL POLICY ACT

This DNS is issued pursuant to the threshold determination requirements in WAC 197-11-310. This DNS is only appealable as part of the City's action on the amendment to the Land Use Code. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action. For information on how to appeal a proposal, visit the Permit Center at City Hall or call (425) 452-4188.

VI. RECOMMENDATION

Staff has prepared draft Homeless Services Uses regulations for input during the required Public Hearing and for City Council consideration (see Attachments F and G). This draft LUCA is intended to enable the Council vision to create a permanent homeless shelter while providing numerous opportunities for public comment so that the document reflects Council goals and policies and input of Bellevue's citizens. A Public Hearing is scheduled for June 11th so that Council may take comment on the draft LUCA, make changes based on the comment received,

and direct staff to prepare an ordinance for final adoption on June 25th or an alternative date set by Council.

ATTACHMENTS

- A. Ordinance No. 6398
- B. LUCA Processing Schedule
- C. Homeless Shelter Permitting LUCA Topic Discussion Guide
- D. Public Hearing Notice for the Homeless Shelter LUCA
- E. Homeless Services Uses Permitting Diagram
- F. Draft Homeless Services Uses LUCA, LUC 20.20.455 (Annotated Version)
- G. Draft Homeless Services Uses LUCA, LUC 20.20.455 (Clean Version)

ATTACHMENT A
(Ordinance No. 6398)

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6398

AN ORDINANCE extending Ordinance No. 6368, which imposed an Interim Official Control regarding the permit process required to establish a homeless shelter and identified the Land Use Districts where a homeless shelter may be permitted; providing for severability; and establishing an effective date.

WHEREAS, the City Council Vision Priorities direct the City to work with regional partners to "establish an Eastside permanent winter homeless shelter to be ready for the winter of 2018/19"; and

WHEREAS, this priority is reinforced and expanded in the Council's adopted 2014 Diversity Advantage Plan, which includes an action item "supporting the establishment of a year-round homeless shelter on the Eastside"; and

WHEREAS, the City is undertaking a comprehensive approach toward homelessness that requires a high level of coordination between services, facilities, policies and enforcement; and

WHEREAS, the Council has an interest in pursuing a holistic approach to the permitting of homeless shelters citywide to avoid an ad hoc regulatory approach to the permitting of this use; and

WHEREAS, the City Council has expressed a desire to provide consistency in the land use code related to permitting homeless shelters in all districts where Hotel/Motel and Transient Lodging Uses are currently allowed subject to the Conditional Use provisions specified in Part 20.30B and to general requirements for the land use district where homeless shelters are permitted; and

WHEREAS, on August 7, 2017, the City Council adopted Ordinance No. 6368, which imposed an Interim Official Control that amended the LUC to subject homeless shelters to the Conditional Use provisions specified in LUC Part 20.30B and to the general development requirements for land use districts where homeless shelters are currently permitted; and

WHEREAS, under the Growth Management Act (GMA), the City was required to hold a public hearing within 60 days of adopting Ordinance No. 6368, and consistent with the GMA, the City Council held a public hearing on September 25, 2017 to consider the Interim Official Control; and

WHEREAS, following the September 25, 2017 public hearing, the City Council affirmed that Ordinance No. 6368 should remain in effect for an initial six-month period, to February 7, 2018; and

WHEREAS, while the Interim Official Control is in place, the City is working to develop permanent regulations that will support its vision to establish a homeless shelter in Bellevue; and

WHEREAS, development of permanent code amendments necessary to implement provisions contained in the Interim Official Control is scheduled to occur in 2018; and

WHEREAS, an extension of the Interim Official Control is necessary to provide time for the City to draft, consider, and hold hearings on permanent regulations; and

WHEREAS, the Environmental Coordinator for the City of Bellevue has determined that this text amendment to the Land Use Code would be Categorically Exempt from the Threshold Determination requirements of the State Environmental Policy Act pursuant to the terms of WAC 197-11-800(19); and

WHEREAS, the City Council duly held the public hearing required pursuant to RCW 36.70A.390 on January 22, 2018, so as to hear and consider public comment and testimony regarding extension of this Interim Official Control; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying the extension of the Interim Official Control originally adopted by Ordinance No. 6368 for an additional six-month period; now, therefore,

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

Section 1. Extension of Interim Official Control. Ordinance No. 6368 is hereby extended for an additional six-month period, to August 7, 2018, unless repealed, extended, or modified by the City Council after subsequent public hearing and entry of additional findings of fact pursuant to RCW 35A.63.220 and RCW 36.70A.390.

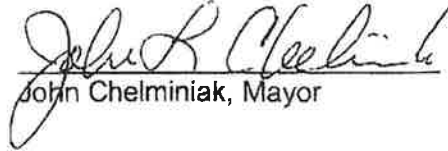
Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in force on
JANUARY 30, 2018.

Section 4. Findings of Fact. The findings contained in this Ordinance are hereby adopted as Findings of Fact to justify extending Ordinance No. 6368 by adoption of this Interim Official Control.

Passed by the City Council this 22 day of JANUARY, 2018 and signed in authentication of its passage this 22 day of JANUARY, 2018.



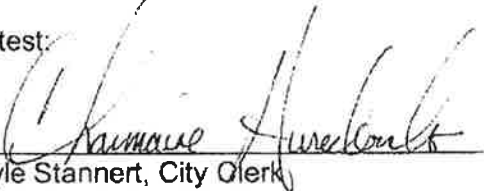

John Chelminiak, Mayor

Approved as to form.

Lori M. Riordan, City Attorney


Matthew McFarland, Assistant City Attorney

Attest:


Kyle Stannert, City Clerk FOR

Published January 25, 2018,

ATTACHMENT B
(LUCA Processing Schedule)

Processing Schedule for Homeless Shelter Permitting LUCA

Council Meeting 1: March 5, 2018

1. Introduce Public Engagement Process for Development of Draft LUC Amendments
2. Adopt Code Review Schedule
3. Respond to City Council information request regarding shelter identification process

Conduct Public Engagement Process for Development of Draft LUC Amendments (approx. 3/7 – 4/7)

Council Meeting 2: April 23, 2018

1. Present draft LUC Amendment and community feedback from Public Engagement Process
2. Start review of policy topics and receive Council direction (2-3 topics/meeting)
3. Anticipated issues of importance to Stakeholders based on feedback received to-date*
 - a. Location of homeless services and proximity to other uses
 - b. Definitions
 - c. Submittal Requirements
 - d. City Review Process
 - e. Code Standards, Use Requirements and Design Guidelines
 - f. Facility Operations (described in the Due Diligence Report as a Good Neighbor Plan)

*to be refined following the Public Engagement Process for Development of the LUCA

Council Meeting 3: May 7, 2018

Continue review of policy topics from April 23 and receive Council direction

Council Meeting 4: May 21, 2018

1. Continue review of policy topics from May 7
2. Receive Council final direction on LUC Amendment
3. Set Public Hearing on LUC Amendment*

*Final date to confirm public hearing on June 11

Council Meeting 5: June 11, 2018

1. Hold Public Hearing on LUC Amendment
2. Provide direction to finalize ordinance for adoption or direct staff to come back on June 25 for final direction

Council Meeting 6: June 25, 2018

Adopt final ordinance or provide direction to amend ordinance and finalize for adoption at a future meeting

Contingency Dates: June 4, July 9, July 16, July 23 and August 6 (Interim Official Control Expires on this date)

Attachment C
(Homeless Shelter Permitting LUCA Topic Discussion Guide)

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 Councilmembers 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.

The “Why and What” and “Permitting Process” sections of this Attachment B are unchanged from the document included in the May 7 City Council Study Session packet. Please note that all topics under the headings “Why and What” (including Purpose, Applicability, and Definitions), and “Permitting Process” (including Review Required and Submittal Requirements) were discussed on May 7. Any Council direction or remaining questions on those topics are described in the LUCA Memory Book included as Attachment C. Except as described in Attachment C, these topics will not be revisited prior to the public hearing. The focus of May 21 will be on topics presented here under the heading “Where and How” (including Use Charts, Use and Development Requirements and Design Guidelines). These topics begin on page 10 of this Attachment B.

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 (May 7)

✓ Purpose

General Themes	How Themes are Reflected in the Code	Themes not Reflected in the Code
<p>The <u>Purpose</u> 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. • 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. 	<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. • 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>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 populations would be successful wherever they are allowed to locate. • 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.

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. • 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>	<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 Homeless Shelters). Definitions – LUC 20.20.455.C.1.a • “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 	<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 day center use pursuant to the LUC Charts. • 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 Homes. 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

<ul style="list-style-type: none"> • Low barrier shelter • Medium barrier shelter • High barrier shelter 	<p>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>	<p>LUC and a consent decree from federal court. This is outside the scope of the LUCA initiated by Council to govern Homeless Shelter Permitting.</p> <ul style="list-style-type: none"> • 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 (May 7)

✓ 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 	<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 	<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

<ul style="list-style-type: none"> • 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 • One mile mailing radius for notice of application. • Criteria to guide the City Council's decision on the Development Agreement. 	<p>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.</p> <ul style="list-style-type: none"> • 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 • 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. 	<p>Neighborhood Agreement Advisory Committee Process described in LUC 20.20.455.G.</p> <ul style="list-style-type: none"> • 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. • 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

Homeless Services Uses Permitting

Processing Decision by Council
LUC 20.20.455.E

Development Agreement (DA)

DA or CUP Application
(LUC 20.20.455.H)

Public Review Components

Public Notice
500 Foot Mailing
Public Meeting

GNA Advisory
Committee Meetings

Director Recommendation

City Council PH/Decision

Public Review Components

Public Notice
500 Foot Mailing
Public Meeting

GNA Advisory
Committee Meetings

Director Recommendation

Hearing Ex PH/Decision

Appeal to City Council

Appeal to Superior Court

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 • 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 • 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 described by the operator in the Code of Conduct and validated through the Good Neighbor

<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 ● 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 ● 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. (Discussion deferred to May 21st – LUCA Memory Book entry #8)
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May 21, 2018

ATTACHMENT C

<ul style="list-style-type: none">○ Coordination with first responders• Commenters also suggested that information requirements should not be so prescriptive that they compromise an operator's ability to run its facility.		
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WHERE and HOW (May 21)

Use Charts

General Themes	How Themes are Reflected in the Code	Themes not Reflected in the Code
<p>The Use Charts section of the LUCA describes where a use is allowed to locate.</p> <p>Commenters suggested a range of locational preferences for siting a Homeless Services Use.</p> <p>Land Use District (Zoning) Preferences</p> <ul style="list-style-type: none"> • Allow shelters in all land use districts except residential districts. • Allow shelters in only commercial districts. • Allow shelters only in Downtown, BelRed, and Light Industrial districts. • Allow only in residential if near transit facilities. 	<p>The Use Charts contained in the Draft LUCA describe where a Homeless Services Use may be located subject to permit approval.</p> <p>The Draft LUCA provides regulations related to Land Use District (Zoning) Preferences that:</p> <ul style="list-style-type: none"> • Allows Homeless Services Uses in commercial districts that permit supportive services and have good transit access, including: General Commercial (GC), Community Business (CB), Office Limited Business (OLB and OLB-2), Eastgate Transit Oriented Development (EG-TOD), all the Downtown land use districts, all the BelRed land use districts except BelRed Office/Residential Transition (BR-ORT), all the Factoria land use districts, and all the Medical Institution districts. • Prohibits Homeless Services Uses in residential districts including all 	<p>Land Use District (Zoning) Preferences</p> <p>The Draft LUCA:</p> <ul style="list-style-type: none"> • Does not allow Homeless Services Uses in residential land use districts, or commercial districts that are intended to provide buffers for residential districts. • Does not limit Homeless Services Uses to Downtown and BelRed or prohibit them in Eastgate, because the LUC requirements are intended to ensure that a Homeless Services Use will be successful in whatever commercial land use district the use is allowed to locate.

<ul style="list-style-type: none"> • Allow only in BelRed districts, and only where new uses have not been established. • Do not allow Homeless Services Uses in Eastgate. • Do not allow Homeless Services Uses in any land use district in Bellevue. • Limit one Homeless Services Use per subarea. • Impose different requirements for different sizes of shelters. <p>Proximity Preferences/Sensitive Uses:</p> <ul style="list-style-type: none"> • Require proximity to: <ul style="list-style-type: none"> ○ Transit ○ Supportive Services ○ Police or state patrol ○ Job retraining/education opportunities ○ Health care (with 24-hour access such as hospitals) 	<p>single family (R-1 through R-7.5) and multifamily (R-10 through R-30).</p> <ul style="list-style-type: none"> • Prohibits Homeless Services Uses in all land use districts that are intended to serve as a buffer for residential districts, including: Professional Office (PO), Office (O), Neighborhood Business (NB), Neighborhood Mixed Use (NMU), BelRed Office/Residential Transition (BR-ORT). • Prohibits Homeless Services Uses in the Light Industrial district. 	<ul style="list-style-type: none"> • Does not allow Homeless Services Uses in light industrial land use districts because these districts do not allow supportive service uses or offer transit access that is necessary for a Homeless Services Use to exist. • 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, the 2014 Diversity Advantage Plan, and the Bellevue Comprehensive Plan. • Does not limit Homeless Services Uses to one per subarea, but does require shelters with more than 50 beds to be located greater than 1 mile away from any other Homeless Services Uses. <p>Proximity Preferences/Sensitive Uses: The Draft LUCA:</p> <ul style="list-style-type: none"> • Does not require proximity to police or state patrol, but Bellevue Police Department feedback must be incorporated into the required the Security Plan.
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<ul style="list-style-type: none"> • Require separation/buffer (between 500 feet to 2 miles) around sensitive uses: <ul style="list-style-type: none"> ○ Kindergarten, elementary and secondary schools ○ Playgrounds ○ Recreation centers ○ Child care centers ○ Public parks ○ Public transit centers ○ Libraries ○ Game arcades ○ Colleges and student housing ○ Single family and multifamily land use districts ○ Wooded areas ○ Recreation uses for children (gymnastics, karate, etc) ○ Park and rides ○ Freeway offramps ○ Other Homeless Services Uses 	<ul style="list-style-type: none"> • Shelters with more than 50 beds must not be located within 1 mile of any other Homeless Services Uses. 	<ul style="list-style-type: none"> • Does not require access to job retraining or education opportunities, but does require the application materials to identify available educational opportunities for the population of homeless persons that is proposed to be served. • Does not require proximity to 24-hour health care, but does require application materials to describe Standard Operating Procedures necessary to support the population of homeless persons that is proposed to be served including the Supportive Services that will be offered. • Does not require separation or buffers around sensitive uses, because Homeless Services Uses are prohibited from locating in residential districts and any district intended to buffer residential areas.
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Use and Development Requirements

General Themes	How Themes are Reflected in the Code	Themes not Reflected in the Code
<p>The Use and Development Requirements describe <u>how</u> a structure occupied by a Homeless Services Use should be constructed and <u>how</u> the use should be operated.</p> <p>Commenters suggested a range of Use Requirements that should be imposed on a Homeless Services Use wherever it is located:</p> <p>Compliance with Applicable Codes:</p> <ul style="list-style-type: none"> • Comply with the code • Require the shelter to be licensed and to comply with state and federal law • Require yearly inspections of any Homeless Services Use • Establish metrics and publish compliance report • No panhandling, no crime, no prostitution. • Relocate the shelter if crime increases 	<p>The Use and Development Requirements contained in the Draft LUCA describe <u>how</u> the Homeless Services Use must be constructed and operated in order to obtain a permit approval.</p> <p>Compliance with Applicable Codes:</p> <ul style="list-style-type: none"> • Homeless Services Uses permitted through a DA or CUP are required to comply with: <ul style="list-style-type: none"> ○ Bellevue Comprehensive Plan ○ Bellevue City Code ○ Bellevue LUC ○ CUP decision criteria • Permit decision and associated conditions must be recorded, and will apply for the life of the project. • Permit conditions applicable to specific projects are enforceable as regulations under the Civil Violations chapter of the Bellevue City Code (Chapter 1.18 BCC). 	<p>Compliance with Applicable Codes:</p> <p>The Draft LUCA:</p> <ul style="list-style-type: none"> • Does not require yearly inspections, but periodic review requirement may be imposed as part of the project approval. • Does not require shelter to be relocated if crime increases, but does allow for modification or revocation of project approval if approval conditions are not being met.

<p>Police and Security Presence:</p> <ul style="list-style-type: none"> • Security guard with contact phone number available 24/7. • Police Department office on the site and increase police patrols. • Increased METRO security for bus stops and park and rides. 	<ul style="list-style-type: none"> • Project approval may impose requirement for periodic review of the permit conditions. • Performance metrics required for compliance with Security Plan, and feedback to be provided as part of the GNA Advisory Committee work • The permit approval (including associated conditions) may be modified or revoked. • Operator must obtain all state and federal licenses required for the proposed Homeless Services Use and comply with applicable local, state and federal law. 	
<p>Police and Security Presence:</p> <ul style="list-style-type: none"> • Security Plan required to incorporate Bellevue Police Department feedback, and include: <ul style="list-style-type: none"> ○ Criteria for rejection or removal of occupants ○ Security patrol deployment ○ Plan for managing loitering, pan handling, unpermitted camping ○ Plan to address magnet areas ○ Sex offender background checks and notification ○ Coordination with security patrols operating in the area 		<p>Police and Security Presence:</p> <p>The Draft LUCA:</p> <ul style="list-style-type: none"> • Does not require Police Department to be located on-site or increased police or METRO security patrols, because these resource allocation issues are not appropriate for inclusion in the LUC. The police department does reallocate resources based on updated data regarding establishment of new uses (e.g., bars, shelters and other population concentrating activities). The Draft LUCA does require

<p>Operations:</p> <ul style="list-style-type: none"> • Require shelter to be year-round and available 24/7 • Dictate staffing levels/ratios and require staffing 24/7 • Require mental health/drug addiction counseling • Require health assessment and treatment plan • Require operators to follow an infectious disease protocol • Require occupants of a Homeless Services Use to volunteer in the community • Provide bus tickets, motel vouchers, computers, phones 	<ul style="list-style-type: none"> ○ Contact phone number ○ Plan for addressing community concerns ○ Performance metrics to track compliance with the Security Plan <ul style="list-style-type: none"> • Front desk staffing required during hours of operation <p>Operations:</p> <ul style="list-style-type: none"> • Operator required to describe the homeless population to be served and hours of operation. • Occupancy limit prohibits permanent shelter beds from exceeding 100 • Day center uses required to comply with building and fire occupancy limits • Operator required to describe Standard Operating Procedures, including: <ul style="list-style-type: none"> ○ Staff training ○ Anticipated support services ○ Occupant intake management ○ Schooling plan for children ○ Exterior appearance 	<p>coordination between the Operator and the Police Department, and inclusion of police feedback in the Security Plan.</p> <p>Operations:</p> <p>The Draft LUCA:</p> <ul style="list-style-type: none"> • Does not include prescriptive standards for time, place, and manner of operations to ensure that Operators are able to support the homeless population they propose to serve and to maximize access to available public funds. The Draft LUCA does require the operations to be thoroughly described, so that appropriate conditions can be imposed in the project approval. In addition, coordination with a GNA Advisory Committee is required to provide a context sensitive collaboration with the surrounding community to support success of Homeless Services Uses wherever they are allowed to locate. • Does not require the prescriptive exclusion of people for warrants or
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<ul style="list-style-type: none"> • Provide affordable housing to serve populations at 30% or less of Average Median Income for King County. • Limit on number of people to be served (ranging from 5 – 100) • No occupants allowed with outstanding warrants • No camping outside or in vehicles on the site of a Homeless Services Use • Limit total time of stay that is permitted in a permanent shelter (should be transitional) • Prohibit drugs and weapons • Require insurance • Follow Landlord Tenant regulations • Tracking devices on occupants • Require the City to provide mitigation money to the neighbors (e.g., funding for private security patrols) 	<ul style="list-style-type: none"> • Feedback on appropriate performance metrics and communication plan to be discussed as part of the GNA Advisory Committee work • Overnight camping prohibited 	<p>drug and alcohol use because it may undermine the operator’s ability to serve its identified homeless population and may cause some people experiencing homelessness to remain unhoused in Bellevue.</p> <ul style="list-style-type: none"> • Does not include a limitation on the duration of stay in a shelter, because each shelter type will house a unique homeless population and there is not adequate transitional/affordable housing available to meet demand. • Does not require insurance, because a permanent structure will be required to secure insurance as a condition of funding. • Does not require application of Landlord Tenant regulations, which cannot be applied to a Homeless Shelter Use through the LUC. • Does not require tracking devices for occupants of a Homeless Services Use, because this could be construed as criminalizing homelessness. • Does not include requirements for mitigation money, but mitigation measures will be imposed as part of any required project approval to the extent that they are consistent with
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<p>Structure Design:</p> <ul style="list-style-type: none"> • Shelters should include food, lodging, sleeping, laundry and showers. • Provide separate rooms for each occupant in the shelter • Separate entrances from adjacent uses • Prohibit occupants from blocking the right of way while waiting to enter the Homeless Services Use • Accommodate pets. • Provide spaces for team building and collaboration. 	<p>Structure Design:</p> <ul style="list-style-type: none"> • Required to comply with bulk size and scale requirements applicable in the underlying land use district. • Required to comply with applicable overlay district requirements (e.g., critical areas, etc.). • Feedback on structure construction to be provided as part of the GNA Advisory Committee work. • Required to provide parking study to determine parking demand for the mix of uses proposed. • Entrance areas required to provide protection from the weather and a screened occupant intake area away from the right of way. • Separate elevators for shelter and on-site residential uses. • Adequate toilet, bathing, sleeping, laundry and storage facilities to serve intended homeless population. • WiFi access 	<p>all relevant constitutional and legal limitations.</p> <p>Structure Design:</p> <p>The Draft LUCA:</p> <ul style="list-style-type: none"> • Does not require the separate rooms for each shelter occupant, because it may undermine the operator's ability to serve its identified homeless population. • Does not require accommodation of pets, because it may not be necessary to Operator's ability to serve its identified homeless population. • Does not require spaces for collaboration or teambuilding, because it may not be central to Operator's ability to serve its identified homeless population. Draft LUCA does require privacy areas tailored to serve the intended homeless population.
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	<ul style="list-style-type: none"> • Recycling and solid waste facilities • Designated smoking areas • Privacy areas tailored to serve the intended homeless population. • Mailroom offering a permanent address. • Occupant access to electrical outlets for electronic device charging. 	
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Design Guidelines

General Themes	How Themes are Reflected in the Code	Themes not Reflected in the Code
<p>The Design Guidelines describe <u>how</u> a structure should be designed to ensure it is compatible with and complementary to the surrounding context</p> <p>Commenters suggested a range of Design Guidelines that should be imposed on a Homeless Services Use wherever it is located:</p> <ul style="list-style-type: none"> • Be attentive to external appearance. • No exposed windows on first floor 	<p>The Design Guidelines contained in the Draft LUCA describe <u>how</u> the Homeless Services Use must be designed in order to obtain a permit approval.</p> <ul style="list-style-type: none"> • Any Homeless Services Use is required to comply with applicable overlay district requirements (e.g., design district guidelines). 	<p>The Draft LUCA:</p> <ul style="list-style-type: none"> • Does not prohibit exposed windows on the first floor, because this design would be inconsistent with design requirements imposed by most design district guidelines.

	<ul style="list-style-type: none">• Feedback on structure design to be provided as part of the GNA Advisory Committee work to help the Operator understand the unique characteristics regarding the location where any Homeless Services Use is proposed.• Design Guidelines specific to Homeless Services Uses include:<ul style="list-style-type: none">○ Context sensitive design principles to ensure compatibility with surrounding area.○ Application of Crime Prevention through Environmental Design (CPTED) principles.○ Design to support enjoyment for occupants of a Homeless Service Use.	
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ATTACHMENT D
(Public Hearing Notice for the Homeless Shelter LUCA)

NOTICE OF PUBLIC HEARING AND THRESHOLD DETERMINATION

Homeless Services Uses Land Use Code Amendment (LUCA) (Overnight Shelters and Day Centers for Homeless Populations)

Location: Citywide

File Number: 18-111012-AD

Public Hearing: NOTICE IS HEREBY GIVEN that the **Bellevue City Council** will hold a public hearing during its 6:00 pm Extended Study Session meeting on **Monday, June 11, 2018**, in the City Council Chamber in Bellevue City Hall, 450 110th Ave NE, Bellevue.

Description: The City Council is considering a Homeless Services Uses LUCA that would guide the future permitting and development of homeless shelters and day center uses. The draft LUCA describes the Purpose of the code provisions and the Applicability of the draft LUCA. Definitions are provided for key terms used in the draft LUCA. The Permit Process for establishing and developing a shelter or day center use is described, together with substantive requirements (Use/Development Standards and Design Guidelines) that would apply to any permit application submitted to the City for an overnight shelter or day center use. A copy of the draft Homeless Services Uses LUCA that will be considered by the City Council during its required public hearing is included with this notice. In addition to the draft LUCA, the City Council is considering two additional provisions that are not reflected in the draft Homeless Services Uses LUCA:

1. Whether to require shelter operators to perform background checks/warrant searches on individuals seeking access to an overnight shelter; and
2. Whether to require shelters to be separated in distance (using buffers) from sensitive uses such as residential areas, K-12 schools, parks, etc.

This LUCA is following the adoption process for a development regulation under the State Growth Management Act (GMA) and is being integrated with review required under the State Environmental Policy Act (SEPA). The staff report analyzing the LUCA against decision criteria for amendments to the text of the Land Use Code and summarizing the environmental effects of the proposal is attached. This LUCA is intended to advance Council's adopted 2014 Diversity Advantage Plan that "supports the establishment of a year-round shelter on the Eastside."

Approvals Required: City Council approval.

SEPA: Determination of Nonsignificance (DNS). This DNS is issued pursuant to the threshold determination requirements in WAC 197-11-310. This DNS is only appealable as part of the City's action on the amendment to the Land Use Code. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination will be considered by the Growth Management Hearings Board along with any appeal of the City Council's action to adopt the Homeless Services Uses LUCA. This integrated SEPA/GMA action also incorporates by reference the materials included at the following link: <https://bellevuewa.gov/discover-bellevue/about-us/hot-topics-initiatives/homelessness-in-Bellevue> .

Commenting on the draft Homeless Services Uses LUCA: Any person may participate in the public hearing by submitting written comments to the City Council in care of Kyle Stannert, City Clerk, P.O. Box 90012, Bellevue, WA 98009, before the public hearing, or by submitting written comments or making oral comments to the City Council at the hearing.

Written comments will also be accepted by mail to Carol Helland, Code and Policy Director, Development Services Department, City of Bellevue, P.O. Box 90012, Bellevue, Washington, 98009-9012 or by e-mail to ShelterLUCA@bellevuewa.gov . Comments must be received by 5:00 p.m. on June 11, 2018. All written comments received by the City Clerk or Code and Policy Director will be transmitted to the City Council no later than the date of the public hearing.

Date of Application: March 5, 2018

Completeness Date: April 16, 2018

Notice of Application Date: April 26, 2018

Applicant: City of Bellevue

Applicant Contact: Carol Helland, Code and Policy Director, 425-452-2724, chelland@bellevuewa.gov

Planner: Toni Pratt, 425-452-5374

Code Amendment Project Email: ShelterLUCA@bellevuewa.gov

Questions relating to the public hearing process: Kyle Stannert, City Clerk, 425-452-6021

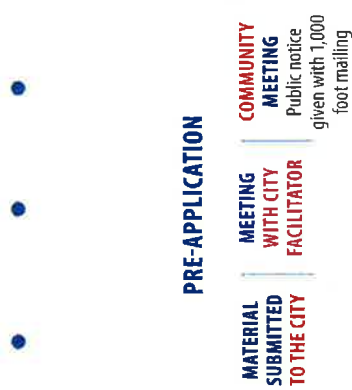
ATTACHMENT E
(Homeless Services Uses Permitting Diagram)



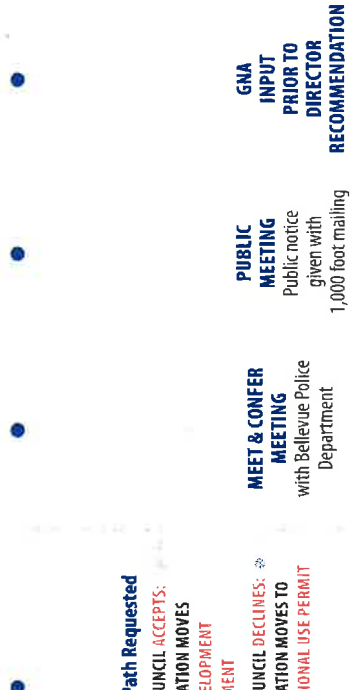
Development Services

Homeless Services Uses Permitting

PRE-APPLICATION TIMELINE



DEVELOPMENT AGREEMENT EVENT TIMELINE



1) Permit Path Requested

- A) CITY COUNCIL ACCEPTS: APPLICATION MOVES TO DEVELOPMENT AGREEMENT
- B) CITY COUNCIL DECLINES: APPLICATION MOVES TO CONDITIONAL USE PERMIT

2) Applicant requests

- Director to process Conditional Use Permit APPLICATION MOVES TO CONDITIONAL USE PERMIT

CONDITIONAL USE PERMIT EVENT TIMELINE



This is a sample timeline. Actual dates will vary.

Approximate 8 week process

Approximate 9-12 month process

70-30 working days

ATTACHMENT F
(Draft Homeless Services Uses LUCA
LUC 20.20.455—Annotated Version)

Homeless Services Uses LUC 20.20.455

A. Purpose

The purpose of this section is to provide regulations for the permitting of Homeless Services Uses that are proposed to provide support to one or more homeless populations of people experiencing homelessness.

B. Applicability

This section applies to all proposals for new or expanding Homeless Services Uses as defined in LUC 20.20.455. This section does not apply to:

1. Temporary Public Safety Facilities permitted under the terms of LUC 20.20.850;
2. Temporary Uses permitted under the terms of Part 20.30M LUC;
3. Temporary Encampments permitted under the terms of Part 20.30U LUC; or
4. Religious organizations hosting temporary encampments for the homeless within their buildings on their property under the terms of RCW 35A.21.360 (Temporary encampments for the homeless – Hosting by religious organizations authorized – Prohibitions on local actions).

C. Definition

1. Use Definitions.
 - a. Homeless Services Use. Refers to the collection of service uses defined in this paragraph and established for the purpose of providing ongoing services to individuals people who are experiencing homelessness.
 - b. Homeless-Day Services Center. A is a facility that offers a haven to the people experiencing homelessness by providing a safe place to rest during the day. Support services for homeless populations is an integral part of a Day Services Center use and includes but is not limited to access to food, seating, showers, laundry, restrooms, storage, a computer lab, phones, fax and a critical mailing address. Spaces for meetings and examinations are generally provided to accommodate counseling and access to medical/dental and legal assistance.
 - c. Overnight Homeless Shelter: Emergency/Temporary. Refer to LUC 20.50.038 for this definition. These facilities are not governed by the terms of this section.
 - d. Overnight Homeless Shelter: Permanent. Any facility that is constructed for the primary purpose of providing shelter for the people experiencing homelessness in general or for specific populations of the people experiencing homelessness. Supportive services may or may not be provided in addition to the provision of shelter.

Commented [HC1]: Purpose – describes why the land use regulations exist.

- Code Drafting Best Practice
- Due Diligence Report

Commented [HC2]: 05-21-18 Vision alignment – to convey City vision that homelessness is rare, brief and one time. Additional edits throughout the LUCA are identified as consistency edits to advance vision alignment

Commented [HC3]: Applicability – describes when the land use regulations apply and when they do not.

- Code Drafting Best Practice

Commented [HC4]: 05-21-18 Clarity edit. Citation to state law.

05-24-18 Clarity edit. Citation to state law.

Commented [HC5]: Definitions – describe common terminology that has a specific meaning within the context of the code section to ensure regulations are applied consistently and to avoid misunderstandings.

- Code Drafting Best Practice
- Due Diligence Report

Commented [HC6]: 05-21-18 Errata – Consistency

Commented [HC7]: 05-21-18 Errata – Consistency.

Commented [HC8]: 05-21-18 Errata – Consistency.

Commented [HC9]: 05-21-18 Errata – Consistency.

2. Additional definitions applicable to terminology used in this section LUC 20.20.455.

- a. Code of Conduct is an agreement on rules of behavior ~~for between homeless persons accessing occupants of~~ a Homeless Services Use and Operators and Providers offering a Homeless sServices Use ~~to the homeless~~ at a specific location. ~~The Code of Conduct is intended to protect the health, safety and welfare of the occupants and employees of the Homeless Services Use, and the surrounding residents and businesses.~~
- b. Funder means any person, partnership, corporation or other organization of any kind that provides funding to establish, construct or operate a Homeless Services Use.
- c. Good Neighbor Agreement (GNA) refers to a specific plan developed through a Good Neighbor Agreement Advisory Committee process to address operational and communication commitments that are uniquely tailored to the location where a Homeless Services Use is proposed.
- d. Homelessness refers to ~~the state of~~ a person who is living in a place not meant for human habitation, which may include, but is not limited to, ~~vehicles~~, streets, parks, alleys, parking garages, vacant buildings, all night commercial establishments and other similar places, or is a resident in an overnight shelter.
- ~~e. Homelessness refers to the state of a person who is homeless.~~
- f.e. Operator means any person, partnership, corporation or other organization of any kind that proposes to site and operate a Homeless Services Use in the city.
- f.f. Provider means any person, partnership, corporation or other organization of any kind that provides supportive services to a homeless population accessing a Homeless Services Use.
- g.g. Safety and Security Plan refers to a plan developed by the Operator and updated to reflect input provided by the Bellevue Police Department to address security concerns regarding a Homeless ~~Shelter Services~~ Use that is proposed at a specific location.
- h.h. Standard Operating Procedures refer to a plan developed by the Operator that address the elements required by LUC 20.20.455.F.2.d.g. The elements contained in the Standard Operating Procedures plan would generally be applicable to all Homeless Services Uses in Bellevue irrespective of where they are proposed to be located.
- i.i. Supportive Services are those provided to ~~homeless persons accessing occupants of~~ a Homeless Services Use for the purpose of facilitating their independence and include, but are not limited to, services such as case management, medical

Commented [HC10]: 05-21-18 Errata – Consistency, 05-24-18 Updated in response to Council Policy Discussion regarding Code of Conduct, and Safety and Security Plan, on 05-21-18

Commented [HC11]: 05-07-18 Errata - Code Drafting Best Practices to provide abbreviation when term first appears

Commented [HC12]: 05-21-18 Errata – Consistency,

Commented [HC13]: 05-21-18 Council requested change from 05-07-18.

Commented [HC14]: 05-21-18 Errata – Consistency.

Commented [HC15]: 05-24-18 Errata – Consistency Edit.

Commented [HC16]: 05-07-18 Errata – Consistency.

Commented [HC17]: 05-07-18 Errata - Citation Error.

Commented [HC18]: 05-21-18 Errata – Consistency.

treatment, psychological counseling, childcare, transportation and job training.
Supportive services do not include Medically Supervised Consumption Centers (MSCC) which are prohibited in all land use districts citywide pursuant to LUC 20.10.410.

D. Approval Process Required

Two Process Options. Applications for a Homeless Services Use governed by the terms of this section LUC 20.20.455 shall be processed pursuant to one of the following options.

1. Use and Design Allowed through a Development Agreement. The City Council may by resolution accept or decline to negotiate a development agreement that would allow a Homeless Services Use to be established and constructed in Bellevue pursuant to the provisions of Chapter 36.70B RCW and this section 20.20.455 LUC. Nothing in this paragraph shall preclude an applicant from requesting the Director to initiate processing of their application under the Conditional Use Permit provisions of Part 20.30B of this section without requesting the City Council to consider negotiation of a development agreement.
2. Use and Design Allowed through a Conditional Use Permit. Where the City Council has not adopted a resolution to initiate negotiation of a development agreement to allow a Homeless Services Use to be established and constructed in Bellevue, a Conditional Use Permit approval is required pursuant to the provisions of Part 20.30B LUC and provisions of this section 20.20.455 LUC.

E. Pre-application Process and Determination of Permit Approval Path Required

1. Pre-application Materials. Shall be submitted to the Development Services Department pursuant to LUC 20.35.020 before a permit application for a Homeless Services Use may be filed. Materials shall include:
 - a. Name of the Operator;
 - b. Experience running Homeless Services Uses; and
 - c. Statement of homeless population to be served and occupancy target for each Homeless Services Use proposed
2. Pre-application Community Meeting. Prior to City Council determination of the Process Path as provided by paragraph 4 below, the applicant shall hold a public informational meeting. The purpose of this meeting is to provide an early, open dialogue between the applicant, the Operator, and property owners surrounding the proposed Homeless Services Use. The meeting should acquaint the surrounding property owners with the Operator and provide for an exchange of information about the proposal and the community where the use is proposed to be located. The Operator should share information submitted with its permit application (e.g., the regarding its Standard Operating Procedures, Code of Conduct, and Safety and Security Plan) for the proposed Homeless Services Use, and the surrounding property owners should share characteristics of the surrounding community and any issues or concerns of which the Operator should be made aware. Notice of the Community Meeting shall be provided by the Director pursuant to the requirements of LUC 20.35.120.B,

Commented [HC19]: 05-24-18 Council requested change from 05-21-18

Commented [HC20]: Approval Process – describes the required process that must be followed for a Homeless Services Use to be reviewed by the City.
• Code Drafting Best Practice
• Light Rail Overlay (Part 20.25M)

Commented [HC21]: 05-21-18 Errata – Consistency.

Commented [HC22]: • Temporary Encampment Permit (Part 20.30U)
• Stakeholder feedback

Commented [HC23]: 05-21-18 Errata – Clarification. Code drafting best practice to facilitate administration of occupancy requirements contained in LUC 20.20.450.1.3

Commented [HC24]: 05-24-18 Errata – Clarification.

Commented [HC25]: 05-24-18 Errata – Consistency edit.

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and the required mailing radius for notice of a Homeless Services Use shall be expanded to include owners of real property within 699 (1,000 feet of the project site).

3. Pre-application site inspection by the City. If the applicant proposes to use an existing structure to house a Homeless Services Use, a pre-application site inspection shall be required. Prior to City Council determination of the Process Path as provided by paragraph 4 below, the applicant shall allow for an inspection of the structure proposed to house a Homeless Services Use by staff representatives of the Building Official and Fire Marshal. The purpose of the inspection is to determine if the facility meets the Building and Fire Code standards for the proposed use. The purpose of this inspection is not to ensure that a facility meets the requirements of this code or to force an applicant to bring a proposed facility up to applicable standards prior to project approval. The inspection is intended to ensure that the applicant, the Operator, the City, the underlying property owner, and the public are aware of applicable building modifications that would be necessary to establish a Homeless Services Use prior to making an application.

4. Determination of Permit Approval Path
 - a. Development Agreement. An applicant may request the City to negotiate a development agreement for the use and design of a Homeless Services Use. Such request shall be presented to the City Council for consideration, and the City Council shall by resolution accept or decline to negotiate a development agreement that would allow a Homeless Services Use to be established and constructed in Bellevue pursuant to the provisions of Chapter 36.70B RCW and this section 20.20.455 LUC. If the City Council declines to negotiate a development agreement, the Homeless Service Use shall be processed as a Conditional Use Permit pursuant to this section LUC 20.20.455.
 - b. Conditional Use Permit. An applicant may request the Director to process a Conditional Use Permit pursuant to the provisions of this section LUC 20.20.455 LUC without presenting the pre-application materials to the City Council for consideration.

F. Submittal Requirements:

1. An applicant seeking to establish and construct a Homeless Services Use is required to submit application materials that meet the submittal requirements for a Conditional Use Permit as adopted by the Director pursuant to LUC 20.35.030.B.

2. In addition to the applicable Conditional Use Permit submittal requirements identified in paragraph F.1 above, information identified in this paragraph shall also be included with the permit application. An application that does not contain the information listed in this paragraph shall not be considered complete. All applications for Homeless Services Uses shall include the following:
 - a. A description of the homeless population to be served by the proposed Homeless Services Use, dates and times of operation, and associated occupancy targets

Commented [HC26]: 05-24-18 Council requested change from 05-21-18.
Commented [HC27]: 05-21-18 Council requested change from 05-07-18.

Commented [HC28]: This is a process question and would be exempt Procedural Action under the SEPA Rules. WAC 197-11-800(19).

Commented [HC29]: Submittal requirements – describe the content/information that must be provided in a permit application to enable staff review and community input.

- Essential Public Facilities (LUC 20.20.350)
- Temporary Encampment Permits (Part 20.30U)
- Due Diligence Report
- Stakeholder Feedback

Commented [HC30]: Includes the following:

- Application
- “Bill to” form
- Preapplication conference letter
- Letter of property owner authorization
- Boundary and Topographic survey
- Site Plan
- Floor Plan
- Building Elevations
- Preliminary Clearing and Grading Plan
- Preliminary Landscaping Plan
- Geotechnical Report
- Environmental Checklist
- Legal Description
- Description of proposal and design intent
- Noticing Requirements
- Site photographs
- Fees

Commented [HC31]: 05-21-18 Errata – Clarification. Code drafting best practice to facilitate administration of occupancy requirements contained in LUC 20.20.450.13

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- b. A statement of the Operator’s experience at providing Homeless Services Uses, including examples of similar facilities managed by the Operator.
- c. A list of transit stops and park and rides within one-half mile of the proposed Homeless Services Use.
- d. A list of job retraining and education uses within one-half mile of the proposed Homeless Services Use.
- e. A Standard Operating Procedures plan including, but not limited to:
 - i. A description of how the proposed Homeless Services Uses will ~~be operated~~ ~~to~~ serve the homeless population that will be accommodated by the use;
 - ii. A description of staffing for the proposed Homeless Services Use and the training provided to staff hired to fulfill the identified staffing demand;
 - iii. A description of the anticipated Providers that will ~~serve the~~ ~~be engaged to~~ ~~provide supportive services for the homeless population that will be accommodated by the Homeless Services Use proposed to be served;~~
 - iv. A description of the known Funders for the Homeless Services Use;
 - v. A description of the procedures used to manage intake of the homeless population that is proposed to be served;
 - vi. ~~A plan for encouraging prospective occupants to provide personal identification for inclusion in the Homeless Management Information System (HMIS) to help increase opportunities to provide access to housing and services and to secure public funding for the proposed Homeless Services Use;~~
 - vii. Where applicable, a plan to ensure that school-aged residents of the use are enrolled in school during their stay;
 - viii. Identification of a primary point of Operator contact for assistance and referrals to send homeless individuals seeking services; ~~and~~
 - ix. A plan for managing exterior appearance of the proposed Homeless Services Use, including trash/litter, hazardous materials, and biohazards on or near the site;
 - x. ~~A description of how the Operator will inform and educate occupants of the Homeless Services Uses will be notified regarding the Code of Conduct; and~~
 - xi. ~~A description of consequences to be imposed for violating the Code of Conduct.~~
- f. Code of Conduct for individuals granted access to the proposed Homeless Services Uses including, but not limited to:
 - i. ~~Prohibition on entry into~~ ~~to~~ surrounding private properties, or areas of surrounding properties that are not open to the public (e.g., that do not have a retail function (such as office and residential spaces);
 - ii. ~~Promotion of~~ ~~limit~~ travel paths that use the to public rights-of-way;
 - iii. ~~Restrictions on~~ ~~No~~ loitering ~~and or trespassing~~ ~~panhandling~~;
 - iv. ~~No littering~~ ~~Shared commitment to maintaining the Homeless Services Use and preserving~~ ~~Maintain the site aesthetics and do not litter~~;
 - v. ~~Restriction on~~ ~~an~~ smoking to designated areas of the site;

Commented [HC32]: 05-21-18 Errata – Clarification.

Commented [HC33]: 05-21-18 Errata – Clarification.

Commented [HC34]: 05-24-18 Council requested change from 05-21-18.

Commented [HC35]: 05-24-18 Council requested change from 05-21-18 to put operator rules in the Standard Operating Procedures and occupant rules in the Code of Conduct.

Commented [HC36]: 05-21-18 Vision alignment – code is not intended to be construed as criminalizing homelessness. 05-24-18 Code of Conduct paragraph and subparagraphs updated in response to Council Policy Discussion on 05-21-18

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- vi. Comply~~ance~~ with City of Bellevue regulations governing public conduct (including but not limited to ~~e.g.~~ the prohibition on public camping, lewd acts, urinating in public, etc.); and
 - vii. Comply~~ance~~ with terms of Good Neighbor Agreement provisions that apply~~able~~ to occupants of the Homeless Services Use;
 - ~~viii. Description of how occupants of the Homeless Services Uses will be guided regarding the Code of Conduct; and~~
 - ~~ix. Description of consequences to be imposed for violating the Code of Conduct.~~
- g. **Safety and Security Plan** describing measures that the Operator will employ to promote the safety of shelter occupants and surrounding residents and businesses, including but not limited to:
- i. Criteria for rejection or removal of an individual seeking access to the proposed Homeless Services Use;
 - ii. A plan for deployment (including time, place and manner) of perimeter security patrols;
 - ~~iii. A plan to address disruptive behavior within a Homeless Services Use and in the immediate vicinity that infringes on the safety of occupants or employees of the use, and a description of the consequences for engaging in disruptive behavior;~~
 - ~~iiii. A plan for managing loitering, panhandling, and unpermitted camping in the vicinity of the Homeless Services Use;~~
 - ~~v. Identification of site specific magnet areas (e.g., greenbelts, parks, libraries, transit facilities, etc.) and a plan to address behavior that is inconsistent with the Code of Conduct and Bellevue City Code;~~
 - ~~vi. Implementation of outstanding registered sex offender background checks and compliance with applicable registration and notification requirements;~~
 - ~~vii. A plan for managing individuals excluded from accessing the proposed Homeless Services Uses;~~
 - ~~viii. A plan for coordination between the Operator, Bellevue Public Safety staff (e.g., police, fire, park rangers, etc.), and private security forces employed by surrounding property and business owners;~~
 - ~~ix. Provision of a phone number and point of contact at the site of the proposed Homeless Services Use for the community to report concerns;~~
 - ~~x. A plan for addressing reported concerns and documenting resolution, and making this information publicly available; and~~
 - ~~xi. Identification of performance metrics that will be used to track compliance with the Safety and Security Plan.~~

Commented [HC37]: 05-24-18 updated to be called Safety and Security Plan in response to Council Policy Discussion on 05-21-18.

Commented [HC38]: 05-21-18 Errata – Clarification.

Commented [HC39]: 05-24-18 Errata – Consistency Edit

3. When the City Council has adopted a resolution to negotiate a development agreement that would allow a Homeless Services Use to be established and constructed in Bellevue pursuant to LUC 20.20.455.D.1, the applicant is required to submit application materials required under ~~paragraphs LUC 20.20.455.F.1 and F.2 above~~ and any additional submittal

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requirements identified in the resolution as needed for City Council negotiation of the development agreement pursuant to LUC 20.20.455.F.3.

G. Good Neighbor Agreement Process Required

This section describes the required Good Neighbor Agreement (GNA) Advisory Committee process.

1. Purpose. The purpose of a GNA Advisory Committee formed under the terms of this section is to foster communication between the community and Homeless Services Use operators by:
 - a. Dedicating the time necessary to represent community, neighborhood and Citywide interests in the Homeless Services Use approval process; and
 - b. Ensuring that issues of importance are identified early in the Homeless Services Use approval process while there is still time to address design issues while minimizing cost implications; and
 - c. Considering the communities and land uses within which the Homeless Services Use is proposed; and
 - d. Helping guide Homeless Services Use design to ensure that specific neighborhood conditions are considered and design is context sensitive by engaging in ongoing dialogue with the Homeless Services Use Operator and the City during permit review; and
 - e. Building a sense of community with the project such as collaborating with the Operator to develop a Community-Endorsed Service Program for occupants of the Homeless Services Use and surrounding property owners; and
 - f. Ensuring the GNA Advisory Committee participation is streamlined and effectively integrated into the Homeless Services Use permit process to avoid delays that jeopardize funding and place homeless individuals/people experiencing homelessness at risk.
2. Facilitation and Member Composition.
 - a. Facilitation. Following submittal of Pre-Application Materials a complete application pursuant to LUC 20.20.455.FE.1, the City shall designate a staff person who will act as neutral facilitator for the GNA Advisory Committee.
 - b. Member Composition. It is the responsibility of the Director to constitute the GNA Advisory Committee. Membership should be composed of individuals meeting the below-described locational or subject matter expertise requirements. A single individual may be identified to represent more than one of the roles requiring subject matter expertise. The following persons or a representative of the following groups shall be invited to participate in the GNA Advisory Committee:
 - i. Up to five three five residents who reside within 5600 one half mile (2.640 feet) of the proposed Homeless Services Use who will represent residents in the vicinity. Participation priority should be given to those residents living in closest proximity to the proposed Homeless Services Use. These residents must be able to:

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Commented [HC40]: 05-24-18 Errata – Clarity edit.

Commented [HC41]: Good Neighbor Agreement Process – describes the how a Good Neighbor Agreement Advisory Committee will be formed and how it will provide input to the permit process to foster effective communication between an operator and the community in which a Homeless Services Use is located.

- Due Diligence Report
- Stakeholder feedback

Commented [HC42]: 05-07-18 Errata - Code Drafting Best Practices to provide abbreviation the first time an abbreviated term is used. Abbreviation provided in LUC 20.20.455.C.2.c.

Commented [HC43]: 05-24-18 Council requested change from 05-21-18.

Commented [HC44]: 05-21-18 Errata – Consistency

Commented [HC45]: 05-24-18 Errata – Clarification regarding timing for initiation of the GNA Advisory Group.

Commented [HC46]: 05-24-18 Member Composition paragraph and associated subparagraphs updated in response to Council Policy Discussion on 05-21-18.

Commented [HC47]: 05-21-18 Council requested change from 05-07-18. 05-24-18 Council requested change from 05-21-18.

- ~~(1) Attend every meeting of the GNA Advisory Committee and~~
- ~~(2) Represent the interests of residents living in the vicinity of the Homeless Services Use.~~
- ii. Up to one resident of the city at-large who is appointed by the City Council to represent citywide interests in the Homeless Services Use approval process.
- iii. Up to oneA staff person with subject matter expertise from the Parks and Community Services department of the City.
- iv. Up to oneA staff person with subject matter expertise and local knowledge of the proposed site from the Bellevue Police department.
- v. Up to one staff person with subject matter expertise from the Bellevue Fire department.
- vi. Up to one individual designated by the school district with local knowledge of the enrollment area(s) where The superintendent, or their designee, of any public school district within which the Homeless Services Use is proposed to be located (i.e., Bellevue, Issaquah and Lake Washington school districts);
- vii. Up to three representatives from businesses located within 600 one-half mile (2,640 feet) of the proposed Homeless Services Use who will represent business interests in the vicinity. Participation priority should be given to those representatives of businesses located in closest proximity to the proposed Homeless Services Use.
- viii. Up to oneA staff person from either a governmental, or non-governmental organization (NGO), with subject matter expertise from All-Home, or its successor County organization in the provision of shelter services in King County.
- ix. One representative of The proposed Homeless Services Use Operator;
- x. OneA representative of the agencies or organizations identified as a Provider for the proposed Homeless Services Use.
- xi. OneA representative of the agencies or organizations identified as a Funder for the Homeless Services Use.
- xii. Up to one representative of the population of individuals who have experienced homelessness in the past, or is currently experiencing homelessness, and is willing to serve on the GNA Advisory Committee.
- c. Member Commitment. Members of the GNA Advisory Committee are expected to:

Commented [HC48]: 05-21-18 Council requested change from 05-07-18.

Commented [HC49]: 05-24-18 Council requested change from 05-21-18.

- ~~i. Be reliable and available to attend meetings of the GNA Advisory Committee;~~
- ~~ii. Bring subject matter expertise regarding issues related to homelessness or unique knowledge of a proposed site to help inform the Committee's work;~~
- ~~iii. Accept different perspectives and ideas, and be willing to learn and share rather than just advocate for a position;~~
- ~~iv. Steer conflict toward positive and creative results;~~
- ~~v. Contribute to completion of the GNA Advisory Committee scope of work described in LUC 20.20.455.G.3; and~~
- ~~vi. Understand that consensus is not required, and that failure of the group to reach agreement will not be grounds for denial of a permit application.~~

3. Scope of GNA Advisory Committee Work. The scope of work for the GNA Advisory Committee is intended to support the GNA Advisory Committee purpose described in paragraph G.1 of this section LUC 20.20.455. The GNA Advisory Committee is advisory to the decision maker for the development agreement and CUP processes identified for a specific Homeless Services Use, and its scope includes:

- a. Becoming informed on the proposed Homeless Services Use ~~Basic Operating Plan Standard Operating Procedures~~ and project design;
- b. Participating in context setting to describe the community within which the Homeless Services Use is proposed to be located;
- c. Providing early and ongoing advice to the Homeless Services Use Operator on how to incorporate context sensitive design into the proposed project;
- d. Providing advisory guidance to permit decision makers as described in more detail below regarding Homeless Services Use design and operational concerns prior to any recommendation of the Director on a development agreement or CUP; ~~and~~
- e. Collaborating with the Operator to establish a plan for communications, ~~and engagement in any Community Endorse Service Program~~, between the Operator and neighbors after the use is established, constructed and operational; ~~and~~
- ~~f. Collaborating with the Operator to consider and evaluate metrics for success of the shelter operations, including security, sanitation, and transitioning shelter clients out of homelessness.~~

Commented [HC50]: 05-07-18 Inconsistent Terminology. Revised to be consistent with definition provided in LUC 20.20.455.C.2.i.

4. Involvement Process – Timing, Focus of Involvement, and Work Product.

- a. Process Summary. The GNA Advisory Committee process is aligned with Homeless Shelter Use permit process to optimize process efficiency and funding predictability. Figure 20.20.455.G.4 depicts the relationship between the GNA Advisory Committee review and the City permit process phases. The following table describes the intended timing of GNA Advisory Committee review, the focus of GNA Advisory Committee involvement, and the anticipated work product to be generated by the GNA Advisory Committee at each review phase.

Commented [HC51]: 05-24-18 Council requested change from 05-21-18.

Figure 20.20.455.G.4 Illustration of GNA Advisory Committee Process in Relationship to Permit Process

GNA Advisory Committee Review Phases	General Intent of Review	Relationship to City Permit Process Phases
Context Setting	Provide early input on "context" to which design elements and features of Homeless Services Use should respond, and advice to the Homeless Services Use Operator on how to incorporate context sensitive design into the proposed project. Identify unique circumstances that should be considered in development of the GNA. Provide Context Setting Document.	Following the first Community Meeting (GNA Advisory Committee input provided within One Month of the Notice of Application <u>second Community Meeting</u>)
Design Input (Facility)	Provide input regarding incorporation of contextual considerations into the Homeless Service Use facility design. Anticipated that GNA Advisory Committee would provide advice regarding complementary building materials, integration of Crime Prevention Through Environmental Design (CPTED) measures, quality of design and materials, landscape development and screening. Provide Advisory Document.	Application Review Phase (GNA Advisory Committee input provided prior to Director recommendation)
Good Neighbor Agreement (Operations)	Provide input on operational concerns and GNA augments the Provider's Basic Operating Plan <u>Standard Operating Procedures</u> to respond to those concerns. Although the GNA is legally nonbinding, it does define the intent and agreement of all parties represented on how a specific Homeless Service Use will be operated to address the concerns of its neighbors while meeting the needs of its clients and the funders. Provide the GNA Document.	Post Project Approval Phase (GNA Advisory Committee input provided to the Director prior to Occupancy for inclusion in the project record)

Commented [HCS2]: 05-24-18 Errata – Clarification regarding timing for initiation of the GNA Advisory Group.

Commented [HCS3]: 05-21-18 Errata – Consistency.

Commented [HCS4]: 05-07-18 Consistency. Revised to be consistent with definition provided in LUC 20.20.455.C.2.i.

- b. Timing of GNA Advisory Committee Involvement.
 - i. The GNA Advisory Committee process should occur early in the process to avoid delays that jeopardize participation in funding cycles, require shelters to operate under emergency declarations, and place homeless individuals at risk.
 - ii. The actual timing of GNA Advisory Committee review and participation will be scheduled by the facilitator to ensure that GNA Advisory Committee input is consolidated with the applicable city permit process phase as described in Figure 20.20.455.G.4.
 - iii. The GNA Advisory Committee will be dissolved once its scope of work has been completed.
- c. Work Product. The work of the GNA Advisory Committee review phase shall culminate in an Advisory Document or Good Neighbor Agreement that describes the

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phase of review and GNA Advisory Committee feedback consistent with the scope of work described in this section. City staff will support the GNA Advisory Committee preparation of this work product.

5. **Applicable Policy and Regulatory Guidance.** Guidance for Evaluating Context Sensitivity. Advice provided by the GNA Advisory Committee shall be objectively based upon the policies, regulations, guidelines and other documents applicable to a Homeless Services Use in the location that it is proposed.
6. **Meeting Operations.** The meetings of the GNA Advisory Committee and documents developed through the process shall operate and be managed consistent with the applicable requirements of the Open Public Meetings Act (Chapter 43.20 RCW) and the Public Records Act (Chapter 42.56 RCW).

H. City Approval Requirements for Homeless Services Uses

1. **Applicability of City Review Process.** There are two process options that can be used to approve a Homeless Services Use as described in LUC 20.20.455.D above. The approval process requirements contained in this paragraph apply to all Homeless Services Uses irrespective of whether City review under LUC 20.20.455.D is undertaken through the negotiation of a development agreement or through processing of a Conditional Use Permit.
 - a. **Development Agreement – Council Legislative Decision.**
 - i. **Scope of Approval.** A Homeless Services Use is permitted outright and may be established pursuant to the terms of a development agreement entered into between the City and a Homeless Services Use Operator when the location, design and operation is negotiated pursuant to Chapter 36.70B RCW and is consistent with the terms of this section 20.20.455.H LUC.
 - ii. **Applicable Process.** A development agreement adopted by the City Council shall be processed under the authority of and pursuant to the procedures set forth in Chapter 36.70B RCW and this section LUC 20.20.455.H. Any development agreement adopted by the City Council shall be consistent with all applicable Comprehensive Plan policies and all adopted “development standards,” as that term is used in RCW 36.70B.170(3), that govern and vest the development for a specified time duration; provided, that a development agreement may not extend the vesting period for longer than 15 years from the effective date. Periodic review of the conditions of a Development Agreement may be imposed. Any appeal of a development agreement shall be directly to superior court.
 - b. **Conditional Use Permit – Hearing Examiner Quasi-Judicial Decision.**
 - i. **When Required.** Development of any Homeless Services Use requires approval under applicable Bellevue city codes and the development requirements of this section LUC 20.20.455-LUC through a Conditional Use Permit (CUP) process when the City Council has declined to negotiate a development agreement, or when the applicant has requested processing as a CUP.

Commented [HC55]: Approval Requirements by Applicable Process Option – the procedural requirements that must be met for a Homeless Services Use to be reviewed by the City and approved or denied based on whether it complies with the substantive requirements of the land use code.

- Temporary Encampment Permits (Part 20.30U)
- Due Diligence Report
- Stakeholder feedback

Commented [HC56]: 05-24-18 Errata – Clarification edit

Commented [HC57]: 05-24-18 Errata – Consistency edit between Development Agreement and Development Agreement

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ii. Scope of Approval. When a Homeless Services Use has not been permitted outright in a City Council adopted development agreement, a Conditional Use Permit shall be required to establish the use and approve the design.

~~iii. The Conditional Use Permit shall be reviewed through Process I (LUC 20.35.100 through 20.35.150) as enhanced by the provisions of this section LUC 20.20.455.~~

~~iv. Periodic review of the conditions of permit approval may be imposed pursuant to the terms of LUC 20.30B.165.~~

~~v. The Conditional Use Permit may be modified or revoked pursuant to the terms of LUC 20.30B.170.~~

2. Decision Criteria. The City may approve or approve with modifications an application for a Homeless Services Use and design if the applicant demonstrates that:
- a. The proposal complies with the Conditional Use Permit decision criteria of LUC 20.30B.140; and
 - b. The proposal complies with the applicable requirements of the BCC; and
 - c. The proposal includes a Standard Operating Procedure plan meeting the requirements of LUC 20.20.455.F.2.gd.
 - d. The proposal includes a Code of Conduct meeting the requirements of LUC 20.20.455.F.2.1e;
 - e. The proposal includes a Safety and Security Plan meeting the requirements of LUC 20.20.455.F.2.gf and incorporating the feedback provided by the Bellevue Police Department.
 - f. The facility design input of the GNA Advisory Committee developed pursuant to Figure 20.20.455.G.4 has been integrated into the Homeless Services Uses to the maximum extent feasible;
 - g. The proposal addresses all applicable design guidelines and development standards of this section LUC 20.20.455 and any applicable land use district overlay in a manner which fulfills their purpose and intent.

~~iv. The Conditional Use Permit shall be reviewed through Process I (LUC 20.35.100 through 20.35.150) as enhanced by the provisions of this section LUC 20.20.455.~~

~~v. Periodic review of the conditions of permit approval may be imposed pursuant to the terms of LUC 20.30B.165.~~

~~vi. The Conditional Use Permit may be modified or revoked pursuant to the terms of LUC 20.30B.170.~~

3. Minimum required notice and public engagement procedures for Homeless Service Uses shall adhere to the Process I requirements applicable to Conditional Use Permits, and shall specifically include the following:
- a. Notice of the Pre-Application Community Meeting shall be provided pursuant to LUC 20.35.120.B, and prospective members of the GNA Advisory Committee shall be invited to attend. Required mailed notice for a Homeless Services Use shall be expanded to include owners of real property within 600-1,000 feet of the project site.

Commented [HC58]: 05-24-18 Errata – Reorganization (relocated from below)

Commented [HC59]: 05-24-18 Errata – Clarification. Reformatted to increase understandability and transparency that decision criteria apply to both Development Agreements and CUPs as noted in LUC 20.20.455.H.4.a.1.

Commented [HC60]: 05-24-18 Errata – Citation error.

Commented [HC61]: 05-24-18 Errata – Citation error.

Commented [HC62]: 05-24-18 Errata – Consistency edit

Commented [HC63]: 05-24-18 Errata – Citation error.

Commented [HC64]: 05-24-18 Errata – Reorganization (relocated to paragraph H.1.b above).

Commented [HC65]: 05-24-18 Council requested change from 05-21-18.

Commented [HC66]: 05-21-18 Council requested change from 05-07-18

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- b. Notice of an application to establish any Homeless Services Use shall be provided pursuant to LUC 20.35.123. Required mailed notice for a Homeless Services Use shall be expanded to include owners of real property within 600-1,000 feet of the project site.
 - c. A minimum comment period associated with any Homeless Services Use application shall be provided pursuant to LUC 20.35.125.
 - d. A public meeting shall be held pursuant to LUC 20.35.127 on all applications to establish a Homeless Services Use. Prior to the public meeting, the Operator shall meet and confer with the Bellevue Police Department regarding the proposed Safety and Security Plan described in the submittal materials as required by LUC 20.20.455.F.2.gf above. At the public meeting, a representative of the Homeless Services Use Operator shall present in writing and describe the proposed Safety and Security Plan and any input or comments received on the plan from the Bellevue Police Department.
4. Director's Recommendation.
- a. Content.
 - 1. Development Agreements. A written report of the Director shall be prepared. The Director's recommendation shall be based on the requirements of Chapter 36.70B RCW and the decision criteria contained in LUC 20.20.455.H.2b-iii of this section.
 - 2. Conditional Use Permits. A written report of the Director shall be prepared pursuant to LUC 20.35.130.
 - b. Notice of Availability of the Director's Recommendation, SEPA Determination, and Public Hearing. Notice of the availability of the Director's recommendation shall be provided pursuant to LUC 20.35.135.
5. Public Hearing and Appeals
- a. Development Agreements. Public Hearings on Development Agreements applied for to establish a Homeless Services Use shall be held by the City Council pursuant to Chapter 36.70B RCW and adopted City Council rules for legislative hearings.
 - b. Conditional Use Permits. Public Hearings on Conditional Use Permits applied for to establish a Homeless Services Use shall be held by the Hearing Examiner pursuant to LUC 20.35.137. The Hearing Examiner shall render a decision pursuant to LUC 20.35.140, and appeals of the Hearing Examiner decision shall be governed by the requirements of LUC 20.35.150.
6. Recording. The description of the population to be served, the conditions of approval, and any Binding Site Plan for a Homeless Services Use shall be recorded with the King County Recorder's Office or its successor organization.
7. Modifications to an Homeless Services Use. Conditions of approval for a Homeless Services Use apply for the life of the project. Any increase in the number of beds beyond that applied for by the applicant and included in the City approval, or changes to the population

Commented [HC67]: Requires:

- Newspaper publication (Seattle Times)
- Mailed notice to property owners within 500 feet of the project site (perimeter property lines)
- Notice to people who have subscribed to receive the Weekly Permit Bulletin, including:
 - o EBCC
 - o Representatives of neighborhood groups
- Posting of 2 signs on the Property

Commented [HC68]: 05-24-18 Council requested change from 05-21-18.

Commented [HC69]: 05-21-18 Council requested change from 05-07-18.

Commented [HC70]: Public meetings are required for CUPs. As drafted, a public meeting would also be required for permits negotiated through a DA.

Commented [HC71]: 05-24-18 Errata – Consistency edit.

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served by the Homeless Services Use, shall be processed as a new application in accordance with the standards and requirements for a new or expanding use in this section LUC 20.20.455.

8. Abandonment. Any established Homeless Services Use that is abandoned for a continuous period of one year or more shall not be permitted to be re-established, except as allowed in accordance with the standards and requirements for a new or expanding use in this section LUC 20.20.455.

I. Development Standards/Use Requirements

1. General Development Requirements. The applicable General Development Requirements of Chapter 20.20 LUC shall be met unless specifically modified by the terms of this section when applied to a Homeless Services Uses.
2. Parking, Circulation and Walkway Requirements. In addition to the terms of LUC 20.20.590, the following requirements apply to all Homeless Services Uses:
 - a. Number of Parking Stalls. Homeless Services Uses are unspecified under the terms of LUC 20.20.590.F, and required parking stalls shall be established by the Director pursuant to LUC 20.20.590.F.2.
 - b. Overnight camping is prohibited. Camping is prohibited in areas that provide accessory parking for the Homeless Services Use.
 - c. Entrance Area. Entrances to intake areas for a Homeless Services Uses shall provide for user queuing adequate to ensure:
 - i. Protection from the weather and natural elements; and
 - ii. Privacy for the homeless individuals seeking access to the use.
 - d. Entrance and Elevator Separation. Entrances and elevators serving the Homeless Services Uses shall be physically separated from entrances and elevators serving any residential use that is located on the same site.
3. Occupancy Limits and Size-Related Development Standards.
 - a. All Homeless Services Uses shall comply with occupancy limitations contained in applicable building and fire codes and ordinances adopted by the City.
 - b. Permanent Overnight Homeless Shelter Uses shall not provide sleeping accommodations for more than 100 residents, and shall comply with the following additional requirements:
 - i. The City shall impose a condition on any approved Permanent Overnight Homeless Shelter Use limiting the numbers of beds to those requested by the applicant.
 - ii. Shelters with more than 50 beds shall:
 1. Locate within one-half mile of a public transit stop;
 2. Locate greater than one-half mile from any other Homeless Services Use permitted under the terms of the LUC section 20.20.455, unless they are co-located as part of a single development.
4. Minimum Requirements
 - a. Homeless Services Uses in general.

Commented [HC72]: Development Standards and Use Requirements – describe dimensional requirements such as height, setbacks and parking, as well as requirements that are imposed on specifically identified uses.

- Temporary Encampment Permits (Part 20.30U)
- Light Rail Overlay (Part 20.25M)
- Due Diligence Report
- Stakeholder Feedback

Commented [HC73]: 05-21-18 Errata – Clarification.

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- i. Adequate toilet, bathing, sleeping, laundry and storage facilities to meet the demands anticipated by the homeless population that is proposed to be served.
 - ii. Access to WiFi for occupants of the Homeless Services Use.
 - iii. Recycling and solid waste collection facilities to meet the requirements of LUC 20.20.725, and any additional demands anticipated by the homeless population that is proposed to be served.
 - iv. Designated smoking areas located a minimum of 25 feet from perimeter property lines.
 - v. Front desk staff provided during operating hours for each Homeless Services Use.
 - vi. Designated and dignified privacy areas to meet the demands of the anticipated homeless population that is proposed to be served (e.g. lactation rooms, medical/counseling rooms, caseworker consultation spaces, etc.).
 - vii. A permanent address and mailroom to meet the demands anticipated by the homeless population that is proposed to be served.
 - viii. A final **Safety and Security** Plan updated to incorporate input and comments received on the plan from the Bellevue Police Department.
 - b. ~~Homeless Services Day Services Center Use~~
 - i. Access to electrical outlets to meet the demands anticipated by the homeless population that is proposed to be served.
 - c. ~~Permanent Overnight Homeless Shelter~~
 - i. Permanent overnight sleeping accommodations that do not exceed 100 beds.
 - ii. A dedicated electrical outlet for every occupant of a permanent bed.
5. Special and Overlay District Requirements. The applicable Special and Overlay District Requirements of Chapter 20.25 LUC shall be met unless specifically modified by the terms of this section when applied to a Homeless Services Uses.

Commented [HC74]: 05-24-18 Errata – Consistency.

Commented [HC75]: 05-21-18 Errata – Consistency.

Commented [HC76]: 05-21-18 Errata – Consistency.

J. Design Guidelines

- 1. Context.
 - i. Architectural elements should enhance, not detract from, the area's overall character;
 - ii. Incorporate architectural elements at a scale and location that ensures detailing is proportionate to the size of the building; and
 - iii. Use forms, proportions, articulation, materials, colors and architectural motifs that are suggested by and complement adjacent buildings and/or the intended vision for the area where the Homeless Services Uses is located.
- 2. Crime Deterrence. The design of any Homeless Services Use should incorporate Crime Prevention through Environmental Design (CPTED) Principles and use available technology to deter crime. Examples include:
 - i. Visibility of entrance and exit points to and from any structure housing a Homeless Services Use;
 - ii. Open and well-lighted pedestrian connections between the Homeless Services Use, accessory parking, transit services and other supportive services in the area; and

Commented [HC77]: Design Guidelines – describe design objectives that should be incorporated into a structure to foster compatibility with the surrounding context.

- Due Diligence Report
- Stakeholder feedback

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- iii. Video surveillance of entrance and exit points to and from any structure housing a Homeless Services Use.

3. Common Areas.

- i. Common areas should enhance resident enjoyment through inclusion of features such as libraries, roof decks, patios and gardens.

K. Mitigation Measures:

The City may impose conditions relating to the development, design, use, or operation of an Homeless Services Use to mitigate environmental, public safety, or other identifiable impacts.

L. Independent Technical Review:

The City may require the applicant pay for independent technical review by a consultant retained by the City for review of materials submitted by the applicant to demonstrate compliance with the requirements of the LUC section 20.20.455.

Conformance Amendments

LUC 20.10.440 Land Use Chart:

Homeless Services Uses are permitted in the following Land Use Districts through approval of a Conditional Use Permit or adoption of a Development Agreement:

- 1. Commercial
 - a. General Commercial (GC) District (+)
 - b. Community Business (CB) District
 - c. Eastgate Transit Oriented Development (EG-TOD)
- 2. Office
 - a. Office Limited Business (OLB) Professional-Office
 - b. Office Limited Business 2 (OLB 2) Office
- 3. Downtown (DT)
 - a. Downtown Office District 1 (DT-O-1)
 - b. Downtown Office District 2 (DT-O-2)
 - c. Downtown Multiple Use District (DT-MU)
 - d. Downtown Residential District (DT-R)
 - e. Downtown Old Bellevue (DT-OB)
 - f. Downtown Office and Limited Business (DT-OLB)
- 4. BelRed
 - a. BelRed Medical Office and BelRed Medical Office Node 1 (BR-MO and BR-MO-1)
 - b. BelRed Office/Residential, BelRed Office/Residential Node 1 and Node 2 (BR-OR, BR-OR-1 and BR-OR-2)
 - c. BelRed Residential/Commercial Node 1, Node 2 and Node 3 (BR-RC-1, BR-RC-2 and BR-RC-3)
 - d. BelRed Commercial/Residential (BR-CR)
 - e. BelRed Residential (BR-R) (+)

Commented [HC78]: • Electric Utility Facility Requirements

Commented [HC79]: • Electric Utility Facility Requirements

Commented [HC80]: Final code language will be presented in Land Use Chart format.

Commented [HC81]: (+) symbol identifies land use districts that would be added to the list of districts where Homeless Services Uses are allowed to site under the Interim Official Control because they provide access to supportive services and transit

Commented [HC82]: 05-07-18 Drafting Error. "Professional Office" and "Office" Land Use Districts serve to buffer residential areas, and were intended only to be included on the list of districts where Homeless Services Uses are prohibited. Office Limited Business and Office Limited Business 2 are more intense freeway-oriented districts that were intended to be included as locations where Homeless Services Uses are permitted.

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- f. BelRed General Commercial (BR-GC)
- 5. Factoria
 - a. Factoria F1 (F1)
 - b. Factoria F2 (F2)
 - c. Factoria F3 (F3)
- 6. Medical Institution District
 - a. Hospital Center Development Area (MI-DA1) (+)
 - b. Medical Office Development Area (MI-DA2) (+)
 - c. Hospital Perimeter Development Area (MI-DA3) (+)

Homeless Services Uses are prohibited in the following Land Use Districts:

- 1. Residential
 - a. Single Family Residential (R-1 through R-7.5)
 - b. Multi-Family Residential (R-10 through R-30)
- 2. Commercial
 - a. Neighborhood Business (NB)
 - b. Neighborhood Mixed Use (NMU) (-)
- 3. Office
 - a. Professional Office (PO)
 - b. Office (O)
- 4. Light Industrial (LI)
- 5. BelRed
 - a. BelRed Office/Residential Transition (BR-ORT)

Commented [HC83]: (-) symbol identifies land use districts that would be removed from the list of districts where Homeless Services Uses are allowed to site under the Interim Official Control because they do not provide access to supportive services and transit or are a buffer for residential areas

20.50.038 O Definitions

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Overnight Homeless Shelter: Emergency/Temporary is a facility with the primary purpose of providing temporary shelter for homeless people in response to an emergency. These facilities are housed in a temporary or interim location, permitted pursuant to LUC 20.20.850 and Part 20.30M LUC.

Commented [HC84]: 05-21-18 Errata – Consistency.

Overnight Homeless Shelter: Permanent. Refer to LUC 20.20.455.C.

Commented [HC85]: 05-21-18 Errata – Consistency.

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ATTACHMENT G
(Draft Homeless Services Uses LUCA
LUC 20.20.455—Clean Version)

Homeless Services Uses LUC 20.20.455

A. Purpose

The purpose of this section is to provide regulations for the permitting of Homeless Services Uses that are proposed to provide support to one or more populations of people experiencing homelessness.

B. Applicability

This section applies to all proposals for new or expanding Homeless Services Uses as defined in LUC 20.20.455. This section does not apply to:

1. Temporary Public Safety Facilities permitted under the terms of LUC 20.20.850;
2. Temporary Uses permitted under the terms of Part 20.30M LUC;
3. Temporary Encampments permitted under the terms of Part 20.30U LUC; or
4. Religious organizations hosting temporary encampments within buildings on their property under the terms of RCW 35A.21.360 (Temporary encampments for the homeless – Hosting by religious organizations authorized – Prohibitions on local actions).

C. Definitions

1. Use Definitions.

- a. **Homeless Services Use.** Refers to the collection of service uses defined in this paragraph and established for the purpose of providing ongoing services to people experiencing homelessness.
- b. **Day Services Center.** A facility that offers a haven to people experiencing homelessness by providing a safe place to rest during the day. Support services for homeless populations is an integral part of a Day Services Center use and includes but is not limited to access to food, seating, showers, laundry, restrooms, storage, a computer lab, phones, fax and a critical mailing address. Spaces for meetings and examinations are generally provided to accommodate counseling and access to medical/dental and legal assistance.
- c. **Overnight Shelter: Emergency/Temporary.** Refer to LUC 20.50.038 for this definition. These facilities are not governed by the terms of this section.
- d. **Overnight Shelter: Permanent.** Any facility that is constructed for the primary purpose of providing shelter for people experiencing homelessness in general or for specific populations of people experiencing homelessness. Supportive services may or may not be provided in addition to the provision of shelter.

2. Additional definitions applicable to terminology used in this section LUC 20.20.455.

- a. Code of Conduct is an agreement on rules of behavior between occupants of a Homeless Services Use and Operators and Providers offering a Homeless Services Use at a specific location. The Code of Conduct is intended to protect the health, safety and welfare of the occupants and employees of the Homeless Services Use, and the surrounding residents and businesses.
- b. Funder means any person, partnership, corporation or other organization of any kind that provides funding to establish, construct or operate a Homeless Services Use.
- c. Good Neighbor Agreement (GNA) refers to a specific plan developed through a Good Neighbor Agreement Advisory Committee process to address operational and communication commitments that are uniquely tailored to the location where a Homeless Services Use is proposed.
- d. Homelessness refers to the state of a person who is living in a place not meant for human habitation, which may include, but is not limited to, vehicles, streets, parks, alleys, parking garages, vacant buildings, all night commercial establishments and other similar places, or is a resident in an overnight shelter.
- e. Operator means any person, partnership, corporation or other organization of any kind that proposes to site and operate a Homeless Services Use in the city.
- f. Provider means any person, partnership, corporation or other organization of any kind that provides supportive services to a homeless population accessing a Homeless Services Use.
- g. Safety and Security Plan refers to a plan developed by the Operator and updated to reflect input provided by the Bellevue Police Department to address security concerns regarding a Homeless Services Use that is proposed at a specific location.
- h. Standard Operating Procedures refer to a plan developed by the Operator that address the elements required by LUC 20.20.455.F.2.e. The elements contained in the Standard Operating Procedures plan would generally be applicable to all Homeless Services Uses in Bellevue irrespective of where they are proposed to be located.
- i. Supportive Services are those provided to occupants of a Homeless Services Use for the purpose of facilitating their independence and include, but are not limited to, services such as case management, medical treatment, psychological counseling, childcare, transportation and job training. Supportive services do not include Medically Supervised Consumption Centers (MSCC) which are prohibited in all land use districts citywide pursuant to LUC 20.10.410.

D. Approval Process Required

Two Process Options. Applications for a Homeless Services Use governed by the terms of this section LUC 20.20.455 shall be processed pursuant to one of the following options.

1. Use and Design Allowed through a Development Agreement. The City Council may by resolution accept or decline to negotiate a development agreement that would allow a Homeless Services Use to be established and constructed in Bellevue pursuant to the provisions of Chapter 36.70B RCW and this section 20.20.455 LUC. Nothing in this paragraph shall preclude an applicant from requesting the Director to initiate processing of their application under the Conditional Use Permit provisions of Part 20.30B of this section without requesting the City Council to consider negotiation of a development agreement.
2. Use and Design Allowed through a Conditional Use Permit. Where the City Council has not adopted a resolution to initiate negotiation of a development agreement to allow a Homeless Services Use to be established and constructed in Bellevue, a Conditional Use Permit approval is required pursuant to the provisions of Part 20.30B LUC and provisions of this section 20.20.455 LUC.

E. Pre-application Process and Determination of Permit Approval Path Required

1. Pre-application Materials. Shall be submitted to the Development Services Department pursuant to LUC 20.35.020 before a permit application for a Homeless Services Use may be filed. Materials shall include:
 - a. Name of the Operator;
 - b. Experience running Homeless Services Uses; and
 - c. Statement of homeless population to be served and occupancy target for each Homeless Services Use proposed.
2. Pre-application Community Meeting. Prior to City Council determination of the Process Path as provided by paragraph 4 below, the applicant shall hold a public informational meeting. The purpose of this meeting is to provide an early, open dialogue between the applicant, the Operator, and property owners surrounding the proposed Homeless Services Use. The meeting should acquaint the surrounding property owners with the Operator and provide for an exchange of information about the proposal and the community where the use is proposed to be located. The Operator should share information submitted with its permit application (e.g., the Standard Operating Procedures, Code of Conduct, and Safety and Security Plan) for the proposed Homeless Services Use, and the surrounding property owners should share characteristics of the surrounding community and any issues or concerns of which the Operator should be made aware. Notice of the Community Meeting shall be provided by the Director pursuant to the requirements of LUC 20.35.120.B, and the required mailing radius for notice of a Homeless Services Use shall be expanded to include owners of real property within 1,000 feet of the project site.
3. Pre-application site inspection by the City. If the applicant proposes to use an existing structure to house a Homeless Services Use, a pre-application site inspection shall be

required. Prior to City Council determination of the Process Path as provided by paragraph 4 below, the applicant shall allow for an inspection of the structure proposed to house a Homeless Services Use by staff representatives of the Building Official and Fire Marshal. The purpose of the inspection is to determine if the facility meets the Building and Fire Code standards for the proposed use. The purpose of this inspection is not to ensure that a facility meets the requirements of this code or to force an applicant to bring a proposed facility up to applicable standards prior to project approval. The inspection is intended to ensure that the applicant, the Operator, the City, the underlying property owner, and the public are aware of applicable building modifications that would be necessary to establish a Homeless Services Use prior to making an application.

4. Determination of Permit Approval Path
 - a. Development Agreement. An applicant may request the City to negotiate a development agreement for the use and design of a Homeless Services Use. Such request shall be presented to the City Council for consideration, and the City Council shall by resolution accept or decline to negotiate a development agreement that would allow a Homeless Services Use to be established and constructed in Bellevue pursuant to the provisions of Chapter 36.70B RCW and this section 20.20.455 LUC. If the City Council declines to negotiate a development agreement, the Homeless Service Use shall be processed as a Conditional Use Permit pursuant to this section LUC 20.20.455.
 - b. Conditional Use Permit. An applicant may request the Director to process a Conditional Use Permit pursuant to the provisions of this section LUC 20.20.455 LUC without presenting the pre-application materials to the City Council for consideration.

F. Submittal Requirements

1. An applicant seeking to establish and construct a Homeless Services Use is required to submit application materials that meet the submittal requirements for a Conditional Use Permit as adopted by the Director pursuant to LUC 20.35.030.B.
2. In addition to the applicable Conditional Use Permit submittal requirements identified in paragraph F.1 above, information identified in this paragraph shall also be included with the permit application. An application that does not contain the information listed in this paragraph shall not be considered complete. All applications for Homeless Services Uses shall include the following:
 - a. A description of the homeless population to be served by the proposed Homeless Services Use, dates and times of operation, and associated occupancy targets.
 - b. A statement of the Operator's experience at providing Homeless Services Uses, including examples of similar facilities managed by the Operator.
 - c. A list of transit stops and park and rides within one-half mile of the proposed Homeless Services Use.
 - d. A list of job retraining and education uses within one-half mile of the proposed Homeless Services Use.

- e. A Standard Operating Procedures plan including, but not limited to:
 - i. A description of how the proposed Homeless Services Uses will serve the homeless population that will be accommodated by the use;
 - ii. A description of staffing for the proposed Homeless Services Use and the training provided to staff hired to fulfill the identified staffing demand;
 - iii. A description of the anticipated Providers that will serve the population that will be accommodated by the Homeless Services Use;
 - iv. A description of the known Funders for the Homeless Services Use;
 - v. A description of the procedures used to manage intake of the homeless population that is proposed to be served;
 - vi. A plan for encouraging prospective occupants to provide personal identification for inclusion in the Homeless Management Information System (HMIS) to help increase opportunities to provide access to housing and services and to secure public funding for the proposed Homeless Services Use;
 - vii. Where applicable, a plan to ensure that school-aged residents of the use are enrolled in school during their stay;
 - viii. Identification of a primary point of Operator contact for assistance and referrals to send homeless individuals seeking services;
 - ix. A plan for managing exterior appearance of the proposed Homeless Services Use, including trash/litter, hazardous materials, and biohazards on or near the site;
 - x. A description of how the Operator will inform and educate occupants of the Homeless Services Uses regarding the Code of Conduct; and
 - xi. A description of consequences to be imposed for violating the Code of Conduct.
- f. Code of Conduct for individuals granted access to the proposed Homeless Services Uses including, but not limited to:
 - i. No entry onto surrounding private properties, or areas of surrounding properties, that are not open to the public (e.g., office and residential spaces);
 - ii. Limit travel paths to public rights-of-way;
 - iii. No loitering or panhandling;
 - iv. Maintain the site aesthetics and do not litter;
 - v. Restrict smoking to designated areas of the site;
 - vi. Comply with City of Bellevue regulations governing public conduct (including but not limited to the prohibition on public camping, etc.); and
 - vii. Comply with terms of Good Neighbor Agreement provisions that apply to occupants of the Homeless Services Use.
- g. Safety and Security Plan describing measures that the Operator will employ to promote the safety of shelter occupants and surrounding residents and businesses, including but not limited to:
 - i. Criteria for rejection or removal of an individual seeking access to the proposed Homeless Services Use;

- ii. A plan for deployment (including time, place and manner) of security patrols;
 - iii. A plan to address disruptive behavior within a Homeless Services Use and in the immediate vicinity that infringes on the safety of occupants or employees of the use, and a description of the consequences for engaging in disruptive behavior;
 - iv. A plan for managing loitering, panhandling, and unpermitted camping in the vicinity of the Homeless Services Use;
 - v. Identification of site specific magnet areas (e.g., greenbelts, parks, libraries, transit facilities, etc.) and a plan to address behavior that is inconsistent with the Code of Conduct and Bellevue City Code;
 - vi. Implementation of outstanding registered sex offender background checks and compliance with applicable registration and notification requirements;
 - vii. A plan for managing individuals excluded from accessing the proposed Homeless Services Uses;
 - viii. A plan for coordination between the Operator, Bellevue Public Safety staff (e.g., police, fire, park rangers, etc.), and private security forces employed by surrounding property and business owners;
 - ix. Provision of a phone number and point of contact at the site of the proposed Homeless Services Use for the community to report concerns;
 - x. A plan for addressing reported concerns and documenting resolution, and making this information publicly available; and
 - xi. Identification of performance metrics that will be used to track compliance with the Safety and Security Plan.
3. When the City Council has adopted a resolution to negotiate a development agreement that would allow a Homeless Services Use to be established and constructed in Bellevue pursuant to LUC 20.20.455.D.1, the applicant is required to submit application materials required under LUC 20.20.455.F.1 and F.2 above and any additional submittal requirements identified in the resolution as needed for City Council negotiation of the development agreement pursuant to LUC 20.20.455.F.3.

G. Good Neighbor Agreement Process Required

This section describes the required Good Neighbor Agreement Advisory Committee process.

1. Purpose. The purpose of a GNA Advisory Committee formed under the terms of this section is to foster communication between the community and Homeless Services Use operators by:
 - a. Dedicating the time necessary to represent community, neighborhood and Citywide interests in the Homeless Services Use approval process; and
 - b. Ensuring that issues of importance are identified early in the Homeless Services Use approval process while there is still time to address design issues while minimizing cost implications; and
 - c. Considering the communities and land uses within which the Homeless Services Use is proposed; and

- d. Helping guide Homeless Services Use design to ensure that specific neighborhood conditions are considered and design is context sensitive by engaging in ongoing dialogue with the Homeless Services Use Operator and the City during permit review; and
- e. Building a sense of community with the project such as collaborating with the Operator to develop a Community-Endorsed Service Program for occupants of the Homeless Services Use and surrounding property owners; and
- f. Ensuring the GNA Advisory Committee participation is streamlined and effectively integrated into the Homeless Services Use permit process to avoid delays that jeopardize funding and place people experiencing homelessness at risk.

2. Facilitation and Member Composition.

- a. **Facilitation.** Following submittal of Pre-Application Materials pursuant to LUC 20.20.455.E.1, the City shall designate a staff person who will act as neutral facilitator for the GNA Advisory Committee.
- b. **Member Composition.** It is the responsibility of the Director to constitute the GNA Advisory Committee. Membership should be composed of individuals meeting the below-described locational or subject matter expertise requirements. A single individual may be identified to represent more than one of the roles requiring subject matter expertise.
 - i. Up to five residents who reside within one-half mile (2,640 feet) of the proposed Homeless Services Use who will represent residents in the vicinity. Participation priority should be given to those residents living in closest proximity to the proposed Homeless Services Use.
 - ii. Up to one resident of the city at-large who is appointed by the City Council to represent citywide interests in the Homeless Services Use approval process.
 - iii. Up to one staff person with subject matter expertise from the Parks and Community Services department of the City.
 - iv. Up to one staff person with subject matter expertise and local knowledge of the proposed site from the Bellevue Police department.
 - v. Up to one staff person with subject matter expertise from the Bellevue Fire department.
 - vi. Up to one individual designated by the school district with local knowledge of the enrollment area(s) where the Homeless Services Use is proposed to be located.
 - vii. Up to three representatives from businesses located within one-half mile (2,640 feet) of the proposed Homeless Services Use who will represent business interests in the vicinity. Participation priority should be given to

- those representatives of businesses located in closest proximity to the proposed Homeless Services Use.
- viii. Up to one staff person from either a governmental, or non-governmental organization (NGO), with subject matter expertise in the provision of shelter services in King County.
 - iv. One representative of the proposed Homeless Services Use Operator.
 - x. One representative of the agencies or organizations identified as a Provider for the proposed Homeless Services Use.
 - xi. One representative of the agencies or organizations identified as a Funder for the Homeless Services Use.
 - xii. Up to one representative of the population of individuals who has experienced homelessness in the past, or is currently experiencing homelessness, and is willing to serve on the GNA Advisory Committee.
- c. Member Commitment. Members of the GNA Advisory Committee are expected to:
- i. Be reliable and available to attend meetings of the GNA Advisory Committee;
 - ii. Bring subject matter expertise regarding issues related to homelessness or unique knowledge of a proposed site to help inform the Committee's work;
 - iii. Accept different perspectives and ideas, and be willing to learn and share rather than just advocate for a position;
 - iv. Steer conflict toward positive and creative results;
 - v. Contribute to completion of the GNA Advisory Committee scope of work described in LUC 20.20.455.G.3; and
 - vi. Understand that consensus is not required, and that failure of the group to reach agreement will not be grounds for denial of a permit application.
3. Scope of GNA Advisory Committee Work. The scope of work for the GNA Advisory Committee is intended to support the GNA Advisory Committee purpose described in paragraph G.1 of this section LUC 20.20.455. The GNA Advisory Committee is advisory to the decision maker for the development agreement and CUP processes identified for a specific Homeless Services Use, and its scope includes:
- a. Becoming informed on the proposed Homeless Services Use Standard Operating Procedures and project design;
 - b. Participating in context setting to describe the community within which the Homeless Services Use is proposed to be located;
 - c. Providing early and ongoing advice to the Homeless Services Use Operator on how to incorporate context sensitive design into the proposed project;

- d. Providing advisory guidance to permit decision makers as described in more detail below regarding Homeless Services Use design and operational concerns prior to any recommendation of the Director on a development agreement or CUP;
- e. Collaborating with the Operator to establish a plan for communications, and engagement in any Community-Endorse Service Program, between the Operator and neighbors after the use is established, constructed and operational; and
- f. Collaborating with the Operator to consider and evaluate metrics for success of the shelter operations, including security, sanitation, and transitioning shelter clients out of homelessness.

4. Involvement Process – Timing, Focus of Involvement, and Work Product.

- a. **Process Summary.** The GNA Advisory Committee process is aligned with Homeless Shelter Use permit process to optimize process efficiency and funding predictability. Figure 20.20.455.G.4 depicts the relationship between the GNA Advisory Committee review and the City permit process phases. The following table describes the intended timing of GNA Advisory Committee review, the focus of GNA Advisory Committee involvement, and the anticipated work product to be generated by the GNA Advisory Committee at each review phase.

Figure 20.20.455.G.4 Illustration of GNA Advisory Committee Process in Relationship to Permit Process

GNA Advisory Committee Review Phases	General Intent of Review	Relationship to City Permit Process Phases
Context Setting	Provide early input on “context” to which design elements and features of Homeless Services Use should respond, and advice to the Homeless Services Use Operator on how to incorporate context sensitive design into the proposed project. Identify unique circumstances that should be considered in development of the GNA. Provide Context Setting Document.	Following the first Community Meeting (GNA Advisory Committee input provided within One Month of the second Community Meeting)
Design Input (Facility)	Provide input regarding incorporation of contextual considerations into the Homeless Service Use facility design. Anticipated that GNA Advisory Committee would provide advice regarding complementary building materials, integration of Crime Prevention Through Environmental Design (CPTED) measures, quality of design and materials, landscape development and screening. Provide Advisory Document.	Application Review Phase (GNA Advisory Committee input provided prior to Director recommendation)
Good Neighbor Agreement (Operations)	Provide input on operational concerns and GNA augments the Provider’s Standard Operating Procedures to respond to those concerns. Although the GNA is legally nonbinding, it does define the intent and agreement of all parties represented on how a specific Homeless Service Use will be	Post Project Approval Phase (GNA Advisory Committee input provided to the

GNA Advisory Committee Review Phases	General Intent of Review	Relationship to City Permit Process Phases
	operated to address the concerns of its neighbors while meeting the needs of its clients and the funders. Provide the GNA Document.	Director prior to Occupancy for inclusion in the project record)

- b. Timing of GNA Advisory Committee Involvement.
 - i. The GNA Advisory Committee process should occur early in the process to avoid delays that jeopardize participation in funding cycles, require shelters to operate under emergency declarations, and place homeless individuals at risk.
 - ii. The actual timing of GNA Advisory Committee review and participation will be scheduled by the facilitator to ensure that GNA Advisory Committee input is consolidated with the applicable city permit process phase as described in Figure 20.20.455.G.4.
 - iii. The GNA Advisory Committee will be dissolved once its scope of work has been completed.
- c. Work Product. The work of the GNA Advisory Committee review phase shall culminate in an Advisory Document or Good Neighbor Agreement that describes the phase of review and GNA Advisory Committee feedback consistent with the scope of work described in this section. City staff will support the GNA Advisory Committee preparation of this work product.

- 5. Applicable Policy and Regulatory Guidance. Guidance for Evaluating Context Sensitivity. Advice provided by the GNA Advisory Committee shall be objectively based upon the policies, regulations, guidelines and other documents applicable to a Homeless Services Use in the location that it is proposed.
- 6. Meeting Operations. The meetings of the GNA Advisory Committee and documents developed through the process shall operate and be managed consistent with the applicable requirements of the Open Public Meetings Act (Chapter 43.20 RCW) and the Public Records Act (Chapter 42.56 RCW).

H. City Approval Requirements for Homeless Services Uses

- 1. Applicability of City Review Process. There are two process options that can be used to approve a Homeless Services Use as described in LUC 20.20.455.D above. The approval process requirements contained in this paragraph apply to all Homeless Services Uses irrespective of whether City review under LUC 20.20.455.D is undertaken through the negotiation of a development agreement or through processing of a Conditional Use Permit.
 - a. Development Agreement – Council Legislative Decision.
 - i. Scope of Approval. A Homeless Services Use is permitted outright and may be established pursuant to the terms of a development agreement entered into between the City and a Homeless Services Use Operator when the location, design

and operation is negotiated pursuant to Chapter 36.70B RCW and is consistent with the terms of this section 20.20.455.H LUC.

ii. **Applicable Process.** A development agreement adopted by the City Council shall be processed under the authority of and pursuant to the procedures set forth in Chapter 36.70B RCW and this section LUC 20.20.455.H. Any development agreement adopted by the City Council shall be consistent with all applicable Comprehensive Plan policies and all adopted “development standards,” as that term is used in RCW 36.70B.170(3), that govern and vest the development for a specified time duration; provided, that a development agreement may not extend the vesting period for longer than 15 years from the effective date. Periodic review of the conditions of a Development Agreement may be imposed. Any appeal of a development agreement shall be directly to superior court.

b. Conditional Use Permit – Hearing Examiner Quasi-Judicial Decision.

i. **When Required.** Development of any Homeless Services Use requires approval under applicable Bellevue city codes and the development requirements of this section LUC 20.20.455 through a Conditional Use Permit (CUP) process when the City Council has declined to negotiate a development agreement, or when the applicant has requested processing as a CUP.

ii. **Scope of Approval.** When a Homeless Services Use has not been permitted outright in a City Council adopted development agreement, a Conditional Use Permit shall be required to establish the use and approve the design.

iii. The Conditional Use Permit shall be reviewed through Process I (LUC 20.35.100 through 20.35.150) as enhanced by the provisions of this section LUC 20.20.455.

iv. Periodic review of the conditions of permit approval may be imposed pursuant to the terms of LUC 20.30B.165.

v. The Conditional Use Permit may be modified or revoked pursuant to the terms of LUC 20.30B.170.

2. Decision Criteria. The City may approve or approve with modifications an application for a Homeless Services Use and design if the applicant demonstrates that:

- a. The proposal complies with the Conditional Use Permit decision criteria of LUC 20.30B.140; and
- b. The proposal complies with the applicable requirements of the BCC; and
- c. The proposal includes a Standard Operating Procedure plan meeting the requirements of LUC 20.20.455.F.2.e.
- d. The proposal includes a Code of Conduct meeting the requirements of LUC 20.20.455.F.2.f;
- e. The proposal includes a Safety and Security Plan meeting the requirements of LUC 20.20.455.F.2.g and incorporating the feedback provided by the Bellevue Police Department.

- f. The facility design input of the GNA Advisory Committee developed pursuant to Figure 20.20.455.G.4 has been integrated into the Homeless Services Uses to the maximum extent feasible;
 - g. The proposal addresses all applicable design guidelines and development standards of this section LUC 20.20.455 and any applicable land use district overlay in a manner which fulfills their purpose and intent.
3. Minimum required notice and public engagement procedures for Homeless Service Uses shall adhere to the Process I requirements applicable to Conditional Use Permits, and shall specifically include the following:
- a. Notice of the Pre-Application Community Meeting shall be provided pursuant to LUC 20.35.120.B, and prospective members of the GNA Advisory Committee shall be invited to attend. Required mailed notice for a Homeless Services Use shall be expanded to include owners of real property within 1,000 feet of the project site.
 - b. Notice of an application to establish any Homeless Services Use shall be provided pursuant to LUC 20.35.120. Required mailed notice for a Homeless Services Use shall be expanded to include owners of real property within 1,000 feet of the project site.
 - c. A minimum comment period associated with any Homeless Services Use application shall be provided pursuant to LUC 20.35.125.
 - d. A public meeting shall be held pursuant to LUC 20.35.127 on all applications to establish a Homeless Services Use. Prior to the public meeting, the Operator shall meet and confer with the Bellevue Police Department regarding the proposed Safety and Security Plan described in the submittal materials as required by LUC 20.20.455.F.2.g above. At the public meeting, a representative of the Homeless Services Use Operator shall present in writing and describe the proposed Safety and Security Plan, and any input or comments received on the plan from the Bellevue Police Department.
4. Director's Recommendation.
- a. Content.
 - 1. Development Agreements. A written report of the Director shall be prepared. The Director's recommendation shall be based on the requirements of Chapter 36.70B RCW and the decision criteria contained in LUC 20.20.455.H.2 of this section.
 - 2. Conditional Use Permits. A written report of the Director shall be prepared pursuant to LUC 20.35.130.
 - b. Notice of Availability of the Director's Recommendation, SEPA Determination, and Public Hearing. Notice of the availability of the Director's recommendation shall be provided pursuant to LUC 20.35.135.

5. Public Hearing and Appeals
 - a. Development Agreements. Public Hearings on Development Agreements applied for to establish a Homeless Services Use shall be held by the City Council pursuant to Chapter 36.70B RCW and adopted City Council rules for legislative hearings.
 - b. Conditional Use Permits. Public Hearings on Conditional Use Permits applied for to establish a Homeless Services Use shall be held by the Hearing Examiner pursuant to LUC 20.35.137. The Hearing Examiner shall render a decision pursuant to LUC 20.35.140, and appeals of the Hearing Examiner decision shall be governed by the requirements of LUC 20.35.150.

6. Recording. The description of the population to be served, the conditions of approval, and any Binding Site Plan for a Homeless Services Use shall be recorded with the King County Recorder's Office or its successor organization.

7. Modifications to an Homeless Services Use. Conditions of approval for a Homeless Services Use apply for the life of the project. Any increase in the number of beds beyond that applied for by the applicant and included in the City approval, or changes to the population served by the Homeless Services Use, shall be processed as a new application in accordance with the standards and requirements for a new or expanding use in this section LUC 20.20.455.

8. Abandonment. Any established Homeless Services Use that is abandoned for a continuous period of one year or more shall not be permitted to be re-established, except as allowed in accordance with the standards and requirements for a new or expanding use in this section LUC 20.20.455.

- I. Development Standards/Use Requirements**
 1. General Development Requirements. The applicable General Development Requirements of Chapter 20.20 LUC shall be met unless specifically modified by the terms of this section when applied to a Homeless Services Uses.
 2. Parking, Circulation and Walkway Requirements. In addition to the terms of LUC 20.20.590, the following requirements apply to all Homeless Services Uses:
 - a. Number of Parking Stalls. Homeless Services Uses are unspecified under the terms of LUC 20.20.590.F, and required parking stalls shall be established by the Director pursuant to LUC 20.20.590.F.2.
 - b. Overnight camping is prohibited. Camping is prohibited in areas that provide accessory parking for the Homeless Services Use.
 - c. Entrance Area. Entrances to intake areas for a Homeless Services Uses shall provide for user queuing adequate to ensure:
 - i. Protection from the weather and natural elements; and
 - ii. Privacy for the homeless individuals seeking access to the use.
 - d. Entrance and Elevator Separation. Entrances and elevators serving the Homeless Services Uses shall be physically separated from entrances and elevators serving any residential use that is located on the same site.

3. Occupancy Limits and Size-Related Development Standards.
 - a. All Homeless Services Uses shall comply with occupancy limitations contained in applicable building and fire codes and ordinances adopted by the City.
 - b. Permanent Overnight Homeless Shelter Uses shall not provide sleeping accommodations for more than 100 residents, and shall comply with the following additional requirements:
 - i. The City shall impose a condition on any approved Permanent Overnight Homeless Shelter Use limiting the numbers of beds to those requested by the applicant.
 - ii. Shelters with more than 50 beds shall:
 1. Locate within one-half mile of a public transit stop;
 2. Locate greater than one-half mile from any other Homeless Services Use permitted under the terms of the LUC section 20.20.455, unless they are co-located as part of a single development.
4. Minimum Requirements
 - a. Homeless Services Uses in general.
 - i. Adequate toilet, bathing, sleeping, laundry and storage facilities to meet the demands anticipated by the homeless population that is proposed to be served.
 - ii. Access to WiFi for occupants of the Homeless Services Use.
 - iii. Recycling and solid waste collection facilities to meet the requirements of LUC 20.20.725, and any additional demands anticipated by the homeless population that is proposed to be served.
 - iv. Designated smoking areas located a minimum of 25 feet from perimeter property lines.
 - v. Front desk staff provided during operating hours for each Homeless Services Use.
 - vi. Designated and dignified privacy areas to meet the demands of the anticipated homeless population that is proposed to be served (e.g. lactation rooms, medical/counseling rooms, caseworker consultation spaces, etc.).
 - vii. A permanent address and mailroom to meet the demands anticipated by the homeless population that is proposed to be served.
 - viii. A final Safety and Security Plan updated to incorporate input and comments received on the plan from the Bellevue Police Department.
 - b. Day Services Center Use
 - i. Access to electrical outlets to meet the demands anticipated by the homeless population that is proposed to be served.
 - c. Permanent Overnight Shelter
 - i. Permanent overnight sleeping accommodations that do not exceed 100 beds.
 - ii. A dedicated electrical outlet for every occupant of a permanent bed.
5. Special and Overlay District Requirements. The applicable Special and Overlay District Requirements of Chapter 20.25 LUC shall be met unless specifically modified by the terms of this section when applied to a Homeless Services Uses.

J. Design Guidelines

1. Context.

- i. Architectural elements should enhance, not detract from, the area's overall character;
- ii. Incorporate architectural elements at a scale and location that ensures detailing is proportionate to the size of the building; and
- iii. Use forms, proportions, articulation, materials, colors and architectural motifs that are suggested by and complement adjacent buildings and/or the intended vision for the area where the Homeless Services Uses is located.

2. Crime Deterrence. The design of any Homeless Services Use should incorporate Crime Prevention through Environmental Design (CPTED) Principles and use available technology to deter crime. Examples include:

- i. Visibility of entrance and exit points to and from any structure housing a Homeless Services Use;
- ii. Open and well-lighted pedestrian connections between the Homeless Services Use, accessory parking, transit services and other supportive services in the area; and
- iii. Video surveillance of entrance and exit points to and from any structure housing a Homeless Services Use.

3. Common Areas.

- i. Common areas should enhance resident enjoyment through inclusion of features such as libraries, roof decks, patios and gardens.

K. Mitigation Measures.

The City may impose conditions relating to the development, design, use, or operation of an Homeless Services Use to mitigate environmental, public safety, or other identifiable impacts.

L. Independent Technical Review.

The City may require the applicant pay for independent technical review by a consultant retained by the City for review of materials submitted by the applicant to demonstrate compliance with the requirements of the LUC section 20.20.455.

Conformance Amendments required to other Sections of the Land Use Code

LUC 20.10.440 Land Use Charts

Homeless Services Uses are permitted in the following Land Use Districts through approval of a Conditional Use Permit or adoption of a Development Agreement.

1. Commercial
 - a. General Commercial (GC) District
 - b. Community Business (CB) District
 - c. Eastgate Transit-Oriented Development (EG-TOD)
2. Office
 - a. Office Limited Business (OLB)
 - b. Office Limited Business 2 (OLB-2)
3. Downtown (DT)
 - a. Downtown Office District 1 (DT-O-1)
 - b. Downtown Office District 2 (DT-O-2)
 - c. Downtown Multiple Use District (DT-MU)
 - d. Downtown Residential District (DT-R)
 - e. Downtown Old Bellevue (DT-OB)
 - f. Downtown Office and Limited Business (DT-OLB)
4. BelRed
 - a. BelRed Medical Office and BelRed Medical Office Node 1 (BR-MO and BR-MO-1)
 - b. BelRed Office/Residential, BelRed Office/Residential Node 1 and Node 2 (BR-OR, BR-OR-1 and BR-OR-2)
 - c. BelRed Residential/Commercial Node 1, Node 2 and Node 3 (BR-RC-1, BR-RC-2 and BR-RC-3)
 - d. BelRed Commercial/Residential (BR-CR)
 - e. BelRed Residential (BR-R)
 - f. BelRed General Commercial (BR-GC)
5. Factoria
 - a. Factoria F1 (F1)
 - b. Factoria F2 (F2)
 - c. Factoria F3 (F3)
6. Medical Institution District
 - a. Hospital Center Development Area (MI-DA1)
 - b. Medical Office Development Area (MI-DA2)
 - c. Hospital Perimeter Development Area (MI-DA3)

Homeless Services Uses are prohibited in the following Land Use Districts.

1. Residential
 - a. Single Family Residential (R-1 through R-7.5)
 - b. Multi-Family Residential (R-10 through R-30)
2. Commercial
 - a. Neighborhood Business (NB)

- b. Neighborhood Mixed Use (NMU)
- 3. Office
 - a. Professional Office (PO)
 - b. Office (O)
- 4. Light Industrial (LI)
- 5. BelRed
 - a. BelRed Office/Residential Transition (BR-ORT)

20.50.038 O Definitions – New Definitions

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Overnight Shelter: Emergency/Temporary is a facility with the primary purpose of providing temporary shelter for homeless people in response to an emergency. These facilities are housed in a temporary or interim location, permitted pursuant to LUC 20.20.850 and Part 20.30M LUC.

Overnight Shelter: Permanent. Refer to LUC 20.20.455.C.

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