

Homeless Services Uses LUC 20.20.455

....

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. [A Homeless Services Use requires approval of a Conditional Use Permit pursuant to paragraph 2 below unless the City Council agrees to negotiate 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. [A Homeless Services Use requires approval of a Conditional Use Permit unless the City Council agrees to negotiate a development agreement pursuant to the process and decision criteria contained in paragraph 1 above and LUC 20.20.455.E.4 below.](#) 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~~[shall be processed](#) 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:
 - i. Name of the Operator;
 - ii. Experience running Homeless Services Uses; and
 - iii. Statement of homeless population to be served and occupancy target for each Homeless Services Use proposed.
2. Pre-application Community Meeting.
 - a. [When Required. If an applicant for a Homeless Services Use requests the City to negotiate a development agreement, a pre-application community meeting is required.](#)
 - b. [Timing. Prior to City Council determination of the Process Path as provided by paragraph 4 below, ~~t~~The applicant shall hold a public informational pre-application community meeting prior to any City Council determination of the Process Path as provided by paragraph 4 below.](#)

- c. Purpose. The purpose of ~~this the~~ pre-application community 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.
- d. Informational Content. ~~In addition to the materials required by paragraph 1 above,~~ The Operator should share information regarding submitted with its intended permit application (~~e.g., including the draft~~ Standard Operating Procedures, ~~draft~~ Code of Conduct, and ~~draft~~ Safety and Security Plan) for the proposed Homeless Services Use. ~~and t~~ The surrounding property owners should share characteristics of the surrounding community and any issues or concerns of which the Operator should be made aware.
- b.e. Notice. Notice of the Pre-application Community Meeting shall be provided by the Director pursuant to the requirements of LUC 20.35.120.B. ~~and t~~ The required mailing radius for notice of a Homeless Services Use pre-application community meeting shall be expanded to include owners of real property within 1,000 feet of the project site.

~~2.3.~~ 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 any 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.

~~3.4.~~ 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 t~~ 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 the following decision criteriathis section 20.20.455 LUC.:
 - i. The applicant has provided data describing the extent to which the proposed homeless population on the Eastside requires shelter and/or supportive services;

- ii. [The applicant intends to seek funding for the proposed Homeless Services Use from the City or from A Regional Coalition for Housing;](#)
- iii. [The applicant is an Operator \(or has identified an Operator\) with demonstrated experience running successful Homeless Services Uses for the homeless population that is intended to be served; and](#)
- iv. [The draft Safety and Security Plan has undergone preliminary review and incorporated feedback from the Bellevue Police Department.](#)

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.

- ~~a.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 [holding a pre-application community meeting or](#) presenting the pre-application materials to the City Council for consideration.

....

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. [A Homeless Services Use requires approval of a Conditional Use Permit pursuant to LUC 20.20.455.D.2 unless the City Council agrees to negotiate a development agreement pursuant to LUC 20.20.455.D.1 and 20.20.455.E.4.](#) 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 may be~~ 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, [LUC 20.20.455.E.4](#) and is consistent with the terms of this section [LUC 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 [and grounds for revocation](#) may be ~~imposed~~[included](#). 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 [applicable to Development Agreements and Conditional Use Permits for a Homeless Services Use](#). The City may approve or approve with modifications a [development agreement or conditional use permit](#) 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 of procedure](#).
 - 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.

....

DRAFT

Homeless Services Uses LUC 20.20.455

....

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. [A Homeless Services Use requires approval of an Administrative Conditional Use Permit pursuant to paragraph 2 below unless the City Council agrees to negotiate 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 [Administrative Conditional Use Permit](#) provisions of Part ~~20.30B~~[20.30E LUC of this section](#) without requesting the City Council to consider negotiation of a development agreement.
2. Use and Design Allowed through an [Administrative Conditional Use Permit](#). [A Homeless Services Use requires approval of an Administrative Conditional Use Permit unless the City Council agrees to negotiate a development agreement pursuant to the process and decision criteria contained in paragraph 1 above and LUC 20.20.455.E.4 below.](#) 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, an [Administrative Conditional Use Permit approval](#) ~~is required~~[shall be processed](#) pursuant to the provisions of Part ~~20.30B~~[20.30E 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:
 - i. Name of the Operator;
 - ii. Experience running Homeless Services Uses; and
 - iii. Statement of homeless population to be served and occupancy target for each Homeless Services Use proposed.
2. Pre-application Community Meeting.
 - a. [When Required. If an applicant for a Homeless Services Use requests the City to negotiate a development agreement, a pre-application community meeting is required.](#)
 - b. [Timing. Prior to City Council determination of the Process Path as provided by paragraph 4 below, the applicant shall hold a public informational pre-application](#)

community meeting prior to any City Council determination of the Process Path as provided by paragraph 4 below.

c. Purpose. The purpose of ~~this the pre-application community~~ 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.

d. Informational Content. In addition to the materials required by paragraph 1 above, ~~T~~he Operator should share information regarding submitted with its intended permit application (e.g., ~~including the draft~~ Standard Operating Procedures, draft Code of Conduct, and draft Safety and Security Plan) for the proposed Homeless Services Use. ~~and t~~he surrounding property owners should share characteristics of the surrounding community and any issues or concerns of which the Operator should be made aware.

b.e. Notice. Notice of the Pre-application Community Meeting shall be provided by the Director pursuant to the requirements of LUC ~~20.35.120.B~~20.35.210 for an Administrative Conditional Use Permit. ~~and t~~he required mailing radius for notice of a Homeless Services Use pre-application community meeting shall be expanded to include owners of real property within 1,000 feet of the project site.

2.3. 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 any 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.

3.4. 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 t~~he 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 the following decision criteria~~this section 20.20.455 LUC.:~~

- i. The applicant has provided data describing the extent to which the proposed homeless population on the Eastside requires shelter and/or supportive services;
- ii. The applicant intends to seek funding for the proposed Homeless Services Use from the City or from A Regional Coalition for Housing;
- iii. The applicant is an Operator (or has identified an Operator) with demonstrated experience running successful Homeless Services Uses for the homeless population that is intended to be served; and
- iv. The draft Safety and Security Plan has undergone preliminary review and incorporated feedback from the Bellevue Police Department.

If the City Council declines to negotiate a development agreement, the Homeless Service Use shall be processed as an Administrative Conditional Use Permit pursuant to this section LUC 20.20.455.

a.b. Administrative Conditional Use Permit. An applicant may request the Director to process an Administrative Conditional Use Permit pursuant to the provisions of this section LUC 20.20.455 LUC without holding a pre-application community meeting or presenting the pre-application materials to the City Council for consideration.

.....

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. A Homeless Services Use requires approval of an Administrative Conditional Use Permit pursuant to LUC 20.20.455.D.2 unless the City Council agrees to negotiate a development agreement pursuant to LUC 20.20.455.D.1 and 20.20.455.E.4. 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 an Administrative Conditional Use Permit.
 - a. Development Agreement – Council ~~Legislative~~ Decision.
 - i. Scope of Approval. A Homeless Services Use ~~is may be~~ 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, LUC 20.20.455.E.4 and is consistent with the terms of this section LUC 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

2. ACUP Default and DA with Clarifications (Chelminiak/Robinson)

conditions of a Development Agreement and grounds for revocation may be ~~imposed~~included. Any appeal of a development agreement shall be directly to superior court.

b. Administrative Conditional Use Permit – ~~Hearing Examiner Quasi-Judicial Decision~~Administrative Decision of the Director.

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 an Administrative Conditional Use Permit (ACUP) process when the City Council has declined to negotiate a development agreement, or when the applicant has requested processing as a ACUP.

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

iii. The Administrative Conditional Use Permit shall be reviewed through Process II (LUC 20.35.~~200100~~ through 20.35.~~250150~~) 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~~20.30E.165.

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

2. Decision Criteria applicable to Development Agreements and Administrative Conditional Use Permits for a Homeless Services Use. The City may approve or approve with modifications a development agreement or Administrative Conditional Use Permit application for a Homeless Services Use and design if the applicant demonstrates that:

- a. The proposal complies with the Administrative Conditional Use Permit decision criteria of LUC ~~20.30B.140~~20.30E.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 II requirements applicable to [Administrative 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~~[20.35.210 for an Administrative Conditional Use Permit](#), 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~~[20.35.210](#). 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~~[20.35.225](#).
 - d. A public meeting shall be held pursuant to LUC ~~20.35.127~~[20.35.227](#) 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. [Administrative Conditional Use Permits](#). A written report of the Director's [decision](#) shall be prepared pursuant to LUC ~~20.35.130~~[20.35.230](#).
 - b. Notice of Availability of the Director's ~~Recommendation~~[Decision](#), and SEPA Determination, ~~and Public Hearing~~. Notice of the availability of the Director's ~~recommendation~~[decision](#) shall be provided pursuant to LUC ~~20.35.135~~ [20.35.235](#).
 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 of procedure](#).

b. Administrative 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. Appeals of the Director's Decision shall be governed by the requirements of 20.35.250.

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.

....

Homeless Services Uses LUC 20.20.455

....

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. A Homeless Services Use requires Hearing Examiner Approval pursuant to paragraph 2 below unless the City Council agrees to negotiate 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 as a Hearing Examiner Conditional Use Permit (CUP) under the provisions of Part 20.30B paragraph 2 of this section without requesting the City Council to consider negotiation of a development agreement.
2. Use and Design Allowed through a Hearing Examiner Conditional Use Permit CUP. A Homeless Services Use requires a Hearing Examiner CUP unless the City Council agrees to negotiate a development agreement pursuant to the process and decision criteria contained in paragraph 1 above and LUC 20.20.455.E.4 below. 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 Hearing Examiner CUP Conditional Use Permit approval is required shall be processed 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:
 - i. Name of the Operator;
 - ii. Experience running Homeless Services Uses; and
 - iii. Statement of homeless population to be served and occupancy target for each Homeless Services Use proposed.
2. Pre-application Community Meeting.
 - a. When Required. If an applicant for a Homeless Services Use requests the City to negotiate a development agreement, a pre-application community meeting is required.
 - b. Timing. Prior to City Council determination of the Process Path as provided by paragraph 4 below, the applicant shall hold a public informational pre-application community meeting prior to any City Council determination of the Process Path as provided by paragraph 4 below.

3. HE CUP Hybrid Default and DA with Clarifications (Chelminiak)

- c. Purpose. The purpose of ~~this~~ the pre-application community 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.
- d. Informational Content. In addition to the materials required by paragraph 1 above, ~~T~~the Operator should share information regarding submitted with its intended permit application (e.g., including the draft Standard Operating Procedures, draft Code of Conduct, and draft Safety and Security Plan) for the proposed Homeless Services Use. ~~and t~~The surrounding property owners should share characteristics of the surrounding community and any issues or concerns of which the Operator should be made aware.
- ~~b.~~e. Notice. Notice of the Pre-application Community Meeting shall be provided by the Director pursuant to the requirements of LUC 20.35.120.B. ~~and t~~The required mailing radius for notice of a Homeless Services Use pre-application community meeting shall be expanded to include owners of real property within 1,000 feet of the project site.

~~2.3.~~ 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 any 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.

~~3.4.~~ 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 t~~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 the following decision criteriathis section 20.20.455 LUC.:
 - i. The applicant has provided data describing the extent to which the proposed homeless population on the Eastside requires shelter and/or supportive services;

- ii. [The applicant intends to seek funding for the proposed Homeless Services Use from the City or from A Regional Coalition for Housing;](#)
- iii. [The applicant is an Operator \(or has identified an Operator\) with demonstrated experience running successful Homeless Services Uses for the homeless population that is intended to be served; and](#)
- iv. [The draft Safety and Security Plan has undergone preliminary review and incorporated feedback from the Bellevue Police Department.](#)

If the City Council declines to negotiate a development agreement, the Homeless Service Use shall be processed as a [Hearing Examiner CUP Conditional Use Permit](#) pursuant to this section LUC 20.20.455.

- a-b. [Hearing Examiner CUP Conditional Use Permit](#). An applicant may request the Director to process a [Hearing Examiner CUP Conditional Use Permit](#) pursuant to the provisions of ~~this section~~ LUC 20.20.455.H.1.b LUC without [holding a pre-application community meeting or](#) presenting the pre-application materials to the City Council for consideration.

.....

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. [A Homeless Services Use requires approval of a Hearing Examiner Conditional Use Permit pursuant to LUC 20.20.455.D.2 unless the City Council agrees to negotiate a development agreement pursuant to LUC 20.20.455.D.1 and 20.20.455.E.4.](#) 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 [Hearing Examiner](#) Conditional Use Permit.
 - a. Development Agreement – Council ~~Legislative~~ Decision.
 - i. Scope of Approval. A Homeless Services Use ~~is may be~~ 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, [LUC 20.20.455.E.4](#) and is consistent with the terms of this section [LUC](#) 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 [and grounds for revocation](#) may be

3. HE CUP Hybrid Default and DA with Clarifications (Chelminiak)

~~imposed~~included. Any appeal of a development agreement shall be directly to superior court.

b. Hearing Examiner Conditional Use Permit – Hearing Examiner Quasi-Judicial Decision with Appeal to Superior Court.

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 Hearing Examiner 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 Hearing Examiner CUP.

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

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

~~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 applicable to Development Agreements and Hearing Examiner CUPs for a Homeless Services Use. The City-applicable decisionmaker may approve or approve with modifications a development agreement or Hearing Examiner CUP 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 special and overlay district (Chapter 20.25 LUC) in a manner which fulfills their purpose and intent.

3. Minimum required notice and public engagement procedures for Homeless Service Uses application shall adhere to the Process I requirements applicable to Conditional Use Permit requirements of this paragraph, 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.~~a. 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.
 - ~~e.~~b. A minimum comment period associated with any Homeless Services Use application shall be provided pursuant to LUC 20.35.125.
 - ~~d.~~c. 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. Hearing Examiner Conditional Use Permit CUPs. 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. Required mailed notice of the recommendation and public hearing for a Homeless Services Use shall be expanded to include owners of real property within 1,000 feet of the project site.
5. Public Hearings 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 of procedure for legislative hearings.
 - b. Hearing Examiner Conditional Use Permit CUPs. Public Hearings on Conditional Use Permit CUPs applied for to establish a Homeless Services Use shall be held by the

3. HE CUP Hybrid Default and DA with Clarifications (Chelminiak)

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. Appeals of a Decision on a Homeless Services Use Application to Superior Court.

The terms of a development agreement or Hearing Examiner CUP approval for a Homeless Services Use may be appealed to Superior Court by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in state law and within the 21-day time period as forth in RCW 36.70C.040.

~~6.7.~~ 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.

8. Periodic Review. Periodic review of the terms of a development agreement or conditions of a Hearing Examiner CUP may be imposed as a condition of the use approval.

~~7.9.~~ 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.

10. 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.

....

Homeless Services Uses LUC 20.20.455

....

D. ~~Approval-Conditional Use Permit~~ Process Required

~~Two Process Options. All 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.~~

~~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.~~

~~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

....

~~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.~~

~~3.2. 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 application submittal ~~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

....

~~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.

....

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.

....

H. City Approval Requirements for Homeless Services Uses

1. ~~Applicability of City Review Process~~Conditional Use Permit – Hearing Examiner Quasi-Judicial Decision. 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.~~

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. [A written report of the Director shall be prepared pursuant to LUC 20.35.130.](#)

~~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.~~

~~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.~~

~~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.

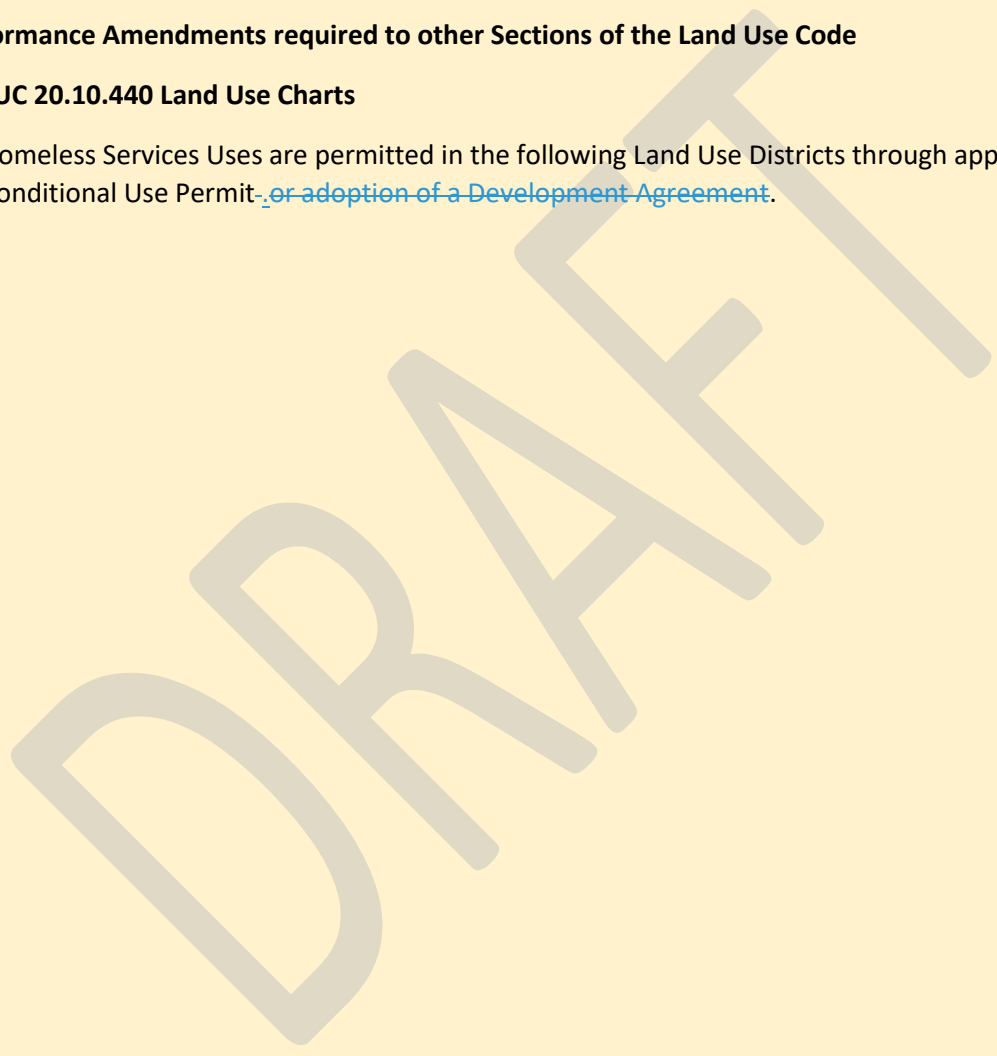
8. Abandonment. Any established Homeless Services Use that is abandoned for a continuous period of one year or more shall not be permitted to be re-established, except as allowed in accordance with the standards and requirements for a new or expanding use in this section LUC 20.20.455.

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.~~

....



Homeless Services Uses LUC 20.20.455

....

D. ~~Approval~~ Conditional Use Permit Process Required

~~Two Process Options. All~~ 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.

~~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.~~

~~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~~

....

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, and the physical addresses for properties that are not owner-occupied, 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 ~~application submittal~~~~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

....

- ~~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.

....

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.

....

H. City Approval Requirements for Homeless Services Uses

1. ~~Applicability of City Review Process~~Conditional Use Permit – Hearing Examiner Quasi-Judicial Decision. ~~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.~~

~~ai. 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.~~~~

~~bii. 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.~~

~~ciii. 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.~~

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

~~ev. 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. [A written report of the Director shall be prepared pursuant to LUC 20.35.130.](#)

~~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.~~

~~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.~~

~~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.~~

....

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.~~

....

DRAFT