

**Written Edits Provided by City Councilmembers**

A collection of documents  
provided by City Councilmembers  
that provide written edits to the  
Draft LUCA.

#### 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.

##### 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.

##### 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 individuals who are experiencing homelessness.
- b. Homeless Day Services Center. ~~A is a~~ facility that offers a haven to the homeless 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 homeless in general or for specific populations of the homeless. Supportive services may or may not be provided in addition to the provision of shelter.

**Commented [JR1]:** Should we fold this into this chapter? I think it would be good to have all of our land use regs re: homeless services and shelters in one location.

What is the permit process for temporary? Also, we may want to consider creating a pathway to covert a temporary to long term and/or year round. The service provider would/should have lots of data re: impacts in that case.

**Commented [HC2R1]:** Staff Annotation: Resolved May 7 - no Policy Question raised, no Council requested change, and no code drafting modification recommended.

ATTACHMENT E.1

Councilmember Robertson/Nieuwenhuis Comments  
Staff Annotations

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 homeless persons accessing a Homeless Services Use and operators and providers offering services to the homeless at a specific location.
  - 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. Homeless refers to a person who is living in a place not meant, zoned or permitted for human habitation, which may include, but is not limited to, 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. 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.
  - g. 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.
  - h. 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.
  - i. Standard Operating Procedures refer to a plan developed by the Operator that address the elements required by LUC 20.20.455.F.2.de. 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.
  - j. Supportive Services are those provided to homeless persons accessing 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 does not include Medically Supervised Consumption Centers (MSCC) which are prohibited in all land use districts in accordance with LUC 20.10.410.

**Commented [JR3]:** We should consider adding definitions for:

Rotating Shelters (with cross ref to applicable code)  
Tent Cities (with cross ref to applicable code)  
Men's shelters (i.e. 25 years and older ...)  
Women's shelters  
Family shelters  
Youth shelters  
Shelters that accept pets, etc. (This should also be part of the application process because pets have impacts, especially where there is a high density of dogs on one property which is why we have land use rules around kennels).

**Commented [HC4R3]:** Staff Annotation: Resolved May 7  
- no Policy Question raised, no Council requested change, and no code drafting modification recommended.

**Commented [JR5]:** Clarity/specificity edit.

**Commented [HC6R5]:** Staff Annotation: Resolved May 7  
- no Policy Question raised, no Council requested change, and no code drafting modification recommended.

**Commented [JR7]:** Conformance edit and also makes this part of the permit limitations for siting a shelter.

**Commented [HC8R7]:** Staff Annotation: Policy Question raised for Discussion on May 21st.

**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 Home Services Use to be establish 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, including the type and size of shelter 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 regarding its Standard Operating Procedures, Code of Conduct, and Safety 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 [HC9]:** Staff Annotation: Requirement to provide occupancy target included in May 21<sup>st</sup> LUCA Draft as Errata – Clarification. Code drafting best practice to facilitate administration of occupancy requirements contained in LUC 20.20.450.1.3.

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.

**Commented [JR10]:** Delete development agreement option throughout the code. CUP only.

**Commented [HC11R10]:** Staff Annotation: Discussed on May 7 – Council direction to include Development Agreement option in Public Hearing Draft LUCA. Policy Question to be raised for continued discussion after the Public Hearing.

**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.
  - 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 which are currently located or planned to be located within one-half mile of the proposed Homeless Services Use.

**Commented [JR12]:** Many new stops are in the works that should be included as a shelter will be a long time land use and should include consideration of future planning.

**Commented [HC13R12]:** Staff Annotation: Resolved May 7 - no Policy Question raised, no Council requested change, and no code drafting modification recommended.

**Commented [JR14]:** Why one half mile? ¼ of a mile or 1 mile is a 15 – 20 minute walk for most people. We've used "walk sheds" for other types of land use review. Should we use a similar approach here?

**Commented [HC15R14]:** Staff Annotation: Resolved May 7 - no Policy Question raised, no Council requested change, and no code drafting modification recommended.

- 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 be engaged to provide supportive services for the homeless population 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. Where applicable, a plan to ensure that school-aged residents of the use are enrolled in school during their stay;
  - vii. Identification of a primary point of operator contact for assistance and referrals to send homeless individuals seeking services; and
  - viii. A plan for managing exterior appearance of the proposed Homeless Services Use, including trash/litter, hazardous materials, and biohazards on or near the site.
- f. Code of Conduct for individuals granted access to the proposed Homeless Services Uses including, but not limited to:
  - i. Prohibition on entry into surrounding properties that do not have a retail function (such as office or residential spaces);
  - ii. Promotion of travel paths that use the public rights-of-way;
  - iii. Restrictions on loitering and trespassing;
  - iv. No littering;
  - v. Restriction on smoking to designated areas of the site;
  - vi. Compliance with City of Bellevue regulations governing public conduct (e.g. prohibiting camping, illegal drug use, public alcohol or cannabis use, lewd acts, urinating in public, etc.);
  - vii. Compliance with terms of Good Neighbor Agreement provisions applicable to occupants of the Homeless Services Use;
  - viii. Description of how occupants of the Homeless Services Uses will be notified regarding the Code and Conduct; and
  - ix. Description of consequences to be imposed for violating the Code of Conduct.
- g. 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 of perimeter security patrols, including security hours

**Commented [HC16]:** Staff Annotation: Multiple Policy Questions raised regarding Code of Conduct draft language during Council discussion on May 7. Continuing discussion on May 21st.

**Commented [HC17]:** Staff Annotation: New text to describe meaning of "deployment" terminology included in May 21st LUCA Draft as Errata – Clarification. Code drafting best practice to facilitate predictable and consistent administration of the code.



- iii. A plan for managing loitering, pan handling, and unpermitted camping in the vicinity of the Homeless Services Use;
  - iv. 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;
  - v. Implementation of outstanding registered sex offender background checks and compliance with applicable registration and notification requirements;
  - vi. A plan for managing individuals excluded from accessing the proposed Homeless Services Uses;
  - vii. 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;
  - viii. Provision of a phone number and point of contact at the site of the proposed Homeless Services Use for the community to report concerns;
  - ix. A plan for addressing reported concerns and documenting resolution, and making this information publicly available; and
  - x. Identification of performance metrics that will be used to track compliance with the 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 paragraphs 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.

**Commented [JR18]:** Can we add about checking history for violent criminals with wants and warrants?

**Commented [HC19R18]:** Staff Annotation: Policy Question raised for Discussion on May 21st.

**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; 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 at risk.

2. Facilitation and Member Composition.

- a. Facilitation. Following submittal of a complete application pursuant to LUC 20.20.455.F, the City shall designate a staff person who will act as neutral facilitator for the GNA Advisory Committee. The City shall establish and select the GNA Advisory Committee as described below.
- b. Member Composition. The following persons or a representative of the following groups shall be invited to participate in the GNA Advisory Committee:
- i. Up to five residents who reside within 500 feet of the proposed Homeless Services Uses who will represent residents in the vicinity. [These residents must be able to:
    - (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. A staff person with subject matter expertise from the Parks and Community Services department of the City;
  - iii. A staff person with subject matter expertise. The sector captain from the Bellevue Police department who is assigned to the sector for which the shelter is proposed to be located;
  - iv. A staff person with subject matter expertise (i.e. who works in the field with people experiencing homelessness or addiction) from the Bellevue Fire Department.
  - iv. 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);
  - vi. A representative from the PTSA from each school that is located within 1 mile of the proposed shelter;
  - vii. Three representatives from nearby businesses to the proposed shelter (but not businesses that may provide direct services to the shelter);
  - viii. A staff person with subject matter expertise from All Home, or its successor County organization;
  - ix. The proposed Homeless Services Use Operator;
  - x. A representative of the agencies or organizations identified as a Provider for the proposed Homeless Services Use.

Commented [JR20]: This was not specified. I assume the City selects?

Commented [HC21R20]: Staff Annotation: Policy Question raised for Discussion on May 21st.

Commented [HC22]: Staff Annotation: Multiple Policy Questions raised regarding GNA Advisory Committee Member Composition draft language during Council discussion on May 7. Continuing discussion on May 21st.

Commented [JR23]: Why is this requirement only for the residents? A similar requirement should be for all participants.

Commented [HC24R23]: Staff Annotation: Policy Question raised for Discussion on May 21st.



xiviii. A representative of the agencies or organizations identified as a Funder for the Homeless Services Use.

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 between the Operator and neighbors after the use is established, constructed and operational.

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 Community Meeting (GNA Advisory Committee input provided within One Month of the Notice of Application)

**Commented [JR25]:** There is no number limit to this. If the Operator has 8 funders and 5 service providers, do we add 13 additional people to the committee? We should limit this to ONE rep to represent ALL the agencies providing services and ONE rep to represent ALL the funders.

**Commented [HC26R25]:** Staff Annotation: New text to describe number of representatives for each member category included in May 21st LUCA Draft Continuing Discussion on May 21<sup>st</sup>.

**Commented [HC27]:** Staff Annotation: Added to LUCA Memory Book for discussion on May 21<sup>st</sup>

GNA Advisory Committee Review Phases	General Intent of Review	Relationship to City Permit Process Phases
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 <del>Basic Operating Plan</del> <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)

- 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. 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. 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 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.
    - 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. Decision Criteria. The City may approve or approve with modifications an application for a Homeless Services Use and design if the applicant demonstrates that:
      1. The proposal complies with the Conditional Use Permit decision criteria of LUC 20.30B.140; and
      2. The proposal complies with the applicable requirements of the BCC; and
      3. The proposal includes a Standard Operating Procedure plan meeting the requirements of LUC 20.20.455.F.2.d.

4. The proposal includes a Code of Conduct meeting the requirements of LUC 20.20.455.F.2.e;
    5. 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.
    6. 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;
    7. 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.
2. 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.
  - b. Notice of an application to establish any Homeless Services Use shall be provided pursuant to LUC 20.35.120.
  - 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 Security Plan described in the submittal materials as required by LUC 20.20.455.F.2.f above. At the public meeting, a representative of the Homeless Services Use Operator shall present in writing and describe the proposed Security Plan, and any input or comments received on the plan from the Bellevue Police Department.
3. 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.b.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.
4. 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.
5. 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.
6. 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.
7. 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.
- 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 Security Plan updated to incorporate input and comments received on the plan from the Bellevue Police Department.
  - b. Homeless Services Day 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.

d. Homeless Services regulating under this chapter shall not be located closer than 1000 feet to any R-1 – R-30 zone, nor closer than 1000' feet from any K-12 school.

e. Homeless services are prohibited from allowing or installing a Medically Supervised Consumption Center which are prohibited City-wide in accordance with LUC 20.10.410.

**Commented [JR28]:** I'm not sure if this is the right location for a buffer but it should be added somewhere in this code.

**Commented [HC29R28]:** Staff Annotation: Policy Question raised for Discussion on May 21st. Refer to Attachment B – Topic Discussion Guide: Use Charts for policy discussion framework information.

**Commented [HC30]:** Staff Annotation: Policy Question raised for Discussion on May 21st.

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.

**Commented [JR31]:** Should we add more detail here?

**Commented [HC32R31]:** Staff Annotation: No Policy Question raised, no Council requested change, and no code drafting modification recommended. Draft LUCA language consistent with similar provisions used elsewhere in the code. Refer to Electrical Utilities Facilities requirement contained in LUC 20.20.255.G as an example.

#### **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 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 District (+)
  - b. Community Business District
  - c. Eastgate Transit Oriented Development
- ~~2. Office~~
  - ~~a. Professional Office~~
  - ~~b. Office~~
- ~~3.2. Downtown~~
  - a. Downtown Office District 1
  - b. Downtown Office District 2
  - c. Downtown Multiple Use District
  - d. Downtown Residential District
  - e. Downtown Old Bellevue
  - f. Downtown Office and Limited Business
- ~~4.3. BelRed~~
  - a. BelRed Medical Office and BelRed Medical Office Node 1
  - b. BelRed Office/Residential, BelRed Office/Residential Node 1 and Node 2
  - c. BelRed Residential/Commercial Node 1, Node 2 and Node 3
  - d. BelRed Commercial/Residential
  - e. BelRed Residential (+)
  - f. BelRed General Commercial
- ~~5.4. Factoria~~
  - a. Factoria F1
  - b. Factoria F2
  - c. Factoria F3
- ~~6.5. Medical Institution District~~
  - a. Hospital Center Development Area (+)
  - b. Medical Office Development Area (+)
  - c. Hospital Perimeter Development Area (+)

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

1. Residential
  - a. Single Family Residential
  - b. Multi-Family Residential
2. Commercial
  - a. Neighborhood Business
  - b. Neighborhood Mixed Use (-)
3. Office
  - a. Professional Office
  - b. Office

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4. Light Industrial
5. BelRed
  - a. BelRed Office/Residential Transition

**20.50.038 O Definitions**

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.

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

**ATTACHMENT E.1**

Councilmember Robertson/Nieuwenhuis Comments  
**Staff Annotations**

**Commented [JR33]:** Should there be a time limitation for this? I.e. either number of months per year or number of years? An expansion of that would be considered permanent.

**Commented [HC34R33]:** Staff Annotation: No Policy Question raised, no Council requested change, and no code drafting modification recommended. Time limitations are provided within the referenced sections – LUC 20.20.850 and Part 20.30M LUC.

Proposed revisions to the May 7 draft

Provided by Mayor Chelminiak

Add to 20.20. 455 D Approval Process Required

Add a sub 3

The Development Agreement must follow all provisions of this code and include a public hearing noticed pursuant to the requirements in (cite the notice requirement section - see below its sub H)

**Rationale:** Clarity to the public. The DA must follow the same provisions as a CUP and is subject to public hearing. While that is inherent in the provision cited this makes it perfectly clear for public.

#### **H. City Approval Requirements for Homeless Services Uses**

Modify

2. 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:

b. Notice of an application to establish any Homeless Services Use shall be provided pursuant to LUC 20.35.120.

b. Notice of an application to establish any Homeless Services Use shall be provided to properties within 600 (or 1000) feet of the boundaries of the proposed use.

**Rationale: 600 feet is consistent with a more intense but temporary use – Tent Cities. If council chooses 1000 feet that is also ok. This is only the mailed notice.**

I would ask staff to include the following notice requirement in the proper place

The city will use appropriate electronic communications channels, such as website, social media, smartphone applications, and others to disseminate information regarding the notice of application.

**Rationale: Almost no one gets there information from snail mail anymore.**

#### **F. Submittal Requirements**

= Prohibition on entry into surrounding properties that do not have a retail or public function, ~~(such as office spaces); Including private property, property marked no trespassing, no solicitation, common areas of residential properties without express permission of a resident.~~

**Rationale: I think this is just common sense. There are a number of uses other than retail that are public but there should be notice to not enter private property and to be cognizant of no solicitation, no trespassing.**

Under code of conduct sub f add

x. (note, probably needs renumbering as this should be above "describe the consequences statement).

Description of how the managements of the Homeless Shelter Uses will deal with disruptive behavior which could include confrontations, fighting, illegal drug use, excessive alcohol use, theft and other issues.

**Rationale: The success of the shelter depends on the safety of the occupants. I could put a period after disruptive behavior but am including several examples of what I would like addressed under disruptive behavior.**

Good Neighbor Agreement Process Required

2. Facilitation and Member Composition. (please note, I would ask staff to perfect the language if this is adopted)

- Up to five individuals representing residential and business interests. Up to four would be no greater than a ½ mile radius of the proposed use. One individual would be from the community at large. At least one of the individual would have a demonstrated professional, academic or volunteer association with the operation of a shelter use.
- Staff from Parks and Community Services
- BPD Command level staff (sector captain and above) from BPD
- An individual designated by the school district with knowledge of schools within the catchment area of the shelter.
- A staff member with subject matter expertise from either a government or NGO familiar with the provision of shelter services in King County.
- A representative of the proposed operator of the shelter.
- At least one representative of an agency or organization that will provide service at the shelter.
- A representative of ARCH or, if ARCH funding is not involved, a representative of the funding agency.

The make up of the GNA Advisory Committee should not exceed 12 individuals unless the director determines it is necessary.

**Rationale: The 500-foot limit was a drafting error and frankly none of us (Council) caught it. A half mile seems appropriate to individuals with an intimate knowledge of the specific issues of the area. The committee needs to be reasonably sized. Police need to have a broader command level perspective than a patrol officer. All Home has a very small staff and may not be able to participate. The schools need to have someone familiar with the area so the catchment area (if that's the right term) seems far more appropriate than the superintendent. A shelter will hopefully have multiple service providers and funders so one rep of those seems appropriate. Finally, depending on the report from staff, we could add a representative of the fire department.**

Finally, a comment on the provisions Councilmember Robertson forwarded last week. I oppose a residential/educational setback. I'm, fairly certain the setback proposed eliminates the two Eastgate sites. Since it should also apply to the OMFE site, it would likely eliminate that site since the school district purchased a site for an elementary school on the same street as the OMFE property and it is right 1,000 feet. Certainly, no setback is warranted from residential property that is in a non-residential use.

I don't believe either a setback or a warrants check is appropriate and frankly doubt it is legal. However, I would ask staff to advertise that as an option for consideration and public comment. That would allow the council to consider these items without having to advertise a new public hearing if a majority wants to include these provisions. If my thoughts are incorrect, I would ask staff to advise.