

## Homeless Services Uses LUC 20.20.455

### A. Purpose

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

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

- Code Drafting Best Practice
- Due Diligence Report

### 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 under the terms of RCW 35A.21.360 (Temporary encampments for the homeless – Hosting by religious organizations authorized – Prohibitions on local actions).

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

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

- Code Drafting Best Practice

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

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

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

- Code Drafting Best Practice
- Due Diligence Report

**Commented [HC6]:** 05-21-18 Errata - Consistency.

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

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

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

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

a. Code of Conduct is an agreement on rules of behavior ~~for-between homeless persons-accessingoccupants of~~ a Homeless Services Use and Operators and Providers offering ~~a Homeless sServices Use to the homeless~~ at a specific location.

**Commented [HC10]:** 05-21-18 Errata – Consistency.

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.

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

d. Homelessness refers to ~~the state of~~ a person who is living in a place not meant for human habitation, which may include, but is not limited to, ~~vehicles,~~ streets, parks, alleys, parking garages, vacant buildings, all night commercial establishments and other similar places, or is a resident in an overnight shelter.

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

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

~~e. Homelessness refers to the state of a person who is homeless.~~

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

~~f.e.~~ Operator means any person, partnership, corporation or other organization of any kind that proposes to site and operate a Homeless Services Use in the city.

~~g.f.~~ Provider means any person, partnership, corporation or other organization of any kind that provides supportive services to a homeless population accessing a Homeless Services Use.

~~h.g.~~ 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.

**Commented [HC15]:** 05-07-18 Errata – Consistency.

~~i.h.~~ 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.

**Commented [HC16]:** 05-07-18 Errata - Citation Error. Proper reference is to LUC 20.20.455.F.2.e.

~~j.i.~~ Supportive Services are those provided to ~~homeless persons-accessingoccupants of~~ a Homeless Services Use for the purpose of facilitating their independence and include, but are not limited to, services such as case management, medical treatment, psychological counseling, childcare, transportation and job training.

**Commented [HC17]:** 05-21-18 Errata – Consistency.

**D. Approval Process Required**

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

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

**Commented [HC18]:** Approval Process – describes the required process that must be followed for a Homeless Services Use to be reviewed by the City.  
• Code Drafting Best Practice  
• Light Rail Overlay (Part 20.25M)

**Commented [HC19]:** 05-21-18 Errata – Consistency.

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

1. Pre-application Materials. Shall be submitted to the Development Services Department pursuant to LUC 20.35.020 before a permit application for a Homeless Services Use may be filed. Materials shall include:
  - a. Name of the Operator;
  - b. Experience running Homeless Services Uses; and
  - c. Statement of homeless population to be served and occupancy target for each Homeless Services Use proposed.
2. Pre-application Community Meeting. Prior to City Council determination of the Process Path as provided by paragraph 4 below, the applicant shall hold a public informational meeting. The purpose of this meeting is to provide an early, open dialogue between the applicant, the Operator, and property owners surrounding the proposed Homeless Services Use. The meeting should acquaint the surrounding property owners with the Operator and provide for an exchange of information about the proposal and the community where the use is proposed to be located. The Operator should share information 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, and required mailed notice for a Homeless Services Use shall be expanded to include owners of real property within 600 feet of the project site.
3. Pre-application site inspection by the City. If the applicant proposes to use an existing structure to house a Homeless Services Use, a pre-application site inspection shall be required. Prior to City Council determination of the Process Path as provided by paragraph

**Commented [HC20]:** • Temporary Encampment Permit (Part 20.30U)  
• Stakeholder feedback

**Commented [HC21]:** 05-21-18 Errata – Clarification. Code drafting best practice to facilitate administration of occupancy requirements contained in LUC 20.20.450.I.3.

**Commented [HC22]:** 05-21-18 Council requested change from 05-07-18.

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 [HC23]:** This is a process question and would be exempt Procedural Action under the SEPA Rules. WAC 197-11-800(19).

**F. Submittal Requirements**

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

**Commented [HC24]:** Submittal requirements – describe the content/information that must be provided in a permit application to enable staff review and community input.

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

**Commented [HC25]:** Includes the following:

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

**Commented [HC26]:** 05-21-18 Errata – Clarification. Code drafting best practice to facilitate administration of occupancy requirements contained in LUC 20.20.450.I.3.

- i. A description of how the proposed Homeless Services Uses will ~~be operated to serve~~ the homeless population that will be accommodated by the use;
  - ii. A description of staffing for the proposed Homeless Services Use and the training provided to staff hired to fulfill the identified staffing demand;
  - iii. A description of the anticipated Providers that will ~~serve the be engaged to provide supportive services for the homeless~~ population that will be accommodated by the Homeless Services Use~~proposed to be served~~;
  - iv. A description of the known Funders for the Homeless Services Use;
  - v. A description of the procedures used to manage intake of the homeless population that is proposed to be served;;
  - vi. 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 spaces);~~
  - ~~ii. Promotion of travel paths that use the public rights-of-way;~~
  - ~~iii. Restrictions on loitering and trespassing;~~
  - ~~iv. ii. No littering~~ Shared commitment to maintaining the Homeless Services Use and preserving the site aesthetics;
  - ~~v. iii. Restriction on smoking to designated areas of the site;~~
  - ~~vi. Compliance with City of Bellevue regulations governing public conduct (e.g. camping, lewd acts, urinating in public, etc.);~~
  - ~~vii. iv. Compliance with terms of Good Neighbor Agreement provisions applicable to occupants of the Homeless Services Use;~~
  - ~~viii. v. Description of how occupants of the Homeless Services Uses will be notified regarding the Code and Conduct; and~~
  - ~~ix. vi. 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 (including time, place and manner) of ~~perimeter~~ security patrols;
  - iii. A plan for managing loitering, pan handling, and unpermitted camping in the vicinity of the Homeless Services Use;

**Commented [HC27]:** 05-21-18 Vision alignment – code is not intended to be construed as criminalizing homelessness.

**Commented [HC28]:** 05-21-18 Vision alignment – code is not intended to be construed as criminalizing homelessness.

**Commented [HC29]:** 05-21-18 Vision alignment – code is not intended to be construed as criminalizing homelessness.

**Commented [HC30]:** 05-21-18 Vision alignment – code is not intended to be construed as criminalizing homelessness.

**Commented [HC31]:** 05-21-18 Errata – Clarification.

- 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.

**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

**Commented [HC32]:** Good Neighbor Agreement Process – describes the how a Good Neighbor Agreement Advisory Committee will be formed and how it will provide input to the permit process to foster effective communication between an operator and the community in which a Homeless Services Use is located.

- Due Diligence Report
- Stakeholder feedback

**Commented [HC33]:** 05-07-18 Errata - Code Drafting Best Practices to provide abbreviation the first time an abbreviated term is used. Abbreviation provided in LUC 20.20.455.C.2.c.

jeopardize funding and place ~~homeless individuals~~ people experiencing homelessness at risk.

**Commented [HC34]:** 05-21-18 Errata – Consistency.

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.

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~~ three residents who reside within 5600 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. One resident of the city at-large who is appointed by the City Council to represent citywide interests in the Homeless Services Use approval process;
- iii. One staff person with subject matter expertise from the Parks and Community Services department of the City;
- iii. One staff person with subject matter expertise and local knowledge of the proposed site from the Bellevue Police department;
- iv. One staff person with subject matter expertise from the Bellevue Fire department;
- vi. The superintendent, or their designee, of any public school district within which the Homeless Services Use is proposed to be located (i.e., Bellevue, Issaquah and Lake Washington school districts);
- vii. Up to three representatives from businesses located within 600 feet of the proposed Homeless Services Uses who will represent business interests in the vicinity;
- viii. One staff person with subject matter expertise from All Home, or its successor County organization;
- iv. One representative of the proposed Homeless Services Use Operator;
- xv. One representative of the agencies or organizations identified as a Provider for the proposed Homeless Services Use.
- xiviii. One representative of the agencies or organizations identified as a Funder for the Homeless Services Use.

**Commented [HC35]:** 05-21-18 Council requested change from 05-07-18.

**Commented [HC36]:** 05-21-18 Council requested change from 05-07-18.

- xii. One representative of the population of individuals experiencing homelessness in Bellevue.
      - c. Member Commitment. Members of the GNA Advisory committee are expected to:
        - i. Be reliable and available to attend meetings of the GNA Advisory Committee;
        - ii. Bring subject matter expertise regarding issues related to homelessness and unique knowledge of a proposed site to help inform the Committee's work;
        - iii. Accept different perspectives and ideas, and be willing to learn and share rather than just advocate for a position;
        - iv. Steer conflict toward positive and creative results;
        - v. Contribute to completion of the GNA Committee scope of work described in LUC 20.20.455.G.3; and
        - vi. Understand that consensus is not required and that failure of the group to reach agreement will not be grounds for denial of a permit application.
- 3. Scope of GNA Advisory Committee Work. The scope of work for the GNA Advisory Committee is intended to support the GNA Advisory Committee purpose described in paragraph G.1 of this section LUC 20.20.455. The GNA Advisory Committee is advisory to the decision maker for the development agreement and CUP processes identified for a specific Homeless Services Use, and its scope includes:
  - a. Becoming informed on the proposed Homeless Services Use ~~Basic Operating Plan~~ Standard Operating Procedures and project design;
  - b. Participating in context setting to describe the community within which the Homeless Services Use is proposed to be located;
  - c. Providing early and ongoing advice to the Homeless Services Use Operator on how to incorporate context sensitive design into the proposed project;
  - d. Providing advisory guidance to permit decision makers as described in more detail below regarding Homeless Services Use design and operational concerns prior to any recommendation of the Director on a development agreement or CUP; and
  - e. Collaborating with the Operator to establish a plan for communications between the Operator and neighbors after the use is established, constructed and operational.
- 4. Involvement Process – Timing, Focus of Involvement, and Work Product.
  - a. Process Summary. The GNA Advisory Committee process is aligned with Homeless Shelter Use permit process to optimize process efficiency and funding predictability. Figure 20.20.455.G.4 depicts the relationship between the GNA Advisory Committee review and the City permit process phases. The following table describes the intended timing of GNA Advisory Committee review, the focus of GNA Advisory Committee involvement, and the anticipated work product to be generated by the GNA Advisory Committee at each review phase.

**Commented [HC37]:** 05-07-18 Inconsistent Terminology. Revised to be consistent with definition provided in LUC 20.20.455.C.2.i.



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 <del>Notice of Application</del> <u>second Community Meeting</u> )
Design Input (Facility)	Provide input regarding incorporation of contextual considerations into the Homeless Service Use facility design. Anticipated that GNA Advisory Committee would provide advice regarding complementary building materials, integration of Crime Prevention Through Environmental Design (CPTED) measures, quality of design and materials, landscape development and screening. Provide Advisory Document.	Application Review Phase (GNA Advisory Committee input provided prior to Director recommendation)
Good Neighbor Agreement (Operations)	Provide input on operational concerns and GNA augments the Provider's <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)

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

Commented [HC39]: 05-07-18 Consistency. Revised to be consistent with definition provided in LUC 20.20.455.C.2.i.

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

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.

**Commented [HC40]:** Approval Requirements by Applicable Process Option – the procedural requirements that must be met for a Homeless Services Use to be reviewed by the City and approved or denied based on whether it complies with the substantive requirements of the land use code.

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

- 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. Required mailed notice for a Homeless Services Use shall be expanded to include owners of real property within 600 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 600 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.

**Commented [HC41]:** 05-21-18 Council requested change from 05-07-18.

**Commented [HC42]:** Requires:

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

**Commented [HC43]:** 05-21-18 Council requested change from 05-07-18.

- 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

**Commented [HC44]:** Public meetings are required for CUPs. As drafted, a public meeting would also be required for permits negotiated through a DA.

accordance with the standards and requirements for a new or expanding use in this section LUC 20.20.455.

**I. Development Standards/Use Requirements**

1. General Development Requirements. The applicable General Development Requirements of Chapter 20.20 LUC shall be met unless specifically modified by the terms of this section when applied to a Homeless Services Uses.
2. Parking, Circulation and Walkway Requirements. In addition to the terms of LUC 20.20.590, the following requirements apply to all Homeless Services Uses:
  - a. Number of Parking Stalls. Homeless Services Uses are unspecified under the terms of LUC 20.20.590.F, and required parking stalls shall be established by the Director pursuant to LUC 20.20.590.F.2.
  - b. Overnight camping is prohibited. Camping is prohibited in areas that provide accessory parking for the Homeless Services Use.
  - c. Entrance Area. Entrances to intake areas for a Homeless Services Uses shall provide for user queuing adequate to ensure:
    - i. Protection from the weather and natural elements; and
    - ii. Privacy for the homeless individuals seeking access to the use.
  - d. Entrance and Elevator Separation. Entrances and elevators serving the Homeless Services Uses shall be physically separated from entrances and elevators serving any residential use that is located on the same site.
3. Occupancy Limits and Size-Related Development Standards.
  - a. All Homeless Services Uses shall comply with occupancy limitations contained in applicable building and fire codes and ordinances adopted by the City.
  - b. Permanent Overnight Homeless Shelter Uses shall not provide sleeping accommodations for more than 100 residents, and shall comply with the following additional requirements:
    - i. The City shall impose a condition on any approved Permanent Overnight Homeless Shelter Use limiting the numbers of beds to those requested by the applicant.
    - ii. Shelters with more than 50 beds shall:
      1. Locate within one-half mile of a public transit stop;
      2. Locate greater than one-half mile from any other Homeless Services Use permitted under the terms of the LUC section 20.20.455, unless they are co-located as part of a single development;
4. Minimum Requirements
  - a. Homeless Services Uses in general.
    - i. Adequate toilet, bathing, sleeping, laundry and storage facilities to meet the demands anticipated by the homeless population that is proposed to be served.
    - ii. Access to WiFi for occupants of the Homeless Services Use.
    - iii. Recycling and solid waste collection facilities to meet the requirements of LUC 20.20.725, and any additional demands anticipated by the homeless population that is proposed to be served.

**Commented [HC45]:** Development Standards and Use Requirements – describe dimensional requirements such as height, setbacks and parking, as well as requirements that are imposed on specifically identified uses.

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

**Commented [HC46]:** 05-21-18 Errata – Clarification.

- 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 Services Center Use
    - i. Access to electrical outlets to meet the demands anticipated by the homeless population that is proposed to be served.
  - c. Permanent Overnight ~~Homeless~~ Shelter
    - i. Permanent overnight sleeping accommodations that do not exceed 100 beds.
    - ii. A dedicated electrical outlet for every occupant of a permanent bed.
5. Special and Overlay District Requirements. The applicable Special and Overlay District Requirements of Chapter 20.25 LUC shall be met unless specifically modified by the terms of this section when applied to a Homeless Services Uses.

**Commented [HC47]:** 05-21-18 Errata – Consistency.

**Commented [HC48]:** 05-21-18 Errata – Consistency.

**J. Design Guidelines**

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

**Commented [HC49]:** Design Guidelines – describe design objectives that should be incorporated into a structure to foster compatibility with the surrounding context.

- Due Diligence Report
- Stakeholder feedback

**Draft Homeless Shelter Permitting LUCA**  
**May 21, 2018 Draft**

**K. Mitigation Measures**

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

**L. Independent Technical Review**

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

**Conformance Amendments**

**LUC 20.10.440 Land Use Charts**

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

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

**ATTACHMENT D**

**Commented [HC50]:** • Electric Utility Facility Requirements

**Commented [HC51]:** • Electric Utility Facility Requirements

**Commented [HC52]:** Final code language will be presented in Land Use Chart format.

**Commented [HC53]:** (+) symbol identifies land use districts that would be added to the list of districts where Homeless Services Uses are allowed to site under the Interim Official Control because they provide access to supportive services and transit

**Commented [HC54]:** 05-07-18 Drafting Error. "Professional Office" and "Office" Land Use Districts serve to buffer residential areas, and were intended only to be included on the list of districts where Homeless Services Uses are prohibited. Office Limited Business and Office Limited Business 2 are more intense freeway-oriented districts that were intended to be included as locations where Homeless Services Uses are permitted.

**Draft Homeless Shelter Permitting LUCA**  
**May 21, 2018 Draft**

- b. Medical Office Development Area (MI-DA2) (+)
- c. Hospital Perimeter Development Area (MI-DA3) (+)

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

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

**Commented [HC55]:** (-) symbol identifies land use districts that would be removed from the list of districts where Homeless Services Uses are allowed to site under the Interim Official Control because they do not provide access to supportive services and transit or are a buffer for residential areas

**20.50.038 O Definitions**

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

**Commented [HC56]:** 05-21-18 Errata – Consistency.

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

**Commented [HC57]:** 05-21-18 Errata – Consistency.

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