

CITY COUNCIL STUDY SESSION ITEM

SUBJECT

Permanent Homeless Shelter Permitting Amendments to the Land Use Code (LUC) – Meeting 4.

STAFF CONTACTS

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POLICY ISSUES

In January, the City Council affirmed its intent to allow for a permanent homeless shelter in Bellevue by directing staff to develop permanent homeless shelter regulations when it extended the Interim Official Control (IOC) and adopted general scheduling for completion of the code drafting work. On March 5, Council endorsed the community engagement approach and LUC Amendment (LUCA) processing schedule which is included with this memorandum as Attachment A.

On April 23, the initial draft of the Shelter Permitting LUCA was introduced to the City Council; and on May 7, the Council engaged in its first policy discussion regarding content of the Draft LUCA. The focus of the May 21 Study Session is to:

- Track and respond to direction previously given by Council
- Continue the Policy Discussion and receive final direction for public hearing Draft LUCA
- Review the LUCA Processing Schedule

DIRECTION NEEDED FROM COUNCIL

ACTION

DIRECTION

INFORMATION ONLY

The objective for the May 21 Study Session is to complete the Council policy discussions and receive final direction on what should be included in the Draft LUCA for the required public hearing. The public hearing is tentatively scheduled for June 11.

BACKGROUND/ANALYSIS

The City Council has been exploring and adapting the various components of Bellevue’s response to homelessness in several initiatives over the years, including establishing and supporting a men’s winter shelter, partnering with other Eastside jurisdictions to fund regional shelters, focusing investments in services to prevent and reduce homelessness through the human services funding process and adopting an affordable housing strategy. Over the course of approximately 18 months, those various initiatives and efforts have been drawn into a more comprehensive conversation, addressing the suite of facilities, services and enforcement that is needed to allow Bellevue to respond to this regional challenge in a way that reflects the values of this community. This agenda memo focuses on development of a Final Draft LUCA for consideration at the required public hearing in June. The Council may choose to carry a number of alternatives forward on specific provisions in the LUCA and make a final decision on the regulations following the public hearing.

LUC Amendment (LUCA) Process

Development and adoption of final regulations for Homeless Services Uses is a Process IV land use matter (City Council legislative action) in which the City Council has retained jurisdiction to conduct the public hearing rather than forwarding the matter to the Planning Commission. On January 22, Council held a Public Hearing to extend the IOC addressing homeless shelter permitting, and initiated the LUCA process necessary to complete permanent regulations while the extended IOC is in effect.

During meetings held on the shelter topic, Council has continuously communicated the importance of encouraging and facilitating enhanced community engagement throughout this legislative process. The community input received over the last 18 months and from the survey and workshops held in April was the result of the direction provided by Council when it initiated the LUCA. This community input informed the May 21 Draft LUCA included with this memorandum as Attachment D. Since its initial release on April 23, the Draft Shelter Permitting LUCA has been updated to address errata (citation errors, clarifications and consistency edits), include changes requested by Council, and provide recommended language for resolution of policy questions that remain before Council for further discussion.

Policy Topics

Staff proposes resolution of the outstanding policy questions from May 7 before moving to the Use Charts, Use and Development Requirements, and Design Guidelines policy discussion scheduled for May 21. Final guidance on all of the below topics will form the basis of the draft LUCA that will be the subject of the public hearing currently scheduled for June 11.

1. Policy questions remaining after the May 7 Study Session:
 - a. Should the citywide Safe Injection Site prohibition contained in LUC 20.10.410 be referenced in the Draft LUCA?
 - b. Should the public notice mailing radius be increased beyond 600 feet (which is the radius currently required for Temporary Encampment permits under Part 20.30U LUC)?
 - c. Should Operators be encouraged to collect personal information from people seeking access to Homeless Services Uses to maximize opportunities to secure public funding?
 - d. Have the Code of Conduct requirements (LUC 20.20.455.F) been revised to capture the Council policy interests in avoiding any real or perceived criminalization of homelessness?
 - e. Should consent to a warrant search be included as part of the Security Plan for granting access to a permanent shelter?
 - f. Have the Facilitation and Member Composition requirements of the Good Neighbor Agreement Process (LUC 20.20.455.G.2) been revised to capture the Council policy interests in fostering a representative and manageable advisory committee?

2. Policy questions anticipated for the May 21 Study Session:
 - a. Should Homeless Services Uses be required to maintain a separation distance (or buffer) from residential Land Use Districts?
 - b. Should Homeless Services Uses be required to maintain a separation distance (or buffer) from any sensitive uses, and if so, which ones (e.g., schools and parks)?
 - c. Should a Community Services Program be required of the Operator and occupants of a Homeless Services Use?
 - d. Are there gaps in the Use and Development requirements (LUC 20.20.455.I)?
 - e. Are there gaps in the Design Guidelines (LUC 20.20.455.J)?

Supporting Materials for Policy Discussion

The attachments included with these Study Session materials are intended to support the City Council policy discussion and preparation of final direction to staff on what should be included in the Draft LUCA for the required public hearing. A brief description of each attachment is provided below.

- *Attachment A: Processing Schedule for Homeless Shelter Permitting LUCA*
A comprehensive LUCA processing schedule endorsed by the City Council on March 5, and used to track progress on the LUCA process.
- *Attachment B: Topic Discussion Guide*
A summary of general themes arising from the public engagement undertaken on the shelter permitting topic. This document is organized into three columns. The General Themes column provides a high-level summary of the feedback that was provided on each topic included in the LUCA. These themes were collected from the citywide survey, workshops and public comment received. The General Themes are not a verbatim summary of the comments received, but they are intended to reflect the range of perspectives voiced on each topic. The column that is titled How Themes are Reflected in the Code provides a reference to the location in the LUCA where a General Theme has been captured. If a General Theme has not been captured in the code, it is described in the column titled Themes not Reflected in the Code together with a brief explanation.
- *Attachment C: Memory Book*
A tool used to track questions or discussion topics posed by the City Council during its review of the Draft Shelter Permitting LUCA, and requests made of staff. The chart is ordered by the date the question or request was initially raised. In addition, each question includes identification of the Councilmember who made the request, as well as the date of resolution or anticipated further discussion.
- *Attachment D: Draft LUCA*
An iterative draft of the LUCA that is updated prior to every Council Study Session to reflect errata identified during the code development process (including citation errors, clarifications and consistency edits), include changes requested by Council at the prior meeting, and provide recommended language for resolution of policy questions that remain before Council for further discussion and resolution.
- *Attachment E: Written Edits Provided by City Councilmembers*
A collection of documents provided by City Councilmembers to provide written edits on the May 7 Draft LUCA.
- *Attachment F: Generalized Zoning Map*
A map depicting locations where Homeless Services Uses would be allowed under the May 21 Draft LUCA.

LUCA Processing Schedule Review

The three policy topics scheduled for Council discussion are summarized on the following calendar for ease of reference. Additional important dates, such as the tentative schedule for the public hearing, are also included. The purpose of the schedule review is to track progress on the LUCA process, facilitate transparency, and identify schedule deviations early to ensure appropriate steps can be taken to realize the Council goal of completing the LUCA before the IOC expires in August.

Schedule	Council Meeting Topics and Actions
✓ May 7	Policy Topics: <ul style="list-style-type: none"> • “Why and What” (Purpose, Applicability and Definitions) • Permit Process (Approval Process Required, Submittal Materials, and Good Neighbor Agreement Advisory Process)
May 21	Policy Topics: <ul style="list-style-type: none"> • Any topics remaining from May 7 Study Session • “Where and How” (Use Charts, Development Standards/Use Requirements, and Design Guidelines) Set Public Hearing (unless additional policy discussion is necessary)
June 11	Public Hearing on Draft LUC Amendments (if policy discussion concluded) Final Direction on Draft LUC Amendments
June 25*	Adoption of LUC Amendments

**If permanent regulations are not adopted by August 6, Council will need to decide whether to hold another public hearing to extend the IOC for an additional 6 months.*

OPTIONS

N/A

RECOMMENDATION

N/A

ATTACHMENTS

- A. Processing Schedule for Homeless Services Uses LUCA
- B. Topic Discussion Guide
- C. LUCA Memory Book updated to reflect comments received during the May 7 Council Study Session and up until release of the May 21 Study Session materials
- D. Draft LUCA dated May 21, 2018
- E. Written Edits Provided by City Councilmembers
- F. Map depicting locations where Homeless Services Uses would be allowed under the Draft LUCA

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N/A