Homeless Shelter Permitting LUCA Topic Discussion Guide

The information contained in this Attachment B is provided to help frame the Study Session discussions that will be held by Councilmembers as they prepare a Land Use Code Amendment (LUCA) to govern the permitting of homeless shelters and day centers in Bellevue. A Public Hearing will be held on the draft version of the LUCA that is produced as a result of the Council discussions. The LUCA will be finalized by the City Council taking into account the input received from community engagement efforts and at the public hearing.

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

This document is organized into three columns. The **General Themes** column provides a high-level summary of the feedback that was provided on each topic included in the LUCA. These themes were collected from the citywide survey, workshops and public comment received. The General Themes are not a verbatim summary of the comments received, but they are intended to reflect the range of perspectives voiced on each topic. The column that is titled **How Themes are Reflected in the Code** provides a reference to the location in the LUCA where a General Theme has been captured. If a General Theme has not been captured in the code, it is described in the column titled **Themes not Reflected in the Code** together with a brief explanation.

WHY and WHAT (May 7)

✓ Purpose

General Themes	How Themes are Reflected in the Code	Themes not Reflected in the Code
General Themes The Purpose statement in a LUCA describes why the regulation should exist. Suggestions from commenters regarding the Purpose of the LUCA reflected a range of policy perspectives: • Allow a permit path for homeless shelters in Bellevue. • Allow a permit path for certain types of homeless shelters and day centers, but prohibit others. • Allow a permit path for homeless shelters in Certain locations in Bellevue. • Allow a permit path for homeless shelters in certain locations in Bellevue. • Prohibit homeless shelters in Bellevue.	 How Themes are Reflected in the Code The Draft LUCA provides regulations that: Support the establishment of a year-round homeless shelter on the Eastside consistent with Council Priorities, the 2014 Diversity Advantage Plan and the Bellevue Comprehensive Plan. Allow a permit path for homeless shelters and day centers that are proposed to provide support to one or more homeless populations in Bellevue. Purpose – LUC 20.20.455.A Require operators to define the homeless population that they intend to serve so that appropriate conditions can be imposed to ensure shelter and day center success wherever they are allowed to locate. Pre-Application Materials - LUC 20.20.455.F.2.a. Land Use Charts – 20.10.440 Permitted Locations (to be discussed 	 Themes not Reflected in the Code The Draft LUCA: Does not prohibit certain types of homeless shelters or day centers in Bellevue because the intention of the Draft LUCA is to facilitate the application of regulatory conditions to ensure that shelter and day center uses serving different homeless populations would be successful wherever they are allowed to locate. Does not entirely prohibit homeless shelters and day centers in Bellevue because that would not have been consistent with the direction provided by the City Council in the Council Priorities and the 2014 Diversity Advantage Plan, and by the Bellevue Comprehensive Plan.

\checkmark Applicability

✓ Definitions

General Themes	How Themes are Reflected in the Code	Themes not Reflected in the Code
The Applicability and Definition sections in the LUCA describe <u>what</u> should be regulated.	What the Draft LUC does regulate:	The Draft LUCA:
 Commenters suggested that the scope of regulations should cover: Permanent shelters (year round/24 hours per day/7 days per week) for homeless populations that include 	 Creates "Homeless Services Uses" as an umbrella term used to describe the collection of uses regulated under the Draft LUC that support individuals experiencing homelessness (see Homeless Day 	 Does not define "Supportive Housing" because the Bellevue code does not distinguish between housing that is affordable versus market rate or inclusive of services versus exclusive of services. Housing
food, lodging, laundry and showers.Day centers for homeless populations	Services Centers and Overnight Homeless Shelters). Definitions – LUC 20.20.455.C.1.a	and supportive services will be allowed to co-locate with a shelter or day center use pursuant to the LUC Charts.
Supportive housingSupportive services	 "Homeless Day Services Center" is described as a facility that offers a haven to individuals experiencing homelessness by providing a safe 	 Does not create a Public Bathroom Program. This is outside the scope of the Land Use Code.
 Public Bathroom program citywide Safe lots citywide 	place to rest during the day. Definitions – LUC 20.20.455.C.1.b	 Does not create regulations governing the permitting of Safe Lots
Safe lots citywideTiny homes	 "Permanent Overnight Homeless Shelter" is described as a facility constructed for the primary purpose 	or Tiny Houses. This is outside the scope of the LUCA initiated by Council to govern Homeless Shelter
Temporary encampments	of providing shelter for individuals experiencing homelessness.	Permitting.
Commenters also suggested that the code should provide clarity about what uses are regulated and how those uses are defined, including Definitions for certain terms, like:	 Definitions – LUC 20.20.455.C.1.d Additional definitions are provided to ensure clarity about what the Shelter 	 Does not modify regulations governing the permitting of Temporary Encampments, which are already regulated under Part 20.30 U

	Permitting LUCA does and does not	LUC and a consent decree from
Low barrier shelter	regulate. Applicability – LUC	federal court. This is outside the
	20.20.455.B and Definitions - LUC	scope of the LUCA initiated by
Medium barrier shelter	20.20.455.C (e.g., temporary shelter,	Council to govern Homeless Shelter
	supportive services, etc.)	Permitting.
High barrier shelter		
-		 Does not define low barrier or
		medium barrier because these are
		not key terms used in the LUCA, or
		terms that have a universal meaning.
		Operators will be required to
		describe the population they propose
		to serve and permit conditions will be
		established accordingly.

PERMITTING PROCESS (May 7)

✓ Review Required

General Themes	How Themes are Reflected in the Code	Themes not Reflected in the Code
Commenters included suggestions and expectations about desired characteristics of	The Draft LUCA requires:	The Draft LUCA:
a Shelter Permitting Process , like:	 City permit processing and approval path – LUC 20.20.455.H and 	 Does not require a Citizen Advisory Committee, or group specifically
Transparent	20.20.455.E.4	identified as a Neighborhood Oversight Committee or
 Early and continuous opportunities for meaningful public engagement 	 Opportunities for engagement prior to application submittal, during review, and during operations 	Representative Citizen Group. The functions of these types of committees/groups, if they exist in
Community meetings	pursuant to the Good Neighbor	the vicinity of a proposed shelter, would be captured in the Good

- Conditional Use Permit (CUP)
- Good Neighbor Agreement
- Foster opportunities for occupants of the shelter/day center and surrounding neighbors to interact
- Citizen Advisory Committee
- Neighborhood Oversight Committee
- Representative Citizen Group
- One mile mailing radius for notice of application.
- Criteria to guide the City Council's decision on the Development Agreement.

Agreement. Pre-Application Process - LUC 20.20.455.E. Minimum Required Notice and Public Engagement procedures – LUC 20.20.455.H.2. Good Neighbor Agreement – Figure 20.20.455.G.4.

- Community meetings before and after an application is submitted.
 Pre-Application Process – LUC
 20.20.455.E.2. Public Engagement
 Procedures – LUC 20.20.455.H.2.d
- Selection of a processing option between a CUP and a Development Agreement (DA) that both require compliance with decision criteria. Permit Approval Path – LUC 20.20.455.E.4. City Approval Requirements – LUC 20.20.455.H.a and b. Decision Criteria – LUC 20.20.455.H.1.b.iii and H.3.A.1 (Refer to City Approval Path below)
- Good Neighbor Agreement Advisory Committee composed of identified members. Member Composition -LUC 20.20.455.G.2.b
- Good Neighbor Agreement (GNA) Advisory Committee Process. Scope of GNA Advisory Committee Work – LUC 20.20.455.G.3.

Neighborhood Agreement Advisory Committee Process described in LUC 20.20.455.G.

- Does not include a one-mile mailing radius. Any application for a Homeless Services Use would be required to comply with notice required used for projects that require a Conditional Use Permit, including: 500 foot mailed notice, distribution in the weekly permit bulletin, and signs posted on the property. LUC 20.20.455.H.2.
- Does not specifically include criteria to guide the City Council decision on a Development Agreement. The Draft LUCA requires the Director to evaluate an application for a Homeless Services Use against specific decision criteria as part of the required Recommendation to the City Council. LUC 20.20.455.H.3. The state law that authorizes the use of Development Agreements, RCW 36.70B.170, requires DAs to be consistent with the City's Comprehensive Plan and development regulations.

City Approval Paths



Submittal Requirements

0

0

0

0

Bellevue residency

Health assessment

Employed or re-training

Sobriety

Agreement. LUC Figure

Does not require the prescriptive

20.20.455.G.4.

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Propos	Health assessment Background checks School attendance for K-12 Fee/Payment otion of proposed staffing plan sed Code of Conduct, with ements such as: Consequences for lack of compliance	 checks and notification Plan for managing occupants that are rejected/removed Plan for coordination with first responders LUC 20.20.455.F.2.g Additional materials required by the City Council in a resolution authorizing the use of a Development Agreement – LUC 20.20.455.F.3 	exclusion of people for warrants or drug and alcohol use because it may undermine the operator's ability to serve its identified homeless population. (Discussion deferred to May 21st – LUCA Memory Book entry #8)
0	Random drug testing		
0	Mandatory community service		
• Descrip	otion of Security Plan, such as:		
0	Plan for overflow		
0	Plan for removal of residents		
0	No weapons		
0	No drugs, alcohol or tobacco		
0	No sex offenders		
0	No occupants with warrants		
0	Plan for reporting criminal		
	activities		
0	Plan for managing residents		
	when shelter is not open		

Description of security

• Implementation of registered

sex offender background

0

patrols

 Coordination with first responders 	
 Commenters also suggested that information requirements should not be so prescriptive that they compromise an operator's ability to run its facility. 	

WHERE and HOW (May 21)

Use Charts

General Themes	How Themes are Reflected in the Code	Themes not Reflected in the Code
The Use Charts section of the LUCA describes <u>where</u> a use is allowed to locate. Commenters suggested a range of locational	The Use Charts contained in the Draft LUCA describe where a Homeless Services Use may be located subject to permit approval.	
preferences for siting a Homeless Services Use.	The Draft LUCA provides regulations related to Land Use District (Zoning) Preferences that:	Land Use District (Zoning) Preferences
 Land Use District (Zoning) Preferences Allow shelters in all land use districts 	 Allows Homeless Services Uses in commercial districts that permit 	The Draft LUCA:Does not allow Homeless Services
 except residential districts. Allow shelters in only commercial districts. 	supportive services and have good transit access, including: General Commercial (GC), Community Business (CB), Office Limited Business (OLB and OLB-2), Eastgate Transit	Uses in residential land use districts, or commercial districts that are intended to provide buffers for residential districts.
 Allow shelters only in Downtown, BelRed, and Light Industrial districts. 	Oriented Development (EG-TOD), all the Downtown land use districts, all the BelRed land use districts except	 Does not limit Homeless Services Uses to Downtown and BelRed or prohibit them in Eastgate, because
• Allow only in residential if near transit facilities.	BelRed Office/Residential Transition (BR-ORT), all the Factoria land use districts, and all the Medical Institution districts.	the LUC requirements are intended to ensure that a Homeless Services Use will be successful in whatever commercial land use district the use is allowed to locate.
	 Prohibits Homeless Services Uses in residential districts including all 	

 Allow only in BelRed districts, and only where new uses have not been established. Do not allow Homeless Services Uses in Eastgate. Do not allow Homeless Services Uses in any land use district in Bellevue. Limit one Homeless Services Use per subarea. Impose different requirements for different sizes of shelters. 	 single family (R-1 through R-7.5) and multifamily (R-10 through R-30). Prohibits Homeless Services Uses in all land use districts that are intended to serve as a buffer for residential districts, including: Professional Office (PO), Office (O), Neighborhood Business (NB), Neighborhood Mixed Use (NMU), BelRed Office/Residential Transition (BR-ORT). Prohibits Homeless Services Uses in the Light Industrial district. 	 Does not allow Homeless Services Uses in light industrial land use districts because these districts do not allow supportive service uses or offer transit access that is necessary for a Homeless Services Use to exist. Does not entirely prohibit homeless shelters and day centers in Bellevue because that would not have been consistent with the direction provided by the City Council in the Council Priorities, the 2014 Diversity Advantage Plan, and the Bellevue Comprehensive Plan. Does not limit Homeless Services Uses to one per subarea, but does require shelters with more than 50 beds to be located greater than 1 mile away from any other Homeless Services Uses.
 Proximity Preferences/Sensitive Uses: Require proximity to: Transit Supportive Services Police or state patrol Job retraining/education opportunities Health care (with 24-hour access such as hospitals) 	 The Draft LUCA provides regulations related to Proximity Preferences/Sensitive Uses that: Shelters with more than 50 beds must be located within ½ mile of a public transit stop 	 Proximity Preferences/Sensitive Uses: The Draft LUCA: Does not require proximity to police or state patrol, but Bellevue Police Department feedback must be incorporated into the required the Security Plan.

• Requ	ire separation/buffer (between	• Shelters with more than 50 beds	Does not require access to job
	eet to 2 miles) around sensitive	must not be located within 1 mile of	retraining or education
uses		any other Homeless Services Uses.	opportunities, but does require the
C	Kindergarten, elementary and		application materials to identify
	secondary schools		available educational opportunities
c	Playgrounds		for the population of homeless
C	Recreation centers		persons that is proposed to be
C	Child care centers		served.
C	Public parks		
C	Public transit centers		• Does not require proximity to 24-
C	b Libraries		hour health care, but does require
C	Game arcades		application materials to describe
C	Colleges and student housing		Standard Operating Procedures
C	Single family and multifamily		necessary to support the population
	land use districts		of homeless persons that is proposed
C	Wooded areas		to be served including the
C	Recreation uses for children		Supportive Services that will be
	(gymnastics, karate, etc)		offered.
C	• Park and rides		
C	Freeway offramps		 Does not require separation or
C	Other Homeless Services Uses		buffers around sensitive uses,
			because Homeless Services Uses are
			prohibited from locating in
			residential districts and any district
			intended to buffer residential areas.

Use and Development Requirements

General Themes	How Themes are Reflected in the Code	Themes not Reflected in the Code
The Use and Development Requirements describe <u>how</u> a structure occupied by a Homeless Services Use should be constructed and <u>how</u> the use should be operated. Commenters suggested a range of Use Requirements that should be imposed on a Homeless Services Use wherever it is located:	The Use and Development Requirements contained in the Draft LUCA describe <u>how</u> the Homeless Services Use must be constructed and operated in order to obtain a permit approval.	
 Compliance with Applicable Codes: Comply with the code Require the shelter to be licensed and to comply with state and federal law Require yearly inspections of any Homeless Services Use Establish metrics and publish compliance report No panhandling, no crime, no prostitution. Relocate the shelter if crime increases 	 Compliance with Applicable Codes: Homeless Services Uses permitted through a DA or CUP are required to comply with: 	 Compliance with Applicable Codes: The Draft LUCA: Does not require yearly inspections, but periodic review requirement may be imposed as part of the project approval. Does not require shelter to be relocated if crime increases, but does allow for modification or revocation of project approval if approval conditions are not being met.

	 Project approval may impose requirement for periodic review of the permit conditions. Performance metrics required for compliance with Security Plan, and feedback to be provided as part of the GNA Advisory Committee work The permit approval (including associated conditions) may be modified or revoked. Operator must obtain all state and federal licenses required for the proposed Homeless Services Use and comply with applicable local, state and federal law. 	
 Police and Security Presence: Security guard with contact phone number available 24/7. Police Department office on the site and increase police patrols. Increased METRO security for bus stops and park and rides. 	Police and Security Presence: • Security Plan required to incorporate Bellevue Police Department feedback, and include: • Criteria for rejection or removal of occupants • Security patrol deployment • Plan for managing loitering, pan handling, unpermitted camping • Plan to address magnet areas • Sex offender background checks and notification • Coordination with security patrols operating in the area	 Police and Security Presence: The Draft LUCA: Does not required Police Department to be located on-site or increased police or METRO security patrols, because these resource allocation issues are not appropriate for inclusion in the LUC. The police department does reallocate resources based on updated data regarding establishment of new uses (e.g., bars, shelters and other population concentrating activities). The Draft LUCA does require

	 Contact phone number Plan for addressing community concerns Performance metrics to track compliance with the Security Plan Front desk staffing required during hours of operation 	coordination between the Operator and the Police Department, and inclusion of police feedback in the Security Plan.
Operations:	Operations:	Operations:
 Require shelter to be year-round and available 24/7 Dictate staffing levels/ratios and require staffing 24/7 Require mental health/drug addiction counseling Require health assessment and treatment plan Require operators to follow an infectious disease protocol 	 Operator required to describe the homeless population to be served and hours of operation. Occupancy limit prohibits permanent shelter beds from exceeding 100 Day center uses required to comply with building and fire occupancy limits Operator required to describe Standard Operating Procedures, including: Staff training Anticipated support services 	 The Draft LUCA: Does not include prescriptive standards for time, place, and manner of operations to ensure that Operators are able to support the homeless population they propose to serve and to maximize access to available public funds. The Draft LUCA does require the operations to be thoroughly described, so that appropriate conditions can be imposed in the project approval. In addition, coordination with a GNA Advisory Committee is required to provide a context sensitive collaboration with the surrounding
 Require occupants of a Homeless Services Use to volunteer in the community Provide bus tickets, motel vouchers, computers, phones 	 Anticipated support services Occupant intake management Schooling plan for children Exterior appearance 	 Community to support success of Homeless Services Uses wherever they are allowed to locate. Does not require the prescriptive exclusion of people for warrants or

ATTACHMENT B

- Provide affordable housing to serve populations at 30% or less of Average Median Income for King County.
- Limit on number of people to be served (ranging from 5 – 100)
- No occupants allowed with outstanding warrants
- No camping outside or in vehicles on the site of a Homeless Services Use
- Limit total time of stay that is permitted in a permanent shelter (should be transitional)
- Prohibit drugs and weapons
- Require insurance
- Follow Landlord Tenant regulations
- Tracking devices on occupants
- Require the City to provide mitigation money to the neighbors (e.g., funding for private security patrols)

- Feedback on appropriate performance metrics and communication plan to be discussed as part of the GNA Advisory Committee work
- Overnight camping prohibited

drug and alcohol use because it may undermine the operator's ability to serve its identified homeless population and may cause some people experiencing homelessness to remain unhoused in Bellevue.

- Does not include a limitation on the duration of stay in a shelter, because each shelter type will house a unique homeless population and there is not adequate transitional/affordable housing available to meet demand.
- Does not require insurance, because a permanent structure will be required to secure insurance as a condition of funding.
- Does not require application of Landlord Tenant regulations, which cannot be applied to a Homeless Shelter Use through the LUC.
- Does not require tracking devices for occupants of a Homeless Services Use, because this could be construed as criminalizing homelessness.
- Does not include requirements for mitigation money, but mitigation measures will be imposed as part of any required project approval to the extent that they are consistent with

		all relevant constitutional and legal limitations.
Structure Design:	Structure Design:	Structure Design:
 Shelters should include food, lodging, sleeping, laundry and showers. Provide separate rooms for each occupant in the shelter Separate entrances from adjacent uses Prohibit occupants from blocking the right of way while waiting to enter the Homeless Services Use Accommodate pets. Provide spaces for team building and collaboration. 	 Required to comply with bulk size and scale requirements applicable in the underlying land use district. Required to comply with applicable overlay district requirements (e.g., critical areas, etc.). Feedback on structure construction to be provided as part of the GNA Advisory Committee work. Required to provide parking study to determine parking demand for the mix of uses proposed. Entrance areas required to provide protection from the weather and a screened occupant intake area away from the right of way. Separate elevators for shelter and on-site residential uses. Adequate toilet, bathing, sleeping, laundry and storage facilities to serve intended homeless population. WiFi access 	 The Draft LUCA: Does not require the separate rooms for each shelter occupant, because it may undermine the operator's ability to serve its identified homeless population. Does not require accommodation of pets, because it may not be necessary to Operator's ability to serve its identified homeless population. Does not require spaces for collaboration or teambuilding, because it may not be central to Operator's ability to serve its identified homeless population. Does not require spaces for collaboration or teambuilding, because it may not be central to Operator's ability to serve its identified homeless population. Draft LUCA does require privacy areas tailored to serve the intended homeless population.

Recycling and solid waste facilitiesDesignated smoking areas	
 Privacy areas tailored to serve the intended homeless population. 	
 Mailroom offering a permanent address. 	
 Occupant access to electrical outlets for electronic device charging. 	

Design Guidelines

General Themes	How Themes are Reflected in the Code	Themes not Reflected in the Code
The Design Guidelines describe <u>how</u> a structure should be designed to ensure it is compatible with and complementary to the surrounding context	The Design Guidelines contained in the Draft LUCA describe <u>how</u> the Homeless Services Use must be designed in order to obtain a permit approval.	 The Draft LUCA: Does not prohibit exposed windows on the first floor, because this design would be inconsistent with design
Commenters suggested a range of Design Guidelines that should be imposed on a Homeless Services Use wherever it is located:	 Any Homeless Services Use is required to comply with applicable overlay district requirements (e.g., 	requirements imposed by most design district guidelines.
Be attentive to external appearance.	design district guidelines).	
No exposed windows on first floor		

 Feedback on structure design to be provided as part of the GNA Advisory Committee work to help the Operator understand the unique characteristics regarding the location where any Homeless Services Use is proposed. Design Guidelines specific to Homeless Services Uses include: Context sensitive design principles to ensure compatibility with surrounding area. Application of Crime Prevention through Environmental Design (CPTED) principles. Design to support enjoyment for occupants of a Homeless Service Use. 	