

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6419

AN ORDINANCE amending the Bellevue Land Use Code, Title 20 of the Bellevue City Code, by adding new section 20.20.455 providing regulations for the permitting of Homeless Services Uses; amending the Services Use Charts to identify the Land Use Districts where Homeless Services Uses may be permitted; adding new definitions to section 20.50.038 for consistency with new section 20.20.455 LUC; providing for severability; and establishing an effective date.

WHEREAS, the City recognizes that providing opportunities for shelter and services to persons experiencing homelessness within King County requires a high level of coordination between services, facilities, policies, and enforcement; and

WHEREAS, the City Council Vision Priorities direct the City to work with regional partners to establish an Eastside permanent winter homeless shelter; and

WHEREAS, the City Council's adopted 2014 Diversity Action Plan includes an action item supporting the establishment of a year-round homeless shelter on the Eastside; and

WHEREAS, in 2015 the City updated its Comprehensive Plan Policies, which set the framework for a holistic response to homelessness issues in the City of Bellevue in order to effectuate the policies in the Comprehensive Plan; and

WHEREAS, the City has an interest in preventing individuals from becoming homeless, and for individuals experiencing homelessness, ensuring that it is rare, brief, and one time; and

WHEREAS, the City is committed to providing support for individuals experiencing homelessness to foster independence and housing stability and is also committed to enforcing laws that ensure the safety and well-being of all residents of the City of Bellevue; and

WHEREAS, the City's holistic approach to homelessness issues recognizes the importance of providing support for individuals experiencing homelessness in order to encourage and facilitate the transition to permanent housing; and

WHEREAS, the City Council has expressed a desire to regulate Homeless Services Uses in a manner that is not construed as criminalizing homelessness; and

WHEREAS, the City opened its first homeless shelter at the Crossroads Community Center as a cold weather shelter in 2008, and, thereafter, temporary shelters have operated in various residential and commercial locations in the City between the months of November and April; and

WHEREAS, the City has determined that citywide regulations for the permitting of Homeless Services Uses are necessary to avoid an ad hoc regulatory approach to providing shelter and support to people experiencing homelessness; and

WHEREAS, on August 7, 2017, the City Council adopted Ordinance No. 6368, which imposed an Interim Official Control (IOC) that amended the Land Use Code (LUC) to subject homeless shelters to the Conditional Use provisions specified in Part 20.30B LUC and to the general development requirements for land use districts where homeless shelters are currently permitted; and

WHEREAS, on September 25, 2017, the City Council held a public hearing on the IOC adopted by Ordinance No. 6368 as required by RCW 36.70A.390; and

WHEREAS, on January 22, 2018, the City Council held a public hearing and adopted Ordinance No. 6398, which extended the IOC for an additional six-month period, to August 7, 2018, in order to provide time for the City to draft, consider, and hold a public hearing on permanent regulations governing the permitting of Homeless Services Uses; and

WHEREAS, on February 12, 2018, the City Council initiated discussions regarding amendments to the LUC that would provide permanent regulations for homeless shelters and found that it was necessary for the Council to hold the required public hearing associated with these LUC amendments; and

WHEREAS, on March 5, 2018, the City Council endorsed a community engagement approach and LUC amendment processing schedule for the proposed Homeless Services Uses LUC amendment; and

WHEREAS, the community engagement approach endorsed by the City Council emphasized transparency and an open and inclusive code drafting process that encouraged participation from residents, businesses, and organizations regarding the proposed regulation of Homeless Services Uses; and

WHEREAS, between March 7 and April 7, 2018, the City conducted public engagement to provide enhanced and varied opportunities for the public to inform the drafting of the Homeless Services Uses LUC amendment; and

WHEREAS, the enhanced public outreach undertaken by the City for the Homeless Services Uses LUC amendment included a citywide survey from March 7 through March 21, 2018; and

WHEREAS, the enhanced public outreach undertaken by the City for the Homeless Services Uses LUC amendment included a community workshop and optional listening session at City Hall on April 3, 2018, along with two additional community workshops at the Crossroads Community Center and South Bellevue Community Center on April 5, 2018; and

WHEREAS, on April 23, 2018, the City Council began formal review of the draft Homeless Services Uses LUC amendment, received orientation to the LUC amendment and its components, and received a report and explanation of the common themes communicated by the public when responding to the citywide survey and participating in the community workshops; and

WHEREAS, as part of the City Council's April 23, 2018 study session, the Bellevue Police Department explained and provided data to the City Council demonstrating that the City of Bellevue is a safe and responsive community and that operation of the temporary winter shelter has not had a significant impact on crime in the City; and

WHEREAS, on May 7, 2018 and May 21, 2018, the City Council began review of the specific components identified in the draft Homeless Services Uses LUC amendment, including the purpose, applicability, definitions, process requirements, submittal requirements, use requirements, development standards, and design guidelines; and

WHEREAS, on May 7, 2018 and May 21, 2018, the City Council held policy discussions regarding the draft Homeless Services Uses LUC amendment and provided guidance to City staff regarding preparation of a draft Ordinance for final adoption; and

WHEREAS, on May 21, 2018, the City Council confirmed that it would hold a public hearing on the proposed Homeless Services LUC amendment and solicited additional public comment for the June 11 hearing from citizens, stakeholders, and other interested parties; and

WHEREAS, on June 5, 2018, the East Bellevue Community Council (EBCC) held a courtesy public hearing on the proposed Homeless Services Uses LUC amendment, and the EBCC forwarded comments on the Homeless Services Uses LUC amendment directly to the City Council; and

WHEREAS, the City Council held a public hearing on the proposed Homeless Services Uses LUC amendment on June 11, 2018 after providing legally-required public notice; and

WHEREAS, on June 25, July 2, and July 16, 2018, after providing legally-required public notice, the City Council discussed and voted on amendments to the draft Ordinance; and

WHEREAS, on July 16, 2018, the City Council discussed, finalized, and adopted Ordinance No. 6419 as amended; and

WHEREAS, the City Council finds that the Homeless Services Uses LUC amendment meets the decision criteria of LUC 20.30J.135 and is consistent with the Comprehensive Plan, enhances the public health, safety, and welfare, and is not contrary to the best interest of the citizens and property owners of the City of Bellevue; and

WHEREAS, the City complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, Chapter 22.02 BCC, when it issued a Threshold Determination of Non-Significance relating to the Homeless Services Use LUC amendment on May 24, 2018; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Bellevue Land Use Code, Title 20 of the Bellevue City Code, is hereby amended to add a new section 20.20.455 LUC as follows:

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 populations of people experiencing homelessness.

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;
4. Religious organizations hosting temporary encampments within buildings on their property under the terms of RCW 35A.21.360 (Temporary

encampments for the homeless – Hosting by religious organizations authorized – Prohibitions on local actions); or

5. Unrelated individuals living together as a “Family” pursuant to the definition contained in LUC 20.50.020.

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 people experiencing homelessness.
- b. **Day Services Center.** A facility that offers a haven to 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 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 Shelter: Permanent.** Any facility that is constructed for the primary purpose of providing shelter for people experiencing homelessness in general or for specific populations of people experiencing homelessness. Supportive services may or may not be provided in addition to the provision of shelter.

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 between occupants of a Homeless Services Use and Operators and Providers offering a Homeless Services Use at a specific location. The Code of Conduct is intended to protect the health, safety and welfare of the occupants and employees of the Homeless Services Use, and the surrounding residents and businesses.
- 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. 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.
- 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.
- 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.
- g. Safety and 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 Services Use that is proposed at a specific location.
- h. Standard Operating Procedures refer to a plan developed by the Operator that address the elements required by LUC 20.20.455.F.2.e. 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.
- i. Supportive Services are those provided to occupants 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.

D. Approval Process Required

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

1. Use and Design Allowed through a Development Agreement. A Homeless Services Use requires approval of a Conditional Use Permit pursuant to paragraph 2 below unless the City Council agrees to negotiate a development agreement. The City Council may by resolution accept or decline to negotiate a development agreement that would allow a

Homeless Services Use to be established and constructed in Bellevue pursuant to the provisions of Chapter 36.70B RCW and this section 20.20.455 LUC. Nothing in this paragraph shall preclude an applicant from requesting the Director to initiate processing of their application under the Conditional Use Permit provisions of Part 20.30B of this section without requesting the City Council to consider negotiation of a development agreement.

2. Use and Design Allowed through a Conditional Use Permit. A Homeless Services Use requires approval of a Conditional Use Permit unless the City Council agrees to negotiate a development agreement pursuant to the process and decision criteria contained in paragraph 1 above and LUC 20.20.455.E.4 below. Where the City Council has not adopted a resolution to initiate negotiation of a development agreement to allow a Homeless Services Use to be established and constructed in Bellevue, a Conditional Use Permit approval shall be processed pursuant to the provisions of Part 20.30B LUC and provisions of this section LUC 20.20.455.

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. Statement of experience operating the type of Homeless Services Use that is proposed or any other relevant experience; 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 intended permit application (e.g., the Draft Standard Operating Procedures, Draft Code of Conduct, and Draft Safety and Security Plan) for the proposed Homeless Services Use. The surrounding property owners should share

characteristics of the surrounding community and any issues or concerns of which the Operator should be made aware. Notice of the Community Meeting shall be provided by the Director pursuant to the requirements of LUC 20.35.120.B, and the required mailing radius for notice of a Homeless Services Use shall be expanded to include owners, and the physical addresses for properties that are not owner-occupied, of real property within 1,000 feet of the project site.

3. Pre-application site inspection by the City. If the applicant proposes to use an existing structure to house a Homeless Services Use, a pre-application site inspection shall be required. Prior to any City Council determination of the Process Path as provided by paragraph 4 below, the applicant shall allow for an inspection of the structure proposed to house a Homeless Services Use by staff representatives of the Building Official and Fire Marshal. The purpose of the inspection is to determine if the facility meets the Building and Fire Code standards for the proposed use. The purpose of this inspection is not to ensure that a facility meets the requirements of this code or to force an applicant to bring a proposed facility up to applicable standards prior to project approval. The inspection is intended to ensure that the applicant, the Operator, the City, the underlying property owner, and the public are aware of applicable building modifications that would be necessary to establish a Homeless Services Use prior to making an application.
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. 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 including review of the following information:
 - i. Data provided by the applicant describing the extent to which the proposed homeless population on the Eastside requires shelter and/or supportive services;
 - ii. Whether the applicant intends to seek funding for the proposed Homeless Services Use from the City or from A Regional Coalition for Housing;
 - iii. Demonstrated experience of the Operator at running successful Homeless Services Uses for the homeless population that is intended to be served;

- iv. The draft Safety and Security Plan that has undergone preliminary review and incorporated feedback from the Bellevue Police Department; and
- v. Any additional documentation submitted by the applicant for the pre-application meeting and written public comments received on the proposal through completion of the pre-application community meeting required by section LUC 20.20.455.E.2.

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 without presenting the pre-application materials to the City Council for consideration.

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:

- i. A description of how the proposed Homeless Services Uses will 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 population that will be accommodated by the Homeless Services Use;
- iv. A description of the known Funders for the Homeless Services Use;
- v. A description of the proposed Perimeter Area around the site where the Code of Conduct and applicable sections of the Safety and Security Plan will apply;
- vi. A map of proposed travel routes that the Operator will suggest individuals use when seeking access to the Homeless Services Use;
- vii. A description of the procedures used to manage intake of the homeless population that is proposed to be served;
- viii. A plan for encouraging prospective occupants to provide personal identification for inclusion in the Homeless Management Information System (HMIS) to help increase opportunities to provide access to housing and services and to secure public funding for the proposed Homeless Services Use;
- ix. Where appropriate and feasible, a plan for developing a Community Service Model that is tailored to the homeless population to be served at the location where the Homeless Services Use is proposed to be located. A Community Service Model is intended to provide a framework for persons experiencing homelessness to work volunteer service hours within the scope of their ability in the community where they are receiving support from a Homeless Services Use;
- x. Where applicable, a plan to ensure that school-aged residents of the use are enrolled in school during their stay;
- xi. Identification of a primary point of Operator contact for assistance and referrals to send homeless individuals seeking services;

- xii. A plan for managing exterior appearance of the proposed Homeless Services Use, including trash/litter, hazardous materials, and biohazards within the identified Perimeter Area of the site;
 - xiii. A description of how the Operator will inform and educate occupants of the Homeless Services Uses regarding the Code of Conduct; and
 - xiv. A description of consequences to be imposed for violating the Code of Conduct.
- f. A Code of Conduct that applies within the Perimeter Area to all individuals granted access to the proposed Homeless Services Uses including, but not limited to:
- i. Respect the rights of property owners to restrict access to areas of their property that are not open to the public;
 - ii. Use Operator-suggested routes of travel to access the Homeless Services Use;
 - iii. Maintain the site aesthetics;
 - iv. Respect state law restrictions on smoking and use designated smoking areas where provided;
 - v. Comply with City of Bellevue regulations governing public conduct (including but not limited to the prohibition on public camping, loitering, trespassing, panhandling, etc.); and
 - vi. Comply with terms of Good Neighbor Agreement provisions that apply to occupants of the Homeless Services Use.
- g. A Safety and 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 security patrols;
 - iii. A plan to address disruptive behavior within a Homeless Services Use and in the Perimeter Area that infringes on the safety of occupants or employees of the use, and a description of the consequences for engaging in disruptive behavior;

- iv. A plan for managing loitering, panhandling, and unpermitted camping in the Perimeter Area of the Homeless Services Use;
 - v. 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;
 - vi. Implementation of registered sex offender background checks and compliance with applicable registration and notification requirements;
 - vii. A plan for managing individuals excluded from accessing the proposed Homeless Services Uses;
 - viii. 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;
 - ix. A plan for coordination and communication between the Operator, Bellevue Police, and other local and regional law enforcement agencies to ensure timely information sharing between agencies;
 - x. A plan for coordination with state and local law enforcement to ensure compliance with conditions of parole, probation, or community custody, including but not limited to any residency restrictions;
 - xi. Provision of a phone number and point of contact at the site of the proposed Homeless Services Use for the community to report concerns;
 - xii. A plan for addressing reported concerns and documenting resolution, and making this information publicly available; and
 - xiii. Identification of performance metrics that will be used to track compliance with the Safety and 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 LUC 20.20.455.F.1 and F.2 above and any additional submittal requirements identified in the resolution as needed for City Council negotiation of the development agreement pursuant to LUC 20.20.455.F.3.

G. Good Neighbor Agreement Process Required

This section describes the required Good Neighbor Agreement Advisory Committee process.

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;
 - 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;
 - c. Considering the communities and land uses within which the Homeless Services Use is proposed;
 - 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. 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 people experiencing homelessness at risk.
2. Technical Support and GNA Membership and Commitment.
 - a. Technical Support Team. Following submittal of Pre-Application Materials pursuant to LUC 20.20.455.E.1, the Director shall constitute a Technical Support Team to work with the GNA Advisory Committee. The Director shall consult with department heads in relevant City departments to identify staff that will fill the required City staff roles in a neutral manner (free of self-interest). All members of the Technical Support Team shall meet one or more of the below-described skill and/or subject matter expertise requirements. A single person may be identified to represent more than one of the roles identified below.
 - i. A City staff person who will act as neutral facilitator for the GNA Advisory Committee.
 - 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 and local knowledge of the proposed site from the Bellevue Police department.
 - iv. A staff person with subject matter expertise from the Bellevue Fire department.
 - v. Up to two representatives from a faith-based or non- governmental organization. These representatives are required to be a Bellevue resident or work with a faith-based or non-governmental organization that operates in Bellevue, and have subject matter expertise in the provision of shelter services in King County.
- b. Member Composition. It is the responsibility of the Director to constitute the GNA Advisory Committee. Membership should be composed of individuals meeting the below-described locational or subject matter expertise requirements. A single individual may be identified to represent more than one of the roles requiring subject matter expertise.
- i. Up to a maximum total of eight residents that live within the City of Bellevue and meet the following locational requirements:
 - 1) Up to eight residents who reside within one mile (5,280 feet) of the proposed Homeless Services Use who will represent residents in the vicinity. Participation priority should be given to those residents living in closest proximity to the proposed Homeless Services Use.
 - 2) Up to two residents of the city at-large who are appointed by the City Council to represent citywide interests in the Homeless Services Use approval process.
 - ii. Up to one parent or guardian to represent the K-12 student perspective with local knowledge of the enrollment area(s) where the Homeless Services Use is proposed to be located.
 - iii. Up to three representatives from businesses located within one mile (5,280 feet) of the proposed Homeless Services Use who will represent business interests in the vicinity. Participation priority should be given to those representatives of businesses located in closest proximity to the proposed Homeless Services Use.
 - iv. One representative of the proposed Homeless Services Use Operator.
 - v. One representative of the agencies or organizations identified as a Provider for the proposed Homeless Services Use.

- vi. One representative of the agencies or organizations identified as a Funder for the Homeless Services Use.
 - vii. Up to one representative of the population of individuals who has experienced homelessness in the past, or is currently experiencing homelessness, and is willing to serve on the GNA Advisory Committee.
 - viii. Up to one representative of the human service community with a background in the provision of human services in King County.
- 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 or 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 Advisory 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 Standard Operating Procedures and project design;
 - b. Participating in context setting to describe the community within which the Homeless Services Use is proposed to be located;

- c. Providing early and ongoing advice to the Homeless Services Use Operator on how to incorporate context sensitive design into the proposed project;
 - d. Providing advisory guidance to permit decision makers as described in more detail below regarding Homeless Services Use design and operational concerns prior to any recommendation of the Director on a development agreement or CUP;
 - e. Collaborating with the Operator to establish a plan for communications, and engagement in any Community-Endorse Service Program, between the Operator and neighbors after the use is established, constructed and operational; and
 - f. Collaborating with the Operator to consider and evaluate metrics for success of the shelter operations, including security, sanitation, and transitioning shelter clients out of homelessness.
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 first Community Meeting (GNA Advisory Committee input provided within One Month of the second Community Meeting)
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 Standard Operating Procedures 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. A Homeless Services Use requires approval of a Conditional Use Permit pursuant to LUC 20.20.455.D.2 unless the City Council agrees to negotiate a development agreement pursuant to LUC 20.20.455.D.1 and 20.20.455.E.4. The approval process requirements contained in this paragraph apply to all Homeless Services Uses irrespective of whether City review under LUC 20.20.455.D is undertaken through the negotiation of a development agreement or through processing of a Conditional Use Permit.
 - a. **Development Agreement – Council Decision.**
 - i. **Scope of Approval.** A Homeless Services Use may be permitted and established pursuant to the terms of a development agreement entered into between the City and a Homeless Services Use Operator when the location, design and operation is negotiated pursuant to Chapter 36.70B RCW, LUC 20.20.455.E.4 and is consistent with the terms of this section LUC 20.20.455.H.

- ii. **Applicable Process.** A development agreement adopted by the City Council shall be processed under the authority of and pursuant to the procedures set forth in Chapter 36.70B RCW and this section LUC 20.20.455.H. Any development agreement adopted by the City Council shall be consistent with all applicable Comprehensive Plan policies and all adopted “development standards,” as that term is used in RCW 36.70B.170(3), that govern and vest the development for a specified time duration; provided, that a development agreement may not extend the vesting period for longer than 15 years from the effective date. Periodic review of the conditions of a Development Agreement and grounds for revocation may be included. Any appeal of a development agreement shall be directly to superior court.
- b. **Conditional Use Permit – Hearing Examiner Quasi-Judicial Decision.**
 - i. **When Required.** Development of any Homeless Services Use requires approval under applicable Bellevue city codes and the development requirements of this section LUC 20.20.455 through a Conditional Use Permit (CUP) process when the City Council has declined to negotiate a development agreement, or when the applicant has requested processing as a CUP.
 - ii. **Scope of Approval.** When a Homeless Services Use has not been permitted outright in a City Council adopted development agreement, a Conditional Use Permit shall be required to establish the use and approve the design.
 - iii. **The Conditional Use Permit shall be reviewed through Process I** (LUC 20.35.100 through 20.35.150) as enhanced by the provisions of this section LUC 20.20.455.
 - iv. **Periodic review of the conditions of permit approval may be imposed pursuant to the terms of LUC 20.30B.165.**
 - v. **The Conditional Use Permit may be modified or revoked pursuant to the terms of LUC 20.30B.170.**
- 2. **Decision Criteria applicable to Development Agreements and Conditional Use Permits for a Homeless Services Use.** The City may approve or approve with modifications a development agreement or conditional use permit application for a Homeless Services Use and design if the applicant demonstrates that:
 - a. **The proposal complies with the Conditional Use Permit decision criteria of LUC 20.30B.140;**
 - b. **The proposal complies with the applicable requirements of the BCC;**

- c. The proposal includes a Standard Operating Procedure plan meeting the requirements of LUC 20.20.455.F.2.e.;
 - d. The proposal includes a Code of Conduct meeting the requirements of LUC 20.20.455.F.2.f.;
 - e. The proposal includes a Safety and Security Plan meeting the requirements of LUC 20.20.455.F.2.g and incorporating the feedback provided by the Bellevue Police Department;
 - f. The facility design input of the GNA Advisory Committee developed pursuant to Figure 20.20.455.G.4 has been integrated into the Homeless Services Uses to the maximum extent feasible; and
 - g. The proposal addresses all applicable design guidelines and development standards of this section LUC 20.20.455 and any applicable land use district overlay in a manner which fulfills their purpose and intent.
3. Minimum required notice and public engagement procedures for Homeless Service Uses shall adhere to the Process I requirements applicable to Conditional Use Permits, and shall specifically include the following:
- a. Notice of the Pre-Application Community Meeting shall be provided pursuant to LUC 20.35.120.B, and prospective members of the GNA Advisory Committee shall be invited to attend. Required mailed notice for a Homeless Services Use shall be expanded to include owners of real property within 1,000 feet of the project site;
 - b. Notice of an application to establish any Homeless Services Use shall be provided pursuant to LUC 20.35.120. Required mailed notice for a Homeless Services Use shall be expanded to include owners of real property within 1,000 feet of the project site;
 - c. A minimum comment period associated with any Homeless Services Use application shall be provided pursuant to LUC 20.35.125; and
 - d. A public meeting shall be held pursuant to LUC 20.35.127 on all applications to establish a Homeless Services Use. Prior to the public meeting, the Operator shall meet and confer with the Bellevue Police Department regarding the proposed Safety and Security Plan described in the submittal materials as required by LUC 20.20.455.F.2.g above. At the public meeting, a representative of the Homeless Services Use Operator shall present in writing and describe the proposed Safety and Security Plan, and any input or comments received on the plan from the Bellevue Police Department.

4. Director's Recommendation.

a. Content.

- i. Development Agreements. A written report of the Director shall be prepared. The Director's recommendation shall be based on the requirements of Chapter 36.70B RCW and the decision criteria contained in LUC 20.20.455.H.2 of this section.
 - ii. Conditional Use Permits. A written report of the Director shall be prepared pursuant to LUC 20.35.130.
- b. Notice of Availability of the Director's Recommendation, SEPA Determination, and Public Hearing. Notice of the availability of the Director's recommendation shall be provided pursuant to LUC 20.35.135.

5. Public Hearing and Appeals

- a. Development Agreements. Public Hearings on Development Agreements applied for to establish a Homeless Services Use shall be held by the City Council pursuant to Chapter 36.70B RCW and adopted City Council rules of procedure.
 - b. Conditional Use Permits. Public Hearings on Conditional Use Permits applied for to establish a Homeless Services Use shall be held by the Hearing Examiner pursuant to LUC 20.35.137. The Hearing Examiner shall render a decision pursuant to LUC 20.35.140, and appeals of the Hearing Examiner decision shall be governed by the requirements of LUC 20.35.150.
6. Recording. The description of the population to be served, the conditions of approval, and any Binding Site Plan for a Homeless Services Use shall be recorded with the King County Recorder's Office or its successor organization.
7. Modifications to a Homeless Services Use. Conditions of approval for a Homeless Services Use apply for the life of the project. Any increase in the number of beds beyond that applied for by the applicant and included in the City approval, or changes to the population served by the Homeless Services Use, shall be processed as a new application in accordance with the standards and requirements for a new or expanding use in this section LUC 20.20.455.
8. Abandonment. Any established Homeless Services Use that is abandoned for a continuous period of one year or more shall not be permitted to be re-established, except as allowed in accordance with the

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

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:

- 1) Should locate within one mile of a public transit stop; and
- 2) Shall locate greater than one-half mile from any other Homeless Services Use permitted under the terms of the section LUC 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.
- 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 Safety and Security Plan updated to incorporate input and comments received on the plan from the Bellevue Police Department.

b. 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 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 (e.g., Downtown, BelRed, Critical Areas Overlay, etc.) shall be met unless specifically modified by the terms of this section when applied to a Homeless Services Uses.
- 6. Medically Supervised Consumption Centers (MSCC) are prohibited. MSCCs are prohibited in all land use districts pursuant to LUC 20.10.410, and shall not be allowed (whether temporary, mobile or in a structure) to locate on a property where a Homeless Services Use has been permitted under the terms of this section LUC 20.20.455.

J. Design Guidelines

- 1. Context.
 - a. Architectural elements should enhance, not detract from, the area's overall character;
 - b. Incorporate architectural elements at a scale and location that ensures detailing is proportionate to the size of the building; and
 - c. 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:
 - a. Visibility of entrance and exit points to and from any structure housing a Homeless Services Use;
 - b. Open and well-lighted pedestrian connections between the Homeless Services Use, accessory parking, transit services and other supportive services in the area; and
 - c. Video surveillance of entrance and exit points to and from any structure housing a Homeless Services Use.
- 3. Common Areas.

- a. 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 a 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 section LUC 20.20.455.

Section 2. A new Land Use Classification of Homeless Services Uses is hereby added to the Services Use Charts of the Bellevue Land Use Code and is permitted in the following Land Use Districts through approval of a Conditional Use Permit (C) or adoption of a Development Agreement (DA) by the Bellevue City Council.

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)
 - b. Office Limited Business 2 (OLB-2)
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)
- 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)

Section 3. A note is hereby added to the new Land Use Classification of Homeless Services Uses in each Services Use Chart of the Bellevue Land Use Code to read as follows:

A Homeless Services Use requires approval of a Conditional Use Permit unless the City Council agrees to negotiate a development agreement. Refer to LUC 20.20.455.D.

Section 4. A new definition of Overnight Shelter: Emergency/Temporary is hereby added to the O Definitions in section 20.50.038 of the Bellevue Land Use Code to read as follows:

Overnight 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.

Section 5. A new definition of Overnight Shelter: Permanent is hereby added to the O Definitions in section 20.50.038 of the Bellevue Land Use Code to read as follows:

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

Section 6. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 7. This Ordinance shall take effect and be in force five (5) days after its passage and legal publication.

Passed by the City Council this 16th day of JULY, 2018
and signed in authentication of its passage this 18th day of JULY,
2018.

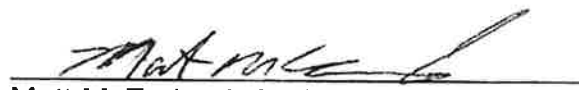
(SEAL)




John Chelminiak, Mayor

Approved as to form:

Lori M. Riordan, City Attorney


Matt McFarland, Assistant City Attorney

Attest:


Kyle Stannert, City Clerk

Published 7/19/18