

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 20.20.455 LUC.

Deleted: is required

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:
 - i. Name of the Operator;
 - ii. Experience running Homeless Services Uses; and
 - iii. Statement of homeless population to be served and occupancy target for each Homeless Services Use proposed.
2. Pre-application Community Meeting.
 - a. When Required. If an applicant for a Homeless Services Use requests the City to negotiate a development agreement, a pre-application community meeting is required.
 - b. Timing. The applicant shall hold a pre-application community meeting prior to any City Council determination of the Process Path as provided by paragraph 4 below.
 - c. Purpose. The purpose of the pre-application community 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

Deleted: Prior to City Council determination of the Process Path as provided by paragraph 4 below, t

Deleted: public informational

Deleted: this

information about the proposal and the community where the use is proposed to be located.

- d. Informational Content. In addition to the materials required by paragraph 1 above, the Operator should share information regarding its intended permit application (including 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.
- e. Notice. Notice of the Pre-application Community Meeting shall be provided by the Director pursuant to the requirements of LUC 20.35.120.B. The required mailing radius for notice of a Homeless Services Use pre-application community meeting shall be expanded to include owners of real property within 1,000 feet of the project site.

Deleted: T

Deleted: submitted with

Deleted: e.g.,

Deleted: the

Deleted: , and t

Deleted: , and t

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 the following decision criteria:

Deleted: , and t

Deleted: this section 20.20.455 LUC.

- i. The applicant has provided data describing the extent to which the proposed homeless population on the Eastside requires shelter and/or supportive services;
- ii. The applicant intends to seek funding for the proposed Homeless Services Use from the City or from A Regional Coalition for Housing;
- iii. The applicant is an Operator (or has identified an Operator) with demonstrated experience running successful Homeless Services Uses for the homeless population that is intended to be served; and

Deleted:

- iv. The draft Safety and Security Plan has undergone preliminary review and incorporated feedback from the Bellevue Police Department.

If the City Council declines to negotiate a development agreement, the Homeless Service Use shall be processed as a Conditional Use Permit pursuant to this section LUC 20.20.455.

- b. Conditional Use Permit. An applicant may request the Director to process a Conditional Use Permit pursuant to the provisions of this section LUC 20.20.455 LUC without holding a pre-application community meeting or presenting the pre-application materials to the City Council for consideration.

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 LUC.

ii. Applicable Process. A development agreement adopted by the City Council shall be processed under the authority of and pursuant to the procedures set forth in Chapter 36.70B RCW 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

Deleted: Legislative

Deleted: is

Deleted: outright

Deleted: may be

Deleted: imposed

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; and
 - b. The proposal complies with the applicable requirements of the BCC; and
 - 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;
 - 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

Deleted: n

- 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.
 - 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.
 - 1. Development Agreements. A written report of the Director shall be prepared. The Director's recommendation shall be based on the requirements of Chapter 36.70B RCW and the decision criteria contained in LUC 20.20.455.H.2 of this section.
 - 2. Conditional Use Permits. A written report of the Director shall be prepared pursuant to LUC 20.35.130.
 - b. Notice of Availability of the Director's Recommendation, SEPA Determination, and Public Hearing. Notice of the availability of the Director's recommendation shall be provided pursuant to LUC 20.35.135.
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 for legislative hearings.
 - b. Conditional Use Permits. Public Hearings on Conditional Use Permits applied for to establish a Homeless Services Use shall be held by the Hearing Examiner pursuant to LUC 20.35.137. The Hearing Examiner shall render a decision pursuant to LUC 20.35.140, and appeals of the Hearing Examiner decision shall be governed by the requirements of LUC 20.35.150.
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 an Homeless Services Use. Conditions of approval for a Homeless Services Use apply for the life of the project. Any increase in the number of beds beyond that applied for by the applicant and included in the City approval, or changes to the population served by the Homeless Services Use, shall be processed as a new application in accordance

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

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.

....

DRAFT