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BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE

In the Matter of the Application for

DSD File No.: 21-100169-LB

CONGREGATIONS FOR THE HOMELESS SHELTER AND CENTER CONDITIONAL USE PERMIT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

located at 13668 SE Eastgate Way

SUMMARY OF DECISION

The Congregations for the Homeless Shelter and Center (CFH) seeks conditional use permit approval to construct a three-story, 100-bed permanent men’s shelter along with a 125-person day center and offices for CFH administration on .736 acres. After studying the complete record and conducting a public hearing, the undersigned Hearing Examiner **APPROVES** the conditional use permit **WITH CONDITIONS** as set out in this decision.

APPLICATION

CFH seeks conditional use permit approval to construct a three-story, 100-bed permanent men’s shelter along with a 125-person day center and offices for CFH

CITY OF BELLEVUE
450 – 110th Avenue NE
P. O. Box 90012
Bellevue, WA 98009-9012

1 administration on .736 acres. The day center portion of the building will include reception,
2 dining, kitchen, hygiene, services, and community day center gathering spaces. It includes
3 meeting rooms, a medical room, storage and donation areas, staff/guest laundry, bathrooms,
4 and CFH workspaces. The upper level contains overnight sleeping accommodations for 100
5 men, including beds, lockers, laundry, storage, and bathing facilities. The lower level
6 contains offices, a library, mental health counseling rooms, and flexible meeting and training
7 spaces. Outdoor space around the building will provide seating, gardens, walking paths, and a
8 smoking shelter.

9 CFH's planned building is located on Lot 2 of a previously approved three-lot Master
10 Development Plan (MDP) (20-112403-LP) and Binding Site Plan (BSP)(20-119453-LF).
11 Lots 1, 2, and 3 of the MDP are being developed in three phases and will be referred to as
12 "Campus" in this decision. Phase I includes 360 units of affordable housing available to
13 qualifying households earning 60 percent or less of average median income on 7.3 acres.
14 The 360 units will be divided between two six-story towers, and 273 parking stalls will be
15 provided. Phase II is the instant project, and the Phase III development is a four-story
16 residential building with 95 housing units on 1.69 acres, intended as transitional housing for
17 residents exiting homelessness. Phase I and Phase III are already under construction.

18 The Campus is located within the Richards Valley Subarea and was formerly a
19 concrete and asphalt plat, truck maintenance yard, and dispatch facility. It is adjacent to the
20 King County Transfer Station along its north property line, with office development along its
21 west and east property boundaries. The properties are bounded to the south by SE Eastgate
22 Way which provides the primary vehicular site access. The driveway is located at the
23 southwest corner of the Campus. There is a secondary site access at the southeast portion of
24 the Campus connecting to an unpaved driveway.

The Campus site contains critical areas in the form of wetlands and Sunset Creek at
the western portion of the site. Steep slopes are also located throughout the Campus creating
a break in the center dividing it into an upper and lower bench. Phase I will be located on the
lower bench while Phases II and III and will be located at the upper bench. Critical areas are

1 located throughout the site and have been addressed through an approved Critical Areas Land
2 Use Permit (CALUP 20-112548 LO) and the MDP. The MDP required that Native Growth
3 Protection Easements be filed on each of the lots within the Campus. This was completed on
4 August 13, 2021 for Lot 2.

5 The Campus site steps down a total of 130 feet from east to west. The east side of the
6 site, where the shelter building is located, is predominantly flat. Continuing west, the site
7 slopes down toward Sunset Creek before sloping back up at its westerly boundary. The
8 upper bench where the CFH project is located contains exposed gravel and soil. There is an
9 existing retention pond at the northwest corner of the site that collects on-site stormwater.

10 **CONTENTS OF THE RECORD**

11 The record consists of Exhibit C-1, the DSD staff report and permit file; Exhibit C-2,
12 City PowerPoint Presentation; Exhibit C-3, the City's Master Development Plan File; Exhibit
13 A-1, the Applicant's PowerPoint Presentation, and Exhibit P-1, which includes all written
14 comments from the public. The record also includes the recording of the virtual public hearing
15 held November 4, 2020 at 6:00 p.m. The Examiner heard witnesses from the City, including
16 Antoinette Pratt, Senior Land Use Planner, Ryan Miller, Senior Transportation Engineer, David
17 Sanabria, Police Captain, and Liz Stead, Land Use Director. The applicant, CFH, presented the
18 testimony of Linda Hall, CFH Project Manager, and David Bowling, another employee of CFH.
19 Members of the public also testified, including: Steven Roberts, Judy Faast, Lisa Leitner, and
20 Christopher Ross.

21 **PROCEDURE**

22 The application is for a conditional use permit approval, and is a Process I application
23 under the Land Use Code (LUC). Under Process I, the Director makes a recommendation to
24 the Hearing Examiner, and following the public hearing, the Hearing Examiner makes a
decision to approve, approve with conditions or deny the conditional use. That decision is
final, unless appealed to the City Council.

CITY OF BELLEVUE
450 – 110th Avenue NE
P. O. Box 90012
Bellevue, WA 98009-9012

1 **FINDINGS OF FACT**

2 All of the above information provided is adopted as findings of fact.

3 **A. Proposal**

4 1. The Congregations for the Homeless Shelter and Center (CFH) seeks
5 conditional use permit approval to construct a three-story, 100-bed permanent men’s shelter
6 along with a 125-person day center and offices for CFH administration on .736 acres.

7 2. The City of Bellevue began operating a cold weather shelter in 2008, after an
8 individual was found deceased in the woods due to exposure. This shelter only became
9 operational when the temperature was 32 degrees or lower. After a few years, the City put
10 new policies in place that converted the cold winter shelter into a winter shelter that would
11 provide predictability of services without reliance on a predetermined temperature. Ex. C-1
12 Staff Report at 7.

13 3. CFH operated a winter shelter under the above-referenced policies which
14 allowed shelter services to men experiencing homelessness from November 1 to April 30.
15 Men who were sheltered during the winter months became unsheltered during the spring and
16 summer months. However, the day center remained open to feed and provide day services to
17 these individuals. CFH has operated a shelter in this format in a total of seven different
18 locations. *Id.*

19 4. In 2012, the City publicly committed to provide a permanent shelter location
20 for men experiencing homelessness. Similarly, the City of Kirkland committed to hosting a
21 facility for women and families experiencing homelessness, and the City of Redmond
22 committed to hosting a facility for homeless youth. *Id.*

23 5. In 2014, the Bellevue City Council developed a Council priority to site a year-
24 round permanent men’s shelter as a part of its Diversity Advantage Plan. *Id.* at 7-8.

6. Shortly after adoption of the Council priority, work began on the siting of a
permanent men’s shelter, including evaluation of possible sites. Ultimately the location at

1 13620 SE Eastgate Way¹ was chosen. In the interim and with City Council support, CFH
2 began operating a year-round shelter temporarily located at the Lincoln Center, 515 116th
3 Avenue NE in 2019. The lease on this property expires on December 31, 2022. The
4 intention is that a permanent men’s shelter be operated by CFH at the 13620 SE Eastgate
5 Way site, therefore fulfilling the Council priority to operate a year-round homeless shelter for
6 men. *Id.* at 8.

7 7. Design of the facility included a stakeholder process, in which the design team
8 consulted with the men who are served, staff, and neighbors, to determine functionality of the
9 shelter facility. *Id.*

10 8. The building will be 20,745 square feet in size, spread among three levels. It
11 will operate 24 hours a day, seven days a week and includes the following facilities:

- 12 a. Overnight sleeping accommodations for 100 people;
- 13 b. Space for service provisions for mental health, employment, addiction
14 recovery, outreach, permanent housing, and other services;
- 15 c. Showers, bathrooms, and laundry;
- 16 d. Large gathering spaces for meals and other activities;
- 17 e. Kitchen and pantry;
- 18 f. Donations and storage;
- 19 g. CFH administrative offices; and
- 20 h. Computers and charging stations. *Id.* at 8-9.

21 9. The three-story building is located on a stepped-down building pad, allowing
22 entry to the front of the building through an entry bridge. The building is rectangular in

23 ¹ The site address is referred to as both 13620 and 13668 SE Eastgate Way. The original site address was
24 13620, but once the site was divided into three lots through the binding site plan, Lot 2 was given the site
address of 13668.

1 shape, but will include a mural on the front that spans the entire length and height of the two-
2 story façade to the front. There will be a mixture of textures and materials used on the façade
3 to break down the mass and scale of the building. Building overhangs will provide weather
4 protection at all entrances. *Id.* at 9.

5 10. On the east side of the building there is a patio area accessed from the multi-
6 purpose rooms inside the building. A smoking shelter is located in this area with a canopy
7 cover and seating in the southeast corner of the property. To ensure the smoking shelter is
8 located a sufficient distance from an offsite adjacent, pre-existing daycare use, it was sited
9 near the property line. At this time, this location does not meet the Land Use Code
10 requirement for a 25-foot setback. The adjacent neighbor, Eastgate Housing LLC (Plymouth),
11 does not object to this intrusion into the setback, but a boundary line adjustment will occur to
12 allow the property line to be adjusted so the smoking shelter will be outside of the required
13 setback. CFH will also provide screening for the shelter. *Id.* A condition will be included in
14 this decision to require the boundary line adjustment.

15 11. The building plans have been reviewed by the Washington State Department of
16 Commerce and confirmed to exceed the Evergreen Sustainable Development Standard
17 (ESDS). ESDS is based on the nationally-recognized Green Communities standard, with
18 modifications to reflect Washington State priorities and building codes. ESDS contains
19 criteria that safeguard health and safety, increase durability, promote sustainable living,
20 preserve the environment, and increase energy and water efficiency. *Id.* at 12.

21 12. Design of the building was influenced through recent recommendations from
22 public health authorities based on experience in operating shelters during the Covid-19
23 pandemic. These design standards include:

- 24 a. Fewer fixed walls allowing for room for people to spread out;
- b. Curtain dividers providing flexible soft barriers between beds;
- c. Emphasis on outdoor gathering spaces;

- d. Incorporation of two private rooms with full baths;
- e. Sanitation emphasis with handwashing stations, baths, showers, and laundry facilities; and
- f. Ventilation that meets or exceeds public health guidelines. *Id.* at 12.

13. The design of the building and landscaping has also incorporated “Crime Through Environmental Design (CPTED) principles to support safety and security. These standards include, but are not limited to:

- a. Incorporation of public, semi-private, and private zones;
- b. Monitored video surveillance;
- c. Clear sight lines—maintain interior and exterior visual corridors;
- d. Lighting to support clear sight lines; and
- e. Creation of activated- high use spaces. *Id.* at 13.

14. Bellevue Police Department staff trained in CPTED has reviewed the design, specifically evaluating the physical security of the structure against the following principles: natural surveillance, territorial behaviors, and natural access controls. Police Captain David Sanabria testified in support of the proposal, indicating that CFH had integrated the CPTED principles into the design. CFH will maintain 24-hour staffing seven days a week, along with video surveillance of entrance and exit points. People seeking access to the shelter will be directed to staffed reception at the main entrance. Vegetation across the site has been selected with the intention of maintaining clear sight lines. *Id.*

B. Consistency with the Land Use Code

15. The staff report details the consistency of the proposal with the general development standards for the OLB-2 zone and for homeless services uses. *Id.* at 14. This application qualifies as a Homeless Services use, which is defined at LUC 20.20.455 as a collection of ongoing services to people experiencing homelessness, including a Day Services Center, Overnight Shelter (Emergency/Temporary), and Overnight Shelter (Permanent). A

CITY OF BELLEVUE
450 – 110th Avenue NE
P. O. Box 90012
Bellevue, WA 98009-9012

1 homeless services use application requires either a conditional use permit approval or a
2 development agreement with the City Council. For this application, the applicants seek a
3 conditional use permit approval.

4 16. The application for a homeless services use must include the following:

5 a. A description of the homeless population to be served by the proposed homeless
6 services use, dates and times of operation, and associated occupancy targets.

7 b. A statement of the operator's experience at providing homeless services uses,
8 including examples of similar facilities managed by the operator.

9 c. A list of transit stops and park and rides within one-half mile of the proposed
10 homeless services use.

11 d. A list of job retraining and education uses within one-half mile of the proposed
12 homeless services use.

13 e. A standard operating procedures plan including, but not limited to:

14 i. A description of how the proposed homeless services uses will serve the
15 homeless population that will be accommodated by the use;

16 ii. A description of staffing for the proposed homeless services use and the
17 training provided to staff hired to fulfill the identified staffing demand;

18 iii. A description of the anticipated providers that will serve the population that
19 will be accommodated by the homeless services use;

20 iv. A description of the known funders for the homeless services use;

21 v. A description of the proposed perimeter area around the site where the code
22 of conduct and applicable sections of the safety and security plan will apply;

23 vi. A map of proposed travel routes that the operator will suggest individuals
24 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;

1 viii. A plan for encouraging prospective occupants to provide personal
2 identification for inclusion in the Homeless Management Information System
3 (HMIS) to help increase opportunities to provide access to housing and
4 services and to secure public funding for the proposed homeless services use;

5 ix. Where appropriate and feasible, a plan for developing a community service
6 model that is tailored to the homeless population to be served at the location
7 where the homeless services use is proposed to be located. A community
8 service model is intended to provide a framework for persons experiencing
9 homelessness to work volunteer service hours within the scope of their ability
10 in the community where they are receiving support from a homeless services
11 use;

12 x. Where applicable, a plan to ensure that school-aged residents of the use are
13 enrolled in school during their stay;

14 xi. Identification of a primary point of operator contact for assistance and
15 referrals to send homeless individuals seeking services;

16 xii. A plan for managing exterior appearance of the proposed homeless services
17 use, including trash/litter, hazardous materials, and biohazards within the
18 identified perimeter area of the site;

19 xiii. A description of how the operator will inform and educate occupants of
20 the homeless services uses regarding the code of conduct; and

21 xiv. A description of consequences to be imposed for violating the code of
22 conduct.

23 f. A code of conduct that applies within the perimeter area to all individuals granted
24 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;

1 v. Comply with City of Bellevue regulations governing public conduct
2 (including but not limited to the prohibition on public camping, loitering,
trespassing, panhandling, etc.); and

3 vi. Comply with terms of good neighbor agreement provisions that apply to
4 occupants of the homeless services use.

5 g. A safety and security plan describing measures that the operator will employ to
6 promote the safety of shelter occupants and surrounding residents and businesses,
7 including but not limited to:

8 i. Criteria for rejection or removal of an individual seeking access to the
9 proposed homeless services use;

10 ii. A plan for deployment (including time, place and manner) of security
11 patrols;

12 iii. A plan to address disruptive behavior within a homeless services use and in
13 the perimeter area that infringes on the safety of occupants or employees of the
14 use, and a description of the consequences for engaging in disruptive behavior;

15 iv. A plan for managing loitering, panhandling, and unpermitted camping in
16 the perimeter area of the homeless services use;

17 v. Identification of site specific magnet areas (e.g., greenbelts, parks, libraries,
18 transit facilities, etc.) and a plan to address behavior that is inconsistent with
19 the code of conduct and Bellevue City Code;

20 vi. Implementation of registered sex offender background checks and
21 compliance with applicable registration and notification requirements;

22 vii. A plan for managing individuals excluded from accessing the proposed
23 homeless services uses;

24 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;

1 x. A plan for coordination with state and local law enforcement to ensure
2 compliance with conditions of parole, probation, or community custody,
including but not limited to any residency restrictions;

3 xi. Provision of a phone number and point of contact at the site of the
4 proposed homeless services use for the community to report concerns;

5 xii. A plan for addressing reported concerns and documenting resolution, and
6 making this information publicly available; and

7 xiii. Identification of performance metrics that will be used to track compliance
with the safety and security plan.

8 LUC 20.20.455.F.2.a-g. The staff report at pp. 7-29 and at 41-45, as well as Attachments,
9 details the proposal's adherence to these requirements.

10 17. The proposal has engendered public comment during the application process.
11 The City held two public meetings during its review of the proposal and CFH held numerous
12 public engagement meetings. Some of the comments are memorialized in the staff report,
13 which is incorporated herein by reference. *Id.* at 16-19. The testimony at the public hearing
before the Hearing Examiner was overwhelmingly and without exception supportive of the
14 proposal.

15 18. LUC 20.20.455.G requires that a homeless services provider interact with a
16 Good Neighbor Agreement Advisory Committee (GNAAC) to foster communication between
the adjacent community in which the homeless services provider will operate while also
17 identifying issues of importance early in the review process. The LUC provides guidance for
what is included in GNAAC review, along with requirements for member composition for the
18 GNAAC. LUC 20.20.455.G requires that the GNAAC discuss the site context, design, and
operations. *Id.* The GNAAC, with the help of technical staff, develops a Good Neighbor
19 Agreement, which is a non-binding document that contains the GNAAC's recommendations
to the Land Use Director to inform the CUP recommendation to the Hearing Examiner. The
20 Good Neighbor Agreement is contained in the Staff Report at Attachment D. *Id.* at
21 Attachment D. The Director has reviewed the GNAAC's recommendations and identified
22

1 those recommendations that will be incorporated as conditions of approval for the submitted
2 applications. Attachment E contains identified conditions accepted by the Director and
3 subsequent placement in approved conditions. *Id.* at Attachment E.

4 19. The staff report also details technical review outcomes at pages 20-29 of the
5 staff report, which is herein incorporated by reference. *Id.* at 20-29. An additional access
6 road will provide this site and the adjacent site with access for deliveries, garbage trucks and
7 pick-up and drop-off. Sidewalks will be extended across the full length of the parcel frontage
8 to the east and west of the site to connect to existing sidewalk, which provides access to
9 transit facilities and commercial areas near the site. To the west, there is a gap in the sidewalk
10 from the Humane Society to Southeast Richards Road, but there is an existing bike lane that
11 can be used by pedestrians. The project to finish out this missing strip of sidewalk is currently
12 on the Transportation Facilities Plan for development in the upcoming six years. Testimony
13 of Ryan Miller.

14 20. Construction of infrastructure improvements is required to provide safe
15 pedestrian and vehicular access in the vicinity of the site, as a condition of development
16 approval. Transportation infrastructure improvement requirements are detailed in the staff
17 report at Section XIV.C and D. Ex. C-1 at 23.

18 21. The landscaping plan has been designed for low water use and maintenance.
19 Native plantings and drought resistance ornamentals will be used for plantings, and
20 preservation of existing mature trees is a priority. Planting of new grass will be kept to a
21 minimum. *Id.* at 15.

22 22. LUC 20.20.590 does not define the number of parking stalls required for a
23 homeless shelter. This proposal is classified as an unspecified use per LUC 20.20.590.F.2.
24 To comply with the standards of unspecified uses, a Transportation Impact Analysis (TIA)
submitted by the Transpo Group was reviewed and approved for the MDP. Both CFH and
Eastgate Housing, LLC who will be located on Lot 3 will share 64 parking stalls. The CFH
will provide 10 bicycle racks also. *Id.* at 15.

1 23. The Bellevue Police Department reviewed the application and held “Meet and
2 Confer” meetings with CFH as required by LUC 20.20.455.H.3.d. Captain David Sanabria of
3 the BPD served as a technical advisor to the GNAAC. The BPD made recommendations to
4 the GNAAC and the Department concerning security. *Id.* at 26-29. Those recommendations
5 are incorporated into CFH’s internal/site security plan. CFH has a history of regular
6 collaboration and coordination with BPD, which will be continued during the life of this
7 project. Both BPD and CFH have committed to meeting quarterly, at a minimum. *Id.* at 26.

8 24. The property is located within the Office Limited Business-2 (OLB-2) land use
9 district. LUC 20.25C.050 contains site and building design guidelines for the OLB-2 District,
10 which are intended to make “an area a special distinct ‘place,’ not simply a group of
11 individual buildings and streets.” The staff report has detailed responses to each requirement,
12 which are incorporated by reference herein. Exhibit C-1, Staff Report at 34-37. Most of the
13 design features have already been enumerated in this decision. One issue of note is that
14 although critical areas review was accomplished during the review process for the MDP,
15 CFH’s structure placement on Lot 2 lies within the buffer area of an off-site Type IV wetland
16 at its northern property boundary. To fulfill the MDP conditions of approval regarding
17 wetland mitigation, CFH is responsible for enhancing this buffer area per the approved plans
18 developed by the Watershed Company. CFH will replant the site outside of these buffers in
19 accordance with the proposed landscaping plan to enhance the site while also implementing
20 the Crime Prevention Through Environmental Design (CPTED) principles, as reviewed by the
21 Bellevue Police Department. *Id.* at 33.

22 25. Further, the site design does a good job of promoting community gathering
23 outdoors. There are four areas for outside gatherings on the site: a patio along the north side
24 of the building, the elevated pedestrian walkway at the front of the building, the designated
smoking shelter, and a vegetated amphitheater along the south building façade to allow for
outdoor meetings. *Id.* at 33.

1 **C. Review under the State Environmental Policy Act**

2 26. Review under the State Environmental Policy Act conducted for this proposal
3 was completed and a Determination of Non-Significance was issued. *Id.* at 1. No appeals
4 were filed.

5 **D. Consistency with the Comprehensive Plan**

6 27. Consistency with the Comprehensive Plan. The site is located within the
7 Office Limited Business comprehensive plan designation and the Richards Valley Subarea.
8 The Comprehensive Plan designation is consistent with the zoning classification of OLB-2.

9 28. Applicable Richards Valley Subarea Plan policies related to critical area
10 protection include the following:

11 *Policy S-RV-1: Enhance the natural environment within the industrial area by*
12 *encouraging redevelopment to consider the natural features in site design, including*
13 *but not limited to reducing impervious surfaces, improving the functions of wetlands*
14 *and stream corridors, incorporating natural drainage features, retaining trees, and*
15 *restoring vegetated corridors.*

16 *Policy S-RV-7: Retain and enhance existing vegetation on steep slopes, within*
17 *wetland areas, and along stream corridors to control erosion and landslide hazard*
18 *potential to protect the natural drainage system.*

19 *Policy S-RV-27: Encourage the retention and enhancement of special features such as*
20 *unique open spaces, landmarks, and viewpoints.*

21 *Discussion: In Richards Valley the stream and wetlands qualify as unique*
22 *open space, the railroad trestle as a landmark and the view from Woodridge School*
23 *grounds as a designated viewpoint.*

24 *Policy S-RV-28: Encourage the retention of vegetation during the clearing, grading,*
and construction.

1 29. The Master Development Plan (MDP), already approved, adheres to the above
2 policies by concentrating development in the already disturbed areas of the campus. All the
3 building and site development will occur in previously disturbed areas. No direct
4 development impacts will occur in Sunset Creek and its associated floodplain. Additionally,
5 the applicant will be retaining existing trees and understory, except to remove invasive
6 vegetation, and landscaping the entire campus.

7 30. Development impacts to Sunset Creek and off-site wetlands near the northeast
8 corner of the campus have been minimized. CFH's building footprint will be located within
9 the buffer for a Type IV wetland that is off-site. Through the MDP and the Critical Areas
10 Land Use Permit, both already approved, mitigation will be provided for the wetland buffer
11 north of the CFH facility. CFH will be enhancing vegetation in undisturbed parts of the
12 buffer to the Type IV wetland using appropriate native plantings.

13 31. The following Richards Valley Subarea Plan policy applicable to connectivity
14 applies:

15 *Policy S-RV-11: Develop a safe integrated on and off-street nonmotorized system*
16 *emphasizing connections to schools, parks, transit, and other parts of Bellevue.*

17 *Discussion: Richards Valley needs many nonmotorized improvements. These*
18 *include better access to the schools, parks, and transit service. Because of its central*
19 *location to other parts of Bellevue (such as Downtown, and the Kelsey Creek and*
20 *Mercer Slough Parks), it is important for the off-street trail system to connect safely to*
21 *on-street facilities.*

22 32. The campus contains 1,200 lineal feet of pedestrian paths from Phase I
23 development in the lower bench up to Phase II and III on the upper bench. A north/south
24 pedestrian path will be provided to SE Eastgate Way within Puget Sound Energy and
Olympic Pipeline easements that run north/south at the eastern property boundary of this site.
As part of the frontage improvements along SE Eastgate Way, sidewalk will be provided
along the entire length of the frontage of the property.

1 33. The following Land Use Element policies apply:

2 *Policy LU-6: Encourage new residential development to achieve a substantial portion*
3 *of the maximum density allowed on the net buildable acreage.*

4 *Policy LU-15: Provide, through land use regulation, the potential for a broad range*
5 *of housing choice to meet the changing needs of the community.*

6 *Policy LU-27: Encourage the master planning of multi-building and multi-parcel*
7 *developments and large institutions to emphasize aesthetics and community*
8 *compatibility. Include circulation, landscaping, open space, storm drainage, utilities,*
9 *and building location and design in the master plan.*

10 34. The MDP for the Eastgate Housing Campus has nearly maximized the
11 development potential of this site. The MDP provides an opportunity for multiple housing
12 types on one campus, including: affordable housing, supportive housing, and with this
13 proposal, shelter housing. As stated previously, non-motorized access, connectivity, and
14 landscaping are major design features of the MDP campus.

15 35. The following Housing Element policies apply:

16 *Policy HO-2: Promote quality, community-friendly multifamily development, and*
17 *mixed-use development, through features such as enhanced open space and pedestrian*
18 *connectivity.*

19 *Policy HO-11: Encourage housing opportunities in mixed residential/commercial*
20 *settings throughout the city.*

21 *Policy HO-21: Address the entire spectrum of housing needs, including the need for*
22 *housing affordable to very low, low, and moderate-income households, through the*
23 *city's affordable housing programs.*

24 *Policy HO-22: Work cooperatively with King County, A Regional Coalition for*
Housing (ARCH), and other Eastside jurisdictions to assess the need for, and to create
affordable housing.

1 *Policy HO-24: Develop and implement an effective strategy to ensure affordable*
2 *housing opportunities are available in Downtown and throughout the city at a range*
3 *of affordability levels. Monitor quantity, types, and affordability of housing achieved*
4 *for potential unintended consequences and to determine if the need is being met.*

5 36. As stated with respect to the Richards Valley Subarea Plan policy related to
6 connectivity, the MDP campus will create pedestrian connections across the site, and to
7 existing bus stops and the Eastgate Transit Center.

8 37. The Eastgate Housing Campus, as envisioned by the MDP, will provide
9 affordable housing to residents at differing stages of housing need. In Phase I, 360 units of
10 housing on the campus will be devoted to individuals who meet the 60 percent or less of
11 average median income (AMI) threshold. Phase III of the MDP provides for 95 supportive
12 housing units for individuals exiting homelessness. This proposal, Phase II, will provide a
13 homeless shelter for 100 men year-round.

14 38. The placement of a permanent men’s shelter housing 100 individuals on this
15 campus fulfills the Council priority identified in 2014. The City has hosted CFH at interim
16 locations since the winter of 2008, shifting to a year-round model in 2019. Currently, CFH is
17 at an interim location at the Lincoln Center for a 100-bed men’s shelter, with the lease
18 expiring at the end of 2022. This proposal, if approved, moves the city forward in fulfilling
19 the Council priority for a permanent men’s shelter.

20 39. The location of the housing campus is convenient to transit from the Eastgate
21 Park and Ride along with access to nearby Factoria for services and goods.

22 40. The city is a member of ARCH, which is a consortium made up of multiple
23 eastside cities with the idea of pooling funds to advance and support the creation of
24 affordable housing in the area concentrating on various needs of men, women, families, and
25 youth. This proposal helps to fulfill the city’s commitments through the ARCH consortium.

26 41. This proposal furthers the policy of developing affordable housing outside of
27 the Downtown area so that it may be available in other areas of the city.

1 42. The following Human Services Element policies apply:

2 *HS-18: Support an intentional location community response to homelessness with*
3 *housing and supportive services provided to families, youth, and single adults.*

4 43. The MDP will provide affordable housing and supportive housing to families,
5 while the CFH men's shelter will address the need for a permanent shelter for men. The
6 ARCH municipalities will collectively address the various needs of men, women, families,
and youth experiencing homelessness.

7 44. The analysis of the plan policies applicable to this proposal, as outlined on
8 pages 37-40 of the staff report and incorporated herein by reference, indicate that the
9 proposal is consistent with the plan. Nothing in the record indicates otherwise.

10 **E. General.**

11 45. Any finding of fact which may be deemed a conclusion of law is hereby
12 adopted as such, and vice versa.

13 **CONCLUSIONS OF LAW**

14 1. The Hearing Examiner has jurisdiction over this application. Under LUC
20.35.140.A, the following recommendation criteria apply:

15 The Examiner shall approve a project or approve with modifications if the
16 applicant has demonstrated that the proposal complies with the applicable
17 decision criteria of the Bellevue City Code. The applicant carries the burden of
18 proof and must demonstrate that a preponderance of the evidence supports the
19 conclusion that the application merits approval or approval with modifications.
In all other cases, the Hearing Examiner shall deny the application.

20 2. Under LUC 20.35.140.C, the Hearing Examiner may include conditions to
21 ensure a proposal conforms to the relevant decision criteria.

22 3. LUC 20.35.140.D provides the relevant requirements for the Hearing
23 Examiner's written decision:

24 D. Written Decision of the Hearing Examiner.

CITY OF BELLEVUE
450 – 110th Avenue NE
P. O. Box 90012
Bellevue, WA 98009-9012

1 The Hearing Examiner shall within 10 working days following the close of the
2 record distribute a written report supporting the decision. The report shall
3 contain the following:

- 4 1. The decision of the Hearing Examiner; and
- 5 2. Any conditions included as part of the decision; and
- 6 3. Findings of facts upon which the decision, including any conditions,
7 was based and the conclusions derived from those facts; and
- 8 4. A statement explaining the process to appeal the decision of the
9 Hearing Examiner to the City Council.

10 4. Under LUC 20.30B.140, the City may approve or approve with modifications
11 an application for a conditional use permit if:

- 12 A. The conditional use is consistent with the Comprehensive Plan; and
- 13 B. The design is compatible with and responds to the existing or intended
14 character, appearance, quality of development and physical characteristics of
15 the subject property and immediate vicinity; and
- 16 C. The conditional use will be served by adequate public facilities including
17 streets, fire protection, and utilities; and
- 18 D. The conditional use will not be materially detrimental to uses or property in
19 the immediate vicinity of the subject property; and
- 20 E. The conditional use complies with the applicable requirements of this Code.

21 5. As documented in the Findings of Fact, the proposal is consistent with the
22 comprehensive plan. The proposal meets Criteria A for a conditional use permit, above.

23 6. The proposal also meets Criteria B for a conditional use permit. The
24 proposed shelter facility is part of a master planned development of the larger Eastgate
Housing Campus, which includes landscaping for the entire campus and pedestrian
connections throughout. All colors and materials for the shelter will complement the
adjacent multi-family units on Lots 1 and 3. Although the building is three-story, the
façade and mass will be broken up through the use of varied materials and a large mural.

1 7. The proposal meets Criteria C for a conditional use permit. The site will be
2 served by adequate public facilities, including fire protection and utilities. The
3 Transportation Department recommends approval of the conditional use permit on
4 condition that transportation infrastructure improvements and traffic management policies
5 as outlined in the approval conditions are implemented. The police department has been
6 closely involved in the planning and design of this facility, and will have ongoing
7 involvement with CFH in the operation of the facility. Please refer to Conditions of
8 Approval attached to this report at A, B, C, D, and E.

9 8. The proposal complies with Criteria D for a conditional use permit. As
10 conditioned, the CFH proposal for a permanent men’s shelter will not be detrimental to
11 uses in the immediate vicinity of the property. CFH has complied with all requirements for
12 a homeless services use, as noted elsewhere in this decision. In addition, CFH has worked
13 with the adjacent neighborhood through the Good Neighbor Agreement Advisory
14 Committee (GNAAC) as required by the code. Impacts to existing adjacent uses and
15 discussions around the issue of the shelter’s context, design, and operations have been
16 contemplated during the GNAAC meetings. The GNAAC made recommendations to the
17 Director, which the Director has reviewed. The intent of the GNAAC’s recommendations
18 were to reduce impacts to adjacent uses in the vicinity through conditions of approval to the
19 conditional use permit. The Director incorporated appropriate recommendations into the
20 Good Neighbor Agreement.

21 9. The GNAAC also had the opportunity to review CFH’s Standard Operating
22 Procedures, Safety and Security Plan, and Code of Conduct. Section D and E of the
23 approval conditions include GNAAC recommended conditions regarding context, design,
24 and operation of the shelter facility.

 10. The proposal complies with Criteria E for a conditional use permit. As
documented throughout this decision and in the staff report and associated attachments, this
proposal meets the applicable requirements of the land use code. The Examiner notes that

1 pages 41-45, already incorporated by reference in this decision, details specifically how the
2 proposal meets the homeless services use requirements of the code.

3 11. The staff report has done a very thorough job of documenting how the
4 proposal meets the requirements for conditional use approval and the Hearing Examiner
5 incorporates the discussion contained in the staff report at pp. 37-45 by reference in its
6 entirety as a part of this decision. The Examiner concludes that the proposal meets each of
7 the criteria for approval of a conditional use.

8 12. The conditions of approval recommended by the Department are reasonable
9 and capable of being accomplished, and they should be required to assure the conditional
10 use as proposed meets the criteria of LUC 20.30B.140.

11 **DECISION**

12 The Hearing Examiner grants approval of the conditional use, with the attached
13 conditions of approval as recommended by the Department.

14 **SO ORDERED**, this 19th day of November 2021.

15 

16 Barbara Dykes Ehrlichman
17 Hearing Examiner

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23 **CITY OF BELLEVUE**
24 450 – 110th Avenue NE
P. O. Box 90012
Bellevue, WA 98009-9012

1 **NOTICE OF RIGHT TO APPEAL AND TIME LIMIT**

2 (Pursuant to Resolution No. 9473)

3 **RIGHT TO APPEAL-TIME LIMIT**

4 Persons and entities identified in Land Use Code (LUC) 20.35.150, may appeal the
5 recommendation of the Hearing Examiner to the Bellevue City Council by filing a written
6 statement of the Findings of Fact or Conclusions of Law which are being appealed, and
7 paying a fee, if any, as established by ordinance or resolution, no later than 14 calendar days
8 following the date that the decision was mailed. The written statement must be filed together
9 with an appeal notification form, available from the City Clerk. The written statement of
10 appeal, the appeal notification form, and the appeal fee, if any, must be received by the City
11 Clerk no later than **5:00 p.m. on Friday, December 3, 2021.**

12 **TRANSCRIPT OF HEARING-PAYMENT OF COST**

13 An appeal of the Hearing Examiner’s recommendation requires the preparation of a
14 transcript of the hearing before the Hearing Examiner. Within thirty (30) days of the decision
15 which is appealed from, the appellant shall order from the City Clerk, on a form provided by
16 the Clerk, a full transcript of the hearing before the Hearing Examiner. At the time the order
17 for transcription is placed, the appellant shall post security in the amount of One Hundred
18 Dollars (\$100.00) for each hearing hour to be transcribed. If appellant fails to post security,
19 the appeal shall be considered abandoned.

20 Additional requirements and procedures concerning appeals filed with the Council
21 are found at Resolution 9473 and in the City of Bellevue Land Use Code.

ATTACHMENT: CONDITIONS OF APPROVAL

A. GENERAL CONDITIONS

1. COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES: The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Clearing and Grading Code - BCC 23.76 Bellevue Development Standards	Savina Uzunow “	425/452-7860
Transportation Code - BCC 14.60 Trans. Improvement Program - BCC.22.16	Ryan Miller “	425/452-2065
Right-of-Way Use Permit - BCC 14.30	Tim Stever	425/425-4294
Bellevue Utilities Code - BCC Title 24	Mark Dewey	425/452-6179
Construction Codes - BCC Title 23	Bob Snyder	425/452-4475
Land Use Code - BCC Title 20 Sign Code - BCC Title 22B Noise Control - BCC 9.18	Antoinette Pratt “ “	425/452-5374
Uniform Fire Code - BCC 23.11	Derek Landis	425/452-4112
Bellevue Police Department	David Sanabria	425/452-2821

2. Signs: A separate sign package shall be submitted to DSD for staff review and approval. Any proposed sign shall be architecturally compatible with the existing building.

Authority: BCC 22B.10.040.B.1,2
Reviewer: Antoinette Pratt, Land Use

3. Land Use Exemption (LUX): If the applicant revises the building materials, details or colors for this proposal, the revision shall be processed via the LUX process for Development Services Department review and approval.

In addition to the above, the mural art proposed for the south building façade is undefined at this time. CFH will need to apply for a Land Use Exemption (LUX) once a mural design is agreed upon for staff review and approval.

Authority: LUC 20.30B.170
Reviewer: Antoinette Pratt, Land Use

4. Preliminary Design, Utility Codes and Engineering Standards: Utility Department approval of the design review application is based on the conceptual design only. Minor changes to the site layout may be required to accommodate the utilities after land use design review is approved. The water, sewer, and storm drainage systems are required to be designed per the current City of Bellevue Utility Codes and Utility Engineering Standards.

Utilities Department construction plan review, approval, and field inspection is performed under the Utility Developer Extension Agreement (DEA) and Utilities Permit Processes. A water, sewer and storm Developer Extension Agreement will be required for the project and is required to be approved, constructed and accepted prior to any Certificate of Occupancy granted for project buildings. Water, sewer and storm easements will be required for the site.

Authority: BCC Title 24.02, 24.04, 24.06

Reviewer: Mark Dewey, Utilities

5. Vehicular Access and Turning Restrictions: There are currently no new turning restrictions required for the access on SE Eastgate Way however, the City may restrict left turns in the future based upon traffic safety.

Authority: BCC 14.60.150

Reviewer: Ryan Miller, Transportation

6. Provisions for Loading: The property owner shall provide an off-street loading space which can access a public street. This must include an off-street location for garbage pick-up, which must be acceptable to the garbage hauler. On-street loading and unloading will not be permitted on SE Eastgate Way.

Authority: LUC 20.20.590.K.4; BCC 14.60.180

Reviewer: Ryan Miller, Transportation

7. Air Pollution from Construction Vehicles and Equipment: Construction vehicles and heavy construction equipment shall emit the least amount of air pollution as possible. While on city streets, all construction vehicles shall meet the requirements of the Revised Code of Washington 46.61.655 for covered loads.

Authority: State Environmental Policy Act, Bellevue City Code, 23.76, Revised Code of Washington 46.61.655

Reviewer: Antoinette Pratt, Land Use

B. PRIOR TO ISSUANCE OF ANY CLEAR AND GRADE PERMIT

1. Right of Way Use Permit: Prior to issuance of any construction or clearing and grading permit, the applicant shall secure applicable right-of-way use permits from the City's Transportation Department, which may include:

- a) Designated truck hauling routes.
- b) Truck loading/unloading activities.
- c) Location of construction fences.
- d) Hours of construction and hauling.
- e) Requirements for leasing of right of way or pedestrian easements.
- f) Provisions for street sweeping, excavation and construction.
- g) Location of construction signing and pedestrian detour routes.
- h) All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevents access. General materials storage and contractor convenience are not reasons for preventing access.

The applicant shall secure sufficient off-street parking for construction workers before the issuance of a clearing and grading, building, a foundation or demolition permit.

Authority: BCC 11.70 & 14.30
Reviewer: Tim Stever, ROW

2. Clearing and Grading Permit: The clearing and grading reviewer has reviewed the plans and materials submitted for this project and has approved the clearing and grading portion of the design review application. Approval of this design review does not constitute an approval of any construction permit. An application for a clearing and grading permit must be submitted and approved before construction can begin. Plans submitted as part of any permit application for this project shall be consistent with the activity permitted under this approval and must comply with the City of Bellevue Clearing and Grading Code (BCC 23.76).

Authority: BCC 14.60.090
Reviewer: Savina Uzunow, Clearing and Grading

3. Construction Hours: Normal hours for construction related noises are from 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturday. No deliveries shall be scheduled prior to 7:00 a.m. or after 6:00 p.m. Exceptions for construction related noise limitations contained in the Noise Control Code may possibly be granted pursuant to 9.18.020C.1 for work which cannot be undertaken during exempt hours. No blanket exemption exists. Allowances for short term work outside of normal hours for construction related noise shall be limited and will be reviewed on a case by case basis through a separate noise permit to verify necessity and compliance with exemptions that are allowed through BCC 9.18.040.

Authority: BCC 9.18.040
Reviewer: Antoinette Pratt, Land Use

4. Transportation Infrastructure Improvements and Civil Engineering Plans: Civil engineering plans produced by a qualified engineer must be approved by the Transportation Department prior to issuance of the clearing and grading permit. The design of all street frontage improvements and driveway accesses must be in conformance with the requirements of the Americans with Disabilities Act, the Transportation Development Code, the provisions of the Transportation Department Design Manual, and specific requirements stated elsewhere in this document. All relevant standard drawings from the Transportation Department Design Manual shall be copied exactly into the final engineering plans.

Transportation Infrastructure Improvements that were levied under 20-112403-LP for the MDP are required to be completed prior to CFH receiving any form of Certificate of Occupancy:

- SE Eastgate Way street improvements for the length of the Campus
 - Construct a 2-ft wide buffer
 - Construct a 5-ft wide WVB bicycle lane
 - Construct new concrete curb and gutter

- Construct a 5-ft wide planter with spray irrigation from a private water source. Ground cover, street trees, root barrier, and soil preparation is required to meet Bellevue Standards
- 6-ft wide clear width concrete sidewalk
- There is an existing vehicular barrier of SE Eastgate Way that shall be required to be removed. Any previous wall or barrier shall be removed a minimum of 4-ft below grade.
- All of the frontage improvements shall be constructed at the grade of SE Eastgate Way and no part shall be installed above or below the public road.
- Street lighting is required to meet Bellevue Standards.
- Sidewalks, Driveways, and ADA Ramps shall be ADA compliant and meet all City Standards.
- The project shall be relocated and remove the existing signal and service cabinets as needed to install the required frontage improvements.
- Installation of conduit is required for the length of the project per the concrete sidewalk standard detail.
- Mountable curb with traffic rated sidewalk will be required in the SE corner of the project to allow infrequent maintenance access to existing easement holders.
- Horizon Housing Alliance Affordable Housing shall provide an access easement to the CFH Permanent Men's Homeless Shelter to provide the landlocked parcel access to SE Eastgate Way.
- Horizon Housing Alliance Affordable Housing shall provide an access easement for the parking lot that fulfills circulation, trash pickup, and loading requirements of the CFH Permanent Men's Homeless Shelter.
- The permanent Men's Homeless Shelter shall construct portions of the parking lot and drive aisles within the access easement from Horizon Housing Alliance Affordable Housing to fulfill their requirements for access to SE Eastgate Way, circulation, trash pickup, and loading if they construct first with phase two. If Phase three is constructed first that project shall complete all parking lot and drive aisles including those to SE Eastgate Way as shown on their property in the approved MDP plans.

1. The Americans with Disabilities Act (ADA)

- a. ADA requires that sidewalk cross slopes not exceed two percent. The sidewalk cross slope may be less than two percent only if the sidewalk has a longitudinal slope sufficient to provide adequate drainage. Bellevue's standard for curb height is six inches, except where curb ramps are needed. The engineering plans must comply with these requirements, and must show adequate details, including spot elevations, to confirm compliance. New curb and sidewalk shall be constructed in compliance with these requirements. Building elevations shall be consistent with the required curb and sidewalk elevations. Spot elevations must be included in the building plans in a manner that proves that building elevations are designed to correspond to the sidewalk elevations shown in the engineering plans, especially at entrances and other key points. Curb and sidewalk elevations will not be revised to fit the building, and city inspectors may require spot surveys during construction in order to confirm the required elevations. All new and existing junction boxes shall have non-slip lids installed. All new and existing junction boxes shall have foundry applied non-slip lids within the public sidewalk.

ADA also requires provision of a safe travel path for visually handicapped pedestrians. Potential tripping hazards are not allowed in the main pathway. Any planter boxes installed in the sidewalk to improve pedestrian sight distance at driveways must be designed to reduce the tripping potential and must not extend more than two feet into

the public sidewalk. Traffic signal controller boxes and streetlight contactor cabinets must be located so as not to interfere with the main pedestrian path. Buildings shall be designed so that doors do not swing out into the pedestrian path. Installation of colored or textured bands to guide pedestrians in the direction of travel is advisable, subject to the requirements for non-standard sidewalk features. ADA-compliant curb ramps shall be installed where needed, consistent with City and WSDOT standard drawings. If such standards cannot be met, then deviation from standards must be justified on a Design Justification Form to be filed with the Transportation Department.

2. No soil nailing or shoring is allowed under a street right of way or sidewalk/utility easement or multi-use easement without an indemnification agreement that protects the city.
3. No fixed objects, including fire hydrants, trees, and streetlight poles, are allowed within ten feet of a driveway edge, defined as Point A in standard drawing SW-140-1 or equivalent. Fixed objects are defined as anything with breakaway characteristics greater than a four-inch by four-inch wooden post.
4. No new overhead utility lines will be allowed within or across any right of way or sidewalk easement, and existing overhead lines must be relocated underground.
5. The applicant is required to coordinate mailbox location with the Bellevue Postmaster and show the mailbox location on the engineering plans.
6. A dedicated channelization and signage plan is required.

Construction of all street and street frontage improvements must be completed prior to closing the clear and grade permit and right of way use permit for this project. A Design Justification Form must be provided to the Transportation Department for any aspect of any pedestrian route adjacent to or across any street that cannot feasibly be made to comply with ADA standards. Design Justification Forms must be provided prior to approval of the clear and grade plans for any deviations from standards that are known in advance. Forms provided in advance may need to be updated prior to project completion. For any deviations from standards that are not known in advance, Forms must be provided prior to project completion.

Authority: BCC 14.60; Transportation Department Design Manual; Americans with Disabilities Act

Reviewer: Ryan Miller, Transportation

C. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT

1. Transportation Impact Fee: Payment of the traffic impact fee will be required at the time of building permit issuance. If multiple building permits will be issued, the impact fee will be tied to the primary above-ground permit. Removal of existing buildings will be eligible for impact fee credit for the phase in which the buildings are removed. If any credit remains, it may be applied to the next phase permitted. Impact fees are subject to change and the fee schedule in effect at the time of building permit issuance will apply.

This project does appear to meet traffic impact fee exemptions as listed in the Bellevue City Code. The CFH Shelter project will be required to provide documentation to support the

identified exemption prior to issuance of any building permits. Some exemptions may also require a signed agreement with the City that will need to be completed and recorded.

Authority: BCC 22.16
Reviewer: Ryan Miller, Transportation

2. Building and Site Plans – Transportation: The building grade and elevations shall be consistent with the curb and sidewalk grade shown in the approved civil engineering plans. During construction, city inspectors may require additional survey work at any time in order to confirm proper elevations. Building plans, landscaping plans, and architectural site plans must accommodate on-site traffic markings and signs and driveway design as specified in the engineering plans. Building plans, landscaping plans, and architectural site plans must comply with vehicle and pedestrian sight distance requirements, as shown on the engineering plans.

Authority: BCC 14.60.060; 110; 120; 150; 180; 181; 190; 240; 241
Reviewer: Ryan Miller, Transportation

3. Existing Easements: There are several existing easements on the site including those with overhead transmission lines on the east, the Olympic pipeline on the east, and slope/drainage easements in the SW corner of the project. Any easements contained on this site which are affected by this development must be identified. Any negative impact that this development has on those easements must be mitigated or easements relinquished.

Authority: BCC 14.60.100
Reviewer: Ryan Miller, Transportation

4. Easements: Horizon Housing Alliance Affordable Housing shall provide an access easement to the CFH Permanent Men’s Homeless Shelter to provide the landlocked parcel access to SE Eastgate Way.

Horizon Housing Alliance Affordable Housing shall provide an access easement for the parking lot that fulfills circulation, trash pickup, and loading requirements of the CFH Permanent Men’s Homeless Shelter.

Authority: BCC 14.60.100
Reviewer: Ryan Miller, Transportation

5. Transportation Management Program: The owner of the property being developed shall sign and record at the King County Office of Records and Elections an agreement to establish a Transportation Management Program to the extent required by Sections 14.60.070 and 14.60.080.

Authority: BCC 14.60.070; 080
Reviewer: Ryan Miller, Transportation

6. Electrical Outlets – Day Center: CFH has evaluated the anticipated day center demands based on current use and will provide roughly 50 outlets including a dedicated charging station. However, CFH shall conduct a further evaluation to provide additional outlets at the underside of the counters in the dining/ multi-purpose area to ensure wide accessibility to said outlets.

Authority: LUC 20.20.455.I.4.b
Reviewer: Antoinette Pratt

D. PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY

1. Street Frontage Improvements: All street frontage improvements and other required transportation elements must be constructed by the applicant, inspected by the Transportation Department inspector, and accepted by the Transportation Review Engineer.

All existing streetlight and traffic signal apparatuses affected by this development, including traffic controllers, pedestrian signal poles, traffic signal poles, and power sources, must be relocated as necessary. Existing overhead lines must be relocated underground. All required improvements must be constructed as per the approved plans or as per direction of the Transportation Department inspector. Bonding or other types of assurance devices will not be accepted in lieu of construction unless the City requires a delay.

Authority: BCC 14.60; Comprehensive Plan Policy UT-39; Transportation Department Design Manual; and Transportation Department Design Manual Standard Drawings.
Reviewer: Ryan Miller, Transportation

2. Pavement Restoration: Pavement restoration associated with street frontage improvements or to repair damaged street surfaces shall be based upon the pavement restoration classification at the time of pavement restoration.

Authority: BCC 14.60. 250; Design Manual Design Standard #23
Reviewer: Ryan Miller, Transportation

3. Implement the Transportation Management Program: The Transportation Management Program required by Bellevue City Code Sections 14.60.070 and 14.60.080 per a condition of approval above must be functional prior to issuance of the initial certificate of occupancy.

Authority: BCC 14.60.070, 14.60.080
Reviewer: Ryan Miller, Transportation

4. Recording of Conditions of Approval: CFH shall file the conditions of approval as noted in Section XIV of this report with King County Records and Elections prior to Certificate of Occupancy for this homeless services use.

Authority: LUC 20.20.455.H.6
Reviewer: Antoinette Pratt, Land Use

5. Parking Lot Signage: Parking lot signage and pavement markings shall be provided throughout the parking lot along with designated areas for staff and visitor parking.

Authority: LUC 20.20.590.F.2
Reviewer: Antoinette Pratt, Land Use

6. Landscape Installation Assurance Device: If a Temporary Certificate of Occupancy is requested prior to completion of the landscaping installation, the applicant shall file with DSD a landscape installation assurance device equal to 150% of the cost of labor and materials for any landscaping that has not yet been installed.

Authority: LUC 20.40.490
Reviewer: Antoinette Pratt, Land Use

7. Landscape Maintenance Device: The applicant shall file with DSD a landscape maintenance assurance device for a one-year period from the date of final inspection in the form of an assignment of savings or letter of credit for 20% of the cost of labor and materials for all required landscaping.

Authority: LUC 20.40.490
Reviewer: Antoinette Pratt, Land Use

8. Interior Noise Levels: The Bellevue City Code, BCC 9.18, limits interior noise levels within residential structures to 40 dBA in sleeping areas and 45 dBA in non-sleeping areas. Special construction is generally necessary to meet these thresholds. Prior to the issuance of any occupancy permits, the applicant shall verify that this threshold has been met.

Authority: BCC 9.18
Reviewer: Antoinette Pratt, Land Use

9. Boundary Line Adjustment: Prior to occupancy, CFH shall be required to submit for City of Bellevue review and approval a Boundary Line Adjustment between Lots 2 and 3, which shall provide a minimum 25 feet of area from the south property boundary and the location of CFH's proposed smoking shelter.

Authority: LUC 20.20.455.I.4.a.iv
Reviewer: Antoinette Pratt, Land Use

E. CONDITIONS POST OCCUPANCY

1. Crime Prevention Through Environmental Design (CPTED): BPD has reviewed this proposal for compliance with CPTED principles and determined that they comply with plans that support safety and security regarding natural surveillance, territorial behaviors and natural access controls. CFH shall be responsible for maintaining these items because CPTED is not a one-time evaluation. Evaluation of vegetation and lighting shall continue to take place post-construction. CFH shall address any issues identified by BPD. CFH shall upkeep the facility and grounds around the facility, including controlling vegetation and maintaining lighting levels so that areas remain visible. Few undesignated places shall exist for people to hide from public view, and cameras are not blocked.

Authority: LUC 20.20.455.G.4 (Table)
Reviewer: Captain Sanabria, BPD

2. Video Surveillance: CFH shall retain video surveillance footage for 30 days and make it available to the Police Department as necessary to support an active threat incident or investigation of a criminal matter.

Authority: LUC 20.20.455.G.4 (Table)
Reviewer: Captain Sanabria, BPD

3. Communication: Communicate with neighbors and provide regular updates on the shelter's internet site and provide contact information for staff on this website as well.

Authority: LUC 20.20.455.G.3.e
Reviewer: Antoinette Pratt, Land Use

4. Performance Metrics and On-Going Operations: Prioritize the review and refinement regarding performance metrics and ongoing operations with CFH Advisory Committee (after end of GNAAC), posting metrics online annually on the shelter's website.

Authority: LUC 20.20.455.F.2.g.xiii
Reviewer: Captain Sanabria, BPD and Antoinette Pratt, Land Use

5. Parking Lot Monitoring: Monitor parking lot for non-permitted car camping and to limit abandoned vehicles on-site to maintain clear visibility through the site. Additionally, provide signage stating, "No Loitering", "No Derelict Vehicles."

Authority: LUC 20.20.455.G.3.b
Reviewer: Antoinette Pratt, Land Use

6. CFH Additional On-Going Operational Requirements: CFH shall be required to maintain on-going operational requirements for the following items:

- Patrol of the perimeter areas, parking lot, smoking area and outside gathering areas every 30 minutes outside of sleeping hours.
- CFH will partner with its residents to patrol open spaces and surrounding vegetation to pick up trash and dispose of any stashed items around the property.
- CFH Staff will maintain a daily logbook of activity and incidents that occur at the shelter.
- CFH will work with BPD to develop active threat plans for the building and surrounding property in the event of an active threat incident at the location.

Authority: LUC 20.20.455F.2.g and 20.20.455.I.4.a.viii
Reviewer: Antoinette Pratt, Land Use