

Ordinance No. 124747

Council Bill No. 118310

AN ORDINANCE relating to land use and zoning; amending Sections 23.42.054, 23.54.015, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and adding new Section 23.42.056; to permit transitional encampments for homeless individuals as an interim use on City-owned or private property.

Related Legislation File: _____

Date Introduced and Referred:	To: (committee):
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action:	Date Presented to Mayor:
Date Signed by Mayor:	Date Returned to City Clerk:
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text _____	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: _____

Committee Action:

Date	Recommendation	Vote

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote



SEATTLE CITY COUNCIL

Legislative Summary

CB 118310

Record No.: CB 118310

Type: Ordinance (Ord)
124747

Status: Attested by City
Clerk

Version: 3

In Control: City Clerk

File Created: 02/03/2015

Final Action: 04/10/2015

Title: AN ORDINANCE relating to land use and zoning; amending Sections 23.42.054, 23.54.015, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and adding new Section 23.42.056; to permit transitional encampments for homeless individuals as an interim use on City-owned or private property.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: O'Brien

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: jaci.dahlvang@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Full Council	01/26/2015	referred	Planning, Land Use, and Sustainability Committee			
	Action Text:	The Council Bill (CB) was referred to the Planning, Land Use, and Sustainability Committee					
	Notes:	City Clerk Note: This Council Bill was introduced as version 10. Version 10 is provided in the Full Text.					
1	Planning, Land Use, and Sustainability Committee	02/03/2015	held				
	Action Text:	The Council Bill (CB) was Held in committee and will be discussed at next Planning, Land Use and Sustainability Committee meeting.					
1	Planning, Land Use, and Sustainability Committee	02/20/2015	held				
	Action Text:	This bill was discussed and held in committee. The next committee discussion will be a Public Hearing on Thursday February 26, 215 at 5:30pm in Council Chambers: 600 4th Avenue.					

- 1 Planning, Land Use, and Sustainability Committee 02/26/2015
- 1 Planning, Land Use, and Sustainability Committee 03/03/2015 pass as amended Pass
- Action Text: The Committee recommends that Full Council pass as amended the Council Bill (CB).
In Favor: 6 Chair O'Brien, Vice Chair Burgess, Member Licata, Alternate Clark, Sawant, Godden
Opposed: 0
- 2 Full Council 03/30/2015 amended Pass
- Action Text: The Motion carried and the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:
- Notes: ACTION 1:

Motion was made by Councilmember O'Brien, duly seconded and carried, to amend Council Bill No. 118310, Sections 2 and 6, as provided in Amendment 1 as a supporting document.

ACTION 2:

Motion was made by Councilmember Sawant and duly seconded, to amend Council Bill No. 118310, by adding a new section 11 and renumbering the remaining sections accordingly, as shown below:

Section 11. The City Council requests that the Department of Planning and Development (DPD) complete environmental review and make a threshold determination according to Chapter 25.05 SMC on a proposal to modify the new Section 23.42.056 of the Seattle Municipal Code as proposed in this ordinance that would allow the City of Seattle to issue Type I Master Use Permits for transitional encampments as an interim use without restriction by zone or property ownership. The Council requests that DPD complete the environmental review and make a threshold determination, and attempt to report back to the Planning, Land Use and Sustainability Committee no later than August 31, 2015.

Section 4412. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to

other persons or circumstances.

ACTION 3:

Motion was made by Councilmember Clark and duly seconded, to further amend the proposed amendment in Action 2 and as shown in Amendment 3 as a supporting document.

The Motion failed by the following vote:

In Favor: Clark, Godden, Burgess

Opposed: Bagshaw, Harrell, Licata, O'Brien, Rasmussen, Sawant

ACTION 4:

The Motion to amend CB 118310 in Action 2, passed by the following vote:

In Favor: Bagshaw, Harrell, Licata, O'Brien, Rasmussen, Sawant

Opposed: Clark, Godden, Burgess

ACTION 5:

Motion was made and duly seconded to pass Council Bill 118310 as amended.

In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember Clark, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

- 3 Full Council 03/30/2015 passed as amended
Action Text: The Council Bill (CB) was passed as amended.
Notes:
 - 3 City Clerk 04/01/2015 submitted for Mayor
Mayor's signature
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:
 - 3 Mayor 04/10/2015 Signed
Action Text: The Council Bill (CB) was Signed.
Notes:
 - 3 Mayor 04/10/2015 returned to Clerk City Clerk
Action Text: The Council Bill (CB) was returned to Clerk. to the City Clerk
Notes:
 - 3 City Clerk 04/10/2015 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
-

CITY OF SEATTLE
ORDINANCE 124747
COUNCIL BILL 118310

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4 AN ORDINANCE relating to land use and zoning; amending Sections 23.42.054, 23.54.015,
5 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and
6 adding new Section 23.42.056; to permit transitional encampments for homeless
individuals as an interim use on City-owned or private property.

7 WHEREAS, there is a well-documented history of homelessness in Seattle and a demonstrated
8 need for additional facilities to address the issue;

9 WHEREAS, the current crisis of homelessness is impacted by a broad number of other societal
10 challenges, including the growth of poverty and inequality, and the erosion of state and
11 federal investments in our criminal justice, mental health, substance abuse, foster care
and safety net systems, which have compounded in a crisis that requires the response of
12 not just government, but by our entire community;

13 WHEREAS, since 2010, the number of people sleeping without shelter in Seattle has increased
nearly 42 percent, to more than 2,800 people counted in the 2015 One Night Count;

14 WHEREAS, in the fall of 2010 a Citizen Review Panel on Housing and Services for Seattle's
15 Unsheltered Homeless Population recommended that the City establish a transitional
16 encampment to help meet the immediate survival and safety needs of individuals without
access to safe shelter;

17 WHEREAS, the City's focus on solutions for people who are homeless should be a roof-over-
18 head and services to connect individuals with a pathway toward long-term housing,
19 however, the current capacity of our housing and homeless services continuum cannot
20 meet the needs of all those who are homeless and, as an alternative, tent encampments
can offer a sense of safety and community while seeking longer term housing options;

21 WHEREAS, temporary encampments hosted by qualified organizations on properties owned or
22 controlled by religious organizations as authorized by Ordinance 123729, effective
23 November 2011, must provide, at a minimum, running water and hygiene facilities for
people in the encampments; and

24 WHEREAS, in 2012, City Council adopted Ordinance 123854, amending the Human
25 Development Element of the Comprehensive Plan to add Policy HD11.1: Guide the
26 operation of safe and healthy transitional encampments to allow temporary shelter for
those who are homeless;

1 WHEREAS, agreements are encouraged between transitional encampment operators and the
2 owner of the property where an encampment is located to provide encampment
3 guidelines that extend beyond zoning standards, including prohibiting alcohol, drugs,
4 weapons, and sex offenders; or establishing rules for children in encampments;

5 WHEREAS, in 2014 the Mayor with support from Council launched a three-part strategy to
6 address the growing population of homeless individuals and families that included
7 convening a Housing Affordability and Livability Advisory Committee to make
8 recommendations for creating more permanent, affordable housing options across the
9 income spectrum, including housing for homeless or formerly homeless people, and;

10 WHEREAS, the Mayor directed the Human Services Department to evaluate the City's
11 investments in homeless services, interventions, and prevention and make
12 recommendations to better align our efforts with national best practices, and;

13 WHEREAS, it is the intent of the Mayor and the City Council that any encampment operator
14 seeking City funding for operations or a lease agreement for use of any designated City-
15 owned properties to site an encampment would be required to participate in the City's
16 Homelessness Management Information System as managed by the Human Services
17 Department;

18 WHEREAS, the Council intends to measure the success of transitional encampments in
19 temporarily sheltering people until they can secure housing in comparison with indoor
20 shelter, and the Council expects that the rate at which people move from sheltering in
21 transitional encampments to housing should be within 15% of the rate at which people
22 move from indoor shelter to housing;

23 WHEREAS, the Council recognizes that the appropriate amount and type of support to secure
24 some form of permanent housing will vary among the individuals and families
25 experiencing homelessness. The Council intends that case management funded by the
26 City of Seattle should be focused on achieving success in securing housing along with
27 other client needs. The Council finds that case managers serving as "navigators" who
28 help homeless persons work through various barriers to housing is a proven and
successful approach, and expects that City-funded case managers working with
encampment residents will work in this capacity;

WHEREAS, the Mayor convened an Emergency Task Force on Unsheltered Homelessness to
make recommendations to rapidly address the needs of those who are without shelter;

WHEREAS, in December of 2014, the Emergency Task Force on Unsheltered Homelessness
recommended to the Mayor a proposal to make public and private lands available for tent
encampments; NOW, THEREFORE,

1 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

2 Section 1. Section 23.42.054 of the Seattle Municipal Code, enacted by Ordinance
3 123729, is amended as follows:

4 **23.42.054 Transitional ~~((Encampments))~~encampments ~~((Accessory))~~accessory to**
5 **~~((Religious))~~religious ~~((Facilities))~~facilities or to ~~((Other))~~other ~~((Principal))~~principal**
6 **~~((Uses))~~uses ~~((Located))~~located on ~~((Property))~~property ~~((Owned))~~owned or**
7 **~~((Controlled))~~controlled by a ~~((Religious))~~religious ~~((Organization))~~organization**

8 A. Transitional encampment accessory use. A transitional encampment is allowed as an
9 accessory use on a site in any zone, if the established principal use of the site is as a religious
10 facility or the principal use is on property owned or controlled by a religious organization,
11 subject to the provisions of subsection 23.42.054.B. A religious facility site includes property
12 developed with legally-established parking that is accessory to the religious facility. Parking
13 accessory to a religious facility or located on property owned or controlled by a religious
14 organization that is displaced by the encampment does not need to be replaced.

15 B. The encampment operator or applicant shall comply with the following provisions:

16 * * *

17 6. Individuals under the age of 18 that are not accompanied by a parent or legal
18 guardian shall not be permitted in an encampment.

19 7. File a site plan with the Seattle Department of Planning and Development
20 showing the arrangement of the encampment, including numbers of tents or similar sleeping
21 shelters, all facilities that are separate from the sleeping shelters, and all existing structures on
22 the property, if any. The site plan is for informational purposes and is not subject to City review
23 or permitting requirements.

24 * * *

25 Section 2. A new Section 23.42.056 to the Seattle Municipal Code is adopted as follows:

1 **23.42.056 Transitional encampment as an interim use**

2 A Type I Master Use Permit may be issued for a transitional encampment interim use
3 according to the requirements of this Section 23.42.056.

4 A. The Director, in consultation with the Human Services Director, shall adopt a rule
5 according to subsection 23.88.010.A that includes but is not limited to establishing:

6 1. Community outreach requirements that include:

7 a. Community outreach standards that the encampment operator shall comply with before
8 filing a transitional encampment interim use permit application, whether for a new transitional
9 encampment or relocation of an existing transitional encampment. At a minimum, outreach
10 standards shall contain a requirement that the encampment operator convene at least one public
11 meeting in the neighborhood where the transitional encampment interim use is proposed to be
12 established, at least 14 days prior to applying for a permit;

13 b. A requirement that the proposed encampment operator establish a Community
14 Advisory Committee that would provide advisory input on proposed encampment operations
15 including identifying methods for handling community complaints or concerns as it relates to the
16 facility or facility clients. The committee shall include one individual identified by each
17 stakeholder group in the geographic area where the proposed encampment would be located as
18 best suited to represent their interests. The committee shall consist of no more than seven
19 members. Encampment operator representatives shall attend committee meetings to answer
20 questions and shall provide regular reports to the committee concerning encampment operations.
21 City staff may attend the meetings; and

22 2. Operations standards that the encampment operator is required to implement while an
23 encampment is operating.

24 B. Location. The transitional encampment interim use shall be located on property
25 meeting the following requirements:

1 1. The property is:

2 a. Zoned Industrial, Downtown, SM, NC2, NC3, C1, or C2; except if the
3 property is in a residential zone as defined in Section 23.84A.048 or is in a special review district
4 established by Chapter 23.66; or

5 b. Within a Major Institution Overlay district.

6 2. The property is at least 25 feet from any residentially-zoned lot.

7 3. A property may be less than 25 feet from a residentially-zoned lot and used as
8 an encampment site if:

9 a. All encampment facilities, improvements, activities, and uses are
10 located at least 25 feet from any residentially-zoned lot. Access to the encampment site may be
11 located within the 25-foot setback area; and

12 b. Screening is installed and maintained along each encampment
13 boundary, except boundaries fronting on an opened public street. The screening shall consist of
14 existing or installed vegetation that is sufficiently dense to obscure viewing the encampment site,
15 or a 6-foot high view-obscuring fence or wall.

16 4. The property is owned by the City of Seattle, a private party, or an Educational
17 Major Institution.

18 5. The property is within 1/2 mile of a transit stop. This distance shall be the
19 walking distance measured from the nearest transit stop to the lot line of the lot containing the
20 encampment site.

21 6. The property is, as measured by a straight line, at least 1 mile from any other
22 legally-established transitional encampment interim use including encampments accessory to a
23 religious facility or accessory to other principal uses on property owned or controlled by a
24 religious organization. This subsection 23.42.056.A.6 shall not apply to encampments on sites
25
26
27
28

1 owned or controlled by religious organizations, or to any legally-established transitional
2 encampment interim use that provides shelter for fewer than ten persons.

3 7. The property is 5,000 square feet or larger and provides a minimum of 100
4 square feet of land area for each occupant that is permitted to occupy the encampment site.

5 8. The property does not contain a wetland, wetland buffer, known and potential
6 landslide designations, steep slope, steep slope buffer, or fish and wildlife habitat conservation
7 area defined and regulated by Chapter 25.09, Regulations for Environmentally Critical Areas,
8 unless all encampment facilities, improvements, activities, and uses are located outside any
9 critical area and required buffer as provided for in Chapter 25.09.

10 9. The encampment site is not used by an existing legally-permitted use for code
11 or permit-required purposes including but not limited to parking or setbacks.

12 10. The property is not an unopened public right of way; or designated as a park,
13 playground, viewpoint, or multi-use trail by the City or King County.

14 C. Operation. The transitional encampment interim use shall meet the following
15 requirements:

16 1. The encampment may be operated by a private party that shall prepare an
17 Encampment Operations Plan that shall address: site management, site maintenance, provision of
18 human and social services, referrals to service providers that are able to provide services to
19 individuals under the age of 18 who arrive at an encampment unaccompanied by a parent or legal
20 guardian, and public health and safety standards. The operations plan shall be filed with the
21 transitional encampment interim use permit application.

22 2. The operator shall be included in the qualified encampment roster prepared by
23 the Human Services Director. The transitional encampment interim use permit applicant shall
24 include documentation as part of the permit application demonstrating that the encampment
25 operator is on the qualified encampment operator roster.

1
2 D. Additional requirements. The transitional encampment interim use shall meet the
3 following requirements:

4 1. The requirements for transitional encampment accessory uses in subsections
5 23.42.054.B and 23.42.054.C.

6 2. The operator of a transitional encampment interim use located on City-owned
7 property shall obtain prior to permit issuance and maintain in full force and effect, at its own
8 expense, liability insurance naming the City as an additional insured in an amount sufficient to
9 protect the City as determined by the City Risk Manager from:

10 a. All potential claims and risks of loss from perils in connection with any
11 activity that may arise from or be related to the operator's activity upon or the use or occupation
12 of the City property allowed by the permit; and

13 b. All potential claims and risks in connection with activities performed
14 by the operator by virtue of the permission granted by the permit.

15 3. The operator of a transitional encampment interim use located on City-owned
16 property shall, on a form approved by the Director, agree to defend, indemnify, and hold harmless
17 the City of Seattle, its officials, officers, employees, and agents from and against:

18 a. Any liability, claims, actions, suits, loss, costs, expense judgments,
19 attorneys' fees, or damages of every kind and description resulting directly or indirectly from any
20 act or omission of the operator of a transitional encampment interim use located on City-owned
21 property, its subcontractors, anyone directly or indirectly employed by them, and anyone for
22 whose acts or omissions they may be liable, arising out of the operator's use or occupancy of the
23 City property; and

1 b. All loss by the failure of the operator of a transitional encampment
2 interim use located on City-owned property to perform all requirements or obligations under the
3 transitional encampment interim use permit, or federal, state, or City codes or rules.

4 4. A transitional encampment interim use located on City-owned property shall
5 allow service providers to access the site according to the approved operations plan required by
6 subsection 23.42.056.B.1.

7 E. Duration and timing. The transitional encampment interim use shall meet the
8 following requirements:

9 1. A permit for a transitional encampment interim use under this Section
10 23.42.056 may be authorized for up to one year from the date of permit issuance. A permit for a
11 transitional encampment may be renewed one time for up to one year by the Director as a Type I
12 decision subject to the following:

13 a. The operator shall provide notice of a request to extend the use in a manner
14 determined by a Director's Rule. The notice shall be given to the Citizen's Advisory Committee and
15 persons who provided the operator with an address for notice;

16 b. The encampment is in compliance with the requirements of Section
17 23.42.056; and

18 c. The operator shall provide with the permit renewal application an
19 Encampment Operations Plan that shall be in effect during the permit renewal period and consistent
20 with subsection 23.42.056 A.

21 2. At least 12 months shall elapse before an encampment use may be located on
22 any portion of a property where a transitional encampment interim use was previously located.

23 F. Limit on the number of encampments. No more than three transitional encampment
24 interim use encampments shall be permitted and operating at any one time, and each

1 encampment shall not have more than 100 occupants. This limit shall not include transitional
 2 encampments accessory to a religious facility.

3 Section 3. Table A for 23.54.015 of the Seattle Municipal Code, last amended by
 4 Ordinance 124608, is amended as follows:

5 **23.54.015 Required parking**

6 * * *

7 Table A for 23.54.015				
8 Parking for ((n))Non-residential ((u))Uses ((o))Other ((t))Than ((i))Institutions				
9 Use				10 Minimum parking required
11 I. General Non-residential Uses (other than institutions)				
12 * * *				
13 <u>G.</u>	14 <u>TRANSITIONAL ENCAMPMENT INTERIM USE</u>			15 1 space for every vehicle used as shelter; plus 1 space for each 2 staff members on-site at peak staffing times
16 ((G)) H.	17 <u>TRANSPORTATION FACILITIES</u>			
	18 ((G)) H.1.	19 Cargo terminals		20 1 space for each 2,000 square feet
	21 ((G)) H.2.	22 Parking and moorage		
		23 ((G)) H.2.a.	24 Principal use parking	25 None
		26 ((G)) H.2.b.	27 Towing services	28 None
		29 ((G)) H.2.c.	30 Boat moorage	31 1 space for each 2 berths
		32 ((G)) H.2.d.	33 Dry storage of boats	34 1 space for each 2,000 square feet
	35 ((G)) H.3.	36 Passenger terminals		37 1 space for each 100 square feet of waiting area
	38 ((G)) H.4.	39 Rail transit facilities		40 None
	41 ((G)) H.5.	42 Transportation facilities, air		43 1 space for each 100 square feet of waiting area
	44 ((G)) H.6.	45 Vehicle storage and maintenance uses		46 1 space for each 2,000 square feet
47 ((H)) I.	48 <u>UTILITIES</u>			49 1 space for each 2,000 square feet

Table A for 23.54.015

Parking for ~~((n))~~Non-residential ~~((u))~~Uses ~~((o))~~Other ~~((t))~~Than ~~((i))~~Institutions

Use	Minimum parking required
II. Non-residential Use Requirements For Specific Areas	
((J)) L.	Non-residential uses in urban centers or the Station Area Overlay District (3)
((J)) K.	Non-residential uses in urban villages that are not within an urban center or the Station Area Overlay District, if the non-residential use is located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the non-residential use. (3)
((K)) L.	Non-residential uses permitted in MR and HR zones pursuant to Section 23.45.504.
* * *	

* * *

Section 4. Table A for 23.76.004 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.76.004 Land use decision framework

* * *

Table A for 23.76.004 LAND USE DECISION FRAMEWORK¹ Director's and Hearing Examiner's Decisions Requiring Master Use Permits	
((DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS))	
TYPE I Director's Decision	
(Administrative review through land use interpretation as allowed by Section 23.88.020 ^[2])	
* * *	
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
* * *	

1 Section 5. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance
2 123963, is amended as follows:

3 **23.76.006 Master Use Permits required**

4 A. Type I, II, and III decisions are components of Master Use Permits. Master Use
5 Permits are required for all projects requiring one or more of these decisions.

6 B. The following decisions are Type I:

- 7 1. Determination that a proposal complies with development standards;
8 2. Establishment or change of use for uses permitted outright, interim use parking
9 under subsection 23.42.040.G, uses allowed under Section 23.42.038, temporary relocation of
10 police and fire stations for 24 months or less, transitional encampment interim use, and
11 temporary uses for four weeks or less not otherwise permitted in the zone, and renewals of
12 temporary uses for up to six months, except temporary uses and facilities for light rail transit
13 facility construction and transitional encampments;

14 * * *

15 C. The following are Type II decisions:

16 * * *

17 2. The following decisions are subject to appeal to the Hearing Examiner (except
18 shoreline decisions and related environmental determinations that are appealable to the
19 Shorelines Hearings Board):

20 * * *

21 1. Establishment of temporary uses for transitional encampments, except
22 transitional encampment interim uses provided for in subsection 23.76.006.B.2 ; and

23 * * *

24 Section 6. Section 23.76.032.A of the Seattle Municipal Code, last amended by
25 Ordinance 124378, is amended as follows:

1 **23.76.032 Expiration and renewal of Type I and II Master Use Permits**

2 A. Type I and ((Type-))II Master Use Permit expiration

3 1. An issued Type I or II Master Use Permit expires three years from the date a
4 permit is approved for issuance as described in Section 23.76.028, except as follows:

5 a. A Master Use Permit with a shoreline component expires pursuant to
6 WAC 173-27-090.

7 b. A variance component of a Master Use Permit expires as follows:

8 1) Variances for access, yards, setback, open space, or lot area
9 minimums granted as part of a short plat or lot boundary adjustment run with the land in
10 perpetuity as recorded with the King County Recorder.

11 2) Variances granted as separate Master Use Permits pursuant to
12 subsection 23.76.004.G expire three years from the date the permit is approved for issuance as
13 described in Section 23.76.028 or on the effective date of any text amendment making more
14 stringent the development standard from which the variance was granted, whichever is sooner. If
15 a Master Use Permit to establish the use is issued prior to the earlier of the dates specified in the
16 preceding sentence, the variance expires on the expiration date of the Master Use Permit.

17 c. The time during which pending litigation related to the Master Use
18 Permit or the property subject to the permit made it reasonable not to submit an application for a
19 building permit, or to establish a use if a building permit is not required, is not included in
20 determining the expiration date of the Master Use Permit.

21 d. Master Use Permits with a Major Phased Development or Planned
22 Community Development component under Sections 23.47A.007, 23.49.036, or 23.50.015
23 expire as follows:

24 1) For the first phase, the expiration date shall be three years from
25 the date the permit is approved for issuance;

1 Section 7. Section 23.84A.038 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 124378, is amended as follows:

3 **23.84A.038 "T"**

4 * * *

5 "Transitional Encampment" means a use having tents or a similar shelter, including
6 vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may
7 have common food preparation, shower, or other commonly-used facilities that are separate from
8 the sleeping shelters.

9 * * *

10 Section 8. The Human Services Director shall adopt a rule according to subsection
11 23.88.010.A that establishes a process the Human Services Director shall use to: determine the
12 qualifications transitional encampment interim use operators shall have to operate an
13 encampment; and create a roster of qualified encampment operators.

14 Section 9. The City Council intends that transitional encampments serve to shelter people
15 temporarily until they can secure housing. To monitor the success in transitioning encampment
16 residents to housing, the Council directs the Human Services Department to report annually to
17 the Council on all permitted transitional encampments in Seattle beginning one year from the
18 date the first encampment is permitted as an interim use according to Section 23.42.056. The
19 annual reports shall include at least the following information that is described a monthly basis:

- 20 1. The number of adults and minors occupying all encampments;
- 21 2. The number encampment occupants accepting or declining offers for human or
22 social services;
- 23 3. Where the occupants previously lived and where they are expected to go after
24 leaving an encampment; and
- 25 4. The number of persons moving from transitional encampments to housing.

1 Section 10. This ordinance shall be automatically repealed without subsequent Council
2 action on March 31, 2020.


3 Section 11. The City Council requests that the Department of Planning and Development
4 (DPD) complete environmental review and make a threshold determination according to Chapter
5 25.05 SMC on a proposal to modify the new Section 23.42.056 of the Seattle Municipal Code as
6 proposed in this ordinance that would allow the City of Seattle to issue Type I Master Use
7 Permits for transitional encampments as an interim use without restriction by zone or property
8 ownership. The Council requests that DPD complete the environmental review and make a
9 threshold determination, and attempt to report back to the Planning, Land Use and Sustainability
10 Committee no later than August 31, 2015.

11 Section 12. Severability. The provisions of this ordinance are declared to be separate and
12 severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion of
13 this ordinance, or the invalidity of the application thereof to any person or circumstance shall not
14 affect the validity of the remainder of this ordinance, or the validity of its application to other
15 persons or circumstances.

16 Section 13. This ordinance shall take effect and be in force 30 days after its approval by
17 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
18 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

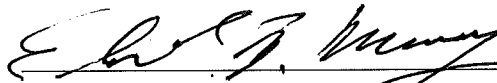
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Passed by the City Council the 30th day of March, 2015, and
signed by me in open session in authentication of its passage this
30th day of March, 2015.



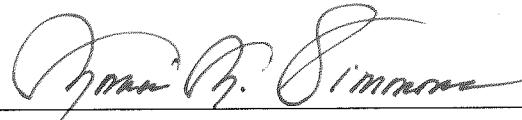
President _____ of the City Council

Approved by me this 10th day of April, 2015.



Edward B. Murray, Mayor

Filed by me this 10th day of April, 2015.



Monica Martinez Simmons, City Clerk

(Seal)

BILL SUMMARY & FISCAL NOTE

Department:	Contact Person/Phone:	Executive Contact/Phone:
Planning and Development	Bill Mills/4-8738	Melissa Lawrie/4-5805

BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; amending Sections 23.42.054, 23.54.015, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and adding new Section 23.42.056; to permit transitional encampments for homeless individuals as an interim use on City-owned or private property.

Summary and background of the Legislation:

The proposal would amend the Land Use Code to allow, as an interim use, transitional encampments for homeless persons to locate on a greater variety of sites than allowed by current regulations, which are limited to sites owned or controlled by religious organizations. The proposal would create a “transitional encampment interim use” as a Type I permit and allow the use for a period of up to 12 months on sites owned or operated by the City of Seattle or private owners within the following zones: Industrial zones, Downtown zones, Seattle Mixed zones, Commercial 2 (C2), Commercial 1 (C1), Neighborhood Commercial 3 (NC3) and Neighborhood Commercial 2 (NC2) zones, except for zones defined as residential.

Encampments would be required to operate according to a management plan addressing site management, maintenance and security. Encampment operators would be required to have prior experience managing and operating shelters, low-income housing, or encampments serving low-income, homeless or indigent persons. The proposal further establishes parking requirements and clarifies existing Code to allow vehicles to be used as shelters. Standards for locating encampments include a minimum 25-foot setback from residentially zoned lots, minimum lot size of 5,000 square feet in area and a minimum of 100 square feet of land per occupant, and requirements for location near transit stops and separation of at least one mile from any other legally-established transitional encampment use.

Background: Temporary encampments are presently defined in the City’s land use regulations and are allowed as an accessory use on sites owned or controlled by religious organizations. The proposal is to allow an organized transitional encampment, including temporary shelters, with on-site services including showers, cooking or meal service facilities, and portable bathrooms. At a time when there are so many homeless individuals on the streets, temporary encampments provide a means for meeting the immediate needs of individuals who have no access to permanent shelter. Existing encampments in Seattle have demonstrated that they can provide 24-hour access, accommodate couples and pets, and offer various other benefits of self-governance including safety and a sense of privacy and community.

Experience with existing encampments and a survey of the availability of suitable sites with a reasonable centralized location indicates that additional locations on sites other than those owned or controlled by a religious organization, may provide reasonable options. Access to transportation and to other important services like hygiene facilities, trash removal, electricity, running water, and sewage facilities are necessary for the success of this interim use. It is acknowledged that encampments are not a substitute for permanent housing. Therefore, it is reasonable to regulate encampments as a type of interim use, with the option to relocate to a different site once the interim period has expired.

The proposed legislation is similar to the existing process of permitting transitional encampments under the current Land Use Code regulations through issuing temporary use permits. A temporary use permit for up to six months is allowed in the Seattle Land Use Code under Section 23.42.040.C for any use that does not involve the erection of a permanent structure and meets certain broad criteria for review, including that the use is not materially detrimental to the public welfare, does not result in substantial injury to property in the vicinity, and is consistent with the spirit and purpose of the Land Use Code. The current temporary use permit is a “Type II” Master Use Permit review, with public comment and appeal opportunities, while the proposed legislation would establish the transitional encampment interim use as a “Type I” process that is non-appealable.

SUMMARY OF FINANCIAL IMPLICATIONS

X This legislation does not have direct financial implications.

While the proposal is not expected to have direct financial implications, DPD will bear costs associated with the administration of the legislation. Adding a new use that must be tracked in order to apply the proposed limits on the number of encampments and other standards has fiscal impacts to DPD’s Information Technology (IT) division. The IT division must: add a new use category to be included in the records in DPD’s permit tracking systems as well as a reporting mechanism. The estimated cost is \$5,000-\$7,000 for this project and will be covered by existing resources in DPD’s IT division. In addition, DPD will charge a permit fee to cover the cost of review of permit applications under the proposal. Existing staff capacity is expected to be sufficient for review of future permit applications under the proposal.

OTHER IMPLICATIONS

a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?

No.

b) Is there financial cost or other impacts of not implementing the legislation?

None.

c) Does this legislation affect any departments besides the originating department?

The Human Services Department (HSD) would play a role in the administration of the proposal. The proposal has been prepared in close consultation with HSD.

d) Is a public hearing required for this legislation?

Yes. The City Council will hold a public hearing as part of its deliberations on the proposal.

e) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes. Publication of notice of the Council public hearing will be made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin.

f) Does this legislation affect a piece of property?

No specific piece of property is identified. Sites owned or operated by the City of Seattle or private owners that are suitable for interim use transitional encampments are found throughout the City of Seattle within the non-residential zones in which the use is proposed to be allowed.

g) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

Yes. Homelessness impacts vulnerable and disadvantaged communities. This proposal would provide direct assistance to these communities by helping individuals and families find temporary shelter as a transitional step toward a more stable living situation.

h) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.

The legislation expands the current allowance for transitional encampments associated with religious institutions. By allowing expanded opportunities to provide encampments on City and private property up to 300 additional people may be sheltered at any one time.

i) Other Issues: None.

List attachments below: None.

STATE OF WASHINGTON -- KING COUNTY

--SS.

323201

No. 124744,745,746,747,

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

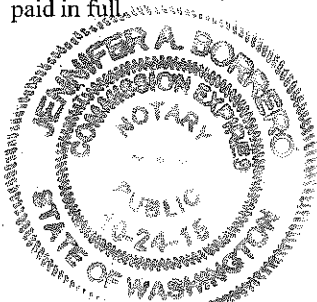
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCES

was published on

04/23/15

The amount of the fee charged for the foregoing publication is the sum of \$77.50 which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on
04/23/2015

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on March 30, 2015, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124744

AN ORDINANCE relating to the City Light Department; accepting various easements for overhead and underground electrical rights in King County, Washington; placing said easements under the jurisdiction of the City Light Department; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124745

AN ORDINANCE relating to contracting indebtedness; amending Ordinance 124125 to increase the authorized amount of inter-fund loans for the Alaskan Way Seawall Replacement Project; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124746

AN ORDINANCE granting Columbia Center Property LLC permission to continue to maintain and operate a pedestrian tunnel under and across 5th Avenue, south of Columbia Street, and under and across Columbia Street, east of 5th Avenue, for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted; and providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124747

AN ORDINANCE relating to land use and zoning; amending Sections 23.42.054, 23.54.015, 23.76.004, 23.76.008, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and adding new Section 23.42.056; to permit transitional encampments for homeless individuals as an interim use on City-owned or private property.

Date of publication in the Seattle Daily Journal of Commerce, April 23, 2015.

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