

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 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.

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

WHEREAS, the current crisis of homelessness is impacted by a broad number of other societal challenges, including the growth of poverty and inequality, and the erosion of state and 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 not just government, but by our entire community;

WHEREAS, since 2010, people sleeping without shelter in Seattle have increased 30 percent, to more than 2,300 in the One Night Count in 2014;

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

WHEREAS, the City's focus on solutions for people who are homeless should be a roof-over-head and services to connect individuals with a pathway toward long-term housing, however, the current capacity of our housing and homeless services continuum cannot 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;

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

WHEREAS in 2012, the Council added a Comprehensive Plan goal to, "Guide the 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 Mayor convened an Emergency Task Force on Unsheltered Homelessness to
19 make recommendations to rapidly address the needs of those who are without shelter;

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

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

24 Section 1. Section 23.42.054 of the Seattle Municipal Code, enacted by Ordinance
25 123729, is amended as follows:

26 **23.42.054 Transitional ~~((Encampments))~~encampments ~~((Accessory))~~accessory to
27 ~~((Religious))~~religious ~~((Facilities))~~facilities or to ~~((Other))~~other ~~((Principal))~~principal
28 ~~((Uses))~~uses ~~((Located))~~located on ~~((Property))~~property ~~((Owned))~~owned or
~~((Controlled))~~controlled by a ~~((Religious))~~religious ~~((Organization))~~organization**

A. Transitional encampment accessory use. A transitional encampment is allowed as an
accessory use on a site in any zone, if the established principal use of the site is as a religious

1 facility or the principal use is on property owned or controlled by a religious organization,
2 subject to the provisions of subsection 23.42.054.B. A religious facility site includes property
3 developed with legally-established parking that is accessory to the religious facility. Parking
4 accessory to a religious facility or located on property owned or controlled by a religious
5 organization that is displaced by the encampment does not need to be replaced.

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

7 * * *

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

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

15 * * *

16 Section 2. A new Section 23.42.056 to the Seattle Municipal Code is adopted as follows:
17 **23.42.056 Transitional encampment as an interim use**

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

20 A. Location. The transitional encampment interim use shall be located on property
21 meeting the following requirements:

22 1. The property is zoned Industrial, Downtown, SM, NC2, NC3, C1, or C2;
23 except if the property is in a residential zone as defined in Section 23.84A.048 or is in a special
24 review district established by Chapter 23.66.

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

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

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

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

10 4. The property is owned by the City of Seattle or a private party.

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

14 6. The property is, as measured by a straight line, at least 1 mile from any other
15 legally-established transitional encampment interim use including encampments accessory to a
16 religious facility or accessory to other principal uses on property owned or controlled by a
17 religious organization. This subsection 23.42.056.A.6 shall not apply to encampments on sites
18 owned or controlled by religious organizations, or to any legally-established transitional
19 encampment interim use that provides shelter for fewer than ten persons.

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

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

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

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

7 B. Operation. The transitional encampment interim use shall meet the following
8 requirements:

9 1. The encampment may be operated by a private party that shall prepare an
10 Encampment Operations Plan that shall address: site management, site maintenance, provision of
11 Human/Social Services, referrals to service providers that are able to provide services to
12 individuals under the age of 18 who arrive at an encampment unaccompanied by a parent or legal
13 guardian, and public health and safety standards. The operations plan shall be filed with the
14 transitional encampment interim use permit application.

15 2. The operator shall have prior experience managing and operating shelters, low-
16 income housing, or homeless encampments. The transitional encampment interim use permit
17 applicant shall include documentation as part of the permit application demonstrating that the
18 encampment operator meets this standard.

19 3. The Director, in consultation with the Human Services Director, shall adopt a
20 rule according to subsection 23.88.010.A that provides for:

21 a. Community outreach standards that the encampment operator shall
22 comply with before filing a transitional encampment interim use permit application, whether for
23 a new transitional encampment or relocation of an existing transitional encampment. At a
24 minimum, outreach standards shall contain a requirement that the encampment operator convene

1 at least one public meeting in the neighborhood where the transitional encampment interim use is
2 proposed to be established, at least 14 days prior to applying for a permit;

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

12 c. Operations standards that the encampment operator is required to
13 implement while an encampment is operating.

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

16 1. The requirements for transitional encampment accessory uses in subsections
17 23.42.054.B and 23.42.054.C.

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

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

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

3 3. The operator of a transitional encampment interim use located on City-owned
4 property shall agree to defend, indemnify, and hold harmless the City of Seattle, its officials,
5 officers, employees, and agents from and against:

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

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

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

18 D. Duration and timing. The transitional encampment interim use shall meet the
19 following requirements:

20 1. A permit for a transitional encampment interim use under this Section
21 23.42.056 may be authorized for up to one year from the date of permit issuance and may not be
22 renewed.

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

E. Limit on the number of encampments. No more than three transitional encampment interim use encampments shall be permitted and operating at any one time, and each encampment shall not have more than 100 occupants. This limit shall not include transitional encampments accessory to a religious facility.

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

23.54.015 Required parking

* * *

Table A for 23.54.015				
Parking for ((n)) Non-residential ((u)) Uses ((o)) Other ((t)) Than ((i)) Institutions				
Use				Minimum parking required
I. General Non-residential Uses (other than institutions)				
* * *				
G.	TRANSITIONAL ENCAMPMENT INTERIM USE			1 space for every vehicle used as shelter; plus 1 space for each 2 staff members on-site at peak staffing times
((G)) H.	TRANSPORTATION FACILITIES			
	((G)) H.1.	Cargo terminals		1 space for each 2,000 square feet
	((G)) H.2.	Parking and moorage		
		((G)) H.2.a.	Principal use parking	None
		((G)) H.2.b.	Towing services	None
		((G)) H.2.c.	Boat moorage	1 space for each 2 berths
		((G)) H.2.d.	Dry storage of boats	1 space for each 2,000 square feet
	((G)) H.3.	Passenger terminals		1 space for each 100 square feet of waiting area
	((G)) H.4.	Rail transit facilities		None
	((G)) H.5.	Transportation facilities, air		1 space for each 100 square feet of waiting area
	((G)) H.6.	Vehicle storage and maintenance		1 space for each 2,000 square

Table A for 23.54.015

Parking for ~~((H))~~ Non-residential ~~((H))~~ Uses ~~((O))~~ Other ~~((I))~~ Than ~~((I))~~ Institutions

	Use	Minimum parking required
	uses	feet
((H)) L.	UTILITIES	1 space for each 2,000 square feet

II. Non-residential Use Requirements For Specific Areas

((I)) J.	Non-residential uses in urban centers or the Station Area Overlay District (3)	No minimum requirement.
((F)) 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)	No minimum requirement
((K)) L.	Non-residential uses permitted in MR and HR zones pursuant to Section 23.45.504.	No minimum requirement

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* * *

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	
<u>Director's and Hearing Examiner's Decisions Requiring Master Use Permits</u>	
((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
*	<u>Transitional encampment interim use</u>
*	Certain street uses

Table A for 23.76.004
LAND USE DECISION FRAMEWORK¹
Director's and Hearing Examiner's Decisions Requiring Master Use Permits

* * *

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

23.76.006 Master Use Permits required

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

B. The following decisions are Type I:

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

* * *

C. The following are Type II decisions:

* * *

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

* * *

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

* * *

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

3 **23.76.032 Expiration and renewal of Type I and II Master Use Permits**

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

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

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

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

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

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

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

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

1 Section 10. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2015, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2015.

7
8
9 _____
10 President _____ of the City Council

11 Approved by me this ____ day of _____, 2015.

12
13 _____
14 Edward B. Murray, Mayor

15
16 Filed by me this ____ day of _____, 2015.

17
18 _____
19 Monica Martinez Simmons, City Clerk

20 (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.



City of Seattle
Edward B. Murray
Mayor

January 14, 2015

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council bill that would allow up to three permitted encampments for homeless individuals on non-residential City or private property if certain conditions are met. This Council Bill, along with the proviso lift legislation that I am transmitting today, represents the first step in implementing key recommendations from the Emergency Task Force on Unsheltered Homelessness. These recommendations are part of a three-pronged approach the City is pursuing to address homelessness and affordable housing in our City:

- Quickly implement solutions for homeless individuals based on recommendations from the Task Force on Unsheltered Homelessness;
- Align investments in homelessness services and interventions with national best practices based on recommendations from a report due in March from the Human Services Department (HSD);
- Create more permanent affordable housing options across the income spectrum, including affordable housing for homeless and formerly homeless people, based on recommendations due in May from the Housing Affordability and Livability Advisory Committee.

The legislation submitted today includes an encampment ordinance and releases funding to add 65 shelter beds through a proviso lift that utilizes the Council funding for the Task Force on Unsheltered Homelessness. In addition to the encampment ordinance and the immediate expansion of additional shelter beds, I have directed staff to continue to look at options for adding additional shelter beds at public or private facilities, including the use of city-owned properties. I have also directed staff at the Department of Planning and Development (DPD) to streamline the shelter permitting process. The details of these proposals are outlined below.

Encampments

As I outlined in my response to the members of the Task Force on Unsheltered Homelessness, I am committed to making a limited number of public and private sites available for encampments in non-residential zones if certain conditions are met. Any encampment policy that is enacted must include linkages to robust services that move people quickly into more shelter or public housing. My legislation includes funding for case management navigation, as well as a requirement that encampment operators report the same data that we require of our shelter providers. Consistent with this policy direction, the Human Services Department (HSD) will include provisions for services and data reporting in any contract that allocates the new Council funding for encampments. In addition, we would also seek compliance with

Office of the Mayor
Seattle City Hall, 7th Floor
600 Fourth Avenue
PO Box 94749
Seattle, Washington 98124-4749

Tel (206) 684-4000
Fax: (206) 684-5360
Hearing Impaired use the Washington Relay Service (7-1-1)
www.seattle.gov/mayor

these service and data collection expectations in any lease agreement for City-owned land for the purposes of siting an encampment.

The encampment legislation that I am transmitting to Council today does the following:

- Creates an "interim use permit" for up to three encampments on non-residential City or private land that could serve up to 100 individuals per site.
- Provides funding for case management services specifically for encampments. The funding for case management services is proposed to come out of the \$200,000 that Council allocated for the task force recommendations. The case managers will be contracted through HSD to act as service providers to individuals living on public land, and who will also be available to authorized encampments on religious property.
- Requires temporary encampments on religious facilities to file a site plan to DPD (# of tents, structures, sleeping shelters).
- Establishes a clear policy that provisions of case management services and compliance with data collection consistent with the Homeless Management Information System (HMIS) for encampments on City-owned land or accessing City funding will be expected from encampment operators.
- Requires the Department of Planning and Development (DPD) director to consult with the Human Services Director in developing a "Director's Rule" pertaining to community outreach standards, creation of encampment community advisory committee, and operation standards expected of the operator.
- Strengthens dispersion provision by including temporary encampments on religious property as part of a distance requirement of one mile between a new interim use encampment and any encampments on religious property.
- Includes "landslide prone designated" properties in the list of prohibited property for interim use encampment permit.
- Requires encampment operators to allow human service providers access to site.
- Includes a provision for parking spaces for car camping on encampment sites.
- Includes a sunset provision on March 31, 2020.

Immediate Shelter Capacity Expansion

As part of my commitment to expanding shelter capacity, 65 new shelter beds will become available in mid-January. This will be accomplished with the following:

- The City will leverage County resources to make a regional investment in additional shelter capacity with 50 additional beds at the King County Administration Building. This legislation includes \$120,000 in funding: \$50,000 from the Human Services Department flexible shelter funds and \$70,000 of the \$200,000 designated for implementing the recommendations from the Task Force on Unsheltered Homelessness.
- In order to expand youth shelter capacity with 15 additional beds, this legislation includes \$60,000 in funding from the \$200,000 designated for implementing the recommendations from the Task Force on Unsheltered Homelessness.

- In addition to directly funding more shelter beds, we are responding to community organizations that are looking for ways to help address homelessness. The Human Services Department will publish a toolkit to provide information on City policies, procedures and standards for faith based organizations and non-profits who want to shelter homeless individuals. In addition to the toolkit, I have directed the Department of Human Services to make a small amount of funding available to faith based organizations and non-profits to mitigate some of the costs of providing shelter to homeless individuals. The Human Services Department will reserve up to 10% of the shelter fluctuation fund, to be designated as a fund for faith based organizations and other non-profits who expand shelter capacity for homeless individuals and families.

Shelter Capacity Expansion and Streamlining Permits

In addition to the 65 shelter beds that will immediately come online and the encampment legislation that I am putting forward, I am also directing City staff to continue to pursue additional options for shelter expansion within the City and regionally, as well as streamlining processes for permitting shelters. City staff are exploring multiple City-owned and privately-owned facilities that have the potential to be used as homeless shelters on a temporary basis. Some of these facilities may require capital improvements in order to be ready to shelter homeless individuals. I have also asked staff to accelerate discussions with regional partners in exploring options to implement the Council's budget direction to create additional shelter capacity outside of the City. In the first quarter supplemental budget request, I will be putting forward a proposal to further expand shelter capacity. I have also directed City staff to develop an expedited permit review process in an effort to streamline the shelter permitting process.

This is the first step toward addressing the many challenges we have with homelessness and poverty in our community. I want to thank the Council for considering these proposals. If you have any questions, please contact Michael Fong, 615-1675, in my Office of Policy and Innovation.

Sincerely,



Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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Director's Report Transitional Encampment Interim Use Amendments

Introduction

The Department of Planning and Development is proposing to 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. On October 3, 2011, the Council passed Ordinance 123729, effective November 12, 2011. Ordinance 123729 added a new definition of "transitional encampment" to the Code and standards for locating encampments as an accessory use to religious facilities or to other principal uses on property owned or controlled by a religious organization. No use permit is required for one of these accessory encampments to operate.

While the new regulations adopted by Ordinance 123729 are an important step in permitting the use of encampments for temporary shelter, the numbers of persons in need of shelter and the types of suitable locations for encampments require more options than are provided by regulations limited to encampments on property owned or controlled by religious organizations. The City of Seattle and various private organizations own additional property that is currently either unused or under-used. City-owned or private property located in non-residential zones that is sufficiently sized and appropriately located may serve on a short-term basis as additional encampment locations.

Proposed legislation that would have expanded the number of potential encampment sites to City-owned or private property in non-residential zones was previously considered by the Council in 2013 under Council Bill 117791, but the 2013 bill was not adopted. The current proposal, while similar to the 2013 bill, includes new recommendations for operation and management of encampments, provision of human services to the encampment occupants, and emphasis on transition from encampments to permanent housing, in accordance with the recommendations of the Emergency Task Force on Unsheltered Homelessness convened by the Mayor in a series of meetings in autumn 2014.

Background

As in many American cities, homelessness is well-documented in the City of Seattle. The City and nonprofit organizations have provided numerous facilities, services, and programs to serve persons who lack shelter or are at risk for becoming homeless. Available facilities and services are currently not able to accommodate all persons in need of shelter. According to information supplied by the City of Seattle Human Services Department, a count of people without shelter conducted on one night in January 2013, found 1,989 people living outside a suitable sleeping shelter within the Seattle city limits. A similar one night count in January 2014 found 2,303 people living outside a suitable sleeping shelter within the Seattle city limits, an increase of nearly 16 percent over the previous year.

In the fall of 2010, a Citizen Review Panel on Housing and Services for Seattle's Unsheltered Homeless Population recommended that the City establish a transitional encampment to help meet the immediate survival and safety needs of individuals without access to safe shelter. The Council responded in part to this recommendation by adopting Ordinance 123729. The 2014 Emergency Task Force on Unsheltered Homelessness sent written recommendations to Mayor Murray in December 2014. Among a variety of proposals to address homelessness, was a recommendation for legislation to allow siting of encampments on public land or privately owned non-religious property.

Over the years homeless persons have organized to seek suitable properties on which to reside in temporary encampments, usually a cluster of tents and other impermanent structures. These encampments have been subject to: the willingness of property owners, frequently churches, to invite them to use their property; and the support from surrounding communities. Generally, these encampments have provided a necessary service to the homeless, have established rules, and provide some on-site services.

Temporary encampments are now defined in the City's land use regulations and are allowed as an accessory use on sites owned or controlled by religious organizations. The concept 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 review of potentially suitable sites 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, running water, and sewage facilities will be 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 current Code does not specifically allow transitional encampments except as accessory to a religious facility or use. Under the current Code, a transitional encampment could also be allowed by a temporary use permit but is limited to four weeks or six months. This is provided for in the Seattle Land Use Code under Section 23.42.040.C for a use that is not allowed by the zoning and 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. This existing temporary use process is a "Type II" Master Use Permit review, with public notice and comment, and opportunity for appeal.

Proposal

These Land Use Code amendments are intended to further accommodate and broaden the potential opportunities for siting of encampment facilities in the city, on an interim basis. While an encampment should not become a substitute for safe, affordable permanent housing, an encampment is a viable interim shelter option that can provide community, safety, and dignity in people's lives, when compared with other options such as living on the streets. Thus, these provisions are proposed to sunset on March 31, 2020, approximately five years from adoption. For the next five years, the City, the community and surrounding jurisdictions will continue to work on more permanent solutions to provide housing for all.

To clarify the Code regarding regulation of temporary encampments, amendments are proposed to create a "transitional encampment interim use" on sites owned or operated by the City of Seattle or private property owners, and within the following zones: Industrial zones, Downtown zones, Seattle Mixed (SM) zones, Commercial 2 (C2), Commercial 1 (C1), Neighborhood Commercial 3 (NC3), and Neighborhood Commercial 2 (NC2) zones, except for any zones defined as residential or that are within a Special Review District.

The proposal includes the following:

- Provides a new transitional encampment interim use permit for a one-year term. The permit, a Type I process, would not be renewable but the process would allow an existing encampment to relocate to another site under a new one-year interim use permit;
- Requires a minimum of 12 months after a transitional encampment interim use permit has expired before a new transitional encampment could be established at the same site;
- Requires locating an encampment on property owned by the City of Seattle or a private party subject to a management plan addressing provision of human services to encampment occupants, site management and maintenance, and security, including a process for referrals to service providers that are able to provide services to individuals under 18 who arrive at an encampment unaccompanied by a parent or legal guardian;
- Requires encampment operators to have past experience managing and operating shelters, low-income housing, or encampments serving low-income, homeless or indigent persons;
- Requires encampments to meet the same health, safety, and inspection requirements that have been established for encampments on sites owned or controlled by religious organizations as provided for in Seattle Municipal Code Section 23.42.054;
- Establishes parking requirements for any vehicles used for shelter and for staff members of encampments that are not located on sites owned or controlled by religious organizations;
- Provides rulemaking authority to: require community outreach to give neighbors advance notice of encampments and relocation of existing encampments; require formation of a Community Advisory Committee to provide advisory input on proposed encampment operations; and require specific operational standards to be implemented by encampment operators;
- Requires that the operator obtain and maintain liability insurance for use of City-owned property prior to issuance of a permit; and

- Requires that the operator allow service providers such as social workers to access the site when a City-owned property.

A transitional encampment site shall, under the proposal, meet the following requirements:

- Be located at least 25 feet from any residentially-zoned lot;
- May be located less than 25 feet from any residentially-zoned lot if the encampment boundary maintains a 25-foot setback and is screened by vegetation or fencing;
- Be owned by the City or a private party;
- Be located on a site that is at least 5,000 square feet in area or larger and provides a minimum of 100 square feet of land per occupant;
- Be located within one-half mile of a transit stop;
- Be located at least one mile from any other legally-established transitional encampment use, including encampments on property owned or controlled by a religious organization, except that encampments on property owned or controlled by a religious organization or any encampment of fewer than ten persons are not subject to the dispersion requirement;
- Be located outside of wetland, wetland buffer, known or potential landslide area, steep slope, steep slope buffer, and fish and wildlife habitat conservation areas (which includes areas within 100 feet of the shoreline) regulated by the City's regulations for Environmentally Critical Areas;
- Not be used by an existing legally-permitted use for any Land Use Code or permit-required purposes including but not limited to parking or setbacks; and
- Not be an unopened public street right-of-way or designated as a park, playground, viewpoint, or multi-use trail.

Encampments would also have to meet specific health, safety, and inspection requirements, including a limit of 100 encampment occupants and a proposed new requirement that individuals under 18 must be accompanied by a parent or legal guardian in order to reside in the encampment. These requirements, including the limit of 100 occupants, are currently established in or would be added to the Land Use Code, Sections 23.42.054.B and C for encampments accessory to uses on property owned or controlled by religious organizations.

In addition to the standards in the Code, encampment operators would be required to enter into a contractual arrangement with the hosting entity (private property owner, lessee, or the City) similar to the hosting agreements that have been used between religious facilities and encampment operators that will address encampment rules for the purpose of promoting good neighbor relations. These agreements between the religious facilities and encampment operators have been successful in the past and include prohibitions on alcohol, drugs, and possession of weapons; rules for children within the encampment; and prohibiting sex offenders within the encampment.

Transitional encampments would continue to be allowed to apply for a temporary use permit (up to six months) on other sites in the city through the existing provisions in the Land Use Code.

Analysis

According to information obtained from the City Human Services Department (HSD), shelters are operating at maximum capacity and cannot accommodate all of the needs of homeless people in Seattle. Encampments, which have been located in the city for a number of years, provide another option for shelter and basic services to individuals in need. At these facilities, people reside in temporary shelters like tents, and specific rules for operation and security are established and observed. Without the option of an organized encampment, individuals may be forced to seek shelter in alleys, doorways, vacant buildings, greenbelts, or other locations not designed or intended for safe and sanitary habitation. As described in detail in the Mayor's December 19, 2014 letter to the Members of the Emergency Task Force on Unsheltered Homelessness, the City is pursuing a broader strategy including expanding current shelters and options for new shelter sites including existing surplus City facilities. Although efforts continue to provide low-income housing and managed temporary spaces in churches and public buildings, such resources are currently inadequate to meet the needs of all homeless persons and are not likely to address the needs of all homeless persons in the near future. Temporary shelters are typically available only during the worst environmental conditions including snowstorms and freezing weather.

In contrast, a managed transitional encampment is a lower-cost alternative to more permanent and costly housing options. Transitional encampments have been provided in the past by religious facilities and through the temporary use permit process, but have been required to move frequently, usually at three-month intervals, when agreements with churches or other property owners expire. The challenges of establishing and operating encampments require that a variety of options be available. Transitional encampments have met with resistance in some residential neighborhoods where they are believed to be incompatible with neighborhoods and families, particularly if anticipated for a length of time. While this may be the perception, information from HSD, Police, and Fire Departments indicate that encampments have generally operated safely and have caused few problems to surrounding neighbors.

The proposal would expand on the existing Code that establishes transitional encampments as an allowed use accessory to a site owned or controlled by a religious organization. Health and safety criteria for encampment locations were determined based on the need for an encampment to provide facilities including shelter, food service, showers, and lavatories, for up to 100 persons. These standards are expected to limit the number of sites that would likely be used as encampments, while allowing for the needs of the homeless in the city to be accommodated. These requirements have been shown to be effective for transitional encampments.

The proposal requires sites to be at least 5,000 square feet in area and at least 25 feet from residentially zoned lots or, if the property itself is closer than 25 feet, then the actual encampment area must be set back at least 25 feet from residentially zoned lots and screened by vegetation or fencing. At least 100 square feet of land area per encampment occupant is required. These setback and occupancy standards help ensure that sites will be of sufficient size and appropriate location to accommodate encampments. Rather than a single setback requirement, the proposal allows some large sites with lot lines close to residential zoning to qualify if the encampment itself is set back and screened from view. This allows more flexibility

in terms of finding suitable locations for the encampments. Property used as an encampment site must not be in use for any Code or permit required purposes, such as required parking or setbacks. Further, the proposal excludes property designated as a park, playground, viewpoint, or multi-use trail by the City or King County. Unopened City rights-of-way are also excluded.

Research Methodology for Potential Sites

Research using the City's Geocortex land use mapping system shows that there are approximately 135 City-owned sites and 475 privately-owned sites city-wide in the zones proposed for encampment use that could potentially serve as encampment locations. Assuming the legislation is approved, the following methodology will be used to determine which sites are most suitable for encampments. Geocortex allows identification of property owned by the City using both an address, if one is available, and the 10-digit King County property tax identification number for that parcel. A broad use classification is also identified, based on Assessor's records, that shows whether the land is vacant, unused (may contain a structure not in use) or in use as utility facility, fire station, office, library, parks/open space, trail, or green space, to name a few classifications. The mapping further identifies square footage for each parcel, the zone in which the property is located, and whether the parcel is at least 25 feet from residentially zoned land. The zoning and distance from residential land helps in the location of sites that meet the proposed standards.

Once the maps are reviewed, additional research is performed for a parcel to determine if it could meet other approval criteria and standards listed in the proposed legislation. Each site can then be reviewed using the King County Assessor property tax information to take a closer look at vacant or underused sites, including photographs from the air and ground, to determine if the property would meet the following criteria identified in the proposed legislation: Sufficient area to accommodate up to 100 persons; sufficient area to allow an encampment to set back at least 25 feet from residentially zoned property; sufficiently level to accommodate tents or other shelters and facilities; whether the property is within a half mile of a transit stop; whether the property has sufficient area that is not within an environmentally critical area (steep slope, wetland, or similar feature); and that the property is not designated as a park, playground, viewpoint or multi-use trail. DPD permit records may also be researched to determine if there are any active existing uses on the property.

In addition, research involves a determination of whether an encampment on each property could comply with the health and safety requirements of Seattle Municipal Code Section 23.42.054.B, including access to running water, access to garbage collection, suitable location for providing food and bathroom services, and potential to provide parking for vehicles used as shelter or for workers who might assist encampment residents.

For private sites, initial research for mapping purposes focused on lots that are determined to be vacant according to King County Assessor's records. It is assumed that private sites in active commercial use will not devote productive space to encampment activities. There are also 28 sites of institutions or places of public assembly (post-secondary schools, private community centers, and similar uses) in these zones with sufficient area to host an encampment.

Approximately 40 City-owned sites and 192 private sites are closer than 25 feet to residentially-zoned lots but may have sufficient area for the encampment to set back 25 feet or more with screening. The majority of these sites are located in the Industrial and Commercial zones, with less than 10 percent of the sites located in Downtown and SM zones. Half of the City-owned sites are more than 100 feet from residential zoning and 68 percent of the City-owned sites are 10,000 square feet or greater.

With respect to private sites, about 39 percent are 10,000 square feet or greater. About 42 percent of the sites are 100 feet or more from residential zoning. 290 sites, about 61 percent of the total, are 50 feet or more from residential zoning and of these, 185 are 10,000 square feet or larger. A majority of the largest sites, 124, are in the Industrial zones. Each site would be subject to further evaluation using the standards required by the proposed legislation and as described in the discussion of research methodology, as part of the proposed permit process for transitional encampment interim use permits. Since these standards would eliminate some sites due to presence of critical areas or lack of proximity to transit, the total number of useable sites will be somewhat fewer than the raw totals.

Based on the existing history of encampments within the City of Seattle, the number of encampments likely to take advantage of the proposed legislation is expected to remain modest. Currently, one organized encampment, Tent City 3, has located on several sites owned or controlled by religious organizations within the city since the adoption of the regulations under Ordinance 123729. The length of stay at any one site has been less than six months. Additionally, the operators of the encampment currently located at 10th Avenue South and South Dearborn Street have occupied a variety of sites that have included public property, private property and sites owned or controlled by religious organizations in the last 5 years. Since September 2013, the encampment has been located on property controlled by a religious organization. Two new groups organized in 2014 are also operating sanctioned encampments on property controlled by religious organizations.

Site Selection Process for City-owned Property

Based on the research conducted as described above, there is a sound basis for selecting a list of City-owned properties that could serve as sites for rotation of one or more encampments. These sites will be selected for their conformity to the locational criteria in the proposed legislation. Among the criteria is the "dispersion" requirement stating that encampments on City-owned or private property must be at least one mile apart from each other and must also be at least one mile from any sites of encampments on property owned or controlled by religious organizations. While encampments on property owned or controlled by religious organizations are not required to disperse from the encampments on non-religious sites, this standard should ensure a reasonable distribution of encampment on sites throughout the city.

DPD will maintain records of encampments for dispersion analysis through its electronic project tracking system. For the non-religious sites, a permit will be issued and recorded in the tracking system. For encampments on property owned or controlled by religious organizations, the operators will file a site plan with DPD for informational purposes only that will allow DPD to

maintain an electronic record of these encampment locations as well. Encampments of any kind that have fewer than ten occupants are exempt from permitting or plan filing requirements. Using the permit tracking database and other property information available from its Geocortex land use mapping system and in its permit records, DPD staff will conduct site research in cooperation with the City agencies that manage property and report to Council with an initial list of suitable City-owned sites within three months following the effective date of the proposed legislation.

Recommendation

As a follow-up to Ordinance 123729, this proposed legislation offers further reasonable and effective means to help address homelessness in the city on an interim basis, and furthers the recommendations of the Emergency Task Force on Unsheltered Homelessness. Specific provisions are provided for both location and operation of encampments so that they can be operated with minimal impacts to surrounding properties and uses. DPD recommends the City Council adopt the proposed legislation to expand the opportunities for siting transitional encampments on an interim basis.

The provisions of this legislation are proposed to sunset March 31, 2020, approximately five years from adoption. The sunset provision reflects City policy that transitional encampments are intended to be an interim solution to homelessness, and the expectation is that the City, the community and surrounding jurisdictions will be working on permanent solutions to address housing needs.